

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON JANUARY 15, 2002,
THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

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

1. CALL TO ORDER

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

2. ADOPTION OF THE AGENDA

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

3. APPROVAL OF MINUTES - DECEMBER 18, 2001

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF DECEMBER 18, 2001.

4. PLANNING AND ZONING AGENDA

4.1 Continuation of Hearing of December 18, 2001 Metropolitan Church K-6 Day School, Special Exception Use 01PZ-21-201-1-03

Growth Management Director Bruce Ballister reminded the Board that this hearing was a continuation of the hearing of December 18, 2001. He asked how the Chair wanted to proceed with the hearing.

Chair McGill stated that the Board would not hear any more testimony, but Attorney Williams had asked to make some comments as

AT A SPECIAL MEETING/WORKSHOP
OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON
MARCH 19, 2002, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: W. A. (BILL) MCGILL, CHAIR
STERLING L. WATSON, VICE-CHAIR
CAROLYN ROBERSON
EDWARD J. DIXON (ARRIVED AT 5:40 P.M.)
E. H. (HENTZ) FLETCHER (ARRIVED AT 5:50 P.M.)
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

CALL TO ORDER

Chair McGill called the meeting to order stating that it was a continuation of the workshop which began on March 5, 2002. He explained that the purpose of the meetings was to discuss certain procedures, practices and noticing that the Board might choose to adopt as guidelines by which it would conduct its meetings. He then turned the meeting over to County Attorney Hal Richmond.

Mr. Richmond recapped the discussions held at the workshop of March 5. He emphasized that there was only discussion and that no vote was taken.

- 1) Voting of an absent commissioner via telephone/video during a meeting was not acceptable.
- 2) The Chairman would be allowed full voting privilege including the right to make and second motions.
- 3) In the event of a 2 -2 tie vote, the absent commissioner may review the record and evidence of the meeting and cast a vote at a subsequent meeting.
- 4) When an issue is on the agenda and the notices have gone out and a quorum is present, the issue should not be continued just because one commissioner cannot be present. If, during the course of the meeting, the Board makes the determination that there has not been adequate information, then the issue can be tabled. Otherwise, the item cannot be pulled from the agenda once it has been noticed.
- 5) A petitioner or applicant (not a commissioner) who requested that the item be placed on the agenda may pull it from the agenda. However, it cannot be placed back on the agenda for

two months. After it has been on the agenda two times and pulled by the applicant, it cannot be re-agendaed for 12 months. The applicant must pay the costs associated with the notices after the first time it appears on the agenda.

Mr. Richard Thompson was recognized for comments. He stated that some issues are subject to State Statute notice requirements and others subject County Ordinance notice requirements. He especially addressed the public hearings that are mandated in addition to the Sunshine Act notice requirements. He suggested that they be mindful of those requirements as they develop rules of procedure. He suggested that a commissioner be allowed to table items from the consent agenda regardless of notice.

Ms. Marion Lasley asked if and when items are tabled (regardless of the reason), if it would have to be re-noticed in the newspapers.

Mr. Richmond replied that it has been the practice of the Board to announce the continuation of the issue to a future date and relied on the media to notice that it was continued without legal re-noticing. However, he stated that there are problems with that practice and the procedure will be clarified and corrected through the process of these workshops - especially with regard to mandatory requirements with Planning and Zoning issues.

It was suggested that matters that deal with the day to day administrative type issues that have no statutory notice requirements other than the Sunshine Act could be tabled.

When a member of the public brings a complaint to the Commission in a public meeting that has not appeared on the agenda, the Board will not hear the complaint until the other party has been noticed and can appear to defend his/her position.

There was a discussion as to the following:

- 1) Developing a plan to educate the public as to their rights on issues that come before the County Commission. It was suggested that an article should be placed in the local papers to let the public know that, when there is an issue on the agenda before the Board, they have the right to address the issue in person or in writing.

- 2) Notices of all meetings should be placed on the front and back doors of the Edward J. Butler Building, all doors of the courthouse and city halls.
- 3) At every quasi-judicial hearing, there should be a brief announcement made which will inform the public of their rights to either speak to the issue or respond in writing to preserve their rights.
- 4) Some type of visual information should be permanently posted where it can be easily seen informing the public of the agenda issues. Some type of sign-in card or sheet should be made available for citizens to fill out and request to be heard on specific issues either in person or in writing.
- 5) The subject of a special master was discussed but not considered as something the Board would want to do.

Notice of Comprehensive Plan Issues

FL Statutes require that the County give advertised notice of two public hearing at least two weeks in advance. In addition, the Land Development Code requires that notice be mailed to people who live within 1,000 ft. of the affected change.

There was discussion as to the following:

- 1) Adopting a policy that would require the County to place larger advertisements in the newspapers in language that the population can better understand. It was also suggested that the advertisement include maps that readily demonstrate the location of a proposed change which would include the surrounding properties.
- 2) Change the practice of mailing notices to citizens regarding proposed land use changes, etc. It was suggested that it be changed to require that notices be mailed to property owners within 3,000 ft. of the affected area rather than 1,000 ft.
- 3) If the Board should decide that an issue is of such significance, it may waive the normal notice requirements. However, the "fast track" should be defined and qualified so as to benefit the public good. Additionally, the Board should go beyond the normal practice and legal limits to encourage the public

participation when such matters arise - enlarge the size of the usual newspaper ad and send written notices via US Mail to the affected parties within a greater perimeter than the normal 1,000 feet.

- 4) In addition to the statutory requirements for notice, the Board should always consider the people who will be affected and make good faith attempts to get them noticed of the meeting so they can be heard on a particular item.
- 5) Change the deadline date for items to be submitted for the agenda so as to give ample time to make the community service announcements and/or advertisements in the local newspapers within at least a week in advance of each meeting.
- 6) Develop a policy to increase the exposure and prominence of the newspaper advertisement for land use changes and development issues with regard to the length and size of advertisements.

Directions to the County Attorney and County Manager

The Board instructed the staff and Mr. Richmond to develop written policies based on the discussions had at this meeting and on March 5, 2002. Those policies should be presented to the Board at the next regular meeting and then a decision will be made as to whether another workshop will be needed. Those policies should include how to go about advertising the regular commission meetings, how much information to include in the advertisements regarding specific agenda items, how much of the agenda to be included in the advertisements and a recommendation as to a deadline for having agenda items submitted to the county manager's office.

The proposed policies should include the Library Commission, Planning and Zoning Commission, Economic Development Commission, and all other boards appointed by the County Commission.

Gadsden County Board of County Commissioners
March 19, 2002 Workshop

THE WORKSHOP MEETING WAS ADJOURNED AT 6:00 P.M.

BILL MCGILL, CHAIR

NICHOLAS THOMAS, CLERK

to procedures.

Williams:

Thank you, Mr. Chairman. Commissioners, I will be as brief as possible on this matter, but, I did ask the Chairman if I could come and speak to you about the process.

As you all know, this is a Special Use Exemption Permit request. And, as the County Attorney pointed out at the beginning of this proceeding, this is a quasi-judicial proceeding. One of the things that I was concerned about and to make sure that we all agreed upon (inaudible) and understood before we go forward is that there are rules that govern how a quasi-judicial proceeding is suppose to go forward.

What I am about to tell you is very clear under the Law. It is very settled under the Law. And for the commissioners that were not here the last time, I was never sworn in as a witness. The evidence that was presented to this body has been presented or rather has been submitted and closed. As I understand it presently, you are not to take any additional testimony because you have had your hearing on this matter. So, I am not here testifying tonight. I am here only as the attorney for the applicant, Metropolitan Cathedral of Truth, about a Special Use Permit. I just want to make sure that is made clear on the record. This is not testimony. This is only talking about the procedure and the Law as it applies to a Special Use Permit which is a quasi-judicial proceeding.

What the Law says is this: When an applicant submits an application, they have a burden to demonstrate to you as to what the criteria are that you outlined that they meet that criteria. The Law then says that if anybody that is in opposition to that application, they have to come up and demonstrate to you that competent and substantial evidence - and those terms are important and we'll get back to it in just a minute - they oppose the application. The Law is also very clear on this point- that an applicant submits an application and they don't meet the burden, you don't grant the application, the permit. If the applicant meets the burden and there is no opposition, you grant the permit.

If the applicant meets its burden, if Metropolitan meets its burden and the opposition does not provide substantial and competent evidence, you grant the application. The Law is

very settled on that point.

That is important because when you look at what happened at the last hearing and you look at the evidence that you got from the church as the applicant, I think you will find that Metropolitan met its obligation. It met its burden in submitting its application. They met the criteria that were outlined by you in your Code. I think that what you are going to find is that the testimony of Mr. Rogers and the testimony from Ms. Tucker does not meet the qualification of competent and substantial evidence. These are your procedures, these are your guidelines. And, as I understand the Law, it says that if they don't do that, you grant the application.

What I want to outline and have an opportunity to provide for you is what happened in that evidentiary proceeding that you conducted on December 18, 2001.

The first of four criteria that the development must be consistent with your Comprehensive Plan and your Future Land Use Map. You heard testimony from Mr. Elliot Varnum who has 28 years of experience in Land Planning and is an expert in the Land Planning and imminent domain. He testified that he met that component.

The second component which was that it is compatible with the adjacent uses and they mitigated any negative impacts. Mr. Varnum also testified to that component - that we had met those criteria.

There was an issue involving traffic. Mr. Varnum testified that there were no negative impacts to the area because of the school and that environment should bear no adverse traffic impacts.

I believe you heard Pastor Barrington testify as to what the school's mission was, what the church's mission was and we addressed (inaudible) on that which was that they would promote public health, safety and general welfare. Having done that, under the Law, if there was no opposition, the application is supposed to be granted. And with no disrespect to this body, but, this is the Law that we are suppose to follow.

Then you heard testimony from Mr. Rogers. Mr. Rogers talked about noise from the Church, not about the school.

Mr. Rogers talked about the deterioration of the road, but he is not a expert in road design. He was not competent, he was not qualified, he had no reason to testify about impacts of the school or deterioration of the road. The Law is very settled on this point. It says that a lay witness, a (inaudible) person, a person who is not an expert in the area, can't come up and give testimony and it be considered competent testimony before this body.

Mr. Rogers then had Ms. Tucker to give you a letter from Mr. Lamb who was the person who we used in our prior application for the variance. If you read the letter, Mr. Lamb never addresses the new application. This is aSpecial Useexception application, not a variance application.

Ms. Tucker testified about pulling trucks out of the road but there were not traffic reports on it. She didn't testify about whether there would be any negative impacts to the road because she wasn't capable of doing that.

Now, having said that, let me say this. The Law is out there in front of everybody to follow it. We had a responsibility to get an application from you and fill out that application and submit it properly. Had we not done that, that application would have been kicked out. They, equally, had the opportunity. And, Mr. Rogers pointed out that when he got up and testified the last time that I am a lobbyist, I am a trained attorney, he pointed to my credentials and pointed to the things that I am capable of doing. Likewise, Mr. Rogers is a trained lobbyist. He has been lobbying for many years. He had the equal capacity to follow the Law and provide you with competent and substantial testimony about why they didn't think this application should have been granted. They didn't do that.

The position of Metropolitan is very simple and it is very clear. These are not our laws, these are the Commission's laws - not yours individually, but yours, as a body. This is not our process, this was your process - not you individually, but, you, as a body. We followed the process. We did what you told us to do. They didn't do what they were supposed to do. Not only is this a good project, but, we did what we were supposed to do and we are asking you tonight to follow the laws.

I am here for any questions.

McGill:

Are there any questions?

Watson:

Will you agree that this project doesn't fall into the guidelines of our Comp Plan?

Williams:

No, sir. That is not accurate.

Watson:

Why do you need a special exception, then?

Williams:

Because there is a part of your guidelines from your Comp Plan. Your Comp Plan says that if you can determine that a Special Use exemption is compatible with the other areas, your process says that if you follow it, it is compatible and it does comply with your Comp Plan.

Watson:

At what point does our discretion come in?

Williams:

Your discretion comes in when you outline what the criteria are. You have your discretion to determine what you need and what you want to determine if a project is going to be compatible with the adjacent and adjoining uses. You have the absolute discretion, the total unbridled discretion, to determine what criteria you want to use before you put them in your Code.

Once you put into your Code, the public has a right to rely on it. They have the absolute right to rely on what you say as a body is the process. When the public follows your process, they then have the right to rely on it and believe that if they come up here and follow your process, you will vote for them because they have done what you asked them to do.

Watson:

Will you agree, does our Land Development Code allow this?

Williams:

This process or this project?

Watson:

This project.

Williams:

Yes, sir. Once you follow your process, regardless..

Watson:

If that were the case, sir, you wouldn't need a special exception permit. If our Land Development Code allowed this, you would not be here tonight asking for a special exception. Will you agree with that?

Williams:

No, sir. Commissioner, what you are making a distinction of, which I cannot agree with, is that your Special Use exception is not a part of your Code. You outlined a Comprehensive Plan and you outlined in your Plan methods by which people who don't meet the raw criteria can meet the Code's criteria for this special exception. So, what I can't agree with you on, with all due respect, is that if you (inaudible) and you put in that document and you said that this is the process, that you can come up here now and say that that part of the process doesn't count for purposes of whether or not you grant the permit.

This body made out that process and Commissioners, this is in no disrespect to anybody up here, but, we are asking you to follow your complete process. Not, the partial process. And, if you follow your complete process, what it says is, if you have a Code and you don't have what is called a "use by right" - if it is zoned residential, you build a house - that is a "use by right". If you don't have a "use by right", what this process says is "fill out an application." Your process says that if you fill out that application and then you meet those criteria, we get the permit. It is not our process, it is your process. So, with all due respect, I can't separate the two because it is a comprehensive, total plan or process by which you make a determination as to whether a use is permitted in a particular area or not.

Watson:

But, you haven't completed the process. You need our approval before the process is completed. And, you haven't received that yet.

Williams:

That is correct, sir. But, I ask you respectfully,

Watson:

According to what you are saying, you don't even need to come up here.

Williams:

No, sir. I did not say that. I absolutely did not say that.

Watson:

Well, that is what I am hearing.

Williams:

No, sir.

Watson:

All you have to do is fill your application out correctly and we should rubber stamp it. That is what I am hearing from you tonight.

Williams:

No, sir. I did not say that. What I said was that you have a process. And you had an evidentiary hearing. The opposing party had an obligation to demonstrate to you that we failed to prove to you that we had met the criteria that was outline for theSpecial Useexception. They didn't do it.

And, if they don't do it, the Law says, the process says, you grant the application.

Had they done that, had they clearly, in front of you, information that you could rely upon to say that we did not demonstrate through our experts that we were not going to have adverse impacts in that area, you would be well within your right to deny the permit. But, they didn't do it.

You have in front of you an application that demonstrated that we met those criteria. With all due respect, again, I understand that this is a tough decision. And I understand that there are people out there in this audience that may not like this project, but, people have to rely on this process. We have to rely on you to follow your process. That is all that I am asking tonight. Nothing more, sir. That is it, sir.

Watson:

Well, I will disagree with you in the fact that we have followed the process. Our process. We have. There is a big

difference in "use by right" and this special exception. And I won't agree with you that this project is not in compliance with the Land Development Code. This project is not in compliance with our Land Development Code. If it were, you would not be here tonight. You wouldn't have been here (inaudible) ago.

You can talk procedure and all this other and try to mix it up a little bit. But, the fact remains, our Land Development Code does not allow what you want to do with this particular piece of property. It does not allow it.

Williams:

Commissioner, with all due respect, I believe that you should read all of your procedures together, and, that is the only point I am making.

McGill:

Do we have any more questions of Mr. Williams?

O. K. Now, it is up to the Commission to discuss it and vote it up or down.

We will not take any more testimony from the public. We allowed that for Mr. Williams because he was not sworn in before because he was the attorney of the applicant. And we extended him that invitation to do that, that privilege to do that. Now, it is time for the Commission to talk about it before we move on in the agenda.

Dixon:

Mr. Chairman, may I be recognized.

This is not new to us. This special exemption process is not new to us. We have done it before. We just finished doing it. And, as I said just a short while ago with the change in Land Use in Midway, for the liquor store, for that matter. It is the same process. It's the same process. This is nothing new to anybody around this table.

The reason we set criteria out there is to take the politics out of the decision making so that we don't arbitrarily kick things out that deserve a vote. We must demonstrate, demonstrate that there is a reason for us not to approve a project. It is not longer our ability to just say "yes" or "no" and Bruce knows that. The attorney knows that. And, if

anybody bothered to ask them, I am sure they would have told you that. We don't have the right to just say "no." We don't.

If folk can demonstrate that a land use meets the criteria that we set forth, then we don't have the arbitrary decision to say "no." Everybody at this table understands that. We have done it too many times.

Thank you, Mr. Chairman.

McGill:

Anything else from the Board.

Watson:

I move that we deny the permit.

Fletcher:

Second.

McGill:

We have a motion and a second that the project be denied.

Any discussion on the motion?

Hearing none, all in favor, say "aye."

Watson, Roberson, Fletcher, McGill: Aye.

McGill:

Opposed?

Dixon:

No.

McGill:

The project is denied. The motion passes.

Unidentified:

What was the count on the motion?

McGill:

4 - 1.

4.2 Pine Hill Re-subdivision 01pz-073-205-2-11

Mr. Ballister told the Board that Mr. Maurice Evans had requested to subdivide an existing subdivision lot in Block I of the Pine Hill Subdivision in St. Hebron community. He explained that Mr. Evans owns two adjacent lots. Lot 3 is 1.98 acres and Lot 4 is 1.78 acres. Mr. Evans proposed to shift the lot line just enough to create a two-acre lot that he could then subdivide into two one-acre lots which is the minimum for the zone.

The Planning Commission recommended that Mr. Evans take the entire parcel of 3.78 acres and split it into three equal lots.

Mr. Evans told the Planning Commission that there are rights-of-way to all three lots but the roadways to the south and east of the property are not constructed. He also stated that he would provide an easement across the property to provide access to all of them.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER FLETCHER TO APPROVE THE REQUEST TO RE-SUBDIVIDE LOTS 3 AND 4 OF THE PINEHILL SUBDIVISION AS REQUESTED BY MR. EVANS.

Chair McGill called for public input.

Mr. Willie Jones addressed the Board. He was administered an oath by Attorney Hal Richmond, a Notary Public, licensed by the State of Florida to administer oaths.

Mr. Jones then testified that he lives adjacent to the property in question. He asked for something in writing which documents and describes what Mr. Evans has been approved to do. He was told that he could get a copy of the development order when it is issued.

**THE QUESTION WAS CALLED BY COMMISSIONER DIXON.
THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PROJECT
AS RECOMMENDED BY THE PLANNING COMMISSION.**

4.3 Wayne Whiddon - Whiddon Country Store Variance - 01PZ-078-201-1-12

Mr. Ballister told the Board that Whiddon's County Store located on US 27 north of Havana burned down two years ago. Mr.

Wayne Whiddon now desires to rebuild the store. The property is in his mother's name. He wishes to construct the building on the same concrete slab as the previous store.

Mr. Ballister stated that because the store has not been in operation within the last year, the County's non-conforming ordinance requires that he bring the site into compliance with the Corridor Landscaping Ordinance.

The existing asphalt apron in front of the property extends beyond the 50% line that the County would have restricted him to if he were to develop it from green property. Mr. Whiddon requested that the asphalt apron remain where it is and that he be allowed to plant in the space that is left over.

Mr. Ballister continued by saying that Mr. Whiddon feels that a strict interpretation of the ordinance would impose a hardship on the business. In order to accomplish the full fifty percent frontage requirement, some of the existing asphalt apron, including subbase material would have to be excavated, disposed of and replaced with topsoil. The proposed replacement structure would sit on the old foundation and would not cause any increase in stormwater impacts.

The existing frontage is about 274.6 feet. Because of a non-perpendicular side lot line, the width diminishes to about 250 feet at the setback line. Mr. Whiddon proposed planting the existing open area with the trees that are required by the ordinance.

If the Board should grant the variance, the staff recommended that the site should be improved with the addition of the required plantings, some of which can be placed in the existing island at the corner.

The mathematical result of expressing the Code's per hundred foot calculation for this site results in 22" diameter trees (11 2" caliper trees), 8 - ten gallon understory trees and 20 ground cover of shrub plantings.

Mr. Ballister stated that it was his understanding that Mr. Whiddon would not re-establish the beer sales that had been used there.

Chair McGill called for questions from the Board.

There was no response.

Chair McGill then called for public comments.

Mr. Wayne Whiddon appeared before the Board. He said that he is in the landscaping business and he assured the Board that he would landscape the property attractively. He assured the Board also that there would be no beer sales on the property. However, he did say that the business would develop into a feed store and a mercantile business.

He then said that the asphalt has been in place since 1980 and he would like to put the trees around the building and in existing plantings.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE VARIANCE AS REQUESTED.

4.4 Blue Jays Lounge - Type III Review

Ballister:

The last item I have on the agenda tonight is a Type III appeal of an administrative action.

Some history is in order.

Last summer, the applicant, Tommy Williams, came into my office requesting that I provide the zoning approval for a DPR license. And, in doing those, normally, I check to make sure the place hasn't been closed for a year to ascertain its non-conforming issue. In this case, I knew that the lounge had been operated the previous winter, so, it had been operated withing the last year. And, I signed his DPR license.

About 10 days later, I was interviewing another applicant who wanted to reopen a country store down near Kever Lane. I knew that site had not been operated for more than a year. In fact, about two years. So, in explaining that to that second applicant, the Code, I was flipping through the Code pages showing him the things on non-conforming uses, went to the neighborhood commercial and showed him that alcohol was not allowed anymore. Then, the phrase looked out at me that I should have remembered prior. It says "Alcohol uses will be sunsetted and not grandfathered into neighborhood commercial uses."

Based on the "black and white" Code in front of me, I wrote Mr. Williams a letter informing him that I was revoking the planning approval on his BPR license. That is an administrative action of carrying out the letter of the Code.

This is the Type III Appeal process to remedy that. Again, Commissioner McGill, this did not require P & Z first. It is a legislative act or a judicial act here because they are appealing my action.

I included in your text here the paragraph on neighborhood commercial uses and the sentence is highlighted on the sunseting of alcohol uses for on site or off site consumption shall not be permitted in an established residential neighborhood. All such establishments that cease to operate under continuous ownership of the current DPR licensee, sunset.

That is why I sent the letter.

I believe the applicant is here to make his own case.

Richmond:

Mr. Ballister, just as a matter of procedure, would you raise your right hand?

Do you solemnly swear that the testimony that you have given and the testimony that you will give in this hearing will be the truth, so help you, God?

Ballister:

I do.

Richmond:

Have you given a complete copy of your file to be put into the record with the Clerk.

Ballister:

They have been transmitted.

Richmond:

Thank you.

McGill:

I understand that Mr. Williams is present.

Richmond:

Mr. Arline, I believe is an attorney and he is representing Mr. Williams and Mr. Engle.

Arline:

Good evening. I am Terrell Arline. I am a lawyer from Tallahassee and I represent Frank Engle and

Watson:

That's two things against you.

Arline:

Yeah, I know. I'm not a Duke fan, though.

Laughter.

Tommy "Governor Williams". This is an appeal of the decision that Mr. Ballister made and it involves an interpretation of your Code. There is a certain Code provision that relates to the neighborhood commercial.

The development out on 65. The building has been operated as a tavern for a long time. It's called Blue Jays.

What I would like to do is make an opening statement. I've got to build a record here. I spoke to Mr. Richmond here about how to do that. And, hopefully, we can move that along quickly with Mr. Engle first and then with Mr. Williams. Then, at that point, I'll turn it over to public comment. If that is O.K. with ya'll, I would like to proceed.

Richmond:

The only confusion in the whole procedure, Mr. Arline, is whether you are appearing as an attorney or a witness?

Arline:

At this point, I am just counsel for them.

Richmond:

Then, I won't swear you in.

Arline:

Right. You swear at lawyers, not swear them in.

I am just representing the applicant at this point.

McGill:

You will not come back as a witness then?

Arline:

No, sir.

McGill:

Is there anybody to speak for or against the project?

Richmond:

He needs to make a presentation at this point.

McGill:

O.K.

Arline:

This is an appeal under Section 7203 (a) of the Gadsden County Code. I am assuming that this is a quasi-judicial hearing. It involves Blue Jays as I said.

Back in August of last year, Mr. Williams approached Mr. Engles, who owns the property. Mr. Engles has owned it for about 20 years. To lease it from him and continue the operation as a tavern as it had previously been for a long time.

They entered into a lease and with an option to buy and at that point, Mr. Williams went down and spoke to the Gadsden County Officials about what he had to do to get legal and comply with your Code. And, he met with Mr. Ballister and other Code officials and Health Department folks and signed an application to get a beer and wine application license as the State makes them get - which is attached to the papers that we filed.

On August 20, he took this paper that he needed for the beer and wine license to Mr. Ballister and Mr. Ballister signed it. It says on the paper that the location complies with the zoning requirements for the sale of alcoholic beverages and wholesale tobacco products pursuant to this application for a Series 2 COP license.

Mr. Williams relied upon that statement and representation and from there, went on to the State and paid money and got his state license, got his sales tax numbers, went to the Health Department and Building Code and had to make a bunch of

improvements on the place. He put in sinks, exit lights, handrails and did a bunch of stuff. He's been out there working and painting and trying to get it fixed up and ready to open. And, then, about the second week in September, he received a letter from Mr. Ballister that he had changed his mind and that he couldn't open Blue Jays.

What we believe, after trying to work it out with staff, he came to me and I said "Well, let's appeal it and ask the County Commission to reconsider this decision. I think there are three ways that this issue can be resolved. That is what hopefully, we're going to get to tonight.

The first one is the application of concept called a Stopple. It is a legal concept that has been in zoning law for 50-60 years. It is basically a concept of fairness. It says that if government makes a statement and someone relies on that statement and spends money in reliance on that statement, they can't change their minds and tear the rug out from under them and leave those people hanging. It is just the concept that you have the right to rely on government. And, I think that after you hear what Mr. Williams has to say and the facts from him, you will conclude that in this instance, just this particular case because of what happened. He should be able to open Blue Jays. That will not set a precedent for anybody else. It will just be this one place.

The second way to solve this problem is to basically stand in the shoes of Mr. Engle. He will be asking for a hardship determination from ya'll. And what his pitch is that I've got a piece of property that is too small for a house - it doesn't meet the density. It doesn't meet the lot size for a density out there. I've got this building that has no windows, it's got a bar screwed down inside and bar stools and it is of no use except as a tavern. And, to change it to another use, he would have to spend more money on the thing than it is worth. So, he is going to argue to you that, you know, that the place should be, that this facts should support a hardship from the County Commission in this instance. That would not create a precedent because of this particular circumstance.

The last thing is the concept that is just, honestly challenges the validity of this grandfathering provision that is in the Code on its face. I think it has some problems because what it says is that it grandfathering of an existing establishment selling alcohol or on-site or off-site

consumption will not be permitted in residential neighborhoods. You can't grandfather this kind of use. Well, other uses, you can grandfather. You can grandfather junk yards, gas stations and kennels and dentists. If they were in effect before the ordinance was adopted, they are grandfathered. But, not this thing. Not this kind of use. And, it says that all such establishments that cease to operate under the continuous ownership of the current DPR license, it will sunset. So, what you have done is you've got a Code that focuses on the ownership of the use rather than what it is. I honestly submit that is not an appropriate issue. It should be treated like all other non-conforming uses. It has not been closed a year. It can be re-opened. The current license holder has, you know, the State is o.k. with Mr. Williams opening it if ya'll are. And, I think, that by the end of the night, you can pick one of these reasons to allow Mr. Williams and Mr. Engle to go through with their deal that they have been planning on here.

So, with that, I would like to call Frank Engle and ask him some questions and then Mr. Williams.

Richmond:

Mr. Engle, will you raise your right hand?

Mr. Williams, will you stand and raise your right hand too if you are going to testify.

Do you solemnly swear that the testimony you are about to give will be the truth, so help you God?

Engles & Williams: I do.

Arline:

What is your name?

Engle:

Frank Engle.

Arline:

Where do you reside?

Engle:

2141 Attapulgus Highway.

Arline:

How long have you been living in Gadsden County?

Engle:

Approximately 30 years.

Arline:

Do you own Blue Jays Lounge?

Engle:

Yes, I do.

Arline:

When did you buy it?

Engle:

It would have been, (inaudible), but, I have had it about 15 years, I believe in '86.

Arline:

O.K. And, attached to the petition that you filed is a tax deed or tax receipt that showed that you own it, is that right?

Engle:

That is correct.

Arline:

What is the street address?

Engle:

4508 Attapulugus Highway.

Arline:

You've got an arial photograph, can you show the Board, you might want to get a little closer to give them an idea of exactly where it is and which way is north?

Engle:

This is north on the map and this is the bar approximately right here. The most immediate neighbor is a salvage yard right here.

Arline:

Just to the north of you is a junkyard?

Engle:

Yes. This is the property line.

Arline:

How long has Blue Jays been a tavern or a place that sells beer and wine?

Engles:

Well, there were at least two previous owners before myself. So, I would say a minimum 20 years.

Arline:

And most recently, it was operated by Mrs. Kendrick?

Engles:

That is correct.

Arline:

When did she cease to operate it?

Engles:

I believe about February of 2001.

Arline:

I've got some photographs here that she should have copies of, I gave them to Mr. Ballister to pass out. I just want to get those in the record.

What is this photograph of?

Engle:

This is a picture of my place, Blue Jays.

Arline:

These pictures were taken when?

Engle:

About a month ago.

Arline:

Now, explain what the building looks like?

Engle:

It is a concrete block building approximately 2,000 sq. feet.

Arline:

Does it have any windows?

Engle:

Not a window.

Arline:

Air conditioning?

Engle:

It's got two twin air-conditioners. Simple units.

Arline:

Does it have bathrooms?

Engle:

Yes, it has been brought up to code by Mr. Williams.

Arline:

This is another photograph of the inside of the bar.

What is that photograph?

Engle:

That is a portion of the bar that is permanently attached with the bar stools to the floor. It takes up probably 1/3 of the building.

Arline:

How long has that been installed in the building?

Engle:

Since 1990.

Arline:

When Mrs. Kendrick operated Blue Jays, do you know of any problems that there were with the operation?

Engle:

I didn't receive any feedback from the Sheriff's department. I very seldom went down there.

Arline:

At some point, Mr. Williams approached you about leasing Blue Jays?

Engle:

Yes, he did and I made him a figure to lease it and we also discussed buying it. So, I wrote that into a lease that he had an option to buy.

Arline:

When did he come to you and say he wanted to lease it?

Engle:

I believe that was in August of 2001.

Arline:

I am showing you an exhibit that is attached to the petition that says September, 2001 lease to Tommy Williams. Is that the lease that you and Mr. Williams had entered into?

Engle:

Right. We had a verbal agreement and they wanted a copy, something in writing when he went to get his beer and wine license, so we wrote an informal agreement.

Arline:

Was it your intent to give him an option to buy at some point?

Engle:

Oh, yes. Yes.

Arline:

And what was the lease amount per month?

Engle:

\$500.00

Arline:

Has Mr. Williams paid you any rent?

Engle:

No, he hasn't.

Arline:

So, actually, you haven't had any rent since February of last year?

Engle:

Right. Well, that's not true. A couple of guys wanted it as a game room with the understanding that they were not going to sell beer and wine. But, they were apparently selling some beer and wine and I went down there and ran them off.

Arline:

Right, but, as of August, you haven't collected any rent?

Engel:
Right.

Arline:
But, do you continue to pay taxes on it?

Engle:
Yes, I do, but, not willingly.

Arline:
Do you know whether or not the County ever told Mr. Williams
he could operate there?

Engle:
Yes.

Mr. Williams relied on Mr. Ballister's signature to go forth
and he also paid money to the Health Department and they came
out there and approved the facilities and he also had Building
Inspection people out there and they approved it.

Arline:
This was to operate to open the business as a tavern?

Engle:
Everybody knew it was to be opened as a tavern again.

Arline:
To you own personal knowledge, did Mr. Williams go out there
and make improvements to the building?

Engle:
Oh, yes. He spent a considerable sum of money.

Arline:
Do you know whether or not he obtained the licenses from the
State and the tax ID numbers?

Engle:
Yes, he did.

Arline:
Was that before he received a letter from Mr. Ballister
telling him to stop - that he had changed his mind?

Engle:

Yes, he had spent all this money, got his licenses and everything and then the letter came in the mail. I think the postmark on the letter was the 5th or 6th. But, the letter was written on August 22. I don't know what the delay in the mailing was, but, we could have gotten some of this headed off little sooner. But, Mr. Williams had already had his license and everything in hand when the letter came to him.

Arline:

Attached to the petition is a copy of the letter and the envelope. The letter is dated August 27th but postmarked September 5th. Do you know this to be a copy of the letter that Mr. Ballister mentioned?

Engle:

Yes, I do. I was not sent a letter. So, until Mr. Williams told me, I was still in the dark.

Arline:

But up until the point that he got the letter, he made improvements and had gotten his licenses and he was ready to open Blue Jays.

Engle:

He was ready that day to go and buy beer and open the establishment. That was the conversation that he and I had.

Arline:

Now, if you can't use Blue Jays as a tavern, do you think it has any other reasonable value other than to be used as a tavern?

Engle:

I don't see one and I have tried to work it out with the Gadsden County staff as to their input. We did have several sit down meetings including the County Manager. Nobody has really come up with a viable idea. It is too small according to the current standards to be a suitable home site. It is about ½ acre approximately. As of yet, and I would be glad to have a way out, but, as of yet, we have not come up with any type of viable alternative.

Arline:

And, if you - let's say, put it into another kind of neighborhood commercial use like pottery sales or something like that, would you have to make improvements to change it to a private store or some kind of business?

Engle:

It would need considerable improvements, I think, to be viable for any other type business.

Arline:

When Mrs. Kendrick operated Blue Jays, do you have an opinion as to what the property was worth as a tavern?

Engle:

At the time she had it, I had offered it for sale to her for \$40,000.

Arline:

And, as of now, if the application of the Code is that, you know, would your tenants go out of business or die or somehow ceased being licensed by the State or close the business down or sunset, do you have an opinion of what it would be worth now for some other use.

Engle:

Well, I heard some comments from the audience - you know - I think the consensus of the people is that they would like for it to be torn down. That is fine with me if somebody comes up with \$40,000.

Arline:

Do you know if there is other beer and wine establishments or places that sell beer and wine in the neighborhood commercial areas that are on 65 that are in the same situation as you.

Engle:

I looked at the map and the two places that are closest to me are Seminole Inn, Seminole Grocery and Stephens Grocery both fall into the nonconforming use category. But, I'm sure that

Ballister:

Their current folders (inaudible)

Arline:

Yes, my understanding is that if they sold their business or died and left it to their family, would they have to close the place?

Engle:

My understanding is that they would.

Arline:

So, it's ownership that governs the use of the building.

Engle:

Right.

Arline:

Thank you. I don't have any other questions. Well, just one more. You have reviewed the petition that was filed in this case?

Engle:

Yes.

Arline:

You notarized that as your testimony, do you adopt that as your testimony?

Engle:

Yes, I do.

Arline:

I move then, that these exhibits, I think you've got an agreement with Mr. Richmond that the exhibits that are attached in the petition, will go on the record and this blue line arial, I'll get one that we will fold up so you don't have to have a big (inaudible) in the record. And, I would like to be sure that both maps are a part of the record.

If you are all right with that, I will move forward.

Richmond:

Commissioners, in introducing things, I sorta let them put anything they want to put in the record as we put what we want in the records. I'm not trying to act in your stead on that, but it's just the appropriate thing to do.

Watson:

Can I ask a question of Mr. Engle?

If we granted you a variance for a residence, is that something you would be interested in?

Engle:

I wouldn't because of the expense involved. If I could sell the property at what it was worth before all this happened,

that would be between you and the next person.

Watson:

But, the negative we hear about a residence is that it was not large enough.

Engle:

Right. It's 50% of what you now require.

Watson:

If this Board allowed that though, would that be something that would help resolve this.

Engle:

Not, as far as I am concerned, no it wouldn't.

Arline:

You would have to tear the building down?

Engle:

I would have to tear the building down at considerable expense to me to make changes of that nature.

Watson:

You don't think that the building could be lived in as it is?

Engle:

Well, would you grant a variance for the current building? The building sits on the right-of-way just about. I mean, it is right there. Would they be willing to do that?

Watson:

But is it something that you would consider it?

Engle:

I might consider it. It would depend on the expense. I am not really prepared to answer that question. The building, in its current usage with inventory could be open within 24 hours. You are asking me to spend a considerable amount of money and hope there are no problems with building inspection and all those kinds of things. I don't know if the building would or could conform to household usage. I am not qualified to answer that.

Arline:

I think at this point, what we would like to do is to keep the

current use of it.

McGill:

O.K. Are there any more questions of Mr. Williams? Mr. Engles, I am sorry.

I've got a couple. Why did the business stop operating the first time? Back in February, I believe.

Engles:

Why?

The lady that had it - I have leased it to several people over the years. I have held the license there two or three times, myself. Normally what I would do, and this is probably where I erred here, I really never let it close for any great length of time. If somebody wanted out of it, I would take the license over, and keep the business running. I think she basically got a little bit tired. You know, I mean, it's like any business, after a seven or eight year period, it kinda runs you down. I really can't give you her reasons, but, from our discussions, I think she got a little tired.

McGill:

She didn't tell you why she stopped leasing from you?
She didn't say "I'm sick of you and I'm tired of looking at (inaudible)"

Engles:

That's my wife's line there " She's sick of me."

Well, not really. She just said she was getting tired. She had another day job and as we all age, she can't do but so much. I have encountered some of that myself.

McGill:

Do you believe that alcohol - by itself -is a harmful and deadly commodity?

Engles:

Do I believe that?

No, sir. I wouldn't be in that business if I did.

McGill:

You don't think so? You don't think that alcohol causes

people to lose their jobs and lose their lives and lose their property and al that kind of stuff?

Engles:

Well, you know, running around with other women will do that.

Laughter.

McGill:

Alcohol (inaudible)

Engle:

I don't smoke. I have never smoked a cigarette in my life. Now, if you would like to ask me about that, I think that is a killer.

McGill:

I am quite sure, that is a killer.

O.K. I'm trying to think of another use for that property. You don't think a convenience store could go there? I think Mr. Watson raised that question, too. You don't think a convenience store would go there? Without alcohol, I mean.

Engle:

With all due respect, you are kinda treading on thin ice there because this is how it all started - when I wanted to open my grocery store and I offered it to Mr. Williams. It was, you know, nobody wanted a store. So, we have already been down that road at my other location. So, I think, my point is this is built as best for what it was built for and what it is there for at this point is a tavern. I think we would have encountered just as much opposition or just as much for whatever you wanted to do in today's climate.

McGill:

I noticed in what Mr. Ballister stated here about neighborhood commercial uses. All such establishments that (inaudible) will sunset. Don't you think that ownership could be the beneficiary if the other person died. If I die, it would not pass on to my wife? Is she not part of the ownership because she is my wife?

Engles:

You can't do that the way that the license, Mr. Richmond can probably advise you on that better than I on that. But, the

way it is written, if the person that I am renting to wants to go out of business, I have lost the usage of my building. Which I think is very wrong. If I am the person sitting there with money tied up in it, you know, what's happened, the way the ordinance is written currently, it takes away my right to use that business again. Even though I have used it myself for that same very use. If I am not the current license holder,

McGill:

But if they died, do you see what I am saying. I am saying that your wife would not be given the license?

Engles:

Not the license. Now, the license has provisions to be assigned. To bring you up to date on this. Now, the license can be assigned by the current licensee holder - whoever that person chooses - which would allow them to sell it or whatever. Now, with your approval, we can do it that way. But, without the Board's approval, your heirs or your business partner (if you had somebody that was a (inaudible) partner) and you died, they could not continue to operate.

McGill:

Any more questions of Mr. Engles?

Do have any other witnesses.

Arline:

Mr. Williams, Tommy Williams.

Richmond:

Mr. Williams, you have been previously sworn, but would you state your name.

Williams:

Tommy Williams.

Arline:

Please state your name and your residence address.

Williams:

Tommy Williams. (Inaudible) Jefferson St.

Arline:

How long have you been a resident of Gadsden County?

Williams:

I was born here.

Arline:

How old are you?

Williams:

73.

Arline:

Do you currently operate a business in Gadsden County?

Williams:

Yes.

Arline:

And what is that?

Williams:

Sugar Hill.

Arline:

And, what is Sugar Hill?

Williams:

It is a club.

Arline:

How long have you operated that?

Williams:

1 year this month.

Arline:

Do you employ off duty sheriff deputies?

Williams:

Yes.

Arline:

If you open Blue Jays, will you continue to employ sheriff deputies?

Williams:

Yes, sir. I will. Yeah.

Arline:

Do you remember when you first approached Mr. Engle about leasing Blue Jays?

Williams:

I didn't approach him about Blue Jays. I approached him about a grocery store. They cut me on the grocery store.

Arline:

Who is they?

Williams:

Mr. Ballister.

Arline:

Because it had been closed for over a year?

Williams:

Right. He stopped my people from working. I was working on it. So, I lost money on that one. So, I told Mr. Engles "I can't open it." So, he said, "Why don't you go ahead and take Blue Jays? It hasn't been closed." So I went to Blue Jays.

When I first rented the store, Mr. Ballister came to me and stopped my men from working, he thought I was after Blue Jays. So, I went to Blue Jays. And, I went to Mr. Ballister and he signed for me to get my beer license. So, I went ahead and got the building inspectors and told them to come out and check to see what I needed to do. But, I didn't have to go to them. I could have went on and got the license (inaudible). But, I didn't. I wanted to improve the place. So, I started working on the place. They told me to go ahead and do the work. So, when I got through with the work that they told me to do,

Arline:

What did you do?

Williams:

Well, I redone the front, I painted it, I painted the inside and then I put in bathroom equipment, put in exit lights, emergency lights, rails, I got all they told me to do. So, I was going to open up the next Friday. Mr. Ballister wrote me a letter that I couldn't open.

Arline:

Did you make those improvements and get those licenses and pay the fees and everything?

Williams:

Yes, I did. Yes, sir.

Before I got the letter here, I had did all that.

Arline:

Did you assume that Mr. Ballister was correct and that you could operate Blue Jays when you made these expenditures?

Williams:

Yes, because he had not signed off it, I would not have did the work. They didn't tell me. You see, he told me when I walked in, he said, "Well, this has been closed for about a few months, so, I can go ahead and sign you off and you can stop by and see the building inspectors.

Arline:

The application that is contained in the petition, is that the application that you showed Mr. Ballister and he signed it?

Williams:

Yes.

Arline:

And, you took it down to Mr. Ballister on August 20th?

Williams:

Yeah.

Arline:

How much did you pay to Gadsden County to get this application?

Williams:

Well, I had a hundred dollars at the store, so, Mr. Ballister allowed - because I didn't open the store, he allowed me the \$100 for the (inaudible). So, I sent back

Arline:

So, you transferred the \$100 that you paid for the store to Blue Jays?

Williams:

To Blue Jays, yeah.

Arline:

Then, how much did you pay to the State for the licenses?

Williams:

I think I paid a hundred and some odd dollars for a permit for the building. To buy the permit until my regular license come back. I couldn't buy the building permit until my regular license come back.

Arline:

To the State?

Williams:

Right. So, then, when my license came back, it cost me two hundred and something dollars. So, I had \$370 in licenses on that plus \$160.00 to the Health Department. They came out there and passed it.

Arline:

Now, that was before Mr. Ballister told you

Williams:

Right.

Arline:

And, then, did you spend any other money other than that?

Williams:

Oh, yeah. I had people working on the building. I had them working and the plumbers and electricians and carpenters.

Arline:

Do you know about how much money in total that you paid or spent?

Williams:

I spent a little over \$5,000 all together. That was with everything.

Arline:

Up to the point that Mr. Ballister said

Williams:

He stopped me.

Arline:

And, when he said "Stop" you stopped.

Williams:

Yeah.

Arline:

And, this is a copy of the application that contains the petition.

Do you still have a beer and wine license with the State?

Williams:

Yeah. I have the license.

Arline:

Do you know whether or not they would allow you to open or not?

Williams:

Oh, yeah. I could open tomorrow. I could have opened. I had the license. But, I didn't. I wouldn't go ahead and open. He told me to close, so, I closed. I mean, I sunk (inaudible) But, I had the license, I could bought beer and opened the joint. I could have opened it. But, I didn't do that.

Arline:

Do you think it was fair for the County to change its mind?

Williams:

No, not after I had spent my money and my time that I had put into it. The aggravation that I done went through with it. But, I still wouldn't open the place up. I could have though. He would have closed me, perhaps. But, I could have opened.

Arline:

Mr. Williams, I am going to ask you, and, I don't mean to be insensitive, but, do you read well?

Williams:

No.

Arline:

And, does that mean that you rely on the County officials?

Williams:

I relied on what Mr. Ballister when he signed the papers for me to get the license. I had no other reason. But, even if I could read, I would have to rely on what he says. If he had said "No, you can't get them", then I couldn't get them. But, that is what I rely on. But, then after I do all the work, then, you come and tell me that I can't open it. That is the rule.

Arline:

There is just one last thing. There is a photograph that I would like to get on the record. Tell us what this photograph is of.

Williams:

Of the club and Mr. Engles.

Arline:

Is that you on the left?

Williams:

Yeah.

Arline:

Well, that concludes our record building. I appreciate your indulgence. It is something lawyers have to do and I wish it were a simpler process. Thank you, Mr. Williams.

You know, that is it. You all get to make hard decisions which (inaudible) spending time up here to do. I think that what you have before you are some facts with which you can conclude that Mr. Ballister's statements cannot bind, at this point, my client and they can continue to operate Blue Jays which hasn't been closed a year. I think that you can conclude that Mr. Engles is entitled to a hardship and should be allowed to continue to operate this beer and wine place based upon the facts put before you tonight.

Finally, this issue about assignments. Now, what an assignment is, is where one person signs a contract and gives a contract to another person. It's like you might have a lease with somebody and you want to assign your lease to somebody else and they can take it over. Assignments - there are all kinds of assignments. There are assignments (inaudible) and whatever.

But, the way the ordinance has been interpreted by Mr.

Ballister is that if there is a use that is not been closed for a year, if it is a beer and wine in a neighborhood commercial, hasn't been closed for a year, then, you know, within that year period, if they want to sell the business or transfer it to somebody else or go out of business, then the place basically gets shut down.

And, you might be able to conclude that - Well, if we are going to allow those licenses to be transferred, if it happens within a year, somebody could transfer the license to someone else. Ms. Kenrick would transfer her license to Mr. Williams, and that would be another way to work this.

Then the last thing I want to say is that there is a , ah, your Code is ambiguous. There is a section in your Code that talks about neighborhood commercial uses and it specifically refers to taverns. It mentions the word "tavern." It says "If taverns in a neighborhood commercial has to be less than 2,500 sq. ft." And so, your ordinances, internally, are ambiguous. In one sense, you say they are sunsetted and in another instance, they are allowed by special permit process.

With that, I appreciate your time and if you have any questions for my clients or whatever, we will take them now.

McGill:

Are there any more questions for Mr. Engle or to Mr. Williams?

Are there any people in the audience to speak in favor of the Blue Jay Lounge? For it, now?

Mrs. Engle:

I am Mrs. Engle. I am the one that if he dies, I might not can pick it up.

Richmond:

Do you solemnly swear that the testimony you are about to give shall be the truth?

Mrs. Engles:

Yes, I do.

Richmond:

Thank you Mrs. Engles.

Mrs. Engles:

I won't take a lot of your time. I just ask one thing. I want to talk on the emotional side. You have been talking about the Law. When you come up here, and I have heard comments from a lot of angry people here, just do one thing for me. Just state the facts. Don't get emotional about all of this. This is a business. We can't do anything else with this business. We pay taxes that allow people to go to school. I mean, my husband has been here 30 years. We are a part of this community. And when you come before us, please remember that. We are a part of this community and we have a business. It affects us. What you say, all of this today, affects us. We put money into these buildings. It affects us. And, we are human beings. So, when you come up here today, and whatever you have to say, remember, you know, just stick to the facts. I don't know if (inaudible) That is all I want to say.

Thank you.

McGill:

Now, how many people want to speak against it?

Richmond:

There is one more for it.

Unidentified:

I am against it.

McGill:

I thought somebody said there was one more for it. Are there anymore in support of it?

Now, when you come up against it, will you please not be repetitive. And can we do that by saying that 4 or 5 of you can speak? Will that be adequate? Will that be all right?

O.K. How many of you want to speak against it?

One, two , three, four, five. Oh! I see a lot of them. We will hear five.

Richmond:

That will work.

McGill:

State your name, sir.

Anderson:

Alto Anderson.

Richmond:

Mr. Anderson, raise your right hand please.

Do you solemnly swear that the testimony you are about to give will be the truth so help you God?

Anderson:

I do.

Richmond:

Thank you very much sir, go ahead.

Anderson:

Commissioners, I am as I stated Alto Anderson, and I have heard a lot on the up side of the place but, you haven't heard the down side. I believe he said that he has lived here 30 years. Well, I have lived across the street for 56 years. And, I have seen that store change. At first, it was a grocery store. Old Monks Grocery Store. It changed into another grocery store. There has been a garage there and now it went into a tavern or club or whatever you want to call it.

Our argument is this. You come home at night and you can't even get through there because of the parking space. We put up "No Parking" signs and they park on top of the "No Parking" sign. Once I get through there and get to my house, there are times that I can't even get in my driveway. And then you add to that, you've got the profanity. You got the boom boxes out there that are competing with one another to see who can get those things the loudest. And, then there has been gunfire.

My wife, she was out in the yard one day working with her flowers and the next thing I know, she breaks in the door and I say "What's going on?" She said "shooting". Now, who wants something like this in their neighborhood?

This is a residential area. I have no objections to clubs in their proper places. I have been to a few of them myself. But, this is not the place for a club. This is a residential area and that is all I have to say.

McGill:

O. K. We are going to this side now. Let me see,

Richmond:

Just a second, if I can. Mr. Arline, if you have any questions at any time of anyone, please feel free to cross examine and exercise whatever right you have.

McGill:

Should he have time again at the podium or should they come back?

Richmond:

No, no. At the podium if there are questions. He indicated that he did not want to ask any questions of Mr. Anderson. Please, come ahead.

Would you state your name for the record.

Beach:

Glenda Hayes Beach.

Richmond:

Ms. Beach, would raise your right hand?

Do you solemnly swear that the testimony you are about to give will be the truth so help you God?

Beach:

Yes, sir.

Richmond:

Please go ahead.

Beach:

I came tonight not ever having attended one of the meetings before and I am sorry to say that I have lived in Gadsden County since 1955 and I've been real impressed with what I have seen tonight with tax dollars at work. But, I have some property out there. I've lived out there since 1957. And, my mom has been sick. She died a year or so ago, but, my brother would call me in the middle of the night to come out there at 12:00 and 1:00 o'clock on Friday and Saturday night, I was afraid to go. My car would be completely stopped right on the roadway there of the property. There is no place for the people to park. But, you know, if you have a cell phone, I

had a cell phone, you have no reception for the last 2 or 3 miles down the Attapulugus Highway. Between there and it picks up into Bainbridge. There was no way that I could call someone. I have seen the time that my car would literally be, you know, that somebody would shake it. You know, and just dared you to go through. But, anyway, because of safety there, there have been a lot of people that have been killed on that road as a result of being drunk. They mentioned Stephens and Seminole. I had a good friend that was killed there just September was a year ago. He was just walking across one night. And that sort of thing. Hanging out there was not nearly as bad as the one they are talking about now. And, then the one at Stephens - I have never seen cars backed up there. It's not a late at night type thing. But, we just ask that you consider the children and the neighborhood. They say that it has a half acre, but there is no roadway. I mean, there is nothing where people can park. From the pictures, they must have really done some painting and you know, it is usually really grim looking and things of this nature. But, I would just like to say that, you know, I just feel like it is not in the best interest of the people that live in that area for safety purposes and I just would like to ask you to vote that down.

Thank you.

McGill:

Any questions?

What about from this side? We are going to get you standing next, O.K?

Richmond:

Yes, sir. State your name for the record.

Hayes:

Wayne Hayes.

Richmond:

Mr. Hayes, do you solemnly swear the testimony you are about to give will be the truth so help you God?

Hayes:

I do. What Mr. Alto said, I say "ditto" to every bit of it. I wish I had some pictures like the lawyer had here to show you. But, I would like for mine to be taken on Saturday night

and Sunday mornings. It looks like a garbage dump out there. I have had to stop my car while they completed their fights in the road. And, on Sunday morning, it is not just theirs, but there is trash strowed, there are always beer bottles, whiskey bottles up and down the road. We try to keep our neighborhood looking good.

I have lived there 46 years, well 44 years - I lived in Tallahassee 2 years.

I am sorry that Mr. Engles and Mr. Williams has got a misunderstanding on this and that Mr. Ballister made an error. But, we don't need this in our neighborhood. It's not needed for any neighborhood that people live in.

Thank you.

Applause.

McGill:

O.K. We are going to take 3 more after this young lady here, so, if you are going to speak, come up behind and that will save us some time.

Richmond:

Will you please state your name.

Bryant:

Yes, sir. My name is Marionette Bryant. I am the pastor of the Pentecostal Church of Jesus Christ. It is about time.

Richmond:

Do you solemnly swear that the testimony you are about to give will be the truth so help you God?

Bryant:

And it will be.

Richmond:

Thank you very much. Go ahead.

Bryant:

I just want to say that I have to witness what these guys have already said. I feel sorry for the owners of this building, but, it is in the wrong place. And, we just don't need a joint out there. We are trying to clean up our community. And as

they said, people have been killed at that place. You find dead people in the ditch and you go through, like the lady said, they take your car and they shake it and they just bull dog you out there or dare you. You cannot get through there from say 5:00 o'clock on Friday until sometime Sunday night. It is a hazard to your life.

My church cannot run with whatever they are doing up there. They said the boom boxes and the church trying to go at the same time, it is a mess. We are trying to clean up our park out there. We certainly don't need a juke back there. We are trying to raise kids in that community. We are family people. We don't want a joint. We would like to work with them and see if we could get them into some other business because I don't want to hurt anybody. But, they are hurting our community. We can't raise our kids in that filth.

Thank you.

McGill:

Are there any questions?

No questions.

Richmond:

State your name for the record, please, sir.

Stallings:

Rev. Bernard Stallings.

Richmond:

Mr. Stallings, do you solemnly swear that the testimony you are about to give will be the truth, so help you God?

Stallings:

Yes.

Richmond:

Thank you. Go ahead.

Stallings:

I would just like to say that, just like Rev. Marionette just said, this is a neighborhood where kids are growing up in and this will be a bad influence for children to be around. Beer joints and liquor joints and you will have drug addicts and drug dealers coming into the neighborhoods and glass and

aluminum buildings and walls and mobile homes. Glass will not stop a flying bullet. We do not need this in the neighborhood.

McGill:

Thank you Rev. Are there any questions?

Arline:

I would like to talk to everybody just in general if I may.

McGill:

We are going to take one more person who wanted to talk against it. I think I saw a young lady, right?

Richmond:

There are two more.

McGill:

Two more? One, two. O.K.

Carroll:

My name is Arnett Carroll and I live

Richmond:

Do you swear the testimony you are about to give is the truth so help you God?

Carroll:

I do. My name is Arnett Carroll and I live just less than 50 yards from the place. I have had Commissioner Watson out there before. In all due respect to Mr. Engles, I have called a Deputy Sheriff out there several times, myself. Trash in your yard. Can you imagine that at 2:00 o'clock in the morning, somebody fighting in your front yard. And with all due respect to Mr. Williams and Mr. Engles, this is just a juke. It is just a juke. And who wants for it to be in their neighborhood? No one.

Applause.

Richmond:

Will you please state your name.

McGill:

This will be the last person to give testimony tonight.

Brady:

Hi, I am Veronica Brady.

Richmond:

Ms. Brady, do you swear that the testimony you are about to give will be the truth so help you God?

Brady:

I do.

Richmond:

Please go ahead, ma'am.

Brady:

I think I am the youngest person who came tonight that has actually stand and speak. And I would like to speak on my youth's behalf. As I am please to meet you Mr. Sterling Watson. I called you several times. I know you don't know who I am, but I call you a lot. I am the one who is always calling you about that park.

Watson:

I know you.

Brady:

I don't know how many feet - I'm not good about feet, but from the park to the juke, there's no where - it's walking distance. Would you entice a juke into your community. Somebody said that it is emotional. It is very emotional. I have watched people my age be enticed to crack, be enticed to powder, be enticed to weed, or even alcoholics all day long. Wherever you look. I am only 30 years old. We have nothing to do because of the jukes in our community. We have no elderly to stand up and support us. And, I will say that to the owners of the juke. You are part of our community. Somebody said, I believe your wife, that there is nothing else to do with that place.

How about get a place and use that building to get some of those people off the drugs. Get them off that crack. Keep them from hanging on the streets all day.

How about the people sitting right there starving. Have you ever thought about feeding anyone. We live in a community. A community is there to help one another. Not to hurt, not to harm, not to put them in danger in any way. The juke puts us in a lot of danger.

Other people have already stated the dangers that it puts us in. I'm looking at my children. I can recall, well, I can't remember when you said the last time it was open. But, the last time it was open, I believe, I don't know who was owning it, but somebody told me that it was Wendell Bodison and I believe that Eric Scott and somebody went in and was renting it. And, one of the teenagers went in and they were going to play some slot machine games and do you know that there was a padlock on the door and he locked the children in there and they could not get out of the place?

And somebody said that they were going to get some security or the police to come out. When I heard Mr. (Inaudible) with his statement, when you call them for reasons that they should come, they will not come. Am I right, Mr. Watson. How much do I call you every year? When I call them for a legitimate reason, I can't get them there. But, you can pay for them to sit up there at your club all night and put my child in danger. You need to stand up for what is right. What is right.

Our leadership, our tomorrow. It is very emotional and it hurts really bad to see somebody belittle them to the (inaudible). If you don't know where Scotttown is, Mr. Watson, ride through and see what you can see all day. They are standing, gambling, running from the police - it's all real. It is time to clean it up. We don't need a juke. I'm (Inaudible) because I am emotional and because I care about my tomorrow. They are my children. That is your future. (Inaudible) While their parents are at the juke - they are at the juke getting high because their parents do not care. We don't need it there. It is killing us.

When I was born and raised, I could go to anybody's house out there and eat or do whatever I wanted to do. Now, I am afraid to walk out my front door. I am afraid to let my children out the front door because when they go to your child's house and you're high or go up to your juke and get drunk. Go up to your juke and they get enticed to drugs. We don't need that. If you don't help us, we all will suffer.

If you want to help us, get some of our people off of crack. Get somebody in there to teach us what we need to know for leadership.

I appreciate your time.

Applause.

McGill:

Thank you very much.

Before we close testimony, are there anymore comments?

Richmond:

Mr. Arline?

Engles:

I really appreciate the last lady, what she said. I remember that one of the first things I said to my commissioner was that we don't a juke out there. Like I said when I first came up here, somebody come up with an idea. Now, she's got some good ideas. And I would say that the ball is kinda over here in a way.

She has asked for specific things. This is the voice of your community. As I said the whole time, I just want to sell the place. You know, now you have an obligation to Mr. Williams. He relied on your people that you hire and you approved to hire. You know, he is kinda stiffed here and he needs some satisfaction.

But, I understand what you say. Now, some of those other things obviously, I don't think that there are stacks of bodies in the street. People have been run over crossing the road, but, that has been down in from of the Seminole Grocery Store. For lack of something to do, people are sitting on both sides of the road drinking. Is that not right? There has never been run over in front of our place as far as I know.

Public outcry.

McGill:

O.K. O.K.

Chair McGill sounded the gavel to restore order.

Engles:

Anybody knows that there were no stacks of bodies. Obviously, if it was that kind of place, it would have been shut down, we would hope, by the Sheriff's Department a long time ago.

But, there have been numerous people run over in front of the local grocery because there was nothing to do. When people sit down on both sides of the road, and I have brought that to my commissioner's attention before, sitting down on both sides of the road, drinking all day.

You talked about competing with church. Well, this place is normally not open until 8 or 9 o'clock at night on Friday and Saturday. It is never open on Sunday morning to the best of my knowledge since I have owned the place has it ever been open. I don't know if it has ever been opened before 6 or 7 o'clock on Sunday afternoons. You know, so, I mean, a lot of the rhetoric, and I understand it is emotional, but, I am here to say, to the best of my knowledge, a lot of that is not true.

Trash, yes. It is an on-going problem. I've got beer bottles in my front yard and I don't live anywhere near the place. I think we all hate that. But, I do know that Mrs. Kendrick hired somebody to hit the street every morning and pick up from the immediate neighbors and deal with that as best she could. I do know that she hired security personnel. I know that anytime you have a business, there are some problems. But, I think she did a very good job. That is all I can say.

McGill:

All right. We have had all the testimony that we are going to have. It is before the Commission now to discuss and vote it up or down.

Fletcher:

Mr. Chairman, I move that this petition be denied.

Watson:

I'll second that.

McGill:

We have a motion and a second that the petition be denied. Is there any discussion on the motion?

Dixon:

Mr. Chairman, I think there are a couple of things we really need to address though. I don't think that we are under any obligation if we said that the Law sunsets or the license sunsets and he still has his building and he has a right to do with the building what he wants to do to whatever highest use

, I guess, that he can get from it.

And, then there is Mr. Williams, through our error, has suffered a loss. How do we deal with that. I think that is something we have to deal with if we move down where I would like to go. That is not to reopen it as a club. I think that might be the consensus around the table. But, I think also that it would only be fair, taking the Commissioner's suggestion, Commissioner Watson, is that we look for some ways to give some options to that property and to be sure that he does get the highest use out of it short of becoming another tavern.

McGill:

Anybody else?

I think there is some responsibility that the Commission has toward Mr. Williams and I don't know how much that is. He indicated that it is about \$5,000. Relying of staff, he spent that much money. I think that I am inclined to reimburse him for those expenses. And, that is mostly it. Mr. Engle, I believe talked about finding a better use of it. I think it might be incumbent on the residents in that area to help him find a use that they can live with. Most of the commissioners, Commissioner Watson might want to work on it since that is part of his district. He might want to work with the residents out there to come up with something, well actually, the Commission as a whole can actively get involved in that to a good extent. I think it could be up to the residents out there, the owner of the building and Commissioner Watson to develop something they all can live with. They don't even have to come back to the Commission as far as that is concerned.

Dixon:

Mr. Chairman, if I may interrupt you, they will for the simple reason that there are very few things that, if testimony that was given to us before, he is going to qualify under our criteria to do. Which means that we are going to have to waive all of those things.

McGill:

Well, they indicated that it could be used for

Dixon:

The realistic push is that it takes money and it takes time

and while I don't advocate a particular use for the property, what I am saying is that we should - if we move down that road - in our motion, we should allow flexibility to Planning and Zoning and Building Inspection Department to give them to come up with that use.

McGill:

But, they would have to come back to the Commission for approval?

Dixon:

No. No. What I really want to do is amend Commissioner Fletcher's motion as a friendly amendment to allow that flexibility through Planning and Zoning as well as Building Inspection to allow them to come up with the highest and best use for that property.

Richmond:

What about Governor. You started talking about Mr. Williams and his out of pocket expenses.

Dixon:

And if I, I don't know if I would be in order, that we reimburse him for actual costs that he has invested. That he can prove the investment.

Richmond:

Can we suggest this to you? Let me and Bruce or somebody talk to Governor about it, look it over - Excuse me Governor, I have just known you so long and I tell you that - and bring it back to ya'll with what has been done and then ya'll make a decision.

Dixon:

I want to give the authority tonight to go ahead and along with the Manager, deal with it.

McGill:

My position is this - that whatever he can actually prove his out of pocket expenses, I don't know that it needs to come back to the body if he's got proof. If he has spent \$5,000 and you guys look at it and agree on it, then just reimburse him from some fund, the contingency fund, and give him his \$5,000.

Richmond:

Well, that is what I am saying. Eventually ya'll will have to approve.

Dixon:

That is what we are asking, if Commissioner Fletcher allows that in his motion.

Fletcher:

I don't have an objection to that.

McGill:

Then you will allow his amendment to your motion.

Mr. Watson, will you allow that amendment to your second?

Watson:

We are talking about giving Mr. Engle extreme flexibility in finding new use.

Dixon:

We will have the final say on that, now.

Watson:

And reimburse Mr. Williams actual expense.

McGill:

Actual expense.

That is the motion and the second. Any further discussion on the motion.

Dixon:

Question.

McGill:

Hearing none, all in favor say "aye."

All:

Aye.

McGill:

It passes unanimously. We thank you. We apologize to Mr. Williams and Mr. Engle, but, that is our decision.

Ballister:

One quick question. Do I understand that you

McGill:

Will you please leave more quietly please? The meeting is not over yet.

Richmond:

You might as well wait.

McGill:

Wait just a minute please, Mr. Ballister.

Ballister:

In giving myself and Frank extreme flexibility in reassigning another use, my last question is, do you want this handled by staff? I wasn't sure. It would have to be a nonconforming use or a new use so it would automatically trigger (inaudible) unless you say "O.K. the site is the site, the building is the building" and we make a garage. Do we waive stormwater, eliminating

Note: The remainder of the above conversation was inaudible.

5. COUNTY ATTORNEY'S AGENDA

Rules of Procedure

Mr. Richmond referenced the attached proposed rules of procedure. He cautioned that adopted rules can limit what a board can do, but they also can offer guidance as how things should be handled in the future based on what has been done in the past.

Discussion followed.

It was determined that a special workshop should be held to discuss the rules of procedure.

6. DON KRESS - GADSDEN CABLEVISION, INC.

Mr. Don Kress addressed the Board. He asked the Board to pass a resolution that will allow him to surrender the Cable TV franchise that is currently held by Gadsden Cablevision, Inc. to Mediacom and also to transfer the assets.

Discussion followed.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY

COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION NO. 2002-002 CONSENTING TO THE SURRENDER OF CABLE TELEVISION FRANCHISE AND CONSENTING TO TRANSFER OF ASSETS FROM GADSDEN CABLEVISION TO MEDIACOM.

7. JANE MOCK, COUNTY LIBRARIAN - NEW HAVANA LIBRARY FACILITY

Mrs. Jane Mock, County Librarian, addressed the Board to answer questions regarding the county-wide library system.

Commissioner Dixon asked Mrs. Mock to prepare something in writing that will give him the following:

- 1) A realistic picture of what the county-wide library system looks like now and what it will look like in the future?
- 2) What will the County be expected to deliver - such as furniture, recurring costs, non-recurring costs of the new libraries?
- 3) What will be in the library system? What kinds of books will be in them, how many computers can the public expect to be in them?
- 4) What are the minimal expectations of the county-wide system?
- 5) Will the upgrade require more staffing?
- 6) Are there certain qualities and certain things that are expected to be consistent in all of the libraries?

8. PUBLIC WORKS AGENDA - DISCUSSION OF PROPOSED RESURFACING PROJECTS

Mr. Robert Presnell addressed the Board. He referenced the attached list of roads which need to be resurfaced and the associated costs. He asked for approval to proceed with the resurfacing projects under the current contract with C.W. Roberts. He said that he will bring the Change Orders back to the Board for approval.

Marion Lasley asked how the roads came to be on the list to be resurfaced.

Mr. Presnell replied that they used the work orders from the road crew to determine which roads were requiring a lot of repairs.

Commissioner Dixon suggested that Mr. Presnell look at the slag roads whether they received work orders or not. He said that they will begin to break down quickly.

Mr. Willie Mote was recognized for comments.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE PUBLIC WORKS DIRECTOR TO PROCEED WITH RESURFACING PROJECTS UNDER THE CURRENT CONTRACT BY WAY OF A CHANGE ORDER.

9. COUNTY MANAGER'S AGENDA

Mr. McKinnon stated that he had been notified by Congressman Allen Boyd's office to submit projects for which Gadsden County would like to receive federal funding. He then called attention to the attached list.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE LIST OF PROJECTS TO BE SENT TO CONGRESSMAN ALLEN BOYD'S OFFICE REQUESTING FEDERAL FUNDING.

10. CONSENT AGENDA

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

- 1) Correction to Minutes of October 16, 2001 Minutes
- 2) Appointment of Mr. James Hinson to Planning and Zoning Commission representing District 1 and appointment of Cedric Akins representing District 5.
- 3) SHIP Interlocal Agreement with City of Quincy - use of SHIP funds for City's CDBG project
- 4) Appointment of Gadsden County's 2002 Representative on APPALACHEE Regional Planning Council
- 5) Award of Bid to Andela Tool & Machine, Inc. for Gypsum Board Recycling System Equipment
- 6) 2002 Disaster Resistant Neighborhood Proclamation
- 7) Adopt-a-Road Agreement with Robert F. Munroe Anchor Club

- 8) Change Order No. 16 to Gadsden County Roadway Resurfacing Job #228 - Kittrell Road, Carter Road and Rosedale Tower Road.
- 9) Change Order No. 17 to Gadsden County Roadway Resurfacing Job # 228 - Selman Road
- 10) Addendum to Cooperative Agreement with Division of Forestry - Adjustment of Acreage and costs
- 11) Interagency/Public Works Agreement with Department of Corrections - Dumpster Program Crew
- 12) Unpaved Road Maintenance Agreement with City of Chattahoochee, Town of Gretna, City of Midway
- 13) New Road Names - Old Federal Trail and W. C. Brown Road
- 14) SHIP Program Management Review and Physical Inspection - Official Closeout of Review
- 15) Mediacom Cable Notice of Rate Changes
- 16) Receipt of \$1.00 Check from North Florida Educational Development Corp. W.S. Stevens School Lease

12. CLERK'S AGENDA

Budget Amendments 02-01-15-01 through 02-01-15-02

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

Ratification of the Approval to Pay County Bills

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

13. COMMISSIONERS AGENDA

District 2 Report

Commissioner Watson had nothing to report.

District 3 Report

Commissioner Roberson had nothing to report.

District 4 Report

Commissioner Fletcher had nothing to report.

District 5 Report

____Commissioner Dixon had nothing to report.

District 1 Report

Chair McGill presented Mr. Ronald Colston with a plaque of appreciation for having served on the Planning and Zoning Commission from 1995 - 2001. He resigned after having been elected to the City of Midway's City Council.

ADJOURNMENT

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

Bill McGill, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON FEBRUARY 5, 2002,
THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

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

1. CALL TO ORDER

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

2. ADOPTION OF THE AGENDA

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

3. COUNTY ATTORNEY'S AGENDA

Engle-Williams Case - Payment from Contingency

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 1 TO PAY MR. TOMMY WILLIAMS \$4,128.63 FROM THE GENERAL FUND CONTINGENCY FOR THE HIS OUT OF POCKET EXPENSES RELATING TO THE BLUE JAYS LOUNGE ISSUE AS DOCUMENTED WITH THE ATTACHED INVOICES. THE MOTION DID NOT INCLUDE PAYMENT OF HIS ATTORNEY FEES OF \$1651.75. COMMISSIONER FLETCHER CAST THE LONE DISSENTING VOTE.

4. JANE MOCK, COUNTY LIBRARIAN

Ms. Mock told the Board that the Library Commission had accepted suggestions of possible sites for the relocation of the main Library in Quincy. There were 13 sites proposed. (See the attached spreadsheet.) Those sites were then rated by a matrix taken from the Wisconsin Library Building Handbook.

The criteria that were given a value of 5 were as follows: accessibility; sufficient land; visibility; free from obstacles; need for demolition; environmental hazards; and costs.

The criteria that were given a value of 3 are as follows: safe vehicle access, nuisance-free environment; and existing structures on the property.

Topography was given a value of 1.

The finished rankings were presented to the Library Commission and they were discussed. The Commission voted unanimously to retain the committee's ratings. The locations with the highest ranking were as follows: 1) Ward's Lot; 2) Behind Randy's Supermarket ; 3) Fletcher Co. Bldg on US 90; 4) High School; 5) North Adams St.; 6) Old Luten's site on US 90.

The second choice was eliminated because the owner did not respond to the inquiry.

Mr. McKinnon reported that he had informed School Superintendent Sterling Dupont of the ranking of the sites.

Commissioner Dixon asked why the old jail site was ranked so low.

Mr. Mock answered that there were a variety of reasons for eliminating some of the sites - nuisance factors, visibility and necessary demolition.

Commissioner Dixon asked why the committee did not present a well documented proposal in writing.

Mr. McKinnon stated that the staff and Library Commission were seeking direction from the Board at this meeting as to whether they should continue to pursue a grant for a new library.

Commissioner Dixon stated that he could not give directions when he does not understand the motivation and how the committee

Gadsden County Board of County Commissioners
February 5, 2002 Regular Meeting

arrived at certain conclusions.

Ms. Mock, again, told the Board that 13 sites were submitted as possibilities. All of the 13 were discussed. But there was the feeling that certain sites were better than others.

Commissioner Dixon asked what made one site better than another.

Ms. Mock answered that some sites had better visibility than others simply by being near major streets. In some instances, there were nuisance factors in close proximity which led the committee to eliminate them from the matrix. She added that two of the sites were eliminated because they were not of sufficient size to accommodate the size of the building proposed and parking.

Commissioner Dixon then asked her to describe a nuisance factor.

Ms. Mock replied that bars and lounges were considered to be a nuisance at some sites.

Commissioner Dixon then stated for the record that he was not happy with the make up of the site selection committee because they are not very representative of the community. He went on to say that he wanted to see the matrix of how the committee arrived at a particular site. Also, he stated that he wanted to know how they happened to weed out some of the sites that did not make it to the matrix.

COMMISSIONER WATSON MADE A MOTION AND IT WAS SECONDED BY COMMISSIONER FLETCHER TO ASK THE COUNTY MANAGER TO APPROACH THE SCHOOL BOARD TO SEE IF THEY WOULD ALLOW WARD'S LOT TO BE USED TO ERECT A NEW MAIN LIBRARY.

More discussion followed.

Commissioner Dixon stated the following: "Mr. Chairman, my point is, that if nuisance is a problem, then let us decide that nuisance is a problem and begin the process to fix the nuisance. That is our job - to fix the nuisance.

But, if you have taken, what I personally think is the best piece of property, and eliminate it even from the matrix - I can't understand why the local people who own businesses downtown would want this (the library) any where other than downtown because it would draw people into downtown for their businesses.

If the nuisance is a problem, then I think the Board should deal with the nuisance. It is far from me to say that it is not a nuisance. It is a nuisance and has been for far too long. We have decided what went where based on its proximity to that nuisance. And, that is wrong. Fix the devilish nuisance. If you got to go out there and push all that down, then we should be talking about economic development and pushing it down and preparing to build something bigger, better and brighter.

This building should not be stuck somewhere other than in the core center of downtown. I think it would improve the economic development opportunities for the downtown area. It would bring other business into downtown and it would create an atmosphere to clean up downtown as opposed to doing what it is that we are doing again - moving away in the hope that it will get better, knowing that it won't."

Commissioner Watson asked Commissioner Dixon if he could agree that Ward's Lot is not a bad site.

Commissioner Dixon replied that he did not feel that it was the best site.

THE QUESTION WAS CALLED BY COMMISSIONER WATSON.

COMMISSIONER FLETCHER STATED THAT HE HAD SECONDED THE MOTION FOR DISCUSSION PURPOSES ONLY BUT HE WOULD NOT VOTE BECAUSE HE HAD A CONFLICT OF INTEREST.

THE BOARD VOTED 3 - 1 IN FAVOR OF THE MOTION. COMMISSIONER DIXON CAST THE LONE DISSENTING VOTE.

5. GROWTH MANAGEMENT AGENDA

2002 Luau Festival Permit

Growth Management Director Bruce Ballister told the Board that the Planning Department had received an application from Robert Seniors DBA Square Biz Productions, to hold the annual Spring Luau at Sheffield's Ranch on US 90 east of Little River. It is scheduled for April 20. He stated that many of the issues that caused the heaviest impacts in the past have been the traffic impacts on US 90. By county ordinance, they must submit their application for the festival 90 days prior to the date.

Mr. Ballister continued by saying that Mr. Seniors has already met with the Sheriff, EMS, Florida Highway Patrol (FHP) and Florida

Gadsden County Board of County Commissioners
February 5, 2002 Regular Meeting

Department of Transportation (FDOT) to decide how to handle the crowd. He then referenced his recommendations as shown in the agenda packets. He specifically mentioned the following:

- 1) Off-site signage to direct people to designated parking and get them off the highway.
- 2) FDOT and FHP will tow people who park on the right-of-way. Show Biz Productions will post signs to that effect.
- 3) Parking will be made available at the Pat Thomas Law Enforcement Academy and at the new high school site.
- 4) The P & Z Commission discussions centered around ease of access and traffic congestion. The applicant agreed to provide information on the ticket and on the application materials to inform ticket holders of the parking limitations and possibilities.
- 5) There were two outstanding issues with the application.
 - a) The use of alcohol greater than 1% - the sale of alcohol is prohibited by the outdoor festival ordinance.
 - b) The ordinance requires that the applicant provide a list of performers. In most cases, the performers are not secured until such time that the venue permit is in place.

It was determined that the Luau usually shuts down at dark.

Mr. Seniors addressed questions from the Board which resulted in the following facts:

- 1) The performers cannot be confirmed until the venue is permitted.
- 2) Tri-Eagle has historically been the main sponsor and they have provided free beer to adults. It was not sold, it was free with the ticket and tightly controlled by Tri-Eagle.
- 3) Signs will be posted that there will be no underage drinking allowed.

Mr. Seniors asked for a waiver of the "no alcohol" requirement of the ordinance.

Discussion followed.

Mr. Ballister reported that he had attended the festival last year and could attest that it was a well managed event with appropriate security measures in place. Only those who wore a blue wrist band were served free alcohol.

Mr. Richmond asked Mr. Seniors if they had allowed alcoholic beverages on the property other than what was provided with the admission ticket. Could it be brought in with coolers?

Mr. Seniors replied that patrons do bring coolers because they do a picnic type thing. All coolers are checked by law enforcement officials at the front gate. Anything that is not allowed is confiscated by them. There are no mixed drinks, etc. Tri-Eagle has been the only alcohol provider.

COMMISSIONER DIXON MADE A MOTION TO WAIVE THE ALCOHOL REQUIREMENT BASED ON MR. SENIORS PAST PERFORMANCE. THE CHAIR REMOVED THE MOTION FROM CONSIDERATION BECAUSE HE STILL HAD QUESTIONS.

Chair McGill asked how the patrons would know how to get their cars back if they happened to be towed away.

Mr. Seniors replied that there will be signs posted to that effect.

COMMISSIONER FLETCHER MADE A MOTION TO PERMIT THE LUAU WITHIN THE ORDINANCE PROVISIONS - WITHOUT THE BEER. IT WAS SECONDED BY COMMISSIONER WATSON. THE BOARD VOTED 4 - 1 IN FAVOR OF THE MOTION. COMMISSIONER DIXON CAST THE DISSENTING VOTE.

6. LEONARD BENNETT - MIDWAY CITY MANAGER

Additional Road Listing for County Incentive Grant Program to Department of Transportation

Mr. Bennett addressed the Board. He asked that the Board accept Midway's application for road paving assistance for the roads named in the application. He asked that the list of roads be submitted to DOT as a part of the County's list for the Incentive Grant funds.

There was some discussion regarding the fact that Anderson Columbia should help the City of Midway - their host city - to accomplish their paving needs.

Mr. Richmond stated that the County made an agreement with Anderson Columbia and the Notice of Proposed Change to the DRI is being appealed and contested in court at this time by the City of Midway. He went on to say that the other side of the coin is that Anderson Columbia is not going to proceed until there is a final resolution to the matter which is set in March for a summary judgement. He cautioned the commissioners not to speak to

litigation matters.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER FLETCHER TO NOT APPROVE THE APPLICATION AND LIST OF ROADS BY THE CITY OF MIDWAY BECAUSE IT WOULD COMPETE WITH FUNDING FOR COUNTY ROADS.

Commissioner Dixon stated that Anderson Columbia is the largest road construction team in north Florida. They ride on Midway's roads every day. He suggested that the County send a letter to Anderson Columbia and encourage them to be a good corporate neighbor and assist Midway with the situation with its road - regardless of legal issues.

Chair McGill argued that the city residents are county residents also. He encouraged the Board to be proactive in helping them deal with their roads and not stop at the city limits.

THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE MOTION TO DENY THE APPLICATION AND THE MIDWAY ROAD LIST. CHAIR MCGILL CAST THE LONE DISSENTING VOTE.

7. COUNTY MANAGER'S AGENDA

Mr. McKinnon had nothing to report.

8. 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) Recycling Grant - Keep Gadsden Beautiful - FDOT Litter Control Grant**
- 2) Recycling Grant - Keep Gadsden Beautiful - Adopt a Road Litter Removal Agreement with Sycamore**
- 3) Change Order # 18 - Gadsden County Roadway Resurfacing Agreement - widening and resurfacing of McCall Bridge Road**
- 4) Financing of Line of Credit - Leasing 2 for Public Works Equipment.**
- 5) Coastal Impact Assistance Program Grant - Assistance to City of Quincy to address Southeast Trunk Sewer Problems**
- 6) Youth Work Program - TCC Proposal to Administer**

- 7) Florida Association of Counties Annual Conference - travel approval
- 8) Contract for Rehabilitation work: Evelyn Y. Byrd, Jessie Mae Jackson, Mae Ella Baker, Ida Herring
- 9) Chamber of Commerce December 2001 Economic Activity Report - for the record
- 10) Mediacom Southeast LLC/Gadsden Cablevision, Inc. Closing - For the record.

9. CLERK'S AGENDA

Cash Report

Financial Statements

Clerk Thomas called attention to the attached cash report showing \$14 million in the Board's funds. Then he referenced the financial statements which are also attached. He stated that most of the first quarter revenues appear to be fine but there are a couple that fell short of projections. However, he said that they could easily be absorbed with the fund balances.

Budget Amendments 02-02-05-01 THROUGH 02-02-05-05

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

Ratification of Approval to Pay County Bills

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

10. COMMISSIONERS REPORTS

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

Commissioner Dixon called attention to the Recreation Park Information in the agenda packets regarding the Land and Water Conservation Fund (LWCF).

He went on to say that Carlisle Farms has 60 acres in the Quincy Business Park that they must keep in conservation. There is an opportunity to develop it into a recreation and trails park using LWCF funds if the County will apply for it in a joint venture with the City of Quincy.

Commissioner Watson asked if it will require matching funds.

Commissioner Dixon stated that he did not believe that it would but he would check to be certain.

Commissioner Watson then asked if there would be a lease involved.

Commissioner Dixon answered that there would be \$1.00 lease payment for 99 years.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPLY FOR THE RECREATION GRANT.

District 1 Report

Commissioner McGill yield his time to Ms. Kathy Grow.

Ms. Grow stated that on August 23, 2001, St. Joe made a Land Use change application to the BOCC. It was granted with the stipulation that there would be no ingress or egress off US 27. About Thanksgiving, St. Joe found a buyer that did not need the Land Use change, so, they called Bruce Ballister in the Growth Management Department and withdrew their application. No one in the area was notified that the Land Use Change application was withdrawn.

Around Christmas weekend, the new owner installed a culvert and driveway on US 27 which appeared to be contrary to the Board's intention. She stated that the neighbors should have been informed that the Land Use Change application had been withdrawn. Her

Gadsden County Board of County Commissioners
February 5, 2002 Regular Meeting

feeling was that the application approval with certain stipulations was announced in a public hearing and it should have been rescinded through some type of public notice - even if it was nothing more than to announce it at a meeting.

Chair McGill replied that what was done was not illegal but, there should have been some kind of notice given.

Mr. McKinnon suggested that the County staff develop some kind of policy that would address the issue when an applicant withdraws an application.

Hospital

Chair McGill stated that he has been getting telephone calls from some of the people who work at the hospital regarding its operation. (There were bills not being paid and so forth.) He asked that the Board authorize the County Manager to write to the hospital administrator and ask him to come to the next regular meeting.

A MOTION WAS MADE BY COMMISSIONER FLETCHER TO AUTHORIZE THE COUNTY MANAGER TO WRITE A LETTER TO THE HOSPITAL ADMINISTRATOR. IT DIED FOR LACK OF A SECOND.

Commissioner Dixon suggested that the Clerk and County Manager look into the matter and report back to the Board.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN, COUNTY MANAGER, COUNTY ATTORNEY TO MEET WITH THE CLERK AND LOOK INTO THE COMPLAINTS AND THEN REPORT BACK TO THE BOARD.

Mr. Leonard Bennett asked to make some remarks.

Commissioner Dixon asked the Chair to declare Mr. Bennett out of order.

ADJOURNMENT

UPON MOTION BY COMMISSIONER FLETCHER AND THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING ADJOURNED.

Gadsden County Board of County Commissioners
February 5, 2002 Regular Meeting

Bill McGill, Chair

ATTEST:

1
Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON FEBRUARY 19, 2002,
THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

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

1. CALL TO ORDER

Chair McGill called the meeting to order. Clerk Thomas led in pledging allegiance to the U. S. Flag and Mr. McKinnon led in a prayer.

2. ADOPTION OF THE AGENDA

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

3. COUNTY ATTORNEY'S AGENDA

There was a consensus of the Board to hold a workshop on March 5, at 5:00 p.m. to discuss Rules of Procedure and changing the way that the Board notices its meetings.

4. HOSPITAL - REPLACEMENT OF AIR HANDLING UNITS AT HOSPITAL
STEWART ZARITSKY, NATKIN SERVICES

Mr. Stewart Zaritsky addressed the Board. He told them that he had been working with Gadsden County Building Inspector Frank Ritter and the County's engineer, Peter McGinniss, for about six months regarding the air handling units at the hospital.

Mr. Zaritsky reported that there are serious problems with air quality at the hospital and it is in dire need of various new mechanical items. He went on to say that in order to correct the

Gadsden County Board of County Commissioners
February 19, 2002 Regular Meeting

problems, those mechanical items need to be replaced. The air handlers would have to be replaced in phases which he explained. (See the attached proposal which explains and outlines the scope of services.)

Mr. Saritsky stated that Natkin is currently under state contract to do this type work. He explained that they usually do business on a "cost plus" type basis with a guaranteed maximum price. He said they would also guarantee the performance and the installation.

Mr. McKinnon explained that there are nine air handlers which were originally installed at the hospital in the early 1980's. He went on to say that they are all wearing out and need to be replaced. The Natkin proposal is to replace three units at a time over a three yr. period. He added that the process is a large job and very labor intensive.

Mr. McKinnon then stated that Mr. McGinniss has recommended that the Board let Natkin do the work since they are on the state contract and they are experts in that field.

Once again, Mr. Zaritsky stated that there are some serious issues with the quantity of air in the hospital building. It was his understanding that the building is only getting 50% of the air flow that is required. The new units will be much more efficient. The first three units to be replaced will be the most difficult to do.

Discussion followed but no action was taken. It was generally agreed that the Board would like to talk to Mr. McGinniss and Building Inspector Frank Ritter before making a decision on the project.

Clerk Thomas confirmed that the dividends from the hospital trust fund could be used to pay for the costs associated with the project.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE THE MATTER OF THE HOSPITAL AIR HANDLERS UNTIL MARCH 5, 2002.

5. SHERRY VANLANDINGHAM AND STUART JOHNSON - LODGING REVENUE

Chamber of Commerce Executive Director Sherry Vanlandingham addressed the Board. She said that for several years the Chamber has faced the challenge of not having private dollars to promote Tourism in Gadsden County. Then she went on to say that one way to produce some revenue for that purpose would be a "Tourism Development Tax (TDT)" more commonly referred to as a "lodging tax" or "bed tax."

Mr. Stewart Johnson, owner and operator of the Allison House Bed and Breakfast also addressed the Board. He gave the commissioners the attached handout. He said that he is the chairman of the Tourism Committee of the Chamber of Commerce. He spoke to the issue of getting an initiative on the ballot in the November election that would impose a 2% TDT that would go to the Tourism Development Council which will oversee the marketing of tourism for the County. Then he explained that in order to get the TDT initiative on that ballot, it would require the County Commission's approval.

Mr. Johnson said that 66% of Florida counties collect some sort of tourism tax. (Leon County collects 3% TDT; Washington County collects 2%.) He emphasized that this would not be a tax on the residents in Gadsden County. It would only affect people who visit the county and stay in a motel, bed and breakfast inn or camp ground, etc.

He made reference to the attached FL Statutes that would govern the TDT.

The money generated will be sent to the County and placed in a trust fund. It cannot be co-mingled with operating money of the County. Once it is voted on, then a 9-member Tourism Council will be formed. The Law spells out where the members will come from and how they are to be nominated to the council. Then there will be bylaws established that will determine how the money can be used. It must be for the entire County and it has to be to promote the County.

Discussion followed.

UPON MOTION BY COMMISSION FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO PLACE THE TDT ISSUE ON THE NOVEMBER BALLOT. COMMISSIONER DIXON CAST THE

LONE DISSENTING VOTE.

6. KAREN WELLS - PREPAID LEGAL SERVICES FOR COUNTY EMPLOYEES

Ms. Karen Wells addressed the Board. She explained how Prepaid Legal Services works and benefits its members. She then asked for permission to meet with county employees to discuss the services and membership with them.

Discussion followed. There was a consensus to refer this matter to the Insurance Committee.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO REFER THIS MATTER TO THE COUNTY INSURANCE COMMITTEE FOR THEIR RECOMMENDATION.

7. COUNTY MANAGER'S AGENDA

Mr. McKinnon had nothing to report.

8. 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) County Incentive Grant Program Agreement and Resolutions - Department of Transportation
 - a) Paving of Spring Meadow Road - Resolution 2002-003
 - b) Paving of Rosedale Tower - Resolution 2002-004
 - c) Resurfacing of Uptain Road - Resolution 2002-005
 - d) Resurfacing of Mt. Hosey Road - Resolution 2002-006
 - e) Resurfacing of Harbin Road - Resolution 2002-007
 - f) Paving of Rod Shaw Road - Resolution 2002-008
- 2) DOT Railroad Reimbursement Agreement & Resolution # 2002-009 - Grade Crossing Traffic Control Devices and Future Responsibility
- 3) Florida Single Audit Act Notification - Department of Transportation SCRAP Program
- 4) Amendment to Arthropod Control Budget - State Allocation Change
- 5) Housing Rehabilitation Agreement and Special Assessment

- Lien - Annie Jane Mills
- 6) Notification of Emergency Medical Services County Grant Award of \$15,019.82 - Grant No. C1020
 - 7) Wireless 911 Rural County Grant Program Application
 - 8) Contractual Agreement with James Love - CHARGE Grant Program
 - 9) Department of Revenue Child Support Enforcement Service of Process Program Agreement
 - 10) Renewal of Electronic Online Services for Libraries

9. CLERK'S AGENDA

Budget Amendments 02-02-19-01 thru 02-02-19-08

Mr. Richmond asked that Amendment # 1 be withdrawn.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE AMENDMENTS 02-02-19-02 THRU 02-02-19-08.

Ratification of Approval to Pay County Bills

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

10. COMMISSIONERS REPORTS

District 2 Report

Commissioner Watson commented that on Sunday morning, he often sees someone picking up the trash and litter in front of the lounge on South Adams St. across the street from the County's parking lot. He added that the lounge patrons use the county parking lot and it is also littered by them. He asked that County write a letter to the owner of the lounge requesting that he have his people to clean up the parking lot as well as the front of his establishment.

District 3 Report

Commissioner Roberson appointed Ms. Betty Deese to the Recreation Committee. She then appointed Mr. Frank Rowan to replace Mr. Robert Lewis temporarily for four months on the

Gadsden County Board of County Commissioners
February 19, 2002 Regular Meeting

Planning Commission.

District 4 Report

Commissioner Fletcher had no report.

District 5 Report

Commissioner Dixon had no report.

District 1 Report

Chair McGill had no report.

ADJOURNMENT

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

Bill McGill, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON MARCH 5, 2002, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

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

ABSENT: E. H. (HENTZ) FLETCHER

1. CALL TO ORDER

Chair McGill called the meeting to order. He then led in pledging allegiance to the U.S. Flag followed by a prayer.

2. ADOPTION OF THE AGENDA

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

3. APPROVAL OF MINUTES

January 15, 2002 Regular Meeting
February 5, 2002 Regular Meeting
February 19, 2002 Regular Meeting

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF THE ABOVE STATED MEETING. (Commissioner Dixon was not present for this vote.)

4. COUNTY ATTORNEY'S AGENDA

Hospital Update

Mr. Richmond stated that he had nothing new to report.

**5. PLANNING AND ZONING ISSUES - BRUCE BALLISTER, GROWTH
MANAGEMENT DIRECTOR**

**Old Federal Road Subdivision- Preliminary Plat 01-PZ-060-207-
4-08**

Mr. Ballister reported that the above stated project had met all the requirements of the Land Development Code. It was given conceptual approval on August 14, 2001. He reported that the Preliminary Plat has satisfied all the requirements from the conceptual plat review. The P & Z Commission reviewed the covenants and restrictions at length and recommended approval. Mr. Ballister stated that there were some staff recommendations. He recommended that a fence be placed around the holding pond because it is in close proximity to the back yard areas and it could present a health hazard.

He pointed out that the new plan does show the water line extension from Talquin Cooperative. He said that Talquin has indicated their willingness to serve the project.

Mr. James (Jamie) Thompson, the developer of the subdivision addressed the Board. He was administered an oath by County Attorney Hal Richmond. He acknowledged that he was aware of the special conditions recommended by the P & Z Commission and the P & Z staff. (Add to the covenants and restrictions 1) a recommendation the Homeowners Association Board of Directors secure liability insurance; 2) require mandatory garbage pickup - to be paid for by the home owner; 3) remove any reference to a definite year of manufacture and provide that the homes must be no more than 2 years old - per minutes of P&Z of 01/09/02).

Chair McGill recalled that a development order would have to be signed by the developer and the chairman of the County Commission. He then asked Mr. Thompson if he was agreeable with it. Mr. Thompson indicated that he did agree.

Mr. Ballister asked that all special conditions be included in the development order letter.

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

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE PRELIMINARY PLAT SUBJECT TO THE SPECIAL CONDITIONS OF THE P & Z COMMISSION AND THE GROWTH MANAGEMENT DIRECTOR.

Hammock Creek - Preliminary Plat 01PZ-067-206-1-0 Preliminary Plat Approval - Light Industrial Subdivision - 296 acres

Mr. Ballister stated that the above project was given conceptual approval on October 16, 2001 subject to special conditions. At that time there was discussion as to whether Lot # 6 could be served by an access from US 90 or from the interior driveway.

Since that time, St. Joe met with FDOT and they indicated that they would not want them to locate a second driveway on US 90 due to site distances and location hazards. However, FDOT did discuss the possibility of another driveway access from US 90 onto an adjacent parcel that is owned by St. Joe Land Co. He explained that there is already a median cut at that driveway which is about 900 ft. west/northwest of Lot 6. That driveway would have to pass through the adjacent property parallel to US 90 to get to Lot # 6.

Mr. Ballister told the Board that he had some reservations about the second proposed US 90 concept from a planning point of view. He explained that the second property is now zoned AG 3. However, it has been "blueprinted" to be changed to a zone that is not on the books yet - and OR zone. He explained that the driveway would cut through the property in such a way that it would create a defacto front lot which is smaller than the 20-acre density that is already there. (AG 3 zones are 1:20 density.) He then recommended that the access be made through the interior roadway - Tupelo Court.

He continued by saying that the 5 lots along US 90 would be individually responsible for the "corridor road" impacts. To insure that the buyer of those lots understands that responsibility, he asked that it be indicated on the face of the plat.

Mr. Ballister reported that St. Joe had complied with the

request for a turn lane analysis. St. Joe anticipated the placement of right and left turns for the main entrance. He then stated that all other concerns that were raised with the staff had been satisfied.

Mr. Ballister stated that if the Board should approve the additional US 90 access to Lot # 6 that St. Joe should do another turn land analysis for it. I should be performed on the basis of the highest and best possible use of the lot.

Commissioner Watson asked for clarification as to the access to Lot 6.

Mr. Ballister pointed to the Plat which shows that Tupelo Court stops short of Lot 6. Then he pointed to the smaller page which proposes an alternate access to Lot 6 from US 90 that traverses another St. Joe Land parcel. The main drive will be directly across US 90 from the Water Management District. They will share the median cut on US 90.

Commissioner Dixon asked what "the Law" will dictate as to what will be out there along US 90.

Mr. Ballister replied that there would be no clearing until the development application has been approved for each site - other than the main entrance. He said that each applicant would be restricted from clearing more than 50% of the road frontage.

Commissioner Dixon asked, again, what the County has in place that would prevent unlawful destruction of the landscape.

Mr. Ballister answered that the Land Development Code and the Corridor Road Landscaping Plan for the corridor roads are more stringent than the ordinary landscaping requirements on other county roads. It protects the front 50 ft. so that at least 50% of the first 50 ft. will be preserved. The remaining 50% can be partially developed as a parking lot and/or stormwater pond if needed. 25% of the remainder can be used for product display. But, at least 50% of the frontage will be trees augmented by additional plantings.

In addition to the county landscaping requirements, FDOT has a landscaping preservation policy of their own and they limit the number and size of the trees that can be cut. The county's preservation policy will be an enhancement to the FDOT policy. Any property owner must meet the County policy as well as FDOTs.

Commissioner Dixon then addressed the issue of signs.

Mr. Ballister said that the Board could make some recommendations, as a condition of development, but the applicant would have to agree to it in the development order. Otherwise, the development would be subject to the county sign ordinance.

Discussion followed.

Chair McGill questioned Mr. Ballister as to a letter that he had seen which was came from another developer in response to a county letter sent to him regarding the removal of a large tree that was shown on a site plan.

Mr. Ballister replied that he had received the letter and he now thinks that it is possible that he had been mistaken about the missing tree. He explained that it could have been an error on the site plan. He stated that he will review a video that was made of the site to determine the actual placement of the tree and verify if a violation had occurred.

Commissioner Dixon then asked why there is a question about access to Lot # 6 from Tupelo Court.

Mr. Ballister answered that an extension to Lot # 6 from Tupelo Court could impact a significant wetlands area. He added that there is a steep bank approach to that wetland. St. Joe contends that the wetland should be avoided and proposed an alternate access to Lot # 6.

Mr. Sean Marston, Mr. Chip Jones and Mr. Mike Murphy were present on behalf of St. Joe Commercial.

Marston:

My name is Sean Marston. I work with Bishop Engineers. I am the engineer on this project. I am here with Chip Jones of St. Joe Commercial and Mike Murphy with Bishop Engineers.

We have been through Bruce's recommendations and we would like to make a case for the alternate access on Lot #6.

When we first went through the conceptual planning, we did not have the luxury of having a survey at the time. We showed Tupelo Court extending to Lot #6. Once we got the survey and we started our preliminary process, we went to the site and

looked at the area. (Pointing to a diagram) This is Lot #6 right here. This is a wetland area that was flagged. We went to that area and looked at it and there is a steep ravine. I would say there is anywhere from 18 to 20 ft. drop that we would have to design around.

So, in looking at that, we went through the preliminary plat process with Planning and Zoning Commission and they told us to do some additional engineering at that stage. So, we did the roadway engineering, we did a profile, and we've done cross sections. We had to figure out what it is going to take to cross that ravine. In doing that, we also decided to look at other options.

Well, we tried to provide an access to Lot 6 in this location right here - still within our property boundaries. We met with DOT when they had some representatives here from Chipley. They had their roadway man, their turn lane man and they were looking at other projects. We were lucky to get in on the tail end of that. They looked at that site and they (inaudible) is Midway on the hill. Actually, the main access is on the top of the hill and it drops down. You can see on the preliminary that there is a little culvert there and it is pretty much at the bottom of the hill. We looked at that and if you look up the hill - probably about 500 ft. - there is the existing median.

They saw our (inaudible). They said "Well, we don't approve of a driveway at this location. You could go up to that other median cut - that would be more acceptable to us."

Well, since St. Joe owns the property here to the north, we decided to look at that option - going up to the existing median cut and cutting in a drive parallel to US 90 and come down to Lot 6. That gets us away from crossing those wetlands and constructing a large culvert and a lot of fill and a retaining wall.

We just wanted to explore that option of creating the alternate access.

McGill:
Inaudible.

Marston:
Because it is 12 acres of prime property. We are already

restricted from full use of it by the wetlands. You can see that we are putting all these wetlands in conservation easements. That is where the wetlands boundaries are. So, we are looking at this 296 acre property and we are looking for uplands that we can develop. Lot # 6 is 12 acres that we can develop. So, we would like to use the property. We already have wetlands that (inaudible)

Dixon:

Mr. Chairman, this guy is good. Bishop Engineers is training him well. He laid it out like it is our fault.

McGill:

Inaudible.

Marston:

Either way, we are comfortable with the staff recommendations, although we would like for an option for an alternate access to Lot 6 be considered. If we have to, we will cross the ravine and build that drive across the wetlands. But, we would rather not.

McGill:

You could just remove Lot 6 from the subdivision. (Inaudible)
Look at page 5 - about half way into the last paragraph.

Marston:

"Staff recommends either extension of Tupelo Court or the removal of Lot 6 from the subdivision boundary as shown. In either case, the Board could recommend specifically that the construction plans submitted for a development order conform to one design or the other. "

I was looking in, also above that, I think it is in a subsection from your Land Development Code 610. Underneath the design standards listed as number three. It says "There is no specific prohibition in this language restricting the additional driveway as long as it is not a double frontage lot." Then he summed up his concerns which we feel are business in terms of people buying that lot.

Dixon:

May I Mr. Chairman?

Two things, Mr. Marston. Never dog the County Planner.

Laughter.

And always let the chairman finish. Even when you don't understand what he is saying.

Laughter.

I am kidding, now.

Thank you.

Mr. Chairman, I don't have a problem with the second lot as long as whatever development takes place on that second property that St. Joe owns given the order that any development must take place at that intersection. The entrance to that property must be that same intersection and no new cuts will be made in that parcel. I don't know how big that it is and I suspect that it is pretty big, but, if you want it, do you want it bad?

Watson:

How big is it?

Marston:

There is a wetland that runs through the property right there where the old green boundary is. There is a creek running through there.

Dixon:

Is it probably usable?

Marston:

Probably 100 acres. But, I don't know how much of it has more finger pattern wetlands on it.

McGill:

Only about 5% more or less.

Watson:

How much of the property that you want to put the second access through, how many acres is that?

Inaudible response.

Watson:

The property where you want to put the new drive, Lot # 6 -

how big is that piece of property?

Marston:

McKinnon:

You said that St. Joe owns the piece that is north. How big is that piece.

Marston:

I am not sure how big it is.

Jones:

I'm not sure.

Dixon:

It is bigger than three or four acres, isn't it?

Marston:

Yes, it is a large tract.

Watson:

Do you want to just give them one for 100 acres?

Dixon:

Well, they can ask for more.

Watson:

But, you were going to tell them "no" up front.

Dixon:

Well, I didn't realize it was 100 acres.

Ballister:

I think what you are going to get into is on that adjoining property, it may be the only viable median access because as you keep going to the northwest, you drop downhill to another wetland.

Dixon:

So, they have got to use that one.

McKinnon:

That might be their only choice.

Dixon:

So, all I am doing is forcing them to do what they will have to do anyway?

Ballister:

Right. The big unanswered question is "Will this 12 acres of industrial be compatible with whatever happens in the future on the other larger piece?"

Dixon:

St. Joe has to consider that. I don't.

Watson:

Why would we care? Why does that enter into whether we give them access or not?

Dixon:

That is St. Joe's problem, not ours.

Ballister:

Because you are looking for compatible elements. If it became a residential development, you would have one 12 acre light industrial property passing through it. Passing through the unknown.

Watson:

Yeah, but somebody will already know that. You are not springing anything on them after they bought the property.

Ballister:

That is true.

McKinnon:

But, he is just pointing that out.

Richmond:

I think Commissioner Dixon's concern is a valid point in this sense. If you do use it to access light industrial, you have limited your use on the rest of it. (Inaudible) Let's say a commercial from a residential area because you would have those big trucks going through it and that is not compatible.

Those are all concerns that ya'll need to be aware of if you come back later, you had better have a consistent use or make something compatible.

McGill:

(Inaudible) I want to make certain that you understand that clearly.

Marston:

I would like to point out that where we are showing the alternate access is in the existing median. The next median cut down is Lake Yvette East. So, it would be hard to get another median access between those.

Dixon:

Hard, but, not impossible.

Richmond:

Stay away from Lake Yvette.

Marston:

Yes, sir.

Laughter.

Dixon:

Mike, are you putting him on the firing line tonight? Is that what you are doing?

The issue of signs were then addressed. Mr. Chip Jones addressed the commissioners questions and concerns.

Discussion followed.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE RECOMMENDATIONS OF THE PLANNING COMMISSION TO APPROVE THE PRELIMINARY PLAT FOR HAMMOCK CREEK SUBDIVISION AS SUBMITTED WITH THE ACCESS FOR LOT # 6 FROM TUPELO COURT SUBJECT TO THE SPECIAL CONDITIONS AS NOTED BY THE STAFF. ALSO APPROVED WAS THE OPTION FOR ST. JOE TO USE THE NORTHERN ACCESS FROM US 90 TO LOT #6 AS AN ALTERNATE PLAN.

6. COUNTY EXTENSION DIRECTOR HENRY GRANT
DCA GRANT 02DB-88-02-30-22-002

Dr. Henry Grant referred to the attached grant agreement which will provide funding to accomplish the goals of Enterprise Zone Strategic Plan. The grant total is \$59,000.

Commissioner Roberson called attention to the fact that the grant refers to Carolyn J. Robinson as the Chairperson. She asked that it be amended to reflect the name of the current Chair - Bill

McGilll.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE SIGNATURE OF THE CHAIRMAN ON THE DCA AGREEMENT AS AMENDED.

7. COUNTY MANAGER'S AGENDA

Mr. McKinnon had nothing to report.

8. CONSENT AGENDA

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

- 1) SHIP Agreement and Special Assessment Lien - Verline Sweet
- 2) SHIP Agreement and Special Assessment Lien - Stolla Thomas
- 3) Gadsden County Roadway Resurfacing - Change Order # 19 - This change order decreases the amount of the contract by \$60,672.75 due to a reconciliation of the contract to correct errors. This change order brings the total contract price to \$5,987,990.44.
- 4) Gadsden County Roadway Resurfacing - Change Order # 20 - Additional resurfacing of various streets and paving of 17th Ave. This change order is in the amount of \$ 296,072.50 bringing the total of the contract to date to \$6,284,062.94.
- 5) Library Webmaster Contract - renewal with Avalon Creative Services - to be paid from Charge Grant.
- 6) Library Project Assistance Agreement with Suzanne Fay to provide assistance to the homework assistance website. To be paid from the Charge Grant.
- 7) Cooperative Recreation Equipment Lease with City of Chattahoochee - Apalachicola River Boat Landing Park
- 8) Library Partnership Agreement with PAEC - Migrant Education Program. Library Services & Technology Act Grant
- 9) Continuation of lease for Simon Scott Bldg. with Gadsden County Senior Citizens Center
- 10) Library Partnership Agreement with Gadsden County School

- District - Library Services & Technology Act Grant
- 11) Resolution No. 2002-010 supporting an amendment to FS 402.813 - DEP Permits - Representative Brown has proposed an amendment that would exempt the county from permits for paving certain existing bridges and roads.
 - 12) Chamber of Commerce January 2002 Economic Development Report
 - 13) Gadsden County Emergency Management Five Year Strategic Plan

10. CLERK'S AGENDA

Budget Amendments 02-03-05-01 Through 02-03-05-04

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

Ratification of the Approval to Pay County Bills

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

Hospital Bonds

Clerk Thomas reported that the last payment was made on the hospital bonds.

11. COMMISSIONER'S REPORTS

District 2 Report

Commissioner Watson had no report.

District 3 Report

Commissioner Roberson had no report.

District 4 Report

Commissioner Fletcher was not present.

District 5 Report

Commissioner Dixon had no report.

District 1 Report

Library Commission Appointment

____Commissioner McGill appointed Ms. Nora James to the Library Commission.

Resolution Supporting Increased Funding to Regional Planning Councils

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ADOPT THE RESOLUTION DESCRIBED ABOVE.

ADJOURNMENT

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

Bill McGill, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING/WORKSHOP
HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON MARCH 5,
2002, THE FOLLOWING BUSINESS
WAS HAD, VIZ.

PRESENT: W. A. (BILL) MCGILL, CHAIR
CAROLYN ROBERSON
STERLING WATSON (arrive at 5:20)
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

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

CALL TO ORDER

The meeting was scheduled to begin at 5:00 p.m. but a quorum was not achieved until 5:20 p.m. The meeting did not commence until 5:25.

Chair McGill called the meeting to order. He stated that the purpose of the meeting was to discuss rules for conducting the board meetings. He then turned the meeting over to Mr. Richmond.

Mr. Richmond called attention to the attached memo which identifies several areas of concern that he has about the way the meetings have been conducted with regard to some issues.

ABSENCES

Could a system be put into place whereby an absent commissioner could phone in and participate in the discussion and avoid delays in voting? It can be done and legally established. If the telephone procedure is adopted, it would eliminate the need to continue an issue.

Could a commissioner reserve his right to vote at a subsequent meeting? Such issue is legal and it can be adopted as a procedure. The judge ruled in the Walmart case that the procedure is proper and legal under the rules or lack of rules that the Board had in place.

Commissioner Watson stated that he would not be in favor of adopting the telephone procedure.

Commissioner Roberson also stated reservations about the telephone procedures.

Chair McGill called attention to the Web Cast type technology. He asked if it could be a possibility.

Mr. Richmond clarified that sometimes the voting is delayed on issues because there is not adequate information on which to base their vote. In those cases, there has always been a healthy respect from all commissioners to each other on matters such as that.

Commissioner Watson stated that he did not feel that the Board should continue an issue just because a commissioner could not make a meeting if it has been agendaed and the notices have gone out. He argued that if there is a quorum present, the business of the County should go forward.

Commissioner Roberson stated that the only time you could not move forward is when there is a 2 - 2 vote.

May a commissioner vote by proxy in advance? No, because you have to take into account the matters on the floor before you cast your vote. Many issues have to be based on competent substantial evidence during the meeting.

On a zoning issue, a 2 - 2 vote basically can be a nullity no matter how it comes down. If it is a 2- 2 vote to deny, it doesn't pass, so, the applicant can come back but the procedure he uses is up to this Board.

If it is 2 - 2 to pass, it still doesn't pass, but, he still has the right to come back. The prevailing party has the right to bring the issue back, but, in a 2 - 2, there is no prevailing parties.

There was a consensus to the following:

- 1) **When an issue is on the agenda and all notices have gone out, and a quorum is present at the meeting, the issue should not be continued because one commissioner is absent.** (The public would be present expecting to be heard.)
- 2) **The Board will adopt a rule that would automatically bring planning issues back to the board when the vote ends in a 2 - 2 vote - whether it is to deny or to**

approve. The absent commission may exercise a privilege vote at the following meeting, after having reviewed all the testimony and all matters of the quasi-judicial hearing. (The Board would not take any more testimony or evidence - only his/her vote.)

- 3) A commissioner may remove any issue from an agenda prior to it being made public. This rule would apply to any public notice for any meeting which falls under the auspices of the Board of County Commissioners. (It was noted that the Land Development Code requires that an agenda be made public for at least 10 working days.)
- 4) The chairman shall be allowed full voting privileges. (This includes but not limited to the right to second a motion.)
- 5) Procedures should not inhibit votes. The only time an issue can be tabled is when there is insufficient information upon which a commissioner can cast an informed vote.
- 6) Items that appear as Miscellaneous
- 7) When an applicant withdraws an issue from an agenda after it has been made public and notices have gone out, it cannot be re-agendaed again for 2 months. The applicant must pay the fees each time it is placed on the agenda. After the second time the issue is withdrawn from the agenda, the applicant must then wait 12 months before it will be placed on the agenda again.

Ms. Marion Lasley addressed the Board. She suggested that the only circumstance that a telephone vote could work in a meeting would be when the absent commissioner can interact with the Board and the audience either by audio or video and actually participate during the meeting.

She then asked if it is legal for the Board to limit the time and the number of people that can speak to an issue before

the Board. She reminded them that if a person is not allowed to speak or at least get their name and position on the record, they would not have legal standing on a project subsequent to that public hearing.

Mr. Ballister suggested that some type of "speaker cards" be filled out and given to the chairman. The cards could be entered into the record.

Ms. Lasley summarized her remarks by saying that she believes that there is a legal access problem that has existed and that the Board should address it while they are developing the procedures.

Mike Dorian stated that the Board has often asked the public not to be repetitive, yet, an attorney is allowed opening statements, questioning of witnesses and the summary remarks in quasi judicial proceedings. He suggested that if individuals are going to be limited that attorneys should also be limited.

Chair McGill was in favor of implementing the "speaker cards".

Commissioner Watson asked that the workshop be continued to until March 19, 2002 at 5:00 p.m.

Chair McGill declared the workshop adjourned at 6:00 p.m.

Bill McGill, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON MARCH 19, 2002, THE
FOLLOWING PROCEDURES WERE HAD,
VIZ.

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

1. CALL TO ORDER

Chair McGill called the meeting to order. Commissioner Fletcher led in pledging allegiance to the US Flag and Commissioner Dixon led in a prayer.

2. APPROVAL OF AGENDA

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

3. APPROVAL OF MINUTES

March 5, 2002 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.

4. DAVID MCLAIN - ACF WATER ALLOCATION

Mr. David McLain of the Apalachicola Bay and Riverkeepers in Eastpoint, FL addressed the Board. He explained that The State of GA has had a lawsuit before the courts for many years. They are trying to get the Army Corps of Engineers to reallocate the water from Lake Lanier which are being reserved by GA for the uses of the Atlanta, GA area. He said that the lawsuit is presently undecided.

AT A SPECIAL MEETING/WORKSHOP
OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON
MARCH 19, 2002, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: W. A. (BILL) MCGILL, CHAIR
STERLING L. WATSON, VICE-CHAIR
CAROLYN ROBERSON
EDWARD J. DIXON (ARRIVED AT 5:40 P.M.)
E. H. (HENTZ) FLETCHER (ARRIVED AT 5:50 P.M.)
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

CALL TO ORDER

Chair McGill called the meeting to order stating that it was a continuation of the workshop which began on March 5, 2002. He explained that the purpose of the meetings was to discuss certain procedures, practices and noticing that the Board might choose to adopt as guidelines by which it would conduct its meetings. He then turned the meeting over to County Attorney Hal Richmond.

Mr. Richmond recapped the discussions held at the workshop of March 5. He emphasized that there was only discussion and that no vote was taken.

- 1) Voting of an absent commissioner via telephone/video during a meeting was not acceptable.
- 2) The Chairman would be allowed full voting privilege including the right to make and second motions.
- 3) In the event of a 2 -2 tie vote, the absent commissioner may review the record and evidence of the meeting and cast a vote at a subsequent meeting.
- 4) When an issue is on the agenda and the notices have gone out and a quorum is present, the issue should not be continued just because one commissioner cannot be present. If, during the course of the meeting, the Board makes the determination that there has not been adequate information, then the issue can be tabled. Otherwise, the item cannot be pulled from the agenda once it has been noticed.
- 5) A petitioner or applicant (not a commissioner) who requested that the item be placed on the agenda may pull it from the agenda. However, it cannot be placed back on the agenda for

two months. After it has been on the agenda two times and pulled by the applicant, it cannot be re-agendaed for 12 months. The applicant must pay the costs associated with the notices after the first time it appears on the agenda.

Mr. Richard Thompson was recognized for comments. He stated that some issues are subject to State Statute notice requirements and others subject County Ordinance notice requirements. He especially addressed the public hearings that are mandated in addition to the Sunshine Act notice requirements. He suggested that they be mindful of those requirements as they develop rules of procedure. He suggested that a commissioner be allowed to table items from the consent agenda regardless of notice.

Ms. Marion Lasley asked if and when items are tabled (regardless of the reason), if it would have to be re-noticed in the newspapers.

Mr. Richmond replied that it has been the practice of the Board to announce the continuation of the issue to a future date and relied on the media to notice that it was continued without legal re-noticing. However, he stated that there are problems with that practice and the procedure will be clarified and corrected through the process of these workshops - especially with regard to mandatory requirements with Planning and Zoning issues.

It was suggested that matters that deal with the day to day administrative type issues that have no statutory notice requirements other than the Sunshine Act could be tabled.

When a member of the public brings a complaint to the Commission in a public meeting that has not appeared on the agenda, the Board will not hear the complaint until the other party has been noticed and can appear to defend his/her position.

There was a discussion as to the following:

- 1) Developing a plan to educate the public as to their rights on issues that come before the County Commission. It was suggested that an article should be placed in the local papers to let the public know that, when there is an issue on the agenda before the Board, they have the right to address the issue in person or in writing.

- 2) Notices of all meetings should be placed on the front and back doors of the Edward J. Butler Building, all doors of the courthouse and city halls.
- 3) At every quasi-judicial hearing, there should be a brief announcement made which will inform the public of their rights to either speak to the issue or respond in writing to preserve their rights.
- 4) Some type of visual information should be permanently posted where it can be easily seen informing the public of the agenda issues. Some type of sign-in card or sheet should be made available for citizens to fill out and request to be heard on specific issues either in person or in writing.
- 5) The subject of a special master was discussed but not considered as something the Board would want to do.

Notice of Comprehensive Plan Issues

FL Statutes require that the County give advertised notice of two public hearing at least two weeks in advance. In addition, the Land Development Code requires that notice be mailed to people who live within 1,000 ft. of the affected change.

There was discussion as to the following:

- 1) Adopting a policy that would require the County to place larger advertisements in the newspapers in language that the population can better understand. It was also suggested that the advertisement include maps that readily demonstrate the location of a proposed change which would include the surrounding properties.
- 2) Change the practice of mailing notices to citizens regarding proposed land use changes, etc. It was suggested that it be changed to require that notices be mailed to property owners within 3,000 ft. of the affected area rather than 1,000 ft.
- 3) If the Board should decide that an issue is of such significance, it may waive the normal notice requirements. However, the "fast track" should be defined and qualified so as to benefit the public good. Additionally, the Board should go beyond the normal practice and legal limits to encourage the public

participation when such matters arise - enlarge the size of the usual newspaper ad and send written notices via US Mail to the affected parties within a greater perimeter than the normal 1,000 feet.

- 4) In addition to the statutory requirements for notice, the Board should always consider the people who will be affected and make good faith attempts to get them noticed of the meeting so they can be heard on a particular item.
- 5) Change the deadline date for items to be submitted for the agenda so as to give ample time to make the community service announcements and/or advertisements in the local newspapers within at least a week in advance of each meeting.
- 6) Develop a policy to increase the exposure and prominence of the newspaper advertisement for land use changes and development issues with regard to the length and size of advertisements.

Directions to the County Attorney and County Manager

The Board instructed the staff and Mr. Richmond to develop written policies based on the discussions had at this meeting and on March 5, 2002. Those policies should be presented to the Board at the next regular meeting and then a decision will be made as to whether another workshop will be needed. Those policies should include how to go about advertising the regular commission meetings, how much information to include in the advertisements regarding specific agenda items, how much of the agenda to be included in the advertisements and a recommendation as to a deadline for having agenda items submitted to the county manager's office.

The proposed policies should include the Library Commission, Planning and Zoning Commission, Economic Development Commission, and all other boards appointed by the County Commission.

Gadsden County Board of County Commissioners
March 19, 2002 Workshop

THE WORKSHOP MEETING WAS ADJOURNED AT 6:00 P.M.

BILL MCGILL, CHAIR

NICHOLAS THOMAS, CLERK

Gadsden County Board of County Commissioners
March 19, 2002 Regular Meeting

He went on to say that Florida requested to intervene in the lawsuit as an affected party. Florida is trying to get the Corps to allow those unused reserved waters to come on down stream. The Courts initially denied Florida the opportunity to intervene, but the denial is being appealed.

In the meantime, negotiations have been ongoing with FL, AL, GA and the Corps of Engineers regarding the down stream flow of the rivers and the amount of water that can be held in reservoirs for water uses in various areas.

GA desires to reserve and use water from Lake Lanier for water uses in the Atlanta area without any commitment to return a comparable amount.

FL would like for the Army Corp. of Engineers to release more waters to the stream that eventually supplies FL. FL would also like for GA to commit to returning at least 62% of the water they take from Lake Lanier to the streams.

AL has voted assentingly for GA in the negotiation process over the years.

Mr. McLain went on to say that if GA is successful in getting a favorable ruling in their court case, they (GA) would not need to bargain any further for the Apalachicola/Chattahoochee/Flint water allocation and flows.

The most recent negotiation discussion was held on March 18th, 2002 at which time FL took the position that, if GA would not agree to return 62% of the water they take from Lake Lanier, they (FL) would withdraw from the negotiations. He said that the Tallahassee Democrat had reported that the talks had broken down and the three states had reached an impasse.

However, Mr. McLain went on to explain that the GA judge has now accepted an appeal by Florida to be reinstated as an entity of interest in the court case. At the present time, FL, GA and the Corps of Engineers is still arguing about the water coming out of Lake Lanier. For that reason, Secretary Struhs has extended the negotiation period for 90 days.

Mr. McLain then stated that he believes that there are some problems with the proposal that FL has on the negotiation table. The problems are detailed in the attached letter. He said that his

Gadsden County Board of County Commissioners
March 19, 2002 Regular Meeting

letter contains some suggestions for substitution of words in the proposal. He then stated that he did not have a course of action to recommend to the Gadsden County Commission, but, he would send another letter with a recommendation after he has had time to further assess the proposal on the table. He stated that the coalition effort put forth by Gadsden and other surrounding counties has had an influence in determining the facts which are involved in the negotiation process.

Chair McGill asked Mr. McLain to explain Item No. 3 of the attached memorandum.

Mr. McLain replied "What that refers to, sir, is under the current agreements in the Tri-State Compact, there will be a 60-day period for public comment once the three states agree, which is apparently, now, a good ways away."

Mr. McGill then asked "How will that be noticed?" He answered, "It will be noticed by the State of Florida and it will certainly be - and, I am on the formal stakeholder list and I will certainly be noticed. I would think the counties would be as well, but, I will confirm that. If I get it, you will get it."

Chair McGill then asked how the general public will be noticed. Mr. McLain replied "I can't answer that. I don't know how to answer that, sir."

Further discussion followed.

He concluded his remarks by saying that he would inform the Board of subsequent changes and recommendations.

5. COUNTY ATTORNEY'S AGENDA

____Mr. Richmond reported that the Court has dismissed the petition by the City of Midway against the County regarding the asphalt plant. However, he said that the Court gave Midway 10 days in which to file an amended petition.

6. PURVIS, GRAY AND COMPANY - INDEPENDENT AUDITOR'S REPORT FOR FY SEPTEMBER 30, 2001

Chris Moran, CPA with Purvis Gray and Company, addressed the Board. He presented the annual audit for the County. He said that they had given the County and unqualified opinion which is the

Gadsden County Board of County Commissioners
March 19, 2002 Regular Meeting

highest level of assurance that the county could receive from a CPA Firm as to the accuracy of the financial statements being presented.

He pointed out the following facts:

- 1) Total revenues in the general fund - \$9.6 million
- 2) Total expenditures - \$4.9 million; transferred out to other funds and constitutional officers \$4.7 million which resulted in an increase of the fund balance of \$99,708
- 3) Special revenue funds which now include all five constitutional officers, EMS, Fine & Forfeiture, Solid Waste, Road & Bridge - \$14,942,000
- 4) Special revenue expenditures - \$20,140,000 (Operating transfers in of \$9.9 million and transfers out of \$1.3 million) As a whole, there was an increase of \$167,000
- 5) Debt Service had a loss of \$25,000 but it was the old jail bond fund
- 6) Un-designated fund balance of \$2.8 million in general fund and \$7.2 million in special revenue fund balance.
- 7) Total revenues of \$24,566,000 and \$10.2 million in fund balance
- 8) The hospital bonds were paid off in March 2002. There are no more outstanding bonds.
- 9) 12 loans for public works equipment was paid off totaling \$604,000 leaving a balance of \$2.5 million (Of that 1.3 million is accrued annual leave and will never actually be paid off) \$732,000 of the balance will be paid off in the 2002 budget and an additional \$231,000 in 2003. By the end of the current fiscal year, the total debt service for the County will be less than \$500,000.

Mr. Moran stated that the economy had turned down significantly prior to the September 11th tragedy, but, Gadsden County had a surplus of \$99,000 at the end of the year, despite the economy. He said that it may not seem like a lot, but, given the down turn in state revenue sharing, a fund balance was a major accomplishment.

He then referenced the management letter comments in the report.

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

ANNUAL AUDIT REPORT.

7. COUNTY ROAD 65 REALIGNMENT - PREBLE-RISH ENGINEERS

Mr. Joe Miller, engineer with Preble-Rish addressed the Board. He told them of the proposed realignment of CR 65. He said that the County applied for a grant as part of the Small County Outreach Program through the FL Department of Transportation (DOT) 2002 for 75/25 funding allocation. He referenced the Joint Participation Agreement (JPA).

He reported that there will be impacts on some wetlands which will have to be mitigated. Through discussion with the City of Quincy, the utilities will stay in place as Englehard agreed to give the City an easement to the utilities' site.

The total budget for the project is \$970,312 which includes \$242,578 from the County as an in-kind contribution. (Hauling of fill dirt etc.)

Mr. Miller demonstrated the project on the attached map.

Discussion followed.

Mr. McKinnon reminded the Commissioners that Englehard owns most of the rights-of-way that the State needs to build the access road from US 90 over to CR 12. As discussed in previous meetings, Englehard agreed to donate the money that they would receive for the rights-of-way to the County and the County could use that money to offset the paving costs for C & E Farm Road. Englehard also indicated that they would help in preparing the road bed.

It was stated that, ultimately, there will be a paved road from US 90 all the way over to CR 65.

Mr. McKinnon clarified that before the County could go forward, there would have to be public hearings on the matter. He recommended that he be allowed to ascertain when the JPA must be submitted to DOT.

See the attached information for further details.

Ms. Marion Lasley was recognized for comments. She suggested that when the matter comes before the Board again, that the engineers or staff bring a map which will demonstrate the bypass

road and it's relationship to this project.

Commissioner Dixon raised questions regarding the City's gas fields.

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

No action was taken.

8. PUBLIC LIBRARY - GRANT FOR CONSTRUCTION OF NEW LIBRARY

County Librarian Jane Mock addressed the Board. She referenced the attached application and asked for authority to submit it for a Library Construction Act Grant for the proposed Quincy Library construction. She explained that the grant is a cash match grant and the application must be postmarked no later than April 1, 2002. She asked the Board to approve the Resolution 2002-018 which assures the granting agency that the matching funds will be available and unencumbered at the time of the award. It also provides assurance for the unconditional use of the site which is to be used for a Library.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER FLETCHER TO APPROVE THE RESOLUTION AND GRANT APPLICATION.

Discussion followed.

Ms. Nancy Gee, Gadsden County Grant Coordinator, addressed the Board. She told the Board of several sources where the County might find additional grant funds. She told them of the USDA Rural Development - Communities Facilities Guaranteed Loan Program. She said that it basically is a grant/loan program for up to \$450,000. If the County goes forward with the library construction, the County can apply for the loan through an electric cooperative such as Talquin Electric. The grant/loan would be configured for 10 years with a 0% interest rate.

Ms. Gee then told of a second option which would be to obtain a grant/loan for 20 years at an interest rate of 4.75%. It is a federal grant and would require a 20% match.

Ms. Gee then called attention to the information in the agenda packet regarding funding resources.

Commissioner Watson asked if the County could go through Talquin Electric for the \$450,000 for 10 years at 0% and also go with the second option for the balance. Ms. Gee stated that both could be done.

Discussion followed.

THE BOARD VOTED 5 - 0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

9. COUNTY MANAGER'S AGENDA

Mr. McKinnon had nothing to report.

10. CONSENT AGENDA

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

- 1) Award of Bid No. 02-01 to Helical Corrugated Steel Pipe
- 2) EMS Agreement with Southwest Georgia Technical College Student Agreement
- 3) Change Order to Contract with C.W. Roberts for resurfacing of Boyd and Laing Streets in Havana
- 4) Amendment to Agreement for Pumper Truck Purchase for Greensboro Fire Department
- 5) E-911 Road Name Change - from Williams St. to Williams Ave.
- 6) Rehabilitation Agreement and Special Assessment Lien - Clifford Carswell
- 7) Satisfaction of Housing Rehabilitation Agreement - Phyllis D. Lewis
- 8) Notice from Governor's Office - Approval of Enterprise Zone Designation

11. CLERK'S AGENDA

Request for Conceptual Approval for Additional Courtroom Space

Clerk Thomas referenced a memo to the Board from him regarding the need for a third courtroom. He explained his proposal for a three-phase plan which would encompass the following: 1) relocation of the Public Defender's office whenever a suitable space can be obtained; 2) construction a courtroom using county staff in the space currently occupied by the Public Defender's

office; 3) renovation of the courthouse courtroom and removal of the partition. He then asked for conceptual approval for the plan.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE CONCEPTUAL PLAN FOR ADDITIONAL COURTROOM SPACE AS PRESENTED BY THE CLERK.

Budget Amendments 2002-03-19-01 through 02-03-19-07

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

Ratification of the Approval to Pay County Bills

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

12. COMMISSIONER'S REPORTS

District 2 Report

Commissioner Watson asked if there had been any communication with Bud's Liquor asking them to clean up the county's parking lot on the weekends.

Mr. McKinnon stated that he would follow up on that request.

District 3 Report

Commissioner Roberson had no report.

District 4 Report

Commissioner Fletcher had no report.

District 5 Report

Commissioner Dixon had no report.

District 1 Report

Appreciation Plaque to County Manager

Chair McGill presented a plaque to Mr. McKinnon who has now served as the County Manager for five years. He expressed sincere appreciation to Mr. McKinnon for his years of service to the County Commission and to the citizens.

There was applause.

Renovation of Commission Chambers

Chair McGill made some suggestions to enlarge and improve the Commission Chambers. He also asked that a bench be placed outside the building for employees who are on break.

Enterprise Zone

Chair McGill announced that the County had received official notification of its designation as a Florida Enterprise Zone Community.

ADJOURNMENT

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

BILL MCGILL, CHAIR

ATTEST:

NICHOLAS THOMAS, CLERK

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON APRIL 2, 2002, THE
FOLLOWING PROCEDURES WERE HAD,
VIZ.

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

1. CALL TO ORDER

_____Chair McGill called the meeting to order. County Manager led in pledging allegiance to the US Flag. Commissioner Roberson led in a prayer.

2. APPROVAL OF THE AGENDA

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

3. COUNTY ATTORNEY'S AGENDA

Mr. Richmond referenced the attached memo regarding proposed rules dealing with the way the Board conducts its meetings.

Commissioner Watson called attention to No. 3. He suggested that a sentence be added requiring a majority vote of the Board to table an item.

Hiring of David Theriaque, Attorney

Mr. Richmond reported that the Metropolitan Church has filed a Writ of Certiorari regarding the approval of the asphalt plant in Midway. He said that the judge will review it and issue an order

AT A SPECIAL MEETING/WORKSHOP
OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON
MARCH 19, 2002, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: W. A. (BILL) MCGILL, CHAIR
STERLING L. WATSON, VICE-CHAIR
CAROLYN ROBERSON
EDWARD J. DIXON (ARRIVED AT 5:40 P.M.)
E. H. (HENTZ) FLETCHER (ARRIVED AT 5:50 P.M.)
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

CALL TO ORDER

Chair McGill called the meeting to order stating that it was a continuation of the workshop which began on March 5, 2002. He explained that the purpose of the meetings was to discuss certain procedures, practices and noticing that the Board might choose to adopt as guidelines by which it would conduct its meetings. He then turned the meeting over to County Attorney Hal Richmond.

Mr. Richmond recapped the discussions held at the workshop of March 5. He emphasized that there was only discussion and that no vote was taken.

- 1) Voting of an absent commissioner via telephone/video during a meeting was not acceptable.
- 2) The Chairman would be allowed full voting privilege including the right to make and second motions.
- 3) In the event of a 2 -2 tie vote, the absent commissioner may review the record and evidence of the meeting and cast a vote at a subsequent meeting.
- 4) When an issue is on the agenda and the notices have gone out and a quorum is present, the issue should not be continued just because one commissioner cannot be present. If, during the course of the meeting, the Board makes the determination that there has not been adequate information, then the issue can be tabled. Otherwise, the item cannot be pulled from the agenda once it has been noticed.
- 5) A petitioner or applicant (not a commissioner) who requested that the item be placed on the agenda may pull it from the agenda. However, it cannot be placed back on the agenda for

two months. After it has been on the agenda two times and pulled by the applicant, it cannot be re-agendaed for 12 months. The applicant must pay the costs associated with the notices after the first time it appears on the agenda.

Mr. Richard Thompson was recognized for comments. He stated that some issues are subject to State Statute notice requirements and others subject County Ordinance notice requirements. He especially addressed the public hearings that are mandated in addition to the Sunshine Act notice requirements. He suggested that they be mindful of those requirements as they develop rules of procedure. He suggested that a commissioner be allowed to table items from the consent agenda regardless of notice.

Ms. Marion Lasley asked if and when items are tabled (regardless of the reason), if it would have to be re-noticed in the newspapers.

Mr. Richmond replied that it has been the practice of the Board to announce the continuation of the issue to a future date and relied on the media to notice that it was continued without legal re-noticing. However, he stated that there are problems with that practice and the procedure will be clarified and corrected through the process of these workshops - especially with regard to mandatory requirements with Planning and Zoning issues.

It was suggested that matters that deal with the day to day administrative type issues that have no statutory notice requirements other than the Sunshine Act could be tabled.

When a member of the public brings a complaint to the Commission in a public meeting that has not appeared on the agenda, the Board will not hear the complaint until the other party has been noticed and can appear to defend his/her position.

There was a discussion as to the following:

- 1) Developing a plan to educate the public as to their rights on issues that come before the County Commission. It was suggested that an article should be placed in the local papers to let the public know that, when there is an issue on the agenda before the Board, they have the right to address the issue in person or in writing.

- 2) Notices of all meetings should be placed on the front and back doors of the Edward J. Butler Building, all doors of the courthouse and city halls.
- 3) At every quasi-judicial hearing, there should be a brief announcement made which will inform the public of their rights to either speak to the issue or respond in writing to preserve their rights.
- 4) Some type of visual information should be permanently posted where it can be easily seen informing the public of the agenda issues. Some type of sign-in card or sheet should be made available for citizens to fill out and request to be heard on specific issues either in person or in writing.
- 5) The subject of a special master was discussed but not considered as something the Board would want to do.

Notice of Comprehensive Plan Issues

FL Statutes require that the County give advertised notice of two public hearing at least two weeks in advance. In addition, the Land Development Code requires that notice be mailed to people who live within 1,000 ft. of the affected change.

There was discussion as to the following:

- 1) Adopting a policy that would require the County to place larger advertisements in the newspapers in language that the population can better understand. It was also suggested that the advertisement include maps that readily demonstrate the location of a proposed change which would include the surrounding properties.
- 2) Change the practice of mailing notices to citizens regarding proposed land use changes, etc. It was suggested that it be changed to require that notices be mailed to property owners within 3,000 ft. of the affected area rather than 1,000 ft.
- 3) If the Board should decide that an issue is of such significance, it may waive the normal notice requirements. However, the "fast track" should be defined and qualified so as to benefit the public good. Additionally, the Board should go beyond the normal practice and legal limits to encourage the public

participation when such matters arise - enlarge the size of the usual newspaper ad and send written notices via US Mail to the affected parties within a greater perimeter than the normal 1,000 feet.

- 4) In addition to the statutory requirements for notice, the Board should always consider the people who will be affected and make good faith attempts to get them noticed of the meeting so they can be heard on a particular item.
- 5) Change the deadline date for items to be submitted for the agenda so as to give ample time to make the community service announcements and/or advertisements in the local newspapers within at least a week in advance of each meeting.
- 6) Develop a policy to increase the exposure and prominence of the newspaper advertisement for land use changes and development issues with regard to the length and size of advertisements.

Directions to the County Attorney and County Manager

The Board instructed the staff and Mr. Richmond to develop written policies based on the discussions had at this meeting and on March 5, 2002. Those policies should be presented to the Board at the next regular meeting and then a decision will be made as to whether another workshop will be needed. Those policies should include how to go about advertising the regular commission meetings, how much information to include in the advertisements regarding specific agenda items, how much of the agenda to be included in the advertisements and a recommendation as to a deadline for having agenda items submitted to the county manager's office.

The proposed policies should include the Library Commission, Planning and Zoning Commission, Economic Development Commission, and all other boards appointed by the County Commission.

Gadsden County Board of County Commissioners
March 19, 2002 Workshop

THE WORKSHOP MEETING WAS ADJOURNED AT 6:00 P.M.

BILL MCGILL, CHAIR

NICHOLAS THOMAS, CLERK

to "show cause" to the County if he feels it is appropriate. He pointed out that the County has utilized Mr. David Theriaque to represent the County in such matters before.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO HIRE DAVID THERIAQUE TO REPRESENT THE BOARD IN THE LAW SUIT FILED AGAINST THE COUNTY BY METROPOLITAN CHURCH.

4. PLANNING AND ZONING ISSUES

There was a consensus of the Board to hold workshops on May 14 and 28 at 6:00 p.m. to review the Comprehensive Plan changes and general revision to the Land Development Code.

5. ROBERT SENIORS - SQUARE BIZ - SPRING LUAU

Mr. Robert Seniors addressed the Board. He requested a waiver of the alcohol restriction of the Outdoor Festival Ordinance for the Spring Luau on April 20 at the Sheffield Ranch. He cited the past good standing record of the Luau. He stated that it has been held each year since 1997 and each year Tri-Eagle and Budweiser have helped to promote the event and helped it to grow into a positive event.

He asked the Board to look at the facts associated with the event. There have been no issues from law enforcement as to alcohol abuse, arrests, or DUI's in the past. He stated that the main problem has been the overwhelming traffic and parking issues. However, this year they have a very adequate plan in place with the Florida Highway Patrol, Department of Transportation and the Sheriff's office.

Commissioner Dixon stated that he felt the alcohol restriction was unfair and it does not resolve any problems that have been experienced at the Luau in the past. He said that the promoters have worked diligently to resolve the past outstanding issues - traffic and parking. He pointed out that the best in law enforcement will be present along with the DOT people. He then stated that there is already ample signage erected for the event. He also said that he felt the restriction was placed in the ordinance to only affect this single event in the County.

Discussion followed.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO DENY THE REQUEST FOR A WAIVER OF THE ALCOHOL RESTRICTION FOR THE SPRING LUAU AT SHEFFIELD. COMMISSIONERS WATSON, ROBERSON AND FLETCHER VOTED IN FAVOR OF THE DENIAL. COMMISSIONERS DIXON AND MCGILL OPPOSED.

6. NADER TALA (KELLY'S # 6)

_____The petitioner was not present.

Temporary Permission for Tomato Market for 2002

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO DENY THE TEMPORARY PERMISSION FOR THE TOMATO MARKET. COMMISSIONERS WATSON, ROBERSON AND FLETCHER VOTED IN FAVOR OF THE MOTION TO DENY. COMMISSIONER DIXON CAST THE LONE DISSENTING VOTE.

7. COUNTY MANAGER'S AGENDA

Public Hearing for Re-aligning CR 65

Mr. McKinnon reported that the Joint Participation Agreement for the DOT grant to re-align CR 65 must be filed by the end of May. He said that hearings can be scheduled for early May and have it completed well in advance of the deadline.

There was a consensus to have the public hearings at a regular meeting of the Board on May 7.

There will be notification through large newspaper advertisements in layman's terms. There will also be written notices mailed to those people who live along CR 65 that will be directly impacted by the re-alignment. It was agreed that the roadway should be referred to as Madison St. and Attapulgis Highway. There should also be a map included in the notice that will be easily recognized.

8. 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) Old Federal Ranch Subdivision - Development Order
- 2) Rental Fees for the Agri-Center
- 3) C. W. Roberts Change Order # 21 - resurfacing of Uptain Road and Mt. Hosey Church Road
- 4) DCA Grant Agreement for Training and Education for Combating Terrorism - #02-PR-70-07-38-22-002
- 5) Emergency Management Five Year Strategic Plan
- 6) Panhandle Adult Literacy - Continuation of Memorandum of Agreement - Gadsden County Library
- 7) ACF Water Allocation - Letter to Commissioner of Department of Environmental Protection
- 8) Adopt-A-Road Litter Removal Agreement - Clayton Containers, Inc. - Selman Road
- 9) Satisfaction of Housing Rehabilitation Agreement - Patricia D. Gibson
- 10) Contract for Housing Rehabilitation Work - Clifford Carswell
- 11) Contract for Housing Rehabilitation Work - Henry and Bernice A. Martin
- 12) Rehabilitation Agreement and Special Assessment Lien - Henry and Bernice A. Martin
- 13) DOT County Incentive Grant Program Agreements:
 - Resolution # 2002-012 Resurfacing Concord-Bainbridge Linking CR 12 to SR 27
 - Resolution # 2002-013 Union Chapel Road Linking CR 274 and CR 65A
 - Resolution # 2002-014 Hardaway Highway Linking Atwater Road and CR 269
 - Resolution # 2002-015 Post Plant Road Linking SR 12 and CR 161
 - Resolution # 2002-016 Resurfacing Sycamore Road Linking Liberty County and CR 270
 - Resolution # 2002-017 Resurfacing Bassett Road from SR 12 to CR 268
- 14) Chamber of Commerce - February 2002 Economic Development Report

9. CLERK'S AGENDA

Budget Amendment 02-04-02-01

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY

COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE ABOVE STATED BUDGET AMENDMENT.

Ratification of Approval to Pay County Bills

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

10. COMMISSIONERS REPORTS

District 2

Commissioner Watson had no report.

District 3 Report

Commissioner Roberson had no report.

District 4 Report

Commissioner Fletcher had no report.

District 5 Report

Commissioner Dixon stated that he would like to look at a report that would address re-districting for the County and whether the current districts are in compliance with regard to the populations.

The County Manager was asked to look into the matter and report back at the next meeting.

District 1 Report

Senate Bill 1906 - Dealing with Growth Management

Chair McGill asked for the authority for the County Manager to draft a response to be sent to the Governor encouraging him to veto the Senate Bill 1906.

This was withdrawn from consideration since it was not in the agenda packets.

**Proclamation # 2002- Proclamation and Pledge of Civility in
the Month of May 2002**

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER
FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE
PROCLAMATION DECLARING MAY AS THE MONTH OF CIVILITY.

**Municipal Tax Consulting & Management - Hidden Tax Recover -
Letter of Agreement**

_____Chair McGill called attention to the letter from Municipal Tax
Consulting Company regarding the possibility of recovering some
indirect taxes that may have been collected by vendors dealing with
the County. He stated that it would not cost the County anything.

_____Mr. McKinnon explained that there is a provision in State Law
that if materials are bought by a contractor that deals with the
State, and they collected sales tax that were then passed along to
the government, there is a procedure through which the money can be
recovered. Municipal Tax Consulting & Management is a tax
consulting firm which specializes in the recovery of such taxes.
Their fee is a percentage of what they are able to collect for the
County in refunds.

Chair McGill then asked for authority to sign the agreement.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY
COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE,
TO APPROVE THE ABOVE STATED LETTER OF AGREEMENT. (ATTACHED)

ADJOURNMENT

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

BILL MCGILL, CHAIR

ATTEST:

NICHOLAS THOMAS, CLERK

AT THE REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON APRIL 16, 2002, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

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

ABSENT: EDWARD J. DIXON

1. CALL TO ORDER

Chair McGill called the meeting to order. Commissioner Fletcher led in pledging allegiance to the US Flag and County Manager Howard McKinnon led in a prayer.

2. APPROVAL OF THE AGENDA

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

3. APPROVAL OF MINUTES

March 5, 2002 - Special Meeting/Workshop
March 5, 2002 - Regular Meeting
March 19, 2002 - Special Meeting/Workshop
April 2, 2002 - Regular Meeting

Chair McGill asked that the minutes of April 2, 2002 be amended to reflect that he voted in favor of the motion to deny the request for temporary permission for Nader Tala (Tomato Market) at Kelly's # 6. The vote should have been 4 - 1 in favor of the motion to deny with Commissioner Dixon casting the lone dissenting vote.

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

4. COUNTY ATTORNEY'S AGENDA

Walmart Law Suit

Mr. Richmond reported that the time limits had expired for any appeals on the Board's decision on the Walmart Supercenter. He said that the project could now go forward.

Condry-Morgan Lawsuit (97-595-CAA - Old School Lounge)

Mr. Richmond reported that an Order of Voluntary Dismissal was filed in the above stated lawsuit filed by Ms. Eunice Condry-Morgan. He said that the second lawsuit was filed in addition to her petition for Writ of Certiorari which was disposed of three years ago.

5. PLANNING AND ZONING ISSUES

Peacock's Idlewilde Fish Camp - Parking Plan Approval - 01-PZ-61-209-5-09

Mr. Ballister stated that he had written to Mr. Peacock advising him that the Board would discuss the parking plan for his fish camp at this meeting. However, Mr. Peacock was not present.

He recalled that the Board made a determination that the Lake Talquin project was a grandfathered use and the Board had instructed him to work with Mr. Peacock on a parking plan and bring it back to the BCC for final approval. (See attachment)

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE PARKING PLAN AS ATTACHED.

Mr. Peacock had also made a request for a waiver of the "no alcohol sales in residential and agricultural zones" but it was not addressed.

Lodestar Towers - Abandonment - 99PZ-63-204-4-12; 99PZ-64-208-4-12; 99PZ-65-207-5-12; 99PZ-66-206-1-12

Mr. Ballister told the Board that the above cell tower sites were approved in January of 2000 for Lodestar Communications and they have since been sold to SpectraSite. He explained that the towers have been in place and unoccupied since the summer of 2000.

Gadsden County Board of County Commissioners
April 16, 2002 Regular Meeting

He went on to say that Subsection 5812 of the Land Development Code provides that, "if a tower has been discontinued for one hundred eighty (180) days, it shall be deemed to be abandoned."

Mr. Ballister stated that since there are no vendors utilizing the towers, he wrote to Lodestar/SpectraSite advising them of the abandonment clause and asked them to respond as to why they should not be required to dismantle the towers.

Mr. Ballister was administered an oath by Mr. Richmond as to the testimony he had just given. (Mr. Richmond is a Notary Public licensed by the State of Florida.)

Todd Griffin, National Zoning Manager for SpectraSite Communications addressed the Board and was administered an oath by Mr. Richmond.

Before proceeding further, Mr. Richmond explained that this meeting was considered to be a quasi-judicial hearing and sworn testimony could be taken. He then said that all parties had the right to call witnesses and ask questions of all witnesses.

Mr. Griffin introduced Andy Christian, Regional Sales Manager for Florida and Puerto Rico, and Walter Wolf who were also present to speak to the issue. They were both administered oaths by Mr. Richmond.

Mr. Griffin stated that SpectraSite Communications is one of the top three independent tower owners and operators in the United States. SpectraSite only recently acquired the Lodestar towers as well as Nextel, Southwestern (inaudible) and Cingular. Since the acquisition has been so recent, they had not had time to do a thorough assessment of the original conditions of the towers in question. He said that the legal contractual arrangement between SpectraSite and Lodestar was a complex deal with a substantial investment. He asked for an extension of up to 90 days.

Mr. Griffin submitted a letter from Marc Schuh regarding the collocation of equipment on the towers.

Chair McGill asked if there was anyone present in opposition to the towers. There was no response.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO GIVE

SPECTRASITE UP TO 90 DAYS EXTENSION TO OBTAIN USERS FOR THEIR TOWERS.

*******UNAGENDAED ITEM - PLAY LAND DREAMS DAYCARE CENTER**

Chair McGill stated that he had received many calls regarding the placement of a new daycare center in Havana. He said that he realized that it was a use by right (because the area was zoned as an Urban Service Area. (USA) However, he said that the public does not understand it. He asked Mr. Ballister to look for some way to explain that to the people who might be affected by it.

Mr. Ballister stated, for the record, that he had notified the community. He said that the 1,000 ft. notices were mailed out and the residents were told that the matter would be considered by Planning and Zoning on April 3. After the notices were mailed, Mr. Ballister stated that he came to realize that the area was zoned USA and that the petitioner could locate there as a use by right without review by either Board. He then went on to say that since the notices had already gone out, the Planning Commission took their comments even though they could take no action on it.

Mr. Ballister then said that some of the residents appeared at the P & Z meeting on April 3 and their comments were heard by the applicant and the Commission. He also said that he tried to explain the issue then.

He suggested that the Code could be revised to state that any uses in an Urban Service Area other than residential uses are automatically Class 2 or Type 2 Reviews that will require public hearings because it can change the character of a neighborhood. However, he stated that child care centers operate and coexist in residential neighborhoods very well.

Chair McGill suggested that there should have been a follow-up letter telling the residents that they had been notified of the meeting in error. He suggested that some explanation could also have been made about why it was a use by right and just what an Urban Service Area designation means.

Carl Lee Jackson addressed the Board. He stated that he lived in the neighborhood where the daycare center is being located. He said that he received a letter telling him that the matter would be heard at this County Commission meeting. He then stated that it appeared to him that there may have been some

maneuvering behind the scene to get the center approved. He suggested that if there was a mistake made in sending the notices, it should have been followed up with a letter stating that they were sent in error. He stated for the record that he was opposed to it. He said "Every time you bring in a business, it lowers your property value. We have one in our area already. A daycare. Now, you are bringing a second one in there. And, that lowers my property value and I don't think we were treated right. We were wronged one way then somebody found a loop hole in the law and then they changed it without letting us know. I don't think that it is right to me, as a citizen."

6. PUBLIC WORKS AGENDA

Small County Road Assistance Program

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE PROJECT FOR THE SMALL COUNTY ROAD ASSISTANCE PROGRAM AS FOLLOWS:

- 1) COUNTY ROAD 268 - SOLOMAN DAIRY ROAD FROM SR 10 IN QUINCY TO SR 10 IN GRETN
- 2) HIGH BRIDGE ROAD FROM SR 10 IN MIDWAY TO JOE ADAMS ROAD IN QUINCY
- 3) CANE CREEK ROAD FROM CR 65B - OLD FEDERAL ROAD TO SAWDUST ROAD

7. COUNTY MANAGER'S AGENDA

Mr. McKinnon stated that the County's dumpster program had begun at several sites. He said that others will be placed and there will be more information going out soon.

8. CONSENT AGENDA

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

- 1) Walmart Development Order 01PZ-32-207-5-05
- 2) Midway Business Park Development Order 01PZ-27-201-1-04
- 3) Amendment to increase the Commodity Contract to \$8,932.00

- 4) Letter supporting Arnett Chapel AME Church Historical Resources Grant-in-Aid Application
- 5) DCA Agreement - Contract Number 02DB-88-02-30-22-002-Gadsden County Development Council
- 6) Gadsden County Roadway Resurfacing Change Order No. 22 Resurfacing of Laing Street, Boyd Street, Watson Road, Post Plant Road and Union Chapel Road
- 7) Rehabilitation Agreement and Special Assessment Lien - John Henry Walker
- 8) Contract for Rehabilitation Work - John Henry Walker
- 9) Rehabilitation Agreement and Special Assessment Lien - Donald and Lizbeth Murphy
- 10) Grant Agreement for the Second Judicial Circuit Guardian Ad Litem Program
- 11) Request from Contingency - Probation Department Part-time Clerical Assistance
- 12) Resolution 2002-021 Bell and Bates 100 Year Celebration
- 13) Resolution 2002-022- Florida Boating Improvement Program Grant - Ratification of Approval
- 14) Interlocal Agreement with City of Chattahoochee - Florida Boating Improvement Program
- 15) Proposed Park at Quincy's Industrial Park - Resolution 2002-023 and Lease
- 16) Reappointment of Mr. Charles Thrash to Industrial Development Authority

9. CLERK'S AGENDA

Ratification of the Approval to Pay County Bills

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

10. COMMISSIONERS REPORTS

District 2 Report

Commissioner Watson called attention to the fact that many of the municipalities are installing water wells in the Oak Grove Community west of Mt. Pleasant. He asked if there is some way that the County can have input into how many wells are going out into the county.

Gadsden County Board of County Commissioners
April 16, 2002 Regular Meeting

Mr. Richmond stated that Commissioner Roberson had already asked him to look into it. He said that he still does not have a firm grasp on the issue, but, he would continue to look into it.

Commissioner Watson stated that there have been some residential wells that have gone dry and pond levels have dropped significantly. He said that he could not help but wonder if there is a co-relation.

Mr. Richmond said that he has not been able to determine if the Northwest Florida Management District had preempted all local government intervention since it is a constitutional entity.

Commissioner Fletcher stated that the Bay County Commissioners had a lot of input into some issues there regarding water supplies.

Mr. Richmond stated that he would look into preparing an ordinance that will set up some type of enforcement.

Commissioner Watson stated that his greatest fear would be that the water could be diverted to other parts of the State rather than to local municipalities.

Commissioner Fletcher told Mr. Richmond to contact Fern Resio at the Water Management District.

Mr. Richmond said that he will bring something to the Board at the first meeting in May at which time he would ask for the authority to publish a notice of intent.

District 3 Report

Commissioner Roberson had no report.

District 4 Report

Commissioner Fletcher had no report.

District 1 Report

Chair McGill called attention to a letter in the agenda packet from Representative Mark Flanagan to the Board. In the letter, he urged the Board to write to the Governor asking him to veto SB 1906. He asked for authority for the County Manager to write a

letter for the chairman's signature urging the Governor to veto the bill.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY MANAGER TO WRITE A LETTER TO GOVERNOR BUSH URGING HIM TO VETO SB 1906.

ADJOURNMENT

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

Bill McGill, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON MAY 7, 2002, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

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

1. CALL TO ORDER

Chair McGill called the meeting to order. County Attorney Hal Richmond led in pledging allegiance to the US Flag and Management Services Director Arthur Lawson led in a prayer.

2. APPROVAL OF THE AGENDA

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

3. APPROVAL OF MINUTES

March 19, 2002 Regular Minutes

April 16, 2002 Regular Minutes

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

4. PUBLIC HEARING -
RE-ALIGNMENT OF HIGHWAY 65 (ATTAPULGUS HIGHWAY)

Joe Miller, Engineer with Pebble-Rish Engineering, addressed the Board. He stated that the Board's application to the Florida Department of Transportation (FDOT) for a Small County Outreach Program (SCOP) Grant for the re-alignment of CR 65 around the

Gadsden County Board of County Commissioners
May 7, 2002 Regular Meeting

Englehard facility has been approved as one of the priority projects. (See details in the minutes of June 27, 2000 - attached.) He then announced that the money has been awarded to the County for the project. (75% Grant and 25% Matching in-kind services)

Mr. Miller described the project in detail and demonstrated it on a map. (See attached map.)

He explained that there will be approximately 2 acres of wetlands to be mitigated. That mitigation will be coordinated with the Department of Environmental Protection (DEP) and Army Corps of Engineers.

The floor was then opened for questions from the Board and then from the public. The following people were recognized for comments and questions:

Commissioner Dixon:

How much permitting would be necessary?

Answer: It is permissible, but it will be a big effort because it will go through wetlands and the County will have to mitigate.

Chair McGill:

What is the speed limit and why?

35 mph. It is the same speed now but primarily because of the curve.

Mrs. Julia Woodward:

What will be done to make certain that the 35 mph speed limit is observed?

No answer.

John Strong:

How much is this going to impact the taxpayers of this County?

Answer: The funding of the project is through a grant with FDOT. The County's share will come from labor. There will not be

Gadsden County Board of County Commissioners
May 7, 2002 Regular Meeting

any local funds except for the labor that will be used to clear the right-of-way. It will not require any additional people.

The total project is almost a million dollars. The County's out of pocket expense will come from the labor. Englehard has agreed to help in the hauling of dirt for the project for which the County will receive credit.

Willie Shaw:

He was opposed to the re-alignment and suggested a compromise. He stated that there are other roads which need work more than this one as CR 65 is already serviceable. He pointed out that this is an historic road and the people won't support this project.

John Morrow - Bettstown resident - opposed to the re-alignment.

Why spend \$1 million on a road that is already serviceable?

Why not just build a pedestrian ramp over the road for the Englehard employees?

How will you control the speed?

How will it affect the wetlands?

Are they going to put acceleration lanes, deceleration lanes and turn lanes in there?

How many accidents have occurred there over the years?

Ty Bennett - Salter Road resident. (North of the new road.)

How long will the project take and how long will the traffic have to re-routed?

Will Salter Road then become part of the by-pass?

How many people have been hurt on that road?

How many accidents have been caused on that highway?

Do you have any plans to shut down any portion of CR 65 while the new by-pass is being built?

Gadsden County Board of County Commissioners
May 7, 2002 Regular Meeting

Will there be any reason to re-route traffic?

Answer: There may be a short period which it will have to be shut down - just a couple of days. Once the bridge is constructed, traffic will have to be re-routed only briefly. There will not be any long term re-routing.

Harry Shaw - Attapulcus Road resident - opposed to the re-alignment.

Fennel May - Resident on Attapulcus Highway and property owner along Salter Road

Are there plans to extend the by-pass route (from US 90 over to C & E Farm Road to Attapulcus Road) down Salter Road over to the Old Bainbridge Road?

Answer: There are no plans at the present time, but there is that possibility.

Bernard Taylor - 3876 Attapulcus Highway and retiree of Englehard

Will the decision be made at this meeting?

Will there be another opportunity for the public to speak?

Answer:

The decision does not necessarily have to be made at this meeting.

Charlie Shaw:

Will the trucks that are currently traveling CR 65 continue to travel that route until the new structures are built?

Answer: Yes.

How will public safety be enhanced by the re-alignment if the same traffic is still coming down the road?

No answer.

Dwayne Rainer - Woodward Road resident

Was there a needs assessment study done before the County

applied for the grant?

How many people are truly endangered by the existing road?

Do you have some data? Would you share it with the public?

Is the danger just for pedestrians?

Is the old bridge going to be taken out or leave it in place so that Englehard can still use it?

How will Englehard trucks get in and out?

Will there be a stop light at the top of the hill or will Englehard continue to stop traffic for truck entrances?

Are you satisfied that they will be less of a public danger with the new road with respect to trucks coming in and out?

Where is the data that says that it will only require two days to connect the roads at the end?

Are there other proponents of this project other than Englehard?

Commissioner Dixon stated that Mr. Rainer voiced some concerns and made some requests for information to which the County should be able to respond. He asked Englehard to postpone their presentation until the Board can put together some comprehensive information that will answer the public's concerns and questions in writing. He said that an intellectual discussion could then be held about how this plays into the "big picture of things."

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO POSTPONE ENGLEHARD'S PRESENTATION AND THE DECISION ON THIS MATTER. ANOTHER HEARING WAS SCHEDULED FOR JUNE 4, 2002 AT WHICH TIME A DECISION WILL BE MADE. ALSO, THE MOTION INCLUDED NOTIFYING THE PUBLIC IN THE SAME MANNER AS WAS DONE FOR THIS MEETING.

5. COUNTY ATTORNEY'S AGENDA

Permitting of Water Wells in Oak Grove Community

Mr. Richmond recalled that some questions were raised at the

Gadsden County Board of County Commissioners
May 7, 2002 Regular Meeting

last meeting about the permitting done by Northwest Florida Water Management District (NFWFMD) on some wells in the Oak Grove Community for several entities. He said that he had done some research and learned that they do not have exclusive jurisdiction and that there is some concurrent jurisdiction that would enable the County to enact some kind of ordinance. He continued by saying that he has a copy of the Leon County Ordinances relating to water wells. However, they do not have the content that the Board would like to include.

He then said that the General Counsel for NFWFMD said that if there are people whose water supplies have been hurt by the new wells now in place, they (NFWFMD) could investigate it and mitigate any problems.

Mr. Dixon stated the NFWFMD Board is made up of people from sixteen counties and the people who are appointed to it are very important.

He said "I have seen people come in over night and buy up a piece of property and put a well on it and then start pumping water. There are no rules as to pumping water on that big of a scale. You've got municipalities that have done it. We are not talking about that here. I think what we are talking about is really minor in terms of water wars.

For the future, and not the very far future, for the near future, all of us in North and Central Florida are going to have some problems. As I have heard some people say, "Water is going to be like gasoline."

Commissioner Fletcher said "The District has addressed water leaving this district and there are some rules that govern whether water can be pumped out of this district or not."

Commissioner Dixon continued by saying "The governor now is basically saying that water is not a local resource. It is a state resource that even supercedes water management districts. That means that he may re-allocate the state's water based on the need of the state population. It only works if the Water Management District is in control of what is happening. Given what is coming down the pipe now, that is not going to be the deal. It will be a state function. The ability to move water will be directly with the Executive. The Governor, period, whoever he or she is."

_____He went on to say "If we have a body there to design and to mitigate situations and to allocate water, and that is what the water management districts do, I mean, you can't have cities that don't have water. It is simple. You can't do it. That is a big issue. It is really for the water management districts to decide - based on science, and not politics. If we make it a political situation, we will literally sit here and decide who will get water and who won't. And, that is a very delicate situation."

Mr. Richmond stated he would bring something back at the next meeting.

Restricting Big Truck Traffic on County Roads

Commissioner Watson asked Mr. Richmond if anything can be done to restrict big trucks from traveling certain county roads. He spoke specifically to CR 159 - trucks traveling from GA over to Midway via CR 159.

_____Mr. Richmond stated that the County dealt with this problem years ago but he could not remember what restrictions were imposed.

Robert Presnell, Public Works Director, stated that there are some roads that have weight restrictions because of the bridges.

Commissioner Dixon stated "We have got to look at the reality of the road system that we have. It was designed to get you down to the farm and back to town. Those are the realities of the road system that we have in place now. We haven't built any new roads that I know of in forever. But, I think, as we begin to grow in certain places that we haven't been growing in, Midway, Havana and around that area, you've got to really look at how you move people and how you move big trucks and how you keep them from down in the neighborhoods where these people are.

That bypass is one sampling of that. But, even that will lead to more problems, as the gentleman said - "Are they going to come down Salter Road now?" It is always going to be that way until we look at things comprehensively - our road system. It wasn't designed to carry folks the most efficient way from one point to another."

Commissioner Roberson spoke up and said "Your road system is the life line of your county and I think we have done a good job of improving the road system, but, we've got a long way to go yet."

Mr. McKinnon stated that he had been notified recently by DOT that they had been notified by the federal government regarding improvements to CR 159. He said that they had sent the necessary information to DOT and the County is now waiting to hear from them. The money for the project was appropriated in a House of Representatives Bill, but it will be funneled through DOT to the County.

Workshop on Rules and Procedures

There was a consensus to hold another workshop on the rules of procedure on May 28th at 5:15 p.m. A determination will be made at that meeting as to whether another workshop will be necessary.

6. PUBLIC WORKS AGENDA

Macro Surfacing Demonstration by Koch Pavement Solutions, Inc.

Public Works Director Robert Presnell stated that he had been working with Koch Pavement Solutions and they have a number of products that will extend the life of pavements. He said the newest one is Macro Surfacing which is a thin layer that goes over a road that should extend the life of the pavement. It is one inch thick. It is an emulsion with polymers, etc. to which you add rock.

Koch has offered to do a demonstration of the of the Macro Surfacing on Joe Adams Road for a distance of one mile. The only cost to the County may be in the cost of the rock. He asked for direction.

Chair McGill asked how long it would extend the life of a road.

Mr. Presnell replied 5 - 10 years depending on the state of the road on which it is applied.

**UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY ROBERSON,
THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE
DEMONSTRATION PROJECT OF MACRO SURFACING ON JOE ADAMS ROAD.**

7. COUNTY MANAGER'S AGENDA

Mr. McKinnon had nothing to report.

8. CONSENT AGENDA - FOR APPROVAL

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

- 1) Traffic Signal Maintenance Agreement with Department of Transportation - Flying J and Fortune Blvd.
- 2) Gadsden County SCRAP Projects - Task Order with Preble-Rish for Design and construction Inspection of the Resurfacing of Bonnie Hill Road (CR 269) and CR 161
- 3) Bid # 02-02 - Roadside Seeding and Mulching - Bid Committee recommended award to Marty Ard Landscaping, Inc. in the amount of \$625.00
- 4) Bid # 02-03 - Roadside Sod Installation - Bid Committee recommended award to Florida-Georgia Turf Farms, Inc.
- 5) Bid # 02-04 - Material Hauling - Bid Committee recommended award to Barnes Equipment of Quincy at a rate of \$40.00 per hour.
- 6) Bid # 02-05 - Self Propelled Broom - Bid Committee recommended award to lone bidder - Ring Power at a cost of \$27,614.00.
- 7) Maintenance Contract for Recording Equipment - Lanier Healthcare
- 8) Memorandum of Understanding with FAMU to provide educational training through the County Extension Office.
- 9) Worker's Comp Insurance Classification Review - Agreement with Nationwide Risk Management Services, LLC. To conduct review to verify the accuracy ou w/c insurance classifications.
- 10) Rehabilitation Agreement and Special Assessment Lien - Lola M. Moya
- 11) Gadsden County Sheriff's Department - Federal Equitable Sharing Agreement (federally forfeited cash, property, proceeds and any interest earned to be shared with law enforcement agencies participating)
- 12) Travel Approval Request - Commissioner Roberson - County Commissioners Voluntary Certification Program
- 13) Local Housing Assistance Plan Resolution # 2002-020 and Certification

9. CONSENT AGENDA - FOR THE RECORD

- 1) Notice to Proceed for County Incentive Grant Program Agreements
- 2) Chamber of Commerce - March 2002 Economic Development Report

10. CLERK'S AGENDA

Budget Amendments 02-05-07-01 through 02-05-07-06

Ratification of Approval to Pay County Bills

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

11. COMMISSIONERS REPORTS

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 1 Report

Chair McGill called attention to his former request to place a bench on the porch area of the Edward J. Butler Building. He said that he had observed a handicapped person who had climbed to the top of the ramp and was completely exhausted upon reaching the porch. He said that a bench of some kind would have been very helpful to that person. He asked once again that one or more be placed on the porch for staff and visitors.

Commissioner Dixon interjected that a screen would also be helpful.

He then called attention to the proposed Land Development Code

which Mr. Ballister handed out at the beginning of the meeting. He asked if it had been amended to require Type 2 Review in Urban Service Areas when the proposed use is anything other than residential use.

Mr. Ballister said that it had not been amended in the current printing, but he would do it in the next printing.

12. ADJOURNMENT

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

Bill McGill, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL CLOSED MEETING OF
THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON MAY
7, 2002, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: W. A. MCGILL, CHAIR
STERLING L. WATSON, VICE-CHAIR
CAROLYN ROBERSON
E.H. (HENTZ) FLETCHER
EDWARD J. DIXON
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
KATHERINE MILLER, ATTORNEY
CRAIG MCMILLAN, INSURANCE ADVISOR
CERTIFIED COURT REPORTER
MURIEL STRAUGHN, DEPUTY CLERK

ABSENT: NICHOLAS THOMAS, CLERK

RECORD OF MEETING

CALL TO ORDER

County Attorney Hal Richmond called the meeting to order explaining that it had been called as a confidential attorney/client meeting to discuss negotiations of a settlement in the worker's compensation claim on Leonard "Bo" Brown. At this point, Ms. Straughn turned the recording machine off and left the room. The remainder of the meeting was covered by a certified court reporter. A transcript of the meeting will be made public record upon the completion of the settlement.

Bill McGill, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

AT A SPECIAL WORKSHOP OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON MAY 14, 2002, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

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

ABSENT: EDWARD J. DIXON

CALL TO ORDER

Chair McGill called the meeting to order. He stated that the purpose of the meeting was to discuss the proposed changes to the Land Development Code. He turned the meeting over to Growth Manager Director Bruce Ballister.

Mr. Ballister called attention to the attached version of the Land Development Code which is dated May 6, 2002. (The original effective date of the Code was July 2, 1996 but has been subsequently amended with ordinances.)

The following changes were made:

Page 1.1

Subsection 1002 (A) 3.

Change the last line of the paragraph to read
"deficiencies and are insufficient to meet those
demands."

Page 1.2

Subsection 1100 - 3rd line

Change to read "public or private development shall be
permitted..."

Page 1 - 3

Subsection 1202. Planning Commission

Second line - change to read ..affecting land development in the County."

Subsection 1203 Development Review Committee (DRC)

Mr. Ballister explained that he has never convened an actual meeting of the DRC. However, he stated that he has routinely distributed plan sets to the people who are named as the DRC members and received their comments in return. He then stated that he changed the protocol in the Code to reflect the practice.

Add Item number 7 - Planning Director

Page 2 - 2

Affordable Housing

Staff was asked to verify Reference # 3.1.6

Agriculture 3

Staff was asked to verify the reference 3.1.5 (C)

Page 2 - 11

_____Floor Area Ratio:

Change "total area of all floors" to "total area of all floors a/k/a gross floor area" (Revise formula to reflect the terminology.)

Page 2 - 12

Future Land Use Plan (FLUP)

There was some discussion as to whether this should be called Future Land Use Element. The conclusion of the discussion was not clear.

David Norman and Michael Dooner were recognized for questions and

Gadsden County Board of County Commissioners
May 14, 2002 Workshop on Land Development Code

comments. The following changes were made on pages 5 - 37 through 5 - 42 per discussions with them.

Page 5 - 37

_____Item 4. Change wording from Florida Department of Forestry to Florida Division of Forestry.

Strike all underlined text.

Page 5 - 40

Delete Nos. 5, 6 , 7

Page 5 - 42

Delete No. 2.

Page 4 - 2

Add language that would require a Class 2 review of all developments in Urban Service Area zones except for residential uses.

Page 4 - 6

(F) Class 1, General Commercial use.

It was suggested that language should be included that would require staff to notify/inform both the Planning Commission and County Commission of the applications that are received for Class 1 Commercial permits.

Page 4 - 7

(G) Class 2, General Commercial use.

3. Move "dance halls" to follow "night clubs."

Page 4 - 8

Neighborhood Commercial uses.

Gadsden County Board of County Commissioners
May 14, 2002 Workshop on Land Development Code

There was some discussion regarding the note added to the LDC "No permits will be issued which are known to conflict with neighborhood or property owners Covenants and Restriction in good standing at the time of the application."

The conclusion of that discussion was not clear.

Page 5 - 1

(B) "...Traffic impacts shall be (type and LOS) of traffic shall be addressed and mitigated."

Staff was directed to correct the statement.

Page 5 - 4

Item 5. It was suggested that the last sentence which reads "Non-conforming uses shall not be grandfathered beyond the term of the existing ownership" should be deleted. However, the language is exactly as it reads in the Comp Plan and therefore must stay.

Page 5 - 13

Add density requirements for commercial mobile home parks.

Chapter 6; Page 6 - 9

Item 3 - Illegible. Correct so that it is readable.

The workshop ended after reviewing page 5 - 13. There being no other business before the Board, Chair McGill declared the meeting adjourned at this juncture.

Gadsden County Board of County Commissioners
May 14, 2002 Workshop on Land Development Code

Bill McGill, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

AT A CLOSED DOOR ATTORNEY/
CLIENT MEETING OF THE BOARD OF
COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY,
FLORIDA, ON MAY 21, 2002, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

PRESENT: BILL MCGILL, CHAIR
STERLING WATSON, VICE-CHAIR
CAROLYN ROBERSON
E. H. (HENTZ) FLETCHER
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
DAVID THERIAQUE, SPECIAL ATTORNEY FOR COUNTY
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
JANE FAUROT, COURT REPORTER
MURIEL STRAUGHN, DEPUTY CLERK

ABSENT: EDWARD J. DIXON

CALL TO ORDER

Chair McGill called the special meeting to order explaining that the purpose of the meeting was to discuss legal strategy in the case of Metropolitan Church vs. Gadsden County Case No. 02-427-CAA. The meeting was then turned over to Attorney David Theriaque.

At this juncture, the meeting was closed to the public and the Clerk and Deputy Clerk left the meeting. The court reporter's transcript of this meeting will be filed for public record upon the conclusion of the case.

Bill McGill, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL WORKSHOP OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON MAY 28, 2002, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

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

ABSENT: EDWARD J. DIXON

CALL TO ORDER

Chair McGill called the meeting to order stating that the purpose of this portion of the meeting was to review the procedures for conducting the County Commission Meetings.

Mr. Richmond stated that the Board has been working on internal rules for how it handles the county's business at public meetings. He said that there has also been some concern that some procedures should be put into place to handle how the public can approach the Board with issues. He also discussed controlling the agenda and placement of sign-in sheets for the public, etc.

He then stated that he has become aware that there are complete sets of meeting procedures by which other commissions operate. He stated that he could get copies of several of those to serve as a guideline by which this Board can customize their own procedures.

Commissioner Roberson suggested that some kind of information be provided to citizens when they ask to appear on the agenda. That information should make them aware of the consequences of later requesting that the item be removed from the agenda.

Mr. McKinnon stated that the public will have to become informed as to the new procedures once they are formally adopted.

There were no specific procedures proposed at this meeting. The discussion primarily dealt with public notice of meetings.

The following was discussed:

- 1) When an applicant withdraws an issue from an agenda after it has been made public and notices have gone out, it cannot be re-agendaed again for 2 months. It can be placed on the agenda a second time without additional cost to the applicant. However, if it is pulled from the agenda a second time, the applicant must then wait 12 months before it will be placed on the agenda again and they must pay for the costs of mailing notices and newspaper advertisements
- 2) If a citizen requests to be heard or asks to make a complaint to the Board, they must make a written request to appear on the agenda.
Everything the Board takes action on must be public noticed - unless there is some emergency.

Chair McGill asked if the meeting agendas are being posted to bulletin boards in the county buildings and city halls as previously agreed upon. There was no answer.

Ms. Marion Lasley asked if workshops are required to have public notice.

Mr. Richmond responded that public notice is certainly required for workshops. The purpose of a workshop is most often for the Board to meet informally and get input on matters that are under consideration for action at a later meeting.

Commissioner Watson stated that he would like to see something in writing that reflects all of the procedures that have been discussed up to this point.

Mr. Richmond stated that he would develop that information into a package of formal rules and regulations and bring it back to the Board. He also stated that he would also include some general information regarding the governance of the body, the appearance of witnesses, speaker cards, etc. He explained that it would take several weeks to get it prepared for their review.

Ms. Lasley asked if an absent commissioner would have the automatic right to cast a vote after the vote is taken.

Mr. Richmond stated "Yes, they would have the right to cast a vote whether it affected the outcome or not. It would require a certification of some sort that they have reviewed the record and

evidence presented before they render their decision."

The question of whether or not to adopt Roberts Rules of Order was discussed. But, it was decided that they don't always lend themselves to a commission meeting.

Mr. Richmond encouraged the Board to adopt something that they can live with and that will fairly govern the decisions in a timely fashion. He said "The more complex you make it and the more rules you have, the more rights everybody has got and everybody will be talking and carrying on. But, it is up to ya'll. Nobody is being deprived of anything up here right now."

Mr. Ballister stated that the Planning Commission would also benefit from adopting similar rules that govern their meetings.

Ms. Lasley again stated that she would like to see meetings noticed in the community papers at no cost to the County.

Mr. McKinnon stated that the county staff will submit the agenda to the papers for them to include in their community section. He also said that the staff will also post it to the County's internet web site.

Mr. Richard Thompson suggested that the various departments could issue news releases and the papers can pick it up on a "space available" basis. That would not guarantee that the County has properly noticed the meeting, however. He called attention to the fact that all the cities in the county use the newspaper to public notice their regular meetings and workshops.

Mr. Thompson then stated that he had examined the agendas of the County Commission meetings for the last few years to see how many of the items would have required public noticing. He guessed that at least half of the meetings contained items that should have been public noticed in and of themselves.

There was discussion as to the value of publishing the entire agenda. The staff was given direction to look into what the cost would be to advertise the entire agenda vs. just advertising the meeting.

There was a consensus as to the following:

- 1) All meetings of the Planning Commission and the County Commission should be public noticed by placing

- advertisements in all three county newspapers.
- 2) Notices of all meetings should be posted in the city halls and in the courthouse complex.
 - 3) The agendas should be sent out 10 days prior to each meeting.
 - 4) Matters requiring public hearings should be advertised separately and in addition to the notice of the regular meetings which are advertised routinely. (Ordinance adoption, Comp Plan amendments, etc.)

This portion of the workshop was concluded. It then moved into a workshop on the Land Development Code.

Bill McGill, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL WORKSHOP OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON MAY 28, 2002, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

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

ABSENT: EDWARD J. DIXON

CALL TO ORDER

Chair McGill called the meeting to order stating that the purpose of this portion of the meeting was to review the proposed changes to the Land Development Code. He then recognized Bob Dean, of St. Joe Land Company for comments.

Mr. Dean stated that George Gonzales was also with him. Mr. Gonzales is St. Joe Planning Director. He directed his remarks to the portion of the Code dealing with silviculture and the landscaping ordinance. He reiterated the remarks made by David Norman and Michael Dooner at the last workshop and stated that they supported their position on the proposed changes.

The following changes were suggested for the proposed Land Development Code as attached.

Page 5 - 14

- 1.(b) There was a consensus to add a statement that says that mobile home lots have to be at least .2 acre in USA and Commercial categories.
3. Add additional design specifications and set back requirements.

Page 5 - 36

3. Delete the underlined portion "On non-corridor roads"

Page 5 - 37

- ____4. Strike all of the underlined text.

Change Department of Forestry to "Division" of Forestry

Page 5 - 38

- (I) Change the time frame required to maintain the trees from 5 years back to 2 years from the date of the Certificate of Occupancy.

Page 5 - 40

Delete all of numbers 5, 6, 7.

Page 5 - 42

- ____2. Delete all.

Page 6 - 9

- ____Correct No. 3 so that it is readable.

Page 6 - 17

Subsection 6103

3. Second paragraph - "Rule 64E-6, FAC Florida Law" should be underlined - but not deleted.

Page 6 - 19

Subsection 6106

Add No. 6 stating that sewer lateral should also be installed to service new subdivision lots prior to final paving.

Page 7 - 2

Subsection 7003

9. (a) Add the word "deciduous" trees greater than 8"...
and that this should not apply to Agriculture or
silviculture lands. Remove the word "agriculture."

Commissioner Fletcher was excused at this juncture of the
meeting as he had another meeting to attend. (7:20 p.m.)

Page 7 - 9

Subsection 7201 Type I procedures - NO CHANGE PROPOSED

Subsection 7202 Type II Procedures

Subsection 7203 Type III Procedures

Subsection 7204 Type IV Procedures

There was a consensus to make the public notices a standard
practice for Type II, III and IV procedures - 1,000 notices mailed
to adjacent land owners and advertisements in the three local
newspapers.

Page 7 - 16

SECTION 7500 PUBLIC HEARINGS AND DELIBERATIONS

It was suggested that a reference to FS 125 be added to the
notice requirement minimums where they apply.

There was some discussion regarding family exemptions but no
specific proposal for change was made.

Mr. Ballister stated that he would make the appropriate
changes and have the revised proposed Code ready for the first
public reading to be held on July 2, 2002.

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

Bill McGill, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA, ON MAY 21, 2002, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

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

1. CALL TO ORDER

Chair McGill called the meeting to order. Commissioner Fletcher led in pledging allegiance to the US Flag and Commissioner Dixon led in a prayer.

2. ADOPTION OF THE AGENDA

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

3. APPROVAL OF MINUTES

May 7, 2002 Special Meeting
May 7, 2002 Regular Meeting
October 2, 2001 Regular Meeting
September 24, 2001 Final Budget Hearing
September 11, 2001 Tentative Budget Hearing

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

4. COUNTY ATTORNEY'S AGENDA

HOSPITAL UPDATE

Mr. Richmond recalled that the Board had requested that the County Manager, the Clerk, Purvis, Gray and Company and himself to investigate matters regarding specific items relating to the hospital lease agreement with Ashford Healthcare dated July 1, 2001. He called attention to the report filed by Purvis, Gray and Company. (Attached) He asked for directions and authority to send Ashford a letter citing the specific defaults contained in the report. He explained that Ashford will have 10 days to come into compliance on the monetary defaults and 30 days to come into compliance on non-monetary defaults.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO FIND THAT ASHFORD HEALTHCARE WAS IN DEFAULT OF THE LEASE AND TO AUTHORIZE THE COUNTY ATTORNEY TO SEND A LETTER OUTLINING THE DEFAULTS TO ASHFORD HEALTHCARE.

Mr. Richmond advised the Board to set up a not-for-profit corporation to take over the operation of the hospital in the event Ashford cannot come into compliance within the times requested. He asked for specific authorization to prepare articles of incorporation appointing a board or directors; prepare other necessary documents for the corporation; and give the chairman of the Board of County Commissioners authority to sign the Articles of Incorporation. He clarified for the record that it would only be a "fall back" plan to keep the hospital operational.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY ATTORNEY TO MOVE FORWARD TO ENACT ARTICLES OF INCORPORATION WHICH WILL APPOINT A BOARD OF DIRECTORS FOR A NOT-FOR-PROFIT CORPORATION TO OPERATE THE HOSPITAL AS A "FALL-BACK" PLAN ONLY IF NECESSARY. THE MOTION ALSO AUTHORIZED THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO SIGN THE ARTICLES OF INCORPORATION.

Mr. Richmond then explained that if there was a need for the County to take measures to operate the hospital, there could possibly be a need to have access to some of the money in the Hospital Endowment Trust Fund with which to keep the hospital in operation. In order to do that there would have to be a declaration ordered by the Second Judicial Circuit Court. He then asked for authority to file a petition with the Clerk's office for a hearing on the matter.

Mr. Richmond, once again, emphasized that the measure would be only to allow the County to have a "fall back" position if Ashford cannot come into compliance with the lease agreement.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTE 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY ATTORNEY TO FILE A PETITION WITH THE CLERK'S OFFICE ON BEHALF OF THE BOARD OF COUNTY COMMISSIONERS REQUESTING A HEARING BEFORE THE CIRCUIT JUDGE AND THE QUINCY STATE BANK (THE ENDOWMENT TRUSTEE) TO GET A DECLARATION AND ORDER TO USE A PORTION OF THE ENDOWMENT TRUST FUND TO TEMPORARILY FUND THE NOT-FOR-PROFIT CORPORATION IF IT SHOULD BECOME NECESSARY. THE MOTION ALSO INCLUDED THE AUTHORITY FOR THE COUNTY COMMISSION CHAIRMAN TO EXECUTE THE PETITION.

5. GROWTH MANAGEMENT AGENDA

Augusta Carter Variance - 02-PZ-008-209-5-04 - Re-subdivision of Lot 31 in Talquin Estates

Growth Management Director Bruce Ballister told the Board that Augusta (Sarge) Carter would like to subdivide Lot 31 in Lake Talquin Resorts Subdivision. The property is 2.05 acres and is situated in a Rural Residential Land Use Category. Since the 2001 revision of the Comprehensive Plan, the area can support 1 acre lots. However, the re-subdivision does require a Type 2 review by both the P & Z Commission and the Board of County Commissioners. The P & Z Commission voted 8 - 0 to approve the variance request.

It was noted that all of the residents in the subdivision were mailed a notice of Mr. Carter's request and advised that the Board would hold a hearing on this date. He stated for the record that he had not received any complaints regarding the matter.

The Chair called for comments from the public. There was no response.

Mr. Augusta Carter was present but did not address the Board.

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

6. PUBLIC WORKS AGENDA

Morning Star Road Realignment

Public Works Director Robert Presnell told the Board that Morning Star Missionary Baptist Church has requested that the County relocate the road that is immediately adjacent to their church building. They have proposed to relocate the road to lands adjacent to the church property.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE REALIGNMENT OF MORNING STAR ROAD AND ACCEPT THE RIGHT OF WAY DEED FOR THE NEW ROAD AND ABANDON THE OLD ROAD WAY AND RETURN IT TO THE CHURCH.

7. COUNTY MANAGER'S AGENDA

RURAL COUNTY WORKSHOP - DEPARTMENT OF TRANSPORTATION

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO HOLD A WORKSHOP WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION ON JULY 2, 2002 AT 5:00 P.M.

8. CONSENT AGENDA - FOR APPROVAL

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE CONSENT AGENDAS (FOR APPROVAL AND FOR THE RECORD) TO WIT:

- 1) SFY 2003 Edward Byrne Memorial State & Local Law Enforcement Assistance Grant Program Application
- 2) Library Charge Grant Contractual Services Agreements
- 3) Appointment of Charles McClellan to Quincy-Gadsden Airport Authority
- 4) Pitney Bowes State and Local Government Term Rental Agreement - Library Mail System
- 5) Applications for Workers' Compensation Premium Credits
- 6) Re-roofing County Storage Facility - Bid # 02-07
- 7) Resolution # 2002-024 - Proclaiming the Week of May 19 - 25 as Emergency Medical Services Week
- 8) Annual Choose Life Specialty License Plate Report to DHSMV

9. CONSENT AGENDA - FOR THE RECORD

- 1) Annual Local Governemnt Financial Report for Fiscal Year 2000-2001
- 2) Changes to DCA Agreement - Change of Contract numver from 02DB-88-02-30-22-002 to 02DB-78-02-30-22-004 and change in the Period of Agreement
- 3) Review and Clearance of FFY 2001 Audit - Community Development Block Grant # 01DB-79-02-30-01-H04
- 4) Governor's Response to Letter Regarding SB 1906 and 550 Relating to Growth Management
- 5) Chamber of Commerce Economic Development for April 2002

10. CLERK'S AGENDA

Cash Report and Financial Statements

Clerk Thomas called attention to the Cash Report showing \$12.3 million and the financial statements for their information.

State Revenue Sharing Application

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

Budget Amendments 2002-05-21-01 through 2002-05-21-03

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

Ratification of the Approval to Pay County Bills

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

11. COMMISSIONERS REPORTS

District 2 Report

Commissioner Watson asked that some county employee be made responsible for keeping the courthouse clock set properly at all times. He suggested that an uninterrupted power source (UPS) be installed to keep it running when the electricity goes off.

District 3 Report

Commissioner Roberson reported that she had completed the requirements to become a certified commissioner with the Florida Association of Counties.

District 4 Report

Commissioner Fletcher had no report.

District 5 Report

Commissioner Dixon had no report.

District 1 Report

Chair McGill stated that he understood that the County would receive \$750,000 with which to widen CR 159. He asked as to the status of the grant.

Mr. Presnell stated that he was contacted on the day of this meeting. He said that the grant is federal money, but it will come through the Florida Department of Transportation. He said that the money will be used to widen Dover Road (CR 159) as the first priority and resurface Glory Road as the second priority. The third priority road was eliminated.

Chair McGill then asked the Commissioners if they had received a copy of the letter informing of the meeting to take place in Montgomery, Alabama regarding water allocation for GA, FL and AL. No other commissioner had received a copy of the letter. He stated that he would send each of them a copy.

ADJOURNMENT

UPON MOTION BY COMMISSIONER FLETCHER AND BEING THERE WAS NO
OTHER BUSINESS BEFORE THE BOARD, CHAIR MCGILL DECLARED THE
MEETING ADJOURNED.

BILL MCGILL, CHAIR

ATTEST:

NICHOLAS THOMAS, CLERK

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON JUNE 4, 2002, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

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

1. CALL TO ORDER

Chair McGill called the meeting to order. Hal Richmond led in pledging allegiance to the US Flag and Commissioner Watson led in a prayer.

2. ADOPTION OF THE AGENDA

Mr. Richmond asked to amend the agenda by removing Mike Lake, Gadsden Hospital.

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

3. APPROVAL OF MINUTES

May 21, 2002 Regular Meeting

May 21, 2002 Attorney/Client Meeting

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

4. PUBLIC HEARING - REALIGNMENT OF HIGHWAY 65 (ATTAPULGUS HIGHWAY)

Mr. Richmond announced that this meeting is a continuation of a hearing that began on May 7, 2002. Testimony was taken from Mr.

Ballister, Engineer Joe Miller and a number of citizens. There were some issues raised by the public that needed to be addressed by the staff. The decision on the re-alignment was tabled until those issues could be resolved.

Charles McClellan, former Legislative Assistant to the late Senator Pat Thomas addressed the Board. He stated that he was appearing in no official capacity. He explained that discussions really began between the County Commission and Florida Department of Transportation (FDOT) as many as 20 years ago. The initial intent was to resolve a safety issue at the then Floridin Company. At that time, the State would not agree to allow it. As the years passed, the hospital relocated further east on US 90 and there came to be the reality that a bypass from CR 65 over to US 90 would serve as a real advantage for hospital access. He explained that the road was never intended to be a truck route. It was intended to be a hospital access.

Some years later, the issue arose again with input from Quincy Main Street regarding the downtown traffic concerns. They approached Senator Thomas to seek his intervention. He began discussions with Englehard, FDOT, the City of Quincy and the County. Through a series of discussions, it seemed to evolve into a proposal that could serve a number of needs.

In more recent years, discussion began about the placement of the new high school on the east end of the County. That possibility gave even more impetus to the need for the bypass to transport students.

A plan was devised whereby the County could realize a financial advantage. Englehard agreed to donate to the County all the needed rights-of-way that the State would need to build the bypass. The State could then purchase the rights-of-way from the County. The County would receive enough money from the sale of the rights-of-way to pay for the paving of C & E Farm Road that would connect with the bypass from US 90 to SR 12 and go over to CR 65 just above the Englehard Plant. The County could then apply for a grant from the State that would pay for the re-alignment CR 65 around the Englehard property. It was the Senator's desire that the County bring that road up to state specifications and ultimately give it to the state for continued maintenance.

As one thing developed into the other, a series of public hearings were held and a citizens advisory committee was formed.

Gadsden County Board of County Commissioners
June 4, 2002 Regular Meeting

Those hearings resulted in the current proposed bypass and the re-alignment of CR 65 was just a part of the overall plan.

Ms. Mary Boyd was recognized for questions. She asked if those meetings held with Senator Thomas were out of the Sunshine Law.

Mr. Richmond explained that there were no elected officials at those meetings except for the Senator. The others were staff members who were trying to work out a solution.

Mr. McKinnon stated that he was present when the idea was raised. He said that he made no commitment for the County and this meeting is part of the continuous process that has been ongoing. He said "Before we could come to this point, we had to have the engineering done so that everybody would know the cost involved. That took a while to get done. This is a continuation of the process.

As I explained, and Commissioner, I will go ahead and say this. This was a window of opportunity that presented itself. With the State's plan, a way was created to provide funding for the paving of C & E Farm. Things just came into place through the State's plans and ideas. The County would not have had the funds to do C & E Farm Road without it. There had to be a way to do that and it was brought out in that meeting with the Senator. Things just came to this point and that is why we are here having this meeting last time and this time - to explain things.

We applied for the Small County Outreach Program (SCOP) for the funding and we were approved by the State."

Mr. Richmond stated that there were other public hearings two years ago and all aspects of this proposal were discussed at those meetings. It was all part of the total package but the part dealing with the re-alignment had to be a specific hearing for that particular part of the overall program. Hearings were held.

Ms. Boyd made the comment that the signs that are posted in the community now were not done before even though there have been many discussions and other meetings.

Mr. McClellan recalled that several routes were discussed before coming to the current proposal. He told the Board that there are a number of truckloads a day of slug coming through

Gadsden County Board of County Commissioners
June 4, 2002 Regular Meeting

downtown from the City's treatment plant. The access road will avoid those trucks from coming through town. The route will save them three miles of travel.

Richard (inaudible) was recognized. He asked "Why was there a need for a separate hearing on the Englehard road that affects 65 when it was a part of the original plan in the first place? Is this something that we need to know? "

Mr. Richmond responded "The State is doing part of it, the County is doing part of it, but it was all discussed in planning years ago. When it came down to it, we had to do a joint agreement between the State, the County and Englehard. We are trying to get the authority to sign that for the funding and put everything into play on the whole concept. But, there needs to be a public hearing and input on this specific part of it and that is what we are doing.

At the last meeting, it looked like Englehard was getting something for nothing, but that is not what is going on. But, it wasn't explained either about this whole concept and the whole plan and what had gone on before. I am glad that Mr. McClellan is here. He was there and he can explain it all. Nobody is trying to hide anything from anybody."

Mr. McClellan replied "The fact is, we got a little gift that we didn't expect because the State is stepping in and doing this which will save the County a lot of money. Because this whole project here was all county. We didn't have the State assistance at that time with this. The State has come in with this. We actually, the County is picking up money from the State that we didn't expect."

Mr. Mike Cunio, Englehard Plant Manager addressed the Board. He stated that Englehard had worked with the City of Quincy, the County and the State to move the project along. He then outlined the plan in detail.

The following people were recognized for comments and questions:

Mary Boyd (recognized several times for comments and questions) - opposed to the project

John Morrow - could support the project concept but had safety

concerns

Robert Presnell, Public Works Director - in support
Joe Miller, Preble-Rish Engineer - in support of project
Bruce Ballister, Growth Management Director - in support of
Jeanette Johnson - opposed
Johnny Shaw - opposed
Frankie Taylor - opposed
Stuart Johnson - support
Marion Lasley no statement of support or opposition - stated
concerns about public notice issues regarding
the project, wetland impacts, future zoning
impacts, Quincy's participation, etc.

Mr. McKinnon stated for the record "There has been no decision made. We have not told DOT that we are going to do this. There has been nothing official. There has been a lot of discussion and a lot of planning. And, that is the case. That is the reason for this public hearing. To lay it out. Because 65 North is a county road and C & E Farm Road is a county road. That is why we are having a separate hearing on those issues. The rest of it is State. And they have their process."

Mr. McKinnon replied that the City of Quincy is not making a financial contribution to the project at all.

Mr. Richmond asked for a show of hands of all those present who wanted to address the Board with comments and questions. He then administered oaths to all of them in addition to all of the above who spoke. (Mr. Richmond is a Notary Public licensed by the State of Florida.) He then announced that those who do not wish to make a statement on the record would waive their right to appeal any action of the Board in this matter.

The following people also addressed the Board after having been administered an oath:

Blucher Lines - in support
Zoe Galloway - in support
Dwayne Raynor - opposed - asked questions regarding the
funding
Julia Woodward- in support
Fount May - in support
Stuart Johnson - in support

Sherry Vanlandingham - in support

Kent Morris - in support

Pat Higdon - in support

Charlie Shaw questioned if 65 N would be resurfaced as part of the project.

John Strong -

Elijah Moore questioned if this would increase EMS response time at all.

Mary Kendrick Suggested voters decide the issue. She asked if this was a done deal.

The following issue was raised as a result of the above discussions:

Is there some measure that Englehard can take that will compel their independent truck drivers to travel at a safe, legal speed and to take a route that will have the least impact on the surrounding area?

It was determined that Mr. Fennel May owns the trees north of the Englehard property. It was suggested that Mr. May be approached about thinning the trees so that visibility at that intersection could be improved.

After all the public comments were heard, there was discussion by the Board.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, TO APPROVE THE RE-ALIGNMENT OF CR 65 AND APPROVE THE SCOP AGREEMENT AND THE JOINT PARTICIPATION AGREEMENT.

5. COUNTY ATTORNEY'S AGENDA

County Jurisdiction in Water Allocation

Mr. Richmond stated that ultimate jurisdiction of the water lies with the Northwest Florida Water Management District (NFWFMD). It was decided that the County should write to them and ask them to notify the County Commission in advance of large wells (> 8") being permitted. The letter should also request that the County be allowed to participate in well permitting issues that could affect citizens of Gadsden County.

6. COUNTY MANAGER'S AGENDA

DOT Rural County Workshop

There was a consensus to hold the workshop on August 20, 2002 at 5:00 p.m.

7. CONSENT AGENDA

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

- 1) DOT Traffic Signal Operation and Request Order Number 6 - Gadsden High School
- 2) DOT Small County Road Assistance Agreements for CR 269 and CR 161.
- 3) Solid Waste Recycling Grants for FU 02/03; Recycling; Waste Tire; Small County; and Litter Control
- 4) Contract for Services between County and Southern Waste Information Exchange - Innovative Recycling Grant # 1G1-07 - Florida Department of Environment Protection
- 5) Employee Assistance Program Agreement
- 6) Rehabilitation Agreement and Special Assessment Lien - Walter Taylor
- 7) Contract for Rehabilitation Work - Walter Taylor
- 8) BCC's Youth Work Program - Letter of Appreciation to Mr. Stephen Huntsberger, TCC Assistant Vice President
- 9) Proposals for County's Engineer to Perform Studies for DCA Grant
- 10) Advance Travel Approval for Commissioner Roberson and Commissioner Dixon to attend FAC Annual Conference
- 11) FAMU Institute of Urban Policy and Commerce Panhandle Families as Educators Memorandum of Agreement

8. CONSENT AGENDA - FOR THE RECORD

- 1) Notice from Department of Health of Approval of Emergency Medical Services Matching Grant for \$33,750.00
- 2) Notice from Department of Health of Approval of Emergency Medical Services Matching Grant for \$85,988.10
- 3) Letter from FAC Congratulating Gadsden County on Success of Pilot Project under FAC's County Rural Development

Project Program

4) Notice by Mediacom of Installation Rate Adjustments

9. CLERK'S AGENDA

Budget Amendments - 2002-06-04-01 through 2002-06-04-08

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

Ratification of Approval to Pay County Bills

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

10. COMMISSIONERS REPORTS

District 2, 3, 4, 5

Commissioners Watson, Fletcher, Roberson and Dixon had no reports.

District 1

Chair McGill stated that there will be a meeting in Montgomery, AL to discuss the tri-state water allocation. He asked for approval (for himself) to attend that meeting and incur travel expense.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE TRAVEL FOR CHAIR MCGILL TO ATTEND THE MEETING DESCRIBED ABOVE.

Commissioner McGill told the Board that he had attended a meeting at FAMU for the last two days on poverty in the South. He said that a recent study revealed that 31 of the Florida Counties fall within the persistent poverty category. He said that he will be sending them information concerning the study and possibility for Gadsden County's participation in the study.

ADJOURNMENT

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

BILL MCGILL, CHAIR

ATTEST:

NICHOLAS THOMAS, CLERK

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON JUNE 18, 2002, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

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

1. CALL TO ORDER

Chair McGill called the meeting to order. County Attorney Hal Richmond led in pledging allegiance to the US flag and County Manager Howard McKinnon led in a prayer.

2. ADOPTION OF THE AGENDA

Chair McGill then announced that if there was anyone in the audience who wanted to speak to any issue at any point during the meeting, they would be recognized if they would raise their hands.

The consent agenda was amended to include the following:

- 1) Travel request by Commissioner Fletcher to attend the Florida Association of Counties Summer Conference
- 2) Award of Bid for Petroleum Products to Hinson Oil

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

3. APPROVAL OF MINUTES

May 14, 2002 Special Workshop
May 28, 2002 Special Workshop - Meeting Procedures
May 28, 2002 Special Workshop - Land Development Code
June 4, 2002 Regular Meeting

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF THE ABOVE STATED MEETINGS. (Commissioner Dixon was not present for this vote.)

4. COUNTY ATTORNEY'S AGENDA

Mr. Richmond had no report.

5. PLANNING AND ZONING ISSUES

**Atlanta Height Major Subdivision - Conceptual Plat -
02PZ-010-207-4-05 14 lots in USA Zone**

Mr. Ballister stated that George Johnson and Hentz Fletcher had submitted a conceptual plat for a major subdivision located on the unincorporated portion of Atlanta St. just outside of Quincy. The parcel is 4.5 acres in a Urban Service Area (USA) which would allow for five residential dwelling units per acre with a minimum lot size of .20 acre with central water and sewer systems.

Mr. Ballister then stated that he had talked with the City of Quincy Utilities Director and confirmed that there is adequate service available to provide water and fire protection. The applicants have also proposed to extend the City's sewer services to the subdivision.

Mr. Ballister stated that he had forwarded copies of the application to the Development Review Committee (DRC) and did not receive any comments from them. He went on to say that there is a stormwater easement set aside in the southwest corner of the property. The application also has proposed 10% open space area reserved at the end of the cul-de-sac.

The staff and Planning Commission made the following recommendations should the project be approved by the Board:

- 1) A fire hydrant should be placed about halfway down the cul-de-sac to provide fire protection.
- 2) A street name should be supplied to be approved by the E-911 coordinator.
- 3) An easement should be dedicated to provide access to Rittman Lane.
- 4) The preliminary plat should satisfy at minimum, the design and content requirements of the Subsection 6005

Gadsden County Board of County Commissioners
June 18, 2002 Regular Meeting

- "Preliminary Plat Requirements."
- 5) The proposed homeowners covenants and restrictions should be submitted for approval with the Preliminary Plat.
 - 6) The trash pile should be removed and a buffer zone (fence) should be encouraged.
 - 7) The lot size is 75 ft. wide which is the Code's minimum. If this subdivision will not be deed restricted to prohibit mobile homes, it should be at least restricted to the extent that mobile homes cannot be located "end long". In that event, a mobile home should not be greater than 50 ft. in length.

Mr. Ballister was administered an oath by Hal Richmond as to his previous testimony and all subsequent testimony.

The following questions were asked:

McGill:

Bruce, is that part of Atlanta Street paved?

Ballister:

Pardon me?

McGill:

Is that part of Atlanta Street paved?

Ballister:

Yes, yes, it is. The frontage is a paved road.

McGill:

So, I guess the parking is right in front of each house?

Ballister:

They are family lots and family properties. So, you would pull into a driveway.

McGill:

Will it be paved or not?

Ballister:

The driveways?

McGill:

Yes.

Gadsden County Board of County Commissioners
June 18, 2002 Regular Meeting

Ballister:

I don't know that. They should be paved to the property line, but beyond that I don't know.

Richmond:

Mr. Ballister, just for housekeeping purposes for this as well as for anything else you say tonight, will you raise your right hand.

Ballister:

I will.

Richmond:

Do you solemnly swear that the testimony that you have given and are about to give will be the truth, so help you God.

Ballister:

I do.

Dixon:

Question, Mr. Chairman. Let me apologize to the Board for my tardiness.

Is this a mobile home subdivision?

Ballister:

I don't know. The, ah, Mr. Johnson wasn't at the Planning and Zoning Commission meeting. So, I wasn't able to ask him any questions. I don't remember from my discussions with him whether it is going to be restrictive or not.

The area immediately to the South on Rittman Lane - those homes are mobile homes. I think it is pretty barren across the street or woodsy.

Dixon:

That is the old dump.

Ballister:

It is farmland to the north and west of the proposed subdivision.

Dixon:

Am I correct. That is the old dump?

Gadsden County Board of County Commissioners
June 18, 2002 Regular Meeting

Ballister:

Right. It is pretty grown over.

Dixon:

Then, there is a subdivision - modular and stick built approved right down the street, right?

Ballister:

Over closer to Quincy, right. Osceola Heights.

Dixon:

So, we don't know if this is - and this is how many units per acre?

Ballister:

Fourteen, oh, it's five units per acre.

McGill:

It is 14 lots.

Dixon:

I am just trying to figure what will go on .2 of an acre?

Ballister:

A house or triple wide facing the front. On a 75 ft. lot

Dixon:

What about sideways triple-wide.

Ballister:

A sideways triple wide is about 48 - 50 - 52 ft. something like that. It depends on how they position a garage attachment. And it depends on the market, too. But, if they are deed restricted to that, then they are. At 75 ft. of width, a 50ft. wide structure could fit there just fine. A typical low income housing might be 40 ft. long.

Dixon:

Now, how does this work, this being on the border of Quincy/Gadsden County?

Ballister:

It is totally within the County.

We notified them of the meeting. We are coordinating with

Gadsden County Board of County Commissioners
June 18, 2002 Regular Meeting

Dixon:

We notified Midway, but I'm not really interested in such kind of foolishness.

Ballister:

No, I am just saying that we have coordinated with the engineering department on the utility extensions. They are aware of it. They have an engineered plan that we would bring a manhole to the front of the land street right in the centerline of that road. They know about the subdivision and they've got a plan for it.

Dixon:

But, what is it?

Ballister:

Pardon me?

Dixon:

What kind of subdivision is it?

Ballister:

That I don't know.

Dixon:

What will be allowed?

Ballister:

Any structure type that the owner wanted to put in it. The County can't say that it can't be one type or another because by DCA Rules, the game is open. Jurisdictions can't do it. The Developer can restrict it, but the County can't.

Dixon:

Since when did this happen?

Ballister:

It is State Statute. Unless you can come up with some model language that prohibits it. Some areas do what they call mobile home zoning and they will have certain areas that allow mobile home subdivisions and some that don't. They are often overlay zones. We haven't done that yet. We have encouraged the construction of site built homes by utilizing clustering, but we haven't yet done any prohibitive zoning.

Gadsden County Board of County Commissioners
June 18, 2002 Regular Meeting

Dixon:

So, somebody is taking advantage of a loop hole?

Ballister:

No, it is not a loop hole. It is the way our ordinance has always been. There has never been

Dixon:

We have never done this before. You have never said that before.

Ballister:

Sure, I have. In our Code discussions. We don't have any language that prohibits a mobile home from being sited in a residential or agricultural use.

Now, a mobile home park is different and it is restrictive to commercial and USA. But, this is not a mobile home park.

Dixon:

That I understand.

Ballister:

This is not a mobile home park.

Dixon:

What is it?

Ballister:

A mobile home subdivision. There are not lease lots. They are sale lots. If it were a mobile home park, we would have (inaudible) It is functionally different.

Dixon:

I just have a real problem right now. What you are standing here telling me is that there is no way we can protect those citizens who purchased nice houses right down the street. Site built homes. I understand an individual mobile home. That I understand. But, we are going to put a subdivision here and yet, I am using the worst case scenario because that is usually what it ends up being. The cheapest, easiest. And there is nothing we can do right on the city border.

Ballister:

There isn't. Not the way the Code reads now.

Gadsden County Board of County Commissioners
June 18, 2002 Regular Meeting

Dixon:

Are you recommending any changes anytime soon?

Ballister:

There are a whole batch of changes that we have been discussing at workshops. But, they don't specifically address any mechanisms that would restrict mobile home housing in a particular area.

Watson:

If you recall, Commissioner, I asked that we look at restricting mobile homes in the urban service area to get away from this. We just haven't put it into place yet. Do you recall me bringing that up some time ago?

Dixon:

No, but I do remember you talking about mobile homes.

Roberson:

I think you were absent at that meeting when you were talking about that.

Watson:

I was wanting to change the Code so that we don't have mobile homes on .2 acre lots as can be done right now.

Dixon:

I have a real problem with this. A real basic, fundamental, this ain't right kind of feeling about this. This is not right. If it was - If we're talking about some type of housing that is of some permanency - and not that I am deriding or degrading mobile or modular homes - I am not doing that - they serve their purpose. But, is this the place for it? Right in the urban service area. If we are talking about mobile home subdivisions somewhere in the middle of nowhere - that is where they mostly end up at - treed and surrounded and such - that is one thing. But, to literally insert one in the city or the urban area - It just doesn't strike right with me.

Ballister:

You know we have some limiting language in the proposed Code but, it would not apply to this subdivision because this application predates whenever we adopt that. I don't have one of those markups down here tonight but I would be happy to discuss that with you.

Gadsden County Board of County Commissioners
June 18, 2002 Regular Meeting

Dixon:

Well, it is before the Board tonight, it won't do me any good to discuss it later.

Ballister:

As the Code stands adopted right now, I don't have any limiting language that could say, "This has to be site built." We can request it of the developer.

Dixon:

Would the developer agree to it?

Ballister:

I haven't spoken to Mr. Johnson about it. I have primarily spoken to Tommy Skipper on the geometry of the thing.

Dixon:

Mr. Fletcher, why is your name up here?

Fletcher:

Because I own half interest in that property.

Dixon:

Well, we can ask you then, can't we?

Fletcher:

Well, I guess you can.

Dixon:

Are you willing?

Fletcher:

Yes. What is your problem, Ed?

Dixon:

What are you going to put out there?

Fletcher:

Stick built homes, modular homes. I don't think there are any plans at all for mobile homes. Stick built and modular.

Dixon:

Modular as DCA approved?

Fletcher:

Yes.

Ballister:

They become property. They can't be tagged in lieu of taxes.

Dixon:

I've got a problem with .2 acres. Now, I don't know what you do with .2 acres. The house takes up .2 acres. I mean, I have fought subdivisions that have at least 1/3 of an acre. I think we are creating slums when we begin to process .2 acres. And you can look out your window and look into someone else's window. I have a real problem with that. A very serious problem with that. Very serious. I just don't see the reason. This is Gadsden County. We have plenty of property. Why are we doing .2 acres?

Ballister:

Our urban service area allows a lowest density of .2. Or actually, our lowest lot size. We changed it from gross density (which could have generated even smaller lots) to a minimum lot size of .2 acres.

Watson:

When does that language kick in though, where we have changed it to where you can't do this in urban service area. Cause, I brought that up.

Ballister:

I think in July. By the time we get around to having a meeting on the 2nd and another one of the 16th. To get this density, you would have to have site built homes restricted.

Dixon:

My problem really is that this is not Miami and not Orlando and there is not a shortage of property. Why are we creating things that we know it is just trouble when we stick people together like this?

Ballister:

I am not trying to be argumentative, but, the only places we have urban service areas are immediately adjacent to the cities. With all due respect.

Dixon:

That, I realize.

Gadsden County Board of County Commissioners
June 18, 2002 Regular Meeting

Ballister:

With all due respect, that is what our Code allows.

Watson:

Would ya'll restrict it to DCA modular homes and site built homes?

Fletcher:

Absolutely. You make that as a condition of the motion and we will do it.

Watson:

I move that we approve it with the recommendations that ya'll have here and there is a section in here about the rubbish pile - will ya'll clean that up?

Fletcher:

Yes.

Ballister:

We should have some discussion also about buffering. I explained that there isn't any special buffer between residential development and residential areas. The developer might want to put up a fence on his own, but, it would not be required. There is a pretty thick stand of woods at the rear yard areas that are not cleared. That would leave a nice buffer.

Watson:

But I move that we approve it with the staff's recommendations and removal of the trash pile and restricting it to site built and DCA approved modular homes.

Roberson:

I will second it.

McGill:

Before we vote on that, look at item no. 2 under the Planning Commission's actions - That the applicant should submit the proposed covenants and restrictions for approval as part of the preliminary plat application. Is that still a part of the process?

Ballister:

If it is included in that motion.

Gadsden County Board of County Commissioners
June 18, 2002 Regular Meeting

McGill:

Then would you make that a part of your motion?

Watson:

Sure.

McGill:

O.K. We have a motion and a second.

Fletcher:

Just a minute, Commissioner. I've got a conflict of interest and I can't vote on this.

McGill:

O.K. But, we've got to take comments from the floor. Come on up and state your name for the record.

Lasley:

My name is Marion Lasley.

Richmond:

Do you swear that the testimony you are about to give in this hearing and every other hearing shall be the truth, so help you God?

Lasley:

For the year, yes.

Laughter

My concerns are about the buffers. This property is more dense than the adjacent residential property. This is 5:1 versus 1:1. So, in my mind, that is not the same use. It is also zoned USA bordering more residential, so that is not the same zoning category. There is a potential for this turning into a - well, it could be a mobile home park. Nobody seems real clear about that. We need some mechanism to make sure that this type of thing doesn't turn into a mobile home park.

There are also other possibilities for use in the USA. Commercial, Light Industrial, Office Use, etc. It is my understanding that those could, if some of these lots didn't sell or the ones right on Atlanta Street wanted to be - If somebody came and wanted to open a business there, that would be o.k. and that would be a use-by-right and it may or may not

Gadsden County Board of County Commissioners
June 18, 2002 Regular Meeting

come before the Board. So, my statement is that I feel like we need to have buffers on the back of this property to protect it from the adjoining property uses which are not the same.

Thank you.

McGill:

He said that he will put residential properties on all of this.

Lasley:

It is still more dense. It is not the same use.

McGill:

What you are saying is if some of the property is not sold, it wouldn't come back? But this is strictly for residential.

Lasley:

Well, the land use is USA. There is a large variety of uses that can be in that zoning.

McGill:

I understand what you are saying, but this is only for residential. Isn't that true?

Dixon:

What she is saying, Commissioner, is if you don't sell the front lots, Lots 1 & 14, if you don't sell them, you have the right because you are in the Urban Service Area to turn those into Neighborhood Commercial without coming before this Board.

McGill:

I understand that. But, if we approve all 14 lots for only residential, how could they do that?

Dixon:

Because the zoning is not residential alone. The zoning is for Urban Service Area.

McGill:

But, if we approve it for 14 houses as residential property, and that is what the development order calls for, I think that would be unethical. Is that the word?

Gadsden County Board of County Commissioners
June 18, 2002 Regular Meeting

Dixon:

Wait a minute. We are talking about developers. That is an oksimoron. No offense, Commissioner.

Richmond:

If those covenants and deed restrictions, couldn't it be handled that way?

Dixon:

Do we enforce those?

Richmond:

They are private rights, but if they are a condition of the development order -

Dixon:

Do we enforce those?

Richmond:

No, we haven't so far.

Dixon:

Do we monitor them?

Richmond:

We don't have the staff to do it. I'll shut up.

Lasley:

My point is that it is zoned USA bordering on rural residential and it is my understanding in the Code that that requires a buffer.

Dixon:

Should it, Bruce?

McGill:

I don't see any language in these two pages.

Ballister:

Buffers speak to land uses and not categories. It is true that it is a different category. But, the use is still residential.

Let me look at buffers real quick.

It is talking about uses and not categories. In this case, we have residential next to residential. It is true that it is a higher density.

The Code does speak to the concept of compatibility and that mediation measures can be taken to insure its compatibility. I am sure that could be achieved with a continuous vegetative strip along the southern side.

Dixon:

Bruce, wouldn't the higher density necessitate that?

Ballister:

It doesn't necessitate. There are all kinds of things that you can impose or request. But, it is not restrictive - it is a flexible ordinance. It allows flexibility and in fact, this whole section on compatibility and mitigation talks about flexible planning techniques.

Dixon:

I'm just waiting for it to flex in my favor sometime.

Ballister:

Well, in your motion, you can move for an amended motion that includes a buffer.

Dixon:

How do we keep those two lots from other uses?

Ballister:

The development order can be worded so that the 14 lots are approved for residential purposes. Then, the next planning director, if I am not around, will have the ammunition to say "NO" to a fast food store. If he's got a development order that he can look at, he can say "It looks like this is class restrictive."

McGill:

I was hoping that would satisfy him, but apparently, it does not. I thought we could approve it for 14 individual facilities and that is all that could go there.

Richmond:

Site built or modular homes.

Gadsden County Board of County Commissioners
June 18, 2002 Regular Meeting

McGill:

I understand what Ms. Lasley is saying - in the absence of a hearing, they can do a lot of things. I thought once we had a development order, it would be somewhat restrictive for anything outside that development order.

Ballister:

A development order that we finally approve can be an approval for 14 residential lots. And the deed restrictions are also in compliance with that by saying that development should be limited to site built and DCA homes. That would pretty much - there is a lot of ammunition there. There will have to be a neighborhood association to help maintain the pond.

Dixon:

Bruce, Bruce, Bruce. What neighborhood association? What neighborhood association on .2 of an acre? Who is going to pay dues? Who is going to maintain the pond? Who?

Ballister:

Every homeowners association that we have done has required it to happen.

Dixon:

Bruce, you keep talking about required and I keep talking about action. The two are (inaudible) I have not seen a homeowners association since I have been here that functions other than in a crisis. They don't maintain roads. They don't maintain ponds. They don't maintain open space. What they end up doing is come back to the County, as you well know. So, why are we still doing that?

Ballister:

The only work around is for the County to say "We will accept the maintenance responsibility for your pond."

Dixon:

Why can't we make the developer to keep it and maintain it?

Ballister:

That entity might not exist 15 years down the road or 5 years. Some counties, well, Leon County issues a permit for 3 years and then you renew your pond permit every years. County personnel goes in and inspects it. They got the pond police that say "You need to clean out your pond or mow it replace

your sand filter."

Dixon:

You keep giving me a toothless tiger. We ain't got none of that in place and you ain't asking for any of it.

Ballister:

The only other way that you can insure that the pond is maintained is for the County to become responsible for maintaining the storm water facilities.

Dixon:

Why would we want to do that?

Ballister:

Who else is going to do it?

Dixon:

If the developer develops it, he can do it. We keep letting these guys off. They are suppose to do roads, they promise to do them. As long as they get a subdivision and then the homeowners are sitting over there and we are sitting over here still talking about it and we ain't doing anything about it. There is no enforcement. Your office has no enforcement. Let me just tell it. They ain't got no enforcement for any of this stuff we are talking about. We know that. What don't you have us something clear.

I don't mean to pick on Mr. Fletcher, but all the developers that come before us have all the same problems and we have yet to do anything to fix them. You ain't brought us nothing, you ain't recommended nothing, I ain't seen nothing. We keep going in the same circles about developers and homeowners associations and nothing is getting done.

Mr. Manager, nothing. I need some answers. You are not giving me any.

McGill:

What if we ask (inaudible)

McKinnon:

We can bring options back to the Board.

McGill:

Gadsden County Board of County Commissioners
June 18, 2002 Regular Meeting

Can they be included in the last round of Land Development Code revisions?

Ballister:

We can bring you a couple of ideas to talk about on Tuesday week. The simplest one is a maintenance bond. If the County doesn't want to do it, you can't guarantee that the limited partnership that builds a subdivision is going to be a legally functioning entity after the last lot is sold. You might know who the person was, but he might not be the person responsible. You can't necessarily go back to somebody. And, you are right. Homeowners associations that are this small, regardless of lot sizes, just the number.

McGill:

But, if we make it a part of our Land Development Code?

Ballister:

The simplest thing is the maintenance but then, it gets restrictive on less that "fat cat" developers.

McGill:

Well we need to vote on Item number 4 on the agenda. (Land Development Code)

Well, we need to hear from the audience.

Richmond:

Do you swear that the testimony you are about to give will be the truth, so help you God?

Holt:

Yes, I do. My name is Brenda Holt. I would like to know something. (Inaudible) whoever approves building residential houses over a dump? You could have water running out there and everything and it just seems to me, I have a gut feeling that something is wrong with that. There may not be. But.

McGill:

How far is this from the dump?

Ballister:

It is across the street?

McGill:

Gadsden County Board of County Commissioners
June 18, 2002 Regular Meeting

Across the street. Are there other residences close to that same dump?

Ballister:

There is one immediately across from Lot 14.

Holt:

I have been in this County a while and I remember trash being over there on that side. That is why I am asking those questions.

Watson:

It won't be built over the dump.

Holt:

The dump, part of the dump is right there where it is.

Watson:

It was across the street.

Holt:

He said it was across the street. I know what I saw there. I am not saying that all of it was across the street, because we used to go right down there when we were going to work. That is why I have a question about it. That is my only question. I am concerned about seepage and things like that 10 years down the road.

McGill:

Is there anyone else?

Hearing none, we have a motion and a second before the Commission. All in favor say "Aye". I am not sure I can repeat it. We can have the secretary reread it.

Dixon:

What about the subdivision.

McGill:

I am not sure that I can repeat all that.

Dixon:

I would like to hear it though.

Watson:

Gadsden County Board of County Commissioners
June 18, 2002 Regular Meeting

It was for approval subject to the written staff and P & Z Commission recommendations including the removal of the trash pile, getting the covenants and deed restrictions in

McGill:

Only for residential and only for site built or modular homes

Watson:

That are DCA approved homes.

That is the motion.

McGill:

That was the motion.

Dixon:

Thank you, Mr. Chairman.

McGill:

All in favor of the motion signify by saying "Aye."

Watson, Roberson, McGill: Aye

McGill:

All opposed?

Dixon:

No.

McGill:

The motion passes 4 to 1.

Watson:

3 to 1 because he can't vote.

McGill:

Excuse me. 3 to 1 because Commissioner Fletcher abstained.

Commissioner, do you have what you need to file for the abstention?

Fletcher:

Yes, sir. Right in front of me.

5.2 Ideal Furniture 02PZ-006-201-1-04

Mr. Ballister told the Board that Mr. James McCauley has applied for a site plan permit to construct/relocate a furniture manufacturing facility on US 27 near the intersection of CR 270. The intended use would be classified as Light Commercial and is permitted as a Class II commercial use in a Commercial Land Use area. The operation is a two to three person endeavor producing custom wood furniture.

The site's total site area is listed as 2.06 acres but a majority of the development is restricted to a 1.025 acre portion of the property which is not yet subdivided.

____Mr. McCauley has proposed a 5,000 sq. ft. building with parking in the front.

The Code would require 17 paved parking spaces along the edge of the property. However, the applicant requested a variance from the paved parking requirements. The staff had no objections to granting the variance in view of limited parking needs. The original plan showed the stormwater pond underneath the power line easement. Staff requested that it be moved to the rear of the property. The stormwater pond was designed to retain water from both lots. It is not known what will be developed on the second lot. Staff has required that Mr. McCauley provide access to Parcel B be from Parcel A.

Mr. McCauley was present but did not address the Board.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER FLETCHER TO APPROVE THE PROJECT AND VARIANCE AS DESCRIBED ABOVE SUBJECT TO THE STAFF RECOMMENDATIONS AS LISTED IN THE AGENDA PACKET.

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

Mr. Jacob Jacks, Engineer was administered an oath by Hal Richmond.

THE QUESTION WAS CALLED BY COMMISSIONER FLETCHER.

Commissioner Dixon inquired as to how businesses along US 27 were responding to the Corridor Landscaping Ordinance.

Mr. Ballister stated that it was going well.

THE QUESTION WAS CALLED AGAIN BY COMMISSIONER DIXON.

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

5.3 Kiwanis Bike Race - 02-PZ-014-208-4-06- Festival Permit and Request for Waiver of Bond Requirement

A MOTION WAS MADE BY COMMISSIONER FLETCHER AND SECONDED BY COMMISSIONER WATSON, TO APPROVE THE PERMIT FOR THE KIWANIS BIKE RACE.

DISCUSSION FOLLOWED.

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

COMMISSIONER WATSON OFFERED AN AMENDMENT TO THE MOTION TO WAIVE THE PERFORMANCE BOND REQUIREMENT IN VIEW OF THEIR PAST EXPERIENCE IN HOSTING THE EVENT IN GADSDEN COUNTY. COMMISSIONER FLETCHER AGREED TO THE AMENDMENT.

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

5.4 Land Development Code (LDC) Revisions

The first hearing on the LDC revisions will be held on July 2, 2002 and the second hearing for adoption on July 16, 2002.

Commissioner Watson asked Mr. Ballister if any changes had been made to the Code other than the ones he was directed to make at the workshops.

Mr. Ballister responded "No, sir. But, I will take a look at what we can do with the pond problem between now and then."

6. COUNTY MANAGER'S AGENDA

 Mr. McKinnon had nothing to report.

7. 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 AS AMENDED TO WIT:

- 1) Department of Revenue Child Support Enforcement Program Agreement for Period 7/01/02 through 6/30/05
- 2) Rehabilitation Agreement and Special Assessment Lien - Arthur and Willease McCray
- 3) Contract for Rehabilitation Work - Arthur and Willease McCray
- 4) Memorandum of Understanding between Gadsden County and the Capital Area Chapter of the American Red Cross
- 5) Gadsden County Public Library System Internet Policy
- 6) Resolution No. 2002-027 Supporting an Amendment to the State Constitution to Repeal Development and Operation of the Statewide High Speed Rail System
- 7) Dependency Counsel Grant-in-Aid Agreement
- 8) Resolution 2002-028 EMS Write-Offs of \$197,098.74
- 9) Gadsden County Roadway Resurfacing C.W. Roberts Construction - Change Order #23
- 10) Bid Award 02-08 for Petroleum Products - Hinson Oil Company
- 11) Travel Approval for Commissioner Fletcher to attend the FAC Annual Conference at Marco Island - \$840.00

Information Consent Agenda

- 12) Small County Coalition Meetings Announcement
- 13) Notice of Grant Approval - Florida Boating Improvement Program - Chattahoochee Boat Ramp \$62,000
- 14) May 2002 Economic Development Monthly Report

9. CLERK'S AGENDA

Budget Amendments 2002-06-18-01 through 2002-06-18-04

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

Ratification of Approval to Pay County Bills

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

10. COMMISSIONERS REPORTS

DISTRICT 2 REPORT

Commissioner Watson had no report.

DISTRICT 3 REPORT

Commissioner Roberson reported that the County did receive a grant for \$62,000 with which to re-do the Chattahoochee Boat Ramp.

DISTRICT 4 REPORT

Commissioner Fletcher had no report.

DISTRICT 5 REPORT

Commissioner Dixon recalled that during the last budget season he talked about developing a Five Part, Five Year Plan. He said that he is now putting that plan into words and numbers and would have it ready for them to review soon. He went on to say that grant funds are available for parks but the County must be prepared to show what the County wants a park program to be.

DISTRICT 1 REPORT

Chair McGill reported that he attended the Tri-State Water Allocation meeting in Montgomery, AL last week. He reported that If Atlanta is allowed to maintain its present position with several lakes, it could essentially devastate counties downstream from them. He said that it appeared to him that Georgia nor Alabama were not agreeable to the plan proposed by the State of Florida regarding water allocation. He asked that the Board send a resolution to the Governor regarding the serious water issues that are at stake and also ask the surrounding counties to also send resolutions to the Governor.

Commissioner Dixon stated that if something is not done about the water situation, there will soon be a critical shortage.

Gadsden County Board of County Commissioners
June 18, 2002 Regular Meeting

Commissioner Watson interjected that the reality of it is that as long as Florida is willing to continue to do "talk", they are not going to do anything. He said "They are going to have to be forced. They are not going to agree to it on their own and it is time to sue them. It is time to walk out of the talks and go that route."

ADJOURNMENT

COMMISSIONER FLETCHER MADE A MOTION TO ADJOURN. THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING ADJOURNED.

Bill McGill, Chair

ATTEST:

Nicholas Thomas, Clerk

AT THE REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON JULY 2, 2002, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

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

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

Chair McGill amended the agenda as follows:

- 1) Remove Item #5 - Grant Slayden - Proposed Family Law Assistance Program Ordinance
- 2) Add to the Consent Agenda - Authorization for Commissioner Dixon and Commissioner McGill to attend the NACO conference in New Orleans, July 12 - 16, 2002. Total approximate cost for travel will be \$435 registration each; \$800 hotel each; \$225 travel (Dixon); \$150 meals each. Approval for a budget amendment for a line item transfer in the County Commission budget to cover the above costs.

3. APPROVAL OF MINUTES - JUNE 18, 2002

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

4. COUNTY ATTORNEY'S AGENDA

Hospital Report and Request for Action

Gadsden County Board of County Commissioners
July 2, 2002 Regular Meeting

Mr. Richmond recalled that on May 21, 2002, the Board had found that Ashford Healthcare (DasSee) was in default of the terms of the hospital lease agreement dated July 1, 2002. The Board also gave specific directions to the Clerk, county staff, the auditors and himself to develop a "fall back plan" in the event that the County had to take over the operations of the hospital. He reported that he had sent Ashford a letter outlining the defaults and gave them 30 days to come into compliance. He went on to say that the 30 days have now expired.

Among the items of default were included that the Tenant had provided no documentation or proof of insurance and a past due electric bill with the City of Quincy. The City of Quincy has recently threatened to discontinue electrical service to the hospital. The letter of default also listed their failure to organize as a not-for-profit company.

Mr. Richmond then reported as to the status of the following defaults:

- 1) He has now been furnished with proof of insurance from the Florida Hospital Association.
- 2) Upon contact with the City of Quincy, he asked them to send him a letter explaining and outlining their position with respect to the past due bill - he still had not received that letter at the time of this meeting

Mr. Richmond stated that before he could proceed with any action, he needed to ascertain where the evidence is in the matter. He explained there is a considerable risk involved for the hospital as well as for the Tenant.

He then reported that Chris Moran of Purvis, Gray and Company (county's independent auditors) has made some inquiries of Ashford/DasSee but was not certain what his inquiries had turned up.

Mr. Richmond then stated that the situation at the hospital has not changed since the last time the matter was before the Board. He explained that it is now a matter of determining what to do about it. He said that Gadsden Hospital, Inc. (the not-for-profit corporation for the County) was still working to develop a "fall back plan" in the event that the County should be put into the position of operating the hospital. He also said there were still outstanding issues which need to be resolved.

Gadsden County Board of County Commissioners
July 2, 2002 Regular Meeting

Mr. Richmond said "I do not have, at this point, the evidence that I need to go to court tomorrow. But, I need some input from ya'll as to what you want me to do or how you want me to develop this case or what to do about it... So, I am requesting instructions from ya'll as to what you want me to do."

The options were: 1) Delay this matter for a time and give him time to meet with Chris Moran and develop the needed evidence 2) Take whatever action is deemed appropriate after the meeting with Chris Moran 3) Take no action at all.

Mr. Chris Moran addressed the Board.

Moran:

We were originally engaged to look into financial compliance matters. This was back in February. We issued a letter on February 26 regarding the information that we would need - a complete listing of stuff we would have to have available in order to determine compliance with the lease agreement.

We basically had an initial meeting with the Tenant in March and we spent a significant amount of time going over the information that they did have available at that time. One of the primary problems we encountered during the initial process was the Tenant's lack of accurate financial information that could be supported by detailed general ledger. We were getting a lot of subsidiary ledgers, but we could not tie anything back to the general ledger. They just did not have one.

The financial statements were out of balance by more than a million dollars. They acknowledged that they had a problem with their general ledger system and that they were working on it.

They also acknowledged that they were going to have an audit done for the year and their CPA firm would show up sometime in the middle of April to complete the audit. So, at the time - around the end of March, we decided to wait until April 15th and see if they were going to have their general ledger. That would give us the documentation and get a whole picture of things out there.

On May 17, 2002 - during the latter part of April we still had not received the information we needed. We basically - by

Gadsden County Board of County Commissioners
July 2, 2002 Regular Meeting

this time it was April 8th. At this time we still had not been given a copy of the general ledger. At that time we wrote a letter - a preliminary report to the County which was delivered to the board meeting on May 21st and the County took that report and basically issued a default to the Tenant on May 23.

The letter required the Tenant to correct the default items. The letter required the Tenant to correct the defaults within a certain time frame. Financial defaults were required to be corrected in 10 days and nonfinancial matters were required to be corrected in 30 days.

It was determined by the County that the only financial matter that was to be corrected within 10 days would be the issue of their credit worthiness as evidenced by their prompt payment of their obligations. A meeting was held at the end of May with the County representatives and representatives of the Tenant. At this meeting, the Tenant was able to provide the County with detailed accounts payable report for the months ending March, April and May. But, we were still not given a copy of the general ledger. So, I had a stand alone report that I could not get to agree to anything.

So, at that time, we decided to wait until they provided us with a detailed general ledger. We were at this 10 day limit and we figured we had 20 more days. Everything had to be completed within the 30 days. So, we received an electronic version of the general ledger provided to our office on June 17. The schedules for accounts receivable, accounts payable, cash, long term debt or other balance sheet accounts were not provided. All we got was the disk.

We issued a letter to the Board which was presented to the Board meeting on June 18 and informed the Board of our need for additional time for them to analyze the financial information we had just received.

We took a look at what we got and we were still waiting for the divisional package on June 23rd. We were under the impression that we were going to get the rest of these compliance items provided to us.

Now, I received a call here on the 24th and there was a package

Gadsden County Board of County Commissioners
July 2, 2002 Regular Meeting

of information that we picked up.

Dixon:

Mr. Chairman, may I? Tell us what those deadlines of 10 and 30 days were. The dates.

Moran:

the 23rd would have put us out there on June 1st. I think we met on May 31st here at this office - we thought that was the last day to meet the 10 day requirement. And the rest of it would have been due on June 23rd.

Now on the 24th, I actually picked up the information. I do believe that they dropped it off on the afternoon of the 23rd. In the package of information that I picked up, it had a copy of the 1999 audit, a copy of the 2000 audit and a copy of the May 31st 2001 audit report as well as a letter and certain documentation that I guess the advisory committee had been formed. They were scheduling a meeting for July 17th, I believe. That is the only thing that was that package of information. We did not receive a copy of the December 31, 2001 audit report - which we had agreed might be sufficient to determine the financial operation for the year ending 2001. If I had the audit report, I could live without the general ledger. But, we were provided with this electronic version of January through May.

So, at this point, I think some things have happened that have been taken care of. But, I have not received the documentation related to it.

We had a default item related to a penalty on delinquent rent. I believe, through conversation I have had with the Clerk's Office, that they have actually paid that delinquent fee. But, I have not received the documentation on that. I did not want to file an official report tonight and not know what else has transpired and what else has been relayed between the Tenant and landlord that hasn't been reported to me yet.

Right now, where we stand on today's date - on section 2.1 in the lease - the Tenant was required to provide the landlord financial statements each month of sufficient detail to determine the operation of the hospital. As stated, we were only given a copy of May 31st 2001 audit and we received a copy of the five month general ledger of this year. However, we

were not able to reconcile the general ledger back to detailed financial (inaudible.)

We have no copies of the accounts receivable listing, we have no copy of the aged accounts payable. We've got an electronic version but we don't have all the back up for what we need to have on a monthly basis in order to determine the operations of the hospital are.

So, at this time, we have not received sufficient information to document the Tenant's compliance with Section 2.1 (e) of the lease.

Section 5.4 as well as several other sections of the lease, the Tenant is required to comply with Section 155.4 of the FL Statutes. The Tenant is required to comply with FL Statute 155.40 which requires that any not for profit corporation that leases a county hospital become qualified under 501(c)3 of the Internal Revenue Code. We have not been provided with any documentation that the Tenant has obtained 501(c)3 status or, in fact, started the process. We anticipate that could be done in 30 days but they have not provided the document nor started the process.

Section 7.1 - Use of Equipment - The Tenant is required to secure the Landlord's interest in all equipment that is owned by the Landlord. The Tenant has failed to provide a complete with supporting documentation of all equipment located at the hospital - at the facility. This includes equipment which has been purchased with outside State funds with the Rural Hospital Capital Improvement Fund. It is the position of the State that the equipment purchased with this type of grants is the owners of the hospital. A documentation of what they say has been purchased over the last three years with Rural Grant money and there is \$700,000 to \$800,000 worth of equipment. We have never been given a listing of what that equipment is and that you have, in fact, ah, - The Tenant failed to document compliance with Section 7.1 (c) of the lease as to the possible pledging of equipment to an outside financing company.

They have also failed to document compliance with Section 7.4 of the lease relating to the filing of UCC -1 financing agreement securing the Landlord's interest in any equipment they may own.

They are suppose to tell you what equipment you have out there and inform you of any equipment that they purchase with grant funds. They are suppose to secure your interest in that equipment and make sure that it is not pledged for any other type of loans or other UCC financing of the equipment. We still have received nothing on that.

Indemnity, Exculpation and Insurance - Section 12 - This section of the lease specifies the various types of insurance that they are required to maintain. The Tenant has failed to provide the proper documentation that they have all of the required insurance in place. Now, I understand that what has happened is that they provided some of the rider, I guess, related to professional liability and general liability in the building. There are still requirements for workers comp insurance. We have never seen any copy of any policies.

I did get a fax from Mr. Richmond's office today and I guess they got something in place. I still have not seen anything. I don't know what the terms are or anything else.

Permitted Uses of the Facility - The Tenant is allowed to operate the facility as a licensed acute care hospital. Ten year lease agreement. They are currently using the facility to also operate a regional accounting office using equipment and space of the Gadsden hospital. The Tenant has not provided documentation that the Landlord has granted permission to use the facility or any of their equipment for this purpose. One of our concerns is that a significant amount of equipment - I don't have documentation of the equipment they have purchased. The indications are that some of the grant money has been used to buy computer equipment and computer software that is in the building. That equipment is therefore your equipment. They have also, I have received documentation from the State that Calhoun County Hospital and the hospital in Franklin County may also have State grant funds purchasing the same equipment and software. It is for a multi-hospital billing package. They are running all four facilities on it. Now, it could just be that Calhoun County paid their share of the license fee to use that software. But, right now, who owns the software and who has granted the permission for them to use that software and as well as your building to run a regional accounting office. We have not received any documentation that the County ever approved this.

Section 15.1(j) Failure of the Tenant to maintain its credit by the payment of its obligations, including the salaries of employees, with reasonable promptness. We have not been given sufficient documents to determine if the Tenant has maintained its credit by the prompt payments of its obligations. We have not been provided with sufficient schedules of balance sheet accounts or supporting documentation of adjustments to the general ledger of outside financing arrangements or listing of assets that may have been pledged. Without a significant amount of additional information, it has not been documented that the Tenant has complied with this section.

In general, from what I have been told, they have a corporate account that they use to pay the bills for four separate hospitals. That corporate account is funded with a line of credit with an outside finance company. The outside finance company is basically provided with a detailed billing summary of each month's billing from each facility. The finance company then advances a certain amount of funds related to the work that has been billed that month. Those advance funds go into a corporate account and the corporate account is used to pay the bills of all four hospitals.

Based on what I was given for the period given ending 5/31/02, they are showing total net patient revenue after adjustments of \$4,199,000 for the first five months of the year. Related to the fact that they've got this outside financing agreement of their accounts receivable, they may still have a lock box set up where all the money they collect goes into an account and that account is swept every night to the finance company to pay down this line of credit that they are borrowing money on.

The depository account that is swept every month

Watson:

Every month or every day?

Moran:

Every day, I am sorry, every day it sweeps it out. Total deposits for that account was \$2,605,000. So, somewhere around \$1.8 million less in deposits than what they are showing in net revenue after contractual obligations. To make matters a little more difficult, in the month of May, there

was approximately \$375,000 worth of adjustments posted to the books which were negative expenses. The total expenses for May actually ended up only being \$296,000. Whereas, January through April, the expenses have been averaging \$666,000 per month. So, about \$400,000 came out of the expenses and I don't have a copy of an audit report for 2001 nor do I know what was on their accounts payable for 2001. All I know is that \$300,000 came out of payables and came out of expense. It looks like it was a misclassification problem, but I don't know what period it was related to. I don't have any documentation to support an internal entry. I don't know how much has actually been borrowed against the accounts receivable. They are showing AR on the books at \$2.1 million net of allowances, but, we don't know how much of that is already pledged to a line of credit (inaudible)

They are showing \$1,000,053 profit for the first five months of the year. And, there are \$1.8 left in deposit - that is what they are showing on their books and I know that I had some kind of accounts receivable going into the year. But, without an audit report, I don't know what it is. I mean, it still goes back to the basic - we have not been provided enough documentation to support what is going on. And an audit report for December 31, 2001 may clear some of that up. In the May 31, 2001 audit report actually raised more questions than it provided answers. There is an indication in there that there was a \$2 million deficit fund balance that came over from Centennial that this was an advance that was made. An advance in the footnote implies that it is to be repaid. But, I have not received any documentation that the advance has been removed. I don't know if they still have this deficit sitting on their books at the end of the year on December 31st. I mean, we just don't have sufficient documentation from them to prove that they are in compliance with certain aspects of the lease.

Fletcher:

Aren't they required to supply us with that information?

Moran:

According to the lease, they are.

We can ask for it again. I can give you a list of stuff that we asked for back in February. We asked for a copy of all outside filing agreements and all outside contracts. We

Gadsden County Board of County Commissioners
July 2, 2002 Regular Meeting

specifically asked for copies of contracts related to the software purchase. We asked for copies of the fixed assets. We were told they were going to provide us with a list of permission from the State to split these grant purchases equipment and software. I don't know if that stuff has been turned into someone other than me. But, I have not been provided copies of this information. So, I thought I would come here and find out what everybody else has received. But, in the package of information I picked up on the 23rd was just a couple of little audit reports and this advisory (inaudible.)

McGill:

Are there questions of Mr. Moran regarding the hospital?

If not, I think there is somebody representing the hospital and they can come forward now. Then you can take a shot at both of them when we get through with him. (Inaudible)

State your name for the record, please.

Barrett:

Good evening. My name is David Barrett of Barrett Associates. I am glad to come over to see if I can answer any questions (inaudible.)

I can tell you that we were prepared to file a response to the initial report provided by the (inaudible) as of June 19. Because of the meetings that occurred, we were advised by your counsel that we should not respond to that at that time.

Watson:

By who?

Barrett:

Mr. Richmond. And I had a talk

Watson:

He advised you not to respond?

Barrett:

We were told not to file it at that time because there was additional information that was being provided to Mr. Moran. He wanted additional information, so that when we responded, we responded copiously speaking to the issues.

Gadsden County Board of County Commissioners
July 2, 2002 Regular Meeting

McGill:

You're saying our attorney told to respond by when?

Barrett:

There was not a specific time provided.

McGill:

Did he say forever?

Barrett:

Excuse me. But, rather that when the information was available to Mr. Moran and he had updated his report, we would respond to the updated report. So, our response would be to the issues that were presented. So that I could give you just a little bit of information, I will tell you that the amount of financial information that has been provided is substantially in excess of what is required by the lease. I am not arguing about the lease or not the lease, I just simply tell you that what is required under the lease is substantially less than what we have already provided.

While I was listening to Mr. Moran's presentation, I quit counting at 27 of the things that he said that he did not know as opposed to making a presentation of that which he did know.

I can tell you that the 501(c)3 application has been with the tax attorney that is preparing that so that it is prepared properly. That is being taken care of.

Watson:

Why? Why now?

Barrett:

I'm sorry.

Watson:

Why now and not before?

Barrett:

The filing of the not profit was done substantially before. The request for the tax attorney to do the 501(c)3 filing was done at the time of the lease in January. Unfortunately, the tax attorney put it on the side line because of tax activities and has now gotten back to it within the last few months. That application for a 501(c)3 is (inaudible) and substantial. It is outside my area so I can't speak to it specifically, but

I am advised that it is a very complicated application.

Let's see if I can run down some of the other issues. The equipment that is being discussed, as I read the lease, interestingly enough, does not require the hospital to provide you a list of the equipment that you own, but rather requires the County Commission to provide a list of the equipment that is owned by the County to the hospital. For us to have a list against which we then can take certain actions. We have never been provided with a list of that which is owned by the County. As I hear it, we are being criticized for not having provided you the list. Under the lease, it says that you are to provide that list.

So, I think that there are some substantial issues here. It may be that Mr. Moran is simply looking at it as an accountant trying to gain information. Not providing the legal opinion. We are not arguing about that. We are here to tell you that the hospital is running and running well.

I can tell you on the utility issue that there were meetings as late as today. It appears that there is a resolution of that issue, but it is subject to some final documentation that has been put together by the city attorney. I believe that that matter is being addressed.

But to give you some type of flavor of understanding, for example, on accounts payable. In medical provisions because of the duration that it takes for payment from third parties (Medicare and Medicaid and insurance) very often slide on a 90 days to 120 days out meaning that they cannot do payments for 90 to 120 days. That is when they would be due - not past due. In the accounting program, we keep track of payables based on the date that the bill is presented 30 days, 60 days, 90 days. So there may be a reference that says that it is 60 days from the date that the bill was presented. It doesn't mean that it is 60 days past due. It may well be 60 days in advance of the due date. I think there is a misunderstanding in looking at that and perceived that there was a substantial amount of late pay.

Watson:

You're not past due with the City of Quincy?

Barrett:

Past due with the City of Quincy, yes. But there is also a disagreement over the bill. The City of Quincy has from the outset applied a substantial amount of money that is owed by Centennial and not owed by your current Tenant. They have continued to add interest to it and, as a result, accounted for the exact amount that is due has been a difficult situation. It is that process that we're working through.

For the first time, the City has asked us to provide information about whether or not your current Tenant assumed that liability from the prior company. Which we have offered in the past. They have asked about that and are willing to look at the accounting on that so that we can get to the hard core of what amount is due. Secondly, we have made arrangements for a substantial payment within the next 7 - 10 days and then additional payments to be made so that it is not only kept current, but any past due amount that is attributable to the current Tenant will be paid.

McGill:

So, what about your lack of (inaudible) that is supposed to be coming to the County Commission? (Inaudible) If your lease says that you (inaudible). Your lease says that we should get them, but we don't get those.

Barrett:

Well, the lease requires certain monthly internal statements. What it requires, as I recall it, and I really wasn't prepared to go into an entire response, is a listing of income and expenses only. It does not require a presentation of complete financial statements.

McGill:

I thought it said monthly financial statement from the hospital to the County Commission.

Barrett:

I don't have the lease with me. I wasn't intending to come to make a complete presentation. I certainly am not looking to get into a legal argument, Mr. McGill. But, my recall is what it said is that financial statements identifying the income and expenses.

Dixon:

Did we receive those?

Gadsden County Board of County Commissioners
July 2, 2002 Regular Meeting

Barrett:

They have been available.

Dixon:

Did we receive them?

Barrett:

They have been available. We have provided more information than the lease requests.

On a monthly basis, it takes

Dixon:

That is a yes or no question. Simple. Did we receive them in a timely manner? Yes or no before the default statement. Thank you.

Barrett:

(Inaudible)

McGill:

What about employees salaries? Timely?

Barrett:

Yes, sir.

McGill:

That is not the information that I get.

Watson:

Did you have any judgements against you?

Barrett:

I know of two pieces of litigation in which there is a question and legitimate question where they are being looked at.

Fletcher:

Are the payroll taxes current?

Barrett:

I can't speak specifically. My understanding is that they are, but I cannot tell you that I have looked at that.

McGill:

Gadsden County Board of County Commissioners
July 2, 2002 Regular Meeting

Well, if you are not paying the employees on time, how can you pay the employees taxes timely? (Inaudible)

Barrett:

I thought I stated very clearly that as far as I knew, the employees were being paid timely.

McGill:

As far as I know, that is not true. Anyway, I have one more issue.

Barrett:

If you have a specific issue, I will be glad to speak to it.

Fletcher:

They are not paying their payroll taxes. They are not current would be my guess.

Dixon:

We had 10 days on the financial statements that were requested by Mr. Moran's office. That time frame to your request, and I am sure he made a list of things that he requested whether the lease calls for them or not. He advised you of things you needed. He requested them and it is my understanding that you o.k.'d that but asked for more time. That time was given, yet, Mr. Moran has yet to receive that information. What is your response to that?

Barrett:

First of all, the 10 days was for fiscal default, not for financial statements. Those issues were

Dixon:

Were not those statements, Mr. Moran, to determine fiscal default?

Moran:

We couldn't make a determination without the financial statements.

Dixon:

Absolutely. So, let's not play games. Let's stick with the issue. No legalese. Please just give us the layman's terms, Mr. Barrett, please give us the layman's terms as to whether you met it. Did you or did you not agree with Mr. Moran that

Gadsden County Board of County Commissioners
July 2, 2002 Regular Meeting

you would provide certain documentation in writing that he asked for?

Barrett:

I was not at the meeting.

Dixon:

Did the corporation represent?

Barrett:

My understanding is that there was a specific detail of financial records that we agreed to provide and we have provided those.

Dixon:

In a timely manner?

Barrett:

To the best of our ability - in a timely manner of those that were available.

Dixon:

But Mr. Moran is saying that he doesn't have those documents.

Barrett:

What he is saying is that he does not know and he is unable to make his own challenge. As I hear what he was saying.

Dixon:

No, I didn't understand that. What I understood was that the information that was sent was a large amount of information, but it was not the specific information that he needed to make a determination. Am I correct, Mr. Moran? Am I saying what you said?

Moran:

We were under the impression that we were going to be provided with audit report for 2001 and therefore, that might suffice to not need detailed general ledger for 2001. We have not received a copy of that audit report.

I don't have any opening balances for January 1 to be able to make a determination of what has happened for the first five months of this year without that December 31st audit report. And, we were given an electronic version of a general ledger

Gadsden County Board of County Commissioners
July 2, 2002 Regular Meeting

for January, February, March, April and May and we were given a copy of a summary financial statement. What we did not get was any supporting schedules for accounts receivable and accounts payable (inaudible) for those general ledger items. And, the financial statements that I received were in summary format and the general ledger was detailed. We were not readily able to reconcile the two.

We were told that the 2001 audit was going to be provided. I don't know what happened on that.

Barrett:

Well, I think it is real simple. You have asked me to be very specific. I haven't heard Mr. Moran say that he didn't get what he asked to get. As far as the audit, we haven't gotten it from the accountant. We can't give you something that we don't have. We can't control the external. But every single thing that you asked for, we have provided, yes or no?

Moran:

I did not get anything for 2001.

Barrett:

We gave you through

Dixon:

Mr. Barrett, let me just make clear my position. My position is that we gave you time, reluctantly. You have yet to provide the information to our people - that our people said they needed. Now, you have to convince me and maybe it is not important to you, that we should not continue down this default line. I have not gotten anything from you or the hospital (being you are the representative thereof) that says anything otherwise. This jockeying with Mr. Moran does not help me any.

Barrett:

Well, Mr. Dixon, let me try and speak to it. What Mr. Moran told you was that you got monthly financial statements. That you got a complete general ledger for everything up through May. We certainly couldn't give you through June since it just ended 2 days ago. Now, we have given a complete thing.

What he said was "We couldn't tie the two together easily." Now, we are trying to give you every bit of information as

quickly as we can and well in advance of what the lease says. And we gave it to, as he said, timely. We agreed on the 23rd and we delivered on the 23rd. Now, he has not since the 23rd said "Can I sit down and have ya'll go through and help me coordinate the things that I asked for so that I can give a complete report." What I understood was that when he finished with a complete report, if there was a need for us to respond, we would. If he got the information and there was a need for an inquiry, that we would provide that. And every single time there has been a request for information or a request for a meeting, it is my understanding that we have made that available. We have made it available without lawyers present - even though you have had your lawyer there - so that it is just a good open discussion. And we again make that offer to this Board. If your accountant needs to sit down with detail of our monthly statement and compare that to our detailed general ledger, we'll be glad to do that.

Dixon:

My position is that you are out of time. My concern is first of all, we had to make you provide it. So you don't get any points for sending it after the fact. Not with me. Maybe with some of the other guys around the table. Girls and guys around the table, excuse me, ma'am. Maybe you can get some points with them, but you don't get any points for sending it after the fact. You certainly don't get any points for half sending it after the fact.

I would think that your company, your group, would be trying to get with Mr. Moran to avoid situations like this. He shouldn't have to hunt you down. You should be hunting him down to get your numbers straight to make sure that he has the most intelligent presentation to make to this body. Why would you let him come here half cocked?

Barrett:

Mr. Dixon, I agree with you. But we provided you

Dixon:

Because I am going to believe him.

Barrett:

We provided that on the 23rd. He picked it up on the 24th. That is eight days. In those eight days, we expected that he would look at it, evaluate it, and if he had questions, raise

Gadsden County Board of County Commissioners
July 2, 2002 Regular Meeting

them. We did not know that he would be coming to the Board tonight saying that he had questions that he hadn't raised with us. But certainly we provided it in a timely fashion. We have been available and we will tell him again and ya'll again tonight, if there are questions that he has, that he cannot detail, we will provide him the information and the people available so that you are satisfied or not satisfied. But at least that we've done everything. I think that in eight days (four of which were weekends) that should we be calling on a daily basis? I think that we've got to at least give him some time to do some work on it to know his position.

McGill:

Mr. Barrett, do you believe - What has happened at the hospital that caused us and Mr. Moran to want to look at your books? The reports were supposed to be going to the Clerk and he was not getting them.

Fletcher:

They weren't paying their bills, Mr. Chairman.

McGill:

That is what I am trying to get to. If you had been doing all of these things in the lease, we wouldn't be having this conversation tonight. Or any other night. If the hospital was doing what it was suppose to do.

Barrett:

That may well be, Mr. McGill.

McGill:

So, don't push it off and say that Mr. Moran didn't do this and that. I'm tend to agree with Mr. Dixon, which I don't often do, but we will not be your "whipping boy" and you will not be a "whipping boy." You have got to get us what we need - what the contract calls for.

Barrett:

Mr. McGill, (inaudible)

What I was trying to address specifically was whether or not we had responded timely to the specific time frame that had been given to us and whether or not in the four working days since then, we should have taken more aggressive action. That is all I was speaking to. Not to what has occurred from

Gadsden County Board of County Commissioners
July 2, 2002 Regular Meeting

January through May.

McGill:

If things had gone according to the contract from the very beginning, Mr. Moran would not be here, you would not be here and we wouldn't be having this discussion. So, you see, somebody breeched the contract long before now. Now, you say that they have filed for the 501(c)3. I thought a condition of the contract was that you have a 501(c)3.

Barrett:

No, sir. The condition of the contract is that we would apply for 501(c)3.

McGill:

From the beginning?

Barrett:

The lease we are dealing with commenced in January.

Dixon:

Is that lease with Gadsden County?

Barrett:

Yes, sir.

Dixon:

Are you a new corporate entity taking over in January?

Barrett:

The lease that is under discussion, I believe, is dated in January.

Richmond:

June.

Barrett:

June, excuse me. June of last year.

McGill:

When did Gadsden County sign the initial contract with Gadsden Hospital? When was that actually signed, does anybody remember?

Richmond:

Gadsden County Board of County Commissioners
July 2, 2002 Regular Meeting

Do you want me to give you a brief history?

In '96, we entered into a lease agreement with Med Tech, Inc. after Dr. Thompson and Healthmark left. In the middle of that lease, Mr. Hardy got financially in trouble and he had judgements everywhere as you are familiar with.

McGill:

Let's go. Make it short, now.

Richmond:

What he did at that point was that he got Centennial to come in and take over under that lease - I believe in January or February of '98, maybe '99. Centennial was a publicly traded company from Georgia that primarily did nursing homes, but they were interested in developing a hospital as a subsidiary. At some point in time, Mike Lake came down with his staff and started. They acquired the lease, it was approved and Centennial took over the lease of MedTech. In January or February of 2001, Centennial bought back their stock and went private and became a private corporation again. The ownership decided they were going to get out of the hospital business. They gave the interest in the lease arrangements with these hospitals to Mike Lake and four or five of the hospital staff that did the hospital side of Centennial. That is how they got here. They actually operated under the original lease with MedTech with our approval through June of last year. We then renegotiated the lease based upon at that time the perception that they were moving well and everything looked good and they were paying the bills.

McGill:

But, all of that time they were required to have a 501(c)3. That was never negotiated out.

Richmond:

The original lease with MedTech, I believe they were. I don't know that at this point. I will go check. They might not have been.

Centennial had their own corporation set up which is the one that holds the lease now - Ashford Healthcare is the non profit they set up and entered into a management agreement. Then Lake set up DasSee and Ashford is actually the one that has the lease.

Gadsden County Board of County Commissioners
July 2, 2002 Regular Meeting

The financial information was not forthcoming. There became questions earlier this year when Howard and I were called out there for a staff meeting at the hospital. We called that to your attention. This has ultimately developed into this situation. Under the terms of the lease, there are, as Mr. Barrett has pointed out and Mr. Moran has pointed out, and everybody understands that there are monetary defaults which are 10 days in which to cure. There are non-monetary defaults which they have 30 days with which to cure them. The monetary ones are the ones that are easy. Pay the money and that will take care of it.

We got into a situation with the credit worthiness, if you will. Were they paying their bills? Were they paying their employees? Which is not something you can just look at and make a monetary decision on within 10 days and we needed to get the financials and we had several meetings with Ashford and DasSee. They indicated that they would cooperate and furnish us all the documentation that we needed.

During the month of May, because of what we viewed as a monetary default on the credit worthiness issue, we couldn't make a determination on that. In effect, we had a lot of documentation that was not supported and Chris, from a CPA's standpoint, needed supporting documentation to make sure of what was going on. The impression from the documentation furnished was there was the possibility of taking in \$450,000 in an average month and paying \$656,000 and they were losing money and the roof was about to cave in. You can't run a business like that.

So then, we got into it and we got some information from them. There was additional information requested and we had a meeting and Mr. Lake brought this CPA over from Mobile or someplace and he assured us that we would have by the end of the month, the audited financial statement for 2001 and I don't know if we have got it or not.

Barrett:

We have not received it.

Richmond:

So that - an audited financial statement is good strong place for Mr. Moran. I mean, you speak the language. It's like I tell the Clerk and Mr. McKinnon every time we have these

Gadsden County Board of County Commissioners
July 2, 2002 Regular Meeting

meetings. I don't speak that language. Ya'll figure it out and tell me what to do. And I am not laying it off on them, but it is a question of accountancy and some other things. We just don't have it. It is their responsibility to get it to us and that is where it is at.

The question is they have been given time to cure the defaults - the 30 days and the 10 days. My difficulty with this is after we assess everything that has gone on, Mr. Moran may call me up and say "Oh, they have complied." I don't know if he can say one way or the other. They haven't furnished sufficient documentation for him to make that decision at this time. But, if we go to court and we throw them out of the hospital, they are taking in \$600,000 a month - that's what they say - I don't know how much it is, but there is a potential lawsuit there for lost profits and revenues and other things that could create real problems. So, I want to make darn sure of where we are at and that is why I have moved - not slowly, but I have tried to get all this information together. It is necessary for us to have as much information as we can get.

Mr. Barrett is probably correct in that there was no requirement for them to furnish us this information. But they have in the spirit of cooperation. By the same token, it has given us a chance to see what is really going on. But there are a couple more steps. We needed to have that audit report and we didn't have it. When we were trying to make the assessment back around the 20th of June, we hoped we would have it. We still don't. That is where it is at.

I apologize for rambling.

McGill:

Did you say that Mr. Moran had the information requested?

Richmond:

No.

Moran:

I am in the same position today that I was in when I issued this report. I did receive this information on the 24th. There were two weekends in there. I have not gone back to ask for additional information. I was told this big package was coming in on the 23rd. We did not receive the 2001 audit

Gadsden County Board of County Commissioners
July 2, 2002 Regular Meeting

report. My hands are tied in some ways and I don't know where you start on January 1. I have some bank statements and some summary financial statements. I've got journal entries removing expenses of over \$400,000 posted in May. I don't have any supporting documentation for that.

But, I have not gone to the Tenant and said "Will you please provide the supporting documentation and sit down and go over all this stuff." I just received it. But, because of this meeting being tonight, I was asked to come. I don't really have a report. I've just gone over the May 17th letter which we issued as a default and I talked about what additional information we received and read the May 17th letter. I have not received that much additional information.

Now, do I need to go back out and ask again for the workers comp policy? It says that you shall have adequate workers comp insurance. But we have never been given a copy of the policy.

Fletcher:

You should have an insurance certificate on that.

McGill:

Chris, in your opinion, are they in default?

Moran:

I don't know what to say. I haven't gotten the documentation. Is the burden on me to provide the default item? Or is the burden on them to provide the documentation and support that they are in compliance with the lease? That is a legal question that I don't know.

Dixon:

Mr. Chairman, I think his job is to present us with the information. He is an easy target. My position is that they haven't "anted up" with what we asked them for. Mr. Barrett makes a nice spill, but he still didn't bring the books with him. As far as I am concerned, we gave them 30 days to come into compliance and get the information that we requested. They haven't done that.

Now, there are other problems about perception out there and we know what people are saying and other things. We can't look at that. But the problem is they haven't given us the

Gadsden County Board of County Commissioners
July 2, 2002 Regular Meeting

things that we can look at. The things that the lease calls for. I am sorry, but I am in a position to move on with the default. If they can present ya'll some information and the Board at some points wants to reconsider, that is fine. But I don't like it. It doesn't smell very good to me. The situation here. The manager and the attorney and the CPA. The manager hasn't found the stuff that he needs. So, certainly they can't tell us anything. It should be the hospital's position that they would not leave us in a position where we don't know.

Fletcher:

Is it unusual for them not to have an outside audit by now - six months after the fact?

Moran:

They have certain requirements by the State to submit financial statements on April 30 as well as May 31. We were told that they had been granted an extensions by the State to not have to file those. We have not seen copies of those extensions granted.

Fletcher:

Why would their external auditors not have that information ready by this time?

Moran:

That I cannot answer.

Dixon:

Not to mention, Mr. Commissioner that they didn't receive an extension from us.

Fletcher:

Absolutely.

McGill:

(Inaudible)

Moran:

I am aware of the fact that there were certain deadlines with the State that we have not received documentation of the authority to extend those deadlines. They have implied that they have, but we have not seen them.

Gadsden County Board of County Commissioners
July 2, 2002 Regular Meeting

McGill:

Since when are you concerned that this is a default?

Moran:

I don't have a

The lease says that you will maintain all your license agreements with the State. Have they done that? By not sending those financial statements, have they got permission to extend them? If they've got permission to extend them, they are probably o.k. But I haven't seen that documentation.

McGill:

My question is that an item of default?

Moran:

Default of what?

McGill:

The lease agreement.

Moran:

It would be default of certain sections.

Dixon:

Mr. Chairman, I think we have the ability to say that he is in default and then he has to prove otherwise. I think that is what Mr. Moran is saying. He has not met that burden to prove otherwise - to him or to us.

Richmond:

Well, when we go to court, the burden will be on us to prove that they are in default - to terminate the lease.

Dixon:

I suggest we get that information in hand, but I am not impressed with what has gone forth here tonight.

Watson:

But Mr. Barrett, you will admit that ya'll are behind in paying your bills?

Barrett:

No.

Gadsden County Board of County Commissioners
July 2, 2002 Regular Meeting

Watson:

Ya'll are current on all accounts payable?

Barrett:

I don't know of any account that we do not have agreements regarding or in the process of having those agreements.

Watson:

You say that you think you have one with the City of Quincy now. Was that in the 10 days of the lease to clear things up?

Barrett:

That 10 days in the lease is not applicable to that provision, sir.

Watson:

Why not?

Barrett:

Because it is not. That provision in the lease does not relate to a 10 day provision.

Watson:

What about the 30 days?

Barrett:

Yes.

Watson:

Were you in compliance, were you current with the City of Quincy at the end of the 30 days?

Barrett:

We were in compliance with the agreements that we had at the time.

Watson:

Were you in compliance with the City of Quincy at the end of the 30 days?

Barrett:

As I understand it, yes, sir.

Dixon:

Why didn't you just say "We are working on an agreement."?

Gadsden County Board of County Commissioners
July 2, 2002 Regular Meeting

Barrett:

For a new agreement on a different basis.

Dixon:

Then, why would they call us on Friday and tell us they were going to turn the lights off?

Barrett:

Because they have a different view of the

Dixon:

But isn't their view important?

I mean, you know, legalese if fine, but it just doesn't work for me. And I don't like the double talking and saying one thing and fudging on it. You are not helping your case with me.

Barrett:

Mr. Dixon, if I owed you a bill, but there was a disagreement over an amount on it and we hadn't come to terms of what the correct amount was, would that mean that I was in default or that there was a disagreement?

Dixon:

How much is in disagreement? How much do you say is owed by Centennial?

Barrett:

It is between \$80,000 and \$90,000 in principle amount at the time of the change plus interest that is being added. We have not been able to get a detail on the interest.

Watson:

So, every month ya'll paid whatever you used that month every month? Disregard the disputed amount.

Barrett:

I cannot tell you that.

Watson:

Do you think that it is a safe bet to say that you haven't been? If you had to wonder, which side would you come up on? I do not believe, sir, that the City of Quincy would have taken the action that they took the other night if you had

Gadsden County Board of County Commissioners
July 2, 2002 Regular Meeting

been paying your regular monthly bill. Do you think that is reasonable.

Barrett:

I think that is certainly one point of view.

Watson:

One of the biggest things when we wanted this lease was they had to pay their bills. And here we are again.

Dixon:

Doing it over again.

Watson:

I am inclined to agree with Commissioner Dixon. I think ya'll have had enough time. You just don't seem to work enough.

Barrett:

I hate that that is the way you look at it. I think that at least in the very short time that I have been involved, I have been able to move a substantial amount in an effort to bring the utility bill - which is a significant source of controversy - down. I expect to make \$50,000 payment within the next seven days which will make a substantial difference. And, I think that is in the best interest of the hospital and this (inaudible)

Watson:

Can you understand the reluctance of this Board to want to continue to work with an organization that will not move on some of its bill paying until we come down tonight? It takes tonight to make a big issue here and have the employees upset and wondering what is going to happen to the hospital before we get any kind of action. I mean, is that a relationship that you would want to continue in?

Barrett:

Dr. Watson, I understand.

Watson:

Is that a relationship that you would want to continue in? Where you always have to come down to a crisis before action is taken?

Barrett:

Let me suggest a couple of things.

Number 1, we were not aware that this was going to be a substantial issue tonight. We weren't doing what we did with the City of Quincy today because of tonight. We did it today because we see the issues and we are attempting to address it. Now whether or not you find the timing of it and whether or not you want to declare a default, whatever you want to do with your part in the contract, that is your decision and this Board will have to make.

What I can tell you is what I think in the short time that I have been working with this issue and the amount of movement that I have been able to get and I think (inaudible) I can tell you that there has been substantial movement. There has been an attempt to try and resolve this issue. And if you are looking at a question of over \$100,000 in utility bills and I have been able to move \$50,000 in 15 days and if you are looking at an issue of financial effort that may be a question of months, I have been able to move it through the end of May in 15 days. What I suggest to you is that if the Board is really interested in trying to see whether or not this County is going to be responsive, I am here tonight to tell you what I have been able to accomplish for my client and I think that if you will give us an opportunity to sit down with Mr. Moran with the records, we can clear this up through the end of May. There may not be any corrections. I think Mr. Moran was being honest when he said 25 - 30 times "We don't know."

That is what we are in the process of trying to do so you can have answers before you. I have not filed a response to Mr. Moran's letter suggesting in legal terms that you don't have a right to this or you might not have a position on that. Instead, we suggested that we not file legal responses and let's not get into that type of posture. But instead, file every bit of information that I can get available to you as quickly as possible, work with you and your representatives to address the issues. That is what I would like an opportunity to do. By making that statement, I am not suggesting at all that you haven't been gracious in the opportunities to date.

Roberson:

What is going to happen when you are no longer there doing their representation? When you are no longer there pushing these issues ahead?

Gadsden County Board of County Commissioners
July 2, 2002 Regular Meeting

Barrett:

Well, I think there is one thing Ms. Roberson, it may well be - I find that with my Tenants and I have a little bit of rental property and I have found that if you don't ask for something, you generally don't get it. If I don't press them to pay on the first, they will pay on the 10th and if I don't press them to pay on the 10th, they will pay on the 20th. And sometimes, they overlook those obligations because nobody asked. For example, on the equipment issue, I could sit here and argue about how the lease actually says which equipment belongs to the County.

Roberson:

But I think the equipment they were talking about that we provide the list for is the equipment that was there in the building when they arrived. The new equipment - What he is asking for is equipment that they have acquired that becomes the property of the County after it was acquired. There is no way we can give you a list of that when ya'll are the ones that

McGill:

It should go on the property records.

Barrett:

Well, I frankly think that there is a misunderstanding legally on the grant part. But, that is something that really hasn't been subject to discussion. We have been working on financial issues which is more in keeping with an accountant's position. What I do find very often at least in my practice and my business activities is that once both sides have a better appreciation for not just what the words say but what these guys expect, that they generally come forward and tow that line. I would suggest, that if the first time that anybody said "You know we would really like those financial records so we will know", you are going to see a much better performance.

Roberson:

Well, if they had read the lease, it had said that they were to give us some type of report, maybe not as detailed as they are giving us now, monthly.

Barrett:

I am not arguing that point.

Gadsden County Board of County Commissioners
July 2, 2002 Regular Meeting

Roberson:

Had they done that, it would not have come to having to give all that extra information now.

Barrett:

We are not arguing about the extra information problem. But, I think if after there was information that I didn't have, that I have (inaudible)

I will tell you that if there are specific issues of non-payment - you have mentioned employees not being paid - the details that I have seen do not reflect that. Now, if that is the case, I can tell you that it is something that I have not been aware of nor can I find any record. If you will provide that to Mr. Richmond, that is something we will be on in 24 hours. That will not be tolerated.

McGill:

Let me explain that issue a little better - Employees and medical contractors - that you have contracts with certain doctors. Don't you have contracts with doctors?

Barrett:

Yes, sir. If there is a contract that is not being paid, I will be glad to listen to that. If there is someone who has a complaint about a contract that was more than a year ago and wanted it extended and it hasn't been extended, I think that is a different issue. That is a business issue.

McGill:

I am talking about actually being paid for services that have been rendered. Not a contract extension.

Barrett:

Let me know specifics on it. That is not something that we have had brought to our attention in the issues raised in this matter.

Fletcher:

Mr. Chairman, if I may. Mr. Attorney, what do you recommend that we do.

Richmond:

I have given you basically three options to consider. 1) Take no action at all and gather additional information. 2)

Gadsden County Board of County Commissioners
July 2, 2002 Regular Meeting

Instruct me to proceed immediately to court. 3) Instruct me to proceed to try and gather some additional information to support the position we are in.

The evidence is going to be what will be necessary in this as in any lawsuit if it goes that way. Mr. Moran and I need to make sure that we have all the information and that we are all on the same page. Like I say.

Fletcher:

So, you suggest that we give you the opportunity to gather additional information?

Richmond:

With instructions to act on it if you want to give me that kind of leave way. It may come up during a period of time when the Board is unavailable to meet. The issues are pretty much frozen in time and we have to limit decisions to the default issues presently raised by the letter we sent back in May based upon Mr. Moran's information to the Board.

There may be other issues that develop as we go through this - other defaults. But those have to be addressed in the same way under the lease as these have. I am not being picky, but before we jump into it, we need to be sure that we have the evidence because they will be looking to us for the evidence.

McGill:

You gave us three options, which one are you suggesting?

Richmond:

I don't like being

Watson:

That is what we're paying you for.

Laughter.

Richmond:

Does that mean I get \$270 per hour? I'm sorry, that was cheap. I apologize.

What I suggest is to give me the authority to proceed as necessary and give me the chance in the next day or two to work it out with Chris. I haven't had a chance to speak to

Gadsden County Board of County Commissioners
July 2, 2002 Regular Meeting

Chris and we need to review the information.

Or, you can just tell me to go ahead.

McGill:

How much time are you asking for?

Richmond:

As soon as we can. We need to resolve this one way or the other.

McGill:

Give me a date certain then. Mr. Dixon and I will be leaving down the first of next week.

Watson:

I'm still not clear. That is not one of the options. I need to hear one of the options that I was given this afternoon. Somehow, that one got left out.

Richmond:

I may have just reworded it the wrong way.

Fletcher:

Let's vote.

Dixon:

Which one is that, Commissioner?

Watson:

We give him the authority to begin the paper work to develop evidence and take action on the default and to continue the investigation as necessary.

Fletcher:

Do you want to make that in the form of a motion?

Watson:

Yes.

Richmond:

That is what I was intending with the second option.

Commissioner, Dr. Watson has pretty well laid it out in the form of his motion that we proceed to develop the paperwork

Gadsden County Board of County Commissioners
July 2, 2002 Regular Meeting

and then proceed to develop the evidence and go forward unless something else comes up.

McGill:

That is my question. How much time do you want?

Richmond:

I can't tell you that.

Fletcher:

It is up to him to determine.

Richmond:

Look, my scalp is on the line. It will be done quickly. But I need to get the information. I will keep ya'll informed as we go as to what is going on.

Fletcher:

Mr. Chairman, I would like to second Commissioner Watson's motion.

McGill:

Any discussion on the motion? We have a motion and second to allow the attorney to proceed in gathering information and to take legal action as necessary.

Dixon:

Mr. Chairman. Just in closing, I do believe that what we heard tonight is more a test of Mr. Barrett's acumen as an attorney and not necessarily the diligence of the organization. I have yet to see that and I have yet to hear that from anybody.

Fletcher:

I agree with you 100%, Commissioner.

Dixon:

I really don't want us to be snowed by this. Although, Mr. Moran, Mr. Attorney, Mr. Manager, don't let this fall. I don't know what the other members are going to say, but you use whatever resources are necessary to take care of this business. The hospital is too important.

Fletcher:

As soon as possible. I'm going to call the question on this

if I may.

McGill:

All in favor of the motion say "aye."

All: Aye.

McGill:

Opposed, say "nay."

It passed unanimously.

4.2 Request from City of Quincy - False Alarm Ordinance

Mr. Richmond stated that the City of Quincy has adopted a False Alarm Ordinance and requested that the County adopt a similar one. He said that the Sheriff has requested that the matter be passed until he has the chance to review it.

There was a consensus that it should be placed on the July 16th agenda.

5. GRANT SLAYDEN, SECOND JUDICIAL CIRCUIT - PROPOSED FAMILY LAW ASSISTANCE PROGRAM ORDINANCE

This item was removed from the agenda. See page one.

6. GROWTH MANAGEMENT AGENDA - Planning and Zoning Issues

Williams Land Use Amendment 98PZ-044-207-5-08

19.5 acres Ag3 to Rural Residential

Mr. Ballister introduced a proposed ordinance that would amend the Future Land Use Map changing 19.5 acres of AG 3 land use to Rural Residential Land Use. He said that the Board had approved it on November 2, 1998 but for some reason it was not timely transmitted to the Department of Community Affairs (DCA). (There was an administrative change that took place in the department at that time.) It was submitted to DCA on April 22, 2002 for their review. DCA determined that the amendment did not need to be formally reviewed for consistency with Chapter 163, Florida Statutes and Rule 9J-5, Florida Administrative Code. They waived the Objections, Recommendations and Comments report.

The property is located at the intersection of CR 65C and Bear

Creek Road in the Lake Talquin area. The property consists of 19.5 acres.

Mr. Ballister announced the opening of the first public hearing on the proposed ordinance and called for public input. There was no response from the public or discussion by the Board.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO SET THE SECOND PUBLIC HEARING ON JULY 16, 2002 AT WHICH TIME THE ORDINANCE CAN BE FORMALLY ADOPTED.

5.2 Frank Clore - Havana Flea Market - 99PZ-018-201.1-2-1-03

Type III Appeal to an Administrative Revocation of a Development Order

Mr. Ballister explained that he had administratively revoked a development order on the above stated project. He reviewed the process that the development has been through since its application in 1999. The last time it was before the Board, Mr. Clore was granted an extension of the development order with the understanding that the site work for the project would be completed by February 1, 2002 and all construction to be completed by May 1, 2002. He explained that the project is still not complete and the staff revoked the development order.

Mr. Ballister was administered an oath by Hal Richmond as to his testimony in the matter. Mr. Richmond is a notary public licensed by the State of Florida.

Mr. Ballister was asked to make the complete file on the project available for the record in this matter - everything in his file on this property. This evidence included a video tape which was made at the time of the last extension and again two weeks ago.

Mr. Bruce Wiener, attorney for Frank Clore, addressed the Board. He stated that Mr. Clore had informed Mr. Ballister in April or May the reasons that he has not been able to complete the project. The following facts were presented:

- 1) The site work is substantially complete.
- 2) A building permit is ready to be issued but it had not been picked up.
- 3) Mr. Clore had problems with securing financing and as a result he has revised his applications to be more

Gadsden County Board of County Commissioners
July 2, 2002 Regular Meeting

favorable with the lending institutions.

- 4) A settlement agreement in a still pending lawsuit was provided to the County but still has not been signed by the County.

Mr. Frank Clore addressed the Board. He was administered an oath by Mr. Richmond. He explained that he has experienced problems getting financing for the project. He then presented the following facts:

- 1) He has already invested \$200,000 in the site preparation which includes the construction of the storm water pond, storm sewers, some concrete poured and the building pads are already built.
- 2) All the water controls are in place. There is still about four hours of work to do in two places.
- 3) He has been contacted by 260 vendors who have expressed interest in renting spaces as a flea market.
- 4) If he is not successful in getting financing for the flea market, he will develop it as mini warehouses.

Chair McGill called for discussion among the Board. There was no response.

Chair McGill called for comments from the public. There was no response.

Commissioner McGill asked what the deadlines were on the project to which Mr. Ballister responded that the site work was to be completed by February 1, 2002 and the buildings were to be completed by May 1, 2002.

Chair McGill asked how many extensions have been granted for this project.

Mr. Ballister stated that it had been extended only once. This request would make it a second extension if it is granted.

Chair McGill then asked if the second extension request had been filed prior to the end of the first extension.

Mr. Ballister stated that there was no request to extend it until after the revocation letter was mailed to him.

Commissioner Dixon asked what would become of the property if the extension is not granted.

Mr. Ballister replied that the property can still be developed as commercial property. He then stated that options available to the Board are as follows:

- 1) Grant the extension.
- 2) Allow Mr. Clore to re-submit an application per the current Code and be subject to the landscaping ordinance.
- 3) Allow Mr. Clore to re-submit an application per whatever the Code was at the time of the original application before the landscaping ordinance was in effect.
- 4) Deny the appeal. (He would still have the option to re-submit it at a later date - and pay the fee again.)

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER FLETCHER TO DENY THE APPLICATION.

Chair McGill called for discussion.

Mr. Wiener reminded the Board that there is still a lawsuit pending.

Commissioner Watson recalled that Mr. Clore had agreed to dismiss the lawsuit if the Board would agree to grant the last extension - which was granted.

Commissioner Dixon asked if there was something more that the Board should know regarding the lawsuit.

Mr. Richmond stated that the lawsuit has not been dismissed.

Mr. Wiener stated that the county did not sign the agreement despite his efforts to get it signed.

Commissioner Dixon stated that it was also his understanding that the lawsuit would be dismissed if the last extension was granted. He then turned to Mr. Richmond and instructed him to fight the lawsuit if Mr. Clore did not follow through with dismissing the case.

THE QUESTION WAS CALLED BY COMMISSIONER DIXON.

THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO DENY THE EXTENSION.

5.3 Land Development Code Revisions - First Reading of the Ordinance to Adopt the Revision

Commissioner Watson stated that he had been through the latest version and he had found a lot of mistakes and he also had questions about some of the changes that have been made. He stated that he would like the time to sit down with him and go over it with him. He then asked if he would provide the Board with an electronic version of the Code. (Commissioners Watson and Fletcher requested Word Perfect versions, Commissioner Dixon requested a Word version and Commissioners Roberson and McGill requested hard copies.)

Commissioner Dixon stated that he had a list of questions and remarks that he would send to Mr. Ballister for his review. He said that there were things in the Code that don't correspond with his recollection.

Mr. Ballister stated that statutorily, the Code should be adopted within a year of the Land Development Revisions.

Commissioner Watson stated that there have been some changes made in the latest revision that were not discussed in the last workshop.

There was not a consensus as to when the Code would be brought back to the Board for the first reading.

7. COUNTY MANAGER'S AGENDA

Mr. McKinnon had nothing to report.

8. CONSENT AGENDA

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

- 1) Change Order # 24 with C.W. Roberts Construction for CR 161 (FDOT SCRAP Project) Road Resurfacing in the amount of \$712,960.80
- 2) Department of Corrections Interagency Agreements - PW#1 - Recycling; PW#2 - Courthouse; PW#3 - Road and Bridge; WS#3 - County Parks; County I.C. Squad # 1 - Quincy Annex; County I.C. Squad #2 - Quincy Annex; County I.C. Squad #4 - Quincy Annex; County I.C. Squad # 5 - Quincy Annex; County I.C. Squad # 6 - Quincy Annex

- 3) Continuation of Agreement with Jim Stidham & Associate, Inc. for the Bi-annual Technical Reports on the landfills
- 4) Fixed Asset Limit Increase from \$500 to \$1,000
- 5) Mosquito Control Budget FY 2002-2003
- 6) Letter to Governor Bush Regarding the Tri-State Water Allocation Negotiations
- 7) Letter from DEP Regarding Apalachicola-Flint River Compact
- 8) Senator Lawson's Response to Gadsden County's Opposition to the Construction and Operation of a Statewide High Speed Rail System
- 9) Authorization for Commissioner Dixon and Commissioner McGill to attend the NACO conference in New Orleans, July 12 - 16, 2002. Total approximate cost for travel will be \$435 registration each; \$800 hotel each; \$225 travel (Dixon); \$150 meals each. Approval for a budget amendment for a line item transfer in the County Commission budget to cover the above costs.

9. CLERK'S AGENDA

Budget Amendments 2002-07-02-01 through 2002-07-02-05

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

Ratification of the Approval to Pay County Bills

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

10. COMMISSIONERS REPORTS

District 2

Commissioner Watson had no report.

District 3

Commissioner Roberson had no report.

District 4

Commissioner Fletcher had no report. He apologized for being late to the meeting but stated that he had been meeting with his constituents.

District 5

Commissioner Dixon had no report.

District 1

____Chair McGill had no report.

ADJOURNMENT

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

Bill McGill, Chair

ATTEST:

Nicholas Thomas, Clerk

IN A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON JULY 16, 2002, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

PRESENT: STERLING L. WATSON, VICE-CHAIR
CAROLYN ROBERSON
E. H. FLETCHER
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

ABSENT: W. A. (BILL) MCGILL, CHAIR
EDWARD J. DIXON

1. CALL TO ORDER

_____In the absence of Chair McGill, Vice-Chair Sterling Watson called the meeting to order. He then led in pledging allegiance to the U.S. flag followed by a prayer.

2. APPROVAL OF THE AGENDA

The agenda was amended by removing the first item from the County Attorney's agenda - Proposed Family Law Assistance Program Ordinance.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED.

3. APPROVAL OF MINUTES - JULY 2, 2002

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

4. COUNTY ATTORNEY'S AGENDA

**Proposed Family Law Assistance Program Ordinance - Request
Approval to Advertise Notice of Intent**

This item was removed from the agenda.

Mr. Richmond had nothing to report.

5. GADSDEN COUNTY SURVEY - MS. ARRIE BATTLES

Ms. Arrie Battles of the Office for Minority Health and Gadsden Co. Reach, Inc. addressed the Board. She stated that she wanted to inform the Board of collaborative efforts that are going on throughout the County involving infant mortality. She then introduced Dr. Adrienne Hollis, Assistant Professor from the Institute of Public Health at Florida A & M University (FAMU).

Dr. Hollis addressed the Board. She said that she would be pulling together data that is already available from various agencies and compile it into a single document. She went on to say that there is a high infant mortality rate in Gadsden County, as well as a high incidence of cancer and kidney disease. For that reason, they would look carefully at data to see if there is anything that would correlate those health issues to environmental elements in the community. She said that they will also look at information from Gadsden Citizens for Healthy Babies and public assistance records.

Dr. Hollis then stated that they will conduct a door to door survey and meet with community focus groups to talk about issues that are of concern to them. They will then compare those concerns to the documented data to see if there is a direct correlation.

Mr. Craig Brown, Attorney with Legal Services of North Florida and Equal Justice Works addressed the Board. He said that Equal Justice Works had located attorneys into specific geographical areas where there are health concerns as well as other issues. Their concern for Gadsden County is the high incidence of infant mortality among African Americans. He said the he would be working with Dr. Hollis.

Mr. Brown went on to say that another issue to be addressed is water quality which might affect all citizens, but specifically African Americans. He said that it has been reported to him that

Gadsden County Board of County Commissioners
July 16, 2002 Regular Meeting

the City of Quincy had 110 complaints regarding water quality reported and they will look at each one of them. He then said his main focus will be to determine if those issues impact the African American families more and if they do, determine why.

There was some discussion with the Board regarding the water quality issue, especially with the City of Quincy. It was clarified that they would be addressing water issues throughout the County and not just the City of Quincy. However, the documented complaints were in the City of Quincy. He added that he will critique the Consumer Confidence Report issued.

Ms. Angela Burgess addressed the Board and spoke to offer the community's support for this survey.

6. GROWTH MANAGEMENT AGENDA

Williams Land Use Amendment 98PZ-044-207-5-08
Gadsden County Ordinance 2002-001

Growth Management Director Bruce Ballister called attention to the attached ordinance which formally adopts the above named amendment.

Vice-Chair Watson called for public comment. There was no response.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED ORDINANCE.

Land Development Code Revision

There was some discussion as to when the Board would be ready to adopt the revisions to the Land Development Code. There was a consensus to postpone the hearing for adoption for at least one month. Mr. Ballister did cite one minor revision that he would like to add to the revisions since the last review by the Board. It dealt with the decision-making authority given to the Planning Commission in dealing with livestock issues. He said that the Commission was not created to be a "deciding body" and the Code should be changed to reflect that intent and comply with the ordinance which created the Commission.

There was some discussion about the possibility of giving the

Planning and Zoning Commission (P & Z) more authority for certain types of issues. The Board instructed Mr. Ballister to poll other counties to see what authority is given to their P & Z Commissions. He pointed out that if the Board should decide to give such authority to the P & Z Commission, it would require a change to the ordinance that created it.

7. COUNTY MANAGER'S AGENDA

Certification of the Taxable Value - DR - 420 - Board of County Commissioners

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE CERTIFICATION OF TAXABLE VALUE.

Certification of Taxable Value - DR - 420- Hospital Bond

Mr. McKinnon stated that it was no longer necessary to certify the taxable value for the hospital bond since the debt is now paid in full.

Voting Precinct Changes

Mr. McKinnon called attention to a letter from Supervisor of Elections Shirley Knight requesting that the Board hold a special meeting to consider new voting precincts throughout the County. There was a consensus that Mr. McKinnon should contact the absent commissioners concerning a convenient date to hold the special meeting.

8. CONSENT AGENDA

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

- 1) Department of Agriculture Annual Lease for 2002-2003 for Recycling Center: Unit 1 Annex, Unit 1 Stalls 12-22 (Lease 1426 \$16,054.13); Land(Lease 1427 for \$6,061.39); and Scales (Lease 1428 for \$3,438.75)
- 2) Petroleum Products - Bid # 02-028 Awarded to Petroleum Traders Corporation for -.0111 for premium unleaded gas and +.0156 for #2 low sulfur diesel fuel over the

- OPIS/Bainbridge Average.
- 3) Award of Bid # 02-029 for Truck with 13,000 lb. Hooklift Hoist - Ingram Equipment Co, LLC of Pelham, AL in amount of \$55,645.00
 - 4) Florida Boating Improvement Program Cooperative Agreement FWCC Agreement No. 01238- Chattahoochee Boat Ramp
 - 5) Amendment to the Interlocal Agreement for Chattahoochee Boat Landing Project (Between the City of Chattahoochee and County) - Florida Boating Improvement Program Addition of Item # 4. "The County Agrees to assist the City in maintaing the boat ramp if funds are available in the County's boating improvement fun."
 - 6) Housing Rehabilitation Contract (Michael Francis Construction) for Sadie Bradley and Lola M. Moya
 - 7) Rehabilitation Agreement and Special Assessment Liens: Sadie Bradley; Patricka Williams; Bernikia R. Moore and Donna V. Wright
 - 8) CDBG Award Agreement # 01BD-79-02-30-01-Ho4 Department Initiated Modification # 1
 - 9) Tax Collectors List of Errors & Insolvencies for Tax year 2001
 - 10) June 2002 Monthly Economic Development Report

10. CLERK'S AGENDA

Ratification of the Approval to Pay County Bills

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

11. DISTRICT REPORTS

District 3

Commissioner Roberson had nothing to report.

District 4

Commissioner Fletcher had nothing to report.

District 2

Gadsden County Board of County Commissioners
July 16, 2002 Regular Meeting

Commissioner Watson stated that CR 267 was recently closed for several weeks because of the truck accident that spilled gasoline into Quincy Creek. Because of the spill, traffic that would normally have traveled from the north on CR 267 into Quincy had been diverted onto Salter Road then over to CR 268 (Attapulugus Highway.) He reported that since Salter Road was not designed to handle such a heavy traffic, it has really caused a lot of problems.

He then referred to the recently approved Bypass from US 90 over to SR 12 and C & E Farm Road. He said that when that bypass is finally completed, it will also increase traffic on Salter Road. He said that the County should look into "beefing up" Salter Road to the extent that it will be safe - not only for the current impacts but also in anticipation of the traffic that will occur in the future. He reported that he had asked Public Works Director to look into it and make whatever improvements are called for. The other two commissioners concurred that those improvements should be made.

ADJOURNMENT

UPON MOTION BY COMMISSIONER FLETCHER AND THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, VICE-CHAIR WATSON DECLARED THE MEETING ADJOURNED.

Sterling Watson, Vice-Chair

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING/PUBLIC
HEARING OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA, ON
SEPTEMBER 10, 2002, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

PRESENT: BILL MCGILL, CHAIR
STERLING WATSON, VICE-CHAIR
CAROLYN ROBERSON
EDWARD J. DIXON
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

ABSENT: E. H. (HENTZ) FLETCHER

CALL TO ORDER

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

Chair McGill then announced the opening of a public hearing for the purpose of adopting the millage rate and tentative budget.

Mr. McKinnon addressed the Board. He stated that the Commissioners had been provided a proposed tentative budget in August. He passed out a summary sheet which outline some additions to the proposed tentative budget which brings the total proposed budget to \$28,375,832.00. He outlined the additions as follows:

Current Total Expenditures and Transfers out	28,162,753.00
Correcting Landfill Erosions (Contracting out)	50,000.00
County-wide Trash Disposal	55,000.00
Court Reporter	51,035.00
E-911	72,044.00
Transfers Out	10,000.00
Tipping Fee Large Item P/U	(10,000.00)
Other Court Costs	(15,000.00)
	<hr/>
Net Increase	213,079.00
	<hr/>
Total Tentative Budgeted Expenditures & Transfers	\$ 28,375,832.00

Gadsden County Board of County Commissioners
Special Meeting/Public Hearing - Tentative Budget
September 10, 2002

Current Total Revenues and Transfers In 28,162,753.00

Proposed changes to Revenues

E-911 (Wireless Added)	72,044.00
Transfer from Landfill Grant	50,000.00
Transfers In	10,000.00
Fund Balance	81,035.00

Net Increase 213,079.00

Total Tentative Budgeted Rev. Transfers
In and Fund Balance \$ 28,375,832.00

Mr. McKinnon stated that the proposed Millage Rate is 10 Mills the percent proposed millage exceeds the rolled-back rate is 2.88. He then stated that the proposed millage for the Hospital District is 00.00 mills because the debt has been paid.

ADOPTION OF GENERAL FUND MILLAGE

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ADOPT THE MILLAGE RATE AT 10 MILLS FOR THE GENERAL OPERATING BUDGET.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ADOPT THE HOSPITAL MILLAGE RATE AT 0.00 MILLS.

The following people appeared before the Board requesting grant funds from the County in the amounts listed in the attached information.

American Red Cross - Karen Haagen	\$8,000.00
Children Are Our Future - Sherry Taylor	30,000.00
Gadsden County Senior Citizen Council -Soloman Sanders	50,000.00
Gadsden Daycare Center - Marilyn Anderson	5,000.00
Legal Services of North Florida - Scott Banyon	9,000.00
Chamber of Commerce - Sherry Vanlandingham	40,000.00
Guardian Ad Litem - Marcia Hilty	10,000.00
DISC Village - Jan Hendricks	25,000.00

**Gadsden County Board of County Commissioners
Special Meeting/Public Hearing - Tentative Budget
September 10, 2002**

Capital Medical Society - Robyn McDugal	5,000.00
Big Bend Transit, Inc. - Ted Waters	8,200.00
Refuge House - Kelly Otte; Dian Peacock	10,000.00
Gadsden Art Center - Zoe Galloway	30,000.00
Redeemed Incorporated - Annie Berry	7,500.00
The Shelter - Mel Eby	17,472.00
Gadsden County Resource Center - Renee Rumlin Bond .	10,000.00
D & S Transit - Don Gibson	19,000.00
Gadsden Citizens for Healthy Babies, Inc. Tony Woods	20,000.00
A Shepard's Hand Resource Center, Inc. Stanley Sims	10,000.00

There was no decision made as to funding for the above listed non-profit agencies.

Mr. McKinnon stated that he would like to have Board directions as to the additional requests made for grant's staffing and laptop computers for the Commissioners.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE TENTATIVE BUDGET AT \$28,375,832.00.

ADJOURNMENT

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

Bill McGill, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

Gadsden County Board of County Commissioners
Special Meeting/Public Hearing - Tentative Budget
September 10, 2002

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON SEPTEMBER 3, 2002,
THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

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

ABSENT: E. H. (HENTZ) FLETCHER

1. CALL TO ORDER

Chair McGill called the meeting to order. Clerk Thomas led in pledging allegiance to the U.S. flag and Mr. McKinnon led in a prayer.

2. ADOPTION OF THE AGENDA

The agenda was amended by removing the minutes of July 25, 2002 as they were incomplete.

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

3. APPROVAL OF MINUTES

August 20, 2002 Workshop

August 20, 2002 Regular Meeting

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

4. COUNTY ATTORNEY'S AGENDA

Public Hearing - Escambia County Housing Finance Authority

Gadsden County Board of County Commissioners
September 3, 2002 Regular Meeting

Mr. Gordon Jernigan, Executive Director of the Escambia County Housing Finance Authority, addressed the Board. He stated that his agency is working to help Gadsden County residents to obtain home mortgages through their bond program. The purpose of the program is to provide low interest mortgage funding for safe, decent and affordable housing for moderate, middle and lesser household income. He stated that Gadsden County has participated in their program for a number of years.

Commissioner Watson asked Mr. Jernigan "What the interest rate on the mortgages right now?"

Mr. Jernigan answered "5.85%." He added "We also have a soft second mortgage available to the citizens of up to \$2,500 and this mortgage does not accrue any interest during the life of the first mortgage nor does it require any payment. However, if you sell the house, you will owe us whatever you borrowed back. If you pay off the house in 30 years, you will owe us the \$2500 or whatever portion thereof you borrowed. This is a very successful program. We have about \$1.5 million worth of these mortgages outstanding."

Chair McGill asked "How much participation did we have last year?"

Mr. Jernigan answered "We have done seven loans in the amount of \$458,679.34. To be honest with you, things are going slower now than they were in previous years. The economy is dying down and not as many people are buying homes. It's not as good as it has been in the past, but we are hoping it will approve in the future."

Chair McGill called for questions and comments from the public. There was no response.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION AND INTERLOCAL AGREEMENT ALLOWING GADSDEN COUNTY TO PARTICIPATE IN THE BOND PROGRAM DESCRIBED ABOVE.

Public Hearing - Tourist Development Tax

Mr. Richmond stated that the proposed ordinance will establish a Tourist Development Council, authorize the adoption of the Tourist Development Plan and provide for voter approval in the November election for the Tourist Tax. It also included a proposed list of council members that includes: Stuart Johnson, Ms. Ollie

Gadsden County Board of County Commissioners
September 3, 2002 Regular Meeting

Sheffield, Ms. Zoe Galloway, Mayor T.J. Davis, Commissioner Roberson, Commissioner Finley Cook, Mr. Lee Garner, Mr. Jeff Dupree, Ms. Elizabeth Clary.

He called for public comments.

Mr. Stuart Johnson addressed the Board. He stated that he was proposing the tax and the council for the County for the benefit of the citizens of the County. He said it would be a two percent additional tax on the overnight lodging as people stay within our County. He said that 2% would generate approximately \$30,000 per year with the current hotel rooms in the County.

Chair McGill called for further questions or comments.

THERE WAS A MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON.

Dixon:

Mr. Johnson, you told me the other day that you and the Chamber were not mixing and matching in this endeavor.

Johnson:

Correct.

Dixon:

But, I see right here in the Executive Director' s Report "I spent a great deal of time working with the Chamber Tourism Committee and attending various meetings.

Johnson:

That is correct. Because the Chamber of Commerce really wasn't doing or was doing very little as far as tourism. So, I offered my services to help promote tourism for the County.

Dixon:

Ah.

Johnson:

I attended the Opportunity Florida meetings, regional meetings, representing Gadsden County.

Dixon:

According to this, ya'll are working hand in hand.

Gadsden County Board of County Commissioners
September 3, 2002 Regular Meeting

Johnson:

There is no Tourism Council presently, Commissioner Dixon. As soon as that happens, we will be completely separate.

Dixon:

You know what I am saying.

Johnson:

No, I don't.

Dixon:

You understand my continued disillusionment with this committee.

Johnson:

Well the Tax Committee has to start someplace. There has to be something to push it forward.

Dixon:

Now, you told me last time that this was not another puppet of the Chamber of Commerce.

Johnson:

That is correct.

Dixon:

But right here, all I say is that you guys are working hand in hand. Now, she wrote it, I didn't write it.

Johnson:

That is correct. The Council has not been established yet. Once the Council is established, there is no ties to the Chamber of Commerce.

Dixon:

Don't we have to establish the Council, Mr. Johnson?

Johnson:

Yes, sir, you do.

Dixon:

Then why are you sitting here telling me the Council hasn't been established. I know the Council hasn't been established. Don't tell me that. I'm telling you that you sitting here telling me that you are not working hand in hand with the Chamber and that I don't want to support this because I think

Gadsden County Board of County Commissioners
September 3, 2002 Regular Meeting

it is another puppet of the Chamber who are already waste enough money of ours following their own little plan and you are telling me that it is not. But, the Chamber's Executive Director writes me a report that says she has been to lunch with a few people basically that says "I spent a great deal of time working." Now, is she lying?

Johnson:

Sir, I don't have the benefit of what you have there. So, I can't answer you.

Dixon:

Maybe someone else will read it for you, but it reads the same way.

Johnson:

I, ah, you are surprising me with something I don't know anything about.

Dixon:

Or, are you surprising us?

Johnson:

No, sir. I don't know what she said there, so, I really can't comment on it.

Dixon:

Well, it is a public document. You are more than welcome to read this one. This copy.

Watson:

Stuart, you are chasing your tail. It is crazy to get engaged in that, man. You are just chasing your tail.

Johnson:

All I am saying is that I have presented you with a slate of people - I have presented this Board, this County Board of Commissioners, with a slate of people that I certainly would recommend to sit on a non-partisan Tourist Development Council. It is a diverse group representing all aspects of the County, so I believe. I think these are people with integrity. The money that will be raised is approximately \$30,000 annually. It will be at their discretion to develop a budget and present it to you for your approval. This is no money from the taxpayers of Gadsden County unless they stay in a lodging facility. We are not taking anything from the

Gadsden County Board of County Commissioners
September 3, 2002 Regular Meeting

County. We are trying to generate something for the County. Not only revenue, but hopefully jobs for the future.

Tourism creates jobs. It brings people into this County. We have a beautiful County. We have a lot of resources. We have a gorgeous lake out there. We have a great historic district. We have activities going on in Chattahoochee. We have a lot of antiques shops over in Havana. All these businesses raise money for the County. There are more opportunities that can be created with more visitors into our County.

Dixon:

Now, are you through?

Johnson:

Yes, sir.

Dixon:

Let me very clear with you. My position is not that we don't have a beautiful county worthy of tourist. My concerns continues to be that we are throwing the money down the same pipe that does not do us any good as of this day. We get no notes. You ought to read this sometime. The Executive Director's report. It is a joke. That is what it is. This is a joke. I wouldn't send this to anybody. It is an absolute joke for \$50,000 a year.

Now, you are asking the citizens, and please stop saying that it ain't their money. It is their friends' money, their guests' money who are coming to town to visit, to tourist, to do whatever they want to do at our invitation. So, don't make it seem light just because it doesn't directly come out of their pocket.

My point is that we are about to throw another \$30,000 down what happens to be, in my opinion, a bottomless trap. And, you sit here every meeting and tell me that the Chamber really ain't got nothing to do with this, but I see the Chamber all over this. And, so while you may have three votes, I am going to do everything I can to stop it. This is crazy. This is absolutely crazy.

Johnson:

This is America, Commissioner Dixon, and you have every right to speak your feeling.

Gadsden County Board of County Commissioners
September 3, 2002 Regular Meeting

Dixon:

No joke. It is America. Thank you for reminding me.

McGill:

Are there any more questions? Anybody from the public who want to speak for or against the development of the Tourist Development Council? If not, we have a motion and second. If there is no more discussion, all in favor, say "Aye."

Watson, Roberson, McGill: Aye.

McGill:

All opposed, say "Nay."

Dixon:

Nay.

McGill:

It passes 3 - 1.

Meeting Procedures Rules Discussion

Mr. Richmond asked for authority to publish a Notice of Intent to adopt an ordinance at the first meeting in October setting the meeting procedures rules. He also asked them to make their comments known to him so that they can be discussed at a meeting prior to the meeting when the ordinance will be adopted.

Commissioner Watson made note of the fact that there are two references in the proposed rules that call for the public to be heard. He asked if it was something that he recommended or if it was merely a suggestion.

Mr. Richmond replied that it was only a suggestion and would only become official if it is adopted.

Commissioner Watson stated that he felt that public comments should not be entertained on any matter that did not appear on the agenda.

Commissioner Roberson stated that she felt it would be appropriate to hear comments and questions - even on un-agendaed items - but not to respond with questions or take action on them. The matter could be referred to the staff or be placed on a future agenda for discussion.

Chair McGill stated that he felt the Board could ask questions for clarity, but not take any actions.

Commissioner Watson called attention to Item NO. 6 - Parliamentary. He asked Mr. Richmond if he would perform that role. He stated that he did not want to get into following Robert's Rules of Order.

Mr. Richmond replied that the Chair usually takes charge in the Commission meetings and he felt that is the way it should be. He commented that he had pulled together the rules from several sources for the Board to consider.

Commissioner Watson suggested that the rules should be edited down to what this Board would like to follow.

It was determined that each commissioner would make their questions and comments known to Mr. Richmond and he would make changes accordingly. The edited document would be discussed again.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO GIVE MR. RICHMOND AUTHORITY TO PUBLISH A NOTICE OF INTENT FOR THE FIRST MEETING IN OCTOBER FOR THE PURPOSE OF ADOPTING AN ORDINANCE REGARDING RULES OF PROCEDURE.

5. PLANNING AND ZONING ISSUES

St. Mary's Church - Parking Space Variance - 02PZ-009-201-01-05

See the attached information for details of this project.

Chair McGill explained that the church is planning an expansion and has petitioned the County for a variance from the parking space requirements. He then called for public comments or questions. 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 VARIANCE.

6. NANCY GEE, GRANTS COORDINATOR

Resolution 2002-031

The resolution amends the Comprehensive Plan to include the Sawdust Park Improvement Project.

Resolution 2002-032

The resolution amends the Comprehensive Plan to include the Glades Community Recreation Project.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE DESCRIBED RESOLUTIONS.

7. COUNTY MANAGER'S AGENDA

Mr. McKinnon had nothing to report.

8. 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) Jail Physician Employment Agreement with Gloria Ramos
- 2) Public Works Maintenance Shop Storage Addition - award of Bid 02-011 to Register Construction of Tallahassee, FL in the amount of \$18,360.00.
- 3) Renewal of proposal for Security Guard Services to Ambassador Investigation and Security, Inc.. (September 1, 2002 through August 31, 2003) - Quincy Library
- 4) Annual Certified Budget for Arthropod Control
- 5) Rehabilitation Agreement and Special Assessment Lien for Mary L. Moore
- 6) Contract for Rehabilitation Work for Mary L. Moore
- 7) Interlocal Agreement with City of Quincy to perform Inspections and Permitting Services on Temporary Basis
- 8) DEP Consent Orders for Richbay and Dupont Roads OGC No. 02-1218-20-RO - County to pay \$4,500 for alleged violations - authorize County Manager to sign the consent order
- 9) FDLE Gadsden County Sheriff's Narcotics Unit IX - Grant

- No. 03-CJ-5A-02-30-01-128 Certificate of Acceptance of Subgrant Award
- 10) Emergency Management Preparedness & Assistance Base Grant Contract No. 03BG-04-02-30-01-020
 - 11) FY 02-03 State Aid to Libraries Grant Application
 - 12) Application to Establish Ingram Library Services Account for Acquisition of Library Materials
 - 13) Agreement for Receipt of Second Installment of \$60,000 for New Voting Machines
 - 14) Ratification of ADR Innovative Grant Application for FY 02-03- County Court Volunteer Mediation Services
 - 15) July 2002 Economic Development Report - For the Record.

9. CLERK'S AGENDA

Cash Report as of 08/28/02

Financial Statements as of 08/28/02

Budget Amendments 02-09-02-01 through 02-09-02-10

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

Ratification of the Approval for Payment of County Bills
Check Register dated 08/16/02; 08/30/02; Payroll Register
dated 08/19/02

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO RATIFY THE APPROVAL FOR THE PAYMENT OF THE ABOVE STATED BILLS.

10. PUBLIC COMMENT

Chair McGill called for questions or comments from the public.

There was no response.

11. COUNTY COMMISSIONERS ITEMS

DISTRICT 2 REPORT

Gadsden County Board of County Commissioners
September 3, 2002 Regular Meeting

Commissioner Watson had no report other than the letter from Sheriff Woodham filed for the record.

DISTRICT 3 REPORT

Commissioner Roberson stated that she is still waiting for their comments on the public noticing of the commission meetings. She had no other report.

DISTRICT 4 REPORT

Commissioner Fletcher was not present.

DISTRICT 5 REPORT

Commissioner Dixon had no report.

He called attention to members in the audience who had just arrived. He asked if they wanted to speak to any issue before the Board.

They responded that they wanted to hear what was discussed regarding the petition from St. Mary's Church.

Chair McGill told them that the matter was approved earlier in the meeting.

ADJOURNMENT

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

Bill McGill, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON AUGUST 20, 2002, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

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

1. CALL TO ORDER

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

2. ADOPTION OF THE AGENDA

The agenda was amended to remove the minutes of July 25, 2002 meeting as they were incomplete. The Quincy Byrd Landfill Interlocal Agreement was removed from the Consent Agenda and placed on the County Manager's Agenda for discussion.

UPON MOTION BY COMMISSIONER WATSON 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 6, 2002 REGULAR MEETING

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

4. COUNTY ATTORNEY'S AGENDA

Metropolitan Cathedral of Truth Final Order 01-PZ-21-201-1-103

Mr. Richmond recalled to the Board that they had rendered a decision to deny the Special Exception Request made by Metropolitan Cathedral of Truth on January 15, 2002. (To operate a K - 6 school at their church.) It came to his attention through the Court that a final order containing findings of facts and conclusions of law was never prepared. However, they were informed by the Growth Management Director in writing. He then presented a copy of a Final Order which was prepared by Attorney David Theriaque.

Mr. Theriaque addressed the Board. He told them that the order reflects the Board's actions.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER FLETCHER TO APPROVE THE FINAL ORDER.

Discussion followed.

Dixon:

Mr. Theriaque, just tell me what this is.

Theriaque:

You have a provision in your Land Development Code that requires a written order defining the facts and conclusions of law when you make a decision on a Land Use matter.

The Court remanded this case back to the Board for us to enter a written order with findings of facts and conclusions of law that support the Board's decision. That is what the final order is that you have. There are findings of facts regarding the Board's decision and our conclusions regarding the ultimate decision which is that it violated the Comp Plan and Land Development Code.

We will go from here back to Circuit Court and the Order will be presented to the Judge. Both sides will have an opportunity to argue whether this order and the Board's decision was appropriate.

THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE MOTION.

Attorney Thornton Williams asked to address the Board. Mr Richmond explained that the only matter to be heard at this meeting was to approve or disapprove the Final Order. He also stated that they would not hear any public comment.

4.2 Notice of Intent - Tourism Tax

Mr. Richmond recalled that at the February 19, 2002 meeting, a group of people came before the Board and requested that the Board adopt an Ordinance that would allow for the establishment of a Tourism Development Council and for the authority for them to develop a Tourist Development Plan. The plan would have to be approved by the Board. After the Council is appointed and the Plan is approved as a part of the ordinance that enacts the tax levy the Board can then notify the Supervisor of Elections to place the referendum on the November Ballot for passage. The tax must be approved by a majority of the voters.

Mr. Stuart Johnson, Co-Chair of the Tourism Task Force for the initiative addressed the Board. He stated that the FL Statutes require that a Tourism Development Council has to be presented to the Board 60 days prior to the enactment of the Law. In this case, the date of enactment would be when it is approved by the voters via referendum in November.

Mr. Stuart stated that he had sent Mr. McGill a list of six people who were willing to serve on the Council if the Board would appoint them. He pointed out the following facts:

- 1) The Council has to be established by County Ordinance
- 2) Council must consist of nine members as follows:
 - BCC Chair or designee
 - At least three but not more than four members must be owner operators of tourist related business. Names suggested were:
 - Stuart Johnson, Owner/Operator of Allison House Inn;
 - Elizabeth Cleary, Owner/Operator Creation One Inn;
 - Ollie Sheffield, Owner/Operator Robinson's Fish Camp;
 - Jeff Dupree, Owner/Operator Whippoorwill Lodge

Others who must have an interest in tourism development -
The appointees suggested were:

- Zoe Galloway, ED Gadsden Arts Center
- Lee Garner, Chair of Chattahoochee Challenge

Two members must be elected municipal officials. One of these two must be from the most populous city in the

Gadsden County Board of County Commissioners
August 20, 2002 Regular Meeting

county.

Quincy City Commissioner - Finley Cook

Havana City Commissioner - Mayor Davis

Dixon:

You know why I am going to vote against this. It is because I haven't seen anything different than what you have shown me before. My concerns remain the same. It is my opinion that it is a Chamber led function and the Chamber has recruited everybody to come to Gadsden County except black folk.

Every piece of paper that is shown and that I have seen that advertises Gadsden County shows little, if any, African Americans who reside here. I will not continue to throw money at that kind of philosophy. It just blows in the face that Gadsden County's majority is African American, yet you would never know it outside of these lines. Until the Chamber changes its philosophy, I certainly won't vote to throw another dollar their way and I will try to take away the ones we throw that way. My opinion will remain the same until you show me. You have not shown me anything any different. I see no reason why I shouldn't get out and tell people to vote against this thing. It does not help all - inclusive, everyone - in Gadsden County. Still.

Johnson:

Commissioner, you are certainly entitled to your opinion and I respect that. The Tourism Development Council will not get any money from the County Commissioners nor any government. It will be collecting a tax from the people who visit our County.

I have addressed some of your concerns in the people that I am recommending to you. It is a diverse group. The perception may be that it is Chamber led. But somebody has to start this. Commissioner Watson and I had a conversation, several conversations, back in 1997, independent of the Chamber at all. I dropped any movement of proceeding forward only because I had to work at my business. I still have to work at my business, but I think this is for the benefit of the County. It can provide a lot of jobs. Initially, maybe not.

Dixon:

Everybody that comes before this Board taunts two things. Jobs and money.

Gadsden County Board of County Commissioners
August 20, 2002 Regular Meeting

Johnson:

This will cost you no money. The jobs could be generated by a cottage industry. I pointed that out when the fraternity had their spring party out at Sheffield's ranch. Many people took advantage of that event and the visitors. They were tourists into our County. They parked cars, they sold barbeque, they did a lot of vending of food and made money. We could do that in other areas and other avenues for the tourist that come into Gadsden County.

Dixon:

You are the president of this group, let me ask you a question. Is the Luau considered tourism?

Johnson:

It brings money into this County.

Dixon:

Ah, really? Well, you wouldn't know it by these guys around this table here. I am just real concerned that we can talk about the lawyers coming to Sheffield's Ranch and having a good time, but we can't talk about the 35,000 folks who show up for the Luau who spend money and have a good time.

Do you see where I am going with this.

Johnson:

We just want to take more of that money. The only color that I am concerned about, Commissioner, is green.

Dixon:

And to quote my philosophy, as you just did, the only color that I am really concerned about is green.

Johnson:

That is right.

Dixon:

But, there are caveats, it seems, as to whose green it is. That continues to be my concern.

Johnson:

I hope that we can address that. I hope that we can soften your vote.

Gadsden County Board of County Commissioners
August 20, 2002 Regular Meeting

Dixon:

My vote is fine. It is not hard and it is not edgy.

Johnson:

I hope that we can change your attitude.

Dixon:

I don't have an attitude. Not at all. I have a position.
I have an issue that needs to be addressed.

Richmond:

Mr. Johnson, if you don't mind, I've got other issues.

Johnson:

Yes, sir. Thank you very much.

Richmond:

And, I am not trying to cut you off.

Dixon:

But, you just did.

Richmond:

You say whatever you want, you have a right to.

Dixon:

But, you just did.

Richmond:

I apologize.

Dixon:

I don't need apologies, I needed to do what I was doing.

Richmond:

Go ahead and do it. I am serious. I didn't mean to cut you off at all.

Dixon:

But, that is what you did.

Richmond:

No, I didn't. I can't cut you off.

McGill:

Do we need for Mr. Johnson to come back?

Gadsden County Board of County Commissioners
August 20, 2002 Regular Meeting

Watson:

No, it is not going to be productive.

McGill:

Let me read the proposed names.

Dixon:

I didn't realize that Mr. Watson was the Chairman, now.

Watson:

I gave my opinion, Sir, like you just did.

McGill:

I am going to read this list of names that will probably go into this Council.

I have asked Commissioner Roberson to sit in my place on the Council. We have a person representing the City Commission of Quincy. We have Mr. Kellum representing the City Commission of Havana. We have six people from the business, itself - Stuart Johnson, Elizabeth Clary, Ollie Sheffield, Jeff Dupree, Zoe Galloway and Lee Garner. Those are the nine that are being proposed to go on the Tourism Council.

Now with that, I guess we are ready to take a vote on the motion to give authority for the Notice of Intent. The motion has been moved and seconded. Now we are ready to vote.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO GIVE THE COUNTY ATTORNEY THE AUTHORITY TO ADVERTISE THE NOTICE OF INTENT TO ENACT AN ORDINANCE THAT WOULD LEVY A TOURISM TAX (BED TAX), APPOINT THE TOURIST DEVELOPMENT COUNCIL AND ADOPT THE TOURIST DEVELOPMENT PLAN. COMMISSIONER DIXON CAST THE LONE DISSENTING VOTE.

4.3 Review of the Ochlockonee Estates Development

____Mr. Richmond told the Board that there is a platted subdivision, Ochlockonee Estates, that was approved and partially developed in the 1970's. Since that time, the owner of that development sold off a 15-acre tract which included certain platted road rights-of-way which they had dedicated to the County. (They were dedicated to the County but no formal resolution was made by the County accepting them as was the custom.) The manner in which

Gadsden County Board of County Commissioners
August 20, 2002 Regular Meeting

the land descriptions were made indicates an abandonment of the subdivision plan.

Mr. Richmond stated that the matter first came to his attention when Mr. Ballister brought it to him earlier in the year wanting to know "What about the roads?" When they deeded the property to Mr. Weekley, it was done by metes and bounds description - not by lot or block number. They also deeded the county roads to him within his tract of land. The only ones that can set aside or revert the land back to the original owners is the County.

Mr. Richmond said that it seemed that there has been renewed interest in "building out" the subdivision which was already approved. He said that the development was about to proceed without the review of the BOCC because it was a pre-existing plat. However, he said that he questioned if it is appropriate since there seems to be evidence of clear cut abandonment of the development by the previous owners.

Mr. Richmond then told the Board that there has been an attempt by others in recent years to develop the adjacent adjacent. The development was denied because there were so many concerns about the water table, it's proximity to the river and possible pollution and wetlands protection issues.

Mr. Richmond asked the Board for directions. Should the developer be allowed to build it out? Should he begin a lawsuit that would lead to a declaratory judgment to deny further development? Should the County advertise the abandonment of the roads? He suggested that a formal meeting should be held with the present owners and give all the neighbors an opportunity to be heard.

Mr. Richmond stated that there is a question as to whether the original developers abandoned their intent to finish the subdivision. He said when they sold the property, it was deeded by metes and bounds which destroyed the integrity of the whole subdivision.

Commissioner McGill stated that he is familiar with the subdivision and the property in question. He said that it is right on the Ochlockonee River and he has grave concerns about the river if an additional 120 mobile homes are allowed to develop there.

Growth Management Director pointed out that if the development is allowed, it would place considerable impacts on the existing

main street through the subdivision. The national average of trips generated per day for a three bedroom house is between six and ten trips per day per house. An additional 120 homes would generate at least 700 trips per day on that entrance street.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO SET A MEETING DATE TO DISCUSS HOW THE BOARD SHOULD PROCEED WITH THE PERMIT APPLICATION TO DEVELOP THE REMAINING LOTS IN OCHLOCKONEE ESTATES. IT WAS DETERMINED THAT THE AFFECTED PARTIES SHOULD BE NOTIFIED OF THE MEETING.

5. PLANNING AND ZONING ISSUES - GROWTH MANAGEMENT

U.S. Cellular Tower Variance Waiver - 02-PZ-019-007-02-05-07

_____Mr. Ballister reported that United States Cellular of Knoxville, Tennessee desires to locate a 250' self supporting communications tower in the crossroads area of SR 267 (Pat Thomas Parkway) and Old Federal Road. He said that they have been looking for an appropriate place to erect a tower for several months that would enhance their coverage in areas where there is no current service. They inquired about using the Wetumpka Fire Station property but cell towers are forbidden by the terms of the lease. They ultimately exhausted the search for properties that would meet the criteria of Cell Tower Citing Ordinance in terms of distance from residential homes.

Mr. Ballister explained that the Code allows cell towers as a use-by-right in some land uses if the tower meets all the set-back requirements. The Code requires that a tower with red lights must be at least a distance equal to seven times its height from the nearest property line on which a residence is located. He pointed out that the property in question does not meet the set back requirement.

The Planning Commission recommended denial of the variance from the set back requirements. They also suggested that U.S. Cellular consider using the tower at I-10 and SR 267 and one other site further south where there are large unoccupied tracts. (See the testimony of the Planning Commission meeting in the attachments. The attachments also include further details of the proposed tower.)

Gadsden County Board of County Commissioners
August 20, 2002 Regular Meeting

Mr. Ballister demonstrated the location of the proposed tower with a Power Point presentation. He also demonstrated where the other towers in the area are located. He stated that he felt that the coverage be gained from other sites.

Mr. Ballister was administered an oath as to his testimony by Hal Richmond, a Notary Public licensed by the State of Florida.

Mr. Kent Safriet, an attorney with Hopping, Green and Sams in Tallahassee, FL addressed the Board. Mr. Safriet stated that he represents U.S. Cellular. He said that the presentation made by Mr. Ballister was correct. He then reviewed the process by which U.S. Cellular uses in placing its cell towers.

Safriet:

This is the current system without the tower at Lake Talquin. You can see the gap in between the Quincy and the Ft. Braden area. With the next map, you can see the proposed Lake Talquin site going in and you can see the RF coverage that it covers in the gap. It is similar to the slide on the Board. Essentially, we have no coverage in that area. The reason that we are looking for coverage in this area is because we have complaints from consumers.

We get a log of complaints, dropped calls and everything. We rank them all in order to see what our priorities are and where we need service the worst. And we are before you today because we need service in this area fairly badly because it ranked high on the list.

When our RF engineer gets to the top of his lists and indicates and finds an area that needs service, he looks at all the tower sites in that area. And, he issues a search ring to install a site to fill that coverage gap. As you can see here, he needed to be somewhere in the middle of the two towers - the one at Quincy and the one at Ft. Braden - to connect the two. So, if we could put in one tower, we would have continuous line of coverage down rather than put in two, three or four towers.

This poster is a search ring which our RF engineer, Kevin Long issued. You can see on it that the first search ring is located right there at the crossroads of 267 and 65. Once this search ring was issued, we had our site acquisition agents to go out and look for an area. A piece of property

in that area that met the set backs. Here, in the this case, as Mr. Ballister said, the set back is at 1750 ft. from the tower to a residential property line. The site ac guys couldn't find anything that big in that area. If you calculate that out, that is an area, a parcel of land of about 231 acres. It takes a right big piece of land to meet these set backs.

So, once they couldn't find anything, they called our RF engineer back again and said "Can we move this thing anywhere to still cover the service because we can't find any property that meet the legal requirements?"

So, they issued a second search ring. As you can see, it is a little further southwest of 65 and 267. And, again, our site ac guys went out, and spent I don't know how long out there, and didn't find any properties that met the set backs again.

So, based on the fact that no properties we found within these two search rings would meet the setbacks, we came back to our first parcel of land which is the applicant before you, Mr. Brantley. His property and land, that we felt was in the search ring that best provided service to US Cellular and also hid the tower as much as it could be. Because of the heavy forestation out there on that property, it conceals it a lot as opposed to some other tracts where it is not concealed as much.

Once we realized that we had to seek a variance from the County for the setbacks, we had Mr. Brantley, the property owner, contact all the property owners around. And, ah, what we did is - a map indicating the 1750 ft. setback, this map indicates the 1750 ft., approximately 1750 ft. from the tower site in a circle. It lists all the property owners within that setback distance. What we did is, we went out and Mr. Brantley contacted all these property owners, or attempted to, let them know what we are doing, what is going on, and what he was seeking to have the Board approve.

As you can see, the yellow highlighted parcels are property owners that are in favor of the tower, or signed a waiver indicating they had no objection whatsoever to this tower going up. The blue highlighted parcels, and there are 20 parcels within this ring, nine of which signed a waiver or either support the tower, the other eight blue parcels are

either institutional property owners like St. Joe and Talquin Electric or either properties that don't have residences on them. So, there are no objections from those people. The red parcels are from three people who we learned of last week at the Planning Commission that has some concerns or issues with the site. Of twenty property owners, we have three people who have issues with the site, we have nine people who support it and eight people who are absentee or eight land owners that are absentee.

I will give a copy of the all the waivers for the nine land owners to the clerk for the record. If the Board wants to read them, they are all the same.

As I said last week, not last week, but at the Planning Commission last time, we have learned of some issues that some of the property owners have that are adjacent or somewhat adjacent to the site. Let me show you first some pictures from the tower site itself. Those are pictures from the tower site looking west, north, south and northwest. As you can see, it pretty heavily forested. You can't see the roads. It's pretty tall trees, it's not short pines, it's not a cut over so it is not going to be seen easily from the road. You are going to have to look high if you see it at all.

Now, with respect to the property owners who had some issues, we took some pictures from their properties also. Well, two property owners, Mr. Stinson and the Duncans. If you will look at the top picture, you are standing on the highway there looking into the Stinson's driveway to get to this property. You can see that his house is the red highlighted portion at the very bottom. That driveway comes off Old Federal Highway and goes south to his property. If you stand on the road, you can see how heavily forested that area is. If you look at the bottom, that is the driveway looking toward the tower site. You can see the little pink flag there. That indicates the approximate location of the tower. So with the forestation between the road and Mr. Stinson's house and the forestation between the road and the tower, this tower is going to be pretty much concealed. I don't know if he is going to be able to see it at all.

The same with the Betty Duncan property. I'm sorry, can you hold it up, Bruce? The middle portion is looking through the tower site toward the Duncan property and you can see the little red tab in the middle. Back over there is a trailer

that is located on the property. I don't think anybody lives in it now, but I am not sure. I'll let Mr. Duncan speak to that. But, again, you can see that it is far away and this thing is going to hardly be seen. Especially with landscaping around the fencing compound of the tower.

So, with respect to those objections, we have done what we could and we thought we had picked the best location in the area, realizing that we were going to have to seek a variance. We have thought that this was the best area.

I am going to submit also for the record with the Clerk a letter from our RF Engineer and his resume that describes what I described earlier on how we select a site to build a cell tower and where to put it.

With respect to the suggestion or the possibility to building two towers to serve this area - Can it be done physically? It probably could be, but from an economic standpoint, it is not feasible for U.S. Cellular or any other cell company. Each one of these sites cost about \$400,000 to \$500,000 to build. It is not the tower itself that is so expensive to build, it is the electronic equipment that goes in the bottom and the antennas that you have to buy to operate these sites. It is not the mere fact that you could do it, it is just cost prohibitive to do so. We are trying to provide this service in the cheapest manner possible for our customers and provide the service that is badly needed in that area.

So, with that, if you have any questions, I will be glad to answer them.

McGill:

Are there any questions for Mr. Safriet?

Any discussion?

Those in favor, let me see, now. We will have two groups, those who support it and those who oppose it. Those who support it, come forward now. When you come, stand at the podium and state your name for the record, please.

Johnson:

My name is Stuart Johnson. I have been asked by Mrs. Sherry Vanlandingham, the Executive Director of the Gadsden County Chamber, to say that the Chamber is in favor of having a tower

Gadsden County Board of County Commissioners
August 20, 2002 Regular Meeting

to service the cell customers in that area. Obviously pursuant to any variances that you all might give.

McGill:

Thank you, sir. Anybody else?

Now, those opposed to it? Those opposed to it.

Those who are for it, come first. I didn't see anybody stand up, so I thought you were through with the supporters.

Keel:

My name is Judy Keel. And, I am a U.S. Cellular customer, so I use their service. I do loose service coming into that area. I am also a resident there on the corner. So, I am for the Cell tower to get better coverage for my cell phone.

McGill:

Now, we are ready for the - Do we have one more proponent? Will anybody who are proponents, will you please stand up and come forward. When you get through with that, we will get to those who are opposed to it. Will you get in a line and come forward?

Brantley:

I am Jim Brantley. The tower would be located on my land so naturally, I am for it. Not only because it would be a monetary value to me and my family, but because it would provide a better service for the cell customers in that area. U.S. Cellular has assured me that this tower can, at some point in time, be utilized by other phone companies - regardless of whether you had U.S. Cellular or whatever you had, it would be there.

Now, I know that in any endeavor, regardless of whatever it is, there is going to be opposition. But, there are nine land owners who signed a waiver saying that they either did not oppose the tower or were in favor of it. Ms. Keel just spoke and she lives right on the corner over there. She is right out in the wide open. If anybody could see the tower, she could. Mr. Jampole wanted to be here tonight, but he had to pick his son up from soccer practice and he didn't think he would be able to be here in time to speak for it, but he is also a U.S. Cellular user. Those land owners, Mr. Moneyhan suggested to me that he had no problems with the tower. He did not sign the waiver, but he suggested that he had no

Gadsden County Board of County Commissioners
August 20, 2002 Regular Meeting

problems with the tower. I am sure that most of you are familiar with Lake Talquin Road going down that area. When you go down towards my property, you go down into a deep bottom at Rocky Comfort Creek. Well, at that point, I don't think there is any way that you could see that tower. If you were looking for a tower, you might be able to see it. If you are coming north on Lake Talquin Road, you've also got a deep bottom you've got to go down once you pass the Sportsman (inaudible) there and you might be able to see it then. But on Old Federal Road, Lake Talquin Road, this tower is, it's going to be set way back on my property.

I've got giant oak trees all around it. All around my property which if anybody tries to cut them, I'll kill them. (Laughter) But, it will not be exposed to the public. Sure, if you are riding along and are looking for a tower, you are going to see a tower. But, as I understand it, they are going to have a light on top, but it is going to have a globe underneath it so that it reflects up to keep planes from running into it and all that. The only way that you are going to be able to see that light is if there is heavy cloud cover, which we have sometimes, it might reflect off that. But, this tower is going to be unobtrusive to my neighbors. And, I did take the time to go and talk to all my neighbors. And, like I said, the majority of them have no objections to it. Several of them have U.S. Cellular phones and they totally endorse it. And I would appreciate the Board granting a variance for it. Like I said, it is a monetary value to me and my family.

Richmond:

Mr. Brantley, will you raise your right hand? Ms. Keel, would you raise your right hand, too? I might as well get you both.

Do you solemnly swear that the testimony that you have given is the truth so help you, God.

Brantley:

I swear to God.

Keel:

I do.

Gadsden County Board of County Commissioners
August 20, 2002 Regular Meeting

McGill:

Now, let me clear. Is there anybody else who is in support of the tower?

Nobody else?

Are there those who oppose the tower?

Please come forward.

Stinson:

My name is Bill Stinson.

Richmond:

Will you raise your right hand? Do you solemnly swear that the testimony you are about to give will be the truth, so help you God?

Stinson:

Yes.

Richmond:

Go ahead.

Stinson:

I live on the south side of 65B. My house is, not just the edge of my property, but my house is closer to the tower than is permitted by the ordinance without a variance. You saw some nice pictures of what it looks like. I suppose if the tower was six feet tall, I guess that the person who was holding the camera was six feet tall, it really would be invisible behind all those trees. This tower, this proposed tower is 250 feet tall and this tower would be above the trees by about 175 ft. I mean, it is not something, if you see the sky all the time, you will see the tower. It is not something that can really be hidden.

There is the additional issue of the lighting at night and its affect on the general neighborhood. As you see, there are a lot of residents in this neighborhood, here. I didn't really think that I would try this, but seeing as how the Commission has allowed supporters of the tower to speak for others, I believe you may have a letter from Andre Clewell and Judith Snow Clewell indicating their opposition. Two other neighbors who originally signed this letter saying that they had no problem, the waiver, and are colored yellow on this map that

you have seen, no longer support this idea. They did this without really understanding the full implications of this. I have spoken personally with Bob Nabell who is in North Carolina - he does not support the tower for the reason that he doesn't want anything that impacts his neighbors who have feelings about this tower, though it may not impact him directly quite as much since he doesn't have a residence out there. He doesn't like the idea of casual variances to a Code. Steve Leitman, my next door neighbor, who also signed this piece of paper, no longer supports it. I am pretty disappointed that he managed not to be here tonight. He is not that far away. Tom Monohan who didn't sign it indicates or indicated to me personally that he opposes the tower for the reasons that it doesn't seem like - there are other solutions here besides granting a variance. I don't like the idea of a tower, myself. We have another resident out there who is going to speak on this for the reasons that have been stated, a tower is not a pretty thing. The idea that it is going to be invisible is a little far fetched. There is also the issue that this tower doesn't really fill the gap. A single tower is not really going to solve this problem. There is Rocky Comfort Creek, Bear Creek, Oklawaha Creek and Hammock Creek. If you go down into the bottom of one of those things, the RF engineer at the Planning And Zoning Commission noted that this is tough terrain for them - forests and (inaudible) land, one tower is not going to solve that problem. People are still going to lose their connections. As you saw, the tower proposed doesn't get the north side of the lake at all. It doesn't manage even what U.S. Cellular wants to do.

It hasn't come close to meeting Code as you hear. 1750 ft. And there is a house less than 900 ft. away right now. Planning and Zoning heard all this testimony two weeks ago. They unanimously voted to deny the variance. Permitting a variance like this undermines our County Code and encourages haphazard development. You know, I mean, it will just make a mess of things all over the place.

Thank you for your time.

McGill:

Thank you, sir. Is there anyone else?

For the record, I would like for the Clerk to take this. Please read it into the record.

Gadsden County Board of County Commissioners
August 20, 2002 Regular Meeting

Richmond:

Yes, sir. Would you please state your name.

Duncan:

Norman Duncan.

Richmond:

Mr. Duncan, will you raise your right hand?

Do you solemnly swear that this testimony you are about to give here tonight will be the truth so help you God?

Duncan:

I do.

I received one of these notices that this cell tower would affect our property. My sister, Stuart and Chamblis also received it. Three of us from the Duncan family owning a joint 68 acres south of Rocky Comfort Creek and west of 267. They talk about a petition being shown to everybody. I haven't seen a petition yet and neither have my sisters. My sisters have given you a letter authorizing me to speak on their behalf. We all basically object. The reason that you have the ordinance 5.8.00 which provides protection from this kind of thing. So, we ask what is the urgency to take away the protection that you give us by law? There is one residence on this old Duncan family property. It belongs to my sister. It is her property. We have a caretaker. We have a tree farm on the property. I come here periodically to see about the tree farm and this caretaker, in the meantime, keeps in touch with me. We use that as a vacation home, a site to come when we take the grandsons hunting and fishing and things like that. We come there every June for a whole week, the whole extended family comes. It is our old home place. We moved there in the 20's and it has been there ever since.

Now, no one approached me. The only notice I had about it was this intent. The phone company has not approached any of the Duncans. About two hours before the meeting last, the previous meeting, Mr. Brantley approached me, but still no petition. He tells me that it is going to be way back in there and you can't even see it. So, he takes me over there and says "It's going to be right here." I turned around and looked and I am looking directly at the residence. These pictures that you see here, I am not sure that they are all that accurate. But you are looking directly at it.

Gadsden County Board of County Commissioners
August 20, 2002 Regular Meeting

In showing the diagram plan that you have given us, showing the distances, he says it is wrong. He stepped it off and it is not that close. I have to believe your diagram rather than his estimation. His stepping off of it. Now, we simply say that you have granted us a legal right. I don't know, ah, I just don't see a good reason at this point for you to take it away. You have got the aesthetic, personal, environmental things.

We basically, and my sister that owns that property where the residence is, and the caretaker is out there right now, he and a relative, and between all of the family, there is some of the family on the property a good bit of the year.

Are there any questions that you have of me?

McGill:

Are there any questions for Mr. Duncan?

I passed the letter over to Clerk for the record. It said to have it read into the record - that is what the person requested. From Mr. Andre Clewell, I believe it is, and his wife Judy. We want to read that because they wanted it read into the record.

Will you read into the record their opposition in response to their request?

Richmond:

It is a letter dated August 15, 2002 from Andre F. and Judith Snow Clewell. "Request for variance of U.S. Cellular Company to erect a cell phone tower. Please record our opposition into the issuance of a variance. My wife and I have been away on business and have been unable to attend the public meetings. We were briefed by two different parties who attended the Planning Commission meeting on this issue.

Our home which is worth about \$250,000 is within visual range of the proposed tower. We rent another residence on our land. I rent a building from the Beamon family at 98 Wiregrass Lane where I run my consulting company.

The reasons for my opposition are: 1) The County already has a generous Code to accommodate cell towers. There is plenty of land on which towers can be sited. The County should not issue a variance to a cell phone company that refuses to

Gadsden County Board of County Commissioners
August 20, 2002 Regular Meeting

search for a suitable site. 2) We understand that the proposed cell tower will not fulfill the needs of the company nor its subscribers who travel on or live near Highway 267 from I-10 to SR 20 and Lake Talquin. A second tower will have to be built. Why not locate a single tower in a place that is suitable so that a second tower will not have to be constructed. 3) The written description that was circulated to us that described the proposal contained inaccuracies as to land ownership, property boundaries, and as we have been told by those attending by those attending the Planning Commission hearing, the specifications of the proposed tower. We object to the construction of the proposed tower without prior access to accurate facts. 4) The tower will reduce our property value particularly if and when our neighbors to the north, Dorothy Carr and Carlton Butler harvest their forests. The Butler land contains row planted pines that will undoubtedly be clear cut. Sincerely ..."

And it is a copy unsigned, but it has been submitted for whatever it is worth.

McGill:

Are there any questions? I guess it is time for Commissioner's discussion now. I do have one question.

Safriet:

May I make a few comments before we close the public hearing before you take more comments. Just a couple of things on some of the issues that were raised in the latter.

First of all, we wouldn't be here if it were not our obligation to provide service to our customers.

Second of all, our own RF engineer designed this system. He knows that one tower will complete this. The citizens who stand up, I don't know their backgrounds, they may be RF - radio frequency engineers, but I haven't heard that they are - they are not qualified to design our system and tell us what will and won't fill gaps. I can't even do that. That is the RF engineer's job. He does it for us. We are going to build one tower to fill this gap. We can't build two. It is impractical. It is not going to be done. So either there is a gap in service and the customers are not going to have service, or we are going to build one tower to fill that gap. We want to build that one tower.

Gadsden County Board of County Commissioners
August 20, 2002 Regular Meeting

And the other thing, the other point that was noted that this Code was generous to cell towers. In my experience, and I have cited towers for U.S. Cellular throughout south Georgia and north Florida all the way down to Gainesville, this is the strictest setback requirement I have ever seen in probably 25 counties, if not more. Most of them, 500 ft. is probably the max that I have seen as opposed to this. So, with the strictness of the ordinance, we have exhausted almost everything that we can. We looked in those two search rings in and around that area and we wouldn't be here before you if there were other options out there. Because we would go and try to get a tower by right so that we could go get Mr. Ballister to approve it administratively and we wouldn't have to seek a variance before you all. But, we have been working on this site for over six months, if not longer. This is where we are. We wouldn't be continuing to spend money on me standing up here talking to you asking for approval if we could do it simpler or easier some other way. And, we think we have brought to you the best site that is out there under the circumstances.

Also, I have a letter from the Taltons that I will submit for the record. It is in support of the tower. And also, with respect to the two property owners that have apparently switched their votes that were coded in the yellow, they know that they signed a document indicating that they consented to it. I haven't seen a document indicating that they withdrew that or that they are now opposed to it. So, the heresay between the property owner and another property owner, you know, we are not going to get into that. But, you know, if they want to submit something in writing, they could have.

Do you have questions of me? If not, I will sit down.

McGill:

If we approve this for U.S. Cellular tower, will there be opportunities for co-locations on that tower?

Safriet:

Yes, there will be options for co-locations.

McGill:

So, you have already talked to the (inaudible) about renting from you?

Safriet:

Gadsden County Board of County Commissioners
August 20, 2002 Regular Meeting

Well, we are required to build it in a manner that will house other service providers. When they come to the County, when they come to Mr. Ballister or either come to us and say "We are looking to provide service in this area" they will get in touch with us and we co-locate people on the tower.

McGill:

So, you are not doing any marketing so far?

Safriet:

I'm sorry.

McGill:

So, you haven't done any marketing just to see if there is somebody would want to co-locate?

Safriet:

No, we are not a co-location company. We build towers solely to provide service to our customers. If somebody else wants on, they will approach us. They will have people to go out and look in the area to see if there are any structures like water towers, radio towers or any other cellular towers and then they will locate them and they will see that we own it and then they will contact us. So, that is what we do.

McGill:

I need to raise a question with Mr. Ballister now. We have been testimony by the people who opposed it that said that the tower would de-value their property. Do we have any record showing that when we construct a tower, that the surrounding property lost value?

Ballister:

I don't have any background on that at all in evaluations. So, intrinsic, real property values versus intrinsic value, I don't have background information on that at all.

McGill:

Have you heard the argument that it would devalue the property?

Ballister:

I have heard the argument, but I don't know where to go look for that. I mean.

McGill:

Gadsden County Board of County Commissioners
August 20, 2002 Regular Meeting

What about the Property Appraiser's Office?

Ballister:

We could ask him, but I don't know if that is something that he even databases. I just don't know that it exists. I mean, obviously, there is a change in the quality of life at that site. But I don't know if you can put a dollar figure on it.

Safriet:

Commissioner, we have hired appraisers before that looked at that very issue in some other counties and other jurisdictions. It has always been their finding that a cell tower has no affect whatsoever on the property value of adjacent areas. But, it is specific to each site in these different areas. But, as a general matter, it doesn't.

Watson:

Do you have written documentation of that?

Safriet:

Not with me. Not with me tonight. But, we've got it back at the office.

Watson:

You don't want us to go on hearsay tonight, do you?

Huge laughter.

Safreit:

No, I don't. I am just telling you what they have reported before. Of course, there has been opposition that reported the opposite, so.

Watson:

The point is, we don't go by hearsay.

McGill:

That is why I had that letter read into the record, so they (Inaudible)

Any discussion from the Commission?

Dixon:

Mr. Ballister, did that tower as tall as the one that is located on 268?

Gadsden County Board of County Commissioners
August 20, 2002 Regular Meeting

Ballister:

Yes, that was also a 250 ft.

Dixon:

The one that you ain't suppose to be able to see?

Ballister:

Which one? On Highbridge Road?

Dixon:

The one going to Midway on Highbridge Road.

Ballister:

Right. Yes, it is that tall.

Dixon:

Yeah, the one that is suppose to be in the trees and nobody is suppose to be able to see.

Ballister:

Right.

Dixon:

Yeah.

Ballister:

I did a cross section on auto cad which I did not convert into a slide placing myself at the front door of the Duncan's trailer and placing a tree line as close as I could get it to the other side of 267 at about 60 ft. from trees and placing a 250 ft. tower, it is obvious that a tower would be visible. You won't see the base of the tower, but you will see a tower.

From any of the other location, it has been my experience that 250 ft. door shows up on the horizon long before you get to it. It was the intent of the ordinance to make it as small a bump on the horizon as possible. That is why we had the setback.

Audience:

May I rebutt.

McGill:

We don't normally do that, but o.k. this time.

Duncan:

Gadsden County Board of County Commissioners
August 20, 2002 Regular Meeting

Mr. Brantley took me to the proposed site. We turned around and looked in a direct line of site to the residence. Direct. This is in a pasture with scattered oak trees. You could probably get into a place where you would get right behind an oak tree or you could get into places when you are not behind an oak tree. But, when you walk out from the trailer, you can look directly and see the base at ground level. Straight across.

Dixon:

Mr. Chairman, my concern is and I conduct most of my business on a cell phone and I can do none of it at home because there is very little service out that way. But, the problem is when you put it in areas that are silviculture, that you know are going to be cut one day, somebody is going to be looking dead at a cell phone tower. It is very simple. They are cutting trees out there left and right.

I think we worked long and hard on the ordinance. It is a tough ordinance if not one of the toughest ordinance out there for you to meet. But there is a reason for it. We were being inundated with cell phone towers. Every company wanted their own tower in their own way for their own purposes. So, yeah, it is tough. But I think you've got to measure up.

I don't know if you go into Lake Talquin State Park, if that helps any down the road. But those trees aren't going to be cut and you won't have to look at it. But a 250 ft. tower can be seen. I have seen it.

Bruce, you approved that administratively, that tower over there?

Ballister:

Yes.

Dixon:

Cause I didn't know it was out there until BAM, one night coming along. I couldn't imagine the folk who live around there, but it is around a curve so maybe they didn't see it. But you have to ride with it for about five miles. It is a very annoying site. And to inconvenience even one citizen with that is just too much for me. So, I am sorry, I think you have got to go back and do your hunt again.

Watson:

Gadsden County Board of County Commissioners
August 20, 2002 Regular Meeting

Let me say that I am not necessarily opposed to the tower. But we do have an ordinance and what I am opposed to is eviscerating the ordinance. Even if every property owner around here said it was fine, if I grant a variance of 50% in this particular case, that might bite me on my rear end down the road. And I hate to open the door to this magnitude with this much of a variance. If it was 5% or 10% and we have variances on all of our ordinances. But this is a little more than what I can work with.

McGill:

Is there any more discussion or comments from the commissioners?

No response.

Then we need a motion.

Dixon:

If I am in order, I move to deny the variance.

Watson:

Second.

McGill:

We have a motion and second to deny. If there further discussion?

No response.

Hearing none, all those in favor of the motion say "aye".

Dixon, Watson, Fletcher: Aye

McGill:

All opposed say "nay".

Roberson & McGill: Nay.

McGill:

The motion passes 3 - 2.

6. STANLEY B. SIMS, SR.

Shepard's Hand Resource Center, Inc., CBG

Rev. Stanley Sims addressed the Board to tell them about the Shepard's Hand Program located in Havana. He said they have partnered with the School Board and Work Force Plus of Florida to provide resources to combat deficiencies in education and economic development in the Havana community. He explained how his program is expected to work.

7. COUNTY MANAGER'S AGENDA

Quincy Byrd Landfill

Mr. McKinnon called attention to the interlocal agreement with the City of Quincy regarding the operation of the Byrd Landfill. He said that it is basically the same agreement that was in place in the past with one exception. They deleted the clause which requires them to place a portion of the tipping fees into an escrow account for the maintenance of Selman Road. The old agreement called for \$.33 per ton to go into the escrow account.

Discussion followed.

Commissioner Dixon stated that the situation along Selman Road has changed a lot since the last agreement was in place with the City of Quincy. He suggested that the road really needs to be improved with sidewalks and such.

Commissioner Watson noted there are now three mining operations taking place on that road. He stated that the City collected about \$8,000 per year to be set aside for the road maintenance. He said that he did not think that it is unreasonable and would like to see it continued.

Mr. McKinnon pointed out that the City would reimburse any surplus funds they collect. He said that they do now have a surplus fund. If there is not a signed interlocal agreement, it would not be possible to participate in the surplus refund.

COMMISSIONER DIXON MADE A MOTION TO APPROVE THE LANDFILL AGREEMENT CONTINGENT UPON THE CITY OF QUINCY PROVIDING FOR THE MAINTENANCE OF SELMAN ROAD THROUGH THE SAME TIPPING FEE PER TON AND THAT THEY RE-ESTABLISH THE ESCROW ACCOUNT FOR THAT PURPOSE. COMMISSIONER WATSON SECONDED THE MOTION. THE BOARD VOTED 5 - 0 IN FAVOR OF THE MOTION.

2002/2003 Budget

Mr. McKinnon called attention to the proposed budget which he passed out to the commissioners prior to the meeting. He stated that there was a cover letter in the front describing the new items included in the budget.

8. 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) \$17,000 Contingency Request to Cover Increased Professional Services Costs
- 2) FY 2002-2003 Budget Calendar
- 3) Interlocal Agreement with City of Chattahoochee to Provide Ambulance Services
- 4) Solid Waste Grant Agreements for FY 2002-2003; Recycling RE307; Solid Waste Small County Grant SC309; Litter Control and Prevention Grant LC307; Waste Tire Solid Waste Grant WT319
- 5) Terrorism Annex Contract # 02-PR-70-07-38-01-002
- 6) VALIC Variable Annuity Life Insurance Company - Deferred Compensation Program
- 7) Domestic Relations Amendment to Deferred Compensation Program - National Association of Counties
- 8) Florida Library Network Statewide Ground Delivery Service 2002-2003
- 9) World Book, Inc. Contract Renewal Amendment 09/30/02 to 09/30/03
- 10) Library Agreement with Simon & Schuster - Costume Appearance Agreement
- 11) Annual Renewal of Lease Agreement with North Florida Medical Centers, Inc. for the Primary Health Care Building
- 12) State Housing Initiative Partnership Agreement (SHIP) and Special Assessment Lien - Annie Mae Brown
- 13) Satisfaction of Housing Agreement - Mary E. Chambers
- 14) Revocation of Development Order - Havana Flea Market & Mini-Storage - For the Record.

9. CLERK'S AGENDA

Disbursement of Hospital Funds to Gadsden Hospital, Inc. (GHI)

UPON MOTION BY COMMISSIONER AND SECOND BY COMMISSIONER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE DISBURSEMENT OF \$50,000 FROM THE HOSPITAL ENDOWMENT TRUST TO GHI THE NOT-FOR PROFIT ORGANIZATION APPOINTED BY THE BOARD TO OPERATE THE HOSPITAL IN THE EVENT IT SHOULD BECOME NECESSARY.

Request to Make Direct Sale of County Property

Mr. Thomas reported that he had received a request from Fred Strauss to purchase .85 acre of county owned property which is adjacent to him on CR 268 near Midway.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CLERK TO BEGIN THE PROCESS TO SELL THE ABOVE DESCRIBED PARCEL TO MR. STRAUSS.

Budget Amendments 02-08-20-01 through 02-08-20-10

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.

Ratification of the Approval to Pay County Bills to wit:

BCC Check Register Dated 08-09-02 and BCC Check Register Dated 08-16-02

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

10. PUBLIC COMMENTS

Chair McGill announced that this portion of the agenda was intended to allow the public an opportunity to address the Board. He asked that remarks and comments be held to three minutes or less.

There was no response.

11. COUNTY COMMISSIONERS ITEMS:

District 2

Commissioner Watson had no report.

District 3

Commissioner Roberson called attention to the calendars that she passed out before the meeting. She stated that Ms. Jan Cox of the American Red Cross had provided them to her. She said that she attended a meeting where Ms. Cox spoke of her two month experience at the New York Trade Center tragedy. She encouraged the other commissioners to make the effort to hear her presentation if the opportunity should arise again.

She then reminded the Board that she would like to have their input on the resolution that she gave them dealing with public notice of the commission meetings, etc.

District 4

Commissioner Fletcher had no report.

District 5

Commissioner Dixon stated that he was appalled at the increased costs in health insurance for families. He asked if there was anything that could be done to defray those costs.

General Services Director Arthur Lawson stated that the Insurance Committee has looked at possibilities. One thing that was discussed was putting out an RFP next year to see what kind of response the County could get. He commented that the County has experienced a 20% increase in costs each year for the last three years.

District 1

Chair McGill appointed Commissioners Dixon and Roberson to serve on the Value Adjustment Board with him and two School Board Members.

He then told the Commissioners that the Reading File on Article V, Revision VII and the Three Rivers Compact were complete and available at their convenience in the Commissioners' Room at the County office.

Gadsden County Board of County Commissioners
August 20, 2002 Regular Meeting

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE CHAIR
DECLARED THE MEETING ADJOURNED.

Bill McGill, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A WORKSHOP OF THE BOARD OF
COUNTY COMMISSIONERS AND THE
FLORIDA DEPARTMENT OF
TRANSPORTATION HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON
AUGUST 20, 2002, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: BILL MCGILL, CHAIR
STERLING WATSON, VICE-CHAIR
CAROLYN ROBERSON
EDWARD J. DIXON (ARRIVED LATE)
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

ABSENT: E. H. (HENTZ) FLETCHER

CALL TO ORDER

Chair McGill called the meeting to order. He then turned the meeting over to Tommy Barfield.

Existing Projects in the Five-Year Program for the Florida Department of Transportation (FDOT)

____Mr. Barfield review the following projects that are on-going in Gadsden County.

1) Quincy By-Pass from US 90 and SR 12 (Havana Highway)

Final design is underway. Right-of-way acquisition is scheduled for this fiscal year. Construction is currently set for 2005. However the cost of the project has almost doubled due to the bridge that must be installed. The cost of the project has been changed from \$5 million to \$11 million. The cost factor could cause the project to be postponed for a few years.

2. Resurfacing of SR 267 from Liberty County line to north of I-10.

It is scheduled to be let in July 2006. The road will be widened and resurfaced.

3. Bridge Replacement over Telogia Creek

Scheduled to be let in October 2002

4. Bridge on CR 269-B over Yawn Creek

It was let in July of 2002. Construction will begin in about 3 months.

4. Enhancement Project in the City of Havana

Sidewalk on 12th Ave. From SR 159 to US 27.
Project was let in July 2002. Construction to begin within 3 months.

5. Resurfacing of US 90 from East of Little River to Ocklochonee River Bridge

Scheduled to let in August 2004. Design is in progress.

6. Resurfacing of SR 12 from Liberty County line to Yawn Creek

To be let in January 2004.

7. SR 267 from Franklin St. to North Quincy City Limits

Scheduled to be let in July 2005.

8. US 27 North of SR 159 to Georgia State line

Scheduled to be let in July 2005.

Mr. Barfield then stated that there are a number of County and City projects through state funds made available to the County.

SCRAP (Small County Road Assistance Program)

The County had two projects in the past that are now complete. They were very successful. The candidates for the new SCRAP projects are CR 268 (Soloman Dairy Road) from SR 10 in Quincy to SR 10 in Gretna; Highbridge Road from SR 10 in Midway to Joe Adams Road in Quincy; Cane Creek Road from 65-B (Old Federal Road) to Sawdust Road.

The roads are being evaluated by the Gainesville office at the present time. Gadsden is only one of 24 counties that qualified for the SCRAP program and they will have to compete for the funds. The County should be notified within the next month of which roads will receive funding.

New SCRAP projects for Gadsden County are CR 269 and CR 161. Both were executed in July of 2002.

SCOP (Small County Outreach Program)

Gadsden County has received one road project through SCOP. It is for the re-alignment of CR 65. It goes from CR 65 to C & E Farm Road. The agreement was executed with the County in June of 2002. The project is proceeding. The money is committed.

County Incentive Grants

There were twelve incentive grant projects submitted and all of them were funded in the DOT five-year plan. All of the agreements have been executed. (Small resurfacing projects)

Transportation and Community and System Preservation Pilot Project

Gadsden County is the first county to receive this project in Florida. It is for the widening of CR 159 and CR 379. It was funded and is a part of the FDOT Five Year Work Program. The amount of the grant is \$743,480. A draft agreement has been submitted to the County and it has been reviewed by the staff. The process of getting Federal Highway Department to authorize the dollars. Once they have authorized them, DOT will come back to the BCC for a signature on the agreement. The agreement will then be sent to FDOT Secretary for signature and he will then issue a Notice to Proceed with the project.

The Federal Bill for Transportation for the next fiscal year has not yet passed - it is expected to pass in January. Their new year begins on October 1. If this project is not approved by them by October 1, the project may get delayed.

Tom Shafer of the Construction and Maintenance Office in Midway was present.

Flying J Traffic Light at US 90 and I-10

Ms. Dusty Moss of the Traffic Operations Department was present. She explained that the traffic signal has been designed. She was not certain as to whether a work order has been issued at this time. She stated that she follow up with the County within the next few days.

She said that the Department is presently designing the traffic light which will be installed at the new high school on US 90.

Railroad Crossing on Jamieson Road

Commissioner Watson stated that he had been told that a crossing on Jamieson Road had been approved, but it has not been installed. He inquired as to its status.

Public Works Director Robert Presnell stated that he had received a letter saying that it was approved and the County signed an agreement to be responsible for the maintenance.

Mr. Barfield stated that it is not included in his Work Plan, but he would research the matter. He said that there are some projects that do not fall within his work program and this could be one of them.

Community Traffic Safety Team

Mr. Fred Buchanan stated that he is the liaison between the Department and the Gadsden County Community Traffic Safety Team. He said that the Team is pursuing a couple of projects. One is adding sidewalks to five different schools where the sidewalks are not complete around the schools.

He then said that the Team is looking at safety concerns at the new Walmart Supercenter on Pat Thomas Parkway.

Mr. Buchanan said that the Team will try to eliminate unsafe conditions through Law Enforcement and education. He stated that "Gadsden County does not have a good record with DUI, pedestrian and speed related accidents."

Commissioner Dixon asked him to explain his comment.

He replied "Based on the size of the community, the incidents of DUI crashed is higher in Gadsden County than they are in most other counties of comparable size."

Commissioner Dixon asked him how his department will deal with that.

The Community Traffic Safety Teams tries to encourage Law Enforcement agencies to increase their DUI enforcement. They also go into the schools and publicize the results of drinking and driving. They also publicize through billboards, public service announcements and anything that will educate the public on making bad decisions and the end results on making those decisions.

**Truck Traffic at New Walmart Intersection and
Illegal Parking along Joe Adams Road**

Commissioner Dixon stated that there has been a long standing problem with truck drivers illegally parking and lining up along Joe Adams Road near the intersection at the new Walmart Supercenter. He asked how the Team can help with that problem.

Mr. Buchanan said that one way that CTST can identify and help fund projects is an "action item." A citizen, law enforcement or any concerned person can bring what they perceive to be a safety hazard to the Team. The Team can then identify the persons who could provide some type of relief that will mitigate the hazard. He explained that if the local government cannot fund the mitigation, there are federal safety funds available through the Team. He told the Board that the problem has come up in discussions at the Team meetings, but there has been no suggestion made yet.

He went on to say that the number one project right now is the construction of sidewalks at the schools. He also said that another project could be concurrent with that project.

Commissioner Dixon stated that he is afraid that the traffic on the side streets surrounding the new Walmart will become a "nightmare."

Mr. Buchanan suggested that the County Engineer might be able to offer some solution to the problem. He said that concept papers could be written by the County and then submit them to the FDOT. If the concept is approved by FDOT, the County could construct it and the FDOT would reimburse it for all expenses including the

engineering, construction, design and inspection.

Mr. Buchanan stated that the Team meets every month and invited anyone that would like to attend the meetings and bring their concerns to the table.

He then told the Board that the FL Legislature just passed a law allowing for an additional \$3.00 fee on all traffic tickets to go toward driver education. He said that Gadsden County can impose the fee if it so chooses. The State Law is very definitive about how the money is used. He said that some assurance would have to be put into place so as to account for the use of the money.

Mr. Barfield introduced Greg Vickery who is from the Office of the District Secretary. He told the Board that any correspondence that goes to or from the Department would go through his office. He will be responding to the questions and concerns raised at this meeting.

Chair McGill asked "Do you have a traffic flow of the traffic around I-10 as well as US 90?"

Mr. Barfield stated that they have just completed a study contemplating making six lanes on I-10 from Midway (US 90) all the way through Leon County. He said there should be updated traffic count that would give him an ideal of the traffic volumes. That information would include the interchange at US 90 and I-10.

ADJOURNMENT

THERE BEING NO OTHER BUSINESS, THE WORKSHOP WAS ADJOURNED.

Bill McGill, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON AUGUST 6, 2002, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

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

1. CALL TO ORDER

In the absence of the Chair, Vice-Chair Watson called the meeting to order. Hal Richmond led in pledging allegiance to the US flag and Commissioner Dixon led in a prayer.

2. APPROVAL OF AGENDA

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS PRESENTED.

3. APPROVAL OF MINUTES - JULY 16, 2002 REGULAR MEETING

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

4. COUNTY ATTORNEY'S AGENDA

Jo Ann Hart vs. Gadsden County 01-538-CAA

Mr. Richmond reported the following:

"Gentlemen, I have two matters tonight. In the case of Jo Ann Hart which was filed against Gadsden County, the District Court of Appeals today issued its opinion that the County was correct. At least, in that case, it is over in 15 days. They can petition for a re-hearing, but it doesn't look like they

will be successful." (Ms. Hart filed an application to open a liquor store at the intersection of Havana Highway and Ball Farm Road, but the County denied it. She then filed a lawsuit against the County because of the denial. The case went before Judge Davey who ruled in favor of the County. Ms. Hart then appealed the Judge's ruling.)

Hospital Update

Richmond:

With regard to the hospital update. On the meeting of July 2, I was given authority to proceed. I want to inform the Board tonight that I am drawing up the necessary papers to file a lawsuit. It has come to my attention that certain payments under the terms of the lease have not been made again. We will start this week without further delay."

5. PROCLAMATION FOR DIABETES AWARENESS DAY

Chair McGill arrived at this juncture.

Dr. Jessie Furlow, Ms. Lynn Stabler and Ms. Ruby Houston appeared before the Board. Dr. Furlow stated that they would be holding a day long health fair at the hospital on August 15 to bring about awareness of diabetes. She encouraged the Board to participate in the event. She said there would be free screening for adults as well as refreshments.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE DIABETES AWARENESS PROCLAMATION 2002-029.

Commissioner Dixon questioned Dr. Furlow as to the incidence of diabetes in Gadsden County.

Dr. Furlow responded by saying that 57% of Gadsden County population has diabetes.

Ms. Stabler stated that they would like to come back to the Board after the screening takes place and report the results of the screening event.

6, GORDON JERNIGAN, ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY

Mr. Jernigan addressed the Board. He stated that he was

representing the Escambia County Housing Finance Authority. He asked for the County to participate in the 2003 bond series and to set a public hearing to consider an interlocal agreement to participate in the program. He suggested on September 3, 2001 at 6:00 p.m.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO SET A PUBLIC HEARING FOR SEPTEMBER 3, 2002, TO CONSIDER AN INTERLOCAL AGREEMENT WITH THE ESCAMBIA HOUSING FINANCE AUTHORITY TO PARTICIPATE IN THE 2003 BOND SERIES FOR SINGLE FAMILY MORTGAGES.

7. JAMES A. SOUTHERLAND, SR. - AIRING OF COUNTY COMMISSION MEETINGS - Channel 95 - Comcast Cable

Mr. Southerland addressed the Board. He stated that he is presently extending his business from the Jacksonville area to Quincy. He said that as a part of the extension, they are already airing the City Commission meetings and would like for the County to consider doing the same. He said that it would not be a live production but would be aired on the same night as the meeting date. He asked for permission to meet with the County Manager and bring back a "dollar figure" for the production of the meeting. He said he would set a flat rate for each meeting.

No action was taken.

8. PUBLIC WORKS AGENDA

Howell Road

Public Works Director Robert Presnell addressed the Board. He explained that some paving was done on Howell Road last year, but there was a 1200 ft. section south of US 90 that was left unpaved due to permitting difficulties. He stated that since that time, some things have changed with the permitting process. In addition, he said that the Department was getting ready to do some roads with cold mix and the remainder of Howell Road can be paved with it.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE PAVING OF THE REMAINDER OF HOWELL ROAD.

Contingency in Road Construction/Improvements

Commissioner Fletcher arrived at this juncture.

Mr. Presnell called attention to the attached list of roads within the County that are currently proposed for paving. He explained that some of them are fully funded and others are partially funded. He said that there is \$442,000 in road construction contingency that could be utilized to accomplish the resurfacing of the roads listed at the top within the next 60 days if the funds were made available.

Commissioner Dixon remarked that he had seen no road paving in District 5.

Mr. Presnell responded by saying that he followed the list in the Comp Plan Road Paving Priority List. He said that there are a few projects coming up in District 5. He called particular attention to Sadberry Road.

Commissioner Dixon stated that he was receiving complaints from his constituents about roads in a particular community being left unpaved while others are paved.

Mr. Presnell replied that such complaints are common when a road is paved.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE USE OF \$442,000 IN ROAD CONSTRUCTION CONTINGENCY (112-0130-59901) FOR THE ABOVE DESCRIBED PROJECTS.

9. COMMUNITY DEVELOPMENT

Interlocal Agreement with City of Chattahoochee for SHIP Funds

Community Development Director Edward Butler addressed the Board. He stated that he had received a request from the Mr. Lee Garner, Chattahoochee City Manager, for an additional \$60,000 in SHIP funds to assist in their CDBG Housing Rehabilitation program. Mr. Butler then stated that \$10,000 of the money they have requested is not consistent with the SHIP requirements, therefore he recommended that the Board reduce the amendment to \$50,000. (SHIP would not approve the use of lead based paint.)

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTE 5 - 0, BY VOICE VOTE, TO APPROVE THE AMENDMENT TO THE INTERLOCAL AGREEMENT WITH THE CITY OF CHATTAHOOCHEE AS DESCRIBED ABOVE - AN ADDITIONAL \$50,000 IN SHIP FUNDS.

10. COUNTY MANAGER'S AGENDA

Telemetry Heart Monitor

County Manager Howard McKinnon told the Board that the County had purchased a Telemetry Heart Monitor for the hospital in 1984 and it has become obsolete and cannot be repaired. He asked for authority to go out for bid for a replacement as it is a vital piece of equipment for the hospital.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE BUILDING OFFICIAL TO GO OUT FOR BID FOR A NEW TELEMETRY HEART MONITOR FOR THE HOSPITAL.

Annual Meeting with Airport Authority

Mr. McKinnon stated that the Airport Authority has requested to conduct a joint meeting with the County Commission and City of Quincy Commission on September 3, 2002 at 5:30 p.m. There was a consensus of the Board to hold the meeting as they requested.

11. CONSENT AGENDA

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

- 1) Gadsden County Roadway Resurfacing Change Order # 25 - C. W. Roberts - Increase of \$120,348.00 for the paving of Talquin Ave., Davidson Road, Alma Yates St. and Chinquapin Way. This change order brings the total of the contract to \$7,608,774.74
- 2) Gadsden County Roadway Resurfacing Change Order # 26 - C. W. Roberts - Increase of \$870,951.25 for the resurfacing of Sycamore Road, Hardaway Highway, Concord-Bainbridge Road, Harbin Road, Carolina Road South, Lake Bluff road,

Beaver Creed Road, North Spruce Road, South Spruce Road, Lake Bluff Road and the dirt road paving of Rod Shaw Road and Spring Meadow Road. This change order brings the total contract price to \$8,479,725.99.

- 3) Approval up to \$35,000 to dispose of trash that has accumulated from the drop off bins and curbside collections that is not useable for recycling. The disposal is to be paid from the recycling proceeds.
- 4) Approval of Proclamation 2002-030 "Proclamation for Gadsden Saves' Day" August 17, 2002
- 5) Satisfaction of Housing Rehabilitation Agreement - Rubby Riggins
- 6) FL Department of Agriculture and consumer Services Contract for Emergency Food (Commodity food program) \$9,328.00
- 7) Request to CSX Railroad for repair to two railroad crossing site - Atwater Road near Mt. Pleasant and Lincoln Dr. near Chattahoochee.

12. Consent Agenda for the Record

- 1) Approval of CDBG Grant Application and Agreement for Process, Automation, Paperless Electron Routing System (PAPERS).
- 2) Response from Florida Housing Finance Corporation regarding their approval to the revisions of the Gadsden County Local Housing Assistance Plan for fiscal years 2002/2003 through 2003/2005.

13. CLERK'S AGENDA

Cash Report & Financial Statements

Clerk Thomas called attention to the attached cash report showing \$9.2 million in the Board's accounts. He also called attention to the financial statements for their review.

Budget Amendments 2002-08-06-01 through 2002-08-06-10

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.

Ratification of Approval to Pay County Bills

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

14. COMMISSIONERS REPORTS

District 2 Report

Commissioner Watson had no report.

District 3 Report

Commissioner Roberson reminded the Board that she had given them a proposed resolution dealing with the public noticing of the commission meetings. She asked them to make their comments known to her through the County Manager.

District 4 Report

Commissioner Fletcher had no report.

District 5 Report

Commissioner Dixon called attention to the fact that the County is now in the budgeting phase of the year. He stated his concerns regarding the fact that there have been no workshops to plan for multi-year spending projects for the County. He stated that he would like for the Board to develop a long range plan to determine what the needs are in the County and then set out a plan to accomplish them. He specifically called attention to the events of September 11, 2001 which caused the nation to realize how important an emergency response plan can be for a community. He said that he was unaware of any type of emergency plan or security plan for Gadsden County - how various county services would respond to security issues and emergencies.

He recalled that the last time the County met in such a forum, they set out a plan to revamp Public Works and accomplish the space needs for county buildings. He went on to say that the Plan was a good one and it has almost been accomplished. However, there is no long range plan in place that will make future multi-year funding projects.

Gadsden County Board of County Commissioners
August 6, 2002 Regular Meeting

He called attention to the 80% staff turnover at the jail that is of particular concern to him. He said that is one of the areas that needs to be addressed with specific long range planning and commitment. He also cited the rapid growth potential on the east side of the County along US 90 between I-10 and Quincy which would warrant a multi-year commitment.

No action was taken.

District 1

Article V Funding

Chair McGill reported that he had attended a meeting at which Article V and Revision VII were discussed. He said that it appears that the State is trying to shift the financial responsibility of the court system back to the counties. He reported that the FAC has requested that the individual counties make a united effort to make the State assume the responsibility. He said that the Clerk's Association has endorsed the same philosophy. He went on to say that he will set up a reading file on the subject and he asked that all the commissioners take the time to read through it.

He then asked that the Board appoint a liaison to work with FAC along with the other local constitutional officers in an effort to get the funding resolved. There was a consensus that Chair McGill should be the liaison to work with the Clerk and Sheriff and FAC.

Three Rivers (Flint, Chattahoochee and Appalachicola)

Chair McGill stated that Florida, Georgia and Alabama still are not near an agreement on how the flow of water on the three rivers should be controlled to insure that downstream communities are not adversely impacted. If there is not some agreement in place by the year 2030, there will likely be devastation to some south Georgia and Florida communities.

He then asked that the commissioners read the material that he would leave in the reading file on the matter.

ADJOURNMENT

UPON MOTION BY COMMISSIONER WATSON, CHAIR MCGILL DECLARED THE
MEETING ADJOURNED.

BILL MCGILL, CHAIR

ATTEST:

NICHOLAS THOMAS, CLERK

AT A SPECIAL MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA JULY 25, 2002, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

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

CALL TO ORDER

The meeting was called to order by Chair McGill. He stated the purpose of the meeting was to discuss and possibly take action on altering or creating voting precincts per Florida Statute 101.001(1). Commissioner Fletcher led in pledging allegiance to the US flag and Commissioner Watson led in a prayer. The meeting was then turned over to Supervisor of Elections Shirley Knight.

McGill:

Supervisor of Elections, tell us what this is all about.

Knight:

All right. Good evening, Commissioners. I have come before you this afternoon because I have created new precinct lines. I have not done anything with the district lines - just the precinct lines.

You know, first I want to say to you that, you know, when we are elected to office, you know, the voters expect us to do the best job that we know how and the best job that we can do. We all are public servants and we are here to serve the people of Gadsden County. And, what I have brought before you this afternoon is new precinct lines that I have created. I have rode all over the County checking these precincts out, seeing the needs of the voters, talking to people and I have found out that a lot of people have to travel 10 - 15 miles to vote.

In the precincts that I created, they came from the largest

precincts that we have - Precincts 1, 2, 5, and 9. These precincts are so congested. There are long lines. You don't have adequate parking and a lot of our people are elderly people and they do not like trying to get parked in these areas. So, I have created new precinct lines in these areas.

And, you know, not only that, because we have had voters to call the office and come by and request and ask that these lines, these new polling places be created. Some decided that they wanted to get off the roads because the lines are so long and it is so far for them to drive.

I feel like voters in Gadsden County deserve this. I think they deserve to drive no more than 4 miles to the polling places. The lines that I have created are within a four mile radius of each community and the polling places. It also eliminates frustration of the voters, like I said, long lines, inadequate parking. It also blocks traffic.

Another concern of mine - in so many polling places, you have to have children's safety that you have to be worried about. Precinct 1, Precinct 5 and Precinct 2. Especially 1 and 5. In those communities, you have children that cannot come out because the traffic is so heavy and so (inaudible).

Commissioners, I am asking that you bear in mind as we go through all of this, that the voters - we are here to serve the voters and I am concerned about the voters.

We are going through each packet and I am going to tell you what we are going to do in order to get the word out to the voters. We are going to mail out new voter ID cards informing them of their new polling places. We are going to mail, we are going to have maps published in the newspaper with the new polling places on it, flyers, maps, letters delivered to community stores and churches and we are going to get the word out. And, we also have permanent precinct signs that are ready to go up just as soon you all give me the O.K. These precinct signs are ready. Road and Bridge have already gotten them prepared for me. So, they are ready to go in place. We will go ahead and put them up as soon as possible - hopefully, next week. Voters still will be riding down the road and they will be familiar with their polling places because they will see the permanent road signs.

I have some answers to your questions. So you want to go over

questions or go over the maps first? It's up to you all.
Some of you had some questions.

McGill:
(Inaudible)

Knight:
Well, some of you have some questions. I have answered the questions. They are in your packet. The first question was geographical boundaries of the new precincts. I know that you already have your maps of the new boundaries. We are going to put it forth on the wall there for you. The locations of the new places are in your packet also. I have already contacted these polling places and they were more than glad to help the community out.

Votes cast in the last election, you have that with you. Registered voters per district, you have that. You can see which district is the largest district and which district is the smallest. You have all of that information there.

Dixon:
Are these the district numbers that I am looking at right here?

Knight:
Yes, those are the district numbers.

Dixon:
It shows that District 1 has 5400 voters and District 3 has 2800 voters?

Knight:
No, no, no. District what?

Dixon:
District 1 has 5400?

Knight:
And, District 2 has 66.

Dixon:
District 2 has 6628?

Knight:
What number do you have?

Dixon:

I am looking at the same thing that you are looking at.

Knight:

Yes, that is district numbers.

Dixon:

I was under the impression that our districts were suppose to be equal.

Knight:

They do. They do.

Dixon:

In terms of voters?

Knight:

In terms of population. Population.

Dixon:

But, that is not what this says.

Knight:

These are the registered voters in the district. District 2 is the largest district and you are right. The district lines are supposed to be drawn according to population.

Dixon:

Is it total eligible voters? Or should the lines be drawn according to the total number of eligible voters? Is that the number that should be...

Knight:

Total number of population. Population.

Dixon:

Population?

Knight:

Yes.

Dixon:

O.K.

Knight:

You do need to look at those lines.

Roberson:

Shirley, I was under the understanding that the church in Sycamore was not going to let folks vote there anymore.

Knight:

The Baptist Church called and said we couldn't use that polling place anymore. But, the Methodist Church, I contacted them and they said we can use their church.

Roberson:

O.K.

McGill:

You mean, you eliminated the Baptist Church?

Knight:

Yes, Sycamore Baptist. It will be Sycamore Methodist.

McGill:

Is some of this disparity in voter strength? Is that because we did not through and reshuffle district lines because of population shifts?

Knight:

I am sure it is. I am sure it is.

Roberson:

These registered voters, is that as of today, you know?

Knight:

As of today.

Roberson:

O.K.

McGill:

Mine says 7/08.

Knight:

Do you have one that says 7/25?

7/08 - We have to run one every month. At the end of each month, we have to run a total and send to the State. This one that you have that says 7/25 - that is as of today.

Roberson:

O.K. I see here that you have additional costs for the number of poll workers. What is the additional costs for the equipment? Is there any?

Knight:

Well, the equipment, we had to have that anyway. And the equipment has already been paid for. The State paid us \$120,000 for the equipment and the County paid the rest of it.

McGill:

The cost I see now, is that strictly for

Knight:

To increase the polling places. That is what this cost is for. I don't have ballot production on there because when you've got, you take one ballot per each person, period. That doesn't matter. That doesn't factor into this cost.

McGill:

Do you have an idea what that \$1,000 for miscellaneous might be?

Knight:

For miscellaneous - Yes, we have to buy additional supplies like notebook paper, ballot boxes, pens, pencils and things like that. So, I just the cost there.

McGill:

Got you. You see, this Commission doesn't like miscellaneous list on things. You might put "contingency", but utilize it for miscellaneous.

Knight:

I just out miscellaneous for various things. And you can see the difference in the cost. It is not a whole lot to increase the polling places.

Dixon:

Am I to understand that the rationale for the additional precincts is that you want to get everybody down to a four mile radius?

Knight:

A four mile radius. I have talked to other counties. We will go to the next sheet, but, most counties have their polling places within 3 - 4 miles. When people start getting over

more than 4 miles, they start creating new precincts. And, Gadsden County just needs it. It just hasn't been done and we absolutely need it. Some people drive, ah, some have to go to another state then come back over into Florida in order to get to a polling place. So, the distance and the miles, you know, we are living in America. We are not a third world country and there is no reason for us not to update our polling places.

McGill:

How much of this was predicated on the new Voting Act that was passed in the Legislature this year?

Knight:

I beg your pardon?

McGill:

Was any of this predicated on the new voting act?

Knight:

New voting act?

McGill:

Was there a change in voting procedures as a result of Ed Dixon in 2000?

Dixon:

Throw Watson in there too?

Richmond:

Let's blame Hood, he is not here anymore.

Knight:

Well, you know, at the end, they did do a good job. But, the new laws, there were new laws. One of them was that we could no longer use a central count machine. That is obsolete as of September 1st. We can no longer use that machine anymore. We had to go to either touch screen system or precinct tabulation.

Let me tell you about the precinct tabulation. The voting process is the same. The lines, you know, the process is the same. It takes the same amount of time to actually go in, present your voter ID, pick up a ballot and then go to the voting booth, vote your ballot. Instead of bringing it to a ballot box, you bring it to a machine. That machine will

reject a ballot if there is an error.

Richmond:

You have up to three times. Three chances.

Richmond:

Before what?

McGill:

But, there will be no hanging chads this time?

Knight:

No. No. No hanging chads.

Dixon:

Will you have people, if the ballot is rejected, will your office be supplying people - someone who will be standing there?

Knight:

We will have a poll worker there. They will be the only one who can touch the machine. Yes.

Dixon:

I mean to help a person whose ballot has been rejected to find out why?

Knight:

After a voter, they would tell us. The poll worker will be trained to tell a voter what is wrong with their ballot. The machine will also display what the problem is. And, the poll worker will instruct the voter what to do with the ballot. They would go and get another ballot. If they mess it up the second time, what we will have them to do, the clerk will ask the voter do they need assistance. Because we figure, if you mess up a ballot twice, you need some assistance.

Dixon:

My concern is that no matter how good our election was, we still had the highest percentage of spoiled ballots of anybody in the State.

Knight:

Well, let me tell you, you mean a overvote a ballot.

Dixon:

Spoiled. I mean,

Knight:

There is a difference.

Dixon:

It could affect how an election turns out.

Knight:

O.K. Overvote of ballots - I looked at those ballots, and a lot of them were due to layout. You know, a lot of people, and it is not necessarily people who can't read. It was people who didn't have time to read the ballot. When they got to the second column, they thought they were voting in another race.

Dixon:

We talked about that. It looked like a new race.

Knight:

But, the Laws have been remedied for that and you can no longer split a race on a ballot.

Dixon:

Now, a second problem that I remember seeing was the double ballot. Where somebody voted for Gore and then went down and where it says write in your candidate's name, they wrote in "Gore" and the machine kicked those out.

Knight:

Right. And the canvassing Board, now, that won't happen at the precinct level.

Dixon:

If it should happen, somebody will fix it. The machine will reject it and they will be instructed how to fix it. If only one person?

Knight:

Only one person will be instructed. And plus, we give instructions to the voter before they get to the voting booth now.

Dixon:

How much training do your poll workers get?

Knight:

They will have 3 hours. The clerks will have 3 hours of training and the poll workers 2 hours.

Dixon:

How many do you have?

Knight:

We have, per precinct, it varies. It depends on the size.

Dixon:

The larger precincts?

Knight:

The larger precincts now have about 22 - 25. But, we will no longer have precincts as large. So, I will take some of those poll workers and put them in new polling places. We are averaging 6 - 12 poll workers per precinct.

Watson:

What is going to prevent a poll worker who has been asked to give assistance, to not manipulate that ballot?

Knight:

Under the Law, they are not suppose to.

Watson:

I know what the Law says.

Knight:

Under the Law, they do not suppose to do that. And, ah

Watson:

But, the problem with this system, is that it can happen. And the old system,

Dixon:

It could happen. If someone needed assistance, they would go with them behind the curtain.

Watson:

But nobody had the chance to vote 3 times with the old system.

Knight:

That Law has always been there - 3 times.

Watson:

But, they will know it because it got rejected here. It's going to be rejected at the precinct now.

Knight:

Knight:

That's why it is no longer in Law. Now, when people come in, and you don't have to have the poll worker to assist, you can bring assistance with you. You can bring someone with you. Whoever you want to bring. But, a poll worker don't necessarily to assist. The voter will also have a chance to, not only, and we don't just have one designated person to assist, they can choose whomever they want to.

Watson:

I don't think the person who brings assistance ballot is going to be rejected. I think the assistance is going to prevent that from happening. My concern is for the one who cannot bring assistance, their ballot is rejected, it's rejected again, they then get a poll worker to help them and I'm not so sure that poll worker is going to be straight. Because they are human beings just like we all are. You are introducing the capability of fraud.

Knight:

Well, let me tell you. The poll worker

That is the State Law. The State Law. We are going by what the State Law requires to do. It requires us to have this system and put all these avenues in place. Now, poll workers are under oath. They take an oath before they start to work that morning that they will not violate the laws.

This is no different than it was before. You know, with assistance.

Watson:

You never know if a candidate has his own poll worker?

Knight:

No, no. Definitely not. Poll workers are non partisan.

Watson:

They may not be.

Knight:

They will be.

Watson:

I am just not as confident because there are just too many individuals involved.

Knight:

Well, were you not comfortable before? There are some of the same poll workers.

Watson:

The problem with this is the rejected ballots were rejected here - not at the precinct.

Dixon:

But, they were rejected in a way that they could not be fixed. And, therefore the person's vote - how many ballots did we toss out?

Knight:

2,000.

Dixon:

Enough ballots to swing the presidential election back and forth that would not have happened, regardless of who won, if Gadsden County had had this system in place, then, somebody would have clearly won the presidential election. You and I both know that we threw away enough ballots that had your candidate and mine marked to swing the election either way by more than 1,000 votes.

Knight:

And, we school our poll workers not to be partisan at all. No campaigning or advice or anything. We school them to be like that. And these poll workers are basically the same ones that we already had. Did you have problems with them before?

Watson:

Like I said, the opportunity wasn't there before. That is only there now.

Knight:

And, the thing about it, every voter is entitled to have their right to vote a ballot properly.

Watson:

Well, they had that last time. Just because they overvoted does not mean that they were denied their right to vote. They just filled out the ballot wrong.

Knight:

Well, I school the program and train them. No, you do not advise anyone how to mark their ballot.

Watson:

We can talk about how many were thrown out, but, we can also talk about how many were voted correctly which was a far more number. So, it was not a matter of "there was something wrong with the ballots."

Knight:

It was. Over half of those was because of the layout.

Watson:

But, still, people were not paying attention when they filled out the ballot or they would not have done that.

Knight:

That is right. Over half of those ballots were due to - the error not being that they -

Watson:

It was the voter and not the system.

Knight:

Well, if the voter - if the machine rejects the ballot, it says "overvote in a particular race." It will tell you which race you overvoted in. The voter will have the opportunity to get another ballot. So, if that voter can vote their ballot, you won't have that problem. You won't have that worry.

Watson:

I don't want to belabor. I mean, we can move on.

McGill:

Are you convinced that this is a better system than we had before?

Knight:

Yes. Yes, it is. Oh, yes. And plus, this is the only thing we can use because the State requires us to use one or the other system. But, the poll workers are trained. They are

honest people as far as I know. I haven't had any complaints about them. I haven't heard any complaints about a poll worker advising people how to vote.

If you will look at the other counties, let's see - comparatively in the this area, you will see that their precincts way outnumber ours. Calhoun County - they have 7100 voters and 13 precincts. Gulf County - 8500 voters and 14 precincts. Franklin County - 7100 voters, 8 precincts. Holmes County - and this is just going on down the line. Jackson County is comparatively to ours - 24,000 voters and they have 27 precincts.

We are desperately in need of new polling places. And, I am here today to ask you to accept these precincts lines that I have drawn. And, it is nothing political at all. When I drew the lines, I drew the lines out of necessity. I don't have numbers or demographics in terms of race or sex or whomever in those precincts. I just drew the lines because of necessity.

Like I said, I drove over the County for days doing map mileages and saw that there was a great need.

McGill:

Will you help me identity the new precincts in District 1.

Knight:

Sure. The new precincts?

McGill:

Yeah.

I see 3 in Havana at the Public Library already.

Knight:

Some of you will be sharing precincts as usual. So, it doesn't look as bad as you think. District 1 - you have precinct 2, precinct 3, precinct 4, 15, 15B and 20 B. When you have "B" it is the same as the number.

Watson:

15 should be in 2. Part of it.

Knight:

It is in 2. Part of it is in 2.

McGill:

District 1 is the one I was looking for.

Knight:

Right. You have 15. You are sharing that polling place.

McGill:

I don't see 15B.

Knight:

Well, I have 15B on my copy. It is a split precinct. Yours would be 15.

Roberson:

Shirley, how about giving us each precinct.

Knight:

O.K.

District 2 - you have precincts 1, 2, 13, 15, 17, 18, 19, 20, 21, 22

District 3 - 8, 9, 26

District 4 - 7, 10, 11, 12, 23, 24, 25

District 5 - you have 6, 5, 6, 16, and 17.

McGill:

I have sorta a rhetorical kind of question, How far did you say each polling place would be - the fartherest?

Knight:

As it is now?

McGill:

No, when this goes into effect.

Knight:

It is within a 4 mile radius.

Watson:

I'll tell you like I told you the other day, I don't think this is necessary. I think your numbers here bear me out.

Knight:

You don't think it is necessary to do what?

Watson:

I don't think that voter accessibility is a problem in Gadsden County. You said something about people having to drive. People have to drive to go Eckers, they have to drive to go to Winn-Dixie and they have to drive to go to the doctor.

Knight:

Well, you know what? Voting is a right.

Watson:

I understand.

Knight:

We cannot put anything in the voter's way to impair them from voting.

Watson:

But, nobody in Gadsden County has been or was denied that.

Knight:

You don't know that. You don't know that. You don't know that.

Watson:

You also have absentee ballots. They don't have to go the day of election.

Knight:

Absentee ballot is a privilege, not a right.

Watson:

But, still on, they can do that. It is available to them and all they have to do is call your office, correct?

Knight:

Yes, they can.

Watson:

So, they don't have to get out on election day if they choose not to do that?

Knight:

Most people choose to go to the polling place.

Watson:

But, they have to.

Knight:

That is what they want to do and you cannot deny them that. And, all I am doing is - voting - you do not want the media to come and ask the question "Why?" "Why can you not make voting accessible?" And, there is no reason why you couldn't have polling places in these communities.

Fletcher:

Shirley, I will have to drive right by where I have been voting to get to the Livestock Pavillion to vote at a different place.

Knight:

Well, Precinct

Fletcher:

In fact, I have never been to the Armory when I had to wait any time or at all to vote. There is plenty of room in that building to handle Precinct 5.

Knight:

No, it is not. And the machine, let me tell you, the voting booths, the voting machine

Fletcher:

I am talking about the old armory.

Knight:

Let me tell you the requirements, the requirements for the voting machine is not to have it over a capacity of 2,000 voters in a precinct.

Watson:

But, you could have 3 machines.

Knight:

That is not going to help the process. Like I said before, the process is the same. It is not at the ballot box where you had the problem.

McGill:

Wouldn't additional machines cost more money?

Knight:
Additional machines?

McGill:
Cost more money?

Knight:
Yes, sure.

Watson:
But, we got enough to do 10 - 10 extras, all you got to do is
put 2 or 3 and you still got less machines

Knight:
It's not the machine that is the problem. The machine is not
the problem. It's not the problem. Not at the ballot box.
It is the crowded polls. The machines can handle only so
much. I'll tell you what.

Watson:
The more machines, the more they can handle.

Knight:
I'll tell you what, which precinct do you want to cut out from
voters - which voters do you want to deny?

Watson:
Well, when - I understand that you are putting words in my
mouth. I am not wanting to deny anybody. I don't think
anybody has been denied the right to vote. We are going to
disagree on that.

Knight:
Accessibility. We are talking about voter accessibility.

Watson:
When they have the privilege of absentee balloting and I think
you told me that you were going to have voting in your office
as soon as the ballot was available, which is going to be
when?

Knight:
We can only do that 2 weeks before the election.

Watson:
Well, they've got 2 weeks there. So, I am saying that the

actual election day is not as critical as it could be if we did not have absentee ballot and if you were not going to have voting in your office.

Knight:

The Legislature made absentee voting and in office voting for accessibility also. But, they also had in mind that we would do our job and create polling places accessible to the voters.

Watson:

Now, let's look at the big picture. The numbers that you've got here.

The 2000 and I think that was probably a very high percentage of people voting, don't you think that was an unusually high number of people?

Knight:

It was just normal for general election every 4 years, yes. Every 4 years, it's the same.

Watson:

So, we had 16,000 people vote.

Knight:

We also had 26,000 registered, too.

Watson:

But, let's look at how many voted, because we know that 26,000 people, there is never 100%.

Knight:

Well, we might could get at least 80% if we increased the polling places.

Watson:

But, let's just look at your numbers, though. We had, let's say 17,000 people voted total in a probably high turnout election. We have added enough precincts - just additional precincts - just the new ones, to more than cover the total number of people who voted last time in a high turn out. That is not counting the 16,000 that we've already got.

Knight:

I still say that we are elected to serve the people.

Watson:

Hang on, now. I am not concerned about - In the 2 big precincts that you talk about - Precinct 1, which is according to your numbers here, is the largest. Of the ones that actually voted, I see 5A was large, but, the actual numbers that voted was 2,613. Two machine would handle that easy.

Knight:

Like I said, it's not the machine. And Commissioner Watson, if you all would re-do the district lines, you wouldn't have as many precincts or polling places in your district. Where if those lines would be really looked at, and I sent letters out that those lines really looked at, and if you all would do that, you wouldn't have, the precincts would go to another district.

Watson:

And, I'll say it again, Ed and I were right in the middle of the 2000 election. I am sure you were interviewed by everybody just like I was - ABC, CBS, NBC and reporters whose names you would recognize. They would either come by my office or either call. Not one of them ever commented that voter accessibility was a problem in Gadsden County in the 2000 election.

Knight:

I have worked in the Election office for over 22 years. I hear the grumbles from the voters. I don't hear anything from the voters about roads and bridges because that is your job. Your responsibility. But, mine is the voter and their necessity and their need. So, I'll tell you, I disagree with you about the need for the voters. I hear it all the time. I don't hear anything about what is going on in the County because people don't bring it to me. They bring voting to me.

Watson:

I'm not saying county residents, I am talking about people who came in from around the Country because there were problems in this, in Florida, national reporters who were here to ask a bund of questions and find out what was going on, not a one, not a single question or a single comment about voter accessibility in Gadsden County being a problem.

Knight:

I'll bet it was because they didn't know. Nobody mentioned it to them.

Watson:

I think Mike (inaudible) would have found that out.

Knight:

I don't agree with you on that.

Watson:

I'm done.

Dixon:

My concern is one, that Ms. Knight, it was you who pulled both our feet out of the fire.

Knight:

That is right.

Dixon:

On election night. And you know 1,000 times more than we would ever think about knowing about the election process. So, first of all, I don't know why we are having this meeting. I have nothing to add to it.

Knight:

And, let me add this. I am the only Supervisor in the State of Florida having to go through this. We were told at our conference that all we had to do was to put it on the consent agenda because we are responsible for the precinct lines.

Dixon:

Next year, the Supervisor of Elections, I am pretty sure will be non-partisan for that simple reason. If we do anything to this map, it's going to be seen as being politically motivated and the ideal is not to do anything to this map. Ms. Green is, I am sorry, Ms. Knight is elected just like we are. People don't like what has happened, they will deal with Ms. Knight on her dime. I don't want to deal with Ms. Knight's business on my dime. It is that simple. And you are telling me that if we are going to improve the process, yes, the car runs fine. Yes, everybody who wanted to vote, I hope that they got to vote. But, we've got a problem with improving the car - building a better, bigger car. I don't see that. I really don't see that.

I really have a problem touching this map because when I get to drawing lines, I know what I am going to draw. I can call it as independent as I want to, but that is what I am going to

do. I would rather stay out of it.

Mr. Chairman, if I am in order, I would offer a motion.

McGill:

I do have one more question to bring up a motion.

When you compare 24,000 voters in Jackson County to 25,000 voters in Gadsden County, we have 16 polling places and they have 27 polling places. Do you have any idea how far they drive in Jackson County to get to polling places?

Knight:

3 - 4 miles. And they didn't just create this precinct polling places. They have had 27 polling places for at least 10 years.

McGill:

And they have 26?

Knight:

26.

Dixon:

May I, Mr. Chairman?

McGill:

Yes.

Dixon:

I'll offer a motion that we accept the new precincts proposed by the Supervisor of Elections.

McGill:

We have a motion. Do I have a second?

I need a second.

Watson:

If you want to second it, you can pass me the gavel. I don't have a problem with it.

McGill:

Commissioner Dixon will have a problem if I pass the gavel, though. I'll second the motion.

Dixon:

Well, you know ya'll make up the rules as ya'll go, so

Roberson:

You don't have to pass the gavel any more.

McGill:

But, we haven't adopted those rules yet.

Richmond:

We haven't, but, it is the consensus of the Board that that was one of the things. Whatever ya'll want to do.

McGill:

I'll second the motion, then that we approve the new voter precincts.

O.K. We have a motion and second. All in favor of the motion say "Aye."

Dixon & McGill:

Aye.

McGill:

Opposes, "Nay."

Watson, Fletcher & Roberson:

Nay.

McGill:

The motion fails 3 - 2.

I guess that adjourns this meeting?

Watson:

That's it.

McGill:

The meeting stands adjourned.

Bill McGill, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON SEPTEMBER 17, 2002,
THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

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

1. CALL TO ORDER

Chair McGill called the meeting to order. Commissioner Roberson led in pledging allegiance to the US Flag and Mr. McKinnon led in a prayer.

2. ADOPTION OF THE AGENDA

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

3. APPROVAL OF MINUTES

July 25, 2002 Special Meeting
September 3, 2002 Special Meeting
September 3, 2002 Regular Meeting

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

4. COUNTY ATTORNEY'S AGENDA

Mr. Richmond stated that he had scheduled the adoption of the rules and regulations governing the meeting procedures of the Board

for October 1, 2002. He asked them to make their comments known to him so that they can be included in the final document.

5. SUMMER YOUTH PROGRAM

Mr. Rick Frazier from Tallahassee Community College (TCC) addressed the Board. He stated that the college was the provider of the summer youth employment program for Gadsden County. He reported that they placed 41 young people from Gadsden County in the four week summer work program. The program came in at budget. He said that 4 of the youth were provided with scholarships. TCC Board of Trustees donated the indirect costs which amounted to about \$1,000.

Commissioner Dixon thanked Mr. Frazier for the information he had provided saying that it was succinct and to the point.

6. COMMUNITY DEVELOPMENT REPORT

Community Development Director Edward Butler addressed the Board. He called attention to the State Housing Initiative Partnership (SHIP) Annual Report which was in the agenda packets. He explained that the Department is closing out three fiscal years - 98/99, 99/2000, 2000/2001. He stated that all the monies have been expended. He also said that it will be on file in his office for public inspection.

Watson:

How much excess SHIP funds do we have?

Butler:

There is a balance of approximately \$300,000 for FY 2001/2002 and the County has already received about \$300,000 for FY 2002/2003, but more will be received during the course of the year.

Watson:

If the City of Quincy chooses to not refund the SHIP money back to us, is that something that we are going to have to do, we, as the County, are going to have to reimburse the SHIP program?

Butler:

I hope not. I talked to the compliance officer from Florida Housing Authority. He called me up one day and told me that

they had talked to their attorney and the administrator of the program and what we had done was perfectly legal, perfectly right. So, I don't know if we are going to recover it. That decision has not been made at this point in time. We just got a letter today and it was strictly legal. They are saying that we didn't give them enough guidance. They are saying that they wanted it to supplement their CDBG Program. CDBG guidelines take preference. All we asked for was the same thing that CDBG requires. We didn't ask for anything different. So, we'll see what happens.

Watson:

So, we may be liable then - maybe?

Butler:

We may be. If it is, I'm gone. Cause I don't think that is fair. We did it to supplement their CDBG program and if they abide by the CDBG rules, there is no problem.

Watson:

But, right now, our position is that we want them to give us \$65,000 back?

Butler:

Yes, sir.

Watson:

How long are we going to give them before we -

Butler:

I have already asked them for it back. I didn't set a deadline. They are already being monitored by the Department of Community Affairs for the CDBG. And, I want to see what their outcome is on that also.

McGill:

Are there any more questions of Mr. Butler.

Dixon:

One question, Mr. Chairman.

Butler:

Yes, sir?

Dixon:

Did each of the other cities in which we granted SHIP funds to

comply?

Butler:

The only other one we gave money to their program is Chattahoochee. They complied. We have no problem. I asked them for the same data. They sent it in with no problem.

Dixon:

Very good.

Watson:

We have an agreement with Gretna too, though. Right?

Butler:

Gretna just has not begun their program. But, with Gretna, I think that we will have to be in-depth with them. I was talking with the County Manager this morning and we decided that we would give them everything that they need to do it even though they will get the implementation manual from CDBG. We'll have to tell them that they have to follow the CDBG guidelines.

Watson:

Is there a way that we can monitor them?

Butler:

That is what we will do. What we are required to do is - we are suppose to act - if we give money to some city or something, we are supposed to act as the monitoring agent - the same as Florida Housing monitors us. So, when we find something that is out of line, we are suppose to bring it to their attention and they are supposed to rectify it. But, with eligibility, it is hard to rectify if you have already spent the money.

To get income, you can go back and dig up income statements and check stubs and stuff like this. But, ah,

Watson:

Well, we need to be involved when they are determining eligibility then, right?

Dixon:

Or we need to be an agent.

Butler:

Well, see, the eligibility criteria is the same for SHIP as it is for CDBG. That is all I need to say on that.

Watson:

But, they have violated the CDBG guidelines then?

Butler:

Yeah. That is what I am saying.

Watson:

But, if we are involved from the very beginning in determining eligibility, then, we can catch it before.

Butler:

Yeah, but -

Watson:

I know we shouldn't have to do that. I know that.

Butler:

You understand where I am coming from?

It is their CDBG program, so, you know,

Dixon:

The rules are the same for everybody. But.

Watson:

When our money gets involved, when we could be liable for \$65,000, then we are going to have to step it up, Ed, I believe.

Butler:

Yes, we will.

McGill:

I have some more direct questions on the close out package. Mr. Butler, on, I am not sure, it is not numbered - but, when you guys did a household characteristics, I see when I add them totally across, for a number of units,

Butler:

They should add up.

McGill:

They do. But when I get to (inaudible), they don't add up.

Butler:

They should add up to the same number.

McGill:

I got 12 in that category, but I got 11 in all other categories.

Butler:

It was proofread so, I am sure, but, we will look it over again. Which one is that? Which Year?

McGill:

Then on the next page, you say housing purchase with assistance, you have nothing there. But on one page you have housing purchase assistance - 11.

Butler:

It is because for that year, it depends on what fiscal year it is. One fiscal year, we didn't do any housing purchase assistance.

McGill:

All right, Mr. Edward J. Butler. Are there anymore questions for Mr. Butler?

McKinnon:

Mr. Chairman, I'm sorry, but, I just want to - I mean - the issues that we've got, and we just got that letter today - ah, the staff will be evaluating everything. Then, of course, any action will have to come back to ya'll.

McGill:

You got a letter from the City today?

McKinnon:

Yes, sir. It just came in this afternoon. We will be relating that to ya'll. We will keep ya'll informed and finally, we will have to bring something to ya'll.

McGill:

In response to Commissioner Watson's question about - after sitting down with them, I don't know that we want to have two rules and restrictions for the County and for the Cities. If we give them a contract, then they (inaudible) for the

contract. Isn't that generally how we do it? I think so.

Butler:

They all have an implementation manual from the CDBG people.

McGill:

If we actually 5 cities SHIP money, and have to hold the hands of 5 more cities, when are you going to do your job?

Butler:

That is right. We will have to do it, though, if this is a continuing process and this is what we have to look forward to. We have a pretty good program here and we don't want it to be damaged because somebody is inept.

Dixon:

Mr. Chairman, if I am in order, I offer a motion that we approve and authorize you to sign the annual report.

Roberson:

I'll second it.

McGill:

We have a motion and second that the chairman be authorized to sign the annual report. Any questions on the motion?

Hearing none, all in favor, say "Aye."

All:

Aye.

McGill:

Opposes?

No reponse.

It is so ordered.

Mr. Presnell?

7. PUBLIC WORKS AGENDA

Flat Creek Road Drainage Improvement

Public Works Director Robert Presnell addressed the Board. He stated that Walter Jaudzimas, who resides on Flat Creek Road has had an ongoing flooding problem which dates back to 1994. He stated that a couple of engineering studies have been done on the problem. He explained that they live in a low area where there is a fairly large water basin. They have had water to back up into their home on a couple of occasions.

He reported that the County has taken a number of measures to try and improve the situation - some ditch work, installation of a driveway pipe, etc. He went on to say that the County Engineers, Preble Rish, Inc. has recommended a plan that should relieve the problem. The plan calls for the installation of two pipes on the Flat Creek Road. The costs of the project will exceed \$10,000 and requires Board approval.

Commissioner Fletcher asked if they will tear out the old pipe.

Mr. Presnell replied that they will leave the old pipes and install new ones to give a little more capacity. He cautioned that because of the size of the watershed and the elevation of the home, it will not completely drain the area, but it should keep water out of the home in a 50 year storm event.

Commissioner Dixon had questions as to what locations the water would drain.

Mr. Presnell stated that it would cross under Flat Creek Road to a wooded area owned by St. Joe Land Company and one other person. He went on to say that the pipes would not inundate the land with water. He said also that they had to have a permit from Department of Environmental Protection (DEP) to place the pipes.

Commissioner Dixon stated that there is a perception that water from one property will be diverted to another property.

Mr. Presnell stated that it will actually drain into a defined channel or creek on that property.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE DRAINAGE IMPROVEMENT ON FLAT CREEK ROAD AS DESCRIBED ABOVE.

Traffic Calming Devices

Mr. Presnell stated that he has been approached many times about the possibility or feasibility of installing traffic calming devices in residential areas where speed is a continuing concern. He asked for directions about how he should proceed. He stated that he has looked at Leon County's policies regarding the speed humps and they could be modified to fit Gadsden County.

There was a consensus that Mr. Presnell should draft a manual with criteria for selection of sites and also put together an information packet on traffic calming devices for the Board's consideration.

Pay Off Loan # 1422-2 to Municipal Services Group and Purchase of Two 2002 Dump Trucks - Bid #02-12

Mr. Presnell told the Board that Public Works has four dump trucks that were budgeted in this fiscal year for replacement. He said that he would like to keep two of the trucks. He asked the Board to pay off the note on all four of the trucks but only replace two of them. He said that the pay off the loan would be \$83,171.54 to Municipal Services and the purchase two 2002 dump trucks would be \$45,000 after the trade-in of the two used dump trucks.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PAYOFF OF THE FOUR DUMP TRUCKS AND PURCHASE TWO NEW DUMP TRUCKS AS DESCRIBED ABOVE.

8. COUNTY MANAGER'S AGENDA

Mr. McKinnon had nothing to report.

9. CONSENT AGENDA

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

- 1) Library Chage III Project Agreement Amendment # 1 for Grant 01-LSTA-F-06 - Extends the contract to November 30, 2002.
- 2) Lease Renewal for Havana Library Facility with John Olson, Sr. Beginning Ocotber 1st, 2002 the monthly lease payment will be \$2,578.83.
- 3) Award of Bid 02-13 for Heart Telemetry System to Tri-Tec Monitors in the amount of \$38,000.
- 4) Donation of Surplus Property to City of Gretna - Computers and Monitors
- 5) Sale of Surplus Property for the Record - 1988 460 Badger
- 6) Change Order 27 with C.W. Roberts Constracting, Inc. Contract - Resurfacing of Roadways - Bonnie Hill Road (CR269) in the amount of \$442,465.20924,512.25 - bringing total amount of the contract to \$8,922,191.19
- 7) Change Order 28 with C.W. Roberts Contracting, Inc. - Contract - Resurfacing of Roadways - New Pavement of Chaff Chason and Chaff Chason Lane - in the amount of \$64,250.00
- 8) Resignation of Kenny Rutten from Quincy-Gadsden Airport Authority and Appointment of Michael Jordon
- 9) Florida Recreation Development Assistance Program Grant - Project Grant Agreement F03498 Shilo Park
- 10) Satisfaction of Housing Agreement - Maurice E. Evans and Felicia C. Evans

10. CLERK'S AGENDA

Tax Certificate 109 of 1995

Clerk Thomas informed the Board that the above tax certificate did not sell at the recent Tax Deed sale. He told them that it will go on the List of Lands Available for Taxes. He also told them that they could purchase the land within the first 90 days if they choose to do so.

County Deed for Sale of County Property to Fred Strauss

Clerk Thomas reminded the Board that they had authorized him to proceed with the direct sale of a parcel of land near Midway to Mr. Fred Strauss who owns the adjacent property. He called attention to the attached County Deed and asked that the Chairman be authorized to execute it.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE COUNTY DEED TO FRED STRAUSS FOR THE SALE OF THE LOT DESCRIBED IN THE ATTACHED DEED.

Budget Amendments 02-09-17-01 through 02-09-17-12

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.

Ratification of the Approval to Pay the County Bills as Reflected in the Check Registers Dated 09/09/02; 09/12/02; and Payroll Register Dated 09/05/02

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

11. CALL FOR PUBLIC COMMENTS

Chair McGill asked if there was anyone present who wished to address the Commission for any reason. There was no response.

12. COMMISSIONERS REPORTS

District 2

Commissioner Watson had no report.

District 3

Commissioner Roberson reported that there will be Boat Races in Chattahoochee on October 5 - 6. She said that it will not be sponsored by Budwiser this year and there will not be any alcohol beverages sold by them at the event. She invited everyone to come out and enjoy the races.

District 4

Commissioner Fletcher had no report.

District 5

Commissioner Dixon had no report.

District 1

Chair McGill stated that at the last meeting of the Apalachee Regional Planning Council, there was a lot of discussion regarding the seriousness of the water supplies and Senate Bill 1906 which mandates that counties and school boards sit down together in the planning and siting of new schools. It will now be necessary to project the water needs of the new schools for 10 years into the future. When the School Board comes before the Board for school sitings, there must be a local agreement between the School Board and the County Commission for the siting and to make sure that the DEP permits are in place, etc.

Chair McGill called attention to the reading file that he has set up in the Commissioner's office. He said he was constantly adding to it and encouraged them to read through it routinely. He said the last thing he added dealt with a "friendly" lawsuit regarding the water allocation. He said that Florida needs to move forward and develop it's own plan for water supplies. He said if some action is not take soon, Georgia can control the water in Lake Lanier and Lake Seminole until the year 2030. He once again asked them to look at the file and give him some advice before he goes back to meet with the Three Rivers Committee.

Lastly, he asked that the Board put some county wide recreation programs into the capital improvement plan for the County.

ADJOURNMENT

THERE BEING NO OTHER BUSINESS BEFORE THE BOARD AND UPON THE
MOTION OF COMMISSIONER DIXON, THE CHAIR DECLARED THE MEETING
ADJOURNED.

Bill McGill, Chair

ATTEST:

Nicholas Thomas, Clerk

AT THE FINAL BUDGET HEARING OF
THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON
SEPTEMBER 23, 2002, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

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

CALL TO ORDER

Chair McGill called the meeting to order stating the purpose of the meeting was to adopt the final budget for the upcoming year. He then turned the meeting over to Howard McKinnon, County Manager.

Mr. McKinnon went over the tentative budget which was adopted on September 10. He pointed out the changes that were made to it. He then asked for directions regarding the proposed two new positions in the Grants Department. He stated that it would increase the budget by \$53,600. He also said that there was \$187,000 in the tentative budget's general fund contingency from which the positions could be funded. He called for discussion.

A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER FLETCHER TO APPROVE THE SIX NEW COUNTY STAFF POSITIONS (facilities director, part-time secretary for the soil conservation office, probation clerk, part-time receptionist and mechanic for the Public Works Department, mosquito control supervisor upgrade, part-time library assistant) AS WELL AS THE TWO NEW GRANTS DEPARTMENT POSITIONS. THE BOARD VOTED 3 - 2 IN FAVOR OF THE MOTION. COMMISSIONERS WATSON AND ROBERSON OPPOSED THE MOTION.

NON-PROFIT FUNDING

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 3 - 2 TO FUND THE NON PROFIT ORGANIZATION AS FOLLOWS:

American Red Cross - \$8,000
Children Are Our Future \$10,000
Gadsden County Senior Citizens - \$50,000

Gadsden Day Care - \$5,000
Legal Services of North Florida - \$9,000
Chamber of Commerce - \$40,000
Airport Authority - \$10,000
Guardian Ad Litem - \$14,455
DISC Village - \$25,000
Capital Medical Society - \$5,000
Big Bend Transit (leave \$8,200 in general fund contingency for later approval)
Summer Youth Program - \$25,000
Refuge House - \$6,000
Gadsden Art Center - \$10,000
The Shelter - \$3,000
Gadsden Citizens for Healthy Babies \$5,000
A Shepard's Hand Resource Center, Inc. - \$5,000

TOTAL NON-PROFIT FUNDING - \$234,055

COMMISSIONERS FLETCHER, DIXON AND MCGILL VOTED "AYE."
COMMISSIONERS ROBERSON AND WATSON VOTED "NO."

Commissioner Fletcher requested that \$3,000 be allocated in the budget for a classroom for the Sawdust Park.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER DIXON THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO ADD \$3,000 TO THE PARKS BUDGET (PAGE 60 OF THE BUDGET) FOR A PORTABLE CLASSROOM FOR SAWDUST PARK (FUNDS TO BE TAKEN FROM THE CONTINGENCY LINE ITEM.) COMMISSIONER ROBERSON CAST THE LONE DISSENTING VOTE.

Commissioner Dixon asked the following questions regarding the Fire Protection budget:

- 1) What is our purchasing schedule as it relates to fire engine replacement?

Answer: There are five trucks to be delivered in October, 2002. The oldest truck in the fleet will then be the one in Havana - 1995. They will be financed over the next 3 - 4 years.

- 2) Do we have any money for training of the volunteer firemen?

Answer: There is \$1,000 in the budget for training.

3) How many firemen will we train for \$1,000?

No answer.

Dixon:

I really want to see a well rounded plan - like we did for Public Works - a well rounded plan to get folk up and geared up. People believe that we are actually accomplishing something when we are buying new trucks, but in reality, they can just sit there if there is no operational plan for them. And not only that, in terms fixed assets - What are the plans for the buildings.

McKinnon

We are going to develop a plan like that. We do have some money that is built in here to do that. Robertsville was the station that is in the worst condition. That is the one that we are going to do an assessment on. We will be presenting that plan to you. Especially since we are getting new trucks so that they will be adequately protected.

Dixon:

If we are going to build fire stations in the communities, we certainly ought to make sure that we have at least some space for the community so that folk can come in. In a lot of communities, people don't volunteer because they are afraid. They don't know what they don't know and they are afraid of what they don't know. But, a lot of people have talked to me about being a volunteer fireman, but there is no access point. There is no point out there in the community saying "Come, come, come. We really want you. The older ones love it and that is why they do it. But, there are no young people coming in to be firemen. I think we can get the same training as the City of Quincy does. They have a lot of certified guys down there."

McKinnon:

The City of Quincy (just for your information) applied for some grant money for training and they haven't heard from that yet. I checked a couple of weeks ago and they haven't heard an answer to that. But, if that program comes through, then they will talk to me about making it available.

Dixon:

Do we talk to them anymore?

Gadsden County Board of County Commissioners
Final Budget Hearing September 23, 2002

Let me move on to Law Enforcement. I see overtime at \$60,000 and I see special pay at \$27,000. I can almost understand overtime. Almost but not really. But, what is special pay?

McKinnon:

It is my understanding that there are some special certifications that the officers might have that might apply to that. But, I don't know that I am correct on that.

Dixon:

That is kinda shaky. That \$27,000. I want to know how it is given and stuff like that. I am tired of Sheriff's employees walking up to me and talking about not getting any raises and we gave them the same raises that our employees got. That amounts to about 25% over the last 4 years. They quickly walk up and say that the "Commissioners didn't give us". But every time - am I correct - we get a raise, they get a raise.

McKinnon:

Yes, sir. That is correct.

Dixon:

They are budgeted here at 4%, right?

McKinnon:

Yes, sir. That is correct.

Dixon:

I want to know what that special pay is.

Secondly, can you show me some history on cars? What is the turnover. I mean, how often do we replace the fleet. Do we replace a quarter of the fleet every year?

McKinnon:

I am not sure what the Sheriff's policy is on that. But, I will find out.

Dixon:

And turn quickly over to Corrections. We get back to overtime. \$60,000 for overtime. I got a problem, a real problem. We got a million dollars - \$870,000 in regular salaries and \$60,000 in overtime. I am just - if you are fully staffed, why do we need so much overtime?

Watson:

Maybe it is some of that turnover that you were talking about.

Dixon:

No, they said that it wasn't there though. They said it wasn't there.

McGill:

Maybe people get called out late at night or on the weekend.

Dixon:

No. No. The jail is the jail. People go in. They don't leave. I mean, it is not a random thing. And, I really want to know why we've got \$60,000 in overtime. That seems like a way out number. Law Enforcement, I can almost swallow. I know what it takes to be a Cop. You get on something, you got to stay on it. You get folks in the field and you got to stay on it. These folk ain't in the field.

McKinnon:

I'll see about getting you an answer, Commissioner.

McGill:

As a matter of fact, when you look at the two together, page 144 and 145, it seems to me that the Corrections Department is getting more in overtime but yet the regular pay is -

Dixon:

It just seems to me that is just one of those contingency line items. It's either contingency line item or there really is (as I thought) a personnel situation out there with the people working horrendous hours to keep up.

Other current charges and obligations - further down the line at \$35,000. And gas and oil for corrections - \$26,000. What are they driving?

McKinnon:

I know they have to transport - one thing that I do know, they do transport the prisoners.

Dixon:

\$26,000 worth?

McKinnon:

I am not sure what the volume is. Then they probably do travel going to get prisoners in other counties. I don't know how much of that that they do.

Dixon:

That can easily be proven and I don't have a problem with that if they can justify it. The number that really concerns me is \$60,000 in overtime for those folks. And they are going to get 4% just like we are.

Let me back up and redefine that. Let me ask that question in a different manner. We are going to give them the 4% whether the people on the ground get it or not is up to the Sheriff, right?

McKinnon:

Yes, sir. That is correct.

Dixon:

But they got the money. We put the money there for them. O.K. Don't let there be any misunderstanding. Over the last 5 years, that would have been 29% that somebody should have gotten. And our people, correct me if I am wrong, if you did average on your evaluation, you are due the cost of living wage. Whatever the Commission approves. It is not your job to give them 2% or 3%. The Commission gave them 4%. Am I correct?

McKinnon:

That is correct, yes, sir.

Dixon:

They should get 4%.

McKinnon:

Under the way the Board treats their employees, yes, sir. Yes, sir.

Dixon:

I am just hearing a lot of bad stuff and it is all coming back to us. That we didn't put the money out there. I know for a fact that is not true. I just want to make sure that we are all on the same page.

Thank you, Mr. Chairman. Those are my comments.

PUBLIC COMMENTS

Chair McGill called for comments from the public.

Mr. Harry Holt stated that he had some concerns regarding the hospital.

Chair McGill assured Mr. Holt that the Commission was abreast of the hospital issues.

ADOPTION OF MILLAGE (GENERAL OPERATIONS) [RESOLUTION 2002-033](#)

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT THE MILLAGE RATE AT 10 MILLS WHICH IS 2.88% OVER THE ROLL BACK RATE.

ADOPTION OF MILLAGE (HOSPITAL DEBT SERVICE) [RESOLUTION 2002-034](#)

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT THE HOSPITAL MILLAGE AT 0.00 MILLS.

ADOPTION OF BUDGET FOR FY 2002/2003 [RESOLUTION 2002-035](#)

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER FLETCHER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT THE PROPOSED BUDGET AT \$28,375,832.

ADJOURNMENT

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

Bill McGill, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON OCTOBER 1, 2002, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

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

1. CALL TO ORDER

Chair McGill called the meeting to order. Commissioner Watson led in pledging allegiance to the US flag and Commissioner Dixon led in a prayer.

2. APPROVAL OF THE AGENDA

The agenda was amended by removing the Big Bend Transit, Inc. Contract extension from the Consent Agenda. It was placed on the County Manager's agenda for discussion.

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

3. APPROVAL OF MINUTES

September 10, 2002 Tentative Budget Hearing
September 17, 2002 Regular Meeting

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

4. COUNTY ATTORNEY'S AGENDA

Notice of Intent - Tourist Development Tax

Mr. Richmond reported that he had received a request from the Tourist Development Council regarding the adoption of the Tourist Development Plan as well as a proposed ordinance that would adopt the plan and levy of a 2% Tourist Development Tax. He said that the next step would be to hold a public hearing on the ordinance adopting the plan and tax. The tax could only be imposed 60 days after the approval by the public through a voter referendum. He said the referendum will be on the ballot in the General Election on November 5, 2002. He asked for authority to advertise the notice of intent for a public hearing on October 15, 2002. He read the title of the proposed ordinance into the record.

Chair McGill called for questions and comments. There was some discussion as to the wording that appears on the ballot.

UPON MOTION BY COMMISSIONER FLETCHER AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO AUTHORIZE THE ADVERTISEMENT OF THE NOTICE OF INTENT TO ADOPT A 2% TOURIST DEVELOPMENT TAX. COMMISSIONER DIXON CAST THE LONE DISSENTING VOTE.

Notice of Intent to Adopt Meeting Rules and Regulations

Mr. Richmond stated that he needed to publish a notice to the public that the Board intends to adopt meeting procedures and other rules regulating the meetings. He then stated that he has received some new materials and comments from others. He said that he needs to get all of them into final form before bringing them back to the Board. He asked them when they would like to adopt the rules. He stated that he would have a final copy of the rules within a week which he would forward to them for their review.

There was some discussion regarding when to adopt them in light of the fact that the new Board would have to be reconstituted after the November 5th election. There was a consensus to have them presented at the second meeting in October for adoption.

County Jail Overcrowding

Mr. Richmond reported that it had come to his attention through the court system that there is a significant problem at the Gadsden County Jail. He reported that there are 217 inmates housed in the jail on this date. He said that the census has been above 210 for the last 10 days. He pointed out that it is severely

Gadsden County Board of County Commissioners
October 1, 2002 Regular Meeting

overbooked and it opens the Board up to potential liabilities if anything were to happen to an inmate under such conditions.

He then reported that he went to Chief Judge Gary and spoke to him on behalf of the Sheriff about the possibility of releasing some of the inmates. Judge Gary came over and reviewed the records to see if there were some inmates that could be released. He found that a large number of those being held are being held without bond on a violation of probation and could not be released. There was only one inmate that could be released on bond.

Mr. Richmond went on to say that there is a significant problem and that plans either need to be made to expand the jail or find some alternative way to deal with the overcrowding. He advised them that there are some inmates sleeping on the floor because there is no bed space. In general, he stated that there exists an unsafe condition.

Commissioner Dixon asked if there was a report in writing from the Sheriff that addresses the conditions which were just described. He said that he was amazed to learn that there is such a condition at the jail and the Board had not been informed of it until this crisis situation. He stated that the Board should not have to "stumble into" finding out what is going on at the jail.

Chair McGill asked if there is an alternative program that could be put into place that would allow the non-serious offenders to be released pending resolution of their charges.

Commissioner Watson stated that he brought the overcrowding issue to light at least two years ago. He said that it was obvious to him then that the jail would have to be expanded.

Commissioner Dixon pointed out that there was no paper work to document the need for an expansion - two years ago or at the present. He said that he did not have a problem with spending the money for the jail. He said that his problem was that no one has come forward to make the problem known nor offered a possible plan to remedy it.

**Gadsden County Board of County Commissioners
October 1, 2002 Regular Meeting**

Major Ed Spooner addressed the Board. He invited all of the commissioners to come out and look at the jail. He said that it is terribly overcrowded but it is in good shape - clean and functional. He said that the facility was built to house 156 inmates. There are currently 213 inmates. He said that he personally communicates with the judges on a daily basis to try and reduce the census. He went on to say that they figured their budget based on an average of 180 inmates a day, but they have run well in excess of that over the last year. He said that the Sheriff had raised the issue with the County Manager.

Chair McGill asked how long the jail has been operating above the capacity.

Major Spooner answered that he came to work with the Sheriff in 1998 and since that time, at least 75 - 80% of the days, the jail census exceeded the design capacity of 156. He stated that he had not compared the problem to counties of like size to Gadsden. He said that currently there are 47 inmates serving their sentences. There are 17 non-sentenced misdemeanor inmates (violation of probation or awaiting disposition.) There were 149 unsentenced felons awaiting disposition of their charges.

Chair McGill asked if there isn't a requirement for a speedy trial.

Major Spooner stated that the offender has a right to a speedy trial but it is not always practiced. He recalled a recent murder case that took more than two years to bring to trial.

Commissioner Dixon asked that the Sheriff's office bring him a report with numbers which support the request for more jail space. He also asked Major Spooner to provide the average length of stay for an offender, what type of crimes were committed that require jail space, how many drug users versus drug sales, etc.

Major Spooner told the Board that US Corrections Corporation had approached the Sheriff and said that they would like to make a proposal to operate the jail for the County. He said that they have not received the proposal yet but he would forward it on to the County when it is received.

Chair McGill asked if the jail had any kind of drug rehabilitation program available to those inmates who are incarcerated on drug related crimes.

Major Spooner replied that there is a narcotics abuse program that is offered three times a week at the jail. There are other counseling programs in place that are also available. He could not vouch for the success of the programs, however. He added that there is a high incidence of repeat offenders.

5. PLANNING AND ZONING ISSUES

Gus Bert Farms - Partial Replat 02PZ-011-201-2-05

Growth Management Director Bruce Ballister told the Board that the above stated project is a replat of a portion of Gus Bert Farms located off CR 270 just west of Reston Subdivision entrance. (See the attached memo for further details.)

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER FLETCHER TO APPROVE THE PARTIAL REPLAT OF GUS BERT FARMS.

Chair McGill called for public comments or questions. There was no response.

**THE BOARD VOTED 4 - 0, BY VOICE VOTE, IN FAVOR OF THE MOTION.
COMMISSIONER DIXON WAS NO PRESENT FOR THIS VOTE.**

6. COUNTY MANAGER'S AGENDA

Cancellation of November 5, 2002 Regular Meeting

Mr. McKinnon pointed out that the November 5th meeting falls on the day of the General Election. Since the Chairman of Board has a responsibility to sit on the Canvassing Board for the election, it has been the practice to cancel meetings that fall on election days. He then asked for directions.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO CANCEL THE MEETING ON NOVEMBER 5, 2002. COMMISSIONER DIXON WAS NOT PRESENT FOR THIS VOTE.

Big Ben Transit, Inc. - Request for Extension of Contract

This is the item which the Chair asked to pull from the Consent Agenda for discussion.

Chair McGill called attention to page 3 Section VIII which states that termination of the contract requires a 30 day notice. However, the contract is only for 30 days. There was a consensus that Section VIII should be deleted.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE CONTRACT EXTENSION WITH THE DELETION OF SECTION VIII.

7. CONSENT AGENDA

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

- 1) Resolution 2002-036 Welcoming Dr. Fred Gainous, FAMU President
- 2) Award of Bid #02-14 to DocuMed Systems International Inc., of Jacksonville in the amount of \$7,500 and \$2,650 annual maintenance. (Electronic Run Reporting Software System)
- 3) Engineering Proposal for Design of Highway 65 Realignment project (Attapulugus Highway) Lump sum fee of \$88,482
- 4) Library Services and Technology Act Grant Agreement 02-LSTA-E-04; \$46,275 for Enhancing Hispanic Services
- 5) Interlocal Agreement with City of Gretna for Building Inspection and Permitting Services
- 6) Reappointment of Jerry Wynn and Lillie Dell McCall to Big Bend Health Council
- 7) Change of big Bend Jobs & Education Council, Inc. To Workforce Plus - Signature Page
- 8) Cash Contribution Donor Certification - Gadsden County Senior Citizens Council in amount of \$38,000.
- 9) Donor Certification for Office Space - Gadsden County Senior Citizens Council in amount of 42,900

- 10) Payment of Health Care Responsibility Payment (HCRA) claims for Elvinnie J. Beckwith for \$5,359.98; Dianne R. Lamb for \$11,613.26 to Tallahassee Memorial Regional Medical Center
- 11) Contract for Rehabilitation Work - Henry and Bertha L. Spooner
- 12) Rehabilitation Agreement and Special Assessment Lien - Henry and Bertha L. Spooner
- 13) SHIP Agreement and Special Assessment Lien - Dorothy Belvin
- 14) SHIP Agreement and Special Assessment Lien - Malcolm S. Bryant and Linda J. Bryant
- 15) Division of Forestry Fiscal Year 2002 Annual Report of Activities in Gadsden County - For the Record
- 16) Fall Bulky Item Pickup Notice - For the Record
- 17) Operating Plan Between Division of Forestry & Gadsden County Fire Departments for FY 2002
- 18) Gadsden County Chamber of Commerce Economic Development Report - August 2002

8. PUBLIC COMMENT

Chair McGill announced that the Board would hear any comments or questions from the public at this juncture. There was no response.

9. CLERK'S AGENDA

**Tax Certificates for the Record #1051 of 1995;
#1245 of 1995; #1274 of 1995 (attached)**

Clerk Thomas called attention to the above listed county-held tax certificates which did not sell at the last tax deed sale.

Cash Report (attached)

Clerk Thomas then told the Board that there was about \$11 million in their accounts.

Financial Statements (attached)

Mr. Thomas told the Board that not all of the revenue has been received and that the Department of Revenue (DOR) was about two months behind in dispersing some of the sales tax revenue. DOR has been contacted about the delinquent payments.

**Ratification of the Approval to Pay the Following County Bills
Check Registers Dated 09/20/02 and 09/27/02; Payroll Registers
dated 09/19/02**

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

10. COMMISSIONERS REPORTS

District 2 Report

Commissioner Watson asked if the County has received a response from the City of Quincy regarding the SHIP money that was given to them for their CDBG program.

Chair McGill responded "Not to my knowledge."

Commissioner Watson then asked as to a plan to resolve the issue.

County Manager Howard McKinnon called attention to the fact that the State programs are also involved and they had monitored the city's program. He suggested that the County take no action until the monitoring is complete.

District 3 Report

Commissioner Roberson had no report.

District 4 Report

Commissioner Fletcher had no report.

District 5 Report

Commissioner Dixon asked to make a few matters clear. He said that he continues to get calls from corrections employees

Gadsden County Board of County Commissioners
October 1, 2002 Regular Meeting

regarding their wages. He stated for the record that the corrections employees are given the same percentage of raise that every other county employee receives. He went on to say that over the past five years, 97/98 - .03; 98/99 - .35; 99/2000 - .06; 2001 - .06; 2002 -.06; and 2003 - .04. He stated that if the corrections employees did not get those raises, it is not the fault of the Board of County Commissioners. The money was set aside in the Sheriff's budget for those raises. He went on to say that the Sheriff can amend his budget and if he did that it is his prerogative.

He then pointed out that when the County hired a consultant to come in and evaluate and analyze salaries, the Board attempted to adjust the corrections staff wages to get their salaries up. He said that if the money did not make it into their paychecks, it was not the fault of the County.

Major Spooner asked to respond to the Commissioner's remarks. He said the following:

"In 1998, our corrections officers were making \$13,750 a year. Starting. That is someone right out of school and just certified. Today, they make \$18,000. That is a 31% increase over that four year period. That is what our records indicate.

Our deputies have gone from \$19,600 to \$25,000 which is a 28% increase.

So, we have experienced - now, we are still behind. Corrections officers are about \$5,300 a year below the State starting level. But, we have given them, based on the budget monies given to us and a little bit more - 31% increases to all corrections officers who were at the starting level. Likewise, we have given 28% for deputies. We are still \$3,500 to \$7,500 below on law enforcement salaries and \$5,300 below on corrections salaries."

Commissioner Dixon responded "You didn't ask us for any more money for them. Not to my knowledge. Did he? In any year, that I know. You didn't ask us to raise them. Second of all, when we tried to raise them, and I got the manager and the personnel director here, when we tried to raise those salaries, they didn't get the money. And so I made it my business not to again because I

Gadsden County Board of County Commissioners
October 1, 2002 Regular Meeting

could not guarantee that folk for whom the money was intended for would get it."

Spooner:

They are getting it, Mr. Dixon.

Dixon:

I am talking about that we tried to raise the base salary.

Spooner:

Those are the numbers that I have given you.

Dixon:

No. Those are the raises - the cost of living raises that we put out there.

I am talking about to raise the base up, we attempted to do that and those folk didn't get that money.

Spooner:

To my knowledge, they have gotten everything that was budgeted and more.

Dixon:

Check your knowledge again.

Spooner:

I will but, my understanding and based on what I have looked at, we have increased it 31%.

Watson:

The three years of the salary survey were raising the base. That was our commitment. That 6% for 3 years was for raising the base.

Dixon:

What I mean was, when we did the salary survey for everybody, for everybody, we attempted to raise the base the same way that we did in Public Works, like we did in other places where we realized that on a regional basis, the salaries were very, very low. And like he said, 5 and 6 thousand dollars out of the mean. We attempted to raise those bases. But, from what I am understanding, those folks aren't making the money.

Watson:

Gadsden County Board of County Commissioners
October 1, 2002 Regular Meeting

He just said that, he just added up what they have given them.
And, so, at that.

Dixon:

I know what he said, Commissioner. I heard him very well.

Watson:

Well, then, I don't see where you should have a problem.

Dixon:

I don't have a problem. I'm just trying to clear it up.

Watson:

You brought it up.

Dixon:

I needed to bring it up.

Watson:

What you put on the table was

Dixon:

Commissioner, I know you want to defend your friend, the Sheriff, and that is quite all right. He is a friend of mine, too. He is a good friend.

Watson:

There are an awful lot of people who think he is doing a darn good job and that is why he keeps getting re-elected.

Dixon:

Yeah, but a lot of folks don't. So, but, that is not the point. The point is, Commissioner, I don't care what you say, these are my three minutes. You can say what you want on your three minutes which you have already had tonight. So, don't comment on my three minutes.

Watson:

Well, (inaudible)

Dixon:

If the Chair wants to give you another there minutes, that is your business, you need to talk to the Chair.

Gadsden County Board of County Commissioners
October 1, 2002 Regular Meeting

Watson:

I am going to want three minutes, Commissioner.

McGill:

You want your three minutes, now?

Watson:

I do.

McGill:

All right, you have three minutes. Go ahead.

Watson:

You need to sit down with the Sheriff and iron any disagreement you have.

Dixon:

I don't need to sit down with the Sheriff. The Sheriff needs to sit down with me if he wants to talk to me.

Watson:

Hold on, now. Because you have come in here several times and thrown out figures that were false.

Dixon:

What was wrong with them figures?

Watson:

They were false.

Dixon:

What is wrong with them figures? Are they a lie?

Watson:

I put the letter into the record that he sent to you where he spelled out that your figures were false.

Dixon:

Why did he need \$60,000 for overtime?

Why does he need

Watson:

Mr. Chairman.

Gadsden County Board of County Commissioners
October 1, 2002 Regular Meeting

McGill:

Mr. Dixon, this is his time. You can come back.

Dixon:

What's wrong. We are just having a discussion.

Watson:

You could get an awful long way if you would just talk to him yourself.

Dixon:

Oh! I should go kiss the ring like you do. Is that the point?

Watson:

There is nothing wrong when you don't know something in calling somebody who knows.

Dixon:

Is that the point, That is the point - You should go kiss the ring like you do. Is that it?

Watson:

No, what you expect is for everybody to kiss your ring. That is what you expect.

Dixon:

Oh. No. No, Commissioner. NO, Commissioner, because I don't go down to the farm like you, I am sorry, I ain't that kind of man. Maybe that is your gig. That ain't my style.

McGill:

Order.

Watson:

Be a man about it, already. Now, you are getting out of hand.

Dixon:

What do you know about being a man?

Watson:

Now, you are being adolescent. You are getting adolescent.

Dixon:

Gadsden County Board of County Commissioners
October 1, 2002 Regular Meeting

Now, come on. I am being adolescent because you can't defend your friend. I understand the point, Commissioner. I made the point. If the Sheriff can't come up here and defend himself, he doesn't need to because he's got you.

McGill:

O.k. O.k. Let's respect each other now.

Watson:

But, the point is this. This is the second or third time that you have, that the Commissioner has come in here and laid down an accusation that is false.

Dixon:

Oh, come on already, it is time to go home. He just said it was true.

Watson:

No. I don't think that is what he just said.

Dixon:

Yes, he did.

Watson:

I think he said that they got the raises.

Dixon:

Commissioner, please. We all know the scam. We all know the scoop.

Watson:

If you don't like him, fine. But, just don't keep

Dixon:

I don't like it when some people get 1% and some people get 2% and we gave 6%. That is what I don't like.

Watson:

He just added them all up for you.

Dixon:

But, I am telling you, I know what he said. And I know him just like he knows me. Just like I know the scam just like you do. So, don't come in here thinking that everything is just hunky dory because he is your partner.

Gadsden County Board of County Commissioners
October 1, 2002 Regular Meeting

Watson:

Do you have anything to refute what he just said.

Dixon:

I've got the information right here. Why do I need to refute what he does?

Watson:

What did he say that is wrong? What is it?

Dixon:

Why do I need to refute what he does?

Watson:

What did he say that was wrong?

McGill:

You are out of time.

Dixon:

Commissioner, the chair wants you to let it go already.

Watson:

No. You want to let it go now that you can't answer it.
What did he say that was wrong?

Dixon:

I brought up the question, but I don't ask any questions that I don't already know the answer to.

McGill:

Let me suggest that you guys to go down and meet with the Sheriff regarding that issue.

Watson:

What did he say that was wrong? Will you answer that?

Dixon:

No. I don't have to answer your questions or any others.

Watson:

What happened tonight, Ed is that he got caught tonight trying to give out some false stuff and he got caught.

Gadsden County Board of County Commissioners
October 1, 2002 Regular Meeting

Dixon:

Oh, Man. Got caught where, Doc? You are pushing on pathetic. That is what you are pushing on - people getting 1% and 2% raises down there.

McGill:

If I may, I would like to make my report.

Some months ago, you authorized me to write the governor a letter in support of our position on the three rivers situation. Flint River, Appalachicola and Chattahoochee River. The Governor has failed to respond to that letter. I sent a second letter about three or four weeks ago and he has not responded to that letter either. I need some direction.

Dixon:

He's busy.

McGill:

But, we need his help in support of these three rivers. If we don't, we may loose out.

There are 16.5 million people in the State of Florida, Mr. Dixon. (Inaudible)

Dixon:

The Governor is trying to get re-elected.

McGill:

And, I am trying to save water for these 16.5 million people. I want this on the record. What should I do? Call him?

Dixon:

E-mail him.

McGill:

We are going to meet again on the 11th in Tallahassee at the DEP Building. I would like to be able to report that we got a response back from the Governor. But, I cannot get that response unless something comes in before that date. But, I am serious. I need some direction from this Board about what to do about the lack of response from the Governor's office.

Gadsden County Board of County Commissioners
October 1, 2002 Regular Meeting

I guess if I can't get a comment on that, this meeting stands adjourned.

Roberson:

Bill, I was just talking. Do you know Homer Hirt? He is in those meetings with you. He is a consultant. He said that the Governor just appointed a gentleman, and he told me his name but I can't remember it right now, he is supposed to be getting up with me. He had appointed a gentleman that is going to look at it from the federal side to give some guidance. Let me try to get up with him tomorrow and see if I can get him to get in contact with you. He said he had been attending those meetings with you. He had some ideas and he said some things are fixing to change. That some people in Georgia had come to our way of thinking. They are not pleased with Atlanta now and now they are wanting to meet with some of the people in Florida to get a coalition started to go against what Atlanta is wanting to do.

McGill:

It's not just North Florida. South Georgia and South Alabama all are going to suffer.

Roberson:

Yeah, they are wanting to come on board. Let me see if I can get up with him and have him get up with you. I was just talking about that this afternoon.

McGill:

All six counties wrote to the Governor. He hasn't responded to anybody. But, I want to know why he hasn't responded to us.

Roberson:

Yeah, me too. But, I know that he was telling me today that he has appointed this man and they seem to think that this guy was going to be real fair.

McGill:

If there is nothing else, this meeting stands adjourned.

Gadsden County Board of County Commissioners
October 1, 2002 Regular Meeting

Bill McGill, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA ON
OCTOBER 15, 2002, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT

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

ABSENT:

E. H. (HENTZ) FLETCHER

1. CALL TO ORDER

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

2. ADOPTION OF THE AGENDA

The agenda was amended to move Item No. 5 Major Ed Spooner to # 3 on the agenda and add "Donation of Surplus Property" to the County Managers's Agenda.

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

3. MAJOR ED SPOONER; GADSDEN COUNTY SHERIFF'S OFFICE
JAIL POPULATION BREAKDOWN

Major Ed Spooner addressed the Board. He called attention to the attached report. It is a breakdown of the jail population which was requested by the Commissioners at the last board meeting when the crowded condition of the jail was discussed. He reported that the census of the jail on this date was 217 and that 166 of them remain un-sentenced. He said that the average length of stay for an inmate awaiting resolution of his/her charges was 87 days for felons and 31 days for misdemeanors.

4. PUBLIC HEARING TOURIST DEVELOPMENT TAX ORDINANCE 2002-003

Mr. Richmond opened a public hearing for the purpose of adopting the above described ordinance. He read the title of the ordinance into the record. He then explained that the ordinance would go into effect 60 days from the election date only if it is approved by the voters on November 5, 2002 by ballot referendum. He explained that it is often referred to as a bed tax.

Chair McGill called for public comments from the public.

Ms. Sherry Vanlandingham, Executive Director of the Chamber of Commerce and Industrial Development Authority, spoke in favor of the tax. She said that Gadsden County is only one of the few counties in Florida who do not already have the tax.

Ms. Marion Lasley was recognized for comments and questions. She asked "What are the infrastructure improvements that are listed in the Tourist Development Plan?" and "Who would control any increase to the tax?"

Ms. Vanlandingham answered that any increase to the tax would also have to be approved by the voters through a referendum. She could not answer the question regarding the infrastructure but told Ms. Lasley that she would research the matter and get back to her with an answer.

Ms. Brenda Holt asked "Who controls that tax base? Once the money is collected, how is it dispersed and how is it used for the citizens of the County?"

Ms. Vanlandingham answered "Actually, it goes to the County and it is kept in a separate account and it cannot be co-mingled with the County's operating budget. The County Commission appointed a Tourist Development Council several weeks ago and they have to have by-laws. In the by-laws, it is stated how the money can be used. It has to be used for the entire County. It couldn't be for just one function that didn't cover the entire County. It has to support everyone in the County - to bring visitors into the County. But, the by-laws will dictate how the money can be spent. Those by-laws have to be set up by the Council."

Ms. Holt then asked "I am more concerned about the use of the funds more than anything else. If this Council decided to do some operating expenses and take care of a few things in

certain areas, how would the rest of the County that is not included in that particular project say "Well, we need help over here. We would like something over here." I am wondering why the money is not put into the regular tax base instead of being used by a separate organization?"

Ms. Vanlandingham answered, "It is set by Law. It is not something that we came up with. It is under the Florida Statutes and it has to be kept separately and it cannot be co-mingled with other funds."

Mr. Richmond stated "It is a limited purpose service tax. They can't use it for anything except that."

Ms. Vanlandinham concluded by saying that the Council has to submit the project to the County and the County will disperse the money. But, it must fall within the by-laws.

Chair McGill called for other comments from the public but there was no response.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 1, BY VOICE VOTE, TO APPROVE THE ORDINANCE. COMMISSIONER DIXON CAST THE LONE DISSENTING VOTE.

Hospital Update

Mr. Richmond told the Board that depositions were scheduled on the hospital for October 28. He asked the Board to hold a closed door meeting with him on October 29th to discuss litigation and strategy in the County's Case against Ashford Healthcare, the current hospital tenant. He asked for the authority to advertise an attorney/client session for October 29.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO HOLD A ATTORNEY/CLIENT SESSION ON OCTOBER 29, 2002 AND TO AUTHORIZE THE ATTORNEY TO ADVERTISE THE MEETING.

5. MAJOR ED SPOONER - SHERIFF'S DEPARTMENT

This item was moved to number 3. See above.

6. PLANNING AND ZONING ISSUES

Growth Management Director Bruce Ballister addressed the Board. He told the Board that at a meeting earlier this year, he came to the Board and reported that the four communication towers constructed along I-10 in Gadsden County still did not have any occupants located on them. The County authorized him to write to the tower owners and ask them to show cause as to why they shouldn't be required to dismantle the towers in accordance with the rules set forth in the Land Development Code. Subsequent to that action, Mr. Nick Adams of the Florida Department of Transportation (FDOT) notified the County that FDOT has several projected uses planned for the towers in the near future and in the distant future as well.

Mr. Adams addressed the Board.

Adams:

I am Nick Adams. I am the telecommunications administrator for Florida Department of Transportation. I work in the intelligent transportation systems office. There are those who would say that is an oxymoron and there can't possibly be any such thing as an intelligent transportation system. But, believe it or not, we are trying very hard to improve the efficiency and use of the existing roadways. That is the thrust of this office. It has been set up to do just this. We've got a lot of very smart people working on it.

It is also being heavily supported by the federal government. As a matter of fact, as I said in my letter, there will be some \$40 million that is going to be spent in the next few years. Some examples of this kind of things are - As you travel now, you see the great big signs - you all have heard of the Amber Alert - those are called dynamic message signs. You change those signs from regional traffic management centers which are currently being constructed. There will be one in Tallahassee in future years. They are now co-located with emergency dispatch facilities. Those messages can be changed.

For example, if you have an evacuation going on, you want to inform people what the roadway looks like up ahead, in future years, there are going to be weather sensors - you'll be able to get current weather information for the next couple hundred miles. That information will also be available on screens in rest areas and even through the internet through wireless devices into your car. So, you

can make better decisions. If you know there is a bad storm ahead, you might want to pull off and get a motel. Pay some bed tax and help the County out.

There are a lot of things going on and this tower effort is a state wide effort. It is not just local. It is part of a public private partnership as I tried to explain in my letter to the Commission. It is just a little more than a company trying to make some money. It is a public private partnership that the State entered into through a high bid competition. This company won over several other companies with the best arrangements advantage to the State. They have a responsibility to go out and market these towers and try to generate some revenue to help decrease the taxes needed to maintain the roadways.

The DOT, of course, enters into these plans and reserves space on all these towers for whatever might be out there. It just so happens that there is a huge effort going on in this ITS area and we will be deploying devices. At this point in time, there is a 10 year cost feasible plan that is about to be finished. We've got to compete with the urban areas to get our rural devices. So, we are in the hunt for that. It is very difficult to predict exactly when we are going to have all our engineering plans and radio communication plans in place. At this particular time, it depends on a big extent on this little election we're going to have in about four weeks. If we keep the same governor, we are going to move along at a pretty good clip. If we get a new governor, it's probably going to slow things down til he takes a look at everything and decides that is where he wants his major efforts.

So, it is very hard for me to say exactly how long before you're going to see DOT devices on these particular four, but it is certainly going to be sooner rather than later. What we are asking for is a little bit of time. Of course, it is an unusual set of circumstances that unfortunately, with the economy taking a downturn, a lot of these towers had promises and commitments. These are huge companies. They have all these plans on hold. They still want to do it but, right now, they don't have any cash.

It is anybody's guess as to when this telecommunications slump will turn around. I wouldn't expect it to be in the next 90 days, for example, but, it is anybody's guess. There could be antennas on these things and there could be

DOT devices in the very near future. So, what we are asking for is a little bit of consideration. One reason that DOT thinks that it is a good idea to have them in the transportation corridor is it does keep towers away from residential communications. They are about as far away as you can get from them if you put them in these limited access right of ways. So, we are hoping that people don't think that they are horribly unsightly. If you give us a little bit more time, we are going to be using them for the advantage of the motoring public.

I can answer any questions about the contract or ITS.

McGill:

Are there any questions of Mr. Adams regarding the towers?

Watson:

How long do you need?

Adams:

That is very hard to predict. Like I say, I would like to have enough time to get past the election and think that we are going to see our way clear. At the point in time that we have plans completed, we will have a time line. You know, I'll know what the projected day of deployment is when we resolve the differences between the urban and rural towers who are fighting for the money.

This is a lot of money and everybody wants their share of it. Of course, the rural counties have the hardest time because it is argued that the need is less. We don't see it that way, but, DOT is a legislatively de-centralized organization. There are seven districts in the turnpike enterprise and they fight each other for money just like. It is a hard question to answer, Sterling.

Watson:

Is a year reasonable?

Adams:

A year is reasonable.

Lasley:

I spoke on these towers and I had a real problem with the private sector being involved with all these variances that were required. My concern and my questions focus around

whether DOT is going to install the equipment if there are no private companies that locate on these towers.

Adams:

Yes, the DOT effort has nothing to do with the telecommunications facilities. Our facilities would be part of the ITS deployment plan. It might be a camera. It might be a motion sensor. It might be a counter. It might be some sort of commercial activity to prescreen trucks to keep them from having to start and stop. The danger when they are pulling out, there are all kind of future improvements in the use of the roadway that are fascinating. They involve using the internet and wireless devices. We will be using more than just towers. We will be using sign posts, light posts and other existing structures. Our effort is separate to commercial development issues.

Lasley:

O.K. There is no power on these yet. So, whether the tower companies set them up for operation, DOT would be willing to do that?

Adams:

If it were necessary, we will run power to operate whatever our devices are, yes.

Lasley:

I don't have a problem with DOT using the towers. As a matter of fact, to me, that seems very appropriate for DOT to put towers up to aid all the citizens on the highway for emergencies and things. The problem I had was the private enterprises being piggybacked in with that. So, I, personally don't have a problem with you, with DOT, handling that and actually would prefer that. That is just for the record. Because of the variances.

THERE WAS A MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON TO ALLOW A ONE YEAR EXTENSION.

Dixon:

Mr. Adams, what did DOT send out for bid? Was it just a space?

Adams:

They put out for bid the limited access right-of-way and certain other DOT owned land throughout the State. This was - it took about a year to write this thing. It is

about 30 pages. I've got a copy if you would like one. It is a very involved contract. It was publicly announced, bid, worked through a protest period and so forth, and put into place. It is a 30 year agreement. The first 15 years were exclusive for this company - that is to give us the right to kick them off if they are not doing a good job and an efficient job. Whatever revenues they are able to recover after the cost of the infrastructure is paid for, DOT gets a portion of which goes back toward paying for maintenance on the highways. So, it is a public.

Dixon:

I asked that question just to give me a little perspective because you don't really want to hear it. You really just want us to leave you alone and let you go on with your plan don't you?

Adams:

Well, we put these up and we ah, the contract requires us to go through the local zoning and permitting process. We didn't use DOT weight in any way to keep them from having to go through the same critiques that anybody else has to.

Dixon:

But, you don't really want to come back here in a year and have to in every county?

Adams:

No, not really.

McGill:

Let me see if I can address Ms. Lasley's question again. It is cheaper to have a public private relationship as opposed to going out there and putting it up by yourself?

Adams:

Yeah, because they provide, if they were able to rent some space on a tower that we were going to put up anyway, then they can give us a portion of that and it produces the need for taxes.

McGill:

Well, since you used that "T" word. Is it possible that you would share some of that with us?

Laughter.

Adams:

Well, the contract is in place.

McGill:

Well, the contract can be amended. Contracts are amended all the time.

Laughter.

Dixon:

What about payment in lieu of taxes? You know, if it is on your property,

Adams:

DOT takes goods and services.

Dixon:

But, since it is on your property, we are being shortchanged on the taxable value. Am I right about that? I was working with you for a minute, but since he brought it up -

Laughter

Adams:

Well, you can look at it that way. But, it's going to cost us more to maintain a road, you're going to pay for that sooner or later at the gas tank or somewhere.

Dixon:

Oh, so now, you're telling me that this is going to supplement, not surplant?

Adams:

That is correct.

Dixon:

And I am suppose to believe you.

Laughter.

Adams:

I am standing here giving you the best information I can.

Laughter.

Adams:

We are going to do the very best job we can to keep the cost as low as we can and get you to where you are going when you get on the road.

Dixon:

Are we going to kick them off in a year. If we are buying into the plan, why not just

Watson:

Cause it might change.

Adams:

I am pledging to you that I am going to do everything I can to get this thing done and deployed as soon as I can.

THE BOARD VOTED 4 - 0, IN FAVOR OF THE MOTION TO GIVE A ONE YEAR EXTENSION.

PAT THOMAS ACADEMY - CLASSROOM EXPANSION - 02PZ-023-206-1-08

Mr. Ballister told the Commission that Tallahassee Community College is anticipating two expansions to the Pat Thomas Law Enforcement Academy located on US 90. One expansion will have minimal impacts to the County. It is for a mock village where they will simulate crime scenes.

The other expansion is more extensive in that it will include a new administration building, a new classroom building and supporting infrastructure that would support the additional expansion. It will encroach on some wetlands.

Mr. Ballister stated that the Comp Plan and the Code will allow for limited wetland disturbance. There is not an absolute prohibition when such disturbance precludes reasonable use of the property. The original layout of the site would have disturbed 13 acres of wetlands so he directed the engineer to go back and minimize the wetlands disturbance to the greatest extent possible and then work with the Department of Environmental Protection (DEP) on mitigation plans for those wetlands that will be impacted. They were able to reduce the wetlands impact to only 1.2 acres. The DEP permit has been received as well as the permit from the Army Corps of Engineers.

The traffic report for the campus revealed that the projected impact will be 2,400 trips per day. However, the level of service for US 90 will stay at "A" after the expansion is completed.

Talquin Electric already serves the property for their water and sewer needs.

Chair McGill asked what impact the high school will have on the underground water flow.

Mr. Ballister answered that each school will have their individual stormwater structures and both of them had to get individual permits for their water treatment plans and water retention ponds. The new TCC project will build a new stormwater pond. The high school is building two stormwater ponds. (One for the main campus and one for the athletic field.) He added that there should not be any increase in runoff relating to a 25 yr. storm. However, there could/would be runoff from a 100 year storm but there is already enough capacity in the Little River watershed for the additional runoff.

Mr. Lawrence (Buddy) Crawford of George Hutchinson Engineers of Tallahassee addressed the Board. He said they had done the engineering of the TCC project. He also said they were working with DAG Architects of Destin, FL on the building designs. He reviewed the project with the Commission and demonstrated it using a Powerpoint presentation. He confirmed Mr. Ballister's remarks that the first proposed layout impacted between 13 and 16 acres of wetlands. Since then, they went back and redesigned it and lowered the wetlands impact to only 1.2 acres. He said that they will create another 1.2 acres of wetlands by planting and grading and creating a wetland adjacent to the existing one. He added that there has been an earnest endeavor to protect the wetlands. He said that they have worked with the DEP and the Corps of Engineers over the last six months and permanently reserved 51 acres of wetlands. (Those 51 acres cannot ever be damaged. They cannot even be permitted for damage in the future.)

Mr. Crawford noted that DEP actually owns the land and is leasing it to the College. The fact that they own the land adds to the protection for the wetlands. He presented a draft copy of the permit. He said that he would provide the final permit as soon as it comes in.

He stated that they are trying to accelerate the project and they hope to start the construction as soon as the permits are received.

Discussion followed regarding the agencies that will utilize the campus for training and potential increased level for special training. (Shooting range; bombing range; sniper range; village mock-up, etc.)

Chair McGill asked Mr. Ballister if he had received any negative comments from the people who were noticed regarding the hearing.

Commissioner Roberson disclosed that Mr. Crawford is her nephew and asked the attorney if there was a need for her to abstain from voting on the project.

Mr. Richmond stated there was no conflict of interest and therefore no need for her to abstain.

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

Ochlockonee Estates - Request for guidance

Mr. Ballister stated that Phase II of Ochlockonee Estates was first approved as a mobile home subdivision in 1974. Phase I had been previously approved as an unrecorded subdivision. He explained that within the phase II approval, there was a section of the subdivision that was never constructed. Streets appear on the plat but they were never constructed. On the subdivision plat recorded in the courthouse, the lots and the streets exist, but none of them have been constructed. Many years passed without any activity. When the County agreed to accept the roadways, there were numerous special conditions imposed - one of which was that the roads would have to be paved to county standards. The roads were never constructed nor was the subdivision. The roads were never brought back for formal adoption by resolution because they were never constructed. (It was the practice of the Board to only accept roads via a formal resolution that would be recorded in the official records.)

In 1986, Mr. Weekly bought 15 acres of the plat from the previous owner. That 15 acres would have been taken out of the plat of the un-constructed subdivision and it also contains the rights-of-way of dedicated county roads. Mr. Weekly has a residence on that 15 acres. The deed was conveyed to him by metes and bounds and that description serves as an indication that the former owner had abandoned the plan to build the subdivision.

Some time later, Mr. Dunwoody built a house near the Ochlockonee River and accessed it through Choctaw Drive and the partially cleared portions of the undeveloped section of the subdivision and an easement from the subdivision to his property on the river. There is a gap in his access that runs across one of the platted lots.

A new owner, Billy Lee, and Broward Davis and Associates, an engineering firm, contacted the Planning Department to see what they needed to do to construct the subdivision. They are aware of the 15 acres owned by the Weaklys.

When Mr. Weekly and Mr. Dunwoody learned of Mr. Lee's intention to develop the subdivision, they appealed to the Planning Department to halt the development. It was their contention that the subdivision plat was abandoned. In addition, there are wetlands and bad soils on the land he wants to develop.

The Board has denied other similar subdivisions adjacent and near this property because of public outcry and soils that were not conducive to heavy density and the potential harm it could do to the nearby river. (Pine Hills, Pine Crest and Oak Crest.)

Mr. Richmond stated that Mr. Lee bought the property with a good title. There is a question as to whether the prior owner (who had the vested rights to the subdivision) abandoned those rights when he deeded roadways which had been dedicated to the County in 1974 to Mr. Weekly. It is clear that he conveyed to Mr. Weekly a 15 acre parcel by metes and bounds description. That seems to be a clear abandonment of the right to develop it.

Mr. Ballister pointed out that there is text on the face of the plat that indicates that "reversion" of the rights of ways remains the right of the jurisdictional authority which is Gadsden County. The only one that could abandon the road was the County. However, the roadways were sold as part of the 15 acres to Mr. Weekly.

After some discussion, there was a consensus that the County Attorney should meet with Mr. Lee and his engineer along with Mr. Weekly and Mr. Dundwoody.

Mr. Ballister stated that he told Mr. Lee and his engineer that if they pursued the development, they must build the roads to county standards and put in a central water system.

Commissioner Watson stated that he believes that the plat was voided when he sold the parcel by metes and bounds description.

Mr. Richmond stated that things have changed a lot since the first phase of the subdivision was approved. The County has seen a lot of water table problems that residents in that area are experiencing. While there was a vested subdivision, he said that the owner abandoned it and the vested rights when he sold the 15 acres in 1986.

Commissioner Dixon stated that he also felt that the actions of the former owner indicates that he abandoned the subdivision.

Mr. Ballister stated for the record that Mr. Lee and his engineers were told of this meeting and were asked to attend. However, they chose not to appear.

Mr. Richmond stated that his preliminary research led him to be fairly comfortable with the position that the subdivision was abandoned.

7. COUNTY MANAGER'S AGENDA

Quincy Byrd Landfill Interlocal Agreement

Mr. McKinnon told the Board that he had received a counter proposal on the Byrd Landfill Interlocal Agreement from City Manager Earl Banks. The City is proposing that their portion of the maintenance of Selman Road be based on the percentage of traffic. They did visual traffic counts using their staff on one day. They determined that the garbage related vehicles amounted to 7.5% of the traffic. He concluded that they were proposing to pro-rate the maintenance cost based on that percentage.

They also placed traffic counter hose at US 90 and Selman Road. Over several days, the average trips per day turning onto Selman Road was 1241 two-way total trips resulting in 620 vehicles. Then they placed the hose at the landfill entrance and determined the average trips that went into the landfill to be 392 trips. That figure divided by 2 equals 196 vehicles.

That breaks out at 31.5% of the Selman Road traffic that went into the landfill.

County staff did a visual count on October 16, 2002 which resulted in a count of 928 total trips and it was determined that 252 of them were garbage related vehicles. (27% of the trips were garbage related.)

He asked for directions.

Commissioner Watson stated that he would like to continue with the same arrangement as was done in the early years whereby Waste Management placed a percentage of the tipping fees into an escrow account to be used for maintenance of Selman Road. Short of that agreement, he favored looking at the possibility of the County having it's own transfer station.

It was not known how much of the tonnage taken in at the landfill are attributed to the County. At one time the total was between 22 and 25 tons which was about half of the garbage taken to the landfill. However, that information may not be correct any longer.

Commissioner Dixon stated that the problem between the City and the County on this issue has gotten out of proportion. He said that it was always known that the life of Selman Road would be cut substantially short because of the heavy truck traffic. There was agreement between the City and County to set aside money to defray the maintenance cost. The City was the custodian of the money. How much money that was paid into the fund was determined by the tonnage of garbage going into the landfill. The direct cost correlated to a direct use. He said that now, it has resulted in traffic counts. The problem continues to escalate out of proportion to the issue. He then suggested that it would be wise to sit down with the City of Quincy and work through the issue.

Commissioner Watson stated that he also believed that the rhetoric had reached too high a level and he would like to back up and talk through the issue. However, he stated that he felt the previous arrangement was a good one and he would like for the City to see that it was good for everyone. He said there is something wrong in the way they have perceived the previous arrangement. He also said that he doesn't want the City of Quincy or the County to be hurt by any transaction.

There was a consensus for the Chairman to write a letter to the City of Quincy requesting a joint meeting with the City Commission to discuss the issue of the Quincy Byrd Landfill agreement and come to some mutual agreement.

Donation of Surplus Equipment

Mr. McKinnon stated that he has received a request from the Center for Health Equity (non-profit organization) for some of the County's surplus office equipment. He asked for authority to donate the requested equipment. He added that the equipment is no longer of use to the County and is taking up valuable warehouse space. (4 file cabinets, 3 desks, 2 computers with monitors and 6 wall dividers)

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO DONATE THE SURPLUS ITEMS TO THE CENTER FOR HEALTH EQUITY, AS THEY NO LONGER HAVE VALUE TO THE COUNTY.

8. CONSENT AGENDA

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

- 1) Tax Collector's Excess Fees for 2001-2002 in the amount of \$75,120.31.
- 2) Labor Union Agreement - Local Union 2152 10-01-02 through 09-30-05
- 3) Department of Community Affairs Contract (DCA) 03DB-78-02-30-22-003 DCA to assist the County in achieving the goals set out in the strategic plan developed for the Federal Enterprise Zone designation.
- 4) Florida Department of Transportation's (FDOT) Litter Control and Prevention Grant Agreement Keep Gadsden Beautiful annual contract
- 5) Fire Service Agreements - Midway, Concord, Robertsville, Sycamore, Greensboro, Havana and Gretna
- 6) Cooperative Equipment Lease Agreements - City of Midway and City of Gretna - for fire equipment provided by the County
- 7) Minutes of Tourism Development Council September 16, 2002 and September 25, 2002

- 8) Notice from Waste Management of Rate Adjustments effective October 1, 2002. The increase will be 1.1%
- 9) Satisfaction of Housing Rehabilitation Agreements: Ceodis Hinson; Jimmie Barkley; Queen Richardson; Beatrice Hopkins; Lula Weatherspoon; Lillie Thomas; Virgie Sweet; and Marquerita Miller
- 10) Resolution 2002-037 Gadsden County Men of Action Achievement Awards
- 11) Resolution 2002-038 Epilepsy Awareness Month
- 12) City of Quincy Ordinance no. 954 Annexing part of the county into city limits South 267 Pat Thomas Parkway (Super Walmart property)
- 13) Economic Development Report from Chamber of Commerce

9. PUBLIC COMMENTS

Chair McGill asked if there was anyone present who wished to address the Board for any reason. There was no response.

10. CLERK'S AGENDA

Alternative to Jail Expansion

Clerk Thomas stated that he had met with Chief Judge Gary, Sheriff Woodham, Major Spooner, and County Manager Howard McKinnon since the last board meeting (October 1, 2002) regarding the overcrowded conditions at the jail. He reported that they were all in agreement that the problem could be remedied to some extent by expediting the judicial process for the vast majority of inmates. Chief Judge Gary assured him that if the County will provide another courtroom, he would come over and personally handle additional felony cases in an effort to move the process along more quickly for the non-sentenced felons, thus give relief to the jail population.

Chair McGill asked how much full time judges are assigned to Gadsden County.

Clerk Thomas answered that there are two circuit judges who are assigned full time to Gadsden County in addition to a hearing officer who presides over the child support cases two days a week. He went on to say that he believes that the case load is sufficient to warrant another full time judge. However, the chief judge does not agree with him, but he (Chief Judge Gary) is personally willing to come over and hear felony cases in an effort to bring some relief. (He does not have a case load

in Leon County any longer.) He also said that some retired judges could also be called upon to sit for some court dates. He added that the state judiciary would absorb the cost for court activities and it would not impact the County's budget.

Clerk Thomas reported that since 1990, the Florida Legislature has appointed four additional circuit judges to the Second Judicial Circuit. All four of those judges are currently sitting on the benches in Leon County. Those bring the total number of judges in the circuit to 14.

Commissioner Dixon asked which are the larger counties in the Circuit.

Clerk Thomas replied that Leon and Gadsden are the two largest counties but Leon County got all of the judges. He then explained that it would help Gadsden's argument for another judge if there was a courtroom available to another judge.

Commissioner Dixon asked what percentage of caseload did Gadsden County have.

Clerk Thomas could not answer. He pointed their attention to the data in the agenda packets.

He then recalled that in March of 2002 the Board approved a concept for a third courtroom. (See the attached memo.) However the construction was not funded in the 2002-2003 budget. He then called the Board's attention to \$163,287 that is in the Waste Services account. He explained that that money that has trickled in from delinquent paying customers since 1991 when the mandatory garbage collection by the County ended. It is money that is due back to the General Fund but has never been transferred. He stated that it can be used for any public purpose. He then proposed that it be transferred to the General Fund and used for the courtroom construction and the lease payments for the Public Defender's office space for the remainder of the fiscal year.

Clerk Thomas went on to say that in the end, they may still find that it is necessary to build another jail pod, but a third courtroom is an immediate alternative that could quickly bring some remedy to the current jail crisis and save the County a lot of money. He concluded by saying that if the County is forced to increase the jail capacity by 50%, the additional million dollars of annual operating expense will cause a severe budget strain for years to come. He also stated that the operating

cost doesn't include the debt service for the construction of the pod that is sure to follow.

Chair McGill stated that he believes that the Clerk has outlined a good proposal and he could support it.

Sheriff Woodham asked the Board to ask the Gadsden County Legislators to introduce a special act to require that this county have a residential circuit judge so that he could reach a judge after hours.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE THREE STEP PLAN AS OUTLINED BY THE CLERK: 1) GIVE THE COUNTY MANAGER AUTHORITY TO RELOCATE THE PUBLIC DEFENDER'S OFFICE; 2) EXPEDITE THE CONSTRUCTION OF THE THIRD COURTROOM IMMEDIATELY; 3) ADVERTISE A BUDGET CHANGE TO RECOGNIZE TRANSFER OF FUNDS.

Hospital Escrow Account

Clerk Thomas stated Gadsden Hospital Inc. (GHI) has substantially completed their license application to operate the hospital if they should be placed in the position to assume it's operation. One of the requirements for licensure is to have liability insurance. However, it cannot be obtained until such time as they actually operate the hospital. There is a provision for an exemption from the liability coverage by placing money into an escrow account of \$10,000 per bed as a temporary substitute for insurance for patient liabilities. That step would complete the GHI license application.

Clerk Thomas then requested that the Board disperse \$400,000 of the Hospital Endowment Funds to GHI. \$370,000 for the escrow account and \$30,000 for needed for current and anticipated expenditures for GHI.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE CLERK TO DISPERSE \$400,000 FROM THE HOSPITAL ENDOWMENT FUNDS AS DESCRIBED ABOVE.

County Held Tax Certificates

Clerk Thomas filed Tax Certificate 977 of 1995 and 1275 of 1995 for the record. He noted that they were not purchased at

the Tax Sale. They will go on the list of lands available for taxes and anyone can purchase them off the list after 90 days.

Budget Amendments 02-10-15-01 through 02-10-15-06 - Old Year; 02-10-15-01 through 02-10-15-03 - New Year

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

Ratification of Approval for Payment of County Bills

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE PAYMENT OF THE BILLS TO WIT: CHECK REGISTERS DATED 10/01/02; 10/04/02; 10/09/02; 10/11/02 AND PAYROLL REGISTER DATED 10/03/02.

11. COMMISSIONER'S REPORT

District 2 Report

Commissioner Watson had no report.

District 3 Report

Commissioner Roberson had no report.

District 4 Report

Commissioner Fletcher was not present.

District 5 Report

Commissioner Dixon had no report.

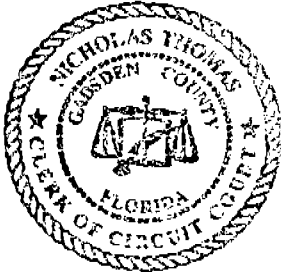
District 1 Report

Chair asked the Board to approve the appointment of Martha Koonce to the Planning and Zoning Commission to replace Mr. James Hinson who was elected to the Midway City Council.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPOINT MS. MARTHA KOONCE TO THE P & Z COMMISSION.

ADJOURNMENT

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



ATTEST:



Nicholas Thomas, Clerk



Bill McGill, Chair

AT A SPECIAL MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA ON
OCTOBER 29, 2002, THE FOLLOWING
PROCEDURES WERE HAD, VIZ.

PRESENT:

BILL MCGILL, CHAIR
STERLING WATSON, VICE-CHAIR
CAROLYN ROBERSON
EDWARD J. DIXON
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
MURIEL STRAUGHN, CLERK
CERTIFIED COURT REPORTER

ABSENT:

E. H. (HENTZ) FLETCHER

Chair McGill called the meeting to order. He announced that the purpose of the meeting was to discuss the litigation and strategy of the County's law suit against Ashford Healthcare, Inc., the current tenants of the Gadsden Community Hospital. At that point, he turned the meeting over to Attorney Hal Richmond.

Mr. Richmond announced that the meeting had been duly advertised as a special meeting in the newspapers and that notices of the meeting were posted in the courthouse and the County Government Office Complex. At this juncture, all parties other than those whose names were listed in the notice were asked to leave. The Board then went into closed session.

At the conclusion of the closed session, the Chair reconvened the public portion of the meeting and announced the adjournment.

A verbatim transcript of the closed door meeting will be filed with the Clerk upon conclusion of the lawsuit.

Bill McGill, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA ON
NOVEMBER 19, 2002, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

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

1. CALL TO ORDER

Chair McGill called the meeting to order. He announced that it was the first meeting to be held in the month of November since the first meeting was cancelled due to the General Election which fell on the regular commission meeting date.

Hal Richmond led in pledging allegiance to the U.S. Flag and Commissioner Dixon led in a prayer.

2. SWEARING IN OF NEWLY ELECTED COMMISSIONER BRENDA A. HOLT
AND RE-ELECTED STERLING L. WATSON

Clerk Nicholas Thomas administered the Oath of Office to Brenda A. Holt who was elected as the District 4 County Commissioner.

He then administered the Oath of Office to Dr. Sterling L. Watson who was re-elected as the District 2 County Commissioner.

3. ELECTION OF OFFICERS

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO RETAIN COMMISSIONER MCGILL AS THE CHAIRPERSON OF THE COUNTY COMMISSION.

COMMISSIONER HOLT MADE A MOTION TO NOMINATE COMMISSIONER DIXON AS THE VICE-CHAIR. THE MOTION DIED FOR LACK OF A SECOND.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO RETAIN COMMISSIONER WATSON AS VICE-CHAIRMAN.

Chair McGill stated that he would do his best to do the work for Gadsden County and that he would try to stop the bickering and fighting.

4. ADOPTION OF THE AGENDA

The agenda was amended as follows:

Mayor T. J. Davis of Havana to present Item no. 10 rather than Susan Freiden.

Move item no. 13 to no. 11 for Susan Freiden to present rather than Henry Grant

Add Resolution No. 2002-040 regarding the use of the Agricultural Multi-Purpose Center to County Manager's Agenda.

Remove Veteran Services Bid Award from the Consent Agenda and place it on the County Manager's agenda for discussion.

Remove the Rental/Purchase of Annex 1 from the Consent Agenda and place on the County Manager's agenda for discussion.

Remove Gadsden County Library Plan from the Consent Agenda and place on the County Manager's agenda for discussion.

Remove DOT Joint Participation Agreements for the Transportation and Community and System Preservation (TCSP) Discretionary Funds from the Consent Agenda and place on the County Manager's agenda for discussion.

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

5. APPROVAL OF MINUTES

October 29, 2002 Special Meeting

October 15, 2002 Regular Meeting

October 1, 2002 Regular Meeting

September 23, 2002 Final Budget Hearing

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 MEETINGS.

7. COUNTY ATTORNEY'S AGENDA

Hospital Update

Mr. Richmond reported that the County has entered into a Letter of Engagement with Ed Blanton to represent the County in the lawsuit against Ashford Healthcare. (Copy of the agreement to be placed on the consent agenda at a later meeting for the record.)

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE LETTER OF ENGAGEMENT WITH ED BLANTON, ATTORNEY AT LAW.

Rules of Procedure

Mr. Richmond stated that he would like to get Commissioner Holt's input to the Rules of Procedure prior to advertising its final adoption.

8. GRANT-IN-AID ALTERNATIVE DISPUTE RESOLUTION INNOVATION PROGRAM

Grant Slayden, Court Administrator for the Second Judicial Circuit, addressed the Board. He introduced Dennis Pellitier and Mark Palmquist. He explained the Grant-in-Aid Agreement between the Office of the State Courts Administrator (OSCA) and Gadsden County. He said that the grant would provide funding for an [Alternative Dispute Resolution \(ADR\) Innovation Program](#). The grant amount would be \$6,190.00. He also said that it would be used for a program that would set up volunteer county mediation. He added that the grant does not require any matching funds. He asked them to approve the grant agreement and the [contract with the service provider](#) which are attached to these minutes.

Discussion followed.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE GRANT AGREEMENT AND THE CONTRACT WITH MARK PALMQUIST, THE SERVICE PROVIDER.

There was some discussion regarding jail alternative programs that are offered in Leon County. Commissioner Dixon asked Mr. Slayden to send him some information about those programs.

9. COMPRHENSIVE EMERGENCY MANAGEMENT PLAN (CEMP) (Attached)

Mr. Chris Rietow of the Apalachee Regional Planning Council addressed the Board.

Commissioner Dixon stated that he had only received a copy of the CEMP on Friday and had not had ample time to review it. He asked that the approval be postponed until the first meeting in December.

Chair McGill inquired as to whether there was a deadline for approving the plan. Mr. Rietow replied that there was not a deadline.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE ANY ACTION ON THE PLAN.

10. HAVANA PUBLIC LIBRARY INTERLOCAL AGREEMENT AND LEASE

Havana Mayor T. J. Davis addressed the Board. He called attention to the proposed agreement between the City of Havana and Gadsden County for purposes of the new public library.

Ms. Susan Friedan addressed the Board to answer questions as the town manager. She explained that the state grant requires that the building be used as a library for 20 years. However, the note (loan) is for 15 years.

Commissioner Holt asked if it had been the practice of the Board to rent a building for the library. She questioned why the County made lease payments rather than payments to own.

Ms. Frieden answered that the county could have built the building, but it was a Town of Havana who took the initiative to offer the land where it will be built, raise the money, and make application for the grant to construct the library. She explained that the County would actually be paying less for the new building than on the old building and at the end of the note payments, the County would have the building rent free. She went on to say that typically, cities don't build libraries,

counties do. She then stated that it was a way to expedite getting a better library. It was spearheaded by the citizens of Havana because they deemed that they needed one.

Commissioner Holt asked specific questions regarding what kind of services that would be offered and further questions regarding an overall plan for library services throughout Gadsden County.

Library Director Jane Mock answered saying that she would forward the long range plans and the five year plan to her for review. She said that it would contain an equipment list, types of information which will be offered, etc.

Commissioner Dixon asked: What are staffing levels? What will increase as a result of expansion? What are the standards for Gadsden County Libraries? What is the plan for Gadsden County Libraries? Are we getting Havana because they are a community that has chipped in? Are we going to Chattahoochee in the next two years? What are we doing overall?

Dixon:

My concern continues to be that this is "willy nilly". There is no long range library plan that I have seen that shows that we are building buildings. Obviously, no matter where we are, the buildings are raggedy. They are old. They do not serve the purpose. We all know that.

Now, we jump to Havana. They took the impetus to start it. What are we doing? Are we going to sit back and wait on Chattahoochee to do their part? What is the game plan?

Mock:

The county library services are for us to have two branches, Chattahoochee and Havana. If you wish to have more branches, I would certainly be interested in discussing that. But, the plan is to have libraries within 20 miles of an area of Gadsden County. It was set up this way.

The staffing in Havana currently is one full-time person and one part-time person. There is another part-time person in this year's funding.

The level of personnel is much more controlled by the amount of circulation than by the size of the building.

I personally, or may crystal ball suggests that one full time person and two part-time people should run the Havana Library. But, I can't predict how much circulation there will be in Havana.

Dixon:

But, I need for you to predict. You are the expert.

Mock:

Yeah, and in my opinion, that will be enough people. But, what I am telling you is that is my feeling. I have set the hours that I felt like would be good hours for a branch. I have set the staffing so that there will always be two staff people in the library. That is my opinion on staffing.

I will be glad to go over the other things that I think may increase or not increase.

Dixon:

Mr. Manager, can I please have this information consolidated? These are the same questions that I asked last time.

It is nice of you to stand here and tell me but nobody remembers what happened in the last meeting. I really need to see it because a full time person and two part-time people, I don't know. I really, really don't know about that. And, then if you are talking about state of the art stuff, 16 computers - it means that at some point, you may have 16 different individuals just in the computer section. Right? The worst case scenario, you could have 5 - 10 or 30 people browsing amongst other programs. Open space, rented rooms, paper section, whatever other sections this library comprises of.

And, Mr. Chairman, a total cost breakdown. I know what the City of Havana put in their letter, but I need to know the cost that we are going from, the costs we are at, and the cost we are going to. Up front. I think we can generally get all that stuff on one piece of paper - certainly in the same document. There is absolutely no reason why we shouldn't have it.

I mean, the building is fine. This is not about Havana. This is about Gadsden County and how we intend to deliver services.

Do we intend to build a new building in Chattahoochee in the next two, three, four, five years? I know we talked about building one in Quincy. Is it way-laid? Off track? What is the deal? Put it in focus for me. It is not in focus. It is one system. It is supposed to be anyway. Does three libraries work? I have never seen anything that gave me a plan that says "Here is where we need to go." We need three major libraries, but we also need a branch or house or something in Robertsville because it is unreasonable to think that folk will come all the way back to Quincy to the library.

I am trying to get it all as it relates to the system and I am not getting it.

Mock:

I will do my best to write it up for you.

McGill:

We will be glad to look at that. What about a mobile?

Let me suggest this. Why don't we look at this as a separate entity and get it moving and deal with the long range plan at a later time?

Dixon:

You can do that, Mr. Chairman, but that is irresponsible to do it. It is absolutely irresponsible to do it that way.

McGill:

You mean to approve this plan would be?

Dixon:

Yeah, because you are telling these people "You are going to have a library. We are going to pay for it." And you don't even know the cost. You know what the building is going to cost, but you don't have a clue what the operational costs are. Somebody tell me if you have seen it and I haven't.

Mock:

I have it written here and I'm going to read it out to you, but

Dixon:

No, I don't want you to read it out to me. I want to see it broken down.

McGill:

Couldn't we go ahead and approve this plan here then the operations later on.

Dixon:

If you all want to, you can.

Watson:

Yes.

Dixon:

It is absolutely irresponsible to build a building and then decide the staffing. They wouldn't do it. The City of Havana wouldn't do it. Nobody else would do it.

Watson:

I think the staffing has been determined and I make a motion that we approve this.

McGill:

We have a motion, do we have a second?

Roberson:

I second it.

McGill:

We have a motion and a second that we approve just this phase, now. We still have to deal with Commissioner Dixon's concerns.

Mock:

I understand that.

McGill:

Any discussion on the motion? This is only to build the library for the City of Havana. It has nothing to do with staffing, stocking and nothing like that. That is the motion. Any discussion on the motion?

All in favor say "aye."

Roberson, Watson, McGill: Aye

McGill:

All opposed, say "Nay."

Dixon and Holt:

Nay.

McGill:

Motion passes 3 - 2.

Frieden:

May I ask just one question? Does that mean that you will enter into the interlocal agreement?

McGill:

That is what it means, yes.

Frieden:

You know, another thing, I don't think that you understand that we have a grant - a \$400,000 grant for this library. We have raised about \$200,000 in cash. The fund raising will continue. The only portion that the County is being asked to help with is that the town is fronting \$300,000 to make this happen. You would be paying rent anyway.

Dixon:

This is not about you. This is not about you at all. Please understand my denial. This is not about you.

Roberson:

But, we appreciate you and thank you.

Holt:

Sir, I would like to say one thing to the people of the City of Havana. We support a library, it is not that we don't. But there are some questions that we think have to be taken care before we vote on this issue.

McGill:

I think what we mean is that before we act on any library for any reason, we need a formal plan before we

Dixon:

Mr. Chairman, the ox is out of the house. You see the City of Havana is trying to get their deal. That is fine. That is what they need to do.

11. ENTERPRISE ZONE BOUNDARIES AMENDMENT -RESOLUTION 2002-039

Ms. Susan Frieden and Growth Management Director Bruce Ballister introduced a new map outlining new boundaries for the Enterprise Zone. Mr. Ballister demonstrated it with a Power Point presentation and explained why the new boundaries had been proposed.

Chair McGill called for discussion.

Holt:

On the properties that are going to be in the Enterprise Zone, what if, later on, a community decides they don't want to be in the Enterprise Zone. What is the process of getting out of the Enterprise Zone?

Frieden:

I can't really answer that other than I imagine at some later time, one could appeal to the Legislature. Would that not be a course of action?

Ballister:

I think that each map or each Enterprise Zone is adopted or established each year by the Legislature. I guess that a citizen's initiative or a neighborhood could petition the County Commission to have us edit the map again in the next legislative season.

Holt:

They would have to go back to the Legislature. The reason that I asked that and I have had this concern before, if you have a community that is in the Enterprise Zone, someone comes in and wants to put a business in that community, they get a break on what they pay the employees because they are in the Enterprise Zone. If that person is also in an Enterprise Zone, they get another 25% off of what they pay that employee. So they get 50% off what they are going to have to pay that employee. But, that community, as I said before, had to deal with that incoming business. And I know that it has to come through this Commission, but any logical business person will go for those grants. Now, once they are into that community, what if the community decides "Wait a minute, we are overdeveloped here." So, you see, you've got these benefits coming in, but the people who receive those benefits may leave and leave the community and it is no longer a residential community again. So, that is just something to think about. It is not just that you get

these breaks and bring these businesses in. That is why I ask "How do you get out of it?"

McGill:

Why don't we have public hearings before we change the maps?

Frieden:

We had the public hearings. We had two public hearings. November 7th and November 14th.

McGill:

Was that for changing the map?

Dixon:

They had hearings. They had hearings. Not us.

Frieden:

This is another public hearing in my judgement. If some of the things were discussed that people didn't like, really pretty much everything that was suggested was incorporated here.

McGill:

When you held the public hearings, you took testimony from the public and you incorporated all their comments in here and this is a result of that?

Frieden:

Right.

Holt:

I would like to ask one more question, if I may. Why was it done now? The deadline is December 1st. What wasn't it done earlier? That way, if there were any questions, it could be taken care of and more information brought back.

Frieden:

I think the Enterprise Zone agency meets all year long. It has met all year long. We have discussed it. This was just an issue where some folks came forward and said that they wanted to make some adjustments and so we listened and then held these public hearings to do it. You have to do it in conjunction to, ah, it doesn't make any sense to do it months and months before when we are doing it close to the legislative session starting. We are trying to get as much

input during the year as possible. But you can't do this all the time. We discussed this all year in our meetings.

McGill:

Any more questions?

Watson:

I move approval.

Roberson:

Second.

Holt:

There is a question in the audience.

McGill:

Someone in the audience?

Hawkins:

Where the neighborhoods have businesses coming in, firstly, Who owns the property where those neighborhoods and businesses are going to be located? If they come along and put a business in your neighborhood, the neighborhood where the business is going in, who owns the property in those neighborhoods where the businesses will go?

The reason I ask that question is because in Atlanta, a lot of the properties where businesses came into a neighborhood, they put in businesses that drove the neighbors out, the businesses died, property values went down and then we got reorganization all over again. This is a problem in Atlanta right now. Reorganization. Because businesses came into neighborhoods, made their money, depleted the neighborhood and then moved on. They left a bunch of "eye-sores" there. Now they are in the process of tearing the buildings down and building homes and (inaudible.)

Roberson:

A lot of the Enterprise Zone is in industrial parks already. A lot of it is in the city area.

Hawkins:

I know where they are. There are a lot of homes in those areas, too. They are there now. We are going to face the same problems that other towns are facing now.

Frieden:

Your county decided that they wanted to pursue Enterprise Zones to try to help employment. I think that we are

Hawkins:

There are other areas that we have industrial parks right now that have not been developed. There is one out there in Gretna and there is one business, maybe two, out there right now. That is it.

Roberson:

That is a part of the Enterprise Zone.

Hawkins:

Why not just develop the industrial parks that we have now and preserve the neighborhoods?

McGill:

That is inside the Gretna city limits. We have no control of what happens inside the city limits. We only deal with what is in the County.

Hawkins:

I can just state what has happened in other cities and other counties.

McGill:

We appreciate that very much. Now, we have a motion to approve and I am open for a second.

Roberson:

I seconded it.

McGill:

There is a motion and a second that we approve the amendment to the Enterprise Zone boundaries. Is there any question on the motion? Hearing none, all in favor, say "Aye."

All:

Aye.

McGill:

All opposed, say "Nay."

Hearing none, the motion unanimously passes.

11. EMERGENCY MEDICAL SERVICES

EMS Director Tommy Baker addressed the Board. He told them that he had received notice from Tallahassee Memorial Hospital (TMH) that they expect to end Life Flight helicopter services and ground ambulance service by June of 2003. He said that Gadsden County is the largest user of Life Flight. He went on to say that in FY 2002, Gadsden County EMS used Life Flight 97 times which averaged 8 times a month.

He then stated that he had attended a couple of workshops hosted by Leon County at which time they discussed how the termination of those services would affect surrounding counties. Several options were discussed including asking the surrounding counties to contribute toward the program to keep it operational.

Mr. Baker then reported that he was contacted by two other helicopter providers who are interested in adding air service to this region. One of them is from Perry, Fl and the other from Marianna, Fl. Both of them could have services available by the time TMH discontinues Life Flight. He then said that either of the vendors could ask the Board for a letter of support or certificate of need allowing them to operate in the County. Neither of them are expected to request financial support from anywhere in the region.

Discussion followed. No action was necessary.

12. PUBLIC WORKS - TRAFFIC CALMING

Public Works Director Robert Presnell addressed the Board. He recalled that the Board had directed him to look into installation of traffic calming devices on some county roads in an effort to deter speed. He called attention to the literature in the agenda packet which explains the Community Safety and Mobility Program - Traffic Calming Process.

He explained that in order to initiate the process, a study will have be done to evaluate each road and determine if this is warranted in Gadsden County. He told them that the County could apply for a DOT grant to offset the cost of a program. He asked for comments and directions.

Discussion followed.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO BEGIN THE APPLICATION PROCESS FOR THE DOT GRANT DESCRIBED BY MR. PRESNELL.

13. GROWTH MANAGEMENT ISSUES

Blair Land Use Amendment 02PZ-028-208-1-10 **Small Scale Land Use Map Amendment 10 ac. From AG 3 to AG1**

Growth Management Director Bruce Ballister addressed the Board. He told them that Robert and Edith Blair submitted an application for a Small Scale Lane Use Amendment for 10 acres of land from AG 3 to AG 1. The total parcel is 19.9 acres and it is adjacent and south of Dupont Road. The adjacent properties are AG 3 but there are some AG 1 property in the near vicinity. See the attachments for further details.

Mr. Ballister stated that the Staff had no reason to deny the application. He then reported that the Planning Commission held a public hearing and recommended approval after having received no objections from the public.

Ms. Alva Peppers, engineer for the Blairs addressed the Board to answer questions.

Mr. Richard Thompson was recognized for comments.

Thompson:

Richard Thompson from Havana. My understanding is that the application was for 19.9 acres. The Florida Statutes 163.3187 (1)(c) exempts use of 10 acres or fewer. It is also my understanding that this application proposes on that 20 acres to divide it basically into two parts. It is currently, as Bruce said, it is all AG 3 up there. Adjacent and contiguous to this area, there are over 30 properties that are less than 20 acres with AG of on to 20 acres for development. So, my contention is that - first of all, this is either erroneously or inadvertently depicted on a land map as AG 3 and it does not qualify as AG 3. None of it qualifies as AG 3. If the property is divided into two parts, they can qualify obviously as 10 acres as AG 1. The 9.9 acres does not qualify as AG 3. So, if the Commission approves the proposal to the Comprehensive Land Use Map Series, it is my opinion that they will be in noncompliance with the State Statutes.

Additionally, the information in the packet is based upon response to the impact and concurrency questionnaire. While this satisfies one part of the Administrative Code, it does not satisfy the requirements of 9J5.006 which deals specifically with data and analysis for Future Land Use Map Series Amendments.

Also, and in part, they would qualify for that, the County Land Development Code says that it is incumbent upon the applicant to provide the data and analysis.

Richmond:

Mr. Thompson, because of the nature of this proceeding, would you raise your right hand?

Thompson:

Pardon?

Richmond:

Would you raise your right hand?

Do you solemnly swear that the testimony you have just given is the truth so help you, God?

Thompson:

I do.

Richmond:

Mr. Ballister, the same question.

Do you solemnly swear that the testimony you have just given is the truth so help you, God?

Ballister:

I do.

Richmond:

Ma'am, I am sorry, I missed your name. I know it is not Ms. Blair, but I need you to come back and be sworn because all of a sudden, this may be a quasi-judicial hearing.

Do you solemnly swear that the testimony you have just given is the truth so help you, God?

Peppers:

Yes.

Richmond:

State your name again for the record please.

Peppers:

Elva Peppers.

Richmond:

And your address?

Your business address.

Peppers:

285 Pinewood Dr., Tallahassee, FL 32303

Dixon:

I would like for Bruce to speak to his concerns.

McGill:

Yes, I was going to say, based on the concerns that Mr. Thompson raised, the 19.9 acres, can you muster up .1 of an acre from somewhere.

Ballister:

No, sir.

McGill:

So, if you divide 19.9, you don't get (inaudible)

Ballister:

I am not sure what exactly sure what his math was. The parcel, the portion of the 19.9 acres being changed is 10 acres. That qualifies as a small scale map amendment. I don't memorize the chapter, so I am not sure what the reference was to the Statute. I don't know them by number that well. But the 10 acres, the northern 10 acres of this land is the subject of the land use amendment.

McGill:

What about the other 9.9?

Ballister:

The other 9.9 is a remaining tract. It can be considered to be a vested lot if the Board. If the Board so chooses, they could deny it a residential use because it is less than 20. Mr. Thompson was correct in that there are multiple lot and parcel sizes in this neighborhood. I don't know that they could be qualified as a mistake that

this is AG 3 and not some other zone. It is what it is. It is what was adopted in 1991.

And, that map did not take into account a lot of the lot sizes at that time. Certainly the street immediately to the west would have been zoned probably AG 1 at the time if they had looked closely at what was on the ground at the time.

My biggest concern with this is the consistency with what is around it and the impact on what is around it. There is a check list in 9J5 for small scale map amendments. Our application, if you answer the questions in our application, hits most of those check list items. I have not reviewed it lately. I do remember going through the application a few years ago with my prior planner and had her tailor the questionnaire to hit the high spots of the 9J5 requirements for small scale amendments. I believe that we have had 3 - 5 applications go through the process using this questionnaire. Mainly through DCA and have had very little comment from them.

It is incumbent on the applicant to answer these questions. My short summary is exactly that. It is a brief summary of the major technical data supplied by the applicant. I don't take any credit for her report.

Any other questions?

McGill:

I am really concerned about you are only going to use 10 acres of it. The 9.9

Ballister:

The northern 10 acres of the entire tract is what is being rezoned. They intend to put two 5-acre parcels on it.

McGill:

Any more questions?

Any comments from the public?

Ms. Lasley, are you for or against?

Lasley:

I have a statement of fact.

Richmond:

Do you solemnly swear that the testimony you have just given is the truth so help you, God?

Lasley:

I do.

My name is Marion Lasley. It was brought up at the Planning and Zoning meeting that the list of the applicants was not attached in their packets and I see that they are still not here. The notification of the neighbors that were sent. I just want to make sure that the notices were sent to the neighbors so that they were given notice. I think that is part of the process and we need to make sure on a land use amendment that that occurs.

McGill:

When I look at the statement in the first sentence of the Planning Commission Action, Bruce, you say that no input from adjacent property owners. Was that because you did not send notices out?

Ballister:

We have record of an address list of 15 people who are immediately next door to the property within 1,000 feet that we usually send out. I am sorry that it is not in the package. I usually check for that.

McGill:

Did anybody show up on the 6th.

Ballister:

No, sir. I did get three calls.

McGill:

Were they for or against

Ballister:

They were mostly wondering if there was going to be a mobile home park going up in the neighborhood. They were not objectionable. We did satisfy the statutory requirement of the newspaper ad in all three newspapers.

McGill:

Are there anymore questions of the applicant or of Mr. Ballister?

Now I would like to get the wishes of the Board.

Is there a motion to approve or deny.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE SMALL SCALE LAND USE MAP AMENDMENT.

School Board Interlocal Agreement per Chapter 163.31777

Mr. Ballister told the Board that the Florida Legislature recently passed a law requiring the county and municipalities within the geographic area of a school district to enter into an interlocal agreement with the school board to jointly establish the specific ways in which the plans and processes of the school board and local governments are to be coordinated.

He reported that he held a workshop recently in Bristol to explain the intent and scope of new legislation. Representative from Havana and Greensboro were also present. They concluded at that meeting that they would recommend that their respective government bodies request a waiver of the requirement to have such agreement.

He explained that the statute does allow for a waiver of the interlocal agreement if the student population has declined over the 5 years preceding the deadline for the submittal of that interlocal agreement with the State.

He said that Gadsden County has experienced a decline in enrollment and the projections are that there will be a continued decline. He also said that data and analysis to support the claim is readily available.

Mr. Ballister stated that the consensus of those in attendance at the workshop was that they should apply for a waiver from the interlocal agreement.

After a lengthy discussion, there was a consensus to not seek a waiver from the requirement to have an interlocal agreement.

14. COUNTY MANAGER'S AGENDA

Resolution 2002-040 Agriculture Multi-Purpose Center
Resolution

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

Request from the City of Quincy to hold Joint Meeting

There was a consensus to hold a joint meeting with the City of Quincy on December 9, 2002 at 6:00 p.m. at a neutral location. The agenda was to be set in advance by the two chairmen. It was also agreed that each commission should be furnished adequate information which will facilitate a decision regarding items that will be discussed.

Rental/Purchase of Annex #1 on Calhoun St. - Tax Collector and Property Appraiser's Office

Mr. McKinnon stated that it is time to notify the owners of Annex # 1 of the Board's intentions as whether to continue the monthly lease or purchase the building from them. He asked for authority to send a letter to the owners informing them of the Board's intention.

Ms. Holt asked what it will cost to purchase the building.

Mr. McKinnon replied that there is a legal process which the Board must go through in order to purchase real property which might impact the price of the building. He said there has been no negotiations as of this date.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE LETTER BY THE COUNTY MANAGER REGARDING THE LEASE OR PURCHASE OF ANNEX I.

Veterans Transportation Services Bid Award

Management Services Director Arthur Lawson addressed the Board explaining how the Bid Committee reached their decision for recommending the award of the bid for veteran transportation to Big Bend Transit.

Commissioner Holt stated that she was opposed to awarding the contract to Big Bend based on the level of dissatisfaction expressed by veterans about Big Bend over the last year. She said that she had talked with several veterans and she was confident that the services had been unsatisfactory.

Commissioner Dixon was also opposed to awarding the contract to Big Bend. He said that Big Bend had not been cooperative when they were approached with complaints.

Discussion followed regarding whether to continue with Big Bend. Mr. Lawson explained that the new contract calls for different type of services which will be more conducive to serving the needs of the veterans.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 3-2, BY VOICE VOTE, TO AWARD THE BID TO D/S TRANSIT BASED ON THE FACT THAT BIG BEND HAD VIOLATED THE SPIRIT OF THE PREVIOUS CONTRACT AND THE BOARD WAS NOT PLEASED WITH THE PAST SERVICE. COMMISSIONERS DIXON, HOLT AND MCGILL VOTED IN FAVOR OF THE MOTION AND COMMISSIONERS WATSON AND ROBERSON OPPOSED.

Gadsden County Library Plan of Service for FY 2002-003

Ms. Mock stated that as part of the State Aid that the County applies for every year, they must submit a plan of work for the new budget year. She said that the plan of work is based on the five-year long-range plan.

Commissioner Dixon stated that he wanted to see the long range plans in totality for the entire library system. He asked for time frames, etc. and a plan for improving the existing services.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE LIBRARY PLAN OF SERVICE 2002/03.

DOT Joint Participation Agreements for the Transportation and Community and System Preservation (TCSP) Discretionary Funds - Resurfacing of CR 159 and CR 379

Mr. McKinnon explained that the money from the above grant would be coming from the federal government through the State of Florida. He said that the project was submitted two years ago to Congressman Allen Boyd and he received the funding for it. It will be used to widen CR 159 (from Midway to Shady Rest Road) and CR 379 (Old Glory Road). Both roads are already paved but they need to be widened and resurfaced.

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

16. CONSENT AGENDA

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

1. The Justice Administrative Commission Grant-in-Aid Agreement - court appointed attorneys for Child Dependency Cases
2. Construction of Picnic Shelters for Shiloh Park Project Bid Award to MBI of Thomasville, Ga for \$18,056.00 for two 20' x 40' shelters.
3. Approval of volunteer services agreement between Michael Washington and Gadsden County Board of County Commissioners. Mr. Washington desires to teach basic computer literacy to students ages 10 - 18 at the Public Library in Quincy.
4. Satisfaction of Housing Rehabilitation Agreement - Cora F. Lewis.
5. Rehabilitation Agreement & Special Assessment Lien - Cynthia Robinson and Albert Dudley
6. Contract for Rehabilitation Work - Cynthia Robinson and Albert Dudley
7. SHIP Agreement and Special Assessment Lien - Joretha Swicord
8. Maintenance with Lanier Healthcare - County Judge's dictation equipment
9. Appointment of Bill McGill, Carolyn Roberson and Howard McKinnon to be representative to the Small County Coalition
10. Final Lease Funding - 5 Fire Trucks with Leasing 2 -
11. Department of Revenue Notice of FY 2002-2003 Budget TRIM Certification Approval
12. Paid in Full Notification from Quincy State Bank on 7740 SLE Tractor for Public Works
13. October 2002 Economic Development Report by Chamber of Commerce

18. PUBLIC COMMENTS

Chair McGill called for public comments or questions.

Ms. Marion Lasley addressed the Board. She stated that she would like to see the County have a five-year plan.

Mr. Michael Washington stated that he is an information technology specialist and was very interested in the conversation at this meeting about the county's information systems. He said that he would like to take part in the workshop for planning for the County's system. He asked to be notified. He then explained that he would be teaching computer classes at the Quincy Library and he was looking forward to giving back to the community in this way.

19. CLERK'S AGENDA

Budget Amendments 02-11-19-01 thru 02-11-19-73

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

Ratification of the Approval to Pay County Bills

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

Check Registers dated 10/18/02; 10/25/02; 11/01/02; 11/08/02; and 11/15/02

Payroll Registers dated 10/17/02; 10/31/02; and 11/14/02

20. COMMISSIONER'S REPORTS

DISTRICT 4 REPORT

Agenda Packages

Commissioner Holt asked that the agenda packets be provided at least 10 working days before the commission meeting.

Commissioner Roberson stated that the Commission had been working on a new policy regarding their procedures and allowing for a more timely distribution of the agenda packets was one of the changes proposed.

Mr. Richmond stated that he had postponed advertising the notice of intent to adopt the procedures so that he could get the new commissioner's input.

Polling Precincts

Commissioner Holt then asked that the new voting precincts that were proposed by the Supervisor of Elections before the last election be brought back to the Board for discussion at the next meeting.

DISTRICT 1 REPORT

Recognition of James Hinson

Chair McGill recognized Mr. James Hinson who had served on the Planning and Zoning Commission prior to being elected to the Midway City Council. He presented him a plaque in appreciation.

Health Summit

Chair McGill reported that the last health summit at the National Guard Armory had not been well attended. He said they would like to organize another one in the hope that it could be publicized and attract larger numbers.

Courtroom Update

Clerk Thomas reported on the progress of getting the new courtroom constructed.

There were no reports by the other commissioners.

ADJOURNMENT

THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING ADJOURNED UPON MOTION BY COMMISSIONER WATSON.

Bill McGill, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS IN AND FOR
GADSDEN COUNTY, FLORIDA ON
DECEMBER 3, 2002, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

BILL MCGILL, CHAIR
STERLING WATSON, VICE-CHAIR
CAROLYN ROBERSON
BRENDA HOLT
EDWARD J. DIXON
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

ABSENT: NICHOLAS THOMAS, CLERK

1. CALL TO ORDER

Chair McGill called the meeting to order. Commissioner Dixon led in pledging allegiance to the U.S. flag and Mr. McKinnon led in a prayer.

2. ADOPTION OF THE AGENDA

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

3. COUNTY ATTORNEY'S AGENDA

Mr. Richmond had nothing to report.

4. SHIRLEY KNIGHT, SUPERVISOR OF ELECTIONS - APPROVAL OF NEW VOTING PRECINCTS

Gadsden County Supervisor of Elections Shirley Knight addressed the Board requesting approval of additional polling places in the rural areas of the County. She reported that 15,000 people voted in Gadsden County in the last election. However, she pointed out that there were 10,000 people who did not vote. She said most of those who did not vote reside in the rural areas of the County. She stated that she felt as though additional polling places in the rural areas would enhance voter participation.

She then stated that Jefferson County had the highest voter turnout in the State of Florida. They have 8,000 voters with 13 precincts.

Ms. Knight stated that her office had received a lot of calls from voters complaining about various things at some of the polling places. The complaints were mostly geared toward the larger precincts. Among the complaints listed were inadequate parking, long waiting lines and noise issues.

Ms. Knight stated that the good voter turnout was due in part to the voter education efforts put forth by the Supervisor of Elections office. There were also citizen initiatives, which certainly impacted the success. For instance, there were several people who provided transportation to the polling places.

She then stated that voters may vote by one of three ways - absentee ballot, voting early (in the Supervisor of Elections' office) or voting at the polling places. She pointed out that the first two are privileges provided for by the Florida Legislature. However, voting at the polling place is a right - not a privilege. She emphasized that by putting polling places into the community, it will make voting more accessible to all people. She then asked the Board to approve the 10 additional polling places.

Commissioner Roberson stated that some of her constituents asked her if the placement of polling places in churches interfered with the requirement for separation of church and State and she was not able to answer. She then asked Ms. Knight to respond to it.

Knight:

There is no law against voting in churches. There is no separation there. We have to put polling places wherever we can find them. In rural areas, that is all you have out there - churches. If you will query any county, you will find that the majority of their polling places are in churches. We have nowhere else. Take for instance, in your district, we lost one polling place - Sycamore Baptist Church. We had no other place to go. Sycamore United Methodist Church agreed to have the polling place there. We have no other polling place there. We checked with the fire station but the bathroom was not adequate. I called and talked to someone and it just wasn't adequate. There was no heat and no air. So, we couldn't use that. I

went to the fire station, talked to someone and that is the problem they had in the fire station. So, that was the only other location to go. Right down the road or go 5 or 6 miles to Pine Crest Assembly, almost out of that precinct. So, in the rural areas, the commissioners will either have to build polling places or we have to use the church facilities. We have always used church facilities. We have to use whatever we can find in the rural areas.

Inside the city limits, we don't have much problem with that. But, in rural areas, we do have problems with finding locations. The only things you find in rural areas are rural churches. And, the voting will be conducted in the dining hall, not in the church sanctuary."

Watson:

My opposition to this before was because I did not think that voter accessibility was a problem in Gadsden County. I don't want to get into that again. But, I think that the turnout numbers from the primary election and the general election proved me to be right. You have a list of counties here that you gave us when you presented it back in July. You have Calhoun, Gadsden, Gulf, Franklin, Holmes, Jackson and Washington and I can throw in Leon - I've got their numbers, too. Those are who we should be like - that is what you were saying - "We should have polling places equal to what they have - in proportion to their voters." We were the highest in turnout.

Knight:

Also, we were the 17th highest in the State.

Watson:

Eighth in the primary.

Knight:

Still, we were still low. Like I said, Jefferson County with 8,000 voters had 13 precincts. That also goes to show - ah, Jefferson County has a new Supervisor of Elections, and pretty much, he was out there trying to make voting accessible. So, he added additional voting places in order to get that high turnout. Like I said, our high turnout is contributed to outside help. People coming in to help us. It is also contributed to our voter education program. We mailed everybody a voter registration card, we mailed everyone a sample ballot so that it would entice them to go and vote.

So, we had some help. It wasn't just the office doing it. We had outside help. But, we cannot depend and rely on outside help for every election to get this done.

Watson:

But, those counties that relied on precincts had less of a turnout than we did. We had almost a 61% in the general and the state average if 55%.

Knight:

And they did not do the voter education program and did not have the outside help that we had.

Watson:

So, we can say that it is the turnout. But, that argument is just not valid when you see what actually happened in September and what actually happened in November.

Knight:

But, we still have on record 10,000 people who did not vote. The law requires me to produce a ballot for every voter that is registered. And we have a stack of 10,000 ballots that is not used because we provided ballots and people just didn't get around to vote. Most of the people that did not vote, like I said, are in the rural areas. That has nothing to do with making voting accessible. I think that people have a right to have accessibility.

You know, I work in the elections office and it is my job to make sure that voting is accessible. There are federal laws that are coming down next year that voting will have to be made accessible - not only in the rural area, but also for the disabled. So, there is a lot of work that has to be done otherwise also.

Let me also bring this up to you. Even though we had problems in the first primary, as you are aware because you got upset about it, that was because we had 2 machines in the polling places. That is something unusual. Omaha had to produce a unique program just for Gadsden County because Gadsden County is the only one that had two machines in each precinct. We were advised to have a precinct with no more than 2500 voters. By doing that, when the figures were transposed, from the machine results transposed to Tallahassee, something went wrong. That is what caused you

to get upset. Now, had we had additional polling places, that would not have happened.

Holt:

Mr. Chairman, may I make a statement?

McGill:

Yes.

Holt:

And this is for the benefit of the county, not necessarily for you Ms. Knight. We had one organization that came into this county and brought in 15 vans that drove people to the polls and they drove all day long. There were people in private cars and some of them are in this room right now that rode people to the polls. So, it had nothing to do with the number of polling places being enough. There is no way that these polling places were enough. To say that we had adequate polling places is far from the truth. And I hate to call it what it is, but, it is far from the truth. Those people who live up on 267, some of them are in this room tonight, they had to drive from (and I drove that same route, two of those routes, Sunday evening) Mt. Pleasant to 267 north. They had to drive approximately 20 miles - up into Georgia - and I drove it Sunday - up into Georgia and coming back into Florida just to vote. That is ludicrous. I mean, we are supposed to be at least, at least, in the 19th century if not into 2002.

Watson:

Explain that again.

Holt:

Yeah, you should go through that section up there that I went through.

Watson:

I mean, explain what you are talking about, I don't understand.

Holt:

Because we do not have what we are supposed to have to say that we are in 2002.

Watson:

No, that is not what I am saying. You said that "People from Mt. Pleasant had to drive into Georgia to vote."

Holt:

I drove from Mt. Pleasant around to 267 north. I came the opposite way. I went right by the polling place in Mt. Pleasant. I went around - you have to go up into Georgia and come back down over to 267 to vote. So, you are going out of Florida and go up into Georgia and come back down. You can go to 267 and come back - go down by St. John's School. Or you can come back and go down and come out by the Country Club and go through Gretna and go back up if you want to. But you are still going approximately 20 miles. That is the only way you stay in Florida.

Watson:

But who is voting where? What do you -

Holt:

267 North on the left hand side of the road - Mt. Calvary. Some of those people who live on the right hand side of that road voted for you.

Watson:

But people, ah, you are talking about Bainbridge Highway on the left having to go to Mt. Pleasant?

Holt:

Yes, sir. That is where they have to go right now.

Knight:

Yes.

Watson:

But that could easily be remedied by letting them vote at the FAMU Research Center.

Holt:

How could they vote there if

Watson:

We have double district precincts now.

Knight:

I am trying to eliminate that because I have had people to complain about getting the wrong ballot.

Watson:

But you are planning to eliminate that?

Knight:

We also have to consider the poll workers also. They only work two to three times a year doing this. So, we have to consider them. Also, she is right. Those people on 267 north, the Bainbridge Highway, they have to go all the way to Mt. Pleasant. If they know the back road, it will take them, ah, they will go 15 miles. But I am trying to eliminate that. With the new system, I will eliminate that with the additional precincts.

Watson:

The Havana precinct has two districts voting in it, correct?

Knight:

I am eliminating that.

Watson:

But is that correct?

Knight:

Yes.

Watson:

And Precinct 5?

Knight:

Precinct 5. Those are the only two.

Watson:

I don't see why the people living on 267 north on the left hand side of the road could not easily vote at the FAMU Research Center.

Knight:

I am eliminating those split precincts. I am eliminating those because we are having problems.

Watson:

But that could have been solved easy. Real easy.

Holt:

But

Knight:

No. Now, I work elections. And I know what the problems will be. I am trying to keep Gadsden County from a federal law suit. Now, a law suit, period.

When you have people that are getting the wrong ballot, that is a problem.

Watson:

That is poll worker education, wouldn't you think?

Knight:

You are only required to do poll workers education for two hours. Now, you cannot expect those people to know what I know.

Holt:

Also, Mr. Chairman? In the polling places, when you have more than one precinct, there are people getting the wrong ballots. It is not

Watson:

But that is education. That is education. We can solve that by training your workers.

Holt:

It is not, now, wait a minute. Hold on. If we have one location for each precinct at least one, they would get the right ballot.

Watson:

Well, you are still going to have two different ballots.

Holt:

It is not as if we're trained in this area. These commissioners are not trained in this area. The voters hired Ms. Knight to take care of these matters. That is why (inaudible)

Watson:

You will still have two ballots in precincts because Republicans and Democrats do not get the same ballot. So, you are still going to have that problem. You can't use that argument.

Knight:

No, that is not a problem. The Democrat and Republican ballots are not a problem because we separate, we separate

that. But, when you have two different Democrat ballot styles, the same style, only one name different, that is a problem.

Watson:

You could separate them just as easily.

Knight:

That is what we had to do, but it is a problem. And I want to eliminate all the problems that we have in voting in Gadsden County.

Watson:

This plan doesn't eliminate the double precincts.

Knight:

This plan didn't eliminate - what do you mean?

Watson:

You still have them.

Knight:

With this plan, they will have separate polling places. They will be in the same polling but in separate areas. Two different areas. It will be like two polling places in the same building.

Watson:

In the same building?

Knight:

In the same building, yes.

Watson:

You could have done that at FAMU.

Knight:

I don't have room, adequate room to do that. I don't want to do that. That is my choice. I don't want to do that.

Watson:

That is the bottom of it. That is what I wanted to get to. You said what I needed to hear.

(Inaudible)

Chair McGill sounded the gavel to bring about a point of order.

Knight:

I don't want to do that because of error. Problems with voter error.

Dixon:

If I am in order, Mr. Chairman, I offer a motion to approve the voting precincts offered by the Supervisor.

McGill:

We have a motion, but, before we do that, I would like to address the question conveyed by Commissioner Roberson regarding church versus State.

We have always had polling places in churches in my district I know. Out on 27, out on 159, we have always voted in churches in my district. I don't know about other districts. I don't know that we have a real good argument saying that we cannot go to churches to do that. Leon County does it.

Roberson:

I didn't say that was an argument, Mr. McGill. I said that I was asked a question and I said that I didn't know the answer.

McGill:

Now, we have a motion.

Holt:

Second.

McGill:

Now we have a motion and second that we approve the voting precincts that were presented to us in July. Any questions on the motion?

Dixon:

Call the question.

McGill:

The question has been called for. All in favor, say "aye."

Dixon, Holt, McGill: AYE

McGill:

All opposed, say "nay."

Roberson and Watson: No.

McGill:

It passes 3 - 2.

5. PAUL PILLER, MIDWAY INTERIM CITY MANAGER

Proposed Fire Station

Mr. Piller addressed the Board. He presented a resolution from the City of Midway requesting the County to construct a second fire station in Midway. He said that there is a need to provide fire protection to the residents and businesses located on the other side of the railroad tracks. He explained that the land will be donated to the City of Midway and that the City would then lease it to the County if the County would agree to place a fire station there. He also said that the City would man the station and put trucks in it.

Mr. Piller then told the Board that it would cost approximately \$67,000 for the building. Placement of the fire station would greatly enhance the Midway's efforts to obtain a \$650,000 grant for a Community Development Block Grant.

During discussion, it was determined that the proposed fire station would be located less than ½ mile from the other fire station. However, it would be on the opposite side of the railroad tracks. It was also determined that both railroad crossings in the City of Midway are often simultaneously blocked by a train for lengthy periods making passage for emergency vehicles impossible. It was also pointed out that there are an extraordinary number of mobile homes in Midway which would be completely destroyed by fire if it happened at a time when responders were blocked at both railroad crossings.

There was then lengthy discussion regarding the proposed fire station in reference to the overall county-wide fire services. A point was made that railroad tracks run through every part of the county putting every community at equal risk.

Commissioner Dixon asked Mr. Piller to explain why Midway needed this fire station within such a short distance of another fire station - especially in view of the fact that there are other areas in the county which have no fire protection at all.

Piller:

There are a couple of issues and I will answer your question in just a second. The first issue is the railroad tracks. Mr. Chairman was exactly right when he said that those tracks actually go through two major streets in the City of Midway - East Midway and West Midway actually. A train could cover both intersections at the same time. So, in the event that we had to get over the tracks, we could not get over the tracks, even if it were the City of Tallahassee responding, they couldn't get over the tracks. Nobody could get on that side of the tracks unless somebody came down the back road, Highbridge Road, 268, from the City of Quincy to respond to a fire.

The second issue is, and I talked to Mr. Sellars a couple of weeks ago about this. At that point in time, he did not appear to have a problem with it. He told me that he had some money that they were going to do some minor repairs to our fire station at some point within the next couple of years. I said "Mr Sellars, if you will do that, we will take care of the repairs on our own fire station. We are not going to ask you to build us a fire station and then come back and repair our existing station. So, the City of Midway will pay for the repairs on its own fire station contingent upon you committing to do this.

The third thing is with the donation of the land, we are donating a substantial amount of money to Gadsden County to build this fire station. Without the donation of the land, you all are going to have to buy the land to build the fire station. I know that they are within a quarter of a mile from each other, but it is something that we need. It is something that the City of Midway feels that they need desperately. The residents need it. We need a police department, too. We can't afford a police department. We can afford right now within the next couple of years, if the County constructs the fire department on land that we donated, we can afford to put trucks in that station and we can afford to man it, just like we do the other station. We can afford to be a first responder in that five mile radius area that we cover right now and we can do it better because we will have twice as many people and twice as many stations.

Further discussion followed.

Councilman James Hinson addressed the Board reiterating the plea for the County's help.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 2, TO DENY THE CITY'S REQUEST FOR A SECOND FIRE STATION. COMMISSIONERS WATSON, DIXON AND ROBERSON VOTED "AYE." COMMISSIONERS HOLT AND MCGILL VOTED "NAY."

County Road 268

Mr. Piller then requested that the County re-prioritize its resurfacing projects that it had submitted to the Department of Transportation (DOT) for the Small County Road Assistance Program (SCRAP) to make Midway's portion of CR 268 (Martin Luther King Boulevard/Highbridge Road) a higher priority. The cost for it was estimated to be \$1.2 million. He explained that it is ranked number 25 on the list of SCRAP projects. He explained that the statewide allocation for SCRAP was \$25,000,000 and the funding for #25 (Highbridge Road) fell \$600,000 short and therefore could not be funded in this funding cycle.

Upon conversation with DOT officials, Mr. Piller stated that he was able to determine that there is the likelihood that the project could possibly get funded if the projects ahead of it come in under budget. However, it would not be a guaranteed thing. Then Mr. Piller asked the County to switch the ranking of #25 (CR 268 between Midway and Quincy - Highbridge Road) with #22 (CR 268 between Quincy and Gretna - Soloman Dairy Road) on the County's list of priorities so as to assure the paving of Highbridge Road because it so badly needed in Midway.

Discussion followed.

The Board questioned Public Works Director Robert Presnell regarding the possibility of swithing the prioritization.

Mr. Presnell responded. He reminded them that the roads on the list of priorities have been evaluated by DOT and that DOT determined the ranking based on the present paving conditions. The portion of CR 268 from Quincy to Gretna (Soloman Dairy Road) was determined by them to have a greater need for resurfacing. He also pointed out that he was not certain that DOT would agree to the switch.

Mr. Piller pointed out that based on his conversations with DOT, at the end of the fiscal year, if there is any money left over in the state allocation, Highbridge Road will be paved because it is next on the list. He said that he was told that the chances are very good (but not guaranteed) that there will be money left at the end of the year. But, if the County requests the switch, it is very likely that all of the county's roads will still be funded and both sections of CR 268 will be paved in the end.

Commissioner Watson asked Mr. Presnell if, in his experience, additional projects had been funded through the SCRAP program toward the end of the funding cycle. Mr. Presnell replied that they did have that experience early in the SCRAP Program. However, with years of experience, they have been able to estimate the actual costs more closely and it has minimized the surplus funds that they experienced in the early years of the program. He also said that they used to have money to turn back in to the State at the end of a funding cycle. He also cautioned that there is a chance that the SCRAP funds may not continue into future years.

Commissioner Watson stated that he was inclined to grant Midway's request because he really felt like there would be sufficient SCRAP funds to pave both ends of CR 268. He said that he would like to do it in order to help Midway.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO SEND A REQUEST TO DOT TO REPRIORITIZE SCRAP PROJECT # 25 (HIGHBRIDGE ROAD) AND MOVE IT TO #22 AND MOVE #22 (SOLOMAN DAIRY ROAD) TO #25.

6. BILL LEONARD

COALITION FOR THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (CEDAW)

Mr. Bill Leonard explained that the CEDAW Treaty was signed by President Carter in 1979 but got stalled in the U S Senate without ever having been ratified. It has been ratified by many other countries in the world to provide a universal definition of discrimination against women that provides a basis for every government's domestic and foreign policy to combat discrimination. He said that as one of the few nations that has failed to ratify this treaty, the United States compromises its credibility as a leader for human rights.

Mr. Leonard then asked the Board to adopt a resolution to send to Senators Bill Nelson and Bob Graham to push for the ratification of the CEDAW Treaty.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT A RESOLUTION THAT CALLS FOR RATIFICATION OF THE CEDAW TREATY AND SEND IT TO SENATOR BILL NELSON AND BOB GRAHAM.

7. GROWTH MANAGEMENT ISSUES

Gadsden East High School Facility Parking Variance Request 02PZ-027-206-1-10

Mr. Ballister reported that the Gadsden County School Board filed an application requesting a variance from the Land Develop Code's requirements for parking spaces for the new stadium and high school located on US 90 east of Quincy. He stated that Section 5607 of the Code sets out the criteria for parking at a rate of 5 spaces per acre plus 1 space for every 3 seats used for outdoor recreational facilities. Based on that requirement, the School Board would be required to have 1,788 for the school and a 5,000 seat stadium. Their current plan calls for only 1,000 spaces but they have been able to provide another 200 spaces at various places on the site. They have requested a variance of 588 spaces.

Mr. Ballister posed three items for discussion:

Can the size of the bleachers be reduced to a number compatible with existing parking spaces available?

Can the School Board commit to providing after hours take-home bus service for students staying on campus for an athletic event?

Would the School Board consider a purchase or lease of a portion of the adjoining tract to the east of the school site?

Mr. Wayne Sheppard, director of facilities for the Gadsden County School Board addressed the Board. He introduced Dan Rutherford, engineer for George Hutchison Engineering Firm of Tallahassee, FL. who demonstrated the project layout.

Mr. Sheppard stated that the stadium is being planned with 5,000 seats because it will be a regional facility and will be

utilized by other schools as well. (3,500 on the home side and 1,500 on the visitor's side.)

Commissioner Holt asked where would vehicles park in the event the number should exceed the approved number of parking spaces - with or without a variance.

Mr. Rutherford pointed to west and south of the parking area and demonstrated how an additional 100 - 200 spaces could be placed. He stated that they could conceivably park 1200 vehicles but that would still be short of the LDC requirement. He then stated that he did not anticipate that they would ever actually need 1788 spaces - based upon his experience.

Commissioner Holt then asked if the School Board had contacted adjacent property owners to see if they would be willing to sell them more land.

Mr. Sheppard answered that preliminary inquiries were made to ascertain their asking price but no proposal has been offered because it was cost prohibitive.

Mr. Ballister pointed out that the School Board was requesting a variance of at least 30% from the required number of parking spaces.

Several scenarios were posed as possibilities for more parking areas but no conclusions were reached.

Commissioner Holt stated that it appeared to her that if the variance should be granted, it would cause problems from the outset.

Commissioner Dixon stated that his real concern was that there are no flat grassy areas for safe parking - only hills and valleys.

Mr. Sheppard stated that even if they drop the capacity of the stadium to 3,000 seats just to comply with LDR, it would not diminish the attendance at events.

It was suggested that the football field could be rotated to the east/west direction which will allow for more on-site parking in it's near vicinity. It was also suggested that the games could be conducted at night so that the sun does not become a factor with the east/west placement.

There was a consensus for the School Board to go back and reconfigure the placement of the field so as to allow for the most parking possible. It was also suggested that it would be prudent for the School Board to consider purchasing some of the adjacent property.

Commissioner Dixon asked if it would be reasonable to provide parking off-site and shuttle visitors to and from the field - possibly from the Pat Thomas Academy.

Commissioner Holt stated that she felt that the School Board should really look at purchasing more property that will be sufficient for the needed parking area.

Mr. Sheppard stated that if they reduced the stadium seating to 3,000 spectators, they could comply with the Code's parking requirement. However, he pointed out that there still would be the likelihood that 5,000 to 6,000 people would attend regardless of seating capacity or designated parking spaces.

Chair McGill asked if there was anyone present who would be opposed to the variance request. There was no response.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE ANY ACTION ON THE VARIANCE REQUEST AND SET IT ON THE AGENDA AGAIN ON DECEMBER 17 FOR FURTHER CONSIDERATION AFTER A RECONFIGURATION OR REDESIGN OF THE STADIUM COULD BE STUDIED.

**8. COUNTY COMPREHENSIVE EMERGENCY MANAGEMENT PLAN
(CEMP) (ATTACHED)**

Mr. Chris Rietow from Apalachee Regional Planning Council addressed the Board. He called attention to the proposed County Comprehensive Emergency Management Plan.

Chair McGill pointed out a number of acronyms in the document which were not explained.

Commissioner Dixon stated that the document was quite extensive and he would have liked to review it in a workshop fashion so that everyone could understand the layers that are involved in it. He added that while reviewing it, he had a question in his mind as to why it is being implemented by the Sheriff's department and not the County Commission. He asked that the County Manager research it and report back at the next

meeting regarding the matter. He added that he was very much of the opinion that it should be under the County Commission and the program director should be reporting to the county manager and not the Sheriff.

Chair McGill called for questions and concerns from other commissioners. There was no response. He then asked if the public had access to the plan. Mr. Rietow replied that the public may have access to it but it is not something that the public could utilize. He said that the plan is meant for first responders and local agencies in the event of emergency situations.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE COMPREHENSIVE EMERGENCY MANAGEMENT PLAN.

9. COUNTY MANAGER'S AGENDA

Meeting with City of Quincy Commission

Mr. McKinnon reported that the City of Quincy had agreed to meet with the County Commission on Monday, December 9, 2002 at 6:00 p.m. at the School Board office on Experiment Station Road.

Commissioner Watson asked that the County Manager research the original Byrd Landfill agreement to see if there are minutes or other records which could give some insight as to the factors which were taken into account when the first agreement was made.

10. CONSENT AGENDA

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

1. Appointment of Howard McKinnon and Bill McGill as voting representatives to the Florida Association of Counties Trust (FACT)
2. SHIP Agreement between William (Bill) Robinson and Gadsden County Community Development Administration for Technical Services
3. Rehabilitation Agreement and Special Assessment Lien for Emanuel Kenon

4. Contract for Rehabilitation Work for Emanuel Kenon
5. Letter of Support of Grant Application for North Florida Medical Centers, Inc.
6. Notice of Grant Adjustment - Sheriff's Narcotic Grant - FDLE - 02-CJ-2H-02-30-01-092 Increase of 1,061.65
7. 2003 Holiday Schedule

11. PUBLIC COMMENTS

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

12. CLERK'S AGENDA

Ratification of the Approval for Payment of County Bills

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

13. COMMISSIONERS' REPORTS

District 2 Report

Commissioner Watson had no report.

District 3 Report

Commissioner Roberson had no report.

District 4 Report

Library for Gretna

Commissioner Holt recalled that she had asked to see the long range library plan at the last meeting. She said that she had received information from the staff which indicated that a complete long range plan would not be available until the spring of 2003. She asked the manager to provide her with some interim or preliminary information regarding the possibility of a library in Gretna.

District 5 Report

Dixon:

Mr. Chairman, things like library, I will say it again, we need to have workshops to go ahead and talk through these particular topics as to how we will approach it. Ah, because the commissioner putting in her two cents about having a library in Gretna, but it doesn't need to be said in a quorum like this. It needs to be said in a quorum where we are talking about how much money we are dedicating to this or for how many years. That way, everybody walks away, whether you agree or disagree, with a plan that we expect to make happen in the budgetary process. This nit-picking is not getting it.

Fire protection, it keeps coming up. It keeps coming up. Where is the plan? We could have very easily have sat here and pulled out our plan and said "No, Midway, you can't have one and here is why. We've got a plan. Here is the plan and you ain't in it. It doesn't require you to be there. We don't need a fire station there."

There is no reason - we all know there is no reason - to put up a fire station a quarter mile from one that is already sitting there. Get the train to back up or build a new road further down that the train does not cover. But, these things have to be talked through. How do we train them? How do we recruit?

We've got trucks in Robertsville and no building as I understand. The trucks are coming if they are not already here. The building is not there. Even if the building was there, nobody is recruiting volunteers.

Then again, who do the volunteer fire stations report to? Are the captains or the chiefs of the voluntary departments reporting directly to Mr. Sellars or are they independent? Because, you know what? Different fire stations do very different things and they are treated very differently.

Some communities say that their fire stations are their fire stations, not the county's fire stations. And we had better get this structure together. We are spending millions of dollars and nobody knows, and I guarantee you that nobody around this table can tell me what the big picture is.

Can we fire the chief of a voluntary fire department if he doesn't do what we tell him to do? As a matter of fact, what do we want him to do? Who mans these new fire trucks? Has anybody been trained on them? Course not, we don't have any volunteers for them yet.

Any money in the budget for training, Mr. Lawson? For fire?

Lawson:

It wouldn't be in my budget.

Dixon:

Who is going to maintain all these new fire trucks? The cities get service at three o'clock, at eleven o'clock, and at seven o'clock in the morning. Every manned fire station that I know goes out and services that truck. I guess it is because it needs it or it gives them something to do. I don't know.

I just want - I don't want to beat anybody - But, we have got to do this. It has to be done once and for all. What is our relationship to a local volunteer fire department that we created? What is our relationship to a fire department that existed before we had volunteer service? What is our relationship to city fire departments? Is it just funding? Will we build a fire station for them or not?

Those questions that Midway came in with, we should have been able to say "yes" or "no". "Here is our standard. We won't build a fire station for you, but we will buy you a truck. You build it. We won't man it for you but we will buy you the tools and equipment and radio and provide you the liability insurance if you can't afford it because you serve a purpose for us."

What are those things? It can be easily laid out if we just talk about it. I think we just need to talk about it.

Holt:

Why don't we just go ahead and schedule some workshops?

Roberson:

That is what Mr. McGill said - that he was setting up some workshops.

McGill:

Yes, I am doing that and fire will be a part of the workshops.

Watson:

Let's not pack too much into each one either. Let's not try to tackle too much at one time.

Dixon:

No. No. One or two issues, max. One probably.

McKinnon:

The issues that I am aware of are parks,

McGill:

We will bring it to the table and you can vote them out or vote them in. But, I think there will be more than one.

Dixon:

When we attend a workshop, it should be about fire protection, period, because that has so many pieces to it.

McKinnon:

One workshop per topic.

Dixon:

Yes. It can be a short workshop. But, I am sure that when we get into the nuts and bolts, we are going to have more commonalities than differences on a lot of issues. A lot of this is just plain paper issues.

Should EMS exist with or without the fire department? The questions have to be asked even if the answer is no.

Roberson:

At the workshop.

Dixon:

My last thing is the budget. I have said this for a number of years. We get started on the budget too late, way too late. The constitutionals are locked in to what it is they want to do and we can't change it and we can't disagree with it and we can't argue with it. They get their piece of money long before we decide the priorities of the County because they have timelines that they have to meet in submitting their stuff to the State.

For one, I don't think the budget should be a political issue. It just takes - it always gets right there in the middle of an election. The budget, as the budget, should be worked out and hashed out and talked about in relation to these other issues that we are talking about.

McGill:

I remember that I said several years ago that the budget process should start in March and April, but I didn't get any takers on that. So, I am glad to see that you are coming around to my side.

Dixon:

It should be finished, you know, and everybody's part should be in there. But, if we have talked about it, we can get comfortable - if we plan. If we plan, it is not a problem. Mr. Watson knows what is going to happen in his district for next year if we program the budget to do it. It is not a question of hit or miss.

That is all, commissioners.

McKinnon:

May I just suggest then that at the first meeting in January that I bring you a budget calendar for ya'll to consider.

Dixon:

That is all, Mr. Chairman.

ADJOURNMENT

THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE
CHAIRMAN DECLARED THE MEETING ADJOURNED.

Bill McGill, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL JOINT MEETING, THE CITY COMMISSIONERS AND THE BOARD OF COUNTY COMMISSIONERS MET IN AND FOR GADSDEN COUNTY, FLOIRDA AND THE CITY OF QUINCY, FLORIDA, ON DECEMBER 9, 2002 AT 6:00 P.M. THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

CITY COMMISSIONERS PRESENT

Derrick Elias, Mayor
Keith Dowdell
Carolyn Ford
Don Chesser
Finley Cook
Willie Earl Banks, City Manager
Jack McClain, City Attorney
Sylvia Hicks, City Clerk

COUNTY COMMISSIONERS PRESENT

Bill McGill, Chair
Carolyn Roberson
Brenda Holt
Edward J. Dixon
Howard McKinnon, County Manager
Hal Richmond, County Attorney
Muriel Straughn, Deputy Clerk

COUNTY COMMISSIONER ABSENT: Sterling Watson

This meeting was held in the Gadsden County School Board District Board Room located in the Max Walker Administration Building at 35 Martin Luther King Jr. Boulevard. It was announced and advertised per public notice requirements.

CALL TO ORDER

Mayor Elias called the meeting to order at 6:15. He announced that he and Commissioner McGill would share the responsibility of chairing the meeting.

1. PRAYER AND PLEDGE OF ALLEGIANCE

Mayor Elias led in a prayer and in pledging allegiance to the US flag.

2. ROLL CALL

Ms. Sylvia Hicks called the roll for both commissions. It is noted here that Chair McGill arrived late for the meeting and was not present for the roll call.

Mayor Elias reported that he and Commissioner McGill had met with the city manager and county manager as a committee to set the agenda for this meeting. He stated that they had agreed to establish some ground rules for this special meeting. They were as follows:

- The meeting was to adjourn promptly after two hours. If the agenda was not concluded at the end of two hours, another meeting would be scheduled.
- The elected officials would address each other as "Commissioner."
- It was requested that all pagers, beepers and telephones be muted or turned off so as not to disturb the meeting.

UPON MOTION BY COMMISSIONER FORD AND SECOND BY COMMISSIONER HOLT, THE BOARDS VOTED 8 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED RULES.

Mayor Elias stated that the committee felt that the meeting could go forward without the need for a mediator. However, he said that if it became apparent that the two boards could not make progress on the prevailing issues, steps would be taken to invite a mediator to intervene.

3. BETTER COMMUNICATIONS

Commissioner Dowdell raised the question "Does the Sunshine Law apply to city commissioners conversing with the county commissioners and vice-versa on the mutual issues?"

City Attorney Jack McLain replied that there would be no problem in having dialogue between a city commissioner and county commissioner regarding harmony issues, etc. He also said that there should not be a problem if there is discussion between members of the two boards for any reason. However, he said that if there were to be an issue that would require action by both bodies in order to move it forward, they should use precaution as to the number of commissioners having a single discussion.

*****Note*****

Portions of the remainder of the meeting have been transcribed verbatim for future reference purposes. The transcript is on file in the office of Clerk of Circuit Court. However, it is not included with the record summary minutes.

Following a lengthy discussion, there was a consensus that the two commissions should meet on a regular basis - not only in a crisis state. The managers were instructed to also meet with each other at regular intervals and keep the commissioners informed of pressing issues. It was further suggested that all of the managers of the municipalities in the County be invited to participate in the managers' meetings.

4. AGREEMENTS

Byrd Landfill Interlocal Agreement

The following facts were made known during the course of discussion of the Byrd Landfill Agreement.

- The first five-year interlocal agreement called for a portion of the tipping fees (from all participants) to be set aside into a reserve account that would accrue gradually over a period of time. It was anticipated that the reserve would accrue sufficiently to pay for the maintenance and resurfacing of Selman Road when it became necessary.
- The first tipping fee charged by the City was \$22 per ton. It soon became apparent that the tipping fees were not adequate to cover the costs of the landfill operation and the City began showing a deficit in the fund rather than the anticipated reserve.
- The City had an engineering study done which set out the more realistic costs of operation. A plan was then put into place to raise the tipping fees gradually over a period of years until it reached a point where a surplus would be realized. When the fees reached \$52.00 per ton, it began to show a reserve potential. When the fees were raised to \$60.00 per ton, a surplus began to accumulate. However, the fund showed a deficit for eight years and it took several years to offset the deficit.
- No party in the agreement felt that the road would need repaving within that first five years of the interlocal agreement, but it was included so that every participant would understand up front that it was the intention of all parties for a portion of the tipping fees to be set aside

so that the money would be there when Selman Road needed resurfacing.

- The road had to be resurfaced in 2002 at a cost of \$86,000 which the County called on the City of Quincy to pay out of the "tipping fee reserves." The County also asked for an accounting of the funds.
- While the first interlocal agreements addressed the potential for surplus funds, it made no provisions if there proved to be a deficit.
- The County contended that the City did not inform them of the deficit. The City contended that they did inform the County when Anthony Powell was the city manager.
- The City places approximately 50% of the tonnage of garbage collected at the landfill site. The County contributes 35 - 40% of the tonnage. The other participants contribute the remainder collectively. If a portion of the tipping fees continues to be collected and placed into a reserve for Selman Road, the maintenance cost percentages should reflect the same as the tonnage percentages.
- When a new proposed interlocal agreement (which covers the period through the year 2006) came up for negotiation, the City objected to the reference in the agreement which provided for the "resurfacing" of Selman Road because it had just been resurfaced.

Mayor Elias stated that the City's issue with the proposed agreement was with the portion dealing with the maintenance of Selman Road. The City was of the opinion that the County could demand that the City repave Selman Road at any time - even before it became necessary.

Chair McGill replied that it was not the County's intention to make undue demands. He said that it had been the customary practice of the County to fill potholes, etc. and do periodic repair as road conditions warrant, however it was never the County's intention to require the repaving of the road just for the sake of repaving the road. The road maintenance reference was only included again in the agreement so that all participants would continue to understand that a portion of the fees collected were still to be set aside in a reserve for that eventual purpose.

For more details of the discussion please refer to the verbatim transcript on file with the Clerk of Circuit Court.

Following the discussion, the County agreed to pay an additional 5% over the amount of tonnage that is collected for the county. There was a consensus that the road maintenance

would continue to be a part of the agreement but that it would specify that "maintenance" was for the road wearing surface only - not right-of-way to right-of-way. Also to be included was a provision to address how a deficit would be dealt with should one occur again. The staff and attorneys were instructed to prepare the interlocal agreements accordingly. It was agreed that documents should be brought back to each participant for mutual approval.

State Housing Initiative Program (SHIP) Funds

Gadsden County Community Development Director Edward J. Butler addressed the commissions. He stated the following facts:

- 1) The City of Quincy asked for \$100,000 of the SHIP funds to use to supplement their Community Development Block Grant (CDBG) program. An interlocal agreement was signed by both commissions.
- 2) Gadsden County asked for a report from Quincy's CDBG program. Based on the report submitted, it was discovered that at least three of the recipients were ineligible for SHIP funds at the time the dollars were expended. (They were either not the homeowner or there was not verification of the household income.) When it was discovered, the City was informed and they were told that they needed to submit particular documents to come into compliance by a date certain.
- 3) When the documentation was not received by the specified date, the County asked that the funds be returned.
- 4) Gadsden County Community Development did not initiate contact with the Florida Housing Authority regarding the missing documentation. However when officials from Florida Housing Authority audited the files, they determined that Gadsden County was correct in its monitoring assessments of those application files and that the County would be justified in asking that the money be returned.

Attorney McLain addressed the commissions and reported the following facts with respect to the interlocal agreement between the City and the County for use of the SHIP funds - not the monitoring assessments:

- 1) The agreement did not state that the use of the SHIP funds would be subject to the CDBG guidelines and therefore the City has no legal obligation to return the funds.

- 2) The County's Housing Plan contained nothing to prohibit the City and County from resolving the issue without outside intervention from FL Housing or FL Department of Community Affairs.
- 3) The City did receive a letter from Mr. Butler asking for additional information and documentation for three of the applicants. Those documents were eventually obtained and the applicants have since been determined to be eligible for the funds at the time they were expended. However, they were not timely filed. Mr. Butler's letter did not specify a deadline for having those documents submitted to the County.
- 4) There needs to be a better written understanding between the County and the City as to what is required of each other and it should state specific timeframes in which to have certain tasks performed.

The following question was raised: "If the City does not return the SHIP money to the County, will the County be responsible to the SHIP program to return the funds?" The question was not answered.

City Grants Coordinator Auburn Ford addressed the boards. He told them that all questionable applications are now complete with the verifications as Mr. Butler had requested. He stated that he could provide them immediately.

Discussion followed.

There was a consensus that:

- The City would submit all the needed documents to the County for the three questionable applications by the morning of December 10, 2002.
- The County will then submit the documents to the Florida Housing Authority and await their response.
- If necessary, the matter would be brought back to the City and County to be dealt with appropriately.

It was clarified on the record that for all future purposes that the County will require the same documentation for use of the SHIP funds that are required by the CDBG housing program guidelines.

Fire Protection Services and Recreation

There was a consensus that a long range comprehensive plan for fire services and recreation would be developed with input from the cities and in consideration for the cities.

Other Items to be Discussed at Future Meetings

County and city managers were asked to work out possible meeting dates - the first of which to be held in January. The meetings should address the following topics:

- Fire Protection
- Recreation
- Juvenile Programs
- Health Issues
- Homeland Security
- Comprehensive Plans
- Important Mutual Legislative Issues
- Common Interest Projects
- Concurrency Review
- Annexation
- Possible Joint Grant Opportunities and Projects

ADJOURNMENT

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

Bill McGill, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON DECEMBER
17, 2002, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: BILL MCGILL, CHAIR
STERLING L. WATSON, VICE-CHAIR
CAROLYN ROBERSON
BRENDA HOLT
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGAER

1. CALL TO ORDER

Chair McGill called the meeting to order. He stated that it would be the last meeting in the year 2002. The ROTC Color Guard from Havana Northside High School in Havana presented the flags and led in pledging allegiance to the US flag. Rev. Newell then led in an opening prayer.

2. ADOPTION OF THE AGENDA

Chair McGill called for changes to the agenda. There was no response.

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

3. APPROVAL OF MINUTES - NOVEMBER 17, 2002

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.

.....

Commissioner Holt asked to revisit the agenda. She stated that she would like to pull several items from the consent agenda and place them for discussion.

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

The following items were removed from the consent agenda and placed for discussion under the County Manager's Agenda.

7 (c) Change Order No. 29 of the C.W. Roberts Contracting for the resurfacing of Bostick Road

8 (a) Relocation of the Emergency Management from the Board to the Sheriff

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

4. COUNTY ATTORNEY'S AGENDA

Public Hearing - Ordinance 2002-004 Rules and Procedures

Mr. Richmond announced the opening of a public hearing for the purpose of adopting an ordinance setting forth rules of procedure for conducting the county commission meetings.

The following changes were made:

Article VI - Parliamentarian

Change to read the "County Attorney" shall act as parliamentarian . . .

Article V - J Placing items on Agenda

Change the wording to read "Placing Items on the Agenda That Do Not Require Noticing"

Article V - K & N

Delete M & N as they are duplications of J and K.

Article VII B (4) - Rules of Debate Motions

There was some discussion, but it was decided that it should remain as it was.

Article V C - Agenda Format for Regular Meetings

Add Clerk's Agenda to number 8.

Article V D - Consent Agenda

Delete the phrase ... " provided that such request is made in writing 24 hours (excluding holidays)" from the last sentence.

Article VIII D - Absent for Vote; Changing Vote

There was discussion for purposes of clarification, but no change was made.

Article VII A

Correct the spelling of "Decorum."

Article VIII G - Voting

A MOTION WAS MADE BY COMMISSIONER DIXON TO STRIKE THE DEFINING LANGUAGE AND HAVE THE ATTORNEY TO RE-ADDRESS IT TO ALLOW FOR TELEPHONIC PARTICIPATION AND VOTING AT THE MEETING IN REAL TIME AND NOT ALLOW FOR VOTING AT A LATER MEETING. IT WAS ALSO NOTED THAT WHEN A COMMISSIONER NOTIFIES THE BOARD AHEAD OF TIME THAT HE/SHE CANNOT BE PRESENT ON A GIVEN DATE, THEY MAY REQUEST THAT AN ITEM BE REMOVED FROM THE AGENDA BUT IT WOULD BE SUBJECT TO THE BOARD'S DECISION TO DO SO.

Chair McGill called for public input.

David Theriaque addressed the Board. He stated that he had a concern about a telephonic vote in quasi-judicial hearings. He said that the Board might run into a "due process" concern if they allow a commissioner to attend telephonically. He explained that the absent commissioner would not be able to see the documents and exhibits and they would not be able to judge the demeanor of witnesses.

Commissioner Dixon stated that he has attended many hearings that sat as quasi-judicial bodies and there was not a problem with it. He said that people called in telephonically.

Commissioner Watson asked how the absent party would be able to see the evidence presented.

Commissioner Dixon explained that they had the evidence in the package prior to the meeting. All the evidence generally is submitted in advance.

Mr. Theriaque pointed out that it is not required that the evidence be submitted in advance.

Commissioner Dixon countered that the Board could require it.

Theriaque:

During a quasi-judicial hearing, particularly, it is really not an issue unless it is contested, and you have sometimes the neighbors, sometimes the developers, sometimes other parties will show up. I am not aware of any requirement that the County currently has mandates that all parties exchange their exhibits or documents ahead of time. The same thing in quasi-judicial hearings - I have never seen a local government allow a commissioner to attend by telephone. I have never been in an administrative hearing as well at DOA where the hearing officer heard testimony telephonically. Because you are a judge. One of the things you do as a judge is judge demeanor. I don't see how, I mean, I am just raising a due process concern. I can see somebody raise in Circuit Court a due process concern that a commissioner based his or her decision without seeing documents that were introduced during the hearing, without seeing the demeanor of witnesses.

I am just flagging this as an issue for ya'll to consider as to whether or not this will work for ya'll.

Holt:

May I say something? The person, if they come in a week later, they are not going to know that person's demeanor in that meeting anyway. I understand what you are saying about the documents, though. But, if we require them and anyone to submit their information ahead of time, you would have the information. I understand that if someone comes up during the meeting and doesn't have what they are supposed to have, that they haven't turned it in, then we shouldn't be listening to them. Because we have right here under "B" on V that they have to submit that information.

Theriaque:

I think there is a concern as well about submitting information ahead of time. It doesn't allow the other side to object to documents coming into evidence. If you are going to conduct a true quasi-judicial hearing, ya'll should not be provided with documents from the applicant or from the opponent. You get a staff report. That should be provided a certain number of days ahead of time so that the commissioners all know what the project is and you have a framework for the hearing. But, if I were representing a party and I found out that the one side submitted documents and that was the process that the local government used, you will have seen things without giving me the opportunity to object.

Holt:

Right, but this is not a hearing, this is for general items coming before the commission, and so it is not a hearing.

Dixon:

But, that information

Theriaque:

But, if it is a quasi-judicial, I am solely referring to quasi-judicial hearings.

Holt:

Right. I understand.

Dixon:

But those items, we don't see those items anyway. We should, and they are supposed to be submitted to staff, right?

Theriaque:

But if they are submitted to staff, then how do you get them to the commissioner who is not there? You see, I am looking at how do you get those documents.

Dixon:

The staff submits them to us 10 days before that meeting.

Theriaque:

What I am trying to get at is - there is an admissibility question about whether or not a commissioner should be receiving evidence outside of the quasi-judicial hearing. It prevents an individual from objecting to the admissibility of that document. So, if you are going to

start exchanging evidence ahead of time, before the commission even convenes it's quasi-judicial hearing, I think there is a due process question on that, Commissioner.

Dixon:

You are not telling me that this hasn't been done and you are not telling me that this can't be done.

Theriaque:

I know of no government in Florida that has allowed it.

Dixon:

That doesn't mean, doesn't.

Theriaque:

All I am saying is that I know of no local government in Florida.

Dixon:

It doesn't matter whether local government does it. State government does it all the time.

Theriaque:

Sure. But, state government isn't acting as a quasi-judicial hearing officer.

Dixon:

The governments that I am talking about are. They sit as quasi-judicial bodies and they do business telephonically.

Now, all information is submitted to them before time. The case is submitted to the members of the body. You may have two members present on the site and you may have another three members call in. Now, I don't think they have ever had any problems with those two bodies that I have in mind.

Theriaque:

I know that PSC does require advance submittal. I am not sure that they are distributed before hand. And, Commissioner Dixon, I don't have a dog in this fight. I am just saying that it raises a due process concern, as a land use lawyer, about whether or not you are doing yourself into hot water.

Dixon:

But what you might be talking about is that my dog got a bad leg and I don't think it does.

Watson:

But, you are talking about changing the rules of evidence.

Dixon:

I know it, but what you also say, given what you are saying, this actually becomes more effective than the one that is here. Because the rules that is here says that I can come back and vote and heard no testimony.

Richmond:

Only after considering the entire record.

Dixon:

Yeah. O.K.

Laughter.

Given what he says, Walmart could not have happened or should not have happened.

Theriaque:

It is slightly distinguishable.

Dixon:

Thank you.

Theriaque:

Thank you.

Watson:

We really don't need to do that on P & Z issues though, Ed.

Dixon:

Until you show me something that says it can't be done, he didn't say that there is something that says it can't be. He said he hadn't heard. Listen carefully to what he said. He had never heard of it being done. He would have a concern, but if the rules are in place and the rules are very clear about the submission of evidence, timeframes and so on and so forth that would allow the commissioner to be 1) hear the meeting in real time, hear the witnesses in real time, have information before him and vote in real-time. He didn't say there was anything illegal about it.

Theriaque:

Commissioner Dixon, may I follow up on that point?

Dixon:

Sure.

Theriaque:

How much notice do you typically, as a county, provide regarding a land use issue? 14 days, 15 days? 21 days?

Dixon:

At least two weeks, I think.

Theriaque:

If it is two weeks, that is 14 days. If you are telling neighbors that they've got to submit whatever they have in opposition to a proposal, they are essentially getting four days to put together whatever they need to put together and provide it to the Commission.

Dixon:

Bruce, what the realtime?

Ballister:

Two weeks.

Dixon:

So, we'll have to take that up.

Watson:

The simplest thing to do is to keep it like we have had it.

Chair McGill called for a second to the motion.

COMMISSIONER HOLT SECONDED THE MOTION TO AMEND THE PROPOSED ORDINANCE AS STATED PREVIOUSLY. COMMISSIONERS DIXON, HOLT AND MCGILL VOTED "AYE." COMMISSIONERS WATSON AND ROBERSON VOTED "NO."

Chair McGill then called for public input regarding the proposed ordinance.

Marion Lasley addressed the Board. She stated that she was under the impression that there would be two public hearings as with all ordinances. She stated that she had attended the workshops at which the ordinance was discussed. She recalled

that there had been discussion regarding what kinds of public notices would be given for the meetings. However, she pointed out that she did not see anything in the ordinance pertaining to it. She also pointed out that she still had not seen any notices in the newspapers. She added that the advertisements need to be occurring now in the local papers.

She then called attention to Article IX, Item D - Public Input at Workshops as well as the other rules regarding how to address the Commission. She stated that she believes these items are making it harder and harder to be able to speak to the Board. She added that the workshops are usually for the purpose of letting everybody have input and the proposed ordinance places restrictions that are not necessary.

Discussion followed.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AMEND THE PROPOSED ORDINANCE TO ADD THE PROVISION FOR PUBLIC NOTICE: ARTICLE II, SECTION "F" TO READ AS FOLLOWS "REGULAR MEETINGS SHALL BE THE FIRST AND THIRD TUESDAY OF EACH MONTH AND NOTICE SHALL BE PUBLISHED IN ALL LOCAL NEWSPAPERS IN GADSDEN COUNTY, FLORIDA. EMERGENCY MEETINGS SHALL BE NOTICED AS PROVIDED BY FL STATUTES."

Ms. Lasley asked the Board to consider bringing the ordinance back at the next meeting with all of the revisions and allow citizens another chance for input.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RULES AND PROCEDURES ORDINANCE AS PREVIOUSLY AMENDED ABOVE.

Engagement of Edward F. Blanton, Attorney

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE LETTER OF ENGAGEMENT WITH EDWARD F. BLANTON.

5. PLANNING AND ZONING ISSUES

Growth Management Director Bruce Ballister addressed the Board on the following issues:

School Board Parking Variance for Gadsden East High School

Mr. Ballister recalled the Board had tabled action on the School Board's request for a variance from the Comp Plan parking requirements at Gadsden East High School. He reported that the School Board has since notified him that they now intend to reduce the seating capacity of the stadium to 3,000 seats and would not need the variance.

Pat Thomas Land Use Amendment

Mr. Ballister was administered an oath by Hal Richmond, attorney and Notary Public. He then stated that Tallahassee Community College has applied for a small scale Land Use Amendment to change 10 acres from its Agriculture 3 classification to Public classification. The proposed site is adjacent to the existing Law Enforcement Academy located on US 90 between Quincy and Midway. He stated that the 10 acres are actually part of a larger tract of 59.22 acres that the college is acquiring from St. Joe Land Co. which is immediately east of the academy. The following facts were made known by Mr. Ballister:

- TCC plans to develop the property with a 200 bed housing facility for its long term and short-term students. (See the attached application for greater detail.) The structure will be a three-story L-shaped building with all parking behind the corridor road setback area.
- The project proposed to connect to Talquin central water and sewer systems and is consistent with county Policy 1.1.10.
- The application proposes a total imperious area of 29% which is consistent with Policy 1.1.5(K)
- Talquin is aware of the proposed expansion and indicated that there is ample capacity in the water distribution system and the sanitary sewer system to serve the project.
- The hall and parking lot will not adversely affect the wetlands line that is adjacent to the project.
- There is a drive proposed between the residence hall and the main campus that crosses the wetlands. Stream crossings may be permitted in accordance with USACOE Nationwide Permit process.
- The applicant stipulated that they would obtain all appropriate permits from Gadsden County for stormwater

management, which is in addition to those required by state agencies.

- The solid waste requirement will be met by Waste Management.
- The level of service on the highway will not be reduced below the current level of service.
- TCC owns this particular campus whereas the State of Florida owns the other campus.
- Conflicts with the traffic of Gadsden East High School are not known at this time. A traffic light may be requested at a future date.
- The main entrance should be improved to include a three-lane driveway with two exits - one left and straight and one right turn. To be done at present time with this expansion.
- Planning Commission recommended approval by unanimous vote.
- The 10 acres for which the land use amendment is sought is shown in the "figure 8" shape as shown in the application. All the improvements except for the connector road fit into the pattern.
- The applicant may try to get a left turn only entrance in the west entrance.
- There should be no conflict with public school buses and they will be using the high school's west driveway.
- The traffic on US 90 will most likely be reduced to 20 mph during school peak traffic hours.
- Roadway trips have not yet yielded enough perceived conflicts to warrant placement of a traffic light at the intersection of US 90 and the main entrances to the schools. The County could request one now but it would have to fund the cost of it.
- A left turn lane at the entrance to residence hall would cause less traffic at the main entrance.

Mr. David Hutchison with the George & Hutchison Engineering, Inc. addressed the board representing the academy expansion. He had a drawing of the project. He demonstrated the relationship of the properties involved. He presented the following facts:

- The academy has applied to DOT for the left turn lane at the proposed west entrance and they expect to get it.
- The internal circulation of the proposed project will alleviate conflicts with the high school entrances.
- The standard DOT speed limit on a road like US 90 would be 45 mph in a school zone. However, the academy has

requested that DOT reduce it to 35 mph. They have not received an answer to the request. All other flashing school zone traffic lights are in the proposed plan. He thought that it would be a large sign that will be strung across US 90 and supported by poles with wires.

- The left turn lane into the west entrance will provide for ample vehicle storage capacity to eliminate danger from the incline and the curve.

Mr. Hutchison was administered an oath as to his previous testimony and all further testimony by Hal Richmond.

Discussion followed.

Chair McGill called for questions and comments from the audience.

Mr. Richard Thompson addressed the Board. He was administered an oath by Hal Richmond.

Mr. Thompson then asked the following questions:

Thompson:

I understand that they bought something in excess of 50 acres. And I also assume that this was done with public money even though it is the community college. At some point, all of that acreage will be classified or zoned or whatever as public land. I have not yet checked with the Property Appraiser because it is a recent purchase, but, and I can't speak for them, but undoubtedly at some point, they will also consider it as government land. I don't know how they are taxed with the thing, but my question is "Why do we have this gerrymandered type boundary to get ten acres to what was told to the Planning Commission was ten acres conveniently also leaves out the access road which I am sure makes up some additional acreage that is probably going to put this thing over ten acres. I don't understand why at this point in time, they are asking to have just 10 acres on that kind of crazy looking boundary thing converted to public use? The last thing I have on it is that, I think two or three meetings ago, we had a similar land use change for a piece that was ten acres and it had been public noticed in all of the county newspapers. I don't recall seeing this one public noticed in any of the papers.

Ballister:

I got nervous about this one because it occurred to me some time ago that I had not noticed this. Ah, the ordinances required for the passage of a land use, for the small scale land use amendment is the public notice of the transmission hearing. At this point, the Board is ruling on whether or not they will grant the amendment. At the point where we transmit this to DCA, we have to do a notice. It is a little convoluted but there are different notice requirements for a small scale and a large scale. I don't have chapters here with me to quote that. But it is my understanding when I looked into it that the small scales require the notice of the transmission ordinance.

I found myself in this before where I thought I had done the due notice with the newspapers and found that I had to do it all over again to transmit.

Richmond:

Can I ask a question?

McGill:

Yes.

Richmond:

I ought to ask Mr. Theriaque.

Dixon:

Now, is he still the citizen or is he the lawyer now?

Theriaque:

I will fill whatever role you want, sir.

On a small scale plan amendment, there is not a transmittal and adoption. On a small scale, there is an adoption. When you do your large scale, that is when it typically takes 6 - 9 months, you do a transmittal, DCA does the report, and it comes back to you for an adoption.

The reason a lot of property owners try to do ten acres or less is that you can do it with one hearing - one adoption. You are supposed to notice it for the adoption. This is your adoption tonight. It is not a transmittal.

McGill:

It should have been noticed then?

Theriaque:

Yes, sir.

Ballister:

I stand corrected, then.

McGill:

In view of that, I guess we need to reschedule this until it is noticed. How much problem will that cause Mr. Hutchison? How much problem will that delay it?

Dixon:

It doesn't matter, does it?

McGill:

It doesn't make a whole lot of difference?

So, we will reschedule it for the first meeting in January.

Change in the tape:

Hutchison:

In answer to his question about the shape, it is fit into a bunch of wetlands that is part of the reason. Then the ten acres has a lot to do with it as well as you just mentioned and the small scale. But it's got that odd shape because we are staying away from the wetlands and that is what we are trying to do. Put it up on a top of the hill so that we are not going to be impacting the environment.

Richmond:

Mr. Hutchison, we've got to notice it. We'll have to do that for the first meeting in January.

McGill:

(inaudible)

Richmond:

No, Howard just told me that it is going to be three weeks, so I think we can do that. Thank you.

Ballister:

Due to the delay in processing it through the local newspapers, that meeting will have to be the second meeting in January, cause I can't possibly get one with three weeks notice, get a paper out 10 days prior.

Watson:

Even three weeks?

Ballister:

Even with three weeks. It's the way the papers come out.

McGill:

So, we will notice this for the second meeting in January in 2003.

Ballister:

I am sorry. My apologies.

McGill:

Any more public input while we are here? O. K. I guess I need a motion to table this?

Richmond:

It is done. There was no notice.

Zoo Zone - Petting Zoo 02PZ-026-206-1-09

Mr. Ballister made the following statements regarding the above stated project:

1. Mr. Sid Gray owns the property. It is the old Webster Marine building on US 27.
2. It will be used as a petting zoo operated by Christina Sineath.
3. It will have outside pens for some of the animals.
4. Petting zoos are not specifically listed in the possible uses. The closest analog for this type of facility is a veterinarian office with outside kennels. Therefore, it is a type II application and is subject to public review.
5. The site is 2.42 acres with a large metal building with a completely paved front yard area, an existing sign, a fenced rear area with the fence running to the front building line of the building.
6. To convert the existing site to a petting zoo, there will be minimal site work except for installation of corals and shelters.
7. The Planning Department called the local health office to inquire about recommendation for odor reduction and run off treatment. They referred him to DEP. They stated that there were no regulations for a site like this proposed one unless it happened to develop new impervious area. In the absence of more impervious area, their code had nothing that pertains to this site.

8. The local building inspection department will require that the building be brought up to code compliance before they will issue a certificate for occupancy.
9. The paved front yard is not in compliance with the Corridor Landscaping Ordinance - Section 5405. Subsection 5003 (D)1 states "If a non-conforming use of a structure or land ceases, or if that use has been discontinued for a period of one (1) year, use of the structure, or structure and land, shall thereafter conform to the standards of this Code." No matter what use is intended, re-use of this property will require an effort to bring the site into compliance with Subsection 5405. The building does not encroach on the corridor road setback area. However, 50% of the frontage would have to be converted to landscaped area and planted per the frontage requirement to bring the site into compliance.
10. The power line easement is problematic for all of the properties along the eastern side of US 27. No fencing, structures or any other installations other than at grade walks and driver are permitted under the easement.

Staff Recommendation:

- If it is approved, it should be brought into compliance with the Code Subsection 5405. The 260 ft. frontage would require planting 242 diameter inches of trees and other plantings.
- The building official should determine the extent of the modifications.
- Fecal material should be mulched and replenished with hay.
- If odor control becomes a problem, lime should be added regularly.
- Applicant should consult with the county health department to determine whether the septic system is properly sized for the new use.

Planning Commission Recommendation:

- The property should be brought into compliance with the Code.
- Inform the applicant of building code requirements to bring it into compliance.

Mr. Ballister stated that since the planning commission meeting, Mr. Gray has indicated to the Planning Department that he was not willing to do anything to the front yard of the building. He said that Mr. Gray contends that there is no

change in use. It was commercial before and it will remain commercial. However, he (Mr. Ballister) stated that there is a difference in the use of the structure and building and thus would trigger the code compliance changes.

Mr. Ballister also stated that if the Board should determine that there is a change in the use of the structure and property, but did not require the landscaping requirements, Mr. Gray would need a variance to that requirement.

Mr. Ballister called attention to the attached documents in the agenda packets.

Commissioner Watson asked if the code compliance would require them to break up existing asphalt.

There was some discussion as to whether the Board should require the new operators to dig up existing asphalt. Commissioner Watson stated that he interpreted the Corridor Road Ordinance to be one of preservation and not restoration.

Mr. And Mrs. Sineath addressed the Board. Mr. Richmond administered an oath to each of them. They stated that they had no problem with any of the requirements except for removing the asphalt and plantings that were being required.

Chair McGill called to the audience to see if there was opposition to the petting zoo? There was no response. He then asked Mr. Ballister if there was any opposition at the Planning Commission. Mr. Ballister stated "No. There was one person who called and said they were going to get a lot of people up and armed to come out and fight this, but nobody made any show. I don't remember the person's name. They never showed up."

Chair McGill called for a motion.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PROJECT WITH THE LIMITED LANDSCAPING AS PROPOSED BY THE APPLICANT RATHER THAN TOTAL CONFORMITY TO THE CORRIDOR ROAD LANDSCAPING ORDINANCE.

School Board Interlocal Agreement per Chapter 163.31777

Mr. Ballister recalled that he had told the Board that the Florida Legislature recently passed a law requiring the county

and municipalities within the geographic area of a school district to enter into an interlocal agreement with the school board to jointly establish the specific ways in which the plans and processes of the school board and local governments are to be coordinated.

He also recalled that he explained that the statute does allow for a waiver of the interlocal agreement if the student population has declined over the 5 years preceding the deadline for the submittal of that interlocal agreement with the State. After a lengthy discussion, there was a consensus of the Board to not seek a waiver from the requirement to have an interlocal agreement.

Mr. Ballister then explained that the program that the State envisioned was that there would be one lead agency per county jurisdiction. He then recommended that Gadsden County allow the Apalachee Regional Planning Council (ARPC) to pursue being the lead agency position. He said that if the county gives them that designation, ARPC can apply for funding from DCA to do all the paper work, set up all the meetings and run it through to it's end.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO INFORM ARPC THAT IT IS THE DESIRE OF THIS BOARD THAT THEY BECOME THE LEAD AGENCY FOR GADSDEN COUNTY WITH RESPECT TO THE INTERLOCAL AGREEMENT WITH THE SCHOOL BOARD PURSUANT TO FS 163.31777.

Deer Ridge Subdivision Time Extension 99PZ-027-201-1-04

The above stated project was approved for Mr. Guy Moore on October 5, 1999. The original development order was valid through December 23, 2001. However, Mr. Moore requested an extension of time for the development in October of 2001 that was granted for an additional 12 months. The development order will expire on December 23, 2002.

Mr. Ballister stated that the property has since been sold to Home Placement, Inc. and that construction has been underway since the summer of 2002. There have been several delays brought about by the conversion of the project's underground electrical service. The road base could not be substantially complete within the time frame of the extended development order because of the delay in placing the electrical service.

Mr. Ballister stated that the initial project was approved as a mobile home subdivision. However, the new owner has changed that development plan to provide site built homes which is a major advantage to the County in terms of a tax base.

Mr. Ballister recommended that all the original special requirements remain in place if the Board approved the extension. They included a wooden privacy fence to be constructed in addition to the 25 ft. buffer area.

Chair McGill called for public input.

Mr. Dan McClellan, co-owner of the project addressed the Board. He was administered an oath by Attorney Hal Richmond. He testified to the following facts:

- The homes will be site built and three spec homes will begin within 60 days.
- The subdivision will be complete in another six month.
- He would not stipulate that all homes would be site built. However, he did say that it is the intent at this time to only place site built homes if the current owners maintain ownership of the subdivision, even though it is currently approved as a mobile home subdivision.
- He would stipulate that the homes would be DCA (modular) homes or better.
- He would not like to have to install wooden privacy fencing but he was willing to place fencing.
- He would commit to maintain the 25 ft. conservation buffer.

Chair McGill called for public comments against the subdivision.

Marion Lasley addressed the Board. She was administered an oath by Attorney Hal Richmond.

She said, "The only concern I have is what the citizens who owned the property around it think that they agreed to or that the commissioners agreed to in the initial proposal regarding the fence. I don't have any recollection as to what the public input was and whether they requested the fence or not. I just, you know, I don't"

Dixon:

They requested it thinking that it was going to be a mobile home subdivision.

Lasley:

O.K. If ya'll feel comfortable in taking that fence away from them and giving them homes, you know, if they want a fence, they are going to have to provide that themselves. That is not what they agreed to at the time that this subdivision was approved. So, you may hear about it again.

McGill:

I understand that, but we are moving away from mobile homes now and going to a higher level, higher quality of home.

Lasley:

I know. My statement is that I think that a higher density residential development bordering on larger lots, you know, in my opinion is different use. But, I haven't convinced Bruce of that yet.

Ballister:

My memory of Mr. Wiley's testimony was that he was concerned about kids leaving this site and going to less congested area right across the property line and dumping trash and smoking cigarettes or whatever. That was one of the reasons to require a fence, whether it is chain length or privacy. That was one of the forms for the public comment and reason for formulation of the fence.

Watson:

The chain link fence would have taken care of that. The wooden privacy fence was because of the mobile homes and that is why we took it to that level. I would never have required somebody to do a wooden privacy fence with a DCA and better homes, myself.

Dixon:

I don't think you can put a fence just to keep folk out. In any other instance, I would prefer not to put a fence up. Why would we? I don't see any use of it if we have a 25 ft. wooded buffer that exists.

Ballister:

Just so that we don't stray from that original stipulation, there still would have been a 25 ft. Type B buffer along the commercial boundary that is to the north and part of

the southern boundary. The Type B buffer does have an opaque fence as a component of that 25 ft. buffer. So, at least part of this boundary with the Type B buffer enforced would have that opaque buffer. That is the northern boundary with the concrete rock company. And the Carol Williams tract to the southeast. There is no buffer there now. The original plan included instead of, it would normally have required just the Type B along the frontages and the additional fencing was required along with the residential frontages as part of the stipulation. I just want to be clear as to what your intent with regards to buffers and fences. To do away also with the commercial buffer?

Watson:

No, we didn't do that. But, I don't think that it needs to be a wooden privacy fence. I could go along with a chain link. But, you said it had to be opaque, though didn't you?

Ballister:

That is what a Type B buffer is, vegetation that can grow naturally or plant something if there is nothing there and put a wooden privacy fence on the property owner's side of the fence line.

McClellan:

Now, I'll ask Mr. Theriaque. I will give you a call tomorrow. Would a red top work under that issue? A hedge? Because what I am doing is that I've got a concrete plant that is looking at us.

Dixon:

I'm sure that the concrete plant don't mind.

McClellan:

That is my point. Can we do this with a hedge; is what I am saying versus a privacy fence? Is that construed as an opaque fence in your experience?

Ballister:

I think it is suppose to grow opaque in three years and most red tops will do that.

Watson:

So, the ordinance was written mainly from the concrete side rather than

Ballister:

It is to shield these residents from the impacts of the heavy commercial uses around them. Usually the person who gets there last builds the buffer.

McClellan:

So, in this case, we would install plants that would grow to be an opaque buffer which also would be more natural and attractive and less (inaudible)

Watson:

But, you said that it is already out there.

McClellan:

Not on the commercial side. Let me explain. There is a buffer, these are deep lots. But right on that commercial spot it is kinda like a wetland. A wet area until you get to the vegetation. The vegetation still will be a buffer there, but any areas that are requiring a 25 ft. opaque, I would say let us do that with some kind of landscaping. Some kind of hedge where we can do it. We can't plant it in the wetlands.

McGill:

Do we have any more discussion on the motion?

No response.

Watson:

But, he understands that he has to plant the redtops. Between the commercial 25 feet.

McClellan:

Yes.

Dixon:

Did you also understand that you have to pay Theriaque?

Laughter.

McClellan:

Are you saying 25 ft. wide of red tops, is that what you are saying?

Watson:

Yeah.

Laughter.

McClellan:

No. That opaque - we will maintain 25 ft. buffer where it exists there and plant the hedge - the opaque hedge, that is what I have heard. Is that o.k?

Dixon:

That is a 25 ft. deep buffer, not long.

McClellan:

Correct.

Watson:

Now, let's understand, he is only going to understand that he is only going to plant one row of red tops, though.

Dixon:

But 25 ft. wide.

Roberson:

But he is going to have the buffer with the hedge, right?

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER DIXON TO APPROVE A SIX MONTH EXTENSION WITHOUT THE WOODEN PRIVACY FENCE PROVIDED THAT THE HOMES ARE DCA OR BETTER AND THAT THE 25 FT BUFFER ALONG THE NORTHERN BOUNDARY WITH THE CEMENT PLANT, THE WESTERN BOUNDARY WITH THE LARGE LOTS IN MERRITT LANE SUBDIVISION AND THE SOUTHERN TRACT WHERE IT ABUTS EXISTING PROPERTIES REMAINS IN TACT IN THE FINAL PLAT. THE BUFFER SHOULD BE IN PLACE UPON INSPECTION. OTHERWISE, THE PRIVACY FENCE MUST BE INSTALLED. THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MOTION.

Bobby Harrell Variance 02PZ-032-201.01-1-11

Mr. Ballister stated that Mr. Robert Harrell has requested a variance to the density requirements for the rural residential land use district to create .5 acre parcels on land situated between the Hidden Lake Subdivision and SR 12 (Havana Highway). The parcel was created when the plat was recorded leaving the subject area un-platted. He said that this parcel is an out parcel to the subdivision.

Hidden Lakes is a subdivision that was platted in the year 2000 through lengthy negotiations with the County. It was constructed soon thereafter. At the time the subdivision was created, the out parcels, by remainder, in a rural residential district would have been allowed at one half acre lots with a central sewer system and paved roads. It was Mr. Harrell's contention that the entire area (which included the lots in question) had that same half-acre development right. Mr. Harrell contended that the lots should be grand fathered in with the Hidden Lakes subdivision.

Since that subdivision was approved, the County passed an ordinance requiring that all rural residential lots be at least (not less than) one acre unless they were clustered.

Theriaque:

Good evening. My name is David Theriaque and I am representing Sandy Beare and Nicki Beare. I am objecting if we are switching this from a variance to a grand fathering argument, which is what Mr. Ballister just alluded to. The application and the legal notice were solely for a variance. The grandfathering was not noticed. So, if we are going to switch it to a grand fathering argument, I believe this needs to be advertised. If we are going to speak to the variance argument, then I will object to the merits when we get to that point. It would be appropriate to hear the variance argument. My contention is that it is not appropriate to hear the grand fathering argument. There is a distinction between the variance and the grandfathering, as you all well know.

McGill:

So, where are we? Grandfathering or variance?

Ballister:

The legal points, if it was a variance, and I don't think the Board would have any choice but to deny it due to the conflict with the Comprehensive Plan.

As I was preparing the case, this revelation did not hit home until I was reviewing the stipulations for hardship variance in the Code. It says Section C 5 in the sections on variances that you can't grant a variance that will fault the Comp Plan. So, in a sense, you couldn't grant the variance. So, if he is to be heard at all, and I am not sure, I guess it would have to be a Type III appeal. But, there hasn't been any part of the application that I

have denied. So, if he is going to appeal, it would have to be a direct appeal to the Board. I am not sure under which mechanism at this point unless he makes an application to me to develop half acre lots and I refuse. Then he goes through the mechanics of an appeal for that administration action.

McGill:

But if it is a grandfathering, according to Mr. Theriaque, we will have to re-advertise.

Ballister:

I am not sure what legal animal what grandfathering is. He is questioning the imposition of the current code on land that he thought was previously acted upon. One half-acre density was given to the subdivision.

McGill:

So, I have a question for Mr. Theriaque. Are you saying that we cannot act on anything that we did not advertise as grandfathering? I thought that grandfathering is like an automatic.

Theriaque:

No, sir. What I am arguing is - If we are looking at a variance, the mechanism for a variance is that you file an application, which they did. You have jurisdiction to consider a variance. But, as Mr. Ballister has indicated, you cannot have a variance from the Comp Plan. So, a variance is dead. Mr. Ballister probably called the applicant and told the applicant that he can't get a variance.

Now, they are trying to switch to a grand fathering argument. For it to get to you for a grand fathering argument, they have to apply to Mr. Ballister. Mr. Ballister has to deny it. Then he will have to take an administrative appeal of Mr. Ballister's denial to you. Their argument would be that they are grand fathered. It will be noticed as an administrative appeal and it will be noticed based upon a grand fathering argument and we would key it up on a grand fathering. From that procedural prospective, we are not here tonight.

Dixon:

So, in essence, we will send him back through the process to get back to here to do the same thing. Could we just cut through the meat of the thing?

Harrell:

Well, it looks like Mr. Theriaque is going to help everybody here but me so, I guess I won't have to pay him anything.

Richmond:

Mr. Harrell, do you understand the legal things that he is going through?

Harrell:

I understand the legal things that he is going through, but when I came to Bruce, I said "Bruce, I want to be grand fathered in on this." And he mentioned variance, I didn't mention variance because I didn't think it was a variance. I just thought I wanted to get a confirmation on what we had when - ah, just let me bring Ms. Holt up to date.

Back when we did this subdivision, they had the Art Trail going along 27 and everybody was upset that mobile homes would be along 27, 12, excuse me, 12. They even decided that I might even put a mobile home dealership there, which I never thought about. But, anyway, I talked with Commissioner Sterling and several others out at my place and I said (not all at one time) but what I did, I said "I'll tell you what I will do. I'll restrict this to stick built houses and go on with the subdivision and they won't have any more problems with the ordinance." I was talking about nine lots at the time. Because it is 4 and 6/8 acres. Half-acre tracts. That is the assumption that I have been going on all the time. I've got 6" water lines, I've got all underground utilities, fire hydrants every 1,000 ft. which will cut down on their home owners insurance. And, we've got street lights. So, I feel like we've got, and if anybody is familiar with Hidden Lakes Mobile Home Subdivision, they will know that it is the nicest subdivision in Gadsden County and Leon County for that type structure. I think even the Democrat admitted that. All I want is a confirmation of the communication that I thought we had earlier. I don't want to change anything.

Dixon:

Bruce, where is the disconnect?

Ballister:

The disconnect is in the mechanism for which we are here.
When Mr. Harrell came into my office,

Dixon:

Not that argument. Based on what he thinks he wants and knows that he wants and you think you should or should not have. Help me with that. That is where I am lost.

Ballister:

The disconnect is that about this subdivision was approved, our ordinance allowed $\frac{1}{2}$ acre lots with central water and sewer. And, Mr. Harrell's recollection is that he had conversations that implied that this frontage could be developed at the same density. However, it was not included in the boundary of the subdivision that had $\frac{1}{2}$ acre development rights. And so, if we follow the other rural residential land in the county, it would have reverted to the one-acre minimum when we changed the Code. So, Mr. Harrell recollects that he got assurances that he could have $\frac{1}{2}$ acre lots. I could not find that in the public record.

McGill:

It was kind of my understanding also that when we did this in 2000, I think Commissioner Watson talked about getting rid of the buffer if he would build site built homes on the property. I thought that was in the minutes. So, you are saying that you are coming back now to see if you can get grand fathered in now based on the 2000 argument.

Watson:

He has agreed to the site built. It is just that the County today will not allow him to build but one per acre. At the time we approved site built homes along SR 12 there, I mean, I am going to tell you where I was on this thing. I assumed that Mr. Harrell would have the density on 12 that he was allowed in his subdivision. Instead of putting mobile homes on that property, he agreed to go with site built homes. I don't think that any of us assumed that he was going to have less density in that area than he would in his subdivision. I think we all probably assumed that it would be the same as what we gave him in the subdivision.

McGill:

And that was one in our favor though, right?

Watson:
Right.

McGill:
Are we changing that now?

Watson:
Well, we have since changed the rule where you can't have ½ acre lots, it takes acre lots.

McGill:
I know, but if this was already approved prior to the other going into effect.

Dixon:
Well, that is the problem.

Holt:
So, it's the other 200 feet that came later?

Dixon:
We subdivided the property. We subdivided only that piece where Hidden Lakes is. Not the other stuff.

Holt:
Not what was up front.

Dixon:
I am working hard here to try and recall that meeting.

Watson:
But, we agreed to allow him to build site built homes out there instead of mobile homes because

Dixon:
Because he dropped the density, if I am correct.

Watson:
No, we felt, according to the minutes, we were on shaky legal ground by denying him to do anything out there, to not put mobile homes out there. We were on shaky ground to deny him the ability to put mobile homes out there. In a compromise with Ms. Beare, the Beares, he agreed to do site built homes. What we did not decide on at that meeting was what the density was going to be. But, I think we all, and he has probably assumed correctly, I can understand, it was reasonable for him to assume that he would have the density

along 12 that he had in his subdivision. I do not feel that it was unreasonable of him to assume otherwise.

Ballister:
Commissioners,

McGill:
The same density would be allowed for the site built as the mobile homes.

Watson:
But, I'm thinking that we don't need to be doing this. We need to decide whether we are going to do a variance or grand fathering.

Ballister:
I was thinking at this point, we can ask the county attorney.

Dixon:
But before we can get there, you've got to give me a foundation. Because I'm trying desperately to remember some of the conversation. And, maybe I am confusing this logic.

Ballister:
I was just going to ask the county attorney if we should be having this conversation under a different noticed meeting so that they can actually

Dixon:
But we don't know what meeting to notice.

Richmond:
This is the thing. If we go forward on the variance, Mr. Theriaque is telling you that you are going to lose. You have to say "No" on a variance.

If it is a question of at this point in time applying for development of those lots and either permitting it, not permitting it but getting it back in and the argument is "Look, I had this agreement with you and you grand fathered this in" , Mr. Theriaque is saying that you haven't noticed it that way. If you go forward with it tonight I am going to beat you that way, too." And he is probably right. So, it just has to get into the proper condition to be

presented to you on one theory or another and that is what Mr. Harrell -

Dixon:

So, what we need to do is to tell Mr. Harrell to reapply.

Richmond:

Well, he can go forward on a variance right now. I know David, ah, Mr. Theriaque would love that path.

Dixon:

But you are saying that that's no good and that doesn't give us an attempt to even discuss.

So, if Mr. Harrell reapplies and comes back through the system, things will fall the way we think they will, he will apply for grand fathering and we will have this discussion.

Richmond:

Yes.

Watson:

In fairness too, I don't think we should charge him the fees again.

Dixon:

I will agree. That is not a problem.

Richmond:

He is just trying to find a vehicle to get this before you to decide how many lots he gets and that is articulating his position and what everybody else has, it's just a question of getting there.

Watson:

So it needs to be noticed as a grand fathering.

Theriaque:

May I speak on that, sir.

Dixon:

Who are you working for now?

Theriaque:

I believe that procedurally for Mr. Harrell to have this teed up for the Board, he needs to go to Mr. Ballister,

request development approval of the ½ acre lot, Mr. Ballister will then determine whether he believes that ½ lot is appropriate. If Mr. Ballister determines no, there will be an administrative appeal to you. I think, procedurally, you would then tee it up. I just want to note that we disagree with the grand fathering cause these parcels were specifically identified as "out parcels". They were not part of the plat and your plan changed. You don't have a development order that states that they have any development rights. You can't be grand fathered without a development order. But, we'll tee that up when we come back.

Dixon:

That will be his argument.

Theriaque:

Exactly. But procedurally, to get it here for you to hear it, I think, with all due respect to Mr. Harrell, he simply needs to go back to Mr. Ballister and we need to go through the process.

McGill:

Mr. Harrell, do you understand what we are saying? What Mr. Theriaque said?

Dixon:

Which we agreed to.

Richmond:

No extra charges. We just need to get it back in the right form.

Dixon:

Theriaque, unless you are working for us, don't come back to the meetings. You have had us here for two hours and a half already. Gee man!

McGill:

Can we agree to go ahead?

Ballister:

It probably can happen at the next meeting.

Watson:

Are you sure that we can get the notice to the press? I do not want to see notice problems ever again up here.

Dixon:

Or Marion Lasley, go ahead and say it, commissioner.

Laughter.

Watson:

I mean, we just put something off tonight because of notice and this just should not be happening.

Dixon:

There is no reason for it.

Unidentified:

The notice we received on this was dated two weeks ago. We did not receive them two weeks ago. Therefore, we would not have, with your new 10 day response policy, keep that in mind, we would not have had any time to respond. By the time we received them in the mail.

Watson:

What was your name?

Theil:

Theil.

McGill:

I saw your name. You were here before. (inaudible)

Ballister:

We have always issued our notices usually the two weeks prior to the meeting, they go into the mail. Mail can take anywhere from a day to five days to get across the county.

Watson:

I wasn't speaking about this; I was speaking more about the 10 acres.

McGill:

A recess has been called.

Watson:

A recess. We can finish number 6 can't we?

McGill:

O.K. Disregard the recess call.

At Large Planning Commissioner Position

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE ADVERTISEMENT FOR THE AT LARGE PLANNING COMMISSIONER POSITION. AT THAT TIME, MR. DON WHITE MAY APPLY FOR REAPPOINTMENT AND BE CONSIDERED ALONG WITH THE OTHER APPLICANTS.

District Appointments for Planning Commission

Mr. Ballister reminded the Board that the newly elected and re-elected commissioners now have the opportunity to re-appoint or appoint new commissioners to represent their districts on the planning commission. He asked Commissioner Holt and Commissioner Watson to contact him regarding those appointments.

He reported that the District 5 vacancy has been advertised but no one has yet applied. He asked Commissioner Dixon to help with that vacancy.

6. COUNTY MANAGER'S AGENDA - HOWARD MCKINNON

BCC Workshops

Commissioner Dixon asked that the budget workshop dates be keyed off the date upon which the constitutional officers have to have their budgets submitted to the State.

There was a consensus that fire protection should be the first workshop to be held followed by library services, then parks/recreation. There was also a consensus that the budget calendar will be worked in based on the dates which the constitutional officers have to submit their budgets to the State.

The fire protection workshop was set for Thursday, January 16, 2003 at 5:00 p.m.

There was a consensus that the workshops will take place on the second Tuesday or Thursday of the month.

Change Order No. 29 - Roberts Construction- Bostic Road for \$34,428.00 bringing total contract price too \$9,020,869.19

This item was moved from the consent agenda and placed for discussion.

Commissioner Holt asked when the Roberts contract would end.

It was explained that the contract did not have an ending date. The original contract was bid out a few years ago and it has been amended via change orders since that time. It was also explained that it could be bid out again at the will of the Board.

Discussion followed.

Mr. Arthur Lawson was asked to make inquiries to see what price that other resurfacing contracts in the area are being awarded.

Commissioner Watson recalled that Rich Bay Road was awarded to the lowest bidder and the County was "badly burned" by going with the low bid. He pointed out that the County is getting good work, good service with a good price with the current contract and he would be reluctant to discontinue it.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON TO APPROVE CHANGE ORDER NO. 29 WITH ROBERTS CONSTRUCTION COMPANY FOR THE RESURFACING OF BOSTICK ROAD.

Emergency Management Relocation to the Sheriff's Department

Mr. McKinnon recalled that the Board had directed him to research why and under what circumstances that the Emergency Management Program had been placed with the Sheriff's office rather than with the Board of County Commissioners. He directed their attention to a copy of the minutes of the meeting when the Board took action to make that transaction and also a memo.

Commissioner Dixon recalled that the Board and the Sheriff got into a "tiff" at budget time and he appealed his budget to the Governor. In a settlement negotiation, the County moved that department under the Sheriff at that time and it has remained there since. However, he stated that it is his intention to move the program back under the Board.

He went on to say that if the Board does its job properly, they must make their input into the Sheriff's budget before his budget deadline to the State. He then said that the Board does not get an opportunity to fairly discuss any of the constitutional officers budgets. Once their deadlines pass, there cannot be modifications made to their budgets.

Sheriff Woodham stated that there is no financial advantage for the program to be under the Sheriff. He stated that the money could only be spent for emergency management. He recalled that when he appealed his budget to the Governor, it was a friendly appeal. He also recalled that the County was about to go broke at that time and he appealed it to demonstrate to the governor what kind of financial shape the County was in. He again stated that there was no benefit to the Sheriff financially.

Sheriff Woodham stated that it is the trend for Emergency Management to be under the Sheriff.

Commissioner Dixon stated that he had not seen that trend. He stated that what he had seen is that professional directors have been brought in to run the emergency programs for the Board of County Commissioners.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO PLACE THE RELOCATION OF THE EMERGENCY MANAGEMENT PROGRAM ON THE AGENDA FOR THE NEXT MEETING FOR DISCUSSION. (COMMISSIONER WATSON AND ROBERSON VOTED NO.)

New Agenda Deadline

Mr. McKinnon asked for a consensus to advertise to the public the new agenda deadline dates and also begin the effect of the public notice of the meetings.

7. CONSENT AGENDA

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

- 1. FY 2002-2003 Health Department Contract Effective October 1, 2002 through September 30, 2003**
- 2. Lake Talquin Dumpster Locations Agreement - Preble-Rish**

3. Change Order No. 29 - Roberts Construction - Bostic Road for \$34,428.00 bringing total contract price too \$9,020,869.19 (REMOVED FROM THE CONSENT TO THE COUNTY MANAGER'S AGENDA - SEE DISCUSSION ABOVE)
4. Public Officials Bonds for Commissioner Watson and Holt
5. Agreement for County Veterans Transportation with D & X Transit
6. School Bus Shelter Installation to be located at U.S. 27 and Azalea Trail - approval of permit and application
7. Approval of request to waive building inspection fees for the Tabernacle Church of Christ, Inc. (\$4,830.12) and Antioch Primitive Baptist Church (\$948.10)
8. EMS County Award Grant \$25,551.52 to be used for medical equipment, supplies, furnishing WMS classroom, purchasing UHF ambulance portable radios and upgrading equipment on ambulances.
9. Resolution EMS Write off of Bad Debts totaling \$183,716.22

FOR THE RECORD

- Information regarding how the Emergency Management Department came to be placed under the supervision of the Sheriff's office. (Removed from the Consent Agenda and placed on the County Manager's Agenda. See the discussion above.)
- Letter sent to DOT changing the prioritization of the roads listed on the SCRAP grant program. It changed the prioritization of Highbridge Road from #25 on the list to #22.
- November 2002 Economic Development Report

9. **PUBLIC COMMENTS**

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

10. **CLERK'S AGENDA**

Tax Certificate #1155 of 1995

Tax Certificate #927 of 1995

Tax Certificate #586 of 1995

Clerk Thomas called attention the Tax Certificates listed above. He said that it is on property which the owners did not

pay their taxes. A tax deed sale was held but no one purchased them. The county held certificates will now go on list of lands available for taxes. Anyone can walk in off the street and purchase the property from that list. The Clerk then said that if no one has bought them after three years, he would prepare a county deed vesting title of the property to the Board of County Commissioners.

License Plate Report - Choose Life

Clerk Thomas stated that the money collected in the attached report comes from the sale of the "Choose Life" specialty license plates. The statutes require that the money be distributed to nonprofit agencies that deal specifically with adoption. He stated that \$989 was collected but the County has not identified an agency to which the money should be distributed. He emphasized that the money can only go to an agency that deals with adoption. FS 320.08056. He asked the Board to authorize the Chairman to sign the report that basically states the amount collected and that it has not been distributed as yet.

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 ATTACHED REPORT.

Budget Amendments 2002-12-17-02 thru 2002-12-17-17

Commissioner Holt asked why the Board was buying extended cab trucks.

It was determined it was for the purpose of transporting employees to a job site.

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.

Ratification of the Approval to Pay the County Bills as reflected in the check registers dated 12/06/02 and 12/13/02 and Payroll Register dated 12/12/02

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0 , BY VOICE

**VOTE, TO RATIFY THE APPROVAL OF THE PAYMENT OF THE ABOVE
STATED BILLS AND CHECK REGISTERS.**

Vessel Registration Revenue

Clerk Thomas told the Board that there is also money collected from vessel registrations at the Tax Collector's office which comes back to the County. That money can only be used for things like boat ramps, etc. He said there is more than \$50,000 in that fund at the present.

11. COMMISSIONER'S ITEMS

District 2 Report

Private Road Maintenance

Commissioner Watson stated that the Board has discussed many times the maintenance on private roads especially highly populated roads. He asked that the Board consider "cracking the door a little bit" on some of the more populated private roads. He emphasized that he only wanted to see what the financial impacts would be. He asked that Public Works Director Robert Presnell prepare a list of the private roads that have more than 15 houses on them.

He said "I know that there is no way that we can take on all the private roads, but I do think that with the number of miles that we are paving now, it is freeing up some motor grader time and we may want to consider working on some of these roads where there is a dense population of people. We may not be there yet, but I want to open the door just a little bit here."

Commissioner Dixon replied "My problem is that I think we are giving developers a benefit and not asking them to pay their fair share. I just, I really don't mind doing it, but if we had a vehicle in place that charges developers whom we have given development rights, who own that property, and are not maintaining it and promised those citizens that they would maintain it, I just don't want to give them a way out, to keep doing it to the County - once we start - to keep doing it for them."

Discussion followed but no action was taken.

- List of roads where there is no developer involved.

- List of roads where developer was allowed to install dirt roads but the county did not accept them.
- List of roads where the developer sold every lot and left.
- List of roads where there still remains some unsold lots or undeveloped lots on the road - where the developer still owns some of the lots.
- Propose a vehicle by which the County can hold the developer accountable for the maintenance of private roads.

District 3 Report

Commissioner Roberson had no report.

District 4 Report

Commissioner Holt had no report.

District 5 Report

Commissioner Dixon had no report.

District 1 Report

SR 12 from the Liberty County Line to Yon Creek Bridge

Chair McGill stated that he had received a letter from the Florida Department of Transportation (DOT) regarding the resurfacing of SR 12 from the Liberty County line to Yon Creek Bridge. They have requested comments from the Board.

Commissioner Watson stated that he recalls that the Board tried to get them to resurface that portion when they were resurfacing the remainder of it.

There were no other comments made.

Highlands County and Gas Tax Indexing

Chair McGill referenced a letter from Highlands County and the gas indexing which he would bring to the board's attention at the next meeting.

Legislative Delegation Meeting - December 19, 2002 at 6:00 p.m.

Chair McGill urged all the commissioners to meet with the local legislative delegation on December 19, 2002 in the commission chambers. All the municipalities have also been invited and encouraged to attend. The topics of discussion will be Article V funding, Medicaid funding, recreation, etc.

ADJOURNMENT

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

Bill McGill, Chair

ATTEST:

Nicholas Thomas, Clerk