

AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA ON
JANUARY 6, 2004, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

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

ABSENT:

BILL MCGILL, CHAIR

1. CALL TO ORDER

Vice - Chair Watson called the meeting to order. Mr. McKinnon led in pledging allegiance to the US flag. Commissioner Dixon led in the invocation.

2. ADOPTION OF AGENDA

The following addition was made to the agenda:

The minutes from December 2, 2003 Attorney/Client Meeting and December 2, 2003 Regular Meeting were added to the agenda.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED ABOVE.

3. APPROVAL OF MINUTES

DECEMBER 1, 2003 SPECIAL MEETING

DECEMBER 2, 2003 ATTORNEY/CLIENT

DECEMBER 2, 2003 REGULAR MEETING

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

4. HAL RICHMOND, COUNTY ATTORNEY

5. JOLINDA HERRING AND MARK MUSTIAN - PUBLIC SAFETY ACADEMY HOUSING BONDS

Jolinda Herring of Bryant Miller & Olive P.A., addressed the Board requesting Gadsden County to issue a bond on behalf of Public Safety Academy Housing, Inc., a not for profit corporation that is also a direct support organization of Tallahassee Community College for the purpose of construction of a dormitory building for the Pat Thomas Law Enforcement Academy located in Gadsden County. She explained to the Board that they would have no liability and that Capital City Bank will issue the bond.

Commissioner Dixon:

Why couldn't TCC issue the bond?

Herring:

You have to be non - profit and it is a housing bond an governmental office should be the applicant. They will receive a better rate.

Jim Murdock, Director of Pat Thomas Law Enforcement Academy spoke in support of the project.

Discussion followed among Board Members.

Vice - Chair Watson asked Ms. Herring and Mr. Murdock to come back before the Board with more detailed information.

Ms. Herring commented that they are required to advertise for the TEFRA Hearing 14 days before the actual hearing. She stated that they could come back with the information requested by the Board on January 20, 2004 meeting and if approved the hearing could be scheduled for February 3, 2004 meeting.

Public comment

Public comment was heard by the following individuals.

Anthony Thomas
Sam Hawkins

It was the consensus of the Board that they could not take action until they had more information. It was rescheduled for January 20, 2004 and if approved by the Board the hearing will follow at the February 3, 2004 meeting.

6. BRUCE BALLISTER, GROWTH MANAGEMENT DIRECTOR

1. CLAYTON ENVIRONMENTAL - CONSTRUCTION & DEMOLITION LANDFILL

Mr. Ballister reported that the applicant, Clayton Environmental is reapplying for a C&D facility to be located at his existing sand mine on Selman Road. The applicant made a previous request March of 2001, which was denied at the Planning Commission and the Board of County Commissioner's hearing. The revised application reduces the acreage assigned to landfill and proposed a future road connection to the future Quincy By-pass. He commented that Mr. Clayton has expressed an interest in providing a demolition service for decrepit mobile homes that are no longer serviceable. He would perform this service on premises or at the homes' set-up location if the home cannot be moved. Mr. Clayton has exercised his FDEP mining permit and is currently using his site as a sand and clay pit. They have also expressed a willingness to dedicate a portion of the tip fee revenues for the continued maintenance of Selman Road. He commented that the applicant would be making a power-point presentation of their proposal.

Mr. Richmond commented that this was a quasi - judicial hearing everyone that testifies at tonight's hearing must be given an oath.

Dennis Rogers of Clayton Environmental addressed the Commission. He stated that they have been on Selman Road for 2 years operating a mining pit. He commented that they are a family business. He stated the positive aspects that his company would bring to Gadsden County. He stated that they had 21 employees 15 are from Gadsden County.

Pierce Barrett with Barrett Engineering addressed the Commission. He gave a power point presentation in favor of Clayton Environmental.

He commented on the recycling of homes, concrete recycling, dedication of a portion of the tip fee revenues for the continued maintenance of Selman Road. (See attachments)

Mr. Rogers presented a presentation on the recycling of mobile homes that is offered at C&D. He spoke of the tipping fee on every cubic yard of C&D that comes in they are offering \$.50 a yard. He commented that was based on last year's projections. He stated that the first time they came before the Board the citizens on Selman Road had some concerns that have now been addressed such as speed, the condition of the road and trash. He pointed out the fact that they have adopted the road.

Public Comment

Cynthia Reynolds, 1087 Selman Road addressed the Board opposing the Clayton C&D Landfill. She presented a powerpoint presentation. She brought a numerous amount of supporters from the Selman Road community.

Others who commented were as follows

- **Richard Thompson**
- **Melissa Gardner**
- **Mrs. Wilson**
- **Shelanda Shaw**
- **Angela Burgess**
- **Henry Morris**
- **Karen Black**
- **Rev. Fabious Johnson**
- **Shequita Johnson**
- **Evan Jenkins**

Discussion followed among Board Members.

Vice - Chair Watson stated that he had not changed his mind. He believes that the people of Selman Road have had enough on them. He said therefore he couldn't be in support of this project.

Commissioner Dixon commented that all answers were given to all the questions he had. He said that he had personally walked the facility and it is a good plan. He explained although he

can't turn his head to the fact of "Environmental Racism" on Selman Road. The citizens on Selman have had enough. He also stated that for those reasons he couldn't be in support of this project going forward.

Ben Clayton, Owner of Clayton Environmental Services addressed the Board. He stated that the mine was there to stay. He commented that only wanted to add to the services the C&D Landfill. **He then asked if he could withdraw his application at this time.**

Mr. Richmond commented that it was at the Board's discretion. He stated that all testimonies are closed and that the parties involved deserve an answer at tonight's meeting.

Vice - Chair Watson called for a motion opposing the Clayton Environmental - Construction & Demolition Landfill.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 3 - 1, NOT TO APPROVE THE CLAYTON ENVIROMENTAL - CONSTRUCTION & DEMOLITION LANDFILL. VICE CHAIR WATSON, COMMISSIONERS HOLT AND DIXON FOR THE MOTION. COMMISSIONER ROBERSON OPPOSED THE MOTION.

2. SPARKLEBERRY MAJOR SUBDIVISION - 166 LOT SUBDIVISION ON US 90 EAST

Mr. Ballister stated that the applicant, Ray Sheline, had submitted an application for a major subdivision located east of Quincy between US90 and Selman Road. The subdivision covers lands previously rezoned from mining and Ag3 to rural residential by Mr. Sheline and Armer White in 1999. The proposal will create a subdivision with 132 lots in 5 phases covering 260.02 total acres. Lot sizes vary form 1.0 acres to 2.0 acres with the numerical average being about 1.25ac. The property has a frontage along US 90 of about 1500 feet that is subject to the Corridor Road Landscaping Ordinance. He stated that application had to be re-heard by Planning and Zoning Commission due to improper notification of citizens in the 1000 ft mail-out.

There is an existing median cut that will serve as the primary access point to the subdivision from US 90. Upon completion of Phase III, there will also be access from Selman Road. It was stated that the property lies on a high ridge bordering on or encroaching relatively steep ravine structures. The Land Development Code protects wetlands,

steepheads and other environmentally sensitive areas section 5400. A review of the USGS contour map for the area indicated that there may be areas with slopes in excess of 20% at the edges of the steepest ravines, these areas may be platted but should not be considered as areas that could contain home sites or septic systems. It was stated that the property intends to have individual septic systems. The project will be served by Waste Management of Leon County, which operates the Quincy Byrd Transfer Station.

Mr. Ballister had some of the following staff recommendations. The Corridor Road Landscape Ordinance impacts all lots fronting US90. He stated that this action is an appending application and, any clearing prior to Development Order without a specific clearing permit, would be in violation of the Code. He stated that frontage lots developed for residential purposes, would be required to provide an additional 25' of setback to remain in a natural vegetated state to shield the developed lots from the highway and visa - versa. It was stated that if developed as neighborhood commercial, they would be required to adhere. Prior to preliminary platting, a detailed topographic analysis will be required to slope, however, many jurisdictions consider a 20% slope to be severe. Platted lots should be able to provide at least 0.5 acres, the minimum in Rural Residential, that are on slopes of less than 20%. Steep heads, should be mapped in greater detail to ensure the location of these features. In addition, wetlands lines should be located by survey.

At preliminary plat, the proposed subdivision's lots should be refined to the level of dimensions and acreage for all proposed lots including open space areas and storm water facilities. The submission should follow all requirements of subsection 6005 of the LDC. The subdivision will require connection to the City of Quincy's central water system per policy 4.3.1 of the comp plan if the existing system is within one-quarter mile of the proposal. Mound systems will not be permitted unless the minimum lot size for a location requiring a mound is 3.0ac. Covenants should require mandatory service with Waste Management Inc. or and any future authorized trash hauler. He stated that subject to a preliminary plat approval, a formal traffic study should be prepared. Storm water management plans are not required for preliminary plat approval. Storm water discharge will be permitted through buffer areas via conduits and swales, however all storage berms should be located with their toes uphill from the 50' naturally vegetated buffers. He stated the steepness of many

of the proposed lots; some of the proposed lots may not be suitable for home sites. The tee intersection in Phase III should be constructed with as near a right angle as possible. In conclusion it is stated that the eccentric pavement design in Sparkleberry Blvd. Development be stipulated that upon the construction of Phase III, that a sidewalk of additional pavement width with a designated bike/pedestrian lane be constructed from US90 to Selman Road.

Barry Poole of Poole Engineering and Survey addressed the Board. He was in support of the Sparkleberry Major Subdivision. He commented on the comments that Mr. Ballister had recommended that Mr. Sheline had agreed to all of them. He also stated that they have decided to put in the sidewalks, after talking with the City of Quincy. He commented that it was an added benefit to the area.

Commissioner Dixon asked if this was in the urban service area why aren't they mandating that they use the sewer. He inquired why couldn't the Board mandate they hook-up to the central sewer.

Mr. Poole advised that their services were not available or feasible.

Mr. Ballister commented that the nearest sewer was at the corner of Ranch Road. He said that he did not have a problem with addressing this issue in the Comprehensive Plan.

Commissioner Dixon stated that within the Board only a few minutes ago turned away Clayton Environmental. He expressed that now we are looking at 166 septic tanks in the same area. He said he had a problem with not forcing land developers to tap into the sewer. He commented that he was not in favor of moving ahead with this project until that issue has been dealt with.

Discussion followed among board members.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO TABLE UNTIL JANUARY 20, 2004 MEETING.

Mr. Richmond commented that it had been properly motioned and second that the decision could be tabled without further advertisement. He advised that no other comments

from the public could be heard and they could re-hear in two weeks January 20,2004.

3. GRAY LAND USE AMENDMENT - 21.37 ACRES AG 3 TO AG 1

Mr. Ballister referenced his comments. He stated the applicant, Sidney Gray, has submitted an application to change 21.37ac. from Ag3 to Ag1. The site is located on the north side of Shady Rest Road about a half mile from SR12 on the north side of the roadway. The change would permit a minor subdivision along Shady Rest Road of up to 4 lots. If approved, clearing of the land to no more than a 1 to 1.5 acres.

Elva Peppers, Consultant with the Florida Environmental & Land Services, Inc., addressed the Board. She gave a power-point presentation. She stated that there would be only site- built homes. The lots will be 4 lots approximately 5 acres each. The lots will be on a single roadway access to be constructed to serve the lots and restrict secondary driveways directly accessing the County Roads. She stated that Mr. Gray is willing to limit the clearing of the land. He would like to keep the forest look. She commented that the Gray Family Homestead proposal would allow 4 homes on 5 acres, minimum 2000 sq ft homes, and one access drive from CR270.

She stated that Mr. Gray would like to go with the Plantation Cut. She also addressed the Bald Eagle issue it is located to the north of the property and it feeds in Lake Tallavana. Primary and Secondary zones are designated to protect the Bald Eagle. Nesting season is from October to May. Construction has to stop or be over by October.

Sid Gray spoke in favor of the Gray Land Use Amendment.

Discussion followed among Board Members.

Public Comment

Douglas Croley, representative for B&K Farms, addressed the Board. He presented a detailed power point presentation opposing the Gray Land Use Amendment. He mentioned 3 facts:

- Spot Zoning - where a small area is singled out and given different zoning than the other surrounding areas.
- Bald Eagles
- Restricted Covenants

Others who commented were as of follows:

- **Lee Averk - opposing**
- **Nick Adams - opposing**
- **Bill Adams - opposing**
- **Darian Taylor - in favor**

Discussion followed among Board Members.

Commissioner Holt inquired how close was the Bald Eagles nest to the property.

Mr. Richmond stated that there are guidelines that can't be lifted on wildlife.

Commissioners Dixon, Watson and Roberson commented that were for site - built homes.

Vice - Chair Watson commented that Gadsden County is not fortunate enough to turn away nice site - built homes own feasible land. He commented that 5 acres would create nice area. He commented that Gadsden County was growing.

Vice - Chair Watson called for a motion for approval.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED, 4 - 0, BY VOICE VOTE TO APPROVE THE GRAY LAND USE AMENDMENT.

4. MORTHAM LAND USE AMENDMENT - REMANDED

Mr. Ballister stated briefly that the application was remanded by the Board of County Commissioners and sent back to Planning and Zoning Commission to rehear the applications one that would yield 102 units rather than the 51 proposed by the conceptual plan. He commented that it was approved once again by Planning and Zoning.

Elva Peppers, consultant for the Mortham Land Use Amendment, addressed the Board speaking in favor of the Amendment.

Allen Mortham, owner, addressed the Board in favor of the Amendment.

Public Comment

Sam Hawkins addressed the Board and had concerns with the sewage.

Commissioner Holt commented that all 3 developers should work together on the sewage, road paving and other issues. She asked were there other systems that could be used for sewage.

Mr. Ballister commented it's not cost efficient. He stated that you could draw 10 - 12 lots at time. He said that high - tech systems are very special and variances could be an intermediate step.

Commissioner Dixon inquired how do we get AWT on the lake.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 2 - 2, BY VOICE VOTE, TO APPROVE WITH THE ADDITION OF AWT ON THE 20 LAKEFRONT LOTS. THE MOTION DID NOT PASS. COMMISSIONERS DIXON AND HOLT IN FAVOR. COMMISSIONERS WATSON AND ROBERSON OPPOSED.

Vice - Chair Watson commented that he felt it was too much of a burden for Mr. Mortham to carry. He explained the decision of the Boards vote to Mr. Mortham.

Mr. Mortham agreed to a re-vote on this issue.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE WITH THE ADDITION OF AWT ON THE 20 LAKEFRONT LOTS.

**7. EUGENE MONROE, JR. - MOTORCYCLE DRAG RACING ON FANTANA TRAIL
IN ST. HEBRON COMMUNITY**

Eugene Monroe Jr. addressed the Board requesting that action be taken concerning the problem on Fantana Trail. He stated that every Sunday afternoon there's drag racing. He commented that the Sheriff's Office along with Highway Patrol have been notified and problem continues. He commented that they would like the drag racing stopped before someone is injured or killed.

Public Comment

- **Shalanda Shaw - opposing**
- **Rosa Robinson - opposing**
- **Ruby Houston - opposing**
- **Rev. James H. Simon - opposing**

It was the consensus of the Board that they take the same letter with the signed petition of the citizens of St. Hebron to the Sheriff's Office so that they may take action to solve the problem. The Board could take no action.

8. A SHEPHERD'S HAND RESOURCE CENTER - PAYMENT REQUEST

Pastor Stanley B. Sims of A Shepherd's Hand Resource Center, INC. (ASHRC) addressed the Board requesting that they release budgeted grant funds awarded to (ASHRC) in the amount of \$4,773.00 for their organization. He commented on the outstanding legal matters that have been resolved with a favorable ending. The court deposition of the case was pleaded to adjudication guilt withheld, and ordered him to pay court cost of \$125.00. He pleaded with Commissioners not to let that be the reason for not funding the program. He stated that through funds that would enable the center to continue providing health and job assistance to low-income families.

Commissioner Watson said that he was not in favor of approving the release of funds.

Commissioner Roberson inquired about the legal matters regarding Pastor Sims.

Mr. Richmond commented that adjudication guilt withheld said that he didn't admit to guilt and the court didn't find him guilty. He was ordered to pay court cost of \$ 125.00.

Discussion followed among Board Members.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 2 - 2, BY VOICE VOTE, TO APPROVE THE RELEASE OF FUNDS FOR A SHEPARD'S HAND RESOURCE CENTER, INC. IN THE AMOUNT OF \$4,773.00 COMMISSIONERS HOLT AND DIXON IN FAVOR. COMMISSIONERS WATSON AND ROBERSON OPPOSED.

Vice - Chair Watson commented that Mr. McGill would be the deciding vote.

9. HOWARD MCKINNON, COUNTY MANAGER

Mr. McKinnon commented that he had no items on tonight's agenda.

10. CONSENT AGENDA - FOR APPROVAL

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, TO APPROVE THE CONSENT AGENDA.

- a. Purchase of Two Padded Drum Vibratory Compactors bid# 03-20
- b. Purchase of Four Wheel Drive Backhoe/Loader bid # 03-18
- c. Purchase of New 12H Motor Grader
- d. Satisfaction of Housing Rehabilitation Agreement - Louise D. Goulds
- e. Rehabilitation Agreement and Special Assessment Lien - Lillie Mae Young
- f. Contract for Housing Rehabilitation Agreement - Lillie Mae Young
- g. Rehabilitation Agreement and Special Assessment Lien - Elwood Hinton
- h. State Housing Initiatives Partnership Agreement and Special Assessment Lien - Jessie Moore
- i. State Housing Initiatives Partnership Agreement and Special Assessment Lien - LaShanda O'Neal
- j. Amendment to Housing Assistance Plan
- k. EMS Grant Application - County Award Grant Funds
- l. New Road Name - Butterfly Lane

11. Consent Agenda - For the Record

- m. Gadsden County School Interlocal Agreement
- n. Florida Municipal Loan Council Revenue Bonds, Series 2003B- \$ 46,805,00
- o. TDS Telecom Small Business DSL - Record New Fees
- p. Closeout of 03-CJ-5A-02-30-01-128/Gadsden County Sheriff's Narcotics Unit IX Grant
- q. Chamber of Commerce November 2003 Monthly Report
- r. Gadsden County Tourist Development Council - Contractor Agreement with Gadsden Arts, Inc.
- s. November 18, 2003 Gadsden County Tourist Development Council Minutes

12. PUBLIC COMMENT

No public comment was heard.

13. CLERK'S AGENDA

Budget Amendments 2004-01-06-01 through 2004-01-06-03

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 Approval to Pay County Bills and Payroll:
Check Registers Dated 12/19/03; 1/02/04; and Payroll
Registers Dated 12/23/03**

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

Cash Report (for the record only)

14. COMMISSIONERS ITEMS

DISTRICT 3

Commissioner Roberson had no report.

DISTRICT 4

Commissioner Holt requested the presence of the Chamber of Commerce, Sherry VanLandingham, Executive Director at the next scheduled board meeting on January 20, 2004.

She also requested to look and the fine & forfeiture funds concerning the Sheriff's Office. She stated that she would like someone from the Sheriff's Office present at the next scheduled meeting.

She commented that they needed something in written concerning a flower memorial. She stated that when someone dies in a County employee's family, funds would be there to send a flower. She requested more information concerning that subject.

DISTRICT 5

Commissioner Dixon had no report.

DISTRICT 2

Commissioner Watson commented how excellent the EMS team had responded to an accident that he witnessed. He commented they made the County proud. He asked fellow Commissioners if they saw anyone with EMS to thank them for a job well done.

ADJOURNMENT

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

Sterling Watson, Vice - Chair
for Bill McGill, Chair

ATTEST:

Nicholas Thomas, Clerk

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HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
BRUCE BALLISTER, GROWTH MANAGEMENT DIRECTOR
ROBERT PRESNELL, PUBLIC WORKS DIRECTOR
BERYL WOOD, DEPUTY CLERK

ABSENT:

BILL MCGILL, CHAIR

MEETING CALLED TO ORDER

Vice-Chair Watson called the meeting to order. It was then turned over to Mr. McKinnon. He stated that the purpose of the meeting was to discuss the road drainage and easement issues in the County.

Mr. Richmond's opinion

Mr. Richmond stated there's a real question to the degree of taking anytime you have just paved a road. He said when there's more water that has been put in by the roadway itself. He commented that most of that was required by restricting easement. When we pave there's always going to be a little bit more surface added, that will result in a small amount of increase in water runoff. He said in using caution it would be best on some of these stretches of roads to go ahead and obtain easements by explanation if we are going to pave your road this would become a potential problem. He stated it wouldn't create any additional water problems on anyone. He said that they should try to minimize potential lawsuits in the County. He said that they could develop the forms for the landowners. He commented that with the absentee landowners the question becomes getting the appropriate signatures. He stated that it would be his recommendation that we try to protect the County's interest

by making sure everyone knows what's going to happen by getting these documents signed ahead of time.

Mr. Watson inquired about the permits that are required.

Mr. Presnell commented that he agreed with what Mr. Richmond had stated in his opinion. He said with the stormwater permits, legislator cleared that up for us and gave us exemption on our existing dirt roads. He said that stormwater permitting covers the paving of that road. He commented that he was glad to hear Mr. Richmond talk about a form signing for the easements. He said that would make the process move a lot easier. He commented that maybe a policy like you have on land would become beneficial to the County. He stated that way they could move away from surveying. He expressed that it would be there decision to decide what can of policy they would use. He explained if the don't give the easements they can move own to the next road. He said it makes it simple and less expensive.

Commissioner Watson asked have there been incidence where we have had to be more turnouts?

Mr. Presnell stated that they had not created any new turnouts in any of the roads they have done.

Commissioner Holt asked whether they had looked at some other systems where they had put the turnouts in. She said she had one report in the County where when it's paved and she is getting calls saying that you paved that why not pave the others to stop the drainage, washing of the dirt away. She said they commented they don't mind if it drains down, they just didn't want the dirt to go with it. She said they wanted to keep the dirt on their property.

Mr. Presnell commented that there where all can of treatments they could use, baffles, ditch paving etc. He stated when you have incidence where those types of problems are occurring have them to contact public works department. He commented that each case was different.

Commissioner Holt suggested that they put the options on paper. She said for certain cases you specify by saying this is the best option.

Discussion followed.

Mr. Presnell said once the forms have been signed we can do the type easements that are required. He said the easement would be wherever they need it to be.

Commissioner Watson commented that we are talking about getting permission from the people who own the turnouts or who's property they are own now.

Commissioner Watson asked what about people who have a turnout now and don't wish to go back?

Commissioner Dixon stated that he felt that Public Works should look for alternative methods. He said where alternative methods don't exist we move to the next road.

Mr. Richmond explained it becomes a case-by-case basis. Even if someone doesn't want us to use it in the future if we have required certain rights over the history and we aren't changing it that much by adding water. He stated that we should look at each case and try to work something out if we can.

Mr. McKinnon stated that they would have to draft a policy and bring it back to the Board to take action. He commented that Mr. Presnell and himself would work to together on a policy. He stated the Board couldn't take action tonight.

ADJOURNMENT

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

Sterling Watson, Vice - Chair
for Bill McGill, Chair

ATTEST:

Nicholas Thomas, Chair

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BERYL WOOD, DEPUTY CLERK

ABSENT:

BILL MCGILL, CHAIR
NICHOLAS THOMAS, CLERK

1. MEETING CALLED TO ORDER

Vice-Chair Sterling Watson called the meeting to order. He led in the pledge of allegiance to the US flag and the invocation with a moment of silence and a special prayer for Chair McGill who is out sick.

2. ADOPTION OF AGENDA

The following amendment was made to the agenda:

The Consent Agenda item # a - Fire Contracts: Gretna, Midway and Greensboro was pulled from the consent agenda and placed under # 12 Howard McKinnon, County Manager for discussion.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED ABOVE.

3. APPROVAL OF MINUTES

DECEMBER 16, 2003 REGULAR MEETING

DECEMBER 22, 2003 SPECIAL MEETING

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

4. HAL RICHMOND, COUNTY ATTORNEY

Mr. Richmond stated that on the last meeting Commissioner Holt wanted information pertaining to an ordinance for Vending Revenue for various County requirements. He said to get the ordinance properly advertised the earliest it could be brought before the Board would be February 17, 2004.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE NOTICE OF INTENT FOR AN ORDINANCE FOR VENDING REVENUES FOR THE COUNTY.

5. JACK KOSTREWA, TALLAHASSEE-LEON COUNTY MPO

Jack Kostrzewa, Acting Executive Director of the Tallahassee-Leon County MPO, addressed the Board. He stated that the MPO Apportionment Plan Resolution did not pass at the last Leon County Commission Meeting. It would come up for discussion at the January 26, 2004 meeting and they would have to start all over again. He commented that it would be a great idea if the local municipalities could get together and form a sub-committee. He stated that he would strongly encourage attendance.

Mr. McKinnon and Commissioner Holt stated that the original desire was for two voting members on the MPO Board one from the County and one from the City rotating. They asked if that information could be submitted.

The Board couldn't take action on this item.

6. BERYL RICHARDSON, GADSDEN COUNTY HEALTH DEPARTMENT

HEART DISEASE & STROKE PREVENTION PROGRAM

Beryl Richardson of the Gadsden County Health Department, addressed the Board concerning ways to reduce heart disease, stroke and diabetes. She stated that one major factor of the disease was obesity, which could be reduced through regular, safe, accessible exercise. She asked the County if they would consider sponsoring a county based walking path with exercise stations in a central location that is accessible to citizens in Gadsden County on county-based land.

She also commented that on January 31, 2004 at the East Gadsden High School the 2004 Florida Judo State Championship would take place.

It was the consensus of the Board to look into the project.

**7. JOLINDA HERRING AND MARK MUSTIAL - PUBLIC SAFETY ACADEMY
HOUSING BONDS**

Jolinda Herring, Esq., of Bryant Miller & Olive, P.A., addressed the Board. She stated that she had presented the Commissioners with the information that they had requested from the previous meeting on January 6, 2004. She reiterated in detail that the Public Safety Academy Housing, Inc., a Florida non-profit corporation (the "Borrower") request the approval of the Board of County Commissioners of Gadsden County, Florida (the "Commission") for the issuance by Gadsden County (the "County") of a series of tax- exempt industrial development revenue bonds the (the "Bonds") to finance the construction of dormitory building to be occupied by students of the Pat Thomas Law Enforcement Academy to be constructed in the County (the "Project"). She stated that the County had no liability.

Commissioner Dixon commented that the information they submitted answered all questions that he had.

Mr. McKinnon asked were they requiring that the Bonds be bank qualified?

Ms. Herring stated that is correct, she stated she had some discussion with the County Manager and was told that option may not be available, due to fact of other Bonds the County may have. She commented that the Borrower would still want to move ahead with the project.

Mr. McKinnon commented that the amount of the Bond they are requiring is \$9,000,000.00 he stated that you can have up to \$10,000,000.00 leaving only \$1,000.000.00 and that may cause a problem due to the construction of the new library. He commented that they would still be able to do the project it just won't be bank qualified.

Ms. Herring stated that the only difference would mean a difference in the interest rate that the borrower would pay.

Mr. McKinnon said that this Bond could not be bank qualified therefore, the County isn't liable. He requested that the record show that.

Commissioner Holt requested that they receive literature that states that the County will not be held liable.

Ms. Herring commented that she would get that in writing.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, FOR APPROVAL OF THE PUBLIC SAFETY ACADEMY HOUSING BONDS FOR TCC.

Ms. Herring stated that they would return at the February 3, 2004 meeting for the TEFRA Hearing and for signing of the resolution.

**8. SHERRY VANLANDINGHAM, GADSDEN COUNTY CHAMBER OF COMMERCE
EXECUTIVE DIRECTOR**

Sherry Vanlandingham Gadsden County Chamber of Commerce addressed the Board. She made comments about (Project Raven) the Family Dollar Distribution Center in Jackson County. She explained how the projects come in and what that particular project was looking for: Critical needs list included: 165 acres land at no cost, wanted land not established; property tax abatement; storm water installed at no cost and maintained; Fire & Rescue Department within 2 miles; Federal Enterprise Zone; "They also required positions on several (Jackson County) boards,.." She commented that both the City and County Commissioners in Jackson County worked together on this project. She stated that Gadsden County couldn't accommodate their demands.

Discussion followed among Board Members.

Commissioner Dixon asked if we had a strategy?

Mrs. Vandlandingham indicated that a workshop with the City and County would benefit the Gadsden as a whole and then we could work on a strategy. "We do not have the site or the infrastructure (to attract big businesses). We need a workshop and you tell me what the County can do."

Commissioner Holt commented that on an average what could we do? She stated we need the Federal Enterprise Zone. She stated that we needed a different strategy than the one we have.

Mrs. Vanlandingham replied that when the Tax Abatement becomes available we would be ready. She commented that Infrastructure was the main problem.

Commissioner Watson stated that a list of things other Counties have in place that we don't have that would benefit us.

A workshop was scheduled for February 10, 2004 at 5:00 pm.

9. MAJOR ED SPOONER, GADSDEN COUNTY SHERIFF'S DEPARTMENT

Major Ed Spooner with the Gadsden County Sheriff's Department addressed the Board on Commissioner Holt's request.

Commissioner Holt inquired of Fine & Forfeiture Funds if they could be moved back into the County's General Fund, she stated it was in the amount of \$730,000.00. She commented it could be used for plans the County has to make. She said it could be used as prevention money, adding on the jail, etc.

She asked about the cease property money, west of the County on the \$ 1,000,000.00 sale of property. She stated that in the paper it stated that Gadsden County would receive a \$100,000.00.

Major Spooner replied the may get a portion of it or we may not. He stated the FDLE was spearheading that particular investigation and that that operate under the Burn Grant Program, he provided copy of the rules. He said the Clerk's Office maintains the funds. The only way they can expend monies out of that account is it has to meet guideline requirements and be pre-approved by the state.

Commissioner Holt inquired was the money earmarked for the Sheriff's Department.

Mr. McKinnon stated that is set aside and there is process on how funds can be disbursed.

Major Spooner replied that FDLE has oversight over the Board of County Commissioners who the grant is issued to. He stated the funds can only be spent with certain guidelines and monitors the Sheriff's Office. He commented that the funds are used for Community Programs, additional officers for different drug enforcement activities, book bags, school supplies, etc. that are pre-approved by the state.

Commissioner Holt asked if the money could be moved back into the County Commission and then we may abide by those guidelines.

Mr. McKinnon responded that it could not be moved.

Commissioner Holt stated that the citizens of District 4 don't feel like they are getting the best use of the funds. She said they feel as if the money should go to the Commissioners so that their Communities can be taken care of. She said she was told if they have one department with no checks and balances, then they don't feel like they are getting their dollars worth.

She inquired about seize vehicles what happens to the money once the vehicles are sold or where are the vehicles. How do we go about getting proceeds from the seize vehicles.

Major Spooner invited anyone out to sit down with him or the Sheriff and they would answer any questions.

Discussion followed among Board Members.

Public Comment

Sam Hawkins

Commissioner Holt asked for a motion that the Find & Fortieture Funds be moved to the County Commission for monitoring. It did not receive a second. Commissioner Dixon asked that it be tabled until they could get the expenditure's report from the Clerk's office. Commissioner Holt pulled the motion.

The discussion was tabled.

10. ARTHUR LAWSON, MANAGEMNT SERVICES DIRECTOR

1. Transportation Services for Veterans

Arthur Lawson, Management Services Director addressed the Board seeking direction for transportation for Veterans Services. He stated that the contract for transportation of Gadsden County Veterans with D & S Transit expired in 12/31/03. D & S is currently operating under the old contract. He said that an initial \$35,00.00 was budgeted for this fiscal year. As of the first three months of this fiscal year, the County has expended \$17,951.00. He concluded that at the present rate, the budgeted funds would be exhausted by the end of March 2004.

He also commented that there was a shuttle service offered through Leon County Veterans Service, but the Veterans would have to get a way to Tallahassee the shuttle would run from 7:25 - 3:45pm.

Commissioner Dixon stated, "The reason we are running out of money is because the Veterans are using the service." He said that he was happy with the service. Renewing the contract was his intention. He commented that he would like to keep the current service. "The service we provide is valuable."

Commissioner Watson asked what harm would come from a re-bid?

Commissioner Holt replied we did agree on this contract, if they needed more money to come back and ask. She stated we didn't agree re-bid the contract.

Commissioner Roberson expressed that both services would be beneficial to the County.

Discussion followed among Board Members.

Public Comment

- **George Chambers** - In favor of keeping shuttle service with D&S.
- **Sam Hawkins** - He encouraged asking veterans to find out what service meets there needs.
- **Don Gibson** - Owner of D&S Transit. He commented that the program works and that he tries to give a first-class service to the Veterans.

Commissioner Watson inquired can we re-visit the contract to get a reduction in cost, without reducing the service.

Commissioner Dixon made a motion to renegotiate contract it was second by Commissioner Holt. Commissioner Roberson asked Commissioner Dixon would he amend his motion to include the shuttle services also.

Mr. McKinnon stated that he would like to renegotiate with D&S Transit with the understanding that there are budget concerns. He also commented that he would not like to Mr. Hinson in the position.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 3 - 1, BY VOICE VOTE, TO RENEGOTIATE THE CONTRACT FOR CURRENT VENDOR AND OFFER ADDITIONAL SHUTTLE SERVICE, MONITORING THE PROGRAM UNTIL FUNDS ARE DEPLETED. COMMISSIONERS DIXON, HOLT AND ROBERSON FOR THE MOTION. VICE-CHAIR WATSON OPPOSED THE MOTION.

2.Hospital Beds Bid # 03-19

Mr. Lawson stated that there were two bids submitted for the replacement of 29 patient beds and 3 child cribs at the Gadsden Community Hospital. Stryker Medical of Lynn Haven, Florida, submitted the low bid meeting the specifications. The total cost of the beds will be \$112,073.34. The Building Official and the bid committee recommended the low bid of Stryker Medical.

Commissioner Holt mentioned that she had meet with Dr. Furlow and Dr. Carla Holloman - Horton about the pediatric beds and that they had voiced concerns. She asked that Mr. Lawson speak with them before purchasing the pediatric beds.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE BID BY STRYKER MEDICAL OF LYNN HAVEN, FLORIDA WITH THE TOTAL COST AT \$112,073.34.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO REMOVE THE FUNDS FROM THE HOSPITAL TRUST FUND.

11. BRUCE BALLISTER, GROWTH MANAGEMENT DIRECTOR

1.BUTLER FARMS MINOR SUBDIVISION- TYPE III APPEAL TO

ADMINISTRATIVE DENIAL

Mr. Richmond stated that this being a quasi-judicial proceeding anyone giving comment or testifying must be given an oath.

Mr. Ballister commented that the applicant C.V. Butler is appealing a decision by the Planning Department Director to permit the simultaneous creation of six minor subdivisions. The minor subdivisions are to be created on six different but adjacent parcel of land under common ownership. The combined lands total 295.4 acres on 7 tax Parcels. The property is located in Havana in the Lake Francis subdivision. It is currently situated on lands that are zoned AG2 and rural residential. He mentioned the Maxwell minor subdivision, and he knew there were concerns with the Board about adjacent minor subdivisions. He said with a lot of thought and consideration he gave this application a denial to be able to bring before the Board.

He stated that the engineer for the project Sean Mitchell stated that the major subdivision was determined that the cost of development was more than the applicant was willing to put into the project. He inquired about minor subdivisions of the existing parcels as individual tax lots. Shifting boundary lines without going through Planning and Zoning.

Mr. Richmond inquired what is the current stasis with regard of the landline that exists.

Mr. Ballister replied that the boundaries have been re-recorded.

Mr. Richmond asked was this after the notice?

Mr. Ballister stated between November and December. He commented that he advised as submitted that he would have to consider them a major subdivision.

Guy McCord, Attorney for C.V. Butler addressed the Board. He stated that Mr. Butler was absent due to his longtime friend and business partner's death. He spoke in favor of the Butler Farms Minor Subdivision. He stated that there would be only site- built homes on 7 lots, very high quality development. He reiterated that the Land Development Code does not preclude this it can happen under the current Code of adjacent commonly owned

parcels. He presented a binder book for the record, which his law firm prepared.

Mr. Richmond questioned Mr. McCord was it the intempt of the applicant to develop a major subdivision without having to pay for a major subdivision.

Commissioner Dixon stated that if the only difference from a minor and a major subdivision is stormwater run-off, pave roads. He said it has to be the cost. He couldn't support this project. Commenting that are "trying to deprive the spirit of the law."

Public Comment

- Kenneth Delvrid, 650 Francis Dr. - not in favor
- Jerry Raines - not in favor
- Sam Hawkins - not in favor

Commissioner Watson inquired as current code reads this is legal.

Mr. Ballister replied yes. He replied he told applicants that prior to submission of the application the boundaries needed to be shifted, applicants should submit applications over a period of time.

Commissioner Watson referenced a letter dated March 7, 2003 by Mr. Ballister that addressed the Departments preference that the major subdivision route be taken as it more closely follows the intent of the comp plan and the code. He stated that we didn't need to get into the habit of changing the rules along the way. It would only result in people not wanting to do business in Gadsden County. We do need to fix the problem with the adjacent parcels. It shouldn't be retroactive all the way back to February of 2003. He stated he was in favor of approving this application.

Discussion followed among Commissioners.

Commissioner Dixon made a motion to deny appeal. Commissioner Holt called the question. She stated what happens to drainage; she asked is there a portion in the code that says you must wait. She commented that she would not oppose if they could be done one at a time. She was opposed to all being built at once.

Mr. McCord said that some sequencing could be a possibility. He felt that we should table the matter until his client could be in attendance.

Commissioner Dixon agreed to pull motion and Commissioner Holt seconded the motion.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO TABLE MOTION.

2. PROPOSED MODIFICATIONS FOR INSERTION IN LDC IN REGARD TO MINOR SUBDIVISIONS

Mr. Ballister briefly stated the present contents of the Land Development Code do not prohibit, restrict or the control the alignment of parcel or property lines where no new parcels are created. This allows adjacent landowners to revise property boundaries along their common lines to permit mutually agreeable sales of adjoining properties. It also would permit and individual owner to relocate existing boundaries to facilitate future plans or sales options when no new lots are created in the process. He stated that the present contents of the LDC permit the splitting of a parcel or property into two lots with no interaction with the Planning Department or either review board, when both lots are at least the minimum lot area for the appropriate Land Use District.

He stated that he was asking for guidance as to what proposed limitations should be developed so that appropriate language can be proposed for Planning Commission and BOCC action.

- Change Option 1; No development of adjacent minor subdivisions on parcels that have been created after January 1, 2004.
- Change Option 2; No minor subdivision development of adjacent parcels of record under common ownership as of January 1, 2004.
- Option 3. Adjacent minor subdivisions, on lands so created or situated under 1 or 2 above would be required to pave the road and provide FEP levels of treatment for the roadway, but would be exempted from the 10% open space and rate control criteria.

Commissioner Dixon stated that we should look at the

intensity of use.

Commissioner Holt commented that tax assessment could cover roads in minor subdivisions.

Commissioner Watson supported the idea of the first 5 or 7 lots you can approve, anything adjacent, beyond that comes before the board.

Discussion followed among Board Members.

It was the consensus of the Board to schedule a workshop to address the issues with minor and major subdivisions. It was scheduled for February 10, 2004, 5:00 pm in conjunction with Economic Development.

3.SPARKLEBERRY MAJOR SUBDIVISION

Mr. Ballister stated that the Board heard Sparkleberry Major Subdivision two weeks ago January 6, 2004. He stated that it was tabled so that the Engineer Barry Poole of Poole Engineering and Survey could address the provisions of the sewer with the City of Quincy to come up with cost estimate.

Mr. McKinnon called the Commissioners attention to the agreements that came in January 20, 2004. He referenced a sewer provision for Sparkleberry.

1. Mandatory septic tank pump out every five (5) years, subject to a lien imposed by the homeowner association;
2. Payment annually by homeowners of proportionate costs to pump out septic tanks as part of the homeowners association dues;
3. Design of the development so that each home may reasonably be connected to the underground sewer system;
4. Requirement that the developer determine sewer availability prior to each phase of the development; and
5. Commitment by the developer to hook up to sewer, once available.

Discussion followed among Board Members.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO APPROVE THE SPARKLEBERRY MAJOR SUBDIVISION.

12. HOWARD MCKINNON, COUNTY MANAGER

Library Site Negotiations

Mr. McKinnon stated that per the Board's request they entered into Library site negotiations with Mr. Randolph Greene/ Chip Gray Reality for the property, which the purchase price is \$295,000.00. He referenced a letter from the City of Quincy stating that the process would require the review and approval of the Planning and Development Review Board and the City Commission prior to the issuance of a development order.

Public comment

- Helen Franks
- Sam Hawkins
- Marian Greene
- Verida Owens Benton
- Nestee Cummings
- Jane Mock - Library Director
- Joe Parramore
- Jerry Raines

UPON MOTION BY COMMISSIONER HOLT AND SECOND COMMISSIONER DIXON THE BOARD VOTED 2 - 2, BY VOICE VOTE, TO DENY THE OFFER OF 702 PAT THOMAS PARKWAY. COMMISSIONERS HOLT AND DIXON FOR THE MOTION. COMMISSIONERS WATSON AND ROBERSON OPPOSING THE MOTION. THE MOTION WAS DEADLOCKED.

Vice-Chair Watson asked Mrs. Mock how long did they have before they had to make a decision.

Mrs. Mock replied that the grant reads we must have a construction contract awarded by December 23, 2004.

Grant to Active Duty Military Personnel

Mr. McKinnon stated that at the December 16, 2003 meeting a group of concern citizens for deployed soldiers addressed the Board. They proposed a grant that would allow eligible grantees who are member of the United States Military, United states Reserves or the National Guard who have been called to active

duty for a named United States military conflict or in support of a national emergency declared by the President of the United States. He commented that we have 11 National Guardsmen currently serving in the Iraqi conflict. Numbers of other soldiers that are currently deployed in the United States Military and Reservists were not available.

The grant amount is the property taxes (county's portion only) owed by the eligible person prorated for the year based upon the actual time deployed during the year. The minimum annualized grant amount is \$ 600.00. This is also prorated based upon time served during the year.

An annualized grant amount of \$600.00 is also available to deployed personnel who are not property owners. This is prorated based upon time served during the year.

The grants are subject to budgetary appropriation on an annual basis by the County Commission.

Commissioners Dixon and Watson questioned the cost effectiveness of a program of this magnitude. They both inquired about the number of people that would be involved.

It was the consensus to advertise in all the local papers for a period of time setting a deadline. Family members must respond within that time frame.

County's Dumpster Program Proposal

Mr. McKinnon stated that he was seeking direction in the County's Dumpster Program. He said that October and November's disposal costs averaged \$22,000 a month. This annualizes to a total of \$264,00.00. Currently \$175,000.00 is budgeted for this line item with a \$15,000.00 contingency for a total of \$190,000.00. The county is facing an estimated \$74,000.00 budget shortfall.

The proposal calls for hiring two part-time workers to man four sites established in the county. Each site would be fenced and gated allowing access only when the site is opened for business. The two part-time workers could alternate between four sites, keeping them open four hours at a time. Two sites could be opened on Wednesday and Thursday and two sites opened on Saturday. A fifth site could be maintained at the sand pit off Post Plant Road during the time the county crew is on duty. This would allow for a site to be opened for a set time in maintained

at each site. This plan will allow county residents a garbage disposal site within 10-15 miles of their home, one site in each district.

Estimated additional labor costs for hiring the two workers for the remainder of the year is \$14,000.00. The estimated disposal costs for the five manned sites for the remainder of the year is \$99,00.00. This totals to an estimated cost of \$113,00.00. Remaining in the garbage disposal budget for the rest of the year a total of \$105,000.00. It was stated that money from the Board's Contingency could be used to cover the additional costs.

For the Board's consideration is an estimate of revenue derived from an annual user fee if the commission wished to recover some of the costs. It's estimated we have 9100 households in the rural part of the county. 2200 of these households contract with Waste management for household garbage disposal. This leaves an estimated 6900 without garbage collection. If 25% paid a \$25 annual fee then \$43,000.00 could be collected to help offset the cost of this program. The \$25 fee will allow a user to dump household garbage in a manned county dumpster site. The \$25 fee will allow a user to dump household garbage in a manned county dumpster site. A window sticker would identify the user and stickers would be sold in advance.

Discussion followed among Board Members.

It was the consensus of the Board to bring back at the February 3, 2004 meeting with a detailed plan that will include hours of operation.

Fire Contracts: Gretna, Midway and Greensboro

The fire contracts were pulled from the consent agenda per Commissioner Holt. She questioned how do we adjust the funding for each contract, so that it may be an equal amount. The contracts that were up for renewal were the City of Gretna with \$12,945.00, City of Midway with \$15,583.00 and Town of Greensboro with \$22,372.63.

Mr. McKinnon stated that Mr. Tommy Baker is over the department. He said it was agreed on that the chief's would decide on how the funds would be dispersed.

Commissioner Holt commented the numbers could change within the budget. The total amount could not change. The funding couldn't be justified.

She also mentioned the Robertsville Fire contract.

Mr. McKinnon replied that there contract was not up for renewal.

Discussion followed among Board Members.

Public Comment

Helen Franks - City of Gretna Commissioner

Mr. McKinnon said that when separated that all the cities would receive \$17,0000.00.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO APPROVE ALL CITIES AND TOWNS LISTED ABOVE WITH FUNDING OF \$17,000.00 EQUALLY.

13. CONSENT AGENDA - FOR APPROVAL

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

- a. Fire Contracts: Gretna, Midway and Greensboro
- b. Amendment to Emergency Food Assistance Program Contract Number 8214
- c. NACo 2004 Legislative Conference, Washington D.C. Travel for Commissioner Dixon
- d. Proclamation No. 2004-001-Library Appreciation Month - February
- e. Resolution 2004-03-Confirming Continuation of Certain Approved Rights and Permits at the Curve Crest Mobile Home Park on US Highway 27 in Gadsden County
- f. Medtronic Physio-Control Corporation- Continuation of Services - EMS

14. Consent Agenda - For the Record

- g. Letter to Department of Transportation
- h. Mediacom - Notice of Price Increases

15. Public Comments (3 minute limit)

Public comment was not heard.

16. Clerk's Agenda

Budget Amendments 2004-01-20-01 through 2004-01-20-05

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

Ratification of Approval of Pay County Bills: Accounts Payable Registers 01/09/04 and 01/16/04; and Payroll Register 01/08/04

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO RATIFY THE APPROVAL OF THE ABOVE STATED COUNTY BILLS.

17. District 3

Commissioner Roberson had no report.

District 4

Commissioner Holt requested information on the Robertsville Firestation.

She also wanted information regarding the budget, the departments that requested funds; what are their objectives.

District 5

Commissioner Dixon suggested that a lot of items were brought before the Board during Budget session such as insurance etc. He suggested that they look into the feasibility of certain programs ahead of time.

District 1

Chair McGill was out sick. No report was given.

District 2

Vice - Chair Watson had no report.

ADJOURNMENT

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

Sterling Watson, Vice-Chair

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL JOINT MEETING, THE
CITY OF QUINCY COMMISSIONERS AND
THE GADSDEN COUNTY, FL BOARD OF
COUNTY COMMISSIONERS MET ON
JANUARY 21, 2004 AND THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

COUNTY COMMISSIONERS PRESENT:

STERLING WATSON, VICE - CHAIR
CAROLYN ROBERSON
EDWARD J. DIXON
HOWARD MCKINNON, COUNTY MANAGER
BERYL WOOD, DEPUTY CLERK

CITY OF QUINCY COMMISSIONERS PRESENT:

WILLIE EARL BANKS, CITY MANAGER

CALL TO ORDER

Vice - Chair Watson called the meeting to order. He stated that the purpose of this joint meeting was for recognition by the Department of Health of efforts that Gadsden County as a whole has made to AIDS/HIV Awareness. He turned the meeting over to the Department of Health.

Ron Henderson with the Department of Health addressed the Board. He talked about the Essence Magazine and how it affected the County. He expressed how something that appeared so negative, actually brought a positive change. The Bureau of HIV/AIDS is helping to educate people through publicity about HIV/AIDS prevention.

He went in detail to describing what the department's vision was for a National Black HIV/AIDS Awareness Day. The event is scheduled for February 7, 2004, and will serve as an opportunity to provide HIV/AIDS prevention, education and service for members of various black communities.

He said that locally they would like to recognize everyone that has played apart in the awareness of HIV/AIDS. He commented that own a local level they would like to invite local media, legislators, Chief Bureau of HIV/AIDS, Thomas Liberti and Secretary of Health John O. Agwunobi, M.D., M.D., M.B.A..

Commissioner Watson inquired why were they being exclusive why was it National Black HIV/AIDS Awareness Day instead of National HIV/AIDS Awareness Day? He commented that he thought we were concerned with everyone's health, just not a particular race.

Mr. Henderson replied yes and with the negative publicity that was received here in Gadsden County regarding the Essence Magazine with it's distribution being mainly black. He expressed that the numbers show the disease is affecting blacks across the nation at a high rate, more so than any other race.

He explained that by having the media involved it brings out the negative and the positive effects. He stated that they were here asking would this be an effect that the County would consider and stand behind.

Mr. Henderson committed that if February 7, 2004 was not a good date, they could choose another date. He expressed that they would really like to expose light to all the positive things that have happen as a result of the Essence article, 1 year later.

Commissioner Dixon inquired about numbers, what have we really accomplished.

Mr. Henderson stated that more funds had come in. The testing/screening was better available. Educating on AIDS/HIV had increased. AIDS/HIV cases were down in the right areas of target.

Public Comment

- Dell Harrison
- Nancy Gee - Gadsden County Grant Head
- Keith Blocker
- Linda Grant - Grants Department
- Samantha Holloman
- Yolanda Miller
- Brenda Diamond

Nancy Gee commented that the work Gadsden County has done has been good. The state is looking at Gadsden for pilot program for other governments to step in. The communities were concerned that's why we sponsored the Forum at The Leaf Theatre. The

Health Department would like to highlight, that when we were exposed we go help. They simply want to salute Gadsden County as a whole for what we have done, show the positive side.

Keith Blocker talked a training session that would last about 2 hours. He also stated a refresher course could be offered to health officials along with citizens of the County.

Commissioner Dixon questioned what type of relationship the Department of Health had with the School System?

Mr. Blocker stated that they have worked with classroom teachers on one - on - one basis with students.

Mr. Henderson commented that they simply want permission and input from the Boards.

Linda Grant expressed that February 14, 2004, Valentine's Day would be a good day for the Awareness Day. She commented that they could use slogans such as "We need to love healthy". Big Bend Cares and Investing In Our Youth would play a big part in the Awareness Day.

She said the highlight would come if they could get all City and County Commissioners to agreed to be tested.

Commissioner Dixon commented that he had no problem with that. AIDS/HIV is real and continued awareness is important.

Commissioner Dixon suggested that they target the School System, 11-12 grade students. He said they could bus the kids in and have a Forum, walk outside have Press Conference.

Commissioner Roberson commented they should target the churches.

Yolanda Miller asked for a letter of support from City and County Commissioners.

Commissioner Dixon commented that AIDS is like illiteracy. You have to target behaviors until they change.

Commissioner Roberson said it takes education to beat the AIDS crisis.

Mr. Earl Banks, City of Quincy apologized for the absence

of the City Commissioners. He advised that he would take this information back to them. The topics for discussion were listed as follows:

- He stated they could provide people from the City to help with the project.
- February 7, 2004 he advised was not enough time.
- He could give a letter of support coming from City.
- City Commissioners being tested he would bring that up at the January 27, 2004 City Meeting.

The AIDS/HIV Awareness Committee agreed to come back to the Boards using ideas they have given with a more detailed plan and a set date that would allow for such an event.

Adjournment

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

Sterling Watson, Vice - Chair

ATTEST:

Nicholas Thomas, Clerk

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Mr. Henderson committed that if February 7, 2004 was not a good date, they could choose another date. He expressed that they would really like to expose light to all the positive things that have happen as a result of the Essence article, 1 year later.

Commissioner Dixon inquired about numbers, what have we really accomplished.

Mr. Henderson stated that more funds had come in. The testing/screening was better available. Educating on AIDS/HIV had increased. AIDS/HIV cases were down in the right areas of target.

Public Comment

- Dell Harrison
- Nancy Gee - Gadsden County Grant Head
- Keith Blocker
- Linda Grant - Grants Department
- Samantha Holloman
- Yolanda Miller
- Brenda Diamond

Nancy Gee commented that the work Gadsden County has done has been good. The state is looking at Gadsden for pilot program for other governments to step in. The communities were concerned that's why we sponsored the Forum at The Leaf Theatre. The

Health Department would like to highlight, that when we were exposed we go help. They simply want to salute Gadsden County as a whole for what we have done, show the positive side.

Keith Blocker talked a training session that would last about 2 hours. He also stated a refresher course could be offered to health officials along with citizens of the County.

Commissioner Dixon questioned what type of relationship the Department of Health had with the School System?

Mr. Blocker stated that they have worked with classroom teachers on one - on - one basis with students.

Mr. Henderson commented that they simply want permission and input from the Boards.

Linda Grant expressed that February 14, 2004, Valentine's Day would be a good day for the Awareness Day. She commented that they could use slogans such as "We need to love healthy". Big Bend Cares and Investing In Our Youth would play a big part in the Awareness Day.

She said the highlight would come if they could get all City and County Commissioners to agreed to be tested.

Commissioner Dixon commented that he had no problem with that. AIDS/HIV is real and continued awareness is important.

Commissioner Dixon suggested that they target the School System, 11-12 grade students. He said they could bus the kids in and have a Forum, walk outside have Press Conference.

Commissioner Roberson commented they should target the churches.

Yolanda Miller asked for a letter of support from City and County Commissioners.

Commissioner Dixon commented that AIDS is like illiteracy. You have to target behaviors until they change.

Commissioner Roberson said it takes education to beat the AIDS crisis.

Mr. Earl Banks, City of Quincy apologized for the absence

of the City Commissioners. He advised that he would take this information back to them. The topics for discussion were listed as follows:

- He stated they could provide people from the City to help with the project.
- February 7, 2004 he advised was not enough time.
- He could give a letter of support coming from City.
- City Commissioners being tested he would bring that up at the January 27, 2004 City Meeting.

The AIDS/HIV Awareness Committee agreed to come back to the Boards using ideas they have given with a more detailed plan and a set date that would allow for such an event.

Adjournment

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

Sterling Watson, Vice - Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA ON
FEBRUARY 3, 2004, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

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

ABSENT:

BILL MCGILL, CHAIR

1. MEETING CALLED TO ORDER

Vice-Chair Watson called the meeting to order. Commissioner Roberson led in pledging allegiance to the US flag. Commissioner Dixon led in the invocation.

2. ADOPTION OF AGENDA

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

3. APPROVAL OF MINUTES

JANUARY 6, 2004 - REGULAR MEETING

JANUARY 6, 2004 - SPECIAL MEETING

JANUARY 6, 2004 - SPECIAL MEETING

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

4. MR. RICHMOND'S AGENDA

Mr. Richmond had no report.

5. PUBLIC HEARING - PUBLIC SAFETY ACADEMY HOUSING BONDS

Jolinda Herring, Esq., of Bryant, Miller & Olive, P.A., addressed the Board. She stated that she was present for the opening of the TEFRA Public Hearing and the adoption of the Ordinance for the Public Safety Housing Bonds.

Vice-Chair Watson called for public comment and no comment was heard.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO ADOPT THE ORDINANCE TO APPROVE THE ISSUANCE OF A BOND OF \$9,000,000.00 FOR THE PUBLIC SAFETY ACADEMY HOUSING, INC. PROJECT.

6. DR. JAIBUN EARP - FAMU WELLNESS CLINIC IN GRETN

Dr. Jaibun Earp, Professor & Director, FAMU Wellness Center, located in Gretna, Gadsden County addressed the Board. She stated that she had been before the Board on April 15, 2003 asking for assistance for operation of the Clinic. The amount that they were requesting was \$10,000.00. She stated that they are working hard to make the clinic self-sustainable. She commented that all funds received would go toward clinic operations, (which were Thursday and Friday), salaries, and supplies. Fund utilization records would be available for their review.

Commissioner Roberson asked Dr. Earp was the amount they asked for back in April the same amount they needed at this point.

Dr. Earp replied yes, even though they had received revenue sources from grants and other agencies, they still needed the money that they are requesting.

Commissioner Dixon commented that he had visited the Wellness Center in Gretna and he knew what a terrific job Dr. Earp and her staff did with minimal funds and supplies. He commented that her services are well appreciated by all.

Commissioner Holt expressed the same gratitude to Dr. Earp.

Commissioner Watson explained to Dr. Earp that it was impossible for the Board to approve this request at this time, due to the fact the County would be facing to other obligations that they needed to act upon.

The Board didn't act upon this request. They said that they would discuss it once they made a decision on the other two County obligations.

7. BRUCE BALLISTER, GROWTH MANAGEMENT DIRECTOR

1. DEER RIDGE MAJOR SUBDIVISION

Mr. Ballister commented that Deer Ridge Subdivision is seeking final plat approval for the site located along the western right of way of US 27 just north of the intersection of CR 270. The subdivision received preliminary approval on October 5, 1999. The plat proposed 24 half-acre lots for mobile home construction within the criteria valid at the time. The Department issued a development order subsequent to approval of engineering construction plans on May 23, 2000, which was valid for a period of 18 months, or until December 23, 2001. Mr. Moore requested an extension of time to market the property to an appropriate construction firm and construction firm and construct the subdivision. The extension was granted on October 16, 2001 for an additional 12 months with the original special conditions. The Land Development Code was revised subsequent to this Preliminary Plat submission so Covenants have not been already approved. The Covenants were provided for Planning Commission's review, which were approved with minor language changes.

The Planning Commission heard the request on January 8th and recommended approval subject to minor revisions on the Covenants. Mr. Ballister commented that he received a letter dated on the 29th of January from Talquin Electric stating that they had been contacted by the first set of contractors on the job that moved the waterline from where it crosses the wetlands beneath the pavement. Talquin wanted it listed in the Homeowners Covenants that they would not be responsible for replacement of pavement, base etc. should they ever have to repair the line. Mr. Ballister stated that the project had met all of the requirements.

Commissioner Dixon commented that he had no reservations.

Commissioner Holt inquired about the waterline and what side of the road the line runs on?

Mr. Ballister said it has been constructed. He commented that it had been through DEP and Talquin's permitting process.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE DEER RIDGE MAJOR SUBDIVISION FINAL PLAT & COVENANTS.

2. TERRANCE LOUNGE - LOUNGE EXPANSION

Mr. Ballister commented that the applicant, Gus Dasher, has submitted an application requesting the expansion of an existing tavern located on Lincoln Drive just outside of Chattahoochee's city limits. The building is an existing nonconforming use due to the setback requirements of the Land Development Code (Subsection 5003). The front of the existing building is located 20 feet from the right-of-way. Mr. Dasher is requesting two variances to the Land Development Code.

- a.) The first variance is for the reduction of the required parking spaces.
- b.) The second variance is for permission to expand the building within the setback area from Lincoln Drive.

Gus Dasher, property owner addressed the Board in support of the two variances for Terrace Lounge.

Commissioner Roberson asked questions about the parking?

Mr. Dasher stated that additional parking was along the streets.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE TERRACE LOUNGE WITH THE CONDITIONS.

3. TRI-EAGLE SALES-LIGHT INDUSTRIAL SITE PLAN VARIANCE

Mr. Ballister stated that the applicant, Tri-Eagle Sales, is developing a new distribution facility in the Hammock Creek Light Industrial Site. Hammock Creek has obtained all of

the FDEP permitting required and is scheduled to start construction soon. The Tri-Eagle application, though large, is within the parameters of a Class 1 light industrial project and conforms to the criteria expected of a use by right development within the future subdivision.

Mr. Ballister said that the applicant is applying for a clearing permit to begin dressing the site in anticipation of a departmental approval at a later date. The source of the request for a variance, is the timing of the application. The subdivision will begin construction shortly but will not be completed for another nine to twelve months. The land has been sold to Tri-Eagle, which violates the Land Development Code in: Subsection 6901. He said that there was no brake at the Clerk's Office to an outside action that is a sale of a parcel prior to recording at the Clerk's Office. Therefore, the Department did not have foreknowledge of the transfer of title to Tri-Eagle.

He stated that the staff recommendations were, grant a variance to the prohibition against sale of lots prior to recording. Authorize processing of the clearing of the property. That clearing permit will explicitly prohibit any activity other than the clearing and stabilization prior to issuance of a Development Order for the site.

Vice-Chair Watson called for a motion.

Commissioner Roberson gave a motion and Commissioner Dixon seconded it. It was held for public comment.

Public Comment

Mr. Richmond administered an oath to **Richard Thompson**.

Richard Thompson:

Voicing several concerns about this particular project. He stated that the Gulf Management Act under statute 163.3315 gives the County standing to enforce the Comprehensive Plan through Development Orders.

He stated that St. Joe started this project back in October of 2000 with the Land Use Amendment. The last time they appeared before the Board was in July 2003 for an extension for the planning of the preliminary plat. Reviewing through the agendas, I have been unable to find where a Development Order had been issued to St. Joe to proceed with the subdivision. He commented

that it was said that they have one, but he would like to know when it was issued.

Mr. Ballister:

The Board gave them Preliminary Plat approval. He said in the prior Code there was no mention when they got the Development Order. In the new Code that we recently passed, Development Orders are something that we issue we say don't brake ground until the staff including the County Engineer and myself are happy with construction plan. Preliminary Plat is not a construction plan so you can't vote on one. The Development Order that we issued is an approval of the set of Construction Plans prepared after this Board gives Preliminary Plat approval. He commented that Development Orders don't require a separate trip back to the Board.

Mr. Thompson:

I disagree with Mr. Ballister. He commented that the Code says until the County except the final platting they have not met all Land Development code requirements for the subdivision and at that point that date becomes the date of their application for the Development Order. It has been for several years the practice for subdivisions and sites put on Development Orders that the development Order has been brought back to this Board. It has normally appeared on the consent agenda. He stated that he has reviewed it and didn't find anything. He commented that he challenges that there is in fact a Development Order has been issued to St. Joe for this subdivision. Without a development order there is no assurance of warrant that the required infrastructure will be in place and in compliance with the Land Development Code. There is no subdivision, no Development Order has been issued for one. He stated that Mr. Ballister was correct in stating that Land Development Code 6901 can be transferred and sold etc. He stated it was the same thing in 6011. He commented that a type 2 review is required for Tri-Eagle Development and the Development Order. The process has not been started the conceptual plan has not been before the Planning & Zoning Commission or Board of County Commissioners. Therefore there is no basis for an application of for a Site Development Order or to issue a Development Order.

Mr. Ballister:

I disagree with Mr. Thompson's comments. He said that with every subdivision that they have done with the exception of the

ones that have been contested. We have issued construction plans to the staff for review. He stated that if he had to bring a D.O. here it would be here in 2 weeks. He stated that he could not say that it was invalid.

Mr. Thompson:

The Development Order was indeed invalid. He said the basis for a Variance:

- Section 7300 subsection 7301C 1-7 list seven conditions that must be met to qualify for a Variance. (He read off all seven of the conditions)

He commented that he didn't find proof that any of the seven conditions had been met. Section 7204 states that Variances are type 2 procedures and require a Public Hearing before Planning and Zoning and before the Board of County Commissioners. It has not been before P&Z and this hearing was not public notice. There is not basis for a variance. He stated that they can't ask for a variance for something that does not exist. He commented that Tri-Eagle problems are with St. Joe and the Hammock Creek people and not with Gadsden County. He said he hopes no one tries to make the County Commissioners the scapegoat in this issue.

Mr. Transom and Mr. Bundy received sworn public testimony.

Tripp Transom, owner of Tri-Eagle Sales spoke in support of the Light Industrial Site Plan Variance.

Jim Bundy, Engineer for the project spoke in support of the Light Industrial Site Plan Variance.

Commissioner Dixon:

How do we do it and do it legally. That allows business to move forward but does not violate the spirit of the law that we have put in place for certain reasons.

Mr. Ballister:

The type 3 process a variance is a type 3 appeal. The language states they may be combined with type 2 process when there is something in the application that wouldn't fit the Code. Type 3 appeals are to this Board and don't require meeting with the Planning Commission. He stated that if he had omitted

that step he would prepare it immediately. He stated he would go back and check.

Mr. Ballister was administered an oath by Mr. Richmond.

Mr. Richmond:

The process we are under at this point and time is a Development Order was issued to Hammock Creek or St. Joe. They transferred the property to Tri-Eagle without having the necessary Development Order in place. The purpose at this time is to correct a legal issue.

He asked Mr. Ballister did he believe that a Development Order was issued? They would have been a legal process under your rules and regulations at that time. He stated to Mr. Ballister your asking to approve Tri-eagle because they didn't technically apply at the time of the sale to get prior approval

Commissioner Holt:

What you are saying St. Joe owned the property and you are saying there was a Development Order issued, Mr. Thompson is saying there wasn't. St. Joe is saying they sold the property to Tri-Eagle and Tri-Eagle bought it with the understanding that there was a Development Order issued. Is that the case?

We need a Copy of the Order and the date on the order. Paying more attention to the Consent Agenda is a must from now own.

Commissioner Watson:

We have all approved this subdivision. If there is no Development Order he can get it to us in two weeks. I see no reason why we can't grant this Variance tonight.

Commissioner Dixon:

I'm lost is the Development Order for the Park or is it for Tri-Eagle.

Mr. Ballister:

The Development Order is for the Park so they could construct roads, sewer, etc. Tri-Eagle has purchased the land

that will become lots 17 and 18 or 16 and 17. They want to proceed with clearing permits and conceptual site plan review.

Commissioner Dixon:

The idea is not to murder the law in the process.

Mr. Ballister:

I'm not trying to murder the law.

Commissioner Dixon:

We need to find out where did we go wrong and how do we make it right.

Commissioner Watson:

If there is no Development Order you can have one back in two weeks, I see no reason why we can't grant this variance tonight and in two weeks approve the Development Order.

Mr. Ballister:

I worked very hard with the St. Joe Company to have that signature page filled in.

Commissioner Watson:

Instead of waiting until the entire park has been developed, they want the park to be developed and at the same time they want to develop their part of the park to save time.

Commissioner Dixon:

Are we talking about 1 or 2 projects? This is where I'm lost.

Mr. Ballister:

The bigger project is the Hammock Creek Industrial Park which is almost a 170 acres.

Mr. Richmond:

If there was a Development Order on Hammock Creek and if Tri-Eagle had been approved and Tri-Eagle didn't come before

this Board and the sale didn't take place until after the Development Order was signed would there even be here. This would be something you would be doing in your office.

Mr. Ballister:

Right, If the subdivision was built and there were two lots ready for sale there would be no discussion.

Mr. Richmond:

We are approving the overall use of Hammock Creek and this fits within the use of Hammock Creek, so you wouldn't review it again.

Richard Thompson:

There is in fact two different projects, one involves Hammock Creek which is a Development Order. The second one involves Tri-Eagle's development of their site, which is a site development. At first I challenged the fact that there was no Development Order. Second one is that Tri-Eagle does not have a Development Order for a site. They have not even initiated the process. There is nothing there. They are asking for a variance on nothing. We cannot challenge their development until they have a Development Order in place. How can they a variance unless they have a development in place.

Commissioner Watson:

They way I understand is we are granting a variance to the code, part of the Code which states the land shouldn't change hands until.

Richard Thompson:

You're talking about issuing them a variance that will let them develop and clear, which is what they do in a Development Order.

Mr. Ballister:

The whole idea was the came in asking for a clearing permit prior to final approval. In August we instated the mechanism for requesting a clearing permit.

Commissioner Dixon:

I think you have to separate the two. Set one path for the Creek and another path for the Tri-Eagle. Then it will get clearer for us. Let's give a big fine and call it a day.

Commissioner Watson:

You don't hammer people that are willing to bring businesses to Gadsden County.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE LIGHT INDUSTRIAL SITE PLAN VARIANCE TO PROHIBIT THE SALE OF LOTS PRIOR TO RECORDING AND TO AUTHORIZE PROCESSING FOR TRI-EAGLE SALES FOR CLEARING OF THE SITE ONLY.

4. NORTH FLORIDA TOMATOES-HOUSING VARIANCE

Mr. Ballister commented that North Florida Tomatoes, is requesting a variance to place a housing structure on their commercial property near the corner of Bostick Road and US 90 West. The Land Development Code does not permit housing in the commercial land use district except for motels and or one single family residence per lot of record. The intention is to provide a seasonal residence for direct employees of North Florida Tomatoes during the two packing season per year. The structure would provide 3 limited living units in a modular housing structure. The residential use is to be limited to the packing season for employees working on site who are normally housed at a local motel. The on-site presence will also provide additional security for the facility during the two packing seasons in June and October of each year.

Mr. Richmond gave Pete Marine an oath.

Pete Marine addressed the Board in support of the housing variance.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE HOUSING VARIANCE FOR NORTH FLORIDA TOMATOES.

5. 2004-1 TEXT CHANGES TO THE COMPREHENSIVE PLAN -
FUTURE LAND USE, RECREATION & OPEN SPACE, TRAFFIC
CIRCULATION

US 27 Corridor

Mr. Ballister commented that the US 27 Corridor Part would not be discussed until District 1 seat is filled. He commented that it would keep the Comp Plan as it is until it is changed.

Recreation Grant

Mr. Ballister stated the Department has been working on text amendment to the Comprehensive Plan, the recreation grants track. He stated that experience gained from unsuccessful grant applications last year has led to understanding that a quickly created grant application, no matter how well thought out and documented will not succeed without backing from comprehensive plan support. Enough additional points are gathered in each of the grant review processed that will make the difference between a successful grant application and failure. The Department has always worked closely with the grant writers to put together good packages, but the problem has been that the sites are identified at too late a date to allow for revision to the comp plan. It is our intent to increase our scoring our scoring in the grant application and review process.

He stated that an attempt to reach one neighborhood park per district. We want to bring our existing neighborhood parks up to part. Listed was the infrastructure that or the level of service that we want each of those parks to be brought up to. I need approval for changes.

Underlined language we are approving policy 601.3- will be left in the Goal, Objectives and Policies. In Goal 6, Policy 6.3.4-will be taken out; numbering was wrong, 6.3.1 is covered in 6.2.2

Capital Improvements Element

GOAL 8: THE COUNTY SHALL UNDERTAKE ACTIONS NECESSARY TO ADEQUATELY PROVIDE NEEDED PUBLIC FACILITIES TO ALL RESIDENTS WITHIN ITS JURISDICTION IN A MANNER WHICH PROTECTS INVESTMENTS IN EXISTING FACILITIES, MAXIMIZES THE USE OF EXISTIING FACILITIES, AND PROMOTES ORDERLY COMPAT URBAN GROWTH.

OBJECTIVE 8.1 Capital improvements will be provided to correct existing deficiencies, to accommodate desired

future growth, and to replace worn out or obsolete facilities, as indicated in the 5-Year Schedule of Improvements of this element.

Commissioner Dixon questioned how committee's were formed. He also asked why would we need this, if we have road matrix in place. It was recommend that 8.1.3 in the Comprehensive Plan be taken out on Capital Improvements Element.

Discussion followed among Board Members.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE RECREATION ELEMENT CHANGES TO THE COMPREHENSIVE PLAN, THE MOTION WAS ALSO AMENDED TO REMOVE 8.1.3 IN THE CAPITAL IMPROVEMENTS ELEMENT CHANGE.

Road Paving Matrix / Traffic Element

OBJECTIVE 2.1: Provide for a safe, convenient and efficient and non-motorized transportation system in the local development review and implementation process for the adopted comprehensive plan. Transportation efficiency will be defined as the optimization of traffic flow throughout the roadway network.

- (A) Age of unpaved right of way - to be added
- (A) Collector road linking two(2)arterials - removed
- (F) Existing infrastructure along roadway - removed
- (G) Future Land Use designation - removed

Discussion followed among Board members.

It was the consensus of the Board to spend more time on the traffic element.

8. BILL LEONARD OR GARY BOTTS - PROCLAMATION 2004-005 PROCLAMING "DISASTER RESISTANT NEIGHBORHOOD" INITIATIVES AS PART OF HAZARDOUS WEATHER AWARENESS WEEK, FEBRUARY 23 -27,2004

Gary Botts addressed the Board in reference to a Proclamation to improve the working relationship between the County and the Red Cross. He stated that they would like the county to endorse Hazardous Weather Awareness Week February 23-27, 2004.

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

**APPROVE THE PROCLAMATION FOR "DISASTER RESISTANT
NEIGHBORHOOD" HAZARDOUS WEATHER AWARENESS WEEK FEBRUARY 23-
27, 2004.**

9. HOWARD MCKINNON, COUNTY MANAGER

PROSPOSAL FOR OPERATING COUNTY'S DUMPSTER SITES

County's Dumpster Program Proposal

Mr. McKinnon stated that he was seeking direction in the County's Dumpster Program. He said that October and November's disposal costs averaged \$22,000 a month. This annualizes to a total of \$264,00.00. Currently \$175,000.00 is budgeted for this line item with a \$15,000.00 contingency for a total of \$190,000.00. The county is facing an estimated \$74,000.00 budget shortfall.

The proposal calls for hiring two part-time workers to man four sites established in the county. Each site would be fenced and gated allowing access only when the site is opened for business. The two part-time workers could alternate between four sites, keeping them open four hours at a time. Two sites could be opened on Wednesday and Thursday and two sites opened on Saturday. A fifth site could be maintained at the sand pit off Post Plant Road during the time the county crew is on duty. This would allow for a site to be opened for a set time in maintained at each site. This plan will allow county residents a garbage disposal site within 10-15 miles of their home, one site in each district.

Estimated additional labor costs for hiring the two workers for the remainder of the year is \$14,000.00. The estimated disposal costs for the five manned sites for the remainder of the year is \$99,00.00. This totals to an estimated cost of \$113,00.00. Remaining in the garbage disposal budget for the rest of the year a total of \$105,000.00. It was stated that money from the Board's Contingency could be used to cover the additional costs.

For the Board's consideration is an estimate of revenue derived from an annual user fee if the commission wished to recover some of the costs. It's estimated we have 9100 households in the rural part of the county. 2200 of these households contract with Waste management for household garbage disposal. This leaves an estimated 6900 without garbage collection. If 25% paid a \$25 annual fee them \$43,000.00 could be collected to help offset the cost of this program. The \$25

fee will allow a user to dump household garbage in a manned county dumpster site. The \$25 fee will allow a user to dump household garbage in a manned county dumpster site. A window sticker would identify the user and stickers would be sold in advance.

The five proposed sites are:

District 1: Midway site

District 2: Post Plant Road County's Sand/Clay Pit

District 3: Old Chattahoochee Landfill site

District 4: Rod Shaw Road

District 5: South of Quincy of Hwy 267

The recommended hours of operation are 2 to 6 p.m., Monday through Thursday. There would be two sites open on Saturday's from 9 a.m. to 1 p.m.

Commissioner Roberson inquired about advertisement?

Vice-Chair Watson asked where would they pay?

Mr. McKinnon suggested that they advertise in all the local papers and that they pay at Road and Bridge.

Commissioner Roberson suggested that they could also pay at Recycling.

Commissioner Dixon we need to begin enforcement on violators and ask judge how we can write the law so it will stick. He said that he was in favor of the concept.

Mr. McKinnon said for the stickers they would have to provide proof of taxes, live or own property in Gadsden County. Driver's License also could be used.

Public Comment

- **George Owens** gave public commented on the impact of the sites.

Commissioner Holt stated that we should encourage people to use dump.

Vice-Chair Watson if this can work, would all the sites be able to be manned.

Mr. Richmond commented that it should be some discussion of the ratifications with Waste Management.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE PROPOSAL ALONG WITH THE RESOLUTION FOR THE FEES COLLECTED FOR THE STICKERS.

10. CONSENT AGENDA- FOR APPROVAL

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

- a. Housing Rehabilitation Program- Contracts for Rehabilitation Work - Elwood Hinton
- b. Housing Rehabilitation Program - Contracts for Rehabilitation Work - Maudie Lee Nealy
- c. Rehabilitation Agreement and Special Assessment Lien - Maudie Nealy
- d. Midway Ordinance No.2003-58-Annexation of 16 acres into City of Midway
- e. Public Library Construction Grant Agreement
- f. City of Hollywood Resolution No. 2003-348-Florida Water Resources
- g. Minutes of Gadsden County Tourist Development Council - December 16, 2003
- h. December 2003 Chamber of Commerce Economic Development Report

12. Public Comment

Public Comment was heard from the following persons.

- William Piotrowski
- Dorothy Granger
- Robert Presnell
- Alvin Roberts
- Odis Gammon

13. Nicholas Thomas, Clerk

Budget Amendments 2004-02-03-01 through 2004-02-03-02

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

Ratification of Approval of Pay County Bills:

A/P Registers Dated 01/23/04 and 01/30/04

Payroll Register Dated 01/22/04

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOAED VOTED 4 - 0, TO RATIFY THE APPROVAL TO PAY THE ABOVE NAMED COUNTY BILLS.

14. County Commissioners Items

DISTRICT 3

Commissioner Roberson commented that she had received a letter from Tabernacle Church Written In Heaven. They are celebrating there new sanitary and will be honoring their Pastor, Bishop Polluck. They are asking for a Resolution in his honor by February 14, 2004 the day of the celebration.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE A RESOLUTION IN HONOR OF BISHOP POLLUCK AND THE TABERNACLE CHURCH FAMILY FOR THEIR NEW SANTUARY.

DISTRICT 4

Commissioner Holt had no report.

DISTRICT 5

Commissioner Dixon had no report.

DISTRICT 2

Commissioner Watson had no report.

ADJOURNMENT

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

Sterling Watson, Vice-Chair

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA ON
FEBRUARY 10, 2004, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

STERLING WATSON, VICE-CHAIR
CAROLYN ROBERSON
EDWARD J. DIXON
BRENDA HOLT
HOWARD MCKINNON, COUNTY MANAGER
BERYL WOOD, DEPUTY CLERK

ABSENT:

BILL MCGILL, CHAIR

MEETING CALLED TO ORDER

Sherry Vanlandingham, Executive Director of the Chamber of Commerce addressed the Board. She stated that the purpose for the meeting was to establish a plan so that if future projects such as Project Raven/ Family Dollar Distribution Center comes along the County would be ready. She commented that she brought with her several different people that she thought would be beneficial to getting the plan established.

Roger Miller of Enterprise Florida, Senior Director for Business Improvement, addressed the Board. He commented that he worked on Project Raven - Family Dollar Distribution Center. He commented that they were working with competitive landscape. The requirements for this project were:

- **Total infrastructure served (natural gas, water, sewer, etc)**
- **Completely ready for construction**

Mr. Miller stated that Marianna had other important factors in landing the Project Raven deal:

- **When Family Dollar asked how long would it take? Marianna's response was "Project Raven we will be waiting on you" turn over time was great.**
- **There was one point of contact person.**
- **No leakage of name - struck agreement not to tell press**

- **Team approach - from County and City "We can do this"**
- **11 million in payroll - 55 million to County**
- **Distribution park - Marianna bought additional property**

Al Windstrom, Executive Director of Florida Great Northwest addressed the Board. He stated that the balance of the economical development for long term consist of the following components.

- **Community Development**
- **Infrastructure**
- **Business Retention**
- **Business Attraction**
- **Product Ready to sell**
- **Most of all County and City worked together**

Mrs. Vandlandingham commented that companies are looking for ready to go sites.

Commissioner Watson inquired about incentives?

Mr. Windstrom stated you have to have the 4 components ready.

Commissioner Dixon asked when does incentives matter?

It matters when you have eliminated the first 26 sites and it's down to 2 or 3.

Bridget Marrow of Florida Economic Development stated that you have to be aggressive when going after the right companies. There are certain tools and marketing strategies to consider.

- **Ready to go sites**
- **Community, County & City - they all worked together**
- **They worked with timeline, meet test with company approvals; company was comfortable.**
- **City and County spoke as one together, one point of contact**
- **Grant preparations were in place**

Mrs. Marrow commented that Florida Great Northwest monitors/markets 17 Counties. She gave this advice:

- **Spend money on advertisement (rural counties need to join a marketing agency)**
- **State has incentives - She commented that Gadsden County has something to offer. "So get it out there"**

Sherry Vanlandingham commented that we need infrastructure. She stated that Thursday, February 12, 2004 the Gadsden County Development Meeting would discuss infrastructure for Gadsden County.

Henry Grant stated that they looked at each municipality and the areas that needed improvement. He commented that the Engineer would be able to discuss in detail at Thursday's meeting.

Mr. Grant also stated the government has come out with funds for economic development.

Commissioner Dixon inquired about the philosophy as it relates to the Cities and Counties in the economic development.

Commissioner Holt said there is no mechanism in place to pull the county together.

Mr. Grant commented that everyone is involved including the non-profits. He stated that there is the networking community along with the ministerial alliance.

Mrs. Vanlandingham said workshops are the key.

Mr. McKinnon reiterated that being site ready is the most important factor. He commented that there will be a Development Council Meeting on Thursday 10:00am at the Livestock.

Mrs. Marrow stated that there are several projects at Enterprise Zone Development Agency. She stated that it is a long term commitment it is not something that will happen in 1 to 2 years." It is an investment in the community. It takes a while to move that needle."

Commissioner Dixon commented that distrust existed between the communities. He inquired about the mission statement.

Commissioner Holt said that a Public Relations spokesperson would be good to sell what Gadsden County has to offer along with someone who has a "track record" in economic development.

Mrs. Vanlandingham insured Commissioner Dixon that he would receive a copy of the Chamber's Mission Statement.

Consensus of the Board was that they would need more time to develop a plan that would work for the County's Economic Development in the form of workshops, but that they are taking the right steps to put the plan in place. No action could be taken at this meeting.

Minor Subdivision - Bruce Ballister, Growth Management Director

Mr. Ballister commented there was concern from the Board regarding the current regulations contained in the LDC concerning Minor Subdivisions. He said that it was his understanding that the County wanted to limit the recent actions of some land owners with the respect to the subdivision process, additional language will need to be included in the code to prohibit any landowner from subdividing a parcel of land into no more than two properties in any given calendar year.

Commissioner Watson stated that if they said there would be no sharing of infrastructure between minor subdivisions unless total impact on that particular road was 7 lots or less. He commented that they were trying to avoid 39 lots on a dirt road.

Commissioner Watson said that would avoid people wanting to build 4 lots subdivisions on 1 side and 3 lots on the other side from having to build two roads. They could share as long as the impact is no greater than what we allow now, 7 lots with site built homes.

It was the consensus of the Board to agree with Commissioner Watson's statement above that there would be no sharing of infrastructure between minor subdivisions unless total impact on that particular road was 7 lots or less.

Adjournment

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

Sterling Watson, Vice-Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA ON
FEBRUARY 17, 2004, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

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

1. Meeting Called to Order

Vice-Chair Watson called the meeting to order and also led in the pledging allegiance to the U.S. Flag. Mr. Lawson led in a moment of silence and prayer in honor of deceased **Chairman William "Bill" McGill** who lost his gallant battle with cancer on February 11, 2004.

2. Adoption of Agenda

Vice-Chair Watson added the Bank Resolution under #13, Mr. Thomas, Clerk of Courts.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED ABOVE.

3. Approval of Minutes

January 20, 2004 - Regular Meeting

January 21, 2004 - Special Joint Meeting with City of Quincy

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

4. Hal Richmond, County Attorney
Public Hearing/Paving of Quail Roost Drive and Quail Roost West
- County Code 62-34

Mr. Richmond stated that the public hearing is in regards to the paving of Quail Roost Drive and Quail Roost West the Gadsden County Code 62-34, whereby the county agrees to pay one-third of the costs associated with the paving, with the remaining two-thirds of the costs associated with the paving being paid by the property owners on both roads.

Mr. McKinnon stated that a tentative estimate of the cost for Quail Roost Drive is at \$45,025.00 and Quail Roost West is at \$7,975.00. He said that they have met the requirement with the number of petitioners.

Mr. McKinnon commented that the residents are proposing that the lien be on a voluntary basis. It should be shared beyond those that live on the road. The County Ordinance only gives you the authority to lien that property adjacent to the road. The property owners want to sign a voluntary lien. He commented that it would split the cost among more people.

Mr. McKinnon also said that the property for the roadway would have to be deeded to the County. He said that we would have to own the property in order to pave the road. He commented that the cost that were estimated are current cost and that they may increase.

Public Comment

Ann Sherman spoke in support of the paving of Quail Roost Drive and Quail Roost West. She commented that with her were numerous residents from both roads. She said that they have signed the petition in terms of the agreement, dividing the total cost among the property owners. She stated that there was one property owner in opposition with the petition, only because he felt that the estimate should be done according to the amount of acreage as opposed to dividing the total cost equally.

Mr. McKinnon stated that the estimates now are at \$53,000.00 and about \$1,800.00 per homeowner divided by 20 homeowners.

Mr. Richmond commented that if you pass the ordinance you must have the signatures and lien of each homeowner. He stated

we could proceed and see how many actual participants that they will get.

Commissioner Dixon inquired how did the ordinance work and does the property have the ability to opt out?

Mr. Richmond stated that there is no minimum number to revoke; it can be paved through. Those that don't pay would have a lien imposed that would be collected through the Property Appraiser's Office. He said that almost everyone has agreed to pay; there are some that would need to have it set up to be paid through the Property Appraiser's Office.

Discussion followed among Board Members.

Commissioner Watson questioned would it be right to take money from the people on a private dirt road and pay the County's portion on paving the private road, when we have people living a public dirt roads waiting for their roads to be paved.

Commissioner Holt inquired when was paving of private roads stopped.

Mr. Richmond commented that it was about 13 years ago. The County couldn't pave a lot of the roads, but with the recent Bond the County now has the funds.

Commissioner Dixon stated that we have to find away not to impact the public road list.

Public Comment

- Rosa Barkley - in support
- Mr. Mahaffey - opposed
- James Anderson - in support
- Chris Sykes - in support

It was the consensus of the Board to table the decision until they could receive more information on adding in to the estimate County crews labor, go ahead and proceed with contracts being drawn up.

5. Community Health Advocacy Partnership and Diabetic Services

Ronald T. Brookins, Executive Director-CEO of Community Health Advocacy Partnership (C.H.A.P.) addressed the Board with a

detailed powerpoint presentation about the Diabetic Assistance Program.

Mr. Brookins stated that the primary mission of CHAP is to advocate, promote and protect the health and safety of every patient and community in the State of Florida, and to facilitate the access and delivery of quality health services and promotion of health care standards and values that are beneficial to all communities and people, especially the poor, illiterate, underserved, underemployed and uninsured.

He commented that CHAP proposals are acquisition of Pediatric Mobile Care Clinic for Gadsden County. Sponsor Shaw Divinity School Program: "Building an Effective Ministry of Health and Healing", Sponsor "Cover the uninsured" week in Gadsden County, Gadsden County Family Support Coalition, Gadsden County Family Disease Management Program, Build Viable Physician Network in Gadsden County and establish Gadsden County Corporation to develop communities.

James O. Brookins, president of Phy Trust addressed the Board also with a powerpoint presentation "Making quality care accessible and affordable cost."

Jack Oberding of Diabetic Services addressed the Board. He presented a powerpoint presentation. He commented that Diamond Diabetic Products (DDP) was founded in 1997. He said that Diabetic Service Foundation (DSF) is a diabetic charitable service, the mission statement is to sponsor screening for early detection of diabetes and provide guidance and supplies. He stated that they will provide a free prestige IQ starter kits which will include meter.

All Commissioners thanked the dynamic Diabetic team for all the time spent in Gadsden County.

6. Sam Palmer - Gadsden Men of Action

Financial Support for our Young People

Sam Palmer of the Gadsden County Men of Action along with numerous other members of the Men of Action addressed the Board. He commented that they are sponsoring several programs geared toward the youth. He stated that the youth in Gadsden County need more help. He said that they are seeking financial support and partnership with the County in the amount of \$5,000 - \$7,000.00.

Anthony Thomas, Vice-President of the Men of Action addressed the Board. He spoke on the positive projects that the Men of Action participate in yearly such as the Toys for Tots, Annual Thanksgiving Dinner, and Mentoring Program for young men, Scholarship Banquet and Voter Registration Drive.

Reverend Clarence M. Jackson of the Men of Action addressed the Board. He spoke on the program Boys 2 Men of Action "Cultivating The Future Leaders of the World". He commented that the main purpose of the project was to get young men involved in community activities. He stated that illiteracy, prison and academic skills would be the major focus points. He said that they are targeting young men from the six high and middle schools.

Commissioner Roberson gave her thanks and support to the Gadsden County Men of Action.

Vice-Chair Watson thanked the Men of Action for all that they contribute to the County. He stated that at this time there were too many unknowns with the Garbage Program and Veteran's Transportation.

7. Robert Presnell, Public Works Director

Gadsden County Roadway Resurfacing - Change Order #34

Mr. Presnell presented the change order to the Board. He stated that the Change Order #34 from Preble-Rish Inc. The change order is for the asphalt surfacing and resurfacing of Riverview Rd, Collins Rd 1, Collins Rd 2, Langston Ln, Sugarmill Way, Sugarmill Ct, Millwood Dr, Hough Farm Rd, Spitz Farm Rd, Centenary Camp Rd. It also will resurface Cane Creek Rd, Kemp Rd, Old Federal Rd, Old Philadelphia Church Rd and Mt Pleasant Rd.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ACCEPT THE CHANGE ORDER #34 FOR THE ASPHALT SURFACING AND RESURFACING OF THE ROADS LISTED ABOVE.

Road Paving Contract

Mr. Presnell addressed the Board seeking direction in the Road Paving Contract with C.W. Roberts Contracting. He stated that the current paving contractor is proposing to continue the

current contract with asphalt price of \$40 per ton instead of \$38. The cost of liquid asphalt has risen 10% since the inception of the contract. His proposal also includes making an annual adjustment to the liquid asphalt component equivalent to its price change during the year. The \$40 per ton price will be in effect for the remainder of 2004. The annual adjustment would take place in 2005. He said that all other price components of the contract such as striping, base mixing, base repair and patching will remain unchanged.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE NEGOTIATED BID WITH C&W ROBERTS UNTIL SEPTEMBER 30, 2004.

8. Bruce Ballister, Growth Management Director

Progress Energy

Mr. Ballister stated that Progress Energy has withdrawn their application. He commented that he received a call from Carlton Fields Attorney at Law and fax that they are withdrawing so that they may be able to resubmit at a later date. He said that the meeting, which was scheduled for tomorrow night February 18, 2004, has been cancelled.

1. Comprehensive Plan Text Amendment - Traffic Circulation Element - Continued from 02/03/04

OBJECTIVE 2.1: provide for a safe, convenient and efficient and non-motorized transportation system in the local development review and implementation process for the adopted comprehensive plan. Transportation efficiency will be defined as the optimization of traffic flow throughout the roadway network.

Policy 2.1.2: In planning for new and/or improved transportation facilities, bicycle and pedestrian ways, the Department of Planning and Zoning will use the FDOT's current Highway Capacity Manual to determine such needed improvements. In accordance with Policy 8.1.6. of the Capital Improvement Element road paving and related drainage improvements will be predicated on professionally accepted criteria that will be applied placed in order of paving by overall need of use.

- (A) Age of unpaved right of way - **to be added**
- (A) Collector road linking two (2) arterials - **keep**
- (F) Existing infrastructure along roadway - **removed**
- (G) Future Land Use designation - **removed**

Commissioner Roberson stated that they should keep in (A) Collector road linking two (2) arterials and lower the point weight.

Commissioner Dixon asked for a breakdown of the list by district and per mile redoing the current matrix.

Mr. Presnell stated that he would gather list of paved roads back from 10 years.

Consensus of the Board was to gather the list by district and not to submit to DCA at this time.

Public Comment

Marion Laslie commented that the County should take a serious look at revenue that would come in from the paving of the private and public dirt roads.

2. Butler Farms Minor Subdivisions - Type III Appeal to Administrative Denial - Continued from 01/20/01

Mr. Richmond commented that the motion to deny by Commissioner Dixon was withdrawn. The decision to table was reached due to the absence of Mr. Vic Butler by request of his attorney Mr. Guyte P. McCord.

Mr. Ballister commented that the applicant C.V. Butler is appealing a decision by the Planning Department Director to permit the simultaneous creation of six minor subdivisions. The minor subdivisions are to be created on six different but adjacent parcel of land under common ownership. The combined lands total 295.4 acres on 7 tax Parcels. The property is located in Havana in the Lake Francis subdivision. It is currently situated on lands that are zoned AG2 and rural residential. He mentioned the Maxwell minor subdivision, and he knew there were concerns with the Board about adjacent minor subdivisions. He said with a lot of thought and consideration he gave this application a denial to be able to bring before the Board.

Mr. Ballister commented on the questions that were asked of Butler Minor sub-division.

Commissioner Watson stated that he objected to the number of lots on that dirt road. He said if we provide 6 extra lots, would Mr. Butler consider paving the road. He commented that this would eliminate the several lots / subdivision on a dirt road.

Mr. Butler commented that it would be very expensive, but if that would be the condition he would look into it.

Commissioner Roberson inquired what size would the 6 extra lots be?

Mr. Butler stated that they would be 8 acres a piece.

Mr. Richmond commented that you have had input and public hearing, it's time to make your decision.

Commissioner Roberson made a motion to approve it died for a lack of a second.

Mr. Richmond said that based on type 3 appeal, normally discussion is closed.

Mr. Butler agreed to 6 extra lots and he would pave the road.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 0, TO APPROVE THE BUTLER MINOR SUB-DIVISION WITH THE 6 ADDITIONAL LOTS WITH THE CONDITION THAT THE OWNER PAVES THE ROAD.

3. FDOT Cell Tower Continuation

Mr. Ballister stated that in October of 2002, this Board approved a one year extension for the 4 SpectraSite cell towers located in the County's 4 interstate interchanges. Our code calls for them to be removed if abandoned or unoccupied. That extension has expired. The tower at Flat Creek Hwy has been occupied or is about to be. He commented that he had recently received two letter, one from Spectrasite, and one FDOT's Nick Adams, requesting that the extension be granted for another two years.

Commissioner Holt inquired were FDOT towers taxable.

Mr. Ballister stated no.

Vice-Chair Watson commented that he had no problem working with them.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO APPROVE THE FDOT CELL TOWER CONTINUATION FOR TWO YEARS.

9. Howard McKinnon, County Manager

Mr. McKinnon reminded everyone that the funeral for Chairman William "Bill" McGill will be Friday, February 20, 2004, 11:00 am at the National Guard Armory in Quincy.

10. Emanuel Sapp - County Minimum Wage Law \$6.25 Starting January 1, 2005

Emanuel Sapp addressed the Board concerning an ordinance that would raise minimum wage to \$6.25 for Gadsden County. He stated it would give stability in the community.

Mr. Richmond said that FL statute 28.07.77 states that Counties can't mandate a higher minimum wage than the federal government allows accept under certain conditions.

Mr. Sapp responded by asking Mr. Richmond to look into anyway and please give him dates.

Commissioner Holt stated that she agreed with Mr. Sapp we just need to figure out how to do it.

Mr. Richmond commented that he would research the Ordinance and respond to Mr. Sapp's request.

11. Consent Agenda - For Approval

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

- a. Centennial Healthcare Chapter 11 Ballot
- b. National Association of County Agriculture Agents
Annual Conference Expense
- c. 2004 Appointments to Apalachee Regional Planning Council
- d. Adopt-A-Road Litter Removal Agreement with Robert F.

Munroe Day School

- e. Minutes of January 15, 2004 Gadsden County Tourist Development Council Meeting - For the Record
- f. Resolution No. 2004-006- Tabernacle Church of Christ Written in Heaven - For the Record

12. Public Comments (3 Minute Limit)

- **Willie Shaw** of Goldwire Road gave public comment concerning the paving of his road.

13. Nicholas Thomas, Clerk

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO MAKE VICE-CHAIR WATSON THE DESIGNEE FOR THE BANK RESOLUTION SIGNATURE.

Mr. Thomas commented that he would be sending a memo with more detail concerning the Ad Valorem Tax.

Cash Report 9.1 million (For The Record)

Financial Statements (For The Record)

Contingency Request

Mr. Thomas commented that \$1,225.00 in the contingency is needed for a match for Voter's Education Grant.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO APPROVE THE \$1,225.00 FROM THE CONTINGENCY FUND.

Budget Amendments 2004-02-01 through 2004-02-09

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

Ratification of Approval of County Bills: A/P Check Dates 2/6/04 and 2/13/04; and Payroll Dates 2/5/04

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

14. Commissioner's Agenda

District 2

Commissioner Roberson commented that she had received numerous complaints on moving one of the garbage sites in her district. She stated that the citizens stated that they have to drive too far to dispose of garbage. She commented that she talked to Leon County Officials and they advised if the sites aren't open on the weekend we are defeating the purpose. She asked if they could think of other options that would help with the garbage collection.

District 4

Commissioner Holt commented on the Florida League of Small Cities. She stated that the Florida Association of Counties had Communication of Sale Tax for cell towers as one of the taxable items. She asked if they could look at generating funds from the cell towers to work in Gadsden County.

District 5

Commissioner Dixon commented on Chairman McGill's life he said they started the Commission Journey together 12 years ago. He said that Chairman McGill would definitely be missed.

District 2

Commissioner Watson reflected on the life of deceased Chairman Bill McGill. He asked everyone to keep the family in their thoughts and prayers.

ADJOURNMENT

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

Sterling Watson, Vice-Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA ON
MARCH 2, 2004, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

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

1. Meeting Called to Order

Vice-Chair Watson called the meeting to order. Mr. Richmond led in pledging allegiance to the U.S. Flag. Mr. McKinnon led in the invocation.

2. Adoption of Agenda

Vice-Chair Watson amended the agenda by adding the appointment of a Commissioner to the Tallahassee-Leon County Metropolitan Planning Organization under Mr. McKinnon, County Manager's Agenda.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED ABOVE.

3. Approval of Minutes - February 3, 2004

February 3, 2004 Regular Meeting

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

4. Hal Richmond, County Attorney

Public Hearing - Vending Machine Proceeds Ordinance

Mr. Richmond commented that he had done as instructed and prepared an Ordinance providing for usage of vending machine

profits for vending machines on Gadsden County Property. It provides for the County Manager to make decisions upon the expenses and providing for an effective date.

Mr. Thomas indicated that he was opposed to the Ordinance because it created a potential problem of not producing enough funds and then where would the money come from. He commented that it should state where funds would be dispersed.

Commissioner Holt stated that the reason for requesting the Ordinance was for the purchase of flowers for deceased employees or their family members. She commented that she looked at vending funds because it generated its own fund.

Mr. Richmond stated that if given the correct language he would be able to add it to the Ordinance.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ORDINANCE WITH THE CHANGES RECOMMENDED BY THE CLERK.

5. Arthur Lawson, Assistant County Manager

Transportation Services for Veterans

Mr. Lawson addressed the Board concerning the transportation services for the County Veterans. He stated that the new contract would reduce the overall cost of the program, yet continue to provide the Veterans with the same quality of services. He stated that D&S Transit is requesting approval of the contract for a two-year period. He also commented that if approved you must also approve additional funding.

Commissioner Watson stated that he was not in favor of a two-year contract. He commented that they should use the shuttle service.

Commissioner Roberson made a motion to approve the contract ending this fiscal year. The motion died for lack of a second.

Commissioner Dixon commented that we sent Mr. Lawson to work with contractor/vendor to renegotiate the contract and to have the option to use the shuttle additionally. He commented that he hoped the Veterans use the shuttle, but they should have other services available.

Commissioner Watson stated that \$300.00 a trip was too much. He would like to see the shuttle service used.

Commissioner Holt said that we are saving money. She questioned what was the price of the previous vendor Big Bend. She commented that she could go along with a one-year contract ending in March 2005.

Commissioner Dixon stated, "We are not dealing in good faith."

Commissioner Watson stated that they would still have the service only using the shuttle and we would save money.

Commissioner Holt inquired about the Veterans that aren't as physically healthy as others. She asked would the County become liable?

Public Comment

Sam Hawkins - in support of Contractor services with D&S Transit

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 1, BY VOICE VOTE, TO APPROVE THE CONTRACT WITH D&S TRANSIT FOR ONE YEAR ONLY BEGINNING MARCH 1, 2004 ENDING MARCH 1, 2005. COMMISSIONER WATSON OPPOSED THE MOTION.

Commissioner Dixon inquired about the amount of funds needed for the Veteran's Transportation.

Mr. McKinnon stated about \$35,000.00.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 2 - 2, BY VOICE VOTE, TO APPROVE THE \$35,000.00 FROM THE CONTINGENCY FUND. COMMISSIONERS HOLT AND DIXON FOR THE MOTION. COMMISSIONERS WATSON AND ROBERSON OPPOSED THE MOTION. THE MOTION FAILED.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 2 - 2, BY VOICE VOTE, TO APPROVE THE \$25,000.00 FROM THE CONTINGENCY FUND. COMMISSIONERS ROBERSON AND HOLT FOR THE MOTION. COMMISSIONERS WATSON AND DIXON OPPOSED THE MOTION. THE MOTION FAILED.

It was the consensus of the Board to decide where funds would come from and how much funds would be needed at a later date.

6. Bruce Ballister, Growth Management Director

1. Atlanta Heights Major Subdivision - Preliminary Plat

Mr. Ballister commented that the applicants, George Johnson and Hentz Fletcher, have previously submitted this project for Conceptual Approval. The subdivision's conceptual plat was approved in June of 2002. That approval lapsed due inactivity and was re-approved in July of 2003. The applicants have submitted a preliminary plat for the major subdivision located on the unincorporated portion of Atlanta Street. The 4.5 acre parcel was reclassified as Urban Service Area in 2000. The Urban Service Area district supports five residential units per acre or a minimum lot size of 0.20 acres with central water and sewer systems. A stormwater easement area is set aside in the southwest corner. A sewer main will be extended to serve this development. The 14 lots will be serviced by Talquin Electric, there is an existing 6" water main located in Atlanta Street.

Per the Staff recommendations at Conceptual Platting some modifications have been made to the Preliminary Plat.

- 1.) A road name has been supplied for the Cul-de-Sac, Atlanta Heights Circle.
- 2.) A fire hydrant has been provided at a half way point of the roadway.
- 3.) An easement has been provided to ensure continues access to Rittman Lane.
- 4.) The Plat fulfills the minimum requirements for a Preliminary Plat per section 6005 of the LDC.
- 5.) The rubbish pile on the southern boundary line has been removed.

Commissioner Holt inquired did the homes have a foundation?

Mr. Ballister commented that all the homes would have a foundation.

Commissioner Dixon inquired was the property owner getting some type of benefit by the Urban Service?

Mr. Ballister stated that it is 5 units per acre a total of 25ft setback has to be provided.

Discussion followed among Board Members.

No public comment was heard.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 3 - 1, BY VOICE VOTE, TO APPROVE THE ATLANTA HEIGHTS MAJOR SUBDIVISION - PRELIMINARY PLAT. COMMISSIONER DIXON WAS OPPOSED TO THE MOTION.

2. Sparkleberry Major Subdivision - Preliminary Plat

SPARKLEBERRY MAJOR SUBDIVISION 03PZ-038-205-2-09
MAGNOLIA FOREST (RENAMED)

Mr. Ballister commented that he would like the record to reflect the name change of Sparkleberry Major Subdivision to Magnolia Forest, which it should be referred to from now on. He stated that they were seeking approval for the Preliminary Plat Stage. He referenced a sewer provision for Sparkleberry.

- 1. Mandatory septic tank pump out every five (5) years, subject to a lien imposed by the homeowner association;**
- 2. Payment annually by homeowners of proportionate costs to pump out septic tanks as part of the homeowners association dues;**
- 3. Design of the development so that each home may reasonably be connected to the underground sewer system;**
- 4. Requirement that the developer determine sewer availability prior to each phase of the development; and**
- 5. Commitment by the developer to hook up to sewer, once available.**

Barry Poole of Poole Engineer spoke in support of the project and reiterated the name change. He said that all roads had been named. He also explained that it was not feasible at this time for sewer connections, but at the end of each phase it would be evaluated.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 3 - 1, BY VOICE VOTE, TO APPROVE THE MAGNOLIA FOREST FORMERLY KNOWN AS SPARKLEBERRY PRELIMINARY PLAT. COMMISSIONER DIXON OPPOSED THE MOTION.

3. Gadsden Station 10/90 Commerce Park Phase V, Final Plat

Mr. Ballister commented that the applicants, White and Hunt Partnership have submitted a final plat for Phase V of the Gadsden Station 10/90 Commerce Park. The area covered has already been fully developed in infrastructure but had been omitted from prior platting efforts. The Commerce Boulevard roadway has previously been deeded to the County and accepted by both the County Engineer and the Public Works Director. Commerce Boulevard's underground electric, waterlines and sewers have all been accepted by Talquin and are ready for uses.

No Public Comment was heard.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE GADSDEN STATION 10/90 COMMERECE PARK PHASE V, FINAL PLAT.

7. County Manager's Agenda - Mr. McKinnon

FAMU Wellness Center

Mr. McKinnon commented that returning for your consideration was the FAMU Wellness Center/ Dr. Earp.

Commissioner Roberson stated that she had asked some questions that she would like answered before a decision about dispensing funds to the clinic.

A motion by Commissioner Dixon was made to table and seconded by Commissioner Roberson until further notice. The motion was amended to be tabled until the next meeting.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO TABLE THE FAMU WELLNESS CENTER DECISION UNTIL THE NEXT MEETING, MARCH 16, 2004.

Tallahassee-Leon County Metropolitan Planning Organization

Mr. McKinnon commented that an appointment of a Commissioner to the Tallahassee-Leon County Metropolitan Planning Organization (MPO) decision should be made.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE COMMISSIONER DIXON AS THE TALLAHASSEE-LEON COUNTY METROPOLITAN PLANNING ORGANIZATION DESIGNEE FOR THE GADSDEN COUNTY BOARD OF COUNTY COMMISSIONERS.

8. Consent Agenda - For Approval

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

- a. Permit Renewal - Gadsden East Landfill - Jim Stidham & Associates, Inc.
- b. Library Grant Contracts
- c. Rehabilitation Agreement & Special Assessment Lien - Edna White
- d. Contract for Rehabilitation Work - Edna White
- e. E911 Name Change Request - St. Johns Church Road to Bill McGill Road
- f. Florida Small Cities CDBG Closeout
- g. January 2004 Economic Development Report - For the Record

9. Public Comment - (3 minute limit)

Kathie Grow gave public comment regarding District 1 vacant seat.

10. Clerk's Agenda

Budget Amendments 2004-03-02-01 through 2004-03-02-02

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

**Ratification of Approval to Pay County Bills: Accounts
Payable Registers 02/20/04 and 02/27/04 and Payroll
Register 02/19/04**

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

Mr. Thomas commented on the Ad Valorem Tax memo that was
sent to each Commissioner.

11. County Commissioner's Agenda

District 3

Commissioner Roberson had no report.

District 4

Commissioner Holt commented that she had received numerous
calls about the situation in Haiti, she advised citizens to call
their U.S. Senators.

District 5

Commissioner Dixon had no report.

District 2

Commissioner Watson commented that he was not in favor of
changing the road paving list. He stated that he felt that the
first 15 roads should be maintained on the road paving list.

He stated that the Canvas Board would meet in the
Commission Chamber's on Tuesday night, March 9, 2004. Committee
should include Chair of the Board of County Commissioners,
Supervisor of Elections, County Judge, etc.

Adjournment

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

Sterling Watson, Vice-Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA ON
March 16, 2004, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

STERLING WATSON, VICE - CHAIR
CAROLYN ROBERSON
BRENDA HOLT
WALTER D. DOVER
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

1. Meeting Called to Order

Vice-Chair Watson called the meeting to order. He also led in the pledging of allegiance to the U.S. Flag and the invocation.

2. Adoption of Agenda

The agenda was amended adding the following:

- Item 3a swearing in of Mr. Walter D. Dover
- Item 3b approval of the Public Official Bond
- Item 6 Mr. Lawson's trade in of two 1999 Mack Dump Trucks for 2003 Dump Trucks presented by Mr. Robert Presnell.
- Item 6b Charles President Jr. with the Big Bend Fair Housing Center with a presentation.
- Under Mr. McKinnon add approval to authorize the Chairman to sign the CDBG Grant
- Item 6 Transportation Services for Veterans - Funding moved to Item 4b

Under # 7 the FAMU Wellness Center was tabled pending further information to the next meeting.

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

3. Approval of Minutes

February 10, 2004 Special Meeting

February 17, 2004 Regular Meeting

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

3a. Oath of Office for Walter D. Dover

Mr. Thomas, Clerk of Courts administered the oath of office to **Mr. Walter D. Dover** who was appointed by the Governor of the State of Florida to fill the vacant district 1 seat which was occupied by Chairman William "Bill" McGill until his death.

Commissioner Dover spoke how he was honored to accept the appointment to Gadsden County Commission. He spoke on the life of deceased Chairman Bill McGill stating how elated he was to have known him.

3b. Approval of Public Official Bond

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROVERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PUBLIC OFFICIAL BOND FOR COMMISSIONER WALTER D. DOVER.

*****The Agenda was amended from this point*****

4a. Arthur Lawson, Assistant County Manager - Veteran's Funding

Mr. Lawson addressed the Board requesting additional funding for the Veteran's Transportation that was approved at the last meeting.

Commissioner Watson commented that he would like to put \$10,000.00 in the Budget for Veteran's Transportation and see how the new contract works with the option of the shuttle, and then follow-up to see how the numbers have dropped in a month.

Commissioner Dixon stated that his position had not changed. We tend to under fund programs that work. He said that looking at the overall cost from Big Bend compared to D&S

Transit was in the same neighborhood. "If we offer a good service people will ride. The service is working."

Commissioner Watson raised numbers stating \$6,000 for 21 trips with a saving of \$4,000 for almost 1 month.

Commissioner Holt commented on the Veteran's who have serious medical conditions, asking if they miss a shuttle will the County be liable if something happens to the Veteran. She said the program cost about \$80,000.00 a year to run.

Commissioner Dixon said that the shuttle should be an option in addition to using the Veteran's D&S Transit.

Commissioner Roberson stated that the will isn't to cut the service to the Veterans, but streamline, continue the service, but watch the cost.

Commissioner Dixon commented that we intentionally under funded these programs.

Commissioner Watson referenced a memo from the Clerk.

Mr. Thomas stated that the challenge is to stay within your budgeted contingency of \$119,000.00. He commented that at the beginning of the budget process we would have to look at cutbacks.

Commissioner Holt asked for budget workshops.

Commissioner Dover stated that he appreciated the Veteran's Service. He stated that they were waiting to see the cost of the program. The shuttle was not an option then, it is know.

Commissioner Dixon voiced that a month is not enough time to evaluate the program. He stated that he was opposed on mandating that you ride the shuttle. "He says if you mandate the program the program goes to zero."

Public Comment

The following individuals all spoke in support of Veteran's Transportation program.

- **Rev. Fabious Johnson**
- **Sam Palmer**
- **Anthony Thomas**

- **Sam Hawkins**
- **Dr. John Cooksey**
- **Reginald James**

Commissioner Watson commented for the record he did not feel it was too much to ask Veterans to use the shuttle service.

Discussion followed among Board Members.

Commissioner Dixon recommended looking at the program for 3 months. He said that a committee could be formed to bring a report back in May of the Veteran's that used the service. He recommended that they not mandate the shuttle.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO EXTEND THE VETERAN'S TRANSPORTATION PROGRAM FOR AN ADDITIONAL 2 MONTHS WITH FUNDING, TO BE REVIEWED BY A COMMITTEE FORMED THAT CAN UTILIZE THE SERVICE, TO SEE HOW THE SERVICE SHOULD BE BLENDED WITH THE SHUTTLE. THE COMMITTEE WOULD REPORT BACK MAY 18, 2004, THE SECOND MEETING IN MAY. THE \$18,000.00 WOULD COME FROM THE CONTINGENCY FUND.

4b.Robert Presnell - Dump Trucks-Trade-In

- this item moved from 8a

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE TRADE IN OF 2 1999 MACK DUMP TRUCKS AND THE REPLACEMENT WITH TWO NEW 2003 MACK DUMP TRUCKS.

4c.Charles President Jr. - Big Bend Fair Housing Center

Charles President Jr. addressed the Board to encourage fair housing in the Big Bend Area against discrimination. He stated that it was an educational purpose only today. He said the Big Bend Fair Housing Act is what they enforce, to make sure everyone is treated equally.

5. Hal Richmond, County Attorney

Continuation of Vending Machine Ordinance

Mr. Richmond stated that a Vending Machine Ordinance was requested by one of the Commissioners. He commented that since

that time there has been question as to the public purpose of this ordinance. He stated that the revenue generated from the Vending Machine only covers the cost required to maintain the Vending Machine.

He commented that there had been a proposal that they set up a fund in honor of deceased Chairman Bill McGill. It would be operated by the current Chairman on an annual basis to assist in the funding of the Christmas party and flowers and cards with \$350.00 a year.

Commissioner Holt questioned what was the Vending Machine profit total per year?

Commissioner Watson stated that it was a \$100.00.

Commissioner Holt said that the contract with the Vendor needed to be renegotiated.

Mr. Thomas commented that an alternative would be the proposal he sent out in the memo. He stated that plaques are already covered. He stated that the concern was flowers, cards and the parties. He said that if some employees are willing to payroll deduct \$.25 a period they would have at least \$600.00 a year for funding the items they have stated. He also mention his other proposal that was listed in the memo concerning Commissioners paying \$5.00 a month that could be used for funding parties, etc.

Commissioner Roberson asked could a survey be done to see how many employees are willing to participate.

Commissioner Holt stated that the purpose of asking for the Ordinance was not for parties. She commented that it was more the Flower memorial if someone that works in the County dies or someone in his or her family dies we don't have anything set up.

Commissioner Watson commented he felt that there's was nothing wrong with the way they had it set up in the pass.

Commissioner Dixon stated that the program needs structure it needs to be private not public.

Discussion followed among Board Members.

Mr. McKinnon stated that he would bring some structure to the ideas proposed and bring it back for the Board to review.

It was the consensus of the Board to structure a program.

6. Bruce Ballister, Growth Management Director - 04PZ-016-205-02

1. Odis Gammon Variance - United Apostolic Church of Jesus Christ

Mr. Ballister commented that the applicant, Odis Gammon, is applying for a variance to the development requirements of the Land Development Code in order to develop a small church in an existing building on Attapulugus Highway. The property is owned by Frank Engle, with the building being the subject of a prior enforcement action. He also commented about the prior history at the site and with the site's owner Frank Engle that needs to be reintroduced in consideration of this waiver. He commented that if granted the building should be required to be augmented with a hardened handicap parking space and ramp access.

Commissioner Watson stated that he didn't have a problem granting the variance as is.

Commissioner Dixon commented that he was fine with the variance.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ODIS GAMMON VARIANCE FOR UNITED APOSTLIC CHURCH OF JESUS CHIRST.

7. Howard McKinnon, County Manager

Transportation Disadvantaged Coordinating Board Appointment

Mr. McKinnon stated that an appointment to the Transportation Disadvantaged Coordinating Board needed to be made.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE COMMISSIONER DIXON AS THE APPOINTMENT TO THE TRANSPORTATION DISADVANTAGED COORDINATING BOARD APPOINTMENT.

8. Consent Agenda

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

- a. Purchase of Two New Pickup Trucks for New Road Building Crew
- b. Temporary Building Official Services to City of Quincy
- c. Helical Corrugated Steel Pipe - Bid # 04-02
- d. Keiser College Student Agreement
- e. Citizen's Advisory Task Force Members and By-Laws
- f. City of Midway Ordinance Number 2003-60-Voluntary Annexation- For the Record

9. Public Comment - (3 minute limit)

No public comment was heard.

10. Clerk's Agenda

Budget Amendments 2004-03-16-01 thru 2004-03-16-02

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

Ratification of Approval to pay County Bills: Accounts Payable Registers 03/04/04 and 03/12/04 and Payroll Register 03/04/04

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

11. Commissioner's Agenda

District 3

Commissioner Roberson had no comment.

District 4

Commissioner Holt commented that they should consider workshops early.

District 5

Commissioner Dixon stated that Legislative session has begun. He urged Commissioners to make phone calls or travel on March 24, 2004, Legislative Day.

District 1

Commissioner Dover inquired about the Recreation committee.

Mr. McKinnon stated that he would get information to him regarding that committee.

District 2

Commissioner Watson had no report.

Adjournment

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

Sterling Watson, Vice-Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA ON
APRIL 6, 2004, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

STERLING WATSON, CHAIR
CAROLYN ROBERSON, VICE-CHAIR
WALTER D. DOVER
BRENDA HOLT
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

1. MEETING CALLED TO ORDER

Chair Watson called the meeting to order. He also led in the pledging of allegiance to the U.S. Flag and the invocation.

2. ADOPTION OF THE AGENDA

The agenda was amended by the following:

- Remove the Trade-in and Replacement of Two Dump Trucks from Robert Presnell's items (#7)
- Addition of the Land Development Code (LDC) relative to display of political signs under County Attorney.
- Addition of Authorization to Increase SHIP Expenditure
- Add to Growth Management's Agenda items-Proposed Resolution 2004-11 Confirming opposition to SB 2774, which severely limits authority of local jurisdictions to regulate the placement and appearance of cell towers and antennas.
- Move the Library site discussion to follow the County Attorney's Agenda.
- Commissioner Holt questioned Item# 11g on the Consent Agenda. Mr. McKinnon answered her question so it remained in the Consent Agenda.

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

3. APPROVAL OF MINUTES

March 2, 2004 Regular Meeting

The minutes from the March 2, 2004 were, tabled pending verification of the motion, which adopted the Vending Machine Ordinance # 2004-02.

4. ELECTION OF VICE-CHAIRMAN

Commissioner Holt made a motion for Commissioner Dixon to become the Vice - President.

Chair Watson stated that he would like to get back to the traditional rotation, for selecting the Chair & Vice-Chair. He said that would make Commissioner Roberson the next Vice-President.

Commissioner Holt questioned if the rotation had been followed before.

Commissioner Watson commented that they had not skipped over anyone; they had just extended deceased Chairman Bill McGill's term as Chair.

Commissioner Dixon opposed the automatic rotation.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO ELECT VICE-CHAIR WATSON THE CHAIRMAN OF THE BOARD. COMMISSIONER HOLT OPPOSED THE MOTION.

Commissioner Holt restated her motion that Commissioner Dixon become Vice-Chair.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 2 - 3, BY VOICE VOTE, TO ELECT COMMISSIONER DIXON THE VICE-CHAIR. COMMISSIONERS HOLT AND DIXON VOTED FOR THE MOTION. COMMISSIONERS DOVER, ROBERSON AND WATSON OPPOSED THE MOTION. THE MOTION FAILED.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 2 - 3, BY VOICE VOTE, TO ELECT COMMISSIONER HOLT AS THE VICE-CHAIR. COMMISSIONERS DIXON AND HOLT VOTED FOR THE MOTION. COMMISSIONERS DOVER, ROBERSON AND WATSON OPPOSED THE MOTION. THE MOTION FAILED.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO ELECT COMMISSIONER ROBERSON AS THE VICE-CHAIR. COMMISSIONERS DOVER, WATSON AND ROBERSON VOTED FOR THE MOTION. COMMISSIONERS HOLT AND DIXON OPOSED THE MOTION. THE MOTION PASSED.

5. HAL RICHMOND, COUNTY ATTORNEY'S AGENDA

1. Land Development Code (LDC) and display of political signs

Commissioner Holt stated that she had received some questions regarding the placement of political signs. She said that the signs were not covered by an ordinance or home community rules.

Mr. Richmond responded that there is a sign ordinance according to the LDC. He stated that a homeowner has the right to erect a sign as long as they follow the procedure and pay the proper fee within 120 days of an election. He said that there are some exceptions.

Commissioner Holt then questioned billboard signs. She stated that the ordinance was enforced on private property more so than billboards.

Mr. Ballister commented that the way the ordinance is drafted, it appears to cover placement of signs whether it be billboards of private property. He recommended that the 120-day stipulation be changed to coincide with a date a candidate files with the Supervisor of Elections.

Discussion followed among Board Members.

There was a consensus of the Board was to leave the Ordinance as it is written.

2. Library Site - Quincy Main Library

Mr. McKinnon stated that the Library Commission needed some direction as to the location of the new library. They recommended the site on Pat Thomas Parkway/ The Randy's location. At the Board's direction, the committee began negotiations with the Mr. Greene. His best offer was \$295,000.00.

Chair Watson commented that what they are voting on is whether or not to except Mr. Greene's offer. He said that the site has already been approved.

Commissioner Holt said that the site had not been approved. The funds were never agreed upon.

Commissioner Dixon stated that the site was the # 1 site, not the only approved site.

Chair Watson said that there was a motion to pursue the Randy's site. He said that staff was directed to negotiate a price. He stated that the last time the Library issue came before the Board it was to accept Mr. Greene's offer of \$ 295,000.00.

Commissioner Holt stated that a 2-2 vote says it does not happen. She also referenced the land that is at the corner of Martin Luther King Blvd and Stewart Street. She said it would be free.

Chair Watson stated that it was his opinion that the Randy's site had been voted and approved. The question tonight was to accept his offer of \$295,000.00.

Commissioner Dixon commented that the site was not free. He said so whether or not they voted on they needed the funds to pay for the transaction.

Discussion followed among Board Members.

Commissioner Dixon mentioned the old jail site on Adams St stating that the only reason it was not considered was because of the nuisance factor.

Commissioner Dover stated that he was going to carry on anything that Mr. McGill had started. He stated that with the location the safety issue is a problem wherever the library goes. He said that the staff has done what they were instructed to do and that was to begin negotiations with Mr. Greene and his final price was \$295,000.00.

Commissioner Holt mentioned the City of Havana and how they chose the location of their Library. The citizens of Quincy never got a chance to voice where the library would be located. She mentioned the overall plan that the City of Quincy had for cleaning up downtown.

Commissioner Roberson commented that it was her understanding that the City of Quincy couldn't come up with the money until a year or a year ½ down the line. She also mentioned that by putting the library downtown you had to provide the Clerk with a Records Center.

Mr. McKinnon stated that the property was subject to a soil test. He also made it known that they would have to borrow the money to pay for the land.

Mr. Thomas commented that the grant could only be used on construction.

Public Comment

- **Marsha Deane, Chairman of Library Commission**
- **Sam Hawkins**
- **Debra Vickers Cordy**
- **Catherine Black**
- **Alfred Ellis**
- **Julis Fisher**

Commissioner Dixon mentioned that the site had never been appraised.

Mr. Richmond stated that the statue says the site must be appraised.

Mrs. Dean reiterated the timeline December 23, 2004. She commented that they needed to be under construction by that date.

Mr. Richmond stated that he had provided each of the Commissioners with a copy of the Florida Statute. He commented in the discussions they had originally in regards to the negotiating session where he met with the Manager and the Realtor. He was said that an appraisal would have to have to be done at some point. It would be subject to 125.355 of the Florida Statutes. He commented that it called for the contract to be presented to the Board within 30 days. He said that due to the death of Chairman McGill, it was postponed. He said that it was presented with a 2 - 2 vote from the Board and nothing happen the motion died. Therefore, it appears that there needs to be an appraisal done.

Commissioner Holt pointed out that the Board didn't meet the deadline of 30 days.

Mr. Richmond stated that with the contract it doesn't expire there are provisions for confidentiality of records. He stated that the confidentiality had expired because 30 days of the last negotiation had occurred. He said that notes had to be kept and then it would become apart of the public records for the purchase price. He said there must be an appraisal done.

Mr. Richmond stated that if the lot was more than \$500,000.00 it would have to be two appraisals. He said that it would call for extraordinary vote 4-1.

Commissioner Holt questioned negotiation.

Mr. Richmond stated the contract was negotiated with Staff and the Realtor.

Mr. McKinnon said that Mr. Greene's final and best offer was \$295,000.00.

Mr. Richmond commented that there was negotiation of price, but that was his best offer. He said that the contingency built in that there would be formal contract built up by the Board.

Discussion followed among Board Members.

Mr. Richmond said it would be in the Board's best interest to get an appraisal. He reiterated that if the appraisal meets the purchase price, it doesn't have to have a supra majority vote 4 - 1.

UPON MOTION BY COMMISSIONER DOVER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE GETTING AN APPRAISAL ON THE RANDY'S PROPERTY. COMMISSIONERS HOLT AND DIXON OPPOSED THE MOTION.

6. TOMMY BAKER, EMERGENCY SERVICES DIRECTOR'S AGENDA

Fire Service Update and Request for Authorization to Proceed with Station Design Drawings

Mr. Baker addressed the Board giving an update on the Fire Service Report. He requested input and direction from the Commission on station design criteria and community center addition to basic floor plan. He requested authorization to proceed with station design drawings for the Board's consideration. He commented that Lee & Bridges would draw design concepts and do cost estimates for each proposal for \$80.00 per hour and estimated that this project will take 20 hours to complete totaling around \$1,600.00. He requested transfer of funds to pay architect to draw proposed building plans.

Chair Watson commented that if they would stick with the Mt. Pleasant design, they don't need to hire architects.

Commissioner Dixon asked would they stick to the 4 bay building that was decided earlier. He also complimented Mr. Baker on excellent report.

Commissioner Watson commented that he was in favor of the Mt. Pleasant design.

Mr. Baker cautioned the Board about Robertsville's proposed site when discussing the community center concept. He said that Coastal Lumber Company owned the land and they had one stipulation that they would not allow multi-use only a fire department. He mentioned that was something to take into consideration before making the final decision on choosing a site. He stated that he needed direction from the Board regarding the plans so he would have something to give to the Company. He added that the site is not in Robertsville; it's really in St. John across from the school. The recommendation will be to keep both of the fire stations.

Commissioner Dixon stated that in most communities the fire station is the only governmental building. He said that we don't have a lot of places that we can use as a community center. One problem is getting citizens to join the volunteer fire department. He said that if we involve community functions with the fire stations (a community

room, a park located next to the fire department.) People would venture in for other services and end up as volunteers for the fire stations.

Commissioner Dixon suggested that they look at a couple pieces of property before making a decision.

Commissioner Watson commented that he liked the 4 bay Mt. Pleasant design and that they should stick to the basic design.

Commissioner Holt said that cost factor should be looked at.

Mr. Baker stated that the Mt. Pleasant design is a long rectangular building that is parallel to the road. There have been thoughts about turning the building perpendicular so that the bays won't face the highway. Then you could build a community center on the front of the building. He said if this is done you could apply for USDA low interest loans. He said that would be beneficial to the City of Gretna.

Chair Watson questioned what could be done to make sure that each department is spending funds properly, what records would the Board receive.

Mr. Baker said that the Finance Department requires that they submit quarterly reports that include call totals and any expenses for that period. He said that he needed a standard format, so that they all report the same thing.

Commissioner Dixon mentioned the more faucets you add the more funds you could dip in.

The Consensus of the Board was to go with the Mt. Pleasant design with the possibility of a community center on the front, also to look at other locations for the Robertsville Fire Station.

Public Comment

- Alfred Ellis
- Julis Fisher

7. ROBERT PRESNELL, PUBLIC WORKS DIRECTOR'S AGENDA

Bell Road Stabilization

Mr. Presnell addressed the Board seeking direction on applying cold mix asphalt to the middle section of Bell Road. He said it was skipped last year because of right-of-away acquisition. The estimated cost is \$34,000.00. He stated that Florida Highway Products would render the services.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO PAVE THE MIDDLE SECTION OF BELL ROAD.

8. BRUCE BALLISTER, GROWTH MANAGEMENT DIRECTOR'S AGENDA

1. EMANUEL GARDENS MAJOR SUBDIVISION - CONCEPTUAL PLAT 03-PZ-052-202-4-01

Mr. Ballister commented that the applicant, Maurice Evans, has submitted a conceptual plan for a major subdivision at the intersection of CR 267 and Shade Farm Road. The site is located in the St. Johns community in a Rural Residential land use district. The total site area is 25.74 acres and is to include up to 25 single-family lots.

Mr. Ballister stated that Mr. Evans had done as instructed by the Planning and Zoning Department and met with the St. Johns Community. He listed some of the concerns brought up by the citizens, which he included in his recommendations.

- Frontage and acreage of lots
- Increase the turn radius of the cul-de-sac
- Suggested that he cut the pedestrian walkway to the store. He stated that it would keep the upgrade of homes.
- No requirement for barriers
- Buffer on holding pond / Drew Ellis Lane

Mr. Ballister commented that the Planning Commission voted 5 - 2 to recommend approval of the Conceptual Plat subject to the staff recommendations.

Mr. Richmond administered an oath to Mr. Ballister.

Mr. Richmond administered an oath to Matthew Parker.

Mr. Parker addressed the Board concerning the park. He stated that the community didn't want the park. He stated that the original design had roadwork that would have connected CR267 and Shade Farm. Based on community input, it was reduced to a cul-de-sac. He commented that the smallest lot is about 2/3 of acre. The largest is just over an acre with a total of 25 acres.

Commissioner Dixon questioned why Drew Ellis Lane was not used for the driveway.

Louvenia Sailor stated that it was a private road.

Public Comment

All that spoke before the Board on this issue were given an oath by Mr. Richmond, County Attorney.

- **Alfred Ellis**
- **Louvenia Ellis Sailor**

Maurice Evans, owner of proposed subdivision spoke in support of the project. He mentioned the community meeting and some of the issues that were addressed at the community meeting. He commented that he would plant buffers/vegetation along Drew Ellis Lane.

Discussion followed among Board Members.

Mr. Ballister stated that the conceptual you're not exactly approving that lay out. He commented that there are issues that they will have to address prior to the preliminary plat approval.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE EMANUEL GARDENS MAJOR SUBDIVISION CONCEPTUAL PLAT.

2. Hampton Inn - Conceptual Site Plan 04-PZ-013-207.2-5-02

Mr. Ballister commented that the applicant, Peter Patel, has submitted a conceptual plan for a new Hampton

Inn motel to be located at the intersection of SR267 and I-10. The site will locate on a 3.0 acre portion of a larger tract. The proposed Hampton Inn will be a 69 unit facility with an indoor pool. The area is currently provided central water service from Talquin, therefore the site must connect to the central system. He said that the site is not required to connect to the central sewer. He stated that the closest sewer system is a force main from the IFAS headquarters. He said that staff recommendations were listed in the agenda packets. One main one was that applicant and the owner of the Holiday Inn Express work together and with other landowners at the intersection to construct a lift station and force main to connect to the Quincy sewer system. He commented that the Planning Commission vote 7 - 0 to recommend the Conceptual Site Plan with the Staff Recommendations.

Commissioner Dixon inquired about the cost of the lift station.

Mr. Ballister stated it would be a \$100,000.00 for the lift station and for the pipe to be ran from Wal-Mart it would be another \$100,000.00. He commented that the engineer from Talquin stated that there were funds available to assist with the funding.

Public Comment

- Peter Patel
- Linda Perry

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE HAMPTON INN CONCEPTUAL SITE PLAN.

3. Reynolds Road Abandonment- Request to Advertise

Mr. Ballister stated that the applicant, Dr. Louis Hill, through Guyte McCord III has requested the abandonment of the terminus of Reynolds Road. The affected portion begins at a point where the roadway veers away from the Hill - Miller property line towards the East North East. The existing homes at the end of the road will continue to have access via a recorded easement. The reason for the request is to withdraw public maintenance of this portion of the road to allow installation of a private

gate. He reiterated that this process is only to advertise. We have to notify adjacent property owners.

Commissioner Dixon commented that he wasn't for abandonment of the road. He stated you needed a cause to abandon a road.

Chair Watson stated that he was for it because it doesn't go anywhere. He stated that if there was opposition that they would have a chance to voice their opinions.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE ADVERTISEMENT FOR REYNOLDS ROAD ABANDONMENT. COMMISSIONERS HOLT AND DIXON OPPOSED THE MOTION.

4. Proposed Resolution 2004-11

Mr. Ballister commented that he had proposed a Resolution confirming opposition to SB2774 to be presented to the Florida Senate for the record and to the various Senators and Legislators representing Gadsden County. He stated that it severely limits authority of local jurisdictions to regulate the placement and appearance of cell towers and antennas.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE RESOLUTION 2004-11 CONFIRMING OPPOSITION TO SENATE BILL 2774 TO THE FLORIDA SENATE.

9. HOWARD MCKINNON, COUNTY MANAGER'S AGENDA

Greensboro Fire Protection Services - Interlocal Agreement

Mr. McKinnon commented that the Greensboro Town Council is requesting the Board to reconsider this action and restore the full funding \$22,372.63, which the Town expected to receive as called for by the Interlocal Agreement. He stated that any change in amount should have been done prior to the execution of this agreement and the end of the budgetary process for the fiscal year 2003-04.

Commissioner Roberson commented that the Board really needed to disperse to Greensboro the difference they were cut. She also mentioned that not all fire stations were receiving the same amount of calls.

Commissioners Holt and Dixon stated that was not a valid reasoning because dispatchers were not calling fire stations. Historically we only approved the contracts not the funds.

There was a motion by Commissioner Roberson.

Commissioner Holt stated that if we do it less do it fairly and correctly, let's increase or fund all 3.

Public Comment

- **H. Maxwell Fletcher, Clerk for the Town of Greensboro spoke in support of restoring the funding to the Interlocal Agreement for the Fire Department.**

Discussion followed among the Board Members.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE FUNDING OF INTERLOCAL AGREEMENT FOR THE TOWN OF GREENSBORO IN THE ORGINAL AMOUNT OF \$22,372.63. COMMISSIONERS HOLT AND DIXON OPPOSED THE MOTION.

Economic Development

Mr. McKinnon commented that Willie Taylor with the USDA had volunteered to come down and contract to work on I-10 exchange. He commented that it would depend on his schedule when he could come down. He stated the workshop would also include Grants so it would last around a hour and ½.

Commissioner Holt asked was it possible to meet with the City of Quincy.

Mr. McKinnon replied that it appeared to be the consensus of the Board to have the workshop on a Monday the dates given that would work with the City of Quincy were May 3rd, 10th, 17th and 24th. He stated that he would speak with the City of Quincy and report back to the Board with one of those dates.

Linda Perry, County Grants Specialist, requested that the meeting be separate.

Authorization to Increase SHIP Expenditure

Mr. McKinnon commented that Mr. Butler has requested authorization to increase SHIP expenditure for a replacement home for Mr. Ira Diggs of Quincy, Florida. He stated that our plan currently allows us to expend \$30,000.00 per home, including the fee for the Rehab. Specialist. This expense will need to be doubled if we are to provide an affordable and decent home for this client.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE AUTHORIZATION TO INCREASE SHIP EXPENDITURE FOR A REPLACEMENT HOME FOR MR. IRA DIGGS OF QUINCY, FLORIDA.

10. PUBLIC COMMENT

- **Julis Fisher** addressed the Board concerning May 29, 2004 a day that is set aside to honor all Veterans of World War II. He stated that they would be honoring them by having a Prayer Breakfast on that day at the Carter Parramore Cafeteria at 9:00 am. He commented that he was asking for names of all World War II Veterans and that he would like for the County to be a part by participating and money wise.

Chair Watson asked Mr. Fisher to bring the figures back from the City of Quincy who would also be participating in the Memorial and give them to the County Manager.

11. CONSENT AGENDA - FOR APPROVAL

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

- a. Resolution No. 2004-007-Designating Dover Rd "Bill McGill Memorial Highway"
- b. Property Appraiser Xerox Machine Maintenance Agreement
- c. Change Order #35 and Correction to CO #34 to Contract with C.W. Roberts Paving Company
- d. Change Order - CR 161 Willachoochee Creek Bridge
- e. Bid#04-03-Fire Service Rescue Tools
- f. Library Contracts for Summer Programs
- g. Agreement for Library Contractual Services-Maria Mena

- h. EMS Write Off of Bad Debts - Resolution No. 2004-09
- i. SHIP Agreement and Special Assessment Lien - Sarah Ceasor
- j. Housing Rehabilitation Program Contract for Rehabilitation Work- Albert and Dora Walker
- k. Rehabilitation Agreement and Special Assessment Lien - Albert and Dora Walker
- l. Donation of Equipment to Town of Greensboro - Computer, Keyboard & Mouse

12. CONSENT AGENDA - FOR THE RECORD

- m. Chamber of Commerce Economic Development Report - February 2004
- n. Minutes of Gadsden County Tourist Development Council - February 17, 2004 Meeting

13. NICHOLAS THOMAS, CLERK'S AGENDA

Budget Amendments 2004-04-06-01 through 2004-04-06-05

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

Ratification of Approval to pay County Bills: Accounts Payable Registers 03/19/04; 03/26/04 & 04/02/04 and Payroll Registers 03/18/04 & 04/01/04

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

14. COMMISSIONER'S AGENDA

District 1

Commissioner Dover had no report.

District 3

Commissioner Roberson had no report.

District 4

Commissioner Holt asked that Gretna Clinic be scheduled for the next meeting.

Commissioner Holt asked that the Board keep longtime educator Vivian Kelly in their prayers.

District 5

Commissioner Dixon had no report.

District 2

Chair Watson stated that he would like a Resolution from the Board honoring The East Gadsden Girls and Boys Basketball Team.

ADJOURNMENT

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

Sterling Watson, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA ON
APRIL 20, 2004, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

STERLING WATSON, CHAIR
CAROLYN ROBERSON, VICE-CHAIR
WALTER D. DOVER
BRENDA HOLT
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

1. MEETING CALLED TO ORDER

Chair Watson called the meeting to order and led in the pledging of allegiance to the U.S. Flag. Mr. McKinnon led in the prayer.

2. ADOPTION OF THE AGENDA

The agenda was amended by the following:

- Deletion of the FAMU Wellness Clinic from Commissioner Holt's items.
- The Resolution for the East Gadsden Girls and Boys Basketball teams was moved to follow item #3, approval of the minutes.

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

3. APPROVAL OF MINUTES

March 2, 2004 Regular Meeting

March 16, 2004 Regular Meeting

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

3B. EAST GADSDEN HIGH SCHOOL BASKETBALL RESOLUTION-2004-12
FOR BOTH GIRLS' AND BOYS' BASKETBALL TEAMS

Chair Watson read and presented Resolution 2004-12 to Andy Gay, coaches and members of the girl's basketball team. He congratulated them for an outstanding season and a job well done.

4. COUNTY ATTORNEY'S AGENDA

Public Hearing - Petition to Pave Ames Barineau Road

Mr. Richmond, County Attorney, commented that the citizens along Ames Barineau Road have submitted a petition proposing the paving of Ames Barineau Road per Gadsden County Code 62-34.

Mr. McKinnon, County Manager, estimated the paving cost to be \$99,691.60. Per the code the County would pay one-third of the costs associated with the remaining two-thirds of the costs and the Ames Barineau Road property owners would pay the remaining two-thirds. He said that they have the needed signatures in place and are now asking the County to consider paving their road.

Mr. McKinnon explained that they are asking to do the same as the citizens on Quail Roost. (They are currently circulating a contract among residents on that road.)

Commissioner Dixon inquired about the memo from Steve Barineau.

Mr. McKinnon stated that Mr. Barineau had submitted the request asking that they continue the public hearing regarding the paving of Ames Barineau Road because they had already made family vacation plans and could not be present for this hearing.

Mr. Epperson said that it was determined that the paving cost would not effect property owners who did not live on Ames Barineau Road, which included Steve Barineau and Don and Shirley Daniels. He also said that the cost would be split equally among those that actually live on the road.

Commissioner Dixon questioned how the ordinance would allow for the paving?

Mr. Richmond stated that they want to do the same thing as Quail Roost residents. He commented that it would not affect the County's 1/3 interest.

Chair Watson called for public comment. The following individuals spoke in support of paving Ames Barineau Road.

- Don Daniels
- Ronald Epperson
- Shirley Daniels
- Gary Roberts
- Kim O'Neal
- Larry Gainous
- Anthony Viegbesie
- Jim Kellham
- Robert Presnell

Commissioner Holt asked, if they could put Ames Barineau on the same track as Quail Roost.

Chair Watson commented that they needed to look at amending the Ordinance. He stated that it was not fair to move private roads in front of public roads. He mentioned he could support this project if it was 50/50.

Commissioner Holt inquired as to when was the ordinance passed.

Mr. Richmond stated it was adopted in 1993 or 1992.

Commissioner Dixon suggested that the County could limit the paving of private roads to only two per year.

Commissioner Roberson stated that the County should deal with Ames Barineau Road in the same manner as they did with Quail Roost. She then commented that workshops be scheduled and this topic be addressed at that time.

It was the consensus of the Board to proceed with Ames Barineau Road in the same fashion as they dealt with Quail Roost. The contact person for the residents on Ames Barineau is Ronald Epperson. The workshop was scheduled for May 4, 2004 at 5:00 pm.

2. Metropolitan Church Cathedral of Truth Lawsuit

Mr. Richmond reported that on April 7, 2004 the District Court of Appeals ruled against the County and upheld Judge Reynolds order in the lower Circuit Court.

The position the County is taking is that you ruled exactly based upon evidence presented. He stated there was a split opinion between 1st District Court of Appeal and the 3rd District Court of Appeal as to what standard should be used when evaluating the evidence. He said with the Board's permission, he would file a petition for a re-hearing. The deadline for the petition to be filed is Thursday, April 22, 2004. He went on to say that if a re-hearing granted, there would be some additional legal fees. He then stated that if the Board wanted to proceed, it could be up to \$7,500.00 extra. He stated that, at this point, it was more for their information, but, if the question is certified did the Board want to put the extra money forth to proceed with the re-hearing.

Commissioner Holt inquired as to how much money the new filing on Thursday would cost the Board.

Mr. Richmond commented that it would not cost anymore than it already has.

Commissioner Dixon asked what was that amount?

Mr. McKinnon stated that he would gather that information.

Mr. Richmond stated that on Thursday he would file the motion for clarification and certification. He commented that unless we prevail, he re-iterated there would be no extra cost.

Commissioner Holt commented that she was not for incurring more debt for the County.

It was the consensus of the Board that Mr. Richmond proceed and file the necessary paperwork on Thursday, April 22, 2004.

5. Purvis, Gray & Company - FY 2003 Gadsden County Audit Report

Ron Whiteside and Ryan Tucker of Purvis, Gray & Company addressed the Board. Mr. Whiteside highlighted a few points of the FY 2003 audit report. He said that he had already met with each Commissioner individually. He stated that this was the first year that the County had presented under Governmental

Accounting Standard Board (GASB) Statement No. 34, which is a new accounting standard for government's entities. He said that works real well with budgetary compliance and cash in and cash out. He commented that it is not good for measuring the overall financial profit over time. He stated that with the new standard being adopted you have two sets of books. He said with that you get two different net incomes or loss figures for the county this year. One is on the full accrual basis, which is similar to what a private-sector would use. He referenced page 11 of the audit report. He said the County generates a net income of a little over a \$100,000.00. and one is on the modified accrual basis, which is the one the governments have previously done. He referenced page 15 of the report. Under that basis, the County it shows a 1.4 million loss.

- Net change in fund balances- total governmental funds \$1,423,824.00
- Capital outlay \$4,677,417.00
- Depreciation expense on governmental capital assets included in the governmental activities in the statement of activities. \$2,408,456.00
- Repayment of long-term debt is reported as an expenditure in governmental funds but as a reduction of long-term liabilities in the statement of activities.\$446,727.00
- The issuance of long term debt (installment notes) provides current financial resources to governmental funds, while it has no effect on the statement of activities. \$339,077.00
- Some expenses reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds. \$275,867.00
- Revenues in the statement of activities that not provide current financial resources are not reported as revenues in the funds. \$17,581.00
- Transfer of capital assets from an enterprise fund, which has no effect on the governmental activities but is reported as a transfer in the statement of activities. \$3,010,437.00

**Change in net assets of Governmental Activities
\$3,704,938.00.**

Mr. Whiteside stated that under the modified accrual basis, it recognizes that \$1.4 million decrease that's a concern. He commented that last year the County had a loss of about \$1 million on this same basis. The current budget

year that the County is currently with an estimated of funds that we figured would occur a loss of another \$800,000.00. He stated that the County used fund balances in a significant amount. He referenced page 10 of the audit report. He stated it leaves \$2.6 million as of this audit report date for most any governmental purpose.

Mr. Whiteside explained that one thing as that the State requires outside Auditors to do is to make a determination whether the County is experiencing deteriorating financial conditions. That was laid out in Fl Statues a few years ago. He said Purvis Gray compared Gadsden County with a group of counties provided by the State Auditor General. He stated that they looked at Gadsden County's performance over the last 5 years. He then stated that Gadsden County appears to be in a deteriorating financial condition. He pointed out a letter in the back of the Audit Report, which was forwarded to the Auditor General and eventually to the Governor's Office. He said that the purpose of it is to show the Governors Office that we have a County that has financial issues that will have to be addressed.

Mr. Whiteside stated that Purvis Gray usually recommends that a County should have 2 to 3 months of operating money in reserves. He said that would mean at least \$6 million for Gadsden County. He stated that the County now has less than the amount they recommend.

Mr. Whiteside then called attention to two management letters.

- 1.) Separation of duties pages 65-66.**
- 2.) page 66 is a Federal Highway Paving Grant finding.**

He explained that one of issues with federal grant funds is that the contractor is actually doing the work. He must a prevailing wage rate as determined by the Federal Government. He commented that staff is currently getting wage requirements statements from the contractor to comply with the Davis Beacon Act. He mentioned that there is \$322,000.00 but the matter will be resolved once the wage statements are filed, as required by the grant.

He concluded his remarks by saying that he and his staff have enjoyed working with all Constitutional Officers.

Chair Watson asked the Clerk if the \$1.8 million fund balance, which dropped from \$2.5 million from the previous year, reflected the \$800,000.00 mentioned by Mr. Whiteside.

Mr. Thomas commented that the inappropriated fund balance would drop several hundred thousand.

Discussion followed among Board members.

Mr. McKinnon stated that he would come back with dates for workshops.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE AUDIT REPORT FOR FY 2003.

6.Gadsden Emergency Medical Services Director's Agenda
Medicare Refund for Overpayments

Mr. Tommy Baker, Gadsden Emergency Medical Services Director, addressed the Board in regards to the Medicare refund for overpayments. He stated that on April 1, 2004 Gadsden EMS was notified by CMS "Medicare" that they are requesting a refund in the amount of \$38,005.92, which they claim as "overpayments". He commented that it had affected 35 providers throughout the State. He said that the memo, provided in the agenda packets explains the options.

Mr. Baker commented that he originally thought that he would have liked to contract with "EMS Consultants" our Medicare billing agent to appeal the matter and attempt recovery of this money. He disputed the amounts that Medicare claims but the only option is to refund the money and then file an appeal. Medicare will then begin deducting these amounts from future Medicare payments and charge 12% interest if payment is not made by the due date.

Mr. Baker stated that the Florida Ambulance Association is looking at contracting with an attorney that specializes in Medicare appeals. The attorney initially offered is \$25,000.00 to appeal this claim on behalf of every provider in the state that is willing to participate for \$25,000.00. He stated that he does not how many will participate or what the County's share would be. He stated the County has a 120 days from the initial letter to file the appeal.

He recommend that Gadsden County join Florida Ambulance Association for about \$500.00 a year and we wait and see the outcome. He asked for authorization for the County Manager and EMS Director to draft a letter for the Chairman's signature to request the assistance of and the involvement of our Congressional Representatives in this matter.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO JOIN THE FLORIDA AMBULANCE ASSOCIATION AND AUTHORIZED THE COUNTY MANAGER AND EMS DIRECTOR TO DRAFT A LETTER TO CONGRESSIONAL REPRESENTATIVES REGARDING THE ISSUE ADDRESSED ABOVE.

7. Growth Management Director's Agenda

1. 2003-4 Road Paving List

Commissioner Dover asked if the road paving list could be tabled until the next meeting for further study. He commented that he was not comfortable making a decision on this issue at this time.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE THE 2003-4 ROAD PAVING LIST UNTIL THE NEXT MEETING, May 4, 2004.

Mr. Presnell, Public Works Director, cautioned the Board about delaying action on the road paving list. He stated that the Department was about to complete the last roads and are ready to begin the next ones. He stated that by delaying action, equipment would be parked on the side of the roads.

Chair Watson commented that they should continue with list as is and let the policy continue until the Board makes a decision.

Public comment

- **Willie James Alexander**

2. US 27 Corridor Road Study

Mr. Ballister, Growth Management Director, commented that the Board directed staff to conduct a series of workshops to review alternatives to the current development plan along the US 27 corridor. A series of workshops were held in November and December to gather public input and identify issues for the Planning Commission to consider. He stated that when summarized, most of the comments where to retain status quo or restricting the way in which new commercial land use would be permitted. He stated that he needed guidance from the Board.

He stated that our current Comp Plan allows land use changes within context of the node descriptions of what the commercial nodes are. He then asked, "At what point does the Commission want to stake a preservation mode or allow the market to continue?"

Note: Mr. Ballister commented on the options. To see the options in full view see attachments that are in the agenda packet for the meeting of April 20, 2004.

- Option 1 was to restrict any new commercial development along the US 27 corridor through 2010.
- Option 2A would restrict any new commercial development outside of the present commercial nodes to neighborhood commercial uses described in the Land Development Code.
- Option 2B would move the neighborhood commercial land use category to commercial. Land Use changes to Commercial for infill along US27 outside of nodes described in 1.1.5 (E) shall be limited to Neighborhood Commercial uses as described in the Land Development Code.
- Option 3 states that on US 27, land use amendments may be reviewed on a case-by-case basis with the existing of proposed development patterns along the corridor.
- Urban Service Area is not to be considered a mandate to develop non-residential uses. Residential coverage's of up to 100% may be allowed in each USA district.

Commissioner Dixon asked "What is the goal?"

Mr. Ballister replied it was his understanding that the County didn't want US 27 to become N. Munroe St. or Tennessee St. in Tallahassee. We want commercial, stretches of green space, which will allow for spotting of commercial growth.

Discussion followed.

Public Comment

- Kathie Grow
- Bill Piotroski
- DeAlvin Roberts

Commissioner Dixon stated that he wanted to see an intergraded approach with more focus on landscaping.

Chair Watson commented that he felt nothing should be changed, continue as we have been operating, but with more focus on landscaping.

Mr. Ballister commented that he felt the general motion or consensus of the Board was to change nothing at this point, look at the development policy, corridor road study and landscaping then bring back ideas by looking into other County codes and how they operate.

8. County Manager's Agenda

Mr. McKinnon had no report.

9. Public Comment (3 minute limit)

The Chair called for public comment, no public comment was heard.

10. Consent Agenda - For Approval

- Commissioner Dixon inquired about 10c-Exhibit Display Policy he asked County Manager to bring back usage of Library contract.

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

- a. Guardian Ad Litem Program Agreement - Authority Sign
- b. Contracts for Summer Library Programs
- c. Library Exhibit & Display Policy
- d. Satisfaction of Housing Rehabilitation Agreement- Amanda Gee
- e. Satisfaction of Housing Rehabilitation Agreement- Bernice Scott
- f. SHIP Agreement and Special Assessment Lien - Annette Nolan
- g. New Road Name - King Thomas Lane (S. off Green Ave (SR 12 W), W. Of RR Track in Greensboro)

11. CLERK'S AGENDA

Budget Amendments 2004-04-20-01 thru 2004-04-20-03

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

Cash Report (For the record only)
Financial Statements (For the record only)

Ratification of Approval to Pay County Bills: Accounts Payable Registers Dated 03/18/04 and 04/04/04; Payroll Deductions to Vendors Dated 03/18/04 and 04/01/04

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

Mr. Thomas commented that at the next meeting he would have the Revised FY 2004 Revenue Analysis for the Board.

12. Commissioner's Agenda

District 1

Commissioner Dover had no report.

District 3

Commissioner Roberson had no report.

District 4

Commissioner Holt had no report.

District 5

Commissioner Dixon reminded Commissioners that the State Legislature is in session. He stated that serious dollars are at stake. He urged them all to please call their Legislators.

District 2

Chair Watson had no report.

ADJOURNMENT

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

Sterling Watson, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA ON
APRIL 20, 2004, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

STERLING WATSON, CHAIR
CAROLYN ROBERSON, VICE-CHAIR
WALTER D. DOVER
BRENDA HOLT
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

1. MEETING CALLED TO ORDER

Chair Watson called the meeting to order and led in the pledging of allegiance to the U.S. Flag. Mr. McKinnon led in the prayer.

2. ADOPTION OF THE AGENDA

The agenda was amended by the following:

- Deletion of the FAMU Wellness Clinic from Commissioner Holt's items.
- The Resolution for the East Gadsden Girls and Boys Basketball teams was moved to follow item #3, approval of the minutes.

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

3. APPROVAL OF MINUTES

March 2, 2004 Regular Meeting

March 16, 2004 Regular Meeting

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

3B. EAST GADSDEN HIGH SCHOOL BASKETBALL RESOLUTION-2004-12
FOR BOTH GIRLS' AND BOYS' BASKETBALL TEAMS

Chair Watson read and presented Resolution 2004-12 to Andy Gay, coaches and members of the girl's basketball team. He congratulated them for an outstanding season and a job well done.

4. COUNTY ATTORNEY'S AGENDA

Public Hearing - Petition to Pave Ames Barineau Road

Mr. Richmond, County Attorney, commented that the citizens along Ames Barineau Road have submitted a petition proposing the paving of Ames Barineau Road per Gadsden County Code 62-34.

Mr. McKinnon, County Manager, estimated the paving cost to be \$99,691.60. Per the code the County would pay one-third of the costs associated with the remaining two-thirds of the costs and the Ames Barineau Road property owners would pay the remaining two-thirds. He said that they have the needed signatures in place and are now asking the County to consider paving their road.

Mr. McKinnon explained that they are asking to do the same as the citizens on Quail Roost. (They are currently circulating a contract among residents on that road.)

Commissioner Dixon inquired about the memo from Steve Barineau.

Mr. McKinnon stated that Mr. Barineau had submitted the request asking that they continue the public hearing regarding the paving of Ames Barineau Road because they had already made family vacation plans and could not be present for this hearing.

Mr. Epperson said that it was determined that the paving cost would not effect property owners who did not live on Ames Barineau Road, which included Steve Barineau and Don and Shirley Daniels. He also said that the cost would be split equally among those that actually live on the road.

Commissioner Dixon questioned how the ordinance would allow for the paving?

Mr. Richmond stated that they want to do the same thing as Quail Roost residents. He commented that it would not affect the County's 1/3 interest.

Chair Watson called for public comment. The following individuals spoke in support of paving Ames Barineau Road.

- Don Daniels
- Ronald Epperson
- Shirley Daniels
- Gary Roberts
- Kim O'Neal
- Larry Gainous
- Anthony Viegbesie
- Jim Kellham
- Robert Presnell

Commissioner Holt asked, if they could put Ames Barineau on the same track as Quail Roost.

Chair Watson commented that they needed to look at amending the Ordinance. He stated that it was not fair to move private roads in front of public roads. He mentioned he could support this project if it was 50/50.

Commissioner Holt inquired as to when was the ordinance passed.

Mr. Richmond stated it was adopted in 1993 or 1992.

Commissioner Dixon suggested that the County could limit the paving of private roads to only two per year.

Commissioner Roberson stated that the County should deal with Ames Barineau Road in the same manner as they did with Quail Roost. She then commented that workshops be scheduled and this topic be addressed at that time.

It was the consensus of the Board to proceed with Ames Barineau Road in the same fashion as they dealt with Quail Roost. The contact person for the residents on Ames Barineau is Ronald Epperson. The workshop was scheduled for May 4, 2004 at 5:00 pm.

2. Metropolitan Church Cathedral of Truth Lawsuit

Mr. Richmond reported that on April 7, 2004 the District Court of Appeals ruled against the County and upheld Judge Reynolds order in the lower Circuit Court.

The position the County is taking is that you ruled exactly based upon evidence presented. He stated there was a split opinion between 1st District Court of Appeal and the 3rd District Court of Appeal as to what standard should be used when evaluating the evidence. He said with the Board's permission, he would file a petition for a re-hearing. The deadline for the petition to be filed is Thursday, April 22, 2004. He went on to say that if a re-hearing granted, there would be some additional legal fees. He then stated that if the Board wanted to proceed, it could be up to \$7,500.00 extra. He stated that, at this point, it was more for their information, but, if the question is certified did the Board want to put the extra money forth to proceed with the re-hearing.

Commissioner Holt inquired as to how much money the new filing on Thursday would cost the Board.

Mr. Richmond commented that it would not cost anymore than it already has.

Commissioner Dixon asked what was that amount?

Mr. McKinnon stated that he would gather that information.

Mr. Richmond stated that on Thursday he would file the motion for clarification and certification. He commented that unless we prevail, he re-iterated there would be no extra cost.

Commissioner Holt commented that she was not for incurring more debt for the County.

It was the consensus of the Board that Mr. Richmond proceed and file the necessary paperwork on Thursday, April 22, 2004.

5. Purvis, Gray & Company - FY 2003 Gadsden County Audit Report

Ron Whiteside and Ryan Tucker of Purvis, Gray & Company addressed the Board. Mr. Whiteside highlighted a few points of the FY 2003 audit report. He said that he had already met with each Commissioner individually. He stated that this was the first year that the County had presented under Governmental

Accounting Standard Board (GASB) Statement No. 34, which is a new accounting standard for government's entities. He said that works real well with budgetary compliance and cash in and cash out. He commented that it is not good for measuring the overall financial profit over time. He stated that with the new standard being adopted you have two sets of books. He said with that you get two different net incomes or loss figures for the county this year. One is on the full accrual basis, which is similar to what a private-sector would use. He referenced page 11 of the audit report. He said the County generates a net income of a little over a \$100,000.00. and one is on the modified accrual basis, which is the one the governments have previously done. He referenced page 15 of the report. Under that basis, the County it shows a 1.4 million loss.

- Net change in fund balances- total governmental funds \$1,423,824.00
- Capital outlay \$4,677,417.00
- Depreciation expense on governmental capital assets included in the governmental activities in the statement of activities. \$2,408,456.00
- Repayment of long-term debt is reported as an expenditure in governmental funds but as a reduction of long-term liabilities in the statement of activities.\$446,727.00
- The issuance of long term debt (installment notes) provides current financial resources to governmental funds, while it has no effect on the statement of activities. \$339,077.00
- Some expenses reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds. \$275,867.00
- Revenues in the statement of activities that not provide current financial resources are not reported as revenues in the funds. \$17,581.00
- Transfer of capital assets from an enterprise fund, which has no effect on the governmental activities but is reported as a transfer in the statement of activities. \$3,010,437.00

**Change in net assets of Governmental Activities
\$3,704,938.00.**

Mr. Whiteside stated that under the modified accrual basis, it recognizes that \$1.4 million decrease that's a concern. He commented that last year the County had a loss of about \$1 million on this same basis. The current budget

year that the County is currently with an estimated of funds that we figured would occur a loss of another \$800,000.00. He stated that the County used fund balances in a significant amount. He referenced page 10 of the audit report. He stated it leaves \$2.6 million as of this audit report date for most any governmental purpose.

Mr. Whiteside explained that one thing as that the State requires outside Auditors to do is to make a determination whether the County is experiencing deteriorating financial conditions. That was laid out in Fl Statues a few years ago. He said Purvis Gray compared Gadsden County with a group of counties provided by the State Auditor General. He stated that they looked at Gadsden County's performance over the last 5 years. He then stated that Gadsden County appears to be in a deteriorating financial condition. He pointed out a letter in the back of the Audit Report, which was forwarded to the Auditor General and eventually to the Governor's Office. He said that the purpose of it is to show the Governors Office that we have a County that has financial issues that will have to be addressed.

Mr. Whiteside stated that Purvis Gray usually recommends that a County should have 2 to 3 months of operating money in reserves. He said that would mean at least \$6 million for Gadsden County. He stated that the County now has less than the amount they recommend.

Mr. Whiteside then called attention to two management letters.

- 1.) Separation of duties pages 65-66.**
- 2.) page 66 is a Federal Highway Paving Grant finding.**

He explained that one of issues with federal grant funds is that the contractor is actually doing the work. He must a prevailing wage rate as determined by the Federal Government. He commented that staff is currently getting wage requirements statements from the contractor to comply with the Davis Beacon Act. He mentioned that there is \$322,000.00 but the matter will be resolved once the wage statements are filed, as required by the grant.

He concluded his remarks by saying that he and his staff have enjoyed working with all Constitutional Officers.

Chair Watson asked the Clerk if the \$1.8 million fund balance, which dropped from \$2.5 million from the previous year, reflected the \$800,000.00 mentioned by Mr. Whiteside.

Mr. Thomas commented that the inappropriated fund balance would drop several hundred thousand.

Discussion followed among Board members.

Mr. McKinnon stated that he would come back with dates for workshops.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE AUDIT REPORT FOR FY 2003.

6.Gadsden Emergency Medical Services Director's Agenda
Medicare Refund for Overpayments

Mr. Tommy Baker, Gadsden Emergency Medical Services Director, addressed the Board in regards to the Medicare refund for overpayments. He stated that on April 1, 2004 Gadsden EMS was notified by CMS "Medicare" that they are requesting a refund in the amount of \$38,005.92, which they claim as "overpayments". He commented that it had affected 35 providers throughout the State. He said that the memo, provided in the agenda packets explains the options.

Mr. Baker commented that he originally thought that he would have liked to contract with "EMS Consultants" our Medicare billing agent to appeal the matter and attempt recovery of this money. He disputed the amounts that Medicare claims but the only option is to refund the money and then file an appeal. Medicare will then begin deducting these amounts from future Medicare payments and charge 12% interest if payment is not made by the due date.

Mr. Baker stated that the Florida Ambulance Association is looking at contracting with an attorney that specializes in Medicare appeals. The attorney initially offered is \$25,000.00 to appeal this claim on behalf of every provider in the state that is willing to participate for \$25,000.00. He stated that he does not how many will participate or what the County's share would be. He stated the County has a 120 days from the initial letter to file the appeal.

He recommend that Gadsden County join Florida Ambulance Association for about \$500.00 a year and we wait and see the outcome. He asked for authorization for the County Manager and EMS Director to draft a letter for the Chairman's signature to request the assistance of and the involvement of our Congressional Representatives in this matter.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO JOIN THE FLORIDA AMBULANCE ASSOCIATION AND AUTHORIZED THE COUNTY MANAGER AND EMS DIRECTOR TO DRAFT A LETTER TO CONGRESSIONAL REPRESENTATIVES REGARDING THE ISSUE ADDRESSED ABOVE.

7. Growth Management Director's Agenda

1. 2003-4 Road Paving List

Commissioner Dover asked if the road paving list could be tabled until the next meeting for further study. He commented that he was not comfortable making a decision on this issue at this time.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE THE 2003-4 ROAD PAVING LIST UNTIL THE NEXT MEETING, May 4, 2004.

Mr. Presnell, Public Works Director, cautioned the Board about delaying action on the road paving list. He stated that the Department was about to complete the last roads and are ready to begin the next ones. He stated that by delaying action, equipment would be parked on the side of the roads.

Chair Watson commented that they should continue with list as is and let the policy continue until the Board makes a decision.

Public comment

- **Willie James Alexander**

2. US 27 Corridor Road Study

Mr. Ballister, Growth Management Director, commented that the Board directed staff to conduct a series of workshops to review alternatives to the current development plan along the US 27 corridor. A series of workshops were held in November and December to gather public input and identify issues for the Planning Commission to consider. He stated that when summarized, most of the comments where to retain status quo or restricting the way in which new commercial land use would be permitted. He stated that he needed guidance from the Board.

He stated that our current Comp Plan allows land use changes within context of the node descriptions of what the commercial nodes are. He then asked, "At what point does the Commission want to stake a preservation mode or allow the market to continue?"

Note: Mr. Ballister commented on the options. To see the options in full view see attachments that are in the agenda packet for the meeting of April 20, 2004.

- Option 1 was to restrict any new commercial development along the US 27 corridor through 2010.
- Option 2A would restrict any new commercial development outside of the present commercial nodes to neighborhood commercial uses described in the Land Development Code.
- Option 2B would move the neighborhood commercial land use category to commercial. Land Use changes to Commercial for infill along US27 outside of nodes described in 1.1.5 (E) shall be limited to Neighborhood Commercial uses as described in the Land Development Code.
- Option 3 states that on US 27, land use amendments may be reviewed on a case-by-case basis with the existing of proposed development patterns along the corridor.
- Urban Service Area is not to be considered a mandate to develop non-residential uses. Residential coverage's of up to 100% may be allowed in each USA district.

Commissioner Dixon asked "What is the goal?"

Mr. Ballister replied it was his understanding that the County didn't want US 27 to become N. Munroe St. or Tennessee St. in Tallahassee. We want commercial, stretches of green space, which will allow for spotting of commercial growth.

Discussion followed.

Public Comment

- Kathie Grow
- Bill Piotroski
- DeAlvin Roberts

Commissioner Dixon stated that he wanted to see an intergraded approach with more focus on landscaping.

Chair Watson commented that he felt nothing should be changed, continue as we have been operating, but with more focus on landscaping.

Mr. Ballister commented that he felt the general motion or consensus of the Board was to change nothing at this point, look at the development policy, corridor road study and landscaping then bring back ideas by looking into other County codes and how they operate.

8. County Manager's Agenda

Mr. McKinnon had no report.

9. Public Comment (3 minute limit)

The Chair called for public comment, no public comment was heard.

10. Consent Agenda - For Approval

- Commissioner Dixon inquired about 10c-Exhibit Display Policy he asked County Manager to bring back usage of Library contract.

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

- a. Guardian Ad Litem Program Agreement - Authority Sign
- b. Contracts for Summer Library Programs
- c. Library Exhibit & Display Policy
- d. Satisfaction of Housing Rehabilitation Agreement- Amanda Gee
- e. Satisfaction of Housing Rehabilitation Agreement- Bernice Scott
- f. SHIP Agreement and Special Assessment Lien - Annette Nolan
- g. New Road Name - King Thomas Lane (S. off Green Ave (SR 12 W), W. Of RR Track in Greensboro)

11. CLERK'S AGENDA

Budget Amendments 2004-04-20-01 thru 2004-04-20-03

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

Cash Report (For the record only)
Financial Statements (For the record only)

Ratification of Approval to Pay County Bills: Accounts Payable Registers Dated 03/18/04 and 04/04/04; Payroll Deductions to Vendors Dated 03/18/04 and 04/01/04

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

Mr. Thomas commented that at the next meeting he would have the Revised FY 2004 Revenue Analysis for the Board.

12. Commissioner's Agenda

District 1

Commissioner Dover had no report.

District 3

Commissioner Roberson had no report.

District 4

Commissioner Holt had no report.

District 5

Commissioner Dixon reminded Commissioners that the State Legislature is in session. He stated that serious dollars are at stake. He urged them all to please call their Legislators.

District 2

Chair Watson had no report.

ADJOURNMENT

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

Sterling Watson, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA ON
MAY 4, 2004, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

STERLING WATSON, CHAIR
CAROLYN ROBERSON, VICE-CHAIR
WALTER D. DOVER
BRENDA HOLT
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

1. MEETING CALLED TO ORDER

Chair Watson called the meeting to order. Commissioner Dover led in pledging allegiance to US flag. Commissioner Dixon led in the invocation.

2. ADOPTION OF THE AGENDA

The agenda was amended by the following:

- Deletion of Item # 9 - Pastor Stanley Sims (Release of Grant Funds)
- Addition of the Budget Workshop Dates to the County Manager's Agenda.

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.

3. APPROVAL OF MINUTES

APRIL 6, 2004 Regular Meeting

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

4. COUNTY ATTORNEY'S AGENDA

Vending Machine Ordinance 2004-002

Mr. Richmond, County Attorney, addressed the issue of the Vending Machine Ordinance which was passed on March 2, 2004 with a 4 - 0 vote. He commented that after the motion was passed, the Board decided to venture another route. He stated that the issue of rescinding the vote on the ordinance should be discussed and a motion would be needed to rescind the vote.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO RESCIND THE MOTION TO ADOPT ORDINANCE 2004-002, PROVIDING FOR USAGE OF VENDING MACHINE PROFITS.

5. QUINCY LIBRARY SITE

Mr. McKinnon stated that he was instructed by the Board to seek an appraisal for the proposed site the new Quincy Library (Pat Thomas Parkway) between the Post Office and Randy's supermarket. He reported that he had completed the task and the appraisal came in at \$215,000.00.

Chair Watson commented that he would like for the County to pay the \$215,000.00 appraised value and the balance of \$80,000.00 to come from the Friends of the Library through donations.

Commissioner Holt stated that she was totally against the purchase of the Randy's site. She then referenced the Auditor's Report, which reflected \$1.4 million loss that affected the County.

Commissioner Dixon asked where the money would come from. He stated he was not in favor of the Pat Thomas Parkway location.

Chair Watson commented that the funds would be borrowed.

Chair Watson called for public comment.

Public Comment

- **Sam Hawkins** spoke in opposition of the Randy's site and mentioned the site on Martin Luther King Blvd.
- **Joe Parramore** spoke in opposition of the Randy's site.

- **Jim Kellham** spoke in support of the Library.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 2 - 3, BY VOICE VOTE, NOT TO PURCHASE THE PAT THOMAS PARKWAY/RANDY'S SITE. COMMISSIONERS DIXON AND HOLT FOR THE MOTION. COMMISSIONERS DOVER, ROBERSON AND WATSON OPPOSED THE MOTION. THE MOTION FAILED.

Commissioner Holt mentioned that the grant was written for minorities and they should be the deciding factor.

Commissioner Roberson spoke in support of the Randy's site location.

Commissioner Dover added that the Library would be a showcase for Gadsden County. He stated that he was in support of the Randy's location.

A motion was made by Commissioner Dover and second by Commissioner Roberson. Commissioner Holt called the question. She wanted an explanation about the numbers, where the funds would come from.

Discussion followed among Board Members.

UPON MOTION BY COMMISSIONER DOVER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE PURCHASE OF LAND AT THE RANDY'S LOCATION/PAT THOMAS PARKWAY FOR \$295,000.00 WITH THE UNDERSTANDING THAT THE COUNTY WOULD PUT FORTH ONLY \$215,000.00 AND \$80,000.00 COMING FROM FRIENDS OF THE LIBRARY. COMMISSIONERS DIXON AND HOLT OPPOSED THIS MOTION. THE MOTION PASSED.

6. TOMMY BAKER, EMS DIRECTOR

Ambulance Substations

Mr. Baker addressed the Board regarding the ambulance substations. He stated that in December 2003, they lost their lease and vacated the ambulance station site near Tallavana. He commented that they have re-located the unit to the Health Department in Havana. He said that he was requesting authorization to continue operation of the Havana EMS Station at the Health Department, with EMS paying a proportional share of utilities for their use of the facility.

Mr. Baker then stated that he wanted to request authorization to pursue a location in the Hardaway area to relocate the Mt. Pleasant station. He stated that they are looking into a site near the railroad tracks/ Cochran Road area on Hardaway Highway. He explained that location will allow for easier access to Gretna, Greensboro, Sycamore, Chattahoochee, and I-10 West.

Discussion followed among Board Members.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE CONTINUED OPERATION OF THE HAVANA EMS STATION OUT OF THE HEALTH DEPARTMENT IN HAVANA, WITH EMS PAYING A PROPORTIONAL SHARE OF UTILITIES. AUTHORIZE PURSUIT OF OPTIONS TO RE-LOCATING THE MT. PLEASANT EMS STATION TO THE HARDAWAY AREA, APPROVE GRANT APPLICATION TO THE DEPARTMENT OF HEALTH TO FUND THIS PROJECT.

7. BRUCE BALLISTER, GROWTH MANAGEMNET DIRECTOR

1. McMillian-Rockwood-Dixon Major Land Use Amendment -
104.5 Acre Ag3 to Rural Residential 03PZ-043-204-3-11

Mr. Ballister commented that the applicants, William McMillan, Charles Rockwood and Erza Dixon are requesting a Large Scale Land Use Amendment totaling 104.59 acres. The properties are located north of Shade Farm Road immediately east of Rod Shaw Road in the St. Johns community. Most of the properties are former St. Joe Timberlands. The Dixon properties have been in their possession since 2002 and 2003. Per the requirements of the Comp Plan Policy 1.1.5 (B) the areas proposed for change to Rural Residential Lands to the North and East. The site is crossed by wetlands and a water course that is part of the headwater of Zig Mill Creek. The application indicates that a maximum of 96 lots would be developed assuming that approximately 8.5 acres would be lost to wetlands or flood plain once the determination has been made of these alignments. The conceptual plan provided, although not binding at land use change, indicates that the two included roadways, Roberts Lane and Tipper Lane are to be paved in the development process and in the major subdivision process.

At this juncture of the meeting Mr. Richmond administered an oath to Mr. Ballister. He also stated for

the record that this procedure was quasi-judicial and everyone that spoke would have to be sworn in as to his or her testimony.

Staff recommendations were as follows:

1. If the Land Use amendment is approved, the developer should agree to the restriction to site built homes if a clustered development is proposed.
2. The covenants should require use of the authorized waste hauler for trash removal, with no open fires permitted.
3. Staff recommends that at some point in the phasing of the development, that some active recreational infrastructure be located in the recreational open space reserve that would benefit the new neighborhood and /or the community.
4. In the recent past, the Department of Community Affairs has all but required that wetland are reserved from development by including them in a non-developable land use category. In the Miller, Hill and Moore Land Use Amendments, recreation and conservation were used. Since the scheduling of the Planning Commission meeting, the applicant has had a professional wetlands location performed. The unsurveyed wetlands delineation is thought to encompass about 15 acres. Since wetlands cannot be used to calculate density in the rural residential land use district, that line resulted in a slight reduction in the proposed multi-phased major subdivision.

Planning Commission Action:

1. Mr. McMillan agreed to build that the site built homes greater than 1,500sqft with garages, and that no lot would be platted at less than 2/3rds of an acre and that a majority of them would be around 3/4ths of an acre.
2. The Planning Commission approved the application with staff's recommendations with two dissenting **votes 8 - 2.**

Chair Watson called for Public Comment.

Public Comment

Mr. Richmond gave Bill McMillan an oath.

- **Bill McMillan** spoke in support of the project.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER DOVER THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MCMILLAN-ROCKWOOD-DIXON MAJOR LAND USE AMENDMENT FROM 104.59 ACRE AG3 TO RURAL RESIDENTIAL.

2. GERALD THOMPSON LAND USE AMENDMENT 30.0 ACRES FROM AG3 TO AG1/ 04PZ-021-209-5-03

Mr. Ballister commented that the applicant Gerald Thompson is seeking a Land Use Amendment for 30 acres from Ag3 to Ag1. The change would permit up to five additional residences on the property that would normally be restricted to one residence. The site location is at the southern extremity of a larger parcel located between CR65C and Ocklawaha Branch off Lake Talquin. He stated that this application does not require adjacency to identical land use designation as a pre-requisite. The site is on the northern shoreline of Ocklawaha Creek. To the west are several small acreage lots created prior to the LD and Comp Plan. To the east is a parcel of land owned by the T.I.I.T.F. and held specifically by FDEP. The Boy Scouts of America which is the site of Wallwood. The application indicated that a maximum of 6 lots would be developed assuming clustering to create 2.5ac. Lots on the lakefront and a larger 17ac. lot on the uplands.

If approved, Mr. Ballister made the following recommendations:

- Improvement of McCook Road to provide a side road swale system on at least one side to carry water off the roadway and prevent puddling. Also recommended the dedication of at least 50' of width to facilitate maintenance beyond the existing scraped edge to ensure adequate access to homesites and a safe roadway for emergency response vehicles. Staff further recommends that the initial McCook Road improvements be at the applicants expense.
- All septic systems must be installed within 200' of Lake Talquin or its associated wetland and they should be aerobic systems.

- Provide common space at the lakefront rather than the creation of finger lots as proposed.

Planning Commission Action

- The application received a recommendation for denial on a vote of 7:3 against.

Commissioner Dixon asked if the Planning Commission concerns had been addressed.

Mr. Ballister commented that was unsure at this time.

Discussion followed among Board Members.

Commissioner Roberson stated that the main concern of the Planning Commission was the road.

Chair Watson called for public comment.

Public Comment

Mr. Richmond administered an oath to all persons that spoke before the Board.

- **Elva Peppers** spoke in support of the project.
- **Syril Sandale**, adjacent property owner, was concerned about the water run-off on her property.
- **Gerald Thompson**, property owner, spoke in support of the project.
- **Robert Presnell**, Public Works Director, stated that additional right-of-away would help elevate the problem.

Discussion followed among Board Members.

Chair Watson asked Mrs. Peppers if they had considered a design that would eliminate the problem to which Mrs. Sandale spoke.

Mrs. Peppers commented that this project would not have any effect on Mrs. Sandale's property directly. She said that adding a swale system on Cook Road could eliminate the problem. She also stated that Mr. Thompson would be willing to give on the easement.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE GERALD THOMPSON LAND USE AMENDMENT FROM 104.5 ACRE AG3 TO RURAL RESIDENTIAL, CONTINGENT UPON THE RIGHT-AWAY BEING GIVEN TO THE COUNTY, SWALE SYSTEM AND ANY OTHER SPECIAL CONDITIONS.

3. HOLIDAY INN EXPRESS - CONCEPTUAL SITE PLAN

Mr. Ballister commented that the applicant, Victor Patel, has submitted an application for a new 5-unit motel to be located at the intersection of SR267 and Interstate 10. The new hotel will be immediately across a service roadway from the existing Holiday Inn Express and the Nugget Gas Station. The franchise will be moving into the new interior corridor facility and the owner expects to acquire another franchise flag for the existing exterior access building. Water will be provided to the site by an existing 6" Talquin water main on Spooner Road. There is no central sewer within several miles of the project site. The application proposes on site system. This development will utilize the normally accepted solid waste facilities, i.e., the Quincy Byrd transfer station and the Springhill waste disposal facility in Jackson County. The site plan does not indicate any parking area for oversized vehicles. The closest sewer system is a force main from the IFAS headquarters about one half mile north. The site is not required to connect to the central sewer. The City of Quincy will not extend sewer service where it cannot also sell water or electric, hopefully both. Talquin has talked to both of the hotel owners to work out details of a private-public partnership to install a batch plant in the area that will serve the needs of not only these two new hotels, but the existing building, Nugget Store and the as yet un-imagined new developments that will surely come. He commented that Mark Stamps with TEC stated that they welcome the opportunity to work with the applicants.

Mr. Ballister listed some of the staff recommendations as follows:

- The Preliminary site plan should indicate allocation for stabilized parking area for trailers and large vehicles.
- Recommend modifying the design of the drive to permit large vehicles access to the open area to the immediate north of the dumpster location.
- At preliminary site plan review, the applicant should submit designs for all site and building signs.

- Although not required by the Comp Plan, staff strongly recommended that the applicant and the owner of the Holiday Inn Express work together and with other landowners at the intersection to construct a lift station to connect to a local package waste water treatment system.
- The site will be required to satisfy permitting with the FDEP and Gadsden County with respect to stormwater. The FDEP permit will be required prior to D.O.
- Item #6 was deleted

Discussion followed among Board Members.

Chair Watson called for public comment. No public comment was heard.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, TO APPROVE THE HOLIDAY INN EXPRESS - CONCEPTUAL SITE PLAN.

**4. FRAZIER SMALL SCALE LAND USE AMENDMENT -4.94 ACRES AG2
TO RURAL RESIDENTIAL**

Mr. Ballister made the following comments 1.) The site location is at the intersection of Old Bainbridge Road and Old Philadelphia Church Road. 2.) It consists of a single 4.94 acre parcel, also known by its Parcel ID 2-23-3N-4W-0000-00144-0200. 3.) As a small-scale land use amendment, this application does not require a traffic impact statement, or an environment analysis. 3.) It will also be decided at the County level as it does not require transmission to and approval by the Department of Community Affairs. The site is bordered on the north, (across Old Philadelphia) by the future site of the Church of God in Christ, on the west,(across Old Bainbridge), is the Goldwire road neighborhood, to the east, mostly farm and timberlands. Water is available from a 6" Talquin water main in Old Philadelphia Church Road. There is no central sewer within several miles of the project site. The application proposes septic tanks.

Mr. Ballister recommended that if the project is approved, a valid minor subdivision application would have to be reviewed and approved prior to lot sales.

Planning Commission Action:

1. One unidentified affected neighbor, stated the property is adjacent by RR on the west and north. He stated that property nearby to the northeast, was not approved two years ago due, in part, to negative testimony by the former owner of the subject property.
2. The Planning Commission recommended approval of the small scale amendment with a unanimous vote.

Chair Watson called for public comment.

Public comment

Mr. Richmond, County Attorney administered an oath to Shelia Thompson Williams.

- **Shelia Thompson Williams** of Spectra Engineering spoke in support of the project. She also stated that her clients intend to build site-built homes only.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE FRAZIER SMALL SCALE LAND USE AMENDMENT- 4.94 ACRES AG2 TO RURAL RESIDENTIAL, CONTINGENT UPON SITE-BUILT HOMES.

5. NFEDC LAND USE AMENDMENT - SOUTH SPRINGS DEVELOPMENT
92.0 R RI AND AG2 TO URBAN SERVICE AREA / 04PZ-023-
207.01-5-03

Mr. Ballister stated that the applicants, the North Florida Education Development Council (NFEDC), submitted an application for a Land Use Amendment for 92.0 ac. from Rural Residential and Ag2 to Urban Service Area. The site is located immediately west and north west of the new Wal-Mart property on SR267. Access to the property is to be primarily on to 267 with additional access at Hogan Lane and Cox Lane. The 92 acre tract is bordered on the south by a narrow parcel and Hogan Lane is occupied by numerous single family homesites. Properties to the west and east are relatively large agricultural properties in varying ground cover with the exception of some moderate sized homesites. Cox Lane, although ready for residential development at low densities is not densely inhabited.

The site is dominated by a ravine/wetland system that flows from SR267 westerly to the lands occupied by Imperial Nurseries. The property is in the service area of the City of Quincy and will be provided with central water, central sewer, and electricity by the City. Solid waste generated by the facility will be handled by the Quincy Byrd Transfer Station and sent to the Springhill Landfill facility in Jackson County. The wetlands will be preserved as a conservation area. Through the use of clustering, the applicant intends to create common open space for the benefit of the residents. He also mentioned the deadline to reach DCA in August. He said that DCA would require the intended uses of the land, as they alleviate impact prior to approval.

Chair Watson asked what was the largest Urban Service Area in the County?

Mr. Ballister replied along Strong Road south of Circle Drive in Quincy. He also mentioned the Havana site along 17th Avenue.

Chair Watson asked Mr. Ballister to state the uses of Urban Service.

Mr. Ballister stated that they are as follows:

- Residential
- Multi-Family uses
- Light industrial
- Institutional
- Recreation
- Home occupation

Public Comment

Mr. Richmond administered an oath to all, persons giving testimony in the project that spoke before the Board.

- **Carolyn Ford**, NFEDC Director, spoke in support of the project. She mentioned the Red Barn on the property that they will use as a Museum/Café. She stated that no mobile homes would go on the property. It would have a Multi-Family Senior

Citizen Complex, she mentioned the Green Way Trail on which citizens will be able to walk or ride bicycles. She stated that the wetlands survey is done.

- **Kori Cunniyana**, Engineer for the project, spoke in support of the project.
- **Bill Adams**, Engineer with Allen Nobles & Associates, spoke in support of the project.

Mrs. Ford mentioned that they will be building in phases and that the lots would be 1/5 acre lots with 1500sqft houses the County will be proud.

Commissioner Dixon stated that he was opposed to small lot size.

Mr. Ballister reminded the Board that this hearing was for the purpose of a transmitting the report to DCA in October. It would be back for Board approval in December.

Discussion followed among Board Members.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE NFEDC LAND USE AMENDMENT - SOUTH SPRINGS DEVELOPMENT 92.0AC RURAL RES & AG2 TO URBAN SERVICE AREA CONTINGENT UPON SITE - BUILT HOMES AND ½ ACRE LOTS.

6. ROAD PAVING LIST

Mr. Ballister commented that the Board had requested that the issue of the road paving list and its criteria be brought back for continued discussion.

Mr. Ballister mentioned the Comprehensive Plan stipulates in the Capital Improvements Element in policy 8.3.2 that: "The first fifteen places on the list shall remain fixed until paved. Each year the remainder will be re-evaluated with other roads that may come to the attention of the department by referral or analysis and will be re-prioritized according to the lowest score on the evaluation data for each roadway." Failing to maintain the first fifteen from 02-03 as listed in the attachments will place the County in a non-compliance mode until and if this language is stricken. We cannot add "Age of the Roadway" without a comp plan text amendment. That criteria, when

implemented would be based on whether the roadway was created since criteria, when many of the newer unrecorded subdivisions came into existence.

Mr. Ballister presented road list by district. (See attachments)

Note: For attachments see agenda packet for this meeting pertaining to road paving.

Commissioner Holt wanted all roads to be re-evaluated and the 5 districts split the money.

Commissioner Dixon commented that they should have figures on savings such as paving v/s scraping. He mentioned that the Board proceeded with the Bond to lock in on today's prices, instead of 10 years later.

Commissioner Roberson commented that the Board needs to look at growth, will it benefit the citizen.

Commissioner Dixon stated that his proposal used the Road Paving Matrix. He said that the roads would compete in their district. He commented that the funds should be divided 5 ways and each district paves until their funds run out.

Commissioner Holt wanted average daily trips to be deviated from the Road Paving Matrix.

Commissioner Dover in response stated that you needed to support average daily trips.

Discussion followed among Board members.

Mr. Ballister commented that the Staff Recommendations are as follows:

- Excluding - Collector road linking two (2) arterials.
- Excluding - Existing infrastructure along roadway (i.e. public water/sewer, etc.)
- Decreasing the importance - Accident Frequency
- Revise Comp Plan to take out

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE

**VOTE, TO ELIMINATE THE ABOVE STATED STAFF
RECOMMENDATIONS FOR THE ROAD PAVING PRIORITY MATRIX.**

Note: Mr. Ballister stated that he would have to give some factor this year to the above stated staff recommendations to be removed. He said that that next year it would decrease it's value.

Discussion followed among Board.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY
COMMISSIONER DIXON, THE BOARD VOTED 2 - 3, BY VOICE
VOTE, TO APPROVE PAVING FUNDS TO BE SPLIT BY DISTRICT.
COMMISSIONERS HOLT AND DIXON FOR THE MOTION.
COMMISSIONERS ROBERSON, DOVER AND WATSON OPPOSED THE
MOTION. THE MOTION FAILED.**

PUBLIC COMMENT

- **Shalanda Shaw** mentioned the FAMU and FSU School of Engineering Program as a method to help with count.
- **Mary Jackson** - Mt. Hosea Church Rd
- **Reginald Cunningham** - Mary Brown Rd and others in the St. Hebron community
- **Melanie Shaw** - J & J Road Lane

Note: Mr. Ballister added the roads stated above to the list to be evaluated.

8. PUBLIC WORK'S DIRECTOR AGENDA

**Change-Order No.36 to Paving Contract with C. W. Roberts
Paving Company**

Mr. Presnell asked the Board for their approval in Change-Order number 36 to the contract with C.W. Roberts Paving Company. He commented that the following roads are included in the new road paving list (existing dirt roads) for Gadsden County: Lake Francis Drive, Forest Circle, Sandy Creek Road, and Armstead Road. The following roads are included under the re-surfacing list for Gadsden County: Hogan Land, PineGrove Church Road, Kingswood Road, Martin Street, Asbury Street, Donaldson Street, Luther Road, Pine Tree Lane, and Live Oak Lane.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE CHANGE ORDER NUMBER 36 WITH THE ABOVE STATED ROADS LISTED.

Bridge Repair - Bridge 500035-Kemp Road

Mr. Presnell commented that Bridge 500036 on Kemp Road in Havana is closed by recommendation by the Florida Department of Transportation (FDOT). He said the Bridge is need of major repair. He stated that in order to make complete repairs to the bridge, he would need the \$65,000.00 that is currently in the Public Works Contingency Line Item, in addition to funds currently in the Public Works FY 2003-04 Budget.

Mr. Presnell commented that Bridge closure is affecting a lot of citizens in that area. He stated that he is requesting there authorization approval for repair to Bridge 500035-by Southern Concrete Construction Company, Inc and associated engineering work by Preble-Rish, Inc. Consulting Engineers.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE BRIDGE REPAIR - BRIDGE 500035- KEMP ROAD.

10. COUNTY MANAGER'S AGENDA

Mr. McKinnon stated that Budget Workshops have been planned for Wednesday, May 26 and Thursday, May 27 at 5:00.

11. PUBLIC COMMENT

Chair Watson called for public comment and no public comment was heard.

12. CONSENT AGENDA - FOR APPROVAL

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

- a. Authorization for Chairman to Sign Certificate of Participation to make Application for FY 2004 Byrne

State and Local Law Enforcement Assistance Formula Grant.

- b. Florida Municipal Loan Council - Annual Report certificate
- c. Request to Sell Equipment at Auction - Public Works
- d. Bid #04-04 Material Hauling awarded to Barnes Equipment at a rate of \$45.00 an hour.
- e. Amended Property Lease - St. John Community Park
- f. SHIP Agreement and Special Assessment Lien - Shaneka T. Morris
- g. Notice form City of Midway of Annexation - For the Record
- h. Historic Preservation Grant Support Letter - Florida State Hospital Restoration of Mt. Vernon Arsenal
- i. Minutes of Gadsden County Tourist Development Council of March 16, 2004- For the Record
- j. March 2004 Economic Development Report - For the Record

12. CLERK'S AGENDA

Budget Amendments 2004-05-01 thru 2004-05-04-03

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

Ratification of Approval to Pay County Bills - Accounts Payable Registers Dated 04/23/04 and 04/30/04; and Payroll Deductions and Payroll Registers Dated 04/29/04

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

Mr. Thomas referenced the memorandum that he had given the Board on the Revised FY 2004 Revenue Analysis.

13. Commissioner's Agenda

District 1

Commissioner Dover had no report.

District 3

Commissioner Roberson had no report.

District 4

Commissioner Holt inquired about the policy on recreational use of County Vehicles. She also mentioned that she would like the Mr. McKinnon to look at the types of vehicles purchased for County use.

District 5

Commissioner Dixon urged the Board to pay attention to what Legislators have done. He cautioned that they have pulled funding from numerous programs.

District 2

Chair Watson had no report.

ADJOURNMENT

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

Sterling Watson, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA ON
MAY 4, 2004, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

STERLING WATSON, CHAIR
CAROYN ROBERSON, VICE-CHAIR
WALTER D. DOVER
BRENDA HOLT
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

1. MEETING CALLED TO ORDER

Chair Watson called the meeting to order. He then explained that the workshop was to discuss the ordinance regarding special assessment for road improvements. County ordinance Article II sec. 62-42

Chair Watson commented that the staff needs direction.

1. Accept or reject the petition for the paving of the two private roads submitted, Ames Barineau and Quail Roost.
2. If, accepted, where will the roads be in relation to the current paving priority list.

Staff recommendation: If the petitions are granted, limit the number of roads paved per year.

Summary of Board's Previous Discussions

- Limit the number of roads accepted for paving per year (possibility two)
- Ordinance has been in effect since 1993. Allow property owners the opportunity to exercise the provisions of the ordinance.
- Change the ordinance to assess the road paving costs to 1/2 and 1/2 to the property owners and eliminate the county's 1/3 share.
- Granting the petitions for road paving will by pass the road paving priority list.

- Property values will increase but not immediately. Property sales need to occur for the property appraiser to have a basis for the increase. Also, if the property is a homestead the increase in taxable value is limited to 3 percent per year. For example, a homestead valued at \$200,000.00 could only receive a taxable increase of \$6,000.00. This equates to \$6,000.00. This equates to \$60 per year at 10.00 mills.
- If the board made the decision to begin accepting private roads in the future for maintenance, then paving the roads now will decrease the county's maintenance costs.
- Should these roads be ranked according to the comp plan's criteria?

Chair Watson called for discussion by the Board.

Commissioner Holt inquired about when does the 2/3 come into effect?

Mr. McKinnon replied that the Ordinance states that a lien would be placed on the property for 5 years to be collected by the Tax Collector. He said that the petitioners would also have the option to pre-pay. The County would pay the contractor upfront.

Chair Watson asked when the property lien would begin.

Mr. McKinnon explained that the ordinance states that a lien can't be started until the actual project is finished.

Commissioner Holt asked Mr. Presnell if the first 15 roads on the road paving prioritization would be complete this year. She then asked how the private roads would be ranked on that list.

Mr. Presnell stated that the first fifteen roads would be completed this year.

Mr. Ballister stated that the County would need to compile a new Road Paving Matrix in July. He suggested that petitioners should be required to file their petitions by July 31st, and then begin the next cycle.

Mr. Presnell commented that if you proceed in the manner Mr. Ballister suggested, limit private roads do only 2 per year so as to not interfere with public road paving.

Chair Watson asked if the County would be in a position to cover the costs up front.

Mr. McKinnon replied, "yes as for as cash outlay."

Chair Watson called for public comment.

Public Comment

- **Ronnie Epperson** spoke in support of the ordinance.
- **Debra Castleberry** stated that she was concerned about the stormwater run-off of the paving of Ames Barineau Road.

Chair Watson stated that he would like to follow the direction of limiting the selection to two roads per year. He said they should go in the order of first come, first serve basis, based on the date the petition is received by the County.

Commissioner Holt questioned, "How do we fit it in so we aren't bumping another road down?"

Discussion followed among the Board.

Chair Watson said he would like for the ordinance to be changed to where it would require 50/50 financial participation from the citizens along a private road. The County would then just oversee the project. He commented that, "It's difficult to say we will pay 1/3 of the cost."

Chair Watson called for more public comment.

Public Comment

- **Gary Roberts** spoke in support of the ordinance.
- **Marget Moore** petitioned the Board to add Carswell Road to the Road Paving List.
- **Laura Peoples** spoke also on adding Carswell Road to the list.
- **David Burns** spoke in support of addition of Carswell Road.

Commissioner Dover stated that he could not see the County spending county funds on private roads. "How do we justify it?"

Commissioner Dixon replied that he disagreed. He stated that the County forced the roads to become private. "Every two

dollars, we spend we get a dollar back. It's a good investment. It will increase home value."

There was a consensus as to the following suggestions, but the Board took no action.

- Roads should be limited to only two per year.
- Roads would be paved on a first come, first serve basis.
- Public Works would be given 12 months to complete two private roads per year.
- The ordinance should be reviewed for possible amendments.
- The cut-off date for petitions would be July 31st of each year. Those received after that time would roll over into the next paving cycle.

ADJOURNMENT

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

Sterling Watson, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA ON
MAY 4, 2004, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

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CAROYN ROBERSON, VICE-CHAIR
WALTER D. DOVER
BRENDA HOLT
EDWARD J. DIXON
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ADJOURNMENT

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

Sterling Watson, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING / WORKSHOP OF
THE BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON MAY 13, 2004, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

PRESENT:

STERLING WATSON, CHAIR
CAROLYN ROBERSON, VICE-CHAIR
WALTER D. DOVER
BRENDA HOLT
NICHOLAS THOMAS, CLERK
HOWARD MCKINNON, COUNTY MANAGER
NANCY GEE, GRANTS ADMINSTRATOR
BRUCE BALLISTER, GROWTH MANAGEMENT DIRECTOR

ABSENT:

EDWARD J. DIXON

MEETING CALLED TO ORDER

Chair Watson called the meeting to order. He commented that the special workshop was called for the purpose of meeting with Willie Taylor of the Economic Development Administration "EDA" - U.S. Department of Commerce to gather information on various programs available through the EDA for Gadsden county.

Chair Watson turned the meeting over to Mr. Willie Taylor who then gave an introduction of the EDA.

Mr. Taylor said EDA targets its investment assistance on attracting private capital investment and creating higher-skill, higher-wage jobs in those communities and regions that are suffering from economic distress as defined in 13 CFR 304.2. He said that EDA investments are focused on local - initiatives that achieve the highest return on taxpayers' investment that directly contribute to economic growth. He explained that EDA is authorized to partner with non-profit organizations and units of local government. He said that Gadsden County and all municipalities of Gadsden are eligible for EDA assistance. He then introduced a member of the Apalachee Regional Planning Council "ARPC", Mrs. Kim Daniels.

Mr. Taylor listed eligibility for EDA as follows:

- **Unemployment rate** - 5.9 national average/6.9 makes a County eligible
- **Capital Income** - EDA looks at communities that do not exceed the national average of 80%.
- **Special needs** - Natural disaster, closing of a military base, loss of natural resources.

Mr. Taylor stated that EDA has seven investment programs:

- **Public Works** - the Public Works Program empowers distressed communities to revitalize, expand, and upgrade their physical infrastructure to attract new industry, encourage business expansion, diversity local economies, and generate or retain long-term, private sector jobs and investment.
- **Economic Adjustment** - The Economic Adjustment Program assists state and local interests to design and implement strategies to adjust or bring about change to an economy. The program focuses on areas that have experienced or are under threat of serious structural damage to the underlying economic base.
- **Research and National Technical Assistance** - The Research and Technical Assistance Program supports research of leading edge, world-class economic development practices as well as funds information dissemination efforts.
- **Local Technical Assistance** - The Technical Assistance Program helps fill the knowledge and information gaps that may prevent leaders in the public and nonprofit sectors in distressed areas from making optimal decisions on local economic development issues.
- **Partnership Planning** - EDA's Partnership Planning programs help support local organizations (Economic Development Districts, Indian Tribes, and other eligible areas) with their long-term planning efforts and their outreach to the economic development community on EDA's programs and policies.
- **University Center** - The University Center Program is a partnership of the federal government and academia that makes varied and vast resources of universities available to the economic development community on EDA's programs and policies.
- **Trade Adjustment Assistance** - EDA uses a national network of twelve Trade Adjustment Assistance Centers to help manufacturers and producers affected by increased imports

prepare and implement strategies to guide their economic recovery.

Mr. Taylor stated that working with Apalachee Regional Planning Council would be an advantage to the County and that they should form a working relationship. He said that if Mrs. Daniels or staff of the ARPC wrote a letter of support for the County, The county's project would get a 10% cash bonus on construction projects only.

Mr. Taylor mentioned that Paul Pillar with the City of Midway was a recent beneficiary of the EDA program and would receive assistance in 60-90 days for Local Technical Assistance Grant.

Mr. Taylor commented that a down side to EDA programs is that they need actual cash matches. He said they didn't accept "in kind," for land ownership. EDA requires a real cash match, such as general revenue, state funds, CDBG, State Appropriation, Enterprise Zone Funds or loans; can't use federal grant and residential.

Mrs. Gee asked Mr. Taylor to give the Board an idea of what proportion the match would be.

Mr. Taylor said, "We normally speak 50/50 language, 60/40 to be more conservative. He then named some of the Counties that they have helped in the last five years.

Mrs. Gee asked about the Technical Assistance Grant.

Mr. Taylor commented that he wanted each municipality in Gadsden county to partner together with the County. He said that EDA likes to look at the overall economical strategy for the County.

Mr. Taylor mentioned Jackson County and told how they were awarded \$2 million to help bring in Family Dollar Distribution Center. He said they were just awarded it in April from EDA to help with the roads, water and sewer.

Mr. Taylor entertained a wide variety of questions from Board.

Investment Policy Guidelines

- Be market-based and results driven.

- Have strong organizational leadership.
- Advance productivity, innovation, and entrepreneurship.
- Look beyond the immediate economic horizon, anticipate economic changes, and diversify the local and regional economy.
- Demonstrate a high degree of commitment.

Funding Priorities:

Mr. Taylor stated that priority will be given to proposals that:

- Enhance regional competitiveness and support long-term development of the regional economy
- Help communities plan and implement economic adjustment strategies in response to sudden and severe economic dislocations.
- Support technology-led economic development and reflect the important role of linking universities and industry and technology transfers.
- Advance community and faith based social entrepreneurship in redevelopment strategies for areas of chronic economic distress.

Mr. Taylor talked about the #1 economic features of Florida:

1. Aviation - Aerospace
2. Agriculture - Cattle Industry
3. Healthcare - Biochemical Industry

Chair Watson called for Public Comment.

Public Comment

- Sam Hawkins

Mr. Ballister listed the 7 hot spots that don't have infrastructure that could benefit from EDA assistance. He called them "threshold of explosion" for the County to attract major business.

- 267/ I-10 interchange
- S12/ I-10

- Flat Creek Highway - water, sewer
- US 90 immediately west of town, sewer
- City of Havana - north and south
- Quincy/Midway Corridor

There was a consensus of the following suggestions by Mr. Taylor, but the Board took no action.

- Appoint someone to oversee the project/plan for the County. (Contact person)
- Private funds can help toward cash match as long as it goes through the County.
- Develop and Focus on one major vision for Gadsden County.
- Brand your County, "What's Gadsden County known for;" what makes you a destination point.
- Go to Washington, DC and sway elected officials. Make them remember Gadsden County.
- The County should work together as a whole to get a Planning Grant
- Suggestion was made to add an Economical Development element as a part of the Comp Plan.
- Work with Apalachee Regional Planning Center (ARPC) they work hand and hand with staff
- Turn in SAID application

ADJOURNMENT

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

Sterling Watson, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA ON
MAY 18, 2004, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

STERLING WATSON, CHAIR
CAROLYN ROBERSON, VICE - CHAIR
WALTER D. DOVER
BRENDA HOLT
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

1. MEETING CALLED TO ORDER

Chair Watson called the meeting to order and led in the pledging allegiance to the U.S. flag. Commissioner Dover led in the invocation.

2. ADOPTION OF THE AGENDA

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

3. APPROVAL OF MINUTES

April 20, 2004 Regular Meeting

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

4. COUNTY ATTORNEY'S AGENDA

Mr. Richmond, County Attorney had no report.

5. ASSISTANT COUNTY MANAGER'S AGENDA

Transportation Services for Veterans

Mr. Arthur Lawson, General service Director and Assistant County Manager, addressed the Board regarding the Veteran

Transportation Services Program. He stated that the Board instructed him on March 14, 2004, to establish a committee composed of veterans to review the current transportation services for veterans. The purpose of the committee was to make recommendations as to the overall need for the service and how it could be utilized more efficiently by utilizing the VA shuttle services out of Tallahassee. He said that the concern of the Veterans that utilized the service was if their appointments lapsed past the shuttle departure time, for the shuttle that they may be left.

He reported that a committee was established and had its first meeting on April 21, 2004 where Mr. Sam Palmer was selected as the Chairman.

Wess Hinson, Veterans Service Director, addressed the Board. He stated that the trips to the VA Hospital are scheduled according to the contract doctors that they have coming in from Gainesville and LakeCity. He said that the VA shuttle runs four days a week, without runs on Friday. He said that most of the Veterans that use the service of D&S Transit are disabled.

Commissioner Dover asked Mr. Hinson if he was actively involved in the coordination of setting up the schedules for the Veterans.

Mr. Hinson replied, that he works with veterans after they have received appointments and appointment clerks that schedule appointments.

Chair Watson asked Mr. Hinson if the shuttle had ever left anyone.

Mr. Hinson said that the he contacted Veteran's Association in Leon County, which runs the shuttle service, and they replied that the driver is instructed to wait.

Chair Watson referenced a letter from Randolph Thomas, a veteran who suggested that the Board consider the following as a guide to home pickup. 1.) Have all disabled Veterans present a copy of disability record. 2.) Have a person from the Veteran's Affairs screen all disability ratings, purpose to identify the persons that are justified for home-pickups. 3.) Veterans not meeting the above criteria they have to meet at a central location.

Mr. Hinson said that handicap veterans could ride the DAV, Disabled American Veterans or American Legion.

Discussion followed among Board Members.

Chair Watson called for public comment.

Public Comment

- **Anthony Thomas, Veteran**, speaking for Sam Palmer, Veteran Committee, Chairperson, spoke in favor of the funding the Veterans Transportation through the fiscal year.
- **Dorisene Colvin**, female veteran, spoke in opposition of mandating the veterans shuttle. She also stated that she had been left behind using the shuttle. She said that female veterans have specified needs that have to be addressed at special times through special appointments.
- **Dr. John Cooksey**, veteran, spoke in favor of continuation of transportation services.
- **Jim Kellham** spoke in opposition of mandating the use of the shuttle.

Discussion followed among Board Members.

Commissioner Dixon stated that "It's a service, we are giving back to our veterans, and it's the only thing we do for our veterans."

Commissioner Dover replied that no one has tried to use the shuttle. The intent to try the shuttle has not been carried out. We need to find a solution.

Mr. Hinson commented that he would become more involved in the use of the shuttle, D&S Transit pickups and scheduling of appointments to make the program run efficiently.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 2 - 3, BY VOICE VOTE, TO APPROVE THE VETERANS TRANSPORTATION FOR \$40,000.00 THE REMAINDER OF THE BUDGET YEAR, THROUGH SEPTEMBER. COMMISSIONERS WATSON, DOVER AND ROBERSON OPPOSED THE MOTION. THE MOTION FAILED.

Commissioner Roberson made a motion for disadvantaged Veterans to be picked up at home only; D&S Transit ride would be 3 days a week. Commissioner Dover seconded it, it was held for questioning by Commissioner Holt.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, FOR DISADVANTAGED VETERANS TO BE PICKED UP AT HOME BY D&S TRANSIT AND TRANSPORTED TO THE VA HOSPITAL, ALL OTHER VETERANS WOULD BE INSTRUCTED MEET AT A CENTRAL LOCATION, WHERE THEY WOULD BE TRANSPORTED TO TALLAHASSEE TO RIDE THE SHUTTLE. D&S TRANSIT RIDES WOULD BE REDUCED TO 3 DAYS A WEEK MONDAY, WEDNESDAY AND FRIDAYS AND OCCASSIONALLY ON SATURDAYS FOR SPECIAL APPOINTMENTS ONLY.

Commissioner Holt commented that most Veterans did not know about the service the County offered. She suggested that advertisement of the Veterans Transportation Program be used to increase the number of participants.

Mr. Lawson told Board Members that with the approval to continue the contract, additional funds would be needed.

Mr. McKinnon commented that is was about \$9,300.00 left in the Veteran's Transportation account, he said at the end of May it would be about \$2,300.00 in the account.

A motion was by Chair Watson and seconded by Commissioner Dover to fund the Veterans Transportation Program an additional \$15,000.00. Commissioner Holt called for discussion.

Discussion followed.

THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO FUND THE VETERANS TRANSPORTATION PROGRAM FOR \$15,000.00 FOR THE REMAINDER OF THE BUDGET YEAR.

- Mr. Lawson was instructed by the Board to come back to the Board for additional funds if the \$15,000.00 ran out before the end of the fiscal year.

6. GROWTH MANGEMENT DIRECTOR'S AGENDA

Public Hearing Reynolds Road Abandonment - Request for Abandonment at the end of Reynolds Road 04PZ-018-208-5-03

Mr. Ballister, Growth Management Director, commented that the applicant, Dr. Louis Hill, has requested the closing of approximately 750 feet of the County maintained portion of Reynolds Road. The proposed abandoned segment of Reynolds Road

is completely contained within the Hill property. Dr. Hill intends on changing the end of Reynolds Road to a private community that will be responsible for maintaining its own roads. Legal descriptions of the property and the affected roadway to be abandoned are provided in the application.

Mr. Ballister stated that if the abandonment is approved, then Resolution, (see agenda packets) should also be approved.

Guy McCord, Lawyer for Dr. Hill, addressed the Commission he stated that the purpose for the abandonment was so that the County didn't want to be in the position of maintaining two roads. The road would be County maintained. He said there would be no gate put up.

Discussion followed among Board Members.

Chair Watson called for public comment. There was no public comment heard.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, NOT TO ABANDON REYNOLDS ROAD.

7. COUNTY MANAGER'S AGENDA

Library Policies

Mr. McKinnon commented that Commissioner Dixon had requested further discussion of the library policies that pertain to political activities.

Commissioner Dixon stated that a Library should be the place where continuous learning takes place. Politics should not be banned.

Jane Mock, Library Director for Gadsden County, said that the purpose for the Library Meeting Room Policy and the Gadsden County Public Library Exhibits and Display Policy is that they were trying to keep the Library neutral.

It was the consensus of the Board to strike the sentence "Meetings for partisan political or religious purposes are prohibited." The Board retained the Exhibits Display Policy as it was written.

The language was corrected to read, "The Library does not take any position regarding political or religious meetings."

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AMENDMENT THE LANGUAGE IN THE LIBRARY MEETING ROOM POLICY AS STATED ABOVE.

8. CONSENT AGENDA - FOR APPROVAL

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

- a. Proclamation 2004-011 Proclaiming May 2004 as "Elder Law Month"
- b. Radar/Laser Loan Agreement between Gadsden County and Florida Highway Patrol (FHP)
- c. SHIP Agreement and Special Assessment Lien - Lakeisha Charleston
- d. Chamber of Commerce Economic Development Report - April 2004-For the Record

9. PUBLIC COMMENT

Chair Watson called for public comment.

- Sam Hawkins

10. CLERK'S AGENDA

Budget Amendments 2004-05-18-01 thru 2004-05-18-03

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

Ratification of Approval to Pay County Bills - Accounts Payable Registers Dated Witness Checks 05/03/04; Regular Payables 05/07/04 & 05/14/04; Payroll Deductions 05/13/04 and Payroll 05/13/05

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

11. COUNTY COMMISSIONER'S AGENDA

DISTRICT 1

Commissioner Dover had no report.

DISTRICT 3

Commissioner Roberson had no report.

DISTRICT 4

Commissioner Holt had no report.

DISTRICT 5

Commissioner Dixon had no report.

DISTRICT 2

Chair Watson had no report.

ADJOURNMENT

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

Sterling Watson, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A BUDGET WORKSHOP OF THE COUNTY
COMMISSIONERS, HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON MAY 26,
2004, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT:

CAROLYN ROBERSON, VICE - CHAIR, PRESIDING
WALTER D. DOVER
BRENDA HOLT
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
HOWARD MCKINNON, COUNTY MANAGER

ABSENT:

STERLING WATSON, CHAIR

CALL TO ORDER:

In the absence of Chair Watson, Vice-Chair Roberson called the meeting to order and then turned it over to the County Manager, Mr. McKinnon.

Mr. McKinnon stated that they would cover the majority of County Departments at this workshop and the remainder along with Constitutional Officers on May 27, 2004. He began the discussion by referring to attached packet of information stating that he would proceed in the order as the agenda is printed.

County Department's Budget's

**1. Arthur Lawson -General Services Director & Asst. Co. Manger
Purchasing and Personnel Expense - Page 21**

Mr. Lawson addressed the Board and stated that the Purchasing and Personnel Expense is almost the same as last years budget request. He said that no additional capital outlay has been requested and no additional machinery & equipment. He listed the differences in some line items based on the ongoing price increases and cost of doing business.

Total requested Budget 2005 - \$193,143.00

Purchasing and Personnel Expense - Fund #1 Dept 16

Mr. Lawson explained that his office is the Purchasing and Personnel for the County. He stated that it includes about 320 employees along with the constitutional officers, for which the Board provides the benefits of life and health insurance, including the initial enrollment and subsequent changes. He mentioned all the minor and major services that our covered throughout his Department.

Commissioner Holt inquired as to what responsibility the County now has that they didn't have in the past.

Mr. McKinnon replied that the biggest change would be with Article V. He mentioned the Juvenile Justice, which the State operates. He said that they plan to bill the counties each month and if it is not paid, they may withhold State Revenue Sharing. He said that for small counties the State did set aside 3 1/2 million dollars. He said he was told that Gadsden will qualify for those funds. He said that all the information is tentative at this point. He commented that he would forward more information, as he learns more.

Commissioner Dixon asked Mr. McKinnon, "What assumptions have you made in the Budget?"

Mr. McKinnon stated that the Ad Valorem Tax was proposed at level is the same as last year. The Property Appraiser will certify the Tax Roll in June. He commented that health insurance rates are the same as last year. He told board members that he would keep them informed about Article V and Juvenile Justice issues.

Commissioner Dixon asked Mr. Lawson if they, had looked at any of the concerns that they voiced last year during budget time regarding the healthcare.

Mr. Lawson answered that he has not run any hard numbers, but he did advise the Board that a new healthcare carrier "United" would be coming to the area and he was in the process of updating information in order to get a quote from them. He said that they would hopefully have their network in place soon so that the County can get some competitive numbers from them. He mentioned also that CHP is working on different co-pay options. Mr. Lawson also commented that he would bring information regarding different options for the overall cost of the Health insurance program.

Commissioner Holt suggested to the County Manager that he make a 5% cut for each department.

2. Veteran Services Expense - Page 46

Wess Hinson, Veterans Service Administrator, addressed the Board concerning the Veteran Services Expense. He discussed each line item. He explained that veterans transportation is carried on a separate line-item, Department 77 page 57, Non-Profits.

Requested Budget for 2005 - \$83,305.00

There was discussion from the Board about more advertisement concerning the Veteran Services and supporting documentation.

Commissioner Holt mentioned the television stations that do some free programs for counties.

3. Edward Butler - Community Development - Page 30

Edward Butler, Community Development Administrator, addressed the Board concerning the Community Development Expense. He commented that his budget was about the same as last year. He mentioned that account #54000 travel and per diem has a slight increase for education purposes, conferences and seminars.

There was discussion from the Board about advertisement.

Mr. Butler mentioned that he spoke with Mr. Sutherland of WQTN cable 95 about airtime for advertisement about different programs that are offered through Community Development.

Discussion followed among board members.

Board members expressed concern with the delivery of service for the Program and other forms of grants. They suggested implementing a plan.

Requested Budget for 2005 - \$138.596.00

4.1. Frank Ritter - County Building/Grounds Maintenance - Page 33

Frank Ritter, Building Official, addressed the Board. He stated that he had noted a couple of projects that need to be completed such as the 5-year project of the Courthouse. He explained that because of budget constraints, it is currently behind schedule. He said there were no capital projects submitted. The only increase in the proposed budget was in Utility Service. He stated the capital projects that were of concern:

- Courthouse - roof
- Soil Conservation Building - roof
- Woodham Justice Building - roof
- Butler Building - parking

Discussion followed among board members.

Commissioner Dixon questioned the difference in amount from the approved budget 2004 vs. requested budget for 2005.

Mr. McKinnon replied that the custodial staff is in a different department this year FY 2005.

Mr. McKinnon made note that the corrected budget should read:

- Account # 53100 Professional Services should read \$0.00 instead of \$2,000 it printed off-line
- Account #54100 Communication Services \$2,000
- Account #54300 Utility Services \$150,000
- Account #54400 Rentals & Leases \$22,000
- Account #54500 Insurance \$23,000

There was discussion of various items at the Sheriff's Office, Library Utility Bill, Account #54626 maintenance on elevators, vehicles, equipment, and Account #54628 maintenance Garden Club that had moved to a different line item. The Bidding process along with replacement of vehicles was also discussed.

The requested budget amount for County Building/Grounds Maintenance for 2005 is \$321,902.

4.2. Correctional Facility Repair & Maintenance - Page 36

There was discussion on account #54622 Repair & Maintenance for Correctional facility.

Commissioner Dover questioned the overtime of employees.

Mr. Ritter stated that "after - hours" projects are budgeted for County Building/Grounds Maintenance and Building Inspection.

Total amount requested for the 2005 budget was \$ 95,996.

5.1. Herb Chancey - Commodity Food - Local Expense - Pager 45

Herb Chancey addressed the Board regarding Department #54 Commodity Food - Local Expense. He stated that the amount requested is the amount needed to run the Commodity Program as it has been ran for the last 20 years.

He said that the State did an RFP for the fiscal year and was given a contract for only the first 3 months. It was extended in December for another 3 months to the end of March. He stated that during that timeframe, they issued the RFP to Second Harvest Bank of the Big Bend. He said that they could work with the County on the Federal Commodity Program for the Department of Agriculture, but that was the only agency with whom they could work. He said that there could be an option to do the entire program through their non-profit.

Mr. McKinnon stated that if the County continues to distribute the food/ commodities at the warehouse, the proposed budget reflects the estimated cost for running it for the budget year.

Discussion followed among board members.

Total amount requested for 2005 budget year was \$15,809.

5.2. Litter/Animal Control Expense - Page 73

Herb Chancey stated that proposed budget was the same as last year. He said it covers employment of 2 animal control officers, receptionist and director. The overtime of employees was discussed.

Total amount requested for 2005 budget was \$117,587.

6. Bruce Ballister - Planning & Zoning Expense - Page 48

Mr. Ballister, Growth Management Director, addressed the Board regarding the 2005 Planning & Zoning Expense. He stated that in his Department it was business as usual. The key items

that were mentioned were account# 56400 Machinery & Equipment, The new IT Specialist, Don Lee, who will be increasing software purchases to get up to standard.

Total amount requested for the Planning & Zoning Expense was \$335,705.00.

7.1. Henry Grant - County Extension Service Expense - Page 50

Mr. Grant, County Extension Director, addressed the Board. He stated that his budget was about the same as last year.

There was discussion about the housing class regarding the true effectiveness of the program. Commissioner Holt mentioned getting contractors and creditors to come in to enhance its effectiveness. She commented on the housing classes that were offered in Leon County.

Total amount requested for this Budget was \$228,307.00.

7.2. Soil Conservation Expense

Mr. Grant commented that the total amount requested for the **2005 Soil Conservation Expense was \$24,605.00** same as last year. No increase was warranted.

8. Nancy Gee - Grants Writer - Page 62

Nancy Gee, Grants Coordinator, addressed the Board. She said that her requested budget is with little increase from last years budget. She commented on numerous grant projects on which she was working.

Total amount requested \$108.937.00.

9. Restee Smith - Recreation - Page 66

Mr. Smith, Recreation Director, addressed the Board regarding the 2005 Recreation Budget. He stated that his budget was exactly the same as last year.

Commissioner Holt expressed that more should go into the writing of grants for recreational use.

Total amount requested for the 2005 budget was \$59,459.00.

10. Martha Chancey - Probation Expense - Page 68

Martha Chancey, Probation Director, addressed the Board regarding the 2005 Probation Expense. She presented the following:

- Account # 52400 - Workers Compensation - would be reduced to \$8,095.00 instead of \$14,549.00 as printed.
- Difference/slight increase in insurance
- Help in training and travel
- Pre-pay for probation fees - will check with Clerk.

Total amount requested for the 2005 budget was \$211,166.00.

Due to the nature of the hour, Vice-Chair Roberson said that the budget workshop would reconvene to the following day, May 27, 2004 at 5:00 p.m. starting with EMS/Tommy Baker.

ADJOURNMENT

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

Carolyn Roberson, Vice - Chair

ATTEST:

Nicholas Thomas, Clerk

AT A BUDGET WORKSHOP OF THE
COUNTY COMMISSIONERS, HELD IN
AND FOR GADSDEN COUNTY,
FLORIDA ON MAY 27, THE
FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT:

STERLING WATSON, CHAIR
CAROLYN ROBERSON, VICE - CHAIR
WALTER D. DOVER
BRENDA HOLT
NICHOLAS THOMAS, CLERK
HOWARD MCKINNON, COUNTY MANAGER

ABSENT:

EDWARD J. DIXON

MEETING CALLED TO ORDER

Chair Watson called the meeting to order. He stated that the Board would hear from the constitutional officers that were present first followed by the remaining County Departments.

Shirley Knight - Supervisor of Elections Expense - Page 110

- Requested amount for Supervisor of Elections Expense is \$325,310
- Holding Elections Expense - page 111 - Requested amount is \$55,784
- Canvassing Board Expense - 112 - page 112 - Requested amount is \$1,500

Shirley Knight, Supervisor of Elections, addressed the Board concerning the 2005 Budget. She referenced the General Election, new election laws and the American Disability Act "ADA" that will be mandated by 2006, requiring ramps for polling locations.

**Nicholas Thomas - Clerk of the Court - Judicial Court Fees
Expense - Page 14**

- Clerk of the Court - Board Finance Expense - Page 16
Total amount requested for 2005 FY \$480,712.00
- Clerk of the Court - Judicial Court Fees Expense -
Page 23
No requested budget was made for FY 2005.
- Central Data Processing - Page 32
Total amount requested is \$152,560.00

Nicholas Thomas, Clerk of the Court, addressed the Board regarding his Budget request for the 2005 budget year. Numerous items of concerns where addressed by Clerk Thomas:

- Auditor's Report - Purvis/Gray for FY ending 9/30/03
- Clerk's Office Warning
- Fund Balance
- Ad Valorem Taxes - City of Quincy/ Havana and the Gadsden Correctional Institute "GCI" / Women prison
- Article V - \$616,000.00 savings that the Clerk's Office saves the County.
- Clerk of the Court - Judicial County Court Expense - Clerk Thomas stated that there were no requests made.
- Clerk of the Court - Board Finance Expense - Clerk Thomas stated that it was reduced to \$480,712 for the 2005 budget year.
- Clerk of the Court - Judicial Court Fees - Clerk Thomas stated that there were no requests made.
- Clerk of the Court - Central Data Processing - Clerk Thomas stated that there was a slight increase in that Department for the 2005 budget \$ 152,560. He referenced the Court Related Employees. He said that there would be changes to how the Clerk's Office operates. He commented that there was specific items the County has to pay such as communications and computers. He mentioned the \$2.00 increase for every document recorded that would go the County. There was also discussion how the fine and forfeiture fund would be affected after July 1st and an additional courtroom. Mr. Thomas stated that the first six weeks of the new budget year would be critical for the County.

Commissioner Holt recommended a 5% cut for all departments.

Tommy Baker - Fire Protection Fund Expense - Page 81

Tommy Baker, EMS Director, addressed the Board regarding the 2005 Budget for his departments.

Fire Protection Requested Budget - \$881,179

- **Chattahoochee Ambulance Expense - Page 114 \$30,100**
it remains the same.
- **CPR EMS Public Education Expense - Page 115 \$100** it
remains the same
- **Emergency Ambulance Service Expense - Page 116 -**
Requested amount \$1,447,097. He mentioned increases
in the area of machinery & equipment to purchase a
new ambulance, gas and oil increase, building
insurance increase to cover items if there was ever
a fire to the building.
- **EMS Billing & Administration Expense Page 117 -**
Requested amount is \$162,880
- **Pat Thomas Park Expense - Page 64- Requested amount**
was \$56,357 - a decrease.
- **Custodial Services - Page 39 - Requested amount was**
\$197,559. Mr. McKinnon mentioned that this was the
first year for custodial services.
- **SQG Assessment and Notification - Page 37 -**
Requested amount is \$2,206 - a decrease.

Robert Presnell - Transportation Fund # 1 Expense -
Page 87 - Requested Budget amount \$9,009,001

- **Paved Road Maintenance - Page 90 - Requested Budget**
amount \$ 613,769.

Mr. Presnell stated that 67 miles of dirt roads have been paved by Public Works in the last 5 years. He said that 25 miles of dirt road would be paved before the end of this year's budget.

- **Unpaved Road Maintenance - Page 91 - Requested amount \$1,329,170**
- **Vehicle Maintenance - Page 92 - Requested amount \$420,927**
- **Right of Way maintenance - Page 93 - Requested amount \$1,046,224.**
He referenced the machinery & equipment account with the additional purchase of 3 vans that they have budgeted into this account.
- **Road Construction / Improvement - Page 94 - Requested amount \$3,890,075**
He referenced the bridge improvement increase.
- **Landfill Expense - Page 98 - Mr. Presnell mentioned the closing of the Chattahoochee Landfill and the cost involved in maintaining it. There was the discussion of the garbage issue.**
Total amount requested for Landfill is \$403,133.00
- **Arthropod Fund Expense - Page 99 - Requested amount \$90,382**

Jane Mock - Library Expense - State Portion - Page 106
Requested Budget \$252,000

Referenced Literacy Coordinator, which she reflects in the budget. Mrs. Mock stated that she is requesting that the County pay $\frac{1}{2}$ salary and benefits or the program would convert to half-time.

- **Library Expense - Local Portion - Page 107 Requested amount \$444,718**

Howard McKinnon - County Manager's Office Expense - Page 71

Requested amount is the same as last years Budget \$224,227

Mr. McKinnon mentioned that he would bring up for discussion at the next official Board Meeting June 01, 2004 the Budget Request of Non-Profit Organizations.

ADJOURNMENT

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

Sterling Watson, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONES HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
JUNE 1, 2004, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

STERLING WATSON, CHAIR
CAROLYN ROBERSON, VICE-CHAIR (ARRIVED LATE)
WALTER D. DOVER
BRENDA HOLT
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

1. MEETING CALLED TO ORDER

Chair Watson called the meeting to order and led in the pledging allegiance to the US flag. Commissioner Dixon led in the invocation.

2. ADOPTION OF AGENDA

The agenda was amended by the following:

- Land Donation to City of Midway was moved from under Clerk's agenda to follow the County Attorney's Agenda.
- Mr. McKinnon asked to add an appointment of a Commissioner to the Small County Coalition to his agenda.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED ABOVE.

Commissioner Roberson was not present for this vote.

3. APPROVAL OF MINUTES

May 4, 2004 - Special Meeting

May 4, 2004 - Regular Meeting

UPON MOTIONER BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APRPOVE THE ABOVE STATED MINUTES.

Commissioner Roberson was not present for this vote.

4. COUNTY ATTORNEY'S AGENDA

1. Metropolitan Cathedral of Truth Church Case
Case # 02-427CAA

Mr. Richmond, County Attorney, addressed the Board regarding the Metropolitan Church Case. He said that the County had filed a petition for re-hearing and for certification against Metropolitan. The Florida Supreme Court ruled it would not hear either of the requests. He stated that the county had lost its court battle to stop Metropolitan Church from starting a school at its facilities located on Richbay Road. He commented that the case has now come to an end.

Chair Watson called for public comment. There was no response.

2. Land Donation City of Midway (Deed attached)

Clerk Thomas, stated that the City of Midway is seeking to acquire a ½ acre lot on Williams Road that is owned by the County. He explained that it had been on the List of Lands Available for Taxes for three years. He then asked for authority for the Chairman to sign a County Deed donating the ½ acre lot to the City of Midway.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 0, TO DONATE THE ½ ACRE LOT ON WILLIAMS ROAD TO THE CITY OF MIDWAY AND EXECUTE THE DEED.

Commissioner Roberson was not present for this vote.

5. DEPARTMENT OF TRANSPORTATION - QUINCY 2000 FHWA ADJUSTED
CENSUS URBAN AREA BOUNDARY

Glenda Dunkin, Florida Department of Transportation Planning Staff, addressed the Board. She explained the 2000 FHWA Adjusted Census Urban Area Boundary Map. She said that the map is updated every ten (10) years after census information becomes available. She then explained the map was developed and the criteria and data used in the process. She went on to say that the new map reflects where development is occurring today and

where it is expected to expand within the cities and County within the next five (5) years.

She then stated that the boundary would be used in setting roadway functional classifications as well as roadway area types used to set and determine roadway level of service standards. She said the boundaries were adjusted where the planners predicted the greatest level of development. She also mentioned it would have no monetary benefits to the County.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE QUINCY 2000 FHWA ASJUSTED CENSUS URBAN AREA BOUNDARY MAP.

6. EMERGENCY MEDICAL DIRECTOR "EMS"

Medicare Overpayment Refund Appeal

Tommy Baker, EMS Director, addressed the Board. He stated that on the previous discussion of the Medicare Overpayment Refund Appeal there were two options that they were exploring. He said each option to the Board. He commented that under the Medicare guidelines, they have a 120 days to request a Review/Appeal, including designating who will represent them in the appeal. He also mentioned that Medicare may waive these fees entirely, which would end the appeal process. He said that the process to request an appeal and representation would require a quick decision and may not allow time to meet the deadlines for the County Commission Agenda, due to time constraints and the multiple variables. He requested authorization for the EMS Director, County Manager and County Attorney to negotiate an agreement for representation from the two options and report the results back the Board.

Commissioner Roberson asked Mr. Baker if he wanted authorization for the County Manager, County Attorney and himself to choose whichever option, only if they can't meet the deadlines.

Mr. Baker replied, "Yes, only due to time restraints."

Chair Watson called for public comment. There was no response.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO GIVE AUTHORIZATION FOR THE EMS DIRECTOR, COUNTY MANAGER AND COUNTY ATTORNEY TO NEGOTIATE AND SIGN AGREEMENTS FOR AN AUTHORIZED REPRESENTATIVE TO HANDLE THE APPEAL OF MEDICARE OVERPAYMENTS AND REPORT THE FINAL RESULT BACK TO COUNTY COMMISSION, DUE TO TIME CONSTRAINTS ONLY.

7. PASTOR STANLEY SIMS, SR.

A Shepard's Hand Resource Center, Inc

Pastor Sims, Sr. was not present at this juncture of the meeting.

8. COUNTY MANAGER'S AGENDA

Library Financing

Mr. McKinnon, County Manager, addressed the Board regarding financing of the new main library. He explained how the Florida Association of Counties Commercial Paper Program would work with the Florida Local Government Finance Commission the issuer of pooled commercial paper loans. He said that because of the pooled structure of the program, they offer significantly lower all-in costs than other alternative methods of municipal financing with unparalleled flexibility such as no penalty for prepayment and extremely time-efficient processing. He stated that the total amount of funds requested is \$1,805,000.00.

Estimated Total:	\$1,805,000.00
Estimated Total Phase I:	\$ 225,000.00
Estimated Total Phase II:	\$1,580,000.00

Phase I amount is to purchase land in the City of Quincy for a new main Library.

Phase II amount is the interim financing required for the construction of the main library, while applying for permanent financing with USDA.

Chair Watson called for questions.

Commissioner Holt asked why \$225,000.00 is being requested when the Board only agreed to front \$215,000.00.

Gadsden County Board of County Commissioners
June 1, 2004 Regular Meeting

Mr. McKinnon concurred that the Board approved \$215,000.00. However, there would be closing costs of \$10,000.00 over the approved amount.

Commissioner Holt asked if the Friends of the Library are committed to funding the additional \$85,000.00 needed to purchase the property on Pat Thomas Parkway the Randy's location.

Chair Watson assured the Board that the Friends of Library had the \$85,000.00 for the purchase.

Discussion followed among Board Members.

UPON MOTION BY COMMISSIONER DOVER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE FLORDIA ASSOCIATION OF COUNTIES "FAC" COMMERCIAL PAPER PROGRAM FOR LIBRARY FINANCING AND \$3,000.00 CREDIT REVIEW FEE TO WACHOVIA BANK. COMMISSIONERS HOLT AND DIXON OPPOSED THE MOTION.

2. "NACO" National Association of County Officials

Mr. McKinnon addressed the Board regarding the NACo Conference, which will be the week of July 16, 2004. Commissioners Dixon and Holt will be in attending and will not be in for the regular scheduled board meeting.

Chair Watson stated that he would also be out of town during that week.

There was some discussion about canceling the July 16 meeting. There was a consensus to place the matter on the agenda for the June 15 for discussion.

3. Small County Coalition

Mr. McKinnon asked the Board to appoint an additional commissioner to serve on the Small County Coalition. He said that Commissioner Dixon agreed to serve. He recommended that he be appointed. He then said that they require two appointees. Commissioner Roberson is the other appointee.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE APPOINTMENT OF COMMISSIONER

EDWARD J. DIXON TO SERVE ON THE SMALL COUNTY
COALITION.

4. Pastor Stanley Sims, Sr. - A Shepard's Hand Resource
Center, Inc.

Pastor Stanley Sims, Sr. addressed the Board. He apologized for being late. He started with a Survival Presentation in which he passed out bags to each Commissioner. He also provided tape coverage of Governor's Bush appreciation honoring the Center. He asked Commissioners if they would release funds \$4,700.00 for the Shepard's Hand Resource Center.

Chair Watson commented that his position had not changed and that he couldn't be in support of funding the program.

Commissioner Dover said that the concepts of the program are there, but regarding the legal issues Pastor Sims faced he couldn't support the program. He told Pastor Sims that "time cures all."

Discussion followed.

Commissioner Dixon encouraged Pastor Sims to step aside and allow someone else to lead the program. He advised that Pastor Sims was hindering the program. He said that his ideas and legacy of the program would live on.

Chair Watson called for a motion and no motion was made. The request died for lack of a motion.

9. PUBLIC COMMENT

Chair Watson called for public comment. There was no response.

10. CONSENT AGENDA - FOR APPROVAL:

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

- a. 2004/05 Drug-Free and Safety Program Workplace Premium Credit Applications
- b. St. Joe Timberland Company - Request for Quitclaim Deed

- between Gadsden County, Florida and St. Joe Timberland Company of Delaware, L.L.C. involving the original acquisition of land for the Law Enforcement Academy
- c. New Road Name - Steverson Lane location north off Bear Creek Rd., east off Old Federal Road
 - d. Mosquito Control Budget FY 2004-05
 - e. Sale of Public Works Department Equipment at Auction -
(1) 1994 Ford Ranger - Vin#1FTCR10U6RUD27939 (2) 1994 Ford Ranger Vin#1FTCR10U6RUD27942 (3) 1996 Chevrolet Extended Cab Pickup, Vin#2GCFC29S3T1128839
 - f. State Housing Initiative Partnership (SHIP) Agreement and Special Assessment Liens - Amika Robinson and Shirley Ann Byrd
 - g. Satisfaction of Housing Rehabilitation Agreement - Soley Atkins
 - h. Gadsden County Tourist Development Council Minutes of April 15, 2004 Meeting - For the Record
 - i. Library Meeting Room Policy - For the Record

11. CLERK'S AGENDA

State Revenue Sharing Application

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN'S SIGNATURE ON THE STATE REVENUE SHARING APPLICATION FOR 2004-2004 STATE FISCAL YEAR.

Budget Amendment 2004-06-01-01

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

Ratification of Approval of County Bills: Accounts Payable
Check Dates 05/21/04; 05/21/04; 05/28/04 and Payroll Dates
05/27/04

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

12. COMMISSIONERS AGENDA

District 1

Commissioner Dover had no report.

District 3

Commissioner Roberson had no report.

District 4

Commissioner Holt had no report.

District 5

Commissioner Dixon mentioned the Florida Association of Counties did well in State Legislative Session. He commented that the Coalition had lost one county - Levy. He said that they had dropped out of the association, but the members were lobbying to get them to rejoin. He told board members of the importance for the need of protection of both organizations the Florida Association of Counties and the Small County Coalition. He said he would keep the Board informed.

District 2

Chair Watson had no comment.

ADJOURNMENT

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

Sterling Watson, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
IN AND FOR GADSDEN COUNTY,
FLORIDA ON JUNE 15, 2004, THE
FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT:

STERLING WATSON, CHAIR
CAROLYN ROBERSON, VICE - CHAIR
WALTER D. DOVER
BRENDA HOLT
EDWARD J. DIXON
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
BERYL WOOD, DEPUTY CLERK

ABSENT:

NICHOLAS THOMAS, CLERK

1. MEETING CALLED TO ORDER

Chair Watson called the meeting to order and led in the pledging allegiance to the US Flag. Mr. Lawson, Assistant County Manager, led in the invocation.

2. ADOPTION OF AGENDA

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

3. APPROVAL OF MINUTES

May 13, 2004 - Special Meeting

May 18, 2004 - Regular Meeting

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

4. COUNTY ATTORNEY'S AGENDA

Mr. Richmond, County Attorney, addressed the Board regarding approval to advertise two Notices of Intent for public hearings at the July 6, 2004 board meeting. He said that one proposed ordinance would provide for the assessment of additional court costs in criminal cases and the other proposed ordinance would providing for a surcharge to be assessed in non-criminal traffic cases.

He explained that the ordinances were being proposed due to the changes in Article V as they deal with the court systems. He commented that the Court Administrator, Dennis Slayden from Leon County was in the audience to address questions.

Mr. McKinnon commented that the Florida Association of Counties (FAC) had done research on Article V and he said he would have more by the information will be presented at the July 6, 2004 meeting.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, FOR AUTHORITY TO ADVERTISE THE NOTICES OF INTENT AND PUBLIC HEARINGS FOR THE PROPOSED ADOPTION OF TWO ORDINANCES DESCRIBED ABOVE AT THE JULY 6, 2004, REGULAR MEETING.

5. MARIA I. POUNCEY, MIGRANT COORDINATOR **COMMUNITY LEADERSHIP, RECOGNITION**

Maria Pouncey, Migrant Coordinator for Panhandle Area Educational Consortium (PAEC) Migrant Education and a member of the Gadsden County Health Council, addressed the Board. She briefly gave an overview of the program that serves the migrant community in Gadsden County.

She stated that 12 individuals had completed the 1st Community Leadership Seminar and that it had empowered them to become successful individuals in the community. She commented that, originally, she had wanted time to recognize those individuals, but they couldn't be present because it was peak tomato season. She invited past individuals that had completed the program and that now work for PAEC to stand. She thanked the Gadsden County Board of County Commissioners for having the vision to

support the effort of the 1st Community Leadership Seminar to produce positive Hispanic leaders in the community.

Chair Watson presented Mrs. Pouncey with a certificate of appreciation on behalf of the Board for a job well done.

6. MAUREEN O'BRIEN, PRESIDENT, GADSDEN COUNTY HUMANE SOCIETY

Maureen O'Brien, president of the Gadsden County Humane Society, addressed the Board. She said the Humane Society would like to collaborate with the County to formulate a 5-year plan to convert the existing animal shelter into a community friendly facility. She explained the program in detail. She proposed an initiative to implement a spay/neuter program to reduce the number of unwanted homeless animals in the County. She said that the program would eventually phase into the Humane Society becoming the primary animal welfare agency and phase the County out of animal control.

Chair Watson asked for clarification regarding how the Humane Society would operate various aspects of the program including the animal control officers.

Mrs. O'Brien stated that in 5 years, the Humane Society hoped to phase the County, out of animal control, including all financial responsibilities. She said that they would like to contract with the County.

Chair Watson commented that he was reluctant to change anything at this point. He said his major concern was funding the program.

Commissioner Dover inquired about the grant process.

Mrs. O'Brien commented that funding would come through grants, private donations and sales revenue derived and adoption of animals. The current grant they are working on is for a Spay/Neuter Program in the amount of \$14,000.00.

Chair Watson stated that he would like in detail the names of the grants that they are seeking and what they would be used for.

Commissioner Roberson asked if this proposal was similar to Brevard County's Animal Control Program.

Mrs. O'Brien stated that the proposal was modeled after the program in Alachua County.

Commissioner Roberson then asked Mr. McKinnon to call Alachua and Brevard County to see how their program works.

Discussion followed among board members.

Chair Watson called for public comment.

PUBLIC COMMENT

- **Willis Rayburn** spoke in support of the program between the Gadsden Humane Society and the County.
- **Sam Hawkins** questioned the amount generated for breeding of animals. He inquired who would set fees, collect fees and enforce the codes of law.

Mr. McKinnon stated that there was no law on breeding of animals.

Chair Watson implied that he would like to delay making a decision on the program proposed.

Mrs. O'Brien asked if it would be appropriate to come back later in the year after the budget process.

It was the consensus of the Board to re-hear the Gadsden County Humane Society after the budget was complete. No decisions were made.

7. PUBLIC WORK'S DIRECTOR AGENDA

Change Order #37-Road Paving Contract with C.W. Roberts

Robert Presnell, Public Works Director, addressed the Board seeking approval for Change-Order number 37 of the road paving contract with C.W. Roberts Construction Company. The following roads were included in the new road paving list (existing dirt roads) for Gadsden County:

- Elk Club Road
- Goldwire Road

- Bacon Place
- Homer Way
- Plato Place
- Kant Circle
- Swift Street
- Milton Street
- Dante Court
- Virgil Way
- Augustine Road
- Owen Road
- Darwin Place
- Red Fern Court
- Highland Road
- Bill McGill Road
- Hardaway Road 12

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE CHANGE ORDER NUMBER 37 WITH THE ABOVE STATED ROADS LISTED.

Department of Transportation (DOT) Small County Outreach Program (SCOP) 2004-05 Candidate Project

Mr. Presnell stated that the County qualified for the Small County Outreach Program 2004-2005 funding year. The project chosen meets eligibility criteria. The project description is as follows:

- Fairbanks Ferry Road from Havana City Limits to Countyline.

DOT Small County Road Assistance Program (SCRAP) 2005-06 Projects

Mr. Presnell briefed the Board about the SCRAP. He stated the two projects that meet the eligibility criteria. They were as follows:

- CR 268 SR 10 Midway to Joe Adams Rd
- CR 65 SR 12 Georgia State Line

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE AND SUBMIT THE ABOVE LISTED ROADS FOR

SCOP AND SCRAP FUNDING DOT SMALL COUNTY OUTREACH 2004-05 AND ASSISTANCE PROGRAM 2005-06.

CR 65 By-Pass - Request for Extension of Memorandum of Understanding

Mr. Presnell asked the Board to extend the Memorandum of Understanding/grant with DOT for one year for CR 65 (Englehard)By-Pass.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO EXTEND THE MEMORANDUM OF UNDERSTANDING FOR ONE YEAR WITH DOT FOR CR 65 (ENGLEHARD) BY-PASS.

8. GROWTH MANAGEMENT DIRECTOR'S AGENDA

1. Wayside Farms Drainage Easement Abandonment - 04PZ-033-201.01-2-05

Bruce Ballister, Growth Management Director, addressed the Board. The first item on his agenda was the Wayside Farms Drainage Easement Abandonment. He stated that the owners Martin Thigpen and Robert Buser on either side of the drainage easement on Wayside Farms Road have petitioned to abandon the easement. He explained the easement is fifteen feet (15') on each property and runs the length of the property line between Wayside Farms Road and the Wayside Farms pond. He commented that since the paving of Wayside Farms Road, the drainage easement is no longer used. He explained that drainage was rerouted when the ditches were reconstructed in the paving operations. He added that The application included a letter from the Wayside Farms Homeowners Association indicating their support for the abandonment. He stated that his staff recommendations provide that the relief necessary to allow the property surveys to reflect that the easement is abandoned.

Chair Watson called for public comment. There was no response.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE ABANDONING THE DRAINAGE EASEMENT DESCRIBE ABOVE FOR WAYSIDE FARMS.

2.Grouping of Minor Roads on the Road Paving List

Mr. Ballister stated that the current list of roads included some paired and grouped roads that form interconnected systems or small neighborhoods. He said efficiencies in paving and grading operations could be obtained if closely associated roads were paved at the same time. The efficiencies to be gained are:

- a. More efficient use of crew time in road preparation in advance of paving.
- b. More efficient use of equipment in the field, in terms of mobilization and demobilization time for the paving equipment.
- c. Future efficiencies gained in motor grader operations if the area is no longer on the paving list.

Mr. Ballister commented that the grouping wouldn't violate the intent of the paving list or the matrix. He said that he is requesting that the Board allow the Planning Department along with Public Works Department to work together to propose which roads work together and to propose which roads would be included in a larger area for the purposes of obtaining the efficiencies.

It was the consensus of the Board to allow the Planning and Public Works Department to work together as described above.

9. COUNTY MANAGER'S AGENDA

1.Hospital Beds

Howard McKinnon, County Manager, addressed the Board. He stated that the County has 29 hospital beds in surplus. He commented that it is requested for the Board to approve giving the beds to a non-profit organization for distribution locally or to a third world country.

Commissioner Holt inquired about dispersing of the beds to individuals within the County that may be in need.

Mr. McKinnon commented that they would have to give to a non-profit organization, but he would look into individual needs.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED, 5 - 0, BY VOICE VOTE, TO DECLARE THE 29 HOSPITAL BEDS AS SURPLUS AND DONATE THEM TO A NON-PROFIT ORGANIZATION FOR DISTRIBUTION LOCALLY OR TO A THIRD WORLD COUNTRY.

2.Request for Millings from Department of Transportation (DOT)

Mr. McKinnon commented that the City of Gretna has requested that the County partner with them and (DOT) to provide stabilization for some of their dirt roads. If approved DOT will provide asphalt millings and the County will haul and spread the millings for Gretna.

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

3.Cancellation of July 20, 2004 Regular Meeting

Mr. McKinnon informed the Board that Commissioners Dixon and Holt would be absent from the July 20, Regular Meeting because they will be attending the National Association of Counties Meeting. Chair Watson stated that he would also be absent.

Mr. McKinnon suggested that the meeting be cancelled. He said that Staff, if approved would do appropriate advertisement of the cancellation.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED, 5 - 0, BY VOICE VOTE, TO CANCEL THE JULY 20, 2004 REGULAR MEETING.

4.Deer Ridge Estates Water Main

Mr. McKinnon reported that Talquin Electric had contacted him about a water main to Deer Ridge Estates Subdivision. (Fronting on the west side of U.S. 27 just north of its intersection with Highway 270 north of the Ochlockonee River.) He said the water main is

too close in proximity to the entrance road pavement. He stated that Talquin has not accepted this water system and may not be able to accept it unless it can be found that Talquin would not be responsible for pavement repair if this water main were to ever have to be repaired or accessed by Talquin.

Mr. McKinnon stated that Talquin is saying that the contractor didn't put the waterline in the right place, (where they told him to put it) so they don't feel it's their responsibility.

Mr. McKinnon stated that all the lots had been sold and the developer is out.

Commissioner Dixon asked, "Why can't Talquin just ask the developer to move the main?"

Chair Watson inquired as to what would happen if the County issued a stop order until the water main is moved.

Mr. Ballister stated that Talquin is saying that they may not accept the waterline and the people that live there will not have water.

Mr. Presnell commented that the moving the water main line is not feasible.

Discussion followed among Board.

It was the consensus of the Board not to accept Talquin's agreement involving the water main at Deer Ridge Estates.

10. CONSENT AGENDA - FOR APPROVAL

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

- a. Voting Credentials Identification Form - 2004 Annual NACO Conference
- b. Ambulance Remounts - Bid#04-06/ Purchase of New Vehicle Type I from National Emergency Vehicles in Orlando in the amount \$59,550.00

- c. Florida's World War II Memorial Monument inscription for Gadsden County located in Tallahassee, Florida
- d. Continued Lease of Office Space - North Florida Medical Centers, Inc. Gadsden Medical Center
- e. Housing Rehabilitation Program Contract for Rehabilitation Work - Otis Green
- f. Rehabilitation Agreement and Special Assessment Lien - Otis Green
- g. Housing Rehabilitation Program Contract for Rehabilitation Work - Bernice Richardson
- h. Rehabilitation Agreement and Special Assessment Lien - Bernice Richardson
- i. Comprehensive Economic Development Strategy - Request for Projects to be included
- j. Chamber of Commerce Economic Development Report - May 2004 - For the Record

11. PUBLIC COMMENT - (3 MINUTE LIMIT)

Chair Watson called for public comment.

- **Sam Hawkins**, NAACP member of the local chapter in Gadsden County addressed the Board regarding the NAACP.
- **David O'Brien**, asked if the Board would really take a look into the Gadsden Humane Society proposal for expanding all the Animal Control services in Gadsden County.

12. CLERK'S AGENDA

Cash Report (For the Record only)

Budget Amendments-2004-06-15-01 thru 2004-06-15-17

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

Ratification of Approval to Pay County Bills: Accounts Payable Check Dates 06/04/04; 06/11/04 and Payroll Dates 06/10/04 and Payroll Deductions 06/10/01

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

13. COMMISSIONER'S AGENDA

District 1

Commissioner Dover had no report.

District 3

Commissioner Roberson mentioned that a group called "The Center for the Study of Senior Stress, Inc." would be administering Alzheimer Testing in Gadsden County in early July with a pilot program. The test should allow for early detection of those who are at risk. She stated that there are currently 600 identified cases of Alzheimer's in Gadsden County.

District 4

Commissioner Holt inquired about the sewage issue on Highway 90 out by the Highway Patrol.

Mr. McKinnon in response stated that they have written Monte' Bradwell to find out where they are at with the CDBG grant application. He said that CDBG feels as if they could fund 9 projects in the County. He said they already have the applications for 4. He said the County needs to go ahead and get an application in. He stated what they had discussed was submitting a joint application on one side and match, then we can apply to Mr. Willie Taylor's "EDA" program and they will recognize the CDBGF as a match.

Mr. McKinnon stated that he hopes to submit it within the next two weeks.

District 5

Commissioner Dixon brought up the issue on the new proposed referendum to raise the homestead exemption to \$50,000.00 on Ad Valorem Tax. He said that it is not what small counties need. He also mentioned that the County should really look into and get a better understanding of Article V. He then mentioned the impact that Article V would pose for the Clerk's Office.

District 2

Chair Watson also commented on the new proposed homestead exemption referendum and how it would affect Gadsden County with an estimated $\frac{1}{2}$ million-dollar loss. He said that if it makes the ballot it would become reality. He encouraged the Board to think of ways to offset funds if this should happen. He said that he had thought about a $\frac{1}{2}$ cent sales tax.

ADJOURNMENT

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

Sterling Watson, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON JULY 6,
2004, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

STERLING WATSON, CHAIR
CAROLYN ROBERSON, VICE - CHAIR
WALTER D. DOVER
BRENDA HOLT
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

1. MEETING CALLED TO ORDER

Chair Watson called the meeting to order and led in the pledging allegiance to the US Flag. Mr. McKinnon, County Manager, led in the invocation.

2. ADOPTION OF AGENDA

The agenda was amended to include the following:

- Add to County Manager's items - (1) School Readiness Coalition Grant Request and (2) Certification of Tax Value DR 420 filed by the Property Appraiser.

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

3. APPROVAL OF MINUTES

May 26, 2004 - Budget Workshop

May 27, 2004 - Budget Workshop

June 1, 2004 - Regular Meeting

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

4. COUNTY ATTORNEY'S AGENDA

**Public Hearing - Ordinance Providing for a Surcharge
to be Assessed in Non-Criminal Traffic Cases 04-003**

**Public Hearing - Ordinance Providing for the
Assessment of Additional Court Costs in Criminal Cases 04-
004**

County Attorney Hal Richmond announced the opening of a public hearing for the purpose of taking comments on the above stated ordinances. He said that both involve the Article V change to improve the operation of the court system in the County. He stated that Chief Judge Charles Francis of the Second Judicial Circuit was in the audience to answer any questions about the revenue generated and to explain the significant changes that may arise.

Chief Judge Charles Francis then addressed the Board. He explained the changes to Article V. He stated that both ordinances are the result of a joint request of the Legislature by the court system and the Counties to enhance local assistance.

Ordinance 04-003 provides for a surcharge to be assessed in non-criminal traffic cases. He explained the \$15.00 add on fee would provide funding Court facilities.

Ordinance 04-004 provides for assessment of an additional court costs in criminal cases. Chief Judge Francis commented that the \$65.00 generated from criminal cases would be used to assist the County in some of the programs that are currently available such as legal aid and the law library. He also stated that 25% would go to the courts for innovative programming and any obligation under Article V to fund the Courts. He said the ordinances would shift the burden to the County on deciding whether they will offer the programs.

Mr. Richmond read the Ordinance titles into the record.

Chair Watson called for public comment. There was no response.

ORDINANCE 04-003

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE ORDINANCE 04-003 AS STATED ABOVE.

ORDINANCE 04-004

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE ORDINANCE 04-004 AS STATED ABOVE.

5. GADSDEN COUNTY HEALTH DIRECTOR, JERRY WYNN

Gretna Wellness Center Expansion Project

Jerry Wynn, Director of the Gadsden County Health Department, addressed the Board. He gave a briefing on the Gretna Wellness Center. He commented that the Gretna Wellness center is a partnership project of Big Bend Area Health Education Center (AHEC), Gadsden County Health Department, City of Gretna, Florida A&M University (FAMU) School of Nursing, Florida State University (FSU) College of Medicine, and FSU Community Medical Outreach. The Center was founded in 1999 through a cooperative agreement with Big Bend AHEC, FAMU School of Nursing and the Gadsden County Health Department. He introduced Dr. Andre' O'Brea and she introduced the staff as follows starting with herself:

- **Dr. Andre' O'Brea**
- **Dean Cornelia Potter**, Dean of FAMU School of Nursing
- **Debra Dansworth**, Nurse Practitioner, FAMU
- **Mary Dailey**, Nurse Practitioner, FAMU
- **Kim Maddox**, FSU School of Social Work
- **Dr. Alma Littles**, FSU College of Medicine, Well Baby Checkups
- **Dr. R. Bland**, FSU College of Medicine, Well Baby Checkups
- **Dr. Mehran He'avi**, Founder of FSU's Community Medical Organization

Commissioner Holt asked if the Center still needed funds.

Andre' O'Brea replied that funds are always needed.

Commissioner Dixon commented that he was ebullient with the center's commitment to the citizens of Gretna. He encouraged them to submit their request for funding for the '04-'05 budget cycle. He also stated that the Board hopefully would be able to help in some way.

6. ASSISTANT COUNTY MANAGER'S AGENDA, ARTHUR LAWSON, SR.

Proposed New Quincy Library Project

Arthur Lawson, Assistant County Manager addressed the Board regarding the proposed new Quincy Library Project. He briefly informed them of possible steps and/or proposed action that must be taken to proceed with the planning, designing and construction of the proposed new Quincy Library. He commented that it was staff's opinion that there would be benefits in hiring a construction manager on a proposed project of the magnitude of the new library.

It was the consensus of the Board to go with the construction manager option for the new Quincy Library.

7. GROWTH MANAGEMENT DIRECTOR'S AGENDA

1. Drew, Buford, Mustain & Butler Land Use Amendment -04PZ-030-207.02-03 Ag3-Ag2 2,377.81 Acres

Mr. Richmond, Notary Public, administered an oath to Bruce Ballister, Growth Management Director, as to his testimony on all the issues before the Board at this meeting.

Mr. Ballister reported that the applicants, J. Everitt, A.L. Buford Jr., Mark Mustian, and Will Butler are requesting a Large Scale Land Use Amendment totaling 2,377.81 acres (Attached). They are requesting for the property to go from Ag3 to Ag2 and land use designation be changed on the Future Land Use Map (FLUM) from Ag3 to Ag2.

Mr. Ballister explained that the application initially requested 69.39 acres be changed to Rural Residential (RR). However, the P&Z Commission would not agree to allow such dense development. The applicant agreed during that meeting to eliminate the RR density entirely and have it all changed to Ag2. The properties are located between CR 267

and Cane Creek Road about a mile and a half south of I-10. The surrounding land is the subject parcels that are designated as Ag2 with the exception of the public lands operated by IFAs and a band of residential land along CR 267. The application seeks to increase the density so as to bring it into the same market parity as the surrounding lands. There is no current development proposal provided with the application. He stated that the Planning Commission recommended denial of the Land Use Amendment citing determination that the market value was not a sufficient reason to grant the request.

Chair Watson called for public comment.

Mr. Richmond, Notary Public, administered an oath to all that spoke before the Board.

Public Comment

- **Will Butler**, owner of property - in support of the project.
- **Jack Buford**, owner of property - in support of the project.
- **Edward Drew**, owner of property - in support of the project.
- **Richard Parramore** - adjoining neighbor - opposed of the project.

Commissioner Dixon questioned Mr. Ballister about concurrency in relationship to the FLUM.

Mr. Ballister commented that if development occurs, Highway 267 could handle the traffic. He also said that the school system would welcome any new students, since they have a decline in enrollment. He commented that the change in density would have low impact. Concurrency would already be met at the time of development. A year ago we did a land use amendment stating what would happen on 267 with Miller, Mortham and Hill. To approve another without a statement of purpose would not be of service to the County's future planning efforts.

Mr. Ballister commented that the greatest change that would arise from the proposed development would be the color of the map.

Commissioner Roberson asked if the Planning and Zoning Commission knew that the applicants had pulled their request for Rural Residential density.

Mr. Ballister replied, "Yes, they were informed prior to making their decision."

Chair Watson stated that he was not opposed to the project. He said that property owners should be able to develop their property. He said that 1 house to every 10 acres would not pose a problem.

Discussion followed among board members.

Commissioner Dixon said that he opposed the project due to their plan of action not being concrete.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 2 - 3, BY VOICE VOTE, TO DENY THE DREW, BUFORD, MUSTIAN & BUTLER LAND USE AMENDMENT FROM AG3 TO AG2. COMMISSIONERS DOVER, ROBERSON, AND WATSON OPPOSED THE MOTION. THE MOTION FAILED.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE CHANGING DREW, BUFORD, MUSTIAN & BUTLER LAND USE DESIGNATION FROM AG3 TO AG2 TO DEPARTMENT OF COMMUNITY AFFAIRS (DCA) FOR THEIR COMMENTS AND RECOMMENDATIONS. COMMISSIONERS DIXON AND HOLT OPPOSED THE MOTION. THE MOTION PASSED.

2. Harris Land Use Amendment 04PZ-029-205-4-04

Mr. Ballister read comments and staff recommendations for the Harris Land Use Amendment (attached). The applicant, Mr. Charlie Harris, submitted an application to revert the land use designation of a portion of his property it had been changed to public back to Commercial. The property is located on US 90 west, about 1,400 feet west of Bostick Road. He said that staff sees no impediment to confirming the Land Use Amendment request and restore the original Commercial designation.

Chair Watson called for public comment. There was no response.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE HARRIS LAND USE AMENDMENT.

3. Comprehensive Plan Text & Map Amendments 2004-01

Mr. Ballister stated that there are several components of the Comprehensive Plan text & Map Amendments 2004-1 and they are as follows:

- A.) Harris & Frazier Small Scale Land Use Map Amendments - First Reading of Adoption Ordinance
- B.) Text, Mortham & Gray Large Scale Land Use Map Amendments with DCA report - First Reading of Adoption Ordinance
- C.) Additional Text Amendments, Recreation and Capital Improvements elements
- D.) Errata Land Use Map Land Use Amendments - First Reading of Adoption Ordinance

They will be transmitted at the same time and will be included in the map amendment published subsequent to the adoption and recording of these several ordinances. The Gray and Mortham Large Scale Amendments Land Use with DCA Report. The 04-01 submission included these two large - scale amendments and the earlier proposed language changes to the Recreation and Capital Improvements elements. He commented that the Errata amendments discussed last year were approved by DCA without review so there was no ORC report. However, notification of the approval was received by this department at a late date in the 2003 calendar year, which precluded the possibility of two advertised public hearings to adopt the changes in the calendar year. The County is only permitted to do two major changes per year; therefore these amendments have been included in 04-01 adoption cycle. He stated, for the record, that all of the text and land use amendments have been noticed in the county's newspapers and properties within 1000' of affected parcels have been notified by mail.

A. Harris & Frazier Land Use Map Amendments - Small Scale LUA - First Reading of Adoption Ordinance 2004-005

Mr. Ballister commented that Charles Harris Small Scale Land Use Amendment of 2.44 acres from Public to Commercial, was approved earlier in this meeting. It will require adoption by ordinance in order to become effective. It will be incorporated into the 2004-1 Future Land Use Map (FLUM) upon completion of this process.

Mr. Ballister commented that the Frazier Amendment, that is owned by James and Jean Frazier of 4.94 acres from Agriculture 2 to Rural Residential was approved previously this spring at the May 5, 2004 BCC meeting. The property is located at 122 Old Philadelphia Church Road, Gadsden County, Florida. Both amendments are small - scale amendments to the FLUM and will not be required to be transmitted to DCA for review and comment. They will be forwarded to DCA for update upon completion of the ordinance adoption process. He stated that both small - scale amendments are included in one ordinance.

He stated that all that is required at this meeting is reading of Ordinance 2004-005. The Harris & Frazier Small Scale Land use Map Amendments, which he read into the record by title. He said that the second reading would occur at the August 3, 2004 Board Meeting.

Chair Watson called for public comment. There was no response.

B. Test, Mortham & Gray Land Use Map Amendments - First Reading of Adoption Ordinance 2004-006

Gray

Mr. Ballister stated that the Gray amendment, that is owned by Sidney Gray of 21.37 acres from Agriculture 3 to Agriculture 1 was heard by the Planning Commission December 3, 2003. The application was heard and approved by this Board on January 6, 2004. The land is located on the north side of Shady Rest Road about a half-mile from SR12 on the north

side of the roadway. He recalled the discussion of the bald eagle nests near or on the property. He reported that issue has been settled to the satisfaction of the US Fish and Wildlife Service (FWS). Elva Peppers, consultant for the project, subsequently submitted a Bald Eagle Management Plan and it was accepted by the FWS. He stated that this amendment received minimal consideration by DCA in its Objections, Recommendations and Comments (ORC) report.

Mortham 03PZ-031-208-5-07

Mr. Ballister stated that the Mortham amendment, that is owned by Allen Mortham of 446.67 acres of Agriculture 3 to Agriculture 1 and 68.3 acres of Conservation to Agriculture 1 was heard several times last year with the most recent hearings before the Planning Commission on December 3, 2003 and by the County Commission on January 6, 2004. It was transmitted to DCA and he stated that he had received their DCA's ORC report. The property he stated adjoins Miller and McCord Development to the south (currently before DCA review.) The site is also adjacent to Rocky Comfort Creek to the east and Bear Creek to the north. resources. The report stated some concerns with the project relative to protection of environmental resources. It also pointed out that the Comp Plan could be amended to add language to protect threatened resources in the future.

Since the report Mr. Ballister stated that he meet with DCA ad discussed what to add or change in the Future Land Use Element and Conservation Element to adequately protect them in the future.

Chair Watson called for public comment.

Public Comment

- **Marion Lasley** was administered an oath by Hal Richmond, Notary Public. She commented that she was uncomfortable with the Grey/Mortham Ordinance moving forward. When Planning and Zoning (P&Z) had not seen the text changes. She then asked Mr. Ballister what connection existed with Guy McCord and these projects.

Mr. Ballister replied that Mr. McCord had inquired as to the kind of restrictions he should put in his neighborhood covenants for his 5-lot subdivision for Dr. Hill. He stated he didn't allow Mr. McCord to write the text changes for the Comprehensive Plan.

Commissioner Dixon inquired why this application hadn't gone before Planning and Zoning with the corrected text change.

Mr. Ballister stated that the discussion of conservation of easements came from the Mortham report. P&Z heard and saw the Land Use Amendment, but they haven't heard the text changes. He commented that if the Board was uncomfortable in moving forward with the ordinance as written they could sever the two amendments and submit only the Gray Land use Amendment at this point.

- **Richard Thompson** was administered an oath by Hal Richmond, Notary Public. He said he agreed with Marion Lasley's comments. He said that this bypasses the process. He stated that FL statute 163.3181 requires opportunity for public participation. Florida Administrative Code (FAC) 9J5.004 further describes public participation.
A.) He said that property owners in the affected area should be notified of what is going on.
B.) Public Hearings - Type 1,2 and 3 have public hearings. The FAC states that with Type 4 procedures land owners within 1000 ft should be notified.

He said that DCA reviews for components content, they don't review if the County has followed public procedure or not. He commented that they depend on the County's integrity to notify land owners within a 1000 ft to hold public hearings.

- **James Corbin** - was recognized for comments, but realized that this was the wrong Amendment.
- **Lee Avivett** was administered an oath by Hal Richmond. He opposed the Gray Land Use Amendment, he commented on the bald eagle nest. He asked the Board to reconsider their vote.

- **Doug Croley** was administered an oath by Hal Richmond. He opposed the Gray Land Use Amendment, he also commented on the bald eagle's nest. He asked the Board to reconsider their vote.
- **Elva Peppers** was administered an oath by Hal Richmond. The consultant for Gray and Mortham, spoke in support of both projects.

Mr. Richmond asked Mrs. Peppers had any appeal been filed for Gray property.

Mrs. Peppers responded that DCA gave no comment on the Gray property. She stated that they haven't received anything. The other eagles nest that was found has not had any activity in one year.

Chair Watson asked if the Mortham Land Use Amendments warrant the text changes for the Comprehensive Plan.

Mr. Ballister said, "Yes they did."

Chair Watson commented that he felt that both ordinances should be passed, but the text changes needed to go back before the Planning and Zoning Board for review.

Discussion followed amongst the Board.

Mr. Ballister read the Ordinances 2004-006 by title into the record. He said that he would have the amended copy (without text changes) ready for the second reading, which, will occur at the adoption hearing on August 3, 2004.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE NOTICE OF INTENT TO ADOPT THE ORDINANCE REVISING THE COMPREHENSIVE PLAN (TEXT AMENDMENTS) SUBJECT TO FURTHER REVIEW BY THE PLANNING AND ZONING COMMISSION.

C. Additional Text Amendments / Recreation

Mr. Ballister commented that earlier this year, in developing grant strategies, he advertised public hearings and held discussions on reversions to the

Traffic Circulation, Recreation, and Capital Improvements elements. He said that none of the changes in the Traffic Circulation Element were adopted by DCA. The Recreation and Capital Improvements elements were submitted for review. This review resulted in one comment in the ORC report. This comment is specifically in regard to proposed policy 6.5.7, which provide for restoration of 75% of all degraded natural areas.

Chair Watson called for public comment. There was no response.

Mr. Ballister read the Ordinance 2004-007 into the record. The second reading and adoption of the Ordinance will occur at the August 3, 2004 Board Meeting.

D. Errata Land Use Map Amendments - First Reading of the Ordinance

Mr. Ballister stated that the changes to the FLUM were heard at several hearings last year. They were originally advertised as Map Change 2003-1, however, delays in the hearing process resulted in their being submitted after the Miller and Hill amendment 03-2. He stated in the introduction to Errata Land Use Map Amendments, the notification of approval came too late in the calendar year to advertise for two public hearings. Therefore, they are being submitted for adoption in the 04-01 adoption cycle to preserve the option of a second submission and adoption cycle later this year.

Mr. Ballister read into the record the title of Ordinance 2004-008 adopting revisions to the Future Land Use Map consisting of 21 numbered amendments to that Map and providing for severability and effective date. Being also known as the "Errata" amendments, originally approved as DCA 03-2 and adopted herein as a part of DCA 04-1. He stated that this was the first reading. The second reading of the Ordinance will occur at the August 3, 2004 meeting.

Chair Watson called for public comment.

Public Comment

- **Richard Thompson** - spoke in opposition to the Errata Land Use Map Amendments. He called attention to the package that he sent to the Board members previously his "Finding of Facts" (see attached) Gadsden FLUM Amendments. He said that he also sent them to that DCA. He pointed out the chronological record of the changes made to the 2001 FLUM by the EAR in noncompliance with FS 163 and FAC 9J-5. He made these points:
 1. The repeated failure to provide proper public notice of meetings. Hearing and land use amendment procedures were not in noncompliance with several parts of FS 163 as well as 125.66 and 268.11(Sunshine act) and FAC9J-5004 (2)(a) that had been codified by the county LDC in Chapter 7, Subsection 7501
 2. He stated they were not listed on the agenda or brought up at those meetings, public notice was not meet. He mentioned the October 2001 DCA approval of Comprehensive Plan Amendments and revised January 2001 FLUM map including Public, Conservation, Silviculture and O.Z. Lawson property changes, which has since been settled out of court.
 3. His recommendation is that you take that portion, throw it out and send it back and do the right thing. "You should follow the right procedures."

Mr. Ballister responded to Mr. Thompson's assertion that the 2001 map is not valid because there was not an existing Land Use Map. He stated that his predecessor used a map based on area photography, which was the closest thing he had to determine individual land uses. It is a land coverage map. He contended that the change should go forward.

Commissioner Dixon asked Mr. Ballister what he thought of Mr. Thompson's recommendations. He then said "I want trust in the system." He asked Mr. Ballister to please look at the recommendations to see if they could help the County improve the process.

Mr. Ballister commented that he would like to create an existing land use map for Gadsden County. He explained his thoughts on some of the other recommendations.

Discussion followed amongst the Board.

Mr. McKinnon advised Mr. Ballister to look at the recommendations brought to the Boards attention by Mr. Thompson and bring back his recommendations at the August 3, 2004 meeting.

- **James Corbin**, Mt. Pleasant Cemetery Rd, M25- was overlooked for public comment earlier in the meeting. He spoke in opposition to the Errata Land Use Map Amendments.

4. Malchow Immediate Family Variance 04PZ-040-201.01-2-06

Mr. Ballister commented that the applicants, Robert & Elizabeth Malchow, have requested a variance so that they can place a second temporary home on their property on Paradise Lane. The Malchow property is 6.0 acres, and is designated as Ag2 in the Shelfer unrecorded subdivision. He stated that Subsection 6600 of the Land Development Code states a family home exemption might be granted if the land has been in the owner's possession before July 1, 2000. The Malchow's bought the property March 15, 2002, therefore, they are not eligible for family exemption. The purpose of the variance is to allow for a residence for a disabled sister who needs assistance.

Chair Watson called for public comment.

Mr. Ballister referenced two letters that he had received opposing the Malchow Immediate Family Variance:

- **Alice Heathcock**
- **Jo Ann Masula**

County Attorney Hal Richmond administered an oath to all that spoke before the Board.

- **Robert Malchow** - spoke in support of the variance and explained that he petitioned for the variance to help his disabled sister.
- **Elizabeth Malchow** - spoke in support of the variance.
- **Alice Heathcock** - spoke in opposition of the variance.
- **Patricia Greene**, disabled sister of petitioner - spoke in support of the variance and explained the need for the variance.

Discussion followed among Board members about the time/date limitation specified by the Code. They also discussed a waiver of the time limitation and special conditions for the waiver. It was suggested that the Malchow's could deed an ownership lot to the sister with a reversion clause stipulating that the lot cannot be sold out of the ownership of the parent tract.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO WAIVE THE DATE LIMITATION ON THE VARIANCE AFFECTING THE REVERSION CLAUSE. THE MOTION PASSED.

5. Metropolitan Cathedral Church of Truth - Day School
- 01PZ-021-201-1-03 / Case # 02-427CAA

Mr. Ballister read the comments and staff recommendations regarding the Metropolitan Cathedral Church of Truth Day School. He commented briefly that the Metropolitan Cathedral of Truth's physical plant was in place by spring of 2001. Pastor Barrington submitted a special exception application to operate a K-6 day school on the property. The Planning Commission heard the application on April 4, 2001 and deliberated at length, hearing predominantly opposition from the neighboring community. The Board at the January 15, 2002 meeting heard the application and it was denied on a 4:1 to vote. The denial was appealed through the court system where the appeal was affirmed in favor of the Metropolitan Church.

Mr. Ballister stated that his concern was is there any room for imposition of any conditions on the future use of the school that would mitigate the

impacts of the conversion to a school. He commented that his main concern was with the paving. He stated that with the increases in daily traffic and parking loads will increase, impacting the existing gravel parking area. He recommended they should be hardened with asphalt paving.

Mr. McKinnon commented to the Board that a decision by the Board must be made based on testimony and evidence presented.

Chair Watson inquired do we impose regulations on the parking since the project is presented as a school instead of a church?

Paul Sexton of Williams and Sexton, addressed the Board. He stated that he was the attorney for the Metropolitan Cathedral Church of Truth. He commented that, based on the record of the December 18, 2001 hearing, the parking issue is invalid.

Hal Richmond, County Attorney, asked about the changes for the specific use of a school.

Mr. Sexton stated that all issues should have been addressed at the hearing. He contended that a change in the parking lot specification would be invalid at this juncture.

Commissioner Dixon stated that the he was not for holding the project up any longer.

Chair Watson commented that, if you had received approval at the first meeting, parking would have been a issue.

Mr. Richmond stated that there are specific conditions.

Mr. Sexton re-iterated that any specific conditions should have been presented at the time of the original presentation.

Commissioner Holt commented that she was opposed to special conditions of the parking lot since it was not discussed originally.

Chair Watson replied the Board lost their plea in the Court, but the County still must follow the code for the placing of schools.

Thornton Williams, attorney for Metropolitan Cathedral of Truth, addressed the Board in support in response to the Chair's comment. He stated that the evidence has been presented at the hearing. He said that any decision you make should be based on the evidence given. He replied that the Board still would have to decide within the four corners of evidence. He re-iterated that they must rule based on issues that are before them and paving the driveway/ parking lot was not in the record.

Mr. Richmond stated you would still have to meet special requirements.

Mr. Sexton commented, "Only if they were adherent to the operation of the school and the parking issue is not."

Discussion followed.

Mr. Sexton noted once again for the Board, that a full discussion of use should have been raised on record and it was not.

Commissioner Dover stated that a lot of time and money have been spent on this project. He suggested that they table any decision until he could talk with the Pastor and the lawyers for the project.

Mr. Williams replied that his clients have been waiting for 3 years. He added that the issue needed closure tonight. He pleaded with the Board to follow the law and not hinder this project any further.

Commissioner Dixon opposed tabling the issue. He commented "Why go back to court for a parking lot/paving issues?"

Chair Watson stated that he didn't know whether or not the lawsuit excludes the parking lot.

*****Chair Watson called for a 5- minute break.*****

Mr. Williams addressed the Board once again stating that his client would not like to table this issue. He said, "When the time comes, they will do the right thing." He then commented that he was sorry Mr. Ballister didn't do what he was required to do, but, the Board can't impose the parking lot paving at this time.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO ELIMANATE THE PARKING LOT AND ALL OTHER SPECIAL CONDITIONS, THAT WERE NOT IN THE RECORD. CHAIR WATSON OPPOSED THE MOTION.

8. Public Works Director's Agenda, Robert Presnell

Paving Contract - Requested Increase

Mr. Presnell, Public Works Director, addressed the Board regarding paving contract increase with C.W. Roberts Contracting, INC. He commented that C.W. Roberts currently charges \$40.00 per ton of asphalt for paving. They are asking for an increase of \$3.50, which will total \$43.50. He stated that the increase was needed due to the economic conditions that have substantially increased the cost of petroleum products. He commented that if the Board didn't agree with the proposal, they had two choices on 1.) Go out for re-bid 2.) Re-negotiate price with C.W. Roberts. He reminded them that the Board negotiates the contract every October.

Commissioner Dixon commented that the Board needed more documentation.

Commissioner Dover stated that a year is too long to go without an adjustment.

Mr. Richmond said that he had actually negotiated the additional \$3.50. He stated that he was afraid to go over the minimum bid.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE REQUESTED INCREASE OF \$3.50 TOTALING \$43.50 FOR C.W. ROBERTS CONTRACTING, INC. FOR THE PAVING CONTRACT FOR PETROLEUM PRODUCTS.

Change-Order No.37 to Paving Contract with C.W. Roberts Paving Company

Mr. Presnell asked the Board for their approval for Change-Order Number 37 to the road-paving contract with C. W. Roberts Construction Company. The change order is necessary at the new rate of \$43.50 for the new road paving. The following roads are included in the new road-paving list (existing dirt roads) for Gadsden County:

- Elk Club Road
- Goldwire Road
- Bacon Place
- Homer Way
- Plato Place
- Kant Circle
- Swift Street
- Milton Street
- Dante Court
- Virgil Way
- Augustine Road
- Owen Road
- Darwin Place
- Red Fern Road
- Red Fern Court
- Highland Road
- Bill McGill Road
- Hardaway Road 2

UPON MOTION BY COMMISSIONER DOVER AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE CHANGE ORDER NUMBER 37 AT THE NEW RATE WITH ABOVE STATED ROADS LISTED.

9. County Manager's Agenda, Howard McKinnon

A. Library Financing Documents and Resolution No. 2004-13-Request for Approval

Howard McKinnon, County Manager, requested that the Board approve financing documents, Resolution no. 2004-013 and authorized the Chairman to close on documents for the property for the new Quincy Library. He stated that the documents reflected a loan between

Florida Local Government Finance Commission, Pooled Commercial Paper Loan Program and Gadsden County, Florida in the total amount of \$1,625,000.00.

Chair Watson called for public comment. There was no response.

Commissioner Holt inquired about the payment schedule.

Mr. McKinnon stated that the re-payment schedule is as follows:

12/7/2004	\$22,500.00
12/6/2005	\$22,500.00
12/5/2006	\$1,422,500.00
12/4/2007	\$22,500.00
12/2/2008	\$135,000.00

Mr. McKinnon stated that this loan would be replaced by one from USDA after construction is completed.

UPON MOTION BY COMMISSIONER DOVER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE LIBRARY FINANCING DOCUMENTS, RESOLUTION AND AUTHORIZE CHAIRMAN TO SIGN CLOSING DOCUMENTS.

B. Resolution No. 2004-012-Membership Apportionment of the Tallahassee - Leon County MPO

Mr. McKinnon explained the Resolution Number 2004-12 is a Resolution of Gadsden County, Florida supporting the membership apportionment of the Tallahassee-Leon County Metropolitan Planning Organization. He stated that on May 17, 2004, the Tallahassee-Leon County Metropolitan Planning Organization approved the Apportionment Plan.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE RESOLUTION NUMBER 2004-12 SUPPORTING THE MEMBERSHIP APPORTIONMENT OF THE TALLAHASSEE - LEON COUNTY METROPOLITAN PLANNING ORGANIZATION (MPO).

C.Certification of Taxable Value (Attached)

Mr. McKinnon reported that the Property Appraiser has submitted the Certification Taxable Value for 2004 year. Gadsden County was at the operating millage levy of 10.00 per \$1,000.00.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE CERTIFICATION OF TAXABLE VALUE DR 420 AS SUBMITTED BY THE PROPERTY APPRAISER.

D.School Readiness Coalition Grant Request
HHS-ACF-CCB-ELOA-04-01

Mr. McKinnon commented on the School Readiness Coalition Grant support request. He then asked the Board if it was their desire to approve a letter of designation authorizing the Chairman's signature. He commented that it was for the School Readiness Coalition to develop and submit an application/grant to the Administration on Children, Youth and Families, Child Care Bureau, in response to the Early Learning Opportunities Act (ELOA) program.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN'S SIGNATURE ON THE SCHOOL READINESS COALITION GRANT REQUEST.

10. Consent Agenda - For Approval

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

- a. Medicare Overpayment Appeal - Designated Representative -David Werfel, the Attorney representing Florida Ambulance Association
- b. Petroleum Products Bid #04-05 for Premium Unleaded Gasoline -.0141, and +.0194 for #2 Low Sulfur Diesel Fuel over the OPIS/Bainbridge Average.
- c. TDS Telecom Internet Service Pricing and Contract Library for ASDL Dedicated Internet Service

- d. Renewal of Animal Services Interlocal Agreement with City of Quincy from 1st day of April, 2004 and shall continue for a period of three years
- e. FY 2003 Tax Year List of Errors & Insolvencies Report Submitted by Tax Collector
- f. SHIP Agreement and Special Assessment Lien - Margaret E. Martin
- g. SHIP Agreement and Special Assessment Lien - Shelia Lewis
- h. Interagency/Public Works Agreements with Department of Corrections: IA#1 Gadsden County Road & Bridge; IA #2 Gadsden County Road & Bridge; IA#4 Gadsden County Road & Bridge; IA#5 Gadsden County Road & Bridge; IA#6 Gadsden County Road & Bridge; PWS #1 Gadsden County Board of County Commissioners; PWS#2 Gadsden County Court House; PWS #3 Gadsden County Road & Bridge; and PWS #5 Gadsden County Park Services
- i. Enhanced 911 - Request for New Road Name - High Bridge Plantation Road west off High Bridge Road (SR 268) South of St. Joe
- j. NACO Annual Conference Travel for Commissioner Dixon and Commissioner Holt to Phoenix, Arizona July 15-21, 2004
- k. Donation of Old Cell Phones to Gadsden Women to Women Organization
- l. Ordinance Number 2004-3-City of Midway, Voluntarily Annexing 1.63 Acres into City of Midway, Florida (for the record only)
- m. Minutes of Gadsden County Tourist Development Council - May 18, 2004 (for the record only)

12. PUBLIC COMMENT

Chair Watson called for public comment.

- Jim Kellum

13. CLERK'S AGENDA

Budget Amendments 2004-07-06-01 through 2004-07-06-09

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

Ratification of Approval to Pay County Bills: Accounts Payable Registers Dated June 18,2004, June 25,2004, and July 2,2004; and Payroll Deductions Register Dated June 24, 2004; and Payroll Register Dated June 24, 2004

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

(For the Record only)

- State of Florida Annual Local Government Financial Report for Fiscal Year 2002-03
- Cash Report as of 6/15/04
- Financial Statements as of 06/04
- Tax Deeds
 1. Parcel ID # 7324NW0000004110510
 2. Parcel ID # 7334N5W0000001330410
 3. Parcel ID # 70L0R0S0000685001500
 4. Parcel ID # 7344N5W00000013300410
 5. Parcel ID # 2043N6W0000004221100
 6. Parcel ID # 3062N3W000003420100
 7. Parcel ID # 3082N3W0000002341000
 8. Parcel ID # 3122N4W0000004111700
 9. Parcel ID # 3062N3W0000003420200
 10. Parcel ID # 2033N6W0000002120900

COMMISSIONER'S AGENDA

District 1

Commissioner Dover had no report.

District 3

Commissioner Roberson congratulated Commissioner Edward Dixon on his appointment as the County's representative to the Small County Coalition. She said that he was also appointed to serve on the Executive Board.

District 4

Commissioner Holt thanked Hinson Oil for the \$8,000.00 pipe they donated to the County to be used

for improvements on Woodberry Rd across US 90 from the Highway Patrol Office.

District 5

Commissioner Dixon commented on \$50,000.00 Homestead Exemption Referendum for the State advising that it will not look good for Gadsden County. He said that the Supreme Court hasn't made a final decision regarding the matter.

District 1

Chair Watson had no report.

ADJOURNMENT

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

Sterling Watson, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
IN AND FOR GADSDEN COUNTY,
FLORIDA ON AUGUST 3, 2004,
THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT:

STERLING WATSON, CHAIR
CAROLYN ROBERSON, VICE-CHAIR
WALTER D. DOVER
BRENDA HOLT
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

1.MEETING CALLED TO ORDER

Chair Watson called the meeting to order and led in pledging allegiance to the US Flag. Mr. McKinnon led in the invocation.

2.ADOPTION OF AGENDA

The agenda was amended as follows:

- Removal Item No. 6 under the Growth Management Director's Agenda, No. 6 letter D the Errata Land Use Map Land Use Amendments - 2nd Reading of Ordinance 2004, rescheduled for September 7, 2004 meeting.
- Remove Item No. 6 under the Growth Management Director's Agenda, No. 4 the Train Tracks Bawg'n-Special Exception Use. At the applicants request it was pulled from the agenda and continued to the September 7, 2004 meeting.
- Add a presentation from the National Advancement of Colored People (NAACP) of Gadsden County to follow Item 3 - the approval of the minutes.

- Commissioner Dixon asked for the removal of Item No. 8 letter "k" - Construction Licensing Board Nominees from the Consent Agenda-For Approval to be tabled until the next meeting August 17, 2004.

Mr. McKinnon announced again for the record that the Public Hearing for Errata Land Use Amendment Public Hearing had been rescheduled for September 7, 2004.

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

3. APPROVAL OF MINUTES

June 15, 2004 Regular Meeting

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

Presentation from the NAACP

Erika Alexander, Secretary of the Youth Branch of the NAACP in Gadsden County, presented Commissioner Edward Dixon the "Lifetime Achievement Award." She gave a brief background summary, including the fact that he was the longest serving Commissioner on the present Board.

4. COUNTY ATTORNEY'S AGENDA, HAL RICHMOND Case # 01-1600-CAA

Mr. Richmond reported that Judge Crusoe made a ruling on the lawsuit of City of Midway v/s Gadsden County in regards to the Columbia Anderson Asphalt Plant. He said that on July 30, 2004, the Judge entered a final judgment dismissing the litigation. He also added that the City of Midway would have 30 days to appeal the judgment.

5. GROWTH MANAGEMENT DIRECTOR'S AGENDA, BRUCE BALLISTER

1. Williams Land Use Amendment - 04PZ-041-203-4-06

Mr. Ballister read the comments and staff recommendations as listed in the agenda packets for

the Williams Land Use Amendment. He said that the applicant, Graves Williams, is requesting a Large Scale Land Use Amendment totaling 1,105 acres, more or less. Specifically, the request is for 900 acres from Ag3 and Ag2 to Ag1 and 205 from Ag3 & Ag2 to Conservation. The properties are located between and along the west side of Glory Road immediately northwest of the Farms at Quincy. The majority of the lands to the north, west and south of the subject parcels are designated as Ag2 with the property across Glory Road being designated as Ag3. The property is known as High Hopes Farms. He said that a portion of the High Hopes Farms property is located within the corporate limits of the City of Gretna but is not a part of this application.

Mr. Ballister stated that the application seeks an increase in density to allow the creation of single-family site-built homes in a conservation style development. This format maximizes the clustering potential allowed for in the Comprehensive Plan Policy 1.1.5 for the land use category while maintaining the largest amount of open space.

Mr. Richmond announced that this proceeding was a Quasi-Judicial Hearing in which each person testifying must be given an oath. He then proceeded to administer an oath to Mr. Ballister as to his testimony for all the matters that would follow in this meeting. (Mr. Richmond is a Notary Licensed by the State of Florida.

Mr. Richmond asked Mr. Ballister what was the recommendation by the Planning and Zoning (P&Z) Commission. He then asked if the hearing was properly noticed and advertised.

Mr. Ballister replied that P&Z Commission recommended approval of the Land Use Amendment. He said that one person spoke out opposing the project. Patrica Stevens Due and her husband are adjacent property owners to the proposed High Hope Farms.

Micheal Sherman, Principal Planner, for High Hopes Farms spoke in support of the project. He gave a detailed power-point presentation. He explained that Mr. Williams was requesting the land use change so that he develop the property for residential uses,

(specifically single-family site-built homes) and, at the same time, preserve the rural landscape. He commented that the preservation of the rural landscape would be accomplished by using the principles of the "conservation subdivision" v/s the "conventional subdivision design." The conservation subdivision approach emphasizes the location of the development with respect to the landscape and farming operations in the area as well as on the property itself. The term "conservation subdivision design" refers to residential developments where half or more of the buildable land area is designated as undivided, permanent "open space" at a neutral density to existing. He said that there would only be site-built homes. He commented that he had meet with some of the property owners along Timmons Road.

Commissioner Holt questioned the open space area in the conceptual plat of High Hopes Farm. She asked if City of Gretna had been notified that a project of that magnitude was coming to the area. She stated that it behooves the County to work with the cities when it approves projects that would affect their area. She suggested that they form workshops to include local municipalities.

Commissioner Dixon stated that the Comprehensive Plan forces the County to work with the cities on developments coming to their areas and around their boundaries.

Commissioner Dixon inquired about a recreation area. He commented that with the number of homes proposed on the site, there would need to be some form of recreation provided.

Mr. Sherman replied that they have set aside 550 acres for open space/recreation. He commented that with the "Conservation Subdivision Design" there are 3 options that could be used.

- Public Trust
- Local Government
- Homeowners Association

Commissioner Dixon asked if there would be central water and sewer. He commented that the Board

needed to work with cities to hook up with their central water and sewer systems if available.

Mr. Ballister concurred. He stated that he is working along with the County Engineer on a grant for sewer expansion. He said that a sewer study had already been completed.

Chair Watson called for public comment.

Public Comment

- **Chris Sykes**, President of the Farms of Quincy was administered an oath by Hal Richmond, Notary Public. He stated concerns of the increased traffic and sewage. He commented that the land to be deeded to the Homeowners Association should be specified. He said that everything should be in writing and have enforceable rules.
- **Patricia Stevens Due**, resident of 1381 Timmons Road, was administered an oath by Hal Richmond, Notary Public. She commented that many residents out in the proposed area did not receive the public notices. She stated her concerns regarding the increased traffic and the caliber of homes that would be coming to the area.
- **Dan Winchester**, of Creative Planning Group, was administered an oath by Hal Richmond, Notary Public. He spoke in support of the project. He said they would be willing to meet with residents if additional meetings are needed. He said that they would like to offer sewer if it could be available and would hold a public workshop with the City of Gretna regarding it. He asked that the Board forward the application to the Department of Community Affairs (DCA) for comments and reviews.

Commissioner Holt commented that she had no problem with the transmittal to DCA for comments. She voiced her concerns regarding the septic tanks and the addition of underground utilities.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE TRANSMITTAL OF THE LAND USE CHANGE TO DCA FOR COMMENTS AND REVIEW.

2.Emanuel Gardens Major Subdivision-Preliminary Plat
04PZ-017-207.02-03

Mr. Ballister read the comments and staff Recommendations as listed in the attached agenda packets for Emanuel Gardens Major Subdivision. He commented that the applicant, Maurice Evans, has submitted a Preliminary Plat for his major subdivision at the intersection of CR 267 and Shade Farm Road. The site is located in the St. Johns community in a Rural Residential (RR) land use district. The total site area is 25.74 acres and is to include up to 25 single-family lots. In order to achieve this unit count from the base density, the applicant proposes to cluster the lots. This provision is made in the Comp Plan in Policy 1.1.5,(B)for lots down to one half acre with the provision that the developer limits the development to site built homes. In the Land Development Code the definition of site-built homes does not include DCA modular units.

He said that the plat proposes a 60' right of way with the proposed road name of MaKayla Lane. The Preliminary Plat now reflects an out parcel, a piece of the former boundary that is not claimed as being included in the plat. He stated that this is problematic for the unit count. The applicant has decided to leave this 1.14 acre parcel out of the future subdivision, but, its abandonment by the plat creates a defector parcel of land, in effect a 26th lot, which is one too many.

Chair Watson questioned the number of lots. He asked how many were approved at Conceptual Plat.

Mr. Ballister replied that he believed it was 24 approved at the Conceptual Plat.

Mark Shustar, Engineer with Paradigm Engineers & Consultants was administered an oath by Hal Richmond, Notary Public. He spoke in support of the project. He addressed the concern with the additional lot. He talked about the 1.00 lot thought to be owned by Mrs. Bradley. He said that the applicant is willing to give Mrs. Bradley the lot as a boundary settlement.

Maurice Evans, applicant was administered an oath by Hal Richmond, Notary Public. He replied that records show that Mrs. Bradley never owned the out parcel 1.00-acre property. He said that when he bought the property, and he had clear title to all 25.72 acres. He said that he didn't want the out-parcel to hinder the project. He said that the title search shows that it is under his ownership and when the survey was performed, it included the out parcel. He said he would be willing to let her have it if it meant he could move forward with the project with 25 lots.

Chair Watson asked if Mrs. Bradley understood that the lot was not as large as she had thought it to be.

Mr. Richmond replied that there was nothing recorded that said she ever owned the lot.

Commissioner Dixon commended Mr. Evans for his generosity.

Commissioner Roberson asked would the land be deed to Mrs. Bradley.

Mr. Evans stated that the land would be deeded to Mrs. Bradley and properly recorded.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE EMANUEL GARDENS MAJOR SUBDIVISION PRELIMINARY PLAT WITH THE ADDITION OF A VEGETATATED BUFFER ALONG DREW ELLIS ROAD AND THE NEW SITE DEVELOPMENT MAP SHOWING 25 LOTS WITH ADDITIONAL OUT-PARCEL.

3.B&L Auto - Neighborhood Commercial with Variances -
04PZ-024-205-2-03

Mr. Ballister read the comments and staff recommendations as listed in the agenda packets for B & L Auto. He stated that applicant, Mr. Warren Langston, is requesting permission to operate a minor automotive repair shop on his 4.58 acre property located at 337 Friday Road. The property is further identified by parcel number 2-2N-3W-0000-00423-0200.

The neighborhood commercial uses includes "Minor Truck/Auto Repair (no more than three bays)." The site is located in Rural Residential which allows for neighborhood commercial uses, but, it does not meet all of the requirements of Subsection 5204(B)2 of the Land Development Code (LDC). The Subsection restricts neighborhood commercial uses on parcels greater than 2.0 acres and locating on neighborhood roadway.

Staff recommendations

If the location is approved, the applicant should bring the site up to the current development standards for non-residential site development as directed in Chapter 5 of the Land Development Code.) This recommendation includes, but is not limited too, stormwater retention, paved driveway and parking, ADA restrooms and handicapped accessibility, and the other requirements of the Code.

Planning Commission Discussion

At the P&Z Commission meeting, it was determined that the applicant was seeking two variances. The first was for location. The second variance was to the Code, which involved the request for gravel parking and a reduction in the standard for stormwater management. The Planning Commission voted 8:1 to recommend approval of the gravel parking and a reduction of the stormwater requirement to FDEP parameters, and to require compliance with the ADA guidelines.

Chair Watson inquired about the number of stocked vehicles that would be on the property. He also inquired as to the location of the fence.

Mr. Ballister commented that P&Z recommended that the property not be allowed to accumulate non-working vehicles and degenerate into a junkyard. He said they also recommended that repair inventory be shielded by fencing. He suggested that the fence be located along the existing metal building and Friday Road. He said the vehicles should remain behind the fence or place a vegetated buffer along Friday Road.

Commissioner Dixon inquired about enforcement to make sure the Development Orders are being followed.

Discussion followed among the Board.

Commissioner Holt recommended capping the number of cars that could be stored on the property while awaiting repair.

Brent Langston, the applicant, was administered an oath by Hal Richmond, Notary Public. He spoke in support of the variances.

Mr. Ballister made the suggestion that the number of cars be capped at 15. He also suggested that opaque fencing be required.

Chair Watson asked if the 15 cars would be behind the opaque fence.

Mr. Ballister replied that 15 cars would be the max that could be housed on the premises at any one time. He commented that the cars would have to be shielded by organics. He suggested a double row of red tops.

Richard Thompson was administered an oath by Hal Richmond. He spoke neither for nor against the variances. He said that in an effort to help with the enforcement of some of the development orders the County should invest in bounty hunters. He then said that this application is for a non - conforming commercial use on land that is in the rural residential category. It was presented to the Board as neighborhood commercial site plan with variances. He pointed out that neighborhood commercial is a land use category. He listed the types neighborhood commercial uses allowed in a rural residential or agriculture area require a special exemption. He asked the Board would they allow a neighborhood commercial to be located in the rural residential area. He stated that it was a 3 - step process.

Discussion followed among the Board.

Commissioner Holt asked if neighbors had raised objections or concerns.

Mr. Ballister stated that neighbors had given no input for or against the project.

Commissioner Holt asked if all the properties around the proposed subdivision are zoned residential.

Mr. Ballister replied that some of the land was classified as Agriculture.

UPON MOTION BY COMMISSIONER WATSON AND SECOND COMMISSIONER DOVER, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE VARIANCE WITH SPECIAL CONDITIONS LISTED AS A GRAVEL DRIVEWAY, STORM WATER DETENTION, ADA RESTROOMS, 15 CAR MAXIMUM OF STORED VEHICLES TO BE SHEILDED BY A DOUBLE ROW OF RED TOP ORGANICS. COMMISSIONERS DIXON AND HOLT OPPOSED THE MOTION.

4.Life Center - Elderly Housing - Special Exception
Use- 04PZ-042-207.01-4-06 Meadow Park Independent
Living Facility

Mr. Ballister gave the comments and staff recommendations for the Life Center Elderly Housing. He commented that the applicants, Innovative Health Care Management Services, have applied to construct a 60 unit residential building for low-income senior citizens. He said Section 4300 of (the Land Development Code permits institutional uses) in the care facilities as Class 2 Institutional uses. The proposed project is a Department of Housing and Urban Development (HUD) 202 rent assistance facility designed to provide adequate and decent housing for low-income seniors. The commercial land use district has density requirements for mobile home parks so unit count is not applicable to this review.

Mr. Ballister stated that the current land owner, Mr. Charlie Harris, will sell the property (13.0 acres) to the developer subject to the land use change and the site plan approval. Mr. Harris has provided consent for property use form for this application. The project is to be located on the property now occupied by the Sirrah Flea Market, which is being converted to Commercial from Public, which also permits institutional uses. He commented that the

Planning Commission voted 9 - 0 to recommend approval of the facility.

Dewayne Harvey of Innovative Health Care Management Service addressed the Board in support of the project. He gave a power-point presentation from start to finish of the Life Center. He said that the proposed Meadow Park Independent Living Facility has 60 units. He said that they are applying for a \$4 million grant from HUD. He stated that if approved, the facility would be located at 1815 Bluestar Highway. He commented that they had worked on projects locally and in Sarasota and Tallahassee, Florida.

Chair Watson inquired about the timeline of the project.

Mr. Harvey replied that it would take 9 months to receive notification that the grant has been approved. He stated that it would take 1 year to construct and 3 years before you see build out.

Commissioner Dover inquired about the maintenance upkeep of the facility.

Mr. Harvey replied that the building would be maintained and kept up to HUD standards by Maintenance that would be employed at the premises. He said that HUD inspects every year.

Commissioner Holt asked about recreation or walkways for the elderly.

Mr. Harvey stated that there were no plans for recreation, but if the Board wished they could arrange for it to be added.

Mr. Ballister commented on the existing building that was used as a storage facility or flea market. He asked would it be in combination with the elderly housing Life Center or would it be demolished.

The Board stated that the storage facility would not be allowed to remain once construction of the Life Center has started. The Board re-iterated that they are approving only the Life Center.

Chair Watson called for public comment. There was no response.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE SPECIAL EXCEPTION USE FOR THE LIFE CENTER ELDERLY HOUSING.

Mr. Ballister asked the Board if the applicant could be relieved of the normal site-plan deadlines, so that he wouldn't have to come back with continuing changes as he goes through the grant process.

The Board gave consensus that a letter asking for extension would suffice.

5.Comprehensive Plan Text & Map Amendments 2004-1

A. PUBLIC HEARING - Harris & Frazier Small Scale Land Use Map Amendments - 2nd Reading of Ordinance 2004-05

HARRIS 04PZ-017-207.01-5-05

Mr. Ballister gave the overview for the Harris Land Use Amendments. He said that the Charles Harris amendment of 2.44 acres from Public to Commercial, if approved above requires adoption by ordinance in order to become effective. The property is located at 1815 Bluestar Highway, Gadsden County, Florida.

FRAZIER 04PZ-022-205-2-03

Mr. Ballister gave the overview for the Frazier Land Use Amendments. He said that the Frazier amendment of 4.94 acres from Agriculture 2 to Rural Residential was approved previously this spring at the May 5, 2004 BCC meeting. The property is located at 122 Old Philadelphia Church Road, Gadsden County, Florida.

Mr. Ballister commented that both Land Use Amendments would be forwarded to DCA for update upon completion of the ordinance adoption process. He stated that both small-scale amendments are included in one ordinance.

Chair Watson called for public comment.

Public Comment

- Mr. Fletcher (unknown first name) asked about the changes to the ERRATA Map.

The Board told Mr. Fletcher that the ERRATA Land Use Amendment had been pulled from the agenda and rescheduled for September 7, 2004.

Mr. Ballister read the title of Ordinance 2004-05 into the record. The first reading occurred at the July 6, 2004 BCC meeting.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ADOPT THE ABOVE STATED ORDINANCE 2004-05.

*Commissioner Dixon was not present at this juncture of the meeting.

**B. PUBLIC HEARING - Text, Mortham & Gray Large Scale
Land Use Map Amendments 2nd Reading of Ordinance
2004-06**

Gray 03PZ-040-201.01-2-10

Mr. Ballister gave the overview for the Mortham & Gray Land Use Amendments. He stated that Sidney Gray owns the property. He said that the Planning Commission heard the Gray amendment 21.37 acres from Agriculture 3 to Ag 1 on December 3rd, 2003. The application was heard and approved by the Board on January 6, 2004. The land is located on the north side of Shady Rest Road about a half-mile from SR12 on the north side of the roadway. He concluded that Mr. Gray had agreed to only site built homes and that there would be no further subdivision on those 4 lots.

Mortham 03PZ-031-208-5-07

Mr. Ballister gave the overview for the Mortham Land Use Amendment. Mr. Ballister stated that Allen Mortham owns the property. It consists of 446.67 acres of Agriculture 3 to Agriculture 1 and 68.3 acres of

Conservation to Agriculture 1. It was heard several times in 2003 with the most recent hearings before the Planning Commission on December 3, 2003 and by the County Commission on January 6, 2004. It was transmitted to DCA. Mr. Ballister stated that he had received DCA's ORC report. The property adjoins the Miller and McCord Development to the south (currently before DCA review.) The site is also adjacent to Rocky Comfort Creek to the east and Bear Creek to the north..

Mr. Ballister read the title of the Ordinance 2004-06 titled Mortham & Gray Land Use Amendments into the record. The first reading occurred at the July 6, 2004 meeting.

Chair Watson called for public comment.

Public Comment

- **Lee Avery** was administered an oath by Hal Richmond, Notary Public. He spoke in opposition to the Gray Land Use Amendment going from Ag3 to Ag1.
- **Marion Lasley** was administered an oath by Hal Richmond, Notary Public. She questioned the Mortham Land Use Amendment in dealing with the wetlands Policy 5.2.20. She stated that she thought there would be discussion from P&Z at the August 4, 2004 meeting. She asked for clarification from Mr. Ballister.

Mr. Ballister stated that they had struck the text change amendments from this ordinance and it only deals with map changes. He said that the Text amendments would be heard separately. He emphasized that there would be no transmittal to DCA with any text changes for the Mortham Land Use Amendment.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT THE ABOVE STATED ORDINANCE 2004-06 WITH MAP CHANGES ONLY. THE TEXT CHANGES IN THE MORTHAM LAND USE AMENDMENT WOULD NOT BE SUBMITTED FOR APPROVAL TO DCA.

**C.Text Amendments, Recreation and Capital
Improvements Elements - 2nd Reading of Ordinance**

2004-07

Mr. Ballister commented that earlier this year, in developing grant strategies, he advertised public hearings and held discussions on revisions to the Traffic Circulation, Recreation, and Capital Improvements elements. He said that none of the changes in the Traffic Circulation Element were adopted by DCA. The Recreation and Capital Improvements elements were submitted for review. This review resulted in one comment in the ORC report. This comment is specifically in regard to proposed policy 6.5.7, which provides for restoration of 75% of all degraded natural areas.

Mr. Ballister read the title Ordinance 2004-07 into record. The first reading occurred on July 6, 2004 at the BCC meeting.

Chair Watson called for public comment. There was no response.

UPON MOTION BY COMMISSIONER DOVER AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT THE ORDINANCE 2004-07 AS STATED ABOVE.

6. Concordia Baptist Church - Request For Policy
Revision and/or Variance - 04PZ-025-201.02-1-03
(Attached)

Mr. Ballister gave comments and staff recommendations for the application filed by Concordia Baptist Church. He commented that the Concordia Baptist Church has an approved Development Order for a multipurpose building to be constructed on their property on Concord Road. As a part of this permit, the church is required to comply with FDEP permitting requirements for storm water quality treatment and additional county requirements for flood control. He commented that the request is to modify the policy in the Stormwater Policy and Procedures Manual that would increase the scope of exemptions for rural churches. He said that the church would need a variance from the current policy until the new language is heard and formally adopted.

Commissioner Holt inquired as to what hardships resulted in the request for the variance.

Mr. Ballister replied it was the size of the storm water retention pond they needed to construct.

Chair Watson commented that they would build a pond that would treat the run-off, but, it won't be large enough to cover a major flood problem.

Mr. Ballister responded affirmatively. He stated that the County waived the requirement to comply with Department of Environmental Protection (DEP) thresholds. He commented that they were already in the 1000 ft limit in DEP permit. He said that they would have to comply with that factor regardless. He said rather they seek the smaller pond or the long swale it still has to be addressed.

Gordan Adank, Pastor of Concordia Baptist Church spoke in support of the variance.

Chair Watson commented that he was in support of changing the policy to help some of the smaller rural churches.

Discussion followed among the Board.

Commissioner Dixon asked why the policy had not

Mr. Ballister commented that a change in policy would have to be heard by P&Z Commission, as a prior function is policy change. He said that a variance is heard before the Board.

There was a motion by Commissioner Dixon and a second by Commissioner Roberson for approval of the variance only. It was held for questioning.

Chair Watson called for public comment.

Chair Watson recognized **Marion Lasley** for comments. She stated it was unfair to the applicant for the two topics the variance and the policy to be discussed at this meeting. She commented that each site should be evaluated separately for their own merits and that new language was not needed.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE REQUEST FOR A VARIANCE FOR CONCORDIA BAPTIST CHURCH WITHOUT POLICY REVISIONS.

Commissioner Holt recommended that the Board schedule workshops to work out issues.

7. COUNTY MANAGER'S AGENDA, HOWARD MCKINNON

Issues Relating to Dumpster Collection Site

Mr. McKinnon commented that the dumpster collection site in District 5 (Lake Talquin area) had received a complaint. He stated that the adjacent landowner George Owens, who borders the dumpster collection site, has reported that he has suffered an economic loss. He indicated a home construction loan was reduced 25% by the lending institution because of the dumpsters. He stated earlier at a previous meeting back in February of this year that the site is a nuisance due to the smell and trash thrown on the ground. He is requesting that the site be moved.

Chair Watson asked what was the possibility of moving the site.

Robert Presnell, Public Works Director, commented that his staff could move the site. The problem is with a new location.

Discussion followed among the Board.

Chair Watson commented that he had no problem with moving the site.

Commissioner Dixon stated that moving the site south causes a problem. He said that moving north would be more accessible to the public.

Mr. Presnell commented that his staff would look north for a site.

Commissioner Holt inquired about leasing of properties for dumpster or having documents in writing.

Mr. Presnell stated that most Counties usually put landfills on county owned property.

George Owens, adjacent landowner to the Lake Talquin Dumpster site, spoke in opposition of the dumpster site. He stated that he addressed the Board on the issue of the landfill back at the February 03, 2004.

Commissioner Dixon said that he would go back and negotiate with a gentlemen that he had previously spoken to about the placement of the dumpster site along with looking for other locations north. He commented that if all efforts failed they would move the dumpster site 1 mile south.

It was the consensus of the Board to move the site and look for a site in the northern direction that would be more accessible. If one could not be found the dumpster would be moved 1 mile south.

Budget Workshop Dates

Budget Workshop dates were set as follows:

- Thursday, September 2, 2004 - non- profits
- Monday, September 6, 2004 - Budget update

7. CONSENT AGENDA - FOR APPROVAL

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

- a. Employee Assistance Program Agreement- with Solutions EAP
- b. Bid# 04-07- Rescue/Brush Unit- low bid submitted by PaMaRo, Inc. of Cedar Key, Fl in the amount \$13,825.00
- c. Mosquito Control Agreement with Department of Agriculture and Consumer Services, Contract #008597
- c. Leon/Gadsden School Readiness Coalition designee Howard McKinnon
- e. Share plan with Nextel Partners, Inc.- Public Works Department
- f. Change Order #38 to contract with C. W. Roberts Paving-Roads to be paved: Elk Club Rd, Goldwire Rd, Bacon Place, Homer Way, Kant Circle,

- Swift Street, Milton Street, Dante Court, Virgil Way Augustine Road, Owen Road, Darwin Place, Red Fern Road, Red Fern Court, Highland Road, Bill McGill Road, Hardaway Rd II - Resurfaced Roads: Spooner Rd, Smithtown Rd, Sierra Rd, Cross Creek Place, Eastern Way, Prospect Place, Southgate Place
- g. SHIP Agreement and Special Assessment Lien: Erika Cotton; Ira Diggs; Lula Mae Hall; Ruthie Mae Cox; and Bertha Mae Cheasmon
 - h. Contract for Rehabilitation Work: Bertha Mae Cheasmon; Ruthie Mae Cox; and Lula Mae Hall
 - i. Satisfaction of Housing Agreement - Connie Jones
 - j. Agreement for State Homeland Security Grant - Contract #05DS-02-30-01 Office of Domestic Preparedness in the amount of \$69,747.00
 - k. Construction Licensing Board Nominees-pulled from the consent agenda by the request of Commissioner Dixon
 - l. Resurfacing of Hospital Parking Lot - Bid #04-08- Awarded to Peavy & Son Construction of Havana in the amount of the low bid of \$40,187.00
 - m. Request for New Road Names; Cecil Court; Munoz Lane; Niki Street; and DJ Lane
8. Consent Agenda - For the Record
- n. June 2004 Economic Development Report
 - o. Minutes of Gadsden County Tourist Development Council Meeting of June 15, 2004
 - p. Resolution No. 2004-014-Recognizing Contributions of Vivian Davis Kelly
 - q. Midway Ordinance No. 2004-04 - Annexing Approximately 7.35 Acres into City of Midway
 - r. Midway Ordinance No. 2004-05 - Annexing Approximately 4.83 Acres into City of Midway

Public Comment

Chair Watson called for public comment.

- **Master Robinson**, resident of Hogan Lane, addressed the Board regarding the trash that comes from Wal-Mart Discount Store located on Pat Thomas Highway and the corner of Hogan Lane.

Mr. Robinson also mentioned that a light of some sort was needed for the top of Hogan Lane where it intersects with Pat Thomas Parkway.

Commissioner Dixon replied that he would write asking Wal-Mart to police Hogan Lane. He stated that a letter was written to the state for a light at that location. He said that the request was denied. He asked Mr. McKinnon if he would direct another correspondence to the State for the light.

Mr. Richmond spoke to Mr. Robinson about a lawsuit that's pending between Autozone and adjacent landowners. He commented that the claim was that people who used the store were placing their trash from the store on their property. He mentioned a form (statement of claims) that could be filed in the Small Claims Office of the Courthouse.

10. CLERK'S AGENDA, NICHOLAS THOMAS

Budget Amendments 2004-08-03-01 through 2004-08-03-04

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

Ratification of Approval to Pay County Bills: Accounts Payable - July 9, 2004; July 16, 2004; July 23, 2004; and July 30, 2004; and Payroll Registers Dated: July 8, 2004 and July 22, 2004

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

(For the Record only)

• **Tax Deeds**

1. Parcel ID# 2033N6W0000002320200
2. Parcel ID# 3072N3W06900000B0031
3. Parcel ID# 2043N6W0000004221100

11. COMMISSIONER'S AGENDA

District 1

Commissioner Dover had no report.

District 3

Commissioner Roberson had no report.

District 4

Commissioner Holt made the request of receiving updates from the consent agenda. She mentioned the Homeland Security Grant Contract# 05DS-02-30-01. She commented that, for informational purposes, it would be beneficial to know whether or not the County had received the grant before. She also requested the stats from the Employee Assistance Program. She stated that when constituents asked how particular programs work they would be able to give them facts.

Commissioner Holt stated that in Orlando she had been appointed to serve on the Healthy Human Service Committee Florida Association of Counties (FACT) where she serves as Vice-Chairman. She commented that she was informed and learned of a lot of beneficial information where counties may be liable to cover certain items if they don't voice their concerns in a attachment wavier that's being sent on behalf on the State of Florida. She mentioned how counties could have to cover 2 more days of Medicare expense and transportation of elderly to the doctors. She stated that the Governor Jeb Bush would be receiving a letter from the County Association in about two weeks requesting to be notified on what's in the waiver for the State of Florida. She commented that if the County had input they should not hesitate in writing to the County Association so that it may be forwarded to the Governor on behalf on small counties.

District 5

Commissioner Dixon commented on the National Association of Counties Officials (NACO) Phoenix, Arizona trip. He stated that all workshops that he attended were excellent.

District 2

Chair Watson had no report.

ADJOURNMENT

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

Sterling Watson, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON AUGUST 17,
2004, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

STERLING WATSON, CHAIR
CAROLYN ROBERSON, VICE-CHAIR
WALTER D. DOVER
BRENDA HOLT
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

1.MEETING CALLED TO ORDER

Chair Watson called the meeting to order and led in pledging allegiance to the US Flag. Commissioner Dover led in the invocation.

2.ADOPTION OF AGENDA

The agenda was amended to include the following:

- Addition of approval and presentation of Resolution No. 2004-015 to the 2004 Quincy National Majors Baseball Team.
- Addition of approval and presentation of Resolution No. 2004-016 to the 2004 Quincy National AAA All-Star Baseball Team.
- Addition of Paul Pillar, Midway City Manager-Interlocal Agreement for Florida Small Cities Community Development Block Grant Economic Development Category for City of Midway.
- Addition of the Memorandum of Understanding between the City of Quincy, Talquin Electric Cooperative, Gadsden County and Peter Patel regarding Sanitary Sewer Service to the SR 267/Interstate 10 Interchange area.
- Addition of Approval of the Construction Industry Board Nominees.

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

3. APPROVAL OF MINUTES

July 6, 2004 - Regular Meeting

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

4. COUNTY ATTORNEY'S AGENDA

Mr. Richmond had no report.

5. Quincy National Majors Baseball Team Resolution 2004-15

Chair Watson presented the Quincy National Majors baseball Team with Resolution 2004-15. The Board congratulated the team under the leadership of Mr. Bradley Joyner on winning the district championship. Chair Watson commented that it was the first ever Dixie Youth Majors State Tournament that the team had participated in and that each team member would receive a copy of the resolution.

Quincy National AAA All-Star Baseball Team Resolution 2004-16

Chair Watson presented the Quincy National AAA All-Star Baseball Team with Resolution 2004-16. The Board congratulated the team under the leadership on Mr. Tommy Young on an outstanding season. He mentioned that the team had the participation of a young lady this season Montana Manley. He also noted that this was the teams first ever participation in the Dixie Youth State Tournament and that each team member would receive a copy of the resolution.

Johnny Randolph, City of Quincy Parks and Recreation Director, presented the Board with autographed baseballs compliments of the All-Star teams.

5. MEMORANDUM OF UNDERSTANDING (ATTACHED)

Mr. McKinnon called attention to the Memorandum of Understanding between the City of Quincy, the Talquin

Electric Cooperative (TEC), (water and sewer operations departments to the south of I-10), Gadsden County, including its Board, County Manager and Planning Department Director, County Engineer, and Peter Patel the principally affected property owner requesting service. He commented that they are attempting to apply for a grant by the end of this month and the Memorandum of Understanding is needed to complete the application package.

Mr. Ballister commented that TEC would construct a lift station on the property of Peter Patel's proposed Hampton Inn adjacent to the I-10 right-of-way. He said that it would have to be of sufficient force to connect to the City of Quincy's forced main in a manner approved by the City at a convenient point along Joe Adams Road near the Pat Thomas Parkway. He also said that TEC will construct associated gravity sewers to serve existing and proposed development areas at the interchange.

Mr. Ballister mentioned several important factors such as the City would grant TEC a five-year capacity reservation of up to thirty thousand gallons per day, (30,000 GPD). The City shall charge TEC as a customer, at the normal rate of service for city customers plus three dollars per thousand gallons.

Mr. Ballister highlighted some of the risks taken by Mr. Patel. He said that in certifying future employment as is necessary for the acquisition of an Economic Development Grant, Hampton Inn will not be charged capacity charges at the time of connection to the City's sewer system. He said that upon conversion to a local TEC operated Waste Water Treatment Plant (WWTP), Hampton Inn would not be required to pay system charge. He gave for example purposes, if the future STP and disposal system is 80% grant funded and 20% TEC funded, the County would pay TEC 20% of the Hampton Inn system charges. All other customers, not initially participating in this grant acquisition would pay their own system charges at 20% of the system cost. He said that the County should facilitate TEC's efforts to locate and permit a central sewer system to serve the initial commercial node and the surrounding area, (outside of the City's USA).

Commissioner Dixon asked if the county engineer would be the engineer for this project and would funding for the position come out of the grant.

Mr. Ballister replied that funding would come from the grant.

Mark Stamps, of TEC addressed the Board in support of the Memorandum of Understanding. He stated that hopefully the grant would cover 100% of charges and there would be no system charge.

Commissioner Dixon inquired as to what would actually be covered under the grant.

Mr. Ballister replied that the lift station and the connection to the Quincy sewer station would be covered.

Mr. McKinnon commented that Mr. Patel would like help for County to help with clearing the land.

Peter Patel spoke in support of the project. He commented that the amount of land to be cleared is between 2 to 3 acres. He said that everyone benefits and that he would like compensation for use of the land.

Commissioner Holt asked if the grant could compensate Mr. Patel.

Mr. Richmond stated that he would investigate the matter. He stated that a lot depends on the amount of the grant.

Discussion followed among the Board.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MEMORANDUM OF UNDERSTANDING REGARDING THE SEWER SYSTEM AT SR 267/INTERSTATE 10 INTERCHANGE.

Commissioner Holt noted that the Memorandum of Understanding contained numerous typographical errors.

Mr. McKinnon replied that it was a tentative copy and a thorough proofing would be done on the final print.

**6. CITY OF MIDWAY INTERLOCAL AGREEMENT FOR FLORIDA SMALL
CITIES COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
ECONOMIC DEVELOPMENT CATEGORY**

Paul Pillar, City Manager for the City of Midway addressed the Board regarding their application for a CDBG grant. He explained that the application calls for an Interlocal Agreement between the City of Midway and Gadsden County regarding right of way issues at the park entrance. He said that with the grant funding construction of a deceleration lane on US 90 at the entrance to the 10/90 Commerce Park at Enterprise Blvd would be developed. He stated that the Florida Department of Transportation (FDOT) has declared the City of Midway to be an urban area instead of rural residential.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE INTERLOCAL AGREEMENT FOR FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT ECONOMIC DEVELOPMENT CATEGORY BETWEEN GADSDEN COUNTY AND THE CITY OF MIDWAY.

**7. TALLAHASSEE COMMUNITY COLLEGE'S (TCC) COMMITMENT TO
GADSDEN COUNTY - BILL LAW & KURT SALSURY**

Bill Law of Tallahassee Community College addressed the Board. He stated that Tallahassee Community College is committed to expanding its involvement in the community of Gadsden County. He explained that the college would be opening a community-based service center in Quincy. He said that the college would like to partner with the existing community groups and local organizations to support a place to interact with citizens, students, and other groups as the college is a reliable partner in the initiative to promote opportunities for the citizens of Gadsden County. He said that the center would include classrooms, a multipurpose room, computer lab, and other facilities for community, TCC and other entity use.

Mr. Law informed the Board that TCC would be having a Trustee meeting on September 20, 2004 at the Pat Thomas Academy.

Chair Watson, along with Commissioner Dixon, congratulated TCC for the excellent commitment that they

make to students and the community. They stated that they were at one point a part of the Eagle family at TCC.

8. WORKFORCE PLUS BIG BEND JOBS & EDUCATION COUNCIL, INC -
ROBERT BODINE

Robert Bodine, Chief Executive Officer (CEO) of Workforce Plus, addressed the Board. He discussed the renewal of the Interlocal Agreement and the Local Elected Officials/Jobs and Education Partnership Regional Board Agreement (LEO) between Workforce Plus and the three counties - Gadsden, Leon and Wakulla in the workforce development region.

Mr. Bodine highlighted these factors of the program:

- Customer Service
- Gadsden County Schools - 172 youth
- Jobs for Youth
- Job Fair for Gadsden County School Board Teachers - successful all jobs filled.
- One Stop in Quincy serviced 8,637 persons last year.

UPON MOTION BY COMMISSIONER DIXON AND SECOND COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE INTERLOCAL AGREEMENT AND THE LOCAL ELECTED OFFICIALS JOBS AND EDUCATION PARTNERSHIP REGIONAL BOARD AGREEMENT BETWEEN THE 3 COUNTIES AND WORKFORCE PLUS BIG BEND JOBS & EDUCATION COUNCIL. (SEE ATTACHED DOCUMENTS)

9. OPPORTUNITY FLORIDA - RICK MARCUM

Rick Marcum of Opportunity Florida addressed the Board. He explained that Opportunity Florida was seeking participation from Gadsden County by committing to county dues for membership in Opportunity Florida. He then stated that the County should appoint someone to serve on the Board. He commented on the importance of Opportunity Florida and that they were responsible for setting up the Enterprise Zone in Gadsden County. He stated that Opportunity Florida was currently initiating programs in all eight counties Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty and Washington that will assist our existing businesses and also increase the capacity of the region. He said that the programs cover the gamut of

economic development issues, increasing broadband coverage, local vendor procurement, and automated resumes and a jobs center on the County's website. He said that they would also continue our efforts to facilitate seminars and to partner with the TEAM Florida's Great Northwest in marketing efforts.

Commissioner Holt asked if the Chamber of Commerce would cover this type of activity.

Mr. Marcum commented that Opportunity Florida needed participation of the Commissioners representing the private sectors.

Commissioner Dixon asked Mr. Marcum if he was familiar with the Small County Coalition.

Mr. Marcum responded that he was familiar with Small County Coalition. He stated that the Regional Conference for Opportunity Florida would be Monday, August 27, 2004 in Chipola, Florida. He invited the Board to participate. He said that if they needed any additional information to contact the numbers listed on the memo attached.

The Board took no action on this issue.

10. GROWTH MANAGEMENT DIRECTOR'S AGENDA

Information Technology Guidance Committee

Bruce Ballister, Growth Management Director, commented that various constitutional officers have developed websites, and to some degree, internal networking. He said that each website possess function specific software to operate their departments. He then stated the following is 1.) There was a need to establish more than a fiber link to the other offices within the Board of County Commissioners domain. 2.) Information Technologies have developed software for larger jurisdictions they are available to solve a number of interdepartmental information sharing. 3.) Facilitate public access for information uses. 4.) Cross-agency sharing information could make work loads lighter, increase access to public records, while maintaining security and records retention as required by the statues. He requested permission from the Board to form a committee to go about the development of such a link.

Commissioner Dixon asked Mr. Ballister if he would have the time to oversee the Committee.

Mr. Ballister replied that he would form the Committee by having someone from each agency to help with the workflow. He stated that it would all come together and be more uniform if all items could be linked.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO GRANT PERMISSION FOR AN INFORMATION TECHNOLOGY GUIDANCE COMMITTEE TO BE FORMED.

2.Lake Talquin Docks

Mr. Ballister reported that he had received a request for a dock on Lake Talquin that raised a concern. He stated that he is requesting guidance from the Board regarding placement a dock at the end of the public right of way that would provide temporary boat docking for lots in the subdivision that did not have water frontage. He said that area in question is The Lake Talquin Ave near Cooks Landing Road. He commented that most of the roadways within the subdivision were never developed, although, they are recorded to the County by plat. He asked if the County could grant permission to establish a dock on public right of way. If so, under what conditions or limitations could it be constructed?

Mr. Richmond interjected that this matter needs to be looked into closely for liability purposes.

Discussion followed among the Board.

Chair Watson called for public comment.

Public Comment

- **Wesley Joyner**, resident of Lake Talquin, addressed the Board. He commented that the County is liable if the docks are attached to County owned property. He asked, "What does access mean?" He showed pictures that where docks were built on County property.

Mr. Richmond stated the County is asking for problems.

Mr. Presnell commented that there were docks located in that area. He said that he was not sure of the number of docks on county property.

Mr. Ballister stated that it would take a lot of fieldwork and manpower to find out the correct number of docks on county property.

Chair Watson commented that putting the docks on County property in the private hands of those that built them by selling them would increase the tax base and could alleviate the problem.

Commissioner Dixon stated that the County should establish docks are currently on county owned property in the Lake Talquin area. He commented that once an inventory was complete, the Board could decide how many are needed for public access.

Commissioner Roberson commented that when homes were bought along the lake, some were bought with the promise of access to the lake.

Discussion followed among the Board.

Commissioner Holt made the comment that unless they give public access that area is headed in the same direction as the State beaches. She said that it is hard to find access. She commented that all the docks on County property needed to be brought up to proper standards before opening them up for public access.

Commissioner Dixon replied that signs should be posted so that citizens would know that this is public right of way. He also said that parking should be considered when there is discussion of providing more access to the lake.

It was the consensus of the Board to have the area surveyed and inventoried to see actually what kind of impact they are dealing with. No action was taken.

11. EMS DIRECTOR'S AGENDA

Certificate of Public Convenience and Necessity (COPN)

Tommy Baker addressed the Board concerning the Certificate of Public Convenience and Necessity. He commented that CJ Critical Care Transportation Systems of Florida, Inc. (AirMedic Helicopter Service) has requested a COPCN to operate an air ambulance/helicopter that will be based in Gadsden County. He stated that in order to obtain a license from the Department of Health/EMS, a COPCN from Gadsden County is required.

Chair Watson stated that he had received a call regarding the COPCN and it brought out some concerns that he needed to look into. He asked that it be tabled until the September 7, 2004 meeting.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNTIL THE SEPTEMBER 7, 2004 MEETING.

12. COUNTY MANAGER'S AGENDA

Circuit Court Mileage Reimbursement

Mr. McKinnon stated that the Circuit Court has requested mileage reimbursement for 4 court employees. He stated that 2 circuit judges and their 2 judicial assistants are asking for reimbursement for travel to Gadsden County. He said that the anticipated cost is less than \$1,000.00 per month. He asked for the Board's direction.

Mr. Thomas explained that the County is under no obligation to cover the expenses, it is the County's own discretion. He said that it was expenses that under Article V that the State covered and they no longer cover that expense. He said the burden has been shifted to the counties if coverage was to continue.

Discussion followed among the Board.

Mr. Thomas mentioned that the \$15.00 Ordinance would not bring in the money that they thought it would. They based the amount on the number of cases generated, not on actual amount received.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE THE DECISION OF CIRCUIT COURT MILEAGE REIMBURSEMENT UNTIL THE SEPTEMBER 7, 2004.

Budget Workshop Dates

Mr. McKinnon explained that the September 6, 2004 Budget Update Meeting is on a scheduled holiday, Labor Day. He stated that they could keep that day or reschedule it for another date. He said that non-profits were scheduled on September 2, 2004.

It was the consensus of the Board to change the date of the September 6 meeting to Thursday, September 9, 2004 and that both meetings would begin at 5:00 pm.

13. CONSENT AGENDA - FOR APPROVAL

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

- a. Florida State Hospital Ambulance Grant, Interagency Support Agreement
- b. County Manager Travel Request - FACT Risk Management and Educational Conference
- c. SHIP Agreement and Special Assessment Liens: Andrea Frost; Clara Jones; Kilisha Parks; Betty Jean Ceasor
- d. Housing Rehabilitation program Contract for Rehabilitation Work - Betty Jean Ceasor
- e. Satisfactions of Housing Rehabilitation Agreement: Johnnie W. & Mary Yeomans; Mary Henry; Troyce A. Ford; Mary E. Chambers; Martha Armstead; Horace & Ola Ford; Gladys Madry; and Mary Lou Hill
- f. 2005 Byrne Grant Certificate of Acceptance
- g. Annual Certified Budget for Mosquito Control - 2005
- h. New Road Name Request - Mackenzies Run
- i. 2004-05 DEP Small County Solid Waste Grant- For the Record

14. PUBLIC COMMENT

Chair Watson called for public comment.

- **Mildred Clemmons**, a resident of McNair Rd in Havana addressed the Board concerning Perry Lane. She commented that Perry Lane is incorrect according to the map. She stated that it was a county maintained road, but the easement isn't clear. She stated that it was brought to her attention when she attempted to build a home on her mother's property. There were concerns about 8ft of land. She asked for help from the Board concerning the matter.

Mr. Ballister commented that the piece of land in question is unconstructed right of way that is maintained by the County. He commented that it is a property owner issue. He said that the remainder of piece was never deeded or platted. He stated that the solution is to wave her. He said that since it wasn't a noticed application, she couldn't receive a variance at this meeting. He instructed her to complete and return the necessary paperwork and it would be granted at the next scheduled meeting.

Mr. Richmond said that the road was never built, never deeded as a road and there is a process that they must follow to undo the mistake. He advised Ms. Clemmons to come back in 3 weeks to talk to Mr. Ballister to get the problem resolved.

15. CLERK'S AGENDA

Cash Report - For the Record

Mr. Thomas commented on the Cash Report stating that as of 07/30/04 the Board had \$8.1 million in the account. He mentioned that General Fund has a \$1.4 million and over the next three months they should watch that fund closely. He referenced numerous memos that had been sent last fall. He advised the Board that they needed to pay close attention to it until the Ad Valorem Tax money starts to come in.

Financial Statements - For the Record

Clerk Thomas called attention to the Financial Statement in the agenda packet.

Chair Watson asked Clerk Thomas how much of the \$818,000.00 of the fund balance that was budgeted in the current budget would actually be spent by September 30, 2004.

Clerk Thomas estimated that \$500,000.00 (more or less) would be spent. He then explained that the Audit Report ending September 30, 2004 assuming that they spend only the estimated \$500,000.00. If the entire budgeted amount is actually spent, the fund balance would drop to less than \$800,000.00.

Clerk Thomas strongly recommended that the Board not use any fund balancers in the proposed budget for the upcoming year, including EMS and Fine and Forfeiture. He emphasized that they will face a major challenge with the budgets to follow if they continue to use the fund balances.

**Ratification of the Approval to Pay County Bills:
08/05/04 Payroll Deduction; 08/06/04 & 08/13/04
Accounts Payable**

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

Budget Amendments 2004-08-01 through 2004-08-17-03

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

16. COMMISSIONER'S AGENDA

District 1

Commissioner Dover had no report.

District 3

Commissioner Roberson had no report.

District 4

Commissioner Holt had no report.

District 5

Commissioner Dixon had no report.

District 2

Chair Watson had no report.

ADJOURNMENT

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

Sterling Watson, Chair

ATTEST:

Nicholas Thomas, Clerk

AT THE NON-PROFITS BUDGET
WORKSHOP OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN
AND FOR GADSDEN COUNTY,
FLORIDA ON SEPTEMBER 2, 2004,
THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT:

STERLING WATSON, CHAIR (ARRIVED LATE)
CAROLYN ROBERSON, VICE-CHAIR
WALTER D. DOVER
BRENDA HOLT
EDWARD J. DIXON
HOWARD MCKINNON, COUNTY MANAGER
BERYL WOOD, DEPUTY CLERK

CALL TO ORDER:

In the absence of Chair Watson, Vice-Chair Roberson called the meeting to order and then turned it over to the County Manager, Mr. McKinnon.

Mr. McKinnon stated that the Board would have a emergency meeting at 1:00pm Friday, September 2, 2004. He said the meeting was needed to pass a Proclamation and to receive the latest update for Hurricane Frances.

Mr. McKinnon commented that the funding request for non-profits would go in the order that they are printed. He made mention that A Shepard's Hand Resource Center, Inc. did not ask for funding for the FY 2004-05 budget year. (Attached)

1. American Red Cross

Representation for the American Red Cross was not present.

Budget Request amount FY 2004-2005	\$12,000.00
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2. Children Are Our Future

Sherry Taylor, Director of Children Are Our Future addressed the Board. She commented that she was present to follow-up on her application.

Commissioner Holt asked Ms. Taylor about funding from other sources such as the Gadsden County School Board.

Ms. Taylor commented that the Transportation for the students to the program and on field trips are pro-rated cost. She said that they supplied technology at no cost.

Commissioner Dixon inquired about the qualifications for summer school.

Ms. Taylor stated that the qualifications for summer school are the same as after school with one difference in age summer school between 4-15 years of age, after school between 5-15.

Requested budget amount FY 2004-05 \$10,000.00

3. Gadsden County Senior Citizens Council

Suzanne Bailey, Director of the Gadsden County Senior Citizens Council addressed the Board for brief overview and follow-up questions. She also introduced the Certified Public Account (CPA) for the Senior Citizens Council, Randall Smith.

Mrs. Bailey entertained questions from the Board regarding how the program is run, grant funding and the Budget.

The consensus of the Board was to receive a plan that would survey the need that exist with the elderly and present that information.

Mrs. Bailey stated that they could send information on quarterly basis.

Requested budget amount FY 2004-05 \$150,000.00

4. Gadsden Daycare Center

Inez Holt, Board Member of the Gadsden Daycare addressed the Board. She gave an overview of the two facilities the one in Quincy on 911 west 4th street and the location at Vanguard Village in Gretna. Clarence Bryant, Board Member was also present for questions that may have arised.

Requested budget amount FY 2004-05 **\$5,000.00**

5. Legal Services of North Florida

Kristine Knab, Jane Elizabeth Curran, Allie Scaker and Juainta Thigpen addressed the Board. They gave an overview of the program and how it benefits citizens in Gadsden County.

Requested budget amount FY 2004-05 **\$14,500.00**

6.Gadsden County Chamber of Commerce/Industrial Development

David Gardner, Director of the Gadsden County Chamber of Commerce addressed the Board along with Arthur Jones. He gave an overview of the program. He commented that they are working on developing a strategic plan to move the County forward.

Requested budget amount FY 2004-05 **\$40,000.00**

7. Guardian Ad Litem

Marcia Hilty-Reinshuttle addressed the Board regarding funding for FY 2004-05. She stated that the funds requested would allow for a part-time position that is much needed.

Requested budget amount FY 2004-05 **\$13,799.00**

8. Disc Village

Jane Hendrix and John Rush of Disc Village addressed the Board regarding the program. They stated that the funds would be split equally between the two programs Gadsden County Human Services Center and Juvenile Assessment Center.

Requested budget amount FY 2004-05 **\$30,000.00**

9. Capital Medical Society Foundation

Robin McDoodle addressed the Board regarding the Capital Medical Society Foundation. She explained how the program works.

Requested budget amount FY 2004-05 **\$5,000.00**

10. Refuge House

Martha Ann Crawford addressed the Board regarding the Refuge House. She stated the funds requested would help keep the Gadsden office open.

Requested budget amount FY 2004-05 **\$10,000.00**

11. Gadsden Arts Center

Zoe Cole Gollway, Executive Director of the Gadsden Arts Center addressed the Board. She stated the funds requested are essential to our being able to provide programming and activities in an excellent facility.

Requested budget amount FY 2004-05 **\$30,000.00**

12. The Shelter, Inc.

Mel Eby, Executive Director of the Shelter, Inc. addressed the Board. He gave a brief overview of how they receive clients.

Requested budget amount FY 2004-05 **\$13,867.00**

13. Summer Youth Program

Representation for the Summer Youth Program was not present.

Requested budget amount FY 2004-05 **\$13,867.00**

ADJOURNMENT

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

Sterling Watson, Chair

ATTEST:

Nicholas Thomas, Clerk

AT AN EMERGENCY MEETING OF
THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON
SEPTEMBER 3, 2004, THE
FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT:

CAROLYN ROBERSON, VICE-CHAIR
WALTER D. DOVER
BRENDA HOLT
EDWARD J. DIXON
HOWARD MCKINNON, COUNTY MANAGER
BERYL WOOD, DEPUTY CLERK

MEETING CALLED TO ORDER:

Vice-Chair Roberson called the meeting to order. She said that the purpose of this meeting is to take action on a "State of Emergency Proclamation 2004-17" due to the expected landfall of Hurricane Frances. She then turned the meeting over to Major Spooner, Chief Deputy Sheriff and Director of Emergency Management for the Gadsden County Sheriff's Office.

Major Spooner addressed the Board with an update regarding Hurricane Frances. He stated that there had been two conference calls regarding Hurricane Frances. He commented that the Hurricane was on the southeast coast of Florida and predicated to come in around Indian River, across the Gulf of Mexico and then in the Big Bend area. He said that one of the storm tracks had the eye of Hurricane Frances coming directly over Gadsden County. He said that it is expected to arrive late Sunday afternoon. He stated that if it goes to the east Gadsden would receive a lot of rain. He said if it goes to west of Gadsden County it would produce a lot rain and wind and if it tops Gadsden it would produce mostly rain. He stated that they are preparing for it.

Major Spooner stated that the Capital's Emergency Operations Center (EOC) is activated. He said that current hours of operation would be from 8:00AM until 10:00PM. The EOC will open at 8:00AM on Friday and continue operations

until duration of the response phase. He commented that the American Red Cross is preparing for the storm. He requested that the Board declare a local State of Emergency in Gadsden County. He advised that it was needed incase there is damage Gadsden County can be reimbursed through the Federal Government.

Major Spooner stated that there is a Hurricane Shelter Information Hotline at *ARC (894-6741) that is activated. He commented that the following shelters are on stand-by:

- Chattahoochee Elementary School -335 Maple St - Chattahoochee
- **East Gadsden High School - 27001 Blue Star Memorial Hwy - Midway Risk**
- **Florida State Hospital - US Hwy 90 E - Chattahoochee (Special Needs)**
- Stewart Street Elementary School - 749 S Stewart St - Quincy

Major Spooner stated that at the present moment East Gadsden High School would be the only shelter open. He said that once the weather worsens people in mobile homes and low land areas could be housed their if they had no where else to go or a mandatory evacuation was ordered. He said that Florida State Hospital is the only place where Gadsden Memorial Hospital patients would be transported along with persons requiring special needs. He said that the Red Cross Mass Care (Feeding) has ordered food supplies for approx. 10,000 to 20,000 meals for shelter operation.

Robert Presnell, Public Works Director, said that everyone is on call and pre-positioned. He commented that the saws are ready to cut trees and remove debris out of the roads. He said that they have sandbags that are available.

It was the consensus of the Board to have them work, so that the County would be efficiently staffed and on the spot in case of a need.

Major Spooner commented on the flood plain areas mentioning a major one Crawfish Island located in Chattahoochee.

The Board said that a state of importance should be taken about communication when dealing with the Hurricane.

Major Spooner said that they would stress the importance of looking in on your neighbor, discuss at churches and the local radio stations such as 93.3 gospel on Sunday Morning and 96.1 mentioning the local shelters that are available.

Vice- Chair Roberson called for a motion.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO DECLARE A STATE OF EMERGENCY PROCLAMATION 2004-17 FOR GADSDEN COUNTY.

ADJOURNMENT

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

Carolyn Roberson, Vice-Chair

ATTEST:

Nicholas Thomas, Clerk

AT A BUDGET WORKSHOP OF THE
COUNTY COMMISSIONERS, HELD IN
AND FOR GADSDEN COUNTY,
FLORIDA ON SEPTEMBER 8, 2004,
THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT:

STERLING WATSON, CHAIR
CAROLYN ROBERSON, VICE-CHAIR
WALTER D. DOVER
BRENDA A. HOLT
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
HOWARD MCKINNON, COUNTY MANAGER

CALL TO ORDER

Chair Watson called the meeting to order. He then turned it over to County Manager, Howard McKinnon.

Mr. McKinnon reminded the Board of the upcoming Budget Hearings.

- September 13, 2004, at 6:00pm Tentative Budget Hearing
- September 27, 2004, at 6:00pm Final Budget Hearing

Mr. McKinnon commented that Chief Judge Charles Francis was present and would like to address the Board at this time.

Chief Judge Francis addressed the Board concerning the Office of the State Courts Administrator 2 positions at a pro-rated share among the 5 counties in the 2nd Judicial Circuit.

- Juvenile Alternative Sanctions Coordinator, which would cover Drug Court/Case Management and Teen Court that is required by statute. He said it was prorated among the five Counties based on the number of juvenile filings. He stated that Gadsden County had the largest filings, which came in at 56% of filings resulting in a total of Gadsden County is \$33,000.00. He gave the breakdown as follows:

- **Gadsden County - 56%**
 - **Wakulla County - 24%**
 - **Franklin County - 10.6%**
 - **Jefferson County - 6.5%**
 - **Liberty County - 2.4%**
- Support Staff Technology is the second position. He commented that the statue requires integration into a statewide network system by July 1, 2006. He said that Leon County would fund the Network Engineer that would be used throughout all the 6 of the Counties. It based on users and Gadsden had 38%. He stated that in Gadsden's Master Calendar there is 2 Judges, 2 Judges Assistant's, General Master - 2 full days, Child Support Hearing Officer's time increase, Family Law Assistant person, Mediation Office will expand.

Clerk Thomas asked Chief Judge Francis about the additional courtroom that was first mentioned last year.

Chief Judge Francis replied that an additional courtroom was needed. He commented that the split courtroom does not work. He said that the additional space is needed because there would be 4 individuals trying to have hearings. The General Masters are authorize by law to make rulings such as in dependency cases.

Clerk Thomas indicated that with the implementation that would have the County Judge, Circuit Judge, and General Master and Hearing Officer all trying to use one courtroom.

Clerk Thomas inquired about the Senior Judge Days.

Chief Judge Francis stated that there where a total of 227 Senior Judge Days and that he had allotted Gadsden County a good portion of the days. He said that basically we would lose the days if there were no courtroom available.

Chief Judge Francis commented that the Tech Support person would be based on the number of users to each County. He said that person would be the person that brings the computers, replaces the computers, and handles troubleshooting. He said that this would be a Circuit

Wide Network. He stated that this would include the 5 outer counties excluding Leon County.

Mr. McKinnon mentioned the salary of the 2 judicial positions to work in the Courtroom on the days that the Chief Judge assigns them.

Chief Judge Francis commented that he is asking for individuals to be placed on Gadsden County payroll, since Gadsden County has larger portion. He said that Gadsden County would receive reimbursement from the 4 other counties.

**Prescription Assistance Medical Services PAMS Program -
Maximo Martinez (Attached)**

Maximo Martinez, Executive Director of the Gadsden Community Health Council and Public Information Officer for the Gadsden County Health Department and the Prescription Assistance Medical Services (PAMS) addressed the Board. He gave an update of the program started May 28, 2004. He gave an overview of how the program works. He handed out the PAMS Report packet along with brochure.

Mr. Martinez mentioned the MetData program that they have opted to purchase to help with the input of data. He commented that as of now everything is hand written and that it is time consuming. He said that with the implementation of this program they would be able to handle more clients. He stated that the program is \$250.00 a month.

Chair Watson inquired who provides the pharmaceuticals.

Mr. Martinez commented that the pharmaceutical companies provide the medicines through donations.

Mr. Martinez stated that funding is needed for filing applications and help with the formalities of running the office.

Mr. Martinez mentioned that the next phase of program that would involve a dental program. He thanked the Board for their representation. He said that Mr. McKinnon had done an outstanding job.

Commissioner Dixon mentioned the funding that was available through the federal government and numerous grants.

Budget Update

Mr. McKinnon gave the budget highlights for FY 2004-05.

- Same level of service maintained.
- New Employees are the shared positions requested by the Court Administrator.
- 21/2% pay raise with a minimum of \$500.00.
- Increases the county's insurance contribution from \$40 to \$55 per month for employee plus one coverage.
- Increases the county's insurance contribution from \$100 to \$130 per month for family coverage.
- The county pays the single coverage amount of \$321.13 for all employees.
- Term life insurance is increased from \$10,000 to \$15,000 for all employees.

Mr. McKinnon mentioned Guardian Ad Litem that in the past the County had funded a part-time position with the Guardian Ad Litem. He commented that his recommendation is that we don't fund that part-time position there are other expenses with Guardian Ad Litem that the County is required to cover under the Article V changes.

Mr. McKinnon went over the summary of changes in revenue from original proposed budget to revised proposed budget. He went over the General Fund, Fire Protection Fund, Transportation Fund, Landfill/Arthropod Fund and Fine and Forfeiture Fund. He stated that the reduction of share/out balance is \$251,482.00.

Mr. McKinnon discussed Department 77 Non-Profits. He said that he added the Gadsden Community Health Council at \$22,632.00. He stated that the following were not funded in the FY 2004-05 Budget year.

- Gadsden County Airport Authority
- Part-time Guardian Ad Litem
- A Shepard's Hand Resource Center

Mr. McKinnon stated that the Tentative Budget Hearing would be Monday, September 13, 2004.

Clerk Thomas commented the recommendation of 0% fund balance was followed. He discussed the amount to be kept in the Fund Balance. He stated that with the implementation of Article V it helped greatly for example with the Ad Valorem Tax and Sales Emergency Tax.

ADJOURNMENT

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

Sterling Watson, Chair

ATTEST:

Nicholas Thomas, Clerk

-

AT THE TENTATIVE BUDGET HEARING OF
THE BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON SEPTEMBER 13, 2004, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

PRESENT:

STERLING WATSON, CHAIR
CAROLYN ROBERSON, VICE-CHAIR
WALTER D. DOVER
BRENDA HOLT
EDWARD J. DIXON
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
NICHOLAS THOMAS, CLERK

1. CALL TO ORDER:

Chair Watson called the meeting to order at 6:00 p.m.

2. BUDGET OVERVIEW

Mr. McKinnon began the overview by presenting the summary of budget changes since the September 8, 2004 workshop. Which are as follows:

Contingency reduced and added to	\$	1,189
a line item described as match for	\$	(1,189)
voter education grant		
(9-21-04 agenda item)		
Library construction added to Library Fund	\$	1,505,000
Toursist Development Commission Fund	\$	3,900
Increased		
Increase to Budget	\$	1,508,900

Requested Capital Outlay 2004-2005 (Attached)

Sheriff's 2003-2004 Fiscal Year Budget Amendment

Mr. McKinnon referenced the letter that was handed out to the Board requesting an amendment to this year's budget from the Sheriff's Office in the amount of Ninety-five Thousand, Eight Hundred Twenty-two Dollars (\$95,822.00). He

also referenced the September 10, 2004 letter from the Sheriff in reference to Jail overcrowding at the County Jail.

There was discussion among the Board where the Sheriff's deficit was coming from.

Clerk Thomas indicated that that the Finance Department disbursed 1/12 of his budget per month. The Sheriff has presented cost that he has stated he has no control over. He commented that the State would come in and require County to pay. He stated that the Finance Department has never done monthly audits for the Sheriff. He said that the external audit is the only audit given.

It was the consensus of the Board to continue the conversation of the Sheriff's Budget Amendment at the September 21, 2004 Board Meeting.

No action was taken.

2. Public Comment

Chair Watson called for public comment on the proposed tentative budget.

- Marcia Hitlty-Reinshuttle of the Second Judicial Circuit - Guardian Ad Litem addressed the Board. She stated that she was present to answer any questions regarding her follow-up information that she had presented to the Board.

Gadsden County Senior Citizens Council

Chair Watson commented that on the non-profits he would like to drop the Gadsden County Senior Citizens Council back into Contingency. He said he would like the figure to reflect the amount that was given in FY 2002-2003 budget.

Commissioner Holt stated that she could see reducing the amount, but not back to \$50,000.00.

Commissioner Dixon commented that we gave them the additional funding due to the lost of certain grants. He stated that the Board is asking them to just justify the numbers that speak to the need.

Chair Watson contended that it's not the Board's place to replace grant funding.

Commissioner Roberson inquired about account# 58219 A Shepard's Hand Resource Center.

Chair Watson pointed out that it had already been removed.

Chair Watson stated that with the Gadsden County Senior Citizen Council his suggestion was move it into Contingency expense. He commented that he was trying to put in back in line.

The Board made no decision on the Senior Citizen Council.

3. Adoption of General Operating Fund Millage - 10.00 Mills

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT THE GENERAL OPERATING MILLAGE AT 10 MILLS.

4. Adoption of Tentative FY 2004-2005 Budget for 2004-2005

Commissioner Holt had concerns about numerous Departments, Constitutional Officers and other areas of the tentative budget.

It was the consensus of the Board that the concerns be given to Mr. McKinnon.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT THE TENTATIVE BUDGET FY 2004-2005 AT \$32,694,484.00.

Hurricane Ivan - Proclamation No. 2004-021
State of Emergency Proclamation

Mr. McKinnon gave the latest update on Hurricane Ivan. He stated to the Board that due to the uncertain path of the storm, that a Proclamation should be passed to declare a State of Emergency.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT PROCLAMATION NO. 2004-021 DECLARING GADSDEN COUNTY IN A STATE OF EMERGENCY.

Mr. Presnell commented that if the Board knew of anyone that needed sandbags they would be available at Pitt at Post Plant Road.

Gadsden Memorial Hospital

Mr. McKinnon asked for the Board's direction with the memo's from the Clerk's Office regarding the hospital's default in the rent. He said that the Board needed to take action somehow.

Mr. Richmond commented that he would send them a default letter telling them that they needed to release funds.

ADJOURNMENT

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

Sterling Watson, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
IN AND FOR GADSDEN COUNTY,
FLORIDA ON SEPTEMBER 21,
2004, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

STERLING WATSON, CHAIR
CAROLYN ROBERSON, VICE-CHAIR
WALTER D. DOVER
BRENDA HOLT
EDWARD J. DIXON
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
BERYL WOOD, DEPUTY CLERK

ABSENT:

NICHOLAS THOMAS, CLERK

1. MEETING CALLED TO ORDER

Chair Watson called the meeting to order and led in the pledging allegiance to the US Flag. Commissioner Dixon led in the invocation.

2. ADOPTION OF AGENDA

The agenda was amended as follows:

- Addition of the Sheriff's Budget Amendment Request to be placed after Mr. Richmond
- Moving of the Circuit Court Mileage Reimbursement to be placed after the Sheriff's Budget Amendment
- Removal of item 6.4 Gladys Curtis Housing Permit
- Removal of item 6.5 Herring Minor Subdivision
- Removal of item "j" FY 2004/05 Road Paving List on the Consent Agenda for discussion by Commissioner Dixon to be placed under Mr. McKinnon # 8.
- Removal of item "d" Library State Aid Grant Agreement pulled for discussion by Commissioner Holt to be placed under Mr. McKinnon # 8.
- Removal of item "l" Security Guard Services-Quincy Public Library pulled for discussion by Commissioner Holt to be placed under Mr. McKinnon # 8.

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

3. APPROVAL OF MINUTES

August 3, 2004-Regular Meeting

August 17, 2004-Regular Meeting

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

4. COUNTY ATTORNEY'S AGENDA

Mr. Richmond had no report.

Sheriff's Budget Request (Attached)

Sheriff W.A. Woodham addressed the Board. He made a request to amend the Sheriff's budget in the amount of \$95,822.00. He said that the increase was due to the overcrowding of the jail. He said that the jail was built to house a maximum of 151 inmates, but they have averaged well over 200 recently. He said that the largest groups of inmates are males charged with serious felonies. He went on to say that these numbers have caused jail operation costs to spiral upward. He said that the food cost had increased by 15% since 7/04. He added that the medical cost would continue to rise due to the increase in the number of inmates. He explained that the national level of costs on prescription drugs has increased approx 49% over the summer. He said in their prescription cost that was budgeted for \$130,000.00, but, they have already reached \$314,815.78 for this fiscal year. He cited increased number of HIV and AIDS inmates as being a large factor. He said that the utility cost would continue to rise with the amount of electricity used do to heating/cooling for overcrowded areas and the amount of water used when toilets are flushed. He stated that the increases were directly associated with medical, food and utility services that are essential to operating the jail facility.

Commissioner Holt asked Sheriff Woodham when he realized there was a problem at the jail. She also asked why no one from the Sheriff's Department came to the budget workshops.

Sheriff Woodham replied that the letters are dated back to June of this year. He stated that the jail was built to hold 150 people and you have 275 housed there would be an increase. He told the Board that could they take over management of the jail.

Commissioner Holt mentioned preventive programs that could be implemented at the jail to help with the overcrowding.

Sheriff Woodham stated that Judge Francis mentioned a workcamp and it would probably work in the County. He said that the problem is that it would require supervision. He said that funding it would be a major problem.

Commissioner Dixon commented about the way the jail budget was presented. He asked Mr. McKinnon if the numbers had been verified. He then requested a line-by-line item budget with supportive documentation.

Mr. McKinnon replied that the numbers had not been verified.

Discussion followed among the Board.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 4 - 1, TO APPROVE THE SHERIFF'S BUDGET AMENDMENT AT \$95,822.00 FOR THE FY 2003-04. COMMISSIONER HOLT OPPOSED THE MOTION. THE MOTION PASSED.

Circuit Court Mileage

Chief Judge Francis of the Second Judicial Court addressed the Board. He said that he was present to ask for mileage reimbursement for the 2 circuit judges and 2 judges' assistants. He explained to the Board that they were under no legal obligation to fund the circuit court mileage reimbursement. He explained that it would be greatly appreciated if they would. He said

that it had been covered by the State, but was discontinued. He said that judges are assigned headquarters where they have 50% or more of their dockets. He said that results in counties, not hiring full-time judges for their outer counties. They just rotate the judges in and out of the smaller counties. He said that the total is about \$1050.00 a month. He said that for all 4 individuals it would be roughly \$12,600.00 a year. He said that the judge's assistant receives half of that.

Commissioner Dixon asked Chief Judge Francis about the number of people in the jail. He referenced the memorandum that the Sheriff had issued stating that the high number was a result in inmates, which have not been sentenced.

Chief Judge Francis stated that the jail population was extremely high. He said that he had looked at the Department of Corrections (DOC) Report. He said that the Sheriff is required to file it with DOC by the month. He said that the main key ingredient is that there is a 20% increase with the violation of probation. He said that the state-wide average with pre-trial and jail population is 51%. He said that the information could be pulled from DOC website.

Chief Judge Francis told the Board that they have a problem. He said that there are numerous programs that could be implemented to help with the reduction of jail overcrowding. He stated them as follows:

- Work Camp
- GPS Monitoring
- Detention Coordinator
- Mental Health Coordinator

Commissioner Dixon inquired as to who could be contacted from his office to help with the implementation of the programs mentioned.

Chief Judge Francis replied the Loretta Galeener is responsible for the counties and she could help with implementation. He also noted that the before the programs could be started, the State Attorney and Public Defender would have to be convinced. He said that he was willing to work with the County.

Commissioner Dixon ask Chief Judge Francis to explain the discrepancy in the revenue projections relative to Ordinance 04-004. Clerk Thomas projected \$12,000.00 annually whereas Judge Francis projected \$100,000.00.

Chief Judge Francis replied that the \$65 fee is mandatory in every criminal case. He said that he knew judges were assessing the fee and there had been no decline in the case loads. He explained that with the new fee it's the last money payable to the courts and it does not get paid to the courts until the Clerk gets all his cost and fees and all the fine money. He said that the last money paid goes to that \$65.00 fee. He told the Board not to expect to see any of the money until the end of the year. He said that the Clerk's projections were based upon the Clerk's Association figures and he didn't agree with those figures. He said that it is the Clerks duty to collect the assessment.

Commissioner Dixon stated that he understood the Clerk's rationale to be that most people who are assessed are serving jail time and probably will not pay the assessed \$65.00.

Chief Judge Francis commented that they would pay the money unless they were going to DOC. He recommended that Clerk Thomas implement a collection court, out-side collection agency or implement a payment plan to help collect the fees.

Discussion followed among Commissioners.

Chair Watson asked for a motion.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MILEAGE REIMBURSEMENT FOR THE 4 COURT EMPLOYEES TOTALING \$1,050.00 PER MONTH RETRO ACTIVE TO JULY TOTALING \$3,150.00 FOR THIS FY 2003-04.

**5. RICHARD THOMPSON - PUBLIC RECORDS, PUBLIC MEETINGS,
PUBLIC HEARINGS(Attached)**

Richard Thompson addressed the Board regarding the public records; public meetings and public hearings request that he had submitted to the Board back in February 2004. He said that he has not received responses to his public records request. He commented that he had received a letter dated July 29, 2004 from Commissioner Roberson. He said that she transmitted a memorandum from Bruce Ballister to the Board of County Commissioners. He said that it was responding to the letter he had submitted on August 23, 2004 stating that he didn't receive a response from his February 13, 2004 letter.

Mr. Thompson commented that in the memorandum Mr. Ballister wrote, *"In regards to Mr. Thompson's initial records requests to the Board in February, that request was forwarded to my office for action. We do not have the staff time or resources to fully copy all of the files requested with the accompanying request that they be made at no cost."*

Mr. Thompson said that he had two choices as to how to interpret that response from Mr. Ballister memorandum to the Board. He said that interpretation places the BOCC at risk for being in non-compliance with the Public Record Act and the Sunshine Act.

Mr. Thompson stated that all of his requests in the February 13, 2004 letter should have been addressed when it was submitted in February. He stated that it included the omission of the Hammock Creek File, public records request and proof of public notification. He said that it should not have to wait until I had to revisit the issue.

Chair Watson asked the Board how they would like to proceed.

Commissioner Dixon asked Mr. McKinnon why a response to Mr. Thompson's request had not been provided. He commented that anyone that requests public records should receive them.

Mr. McKinnon replied that they do need to respond and that he would get with Mr. Ballister.

Mr. Richmond stated that he would be willing to go over the issues with Mr. Thompson, Mr. Ballister and Mr. McKinnon.

Mr. McKinnon commented that they would take care of the issue.

It was the consensus of the Board that Mr. McKinnon, Mr. Richmond and Mr. Ballister sit down with Mr. Thompson to resolve the issues.

6. GROWTH MANAGEMENT DIRECTOR'S AGENDA

1. Errata Land Use Changes 2004-1(continued from August 3, 2004)

Mr. Ballister read the staff comments and options for the Errata Land Use Change that was continued from the August 3rd meeting. He said that this was the second reading of the Errata Land Use Map Amendments. He read into record by title Ordinance 2004-008. He gave a brief description of the project from its first start to the present point. He commented that these changes to the Future Land Use Map were heard in several hearings last year. They were originally advertised as Map Change 2003-1, however, delays in the hearing process resulted in their being submitted after the Miller and Hill Amendments were submitted. Therefore, DCA documented these changes as Amendment 03-2. He said that the notification of approval came too late in the calendar year to advertise for two public hearings. They were being submitted for adoption in the 04-1 adoption cycle to preserve the option of a second submission and adoption cycle later this year.

Mr. Ballister discussed Mr. Thompson pressuring for this topic to be tabled from last month's hearing and the letter dated August 28, 2004. He said that a second reading becomes problematic because DCA has indicated that they are waiting for the resolution of amendment 2003-2 and is not concerned about the 60-day adoption period. The adoption on differing calendar date will forfeit the county's opportunity to adopt a second batch of amendments this calendar year. This would require that the five amendments sent in to DCA this month, which will be reviewed by October will not be able to be adopted this year, and if they are prematurely adopted in the first months of 2005. He said that would put off the schedule of adoptions for

another year. He said that his recommendation is that the Board go with option 2 and he listed the options were as follows:

Options

1. Hold a second set of adoption hearings for the Errata Amendments, when that package is advertised in December. (Estimated cost of advertising is around \$1,100.)
2. Adopt these changes tonight; let the adoption cycle shift from February and August to April and October.

Chair Watson called for public comment.

Public Comment

**Comprehensive Plan Text & Map Amendments 2004-1 ERRATA
Future Land Use Map - Comments for Second Reading of
Ordinance to Adopt by BOCC August 3, 2004 Postponed to
September 7, 2004 - Richard Thompson (attached)**

- Richard Thompson was administered an oath by Hal Richmond, Notary Public, earlier in the meeting. He addressed the Board in opposition to the Errata Land Use Amendment moving forward. He issued handouts to the Board concerning the Errata. Mr. Thompson commented that the Comprehensive Future Land Use Map ERRATA amendment is predicated upon Mr. Ballister's meeting at which he apparently convinced DCA to render the opinion the at the FLUM submitted with the 2001 EAR amendments is now the effective FLUM for Gadsden County. He commented that what Mr. Ballister had done, without the advice and consent of the BOCC and out of view of the general public, has replaced the original 1991 FLUM with a version that has not been presented to the BOCC for their advice and consent. There have been no public hearings that have offered entirely new or revised FLUM for review and comment. The only amendments to date and for the record have been to the original 1991 FLUM.

He said that the BOCC had the responsibility and authority to create and adopt a new FLUM. DCA has the responsibility and authority to review and approve or disapprove such map. He said that DCA does not have the authority to approve a FLUM that

has not been approved by the BOCC. He said to allow this particular FLUM revision and ERRATA amendments to be adopted would have far reaching and very costly consequences for the future of this county. He asked the Board not to approve adoption of this portion of the Comprehensive Plan Text and Land Use amendments. He asked the Board to correct the problem, so that it is right.

- **H.L. Fletcher Jr.** was administered an oath by Hal Richmond, Notary Public. He said that he was present on behalf of his mother's property on Attapulugus Highway. He commented that back in 1991, the land use was approved at a public hearing declaring designation for the land allowing mining. He said the Board approved that land for mining. He said that, somehow, it was changed without any public notice or hearing. He stated it's their position that the land is still mining. He commented that if this were not allowed to go forward, there would be a problem. He asked the Board to please correct the error as soon as possible.
- **David Theriaque** addressed the Board. He said that he was present to represent his client Zemax. He asked the Board to move forward with the passing of the Errata Ordinance. He commented that the decision that was to be made at this meeting was to adopt the Ordinance. He said it was purely a legislative decision.

Mr. Richmond asked Theriaque what was the process from this point.

Mr. Theriaque replied that transmittal to DCA has 45-60 days. He said that in this particular case, there was no objection. He said that at this meeting the Board is here to adopt what you sent to DCA. They will issue a notice of intent finding your FLUM map in compliance with state law. They will publish a notice where the public will have their chance to challenge the decision within a 21-day limit. He said then they would have their day in court to voice their objection. He said that this is the second step. The Board has already said that they support this project and tonight you are here for the final step in this legislative decision.

Commissioner Holt asked Mr. Theriaque how should the problem be resolved.

Mr. Theriaque stated that it is common when you do a FLUM to correct it in the future. He said you may have to fix a problem of something that was done previously. He said that the Board is doing the right thing. He said the Board had proceeded in order. You have gone through the public meeting process. Your step tonight is to adopt the Ordinance so that it may be submitted to DCA for approval.

Commissioner Dixon asked Mr. Theriaque about Mr. Thompson's assumption that the entire FLUM map was done improperly.

Mr. Theriaque replied that Mr. Ballister should be tasked with the idea of having workshops so the problems could be worked out. He said that the County Manager should be involved to gather people to work together to fix the problems that deal with the map. He said that the map should reflect the wants of Gadsden County.

Mr. Richmond asked for a brief history of Errata Land Use Changes.

Mr. Ballister explained that the original Gadsden County Land Use Map was adopted in 1991 and it was done in colored pencil or crayons. Since that time, the map has been redrawn several times with computer technology and in the process of redrafting it, unintentional errors occurred. He said that the map had gone through several failed attempts to be corrected.

Discussion followed among the Board.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT THE ORDINANCE 2004-008 FOR TRANSMITTAL OF THE ERRATA LAND USE CHANGES AMENDMENT TO DCA FOR APPROVAL.

2.Train Tracks Bawg'n (Continued from August 3, 2004)

Mr. Ballister was administered an oath by Hal Richmond, Notary Public. He read the comments and staff recommendations for the Train Track's Bawg'n, which was continued from August 3, 2004. He said that the applicant, David Tharpe, has requested permission to operate a Mud Bog on Cochran Road just south of I-10. The Train Tracks Bawg'n is an existing use that has not been permitted through the County. The site consists of 26 acres and is further described by Property ID Number 3-04-2N-5W-0000-00141-0000. He discussed that attached application is consent form from the property owner, Mr. Kevin Thomas, granting permission to Mr. Tharp permission for use of the property. The Train Tracks Bawg'n is located in Agricultural 2 and would have required site approval if anyone had asked when it was started up in the late 90's.

The operation would be permitted as a special exception by consent of the BOCC. He said that special exceptions are Type II reviews that require hearings before the Planning Commission and the BOCC. He stated that over the past years there have been few complaints of noise. There has been positive feedback from neighbors and law enforcement. He said that the site plan indicates two existing bog pits or mud pits, a ticket booth, port-o-lets and a concession stand. Two sheriff's deputies are on duty at the location during hours of operation. The Bawg'n is open every other Saturday from approximately 3pm to 11 pm.

Mr. Ballister read the staff recommendations as follows:

1. Limit operations to end by 10:00pm to avoid noise impacts to the neighboring residents.
2. In order to prevent underage drinking, request that law enforcement patrol and monitor for such activities.

Mr. Ballister noted that the Planning Commission voted 9:0 to recommend denial of the continued operation of the Bawg'n and further to issue a cease and desist on future operations. They further recommended that should the BOCC overturn the denial and allow continued operation, that hours be limited to 10:00pm, that Tharp be required to clean up all 'morning after' trash, that the Sheriff's department actually monitor social activities, that pump out watering be subject to FDEP permitting, that ADA

compliant restrooms be installed, and that DOH should approve any food concessions.

Mr. McKinnon referenced letters for the record opposing the Train Tracks Bawg'n.

David Tharpe was administered an oath by Hal Richmond, Notary Public. He spoke in support of the Train Track Bawg'n. He commented that he had operated the Bawg'n for the last 6 years. He addressed some of the concerns that were stated at the Planning and Zoning Meeting. He commented that the Bawg'n is operated 2 weekends a month, not everyday. He said that deputies are on duty throughout the activities that monitor conduct of the people and drinking of minors.

Commissioner Dixon asked Mr. Tharpe, "What is a Bawg'n."

Mr. Tharpe replied a Bawg'n is a 200ft hole with mud that you drag your truck through. He said the further you go in the hole the deeper it gets. He said that the fastest person to complete is the winner.

Commissioner Dover commented that he had visited the Bawg'n with his daughter. He stated that it was very controlled and very entertaining. He said he had witnessed the Sheriff's Deputy on duty.

Commissioner Roberson stated that, upon her request, Mr. Ritter had checked the electrical lines. He stated that they were in place. She said the concession stand is portable. She inquired were the deputies in uniform.

Mr. Tharpe commented that the 2 sheriff deputies are in uniform. He stated that they are paid at the time of service.

Chair Watson called for supporters of the Train Track Bawg'n. There were many supporters that did not speak, but were there to support the Train Track Bawg'n.

Public Comment

- Brenda Brandon - presented signed petitions
- Robbie Rogers - presented signed petitions

- Sharon Harrell - in support
- Landon Abner - in support

Chair Watson called for those that would to speak in opposition of the Train Track Bawg'n.

- John Clark - Mr. Clark was administered an oath by Hal Richmond, Notary Public. He spoke in opposition to the Bawg'n he said he was there representing his mother Ann Clark.
- LaRae Jameison - Mrs. Jameison was administered an oath by Hal Richmond, Notary Public. She spoke in opposition of the Bawg'n. She referenced colored maps of adjacent neighbors that opposed the Train Track Bawg'n. She referenced through a letter her reasons they object to the approval of the Bawg'n. She asked the Board that the Bawg'n be immediately shut down and caused to cease operation.
- Tom Albenease - Spoke in opposition.
- Karen Dennis - Spoke in opposition. She stated that her concerns where noise level, alcohol consumption by minors and property value.
- H.L. Fletcher - Spoke in opposition.
- Kelly Jemison - Spoke in opposition.
- Penny Renfroe - Spoke in opposition.

Commissioner Roberson asked Mr. Tharpe if he would have a problem with the following recommendations.

- Cease operations at 10:00 pm.
- Clean up road on Sunday morning all along Cochran Rd.
- Restriction activities to every other Saturday - twice a month.
- No sale of alcoholic beverages

Mr. Tharpe replied that he would have no problem with the those requests.

Discussion followed among the Board.

Chair Watson stated to Mr. Tharpe and the many supporters of the Bawg'n that the residents request is very important. He said that he could not be in support of this project. He commented that he could not force this on the residents that have to live near the Bawg'n.

He said with there being no enforcement that he would side with the landowners.

Commissioner Holt commented that for safety, liability of the County and property rights of the people who live out there, she could not support the Bawg'n.

Commissioner Roberson stated that she would like to make a motion that if operations ceased at 8:00 p.m. and the crowd had left the grounds by 10:00 p.m., and it was monitored by the sheriff deputies she would recommend approval. The motion died for a lack of a second.

UPON MOTION BY CHAIR WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO DENY APPROVAL OF THE TRAIN TRACKS BAWG'N. COMMISSIONERS WATSON, HOLT AND DOVER FOR THE MOTION. COMMISSIONERS DIXON AND ROBERSON OPPOSED THE MOTION. THE MOTION PASSED.

3.Hammock Creek Major Subdivision 01PZ-067-206-1-09 Final Plat Approval

Mr. Ballister read the comments and staff recommendations for the Hammock Creek Major Subdivision. He said that the Subdivision is nearing its final construction phases with its underground utilities are largely in place. The road base is being installed and the plat is at the County Engineer's office for review. He said the title opinion has been sent to the County Attorney for review, and has been found to be satisfactory. The Board of County Commissioners approved the Preliminary Plat on March 5, 2002. In June of 2003, the subdivision was granted a one-year extension of the effective period of the Preliminary Plat due to extenuating circumstances arising out of environmental permitting. It was approved on July 2, 2003. He said that the Development Order was issued on October 21, 2003 for Phase I of the development, which was in effect for 18 months per section 7107(C), 2. The applicant is applying now for a Final plat with the bonding option. He said that this is permitted under section 6500. He said that his recommendation was the approval of the final plat for the Chairman's signature and filing.

Chair Watson called for public comment and there was no response.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE FINAL PLAT FOR HAMMOCK CREEK MAJOR SUBDIVISION.

4.Clemons Variance 04PZ-060-201.02-1-08

Mr. Ballister read comments and staff recommendations for the Clemmons Variance. He said that Mildred Clemons had made inquiries about a housing permit that was to be based on an immediate family lot size waiver. The property in question is located in the rural residential land use district and measures about 0.82 acres. He said that she was told that due to the restrictions in Section 6600 of the Land Development Code, that she could not split the lot because the minimum lot size for an immediate family waiver is 0.5 acres in that district. He gave the short history of the lot is that it was originally surveyed as an acre, but land taken for maintained county right of way for McNair Road had consumed the eastern strip of land. He said that the existing location of Perry Land is not in the intended right of way, and that the right of way itself has never been deeded to the County nor has it ever been officially deeded to anyone. He said that it is a strip of land not deeded with the remainder of the properties.

Mr. Ballister recommended that the requested variance be granted to allow the creation of two approximately 0.41 acre lots and setback relief on the side facing the unoccupied "right of way".

Chair Watson called public comment and there was no response.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, TO GRANT THE CLEMMONS VARIANCE.

7. ASSISTANT COUNTY MANAGER'S AGENDA

1.Proposal for Architectural/Engineering Services

Mr. Lawson addressed the Board regarding the proposal for Architectural/Engineering Services. He said that there were eight proposals received for RFP 04-09 to provide Architectural/Engineering Services for the proposed new Public Library in Quincy. The selection evaluation committee short-listed four firms. He said that all of the

proposals have been evaluated and ranked according to pre-established criteria. The top four ranked firms were called in for a presentation and a question and answer session. After the presentations, the firms were called in for a presentation and a question and answer session. After, the presentations, the firms were re-evaluated and given a final ranking. The ranking below does not necessarily reflect the numerical rating. The firms were ranked as follows:

1. CRA Architects, Tallahassee, FL.
2. Akin & Associates, Inv. Tallahassee, FL.
3. Lee & Bridges Architectural Consultants, Inc., Quincy, FL.
4. Welch & Ward, Architect, Inc., Tallahassee, FL

Mr. Lawson commented that, based upon the evaluation criteria and the presentations, the committee ranked CRA Architects as the top firm. He said that he is requesting approval of the Evaluation Committee's recommendation and authorization for the County Manager to negotiate a contract with the top ranked firm.

Chair Watson asked Mr. Lawson if he felt as if the other 3 companies were capable of design and construction administration of the Library. He stated he wanted to keep the business in Quincy, FL.

Mr. Lawson replied that he felt that the other 3 companies listed were capable.

Commissioner Holt stated that she would like to see the presentations of the top four firms.

Chair Watson inquired as to the time factor of the grant. He said that time would not permit for presentations. He commented that a decision should be made at this meeting.

Jane Mock, County Library Director, replied that final plans and awarded construction have to be submitted by December 23, 2004.

Discussion followed among the Board.

Commissioner Dixon made a motion for approval of the evaluation committee recommendation for CRA Architects. The motion died for lack of a second.

James Lewis, of CRA Architects of Tallahassee, FL addressed the Board. He commented that what the Board was approving at this meeting was not the actual design. The designs are only a recommendation of your wants and need. He said that it is a design based on a box.

Chair Watson commented that he recommended and would like to make a motion for Lee & Bridges Architectural Consultants, Inc. of Quincy, FL. He said he felt that it should be offered to a business in Gadsden County. He stated that Lee & Bridges were capable of handling the job.

Commissioner Dixon stated that he disagreed with the Chairman and was in support of the evaluation committee's decision to go with CRA Architects, Tallahassee, FL.

Commissioner Dover commented that he would like to commend the evaluation committee. He said that after a look at the numerical evaluation, he felt it was too close. He stated that he recommended a firm in Gadsden County was a wise choice.

Commissioner Holt inquired about the point system.

Mr. Lawson commented that they followed the guidelines for issuing the points. He stated the presentations were concepts based upon the criteria that they were given by the evaluation committee.

UPON MOTION BY CHAIR WATSON AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE COUNTY MANAGER TO NEGOTIATE A CONTRACT WITH LEE & BRIDGES ARCHITECTURAL CONSULTANTS, QUINCY, FL FOR PROJECT DESIGN AND CONSTRUCTIONAL ADMINISTRATION FOR THE NEW QUINCY LIBRARY. COMMISSIONER HOLT OPPOSED THE MOTION. THE MOTION PASSED.

2.County Auditing Services

Mr. Lawson addressed the Board regarding the County's Auditing contract that expired with the completion of the 2002/2003 audit. He said that staff is requesting

direction from the Board as to whether to solicit for a new auditing firm or to re-negotiate with the previous auditing firm for a new contract. He said that Purvis Gray & Company informed the Finance Director that they could not renew the contract for less \$ 65,000.00. He stated that Mr. McKinnon and himself had talked to two different CPA firms and they both have assured that they would have enough time to do the audits.

Commissioner Roberson inquired what amount is paid to the current auditor's, Purvis Gray & Company.

Mr. McKinnon replied that he believed the figure was around \$52,000-\$53,000.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO SOLICIT BIDS FROM AUDITING COMPANIES FOR THE 2004/2005 AUDIT FOR THE COUNTY.

8. COUNTY MANAGER'S AGENDA

1.Resolution in Support of A Qualified Target Industry (QTI) Application

Mr. McKinnon asked for the Board's approval of Resolution 2004-019. A resolution by the Board of County Commissioners of Gadsden County, Florida finding that Kuaffman Tire, located in the 10/90 Industrial Park Inc. be approved as a qualified applicant of the Qualified Target Industry Business pursuant to section 288.106, Florida Statues. The recommendation was based upon Gadsden County's review of Kauffman Tire, Inc's final application to encourage quality job growth in target high value-added business. He stated that it also states that Florida Statue Section 288.106 requires 20% local financial participation as tax refunds come due, which local financial participation requirement may be waived if qualified target industry business is located in a rural county. He said that it is an award made to businesses, which serve multi-state and/or international and are able to locate in other states.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE RESOLUTION 2004-019 FOR SUPPORT OF

KUAFFMAN TIRE, BECOMING A QUALIFIED TARGET INDUSTRY BUSINESS.

2. Annual Meeting Date for Airport Authority/City of Quincy/County Commission

Mr. McKinnon commented that the Airport Authority has requested the annual combined meeting be set for 5:45 p.m. Tuesday, October 5, 2004 just prior the regular County Commission meeting. The meeting is to be held in the County Commission Meeting Room.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ANNUAL COMBINED MEETING DATE AS DESCRIBED ABOVE FOR THE AIRPORT AUTHORITY SCHEDULED FOR 5:45 P.M. TUESDAY, OCTOBER 5, 2004.

Items pulled from the Consent Agenda for discussion.

d. Library State Aid Grant Agreement

Commissioner Holt stated that her reason for pulling the Library State Aid Grant Agreement was to see how the revenue was spent from last year.

Mr. McKinnon stated that this was a separate budget and that he would get that information for Commissioner Holt.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE LIBRARY STATE AID GRANT AGREEMENT.

1. Security Guard Services - Quincy Public Library

Commissioner Holt had asked that Security Guard Services Contract be pulled from the consent agenda for discussion. She asked why the Library has to contract with Security Guard Services when the Sheriff's Office is located at the same location.

Mr. McKinnon replied that the Library has hours that operate beyond the Sheriff's Office normal work hours.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE SECURITY GUARD SERVICES WITH THE QUINCY PUBLIC LIBRARY.

J. FY 2004/05 Road Paving List

Commissioner Dixon asked that the FY 2004/05 Road Paving List be tabled until the next meeting October 5, 2004.

9. CONSENT AGENDA

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

- a. Video Contract for County Commission Meetings with Southerland Enterprises expiring on September 30, 2005 at \$650.00 per meeting.
- b. Library Hispanic Services Grant (\$43,607) expiring on September 30, 2005.
- c. Library Plan of Service for FY 2004/05
- d. Library State Aid Grant Agreement-pulled for discussion by Commissioner Holt.
- e. Request to set Public Hearing Date (10/05/04) for Escambia County Housing Finance Authority Single Family Mortgage.
- f. Appointments to Northwest Florida Big Bend Health Council-Jerry Wynn and Alice Dupont.
- g. Change Order #39 - C.W. Roberts Paving Contract roads included in the new construction Schwall Road, Moore Road, Beaver Creek Road, Mitchell St. Potter Road, Maggies Drive, Mitchell Circle, Beaver Creek Drive, Lakeview Drive. New contract price including this change order \$ 15,195,829.00
- h. Department of Agriculture Annual Lease for 2004/05 Recycling Center lease # 2008,2000,2011
- i. Department of Transportation CTST Safety Project - Gadsden Schools Sidewalk Construction Contract No. An075
- j. FY 2004/05 Road Paving List - pulled for discussion by Commissioner Dixon and rescheduled for October 5, 2004 meeting.
- k. Purchase of Caterpillar 420D Backhoe/Loader S/N FDP00499 at the amount of \$17,224.56.

- l. Security Guard Services - Quincy Public Library - pulled for discussion by Commissioner Holt.
- m. SHIP Subordination Agreements: Mary Creal, Karen Carter
- n. SHIP Annual Report
- o. Certificate of Public Convenience and Necessity for CJ Systems/AirMedic Helicopter Service
- p. Voter Education Funds - Certificate Regarding 15% Matching Fund (\$1,188.84)

Consent Agenda - For the Record

- q. 2004-05 Small Counties Technical Assistance Services Program
- r. Florida Fish and Wildlife Conservation Commission-Fishing and Boating Access Projects
- s. City of Midway Annexation of Approximately 132.95 Acres
- t. Chamber of Commerce - Economic Development Report for July and August 2004.

11. PUBLIC COMMENT

Chair Watson called for public comment and there was no response.

12. CLERK'S AGENDA

- 1.Cash Report - For the Record
- 2.Financial Statement - For the Record

3.Sale of County Land

In the absence of Clerk Thomas, Mr. McKinnon referenced the memo in the packets from Clerk Thomas. He stated that Carolyn Smith made a request to purchase a small piece of County property on Knight Road. He said that he is requesting permission to go forward with process of a private sell as authorized by Florida Statutes 125.35.

The Board had no objection to the purchase of the land.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE SALE OF COUNTY LAND ON KNIGHT ROAD TO CAROLYN SMITH.

4.BUDGET AMENDMENTS

Budget Amendments 2004-09-01 through 2004-09-21-03

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

5.Ratification of Approval to Pay County Bills:

Check Registers Dated 08/20/04; 08/27/04; 09/03/04; 09/20/04; and 09/17/04 Payroll Deductions Registers Dated 08/19/04;09/02/04;and 09/16/04 Payroll Registers Dated 08/19/04; 09/02/04 and 09/16/04

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

13. COMMISSIONER'S AGENDA

District 1

Commissioner Dover had no report.

District 3

Commissioner Roberson had no report.

District 4

Commissioner Holt had no report.

District 5

Commissioner Dixon had no report.

District 2

Appointments to the Value Adjustment Board

Chair Watson made appointments to Value Adjustment Board for the year 2004. He appointed Commissioners Dixon, Roberson and himself as this year's representation. He stated that the meeting had been set for October 6, 2004 at 1:00 p.m.

Resolution No. 2004-023 to Name Judicial Complex (Old Barnett Building) the Guy A. Race Building

Chair Watson commented that Resolution 2004-023 was a resolution to name the Judicial Complex the Guy A. Race Building. He said the resolution was sought in honor of his memory. He stated that the late Guy A. Race served 22 years as the Gadsden County Juvenile Counselor and 5 years as the Chief Deputy Clerk in the Juvenile Division of the Clerk of Circuit Court of Gadsden County, Florida. He also mentioned that he served as a dedicated teacher, principal, coach and athletic director in Gadsden County.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTE 5 - 0, BY VOICE VOTE, TO APPROVE RESOLUTION NO. 2004-023 NAMING THE JUDICIAL COMPLEX THE GUY A. RACE BUILDING.

Final Budget Hearing

Chair Watson reminded the Board of the Final Budget Hearing scheduled for September 27, 2004 at 6:00 p.m.

ADJOURNMENT

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

Sterling Watson, 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 27, 2004, THE
FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT:

STERLING WATSON, CHAIR
CAROLYN D. ROBERSON, VICE-CHAIR
WALTER D. DOVER
BRENDA HOLT
EDWARD J. DIXON
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
BERYL WOOD, DEPUTY CLERK

ABSENT:

NICHOLAS THOMAS, CLERK

1. CALL TO ORDER

Chair Watson called the meeting to order. He then turned the meeting over to the County Manager, Mr. McKinnon.

2. BUDGET DISCUSSION - COUNTY MANAGER

Mr. McKinnon called attention to the attached package of information. He stated that the following facts:

- Name of Taxing Authority is the Gadsden County Board of County Commissioners
- The Rolled-Back Rate - \$9.63 per \$1,000.00
- Percentage Increase over the Rolled-Back Rate is 3.84%
- Proposed County Millage Rate for FY 2004-05 is 10.00 Mills
- Proposed Budget for FY 2004-05 is \$32,697,484.00

GROWTH MANAGEMENT DIRECTOR (Attached)

Mr. McKinnon stated that Bruce Ballister, Growth Management Director would like to address the Board regarding an additional staff person for his department.

Mr. Ballister addressed the Board asking to increase a position that is currently a half-time permanent position to full time. He stated that the job descriptions of the professionals serving in his department have had to shift several times over the last few years. He stated that Kelly Owens originally began to take on Information Technology functions for the department and later for the Board of County Commissioners. He said that he originally grew away from his original mapping functions over time. He stated that Ken Stocks, the Principal Planner, has a degree in geography and has taken the lead in developing skills in ArcView. He said that Melissa Wimberley's part-time position is the position that he would like to make full-time. He said that she already possess the skills needed to move forward in this position and would be an asset to the County. He commented that the workload that Ken has would decrease, freeing him to do more field inspections.

Chair Watson asked the Board what is their desire on this particular situation.

Commissioner Roberson stated that she agreed with Mr. Ballister. He does have a heavy caseload. She said his Department does need the help.

Commissioner Dixon replied that he was sure he needed the help, but his concern was with enforcement.

Mr. Ballister stated that with Melissa going full-time this would allow Ken more time, to see what's in the field. He said that it's hard at this point, because we stay so busy. He commented some of the paperwork needs to be taken off of Ken and that would start to alleviate some of the problems.

Discussion followed among the Board as to what Mr. Ballister could cut from his Department to offset the salary and that would not reduce the amount of service to the Citizens in the County.

Mr. McKinnon recommended that he and Mr. Ballister sit down and work together to address the enforcement issue and look at the possibility of increasing the position to full-time.

No action was taken at this meeting.

3. PUBLIC AND BOARD COMMENT

Chair Watson called for public comment and there was no response.

Senior Citizen and Sheriff's Budget (Attached)

Chair Watson commented that he had mentioned previously that he would like to reduce the Senior Citizen's Budget down to the original \$50,000.00 that they received prior to last year's budget in FY 2003 and place it in Contingency. He said that after the Sheriff's request at the last Board meeting on September 21, 2004, he would like to move the \$90,892.00 to the Sheriff's Jail Budget instead of Contingency. He said that by doing so it would offset the upcoming budget.

Commissioner Dixon commented that he had requested a line item from the Sheriff, so that the Board could grasp the seriousness of the situation. He said that what Sheriff Woodham turned in is not what he requested. He stated he felt as if the Board should not release any funds until he abides with the request.

Commissioner Holt agreed with the Commissioner Dixon, to not release any funds until information requested is submitted.

Discussion followed among the Board.

UPON MOTION BY CHAIR WATSON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 3 - 2, TO REDUCE THE SENIOR CITIZENS BUDGET FROM \$140,892.00 TO \$50,000.00. PLACING THE \$90,892.00 IN THE SHERIFF'S JAIL BUDGET AND TAKING \$9,108.00 FROM CONTINGENCY BRINGING THE AMOUNT UP TO \$100,000.00 FOR THE SHERIFF'S JAIL BUDGET. COMMISSIONER'S WATSON, ROBERSON AND DOVER FOR THE MOTION. COMMISSIONER'S DIXON AND HOLT OPPOSED THE MOTION. THE MOTION PASSED.

4. ADOPTION OF FINAL COUNTY MILLAGE AT 10.00 MILLS BY RESOLUTION-026

UPON MOTION BY COMMISSIONER DOVER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT THE FINAL COUNTY MILLAGE AT 10.00 MILLS BY RESOLUTION 2004-026.

5. ADOPTION OF FY 2004-05 BUDGET BY RESOLUTION-027

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE FY 2004-05 BUDGET RESOLUTION 2004-027 AT \$32,697,484.00. COMMISSIONER HOLT OPPOSED THE MOTION. THE MOTION PASSED.

Mr. McKinnon stated that the Memorandum of Agreement and Understanding between Talquin, The County, City of Quincy and Peter Patel pertaining to the sanitary sewer service to the SR267/Interstate 10 exchange would be discussed at the next official Board Meeting on October 5, 2004.

ADJOURNMENT

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

Sterling Watson, Chair

ATTEST:

Nicholas Thomas, Clerk

AT THE REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON OCTOBER 5,
2004, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

STERLING WATSON, CHAIRMAN
CAROLYN ROBERSON, VICE-CHAIRMAN
WALTER D. DOVER
BRENDA HOLT
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

1. CALL TO ORDER

Chair Watson called the meeting to order. Mr. McKinnon led in the pledge of allegiance to the U.S. flag and Commissioner Dover led in the invocation.

2. APPROVAL OF AGENDA

The agenda was amended as follows:

- Add the Memorandum of Agreement and Understanding to provide sewer service on Pat Thomas Parkway south of I-10 to follow # 5 the Growth Management Director, Mr. Ballister.
- Item "a" Architectural Services Grant was pulled for discussion by Commissioner Holt to be placed under County Manager's Agenda, Mr. McKinnon # 9.

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

3. APPROVAL OF MINUTES

September 2, 2004 - Budget Workshop

September 3, 2004 - Emergency Meeting - State of
Emergency Proclamation

September 8, 2004 - Budget Workshop

September 13, 2004 - First Budget Hearing

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

4. COUNTY ATTORNEY'S AGENDA

Mr. Richmond had no report.

5. GROWTH MANAGEMENT DIRECTOR'S AGENDA

Magnolia Village Major Subdivision - 04PZ-059-203-4-08

Mr. Ballister was administered an oath by Hal Richmond, Notary Public before he gave his comments and recommendations for Magnolia Village Subdivision.

Mr. Ballister read the comments and staff recommendations for Magnolia Village Major Subdivision as listed with the agenda packet. He said it was recorded in May of 1997 as a clustered subdivision with lots that were either 0.25 acres or only a little larger. He stated that 18 lots were recorded on that plat. Bluecher Lines has submitted a current title opinion, which will be forwarded to the County Attorney for review. The subdivision has been constructed and accepted with only two lots constructed. One of these was for the developer, Bill Crawford, now deceased, and one other. He said that the intent of this application to reassign the open space allotted on the original plat to saleable lots. There is also an increase in lots from the current 18 to a proposed total of 21 lots. The replat was originally proposed in 2001, but was never fully authorized by Mr. Chapman to go before the board. The increase in the overall area created by the annexation of lands immediately to the west of the existing plat. The Land Development Code requires 10% open space. This replat provides 14.1% open space but also includes the two small stormwater ponds in that space.

Recommendations

1. If the replat is approved, the storm water treatment pond(s) should be augmented to allow for the additional runoff to comply with FDEP requirements for water quality treatment.

Mr. Ballister commented that representation was in the audience to answer any questions regarding the project.

Commissioner Dixon inquired about the open space.

Mr. Ballister commented that they are in essence selling off the open space.

Chair Watson called for public comment and there was no response.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MAGNOLIA VILLAGE MAJOR SUBDIVISION REPLAT.

2.Evans Small Scale LUA - Barak Gardens -04-PZ-054-205-2-07

Mr. Ballister read the comments and staff recommendations for the Evans Small Scale LUA-Barak Gardens which would change 6.48 acres of Ag2 to Rural Residential.(See attachments) He said that the applicant, Maurice Evans, is proposing a change on the Future Land Use Map (FLUM) of 6.48 acres located on a parcel east of SR267 and immediately north of Stella Gray Road. The property is further identified by parcel number 2-26-3N-4W-0000-00200-0000. The current land use designation for the property is Agricultural 2 (one home per 10 acres). Mr. Evans is proposing Rural Residential (one home per acre). He said that the conceptual plan for the property divided the property into five lots ranging from residential areas down to .5 acres. He said that access to the lots from SR 267 would be from the proposed Inez Way, which ends in a cul-de-sac. The subject parcel does not have access to sewer or public water and would be using septic tanks and wells. He said that all proposed homes would be site-built homes.

Staff Recommendation:

1. There is no substantial reason to deny the application based on concurrency or compatibility.

Chair Watson called for public comment and there was no response.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE EVANS SMALL SCALE LUA - BARAK GARDENS CHANGING 6.48 ACRES FROM AG2 TO RURAL RESIDENTAL.

3. Christ Town Ministries

Mr. Ballister commented that the Christ Town Ministries of Quincy have recently acquired a single-family residence on Sullivan Road, a private road off of Bassett Road. He said that it is staff understanding that it was acquired as an endowment. The P&Z Department received several reports from the neighbors objecting to the number of residents that are housed in the home. He said that if the home were operated as an adult congregate living facility (ACLF), the County would have very little recourse as statutory authority protects these, until the number of residents exceeds 6. Women, men and children (presumably families) occupy the house on Sullivan Street. Frequently, the number of persons appearing to reside in the home, exceeds 6, however not all are adults. He said that from his reading of the definition, this use does not constitute an ACLF. It does, however, fall under the County's broader classification as a "Special Residential Use", which includes emergency shelters, residential treatment facilities and recovery homes.

Mr. Ballister commented that our Code Enforcement Officer, Tracy Smith, has had conversations with the Director/Pastor Bob Wells. His conversations indicated that he would do whatever it took to not have to file an application for a special use. It appeared that the next day several individuals were moved out. Very soon thereafter, either those individuals or replacements were moved back in. (From neighborhood commentary). He said that he had tried in the past several days to get in touch with Mr. Wells to get his comment, but had been unsuccessful. In conversation with the other residents on Sullivan Road and the County Manager, Mr. Ballister stated that the Department decided to invite Mr. Wells to appear before the Board in lieu of a formal application to allow him to publicly state his intentions for staffing or housing and use so that the County formally determine whether there is a need for a site hearing as a "special use". He requested that the Board hear the commentary from Christ Town

Ministries and Sullivan Road and provide guidance to the department as to how to proceed.

Pastor Bob Wells addressed the Board.

Chair Watson asked Pastor Wells if he had a license to the property in question.

Pastor Wells replied that he did not have a license only title and deed to the property. He said that they were given the home and at the present time, didn't know what the extended use for the home would be. He stated that he was sure they knew what had happen when they had a house on Cooper Street. He said that, at the present time, there are 3 young ladies and one of the ladies has two infants and a toddler. He said the ladies were placed there so they wouldn't have to rent a home. He commented that he was not present to violate in any fashion. He said he only takes people in that may need help, so they may return to society a better person.

Chair Watson commented that it was his understanding that for the County not to have jurisdiction over him, he is supposed to have a license from the Department of Children and Families (DCF).

Mr. Ballister stated that is only correct if DCF has jurisdiction over a child that is in the home. He said that they would need a license from the State and notification from either the state agency or the agency that is involved stating that they are operating the facility and the number of residents involved, so we would know that we don't have jurisdiction. He said that it was his understanding that the County does have jurisdiction. He said if DCF provided a license and the population was under 6 they would have jurisdiction and the County wouldn't. He said until a license is issued, the County has jurisdiction. He said that the question still remained if there was an agency that would fit this description.

Commissioner Dixon asked Pastor Wells what exactly he was running and if he had received funding.

Pastor Wells replied that he was running a ministry. He said that he is not collecting any type of funding. He said that his organization is a non-profit. He said that he would follow any regulations set-up by the Board.

Commissioner Holt inquired as to what FL Statute (FS) states that the organization can't exceed 6 people.

Mr. Ballister replied that there were several that pertained to that, but FS 4.19 DCF, FS 4.09 ACHA. He said that they would have to license the facility in order for the County to waive jurisdiction.

Mr. Ballister stated that there is also a public safety component. He said since people pay rent, it should get a life safety inspection.

Discussion followed among the Board.

Commissioner Dixon stated that there has to be a way to deal with this type of situation when the State says they have no jurisdiction. We are dealing with ministry and it must be handled accordingly.

Chair Watson replied that if the State doesn't have jurisdiction, they should have to go through the Board to receive license.

Commissioner Holt commented that something concrete needed to be in place. She said that the Board shouldn't just point him out. She stated they needed the exact Statute to make any type of ruling.

Mr. Ballister stated that Chapter 2 in the Comp Plan relates to this project in some way.

Mr. Richmond said that his opinion was it should be license. He said what's been stated is it's for people that need temporary housing until they are able to get back on their feet. He said it's a question of use.

Pastor Wells commented that they don't offer emergency shelter, but, housing to a few select ladies. He added that they don't receive state funding. He reiterated that he only has 6 people in the house and they must go to work or school.

Chair Watson inquired as to the condition of the people in the home.

Pastor Wells replied that they are people that are in need of help who have nowhere to go. He said that they are charged 30% of their salary for rent, so that they can learn responsibility.

Discussion followed among the Board.

Chair Watson asked Pastor Wells if he understood the neighbors concern. He stated that someone has jurisdiction and until the Board can find who that is, he recommended that it cease until a decision could be made.

Commissioner Dixon replied that if the Board has no jurisdiction, the Board couldn't require them to cease.

Mr. Richmond commented that he would look at the Florida Statutes and return with his opinion or however the Board wishes him to look into the matter at hand.

Chair Watson called for public comment.

Public Comment

- **Larry Benedict** spoke in opposition of the Christ Town Ministries. He said the number of people living in the home varies. He stated that he was concerned with the type people that are housed in the home. He also mentioned that the house was unsafe due to the obsolete aluminum wiring.
- **Dr. David Muland**, an adjacent property owner spoke in opposition to the Christ Town Ministries. He said that people were an unknown factor. He asked that the Board take a serious look into the matter, before deciding.
- **Martha Wells**, sister of Pastor Wells, spoke in support of the Christ Town Ministries. She said that she does Bible study with the young ladies at 6:00 am before they depart from school and work. She commented that there was nothing-illegal going on in the home. She said the people only needed help until they could do better. She welcomed the Board to visit.

Commissioner Dixon commented that no jurisdiction could be proven at this point. He suggested that the RIPPA guideline be read and applied when dealing with a

religious institute. He said according to federal law you can't treat religious institutes like you do households.

The consensus from the Board was that they needed further information. Mr. Richmond along with Mr. Ballister would bring updates at the next meeting October 19, 2004.

No action was taken by the Board at this meeting.

4. 2004-5 Road Paving List

Mr. Ballister commented that the 2004-05 Road Paving List was prepared per the consensus of the Commission in earlier discussions this year. He said the criteria for accident frequency or infrastructure improvements have been deleted. He said the impact of connector roads is significantly reduced to one fifth of its previous impact. There are only five connectors left on the list at this time. He stated that all roads with 11 or more homes on them were included in the study. The January 2004 E-911 assess list was used because as it is more up to date than their Map Series for addresses. A list of maintained dirt roads with the number of crew hours per roadway was obtained from Public Works Department.

Commissioner Holt stated a correction of districts was needed on a number of the roads.

Mr. Ballister stated that he tried to cluster all of the unpaved roads on the new list. He said when they are considered as a group they ranked better.

Mr. Presnell said that the top 15 roads on the old paving list had been persevered.

Chair Watson asked if the Board had to make a decision or if they could go back to the old list.

Discussion followed among the Board.

Commissioner Holt stated that she liked the clustering concept. She said that she would like to maintain the list, but when a clustering opportunity occurs, it should be brought to the Board's attention, then make a decision.

Chair Watson commented that he was in agreement with Commissioner Holt. The Board should stick with the old list and come back before the Board if opportunity presents itself.

It was the consensus of the Board to stay with the old list and if opportunity for clustering occurs it should be presented to the Board for approval.

5. Memorandum of Agreement and Understanding (previous discussion occurred at the 08/17/04 meeting)

Mr. Ballister commented on the Memorandum of Agreement and Understanding that was approved at the August 17, 2004 BCC meeting. He said that since that time, Talquin Electric has encountered some legal issues with their contract with the City of Quincy. He stated that the changes in the attached document are a result of further negotiation with Marvin Cox, City Planner and City Manager Willie Earl Banks. He told the Board it didn't affect the County's liability. He stated that the change would only affect Talquin and the City under certain scenarios that were mentioned after the prior paper was circulated. Talquin redrafted the document that included their changes. He told board members that he needed their authorization for the Chairman to sign due to the time constraints of the grant deadline.

Mr. McKinnon concurred. He told the Board that, the City would provide sewer capacity for 5 years. He said that beginning the 6th year, Talquin would have a regional wastewater treatment facility in place. Talquin has worked out an agreement with the city that if for some reason, they can't get sewer treatment facility. Talquin along with the County has agreed to pursue all avenues to get the sewer treatment facility. He noted for the Board, as a back-up plan, Talquin is working with the City if the sewer treatment facility were not possible the City would provide permanent capacity. He said the capacity charges for a new sewer customer. He stated that Mr. Patel's capacity charges would be covered by the County that would result in about 20% capacity charges if the grant were approved. He stated that if there was no Grant the County could be liable for a 100% of capacity charges. He said that at the current weight structure it would be \$59,800.00. He told Board members if implemented the plant would start in year 11.

Commissioner Holt asked what year would \$59,000.00 have to be implemented.

Discussion followed among the Board.

Commissioner Holt inquired as to what would happen if the grant were not approved.

Mr. Ballister stated that if there is no grant Hampton Inn will build a septic system.

Commissioner Dixon voiced his concern with County accepting all the liability and Talquin having none.

Mr. Ballister commented that the County accepts liability only for Hampton Inn, since they are the seed project.

Discussion followed among the Board.

Chair Watson stated that the County is only responsible for the Hampton Inn connection. He told the Board that the agreement does not mention in the event the grant is 50% of the project that would pay the other 50%.

Mr. McKinnon replied that was correct it is not listed. He said that it would be added for clarification purposes. He said he believed that was the intent on Talquin's part for the County to pay the 50% match if the grant only receives 50%.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MEMORANDUM OF AGREEMENT AND UNDERSTANDING WITH THE AMENDED LANGUAGE ADDED TO THE AGREEMENT.

6.ASSISTANT COUNTY MANAGER'S AGENDA

Selection Evaluation Committee - RFP#04-10-Construction Management Services - New Public Library

Arthur Lawson, Assistant County Manager, addressed the Board. He said that there were 10 proposals received for RFP#04-10 to provide construction management services for the proposed new Quincy Library. The selection evaluation committee short-listed 4 firms. He said that all of the

proposals had been evaluated and ranked according to pre-established criteria. He mentioned that references were checked on the top 4 firms and a final ranking was calculated. The top three firms were ranked as follows:

1. Cook Brothers, Inc., Midway, FL
2. Peter Brown Construction, Inc., Tallahassee, FL
3. Childers Construction Co., Tallahassee FL

Mr. Lawson stated that based on the evaluation criteria and the responses received from references, the committee ranked Cook as the top firm. He said the decision was based upon their extensive experience in construction management and actual contracting, as well as their ability to bring projects in on time and within budget. He told board members that the selection committee requested approval of the top ranked firm and also permission for the County Manager to negotiate a contract. He said that if, for some reason a contract cannot be negotiated with #1, then the second ranked firm will be negotiated with, etc., until a contract is reached.

Commissioner Holt asked if there was anyone from Cook Brothers present. She asked what their policy was as to minority sub-contractor work.

Lamont Cook of Cook Brothers, addressed the Board. He replied that they follow the guidelines of the Florida law.

Commissioner Holt asked Mr. McKinnon about the \$1.4 million dollars that is required to build the Library. She gave for an example, if the Library loan is not approved, would the County still be liable.

Mr. Richmond commented that if the you enter into a contract, the Board could still decide not to build. He said that there would be some minimal cost to the County.

Mr. Cook said there are pre-construction services such as advertising and plans, etc. He said that those cost are minor.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE COOK BROTHERS TO PROVIDE CONSTRUCTION MANAGEMENT SERVICES FOR THE PROPOSED NEW PUBLIC LIBRARY IN QUINCY.

Senior Citizens

Willie Scott along with many supporters questioned the Board as to why their funding from the County was cut. He told Board members they have problems and are seeking the Boards help.

Chair Watson explained that two years ago, the Center was receiving \$ 50,000.00, last year the funds were increased to \$150,000.00 because the center lost a grant. He stated that the County could not continue to make up the difference each time a grant is lost. He commented that the Sheriff's budget amendment was \$ 95,000.00 short at the end of the fiscal year. He said it's not wise to begin the new-year in the hole. He said it's the County Commissioners responsibility to make sure the jail is provided.

Commissioner Dixon told Mr. Scott that he had directed the Director of the Senior Citizens Center to bring back numbers to support the amount of funds they were seeking.

- Mr. Scott said that he along with the many supporters of the center would continue to complain.
- Sam Hawkins spoke in support of the County returning the funds to the Senior Citizens Center.

The Board took no action.

7. RECREATION DIRECTOR'S AGENDA

Employment Contract for Lorenza Ellis

Restee Smith, Recreation Director for the County addressed the Board. He requested approval of an employment contract for Lorenza Ellis retro active for services performed as a recreational assistant during the summer. He said that Mr. Ellis provided services as an independent contractor at various county parks over a three-month period. He again asked the Board for approval of the contract. (See attachment.)

Discussion followed among the Board.

Mr. McKinnon replied that activity reports would be given to the Board on a monthly basis.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE 99 HOURS FOR THE PAST YEAR FY 2003-04 AND 99 HOURS FOR THE CURRENT YEAR FY 2004-05.

8. PUBLIC WORKS DIRECTOR'S AGENDA

Dumpster Relocation Site Agreement - District 5

Robert Presnell, Director of Public Works addressed the Board. He commented on the new location chosen as a site for the District 5 dumpster. He said that the new site is currently owned by Charles W. Roberts III lying on the south-east side of Pat Thomas Parkway in Gadsden County, Florida. (Parcel #06-07-1S-4W-0000-00111-000.) He said that the agreement is for a two-year term commencing January 1, 2004 through December 21, 2005.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE DUMPSTER RELOCATION SITE AGREEMENT FOR DISTRICT 5.

9. COUNTY MANAGER'S AGENDA

Architectural Services Contract

Commissioner Holt commented that she pulled the architectural services contract for discussion. She stated that her question pertained to the time limit. She commented that the contract should state a definite ending date.

Mr. McKinnon referred the question to Mr. Lawson who replied that he would give Lee and Bridges Architectural Consultants a call as to a certain date.

Mr. Richmond told Board members any work that Architectural Consultants have done, the County is obligated to pay for only that work.

Mr. McKinnon said that the design would be a conceptual design. Lee and Bridges would complete design work.

Discussion followed among the Board.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ARCHITECTURAL/ENGINEERING SERVICES CONTRACT WITH LEE AND BRIDGES ARCHITECTS AND GAVE AUTHORITY FOR THE CHAIRMAN TO EXECUTE THE CONTRACT.

November Meeting Date (Rescheduled)

Mr. McKinnon told Board members that the next regular meeting of November 2, 2004 falls on Election Day.

Discussion followed among the Board.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 4 - 1, TO MOVE THE NOVEMBER 2, 2004 MEETING FROM TUESDAY TO MONDAY, NOVEMBER 1, 2004 AT 6:00 P.M. COMMISSIONER HOLT OPPOSED THE MOTION. THE MOTION PASSED.

10. CONSENT AGENDA - FOR APPROVAL

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

- a. Architectural Services Contract - pulled by Commissioner Holt for discussion. (See Agenda Item #9)
- b. Joint Participation Agreement and Resolution - Project No. 41134615801 - Small County Road Assistance Program Resurfacing CR 268 Solomon Dairy from SR 10 (US 90) Gretna to SR 10 (US 90) Quincy
- c. Interlocal Agreement for Ambulance Services with Chattahoochee
- d. Custodial Contract - Havana Public Library - with Marjorie Fenwick, Custom Cleaning Service.
- e. Roadside Sod Installation - Bid #04-14 - Florida-Georgia Turf, Inc. of Quincy, FL in the amount of \$.1995 per sq. ft.
- f. Resolution No. 2004-022 Designating September 15, 2004 as Hispanic Heritage Month
- g. Resolution No. 2004-024 Declaring November 2004 as National Epilepsy Awareness Month
- h. Change Order #40 to Contract with C.W. Roberts Contracting, Inc. - original contract price of \$924,512.25

- i. Proclamation No. 2004-026- Endorsing "Lights On Afterschool!" Program
- j. Contract for Rehabilitation Agreement and Special Assessment Lien - Dorothy S. Glover
- k. Rehabilitation Agreement and Special Assessment Lien- Dorothy S. Glover
- l. Ship Agreement and Special Assessment Liens: Angela Smith. James and Shaneka George; and Shelia Johnson

11. CONSENT AGENDA - FOR THE RECORD

- m. City of Midway Ordinance Number 2004-8 Voluntarily Annexing Approximately 132.95 Acres
- n. City of Midway Intent to Annex 1,300 Acres
- o. Minutes of Gadsden County Tourist Development Council - August 17, 2004
- p. Large Item Pick Up Notice

12. CLERK'S AGENDA

- 1.Cash Report - For the Record
- 2.Fund Summary - For the Record

3.Budget Amendments - 2004-10-01 through 2004-10-05-03

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

4.Ratification of Approval to Pay County Bills: Check Registers Dated 09/24/04 and 09/30/04; Payroll Deductions Register Dated 09/30/04

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

13. COMMISSIONER'S AGENDA

District 1

Commissioner Dover had no report.

District 3

Commissioner Roberson had no report.

District 4

Commissioner Holt had no report.

District 5

Commissioner Dixon commented that he had been appointed to the National Association of Community and Economic Development with the National Association of Counties (NACO).

The Board congratulated Commissioner Dixon for his accomplishment.

District 2

Chair Watson asked Mr. Richmond about the extension of the contract for the Mr. McKinnon, County Manager. He said that in Section 9 "Termination Conditions and Pay of the Contract," it says that, "In the event the County Manager is terminated by the BOCC, the County agrees to compensate County Manager payment equal to 120 days." He said he would like to amend the contract to extend up to 240 days salary plus benefits, provided however, that the employee has not secure employment elsewhere.

Mr. Richmond replied that he would attend to the contract and have it at the next official meeting.

Commissioner Holt inquired from Chair Watson what was the reasoning behind the increase.

Chair Watson replied that Mr. McKinnon had done a lot for the County and should be compensated.

*****In the absence of there not being a place on the agenda for public comment. Chair Watson called for public comment at this juncture.**

PUBLIC COMMENT

- **Mary Leonard** addressed the Board representing the Senior Citizens Center, Meals on Wheels Program. She referred to the reduction of County funds. She said the reduction would grossly affect the program. She said that they can't provide the food due to funding cuts to all that seek their help. She asked if the funding could be replaced, so that no Senior would go hungry.
- **Sam Hawkins** addressed the Board inquiring about the extension of the County Manager's contract.

Discussion followed among the Board.

ADJOURNMENT

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

Sterling Watson, Chair

ATTEST:

Nicholas Thomas, Clerk

**Joint Meeting of the
Quincy/Gadsden Airport Authority
City of Quincy Commission
Gadsden County Board of County Commissioners
County Commission Chambers
Edward J. Butler County Government Office Complex
9 East Jefferson St.
Quincy, FL 32351
October 5, 2004**

Airport Authority Members Present: Jimmy Ashmore

City of Quincy Commissioners Present: No one from the City was present at this meeting.

County Commissioners Present: Sterling Watson, (Presiding)
Carolyn Roberson, Walter D. Dover, Brenda Holt, Edward J. Dixon, Hal Richmond, County Attorney, Howard McKinnon, County Manager, Beryl Wood, Deputy Clerk

CALL TO ORDER

BCC Chair Sterling Watson called the meeting to order at 5:45 p.m. He then turned the meeting over to Jimmy Ashmore of the Airport Authority.

Mr. Ashmore stated the Quincy/Gadsden Airport Authority had not requested funding from either the City of Quincy Commission or the County Commission this fiscal year FY 2004-05. He commented that they might seek funding the following FY 2005-06 if needed. He said that they had large projects that are coming up. He highlighted the following facts:

- Total revenue (including grants) of \$257,000.00
- Hanger Rentals \$ 69,00.00
- Fuel sales \$ 54,000.00 (\$45,000.00) profit of about \$ 9,000.00
- Received a \$ 107,000.00 from the Department of Transportation and FAA
- Completed the Runway markings project which was about \$30,000.00 Airport share only \$15,000.00 we had a match from FAA 95/5.
- Upcoming projects with funding by FAA 1.) Updating boundary survey and layout plan, which will include topographic survey; (This survey must be in place to runway expansion can be

permitted.) projected over the next 20 years as to what the airport will be doing with the physical layout.

- 1 DOT project a 5-bay in closed hanger at cost of \$320,000.00 with the airport's share coming in at \$64,000.00. He stated that the airport has requested a waiver for their portion, but they haven't heard from DOT.
- Installation of security gate has been added to capital outlay plan. He said that the Federal and State would like for security to be upgraded. They are willing to pay a 100% totaling about \$35,000.00.
- A new beacon that can be seen better than the one they have at the present time. That's an 80/20 contract about \$90,000.00.
- Tractor mower to keep the grounds up.

Mr. Ashmore discussed how important the Quincy/Gadsden Airport is in attracting businesses to the area. He said that they appreciated the financial support the County and the City had given in the past. He said they might request funds in the near future to help with some of the capital projects. He said that the funding received from the City and County is used for capital projects.

Chair Watson inquired as to whether they had bought the property to extend the run-way.

Mr. Ashmore replied that they had not. He said that the first stage was to get the boundary survey and layout plan, environmental assessment and appraisal. He said that it would take about 5 - 8 years for about 100 acres.

Mr. Ashmore stated that they would apply with the State for waivers to offset some of the projects that are coming up.

Chair Watson inquired of Mr. Ashmore what would they base the waiver on.

Mr. Ashmore replied that with certain projects DOT would wave if there were security related issues involved.

No action was taken.

Sterling Watson, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
IN AND FOR GADSDEN COUNTY,
FLORIDA ON OCTOBER 19, 2004,
THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT:

STERLING WATSON, CHAIR
CAROLYN ROBERSON, VICE-CHAIR
WALTER D. DOVER
BRENDA HOLT
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

1. MEETING CALLED TO ORDER

Chair Watson called the meeting to order. Mr. Richmond led in pledge of allegiance to the US flag. Mr. McKinnon led in the invocation.

2. ADOPTION OF AGENDA

The agenda was amended as follows:

- Add resolution 2004-030 supporting extending Gadsden County's designation as a Rural Area of Critical Economic Concern, continuation of existing Enterprise Zones and continuation of funding for Opportunity Florida through Enterprise Florida to be placed under Mr. McKinnon #8.
- Removal of item #9 "a" Change Order request #41 to C.W. Roberts Paving Contract from the Consent Agenda.
- Add the Cash Report and recommendation to temporarily restrict purchases to essential services only and payroll to be placed under Clerk Thomas #12.
- Removal of item 9 "b" Amendment to County Manger Employment Agreement to be placed under Mr. Richmond #4.

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

3. APPROVAL OF MINUTES

September 27, 2004 Final Budget Hearing

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

4. COUNTY ATTORNEY'S AGENDA, HAL RICHMOND (previous discussion at 2/17/04,4/20/04,05/06/2004 BCC Meetings)

- Public Hearing - Ames Barineau Road Paving
- Public Hearing - Quail Roost Drive and Quail Roost West Road Paving

Mr. Richmond announced a public hearing to get public input on a petition the County had received to pave Ames Barineau Road - a private road. He said that the matter was first heard at an earlier meeting but discussion was continued to this date in order to ascertain facts associated with the paving. He stated that the property owners on that road have a right, under the terms of conditions listed in Ordinance # 93-002, to have their road paved. He explained that the property owners would have to agree to pay 2/3 of the costs and sign a voluntary lien for that amount. He also said that the property owners would have to execute deeds for the roadway rights-of-way.

Chair Watson asked if there was anyone present who was opposed to the proposal. There was no response.

He then called for comments from the Board.

Commissioner Dixon asked how long the process would take to see it through to completion. (Ascertain deeds to rights-of-way, put agreements into place and complete the paving.)

Public Works Director Robert Presnell addressed the Board. He reminded them that they had agreed to limit the paving of private roads to only two per year and that they would have to be put into the regular paving rotation. He was reluctant to say how long the process might take.

Mr. McKinnon stated that time limits would not be included in the agreements. He explained that if the Board should approve to pave a private road, the next step would

be to actually get the property owners to sign a voluntary lien. He explained that the costs would begin accruing at the time a lien is signed and the necessary deeds are executed.

Chair Watson called for a motion.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PAVING OF AMES BARINEAU ROAD - A PRIVATE ROAD - SUBJECT TO THE PROVISIONS OF ORDINANCE #93-002 AND THE TERMS DISCUSSED ABOVE.

It was the consensus of the Board to do the same for Quail Roost Drive and Quail Roost West Road Paving.

Chair Watson asked was there anyone to speak for or against Quail Roost Drive and Quail Roost West and there was no response.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE QUAIL ROOST DRIVE AND QUAIL ROOST WEST ROAD PAVING.

Mr. McKinnon explained to the property owners seated in the audience that the Board had approved their petitions that the County pay 1/3 and property owners pay 2/3 of the cost of road paving. In both cases a certain number of property owners have agreed to share the cost equally. He said that would require a voluntary lien to be executed by the property owners and once signed the County has the authority needed to proceed with occurring cost. He noted that the first step in the process is to get the deeds (right of way) to the property, so that the County can begin.

Public Comment

- **Gary Roberts**, property owner on Ames Barineau Road addressed the Board. He inquired what was the process in deeding the road.

Mr. McKinnon explained that Surveyors would come out and survey the road and he explained that it had already been included in part of the estimated cost.

- **Renee Givenas**, property owner, asked the Board would the deeds that they are executing have the language included that dealt with culverts.

Mr. McKinnon replied that's not apart of the deed just apart of paving the road.

**Public Hearing - Escambia County Housing Finance Authority
Bonding Program - Approval of Bond Program**

Mr. Richmond commented on the public hearing for the Escambia County Housing Finance Authority requests the Board of County Commissioners to adopt Resolution 2004-029 authorizing the issuance of he above-referenced bonds by the Authority. He stated that in the past Mr. Jernigan had addressed the Board unfortunately he could not be here, instead his Assistant Executive Director Karyn Norton was present.

Karyn Norton addressed the Board in support of the proposal.

Commissioner Holt inquired what was the length of the Revenue Bonds.

Ms. Norton replied that it is 3 years in the past it had been 1 year. She explained that the benefits are that every year a public hearing won't be required. She said that the program would run more efficient and they wouldn't return until the year 2007. She said they would come each year only for reports.

Chair Watson called for public comment and there was no response.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY AND RESOLUTION 2004-029 AUTHORIZING THE ISSUANCE OF THE SINGLE FAMILY MORTGAGE REVENUE BONDS (MULTI-COUNTY PROGRAM).

Update on Christ Town Ministries

Mr. Richmond updated the Board on his findings for Christ Town Ministries. He stated that after reviewing the statues and Land Comprehensive Plan it appears that as long

as another home does not exist for a 1000ft the County has no authority to deny. He said that there does need to be an application made with Mr. Ballister's department to make sure that there is proper compliance that there is not another home within a 1000ft. He said that a letter should be sent to Christ Town to that affect.

Chair Watson said that for the benefits of the neighbors, he would like it defined exactly what Christ Town is doing.

Mr. Richmond stated that under chapter 4.19 Community Residential Homes that if there are 6 or more people involved it would require state licenses. He said they are exempt as long as it is less than 6. He said they are treated as a single-family dwelling.

Discussion followed among the Board.

Pastor Bob Wells addressed the Board about clarification.

Mr. Richmond replied that the only requirement by the County is that there not be another group home within a 1000ft. He said clarify or establish with Mr. Ballister how your ministry would work with less than 6 people residing.

The Board took no action.

Hospital Update (Ashford Healthcare)

Mr. Richmond reported that Ed Blanton the Attorney representing the County in the litigation against Ashford Healthcare has withdrawn from the case. He said that Mr. Blanton fax over on Friday his motion to withdraw and he received a signed original copy by mail on yesterday. He sited that he would no longer be able to offer representation citing a conflict of interest as his reason. He noted that a motion to dismiss has been filed by Ashford Healthcare. He said that depositions where scheduled for November 2, 2004. He commented that his recommendation be that Council be sought immediately and a motion filed to get the hearing continued.

Discussion followed among the Board.

It was the consensus of the Board to give Mr. Richmond authorization to hire Council and file a motion with the Courts to continue the case against Ashford Healthcare and report back to the Board.

Amendment to County Manager Employment Agreement - (removed from the Consent Agenda "b" by request Commissioner Holt for discussion)

Commissioner Holt commented that her reason for pulling the Amendment to the County Manager's Employment Agreement was to find out how much additional funds would that result in.

Mr. McKinnon replied that his salary is around \$6,500.00 - \$7,000.00 a month.

Commissioner Holt stated that she didn't agree with the change.

Commissioner Dover replied that he agreed with the amendment to the County Manager's Agreement.

Discussion followed among the Board.

UPON MOTION BY COMMISSIONER DOVER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE AMENDMENT TO THE COUNTY MANAGERS EMPLOYMENT AGREEMENT FOR PAYMENT FROM 140 DAYS TO 240 DAYS.COMMISSIONER HOLT OPPOSED THE MOTION.

5. JOEL MONTGOMERY AND JEFF LAWSON - REQUEST FOR SPECIAL STATE APPROPRIATION TO CONSTRUCT NEW HEALTH CENTER FOR GADSDEN MEDICAL

Jeff Lawson addressed the Board with a State Legislature Appropriation request. They presented to the Board a presentation to consider requesting a special state appropriation to construct new health center for Gadsden Medical.

Chair Watson inquired had they chosen a location.

Mr. Lawson replied that are looking at the area around the Printing House somewhere along Strong Road.

Commissioner Dixon inquired how has the delivery of service been handled with the outlying communities.

Mr. Lawson stated that as far as delivery of service it is accurate. He said that they are limited by federal statute as to where they can open satellite centers.

Joel Montgomery, CEO of North Florida Medical Center stated that in the past they have had to close satellite centers due to economical reasons.

Chair Watson asked why where they in need of a new facility.

Mr. Montgomery commented they need additional room and upgrades.

Discussion followed among the Board.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE SPECIAL STATE APPROPRIATION TO CONSTRUCT NEW HEALTH CENTER FOR GADSDEN MEDICAL.

6. HIDDEN LAKE PHASE 3&4 MAJOR SUBDIVISION - FINAL PLAT
04PZ-059-203-4-08

Mr. Ballister gave the comments and staff recommendations for Hidden Lake Phase 3&4 Major Subdivision, Final Plat. He said that the applicant, Robert Harrell, is completing the final stage of the Hidden Lake Subdivision. Phase 1&2 were platted a few years ago and are almost completely sold out. Hidden Lake is a mobile home subdivision with underground electrical, stormwater controls, and complies with the land development code in effect at the time of conceptual approval in 1999. The property is further identified by parcel number 2-33-3N-2W-0000-00243-0100. He said that the current land use designation for the property is Rural Residential (one home per acre). The plat follows the approved preliminary plat with some minor lot adjustments that were agreed to by the applicant in the original development order to provide better distribution of the lot area and to eliminate a dead end into adjacent property.

The site was field inspected on September 8th by this department, Clifford Schneff from Public Works, and Alan Pierce from the County engineer, Preble-Rish. It is expected that the deficiencies noted would be completed by

the time we get to plat signatures. However in the event that there are still some outstanding items, the applicant is submitting a letter of credit verifying that these tasks can be completed. The applicant has submitted a title opinion as required to the County Attorney for approval. The applicant's engineer has submitted the plat documents for approval to the County Engineer's office for review of content and format.

Staff Recommendations

1. Approve the final plat for signature. If the final mylars are not available by meeting time, they will be delivered to the Chairman for signature.

Mr. Richmond inquired about the total number of units.

Mr. Ballister replied that total amount of units are 76 lots.

Chair Watson called for public comment and there was no response.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE HIDDEN LAKE PHASE 3&4 MAJOR SUBDIVISION FINAL PLAT.

2.MITCH SMITH VARIANCE - HARDSHIP VARIANCE - 04PZ-064-201.02-1-09

Mr. Ballister read the comments and recommendations for the Mitch Smith Variance. He commented the applicant, Mitch Smith, is requesting a special dispensation to sell off a lot on his property at the end of Smith Road. The property is further identified by parcel number 3-02-2N-2W-0000-00130-0000. The current land use designation for the property is agricultural 2 (one home per 10 acres). The total acreage of his property is 12.75 on the property appraiser's record but measures 13.4 acres by survey. The property is designated Ag2 on the Future Land Use Map and at + 13 acres would only qualify for one homesite.

The property currently has one home on it for Mr. Smith and one for his full time caretaker. Mr. Smith is quadriplegic, and requires the assistance of a caretaker. He said that the request is to allow the sale of a lot to

his caretaker retaining a portion of the property for himself. If the proposal were granted, the sale of the property would provide Mr. Smith with needed revenues. The sale of the property would also grant the caretaker to take legal possession of the property he has been living on for some time. He stated that there would be no increase in density as there are already two homes on the +13 acres. The subdivision of the property into two lots cannot be considered clustering, and is not an immediate family waiver. Therefore the request is nominally and factually in conflict with the comprehensive plan's limits on density. There is a possibility of granting a 'temporary' concession in the hardship request. If the deed calls for the recombination of the properties should either owner wish to sell at a future date, the effect of the sale is then temporary and does no long term harm to the comprehensive plan.

Recommendations

1. If the hardship request is granted, a reversion clause in the deed should be included to ensure the recombination of the properties at a future date.

Chair Watson called for public comment and there was no response.

Discussion followed among the Board.

UPON MOTION BY COMMISSIONER DOVER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MITCH SMITH VARIANCE.

Flu Shots

At this juncture of the meeting Chair Watson intervened and asked Dr. Jessie Furlow of the Gadsden County Medical Center about the recent discussions of the shortage of the Flu Vaccine. He said that Alice Dupont of the Gadsden County Times had contacted him wanting a response to their being no flu shots in the County.

Dr. Furlow replied that is correct and at one point there were some at the Tallahassee Memorial Family Medicine - Quincy. She said that there are no flu shots at this time in the County, but Citizens

should not be come alarmed. She said the Health Departments in both Quincy and Tallahassee are without the vaccines. She commented that she had heard that the shots were available at an unknown supermarket in Bainbridge, Georgia.

Chair Watson asked what action the County should take.

Dr. Furlow commented that no action is required at this time.

2. Ball Farm Music Festival - Festival Permit - 04PZ-35-205-2-05

Mr. Ballister read the comments and staff recommendations for Ball Farm Music Festival at the north end of Ball Farm Road between St. Hebron and Quincy. He stated the applicants, Spanish Moss Philanthropies, has made an application for a three day music festival under the County's Festival Permit Ordinance. The property is located at and beyond the northern terminus of Ball Farm. The property ID number is 2-32-3N-3W-0000-004000-0000. The farm is located on several hundred acres of forest and open pasture. The applicant first made contact with the County last Spring. In the intervening months they have been firming plans for performers, and coordinating with the County's sheriff officers and EMS managers. They indicated that they would be coordinating with the FHP to manage traffic flows along Hwy 12. The 'Down on the Farm Arts and Music Festival' is intended to draw about 750 to 1,000 participants and will allow camping on site for extended stays. The application indicated that there is sufficient space on the property to accommodate all parking needs. He commented that Mr. Levine, the local contact for the applicant, has secured Barkley Security to maintain order onsite, is obtaining the services of parking aids to guide visitors and will have on site EMS presence per Tommy Baker.

Requested Action

1. Provide direction to the County Manager on whether to grant a permit upon presentation of all of the support documentation required by Festival Ordinance.

Paul Levine of Spanish Moss Philanthropies spoke in support of the project. He said that the event would occur during the month of November 12-14, 2004. He stated that the event would consist of music and arts in an effort to raise funds for local and national charities.

Commissioner Dixon commented on the similarities of the music festival v/s the LUAU.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE BALL FARM MUSIC FESTIVAL AND WAIVER OF THE PERFORMANCE BOND. COMMISSIONERS ROBERSON AND WATSON OPPOSED THE MOTION.

4. Lake Talquin Docks - Update from 08/17/04 BCC Meeting

Mr. Ballister gave the update for the Lake Talquin Docks. He commented that he was instructed by the Board to have the area surveyed and inventoried to see actually what kind of impact had been applied. He said that he had informed the Board that he had an application pending to abandon one of the right-of-ways at the end of Lunker Lane. He commented that after careful research it was determined that the Poppells actual own the land where the docks sit. He commented on the several docks, one that was mentioned at the last discussion by the gentlemen from Georgia. He said that it was the understanding that these roads where built for the access to the lake, not knowing that they couldn't or not knowing about the Grey area, the Poppell property. He said that if abandonment is done on some of the right-of-ways it should be individually done on their merits.

Mr. Ballister said that on each of the statements read plats (5 section) each states that the right-of-way is dedicated to the public for highways and access and should they revert that they revert back to their heirs. He said if there is to be an abandonment it should be done by individual hearing. He noted that some of the docks had existed a long time. He stated that most of the deeds stated that if abandoned it should be reverted back to the heirs, if they gave up the right-of-way. He said his recommendation was that the County could schedule hearings one by one since, only the County could abandon. He said that none of the right-of-ways are feasible for future public access.

Chair Watson inquired did the County own the property leading up to the water.

Mr. Ballister said the County owned up to elevation 70, but where the dock sits the County does not own.

Chair Watson asked who owned the land.

Mr. Ballister said it was owned by the Poppells.

Discussion followed among the Board.

Commissioner Holt asked for the law.

Mr. Ballister said there were several sources. He said Mr. Poppell could explain in detail.

Al Poppell addressed the Board. He explained that he is the title-holder to the property that is at question. He said that he is the title-holder to 600 acres all the lake where the land is. He said all except the top portion 68.5 acres to contour 70. He stated that he would like to work with the Board and private landowners. He mentioned that there was a lot of history the Grey Area in question is actually owned by the Grey Family. He said that he was not in favor of abandon the road that had applied for abandonment to one of the streets through the County. He said that he would like to keep all access.

Chair Watson asked Mr. Poppell if he was opposed to any closing on the streets mentioned.

Mr. Poppell replied yes, because he would like to have access to the Grey Area. He said that anyone that builds a dock would be taking a chance. He stated that he purchased the property through probate in 1995. He said that the lake is very old and some of the docks have been there for a while. He said that he wouldn't take an adversary approach. He said he would like to cooperate with everyone.

Mr. Ballister stated that the majority of the docks are there as a courtesy of Mr. Poppell.

Mr. Poppell re-iterated that he would like to work with the Board and the landowners.

Chair Watson inquired from Mr. Popell if he would be open to individual landowners going to him seeking to build docks and they proceed only with his blessing.

Mr. Poppell commented that he could agree with that.

Mr. Ballister said that the claim to title for the Shaw Heirs would also have to be cleared up to specifically say on the face of the plat.

Commissioner Dixon commented for his clarification Mr. Poppell does not own the road, but the lake bottom. The two pieces are separate. He said if abandonment occurs it would have to go back to the Shaw's, which Mr. Poppell would not agree to abandonment because it's his only access. He said the only way would be if he had another option.

Public comment was heard by the following concerning the docks.

Public Comment

- **Wesley Joyner**, resident of Lake Talquin addressed the Board. His comments were if Mr. Popell owns the land, who is liable, was it Mr. Poppell, the County or the landowners who built the docks. He asked for a definition of the word access.
- **Sam Hawkins**, property owner at Lake Talquin addressed the Board. He commented that he was against any road closures.
- **Jim Ivey**, property owner at Lake Talquin addressed the Board. He stated that it was his understanding that the roads in question weren't for public access. He said that he also has a title, which shows him as owner of 70ft.
- **Jim Lee**, property owner had questioned the Board regarding the docks.
- **Edna Hewitt**, property owner addressed the Board. She talked about her legal easement to her property. She questioned was it enough for emergency vehicles to get to her property since they closed St. Andrews Street.
- **Ronnie Knight**, property owner addressed the Board. He said that it was his understanding that when they brought property they had right-of-way. He said that they built docks with the understanding that all property owners on 5th street would have access.

- **Pete (Vick) Murphy**, property owner addressed the Board about the docks and right-of-way.

Commissioner Dixon stated that at some point the County would have to determine public access.

Chair Watson agreed and said that there is nothing in place to warrant them from building additional docks.

Commissioner Holt reiterated the importance of the law in writing according to this type situation and legal advice on how to proceed.

Discussion followed among the Board.

Mr. Poppell stated that he would not like other docks to be built at this time.

It was the consensus of the Board that road abandonment's become obsolete at this point. If any dock request comes through the County, have them file lawsuit for declaratory decree and let the judge decide. No clear issues were decided.

5. Budget Request - Additional Planner Position (previous discussion from 09/27/04 final budget meeting)

Mr. Ballister commented that at an earlier meeting he had request funding from the Board for an additional planner. He said at the County Manager's request he was asked to come back once the New Year had begun. The Commission has frequently asked for enhanced field inspection of approved development projects. He said that under their current staffing and job assignments, this has been very difficult to accomplish. He said additional hours needed to be found to allow for an increased field presence. He noted to offset the position of the additional planner there are items in the budget that his department is willing to let go.

Chair Watson asked Mr. McKinnon how did he recommend the Board fund the position.

Mr. McKinnon replied that the Contingency Fund has almost \$127,082.00. He said that you could take the \$13,000.00 from Contingency.

Commissioner Holt inquired about the cost of developments. She said that cost could be transferred on to the developers.

Mr. Ballister said that fee structure could be looked at. He commented that the only one with significant gate charge is the Land Use Amendments.

Chair Watson asked Mr. Ballister if he would bring back the fee structure for developers in surrounding counties so that the Board would be able to evaluate their current fee structure. He also inquired when was the last time the fees where raised.

Mr. Ballister stated that he would research that information and report back to the Board. He replied that the last time fees where raised where 2-3 years ago.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED TO APPROVE THE ADDITIONAL PLANNER POSITION AND TAKE THE FUNDS \$13,000.00 FOR THE POSITION FROM CONTINGENCY.

7. PUBLIC WORKS DIRECTOR'S AGENDA - ROBERT PRESNELL

Robert Presnell, Public Works Director for the County addressed the Board in regards to an equipment purchase request (underground cylindrical oil/water separator). He commented that the lowest bid came in from Barber Equipment Company of Albany, Georgia at a cost of \$10,345.00.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PUBLIC WORKS PURCHASE OF AN UNDERGROUND CYLINDRICAL OIL/WATER SEPARATOR FROM BARBER EQUIPMENT AT \$10,345.00.

8. COUNTY MANAGER'S AGENDA - HOWARD MCKINNON

Mr. McKinnon commented on Resolution #2004-030 supporting extending Gadsden Count's designation as a Rural Area of Critical Economic Concern; continuation of existing Enterprise Zones and continuation of funding for Opportunity Florida through Enterprise Florida.

Commissioner Dixon commented that Mr. McKinnon should make plans to attend the conference.

Mr. McKinnon replied that he would need a motion for approval for the overnight stay.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE RESOLUTION #2004-030 AS STATED ABOVE AND THE OVERNIGHT STAY FOR THE COUNTY MANAGER.

9. CONSENT AGENDA - FOR APPROVAL

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

- a. Change Order Request #41 to C.W. Roberts Paving Company Contract - removed from this agenda.
- b. Amendment to County Manager Employment Agreement - pulled for discussion by Commissioner Holt.
- c. Florida Municipal Insurance Trust Participation Agreement
- d. Renewal of Memorandum of Agreement to Extend Federal Champion Community Status for Five Years
- e. Letter of Understanding between Gadsden County and the Office of Court Administrator
- f. Amendment to Annual Certified Budget for Mosquito Control
- g. Contract for Rehabilitation Work: Ira Diggs; Edith Peek
- h. SHIP Agreement and Special Assessment Lien: Ollie Mae Knight; Edith Peek
- l. Gadsden County Community Development Administration SHIP Subordination Policy

10. CONSENT AGENDA - FOR THE RECORD

- k. Library Architect Agreement

11. CLERK'S AGENDA, NICHOLAS THOMAS

Cash Report

Mr. Thomas referenced the memo of the cash report where he noted that the general fund balance is \$567,475.00 and the fine and forfeiture balance is only \$153.00. He commented that it indicated a cash flow problem brought about by the depletion of the fund balances in previous years in order to balance the budget. He said that he was

recommending that the Board only approve those purchases necessary for essential services and payroll until such time as the cash flow problem resolves itself. He stated that Public Works Department is exempt from the spending restriction. He said that improvements should be seen in about 4 weeks.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE CLERK'S RECOMMENDATION TO RESTRICT PURCHASES UNTIL REVENUE IS RETRIEVED.

County Deed

Clerk Thomas asked for the Board's approval along with the Chairman's signature for the County Deed, which pertained to Carolyn Smith for the sum of \$100.00.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE COUNTY DEED FOR SALE OF LAND TO CAROLYN SMITH.

Budget Amendments 2004-10-19-01 through 2004-10-19-29

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

Ratification of Approval to Pay County Bills: Check Registers Dated October 7, 2004 FYE 2003-04 and October 15, 2004-FYE 2003-04 & 2004-058; October 14, 2004 Payroll Deductions Register; and October 14, 2004 Payroll Register.

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

12. PUBLIC COMMENT (3 MINUTE LIMIT)

Chair Watson called for public comment.

Gladys Curtis Housing Permit- 04PZ-058-201.02-1-08

- **Jerome Harris** addressed the Board concerning the Gladys Curtis Housing Permit Type II Appeal. He said that it was postponed due to the son, Greg Perkins being in an accident where he is incapacitated and per the request of Mrs. Curtis the Appeal was postponed. He commented on how problems arose upon the mobile home's arrival on site. He said it was noted that the home had been improperly permitted, as it was a second home on a property less than five acres that is located in an AG1 land use district. He said that the delay was unnecessary since, the application was in the mothers name and the unit should be moved.

Mr. Ballister gave an overview of the Type III Appeal. He said that Gladys Curtis owned the property, and her son Greg Perkins made an application to place a home earlier this summer. He commented that information was used that came from the current plat book copy provided by the applicant as reference, and based on information in the application, the housing application was approved. He said that problems arose upon the mobile home's arrival on site. He said a call from a neighbor indicated that the home had been improperly permitted as it was a second house on a property less than five acres that is located in an AG1 land use district. Closer review of the file and the property's background indicated that the home had been improperly permitted as it was a second house on a property less than five acres that is located in an AG1 land use district. The property's background indicated that a combination of misleading clues, not thought to be in error by the applicant led to the misreading of the application. He said that the property had been illegally divided in November of 2003 without knowledge of the Planning Department. He stated that his recommendation was to uphold the decision of the permit, require the removal of the second mobile home, and require the reconstitution of the parent lot.

Mr. Ballister said that the original meeting was scheduled for September 7, 2004 due to the hurricane that meeting was cancelled. He said that it was re-scheduled for September 21, 2004 and they asked that it be postponed until further notice pending information about the son's condition is known. He said that the problem is that the County just can't remove personal property. He

commented that at this point he would press Mrs. Curtis to get a power of attorney over her son. He stated that it has been documented that the owner the home is not fit to make decisions. He said that they don't have a case to actually keep the unit on the lot.

Mr. Richmond advised that he would send a letter addressed to the mother, to her Council. He said that since it is her property that is in question the Board could schedule the hearing to proceed at the November 16, 2004 BCC meeting.

13. COMMISSIONER'S AGENDA

District 1

Commissioner Dover had no report.

District 3

Commissioner Roberson had no report.

District 4

Commissioner Holt had no report.

District 5

Commissioner Dixon had no report.

District 2

Chair Watson had no report.

ADJOURNMENT

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

Sterling Watson, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
IN AND FOR GADSDEN COUNTY,
FLORIDA ON NOVEMBER 1, 2004,
THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT:

STERLING WATSON, CHAIR
CAROLYN ROBERSON, VICE-CHAIR
WALTER D. DOVER
BRENDA HOLT
EDWARD J. DIXON
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

1.MEETING CALLED TO ORDER

Chair Watson called the meeting to order. Commissioner Roberson led in the pledging allegiance to the US flag. Commissioner Dover led in the invocation.

2.ADOPTION OF AGENDA

The agenda was amended as follows:

- Addition of a designee to serve on the Auditor Selection Committee to be placed under the County Manager's Agenda.
- Removal of item "a" Construction Manager Contract for New Library-Cook Brothers, Inc. from the Consent Agenda pulled for discussion by Commissioner Holt to be placed under the County Manager's Agenda.
- Addition of Request to Temporarily Transfer Funds to be placed under Clerk Thomas.

UPON MOTION BY COMMISSIONER DOVER AND SECOND BY COMMISSIONER HOLT, 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

September 21, 2004 Regular Meeting

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

4. COUNTY ATTORNEY'S AGENDA

Mr. Richmond had no report.

5. WILLIE SCOTT-SENIOR CITIZENS FUNDING

Mr. Willie Scott addressed the Board regarding the cut of the monies requested from the Senior Citizens Center. He commented that due to the cut in funding that the Seniors of Gadsden County would have to experience cutbacks or go without some of the much needing programs. He along with many of the elderly community supporters who frequently take advantage of the services offered at the Center asked the Board to re-instate the \$100,000.00 cut back to their requested Budget.

Chair Watson asked for public comment.

Public Comment

- **Sam Hawkins** spoke in support of the Senior Citizens Center.

Commissioner Holt mentioned transfer by the Clerk Thomas regarding funds to be moved from one fund to another.

Clerk Thomas replied that those are two separate issues. He said that funding the Senior Citizens Center is solely a Board decision.

Commissioner Holt said that she just wanted it to be clear to the Seniors, so that they would understand.

No action was taken.

6. JOEL SAMPSON & BILL BRIDGES - REVIEW AND APPROVAL OF ARCHITECTURAL DESIGN OF NEW LIBRARY FACILITY

Bill Bridges of Lee and Bridges addressed the Board. He presented the Review and Approval of Architectural Design for the new library facility. He said that there was the deadline of November 22, 2004 to the state and deadline for the ground-break of December 23, 2004. He stated that by meeting the deadlines it would guarantee maximum price.

Joel Sampson, Architect of Lee and Bridges addressed the Board. He said that since the Library is in the City limits that they are working off City Code. He mentioned the November 16, 2004 Planning Board meeting with the City. He spoke on some of the features that the library had.

- 50 parking spaces
- landscaping
- additional square footage - 14,500 sq. ft.
- increase in size of present library (double)

Commissioner Holt asked Mr. Sampson what part of the layout had changed.

Mr. McKinnon explained the preliminary design was done at the time the grant was applied for.

Mr. Bridges replied that the present design is more efficient and has more space. He said that the change in layout is similar.

Commissioner Dixon asked was there a particular need for the present design.

Jane Mock, Director of the County Library, responded that it would be great to have the additional space and staff. She commented that they currently have 14 computers at the new library they would have 30 computers.

Mr. Bridges commented that a lot was taken into consideration such as the extra circulation space and furnishings. He said the major priority was the efficiency in the plan, to make sure we were within the Code.

Commissioner Holt remarked that it was better to lose \$500,000.00 grant than to borrow \$1.4 million at the present time, due to difficulties in the budget. She commented that she could not be in favor of this project at the present time.

UPON MOTION BY COMMISSIONER DOVER AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE REVIEW AND APPROVAL OF ARCHITECTURAL DESIGN OF NEW LIBRARY FACILITY LOCATED IN QUINCY ON PAT THOMAS HIGHWAY. COMMISSIONER HOLT OPPOSED THE MOTION.

7. GROWTH MANAGEMENT DIRECTOR'S AGENDA

Resolution to Amend the Capital Improvements Element of the Gadsden County Comprehensive Plan

Mr. Ballister read the comments for the Resolution to Amend the Capital Improvements Element of the Gadsden County Comprehensive Plan. He mentioned that the resolution in the packets differ from the present resolution. He said that there errors with first resolution that have been corrected. He said that they are seeking grant money in our efforts to refurbish existing neighborhood parks. The grant package requirements change over time and this resolution is needed to gain needed points to qualify for current grants before FRDAP to upgrade the Robertsville and St. Johns Community Parks. He said that meetings should be scheduled with the recreation committee, the parks director, the grants department and this department to bring to a preliminary design stage, and create cost estimates for all of the remaining neighborhood parks. He stated that the overall effort couldn't be accomplished in the time available for this grant application. However, the resolution can bring in an additional 10 points needed in this competitive process.

Commissioner Dixon asked how many grant cycles were the County behind.

Nancy Gee, Grants Director for the County responded that they had missed one cycle. She commented that the Capital Improvement was not there such as parks named by name. She said that the Comprehensive Plan needed to be changed so that Gadsden would be able to score higher in the point system used by the Agency.

Chair Watson inquired about the Shiloh Park and what it would take to get all parks in the County on that level.

Ms. Gee stated that for all parks to be raised to the Shiloh level a 5-year plan should be implemented as well as the correct language in the Comprehensive Plan.

Commissioner Holt asked about the 5-year plan related to parks.

Ms. Gee commented that a 5-year plan didn't exist. She said until they come together with a 5-year plan and change the Comprehensive Plan the County would not be able to move up in the point system, therefore resulting in lost of park grants.

Commissioner Holt suggested that County Department Heads be trained to go after small grants within each department.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION TO AMEND THE CAPITAL IMPROVEMENTS ELEMENT OF THE GADSDEN COUNTY COMPREHENSIVE PLAN.

8. COUNTY MANAGER'S AGENDA

a. Big Bend Transit, Inc., - Transit Loop Route

Ted Waters, General Manager of Big Bend Transit, addressed the Board concerning the Transit Loop Route. He said that the Florida Department of transportation (FDOT) has agreed to sponsor 50% of the operating cost of a public transportation "Transit Loop Route" in the Quincy/Gadsden County area. Big Bend Transit, Inc. (BBT) will operate the route, and has been charged with finding a sponsor, or sponsors, for the other 50% of the operating cost. He said that the Transit Loop Route is proposed as a 10 mile, 60 minute loop, serving business, public facilities, medical facilities, etc. on Jefferson Street (US90) generally between Ralph Strong Road to the east and Atlanta Street to the west, the Wal-Mart and the Post Office on SR 267, and high density residential areas south of US 90 between 7:00 AM to 6:00 PM. He said that the operating cost of the Transit Loop is estimated to be \$3,925 per month, with possibly 4-5% of the cost being recovered from the farebox (it's proposed to charge a fare of \$0.50 per one-way trip). He said that it would be a one-year commitment to fund 50%

(or some portion of 50% of the net operating cost (approximately \$1,950 per month.)

Commissioner Dixon questioned the fixed route.

Mr. Waters commented the route is subject to change.

Chair Watson asked how long is the grant for and what would happen at the end of the grant period.

Mr. Water replied that the grant is for one-year and at the end of the grant they would continue to operate the service. He mentioned that with some of monies Gadsden would qualify for a waiver.

Chair Watson commented that with the present financial situation in the County, he would like to wait 6 months before committing. He asked Mr. Walters in he could submit monthly reports and a package of the program.

Mr. Walters said he would submit that information requested. He also commented that the program has been mentioned to the Gadsden County Chamber of Commerce and the City of Quincy as to becoming partners.

The Board took no action. The consensus was to wait the 6 month period before committing to the Transit Loop Route with Big Bend Transit.

b. Audit Selection Committee Appointee

Mr. McKinnon told the Board that they needed to select a County Commissioner or a designee to serve on the Auditor Selection Committee.

The Board decided that Mr. McKinnon would be the representative to serve on the Auditor Selection Committee.

c. Construction Manager Contract for New Library - Cook Brothers, Inc. "a" - pulled from Consent Agenda for discussion by Commissioner Holt

Commissioner Holt commented that she pulled the contract for the new library with the Cook Brothers simply to vote against the contract. She said that there was no other reason.

UPON MOTION BY COMMISSIONER ROBERSON AND SECOND BY COMMISSIONER DOVER, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE CONSTRUCTION MANAGER CONTRACT FOR THE NEW LIBRARY WITH COOK BROTHERS, INC. COMMISSIONER HOLT OPPOSED THE MOTION.

9. CONSENT AGENDA - FOR APPROVAL

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

- a. Construction Manager Contract for New Library - Cook Brothers, Inc.
- b. Ambulance Purchase - Piggy Back on Jackson County
- c. 2005 Holiday Schedule
- d. SCRAP Joint Participation Agreement - Project No. 41134625801
- e. Purchase of Mowing Tractors for Public Works
- f. Contract for Rehabilitation Work: Edgar and Annie Pearl Smith
- g. Special Assessment Lien: Ferneshea Gainous; Edgar and Annie Pearl Smith
- h. Satisfaction of Housing Agreement: Sandra Ann Kirkland; Catherine Thomas
- i. Health Department Contract for FY 2004-2005
- j. Emergency Management Preparedness and Assistance Base Grant for FY 2004-2005
- k. Disaster Relief Funding Agreement - FEMA-DR-1551-FL-Hurricane Ivan
- l. Disaster Relief Funding Agreement - FEMA- 1545-DR-FL-Hurricane Francis
- m. Disaster Relief Funding Agreement - FEMA-DR-1539-FL-Tropical Storm Bonnie and Hurricane Charley
- n. Change Order No. 39 to Gadsden County Roadway Contract with C.W. Roberts Contracting -(corrected) Schwall Road, Moore Road, Beaver Creek Road, Mitchell Street, Potter Road, Maggies Drive, Mitchell Circle, Beaver Creek Drive, Lakeview Drive
- o. Change Order No. 40 to Gadsden County Roadway Contract with C.W. Roberts Contracting - Spooner Road, Smithtown Road, Sierra Road, Cross Creek Place, Eastern Way, Prospect Place, Southgate Place

10. For the Record:

- p. City of Midway Ordinance Annexing Approximately 8 Acres

- q. Tax Collector's Return of Excess Fess for FY 2005-2005
- r. Certificate of Value Adjustment Board - DR-488
- s. October 6, 2004 Minutes of Value Adjustment Board

11. CLERK'S AGENDA

Request to Temporarily Transfer Funds and Cash Report

Clerk Thomas referenced his memorandum concerning the request to temporarily transfer funds and cash report. He pointed out that tax bills were mailed out on Friday of last week. He said it should result in significant revenue within the next fourteen days. He noted that as of Friday, the general fund cash dipped to a mere \$5,000. He stated that the figure had risen to \$52,683 as of today November 1, 2004. He commented that there was \$168,000 in unrestricted cash in Fund #143. This is the money, which had come in from over the last 13 years from the defunct mandatory garbage program. He said that two years ago you voted to use this money for third courtroom, but that has been implemented. He requested that the Board authorize the temporary transfer of that \$168,000 from waste services to the general fund to cover the upcoming payroll of \$200,000.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROBERSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE REQUEST TO TEMPORARILY TRANSFER FUNDS FROM WASTE SERVICES TO THE GENERAL FUND.

Ratification of Approval to Pay County Bills:
Accounts Payable 10/20/04 Old Year; 10/22/04 New Year;
Payroll Deductions 10/28/04; Accounts Payable 10/29/04; Old
Year Accounts Payable 11/01/04

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

12. PUBLIC COMMENT

Chair Watson called for Public Comment and there was no response.

13. COMMISSIONER'S AGENDA

District 1

Commissioner Dover commented on his appointment to the Board. He said that he had enjoyed serving on the Board. He said "I've learned a lot. I appreciate the support. My decisions were made from the heart."

District 3

Commissioner Roberson remarked on her term as a Commissioner. "I've enjoyed being commissioner for 8 years. I will miss you, I hope you will miss me."

District 4

Commissioner Holt thanked both Commissioner Dover and Roberson for their service to the County.

District 5

Commissioner Dixon expressed gratitude to both Commissioner Dover and Roberson for the service to the citizens of Gadsden County. He thanked them both for not making issues discussed around the table personal.

District 2

Chair Watson yield the floor to Maximo Martinez with the Gadsden County Health Department who had brought to the attention of the Board the announcement receipt of the flu vaccine at the local area Health Departments. He commented that appointments are required. He said the services are offered November 9-17, 2004. He stated that the announcement would run in all papers this week.

Chair Watson commented and thanked Commissioner Dover and Commissioner Roberson for their professional service rendered to the County. He made a plea to the remaining Commissioners that they conduct the meetings on a professional level. "What I hope is to keep meetings on a professional, mature, adult level. In the past we have berated staff and people coming

before us. I ask new Commissioners to not let follow
commissioners get away with it."

ADJOURNMENT

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

Sterling Watson, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON NOVEMBER
16, 2004, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

EDWARD J. DIXON, CHAIRMAN
BRENDA HOLT, VICE-CHAIRMAN
STERLING WATSON
EUGENE LAMB
DERRICK PRICE
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
BERYL WOOD, DEPUTY CLERK

ABSENT:

NICHOLAS THOMAS, CLERK

1. CALL TO ORDER

Chair Watson called the meeting to order. Commissioner Price led in the pledging allegiance to the U.S. flag. Commissioner Lamb led in the invocation.

**2. SWEARING IN OF RE-ELECTED COMMISSIONER EDWARD J. DIXON
AND NEWLY ELECTED COMMISSIONER EUGENE LAMB, JR., AND
COMMISSIONER DERRICK E. PRICE**

The swearing in ceremony of re-elected Commissioner Edward J. Dixon, newly elected Commissioner Eugene Lamb, Jr. and Commissioner Derrick E. Price was held at 5:00 p.m. on the front lawn of the Courthouse. The Honorable Judge Stewart Parsons presented the oath of office.

The ceremony for Gadsden County Constitutional Officers also included the swearing in of the newly elected Gadsden County Sheriff, Morris A. Young by the Honorable Judge William Gray.

3.ELECTION OF CHAIRMAN

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE COMMISSIONER EDWARD J. DIXON AS THE CHAIRMAN OF THE BOARD FOR A ONE-YEAR TERM.

***At this juncture of the meeting Chairman Dixon began presiding.

4.ELECTION OF VICE-CHAIRMAN

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE COMMISSIONER BRENDA HOLT AS THE VICE-CHAIRMAN OF THE BOARD FOR A ONE-YEAR TERM.

5.ADOPTION OF AGENDA

The agenda was amended as follows:

- The addition of a Performance Agreement between Arcoiris Records Inc. and Gadsden County Public Library added under the County Manager's Agenda.
- The addition of the County Manager's Severance Agreement added to the County Attorney's Agenda.
- Item 12 "c" from the Consent Agenda - Change to Approved List of Roads to be paved in Midway by NOPC Agreement. This item was pulled for discussion per the request of Commissioner Lamb to be placed under the County Manager's Agenda #11.
- Item 12 "a"- DSL Internet Connection Upgrade, Item 12 "f" - Interlocal Agreement between Okaloosa County and Gadsden County - Hazardous Household Waste Collection and Item 12 "i" - Purchase of Three Vans to Replace Old Vans used by Inmate Crews. These items were pulled for discussion per the request of Commissioner Holt to be placed under the County Manager's Agenda #11.

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

6. APPROVAL OF MINUTES

**Joint Meeting with Gadsden Airport Authority and City
of Quincy - October 5, 2004**

Regular Meeting - October 5, 2004

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

7. COUNTY ATTORNEY'S AGENDA, HAL RICHMOND

Ashford Healthcare, Inc.

Mr. Richmond discussed the lawsuit between the County and Ashford Healthcare. He noted that the Board still had not hired legal counsel representation. He commented that two names, Mr. Reeves and Ron Mowrey (Wakulla County Attorney) were given to him from Mr. Blanton, (the previous counsel) as possible Counsel for this proceeding. He stated that a hearing was scheduled for next week November 23, 2004. He said that a hearing a motion to continue would be filed. He suggested that a meeting be scheduled to discuss litigation.

It was the consensus of the Board that the meeting be scheduled for Monday, November 22, 2004 at 5:00 p.m.

Contract Agreement for County Manager's Severance Packet

Chair Dixon commented that he opposed the County Manager's Severance Agreement going from 4 months to 8 months. He said that was his reason for bringing it to the attention of the Board to re-consider the agreement.

Commissioner Watson stated that he opposed any motion to re-consider the County Manager's Severance Agreement.

Commissioner Holt commented that she also opposed the County Manager's Severance Agreement going from 4 months to 8 months. She said she would like to make a motion to re-consider the Agreement and a recommendation that it would return to the original 4 months.

Commissioner Lamb said that he was at the BCC meetings where this issue was discussed. He said he didn't feel as if it should have gone to 8 months. He said that he had confidence that Mr. McKinnon had done and is doing a great job.

UPON MOTION COMMISSIONER HOLT AND SECOND COMMISSIONER LAMB, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE RECONSIDERATION OF THE COUNTY MANAGER'S SEVERANCE AGREEMENT FOR DISCUSSION AT THE NEXT OFFICIAL BOARD MEETING ON DECEMBER 7, 2004. COMMISSIONER WATSON OPPOSED THE MOTION.

8.DAVID GARDNER, CHAMBER OF COMMERCE EXECUTIVE DIRECTOR

Lee Gardner, Treasurer of the Chamber of Commerce addressed the Board on behalf of David Gardner, Chamber Executive Director who was not present. He said that under the current policy the Chamber of Commerce does not have an existing Retirement Plan. He explained that David Gardner came from the State Retirement Plan. He recommended that the Chamber's Executive Director be included in the County current Retirement System.

Discussion followed among the Board.

No action was taken.

9.GROWTH MANAGEMENT DIRECTOR

1.First Reading of Adoption Ordinance - Evans Small Scale Land Use Amendments

Mr. Richmond explained the quasi-judicial proceeding to the public and new commissioners. He administered an oath to Mr. Ballister for his testimony in the hearing.

Mr. Ballister read his comments and requested action for the Evans Small Scale Land Use Amendments - Barak Gardens from 6.48 Acres from Ag2 to Rural Residential. He said the application for this Land Use Amendment was heard by the Planning Commission and approved on September 8, 2004. The application was heard and approved by the Board of County Commissioners on October 5, 2004. He explained the process for the new Commissioners. The Land Use

Amendments adopted by ordinance must be heard at two public hearings and adoption takes place on the second meeting which will be held in three weeks, on December 7, 2004 BCC Meeting. This application has the amended label of Barak Gardens to avoid confusion with the Small Scale Amendment performed in 2003 by Mr. Evans. He read the Ordinance in the record by title. He noted that the second reading would be at December 7, 2004.

2.Curtis Appeal Rehearing 04PZ-058-201.02-1-08

Mr. Ballister read his comments and staff recommendations for the Curtis Appeal Rehearing. (A detailed copy of the comments and staff recommendations can be obtained from the Clerk's Office.) He stated that Gladys Curtis owned the property in question, but her son, Greg Perkins, made an application to place a home earlier this summer. Using the current plat book copy provided by the applicant, the housing application was approved. The problems arose immediately upon the mobile home's arrival on site, A call from a neighbor indicated the home had been improperly permitted as it was a second house on a property less than five acres that is located I and AG land use district. He commented that with closer review it was revealed that the file and the property's background indicated that a combination of misleading clues, led to a misreading of the application. He said that that the property had been illegally divided in November of 2003 without knowledge of the Planning Department. This change had been made on the paper plat book of pages maintained by the Property Appraiser's Office without Planning Department knowledge. The property number listed on the application is the number for the vacant portion of the original 3.8 acre lot, not the already occupied other half. Since the first hearing that was scheduled for September 7, 2004, it was cancelled due to the hurricane delay. Mr. Perkins has suffered a head injury, and we have been forced to postpone action causing further frustration of the neighborhood. The Department has received numerous calls from neighboring owners who are petitioning to have the County take immediate restorative action against the Perkins' and Curtis'.

Recommendation

1. Uphold the decision of the permit; it was issued based on an application that included compounding errors.
2. Require the removal of the second mobile home.
3. Require the reconstitution of the parent lot to its original 3.8 acres.

Chair Dixon asked for Mr. Curtis to address the Board.

Booker Curtis was administered an oath by Mr. Richmond, Notary Public. He addressed the Board in support of the Curtis appeal. He commented that he was representing his son that was in a motorcycle accident and is incompetent. He said that his son owned 4 acres of land and 2 acres went to his son and 2 acres went to him. He asked the Board for permission to allow the unit to stay.

Mr. Ballister commented that his recommendation would be that the second home be removed and reconsideration of the lot.

Commissioner Holt inquired what on the application was incorrect.

Mr. Ballister said that the property I.D. number was incorrect. He noted that the information provided to his office was that the home was intended for a vacant lot.

Commissioner Lamb asked when did your office realize that there was a mistake.

Mr. Ballister commented that he realized the mistake after it was filed and recorded at the Clerk's Office.

Discussion followed among the Board.

Jerome Harris was administered an oath by Mr. Richmond, Notary Public. He opposed the Curtis Appeal.

Jasper Moore was administered an oath by Mr. Richmond, Notary Public. He re-iterated that the

property was Ag1, 1 unit per 5 acres and something needed to be in place to enforce it.

Marion Laslie was administered an oath by Mr. Richmond, Notary Public. She was not in support of the Appeal.

Mr. Ballister replied that he had spoke with the Clerk Thomas about a checklist. He said that Clerk Thomas stated that he followed the Florida Statue, the responsibility didn't fall under the Clerk's Office.

Commissioner Watson said that the Curtis's acted on information that was given to them and they expect us to uphold the law. He said that the "We should not circumvent our law."

Discussion followed among the Board.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO DENY THE APPEAL AND FOLLOW THE STAFF RECOMMENDATIONS AND PROPERTY BE RECONSTITUTED.

Unagendaed Item - Sheriff's Office Request

At this juncture of the meeting Chair Dixon asked that the Sheriff's representative, Joseph Parramore come forth.

Joseph Parramore, with the Gadsden County Sheriff's Office addressed the Board on behalf on Sheriff Young. He presented the Board with a memo that asked when the Board chose the auditing firm that a thorough audit of the Sheriff's Office be conducted.

It was the consensus of the Board since this item was not on the agenda it would be placed on the December 7, 2004 agenda.

3.Stoddard Land Use Amendment

Mr. Ballister read the comments and the staff recommendations for the Stoddard Land Use Amendment. Mr. and Mrs. Darrell Stoddard, Billy Lee and neighbors

submitted a request to change the land use on approximately 70 acres of land located on adjacent parcels immediately south of McCall Bridge Road and immediately east of Lakeview Point Road. The summary of the discussion was whether or not the associated properties could be combined in a joint application. The simultaneous application of the commercial to residential change request with the adjacent Ag3 to residential change was another concern of the Board. The Planning Commission unsure of the legalities of the request asked that the County Attorney, Hal Richmond render his opinion. Mr. Richmond responded in a written letter that referenced the analysis of the language in the Comp Plan Policy 1.1.5(B) concluded that the conversion of Ag to RR without existing adjacency is not allowed. He said that that consideration should only be given to the acreage that is currently commercial. The remaining Stoddard property to the south can be considered on its merits at a later date. He noted that all property owners in the affected area were notified. He said that the only no response was from Jack Harnett. He personally visited the department and indicated that he did not wish to participate in the change and wished to retain the Commercial designation on his property with frontage on McCall Bridge Road.

Matthew Parker, Engineer for the Stoddard Property was administered an oath by Hal Richmond, Notary Public. He addressed the Board in support of the project. He noted that only site-built homes would be built.

Discussion occurred among the Board.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE STODDARD LAND USE AMENDMENT 42.6AC. FROM COMMERCIAL TO RURAL RESIDENTIAL.

4.Road Closing Request - Relocated Portion of SR270A (Flat Creek Road) - 04PZ-070-204-3-10

Mr. Ballister read the comments and action requested for the Road Closing Request for relocation portion of SR 270A (Flat Creek Rd). He said that they

have received a request from the owners of the subject parcel to abandon all rights to the former roadbed of SR 270A where it crosses the property. At the time of construction of Interstate 10, most of the roadways approaching that new right of way were partially rerouted or redirected. He said that at that time, the State of Florida owned the right of way and there may or may not have been agreements in place, which swapped the right of way for property, however, these documents are not available to the owner and clear title is sought. The Flat Creek Road's right of way is now County owned and maintained, clear title can be achieved by formal abandonment of the portion of the right of way's old alignment across the applicant's property. He requested per the required statutory process for roadway abandonment, I am asking permission to advertise for a road closing hearing for the December 7, 2004 meeting.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ROAD CLOSING REQUEST TO ADVERTISE FOR A ROAD CLOSING HEARING FOR THE RELOCATED PORTION OF SR 270A (FLAT CREEK RD).

5.BARNES VARIANCE - 04PZ-069-204-3-10

Mr. Ballister read the comments and staff recommendations for the Barnes Variance to the immediate family sunset. He said that Ms. Annette Barnes has owned her 4.5 acre property since January 9, 2003. He stated that she had purchased the property with the idea that one day her children might also be able to place a home on the property. The property is located in an Ag2 area along the US90 right of way at the intersection of Cardinal Lane. There are several properties north of her property that is two-acre lots and several to the northeast that are just over an acre. He said that Ms. Barnes' bank does not want to lose it's equity rights it a homestead if a family property is deeded away to a family member. He said that after careful review with all that were involved he came to the conclusion that it appears that the only actionable course that the County has in providing relief would be to grant variance to the sunset provision of Subsection 6600 of the Land

Development Code that sunsets the immediate family waiver on July 1, 2000.

Chair Dixon called for public comment.

Annette Barnes spoke in support of the Variance. She commented that she had been trying to purchase the land before the closing date of January 9, 2004.

Jeffery Barnes spoke in support of the Variance. He said that the home would be site-built.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE BARNES VARIANCE.

6.Appointment to the Capital Region Transportation Planning Agency (CRTPA) (formerly Tallahassee-Leon County MPO)

Mr. Ballister read the comments and requested action for CRTPA. He said that the Tallahassee-Leon Metropolitan Planning Organization usually known as the 'MPO' has reorganized to become a Regional Planning Agency and is now known as the Capital Region Transportation Planning Agency, or CRTPA. He said that an appointment should be made since; Chair Dixon had indicated that he could no longer serve on the agency's board, which requires an elected official to act on the County's behalf. He said that the CRTPA also has a Technical Coordinating Committee whose membership is being revised to reflect the new membership. It appears that there will be a 5-5-5 power sharing split on that committee with five voting members from Tallahassee, five from Leon County and five from the new members. He requested the appointment of one BOCC to the CRTPA and the appointment or grant authority to appoint two staff members to the Technical Coordinating Committee of the CRTPA. He said that the two staff member appointments would come from one the Planning Department and the second from the Road and Bridge Department.

It was the consensus of the Board that Commissioner Lamb be appointed the CRTPA.

Chair Dixon called for public comment.

Public Comment

- **Mayor Delores Madison**, Midway addressed the Board concerning the importance of December 8, 2004 CRTPA meeting.
- **Earl Banks**, City of Quincy "City Manager", addressed the Board regarding the \$1.9 million dollar bypass.

10.PETER PATEL- REQUEST FOR UPDATE ON SEWER PROJECT

Peter Patel addressed the Board in regards to an update on the sewer project for Pat Thomas Highway/SR 267 and I-10 overpass. He said that he is nearing his deadline and must decide whether to use a septic tank or go with the sewerline. He asked the County where they were with receiving the Community Development Building Grant (CDBG) Grant.

Mr. McKinnon replied that they envisioned getting the sewer. He said that the hold up was that Talquin had to become a customer of the City of Quincy, before we can move forward. He said that a plan of action or some agreement with Talquin needed to be met before they can move forward. He said they were in the process of trying to get details worked out. He mentioned that there were other options such as Enterprise Florida as an alternative.

Commissioner Holt inquired about the hold-up of the project.

Earl Banks, City Manager for the City of Quincy replied that the hold-up was the language in the agreement. He said that the City Attorney would submit the agreement to appear on the City's Agenda at the Tuesday, November 23, 2004 meeting.

Chair Dixon asked about the time frame.

Nancy Gee, Grants Director for the County, commented that once where approved for the grant, it takes about 5 to 6 months before funds would be dispersed. She said that they would know if they are approved sometime in January. She made the comment that Wakulla's application was dropped and that it opened up the window for Gadsden County. She

said that a letter to Talquin would be beneficial for rural infrastructure improvement for the County. She said the support of the Board was needed.

Discussion followed among the Board.

Chair Dixon commented that the County needed a plan of action. "Growth goes where infrastructure is."

Ms. Gee said that with the application to Economic Development Administration (EDA) the Governor, Mr. Bush wanted the County to include something about the recent hurricanes. She said that she was told that they needed to resubmit and they would up the funds for special conditions. She also mentioned other federal funding with EDA in the match of 70/30%.

Chair Dixon advised that the County needed a plan.

Public Comment

- **Victor Patel**, owner of the proposed new Holiday Inn Express, which would be located at the intersection of SR 267 and I-10 addressed the Board. He informed them that with the delay he had no choice but, to go with the septic tank v/s central sewer.
- **Patsy Dixon**, Realtor with J&L Realty, addressed the Board on the importance of the sewer system.

The Board thanked Mr. Patel for his patience and assured him that Ms. Gee would give an update at the December 7, 2004 meeting concerning the sewer. The Board asked that a letter be drafted to Talquin explaining the importance of the sewer project to the County.

11.COUNTY MANAGER'S AGENDA - HOWARD MCKINNON

Gadsden County FY04-05 Small County Coalition Board of Director Appointments

Mr. McKinnon asked the Board to make appointments to the Small County Coalition. He encouraged all County Commissioners to come to the meeting that was scheduled for November 17 and 18, 2004.

Commissioner Holt and Chair Dixon were appointed to the Small County Coalition.

Chair Dixon talked on the importance of the Small County Coalition and the Florida Association of Counties.

Department of Juvenile Justice (DJJ)

Mr. McKinnon commented on the DJJ cost shift for counties. He said that the Judge ruled in favor of the small counties. He said in the ruling, which was sent down from the judge, that the state needed a 2/3 majority vote and the House of Representative side didn't have the votes. He gave a briefing of the case to the new commissioners. He said that the State passed a law that required the counties to cover 17% of the operating cost for the Juvenile Justice Detention Centers. He said with the ruling it saved Gadsden County \$55,000.00 a month over \$600,000.00 a year.

12. "a"-DSL Internet Connection Upgrade

Commissioner Holt pulled the DSL Internet Connection for discussion. She asked why had the City of Quincy not be contacted about their services.

Earl Banks addressed the Board about the High Speed Internet. He said that they would be ready to offer it come December 1, 2004. He said that the City would like to partner with the County. He asked for a chance to gather a proposal to provide data services.

It was the consensus of the Board that the City of Quincy be given a chance to present their proposal to provide data services to the County at the December 7, 2004 meeting. This item was tabled until the next meeting.

12. "c"- Change to Approved List of Roads to be Paved in Midway by Notice of Proposed Change "NOPC" Agreement

Commissioner Lamb stated that he pulled consent item 12 c for discussion because he would like to ask the Board if 2 inches of asphalt could be applied to the roads on the list, which total 1.9 miles. (Palmer Road 0.8 miles, Shuler Road 0.2 miles, Joyner Road, 0.5 miles and Tennell Road 0.3 miles, total length 1.8 miles.)

Mr. McKinnon gave overview and instructed Mr. Ballister to include the 2 inches of asphalt to be added to

the letter for transmittal to the owners of the Midway Business Park - Anderson/Columbia and Mr. Jim Maples, Jr.

Discussion followed among the Board

It was the consensus of the Board to add Item 12 "c" back to the Agenda for approval. Noting that 2 inches of asphalt would be added to the above named roads.

12. "f" Interlocal Agreement between Okaloosa County and Gadsden County - Hazardous Household Waste Collection

Commissioner Holt pulled consent item 12 "f" for discussion. She asked Mr. McKinnon what was the cost to the County.

Mr. McKinnon replied that it's no cost to the County. He said by partnering with Okaloosa County we are able to receive a lot the hazardous household waste collection cost deferred. He said that the County's cost would be limited to 25%.

It was the consensus of the Board to add Item 12 "f" back to the Agenda for approval.

12. "i" Purchase of Three Vans to Replace Old Vans Used by Inmate Crews

Commissioner Holt pulled consent item 12 "i" for discussion. She inquired about the history and information on purchases.

Robert Presnell, Director of Public Works, addressed the Board. He said that in the current Public Works Fiscal Year 2004-05 budget, three inmate vans have been budget. Public Works has decided to purchase three vans under the Florida Sheriff's Association contract #04-12-0823. The purchase price for each van is \$23,092.00.

It was the consensus of the Board to add Item 12 "i" back to the consent agenda.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO PLACE ALL ITEMS STATED ABOVE BACK IN THE CONSENT AGENDA WITH EXCEPTION OF ITEM 12 "A"-DSL INTERNET CONNECTION UPGRADE.

12. CONSENT AGENDA - FOR APPROVAL

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

- a. DSL Internet Connection Upgrade - tabled until December 7, 2004 meeting
- b. Development Order for Emanuel Gardens Major Subdivision
- c. Change to Approved list of Roads to be paved in Midway by Notice of Proposed Change "NOPC" Agreement- pulled for discussion by Commissioner Lamb.
- d. Satisfaction of Housing Agreement - Jacqueline D. Goldwire
- e. Resolution 2004-033- Recognition by BCC and Men of Action of Mrs. Ordeal Lewis; Dr. James A. Stephens; Reverend John Lee; Mr. Julius Fisher; Mr. Bruce Rowan and Ms. Delores Madison for Outstanding Contributions to the Citizens of Gadsden County.
- f. Interlocal Agreement between Okaloosa County and Gadsden County - Hazardous Household Waste Collection- pulled for discussion by Commissioner Holt.
- g. Fire Contracts: Gretna; Greensboro and Midway FY 2004-05
- h. Public Works- Temporary Clerical Position
- i. Purchase of Three Vans to Replace Old Vans Used by Inmate Crews-pulled for discussion by Commissioner Holt.

13. CONSENT AGENDA - FOR THE RECORD

- j. TRIM Certification Notice
- k. DCA Notice of Approval of Gadsden County Comprehensive Plan Amendment Adopted by Ordinance 2004-0008
- l. Continuation of Lease Agreement with Phyllis Everett for Property Appraiser and Tax Collector Office Space
- m. September 21, 2004 Minutes of Gadsden County Tourist Development Council.

14. CLERK'S AGENDA

Budget Amendments- 2004-11-16-01 through 2004-11-16-46

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

Ratification of Approval of Pay County Bills: Accounts Payable 11/5/04-Pollworker Payroll & Medicare Refunds Only, and 11/10/04; Payroll Deductions 11/10/04;and Payroll 11/10/04

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

CSX TRNSPORTATION INVOICE

Mr. McKinnon referenced the memo by Clerk Thomas, which suggested stated that the CSX Invoice was indeed correct after careful review. He said that the County needed to submit payment in the amount of \$15,374.00. He asked for the Board's approval in Clerk Thomas absence.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE CSX INVOICE IN THE AMOUNT OF \$15,374.00.

15. PUBLIC COMMENT

Chair Dixon called for public comment and there was no response.

16.COMMISSIONER'S AGENDA

District 1

Commissioner Lamb asked if it would be appropriate to see Agenda items with recommendations by the County Manager.

District 2

Commissioner Watson had no report.

District 3

Commissioner Price spoke on the importance of civility among the Board.

District 4

Commissioner Holt discussed combining with the City of Quincy to qualify for employee discounts on health insurance. She commented that the rates high exist because the County doesn't have enough employees. She asked if the Mr. McKinnon would look into that concept.

Mr. McKinnon noted that the company United (Healthcare provider) would be coming to this area soon. He said that he would instruct staff to look into the idea.

District 5

Chair Dixon thanked the Board for the opportunity to serve as Chairman. He asked Mr. McKinnon to schedule Budget Workshops for the new Commissioners. He commented that the "budget drives policy."

ADJOURNMENT

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

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON NOVEMBER
22, 2004, THE FOLLOWING
PROCEDURES WERE HAD, VIZ.

PRESENT:

EDWARD J. DIXON, CHAIR
BRENDA HOLT, VICE-CHAIR
EUGENE LAMB
STERLING WATSON
DERRICK PRICE
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
CAROLYN RANKINE, CERTIFIED COURT REPORTER
BERYL WOOD, DEPUTY CLERK

Chair Dixon called the meeting to order. He announced that the purpose of the meeting was to discuss the litigation and strategy of the County's lawsuit 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.

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING, THE
CITY OF QUINCY COMMISSIONERS
AND THE GASDSEN COUNTY, FL
BOARD OF COUNTY COMMISSIONERS
MET ON DECEMBER 06, 2004 AND
THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

COUNTY COMMISSIONER PRESENT:

EDWARD J. DIXON, CHAIR
BRENDA HOLT, VICE-CHAIR
EUGENE LAMB
STERLING WATSON
DERRICK PRICE
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
BERYL WOOD, DEPUTY CLERK

CITY OF QUINCY COMMISSIONERS PRESENT

DERRICK ELIAS, MAYOR
KEITH DOWDELL, MAYOR-PRO TEM
FINLEY COOK
ANDY GAY
SHERRY TAYLOR
WILLIE EARL BANKS, CITY MANAGER

CALL TO ORDER

Chair Dixon called the meeting to order. He noted that a quorum was present. He then turned the meeting over to Mayor Elias who had originally requested the meeting of the joint Commissions.

Mayor Elias commented on the foundation for the meeting. He said that he thought it would be beneficial for both the City and County to come together and continue the positive dialogue that had been established between the prior Boards. He then turned the meeting over to Earl Banks, city manager.

Mr. Banks addressed the Board regarding legislative priorities. He discussed the importance of the commissioners familiarizing themselves with the lobbyist that live in the Gadsden area. He explained the importance of each legislative priority as listed below.

Legislative Priorities

- a. Unfunded Mandates
- b. Home Rule Governing Authority of Municipal Government
- c. Growth Management
- d. Disaster Recovery and Hazard Mitigation
- e. Community Redevelopment Agencies (CRA)
- f. Confidentiality of Municipal Officials', Employees and Residents' Social Security Information
- g. Protection of Volunteer Fire Departments
- h. Juvenile Justice Detention Facility Funding
- i. Small County Road Assistance Program (SCRAP)
- j. Other

Juvenile Justice Detention Facility Funding

County Manager, Mr. McKinnon commented on the Juvenile Justice Detention Facility Funding. He said that the State had passed a law that requires 17% of funding for the Juvenile Justice Detention Facility to come from the counties. He said that Gadsden County's share would have been to \$600,000.00, however, the Courts ruled that the law was unconstitutional. He said that it would probably come back up in the subsequent session. He said that both the County and City are against this particular law. He noted that if it comes up next year, he hoped that the court decisions would hold up for small counties.

Chair Dixon commented on the recent Florida Association of Counties (FAC) conference for Commissioners in Sarasota, Florida. He said he learned that Gadsden County might not have passed a test. He said that the county might be back at the \$600,000.00 that the state had determined as their portion to help fund the DJJ facility in Leon County. He voiced the importance of making legislators believe that Gadsden County doesn't want this. He added that it may come up in special session.

Mr. McKinnon stated that all the information that he had received said that the county was exempt from the \$600,000.00. He, along with Chair Dixon, said they would check into that accusation.

Mr. McKinnon also urged all commissioners to start calling the lobbyist in Gadsden County. He commented that

exposing the lobbyist to the important issues in the County would be beneficial.

Chair Dixon asked what could be done so as to bring about a coordinated approach to the Juvenile Justice issue.

Mayor Elias stated that he worked with the Department of Juvenile Justice (DJJ) and suggested that they meet the DJJ Secretary to share their thoughts.

Commissioner Watson asked that someone from Representative Richardson's office and Senator Lawson's office to come out and hear the combined concerns of both the County and City at future meetings of the combined commissions.

Small County Road Assistance Funding

Mr. McKinnon explained the Small County Road Assistance Program (SCRAP). He named several roads that the program had resurfaced such as Solomon Diary Road and CR65A. He said that High Bridge Road was scheduled for next year.

Metropolitan Planning Organization (MPO)

Bruce Ballister, Gadsden County Growth Management Director, for addressed the Boards concerning the MPO. He said that the Tallahassee-Leon County MPO decided to go regional to attract more federal dollars. He stated that they had recently determined there are voting weights, where the City and the County have an equal share, Leon County School Board is the tie-breaker. Leon County and The City of Tallahassee both have 42 votes. The School Board has 1 vote, City of Midway has 1 vote, Havana has 1 vote, Quincy has 2 weighted votes and 1 member, Gadsden County has 5 weighted votes and 1 member and Wakulla has 6 weighted votes and 1 member. He talked about the Quincy bypass that was targeted to detour industrial trucks away from the downtown area. He said there had been talk from some of the Tallahassee and Leon County members to divert the \$19 million dollar funding project to the Tallahassee area (Mahan Drive). He commented that the MPO could make recommendations to Department of Transportation (DOT) on how to spend money.

Commissioner Watson asked did the smaller cities and towns have to participate.

Mr. Banks replied that the Board doesn't have to participate.

Discussion followed among the Board.

Commissioner Taylor commented that she had attended the MPO meetings. She said that the smaller counties do have alliances in place. She stated, "If it came to a vote, we would be ok." She said that she was in support of the MPO because there is some room for growth.

SHIP

Commissioner Taylor inquired as to the County's funding for the SHIP program.

Mr. McKinnon replied there was a point when the County had excess funding built up. He said during that time they were able to help the City of Quincy, Gretna, and Chattahoochee with their housing programs. He stated that the funds are all used up and the County only receives the \$350,000.00.

Commissioner Dixon commented that he was willing to look at new and innovative ways to get funds into housing, economic development and infrastructure.

Commissioner Holt stated that SHIP is not the only housing program. She mentioned that they had recently received information about additional housing programs that could be received with State and Federal dollars. She said that department heads need to start applying for these type grants.

Chair Dixon spoke of the marriage of the County and the City. He said that healthcare is County responsibility, but, the City has the most population.

Commissioner Dowdell commented the two commissions needed to work together at a staff level to develop a plan on which they can collaborate.

Chair Dixon said they needed to invest time into looking at other communities to see how they operate and adjust their plan to reach Gadsden County's potential.

Mayor Elias commented that task the Managers to target the areas that need to be addressed and move forward from that point. He said that talking is great, but we need something to be put in place that would work.

Commissioner Lamb noted that in the future he would like for the City and County Manager to involve all the other Municipalities of Gadsden County to have input at the meeting concerning the topics being discussed.

Interlocal Agreements

a. Fire Service Agreements

Mr. Banks turned over the fire portion of the meeting to Howard Smith, Quincy Fire Department.

Mr. Smith addressed the Boards concerning the Volunteer Fire Departments. He discussed the required training for all fireman whether they are volunteer or paid. He said the State mandated that all volunteer firemen increase their training. He said that the state course that is taught by them is a 160 hour plus 40 hour first responder course. He said that classes have been taught throughout all the surrounding areas in the County.

He said that in order to round the training off they need the advantage of on site training in a tower. He stated that would make it capable for them to actually can go in, climb, and perform rescues and searches in a smoke environment. He said that he spoke with a couple of businesses in town and they agreed to go into partnership to help buy furnishing supplies for a tower. He mentioned that they are looking at the County property behind the Armory on Joe Adams Road to locate a training tower. He said some of the benefits to having the training facility at that location would be to add a sub-station. He then mentioned the growth on the east side of the County.

Chair Dixon asked if there was a second choice of property.

Mr. Smith said there is property on the east end of Quincy that the City of Quincy owns.

Commissioner Cook asked what did other rural counties do for their training.

Mr. Smith replied that some do in-house training and some attend the Pat Thomas Law Enforcement Academy.

Mayor Elias commented that the major request was for the land behind the Armory on Joe Adams Road. He asked the County to consider the request and continue the discussion between the two Managers.

Chair Dixon said he felt as if it was the wrong location. He said that the County was willing to work with the City.

b. Water/Sewer - SR267/Pat Thomas Parkway and I-10

Mr. McKinnon spoke on the agreement between Talquin Electric, City of Quincy, Gadsden County and Peter Patel. He said that he was happy to report that Talquin and the City he agreed on what was needed to make the agreement complete. He went on to say that the sewer agreement would be redrafted and delivered to the County for approval on or before the December 14, 2004 meeting. He said that it would be ready for the City's approval and signatures soon after.

Chair Dixon mentioned the importance and the benefits of the sewer being placed at the interchange. He said working together on this project is a plus for Gadsden County as a whole.

Mr. McKinnon noted that they are trying to reach the decision by Patel's deadline of December 21, 2004.

Mr. McKinnon gave a summary of the agreement.

c. Telecommunications

Mr. Banks told Commissioners that the City would

make their Broadband presentation at the December 7, 2004 County board meeting.

d. Land for Police Station

Mr. Banks commented that the City is in the process of building a new police station. He said that their first choice was the lot behind the County Records Center where the Old Sheriff's Investigation building once sat at the corner of Monroe/Crawford Streets.

Mayor Elias asked the County to seriously consider that piece of property. He said that the plans for the new Police Station would be coming before them very soon.

e. Other - CRA, Library, Civic Center

Community Redevelopment Agencies (CRA)

Chair Dixon had questions regarding the City's CRA program. He asked where the two districts are located.

Alice Dupont, CRA Board Member, addressed the Board. She said that the City's entire district 2 was included and the Westside at the start of IGA/Supervalue back to Martin Luther King Blvd.

Chair Dixon commented that the County contributes to the CRA, but has no input. He said that the CRA Board should include someone from the County.

Ms. Dupont agreed and explained what the CRA is doing at the current time. She spoke on the positiveness of the CRA to the County. She said that they prioritize and have identified about 20 owners (whether deceased or living) that they have contact about getting the properties cleared up. She commented that they would build homes to help increase the tax base.

Chair Dixon inquired what was the number 1 project.

Ms. Dupont said that housing was the number 1 project, which included the Economical Development and Beautification Project and a Downtown Plan.

The Boards discussed the property located on South Adams Street south of Jefferson, which is mostly owned by Bud Jones.

Discussion followed among the Board.

Commissioner Holt reiterated that the County wanted to have a voice on the CRA Board.

Mayor Elias told the County that the City solicits their ideas and membership. He reminded the County that the City had not forgotten about the Downtown plan. He suggested another workshop/meeting to discuss the CRA.

Library

Mayor Elias had questions regarding the new proposed Quincy Library. He asked the County was absolutely definite about its location.

Chair Dixon replied, "no."

Civic Center

Mayor Elias commented that he would like to see both bodies of government implement a plan, a vision for Gadsden County. He spoke on the importance of having a place to hold meetings and the growth that would come if there were a Civic Center.

Chair Dixon said he liked the Mayor's "shared vision plan." He said it's important that they not just talk about a vision, but began to implement it. "We have to sell it. They will buy it." He said that the legislative body what's the full picture of the County's intentions.

There was a consensus to hold other joint meetings.

Discussion followed.

Gadsden County Board of County Commissioners
and the City of Quincy Commissioners
December 6, 2004 Joint Meeting

Chair Dixon ended the meeting by saying that the Mayor and he would work along with the Managers, on some of the issues that were discussed at the workshop and represent to the full body of both Commissions.

Next Meeting

No date was set for the next joint meeting.

ADJOURNMENT

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

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
IN AND FOR GADSDEN COUNTY,
FLORIDA ON DECEMBER 7, 2004,
THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT:

EDWARD J. DIXON, CHAIR
BRENDA HOLT, VICE-CHAIR
EUGENE LAMB
STERLING WATSON
DERRICK PRICE
NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER

1.MEETING CALLED TO ORDER

Chair Dixon called the meeting to order. Commissioner Watson led the invocation. Commissioner Lamb led in the pledging allegiance to the U.S. flag.

2.ADOPTION OF THE AGENDA

The agenda was amended as follows:

- Removal of the Saranac Vineyards Major Subdivision under Bruce Ballister, Growth Management Director.
- Addition of Clerk Thomas' Return of excess fees in the amount of \$27,381.00 under his agenda.

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

3.APPROVAL OF MINUTES

October 19, 2004 Regular Meeting

November 1, 2004 Regular Meeting

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

4. COUNTY ATTORNEY'S AGENDA

Richard Thompson vs. Gadsden County DOAH Case # 04-4343GM/04-2-NOI-2001

Mr. Richmond reported that Richard Thompson had filed a petition with the Department of Administrative Hearings (DOAH) concerning the adoption of Gadsden County Ordinance 2004-008. He explained that the ordinance adopted 21 errata changes to the Future Land Use Map (FLUM). He said that the case had been assigned to Judge Charles A. Stampelos in Leon County. He then recommended that the County hire expert counsel to represent them in the matter.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO HIRE ATTORNEY DAVID THERIAQUE AS COUNSEL TO REPRESENT THE COUNTY IN THE ABOVE STATED CASE.

5. SHERIFF'S REQUEST TO WITHDRAW PREVIOUS REQUEST FOR INTERNAL AUDIT OF SHERIFF'S DEPARTMENT

Major James Morgan addressed the Board in the absence of Sheriff Morris Young. He stated that the Sheriff would like to withdraw his previous request for the Board to conduct an internal audit of the Sheriff's office. He then referenced a memo from the Sheriff in which he withdrew his request.

Sheriff's Request to Return Money for the Purpose of Senior Citizen Council

Major Morgan then referenced another letter from the Sheriff in which he offered to return \$75,000 of his budget appropriation and asked that it be re-allocated for the Senior Citizen Council. He also stated that he hoped to be able to return another \$25,000 to the Council during the fiscal year. (\$100,000 was moved from the Senior Citizens Council to the Sheriff's budget during the budget workshops.)

Clerk Thomas stated that he would prepare a budget amendment for the Board's approval at the December 22, 2004 meeting.

6. County Manager's Severance Package (previous discussion at the November 16, 2004 meeting)

Chair Dixon stated that he would like for the Board to rescind its approval of the severance package for the county manager which was approved at the *November 1, 2004 meeting. (The severance clause was changed from four months to eight months.)

Commissioner Holt made a motion to rescind the approval, but Chair Dixon held it for discussion.

Commissioner Lamb stated that he had made some inquiries and learned that the average severance pay for managers is six months. He recommended that it be changed to six months.

Commissioner Watson referenced the minutes of the October 9, 1994 BCC meeting at which time the county manager's severance package was discussed.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO RETURN THE COUNTY MANAGER'S SEVERANCE PACKAGE BACK TO 4 MONTHS-120 DAYS.COMMISSIONERS LAMB AND WATSON OPPOSED THE MOTION.

7.CITY OF QUINCY PROPOSAL TO PROVIDE DATA SERVICES

Earl Banks, City Manager of the City of Quincy, addressed the Board regarding a proposal to provide data services to the County. He then introduced Mr. James McZenie.

James McZenie, gave a detailed presentation of the City's highspeed fibre-optic network. He stated that the highspeed is fast, but, at a low cost.

Mr. McKinnon, recommended that the committee evaluate and a make recommendations.

Commissioner Lamb said that he would like the County Manager and staff to bring back recommendation.

The Board took no action.

8.NANCY GEE, GRANTS DIRECTOR

Sewer Service Update

Nancy Gee, Grants Director, addressed the Board with the Sewer Service Update for SR267/I-10. She commented on the Memorandum of Agreement between the parties. She said that all parties met on Monday, December 6, 2004 at the City of Quincy. She introduced **Dennis Dingman** from Summit Professional Services, Inc.

Mr. McKinnon commented that the only thing that changed in the Memorandum of Agreement was the numbers. He said that the City would consider the agreement on December 14, 2004. He said that the final document would be finished no later than Wednesday and that Talquin would hand deliver to City and County governments. He said that a special meeting would be held on December 14, 2004 at 5:00 pm for final discussion and signatures.

Chair Dixon thanked all groups involved commenting that this was a "Great day in Gadsden County."

Ms. Gee previously stated that she had contacted Summit to help with being awarded with the grant. She said that Mr. Dingman is the vice-president of Summit and that Summit works directly with the government. She stated that he had prepared a small presentation.

Mr. Dingman addressed the Board. He explained the program in detail. He commented that he had partnered with the City of Quincy and the City of Chattahoochee. He said that they were responsible for the Wal-Mart project, which included expansion of sewer line. He said that funding could be received from different programs through rural development from federal and state levels. He mentioned economic development such as storm-water and fire protection. He said that his recommendation would be to apply for CDBG in March, allowing time for us to talk with the Public Works Department. He stated that Mr. Patel needed to be in the hotel by September and the money would come in July and everything would fall in place.

Gadsden County Board of County Commissioners
December 7, 2004 Regular Meeting

Ms. Gee commented about the Economic Development Agency (EDA) grant and the opportunity for growth. She stated that she would come back with the proposal put together with the County Manager for the Board's approval.

Chair Dixon called for public comment.

- **Peter Patel** addressed the Board re-iterating his deadline of December 15, 2004.
- **Victor Patel** addressed the Board and stated that he could not wait for the sewer line.

Chair Dixon expressed desire for Victor Patel to be apart of the sewer line.

Commissioner Watson stated that he wouldn't hold it against him if he goes ahead with the septic tank.

Victor Patel replied that answers were needed so that decisions could be made.

Mr. Demous commented that a portfolio grant folder could be put together to see how many points (preliminary scoring) would be scored for surety of the grant.

Commissioner Holt suggested that the Patel's be invited to the budget workshop on December 8, 2004 at 5:00 pm.

The Board took no action.

9.GROWTH MANAGEMENT DIRECTOR'S AGENDA

1.Second Reading of Ordinance 2004-009 for adoption
Evans Small Scale Land Use Amendment - Barak Gardens
04PZ-05-205-2-07

Mr. Ballister read the comments and staff recommendations for the Evans Small Scale Land Use Amendments - Barak Gardens from 6.48 Acres from Ag2 to Rural Residential. He said the application for this Land Use Amendment was heard by the Planning Commission and approved on September 8, 2004. The application was heard and approved by the Board of County Commissioners on October 5, 2004.

He explained the process for the new Commissioners. The Land Use Amendments adopted by ordinance must be heard at two public hearings and adoption takes place on the second meeting. The first reading and public hearing for Ordinance 2004-009 was at the December 7, 2004 meeting. This application has the amended label of Barak Gardens to avoid confusion with the Small Scale Amendment performed in 2003 by Mr. Evans. He read Ordinance 2004-009 into the record by title.

Chair Dixon called for public comment and there was no response.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE ORDINANCE 2004-009, EVANS SMALL SCALE LAND USE AMENDMENT-BARAK GARDENS.

2.Road Closing Request - Relocated Portion of SR270A
(Flat Creek Road) - 04PZ-070-204-3-10 - Public
Hearing

Mr. Ballister read the comments and action requested for the road-closing request for relocation portion of SR 270A (Flat Creek Rd). He said that they have received a request from the owners of the subject parcel to abandon all rights to the former roadbed of SR 270A where it crosses the property. At the time of construction of Interstate 10, most of the roadways approaching that new right-of-way were partially rerouted or redirected. He said that, at that time, the State of Florida owned the right-of-way and there may or may not have been agreements in place which swapped the right of way for property. However, these documents are not available to the owner and clear title is sought. The Flat Creek Road right-of-way is now County owned and maintained. Clear title can be achieved by formal abandonment of the portion of the rights-of-way's (old alignment) across the applicant's property. He recalled that the Board directed him on December 7, 2004 to advertise the road closing.

Chair Dixon called for public comment.

- **Sam Hawkins** inquired of the I-10 exit.
- **Betty Kellar** addressed the Board in support of the road-closing request of SR270A Flat Creek Road). She referenced pictures, which indicated the road had no access.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ROAD CLOSING REQUEST OF THE RELOCATED PORTION OF SR 270A (FLAT CREEK RD).

3.Campbell Major Subdivision-04PZ-059-203-4-08

Mr. Richmond announced a Public Hearing and stated that this proceeding was a Quasi-Judicial Hearing in which each person testifying must be given an oath. He then proceeded to administer an oath to Mr. Ballister as to his testimony for all the matters that would follow in this meeting. (Mr. Richmond is a Notary Public licensed by the State of Florida.)

Mr. Ballister read the comments and staff recommendations. He began by saying that the applicant was given the option to pull and revise the project and he chose to proceed. The applicant, Johnny Petrandis, (dba Winter Harbour, Inc.), is proposing a major subdivision at the southern terminus of Phoebe Road (aka Armstead Road). The Future Land Use designation for the property and the lands to the north and west is Rural Residential. To the east and south are properties owned by St. Joe Land Company, which are presently for sale. Phoebe has recently been paved as far south as the intersection with Beulah Lane. His property has previously been split into parcels, which are now minor subdivisions or are in the process of becoming minor subdivisions. The area included in this boundary is 37.79 acres, which is intended to be cut into 29 1.0-acre lots for mobile homes. Individual homesites in the area have been predominantly developed with mobile or modular homes. In addition to the 29 proposed homesites, there are two stormwater lots, and three open space lots total, 4.18ac that is more than the required 10% open space. He said that each of the proposed lots is 1.0 acres or just slightly above. All have the minimum lot width of 100' at the property line. He stated that the City of Quincy was extending waterlines south to the

intersection of Phoebe and Beulah. He said that this subdivision would benefit. The site is over two miles from the nearest central sewer. It proposes to develop the lots on-site septic system.

Johnny Petrandis was sworn by Mr. Richmond, County Attorney. He addressed the Board regarding his Major Subdivision. He commented on the problems that were addressed by P&Z.

- P&Z recommended denial of the Conceptual Plat due to the exclusion of adjacent properties that the applicant intends to develop as minor subdivisions.
- The reluctantness to pave any additional rights of way feeding these minor subdivisions, much less internal streets.
- Reservations about being able to plat wetland as portions proposed lots.

Commissioner Watson had concerns about the P&Z statement action number 2.

Mr. Ballister replied that the P&Z concerns were that Mr. Patrandis was reluctant to pave Belauh Lane.

Mr. Petrandis commented that he was in favor of paving Pheobe and Alton Court, but it would not be cost effective to pave Belauh Lane.

Commissioner Holt stated that she was concerned with the mobile home subdivision becoming a slum.

Discussion followed among the Board.

Chair Dixon called for public comment.

- **DeAlvin Roberts** addressed the Board. He complained that the audience on the left side could not see the presentation. He asked the Board to look into other viewing alternatives.
- **Marion Laslie** addressed the Board in regards to Land Development Code. She commented that her concerns were with lots being platted through wetlands.

Gadsden County Board of County Commissioners
December 7, 2004 Regular Meeting

Chair Dixon asked Mr. Petrandis about the letter that was sent by Mr. Ballister asking him to re-think the subdivision and address the concerns of staff and P&Z. He commented that he would like for him to address the concerns in the design.

Commissioner Watson also asked Mr. Petrandis to reconsider his application.

Chair Dixon and Commissioner Watson asked that Mr. Petrandis table his application and address the concerns of staff and P&Z that included wetlands and road paving.

Mr. Petrandis commented that he would table his application so that he could try to adhere to the concerns.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE ANY DECISIONS REGARDING THE CAMPBELL MAJOR SUBDIVISION.

Mr. Richmond commented that no ruling was required at this meeting.

4.Landon Herbert Bog In/Bawg'n

Mr. Ballister read the comments for the Landon Hebert Bog In/ Bawg'n. The County Manager's office and David Parramore, Planning Commissioner had received calls from Mr. Herbert's neighbors complaining of the noise and disturbances relating to the operation of a bog in on his property. On the advice of the County Attorney, we have written Mr. Hebert to allow him to appear and show cause why the County should not issue a cease and desist order. It is apparent that whether or not development permits are required, such use constitutes a nuisance activity and affects the surrounding area, particularly, the immediate neighbors.

Landon Hebert, property owner of the Bog In addressed the Board in support of the project. He commented that he owned 68 acres in Mt. Pleasant, Florida. He said that he operates during normal business hours. He stated that he has never received any negative concerns from neighbors.

Gadsden County Board of County Commissioners
December 7, 2004 Regular Meeting

Chair Dixon called for public comment.

- Rosanne Saddler - support
- Mary Jane Hayes - opposed
- Richard Hayes - opposed
- Wesley Cox - opposed
- Laurel Hicks - opposed
- Larae Jemision - opposed
- Robert Hayes - opposed
- Lacy Hebert - support
- Linda Smith - opposed
- Mr. Smith - opposed

Commissioner Watson commented that he was opposed to the Bog In.

Commissioner Holt voiced her concerns with the noise level, dumping of dirty water, and admission being charged. She said that she also opposed the Bog In.

Commissioner Lamb commented that consideration had not been given to the neighbors regarding the noise.

Commissioner Price commented that he opposed the Bog In due to the noise complaints.

Chair Dixon inquired to see if there is a way to control the noise.

Mr. Hebert replied that they could place mufflers on the trucks. He said that he would personally send out apologies.

Commissioner Watson suggested to Mr. Hebert that he find a suitable piece of property, consult with neighbors for the Bog In and get the Board's approval.

Chair Dixon expressed to Mr. Hebert that he needed to demonstrate to the neighbors and the Board that they could operate and still remain quiet. He said that you have to prove you can keep the noise level down.

Discussion followed among the Board.

Mr. Richmond advised the Board not to engage in a precedent that has already been sent with the other Bog In.

He commented that the next step would be injunction with the courts or cease and desist order issued by the Board.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO IMPLEMENT A CEASE AND DESIST ORDER FOR THE LANDON HEBERT BOG IN.

****At this juncture of the meeting Chair Dixon paused to remember the Pearl Harbor bombing 63 years ago today.

10.PUBLIC WORKS DIRECTOR'S AGENDA

1.Gadsden County Roadway Resurfacing Projects

Mr. Presnell discussed the Gadsden County roadway resurfacing projects. He said that Hardaway Road II is one of the next roads to be paved on the current paving list and Faircloth Road (3,451') is in the vicinity of Hardaway Road II. He said that Beaver Creek Drive is also on the current paving list and Champion Oaks Circle (3,983') is in the vicinity of Beaver Creek Drive. He asked for the Board's permission using the clustering method to add Faircloth Road and Champion Oaks Circle when the two above-mentioned main roads are paved.

UPON MOTION BY COMMISSIONER WATSON AND COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PAVING OF FAIRCLOTH ROAD AND CHAMPION OAKS CIRCLE.

2.Trade-in of Transport Tractor and Purchase of New Transport Tractor

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE TRADE-IN OF TRANSPORT TRACTOR AND PURCHASE OF NEW TRANSPORT TRACTOR.

3.Trade-in of Four Mack Dump Trucks and Purchase of Four New Mack Dump Trucks

Mr. Presnell gave history of the trade-in and purchase policy on the Mack Dump Trucks.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE TRADE-IN OF FOUR MACK DUMP TRUCKS AND PURCHASE OF FOUR NEW MACK DUMP TRUCKS.

11.COUNTY MANAGER'S AGENDA

1.Proposal for County Auditing Services

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE COUNTY AUDITING SERVICES WITH LAW, REDD, CRONA & MUNROE, P.A.

2.Dedication of Bill McGill Memorial Highway formerly Dover Road

Mr. McKinnon commented that a road dedication service had been planned on December 20 at 1:00 pm in honor of deceased BCC Chairman Bill McGill renaming Dover Road Bill McGill Memorial Highway. He asked that all commissioners be in attendance.

12.CONSENT AGENDA - FOR APPROVAL

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

- a. Public Official Bonds: Commissioner Derrick E. Price; Commissioner Edward J. Dixon; and Commissioner Eugene Lamb, Jr.
- b. Agreement with City of Chattahoochee for EMS Station Utilities
- c. EMS County Award Grant Application
- d. Homeland Security Grant - contract #EMW-2004-FG-06934
- e. Florida Association of Counties Trust Annual Meeting and Designation of Representative-Howard McKinnon
- f. Midway Ordinance 2004-19-Voluntary Annexation of Approximately 1,600 Acres - For the Record

13. CLERK'S AGENDA

1.Clerk's Fees to Board

Clerk Thomas returned \$27,381.00 in unused Clerk fees from FY 2004 to the Board of County

Commissioners. He commented that that portion of money is not a part of the BCC budget and will be added to general fund reserves.

2.Cash Report

Clerk Thomas stated that there is \$3.6 million in current general fund cash and \$120,000.00 in fine and forfeiture fund cash. He said there was a significant improvement and recommended that the Board return to normal budgeted spending.

3.Bank Resolution/Signature Card for New Chairman

Clerk Thomas asked for approval of the Bank Resolution and authorization of the Chairman's signature on the Signature Card.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE BANK RESOLUTION/SIGNATURE CARD FOR THE CHAIRMAN.

4.Budget Amendments 2004-12-07-01 through 2004-12-07-04

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

5.Ratification of Approval to Pay County Bills: Accounts Payable 11/19/04; 11/24/04; 12/03/04 Payroll Deductions: 12/03/04 and Payroll 11/24/04

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

14. PUBLIC COMMENT

Chair Dixon called for public comment.

- **Sam Hawkins** commented on the drinking fountain in the rear of the Commission Chambers in between the restrooms. He asked the Board if it could be fixed or replaced.

15. COMMISSIONER'S AGENDA

District 1

Commissioner Lamb commented on Mr. Ballister's resignation and wished him well with his future endeavors.

Commissioner Lamb talked on the importance of establishing an evaluation for County Manager and the County Attorney.

District 2

Commissioner Watson had no report.

District 3

Commissioner Price had no report.

District 4

Commissioner Holt had no report.

District 5

Chair Dixon commented on the Florida Association of Counties Legislative Conference that was held on December 1-3, 2004 at the Hyatt Sarasota in Sarasota County.

ADJOURNMENT

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

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL/BUDGET WORKSHOP
MEETING OF THE BOARD OF
COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY,
FLORIDA ON DECEMBER 8, 2004,
THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT:

EDWARD J. DIXON, CHAIR
BRENDA HOLT, VICE-CHAIR
EUGENE LAMB
STERLING WATSON
DERRICK PRICE
NICHOLAS THOMAS, CLERK
HOWARD MCKINNON, COUNTY MANAGER

CALL TO ORDER

Chair Dixon called the meeting to order. He then turned this special/budget workshop over to Mr. McKinnon.

Mr. McKinnon explained that the Board adopted the budget at the conclusion of a public hearing on September 27, 2004. He then went over each section of the budget in detail to benefit the newly elected Commissioners Lamb and Price.

Equipment of Public Works

Mr. McKinnon commented that there had been questions regarding financing of equipment through Public Works. He said that he had asked Mr. Presnell to be present to answer any questions. He said that for heavy equipment they were using the Guarantee-buy-back-program where the company would buy back that machine at the end of five years. He commented that it was an excellent deal for all counties.

Chair Dixon commented on the progress of public works equipment. He said they shopped at surplus stores.

Commissioner Holt inquired what road where they currently paving on the list.

Mr. Presnell commented that they are at the start of Beaver Creek Road.

Chair Dixon asked in terms of funds, how does it look.

Mr. Presnell stated that they are good. The funds are budgeted. He said that the Clerk's Office sends a print out every week.

Mr. Presnell said as far as paving he said that the monies for Solomon Diary road are in. He said that they expect to receive the Change-Order soon. He explained the different programs which small counties such as SCRAP/SCOPE are able to apply to receive funding.

Funding Source-Transportation Fund #1 Revenue

Mr. McKinnon commented on the Transportation Fund. He discussed each issue of the fund. He expanded on the Infrastructure Sales Tax that it is the extra penny sales tax. He said that he was not sure of the exact percentage 55% to go to the road and bridge department and the other 45% to fire fund. He said that the Tier II & III Diesel are a result of the two gas and truck stops in Midway, Flying J and Williams.

Chair Dixon gave a brief history on how the funds were allocated for the county. He said that Senator Thomas was very effective in getting this passed. He said that the County was able to keep the \$1 million dollars.

Commissioner Holt inquired about the amount of bond funds in the transfer of bonds fund.

Mr. McKinnon replied that is the amount to be spent this year. He said that the total bond amount is over \$9 million.

Chair Dixon explained that those items discussed where restricted revenue. He said that the County could only use it for road building (sidewalks, lighting anything that is attached to road building.)

Commissioner Holt asked was there anything that could be used as leverage to get Developers to improve the entranceways in the developments.

Commissioner Watson said that there was a landscaping ordinance in place.

Commissioner Holt inquired was there anything that the County could do. She said that it's done for housing.

Mr. McKinnon commented on clustering.

Commissioner Watson said the idea on clustering is to offer incentives.

Commissioner Holt asked Clerk Thomas to expand to on the infrastructure funds.

Clerk Thomas stated that Legislators allowed the County to continue to use that money to pay off the jail bond. He said that it could also be bonded with approval type expense. He commented on the flexibility of the infrastructure money. He said that originally it was for building the jail, but once the jail was paid off in 1996 it was suppose to be the end of it. He said that with persuading the Board got the Legislators to allow the county to continue to use it with a super-majority vote of the Board allowing them to continue using road and bridge also fire. He added that it could have been used for other things in terms of flexibility down the line.

Chair Dixon asked Mr. Presnell about the other programs that are under him. He asked how many people where in the road and bridge department.

Mr. Presnell said that he had Mosquito Control, Landfill, 112 Administration. He said that he would estimate that he had a total of 73 positions.

Landfill Expense - p. 100

Mr. Presnell explained the Landfill expense on page 100. He said that there where 5 sites in each of the districts. He commented on the \$25.00 sticker program for allowable use. He said the sites are fenced and 2 individuals will rotate through all 5 sites. He stated that they are currently looking at the expense of the program. He mentioned that it might be beneficial to contract with Green Thumb to have additional workers. He said the ordinance in place has helped with some of the violators.

Commissioner Holt inquired about Saturday pick-up.

Mr. Presnell replied that they do 3 day a week pick-up, Monday - Friday. He said that Saturday didn't cure the problem. He said that Sunday was a huge day.

General Fund Revenue - p. 1

Mr. McKinnon highlighted each section of the General Fund Revenue.

Chair Dixon inquired about the amount of a mobile home license in fund account # 3351400.

Commissioner Watson commented that it runs around \$40.00-\$50.00 a license.

Commissioner Holt mentioned the law that was passed related to mobile homes that mandated that they pay taxes just like you pay on homes. She commented that was one way to go back and receive revenue that the County has lost.

Mr. McKinnon said that he believes that the state sets the fee for mobile homes, but he would check into and report the findings back to the Board.

****At this juncture of the meeting the Board adjourned to move to the Departmental Head meeting room due to the scheduled Planning and Zoning meeting at 6:00 p.m. Chair Dixon reconvened the meeting upstairs.**

Mr. McKinnon continued to detail each portion of the Budget. He explained the Guardian Ad Litem on page 42 that they are under Article V and the county now provides them with space to house the program here in Gadsden County. He said that the Commodity Food program on page 45 is now ran by Second Harvest of the Big Bend, which is why no funds are allocated for the approved budget 2005. He commented on the Aid to Non-profit Organizations on page 59.

Discussion followed among the Board.

Grants Writer p.64

Mr. McKinnon detailed the Grants Writer.

Commissioner Watson inquired how would Summit Professional Services, Inc. receive funding from the County for their work in securing the grant for SR267-I10.

Mr. McKinnon replied that work through a timeframe and their track record states they only get paid if they receive the grant.

Discussion followed among the Board.

Hospital Revenue p. 133

Mr. McKinnon explained the Hospital Revenue.

Commissioner Holt commented that she had received phone calls about doctors walking out. She asked Clerk Thomas was their rent current.

Clerk Thomas replied that he wasn't sure. He said that he would check.

Miscellaneous - Railroad Crossing

Commissioner Price asked if someone could be contacted about the railroad crossing at Crawfish Island.

Mr. McKinnon commented that CSX Transportation handles the railroad crossings. He said that he would forward that problem to CSX so they can rectify the situation.

Chair Dixon instructed the Board members to see the manager about additional questions regarding the budget.

Mr. McKinnon reminded the Board about the Talquin Sewer Agreement on December 14, 2004 at 5:00 p.m.

ADJOURNMENT

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

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON DECEMBER
14, 2004, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

EDWARD J. DIXON, CHAIR
BRENDA HOLT, VICE-CHAIR
EUGENE LAMB
STERLING WATSON
DERRICK PRICE
HOWARD MCKINNON, COUNTY MANAGER
HAL RICHMOND, COUNTY ATTORNEY
BERYL WOOD, DEPUTY CLERK

CALL TO ORDER:

Chair Dixon called the meeting to order. He stated that the purpose of the meeting was to discuss the Sewer Agreement for Highway 267 at I-10 with the City of Quincy and Talquin Electric Cooperative, Inc. and obtain signatures on the agreement. He then turned the meeting over to Mr. McKinnon.

Mr. McKinnon read the hand delivered documents and stated that the Chairman and Clerk should be approved to sign the document. He said that once the documents are signed, they would be delivered to the City of Quincy so they may sign during their Commission meeting. He said that Talquin would pick up the documents Wednesday morning, December 15, 2004, so that they would be able to present it to their Board on Wednesday night for their approval and signatures.

Mr. McKinnon explained the Sewer Agreement in saying that the County has assumed responsibility of applying for the grant. He proceeded to outline the highlights of the agreement. He said that if the grant is funded at 100% the County would pay nothing, but if the grant is funded at 80%, the County pays 20%. He reported that the City of Quincy has agreed to all terms of the agreement. He commented that the City of Quincy has also agreed to provide permanent capacity. He said that the County would only be responsible for Hampton Inn's daily usage of that

Gadsden County Board of County Commissioners
December 14, 2004, Special Meeting_____

set fee which is about 6,000 gallons. He commented that the surcharge would be credited against that with a one-time fee of \$23,000.00.

Discussion followed among the Board.

Chair Dixon inquired of Mr. McKinnon if anything had changed since the matter was last before the Board.

Mr. McKinnon replied that nothing had changed. He said he highlighted details that were made clearer in the agreement.

Chair Dixon pointed out a typo on page 4 of the agreement. It read SR 257/I-10 and it should be corrected to read SR 267/I-10 also known as Pat Thomas Parkway.

Commissioner Holt asked Mr. McKinnon how much the project would cost if the grant were not received.

Mr. McKinnon replied, "Around the neighborhood of \$400,000.00 to extend the sewer line and lift station."

Discussion followed among the Board.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE SEWER AGREEMENT AND AUTHORIZED THE REQUIRED SIGNATURES FOR GADSDEN COUNTY, CITY OF QUINCY, TALQUIN ELECTRIC AND PETER PATEL.

ADJOURNMENT

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

Edward J. Dixon

ATTEST:

Nicholas Thomas Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
IN AND FOR GADSDEN COUNTY,
FLORIDA ON DECEMBER 21, 2004,
THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT:

EDWARD J. DIXON, CHAIR
BRENDA HOLT, VICE-CHAIR
EUGENE LAMB
STERLING WATSON
DERRICK PRICE
HAL RICHMOND, COUNTY ATTORNEY
HOWARD MCKINNON, COUNTY MANAGER
BERYL WOOD, DEPUTY CLERK

ABSENT:

NICHOLAS THOMAS, CLERK

1. MEETING CALL TO ORDER

Chair Dixon called the meeting to order.

2. ADOPTION OF THE AGENDA

The agenda was amended as follows:

- Addition of County Manager's Replacement under the current County Manager, Mr. McKinnon's agenda.

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

3. APPROVAL OF MINUTES

November 16, 2004 - Regular Meeting

November 22, 2004 - Special Meeting

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

4. COUNTY ATTORNEY'S AGENDA - HAL RICHMOND

Mr. Richmond had no report.

5. LINDER CARROLL

Support for Funding Request for Capital City Youth Services (CCYS)

Linder Carroll of Capital City Youth Services addressed the Board. She gave brief details. She commented that the CCYS is seeking state funding to support the PAC Success Academy (a parenting skills and family building program). She said that PAC has been successfully helping families for three years in Gadsden County. She added that state funding would help to ensure its continued presence.

Chair Dixon asked if she had spoken with Ms. Nancy Gee, Grants Coordinator for the County. He encouraged her to speak with Ms. Gee.

Ms. Carroll replied that she had not spoke with Ms. Gee, but would be willing to do so.

The Board directed her to speak with Ms. Gee.

****At this juncture of the meeting the Chairman asked that the prayer be done by Commissioner Price followed by the pledge of allegiance by Mr. Richmond. He apologized for the omission.

6. RENE BECKWITH

Request for BCC Support for HUD Program

Rene Beckwith addressed the Board. She presented the Board with printed material for their review. She commented that that she is soliciting the Boards support in completing package for H.U.D. revitalization designation necessary for Teacher/Police Officer-Next-Door Program qualification. She stated by partnering with this program it would retain professionals in the area.

Commissioner Lamb asked Mr. McKinnon if he had looked into the depth of the program.

Mr. McKinnon replied that he has not researched the program.

Chair Dixon stated that the information would be passed to the Housing Department for follow-up.

The Board took no action.

7. GROWTH MANAGEMENT DIRECTOR, BRUCE BALLISTER

1. Bostick Temple - Variance Application-04PZ-043-207.02-5-07

Mr. Ballister read the comments and staff recommendations for Bostick Temple. (A copy of detailed comments can be provided via the clerk's office.) The applicants are seeking a variance to the provision in the LDC that requires that redeveloped sites that have lost their grandfathered exemptions be allowed to replace a church structure and continue a prior use. An application was originally submitted in July for a site plan for new facility to be constructed on site. The normal Class I review procedures have been underway and have been pending a stormwater discharge easement for their stormwater pond to issue the Development Order. In the interim, the Church leaders have located a used structure that is to be moved onto the site. He commented that in discussions in the department, the church requested that they be allowed to simply set up the replacement church structure and not follow up with the other LDC mandated site improvements which would include stabilized parking, a stormwater management pond and other site details. The reason stated for the request is financial hardship. The pertinent section of the Code concerning alteration of non-conforming uses in 5003.

Chair Dixon entertained questions from the Board.

Commissioner Watson inquired as to the size of the new building compared to the previous one.

Janice Jones, an associate pastor of the Church, stated that the new church exceeds the previous churches square footage, but falls under the 1,000

sq.ft. This is allowable additions per the Gadsden County Land Development Code.

Jahazel Dawkins, pastor of the Church, spoke in support of the variance.

Commissioner Lamb asked Mr. Ballister if he had observed the new structure.

Mr. Ballister replied that he had not observed the new structure. He said that before it is permitted, the County Building Inspector would have to inspect it. He said that the Church is asking the Board to waive financial cost and stormwater pond requirement.

Mr. McKinnon confirmed that the Building Inspector would have to do a preliminary inspection.

Chair Dixon directed Mr. McKinnon to have the Building Inspector to inspect the structure before it is brought into the County and that the recipients (Bostick Temple) would pay for the cost of the inspection.

Commissioner Price asked Mr. Ballister if anyone had inspected the area where the church would reside and if they felt it needed the stormwater pond.

Mr. Ballister replied that he had looked at the site and felt there was a need for the stormwater pond due to slope on the property that may have impact on two adjacent properties. He stated they could have liability issues in the future if the don't address the stormwater flow.

Mary Margaret Farris, Engineer with David H. Melvin, Inc. representing Bostick Temple, addressed the Board in support of the variance. She referenced section 5003.D.1 of the Gadsden County Land Development Code for the variance. She stated that it read per the above referenced section it is allowable to replace a structure within one (1) year of removal of said structure and not have to conform to the standards of new development. She said that the granting of this variance would allow the church to be exempt from current code standards, which would

require them to construct a paved parking facility and stormwater management facility.

Commissioner Watson commented that the original plans show they needed to do something with stormwater. He said that if they were to grant the variance, it would be waiving too much. "This is outside the reach of a variance." He said that he was uncomfortable in doing that, therefore he opposed the church variance.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO DENY THE BOSTICK TEMPLE VARIANCE REQUEST. COMMISSIONERS HOLT AND DIXON OPPOSED THE MOTION. THE MOTION TO DENY PASSED.

2. Magnolia Village Final Plat - 04PZ-059-203-4-08

Mr. Ballister read the comments and action requested for Magnolia Village Final Plat. The application to replat the Magnolia Village Subdivision was heard by the Planning Commission in September, 2004. The Board of County Commissioners approved the replat on October 5th. The replat will increase the lot count from the original 18 to 21 lots and extend the lot lines into former open space. The applicant's surveyor has prepared the final plat for signature. This document will be presented at the meeting for signature. He said that the action requested was that the Commission Chairman is required to sign in the designated signature block prior to filing. He noted that everything was in place and it should have been added to the consent agenda for approval and signatures.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MAGNOLIA VILLAGE FINAL PLAT AND AUTHORIZED THE CHAIRMAN SIGNATURES ON THE PLAT.

3. Capital Regional Transportation Planning Agency (MPO) Interlocal Agreement

Mr. Ballister read the comments and requested action for the MPO. He said the MPO seeks to have an

interlocal agreement signed by all parties early in January. The attached document, according to Interim Director Jack Kostrzewa, is primarily FDOT boiler plate with additions or changes as necessary to describe the local situation. He said that the City of Tallahassee and Leon County attorneys have been discussing issues of liability, but had not requested the input of Gadsden, Wakulla, and the included cities. He said that the last Gadsden MPO subcommittee meeting concluded that two issues were important and should be included in any document approved by the 'satellite' jurisdictions. These are as follows:

- a. Preservation of the work items on the FOT five year work plan, even if they should get bumped beyond that five year funding horizon due to unknown events.
- b. Ability to allow proxy voting so that the smaller jurisdictions can continue their work function and still have MPO voting rights. This will preserve the funding for the Quincy by-pass, Crawfordville Hwy improvements and any other projects for the 'satellite' jurisdictions.

He noted that once a revised document can be submitted for action no later than the January 4th meeting. The requested action would be to direct the County Attorney to act on the County's behalf in conjunction with the Tallahassee and Leon attorneys to finalize a document acceptable to this Board.

Jack Kostrewza, Interim Director of the MPO, spoke in support of Gadsden County having a vote in the MPO and encouraged them to sign the agreement.

Chair Dixon asked Mr. Kostrewza why Gadsden County should sign it. He stated that he was against the current program as it stood. He mentioned the Quincy bypass.

Mr. Kostrzewa replied that the MPO only makes recommendations. He assured Chair Dixon that any funds allocated and the Quincy bypass would remain in tact.

Commissioner Lamb inquired as to whether Gadsden County would be a member if they did not sign the agreement.

Mr. Kostrzewa explained that Gadsden County is a non-member, ex-officio, unless you sign the interlocal agreement.

Commissioner Lamb stated to fellow Board members that he didn't want to be part of the MPO and not be able to cast a vote.

Chair Dixon agreed and replied, "You can't win the fight if we aren't in the fight."

Discussion followed among the Board.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE CAPITAL REGION TRANSPORTATION PLANNING AGENCY, (MPO) INTERLOCAL AGREEMENT FOR GADSDEN COUNTY WITH THE ADDITION OF BY-LAWS.

8. COUNTY MANAGER'S AGENDA, HOWARD MCKINNON

Gross Maximum Price - Library

Mr. McKinnon reported that the Cook Brothers, Inc. gross maximum price of \$1,750,000.00 to perform the construction and construction related services for the new Gadsden County Library. He said that are required to notify the State Library System of the gross maximum price for building new library.

Commissioner Watson made a motion to approve the maximum price of \$1,750,000.00. It was held for questioning by Chair Dixon.

Commissioner Holt commented, "In order to get the grant of \$500,000.00 we have to borrow \$1.4 million."

Chair Dixon asked if the County had the funding for the Library.

Mr. McKinnon replied, "Yes, through the Florida Local Government Finance Commission, the issuer of pooled commercial paper loans.

Joel Sampson, Architect for Cook Brothers, Inc. explained the project and spoke in support of it.

Chair Dixon questioned the 50 parking spaces.

Mr. Sampson replied that the 50 parking spaces exceeds the requirements of the City of Quincy. He said that the City requires only 30/40 parking spaces.

Chair Dixon called for public comment, but, there was no response.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE COOK BROTHERS, INC. GROSS MAXIMUM PRICE OF \$1,750,000.00 AND AUTHORIZION FOR THE CHAIRMAN TO SIGN AWARD LETTER FOR THE NEW GADSDEN COUNTY LIBRARY. COMMISSIONERS DIXON AND HOLT OPPOSED THE MOTION. THE MOTION PASSED.

Advertise for Planning Director

Mr. McKinnon reported that the process of hiring a planning director had begun. He said that, until the position is filled, they had contracted with Apalachee Regional Planning Council to have Mr. Ballister continue working with the County.

Termination of County Manager-Howard McKinnon

Commissioner Holt commented on her reasons for seeking termination of the county manager. She said that someone is needed in that position with expertise in growth and economic development and in the finance department. She stated, "I need someone that can help us." She also stated that her position was not personal.

Commissioner Holt made a motion to terminate the County Manager, Howard McKinnon.

Chair Dixon commented that he would like to hear from other Commissioners before they proceed with a motion.

Commissioner Lamb stated that Commissioner Holt's opinion was well received. He said that he was

satisfied with what he saw in Mr. McKinnon's leadership. He commented "I think he can do only what is directed." He then asked the Board for time to evaluate the County Manager's position and for them to please consider grace in making any decision.

Commissioner Price commented that he had observed the action of the County the last 9 months prior to him becoming a Commissioner. He stated that he didn't like how Mr. Patel had been treated by the Board regarding the motel project slated for the intersection of I -10/SR267, \$1 million dollars in Public Works/ Road and Bridges budget that could have been used for infrastructure, but, was never disclosed until recently. "That threw me for a loop because I didn't know about it."

Chair Dixon noted that his reasons for seeking replacement of the position. He said that the qualities of being a nice guy aren't in question. He remarked that they needed new leadership in the areas of economic development. He made these points:

- Hiring of our friends that could hold reigns.
- Information presented for budget.
- Health insurance
- Information about new proposals.
- Information brought to the Board.
- Lack of progress in the past 6 years.
- Trust/Fairness
- \$1 million dollar Public Works budget was said that it couldn't be moved and we found out it could.
- They must give entire Board all the information.

Chair Dixon concluded by saying "They (former commissioner's) took advantage of Mr. McKinnon kindness. He did things he knew he shouldn't have done." He said that his decision was not based on racial or personal issues. "It's not about his manhood. It's about moving the County forward. It must move for everyone."

Commissioner Watson commented on some of the comments that were made by the Commissioners. He said that it was wrong to blame Mr. McKinnon for the problems that Patel had referring to the SR267/I-10 Sewer Agreement. He said the problem arose because of

the City of Quincy and Talquin Electric. He mentioned that \$1 million dollar Public Works budget that Commissioner's spoke of was part of sales tax revenues originally set up to pay for the jail construction. He said that once that project was paid off, the revenue was split between the road departments and to finance rural fire protection, two of the original purposes of the sales tax, besides jail construction. He commented on past conversations with former deceased Commissioner William (Bill) McGill on firing of the County Manager, which is why he wanted more severance pay for the manager. He said that the Chairman has stepped out of line. "You have no business negotiating resignation packets." He said the decision to terminate should be based upon valid reasons.

Chair Dixon called for public comment.

Public Comment

- **Pastor Jim Kellum** addressed the Board. He urged commissioners to begin to work together "like smart people." He reminded commissioners that it was their job to represent the people's wishes, not their personal wishes. He asked the Board to evaluate Mr. McKinnon's performance before making a final decision.
- **Sharon Ashmore** addressed the Board. She commented that she was concerned over the financial future of the county if Mr. McKinnon was replaced with an incompetent person.
- **Rev. Stanley Simms** of A Shepard's Hand addressed the Board. He commented that he had no problems with Mr. McKinnon. He said he didn't like the remarks made by Commissioner Watson that were targeted at the other commissioners.
- **Joe Lewis** addressed the Board with his concerns. He commented that an evaluation to determine merit should be performed.
- **Landon Hebert** spoke in support of Mr. McKinnon.
- **Amelia Price**, wife of Commissioner Price spoke in response to the remarks made by Commissioner Watson.
- **Tom Johnson** who was not recognized, wanted to speak, after the Chairman had called for all that wanted to give comment to come forward.

Chair Dixon closed the public portion of the meeting.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO TERMINATE THE COUNTY MANAGER, HOWARD MCKINNON EFFECTIVE IMMEDIATELY. COMMISSIONERS LAMB AND WATSON OPPOSED THE MOTION. THE MOTION PASSED.

**At this juncture of the meeting Howard McKinnon thanked the citizens for all their recent support over the last two weeks, and over the eight years he was the manager. He then gathered his papers, handed them to the recording clerk and exited the meeting.

Interim County Manager

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPOINT ARTHUR LAWSON, ASSISTANT COUNTY MANAGER AS INTERIM COUNTY MANAGER UNTIL A NEW MANAGER COULD BE HIRED.

9. CONSENT AGENDA - FOR APPROVAL

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

- a. Public Official Bond for Tax Collector
- b. Change Order No. 41 to C.W. Roberts Contract - new current contract amount \$424,195.25 - Shiloh Church Road, Mannie Gunn Road, Hutchinson Ferry Road, Gray Road, Barber Road - new contract price total \$14,602,707.50
- c. Contract with District II Medical Examiner's Office
- d. Support of Gadsden County Sheriff's Office Victims Advocate Program Application
- e. Rehabilitation Agreement and Special Assessment Lien- Viney Gause
- f. Contract for Rehabilitation Work - Viney L. Gause
- g. Library Technology Plan

10. CLERK'S AGENDA-NICHOLAS THOMAS

1. Financial Statement

2. Budget Amendments 2004-12-21-01 through 2004-12-21-02

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

3. Ratification of Approval to Pay County Bills: Payroll Deductions 12/09/04; Accounts Payable 12/10/04 and 12/17/04; and Payroll 12/09/04

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

11. PUBLIC COMMENT

No public comment was heard.

12. COMMISSIONER'S AGENDA

District 1

Commissioner Lamb remarked on the vote that had been taken regarding the County Manager. He stated that he had tried to persuade the Board to vote his way and they didn't. He said, " The world will not come to an end. We must now put it behind us and move forward."

District 2

Commissioner Watson commented that a "gross injustice" had occurred with the firing of the former County Manager, Howard McKinnon. He apologized for the remarks made to Commissioner Price.

District 3

Commissioner Price commented on the decision to terminate the County Manager. He voiced that he would not like to receive phone calls from anyone concerning his vote.

District 4

Commissioner Holt remarked on the firing of former County Manager, Howard McKinnon. She stated that she liked Mr. McKinnon as a person.

District 5

Chair Dixon spoke on the tough decision to terminate the former County Manager, Howard McKinnon. He said that the decision was not based on his personal relationship with Mr. McKinnon. He said, "The focus is now to move the County forward."

ADJOURNMENT

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

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL EMERGENCY
MEETING OF THE BOARD OF
COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY,
FLORIDA ON DECEMBER 28, 2004,
THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ:

PRESENT:

EDWARD J. DIXON, CHAIR
BRENDA HOLT, VICE-CHAIR
STERLING WATSON
EUGENE LAMB
DERRICK PRICE
BERYL WOOD, DEPUTY CLERK
ARTHUR LAWSON, INTERIM COUNTY MANAGER

Chair Dixon called the meeting to order then turned it over to Interim County Manager Arthur Lawson.

PREVIOUS COUNTY MANAGER'S PAY-OUT

Mr. Lawson referenced a severance package, which he had provided to the Board prior to the meeting regarding former County Manager Howard McKinnon. He explained that the proposal included four months severance pay to be paid bi-weekly at the rate of pay prior to his leaving. It totaled \$24,668.00.

In addition to the severance pay, Mr. Lawson stated that county policy provides for an employee to be paid for up to 240 hours of annual leave and 25% of their accrued sick leave. He reported that based on that policy, Mr. McKinnon should be paid \$9249.60 for his annual leave and \$7823.62 for his sick leave. The total pay-out for leave totaled \$17,073.42. The entire severance package would come to \$41,741.22.

Mr. Lawson then reported that the general fund contingency balance was only \$71,000. He recommended that only the leave pay-off be taken from the contingency fund and the severance pay be taken from the regular county manager's budget.

Mr. Lawson then stated that there was another issue as well. He said that there is an amendment to the county manager's contract that was signed on October 19, 2004, which amended the severance stipulation in the contract from four months to eight months. The amendment called for the eight months severance package.

However, the Board came back at a subsequent meeting and voted to change the severance stipulation back to four months. He said that there is no signed agreement for the last Board actions regarding the severance package.

Commissioner Holt asked if a signature was necessary for the latest action to be in effect.

Mr. Lawson was unable to answer the question.

Chair Dixon stated that he was of the opinion that what the Board had agreed upon was a board policy - not a contractual agreement. He asked when the document was signed. He contended that the document that was before the Board on October 19 did not contain a place for a signature.

Commissioner Holt did not recall there being a place for a signature either.

Chair Dixon contended that he remembered quite succinctly what was said and what was presented and it was a board policy - not an agreement. He stated that the matter needed to be sorted out and find where and by whom it went wrong.

Dixon:

There is something amiss here. There is something amiss. In the meantime, we have to settle it for the manager. I assume that somebody is going to make something out of this - whether it is four months or eight months.

That being said, I certainly would recommend that we pay the manager the four months severance as well the stipulated things that the manager just said we owed - the total of \$41,000. Then, at a point when we can find out what happened with this document. If we are required to, then we come back and do that.

If we are not, the Board can come back and decide whatever they want to do - if the Board wants to do anything else. But, I am not sure because the attorney didn't say anything before. That bothers me as well. But, I would recommend that we give him the basic at this point. Let's dot our "I's" and cross our "Ts". If I am wrong, I will be the first to say that I was out of line.

Watson:

We give him the base and if it is eight months, he gets the eight months - is that what you are saying?

Dixon:

If it is the eight months, he gets the eight months. If it is not the eight months, then this Board can come back and decide if, on top of the base, what we want to give him if anything else. But, I can only assume that if he thinks it is eight months, there might be some litigation to it.

Watson:

That is only if he doesn't get another job within eight months. It may not be an issue.

Dixon:

But, I want to clear it up.

Watson:

So, what you are saying is the total pay-out for the four months, we are assuming four months, the \$41,741.22.

Lawson:

That is with his sick and annual leave as well.

Watson:

Right. That is what everybody else would get.

Lawson:

Right.

Dixon:

That is the base.

Holt:

My question was with the severance pay, will that come from contingency?

Dixon:

That was recommended by the manager.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE FOUR MONTHS OF SEVERANCE PLUS THE ANNUAL AND SICK LEAVE. IF IT IS DETERMINED THAT MR. MCKINNON IS ENTITLED TO AN ADDITIONAL FOUR MONTHS, IT WILL BE PAID AS WELL AT A LATER

TIME. IT WAS FURTHER MOTIONED TO USE THE GENERAL FUND CONTINGENCY FUNDS TO PAY OFF THE ACCRUED LEAVE AND USE THE COUNTY MANAGER'S BUDGET TO PAY THE SEVERANCE PAY.

ADVERTISEMENT FOR NEW COUNTY MANAGER

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISISONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADVERTISE THE POSITION FOR THE COUNTY MANAGER.

It was suggested that the search be a genuine nationwide search using magazines, the internet and other reasonable avenues.

INTERIM COUNTY MANAGER'S CONTRACT

Chair Dixon recommended the following for Interim County Manager Arthur Lawson:

- 1) His salary should be brought up to the former manager's salary.
- 2) He should be afforded the use of the county vehicle for business purposes.
- 3) He would be allowed to return to his previous position as assistant county manager after the appointment of a new county manager.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RECOMMENDATIONS LISTED ABOVE.

It was clarified that Mr. Lawson's salary would drop back automatically to the assistant manager's salary upon the appointment of the new county manager.

RESIGNATION OF THE COUNTY ATTORNEY

Chair Dixon called attention to the resignation of Hal Richmond as the County Attorney effective December 31, 2004. He recommended that the Board give Mr. Richmond at least four months severance pay even though his contract does not have a severance clause in it.

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

APPROVE A SEVERANCE PAY OF FOUR MONTHS SALARY TO HAL RICHMOND.

APPOINTMENT OF NEW INTERIM COUNTY ATTORNEY

Chair Dixon recommended that the Board appoint Thornton Williams as the interim county attorney. See qualifications and Resume attached.

Commissioner Lamb asked if the Board would allow the interim attorney to apply for the position. He stated that he would be opposed to allowing the interim to apply for the position. He said that he felt the interim would have an advantage over other qualified applicants. He stated that he would want the selection process to be completely fair. He said that it had been his experience that it could create complications for the Board.

Commissioner Watson stated that the Board would not allow Mr. Spitzer to submit and RFP as consulting engineer after he did a seminar for the County on the redistricting process.

Chair Dixon disagreed saying that the County could do itself a real disservice by bringing good people to the table then not allow them to apply. He said that in his experience, he found that "The cream rises to the top."

Commissioner Holt stated that she could not see any reason to not allow the interim to apply for the position.

UPON MOTION BY COMMISISONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO HIRE MR. WILLIAMS AND AUTHORIZE THE CHAIRMAN AND THE COUNTY MANAGER TO NEGOTIATE THE TERMS FOR SERVICES WITH HIM. IT WAS FURTHER MOTIONED THAT THE INTERIM SHOULD BE ALLOWED TO APPLY FOR THE PERMANENT POSITION OF COUNTY ATTORNEY. COMMISSIONERS WATSON AND LAMB OPPOSED THE MOTION.

Commissioner Watson clarified for the record that his vote was not against Mr. Williams. He said that he recognized that he was a fine attorney.

There was some discussion about the county attorney's budget. There was a consensus that the Board would have to look at other funding sources to pay for the attorney services.

PROCESSING OF DEVELOPMENT ORDERS

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY MANAGER TO SIGN DEVELOPMENT ORDERS AS THE PLANNING DIRECTOR UNTIL A NEW PLANNING DIRECTOR CAN BE HIRED.

Mr. Lawson reported that he had talked with Apalachee Regional Planning Council and they are willing to allow Mr. Ballister to advise the Board until a new planning director can be put into place.

Mr. Lawson stated that the advertisement for a new planning director had already begun.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY MANAGER TO ADVERTISE FOR A NEW COUNTY ATTORNEY.

LEGISLATIVE AGENDA

Commissioner Holt noted that the Legislative Session is nearing and the County needs to get their priorities determined.

Chair Dixon stated that he is scheduled to meet with the city managers on Thursday.

ADJOURNMENT

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

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk