

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON JANUARY 4,
2005, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

EDWARD J. DIXON, CHAIR
BRENDA HOLT, VICE - CHAIR
EUGENE LAMB
STERLING WATSON
DERRICK PRICE
NICHOLAS THOMAS, CLERK
THORNTON WILLIAMS, INTERIM COUNTY ATTORNEY
ARTHUR LAWSON, INTERIM COUNTY MANAGER

1. MEETING CALLED TO ORDER

Chair Dixon called the meeting to order. The prayer was led by Commissioner Lamb and the pledge by Commissioner Holt.

2. ADOPTION OF THE AGENDA

The following was added to the agenda:

- Legislative Request by Sheriff Young (Added to # 4 Interim County Attorney's Agenda)
- Property Appraiser's Public Official Bond (Added to Consent Agenda - for approval)
- Approval of Contract with Williams, Wilcox & Sexton, PA as County Attorney (Added to Item # 4)
- Legislative Overview under # 4.

The following items were removed from the agenda:

- County Internet Services - IT Committee Recommendation
- Appointment of Interim County Attorney (The Interim Attorney, Thornton Williams, had already been appointed).
- Item 8c of the Consent Agenda - Agreement with City of Chattahoochee for Rescue Truck Loan - was placed for discussion on the Interim County Manager's Agenda

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

3. APPROVAL OF MINUTES

December 6, 2004 Special Meeting

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

4. INTERIM COUNTY ATTORNEY, THORNTON WILLIAMS

1. Professional Services Agreement for the Attorney

Chair Dixon commented that the Professional Services Agreement for the attorney was virtually the same contract as that of the previous county attorney, except for a slightly higher retainer. He said that the Board would receive numerous additional services that it didn't have before.

Mr. Lawson said that Mr. Williams would be billing for services rendered at the same hourly rate as Mr. Richmond.

Mr. Williams noted that his firm would now attend all Planning and Zoning Commission meetings, a service that was not provided before.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE COUNTY AND THE INTERIM COUNTY ATTORNEY, THORNTON J. WILLIAMS OF WILLIAMS, WILCOX AND SEXTON, PA. COMMISSIONERS WATSON AND LAMB OPPOSED THE MOTION. THE MOTION PASSED.

2. Legislative Timeline

Mr. Williams spoke briefly about his firm's lobbying services with the Florida Legislature. He explained the legislative timeline.

He stated that he had talked with Senator Al Lawson and Representative Curtis Richardson about the Community

Budget Issues Request System. He said that the County's funding request should be submitted no later than Friday, January 7, 2005. He mentioned the local Legislative Delegation meeting on Tuesday, January 11, 2005 in the Boardroom at 6:00 p.m. He said that all issues would be reviewed and then submitted to the Legislature for consideration.

Chair Dixon commented on the January 5, 2005 meeting with City of Quincy, Mayor Derrick Elias. He said that a meeting would have to be scheduled for all of the outlying cities in Gadsden County to discuss the legislative timeline and other pertinent matters.

No action was taken.

3. Sheriff Young's Request

Major Tommy Haire of the Gadsden County Sheriff's Office (GCSO) addressed the Board on behalf of Sheriff Morris Young. He introduced other staff members including Major David Gainous, Major James Morgan and Joseph Parramore. He said that the GCSO is submitting four Community Budget Issue Request for the Board's review. He noted that no county match or action from the Board is required.

- School Resource Officers Program
- Community Oriented Policing Program
- Investigation Enhancements
- Corrections/Jail Enhancements

Chair Dixon reminded the GCSO employees of the importance of the Delegation meeting on January 11, 2005. He asked that they return and make their presentations.

Commissioner Holt inquired about state funding for community groups and the deadlines involved for them.

Chair Dixon commented that he personally didn't know of any community group requests, but they must follow same guidelines.

Nancy Gee, Gadsden County Grants Director, stated that Capital City Youth Service (CCYS) has requested legislative funding. She said that she would inform them of the meeting and deadline.

4. ALMA JONES, GADSDEN COMMUNITY HOSPITAL (GCH)

Dedication of Lobby - Dr. Furlow

Laverene Demous, GCH Director of Social Services, and Denise Collier, Medical Records Director, addressed the Board. She commented on their effort to receive funding to help commemorate the dedication and service that Dr. Jessie Vondella Furlow, M.D. has given to the entire community of Gadsden County. She said that the administration of Gadsden Community Hospital would like to dedicate the lobby in her honor. A tentative date of January 27, 2005 has been set for the elegant affair.

Ms. Collier outlined the description list for all of the furnishings and prices for the lobby dedication. She said that the total tentative price is \$17,812.00.

The Board took no action.

5.GROWTH MANAGEMENT ITEMS

Philippians Pines Major Subdivision - 04PZ-071-201.01-1-11

*It is noted here that Bruce Ballister met with the Commissioners at this meeting as an employee of Apalachee Regional Planning Council (ARPC). The Board contracted with them to provide services to the County until the vacant directors position is filled.

Mr. Ballister read the comments and staff recommendation regarding Philippians Pines Major Subdivision. He said that the applicant, Phyllis Moore, is proposing a clustered major subdivision on US 27 North of Havana near Schwall Road. The property is further identified by parcel number 2-11-3N-2W-0000-00431-4200. The total area of the parcels in the proposal is 15.67 acres. The property was the subject of a Land Use Amendment I 2003 which converted 14.43 acres to Rural Residential and 1.24 acres to Recreation. This application intends to make use of the 14 allowable dwelling units by clustering, which leads to the requirement to deed restrict to site built homes. The property was originally subjected to a minor subdivision also called Philippians Pines, which was intended to transfer lots to Ms. Moore's children. Two of these lots are preserved at the northern end as 1.0 acres

lots. The remainder is platted as a 1.0 acre lot, a 0.98 acre lot, and 10 half acre lots.

The applicant's first submission resulted in a redrafting to clear the most objectionable shortcomings of that proposed plat. The response is much closer to the requirements of the Code and Comp Plan. The property is elongated north and south limiting its street plan options. The layout proposed placed a single cul-de-sac down the middle serving the lots along each side. The cul-de-sac shown on the conceptual plat is 1,610 feet long. This is in excess of the maximum length of a cul-de-sac in the Land Development Code, (1,500lf). He said that one of the front lots is already sold in a minor subdivision the applicant did years ago. The wetlands were changed to Recreation Land Use during the amendment process and where not subject to density calculations. The cul-de-sac that was shortened after conceptual review by staff still exceeds maximum length of cul-de-sac (1500 feet); variance requested. He said that with the stormwater management easements a preliminary plat should show actual stormwater management area available after the 50-foot wetlands buffer.

Recommendations

1. Approval implicitly approves a variance for the cul-de-sac length of about 100'. There are limited options for alternate geometry due to the shape of the property.
2. The bulb of the cul-de-sac should be designed with reverse curves of minimum 25' radius between bulb and strait section.
3. The Preliminary Plat should contain all of the minimum requirements of subsection 6005 of the Land Development Code.
4. The Preliminary Plat submission should include covenants for review and comply with all conditions imposed by the Planning Commission and the BOCC.

C. Planning Commission Recommendations

- 1.) The Planning Commission recommended approval of the 14 lot major subdivision with the above staff recommendations and the following:
 - a. A non-easement access would be provided from the end of the cul-de-sac to the open space area.

- b. If the two small areas are not adequate for stormwater ponds, they will be included into lots down to the 50' buffer line.

Commissioner Holt inquired about the length of the road and the requirement of entry beautification.

Mr. Ballister replied that the length of the road was 20ft with two lanes, 25 additional setbacks with no clearing zone. He said that there is no requirement in the Code related to entry beautification, but there is landscaping. He stated that the Board would have to add that language and direct P&Z to have workshops.

Commissioner Lamb asked would that be a requirement of the Homeowners Association.

Mr. Ballister commented that it is not a requirement and HOA won't do entry beautification unless there is a public area set aside for them.

Commissioner Holt stated that she wanted a recommendation of entry beautification and signage.

Chair Dixon asked Mr. Ballister to direct P&Z to look at the beautification piece to see how it would work and send us there recommendation.

Commissioner Lamb made a motion for approval with recommendations and Commissioner Holt second the motion. It was held due to public comment.

Chair Dixon called for public comment.

Public Comment

- **Richard Thompson** addressed the Board. He referenced Gadsden Comprehensive Plan Policy 1.1.13. "The County shall develop a policy on the overlay zones to scale, which related to the U.S. 27 corridor." The Commission decided to do nothing, but he pointed out that doing nothing is not an option. The language included is in the Comp Plan. He suggested that, if the County doesn't want it, it should be taken out. He said it's a requirement and the County is not in compliance.

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 PHILIPPIANS PINES MAJOR SUBDIVISION WITH STAFF RECOMMENDATIONS.

2. Piggly Wiggly Shopping Center - 04PZ-75-207.01-4-11

Mr. Ballister read the comments and staff recommendations regarding the Piggly Wiggly Shopping Center aka McDaniel Shopping Center. The applicant, Kevin McDaniel is proposing a small shopping center with a Piggly Wiggly grocery store as the central store. The property is located at the corner of US 90 West and Bostick Road. The property is more properly known by its parcel number as 3-11-2N-4W-0000-00320-0100. The 5.71 - acre parcel is in a Commercial land use district, which allows for the proposed development. The threshold for a Class 2 review for grocery stores in the Land Development Code is 20,000 sq ft. As the proposed store is 26,000 sq. ft., it is presented to the Planning Commission for review and the BOCC for approval. He said that copies of the conceptual site plan have been presented to appropriate members of the Development Review Committee for comment. The site has previously been presented to FDOT for detailed recommendations on the turn lane geometry on US 90. The site is to be connected to the City of Quincy's water, sewer, and electrical systems. The gas is available in the right of way if it is needed. He said that the concurrency is satisfied for the piped utilities. He commented on the two loading spaces required by the LDC. He said that the fire zone requirement state must have the area marked no parking for emergency vehicles only around perimeter of the parking area. The hydrant added to the front of the site and traffic generation analysis is needed. He commented on the curbing or wheel stops for all parking spaces, sidewalk continue to Bostick Road and provide one dumpster for grocery store and an additional unit for the retail stores. He said that the signs should be posted behind the stop signs saying right turn only or one way out.

Planning Commission Recommendations

- 1.) The Planning Commission recommended approval of the shopping center with the addition of the staff recommendations above.

Mary Margaret Farris of David H. Melvin, Inc. Engineering, addressed the Board.

Commissioner Holt inquired about the landscaping of the front lot.

Ms. Farris replied (per the Code) that they landscaped in the rightside. She said that the other side would be used for parking. She stated that it would look very nice.

Chair Dixon inquired about the two open spaces in the front.

Mr. Ballister commented that they were usable for parking and some landscaping per the Code. He said that the spaces were not developable areas. He stated that depending on the type of lease the out-parcels may not have to come back before the Board unless the Board stipulates.

Chair Dixon mentioned that there were no sidewalks available along Bostick Road for the pedestrian traffic that would come from the Parkview Manor and the Trailer Park along Atlanta Street.

Discussion followed among the Board.

Commissioner Lamb asked Mr. Ballister for his recommendation.

Mr. Ballister asked Ms. Ferris to look at the sidewalk for Bostick Road because it could be beneficial and bring back revised plan.

Chair Dixon called for public comment and there was no response.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PIGGLY WIGGLY SHOPPING CENTER WITH THE STAFF RECOMMENDATIONS.

Discussion of Creating an Existing Land Use Map and Zoning Map

Mr. Ballister read the comments for the discussion of creating an Existing Land Use Map and a Zoning Map. He commented that in August, Ken Stocks and himself took a minor tour of some of the panhandle counties to see how those jurisdictions are dealing with or have solved some of their mapping issues. The following questions were of interest: were did they have a working updated existing land use map; what were the criteria used to develop it; did they have a zoning map as well as a Future Land Use Map (FLUM); and how did they use both. He said that the Department of Revenue Parcel Map - 99 categories of parcel zoning. He commented that each of the 3 counties Escambia, Santa Rosa, Bay County and Jackson County have their own way of creating their maps. He commented that it is hard to have 99 degrees of color so we need to group them into categories. He said that they would entertain the possibility of comments and inputs on how to classify uses.

Mr. Ballister reported that the P&Z Board would have a workshop to decide what goes where, which should result in it easily becoming updateable. He recommended that it be done automatically if possible.

Commissioner Holt asked if P&Z could come up with the framework and then it be present it to the Board for evaluation.

It was the consensus of the Board for Mr. Ballister to move forward with the project.

Zoning

- a. We found that Escambia is, or was before the hurricane, frequently stuck in controversy over discrepancies between the zoning designations on maps created before Comprehensive Planning and the adopted Future Land Use Map.
- b. Santa Rosa has a zoning map that is not only out of date, but the digital files that created it are lost. The only existing paper map was to be scanned and a copy sent to us for reference.
- c. Bay County did not have a zoning map of record prior to Future Land Use Planning, but is in the process of adopting a zoning map. They have been through years of planning and public hearings and are on the verge of adoption of a zoning map.
- d. Jackson County does not have zoning and it is not on

their radar.

- e. The intent behind utilization of a zoning map in addition to having a Future Land Use Map is in administrative simplicity of complex area.

Mr. Ballister commented that there is not sufficient development activity in the county to warrant a conversion to zoning. He said it requires time that staff doesn't have. He said that, "Gadsden County is not urban enough yet." He stated that it could be evaluated in the next EAR cycle report in 2007-8.

Re-hearing of Bostick Temple originally heard 12/21/04

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 asked for a motion to re-consider.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO RE-HEAR THE BOSTICK TEMPLE VARIANCE.

Mr. Ballister commented that the applicants had asked for a waiver of the one-year deadline of grandfathering. He said they would re-address parking, so that most of the run-off can be retained at the top of the hill.

Mary M. Ferris, engineer, addressed the Board on behalf of Bostick Temple. She said that the revised site plan shows a gravel roadway, 18-foot wide entranceway, 24-foot wide access aisle to access the building drainage soil and parking drive. She said that they had marked parking areas and an FDEP stormwater solution. She commented that there would be no grading done on the backside. She stated that it would include providing grading and erosion protection as needed to maximize sheet flow and minimize damage to the adjacent properties.

Chair Dixon called for questions.

Commissioner Lamb asked Mr. Ballister for his recommendation.

Mr. Ballister recommended that the subline to east not be constructed until needed.

Commissioner Lamb inquired as to when the matter would come back before the Board.

Mr. Ballister replied no, they would not.

Commissioner Watson said that it is a requirement to pave the driveway. He commented that the Code doesn't read **may** it read **shall**.

Commissioner Lamb replied that he understands the Code, but we have to look at each individual situation.

Mr. Ballister stated that the Board could waive the stormwater requirements for all churches, beyond DEP requirements. He said that this particular site has neighbors on a down slope and there could be significant erosion.

Chair Dixon did not agree that there should be and automatic waiver for all churches, but the Board needs to look at each individual case to consider a waiver.

Commissioner Holt said that she had talked to the neighbors that would be affected by the church. She said that she found that gravel in this case may work more efficiently than paving.

Mr. Ballister said that if this was granted with no stormwater pond, less would be better.

Commissioner Price asked if the gravel would do what is needed.

Mr. Ballister replied that it would to some point.

Commissioner Watson said that there was no room for a deviation from what is needed.

Chair Dixon commented that he also viewed the area and less is better. He said that a time should be set to handle paving.

Commissioner Lamb said that he had no problem with placement of the church, but it does need to meet the code.

Commissioner Price inquired about the deadline for the church to be moved.

Janice Jones, Associate Pastor, replied that the owner is waiting on them, (Bostick Temple) to move the building.

Chair Dixon called for public comment.

Public Comment

- Arrie Battles, a neighbor, spoke in support of the church.
- Dr. Wille Green spoke in support of the church.
- Elvelyn Green spoke in support of the church.
- Markisha Munroe spoke in support of the church.
- Jahazel Dawkins, Pastor of Bostick Temple, spoke in support of the church.

Commissioner Lamb commented that he would have to support the church. "I understand the Code, be we have to take an individual look."

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE BOSTICK TEMPLE VARIANCE WITH THE REVISED SITE PLAN. COMMISSIONERE WATSON OPPOSED THE MOTION. THE MOTION PASSED.

7. INTERIM COUNTY MANAGER, ARTHUR LAWSON

8c- Consent Agenda Item pulled for discussion
Agreement with City of Chattahoochee for Rescue Truck Loan

Commissioner Holt said that she pulled the item for discussion because she needed more information.

Tommy Baker, EMS answered and satisfied her concerns.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE REFERENCED ITEM FROM THE CONSENT AGENDA.

8. CONSENT AGENDA - FOR APPROVAL

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

- a. Gadsden County Habitat for Humanity Resolution # 2005-001
- b. Audit Agreement with Law, Reed, Crona, and Munroe, P.A.
- c. Agreement with the City of Chattahoochee for Rescue Truck Loan - pull for discussion by Commissioner Holt
- d. Interlocal Agreement with City of Midway - road Maintenance and Field Services for 2005
- e. Rehabilitation Agreement and Special Assessment Lien - Jeanette Spooner; Cora Spencer
- f. Contract for Rehabilitation Work - Jeanette Spooner
- g. SHIP Agreement and Special Assessment Lien - Odell and Jacqueline Frye
- h. Public Official Bond for Clerk of the Circuit Court
Public Official Bond for Property Appraiser - added

9. CONSENT AGENDA - FOR THE RECORD

- i. Minutes of November 16, 2004 Gadsden County Tourist Development Council

10. CLERK'S AGENDA

Budget Amendments 2005-01-04-01

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

Payment of Bills: Accounts Payable 12/23/04 and 01/03/05; Payroll Deductions 12/23/04; and Payroll 12/23/04

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

11. PUBLIC COMMENT

- Samuel Hawkins
- Richard Thompson addressed the Board. He stated that he had submitted a public records request to the County Manager back on November 29, 2004, but he has not received a response.

Chair Dixon asked Mr. Williams if he would address Mr. Thompson's request in a timely manner.

12. COMMISSIONER'S AGENDA

DISTRICT 1

Commissioner Lamb commented on the Professional Services Agreement between the County and Thornton Williams. He gave his reasons for voting no to the Agreement was that he didn't have enough time thoroughly read over and understand the Agreement.

DISTRICT 2

Commissioner Watson commented on Selman Road. He said that Mr. Presnell had talked with DOT regarding the expansion of the lanes.

DISTRICT 3

Commissioner Price thanked Mr. Presnell for responding to his request. He asked that they continue the good work together.

DISTRICT 4

Commissioner Holt discussed legislative issues. She asked if each municipality would present their issues or if they would come together and collaborate jointly on the issues by rank. She mentioned the one-stop shopping for government.

DISTRICT 5

Chair Dixon replied that he would meet with the Mayor of the City of Quincy to discuss their legislative priorities.

ADJOURNMENT

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

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON JANUARY
18, 2005, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

EDWARD J. DIXON, CHAIR
BRENDA HOLT, VICE-CHAIR, PRESIDING
EUGENE LAMB
STERLING WATSON
DERRICK PRICE
NICHOLAS THOMAS, CLERK
THORNTON WILLIAMS, INTERIM COUNTY ATTORNEY
ARTHUR LAWSON, INTERIM COUNTY MANAGER

1. MEETING CALLED TO ORDER

Chair Dixon called the meeting to order and led in the invocation. Mr. Williams led in the pledge of allegiance to the U.S. flag.

2. ADOPTION OF AGENDA

The following was added to the agenda:

- Fellowship Assembly of God Church request for waiver of building inspection fee - placed under County Manager's agenda.
- Internet Services Proposal by City of Quincy (netquincy.com) to be placed under County Manager's agenda.
- Approval of Lobbyist Registration Form for Thornton Williams - consent agenda.
- Recognition of Hugh Stephens for service to the Planning and Zoning Commission (P&Z) - to follow approval of the minutes.
- Public Works request to sell 3 pick-up trucks, 2 tractors and 1 batwing mover at a local auction - Consent Agenda.
- Request for Internet Service for the Grants Department - County Manager'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.

****At this juncture of the meeting Chair Dixon talked about the responsibilities in the Chairmanship. He said that he wanted to give all the new commissioners an opportunity to serve as chair. He then turned the meeting over to Vice - Chair Holt.

3. APPROVAL OF MINUTES

December 7, 2004 Regular Meeting

December 14, 2004 Special Meeting

December 28, 2004 Special Emergency Meeting

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

Hugh Stephens, Planning and Zoning Commission (P&Z)

Commissioner Watson recognized Hugh Stephens, for his 10 years of service to the P&Z Commission as District 2 representative. On behalf of the Board, Commissioner Watson thanked Mr. Stephens for volunteering his time and service to the County and presented him with a plaque.

Mr. Stephens thanked the Board for the plaque and especially Commissioner Watson for his appointment and opportunity to serve on the Commission.

Commissioner Lamb then called attention to Ms. Martha Koonce who served on the Commission as District 1 representative. She was also honored at the P&Z meeting for her service to the Commission. He announced that her replacement was Ronald Burrell.

4. THORNTON WILLIAMS, INTERIM COUNTY ATTORNEY

Mr. Williams informed the Board of the Executive Branch Lobbyist Registration form. He said that it would be needed for him to begin lobbying on behalf of the County. See the Consent Agenda for Approval of the form.

5. MS. ALMA JONES, GADSDEN COMMUNITY HOSPITAL- LOBBY DEDICATION - DR. JESSIE FURLOW (Originally heard at the 01/04/05 meeting.)

Laverene Demous addressed the Board regarding the dedication of the hospital lobby honoring Dr. Jessie V. Furlow. She asked the Board to allocate some funding to help with refurbishing the lobby.

Vice-Chair Holt asked for an update as to where the Board was on this particular request.

Mr. Lawson replied that since the last meeting, he had discussed the possibility of funding with Clerk Thomas. He said that there were funds in the Hospital Renewal and Replacement fund that could be used if the Board desires.

Clerk Thomas indicated that there was \$631,000.00 in the Renewal and Replacement fund and a portion could be used for the lobby refurbishing.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE REQUEST FOR \$17,812.00 TO BE TAKEN FROM THE RENEWAL AND REPLACEMENT FUND FOR THE PURPOSES OF THE LOBBY DEDICATION PROJECT HONORING DR. JESSIE FURLOW.

6. FRED HERROD- CITIZEN SOLDIERS

Fred Herrod addressed the Board. He stated his concerns as follows:

American Flag

The placement of the American flag in the BCC Board room is flown to the right and is incorrect. Chair Dixon placed the American flag on the left of the television screen.

Supplement Pay for Deployed Employees that are on active military duty

He stated that there are a total of about 4,612 veterans in the county and many citizen soldiers who are active National Guard, Army & Navy Reserve. He said that these young men and women are on call with

90 days or less of notification. He said that some of those individuals have county jobs. He asked that the Board consider supplementary pay or bringing the pay difference to that of which the soldier would bring home if he had still been on his county job also that they not lose job tenure or their job while deployed. He commented that he already proposed this to the Sheriff's department where the program is active. He said that he was scheduled to make the same proposal to the School Board for the teachers so that they could also keep their job tenure and their job upon their return.

- Property tax break

East Gadsden High School

Mr. Herrod brought to the attention of the Board the East Gadsden JROTC Program had won the title of State Drill Champions. He commented that would be going to the National Competition. He said that was the first time in the history of the County. He said that he would be back at later time to ask for funds to help send the cadets to the Nationals.

They Board applauded East Gadsden JROTC for their accomplishment.

Chair Dixon asked if it was the Declaration of War that brings the program into place.

Mr. Herrod commented that United States is in a state of war.

Flagpole on the Courthouse grounds

Clerk Thomas commented on the flagpole located at the Courthouse that needs to be moved or the trees should be trimmed. He also noted that the Clerk's Office pays the full pay of all deployed employees.

Vice-Chair Holt who was in charge of the meeting asked Interim County Manager, Arthur Lawson to have the appropriate employees to take care of the trees and flagpole at the Courthouse.

Veteran's Transportation

Mr. Herrod also mentioned the Transportation services to Tallahassee for Veterans.

Commissioner Watson commented that the Board already provided that service to the Veterans.

Vice-Chair Holt asked that the County Manager meet with the Veteran's Office to get a better understanding of the programs discussed and report back to Mr. Herrod and the Board with recommendations.

Supplemental Pay

Clerk Thomas noted that the Clerk's Office pays it deployed employees their full salary while they are on military leave.

Mr. Lawson said that he would look into the entire request and inform the Board.

The Board took no action.

7. ARTHUR LAWSON, INTERIM COUNTY MANAGER

I. Interlocal Agreement to provide Ambulance Services - Chattahoochee

Mr. Lawson discussed the Interlocal Agreement to provide ambulance services to Chattahoochee. He said that he would allow Tommy Baker, EMS Director to elaborate in detail.

Mr. Baker said that the new agreement calls for Gadsden Emergency Medical Services to hire three additional personnel to staff the Chattahoochee ambulance and the City of Chattahoochee agree to provide reimbursement to the county, based on the fee schedule as presented by the Director. He asked that the Board give approval of the concept and allow staff to work out the details that would be incorporated into a new interlocal agreement between the two parties. He said that he spoke with Clerk Thomas and he said with the addition of the extra personnel, they would have re-advertise the budget in the newspaper.

Commissioner Watson stated that the City of Chattahoochee should pay the advertisement of the amended budget.

Mr. Baker said that the City of Chattahoochee Attorney would draw up the contract and he would put it back on the agenda.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE INTERLOCAL AGREEMENT TO PROVIDE AMBULANCE SERVICES TO THE CITY OF CHATTAHOOCHEE.

II. INFORMATION TECHNOLOGY TEAM (ITT) Committee Recommendation

Mr. Lawson reported that the county's ITT Committee recommended TDS as the internet provider. He said that their reasoning was that TDS had a more dependable network. He said that TDS has more underground fiber cable than the City of Quincy.

Mr. Don Lee, IT Committee Chairman, stated that both TDS and The City of Quincy presented detailed proposals. He said that the ITT Committee did detailed research as to who would benefit the County. He said that TDS was the committees pick. He commented that he invited both TDS and the City of Quincy out to discuss their proposal packages. He said that John Thomas with the City of Quincy was the only one present.

Vice-Chair Holt inquired about the difference in the amount.

Mr. Lawson said that the difference was \$1.00 and they both for 3-year agreement.

Commissioner Watson said that TDS is more reliable, they have underground fiber cable v/s the City of Quincy with above line.

Chair Dixon commented it was his opinion that the City of Quincy had the greater service. He asked Mr. Lee what would be the coverage area.

Mr. Lee replied that the coverage area would include the BCC governmental building offices. He said that it was his intent to link all governmental offices.

John Thomas, Telecommunications Director for the City of Quincy, addressed the Board. He said that the City was more than capable of handling the services of the County. He said that the long-term goal was to create a countywide network.

Mr. Lee said that Grants Department would need connection to the BCC building. Implementation is needed to the network so that Ms. Gee would be able get into her files and access the Internet.

Vice-Chair Holt asked how many times had the City been down.

Mr. Thomas replied only once. He said they provide security by forming another layer of network. He stated that you would be provided with additional security.

Vice-Chair commented that she was in favor of awarding the contract to the City of Quincy for internet services.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 -2, BY VOICE VOTE, NOT TO ACCEPT THE ITT COMMITTEE RECOMMENDATION FOR TDS, BUT TO GO WITH THE CITY OF QUINCY. COMMISSIONERS WATSON AND LAMB OPPOSED THE MOTION. THE MOTION PASSED.

PROPOSAL TO CONNECT THE GRANTS DEPARTMENT

Mr. Lawson noted that the proposal to connect the Grants Department to the BCC building for internet and e-mail services. He said that the City of Quincy could provide the service for \$150.00 a month.

Commissioner Watson asked if TDS offered to bid on the proposal.

Mr. Lee said that they were not on this particular item.

Vice-Chair Holt asked about a tele-communication grant for this type proposal.

Mr. Lawson said that he would direct the staff to contact TDS for a proposal and check with the grants Department concerning a tele-communications grant. He said he would update the Board at the next official meeting.

III. FELLOWSHIP ASSEMBLY OF GOD CHURCH

Mr. Lawson said that the Fellowship Assembly of God Church has asked for a waiver in the amount of \$200.00. He said that the fee would present a financial hardship to the church.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE FELLOWSHIP ASSEMBLY OF GOD CHURCH WAIVER IN THE AMOUNT OF \$200.00.

8. CONSENT AGENDA - FOR APPROVAL

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

- a. Resolution 2005-002-Closure of Portion of CR 270A
- b. Interlocal Agreement for Road Maintenance - City of Gretna
- c. Interlocal Agreement for Road Maintenance - City of Chattahoochee
- d. Appointments to Apalachee Regional Planning Council
- e. Appointment of Ronald Burrell to Planning Commission - added by Commissioner Lamb
- f. Lobbyist Registration Form for Thornton Williams to represent Gadsden County
- g. Request by Public Works to sell 3 pick-up trucks, 2 tractors and 1 bat wing mower at the local auction

9. CLERK'S AGENDA

Cash Report - (for the record only)

Clerk Thomas highlighted the Cash Report. He said that there was \$8.8 million in the combined funds and \$4.5 million in the general fund He stated there was

\$631,070.86 in the Hospital Revenue and \$1.8 million in the Hospital Endowment Fund.

Financial Statements - (for the record only)
See attachment for information purposes

Agriculture - (State Appropriation for Horse Stable)

Clerk Thomas brought to the Board's attention that the State has asked the County to return the money, which was appropriated several years ago for a horse stable and arena at the Livestock Pavilion. He said the County received \$304,563.60 for the project but the project was never built and they have asked for the funds to be returned.

Chair Dixon asked if the matter could be negotiated.

Mr. Lawson commented that back in FY 2000-2001, the county applied for additional funding for a horse arena/stable to be constructed at the Livestock Pavilion. The horse stable was never built. He said that the state has re-appropriated the funds.

Budget Amendment 2005-01-18-01

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

Payment of Bills: Accounts Payable 1/4/05, 1/7/05 and 1/14/05; Payroll Deductions 1/16/05; and Payroll 1/6/05

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

10. PUBLIC COMMENT (3 MINUTE LIMIT)

Vice-Chair Holt called for public comment.

- DeAlvin Roberts addressed the Board in reference to minority businesses receiving contracts to work in the County.

11. COMMISSIONERS AGENDA

District 1

Commissioner Lamb commented on the way the County handles people or organizations that come before the Board to allocate funding, when it's not budgeted.

District 2

Commissioner Watson had no comment.

District 3

Commissioner Price had no comment.

District 5

Chair Dixon had no comment.

District 4

Vice-Chair Holt requested that the Road Paving Priority List be added to the Board's upcoming agenda for discussion. She also asked that information be brought to the Board about an auction for the equipment at Public Works.

Mr. Lawson stated that the County doesn't have the volume of equipment to sell at our own auction. He said multiple counties have a larger group and sales are much better.

Vice-Chair Holt discussed County Planning with emphasis on development. She said that a 5-year plan was needed for planned economic development in County. She suggested a workshop of all the minds that would be involved.

Chair Dixon replied that the meeting needed to be planned. He asked Mr. Lawson to instruct staff to contact people that would be beneficial in helping implement an economic plan.

Vice-Chair Holt mentioned that she would like to have an update on the Sewer Agreement.

She also commented that Code Enforcement was in need of more staff in order to be more beneficial to the County. She also mentioned all the job vacancies in the county and the importance of having a strong leader for the County Manager's position.

Mr. Lawson noted that the County Managers closing date is February 28, 2005.

ADJOURNMENT

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

Brenda Holt, 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
1, 2005, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

EDWARD J. DIXON, CHAIR
BRENDA HOLT, VICE - CHAIR
EUGENE LAMB
STERLING WATSON
DERRICK PRICE
NICHOLAS THOMAS, CLERK
THORNTON WILLIAMS, INTERIM COUNTY ATTORNEY
ARTHUR LAWSON, INTERIM COUNTY MANAGER

1. MEETING CALLED TO ORDER

Chair Dixon called the meeting to order. Commissioner Lamb led in a prayer. Commissioner Watson led in pledging allegiance to the US flag.

2. ADOPTION OF AGENDA

The following additions were made to the agenda:

- Recognition of Avis Davis as new Havana Postmaster added to 5a.
- Proposal by Ooten and Associates, P.A. Consultant Engineers added to 8d.

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

3. APPROVAL OF MINUTES

December 8, 2004 Special Meeting/Budget Workshop

December 21, 2004 Regular 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. THORNTON WILLIAMS, INTERIM COUNTY ATTORNEY

Mr. Williams had no report.

5a. RICK MARCUM, EXECUTIVE DIRECTOR OF OPPORTUNITY FLORIDA

Opportunity Florida Update

Rick Marcum of Opportunity Florida addressed the Board. He commented that Opportunity Florida now has excellent dialogue with Gadsden County. He gave an update on Opportunity Florida activities. He commented on the recent re-designation of this region as a "Rural Area of Critical Economic Concern." He mentioned the current activities such as the focus on bringing affordable housing and broadband into the entire region.

Mr. Marcum explained how Opportunity Florida would benefit Gadsden County as a whole. He said that he now has consent contact with David Gardner of the Chamber of Commerce. He said that he is seeking financial and social input from the Board. He stated that he would return each quarter to give an update.

The Board took no action.

5b. Recognition of Avis Davis - Commissioner Lamb

Commissioner Lamb recognized Avis Davis the new Post Master for the Havana Post Office.

Ms. Davis commented that she was excited to be in the area and extended her support to the Board and the County.

The Board welcomed her.

6. BRUCE BALLISTER of APALACHEE REGIONAL PLANNING COUNCIL

1. First Reading of Adoption Ordinance 2005-001 for Five Large Scale Land Use Amendments

Mr. Ballister read the comments for the first reading of adoption Ordinance 2005-01 that will adopt five large-scale land use amendments that were heard last year. He stated that this was the first of two required public hearings and the first reading of the

ordinance to adopt the changes to the Future Land Use Map (FLUM). He said they were originally reviewed under amendment series 2004-2 and were scheduled to be adopted late last year. The five applications were all heard at various times last year and transmitted to DCA in August of 2004. DCA responded with and Objections, Recommendations and Comments, (ORC) report on October 29th. Three of the applications were mentioned in that report. He said that three of the applications were approved with some qualifications and are incorporated into the ordinance of adoption.

- I. Macmillon, Rockwood, and Dixon
 - A. Site Built homes if clustered
 - B. Provision for active recreational facilities in the open space reserve
- II. North Florida EDC
 - A. Restriction in minimum lot size to one half acre, (0.5ac.), and site built homes.
- III. Thompson
 - A. Provision for easement to the County to allow for the construction of swales on McCook Road
 - B. An on site treatment and disposal systems installed within 200' of Lake Talquin should be aerobic systems.

Mr. Ballister commented on the written request from Mr. J. Everitt Drew; Mr. William F. Butler; and Mr. Mark T. Mustian to withdraw their application for a Land Use Change from Ag3 to Ag2 on State Road 267. He said that Mr. Jack Buford had not withdrawn his application. He stated that it was his opinion that the application was dead without the other willing applicants.

Mr. Williams agreed with Mr. Ballister and he indicated that if all original applicants weren't willing, the application would cease.

Mr. Ballister read ordinance 2005-01 into the record. He said that the second reading would not include Drew, Buford, Butler and Mustian Amendment. He stated that the second reading would occur in two weeks at the February 15, 2005 meeting.

The Board took no action.

2. Loughmiller - Trim LUA - 119 Acres from Ag3 to Mining

04PZ-092-208-4-12

Mr. Ballister read the comments for Loughmiller Trim LUA. He said that the comments and staff recommendations regarding Tim Loughmiller of Tim's Hauling and Tractor Service and Danney E. Trim. He said that they are applying to change the Land Use designation of approximately 119 acres of land from Agricultural to Mining. The property is further identified by parcel numbers 4-03-1N-5W-0000-00220-0000, 3-35-1N-5W-0000-00331-0000, AND 4-02-1N-5W-0000-00312-0100. The total area of the parcels in the proposal is 145 acres. However, only about 119 acres are proposed for the change in designation on the map.

This property is located along a sand ridge on the west side of the Hosford Highway, SR65, directly across from the western terminus of Old Federal Road. The intent of the application is to obtain and exercise a mining permit to extract sand from the site for commercial construction purposes.

Recommendations

1. The site is certainly suitable for fine and coarse sand extraction. The extremely arid soil column and depth to water table make it an unlikely agricultural site and a less than ideal location for conversion to residential uses.
2. The County does not permit mining operations, those criteria are handled by state, by comp plan. However, if the Commission deems wider buffers are required, these limits should be expressed in the actual acreage changed to mining.

Planning Commission Recommendation

1. The Planning Commission recommended approval of the 119 acre Large Scale Land Use Amendment with the above staff recommendations and the following:
 - a. A 50-foot buffer should be provided along the frontage of Hwy 65.

Newton Babcock, engineer with Barkley Consulting Engineers, Inc., addressed the Board in support of the LUA.

Commissioner Holt inquired on the distance the site would be to the Gretna disposal area.

Mr. Babcock replied at the tip of the property it appeared to touch. He stated it runs several hundred feet away from it. He said that it is very extreme end of the drain field.

Commissioner Holt asked if a buffer would be of benefit in the area of the proposed business and the drain field.

Mr. Ballister said that the area they are making mining is 50 ft. inside their property line. He said that they would not be able to mine outside of that. He said that it is a 200 ft. wide easement that the City of Gretna owns, but, the trench is within the southern hundred feet of it. He said that is a 100 ft. of woods and road access. The trench itself is about 60ft wide.

Commissioner Holt inquired about the closeness of the homes. She said that she was concerned with the digging that would occur close to the homes.

Mr. Babcock stated that most of the homes are along the highway frontage and Old Federal Road.

Mr. Ballister commented that the housing begins at the intersection of Old Federal Road. He said that the Board could specify that you would like to use a given distance between the houses.

Commissioner Holt stated that she liked that recommendation and that it should be implemented.

Chair Dixon asked about the hours of operation and noise.

Mr. Babcock replied that it would operate within daylight hours.

Tim Loughmiller addressed the Board in support of the Loughmiller - Trim LUA. He said that the hours of operation would be 6:00 a.m. - 4:00 p.m. He stated that he would like to highlight the factor that it is a 140 acre tract and that 21 acres that is rural residential.

He said that most of the 21 acres was the buffer between the houses that Commissioner Holt mentioned that front Highway 65.

Commissioner Holt asked Mr. Loughmiller if he would have a problem with moving the buffer back 100 ft.

Mr. Loughmiller said that wouldn't be a problem for him.

Thornton Williams asked Mr. Ballister if the County would permit the hours of operation, buffer, and the access points to the road. He said that he had seen nothing in writing.

Mr. Ballister replied that those stipulations could be placed in the ordinance.

Mr. Babcock said that the applicant would have no problem with that requirement.

Mr. Williams commented that he would look at the ordinance to be sure it contains the proper language.

Chair Dixon called for public comment.

Public Comment

- **Marion Lasley** asked if there was a report done for this site. She commented on the Natural Inventory report.

Mr. Ballister commented that a follow-up field investigation and site-specific investigation have occurred. He said it would go to DCA with the completed packages.

Ms. Lasley stated that the Board should not make a vote on this amendment until the map and concerns are addressed. She stated her concerns as follows:

- 6:00 a.m. to early for this type activity
- Notification list
- Noise level
- Traffic

*****At this juncture of the meeting, discussion reverted back to the Williams Land Use Amendment.

Public Comment

- John Due spoke in opposition to the Williams Land Use Amendment.
- Sam Hawkins - Opposed the Williams Land Use Amendment
- Patricia Stephens Due -Opposed the Williams Amendment
- Helen Hurst - Opposed the Williams Amendment
- Clarence Lewis, a resident of Gretna, commented that there should be negotiations between the City of Gretna and High Hopes Farms about the high water table with the sewer treatment plant. He mentioned all the health concerns/chronic illness that would be involved with the citizens. He asked the Board to vote "no," if the applicant couldn't collaborate with the City of Gretna.

Mr. Ballister commented that for procedural record all testimony that has occurred has been related to the Williams Land Use Amendment, not Loughmiller. He stated that he was not sure if hearing testimony during another application was permissible.

Mr. Williams replied that this was a quasi - judicial format and therefore testimony could be taken at any time. He said based on the testimony the Board could decide whether they would like to re-hear the issue.

Commissioner Dixon asked that Mr. Loughmiller allow the continuation of testimony from the public for the Williams Land Use Amendment and they would return to his application shortly. He apologized for any inconvenience.

- John Youmans - Opposed the Williams Amendment.
- Kernel Holmes - Opposed the Williams Amendment.

Chair Dixon commented that the Board would end the discussion on the Williams Land Use Amendment. He said that the Board knew the importance of affordable housing in the County. He also stated that all municipalities are working

together with the City of Gretna to better the situation with the sewer treatment facility.

*****At this juncture of the meeting the Board reverted back to Loughmiller Land Use Amendment.

Loughmiller Land Use Amendment

Mr. Babcock commented that there are no element concerns. He said that the traffic has been upgraded. He stated that Mr. Loughmiller would be a good neighbor. He said that the traffic routes were never addressed. He also commented that they would adjust the legal description and hours of operation starting at 7:00 a.m.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 -0, BY VOICE VOTE, TO APPROVE THE LOUGHMILLER LAND USE AMENDMENT FOR TRANSMITTAL TO DCA SUBJECT TO STAFF RECOMMENDATIONS AND THOSE DISCUSSED AT THIS MEETING.

7. Road Paving Priority Matrix 2004-05

Commissioner Holt commented that she asked for the Road Paving Matrix to be addressed because she felt that all road paving revenue from the bonds should be divided among the districts equally.

Commissioner Dixon asked Mr. Presnell if he had the paving numbers.

Commissioner Holt asked that the staff be directed to bring back the numbers.

Commissioner Lamb asked Mr. Presnell what roads were currently being paved. Mr. Presnell replied, "Beaver Creek Drive & Road."

Commissioner Dixon asked how many miles per district remain unpaved. Mr. Presnell stated that they are 56.6 miles of road paving to be accomplished in the County.

Commissioner Dixon commented that it seems as though District 3 was being left behind. He said that the matrix criteria needed to be tweaked somewhat to allow for across the board fairness in road paving. He then asked for breakouts by district.

Mr. Ballister said that every road with 10 or more houses got studied for the purpose of prioritizing the roads for the paving list.

Mr. Presnell stated that perhaps the Board could just pick 3 roads from District 3 to be paved.

Commissioner Watson replied that would not be fair. He said it would be a misuse of county funds.

Chair Dixon instructed Mr. Presnell and Mr. Ballister to look at ways to accomplish getting at least some roads on the priority list in those districts with lower ranked unpaved roads.

Chair Dixon called for public comment.

Public Comment

- Patricia Stephens
- Sam Hawkins

8. Arthur Lawson, Interim County Manager

**Continued Tax Relief for Active Serviceman for 2005
(Supplemental Pay for National Guard or a Reserve Component
of the Armed Services)**

Mr. Lawson commented on the continued tax relief for active serviceman for 2005. He referenced House Bill hb0009B, section 115.14, Florida Statutes relating to compensation of public officials and employees called to active military service. He reported that, at the present time, the County does not have any employees that are active duty reserve. He stated that the policy would be put in place.

There was no action.

TDS Proposal for Grants Office

Mr. Lawson responded that TDS did not submit a proposal for broadband service to the Grant's Office. He said that they didn't render that particular service.

Building Official - Code Administrator/ Ooten and Associates, P.A. Consulting Engineers

Mr. Lawson stated that the County was in need of a Building Official with an Administrative License to conduct County business. He said that he would like to contract with Ooten and Associates, P.A. Consulting Engineers. He said that the rates would be \$100.00 per hour for Building Official hours and \$60.00 per hour for clerical duties.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO CONTRACT WITH OOTEN AND ASSOCIATES, P.A. CONSULTING ENGINEERS TO PROVIDE SERVICES TO THE COUNTY FOR BUILDING OFFICIAL UNTIL THE PERMANENT POSITION IS FILLED.

9. Consent Agenda - For Approval

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

- a. Project Agreement By and Between Public Management Solutions, LLC and Gadsden County to analyze County Budget FY 2004/2005
- b. Satisfaction of Housing Rehabilitation Agreement - West and Flossie Roney
- c. SHIP Agreement and Special Assessment Lien - Bobbie Jean Wilson
- d. Change Order #42 to Contract with C. W. Roberts Contracting, Inc. in amount of \$668,297.50 - CR 268 (Solomon Dairy Road) - bring total amount of contract to \$15,271,005.00.
- e. Sewer Agreement for Highway 267 at Interstate 10 between Gadsden County/City of Quincy/Peter Patel and Talquin Electric Cooperative, Inc. - For the Record
- f. Minutes of Gadsden County Tourist Development Council - For the Record

****At this juncture of the meeting Chair Dixon yielded the floor to Debra Smith of TDS Telecom. She commented that she had referenced a letter to the manager regarding the Grant's Building where the service that was needed for the building, TDS could not provide.

10. CLERK'S AGENDA

Budget Amendment 2005-02-01-01

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE BUDGET AMENMDMENT LISTED ABOVE.

Ratification of Approval to Pay County Bills:

Accounts Payable 01/21/05 and 01/28/05; Payroll Deductions 01/20/05 and Payroll 01/20/05

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

11. PUBLIC COMMENT

- **John Dew** asked the Board would they consider changing meeting times due to the conflict with the School Board.
- **DeAlvin Roberts** commented on road paving in the County.
- **Anthony Thomas** discussed the situation along Strong Road concerning Engelhard. He said that Engelhard is through trash in a place that's not permissible and the trucks that are parking on the side of the road those conflicts with traffic.

Chair Dixon asked that a letter be forwarded to Engelhard addressing those issues.

Commissioner Watson asked could the entrance to Highway 90 located on Strong Road be upgraded.

Mr. Presnell said that they would look into roadwork for Strong Road.

Commissioner's Agenda

District 1

Commissioner Lamb commented on the new commissioners workshop in Orlando, Florida. He pointed out that one thing he learned in the workshop is that when people address the

Board that they don't single out one Commissioner. He said that they should address the entire Board.

District 2

Commissioner Watson stated that he would like to appoint Larry Ganus of District 2 to the Planning and Zoning Commission.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPOINT LARRY GANUS TO PLANNING AND ZONING COMMISSION FOR DISTRICT TWO REPRESENTATION.

District 3

Commissioner Price had no report.

District 4

Commissioner Holt said that code enforcement is a problem in the County. She asked when laws are being broke is there a penalty being assessed.

Mr. Ballister responded that he has no jurisdiction. He said the Code of Gadsden County has in place a \$500.00 fine per day.

Commissioner Holt asked that it be followed up on more closely.

District 5

Chair Dixon appointed Commissioner Holt to the Tourist and Florida Finances Board.

ADJOURNMENT

**THERE BEING NO MORE BUSINESS THE CHAIR DECLARED THE MEETING
ADJOURNED.**

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON FEBRUARY
15, 2005, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

EDWARD J. DIXON, CHAIR
BRENDA A. HOLT, VICE - CHAIR
EUGENE LAMB
STERLING WATSON
NICHOLAS THOMAS, CLERK
THORNTON WILLIAMS, INTERIM COUNTY ATTORNEY
ARTHUR LAWSON, INTERIM COUNTY MANAGER

ABSENT:

DERRICK PRICE

1. MEETING CALLED TO ORDER

Chair Dixon called the meeting to order. Commissioner Lamb led in a prayer. Commissioner Holt led in pledging allegiance to the US flag.

Chair Dixon stated for the record that Commissioner Price was in the hospital and unable to attend this meeting.

2. ADOPTION OF AGENDA

The following item was removed from the agenda.

- Item 8i of the Consent Agenda - Interlocal Agreement with Summit Professional Services, Inc. - Community Development Block

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

3. APPROVAL OF MINUTES

January 4, 2005 - Regular Meeting

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

4. THORNTON WILLIAMS, INTERIM COUNTY ATTORNEY

**Richard Thompson vs. Department of Community Affairs (DCA)
& Gadsden County - Case # 04-4343GM / 04-2-NOI-2001
Gadsden County; Docket No: 04-2-NOI-2001**

Mr. Williams informed the Board that a voluntary dismissal had been filed in the above named case. He said that a final order will be issued and the case will be resolved. He noted that Attorney David Theriaque was hired to represent the County back in November, 2004.

5. BRUCE BALLISTER

Second Reading of Adoption Ordinance 2005-001

Ken Stocks, Growth Management Planner, presided over the Growth Management agenda. Mr. Ballister was not present.

Mr. Stocks announced the opening of a public hearing for the second reading of an ordinance that would adopt four large-scale land use amendments that were heard last year. He said that the first reading of the ordinance occurred on February 1, 2005. He read the title of Ordinance 2005-001 into record adopting four revisions to the Gadsden County Future Land Use Map with said revisions being known as the 2005-001 amendment and also known individually as the MacMillon, Rockwood, and Dixon amendment, the North Florida EDC amendment, the Thompson amendment and the Williams Land Use amendment; and also providing for severability and an effective date.

Chair Dixon called for public comment.

PUBLIC COMMENT

- **Marion Lasley** inquired about the Mustian, Butler, and Williams Amendment that was withdrawn from the application.
- **Cindy D'Entemont**, President of The Farms at Quincy, Homeowners Association (HOA) opposed the Williams Amendment. She referenced a letter that was presented to the Board. She said that there main concerns were increased traffic, wear and tear of the road, and pollution from the septic tanks installed.
- **John Due** opposed the Williams Amendment. He commented on the standard of care and what are the best practices related to the amount of septic tanks and contaminated water in the area.
- **Robert Sutton** spoke in opposition of the Williams Amendment.
- **Rosa Barkley** spoke in opposition of the Williams Amendment.
- **Clarence Lewis** spoke in opposition of the Williams Amendment. He said that he is concerned with the welfare on the residents in the City of Gretna. He gave an alternative option such as rural development in Jackson County or Talquin Electric. He said that it affects Telogia Creek.
- **Patricia Stephens Due** spoke in opposition of the Williams Amendment. She spoke in referencing the burning that could occur in the area that would affect the health of others. She asked could an agreement from the city of Gretna and High Hopes Farms.
- **Michael Sherman**, Planner for the project, spoke in support of the Williams Amendment. He referenced the revised conceptual development layout and the information related to affordable housing. He discussed the Objections, Recommendations for the High Hopes Project. He said that the City of Gretna said that they don't have the capacity to handle the wastewater needs at the present time. He stated that they would like to use septic tanks.

- **Bob Cambridge** spoke in support of the Williams Amendment. He said he waste water capacity is not there for the City of Gretna. He commented on the financial emergency in the City of Gretna. He said when the time comes they are willing to work with the City of Gretna. He said that the septic tanks would that would be placed with the High Hopes Farms would be minimum.
- **Grave Williams**, Developer, spoke in support of the project. He said that he is not against central sewer but when it's not available.

Commissioner Holt asked about the cost of sewer system for the area.

Mr. Cambridge stated that due to financial strain it would not be possible.

Commissioner Holt remarked that she would like to see the developer working together with the City of Gretna, Rural Development and Road and Bridge.

Mr. Cambridge commented that the state has stopped funding the City of Gretna due to some differences in other matters. He said that the financial strain at this point would cause hardship.

Commissioner Holt stated that her concern is with sewage.

Commissioner Lamb commented that both parties gave their comments in support and opposing. He asked Attorney Williams if the County could deny the project based on the fact that the developer proposed using septic tanks.

Mr. Williams advised that the proposed installation of septic tanks would not be sufficient reason to deny the project, but the Board could kill the ordinance by not adopting it.

Mr. Stocks stated that the issue before the Board at this meeting was to change the land designation. The approval or disapproval of the subdivision was not an issue before the Board at this time.

Mr. Williams stated that the ordinance has language in it that states that the developer would be installing septic tanks, but the design calls for sewer hook up if and when a central sewer system becomes available.

Mr. Mike Sherman said that the Department of Community Affairs (DCA) and the Gadsden County Comprehensive Plan says that you must hookup within a 24-month period of central sewer system becoming available.

Commissioner Lamb inquired as to potential traffic problems.

Mr. Sherman replied that traffic would not be a significant impact to the level of service on the roadways. Commissioner Lamb said that they needed to work with the City of Gretna to resolve any issues related to the use of septic tanks.

Mr. Sherman said that if the Home Owners Association (HOA) is not functional you could access the property.

Public Comment

- **Cindy D'Entremont** said that the infrastructure should be in place; otherwise, they would have a hard time getting the subdivision to connect to the sewer system.
- **Clarence Lewis** spoke on the importance of rectifying the water and sewer issues in Gretna.
- **John Due** commented that Gadsden County could take on Gretna government in light of the problems that keep arising.

Chair Dixon commented that he is committed to Gretna. He then said, "We have to fix the City of Gretna situation."

Chair Dixon then asked if there were other questions regarding the other amendments.

Commissioner Lamb asked if the Department of Environment Protection (DEP) could respond to issues regarding safeguards for use of the septic tanks.

Commissioner Watson reiterated that the issue before the Board for approval is only the "land use designation change" not the subdivision.

Chair Dixon said that we have to approve or disapprove the entire ordinance. We are only changing land use.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB THE BOARD VOTED 3 - 1, BY VOICE VOTE, TO APPROVE ORDINANCE 2005 - 001. COMMISSIONER HOLT OPPOSED THE MOTION.

6. CHARLES BRINKLEY, AMERICAN RED CROSS

Charles Brinkley of the American Red Cross addressed the Board. He said that he was present to inform the Board that Hazardous Weather Awareness Week 2005 is scheduled for February 20 - 26. He asked that the Board pass a proclamation to encourage individuals, families, neighborhoods and communities to prepare for the next disaster.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO PASS A PROCLAMATION DECLARING FEBRUARY 20-26, 2005 AS HAZARDOUS WEATHER AWARENESS WEEK 2005.

7. ARTHUR LAWSON, INTERIM COUNTY MANAGER

Contingency Request

Mr. Lawson requested \$8200.00 from the general fund contingency to purchase software for the Building Inspection/Permitting Department and the Code Enforcement Department. He said that the current software being used to issue and tract permits is outdated and is not supported by technical support. He explained that it is an old DOS formatted program and is extremely limited as to what can be done. He told the Board if the current software should fail, the staff would have to issue permits manually.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE \$8200.00 SOFTWARE PURCHASE (DESCRIBED ABOVE) AND FURTHER APPROVED TAKING THE FUNDS FROM THE GENERAL FUND CONTINGENCY TO PAY FOR THE SOFTWARE.

8. CONSENT AGENDA

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

- a. Amendment to Interlocal Agreement with City of Chattahoochee for Ambulance Services
- b. Rescue Equipment Purchase Bid Award - Fire Services - Porche Equipment of Lakeland, FL was the low bidder on the breathing apparatus and tanks in the amount of \$17,420.00. Municipal Equipment Company of Orlando, FL was the low bidder on the Thermal Camera in the amount of \$9,990.00.
- c. EMS Write Off of Bad Debts (\$209,664.54) - Resolution No. 2005-003
- d. Public Works Pick-Up (F350 4X2) Truck Purchase - under the 2005 Florida Sheriff's Association/Florida Association of Counties purchasing contract for a purchase price of \$22,125 from Duval Ford.
- e. Public Works Purchase of Rubber Tire Roller - Flint Equipment low bid, which met specifications in the amount of \$46,500.00.
- f. Travel Approval for Chairman to Attend 2005 NACO Legislative Conference, Washington D.C.
- g. Ratification of Approval of Grants Department Copier Lease Agreement
- h. Florida Municipal Insurance Trust Participation Agreement
- i. Interlocal Agreement with Summit Professional Services, Inc. - Community Development Block Grant Program Technical Assistance - Removed from the Agenda.
- j. Procurement Policy Compliance - For the Record

9. CLERK'S AGENDA

BUDGET AMENDMENTS 2005-02-15-01 through 2005-02-15-04

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

PAYMENT OF BILLS: ACCOUNTS PAYABLE 2/2/05 AND 2/11/05;
DEDUCTION CHECKS 2/2/05 AND PAYROLL 2/3/05

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

10. PUBLIC COMMENT

- **Sam Hawkins** addressed the Board regarding the Williams Land Use Amendment dealing with the septic tank issue.

11. COMMISSIONER'S AGENDA

DISTRICT 1

Commissioner Lamb had no report.

DISTRICT 2

Commissioner Watson reminded the Board that the 4% gas tax runs out in June.

DISTRICT 3

Commissioner Price was not present, due to illness.

DISTRICT 4

Commissioner Holt had no report.

DISTRICT 5

Chair Dixon commented that the Board had received an invitation from the Gadsden Community Hospital for the dedication of the lobby for Dr. Jesse Furlow on February 23, 2005 at 5:00 p.m.

He also mentioned the retirement of Zoe Galloway, Gadsden Art Center Director. He thanked her for all the many years of hard work and positive attention that was brought to Gadsden County through the Arts.

ADJOURNMENT

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

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON MARCH 1,
2005, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

EDWARD J. DIXON, CHAIR
BRENDA HOLT, VICE - CHAIR
EUGENE LAMB
STERLING WATSON
DERRICK PRICE
THORNTON WILLIAMS, (INTERIM) COUNTY ATTORNEY
ARTHUR LAWSON, INTERIM COUNTY MANAGER
BERYL WOOD, DEPUTY CLERK

ABSENT:

NICHOLAS THOMAS, CLERK

1. MEETING CALLED TO ORDER

Chair Dixon called the meeting to order. Mr. Lawson led in prayer. Commissioner Holt led in the pledging allegiance to the US flag.

2. ADOPTION OF THE AGENDA

The following additions were made to the agenda.

- Hiring of a County Attorney - added to Mr. Lawson's agenda for discussion
- Appointment of Anthony Powell to the Planning and Zoning Board (P&Z) - added to Commissioner Holt's agenda
- Appointment of Clarence Lewis to the Tourist Development Council - added to Commissioner Holt's agenda

The following was removed from the agenda:

- The Advigo Major Land Use Amendment - 60.44 Acres from Ag3 to Ag1

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

January 18, 2005 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. THORNTON WILLIAMS, INTERIM COUNTY ATTORNEY

Mr. Williams had no report.

5. RAINEY PARRAMORE, WETUMPKA FIRE DEPARTMENT

George Hamilton, resident of Wetumpka and Flake Cloud, Director of the Wetumpka Fire Department, addressed the Board in the absence of Rainey Parramore.

Mr. Hamilton told the Board that the Wetumpka Voluntary Fire Department had received a donation of 1.91 acres of land on Bannerman Road. He said the department is proposing to construct a substation and helo-port on the property. He explained that they are working with USDA on a grant to construct the facility. USDA told them that it would be beneficial to get a letter of support from the County Commission.

Mr. Hamilton stated that it will not cost the County anything and the fire department will not have to pay the money back.

Commissioner Dixon commented that Wetumpka probably has the best fire department in the County except for the City of Quincy. He said that his main concern was that while it wouldn't require additional funding now, it might in later years. He also called attention to the fact that there are great parts of the County that are still without any kind of fire protection. (Shiloh, Sawdust, Dogtown etc.) He went on to say that in essence, this would create a second fire station in an area that already has the best fire protection there is in the County. He questioned how it would fit into the total county fire plan in terms in getting fire stations into other areas that are currently

without any protection at all. He reiterated that while this station won't cost the County at this stage, it will likely require additional funding resources in the future and it will ultimately take resources away from projects that the County is attempting to bring on board presently.

Chair Dixon stated that the Wetumpka Fire Department already is receiving twice as much county funding as the other fire departments in the County.

Mr. Hamilton discussed the coverage area and the benefits of an additional station. He assured the Board that it wouldn't cost the County any funds.

Flake Cloud, addressed the Board in support of the substation. He explained the need for it in light of the explosion of development that is happening.

Commissioner Dixon asked if the Wetumpka Fire Department is a non-profit organization and what is their relationship to County.

Commissioner Holt inquired as to what they would expect from the County in terms of supplying equipment and staff.

Mr. Cloud said that they would expect no staff and no equipment from the County.

Commissioner Holt referenced the other fire stations that didn't receive funds. She said that they would be upset.

Commissioner Dixon asked Mr. Tommy Baker to explain what was going on in the fire departments and the overall plan for Fire Services.

Mr. Baker said that the County has fire service agreement in place with all the volunteer fire departments. The contracts stipulate what services the County would like them to provide. It also specifies the coverage areas.

Chair Dixon once again asked the question, "Does the County have an overall Fire Protection Plan and then does this fit into that plan?" He then stated that he did not think that the County had envisioned another station within a 10-mile radius of one already in place.

Mr. Cloud said that the new substation would not be a part of the contract currently in place with the County. He said that the substation would not be a liability to the County.

Commissioner Dixon said that he couldn't support putting an additional substation within a 10-mile radius of another station, when there are other areas in the County, which need fire protection more. He said that by giving a letter of support, the Board would be approving for Wetumpka to compete with them for the same funding resources.

Mr. Cloud asked for the County's support. He said that fire services wouldn't be restricted to anyone.

Mr. Williams said that he had a concern with something that he heard. He said that if there are contracts in place for a particular coverage area, there could be some liability issues. You have a contract there's concern with liability.

Mr. Cloud said that the coverage area would not be expanded. Only the service ability of the department will be enhanced to cover the same area. He also said that they don't want to compete with the County.

Commissioner Watson said that the County should reward their initiative and use them as a model to other departments. He stated that they would be a fire department regardless of the County's support.

Chair Dixon asked the staff what is happening with other fire stations.

Mr. Baker said that they are currently working on the Robertsville station. A piece of property has been secured and he should be back before the Board in April with a plan.

Commissioner Lamb asked if the Wetumpka substation would be mainly used for housing fire trucks.

Commissioner Holt said that she was in support of the substation, but she wanted clarification as to whether they would be in competition with the County's grant application.

Chair Dixon again posed the question, "Will this compete for the same USDA funds for which the County is applying?"

Mr. Cloud stated that each application will stand on it's own merits.

Mr. Lawson said that he would get an answer.

Mr. Cloud said that they would really appreciate the Board's support, but they would go forward with their grant application without the letter of support. He said it would take longer without the letter of support.

Commissioner Holt asked if they could make a motion to tentatively approve the letter of support contingent on a determination of whether their grant will be in direct competition with the Board's grant application and if there are no liability issues involved.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE WETUMPKA FIRE DEPARTMENT LETTER OF SUPPORT PROVIDING THAT THE COUNTY MANAGER CAN ESTABLISH THAT THE GRANT IS NOT IN DIRECT COMPETITION WITH THE COUNTY'S APPLICATION AND THAT THERE ARE NO OTHER LIABILITIES INVOLVED.

6.GROWTH MANAGEMENT AGENDA, BILL MCCORD, DIRECTOR

Attorney Williams stated that he has had discussion with Mr. McCord regarding the Code and the legislative process for the issues on the agenda with regard to a quasi-judicial proceeding. However, in an abundance of caution, he recommended that all participants be administered an oath before they testify. He then administered an oath to Mr. Bill McCord as to the testimony he would present at this meeting.

The Board welcomed Mr. Bill McCord, the new Growth Management Director.

Mr. McCord told the Board that Item No. 3 - Advigo Major Land Use Amendment was not ready and therefore removed from the agenda.

1. Green Major Land Use Amendment- 50.42 acres from Commercial and Ag2 to Rural Residential

Mr. McCord read the comments for the Green Major Land Use Amendment. He said that the applicant, Jack Green, is proposing a change in land use of 41.46ac. of Commercial and 8.86ac. of Ag2 to Rural Residential. The property is known by its Tax ID number as 2-14-3N-2W-0000-00321-0000. the property is located on US27 North at the intersection SR 12B, (Glade Road). The site's contagious upland areas are currently in use as a sod farm. He said that there are smaller areas of upland forested area grading down to forested wetlands that run generally parallel to the southern and eastern boundaries. These natural boundaries provide natural buffers to the adjacent properties to the South East. He said that to the North across Glade Rd, is an existing Commercial site that has been variously occupied as a trucking company, a heavy equipment company, and similar garage based commercial uses. To the West, across US 27, is the headquarters building of the Costal Lumber Company. The site's southern boundary is the Hinson Heights neighborhood on McDavid Circle, to the east, is a ravine with agricultural pond and then the Mt. Zion neighborhood. The proposed development is more than a quarter mile from Havana's water system and therefore not required to connect to that system. He said that he staff has not checked to see if they are in compliance with the Code. Planning and Zoning approved with staff recommendations.

Commissioner Watson inquired about site built homes.

Elva Peppers Florida Environmental and Land Services, Inc. addressed the Board in support of the Green Major Land Use Amendment. She said that the homes would be site built.

Commissioner Watson said that he would like documentation on the site built homes.

Mr. McCord said that if they use clustering, they are obligated to site-built homes.

Commissioner Watson said that we have to attach stipulations.

Ms. Peppers said that was not a problem. She gave more detail clarity to the water source. She said it was not required to hookup. The intent is to run the pipe. The City of Havana has the capacity. She said they would comment to City of Havana or a Community Well rather than the individual well.

Commissioner Holt did Talquin service that area.

Commissioner Lamb asked would he commit to connect to water system on the road.

Ms. Peppers said that it's not a requirement per County Code. Option A /extend the Main. Option B/ Community Well.

Commissioner Lamb said that he would like to see them use the Havana Water.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE GREEN MAJOR LAND USE AMENDMENT WITH THE STIPULATIONS AND SITE - BUILT HOMES.

2.Gusssies's Garden Inn - Assisted Living Facility - Conceptual Plan

Mr. McCord read the comments for Gussies Garden Inn. He said that the applicant, Charlie Harris, is applying for an adult care facility on his property on US90 west, just west of Bostick Road that is otherwise known by its property ID number as 3-10-2N-4W-0000-00134-0100. His property was the subject of a previous application last summer for a multi-story structure that was for adult and elderly housing, but which would not have provided professional health services. The agency applying for those grants to construct the subsidized senior housing has abandoned that site and the applicant. Therefore, Mr. Harris is modifying the request an making this application in his own name. The prior request would have demolished all of the site structures and started anew. This application proposes to re-use the building that was intended for flea market use, which was discontinued over six years ago. The two side wings, when reconstructed, would contain 24 rooms for single of double occupancy. An additional accessory building would be constructed to the rear for administrative functions. The existing building's

central area would be extended slightly north and south to construct an entry to the front and a lounge/day room to the rear. The site has access to water from the City of Quincy's water main on the south side of US90 and would be required to install sprinkler fire protection per applicable codes.

B. Staff Recommendations

- 1.) Ensure that the building is inspected for fire safety and the appropriate sections of the Florida Building Code, and if necessary, have fire suppression sprinklers installed.
- 2.) A fenced enclosure should be provided for site waste management container.
- 3.) The proposed plan does not indicate any provision for a fire lane around the loading around the perimeter of the building. This can be graded and compacted gravel, which can be seeded, or not.
- 4.) Require connections to the Quincy water and sewer systems.

C. Planning Commission Recommendations

- 1.) The Planning Commission approved the conceptual site plan with staff recommendations.
- 2.) As there are some specific conditions on this Class II site plan application, Staff further recommends that the Final Site Plan's Development Order come before the Board for signature block approval on the consent agenda.

Mr. McCord commented that related to the Code this is a Class 2 use and that all site plans would come before the Board.

Discussion followed among the Board.

Chair Dixon inquired what would be some of the safeguards established to handle the residents with special needs.

Mr. McCord said that he felt since dealing with people with special needs fencing should be adding. Sidewalks and should be added.

Chair Dixon called for public comment and there was no response.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE GUSSIES'S GARDEN INN - ASSISTED LIVING FACILITY - CONCEPTUAL SITE PLAN WITH STAFF RECOMMENDATIONS.

3. San Bonita Small Scale Land Use Amendment - 5.0 ac. From Commercial to Rural Residential and 5.0 ac. From Rural Residential to Commercial

Mr. McCord read the comments and staff recommendations for the San Bonita Small Scale Land Use Amendment - 5.0 ac. from Commercial to Rural Residential and 5.0ac. from Rural Residential to Commercial. He said that the applicant, Tommy Hatcher is proposing a 5.0-acre land use amendment that will relocate an existing area of commercial with no road frontage to another nearby location on the same property that has US27 frontage. Parcel numbers 3-11-2N-2W-0000-00423-0200 and 3-11-2N-2W-0000-00434-0100 further identifies the property. The total are of the affected parcels is 89.02ac, however, only about 5.0 acres are proposed for the changes in designation on the FLU Map. The property is located on the west side of US27 and on the north and west side of Gibson Sawmill Road. It is composed or properties acquired a few years ago from St. Joe and more recently form the Gibson's. The site lies west, or behind the Shiloh Primitive Baptist Church. The intent of the application is to relocate 5.0 acres of existing commercial to the front of the property where it might be more logically developed. He mentioned that this was a Small Scale Amendment, and in comment #13 it stated that this would serve as the first reading of the ordinance. He commented that since, there was no draft ordinance it would be properly advertised and placed on the April 5, 2005 agenda.

Recommendations

- 1.) Egress from the site is as problematic now as it was four years ago. Staff recommends that the site be restricted from as exit on US27. All egress from the commercial site should be onto Gibson Road and then onto US27. This restriction will remove the temptation to execute 180° turns at the intersection. Staff recommends that the restriction be stated in the adoption ordinance.

Planning Commission Action

At this writing the Commission has not acted. Mr. McCord said he tabled the item from the February 2 meeting to its February 16th meeting, which has not yet occurred.

- **Tommy Hatcher** addressed the Board. He said that they are proposing a diesel lane off of Highway 27. he said that one thing a they didn't understand he said would it limit the site regulations.

Mr. Hatcher asked was there a way to waive the 2 acres requirement.

Mr. McCord said that the best course of action is to ask for a variance for this type of requirements.

Commissioner Watson asked would he have a problem with neighborhood commercial.

Mr. Hatcher commented that he would not.

Commissioner Lamb said that the uncertainty concerns him. He said he would like stipulations in the code.

Mr. McCord said that you could obtain an overlay. He said ask for a variance on the 2 acres.

Commissioner Watson said that the only thing the board could do would, be increase the size of the building.

- **Kathie Grow** spoke in opposition due to uncertainty. Commented on the development overlay on Highway 27.

Commissioner Watson said that we handle case-by-case approach. He said that they are working on changing the language in the Comp Plan. He commented that it would benefit the County by relieving itself of the Commercial property to give him the Neighborhood Commercial.

- **Bill Pitrowski** addressed the board. He said that he is here to support recommendations from the P&Z department. He talked about the egress of the driveways. Setbacks and buffers. Approve as neighborhood commercial. He said that those are low areas.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE

**SAN BONITA SMALL SCALE LAND USE AMENDMENT WITH NEIGHBORHOOD
COMMERCIAL AND P&Z RECOMMENDATIONS.**

**5. San Bonita Estates Major Subdivision - 38 Single Family
Lots on 84.51 acres**

Mr. McCord read the comments and staff recommendations for San Bonita Estates Major Subdivision. He said that the applicant, Tommy Hatcher, is proposing a major subdivision on the former St. Joe's Bonita Farms property. The proposal includes the St. Joe properties east of the CSX tracks as well as a parcel formerly owned by the Gibson's. He said that the application implicitly requires the concurrent approval of the 5ac. Commercial to Rural Residential land use district swap previously heard. The properties have direct access to Gibson Sawmill Road and would not directly access the US27 right-of-way. The site's total boundary is 89.51 acres. Of the 38.92ac. are Rural Residential of which 4.0 acres are wetlands. Therefore, net density from the Rural Residential component is 34 units. The 50.59 acres of Ag2 would generate an additional 5 dwelling units. The application proposes to transfer the development rights across both land use classifications, creating a subdivision with lots generally larger than would be expected in a rural residential subdivision, while affording protection to the environmentally sensitive lands. While this mathematically produces a possibility of 39 future lots, only 38 are proposed in this plan. The 38 total lots generated vary from 1.0 to 2.17 acres on the Conceptual Plat. The subdivision has access to a TEC water main in US27 and it should be connected to this system. There is no central sewer in northeastern Gadsden County other than the Town of Havana, which will not connect outside of its jurisdiction without providing the full suite utilities. He mentioned the safety concern with the CSX tracks #10. He said that we should look into that in the conceptual stage. Mr. McCord commented on soil boring on lot 7 etc.

Mr. McCord gave the P&Z recommendations for approval based on Neighborhood Commercial overlay land use was approved with the following condition.

- a. Egress from the site is as problematic now as it was four years ago. Staff recommends that the site be restricted from an exit on US27. All egress from the commercial site should be onto Gibson road and

then onto US27. This restriction will remove the temptation to execute 180° turns at the intersection. Staff recommends that the restriction be stated in the adoption ordinance.

Mr. McCord commented that he was concerned with flooding in the area.

Mr. Hatcher stated that his house is close and his never seen the area mention by Mr. Cord flooded.

Commissioner Watson asked about the subdivision that is to the left.

Mr. McCord replied that it was the San Bonita Major Farms.

Mr. Hatcher stated they would be highly restricted homes.

Commissioner Holt questioned lot 26 and 27.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE SAN BONITA ESTATES MAJOR SUBDIVISION WITH THE P&Z RECOMMENDATIONS.

7. ARTHUR LAWSON, INTERIM COUNTY MANAGER

Opportunity Florida

Mr. Lawson commented that at the last meeting Rick Marcum with Opportunity Florida addressed the Board about participation in Opportunity Florida through financial support and representation at the meetings. He said if this was something that the Board felt strongly about he would find the funding.

Discussion followed among the Board.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE OPPORTUNITY FLORIDA REQUEST FOR GASDSDEN COUNTY TO JOIN AND APPOINT MR. LAWSON AS CONTACT PERSON.

County Attorney

Mr. Lawson addressed the Board concerning the County Attorney position.

Mr. Williams stepped down while the discussion for County Attorney was discussed.

Chair Dixon stated that he was comfortable naming Thornton Williams the County Attorney.

Commissioner Watson asked for special presentations from the applicants.

Commissioner Holt made a motion that Thornton Williams be made County Attorney.

Chair Dixon held the motion for discussion.

Commissioner Lamb suggested that the Board narrow the names down to the top three applicants; Thornton Williams, David Theriaque and Robert Knowles.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 2-3, BY VOICE VOTE, TO ALLOW THE TOP 3 APPLICANTS TO PRESENT TO THE BOARD. COMMISSIONER'S DIXON, HOLT AND PRICE OPPOSED THE MOTION. THE MOTION FAILED.

Commissioner Price said he was in support of Thornton Williams being named the County Attorney.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THORNTON WILLIAMS AS THE COUNTY ATTORNEY. COMMISSIONER'S WATSON AND LAMB OPPOSED THE MOTION. THE MOTION PASSED.

Mr. Williams, County Attorney resumed his post.

8. 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. Rehabilitation Agreement and Special Assessment Lien:
Artie V. McGill; Willie Mae Gadson**

- b. Contract for Rehabilitation Work: Artie V. McGill;
Willie Mae Gadson
- c. Interlocal Agreement - Summit Professional Services,
Inc.- Community Development Block Grant
- d. Change Order No. 43 to Contract with C.W. Roberts
Contracting, Inc. - Faircloth Road and Champion Oaks
Road total amount \$96,507.00 - New Contract Price
\$15,367,512.00
- e. Matching Grant for EMS Radio System

9. CONSENT AGENDA - FOR THE RECORD

- f. Gadsden County Sheriff's Narcotics Unit 10 Grant
Closeout - 04-CJ-J#-02-30-01-178
- g. Appreciation from City of Quincy for Building Inspection
Services and Notice of Release of Interlocal Agreement
of 02/24/04 for Building Inspection Services
- h. City of Midway Ordinances: Annexing of 20 Acres Owned by
Henry B. Dover, ETAL; Annexing of 20 Acres Owned by
Walter D. Dover; Annexing of 20 Acres owned by Carol D.
Selvageio; 20 Acres Owned by Henry B. Dover, Jr.; and
3/8 Acre Owned by Fred Strauss

10. CLERK'S AGENDA

Cash Report - For the Record
Financial Statements - For the Record

Budget Amendments 2005-03-01-06

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

Ratification of Approval of Accounts Payable of 2/18/05;
Payroll Deductions of 2/17/05; and Payroll of 2/17/05

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

11. Public Comment

- Marion Lasley addressed the Board on the sewer and
water plan for the County.

Chair Dixon said that there is a plan in place.

- **Alice Dupont**, Co-Chair of Quincyfest 2005 addressed the Board. She commented that the Quincyfest 2005 celebration would take place May 14, 2005. She stated that they would make a formal presentation at the next Board meeting. She referenced a letter of the event to the Board.

Chair Dixon thanked them for informing the County of the event.

Commissioner Holt asked had they met with tourist Board.

Ms. Dupont advised that they have and would rely on them for help with advertisement for Quincyfest 2005, which the theme is Blues and Barbeque. She commented that they felt the theme would attract everyone.

- **Lynn Patcher**, Director of West Gadsden Historical Society addressed the Board. She commented that they were trying to protect history in the western part of the County and asking for the County's support. She commented on the oldest home in Greensboro that they have purchased and are in the process of returning the home to its original condition.
- **Fred Herrod**, Veteran working along with Commissioner Watson on Volunteer Veteran Program for the County. He said that he had spoke with Veterans that utilize the services of the Veterans Transportation. He asked for better advertisement to let other Veterans know that such a program exist.

12. COMMISSIONER'S AGENDA

District 1

Commissioner Lamb commented on his visit to the jail. He said he had conversations with the past Sheriff and present Sheriff about overcrowding at the jail. He said that he was concerned with the safety. He said that there are too many inmates. He said that the Board should look into adding additional pods at the Jail.

Commissioner Lamb also voiced that he had toured the Courthouse. He said that they to need an additional place to house the new Judge.

Chair Dixon commented that the Judge is not promised. He said that the funds are there for additional courthouse space. He stated that the Board needed to get a commitment from the Chief Judge that Gadsden would get the additional Judge.

Fred Herrod commented that Palm City dealt with the overcrowding of their Jail by placing Army Tents on the grounds and the inmates had to work their way inside as an alternative to unsafely conditions.

District 2

Commissioner Watson had no comment.

District 3

Commissioner Price thanked all that called or was concerned doing his recent illness.

District 4

Commissioner Holt said that she would like to appoint Anthony Powell to the Planning and Zoning Commission to represent District 4.

It was the consensus of the Board to appoint Anthony Powell to the P&Z Board.

Commissioner Holt stated that she would like to appoint Clarence Lewis to the Tourist Council.

Commissioner Watson voiced some concern that the name Clarence Lewis had been chosen over the Tourist Council's recommendation.

The appointment of Clarence Lewis to the Tourist Council was held for clarification.

Commissioner Holt asked for workshops to discuss the infrastructure of the County. She commented that the

Finance Director and Budget Director needed to work together.

Commissioner Holt also discussed alternatives to help alleviate some of the overcrowding at the jail. She suggested numerous programs to implement such as a work release program could be enforced and a GED Program. She also recommended that portables from the School Board could be used for extra housing.

District 5

Chair Dixon commented that a committee of Commissioner Watson, Arthur Lawson, and Chair Dixon would narrow the list of applicants for the County Manager's position.

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE COMMITTEE MEMBERS NAMED ABOVE FOR PRE-SELECTION OF THE COUNTY MANAGER.

Chair Dixon made remarks regarding the passing of a long time county employee, Grants Administrator Edward Butler. He commented that he established an outstanding housing program for Gadsden County. In addition, he stated that he was a great man in many ways and would be deeply missed by all.

ADJOURNMENT

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

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON MARCH 15,
2005, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

EDWARD J. DIXON, CHAIR
BRENDA HOLT, VICE - CHAIR
EUGENE LAMB
STERLING WATSON
DERRICK PRICE
NICHOLAS THOMAS, CLERK
THORNTON WILLIAMS, COUNTY ATTORNEY
ARTHUR LAWSON, INTERIM COUNTY MANAGER

1.MEETING CALLED TO ORDER

Chair Dixon called the meeting to order. Commissioner Lamb led in a prayer. Commissioner Holt led in pledging allegiance to the US flag.

2.ADOPTION OF AGENDA

The following additions were made to the agenda:

- Temporary Construction Easement - New Library - For Approval and Signatures - Consent Agenda
- Public Hearing on the Advertised Budget Change - Clerk's Agenda
- Lease Amendment to Livestock Pavilion - Consent Agenda
- Discussion of Requested Workshops - County Attorney's Agenda
- Former County Manager's Severance Pay - County Attorney's Agenda
- Infrastructure and Paving Workshop - County Manager's Agenda

The following item was removed from the consent agenda for discussion:

- Item 9c of the Consent Agenda - Appointment to Gadsden County Tourist Development Council - pulled for discussion by Commissioner Holt - placed on the County Manager's Agenda.

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

3. APPROVAL OF MINUTES

FEBRUARY 1, 2005 - 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

WORKSHOPS

Mr. Williams referenced a memorandum he had written to the Board in response to Commissioner Holt's request at the March 1, 2005 meeting to conduct a number of workshops on various issues. He said that she had outlined 9 topics on which she would like to discuss.

Mr. Williams reported that he met with the department heads since that meeting. He stated that he felt like he could work with them and streamline their efforts before meeting with the Board for discussion on them. He said that he hoped to be able to offer some recommendations and options to the Board either in a workshop session or otherwise. He asked for the authority to move forward. He pointed out that he could not address Items #4 and 9 except with the full Board.

Commissioner Holt stated that she still wanted a workshop on the remaining two items - Number 4 & 9.

Clerk Thomas questioned Item Number 9 on the list. ***"Hire a Finance Director and combine the budget and finance into one dept. to insure a check and balance at all times that is accountable to the county commission."***

Mr. Williams explained that Items Number 4 & 9 are topics that he excluded as issues which he can work on with the department heads. Number 9 is an issue for the Commission to address.

Clerk Thomas stated to Mr. Williams that he might not be aware that there are some things that the Board cannot do. He said, "There are certain constitutional statutory requirements that are in place that cannot be changed unless the Board is contemplating going to charter government, which in itself will bring about a whole bunch of other issues which includes additional powers to the Board and I am sure that the public will be very interested."

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, FOR APPROVAL OF THE COUNTY ATTORNEY TO GO FORWARD WITH THE RECOMMENDATIONS OUTLINED IN THE ATTACHED MEMORANDUM.

County Manager's Severance Package

Mr. Williams commented on the prior County Manager's Severance Package. He said that the original contract agreement called for 4 months severance pay. There was a motion passed to extend it to 8 months, which, in effect amended the original contract. He went on to say that this Board had some concerns about the issue and requested that he review the minutes and listen to the tape of the meetings.

He said that he had reviewed both the minutes and the tapes and it was his opinion that the prior Board wanted to amend the contract which had signatures of both parties and extend the severance pay from 4 months to 8 months. He said that the prior Board took the appropriate action and created the legal document. He went on to say that the Clerk's Office acted appropriately by having a legal document completed with signatures in place, which, is the only legal way to amend the original contract document. He concluded by saying that based on his review of the minutes and tapes, his recommendation was to pay the additional 4 months severance pay to the former County Manager Howard McKinnon.

Chair Dixon commented that his personal feelings were that the signature was added after the Board's action and he did not believe that it qualified as an approved document. However, he wanted to put the matter to rest.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE SEVERANCE PAY FOR THE FORMER COUNTY MANAGER, HOWARD MCKINNON FOR THE ADDITIONAL FOUR MONTHS.

5. WILLIE EARL BANKS, CITY MANAGER, CITY OF QUINCY-
QUINCYFEST

Ms. Alice Dupont and Mr. Michael O'Halloran addressed the Board in absence of Mr. Willie Earl Banks, City of Quincy City Manager.

Mr. O'Halloran commented that they are excited to be the Co-Chairpersons of the Quincyfest. He said that the City of Quincy has allocated \$10,000.00 in the current fiscal year to aid in funding the event. He said that the Committee has selected the theme Quincyfest Presents: Blues and Barbeque. He said there would be "Blues" bands and a barbeque cook off. It will be held on the north side of the Courthouse Square on May 14, 2005.

Ms. Dupont asked for the official permission to use the Courthouse Square on May 14, 2005. She noted that the insurance and legal papers are in place.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE CITY OF QUINCY, QUINCYFEST TO BE HELD ON THE COURTHOUSE SQUARE ON MAY 14, 2005.

6. BILL HOATSON AND CLAY VANLANDINGHAM - PROGRESS ENERGY

Bill Hoatson, of the Greensboro Community and a member of Neighbors Opposed to Progress Energy (N.O.P.E) addressed the Board in regards to Progress Energy's proposed high voltage transmission line running through Greensboro. He said that he was present to update commissioners on past and recent developments concerning Progress Energy.

Attorney Williams said that since Mr. Hoatson mentioned legalities, theirs is a possible or potential lawsuit that could occur in the future from this matter. He said that he would advise the Board that the material is only for informational purposes. He stated that questions would probably be premature at this time.

Clay Vanlandingham of the Greensboro Community and member of N.O.P.E addressed the Board and made a detailed presentation regarding Progress Energy. He referenced several articles of reading informational material for the Board. He then discussed the credentials of the County Attorney, Thornton Williams concerning the eminent domain and utility. He elaborated on the past cliental on Mr. Williams such as the Florida Electric Power Coordinating Group, Inc. and Florida Reliability Coordinating Council, Inc. He said that members of both of these groups include Progress Energy Florida. He stated that Mr. Williams serves as a lobbyist for the Board and the Florida Electric Power Coordinating Group, Inc. He talked about the vast experience of Mr. Williams and he hoped that he would represent the County. He said that he would like for Mr. Williams to divest himself of any client relationship with Progress Energy to remain neutral and to represent the Board in its fullest capacity.

This presentation was for informational purposes only no action was required.

7.ROBERT PRESNELL, PUBLIC WORKS DIRECTOR

Mr. Presnell addressed the Board with an update on the new proposed dumpsite scheduling and permit fees for the County Dumpster Program. He referenced a tentative schedule for the hours of operation for the five dumpsites. He said that when the site is open, an attendant would be on hand to ensure that no unauthorized items could be dumped. He asked the Board for direction on setting the dumping fee.

Commissioner Watson had concerns about no Saturday dumping at the Post Plant Road location.

Chair Dixon discussed advertisement for the public concerning the new dumping schedule and fee for usage of the dumpsites. He also explained to the public the process for the dumping program.

Commissioner Holt inquired if the hours of operation would be the identical at all sites.

Mr. Presnell said that they only had two people with 20 hours per week. He would need additional people for extra hours of operation.

Commissioner Lamb recommended that additional staff be hired for the project.

Chair Dixon stated that he had a problem with the hours of operation. He said that he also felt that Saturday would be the largest dumping day and it should be open to accommodate the demand.

Mr. Lawson offered the idea that the current public works staff be used to work overtime and not hire outside additional help other than the two that are already in place.

Commissioner Watson said that he would like to see all the sites open on Saturday.

Mr. Lawson stated that he and Mr. Presnell would revisit the dumping schedule and the numbers required to run the sites as the Board has directed and report back to the Board.

The Board discussed the proposed dumping fee of \$50.00 per year, which could be purchased from the Public Works Department.

Discussion followed among the Board.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE DUMPING FEE AT \$50.00 FOR AN ANNUAL PERMIT FOR USE OF THE DUMP SITES.

8. ARTHUR LAWSON, INTERIM COUNTY MANAGER

Request from Town of Havana and Town of Greensboro - SHIP Funds

Mr. Lawson commented that two municipalities within the County have requested \$50,000 in SHIP funds for their housing programs. However, he pointed out that the County has received criticism by the independent auditors about the way the funds were dispersed by one of the municipalities. (Without accountability before the funds were dispersed.) He suggested that the towns could present their names to the County's SHIP program and they could get assistance directly through the County.

Mr. Lawson added that the staff had recommended that the County should not provide the SHIP funds to any of the towns. However, the County could make the services available to the qualified applicants through the County Housing Department.

Councilman Vernell Ross of the Town of Havana addressed the Board regarding the requested funds. He said that the SHIP funds would help the Town of Havana with scoring points on their Community Development Block Grant (CDBG) application for the housing rehabilitation funds. He stated that they have never mishandled SHIP funds and should be allowed to receive them when they are available.

Clerk Thomas interjected that problems only arose with the City of Quincy. He stated that he felt the problems could be avoided by putting different policies into place. He stated that the money was dispersed to the cities in lump sums in the past. However, the Board could give the cities a pledge to the two municipalities and they could draw the money down when they submit a request for the funds along with a statement that they have complied with the county's standard. He said that the problems could be avoided through administrative measures.

Chair Dixon said that he did not have a problem with allocating the funds to the municipalities, but the CDBG monies have been cut in half by the Governor. He went on to explain that the funds have been funneled into other parts of the State affected by the hurricanes last year. He also stated that by granting their request for funds, the Board would then be somewhat obligated to fund similar requests from the other municipalities within the County and thus totally depleting the funds that the County uses for it's own housing programs. He stated that he is committed to the housing program - not necessarily meeting "matching" fund needs.

Susan Freidan, Havana Town Manager, discussed the CDBG grant. She said that it was her understanding that it was FEMA money that is going into other parts of the State- not CDBG funds.

She said that all SHIP funds would be used in conjunction with the Town's CDBG Housing Rehabilitation project would be handled in the same professional and

responsible manner which we have administered previous funds. She stated that by working together and with matching funds, they could rehabilitate a lot more homes in the County.

Commissioner Holt said that CDBG would be cut and that she would be opposed to releasing SHIP funds until it could be determined that there would be no cuts with CDBG funding.

Commissioner Lamb said that Havana would be responsible if anything went wrong with the grant. He said that he was in support of allocating the funds. He pointed out that the County had already given money to the City of Chattahoochee and the City of Quincy and he did not feel that Greensboro and Havana should be treated any differently.

Commissioner Watson agreed with Commissioner Lamb and said that he was in support of allocating the SHIP funds to Havana and Greensboro. He said that with the Clerk assurance that the concerns could be alleviated with appropriate policies he did not have a problem with releasing the funds. He commended the staff for their dedication to the County's best interest.

Commissioner Holt questioned how allocating those funds to the municipalities would affect the County's housing program.

Commissioner Lamb asked if the past mishandling of money was with a different municipality. He then asked Clerk Thomas how much was in the SHIP account.

Clerk Thomas said that there was approximately \$400,000.00 in SHIP funds and it could be allocated for the two requests if the Board desires.

Chair Dixon said he would be was in support of allocating the money if he thought the Board had it to allocate and sustain it's own program. He said that he was concerned about the future of CDBG because he has learned that President Bush intends to cut the CDBG funds in half - without a doubt. He said that he was compelled to go along with staff recommendations. He went on to say that the County does housing all year around. It does housing within and outside the incorporated areas. If there is a

housing concern within a municipality, those people should be encouraged to apply to the County.

He concluded his remarks saying that he does not have a problem with sharing the SHIP money with the cities when it is there to be shared. However, he pointed out that the SHIP fund surplus is now depleted.

Andy Easton addressed the Board. He said that he was helping the Town of Greensboro with their CDBG grant. He mentioned a couple of issues. He said that the goal was to encourage using grant funds from other programs such as SHIP so that communities could leverage monies and more communities would receive CDBG funds. He mentioned that with matching grants, the total volume would increase in the County.

He then explained that Greensboro is applying for a neighborhood grant for "Street and Drainage Improvement" within the Town of Greensboro. He said that what they are requesting from the County at this point is a strictly a pledge that the County will spend at least \$50,000 in work within the Town of Greensboro within the next two years. He said the pledge alone would increase the number of points on their application.

Chair Dixon asked, "If the County builds new or renovates \$50,000 worth of houses in the Town of Greensboro, does that qualify you for your grant - for whatever it is that you want from us?"

Mr. Easton answered, "Right, we will get points on the application if you make that pledge. As time goes on, if you don't honor that pledge, of course, we want you to, but, if you don't, there is no penalty to the County if you don't honor it."

Chair Dixon then said, "So, we don't have to give you \$50,000, we just have to pledge to spend \$50,000 within your city?"

Mr. Easton then said, "Assuming that the residents of Greensboro submit applications. So, if Greensboro never submitted the applications for the SHIP funds, you know, of course, you wouldn't have to give the money to Greensboro."

Mrs. Freidman acknowledged that the situation with the Town of Havana is very similar.

It was clarified for the record that both Greensboro and Havana were requesting a pledge from the County to utilize at least \$50,000 of the SHIP/CDBG funds within their incorporated area over the next two years.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO PLEDGE \$50,000.00 OF SHIP/CDBG FUNDS TO BE USED FOR RESIDENTS RESIDING WITHIN THE TOWNS OF HAVANA AND GREENSBORO IN THEIR CDBG HOUSING REHABILITATION APPLICATION.

Infrastructure Funds

Commissioner Holt mentioned the SR 267/I-10 interchange. She said that she would like to move funds that are intended for infrastructure in the amount of \$300,000.00. She said that she would like to move the funds from Road and Bridges paving money to be used to run sewage pipe from Wal-Mart to the I-10 interchange. She stated that she felt it was imperative to get those hotels and restaurants started so that the County doesn't lose them.

She made motion to move \$300,000.00 infrastructure funds from Road and Bridge to run the pipe from Wal-Mart to the SR267 and I-10 interchange. The motion died for lack of second.

Commissioner Watson stated that the Road and Bridge Department could not continue to operate for the year if that much money is taken from their present budget.

Chair Dixon said that while he felt the motion was premature, He was of the opinion that everyone agreed to the timetable that was laid out and that it was agreed that the County would apply for a grant to install the sewer lines. He said that the County should wait until the end of the Legislative Session on the grant, but do everything it can to make sure that the grant comes in. At any point, when it becomes apparent that the grant money will not be forthcoming, then alternative methods should be explored at that point. He reiterated that he was a strong supporter of economic development, but he felt that the motion was premature.

Commissioner Holt disagreed that the County should wait. She felt that the County should move on it to ensure that the economic development will happen.

No action was taken.

Paving Report Matrix

Commissioner Holt stated that she pulled the road paving matrix report to ask what percentage of paved roads is in each district.

Mr. Presnell said he would get the present figures. He said that he only has numbers at this point for the old matrix.

Commissioner Holt said that she is trying to get the percentage of paved roads up in Districts 3 and 4.

Mr. Presnell referenced the memo of February 15, 2005 where it was addressed. Chair Dixon asked Mr. Presnell why there are some roads that have been sprayed with armor coating have been left for months without being finished.

Mr. Presnell replied that there was a problem with one section of the base where they could not get density on it. Then with the recent rainfall, work was again delayed. He assured Chair Dixon that the contractor would be going back to the road upon completion Hardaway Road.

Commissioner Holt said all districts should be treated fairly.

No action was taken. Mr. Presnell said that he would produce the figures that Commissioner Holt requested.

Consent Agenda 9c - pulled from Consent Agenda - Appointment to Gadsden County Tourist Development Council

Commissioner Holt said that she made recommendation for Mr. Clarence Lewis for that position. She stated that she had referenced the bylaws and found the she was within rights to appoint him.

Commissioner Watson said that Mr. Lewis was not eligible. He said that the statute says that 6 members of

the council shall be persons that are involved in the tourist industry and have demonstrated an interest in tourism. He said that Mr. Lewis doesn't qualify.

Commissioner Holt stated that she would like to recommend Peter Patel as a replacement to Mr. Lewis for the Council.

Commissioner Watson inquired on his voting status.

Commissioner Holt said that she was not certain of his electorate status and thus asked to postpone the appointment until the next meeting.

Stuart Johnson, Chairman of the Gadsden County Tourist Council, addressed the Board. He said that Mrs. Elizabeth Clary was on the Board at one time as a charter member. She became ineligible to serve when she and her husband sold their motel. James Atkins was appointed to serve in her place.

Another seat was recently vacated when Ms. Zoe Galloway resigned as Arts Center Director. He recommended Ms. Clary to serve on the Council, as she is now eligible. Should the Board not approve Ms. Clary, he offered the name of Ms. Pam Barnett (who owns the Millstone Farm) as an alternative. He said that he was willing to withdraw Ms. Clary's name, if needed, and ask Ms. Barnett to fill the position.

Chair Dixon asked for nominations. He then asked about the terms of office.

Mr. Stuart Johnson replied that the terms are 4 years.

Chair Dixon asked Mr. Johnson to provide him with a list of the council members and their terms of office.

Nominations

Commissioner Holt nominated Peter Patel.

Commissioner Lamb nominated Pam Barnett.

Commissioner Holt then nominated Jim Kellum after questions regarding Mr. Patel's citizenship arose.

Chair Dixon instructed the Board to vote by a show of hands.

- **Pam Barnett** - Millstones Farm (Bed and Breakfast) located in Providence Community - 2 votes Commissioner Watson and Lamb
- **Peter Patel** - hotel owner (Holiday Inn) - 0 votes
- **Jim Kellum** - furniture owner (Havana) - 3 votes Commissioners Price, Holt and Dixon.

Commissioner Watson said he would like to know if Mr. Kellum collects tourist taxes and if his business qualifies as a tourist business. There was some question as to whether Mr. Kellum was eligible to serve on the Council.

Chair Dixon said that the Board could direct Attorney Williams to look at the statutes and report back to the Board at the next meeting as to the qualifications of the appointees. If anything was done improperly, it can be corrected at the next meeting of the Board.

UPON MOTION COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPOINT JIM KELLUM TO THE TOURIST COUNCIL CONTINGENT ON DETERMINATION OF HIS ELIGIBILITY BY ATTORNEY WILLIAMS. COMMISSIONER WATSON OPPOSED THE MOTION.

1. CONSENT AGENDA - FOR APPROVAL

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

- a. Lease Modification - State Farmer's Market-Gadsden Recycling Center Unit # 1 Annex, Unit 1, Stalls 12-22, loft Stalls 8-10
- b. Tallahassee Community College - EMS Student Agreement
- c. Appointment to Gadsden County Tourist Development Council - See appointment of Jim Kellum earlier in the meeting.
- d. State Housing Initiatives Partnership Agreement and Special Assessment Lien - Antoine and Francesca D. Ford

- e. Medicare Refund of Overpayments of Ambulance Claims
- f. Application for the Wireless 911 Rural County Grant Program - Ratification of Approval
- g. Resolution 2002-005 Recognizing the Contributions of Mr. Edward J. Butler to the Citizens of Gadsden County - Ratification of Approval
- h. Temporary Construction Easement - New Library (added at the beginning of the meeting.)
- i. Lease Amendment to the Livestock Pavilion

10. CLERK'S AGENDA

Advertised Budget Amendment

Clerk Thomas stated for the record that an advertised budget change was advertised in all three newspapers in the County. He recalled that it came before the Board previously. It deals with increasing the service level the EMS Department in Chattahoochee.

Chair Dixon opened the hearing for public comment. There was no response.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, TO APPROVE THE ADVERTISED PROPOSED BUDGET CHANGES FY 2004-05 TO THE EMS FUND.

Budget Amendments 2005-03-15-01 through 2005-03-15-07

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

Ratification of Approval of Accounts Payable: Payroll Deductions 03/03/05; Accounts Payable 03/04/05 and 03/11/05; and Payroll 03/03/05

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.

11. PUBLIC COMMENT

Commissioner Watson asked **Lisa Amos** to come forward. He said that she would like to put a sandwich shop in the Hardaway area. It would be considered a neighborhood commercial use. However, the way that the Comp Plan reads, she would be restricted from opening a business there.

Mr. McCord stated that there is a proposal to change the Comprehensive Plan language as it relates to rural residential uses. However, just changing that language won't solve the problem that she has with this site. He said they could look at a couple of alternatives. First, changing the language so that it would accommodate her and others like with similar location situation. Another would be to request a small-scale amendment, which could be done quickly to establish commercial land use on that particular piece of property and other properties similar to that one. Another option he would like to look into would be whether or not if the non-conforming condition is still valid. That would depend on how long the grocery store has been discontinued.

Ms. Amos concurred with all that Commissioner Watson said. She asked for any help the Board could render in the situation. Commissioner Watson commented that a variance could be granted.

Mr. McCord said he would look into it and report back at the next meeting. He understood that the Board desires to accommodate convenience of facilities in each of the communities and not just this one.

Harvey Swinger and **Richard Matthews** both addressed the Board regarding the Progress Energy issues.

12. COMMISSIONER'S AGENDA

District 1

Request from the Town of Havana to construct a concrete pad and erect a Veterans Memorial on the eastern edge of the Havana Library site

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE

VOTE, TO APPROVE THE VETERANS MEMORIAL REQUEST FOR THE TOWN OF HAVANA.

Appointment of Janet Gray to Library Commission

Commissioner Lamb said that he would like to appoint Janet Gray as the District 1 representative to the Library Commission.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE APPOINTMENT OF JANET GRAY TO THE LIBRARY COMMISSION.

JAIL EXPANSION/COURTROOM EXPANSION COMMITTEE

Commissioner Lamb suggested and requested that the Board appoint a committee to look into the overcrowding and expansion of the jail as well as an additional (third) courtroom. He asked that the Clerk, County Manager and the Sheriff be appointed to that committee.

It was the consensus of the Board to form the committee.

DISTRICT 2

Billboard at new Library Site

Commissioner Watson said that the Board needed to decide what they wanted to do with the Billboard at the new Library Site on Pat Thomas Parkway.

Mr. Lawson said that he had already contacted Lamar Advertising to remove the billboard.

Recreation Director

Commissioner Watson stated that he was under the assumption that the Board was to receive quarterly reports from the recreation director and they have not received anything.

Mr. Lawson said that he would look into it.

Hospital

Commissioner Watson commented on the hospital report. He said that the Board has not received anything from Mr. Mowry, the attorney who represents the Board.

Attorney Williams was directed to get an update on the hospital situation from Mr. Mowry.

Clerk Thomas was also asked to inform the Board as to the status of the rent payments.

District 3

Commissioner Price had no report.

District 4

Commissioner Holt requested workshops be set soon to discuss the budget and the county infrastructure.

District 5

Chair Dixon reported that he had attended the National Association of Counties NACO meeting in Washington D.C. He attended a workshop at the National Defense University and it was one of the most impressive workshops he had ever attended. However, he was even more impressed with the fact that he was able to go and lobby with a Leon County group as they lobbied at the Capitol for money from the federal government. He said he was impressed with their efforts -asking for hundreds of millions of dollars from Congress and they were going to get it by doing nothing more than asking. He was ashamed that Gadsden County was not asking for anything.

He stated that he joined Leon in their efforts to get money for Leon County and they, in turn, made efforts on Gadsden County's behalf.

He then reported that he talked with US Representatives, Senators and their staff and requested their help with funding for the library, Robinson Landing, health care disparities (locating

more clinics in the outlining areas) grants for fire departments, and grants for economic development. In every case, he was told, "We didn't know. Can you get that information to me?" He assured the Board that it is not a cumbersome process.

He said that Gadsden County needs to be more involved in seeking and lobbying for those federal monies. He was told over and over that Gadsden has not asked for anything and therefore, nothing was proposed in the federal budget. He closed by saying that he was so encouraged by the reception he got from Gadsden's delegation and excited about the possibility that awaits just for the asking.

Workshops

Chair Dixon said that the workshops requested by Commissioner Holt would be decided at later date.

County Manager Selection Committee

Chair Dixon stated that selection committee for the County Manager would consist of Commissioner Lamb, Mr. Lawson and himself.

13.ADJOURNMENT

THERE BEING NO MORE BUSINESS BEFOR THE BOARD, THE
CHAIR DECLARED THE MEETING ADJOURNED.

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON APRIL 5,
2005, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

EDWARD J. DIXON, CHAIR
BRENDA HOLT, VICE - CHAIR
EUGENE LAMB
STERLING WATSON
DERRICK PRICE
NICHOLAS THOMAS, CLERK
THORNTON WILLIAMS, COUNTY ATTORNEY
ARTHUR LAWSON, INTERIM COUNTY MANAGER

1.CALL TO ORDER

Chair Dixon called the meeting to order. Commissioner Price led in the invocation. Commissioner Holt led in pledging allegiance to the US flag.

2.ADOPTION OF AGENDA

The following additions were made to the agenda.

- Justice Assistance Program Grant Application - County Manager's Agenda
- Local Option Sales Tax - County Attorney's Agenda

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

3.APPROVAL OF MINUTES

February 1, 2005 Regular Meeting

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

4.COUNTY ATTORNEY'S AGENDA

Qualifications of James Kellum to Serve on the Gadsden County Tourist Development Council(See attachment for outline and resume.)

Mr. Williams referenced a highlighted handout that outlined the FL Statutes and Mr. James Kellum's resume. He read a portion of the from page 5 of the handout (highlighted in blue) which outlined some specifications for the Tourist Development Council. He read that 6 members of the Council should be persons that are involved in the tourist industry and who have demonstrated an interest in tourist development. He went on to say that not less than 3 of the members, but not more than 4 should be owners or operators of motels, hotels, recreational vehicle parks, or other tourist accommodations in the County and subject to the tax. All members of the council shall be electors in the county.

He said that the first criterion was that all members of the Council must be from the county. He said that he interpreted the statute to divide the council members into two categories: two of the members have to be involved in the tourist industry. He explained that this was once the old "Bed Tax." He said that a specific accommodation was made for the hotel/motel industry two on but members must be from the hotel/motel industry and subject to the tax. He gave the definition of tourist as being a person from outside the County who participates in trade as well as recreational activities.

Mr. Williams then highlighted Mr. Kellum's resume and concluded that he meets the general qualifications of the statute. However, he said that an issue came up this afternoon, which brought into question which position he would be filling. He said that Mr. Lawson pointed out that Mr. Kellum would be taking the place of Zoe Galloway, former Executive Director of the Gadsden Arts Center who retired earlier this year. He said that he is not sure whether her position was one that was not subject to the tax. If it was not, Mr. Kellum would qualify. He asked for the Board's permission for additional time to get with Mr. Lawson and make an informed determination.

The consensus of the Board was for Mr. Williams to bring the information back before the Board at the next scheduled meeting.

Whether the County Attorney has a Conflict of Interest in Representing the County Against Progress Energy

Mr. Williams discussed the conflict of interest raised by Mr. Clay Vanlandingham at the last meeting regarding his representation of the County against Progress Energy. He referenced an outline provided by the Florida Bar, Rule 4-1.7, which describes what a conflict of interest is for a party. He stated that he does not represent Progress Energy nor has he ever and that there is not a conflict of interest.

Analysis of Options Regarding Progress Energy

This item was deferred to the next meeting.

Analysis of Options Regarding the Hospital Contract with Ashford Healthcare/Dassee

Mr. Williams stated that he had reviewed the hospital lease contract at the request of the Board. He referenced a hand-out of the provisions of the contract. He said that he could gather from discussions with Mr. Lawson the County had not consistently monitored the hospital. He stated that there are two provisions that relate to the contract. He said that one of the provisions was outlined on the first two pages and the second is a default provision, which is on the third page. He said that under the terms of the contract, if there is any dissatisfaction by the county dealing with the delivery of services provided by Ashford or late payments of the rent, the County would have to provide written notice of dissatisfaction thus initiating the default proceeding.

He said that if it is a monetary default, they have 10 days to cure it. If it is a non-monetary default, they have 30 days to cure it. He told the Board to be mindful that if they have a curable default, but it can't be fixed in 30 days, they can begin to ratify the problem even though it takes longer than 30 days to cure it, it would not constitute a default.

He stated that the Board has the absolute right to determine if the hospital is providing adequate services. There is a clause in the contract that states if it is determined that there is a default and they haven't ratified that default, they are required to pay the attorney's fees associated with the case.

He said that the County is on the 4th year of a 5-year lease with an additional 5 years that can be exercised on certain conditions. He stated that his recommendation would be to allow the county manager, staff and the county attorney's office to begin executing the provisions of the contract. He said this would be normal business. If they should determine that a default has occurred, it would allow the County to go forward with proper proceedings.

Commissioner Watson commented to Mr. Williams that it is his understanding that if each month's rent payment was not made timely; they would automatically be in default of the terms of the contract.

Mr. Williams agreed. He said that it is normal business, whether it's lack of payment or someone tells the Board that services aren't adequate, to proceed with default provisions. There should be a procedure put into place that will allow for the staff to inform the Board when these default conditions arise.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO GIVE THE COUNTY ATTORNEY THE AUTHORITY TO ENFORCE THE TERMS OF AGREEMENT WITH THE ASHFORD HEALTHCARE, THE GADSDEN COMMUNITY HOSPITAL TENANTS.

Local Option Gas Tax Sales

Mr. Williams commented that the Clerk's Office informed his office that the Gas Tax is about to expire. He said that it originated in 1985 and it was extended in 1995. He spoke of the importance of advertising and adopting an ordinance at the next meeting.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ADVERTISEMENT OF THE ORDINANCE FOR THE LOCAL OPTION GAS TAX.

5.GROWTH MANAGEMENT DIRECTOR'S AGENDA

Mr. Williams administered an oath to Mr. McCord as to his testimony given on the items referenced below.

San Bonita Small Scale Land Use Amendment - 5.0ac from Commercial to Rural Residential and 5.0 ac from Rural Residential to Commercial (previously heard at March 1, 2005 BCC meeting)

Mr. McCord read the comments and staff recommendations for San Bonita Estates Small Scale Amendment. The owner of the property is Tommy Hatcher. The applicant is David H. Melvin, Consultant. The properties are located west of US 27 and north of Gibson Sawmill Road in Township 2N, Range 2W, Section 11, approximately 2 ½ miles south of Havana. He said that the applicant requests approval of a small scale amendment to the Future Land Use Map (FLUM) by changing the adopted the category on an approximate 4.96 acre portion of the applicant's property from Commercial to Rural Residential and by changing the adopted category on and approximate 3.99 acre separate portion of the applicant's property from Rural Residential to Commercial. The applicant is requesting the amendment in order to facilitate the development of a single family subdivision on the affected property owned by the applicant and to provide for commercial land use on property adjacent to US 27. He said that they couldn't have the overlay zoning with the Neighborhood Commercial as previously approve by BCC because it is specifically prohibited by the Comprehensive Plan.

Planning Commission Findings (7405)(7504)(7506)(7406)

Mr. McCord stated that as required by subsection 740, the Planning Commission reviewed the proposed amendment on February 16, 2005 and recommended the change from Commercial to RR (4.96 acres), but, did not recommend the change from RR to Commercial (3.99 acres).

Mr. McCord noted that this application was originally heard by BCC and approved at the March 1, 2005 meeting. He said that the approved change allowed Neighborhood Commercial with restrictions on access to US 27. He stated that the problem with this is that the Comp Plan prohibits Neighborhood Commercial access to local streets and he

stated according to the Comp Plan Gibson Sawmill Road is a local street.

Mr. McCord read the first reading of Ordinance 2005-02 that he said would be amended at the next reading into record.

Chair Dixon asked Mr. McCord if it was his opinion that it doesn't qualify for the neighborhood commercial overlay.

Mr. McCord replied that it was his recommendation that they be allowed to keep the Commercial designation.

Commissioner Holt had questions about the driveway exits.

Commissioner Watson stated that he was against the swap from Commercial to Neighborhood Commercial. He said that the Neighborhood Commercial said that he didn't qualify.

Chair Dixon called for public comment.

- **Marion Lasley** was administered an oath by Mr. Williams. She stated that it was her understanding that if Gibson Sawmill Road were added to Collector Roads list that it would allow them to be able to use the neighborhood commercial overlay. She also mentioned concerns with the proximity to the church.

Commissioner Watson stated that it was the Neighborhood Commercial location criterion that is causing problems.

Chair Dixon said that since the applicant is not present, he would like to table the matter.

Mr. McCord said that, with the church, you have to comply with the set standards. He said some things are automatically out.

Ms. Lasley stated that, in tabling the decision, the Board could look at the Neighborhood Commercial and what could go in.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 -0, BY VOICE VOTE, TO TABLE THE SAN BONITA SMALL SCALE LAND USE AMENDMENT.

San Bonita Estates Major Subdivision -38 single family lots on 84.51 acres

Mr. McCord explained that this item should be tabled contingent to the San Bonita Small Scale Land Use Amendment.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 -0, BY VOICE VOTE, TO TABLE, THE SAN BONITA ESTATES MAJOR SUBDIVISION.

Magnolia Forest, Phase One Subdivision - 26 single family plots of 90.88 acres

Mr. McCord read the comments and staff recommendations for Magnolia Forest, formerly Sparkleberry Subdivision, final plat. He said that the owner of the project was Raymond K. Sheline and the applicant/engineer was Barry Poole of Poole Engineering and Surveying. The proposed subdivision is located on the north side of US 90 approximately one mile east of the intersection with Selman Road.

Barry Poole was administered an oath by Mr. Williams, County Attorney. He said that the progression of the subdivision had turned out just as they had envisioned. He said that they did provide a right entrance turn lane for easy access to the subdivision suggested by DEP. He asked that they followed through with P&Z recommendations and not to include the sidewalks along US 90.

Debbie Kirkland, Realtor, was administered an oath by Mr. Williams. She spoke in support of the project moving forward. She thanked all the people that she worked with on Magnolia Forest. She thanked the Board for their support.

Commissioner Lamb asked why the staff requested sidewalks along US 90.

Mr. McCord replied that as other subdivisions are developed along US 90, the need for sidewalks would become

apparent. At some point, will the local government will have to take responsibility for installing them. By requiring the developers to install them as the subdivisions go into place, the future needs will already be in place. He offered another option - requiring the developer to post a Bond, which would insure the installation at the appropriate time. He then explained how it would work.

Mr. Poole said that the Code doesn't require the sidewalks on Highway 90. He said that if sidewalks had been included prior to this stage of review, it would be different. He said that know it would involve considerable additional funding since the roads are already built. He said that it was not an equitable charge at this point.

Commissioner Watson said that he is not in favor of springing the sidewalks on them at the final plat stage.

Chair Dixon agreed with Commissioner Watson. He asked Mr. McCord to bring back a policy proposal for sidewalks.

Commissioner Holt asked if the County could require home owners to have sewer lines put into place to connect to a central sewer system when it becomes available as a condition of approval of the final plat.

Commissioner Watson made a motion and it was seconded by Commissioner Price to approve the Magnolia Forest Final Plat.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AMEND THE APPROVAL OF MAGNOLIA FOREST FINAL PLAT TO NOT INCLUDE THE SIDEWALKS FOR THE HIGHWAY 90 ENTRANCE.

San Bonita Farms Major Subdivision - 39 single family lots on 412 acres panel

Mr. McCord read the staff recommendations and comments for San Bonita Farms. He said that the owners of the San Bonita Farms Major Subdivision were F&F Gadsden Properties, LLC. (T. Buckingham Bird, 165 E. Dogwood Street, Monticello, FL 32344, Registered Agent, Fred H. Beshears, 52 Nacoosa Monticello FL 32344 Manager. The applicant was Eddie Bass with Moore Bass Consulting.

The property is on the north side of CR 270 east of Scotland Road (CR 159.) The applicants request approval of a conceptual plan for the proposed 34 lot San Bonita Farms Subdivision on a 412 acre parcel within the Agricultural-2 land use district. The applicant proposes to preserve wetlands and provide open space. The applicant is requesting approval of the conceptual plan in order to proceed with further plan development including a preliminary plat.

The subdivision is a Type II Review per subsection 7202 of the Land Development Code. He said that the Planning and Zoning Commission (P&Z) recommended approval with the condition that the newly proposed conservation text amendment objective 5.3 applies to the development.

Planning and Growth Management Department (P&Z)
Recommendations

The Planning and Growth Management Department recommends approval of 05PZ-0003-201.01-1-01, Conceptual Plan for San Bonita Farms consisting of a one sheet plan (Sheet C1) prepared by Moore Bass Consulting of Tallahassee, Florida, with file No. 2004 - 225, dated January 6, 2005 with the above listed finding and the following conditions.

- a. Eliminate the proposed reference to the railroad crossing. Any crossing will be evaluated at the time of preliminary plat.
- b. Include all lots of the minor San Bonita Farms in the subdivision or provide for an access and use instrument acceptable to the county, the owner of Lot 4 of the San Bonita Farms minor subdivision and the owners of the three out-parcels not included with the subdivision. Such easement shall be reviewed and approved by the County Manager and County Attorney.
- c. Provide information that lots 10, 11, and 12 will be permitted access across the wetlands from designated right-of-way.
- d. Include tax parcels 3-11-2N-2W-0000-00333-0200, 0100 and 00423-0200 access to the private street and include provisions for access and maintenance to the private street systems for these lots.
- e. Explore alternative options for access for lots located east of the dam. This should be evaluated at the time of preliminary plat review.

- f. Amend the plan to provide the code required ten percent open spaces per subsection 5102 D, 5404 C and 5301 C.
- g. Consider earlier recommendations #1 and #2, made by the previous Growth Management Director and included in the agenda package.
- h. Properly number the lots in sequential order.
- i. Redesign the plan to indicate conformance with subsection 4103 by indicating that conservation areas including the rear of lots shall not exceed 25 percent of the lot area.
- j. The homeowner's association shall own and maintain the common area.
- k. Provide plan notes indicating:
 - 1. Proposed density
 - 2. average and minimum lot sizes
 - 3. open space required by subsection s5102 and 5301 and open space provided.
 - 4. total number of lots
- l. Provide information on surrounding uses and parcels Numbers.
- m. In order to provide cul-de-sac's of the proposed length a variance must be approved.

Public Comment

Eddie Bass, Moore Bass Consultant, was administered an oath by Mr. Williams, County Attorney. He said that the plan is conceptual because it will change. He commented on the wetlands on site. He talked about the Conservation Preservation Easement over the Wetlands. He said that he had viewed the text and they agreed with text requirements. He noted that the damn was safely constructed and further requirements aren't needed. He asked for a variance as needed for such items as cul-de-sac.

Commissioner Holt asked Mr. Bass if he agreed with the staff recommendations.

Mr. Bass replied that he could agree with all the staff recommendations.

Chair Dixon called for public comment and there was no response.

UPON MOTION COMMISSIONER HOLT AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE SAN BONITA FARMS MAJOR SUBDIVISION.

Amos Request to Open Restaurant and Sandwich Shop

Mr. McCord gave his opinion on the request by Commissioner Watson concerning Ms. Amos request to open a restaurant/store in Hardaway. He said that he has complied the following information. The property where Ms. Amos proposes to open a small restaurant/retail store is located the Ag2 land use category (Tax ID # 2-21-3N-5W-0000-00331-0100). The Comprehensive Plan regulates the location of non-residential (and non-religious facilities), in Agricultural and Rural Residential land use categories by establishing a Neighborhood Commercial land use overlay with specific performance standards regulating the location of proposed neighborhood commercial uses. The Land Development Code also contains very specific standards. The problem is that the two standards are not consistent as if pertains to Rural Residential land use category.

Commissioner Watson stated that he wanted the Comp Plan to read more general and stricter language in the Land Development Code.

Mr. McCord said that the Board should wait on the workshop for all changes to the Comp Plan. He said that a response from DCA would not be received until August.

Mr. Williams explained why it was wrong for the Board to give Ms. Amos the impression that the store would come and it doesn't. He said the County would be liable.

It was the consensus of the Board to discuss changes to the Comprehensive Plan at the workshop, which was scheduled for Tuesday, April 26th, 2005 at 5:00 p.m. The Board took no action on the Amos Request at this meeting.

MONTHLY GROWTH MANAGEMENT REPORT

Mr. McCord said that he would provide monthly reports so that Commissioners could keep track of all projects and happenings in Growth Management.

Mr. McCord mentioned the situation with subdivisions and drainage problems that would be addressed later in the

meeting by residents during public comment portion of the meeting.

6. EMERGENCY MEDICAL SERVICES DIRECTOR AGENDA

Robertsville/St. Johns Fire Station

Mr. Baker discussed the Robertsville/ St. John Fire Station. He said that there is approximately 1 acre located at the corner of St. Johns School Road and Hutchinson Ferry Road. He said that they are ready to proceed with the process to construct this station. He asked for approval or direction from the Board. He said that he recommended that the County Manager and the Clerk explore financing options and come back to the Board with a recommendation.

Mr. Baker said that he had been advised that the City of Gretna has selected a site for the construction of a firestation within the City of Gretna. He requested direction/instruction from the Commission on how to proceed with the Gretna project.

Chair Dixon said that he would like to see the comprehensive proposal for providing the installation and construction of the Robertsville fire station. He asked that it include engineering statistics, pricing and financing options. Mr. Baker asked for direction again concerning the Gretna project.

Commissioner Holt replied that Gretna had narrowed their choices for the sites down to a minimum. She said that they needed to look at the numbers and funding. She stated that she would meet with the City of Gretna on April 6. She then asked about the USDA funding.

Mr. Baker replied that the preliminary application is site specific. He said that a site should be determined first in order for the application process to begin. He said that the most funding that the USDA is willing to fund Gadsden County is the low interest 30 year 4 1/2% loan.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD 5 - 0, BY VOICE VOTE, TO GIVE MR. BAKER PERMISSION TO CONSULT WITH THE COUNTY MANAGER AND STAFF TO EXPLORE OPTIONS AND MAKE RECOMMENDATIONS ON THE ROBERTSVILLE AND GRETN A SITES.

Mr. Alfred Ellis reminded the Board there were no fire hydrants in the Robertsville area for fire protection and water disbursement.

7. INTERIM COUNTY MANAGER AGENDA, ARTHUR LAWSON

SHERIFF'S GRANT - U.S. DEPARTMENT OF JUSTICE GRANT APPLICATION (JAG)

Katherine Pondexter, Finance Director at the Gadsden County Sheriff's Office, addressed the Board. She told the Board that the Sheriff is applying for a grant with which to expand the jail facility and increase the number of correction officers.

She said that this grant would not require matching funds. She said the total project cost would be \$12,472,654.00.

Major Morgan, Jail Administrator for the Gadsden County Jail, addressed the Board. He said that the major concern at the jail at this time is the provisions for females. He said that the present cell was designed for 12 inmates and they currently house 30 and more. He said that it is a problem that must be addressed.

He called attention to the fact that there is a small record storage area that could possibly be converted to a small female cell for approximately \$4,000 if the records could be located to another facility. He learned from Clerk Thomas that the Record Center on South Adams Street might be an option to explore for that purpose.

Commissioner Watson asked how long would the grant would pay for the Correctional Officers.

Joseph Parramore, consultant to the Sheriff's Department, replied that it would cover only 3 years.

Chair Dixon stated, "The County is currently at 10 mills and we have no lea way." He said that if the Board provided funding for jail expansion, it would have to be taken from someone else. He commented that he could not foresee where additional funding would come from.

Joseph Parramore said that the jail would continue the operations with or without the grant. After three years,

the county would have to fund the additional officers. He then asked for the Board's support.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE SHERIFF'S REQUEST TO MOVE FORWARD WITH U.S. DEPARTMENT OF JUSTICE ASSISTANCE GRANT PROGRAM APPLICATION (JAG).

County Manager Selection/Evaluation

Mr. Lawson addressed the Board concerning the hiring of the new County Manager. He said that they originally had 25 applicants. He listed the top 4 candidates. He said that Marlon Brown had 47 out of the 50 points. He asked for the Board's direction.

Chair Dixon thanked Commissioner Lamb and Mr. Lawson for their support on the pre-selection committee.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE MARLON BROWN AS THE NEW COUNTY MANAGER.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO GIVE AUTHORITY TO INTERIM COUNTY MANAGER, MR. LAWSON, TO BEGIN SALARY AND CONTRACT NEGOTIATIONS WITH MR. BROWN.

COURTHOUSE AND JAIL COMMITTEE

Mr. Lawson commented that the Committee that was formed to study and evaluate the Courthouse and Jail have stated that they would like for the engineer of record to do a feasibility study for an additional courtroom and jail space.

Commissioner Holt said that there is space that can be shifted. Her suggestion was that the Public Defender could be moved to the location where the County Offices preside, adjacent to the State Attorney's Office and move the County Offices to the third floor of the Sheriff's Office and place the additional courtroom above the Gray Race Building. She commented that she had spoken with Chief

Judge Francis and he stated that 12 judge days are promised. She suggested looking at saving money.

Clerk Thomas advised that, in the past, they had tried a similar measure to find adequate space for the Public Defender's Office and to place the additional courtroom in the now Guy A. Race Building. He said that the Board overturned that decision when Chief Judge Francis presented a letter that stated we didn't warrant additional court trials.

Commissioner Watson said that we need a place to move Public Defender.

Mr. Lawson said that they might have to incur some cost.

Chair Dixon asked that the cost be brought back before the Board.

It was the consensus of the Board for Mr. Lawson to get with the County Engineer, Preble-Rish, to examine the cost in relocating Public Defender's Office.

8. CONSENT AGENDA - FOR APPROVAL

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

- a. Public Official Bond - Sheriff Young
- b. Small County Road Assistance Program Candidate Projects (SCRAP) CR 65B - Old Federal Road from CR 268 (Highbridge Road to CR 274 (Cane Creek Road) 2- CR 269 Juniper Road from SR 12 Bristol Highway to CR 269 Pine Grove Church Road _
- c. Small County Outreach Program Candidate Project (SCOP) Lanier Road from US 90 (Blue Star Highway) to CR 270 (Shady Rest)
- d. Library African -American Enhancements Grant 05CLIC02
- e. Purchase of Breathing air Compressor - Bid #05-03 awarded to Pro-Am Safety Inc, Plant City, FL
- f. Helical Corrugated Steel Pipe - Bic #05-02 awarded to Gulf Atlantic Culver Company
- g. Building Inspection Department Software Agreement - enerGov solutions (Government Connected Solutions)

- h. Satisfaction of Housing Agreement - Ethel L. Bell
- i. Housing Rehabilitation Program Contract for Rehabilitation Work: - Joe and Eleatha Langston; and Cora Spencer
- k. Rehabilitation Agreement and Special Assessment Lien - Joe and Eleatha Langston
- l. E911 Road Name Requests and Map of Magnolia Forest Subdivision

9. CONSENT AGENDA - FOR THE RECORD

- l. Emergency Medical Service County Grant Award C4020
- m. Emergency Management Modification to Base Grant and Award Letter Agreement #05BG-04-02-30-01-193
- n. Notification of State Aid to Libraries Grant for FY 2004-05
- o. SHIP Program Response to Annual Management Review
- p. Midway Ordinance 2005-14 Annexing 5.39 Acres owned by Glenn C. and Catherine J. Harrelson
- q. Midway Ordinance 2005-15 Annexing 1.3 Acres owned by Jay Messer and Tommy Harrelson Partnership

10. CLERK'S AGENDA

Cash Report and Expenditure/Fund Balance

Clerk Thomas presented the Cash Report and Expenditure Fund Balance for the Record.

Gadsden County BCC Potential Budget Shortfall FY 2004-05
(See attached copy)

Clerk Thomas explained to the Board the potential budget shortfall as outlined in the attached document. He described the major areas of concern from Fund 00-1 General County Attorney projected shortage -\$48,305.84, County Manager Salary & Benefits shortage - \$14,740.81, Welfare Medicaid shortage -\$51,529.80, D&S Transit - \$25,044.00 totaling -\$139,620.45 from the General Fund. He said that in Fund 113- Landfill the shortfall would occur in the Contract Dumpsters with a shortage -\$62,789.18. He stated that dumpster expenses may be paid from general fund, if no available funds are in the landfill account. He commented that the combined total shortage to FY 2004-05 budget would be -\$202,409.63. He also noted that:

- The Dumpster shortages are usually paid from the general fund. The Landfill shortage will be included in general fund shortages.
- Amounts if current pay for County Manager continues. Upon hiring a new manager budget will need to be revisited.
- County Attorney expense based on one-month additional charges and the monthly amount of \$5,000.00.

It was the consensus of the Board that Clerk Thomas keep them aware of any significant changes.

Budget Amendments 2005-04-05-01 through 2005-04-05-05

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

Ratification of Approval of Accounts Payable 03/17/05
03/24/05; and 03/31/05; Payroll Deductions 03/17/05
and 03/31/05; and Payroll 03/17/05 and 03/31/05

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO RATIFY THE APPROVAL OF THE ABOVE STATED COUNTY BILLS.

11.PUBLIC COMMENT

Emanuel Gardens Subdivision issues

Ms. Louvenior Sailor discussed the concerns relating to Emanuel Gardens located in St. Johns Community along CR 267 and Shade Farm Road. She said that the subdivision was to include a buffer on a holding pond along Drew Ellis Lane that is in front of her house. (Pictures were referenced taken by Code Enforcement.) She requested that the Board take action. She said that her recommendation is that the project be tabled until drainage issue can be fixed.

Alfred Ellis, adjacent property owner, also spoke in opposition of Emanuel Gardens holding pond. He said that he had asked in a earlier meeting about the length of time that the water would remain in the holding pond. He said that he was told the 72 hours. He asked the Board for help with the situation.

Chair Dixon asked Mr. McCord to get with staff and come back to the Board with his findings and direction. He said that Commissioner Holt had advised him that Mr. Evans, Mr. McCord and she would evaluate the situation on April 6 and bring back a report to the Board as to their findings.

DeAlvin Roberts addressed the Board with his concerns in regard to the holding pond on Drew Ellis Lane. He stated that it was his understanding that County Commissioners are liable for not taking the proper actions when concerns are brought before the Board.

Chair Dixon directed Mr. McCord to come back to the Board with the situation out on Drew Ellis Lane.

Deer Ridge Estate Issues

Bryant Smith addressed the Board with concerns about Deer Ridge Estates. He spoke of his concerns that dealt with the infrastructure not being in place. He noted that the residents of Deer Ridge have septic issues with drain fields backing up to septic system.

Theodis Baker, of Deer Ridge Estates, also had concerns. He said that he was afraid that the developer would leave before problem is fully addressed and rectified.

It was the consensus of the Board that Mr. McCord, along with staff, bring back a findings report to the above situation described at both subdivisions.

Progress Energy

Clay Vanlandingham, resident of the Greensboro Community and spokesperson for the Neighbors Opposed to Progress Energy (NOPE), addressed the Board. He said that the County Attorney Thornton Williams has said that he has no conflict of interest. He said that he wants to make sure that the county attorney does not have unresolved issues with Progress Energy. "If the County decides to fight Progress Energy, I don't want something to come and bite us." He said that there was no disrespect meant by his comments.

Mr. Williams said, "It is not my opinion, it is the law." He said that he has never represented Progress Energy. "I gave them, the Board, the printed law."

12. COMMISSIONER'S AGENDA

District 1

Commissioner Lamb asked that the Board compare and evaluate the county ordinance dealing with nuisance/stray dogs to the surrounding counties.

District 2

Commissioner Watson had no report.

District 3

Commissioner Price spoke on the smoothness of meeting and the civility shown by each commissioner toward each other.

District 4

Commissioner Holt thanked Mr. McCord for all of his hard work he had done regarding the nuisance and pinhooking operations that were taking place on US 90 West between the future Piggly Wiggly and current Kelly's Jr. Store.

Mr. McCord said that the code enforcement officer cited the owner and he cleans it up but then the problem returns within the next day or two.

Mr. Williams replied that there might be another avenue that they can take. He said that he and Mr. McCord would get together and discuss the problem.

District 5

Chair Dixon asked that the Board to hire Dick Hollahan to lobby for the County during the Legislative Session on issues that the Board would like heard. He said that he thought that \$3,500.00 would be a good stipend or fee for services rendered.

Mr. Lawson said that the County could waive the procurement policy requirements.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO HIRE DICK HOLLAHAN FOR LOBBYING SERVICES FOR THE COUNTY; APPROVE \$3,500.00 FROM GENERAL FUND CONTINGENCY; WAIVE THE PROCUREMENT POLICY AS TIME IS OF THE ESSENCE FOR THE SERVICES.

13. ADJOURNMENT

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

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON APRIL 19,
2005, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

EDWARD J. DIXON, CHAIR
BRENDA HOLT, VICE-CHAIR
EUGENE LAMB
STERLING WATSON
DERRICK PRICE
THORNTON WILLIAMS, COUNTY ATTORNEY
ARTHUR LAWSON, INTERIM COUNTY MANAGER
BERYL WOOD, DEPUTY CLERK

ABSENT:

NICHOLAS THOMAS, CLERK

1.MEETING CALLED TO ORDER

Chair Dixon called the meeting to order. Commissioner Lamb led in a prayer. Attorney Williams led in the pledging allegiance to the US flag.

Chair Dixon made a few remarks about the passing of former Sheriff W.A. Woodham who retired last fall after serving as Gadsden County's Sheriff for more than 33 years. He gave accolades to his greatness as a person and Sheriff. He offered words of comfort to the family in that he would always be a part of Gadsden County. He then gave each Commissioner an opportunity to express their gratitude and speak of their memories of Sheriff Woodham.

2.ADOPTION OF THE AGENDA

The agenda was amended to add the following:

- Nancy Gee, Grants Director - Update of Community Development Block Grant Application (before the County Attorney Item # 4)
- Robert Presnell, Public Works Director - Request to Pave additional Roads for Cost Savings (Item # 8 under the County Manager's Agenda)

- **County Manager's Contract and Veteran's Transportation Services Issues** (placed under Item # 8 - County Manager's Agenda)
- **Issue of James Kellum to Tourist Development Council** (Item # 4 under the County Attorney's Agenda.)
- **Bob Cambric, Hazard Mitigation Grant Program, (HMGP) Grant Application and Potential Board Action** (to follow Ms. Gee, Grants Director Update.)

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

March 1, 2005 - 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. NANCY GEE - Community Development Block Grant (CDBG)

Nancy Gee, Grants Director, gave an update about the CDBG grant that will extend the sewer lines from the City of Quincy out to I-10 on Pat Thomas Parkway (SR 267) She said that the original plan was to focus on the two hotels, Hampton Inn and Holiday Inn - both owned by the Patel's located at interchange. She stated that after many meetings and negotiations, the Patel's are unable to come up with the required number of jobs between the two hotels to qualify for the grant. She said that they needed a total of 12 jobs, but they have not been able to confirm that the hotels will create that many new jobs.

She went on to say that the Patel's are now considering another location on US 90 West at the intersection of Bostick Road. That is near the new Piggly Wiggly Store owned by Kevin McDaniel's and the Gussie Assistant Living Facility, owned by Charlie Harris. She stated that there are certain requirements that both projects have to meet such as a turning lane for Piggly Wiggly and the Assisted Living Facility. She said that she is now negotiating with Mr. Harris and Mr. McDaniel's.

She commented that once Piggly Wiggly comes into place, there would be 40 jobs available from that project. She said the number of jobs that will come with Mr. Harris' assisted living facility has not yet been determined. However, she said that Piggly Wiggly alone would satisfy the number of jobs needed for the CDBG grant. She stated that they would continue to keep the Board informed.

Chair Dixon inquired about the number of jobs the first hotel is providing.

Ms. Gee replied that the first hotel, which is Peter Patel's hotel, is providing 9 jobs and the County goal is 12.

Chair Dixon commented that the County would be three jobs short of what is needed to qualify for the CDBG grant for the I-10 interchange. He asked why the County is only applying for one grant as opposed to two.

Ms. Gee stated that the County could submit only one application per cycle. She also said that the County could apply for CDBG funding every 8 or 9 months.

Commissioner Watson asked at what point did she realize there was a problem. He recalled all the effort that had gone into the application and project.

Ms. Gee said the problem was not only job creation factors, but also the volume of paper work needed by Victor Patel. She said that, after speaking with Mr. McCord, it would take them beyond the timeframe of the grant application deadline of May 19.

Chair Dixon asked Mr. McCord what the requirements are for Victor Patel's project.

Mr. McCord replied that the adequate reviews are not ready. He said that Mr. Patel had only presented his conceptual plan. He has not submitted the required documents for the preliminary stage review. He said that the ball would be in Mr. Victor Patel's court so far as him meeting the application deadline.

Chair Watson asked Ms. Gee to describe the worst-case scenario.

Ms. Gee said that the County would be liable for 3 jobs. She said that the final decision (as to which direction to proceed) lies with the Board.

Commissioner Watson asked what difference it would make if Victor Patel participated.

Ms. Gee said that the County would not be liable. She said that it is the number of jobs that is needed to satisfy the CDBG requirements.

Commissioner Holt asked how that would affect the grant.

Ms. Gee said that if you say you're going to do something and you don't, you will be penalized and the County would have to pay back any funds received. She emphasized that the hotel owners aren't the applicants. The County is the applicant and would be held accountable.

Commissioner Watson asked if Victor Patel is ready to change to the alternate location, could the County still apply for the grant to cover the I-10/ 267 Interchange.

Ms. Gee replied that that the County can only apply for one grant per cycle, but it could apply again at the next cycle. She reiterated that the Peter Patel project is also waiting.

Peter Patel addressed the Board. He said that he delayed his project for 9 months. He said that a decision needs to be made so that he can proceed.

Ms. Gee said that the County could apply for up to \$700,000.00.

Commissioner Holt said that the County could move the money out of infrastructure and still apply for the grant for West US 90.

Chair Dixon asked Mr. McCord what could be done to expedite the situation with Victor Patel's project.

Mr. McCord replied that Victor Patel needed to get necessary paperwork into his office and they would try to get it approved as quickly as possible.

Chair Dixon asked if the money they are applying for was economical development funds or CDBG funds.

Ms. Gee said that it was CDBG.

Commissioner Lamb said that he would not like to put the County at risk. He said that the grant is not certain.

Chair Dixon talked about how important the growth of that area depends on installation of the water and sewer lines.

Ms. Gee said that this grant is time related.

Discussion continued among the Board.

Chair Dixon said that he was opposed to switching the grant at this point. He said that he would like to focus on I-10/267 Interchange

Chair Dixon directed Ms. Gee to get with the attorney and Mr. McCord and try to salvage the I-10/267 Interchange and report back to the Board.

No action was taken.

Bob Cambric - Hazard Mitigation Grant Program (HMGP)

Bob Cambric addressed the Board regarding two grants for which the County could apply as a result of Hurricanes Ivan and Francis. He said that he had been working with the Gadsden County staff and Municipal Emergency Management staff to prepare and submit applications for the HMGP. He said that a tentative list of applications had been developed. The project proposals would involve adding shutters and other hazard protection measures to the County Emergency Operations Center as well as the Havana Police Department and the Chattahoochee Police Department/City Hall. He said that estimated project costs are:

- Havana: \$11,000
- Chattahoochee \$25,000
- Gadsden County \$50,000

He said that each grant required a 25% match; however, in-kind labor could be used in lieu of a cash match. The application requires the designation of a local agent and

proof of authorization. He said that the two application deadlines are due May 2, 2005 and June 14, 2005. He asked for approval of the grant and for a local authorized contact person.

Commissioner Holt noticed that the City of Quincy was omitted.

Mr. Cambridge said that only those that the attended the meetings and turned in the required information were funded.

UPON MOTION COMMISSIONER LAMB AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE APPLICATION FOR THE HAZARD MITIGATION GRANT.

Chair Dixon appointed County Manager Marlon Brown as the county representative for the project.

CRAWFISH ISLAND

Mr. Cambridge, a Federal Emergency Management Agency (FEMA) representative, addressed the Board. He talked to them and informed them of a long-standing situation with Crawfish Island.

Crawfish Island is a community in Chattahoochee off of Maple Drive and Lincoln Drive next to the railroad tracks. During inclement weather, the community is literally blocked off from the surrounding area because of flooding conditions, etc. Several homeowners have lived there for many years despite the fact that frequent flooding in rainstorms and the like has historically adversely impacted the property. Over the years, FEMA has spent a lot of money paying for damages due to the flooding conditions. FEMA approached the landowners and attempted to purchase the property and relocate the residents but the residents chose not to leave the homes where they have lived all their lives. The property has since become a part of the Local Mitigation Strategy because the hazard remains and has not yet been mitigated.

He told the Board of an LMS grant would benefit the landowners with compensation for their property, but would allow them to live there until their death if they chose. At their death, the property would become the government's

property and would be placed into conservation or appropriate use where it would not be inhabited again

Major Shawn Wood, Emergency Management Director for Gadsden County Sheriff's Department, addressed the Board. He said that Crawfish Island had been on the LMS list for quite a while. He said that they are waiting on further guidance to solve the major problem for that area. He said their purpose in coming to the Board was only informative at this point, but it is their intention to pursue the grant.

Chair Dixon commented that he and Commissioner Price had discussed the possibilities for that area. He was supportive of the grant saying that it would give families who are mainly elderly an opportunity to reside in their homes and be paid to stay there instead of forcing them out.

Major Wood stated that he had asked the City to submit a LMS list to include the area along the railroad track and other areas with similar situations.

Chair Dixon inquired as to how the local mitigation team came into place.

Lee Garner, City Manager of Chattahoochee, addressed the Board. He said that the LMS was prepared for the entire County about 7 years ago after the 9-week floods. Through the efforts of the County and the American Red Cross, they prepared a local mitigation strategy for the entire county. Every community was involved in it.

The Board required no action.

4. COUNTY ATTORNEY'S AGENDA

Appointment of James Kellum to Tourist Council

Mr. Williams spoke to the issue stated above. He reported that he had looked at the criteria for appointees and reviewed the information provided to him. He said that 3 members of the Council are required to be subject to the tax. He said Mr. Kellum is not subject to the tax, but he is engaged in business in the Town of Havana as a merchant of furniture and antiques. Havana is a hallmark for

tourism in Gadsden County and, as a merchant; he participates in the tourism trade. He gave the definition of tourist as a person that participated in trade in Gadsden County.

Mr. Williams also emphasized that the vacancy which Mr. Kellum would be filling is that of Ms. Zoe Galloway, former director of the Gadsden Art Center. He concluded that Mr. Kellum was qualified to fill that vacancy even though he is not subject to the tax itself.

Discussion followed among the Board.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE APPOINTMENT OF JAMES KELLUM TO THE GADSDEN TOURIST DEVELOPMENT COUNCIL. COMMISSIONER WATSON OPPOSED THE MOTION.

5. JUDY BERGANTINO - CHATTAHOOCHEE COMMUNITY PROJECT - REQUEST FOR LETTER OF SUPPORT

Judy Bergantino, Director of Diamond Academy, addressed the Board with a detailed presentation informing them of community project taking place in the Chattahoochee community. She said that the City of Chattahoochee, Gadsden County School Board and Diamond Academy are attempting to provide family education and job training using a network of existing agencies. She asked the Board for a letter of support for the project. She said they are trying to formulate a plan that will get more parents involved in their children's education. She introduced members of the project as follows:

- Henry Flores with Diamond Academy
- Missy (inaudible) - Adult Ed/Parenting
- Allen Suber - Adult / Crime Prevention
- Zachary (inaudible) - Aftercare / Beaver Skills
- Billy Jones - founder of Caitlin Rose Vocational
- Nan Brown - founder of the project
- Bea Hopkins - Americorps
- Arrie Battles - Women to Women
- Lee Gardner emphasized that this was a pilot program with a community wide effort to make Gadsden better.

UPON MOTION COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE LETTER OF SUPPORT FOR THE CHATTAHOOCHEE COMMUNITY PROJECT.

6.PETER BUTLER - BICYCLE RACE

Peter Butler and John Staul addressed the Board. He talked about the State of Florida Bicycle Race Championship. He asked for approval to allow the race to be held on May 28, 2005 in Havana on County Roads 161, 270, 65 and 159A. He also asked for support in determining a suitable location for the start/finish line parking and local law enforcement support to ensure a safe and secure racecourse.

Mr. Butler had concerns about the requirement of County Ordinance 2001-10 to have the application submitted 90 days prior to the event.

Chair Dixon said that the 90-day requirement could be waived.

Commissioner Lamb made a motion to approve the championship race and Commissioner Holt seconded it. The motion was then amended to include a waiver of the 90-day waiting period.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE STATE OF FLORIDIA BICYCLE RACING CHAMPIONSHIP IN HAVANA ON THE ABOVE STATED COUNTY ROADS.AND WAIVE THE 3 MONTH WAITING PERIOD.

Chair Dixon named Mr. Lawson as the contact person for the race.

Commissioner Holt asked that Ordinance 2001-010 be added to the agenda for the next meeting for discussion of the 90-day requirement.

7.GROWTH MANAGEMENT DIRECTOR'S AGENDA

1.San Bonita Small Scale Land Use Amendment - CPA-2005-03-5.0 acres from Commercial to Rural Residential and 5.0 acres from Rural Residential to Commercial (First Reading of Ordinance 2005-002)

Mr. McCord recalled that the San Bonita Small Scale Land Use Amendment was first heard at the March 1 meeting and approved as Neighborhood Commercial land use. Subsequent to that meeting, he realized that the property did not qualify for Neighborhood Commercial use per the County Comprehensive Plan Policy 1.1.5 (d) (1). He brought it back to the Board on April 5, 2005, but was tabled because the applicant was not present.

Mr. McCord said that there was no change in the status of the application that from the last meeting.

Mr. McCord was administered an oath by Mr. Williams, County Attorney.

Mr. McCord read the comments and staff recommendations for San Bonita Estates Small Scale Amendment. The owner of the property is Tommy Hatcher. The applicant is David H. Melvin, Consultant. The properties are located west of US 27 and north of Gibson Sawmill Road in Township 2N, Range 2W, Section 11, approximately 2 ½ miles south of Havana. He stated that this was the first reading of an ordinance to adopt a small-scale amendment to the Future Land Use Map. He said that the applicant requests approval of a small scale amendment to the Future land Use Map (FLUM) by changing the adopted Future Land Use category on an approximate 4.96 acre portion of the applicant's property from Commercial to Rural Residential and by changing the adopted Future land Use category on and approximate 3.99 acre separate portion of the applicant's property from Rural Residential to Commercial. He said that the applicant is requesting the amendment in order to facilitate the development of a single family subdivision on the affected property owned by the applicant and to provide for commercial land use on property adjacent to US 27. He said that they couldn't have the overlay with the Neighborhood Commercial. He commented that the ordinance provided in the application is a draft ordinance for the first reading. He said that, if approved by the Board, the second reading adopting the land use change would occur at the May 3, 2005.

Commissioner Watson said that the applicant was requesting Commercial use.

Mr. McCord said that the property did not qualify for Neighborhood Commercial land use designation. However, he said that a special condition could be added to the ordinance whereby the applicant agrees to restrict the commercial uses to those commercial activities that are listed on the Neighborhood Commercial land use overlay as described in Section 4200 of the LDC at the second reading of the ordinance. He said the ordinance would go with the property. However, he said that his recommendation would be to go strictly commercial.

Tommy Hatcher (applicant) was administered an oath by Attorney Williams. He stated that they have 5 acres of commercial and 5 acres of rural residential and all they want to do is swap the land use designations of the two parcels. He said that he does not have a problem going with commercial and agreeing to restrict the use to those uses described as Neighborhood Commercial. He said that he understood that by law, he could not go with the Neighborhood Commercial designation.

Commissioner Watson stated that they have to worry about the future.

Chair Dixon said that once zoning is changed it won't come back before the Board unless it's something large.

Discussed followed among the Board.

Chair Dixon called for public comment.

Marion Lasley was administered an oath as to her testimony. She said that if the land use designation is changed to Commercial, there are a list of things that can be placed on the property by right. She said that Class 2 Commercial use would at least have to go before P&Z and BCC for review. She asked what would happen if property is changed to commercial when the current owner leaves the property (if the current owners agrees to non-commercial uses.) She asked if the County would have the legal capacity to deny a project if the use is changed to Class 2. She stated that Class 1 uses wouldn't be so bad.

Mr. McCord replied they would evaluate all applications, but ultimately, it's a Board decision.

Mr. Williams said that the Code is there as a guideline. Generally, the applications that are presented follow the guidelines that apply to the specific application.

Ms. Lasley asked for language to be added to the ordinance to Section 2 so as to protect the overlay. Mr. McCord replied said that the specific language could be added in time for the second reading of the ordinance.

Mr. Williams stated that if there is a title search, the overlay would not be found because it would not be recorded on the property deed itself.

Mr. Hatcher suggested that they tie it to the land and restrict it in the deed.

Mr. Williams commented that there might be a way to do that.

Chair Dixon asked that the County Attorney, Mr. Hatcher and Mr. McCord work together to compose the correct language to accomplish their mutual purpose.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE FIRST READING OF ORDINANCE 2005-002 SAN BONITA ESTATES SMALL SCALE AMENDMENT CHANGING THE LAND USE DESIGNATION OF 5 ACRES FROM RURAL RESIDENTIAL TO COMMERCIAL AND 5 ACRES FROM COMMERCIAL TO RURAL RESIDENTIAL SUBJECT TO THE SPECIAL CONDITION THAT THOSE COMMERCIAL USES BE RESTRICTED TO ONLY THOSE ACTIVITIES AS LISTED AS NEIGHBORHOOD COMMERCIAL ACTIVITIES IN THE LAND DEVELOPMENT CODE AS DISCUSSED ABOVE.

2.San Bonita Estates Major Subdivision -SD-2005-02-38
single family lots 84.5ac. - Conceptual Plan Approval

Mr. McCord said that the San Bonita Estates Major Subdivision was also tabled at the April 5, 2005 BCC meeting. He commented that there was no change to the status of the application from the last meeting. Mr. McCord asked that it be passed until the second reading of the above small scale land use amendment.

**3.Festival Permit Request - Uphonia Outdoor Festival -
05PZ-009-205-2-02-Ball Farm Road**

Mr. McCord read the comments and staff recommendations for Uphonia Outdoor Festival Permit. He said that the applicant/owner is Terry McCoy of Spanish Moss Philanthropies. He said that the property is located at the northern terminus of Ball Farm Road in Township 3N, Range 2W, Section 33 approximately 2 miles northeast of Quincy. The applicant is requesting approval of an Outdoor Festival Permit, per section 58, article IV, Gadsden County Code of Ordinances (Ordinances 2001-010). The festival is tentatively scheduled for Friday, May 13, 2005 through Sunday, May 15, 2005, to be held on property of the owner (Old Ball Farm). He said that BCC approved a request for similar festival (Down on the Farm Music Festival) on October 19, 2004, which was held on November 12 - 14, 2004. He the applicant has provided a complete application for the proposed outdoor festival and is requesting several waivers from requirements of the code in order to conduct the festival in a similar nature as a festival recently held on the site and with similar waivers. The waivers would allow the applicant to provide additional services to the attendees and guests but would also not provide specific legal protections to attendees and the county should actions occur at the site or liability or faithful performance does not materialize. He said that the application provide most but not all of the requirements of Ordinance 2001-010 (Chapter 58, Article IV Gadsden County Land Development Code.) The applicant is an organization that raises funds for philanthropic purposes.

Options

1. Recommend approval of the request with waivers requested by the applicant.
2. Recommend approval providing that the applicant comply with all provisions of the ordinance.
3. Recommend approval with some of the requested waivers but waivers but require that certain select provisions of the ordinance, which the applicant is requesting waivers.
4. Deny the application

Recommendation to move with option #3 as described below:

The Planning and Growth Management Department recommended approval of request for an "Uphonia Outdoor Festival" based on the findings listed above and the following conditions:

- a. The applicant has provided the names of all persons, firms and corporations will provide products, materials or services, other than entertainment, to or at the festival. However, executed copies of all contracts or agreements with such persons, firms or corporations have not been provided. Provided copies such contracts and agreements with service providers listed in the application and another services providers contracted either the promoter.
- b. The applicant shall provide a copy of the "Comprehensive insurance policy." Said policy shall comply with the requirements of the County Manager and County Attorney in order to comply with Section 58-144 (7).
- c. Provide and indemnity in form and substance acceptable to the County Manager and County Attorney per section 58-144 (8).
- d. Post the temporary use permit and copies of Ordinance 2001-010 in a conspicuous place(s) on the festival site for public inspection.
- e. Obtain approval of electrical connections at the festival site to the satisfaction of the Building Official/Fire Marshall.
- f. The applicant is hereby granted a waiver from:
 1. Section 58-144(9) and will not have to name all person or groups who will perform at the festival or provide executed copies of the contract or agreements from such groups/persons.
 2. Section 58-145.No "Faithful Performance Guarantee" will be required.
 3. A waiver form Section 58-147 (b)(1) is granted provided such liquor license is legally transferable for temporary event purposes in accordance with State Statue.

Paul Levine and Steve Stine addressed the Board requesting a permit to have a music festival May 13 -15 at the Spanish Moss Farms/Ball Farm Road.

Commissioner Lamb asked about the County's liability.

Mr. Williams said there a request to waive the indemnity agreement, but the Board's recommendation was not to waive so therefore there would be no liability. Names of persons performing might be an issue for the county in creating a safe environment.

Mr. Levine said that they could provide the names and he then referenced the names of the performers.

Commissioner Watson inquired about number 3 of the issues, analysis and considerations and liability.

Mr. Williams said that normally they would present the names in a timely fashion for staff review of the groups to perform.

Chair Dixon remarked on how wonderfully planned the November event had been.

Commissioner Lamb said he was in favor of the festival as long as the County wasn't liable.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 1 FOR APPROVAL OF THE UPHONIA OUTDOOR FESTIVAL AT BALLFARM ROAD SUBJECT TO THE PROPER CONTRACTS IN ORDER AND THAT THEY FOLLOW THE STAFF RECOMMENDATIONS. COMMISSIONER WATSON OPPOSED THE MOTION.

**4.Request for Waiver of Plan Review Fees for Gussie Gardens
ACLF (SP-2005-01) - Conceptual Plan Review recently
approved at the March 1, 2005 BCC meeting.**

Mr. McCord said that Charlie Harris is the owner of the Gussie Gardens located on the south side of US 90 approximately ¼ mile west of Ben Bostick Road (CR 274). He said that the applicant requested a waiver of the \$100 plan review fees for conceptual site plan, which was approved on March 1, 2005. (The owner proposes to convert a former motel into 24 double occupancy room adult congregate living facility.)

Commissioner Watson asked why the County should waive the fees for people that are making money.

Commissioner Holt made a motion for approval, but it died for lack of second.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO DENY THE PLAN REVIEW FEE WAIVER.

8. INTERIM COUNTY MANAGER, ARTHUR LAWSON'S AGENDA

Road Paving - (Request to Pave Additional Roads for Cost Savings)

Mr. Presnell said that Public Works Department has compiled a list of roads that could be paved much more cost effectively if they are done while the crews will be in the vicinity working on the Comp Plan Priority List of roads. He said that he was recommending that they be paved based on their proximity to priority roads and the substantial savings it would generate for the unpaved road maintenance division.

Mr. Presnell said that, if it were approved, a new list would be compiled and presented to the Commission for approval complete with the Comp Plan Priority List and all adjacent or neighborhood roads included.

Chair Dixon mentioned concerns he had with Armstead Road. He said that soon after the new pavement was installed, the City of Quincy came through installing water lines and creating damage to the newly surfaced road. He had concerns about the patching and resurfacing that was taking place.

Mr. Presnell commented that the City of Quincy would be fully responsible for resurfacing the road.

Mr. Williams said that he would get with Mr. Presnell to look at the agreement with the City regarding repairing the road.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE MR. PRESNELL'S RECOMMENDATION TO PAVE ADDITIONAL ROADS WHILE IN THE VICINITY OF THE ROADS ON THE COMP PLAN PAVING PRIORITY LIST DUE TO THE COST SAVING FACTORS INVOLVED. (COMPLETE LIST TO BE FORTHCOMING FOR FINAL APPROVAL)

County Manager's Contract - Marlon Brown -(See attached)

Mr. Lawson said that, at the last meeting, the Board approved Marlon Brown as the new county manager. He recalled that the Board instructed him to get with Mr. Brown and negotiate a contract. Mr. Lawson then reviewed and highlighted the manager's contract with them.

Chair Dixon said that they had a nice time negotiating the contract. All parties were adamant about what they wanted in the contract.

Mr. Williams called attention to one definition, which was added to "Termination for Cause."

Chair Dixon asked Mr. Brown (who was seated in the audience) if he would be opposed to taking the contract up at a later date.

Mr. Brown responded, "At your leisure."

Commissioner Watson stated that he opposed the contract for the following reasons:

- Base pay is too high.
- Use of county vehicle for personal use.

Section 4. Automobile Use

County Manager will be assigned a county car. Gadsden County shall be responsible for all costs relating to the operation of said automobile as it pertains to employment duties. The County Manager may use the vehicle for personal use.

- Coverage of family health insurance. He said that he was not in favor of increasing life insurance.

Section 5 Insurance Coverage

Gadsden County shall pay the County Manager's health insurance. In consideration for the County Manager's agreement to accept a reduced based salary, Gadsden County shall pay for family health insurance coverage. The County Manager may be required to contribute toward family coverage in the future if the Board renegotiates this provision. Gadsden County agrees to provide the County Manager with the \$15,000 life insurance benefit provided to all county employees and to purchase an additional

***\$85,000.00 of term life, for a total of
\$100,000.00 of life insurance.***

Commissioner Lamb commented that he could support the base contract, but had a problem with providing health insurance for family, additional life insurance for himself and the county vehicle. He said that he felt the automobile should only be for business purposes.

Chair Dixon said that the contract is a huge leap, but the professional value was also huge. He pointed out that the contract is not that much more than the one of the previous manager. In response to the remarks regarding the county vehicle, he said that the manager's position is not like any other position and it should be allowed, as well as the life and health insurance covered. He said that Mr. Brown brings added value to the table.

Mr. Lawson said that the contract is negotiable. He pointed out that the position is more vulnerable than any other employee due to the fact that he works at the leisure of the Board. He said that Gadsden County must compete with outside counties and cities for management. He referenced the differences of salaries. He explained the contract and negotiation process. He said, "It's a give and take situation."

Commissioner Holt said that she had no problem with salary.

Commissioner Price commented that he had no problem with the contract.

Commissioner Lamb reiterated that he still had a problem with vehicle for personal use.

Discussion followed among the Board.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE MANAGER'S CONTRACT WITH THE REWORDING OF SECTION 4 - AUTOMOBILE USE AND THE ADDITION OF A DEFINITION FOR "TERMINATION FOR CAUSE" ADDED TO THE EMPLOYMENT AGREEMENT. COMMISSIONER WATSON OPPOSED THE MOTION.

Transportation Services for Veterans

Mr. Lawson discussed the D&S Transit contract. He said that on March 1, 2005, the contract with D&S Transit to transport the county's veterans expired. He said that this service is costing the County well over \$70,000.00 per year. (\$59,040.00 was budgeted for the fiscal year.) As of March 30, 2005, a total of \$42,042.00 had been expended leaving a balance of only \$16,998.00. The service is currently averaging \$7,521.00 per month. He said for the first three months of this year, the billing has been as follows: January 05 - \$7,816.00, February 05 - \$7,244.00 and March 05 - \$7,504.00. At the current average, services from June thru September will cost an additional \$30,085.00, bringing the approximate yearly total to \$89,124.00.

He recommended that the County hire two (2) part-time drivers to work 25 hours per week at a rate of \$6.50 per hour and use a van to be donated from the Public Works Department to transport the veterans. He said the total salary plus required benefits (See attachment) would cost \$17,413.00 per year. The cost to operate the van is estimated to cost \$15,000.00 per year. He said to operate the in-house program would be approximately \$32,413.00 annually. This would cut the cost of the program by more than half the current cost. He said that, with this recommendation, there would be an additional \$9,000.00, which would be needed in order to provide the services through September 05. He stated that the funds could be taken from contingency. He told the Board that if the staff recommendation were not approved, the amount indicated above would be needed to continue the contract with D&S Transit.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE STAFF RECOMMENDATIONS FOR TRANSPORTATION SERVICES FOR VETERANS AND THAT \$9,000.00 BE TAKEN OUT OF CONTINGENCY FUND.

Commissioner Watson asked about volunteers rendering service rather than the hiring of drivers.

Mr. Lawson said that he would check into that possibility.

Mr. Lawson thanked the Board for allowing him the opportunity to serve in the role as Interim County Manager. He said that this would make his last official Board meeting as the Interim County Manager.

9. CONSENT AGENDA

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

- a. Proclamation and Pledge of Civility in Month of May
- b. Proclamation 2005-006-Elder Law Month
- c. SHIP Agreement and Special Assessment Lien - Angela D. Brown
- d. Rehabilitation Agreement and Special Assessment Lien - George Sailor
- e. Contract for Housing Rehabilitation Work - George Sailor
- f. Financing of 2005 Mack Transport Tractor - Bid 05-04 awarded to Capital City Bank of Tallahassee in the amount of \$26,863.21 per year for three years. Annual percentage 3.63%
- g. Financing of Four 2005 Mack Dump Trucks - Bid 05-05 awarded to Capital City Bank of Tallahassee, Fl in the amount of \$34,203.33 per year for four years at annual percentage rate of 3.77%.
- h. SHIP Program Management Review Response - For the Record
- i. Contract Letter with Dick Hollahan and Associates, Inc. for Lobbying Services - For the Record

10. CLERK'S AGENDA

Budget Amendments 2005 -04-19-01 through 2005-04-19-03

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

Ratification of Approval of to Pay County Bills: Payroll Deductions 04/14/05; Accounts Payable 04/08/05 and 04/15/05; and Payroll 04/14/05

UPON MOTION BY COMMISSIONER WATSON, AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE

**VOTE, TO RATIFY THE APPROVAL TO PAY THE ABOVE STATED
BILLS.**

11. PUBLIC COMMENT

- **Michael Sherman** addressed the Board saying that he was representing Cadillac Joe, a local Disc Jockey (D.J) in the surrounding areas. He asked the Board for permission to have an outdoor festival for teenagers.

Chair Dixon directed him to talk with Mr. McCord and go through proper steps.

12. COMMISSIONER'S AGENDA

DISTRICT 1

Commissioner Lamb commented on the positiveness of Gadsden Learns. He said that it was a project that he would like to see the Board support.

He then raised concerns about County Rd 159 in Midway. He stated that they are having problems with the road because of big trucks. He stated that his main reason for bringing it up was the safety issue. He asked that Mr. Presnell and the manager work together to come up with a solution.

DISTRICT 2

Commissioner Watson said that the contract for County Attorney is up for review.

DISTRICT 3

There was no report.

DISTRICT 4

Commissioner Holt referenced a handout dealing with Opportunity Florida. She said that it dealt with donated land used for affordable housing.

DISTRICT 5

Chair Dixon commented that he met with County Attorney Thornton Williams and lobbyist, Dick Hollahan and reported that progress was being made at the Legislature. He spoke of the importance of having your team ready to lobby prior to session start up.

He also spoke of the dollars that were sent down from the Legislature for the new dental program to be housed at the Health Department in Gadsden County. He said that it would be very beneficial to those without dental insurance.

13. 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/WORKSHOP
OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON
APRIL 26, 2005, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

EDWARD J. DIXON, CHAIR
BRENDA HOLT, VICE-CHAIR
STERLING WATSON
EUGENE LAMB
DERRICK PRICE
THORNTON WILLIAMS, COUNTY ATTORNEY
PAUL SEXTON, ASSISTANT COUNTY ATTORNEY
ARTHUR LAWSON, INTERIM COUNTY MANAGER
WILLIAM MCCORD, GROWTH MANAGEMENT DIRECTOR
BERYL WOOD, DEPUTY CLERK

1. CALL TO ORDER

Chair Dixon called the meeting to order. He then turned the meeting over Mr. McCord.

Mr. McCord referenced the packages the Board had for their review. He explained that the package consisted of a description, narrative and a summary of all of the proposed changes. He said that all new text is underlined. He noted that strikethrough was text that was being removed. He stated that there were new 3 elements of the Comp Plan that are proposed for changes, the Future Land Use Element, Conservation Element, and Capital Improvements Element.

Future Land Use Element

A complete set of the Comprehensive Plan Amendments may be obtained from the Clerk's Office; it is not included in this set of minutes.

Mr. McCord discussed changes in the Future Land Use Element. He stated with Policy 1.1.5 (B) Rural Residential the last paragraph it included new language - **Clustering shall require creation of conservation easements as described in Policy 5.3.6 and 5.2.21 if environmentally**

sensitive lands are located within the boundary of the lands to be subdivided.

Commissioner Watson inquired about definitions for Conservation Easements.

Mr. McCord replied that the new definition for conservation easement could be found on page CON-5.

Mr. McCord then referenced (C) 4 new language in (a) **Where Environmentally Sensitive Lands exist on properties subject to clustering, they shall be protected by conservation easements prior to setting aside non-ESL lands. Maintained grassland, pasturage or other areas in active agricultural, or lawn maintenance areas incorporated into Conservation Easements for purposes of enforcing transferred density may be allowed to continue but may not be permitted to be converted into more intense uses with the exception of recreational uses. See Policy 5.2.21**

Mr. McCord then referenced page 5 Neighborhood Commercial (D). He addressed the new language would grant the Lisa Amos request in the Hardaway Area the leeway that would be needed to open the restaurant. He said that this would relieve the restrictions placed by the Comp Plan.

Commissioner Watson asked about changes to Comp Plan. He said that he was looking for specific language in the Comp Plan to move to the Land Development Code only. He said that he wanted to create a vehicle that variances could be granted.

Mr. McCord replied that the provision in the Land Development Code would stay. He also added that the variance had to have reasons.

Mr. Williams responded that the Board should want to have the choice of making a decision. He stated that it gives the criteria and you get more flexibility. He agreed with Commissioner Watson. "If they meet the criteria outline you have to grant the variance."

Mr. McCord stated that this would open the door to grant variances. He said that this would relieve Ms. Amos of restrictions for the Comp Plan. He said that it puts more into the Boards hand. He said that you're changing the time requirements.

Discussion followed among the Board.

Mr. Sexton commented that you should look at section 7301 in the Comp Plan, Chapter 5 - 5-19(B) Standards, which discussed certain situations for variances. He said that it would provide warrant the type of control that would be needed in terms of variances. He noted that the language looked comprehensive.

Marion Lasley addressed the Board. She said that if the Land Development would allow some restrictions that would be acceptable. She cautioned that Neighborhood Commercial should not be allowed on the large roads in the County. She stated that her concern is that there may be a precedent set.

Commissioner Lamb commented that the Board shouldn't create a loophole that they could be used against the Board.

Commissioner Holt inquired was it pertinent to put something in place at this meeting.

Mr. McCord replied that it was the Board's choice whether to put a policy in place. He said that he liked the policy of creating Nodes.

Commissioner Watson stated that the location criteria is met with the Code, but the concern is setting a precedent that others may use to walk through.

Chair Dixon how do we insure the Node doesn't stretch out.

Commissioner Holt said that if we create a Node, let's not take applications outside of the Node."

Commissioner Watson said that we have a Node. He said that the Node could not be broached. He commented that variances couldn't be granted outside the Node. He said that he was trying to create a vehicle when it did make sense to grant a variance.

Commissioner Watson asked the Board how did the feel if applicants that fall within the perimeters have to come before the Board.

Mr. Williams advised that he would look into the matter. If it's a routine administrative review then P&Z can issue, if not it comes before the board. If it's a quasi-judicial it comes before the Board.

Commissioner Dixon said, "We need to find a way to move items by streamlining the permitting process." He asked that staff look at ways to tighten it up.

Mr. McCord said that you have 3 different levels of reviews. It takes time to get it in, review with staff. He said that he would work with County Attorney and staff to address that issue.

Attorney Williams said that when you discuss legalities with the Commission and exposure. He said that generally he would not like to have open discussions, if the County is in a legal issue where there may be a potential for a lawsuit. He said that they would be in a position to have closed session and have a different discussion approach.

Ms. Lasley commented that public input is essential in the Neighborhood Commercial. She said that she couldn't support changing the Comprehensive Plan to accommodate one project.

Mr. Sexton said that in some cases you want the Comp Plan to provide you more flexibility. He said that one of the goals is to look at the Comp Plan to place functionally approaches. He said that you could write it in your Comprehensive Plan.

CONSERVATION ELEMENT

Mr. McCord referenced how some of the policies have been removed. He then addressed all of the changes in the Conservation Element.

Mr. McCord noted that objective 5.3 is establishing definitions and new language along with 5.3.

Discussion followed among the Board.

Chair Dixon welcomed Mr. Doug Dane of the St. Joe Company.

Commissioner Holt inquired about Density Preservation Easements. She asked about retaining the recreation portion.

Ms. Lasley commented on FLU 4-C Residential Development in the Comprehensive Plan relating to clustering.

Chair Dixon asked under what circumstance would we grant clustering or re-develop a piece of property.

Mr. McCord replied if the future infrastructure were changed, there would be justification to increase the density.

Ms. Lasley commented that she wasn't comfortable with reasoning in the past given for residential property when clustering is involved. She said that she would hope that something would be in place to halt this type of event.

Mr. McCord replied that he is working to tighten up the subdivision process requirements.

Ms. Lasley said that the timeframe should be addressed. She said that in the P&Z portion of the workshop they came up with the 30 years as a minimum for the timeframe for the protection of the unplatted lands. She commented that they needed to be restricted from developing during a certain time frame.

Mr. McCord said that any land use changes would have to come before the Board.

Discussion followed among the Board.

Mr. McCord asked the Board did they want to provide language that would release landowners to allow a land use change to provide greater density.

It was the consensus of the Board that they provide the language.

Mr. Ballister commented that they continued on page 4 Conservation Easements. He said that it specifically list what are environmental sensitive lands. He said that there were seven different criteria and that most are defined in the Land Development Code. He reiterated the importance of having definitions in the Comprehensive Plan.

Corey Dikes of St. Joe Company addressed the Board. He asked what was the environmental sensitive issue concern with the flood plain. He said that you should be able to build outside the flood zone. (ESL issues). He said that their real concern was with some of the text. He then referenced the ESL. He asked would there be room for negotiation in the Land Development Process in the review stage.

Mr. McCord said that it could read flood ways instead of flood plains. He noted that flood plains are important to protect. He said that they would recognize the map changes. He then referenced Policy 5.3.2 through 5.3.5. He said that it would be included with Conservation Easements. He stated that it would be a little bit more restrictive than the lakeside protection buffers and would be a separate document.

Mr. Williams referred to Policy 5.3.5 that discussed septic tanks related to environmentally sensitive lands. He asked was there any one else that can design septic tanks. He directed Mr. Sexton to check. He said that if there's more than one we need to specify, any type of professional that is qualified. He said that it is imperative that we are not being restrictive.

Mr. Sexton advised that he would look into the matter.

Mr. McCord commented that he would work with staff to find out if there is someone outside a Professional Engineer who can design septic tanks. He said that once the County Attorney determines that information it would be added for the Board's review.

Commissioner Watson departed at this juncture of the meeting.

Jeff Stauffer of St. Joe Company, said that he concerns with CON- 7 (2) the isolated wetlands. He stated that they have 10,000 acres in Gadsden County. He gave an

example " take a large area of land, I'm going to be required to identify and locate any wetlands. I'm concerned with how this may impact the future." He said that he didn't want it to be an added burden. He said that it's very cut and dry with Department of Environmental Protection (DEP) what the requirements are. He said that his concern was that it was going in the Comprehensive Plan and not the Land Development Code.

Mr. McCord said that it would be a case-by-case issue.

Doug Dane of St. Joe stated that the way it read was that they would have to go out and identify wetlands. He said that if this type of language is in your Land Development Code it gives you room to negotiate and grant a variance. He stated that if it is placed in the Comp Plan you lose that ability. He asked why are some of these issues in the Comp Plan and not the Land Development Code. "What is the reason for the change? Is the time right." He said that there was not a lot of public input included. He said that more time should be placed with this. He said that he felt the Comp Plan was in compliance at this point.

Chair Dixon said that this Board is the driving force behind the change to the Comp Plan. He said that there was no consistency in the application in understanding and where it applies. He said that it was to upgrade the Comp Plan. He assured Mr. Dane that the Board is willingly to work with all.

Mr. Dane said that he applauded the reason. He said that they would like to see the Board retain control and not give it away.

Mr. Williams discussed Policy 5.3.12 he said that another word should be used.

Mr. McCord said that coordinate might be a better word.

It was the consensus of the Board that the word be changed to coordinate.

Ms. Lasley discussed definitions taking out of Comp Plan and placed in the Land development Code. She asked could a page be attached that states these definitions would be forwarded to the Land Development Code.

Mr. McCord said that the changes in the Comp Plan would require changes in the Land Development Code.

Mr. Sexton said that definitions should be in the governing document, because that's what the courts would look at.

Capital Improvement Elements

Mr. McCord said that the new language would help the County qualify for grants needed language. He then discussed Policy 8.1.6. **Prioritizing infrastructure improvement projects shall include an analysis of facility operation and service levels. In specific target areas where needed improvements have previously been identified, water and sewer projects may be funded, designed and constructed in advance of the 5 year schedule of improvements utilizing grant funding and for purposes of job creation in cooperation with private sector developers and public and private agencies.**

Mr. McCord said that the area of needs should be established to make sure it would be in compliance with the City of Quincy and Talquin Electric.

Mr. McCord then referenced Policy 8.3.2 He said that he would like a map that defined what would be beneficial. He discussed A-D.

Mr. McCord said that in reference to the Road Paving Matrix some of the roads have been paved and should be updated accordingly as they are paved. He said that a clean draft would be forthcoming.

Ms. Lasley discussed Capital Improvement from CD 5 I-10/SR 12 and I-10 CR 270A. She inquired where would they obtain the water. She then spoke of US 90 East of Quincy and US 90 west of Midway relating to Capital Improvements that should have been noted.

Ms. Lasley also referenced C in the Comprehensive Plan (solid waste recycling) number c in page 5. She commented it list the transfer station. She said that she would like the recycling center to be mentioned in this section. It would help with grants and also the with trash/garbage

load. She said their budget is around \$300,000.00. She said that there are grants available for recycling.

Chair Dixon said that it is covered as we speak. He asked does it help with grants to have it listed in this section. He said that the water is extended, but the sewer is not.

Mr. McCord replied that a lot of this deals with policy issues. He suggested identifying specific policies to consider.

Ms. Lasley stated that she wanted advertisement from the County to encourage the public to recycle.

Mr. McCord asked about wetland changes to the Comprehensive Plan. He said that a lot of the changes are specific. He said that if you want to make it a firm change it should be changed on the Comprehensive Plan, if that's not what you are looking for he said that his suggestion would be the Land Development Code. He said that it's the Board's decision.

Chair Dixon commented on what should be in the Comprehensive Plan and what should not. He directed Mr. McCord and Attorney Williams and Attorney Sexton to work together to add the direct language. He stated that the Board wants the correct language in the Comprehensive Plan.

Ms. Lasley commented that they should allow a gray area to have flexibility.

Mr. Sexton stated that the County Administration would work with Mr. McCord and staff as to whether specific language should go in the Comprehensive Plan vs. The Land Development Code.

ADJOURNMENT

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

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON MAY 3,
2005, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

EDWARD J. DIXON, CHAIR
BRENDA HOLT, VICE - CHAIR
EUGENE LAMB
STERLING WATSON
DERRICK PRICE
NICHOLAS THOMAS, CLERK
THORNTON WILLIAMS, COUNTY ATTORNEY
MARLON BROWN, COUNTY MANAGER

1.MEETING CALLED TO ORDER

Chair Dixon called the meeting to order. Commissioner Watson led in prayer. Commissioner Lamb led in pledging allegiance to the U.S. flag.

2.ADOPTION OF AGENDA

The following additions were made to the agenda:

- CDBG Sewer Grant Update by Nancy Gee, Grant Writing Director - (to follow Item # 3 - Approval of Minutes)
- Gadsden Learns by Jim Rogers and David Gardner to follow CDBG Sewer Update
- Ratification of Approval of Resolution 2005-008 CDBG - Consent Agenda
- Library Financing Documents - Clerk's Agenda
- County Attorney Agreement - County Manager's Agenda

The following items were removed from the agenda.

- Spanish Moss Productions - Growth Management Agenda

The following items were removed from the consent agenda for discussion.

- (10a) Proposal to Implement County Fees for Environmental Health Services (Health Department). This item will be resubmitted for a future meeting.
- (10e) Surplus Property Disposal - pulled for discussion by Commissioner Holt placed under County Manager's 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.

2. APPROVAL OF MINUTES - MARCH 15, 2005 REGULAR MEETING

March 15, 2005 Regular Meeting

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

3. GRANT'S DIRECTOR, GROWTH MANAGEMENT DIRECTOR

Nancy Gee, Grants Director, addressed the Board regarding an update on the current Community Development Block Grant (CDBG) application that would extend the sewer lines from the City of Quincy out to I-10 on Pat Thomas Parkway (SR267).

She said that she had met with Peter Patel and they now have the assurance of the creation of 12 new jobs needed to qualify for the CDBG grant. She said that they would move forward with the application.

She said that in order to complete the application, there must be two public hearings before the Board.

Mr. Brown said that the first hearing is scheduled for May 17, 2005 (a regularly scheduled Board meeting) and the additional public hearing would be scheduled for Thursday, May 26, 2005 at 6:00 p.m.

UPON MOTION BY COMMISSIONER WATSON AND COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO SET AND ADVERTISE THE PUBLIC HEARINGS ON THE GRANT APPLICATION ON MAY 17, 2005 AT 6:00 P.M. AND A SECOND MEETING ON MAY 26, 2005 AT 6:00 P.M.

GADSDEN LEARNS (AMENDED ITEM TO THE AGENDA)

Dr. Jim Rogers and David Gardner addressed the Board regarding a new program entitled Gadsden Learns. It stands for lending educational assistance to residents now. He said that the program was designed by a group of citizens and their focus will be to provide assistance to the school system in an effort to improve student education. He said that the primary objection is to provide scholarships for students who have financial need. He added that they also offer tutoring and incentives to keep the students interested in learning so that Gadsden County can attain a higher graduation percentage. He continued by saying that they have already provided ten scholarships, which were made possible through fundraisers and generous donations from businesses.

Dr. Rogers then told the Board that they have partnered with Tallahassee Community College (TCC) to help further education beyond the high school point. He then asked for the Board's support and an official proclamation. He said that in the future, they would like for both the City and County governments to render some type of funding.

Commissioner Lamb said that he is a member of the Board for Gadsden Learns. He also asked for the Board's support of this project.

David Gardner, executive director of the Gadsden Chamber of Commerce, stated that the great aspect to the program is that businesses that have shown their support. He commented that Tri-Eagle Sales was the first to show their support by way of having the Clydesdale (Budweiser's Horses) come to town. He also discussed taking the program countywide.

Commissioner Holt recommended that an endorsement also come for the School Board in support of the project. She said that she was in favor of any project directed at overall improvement of school age children in Gadsden County.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO GIVE THE COUNTY MANAGER THE AUTHORITY TO PREPARE A PROCLAMATION IN SUPPORT OF GADSDEN LEARNS.

4. Thornton Williams, County Attorney

Attorney Williams asked that his agenda be temporarily passed until later in the meeting so that staff could obtain certain documents that he needed.

5. GROWTH MANAGEMENT DIRECTOR, WILLIAM MCCORD

1. San Bonita Small Scale Land Use Amendment - CPA-2005-03-5.0 acres from Commercial to Rural Residential and 5.0 acres from Rural Residential to Commercial (Second Reading of Ordinance 2005-002)

Mr. McCord was administered an oath by Mr. Williams, County Attorney.

Mr. McCord read the comments and staff recommendations found in the agenda packet for San Bonita Estates Small Scale Amendment into the record.

The owner of the property in question is Tommy Hatcher. The applicant is David H. Melvin, consultant. The properties are located west of US 27 and north of Gibson Sawmill Road in Township 2N, Range 2W, Section 11, approximately 2 ½ miles south of Havana. He stated that this was the second reading of an ordinance to adopt a small-scale amendment to the Future Land Use Map (FLUM). He said that the applicant has requested approval of a small-scale amendment to the FLUM that will change the land use designation of approximately 4.96 acres of the applicant's property from Commercial land use to Rural Residential land use. The applicant is also requesting to change the land use designation of approximately 3.99 acres on a separate portion of the property from Rural Residential to Commercial. The purpose of the swap of land uses is to facilitate the development of a single-family subdivision and to provide for commercial land use on property adjacent to US 27. He said that they couldn't have the overlay with the Neighborhood Commercial because it would be in conflict with the Comprehensive Plan.

He then read the ordinance title into the record.

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 TRANSMIT THE SAN BONITA SMALL SCALE LAND USE AMENDMENT TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA) AND APPROVE THE ADOPTION OF ORDINANCE 2005 - 002.

San Bonita Estate Major Subdivision - Conceptual Plan
Approval-Public Hearing

Mr. McCord read the comments and staff recommendations for San Bonita Estates Major Subdivision into the record. (The Board tabled this application at the April 5, 2005 meeting, since the applicant was not present.) He said there was no change in the status of the application since the last meeting. He stated that final action on the conceptual plan should occur after the adoption of the above-mentioned ordinance 2005-002.

Mr. McCord said that the property is located on the north side of Gibson Sawmill Road west of US 27 in Township 2N, Range 2W, Section 11, approximately 2 ½ miles south of Havana in the Gibson Community. The owner is Tommy Hatcher and the applicant's representative is David H. Melvin, Inc. The applicant requested approval of a conceptual plan for the proposed 38-lot San Bonita Estates Subdivision on 84.72 acres of the 89.51 acre parcel within the Rural Residential, Commercial (land use changes pending), and Agriculture-2 land use categories. A portion of the property is subject to the pending small sale amendment to change a 4.96 acre portion of the property from Commercial land use to Residential land use (CPA-2005-03) and a 3.99 acre portion from Rural Residential to Commercial land use.

Mr. McCord reported that the Planning Commission recommended approval of the conceptual plan subject to prior adoption of the San Bonita Small Scale Amendment.

Mr. McCord stated the Planning and Growth Management Department recommended approval of the conceptual plan (SD-2005-02 -formerly 04PZ-091-201.01-1-12), consisting of a one sheet plan (Sheet C1) prepared by David H. Melvin, Inc. Consulting Engineers of Marianna, Florida, with project No. SAN04PHI, dated - January 10, 2005 with the above listed findings and the following conditions:

- a. The proposed conceptual subdivision plan is subject to the approval and the effective date of the

ordinance adopting San Bonita Estate small scale land use amendment (CPA-2005-03)(Ordinance 2005-002) changing the adopted land use o the northeast 4.96 acre portion of the property form the Commercial land use category to the Rural Residential land use category to the Rural Residential land use category.

- b. Modify the location map to provide the correct property location on the plan sheet location map.
- c. Change development notes to indicate 38 proposed lots.
- d. Provide plan notes, which describe and list open space and natural area per land use by acreages and percentages.
- e. A variance will be needed to permit a cul-de-sac of greater than 1500 feet in length.

Chair Dixon called for public comment and there was no response.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE CONCEPTUAL PLAT FOR SAN BONITA ESTATE MAJOR SUBDIVISION.

**COMPREHENSIVE PLAN AMENDMENTS-TEXT AMENDMENTS TO THE FUTURE
LAND USE ELEMENT CONSERVATION ELEMENT - FOR TRANSMITTAL
ONLY**

The revised text changes are not included in this set of minutes, but are on file in the Clerk's Office.

Mr. McCord commented that this hearing was being conducted to consider transmitting the proposed text amendments to the Gadsden County Comprehensive Plan to DCA. He explained that the proposed amendments were prepared in response to the Objections, Recommendations and Comments (ORC) report prepared by DCA. DCA requested that the county amend the Comprehensive Plan in order to provide greater protection to environmentally sensitive lands. Upon adoption of the amendments, they will supplant the existing policies and may require the development of more specific land development regulations necessary to further implement these new policies. He noted that at the workshop, the

Board had requested that a lot of the details be moved and specified. He referenced the handouts given to the Board as the revised copies resulting from the April 26 workshop. He said that the underlined text represents the new text.

Mr. McCord began with page 5 of the Future Land Use Element. He commented on Boundary Interpretation Provision ~~-d). Buffers - for development allowed in Agricultural areas,~~ the County shall insure the compatibility of adjacent land uses by requiring buffers designed to protect the lower intensity use from the more intensive use (e.g., agriculture from residential, residential from commercial.) See Land Development Code §5302.

Mr. McCord commented that many of the details that they are proposing to take out of the text of the Comp Plan Amendments would be brought back as a Land Development Code Ordinance.

Conservation Element

Mr. McCord stated that they originated back to the regular numbering system about policies that they were moving. He discussed pages 9 through 11 of the Conservation Element added text. He said that current Policy 5.2.5 is being deleted and as a result of the deletion of this policy other policies are being shifted in the numbering sequence. However, as an option, the Board should simply consider reserving policy 5.2.5 at this stage since development projects and correspondence has been issued referencing the current numbering sequence. This should reduce confusion when one tries to apply a policy as part of a previous development order. He commented that Objective 5.3 had text had been revised to address Environmentally Sensitive Lands, open space, density preservation areas and their related easements: The County shall provide for the preservation Environmentally Sensitive Lands (ESL) open space and lake sides by requiring appropriately restricted easements in new developments and redevelopment projects. To reach this objective the County shall establish wetland, lakes watercourse and their associated bank protection, slope protection open space provisions and woodland improvement provisions as best management practices for conservation, and shall require appropriately use and protection of soils, minerals and native vegetative communities including forest.

He then commented on Policy 5.3.1 and the definitions that were added. He said that if time permits that they would go back and create an index for the Comp Plan.

Mr. McCord stated that proposed new policy would occur for policy 5.3.2 through policy 5.3.5

Capital Improvements Elements (CIE)

Mr. McCord said that changes proposed to the CIE would include items as follows.

- Projected recreation projects to be developed in the county between 2005 and 2010. The proposed text primarily consists of charts/tables that more specifically identifies acquisition of land and development of regional parks, neighborhood parks facilities proposed, the general location of new facilities by commission district, the proposed year of development, and estimated acquisition cost.

One new regional park is proposed in each district, New neighborhood parks would be proposed in three areas; St. Hebron, Concord and Scottstown. He said that further park enhancements, funded by grants, would be scheduled for each of these neighborhood parks and to eight other neighborhood parks located through out the county. The majority of these improvements would be funded through grants.

- New policy 8.1.6. This policy will help the County when applying for grants to improve/extend infrastructure by relieving the County from strict compliance with five (5) year Capital Improvements Programming List when such infrastructure projects would apply grant funding and result in the creation of new jobs.
- Update the Five Year Road Paving Priority List. The five roads now on the list would be removed since these have since been paved. A total of 51 roads consisting 32.6 miles would remain. Based on this current schedule all of these listed roads would be paved by fiscal year (FY) 08-09.

Mr. McCord commented that the Planning and Growth Management Department's recommendation is for approval of CPA-2005-06AD, amending the Gadsden County Comprehensive

Plan, Future Land Use Element, Conservation Element and Capital Improvements Element as provided in the attached draft document, with the above listed findings.

Commissioner Holt had questions and comments regarding the Conservation Element and recreation.

Chair Dixon called for public comment.

Marion Lasley was administered an oath by Attorney Williams. She addressed the Board with concerns about the Future Land Use Element on page 3 (B) Rural Residential. She stated that the language only deals with wetland protection and clustering in the wetlands. She said that she was not sure if it dealt with non-clustered and clustered in the Rural Residential.

Mr. McCord said that the policies that were amended in the Conservation Element should be enough to cover that specific language. He said that the Land Development Code specifically addresses clustering. He said that repetition of the policies maintained in the Conservation Element would provide that level of protection that is only mentioned in Rural Residential.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TRANSMIT THE COMPREHENSIVE PLAN AMENDMENTS CPA 2005-06AD, TEXT AMENDMENTS, FUTURE LAND USE ELEMENT, CONSERVATION ELEMENT AND CAPITAL IMPROVEMENTS ELEMENTS TO the DEPARTMENT OF COMMUNITY AFFAIRS (DCA).

COMPREHENSIVE PLAN LAND USE AMENDMENT - ADVIGO LAND USE AMENDMENT - TRANSMITTAL HEARING

Mr. McCord read the comments and staff recommendations contained in the agenda packets for the Advigo Development Group, Inc. into the record. He said that the owner was the Advigo Development Group Inc. and the representative was Chastain Skillman, Inc. He stated that the property is located on the south side of CR 270 approximately six miles west of Greensboro in the Sycamore community. Township 2 North, Range 6 West, Sections 9 and 16 (Tax ID#'s 3-16-2N-6W-0000-00211-0000). He explained that the applicant is requesting approval to transmit the proposed Comprehensive Plan Land Use Amendment of the FLUM to DCA. The amendment, if approved, would change the land use designation on a

60.44-acre parcel from Agricultural - 3 (AG-3) (1:20) to Agricultural - 1 (AG-1) (1:5). He said they would like to implement a clustered subdivision.

Mr. McCord reported that the Planning Commission voted 8 to 1 to recommend that the Board deny the request. They cited several issues that brought them to that recommendation. 1) There is sufficient land in the area now with AG-1 land use to provide for the proposed use. 2) The property would be completely surrounded by AG-3 land use. 3) Concern about how area residents would be affected.

Mr. McCord stated that the Planning and Growth Management Department recommends approval of the Advigo Land Use Amendment request based on the above findings listed in the agenda packet, but subject to the following conditions:

- a. Prior to submittal to DCA, math errors in response #4 should be rectified.
- b. Prior to adoption, the boundary issue with the misplaced home should be rectified.
- c. It should be made abundantly clear the applicants(s) that the proposed subdivision would be responsible for storm water rate, (not indicated on the conceptual plan), and the paving of Otho Whittle Road.

Chair Dixon called for public comment.

Pierce Barrett, applicant, 224 Office Plaza, Tallahassee, Florida was administered an oath by Attorney Williams as to his testimony. He spoke in support of the project. He noted that of the 60 acres, 1/3 of it would be placed in conservation.

Chair Watson asked Mr. Barrett if they were committed to site-built homes only.

Mr. Barrett replied, "Yes."

Marion Lasley, was administered an oath by Attorney Williams. She commented that the picture that was presented in the P&Z meeting was that there would be 2-acre lots in the middle of Ag3. She asked if that was appropriate for that area. She stated she felt 5-acre minimum would be more

appropriate. She also stated that she felt it would set a precedent.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE ADVIGO LAND USE AMENDMENT AND TRANSMITTAL TO DCA.

5. Request for a waiver of the Type II Site Plan Review PH Process - Holiday Inn Express Hotel

Mr. McCord reported that Victor Patel, owner of Holiday Inn Express Hotel has requested a waiver of Type II site plan review and the required public hearing for the Holiday Inn Express Hotel project. He said that the property is located on the north side of Spooner Road just west of SR 267. A Conceptual Plan was approved for the Board in May 2004. The applicant submitted a new conceptual plan for review in December 2004. The plan was reviewed as a joint conceptual/preliminary plan review, as permitted by the Code. Staff has reviewed the preliminary plan submitted and the applicant's engineer is now making changes to the plan to ensure the plan complies with the Code. A final plan will be required after preliminary plan approval. He said that the follow options are available.

1. Approve the request for the waiver of the public hearing and Commission also Board approval requirement for the conceptual, preliminary and final plan review.
2. Approve a waiver for the public hearing and Board approval for the Final plan review only.*
3. Deny the waiver request.

*The conceptual and preliminary plans are being reviewed together as permitted by the Code.

Mr. Brown asked Mr. McCord to explain how long the process would take if the Board would waive that Type 1 review even if Mr. Patel would submit his plans as early as this date.

Mr. McCord replied that should take a week or two if Mr. Patel would respond to all issues stated in the letter to him from the department. He continued by saying that, the preliminary plans could be approved immediately. He also said that he would be able administratively approve

the final plan depending on their engineer's turn around response. However, he emphasized said that before final plans could be approved, all Department of Environmental Protection (DEP) Permits, Stormwater Permits, Sewer Permits, Department of Transportation (DOT) permits, utilities and others related issues must be in place. He said that the entire process would take a month or a little over if the waiver were granted.

Mr. Brown commented that Mr. Patel is trying to piggyback this project with the CDBG grant application deadline. The public hearings for the grant application are scheduled for May 17 and 26. He pointed out that even if the Board approved the waiver, Mr. Patel would still not be able to meet the application deadline for this CDBG cycle.

Mr. McCord said that he, along with staff, were trying to determine what level of planning approval would be necessary to satisfy the CDBG grant requirements. He said that he was not certain that conceptual plan approval was sufficient to satisfy the job creation requirements or if they would need final construction plan approval. He commented that it was unclear at this point.

Chair Dixon asked for public comment.

Victor Patel, 75 Spooner Road, addressed the Board in support of the waiver for preliminary and final plans review.

Hermant Patel, 75 Spooner Road, addressed the Board. He referenced a letter dated back from the previous Growth Management Director, Bruce Ballister, with 13 items that they had to change on their plan in order to receive a Development Order. He then spoke of a letter from Mr. McCord that stated that they needed to change 21 items in order to be in compliance with the Code. He said that their Engineer is working on all the necessary changes. He asked the Board for support of the waiver for preliminary and final plan review by the Board and to entrust Mr. McCord and staff, along with the Engineer, to build by the Code, thus expediting the project timely enough to meet the grant deadline.

Mr. Brown stated that Mr. Patel and Ms. Gee met earlier today and she gave him a list of items that were needed before they could submit the grant application.

Mr. McCord referenced a letter that was handed to him by Mr. Patel from Mr. Patel's engineer. He said that the letter stated that he is asking for a variance for 4 items from the Land Development Code that staff had pointed out specifically in a letter addressed to Mr. Patel. He noted that some of the variance requests were: installation of sidewalks, bicycle parking, soil survey, and driveway separation requirements. He said that asking for a variance would take time. He said that it would take away from the waiver for the preliminary and final plan review process.

Commissioner Lamb asked if granting the waiver would help speed up the situation.

Mr. McCord said that it would as long as they don't ask for variances. He said that if they build the hotel in complete compliance, it would speed up the process.

Commissioner Lamb asked if they grant the waiver would his project be able to go forward.

Mr. McCord replied that they could.

Commissioner Watson stated that he was reluctant to grant the waiver unless it would help CDBG grant.

Mr. Brown stated that if everything lines up and all information in is received in a timely manner from Mr. Patel, everything could be done in about a week or two. He said that Mr. Patel has to meet the job requirements for CDBG grant. He noted that Mr. Patel has to work with staff and staff has to work with Mr. Patel.

Commissioner Watson commented, "We are skipping a lot of steps without it being beneficial to the County."

Commissioner Watson said that he could support a temporary waiver only. He said that would give staff and Mr. Patel the go ahead to work together. However, in the event Mr. Patel is unable to meet his obligations by the time of the grant deadlines, then the project should revert back to the Board.

Chair Dixon expressed to Mr. Patel the importance of meeting the deadlines discussed by Mr. McCord and Mr. Brown.

Discussion followed among the Board.

Chair Dixon called for public comment and there was no response.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE REQUEST FOR THE WAIVER OF THE PUBLIC HEARINGS AND P/Z COMMISSION ALSO BOARD APPROVAL REQUIREMENT FOR THE CONCEPTUAL, PRELIMINARY AND FINAL PLAN REVIEW. AND THE TEMPORARY WAIVER FOR THE HOLIDAY INN EXPRESS CONTINGENT UPON THE APPLICANT'S WILLINGNESS TO WORK WITH THE GROWTH MANAGEMENT DIRECTOR AS NEEDED FOR THE REQUIRED DEADLINES.

6. JOHN HUTLEY, (DISTRICT 4) REQUEST TO PAVE POWELL CIRCLE

John Hutley, a resident of Powell Circle, addressed the Board presented a signed petition of residents of Powell Circle Requesting that their road be paved. He told of appalling conditions of the road in bad weather conditions. He asked for the Board's help.

Chair Dixon stated that before a road is paved, it must go through the proper protocol. He then directed Mr. McCord and Mr. Presnell to look into the matter.

No action was taken.

7.A SHEPARD'S HAND RESOURCE CENTER, PASTOR STANLEY SIMS

Reconsideration of Releasing Grant Funds(Previously heard at the 01/06/04 and 06/01/04 BCC meeting)

Pastor Stanley B. Sims of A Shepherd's Hand Resource Center, INC. (ASHRC) addressed the Board. He requested that the Board release budgeted grant funds so that they would be able to continue their food and healthcare outreach services. He gave a detailed video presentation showing how the funds would be utilized. He asked that the Board look again at their continued work in the community and how their agency has played a vital role in bringing additional funds to the county.

Chair Dixon stated that they don't have a line item listed for a Shepard's Hand Resource. He said that it was not submitted or approved for FY 2005.

Commissioner Lamb commented that he had the opportunity to be a part of the project and noted that they are helping the entire County. He said that he would definitely like to see the County's involvement in this service in the next budget cycle.

Chair Dixon said that the Board would revisit this line item if things turn out differently with the budget. He asked Pastor Sims to please submit a budget request for the next budget year FY 2006.

No action was taken.

8. PUBLIC WORKS DIRECTOR, ROBERT PRESNELL

Permit Application for Progress Energy

Mr. Williams referenced a letter addressed to the Chairman from Florida Electric Power Coordinating Group, Inc. (FCG) based on the concerns raised by Mr. Clay VanLandingham regarding the possibility of a conflict of interest in his representation of Gadsden County. He further stated that there was no basis for any suggestion of a conflict of interest on the part of the Williams, Wilson & Sexton, P.A. Law Firm.

Mr. Williams noted that Progress Energy was present and nothing to be discussed at this proceeding is for approval and that a certified court reporter would be recording this portion of the meeting.

Commissioner Watson asked what group would be considered independent.

Mr. Williams said that Progress Energy would have conflict with the County.

Commissioner Watson replied there was not an independent opinion given.

Mr. Williams said that decision should come before the Board.

Mr. Brown stated that if conflict were raised, it would be up to the Board to decide upon satisfactory resolution.

Commissioner Watson said that he moved that the Attorney get an independent opinion from the Florida Bar. Commissioner Lamb second the motion.

Chair Dixon reiterated that no conflict exists. Chair entertained motion.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 2 - 3, BY VOICE VOTE, TO HAVE THE ATTORNEY SEEK A INDEPENDENT OPINION FROM THE FLORIDA BAR AS TO THE POSSIBILITY OF A CONFLICT IN HIS REPRESENTATION OF THE COUNTY REGARDING PROGRESS ENERGY. COMMISSIONERS HOLT, DIXON AND PRICE OPPOSED THE MOTION. THE MOTION FAILED.

Mr. Presnell referenced the Progress Energy Utility Permit Application. He said that the Utility Permit Application was for aerial overhang and crossing of various county roads for Progress Energy's Atwater to Lowry 115kV Transmission Line (1682T1). He stated that the line would begin at the intersection of the existing PEF transmission corridor at Atwater Road in Section 15, Township 3 North, Range 5 West; and extend southerly approximately 16 miles to the Liberty County Line, as shown in more detail on the enclosed Route Map and drawings.

He said that Progress Energy is proposing to construct its facilities within the easements parallel of the Easterly right-of-way of Atwater Road, cross once to easements along the Westerly right-of-way of Atwater Road, then run southerly to the intersection with the AN Railway. He said that the conductor (wire) would overhang into the airspace above the road right-of-way and cross the road as shown on the detail sections of Dwg. No. ATL 3050 through 3052, and ATL 3004. PEF facilities would also cross several county roads as shown on the additional drawings provided in the agenda packet.

He also commented that Progress Energy would observe and implement all safety regulations of the Florida Department of Transportation (FDOT) as they would relate to construction and maintenance of traffic. He said that the County would be notified a minimum of 48 hours prior to construction, and PEF would be available for a pre-construction meeting with the County Inspector upon request.

Dump Sites Schedules

Mr. Presnell presented the revised proposed schedule for the times when the five dumpsites in the county will be open. When the site is open, an attendant would be on hand to ensure that no unauthorized items would be dumped. He asked for approval regarding the schedule and permit fee for \$50.00.

**Gadsden County Public Works
Dumpsite Schedule**

Location	Operating Days	Operating Time
Post Plant Road	Monday – Thursday Friday Saturday	7:30 am – 5:00 pm 8:00 am – 1:00 pm 10:00 am – 4:00 pm
Lincoln Drive Chattahoochee	Monday Thursday Saturday	2:30 pm – 7:00 pm 2:30 pm – 7:00 pm 8:00 am – 7 :00 pm
Rodshaw Road	Tuesday Friday Saturday	2:30 pm – 7:00 pm 2:30 pm – 7:00 pm 2:00 pm – 7:00 pm
Highbridge Road Midway	Monday Thursday Saturday	2:30 pm – 7:00 pm 2:30 pm – 7:00 pm 8:00 am – 1:00 pm
Pat Thomas Pkwy Lake Talquin	Tuesday Friday Saturday	2:30 pm – 7:00 pm 2:30 pm - 7:00 pm 2:00 pm – 7:00 pm

Commissioner Watson motioned for a approval of the schedule and it was seconded by Commissioner Lamb.

Commissioner Holt had questions regarding the hours of operation of the Rod Shaw and Pat Thomas sites. She asked if they could utilize community service workers or Sheriff Department inmates. Mr. Brown said that they would look into it.

Chair Dixon called for public comment.

Commissioner Price raised the issue of installing privacy fences for sites, particularly Lincoln Drive in Chattahoochee.

Commissioner Watson asked Mr. Presnell to come back with information concerning the cost of having a county owned transfer station. He also asked him to find out what the tipping fees are at the Jackson County transfer station.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED SCHEDULE AND SET PERMIT FOR \$50.00.

County Attorney Contract

Mr. Brown referenced the contract for the County Attorney.

Chair Dixon said that it would be entertained at the next scheduled meeting.

10. CONSENT AGENDA - FOR APPROVAL

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

- a. Removed from the agenda
- b. Change Order No.44 to Contract with C. W. Roberts Contracting, Inc.
- c. SHIP Local Housing Assistance Plan
- d. SHIP Agreement and Special Assessment Lien - Shelia Jackson
- e. For discussion on the County Manager's Agenda
- f. "Keep America Beautiful" Grant Agreement
- g. Summer Library Program Agreements
- h. Library Gates Grant Award - Notification and Project Agreement
- i. Minutes of the Tourist Development Council Meeting of February 15, 2005 - For the Record
- j. Ratification of Approval of Resolution 2005-008 CDBG

****COUNTY ATTORNEY'S AGENDA**

Public Hearing - Ordinance to Continue Imposing a Four Cents Gas Tax (attached)

Mr. Williams announced a public hearing on Ordinance 2005 -003 and read the title of the ordinance into the record. He then called for public comment.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE ORDINANCE 2005 - 003 TO CONTINUE IMPOSING A FOUR CENTS GAS TAX.

County Manager's Contract

Mr. Williams commented on the changes to the County Manager's Contract. He stated that Section 4 Automobile Use was changed by will of the Board to read:

County Manager will be assigned a county car. Gadsden County shall be responsible for all costs relating to the operation of said automobile as it pertains to employment duties. The County Manager may use the vehicle for business purposes and non-business uses incidental to such business use.

He commented that the other correction was a definition added for termination for cause making consistent with other definitions.

If Board of County Commissioners terminates the employment of Marlon C.J. Brown as County Manager for failure to competently and faithfully perform his duties as County Manager, the Board shall provide him written notice of such termination. In the event of such termination for cause, no severance will be paid to him and his unused leave shall be paid in accordance with generally applicable County Policy. Cause shall include, but is not limited to, poor performance, negligence, inefficiency or inability to perform assigned duties, insubordination, violation of the provisions of law or County ordinances, policies or procedures, conduct unbecoming of a employee, misconduct, habitual drug abuse, or conviction of any crime.

Commissioner Watson said that he was opposed to medical insurance coverage for the entire family and therefore would be opposed to the Agreement.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE COUNTY MANAGER, MARLON BROWN'S EMPLOYMENT AGREEMENT. COMMISSIONER WATSON OPPOSED THE MOTION.

11. CLERK'S AGENDA

Library Resolution to Draw Down Library Funds

Clerk Thomas referenced a memorandum and handout concerning the Library financing. He stated that the original finance plan to construct the library required a balloon payoff in 2006 with proceeds from a permanent loan from USDA. The loan application to USDA was denied. He said the Florida Local Government Finance Commission has agreed to rollover the \$1,625,000.00 construction loan for a total of 15 years. The interest rate is 2.42% or 44 basis points above prime. The total approximate annual payment is \$115,000.00 for 15 years. He asked for the Board's approval.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE REQUEST TO DRAW DOWN FUNDS FROM THE FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION.

Budget Amendments 2005-05-03-01 through 2005-05-03-04

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

Ratification of Approval of Payment of Bills: Accounts Payable for 04/22/05 and 04/29/05; Payroll Deductions of 04/28/05 and Payroll of 04/28/05

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

PUBLIC COMMENT

Chair Dixon called for public comment.

Arthur Cyr, resident of Deer Ridge Estates, addressed the Board. He spoke about the development of Deer Ridge Estates and stormwater runoff problems as well as other areas of concern such as sewage. He asked for the Board's report of findings after contact with the Developer. He thanked the Board for all of their help with the situation at Deer Ridge.

Mr. McCord reported that he and the staff have conducted a couple of investigations regarding Deer Ridge Estates. He said that they wrote a lengthy letter, which specified the resident complaints and observations made by staff. He said that the complaints were not pleasantly received. He then reported that they met with the Developer around April 25th. He said that they have ten days to provide information per the Code and if the problem can't be resolved, the staff would get with an engineer then bring it back before the Board. He noted that two former letters had been submitted.

Chair Dixon asked that the Board be kept abreast of the situation.

- **Clay VanLandingham** thanked Mr. Williams for the support letters that he received from him. He said that he appreciated the effort he went through to make the determination that there was no conflict of interest dealing with Progress Energy.
- **Alice Dupont**, spoke regarding the Quincyst "Barbeques and Blue", which is scheduled for May 14, 2005. She spoke of the need for an ambulance on site from 10- 4 the day of the festival.

13. COMMISSIONER'S AGENDA

District 1

Commissioner Lamb thanked the Board for the proclamation regarding Gadsden Learns.

District 2

Commissioner Watson addressed the county performance. He said that the Board came to an agreement in the past that the day-to-day operation of the County needs to be handled professionally. He said that he did not like to see individual commissioners getting into the day-to-day operations and he felt like they should not have direct dialogue going on with employees without going through the county manager. He said that he hoped that he would step up to the plate. He asked that County Manager and Attorney come up with rules of standard for the Board to follow to ensure that a higher level of professionalism could be maintained.

Chair Dixon said that they understood the practices of the past. This Board has two employees the County Manager and County Attorney. He also asked that the Board make no contact with any employees. If a commissioner has a request, that request should go through the chain of command by using the Manager.

Chair Dixon also said that specific personal comments should not occur between commissioners. He said that it is written in Fl Statutes and Roberts Rules of Order. He then asked the Attorney to provide a copy of each to all Commissioners.

District 3

Commissioner Price welcomed Mr. Brown to Gadsden County.

District 4

Commissioner Holt responded about the small county priority list. She said that steps should be taken with other municipalities concerning their needs for next year. She urged the Board not to wait until the last minute.

District 5

**Reappointment of Wilson Hinson to Industrial
Development Authority**

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY
COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE
VOTE, TO APPROVE WILSON HINSON TO THE INDUSTRIAL
DEVELOPMENT AUTHORITY.

Legislative Issues

Chair Dixon commented on several legislative
issues, particularly medical costs and juvenile issues
as they relate to small counties. He said that they
are calling to present ideas. He asked the Board to
involve themselves in the Legislature process.

Tentative Budget Schedule

Mr. Brown said that he would bring the tentative
budget schedule to the Board at the May 17, 2005
meeting.

14.ADJOURNMENT

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

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON MAY 17,
2005, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

EDWARD J. DIXON, CHAIR
BRENDA HOLT, VICE-CHAIR
EUGENE LAMB
STERLING WATSON
DERRICK PRICE
THORNTON WILLIAMS, COUNTY ATTORNEY
MARLON BROWN, COUNTY MANAGER
NICHOLAS THOMAS, CLERK

1. CALL TO ORDER:

Chair Dixon called the meeting to order. Commissioner Lamb led in the invocation. Attorney Williams led in the pledging allegiance to the US flag.

2. ADOPTION OF THE AGENDA

The following additions were made to the agenda:

- Update on Deer Ridge Estates - County Attorney's Agenda
- Update on Progress Energy - County Attorney's Agenda
- Board/County Manager Protocol - County Attorney's Agenda
- Dog Lease Law/Ordinance - County Attorney's Agenda
- Chattahoochee Library Site and Funding - County Manager's Agenda

The following deletions were made to the agenda:

- Item #8, Tommy Horton, Catastrophe. Biz - Adoption of Gadsden County's Local Litigation Strategy Plan - Resolution No. 2005 - 009.

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- Consent Agenda Item # 11. (e) Lease of Office Space - North Florida Medical Center

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

April 19, 2005 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

Update on Ashford Healthcare

Attorney Williams called attention to Ashford Healthcare. He said the Board gave direction to the manager and himself to see if the tenants were in compliance with the contract.

He reported that they have determined a number of deficiencies. He said that a default notice was sent to Ashford giving them 10 days to come into compliance with their rent payments. He stated that since that time, Ashford CEO Michael Lake has asked for an extension and requested that the Board not act on the default. He said that Attorney Sexton would discuss the options under the provisions of the contract with Ashford.

Attorney Paul Sexton gave a brief background of the contract with Ashford. He commented that the lease began on July 2001 at \$10,000.00 a month for Ashford to operate the county hospital. He said that on April 5, 2005, the Board gave the county attorney instruction to take the steps necessary to enforce the terms of the lease because of issues regarding Ashford's performance and non-payment of rent and other obligations.

He reported that they had looked at Ashford's obligation under the lease and the county's options as to compliance and default. He said that section 15.1 of the lease governs the reasons for default. He stated that

Ashford violated certain requirements of the lease such as "(b) Failure by Tenant to make any payment of rent or any other payment required to be made by Tenant hereunder as and when due. (d) The failure or refusal of Tenant to perform, as required or conditioned, any other covenant or condition of this Lease. (j) Failure of the Tenant to maintain its credit by the payment of its obligations, including the salaries of employees, with reasonable promptness."

He said that they also should have submitted financial statements to the County, which did not occur. He then reported that Ashford was 6 months behind in rent - since October 2004. He said that the county attorney recommended to the county manager that he issue a notice of default. He said that there was a clause in the contract for a 30-day cure period for defaults; if compliance is not reached, they just have to make an attempt.

County Manager Marlon Brown issued a letter of default on April 15, 2005 notifying Ashford that they had not paid their rent, late fee and interest for November 2004 through April 2005 and notified them that they had 10 days to cure the default. They did not meet the accrument. He said that it would be good for the Board to come up with a plan of action in the event that the default ended in termination of the contract.

He mentioned that a check was received at the Clerk's Office on May 6, 2005 for the November rent in the amount of \$ 10,000.00. Attorney Sexton referenced a letter from Ashford dated May 17, 2005.

Attorney Sexton then referenced section 15.4 of the contract. He gave the Board these options.

- **Termination of Lease** - Landlord may, at its election, terminate this Lease and Tenant's right to Possession by giving Tenant written notice of termination. Promptly after notice of termination, tenant shall surrender and vacate the Facility and all improvements in broom-clean condition, and eject all parties in possession, or eject some but not others or eject none. Termination under this paragraph shall not relieve Tenant from the payment of any sum then due to Landlord or from any claim for damages previously accrued or then accruing against

Tenant. No act by Landlord others than giving written notice to Tenant shall terminate this Lease.

- **Continuation of Lease** - Re-enter the premises to a third person. The tenant shall have the right to assign or sublet its interest in this Lease, but Tenant shall not be released from liability. Landlord's consent to a proposed assignment or subletting under this paragraph only shall not be unreasonably withheld. (Ashford does have the ability to remove property that was brought on the premises, providing that it's not a replacement for County property.)
- **Appointment of Receiver** - If Tenant is in default of this Lease, Landlord shall have the right to have a receiver appointed; to collect patient charges and conduct Tenant's business. Neither the filing of a petition for the appointment of a receiver nor the appointment itself shall constitute and election by Landlord to terminate this Lease.
- **Transition of new Tenants**
- **Collection rents**

Mr. Williams commented that Board needed to determine if they wanted to go ahead with the default proceeding. He said that the Board could also grant the extension that was requested by Ashford CEO Michael Lake and reinstate the existing lease and allow the additional time for them to come into compliance. He then said that if the Board decided to proceed with the default, they must authorize the county manager to formulate a plan of action to assure a smooth transition from Ashford to some new management organization. He said that the decision should be to terminate the lease or grant the extension.

Attorney Sexton mentioned the \$10,000.00 check that Ashford delivered to the Clerk's Office. He said that since the check was not payment in full, there is an argument that can be made that by simply receiving and depositing the check, it is not a waiver of the default. He explained that there remains 5 months of rent on which they are still in default.

He went on to say that one alternative would be to return the check. He said that it would clearly indicate that you aren't taking any additional payments. He stated that in the event of default, the damages begin to accrue,

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which is your continuing unpaid rent. He said that Ashford Healthcare would be liable for all damages.

Chair Dixon commented on the toughness of the decision that was to be made by the Board. He gave a brief background of the hospital. He said that his position was to hold Ashford in default. "They aren't giving the quality of healthcare that is needed."

Commissioner Watson agreed with Commissioner Dixon. He stated, "I don't care to work with this company, Ashford."

Commissioner Holt asked, "If we go with the default, what is to follow?" She asked if there would be someone to run the hospital if Ashford decides to vacate.

Attorney Williams advised that permission be given to the county manager, attorney and appropriate staff to follow through with the termination of lease procedures. He said the concern of the lease provisions is that Ashford had the ability and right to vacate the premises upon termination. He said that there is leg-work that must be done before the County Manager can actually issue the default. The contract provides notice of termination.

Chair Dixon directed manager, attorney and Clerk Thomas to take all measures necessary to maintain and operate the hospital. Commissioner Lamb commented that he hadn't read anything positive about the hospital. He said that he was in favor of terminating the contract with Ashford.

Mr. Sexton focused on the options that are available to the Board. He said that there were other options besides termination. He advised the Board that termination does not occur until there is a written notice to Ashford. He stated that the County could move forward on the default and direct the county manager, county attorney and staff to come up with a plan of action and report back to the Board.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO MOVE FORWARD WITH THE DEFAULT PROCEEDINGS AGAINST ASHFORD HEALTHCARE AND DIRECT COUNTY MANAGER, COUNTY ATTORNEY AND STAFF TO ESTABLISH A PLAN OF

**ACTION TO KEEP THE HOSPITAL OPERATING AND REPORT BACK
TO THE BOARD.**

Attorney Sexton also discussed the two miscellaneous issues-the \$10,000.00 check Ashford delivered to the Clerk's office and their written request for an extension on the rent payments. .

Mr. Williams replied that upon termination he would like to have authorization for the county manager, county attorney and Clerk Thomas to exercise the options that allow an orderly termination of the lease, when and if the Board gives such direction.

Chair Dixon asked for an amendment to the motion to add the language directed by the County Attorney.

**UPON MOTION BY COMMISSIONER WATSON AND SECOND BY
COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE
VOTE, TO AMEND THE MOTION TO RELEASE ASHFORD
HEALTHCARE OF THE CONTRACT WITH THE GADSDEN COMMUNITY
HOSPITAL AND TO GIVE AUTHORITY TO THE COUNTY MANAGER,
COUNTY ATTORNEY AND CLERK THOMAS TO EXERCISE THE
OPTIONS THAT ALLOW AN ORDERLY TERMINATION OF THE
LEASE.**

Termination Lawsuit - Lawanda Henry

Attorney Williams commented on a discrimination lawsuit that was brought to his attention by a Jacksonville Lawyer, Meg Fibajucus. He stated that the lawsuit had been dismissed. He said that a Lawanda Henry had filed a lawsuit against the Gadsden County Commission and that the Florida Association of Counties handled the case. He said that a signed affidavit and motion was needed to dismiss the lawsuit.

Chair Dixon asked for public comment.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY
COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE
VOTE, TO APPROVE THE SIGNED AFFIDAVIT AND DISMISSAL OF
LAWSUIT REGARDING LAWANDA HENRY.**

Deer Ridge Estates

Mr. Williams commented on the Deer Ridge Estates. He stated over the last couple of months there have been concerns of whether the property had been developed properly and any action that should be taken. He said that Attorney Sexton would provide background and options.

Attorney Sexton referenced two letters that had been sent to the developer to address problems concerning streets and drainage at the development. He said that a response has not been forth coming. He stated that Mr. McCord issued the letters under 6900 of The Land Development Regulations, non-compliance by developers. He said that the matter is schedule for the County Manager. He commented that 6900 F has the stop and wait approach method. He said that the builder is creating the problems not the owner. Mr. McCord may need to bring the builder and confront. He said that if it is not ratified contact

Mr. Williams said that this is an update. He said that they would be able to act at the next meeting.

Mr. Brown we have taken action stop taking seals or building permits until we have resolution to the problem.

Commissioner Lamb asked have we informed homeowners.

Mr. Brown said no, He said due to the step that we missed we would have to go back.

Commissioner Watson inquired where they still building.

Mr. McCord said that there is a realtor company also one vacant and two or three that is CO'D but for sale.

Mr. Williams said that they would bring information back at the next meeting.

Chair Dixon advised residents of Deer Ridge that hey would keep them abreast of any changes.

Chair Dixon called for public comment.

Robert Finley addressed the Board. He opposed the situation at Deer Ridge. He asked the Board what steps were in place to stop the Contractor from building out. He commented on issues that had happen in the past couple of months.

Chair Dixon assured Mr. Finley that the Board along with staff would handle the situation.

Mr. Williams stated that the Developer has hired Attorney David Therraique for representation in this matter.

Progress Energy Transmission Line

Mr. Williams stated that Mr. Presnell brought this issue pertaining to Progress Energy at the last meeting. He commented on complexity of this issue. He called upon Attorney Sexton to give a briefing of Progress Energy facts and findings.

Attorney Sexton discussed that there were implications raised by Progress Energy regarding the transmission line approximately 60 miles in length. He said the county recently received application for permits that stated for small portions of the transmission to encroach over county rights-of-way. He said that the bulk of the transmission line is not reflected in any current application. The applicant shows the attire route starting at Atwater Road to the southern end of county crossing the railroad track on the way to the county line parallel to the railroad right of way. Progress Energy is requiring right-of-way on private property. The transmission line will cross the right of way (Atwater Rd and County Road). The power poles will be placed on private property adjacent to the road ways extended upward and the lines themselves will be hung out under county right a way. The location of the poles would constitute development. There are arguments of pro and con whether the County has jurisdiction over the poles in the proposed right-of-way. He commented that Progress Energy might take the position that the poles are outside of County jurisdiction. He referenced chapter 163 in the Florida Statutes.

Attorney Williams commented that if it is an established right-of-way, "The law says that Counties can not regulate. He said that the question that needs an

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answer is what is an established right-of-way." He said that there in the Department of Community Affairs declaratory statement that says an established right-of-way can include acquiring right-of-way, where it could be established after the fact. He said that it has yet to be determined in Appellate Court. He said that is an area that the Board would have to look at if there was a decision to go forward and question whether or not the alignment of the transmission line could be regulated by this County. He said that it must be determined the definition of an established right-of-way. Is an established right-of-way something that exist today or something that Progress Energy can acquire and costs to exempt for the future definition of the statue. He said that when you read the definition of the statue you don't have the authority as a County to regulate Progress Energy's placement of the transmission line.

Attorney Sexton stated that was the theory that Progress Energy is advancing. He referenced chapter 163 in Fl Statues. He said that the situation needed to be explored. He advised the Board that if they chose to proceed based on jurisdiction and it becomes a litigation it would be difficult in giving a percentage of prevailing in the courts. He said that would have to approach with care. He commented that another aspect to the extent and degree County Ordinances currently effetedly regulate this type of activity, whether you want to look at alternatives or some additions for clarification. He stated that the bulk of the transmission line isn't the subject of any pending application. He said that the application for encroachment of the County's right-of-way have not been acted upon.

Attorney Williams said that at hand was would the Board go ahead and approve the applications based on the fact that they have proved the route. He said that the only thing left would be the substation that was withdrawn last year.

Attorney Sexton said that the only thing pending is the applications for the encroachments and certainly the issue of the route has the most significance, where the lines are in the route and how you regulate.

Attorney Williams stated that if the Board decided that they wanted to challenge the route they would

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authorize the Board to go forward and look at legal challenges. He said that if the Board wanted to approve the route they would have to

Chair Dixon inquired we have any laws in place.

Mr. Williams said that the Ordinances that are related to regulating in this area are scarce.

Attorney Williams said that they're scattered all across the Code.

Chair Dixon asked the Attorneys could they get an ordinance together to be brought before the Board.

Attorney Sexton said that they had that opportunity. He said that if the Board decided that they wanted to go ahead and regulate then it would be a question as to what you wanted the ordinances to look like any changes and policies you want to employ.

Attorney Williams commented that if the Board wanted staff to get with Mr. McCord and look into different types of ordinances for regulating this area.

Commissioner Watson replied that he would like to the position that the Board regulates the area.

Commissioner Holt asked that if we go back and create an ordinance and they go back and they apply before that ordinance was created how does that affect the County legally.

Attorney Williams replied that it appears that the Board could put an ordinance in place on a pending application and if it were adopted before the application is approved they would have to make adjustments on the new ordinance that's in place.

Attorney Sexton stated that because applications aren't in placed for the majority of the line, it's not a pre existing condition, it's not under construction, it's proposed.

Attorney Williams said that it was important for the Board to understand that they are trying to give them some understanding of their position on where the law is on this

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particular situation. He told that Board that they are saying that aren't what the law is saying on this issue. He said that we are attempting to establish law on this issue.

Chair Dixon inquired of Attorney Williams that these where the options before the Board. He said if the Board created an ordinance that would give them opportunity to regulate and do we vote tonight on yes we issue the permits or no to explore what the establishment of right-of-way is.

Discussion followed among the Board.

Commissioner Lamb stated that there is nothing clear at this point and that the Board needs something place to make any type of decision.

Commissioner Holt asked do we hear from Progress Energy at this meeting.

Attorney Williams commented no.

Commissioner Watson inquired about the part of line they haven't applied for, would it be wise not to accept any applications.

Attorney Sexton stated that he wasn't sure. He said that he would look into it and let the Board know whether or not they could establish a moratorium.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO REGULATE AND BRING BACK ORDINANCE TO HELP ESTABLISH UTILITIES.

Board/County Manager Protocol

Attorney Williams commented that Commissioner Watson had asked if he would bring back the Ordinance. He referenced Chapter 125 of the Florida Statutes Part III, County Administration and stating what you can do as a county. He asked that the Board to place their attention on section 125.74 1 (k). He then referenced the County Ordinance that was in place (11). **Select, the employ and supervise all personnel and fill all vacancies, positions of employment under the jurisdiction of the board, However, the employment of all department heads shall require confirmation by the board of county commissioners.** He said

that the County Manager is responsible for the hiring and firing and supervision of all employees of the county.

Dog Ordinance Lease Law

Attorney Williams commented that Commissioner Lamb had asked if he would bring information regarding a Leash Law. He referenced a copy of the proposed Dog Ordinance for the County. He commented that it was not yet in ordinance form. He commented that section (c) was taken from a larger county and may not be appropriate for Gadsden County. ***Violation of the Section shall be punishable as follows:***

- 1. Upon the first violation, a penalty of \$100.00.***
- 2. Upon the second violation, a penalty of \$250.00.***
- 3. Subsequent violations; a penalty of \$500.00 for each violation.***

Attorney Williams stated that the Board might want to review each section of the ordinance before final approval and it is placed in ordinance form. He pointed out that Section A and B was the added language the Board wanted.

5.NANCY GEE AND DENNY DINGHAM - FIRST PUBLIC HEARING -
Small Cities Community Development Block Grant FFY
2005 Community Development Block Grant (CDBG)

Marlon Brown, County Manager addressed the Board regarding the first Public Hearing of the CDBG for which the county is applying.

Nancy Gee, Grants Director, addressed the Board regarding the CDBG. She introduced Dennis Dingman of Summit Professional Services, Inc.

Mr. Dingman commented on the purpose of this meeting/public hearing and for the Board at the end of the hearing to make a motion to proceed with the 2005 CDBG.

- Two public hearing are required to ensure the public can voice opinions on the proposed application; ALSO, A MOTION TO PROCEED WITH THE APPLICATION MUST BE MADE.
- This hearing is held to outline the types of grants that are possible; the second hearing is held to review the draft application before it is submitted to DCA.

Mr. Dingman outlined the CDBG Program Objectives.

- Benefit low and moderate income persons (a minimum of 51%)
- Aid in the prevention or elimination of slum or blight

Other urgent community development need Mr. Dingman discussed two areas of grants that are Regular Category and Activities.

He commented that a local government might have only one of these grants open at any given time. There is a set deadline each year, usually in the spring.

- **Housing Rehabilitation** - Assists low and moderate-income residents with physical improvements that address code, safety and other rehabilitation items. In some cases, severely damaged structures may be demolished and replaced. **(He commented that the county is applying for a housing rehabilitation grant this year.)**
- **Neighborhood Revitalization** - Assist communities with infrastructure improvements, such as paving, fire protection, drinking water, sewer, flood and drainage, handicap accessibility in public facilities, and other similar activities. It is required that no less than 51% of the residents who benefit from these activities be low to moderate income.
- **Commercial Revitalization** - Provides funds to address improvements to downtown of commercial districts, including water, sewer, sidewalks, parking, building facades, etc.

Mr. Dingman also spoke of a second grant category **Economic Development**. He said that it was when a local government can open one new economic development grant every year and there is no limit to the number of these grants that can be open at any give time, provided all grants are on schedule. A local government may apply for an economic development grant even if it has an open housing, neighborhood, or commercial grant, provided that grant is on schedule. There is no deadline - funds are awarded on a first come/first serve basis.

These funds are used to build infrastructure necessary to attract new businesses or retain expanding businesses. Job creation is required, and at least 51% of the jobs created must be available to low to moderate-income persons. (Low to moderate-income jobs are defined as positions requiring no more than a high school diploma. If additional training is required, the company must provide this training at no cost to the employee.

Mr. Dingman spoke of the two businesses that have agreed to create 14 new jobs between the two (Payal and Kiwi Hospitality both located on Spooner Road). He said that 51% of the jobs would be created for low to moderate-income persons.

Vice - Chair Holt asked for public input. There was no response.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO PROCEED WITH THE PREPERATION OF FFY 2005 CDBG.

6. Judge Charles Francis - Courthouse Security

Loretta Galeener, assistant to Chief Judge Francis along with Bill Wells, Fire Court Marshall and Security of the Second Judicial Circuit addressed the Board in the absence of Chief Judge Charles Francis. She that the request is to ask for assistance of the Board of County Commissioners in our efforts to provide reasonable and necessary courthouse security, for the protection of the citizens of Gadsden County, the judges and other employees of the court. She said that the amount is \$5,400 plus a recurring annual cost of \$3,312. She asked that the funds be appropriated to cover the cost immediately.

Bill Wells said that the security is current supplement of what is already in place, such as panic alarms, appropriate measures, secure the 2nd floor in the main courthouse.

Clerk Thomas said that he is not sure if you want to secure it down to one door right now we have 5 open. He said that is a Board choice. He stated that two judges our in the main courthouse.

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Commissioner Watson made a motion to approve and it was second by Commissioner Lamb.

Chair Dixon held the motion for further comment.

Mr. Brown commented that in term of court cost one of the fees goes toward court fees. He said he didn't want it to come from contingency.

Clerk Thomas stated that a decision should be made as to where you're going from the long haul.

Chair Dixon asked if they could take it from the New Construction fund.

Clerk Thomas asked about the Second Judicial Circuit budget.

Clerk Thomas commented on the precedent would be set.

Commissioner Watson asked did they have to decide at this meeting where the funds would come from.

Clerk Thomas said that it could be approved and he would get with the manager to figure out payment.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE COURTHOUSE SECURITY REQUEST AND THAT CLERK THOMAS AND THE COUNTY MANAGER WOULD FIGURE FUNDING AND REPORT BACK TO THE BOARD.

Clerk Thomas asked about the new circuit judge.

Mr. Wells said that it would be effective July 1, 2005. The new circuit judge would be coming to Gadsden County.

Commissioner Holt also questioned judge days (12).

Chair Dixon asked that they make it known that we want as many Judge Days as possible.

7. Phyllis Moore, Interim Community Development Director
(Informational Presentation Requirement Only)

Phyllis Moore, Interim Community Development Director, addressed the Board concerning fair housing in Gadsden County. She commented that the purpose of this presentation was to inform local elected officials and the general public of fair housing requirements. She stated by briefing elected officials and the general public they would have filled one of the requirements for completion of the Community Development Block Grant (CDBG) Housing Grant Application which must be submitted by May 19, 2005 for rehabilitation of 16 units in the County. She referenced a fair housing agenda, which she thoroughly pointed out:

- I. Purpose of the meeting**
- II. Laws that protect fair housing**
- III. Recognizing Discrimination**
- IV. Several ways to make a complaint**

Chair Dixon thanked Mrs. Moore for the information concerning fair housing.

The Board required no action.

8. GROWTH MANAGEMENT'S DIRECTOR AGENDA

Variance Request - Drury Property

Mr. McCord was administered an oath by Attorney Williams as to his testimony in tonight's schedule events.

Mr. McCord read the comments and staff recommendations for Drury Property. He said that Kimberly and Richard Drury own the property. He stated that the property is located along the west side of Poppell Lane (a private unpaved roadway), east of Concord Road, north of CR 136 and south of SR 12, south of the Concord Community. The specific requests submitted for application V-2005-01, would require a variance from Section 4103(1), Subsection 5103, Table 5103 and Section 6100, subsection 6102 A.1. Gadsden County Land Development Code and consist of a variance of 2.8 acres to permit a lot of 2.2 acres in the Agriculture-1 land use category and a variance from Section 5100, Subsection 5103 D.2. to permit a lot without legal access. This action is considered a Type II review under Subsection 7203 of the Land Development Code.

Recommendations

The Growth Management Department recommends option #3.

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Deny the variance request.

Kimberly Drury, 4712 Fred George Road, was administered an oath by Attorney Williams. She referenced handouts pertaining to the property at question. She spoke in support of the project. She stated the financial loss that would occur, if the variance request were not granted.

Mr. Williams referenced the handout as being exhibit 1.

Kenneth R. Drury was administered an oath by Attorney Williams as to his testimony. He spoke in support of the project. He commented that they followed the correct measures. He told the Board in no way were they attempting to circumvent the law.

Chair Dixon commented that often they have had the Family clause of the Comp Plan. It is a matter of the Comprehensive Plan.

Commissioner Lamb said that he spoke with Mr. McCord. He asked was there anything to we can do.

Commissioner Watson said that he was opposed to family exemption.

Mr. Williams said that he asked Mr. Sexton to lay the ground rules.

Attorney Sexton commented that in terms of the law he said that Mr. McCord was on target in saying that the Comprehensive Plan is the law. He said that the Comp Plan doesn't have a hardship clause, but it's included in the Land Development Code.

Attorney Williams asked Attorney Sexton in his opinion could you violate the Comprehensive Plan.

Mr. Sexton said no and that the Comprehensive Plan does not provide that option.

Discussion followed among the Board.

Chair Dixon told the Drury's that they would have to deny them tonight.

Mr. Williams said that they needed to get this particular application denied and begin the process of starting another. He asked the Board for a motion of denial.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO DENY THE DRURY VARIANCE REQUEST BASED ON THE FACT THAT THEY COULDN'T BREAK THE COMPREHENSIVE PLAN.

Chair Dixon asked that the Drury's meet the Mr. Brown after the meeting.

2.Outdoor Festival Permit Application - "Picnic In the Park"

Mr. McCord read the comments and staff recommendations for a Picnic in the Park Outdoor Festival Permit. The owner of the property is Jimmie Davis and the applicants Michael Shirley and Joe Nelson, applicants. The proposed site is located at the west side of Hutchison Ferry Road (CR 379 A) in the St. Johns community in Township 3N, Range 4W, Section 9 approximately 7 miles northwest of Quincy and 2 miles south of the Georgia line. The applicant requests approval of an Outdoor Festival Permit, per section 58, Article IV, Gadsden County Code of Ordinances (Ordinance 2001-010). The festival will consist of a series of events to occur each Sunday from May 1st to September 4th, 2005 from 4:00 p.m. to 7:00 p.m.

Mr. McCord commented that the application was submitted on April 25, 2005. He said that per the ordinance the application must be submitted 90 days prior to the event. He said that the applicant is requesting a waiver (waiver of 85 days) from the 90-day submittal requirement.

Mr. McCord stated that his staff's recommendation is option 1.

- Recommend approval of the request, if the projected attendance is less than 500 persons and the applicant signs an affidavit attesting the attendance. If more than 500 persons are estimated to be in attendance for any of the events then the applicant shall provide a complete application compliance with the requirements of Ordinance 2001-010. A clean-up bond section 53-153 shall be required.

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Michael Shirley, applicant, addressed the Board. He spoke in support of the proposed project. He commented that it would be local D.J.'s that would perform. He said that EMS would be on hand if needed and North Florida Vault would provide sanitary facilities.

Chair Dixon called for public comment in support and opposing the project.

Charles Livingston an adjacent property owner 1494 Spitsfarm Road. He commented that his attorney Kim Kinger had reviewed the application and have determined it is incomplete. He said that he opposed the proposed project based on that finding. He stated that his concern is that it would be similar to a luau, such as traffic and noise of music.

Cindy De'Altomente, president of Homeowners of Farms said that the Board of homeowners were concerned about safety. She said that this is not a true festival. She said that he would charge admission and who would be responsible keeping track of the number of attendees. She said that they didn't meet the 90-day deadline and therefore should be opposed.

Henry Grant, 4411 Glory Road adjacent property owner addressed the Board. He spoke in opposition of the project. He said that his concerns are the noise from the festival and the dangerous intersection at Glory Road and Hutchinson Ferry Road.

Mr. Shirley replied that he would have deputies at the intersection. He commented that they had been assigned a total of 6 deputies and that they would charge a \$3.00 admission fee.

Judy Livingston addressed the Board. She said that she had concerns about alcohol beverages and impaired drivers.

Attorney Williams said that on page 5 names of all performers waive before that contract of all the names.

Commissioner Lamb not in favor with waiving. He said that he was totally against the luau and any type function of that nature. He spoke of his concerns.

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Commissioner Watson said that we shouldn't be looking at this application because this isn't complete.

Mr. Williams said that what the Board must consider is waiving the time issue and the contract issue.

Commissioner Watson said that he was disappointed that it was brought before the Board. He commented that he was disappointed in the Growth management Department. He voiced his concerns. He said that he opposed because of technical reasons and past actions of Board.

Chair Dixon mentioned the Luau; it wasn't designed for all of us. He said that the Luau brought 25,000 - 30,000 people to Gadsden County and spent \$1,000,000.00. He spoke of the lack of openness. He said that he did agree that it should not be an event for children and that he does not like the place for the event.

Commissioner Price asked if could be every other Sunday opposed to every Sunday. He recommended two Sundays a month. He said that it should have a starting and ending point to end no later than 8:00 p.m.

Commissioner Holt asked how large was the property.

Mr. Shirley replied about 20 acres.

Commissioner Holt said that the application had to be complete if you go beyond the 500 limits, if not and you keep under 300 limits you wouldn't have to come before the Board.

Commissioner Watson stated that the Board denied the Bawgin' based on the noise. He asked how could the Board be in support of this project.

Commissioner Lamb stated that this is not the area. He said that it should be in the right place and at the right time. He said that he was in support of creating a park, so that we may put on this type of event.

Chair Dixon asked the applicants to narrow their potential customers to teenagers and twice a month on Sundays. He asked if the Board would table to allow the young gentlemen time to put the framework of the festival in place and comeback in two weeks.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO TABLE THE MOTION UNTIL THE NEXT BOARD MEETING. COMMISSIONERS LAMB AND WATSON OPPOSED THE MOTION.

9. COUNTY MANAGER'S AGENDA

Chattahoochee Library Site and Funding

Mr. Brown commented that the County had applied for a \$500,000.00 grant for the construction of a new library in the Chattahoochee area. The Library would cost \$700,900.00. He said that a match would be needed. He said that the number one location was the high school football field. He stated that the Friends of the Library had volunteered to raise some of the funds. He asked for permission to proceed with the School Board on donation of the land.

Commissioner Price said that it is the old practice field and the School board has agreed to donate the land. He said that the City would like to build the building.

Commissioner Watson spoke of the Havana Library and the community's effort to see it become a reality.

Commissioner Price said that the City would like to pay for it.

Discussion followed among the Board.

Mr. Brown said that the County applied for the grant and all required is the match of \$300,000.00. He said that he would ask the School Board to donate the land to the County.

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE A LETTER OF RECOMMENDATION FOR THE CHATTAHOOCHEE LIBRARY REQUEST FOR LAND AT THE OLD PRACTICE FIELD AT THE CHATTAHOOCHEE HIGH SCHOOL BE DONATED.

**Contract for County Attorney - Williams, Wilson and Sexton
Law Firm**

Commissioner Watson said that it is basically the same as the one signed at the December meeting. He voiced numerous concerns with the new contract for the County Attorney, \$405.00 Public Records request, Lobbyist services that were rendered. He said that he believed that the retainer should cover much more. He said that the firm charges a \$150.00 an hour and in the new contract it would go up to \$195.00. He said that he wanted clarification on what services were rendered with the retainer. He voiced that routine county services should be covered under the retainer. He said that he needed a list of services that the retainer would bring the Board and if they go outside of the retainer, he asked that permission be granted by the Board for services not covered.

Commissioner Lamb said that he read all the items. He said that most of the items should be covered under the retainer. He mentioned that he spoke with the manager.

Chair Dixon commented on the new contract. He said that new retainer fees kick in on October 1, 2005.

Commissioner Holt mentioned the amendments to the Comprehensive Plan. She said that there are competent people to guide the Board through that process.

Commissioner Holt made a motion for approval.

Commissioner Watson said that this is a budget issue not the firm's competence at question. He said that he wanted to see what the retainer covered. He said that it should be specified in the contract.

Commissioner Lamb said that he spoke to Manager and all of his concerns were laid to rest.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 1 BY VOICE VOTE, TO APPROVE THE ATTORNEY'S CONTRACT. COMMISSIONER WATSON OPPOSED THE MOTION.

MEETING DATES

CDBG-Public Hearing

Mr. Brown reminded the Board of the second scheduled public hearing for CDBG Grant application, which was scheduled for May 26, 2005.

June 21, 2005 - BCC meeting cancelled

Mr. Brown mentioned to the Board that the Florida Association of Counties Annual Conference would begin June 21, 2005. He asked the Board to give him direction concerning the scheduled Board meeting on June 21, 2005, since a quorum would not be present.

It was the consensus of the Board to cancel the June 21, 2005 meeting due to the Florida Association of Counties Conference in Tampa, Florida.

10. Consent Agenda - For Approval

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

- a. Sale of Public Works Equipment
- b. SHIP Housing Special Assessment Lien and Contract - Jessie Flowers
- c. Medicare Refund of Overpayments - Appointment of Representative for Appeal
- d. Employee Assistance Program

11. CLERK'S AGENDA

1. Request to Buy County Owned Property
Parcel ID #50L0R0S12800000A010

Clerk Thomas stated that a Dennis Allen has requested to buy county owned property that the County acquired in 1994 through Tax Deed Sales. The lot is located in Mossy Oak Acres. He requested permission to proceed with the sale of the property per FL Statue and contact all adjacent property owners.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE REQUEST TO BEGIN THE PROCESS TO

**NOTIFY ADJACENT PROPERTY OWNERS IN COUNTY OWNED
PROPERTY TO DAVID ALLEN.**

**2. Budget Amendments 2005-05-17-01 through 2005-05-17-
04**

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

**3. Ratification of Approval to Pay County Bills:
Accounts Payable 05/06/05 and 05/13/05; Payroll
Deductions 05/12/05 and Payroll 05/12/05**

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY
COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY
VOICE VOTE, TO RATIFY THE APPROVAL OF THE ABOVE
STATED COUNTY BILLS.

12. Public Comment

Mr. Nealy resident of Hogan Lane addressed the Board with
traffic concerns. He said that the speed bumps/rumble
strips that were placed along the road aren't working. He
said that the people go around the strips and continue to
speed.

Commissioner Watson asked when the Board approved the
rumble strip.

Discussion followed among the Board.

Mr. Brown was directed by the Board to look into the
situation.

Alice Dupont addressed the Board thanking them for their
support with Quincyfest. She honored the Board by giving
them T-shirts.

James Kellum talked a precedent being set. He spoke of
civility among the Board and Citizens.

Jeffery Shakes, Deer Ridge Estates resident wanted his name
added to those who had concerns with Deer Ridge. He spoke
of a river of septic water running through his yard.

Arthur Syr, Deer Ridge Estates resident thanked Board for all the help.

13. COMMISSIONER'S AGENDA

District 1

Commissioner Lamb had no report.

District 2

Commissioner Watson inquired about the Recreation Director's quarterly report. He also asked about a variance to the Comprehensive Plan and last the grants that are available.

District 3

Commissioner Price thanked Mr. Brown for coming to Chattahoochee to meet with the citizens.

District 4

Commissioner Holt said that time should be spent looking at what is scheduled for the next Legislative session.

District 5

Chair Dixon commented that the Counties didn't fair as well as the Cities during the Legislative Session. He said that as far as Juvenile Detention, Gadsden didn't have to pay this year. He discussed the importance of getting the lobbyist out earlier.

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 MAY 26,
2005, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

EDWARD J. DIXON, CHAIR
BRENDA HOLT, VICE-CHAIR
STERLING WATSON
EUGENE LAMB
DERRICK PRICE
THORNTON WILLIAMS, COUNTY ATTORNEY
MARLON BROWN, COUNTY MANAGER
BERYL WOOD, DEPUTY CLERK

CALL TO ORDER

Chair Dixon called the meeting to order. Commissioner Holt led in a prayer. Commissioner Lamb led in the pledging allegiance to the US flag.

Mr. Brown acknowledged that this is the 2nd public hearing for the CDBG grant. He then turned the meeting over to Mr. Dingman.

Dennis Dingman of Summitt Professional Services gave a brief detail of the hearing summary. He commented that the public hearing is required to obtain the views of the Citizens on Gadsden County's FY2005 CDBG-ED application prior to submittal to DCA. He said that after the public hearing is closed, the Commission would be asked to make a motion and vote to submit the FY2005 CDBG-ED application. He said that the application was reviewed with the County's CATF members last night at a CATF meeting and the CATF has made a motion and voted to recommend that the Commission submit the application to DCA.

Mr. Dingman commented on the Project Scope and activities to be addressed with grant funding.

- a. Two new hotels, the Hampton Inn and The Holiday Inn Express Hotel & Suites will be locating on Spooner Road and Highway 267, and have agreed to create a total of 14 new jobs between the two businesses. The two companies would make an approximate total investment of \$7,125,000 in the two Hotels.
- b. To support their ability to place their new Hotels in Gadsden County. The County is applying for a CDBG-ED grant in the amount of \$489,986 to build approximate station on Spooner Road and Highway 267. This expansion will also require and upgrade to the City's existing lift station.
- c. Pending grant award, the Hampton Inn Hotel is planning to open around February 2006 and the Holiday Inn Express Hotel & Suites is expected to open around June 2006.

Chair Dixon asked for public comment and there was no response.

Commissioner Watson asked about the most points that could be given for the application.

Mr. Dingman replied that 650 points is an excellent score. He said that as of this point, the application stands an excellent chance. He stated that it is on a first come first serve basis. "The first one in to make the required score gets the money." He said that they application would be submitted on May 27,2005.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO GRANT PERMISSION TO SUBMIT THE CDBG GRANT FOR INFRASTRUCTURE IMPROVEMENTS ALONG SPOONER ROAD AND HIGHWAY 267.

ADJOURNMENT

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

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON JUNE 7,
2005, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

EDWARD J. DIXON, CHAIR
BRENDA HOLT, VICE - CHAIR
EUGENE LAMB
STERLING WATSON
DERRICK PRICE
NICHOLAS THOMAS, CLERK
THORNTON WILLIAMS, COUNTY ATTORNEY
MARLON BROWN, COUNTY MANAGER

1.MEETING CALLED TO ORDER

Chair Dixon called the meeting to order. Attorney Williams led in the invocation. Commissioner Watson led in pledging allegiance to the U.S. flag.

2.ADOPTION OF AGENDA

The following additions were made to the agenda:

- Item #5-Draft ordinance relating to court costs for teen court and draft ordinance establishing a public safety council
- County Manager's Agenda
 - Travel Policy Revision (revision to what was in agenda books)
 - Approval of Board members Travel Budget Amendment
 - Request for Approval of Budget Office/Budget Manager
 - Request for Approval of Change to Budget Amendment Process - Intra-Dept.
 - County Extension - Livestock Pavilion renovation Budget Amendment
 - Detention Cost Sharing - For Your Information
 - Set Special Meeting Date:
 - a.) Audit Presentation and Response
 - b.) Road Paving Priority List
 - c.) EMS Grant Match

- 10h added to Consent Agenda - EMS Contract with Tallahassee Community College EMT Program
- Add to Commissioner Dixon - Appointment of Maurice Evans to Industrial Development Authority
- Add to Commissioner Dixon - Picnic in the Park Report

The following items were deleted from the agenda:

- Item #7 - Proposed Paving of Powell Circle
- Item #10d - SHIP Housing Satisfaction Agreement

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

3. APPROVAL OF MINUTES

April 19, 2005, Regular Meeting

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

4. COUNTY ATTORNEY'S AGENDA

Motions for Attorney Fees for Court-Appointed Counsel in Two Criminal Cases

Attorney Williams commented that he had received an invoice from Attorney Armando Garcia where he rendered services on two separate cases for court appointed counsel in indigent cases. He stated that the first case involved a Robert Tolver case # 01-480-CFA, felony charge in the amount of \$600.00. He said that the second was for a Mario Solis case # 03-808-CFB, felony charge in the amount of \$2,583.16. He said that after careful review of the two cases, he found that in the Solis case \$83.16 was determined not appropriate resulting in a payment of \$2,503.16. He explained when the Public Defender can't defend the courts appoint outside counsel. He asked for approval for statutory payment on both of the above referenced cases.

Commissioner Watson inquired where would the funds come from. He asked was there another line item.

Discussion followed among the Board.

Chair Dixon commented that the County has to pay whenever there is a conflict counselor appointed.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PAYMENT AND FIND ANOTHER LINE-ITEM TO TAKE FUNDS, IF ONE COULD NOT BE FOUND IT SHOULD COME FROM CONTINGENCY.

b. Ashford Healthcare Update

Attorney Williams recalled the May 17, 2005 BCC meeting where the Board directed staff to begin the process to terminate the management agreement between the County and Ashford Healthcare Systems, Inc., which operates Gadsden Memorial Hospital. The Board directed the Clerk of the Court, the County Attorney and the County Manager to develop options for the Board to pursue to ensure that there would be a continuous operation of the hospital in the event that Ashford Healthcare Systems, Inc. vacates the premises, either prior to the issuance of a letter of termination or upon issuance of a letter of termination, as required by the management agreement.

He said that the Clerk, County Manager and himself met on Monday May 23, 2005, and agreed to recommend to the Board that a Board of Directors be re-established to undertake the same responsibilities as entrusted upon them in the year 2002. He then gave a follow-up of events regarding the relationship between the County and Ashford Healthcare Systems, Inc. He asked the Board for direction in the matter, which he gave two options.

1. Appoint members to the Gadsden Memorial Hospital Board of Directors and provide further direction to staff.
2. Provide other direction.

Mr. Brown commented that they had contacted previous members of the Gadsden Hospital, Inc. Board of Directors. He listed the names into the record S. Craig McMillan, Pat Thomas Insurance; Dr. Jessie Furlow; James Suber, can't serve, but would check into a possible staff member serving. Jerry Wynn, Health Department; Darryl Marshall, FSU Financial Aid; Dr. Charles Kent.

Commissioner Holt inquired about the addition of new members.

Chair Dixon commented that these are temporary members. He said that the structure needed to be in place.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE APPOINTMENT OF THE GADSDEN HOSPITAL, INC. BOARD OF DIRECTORS FOR STRUCTURE TO THE GADSDEN HOSPITAL.

c. Progress Energy Update

Attorney Williams gave a follow-up on Progress Energy. He said that he had received a call from Beverly Hall. He asked for a motion to allow Board to have a closed session for direction of how the County would like to proceed.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ALLOW THE BOARD TO GO INTO A CLOSED SESSION FOR DIRECTION OF HOW THE COUNTY WOULD LIKE TO PROCEED.

d. Draft Leash Ordinance

Attorney Williams asked for a motion for notification of intent to advertise.

Chair Dixon asked for public comment.

Dr. John Cooksey spoke on the rights of property owners in dealing with such an ordinance.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MOTION FOR INTENT TO ADVERTISE AND FIRST READING AT THE NEXT MEETING.

e. Update on Deer Ridge Estates

Attorney Williams gave an update on Deer Ridge Estates. He noted that Mr. McCord had issued to notices. He said that a meeting is set for tomorrow with the Attorneys and County to resolve the issues that have arisen.

Mr. McCord said that the meeting would occur on June 7, 2005 at the Deer Ridge site. He said that they would discuss the specific of the action plan. He said that the owners and developers have pointed out things that they are willing to take at look at resolving.

Commissioner Watson asked had the developer sold all of the lots.

Mr. Brown replied that in the form of construction he can't move forward.

Commissioner Holt inquired if the developer had not met the obligations is there a plan of action in place.

Commissioner Watson asked if a lien could be placed on the unsold lots.

Attorney Williams commented that would look into it. He said that Mr. McCord had to site them for a violation.

Mr. McCord said that a certified letter was sent out in April. He said that the developers had rendered some reply. He said that the purpose of the meeting was to discuss the County's plan of action from this point.

Chair Dixon called for public comment.

John Ferguson, resident of lot 7 in Deer Ridge spoke in opposition. He said that his main concern dealt with the flooding.

Discussion followed among the Board.

UPON MOTIONBY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO GIVE AUTHORITY TO THE ATTORNEY AND MR. MCCORD TO PROCEED WITH LEGAL ACTION IF NEEDED.

f. Local Option Sales Tax - Miscellaneous Item - Ordinance
2005-003

Attorney Williams commented for the record that he had received a call from the Clerk's Office that they had been advised by the Department of Revenue that the statute required that the imposition end on December 31 of a year, as opposed to the end of the 30-year contract.

He said that Attorney Sexton had made contact via phone and through letter. He commented that they agreed that the County could extend the fuel tax to August 31, 2015.

e. Conference

Attorney Williams commented that at the July 19, 2005 BCC meeting that he would be unable to attend, but Attorney Sexton, Assistant County Manager would take his place.

5.SHERIFF MORRIS YOUNG AND GRANT SLAYDEN, COURT ADMINISTRATOR'S OFFICE-TEEN COURT

Grant Slayden, Court Administrator addressed the Board. He spoke in support of two ordinances that would be needed for the Teen Court Program in the County. He explained that the Teen Court is a diversion program, which offers first time misdemeanor/felony youthful offenders, according to the crime, an alternative to prosecution through juvenile justice system. He said that the Sheriff's Office would be responsible for running the program and that the Clerk's Office would accept the fees and 5% would go the Clerk for collecting fees.

Mr. Slayden explained the second ordinance relating to establishing and maintaining a public safety coordinating council; providing for conflicts; providing for severability; and providing an effective date. He introduced Jonie Bradwell as contact person for this program.

Discussion followed among the Board.

Chair Dixon inquired of the expected revenue generated from the Teen Court Program.

Mr. Slayden said that he would expect revenue to be around \$36,000.00 a year.

Mr. Brown stated that the hearing has been set for the July 5, 2005 meeting.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE

VOTE, TO APPROVE THE ADVERTISEMENT FOR NOTICE OF INTENT.

6.TED WATERS, BIG BEND TRANSIT, INC. - "The Quincy/Gadsden County In-Town Shuttle"

Mr. Waters addressed the Board. He explained that the Gadsden County Board of County Commissioners serves as the conduit for funding by the Florida Department of Transportation for the Quincy/Gadsden County "In - Town Shuttle", operated by Big Bend Transit, Inc. He referenced the route in which the Big Transit Shuttle would operate.

Mr. Waters stated that the Florida Department of Transportation (FDOT) has agreed to extend the current project (funded at \$19,264 by FDOT) by the provision of \$76,280 additional funds. He commented that he would appreciate if the Board would accomplish the approval and allow execution by the Chairman for the necessary agreements, approved by the Gadsden County Board of County Commissioners, to accomplish the extension and additional funding for the project. He said that there were four copies of the Supplemental Joint Participation Agreement that would need execution along with a copy of the meeting minutes and Resolution 2005-013 authorizing the Board's execution of the agreement forwarded to FDOT.

Chair Dixon asked for public comment and there was no response.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE SUPPLEMENT JOINT PARTICIPATION AGREEMENT BETWEEN THE COUNTY, BIG BEND TRANSIT,"THE QUINCY/GADSDEN COUNTY IN-TOWN SHUTTLE AND FLORIDA DEPARTMENT OF TRANSPORTATION.

7.GROWTH MANAGEMENT DIRECTOR'S AGENDA

Discussion of Family Subdivision Variances

Mr. McCord commented that this item is intended to provide a discussion of the Comprehensive Plan and Land Development code issues related to the family exception subdivision process and to identify options including plan and code amendments that may be considered to permit the establishment of residences by non-family members on

parcels created under the family exception process. The Agriculture land use categories require lots of no less than five acres except where lot clustering is provided or for qualified family subdivisions of no more than five lots.

Mr. McCord said that based on the language in the Code and the language describing the Agriculture land use permitted densities (policy 1.1.5(c), it appears that it would not be possible to provide relief to the Drury's unless a variance was granted from the date where family exception subdivisions were eligible, July 1, 2000. If a variance is granted establishing a date as the time of the Drury's acquisition of the parcel then they would not be relieved of the code established date time restriction but would not be relieved from the requirement to provide at least a five acre sized lot.

He said that since the Drury's are not immediate family members of the party that created the lots originally for immediate family purposes. He said gave a brief history of the property, the previous owners and the concerns stated at the previous meeting concerning the precedent that would be set by granting the variance.

Discussion followed among the Board.

Chair Dixon asked could the problem be fixed.

Attorney Williams said that doing a variance back to the date could rectify the problem.

Attorney Williams assured the Board that they have a clean slate and each case would be handled case-by-case, therefore not setting a precedent. He said that Mr. McCord has been given a clean slate.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE DRURY'S VARIANCE REQUEST AND MAKE FINDING WITH THE LANGUAGE FOR THIS PARTICULAR PARTIAL OF LAND, MAKING IT BE CONSIDERED OF A PRE-EXISTING TO GIVE THEM PROTECTION.

Attorney Williams noted that it each case should be handled case-by-case.

Chair Dixon suggested that a workshop be scheduled to address the issues.

Mr. McCord said that he would prepare a different order of action based on the decision rendered at tonight's meeting.

Peter Patel Variance

Mr. McCord gave a briefing of the Hampton Hotel. He said that the owner Peter Patel is requesting an amendment to the site plan to omit the gravel parking lot. He stated that is not requirement of the Code.

Peter Patel spoke in support of the amendment to the site plan.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE AMENDMENT TO THE SITE PLAN.

8. COUNTY MANAGER'S AGENDA

a. Appointment of Small County Coalition Representatives

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER, THE BOARD AGREED 5 -0, BY VOICE VOTE, TO THE APPOINTMENT OF CHAIR DIXON, COMMISSIONER HOLT AS REPRESENTATIVES OF SMALL COUNTY COALITION REPRESENTATIVES.COUNTY MANAGER, MARLON BROWN WAS APPOINTED THE CONTACT PERSON FOR THE COUNTY.

b. Approval of FY 2005-06 Budget Calendar

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE FY 2005-06 BUDGET CALENDAR AND WORKSHOPS.

c. FAC Annual Conference - Authorization for County Manager to Attend

Mr. Brown commented that per the Gadsden County BOCC travel policy, he would like the Board to consider amending this policy to require that the future travel for the County Manager be approved by the Chair, or Vice-Chair, in the absence of the Chair. He also noted that the County

Manager is also committed to informing all Board members in advance of his/her intent to be on leave or travel. He said that this is a more efficient process and better use of the Board's time, which should focus on policy issues.

Commissioner Watson commented that he would like to see the Manager's travel on the consent agenda for public record.

Chair Dixon said that he was in favor of approval of the Manager's travel by the Chair, or Vice-Chair, in the absence of the Chair and posting on the consent agenda at the earliest convenience for public record.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE FOR THE COUNTY MANAGER TO ATTEND THE FLORIDA ASSOCIATION OF COUNTIES (FAC) ANNUAL CONFERENCE IN TAMPA, FLORIDA, JUNE 21-24 2005 AND APPROVAL THAT FUTURE TRAVEL BE APPROVED BY THE CHAIR, OR VICE-CHAIR, IN THE ABSENCE OF THE CHAIR AND POSTED TO THE CONSENT AGENDA.

d. Travel Policy Revision - (attachment included)

Mr. Brown commented on the County's current Travel Policy Revision. He said that the mileage sections of the county Travel Policy have not been revised since October of 1995, almost ten years ago. The meals and per diem allowances section of the policy mirrors the State of Florida Policy, which has not been changed in over twenty years.

Mr. Arthur Lawson, Assistant to the County Manager, said that staff had reviewed several of the surrounding counties, cities, as well as the federal government travel policies prior to proposing this revision. He said that the revisions proposed are based upon the Federal Government General Services Administration (GSA) guidelines. GSA provides for per diem rates depending upon the location of travel. The current allowance for Florida cities is attached which includes the per diem rates, with the meals and incidental expense breakdown. The mileage rate is based upon the current rate of the Internal Revenue Service. Staff is recommending approval of the revisions to the county Travel Policy.

Commissioner Watson questioned the urgency in the changes to the county Travel Policy.

Discussion followed among the Board.

Commissioner Watson made a motion to table any decision by the Board. The motion died for a lack of second.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE RESOLUTION 2005-014 AMENDING THE COUNTY TRAVEL POLICY. COMMISSIONER WATSON OPPOSED THE MOTION.

e. Travel Budget Amendment

Mr. Brown commented on the Travel Amendment for Board Members. He said that the Gadsden County BOCC travel policy, Section 4-a, states, that a travel budget shall be established for each Commissioner's travel which shall be approved by the Chairman or Vice-Chairman. This policy statement has not been followed in the adoption of the current budget where an overall travel budget of \$10,000 was allocated and adopted for all the Board members travel. This equates to \$2000 per Board member for travel and educational activities. He said that with today's cost of travel, fees, etc. and the need for Board members to utilize the many networking opportunities that would benefit Gadsden County. He would recommend that the travel budget be amended. The policy requires that the Board approve amendments to the Board's travel budget.

He gave an analysis of the Board's current travel budget. He said that there is approximately \$1,175 in the travel budget for all Board members. He commented that given the need for Board members to attend two valuable and educational conferences hosted by the Florida Association of Counties (FAC) and the National Association of Counties (NACO), staff is requesting Board Approval, as required by the policy, to amend the Board's travel budget in an amount to provide each Board member with \$4,000 through the end of the fiscal year. He said that all Board members would have the choice whether to attend or not attend the conferences. He stated that all funds to supplement the increase in the travel budget line item would be appropriated from within the Board's overall budget. He said that staff would

administratively allocate the increase to each Board member as required by policy; however, the travel line item in the budget would indicate the total for the entire Board.

Discussion followed among the Board.

Commissioner Holt spoke in support of travel budget amendment.

Commissioner Watson opposed the travel budget amendment.

Chair Dixon spoke of the importance of attendance at the different conferences. He said that the benefits, networking and learning are accruable to the County.

Commissioner Lamb commented on the knowledge that is learned from attendance at the different meetings.

Mr. Brown stated that the travel to the FAC Conference June 21, 2005 through June 24, 2005 would equal \$930 x Three Commissioners (Dixon, Holt and Lamb)= \$2,790.00. He said that the total for the NACO Conference -July 13, 2005 through July 21, 2005 would equal \$3,370.00 x Five Commissioners=\$16,850.00. He said that the amount needed is around \$20,000.00.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE TRAVEL BUDGET AMENDMENT IN THE AMOUNT OF \$20,000.00 FOR BOARD TRAVEL.

f. Approval of Budget Office/Budget Manager

Mr. Brown expressed the need to the Board for a Budget Manager under the employment of the Board. He said that he is asking for approval to contract for these services in the interim until the beginning of the fiscal year with the adoption of the new budget. He explained that this is an effort to make the County a high performance organization by providing the Board the necessary detailed analysis to make informed decisions regarding its finances.

Mr. Brown gave a brief history of how the county finances are currently handled by the Clerk of the Court. He said that per Florida Statutes, the Clerk is required to handle the finances of the County, which is to be the

auditor and the accountant (pay the County's bills and issue the County's checks), but he noted that the Clerk also has a major time consuming responsibility to the court system. He said that there are many products that are needed to assist the Board in making informed decisions about its finances that are not provided by the Clerk (revenue and expenditure forecasts, etc.)

He said that the Budget Manager would be responsible for assisting the Board, the County Manager and departments in analyzing current and past budgets, preparing and justifying budget requests, allocating funds according to County spending priorities, evaluating business and operating procedures to devise efficient methods of accomplishing goals and objectives; reviewing amendments and transfers; and performing related financial and budget analysis, including budget forecasts and projections. The majority of these responsibilities are not being conducted under the present operating conditions. He said that together with the re-alignment of a department and shifting of a position, which are under the responsibility of the County Manager, a budget office would be created.

He commented that because of these responsibilities and the need to afford the Board and the citizens a better understanding of the budget and the County's financial environment. He asked the Board to establish a budget office with an experienced budget manager. Temporary funding for this position would be used from the lapsed funds under the Human Services Administrator.

- (1) **Each board of county commissioners may designate a county budget officer to carry out the duties set forth in this chapter.** Unless the board designates a different officer, the clerk of the circuit court of the county comptroller, if applicable, shall be the budget officer for the purposes of this chapter.

The Board through the adoption of the Gadsden County Code of Ordinances (adopted July 17, 2001) provided this responsibility to the County Manager. Article III of the Code, Officers and Employees, Division 2, County Manager Sec. 2-83, Powers and Duties, states:

(17) Serve as the county budget officer to carry out the duties set forth in F.S. ch. 129.

- (2) *The Legislature finds that the duties of county budget officer set forth in this chapter do not fall within the constitutional responsibilities performed by the several clerks of the circuit court as auditor and custodian of county funds.*

Discussion followed among the Board.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 1, BY VOICE VOTE, FOR APPROVAL TO CONTRACT FOR POSITION OF A BUDGET MANAGER IN THE INTERIM UNTIL THE BEGINNING OF THE FISCAL YEAR WITH THE ADOPTION OF THE BUDGET AND APPROVE THE CREATION OF A BUDGET OFFICE AND POSITION OF BUDGET MANAGER. COMMISSIONER WATSON OPPOSED THE MOTION.

Mr. Brown noted that the new position would be added to the upcoming budget. He said that they have numerous amounts of laxed dollars as a result of the vacant positions throughout the different departments.

e. Approval of Change to the Budget Amendment Process - Intra Department

Mr. Brown commented that he was seeking approval from the Gadsden County Board of County Commissioners to modify the long-standing procedure, which has never been codified or written into policy regarding budget amendments. The request is an effort to make the County a high performance organization by eliminating the process that is an inefficient use of the Boards time.

He gave a brief analysis. He said that currently, the Clerk brings budget amendments that are intra-departmental to the Board for approval. He said that each year the Board approves the overall County's budget, which includes departments under the Board and the offices of the constitutional officers. Once the budget is adopted, staff strongly believes that amendments to line items within a department's budget that does not increase or decease the department's director and approved by the County Manager or his/her designee. In discussions with other counties and municipalities, this is a common practice that needs to be adopted by our Board.

He said Budget Amendment that increase/decreases a department's or office's budget, including inter-departmental transfers, or increases/decreases the overall County budget, should be approved by the Board with analysis provided by staff as to the reasons for the increase/decrease.

Mr. Brown referenced the Clerk's memo, where the Clerk Thomas cited that per Florida Statutes 129.06, Execution and Amendment of Budget. He commented that staff would assure the Board that all records of amendments would be provided to the Clerk and records would be kept with the County's budget office as well within the departments and offices of the constitutional officers. He asked the Board for authorization for the County Manager or his/her designee to approve intra-departmental budget amendments.

Commissioner Watson opposed the change sighting that public exposure and accountability would no longer be available.

Commissioner Holt spoke in support of the change.

Commissioner Lamb spoke of support of the approval of change to the budget amendment process.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 1, BY VOICE VOTE, FOR APPROVAL OF CHANGE TO THE BUDGET AMENDMENT PROCESS. COMMISSIONER WATSON OPPOSED THE MOTION.

f. County Extension-Budget Amendment Justification

Mr. Brown stated that there was a need for budget amendment justification and that the funds requested would be used for electrical repairs and other maintenance and repairs inside and outside of the William M. Inman Agriculture Center and also at the horse arena. He said that it would involve rewiring and new panel boxes that are safety issues and proper lights for security and night activities. He noted that the funds would come out of Fund 181 - Revenue - \$34, 563.60 into expense 1081 State Appropriation - Live Stock Pavilion - \$34,563.60 for a total amount of \$34,563.60.

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

g. Audit Report

Mr. Brown commented that a meeting must be scheduled for the FY 2004 Audit Report approval. He said that he has set a tentative date of June 28, 2005 to give the Clerk's Office time to meet their statutory obligations of June 30, 2005.

It was the consensus of the Board that the meeting be scheduled for June 28, 2005 for the approval of the FY 2004 Audit Report.

9. CONSENT AGENDA - For Approval

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

- a. Surplus Property Disposal
- b. Material Hauling for Public Works - Bid #05-06
- c. Reappointment of Charles McClellan to Quincy-Gadsden Airport Authority
- d. SHIP Housing Satisfaction Agreement - Valarie Jackson
- e. EMS Training Agreement with Chipola College
- f. Department of Revenue - Child Support Contract
- g. Gadsden County Roadway Resurfacing - Change Order #45

10. CONSENT AGENDA - FOR THE RECORD

- a. Proclamation Expressing Appreciation to Staff Sergeant Jarvis Pendleton
- b. Cash Report by Clerk
- c. Financial Statement by Clerk

11. CLERK'S AGENDA

- a. Application for Revenue Sharing 2005-06 State Fiscal Year

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE

VOTE, TO APPROVE THE APPLICATION FOR REVENUE SHARING
2005-06 STATE FISCAL YEAR.

b. Ratification of Approval to Payment of Bills

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY
COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE
VOTE, TO APPROVE THE RATIFICATION OF APPROVAL TO
PAYMENT OF BILLS AS SUBMITTED BY THE CLERK'S OFFICE.

12. PUBLIC COMMENT -(3 minute limit)

Chair Dixon called for public comment.

- **Kim Bishop**, resident of Deer Ridge asked the Board would they be willing to correct some of the repairs left by the Developers in Deer Ridge.

Chair Dixon advised Ms. Bishop that they are doing all that the County is able to ensure that the Developers are held accountable for the repairs in Deer Ridge.

13. COMMISSIONER'S AGENDA

District 1

Commissioner Lamb thanked the Attorney Williams for expeditious work on the Leash Ordinance for the County.

He also encouraged the Board to have their individual meetings with the County Manager.

District 2

Commissioner Watson had no comment.

District 3

Commissioner Price inquired how were the permits for Garbage coming in Public Works.

Mr. Presnell, Public Works Director, replied that sells for permits are doing well.

District 4

Commissioner Holt talked on the Small County Coalition to help receive security funds for the Courthouse.

District 5

Chair Dixon asked for a motion to appoint Maurice Evans to the Industrial Development Council.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPOINT MAURICE EVANS TO THE INDUSTRIAL DEVELOPMENT COUNCIL.

Outdoor Festival Permit Application - "Picnic In the Park"

This event "Picnic In the Park" application was tabled at the May 17, 2005 BCC meeting. A complete application can be obtained from the Clerk's Office.

Chair Dixon commented that that this application was brought back under his agenda. He said that the applicants are now working with Paul Levine of Spanish Moss Philanthropies and the proposal is similar to Spanish Moss Productions.

Mr. McCord gave a brief review of the Outdoor Festival Permit Application a "Picnic In the Park". He said that the owner Terrance McCoy Davis, Spanish Moss Philanthropies, Occupant; and Michael Shirley and Joe Nelson, Applicants request approval of an outdoor entertainment venue Temporary Use (SE-2005-04)- "Picnic in the Park" Outdoor Festival Permit request per Section 58, in the Article IV, Gadsden County Code of Ordinances. He said that the event would be held on Sunday's from June 5 - September 4, 2005 from 5:00 p.m. to dusk (approximately 9:00 p.m.)

He said that the applicants have chosen a new site for the proposed festival that is located at Ball Farm at the end of Ball Farm Road in the St. Hebron community in Township 2N, Range 3W, Section 33 approximately 2 miles northeast of Quincy.

Mr. McCord noted that the original application was submitted on April 25, 2005 for a site on Hutcheson Ferry Road. That application was effectively withdrawn. The current application was filed on June 7, 2005 for this proposed (Ball Farm) site. A copy of the applicant's new

application was provided. He said that per the ordinance the application must be submitted 90 days prior to the event. In this case the 90-day deadline would have been March 7, 2005. He said the applicant is requesting a waiver from the 90-day submittal requirement. He noted four reasons as to why the application is deficient.

Mr. McCord said that his staff recommends approval provided that the applicant obtains and provides to the county:

- a. A certificate of liability insurance for the event at the Ball Road site for each weekend.
- b. Provide a copy of the names of all person's and groups who will perform at the festival and provide services with executed copies of all contracts or agreements with such persons, groups and contracts.
- c. Provide a listing/narrative of the backgrounds, qualifications and experience of festival promoters.
- d. Obtain the signature on the application of the Florida Highway Patrol Office Commander.

Commissioner Watson commented that this application was requesting too many variances.

Attorney Williams stated that he felt as if the performers names should be included.

Chair Dixon instructed the applicants to include all of the information requested by Mr. McCord.

Chair Dixon called for public comment.

- **Charles Livingston** spoke in concern with the public hearing notification. He felt as though it was wrong to approve a program without giving public notification. He also spoke of noise that would come from a project of this magnitude.

Chair Dixon assured Mr. Livingston that there was no attempt to circumvent the law. He said that he felt the location was a good place to have that type of event.

Commissioner Watson stated that the new application had not been advertised.

- **Paul Levine** spoke in support of the project. He spoke of the two events that Spanish Moss had done without incident. He noted that they would have the first event and then discuss how to make improve.
- **Steve Stine** spoke in support of the project. He also noted that they were not attempting to circumvent the law.
- **Michael Shirley** addressed the Board in support of the project. He said that they would like to start the event this upcoming weekend June 12, 2005 and run through September 4, 2005 on Sunday afternoons. He discussed that the admission into the park price would be 1st hour - \$3.00 and 2nd hour - \$5.00.

Chair Dixon commented that he had no problem with Commissioner Dixon sending out public notice and allow them to tentatively have the event.

Commissioner Lamb said that he was in support of public notices going out.

Discussion followed among the Board.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO TENTATIVELY APPROVE THE "PICNIC IN THE PARK" AND TO BRING BACK FOR FINAL APPROVAL AFTER PUBLIC NOTIFICATION HAS BEEN ADVERTISED AT THE JULY 6, 2005 BCC MEETING. COMMISSIONER WATSON OPPOSED THE MOTION.

14. 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
JUNE 28, 2005, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

EDWARD J. DIXON, CHAIR
BRENDA HOLT, VICE - CHAIR
EUGENE LAMB
STERLING WATSON
DERRICK PRICE
MARLON BROWN, COUNTY MANAGER
THORNTON WILLIAMS, COUNTY ATTORNEY
BERYL WOOD, DEPUTY CLERK

Call to Order:

Chair Dixon called the meeting to order. Commissioner Lamb led in the prayer. Commissioner Price led in the pledge allegiance to the US flag.

Mr. Brown stated the reason for the special meeting and then turned the first portion of the meeting over to Ms. Mary Jo Dodd, who presented for Law, Redd, Crona & Munroe, County Auditor.

1. Fiscal Year 2004 Audit Report

Mary Jo Dodd, representing the County Auditor of Law, Redd, Crona & Munroe, P.A. addressed the Board. She gave a review of the FY 2004 Audit and referenced the management letter on page 62. She commented that they conducted their audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States; and OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations.

Ms. Dodd noted that reportable conditions involved matters coming to our attention relating to significant deficiencies in the design or operation of the internal control that, that in our judgment, could adversely affect the organization's ability to record, process, summarize and report financial data

consistent with the assertions of management in the financial statements. She noted reportable conditions as follows:

- Segregation of Duties
- Travel Advances
- Road and Bridge Contracts
- Invoice Cancellation
- Unrestricted Net Assets

She thanked the Board for allowing Law, Redd, Crona & Munroe, P.A. the opportunity to serve.

Mr. Brown thanked the Auditors for the Report. He referenced his letter on page 67 that stated how he would deal with the finding concerns that were addressed by the Auditors. He stated conditions that would improve internal controls and bring compliance to the Boards business operations. He highlighted on reportable conditions cited in the audit referred to Travel Advances and the need for employees to provide receipts upon completion of travel to support the travel advances. He also noted the need for the County to competitively bid road resurfacing and repaving projects because if the line of credit obtained for these projects and that invoices would be cancelled upon payment and stamped appropriately as directed by the audit. He said that a plan of action was already in place for all of the Audit Firms concerns.

Chair Dixon called for comments.

No public comment was heard and it is noted that each Commissioner had previously talked to the Auditors prior to the meeting.

Commissioner Lamb thanked the Auditors.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE FISCAL YEAR 2005 AUDIT REPORT.

2. Road Paving Priority Paving List

Mr. Brown discussed the number of request for road paving and the criteria for road paving. He commented that they are seeking the Board's direction regarding the criteria used evaluate and rank the County's remaining dirt

roads for paving. He commented that the request for direction is a result of the number of requests that the Public Works Department has received and continues to receive from members of the public to have their roads paved. He said that roads would be added based on the current process that is in place. He discussed options 1 through 3.

Robert Presnell addressed the Board regarding the road paving priority paving list.

Commissioner Watson commented that he thought the Board had already removed the Collector Roads linking two arterial roads. He said that he thought the decision was to keep the criteria that the Board had, but the rate/score would be weighted at zero.

Mr. Presnell stated that they are working off the FY 03-04 Road Paving List due to the fact that the list hasn't been updated.

Chair Dixon stated that we go ahead keep what the Board is working in, but they would proceed with fixing the law.

Mr. Brown said that the criterion is in the Comprehensive Plan and the law states that we must apply.

Discussion followed among the Board.

Commissioner Watson inquired about Garbage Hauling.

Mr. Brown stated that he had that information and that it would be forwarded at the Budget Workshop.

Mr. Brown discussed the citizen request for Road Paving. He noted the criteria for road paving to the Board and that any question regarding road paving to be brought to staff and they would respond appropriately to those request.

Chair Dixon said that all the roads in sweep paving would be paved. He said that is the policy that would be put into place. He said that the laws had to be changed in the Comprehensive Plan.

Chair Dixon called for public comment.

Marion Lasley addressed the Board. She commented that it was her understanding that the Comprehensive Plan is applied to road paving process and that you must follow it.

Jack Cooper addressed the Board. He asked about Max Herron Road, He wanted to know would his road be included in the neighborhood paving road conditions.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ACCEPT OPTION 2 AND 3 IN THE ROAD PAVING PRIORITY PAVING LIST.

Options:

2. Direct staff to continue with the current method of ranking roads (Comp Plan Policy 2.1.2) and direct Public Works to continue with the planning and construction of the list of roads contained Attachment 1, including the supplemental list recently approved by the Board of County Commissioners (Attachment 6) until Comprehensive Plan Policy 2.1.2 can be amended.
3. Amend the Comprehensive Plan Policy 2.1.2 as soon as the process allows, removing the listed criteria, and developing new or similar ranking/evaluation process, that would be administered by staff as and administrative policy. Administrative amendments to the Comp Plan will be presented in the Fall of 2005.

3.Change Order 43- C.W. Roberts

Mr. Brown stated that C. W. Roberts contacted him earlier today and they notified him that the price of asphalt had increased, which would require another change order. He stated that no action is required at this meeting. He asked that Mr. Presnell to come forward to elaborate.

Mr. Presnell recalled last year when the Board agreed to give C.W. Roberts a \$3.00 increase for the price of fuel, because the bid had already been received. He noted that in October no increase was submitted. He said that he submitted Change Order 43 and C.W. Roberts notified him that they could no longer work with those figures. He said that they have agreed to provide documentation for the \$6.00 increase if needed or try to bridge the gap until the Board could formulate a bid.

Chair Dixon asked for documentation at the next meeting.

Mr. Presnell noted that he was in a bind, due to the fact that they have roads that are ready to be paved. He said that C.W. Roberts can't work with the old prices and staff can't work with the new ones without Board's approval.

Mr. Brown said that they would provide the needed documentation for a decision at the July 5, 2005 BCC meeting.

Area of Aging Agency

Chair Dixon commented that they had received letters from the Area of Aging regarding the Senior Center. He said that it would be placed on the agenda for the July 5, 2005 meeting.

Inventory of Hospital

Commissioner Watson asked for an inventory of county property at the hospital.

Chair Dixon called for public comment and there was no response.

ADJOURNMENT

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

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

**BOARD OF COUNTY COMMISSIONERS
GADSDEN COUNTY, FLORIDA
REGULAR MEETING
JULY 5, 2005**

The Board of County Commissioners of Gadsden County, Florida, met in regular session at 6:00 p.m. with Chairman Edward J. Dixon presiding. Present were Commissioners Holt, Lamb, Watson and Price. Also present were County Attorney Thornton Williams, County Manager Marlon Brown, and Deputy Clerk Beryl Wood.

Invocation and Pledge of Allegiance

Chair Dixon called the meeting to order. The Invocation was by Commissioner Price and was followed by the Pledge of Allegiance to the U.S. Flag by Commissioner Watson.

Amendments to the Agenda

The agenda was amended to add the following:

- Under Awards and Presentations - Corrections Foundation Presentation of Computers from the COMPUTERS FOR FLORIDA KIDS PROGRAM
(Executive Director of the Corrections Foundation, Dr. Evelyn Ploumis-Devick)
- Introduction and Confirmation of Two New Department Directors by County Manager, Marlon Brown
- Under Consent Agenda, Item #9 New Road Names - Change Request for Administration Drive to College Drive
(E911 Coordinator, Devane Mason)
- Under General Business, Area Agency on Aging - Discussion or Action on Lease Agreement with current Senior Citizens Council
(Area Agency Executive Director, Janice Wise)
- C. W. Roberts' Request for Asphalt Price Increase
(Public Works Director, Robert Presnell)

- FDLE Funding Opportunity - Livestock Workstation Grant Application
(Sheriff Morris Young and Joe Parramore)
- Approval to expend funds from Interest Income Earned on the Hospital Trust Fund for the Gadsden Hospital, Inc., Board of Director's Activities
(County Manager Marlon Brown)

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

Awards and Presentations

Computers for Florida Kids Program

Dr. Evelyn Ploumis-Devick addressed the Board. She commented on a program and presentation of two computers for each of the five districts in the County. She noted that all the computers would be county property. She briefly outlined the program to repair and refurbish donated computer equipment through offender vocational education programs, then to donate the equipment to organizations serving Florida children. Computer equipment is donated to the Corrections Foundation, Inc., the Tax-exempt non-profit support organization (DSO) to the Florida Department of Corrections. The repair and refurbishing is accomplished by offenders through vocational training programs available at selected sites throughout the state. The refurbished computer equipment is then donated by the Foundation to schools and community organizations for the benefit of Florida children.

Mr. Brown stated that Mr. Lawson along with Ms. Gee and County Attorney, Mr. Williams would work together to develop an agreement to be signed by each entity receiving a computer.

Introduction and Confirmation of Two New Department Heads

Mr. Brown introduced the two new department heads and asked for the Board's confirmation of the two.

- Farnita Saunders - Community Development Director
- Brain Beasley - EMS Director

Mr. Brown thanked Phyllis Moore for serving as Interim

Director for Community Development.

Chair Dixon discussed removing the portion of the ordinance that requires confirmation from the Board for new hire department heads. He asked for steps to remove the confirmation from the ordinance. He said that he would like for the Attorney Williams and Mr. Brown to look into the ordinance and bring before the Board for discussion.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE CONFIRMATION OF THE TWO NEW DEPARTMENT HEADS AS STATED ABOVE.

Consent

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

- Item 1 Approval of Minutes:
 April 26, 2005 Special Meeting
 May 3, 2005 Regular Meeting
 May 26, 2005 Regular Meeting
 (Clerk Thomas)
- Item 2 Approval of Bills:
 June 9 & 23, 2005 Payroll Deductions; June
 10,17,24 & 30, 2005 Accounts Payable; June 9
 & 23, 2005 Payroll
 (Clerk Thomas)
- Item 3 Special Assessment Liens and Rehabilitation
 Contracts
 (Interim Community Development Director,
 Phyllis Moore)
- Item 4 Special Assessment Lien
 (Interim Community Development Director,
 Phyllis Moore)
- Item 5 Special Assessment Lien Satisfactions
 (Interim Community Development Director,
 Phyllis Moore)
- Item 6 EMS Grant M5060 Radio System
 (EMS Interim Director, Brian Beasley)

- Item 7 Closing the Gap HIV/AIDS Grant FY 2005-06
 (Grants Administrator, Nancy Gee)
- Item 8 2005/2006 Drug-Free and Safety Program
 Workplace Premium Credit Applications
 (Assistant County Manager, Arthur Lawson)
- Item 9 New Road Names
 (E 911 Coordinator, Devane Mason)
- Item 10 Joint Participation Agreement-Small
 County Road Assistance Program-Florida
 Department of Transportation
- Item 11 Joint Participation Agreement - Small County
 Outreach Program Florida Department of
 Transportation
 (Public Works Director, Robert Presnell)

*Consent Items pulled for discussion

Public Hearing - 6:00p.m.

- Item 12 Public Hearing to Consider the Adoption of an
 Ordinance Amending Ordinance 88-004 as codified
 in Section 10, Code of Ordinances of Gadsden
 County, Florida, to Prohibit Dog in Public Places
 if not under the Direct Control; Defining the
 Term "Direct Control", Providing for Enforcement;
 Providing Penalties; and Providing an Effective
 Date.

Chair Dixon called for public comment and
there was no response.

UPON MOTION BY COMMISSIONER WATSON AND
SECOND BY COMMISSIONER LAMB, THE BOARD VOTED
UNANIMOUSLY 5 - 0, BY VOICE VOTE, TO APPROVE
ORDINANCE 2005-004.

- Item 13 Public Hearing to Consider the Adoption of An
 Ordinance Relating to Court Costs to Operate and
 Administer the Teen Court, Amending Ordinance
 #2004-004 Relating to Additional Court Costs in
 Criminal Cases; Providing for Conflicts;

Providing for Severability; and Providing an Effective Date.

Chair Dixon called for public comment and there was no response.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED UNANIMOUSLY 5 - 0, BY VOICE VOTE, TO APPROVE ORDINANCE 2005-005.

Loretta Galeener, Court Administrator's Office along with Jonee Bradwell, Gadsden Sheriff's Office thanked the Board for all of their cooperation.

- Item 14 Public Hearing to Consider the Adoption of an Ordinance Relating to Establishing and Maintaining a Public Safety Coordinating Council; Providing for Conflicts; Providing Severability; and Providing for an Effective Date.**

Chair Dixon called for public comment and there was no response.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED UNANIMOUSLY 5 - 0, BY VOICE VOTE, TO APPROVE ORDINANCE 2005-006.

- Item 15 Public Hearing to Consider the Adoption of the Small Scale Land Use Amendment, Known as the Spradley Land Use Amendment; Amending the Official Land Use Map of Gadsden County; Providing for Severability; and Providing an Effective Date.**

Mr. McCord read the comments and staff recommendations. He said that the Friendship Primitive Baptist Church, owner and applicant/representative requests approval of a small scale Future Land Use Map Amendment to change the land use designation on 9.95 acre parcel from Agricultural-2 (AG-2)(1:10) to Urban Service Area (USA) (5:1). This amendment would be considered a small scale plan amendment is located on the west side of Bostick Road (CR 274)

south of Harbin Road approximately one mile southwest of the intersection of US 90 and Bostick Road. He commented that this was a public hearing and the applicant seeks Board review and action on the proposed draft ordinance first reading on which he read into record. He recommended to the Board option 1.

1. Recommend approval, as suggested by staff, of the small scale land use amendment and approval of the first reading of the ordinance affecting the land use change (the land use amendment request (CPA-2005-07) which will amend the adopted Future Land Use Map by changing the land use category on a 9.95 acre portion of tax parcel #3-13-2N-4W-0100, from Agriculture-2 (1:10) to Urban Service Area (USA) (5:1) based on the above referenced findings and the following condition:

a.) Development intensity shall be limited to the land use intensity and density permitted in the Rural Residential land use category until such time that central sewer and water are extended to and made available to the site.

Chair Dixon called for public comment.

- Rev. Cedric Spradley spoke in support.
- Bud Clark of CRA spoke in support.
- Barry Poole of Poole Engineer and Surveying spoke in support.
- Marion Lasley spoke in opposition.
- Odis Carter adjacent property owner opposed the project.
- Allen Bostick spoke in opposition.
- Patricia Spradley spoke in support.

Commissioner Watson opposed the project stating that they had not put sewer and water in place and once you grant them USA the Board has to approve. **He recommended a motion for denial it died for a lack of a second.**

Attorney Williams noted that the applicant has stated that they would only do site-built homes (housing). He said that it could be drawn up through Mr. McCord stating that the land use would go the land and not the owner.

Rev. Spradley agreed to those terms.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE OPTION 1 OF THE SPRADLEY COMPREHENSIVE PLAN AMENDMENT AS STATED ABOVE.

General Business

**Item 16 "Picnic In the Park" Festival Permit Extension
(Growth Management Director, William D. McCord)**

Mr. McCord read the comments and staff recommendations for a "Picnic In the Park". He said that Terrance McCoy owner of Spanish Moss Philanthropies and Michael Shirley and Joe Nelson, applicants are requesting approval to continue to stage their weekly "Picnic In the Park" festival throughout the summer on Sunday afternoon on the Ball Farm Road in the St. Hebron community. The festival will consist of a series of events to occur each Sunday from July 10, 2005 to September 4, 2005.

He said that the Board first heard a request by the applicant on May 17th to hold an outdoor festival at a site in the St. John Community on Hutcheson Ferry Road. This application originally was submitted on April 25, 2005 and is now effectively withdrawn. He commented that after public opposition to holding the event at the St. John site, the applicant contracted with the owners/operators of the Ball Farm Road site about holding events at this location. On June 7, 2005, the County Commission approved the applicant's request to hold the weekly event Sunday afternoons at the Ball Farm Road site, but only through July 3, 2005. A Festival Permit was issued for these events on June 10, 2005. He said that he recommended approval of Option 1.

- 1. Recommend approval provided that the applicant obtains and provides the County a copy of the names of all person's and groups who will provide services with executed copies of all contractees.**

Micheal Shirley the applicant addressed the Board. He commented that they had 3 events thus far.

Chair Dixon called for public comment.

The following are persons who spoke in opposition of the "Picnic In The Park" giving concerns of noise, traffic, littering and the fact that the proposal had not been advertised or meet the 90-day requirement.

- Linda Love
- Nikki Cole
- Timothy Cole
- Lynn Shiver
- Ida Lawson Thompson
- Margie Simms
- Rev. Isaiah Cole
- David Bullock - Spoke in support.
- Peter Joe Knight - Spoke in support.
- Katie Frye
- Paul Devine - Spoke in support of the proposal.
- Steve Steine - Spoke in support of the proposal.

Commissioner Watson opposed the motion and asked how did it appear on the Agenda without public notice.

Mr. McCord replied that public notice was given at the St. John site and then it changed sites.

Commissioner Lamb stated that he had an opportunity to visit the site and he understood the citizen's complaints.

Commissioner Holt spoke in support of the project. She voiced that they should have some boundaries and keeps them in place.

Commissioner Price commented that he supported the motion.

Chair Dixon offered words of comfort to the community members who opposed the proposal. He encouraged the Sheriff's Office to help alleviate the problems with the traffic. He commented that he was committed to find kids something to do in the County.

Commissioner Lamb said that he had a problem with traffic a place should be found that would not affect the citizens.

Chair Dixon stated that the residents of Ball Farm Road should not suffer. He told the applicants that they must convince the deputies to write tickets to violators.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 2 - 3 BY VOICE VOTE, TO DENY THE "PICNIC IN THE PARK" AT THE PRESENT LOCATION. COMMISSIONERS DIXON, HOLT AND PRICE OPPOSED THE MOTION. THE MOTION FAILED.

Commissioner Holt said that the concerns noted must be addressed in order to continue. She commented:

- Littering on Ball Farm Road.
- Traffic and Noise be addressed
- That the last event occur on August 7, 2005 the week before the students return to school;
- No more than 3 events occur by August 7, 2005.

Chair Dixon asked the applicants could they abide by the concerns that were addressed.

Joe Nelson spoke in support and agreed to the findings.

Michael Shirley spoke in support of the project.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 2, BY VOICE VOTE, FOR APPROVAL OF THE "PICNIC IN THE PARK" WITH THE ABOVE STATED STIPULATIONS. COMMISSIONER WATSON AND LAMB OPPOSED THE MOTION. THE MOTION PASSED.

Item 17 Preliminary Plat for San Bonita Farms - SD-2005-03

Mr. McCord read the comments and staff recommendations for San Bonita Farms. He commented F&F properties, L.L.C., owner and the applicant Moore Bass Consulting, Representative requests approval of a preliminary plat for the proposed 35 lot San Bonita Farms subdivision on a 407.26 acre parcel within the Agricultural-2 (AG-2) land use district. The applicant proposes to preserve wetlands and open space. This subdivision is being reviewed as a Type II review per Subsection 7202 of the Land Development Code. The property is located on the north side of Shady Rest Road (CR 270), east of the Scotland Road (CR 159) and west of US 27. He commented that both P&Z and the Growth Management Department recommend approval of SD-2005-03, Preliminary Plat for San Bonita Farms consisting of an eleven sheet plan (Sheets 1.0-4.7) prepared by Moore Bass Consulting of Tallahassee, Florida with file No. 2004-225, dated May 5, 2005 with revision date of 5/17/2005, with the above listed findings and the following conditions a-g, Option 1.

- a. The preliminary plat approval is subject to approval of a variance from Subsection 5103.C. and D. and Subsection 5301 A. to permit less than the 10 percent required open space. Such variance would consist of a variance of 40.086 acres to permit common open space of .64 acres. In granting the variance the Board hereby recognizes the intent of the Comprehensive Plan policy 1.3.4 supersedes policy 6.4.1 where a conflict exists.

- b. Amend the Covenants and Restrictions to incorporate the re-platted lots in the homeowner's association and make other changes to the deed restrictions to incorporate these platted properties and provide for common facility maintenance.
- c. The preliminary plat is subject to a variance from Subsection 6102 B.7. to permit a cul-de-sac exceeding 1500 feet in length. In this case, the variance would be for a variance of 855 feet to permit a cul-de-sac to be 235 feet in length and a variance of 1304 feet to permit a cul-de-sac to be 2804 feet in length.
- d. Properly number the lots in sequential order.
- e. At the time of construction plan review, provide detailed information on the changes that will occur to the proposed pond and coordinate with the County Engineer to ensure that impacts to wetlands affected by increasing the size of the pond will comply with Subsection 5401.B.14 and the Gadsden County Stormwater Management Policy and Procedures Manual.
- f. Provide a clearance letter from the State Historic Resources Office as require by Policy 1.6.1 and 6.5.4.
- g. Provide a complete Environmental Impact Assessment report indicating whether threatened or endangered species are located on the development site. The plan of development may require revision based on the findings of this portion of the report.

Discussion followed among the Board.

Chair Dixon called for public comment and there was no response.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED UNANIMOUSLY 5 -0, BY VOICE VOTE TO APPROVE OPTION 1 OF THE SAN BONITA FARMS PRELIMINARY PLAT.

**Item 18 Priority of Funding for Neighborhood, Local and
Community Regional Parks**

Mr. Brown commented on the priority of funding for Community Regional Parks. He said that in congruence with the County's Comprehensive Plan to provide open recreational space and parks, this agenda item seeks Board ranking of priority of funding for both neighborhood and regional parks. Neighborhood parks are small parks located within a community or neighborhood. Regional parks consist of large acreage that allow a number of Gadsden County residents to actively or passively congregate to engage in community, sporting or family activities/events.

He commented that annually, the Grants Department seeks funding for all county recreational parks (neighborhood and regional). There are currently nine neighborhood parks, which the county maintains and owns (Attachment 1). These nine neighborhood parks have been identified by the County for funding either through Florida Recreation Development Assistance Program (FRDAP) or other funding sources. For fiscal year 2006, the County obtained funding for Robertsville Park and St. John Park from FRDAP. Shiloh Park was previously funded and improved. Funding for all three has been through Florida Recreation Development Assistance Program (FRDAP).

He also stated that in 2004, the Board made the Shiloh Park the model by which all community parks would be improved. That would include two bathrooms, picnic pavilions, grills, benches, walking trails with fitness stations, full basket ball courts, lighting, water fountains fencing, lime rock parking lots, playground equipment, bicycle racks and gazebos.

He said that on an annual basis/cycle FRDAP funds two parks with a maximum funding limit of \$200,000 per park. On the list of neighborhood parks, staff previously submitted both Shiloh and Sawdust community parks for FRDAP funding

consideration, but had been unsuccessful in securing the funds for Sawdust. Staff then submitted both Robertsville Park and St. John Park and was successful. Staff will to continue submitting Sawdust for funding along with another park selected by the Board. Staff will also request that the Board consider additions to the list, however, depending on where these additions fall on the list of priorities it may take years before these parks are improved given the limited funding and number of parks funded each year. Staff will continue to pursue other funding source to maximize the funding stream for these neighborhood parks. The new FRDAP funding cycle starts August 15, 2005.

Nancy Gee, Grants Administrator addressed the Board. She commented that the St. John Park had been awarded funding at \$144,000.00 and the Robertsville Park at \$165,000.00. She commented that she would like to relocate the St. John Park. She then asked that the Board rank the parks.

Discussion followed among the Board.

Commissioner Watson ranked the current parks as follows from the listed provided in the agenda packets.

- Shiloh - Updated
- St. John - Updated
- Robertsville - Updated
- Sawdust
- St. Hebron
- Drake Acres
- Friendship
- Rosedale
- Scottown

It was the consensus of the Board to choose option 1: Rank the neighborhood park projects (as stated above) and direct staff to proceed with the application funding. Staff was also directed to find locations in the Midway and Havana area for parks.

Regional Parks

Mr. Brown noted that staff is in the process of creating a strategic plan for locating and developing regional parks. Staff has also been contacted by residents in the community who are interested in the County acquiring their property either through a purchase or long-term lease agreement. These include Robinson Landing on McCall Bridge Road (long-term lease) and Glory Park in the St. Johns community (purchase). One request for acquisition came from Florida A&M University (FAMU) for part of their teleconference and extension site in St. Johns. The FAMU property requires in-kind service and safe maintenance of the property with some improvements. These four projects are either in District 4 or District 5. Projects for other districts would have to be identified and analyzed. He also noted that Florida Communities Trust (FCT) program awarded \$2,881,000 to the County for acquisition of the Weavexx property on High Bridge Road, which consists of 50+ acres.

Discussion followed among the Board.

Mr. Brown assured the Board that staff would address the strategic plan.

It was the consensus of the Board to choose Option 2: Provide direction to staff as to which additional regional park, if any, should be pursued at this time. 1.) Robinson Landing 2.) Florida A&M Animal Health Recreation Facility-behind FAMU Teleconference in St. John Community.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED UNANAMIOUSLY 5 -0, BY VOICE VOTE, TO APPROVE THE COMMUNITY NEIGHBORHOOD PARKS WITH THE ABOVE STATED RANKING AS STATED ABOVE.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED UNANIAMIOUSLY 5 - 0, BY VOICE VOTE, TO APPROVE THE REGIONAL PARKS AS STATED ABOVE.

Item 19 Weavexx Contract - (Grants Director, Nancy Gee)

Mr. Brown commented on the Weavexx Contract. He said that the agenda item seeks the Board of County Commissioners consent and approval to

continue with the acquisition of Weavexx Properties for Gadsden County Regional Park. The Grant Department has applied for funding to improve local neighborhood parks and begin county regional parks. Funding for the Weavexx site is from Florida Communities Trust. The application cycle deadline was May 5, 2004. The Grants Writing Department was informed of funding for this contract on May 26, 2005. The contract has to be signed and delivered by June 25, 2005.

He said that the Board of County Commissioners being the applicant for Florida Communities Trust has to now submit the contract for acquisition of the Weavexx Properties. Weavexx Properties is 50+acres for phase one of the acquisition, which includes a pond and a community meeting center. He asked the Board to approve option 1.

- 1.) Approve and sign the contract awarding the Board \$2,583,000 for acquisition of the Weavexx properties.**

Chair Dixon asked for public comments.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED UNANIMOUSLY 5 - 0, BY VOICE VOTE, TO APPROVE OPTION 1 FOR THE WEAVERXX CONTRACT.

Item 20 Area Agency on Aging for North Florida (AAANF)

Mr. Brown commented that direction is needed to proceed with Gadsden County Senior Citizens Council, Inc. (Council).

He commented that this was a result of the current Council being in breach of the Master Agreement with the AAANF, Inc. which provides funding. For the past 14 months the AAANF, Inc. has attempted to have a number of issues resolved by the current Council, but to no avail. He stated that the current Council has responsibility for only one program out of the five that is administered under the Master Agreement contract, and in effect, has lost the majority of its funding.

Mr. Brown said that the Gadsden Senior Services, Inc. has been established as a new board with the oversight of the other programs. It is not an efficient use of federal, state and county dollars to have two boards to oversee contractual obligations for Gadsden County Senior Citizens.

Commissioner Watson questioned the names of the Board.

Janice Wise of the Area Agency on Aging for North Florida commented the names were forwarded by Chair Dixon as possibilities, she stated that she initiated the calls and received comments from the individuals.

Commissioner Watson inquired why the present Board couldn't continue their administration.

Mrs. Wise stated that the current Council is in breach of the Master Agreement and only has one program out of the five that is administered under contract.

Commissioner Lamb voiced his concern with the new Board. He wanted to ensure that a member of each district would be appointed.

Commissioner Holt made a motion to terminate the lease with Gadsden County Senior Citizens Council, Inc. and Commissioner Price seconded it.

Attorney Williams warned the Board to use caution and that they need to give the current Council Board a 60-day notice. He advised them not to terminate earlier than 30 days.

Discussion followed among the Board.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO TERMINATE THE LEASE WITH THE GADSDEN COUNTY SENIOR CITIZENS COUNCIL, INC.

It was the consensus of the Board to have the Manager and Attorney to draw up a new lease with the Gadsden Senior Services, Inc.

Item 21 Change Orders #45 to Contract with C.W. Roberts Contracting Inc./Asphalt Price Increase

Mr. McCord commented that at the special meeting of the GBOCC on June 28, 2005, staff advised the Board that C.W. Roberts Contracting, under contract for County's Road Paving Program, was requesting an increase to the contract because of price increases in asphalt. He said that staff had reviewed the invoices submitted by C.W. Roberts Contracting for the purchase of raw materials used to make asphalt. He said that staff recommends approval of option 1.

1.) Approve amended Change Order #45 to the existing contract, which reflects the requested \$6.00 per ton increase in asphalt, and continue to work off additional change orders for future work through June 2006.
2.) Direct staff to go out for bid for a new contract for the period of July 2006 thru June 2007.

Commissioner Holt made a motion for approval of Change Order #45 through July 2006 for increase and to go out for bid.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO AMEND CHANGE ORDER #45 AND DIRECTED STAFF TO GO OUT FOR BID. TO APPROVE OPTIONS 1 AND 2. COMMISSIONER WATSON AND LAMB OPPOSED THE MOTION.

Item 22 FDLE Funding Opportunity

Mr. Parramore addressed the Board. He said that the opportunity would allow the GCSO to replace an outdated and antiquated scanning system with the most state of the art technology at no cost to the county and its taxpayers.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED

**UNANIMOUSLY 5 - 0, BY VOICE VOTE, TO APPROVE
THE FDLE FUNDING OPPORTUNITY.**

**Item 23 Approval to Expend Funds from Interest Income
Earned on the Hospital Trust Fund for the Gadsden
Hospital, Inc., Board of Directors Activities**

Mr. Brown stated that as Gadsden County Board of County Commissioners proceed with the termination of the lease agreement with Ashford Healthcare Inc., and preparation of Gadsden Hospital, Inc., to take over the Hospital, staff determined that there is a need for financial support in this effort. This item seeks approval from the BOCC for the Gadsden Hospital, Inc., Board of Directors to expend funds from interest earned on the Hospital Trust Fund to prepare for operation of the Hospital. The County Manager will authorize and approve the expenditures in consultation with the Office of the Clerk of the Court. He stated that he recommended option 1.

1.) Authorize the County Manager, in consultation with the Office of the Clerk of the Court, to approve expenditures for the interest earned on the Hospital Trust Fund by the Gadsden Hospital, Inc. Board of Directors (BOD) in preparing to operate Gadsden Memorial Hospital.

**UPON MOTION BY COMMISSIONER WATSON AND
SECOND BY COMMISSIONER HOLT, THE BOARD VOTED
UNANIMOUSLY 5 - 0, BY VOICE VOTE, TO APPROVE
OPTION 1.**

Citizens to be heard on Non-Agenda Items (3 minute limit)

Chair Dixon called for public comment and there was no response.

**Item 24 Progress Energy (Review of Draft Transmission
Line Ordinance**

Attorney Williams voiced that this was not a public hearing. He proceeded to review and explain the Draft Transmission Line Ordinance. He said that in summary they went through and found areas that could be regulated. He said that some of the highlights were the definition section. He

said that they explained transmission lines, ramp section, transmission lines with easements, etc.

He advised the Board that it could be up to a year before there would be resolution to the case.

Item 25 Deer Ridge Estates

Attorney Paul Sexton gave the Board a review of where things stand with Progress Energy. He said that currently the Developers/Owner is working out details with Department of Environmental Protection (DEP). He noted that Mr. McCord had sent numerous letters. He said that he would keep the Board informed and that information is forthcoming that they are working with DEP to resolve the stormwater issues. He noted that the Developers are working for DEP, not the County.

Chair Dixon called for public comment.

Arthur Syr spoke of his concerns with Deer Ridge. He asked when would the findings of DEP be made available.

Attorney Sexton told Mr. Syr that the County was not privy to the negotiations between the Developers and DEP. He assured him that as soon as that information is made available he forwarded to the Board of County Commission.

Commissioner Lamb asked had the building stopped.

Mr. Brown replied that a moratorium had been place on the housed of construction. He said that no one could occupy the homes once completed.

Mr. Williams advised for the need of a global discussion.

Item 26 Certification of Taxable Value - DR -420

Mr. Brown advised that he had scheduled the meeting for Certification of Taxable Value for September 12, 2005.

Mr. Brown commented that he would like to schedule Budget Workshops for July 26, 27 and 28 of 2005 at 5:00 p.m.

Mr. Brown advised that the Regular Scheduled July 19, 2005 meeting he would like to reschedule to July 26, 2005, due to the NACO conference and Commissioner Watson being out of town.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED UNANIMOUSLY 5 - 0, BY VOICE VOTE, TO RESCHEDULE THE MEETING.

Discussion Items by Commissioners

Commissioner Lamb - District 1

Commissioner Lamb requested information regarding the nuisance ordinance. He asked did it cover noise.

Mr. Brown instructed Attorney Williams to look into the matter.

Commissioner Watson - District 2

Commissioner Watson had no comment.

Commissioner Price - District 3

Commissioner Price had no comment.

Commissioner Holt - District 4

Commissioner Holt commented on Prescription Drug discounts and the Florida Association of Counties meeting in Tampa, Florida.

Commissioner Dixon - District 5

Chair Dixon commented on Florida Association of Counties. He commented on discussions at the meetings that detailed the ongoing Juvenile Justice and Waste Management

issues. He informed the Board that he would keep them informed as to the upcoming changes.

Receipt and File

Mr. Brown outlined the Receipt and File

- State of Emergency Proclamation #2005-015
- Property Appraiser Notice of Estimated Total Assessed Value for Non- Exempt Property
- Youth Camp Donations Request
- Notice from Department of Health of Emergency Medical Services Matching Grant
- Dick Hollahan & Associated, Inc. Summary of 2005 Session Experience and Report
- Ashford Healthcare Systems, In. Payment Request of Uncompensated Care for Medical Services for Indigent Residents
- Town of Havana - Voluntary Annexation Ordinance
- Approval of Gadsden County's New Local Housing Assistance Plan for Fiscal Years 2005/2006 through 2007/2008.

ADJOURNMENT

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

Edward J. Dixon, Chair

Attest:

Nicholas Thomas, Clerk

**BOARD OF COUNTY COMMISSIONERS
GADSDEN COUNTY, FLORIDA
EMERGENCY MEETING
JULY 8, 2005**

The Board of County Commissioners of Gadsden County, Florida, met in Emergency Session at 4:00 p.m. with Chairman Edward J. Dixon presiding. Present were Commissioners Holt, Lamb, and Watson via phone. Also present were County Attorney Thornton Williams, County Manager Marlon Brown, and Deputy Clerk Beryl Wood

Chairman Dixon called the special/emergency meeting to order. He then turned the meeting over to Mr. Brown.

Mr. Brown commented that the meeting had been called to establish a plan of action for Hurricane Dennis and to pass State of Emergency Proclamation No. 2005-016. He also stated that Commissioner Price was on travel and unable to attend and that Commissioner Watson would be joining in via phone. He then turned the meeting over to Major Shawn Wood, Emergency Management Director for the Gadsden County Sheriff's Office.

Major Shawn Wood addressed the Board. He said that at the present time that this was a category 4 Hurricane and gave the latest weather advisor. He said that the latest advisory predicted that the storm would hit somewhere between Apalachicola and Destin resulting in Hurricane like activity. He stated that the certainty of the storm is unknown. He said that his predication is that it would hit sometime Saturday night or late Sunday afternoon.

He said that the number one concern was that a lot of citizens lack transportation. He said that they have one shelter that is a risk shelter, East Gadsden High School under state guidelines. He asked that the County pass a proclamation declaring the County in a State of Emergency.

Attorney Williams inquired if all evacuates were staffed together in one location or different areas. He said that his reason for asking was due to the recent events dealing with felons and violent type crimes.

Major Wood replied that Red Cross handles the sheltering and at this time there is no way to identify violent criminals.

Chair Dixon asked Major Wood what was the plan for a Category 4 type storm.

Major Wood replied that it was important for all key employees to be in place, such as EMS and Public Works.

Mr. Brown commented that at 11:15 a.m. and 5:15 p.m. the County would have updates with the State of Florida Emergency Operations Center. He said all department heads and County and City officials were aware of the times and welcomed them to join in at the briefings.

Commissioner Lamb inquired about the steps for protection of the citizens during the hurricane.

Major Wood said that they had prepared a number of things such as public announcements as to what they should be preparing with. He gave essential items such as food, water, batteries and removing items not attached out of the yards. He said that at a certain time that they would have to shut down movement in the County for safety reasons. He talked about a voluntary evacuation of mobile homes.

Mr. Brown asked that the department heads come forward with their strategy plan.

EMS/Fire

Brain Beasley, EMS Director advised the Board that all volunteer fire departments and EMS departments are aware of the situation. He said that they have received pages to check the equipment and notifying them that they would be on call. He said that Sunday he stated that they have received two extra trucks making a total of five ambulances running. He said that he would have an extra crew to transport special needs individuals. He said that his Sunday Morning shift would come in on Friday night to ensure their safety. He noted that all the trucks are fueled and ready.

Chair Dixon asked how did they identify special need citizens.

Tina Tolar, Emergency Management Division, addressed the Board. She commented that the list of names that they have compiled comes from different agencies. She said it is updated each time a name is added. She said that the

Home Health Agencies submit all information. She said that they are notified via phone.

Public Works

Robert Presnell, Public Works Director, insured the Board that his department is ready and that everyone is pre-positioned. He said that all equipment is fueled up. He said that the main generator is located at Public Works. He said that if it were a catastrophic event all departments would be fueled at the Public Works. He said that all the equipment is scattered across the County. He commented that their main involvement would be clean up.

Mr. Brown asked Mr. Presnell about the sandbags.

Mr. Presnell commented that sandbags are ready for the public.

Commissioner Holt questioned a Sex Offender list that would be active at the shelter.

Discussion followed among the Board.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO DECLARE THE STATE OF EMERGENCY PROCLAMATION 2005-016 FOR GADSDEN COUNTY.

ADJOURNMENT

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

Edward J. Dixon, Chair

Attest:

Nicholas Thomas, Clerk

**BOARD OF COUNTY COMMISSIONERS
GADSDEN COUNTY, FLORIDA
REGULAR MEETING
JULY 26, 2005**

The Board of County Commissioners of Gadsden County, Florida, met in regular session at 6:00 p.m. with Chairman Edward J. Dixon presiding. Present were Commissioners Holt, Lamb, Watson and Price. Also present were County Attorney Thornton Williams, County Manager Marlon Brown, and Deputy Clerk Beryl Wood.

Invocation and Pledge of Allegiance

Chair Dixon called the meeting to order. Commissioner Holt led the invocation. Commissioner Watson led in the pledging of allegiance to the U.S. flag.

Amendment of the Agenda

The following additions were made to the agenda.

- Greater Tallahassee Chamber of Commerce 2005 Annual Community Conference - Post Authorization for County Manager to Attend - Item 10 of the Consent Agenda
- Memorandum from Clerk Thomas advising of FY 2005 Expenditure Problems - Item 11 of the Consent Agenda

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

Awards Presentation

Item 1 Medicare Prescription Drug Program for the Social Security Administration (Grants Director, Nancy Gee)

Nancy Gee called attention to the prescription drug program from the Social Security Administration. She said that the five priority areas for grant funds and assistance. These are:

1. Infrastructure
2. Recreation
3. Housing

4. Health

5. Economic Development

She stated that the Social Security Administration wishes to proactively promote a Medicare prescription drug program that offers new benefits to those who meet income and asset limits. She said it would need the endorsement of the Gadsden County Board of County Commissioners for upcoming activities, which will market the program. She asked that the Board approve Option 1 as described in the agenda packet. She then introduced Mr. Muhammad Magee from the Social Security Administration, Medicare Division, who then addressed the Board.

He reported that beginning January 1, 2006, a new prescription drug plans would be available to people who already have Medicare Insurance. Insurance companies and other private companies will work with Medicare to offer these drug plans. He said that they would negotiate discounts on drug prices. These plans are different from the Medicare approved drug discount cards, which will phase out by May 15, 2006, or when your enrollment in a Medicare prescription drug plan takes effect, if earlier.

He then asked for the County's endorsement and support. Mr. Brown commented that he had invited Mr. Max Martinez with the Prescription Assistance Medical Services (PAMS) program to give a collaboration of his program.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED UNANIMOUSLY 5 - 0, BY VOICE VOTE, TO APPROVE OPTION ONE OF THE MEDICARE PRESCRIPTION DRUG PROGRAM FROM THE SOCIAL SECURITY ADMINISTRATION.

Consent

- Item 2 Approval of Minutes: May 17, 2005 Regular Meeting**
- Item 3 Signatures for CDBG Housing Assistance Plan
Manual**
- Item 4 Acceptance of Library Donation from Woodmen of
The World**

**Item 5 Ratification of the Approval for Payment of Bills:
July 7 & 21, 2005 Payroll and Payroll Deductions; July 8, 15
& 22, 2005 Accounts Payable**

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

Quincy Main Library - Progress

Mr. Brown asked Library Director Jane Mock to give a
report as to the progress of the library construction.

Ms. Mock replied that J Beare Construction has
informed her that they are currently attaching the bricks
and that they are on schedule to be completely finished in
mid January of 2006.

Consent Items Pulled for Discussion

Public Hearing - 6:00 p.m.

**Item 6 Spradley Comprehensive Plan Amendment - CPA-2005-
04 Second Reading - Ordinance #2005-007 (Growth
Management Director, William D. McCord)**

Mr. McCord read the title of the above stated
ordinance into the record and commented on the proposed
plan amendment and ordinance. He stated that the property
was owned by Friendship Baptist Church and the applicant
was Reverend Cedric Spradley. He said that the applicant
requested approval Future Land Use Map (FLUM) Amendment to
change the land use designation on a 9.95 acre parcel from
Agricultural-2 (AG-2)(1:10) to Urban Service Area
(USA)(5:1). This amendment would be considered a small-
scale plan amendment per Chapter 163.3187 (c)1. The
property is located on the west side of Bostick Road (CR
274) south of Harbin Road.

He recalled that the Board held the first public
hearing and the first reading of the ordinance on July 5,
2005 when it approved the proposed change by a 4 to 1 vote.

He reported that the Planning Commission recommended
denial of the FLUM amendment.

Chair Dixon called for public comment.

- **Marion Lasley** had questions regarding the infrastructure. She said that she was concerned that, with approval of the change, it would omit the intense review that is needed for a change of this magnitude.
- **Rev. Cedric Spradley** spoke in support of the project. He referenced a letter that was rendered by his attorney.
- **Bud Clark**, CRA Consulting, commented on the infrastructure.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE SPRADLEY COMPREHENSIVE PLAN AMENDMENT - CPA-2005-04, AND ORDINANCE #2005-007 PER OPTION 1 DESCRIBED IN THE AGENDA PACKET. COMMISSIONER WATSON OPPOSED THE MOTION.

**Item 7 Conceptual Plat for Friend's Village Subdivision
 - SD - 2006 (Growth Management Director, William
 D. McCord)**

Mr. McCord read the comments and staff recommendations for the conceptual plat for Friend's Village Subdivision. He stated that the owner is Friendship Baptist Church and the applicant was Rev. Cedric Spradley. He said that the applicant requested approval of a conceptual subdivision plan on the property described in Item 6, which for which the Board just approved for USA land use designation. (See above action) He commented that the Planning Commission recommended denial of the accompanying land use amendment and consequently had no recommendation on the subdivision plat.

Mr. McCord stated that the Planning and Growth Management Department recommended approval of option 1, the conceptual subdivision plan for "Friends Village" (Phase 1)(SD-2003-08) on a 9.95+- acre portion of tax parcel 3-15-2N-4W-0000-00211-0100 consisting of a 27 lot subdivision with stormwater management facility and common (green) area, consisting of a one sheet plan (Sheet number C-1) prepared by Poole Engineering with job number 04121, dated 02/07/2005 with revision date of 3/30/05 based on the above referenced findings and the following conditions:

- a. The conceptual plat is subject to the approval of Comprehensive Plan amendment.
- b. At the time of Final Plat approval, provide an executed conservation easement in favor of Gadsden County over any portion of the property determined to be wetlands and convey code required open space tracts to the Homeowners Association.
- c. At the time of preliminary plat application submittal, provide a clearance letter from the State Division of Historic Resources office.
- d. At the time of preliminary plat application submittal, provide an environmental impact/assessment report per Policy 5.4.3 and subsection 5401 B. 23 and 24 and 5103. E.
- e. Provide a sidewalk or bond sidewalk along Bostick Road as required by Section 5605 and 6500.
- f. The applicant is granted a variance from subsection 6102.A2, Design standards, to permit lot widths of less than 100 feet in order to provide the density permitted in the USA land use category.
- g. If the applicant can't obtain central sewer and central water to the site, this conceptual plat approval shall be voided and provide no legal vesting or form the basis for subsequent review or approvals.

Commissioner Watson inquired about the utilities.

Marion Lasley had questions regarding the preservation of the open space.

Mr. McCord replied that most of the open space is green space and buffer area.

Rev. Cedric Spradley spoke in support of the project.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE OPTION 1 FROM THE AGENDA PACKET FOR THE FRIENDS VILLAGE SUBDIVISION. COMMISSIONER WATSON OPPOSED THE MOTION.

**Item 8 City of Quincy Request for SHIP Funds
 (Community Development Director, Farnita
 Saunders)**

Mr. Brown gave an overview of a request from the City of Quincy for SHIP Funds. He commented that this agenda item seeks the Board of County Commissioners' approval to contribute SHIP funds FY 2005-2006 to the City of Quincy.

He said that SHIP Funds are used to serve the entire Gadsden County area to meet the housing needs of the very low, low, and moderate-income households to expand production of and preserve affordable housing and to further the housing element of the local government comprehensive plan specific to affordable housing. The SHIP program encourages building active partnerships between government, lenders, builders and developers, real estate professionals, advocates for low-income persons and community groups. It is intended to increase the availability of affordable residential units by combining local resources and cost saving measures into a local housing partnership. The program uses public and private funds to reduce the cost of housing. SHIP funds may be leveraged with or used to supplement other Florida Housing Finance Corporation programs and to provide local match to obtain federal housing grants or programs.

He explained that the County is expected to receive for the FY 2005-2006 approximately three hundred sixty thousand dollars (\$360,000) in SHIP funds to serve the entire Gadsden County area, of which one hundred eighty thousand dollars (\$180,000) will be set-aside for rehabilitation for the entire Gadsden County area and \$180,000 will be set aside for new construction. This fiscal year the Gadsden County Community Development Office has contributed a total of fifty-eight thousand six hundred seventy-two dollars (\$58,672.00) for two projects in the City of Quincy.

He recommended that the Board go with option 2 in the agenda packet: Do not approve SHIP funds to be contributed to the City of Quincy.

Chair Dixon asked about whether a pledge or actual funds were promised to the other two municipalities.

Farnita Saunders addressed the Board and stated that the funds weren't in the budget and that the County as a whole benefits from the SHIP funds.

Mr. Brown said that it was a pledge that possibly could be used as a match.

Discussion followed among the Board.

Arleen Houston from the City of Quincy addressed the Board. She inquired about the pledge and asked that the Board give her time to discuss it with the City Commission and come back to this body regarding a pledge.

No action was decided at this meeting.

Citizens to be heard on Non-Agendaed Items

Arthur Syr addressed the Board in regards to Deer Ridge Subdivision.

Attorney Williams commented that Mr. McCord and Attorney Sexton had meet with the developer and that progress is being made. He noted that the developer is working with Department of Environmental Protection (DEP) on a consent order, which addresses the major issues. He also noted that the developer has made requests on other related items to the claims/case.

Item 9 Attorney Williams, County Attorney

Attorney Williams told the Board that because of the amount of time involved in researching and creating new ordinances or making revisions/enhancements to old ordinances, he would need at least a month to adequately prepare a proposed draft to being back for their review (from the time he receives directions.)

Progress Energy Ordinances

Attorney Williams stated that Progress Energy is scheduled to appear before the Board at the August 2, 2005 BCC meeting, but it would have to rescheduled to the August 16, 2005, Board meeting because Progress Energy would not be able to meet on August 2.

Commissioner Watson inquired about the concerns that Talquin Electric had expresses relative to the proposed ordinance.

Discussion followed among the Board.

Attorney Williams suggested that the Board hold a confidential attorney/client session meeting to discuss Progress Energy further.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED UNANIMOUSLY 5 - 0, BY VOICE VOTE, TO HOLD A CONFIDENTIAL ATTORNEY/CLIENT SESSION AT A LATER DATE AND AUTHORIZED THE ATTORNEY TO ADVERTISE THE MEETING.

Item 10 Marlon Brown, County Manager

Clerk's Memo regarding FY 2005 Expenditure Problems

Mr. Brown referenced the memo from Clerk Thomas regarding the expenditure problems. He said that he is recommending a freeze on expenditures beginning August 1, 2005 through September 30, 2005. He said that he would update the Board on August 16, 2005.

Post Authorization for County Manager to Attend Greater Tallahassee Chamber of Commerce 2005 Annual Community Conference

Mr. Brown asked that the Board give post authorization for his attendance at the Greater Tallahassee Chamber of Commerce 2005 in St. Augustine, Florida, July 22nd-24th. He said that per the Gadsden County BOCC travel policy and previous Board action, the County is required to request Board approval for travel regardless of the date when the travel occurs/occurred. He said that travel was approved by the Chair Dixon, since the Board was not scheduled to meet until July 26, 2005.

He asked that the Board approve Option 1. Approve the County Manager's attendance at the Greater Tallahassee Chamber of Commerce 2005 Annual Community Conference in St. Augustine, July 22 through July 24, 2005.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED UNANIMOUSLY 5 -

**0, BY VOICE VOTE, TO APPROVE THE POST AUTHORIZATION
FOR COUNTY MANAGER TO ATTEND THE GREATER TALLAHASSEE
CHAMBER OF COMMERCE 2005 ANNUAL COMMUNITY CONFERENCE.**

Commissioner's Agenda

District 1

Commissioner Lamb asked Mr. Brown to look into the possibility of establishing an animal control adoption program.

He then thanked Mr. Sutherland and Comcast for working together to allow the viewing of the BCC meetings to the Midway/Tallahassee area.

District 2

Commissioner Watson asked Mr. McCord to check into "Backwood Sundays", which is similar to the "Picnic in the Park" that is located in the Sycamore area.

District 3

Commissioner Price thanked all county staff for their excellent and dignified response during Hurricane Dennis.

District 4

Commissioner Holt commented on NACO Conference that was held in Honolulu, Hawaii, July 15-20, 2005.

District 5

Chair Dixon discussed the recent Greater Tallahassee Chamber of Commerce 2005 Annual Community Conference in St. Augustine, Florida. He talked of how regionalism plays such a vital part in all of the surrounding counties growth, which included Gadsden County.

He also thanked all the county staff for their hard work during Hurricane Dennis.

Public Comment

Senior Citizens

Jim Kellum of the Gadsden Senior Services, Inc. asked if he could be placed at the front of the agenda for the August 2, 2005 BCC meeting. He inquired about funds that were withdrawn by the current Board Gadsden County Senior Citizens Council, Inc.

Mr. Brown replied that he would check into the inquiry.

Receipt and File - Item 11

- Notice of Non-Funding For Rural 911 Grant
- Letter from Talquin Electric Regarding Electrical Transmission Line Ordinance
- Memorandum from Clerk - FY 2005 Expenditure Problems

ADJOURNMENT

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

Edward J. Dixon, Chair

Attest:

Nicholas Thomas, Clerk

Gadsden County Board of County Commissioners
Budget Workshop-Day 1
July 26, 2005

The Board of County Commissioners of Gadsden County, Florida, met in special session at 5:00 p.m. with Chairman Edward J. Dixon, presiding. Present were Commissioners Holt, Lamb, Watson and Price. Also present were County Attorney Thornton Williams, County Manager Marlon Brown, County Budget Manager Davin Suggs and Deputy Clerk Beryl Wood.

Call to Order:

Chair Dixon called the meeting to order. He then turned the meeting over to Chairman Dixon.

Mr. Brown commented that this workshop seeks to provide an overview of the tentative FY 2006 Budget and garner further Board input as to the development of a final "Adopted" version of the FY 2006.

Mr. Brown noted staff is seeking policy guidance and input from the Board regarding the development of the FY 2006 budget. He said that staff developed a preliminary tentative budget, which was disturbed on July 15, 2005. He said that the development of the tentative budget included the development of revenue forecast and planned expenditures for the upcoming year.

Mr. Brown stated that the County staff is pleased to present a balanced tentative proposed FY 2006 Budget of \$29,371,428. This represents a 5.12% increase over the FY 2005 adopted "net" Budget of \$27,957,670. The proposed FY 2006 tentative budget provides funding to maintain current levels of services to the citizens of Gadsden County. He commented that staff is recommending that the current millage rate of 10.00 mills remain in effect, because the funds generated by the tax increase resulting from increased valuations in county property are necessary to fund the proposed budget.

New Budget Format

The proposed FY 2006 tentative budget includes some moderate changes in the formatting of the presentation of budget information. These changes include the presentation

of a "Budget by Fund" section, and enhanced departmental detail section. Additionally, the organization of the budget has been modified to present all related budgetary information in a more consistent manner. Finally, the budget is presented in a manner that is focused on the upcoming fiscal year (FY 2006), however planned detail information is included for the four future years following the proposed fiscal year budget data. He then explained the Budget by Fund, Departmental Budgets, Organization of the Budget and Planned "Future" Years.

Devin Suggs, Board's Office of Management and Budget, explained all other areas of the Budget through a detailed powerpoint presentation.

He discussed Board of County Commissioner's portion of the FY 2006 proposed budget is \$16,340,227 reflecting a decrease of 0.25% in comparison to the FY 2005 adopted budget. Major overall highlights of the Board's operating departments include the 5% increase in employee healthcare costs (@\$60,000), a budget 3% raise for all Board employees (@\$150,000) (2% estimated for Commissioners based on last year's legislation), and two (2) new FTE's, Facilities Management Coordinator, and a Site Development Review Officer for the Planning and Zoning Division of the Growth Management Department.

Mr. Suggs highlighted other Board funding:

- Funding of the contracted agreement with the County Attorney;
- Funding in County Manager's budget for professional public relations services;
- Funding for the construction of the Robertsville Fire Station, the purchase of a "brush" truck and other fire related capital equipment.
- Funding for the re-mounting of one ambulance for Emergency Services - Ambulance Operations;
- Funding for the renovation of space at the Woodham Center and the maintenance of the roof top HVAC units at the Judicial Complex;
- Funding for professional services in the Planning and Zoning Division of the Growth Management Department for the updating of the Land Development Code and the review and revision of the Comprehensive Plan;

- Funding for additional Books and other various Library materials and resources;
- Funding for the previously approved establishment of the Office of Management and Budget (the Clerk of the Courts budget was decreased by a similar amount);
- Funding for Information Technology infrastructure enhancements;
- Funding in support of Veteran's Services transport services;
- Funding for the purchase of vehicle for Public Works Administration;
- Funding for the purchase of a sign truck and road safety devices for Public Works: Right-of-Way Maintenance;
- Anticipated borrowed funding for road construction and resurfacing, as well as, utility relocation and related machinery and equipment for Public Works: Road Construction and Improvement;
- Anticipated borrowed funding for vehicles and other necessary equipment for Public Works: Unpaved Road Maintenance;
- In the FY 2006 proposed budget none of the non-profit agencies that requested funding from the Board were allocated funding. However, this does not include the Gadsden County Sr. Citizen Expense, which was funded as a permanent line item for \$50,000 and the Gadsden Community Health Council, which was funded as a permanent line item for \$49,325.
- In FY 2006, Gadsden County will be required to make principal and interest payments for debt related to the Library Program (\$117,000), Fire Services (\$153,400), and Public Works (\$1,193,929).
- The FY 2006 proposed budget includes dedicated resources for contingencies for the General Fund (\$83,414) and the County Transportation Fund (150,000). The budget also includes a reserve for \$100,000 to be earmarked for the aggressive growth and development of the County's General Fund Balance. This commences a five year planned (as shown in the budget) to grow the General Fund Balance by \$1.1 Million by the end of FY 2010.

Additionally, the proposed budget also includes reserves for future projects in the Court Cost Fund (79,879), County Transportation Fund (445,587), and the Landfill/Arthropod Fund (153,711)

Balanced Budget

- The Florida Statutes require that all local governments adopt and operate within a budget that is balanced between all revenues and expenditures. Table 6.0 reflects illustrates that the FY 2006 proposed budget is balanced per the Florida Statues.

Commissioner Holt said that she would like to see if CRA requirements are in the statute.

Mr. Brown said that there is a CRA.

Mr. Suggs said that each year the CRA would increase.

Attorney Williams said that the CRA is defined by statue.

Mr. Suggs advised that the CRA is more than worthy of topic. He said that it was a whole host of issues that he then explained to the Board.

Mr. Suggs said that it was applied with the figures given by the state, (Fixed figure) He said that he used the state forecast, so they took the guess-work out.

Mr. Brown said that no money was taken from the Fund Balance it was done with existing revenues. He said that the Budget was balanced last year and previous years by using funds from the Fund Balance.

Mr. Brown commented that they have had done away with some departments and that resulted in some of the changes. He noted the new changes to the organizational chart outlined in the front of the tentative budget.

Mr. Suggs thanked Mr. Lawson and Mr. Brown for all of their hard work.

Adjournment

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

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

**Gadsden County Board of County Commission
Budget Workshop-Day 2
July 27, 2005**

The Board of County Commissioners of Gadsden County, Florida, met in special session at 5:00 p.m. with Chairman Edward J. Dixon, presiding. Present were Commissioners Holt, Lamb, Watson and Price. Also present were County Attorney Thornton Williams, County Manager Marlon Brown, County Budget Manager Davin Suggs and Deputy Clerk Beryl Wood.

Call to Order:

Chair Dixon called the meeting to order.

Mr. Brown commented on the overview of the departments. He explained the 5-year projection. In addition each department head was present and he invited each department to discuss additions and changes in the departments.

**1.Community Development: Housing and Code Enforcement
Parks and Recreation**

Mr. Brown said that this department also includes Code Enforcement. He highlighted that salary and wages are estimated with a 3% raise. Healthcare costs are estimated with a 5% increase. He also noted that the Code Enforcement position was transferred from the Planning and Zoning Division of the Growth Management Department.

He noted that the Code Enforcement and Parks and Recreation (2 position) warrants the increase in personnel in the Community Development Department.

Total amount of funds requested for FY 2006 Housing and Code Enforcement budget is \$259,916.00.

Total amount of funds requested for FY 2006 Parks and Recreation budget is \$118,830.

2.County Attorney

Mr. Brown commented that the County Attorney is responsible for providing legal representation, assistance, advice, opinions, and services to the Board of County

Commissioners and all departments under the Board. He noted that the County or Board Attorney serves as attorney of record in all cases filed on behalf of or against Gadsden County.

He stated that FY 2006 Program Changes include increase operating costs that reflect the new contractual agreement (retainer) with County Attorney and anticipated legal cost for FY 2006.

Attorney Williams said that the clean up work is partial in the retainer and other portions would be billed. He said that the litigation is all tentative. He said that some controls are put in place. He said that he would be fiscal conservative and not spend the county monies unnecessary.

Commissioner Lamb asked for a list of the items in the retainer.

Attorney Williams said that he along with Manager would answer the request.

Commissioner Watson inquired about the retainer fee.

Attorney Williams said that the figure represent retainer and clean-up fees.

Mr. Brown said that the County Attorney and himself would come together before any litigation.

Chair Dixon said that a line item should be considered for litigation.

Mr. Suggs stated that other governments do have a line item for litigation. He said that it is not uncommon to have to dip into the contingency fund or professional services line item. He mentioned checklist for a healthy fund balance. He said that he agrees with Attorney Williams.

Commissioner Watson opposed balancing the budget with contingency funds.

Mr. Brown said that the total funds recommended for program total is \$140,000.00.

3. County Commission

Mr. Brown stated the Gadsden County Commission is responsible for establishing policies, adopting ordinances, and levying taxes to finance County government. The Gadsden County Commission consists of five members who elected from single member districts to serve a four-year term of office. He said that a lot of services were removed. He stated that their estimated 2% rise for Commissioners based on last year. Estimated 5% increase in cost of health insurance.

Total amount recommended for FY 2006 is \$267,922.00.

4. County Extension

Mr. Brown explained the proposed budget for the Gadsden County Extension Program is a cooperative effort between County government, United States Department of Agriculture, University of Florida, and Florida A&M University to extend the educational services of these universities to the people of Gadsden County. He said that subject matter areas include agriculture, family and consumer sciences, 4 -H and other youth, community economic development and natural resource development and environmental.

Total recommended for FY 2006 County Extension budget is \$235,233.00.

5. County Manager

Mr. Brown noted that the salaries and wages for the County Manager's budget are estimated with a 3% raise. Health costs are estimated at a 5% increase. He said that 2 FTE's have been transferred to the newly established Office of Management and Budget. Personnel costs also include a new Public Relations Coordinator position, and the transition of a part-time OPS position to a full-time temporary assistant.

He noted that changes in the operating budget. He stated there was a need for a Public Relations Coordinator would handle and bring clarity to the complex issues that arise in the County.

Total recommended for FY 2006 County Manager budget is \$261,313.00.

6. Emergency Services

Administration/Fire Protection/Ambulance Operations

Mr. Brown gave the overview for the Administration division provides the managerial and administrative support for the EMS Department. It assures that EMS operates with the requirement of Florida Statutes 401 and 10D-66.

He stated that the Fire Services program provides fire protection through interpositional agreements with volunteer and municipal fire departments through an organized system to rural Gadsden County. He noted that funding for capital projects include resources for the Robertsville Fire Station, the purchase of a fire hydrant, and the purchase of a brush truck.

Brain Beasley, EMS Director, commented that the Emergency Rescue division provides for countywide medical services on a 24-hour basis including Basic and Advanced Life Support Services. He said that funding for capital projects includes resources for 1(one) ambulance remount.

Chair Dixon asked Mr. Beasley what if anything he could do to become more competitive with surrounding areas.

Mr. Brown instructed Mr. Beasley to establish a plan.

Total Amount requested for FY 2006 Administration budget is \$181,432.00.

Total Amount requested for FY 2006 Fire Protection budget is \$60,260.00.

Total Amount requested for FY 2006 Ambulance \$1,450.335.

7. Facilities Management - Building & Ground Maintenance

Mr. Brown commented that the Building and Ground Maintenance Division of the Facilities Maintenance

Division of the Facilities Management Department directs, manages, and supervises activities that include building repair and maintenance. He stated that Interim Facilities Management Coordinator Spencer Bowen is currently filling the position. He stated that the position has yet to be advertised.

Total amount requested for FY 2006 Building & Ground Maintenance is \$468,010.

8. Custodial Services

Mr. Brown noted that the Custodial Division of the Facilities Management Department directs, manages, and supervises the activities that include custodial services for all County Buildings. This division also oversees the department of Corrections Inmate Work Program.

Total amount requested for FY 2006 Facilities Management Department is \$211,094.

9. Growth Management - Building Inspection/Planning and Zoning

Mr. Brown commented that the Building Inspection division of the Growth Management Department provides building inspection services, issues building permits, and reviews construction plans on all residential, commercial and industrial construction in the unincorporated area of Gadsden County and within the incorporated municipal limits of the City of Chattahoochee, Town of Greensboro, City of Midway, and City of Havana.

Commissioner Holt inquired about the need for more inspectors. She stated that her concern was with future growth. She asked that they look closely at the departments.

Mr. Earl Williams said that there is a vacant with the head of the department. He said in the 2007 budget we would need more officers.

Chair Dixon asked Mr. Williams are they staffed appropriately.

Mr. Suggs said that with the Growth Management and Building Inspection are in separate funds. He said that most Growth Management Departments set their own growth numbers.

Commissioner Watson said that he would like a cost of living increase. He said that every year an increase should occur, "small percentage increase."

Total amount for FY 2006 budget for Building Inspection is \$400,333.

Planning and Zoning

Mr. Brown discussed the changes to the Planning and Zoning FY 2006. He said that salary and wages are estimated with a 3% raise. Healthcare costs are estimated with a 5% increase. Funding for overtime expenses has been increased. The Management Information Specialist has been transferred to the Office of Management and Budget. The Code and Enforcement person has been transferred to the Community Development Department. He noted that personnel funding also includes financial resources for a new Site Development Review Officer.

Total amount requested for FY 2006 Planning and Zoning is \$367,241.

10. Library Services/ Local Portion

Mrs. Jane Mock, Library Director addressed the Board. The Library serves the informational, educational and recreational needs of the people of Gadsden County, providing quality service and current information in a comfortable environment.

Chair Dixon asked about extending hours. He noted that Saturday and Sundays are great library hour times. He also questioned afternoon hours.

Mr. Brown said that extended nights and weekend hours he would look into.

Commissioner Watson is there a demand.

Chair Dixon stated that most people that he knows work the hours of 9-5. He said that the library should serve all people.

Commissioner Lamb asked about a survey for the demand.

There consensus to look into the extended hours of the Library.

Total amount requested for FY 2006 budget, Local Portion in the amount \$460,974.

State Portion

Mr. Brown said that the library serves the informational, educational and recreational needs of the people of Gadsden County, providing quality service and current information in a comfortable setting. The State Portion division includes those services and programs supported by state aid.

Total amount requested for FY 2006 budget, State Portion in the amount of \$265,652.

Mr. Suggs that he had spoken to the finance director payments vary. He said that they put money away in the reserve for the 5-year plan. He said that you would have least interest and you could pay off earlier. He said that the Library plans.

11. Management & Budget

Mr. Brown noted that the Office of Management and Budget was established to optimize the use of County financial resources through the effective provision of planning, policy analysis, budget implementation and program evaluation services to benefit the citizens, elected officials, and staff.

He said that this a new department created for the FY 2006 Budget year. The Human Services department and the Grants department were combined to create OMB along with the addition of a Budget Director position and the transfer of the Special Projects Coordinator position from the County Manager's Office.

He discussed the existing position that has been moved from Growth Management. (Human Services position that is vacant David Gholson held that)

Total amount requested for FY 2006 Management & Budget is \$296,811.

Management & Budget - Information Technology

Mr. Brown noted that the Office of Management and Budget-Information Technology division was established to optimize the use of County technical resources through the effective provision of planning, policy analysis. IT development, IT implementation services to benefit the citizens, elected officials, and staff.

He said this is a new division created for the FY 2006 Budget year. The IT Specialist position was transferred from the Planning and Zoning division of Growth Management. He stated that Capital funding is requested to provide resources for an e-mail server, 6(six) P-4 workstations, 6(six) bear Bones Systems for P-4, a Back-Up Tape Drive, and other technical equipment.

Total funds requested for FY 2006 Information Technology budget is \$128,269.

Purchasing and Personnel

Mr. Brown commented that the Department of Management Services-Purchasing and Personnel provides the procurement and human resources functions for the Board of County Commissioners. The purchasing section provides centralized administration of the competitive bid process, contract administration and inventory and property control. The human resources section administers recruitment, drug testing job classification and pay, employee training and development programs, affirmative action, labor relations, and other services aimed at assisting departments better serve the citizens of Gadsden County. He noted that all salary and wages are estimated with a 3% raise.

Total amount requested for FY 2006 for Purchasing and Personnel is \$211,047.

Veterans Services

The Veteran's Service Office provides comprehensive counseling and assistance services to all services to all veterans and their dependants, and assists them in obtaining the greatest possible benefit to which they are entitled.

Total amount requested for FY 2006 Veteran's Services is \$145,076.

12. Probation

The Probation Department is responsible for monitoring all misdemeanor and traffic (criminal) cases placed on probation, and all felony cases reduced to a misdemeanor or placed on probation.

Total amount requested for FY 2006 Probation is \$219,129.

13. Public Works - Administration

Mr. Presnell provided a handout breakdown of the Public Works Division. He stated that the administration division of Public Works is responsible for providing professional management, administration and fiscal direction to the Public Works department. The administration division is also responsible for implementing Board policy and objectives.

Total amount requested for FY 2006 Administration is \$536,861.

Landfill

Mr. Presnell commented that the Landfill division of the Solid Waste/Recycling department is responsible for the maintenance of the two County landfills. The landfills owned by the County are closed. Annual monitoring fees are the only costs incurred. The division also manages the household garbage disposal program. Dumpsters are placed in 5(five) sites throughout the County. These sites are available for trash disposal and are monitored by sanitation inspectors and rural waste site attendants.

Mr. Presnell explained the plan to haul the county's own garbage. He explained the new programs that they are proposing with Jackson County.

Commissioner Holt asked what would be the cost for hauling to Jackson County v/s what is in place now. She would like to the savings tipping fee.

Total amount requested for FY 2006 budget is \$382,514.

Mosquito Control

The Mosquito Control Division serves to control larvae and adult mosquito in Gadsden County. This program protects citizens from nuisance and health problems.

Total amount requested for FY 2006 budget is \$88,571.

Public Works - Paved Road Maintenance

The Paved Road Maintenance Division is responsible for the maintenance and repair of over 335 miles of County paved roads. This includes asphalt repair and paving, road base repair and replacement, cleaning and replacing of cross drains, shoulder clipping, guardrail replacement and repair of County roads. A major responsibility is to repair and maintain the County's 46 bridges.

He noted that salary and wages are estimated with a 3% raise. Healthcare costs are estimated with a 5% increase. Increased funding has been requested for anticipated overtime expenses.

Total amount requested for FY 2006 Paved Road Maintenance budget is \$767,394.

Public Works - Right-of-way Maintenance

The Right-of-Way Maintenance division is responsible for the installation and replacement of traffic signs, repairing shoulder and drive washouts, trimming trees and bushes off County right-of-way and mowing along the County's road.

Total amount requested for FY 2006 Right-of-Way Maintenance budget is \$989,148.

Road Construction/Improvement

The Road Construction/Improvement division is responsible for completion of major road projects. These projects include new road construction or resurfacing of existing roads. The County's crew prepares the right-of-way and road base for new construction. The paving of a new road or resurfacing of an existing road is contracted out.

The total amount requested for FY 2006 Road Construction/Improvement is \$3,743,911.

Public Works-Unpaved Road Maintenance

The unpaved Road Maintenance Division is responsible for the maintenance and repair of over 267 miles of unpaved County roads. The main responsibility is to grade roads on a regular schedule and remix and compact soft areas to provide a firm, smooth roadway.

He noted that the capital funding has been requested for the replacement of a pickup, a Hew Harrow, 4(four) Motorgraders, 2(two) Motorgraders w/sloper, a Wheel Loader, and a Trackhoe.

Total amount requested for FY 2006 Unpaved Road Maintenance budget is \$1,899,013.

Vehicle Maintenance

The Vehicle Maintenance division is responsible for the maintenance and repair of all equipment in the Public Works Department. This includes heavy equipment, light vehicles, tractors, mowers, and small equipment.

Total amount requested for FY 2006 Vehicle Maintenance budget is \$446,913.

14. Recycling-Litter/Animal Control

The Litter/Animal Control division of the Solid Waste Department serves to increase environment awareness in the County through the enforcement of ordinances pertaining to illegal dumping of household waste, construction and demolition debris and waste. The division also handles animal related complaints and enforces the County's animal control ordinances.

Total amount requested for FY 2006 Litter/Animal Control budget is \$117,070.

Recycling

The Recycling Division manages the County's recycling program, which provides recycling services and education to residents, and businesses in order to prevent pollution, preserve our natural resources, protect our local environment and reduce solid waste.

Total amount requested for FY 2006 Recycling budget is \$367,693.

15. Tourist Development Commission

In 2002 Gadsden County Citizens approved a 2.0% tourist development tax. The tax proceeds are used for tourist development activities. A Tourist Development Commission appointed by the Board of County Commissioners makes program decisions.

Total amount requested for FY 2006 Tourist Development Commission budget is \$32,623.

Mr. Brown commented that they would begin with the Constitutional Officers followed by Non-profits.

Adjournment

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

Edward J. Dixon, Chair

Attest:

Nicholas Thomas, Clerk

BOARD OF COUNTY COMMISSIONERS
GADSDEN COUNTY, FLORIDA
REGULAR MEETING
AUGUST 2, 2005

The Board of County Commissioners of Gadsden County, Florida, met in regular session at 6:00 p.m. with Chairman Edward J. Dixon presiding. Present were Commissioners Holt, Lamb, Watson and Price. Also present were County Attorney Thornton Williams, County Manager Marlon Brown, and Deputy Clerk Beryl Wood.

Call to Order:

Chair Dixon called the meeting to order. The Invocation was by Commissioner Price and was followed by the Pledge of Allegiance to the U.S. Flag by Commissioner Holt.

Amendment to the Agenda

The following additions were made to the agenda.

- Introduction of Gadsden Senior Services Board Members and Staff (Mr. Jim Kellum)
- Item 7-Conceptual Plat for Winkley Creek Subdivision-SD 2005-05 added to General Business (William D. McCord, Growth Management Director)
- After Item 15 - RFP for Insurance Agent/Agency (Arthur Lawson, Assistant County Manager)
- Item 13 ***moved*** before Item 12 so that the Conceptual Subdivision Plan for the Palms Subdivision would be acted on prior to action on the Preliminary Plat for the Palms Subdivision (William D. McCord, Growth Management Director)

The following items were removed from the agenda.

- Item 7 -Conceptual Plat for Winkley Creek Subdivision -SD 2005-05 (Mr. William D. McCord, Growth Management Director) moved to General Business
- Item 9 - Ordinance Creating Article III of Chapter 34 of the Code of Ordinances; Regulating the Location and Placement of Electrical Transmission Lines; (Thornton Williams, County Attorney)

- Item 10 - Ordinance Creating Subsection 5210 of the Land Development Code; Prescribing Standards and Procedures for Special Use Exceptions for Electrical Transmission Lines and Associated Facilities (Thornton Williams, County Attorney) Will be placed on the agenda for the August 16 and September 6, 2005 meeting.

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

Awards and Presentations

List of Errors and Insolvencies Report for 2004 Tax Roll (W. Dale Summerford, Tax Collector)

The Honorable Dale Summerford addressed the Board. He presented the Board with a list of errors and insolvencies report for 2004 tax roll. He detailed the report for the Board. He said that the total recapitulation amount \$990,195.82.

UPON MOTION BY COMMISSIONER LAMB AND SECOND COMMISSIONER PRICE, THE BOARD VOTED UNANIMOUSLY 5 - 0, BY VOICE VOTE, TO APPROVE THE LIST OF ERRORS AND INSOLVENCIES REPORT FOR 2004 TAX ROLL BY THE TAX COLLECTOR.

Gadsden Senior Services

Jim Kellum addressed the Board. He introduced the new Gadsden Senior Services, Inc. He said that this Board was constructed due to the problems the old Board Gadsden County Senior Citizens Council, Inc. were having. The members on the Senior Services, Inc. are as follows: Members Janice Wise, (Area Agency on Aging for North Florida, Inc.) and Bobby Crest (Executive Director), Arrie Battles, Muriel Straughn, Elevina Marshall, Willie Scott, Jan Sheriff Morris Young, and Commissioner Shirley McGill (Havana Town Council).

Willie Scott, Board member of the new Gadsden Senior Services Inc. addressed the Board. He mentioned the termination of lease with Simon Scott Center by the Board of County Commissioner with the old Board, Gadsden County Senior Citizens Council, Inc. He asked that the new Board

be given the opportunity to lease the building once the least had expired.

Discussion followed among the Board and no action was taken.

Consent

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

- Item 2 Approval of Minutes: June 28, 2005 Special Meeting (correction made on page 4. Commissioner Watson said that the name should read Jack Cooper.
- Item 3 County Deed, Lot 11, Block A, Mossy Oak Acres Subdivision - Dennis Smith
- Item 4 Public Works Portable Toilets, Bid Number 05-09 (pulled by Commissioner Holt placed under General Business)
- Item 5 Public Works Generator
- Item 6 Public Works Mosquito Control Budget for FY 2005-2006
- Item 7 Conceptual Plat for Winkley Creek Subdivision 0 SD 2005-05 (moved to general business)

Consent Items Pulled for Discussion

Public Hearings - 6:00p.m.

Bill McCord, Growth Management Director, was administered an oath by Attorney Williams as to his testimony.

Item 8 Dodger Park Estates Comprehensive Plan Amendment (CPA-2005-09)

Mr. McCord read the comments and recommendations for Dodger Park Estates. He said that the property is owned by

Willard N. and Gloria Sutton-Crawford, Owner; by Willard N. Crawford, Applicant/Representative, requests approval of a small scale Future Land Use Map amendment to change the land use designation on a 8.04 acre parcel from Agricultural - 2 (AG-2) (1:10) to Rural Residential (1:1). This amendment would be considered a small scale plan amendment per Chapter 163.3187 (c)1 and will require transmittal to the Florida Department of Community Affairs (FDCA) after adoption. The property subject to the proposed land use amendment is located on the north side of Dodger Ball Park Road (CR 159 A), east of Attapulcus Highway (CR 65) and west of Salem Road (CR 159 A) in the Dogtown Community.

Mr. McCord recommended approval of option #1, Approval of Dodger Park Estates minor land use amendment request (CPA-2005-09) amending the adopted Future Land Use Map by changing the land use category on 18.04 acre from Agriculture-2 (AG-2)(1:10) to Rural Residential (RR) (1:1) based on the above referenced findings and approve the first reading of the draft ordinance.

Elva Peppers consultant for the Dodger Park Estates Comprehensive Plan Amendment was administered an oath by Attorney Williams as to her testimony. She addressed the Board with her support of the project.

Chair Dixon called for public comment and there was no response.

Mr. McCord read the Ordinance 2005-008 into record.

Commissioner Watson inquired would the homes placed be site built homes.

Commissioner Holt voiced her concerns with mobile homes.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED UNANIMOUSLY 5 - 0, BY VOICE VOTE, TO APPROVE THE DODGER PARK ESTATES COMPREHENSIVE PLAN AMENDMENT, FIRST READING OF ORDINANCE 2005-008.

General Business

Item 4 - Public Works Portable Toilets, Bid Number 05-09

Mr. Brown said that recently, the Public Works Department advertised for portable toilet services. This bid was opened on June 3, 2005 and there were two bids submitted. He gave the background of the portable toilets. These toilets are used with the inmate program and one at the pit on Post Plant Road. These toilets provide bathroom facilities for the inmates and employees during their workday in remote sites throughout the County. The toilets are cleaned twice a week and the contractor also provides routine maintenance on the unit.

He said that his recommendation of option 1 award the leasing and cleaning of the eight portable toilets to the low bidder, Talquin Portable Restrooms.

Commissioner Holt said that she would like for staff to go back and evaluate and would recommend that they table.

Commissioner Lamb stated that staff has already looked at and given approval.

Chair Dixon said that he respects Commissioner Holt's decision to table.

Commissioner Watson said that he disagreed with tabling the decision and he made a motion for approval of the Bid Committee's Recommendation.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 3 - 2, TO APPROVE THE PUBLIC WORKS PORTABLE TOILETS, OPTION 1 BID NUMBER 05-09 TALQUIN PORTABLE RESTROOMS. COMMISSIONER DIXON AND HOLT OPPOSED THE MOTION.

Item 5 - Conceptual Plat for Winkley Creek Subdivision - SD 2005-05

Attorney Williams gave Mr. McCord an oath as to his testimony. He read the staff recommendations and comments. He said that the owner is Jim Slack and that applicant is Eddie Bass of Moore-Bass Consulting Engineers. He stated that they request approval of a conceptual subdivision plan on a 39.61+-acre parcel with a current land use of Rural Residential (RR) (1:1). The property subject to the proposed

subdivision is located on the south side of CR 161 approximately three miles east of Downtown Quincy. This action is considered a quasi-judicial action in conjunction with the advertised public hearing as a Type II plan per Subsection 7202 of the Gadsden County Land Development Code. This agenda items provides guidance to the Board in making a decision the proposed conceptual plat recommendation per Subsection.

He said that the Planning Commission and Growth Management Department recommends approval of option 1, the conceptual subdivision plan for "Winkley Creek" (SD-2005-05) on a 39.61+/- acre portion of tax parcel 3-4-2N-3W-0000-00144-0500 consisting of a 19 lot subdivision with a stormwater management facility and common area tract (Tract A), consisting of a four sheet plan (Sheet number 1.0-4.0) prepared by Moore Bass Consulting with contract number E06.001 dated 5/5/05 with revision date of 6/13/05 based on the above referenced findings and the following conditions:

- a. Since the development is located in the RR land use category and lots will be smaller than one acre in area, sidewalks shall be required. Provide a sidewalk or bond sidewalk along all Roadways including CR 161 as required by Section 5605 and 6500. Sidewalks shall be indicated on the preliminary plat drawings.
- b. At the time of Final Plat approval, provide and executed conservation easement in favor of Gadsden County over any portion of the property determined to be wetlands and convey any open space tracts to the Homeowners Association.
- c. At the time of preliminary plat application submittal, provide a clearance letter from the State Division of Historic Resources office.
- d. Provide access from the Winkley Creek Court right-of-way to Tract A. This may be provided across the stormwater management area.
- e. Lot 6 shall not be further subdivided.

Mr. McCord said that the Code was written to encourage sidewalks. He said that you would see a recommendation that require sidewalks and that it was a fairly high density.

Commissioner Holt asked how could the problem be fixed.

Attorney Williams noted that file with all papers and evidence must be turned to the clerk for public inspection.

Chair Dixon called for public comment and there was no response.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED UNANIMOUSLY 5 - 0, BY VOICE VOTE, TO APPROVE WINKLEY CREEK SUBDIVISION.

Item 6 - Final Plat for the Emanuel Gardens Subdivision

Attorney Williams gave Mr. McCord an oath as to his testimony. Mr. McCord said that the property owner and applicant is Maurice Evans. He stated that this is a request for approval of the Final Plat for Emanuel Gardens Subdivision on a 25 acre parcel within the Rural Residential land use category, located on the west side of Bainbridge Highway, north of Shade Farm Road (CR 483) and south of Hutcheson Ferry Road in the St. John Community.

He commented on the site list for plat to be released for recording. He discussed the field with the depression and the heavy rains and retention ponds were approved. He said that the file would be come apart of the public record in the Clerks's Office. He said that he had meet with DEP, to change the size of the outfall. He said that there is a drainage issue. He said that P&Z gave approval with conditions, if the neighbor will allow bringing dirt to raise her home. (power point presentation) He said that with the cooperation of the adjacent property owner the staff. Correspondence that would be provided to the clerk's office. Approval of Option 1 is recommended.

Approve the Final Plat for "Emanuel Gardens Subdivision (SD-2005-09) on a 25+/-acre parcel also known as tax parcel 2-4-3N-4W-0000-00440-0200 consisting of a one sheet plan prepared by Douglas W. Nunamaker of Quincy, Florida, prepared on 07/14/2005 based on the above referenced findings and the following conditions:

- a. Provide joinder and consent from Mortgages to be recorded with the plat.

- b. Modify the Homeowner association documents to fully comply with subsections 6005C. 10 and 6105.B.
- c. Obtain final inspection from County staff including the County engineer.
- d. Provide as built drawings as required by Subsection 6101.3.
- e. Record a deed(s) conveying the common area tracts (Tracts 'A' 'B' and 'C') to the homeowner's association.
- f. Provide a recent title opinion or abstract.
- g. Provide the required maintenance bond per Subsection 6101.4.
- h. Provide the FDEP Stormwater permits as required by Comp Plan Policy 1.3.3.
- i. If agreed to by the owner, the applicant shall raise the elevation of the side yard (north side) of Ms. Sailors' property (owner) by providing clean fill material and appropriate seeding and sodding, if necessary, to reduce flooding impact within the depression area (sink) west of the project site. The applicant shall provide to the County a cost estimate and a bond to cover the cost of the improvements on the Sailor property. The bond shall be released by the County upon completion of the improvement and after a period of time necessary for vegetation to take firm hold so as to prevent erosion.

Commissioner Lamb inquired about the cooperation of a neighbors. He asked would that stop.

Mr. McCord said that it was

Commissioner Watson also questioned the retention pond.

Mark Shustar, was administered an oath by Attorney Williams. He spoke of support of the project. He said that

the requirement of the Code, he said that when you see run-off all you required to do is to retain. He said that if the pond was not there, the situation would be worst. He said that the pond is functioning as designed.

Chair Dixon said that the pond is designed.

Commissioner Holt said that the discharge is filling up in the crowner.

Louvenia Ellis Sailor, was administered an oath by Attorney Williams. She talked about how the pond was designed. She said that she conservation with Mr. Evans. She said that it was not always a water problem. She said that it would stay in the middle of the depression. She said that Mr. Evans said that he would try to fix the problem. She said that if you put sand in her yard, the sand would have to go somewhere. She said that Mr. Evans said that he would dig back the depression. She said that she has agreed to let that take place for a long term solution as long as it's accompanies the stipulations that Mr. McCord have outlined.

Maurice Evans, owner, was administered an oath by Attorney Williams. He said that he meet with Ms. Sailor and he agreed to dig it out. He said that once, the water receded he would go in and dig out. He said that he did agree to that.

Alfred Ellis, was administered an oath by Attorney Williams. He commented that if Mr. Evans does actually what he has proposed everything should run smoothly. He cautioned what happens if 80% of the property is sold, it falls own property owners.

Marion Lasley, was administered an oath by Attorney Williams. She spoke of concerns dealing with criteria being to low. She said that something isn't working right. She asked should other standards be imposed. She noted that soon the homeowners would be responsible for the pond and would eventually have to pay. She asked does the maintenance bond cover future homeowner drainage problems. Ms. Sailor should not have to give up two acres of her property. She said that the Board should not put themselves into a position where there would be problems.

Commissioner Watson said that something has changed. He said that know that there is activity Ms. Sailor is back again. He said that he is reluctant to give final plat approval. He said that the Board told Ms. Sailor and Mr. Ellis that this would not cause them a problem. He said that the problem should be elevated before approval. He said that the solution should be complete.

Commissioner Lamb said that the first solution has been solved. He asked about the ongoing problems with FAMU. He said that he is not of favor creating problems.

Commissioner Holt said that she is comfortable with the agreement between the parties.

Chair Dixon said that the model of wrong development is Deer Ridge. He said that the Board is required to make a smooth transaction. He said that he is impressed with the working relationship between parties. He said that he was in favor of the plan to move the project forward and not to stop development.

Attorney Williams stated that this was a quasi-judicial procedure. He said that if we do something different with this applicant, a precedent would be set.

Commissioner Watson said that from the beginning they have said that they would not like to cause Ms. Sailor any problems. He said that the problems should be evaluated, before this application is approved.

Attorney Williams stated that the evidence before is an agreement with the conditions by the developer. He cautioned the Board if conditions are met prior to approval.

Alfred Ellis asked that if the Developer doesn't come through as he has committed in the agreement, would the County. He asked for a motion to that affect.

Discussion followed among the Board.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 2, TO APPROVE THE FINAL PLAT FOR THE EMANUEL GARDENS SUBDIVISION WITH STAFF RECOMMENDATIONS A-D AND WITH THE DIGGING OF THE POND.

**Item 12 Conceptual Subdivision Plan for the Palms
Subdivision - 2005-04**

Mr. McCord commented that the Preliminary and Conceptual Plats have been transposed as printed on the agenda. Mr. McCord read the comments and staff recommendations for the Palms a 21.0 acre parcel in the Rural Residential Land use district, located on the south side of Providence Road west of CR65 in the Sawdust Community. He said that Township 2 North, Range 5 West, Section 25 (Tax ID#3-25-2N-3W-0000-00120-0100). He said that the applicant Latasha Murray, owner; paradigm Engineers and Consultants, applicant/representative. This action is considered a quasi-judicial action in conjunction with the noticed public hearing as a Type II plan per Subsection 7202 of the Gadsden County Land Development Code.

Chair Dixon called for public comment and there was no response.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED UNANIMOUSLY 5 - 0, BY VOICE VOTE, TO APPROVE THE CONCEPTUAL PLAT FOR THE PALMS WITH STAFF RECOMMENDATIONS A - F.

**Item 13 Preliminary Plat for the Palms Subdivision - SD
2005-04**

Mr. McCord read the comments and staff recommendations for the Palms a 21.0 acre parcel in the Rural Residential Land use district, located on the south side of Providence Road west of CR65 in the Sawdust Community. He said that Township 2 North, Range 5 West, Section 25 (Tax ID#3-25-2N-3W-0000-00120-0100). He said that the applicant Latasha Murray, owner; paradigm Engineers and Consultants, applicant/representative. This action is considered a quasi-judicial action in conjunction with the noticed public hearing as a Type II plan per Subsection 7202 of the Gadsden County Land Development Code. This agenda item provides guidance to the Board in making a decision on the proposed preliminary plat recommendation per subsection 7505. The P & Z Board recommended approval of both. He said that the site would be served by central water and septic tanks. He asked that the findings also be adopted. He referenced a letter in the package from Mr. Glen Suber. He

recommended approval with option # 1. Move Option #1. The Growth Management Department recommends approval of the Preliminary Plat for The Palms Subdivision (SD-2005-04) consisting of a one sheet plan prepared by Paradigm Engineers and Consultants of Tallahassee, Florida with project number 0030-01-05, dated June 2, 2005 with revision date of June 15, 2005, with the above mentioned findings and the following conditions.

- a. At the time of Final Plat approval, provide an executed conservation easement in favor of Gadsden County over Tract B and convey Tracts A and B to the Homeowners Association.
- b. The plat is contingent on final Environmental Health Department approval that all lots are suitable for on-site septic system.
- c. Provide the code required upland open space per Subsection 5102. D. The Code states: Residential subdivisions shall provide at least 50% of the open space dedication in upland areas that are suitable for recreation uses.
- d. The conceptual plan shall first be approved by the Board of County Commissioners prior to the effective date of approval of the Preliminary Plat.

Latasha Murray, was administered an oath by the Attorney Williams. She addressed the Board with support of the Palms Subdivision Preliminary Plat.

Mark Shustar, was administered an oath by Attorney Williams. He said that they where fine with conditions.

Chair Dixon called for public comment.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED UNANIMOUSLY 5 - 0, BY VOICE VOTE, TO APPROVE THE PRELIMINARY PLAT FOR THE PALMS SUBDIVISION WITH STAFF RECOMMENDATIONS A - D.

Item 14 - Preliminary Plat for Philippian Pines Subdivision

Mr. McCord was administered an oath by Attorney Williams. He read the comments and staff recommendations.

He commented that the owner Phyllis Moore and David H. Melvin Inc., representative, request approval of a preliminary plat for the proposed Philipppians Pines subdivision on a 15.67acre parcel within the Rural Residential (RR) and Recreation land use districts. He said that on page 3 of the report. He said that as changes are made to the Code and availability to different services. He said that there was concern about the drainage issue. He said that with minor change it should be corrected. He said that on page 6. He said that the P&Z meet in July and voted 6-3 recommending approval with findings and conditions of approval a -h. Variance not to require stub streets. He said that he recommends approval of Option 1 a-i.

1. Approve the Preliminary Plat for Phillippians Pines (SD-2005-01), consisting of a six plan (Title Sheet and Sheets C1-C5) prepared by David H. Melvin, Inc. of Tallahassee, Florida, with file No. MOO04SUB, dated May 10, 2005, and signed and sealed on June 22, 2005 with the above listed findings and the following conditions.

- a. Amend the Covenants and Restrictions to incorporate the re-platted lots in the homeowner's association and make other changes to the deed restrictions to incorporate these platted properties and provide for common facility maintenance.
- b. Change the right-of-way width for all of the private street right-of-way length to be 60 feet wide in order to comply with Comprehensive Plan Policy 2.4.1.
- c. Since the development is located in the RR land use category and lots will be smaller than one acre in area, sidewalks shall be required. Provide a sidewalk or bond sidewalk along all Roadways including US 27 as required by Section 5605 and 6500. Sidewalks shall be indicated on the final approved preliminary plat drawings.
- d. At the time of Final Plat approval, provide an executed conservation easement in favor of Gadsden County over any portion of the property determined to be wetlands and convey any open space tracts to the Homeowners Association.
- e. Provide approval/acceptance letter from the Environmental Health Department of the lot layout/design to ensure that each lot is

suitable and will be able to accommodate septic systems.

- f. If a hardship is proven the Board will need to consider a variance from Subsection 5611 A.6 to not require a design that provides stub streets to adjacent parcels.
- g. Include the 50-foot wide buffers adjacent to the wetland in the conservation easement.
- h. At the time of construction plan review engineering staff may require that some swales be concrete lines on steeper slopes.
- i. The stormwater treatment and conveyance system shall be designed to eliminate adverse impacts to off-site properties and if necessary expanded by reducing the number of lots in order to achieve code compliance.

Commissioner Holt said what's the best way to solve the problems.

Mr. McCord said that the best way to solve is the land development code. To have the policies mirror those in the USDA.

Chair Dixon said that under Code it is legal.

Mary Margot Ferris, Engineer for the project was administered an oath by Attorney Williams. She spoke in support of the project. She said that the owner had asked could sidewalks be included in the subdivision. She said along Hwy 27 it is steep and that she would have to place the sidewalks against property lines and fill in the ditch. She asked for a variance to not include sidewalks along Highway 27.

Discussion followed among the Board.

UPON MOTION BY COMMISSIONER LAMB AND COMMISSIONER HOLT, THE BOARD VOTED UNANIMOUSLY 5 - 0, BY VOICE VOTE, TO APPROVE OPTION 1 THE PRELIMINARY PLAT FOR PHILIPPIAN PINES SUBDIVISION A-I WITH SIDEWALKS IN THE SUBDIVISION ONLY, EXCLUDING ALONG HIGHWAY 27.

At this juncture of the meeting the Chairman heard from a citizen that had concerns with the above-approved subdivision.

Vincent Bafalastic addressed the Board with concerns regarding the Philipppian Pines Subdivision. He commented that he got the plans from Melvin Engineers. He asked for increased density in the size of the lots. He said that he read that the lots would be 3.5 quarter of a lot. He stated that it should include a little more yard.

Chair Dixon asked the Board would they like to reconsider in an effort to consider the testimony be Mr. Bafalastic.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED UNANIMOUSLY 5 - 0, BY VOICE VOTE, TO RECONSIDER THE PHILIPPIAN PINE SUBDIVISION.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED UNANIMOUSLY 5 - 0, BY VOICE VOTE, TO CONSIDER THE TESTIMONY OF MR. BAFALASTIC CONCERNING THE PHILIPPAN PINE SUBDIVISION.

Commissioner Watson asked what would it take to reconsider the lines.

Mr. McCord commented that he didn't know if he could answer that.

Commissioner Watson said that he would not like to create problems with neighbors.

Mr. McCord he said that it would be 3 hands on it before approval.

Mr. Bafalastic addressed the Board explaining his concerns with flooding.

Commissioner Watson said that he was for approval.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PRELIMINARY PLAT FOR PHILLIPPHAN PINES AS SUBMITTED WITH THE FIRST MOTION.

At this juncture of the meeting the floor was yielded to Senator Al Lawson and Representative Curtis Richardson.

Senator Lawson addressed the Board. He said that tonight was National Crime Prevention Night. He spoke on the importance of living in safe neighborhoods. He asked for the County's support.

Representative Curtis Richardson discussed that September 25, 2005 had been designated as bringing together rural counties to discuss projects in the local communities. He said that they would have committee meetings as early as September to plan for the upcoming Legislative Session. He encouraged the County to participate.

Chair Dixon assured the Legislative duo that the County would be more prepared this legislative session.

Public Comment (3 minute limit)

Arthur Syr inquired about the progress with the Deer Ridge Site.

Mr. McCord said that there was no additional progress made. He said that they haven't cleaned out any pipes. He said that the curve was actual hanging over in some areas.

Commissioner Watson inquired what else could be done.

Attorney Williams said that his recommendation is to wait to see DEP direction before a final decision is rendered. He said then the County would be able to move forward with appropriateness.

Discussion followed among the Board and no action was taken.

Joseph Lee Thomas addressed the Board. He opposed Boderline Liquor Store being placed in his neighborhood along Highway 27.

Mr. McCord said that particular hearing would be heard at the P&Z meeting scheduled for tomorrow.

County Manager

Mr. Brown reminded the Board of important upcoming meetings/workshops.

- Executive Session - August 16, 2005 County Manager's Conference Room. 5:15 p.m.
- Board Budget Workshop- August 30, 2005, Tuesday at 5:00 p.m.

RFP for Insurance Agent/Agency

Mr. Brown commented that he and Mr. Lawson needed direction as to whether or not to solicit an RFP for interested Insurance Agencies.

He noted that the County currently has the majority of its insurance business with a local agency that has handled the County's insurances in excess of twenty years. This agency provides the County coverage for Workers Compensation, Automobile and Property Insurance as well as other types of insurances. The County has been approached by an insurance agency requesting an opportunity to provide services to the County that may result in substantial savings to the County. These services include coverage for County property, automobile and workers compensation. In order to determine if there can be any saving to the County, staff is recommending that we competitively bid these services.

He concluded by saying that if an RFP is pursued to seek competitive rates from other agencies, timing will be paramount and whoever the Board chooses must have new policies in place by October 1, 2005.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED UNANIMOUSLY 5 - 0, BY VOICE VOTE, TO APPROVE THE RFP FOR AN INSURANCE AGENT/AGENCY.

Budget Amendments

Mr. Brown noted that the item seeks approval from the Gadsden County Board of County Commissioners to amend the budgets of several departments to provide to the County Manager's and the County Attorney's Budget.

He said that the departments funded by the general fund were able to provide over \$130,000 that will be used to balance the County Manager's and County Attorney's budgets. About \$70,000 in these funds will have to be

approved through the public hearing process and will be advertised to facilitate the transfer at the August 16, 2005 Board meeting. The \$130,000 can fully fund the shortfall in the County Manager's and County Attorney's budgets (\$102,000 combined).

The State has indicated that there was an increase in state revenue sharing revenue sharing funds, which staff estimates will be approximately \$75,000 extra. In verbal discussions with both the Tax Collector and the Property Appraiser, they have both indicated that their intent is to return excess funds to the Board. These funds together with the additional state revenue sharing funds should support the fees for the Medical Examiner's budget. Staff will recommend to the Clerk's Office that these balances be reconciled at the end of the year.

Mr. Brown said that the budget deficit in the Landfill budget will be handled with an internal budget amendment. There are funds in the Welfare-Medicaid budget. Invoice amounts are not consistent in equal amounts each invoice period, so it is difficult to truly ascertain at this time if there will be a problem with this budget until the County is further invoiced.

Upon approval of the budget amendments, the County Manager will send a memo to the Clerk in response to the memo dated July 12 and July 21, 2005.

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

Discussion Items by Commissioners

District 1

Commissioner Lamb spoke of the importance of recreational activities. He asked about a 10-year plan for Parks and Recreation. He asked County Manager to look at a plan and to get back with the Board.

District 2

Commissioner Watson had no report.

District 3

Commissioner Price had no report.

District 4

Commissioner Holt stated that she would for the Manager and the Board to look at items that deal with large developments and sunset on some on the larger developments that are coming due to certain purchases of land in the County. She said that the Board is not in a position to provide water and sewage in certain areas; she suggested that they look into sun setting to consider other options. She said that since revisions to the Code and Comp Plan are forthcoming she would like to have workshops initiated.

District 5

Chair Dixon commented that the Manager has put together a 5-year budget that anticipates growth. He said that recreation is a multiple year program that we have to invest money to in order for its success.

Receipt and File

Item 17 Gadsden County Annual Financial Report for FY
 2003-04

Cash Report

County Attorney Notice to Terminate Simon Scott
Building Lease Agreement

ADJOURNMENT

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

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

BOARD OF COUNTY COMMISSIONERS
GADSDEN COUNTY, FLORIDA
ATTORNEY-CLIENT SESSION
AUGUST 16, 2005

The Board of County Commissioners of Gadsden County, Florida, met in Attorney-Client session at 5:00 p.m. with Chairman Edward J. Dixon presiding. Present were Commissioners Holt, Lamb, Watson and Price. Also present were County Attorney Thornton Williams, Deputy County Attorney Paul Sexton, County Manager Marlon Brown, and the Certified Court Reporter.

Call to Order:

Chair Dixon called the meeting to order. He then turned the meeting over to Mr. Williams.

Mr. Williams noted "Pursuant to Section 286.011 (8), Florida Statutes, the meeting has been duly noticed in all three (3) local papers. He proceeded with roll call.

He then opened the meeting for the purpose of discussion of strategy plans related to litigation matters concerning the lawsuit of Florida Power Corporation d/b/a vs. Progress Energy Florida, Inc. vs. Gadsden County, Second Circuit, Case No. 05-689-CAA. A transcript of these proceedings will be made by the court reporter and filed with the Clerk of Court but, will not be made public until the conclusion of the law suit.

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

BOARD OF COUNTY COMMISSIONERS
GADSDEN COUNTY, FLORIDA
REGULAR MEETING
AUGUST 16, 2005

The Board of County Commissioners of Gadsden County, Florida, met in regular session at 6:00 p.m. with Chairman Edward J. Dixon presiding. Present were Commissioners Holt, Lamb, Watson and Price. Also present were County Attorney Thornton Williams, County Manager Marlon Brown, and Deputy Clerk Beryl Wood.

Invocation and Pledge of Allegiance

Chair Dixon called the meeting to order. Commissioner Lamb led the invocation. Commissioner Watson led in the pledging of allegiance to the U.S. flag.

Amendments to the Agenda

The following additions were made to the agenda.

Awards and Presentations

Congressman Boyd's Health Council-County Appointee
(Bobby Pickles, Congressional Assistant)

- **General Business**

Approval for RFP for Architectural Services for
Chattahoochee Library Project
(Jane Mock, Library Director)

- **County Attorney**

Deer Ridge Subdivision Update

Bankruptcy -Housing Program Participant

Clerk of Courts' Budget

Ashford Healthcare

- **County Manager**

Discussion of SR 65 Realignment Funding

Regular County Commission Workshops

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

Awards and Presentations

Item 1 American Red Cross - Update on Hurricane Dennis and on Outreach Efforts (Chris Floyd)

Mr. Chris Floyd, Emergency Services Director, addressed the Board. He gave an update on Hurricane Dennis and the ongoing outreach effort in Gadsden County. He said that there were 120 residents in Gadsden County who sought shelter in East Gadsden High School. He said that they served a total of 457 people mostly from surrounding counties. He said that damage was major on the shorelines. He commented that damages in Gadsden were at a minimum. He commended the volunteers for their great effort.

Commissioner Lamb commented that he was impressed with the Red Cross.

Discussion followed among the Board.

The Board took no action.

Item 2 Congressman Boyd's Health Council - County Appointee (Bobby Pickles, Congressional Assistant)

Bobby Pickles addressed the Board on behalf of Congressman Boyd. On the September 19, 2005 first Meeting, he said that Congressman Boyd would like a County Appointee relating to health related issues to help serve as a policy guide.

Discussion followed among the Board.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED, BY VOICE VOTE, TO APPOINT MICHEAL (BOB)

MARTINEZ AS THE COUNTY APPOINTEE FOR
CONGRESSMAN BOYD'S HEALTH COUUNCIL.

Consent

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

- | | |
|--------|--|
| Item 3 | Approval of Minutes: June 7, 2005 Regular Meeting
June 8, 2005 Special Meeting |
| Item 4 | Petroleum Products Bid #05-12 (Arthur Lawson, Sr.,
Assistant County Manager) |
| Item 5 | Gadsden County Community Traffic Safety Team
Sidewalk Project (Robert Presnell, Public Works
Director) |
| Item 6 | E 911 Grant Application for Wireless 911 Grant
(DeVane Mason, E 911 Coordinator) |

Public Hearing

- Item 7 Ordinance Creating Article III of Chapter 34 of the Code of Ordinances; Regulating the Location and Placement of Electrical Transmission Lines

Mr. McCord read the statement of issue. He said that this item consists of an administrative request to amend Chapter 5 of the Land Development Code by adding a subsection.

He said that the Planning and Growth Management Department recommends option 1, approval of the draft ordinances amending Chapter 34 Gadsden County Code of Ordinances and amending Chapter 5 by adding a subsection 5210, Supplementary Standards for Electrical Transmission Lines, based on the above referenced findings. He commented that this is the first reading of the ordinance and proceeded to read the title into record.

Bobby Kimbro of Talquin Electric addressed the Board. He said that Talquin Electric is

opposed to the ordinance. He named numerous executive orders that backed his response of why Talquin opposed the ordinance. He referenced a handout regarding existing regulations. He listed several guidelines. He said that the Board is charged with providing affordable power needs to the community. He said that the County should not vote to approve this ordinance in the present form.

Commissioner Watson inquired how many lines were above the 69kv.

Mr. Kimbro said that they are 69kv and below.

Chair Dixon asked Mr. Kimbo did he think it would be beneficial to remove the 69kv and below.

Mr. Kimbro replied yes, that it would hinder future projects. He said that the need for the line is to bring power to the area.

Commissioner Watson asked did the ordinance cover only 69kv and above.

Attorney Williams said that on page 2 of the ordinance it states that it would involve 69kv and above and not required to obtain certification under the Florida Electrical Power Plant Sitting Act.

Section 34-41 Definitions listed on page two (20) of the ordinance, item (4).

"Transmission line" means any electrical line to be located within Gadsden County, which is designed to operate at 69kilovolts and above and not required to obtain certification under the Florida Electrical Power Plant Sitting Act, Sections 403.52-403.5365, Florida Statutes, as well as all poles, substations, guys, support structures and appurtenant facilities, including structures and maintenance and access roads needed for the construction, operation or maintenance thereof.

Commissioner Holt said that if the Ordinance were adopted how would it affect Talquin. She asked what if the lines where up to 70kv would it be beneficial.

Mr. Kimbro said that it would effect how they trim trees. He said that it would not effect the 69 and below lines.

Clay Vandlingham, Neighbors Opposed to Progress Energy (NOPE) addressed the Board. He said that members of Talquin Electric would be affected. He thanked the members of P&Z for passing the ordinance. He reminded the Board of there proposes to protect the citizens of Gadsden County. He said that the corridor does not exist today. He said that they have to take additional land from landowners. He said that they need the additional land - Progress Energy.

Bill Hoatson of NOPE and resident of Greensboro and Talquin Electric addressed the Board. He said that he is in support of passing the ordinance. He said that it's not the intent to let a corporation become unregulated. He reminded the Board to protect the citizens of the County. He said that the ordinance gives the County a voice to how the county is developed to protect the citizens.

Commissioner Watson said that he would not support the ordinance at this number. He said that his interest was to regulate larger lines. He said that he would not like to hold up Talquin.

Commissioner Holt said that there is not a problem with the numbers. She inquired from Talquin what kind of projects do they have ongoing or for the future.

Commissioner Lamb said that he was in support of Commissioner Watson request to not stand in Talquin's way.

Chair Dixon asked was there any significance to 69kv.

Attorney Sexton replied that it is the common threshold.

Chair Dixon said that it is his understanding that Talquin wants the ordinance gone because it renders their opportunity to do business. He said that the next line would be 115 kv and that would allow them to do business. He said that if we don't pass the ordinance we give up the right to have a say in the line 69kv and below.

Commissioner Watson said that it would give Talquin more flexibility if the lines could go up to 115kv. He said that the County wants a say in how big and where does it go. He said he didn't feel that it was unreasonable to request a say as to where the line would go.

Mr. Kimbro said that it would give certain people the tool needed to adjust.

Attorney Williams said that he meet with Talquin on last evening and between the two parties new language was drafted. He said that it would exempt Talquin.

Discussion followed among the Board.

Mr. Vanlandingham said that his concern is with high voltage lines. He said that there is a gray area between 69kv and above. He named many different health factors. He said that a 69kv said that only need 150 right-of-way.

Chair Dixon asked Mr. Vanlandingham was he in support or against the new amendment to the ordinance.

Mr. Vanlanigham said that he opposed.

Marion Lasley said that the information was not present in the agenda packet. She stated that the Board could not vote on that information. She asked that they require the submittal of a new application with 70kv and above.

Lynn Poucher addressed the Board. She said that she was concern citizen and also a Talquin Electric Member.

Bill Hoatson said that he didn't mind if it went from 70kv and below. He said that there are alternative routes, he said that they if it's bumped up to 70kv it takes care a lot of stuff.

Commissioner Watson asked why such a large right of way 2000 ft.

Attorney Sexton said that perhaps because there is impact.

Commissioner Dixon commented that he was in favor of passing the ordinance and having the Attorney comeback with amendments of 70kv and above.

Commissioner Lamb said that he would like to table.

Attorney Williams said that if you table you have to reopen the public hearing and schedule three (3) meetings instead of two (2).

Attorney Williams said that it's normal to make amendments. He said that it has to be noticed.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED UNANIMOUSLY 5 - 0, BY VOICE VOTE, TO APPROVE THE FIRST READING OF ORDINANCE 2005-09 AND AMEND THE LANGUAGE IN THE DEFENITIONS SECTION 34-41 (4) UPPING TO 70KILOVOLTS AND ABOVE.

Item 8 Ordinance Creating Subsection 5210 of the Land Development Code; Prescribing Standard and Procedures for Special Use Exceptions for Electrical Transmission Lines and Associated Facilities

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE ORDINANCE 2005-010.

Item 9 Dodger Park Estates Comprehensive Amendment CPA

**2005-09 Second Reading of Ordinance #2005-10
(William D. McCord, Growth Management Director)**

Mr. McCord read the comments and recommendations for Dodger Park Estates. He said that the property is owned by Willard N. and Gloria Sutton-Crawford, Owner; by Willard N. Crawford, Applicant/Representative, requests approval of a small scale Future Land Use Map amendment to change the land use designation on an 8.04acre parcel from Agricultural - 2 (AG-2) (1:10) to Rural Residential (1:1). This amendment would be considered a small-scale plan amendment per Chapter 163.3187 (c) 1 and will require transmittal to the Florida Department of Community Affairs (FDCA) after adoption. The property subject to the proposed land use amendment is located on the north side of Dodger Ball Park Road (CR 159 A), east of Attapulugus Highway (CR 65) and west of Salem Road (CR 159 A) in the Dogtown Community. Mr. McCord read the second reading of Ordinance 2005-008 into record.

He recommended option 1 to the Board.

1. Approve the second reading of the Ordinance (Ordinance 2005-008) adopting the Dodger Park Estates minor land use amendment request (CPA-2005-08) amending the adopted Future Land Use Map by changing the land use category on 8.04 acre (tax parcels #2-03-3N-3W-0000-00132-0200 and 2-03-3N-3W-0000-00132-0300) (Attachment #1), from Agriculture-2 (AG-2)(1:10) to Rural Residential (RR)(1:1) based on the above referenced findings and approve the first reading of the draft ordinance.

Chair Dixon called for public comment and there was no response.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE OPTION 1 OF THE RECOMMENDATIONS ADOPTING ORDINANCE 2005-008.

Item 10 Public Hearing on Fiscal Year 2005 Budget: Inter-

Fund Transfers (Marlon Brown, County Manager)

Mr. Brown commented that this item seeks approval from the Gadsden County Board of County Commissioners to amend the budget of the Landfill Fund to provide funds to the County Manager's, the County Attorney's and Medical Examiners budget.

He referenced the memo provided by the Clerk to the Board, dated July 12 and July 21, 2005, indicating that budgets for two constitutional officers, the County Manager, The County Attorney, the line item for Wel-fare-Medicad, Waste Management fees and the Medical Examiner fees were either short of funds or out of funds. The shortage indicated was \$531,743.65. (Attachment 1)

Mr. Brown stated that after careful review they have concluded that they would not be able to amend the budget of Fire Services as reflected in the advertisement.

The departments funded by the general fund were able to provide over \$113,000 that will be used to balance the County Manager and County Attorney's budgets. About \$43,880 in these funds has to be approved through the public hearing process to facilitate the transfer. The Clerk's memo indicated approximately \$102,000 as the combined shortfall in the County Manager and County Attorney's budgets. However, the County Manager has established the amount to be transferred at \$100,000; \$45,000 to the County Manager and \$55,000 to the County Attorney.

The balance after these transfers is approximately \$13,300, plus the State has indicated that there was an increase in state revenue sharing funds which staff estimates will be approximately \$75,000 extra. In verbal discussions with both the Tax Collector and the Property Appraiser, they have both indicated that their intent is to return excess funds to the Board. These funds together with the additional state revenue sharing funds should support the

fees for the Medical Examiner's budget. Staff will recommend to the Clerk's office that these balances be reconciled at the end of the year.

Chair Dixon called for public comment.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE FY 2005 BUDGET, BUDGET INTER-FUND TRANSFERS FROM LANDFILL FUND ONLY.

Item 10 Request for Approval of an Outdoor Entertainment venue Temporary Use-Down on the Farm Outdoor Festival Permit request per Section 58. Article IV, Gadsden County Code of Ordinances

Mr. McCord read the comments and recommendations for approval of an outdoor entertainment venue Temporary Use-Down on the Farm Outdoor Festival Permit request per Section 58. Article IV, Gadsden County Code of Ordinances. He said that the applicant is Terry McCoy of Spanish Moss Philanthropies. He said that the festival is tentatively scheduled for Friday, November 11, 2005 through Sunday, November 13, 2005, and will be held on the old Ball Farm Road in Township 3N, Range 2W, Section 33 approximately 2 miles northeast of Quincy.

He said that his recommendation is for approval of Option #3.

The Growth Management Department recommends approval of the request for an "Down on the Farm" Outdoor Festival based on the findings listed above with the following conditions:

- a. Post the temporary use permit and copies of Ordinance 2001-010 in a conspicuous place (s) on the festival site for public inspection.
- b. Obtain approval of electrical connections (electrical inspection) at the festival site to the satisfaction of the Building Official/Fire Marshall.

c. The applicant is hereby granted a waiver from:

1. Section 58-144(9) and will not have to name all persons or groups who will perform at the festival or provide executed copies of the contract or agreements form such groups/persons.
2. Section 58-145. No "Faithful Performance Guarantee" will be required.
3. Section 58-147 (b)(1). This waiver should be granted provided such liquor license is legally transferable for temporary event purposes in accordance with State Statue.
4. Section 58-147 (a) (1) and shall be permitted to schedule and hold the event for three days.
5. Section 58-144 (7) only to the extent that the insurance Policy does not have to be provided at the time of application but must be provided prior to a permit being issued by County staff (prior to the event).
6. Section 58-144 (10). No contracts with persons, firms and corporations that provide products, materials or services will be required.

Attorney Williams said that they should give the names of the performers.

Commissioner Lamb said that the ordinance is not being implemented.

Paul Devine spoke in support of the project. He said that he is prepared to list the name of the artist.

Margie Simms addressed the Board. She commented that when notices are sent 1000ft no one is notified. She said that maybe the rules

should be changed. She also recommended a cut-off time for music.

Sam Hawkins spoke in support of the project.

Commissioner Watson asked Mr. Devine could he alert neighbors when you have an event.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 2 - 3, BY VOICE VOTE, TO DENY THE REQUEST FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT VENUE TEMPORARY USE-DOWN ON THE FARM OUTDOOR FESTIVAL PERMIT REQUEST PER SECTION 58. ARTICLE IV, GADSDEN COUNTY CODE OF ORDINANCES. THE MOTION FAILED.

Commissioner Holt asked was there any way to table the music.

Mr. Devine said that they were asked to operate within normal hours. He said that they do have visitors that camp out. He stated that since, the festival last throughout the weekend visitors gradually come and depart.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE REQUEST FOR APPROVAL OF AND OUTDOOR ENTERTAINMENT (SPANISH MOSS PHILANTHROPIES) VENUE TEMPORARY USE-DOWN ON THE FARM OUTDOOR FESTIVAL PERMIT REQUEST PER SECTION 58. ARTICLE IV, GADSDEN COUNTY CODE OF ORDINANCES. COMMISSIONER WATSON AND LAMB OPPOSED THE MOTION. THE MOTION PASSED.

Commissioner Watson asked what time is the music off.

Mr. Devine replied at 2:00 a.m. He said that he would consider adjustments.

Item 11 Approval of RFP for Lobbyist Services

Mr. Brown stated that this agenda items seeks Board direction as to whether or not

to solicit an RFP for Lobbying Services. Staff will be presenting legislative priorities of the departments and County to the Board at the budget workshop on August 30, 2005, for input, in preparation for legislative committee meetings scheduled to begin in early September 2005 for the upcoming session.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO SOLICIT AN RFP FOR LOBBYING SERVICES.

**Item 12 Approval for RFP for Architectural Services
for Chattahoochee Library Project**

UPON MOTION BY COMMISSIONER WATSON AND SECOND PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE RELEASE OF AN RFP FOR ARCHITECTURAL SERVICES FOR THE CHATTAHOOCHEE PUBLIC LIBRARY.

County Attorney's Agenda

Bankruptcy, Chapter 13 - Bobbie Jean Smith

Attorney Williams for informed the Board that a Bobbie Jean Smith has filed for Bankruptcy, Chapter 13. He said that the County had reconstructed a loan in the amount of \$4,613.00 and that the remaining unpaid balance is \$2,153.63. He stated that they are representing the County in this matter and any actions are pending.

Attorney representing Clerk of Court, Nicholas Thomas

Attorney Williams referenced the letter from Attorney Scott A. Snively, P.A. that discussed possible litigation from Clerk Thomas, Clerk of Court vs. Gadsden County Board of County Commissioners for budget dispute for ensuing fiscal year FYE 9/30/2006.

Attorney Williams stated that Attorney Snively said that the reasoning behind the potential lawsuit, is that the Clerk submitted his tentative budget for FYE 9/30/2006 to the Gadsden County Board of County Commissioners (BCC).

Pursuant to the tentative county budget that has been proposed by the BCC, funding for the Finance Department of the Clerk has been reduced from \$479,829 allocated for FYE 9/30/2005 to \$296,811 as the proposed allocation for FYE 9/30/2006 - a reduction of over \$183,000, or over 38%. The stated reason for the reduction is to offset the cost to Gadsden County of establishing its Office of Budget and Management and hiring of a full-time budget director.

Attorney Williams said that the Clerk's Attorney would like to have a meeting to come to resolution.

Commissioner Holt said that she had no problem meeting having the County Attorney and County Manager meet with the Clerk and his Attorney to come to a resolution.

Commissioner Watson said that he would like to return the money.

Commissioner Lamb said that he would not like to go into litigation and urged the Board to set up a meeting as soon as possible.

Mr. Brown said that the media had called him and he felt that it was unprofessional.

Chair Dixon said that his problem was that he had not seen the Clerk's Budget or his appearance at any budget meeting.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MEETING WITH CLERK THOMAS AND HIS ATTORNEY.

Ashford Healthcare

Attorney Williams commented that this afternoon he received notification of Ashford's Lawsuit against the County. He said that he had not had time to analyze the lawsuit at the present moment. He said that he would report back to the Board.

Deer Ridge Estates

Attorney Williams commented that Attorney Tim Dennis of Theriaque, Vordeck and Spain Law Firm was present in the

audience to answer any questions regarding the Deer Ridge Subdivision. He said that Attorney Sexton would come up and brief the Board of the on goings up until the present point.

Attorney Sexton addressed the Board. He said that county staff has been corresponding with the Developers and Department of Environmental Protection (DEP). He commented on the storm water going in all different directions. He said that his concern from staff is with erosion on the roadways. He said that he spoke with the DEP attorney today and they would send a draft consent order. He said that the developer would like to remain status quo until the matter is taken care of.

Attorney Tim Dennis of the Law Office of Theriaque, Vordeck and Spain addressed the Board. He said that he would like to respectfully request that the DEP process be followed so that their client would be allowed the opportunity to fix the problems stated out in the Deer Ridge Subdivision. He said that they received no formal notice that the County would proceed with litigation at this meeting. He said that a client informed them of a news story. Where it stated that there would be a recommendation to the Board to proceed to take necessary action at this meeting. He noted that it was not advertised on the August 16, 2005, Agenda, but it is on the Amended Agenda dated August 2, 2005. He said based on that information, he asked that the Board differ any action other than a recommendation. He asked that his client Deer Ridge continue their working relationship with DEP. He said that his client has started remedial actions such in the amount of \$40,000.00. They have hired a hydrologist. He said that they believe they need 30 to 40 days to meet the requirement.

Commissioner Lamb said that the Deer Ridge issue has been pasted over and that he is tired of waiting.

Commissioner Holt said that the problem is when it rains. She also urged that the Board not wait.

Discussion followed among the Board.

Attorney Dennis said that his client is prejudice to lack of notice.

Attorney Williams said that his recommendation would be since this is not a formal hearing. The process is started. He recommended that the County set the Public Hearing for Deer Ridge at the September 20, 2005 BCC meeting.

Chair Dixon called for public comment.

John Ferguson a Deer Ridge resident commented that the problem is drainage. He noted that in the entranceway the water pipes aren't connected.

Tonja Beatha a Deer Ridge Estates resident asked for justice.

Brain Smith a Deer Ridge Estates resident discussed septic tank issues. He said that they continually have to pump out. He said that the blame is being placed everywhere. He stated there needs to be urgency because 60 - 90 days puts a lot of residents out the warranty.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO BEGIN THE PROCESS OF ENFORCEMENT WITH DEER RIDGE SUBDIVISION.

Commissioner Watson inquired what could be done to change the Code, so that Developers can do things on the Board's schedule not on theirs or DEP's. He asked was there anything that can be done to force the issue. He said that he hates being in that position. He said that he is helpless when it comes to helping the residents in situations such as Deer Ridge.

Attorney Williams replied that they would look into and try to bring back some direction.

County Manager

Mr. Brown discussed the reallocation of funding request of SR 65 Realignment from the Department of Transportation.

Mr. Presnell recalled the year 2002. He said that the state project has been delayed. He said that Engelhard would donate the land. He said that they were granted an

extension of the grant. He said that DOT has canceled the grant and request the funding back.

Discussion followed among the Board.

Anthony Febbs, Site Manager of Engelhard addressed the Board. He said that Engelhard has donated the land. He said that they are for supporting and keeping this project alive. He asked the Board for their continued support.

Mr. Presnell said that we are a year away from permitting.

Commissioner Watson said that would they have to start the project over.

Mr. Presnell replied no.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO PURSUE OTHER AVENUES FOR FUNDING THE SR 65 REALIGNMENT PROJECT TO ENSURE IT'S KEEP ALIVE.

Workshop Meetings

Mr. Brown commented that he would like to have all workshops on a set day and hour of the month.

It was the consensus of the Board that the meetings be scheduled on the 2nd Tuesday's in the month from 5:00 - 7:00 p.m.

Commissioner's Agenda

District 1

Commissioner Lamb inquired about a noise ordinance.

Attorney Williams said that the information would forthcoming in September.

Recreation Director Position

Mr. Lawson said that the Community Director, Fournita Saunders is reviewing list will start interviewing process within the week.

District 2

Commissioner Watson commented on the liability of structures being built around mailboxes.

Attorney Williams said that they would look into it and report back.

District 3

Commissioner Price had no report.

District 4

Commissioner Holt asked that the Board proceed with wish list for Legislative Session.

Commissioner Holt inquired about moving Tourist Council meetings to 4:00 p.m. instead of mornings. She said that would enable them to receive more public comment.

District 5

Commissioner Dixon spoke of the greater Chamber Event in St. Augustine.

He also spoke on the Chattahoochee Rotary Club where he had the opportunity to speak on yesterday about guiding and gearing business in Gadsden County.

Payment of the Bills

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

ADJOURNMENT

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

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

**Board of County Commissioners
Gadsden County, Florida
Special Meeting-Workshop
August 30, 2005**

The Board of County Commissioners of Gadsden County, Florida, met in special session at 5:00 p.m. with Chairman Edward J. Dixon presiding. Present were Commissioners Holt, Lamb, Watson and Price. Also present were County Attorney Thornton Williams, County Manager Marlon Brown, and Deputy Clerk Beryl Wood.

Absent: Commissioner Watson

Call to Order:

Chair Dixon stated that they weren't sure if the meeting was advertised properly; therefore he said that they would only make a consensus, not take a vote on any items discussed tonight.

1. FY 2005-2006 (Tentative Budget)

Mr. Brown said that the tentative draft budget was completed on July 15, 2005 of this year. He said that they have several items that would be discussed at this meeting.

Mr. Brown said they were directed by the Board to meet with the Clerk of the Courts. He said that they didn't come to a final resolution regarding the Clerk's budget. He said that the Clerk requested \$483,158. He referenced the correspondence that was written in regard to his request.

He said that staff is not in agreement with the analysis of the Clerk's budget. He stated that in question are the Clerk's Salary, Finance Director Salary and Benefits and Fiscal Officer.

Clerk's Salary and Benefits

Mr. Brown commented that his staff believes that the Clerk's request that the Board pay 100% of his salary and benefits is not accurate reflection of all of the functions that he fulfills in serving in the capacity of the Clerk of Courts. He said that staff

was not able to determine the entire budget for the Clerk and at this time believes that an allocation of 50% Board and 50% Clerk is a fair distribution of the costs associated with the Clerk's compensation as his duties are shared by both the Courts and the Board.

Finance Director Salary and Benefits

He commented that staff believes that the requested salary and benefit allocation of the Finance Director should be based on a proportional allocation as reflected with other Clerk staff. Board staff is recommending that the allocation of costs associated with the compensation of the Finance Director.

Fiscal Officer - Board Salary and Benefits

Mr. Brown noted that the Clerk maintains two Fiscal Officer positions. One position is dedicated to Board activities and one position is dedicated to Clerk activities. Staff believes that there is an inconsistency in the allocation of the costs of these two positions. The cost of the Clerk related position is allocated 20% to the Board and 80% to the Clerk. Board staff believes that the allocation of the Board related Fiscal Officer should closely resemble the reciprocal of the Clerk related Fiscal Officer and that the cost be allocated 80% to the Board and 20% to the Clerk.

He said that based on the analysis of the Clerk's detailed budget request for the Finance Office they are recommended that the adjusting the previous funding level of \$296,811 to \$400,028 (an increase of \$103,217). He noted that this amount has been included in the revised tentative budget.

He said that this amount is enough for the Clerk to perform statutory requirements.

Commissioner Lamb said that the Clerk is \$83,000 short. He said that he would not like to go into litigation.

Discussion followed among the Board.

Commissioner Watson said that they were close. He said that they should grant the funds. He said that should continue to support the Clerk as past. He said that he opposed the Office of Management and Budget, Budget Director. He said that the reasons are invalid. He said that this is a total waste of a position. He said that he would like for the money to return to the budget and fund the Clerk.

Commissioner Holt inquired about fees that were generated by the Clerk.

Mr. Brown stated that at this date, the information was not available.

Commissioner Holt said that until they have the total numbers of the Clerk, she felt the Manager was being generous. She said that she was in favor of the Budget Manager position.

Commissioner Lamb said that the Clerk would accept \$431,000. He said that he didn't feel that \$20,000 should not cost us to go to litigation. He said that OMB should be seasonable not yearlong. It should not be funded at the Clerk's cost.

Chair Dixon commented that he said that he likes the Clerk. He said that all have to establish a relationship with the Manager. He said that the Manager is working with the Clerk. He said that the Clerk salary should not be fully funded by the Board. He said that since the Clerk is not showing that is of concern. This is disappointing.

Commissioner Lamb asked had the staff did an equal cut have the other Constitutional to help with the Clerk's budget. He said that he was in favor of cutting only if other Constitutional's were cut also.

Chair Dixon said that the Clerk could only justify \$300,000. He said that all other Constitutional justified their increases. He asked that the Clerk come show the Board where the money is needed.

Chair Dixon asked, "Why can't we talk about the Clerk's numbers?"

Attorney Williams said that we took the position that it would be a settling conference. He said that the agreement with the dialogue was close. He advised the Board to discontinue the discussion on the amount of settling funds.

Commissioner Watson said that we couldn't discuss the numbers. He said that there were negotiations as to the amount of the money.

Commissioner Lamb said that there is no lawsuit at the present moment.

Attorney Williams said that he is advising the Board not to settle on numbers at this meeting.

The Board took no action.

Aid to Non-Profits Agencies

Mr. Suggs commented on the Commissioners request for funding for non-profits. He noted what was used for funding was the average amount. He said that the total amount was \$115,400 allocated for Non-Profit Agencies.

Mr. Brown said that the Health Council and others were funded in other line items. Celebrate Freedom request was not included. He said that they are recommended that the Board go with the average.

Mr. Brown said that this is the only year that they allow this allocation. He recommended next year that they use the United Way.

Commissioner Lamb said that he would like to see a paper trail of Checks and Balances on all non-profits.

Mr. Suggs noted that the re

Consensus for Commissioners to collaborate on numbers collectively.

Celebrate Freedom

Celebrate Freedom requested \$15,000 for FY 2006.

This item had not been contemplated in the revised tentative budget and a amount was not decided by the Board.

Chamber of Commerce

Mr. Brown recalled at the last workshop their where request to reduce the Chamber of Commerce budget to \$25,000. He said that staff is recommending that they are funded at the \$37,000.

Commissioner Holt had concerns regarding quarterly reports to the Board.

Consensus of the Board was to keep the funding at the requested \$37,000.

EMS Salaries

Mr. Brown commented that the Board requested that staff investigate the competitiveness of compensation of current EMS employees in comparison to other similar employees in the surrounding jurisdictions. Staff is committed to performing a comprehensive study during the upcoming budget year and developing a plan to appropriately address this issue in upcoming subsequent budget years.

Growth Management and Building Inspectors Fees

Mr. Brown stated that the Board inquired as to the adequate staffing levels of the current building inspection department. Staffing levels will be held constant for FY 2006, however staff will evaluate the ongoing workload encountered by current staff and recommend any necessary additions in the FY 2007 budget. Furthermore, during FY 2006, staff would be directed to investigate the appropriateness of the current Growth Management fee schedule and recommend any changes and or additions to the Board if necessary.

Library Hours

Mr. Brown recalled that the Board gave direction back in the July workshops to evaluate the feasibility and financial impact of providing additional hours of service within the Gadsden County Library system. He commented that he surveyed a number of libraries in the surrounding areas. He noted that the total amount for the additional operating hours would be approximately and additional \$71,445.

Chair Dixon said that he would like for staff to be creative. He stated that he was not for spending a whole lot of money.

Mr. Brown said that he would bring back different hours of operation.

Commissioner Lamb commented that he was in favor of leaving the Library as is.

Commissioner Watson said that he was in favor of the present hours.

Chair Dixon commented that his thing was to create more hours to accommodate all types of individuals.

Small County Surtax

Mr. Brown said that staff is working with the County Attorney and the Department of Revenue to determine appropriate steps to modify the local ordinance to allow the Board to determine a more comprehensive strategy of applying these resources in the development of County infrastructure.

Mr. Suggs said that it is restricted to fire, water and sewer, infrastructure related to Public Works and you would have to have a supermajority vote and change the ordinance.

Commissioner Lamb replied that you should leave the tax alone.

Chair Dixon said that if we are going to grow, we are going to have to invest in economic development.

Commissioner Watson said that he was opposed to the Road Bond.

Mr. Suggs read other major revisions to the budget.

- Adjusted Emergency Services-Ambulance Operations FICA Taxes to include overtime salaries to \$64,446.
- Adjusted special risk retirement % for correct calculation of EMS Retirement payments
- Added \$2,828 in rental-postal funding to Mgmt Services-Purchasing and Personnel.
- Reduced Probation-Worker's Comp by \$8,000
- Adjusted Emergency Rescue Revenue-Increased Ambulance fees by \$66,000 and increased contract from Chattahoochee by \$119,000, and reduced transfer from general fund by similar amount
- Reduced Landfill reserve for future projects by \$153,711, reduced transfer from general fund by similar amount.
- Reduced County Transportation Fund - Reserve for Contingency by \$100,000
- Increased funding for Apalachee Mental Health to original Request of \$110,000 for Baker Act and \$26,000 for Alcohol treatment
- Increased Judicial Services: Circuit Court Judge expenses by \$21,000 for technology in Machinery and Equipment by \$6,500 for portion of office space used in Leon County in Rentals and Leasing.
- Moved Courthouse Security and Facility Expenses to Court Cost Fund out of General Fund
- Added \$50,000 to County Commission (Professional Services) budget for potential litigation
- Added funding for Correctional Facility Maintenance to Budget due to previous unplanned omission
- Reduced General Fund - Reserve for Contingency to \$25,000
- Reduced Supervisor of election budget by approximately \$40,000
- Eliminated line item for "Tipping Fees" from Non-Operating budget (-\$50,000)
- Added Intergovernmental Affairs and Community Relations Coordinator position to County

Manager's Office and reduced professional Services budget by \$20,000

- **Adjusted Commissioner's Salaries to include 3.8% raise as set by Florida Legislature**
- **Reduced County Transportation fund Road Construction/Paving resources by \$300,000 and set aside in reserve for future projects.**

Commissioner Watson opposed the PR position and commented that \$25,000 would not bring the best person to that position.

Commissioner Holt said that she was in favor of the PR position.

Mr. Suggs said that the position is averaged out at \$40,000.

Mr. Brown said that we took \$20,000 and added it to the \$25,000 all ready in the budget for the PR position.

Mr. Brown said that the proposed revised tentative budget has been balanced with the inclusion of the adjustments made to the Clerk of Courts budget, the addition of the average Commissioner funding request for non-profit agencies.

Mr. Brown reminded the Board that the Tentative Budget Public Hearing and Final Budget Hearing dates are set for September 12 and 26 at 6:00 p.m.

Legislative Priorities

Mr. Brown read comments for the 2006 Draft Legislative Priorities. The agenda item seeks to present to the Board he draft legislative priorities complied by each department under the Board of County Commissioners. This item also seeks Board direction and input on he priorities. Final approval of the priorities by the Board will be scheduled for the September 20, 2005 Board meeting. He commented that there is five-priority areas legislative consideration. These are:

1. Infrastructure
2. Recreation
3. Housing

4. Health
5. Economic Development

He said that the Board directed staff to compile a list of legislative priorities for funding or amendment consideration by the Legislature. These priorities were collected by the Grants Department. This has proven to be a new challenge for staff, but one of value. Priorities listed are relative to each department and their needs. The priority lists include items for legislative funding as well as items that require legislative changes and amendments to current laws.

Law Enforcement/Public Safety:

- Two fold county Law Enforcement Jail Complex - \$25,000,000
- Paramedic/EMT Privacy Act
- Medicaid/Medicare Reimbursement Increases

Chair Dixon commented that the legislative is looking into the regionalism of jail centers to collaborate on the jail. He said that if they can convince the legislature to create a new facility. He said that they may be willing to consider that avenue rather than separate jail centers. He stated that Gadsden and Liberty should merge for this particular project.

Ms. Gee said that it would be grant funded and Senator Lawson office.

Housing:

- Major Rehab - \$600,000
- Emergency Repair - \$200,000
- Down Payment/Closing Cost Assistance for First Time Homebuyers-\$200,000

Recreation:

- Construction/Rehab of a Full Service Countywide Facility-\$3,000,000

Economic Development:

- Infrastructure (Water/Sewer/Utilities)-\$5,500,000

Library:

- State Aid Increase/Equalization Grants Maintenance

County Extension Service:

- Primary Facility Rehab/Improvement -\$2,500,000

Henry Grant, Extension Director addressed questions regarding the County Extension Service.

Attorney Williams said that there should be some type of waiver form.

Emergency Management:

- Multi-Purpose Community Shelter Facility - \$15,000,000

Commissioner Holt discussed working with collaboration with other counties such as Franklin and Wakulla. She said that she felt that the legislators would probably relate with and have a feel for that idea instead of presenting all separately. She stated that inland regional place. She asked the Manager to make the figure higher.

Legislative Issues Format

- Paramedic/EMT Privacy Act Amendment
- Medicaid/Medicare Reimbursement Increases - flat rate not addressed. (Chair Dixon said that they should be able to handle at the local level)
- Housing Rehab- \$600,000
- Emergency Repair - \$200,000 (leaking roofs)
- Down Payment/Closing Cost Assistance for First Time Homebuyers (Ms. Saunders said that it is deferred 0% interest rate, it is a grant)

Commissioner Dixon said that if you could ask other cities to sign on that would be beneficial to their county. He said that they want to see municipalities working together.

Mr. Brown said that the next step is to meet with School Board and other Municipalities to take one voice to the legislation.

Chair Dixon commented that we all need to work together to make it work for the Community.

Robert Cash, Public Works employee, thanked the Board and Mr. Presnell for employment. He thanked the Board for great benefits package. He asked the Board about the pay survey for all employees'. He asked for regional pay increase for lower wage employees.

Chair Dixon said that they do it every two to three years. He said that he is impressed by the improvements. He said that there is an aggressive situation. He suggested that they hire from within. He commented on forcing individuals into training so that they could afford better lives.

Commissioner Lamb said that he agreed with Mr. Cash. He said that he was concerned about the budget with people on the lower end.

Commissioner Holt said that she was impressed that they are here.

ADJOURNMENT

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

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

**BOARD OF COUNTY COMMISSIONERS
GADSDEN COUNTY, FLORIDA
REGULAR MEETING
SEPTEMBER 6, 2005**

The Board of County Commissioners of Gadsden County, Florida, met in regular session at 6:00 p.m. with Chairman Edward J. Dixon presiding. Present were Commissioners Holt, Lamb, Watson and Price. Also present were County Attorney Thornton Williams, County Manager Marlon Brown, and Deputy Clerk Beryl Wood.

CALL TO ORDER

Chair Dixon called the meeting to order and led in the prayer. Mr. Brown led in the pledging of allegiance to the U.S. flag.

Chair Dixon commented on the Hurricane Katrina Victims. He asked that they be kept in your prayers.

AMENDMENTS AND APPROVAL OF AGENDA

- Remove Item 2 Friends of the Chattahoochee Public Library (Mrs. Emily Hart or Mrs. Mary Jo Hargrove)
- Add to Item 3 Workforce Plus Board of Directors Appointment (Ms. Kim Moore)

County Manager

Add Deer Ridge Subdivision - Noncompliance by Home Placement, Inc., Lifestyles

Discussion Items by Commissioners

Add Acceptance of St. John's Property for the Robertsville Fire Station (Commissioner Brenda Holt, Vice-Chairman)

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

ADWARDS, PRESENTATIONS AND APPEARANCES

Item 1 Tony Colvin was introduced at the new Building Director. Mr. Brown asked that he be confirmed. Holt/Lamb 5 -0 pass

Item 2 Capital Area Community Action Agency Programs and Services (Dorothy Inman-Johnson, Executive Director)

Ms. Inman-Johnson addressed the Board of County Commissioners. She said that the Capital Area Community Action Agency Programs celebrated 40 years of service to the County. She commented how Hurricane Katrina called attention to the poverty level in the United States. She gave for example the number of people staying in their homes, not being able to get out and seek shelter.

She stated that their mission statement is to provide a comprehensive, seamless system of services and resources to reduce the detrimental effects of poverty, empower low-income citizens with skills and motivation to become self-sufficient, and improve the overall quality of their lives, and our community. She commented on some of the programs offered in the area, which would fall under Children and Family Services or Emergency Assistance Services.

She referenced the 2003 Community Services Block Grant (CSBG) Final Allocations. She said that Florida was among the last to receive CSBG funds. She said that the formula that was to be used is the population of the state. She said that it has remained that way because people have not step up to the plate. She mentioned the Low-Income Home Energy Assistance Program (LIHEAP). She said that the program would receive adequate funding from the Legislature.

Chair Dixon asked for comments. He asked had she been to the Association of Counties to solicit their support and funding.

Ms. Inman said that she has made with Mike Seas of the Florida League of Cities, but not the

Association of Counties. She said that she had been in discussion of with the Legislation and she is asking for a letter of support from local municipalities.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO DRAFT A LETTER ON BEHALF OF THEIR SUPPORT FOR THE CAPITAL AREA COMMUNITY ACTION AGENCY, INC.

**Item 3 Workforce Development Plan for July 1, 2005 -
June 30, 2007 (Ms. Kim Moore)**

Kim Moore, Chief Operations Officer of Workforce Development addressed the Board. She commented that the Workforce Plus has a strong, clear vision for local workforce development that has primarily developed in parallel with its vision for economic development. Workforce Plus has set forth goals consistent with those of the state and federal guidance. Our goal is geared to meeting the employer's immediate and emerging skill needs while preparing the available workforce to provide the solution to employment needs. Some key goals and guiding principles to meet our regional needs.

UPON MOTION BY COMMISSIONER WATSON AND LAMB, THE BOARD VOTED 5 -0, BY VOICE VOTE, TO ACCEPT THE WORKFORE DEVELOPMENT PLAN FOR JULY 1, 2005-JUNE 30, 2007, DECLARE SEPTEMBER 5-9,2005 AS WORKFORCE DEVELOPMENT WEEK AND AUTHORIZE THE CHAIRMAN TO SIGN RESOLUTION NO. 2005-17.

Board of Directors

Ms. Moore commented that through the recommendation of the Gadsden County Chamber of Commerce and Economic Development Council, is requesting the appointment of the following to the Workforce Plus Board of Directors:

- Orlando Rodriquez - Corrections Corporation of America
- Anthony Fedd - Englehard
- Mark Stamps - Talquin Electric

- Pamela Keiser-Busch - TriEagle Sales
- Robert Barkley, Barkley Security Agency - Current Member
- Janey DuPont-Butler, DuPont Trucking - Current Member

Commissioner Holt inquired where they working with the School Board.

Ms. Moore replied that there would be a station set up at the Gadsden Vocational Technical.

Commissioner Lamb asked about the number of Board Members.

Ms. Moore explained that per statue they are required to have 35 members.

Discussion followed among the Board.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE WORKFORCE PLUS BOARD OF DIRECTORS APPOINTMENTS.

Item 4 Florida Department of Transportation's Five Year Work Plan (Bruce Ballister, Apalachee Regional Planning Council)

Mr. Ballister addressed the Board. He said that the Florida Department of Transportation has contracted with Apalachee Regional Planning Council to receive input into FDOT's Five Year Work Program. He said that he is to serve as the liaison with the counties or portion of counties in our region not represented by a Transportation Planning Organization. He stated that under this contract ARPC staff will conduct meetings with County Staff and Commissioner's to receive input in any other area as requested by FDOT District 3 Planning Office. The scope of the contract will run for a minimum of five years.

The Board required no action.

**Item 5 Presentation on Affordable Housing
 (Corey Alston, Foundation One)**

Ms. Farnita Saunders, Community Development Director presented Mr. Corey Alston. She said that important factors are 100% financing and homes under the \$100,000.00 price mark. She said that several localities have meet with Mr. Alston. She said that next Thursday they would tour sites throughout the County. She invited the Board to come along.

Mr. Alston, Foundation One, addressed the Board. He commented that over the past decade, housing prices throughout the country have continually escalated to levels where first time home-buyers are no longer able to afford a home. While state officials address this tough issue statewide, locally, Gadsden County must also see ways to continue its commitment to provide safe, decent, sanitary and affordable housing for all residents.

He stated that as a result, Gadsden County's Community Development Administration (CDA) continues to examine ways to deliver affordable housing while addressing rising home prices, increasing land costs and limited resources. In an effort to expand affordable housing services and compliment the State Housing Initiatives Partnership Program (SHIP) by offering down payment and closing cost assistance to Gadsden County residents, the CDA and the Grants Department seeks to partner with Foundation One, one of the nation's premier non-profit developers to increase the number of homes that are affordable to very low, low and moderate income families throughout Gadsden County.

Housing markets in the mid-west with economic disparities and rural character similar to Gadsden County have noted great success with Foundation One's affordable housing strategy. Foundation One's strategy includes:

1. Home prices ranging from \$85,000-\$150,000
2. 100% Financing to all buyers (Foundation One assumes portion of risk)

3. Seven (7) models to select from (CDA would assist in selection to tailor to specific neighborhood)
4. Multi-Year Long Term Partnership
5. Ability to offer complimentary services- Community Centers and Parks
6. 80% of the jobs created are from the local Gadsden County market.

He said that the model is based on Building more than just affordable homes. He said that they would bring economical development with them. He discussed Fort heights, Illinois. He stated that he was delighted to come to Gadsden County.

Commissioner Holt said that she has concern with the number of housing to the communities. She asked him for ideas.

Mr. Alston said that he would be happy to discuss all concerns with Commissioner Holt. He said that they gave a brief scenario to the City of Midway. He said that there are great opportunities for additional growth area.

Commissioner Lamb said that he had opportunity to set in on the presentations. He said that he was concerned with the infrastructure.

Commissioner Watson asked what is stable employment.

Mr. Alston said verify that your employer, on the job for two months and two paychecks

Commissioner Watson asked where is funding coming from.

Mr. Alston said that they have numerous partners. He said that it the Mid-West it was Bank One. He stated that there not based on government banks.

Discussion followed among the Board.

**Reaching Youth with Books Grant (Jane Mock,
Library Director)**

**Item 16 Approval of Grant Agreements and Documents for
Enhancing Hispanic Services IV Grant(Jane Mock,
Library Director)**

**Item 17 Approval of Establishing Budget for Staying
Connected Grant (Jane Mock, Library Director)**

**Item 18 Approval of FEMA Disaster Relief Funding
Agreement (Emergency Management, Sheriff's
Department)**

**Item 19 Approval of Gadsden County Extension Education
Foundation (Thornton Williams, County Attorney)**

Public Hearings-6:00p.m.

Item 20 Wildflower Comprehensive Plan Amendment

Mr. McCord read the comments and staff recommendations for Wildflower Comprehensive Plan Amendment. He said that Ron Bradford c/o Tallahassee Land Company was the owner and the applicant was Bill Thomas. He said that the applicant request approval of a large scale Future Land Use Amendment to change the land use designation on a 101.16 acre parcel from Agricultural-2 (AG-2)(1:10) to Rural Residential (RR)(1:1). This amendment would be considered a large scale plan amendment per chapter 163.3187 (c)1 and will require transmittal to the Florida Department of Community Affairs (FDCA). The property subject to the proposed land use amendment is located on the east side of SR 267 (Bainbridge Highway), north of Salter Road and south of Old Philadelphia Church Road in Township 3 North, Range 4 West, Section 36 (Tax ID# 2-36-3N-4W-0000-00112-0000 and 2-36-3N-4W-0000-00132-0100).

Recommendation

Move option #1, The Growth Management Department recommends approval the transmittal of the Wildflower major Land Use amendment request (CPA-2005-07) and amending the adopted Future Land Use Map by changing the land use category on 101.16 acre (tax Parcels # 2-36-3N-4W-0000-00112-0000 and 2-36-3N-4W-0000-00132-0100 (Attachment #1), from Agriculture-2 (AG-2)(1:10) to Rural Residential

(RR)(1:1) based on the above referenced findings and following condition.

- a. No lots shall be less than one acre unless either central water or central sewer are provided to the site.

Elva Peppers, Environmentalist, spoke in support of the project. She said that there are slopes that moved down to the wetlands.

Commissioner Holt asked if they go rural residential do we look at septic tanks. "Do we look now or later?" She asked about contamination.

Mr. McCord replied that it should be looked at later. He noted that this process was not the right forum.

Discussion followed among the Board.

Commissioner Lamb asked about the number of houses and infrastructure.

Mr. McCord replied that about the 70-75 homes on septic tanks and wells. He said that they could ask for extension for water line for Talquin or City.

Chair Dixon asked why sewer mains aren't considered.

He said that it's not cost efficient. He said that they are currently working with Talquin and the city.

Chair Dixon said that they have concerns with water and sewer lines.

Commissioner Holt asked how is the problem solved.

Mr. McCord replied that this is a legislative policy decision. He said that you have the ability to instruct them to build clustered type lots. He said that would come within two miles of the line. He said that now you're looking at ten-acre lots.

Commissioner Watson said that with the growth in the area the City of Quincy and Talquin would find it beneficially to expand line.

Commissioner Holt said that there is a problem with homeownership and property.

Mr. Brown said that one thing could happen. He mentioned a bond that could provide those services. He said that the County would be the sole bearer and developers would be required to hook up.

Chair Dixon said that there are goals that need to be thought out. He said that if the Cities don't have funds, is the County willing to step up to insure that infrastructure is in place. He said that he was not in favor of 70-100 homes with septic tanks.

Commissioner Watson asked about site built homes.

Chair Dixon called for public comment.

Marion Lasley inquired about water and sewer extension.

Nancy Richards addressed the Board with concerns about infrastructure.

Ms. Peppers insured them both that they are working as directed by the Code.

Chair Dixon said that our concern is that we would look into this area to bring infrastructure. He said that he was in favor.

Ms. Peppers said that her suggestion would be to utilize the Planning Office as the place for developers to receive information on other developers in the area. She said that is a remedy to the problem and maybe developers could partner and share the cost to establish infrastructure in a certain area where there are one or more developers. She said that the County should establish a plan to solve the problem.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE OPTION 1 AND TRANSMITTAL OF THE WILDFLOWER COMPREHENSIVE PLAN AMENDMENT FROM AG-2 TO RURAL RESIDENTIAL (RR).

The Highlands at Lake Talquin, Inc.

Mr. McCord read the comments and staff recommendations. He said that the Highlands at Lake Talquin, Inc. were the owners of the project and the applicant was Larry Witt. He stated that they recommend approval of a large scale Future Land Use Map amendment to change the land use designation on a 369.3 acre area from Agricultural-3 (AG-30 (1:20) to Rural Residential (RR)(1:1). This amendment would be considered a large-scale plan amendment per Chapter 163.3187 (c) 1 and will require transmittal to the FDCA. The property subject to the proposed land use amendment is located on the south side of McCall Bridge Road east of Lakeview Point Road.

Recommendation

Mr. McCord said that the Growth Management Department recommends approval of option 1 and transmittal of the FDCA the land use amendment request (CPA-2005-10) amending the adopted Future Land Use Map by changing the land use category on 369 acres of tax parcel #4-25-1N-4W-0000-00232-0000 & a portion of 4-26-1N-4W-0000-00340-0000) (Attachment 1), from Agriculture-3 (1:20) to Rural Residential (RR) (1:1) based on the above referenced findings.

Chair Dixon inquired about additional proposed developments.

Commissioner Lamb inquired about the P&Z decision for failure.

Larry Witt, GBG Inc. representing the Highland Group addressed the Board. He asked for approval from the Board. He said that in January his clients became interested in this piece of property. He said they investigated and came up with two things. He addressed wetlands, he said that they are proposing 3 wastewater treatment plants; he said that it would come with the sale of the property. He explained the difference with septic system and advanced wastewater treatment system.

Mr. Witt said that they have had contact with Talquin. He said that they are looking at affordable homes in the price range of \$125,000 for house and land package.

Chair Dixon asked for public comment.

Marion Lasley addressed the Board. She said that her concerns where with sewer extension. She said that the buildings would be sold to developers and they would mark the initial price of the home up. She questioned the questions and answers in the package. She said that the answers given were vague. She said that she was concerned with the fact that the wastewater treatment system would take place. She said that her major concern was with the wetlands. She said that she would like workshops concerning infrastructure to this particular area.

Bob Birmingham addressed the Board. He said that he was concerned with pollution to lake. He stated that his other concern was with affordable housing in the area.

Richard Sprinkle addressed the Board. He was concerned with the drastic change in land use from Ag-3 to RR. He said that the wetlands appeared to be larger than what was submitted. He discussed intersoil.

Nancy Richards commented on the lack of infrastructure. She said that the County should prohibit development if the aren't to developed correctly. She cautioned the concerns with wetlands.

Glenda Wilkins, resident of Turkey Lane addressed the Board. She said asked why the County has not paved roads in her area. She mentioned that some people are subdividing the property along Talquin Resort.

Mr. Witt said that however operates the waste water facility would require state license class B operator. He said that there are 8 types of soil on the property. He commented on the positiveness of the wastewater treatment system. He said that adjacent property owners would be asked to join on to the wastewater septic system.

Commissioner Holt said that she thanked that the number of lots is a concern. She said that she would like to see a multi agreement with Talquin and spoke of concerns regarding the wetlands.

Mr. Witt referenced the letters from Talquin. He said that the reason for the number of lots is too keep the price down.

Commissioner Lamb said that he was concerned with the water at Lake Talquin.

Commissioner Watson spoke of the positive efforts of Mr. Witt and the wastewater treatment facility. I would like to see the sewage system become reality.

Mr. Witt said that that they have made deposits on the system and the system would become a reality.

Commissioner Watson said that he would like his approval to be contingent with the system. He said that if the project system fails, the project fails.

Commissioner Watson made a motion for approval contingent upon sewer system is in place. The motion died for a lack of a second.

Commissioner Holt said that she was in favor of the sewer system. The problem is that the lots are small. She asked Mr. Witt if he could bring a letter of support from Talquin stating that they would accept the wastewater treatment facility.

Chair Dixon said that his concern was that it feeds Lake Talquin.

Commissioner Lamb said that he would like to make a recommendation for denial. Commissioner Price seconded the motion.

Chair Dixon held the motion for discussion.

Commissioner Watson asked for a reason for denial.

Discussion followed among the Board.

Chair Dixon asked the Board to table the project. He asked Mr. McCord for some type of picture of what could occur with the wastewater treatment facility and how it could develop.

Commissioner Lamb withdrew his motion for denial and Commissioner Price seconded it.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE UNTIL THE NEXT MEETING.

Item 22 Proposed Ordinances regulating the location of electrical transmission lines (second reading)

Mr. Williams noted that the first reading of the ordinance was held at the last meeting. He said that at there was permission to amend the ordinance resulting in raising the transmission line to 70 kv. He referenced section 4 and page 3. He said that they recommend that they regulate the 70 kv. He said that public testimony should be granted. He said that there is recommendation that they use the 70kv.

He then read the second reading title of the two ordinances into record. He said that it consisted of administrative request to amend Chapter 5 of the Land Development Code by adding a subsection 5210, Supplementary Standards for Electrical Transmission Lines. The proposed ordinances will also amend Chapter 34, Environment, of Gadsden County Code of Ordinances. These two ordinances would be implemented together and upon development of a facility involving the subject use each ordinance would apply. One describes design requirements while other primary describes procedural requirements. The ordinance has been revised from the original draft ordinance considered by the Board on August 16, 2005 to increase the size of the lines regulated from 69 KV to 70 KV and to exempt rural electrical Co-operatives since these are regulated by existing federal oversight.

Mr. Brown commented that the Planning Commission along with the Growth Management Department is recommend approval of the draft ordinances amending Chapter 34 Gadsden County Code of Ordinances and amending Chapter 5 by adding a subsection 5210, Supplementary Standards for Electrical Transmission Lines, based on the above findings.

Bobby Kimbrel with Talquin Electric addressed the Board. He commented on the challenges and the lack of energy. He said that with utilities we are encouraging conservation. He said that when we have someone stepping up to the plate to build this transmission line. The ordinance as we see, there has to be a transmission line and they understand that the Commission needs to play a role. He thanked the Board for their help.

Lynn Poacher, adjacent property owner spoke in support of the ordinance. She asked why did they have to suffer on someone else's growth. She voiced her concerns.

Bill Hoatson addressed the Board with concerns. He said that the Ordinance gives government a face a voice. He gave the Board their support.

Richard Matthews addressed the Board. He supports the ordinance. He said that it gives the community due process.

Bob Birmingham addressed the Board. He said that he was concern with the misrepresentation offered to the Board. He said that they claim that the transmission line generates power and that's misleading.

Commissioner Price offered a motion for approval and Commissioner Holt seconded it.

Attorney Williams noted the amendments to ordinance 2005-09.

Discussion followed among the Board.

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, FOR APPROVAL OF ORDINANCE 2005-010 WITH ALL CHANGES THAT WERE NOTED.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY

**VOICE VOTE, FOR APPROVAL OF THE AMENDED ORDINANCE
2005-009.**

**Item 23 Approval of RFP #05-13 Insurance Proposals
(Workers compensation, Property, Inland Marine,
Vehicles, and Crime)**

Mr. Brown commented that this agenda item seeks Board approval of the Insurance Committee's recommendation for insurance covering the County's Commercial Crime, Inland Marine, Commercial Property, Auto Coverage and Workers' Compensation.

He stated that at the August 2, 2005 the Board directed staff to seek and RFP for an agent to provide competitive rates for the above listed insurance coverage's. The County currently has its Commercial Crime, Inland Marine, Property, Auto and Workers' Compensation with Pat Thomas & Associates Insurance Agency. This is local agency that had handled the County's insurance in excess of twenty years. The County was approached by and insurance agency requesting an opportunity to provide services to the County to determine if substantial savings could be realized by soliciting a Request for Proposal. Therefore, in order to determine if there could be any savings to the County, staff was instructed to competitively bid these services.

He said that an RFP was solicited and two Agencies responded; Public Risk Insurance Agency (PRIA), an affiliate of Brown & Brown Insurance of Lake Mary, Florida, and Pat Thomas & Associates Insurance Agency of Quincy, Florida. The proposals were opened on August 25, 2005.

Mr. Brown recommended approval of Option 1 to approve the Insurance Committee's recommendation and award the bid to Pat Thomas & Associates Insurance Agency.

Commissioner Watson made and Commissioner Lamb seconded it.

Chair Dixon held the motion for discussion.

Chair Dixon said that he opposed giving the bid to Pat Thomas Agency. He gave examples of the two different bids.

Commissioner Watson commented that PRIA should be thrown out because they deviated from direct specifications.

Commissioner Lamb asked why did the Bid Committee go with Pat Thomas.

Mr. Lawson said that they did a reclassification of workers compensation. He explained the process that rates bids were given on.

Commissioner Watson inquired about deductibles pertaining to Hurricane.

Mr. Lawson said that the deductibles are about the same. He said that Pat Thomas gave the better deal.

Commissioner Watson said that Pat Thomas is far better. He said that you must not accept a bid that was not bid to specifications provided in the bid package.

Commissioner Holt said that they have accepted bids that were not up to specifications in the past. She said that they are looking at the full courthouse replacement. She said that she was in favor of the PRIA.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 2 - 3, BY VOICE VOTE, TO APPROVE OPTION 1 THE BID COMMITTEE'S RECOMMENDATION AND AWARD THE BID TO PAT THOMAS & ASSOCIATES INSURANCE AGENCY. COMMISSIONER DIXON, HOLT AND LAMB OPPOSED THE MOTION. THE MOTION FAILED.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE OPTION 2 AND AWARD OF THE BID TO PUBLIC RISK INSURANCE AGENCY'S

(PRIA) AS THE LOWER BIDDER. COMMISSIONER WATSON AND LAMB OPPOSED THE MOTION. THE MOTION PASSED.

Item 24 Approval to Reconvene the Gadsden County Recreation Committee (Farnita Saunders, Community Development Director)

Mr. Brown commented that this agenda item seeks the Board's approval of the reconvening of the Gadsden County Recreation Committee and the appointment of committee members willing to serve for the next two years.

Tentative Recreation Committee Members

Ron Burrell, Marshall Williams, Emily Rowan, Avis Woods, Robert Jackson, Ronnie Price, Robert Lewis, Wayne Williams, Antonio Hobbs, Ray Elias

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE OPTION 1 - APPROVE THE RECONVENING OF THE GADSDEN COUNTY RECREATION ADVISORY COMMITTEE.

County Manager

Item 25 Deer Ridge Hearing Date

Mr. Brown asked that the Board approve the hearing date of September 20, 2005 for the Deer Ridge Public Hearing.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, TO APPROVE THE PUBLIC HEARING DATE FOR DEER RIDGE SUBDIVISION ON SEPTEMBER 20, 2005 AT 6:00 P.M.

Citizens Requesting to be Heard on Non-Agenda Items (3 minute limit)

Paul Devine, Spanish Moss Production, addressed the Board. He said that they are interested in holding the Hurricane Katrina benefit program. He said that he would like to be granted an extension on the 90-day program requirement. He asked for a waiver.

Chair Dixon instructed Mr. Devine to submit the proper paperwork.

Discussion Items by Commissioners

District 1

Commissioner Lamb announced the Healthcare Revival at FSU scheduled for September 20, 2005. She invited all County leaders to attend.

He also asked the Manager to evaluate the pay scale of the lowest paid county employees.

District 2

Commissioner Watson had no comment.

District 3

Commissioner Price commented on the Hurricane Katrina donations from the surrounding area churches.

He also commented on the new site, King Plaza that they are looking into for the Chattahoochee Public Library.

Mr. Brown asked the Board for a motion to give him authority to look into the King Plaza site.

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, TO GIVE THE MANAGER THE AUTHORITY TO LOOK INTO THE KING PLAZA SITE.

District 4

Commissioner Holt asked that the Board accept the transfer of the St. John's School property for the

Robertsville Fire Station form the Gadsden County School Board.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE OPTION 1 APPROVE ACCEPTANCE O THE TRANSFER OF THE ST. JOHN'S SCHOOL PROPERTY FOR THE ROBERTSVILLE FIRE STATION FORM THE GADSDEN COUNTY SCHOOL BOARD.

Commissioner Holt also asked that from this point forward that contract aren't rolled over, that they go out for bids.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THAT ALL CONTRACTS ARE BID AND NOT ROLLED OVER UNLESS THE MAJORITY OF THE BOARD SAYS ARE THE POLICY COMES FORWARD. COMMISSIONERS WATSON AND LAMB OPPOSED THE MOTION.

Mr. Williams commented on the policy for contracts. He explained that it should remain until the policy comes back before the Board for renewal.

Commissioner Holt talked about donations from Hurricane Katrina.

District 5

Commissioner Dixon embarked on the strongness of Hurricane Katrina and how it has brought the nation together as a whole.

ADJOURNMENT

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

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

**Gadsden County Board of County Commissioners
First Public (Tentative) Budget Hearing
September 12, 2005**

The Board of County Commissioners of Gadsden County, Florida met in special session at 6:00 p.m. with Chairman Edward J. Dixon presiding. Present were Commissioners Holt, Lamb, Price. Also present were County Attorney Thornton Williams, County Manager Marlon Brown, County Budget Manager Davin Suggs and Deputy Clerk Beryl Wood.

Call to Order:

Chair Dixon called the meeting to order. He then turned the meeting over to the County Manager, Marlon Brown.

Adoption of General Operating Fund Millage - 10.0000 Mills

Mr. Brown read into record the County Millage rate for the Fiscal-Year 2005/2006 tentative Countywide operating millage rate is 10.0000 mills, which is greater than the rolled-back rate of 9.6150 mills by 4.00%.

Chair Dixon called for public comment and there was no response.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT THE GENERAL OPERATING MILLAGE AT 10.0000 MILLS.

Adoption of Tentative FY 2005-2006 Budget

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT THE TENTATIVE BUDGET FY 2005-2006 AT \$39,473,369.00.

Chair Dixon stated that any discussion about changes to the budget should be done at this moment. He said otherwise they would accept the Manager's recommendation.

Commissioner Watson inquired about the present budget.

Mr. Brown said that they are working closely with the Clerk's Office to insure that we clear up any deficits. He

said that they would continue work on clearing up any deficits. He noted that they have additional revenue taxes came in at the amount \$82,000.00.

Mr. Suggs said that the statutes allow for close-up stage, which is normally 60 days after the new budget year has begun. He said that the Board would close out a balance budget.

Commissioner Watson asked would they use contingency funds or fund balance.

Mr. Suggs said that he couldn't speak on that issue. He said that they would

Commissioner Watson asked how far are you out.

Mr. Suggs said that they are not at all; he said that money is still in budgeted accounts.

Mr. Lamb asked about departments that haven't used all funds, would the monies be moved elsewhere.

Mr. Suggs said that they plan to ensure that all payables are covered. He said that departments that have funds that aren't utilized they could be used in other accounts.

Mr. Brown referenced the Clerk's Memo that talked about the 3 departments areas with deficits, (County Attorney, County Manager and Medical Examiner fees). He said that there are funds available in other departments that would be left over that they plan to use to balance the budget.

Commissioner Watson inquired about how much fund balance would be required.

Mr. Suggs said that he would keep the Board abreast of changes to the current budget.

Clerk's Budget

Chair Dixon said that dealt with good faith with the Clerk Thomas. He said that while he may not agree, He said that the Manager has recommended \$400,028.00 for the Clerk's Budget and he supports that recommendation.

Commissioner Holt said that she was not in favor of funding any department that had not appeared before the Board with their request. She stated that Clerk Thomas might have need for more funds than what was requested.

Commissioner Holt made a motion for approval of the Manager's recommendation and Commissioner Price seconded it.

Chair Dixon held the motion for discussion by the Board.

Commissioner Watson inquired at what point would they be able to discuss the Clerk's budget.

Attorney Williams said that the unless there is an agreement to release from the Manager on behalf of the Board or the Clerk's Office that agreement can not be broken.

Commissioner Watson said that he would like to see the Clerk's Budget return to the amount originally requested.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE CLERK'S BUDGET AT \$400,028.00 FOR FY 2005-06. COMMISSIONERS LAMB AND WATSON OPPOSED THE MOTION. THE MOTION PASSED.

Chamber of Commerce Budget

Mr. Dixon commented on the Chamber's Budget \$37,500 at the Manager's Recommendation.

Commissioner Lamb made a motion for approval of the Manager's recommendation a \$37,500. Commissioner Price seconded the motion.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MANAGER'S RECOMMENDATION OF \$37,500 FOR THE CHAMBER OF COMMERCE BUDGET FOR FY 2005-06.

Commissioner Holt commented on a plan that is put forth with the Chamber and the County such as empowering

zone. She asked for a plan and quarterly report, up front proposals.

Commissioner Watson said that he would like for it to be recommended for all groups.

Commissioner Lamb said that accountability is important. He recommended that for all non-profits group they show accountability on how funds will be used.

Non-Profits

Mr. Suggs stated that with non-profits he took the average amount that was given to the Board at the August 30 BCC Workshop and that's the amount that staff is recommending.

Commissioner Watson inquired how would they balance the budget.

Mr. Suggs stated that they would report back to the Board.

Summer Youth Department

Chair Dixon explained the increased amount of money for the Summer Youth Department. He talked about the importance of investing in the kids. He said that he talked with Workforce and TCC to help with the implementation of funds.

Commissioner Lamb asked where would the program be held.

Commissioner Holt said that it was held at schools all local schools. She said that Mr. Frazier at TCC would head it.

Commissioner Lamb inquired if there was a plan and strategy worked out. He inquired about work types. He asked would the school be the only place that they work. He asked that they be placed at the County (Board) and other departments in the County school system.

Chair Dixon said that they spoke with Workforce Plus and they asked that they connect with them v/s TCC first.

He said that the program works. He said that a plan would be developed and brought back before the Board.

Mr. Suggs stated that with the Chairman's request it puts the budget over \$94,689 from \$115,440 proposed overage with non profit recommendations at the Chairman's request.

Mr. Suggs said that he would get with the Manager and establish a plan to accommodate the funds at the next meeting.

Commissioner Lamb inquired about the number of participants. He spoke of the importance of the program be ran the right way.

Discussion followed among the Board.

Commissioner Watson said that it is a flawed plan and he opposed.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO ACCEPT THE CHAIRMAN'S RECOMMENDATION FOR ALL NON-PROFITS AND TO ALLOW STAFF TO REPORT BACK WITH WAYS TO FUND IT. COMMISSIONER WATSON OPPOSED THE MOTION. THE MOTION PASSED.

Commissioner Watson questioned Shepard's Hand.

Commissioner Lamb inquired about the new positions for the FY 2005-06. He recommended that the position of Office Manager Budget become part-time v/s full time.

Commissioner Watson said that this is irresponsibility. He said that he opposed this budget he said that revenue is too high for the following reasons. He asked about the increase of the Manager's Budget. He said that the Board knew of the ongoing problems at the jail and courthouse and both departments weren't funded. He stated that the Paramedics needed more funding in order to compete with pay for surrounding areas. He commented on the position of OMB, Facilities Manager Coordinator, PR Position, and Recreation Director. He also noted the increase in the County Attorney's budget is too high. He said that he had concerns with the Reserve Contingency being too low at \$25,000 and that the Land Fill Revenue is used to balance budget.

Mr. Suggs said that the funds for the Courthouse are sitting in the Reserve. He said that they are ample funds. He said that the money is available for funding the courthouse issues.

Mr. Suggs said that it was a one-time purpose to use the Land Fill Fund.

Commissioner Watson had questions regarding the Bond Program.

Mr. Watson said that the Bond runs out next year and what would be the plan to move paving forward in the County.

Chair Dixon said that he would hope this County would have a vision to invest in the growth or create opportunity to invest.

Commissioner Watson said there was talk of moving the 7%. He said that some of the Board wanted to use the money for other things.

Chair Dixon said that he would like to invest infrastructure.

Chair Dixon said that you find invest in people and priorities.

Commissioner Lamb said that he should not have the OMB and Public Relations and take the money and fund the youth. He said that \$300,000 should go back to Public Works. He said that the Code Enforcer should be increased.

Chair Dixon said that OMB said that position is important.

Commissioner Holt said that we are responsible for the health and environment of the citizens.

Gretna Firestation

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE \$300,000 FOR THE BUILDING OF THE GRETNA FIRESTATION. COMMISSIONER WATSON AND LAMB OPPOSED THE MOTION.

Advertise Tentative Budget

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY
COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE
VOTE, TO ADVERTISE THE TENTATIVE BUDGET.

Adjournment

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

Edward J. Dixon, Chair

Attest:

Nicholas Thomas, Clerk

BOARD OF COUNTY COMMISSIONERS
GADSDEN COUNTY, FLORIDA
REGULAR MEETING
SEPTEMBER 20, 2005

The Board of County Commissioners of Gadsden County, Florida, met in regular session at 6:00 p.m. with Chairman Edward J. Dixon presiding. Present were Commissioners Holt, Lamb, Watson and Price. Also present were County Attorney Thornton Williams, County Manager Marlon Brown, and Deputy Clerk Beryl Wood.

Call to Order

Vice-Chair Holt called the meeting to order. Commissioner Price led in the pledging allegiance to the US flag. Commissioner Lamb led in the invocation.

Amendments and Approval of Agenda

The following amendments were made to the Agenda.

Awards, Presentations and Appearances (Add)

- Presentation to American Red Cross, Katrina Relief Funds contributed by area Churches and Individual Citizens (Commissioner Edward J. Dixon, Chairman)
- Item 1 - Letters from Representative Bill Nelson and Senator Alfred Lawson, Jr. Supporting the Naming of the New Library Facility in Quincy in Honor of the late William "Bill" McGill

Consent(Add)

- The County Attorney will be providing clean-up language to the noise ordinance which does not change the substance of the ordinance

General Business (Remove)

- Item 22 - Ashford Healthcare - PMAFT Delinquent Dues to AHCA (Removal requested by County Manager and County Attorney)

Discussion Items by Commissioners (Remove)

- Item 30A - Approval of Chairman's Travel to Amelia Island to Attend a FAC Legislative Policy Committee Meeting and Workshop
- Add - Modification to State Homeland Security Grant (Major David Gainous, Emergency Management Director)

Receipt and File

- Add - Congratulations from Senator Bill Nelson on Award of the FY 2005 Edward Byrne Justice Assistance Grant.

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

Awards, Presentations and Appearances

Item 1 Commissioner William "Bill" McGill Library Project (Ms. Marguerite DuPont Gamble)

Ms. Marguerite DuPont Gamble addressed the Board concerning the naming of the new Gadsden Library. There were many people present to voice their support to name the Quincy Main Library in honor of Mr. McGill. (Gadsden Men of Action, family members, Curtis Taylor.

Mr. Brown then referenced letters from Congressman Allen Boyd and Senator Alfred Lawson supporting the citizen's efforts to have the Library named for Mr. McGill.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE COMMISSIONER WILLIAM "BILL" MCGILL LIBRARY.

Ms. Mary McGill, wife of the late Commissioner McGill, addressed the Board. She thanked them for making their vision a reality.

Item 2 Chattahoochee Public Library

City Manager Lee Garner addressed the Board. He introduced the Chattahoochee Mayor Pete Whiddon and School Board Member Issac Simmons. He thanked the Board for what the County is doing regarding a new facility for the Chattahoochee Library. He asked for their continued support.

Consent Agenda

Item 16 Deer Ridge Subdivision Construction Site and Site Damage (Thornton Williams, County Attorney)

Mr. Brown advised the Board that he had received a call from Deer Ridge Subdivision's attorney asking for a 2-week continuation due to illness of the lead attorney.

Attorney Gary Vorbeck addressed the Board. He commented that Attorney Theriaque had been taken to the hospital in an emergency situation. He asked for a continuance.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO GRANT THE CONTINUANCE.

Mr. Brown noted that the Deer Ridge item would comeback at the October 4, 2005 BCC meeting.

Regular Schedule Consent Items

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

Item 3 Approval of Minutes of the Budget Workshop - July
 26, 2005
 Approval of Minutes of the Budget Workshop - July
 27, 2005
 Approval of Minutes of the Budget Workshop - July
 28, 2005

Item 4 Ratification of Approval of Bills and Payroll

Item 5 Approval of Re-Designation of the State
 Enterprise Zone for Gadsden County (Dr. Henry
 Grant, Extension Director)

- Item 6 Approval of Interlocal Ambulance Agreement with City of Chattahoochee (Brian Beasley, EMS Director)
- Item 7 Approval of Memorandum of Agreement for Receipt and Use of Voter Education Funds (Shirley Knight, Supervisor of Elections)
- Item 8 Approval of Gadsden County Narcotics Task Force Grant Award (Joe Parramore, Sheriff's Department)
- Item 9 Approval of Agreement for the Emergency Management Preparedness and Assistance Bass Grant (Major David Gainous)
- Item 10 Approval of Resolution 2005-020 Designating the National Incident Management in Gadsden County (Major David Gainous, Sheriff's Department)
- Item 11 Approval of Florida Department of Law Enforcement Criminal Justice User Agreement (Martha Chancey, Probation Director)
- Item 12 Approval of Special Assessment Liens and Rehabilitation Contracts (Farnita Saunders, Community Development Director)
- Item 13 Approval of Special Assessment Lien Satisfactions (Farnita Saunders, Community Development Director)
- Item 14 Approval of Budget Amendments (Connie McLendon, Finance Director)
- Item 15 Approval to Advertise for Noise Ordinance (Thornton Williams, County Attorney)

Attorney Williams noted the technical changes made to the Noise Ordinance. (1) He said that on page 4, the word **categories** should be placed before the word district. (2) He noted in (v) Residential Zone a **technical change**. (3) He discussed page 8 Sec. 79-32 **Automobiles** was added. (4)Page 12 - Sec. 79-62 the word **criminal** is to be removed.

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

RED CROSS DONATION (HURRICANE KATRINA)

Mr. Brown commented on the generosity of area churches for the Hurricane Katrina relief fund. He thanked Chair Dixon for spearheading the fundraising drive along with all other Commissioners for seeking funding from churches throughout their district. He thanked all that participated and allowed the Chairman to present the check to Mr. Chris Floyd of the American Red Cross in the amount of \$12,515.43.

Mr. Floyd that all of Gadsden for their generosity and he assured them that the funds would go toward Hurricane Katrina victims.

CONSENT ITEMS PULLED FOR DISCUSSION

PUBLIC HEARINGS - 6:00 p.m.

Item 17 Comprehensive Plan Text Amendments - CPA 2005-06AD (William McCord, Growth Management Director)

Mr. McCord commented that this hearing is scheduled to consider adoption of the proposed Comprehensive Plan Text Amendments. The proposed amendments were prepared in response to the Objections, Recommendations and Comments (ORC) report provided by the Florida Department of Community Affairs (DCA). Upon adoption of the amendments they will supplant existing policies and will most likely require the development of more specific land development regulation necessary to further implement these new policies.

This amendment is considered a large scale plan amendment per Chapter 163.3187 (c)1, which was considered by the Board at the transmittal hearing o May 3, 2005 and was transmitted to the FDCA on June 3, 2005 (Spring amendment submittal). This action is considered a quasi-Judicial action (policy formation) in conjunction with the advertised public hearing as a large scale amendment to the Future Land Use Map per Subsection 7401 of the Gadsden County Land Development Code. He asked the Board to review and approve of the first reading of the draft ordinance adopting the Comprehensive Plan text amendment.

Commissioner Lamb stated that he had received several calls from entities regarding slopes. He asked that the manager elaborate.

Mr. Brown concurred with Commissioners Lamb comments. He too stated that he received several calls concerning slopes. He said that he would like to work with Mr. McCord regarding the concerns and make the conditions a little more general.

Commissioner Watson said that he was not in favor of approving anything regarding the Conservation Element at all.

Mr. Brown noted that it would be scheduled for a workshop.

UPON MOTION BY COMMISSIOER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE THE COMPREHENSIVE PLAN TEXT AMENDMENTS-CPA-2005-06AD.

Item 18 Advigo Comprehensive Plan Amendment CPA 2005-05
First Reading of Ordinance

Mr. McCord reviewed the Advigo Development Group, Inc. He said that the applicant is requesting approval of an ordinance adopting a large scale Future Land Use Map amendment to change the land use designation on a 46.82 acre parcel from Agricultural -3 (AG-3) (1:20) to Agricultural 1 (AG-1)(1:5). This amendment is considered a large scale plan amendment per Chapter 163.3187 (c)1. The property subject to the proposed land use amendment is located on the south side of Sycamore-Bonnie Hill Road at the south end of Ortho Whittle Road, west of the Sycamore Community in Township 2 North, Range 6 west, Section 9. He said that this action is considered a quasi-legislative policy formation in conjunction with the advertised public hearing as a large scale amendment to the Future Land Use Map per subsection 7401 of the Gadsden County Land Development Code. He noted that at this public hearing, the applicant seeks the Board's approval of the first reading of an ordinance adopting the proposed large scale land use amendment. The Board is now being asked to formally approve the land use change and adopt the Ordinance. He stated that the draft ordinance is provided as attachment #1.

Vice-Chair Holt called for public comment.

Bobby Jo Chambers addressed the Board. She said that she didn't receive notice of the May 2005 meeting. She had concerns with sewage drainage.

Commissioner Watson said that they wouldn't address sewage drainage at this point.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ADVIGO COMPREHENSIVE PLAN AMENDMENT AND FIRST READING OF THE ORDINANCE.

Item 19 Loughmiller Comprehensive Plan Amendment CPA 2005-01 First Reading of Ordinance

Mr. McCord read the comments and staff recommendations for Loughmiller Comprehensive Plan Amendment. He said that the applicants/owner are Danny E. Trim and Tim's Hauling and Tractor Service. He said that the applicants request approval of an ordinance adopting a large scale Future Land Use Amendment to change the land use designation on a 116.68+ - acre portion of a 144.93 acre parcel from Agricultural -3 (AG-3) (1:20) to Mining. This amendment is considered a large scale plan amendment per Chapter 163.3187 (c)1. The property subject to the proposed land use amendment is located on the west side of Hosford Highway south of the Sawdust Community. He said that this action is considered a quasi-legislative policy formation in conjunction with the advertised public hearing as a large scale land use amendment.

He asked the Board to approve option 1, The Growth Management Department recommends approval of the first reading of the draft Ordinance (Ordinance 2005-01) adopting the Loughmiller major land use amendment request (CPA-2005-01) amending the adopted Future Land Use Map by changing the land use category on 116.68+ - acre parcel (Tax ID # 4-02-1N-5W-0000-00312-0100 & parts on tax ID 3'S 3-35-1N-5W-0000-00331-0000 and 4-03-1N-5W-0000-0022-0000)(Attachment #1), from Agriculture-3 (AG-3)(1:20)to mining based on the above listed findings and approve the first reading of the draft ordinance.

Chair Dixon had concerns with digging with close proximity to the transmission lines.

Discussion followed among the Board.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE LOUGHMILLER COMPREHENSIVE PLAN AMENDMENT ALONG WITH THE ORDINANCE.

Item 20 Stodard 1 Comprehensive Plan Amendment CPA 2005-02- First Reading of Ordinance (William McCord, Growth Management Director)

Mr. McCord commented on the Stodard 1 Comprehensive Plan Amendment and first reading of the ordinance. He said that the owners are Darrell and Rhonda Stodard, owners and applicants Parker Consulting. He said that the applicants request approval of an ordinance adopting a large scale Future Land Use Amendment to change the land use designation on a 38.37 acre parcel from Commercial (COMM) to Rural Residential (1:1). This amendment is considered a large scale plan amendment per Chapter 163.3187 (c)1. The property subject to the proposed land use amendment is located on the south side of McCall Bridge Road (CR-65C), and the east side of Longview Point Road (Southeast side of the intersection of these two roads). This action is considered a quasi-legislative policy formation in conjunction with the advertised public hearing as a large scale amendment to the Future Land Use Map per Subsection 7401 of the Gadsden County Land Development Code. At this public hearing, the applicant seeks the Board approval of the first reading of and ordinance adopting the propose large scale land use amendment.

Commissioner Watson made a motion to approve it was seconded by Commissioner Lamb. It was held for questioning by Vice-Chair Holt.

Chair Dixon commented on site built homes.

Mr. McCord said at the present moment they are proposing a specific plan.

Chair Dixon inquired could they deny a mobile home subdivision.

Mr. McCord replied not if he agreed to the 1-acre lots.

Commissioner Watson amended his motion to include stipulation of site-built homes and Commissioner Lamb seconded it.

Attorney Williams cautioned the Board about approving or stipulating when the applicant is not present to agree to those terms.

Commissioner Watson withdrew his motion and Commissioner Lamb seconded it.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE THE STODARD 1 COMPREHENSIVE PLAN AMENDMENT CPA 2005-02 AND FIRST READING OF ORDINANCE.

Item 21 Linderand (Green) Comprehensive Plan Amendment CPA 2005-04 First Reading of Ordinance

Mr. McCord read the comments for Linderand (Green) Comprehensive Plan Amendment and first reading of the ordinance. He said that Jimmy and Ona Gibson are the owners and Jack Green of Linderand is the applicant. He said that they are requesting approval of an ordinance adopting a large scale Future Land Use Map amendment to change the land use designation on a 50.42 acre parcel from Agricultural-2 (AG-2) (1:10) (8.86 acres) and Commercial (COMM) (41.56 acres) to Rural Residential (RR) (1:1). This amendment is considered a large scale plan amendment is located on the east side of US 27 (Georgia-Florida Parkway) and south side of Glades Road (CR 12-B) north of the Hinson Community. This action is considered quasi-legislative/policy formation in conjunction with the advertised public hearing as a large scale amendment to the Future Land Use Map per subsection 7401 of the Gadsden County Land Development Code. At this public hearing the applicant seeks the Board approval of the first reading of an ordinance adopting the proposed large scale land use amendment.

Discussion followed among the Board.

Chair Dixon commented that stated that sewer does exist and he asked that it not be allowed to move forward without mandating that they hook up to City sewer.

Vice-Chair Holt called for public comment.

Elva Peppers spoke in support of the project. She said that sewer was not available from the City of Havana at this present location.

Commissioner Watson asked Ms. Peppers would she hook up to sewer capacity if available.

Ms. Peppers said that she would agree.

Commissioner Lamb said that this could be passed with the stipulation, that if sewer is available they must hook-up.

Mr. McCord cautioned the Board about placing stipulations on different projects. He stated that it must be done in the right context.

Attorney Williams commented that it could be approved with the conditioned stipulations.

Vice-Chair Holt called for public comment.

Mary Gold, adjacent property owner, cautioned the Board about the placement of septic tanks. She said that she was concerned with the sewage. She noted the problems that were ongoing in the Tallahassee subdivisions.

It was the consensus of the Board to table this item until clarity could be reached about the sewer line for the meeting scheduled October 4, 2005.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE UNTIL THE NEXT MEETING.

Item 22 Discussion of Ashford Healthcare Systems, Inc. Outstanding PMATF Dues (Marlon Brown, County Manager)

Mr. Brown commented that this item had been removed from the Agenda at the advice of Attorney Williams. He said

that he would like to schedule an executive session concerning Ashford for the September 26, 2005 at 5:00 p.m.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE EXECUTIVE SESSION FOR SEPTEMBER 26, 2005 AT 5:00 P.M. TO DISCUSS ASHFORD.

Item 23 Discussion of Proposed Towhee One and Towhee Two Minor Subdivision Submittals (William D. McCord, Growth Management Director) general discussion item

Mr. McCord read the comments and staff recommendations for the proposed Towhee One and Towhee Two minor subdivision submittals. He said that Mr. Bobby Harrell is the owner and applicant. He submitted two applications for minor subdivisions on an approximately 4.0 acre portion of a 5.0-acre parcel located on the north side of SR12 approximately 2 1/2 miles west of Havana. The property where the minor subdivisions are proposed is a single parcel of land that was excluded from the Hidden Lakes subdivision. The applicant is proposing a total of nine lots with the minor subdivisions (six in one minor subdivision lot.) Staff has concerns about how the applicant is proposing to create this subdivision(s). These concerns were expressed and included in a letter to the applicant.

Mr. McCord stated that his recommendation was to re-affirm the appealed decision to permit one-half acre lots on the parcel (lots shall be net developable area not including portions of lots with road easements) and require any subdivision with site-built homes resulting in more than seven lots or any subdivision with more than five lots permitting mobile homes on a single parcel to undergo a type II review to be platted per Chapter 177, Florida Statutes, and comply fully with procedural and design requirements of code. (This will allow for lot sizes as described in the appealed decision approved in January, 2003.)

Commissioner Watson said that this is something that was had already came to an agreement with Mr. Harrell.

Chair Dixon said that he couldn't recall that they reached an agreement.

Mr. McCord asked for clarification concerning road easement right-of-way.

Commissioner Watson commented that the 9 lots were approved.

Vice-Chair Holt called for public comment.

Mr. Bobby Harrell addressed the Board in support of the project.

Chair Dixon inquired about previous minutes and tapes of the previous meeting concerning the information decided upon in the Towhee One and Towhee Two minor subdivision.

Commissioner Watson made a motion for approval and Commissioner Lamb seconded it. It was held for questioning by Chair Dixon.

Discussion followed among the Board.

Mr. Harrell inquired if he was to move the 9th lot and just have 8 lots would that be satisfactory.

Chair Dixon said that he would like to know what is approved.

Vice-Chair Holt called for public comment.

Sandi Beare spoke in opposition to the project. She spoke of the dangerous traffic conditions.

It was the consensus of the Board that no action is taken until the tapes and minutes were reviewed for clarity.

Item 24 Approval of Design/Construction of Proposed Fire Stations (Brian Beasley, EMS Director)

Mr. Beasley addressed the Board concerning the approval and design construction of proposed fire stations. He presented a detailed power point presentation. He said that on September 6, 2005 the Board approved acceptance of the proposed site for the Robertsville/ St.John station, located at the corner of St.Johns School Road and

Hutchinson Ferry Road, from the Gadsden County School Board. This site is approximately one acre.

He noted that the City of Gretna is in need of anew and relocated fire station. The current station is located about four blocks from City Hall and is in need of repair. Staff recently had to raise the rafter to place the new truck in the station. This station has been broken into numerous times. Staff is currently in discussion with the City of Gretna for a new site for fire station. He discussed using inmate labor.

Discussion followed among the Board.

Vice-Chair Holt said that she was in favor of the larger size station.

Chair Dixon spoke of the importance of volunteerism with implementation of the substations. He

Commissioner Watson inquired about grants for firestations, such as Wetumpka community.

Mr. Brown said that the substations with the meeting rooms included would be used as multi-purpose for communities that don't have a place that they would normally meet.

Discussion followed among the Board.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO SEND THE GRETNA FIRESTATION PROJECT OUT TO BID.

Item 25 Approval of RFP for Construction Manager for the Chattahoochee Library Project (Arthur Lawson, Sr., Assistant County Manager)

Mr. Lawson commented on approval of RFP for Construction Manager for the Chattahoochee Library Project. In April 2003, the Gadsden County Public Library submitted a \$500,00 grant for the renovation of the Chattahoochee Health Department building to replace their current 3,686 square-foot library. The grant was awarded. The building was subsequently withdrawn and Library staff found

alternative location. The grant classification was changed from renovation to new construction, with the School Board donating a site for the new Library. The Board authorized staff to seek an RFP for Architectural Services at its August 16th meeting and the next step to take is to seek a Construction Manager. He noted that the estimated cost of 6,200 square foot building is \$130 per square foot or approximately \$806,000.

Mr. Brown commented on another site for the Chattahoochee Library that staff is currently observing. He said that it is across the street from the elementary school at the corner of Hwy 90 and Maple Street.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE OPTION 1, APPROVE STAFF TO SEEK RFP FOR CONSTRUCTION MANAGER FOR THE CHATTAHOOCHEE PUBLIC LIBRARY.

Item 26 Approval of RFP #05-17-State Lobbying Services
(Arthur Lawson, Assistant County Manager)

Mr. Lawson reviewed the approval of RFP#05-17 for state lobbying services to Pennington, Moore, Wilkinson, Bell and Dunbar P.A. Staff will be presenting the final list of legislative priorities of the departments and County to the Board at the October 4, 2005, Board meeting for approval. He then read the background and analysis for the Board.

He said that it was the recommendation of the Bid Committee was to award the state lobbying services to Pennington, Moore, Wilkinson, Bell and Dunbar, P.A. with cost proposal of \$32,500 and authorize the County Manager to negotiate and execute the contract.

Discussion followed among the Board.

Attorney Williams said that the price quoted is the normal going price.

It was the consensus of the Board that the top 3 lobbying firms come before the Board to make presentations.

Vice-Chair Holt questioned would there be time for advertisement.

Mr. Lawson commented that the Procurement Policy states that the meeting would need to be advertised at least ten days prior to the meeting date.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, TO HAVE THE TOP 3 LOBBYING SERVICES CONTRACT TO COME BEFORE THE BOARD AT THE OCTOBER 4, 2005 BCC FOR FINAL DECISION.

Item 27 Approval of Contract Renewal for Videotaping Commission Meetings (Arthur Lawson, Sr., Assistant County Manager)

Mr. Lawson commented that the contract renewal for videotaping Commission Meetings is up. He asked for Board approval to renew the contract with Southerland Enterprises, Inc. for videotaping County Commission meetings or to authorize staff to seek new bids for the services.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ANNUAL CONTRACT RENEWAL WITH SOUTHERLAND ENTERPRISE FOR VIDEOTAPING OF THE COMMISSION MEETINGS.

County Manager

Item 28A Approval of Bid Award to Remount Ambulance No.7

Mr. Brown commented that this item seeks Board approval for the remount of one Type 1 ambulance. He said that Stat-Line Industries came in as the lowest bidder in the amount of \$48,900.00.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE OPTION 1 REWARD THE BID TO STAT-LINE INDUSTRIES.

Item 28B Adjustments to Tentative FY 2006 Operating Budget

Mr. Brown discussed the some of the adjustments to the Tentative FY 2006 Operating Budget. He then turned the meeting over to Mr. Davin Suggs.

Mr. Suggs commented that this item would inform the Board of Adjustments made to the Tentative FY 2006 Operating Budget based on direction given at the September 12, 2005 Public Hearing to adopt the Tentative FY 2006 millage rates and operating budget. He then discussed the background, analysis and his recommendation for Option 1.

It was the consensus of the Board that this item be discussed at the Final Budget Meeting on September 26, 2005. No action was taken.

County Attorney

Attorney Williams stated that he had no items at this time.

Citizens requesting to be heard on Non-Agenda Items (3 minute limit)

Vice-Chair Holt called public comment.

- **Dixie Lord**, Deer Ridge Resident, addressed the Board concerning the problems in Deer Ridge Estates. She also noted that she was displeased with the postponement of the hearing that had been scheduled for September 20, 2005.

Chair Dixon stated that under the advisement of Attorney Williams they had to reschedule. He along with the Board assured that they would not let this item go and would continue to seek justice.

- **Larry Witt**, Highlands at Talquin, addressed the Board. He said that he had the necessary documents needed for his project to move forward. He noted that the he was instructed to retrieve a letter from Talquin.

Mr. McCord interjected that he received the copies late this afternoon and has not had time to review. He said that he was under the impression that the item was tabled for later review. He said that once he and his staff have reviewed the necessary items they would notify Mr. Witt and place on the upcoming agenda.

- **Morris Thomas**, Midway Resident, addressed the Board. He said that this was for informational purposes only;

evacuation shelters have to be Red Cross approved. He instructed staff to check out.

- **Richard Thompson** addressed the Board. He referenced a handout pertaining to Charter Government.
- **Marion Lasley** addressed the Board. She asked for clarification on Towhee One and Two.

Commissioner Watson explained that no action was taken, it was only heard for discussion.

Discussion Items by Commissioners

Commissioner Lamb

Quincy Library

Commissioner Lamb thanked the Board for approving the name of Commissioner William "Bill" McGill on the Quincy Library.

County Pay Scale

He also asked Mr. Brown had he started working on the pay scale for lower paid county employees.

Mr. Brown replied that they would not start on it, until the next fiscal year. He said that he has already alerted staff that that is a top project for next year.

Noise Ordinance

Commissioner Lamb thanked Mr. Williams for all his hard work related to the noise ordinance.

Commissioner Watson

Commissioner Watson had no report.

Commissioner Price

Commissioner Price thanked all the area churches for the contributions for Hurricane Katrina Victims.

He also thanked the Board for working with him concerning the placement of the Chattahoochee Library. He thanked Mr. Garner, Simmons and Whiddon for coming out for support.

Chairman Dixon - Item 30-Appointments to Property Appraisal Adjustment Board

Chair Dixon made appointments to the Property Appraisal Adjustment Board set for October 6, 2005 at 1:00 p.m. The appointments are Vice-Chair Holt, Commissioner Price and Commissioner Watson.

Commissioner Holt

Red Cross Donations

Commissioner Holt thanked the area churches for all Hurricane Katrina Relief funds for the Red Cross donation.

Receipt and File

- Gadsden County Tourism Development Council Meeting Minutes - August 16, 2005
- Cash Report as of 09/06/05
- Fund Summary Report as of September 2005
- Congratulations from Senator Bill Nelson on Award of the FY 2005 Edward Byrne Memorial Justice Assistance Grant.

ADJOURNMENT

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

Brenda Holt, Vice-Chair

ATTEST:

Nicholas Thomas, Clerk

**BOARD OF COUNTY COMMISSIONERS
GADSDEN COUNTY, FLORIDA
ATTORNEY-CLIENT SESSION
SEPTEMBER 26, 2005**

The Board of County Commissioners of Gadsden County, Florida, met in Attorney-Client session at 5:00 p.m. with Chairman Edward J. Dixon presiding. Present were Commissioners Holt, Lamb, Watson and Price. Also present were Deputy County Attorney Paul Sexton, County Manager Marlon Brown, and the Certified Court Reporter.

Call to Order:

Chair Dixon called the meeting to order. He then turned the meeting over to Mr. Sexton.

Mr. Sexton noted, "Pursuant to Section 286.011 (8), Florida Statutes, the meeting has been duly noticed in all three (3) local papers. He proceeded with roll call.

He then opened the meeting for the purpose of discussion of strategy plans related to litigation matters concerning the lawsuit of Ashford Healthcare Systems, Inc. vs. Gadsden County, Second Circuit, Case No. 05-961-CAB. A transcript of these proceedings will be made by the court reporter and filed with the Clerk of Court but, will not be made public until the conclusion of the law suit.

Edward J. Dixon, Chair

ATTEST:

Nicholas Thomas, Clerk

Gadsden County Board of County Commissioners
Final Budget Public Hearing
September 26, 2005

The Board of County Commissioners of Gadsden County, Florida, met in special session at 6:00 p.m. with Chairman Edward J. Dixon presiding. Present were Commissioners Holt, Lamb, Watson and Price. Also present were County Attorney Thornton Williams, County Manager Marlon Brown, and Deputy Clerk Beryl Wood.

Call to Order:

Chair Dixon called the meeting to order. He then turned the meeting over to Mr. Brown.

Adjustments to Tentative FY 2006 Operating Budget

Mr. Brown commented that this item informs the Board of Adjustments made to the Tentative FY 2006 Operating Budget based on direction given at the September 12, 2005 Public Hearing to adopt the Tentative FY 2006 millage rates and operating budget. He then asked the Chairman to proceed with the reading of the proposed millage rate and public comment.

Chair Dixon said that the Fiscal-Year 2005/2006 tentative Countywide operating millage rate is 10.0000 mills, which is greater than the rolled-back rate of 9.6150 mills by 4.00%.

Chair Dixon commented that this was a public meeting and opened the floor for public comment and there was no response.

ADOPTION OF FINAL COUNTY MILLAGE AT 10.00 MILLS BY RESOLUTION

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT THE FINAL COUNTY MILLAGE AT 10.00 MILLS BY RESOLUTION 2005-021.

County Wide Budget to open budget Holt/Lamb

Background:

Mr. Brown noted that in the adoption of the FY 2006 tentative budget, the Board directed staff to increase funding to the Non-Profit Agencies by a total of \$94,160. Additionally, since the adoption of the tentative budget, the bids for FY 2006 lobbying services have come in \$7,500 higher than expected.

Mr. Suggs commented that they have presented to options. He explained each option to the Board. He recommend option 2 for Board approval.

Chair Dixon said that option 1 may not leave enough contingency. He said that he could support option 2 with changes. He said that he was in favor of option 2 with the following changes.

- Gadsden Co. Black Heritage Org. - (\$6,000) additional \$6,000 for a total of **\$12,000**.
 - Quincy Fest - \$1,000 additional (\$500) for a total of **\$1,500**.
 - Celebrate Freedom - allot (\$1,500)
- Resulting in a total change of (\$8,000).**

Mr. Suggs noted the changes that Chair Dixon mentioned.

Discussion followed among the Board.

Commissioner Lamb asked annual or quarterly reports for non-profits.

Mr. Brown said that it would be implemented this fiscal year with non-profits. He said that he would work with the Clerk's Office to establish a plan on how funds should be released to non-profits.

Commissioner Holt said that she recommended approval of Option 2 of the non-profits with the changes as noted and Commissioner Price seconded it.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE OPTION 2 OF THE NON-PROFITS WITH THE

**CHANGES NOTED ABOVE. COMMISSIONER WATSON OPPOSED THE
MOTION. THE MOTION PASSED.**

Workforce Plus/TCC

Chair Dixon commented that the meeting held today with Workforce Plus and TCC was very beneficial.

Mr. Brown said that Summer Youth Emp. would be a line item in the Budget under the Commissioner's Budget instead of a regular line item.

Gretna Firestation concerns

Commissioner Watson said that his concern was with firestation in Gretna and Robertsville. He questioned the meeting rooms in the forestation. He stated that he was not in favor of building two (2) forestations in one budget year. He recommended that they leave the \$300,000 in public works and focus only on the Robertsville forestation this conference year.

Chair Dixon said that it is his concept to be more encouraging of communities. We have to encourage people to become volunteers. It is more than forestation, it's an opportunity to build communities. He said that it brings community involvement.

Commissioner Watson said that he would rather see just choose one of the firestations. And put \$300,000 into road paving and comment to do the other firestations at a later date. He said that it won't increase service by building firestation this year. He mentioned the road paving list.

Chair Dixon said that the \$300,000 would just sit in Public Works. He said that the funds could be utilized in building Gretna an adequate firestation.

Commissioner Holt asked about how Bond Money was spent in each district.

Mr. Presnell said that he would ask the Manager to help.

Commissioner Holt said that there should be penalties for not sticking to the schedule.

Discussion followed among the Board.

Commissioner Lamb supported the road paving. He said that we should wait on the firestation for the City of Gretna.

Commissioner Holt commented on how the Gretna firestation was not protected. She said that would be a County forestation.

Mr. Suggs said that the money is still in the reserves.

Commissioner Dixon commented that the Board should not be involving themselves in other municipalities. He said that we help cities with fire. He said that the money should not be placed back into paving; it should be put in the community.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 2 - 3, BY VOICE VOTE, TO APPROVE THE BUDGET SPECIAL PROJECT AMOUNT OF \$300,000 BY LETTING IT STAY IN THE PAVING BUDGET AND NOT FUND THE GRETNA FIRESTATION. COMMISSIONERS DIXON, HOLT AND PRICE OPPOSED. THE MOTION FAILED.

Chair Dixon asked for a motion to approve the Final Budget.

ADOPTION OF FY 2005-06 BUDGET BY RESOLUTION-022

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE FINAL BUDGET FY 2005-06 BUDGET RESOLUTION 2005-022 AT \$39,421,499.00. COMMISSIONER WATSON AND LAMB OPPOSED THE MOTION. THE MOTION PASSED.

LITIGATION FOR ASHFORD HEALTHCARE

Mr. Brown commented the on the litigation budget for Ashford Healthcare (Hospital) court proceedings. He said that he like for the Board to make a motion to use monies from interest Hospital Endowment Fund for litigation purposes.

Commissioner Watson opposed using the Hospital Endowment funds.

Commissioner Lamb said that he thought that the monies couldn't be used for that purpose.

Chair Dixon stated that the Attorney Williams would look into and if that's true he said that the motion would be null and void.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE USING FUNDS FROM THE HOSPITAL ENDOWMENT FOR PURPOSES OF LITIGATION FOR ASHFORD HEALTHCARE.

Sheriff's Department (Sheriff Young)

Mr. Brown commented that the Sheriff's Department is experiencing a \$290,000.00 deficit. He said that they have a workshop that is scheduled on October 11, 2005 at 5:00 p.m. He said that there were numerous factors to contribute to the deficit. He that Sheriff Young has made a commitment to work with the Board.

Chair Dixon asked about making his budget more transparent and showing us where the deficit actually lies. He asked would he work with County Staff to ensure that this type of situation does not continue.

Mr. Suggs said that he has 60 days to the come to some type of resolution on the Sheriff's budget deficit.

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
OCTOBER 3, 2005, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: BRENDA HOLT, VICE-CHAIR, PRESIDING
EUGENE LAMB
STERLING WATSON
DERRICK PRICE
THORNTON WILLIAMS, COUNTY ATTORNEY
PAUL SEXTON, ASSISTANT COUNTY ATTORNEY
MARLON BROWN, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

ABSENT: EDWARD J. DIXON, CHAIR

CALL TO ORDER

Vice-chair Brenda Holt called the meeting to order and announced the opening of a public hearing on the Deer Ridge Subdivision Construction Site and Site Drainage. She stated for the record that the Chairman was unable to attend. She then turned the meeting over to the County Manager Marlon Brown.

Mr. Brown recalled that this hearing was originally scheduled for September 20, 2005. However, the attorney for the developer asked for a delay and it was rescheduled for this date.

He recapped the events leading up to this hearing. He said that on September 6, 2005, the Board approved holding a hearing on the violations dealing with the Deer Ridge Subdivision. The County issued a Notice to Show Cause on September 7, 2005 to Home Placement, Inc./Lifestlyes Development Co./?, Inc. The purpose of the hearing is to allow them to appear and show cause for the circumstances reported to Gadsden County Growth Management Director in a June 16, 2005 notice and why those circumstances have not be abated and why further development at the Deer Ridge Subdivision should not be abated until all of the violations are corrected.

He then told the commissioners that upon hearing the evidence that will be presented at this public hearing, they will be asked to make findings of facts from the evidence

offered. He then turned the meeting over to Attorney Thornton Williams.

Mr. Williams stated that David Theriaque, attorney for the developer, would like some time to see if there is the possibility to reach the basis to go forward and negotiate a settlement over the next two - three days. He then stated that he must ascertain where of the home owners' attorney stands on the issues. He asked for a recess.

Commissioner Watson stated that he was tired of waiting and wanted to proceed with the hearing. He explained that this has been going on since April and it is time to move forward. He said, "These people need some relief and they expect us to do our job."

A MOTION WAS MADE BY COMMISSIONER LAMB AND SECONDED BY COMMISSIONER PRICE TO PROCEED IN THE MANNER AS SUGGESTED BY THE COUNTY ATTORNEY.

Mr. Williams explained that Mr. Theriaque believes that if he has the opportunity to talk with the attorney for the homeowners that there may be a possibility of a consensus that will resolve the issue.

David Theriaque addressed the Board. He stated that he represented the developer. He said that he had received a phone call from Mr. Benton (homeowners' attorney) last week. He then said that this was the first time that the homeowners association has been represented by an attorney. He went on to say that they met for about two hours on Friday.

Mr. Theriaque then told the Board that he sent a letter on September 27 with a consent order from DEP and a request to see if they could start a settlement negotiation with the County. That preceded Mr. Benton's retainment by the association. Then Mr. Theriaque reported that he received a counter offer from the County. He explained that the developer did not receive the county's offer until a couple of hours before this meeting began. Upon discussion between all parties, he felt that further negotiation would be fruitful.

Commissioner Watson stated that it has now become an issue of what the County is going to tolerate - not what the homeowners will tolerate.

Mr. Theriaque argued that the offer that came back today still has room for negotiation.

Commissioner Watson stated that he has not seen anything. He asked why he didn't have a copy of it.

COMMISSIONER LAMB WITHDREW HIS MOTION.

Commissioner Lamb commented that he agreed with Commissioner Watson in that this is not really a home owner issue. It is an issue between the County and the developer.

Commissioner Watson stated, "It's not that I don't care what the homeowners think. I mean, I want them satisfied and that is why we are here. But, my concern is - Is he complying with Gadsden County's Code - with what we want him to do? I don't think that the homeowners attorney should have anything to say in that. That is between us and the developer."

Vice-chair Holt said that she understood what they were saying and she accepted the withdrawal of the motion. She said, "My concern is - How can we make this move? And if we hear it, we are going to hear it anyway. I'm trying to listen to what the legal advice is on this. The only reason I am doing that is because I don't want to stall, I really don't. I am sick of this and I know the people in that development are sick of it. What can we do to make sure that this flows smoothly and it's going to get started."

COMMISSISONER LAMB MADE A MOTION TO ACCEPT THE ADVICE OF THE ATTORNEY, BUT TO MAKE SURE THAT THE HOMEOWNER'S ASSOCIATION IS IN INVOLVED FULLY IN THE NEGOTIATION OF A SETTLEMENT. HE FURTHER MOVED THAT THE BOARD RECESS UNTIL 6:40. THE MOTION WAS SECONDED BY COMMISSIONER PRICE. THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE MOTION.

THE HEARING RECONVENED AT 6:40.

Mr. Williams reported that there was a meeting between the attorney for the developer and the homeowners association attorney. He said the there is a consensus that this issues can be settled in the best interest of the County's concerns which will also take care of the concerns of the homeowners.

Mr. Rick Benton, attorney for the homeowners association, addressed the Board. He stated that the homeowners are willing to give it one more good faith effort to try and resolve it. He said they are moving in the right direction, but there are many miles left to go before the matter is resolved in meetings, much less on the ground.

David Theriaque, attorney for the developer, reported that the developer has already reached a consent agreement with DEP. They have already seen an indication that they are trying to resolve all matters. He addressed the issue of timeliness of the way things happened. He said that he met with Mr. Benton on Friday and the letter exchange took place earlier today. He assured the Board that nobody was trying to waste anybody's time. He said that all parties want one more chance to talk and he felt it would be valuable. He reiterated that a settlement would certainly be less costly.

Commissioner Watson said that he met with Mr. McClellan in April and Mr. McClellan told him that he would do certain things. So, he said that he came back and met with the Growth Management Director Bill McCord and asked him to back off. He was disturbed that it is now October and nothing is resolved.

Mr. Theriaque explained that they were trying to resolve things with DEP which would also resolve many of the staff's issues. He assured him that there has been good faith effort to resolve the very principle issue - DEP.

Commissioner Lamb stated that he was glad to see that progress was being made and he and the entire Board promised to stay on top of it.

Vice-chair Holt stated, "I am extremely tired of hearing about this. I understand that you have worked out some type of agreement to move forward, but I am sure that no one on this commission wants to hear any more of this again. We just want it taken care of. I am not admonishing anyone. I know that DEP has what they want to do. Well, we are responsible for doing certain things and we have to take care of from now on - to where it needs to go. We have a lot of development in this County and, as I have said before, we must do it right the first time. We may not have a second time or a third time. I do not want this to set an example for other developers. I really do not."

Mr. Williams asked for a motion to continue this hearing to a time certain and give the county manager the authority to continue with negotiations until the end of the week. If it is settled, it can be brought back on the consent agenda to dismiss the proceeding.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO CONTINUE THE PROCEEDING AND GIVE THE COUNTY MANAGER AUTHORITY TO CONTINUE NEGOTIATIONS AND SETTLEMENT.

ADJOURNMENT

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

Brenda Holt, Vice-chair

ATTEST:

Muriel Straughn, Deputy Clerk

AT THE REGULAR BOARD MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON OCTOBER 4,
2005, THE FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

PRESENT: EDWARD J DIXON, CHAIR - DISTRICT 5
 BRENDA HOLT, VICE CHAIR - DISTRICT 4
 EUGENE LAMB, DISTRICT 1
 STERLING WATSON, DISTRICT 2
 DERRICK PRICE, DISTRICT 3
 THORNTON WILLIAMS, COUNTY ATTORNEY
 MARLON BROWN, COUNTY MANAGER
 MURIEL STRAUGHN, DEPUTY CLERK

CALL TO ORDER

The meeting was called to order by Chair Dixon.

Invocation and Pledge of Allegiance

Commissioner Lamb led in the invocation and County Manager
Marlon Brown led in pledging allegiance to the US flag.

Amendments and Approval of Agenda

The following items were added to the agenda:

Awards, Presentations, and Appearances

Introduction of Charles Chapman, Recreation and Parks
Coordinator
Presentation of First Newsletter for Parks and Recreation
Confirmation of New Budget Manager - Davin Suggs

Consent Agenda

Item # 6 - Change the recommended option to allow a Land
Use Amendment Request as an administrative amendment to the
Comprehensive Plan for Fall 2005 Transmittal for Ms.
Veatrice Proctor

General Business

Request for Interpretation of Land Development Code Under Administrative Procedure (requested by Bill McCord, Growth Management Director)

Transfer Funds to Gadsden Senior Services, Inc. (requested by County Attorney Thornton Williams)

Interlocal Agreement with City of Quincy with Gadsden County for Stewart Street Bridge

Confirmation of appointment of Olive Collins to the Gadsden County Tourist Development Council

Announcements:

Value Adjustment Board Meeting - October 7, 2005-1:00 p.m.

BCC Special Meeting on October 11, 2005 - 5:00 p.m.

Awards, Presentations and Appearances

Introduction of Charles Chapman, Recreation and Parks Coordinator

Presentation of First Newsletter for Parks and Recreation

Confirmation of New Budget Manager - Davin Suggs

Mr. Brown introduced Charles Chapman, the new recreation and parks coordinator.

Community Development Administration Director Farnita Saunders introduced the first edition of the Parks and Recreation Newsletter. She reported that it would be published once each quarter. She invited input from the Board.

Mr. Brown then introduced Davin Suggs as the new budget director and asked the Board to confirm his appointment.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED UNANIMOUSLY 5 - 0, BY VOICE VOTE, TO CONFIRM THE APPOINTMENT OF DAVIN SUGGS AS THE BUDGET MANAGER.

Consent Agenda

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

- Item 1 Approval of Minutes - August 2, 2005 Regular Meeting
Approval of Minutes - August 16, 2005 Attorney-Client Session
Approval of Minutes - August 16, 2005 Regular Meeting
Approval of Minutes - August 30, 2005 Special Meeting
- Item 2 Ratification of Approval for Payment of Bills and Payrolls:
September 23, 2005 Accounts Payables
September 29, 2005 Payroll Deductions
September 30, 2005 Accounts Payables
September 29, 2005 Payroll
October 3, 2005 Payroll (short run for closing of fy)
- Item 3 Approval of Microsoft Enterprise Agreement
3 years \$26,440.40 per year
(Don Lee, Information Technology Coordinator)
- Item 4 Approval of SHIP Annual Report
(Farnita Saunders, Community Development Director)
- Item 5 Approval of SHIP Agreements and Special Assessment Liens
(Farnita Saunders, Community Development Director)
Bridgett Francis
Sheila Trotter
- Item 6 Approve a Land Use Amendment Request from Ms. Veatrice Proctor as an administrative amendment to the Comprehensive Plan for Fall 2005 Transmittal to DCA
- Item 7 Approval of Mosquito Control Agreement with Department of Agriculture FDACS Contract # 009622 beginning October 1, 2005 - September 30, 2006
(Robert Presnell, Public Works Director)
- Item 8 Approval of Grant Acceptance Agreement for Criminal History Record Improvement Live scan FDLE 06-CJ-5A-02-30-01-274 - \$28,823.00 September 1, 2005 - August 31, 2006 Local Match \$9,608.00 Total Project Cost - \$38,431.00
(Major David Gainous, Gadsden County Sheriff's Department)
- Item 9 Approval of Open Graded Bituminous Paving Contract
Piggyback on Volusia County Contract with Florida Highway Products at \$ 4.59 per sq. yd. Roads approved include: J & J Lane, R.R. Ave., Dessie Dr., Neals Temple Road, Kirby Circle, Wayne Gregory Road (Robert Presnell, Public Works Director)

PUBLIC HEARINGS - 6:00 P.M.

Item 10

Loughmiller Comprehensive Plan Amendment

Second Reading of Ordinance 2005-011 (Changing 116.68 acre portion of a 144.93 acre parcel from Agricultural-3(AG-3) to Mining

Type of Hearing: Quasi-legislative

Applicant: Tim's Hauling and Tractor Service (owners)
Representative: Danny E. Trim and Tim's Hauling and Tractor Service

Location: Sawdust community near Greensboro - West side of Hosford Highway (SR 65) about ¼ mile south of the intersection of Old Federal Highway south of the Sawdust community

Purpose of the amendment: To operate a sand mine on the property

Attachments: Ordinance 2005-011, map, staff comments and recommendations

Staff Recommendation: Approve Ordinance 2005-011 adopting land use amendment (CPA-2005-01)

Background information: The Planning and Zoning (P & Z) Commission reviewed the application at their January 5, 2005 meeting and voted 10-0 to recommend approval to the Board of County Commissioners (BCC.) The BCC held the first public hearing (transmittal hearing) on the request on February 1, 2005. It was approved and transmitted to Florida Department of Community Affairs (FDCA) on June 3, 2005 along with the others in the spring cycle of land use amendments. It was approved by FDCA and was returned for formal adoption. The first public hearing and reading of the ordinance was held on September 20, 2005. The Board approved the land use amendment unanimously. It is before the BCC on this date for final adoption.

Growth Management Director Bill McCord opened a public hearing on the above stated Comp Plan amendment. He explained the process of this application and recommended approval.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER LAMB TO APPROVE THE ORDINANCE AND LAND USE AMENDMENT.

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

THE BOARD VOTED UNANIMOUSLY (5-0) TO APPROVE THE ORDINANCE DESCRIBED ABOVE.

Item 11

Linderand (Green) Comprehensive Plan Amendment

Second Reading of Ordinance 2005-012 Large scale land use amendment changing 8.86 acres from AG-2 to Rural Residential (RR); and 41.56 acres from Commercial (COMM) to RR.

Applicant: Jimmy and Ona Gibson

Representative: Jack Green of Linderand, Inc.

Location: East side of US 27 and south side of Glades Road (CR 12-B) North of the Hinson community in Township 3 North, Range 2 West, Sections 14 & 15.

Purpose of Land Use Change: single family subdivision

Type of Hearing: Quasi-legislative

Attachments: Ordinance 2005-012; Maps;
Staff comments and recommendations

Staff Recommendation: Approve Ordinance 2005-012 adopting the land use amendment (CPA-2005-04)

Background information: Reviewed and approved by the P & Z Commission on February 2, 2005 and approved for recommendation to BCC by vote of 7 - 0. First public hearing for transmittal by BCC on March 1, 2005 - approved 5 - 0. Transmitted as part of the spring cycle to FDCA on June 3, 2005. First public hearing and first reading of the ordinance by BCC on September 20, 2005 - approved 5 - 0. It is before the Board at this meeting for second public hearing and reading of the ordinance.

Testimony:

Growth Management Director Bill McCord described the ordinance to the Board and gave the background information as described in the attachments. He stated that there had been some concern about utility lines in proximity to the site. He said they are in close proximity to waterlines from the City of Havana and they will be able to connect to the water. However, he said that sewer line is more than 2 miles away and the Comp Plan and the Land Development Code will not require them to connect to central sewer.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER HOLT TO APPROVE THE ORDINANCE AND LAND USE AMENDMENT DESCRIBED ABOVE.

Chair Dixon announced that this is a public hearing and he asked for public input, comments and questions.

There was no response.

THE BOARD VOTED UNANIMOUSLY (5-0) TO APPROVE THE ABOVE STATED MOTION.

Item 12

Advigo Comprehensive Plan Amendment -
Second Reading of Ordinance 2005-013 adopting a large scale Future Land Use Map amendment to change the land use designation on a 46.82-acre parcel from AG_3 to AG-1.

Applicant: Advigo Development Group, Inc.

Representative: Advigo Development Group, Inc.

Location of property: South side of Sycamore Road (CR 270) just south of the intersection of Sycamore Road and Little Sycamore-Bonnie Hill Road at the south end of Ortho Whittle Road, west of the Sycamore Community

Purpose of the amendment: Small single-family subdivision

Type of hearing: Quasi-legislative;
Type IV review under Subsection 7204

Staff Recommendation: Approve Ordinance 2005-013 adopting land use amendment CPA-2005- 05

Attachments: Ordinance 2005-013; location map;
Staff comments

Background information: First review by P & Z Commission on April 6, 2005 - they recommended that the Board deny the land use change. Transmittal public hearing was held by BCC on May 3, 2005 and unanimously approved for transmittal. It went to FDCA as part of the spring cycle on June 3, 2005 - returned with no objections or comments. The first public hearing and first reading of the ordinance was held on September 20, 2005 and approved by the BCC unanimously. It is before the BCC at this meeting for second public hearing and second reading of the ordinance adopting the land use change.

Testimony:

Growth Management Director Bill McCord opened the public hearing. He gave a brief description of the land use change and ordinance.

A MOTION WAS MADE BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER WATSON TO APPROVE ORDINANCE 2005-013 ADOPTING LAND USE CHANGE CPA-2005-05.

Chair Dixon called for public comments and questions. There was no response from the public.

THE BOARD VOTED UNANIMOUSLY (5-0) TO APPROVE THE ABOVE STATED MOTION.

Item 13

Preliminary Plat for San Bonita Estates Subdivision
SD-2005-02

Type of Hearing: Quasi-judicial for TYPE II review per Subsection 7202 of Land Development Code.

Applicant: Tommy Hatcher and San Bonita Farms, Inc.

Representative: Melvin Engineering and Jeremy Calloway

Location of Property: 84.2 acre parcel of RR and AG-2 land use designations located on the north side of Gibson Sawmill Road, east of the CSX railroad tracts, west of US 27 approximately three miles south of Havana.

Description of proposed subdivision: The property has mixed land use with RR and AG-2. The developer is developing the subdivision by the transfer of development rights. It is a gated subdivision with 39 single family lots with two cul de sac streets, an internal storm water management system provided within swales along rear lot lines and within the private rights-of-ways; 28.81 acres open space with conservation easements and buffer along the easterly side of the subdivision. Further description contained in the attachments. Central water provided by Talquin from US 27. Each lot will provide a septic system for sewage disposal purposes. Streets are private and will be maintained by homeowners association but will be built to county standards.

Purpose: Single family subdivision

P & Z Commission Recommendation: Approval with a number of findings and special conditions of approval contained in the attached agenda package.

Staff recommendation: Approval of the preliminary plat with special conditions:

- a) Provide sidewalks or bond a sidewalk on at least one side of the private street and along the north/west side of Gibson Road adjacent to the subdivision and indicate them on the plan.
- b) b) At the time of final Plat approval, provide an executed conservation easement in favor of Gadsden County over any portion of the property determined to be wetlands and convey by warranty deed any open space tracts and the private roadway tract to the Homeowners Association.
- c) c) Provide additional right-of-way for Gibson Road right-of-way adjacent to the subdivision. Such dedication or conveyance of right-of-way to the County shall result in at least a 30 ft wide right-of-way measured from the centerline of Gibson Road adjacent to/including the proposed subdivided properties in order to comply with Policy 2.4.2.

- d) d) A variance is granted from Subsection 5611 G.1 allowing the developer to provide only one access point to/from the subdivision.
- e) e) The environmental Health Department must approve of the additional soil borings.

Background information: Conceptual plan was presented and approved by BCC on March 1, 2005.

Testimony:

Growth Management Director Bill McCord was administered an oath by Muriel Straughn, deputy clerk. He gave an overview of the project as described in the attached agenda packets.

Chair Dixon called for public input.

Tommy Hatcher, 855 San Bonita Blvd., Havana, FL 32333 addressed the Board. Muriel Straughn, deputy clerk, administered an oath to him prior to his testimony. He made the following points:

1. The conceptual plan proposed a 16 ft roadway with 50 ft. right-of-way. Now, Mr. McCord is requiring a 20 ft. roadway with 60 ft. right-of-way. This removes an acre of saleable land from the project and is creating financial hardship.
2. He sought several estimates for installing sidewalks, which was a special condition of approval, and the lowest bid he received was \$95,000 - an additional financial impact. He stated that he did not believe that it is required, only encouraged. He asked the Board for clarification of this - Is it something that is absolutely necessary in order to move the project forward?

Chair Dixon reminded Mr. Hatcher that the county Code requires the road to be 20 ft. wide.

Mr. Hatcher conceded that is what the Code requires, but he contended that he had reached an agreement with the former growth management director for 16 ft. roadway.

Chair Dixon clarified that Mr. McCord had simply caught a mistake in the original plan and brought attention to it and corrected it.

Mr. Hatcher contended that sidewalks are not required by the Code. There is a statement in the Code that says "sidewalks should be constructed" not "shall be". He suggested that sidewalks are a matter of discretion of the Board.

Mr. McCord stated that the Comp Plan policy highly encouraged sidewalks to be put into place in developing subdivisions. He pointed out that this subdivision is developing adjacent to a commercial area and there will be interaction between those residences and those commercial establishments that may come in the future. He added that he felt that it is important for this area to consider sidewalks. He also said that he expects to make amendments to the Land Development Code to require sidewalks in specific areas.

Commissioner Lamb recalled that the Board had waived sidewalks from a previous subdivision. He asked why it had been waived before.

Chair Dixon recalled that it was a development along US 90 and it was waived because of State rights-of-way and a number of other things. The sidewalks in this subdivision would be totally within the gated community.

Mr. McCord clarified that there is a section of the subdivision along Gibson Road that is only 50 ft. wide. He is asking for the developer to give 5 feet on each side of Gibson Road to allow for the 60 ft. standard right-of-way. He explained that when they find something that is substandard, authority of the Code could correct it. The sidewalk along Gibson Road is being requested, not along US 27 at this time. He conceded that it would be the only sidewalk along there, but one must begin somewhere.

Commissioner Holt took the position that when you are developing residential property next to commercial property, there must be a sidewalk for safety purposes.

Mr. Hatcher agreed that he would grant the right-of-way for the road from property that he owns. However, at this point in time, it is not certain what kind of commercial property will develop - it could be of such nature that would not require sidewalk provision.

Commissioner Watson stated that he did not see the need for the sidewalks.

Jim Kellum addressed the Board. He was administered an oath by Muriel Straughn, deputy clerk. He supported Mr. Hatcher's request for waiver from the sidewalk requirement. He encouraged the Board to not make it more difficult and thus discourage development. He said, "I don't care if it is in the Comp Plan, change it."

Chair Dixon stated that he disagreed with Mr. Kellum. He said the road should never have been approved at 16 ft. and the right-of-way should never have been approved at 55 ft. The standard road has always been 20 ft. wide and the standard right-of-way has always been 60 ft. He supported the requirement for the sidewalk and did not think the County should be concerned about the profit for the developer. He suggested that the Board set a date - a time certain date - where all developments will be required without question to put in sidewalks.

Chair Dixon closed the public discussion.

Commissioner Lamb suggested that the County move forward with establishing a date for requiring sidewalks for all future developments. He supported waiving the requirement for Mr. Hatcher.

Mr. McCord demonstrated where the sidewalks have been requested. He noted that the sidewalks along Gibson Road are a crucial area - where it is adjacent to the subdivision.

Commissioner Watson stated that he did not feel that it is practical to think that residents in a gated community are going to leave their home and walk down to a commercial piece of property. He also said he did not want the Board to get into raising the cost of development to the level that people no longer choose to come to Gadsden County to develop. He said that he did not think this development is a reasonable site to require a sidewalk - not inside the subdivision or along Gibson Road. He said, "We've got a little flow of development going on now and we can't start throwing up roadblocks and increasing the cost of development and expect it to continue. You charge more for your product and the demand is going to go down and we have to be careful with that."

Chair Dixon asked Mr. Hatcher if the Board waived the sidewalk within the community if he would agree to install the sidewalk along Gibson Sawmill Road.

Mr. Hatcher replied that he would agree to build the sidewalk along Gibson Sawmill Road. He then asked if he could bond the sidewalk and build it later when the commercial development is more certain.

Commissioner Holt was opposed to delaying the building of the sidewalk.

COMMISSIONER HOLT MADE A MOTION TO APPROVE THE PRELIMINARY PLAT WITH ALL SPECIAL CONDITIONS EXCEPT FOR THE SIDEWALK REQUIREMENTS - ONLY REQUIRE THE SIDEWALK ALONG THE GIBSON SAWMILL ROAD - AND NOT REQUIRE SIDEWALKS WITHIN THE SUBDIVISION ITSELF. COMMISSIONER PRICE SECONDED THE MOTION.

Chair Dixon called for further discussion. There was none.

THE BOARD VOTED 3-2 IN FAVOR OF THE MOTION WITH COMMISSIONERS DIXON, PRICE AND HOLT VOTING IN FAVOR OF THE MOTION AND COMMISSIONERS LAMB AND WATSON OPPOSING THE MOTION.

Item 14

Drew, Buford, Mustian & Butler Comprehensive Plan Amendment Transmittal hearing) CPA -2005-11

Type of Hearing: Quasi-legislative Transmittal Hearing to FDCA for Large Scale Land Use Map Change to change 12 parcels and 2389.52 acres from AG-3 to AG-2 Type IV review under Subsection 7204.

Owner/Applicant: Sosalla Sallew LLC; B & C Tree Farm, LL; A.L. Buford, Jr. Family Trust; Mustian Farm LLC; Exchange Farm Partnership; L. L. Buford, Jr.; Drew J Everitt; and Southgroup Equities, Inc.

Representative: Thomas Osteen of Moore Bass Consulting

Location of Property: 12 parcels containing 2,389.52 acres Southside of I-10, east of Cane Creek Road, west side of Pat Thomas Parkway and north of Old Federal Road and contains all or portions of Lost River Survey lots, 42, 43,44,46,47,52,52,56,and 57

Purpose: To allow greater density for development

Staff recommendation: Approval with the findings contained in the attached agenda report.

P & Z Commission Recommendation: Approval

Background information: P & Z Commission first heard the application June 2, 2004 and recommended denial to the BCC. It was heard on July 6, 2004 by the BCC and they voted 3 - 2 to transmit it to FDCA. That application had some rural residential acreage included. The applicants withdrew their application after FDCA sent it back with their report, but have resubmitted it at this time requesting that it all be designated as Ag-2 with no rural residential. The property is surrounded on all sides by AG-2 designated parcels.

Mr. McCord gave a brief description and history of the application and his recommendation to approve it.

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

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED UNANIMOUSLY (5 - 0), BY VOICE VOTE, TO APPROVE THE DREW, BUFORD, MUSTIAN & BUTLER COMPREHENSIVE PLAN AMENDMENT CPA -2005-11 AND TO TRANSMIT THE APPLICATION TO FDCA.

Item 15

Stodard I Comprehensive Plan Amendment (CPA-2005-02)
First Reading of Ordinance 2005-014 Large Scale Land Use
Amendment changing 38.37 acres from commercial to rural
residential

Owner/Applicant: Darrell and Rhonda Stodard

Representative: Matthew Parker

Location of Property: South side of McCall Bridge Road and the east side of Longview Point Road (southeast side of the intersection of these two roads)

Type of Hearing: Quasi-legislative - Type IV review under Subsection 7204

Background information: BCC held transmittal hearing on November 16, 2004 and approved it unanimously. It was sent to FDCA along with the spring cycle on June 3, 2005. It was returned by FDCA without comments or suggestions. It was back on the BCC agenda as a public hearing to adopt the land use change and the first reading of the ordinance on September 20, 2005 but was tabled when there was discussion regarding site built homes versus mobile homes. In this case, the applicant intends to do a cluster subdivision, which prevents mobile homes.

Planning Commission Recommendation: Approval

Staff Recommendation: Approval with findings included in the agenda packet (attached).

Testimony:

Growth Management Director Bill McCord stated that this land use amendment calls for changing many parcels of land by several owners from commercial land use to rural residential. There are 3 property owners which fronts McCall Bridge Road who did not participate in the land use amendment as they chose to keep the commercial designation for future potential commercial opportunities. He said that the new land use provides more protection to density than the previous land use. It is a considerable downzoning.

He said that the developer has assured the department that the owner intends to do clustering of homes and will be restricted to site built homes.

Chair Dixon called for public comments and questions.

Matthew Parker, consultant, addressed the Board and was administered an oath by Muriel Straughn, deputy clerk. He supported the land use amendment.

Chair Dixon again called for public comment. There was no response.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED UNANIMOUSLY (5-0) TO APPROVE THE STODARD I LAND USE AMENDMENT APPLICATION (COA-2005-02) AND TO APPROVE THE FIRST READING OF THE ORDINANCE 2005-014.

Recognition of Tallahassee Community College (TCC) Students

Mr. Brown asked several students from Tallahassee Community College who were in the audience to stand and be recognized. One of them was Carrie McLendon who is employed in the office of the county manager. They were present to observe the proceedings for a government class assignment.

Item 16

Conceptual/Preliminary Site Plan for Borderline Liquors SP-2005-07

Hearing Type: Quasi-judicial Type II plan review per Subsection 7202 of the Gadsden County Land Development Code

Location of the property: 2.84 acre parcel within the commercial land use category, located on the east side of US 27, west of Concord-Bainbridge Road in the Darsey Community north of Havana.

Owner: J.Vern Williams (pending sale with applicant)

Applicant: Nader Tala by Allan Nobles & Associates Inc.

Proposed use of the property: Liquor Store

Testimony:

Growth Management Director Bill McCord was administered an oath by Muriel Straughn, deputy clerk. He stated that normally, non-residential site plans for small retail developments proposed in a commercial land use category are reviewed under the Type I procedure and could be approved administratively. However, in this case, the location is of vital importance not only to Gadsden County, but Decatur County and Grady County as well. He said that it is a very unusual piece of property and is highly desirable.

He explained that this property sits in the middle of a large area, which is all already zoned commercial. Even though there is essentially no large commercial establishment there yet, that area has the potential and opportunity to become a town center. What goes there is important to a lot of people. He went on to say that this is the first opportunity for development for this entire commercial node. It is of prime

importance to the County. It is also a very emotionally charged issue to residents in close proximity.

In view of the above stated reasons, Mr. McCord said that he considered the use and location and determined that a Class 2 commercial use as a special exception would be appropriate type of review.

He went through the issues of compatibility with the Code and the standards and criteria. The descriptions of those findings are listed in the attached agenda report.

He said that the P & Z Commission held two hearings and that there were many members of the public present to oppose it. One of the objections raised is that there is not a corridor road plan or overlay plan in place and development should not be allowed until one is in place. Another objection was to the issue of potable water supply - the position of the oppose was that the well which will supply the establishment should be considered a public well since it will be serving transients. To refute those objections, Mr. McCord stated that while there is no formal corridor plan for US 27, there are the state standards, which do apply to development, and the applicant meets all of those criteria. As to the well issue, Mr. McCord stated that he believes that the opposer's interpretation of public well versus private well is flawed.

The other remarks by Mr. McCord are contained in the attached agenda report.

Chair Dixon called for public input.

Nada Tala, applicant, addressed the Board. He was administered an oath by Muriel Straughn, deputy clerk. He stated that he has been operating a retail business in Gadsden County for 10 years. He said that he plans to have a shopping strip mall. He said that he expects to create jobs with the business.

Bill Adams, consultant, addressed the Board but there were no questions directed to him.

Sara Nicholson Adams, adjacent property owner for more than 50 years, addressed the Board and was administered an oath by Muriel Straughn, deputy clerk. She stated that she opposed the development for the following reasons.

1. With development will come additional traffic and with additional traffic, trespassers will also come.
2. It is at a very dangerous intersection and safety issues are critical.
3. They just got rid of "one head ache" in that area, why would we want another one?
4. There is another liquor store less than 1500 ft. away.

She concluded by asking the Board not to approve the plats.

Joseph Thomas, adjacent property owner, also opposed the liquor store. He was administered an oath by Muriel Straughn, deputy clerk. He testified that there have already been drive - by shooting and unsolved crime in the community. Getting law enforcement to respond to that remote section of the County has traditionally been unsuccessful. He said that the Sheriff's office could not contain the problems that were rampant when the other alcohol establishment was in operation at this same location. He also testified that there is a lot of walking traffic that would be particular vulnerable to patrons who frequent liquor stores. He called attention to the fact that there is another liquor store only a few feet away. He said that he lives there and knows first hand that the traffic is heavy from Bainbridge, Cairo, Havana and Tallahassee. He cited the numerous vendors who sell their goods at the intersection of GA 111 and US 27.

Jan Rogers - 1022 GAFL Highway - resident - $\frac{1}{2}$ mile from subject property, addressed the Board. He was administered an oath by Muriel Straughn, deputy clerk. He was opposed to the proposed business. He said he didn't want another liquor store in such close proximity to his home. He then addressed the issue of potable water. He contended that the well that will service this site will be serving transients and thus is a public well. He argued that it is up to one's interpretation of public well and he believes it is a public well and there are restrictions that require a number of things. He stated that there is not a compelling public need to grant variances that will allow this establishment to be approved.

He stated that there are ten (10) liquor licenses in Gadsden County. He said that if this one is granted, four (4) of them will be between the city limits of Havana and the GA line. He concluded that there is not a compelling public need for another one when there are already so many. The other liquor store is within 500 ft of this proposed establishment.

He reasoned that competition will drive price wars and traffic will follow.

He showed the Board a petition with 75 signatures of people who oppose the project. (He did not enter it as evidence)

Jeffrey Sholar, 11061 GA FL Highway, was administered an oath by Muriel Straughn, deputy clerk. He testified that there have been numerous accidents at the intersection. He said that if this is approved, there will be more. It is already dangerous and the danger will surely escalate.

Curtis Mott of Quincy addressed the Board. He was administered an oath by Muriel Straughn, deputy clerk. He testified that he grew up in that area and still has close family ties there. He was opposed to permitting a liquor store there citing crime that has been historically prevalent there particularly with this location. He stated that there has always been a higher incidence of crime in this area partly because it is so remote, that the offenders know they can get away with it because the Sheriff can't respond quickly enough to catch them.

He encouraged the Board to not make allowances or grant variances that would allow this project to move forward.

Chair Dixon tried to explain that the structure of the Comp Plan allows for this business to move forward without review by the Board. However, because of the vast impacts, the Growth Management Director brought it to the Board for direction because he could not administratively determine a reason to deny it. The challenge before the Board is to find a reason to deny it.

Chair Dixon closed the public comments.

Commissioner Holt asked Mr. McCord to explain once again why he brought this matter to the Board.

Mr. McCord replied the location is of vital importance not only to Gadsden County, but Decatur County and Grady County as well. He said that it is a very unusual piece of property and is highly desirable.

He explained that this property sits in the middle of a large area, which is all already designated as commercial. Even though there is essentially no large commercial establishment

there yet, that area has the potential and opportunity to become a town center. What goes there is important to a lot of people. He went on to say that this is the first opportunity for development for this entire commercial node. It is of prime importance to the County. It is also a very emotionally charged issue to residents in close proximity.

In view of the above stated reasons, Mr. McCord said that he considered the use and location and determined that a Class 2 commercial use as a special exception would be appropriate type of review.

Commissioner Holt asked Attorney Williams if the applicant could sue the County if they voted to deny the project.

Attorney Williams stated that it would be inappropriate for him to answer that question at this point. He did say, however, that Mr. McCord has provided a basis for the Board to approve his recommendation.

Chair Dixon stated that he certainly has no opposition to business anywhere, but one liquor store in a community is enough and there is no need to have two. He went on to say the Board must make certain that no community gets the most of the worst.

Commissioner Lamb stated that he attended P& Z Meeting when this issue was discussed. He said that he also went to the site and observed for himself the extent of the congested traffic. He testified that the intersection was very busy and he felt like there was a real safety issue involved. He said he believed it would be quite dangerous.

Commissioner Watson stated that historically, this Board has taken into account - and denied projects because of safety concerns and traffic issues. He recalled denying one in the Shiloh community and at Point Milligan. He also recalled taking away a man's use of his property in Scotttown because of safety concerns. He concluded that in certain areas, liquor stores pose higher safety concerns than others. Then he said that nothing positive can come from having a liquor store at this location. It will harm the health, safety and welfare of the citizens.

Commissioner Holt proposed that the Board put a moratorium on the development in that area until the County can develop a growth plan through workshops. She turned to the people in the audience and said, "We have not done our job. We have not

planned development for that corridor. We need to put a moratorium on that area until we can be prepared for growth and development that is coming. We won't lose money if we stop and do it right. To the people in the community, you should make sure that we do the planning."

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIOENR PRICE, THE BOARD VOTED UNANIMOUSLY (5-0) BY VOICE VOTE, TO DENY THE APPROVAL OF THE BORDERLINE LIQUOR STORE BASED ON THE REASONS STATED ABOVE.

Item 17

Highlands at Lake Talquin Comprehensive Plan Amendment
(transmittal hearing) CPA-2005-10

Large scale Future Land Use Map amendment to change the land use designation on a 369.3 acre area from AG-3 to Rural Residential (RR)

Type of hearing: Quasi-legislative hearing for Type IV Review

Location of Property: South of McCall Bridge Road, east of Lakeview Point Road

Owner: The Highlands at Lake Talquin, Inc.

Applicant: Larry Witt, Representative for The Highlands At Lake Talquin, Inc.

Background: The Board held a public hearing on this item on September 6, 2005. After discussion, the Board expressed concern about the proposed development proposed for construction on the site including the number of lots, lot sizes and type of sewage treatment system proposed to serve the property. The Board tabled the item and asked the applicant to provide a written commitment from Talquin Electric Cooperative to purchase/acquire the proposed sewage treatment system to serve the property and to provide a conceptual plan. The conceptual plan is provided in the attached agenda report.

Testimony:

Mr. McCord cautioned the Board not to tie any Comp Plan amendment to any site plan or sketch that may accompany it because there are so many things that can't be answered at the

Comp Plan amendment stage. He said that they should not get the impression that they are committed to anything or that the applicant is entitled to some sort of development rights simply because they presented a plan which was considered with the Comp Plan amendment.

He went on to say that the applicant in this project wants to change the density from 1:20 to 1:1. He explained that the real issue at hand is how the applicant will provide sewage treatment. He continued by saying that this project proposes an innovative type of sewage treatment system where there will be central collection of the sewage and provide tertiary treatment where the treated effluent would be used in irrigation within the subdivision.

Mr. McCord called attention to Attachment # 6 in the agenda packet, which is correspondence from Talquin Electric indicating that they will be willing to accept the tertiary treatment system when upon it being completed.

Candice Butler, Ocklawaha Creek resident, stated that she and her neighbors would prefer something besides a subdivision on this property. She encouraged the Board to pursue smart development rather than more development. She reminded them that Lake Talquin is a fragile resource and this proposed subdivision and sewage treatment in such close proximity to the lake gives her reasons to be concerned due to the increase in traffic and activity that will surely follow. She listed four items that she asked the Board to insure if the development was to be approved. They are: 1) Make certain that the wetlands are correctly flagged for protection. 2) Do a survey to determine the 100 year flood plain and insure that it will be left undeveloped. 3) Make certain that the developer provides plans for lake access and boat landings on the plat. 4) Request that Talquin Electric's involvement for central water and sewage plan be clearly stated item by item.

She closed by asking that clear and enforceable conditions be imposed so as to insure that the development standards are met or exceeded if approved.

Larry Witt addressed the Board. He recalled that at the last meeting, the Board asked him to provide a letter from Talquin Electric to the effect that they would fulfill their intentions with respect to central sewage treatment and central water. He reported that he had meetings with Talquin and they

are willing to accept the treatment facilities and would also like to establish it as a precedent so that future subdivisions will be reviewed favorably provided that they meet the standards desired by the Board.

He addressed the issue raised as to water quality. He said that they have expanded the wetlands line beyond the lines as demonstrated on the federal inventory. He reported that they hired a firm to confirm their wetlands line. Mr. Maynard Sweeney of Regulatory Division of the Delineation Section and he confirmed that the wetlands line was correct. They are now waiting for DEP to confirm their lines which should take another 60 days.

Commissioner Lamb questioned him about the size of the waste water treatment units. Mr. Witt replied that there would be three 50,000 gallons per day waste water treatment units. He said they have been on reserve with the manufacturer since May. He said that it now looks like they will have about 18,000 gallons of capacity a day in excess of what their needs will be. That capacity will be made available to other people. He also said unofficially, they are willing to entertain putting in a fourth system on the property and allow others to pump to it.

When asked about the size and quality of homes which will be built, he assured the commissioners that all homes will be site built homes - 1200 sq. ft homes and above.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED UNANIMOUSLY 5 - 0 BY VOICE VOTE TO APPROVE THE HIGHLANDS AT LAKE TALQUIN COMPREHENSIVE PLAN AMENDMENT AND AUTHORIZE TRANSMITTAL TO FDCA (CPA-2005-10)

Item 18

TOWHEE ONE AND TOWHEE TWO MINOR SUBDIVISION
SUBMITTALS (MSD-2005-15 AND 16) PUBLIC HEARING

Growth Management Director Bill McCord was administered an oath by Muriel Straughn, deputy clerk.

Owner: Bobby Harrell

Applicant: Bobby Harrell

Issue: This is a 4-acre portion of a 5-acre parcel located on the North side of SR 12 approximately 2 ½ miles west of Havana at the entrance of Hidden Lakes subdivision. The property where the minor subdivisions are proposed is a single parcel of land that was excluded from the Hidden Lakes subdivision. It has Rural Residential land use, which requires 1-acre lots, or if clustering is applied, they could go down to ½ acre lots. There is central water available to the property, but no sewer available anywhere in the area. Mr. Harrell brought in a plan (in the agenda packet) indicating his desire to cut the out-parcel into nine lots through a minor subdivisions. Ordinarily, minor subdivisions would not come to the Board for review.

Testimony:

Mr. McCord stated that he had concerns about these minor subdivisions in that the Board has previously granted an appeal, which allowed for the ½ acre lots. However, the original design brought in by the applicant showed the ½ acre lots, but 1/3 of those lots included the road rights-of-way. The Land Development Code allows one to have the minimum size lots, but it could not include the road right-of-way. That technicality threw up a red flag and caused him to pause and seek direction from the Board as to their intent.

Mr. McCord said that he has some concerns about having enough area to have adequate setbacks and sewage treatment facility on the reduced size lot. He said he also had concern about drainage and storm water. He demonstrated the water flow pattern on the PowerPoint presentation. He said that he thought it could impact SR 12 unless it is mitigated.

The applicant is proposing a total of nine lots with the 2 minor subdivisions (six in one minor subdivision, two in another and the remainder property not included as a subdivision lot.) Even though it is one parcel of land, a street splits it.

Minor subdivisions, under the Code, allow for up to seven lots if the homes are site built homes, but the lots have to meet the minimum lot size requirement. In Mr. Harrell's proposal, the lots do not meet the minimum lot size. He has less than .4 acre on most of the lots that are buildable. All lots in Rural Residential areas must have at least ½ acre outside the access easement.

Mr. McCord explained that he went to work to see if he could make it work. He had two options, which he presented. The first one was to simply allow him to go through the minor subdivision process, but he would be limited to only seven lots of at least $\frac{1}{2}$ acre each. He then showed a lot layout that would be feasible. He then showed another alternative to that plan which demonstrates a 10 ft. buffer along the roadway which was a condition applied at the time of the appeal some years ago. The Code requires a 60 ft. roadway, which would parallel and act as a service road from SR 12. Then he could have a series of lots that would extend back all along that roadway. There would be no direct access to and from SR 12. It would be more or less like a shared driveway. Those lots would be $\frac{1}{2}$ acre. The last lot would be wider because of the cul de sac. It would not require any variances. It would also allow for the storm water to be constructed within the swales of that private roadway and permeate downhill before discharging into the State drainage system.

The other option would partially grant the applicant's request and would essentially recognize his desire to do two minor subdivisions. He could do a two-lot subdivision on the west side of the entrance roadway and six lots on the easterly portion but something else would have to happen. He could be allowed two minor subdivisions. Or do one subdivision and grant him a variance to allow him to have an eighth lot as a minor subdivision. With this, he would have to provide double fronted lot, but more narrow lots on either side of the private roadway easement that he would be creating. However, because of the cul de sac design the last two of the easterly two lots, he would need a variance to not have to provide a cul de sac. He could construct one, but will not have to provide cul de sac easement. The Board would have to grant him that variance in order for him to meet the lot size requirement. Or the Board could allow him the 2 minor subdivisions and grant him a variance for the street.

Mr. McCord then asked for directions.

Mr. Bobby Harrell, developer, 776 Havana Highway, Havana, FL addressed the Board. He was administered an oath by Muriel Straughn, deputy clerk. He requested that the Board approve Option 2.

Chair Dixon called for public input.

John Theil, 7577 Havana Highway, Havana, FL, addressed the Board and was administered an oath by Muriel Straughn, deputy clerk. He asked if the 25 ft. buffer, which was imposed at a previous BCC meeting, had been considered in the size of the lots.

Mr. McCord stated that the buffer would be contained within those lots and that the County would put restrictions on what it can be used for - meaning that it could be conservation easement or whatever. There will be a plat note indicating whether it could be cleared or what it could be used for. The prior record was not very clear as to what would be permitted or not permitted in that buffer.

Mr. Theil then asked who would enforce the buffer.

Mr. McCord responded that the buffer would be contained in and addressed in the homeowners' documents, meaning that a homeowners association would enforce that.

He then asked if there would be a homeowners association to which Mr. McCord replied that the County requires a homeowners association.

Chair Dixon assured Mr. Theil that if he brought violations of the buffer to the Board's attention, they would enforce it.

Commissioner Watson also stated that the County would enforce the buffer.

Mr. Theil recalled an incident where the building department didn't have copies of what had been approved, so they were not aware of the buffer and they allowed things to be put on the lot that violated the buffer.

Mr. McCord stated that a buffer could be a number of things. It needs to be clearly defined as to what will be allowed and what will not be allowed. (Do you allow buildings or not? Should it be wooded or supplemented with woods?) There are a lot of things that it can be.

Chair Dixon asked Mr. McCord to have those details worked out as options when the project comes back for the variance.

In closing, Mr. Theil asked if the homes would be site built homes. Mr. McCord replied that all of the homes would be site built homes.

Sandy Beare, 7858 Havana Highway, Havana, FL addressed the Board and was administered an oath by Muriel Straughn, deputy clerk. She passed out a hand out to each of the commissioners. She spoke to safety issues and the number of accidents that have occurred at the intersection. She urged caution in approving the new development.

Commissioner Holt asked Mr. McCord to explain the lot configuration, placement of roads and buffer areas once again.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER LAMB TO ALLOW MR. HARRELL TO COME BACK WITH A VARIANCE APPLICATION CONSISTENT WITH OPTION 2 WHICH WOULD BE TO REQUEST A VARIANCE OF 1 LOT TO ALLOW AN EIGHT LOT MINOR SUBDIVISION AND TO NOT HAVE TO PROVIDE A CUL DE SAC.

THE BOARD VOTED, 4 -1, BY VOICE VOTE, TO APPROVE OPTION 2 OF THE AGENDA REPORT, WITH THE UNDERSTANDING THAT HE MUST COME BACK AT A SEPARATE HEARING TO REQUEST A VARIANCE.

General Business

Item 19

Approval of Architectural Services for Chattahoochee Library Project RFP 05-15 Award to Akin & Associates Architects, Inc.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED UNANIMOUSLY, 5 - 0, BY VOICE VOTE TO APPROVE THE ABOVE STATED CONTRACT AND AUTHORIZED THE COUNTY MANAGER TO NEGOTIATE THE CONTRACT.

County Manager - *The following items were added to the agenda at the beginning of the meeting.

Item 20

Request for Interpretation of Land Development Code Under Administrative Procedure (requested by Bill McCord, Growth Management Director)

Growth Management Director Bill McCord told the Board that the Code is written in such a way that it implies that construction plans, both subdivision construction plans (detailed) and for site plans as well as subdivision must come

before the Planning Commission and the Board for review and approval. He identified various sections in the Code which imply or directly require that the plans come to the Board and the Planning Commission for review and approval.

He showed the Board what the typical set of construction plans is. He said that they receive them and send them to each of the DRC members and ask them to review them. He pointed out that how impractical it is to send all of those documents to each board member. He asked the Board if they want to see all those plans. He asked for their interpretation of the Code.

He asked that the Board move Option 1.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED UNANIMOUSLY, 5-0, BY VOICE VOTE, TO MOVE OPTION 1. (Board Chairman should sign off on them.)

Transfer Funds to Gadsden Senior Services, Inc. (requested by County Attorney Thornton Williams)

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE PAYMENT OF THE UNEXPENDED FUNDS ORIGINALLY BUDGETED FOR SENIOR CITIZENS COUNCIL TO GADSDEN SENIOR SERVICES.

Interlocal Agreement with City of Quincy with Gadsden County for Stewart Street Bridge

City of Quincy Mayor Sherrie Taylor and City Manager Willie Earl Banks were present to request approval of an interlocal agreement with the City of Quincy whereby Gadsden County Public Works would aid in the repairs on the Stewart Street Bridge within the city limits of Quincy.

Mr. Brown explained that the agreement is similar to other agreements with municipalities throughout the County. It will allow the County to assist the City in doing a quick repair of the bridge. The City of Quincy approved the agreement at their meeting on October 3, 2004. He said there are some clean-up issues regarding the agreement, which the attorney is looking into. He asked for the Board's approval and authority for the Chairman to sign the agreement contingent on the changes per the attorney.

Public Works Director Robert Presnell addressed the Board when questioned about the extent of the County's involvement.

He said it would be limited to just a few days assisting them with the demolition. He said that the County will be reimbursed through the interlocal agreement. This agreement should be strictly for the bridge - no scraping of streets should be a part of this agreement.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED UNANIMOUSLY, 5 - 0, TO APPROVE THE AGREEMENT CONTINGENT ON CHANGES MADE BY THE ATTORNEY.

Mr. Brown told the Board that they have discovered an error his office made in projecting the revenue for the new budget. He said there is an additional \$97,000, which they will recognize and place into the general fund contingency.

County Attorney

Item 21 Miscellaneous Items

Mr. Williams had nothing to bring before the Board.

Citizens Requesting to be Heard on Non-Agenda Items (3 minute limit)

Chair Dixon called for public input. There was no response.

Discussion Items by Commissioners

Commissioner Lamb

Confirm appointment of Councilwoman Olive Collins to the Gadsden County Tourist Development Council

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO CONFIRM THE APPOINTMENT OF OLIVE COLLINS TO THE GADSDEN COUNTY TOURIST DEVELOPMENT COUNCIL.

Additional Dumpster Site

The county manager will bring this item back at a later date.

Commissioner Watson

Commissioner Watson spoke of an emergency that arose in the hospital emergency room on Friday, September 30. He stated that he wanted the people of the County to know that the Board tried to do something on an interim basis and the circuit judge would not let the County do it. He said he did not want the people to think that the Board is ignoring the problem because they had made many different attempts and have been denied.

Commissioner Price

Commissioner Price had nothing to report.

Commissioner Holt

Commissioner Holt asked the manager to assist her in finding a way to slow down the development until the County is prepared for it. She suggested workshops. She then asked that the Board begin to look at impact fees and concurrency issues. She also suggested that they look at chartering the county.

Chairman Dixon

Chair Dixon had nothing to report.

Receipt and File

Item 22 General Fund Cash Report

ADJOURNMENT

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

Edward J. Dixon, Chair

Muriel Straughn, Deputy Clerk

AT A SPECIAL MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON OCTOBER
11, 2005, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: EDWARD J. DIXON, CHAIR
BRENDA HOLT, VICE-CHAIR
EUGENE LAMB
STERLING L WATSON
DERRICK PRICE
THRONTON WILLIAMS, COUNTY ATTORNEY
MARLON BROWN, COUNTY MANAGER
MURIEL, DEPUTY CLERK

CALL TO ORDER

Chair Dixon called the meeting to order then turned it over to County Manager Marlon Brown.

Mr. Brown announced that this proceeding was a special meeting. He introduced the first item.

Evaluation and Approval of State Lobbying Services RFP 05-17

Mr. Brown reported that six lobbying firms submitted proposals in response to Gadsden County's RF P05-17. At the Board's instructions, three finalists were selected and are present for interviews at this meeting. He asked the Board to conduct interviews with one consultant at a time.

He then turned to the consultants and asked them to leave the room until it was their turn to be interviewed.

See the attached agenda report for further detail.

Mr. Brown called attention to the evaluation sheet to be used by the commissioners in helping them to develop their scores for final selection.

Christian B. Doolin & Associates LLC (Proposal attached)

Chris Doolin gave opening remarks and a brief presentation. He then responded to questions from the Board.

Pennington, Moore, Wilkinson, Bell & Dunbar, PA

Peter Dunbar and Doug Bell were present before the Board. They gave a brief description of the method they would use to represent the County before the Legislature. They then responded to questions from the Board.

Rutledge, Ecenia, Purnell & Hoffman, P.A.

Mr. Lane Stephens addressed the Board. He briefed the Board on why he thought his firm could best serve the County. He emphasized that he is a resident of the County. He then answered questions from the Board.

Discussion followed.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO CONTRACT WITH CHRIS B. DOOLIN AND ASSOICATES. IT WAS THEN AMENDED TO AUTHORIZE THE COUNTY MANAGER TO NEGOTIATE THE CONTRACT TO BE EXECUTED AT THE EARLIEST POSSIBLE DATE.

SHERIFF MORRIS A YOUNG - FY 2004/2005 BUDGET DEFICIT

Mr. Brown recalled to the Board that the Sheriff sent correspondence to the Board on September 20, 2005 regarding an inevitable deficit to his budget for FY 2005. That correspondence outlined the reasons for the deficit.

Davin Suggs, OMB Director, reported that he had met with Sheriff Young and his staff to discuss closing of the FY 2005 and to begin preliminary discussions for adjusting FY 2006 budget. He said that the Sheriff understands the seriousness of the deficit situation his department is facing and has pledged his support to see that future situations of this type can be avoided.

He assured the commissioners that the Sheriff's Department has worked very hard to comply with every request he has made of them. He then stated that once all

the detailed items are in hand, he will bring a close-out budget amendment to the Board for approval.

Discussion of FY 2005 followed.

Commissioner Watson called attention to the last cash report that he received for the Board. He said that the balance was \$1.3 million at that time. From that amount there were large dollar items that must be paid. He then listed the following bills that must be paid from that balance: Medicaid; medical examiner bills; liability and comprehensive insurance premiums; constitutional officers draws. He then said that the Board was going to have to borrow money this year for the first time since he had been office just to pay the bills. He insisted that the County is not flush with money and it is living beyond its means.

Mr. Suggs replied that there are bills that must be paid, but he assured the Board that he is constantly working closely with Finance Director Connie McLendon. He stated that they are working together on a number of strategies. He then stated that he is preparing a closeout budget amendment to bring to the Board which will be complete with a strategy as to how to close out the year.

Chair Dixon contended that the Board experiences a cash flow problem the first quarter of every year and this year is no different. He then asked Mr. Suggs to address those issues on the agenda.

Commissioner Watson reiterated that the Board has never had to borrow money during the transition and he wanted the public to know that.

Commissioner Lamb asked Mr. Suggs when he intended to bring the closeout amendment to the Board. He added that he has no problem doing whatever is necessary to help the Sheriff. He said that he has had a concern for the last 3 - 4 months regarding unnecessary spending. He said that he will wait to make other remarks until he sees what is brought back to the Board.

Mr. Suggs explained that the first thing to do is to gather all of the unpaid invoices for goods and services rendered prior to September 30, 2005, determine the year end balances in each county department, then make budget

amendments appropriately. He said he would be bringing all of the budget adjustments forward at one time along with the Sheriff's budget amendment. He went on to say that there will be a significant fiscal impact to the Board, but the Sheriff understands that as the county's budget manager, he will not propose anything that will be detrimental to the Board's financial situation.

Chair Dixon asked Mr. Suggs to clarify what the Sheriff is asking for financially.

Mr. Suggs answered that the Sheriff is providing back-up documentation (actual copies of the invoices) which details the line items that appear in his budget amendment request. That documentation will provide the Board with clear picture of where the Board needs to look in order to assist him fiscally.

Mr. Brown interjected that he placed a freeze on spending in July for the county departments for anything but essential services. He insisted that there was no abuse on the Board's side in terms of expenditures toward the end of the fiscal year.

Chair Dixon clarified that what the Board appropriated in 2006 in the Sheriff's budget has nothing to do with the Sheriff's deficit situation in FY 2005. They are entirely two separate sets of numbers and they should not be confused.

Mr. Suggs reiterated what the chairman said - the two sets of numbers are completely separate and one does not affect the other. He then said that, by law, the Board has no authority to tell the Sheriff how he can spend his budget. The Board can approve or deny his budget request, but the Board has absolutely no authority over how he spends his money. However, the Sheriff has agreed for the Board to look at his 2006 budget in detail in relation to historical expenses in the same type of line item categories that he presented in the 2005 budget amendment request. Based on the historical information, he can then adjust his 2006 budget in anticipation for those same type of recurring expenses.

Mr. Suggs continued by saying that, the Sheriff understands that he may have to make some sacrifices -he agreed to do this with the understanding that as he

continues to work on strategies to reduce his expenditures where he can, there may be a way to restore some of it as the year comes to a close.

Commissioner Watson reminded everyone that the Board knew there was going to be a problem because Sheriff Woodham had already requested an additional \$95,000. He also pointed out that Sheriff Young returned that money to be reallocated to the Senior Citizens Council.

Sheriff Young addressed the Board. He pointed out that when the previous administration left office, he changed the sick leave pay off policy from 25% of accrued sick leave to 50% for those leaving employment in the Sheriff's Department. That policy change resulted in a huge expenditure that had not been budgeted or anticipated. He also pointed out that he has officers on staff who have not had a raise in a very long time and they are working for practically nothing. Then he said that officers are driving vehicles which should not be on road. He contended that it was not responsible for the previous administration to do some of the things they did nor is it responsible to allow some of the vehicles to remain in the vehicle fleet.

Chair Dixon brought the discussion to a close by applauding Sheriff Young for keeping his expenditures within the line items of the budget which the Board approved. There was no action taken, but there was a consensus that the Board would attempt to approve his request at the same time they would be addressing the year end close-out budget amendments for the County.

Mr. Suggs reported that he will be assisting the Sheriff in reworking his 2006 budget which will include a number of strategies. He also said that he would be monitoring the budget and spending trends throughout the year. He then said that they will begin looking at the 2007 budget in December and work with the Sheriff on a five year budget plan.

PUBLIC SAFETY COORDINATING COUNCIL

Mr. Suggs reported that the Court Administrators Office had called regarding an ordinance which was passed by Gadsden County implementing the Public Safety Council

which has the power to look at programs and seek funding for issues related to reduce jail population. He said that the Court Administrator's office has offered to get the ball rolling in Gadsden County. He requested a meeting with Sheriff Young and County Manager Marlon Brown and interested parties.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY MANAGER TO MOVE FORWARD WITH FORMING THE PUBLIC SAFETY COORDINATING COUNCIL.

Commissioner Watson directed several comments to Sheriff Young. He said, "What you do (to me) is the number 1 priority of the county government. It is number 1. I have said that since I have been here. It doesn't matter who the sheriff is, it is going to remain my number 1 priority. That is what our chief responsibility - to protect us from each other. (If you know what I mean.) If I had two more votes, there are things that this Board is spending money on that I would cut to give to you. I want you to know that before you leave tonight..."

There was limited discussion about the inmate insurance and possibility of leasing vehicles.

Chair Dixon agreed with Commissioner Watson in that the Board should reduce some items in the budget in order to accommodate public safety needs. He said that he would be bringing some things back to the Board for consideration. He thanked the Sheriff for coming forward and being agreeable to fully disclose his budget concerns.

Commissioner Holt concurred.

PARKS AND RECREATION

Community Development Director Farnita Saunders and Parks and Recreation Director Charles Chapman addressed the Board. They gave a presentation of the mission statement, quarterly objectives, and the business plan for FY 2005-2007 as contained in the attached plan. At the conclusion of the presentation, Mr. Chapman asked for the Board's approval of the plan.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE RECREATION PLAN AS OUTLINED IN THE ATTACHED PRESENTATION. (COMMISSIONER WATSON WAS NOT PRESENT FOR THIS VOTE.)

ADJOURNMENT

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

Edward J. Dixon, Chair

Attest:

Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA ON
OCTOBER 18, 2005, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT:

EDWARD J. DIXON, CHAIR
BRENDA HOLT, VICE-CHAIR
EUGENE LAMB
STERLING L. WATSON
DERRICK PRICE
THORNTON WILLIAMS, COUNTY ATTORNEY
MARLON BROWN, COUNTY ATTORNEY
MURIEL STRAUGHN, DEPUTY CLERK

CALL TO ORDER

Chair Dixon called the meeting to order.

Invocation and Pledge of Allegiance

Commissioner Holt led the invocation and County Attorney Williams led in pledging allegiance to the US flag.

Amendments and Approval of Agenda

Add to Appearances:

Update on the Deer Ridge Subdivision Settlement
Negotiations

Appearance of Finley Cook - update on Quincy Library

Add to Item # 7:

Contract for Architectural Services for Chattahoochee
Library Project (Arthur Lawson, Assistant County
Manager)

Add to General Business:

Lease Agreement for the William N. Inman Agriculture
Center (Thornton Williams County Attorney/Henry Grant,
Extension Director)

Temporary Off-Contract Fuel Purchases (Davin Suggs,
Director, Office of Management and Budget)

Add to Receipt and File:

Memo to Clerk - Clarification of Memorandum Regarding
Clerk's FY 2006 Budget

Clerk's Memorandum - Interest Distribution
Clarification

Tax Collector's Excess Fees Collected for fiscal year
2004-2005 - \$76,980.84

**UPON MOTION BY COMMISSIONER LAMB AND SECOND BY
COMMISSIONER PRICE, THE BOARD VOTED UNANIMOUSLY, 5 -
0, BY VOICE VOTE, TO APPROVE THE AGENDA WITH THE
AMENDMENTS STATED ABOVE.**

Awards, Presentations and Appearances

Deer Ridge Subdivision Update

County Manager Marlon Brown told the Board that the county staff met with the developer of Deer Ridge last Wednesday and went through the draft stipulated settlement agreement item by item. As of this date, they are in 90% in agreement with the developer as to what must be done in addition to the requirements of the Department of Environmental Protection (DEP) consent order. He said that the only issue that is outstanding is an agreement on the performance bond, which the County is requiring of them. (The County wants 75% of the value of the required improvements to be bonded.) He said that the reason they set that amount is because part of the work actually falls under the requirements of the DEP consent order. He estimated that 50% of the value of the required work is the County's requirement.

He went on say that they asked them to place 75% of the value of the work rather than the 50% so as to insure that when the work is done, the County will have about 90 days to find out if there are any impacts on the improvements.

Attorney Williams explained that there should have been a six months maintenance bond at the final plat approval stage, but it was not done. So, the staff is trying to decide if it will be better to have a performance bond for 90 days and reduce

it during the 90-day period or do something differently. The whole issue of the performance bond is up in the air.

He concurred that the settlement negotiations are about 90% complete. The opposing attorney has not sent a draft of the consent agreement back to Gadsden County yet, so he couldn't say for certain how the language is worded. One of the areas of concern was the performance bond.

Mr. Williams reminded the Board that at the meeting that did not go forward, the Board made it clear to the developer that the performance bond was important to Gadsden County because of their failure to do the improvements properly the first time. The performance bond is a very critical and important part of the settlement agreement. He said that it is his hope that when they come back with it, they will give something that will set the parameters to finalize the agreement and then make the performance bond concept work.

Mr. Brown stated that he had hoped to have an agreement to look at for this meeting, but one of the principle partners for the developer had a death in the family and has delayed the process.

He reported that there were a number of workers in the Deer Ridge Subdivision and they are starting substantial work. Bill McCord made a site visit on this date and was encouraged to see that many of the impacts are being mitigated.

Commissioner Watson asked if they are taking additional steps to stabilize the sod.

Mr. Brown stated that the staff asked them to stake the sod when they laid it.

Commissioner Watson said there would be very little root growth between now and next spring and the grass may not stabilize itself over the winter.

Chair Dixon asked Mr. Williams to explain the difference between a 90-day performance bond and the six-month maintenance bond.

Mr. Williams explained that the maintenance bond is something that the County would normally have required in the final plat approval. But, the County did not get that. So, to provide some certainty that the developer will complete this

project, the County has asked for a performance bond. He said they began looking at a performance bond because he was not comfortable with not having a maintenance bond.

Chair Dixon asked if the County was obligated at the point an agreement is struck to issue Certificates of Occupancy (CO's) for the houses that have been built.

Mr. Williams answered that, "How we deal with the CO's is one of the issues. They obviously want them to be released immediately. What they said is they need the CO money for cash flow. Whatever we bring back and recommend to you will not put the performance at any risk. And, I can't talk about it any more specifically to you until we get that total relationship between what the CO's are and what the performance bond is. The purpose of the performance bond, in it's purest sense, is to take the developer out of play. They will do the work, but we have an independent company that going to make sure that the work is done properly. If, for some reason, after they are done, we have an issue with the quality of work - we will have that in place. Then the question of what happens with the CO's becomes something that we can revisit. But, what that is, we really don't know until we look at what they want to do with the performance bond."

Chair Dixon stated his concerns, "The CO's is the only thing that has given us the leverage to really represent those citizens out there and step in on their behalf. My concern is that if we let them go for naught or for little or nothing, that we lose whatever immediate impact on the pocket that we have at our disposal. From the point that we let the CO's go, it then becomes a matter of litigation to get anything done. The other side basically has no reason to push or no reason to want to get it done. So, I am reluctant to immediately let the CO's go. I trust them, but we need some verification. And, the verification is "Is the work done?" If they are in a hurry for the CO's then they ought to be in a hurry to get the work done. I don't understand."

Mr. Williams replied that once the County gets a document to look at, then he can determine if it works or not. The fact that they are getting work done for DEP is a good faith effort toward getting it behind them. He assured the Board that he would not bring anything back that would compromise the CO's. He said he would not compromise that, but there may be a way to tie them to a performance bond. He asked for the latitude to see if he could accomplish that.

Commissioner Lamb stated that he has been to Deer Ridge and it seemed to him that they are working mostly on the items that DEP is requiring. He said that he wanted to make sure that all the items that Gadsden County has identified are taken care of also. He said that he was also concerned about the CO's.

Mr. Williams stated that they have to be finished with the DEP issues by the end of this month.

Commissioner Holt asked when the documents should be delivered.

Mr. Williams stated that Mr. Sexton was expecting something by Thursday of this week.

It was determined that no further direction to the staff or attorney was necessary.

Finley Cook of Cook Brothers, Inc. - Report on Quincy Library

Mr. Finley Cook addressed the Board. He presented a booklet, which is a narrative of the progress on the new Quincy library project. He called attention to the minority impact statement, which he was asked to do. The percentage of the job attributed to minority impact was 47.7%. He reported that they are running two months ahead of schedule and hope to be finished by the end of December.

Consent Agenda

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSISONER HOLT, THE BOARD VOTED UNANIMOUSLY (5-0), TO APPROVE THE CONSENT AGENDA TO WIT:

1. Ratification of Approval to Pay County Bills A/P FY 04/05 dated September 29 & 30; October 7 & 14
A/P FY 05/06 dated October 7 & 14
Payrolls FY 04/05 dated September 27 and September 30
Payrolls FY 05/06 dated October 13
2. Approval of Public Works Road Side Sod, Bid No. 05-14
Awarded to Florida-Georgia Turf Farm, Inc. - approximately \$42,000 for the year (line item number 55300)
3. Approval of Federal Equitable Sharing Agreement that allows Gadsden County Sheriff's office to receive a portion of the fine and forfeiture money.

4. Approval of Fire Service Agreements for Greensboro, Gretna, Midway and Havana
5. Approval of Correction to Microsoft Enterprise Agreement amount changed to \$27,648. This agreement supersedes and corrects action taken on October 4, 2005.

PUBLIC HEARINGS

Stodard I Comprehensive Plan Amendment (CPA-2005-02) Second Reading of Ordinance 2005-014 (Bill McCord, Growth Management Director) Changing 38.37 Acres from Commercial Land Use Designation to Rural Residential

Mr. McCord gave a brief overview and history of the project, which is included below and in the agenda packet.

Owner/Applicant: Darrell and Rhonda Stodard

Representative: Matthew Parker

Location of Property: South side of McCall Bridge Road and the east side of Longview Point Road (southeast side of the intersection of these two roads)

Type of Hearing: Quasi-legislative - Type IV review under Subsection 7204

Background information: BCC held transmittal hearing on November 16, 2004 and approved it unanimously. It was sent to FDCA along with the spring cycle on June 3, 2005. It was returned by FDCA without comments or suggestions. It was back on the BCC agenda as a public hearing to adopt the land use change and the first reading of the ordinance on September 20, 2005 but was tabled when there was discussion regarding site built homes versus mobile homes. In this case, the applicant intends to do a cluster subdivision, which prevents mobile homes. The Board approved the first reading of the ordinance on October 4, 2005.

Planning Commission Recommendation: Approval

Staff Recommendation: Approval with findings included in the agenda packet (attached).

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

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED UNANIMOUSLY, 5 - 0, TO APPROVE THE STODARD I COMPREHENSIVE PLAN AMENDMENT AND THE SECOND READING OF ORDINANCE 2005-014.

Item 7

Approval of Architectural Services Contract for
Chattahoochee Library Project with Akin & Associates
Architects, Inc. Proposed Basic Services Fee: 7.34% of
\$850,000 - \$62,390 (ATTACHED)

Mr. Brown explained that the Library applied for a \$500,000 grant to renovate the health department building in Chattahoochee to house a library. The grant was awarded but the building was withdrawn and the staff was asked to find an alternative location. The grant classification was changed from renovation to new construction. At the August 16, 2005 Board meeting, the staff was directed to solicit proposals for architectural Services.

At the direction of the Board, staff issued an RFP and it was awarded to Akin & Associates, Inc. Staff was then directed to negotiate a contract.

Staff recommended approval of the attached contract.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSISONER HOLT TO APPROVE THE CONTRACT WITH AIKIN & ASSOCIATES, INC.

Mr. Williams stated that he was told that there may be a problem with some of the terms in the contract and that the approval should be contingent on further negotiation.

Mr. Arthur Lawson explained that the assistant county attorney had some concerns about the language in the contract. He asked that the motion be amended to allow the county attorney to revisit the language of the contract and approve it with that stipulation.

COMMISSIONER WATSON AMENDED THE MOTION TO ALLOW THE COUNTY ATTORNEY TO CONTINUE TO NEGOTIATE THE CONTRACT AND APPROVE IT PENDING FURTHER REVIEW. COMMISSIONER HOLT SECONDED THE AMENDMENT. THE BOARD VOTED UNIMOUSLY (5-0) TO APPROVE THE AMENDED MOTION.

Mr. Brown stated that the new library location is in the survey and engineering process. He said he would bring the matter back once those results are back.

Item 8

Approval of Engineering Services for Hospital Fire Alarm System Improvements

Mr. Brown reported that the fire alarm system at the hospital has been determined to be out-of-compliance by the Agency for Health Care Administration (AHCA). It has been out of compliance for a number of years and AHCA is prepared to impose stiff penalties if it is not brought into compliance within the next few months.

He went on to explain that in order to address this extreme need, he contacted McGinnis & Fleming Engineering, Inc. to provide a proposal to correct the deficiencies. They were contacted because of the County's prior association with them. They have extensive knowledge and experience with the hospital and its existing systems. They also have expertise in fire protection of structures. For that reason coupled with the urgency to get the deficiencies corrected, Mr. Brown recommended that they approve the contract for approximately \$85,000. The funds will be taken from the hospital renewal and replacement fund.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED UNANIMOUSLY (5 - 0), BY VOICE VOTE, TO APPROVE HIRING MCGINNIS & FLEMING ENGINEERING, INC. TO PROVIDE A FIRE ALARM SYSTEM AND CORRECT THE DEFICIENCIES REQUIRED TO BRING THE HOSPITAL INTO COMPLIANCE.

Lease Agreement for the William Inman Agriculture Center County Extension Office

Attorney Williams introduced the above stated lease agreement, which has been in negotiations with the Department of Agriculture and Consumer Services for six months. The issue that was holding up the execution of the contract was some concern about asbestos in the building. The original contract language stated that if there was any asbestos in the building, that Gadsden County would be responsible for it. That gave him some alarm that there was asbestos there. Asbestos maintenance and treatment is very costly and if that language had not been detected, the County could have really been on a hook if they ever had to clean out the building. Upon negotiations with

the Department of Agriculture and Consumer Services, they put together a standard contract. The way it will work is that if the County does not disturb the asbestos, they will not be responsible for it. If the County makes renovations, etc. that will disturb the asbestos, the County must put an abatement and assessment plan into place. They were able to negotiate standard language in the contract and he recommended approval.

Extension Director Dr. Henry Grant addressed the Board. He reported that the extension office did a study a couple of years ago. Asbestos was found only in the material that secured the windowpanes in the windows. It was a very small amount.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE THE BOARD VOTED UNANIMOUSLY (5-0), BY VOICE VOTE, TO APPROVE THE LEASE AGREEMENT.

Temporary Off-Contract Fuel Purchases

Mr. Brown explained that the County has experienced some shortage of diesel fuel. On October 11, the County took an emergency shipment from Ward Oil Company from Tampa, FL. The purchase was necessary due to the shortage of fuel from the current contractor. The amount of the invoice is \$22,790 which requires Board authorization before payment can be made.

A MOTION WAS MADE BY COMMISSIONER HOLT TO AUTHORIZE THE PAYMENT OF THE INVOICE TO WARD OIL COMPANY for \$22,790.

Temporary Authority for the County Manager to Authorize Payment for Off-Contract Fuel Purchases Until the End of the Second Quarter

Davin Suggs, budget director, asked the Board to give the County Manager the authority to approve payments for off-contract fuel purchases until March 31, 2005 - even those that exceed the dollar figure that he can normally authorize. (This should be for fuel purchases only.) This will be temporary until the shortage subsides. If the emergency situation continues at that time, he will bring the matter back to the Board to request an extension.

COMMISSISONER HOLT AMENDED HER MOTION TO INCLUDE GRANTING THE COUNTY MANAGER THE AUTHORITY TO SIGN OFF FOR FUEL PURCHASES AND APPROVE PAYMENTS FOR THOSE PURCHASES THAT EXCEED HIS NORMAL AUTHORITY TO APPROVE UNTIL MARCH 31. IT WAS CLARIFIED THAT THIS AUTHORITY IS TEMPORARY AND FOR FUEL

PURCHASES ONLY. COMMISSIONER PRICE SECONDED THE MOTION. THE BOARD VOTED UNANIMOUSLY (5-0), BY VOICE VOTE, TO APPROVE THE MOTION.

Request from Kid's Incorporated to Sponsor their 15th Annual Night of Champions Gala

Mr. Brown told the Board he received a request from Kids Incorporated to sponsor their 15th Annual Night of Champions Gala. He explained that they are a not-for-profit agency, which serves Gadsden County. They will honor outstanding child advocates in the Big Bend community. This will also be a fundraiser for the REACH Scholarship fund. He said there are various levels of sponsorship. He asked for directions.

Commissioner Lamb said that the County just doesn't have the money. He also pointed out that it was not budgeted. He said that it would set a precedent and he didn't think the County should get into this posture.

Commissioner Watson agreed.

Commissioner Holt also agreed.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED UNANIMOUSLY (5 - 0), BY VOICE VOTE, TO DENY THE REQUEST.

Request for Sponsorship of FAMU President's Scholarship Gala

Mr. Brown told the Board that FAMU President's Scholarship Gala will be held in prelude to FAMU's Homecoming Celebration. The Gala will be in honor of Dr. LaSalle D. Leffall, Jr. who is from Gadsden County and is a surgeon, oncologist and medical educator. He is a member of the FAMU class of 1948. He is the former president of the American College of Surgeons and the American Cancer Society and is currently the chairman of the George W. Bush President's Cancer Panel. All proceeds will be used to support the LaSalle D. Leffall, Jr. MD Scholarship Fund.

The Gala will be held on Friday, October 21, 2005 at the Donald Tucker/Tallahassee-Leon County Civic Center with a reception at 6:00 p.m. followed by dinner at 7:00 p.m. FAMU is soliciting sponsorships in the form of the purchase of a table (8 seats) at the cost of \$1,000.

Commissioner Lamb stated that as much as he admires Dr. Laffall for the things he has done for this County, the County is still scraping the bottom of the money barrel and the funds are not in the budget. He said, "I just can't see us doing this as a Board. We just don't have the funds in place to do it." He recommended that the commissioners should do this out of their own pockets.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER LAMB TO DENY THE REQUEST.

Discussion followed.

THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO DENY THE REQUEST. COMMISSIONERS WATSON, LAMB AND PRICE VOTED "AYE." COMMISSIONERS DIXON AND HOLT VOTED "NO."

Item 11

Payment of Attorney's Fees and Costs in Criminal Case
Jose Solis 03-808-CFA for \$2,519.01

Attorney Williams stated that he had reviewed the bill from John Kenny on the above described murder case and found them to be reasonable. He recommended approval for payment.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED UNANIMOUSLY (5 - 0), BY VOICE VOTE, TO APPROVE THE INVOICE FROM JOHN KENNY.

Citizens Requesting to be Heard

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

Discussion Items By Commissioners

Request to Require Infrastructure in New Developments

Commissioner Lamb requested that when the Board is considering new subdivisions, that Mr. McCord be instructed to include (as a part of his proposal) a requirement of the developers to install water lines and sewer lines out to the main street even in those communities where central service is not yet available.

Subdivisions and Firearms

He asked the attorney to do some research and find out what can be done about people taking target practice with firearms in their own back yards.

Dumpsters

He then asked if Mr. Presnell has prepared a proposal to place another dumpster in District 1.

It was suggested that the dumpster that now sits inside the City of Midway be moved to another location. (The site where it now sits has been annexed into the Midway city limits.)

Mr. Brown replied that a proposal would be forthcoming.

Commissioner Watson

There was nothing to report.

Commissioner Price

There was nothing to report.

Commissioner Holt

Commissioner Holt questioned the other commissioners about their interest in attending the FAMU Gala.

She then turned her attention to holding workshops regarding developments, impact fees, concurrency and other related matters. No dates or times were mentioned.

Commissioner Dixon

Chair Dixon announced that the Value Adjustment Board would convene immediately following this meeting.

Receipt and File

- Cash Report as of September 30, 2005
- Financial Statements as of September 30, 2005
- Clerk's FY 2006 Budget
- FDOT Tentative 5 Year Work Program 06/07-10/11
- Notice from Waste Management - Rate Adjustments
- Letter of Appreciation for Paving of Salem Lane

- Memo to Clerk - Clarification of Memorandum Regarding Clerk's FY 2006 Budget
- Clerk's Memorandum - Interest Distribution Clarification
- Tax Collector's Excess Fees Collected for Fiscal Year 2004-2005 - \$76,980.84

ADJOURNMENT

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

Edward J. Dixon, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

AT AN EMERGENCY/SPECIAL MEETING OF THE
BOARD OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA ON
NOVEMBER 7, 2005 at 9:00 A.M. THE
FOLLOWING PROCEEDINGS WERE HAD, VIZ.

PRESENT: EDWARD J. DIXON, CHAIR
BRENDA HOLT, VICE-CHAIR
DERRICK PRICE
EUGENE LAMB
THORNTON WILLIAMS, COUNTY ATTORNEY
PAUL SEXTON, DEPUTY COUNTY ATTORNEY
MARLON BROWN, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

ABSENT: STERLING WATSON

CALL TO ORDER

Chair Dixon called the meeting to order stating that it was an emergency meeting to discuss matters relating to the closing of the county hospital by the Agency of Healthcare Administration (ACHA) on Friday evening, November 4, 2005. He explained that on the attorney's advise, there will be some issues that they cannot discuss due to pending litigation between Gadsden County and Ashford Healthcare. He then turned the meeting over to County Manager Marlon Brown.

Mr. Brown explained that there were three business issues that needed to be addressed by the Board at this meeting:

1. Authorize Gadsden Hospital, Inc. (GHI) to become administrators of the hospital at a time to be determined as the process continues
2. Take action to access the hospital trust fund when and if the need arises
3. Approve the lease agreement between GHI and Board of County Commissioners for the hospital facility

He then asked County Attorney Thornton Williams to walk through the lease with the Board.

Mr. Williams went through the attached proposed agreement. He explained that it is a temporary emergency measure which will require "tweaking" as issues arise.

Chair Dixon explained to the audience that GHI is a non profit entity set up by the Board of County Commissioners (BCC) to intervene (if necessary) to operate the hospital if and when Ashford should cease to operate it. He went on to say that the board of directors of GHI were appointed by the BCC and are comprised of members of the community and medical profession and were charged with a responsibility to be ready at a moment's notice to keep the hospital operational. He vaguely spoke of problems encountered by the BCC in relationship to the hospital management team.

Commissioner Lamb asked Attorney Williams if the lease arrangement with GHI would be temporary.

Mr. Williams replied that the lease would be for five years upon execution. However, either party will have the ability to terminate the lease upon notice.

AUTHORIZATION FOR GADSDEN HOSPITAL, INC. (GHI) TO TAKE OVER THE ADMINISTRATION OF THE COUNTY HOSPITAL

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 0, BY VOICE TO AUTHORIZE GHI TO TAKE OVER THE ADMINISTRATION OF THE COUNTY HOSPITAL SUBJECT TO REGULATIONS BY THE AGENCY FOR HEALTHCARE ADMINISTRATION. (AHCA)

APPROVAL OF LEASE BETWEEN GADSDEN HOSPITAL INC AND GADSDEN COUNTY BOARD OF COUNTY COMMISSIONERS

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE PROPOSED LEASE FOR THE HOSPITAL FACILITY TO GADSDEN HOSPITAL INC. FOR \$1.00 PER YEAR.

AUTHORIZATION TO ACCESS THE HOSPITAL ENDOWMENT TRUST

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO TAKE THE NECESSARY STEPS TO ACCESS THE HOSPITAL ENDOWMENT TRUST FUND CONTINGENT UPON APPROVAL OF A BUDGET WHICH WILL BE BROUGHT BACK TO THE BOARD FOR APPROVAL.

Chair Dixon spoke briefly about the simultaneous issues happening with the hospital. He explained that the first issue is between the County and Ashford regarding the lease

arrangement. The County had taken the position that Ashford was in default of the terms of the lease agreement and had sent notice of default to them.

The other issue is with the AHCA regarding medical and health concerns of which the County was not involved. He said the Board was taken completely by surprise by the actions on Friday evening. He went on to say that it was never the County's basic position that the hospital should be closed. He reiterated that it was strictly a medical regulation decision. He said also that he was not certain where things would go from here. He noted that AHCA and Dasse still have a say in things and the County is proceeding in a manner to do what is best for the citizens of Gadsden County. "We think that is not only to keep the hospital open, but to bring it up to world class standards as our citizens deserve. So, the decisions you see us make today and that you saw the hospital committee make over the weekend - we think are taking us there. But, as I said, there are other players in this other than us."

Mr. Brown told the Board that the GHI board of directors recommended on Saturday that the Board of County Commissioners start the termination process of the lease agreement with Ashford. However, he stated that there are a number of legal issues that must still be uncovered regarding the termination of that lease. For that reason, he recommended that the Board wait to deal with that issue until later.

The following people addressed the Board:

Lansford Foster asked if AHCA will work with the BCC and GHI to by-pass the modernization of the hospital so as to get it opened as soon as possible.

Mr. Williams replied that he will begin a series of meetings with AHCA to find out what they are willing to do and find out what options are available to the County.

Romona Ansley said that there were X-rays taken for outpatients and emergency room patients that need to be forwarded to someone somewhere to insure that the patients can be properly treated. She asked how they can be obtained. She also pointed out that some patients have been referred elsewhere for treatment and the films will need to be made available to the referred physicians.

Mr. Williams replied that the suspension order (by AHCA) allows the administrative offices to remain open. They have the ability to go in and get those records and provide them to the appropriate physicians. He said that the Sheriff's office is posted at the hospital to escort them in to get whatever they need.

Chair Dixon stated that Dasse still has some responsibility in that those are their patients and they need to move accordingly to make certain those patients are taken care of continually.

Alma Jones stated that she was part of the administrative team and when she went to the hospital this morning, she was denied access.

Chair Dixon stated that the Board would remedy that.

Geraldine Evans, laboratory supervisor, asked if the lights would be turned off. She explained that there were a lot of laboratory supplies and cultures that would ruin without refrigeration. She said that she would like to check them everyday to make sure they are o.k.

Chair Dixon explained that the County will not turn the lights off, but he could not speak for the City of Quincy. He said he knew there was a large outstanding bill.

Commissioner Holt suggested that perhaps generators would be an option.

Chair Dixon said that the goal was to keep the lights on.

She then inquired as to the status of her employment. Chair Dixon referred her to Dasse with her question. He then remarked that he was concerned that Dasse still has said nothing to the employees.

Ms. Dian Tucker, emergency room manager, addressed the Board. She said she had recently relocated from Ohio and had been working for only 5 days. She asked if there is an agreement between the Commission and GHI for the retention of the employees.

Chair Dixon replied that it is the goal of the Commission to move seamlessly between administrations. If that happens,

GHI expects to retain as many employees as possible. However, that will be a management decision, not a BCC decision.

Patricia Vickers asked if it is the intention for GHI to manage the hospital long term or only temporarily until some other management arrangement can be made.

Chair Dixon answered that they are exploring both options, but for the immediacy, GHI has the intent of running the hospital.

She then asked what would be paid from the trust fund - if the past due bills will be paid from the trust fund - such as the electric bill.

Chair Dixon said that GHI was in the process of developing a budget. However, he said the outstanding and current bills belong to Dassee and wherever it is possible, GHI will not become liable for them. He said that Dassee is still receiving revenue and they should pay those bills.

Chair Dixon then stated that if GHI takes over the hospital, it is not only the goal to bring it to better standards than it was, but to make it 100 times better.

Leon Thomas asked who the employees could talk to in order to find out if they are employed and about getting their checks, benefits, etc.

Chair Dixon stated that he was certain that Ms. Jones can contact Mike Lake by telephone and they should be able to answer his questions.

He then asked what the County is willing to do.

Chair Dixon replied that the best thing the County can do is to work to get the hospital back to capacity and staying open. He then pleaded with the employees present to not let Dassee walk away without paying them.

Sylvia Hall asked if they could apply for unemployment.

Chair Dixon replied that he could not answer her question.

Ms. Alma Jones spoke to the employees saying that as far as she knew, they are all still Dassee employees and are still on payroll. She asked them to call her at home or on her cell

phone and she will communicate everything she knows to them as she learns it.

Ron Vickers asked if the employees can coordinate with the Sheriff's office to access the building so that at least the employees can get paid.

Chair Dixon reiterated that it was the desire of the Board that AHCA not close the entire hospital. The administrative and the business wings will remain open. The administrators entering the building will be escorted by a deputy to perform whatever functions they need to perform, then they will be escorted to leave.

Jon McCarthy, emergency room employee, asked when the litigation might come before a judge.

Mr. Williams replied that they should have a better feel of the legal options by the middle of the week.

He then asked how often the Board will be meeting.

Chair Dixon answered, "As needed. If a couple of you will leave a name and number, we will be glad to call you should we have any meetings. They may not be advertised, depending on the immediacy of them, but we will be glad to inform a few of you and let you know so that you can tree the word and get it out to employees. If we are making moves that will be germane to your position, we will be glad to do that. If you would, bring them up when we are finished and give them to Ms. Straughn. Until then, we'll answer as many questions as we possibly can."

Denise Collier asked if the employee's salaries will be maintained.

Chair Dixon stated that would be business decision for GHI. He then said, "I want to leave you with - and I hope you take it that we are sincere - It is the desire of every member of this Board, those here and those absent, to make sure that Gadsden Hospital reopens bigger, better, quicker, faster, greater quality and retain the use and services of as many of our local citizens as possible. That is an asset to our community. You guys are an asset to our community. Unfortunately, at this point, we've got to deal with these legal situations. We hope they won't take long.

As you can probably tell, we've got a plan and we are ready to put it into place. I came prepared to go to court this morning. We are ready. It's 9:00 o'clock, I can be in court at 9:30. But, according to our legal staff, right now that is not an option and we need to get with ACHA and some other folks and check out some other avenues.

I want you to leave here believing that we are doing everything we possibly can to get this situation taken care of and back on line."

Commissioner Holt reiterated that every commissioner is very concerned about that hospital and every employee. She apologized for not being able to respond to every question, but she stated again that the County appreciates them and cares about their plight.

Commissioner Lamb said that he was disappointed in the turn of events and stressed that his major concern was that the Board must insure that quality healthcare be provided to the citizens if the hospital is going to stay open.

City Manager Willie Earl Banks addressed the Board. He said that the City has a contract with Ashford that has been breeched and that the lights will not stay on if they don't pay their bill. He said, "I can't continue to allow that to go on....and it might happen before this week is out."

Ron Vickers said that when the employees were asked to leave on Friday evening, they were not allowed to take any of their personal belonging (uniforms, equipment, etc.). He asked if they could access the hospital today to pick up their personal belongings.

Chair Dixon said those things can be worked out with the County Manager.

Dian Tucker stated that the Board has done an awesome job in coming together and trying to respond to this crisis situation. She said she is new to Gadsden County and she came from a much larger county and city and she said that in no shape, form, or fashion would this type of action be taken in such a short period of time. She commended the Board for what they have done.

There was a huge applause from the employees.

Chair Dixon said that the real work will be done by the members of the community who serve on the board of directors for GHI. He said, "They are your cohorts, your comrades, your friends and your neighbors. They've got a lot of stuff to do and a short time to do it. The attorney's goal is to move as expeditiously as possible. GHI thinks that might be too fast for them, but yet they still have to be ready when the time comes. We hope that they will have your cooperation when the time comes.

As we all know, there are no guarantees, but we are trying as hard as we can and we hope that you guys will give them your total and full cooperation when the time comes. They don't know a lot about that particular hospital, about those particular scenarios that are going on there. They don't need the grief. We've got a lot of history with Dassee, but that is not the point now. The point is - How can we make this hospital the best hospital.

I don't like to go to Leon County for anything. I have a real problem with it. That is the honest truth. I have a problem with going to Leon County for anything. Every member on this Board wants to help to create the very best we can right here in Gadsden County. Personally, I take this as a great opportunity to do so. That is what I see it as. I don't see the hospital closing. I see a fantastic reopening. I hope you guys see the same thing. We are going to put the effort in it. As you can see, we have already put a lot of effort in it and we are going to keep moving down this road to bring the best healthcare to every Gadsden Countian, rich or poor.

Thank you all for coming. Please leave your name and numbers and we will get you word as soon as we possibly on anything that is about to transpire. Have a good day."

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

Edward J. Dixon, Chair

Muriel Straughn, Deputy Clerk

At A SPECIAL CLOSED DOOR
ATTORNEY/CLIENT SESSION OF THE BOARD OF
COUNTY COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY FLORIDA ON NOVEMBER 9,
2005, THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: Edward J. Dixon, Chair
Brenda Holt, Vice-chair
Eugene Lamb
Derrick Price
Thornton Williams, County Attorney
Marlon Brown, County Manager
Muriel Straughn, Deputy Clerk
Carol Rankin, Certified Court Reporter

ABSENT: Sterling L. Watson

Call to Order

Chair Dixon called the meeting to order. He announced that the meeting was for the purpose of having discussion with the attorney regarding two lawsuits in which the County is engaged - Progress Energy and Ashford Healthcare. He noted that the meeting was duly advertised as a closed door session. Each person present stated their names for the record.

Progress Energy

Due to the events unfolding at the hospital over the week-end, Mr. Williams asked that the County defer discussion on the Progress Energy case until Tuesday, November 15. (The Agency for Healthcare Administration (AHCA) suspended Ashford's license and moved all the patients to other area hospitals.)

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO DEFER DISCUSSION ON PROGRESS ENERGY UNTIL NOVEMBER 15 AT 5:15.

Closed Door Session:

At this point, the meeting was closed to the public and the Board went into a confidential attorney/client session. This portion of the meeting was recorded by Certified Court Reporter Carol Rankin. The transcript of the meeting will be filed with

Gadsden County Board of County Commissioners
November 9, 2005 Attorney/Client Session

the Clerk and made a part of the record at the conclusion of the lawsuit.

At the conclusion of the confidential session, the meeting was reopened and promptly adjourned.

Edward J. Dixon, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

At A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONER HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON NOVEMBER
15, 2005, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT: EDWARD J. DIXON, CHAIR
BRENDA HOLT, VICE CHAIR
EUGENE LAMB
STERLINE WATSON
DERRICK PRICE
THORNTON WILLIAMS, COUNTY ATTORNEY
MARLON BROWN, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

Call to Order

Chair Dixon called the meeting to order.

Invocation and Pledge of Allegiance

Commissioner Price opened with a prayer. Commissioner Holt led in pledging allegiance to the US flag.

Amendments and Approval of the Agenda

The agenda was amended as follows:

Consent Agenda

Amend Item 12 by adding the language, "Approve related resolution and corresponding budget amendment" to accept the DCA grant for establishing a school concurrency system.

General Business

Add: Discussion and Approval of Main Library Signage and Plaque

Add: Approval of Community Development Block Grant (CDBG) Award Agreement

Add: Vehicle Lease Agreement for Approval (County Manager's Vehicle)

Add: Approval of Department of Community Affairs Planning Grant/Contract (\$15,000)

Remove from Consent Agenda for Discussion: Item #22 - Approval of the USDA Rural Business Enterprise Grant

Add: Update Item # 23 - Approval of FY 2004-2005 Year End Budget Amendment

Add: Request for Closed Door Session with Attorney for Tuesday, November 29 at 6:00 p.m. to discuss Ashford Healthcare Inc vs. Gadsden County

Add: Request for Special Meeting on November 29 at 6:30 to Discuss FY 2004-2005 Year End Budget Amendments and Close-out

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

Election of Chairman and Vice Chairman

A MOTION WAS MADE BY COMMISSIONER LAMB AND SECONDED BY COMMISSIONER WATSON TO NOMINATE COMMISSIONER HOLT TO BE THE NEW CHAIRPERSON FOR THE UPCOMING YEAR.

A MOTION WAS MADE BY COMMISSIONER PRICE FOR CHAIRMAN DIXON TO REMAIN THE CHAIRMAN.

Commissioner Holt declined the nomination to be chair.

COMMISSIONER HOLT SECONDED THE MOTION TO NOMINATE CHAIR DIXON TO REMAIN THE CHAIR. THE BOARD VOTED 5 - 0, BY VOICE VOTE IN FAVOR OF THE MOTION.

COMMISSIONER WATSON NOMINATED COMMISSIONER LAMB TO BE THE VICE-CHAIR.

COMMISSIONER PRICE NOMINATED COMMISSIONER HOLT TO REMAIN THE VICE-CHAIR.

COMMISSIONER HOLT MADE A MOTION TO CLOSE THE NOMINATION FOR VICE CHAIR. COMMISSIONER PRICE SECONDED THE MOTION. THE BOARD VOTED 5-0, BY VOICE VOTE, TO CLOSE THE NOMINATIONS.

THE BOARD VOTED 2 - 3 IN FAVOR OF COMMISSIONER LAMB TO BE THE VICE CHAIR. COMMISSIONERS LAMB AND WATSON VOTED IN FAVOR OF THE MOTION. COMMISSIONERS PRICE, HOLT AND DIXON OPPOSED.

THE BOARD VOTED 3 - 2 IN FAVOR OF COMMISSIONER HOLT TO REMAIN THE VICE CHAIR. COMMISSIONERS DIXON, HOLT AND PRICE VOTED IN FAVOR OF THE MOTION WITH COMMISSIONERS WATSON AND LAMB OPPOSING.

Awards, Presentations and Appearances

County Manager Brown had nothing to present.

Consent Agenda

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:

Item 2 Approval of Minutes

September 20, 2005 Regular Meeting
October 11, 2005 Special Meeting

Item 3 Ratification of Approval to Pay the County Bills:

Accounts Payables for FY 2005 Dated October 28,
November 4 and November 11
Accounts Payables for FY 2006 Dated October 28,
November 4 and November 11
Payroll Dated November 10, 2005

Item 4 Approval to Resurface Health Department Parking Lot and Access Roads - C. W. Roberts Contracting Inc. Change Order # 46 in amount of \$78,758.38 bringing total contract price including this change order to \$18,428,815.13.

Item 5 Approval to Purchase Public Works Refuse Truck and Approve Staff to Seek Financing for the Purchase

Item 6 Execution of CLIC Grant Agreements - Project Number 06-CLIC-03 in the amount of \$10,000. (Library Computer Instruction Project)

Item 7 Approval of Construction Manager for Chattahoochee Library - RFP 05-22 - Bid awarded to Cook Brothers, Inc. and authorized County Manager to negotiate contract and for the Chairman to execute the contract.

- Item 8 Acceptance of Justice Assistance Grant for \$85,455.00 for Narcotics Task Force Contract No. 2006-JAGC-GADS-1-M8-243
- Item 9 Authorization for County Manager to Attend the FAC Annual Legislative Conference on November 29-December 2, 2005 - Stuart, FL
- Item 10 Authorize the county attorney to advertise a public hearing to amend the Code of Ordinances to authorize the county manager to employ department heads without the required confirmation of the board of county commissioners
- Item 11 Approve and authorize the chairman to execute the contract with the State of Florida Department of Health to operate the Gadsden County Health Department for 2005-2006
- Item 12 Approval of Department of Community Affairs planning grant contract to establish a school concurrency system; authorize chairman to execute the contract; approve related Resolution 2005-024 and budget amendment OMB-BA#060001 in amount of 22,769.00.
- Item 13 Reschedule December 2005 and January 2006 meeting dates- Change December 20, 2005 meeting to December 13; change January 3, 2006 to January 10; change January 17, 2006 to January 24.
- Item 14 Rescheduled Public Hearing - Deer Ridge Subdivision Construction Site and Site Drainage

Attorney Williams said that the developer had completed substantial work at the Deer Ridge Subdivision. However, he could not claim that they are in compliance with the DEP consent order. He requested that they reschedule another hearing.

Attorney David Theriaque, representing the developer, addressed the Board. He asked the Board to consider releasing the two homes that have been frozen for months. He said that the developer has made very good faith effort to comply with the county's requirements.

Commissioner Holt was opposed to releasing the homes.

Commissioner Lamb said that he hates punishing the home owners who are being deprived of their homes. He asked the

attorney if there was some way to allow the homeowners to take possession and still keep the developer responsible.

Discussion followed.

Chair Dixon could not agree to issue the certificate of occupancy until the county's issues with the developer are resolved. He said that is the only leverage the County has that will insure their best efforts to comply.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO CONTINUE THE HEARING.

**Item 15 Public Hearing - Mortham-Shaw Comprehensive Plan Amendment
- CPA-2005-18 Large Scale Land Use Amendment for
transmission to DCA Changing 143 acres from AG2 and AG3 to
RR**

Owners: C.R. Shaw III et. A. and Rebecca Shaw

Applicant/Representative: Florida Environmental & Land Services, Inc.

Location of Property: Soloman Dairy Road (CR268) approximately 2.3 miles northwest of Quincy. It is bordered to the west by the Farms of Quincy Subdivision and to the south by the Golf Club of Quincy.

Type of Hearing: Quasi-legislative as a large scale amendment to the Future Land Use Map per Subsection 7401 of the Gadsden County LDC.

Type of Review: Type IV review procedure under Subsection 7204.

Description: Large scale Future Land Use Map amendment to change the land use designation on three parcels from AG 2 and AG 3 to Rural Residential. Tax ID numbers are 2-27-3N-4W-0000-00400-0000; 2-34-3N-4W-0000-00100-0000; 2-34-3N-4W-0000-00130-0000. The applicant requested the land use amendment in order to permit greater densities similar to adjacent uses on the properties to the west. If approved, the land use amendment would potentially increase the permitted density by 1347 percent - up to 291 units could be developed on the property.

Mr. McCord called attention to the policies listed in the agenda report which relate to the land use change. He also noted the following:

1. There is a Talquin utility line that extends to the

western edge of the property. Other than it, there are no utility lines. He noted that he questions whether there is adequate pressure in the line to provide water to 291 units.

2. There is no central sewer in close proximity making septic systems the obvious solution.
3. The majority of the properties around this parcel remain AG 2 or AG 3 with the exception of the Golf Club which is recreation land use.
4. The parcel is upstream from the Interlocking Lakes which has been a potable water source to the City of Quincy. Even though the City of Quincy no longer uses it as a water source, the County Comp Plan requires protection measures of the Interlocking Lakes as a potable water source. It was noted that septic tank failures could still affect the watershed to Interlocking Lakes. (The applicant does intend to utilize septic sewer systems.)
5. Access to and from the proposed subdivision would be along Solomon Dairy Road. It has sufficient capacity to accommodate the growth if the land use change is granted and if the proposed project is developed at maximum density.
6. It is the applicant's intention to install central water from Talquin.
7. The lot sizes of the surrounding areas are significantly larger than those proposed by this subdivision.

See the attached reports for other details.

The P & Z Commission held a public hearing on November 2, 2005. Their recommendation was to change the land use designation to AG-1 instead of RR.

Staff Recommendation: Approval as requested by the applicant for RR.

Public comments:

Elva Peppers addressed the Board. She pointed out that some of property is already designated rural residential and it is adjacent to other residential lots. She reported that she talked with the City of Quincy and they confirmed to her that the water permit to use Interlocking Lakes as a potable water source is no longer in effect.

Marion Laslie reiterated that the Comp Plan's requirement to protect Interlocking Lakes has not been rescinded even though the City is no longer using it as a water supply. She said that she felt that the County should get confirmation in writing from the City of Quincy and Water Management District and make it a part of the record to substantiate that the lake is no longer being used as a water resource. She urged the Board to take all precautions to protect the watershed. She suggested that it could be protected by not putting in large numbers of septic tanks.

She called attention to the fact that the residential lots surrounding this proposed development are substantially larger than those proposed on this property. She said that AG-1 designation would be more compatible.

Dennis Miller said that he has a general concern about protection of the water supply. He urged them to consider requiring some type of sewage mini-treatment plants as opposed to the common septic tanks.

Cindy D'Entremont, president of Farms at Quincy Homeowners' Association, addressed the Board. She stated that the Farms at Quincy Subdivision was created in 1980 and is 545 acres with 104 owners of record with 80 residences. The average size lot is five acres to one home. As far as build-out, she said it is approximately $\frac{3}{4}$ built-out. There have been 20 new homes in the last 5 years.

She continued by saying that the Magnolia Village portion of the subdivision is 18 acres with 18 clustered homes. Most of them are .5 to .9 acre. Outside of that, there are a few lots that are 1 acre, but they are in the minority. Most of the lots sizes are from 3 - 7 acres in size. The largest is 38 acres, the next largest is 20 and another is 22 acres.

She then addressed the traffic issues. She voiced concerns about safety because of restricted visibility at the proposed point of entry to the subdivision from Soloman Dairy Road.

She then addressed the impacts this development would make on the public school system. She said that George Monroe Elementary is already operating at 112% of their capacity; East Gadsden is at 92 % capacity; West Gadsden is at 84% capacity with Shanks Middle School operating at only 69% of

its capacity.

She then called attention to the High Hopes Farms - 1100 acres off Glory Road - which will allow for clustering of 281 homes. She stated that with the additional traffic that will surely follow these subdivisions, the roads will become congested. She said that visibility will be a problem. She cited 2004 DOT statistics which indicated that Glory Road was already operating at 150% capacity and Soloman Dairy Road was operating at 207% capacity and Shade Farm Road was operating at 179%. She said that those statistics represent the present use. She surmised that traffic will be very problematic.

She urged the Board to follow the recommendation of the Planning and Zoning Commission to designate it as Ag 1 and instead of Rural Residential.

Fred Harris, adjacent property owner to the east (300 acres) addressed the Board. He stated that he is in favor of the proposal. He said that he currently lives in Tallahassee, but is building a house on his property and that he would welcome the development. He said that there is a fairness issue involved. He encouraged the Board to find a way to make it work in such a way that the infrastructure can take care of the people that are coming.

He then stated that if you restrict housing to larger size lots, the land itself becomes an entanglement and counter productive to providing affordable housing.

Billy Don Grant addressed the Board. He stated that he owns the golf course and is also a partner in the High Hope Farms which has been approved for development of 281 homes on 1100 acres. He said that he is not opposed to the growth in the area, but he is concerned about clustering all of the homes on the southern part of the parcel - particularly the number of septic tanks that it would allow on .5 acre lots.

He also voiced concern about the increased traffic and points of entry into the subdivision. He said that the current highway system would not be adequate to handle so much density in such close proximity along the curves of Soloman Dairy Road.

Ed Poppell, adjacent property owner addressed the Board.

He demonstrated where he lives on a map. He stated that he operates a nursery on his property and enjoys full agriculture use of it. He opposed the high density because of the number of septic tanks that will follow the development.

He raised issues regarding the water drainage and pointed out that there are endangered species (wood stocks) which will be impacted by development.

Mark Lindquist, resident of The Farms at Quincy, addressed the Board. He encouraged them to change the designation to AG1 instead of RR to maintain the current character of the community and the County as a whole. He said that one of the beauties of the County is that it has so much open and green space. He said that Bill Crawford's vision for the Farms at Quincy was for the development to reflect the heritage of the County. He pointed out that Magnolia Village was designed as a clustered community for elderly people and retired people, but it is not working well as a clustered design. He urged them to consider that.

Alan Mortham, one of the owners of the project, addressed the Board. He purported that he planned the development responsibly in an effort to safeguard the environment. He said that this development is close to the hub of the County and within 2 miles of the City of Quincy. There is obvious growth in the area and this parcel is ideal for development for a number of reasons.

He then demonstrated another parcel of land which he owns and intends to protect. (564 acres to the north on Shade Farm Road) He urged the Board to be fair in their consideration.

Chair Dixon closed public comments and turned his attention to the Board.

Commissioner Holt voiced her consistent concern about septic tanks. Other than that, she had no concern with the project.

Commissioner Watson asked if they would consider a package plant.

Mr. Mortham answered, "To be honest with you, I have a couple of different plans if the Board would like to

consider them. The package plant that we priced for a 291 lot subdivision was \$550,000. That is just for the plant. That doesn't include any lift stations and that doesn't include running any of the pipes through the property which is roughly \$30.00 per foot. So, what I would be willing to do on this project, and I think it will make it a little more palatable to the people in the Farms at Quincy... To cut down on the septic tanks, we will do the 1:5 on the parcel - those 180 acres which is well over ½ of this parcel if we can get the 1:1 on the two parcels down below. That will cut our lot count from 291 down to 167 lots."

Ms. Peppers interjected that the whole parcel is 325 acres. There are 15.55 acres that are already rural residential. There are 129 acres possible for rural residential. Of those 129 acres, approximately 13.5 acres are wetlands leaving net developable acres 116.42.

Commissioner Lamb asked for clarification on the P & Z vote.

There was some discussion about giving it rural residential designation with the stipulation that the 167 lots be developed over the entire parcel. This exclusion could be unique only to this property. There was a discussion also about adopting an ordinance for this specific site.

Mr. Mortham said that the subdivision would have a 1500 square foot minimum size.

Marion Laslie commented that it appears that they are proposing a new land use category that does not exist in the Code. She urged the Board to stop development right now, make a plan for the county, work on the infrastructure, and get designated areas assigned for growth so that you know what you are going to be working on.

Chair Dixon agreed with Commissioner Watson. He said that he could not think of any scenario where one septic tank per two acres would not be acceptable. He said that the land value must be protected and kept affordable for those who are less than rich.

Mr. McCord recalled the San Bonita Estates Subdivision which was split by different land uses. The interpretation was, at that time, when that project was

first proposed as a land use with a conceptual plan was that they would be allowed to go through a transfer of development rights proposal on their design. Most of the transfer of development right language in the Comp Plan and the Code deals with protection of environmental resources and that sort of things. However, it is not exclusively limited to that in the way it is written. So, what happened to San Bonita Estates was that half of the project was AG 2 and half RR. They were allowed to have 39 total lots but some of the smaller lots were created in the smaller land use category.

He said that he can write an interpretation that will allow for that until the Comp Plan and Land Development Code can be amended to more succinctly describe the intent in applying that provision.

Chair Dixon asked if there were objections from the Board.

Commissioner Lamb was in favor of following the recommendations of the P & Z Commission.

Marion Laslie urged them to follow the P & Z Commission recommendation. However, she was not opposed to the 2 acre lot minimum, but cautioned that they would be creating a land use that does not exist yet.

Billy Don Grant stated that one gentleman owns 300 acres just to the east. There is another gentleman who owns 564 acres to the north and he, himself, owns 200 acres to the south. He asked if the Board's action on this parcel would set the precedent that would allow them (the surrounding property owners) to come back and request a greater density on their property. He asked them to allow development of the five-acre tracts on the southerly portion of the parcel and develop the two-acre tracts on the north.

Alan Mortham said that he would agree to restrict the development to 167 lots if the Board would give him RR designation. However, he said he would have a problem with limiting the lot sizes to a minimum of 2 acres.

Mr. McCord said that he would prefer to "Create as part of the text changes related to this amendment, in the Future Land Use Element, that you have site specific policy for this property that limits it to "x" number of units or

density on this portion of the lots. It would be a site specific policy only to this property. But it would be part of the text so that it is not tied and it is clearly conveyed in your Comp Plan as opposed to hidden in some file that you would have to go through and review through extensively to discover that. So, it would be part of the text. It would be a policy essentially in your Comp Plan, but would only apply to this property. That can be done."

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER PRICE THE BOARD VOTED 4 - 1 BY VOICE VOTE, TO APPROVE THE LAND USE CHANGE TO RURAL RESIDENTIAL WITH THE STIPULATION THAT IT WILL BE DEVELOPED WITH 160 LOTS ON THIS SITE SPECIFIC PARCEL AND THEY ARE TO BE DEVELOPED AS CLOSE TO TWO ACRES AS POSSIBLE. COMMISSIONER LAMB CAST THE LONE DISSENTING VOTE.

Item 16 Administrative Future Land Use Map Amendment - transmittal to DCA CPA 2005-13AD

Several mapping errors occurred when the original map was created and those errors were transferred down the line to other properties. There are possibly other errors which still have not been discovered yet. The four properties before the Commission at this hearing are located as follows:

- 1) South side of US 90 about 3 miles east of Quincy (Fregely site) (Amendment A);
- 2) North side of SR 12 approximately 3 miles west of Greensboro (Proctor Property) (Land Use Amendment B); (approved by BCC on the consent agenda)
- 3) A subdivision on the north side of Hutchinson Ferry Road between Glory Road and SR 267 (Glory Estates) Land Use Amendment C) - Somehow a single family subdivision with 1 acre lots got approved as a minor subdivision in AG-2 land use category. This is inconsistent with the comp plan and it needs to be cleaned up.
- 4) West side of Dewey Johnson Road between Bassett Road and SR 12 adjacent to and west of the City of Gretna (Johnson Bluff Neighborhood) (Land Use Amendment D) This is a series of properties which have been cut up over the years and the City of Gretna has water services to the property. Some of the properties have sewer services also. The

purpose of this amendment is to create a consistent land use, essentially giving them rural residential land use instead of the AG-2 land use which they have now.

Staff Recommendation: Approval with the findings as listed in the agenda report.

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

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TRANSMIT THE ADMINISTRATIVE CHANGES AS DESCRIBED ABOVE AND IN THE ATTACHED AGENDA REPORT.

Item 17 Saranac Vineyards Comprehensive Plan Amendment - CPA-2005-19 Large Scale Plan Amendment (transmittal) changing 376 acres from AG-3 to AG-1

Mr. McCord gave a brief overview of the application which included the following information and called attention to the attached agenda report which describes the project in greater detail. He called attention to the policies of the Comp Plan which apply to this project.

Owners: Saranac Vineyards LLC (Gerald Dodd and Mark Penfield)

Applicant/Representative: Creative Planning Inc.

Location: East of Point Milligan Road (CR 161) and Jessica Lane, south of Salem road (CR 159) and north east of Chaff Chason Road. Parcel numbers: 2-18-3N-2W-0000-00320-0000; 2-19-3N-2W-0000-00120-0000; 2-19-3N-2W-0000-00231-0000 and all except the western 40 acres of 2-18-3N-2W-0000-00340-0000

Type of Hearing: Quasi-legislative

Type of Review: Type IV under Subsection 7204

Proposed Use: Single family homes - up to 76 units - clustered; +50% open space and conservation

Infrastructure Proposed: Individual and shared wells and septic systems

Unusual Features: Airport Strip; lake; vineyard

Staff Recommendation: Approval

P & Z Recommendation: Approval subject to findings and special conditions listed in the agenda report.

Chair Dixon called for public comments.

Roger Ashburn, adjacent property owner, addressed the Board. He voiced his concern regarding the buffer between his property and the proposed project. He said that he would like to see it preserved. At one time, he had a commitment from a previous owner to keep a 40 ft. buffer there.

He then said that the property contains several springs which will need safeguards put into place to protect the surface water. Those springs feed the 25 acre lake which was man made. He asked the Board to mandate more sophisticated septic systems than the average septic tank to insure protection to the well water.

Rodney Corville of Creative Planning of Tallahassee, FL, addressed the Board. He clarified that they were only asking for 76 lots. Any lot that is less than 5 acres in size will be offset by increased acres to conservation. Potentially impacted wetlands will be mitigated. The average lot will be 2 to 5 acres.

He said that they do plan to utilize a three stage septic tank system around the lake and the environmentally sensitive areas. That would serve to minimize the impacts. He explained that the discharge from those systems could be utilized for irrigation purposes for the individual land owner.

He also made a verbal commitment to direct the home sites and the development away from the water area. He also stated that they will install shared well systems. Instead of 76 wells, there should be only 35.

He distributed information about a three stage septic system which uses aerobic technology and a final filtration stage. It is utilized in Florida and California and it may be something that could raise the bar for septic tank usage in Gadsden County.

Dennis Miller, adjacent property owner addressed the Board. He said he had no problem with the subdivision, but he would like to see higher quality/technical septic systems installed throughout the County, not just this one. He said that proposed sewage treatment it is a much better idea than the average cookie cutter septic tank.

Shelia Gavin addressed the Board. She said that the development will probably affect her family and the Ashburns more than anyone else on the road. The interior road that is proposed in the subdivision is directly behind her house. She invited the commissioners to her house and look at the property to see how serene and pretty it is at this point. She called attention to policy 1.10.3 of the land use element and 10.10.12. She said that the size of the proposed lots will not be compatible with the existing lots which range in size from 5-40 acres.

Dan Winchester addressed the Board. He told the Board that he is working with the applicant on the project. He addressed the issue of the buffer and the conceptual plan. He said that since the Planning Commission meeting, they began revising the conceptual plat which will come back to the Board later to address the buffer issues and tree issues. He said that total acreage is over 400 acres and they are willing to revise the conceptual plan based on the directions of the Planning Commission and the BCC regarding the buffer requirements requested by the residents.

Chair Dixon called for a motion.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5-0, BY VOICE VOTE, TO APPROVE THE TRANSMITTAL OF THE SARANAC LARGE SCALE LAND USE AMENDMENT (CHANGING THE LAND USE TO AG-1) TO DCA FOR THEIR REVIEW BASED ON THE FINDINGS AS REPORTED IN THE AGENDA REPORT ATTACHED.

Item 18 Public Hearing - Thompson Comprehensive Plan Amendment - CPA-2005-20 Large Scale Amendment (Transmittal) Changing 143 acres from Ag2 to USA

Owner: Jamey Thompson

Applicant/Representative: Creative Planning Group

Location: West of Bostick Road, south of the CSX Railroad tracks and north and east sides of Harbin Road, approximately 2 miles west of Quincy City limits. Tax ID 3-10-2N-4W-0000-00300-0100

Type of Hearing: Quasi-legislative

Type of Review: Type IV under Subsection 7204

Mr. McCord told the Board that the owner is requesting the land use amendment in order to permit greater densities and

a mix of commercial, residential and industrial uses on the property similar to the surrounding area. If the land use amendment is approved, a maximum of 357 residential units can be built as well as 35 acres of commercial and 28 acres of light industrial uses.

Mr. McCord reported that there is no central water or sewer at the site at the present time. However, Talquin Water expects to extend water lines to the area very soon. Central sewer is presently under construction to the Piggly Wiggly site which is about ½ mile to the northeast of this site. There is a proposal to extend sewer lines to another nearby development - The Friends Village Subdivision which was approved earlier in 2005. There is a high probability that a new lift station will be constructed very soon.

He then reviewed the project as stated in the attached agenda report. He cited the policies and code standards and listed the findings included in the agenda report.

Mr. McCord emphasized that this property is ideal for urban service area designation because of its location. It is adjacent to the railroad and in close proximity to SR 12, US 90 and I-10. He said that the County should make sure that the opportunity is not lost to use these better lands that are located close to infrastructure in the best way, even though they might not be readily available at present. He said it would be a great place for a distribution warehouse. He stated that those types of properties are rapidly disappearing and unfortunately, in many communities, they are changing land uses from industrial or semi-industrial to residential and it is not the best idea. Once again, he encouraged the Board to "Seize the moment and insure that property adjacent to the railroad will be developed for complimentary uses to the railroad." He summarized by saying the property is ripe for development.

Until the infrastructure is in place, development would be restricted to one unit per acre. Once the infrastructure is in place, they can develop five units per acre.

The land is level, high and dry. There are no drainage issues or flood prone issues.

Other details are outlined in the agenda report attached.

P & Z Recommendation: On November 2, 2005, the Planning

Commission voted unanimously to deny the request because the infrastructure is not presently available to the property.

Staff Recommendation: Approval for USA contingent on the conditions as stated in the attached agenda report.

Chair Dixon called for public comments.

Dan Winchester, addressed the Board representing the applicant, Jamey Thompson. He introduced Angela and Cory Poole who will be the developers of the project. He addressed some of the issues raised by the Planning Commission. He made the following points:

1. The area is ripe in the near future for development because of the Friends of the Village (USA) is directly south of this piece of property.
2. Septic Issue: The applicant will commit to a package treatment system for the property if they are granted USA because it will provide adequate density to be feasible. They would be willing to provide a package treatment facility large enough to accommodate Friends of the Village. If the City of Quincy should extend services to this end of the County, they will build the package treatment plant to a standard that the City could take it over and maintain it.
3. Development Agreement: The developer would agree to a development agreement excluding any and all uses that the County felt would be inappropriate in USA category.

Mr. Winchester then said that if the Board should decide not grant USA but allow RR instead, they would still offer central sewage treatment, but could not enlarge it for Friends of the Village.

Angela Poole, developer, addressed the Board. She encouraged the Board to allow the USA designation.

Chair Dixon asked why it is inconceivable that the City of Quincy would not extend the sewer system.

Commissioner Watson said that sewer is a losing proposition for them. They make their money on electric utilities. They break even with water, but they lose on sewer.

Commissioner Holt suggested that all they would have to do is annex the area in order to get it.

Mr. McCord interjected that this is in the Talquin franchise area. He added that he was not certain if the City could negotiate with Talquin to exchange or extend certain areas.

Marion Laslie asked what the County could do to make this project work. She recalled that the lobbyist said that the City, County and Talquin need to get together and agree on some things. She said that this is a perfect example of needing to make things happen.

Allen Bostick, adjacent property owner, addressed the Board. He said that it was his family that sold this parcel and he has lived there for 63 years. He said that he would rather see site built homes than five homes per acre.

Commissioner Watson stated that he preferred option # 2 - 143 lots with the package plant that will not serve the Friends of the Village.

Chair Dixon stated that his preference would be option # 1. However he would really prefer to see the City extend the sewer line.

Mr. Winchester said that the City is already at 80% capacity. The tomato packing plant is on a private sewer line which is tied into the city sewer. They are allowing the grocery store to tie into their private line. He then said that they would like to see if they can get an agreement with the tomato plant to run a line from this property to the private line. It would indirectly tie back into the City. He said that they will continue to work with the City.

Mr. McCord cautioned the Board to be careful in what they do around the railroad tracks. He said, "We want to encourage the distribution type industry along our railroads and other uses that are complimentary to railroad uses."

COMMISSIONER HOLT MADE A MOTION TO APPROVE USA DESIGNATION WITH 4:1 DENSITY WITH A PACKAGE PLANT OR CITY SEWER, WITH THE SPECIAL CONDITION THIS FOR THIS SPECIFIC SITE THAT THEY

WOULD EXCLUDE LIGHT INDUSTRIAL AND COMMERCIAL USE. THE MOTION DIED FOR LACK OF A SECOND.

A MOTION WAS MADE BY COMMISSIONER WATSON AND SECONDED BY COMMISSIONER LAMB TO APPROVE RR DESIGNATION WITH THE SPECIAL CONDITIONS THAT THEY DEVELOP 143 LOTS WITH CENTRAL WATER AND A SEWAGE PACKAGE PLANT. THE BOARD VOTED 3-2 IN FAVOR OF THE MOTION. COMMISSIONERS LAMB, PRICE AND WATSON VOTED "AYE." COMMISSIONERS DIXON AND HOLT VOTED "NO."

Mr. Winchester stated that he was confused and asked the Board to revisit the issue. However, no one on the prevailing side of the vote agreed to revisit it.

Chair Dixon encouraged Mr. Winchester to seek out one of those on the prevailing side of the motion to see if they would be willing to revisit it at a later date.

Item 19 Suber Family Trust Comprehensive Plan Amendment -CPA-2005-21 - Large Scale Plan Amendment changing 362 acres from AG-3 to Rural Residential and Conservation (transmittal) 324 lots

Owner: Suber Family Trust

Applicant: Creative Planning Group, Inc.

Location: South side of US90, east of Pat Thomas Law Enforcement Academy and northwest of Lanier Road/US 90 intersection approximately three miles northwest of Midway. Tax ID 3-25-2N-3W-0000-00300-0000 AND 3-30-2N-2W-0000-00323-0100

Type of Hearing: Quasi-legislative

Type of Review: Type IV under Subsection 7204

Purpose: To allow density for development of single family subdivision using clustering design principles.

Pertinent Policies/Codes: See the attached agenda report for details.

Findings: See attached agenda report.

Infrastructure: Talquin water trunk line extends down US 90 to the Gadsden East High School and the Pat Thomas Law Enforcement Academy which could serve this area. There is also a force main which could be tied into to serve this property with central sewer services. However, the capacity of the sewage treatment plant is unknown, but Talquin has permits to expand the capacity to 1 million gallons.

Staff Recommendation: Approval subject to conditions as

outlined in the attached agenda report.

P & Z Commission Recommendation: Approval

Mr. McCord briefed the Commission as to the specifics of this proposed land use change as outlined in the attached report.

Public Comments:

Rodney Corville, Creative Planning, stated that this project answers many of the issues of concerns raised with other projects on the agenda earlier in the meeting. It can be developed with sanitary sewer and water. Lots will range from ½ acre to 1 acre. Based on discussion with Talquin, he said they will install a lift station and increase the size of the main and construct an overhead water storage tank.

Commissioner Holt voiced some concern regarding the proximity to the Law Enforcement Academy and the safety and noise issues associated with the academy.

There was some discussion about buffers and sound proofing measures that could be installed in the homes.

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE DESCRIBED LAND USE AMENDMENT AND TRANSMIT IT TO DCA.

Item 20 Side Walk Policy in Subdivisions

Mr. Brown recalled that the Board has engaged in numerous discussions about when the County should require developers to construct sidewalks in new subdivisions.

Mr. McCord stated that he has tried to identify existing policies in the Comp Plan and the Land Development Code which encourage and require or stress the importance of providing sidewalks, particularly in more densely developed areas. He said that it is very sketchy and there is a need for a more definitive policy.

He said that he has tried to administratively apply the standards to what he has considered to be the intent of the

policy. He asked for the authority to work to specify a policy.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSISONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE GROWTH MANAGEMENT STAFF TO PREPARE AN ORDINANCE AMENDING CHAPTER 5 SECTION 5600, SUBSECTION 5605 AND CHAPTER 6, SECTION 6100 ADDRESSING SIDEWALK DESIGN AND CONSTRUCTION STANDARDS INCLUDING IDENTIFYING LAND USE CATEGORIES OR SITUATION WHERE SIDEWALKS SHALL OR SHALL NOT BE REQUIRED.

Item 21 Energy Savings Performance Contracting

Mr. Brown reported that the staff has been researching methods to address more cost effective means of managing county owned facilities. Performance contracting would be a comprehensive county-wide program to address facility and infrastructure needs. This program would provide building and environmental improvements, reduce energy consumption and operational and maintenance costs. The vendor would guarantee performance and savings at no risk to Gadsden County. There is no up-front costs to the County. It is based upon a self-funding approach. The improvements are paid from energy and operations & maintenance savings directly related to the facility improvements. He then asked for authorization to issue a Letter of Authorization to Honeywell for a Performance Contract Investigation.

Commissioner Watson asked when the County would begin to save the money.

Arthur Lawson said that once the investigation is completed, a representative from Honeywell will come before the Board and make their findings known. He went on to say that they will do such things as replace lighting, heating systems, etc. Once those things are in place, the savings will be immediate. It should begin to pay for itself once the equipment is installed. He said it would probably be a long term contract - possibly 10 years. For instance, if they install a new chiller, it might take 7 years to realize the payment for the chiller, the other 3 years will be savings coming back to the County.

Once again, he said that once they develop the program, they will be able to give the Board a breakdown - building by building - as to what improvements will be needed, what the savings will be and when the County will begin to

realize something back from that particular program.

It was clarified that a contract will come back to the Board for approval.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE LETTER OF AUTHORIZATION AND PIGGY BACK ON THE CONTRACT WITH THE CITY OF TALLAHASSEE.

Item 22 Proceed at Risk Letter/Advance Funding - McDaniel's Piggly Wiggly Store

The Gadsden County BCC submitted an application to United States Department of Agriculture (USDA) under the Rural Business Enterprise Grant (RRBEG) on behalf of Mr. Kevin McDaniels, owner of the Piggly Wiggly in the amount of \$266,877 for construction of a storm water retention pond, sidewalks and a turning lane. The grant application with the USDA is in the pre-application stage. Receipt of the funds is not timely enough to allow the construction to proceed in a timely manner.

Mr. McDaniels requested that the Board allow him to "proceed at risk" and asked that the County advance him the \$266,877 to be repaid if and when the proceeds of the grant are received. If the grant is not forthcoming, the developer would then secure a low interest loan to repay the County.

Commissioner Dixon stated that this is the type of thing that he envisions when he talks about investment in economic development. He said that the jobs are coming to Gadsden County and he looks at it as though it is an investment. He commended the staff for their efforts.

A MOTION WAS MADE BY COMMISSIONER HOLT AND SECONDED BY COMMISSIONER PRICE TO AUTHORIZE THE COUNTY MANAGER TO SEE WHAT OPTIONS ARE AVAILABLE TO THE COUNTY AND TO MR. MCDANIELS THEN BRING THE MATTER BACK TO THE BOARD FOR APPROVAL.

Commissioner Watson was opposed to the proposal. He rationalized that it was the same thing as making a loan to Mr. McDaniels. He said that there is no guarantee that the County will get its money back. He said that it is not a good idea to get into the practice of fronting money. He suggested that the developer go to the bank and borrow the

money and if the grant is forthcoming, the loan could be repaid. He said it was too risky for the County to loan the money to Mr. McDaniels.

Commissioner Lamb stated that he did not want to set a precedent to loan money.

THE BOARD VOTED 4 - 1 IN FAVOR OF THE MOTION ABOVE.
COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.

Mr. Brown asked for the authority to move forward with getting bids for the construction.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO AUTHORIZE THE COUNTY MANAGER TO MOVE FORWARD WITH BID ADVERTISEMENTS AS DESCRIBED IN THE AGENDA REPORT. COMMISSIONER WATSON CAST THE LONE DISSENTING VOTE.

Item 23

Bill McGill Library Signage and Plaque

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE OPTION D AS DESCRIBED AND DEMONSTRATED IN THE AGENDA REPORT HONORING FORMER COMMISSIONER BILL MCGILL.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO HAVE THE WALL PLAQUE MIMIC THE STREET SIGN FOR THE NEW LIBRARY.

Item 24 Approval of Community Development block Grant (CDBG) Award Agreement 06-DB-3K-02-30-01-E08 CFDA Number 14.228 \$489,986 TO EXTEND SEWER SERVICES TO I-10 HAMPTON INN AND HOLIDAY INN

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED GRANT AGREEMENT AND AUTHORIZE THE CHAIRMAN TO EXECUTE THE AGREEMENT.

Item 25 Vehicle Lease Agreement with GMAC for County Manager's Vehicle

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE LEASE AGREEMENT FOR THE COUNTY MANAGER'S CAR.

Item 26 Approval of DCA Planning Grant/Contract \$15,000.00
Capital Improvement Element

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED GRANT AGREEMENT.

Item 27 Request to Hold Attorney/Client Closed Door Meeting on
Tuesday, November 29, 2005 6:00 P.M. Ashford Healthcare
Inc. and Special Meeting FY 2005 Close-out on Budget on
November 29, 2005 at 6:30 p.m.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED MEETINGS.

Citizens Requesting to Be Heard

Tom Davis of the Mt. Pleasant community addressed the Board regarding firearms being discharged in their community. (Iola Davis Lane and Tommy Davis Drive) They requested that the Board make an investigation to determine whether high powered rifles are being used for hunting on the property adjacent to them. He made it clear that they are not opposed to hunting, but they are concerned about safety. If it is concluded that high powered rifles are being used, he asked that the Board act to place a cease and desist order and prohibit the use of high powered rifles.

Mr. Williams told the Board that he has already begun working on an ordinance pertaining to the issue.

Commissioner Lamb said that he had already brought the matter to the attention of the Board.

Commissioner Holt said that her concern was about shooting so close to the Davis's houses.

Ms. Janie Southerland addressed the Board. She said that she also lives in the community and could attest that the rapid firing of some type of weapons is going on. She said that she called 911 on one occasion, but no one ever called her back to confirm that they checked it out.

The county attorney was instructed to contact the Sheriff's office to see if the matter was investigated.

Commissioner's Reports

Commissioner Lamb had nothing to report.

Commissioner Watson had nothing to report.

Commissioner Price had nothing to report.

Commissioner Holt asked Mr. McCord to get some information about light commercial and light industrial in site specific zoning for her. She said they are doing that in Orange County based on need for the County and not individuals.

She then asked when they would have another meeting on developments and land use changes.

Mr. Brown stated that a meeting could not occur until February, but the staff will continue to work on the issues related to the moratorium and then come back to the Board with options.

She asked if there was much more coming forward.

Mr. McCord replied, "Oh, yeah. We've always got a lot coming forward. We are not accepting any more large scale land use amendments other than public land use amendments...We still have a lot of development of subdivisions coming on line and coming in for review that don't require land use changes."

Chair Dixon had no report.

Adjournment

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

Edward J. Dixon, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

AT A SPECIAL MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY FLORIDA ON
NOVEMBER 28, 2005, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: Edward J. Dixon, Chair
Brenda Holt, Vice-chair
Derrick Price
Thornton Williams, County Attorney (arrived late)
Paul Sexton, Deputy County Attorney
Marlon Brown, County Manager
Muriel Straughn, Deputy Clerk

ABSENT: Sterling Watson
Eugene Lamb

CALL TO ORDER

Chair Dixon called the meeting to order announcing that it was a special meeting. He then turned the meeting over to County Manager Marlon Brown.

Ashford Health Care Systems Update

Hiring of Ron Mowery, Bankruptcy Attorney

A court reporter was not present for this meeting, therefore it was not closed to the public even though it was advertised as a private attorney/client session.

Mr. Williams arrived at this juncture of the meeting. He reported the following:

There are three pending law suits relating to Ashford. One is a bankruptcy in federal court. Another suit was filed by Ashford against the County for \$7 million which they claim is what the County owes them for indigent care. The last one is dealing with the eviction of Ashford from the premises. He reported that the eviction issue and the indigent issue are stayed pursuant to the outcome of the bankruptcy proceedings.

He then reported that the bankruptcy has taken on a much more aggressive type of litigation than he had anticipated. He then asked for authority to hire an attorney who specializes in

bankruptcy law to represent the county's interest. He recommended Ron Mowery.

He also reported that Ashford has been extraordinarily aggressive in attempting to catch the County by surprise in their legal pursuits. He said that Ashford has attempted to gain access to the hospital 24 hours a day. The County has taken the position that they could gain access during normal working hours (8:00 a.m. - 6:00 p.m.) unless they provide justification. As a result, Ashford has filed a motion in Bankruptcy court to hold the County in contempt of court for lack of access. Because of the tenor of their aggressiveness, he felt that the County would be better served by a bankruptcy attorney.

Mr. Williams then stated that Mr. Mowery's rate is \$150.00 per hour for the present time. However, once he is on board, Mr. Mowery will submit a budget that will be brought forward by the County Manager for the Board's approval.

Commissioner Holt supported hiring a bankruptcy attorney, but she asked, "Since we were not on the list of creditors, how is that handled? Sometimes it is good not to be on there because if you are not listed, you may be able to go after them later... Since we are not listed, how will that affect us?"

Mr. Williams answered, "I am not sure...In our case, we have a lease arrangement. Under Section 362 of the Code, the immediate filing of the petition, the action saying they to be in bankruptcy, puts a stay in place on all legal matters. So, it doesn't matter that we are listed as a landlord and not a creditor. We can't go forward with the lawsuit. If we were to try to do anything on the lawsuit, a legal document called "Suggestion of Bankruptcy" is filed in court, and when it is filed, you can't do anything...We are in there - how we are listed and what it means is what we want Ron Mowery to help us figure out."

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY ATTORNEY TO HIRE RON MOWERY TO REPRESENT THE COUNTY IN THE ASHFORD BANKRUPTCY PROCEEDINGS PURSUANT TO THE DISCUSSION ABOVE.

Request for Closed Door Session on Progress Energy Litigation

Mr. Williams stated that he is prepared to provide the Board with information to brief the Board on issues relating to Progress Energy. He asked for authority to set another closed door session on both Ashford and Progress Energy at a subsequent time to be determined.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 0, TO HOLD A CLOSED DOOR ATTORNEY CLIENT SESSION ON THE PROGRESS ENERGY AND ASHFORD HEALTHCARE SYSTEMS AT A SUBSEQUENT DATE TO BE DETERMINED.

Thompson Comprehensive Plan Amendment - CPA-2005-20 Large Scale Amendment (Transmittal) Changing 143 acres from Ag2 to USA

Mr. Price stated that he has reviewed the tape of the November 15, 2005 meeting when the above stated amendment was proposed. He said that he had misunderstood the issue even though he was on the prevailing side of the motion. He asked that the Board reconsider it at next regular meeting at a public hearing on December 13, 2005

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO RECONSIDER THE ABOVE STATED LAND USE AMENDMENT AND SET IT FOR A PUBLIC HEARING ON DECEMBER 13, 2005.

Continuation of Update on Ashford Healthcare Lawsuit

Mr. Williams reported that there was a four-hour injunction hearing before Circuit Judge Reynolds. At the conclusion of the hearing, the judge granted exactly the same thing which the County had offered Ashford from the beginning - they got no keys to the building - the County has all of the keys and they were granted reasonable access which the County had already offered. They got no more and no less than what the County had already offered them before. He said that the County has done well so far.

Williams:

They (Ashford) have been "generous" in their statements about "where we are and what it means, but, fortunately, the Court has been able to see the merits of everybody's position. I am trying to say that as delicately as I can.

The latest bankruptcy petition that they filed, they were complaining about our actions about not having a key. They stated that the reason they are in bankruptcy is because we

didn't resolve this \$7 million lawsuit that they just filed three or four months ago. So, we, ah

Dixon: You say generous, do I have to say generous?

Williams:

I think it would be good to say that. But, the long story short - In legal matters, it becomes a series of battles. You can win some and you can lose some, but the war is what counts. Fortunately, we have prevailed so far. I am very comfortable with where we are. Quite candidly, it is not our job to be flamboyant. Mr. Chairman, as you know, from the day we started this thing, you said one thing and one thing only, "It's about quality healthcare in Gadsden County - that is our mission."

"Ashford had the opportunity to provide that. It has been demonstrated that their ability, whether their commitment is there or not, is not in place. The question is how do we get quality healthcare. So, the litigation that we have done has been designed to get the County into a position to provide the County with long term quality healthcare for Gadsden County. I guess because of their poor performance in the past, that is still out as much as anything they have said."

Dixon:

I have never been so well informed as to what the County's position was and the other side's position, actually. I think you guys are doing a stellar job. Absolutely, on every front and I know you've got some big fronts. I just want to publicly say and I am sure on behalf of the other commissioners, how very proud we are for your delivery, not only in the courtroom, but in keeping staff abreast and the public abreast of what is a very complicated situation and becoming more complicated as time goes on. It is very clear that you guys have a handle on things and the County is more than well represented. So, thank you all. And I know we are going to pay you, but the thanks are free."

Budget Amendments OMB-BA#05001 A Pages 1-4

OMB-BA#05001 B

OMB-BA#05001 C

OMB-BA#05001 D

OMB-BA#05001 E

OMB-BA#05001 F

OMB-BA#05001 G

OMB-BA#05001 H

Resolution 2005-026 adopting the above number amendments

Budget Manager Davin Suggs introduced the above named amendments. He explained that they are year end close-out amendments. He explained each one.

He said the FL Statutes allow for amendments to the previous fiscal year budget within 60 days of the close of the fiscal year in order to close out all accounts and make certain that the year ends with a balanced budget as required by Law.

He described them as follows:

Attachment A - interdepartmental line item transfers in general fund - balanced between departments

Attachment B - recognizes unanticipated or additional revenue in the general fund and uses it to balance the remaining departmental budget within the general fund.

Attachment C - Fine and forfeiture fund - realizing unanticipated revenue to provide assistance to the Sheriff

Attachment D - County transportation fund - interdepartmental transfers to balance the department

Attachment E - Supervisor of Elections - interdepartmental line item transfers

Attachment F - EMS- interdepartmental transfers

Attachment G - transfers and other type of amendments

Mr. Suggs explained that the amendments will serve to build up the general fund balance.

Attachment H - Balances out grant funds for 2005

Mr. Suggs stated that all of the county funds will be balanced with existing or unanticipated revenue and it was not necessary to dip into the fund balance to balance out the year 2005. He closed by saying, "I know three months ago, everybody was worried about running out of cash and wondering if we were going to be in the red or whatever. Technically, even though we had a lot of balancing to do, we finished in the black. So, everything was paid."

"In the general fund departments, we did finish at 100.5% of budgeted expenditures, which was .5% over our budget for expenditures. In the general fund revenues, we finished at more than 102% over budgeted revenues. So, the net affect is we made more money than we spent. So, that is what you have to look at. We will be putting management in place and there is just so much you can do, like this year with the hospital, we will have to adjust and watch our expenditures, but things will happen

throughout the year and when expenditures move higher than the budget, we'll have measures in place so that we can stay within our budgeted expenditures. That is just more money that we will realize for our fund balance as our revenues grow higher than the budget.

As a part of revenues, you will often find that revenues will come in higher than budgeted. The State requires that you only budget only 95% of your revenues. So we'll take protective measures to protect us from ourselves.

We should expect some significant growth in fund balance in our next 3 - 4 year plan.

As to the Sheriff's budget, the County will be able to help the sheriff without putting the County in a financial hardship. There will be adequate funds to make additional transfers to the Sheriff so that he can close out his 2005 budget."

He requested the following:

Approve the resolution and the budget amendments described above.

Authorize Clerk's office to make the additional transfer to the Sheriff so that he can close out the fiscal year.

Authorize the OMB office and Clerk's office to make administrative corrections and changes as necessary within the next 2 days in order to close out the year.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE OPTIONS 1, 2, 3 AS STATED ABOVE BY MR. SUGGS.

Mr. Brown asked the Board to authorize Mr. Suggs to continue to work with the Sheriff on his 2006 budget and develop a 3 - 4 year budget plan for the Sheriff.

There was no motion made, but there was a consensus that Mr. Suggs should continue to work with the Sheriff on the 2006 Budget.

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

Edward J. Dixon, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

AT A JOINT MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, CITY OF QUINCY
COMMISSIONERS AND THE AIRPORT AUTHORITY
HELD IN AND FOR GADSDEN COUNTY, FLORIDA
ON DECEMBER 6, 2005, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

County Commissioners present were: Edward J. Dixon, Brenda Holt, Eugene Lamb, Sterling Watson, Derrick Price, Thornton Williams, (County Attorney) Marlon Brown, (County Manager) Muriel Straughn (Deputy Clerk)

Airport Authority members present were: Earl Lodge, Don Sirmons, Charles McClellan, Michael Jordon, Acting Vice-chairman

City of Quincy City Commissioners present included: Sherry Taylor, Mayor, Andy Gay, Finley Cook, Keith Dowdell, Willie Earl Banks, (Quincy City Manager) Jack McLean (City Attorney)

CALL TO ORDER

The meeting was called to order by County Commission Chair Dixon. He then explained that this meeting is held annually in compliance with the act of the Legislature which established the Gadsden/Quincy Airport Authority. He then turned the meeting over to Michael Jordon.

Mr. Jordon reported that they just completed an audit as of September 30, 2005 and the airport is in good financial condition. (A copy was filed with the Clerk.) He reported that they had just completed a new five-hanger unit which will complete the expansion potential until more property can be obtained. A new security gate was installed in compliance with new homeland security mandates. There will be a new beacon installed soon.

He thanked both the Board of County Commissioners and the City Commissioners for their past, present and future support of the airport.

There was some discussion regarding what an asset the airport is to the City and the County in terms of attracting economic development.

Mr. Lodge stated that when the airport authority was first formed, the airport itself housed only 6 planes and employed

only one person. He said that there are now 50 planes housed there and they employ three full time mechanics. There are 30 light meters, 6 water meters installed on site. He then made encouraging remarks about the future for the airport.

Commissioner Lamb stated that he had visited the airport and was very impressed with what he saw. He said that he thought that it serves a great purpose and wants the Board to support it. He was complimentary of the landscaping and the airport appearance.

Mr. Banks asked if there was a plan to correct the erosion problems that exist.

Mr. Sirmons replied that they had received a grant to correct it, but the first step will be to conduct an environmental erosion study. He said they would begin the mitigation once they get the results of that study and the consultants make their recommendations.

Chair Dixon asked if they had ever acquired more land so they could extend the runway.

Mr. Sirmons answered that they would begin the task of acquiring more land by first performing a survey of the pilots in the area to determine the need and the extent of services they would utilize. The authority determined at the last meeting that they would like to move forward with purchasing land to the north side of the current property. He said there are environmental issues and power line issues with which they must contend. He expected that it would take five to six years for the expansion to become a reality.

Commissioner Lamb said that he would like to see the School Board and the airport staff coordinate some field trips for students and raise their interest in flying and airplanes.

Mr. Banks commended the authority for the progress and improvements they have made over the last several years.

There being no other business before the boards, Chair Dixon declared the meeting adjourned.

Edward J. Dixon, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA ON
DECEMBER 6, 2005, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: Edward J. Dixon, Chair
Brenda Holt, Vice-chair
Eugene Lamb
Sterling Watson
Derrick Price
Thornton Williams, County Attorney
Marlon Brown, County Manager
Muriel Straughn, Deputy Clerk

Invocation and Pledge of Allegiance

Chair Dixon called the meeting to order. Commissioner Lamb opened with a prayer and Commissioner Watson led in pledging allegiance to the US Flag.

Amendments and Approval of the Agenda

The agenda was amended as follows:

Removed: Item #16 Financing Approval for USDA Rural
Business Enterprise Grant - McDaniel
Infrastructure

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

Awards, Presentations and Appearances

Item 1 Presentation to the Gadsden County Extension Service

Mr. Brown recognized the Extension Service staff for winning first place for their booth at the 2005 North Florida Fair. The booth was designed and set up by the staff of the Gadsden Extension Service.

Alex Bolques addressed the Board. He said the plant materials used in the booth were donated by the various nurseries in the county and the tomatoes were donated by farms in the area. In addition, the Chamber of Commerce

donated the use of their historical pictures.

He described the theme, "Fun, The Way It Used To Be". He said it is the first time Gadsden County has ever received a first prize for their booth.

Yolanda Goode, 4-H and Youth Development Coordinator, addressed the Board. She told the Board that the Senior 4-H Agricultural Judging Team also won first place for judging. She introduced Annalise Jordon, Stirling Lake, Evie Blount, Amanda Jordon, and Whitney Jordon. Other team members not present were Cody Granger, Cassie Martin, Ethan Moore, Kenneth Moore, Jacquelin Grant, Jake Moore.

Chair Dixon called for the Board to stand in recognition of their accomplishment. There was applause from the audience.

Item 2 EMS Inspection by Department of Health, Emergency Medical Services (EMS)

Mr. Brown then told the Board that EMS was awarded an excellent inspection with no deficiencies with the exception of one area. He introduced Brian Beasley, EMS Director.

Mr. Beasley told the Board the department had an unannounced inspection by the Department of Health, EMS Bureau. He said the only deficiency noted was that there was no record of the medical director's hours of service. The deficiency existed because Dr. Furlow has been quite ill recently. He stated that the deficiency was promptly corrected and they received a letter of compliance on the deficiency from the DOH on November 18. Other than that, all equipment and records were found in good order.

Mr. Brown reported that the EMS staff still has a truck parked on site at the hospital 24 hours a day. They have been there since the hospital closed in order to handle walk up emergency care and provide transport services if necessary.

Mr. Beasley said they continue to have people to come to the hospital, especially from the Hispanic community.

He reported that he has contacted someone in the Hispanic community who is working with him to get the word out that the hospital is closed for the present. Until it re-opens, EMS will continue to be on site.

Item 3 Escambia County Housing Finance Authority - Single Family Mortgage Revenue Bond Program for First Time Homebuyers

Ms. C.J. Pipkins addressed the Board. She told them that the Authority is going to extend the 2004 bond program because it has a very attractive interest rate. She said there are 19 counties in the State participating in the bond program.

She added that the local banks utilizing the bond program are Capital City Bank, Peoples First and SunTrust. She said the interest rate is 5.39 % fixed rate for 30 years. She also said there is a \$10,000 down payment assistance available with 0 points. The household income can be as high as \$57,700 for 1-2 members and \$66,355 for those households of 3 or more.

She was puzzled as to why the participation in Gadsden County has been slow. She urged the Board to help her reach the first time home buyers who can take advantage of the low interest and down payment assistance.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISISONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ACCEPT THE 2004 EXTENSION OF ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY'S SINGLE FAMILY MORTGAGE REVENUE BOND PROGRAM AND AUTHORIZE THE STAFF TO INFORM BUYERS OF THE PROGRAM.

Item 4 Havana Northside High School Buildings and Property

Mr. Vernell Ross addressed the Board. He told them that his organization was attempting to preserve the history and legacy of the Havana Northside High School and make it a community resource of which the community could be proud. Keeping that in mind, they formed a 501C-3 non profit organization in 2002. They are making efforts to obtain the building and take on the responsibility to see their vision become a reality. He went on to say that they were not in a position at this particular time to take on the financial responsibility for the

building, but they are partnering with a number of agencies which will utilize the building for various programs. He asked the Board to become a partner in the effort to obtain the building.

Phyllis Moore, Vice-president of the committee, addressed the Board. She asked the Board to help by contacting the School Board on their behalf and do whatever they could do to help the committee obtain the building.

Ms. Nora James addressed the Board. She stated that the building can become an asset to the County.

Mr. Ross stated that they could not accept the building until the proper financing is in place to make their vision a reality.

William Chukes said that the facility would allow them to provide services to children.

Linda Contreras, associate director for the Center for Health Equity at Florida State University, addressed the Board. She said that there are many partners in this effort. FSU is providing technical assistance and they are facilitating the process for the community. FAMU Institute of Public Health is another partner involved in the process. She said that FSU would be bringing a \$3 million grant for services to the facility if the process is successful.

Commissioner Holt clarified that they are asking the County to partner with them to secure the building from the School Board, then lease it to them.

Commissioner Dixon said that he had attended the open house and he left with the feeling that it would be a tremendous opportunity to preserve the legacy and bring it into the future as well.

Commissioner Price stated that he felt it would be a worthwhile endeavor. He asked Ms. Saunders to look into doing something similar for Southside in Chattahoochee.

Commissioner Lamb said that he has attended many of the committee meetings. He stated that the concept will serve the entire County in that many programs will be

established at the site. He supported it 100% and encouraged the Board to do the same.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, TO AUTHORIZE THE STAFF TO WRITE A LETTER TO THE SCHOOL BOARD INFORMING THEM OF THE DESIRE OF THE BOARD AND THE COMMITTEE TO OBTAIN THE HAVANA NORTHSIDE SCHOOL BUILDING. IT WAS FURHTER MOTIONED THAT THE STAFF SHOULD MEET WITH THE COMMITTEE TO SEE WHAT OPTIONS THEY SHOULD PURSUE RELATIVE TO ACQUIRING IT. STAFF WAS INSTRUCTED TO BRING A PLAN AND STRATEGY BACK TO THE BOARD FOR FINAL APPROVAL.

Consent Agenda

Commissioner Holt asked to pull Item 11 for discussion.
(Approval of Material Long Hauling Bid)

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF ITEM # 11 TO WIT:

Item 5 Approval of Minutes

November 1, 2005 Regular Meeting
November 7, 2005 Emergency/Special Meeting
November 9, 2005 Special Closed Door
Attorney/Client Session

Item 6 Special Assessment Liens SHIP Down Payment/Closing Costs Assistance

Venica S. Brown
Matilda Mayo
Tiffani Wright

Item 7 Special Assessment Liens CDBG Rehab

Isabelle Miller
Maisie Norwood

Rehabilitation Contracts

Maisie Norwood
Isabelle Miller

Item 8 Bid Award #05-23 for Robertsville Fire Station -

Awarded to Concrete Services of Quincy for
\$198,455.00

Item 9 Bid Award #05-21 - Tanker Truck for Robertsville VFD

Awarded to Fire Fighting Innovations of Callahan, FL for 139,714 with a credit if chassis is paid for when it is delivered to the factory. To be funded through a grant from US Dept of Homeland Security for \$131,000.

Resolution 2005-025 and Budget Amendment OMB-BA#06003

Realizes grant award of \$131,000 and transfer of \$6,900 matching funds from fire services to new machinery and equipment

Purchase Approval of IT Consulting Services to Develop and Implement IT Strategic Plan

Authorize staff to solicit and purchase IT consulting services and authorize the Chairman to execute agreements for consulting services that are purchased for the above.

Item 10 Approval of Gadsden County Public Library Plan of Service 2005-2006

Item 11 Approval of Material Long Hauling Bid # 05-20

COMMISSIONER HOLT MADE A MOTION TO AWARD THE BID TO TWO COMPANIES - DUPONT TRUCKING AND A.M. SUNDAY AND SONS. COMMISSIONER PRICE SECONDED THE MOTION.

Public Works Director asked for clarification about what rate to pay the vendors.

Commissioner Holt suggested that the amounts be added together and divided by two.

Mr. Brown suggested that staff should contact Dupont to see if they are willing to negotiate on lowering their bid so that the contract can be split.

Commission Lamb questioned whether that can be accomplished in view of time constraints.

Commissioner Watson asked if they could legally do that.

The following was clarified for the record:

1. The RFP was advertised and six companies responded.
2. The Bid Committee met and recommended awarding it

to A.M. Sunday at \$46.50 per hour as the lowest bidder.

3. Dupont Trucking, Inc. bid \$54.00 per hour.

Commissioner Lamb asked, "If you split it, it's not going to save us any money. Why are splitting it?"

Commissioner Holt responded, "The reason - that's my motion to split those bids - it's because over the years, that contract and others have not been bided out at all. They were given out to companies that someone felt should have had those bids. I don't know why they felt that. So, now, my rationale for doing this is to make sure that some of those smaller ones are able to go after some of those contracts with the County. We're saving money anyway because we are going after some of the lower bids. We are also allowing some of those Mom and Pop companies to be able to go in and support their families and their employees. So, we're not just looking at it from now on - not just giving it to the lowest bidder. In some cases, they haven't bid it at all. This is one of those contracts that was just written - it wasn't bided at all."

Commissioner Lamb contended that the bid was bided.

Commissioner Watson asked, "Why those two? Why not give anybody else the opportunity?"

Commissioner Holt answered, "That's my motion and there was a second."

Commissioner Watson replied, "Why not C.W. Transport and Terry's Trucking - why pick DuPont?"

Commissioner Holt answered, "Well, Commissioner, I'm going to tell you just like this. I wondered why they were split before when they were split before, but, I don't want to get into that because then you got to get into name calling. What I want to look at is this - I want to look at splitting it between two. I have not seen them hauling for the County before. One was recommended and two or three of the others, I'll be quite honest with you, I had to go around and say to them, "Will ya'll please bid. Please start bidding on these contracts..."

Commissioner Lamb contended that "We are opening up a can of worms, I believe, because we are splitting bids now whereas in the past, "

Commissioner Holt said, "Someone on the staff just felt like giving it to them and it was not bid out at all and it was done that way over the years."

Commissioner Watson said that he could not recall it being done that way before.

Commissioner Holt contended that it was done year before last and possibly again last year. She declined to be specific.

Again, Commissioner Lamb attempted to reason that it was bid out this time and it should be awarded to someone on the list at the price they proposed. He summarized by saying, "I don't want to get into messing with the bid process. We are doing some things here that doesn't look good. It is just that simple. We have a process right now. Let's follow the process. It was given out right. It was bid right. Now, we are going back and changing things. It doesn't look good. That is all I am saying."

Chair Dixon called for a vote on the motion to split the bid.

**THE BOARD VOTED 3 - 2 IN FAVOR OF THE MOTION.
COMMISSIONER HOLT, PRICE AND DIXON VOTED "AYE."
COMMISSIONERS LAMB AND WATSON VOTED "NO."**

PUBLIC HEARINGS:

**Item 12 Conceptual Plat for The Grove Subdivision Phase I
Major Subdivision (SD-2005-13) 33 single family lots.**

Mr. Bill McCord, Growth Management Director, was administered an oath by Muriel Straughn, deputy clerk, as to his testimony in matters before the Board at this meeting.

Owner: JLT Development, LLC

Applicant/Representative: Jaks Engineering, Inc.

Description & Location: 33.95 acre parcel within the

RR land use category proposed for a subdivision located on the east side of Bostick Road (CR 274) ½ mile of the CSX railroad track and ½ mile south of US 90 West, approximately two miles southwest of Downtown Quincy. The land was formerly a part of a 421 acre parcel formerly owned by St. Joe Timberland Company. OR Book 256, pages 701, 707, 709. The applicant was approved for The Grove Minor Subdivision on August 8, 2005, which included this property now under consideration for this subdivision and six other one-acre lots located along the north side of Frank Jackson Road. The Grove Major Subdivision will represent a replat of Lot 7 to the Grove Minor subdivision. See the agenda report for further details.

Type of Hearing: Quasi-judicial hearing as a Type II plan per Subsection 7202 of LDC.

Mr. McCord reported that he has some concern about the subdivision design. It is designed with two streets ending in cul-de-sacs which enter from Frank Jackson Road. The streets do not interconnect as required by Code. The applicant will pursue a variance request rather than design the street system per the Code. He then stated that the applicants do not want to install the sidewalks within the subdivision.

Staff Recommendation: Approve the conceptual subdivision plan for "The Grove, Phase 1" Subdivision (SD-2005-13) on a 33.95 +/-acre parcel (Tax Parcel #3-15-2N-4W-0000-00211-0100) consisting of a one sheet plan (Sheet number 1 of 1 1-4) prepared by George E. Gunn, Jr. Surveying and Mapping of Tallahassee, Florida with PSR No. 387-04-05, dated October 4, 2005 based on the above referenced findings and the following conditions:

1. At the time of Final Plat approval convey open space tract (Tract A) and the storm water maintenance facility tract (Tract B) to the Homeowners Association.
2. Provide a copy of a conceptual utility layout as required by subsection 60003. D. 7, Gadsden County Land Development Code.

3. Provide a code required street interconnection design that meets the intent of subsections 5611 A. 5, 6 and 7, including an indirect local street configuration that provides at least one street connection to Frank Jackson Road and a stub street to the property to the east.
4. Provide sidewalks along all street frontages (on one side of the street) per Subsection 6005.
5. Title the subdivision "Re-Plat of Lot 7, The Grove Minor Subdivision," or "The Grove, Phase II."

Mr. McCord explained that the applicant will be requesting variances which will have to meet the requirements for a variance in the Code. He advised against granting of a variance.

See the attached agenda report for other details.

P & Z Commission Recommendation: Add additional finding # 4 - "The Commission finds it is necessary to provide alternative access points to the subdivision for the convenience of emergency vehicles." They recommended that the subdivision be redesigned to allow ease of access for emergency vehicles to and from Frank Jackson Road (either direct or indirect routes) by adding an alternate access point while maintaining all codes and standards for subdivisions. They approved the conceptual plat subject to the 5 special conditions listed in the agenda report and the additional special condition stated above.

Lex Thompson addressed the Board on behalf of the applicant Jamey Thompson. He was administered an oath by Muriel Straughn, deputy clerk. He told the Board that the lots are under contract with Corey and Angela Poole who want to build affordable housing on them. He demonstrated the lots on the map. He said they have requested that the subdivision not open up to Frank Jackson Road because there have been some serious problems with theft and drug trafficking along Frank Jackson Road. He said they did not want that kind of traffic going through the new subdivision.

He then asked that the Board not require the sidewalks within the subdivision because they are trying to keep the price of the homes as affordable as possible.

Chair Dixon argued that the property diagonally across from this property is designated urban service area which indicates a direct need for sidewalks. He rationalized that this entire area will become urbanized and will need the sidewalks.

Mr. Thompson argued that the lots in the proposed subdivision are much larger lots and they will have no through traffic. There will not be fast traffic and people can walk in the streets. He said that the USA subdivision will have sidewalks.

Cory Poole was administered an oath by Muriel Straughn, deputy clerk.

Discussion followed.

Chair Dixon contended that this subdivision is close enough to the City for the utilities to be extended and he was opposed to putting septic tanks in that subdivision for that reason. Especially in view of the fact that a package plant is being installed on the property across the street. He was opposed to the subdivision without central sewer.

Mr. Poole said that the demand for housing is present and it will take up to two years to get the infrastructure in place for the sewer.

Mr. Thompson argued that Talquin has the utility franchise and it presents a problem in that the city does not want to extend services when they can't supply the electricity.

Chair Dixon stated that he was aware of the franchise and he is committed to trying to resolve that issue.

Mr. Thompson urged the Board to not stall the development for 2 years because of the septic issue. He contended that people need the housing.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 3-2, BY VOICE VOTE, TO APPROVE THE CONCEPTUAL PLAT AS PRESENTED WITH SPECIAL CONDITIONS A, B, AND E BUT DELETE SPECIAL CONDITIONS C AND D (NO SIDEWALKS AND GRANT THE VARIANCES FROM THE LDC WITH REGARD TO THE STREET ACCESSES) COMMISSIONERS WATSON, LAMB AND PRICE VOTED IN FAVOR OF THE MOTION. COMMISSIONERS HOLT AND DIXON OPPOSED THE MOTION.

**Item 13 PUBLIC HEARING - PRELIMINARY PLAT - Winkley Creek
Subdivision - SD- 2005-05 (19 lots)**

Bill McCord was administered an oath by Muriel Straughn, deputy clerk.

Owner: Jim Slack

Applicant/Representative: Eddie Bass of Moore-Bass Consulting Engineers

Type of Hearing: Quasi-judicial

Type of Review: Type II per Subsection 7202 of LDC This is the second of four stages required for review and approval of the subdivision.

Location: 39.61 acre parcel with a current land use of RR. The property is located on the south side of CR 161 (Point Milligan Road) just east of the intersection of SR 12 and CR 161 approximately three miles east of Downtown Quincy. Tax ID # 3-4-2N3W-0000-00144-0500 The property is on the extreme eastern edge of the City of Quincy Service area and

Previous Hearings: P/Z Conceptual Plat on July 6, 2005; BCC Conceptual on August 2, 2005; P & Z Commission on November 2, 2005

Mr. McCord gave a brief description of the project as contained in the attached agenda report.

Mr. McCord pointed out a number of findings in the agenda report which they should consider in reaching their decision.

He recommended that they approve the preliminary plat with conditions of approval as listed on pages 7-9 of the agenda report and as stated below.

Special Conditions:

1. Since the development is located in the RR land

- use category and lots will be smaller than one acre in area, sidewalk shall be required. Provide a sidewalk or bond sidewalk along CR 161 as required by Section 5605 and 6500. Sidewalks shall be indicated on the construction drawings.
2. Gadsden County over any portion of the property determined to be wetlands and convey any open space tracts to the Homeowners Association.
 3. Amend the plat so that lot lines shall not extend into the wetlands (Conservation/drainage easement) areas, except for Lot 6, unless approved by the Board of County Commissioners.
 4. Provide access from the Winkley Creek Court right-of-way to Tract A. This may be provided across the storm water management area.
 5. Provide a drainage easement from Tracts C and Tract D across lots 5 and 6, Block B and Tract A which include conveyances from the detention ponds to the conservation/drainage easements.
 6. If mounded septic systems are required on more than one lot, then all such lots shall comply with the minimum lot size (3 acres) required by Comprehensive Plan policy 4.5.5 and 4.2. (A).
 7. Provide documentation that Quincy is committing to extend 8" water line from the airport to this site.

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

UPON MOTION BY COMMISSIONER WATSON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE PRELIMINARY PLAT FOR WINKLEY CREEK SUBDIVISION SUBJECT THE SPECIAL CONDITIONS LISTED IN THE AGENDA REPORT.

GENERAL BUSINESS

Item 14 Approval of Purchase of Land for Chattahoochee Library

Mr. Brown reported that a three acre parcel at the corner of Maple Street and US 90 in Chattahoochee has been selected as the appropriate site for the new library branch. The price is \$60,000. The owner is Wilsto, Inc. He said that it would require a deposit of \$6,000 immediately. He asked for authority for the Clerk's finance department to process the payment of

the deposit immediately to be placed into escrow. He also asked for authorization to complete all procedures entailed in the purchase of the land and for the Chairman and the attorney to execute all necessary documents associated with the purchase.

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

Item 15 Approval of Financing of Chattahoochee Library Construction

Mr. Brown then asked for the Board to approve the gap financing for the construction of the Chattahoochee Library. He said that the staff has applied to Florida Municipal Loan Council Revenue Bond Program to borrow funds for the purposes of refinancing previous bond commitments for the Quincy Main Library and funding for the construction of the Chattahoochee Library. The bond program is currently administered by the Florida League of Cities, Inc.

He said that the bond program will not be available until the spring of 2006. He asked that during the interim, financing be arranged through the Bank of America, a partner with the Florida League of Cities. He asked for approval of \$900,000 line of credit until the revenue bonds will be available in the spring.

He asked for authority for the chairman and the attorney to execute all necessary documents and the authority to draw \$100,000 from the line of credit immediately that will go toward the purchase of the land. He then asked for approval of the resolution and the budget amendment creating the budget authority for the loan proceeds. (Resolution 2005-027 and OMB-BA#060004)

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

Item 16 This item was removed from the agenda at the beginning of the meeting.

Item 17 Approval to Purchase IT Consulting Services

Mr. Brown reported that the County is in dire need to upgrade the technology services in the County relating to the in-house services and the web site. He asked for authority to have a consultant develop a strategic plan so the enhancement can begin. He asked for approval to solicit and purchase services and development and implementation of IT strategic plan. He said the plan will come back to the Board for review. He asked for authorization for the chairman to execute the necessary agreements.

Chair Dixon called for questions and comments. There was no response.

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

COUNTY MANAGER'S AGENDA

Mr. Brown had no other items to present.

COUNTY ATTORNEY'S AGENDA

Mr. Williams had nothing to present.

CITIZENS REQUESTING TO BE HEARD

Mr. Arthur Cyr, 320 Deer Ridge Circle, addressed the Board. He asked if there has been any changes in the settlement agreement with the developer of Deer Ridge Estates. He also voiced his appreciation for the support of the County Commission and the Growth Management staff in their efforts to make sure the work in getting done properly.

Mr. Williams reported that they are in the process of doing an inspection. When it is complete, he will meet with the Growth Management staff to ascertain a recommendation as to whether the improvements meet the requirements and concerns outlined in the letter to the developer from the County. Until that is done, he recommended that the staff not issue the certificates of occupancy.

He said there has been some significant rain in the last few days, and it is a good time to assess the impacts of water run-off.

Mr. Cyr asked if there is an agreement with the developer that will allow Mr. McCord to go on site to perform the inspection.

Mr. Williams responded, "We had a series of concerns outlined in the legal matter that we gave to the developer. The concern that I raised to the Commission was that I didn't think that we should have the hearing because the developer, without us agreeing to what he was doing, made improvements anyway. Mr. McCord has to say whether those things were done in accordance with the Code for the County. If he says that it is proper, then we won't have a need for a hearing and there will be a basis for a settlement. How that settlement will be - I can't say because I don't know yet. I don't know what he is going to tell us.

There is no agreement between us, but, on their own, they did the improvements out there. Well, government regulates, so we haven't looked at it to determine whether or not it is appropriate. Mr. McCord has to do a review. When that review is done, then we can look at a settlement agreement.

All we have done is deferred the hearing. They went on their own and did those improvements."

Sam Hawkins addressed the Board. He said that he has just returned from a hurricane devastation area. He urged the commissioners to insist on developers installing underground utilities with all the new development that is coming into the County. He noted the number of deaths that occurred in the hurricane zones from downed power lines.

He then referenced a number of health issues that are prevalent in Gadsden County that might be associated with environmental issues because of inadequate protective measures.

Marion Laslie addressed the Board. She asked for

clarification about what decision the Board rendered on the Grove Subdivision. She asked if it will proceed with septic tank installation.

Mr. McCord answered affirmatively.

She responded by saying that she was really disappointed with that decision.

Chair Dixon said that he has had an initial topical discussion with the City of Quincy about extending the sewer lines. He then said that before Talquin can be approached about it, the City must believe that it is in their best interest to extend the lines. Then Talquin can be approached about territorial rights.

Ms. Laslie said she would really like to see some responsible planning coming forward in that regard.

COMMISSIONERS DISCUSSION ITEMS

1. **Commissioner Lamb** asked Mr. Brown to get in touch with Lynn Porche in Greensboro regarding an historical site. He asked him to bring back a report to the Board.

He then asked if there was any progress being made on the wage study for the public works department and the EMS department.

Mr. Brown said the study will begin at the beginning of the new year. There will be a comprehensive study for all employees. It will be brought back to the Board during the budget workshops.

2. **Commissioner Watson** had no remarks.

3. **Commissioner Price** inquired about adding some kind of lighting at the dumpster sites.

Mr. Brown replied that Mr. Presnell is already preparing some cost estimates which will be brought to the Board for consideration.

4. **Commissioner Holt** reported that she sat through some development workshops in Hollywood, FL recently. She said that other counties are saying the same things that Gadsden

County is saying about septic tank issues. They are pushing for some type of consensus among all counties about standards and regulating them. She encouraged the moratorium on development to stay in place until a plan for development can be implemented. She said that other counties are charging impact fees to pay for the sewer infrastructure during the construction phase.

She then made mention of the water wars in other parts of the State. She said, "We need to make sure that they don't pump out or bottle out water."

She called for workshops.

5. **Chair Dixon** said that he had discussion with the Wakulla County Commission chairman and he said they are going through a study to deal with the leakage from Leon County into Wakulla Springs. He said their impact fees are already between \$1,000 - \$2,000. However, once the study comes back, he expects that they might rise to as much as \$8,000 just to keep up with the growth they are experiencing.

He said that Gadsden County was commended by other counties for placing a moratorium on development until the negative impacts of growth can be properly planned for and safeguard measures be put into place ahead of the growth.

RECEIPT AND FILE

Item 20 Minutes of Gadsden County Public Safety Coordinating Council Meeting
Gadsden County Tourism Development Council Meeting
Minutes of 10/18/05
Department of Revenue - TRIM Certification Notice
Notice from Comcast - Enhanced Services and Rate Adjustments
Notice from W. Dale Summerford, Tax Collector - 2005 (TIF) Payments - \$212,222.05 to City of Quincy CRA

ADJOURNMENT

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

Edward J. Dixon, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA, ON DECEMBER
13, 2005 THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: EDWARD J. DIXON, CHAIR
BRENDA HOLT, VIC-CHAIR
EUGENE LAMB
STERLING WATSON
DERRICK PRICE
PAUL SEXTON, DEPUTY COUNTY ATTORNEY
MARLON BROWN, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

Call to Order

Chair Dixon called the meeting to order.

Invocation and Pledge of Allegiance

Chair Dixon opened with a prayer and Commissioner Holt led in the pledging of allegiance to the US Flag.

Amendments and Approval of the Agenda

The agenda was amended as follows:

ADD: Conceptual Design of the new Chattahoochee Library

CHANGE: Consent Agenda Item # 1 - Sale of the Vehicles at Auction - Revised list of vehicles. There are now eight vehicles which will be available for sale at auction.

ADD: General Business Item 7B - Approval of the Chattahoochee Library Grant agreement and authorization for the Chairman to execute the grant agreement

ADD: County Manager's Agenda - Item 8B - Employee appreciation and recognition plans for end of the calendar year

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.

Consent Agenda

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

- Item 1** Approval to sell vehicles at auction and remove them from the county inventory - see the attached list for VIN numbers. County vehicle numbers 120, 124, 125, 130, 142, 140, 94 and a 1992 S10 pick up truck
- Item 2** Approval to seek bids for purchase of heavy equipment and seek financing for the approved equipment - six motor graders, a tracked excavator and a wheel loader
- Item 3** Approval of Agreement - Community Development Block Grant - \$750,000 06DB-3K-02-30-01-H15
- Item 4** Approval of Agreement - State Homeland Security Grant - \$33,649 06-DS-3W-02-30-01 Emergency Management

CONCEPTUAL DESIGN FOR CHATTAHOOCHEE LIBRARY

PUBLIC HEARINGS

- Item 5** Thompson Comprehensive Plan Amendment - CPA 2005-20-Large Scale Amendment (transmittal) reconsidered item

Mr. Brown requested that this matter be continued until the last meeting in January. He explained that he had a meeting scheduled on December 16, 2005 with the City of Quincy to discuss possibly extending sewer services to the proposed project. He also said he expects to meet with Talquin Electric as well.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER WATSON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO CONTINUE THIS HEARING UNTIL JANUARY 24, 2005.

- Item 6** Proposed Major Land Use Amendment Moratorium

Growth Management Director Bill McCord told the Board that his office received 29 land use amendment requests during 2005. He said that number is very significant considering the number that was submitted in the four previous years. That, in itself, is reason for alarm. In view of that, he said that he felt that the County should take a step back and evaluate "where we are in relation to our population projection and whether or not we have sufficient lands available either already

and/or in the works right now to accommodate our future population. We could be over-allocating simply for speculative purposes. We want to evaluate that to make sure that we are not over-allocating certain land uses in order to accommodate more of a population than we should be projected. We will be contacting the folks at DCA and at the University of Florida to figure out what population projections we might be able to use as a basis considering our more recent growth pattern.

Also, the State passed legislation last year which mandates that the local governments amend their comprehensive plans to address school concurrency, a beefed up capital improvement element and a feasibility element or a financial feasibility of capital improvements element. And, also, to undergo a visioning type process or address a visioning process in order to update the comp plans. Then there are a couple of other things with concurrency that we will also be required to undergo which is essentially developing a more elaborate concurrency review system. What that is, is really a way of monitoring development in our county to make sure that we don't get in over our heads and that we don't over allocate development based on the infrastructure that we have - even if our infrastructure thresholds might be low such as septic tanks on ½ acre lots and things of that sort.

There will be a lot of administratively mandated work that we will have to do that we wouldn't even be charged with doing it. We would like to be able to focus on in the next 6 months or perhaps even next year. In addition to that, you may recall that we applied for some grants with DCA to kind of dove-tail a lot of this stuff which the State is mandating. There are two grants. One of them is to develop a school concurrency provision in coordination with the school board staff and other local governments in the county. The other one, the more time intensive would be the visioning process - getting that thing underway.

We will be able to go out into the community and have charettes and other community meetings and get a gauge or get a good feel for what the important issues are to the community. This is not necessarily your traditional comp plan type elements. This may be your social service element. This will be a "come and just

complain type of meeting if you want to," but it is an opportunity for us to better evaluate whether or not we have our pulse on what the community desires. Then we can go back and make changes to our land use element and our future land use map that will be more reflective of the needs and desires of the community.

Now, that is something that hasn't been done on the county level in quite some time. I think it was done on the US 90 corridor, but this is going to be a much more intensive process. We will use those grant monies to hire consultants to facilitate these meetings in the community. We can then take all of that information and revisit it and analyze it on our existing policies and state law and come up with some new suggestions and alternatives than what we have now. That is certainly could include the need to tighten up on our infrastructure requirements for the new developments.

There are a lot of things in the works now and I hate to think of what would happen if we didn't put a moratorium on - we might be facing another 20 land use amendments to have to deal with on top of all this stuff. With our staff, and even if we hire additional staff, we are just going to be over-whelmed. I can't even imagine what we will be facing if we don't put the brakes on right now.

We think there are certainly sufficient lands available to accommodate any new growth. There is a lot of vacant land out there in rural residential that people can buy as opposed to buying or buying pieces of property that require land use changes. At least for six months or maybe even a year, we are certainly not going to be thwarting growth in this county. That is one good major reason that we are asking for it."

Chair Dixon called for public input.

Arthur Cyr, 320 Deer Ridge Circle, supported the moratorium.

Marion Laslie supported the moratorium.

Commissioner Holt was in favor of the moratorium and stated that, "I feel it is better to be prepared for growth than unprepared for growth. We have to have

some mechanisms in place to make sure that we do this correctly because we may not have another opportunity."

Commissioner Lamb was in favor of the moratorium. He said, "Let's stand back and look at what we are doing and make sure that we are going in the right direction on this."

Commissioner Watson was in support of the moratorium. He said in jest, "The meetings will be shorter."

Chair Dixon said, "I just don't want to see Gadsden County clear cut like a lot of the counties I have been in when growth came and they just didn't have time to keep up with it and developers went through and cut down everything in order to make way for subdivisions. I love Gadsden County and I love what Gadsden County is about now, just like everybody at this table.

For those potential developers out here, there is nobody at this table against growth. I'm pretty sure of that. We want to do everything we can to enhance growth. I think Bill is going to look at his process again and see how he can better help developers who have good plans and who have good history get to where they need to be. As Commissioner Watson said, this Board is going to be more informed about what it is we want and what it is that we don't want. Our goal is not to hamper development. Quite the opposite, our goal is to help stimulate development in places where the citizens really want it to grow.

We don't want a whole bunch of septic tanks, but we can't sit here every night and talk about it. What is the plan to make sure we have infrastructure in place? What are we doing to make sure we have infrastructure in place to help developers help our county grow. Those are the kind of things that we are looking at. It is time for us to put Gadsden County in the year 2006 and let's go from the prospective of knowledge of what is coming and not from fear about what is coming."

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE A SIX MONTH MORATORIUM ON ALL MAJOR LAND USE AMENDMENTS THAT WOULD RESULT IN INCREASES TO RESIDENTIAL DENSITIES. THE MORATORIUM WILL NOT INCLUDE

**THOSE LAND USE CHANGES THAT HAVE ALREADY BEEN SUBMITTED
OR SMALL SCALE LAND USE AMENDMENTS.**

GENERAL BUSINESS

Item 7a New Library/Office Furniture Bids

Commissioner Holt asked for clarification of the bids.

Mr. Lawson explained how the bid committee reached its recommendation for option 1. He said, "We had 5 bids. We had them separate their bids in terms of strictly library furniture and then we had them issue a separate bid for the office furniture so that we could review the office furniture vs. library furniture then look at the total package to see which was the best way for us to go because we are operating on a limited budget. CBA only bid on the library furniture - that included the library furniture and the shelving. Their total bid ended up being \$118,488.

The next bid was IFAS. Their total bid was for \$84,212.57. However, when we compared the quality and the type of library furniture that we were looking for, their library furniture was not exactly what we were looking for this particular library, but the office furniture, in terms of the quality and it's suitability for our purposes, were quite good. So, therefore, we accepted their office furniture.

KI - As you can see, their bid for library furniture was \$49,170.52, the office furniture was \$52,817.59. Their total bid was 190,403.42. They are a good company as all of these companies are real good companies, but, they were higher than our budget dictates.

The other bidder was Buckstatt. Their library quote was \$59,373.07; their office quote was \$51,115.42; their total bid was \$180,529.22.

The final bid was by Library Designs. Our consultant did not recommend this one even though they were lower in some of the areas because of the quality of the furnishings that they offered. It was not acceptable

for what we were looking for as well as, we really did not have a whole lot of information on this particular company in terms of their track record and what they have done in other libraries. So, they were not recommended for award.

Therefore, the one that was recommended, CBA, as it ended up, was the most competitive in terms of the quality and the cost for the library furniture and IFAS was the most competitive on the office furniture and we think that we have the budget to cover those items.

So, therefore, with the quality issue, the furnishings that we were looking for that is going to make the library a very attractive and presentable place, we recommended these two companies for award. There was extensive research that went into this - both by staff and the consultant in terms of reviewing not just the furniture but the different fabrics and the quality of the wood, so it was not just looking at the low bid. A whole lot of work went into this. So, therein lies the analysis for the recommendation.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSISONER PRICE, THE BOARD BOTE 5 - 0, BY VOICE VOTE, TO APPROVE OPTION 1, AND AWARD THE BID FOR THE LIBRARY FURNITURE TO CBA OF FLORIDA, ST PETERSBURG, FL IN THE AMOUNT OF \$118,488 AND INTERGRATED FACILITY SYSTEMS OF TALLAHASSEE,, FL IN THE AMOUNT OF \$49,534.25 FOR THE OFFICE FURNITURE.

Item 7b Approval of the Chattahoochee Library Grant Agreement and authorization for the Chairman to execute the grant agreement

Mr. Brown told the Board that the State has awarded a grant of \$500,000 for the construction of the Chattahoochee Library. He asked for approval of the grant agreement and authorization for the chairman to execute the agreement.

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED AGREEMENT AND AUTHORIZED THE CHAIRMAN TO EXECUTE IT.

COUNTY MANAGER

Item 8a Board of County Commission Meeting Schedule 2006

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ATTACHED 2006 SCHEDULE FOR BCC MEETINGS.

Item 8b Employee appreciation and recognition plans for end of the calendar year

Mr. Brown stated that in the past, the Board has held an employee appreciation event for employees at the end of the year. He asked that the Board consider granting an additional holiday on December 22 rather than holding the pot luck meal as has been the custom.

Commissioner Holt stated that she felt that the employees would enjoy having a day off to spend time with their families.

Commissioner Price agreed with Commissioner Holt.

Commissioner Lamb supported the additional holiday.

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO GIVE THE COUNTY EMPLOYEES AN ADDITIONAL HOLIDAY ON DECEMBER 22, 2005 AS EMPLOYEE APPRECIATION RECOGNITION.

COUNTY ATTORNEY

Item 10 Mr. Sexton had nothing to report.

CONCEPTUAL DESIGN OF THE NEW CHATTAHOOCHEE LIBRARY

Mr. Robert Charles, architect, gave the Board a brief presentation of the design for the new Chattahoochee Library.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, TO APPROVE THE CONCEPTUAL DESIGN OF CHATTAHOOCHEE LIBRARY AS PRESENTED BY MR. CHARLES.

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS

Mr. Arthur Cyr wished the Board a Merry Christmas and then asked for a recap of the legal issues surrounding Deer Ridge Subdivision.

Mr. Sexton stated, "The status has not changed since the last board meeting. The developer is still moving forward with construction and the County is still monitoring the activities. The developer is interfacing with the Department of Environmental Protection (DEP) on the storm water issues, but there is not a lot of coordination with the County. One of the issues that will have to be dealt with toward the end of the process is whether the County will be able to confirm that the work is satisfactory or if there are still additional steps that have to be taken. There have been no reports from DEP as of this date. The hope would be to have the continued cooperation, but, if that does not bring resolution, the Board will have to finalize the administrative process and move forward to enforce the County's interest."

Chair Dixon stated that the County will not issue any Certificates of Occupancy (CO) until the County is satisfied.

Mr. McCord reported that he has been to the site following the recent heavy rains. He said. "The developer appears to be forging ahead and has done most of the work to satisfy DEP and their consent order. But, the developer never signed a settlement agreement in which the County identified a number of repairs and changes that will be necessary to comply with the construction plans as well as repair the roadway to the county's satisfaction. (DEP is not concerned with the roadway, but it is a big issue with the County.)" He went on to say that DEP will do an inspection as a part of their own consent order. However, the staff has not been contacted at all about doing an inspection. Without a signed settlement agreement, he could not say what the developer's intentions would be to involve the County. The only leverage the County has at this time is the CO's.

DISCUSSION ITEMS BY COMMISSIONERS

Commissioner Lamb asked for an update on the hauling bids for public works.

Mr. Brown said that he has asked the staff to correspond with the

vendors documenting what the Board elected to do. He said he is awaiting return correspondence.

Commissioner Watson had nothing to report.

Commissioner Price had nothing to report.

Commissioner Holt thanked everyone for everything they have done and wished them Happy Holidays.

Chair Dixon wished everyone Happy Holidays.

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

Edward J. Dixon, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

IN THE CIRCUIT COURT, SECOND JUDICIAL CIRCUIT
IN AND FOR GADSDEN COUNTY, FLORIDA

CASE NO.: 05-689-CAA

FLORIDA POWER CORPORATION d/b/a
PROGRESS ENERGY FLORIDA, INC.,

Plaintiff,

vs.

GADSDEN COUNTY.

Defendant.

-----/

STATE OF FLORIDA)
COUNTY OF SUWANNEE)

Attorney/Client meeting of the Board of
County Commissioners, Gadsden County, Florida, held
on the 16th day of August, 2005, at the Gadsden
County Governmental Complex, 9-B East Jefferson
Street, Quincy, Florida, commencing at approximately
5:00 p.m., as reported by Deloris Jacobo, Court
Reporter and Notary Public in and for the State of
Florida at Large.

D E L O R I S J A C O B O
COURT REPORTER
P.O. Box 752
Live Oak, Florida 32064
(386) 364-4247

A P P E A R A N C E S

PAUL SEXTON, ESQUIRE
Williams, Wilson & Sexton
215 South Monroe Street
Sun Trust Building, Suite 600
Tallahassee, Florida 32301

THORNTON WILLIAMS, ESQUIRE

D E L O R I S J A C O B O
COURT REPORTER
P.O. Box 752
Live Oak, Florida 32060
(904) 364-4247

P R O C E E D I N G S

MR. DIXON: Close the open session of the Board of County Commissioners. The County Commissioners are now going to commence a closed attorney/client session to discuss the pending litigation and strategy sessions related to litigation expenditures of Florida Power Corporation doing business as Progress Energy, Inc., vs. Gadsden County. The estimated length of the closed attorney/client session will be about 45 minutes. The persons who will be in attendance at the meeting are----- Do they need to say their names individually?

MR. WILLIAMS: Yes.

MR. DIXON: Edward J. Dixon, District 5.

MS. HOLT: Brenda Holt, District 4.

MR. PRICE: Derrick Price, District 3.

MR. LAMB: Eugene Lamb, District 1.

MR. WATSON: Sterling Watson, District 2.

MR. BROWN: Marlon Brown, County Manager.

MR. SEXTON: Paul Sexton, Deputy County

1 Attorney.

2 MR. WILLIAMS: Thornton Williams,
3 County Attorney.

4 MR. PRICE: And the Court Reporter.

5 COURT REPORTER: Deloris Jacobo.

6 MR. PRICE: We will now convene the
7 closed attorney/client session. Anyone who is not of
8 the aforementioned needs to leave. Mr. Williams and
9 Mr. Sexton, the meeting is now in your hands.

10 MR. WILLIAMS: As you know, Paul has
11 been doing the leg work on this. We have a series of
12 strategies that we want to go over with you. And as
13 we originally indicated to you when we have
14 litigation we're going to provide you with budget
15 estimates. So the purpose of this meeting is to give
16 you the status of the case, where we think it's
17 going, and give you a budget associated with it.
18 Paul.

19 MR. SEXTON: Commissioners, just to
20 refresh you on the overall nature of the litigation.
21 This is essentially a suit by Progress Energy,
22 basically a preemptive suit to challenge the
23 County's jurisdiction over its proposed transmission
24 lines, the Atwater transmission line.

25 They're basically raising two grounds why

1 the County doesn't have the jurisdiction. One is
2 that the construction of the transmission line is
3 not development within a definition that applies
4 under the Local Comprehensive Plan Act. And the
5 other argument is that the Public Service Commission
6 preempts County jurisdiction over the lines because
7 it has an impact on its rate making jurisdiction.

8 The County's legal posture, I believe we
9 have a number of good arguments that are available
10 to support jurisdiction. It's still an open
11 question, and we'll be making law. There's very
12 little settled law to provide a lot of guidance on
13 how this thing is going to come out. We just
14 basically have our arguments.

15 The essential point for the County is that
16 it has broad power under Chapter 125, and that
17 regardless of what these statutory definitions of
18 development are and are not, the County has
19 authority to essentially regulate in any area that
20 has not been excluded from by the legislature. If
21 the legislature says, "Thou shalt not.", or if they
22 say exclusive jurisdiction is in another agency then
23 it may exclude the County. But barring some language
24 line that, either expressed or implied, then there
25 is some County jurisdiction over the location of the

1 transmission line.

2 As far as the Public Service Commission
3 preemption argument is concerned, this is a
4 different line than most lines the Public Service
5 Commission has jurisdiction over. This is basically
6 a wholesale line that's connecting some substations
7 so that Progress Energy can wheel energy through
8 from another source into the Talquin Electric
9 service area. So it's essentially a wholesale line.
10 There'll be a charge for energy passing over the
11 line, charge to Talquin, and there'll be a charge
12 for basically being carried over the line to
13 Talquin.

14 But the Public Service Commission doesn't
15 have any jurisdiction over that rate. That line
16 could cost a dollar, it could cost a billion
17 dollars. It's not going to affect the retail rates
18 of anybody that the Public Service Commission
19 regulates.

20 So our argument to a large degree rests on
21 the fact that Progress Energy's authority for saying
22 the Public Service Commission preempts it doesn't
23 apply to this line. If we were over in the Progress
24 Energy service area, and this is one of their
25 internal lines, that would be a different issue,

1 because it might carry power for retail. And if we
2 made them do something really expensive then it
3 could affect retail rates in that area.

4 So that's essentially the distinctions
5 we're making from a legal standpoint.

6 And as I said before, this is an open
7 question, because this particular kind of regulation
8 of this nature really hasn't been tried by a county
9 or municipality. We've had a couple situations where
10 local governments are regulated where they've tried
11 to force lines underground. You see that primarily
12 in the metropolitan areas in south Florida and along
13 the west coast. And putting an electrical line,
14 particularly a transmission line, underground, is
15 extremely expensive. It's a order of magnitude
16 difference in costs. And the Courts have held that
17 the local governments can't require that because it
18 does impact rates, it's so expensive.

19 And in another situation the local
20 government tried to apply it's comprehensive plan to
21 effectively prohibit an overhead line, because they
22 wanted to go under water. It was a water crossing.
23 And the Public Service Commission, and not the
24 Courts, said, "Well, we preempt because it has an
25 impact on rates." But the stated intent of the

1 local government was to just flat out deny the
2 route, because they weren't going to go under water.

3 What we've done--- The County, of course,
4 has not ever said "You can't build this line." It's
5 just an issue of where it goes, and under what
6 circumstances. And the ordinance that we've provided
7 for you avoids the can't built it issue, and the
8 underground issue, because it's written in a manner
9 to avoid those jurisdictional limitations.

10 So in terms of being able to defend the
11 Count's position we've tried to get ourselves in a
12 good location. And it really is going to be up to
13 Judge Reynolds to decide ultimately how much
14 jurisdiction the County has.

15 And as to the present status of the case we
16 had filed an Answer in July, and part of our Answer
17 included a couple of motions to dismiss on the
18 grounds that the suit was premature because the
19 County had not really started any enforcement
20 action, that they were challenging the comprehensive
21 plan, which is what they were literally challenging
22 in the suit, when actually you had ordinances on the
23 books in your land development regulations that
24 require special use exceptions for transmission
25 lines. And also that you were in the process of

1 enacting an ordinance. And they just basically have
2 to re-up their case when the ordinance is enacted.

3 We had argument on that last Monday. Not
4 this Monday, but the past Monday. And the Judge
5 denied the ground that it was premature. He said
6 this suit is not premature. In part because there
7 are eminent domain cases pending right now he's
8 being asked to grant Orders of Taking for the
9 parcels for the transmission line. Which is
10 something we just found out.

11 And the other two points he withheld
12 ruling. And we don't expect to hear from him on
13 those issues for a period of time.

14 He also ordered the parties to mediation,
15 which under the court rules is mandatory. The
16 parties have to attend the mediation and make a good
17 faith effort to try and settle the case.

18 MR. WILLIAMS: Paul, you might want to
19 mention that the judge said that he thought that we
20 should have the authority to regulate in some
21 fashion, but he didn't say what that was.

22 MR. SEXTON: Right. I had sort of
23 skipped over that. He seemed to express the opinion
24 that the county had some sort of jurisdiction. He
25 wanted Progress Energy to somehow deal with the

1 county on the route issue.

2 MR. WILLIAMS: That doesn't mean that
3 he would ultimately rule that we do have
4 jurisdiction over them. But it always is a way to
5 help motivate the parties to come together to work
6 something out. So that was a very good sign from the
7 judge.

8 MR. SEXTON: And the mediation does
9 require an authorized decision-maker at the meeting.
10 It's not a question of, "I'll get back with you
11 later." It has to be done during the mediation
12 session.

13 They are exempt from the Sunshine Law.
14 There's a Sunshine Law exemption for mediation
15 involving collegiums bodies.

16 And the Judge had suggested that Carlos
17 Alvarez, who is familiar with transmission lines, be
18 used as the mediator. That was acceptable to
19 Progress Energy, and we think he's an okay choice.

20 MR. WATSON: Florida Gators? Is that the
21 receiver?

22 MR. DIXON: Carlos Alvarez?

23 MR. WILLIAMS: Was he the quarterback or the
24 receiver?

25 MR. WATSON: No, he was the receiver. Is

1 that the same guy?

2 MR. WILLIAMS: It's the same guy.

3 MR. DIXON: Why do I know Carlos Alvarez?

4 MR. WILLIAMS: Back at that time his name
5 was pretty---

6 MR. WATSON: I see his name in the paper
7 every now and then.

8 MR. SEXTON: And the judge seemed to be of a
9 mind--- He didn't really tell us that we had to do
10 this, but he seemed to be of a mind where he
11 expected the parties to sit down and talk about
12 location and try and arrive at an agreement on that
13 issue. So it wasn't a matter of doing some sort of
14 slow dance, however, there was supposed to be some
15 sort of discussion.

16 Nevertheless, after the hearing, their
17 attorney, Doug Hall, advised me that he thought that
18 Progress Energy really didn't want to discuss
19 alternative locations. So we've got an uncertainty
20 as to how much we're really going to get from
21 Progress Energy in terms of discussions, but we have
22 the obligation to do the meeting.

23 There is an additional strategy we can
24 engage in. Because Progress Energy is involved in
25 the eminent domain cases right now it would be

1 useful to improve the county's position in the case
2 for the county to go ahead and intervene in those
3 condemnation proceedings and throw in some
4 challenges that perhaps the property owners would
5 not necessarily be inclined to right away, because
6 it's kind of like a steamroller for them.

7 MR. WILLIAMS: And this is important,
8 because one of the arguments is whether they've
9 established a right-of-way or not. If they get all
10 of the land that they want it gives them a new
11 argument that they have, and it's a buzz word,
12 established their right-of-way, and at that point it
13 could be argued that we should have intervened and
14 since we didn't intervene, it's a legal proceeding,
15 that we lost our opportunity to argue that they
16 shouldn't have acquired the property. So we see it
17 as a defensive position, and if we don't do that we
18 think we're giving them an additional argument to
19 defeat the county in the ordinance.

20 MR. DIXON: How many cases are out
21 there again?

22 MR. SEXTON: There's about a half a
23 dozen on file, and they have multiple defendants.
24 The parcels are batched together.

25 MR. WILLIAMS: Now, this is an aside,

1 but if we are authorized to do this the parcels that
2 are coming up just happen to be the Vanlandingham
3 parcels that are the next ones that are going to be
4 taken. And obviously he was instrumental in the
5 group called NOPE, Neighbors Opposed to Progress
6 Energy. So it's coincidental that that's happened.
7 There is no timing involved in that.

8 MS. HOLT: How many do they need, still
9 need to get?

10 MR. WILLIAMS: I'm not sure. All we
11 need to do is stop one.

12 MR. SEXTON: That would stop the route.

13 MR. WILLIAMS: That would stop the
14 route. If we're able to prevail on just one we don't
15 have to continue representing you throughout the
16 rest of the takings, because that one stops the
17 route because they have to have continuous land
18 acquisition to place the transmission lines.

19 MR. SEXTON: And it wasn't clear from
20 what the Judge was saying whether he was going to
21 determine the County would have standing in the
22 eminent domain proceedings. He made that inquiry of
23 the Progress Energy attorney when we had our motion
24 hearing. And of course, he equivocated because he
25 didn't want to say one way or the other, trying to

1 keep his powder dry.

2 So that would be one of the issues, as to
3 whether the county has standing to get into the
4 case. If we can get in and we're successful then we
5 can certainly have an affect. If we can't get in at
6 least we tried and it's not as if we just kind of
7 let them go ahead and take the property.

8 And also, even if that's the outcome that
9 sort of helps the case, because it keeps the county--
10 -- it basically shuts the county out and creates
11 more pressure on the judge to acknowledge the
12 county's authority, because otherwise this
13 jurisdiction has nothing to say, and the Progress
14 Energy decision-making process is just a black box.

15 So there are two good aspects, regardless
16 of the decision of the judge on intervention.

17 Now, we have developed budgets for both of
18 the cases.

19 MR. DIXON: Paul, keep us clear. The
20 first case is what?

21 MR. SEXTON: This is the main case,
22 Progress Energy vs. Gadsden.

23 MR. WILLIAMS: This is the declaratory
24 judgment by Progress Energy---

25 MR. DIXON: This is about jurisdiction?

1 MR. WILLIAMS: ---to determine whether
2 we have jurisdiction, correct.

3 MR. DIXON: But that's one case?

4 MR. WILLIAMS: This is one case. This
5 is the one that we have to defend---

6 MR. DIXON: In order to get to the next
7 case?

8 MR. WILLIAMS: To protect the
9 ordinance.

10 MR. DIXON: Right.

11 MR. WILLIAMS: This is to protect the
12 ordinance. So we have to do this, because if they
13 win on this it means we have no jurisdiction, the
14 ordinance has no meaning.

15 MR. DIXON: This is the right to have
16 the ordinance?

17 MR. WILLIAMS: Correct.

18 MR. DIXON: I apologize. Has anybody
19 got any questions?

20 MR. WATSON: What areas of possible
21 regulation would we have besides route?

22 MR. SEXTON: You'd have buffering.
23 Route and buffering are probably primarily it. You
24 may have some jurisdiction over the height of the
25 structure. You'd have to recognize engineering

1 realities. And it would depend on how far you want
2 to get into the engineering issues with an
3 electrical transmission line. But there are
4 construction standards for the building of these
5 lines. And those are actually applicable by law, so
6 you'd have to acknowledge those, but you may have
7 some ability to deal with height or some design
8 characteristics of the line.

9 MR. WATSON: What about width?

10 MR. SEXTON: Of the right-of-way?

11 MR. WATSON: Uh-huh.

12 MR. SEXTON: That would be of the
13 factors that would go with buffering. Like I said,
14 there are engineering standards for how wide--- the
15 tree clearance for their lines, for instance. And
16 those have to be dealt with. Because what we tried
17 to do on the ordinance is give you alternative
18 routes. If you can't deal with the impacts within a
19 route you move to another route that might have less
20 impacts, rather than just live with where you are.

21 MR. WILLIAMS: And you have to be
22 careful, because the cases that Paul talked about
23 earlier where you do things that increase costs
24 means you increase rate, and we know we're going to
25 lose on that. So when you start talking about

1 widening the right-of-way you're naturally talking
2 about increasing the costs, which puts us in those
3 cases that Paul was talking about. So we'd have to
4 be very careful if we considered requiring them to
5 get a wider footprint.

6 MR. WATSON: I was interested in a
7 narrow---

8 MR. WILLIAMS: Then that would
9 probably---

10 MR. WATSON: We have some transmission
11 lines going through the county now that are huge.
12 They've got two poles, one here in the city limits
13 of Quincy that's just one set of lines, stacked on
14 top of each other. This one going---

15 MS. HOYT: Down Stewart Street?

16 MR. WATSON: Yeah. Going through Gretna
17 out towards the country club you've got that two
18 pole structure with about six wires that are spread
19 out. Can we say, "Look, you can't do that, you've
20 got to do the ones with them stacked on top of each
21 other?"

22 MR. SEXTON: You know, that might be
23 within your jurisdiction for purposes of--- if it
24 would comply with the governing engineering
25 construction standards. That may be one of the

1 approaches. Because then you are dealing with
2 esthetic impacts and impacts on either residential
3 or commercial development.

4 MR. DIXON: That is 115 KB running down
5 Stewart Street.

6 MS. HOLT: Uh-huh.

7 MR. WILLIAMS: And you do by analogy.
8 There was these outdoor--- What was the name---

9 MR. DIXON: Cell Towers.

10 MR. WILLIAMS: Cell towers. They did
11 co-locations. So this issue has been addressed in a
12 different area, but it's not as regulated as this
13 area is.

14 MR. DIXON: Commissioner Lamb.

15 MR. LAMB: Yeah, Paul, why is it that--
16 - why do they feel that we don't have any
17 jurisdiction over them? Where do they get this
18 opinion from?

19 MR. SEXTON: Well, what they want to do
20 is avoid impacts of local government regulation on
21 their way of doing business. Not that I've sat down
22 and talked with them, but they have an attitude that
23 they're trying to produce reliable power at the
24 lowest net cost for all the rate payers, and they
25 don't want locales to say, "Well, your rates may not

1 be too high, but for us you're going to spend a lot
2 of money going through our city or town or county,
3 because we have special requirements."

4 And the first 4A they had where they were
5 successful was in the underground requirements,
6 because there's an order of magnitude cost
7 difference. In the legislature you can wade in there
8 and specifically get Public Service Commission
9 jurisdiction ultimately over that issue. And the
10 Commission has never required lines to go
11 underground because it's so expensive by comparison
12 when you're dealing with transmission lines in
13 particular.

14 And I think they just want to be left alone
15 so they can do their engineering and run their lines
16 where they want.

17 MR. WILLIAMS: One of the things
18 they've said publicly is that they believe that---
19 And this did not play well with the Planning
20 Commission, but they stated that if left to a
21 decision by local government they will never agree
22 to a line that a power company wants. And so their
23 argument is that that's one of the reasons that the
24 PSC took regulation away at the higher levels
25 because they needed to be able to make a decision,

1 get a route, and build a transmission line.

2 MR. DIXON: And supercede local
3 government.

4 MR. WILLIAMS: And supercede local
5 government.

6 MR. DIXON: Because every local
7 government could be different.

8 MR. SEXTON: And on inter-county lines,
9 which is not a discussion we've --- that Progress
10 Energy talked about, but inter-county lines the
11 better route for Gadsden, for instance, as opposed
12 to a neighboring county, could be slightly
13 different, and y'all would be disagreeing because of
14 the routes.

15 Now, if this was a higher voltage line, a
16 230 KB line, and it is an inter-county line, and I
17 believe it's long enough, they would be
18 jurisdictional under the Transmission Line Siting
19 Act, and DEP and Department of Community Affairs
20 would address the environmental and land use issues.
21 Because this voltage is lower it's not
22 jurisdictional under the Transmission Line Siting
23 Act. And so then there's a gap in regulation, and
24 that's where the County is trying to step in.

25 MR. WATSON: So the position y'all are

1 taking is, we can't stop it. We may be able to
2 change the route, but we can't stop---

3 MR. SEXTON: Yes. Well, we've not said
4 to the Court we cannot. What we've said to the Court
5 is what the county is looking at is a proposed
6 ordinance, since we're choosing not, to say no.
7 Because I think you are running into a risk when you
8 say no of having the court say you can't get into
9 that.

10 MR. DIXON: And then have no say where
11 it goes.

12 MR. SEXTON: Yes, you have point to
13 point connections between substations, and if you
14 could move the substations it's another issue, but
15 electrical realities eventually start to control.
16 But you can go from point to point. It's just a
17 question of how you get there.

18 MR. WILLIAMS: This issue is bigger
19 than saying yes or no. Inherently when the decision
20 is made to put a transmission line in there's a
21 concern about whether they can provide continuous
22 electrical service to the community that needs it.
23 So when they make that decision, if a municipality
24 were to say no, you cannot put that line in, they're
25 basically saying somebody at some point in the

1 future can't get power.

2 We would have to, and I don't know how it
3 would happen, if we did have jurisdiction that
4 ordinance would be stricken for some reason, if they
5 had to make a law, because you're basically denying
6 power. And within the context of the state, or any
7 state, there is a requirement that's kind of
8 imposing, if you're in the business of providing
9 power you're going to provide that power.

10 So one of the things that Paul did early
11 on, we looked at whether we could say, "You can't do
12 it.", and think that the county is better served not
13 putting that in the ordinance. Because we're not
14 sure what the outcome of this law is going to be.
15 This is a case of first impression, meaning no law
16 has been set on this in the state of Florida.

17 And if you take a very hard line when you
18 know they have to provide that service we think the
19 Courts would look for a way to deny or overrule the
20 ordinance.

21 MR. SEXTON: And actually the Public
22 Service Commission does have authority over
23 electrical system reliability even out into this
24 region. They have authority over what's called bulk
25 system reliability. They may have authority to order

1 this line to be built on the determination that
2 there's insufficient power supply, and Progress
3 Energy has to come in, so it's better not--- Our
4 view is it's better not to borrow trouble by getting
5 into that, that jurisdictional issue, and stay more
6 on the local impact---

7 MR. DIXON: Like they did with the
8 pipeline? Remember when we started with the
9 pipeline?

10 MR. SEXTON: Uh-huh.

11 MR. DIXON: They came in and said you
12 can't stop this line, we need this line.

13 MR. SEXTON: Right. And there are---
14 Because utilities have been successful in the
15 legislature in getting some fairly broad authority
16 to do a lot of things the local government may have
17 problems with, just because their systems are so
18 large. And they've also been fairly successful in
19 the courts in getting some types of regulation
20 pushed out of the way because of the impacts on the
21 cost of doing business. This is a little bit of
22 threading the needle, although I think it's a
23 fairly--- I mean, there's a fairly broad area of
24 authority still left.

25 MS. HOYT: May I? So the ordinance

1 really brought it to a head earlier, a little bit
2 earlier, because--- My question is, if the judge
3 rules against the county then we do not need the
4 ordinance, is there still a need for the ordinance?

5 MR. SEXTON: The value of the ordinance
6 is not in dealing with the issue can you regulate
7 it. But if you're going to regulate what's your best
8 policy. Because right now all you have is that the
9 ordinance provides that they have to obtain a
10 special use exception. And y'all don't have any real
11 criteria in your code on special use exceptions. And
12 the implications, the way your code is written, is
13 you look at the parcel that the person wants to
14 develop and you say either you can or you can't, and
15 these are the conditions under which you can develop
16 this parcel. And your ordinances really don't deal
17 with the range of alternative route, because---

18 MS. HOYT: Right.

19 MS. SEXTON: So the alternative routes
20 approach is the one that gives you the most
21 flexibility, because you basically create a world in
22 which anything between these two points is a
23 potential route, and you're going to examine all
24 those to decide which one has--- from a cost
25 effective standpoint, has the least impact. And

1 that's your regulatory environment. So we think that
2 if you got jurisdiction you'd want an ordinance
3 written up that is more designed to deal with the
4 subject matter of routes and transmission lines than
5 just your land development regulations.

6 If you are determined not to have
7 jurisdiction it's true that---- then the ordinance
8 is, by implication, not going to be something you're
9 going to be able to engage, unless the Court creates
10 some distinction between the comprehensive plan and
11 police power regulations. There's a whole grey area.
12 Because the comprehensive plan is a special creature
13 of statute under Chapter 163, whereas your powers
14 come from Chapter 125. So the Court can create some
15 interesting distinctions.

16 But if you do end up having jurisdiction
17 you want to apply it in a manner that you can have
18 some degree of confidence that your ordinance is
19 going to get you where you need to go. Plus there's
20 also the possibility they might try and challenge
21 the special use exception standards as being too
22 vague for transmission lines. So we're trying to get
23 you a little more specific. It's sort of a chess
24 game approach.

25 MR. WILLIAMS: Please continue.

1 MR. SEXTON: Any more questions on the
2 litigation or the issues? What we have then for
3 consideration is the budget, just to give you an
4 idea of what we're anticipating as costs. In the
5 main case, this is the suit that Progress Energy has
6 brought against Gadsden County, we're very early on
7 in the case, so --- And actually this is the going
8 forward budget. I don't have a in the past budget
9 for you. But we would anticipate about six half day
10 depositions. We really have not got a really good
11 feel for how extensive they're going to be, or how
12 many they're going to be taking, because we're very
13 early in the discovery process.

14 They have made a whole series of
15 allegations about their transmission line and the
16 need for power and so forth. And some of these areas
17 we believe will be very fruitful for expiration, and
18 may provide the County with some useful information
19 in terms of understanding what Progress Energy is
20 really proposing to do. And also would help position
21 the case factually for the judge to provide the
22 county with a better factual record to work from,
23 rather than just whatever Progress Energy wants to
24 throw in their complaint as their view of the world.

25 We've already been through the Motion to

1 Dismiss. I would anticipate other preliminary
2 motions involving discovery issues, as well as
3 perhaps some attempts for motions for summary
4 judgment, or other preliminary motions.

5 We've budgeted thirty hours in there. A lot
6 of this is going to be research rather than sitting
7 in front of the judge. We'll be in front of the
8 judge perhaps an hour. But any one of these motions
9 could take quite a bit of time in terms of
10 preparation.

11 Mediation, we're assuming a full day. And
12 our hourly rates are in here at \$150.00 an hour per
13 the current contract. Plus half the mediator's fee,
14 which typically the parties are required to split
15 the cost of the mediator. Typically mediator's fees
16 are pretty hefty. They're up around 300 an hour.
17 I've not spoken with Mr. Alvarez specifically about
18 his.

19 We have sixteen hours budgeted for reports
20 to the county manager and the Board of County
21 Commissioners and meetings such as this.

22 Then preparation for trial and a summary
23 judgment we have budgeted forty hours. And that
24 would be heading into either an evidentiary trial or
25 a summary judgment, in which case there'll be

1 affidavits, possibly some follow-up depositions.

2 Probably be fairly short.

3 Preparation of the case in terms of
4 briefing and argument, and then getting the papers
5 filed with the Court.

6 And then the final trial or summary judgment
7 hearing we're assuming ---budgeting eight hours. If
8 it's summary judgment it'll probably be shorter. But
9 if it goes to trial where you actually have live
10 witnesses I think it's appropriate to budget eight
11 hours.

12 And then there may be a provision for
13 additional memoranda or other documents for the
14 Court post trial. Depending on what Judge Reynolds
15 wants to see. We've budgeted sixteen hours for that.
16 And we've just out a 20% contingency in there.

17 And a lot of this is very much in the way
18 of guesstimates in terms of the amount of time and
19 effort we're putting into the case and what will
20 transpire. But we've come up with a budget total for
21 the remainder of the case at \$32,000.00.

22 MR. WILLIAMS: And I have to give a
23 cautionary note. Progress Energy is going to fight
24 us hard on this. This is a normal arrangement where
25 it proceeds under what we consider to be a normal

1 legal routine. If they try to throw in everything
2 that they possibly can to litigate us this number
3 could be exceeded exceptionally.

4 We normally do a 10% contingency, but
5 because we anticipate that there's going to be extra
6 activity we want to stay with in the budget so we
7 put it at 20% so if they don't get outrageous we can
8 live within this budget. If they really go overboard
9 we'll have to come back and give you an amended
10 budget, because we'll have things happening that we
11 didn't anticipate.

12 And I can't give you a sense of it because
13 it would be outside of the normal arrangement that
14 you would expect in a motion for summary judgment
15 type of proceeding. These are the things that should
16 normally occur.

17 MR. LAMB: So you don't feel that
18 Progress Energy would want to eventually sit down
19 and mediate this?

20 MR. SEXTON: Well, obviously if the
21 case settles at mediation then the costs would get
22 cut off, and a lot of this is avoided, if there's a
23 successful mediation and settlement.

24 MR. WILLIAMS: And the Judge has
25 already ordered us to sit down and talk. And there's

1 some attempts to have them--- by other individuals,
2 to encourage them to sit down and talk with us.

3 And Marlon, if he hasn't briefed you on
4 that I'll let you know about that. We sat in a
5 meeting the other day to--- In fact, I guess we can
6 discuss that, because that was about settlement of
7 this matter.

8 We met with Talquin Electric yesterday, and
9 they offered to encourage Progress to sit down and
10 talk with us and talk about this route and why
11 there's no other alternative, which is one of the
12 things they have not done yet. And I think we've
13 convinced Talquin to understand that they have an
14 obligation to the present board to explain to this
15 board why this route is the route, and convince this
16 board that they have to live with this route. And I
17 don't think they've done that. And I think Talquin
18 understands that now. So they're going to help to
19 try to get them to sit down with us to see if we can
20 resolve this.

21 MR. DIXON: Let me ask a question.
22 Before we sit down do we know what we want?

23 MR. WILLIAMS: The answer is no. But
24 that's normal. That's normal. But what's happened
25 here is, before we got to this point there have been

1 requests to have Progress meet with us and talk
2 about where we are and where we're going.

3 And James Harold Thompson, who is the
4 attorney for Talquin, was in the room yesterday, and
5 as you know, he's a former speaker, I'm a Lobbyist,
6 so we talked about it. When the Legislature changes,
7 it doesn't matter if it goes from Democratic to
8 Republican, or you just elect new people, there's an
9 obligation to come back in and explain where you are
10 and what you're doing and what needs to be done.
11 That's normal. And that's not happened here.

12 So the answer to your question is, we don't
13 know what we want because they won't explain to us
14 where they are. So you can't formulate any opinions
15 which translate into policy and make a decision as a
16 board, because you can't--- For instance, we asked
17 them for the alternative routes. We haven't gotten
18 that information so we could present it to you to
19 tell you why they believe, based on their
20 documentation, this is the only route. Because
21 they've said publicly this is the only route they
22 could take.

23 So I would say to you, you can't know where
24 you want to go yet, what you want to do, until they
25 give you information so you can make an opinion

1 about it.

2 MR. LAMB: But we know what we don't
3 want.

4 MR. WATSON: I know what I want.

5 MR. WILLIAMS: I would suggest to you
6 that until you actually know background information,
7 you have a sense of what you don't want, but facts
8 may not support that.

9 MR. WATSON: I think we are all
10 interested in having a say in the route that's going
11 to impact the least number of Gadsden County
12 residents.

13 MR. DIXON: Well, I don't think that's
14 my position, the least number of Gadsden County
15 residents.

16 MR. WILLIAMS: Commissioner, we're on
17 the record.

18 MR. DIXON: I understand. I'm not sure
19 I've seen--- And that's my point is. I know what
20 others said they didn't want, and I'm just not sure
21 on what's available as opposed to---

22 MR. WILLIAMS: There's a non-legal
23 term, and everybody's probably heard it, called
24 NIMBY, not in my back yard. And that's really what
25 happens when you deal with these things, like the

1 cell towers and transmission lines. Nobody wants
2 them in their back yard. So least impact, it's kind
3 of like the squeaky wheel gets --- the squeaky can
4 gets the oil. When you deal with these things you're
5 always going to have somebody formulating a group
6 that's going to complain about it.

7 MR. WATSON: Yeah, but we know their
8 interest is going from A to B, point A to B, as
9 cheap as they can. That's what their interest is.
10 Our interest is going from point A to point B with
11 the least amount of impact on Gadsden County
12 residents. If we can keep them from going through
13 downtown Gretna, or wherever, I think that would be
14 our interest.

15 MS. HOLD: Mr. Chairman---

16 MR. WILLIAMS: But by the same token,
17 if it goes through an environmentally sensitive
18 piece of property it may not impact anybody, but it
19 may impact the land severely.

20 MR. WATSON: Well, a pole sticking up
21 out of---

22 MR. SEXTON: They do it clear cut to
23 run a line.

24 MR. WILLIAMS: That's what I'm saying.
25 So that's why I'm saying not put that caveat in

1 there about affects the least amount of people. But
2 the question is, I don't know where they're going
3 to---

4 MR. HOYT: For information, we need the
5 information. Even though I've seen it, I've seen the
6 different routes, and we've seen--- I live in
7 Greensboro, and we've been out there several times.
8 But this commission needs to see those routes.

9 I'm a little interested in--- with the gas
10 pipeline how far did you guys get into that and how
11 expensive was that? Because this is a major company.

12 MR. WATSON: We bailed pretty quick.

13 MS. HOLT: Y'all bailed pretty quick?

14 MR. DIXON: Yeah, it kind of was
15 brought to our attention real quick that, "You're in
16 the game with the big boys."

17 MR. WATSON: The guys that were wanting
18 to do it told us some things and we come to find out
19 were not accurate.

20 MS. HOLT: Well, the reason I say that
21 is because this is a large company, and I'm looking
22 at the same--- I'm looking at what the citizens
23 want, but that side of it also. So when you look at
24 costs, instead of just jumping out there I would
25 like the information. I'd like the mediation and

1 that type of thing a lot better than jumping out
2 there saying what we're going to do, beating on our
3 chests and throwing up a smoke screen.

4 MR. WILLIAMS: Well, I think Paul is
5 absolutely accurate. This is an unanswered question.
6 I know he's accurate. It could cut either way. Now,
7 if you really want to talk about hardball strategies
8 what they would probably do, back in the days of
9 W.D., they would blindside you in the eleventh hour
10 in the legislature and fix this problem.

11 MR. DIXON: W.D. and Pat Thomas both.

12 MR. WATSON: Dempsey Barren too.

13 MR. WILLIAMS: Well, because we're on
14 the record I want to be clear. I'm only calling
15 those names because those have been the local
16 representatives from this area who they would have
17 used to champion a cause. And a good politician
18 hides that kind of legislation until the last
19 possible minute, because they don't want to fight
20 it.

21 The counties would be in support of us,
22 obviously, because they would want to have more say-
23 so, so you'd have the whole association of counties
24 behind us lobbying for this if they could know it
25 was there.

1 So I suspect that there is going to be an
2 attempt--- If it was me this is what I would do. I
3 would --- If they thought we could win, and there is
4 a chance, I would change the law.

5 MR. WATSON: How much of this is going
6 to impact our current budget, the one we're in now?

7 MR. BROWN: Commissioner, I'll have to
8 take a look at that.

9 MR. WATSON: How far are we going to go
10 in the next six weeks?

11 MR. WILLIAMS: We'll have to go back
12 and let you know. We don't know.

13 MR. SEXTON: Probably not very far from
14 the standpoint that we have to go into mediation. We
15 may get into depositions and other discovery, some
16 of the preliminaries, the first two line items.

17 MR. DIXON: Will we know more after---
18 I don't know how to pose this question. Will we know
19 more about what we know or don't know you think
20 after the mediation?

21 MR. SEXTON: I would like to think that
22 we would have a clearer picture of what's going on.
23 I'm going to spend some time talking with Doug on
24 that issue. And probably need to collect the
25 information that has come into the county about the

1 routes in the past. I suspect what you've got are
2 preliminaries, and there's not really their
3 analyses.

4 MR. WILLIAMS: We're out of time,
5 Chair, we need to do the other budget. We have two
6 requests for motions also. And Paul, we need to hit
7 the highlights on this one.

8 MR. SEXTON: This is the budget on the
9 condemnation action. We're anticipating those. It's
10 a combined budget for all of them.

11 MR. WILLIAMS: Other than that,
12 commissioners, unless you have any questions, since
13 we're running out of time---

14 MR. WATSON: This is to stop the
15 eminent domain?

16 MR. WILLIAMS: This is to go into the
17 eminent domain.

18 MR. WATSON: Well, you said we only
19 need to do one.

20 MR. WILLIAMS: But we're just showing
21 you what we think the budget would be. It may be
22 significantly less than this. It may be that the
23 Judge slams us so hard in one we don't even want to
24 go any further anyway. We only need one. We can file
25 in all of them, and then take the first one, and

1 then that kind of lets us know where we are.

2 MR. WATSON: One you propose is going
3 to cost \$21,000.00?

4 MR. WILLIAMS: No, sir. We're giving
5 you what we think the worse case scenario is. You've
6 got to know a high number. I don't know what one
7 would cost. And Paul, if you think you have a
8 smaller number you can jump in. But we have to give
9 you our worse case scenario. And this one, I think,
10 is more manageable, because eminent domain is
11 straightforward. So this probably is the high end of
12 what the worse case scenario would be.

13 MR. SEXTON: Half or less I would
14 guess.

15 MR. WILLIAMS: Half or less. But we
16 have--- This came to our attention probably about a
17 week ago, that we think we need to do this. But if
18 we were to go forward this number is, I think, an
19 upset outer limit number.

20 MR. DIXON: What do you need from us
21 today?

22 MR. SEXTON: We're asking two things.
23 One is the authorization to utilize Carlos Alvarez
24 for mediation.

25 MR. WILLIAMS: And authorize somebody

1 represent that has settlement authority.

2 MR. DIXON: We need a motion to
3 authorize---

4 MS. HOLT: So move.

5 MR. DIXON: --- Alvarez---

6 MR. LAMB: Second.

7 MR. DIXON: Motion and second. Would
8 there be any other discussion? All in favor, sign of
9 aye.

10 (all responded by saying aye)

11 MR. DIXON: We need a second motion---

12 MR. SEXTON: The second action is to
13 authorize the county to intervene and actively
14 participate in the pending eminent domain actions.

15 MR. LAMB: So move.

16 MS. HOLT: Second.

17 MR. DIXON: We have a motion, we have a
18 second. Any discussion? All in favor, sign of aye.

19 (all responded by saying aye)

20 MR. DIXON: Anything else gentlemen?

21 MR. WILLIAMS: That's it, sir.

22 MR. DIXON: This is the conclusion of
23 the closed session of the attorney/client session.
24 We'd now like to be back in open session. This
25 meeting is now open. The attorney/client session has

1 ended. This meeting is adjourned.

2 (WHEREUPON, the meeting was concluded.)

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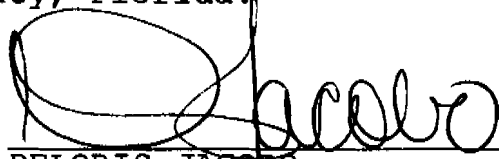
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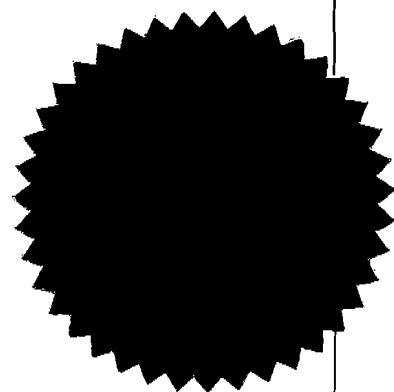
CERTIFICATE

I, DELORIS JACOBO, Court Reporter, do hereby certify that I was authorized to and did report the foregoing proceeding, and the preceding transcript is a true and correct transcription of my shorthand notes taken at the time and place indicated herein.

DATED this 16th day of September, 2005, at
Live Oak, Suwannee County, Florida.



DELORIS JACOBO



GADSDEN COUNTY BOARD OF COUNTY COMMISSIONERS
ATTORNEY-CLIENT SESSION

RE: *Progress Energy v. Gadsden
County*

TAKEN AT THE INSTANCE OF: Attorneys for Gadsden
County

DATE: November 15, 2005

LOCATION: 9-B East Jefferson Street
Quincy, Florida

TIME: Commenced at 5:15 p.m.
Concluded at 5:45 p.m.

REPORTED BY: Carolyn L. Rankine
Notary Public in and for
the State of Florida at
Large

ACCURATE STENOGRAPHY REPORTERS, INC.
2894-A Remington Green Lane
Tallahassee, Florida 32308
850/878-2221

COUNTY COMMISSIONERS PRESENT:

THE HONORABLE EDWARD J. DIXON, CHAIRMAN
 THE HONORABLE EUGENE LAMB
 THE HONORABLE STERLING L. WATSON
 THE HONORABLE DERRICK E. PRICE
 THE HONORABLE BRENDA A. HOLT

STAFF MEMBERS PRESENT:

MARLON BROWN, COUNTY MANAGER
 THORNTON J. WILLIAMS, ESQUIRE
 PAUL SEXTON, ESQUIRE

* * *

I N D E X

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PROCEEDINGS

1 THE CHAIRMAN: Let's go ahead and bring this
2 meeting to -- this client-attorney meeting of the
3 board of county commissioners to order. This is
4 going to become a closed client session to discuss
5 pending litigation and strategy session related to
6 litigation expenditures for *Florida Power*
7 *Corporation doing business as Progress Energy v.*
8 *Gadsden County*. The meeting time will be about 45
9 minutes. The persons in attendance will be --

10 COMMISSIONER PRICE: Commissioner Price.

11 COMMISSIONER HOLT: Commissioner Holt.

12 COMMISSIONER LAMB: Commissioner Lamb.

13 COMMISSIONER WATSON: Watson.

14 MR. BROWN: Marlon Brown, County Manager.

15 MR. SEXTON: Paul Sexton, deputy county
16 attorney.

17 MR. WILLIAMS: Thornton Williams.

18 THE CHAIRMAN: The certified court reporter
19 and myself, Ed Dixon, commissioner.

20 We now will convene the attorney-client
21 session any one of not aforementioned names needs
22 to now leave. Mr. Attorneys.

23 MR. WILLIAMS: Commissioners, we have a number
24 of items, Paul is going to take the lead, but a lot
25

1 of the decisions will be made very short. So we're
2 going to be as quick and get to the point as much
3 as we can so we can get through this issue before
4 6:00. Paul.

5 MR. SEXTON: Yes. Just a status on the
6 *Progress Energy v. Gadsden County* case: we had
7 mediation that was sort of continued onward in
8 hopes of further discussions of routes and so
9 forth, and that didn't happen so the mediator
10 declared an impasse and so mediation has ended.

11 Progress Energy has filed a motion for summary
12 judgment. They did that last month. Set it for
13 hearing this coming Tuesday in front of
14 Judge Reynolds and we're in the process of
15 preparing our memoranda and submittals and response
16 to that.

17 And Public Service Commission has filed
18 memorandum in support of Progress Energy's points,
19 you know, asserting that they pre-empt this whole
20 area because regulating a route of transmission
21 lines affects the rates and charges of utility
22 customers and that's under Public Service
23 Commission jurisdiction.

24 THE CHAIRMAN: Really.

25 MR. SEXTON: Yes. Except that they don't

1 actually regulate the routes.

2 THE CHAIRMAN: Okay. I'm sorry. Go ahead.

3 MR. SEXTON: It's a *non sequitur* argument.

4 Anyway, we'll file a memorandum later this week and
5 the court may rule at the hearing on Tuesday or may
6 require further argument, and the judge may also
7 just take his time in making a decision.

8 On the condemnation cases, which were the
9 parallel cases where they were -- Progress Energy
10 was taking property for their transmission line, we
11 had to pick and choose as to how to get involved in
12 those because most of them were settling and not
13 good candidates for county intervention. The
14 Vanlandingham parcel remains in dispute. That's
15 basically the last case. And we have sought to
16 intervene in that case in support of the challenge
17 to the taking of their property on the grounds that
18 they've raised, which are primarily because they
19 have not complied with the code.

20 We heard argument on that, I believe, two
21 weeks ago and the judge has reserved ruling on our
22 intervention and has required us to file memoranda,
23 which we did file today, on alternative forms of
24 county participation either limited intervention or
25 *amicus curie*, which is basically friend of the

1 court, you can basically submit argument but you
2 really don't have full party status. Which is not
3 desirable from the county's standpoint and that's
4 what I put in our filing, because it doesn't give
5 us enough ability to have a say-so as to what
6 happens in the case. It basically leaves it up to
7 the Vanlandingham's attorney to pursue the case and
8 we can kind of ride his coattails. So we want to
9 have full-party status if we're going to get in
10 that case at all.

11 But we should hear next week from the
12 judge. And he had indicated during the eminent
13 domain case -- and I don't know whether this was
14 just a shot over the bow to make Progress Energy
15 nervous -- but he indicated that if he determined
16 that the county did have jurisdiction, he may just
17 stop the Progress Energy project until they come
18 into compliance. So we'll have to see how that
19 works.

20 Now, what we also have is an issue, which is
21 on the second page of the handout I gave you, is an
22 inquiry by counsel for Progress Energy. And what
23 he is asking is the possibility of proceeding with
24 the permitting of the proposed transmission line
25 with the understanding that neither party is

1 waiving any rights. Now, what he's talking about
2 on the permitting, is actually just the crossing
3 permits. Those are his permits that he filed back
4 in May or June that Robert Presnell brought to your
5 attention at the agenda meeting. Which is
6 basically down about a mile of the northern section
7 where it runs parallel to the road -- turn it up
8 this way -- it's way up here where it's running
9 down Atwater Road. It's about a mile here. Then
10 it hits the railroad tracks, and then their
11 application for crossing permits picks up wherever
12 they cross the county road. And so their permit
13 applications are up here, and then just spotted
14 along the route as it crosses county roads all the
15 way down here. That's -- he wants to be able to
16 move forward with those and have the county
17 consider allowing those to be processed.

18 The case law in Florida is pretty clear that
19 the county really can't look at private property
20 impacts when you're talking about the -- those
21 crossing permits, that those really are just
22 roadway issues and there really aren't any -- we
23 can't look at it from a zoning standpoint like
24 we're trying to do for the rest of the line. And
25 that's just a case on that issue.

1 What he's also asking in his email is -- which
2 is the second paragraph is the possibility that we
3 would consider attempting to identify segments of
4 the route that are not in dispute and at which
5 construction could begin. The concern being that
6 they need to start construction soon or they're
7 going to end up having power problems down in the
8 southeast area where there's load growing near the
9 bottom of this line. And so, you know, that raises
10 the possibility of -- if the controversy is
11 Greenville -- I'm sorry Greensboro -- I've done
12 that twice -- this segment may be noncontroversial,
13 this portion may be noncontroversial, depending on
14 your view of the issues.

15 MR. WILLIAMS: Paul, you might want to show --
16 this is a map of alternative routes, the blue
17 lines, and you might want to show them where there
18 is an alternative route that just goes around
19 Greensboro, so the solution is to allow them to
20 build along the route that they've planned, but if
21 we can negotiate somehow, then picking up that
22 alternative route, Greensboro is out of the loop
23 and they can finish it as they originally designed.

24 MR. SEXTON: The route goes down this green
25 line --

1 MR. WILLIAMS: Paul, I don't think they can
2 see it.

3 MR. SEXTON: All right. I'm sorry. I don't
4 have --

5 MR. WILLIAMS: Why don't we -- let me hold
6 this.

7 MR. SEXTON: You hold it.

8 MR. WILLIAMS: How is that? Is that better?
9 Okay.

10 MR. SEXTON: Okay. The route goes down this
11 green line. And this supposedly are the -- are all
12 the routes that they studied, and this is a similar
13 to, if not the same, as some of the handouts
14 they've given.

15 MR. WILLIAMS: And that's Greensboro.

16 MR. SEXTON: That's Greensboro right here.
17 Here is I-10 -- I'm sorry. Yeah, that's I-10.
18 You're right. I missed it. That's I-10 right
19 there. This is Atwater Road right here, they pick
20 up the railroad tracks and come all the way down
21 here, make a turn over here to State Road 65, and
22 then run that down to the county line.

23 The -- one of the routes hits the -- comes off
24 the railroad tracks here, north of Greensboro and
25 north of I-10, and comes south, and then swings

1 around and hits the railroad tracks again. And
2 that gets you around the City of Greensboro.

3 We've looked at it and it -- I don't have
4 section lines. Do we have section line -- property
5 lines here -- we don't have parcel lines on here.
6 This one runs down a number of parcel lines and
7 then where it crosses through here is cutting
8 through one large parcel through here, and maybe
9 two parcels, but by and large, this is not chopping
10 up a bunch of property like some of the other
11 routes are not necessarily running down section
12 lines or property lines, they did try to run
13 generally down property lines.

14 This route costs about 25 percent more -- 20
15 percent more for them to go around because of
16 right-of-way acquisition costs and construction
17 costs. Some of these other routes, like when you
18 start swinging way out here start costing, you
19 know, 50 percent more, or a hundred percent more.

20 MR. WILLIAMS: Right. But the strategy is to
21 see if there's -- so what we're recommending is to
22 go ahead and permit this, because whatever the
23 solution is, it's going to be taking Greensboro out
24 of the existing route only, which means that you
25 try to negotiate a solution that picks up this

1 piece. So everything else probably is not in
2 contention.

3 And Paul had mentioned earlier that there is a
4 concern if we don't show the judge that we are
5 cooperating in areas that are not in dispute, he
6 may not rule with us.

7 MR. SEXTON: Right. He'll probably -- he --
8 because they are going to emphasize the need for
9 this line to avoid power outages, and we're getting
10 comments that -- and whether these are made in good
11 faith or not, I don't know -- but that from
12 Progress Energy that Talquin has been a little late
13 in the game of letting know how quickly the load is
14 growing and so they say they're feeling the
15 pressure to get these lines done and, of course,
16 this is supposedly according to their engineers.

17 So because we're not in a position to say no,
18 we're just as an expert, and we say, you know, you
19 got two years to build this line. We don't want to
20 necessarily put the judge in a position of having
21 to worry about the lights going out, or flickering,
22 or whatever, has that weighing on his mind in
23 relationship to this whole process. And what we've
24 been told is as long as they can get construction
25 started soon, then they can get it done in time.

1 It's not a question of we got to stand back and let
2 them do the whole route right away. So if they can
3 start some phases of it, then they're saying that
4 will take pressure off the schedule, and that may
5 take pressure off the judge.

6 MR. WILLIAMS: So the question is to allow
7 them to get permitted on noncontroversial pieces,
8 and I guess we need a motion --

9 MR. SEXTON: Yes. There are actually two
10 issues which would be whether the county is
11 agreeable with proceeding with the permitting for
12 the roadway crossings, which are the ones that are
13 scattered down here that Robert Presnell has, and
14 whether the county is in a position to identify
15 segments of the route that are not in dispute, you
16 know, which construction could begin and --

17 MR. WILLIAMS: And then the third one which is
18 do you approve the strategy of trying to look at
19 then negotiating instead of somewhere from here to
20 this piece which takes you through Greensboro,
21 trying to get them to agree to some form of picking
22 up this alternative route that takes Greensboro out
23 because those strategies are kind of tied into the
24 fact that we're going to agree to that as a route
25 except for the piece around Greensboro.

1 COMMISSIONER HOLT: Questions?

2 THE CHAIRMAN: Commissioners.

3 COMMISSIONER HOLT: Yeah. How do -- do we run
4 into the same problem with those property owners
5 out there? I mean, they're going to say the same
6 things, aren't they?

7 MR. WILLIAMS: You're going to always have a
8 NIMBY situation --

9 COMMISSIONER HOLT: Right. That's what I'm
10 saying --

11 MR. WILLIAMS: -- not in my back yard.

12 COMMISSIONER HOLT: -- you trade one for the
13 other.

14 MR. WILLIAMS: Well, you actually are.
15 It's -- these are going to be tough choices and the
16 question is do we try to get it out of the City of
17 Greensboro. Once you say yes to that, it's in
18 somebody else's property, it's going to cut through
19 somebody else's property, somebody is not going to
20 be happy.

21 COMMISSIONER HOLT: True. So how many
22 property owners are we talking about?

23 MR. SEXTON: There are fewer property owners
24 affected by this route in terms of -- let me put it
25 this way: the Progress Energy measured the

1 closeness of its route to residences, and they
2 identified the number of residences on this
3 route -- and I don't have the number with me -- but
4 I believe that there are fewer by maybe as many as
5 a dozen that fall within that zone on this outside
6 route running around Greensboro. Because probably
7 these are larger parcels. Now --

8 COMMISSIONER HOLT: Right.

9 MR. SEXTON: Now, is this going to affect
10 those large parcel owners, the answer is yes. And
11 so -- nevertheless, you know, trying to work around
12 the issue of Greensboro, that gives us one
13 alternative to look at.

14 COMMISSIONER HOLT: Yeah. I think I
15 understand what you're saying and they give a
16 little bit better leeway with the judge, but my
17 question is this: if you do that and then one
18 of those property owners say, well, I'm not going
19 to -- I'm not going to do this, I'm not going to
20 sign, I'm not going to do it, then are we not back
21 to where we were before?

22 MR. SEXTON: No. The issue that we're looking
23 at is not to arrive at agreement where all the
24 parcel owners sign off on a stipulation, because
25 right now what we have is an application -- no

1 application pending, but an application that might
2 be pending for -- or some sort of agreement between
3 Progress Energy and the county that they can run
4 that line on that route, they would then go in and
5 condemn those parcels if they couldn't make
6 purchases -- condemn a route on those parcels --

7 COMMISSIONER HOLT: But I understand. The
8 reason I'm saying that is that we have -- and I'm
9 not arguing for either one -- I'm just saying does
10 it make sense if you have one in there in
11 Greensboro that said they weren't going to sign
12 off, you have one out there that says they're not
13 going to sign off. If I was Progress Energy, why
14 would I want to spend 25 percent more looping
15 around and I can go straight through. You know,
16 I'm just saying that now you know the best
17 situation to negotiate with this, because you got
18 to negotiate in front of the judge not me. But
19 that's just one point I was looking at.

20 MR. SEXTON: Well, we're actually not going
21 to negotiate in front of judge on this issue,
22 because the judge is not really looking at routes
23 right now, he's looking at just the basic power:
24 can you --

25 MR. WILLIAMS: Jurisdiction.

1 MR. SEXTON: Jurisdiction.

2 MR. WILLIAMS: Can you take the property.

3 MR. SEXTON: And what we're saying is, if we
4 can take the time pressure off the project, then
5 the judge is going to not be so under pressure
6 to --

7 MR. WILLIAMS: Vote it up or down.

8 MR. SEXTON: -- vote it up or down.

9 THE CHAIRMAN: Commissioner Lamb.

10 COMMISSIONER LAMB: The other side, on the
11 east side or south side going the other way?

12 MR. SEXTON: The other side?

13 COMMISSIONER LAMB: Yes.

14 MR. SEXTON: Okay. That would be west side.
15 Yes. Mr. Vanlandingham had proposed a route
16 running way out here, I believe. We never got
17 numbers on that to tell us how expensive that was,
18 but I think it's, as an order of magnitude, more
19 expensive.

20 COMMISSIONER HOLT: Plus we got to go out and
21 it's going to be --

22 MR. WILLIAMS: And at this point with the
23 condemnations that have already occurred, the
24 chances of getting them to abandon this route
25 entirely and go to a new route would be very slim

1 if not impossible.

2 THE CHAIRMAN: That's my question what --
3 given the fact that all the parcels they need
4 except one, if I understand you correct, have
5 already been settled, what leverage does that give
6 them as opposed to us in front of the judge?

7 MR. WILLIAMS: One is all we need.

8 THE CHAIRMAN: That doesn't take us out of the
9 balance game, does it, or --

10 MR. SEXTON: No. It's the same thing as if
11 they had just gone -- because, you know, they
12 didn't condemn all these parcels. Some of these
13 parcels they just bought from willing buyers.
14 Okay. But it's just like anybody who wants to do
15 something on their land, and they buy it, and then
16 they start -- and they want to start building it,
17 and the government says no, you can't do that until
18 you come to us, and they say, well, I already
19 bought my land.

20 And they say, well, you still got to come to
21 us and we'll tell you what you can do with your
22 land. It's the same situation. They basically
23 made an assumption about the county's jurisdiction
24 and went forward at their own risk and purchased
25 these parcels. And this land is not expensive

1 compared to construction of the transmission lines.
2 If this was an urban area, it would be reversed.
3 But --

4 MR. WILLIAMS: But we have something they
5 want, which is to make this ordinance go away. So
6 they don't want to see this, they don't want to see
7 a trend this way. So at some point there may be a
8 negotiation for them to consider a route different
9 than going through Greensboro if that's what you
10 want to do. But I would suspect that they're going
11 to ask us to get rid of this ordinance, and that's
12 something that you're going to have to consider.

13 Because they don't want to set a precedent
14 here. They would rather see it disappear, not have
15 to go a legislative battle, or a legal battle,
16 because if they lose either one, it's a flood gate
17 that's opened.

18 THE CHAIRMAN: Not only millions but --

19 MR. WILLIAMS: You can't put a number on it.

20 THE CHAIRMAN: Yeah.

21 MR. WILLIAMS: So that's a trade-off that
22 they're going to ask for and we would recommend at
23 the appropriate time it be given strong
24 consideration.

25 COMMISSIONER LAMB: Have any communications

1 been done on the east side with the residents on
2 this route we're talking about?

3 MR. WILLIAMS: The one right here?

4 COMMISSIONER LAMB: Yes. Any communication
5 with those people?

6 MR. SEXTON: No.

7 MR. WILLIAMS: No, sir. We wouldn't do that
8 without talking to you all first, because you never
9 know what reaction you would get.

10 MR. SEXTON: And there are other alternatives
11 to look at, but the cost factor really starts
12 kicking in and that would affect the negotiations
13 with Progress as opposed to --

14 COMMISSIONER LAMB: And the reason you want to
15 do that to keep from going down through town.

16 MR. WILLIAMS: Right. To follow the railroad
17 through town.

18 THE CHAIRMAN: And they claim aesthetic value
19 and things like that.

20 MR. WILLIAMS: It's a judgment call. This is
21 pure -- this is -- no legal issue there at all.
22 It's just a pure judgment call about what you think
23 is the better route. Is it better to go through
24 Greensboro or do you want us to look at this
25 alternative route. Our only recommendation to you

1 is that in the areas that -- because they've
2 already started on this route -- in the areas that
3 are not in dispute we recommend that you vote to
4 let them get permits in the areas that are on that
5 part that's not in dispute, and we'll put the
6 appropriate legal protections in place. But we
7 need some direction on whether you want to pursue a
8 route outside of Greensboro or --

9 COMMISSIONER HOLT: Do one motion on the
10 crossing permits first. Let's look at that, and
11 then we go to the other.

12 THE CHAIRMAN: Let me ask a question: how are
13 we defining areas not in dispute?

14 MR. WILLIAMS: We have to walk through it with
15 them, because as you get closer to Greensboro,
16 there are decisions about how far around you want
17 to go. What we looked at was alternative route,
18 and there was a -- this is Greensboro right here.
19 They have an alternative route that starts here,
20 and Greensboro is there, and it comes around and
21 connects back up here.

22 So we looked at that and said there's a
23 possibility that there could be a negotiation from
24 here to here -- Greensboro's my thumb -- so from
25 here to here, that may be an ability to do a

1 negotiation to get off the route that they got and
2 selected, and take that piece and add it in there.

3 THE CHAIRMAN: But in essence we have to be
4 prepared publicly we've given in on the rest of the
5 route? I mean, we --

6 MR. WILLIAMS: That part is not in dispute,
7 though.

8 THE CHAIRMAN: Right. That's what I'm saying.
9 But that will be the public face of it, we've said
10 the rest of the route is okay or we will not --

11 MR. WILLIAMS: It was never in dispute. The
12 only area that was in dispute was the area around
13 Greensboro, and we were reacting to that piece, and
14 so because of that, it's acceptable, that portion
15 is acceptable because it was never in dispute. The
16 only issue was why did they run the utility line
17 through a city. That's what this was all about.
18 And they could have picked something different. We
19 actually have proof now they could have picked
20 something different.

21 And so the question asked differently is had
22 they gone through their route and picked it up and
23 gone around the city, would we have ever been here.
24 See, if Greensboro had never been picked, would we
25 ever have done an ordinance where we have gone

1 through and around the city -- we would have had
2 some disgruntled landowners, but we wouldn't have
3 had a utility, a major utility line going right
4 through the heart of a city.

5 Saying it differently but getting to the same
6 place, that was never in dispute. The prior
7 dispute was why did you have to go through -- as
8 big as this county is -- why did you have to go
9 right through the heart of a city. You had to do a
10 lot of work to do that.

11 COMMISSIONER LAMB: So the outlying area,
12 there really was no other property. That's what
13 you're saying.

14 MR. WILLIAMS: Yes, sir.

15 COMMISSIONER WATSON: And the reason was
16 coming down the railroad track right of way.

17 MR. WILLIAMS: Because it was cheaper. We
18 know why they did it, it's cheap.

19 MR. BROWN: They showed us renderings of how
20 this power line would look. It's on single poles.
21 They showed comparisons of power lines running
22 through the City of Quincy that you would not even
23 recognize because it's probably something that you
24 are used to --

25 COMMISSIONER HOLT: Stewart Street.

1 MR. BROWN: -- that you -- to go -- yeah.
2 That's the one that they showed us. It's the same
3 type of line. And, you know, the question was:
4 is -- you know, you talk about aesthetic value, you
5 know, is this something that you would recognize or
6 you would see as you approach, you know,
7 Greensboro. You know, that's a --

8 THE CHAIRMAN: I didn't like it at Quincy. I
9 mean, I said can't you put something else up. So,
10 you know, I didn't like it when it was at Quincy,
11 but it's there. I mean, people ain't dying, I
12 don't think they going three years, but I don't
13 like it anywhere else either.

14 MR. BROWN: Of course, we asked them the
15 underground and whether they can put it
16 underground, and it was an issue of cost.

17 COMMISSIONER LAMB: Everything is going to be
18 cost.

19 MR. WILLIAMS: We're talking 50 percent more.

20 MR. SEXTON: And there's a Florida Supreme
21 Court case that specifically says county's can't
22 require that and your ordinance provides for that
23 just avoid that issue. That's sort of been there,
24 done that. And so what we're trying to do -- since
25 we can't put it underground, let's move it around.

1 COMMISSIONER HOLT: Let me ask you this: get
2 into Greensboro city limits and going through --
3 just through Greensboro, putting it underground for
4 that tract of land, would it be less costly than
5 going around? When we get to the city, you drop
6 down off the poles and go underground, come back on
7 the other side.

8 MR. WILLIAMS: Those are the kinds of things
9 that you can talk about if -- you know, that may be
10 the solution.

11 COMMISSIONER LAMB: That's what I'm talking
12 about, that's what I'm saying. I'm not all of it
13 underground I'm just talking about the city.

14 MR. WILLIAMS: Because time is tight,
15 Mr. Chairman.

16 COMMISSIONER HOLT: We need to get the motion
17 and then get some things done.

18 MR. WILLIAMS: And then we can come back, and
19 then have another dialogue. But if we can just
20 get -- without contacting the property owners --
21 maybe get some background for you so we can provide
22 you some information about that, and look at the
23 underground expense going through Greensboro.

24 THE CHAIRMAN: So the first question before us
25 is: are you willing to approve -- to give them

1 approval to begin work on the parts of the route
2 that are not in dispute?

3 COMMISSIONER HOLT: Need a motion?

4 THE CHAIRMAN: Yes.

5 COMMISSIONER HOLT: So moved.

6 COMMISSIONER LAMB: Second.

7 THE CHAIRMAN: We have a motion and a second
8 to give Progress Energy the permission to begin
9 construction on the parts of the route that the
10 attorneys determine are not in dispute.

11 MR. BROWN: Along with county manager.

12 THE CHAIRMAN: Along with county manager.

13 COMMISSIONER HOLT: And that is outside the
14 city limits of Greensboro, because if they condemn
15 some or purchase some, it could still be inside the
16 city limits.

17 MR. WILLIAMS: But it could be outside and
18 more based on what the negotiations are.

19 COMMISSIONER HOLT: Right. I just want to
20 make sure there's not inside.

21 THE CHAIRMAN: Motion and second. Do we have
22 any more discussion?

23 (No response.)

24 THE CHAIRMAN: All in favor sign of aye.

25 (Affirmative response.)

1 THE CHAIRMAN: Make it unanimous. The second
2 motion is to allow them to proceed with permitting
3 the road crossings for that same transmission line
4 in areas that are not in dispute.

5 COMMISSIONER LAMB: So move.

6 COMMISSIONER HOLT: Second.

7 THE CHAIRMAN: We have a motion and a second?

8 COMMISSIONER HOLT: Yes.

9 THE CHAIRMAN: Commissioner Holt, second?

10 COMMISSIONER HOLT: Yes.

11 THE CHAIRMAN: Will there be any discussion?

12 (No response.)

13 THE CHAIRMAN: All in favor sign of aye.

14 (Affirmative response.)

15 MR. WILLIAMS: Then the last issue is to allow
16 us to continue exploring some type of alternative
17 to their proposed route, whether it's buried along
18 existing route or an alternative route that goes
19 outside of Greensboro.

20 COMMISSIONER LAMB: So moved.

21 COMMISSIONER HOLT: Second.

22 THE CHAIRMAN: We have a motion and a second.
23 Discussion.

24 (No response.)

25 THE CHAIRMAN: There being none, all in favor

1 on sign of aye.

2 (Affirmative response.)

3 THE CHAIRMAN: There being nothing else, then
4 this attorney-client session is concluded. We're
5 now reopened at the meeting, and this meeting is
6 over. See you downstairs in a few minutes.

7 (Deposition concluded at 5:45 p.m.)

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CERTIFICATE OF REPORTER

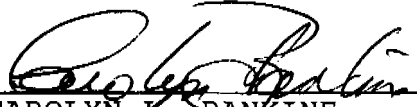
STATE OF FLORIDA:

COUNTY OF LEON:

I, CAROLYN L. RANKINE, do hereby certify that the foregoing proceedings were taken before me at the time and place therein designated; that my shorthand notes were thereafter translated under my supervision; and the foregoing pages numbered 1 through 27 are a true and correct record of the aforesaid proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor relative or employee of such attorney or counsel, or financially interested in the foregoing action.

DATED THIS 12th day of December, 2005.


CAROLYN L. RANKINE
2894-A Remington Green Lane
Tallahassee, Florida 32308
850/878-2221