

AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA ON
JANUARY 9, 2007, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: Brenda Holt, Chair
Derrick Price, Vice-chair
Eugene Lamb
Doug Croley
Edward J. Dixon
Paul Sexton, Deputy County Attorney
Marlon Brown, County Manager
Muriel Straughn, Deputy Clerk

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Croley led in the invocation. Commissioner Dixon led in pledging allegiance to the U.S. flag.

AMENDMENTS AND APPROVAL OF THE AGENDA

The following amendments were made to the agenda:

General Business

- Delete # 18 Approval of Bids for Information Technology Network Services
- Add 21-A. Approval to Execute Change Order to Pay Dixie Paving and Grading, Inc. \$13,326.95 for the US Highway 90 Roadway and Stormwater Improvements - Piggly Site

County Manager's Agenda

- Add 22-A Florida Association of Counties:
Questionnaire on Portability of Save Our Homes Benefits

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

AWARDS, PRESENTATIONS AND APPEARANCES

1. Update on Operation of the Gadsden County Urgent Care Center and Hospital

Mr. Corey Fleming from Tallahassee Memorial Hospital (TMH) gave a brief report on the opening of the Gadsden County Urgent Care facility on December 18th. He said they saw their first patient within five minutes of opening. He noted that between opening date and January 5, 2007, the facility had seen 267 patients. (Average of 15 patients per day) The services provided were comparable to a physician's office to the tune of \$43,000 to the citizens of Gadsden County. (Strep throat, lacerations, cough, flu, ear infections, etc)

Upon inquiry by Commissioner Price, Mr. Flemming stated that the facility has not been open long enough to see a trend in terms of whether the office hours are meeting the needs of the community.

Commissioner Lamb asked if the opening of the clinic had had any bearing on the TMH visits or EMS travel demands. Mr. Fleming replied that he had not been able to determine that yet. However, he hoped to be able to report back to them once he gathers sufficient data.

He went on to say that some of the patients who presented at the facility had to be transferred to TMH because of the nature of their illness. Some patients were transferred after tests determined that they need higher level of care that the urgent care facility could provide. On the average, one patient per day is sent on to TMH.

Mr. Joe Sharp reported that the Gadsden Hospital, Inc. (GHI) had issued an Invitation to Negotiate (last August and September) for companies interested in possibly managing and operating the hospital. He said that six formal proposals were received. GHI has narrowed those down to only three companies. They are Alliant Management Group from Kentucky, Specialty Healthcare and Management from Tallahassee, FL, (Rehab hospital in Louisiana) and TMH.

GHI will meet on January 10 at 5:30 p.m. and decide whether to revise and re-issue the technical specification of the ITN or to proceed with the data in hand to select a company with who to begin negotiations.

There was a consensus of the Board to direct the staff to prepare a resolution to circulate to the municipalities to

solicit their support of the county's efforts to get the critical access designation restored for the hospital.

There was also a consensus that the staff would contact interested clergy and engage their help to have their church members make contacts with the federal legislative delegation to solicit their help to get the critical care designation.

Mr. Sexton explained that the hospital lost its critical access designation when the Agency for Health Care Administration closed the hospital in November 2005. Because it is in such close proximity to other major hospitals, it does not qualify as a critical access facility by the federal standards. However, if the county is successful in getting the designation back, it would greatly enhance the ability for the hospital to operate.

2. Report on Community Traffic Safety Team Community Outreach

(This item was overlooked at this juncture of the meeting. It was addressed later in the meeting following Item # 21.)

CONSENT AGENDA

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

3. Approval of Minutes - November 21, 2006 Regular Meeting

4. Ratification of Approval to Pay County Bills

Accounts Payables Dated: December 15, 22, & 29, 2006
Payroll Dated: December 22, 2006

5. Approval to Accept County Commission Public Officials Bonds for Brenda A. Holt and Douglas M. Croley

6. Approval of Renewal of State Lobbying Services Agreement With Christian B. Doolin & Associates, L.L.C. (\$5,000 Annually to Be Paid Quarterly Beginning March 15, 2007)

7. Approval of Signature for Special Assessment Liens and Rehabilitation Contracts

CDBG Rehabilitation Contract and Special Assessment for

Mattie A. Lawson; CDBG Rehabilitation Contract and Special Assessment for Christine S. Wester

8. Approval to Accept County Grant Award from Florida Department of Health Resolution 2007-004; Budget Resolution 2007-003 & Budget Amendment OMB_BA# 070021 \$17,700
9. Authorization to Establish Budget Authority for Use of Existing FY 2006 SHIP Funds Resolution 2007-008; OMB-BA# 070024
10. Authorization to Establish Budget Authority for Use of Remaining Road Paving Bond Funds Resolution 2007-07; OMB-BA# 070023
11. Authorization to Establish Budget for IT Lease/Purchase Agreement with Hancock Bank and Related Projects Resolution 2007-002; MOB-BA# 070020
12. Authorization to Establish Budget for FY 2007 Library Computer Instruction Project Grant (CLIC) Resolution 2007-005; OMB-BA# 070022
13. Authorization to Negotiate and Execute Contract for the Provision of a Compensation and Classification Study with Evergreen Solutions, LLC for \$19,500
14. Approval to Provide Gadsden County Community Health Council with \$50,000 in Additional Funding for FY 2007 OMB-BA# 070018

PUBLIC HEARINGS:

15. Approval of Funding for Fire Service Study in the Amount of \$25,000 Resolution 2007-001; OMB-BA# 070019

Mr. Brown explained that this item will allow for a study that will allow the County to determine the costs for services as provided by the volunteer fire department as well as the City of Quincy. The study will also take a look at how the County can better respond to emergencies as well as issues with water availability and hydrants in certain parts of the county.

The money for the project will come from the fire services fund balance.

Chair Holt called for public comments.

There was no response.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE RESOLUTION AND BUDGET AMENDMENT NAMED ABOVE.

GENERAL BUSINESS AGENDA

16. Approval for Fire Fighter Incentive Plan

Mr. Brown explained that in FY 2003, the previous Board asked the staff to prepare an incentive plan to aid in the recruitment of volunteer fire fighters. He then stated that in previous years, fire fighters have received a clothing allowance and an incentive based on the number of fire calls to which the volunteers responded. When the new administration came on board, this item was cut from the budget because of the lack of knowledge as to what the incentive program was about.

Mr. Brown reported that the staff has gone back and looked at the program and he asked the Board to put it back into the budget because it does help with recruitment and it offsets the expense of the volunteer who has to leave work in order to respond to a fire.

He then called attention to the proposed incentive plan. The fire services fund balance will be used to fund the incentive plan.

UPON MOTION BY COMMISSISONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE INCENTIVE PLAN AS PROPOSED BY THE STAFF.

17. Approval to Select Eutaw Utilities, Inc./Nabors, Giblin & Nickerson, P.A. as the Infrastructure Engineering and Design Study

Mr. Brown reminded the Board that the 2006 Legislature appropriated to Gadsden County \$350,000 to conduct a countywide water/sewer infrastructure engineering and design study.

The County issued RFP 06-019 to allow qualified firms to

submit bids to conduct the study. A committee was selected to review the bids. It was comprised of the Public Works Director, Growth Management Director, the city managers from Gretna, Chattahoochee, Havana, and the Community Development Director. Upon evaluation, the committee recommended that the bid be awarded to Eutaw Utilities, Inc./Nabors, Giblin & Nickerson, P.A.

He also recommended the selection of Eutaw Utilities, Inc./Nabors, Giblin & Nickerson, P.A. as the top ranked engineering firm to conduct the study.

Chair Holt called for discussion.

There was no discussion.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RECOMMENDATION OF THE BID SELECTION COMMITTEE TO APPROVE THE SELECTION OF EUTAW UTILITIES, ICN./NABORS, GIBLIN & NICKERSON, P.A. AS THE TOP RANKED ENGINEERING FIRM TO CONDUCT THE COUNTYWIDE WATER/SEWER INFRASTRUTURE ENGINEERING AND DESIGN STUDY.

18. ~~Approval of Bids for Information Technology Network Services~~

This item was deleted from the agenda.

19. Approval to Negotiate and Execute Contract for the Provision of an Impact Fee Analysis - Nabors, Giblin & Nickerson, Government Services Group and ARCADIS (piggy back on RFP by Wakulla County)

Mr. Brown reminded the commissioners that the staff was instructed by the commission to move forward with implementing impact fees in Gadsden County as a result of the workshop held in September 2006. He then referenced the RFP done by Wakulla County and suggested that the Board could piggy-back on that contract and negotiate prices for the services received. He then asked the Board to make a determination as to what types of impact fees should be studied.

He then recommended that the Board proceed with Nabors, Giblin & Nickerson, Government Services Group, and ARCADIS to proceed with the impact fee study. He then reiterated

that he was asking the board to do the following:

1. Approve Nabors, Giblin & Nickerson, Government Service Group and ARCADIS to proceed with the study of impact fees - authorize staff to negotiate to negotiate a contract.
2. Determine which impact fees that they should study
3. Determine who should write the impact fee ordinance - Nabors, Giblin & Nickerson or the county attorney

Discussion among the Board followed.

OMB Davin Suggs answered questions from the Board, then asked for their permission and authorization to extend an offer to the School Board (if they would like to pay for their own study) the opportunity for them to use the same firm simultaneously to have an impact fee study done for their purposes.

Attorney Christy Carey from Nabors, Giblin & Nickerson addressed the Board and answered questions. She explained that their proposal did not include the water and sewer impact fee at this time because the county does not yet have enough engineering and rate information available so that they can identify what the costs is for building capacity to that system. Once that study comes back to the county with sufficient data, the county can then look at doing the water and sewer impact fee.

Chair Holt stated that she hoped that the County could look at all of the impact fees together.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO PIGGY BACK ON WAKULLA COUNTY'S CONTRACT WITH NABORS, GIBLIN & NICKERSON AND AUTHORIZE STAFF TO NEGOTIATE A CONTRACT/PROPOSAL FOR THE IMPACT FEE STUDY.

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO DIRECT THE STAFF TO NEGOTIATE WITH NABORS/GIBLIN & NICKERSON FOR RATES/PROPOSALS TO DO ALL OF THE IMPACT FEE STUDIES LISTED IN THE AGENDA REPORT.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO DIRECT THE COUNTY ATTORNEY TO SUBMIT A PROPOSAL TO THE BOARD TO PREPARE THE

IMPACT FEE ORDINANCE AS A SPECIAL PROJECT. IT WAS UNDERSTOOD THAT THIS WAS NOT DIRECTION TO PREPARE THE ORDINANCE, ONLY TO PREPARE A PROPOSAL.

20. Approval of Appointment and re-appointment of P & Z Members

District 2 Appointments - Diane Sheffield & Larry Ganus
(both current)

District 3 - Frank Rowan (current) & Maury VanLandingham
(new appointment)

District 4 - Tom Davis (new appointment) & Willard Rudd
(current)

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPOINT/RE-APPOINT THE ABOVE NAMED CITIZENS TO THE PLANNING COMMISSION.

21. Discussion of Immediate Family Exempt Subdivision Amendments and Discussion of the Draft Ordinance

Growth Management Director Bill McCord called attention to the attached draft ordinance which was prepared by staff following the board's direction at the workshop held in November, 2006. However, he stated that he needed further clarification.

McCord:

We made some minor changes to the draft ordinance to reflect - if the Board still wants to go down that path to allow for smaller than code compliant lots in the agriculture land use - to still be allowed to subdivide with limits. To do so, if those lots were in existence prior to the adoption of the original Comp Plan (meaning in 1991.) So, if you had smaller than code compliant lot in the agriculture, let me use AG-2 for example, and you had a three acre lot in AG-2, and it was a three acre lot in 1990, which is before the Comp Plan in 1991, then those persons would be eligible to then subdivide their property as many as three times creating as small as one acre lots. But, if you had created a parcel after the adoption of the Comp Plan that was smaller than the minimum lot size required in that land use district, then you would not be eligible for immediate family exemptions status except that

if you retained a lot size, the grantor retained minimum lot size require by the Comp Plan.

I know this is extremely confusing. I don't know any other way to present it. But, I think this solves the problem that the Board was trying to work their way through on the 14th.

Of course, there are going to be people are left out. Specifically those people who subdivided property after adoption of the Comp Plan that is now created for whatever purpose, a sub-standard non-conforming or inconsistent lot. Those people are going to be left out or not be eligible to use the immediate family process.

So, that is really the crux of the argument for tonight's discussion as to whether you want to proceed down that road with those limitations.

Now again, there are going to be people left out. If you want to present scenarios to me, I can probably discuss what impacts that would have on a particular property owner. But, our recommendation is, and our lengthy discussion here summarized the details that were presented on the November 14th meeting - the last time we talked about this. Then also, I wanted to identify those conflicting items and what we discussed also.

You are wanting to restrict immediate family. Remember the Board at the November meeting - by restricting it, they are eliminating the ability to do or apply the immediate family exemption in the rural residential land use. That was by consensus, as I recall. So, you are making it much more restrictive. I wouldn't say it is going to be fun to implement, but it will be a little easier for us and it will also insure that most of the development occurring on these lots are larger than what we have, even if there is no infrastructure available. At least we are going to get one acre lots and not ½ acre lots.

There is a draft ordinance attached in the agenda. The new language is underlined and the old language is shaded. Again, it will not be eligible in any land use except for the agriculture land uses.

Commissioner Croley made the following statement for the record: "Before asking questions, I would like to make a

statement about this. This is probably a good time to get it out.

As a strong proponent of private property rights, I am in agreement with all those who believe that government should not have in place excessive regulations that grind people down and place heavy burdens upon them.

Yet, as a responsible elected official, I can't ignore this special exemption situation. It gives a special right to some, but not to all. Nor can it disregard the Planning and Zoning Board's recommendation that this threat to that this threat to orderly growth and sound land use planning be now ended.

So, based upon my most consideration, I oppose this ordinance unless it includes a reasonable sunset provision. Absent such provision, I oppose it entirely."

A lengthy discussion followed.

Dixon:

Look, government is not a perfect work. It has never been. It is a work in action. When we find things don't work, we try and fix them. Just like we did with the non-conforming homes that couldn't be replaced. The Board before us said it can't be replaced, it can't be replaced. We went out and had some good meetings. The people said, "We want them replaced."

We came back and we tweaked the law to allow them to be replaced because we thought it was important that they be replaced.

This thing will be tweaked again probably before this year is over, cause you are going to go back and find something else. And that is what we do."

I want Mr. McCord's group to go look at the changes we have made and then bring us some real world scenarios of things that he has encountered in his office and exactly what the fall out would be."

McCord:

Well, the big issue is then that you know that there are going to be people that want to do something like this for their sons, daughters, parents, grandparents, whatever and

they are not going to be eligible.

Dixon:

But, you know what, I am comfortable with that because we have talked about it. And I know why and how to tell them, "No." I know exactly why I am going to tell them, "No."

That is the point. We have flushed this thing out for six months to a year. We have haggled around this thing. I don't mind telling somebody, "No." It's just this keeping people going along that I have a problem with. So, let's arrive at some understanding, whether it is Commissioner Croley's position to the left or Commissioner Lamb's position to the right. Let's arrive at something that we can find some consensus on, put it in place and say, "Here is the best we can do."

We understand there is going to be fall out.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, TO MAKE THE CHANGES LISTED BELOW TO THE PROPOSED ORDINANCE, THEN BRING IT BACK TO THE BOARD WITH REAL WORLD SCENARIOS SO THAT THE BOARD CAN MAKE FURTHER DETERMINATIONS:

1. Allow a person who owns at least a three acre parcel of land (conforming or non-conforming) to do a family subdivision of the property to immediate family members for the purpose of them homesteading it.
2. There can only be a total of three lots created from the original parcel - including the grantor's lot.
3. The parcel must be subdivision into the three lots all at one time. It cannot be piece-milled over time.
4. Enactment of this ordinance would not prevent the sale of a legal parcel (conforming or non-conforming) or parcels of record that were in existence prior to November 26, 1991 to a non immediate family member.

Report on the Community Traffic Safety Team Community Outreach Agenda Item No. 2

Mr. Brown apologized to Mr. Jimmy Hamilton for overlooking his appearance at the beginning of the meeting. He asked him to come forward at this juncture to make his presentation.

Jimmy G. Hamilton, Chairman of the Community Traffic Safety Team and Chattahoochee Policeman, addressed the Board. He said that the Safety Team is primarily concerned about issues involving the safety within the communities - pedestrian and vehicle safety. He stated that the team meets on the first Tuesday of every month at 10:00 a.m. at the bus barn at the corner of Martin Luther King Blvd and Stewart Street.

He explained that the reason he is addressing the Board is that they need support and participation of the community. When there is a problem identified for traffic safety, this team can be instrumental in bringing the resources together to mitigate the problem. He said the team looks for grants and funds to bring about a resolution to the identified problems.

He pleaded with the Board to help by getting the word out to the community as to what this team does and can do. He said, "The problem we are having right now is lack of attendance. Either people got tired of coming or other things have higher priority. What I am out trying to do is inform the public...We can't do anything if the people don't tell us where the problems are."

Commissioner Dixon told him of a situation which exists on Strong Road and Joe Adams Road. He explained that, "We are intentionally growing those areas, but there are no sidewalks there. I know Strong Road has five housing complexes on it totaling hundreds and hundreds of homes and there are no sidewalks. I know that we have had one person killed along that road. It is one of those time bombs waiting to happen."

Mr. Hamilton replied that they would have the Sheriff to look at it and take some photographs. Then they would put together a project and submit it to Florida Department of Transportation. Once they approve it as a project, the money remains committed to the project until completion.

21A. Approval to Execute Change Order to Pay Dixie Paving and Grading, Inc. \$13,326.95 for the US Highway 90 Roadway and Stormwater Improvements - Piggly Wiggly Site

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE NAMED CHANGE ORDER.

22. Staff Updates:

Report on the Current Status of Road Paving

Public Works Director Robert Presnell addressed the Board and gave a brief report as to the road paving in the County. See the attached report and the current road paving list. He said that the only road on the list that remains unpaved is Sunday Lane. He added that the project should begin in January and be complete in April.

Mr. Brown stated that the staff will bring a new list of roads to be paved to the Board for approval in February.

Mr. Presnell called attention to Potter Road. He reminded them that half of the road was paved two years ago, but paving was interrupted when Florida Gas Transmission asked that the work be halted until they had an opportunity to evaluate the gas line that lies beneath the road. They were considering replacing the line. Since that time, they decided to just reduce the pressure on the line and not replace it. The paving can now continue.

He then called attention to Oaks Road and Old Oaks Road which were on the paving list last year but removed due to funding constraints.

OMB Director said those roads could be put at the top of the new list that will come to the Board in February.

Chair Holt told the Board the DOT is about to resurface US 90 and I-10 in Gadsden County. She requested that the commissioners lobby DOT for the asphalt millings that will be taken up when the resurfacing begins. She said that she would like for the manager to look at stock piling the millings. The millings can be used for paving residential streets where there is not a lot of traffic and heavy equipment.

Mr. Presnell recommended that the millings be traded to a contractor for new asphalt.

Again, Chair Holt implored the commissioners to be assertive in their approach when they lobby DOT for the millings.

Mr. Presnell then reported that there would be a bid opening on January 10 for Lanier Road, Old Federal Road, Atwater Road - SCRAP and SCOP Projects.

22A. Florida Association of Counties: Questionnaire on Portability of Save Our Homes Benefits

UPON MOTION BY COMMISSIOENR DIXON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY MANAGER TO RESPOND TO THE ATTACHED SURVEY ON BEHALF OF THE BOARD.

23. County Attorney

Attorney Sexton had nothing to report.

CITIZENS REQUESTING TO BE HEARD

Mrs. Emily Rowan addressed the Board. She spoke to the issue of impact fees. She said that she has lived where there was an impact fee. She was supportive of imposing them saying that the community will benefit greatly from them. She said, "Do not let the impact fee die. Please do the impact fee. This county needs it very, very desperately."

She then addressed the road paving list saying that she had waited patiently while other "needy" roads were being paved. However, she pointed out the condition of Middle Creek Road, Winding Creek and Will White Road and requested that they move toward getting them paved.

DISCUSSION ITEMS BY COMMISSIONERS

24.

Commissioner Lamb

Commissioner Lamb inquired as to the date for the retreat with Dr. Gross. There was no definite date mentioned.

He thanked Ken Stocks for information he had provided to him in response to a noise complaint that turned out to be a "Bog-In" inside the City of Midway.

Commissioner Croley

There was no report.

Commissioner Price, Vice Chair

There was no report.

Commissioner Dixon

Commissioner Dixon stated that he feels like the upcoming year will be fantastic and he is confident that the Board is up to the task.

Commissioner Holt, Chair

Chair Holt asked that the county manager to look into the "Adopt a Mile Program."

She then reported on the items of discussion that are ongoing with the City of Quincy. (See attachment) She pointed out the solid waste agreement in particular.

Receipt and File

- 25.** Letter to Secretary of State, Division of Elections - Oath of Office for re-elected Commissioner Brenda Holt and newly-elected Commissioner Doug Croley, Payment of the filing fees

Letter from Paul Piller, City Manager, Midway, regarding Knight Road project

Letter to US Army Corps of Engineers, Mobile District, Inland Environmental Team - Regarding Environmental Impact Statement

Letter to US Army Corps of Engineers, Savanna District, Albany Field Office - Regarding September 13, 2006, Joint Public Notice, Tired Creek Reservoir, Grady County

Cash Report submitted for Review by Clerk Nicholas Thomas

Financial Statements as of December 19, 2006 submitted by Clerk Nicholas Thomas

Bank Resolutions and Signature Cards Authorizing Signature of Chair Brenda Holt on County Checks

ADJOURNMENT

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER
DIXON, CHAIR HOLT DECLARED THE MEETING ADJOURNED.

Brenda Holt, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

1T A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA ON
JANUARY 23, 2007, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: Brenda Holt, Chair
Derrick Price, Vice-chair
Eugene Lamb
Doug Croley
Edward J. Dixon (Arrived at 6:15)
Thornton Williams, County Attorney
Marlon Brown, County Manager
Muriel Straughn, Deputy Clerk

CALL TO ORDER

The meeting was called to order by Chair Holt.

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Price led in the invocation and Commissioner Lamb
led in pledging allegiance to the U.S. flag.

AMENDMENTS AND APPROVAL OF THE AGENDA

The following amendments were made to the agenda:

Public Hearing Agenda

Item 9 Public Hearing - Special Exception Request Review -
Horses on a Residential Parcel of Less than Five
Acres - Staff requested this item to be continued
to February 6, 2007 (To be re-noticed.)

General Business Agenda

Revise Revised to Include the Memorandum of Agreement (it
Item was not included in the agenda packet)- Approval to
10 Execute a Memorandum of Agreement with Enterprise
Florida and Opportunity Florida in Support of an
Economic Development Project Known As the Catalyst
Mega Site Project

Revise Revised to Include the Fiscal Impact Sheet and
Item Budget Amendment - Approval of Funding for Big Bend

- 12 Transit Shuttle for Quincy
- Delete Approval of Impact Fee and Cost Analysis -
Item Rescheduled for February 6, 2007 Regular Meeting
14
- Add Information Regarding a Visit to the Jupiter
14-A Community Center on February 15, 2007 -pending
Commissioners Availability

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

AWARDS, PRESENTATIONS AND APPEARANCES AGENDA

There were no awards, presentations or appearances.

CONSENT AGENDA

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

1. Approval of Minutes
 - December 4, 2006 Emergency/Special Meeting
 - December 5, 2006 Regular Meeting
2. Ratification of the Approval to Pay County Bills
 - Accounts Payables dated: January 5, 12, & 19, 2007
 - Payroll Dated: January 4, & 18, 2007
3. Resolution 2007-009 Designating February 11-17, 2007 as Hazardous Weather Awareness Week in Florida to Educate Citizens in Gadsden County
4. Approval of Amended and Restated Interlocal Agreement with Capital Region Transportation Planning Agency - Placing Management Oversight Committee Over the Daily Operations of the Executive Director and Staff
5. Approval of Appointments to the Big Bend Health Council:
Sylvia Byrd and Sherry VanLandingham

6. Approval of Urban and Community Forestry Grant Memorandum of Agreement with the Department of Agriculture and Consumer Services, Division of Forestry - \$10,000 grant FDACS Contract No. 011998 - Expires September 30, 2008
7. Approval to Pursue Partnership with the Talquin Bass Association for the 29th Annual lake Talquin Open Bass Fishing Tournament
8. Approval to Adopt Resolution 2007-10 Supporting the Creation of a Florida Forever Successor Program by the State of Florida Legislature

PUBLIC HEARINGS AGENDA

9. Public Hearing - Special Exception Request Review - Horses on a Residential Parcel of Less than Five Acres

This item was rescheduled at the request of the Growth Management Director with the agreement of the applicant, Charles W. Mulvaney.

GENERAL BUSINESS AGENDA

10. Approval to Execute a Memorandum of Agreement (MOA) with Enterprise Florida and Opportunity Florida in Support of an Economic Development Project Known as the Catalyst Mega Site Project Florida Rural Areas of Critical Economic Concern

Mr. Brown stated that Gadsden County is one of the eight counties designated as being Rural Area of Critical Economic Concern (RACEC) in Florida. The above described project is an economic development initiative that will strive to develop an industrial park in one of targeted counties.

Community Development Director Farnita Saunders introduced the Memorandum of Agreement with Enterprise Florida and Opportunity Florida. She explained that Opportunity Florida serves as an economic catalyst for the RACEC and that Enterprise Florida is the State's economic development agency that was created under Governor Jeb Bush. She stated that the agreement allows Gadsden County to be able to participate in the site selection process in the event that Gadsden County is selected for the location of the

proposed park. If the county does not participate in the memorandum of agreement, it will not be able to participate in the selection of the site.

Mr. Rick Marcum from Opportunity Florida addressed the Board. He made the following points:

- The agreement is not with Opportunity Florida, it is with Enterprise Florida and Office of Tourism and Trade and Economic Development (OTTED). Opportunity Florida is trying to pull the eight counties together so that they can enter into the agreement.
- One of the things that inhibits rural counties from being able to compete for major projects is that they do not have a site to submit with infrastructure and everything else that is involved.
- The Legislature set aside \$2 million to bring in consultants and pull the RACEC areas together and identify for each RACEC area a targeted industry.
- Logistics and distribution was identified to be the targeted industry for the North Florida RACEC. Within the eight counties, there is a port, multiple general aviation airports, interstate, and railroads that lead from the port right up to and including Gadsden County. Back-up targeted industries were construction materials and manufacturing.
- Special legislation will be presented this year to solicit future funding for this project.
- Once the sites have been identified for North Florida and they have gone through the screening process by the Rural Economic Development Initiative (REDI) agencies, they will be turned over to the site consultants, Cambridge Associates from Mass. They will add their ingredients to that list of sites.
- The eight counties will come together and the submitted sites will be shortlisted down to three sites with one primary site.
- The eight counties will select the number one site to be submitted. They will then look at all the venues and avenues to bring infrastructure and financing to the site for any incumbrances it would bring to the host county,
- Enterprise Florida will market the sites on a stand alone basis. They will identify companies that are in an expansion or relocation mode and go to them and market the site.

- The ad valorem taxes increasing on the value added will be shared among the participating counties.
- The project will be a mega site - a rainmaker project - something much larger than Family Dollar that just went to Jackson County. It will be something that will have feeder industries that will have suppliers that will be affected within the region.

Chair Holt asked, "Us being in the most eastern county in this group, how does it affect our chances to lure in those types of industry?"

Mr. Marcum replied, "I think that you are in a very good position. Number one, you are probably located closer to one of the more critical masses of labor force in the fact that you are close to Florida State, Florida A & M, Tallahassee, interstate, railway that leads all the way from Port St. Joe and ends up close to Chattahoochee. So, anything along there that is in proximity of I-10, I think if anyone has a real shot at this, Gadsden County does."

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MEMORANDUM OF AGREEMENT DESCRIBED ABOVE.

11. Approval to Terminate Lease Negotiations With North Florida Medical Centers, Inc.

Mr. Brown requested that this item be pulled from discussion and allow staff more time to work with Mr. Montgomery. Mr. Montgomery insisted on making a statement, but no other discussion was held.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO SEND THIS MATTER BACK TO THE STAFF FOR FURTHER DISCUSSION.

12. APPROVAL OF FUNDING FOR BIG BEND TRANSIT, INC FOR QUINCY SHUTTLE TRANSPORTATION SERVICE - OMB-BA# 070025

Mr. Brown told the Board that a public transportation supplemental joint participation agreement was signed by Big Bend Workforce and Big Bend Transit, Inc. to provide shuttle service in Quincy. Big Bend Workforce could not provide part of the match. To keep the service going, the

Board requested a waiver from the Department of Transportation. The waiver was granted, and the total program was funded. However, the grant funds have now expired. If the service is to continue, another funding source must be secured. He recommended that the service be reduced to three days a week with the cost being shared by the City of Quincy and the County to supplement the fare.

Discussion followed.

Kathy Hicks from Big Bend Transit addressed the Board to answer questions.

Ted Waters, Big Bend Transit, addressed the Board in response to questions.

Following discussion, the Board asked the county manager and staff to explore the possibility of extending the routes to the outlying areas of the county and to also look at the Transportation Disadvantaged participation in that. It was suggested that perhaps businesses would consider underwriting a portion of the cost for shuttle service.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE FUNDING OF ONE HALF THE COST OF CONTINUING THE QUINCY SHUTTLE FOR THE REMAINDER OF THIS YEAR CONTINGENT ON THE CITY OF QUINCY ALSO PAYING ONE HALF. ONE HALF OF THE COST IS ESTIMATED TO BE \$11,760.00. THE FUNDING WAS DIRECTED TO BE TAKEN AS FOLLOWS: MOVE \$11,260 FROM CAPITAL REGIONAL TRANSPORTATION AND \$500 FROM PAUPER'S BURIALS. BUDGET AMENDMENT ATTACHED.

13. Approval to Accept the FY 2007 1st Quarter Financial Report

OMB Director Davin Suggs addressed the Board and presented the attached 2007 1st Quarter Financial Report. He went through the report in great detail and answered questions from the Board.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ACCEPT/APPROVE THE REPORT AS PRESENTED.

14. Approval of Impact Fee, Cost Analysis

This item was pulled from the agenda at the beginning of the meeting

14A. Commissioners Field Trip to Jupiter, Florida to see Jupiter Community Center - Set for February 15, 2007

Mr. Brown stated that the county has been discussing for several years the possibility of constructing a recreation facility which could also serve multiple purposes including that of a regional hurricane shelter. He called attention to a facility in Jupiter, FL which is such a facility. He suggested that the Board visit that facility for information gathering purposes.

Charles Chapman, Parks and Recreation Coordinator, addressed the Board. He gave a brief presentation and showed them pictures of the Jupiter center.

It was stated that both the federal and state lobbyists will be approaching their respective legislative delegations for grant funding for this facility in Gadsden County.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE SITE VISIT TO JUPITER AND TRAVEL EXPENSES THAT WILL BE INCURRED. THE DATE SUGGESTED WAS FEBRUARY 15, 2007.

COUNTY MANAGER'S AGENDA

15. Public Works Training Proposed

Public Works Director Robert Presnell told the Board that his department circulated a survey to his employees soliciting their input regarding training that they would like to receive. He reported that he received thirteen responses requesting training in a total of 39 different categories.

Seven of the employees requested computer training. One employee requested training to attain a GED. Others requested customer service related training.

He then said that he and the personnel director will arrange

for the training requested by all of the employees.

Escambia County Road Prison

Mr. Brown reminded the Board that there would be a site visit to Escambia County to visit the road prison there on Thursday, January 25, 2007.

Trip to Washington D.C.

The federal lobbyists set March 21 & 22 as the tentative dates for commissioners and staff to go to Washington D.C. to meet the federal legislative delegation.

Commissioners Retreat

Mr. Brown reminded the commissioners of the retreat at the Bill McGill Library on Friday, January 26 from 9:00 a.m. to 1:00 p.m.

Groundbreaking for the Public Safety Complex in Gretna on February 1, 2007

Information will follow from Jon Brown.

COUNTY ATTORNEY'S AGENDA

Mr. Williams had nothing to report.

CITIZENS REQUESTING TO BE HEARD AGENDA

Ms. Gwendolyn Robinson told the Board that she had purchased a mobile home to be located on a lot which she owns in Pine Park Subdivision. She said when she went to the Planning Department, they found that her home is one foot too wide for the lot. The department told her she would have to get a variance from the Board in order to get a permit. She also stated that the variance permit fee cost \$1,000 which she cannot afford. She asked the board to waive the fee based on the financial hardship.

Discussion followed.

Growth Management Director stated, "Commissioners, the variance process requires and does not give the staff the ability to grant even a minor waiver, an administrative waiver or variance. But, it does require Planning Commission review before it goes to the County Commissioners. So, we will be reviewing it for compliance with not only set backs, which is the issue that she brought up, but there may also be an issue of another violation of the Comp Plan or Land Development Code which you may be familiar with. If more than 75% of the homes within a quarter of a mile of the proposed building site are site built homes, then you can't have a mobile home. So, we haven't finished that review yet. I have an appointment tomorrow with Ms. Robinson to discuss this further. I think you have the right to waive the fee. That is certainly appropriate or reduce the fee if you think that is what is appropriate. But, I think that it is important to go through at least a Planning Commission review and then come back to you to the point through the formal variance process. That way, neighbors are notified of a variance request."

A MOTION WAS MADE BY COMMISSIONER LAMB TO WAIVE THE APPLICATION FEE FOR THE VARIANCE. COMMISSIONER DIXON OFFERED A FRIENDLY AMENDMENT TO THE MOTION TO ALSO BYPASS THE PLANNING COMMISSION REVIEW AND BRING THE MATTER BACK TO THE BOARD AT THE NEXT MEETING IF THE STAFF REVIEW FINDS NO OTHER VIOLATIONS. THE BOARD WILL CONSIDER THE SET BACK VARIANCE AT THAT TIME. , COMMISSIONER LAMB ACCEPTED THE FRIENDLY AMENDMENT. THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MOTION.

Mr. McCord was given direction to create a criteria by which a person with a hardship can get consideration from the board as to the fees and as to bifurcating the planning commission review.

Mrs. Francis Cook

Mrs. Cook addressed the board saying that she and her son appeared once before with a request to place a mobile home on her property so that he could assist her with caring for her disabled husband. It was determined that the size of her property was just slightly less than the required size for them to qualify for a family exemption. Subsequent to that meeting, she said they had the property surveyed and the adjacent neighbor has agreed to sell them enough land to qualify for the family exemption. She then said, "I think what we are really

asking, Madam Chairman is - we have spent about a thousand dollars for surveys and lawyers fees - do we have a prayer of getting an approval or do we quit throwing good money after bad? I am like the lady before me. We are not wealthy people, we are retirees and we live on a fixed income. Money is a problem."

Mr. McCord stated, "They are in an agricultural land use classification and they don't have enough land to qualify for immediate family exemption. You can't just have two trailers on a three acre parcel. You would have to qualify first of all. Then you would have to have at least the minimum acreage allowed. We have gone through this many, many times. That is why we are working through these changes in the immediate family exemption ordinance. Based on past conversations recently with the Board, and the direction you have given us, we are working toward revising the draft ordinance which will come back before you. I think the way you are moving down the track here is, upon adoption of that ordinance, she would then qualify with a minimum of three acres. That would be the smallest. Then she would be eligible to do an immediate family lot. But, that ordinance has not been adopted yet. So, at such time as that adoption of that ordinance occurs, then when she comes into us, assuming that she creates a code compliant lot, then she will be eligible."

He then said that the ordinance should come to the Board for the first reading at the second meeting in February and the second reading in March.

Thomas Skipper, Surveyor representing the Gainous Family

Mr. Skipper stated that the Gainous family owns 11 acres of property at the Farms at Quincy which they want to subdivide into 4 - 5 lots and establish a minor family subdivision. He said they had met with Mr. McCord on several occasions and he thought they had followed his instructions. However, when they turned in the final plat, it was denied. They said that is could not be reviewed as a minor subdivision, but a major subdivision.

Mr. McCord said that he had discussions with the family and Mr. Skipper last spring about the proposed subdivision. Upon further review of the subdivision, it was determined that the northern half of the property was previously platted in 1987 as the Farms of Quincy Subdivision. The south half of the property was not platted. Under the Land Development Regulations, when a property is re-subdivided, it must go through a Type II

Review, which is a major subdivision review. Because a portion of the property was already platted, it is essentially a re-plat of the property.

He also said that there are some minor design issues that can be overcome.

He surmised that the reason for appearing at this meeting was to appeal to the Board to relieve them from having to go through the major subdivision review process and allow them to go through the minor process.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO FIND THAT THIS THE PROPOSED SUBDIVISION IS A MINOR SUBDIVISION AND SHOULD MOVE THROUGH THE PROCESS AS A MINOR SUBDIVISION CONTINGENT ON THE DETERMINATION OF UNFORESEEN LEGAL ISSUES.

*It is noted here that since this issue did not appear on the advertised agenda, it may be necessary to ratify this action at a subsequent meeting.

COMMISSIONER'S AGENDA

Commissioner Lamb - District 1

Commissioner Lamb said that he has consistently attended the meetings of CRPTA. He reported that the Quincy by-pass project has again been moved outside of the five year plan. FDOT has completely deleted the project saying they needed the money for other things. When the project was first proposed, the cost was estimated to be \$1.5 million. It is now \$25 million.

He then stated that there would be a retreat on February 19 and the by-pass will appear on the agenda for that retreat. He encouraged the Board to press to get the project back on the plan and push to get it built.

He noted that no one from the City of Quincy has attending those meetings.

*****Mr. Williams stated for the record that his firm represents the CRPTA. He stated that he has not heard any legal issues and doesn't see any legal conflicts, since the issue deals with policy as to how they rank projects. However, he said that if**

the matter should escalate to a legal issue, he could have a conflict at some point in the future.

Discussion followed as to how the projects are determined to be priorities.

Commissioner Dixon stated that the only way to access that money is through CRPTA from FDOT. If it is no longer in the FDOT work plan, it just simply will not come to fruition.

Commissioner Croley

Commissioner Croley suggested that the Board pass a resolution to support the need for that by-pass because the downtown traffic is so hazardous.

He then addressed the vacancies on the Library Commission.

Mr. Brown explained that the process for selecting members of the Library Commission was a process put into place by the previous library director - two from the City of Quincy, two from the City of Chattahoochee, two from Havana, one from Gretna, Greensboro, Midway and one at-large. He confirmed that the two vacancies are one from Greensboro and one from Gretna. The process for appointments was never officially adopted, but it has been the practice for a number of years.

Commissioner Croley said that it is not a pressing issue, but he feels that if there is going to be integrity in the appointment process, there needs to be a better understanding of what the Board of County Commissioners is supposed to be doing.

Commissioner Dixon suggested that the Board should legitimize the process even if it means re-conform it as a Board's Commission.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ALLOW THE COUNTY MANAGER AND THE LIBRARY DIRECTOR TO REVIEW THE PROCESS OF APPOINTMENTS AND COME BACK TO THE BOARD WITH A RECOMMENDATION.

Commissioner Price

Commissioner Price reported that a School Board member told him that they would be willing to give the old Southside School and land to the County. He asked the manager to look into the matter. The building is now being used by senior citizens.

Commissioner Dixon

Commissioner Dixon reported that on Thursday, January 25, the Public Safety Coordinating Committee will be traveling to Pensacola to visit the Escambia County Road Prison. The purpose of the trip is to see how it operates and discern if a similar operation could benefit Gadsden County. The committee is looking for alternatives to housing law violators at the jail. The Public Defender, State Attorney, Sheriff, Probation Departments have stepped up and put measures into place that have significantly reduced the jail population.

"We really don't have the money to build a new jail and we know we don't have the money, so there is no sense in us talking about building a ten to fifteen million dollar expansion to the prison. But, there are some things that we can do. Some folks need some, as my ma-ma used to say, some good Christian correction. We need to have those things in place. So, we will be traveling there. Another two or three hour trip on behalf of this wonderful county and bring you back what we find and those things that we think might be important to Gadsden County."

Chair Holt

Public Safety Committee Appointment

Chair Holt commented on the number of people who are participating in the juvenile crime issue and how it impacts the corrections facility and the community.

She appointed Commissioner Dixon to continue to serve on that Public Safety Committee.

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 -0 , BY VOICE VOTE, TO APPOINT COMMISSIONER DIXON TO CONTINUE TO SERVE AS CHAIR OF THE PUBLIC SAFETY COMMITTEE.

Commissioner Dixon then reported that at the round table discussion, the Sheriff updated them on truancy. The Sheriff has formulated a plan and he will be meeting with the individual cities about how to roll out the plan. He also said that they have formed a subcommittee to look at the truant laws and how they can best help to remedy behaviors when a child misses 10-15 days per grading period.

He also reported that Mr. Strait from the Boys and Girls Program had been to the round table discussions and talked with them quite frankly about the lack of commitment (from the county and cities) to bring those organizations into place to help children.

Commissioner Holt closed the meeting by appealing to those present and those viewing via television to check with the Planning Department before purchasing property.

Impact Fees Study

Chair Holt asked that School Board members be added to the list of people to be notified of the meetings to be held regarding the impact fee study.

Gadsden County Legislative Delegation Hearing - Tuesday, January 30, 6:00 p.m.

She encouraged everyone to attend the hearing to meet with the state legislative delegates.

RECEIPT AND FILE

18.
 - Letter from Paul A. Piller, Midway City Manager, regarding the City of Midway - Comprehensive Plan Small Scale Amendment - 20 acres
 -
 - Letter from Paul A. Piller, Midway City Manager, regarding the City of Midway - Comprehensive Plan Small Scale Amendment - 10 Acres for Land Use Change
 -
 - Letter from Department of Community Affairs regarding CDBG Contract Monitoring Visit Scheduled for January 11, 2007 at 9:00 a.m.

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

Brenda A. Holt, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA ON
FEBRUARY 6, 2007, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: Brenda A. Holt, Chair
Derrick Price, Vice Chair
Eugene Lamb
Doug Croley
Edward J. Dixon
Thornton Williams, County Attorney
Marlon Brown, County Manager
Muriel Straughn, Deputy Clerk

CALL TO ORDER

Chair Holt called the meeting to order at 6:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Price opened the meeting with a prayer.
Commissioner Lamb led in the pledge of allegiance to the U.S.
flag.

AMENDMENTS AND APPROVAL OF THE AGENDA

The following amendments were made to the agenda:

Awards, Presentations and Appearances

A-1 Congratulations/Recognition of Mr. Richard
 Davison on Appointment as Deputy Secretary
 of the Department of Juvenile Justice

Consent Agenda

Revise 9 Approval of Chattahoochee Fire Services
 Contract - Interlocal Agreement
 Change of date

General Business

Add 26-A Approval of Justice Assistance Grant Direct
 (JAGD)

County Manager

Add 28. Update on the Fire Services Study with
 Government Service Group

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

AWARDS, PRESENTATIONS AND APPEARANCES

A-1 Congratulations/Recognition of Mr. Richard Davison on Appointment as Deputy Secretary of the Department of Juvenile Justice

County Manager Marlon Brown told the Board that Deputy County Attorney Rick Davison had been appointed as the Deputy Secretary of Juvenile Justice. He praised him for the high caliber of work he has done for the county, but offered congratulations and commendations.

Attorney Thornton Williams told the Board that Mr. Davison had handled multiple projects for the County and did an exceptional job of stepping up to the plate when faced with those challenges.

Chair Holt then presented him with a plaque of appreciation and wished him well in his new position.

Mr. Davison thanked the Board for the opportunity to serve the citizens of Gadsden County. He stated that any success that he has had is largely to due to those who have gone before him. He said, "I stand on the shoulders of giants- giants like the people sitting before me and the people who have come before me. Thank you for the confidence that you have given me and I will give you my commitment that I will do my best to work for those issues that will benefit the State of Florida and the citizens of Gadsden County."

1. Approval of Resolution No. 2007-011 Joining the Girl Scout Council of the Apalachee Bend, Inc. in Designating March 11-17, 2007 as "Girl Scouts Make the World a Better Place Week" in Gadsden County

Ms. Juliene Moore addressed the Board stating that Girl Scouts are celebrating their 95th anniversary.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER

PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION NAMED ABOVE.

2. Presentation of a Donated Tractor to Gadsden County by Ring Power Corporation

Public Works Director Robert Presnell introduced Robert Burkhead of Ring Power Corporation. Mr. Burkhead greeted the Board and said that Ring Power would be donating 10 tractors to counties during the year. He then presented the Chair with keys to a new tractor which is to be used to benefit children of Gadsden County. He explained that Ring Power believes in giving back to the community in which it resides. It is noted here that Ring Power has recently relocated to the Midway. The tractor was a Challenger Model MT265B worth \$20,034.00.

The tractor will be utilized in the construction and maintenance of the parks in Gadsden County.

Ted Gerrell, Vice President of Ring Power and Regional Manager, made brief remarks to the Board.

Chair Holt thanked Ring Power for the tractor and the jobs which they brought to the County.

CONSENT AGENDA

Item 16 was removed from the Consent Agenda for discussion.

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

3. Approval of Minutes

December 19, 2006 Regular Meeting

January 9, 2007 Regular Meeting

4. Ratification of the Approval to Pay County Bills As

Reflected in the Warrant Registers Listed Below:

Accounts Payables dated January 26, 2007

February 2, 2007

Payroll Dated: February 1, 2007

- 5. Resolution 2007-012 Supporting Step Up Florida 2007**
- 6. Modification Number One to the "SHSGP Agreement" Between the Apalachee Regional Planning Council and Gadsden County** in fulfillment of Contract 06-DS-3W-02-30-01-337 With the Department of Community Affairs- Relating to Approval of State Homeland Security Grant Comprehensive **Emergency Management Plan** - This extends the length of the contract until February 28, 2007.
- 7. Renewal of Contract with Law, Redd, Crona & Monroe, P.A.** as the auditing Firm to Provide Auditing Services for the County - Authorize Staff to Negotiate New Contract and Authorize Chairman to Execute the Contract-
- 8. Award of Bid RFP 06-016 to Akin & Associates Architects, Inc.** - to Conduct Facilities Study for the County - Authorize County Manager to Negotiate Contract and Authorization for the Chairman to Execute the Contract Upon Review by the County Attorney
- 9. Approval of Fire Services Agreement with City of Chattahoochee** for \$36,928.00
- 10. Lien Satisfactions** - for Otis Green, Mary B. Shiver, Matricia Richardson
- 11. Approval of Park Safety Initiative 2007** - Gadsden County Division of Parks and Recreation -
- 12. Approval of Purchase of Park Equipment from Landscape Structures, Inc.** by utilizing the contracted discount rates negotiated through the City of Jacksonville's RFP SC-0511-06
- 13. Approval of Policy No. 07-001** - Wireless Communication Devices: Authorization; Issuance and Usage
- 14. Approval of Matching Funds for Voter Education Grant Resolution 2007-013; OMB-BA#070026A & B** (\$783.00 to come from General Fund Contingency)
- 15. Approval of Matching funds for Poll Worker Recruitment and Training Funds** (\$391 to come from General Fund Contingency) Resolution 2007-014; OMB-BA#070027A & B

16. Approval to Reject All Bids Received for Bid No. 2280.34 and Authorization to Re-Bid The Re-surfacing Contract for Four Projects.

This item was removed from the consent agenda and placed for discussion following the consent agenda.

17. Approval of the Applications for Two Rural Matching Grants - From the Department of Health, Bureau of Emergency Medical Services

These grant funds will be used to purchase cardiac monitors and automatic blood pressure cuffs to enhance the patient monitoring capacity.

16. Approval to Reject All Bids Received for Bid No. 2280.34 and Authorization to Re-Bid The Re-surfacing Contract for Four Projects. Lanier Road, SCOP Program; Atwater Road, County Incentive Grant Program; Old Federal Road and Juniper Road

Mr. Presnell explained that all of the bids except for the Lanier Road came in over the estimated price for paving. He asked for permission to change the specifications for the paving and rebid the projects without the thermal plastic stripping.

Commissioner Croley called attention to the fact that Lanier Road actually came in under the estimated cost. He asked if that road could be awarded and simply rebid the remaining three roads.

Mr. Presnell stated that the bids were more attractive to a contractor as a collection of four roads as opposed to a single road because of the mobilization costs involved.

Andrew Raul from Gulf Asphalt addressed the board to respond to questions.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO REJECT ALL BIDS AND RE-BID THE FOUR PROJECTS WITH DIFFERENT SPECIFICATIONS..

PUBLIC HEARINGS:

18. Public Hearing: Conceptual/Preliminary Site Plan for Tri-State Supply; SP-2006-10; 3.06 Acre Parcel designated as Industrial Land Use

Quasi- Judicial Action in conjunction with the advertised public hearing under the Type II plan review procedure per Subsection 7202 of the Land Development Code

Owner: Tri-State Utility Products, Inc. Wade and Debra Patterson

Representative: David Dampier; Matthew Parker of Parker Consulting Services, Inc.

Location: Garrett Drive in the Gadsden Commercial Exchange Industrial Subdivision, approximately ¼ mile southwest of the intersection of U.S. 27 and Scotland Road

TAX ID: 3-03-2N-2W-1524-00000-0040

Planning Commission Recommendation: Based on findings listed in the attached agenda report, the Planning Commission recommended approval of the joint conceptual/preliminary site plan.

Staff Recommendation: Approval based on the findings as listed in the attached report.

Growth Management Director Bill McCord was administered an oath by Deputy Clerk Muriel Straughn.

Mr. McCord described the project in detail. See the attached report for a summary of these details.

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

It was noted that the department had received no negative responses from the surrounding neighbors.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE CONCEPTUAL/PRELIMINARY SITE PLAND FOR THE 24,790 SQ. FT. TRI-STATE SUPPLY BUILDING (SP-2006-10) BASED ON THE FINDINGS LISTED IN THE ATTACHED REPORT.

19. Public Hearing: Comprehensive Plan Amendments (CPA-2006-16AD) (A-L, N-O, and P-Q) - Administrative Future Land Use Map Amendments - Transmittal Hearing

CPA 2006-16AD A-J Comprehensive Plan Amendments - assigning Recreation Use to the county owned and or county maintained parks

Mr. McCord described the above named amendments.

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

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

CPA-2006-16AD K Shaw Land Use Amendment changing 84.1 acres from Conservation to AG-3

Mr. McCord stated that this piece of property was erroneously changed at some point and he recommended that it revert back AG-3 as it was designated prior to 1991.

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

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

CPA-2006-16AD L Havana Middle School - changes 49.86 acres from AG-1 to Public Land Use

Mr. McCord gave an brief overview of this parcel and recommended that it be changed to reflect it's current use as a public school.

Chair Holt called for public comments. 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 ABOVE STATED LAND USE CHANGE.

CPA-2006-16AD - M - Ocklockonee Estates changing 29 acres from Commercial Land use to Rural Residential Land Use.
This item was tabled pending further study.

CPA-2006-16AD-N Iron Bridge Road Land Use Amendment changing

99.98 acres from AG-2 land use to AG-1. See attached agenda for full details of this change.

Mr. McCord reminded the Board that this amendment was prepared at the instructions of the Board as an administrative change to give the parcels a more appropriate land use.

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

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSISONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED LAND USE CHANGE.

CPA-2006-16AD-O - West Gadsden High School - changing 62 acres from Urban Service Area to Public

Mr. McCord gave a brief historical background for this amendment.

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

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

CPA-2006-16AD-P The Chuckes Land Use Amendment changing 3.17 acres from RR to Commercial

Mr. McCord briefed the Board of the details of this project as described in the attached agenda report.

Chair Holt called for public comments.

Patricia Hudgins addressed the Board requesting the change.
Scott Moody opposed the change.
Brian Kerwin opposed the change.
Ann Kellogg opposed the change.
Paula Boney opposed the change.

Discussion among the Board followed.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTE 5 - 0, BY VOICE VOTE, TO DENY THE LAND

USE CHANGE AND LEAVE THE PROPERTY DESIGNATED AS RURAL RESIDENTIAL.

CPA-2006-16AD-Q McCall Bridge Road

This proposed amendment is to request that the Board affirm or deny the original intent of the Board of a previously approved amendment. In 1998, the applicant requested a land use amendment on two parcels totaling just over 28 acres located on the south side of McCall Bridge Road changing the land use from Ag-3 to Rural Residential. The Board approved the request in 1998 for transmittal. However, staff did not complete the process until 2002 at which time they discovered an error. Staff then resubmitted the request but omitted the east 9.14 acres originally approved. Therefore, the ordinance that adopted the land use change only included 19.4 acres.

The applicants now want to complete the minor subdivision on the entire 28 acres which would consist of 7 lots. Two lots would be approximately 5 acres or larger including lot 6 which is in the port of the property subject to this amendment. All seven lots would be restricted to site built homes and all lots would exceed one acre. A private street would provide access to each lot. Lot 6, which comprises most of the area subject to this amendment could be changed from AG -3 to Ag 1 and still result in development of the lots. Since the lot apparently does contain wetlands, this may be the best alternative since it would not give one the impression that this lot could be further subdivided.

Staff recommended that all of the proposed Lot 7 be changed from AG-3 to RR and that all of the proposed Lot 6 be changed from RR to AG-1 and that the easterly 300 ft of Proposed Lot 6 be changed from AG-3 to AG-1.

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

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TOA APPROVE THE RECOMMENDATIONS FOR THE LAND USE AMENDMENT DESCRIBED ABOVE

20. Public Hearing: Comprehensive Plan Amendment - Capital

Improvements Element (Administrative) - CPA-2006-07AD- Large Scale Land Use Amendment

Mr. McCord explained that the proposed amendment is the yearly update to the Capital Improvements Element (CIE). It requires an update every year to reflect new capital items necessary to support growth and correct existing deficiencies.

Each year the state requires that the Capital Improvements Element be revised to reflect the new budget year and five year budget programmed improvements. This was not done in 2005 because of the change in administrations and that there were no new capital items identified.

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

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

21. Public Hearing: Special Exception Request Review - Approval to Allow Horses on Residential Parcel of Less Than 5 Acres

Quasi Judicial Action

Mr. McCord was administered an oath by Muriel Straughn, deputy clerk.

He stated that last summer, Mr. Charles Mulvaney submitted a request for a special exception use to permit horses on a 3.7 acre parcel in the RR land use category. The Board decided on July 11, 2006 to grant Mr. Mulvaney the Special Exception use for six months. This item is back before the Board since the Special Exception expired on January 11, 2007. He reported that no other complaints have been made to his office.

The property in question is located on Wilford Road south of shady Rest Road (CR 270) and east of Lanier road.

There were complaints filed against the applicant by a neighbor and civil law suits have been heard by Judge Reynolds.

Chair Holt called for public comments.

Mr. Charles Mulvaney addressed the Board. He was administered an oath by Muriel Straughn, deputy clerk. He reported that the burning of manure has been abated.

Mr. Jack Kirk, 188 Wilford Road, was administered an oath by Muriel Straughn, deputy clerk. He contended that the burning of manure had not totally abated and entered into evidence a copy a picture he took on January 20, 2007 of a burn pile on which there was hay mixed with manure. He said that the odors from the horses and the pig is offensive to him and requested that the special exception permit not be renewed.

He also contended that the horses and swine have created a nuisance and threatened his quality of life.

Mr. Frank Rainer, attorney for Mr. Kirk addressed the Board. He said that it is his understanding that the Mulvaney's are moving. He asked that the Board not transfer the Special Exception to the next owners. He contended that Mr. Mulvaney is stretching the limits of what he was authorized by the Board to do.

Mr. Mulvaney argued that he is not burning manure, but he does have a permit to burn yard debris. He also argued that the horses and the pot belly pig are pets and he has never received a citation.

Commissioner Lamb said that he had made several unannounced visits to the Mulvaney's and at no time did he find an offensive order or anything that concerned him at all. He did say that if Mr. Mulvaney sells his property, horses will not be allowed on that property. He said the land was clean. The pig which the neighbor referred to is indeed a pet pot belly pig and not livestock.

Commissioner Croley stated that he, too, had made unannounced visits and found nothing offensive. He concurred with Commissioner Lamb about not extending the special exception to subsequent owners of the property. He suggested that Mr. Mulvaney exercise good faith gestures as a neighbor and not do things that exacerbate Mr. Kirk's allergy to burning hay.

Further discussion followed.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO GRANT THE SPECIAL EXCEPTION USE TO MR. MULVANEY - NOT TO THE PROPERTY FOR AS LONG AS NO CODE VIOLATIONS OCCUR. THE GROWTH MANAGEMENT DIRECTOR WAS GIVEN AUTHORITY TO INVESTIGATE ANY COMPLAINTS FROM ADJACENT NEIGHBORS, AND IF HE DEEMS A COMPLAINT IS VALID, HE WILL HAVE THE AUTHORITY TO REVOKE THE SPECIAL EXCEPTION USE.

22. Discussion of Talquin Shores (Unrecorded) Subdivision

Mr. McCord requested that the Board review a proposal to reconfigure and complete a previously Board approved but unrecorded subdivision known as Talquin Shores. Mr. Danny Miller, Owner/Applicant, has already reconfigured some lots and is proposing to reconfigure other lots of the previously approved subdivision located along the west shore of Lake Talquin in the Rural Residential land use classification. The property subject to the proposed subdivision reconfiguration is located as the east end of Reynolds Road, east of McCall Bridge Road and west of Lake Talquin approximately 3.5 miles east of Wetumpka, comprising portions of lots in the Little River Survey (Lots 10) (TAX ID 5-OL-OR-OS-0000-11300-0100) (Portion) and already re-configured parcels 5 - OL-OR-OS-3105-3100A-0010-THROUGH 0120)

Depending on the Board's direction to staff, future action may be considered a quasi-judicial action as a Type II plan per Subsection 7202 of the Land Development Code.

Commissioner Croley and Chair Holt disclosed that they had held conversation with Mr. Miller regarding this matter.

The following facts were presented:

- The original subdivision plat was approved in 1965. It will be honored as previously approved. (See county attorney's opinion letter in the agenda packet.)
- In 2003, Mr. Miller filed for a land use change on this property and a larger portion of the property located to the west of the Talquin Shores subdivision. The Board changed the land use on the property from AG-3 to RR land use category with 11 special conditions or site specific stipulations of approval which included

requiring secondary (advanced septic treatment system) for all lots within two hundred feet of a jurisdictional wetland. Also, the conceptual plan submitted with the Com Plan amendment application does not indicate the vested plat which the County Attorney determined was vested, but it does indicate proposed lots in the area of the Talquin Shores plat.

- Also, State and County stormwater criteria would have to be applied and water service provided by Talquin is required.
- Mr. Miller filed a Major Subdivision Application review of the Talquin Shores Phase I subdivision in September 2004 - based on the attorney's opinion that the subdivision was vested. However, this lot configuration differs from the vested lot configuration as submitted in 1965.
- The subdivision dated October 11, 2004 apparently does not comply with the Comprehensive Plan requirements as described in Ordinance 2003-010 and no construction plan documents were in the files.
- Shortly after October 11, 2004, Mr. Miller began selling the lots. All twelve lots in Phase I were sold in 2004 & 2005.
- According to records on file with the County, the Phase I reconfiguration of this subdivision was reviewed (and assumed approved) as a Major Subdivision in 2004, although no Planning Commission or Board review of the subdivision occurred. Apparently Phase I was administratively reviewed/approved. No approval letter or stamped approved plan exists in the Growth Management Department records. The Phase I subdivision is different than the originally approve a portion of Talquin Shores plat approved in 1965. The reconfigured lots are slightly larger and have a greater depth. The roadway has been shifted to the west away from the lake and is no longer designated as a public roadway. The original plat contained language that dedicated the use of the roads to the public.

See the attached report for demonstration of the major differences between the original plat the more recent reconfigured plat.

Danny Miller addressed the Board and tried to give more clarification to the project.

After lengthy discussion by the board, it was apparent that this matter could not be sorted out without further research and documentation.

Attachment # 2 is the 1965 vested plat with roads conveyed to the public.

McCord:

I don't know what kind of promises or arrangements the previous director or others made with the applicant in recognizing the plat or approving it or anything. Keep in mind, there is nothing in our files. There is no letter of approval, there is no signed off plan that says "Yes, this is the approved plan or anything of that sort." There is just a plan in there with a date on it. The latest plan date is October 11. I don't know if that is approved or not. The argument of the applicant is that that is the approved plan. There is no documentation. It just doesn't exist.

I've told ya'll this many times, this is everyday. I open up a file and this is what I find.

Dixon:

As we say, that is why you are here and he ain't.

McCord:

This is the only thing we have to rely on and this is what we have in the record. What we are presenting to you. I don't know if any of ya'll remember this back in 2004, but, we couldn't find it in the minutes.

Lamb:

Bill, aren't the lots bigger than what they were before?

Miller:

My name is Danny Miller. Madam Chairman and distinguished commissioners, County Manager, Mr. McCord, this process started when I came in to do a Comprehensive Plan amendment to change my zoning on this property from AG-3 to RR. You all remember that, we went through that process. After I bought the property, we discovered a plat that was done in 1965. We presented that plat to Bruce Ballister who was then the growth management director who sent it over to the county attorney. He returned a letter granting vested development rights of 27 lots. When we submitted the

comprehensive plan, transmitted it to DCA, we made DCA aware that there was a vested plat on the property. We sat with Susan Poplin through the negotiations of density for this property. They were aware that there was a plat. So, it's a lot of history and I will try to bring you up as fast as possible.

Once we realized that the plat was vested, we excluded that portion of the plat from the comp plan amendment. Or at least, that was the understanding at the time. Now, we couldn't exclude that portion. All the property was changed so that we wouldn't have to exclude that portion from the vested plat. Everybody knew that we had a vested plat. We had the letter from the county attorney and Bruce Ballister concurred that it was a vested plat. Once we got the comp plan amendment done, things have changed and times have changed a little bit and I moved forward with this vested plat. I took it to Bruce and said to him, "Bruce, what I would like to do is develop this vested plat from 1965, but I want to make the lots bigger. He concurred. He thought it was a good thing to do to make the lots bigger. It gave the opportunity to offer more to a consumer. It added value to the property, value to the lots. That is what we did. At the same time, Bruce told me that we needed to have a storm water management plan which we put into place. We had an engineer, Broward Davis & Associates. We brought a set of construction plans for a road and a storm water management plan to Bruce which he approved. When he approved that plan, we took the plans, Bruce's vested determination, he accepted our first phase and we took our first phase then over to the property appraiser's office and subsequently assigned ID numbers. I then marketed those first 12 lots.

But, in agreement with Bruce, this being a vested plat, we did not change the technicality of a vested plat by reconfiguring lots. Oh course, that is the best that I know and the best I remember about this entire deal. When I went to Bruce, I said to Bruce, "Because of the money constraints, I would like to do this in two Phases. The phase I approach which will be majority water front and the phase II approach which will be majority of non water front lots. That is where I am with it. There was a storm water plan, there is a storm water plan, road construction plans, that stormwater plan is called swale exemptions with ditch blocks. It has not been sent to DEP for approval. We

haven't paved the road, we have only graded the road, cleared the road and graded the road. We are ready to move forward. We have underground utilities in for electric and we're ready to pave the road and move forward with the second phase. That is when I went and talked to the current growth management director and he suggested that we had to bring this before the Board.

Now, I will be happy to answer any questions. My position is that this is a vested lot. I have complied with every thing that Bruce asked me to comply with and I have done so.

There are changes to the lot configuration. The road issue -being a private road vs. a public road, Bruce instructed me when I was there that this road, if it was private, there would be no county expenses for construction or maintenance for the road. So, we made it a private road. We pulled the property lines from the center of the road, dedicated easements on each side of the road and dedicated a 50 ft. right-of-way in there.

It was all accepted by Bruce. It was surveyed. I brought it in to Bruce, the construction plans, the storm water mitigation. Everything was turned into Bruce. I don't know why it isn't in the office. But, I can certainly provide those construction plans and any other documents that I have that are germane to the vested development.

Holt:

Mr. Miller, what effect does your lot change have on page two. They are a lot smaller.

Miller:

No, they are bigger. They are bigger than the original lots were. The reason that I made them bigger was that the way there were originally drawn, the lots were just too small. So, we made them bigger. The only benefit there was to offer for sale to the public larger lots, bigger lots, worth more money, more valuable lots.

Holt:

Because Mr. Ballister, you are saying what effect are you saying it is going to have on page two because the road is moved over.

Miller:

If I may add, I think what, and I am not trying to put words in the growth management director's mouth, but he is saying that we are not in compliance with the comprehensive plan. This is a vested subdivision. We have to comply with current state regulations which require treated stormwater and the discharge of storm water. We know that we have to comply with road construction by the county. We have to get approval. I took that plan to Bruce and he approved it.

In terms of the vesting, my position is that I have 27 vested lots. All I am trying to do is make it better. I am not trying to make it worse. I am trying to make it better.

The growth management director said that the density for the second phase would be 1.04 dwelling units per acre which exceeds the current comp plan rules. He is right. But, this is a vested development exempt from the comp plan rules. Vested means that it is exempt. That is all I am trying to do is proceed with a vested and exempt subdivision from the comprehensive plan. Not exempt from stormwater management or best management practices, road construction and that sort of thing.

Holt:

Mr. McCord, what effect do you think that increasing the lot size or moving the road over will have on phase II.

McCord:

On phase II because phase II will include parcels that were not part of the vested plat. Phase II includes property that is not vested. So, what you would be recognizing is allowing him to vest property that was not part of the original approved subdivision.

Here in this case

Dixon:

So, the point is not whether it is good or bad, it's just that you allow him to vest something that he doesn't have a right to vest.

McCord:

Well, I am not, but ya'll might.

Miller:

Making the lots bigger or smaller, in this case, what I am

trying to do is create value. That is the only reason. What difference does it make if the lots are bigger and we are not inside the amount of property that was originally vested. This was not a recorded plat. It was never recorded, so this plat can be changed.

Dixon:

Madam, I don't want to get down into that because I don't really believe that is the issue. If you are going to say that it is vested and you're going to say - this doesn't have the right to convey you public property. If the road - If you are going to take the vesting, then the road is public. Bruce can't of and by himself give that back to you. Only the body that gave you the vesting can change that. Surely, you know that.

Miller:

Surely? No, I don't' say surely. No, now wait a second, let me defend myself. I don't think that there was ever any intention, I know there was never on my part.

Dixon:

I'll get to intentions in a minute, what I am saying is that surely you know that the vesting that was given to you by this body in 1965, the only people who could change that vesting is this same body. Even in 2005. Right?

Miller:

Well, I don't agree, sir.

Dixon:

Who can change it but the Board of County Commissioners.

Let me make my point. You are not hearing me.

In 1965, this Board gave you a vesting. Do you agree with that?

Miller:

No, sir.

Dixon:

Who gave you the vesting?

Miller:

The vesting determination, the vested exempt determination

was made by the county attorney in 2004.

Dixon:

Who did that plat in 1965?

Miller:

You are correct. The Board of Commissioners. But,

Dixon:

Somebody sold them that plat saying, "This is what it will look like." Am I wrong? So, as long as you do that, you are in compliance with this body. If you change that, the only way to get that change is to bring it back to this body. Am I wrong on that, Mr. Attorney? No one can do that but this board.

Williams:

That is a correct statement.

Dixon:

So, to me, that is the foundation of this thing. If you are going to play with the vesting, then you got to play with all of it.

Miller:

If I could add one other thing, Commissioner. When I sat down with Bruce to do this, there was no objections whatsoever. Now, I understand that your point is that Bruce didn't have that authority. But, I didn't know he didn't have it.

Dixon:

Well, you should know. You should have known.

Miller:

There are a lot of things in life that I don't know. Well, sir, another thing, Bruce, when we sat down to do this, he said that this road can be private and will be of no costs and maintenance to the county to build it or maintain. If it is a public right of way, I am assuming there will be cost to the county. I don't mind leaving it open. We can leave it open, it doesn't have to be.

Dixon:

It is not about the road, it is about the vesting. You've got all of it or none of it.

Croley:

Mr Miller, and I do want for the public record to know that Mr. Miller did call me regarding this issue. As I said to him, all I can do is keep an open mind.

Now, Mr. McCord has done a great job of putting it all together. I understand that the subdivision plat that Judge Reynolds brought this to the county commission when Murray Spooner was chairman and the county commission approved the plat. I agree with Commissioner Dixon that that is your vested right. For whatever reason, the judge elected not to get it recorded. So it became an unrecorded plat as everybody has eluded to. Now, it is pretty confusing. I understand in a zone that is 1:1, it has been your intent to increase the lot size. So, that has made it better than what it was. But, at the same time, we are having to go back here and try to reconstruct things that happened. I understand that in the case of Mr. Ballister, he may have told you about moving the road and making it private road rather than public, but the basis of the vesting is that it was going to be a public road. Am I right? That was the basis of what the county commission did at that time.

Miller:

That is what Mr. McCord read into it.

Croley:

I am looking here at the plat.

Miller:

Where on the plat does it say that it is a public road?

Croley:

That is a good question.

Dixon:

Commissioner Croley, it also didn't say private and you would need to have a conversation about whether it was public or private.

Croley:

If he was paying taxes on it, though, so it was private property, that is what I am saying. It wasn't

Dixon:

Only because it was unrecorded.

Croley:

No, he would still have to pay taxes on it until such time and the board of county commissioners accepted the road from the judge. So, with all due respect to your point, this road was never - there is nothing on here to show it as a public road.

Dixon:

No, all we are dealing with is intentions. That is all he is dealing with. He is saying

Holt:

It is not dedicated public road, is that your point, that it was because it was the intent of the board.

Dixon:

My position is that just like it is not a subdivision, the intention of the body was we will do something that looks like this.

Croley:

In my experience with real estate, this is not the only unrecorded subdivision that I have seen. It was approved by the board of county commissioners because he's got in here the minutes and the attorney's review. But there is nothing in the record that it was ever accepted by the county or even was going to be accepted by the county as a public road.

Now, unless I am missing something,

McCord:

From the plat itself - on the top of page 4 is a quote (right after the legal description of the plat) where these persons dedicate - blah, blah, blah, - then I pick up "dedicated to the perpetual use of the public as public highways the streets as shown hereon reserving unto themselves, their heirs,of the same whenever abandoned by the public or discontinued by law."

Croley:

On my copy, I couldn't read.

Miller:

Well, that would be up to the board. They could revert it. One point I would like to make. This is a dead end street. We don't have to deed this road. Anybody that wants to come in is welcome to come in. It is a dead end street. One way in and one way out. I don't understand the argument quite frankly.

But, I will do whatever it takes.

Holt:

O.K. Mr. Miller, hold on just a minute.

Commissioner Croley?

Croley:

I agree with Commissioner Dixon. Out of fairness, you can't have it both ways. If you are asking that we recognize what was done by the prior commission, that is not a problem. But, if it says on here, even I can't ready my copy of it, it says that is a public road.

Miller:

It doesn't say that it is a public road. It says that it can be reverted back - if it is abandoned, through a revision process, it could be reverted back.

Croley:

It says that it is dedicated. Maybe now we need some legal advice. Does this mean that it is dedicated or could be dedicated.

Dixon:

The original approved plat contains language that dedicated, madam chair, may I offer a suggestion. This is way too complicated for a board meeting. If Mr. Miller and Mr. McCord could sit down and Mr. Miller show him documentation for storm water and that kind of stuff that he already has and make that stuff available to Mr. McCord and see if we can't find some accord that allows Mr. Miller to figure out whether he is vested or not and Mr. McCord to keep us in good with the law. That is our lake and we want to make sure we maintain the eco systems down there. This is way too complicated for us to take a vote on until they iron out those situations that seem to exist here.

Holt:

Mr. Miller and I talked yesterday and I pretty much suggested the same thing. What about that Mr. Miller?

Miller:

Yes, Ma'am. I will be happy to work with Mr. McCord and bring all the documentation. I have a box of documents from doing this.

Holt:

I saw that, I was hoping you weren't going to pull that out. I am glad you brought it. You did exactly what I asked you to do.

Lamb:

I concur with that. Let Mr. Miller and Mr. McCord get together and lets find a medium.

Brown:

Let that include the county attorney's office, too.

Miller:

O.K. Does that mean I should bring counsel? I just don't want to get hammered by a real smart lawyer.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO HAVE THE COUNTY ATTORNEY, MR. MILLER AND MR. MCCORD TO GET TOGETHER AND SHARE DOCUMENTATION AND COME BACK TO THE BOARD FOR FURTHER ACTION.

23. Approval to Request Submittal and Review of Proposed Golden Falcon Estates Subdivision Variance

Owner: Angelia and Dewayne Gainious

Location: Quail Roost Drive west of Glory Road in the RR land use category.

Angelia and Dewayne Ganius requested that the Board allow them to subdivide their 11.38 acres into five lots under the minor subdivision review process. The staff brought it to the board's attention because the northerly portion of the proposed subdivision has been platted as lot 5 and 6 of the Greater Farms at Quincy Unit No. 2 Subdivision. The proposed subdivision would be a re-plat which requires a Type II review as if it is a major subdivision.

Discussion followed.

Attorney Williams advised the Board to require the applicant to submit a variance request to determine if a hardship exists and other standards of Subsection 7301.C. are met that would allow the applicant to develop the property as a minor subdivision.

Further discussion followed.

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

UPON MOTION BY COMMISISONER CROLEY AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE OPTION # 3 - TO ALLOW THE GOLDEN FALCON ESTATES TO BE REVIEWED AS A MINOR SUBDIVISION.

24. Approval and Request Submittal and Review of Pine Park Subdivision Variance

Ms. Twendolyn Robinson appeared before the board on January 23, 2007 and requested relief from having to apply for a variance in order to place a mobile home on her lot in Pine Park subdivision (Lot 15, Block c, Pine Park, Unit 2) It is located in the Urban Service Area land use just south of the Havana City limits. She also stated that the cost for a variance application was too expensive and requested relief from having to pay the application fee. If a variance is required, this would be processed as a Type III review per Subsection 7203 of the Land Development Code.

On January 11, 2007, Ms. Robinson submitted a Housing Permit Application to the growth management division in order to place a mobile home on her lot at 919 SW 3rd St. The lot is within the Pine Park Subdivision Unit 2.

Mr. McCord pointed out that this is not a formal variance request because the applicant has not submitted an application for a variance, it was a verbal petition at the last meeting to be relief without going through the variance process in order to be able to place a mobile home on her property.

He went on to say that there are two issues. One issue is

that the code requires that if in an area that is already developed and they are developed with 75% or more of the houses in that area are site built homes, then you can't bring in a mobile home onto those properties.

The other issue is that the required front set back for a house in the USA is 35 ft. from the front; 10ft from the rear; and a combination on the sides of 25 ft. but no less than 10 ft. on one side. The subject lot is 80 feet. Therefore, the house can be no wider than 55 ft. The mobile home that Ms. Robinson purchased is 56 ft. She will need a variance of one foot.

Mr. McCord told the Board that they may make a finding as to which units of the subdivision to include in calculating whether or not the mobile home would be allowed to be placed in the subdivision. However, he advised them that the applicant should go back through the variance process as outlined in the code once they make that finding. He recommended that it go back to the Planning Commission for review.

Attorney Williams advised, "I agree with Mr. McCord. We need to start following our variance process. Since I've got one limb left for damage, I thought I would go ahead and say that, get that out of the way, then back up and let you guys do what you need to do."

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSISONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO INCLUDE ALL THREE UNITS OF PINE PARK SUBDIVISION TO MAKE THE DETERMINATION THAT LESS THAN 75% OF THE HOMES IN THE SUBDIVISION ARE SITE BUILT HOMES AND THEREFORE, HER MOBILE HOME CAN BE PLACED ON THE LOT. THEY FURTHER GRANTED THE ONE FOOT VARIANCE REQUESTED BY THE APPLICANT.

25. Approval of the Gadsden County Board of County Commissioners Mentoring Policy - Policy No. 07-001

UPON MOTION BY COMMISSIONER PRICE SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE MENTORING POLICY.

26. Approval to Disburse Funds to Non-Profit Agencies

OMB Director explained how the partnership review team came

to make the following recommendation for funding. He then turned it over to Ms. Vivian Howard who made the presentation. She explained the criteria by which the applications were reviewed.

There was discussion regarding redoing the application process to make it less cumbersome.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE FUNDING LISTED BELOW:

Quincy Fest	\$ 4,000
DISC Village	\$ 7,500
Capital Med-We Care Network	\$ 9,000
Red Cross	\$ 9,000
Gadsden Arts Center	10,000
Gadsden Humane Society	3,500
A Shepherd's Hand	6,500
Legal Services of North FL	10,000
Tallahassee/Leon Shelter	10,500

26A Approval of the Justice Assistance Grant Direct (JAGD)

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

27. COUNTY MANAGER'S AGENDA

For Information Purposes - County Manager's Response to Commissioner Croley's Request for Reports from District Two

28. Miscellaneous Items - County Manager

Update by Government Service Group as to the Fire Services Study

Mr. Jason Buckholt addressed the Board giving them a report of the progress made.

The following points were made:

- Site visits to all fire stations
- Met with all volunteer fire chiefs.
- Collected all the fire call data and budget data.
- Draft cost analysis due on February 22.
-

Projects left to do:

- Meet with dispatch personnel
- Final report due Mid March

Mr. Brown stated that they have not been in communications with the City of Quincy Fire Department.

Mr. Buckholt responded that they already had the city data that was necessary, but they do expect to meet with them.

29. COUNTY ATTORNEY'S AGENDA

There were no items to be heard.

CITIZENS REQUESTING TO BE HEARD

Mr. Sam Hawkins requested to make comments regarding policy of the Board. He made reference to a formal complaint and expressed to the commission that he was not satisfied with the conclusion of the complaint. He thus requested to be placed on the agenda and was denied by the County Manager.

He referenced a report and asked the commissioners if they had read the report.

Discussion followed.

Mr. Williams interjected, "I don't think it is appropriate for you to take this forum to in any way suggest or intimidate the commission. You are making inappropriate factual statements."

He continued to say that there are things in the report that indicates theft. He requested again to be put on the agenda.

He said, "This will not go away gentlemen. If I have to walk to the governors office, I will. If I have to walk to Washington D.C., I will. But, this will not go away."

Mr. Williams referenced the ordinance which outlines the procedures for the meeting before the commission.

He went on to say, "I want to make it very clear. If there is a basis for a citizen to appear before this commission, I will be the first one to state that. I don't want it to be

inferred or stated that the county attorney in any way form or fashion is doing anything to prohibit anybody from appearing before the commission. The commission has procedures and there are statutes and ordinances that outlines the duties and responsibilities of the commission and the manager and the county attorney.

This investigation that he had conducted involves employee disciplinary matters. When we researched those issues, unless he provides something differently and that fact that he wants to the investigation at this time, doesn't change the nature of it. We anticipated that there would be some additional concerns. We did a very extensive investigation and I advised the county manager at the time we did this that we were going to do it in anticipation of it. We have taken these allegations very seriously. If you recall there was extensive documentation to support and the penalty of each allegation that was raised to support what the findings were.

Based on the research that I did and my staff did, the facts that are in his investigations are issues that are supposed to be handled by your county manager. It does not warrant by any of the normal procedures of the commission, to be a public hearing before this commission or general issue of business. These were employee matters, personnel matters, and disciplinary matters.

Let me say this, I will meet with him. I don't have any problem meeting with him and if there is something that I have missed and I am wrong, I will come back before you and say that it should be agendaed. But, to do it in this forum, is not the way to get it done.

Further discussion followed with Mr. Hawkins.

30. Discussion Items by Commissioners

Commissioner Lamb had nothing to report.

Commissioner Croley asked that the Board give support to the efforts of DEP to clean up the old Post Perserving site to make it safe for area residents.

M

Commissioner Price, Vice Chairman had nothing to report.

Commissioner Dixon had nothing to report.

Chair Holt had nothing to report.

31. RECEIPT AND FILE

- Letter to Allen P. Turnage regarding Ashford Healthcare services, Inc. United States Bankruptcy Court for the Northern District of Florida
- Letter from the City of Midway regarding the annexing of 20 acres of land owned by Lex Thompson
- Letter from the City of Midway regarding the annexing of 19.40 acres of land owned by James Thompson
- Letter from the City of Midway regarding the annexing of 19.40 acres of land owned by Thomas Larson
- Letter from the City of Midway regarding the annexing of 19.36 acres of land owned by Coastal Forest Resources
- Letter of Thanks from Tabernacle Church of Christ Written in Heaven and the Pollock Family
- Cash Report filed by Clerk Nicholas Thomas
- Letter from the Florida Department of Health regarding Results of Tuberculin Skin Tests at East Gadsden High School
- Notice of bid Award regarding pest control services award to Massy Services, Inc. of Tallahassee, FL
- Letter to Joyce Dykes regarding appeal request
- Letter to Elbert Johnson regarding appeal request
- Letter to James Lee regarding appeal request

February Meetings and Probable Agenda Items

February 13, 2007 - 6:00 p.m. - Workshop/Special Meeting
Alternative Revenue Presentations - OMB
Approval of Impact Fee, Cost Analysis - OMB

February 20, 2007 - 6:00 p.m. - Regular Meeting

- Division of Parks and Recreation Formation Resolution
- Recreation Advisory Council Formation Resolution
- Summer Camp Guide and Resource Publication
- Update on Hospital Cost/Work - OMB

- Extension of Gadsden County/City of Quincy Solid Waste Agreement -
- Approval to Terminate Lease Negotiations with North Florida Medical Centers, Inc. - Deputy County Attorney

ADJOURNMENT

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

Brenda A. Holt, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA ON
FEBRUARY 20, 2007, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: BRENDA A. HOLT, CHAIR
DERRICK PRICE, VICE-CHAIR
EUGENE LAMB
DOUG CROLEY
EDWARD J. DIXON
THORNTON WILLIAMS, COUNTY ATTORNEY
MARLON BROWN, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

Call to Order

Chair Holt called the meeting to order.

Invocation and Pledge of Allegiance

Commissioner Price opened the meeting with a prayer and
Commissioner Croley led in pledging allegiance to the U.S. flag.

Amendments and Approval of the Agenda

The following amendments were made to the agenda:

Awards, Presentations and Appearances

Add Report on Discussions Regarding Gadsden Community
A-1 Hospital
Add Recognition and Approval of \$15,000 in Expenditures
A-2 for the USDA Rural Development "Community of the Year"
Award - February 22, 2007 (Authorization to spend up
to \$15,000 to prepare for the event and for continued
marketing of this prestigious honor)

General Business

Add Recognition of AmericaSAVES & Gadsden SAVES Week and
13-A GadsdenSAVES Day in Gadsden County Resolution No.
2007-020

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER
PRICE, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE

AGENDA AS AMENDED ABOVE. (COMMISSIONER DIXON WAS NOT PRESENT FOR THIS VOTE.)

A-1 Report on Discussions Regarding Gadsden Community Hospital

Mr. Joe Sharp made the following report based on discussions held with state legislators and the Gadsden Hospital Incorporated Board of Directors:

- Commissioner Ed Dixon and Deputy County Attorney Paul Sexton and himself had a meeting with Senator Al Lawson, Senator Durrell Peaden and Representative Curtis Richardson regarding issues not related to the hospital, but issues concerning the hospital arose during the discussion.
- Senator Peaden surmised that Gadsden County's current efforts to sustain the current hospital license would not prove successful. He then opined that spending money in the attempt to re-open the hospital at its current location had the effect of spending good money after bad. He suggested that the county build a new type of hospital (a niche hospital) outside the 35 mile radius of another critical access hospital. In that light, he suggested the following:
 1. That Gadsden County project its healthcare needs for the next 25 to 30 years;
 2. Survey the medical community, business community and citizens to determine what kind of hospital is needed;
 3. And that if the type of hospital needed (determined from the survey above) was not in the current statutory classification of hospital, he would assist in getting whatever classification is identified.
 4. Conversations have been held with Governor Crist and he is supportive of efforts for a new hospital.

Mr. Sharp then reported that a meeting of the Gadsden Hospital Incorporated Board of Directors was called to discuss the above mentioned meeting. After hearing all the facts, they determined that the county should continue to try to get the critical access designation, but at the same time, move forward with exploring the construction of a new hospital.

Deputy Attorney Paul Sexton reported that the CMS matter is now in the US District Court pursuing an appeal of the CMS Action. The effort is continuing even though Senator Paden is advising a legislative action.

Commissioner Dixon told the Board that Senator Paden is the chair of the Healthcare Appropriations Committee. He said that the meeting was intended to be about infant mortality in Gadsden County and the Healthy Start Program, but Senator Paden quickly took control and the conversation took a turn toward the hospital situation. He emphasized that the county doesn't get the opportunity to meet with such a powerful committee very often especially when they are open and willing to listen.

He pointed out that Senator Paden was instrumental in helping the County get the hospital back from Ashford and he has proven himself to be a man of his word. He continued by saying, "He said from his prospective, he thought it was a good idea that we pursue the new hospital. What else I heard was, and I don't think we have given this much thought, (if the chair of that committee believes that) how much money is he going to put into us establishing or re-establishing the old hospital. That quickly became my concern. If he believes that we should have a new hospital, will he be willing to fund the old hospital? If there is a quagmire for us, I think that is it.

We already know the millions of dollars we are going to need from the state and federal government to run that hospital, almost regardless of whether we get critical access back or not. We are going to need the millions of dollars that we don't have the capacity to generate ourselves. So, that argument quickly came to my head. This is a great concern and Madam Chair, I asked Mr. Sharpe to call Mr. McMillan directly because this was in their block of duties. Get with Mr. McMillan and get that meeting set up. He also made it very clear the timeframe he was operating within. Seven to ten days, and the amount of time it would take. He was very explicit about what he expected and when he expected it. So, here we are.

Discussion followed among the Board.

Former Senator Fred Dudley, a member of the Gadsden Hospital Incorporated, (GHI) Board of Directors, addressed the Board as a citizen. He recommended that the Board follow a

parallel track and continue the efforts to re-open the current hospital as well as investigate the possibility and feasibility of constructing a new hospital. He said that he had talked with Senator Lawson and Representative Richardson and made attempts to speak to Senator Peaden. He said, "The good news is that they do have non-recurring money which in part will be helpful to us in your request for \$3 million for a new county health department. It will also be helpful at least the first year if we go on the track of looking at a new hospital. I have built a new hospital, I have chaired a hospital board, followed the former Honorable Connie Mack in building that hospital. We started out with 96 beds and today it is over 500. We sought legislative approval and funding and were able to get it. But, and Mr. Sharp answered this question for me last night, it is a process that he says will be at least two years. I will tell you that it is probably 3 - 5. So, we recommend that you not go off track, but that you get on a dual track. If anyone can get the money, it will be Senator Peaden. If he has made that commitment to you as clearly as both Representative Richardson and Senator Lawson were there and believe that he has, then I don't think you can look that gift horse in the mouth.

I am here tonight as a citizen to suggest this to you. You have a county health department a couple of doors down. You need more room, you need more services. Because healthcare is probably the number one concern in the county that you have to face and you have to answer for it to our citizens. How about let's begin the process through you, your staff, which is also the hospital staff, of looking at a possible co-location. Why don't we (as soon as the litigation allows us to) try to utilize the existing hospital facility for things like other healthcare delivery services. I think if you do that, what you say to your delegation is "We want your help, but, listen, we are going to help ourselves, too. We are not just asking for \$3 million to go buy a new piece of land to build a new building. We are willing to use that money to fix what we have and provide the services that we think that the citizens need."

I would hope as you go along a parallel track, if you decide to do that, that you will also look at some of these other funding needs which you have and let's try to work them together. You have a couple of volunteer lobbyists. I know people don't believe that we lobbyists do anything but carry around satchels of cash, but you have a couple of us on the

hospital board that are your volunteers. We work for you anytime, any place."

GHI Board member Scott Whitehead addressed the Board. He reiterated the things that Mr. Dudley stated. He was in favor of pursuing a parallel track. He said, "The gentlemen on this board and the county manager have worked diligently hard. I have been here through it and I saw what they have done. These gentlemen standing behind me have done a great job at what they do. They are professionals and I am proud to be associated with this board.

I do think that we need to be extremely cautious. I like Senator Dudley's idea - let's see if we can't help ourselves some while we are doing this. We are juggling eggs here and every person in this room wants to do the right thing, myself included. I think we just need to be cautious. Ten days is a short amount of time to do anything, anything whether it is to get a meeting together with staff and doctors and community. That is a big undertaking in itself. I am not saying that it can't be done, but lets just proceed cautiously. I agree with Senator Dudley on the parallel. I think that is exactly what we need to do."

Chair Holt agreed that co-locating with the health department was a good idea. She directed the discussion back toward consideration of the proposed parallel track.

Commissioner Dixon said, "It is important that we get Senator Peaden something so that when he begins drafting whatever it is that he is drafting, he will have some idea of where we stand. It doesn't stop us in the ensuing days from going ahead and once again having more thorough meetings with the medical community, the citizens, the business community. It does not prevent us from doing that to bring the picture in a little closer. He just needs an idea of what it is we would intend to build should we be given the opportunity."

Attorney Williams stated, "By no means is there any intent by Senator Peaden to make the citizens of Gadsden County make a decision in the blind. The intent was to try to get an opportunity for the citizens of the county and nothing more and nothing less. So, maybe if Senator Dudley would come and explain how the process works, it will give you a little more of a comfort zone."

Commissioner Lamb asked, "What kind of cost is this board looking at on this study or survey?"

Mr. Brown replied, "Again, Commissioners, that is something that I will ask Mr. Sharp to do immediately. It may be something that we will internally absorb in terms of getting a quick meeting of the healthcare community together or sending out a quick questionnaire. It will not be anything substantial in terms of costs since we already have staff on board to do that."

Chair Holt called for public comments.

Patricia Stevens-Dew addressed the board with questions and comments. She implored the board to get a hospital in place. She specifically asked what kind of care was available to residents in the county presently

Mr. Joe Sharp told her that the Urgent Care Facility is open to treat minor wounds, sprains, colds, flu, illnesses, sore throats, etc. at the old emergency room of the hospital. For more serious illnesses, patients are triaged and transported to Tallahassee.

Commissioner Croley was in favor of pursuing a parallel track. He asked the GHI board members, "Recognizing that you are recommending a parallel track, is it your intention that as board members, that it be a brand new physical facility or a new niche? What I am trying to understand, and Joe you may want to jump in here,..."

Senator Dudley replied, "I will defer to the expert, but I want to point something out to you. I wasn't at the meeting on Friday. Mr. Sharp and Mr. Sexton were there. They have reported to us what has been reported to you. But, it is my understanding that one of the reasons that Senator Peaden has recommended a new hospital is because current regulations (and these are federal and again, I'm going to stand corrected by the experts here, so please bear with me) will require that in order to get the critical access designation and we know that as your board members are critical to the more immediate financial success and that is the county's ability to carry on acute care is going to require that the hospital (because our grandfathering is over, we have lost that) be at least 35 miles from any other hospital. So, you are talking about, in going this parallel track so that there is no misunderstanding, we are talking

about a new site and a new building. But, let me just remind you too, we are growing in this county. You know that better than anyone else. We are growing west and we are growing north, principally. The day will come and now is a good time to plan for a second hospital to take care of the more populous areas that are not out where I live. I live three miles from the hospital. We need an acute care facility. I am 62 years old, I would love it. I bought my land there 25 years ago so that I would be close to it. But, we are probably going to need 20 years from now, 15 years from now, 10 years from now - a second facility to serve the growth of this county. But, the answer your question, commissioner is that it is a new hospital and a new facility. That is why we are suggesting parallel."

Commissioner Dixon stated, "Just to add to what Senator Dudley said and to further answer Commissioner Croley's question, the new hospital also goes to the commercial viability of the hospital. The kinds of things that they can have in there that will generate dollars, as Senator Dudley said, which is a bottom line for our hospital. It has to be solvent. I mean, from day one, it has to be on it's way to solvency right then and it has to have the things in it that generates the dollars that will make it a viable place. That building in it's present nature doesn't allow for that according to Senator Peaden."

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE FOLLOWING:

- 1. Authorize and direct the staff to pursue a meeting with the medical community in the county and to identify their needs for hospital healthcare services.**
- 2. Authorize and direct staff to investigate the feasibility of a new hospital facility with the Centers for Medicare and Medicaid Services (CMS) "Critical Access Hospital" designation.**
- 3. Direct staff to report their findings to the Gadsden Hospital Incorporated Board and to the Board of County Commissioners**
- 4. Continue the efforts to secure the Critical Access Status with the current hospital license. (the existing facility) and select a hospital management company.**

COMMISSIONER LAMB CAST THE LONE DISSENTING VOTE.

Recognition and Approval of Expenditures for the USDA Rural Development "Community of the Year" - February 22, 2007

County Manager Marlon Brown briefed the Board that Gadsden County has been recognized by the USDA Rural Development as Community of the year. The County will receive the prestigious award on Thursday, February 22 at 10:30 a.m. He stated that this agenda item requests that the Board approve expenditures of up to **\$15,000 for the USDA Rural Development "Community of the Year" Event and after-event marketing of the award.** He said the funds will come from the savings realized during the year from the community development budget.

Mr. Jon Brown briefed the board about the event itself that will be held at the IFAS Center on Pat Thomas Parkway.

Commissioner Croley asked what he expects to promote.

Mr. Brown replied, "One of the things that Jon and I discussed and again, we need board direction on this, probably putting up notices on billboards on the interstate, some signage along some major roadways in the county similar to what the city did with "All American City Award", so that people recognize that this community has been selected and recognized as a Community of the Year. One of the things that I have directed Jon to do is also look into getting a banner that we can stretch across US 90 as well as on the courthouse. Again, letting everyone know that Gadsden County is the rural community of the year. One of the things that I see as a spill over effect of this is that businesses will see the effort that we have put forth in terms of providing infrastructure in the community. They will see this as the county's efforts to attract the good businesses which in turn will affect us in terms of jobs."

Discussion followed. It was noted that the award would be publicized in all the public and private schools in the county.

Commissioner Dixon stated, "Gadsden County is quickly becoming the envy of small counties. They are trying to figure out how we are doing the things that we are doing. Wakulla has a per capita income twice as much as ours. But,

they can't figure out how to get a library. We can and we've done it and we're doing it again. They can't figure out how we are building fire stations and how we are adding services in the midst of what is supposed to be an economic downturn. They can't figure out how to do it and we have and it is beginning to show."

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE SPENDING OF UP TO \$15,000 FOR THE EVENT AND AFTER MARKETING DESCRIBED ABOVE.

1. Presentation of the Gadsden County Economic Development Tactical Plan - Brad Day of Day and Company

Mr. Brad Day addressed the Board. He reported, "Lately we have been putting together a package of what is called mega sites. The kinds of sites that we have been putting together are strategic locations that counties throughout our region are putting together for a large meaningful regional project. We submitted our materials quickly and on time. After that initial process was complete, the consultants that are helping Enterprise Florida came back and said "What we would really like to get from you are some parcel ID numbers. The Planning Department has been so good to help us out in getting those parcel IDs so that many of the review of these mega sites can take place. Hopefully, we will be able to land a project of regional importance in our area. That is just recently. Then there was concern in getting those parcel IDs, but with the help of the Planning Department, we have been able to meet that need. If there are concerns, I know we have had some discussions about that, I just wanted to mention that.

Tonight as part of my report and you will get a report from me monthly, but this is a special report in that it talks about some of the short term things that you as a county commission could consider to do to make a significant leap in economic development. So many counties ask, "How long is it going to take to widen that road? How long is it going to take to build that sewer?" Here are some action items that I am recommending to you that you all consider as you go forward."

Nurture existing local business - they must be the first priority.. There should be a two and three page structured interview on each existing business that have been tested

over time. Take care of the existing businesses and know their needs.

Take care of the infrastructure. Infrastructure precedes quality development. If it is not available, business will not come.

Recruit good corporate citizens and realize the real cost in recruiting new companies in an organized and methodical way.

Use the Industrial Development Authority(IDA) to recruit businesses. Give the authority a renewed mission. One of the goals for the IDA should be to get them accredited. (None of the economic development councils in the county are accredited.) **Important goal.**

The BCC has the ability to give the IDA the authority to leverage taxes as a tool to finance major projects through bonds. That is an issue of bonds, but is not depending on the full faith and credit of the government, but on the projected revenue that comes in by a company. It does not put the county at risk.

IDA should be funded for a County Economic Development Budget There are a lot of things the county can do through the public relations office and existing staff to encourage and help people understand that the County is for real on economic development.

To do economic development, it will need staffing, marketing, travel, ability to recruit and hire paid professionals for planning activities, infrastructure, etc. There needs to be a matching fund by local government. The state government provide some real tools in economic development and they often require a 20% match from local government.

There should also be money to have a product to sell. There would have to be the willingness to go into debt.

What Can Be Done in 2007?

1. Continue to partner with schools on federal grant. The workforce is critical. As long as the workforce does not meet the standard that are needed, then the companies will not come. **This is integral to business recruitment.**

2. Think about the major investments that the state government already has in the region. One example is the Pat Thomas Law Enforcement Academy. This could be a particular asset as the nation's fastest growing industry is homeland security.
3. Identify the type of businesses the county wants to attract and narrow down the list of companies that the county will pursue. One of the ways to do that is through Rural Business Opportunity Grant through USDA.
4. Identify the resources of each county department and determine what elements they have internally that can be used for economic development activities.

Commissioner Croley asked Mr. Day if he has actually had a meeting with the IDA to get their input as to his ideas.

Mr. Day replied, "No, and that is what some of the recommendation tonight. It was a set of businesses in 1972 that encouraged the county to go ahead and enable the Industrial Development Authority law. Like the Private Industry Councils and like the Business Development Councils and like the Department of Manpower Training, sometimes mechanisms in organization have to either change or go away. The one indication, there were a couple of indications that I felt like that the IDA was a great way for the county to take a leadership role. That is that those members of the IDA are specifically appointed by you all. They are specifically accountable to you all. If you don't like what they are doing, you can snap them back into line because they are appointees. That is a really great accountable tool that local government has.

Also, you all don't have to micro manage it. You don't have to say "Who is the commissioner in charge of economic development?" That is a lot of stuff. You have a five person board and you can say, "Hey, what is going on?"

We went looking for the IDA audit the other day. I think that it will be really important for us to request and get some of those audits and to look at the financial management. I think the county could look at re-appointing, look at the new appointments, the new opportunities and bring that in. It might be that there is a disconnect between the IDA and this board. Crossing that bridge and bringing under the wing makes sense and that is my

recommendation.

Commissioner Dixon stated, "As Commissioner Croley said, Brad brings all of that stuff together and I think that is what we have been looking for. Bring it together, focusing it. Just think how powerful this vision can be in that we are community of the year doing what we did in house. That was us flailing around trying to get money and stuff. What will happen when we bring a multi-faceted focus approach to economic development in Gadsden County. Go as high as you want to go."

Mr. Day replied, "My recommendation is to bring a rifle approach rather than a shotgun kind of thing."

Commissioner Lamb remarked, "We have committed ourselves in this area and we need to stay on top of it and follow through."

Chair Holt summarized, "If we are going to attract what we need to attract and maintain what we need to maintain, then we need to continue and look at a focused approach which I think this is."

A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSISONER LAMB TO APPROVE THE ECONOMIC DEVELOPMENT TACTICAL PLAN AS PRESENTED BY MR. DAY.

Commissioner Croley said, "The people who have been serving on that IDA need to have a chance to have input into this. I mean, they are volunteers, they are not full time folks and I would like to see us have a little bit more participation and comment out of them. The motion that I understand that exists now - are we going to address that and include that, Mr. Manager?"

Chair Holt replied, "I am sure that we are going to include that. That board is included on this. Mr. Day is our point person, so he would go after that and get input from that board because we want to make sure that, as we look forward to next year, this board is doing a good job. If it is not, then it has to come back to this Commission anyway."

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

CONSENT AGENDA

Item # 10 was pulled from the consent agenda for discussion.

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

2. Approval of Minutes - January 23, 2007 Regular Meeting
3. Ratification of Approval to Pay County Bills
Accounts Payable - February 9 & 16, 2007
Payroll February 15, 2007
4. Approval of Letter of Support and Non-Financial Sponsorship of Transportation Enhancement Grant for West Gadsden Historical Society Greensboro Depot Restoration
5. Approval of 2006-2007 Library Plan of Service for State Aid
6. Approval of Signatures for Special Assessment Liens and Rehabilitation Contracts for Martha Hicks; James and Ruth Wilson;
7. Approval to Establish Budget Authority for the Urban and Community Forestry Grant from Department of Agriculture and Consumer Services FDACS Contract # 011998 Ending September 30, 2008 Resolution 2007-015; OMB-BA# 070028; \$10,000 to purchase the trees and fertilizer, mulch and supplies for one year. (for the 13 community parks and playgrounds.
8. Approval of Revision and Addition of Financial Management Policies Resolution 2007-017; addition of Section 3.05 - *Non-Profit Funding*
9. Approval to Purchase Eight Portable Restrooms and to Contract for Disposal with North Florida Vault and Septic Tank (Tanks can be purchased from Hampel in Atlanta, Ga for \$433.00 per unit; shipping \$375.00; Hand sanitizers for additional \$72.00; holding tank approximately \$1200. First year of operation - \$8,711; each year after that - \$3,600 plus repairs.) Monthly clean out charge of the central tank - \$300 per month or \$3,600 annually.
10. ~~Approval to Award the Rural Waste Sites Disposal Contract to Waste Pro USA - \$485 per month per eight yard container. 10,670.00 monthly to provide 22 brand new dumpsters at the County's five sites and pride twice weekly dumping.~~

This item was pulled for discussion following the consent agenda.

11. **Approval for the Purchase of two New Fuel Master Model Plus Series Fuel System Managers through State Contract. The purchase also includes fuel management software, a tank monitor interface, installation, 500 programmable keys and training.**

Budget Amendment OMB-BA# 070029 Resolution 2007-016

Approval to Award the Rural Waste Sites Disposal Contract to Waste Pro USA

In 2002, the Board implemented the Rural Waste Site Program. The responsibility for constructing and maintaining the sites was given to the public works department. There were nine sites originally, but those have been reduced to five. (One in each district) It has been determined that the contract with Waste Management does not include the pick up service for these dumpsters. Staff was directed to seek bids for the disposal of the rural waste sites.

Waste Pro USA submitted the lowest bid and offers a 15% reduction of the current costs.

Chair Holt explained that the reason she asked that the item be pulled for discussion was to have input as to how the realized savings would be spent. She asked that some of it be earmarked for education to the public about garbage and trash.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE USE OF WASTE PRO USA TO SERVICE THE RURAL WASTE SITES.

PUBLIC HEARINGS

- 12. Public Hearing - Land Development Code Amendment - LDR-2007-01 - Subdivisions and the Immediate Family Exemption Process**
First Reading of Proposed Ordinance

Growth Management Director Bill McCord addressed the Board. He reminded the Board that they had given him directions to provide the Board some options to expand the immediate family subdivision exemptions. He explained the proposed ordinance as described in the attached agenda report.

Discussion followed among the board.

Commissioner Croley was in favor of the Planning Commission's recommendation to sunset the ordinance.

Commissioner Dixon was in favor of the recommendation also.

Chair Holt said she could support sun setting the ordinance after 18-24 months, but not after only one year. She was adamant that there should be broad efforts (advertisement and public workshops) to inform the public that this provision would go away at a time certain.

Chair Holt called public comments.

Mrs. Emily Rowan asked Mr. McCord what would happen to the property if a family member ceased to reside on the family exempted lot - in view of the fact that it can't be sold to anyone outside the immediate family.

Mr. McCord said that it could revert back to the original owner. It can be passed down from generation to generation, but it must stay within the family.

Ms. Lola Murphy was recognized for questions.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE DRAFT ORDINANCE WITH THE ALTERNATIVE # 2 LANGUAGE ON PAGE 10 OF THE ATTACHED ORDINANCE WHICH READS "An immediate family grantor of a conforming parcel, or non-conforming parcel of not less than three acres in area as of November 26, 1991, may convey a parcel to eligible immediate family members and to oneself if the newly created lot or parcel is not less than one acre. However, the remainder parcel(s) resulting from an immediate family subdivision, which contains less than the lot area as required by the land use, shall only be conveyed to an immediate family member as a homestead unless the remainder parcels is greater than or equal to the minimum lot area required by the underlying Agricultural land use. This shall not prevent the sale of a previously existing legal parcel or parcels of record (parcel created prior to November 26, 1991) from being conveyed or sold to a non-immediate family member. IT WAS FURTHER MOTIONED THAT THIS ORDINANCE WOULD SUNSET IN 18 MONTHS AFTER ADOPTION.

GENERAL DISCUSSION

13. Approval of Funding Distribution for Additional Dirt Road Paving by County Commission District

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSISONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE DISTRIBUTION OF FUNDS AS PRESENTED EXCEPT THAT IT SHOULD PROVIDE FOR AT LEAST ONE MILE OF PAVING IN DISTRICTS 1, 2 & 5 WITH THE REMAINDER USED IN DISTRICTS 3 AND 4. .

13- Recognition of AmericaSAVES & GadsdenSAVES Week and
A GadsdenSAVES DAY in Gadsden County Resolution 2007-020

Ms. Lillian Johnson and Ms. Sandy Beare addressed the Board and presented the above Resolution and asked the Board to adopt it.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT THE ABOVE NAMED RESOLUTION.

COUNTY MANAGER'S AGENDA

The manager had no report.

14. Miscellaneous Items

COUNTY ATTORNEY'S AGENDA

15. Miscellaneous Items

Mr. Williams had nothing to report.

CITIZENS REQUESTING TO BE HEARD

Ms. Laura Wiggins addressed the board regarding a bill board that she owns. She stated that she had used it continuously until the Sheriff Morris Young asked her to remove it when the former Sheriff W.A. Woodham died. (The sign made reference to Sheriff Woodham.)

She said that she recently tried to place an advertisement on it for her business, but was denied by the planning department because the board had been vacant for more than one year.

She appealed to the board to allow her use of the sign because she did not realize at the time she took the previous sign down, that she could possibly lose the use of it.

Discussion followed.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO WAIVE THE APPEAL PROCESS AND THE FEE AND ALLOW THIS ITEM TO BE AGENDAED FOR THE NEXT MEETING.

16. Discussion Items by Commissioners

Commissioner Lamb

Commissioner Lamb had nothing to report.

Commissioner Croley

Commissioner Croley had nothing to report.

Commissioner Price, Vice-chair

Commissioner Price reported that the Board had visited the Community Center in Jupiter, FL and he liked it very much. He remarked that he would like for Gadsden County to have one like it.

Commissioner Dixon

Commissioner Dixon spoke to the Walk America fund drive that is about to take place. He called attention to the fact that Ms. Betty Miller's twin grandchildren are the poster children for Gadsden County in this campaign. He urged the county employees to be progressive in their efforts to raise money to meet the \$50,000 goal.

He then turned his remarks to the health issues in Gadsden County especially those relating to children.

He called attention to the legislative efforts that could impact Gadsden County negatively. In particular, raising of the homestead exemption to \$50,000. He encouraged everyone to attend the Property Tax workshop to be held on March 13 in order to get a better understanding of what this could

mean to small counties.

Commissioner Holt, Chair

Chair Holt also spoke to the issue of property taxes and the potential negative effect that it could have on the revenue of this county.

She then asked the manager to move the "Citizens Requesting to Be Heard" to the front of the agenda in the future.

17. Receipt and File Agenda

- 17a Letter to City of Midway Regarding Proposed Gadsden County Comprehensive Plan Amendments
- 17b Letter to City of Quincy Regarding Proposed Gadsden County Comprehensive Plan
- 17c Letter to William A. Walker Regarding Woodlawn Acres Outline of Conceptual Plat/Variance Procedure
- 17d Letter to Florida Department of Environmental Protection Regarding Application File Permit, Coastal Lumber Company (Midway) TAX ID
- 17e Notice of Bid Award - Eutaw Utilities Inc. and Neighbors, Giblin and Nickerson for Water/Sewer Infrastructure Study
- 17f Letters from Regional Property Services, Inc. Regarding Land Use Amendments

Letter (February 1, 2005) to Regional Property Series, Inc. Regarding Minor Subdivision

Letter from Senator Bill Nelson Regarding Critical Access Designation for Gadsden County Hospital

Letter from Mediacom Regarding Rate Adjustments

Letter from Comcast Regarding Agreement with Sinclair Broadcast Group

Letter to John S. Derr Regarding Gadsden Community Hospital's Medical Records

Letter from Bright House Networks Regarding Network Services

Thank you Letter to Escambia County for Hospitality and Tour
of Road Prison and Administration Building

March Meetings and Probable Agenda Items

March 6, 2007 - 6:00 p.m.

- Approval to Terminate Lease Negotiations with North Florida Medical Centers, Inc.
- Immediate Family Exemption Ordinance - Growth Management
- Administrative FLUM Amendments (R-U) - Growth Management

March 13, 2007 - 6:00 P.M. - Workshop/Special Meeting

- Alternatives Revenue Workshop - OMB
- Review of Commission Priorities - OMB
- Property Tax Workshop - OMB
-

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER CROLEY, THE CHAIR DECLARED THE MEETING ADJOURNED AT 9:35 P.M.

Brenda A. Holt, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

AT THE REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON MARCH 6,
2007, THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: Brenda A. Holt, Chair
Derrick Price, Vice-Chair
Eugene Lamb
Doug Croley
Doug Sunshine, Deputy County Attorney
Marlon Brown, County Manager,
Muriel Straughn, Deputy Clerk

ABSENT: Edward J. Dixon

CALL TO ORDER

Chair Holt called the meeting to order at 6:00 p.m.

ADOPTION OF THE AGENDA

The agenda was amended as follows:

Awards, Presentations and Appearances

Add A-1 Gadsden County Leadership Academy

Public Hearings

Revised- 8 Public Hearing - Comprehensive Plan Amendments
(CPA-2006-16AD) (S-T) Administrative Future Land
Use Map Amendments - Transmittal and First Reading
of an Ordinance to Adopt the Sprague Small Scale
Amendment (CPA-2006-16AD)

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

Awards, Presentations and Appearances

Gadsden County Health Council (GCHC)

Executive Director Maximo Martinez addressed the Board then

introduced the Chair of the GCHC, Ms. Sherry VanLandingham.

Ms. VanLandingham made a brief report of the accomplishments of the GCHC.

Mr. Martinez also spoke to the accomplishments of the council and what they hope to do in the coming year.

A-1 Gadsden County Leadership Academy

Ms. Nancy Gee from the Sheriff's office addressed the Board and introduced Mr. Dale R. Landry.

Mr. Landry told the Board of a vision that he and the sheriff have been working on for many months. The vision is to bring an youth offender type academy to Gadsden County based on the story of the old Buffalo Soldiers. Such a facility would serve low to moderate risk youthful offenders coming through the court system. It would be a regional facility - 120 beds. The emphasis of the program would first address literacy problems. Vocational training would follow once the literacy issues have been addressed.

Following his presentation, he asked the Board for approval of the concept so that they could move forward with securing a contract with the Florida Department of Juvenile Justice and approach the legislature this season to get this facility established in Gadsden County.

Discussion followed.

Commissioner Croley stated that he would not be comfortable in moving forward on this matter without more concrete plans and written information to analyze.

A MOTION WAS MADE BY COMMISSIONER CROLEY FOR MR. LANDRY TO COME BACK TO THE COUNTY MANAGER AND PROVIDE MORE INFORMATION. HE ALSO PROPOSED THAT HE BRING BACK FEED BACK FROM OTHER COUNTIES AS TO THE PROPOSED PROGRAM. COMMISSIONER LAMB SECONDED THE MOTION, THEN WITHDREW THE SECOND. THE MOTION DIED WITHOUT A SECOND.

Further discussion followed.

Ms. Gee explained that the issue at this point is getting the project to the legislature timely. She agreed that they would come back with more information to address the concerns expressed at this meeting. She asked for conceptual approval.

UPON MOTION BY COMMISSINER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE CONCEPT ONLY AS PRESENTED BY MR. LANDRY AND TO ALLOW THE SHERIFF AND MR. LANDRY TO FURTHER EXPLORE THE BUFFALO ACADAMY PROGRAM BUT THAT THEY SHOULD BRING SOMETHING IN WRITING BACK TO THE BOARD WHICH THAT CAN BE ANLYZED AND FOR DISUSSION AND FURTHER ACTION AT A LATER DATE.

CONSENT AGENDA

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

2. Ratification of the Approval of Payment of Bills
Accounts Payable February 23 & March 2, 2007
Payroll March 1, 2007
3. Approval and Signatures for Lien Satisfactions
Evelyn Moore
Mary L. Moore
4. Approval to Establish Budget for FY 2007 Justice
Assistance Grant Direct (JAGD) Fund OMB-BA# 070032
Resolution 2007-019 \$6,795
5. Approval of Extension of Contract for IT Consulting
Services through September 30, 2007 Allcol Technologies,
Inc.
6. Approval of Resolution 2007-018 Joining the Early
Learning Coalition in Designating March 25, 2007 to
April 1, 2007 as Children's Week in Gadsden County

PUBLIC HEARINGS

7. Public Hearing - Land Development Code Amendment - LDR-2007-01 - Second Reading of Ordinance 2007-002, Subdivisions and the Immediate Family Exception Process

Growth Management Director Bill McCord presented the final draft of the proposed ordinance to allow for family subdivision exceptions. He pointed out the new language and the changed language. See the attached agenda report and the ordinance.

Chair Holt called for public comments.

Ms. Ernestine Campbell Gaynor addressed the Board with questions.

Mike McCormick, attorney for Carlos Iglacias, addressed the Board. He described a situation that exists for Mr. Iglacias. He purchased two adjoining lots at two different times. Both lots were originally owned by one person who had divided it to give to a family member. That family member built a new house on the new lot which was later foreclosed on by Jim Walter Homes. Mr. Iglacias purchased the home from Jim Walter Homes. He later bought the other parcel which had an old home on it. He attempted to renovate the old home, but it collapsed instead. He then tried to place a mobile home on the lot to replace the old home. He applied to the State Health Department and got two septic tank permits. But, when he went to get a permit to reestablish a home when the old one collapsed, the planning department would not issue him a permit to place the home there. He asked for relief in view of the circumstances.

It was determined that the lot was already a non-conforming lot prior to it being divided. The immediate family member no longer lives there which violates the provision of the family exemption. The parcels must be put back together and considered one lot. Mr. Iglacias would not be entitled to have two homes.

Mark Phelps was recognized for questions.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE OPTION #1 OF THE PROPOSED ORDINANCE AS DESCRIBED IN THE ATTACHED AGENDA REPORT.

8. Public Hearing - Comprehensive Plan Amendments (CPA-2006-016AD) (R-T) Administrative Future Land Use Map Amendments - Transmittal

Sprague Land Use Amendment CPA-2006-16AD(R) Small Scale Amendment

Owner: Gary Sprague

Location: Concord Road

Mr. McCord explained that the purpose of this amendment is to change the land use designation on 8.4 acres of Mr. Sprague's property from AG-3 to AG2 so that the entire parcel that he owns will be located in the same land use category. There is a hunting cabin on the land but it is not suitable for a home. The Spragues plan to build a house on the property.

Chair Holt called for public comments.

Gary Sprague addressed the Board requesting approval.

There were no other comments.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE LAND USE CHANGE DESCRIBED ABOVE.

Amendment "S" - LaSalle Drive Area - CPA-2006-16AD(S)

Owner: ACMHS Properties, Inc.

Location: La Salle Drive Area near the hospital

Mr. McCord explained that the purpose of this amendment was to change 13.6 acres from the Industrial land use category to the Public land use category. The 13.6 acres consist of two properties currently used as clinics located just south of the hospital. Since the site was used as a clinic, it would be more consistent to have it re-designated as public rather than industrial.

Chair Holt called for public comments.

Mark Phelps addressed the Board. He explained that he represents the owner of some of the adjacent property and he wanted to make certain that the change would not apply to any other properties.

He was assured by the Commission and the staff that the

change would not affect any other property.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO APPROVE THE LAND USE CHANGE DESCRIBED ABOVE.

Amendment "T" Mining Lands - CPA-2006-16AD(T)

The proposed amendment changes the land use designation on four parcels containing 495.6 acres from the AG 3 land use and commercial land use to Mining. The four properties are located at the west end of Sadberry Road and are currently permitted for mining and are being mined for sand. Amending the land use on the properties will reflect existing conditions.

Commissioner Croley asked if the residents in that area are aware of this change. He was assured that the area residents have been informed.

Chair Holt called for public comments.

There was no response.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE LAND USE CHANGE DESCRIBED ABOVE.

Amendment "U" - Dolan and St. Joe Property - Terminus of Graceland Drive CPA-2006AD (U)

This amendment proposes a change of 39.7 acres from the RR land use category to AG 3 land use. The RR area is owned by St. Joe and John, James and Hal Dolan. The staff believes that the island of RR land use shown on the map is a result of an error on the original land use map in 1991. The 39.7 acres do not follow property lines and appears on the map as a rotated square.

There was no action taken on this item.

GENERAL DISCUSSION

9. Approval of Variance Process for the Fountain Billboard Sign On US 27

Growth Management Director Bill McCord was administered

an oath by Muriel Straughn, deputy clerk.

Owner: Larry Fountain

Location: US 27 just north of the Ochlockonee River bridge. The sign face is visible to the US 27 southbound traffic.

Mr. McCord reported that this matter was brought to the attention of the Planning Commission from a citizen. The citizen reported that the sign had been vacant for more than a year and according to the Sign Ordinance, the billboard should be dismantled.

The staff sent a letter to the owner informing them of the violation. In turn, the owner notified the planning department objecting to the notice.

The owner appeared at the last meeting and stated that the old copy that was on the billboard was removed at the request of the sheriff and she did not realize that they would lose the grand fathering protection for the billboard by removing that copy. She was unaware of a time limit in which she must replace the copy.

Mr. McCord officially entered the agenda report as an exhibit for the record.

Ms. Laura Wiggins was administered an oath by Muriel Straughn, deputy clerk.

She explained that the copy that was in place was removed because Sheriff Young asked that it be removed when former Sheriff W.A. Woodham died. (The sign made reference to Sheriff Woodham) She said that she complied with the sheriff's request, but she did not have to do it. She then asked that she be allowed to replace the copy on the billboard.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 1, BY VOICE VOTE, TO WAIVE THE VARIANCE PROCESS AND ALLOW MS. WIGGINGS TO REPLACE THE COPY ON THE BILLBOARD. COMMISSIONER CROLEY CAST THE LONE DISSENTING VOTE.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 1, BY VOICE VOTE, TO PUT A TIME LIMIT OF ONE MONTH FOR THE SIGN COPY

**TO BE IN PLACE. COMMISSIONER CROLEY CAST THE LONE
DISSENTING VOTE.**

COUNTY MANAGER'S AGENDA

10. Miscellaneous Items

The manager had nothing to report.

COUNTY ATTORNEY'S AGENDA

11. Miscellaneous Items

The attorney had nothing to report.

CITIZENS REQUESTING TO BE HEARD

Ms. Emily Rowan addressed the Board and suggested that the Planning Department conduct a workshop or town meeting to inform the public about the family exemption ordinance.

DISCUSSION ITEMS BY COMMISSIONERS

12. Commissioner Lamb

Commissioner Lamb called attention to the litter and trash on the roadways and private property.

Mr. Brown responded that he will direct the code enforcement officer to be more assertive. He noted however, that they cannot go onto private property. He said they would continue to look for a solution to the litter problem.

Chair Brenda Holt

Tax Workshop

She commended the staff for the great job they did at the Property Tax Workshop.

Enterprise Zone and Home Mortgages

Chair Holt stated that she has heard from several of her constituents who live in an Enterprise Zone with their property designated as Commercial Use. She said that they are experiencing difficulty with mortgages

companies in getting refinancing because of the land use. She asked the staff to look into the problem and look for a solution.

Taxes

She then responded to a statement made by Mr. Lee Garner at the meeting on Monday night. Some of the public were left with the impression that the people who reside inside a city are being taxed doubly. She assured them that they are not taxed any additional moneys and that the cities actually receive a portion of the 10 mills that are levied on their property.

Roadside Litter and Trash

She then urged each commissioner to get personally involved with their community and address the roadside litter in each district. She referenced the Adopt a Mile program.

RECEIPT AND FILE AGENDA

13. Letter to Scott Holander Regarding Phase I US 90 Resurfacing Project

Letter to Arthur Lawson Regarding Purchase of Liebert Environmental Control Systems

Letter from Florida Department of Health Regarding Emergency Medical Services (EMS) Grant

Letter from Gadsden County Urgent Care Regarding Urgent Care Reconciliation

Letter from Gadsden Correctional Facility Regarding Community Relations Meeting

Letter from Clerk of Circuit Court Regarding Cash in the Bank Report

March Meetings and Probable Agenda Items

March 13, 2007 at 6:00 p.m. Special Meeting & Workshop

Alternatives Revenue Workshop

Review of Commission Priorities

March 20, 2007 - Regular Meeting at 6:00 p.m.

Additional Dirt Road Paving by County Commission
District - Public Works

Gadsden Medical Center - North Florida Medical Centers

Community Development Block Grant (CDBG) - Highway 267
Economic Development Update - Community Development

**UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER
PRICE, CHAIR HOLT DECLARED THE MEETING ADJOURNED.**

Brenda A. Holt, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA ON
MARCH 20, 2007, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: Brenda A. Holt, Chair
Eugene Lamb, Vice-Chair
Doug Croley
Derrick Price
Edward J. Dixon
Thornton Williams, County Attorney
Marlon Brown, County Manager
Muriel Straughn, Deputy Clerk

Call to Order

Chair Holt called the meeting to order.

Invocation and Pledge of Allegiance

Commissioner Dixon led in a prayer and Commissioner Croley led in pledging allegiance to the U.S. flag.

Amendments and Approval of the Agenda

The following amendments were made to the agenda:

General Discussion

- Add Approval to Schedule a Public Hearing and Discussion of
9 Proposed Ordinance Establishing Rules and Regulations for
Gadsden County Parks - Add page number two of the agenda
request as it was omitted.
- Add Approval to Award the Paving Bid (#00030) to Peavy and Son
10A Constructions Co. Inc.

Discussion Items by Commissioners

- Item Consideration to Open Boys and Girls Clubs in Gadsden County
13 - Commissioner Edward Dixon

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

AWARDS, PRESENTATIONS AND APPEARANCES

Commissioner Lamb introduced Harry Reed, Executive Director for Capital Regional Transportation Planning Agency (CRTPA), formerly known as the Metropolitan Planning Organization (MPO).

Mr. Brown stated that he had met with Mr. Reed and discussed issues pertinent to Gadsden County. He said that Mr. Reed is committed to helping Gadsden County with transportation issues.

Commissioner Lamb said that he also met with Mr. Reed prior to the meeting.

There were no other appearances, awards or presentations.

CONSENT AGENDA

Commissioner Croley asked that Item 6 be pulled for discussion.

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

1. Approval of Minutes - February 6, 2007
2. Ratification of Approval of Payment of County Bills
Accounts Payables dated March 9 and 16, 2007
Payroll dated March 15, 2007
3. Approval of the Local Agency Program (LAP) Agreement for Gadsden County Community Traffic Safety Team (CTST) Sidewalk Project - Sidewalks for Chattahoochee Elementary, Gretna Elementary and Stewart Street Elementary and Wards Lot. (\$317,000 - Funded by the Federal Highway Administration CFDA 20.205
4. Approval to Award 2007 Road Striping Bid to Oglesby Construction, Inc. for \$44,902.48.
5. Approval of Change Order 1 (\$12,254.50) & 2 (\$1,150.00) for Robertsville/St John Fire Station Contract with Concrete Services

6. ~~Approval of Selected Sites for Florida Communities Trust FY 2007 Grant Application Cycle~~ This item was removed from the Consent Agenda and placed for discussion following the Consent Agenda.

6. Approval of Selected Sites for Florida Communities Trust FY 2007 Grant Application Cycle

Upon receiving notice of opening of the above mentioned grant cycle. The staff began researching sites in Gadsden County that would best fit the grant scoring criteria but also meet service level gaps illustrated in the Gadsden County Comprehensive Plan.

Staff attended a workshop where potential project sites were reviewed by the Trust staff. As a result, three potential project sites were subsequently identified as competitive for the grant cycle.

This item seeks approval for the selection of those three parcels to be submitted to the Florida Communities Trust Fund. Upon approval of those sites by the Board, the staff will approach the property owners to see if they would be willing to sell them to the County.

Parcel 1: 3-16-2N-5@-1180-000310010 - owned by H.M. Fletcher, Sr. is located in District 3 outside the city limits of Greensboro and adjacent to the new West Gadsden High School and future site of Greensboro Elementary School. It consists of approximately 75.5 acres which could be developed into several outdoor recreation facilities as well as a recreation center.

Parcel 2: 3-22-2N-3W-0000-00440-0000 - owned by St. Joe Timberland Company is located in District 1 with the Urban Service area of the city of Quincy and adjacent to East Gadsden High School and the Pat Thomas Law Enforcement Academy. The parcel border the Little River on the east. Parcel 2 is approximately 84 acres and could be developed into athletic fields, improved freshwater recreation access to the Little River, improved natural vegetative habitat, and provides conservation easements to the Little River Basin. In Addition, the development of a 15,000 square foot recreation center is also a potential development of this site. Multi-use trails and outdoor educational pavilions are also amenities to consider.

Parcel 3: 3-08-2N-3W-0000-00140-0000 is owned by BASF Catalyst, LLC and is located in District 2 on US Highway 12 East. Quincy Creek and its wetlands run through the property which is approximately 136 acres in size. Most of the property is wetlands, however with developments to the north and to the south, this property would provide a conservation easement just outside of the Quincy city limits. The proposed by-pass to connect US Highway 12 and US Highway 90 bisects the property. Acquisition of this property would ensure the preservation of a portion of Quincy Creek and provide a natural buffer for development of the bypass. The recreation development of the parcel would likely include walking trails, multiple picnic pavilions, wildlife observation decks, native plant species nurseries and environmental education classrooms.

Commissioner Croley requested that the public have an opportunity to have input as to the choice of sites to be submitted for this grant application.

Mr. Chapman responded that the grant applications are due on May 9, 2007. The applications are 25% complete and there may not be sufficient time to get a lot of public input at this point.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE THREE PARCELS AS THE SELECTED SITES FOR THE FLORIDA COMMUNITIES TRUST FY2007 GRANT APPLICATION CYCLE. COMMISSIONERS CROLEY AND LAMB OPPOSED THE MOTION.

PUBLIC HEARINGS

7. ORDINANCE 2007-003 COMPREHENSIVE PLAN AMENDMENTS (CPA-2006-16AD)(R) - SPRAGUE LAND USE AMENDMENT - ADMINISTRATIVE FUTURE LAND USE MAP AMENDMENTS- SMALL SCALE AMENDMENT SECOND READING OF THE ORDINANCE

Owner: Gary Sprague
Location: Concord Road

Mr. McCord explained that the purpose of this amendment is to change the land use designation on 8.4 acres of Mr. Sprague's property from AG-3 to AG2 so that the entire parcel that he owns will be located in the same land use category. There is a hunting cabin on the land but it is

not suitable for a home. The Spragues plan to build a house on the property.

Chair Holt called for public comments.

There was no response

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5- 0, BY VOICE VOTE, TO APPROVE THE LAND USE CHANGE DESCRIBED ABOVE.

8. STATUS OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ECONOMIC DEVELOPMENT PROJECT UPDATE - INTERSTATE 10 AND HIGHWAY 267 WASTEWATER/SEWER INSTALLATION

Community Development Director Farnita Saunders outlined all the activities that have taken place on the application grant. (See report attached.) She said the infrastructure should be installed by the end of 2007.

Bill Nobles, Melvin Engineering Inc. answered questions from the Board.

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ACCEPT THE UPDATE AND AUTHORIZED THE STAFF TO EXPLORE FUNDING ALTERNATIVE TO COVER THE COST OVERRUN.

9. PROPOSED ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR GADSDEN COUNTY PARKS

Charles Chapman, Assistant to the County Manager and Parks and Recreation Coordinator, addressed the Board. He stated that he has been working with the county attorney and the sheriff to bring together the proposed ordinance that will give the county a foothold and framework that will allow the recreation system to operate with guidelines and serve as a basis of operation. He called attention to the proposed ordinance attached to the agenda report.

Discussion followed.

Chair Holt called for public comments. 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 PROPOSED ORDINANCE AND ADVERTISE IT FOR A PUBLIC HEARING AT THE NEXT AVAILABLE DATE.

10. APPROVAL OF THE LEASE OF GADSDEN MEDICAL CENTER TO NORTH FLORIDA MEDICAL CENTERS, INC.

Attorney Williams explained that North Florida Medical Center has been leasing the medical center on a month to month basis since July of 2005. When the lease came up for renewal, an issue arose concerning adequate insurance coverage to protect the county. North Florida did not want to provide any kind of insurance or indemnification. He has negotiated with them and the attached agreement does provide some protection for the County. However, the agreement is for three years as opposed to the usual one year term.

Discussion followed as to the level of services provided and the lack of other services that are so badly needed. There was dissatisfaction expressed among the commissioners relevant to performance and their lack of responsiveness to concerns that have been expressed to them about the need for dental care in particular.

Following discussion there was a consensus to authorize Mr. Williams to go back to North Florida to negotiate for a one year lease.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO NEGOTIATE A ONE YEAR LEASE PROVIDED THAT THE COUNTY MANAGER CAN DEVELOP SOME REPORTING SYSTEM BY WHICH THE BOARD CAN MEASURE THE LEVEL OF SERVICES/ADEQUACY OF SERVICES THEY PROVIDE TO GADSDEN COUNTY RESIDENTS. THE MOTION FURTHER INCLUDED THE AUTHORITY FOR THE CHAIRMAN TO EXECUTE THE AGREEMENT IF THE NEGOTIATIONS ARE SUCCESSFUL.

10-A BID AWARD FOR ROAD PAVING TO PEAVY AND SON CONSTRUCTION CO. INC.

Old Federal Road - SCRAP
Juniper Road - SCRAP
Lanier Road - SCOP
Atwater - County Incentive Grant Program

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AWARD BID

#00030 TO PEAVY AND SON CONSTRUCTION, INC. FOR \$2,857,163.67

11. COUNTY MANAGER

12. COUNTY ATTORNEY

Gadsden Community Hospital

Mr. Williams called attention to a copy of the presentation that will be presented to the federal legislative delegation and the CMS Organization in Washington D.C. on March 23, 2007.

Discussion followed, but no action was taken.

CITIZENS REQUESTING TO BE HEARD

Sam Hawkins

Mr. Hawkins addressed county policy issues. He specifically asked the following questions:

- Why is disciplinary action of employees always start at the bottom, but does not make it up the ranks?
- When the county manager makes a mistake, who disciplines him?

He directed remarks about the commissioners in general saying, "We have traded one set of good ole boys for another" and "Show me that you serve me - a taxpayer."

13. DISCUSSION ITEMS BY COMMISSIONERS

Commissioner Lamb

- Commissioner Lamb wished the staff and Chair success in their trip to Washington, D.C.
- He said he would be going to the Capital in Tallahassee on Thursday morning.
- He raised issues of litter and junk and code enforcement involvement.

Commissioner Croley

- Re-affirmed his support for the Chair and staff's

endeavors in Washington, D.C.

- Complimented the staff for their responsiveness to citizen's complaints particularly public works and growth management code enforcement issues.
- Noted the cost overrun on the sewer line I infrastructure project

Commissioner Price

Commissioner Dixon

Boys and Girls Club

This agenda item seeks consideration by the Board to open Boys and Girls Clubs in Gadsden County.

See the attached agenda report for the background and analysis for this request.

Commissioner Dixon recounted several tragic situations that have occurred in the lives of children in Gadsden County in the recent past. He particularly addressed truancy, youthful crimes, lack of jobs for youth and lack of recreation.

He called attention to a proposal by Boys and Girls Club to come to the County. He reported that the organization would require a commitment of \$75,000 for every club from a local government and a seven year commitment.

He asked to the Board to spearhead efforts with the towns and municipalities and the School Board to bring this organization into the county in the hopes that some of the issues that plaque young people could be abated. He proposed that the County offer to pay half of the \$75,000 requirement in each of the towns that would agree to match it and enter into an interlocal agreement with the School Board for whatever facilities can accommodate the program.

Discussion followed.

Commissioner Croley supported the concept, but did not feel the Board should make a commitment until the upcoming budget process.

Commissioner Lamb said that he had experience with Boys and Girls Club and knows that they can be a good thing.

However, he asked for time to study it and look more closely at the proposal. He objected to the time line proposed. He suggested that they approach the business community for the financial approach rather than the tax payers.

Sam Hawkins stated that the NAACP would be willing to work with the Board and provide funding for the clubs.

Francis
Commissioner Price

Commissioner Price wished the staff and Chair Holt success in the efforts in Washington, D.C. In jest, he said, "Bring home the bacon."

Commissioner Holt, Chair

Chair Holt proposed a site review of all programs that approach the County for grant funding during the budget process.

She then announced that there will be a workshop dealing with policies and procedures scheduled very soon.

She made mention of the trip to Washington, D.C. saying that she really dislikes cold weather and has a real fear of flying, but she would "brave up" to the task and make the trip expecting to make a strong case for the citizens of Gadsden County. She beseeched everyone's prayers on behalf those making the journey.

ADJOURNMENT

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

Brenda A. Holt, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

**AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON APRIL 3,
2007, THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.**

PRESENT: Brenda Holt, Chair
Derrick Price, Vice-chair
Eugene Lamb
Doug Croley
Edward J. Dixon
Thornton Williams, County Attorney
Marlon Brown, County Manager
Muriel Straughn, Deputy Clerk

CALL TO ORDER

Chair Holt called the meeting to order.

Invocation and Pledge of Allegiance

Commissioner Price led in a prayer and Commissioner Dixon led in pledging allegiance to the U.S. flag.

Amendments and Approval of the Agenda

County Manager Marlon Brown asked that the agenda be amended as follows:

Change the Consent Agenda as follows:

Delete Item 5	Approval to Authorize the Chairman to Execute the Economic Development Community Development Block Grant (CDBG) Agreement with the Department of Community Affairs for the Bradwell Huddle House Project as it was previously executed.
Move Item 7 To General Discussion	Approval of Updated Board Goals and Priorities for FY 2008 Budget Development Process

Add the following to the General Discussion Agenda:

7. Approval of Updated Board Goals and Priorities for FY 2008 Budget Development Process

- 11-A Approval for Chairman to sign the contract for 2007 Striping Bid with Oglesby Construction, Inc.
- 11-B Execute the Notice of Award and Agreement with Peavy and Son Construction Co., Inc. for the Lanier Road, Juniper Road, Atwater Road and CR 65B Resurfacing Projects
- 11-C. Approval of Change Order # 2 Authorizing Additional Roads to be added to the 2006 Dirt Road Paving Contract
- 11-D. Discussion of Duties and Responsibilities of the Chairman - Division 2 Rules of Procedure of the County code of Ordinances

Add the following to the County Manager's Agenda:

- 13. Approval for the County Manager to Apply to and Participate if Selected in Leadership Florida Class 26

Add to Discussion Items by Commissioners:

- 14. Recap of the Washington, D.C. Congressional Delegation Visit

Add to the County Attorney's Agenda:

- 13. Update on the Hospital and AHCA License

Commissioner Croley voiced concern that about the materials provided for the amended agenda being placed before them so late. He stated that he does not have the opportunity to adequately read the information before having to make a decision.

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

Awards, Presentations and Appearances

CONSENT AGENDA

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

- 1. Approval of Minutes** - February 20, 2007 Regular Meeting
March 6, 2007 Regular Meeting
- 2. Ratification of Approval of Payment of Bills**
Accounts Payables Dated: March 23 and 30, 2007
Payroll Dated: March 29, 2007
- 3. Approval of New Road Names**
Carmen Maria Lane
Calle Corto Way
Stable Run
Bridle Path Lane
Cousins Cove
- 4. Approval of Signatures for Special Assessment Liens and Rehabilitation Contracts**
Nancy Ceasor
Maria Hernandez
- ~~5. Approval to Authorize the Chairman to Execute the Economic Development Community Development Block Grant (CDBG) Agreement with the Department of Community Affairs for the Bradwell Huddle House Project~~
- 6. Approval of Friends of the Library Donation**
OMB-BA# 070034 Resolution No. 2007-021
- ~~7. Approval of Updated Board Goals and Priorities for FY 2008 Budget Development Process—This item was moved to the General Discussion Agenda~~
- 8. Public Hearing - Approval of Funding for the Proposed Impact Fee Studies**

County Transportation Fund - \$23,000 - No budget amendment needed as the cost of the study will be absorbed within the current budget due to current cost savings.

Parks and Recreation Fund - \$11,550 Cost will be absorbed without need for budget amendment.

Correctional Facilities - \$11,550.00. Funding is available

in the Fine and Forfeiture Fund fund balance account. OMB-BA# 070036 Resolution 2007-022 -

Law Enforcement - \$ 14,050 - Sheriff agreed to fund this from his budget with the understanding that if the impact fee is not adopted, that his money will be returned to him. **No budget amendment necessary.**

Library Facilities - \$11,325. Funding is available in the Library - State Portion Fund - Reserve for Contingency. A OMB-BA# 070037 attached.

Fire Protection - \$14,050 - Funding for this study is available in the fund balance for Fire Services. OMB-BA# 070038 Resolution 2007-023-(attached)

Joint Government Facilities- \$12,000 - cost can be absorbed within the existing year from facilities management budget. **No budget amendment necessary.**

Emergency Medical Services - \$14,050 - funds are available in the fund balance to pay for the study. OMB-BA# 070039 Resolution 2007-024 attached.

Water and Sewer Infrastructure - The County has received funding from the State to implement this study. No budget amendment necessary.

Ordinance Development - \$20,000 - This project will be funded from Legal Services Internal Services Fund. Resources for this fund will be adjusted appropriately during the year end close-out process.

The total amount for the study will be \$131,575 if all of the studies are done.

OMB Director Davin Suggs presented the above resolutions and budget amendments and explained each of them. He then asked for directions.

Commissioner Lamb expressed that he had concerns about moving forward with the studies because of the uncertainty with the property tax reform issues before the Legislature as well as the attorney fees involved.

Commissioner Croley stated that he could not support paying for the studies at this time for a couple of reasons. The

first reason was because of the impending property tax reform. The second reason was because it takes money from the departments that need those funds for daily operations. He also reminded them that the developer passes on the impact fee to the property owner.

Commissioner Dixon reasoned that if there is some roll back in the property tax revenue, then it is incumbent on the county to find some other way to pay for the growth that Gadsden County is experiencing. He said, "A wise man says that you find more money. One way to find more money is through impact fees...The county needs to be in better position to take care of herself and not be rocked and rolled by the political shenanigans of the Legislature."

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO AUTHORIZE THE PERFORMANCE OF THE STUDIES DESCRIBED ABOVE - OPTIONS 1 - 10 AS LISTED IN THE AGENDA REPORT. COMMISSIONER LAMB AND CROLEY OPPOSED THE MOTION.

9. PUBLIC HEARING AND TRANSMITTAL HEARING
CHAPMAN-DONOFRIO & CANTRALL COMPREHENSIVE PLAN AMENDMENT
(CPA-2006-02) MAJOR LAND USE AMENDMENT - PARCEL ID # 2-23-
+3N-4W-0000-00230-0000

Growth Management Director Bill McCord told the Board that they had already approved the transmittal of this amendment on November 7, 2006 that would change the land use on the southerly 27.4 acres but not the northern 24.74 acres. However, when the staff was getting the material ready to transmit to DCA, they found that there was no advertised notice for transmittal that was published in the newspaper. Notices were sent to area property owners within 1,000 feet.

The Planning Commission and the staff recommended denial because it would have created an enclave of lower density land use in the area.

Chair Holt called for public input.

Brian Chapman made the comment that nothing has changed since it was last heard.

Mr. McCord told the Board that they could re-affirm their approval or they could change their vote at this public

hearing since it was properly advertised as a public hearing.

When questioned by Commissioner Croley, Mr. McCord stated that his recommendation remains the same - deny the land use change.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO RE-AFFIRM THE VOTE OF NOVEMBER 7, 2006.

7. Approval of Updated Board Goals and Priorities for FY 2008 Budget Development Process

Comprehensive Planning/Physical Environment

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE GOALS AND PRIORITIES AS LISTED IN THE AGENDA REPORT.

Economic Environment

The last goal listed was corrected to read "To continually improve the access to the First Time Homebuyer Program."

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE GOALS AND PRIORITIES AS LISTED IN THE AGENDA REPORT.

Human Services

Commissioner Croley clarified his position on the Gadsden Community Hospital. He said his concern was primarily for emergency services and what the hospital needs to have in place in order to provide that.

Commissioner Lamb said that he would like to expand the hours of operation at the Urgent Care Facility at the hospital.

Commissioner Holt stated that she would like to see the hospital reopen with local support from the program for physicians at FSU, nursing program from FAMU and TCC and in the process, recruit physicians.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE GOALS AND PRIORITIES AS LISTED IN THE AGENDA REPORT.

Public Safety

Commissioner Croley clarified that his position on this issue includes adding a pod to the jail to alleviate overcrowding and to segregate females and juveniles.

Commissioner Dixon stated he would like to have a line item which basically says, "At every opportunity to improve the compensation given to emergency services, especially law enforcement and corrections."

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE GOALS AND PRIORITIES AS STATED IN THE ATTACHED AGENDA REPORT.

Transportation

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE GOALS AND PRIORITIES AS STATED IN THE ATTACHED AGENDA REPORT.

General Government

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE GOALS AND PRIORITIES AS LISTED IN THE ATTACHED AGENDA REPORT.

Culture and Recreation

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE GOALS AND PRIORITIES AS STATED IN THE ATTACHED AGENDA REPORT.

Mr. Brown pointed out that the list of goals and priorities are quite large, but the revenues are limited. He cautioned them not to expect all of them to be funded.

Mr. Suggs stated that the manager also has six priorities

in terms of management initiatives. He said they remain focused on those six issues.

10. Approval to Move Citizens Requesting to Be Heard to the Top of the Regular Meeting Agenda

Attorney Williams pointed out that the only item on the agenda that is set with a time is the Public Hearing Agenda and they must begin at 6:00 p.m. However, the agenda is set for 6:00 and therefore the Board would be in the essence of what the ordinance contemplated. It is the total discretion of the Board as how to proceed in the meeting. If they wanted to reschedule the time for the public hearings, it would require an amendment to the ordinance. It would be fine to schedule anything else at a different time, but it would require adequate notice."

Discussion followed among the Board.

It was established that there needs to be a transition period for the public. Attorney Williams suggested that the Board do an informational campaign.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO FOLLOW THE ORDER OF BUSINESS DESCRIBED IN THE ORDINANCE 2-45 (c) 1-4, AND LEAVE THE REMAINDER OF THE AGENDA AS IT NOW EXISTS, PROVIDE FOR A TRANSITION PERIOD OF 90 DAYS THAT WOULD ALSO ALLOW CITIZENS TO SPEAK AT THE END OF THE AGENDA AS WELL.

Commissioner Croley asked that the staff make every effort to include the support information to the board members along with the agenda packet.

11. Evaluation of Alternative Revenue Resources for FY 2008 thru FY 2012

OMB Director Davin Suggs addressed the Board. He told them he would speak very frankly about the options available to them regarding revenue. He also told them that, depending on the directions that staff is given with regard to the revenue alternatives, he may find it necessary for them to revisit their goals and priorities. He said, "Even without the property tax issues before us at the legislature, the majority of these revenues you needed anyway to accomplish items like you have on your goals and priorities. As we go

through here, we need to keep that in mind in terms of what the Board is directing or asking staff to accomplish versus the resources that we currently have and what we will need in the future."

He then described 21 options as listed in the agenda report.

Discussion followed.

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER DIXON , THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO DIRECT STAFF TO PROVIDE FURTHER RESEARCH AND ANALYSIS OF OPTIONS 1 - 21 FOR FURTHER BOARD CONSIDERATION AND POSSIBLE IMPLEMENTATION FOR THE FY 2008 BUDGET PERIOD. COMMISSIONERS CROLEY AND LAMB VOTED AGAINST THE MOTION.

11a APPROVAL FOR CHAIRMAN TO SIGN THE CONTRACT FOR 2007 STRIPING BID WITH OGLESBY CONSTRUCTION INC.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO SIGN THE CONTRACT WITH OGLESBY CONSTRUCTION.

11b APPROVAL TO EXECUTE THE NOTICE OF AWARD AND AGREEMENT WITH PEAVY AND SON CONSTRUCTION CO., INC. FOR LANIER ROAD, JUNIPER ROAD, ATWATER ROAD AND C.R. 65B RESURFACING PROJECTS

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE CONTRACT WITH PEAVY CONSTRUCTION CO AS STATED ABOVE.

11c APPROVAL OF CHANGE ORDER #2 AUTHORIZING ADDITIONAL ROADS TO BE ADDED TO THE 2006 DIRT ROAD PAVING CONTRACT

Commissioner Lamb asked that the Public Works Department be directed to begin work on some of roads on the road paving list even though the list is not complete at this point in time.

There was discussion as to where the department should begin with the new list.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO TABLE ACTION ON THIS ITEM UNTIL APRIL 17 COMMISSIONERS LAMB AND CROLEY CAST THE DISSENTING VOTES.

11d DISCUSSION OF DUTIES AND RESPONSIBILITIES OF THE CHAIRMAN - DIVISION 2 RULES OF PROCEDURE, OF THE COUNTY CODE OF ORDINANCES

Following a lengthy discussion, there was a consensus to leave the current policy in place. No action was taken.

12. COUNTY MANAGER'S AGENDA

13. APPROVAL FOR THE COUNTY MANAGER TO APPLY AND PARTICIPATE IF SELECTED IN LEADERSHIP FLORIDA CLASS 26

Mr. Brown told the Board that Leadership Florida has invited him to apply for the Class 26. He said that it will require a time commitment and financial commitment for tuition of \$4,350.00. It will also require travel to and from the classes. Accommodations will also be necessary.

He stated that it is an honor to be selected to apply. He added that it will enhance his professional development as well as allow him to bring back ideas to the county that can be implemented.

He said that the public purpose would be served by the networking with other strong leaders throughout the state who can lend insight and ideas.

Commissioner Dixon, who is an alumnus of Leadership Florida stated that it is sponsored by the Florida Chamber of Commerce. It is a year long training process where you are grouped with a diversified group of people from across the state and the basic idea behind it is to create "One Florida". Understanding that a lot of the people who live in Florida are not from Florida and they hold loyalty to other state interests.

It is the only organization that takes a statewide view of the conditions and challenges that face the state. It offers a leadership continuum that expands the impact of community leaders across the state. It builds a sense of statewide community by identifying and training individuals

with the passion and commitment to help make great things happen. The relationships that will be forged by participation in Leadership Florida will immediately become assets to Gadsden County in terms of finding information from the best people.

He concluded by saying, "It is by far the best training that I have had at any level and you will enjoy it."

It was determined that sufficient funds are budgeted to accommodate the expenses.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY MANAGER TO APPLY FOR THE CLASS 26 AND TO AUTHORIZE THE FINANCIAL COMMITMENT ASSOCIATED WITH IT.

COUNTY ATTORNEY'S AGENDA

Attorney Williams reported that the license with the Agency for Health Care Agency (AHCA) for the hospital is up for renewal. There continues to be close communication with AHCA in the expectation that the hospital will reopen.

Mr. Paul Sexton stated that all licenses have to be renewed every two years. Ashford's license for Gadsden Community Hospital is up for renewal on June 30, 2007. An application must be submitted 60 days in advance which will be April 30, 2007. The renewal process is relatively straight forward. It is predicated on the basis that you have an operating hospital, which is not the case for Gadsden County at this point.

Mr. Sexton stated that he has worked with Joe Sharpe to review the license renewal forms to see how closely it can be completed based on the hospital's current operation. There are some areas that are not applicable at this point. There is a meeting with AHCA on April 10 to determine what information they will accept in view of the fact that the hospital is closed right now. It will be important to reach agreement with the AHCA staff on what constitutes a complete application. He said they will submit the application based on the agreed to information by the end of the month.

They will work with the Bankruptcy court to see if they can

get the signature of Michael Lake who is still the CEO and President of Ashford. If there happens to be issues with that, it would be a good idea to have authority for the chair to sign the application.

Mr. Williams stated that "One of the first things we came to realize is that the law had changed at the federal level. The hospital that we have today and the location that it exists today cannot be replaced by simply an application process. We wanted to figure out the most efficient way to get the hospital back in place. The easiest answer was to put a new application in place. But, you cannot meet the requirements of the new law to get a new license processed and keep the hospital open.

So, consequently, it put the county in a very awkward position where we were required to try to cooperate with Ashford to get the hospital license transferred back to us that we gave them some five years before. The problem was that Ashford was not doing anything to protect the license that was in their name. So, we then had to go in and do that. What Paul is telling you is that we are now going to try to get Ashford to sign this renewal request, but I would ask, in an abundance of caution so we don't have to bring this item back before you, that you have a motion that would allow us to either have the chair or the manager sign if AHCA will work with us and if that is permissible."

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER CROLEY THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ALLOW THE ATTORNEYS TO NEGOTIATE WITH ASHFORD OR AUTHORIZE AN ALTERNATIVE SIGNATURE IF REQUIRED AND AUTHORIZE THE CHAIR OR WHOEVER IS APPROPRIATE TO SIGN IT IF ASHFORD WILL NOT COOPERATE.

CITIZENS REQUESTING TO BE HEARD

Ms. Patricia Chukes Hudgins addressed the Board with questions and comments. She filed a letter from Lenwood Herron regarding the land use designation of her property.

Commissioner Dixon directed Mr. McCord to look into the matter regarding Ms. Chukes property to see if the record reflects the statements in the letter.

Mrs. Emily Rowan addressed the roads in her community. She asked, "I just need to know how many people I need to bring

to the next meeting so that I can have my input. My voice is not very loud, so I will be here with my people on the 17th and my commissioner will be backing me up."

Commissioner Price replied, "Your road is going to be taken care of."

14. DISCUSSION ITEMS BY COMMISSIONERS

Commissioner Lamb

Mr. Lamb called attention to a memo he had written to the Board which is an update on the property tax issue at the Legislature. He urged them to stay abreast of the issue. He said that most commissioners in the state are putting a freeze on most of the issues that come before them until the property tax issue is resolved.

He urged the county manager to use staff as much as possible when it comes down to writing agreements and documents. The emphasis was on saving the county funds.

P & Z Appointment

He then appointed **Mr. Alonzo McBride** to the Planning and Zoning Commission.

It was agreed that it would be placed on the next agenda for confirmation by the Board

He then reported that he has been working very hard at the Legislature on the county's behalf.

Commissioner Croley

Commissioner Croley stated, "In coming months in time we are probably going to have further discussion about the allocation of resources, the expense and revenue of county government and how it can best be used to benefit all of the citizens. I appreciate Commissioner Lamb recognizing my presence at the Capital on at least one occasion and I thank him for that. I look forward to having further dialogue in a spirited but friendly way."

Commissioner Price

Commissioner Price thanked Mr. Presnell and the public

works staff for being responsive to the requests from the people in his district.

Commissioner Dixon

Commissioner Dixon made note that **Mr. James Hicks** was inducted into the Negro Baseball League Hall of Fame. He said that he is a local man who was in the league before baseball became integrated. He asked that Mr. Hicks be placed on the next agenda so that this Board can show him the county's appreciation for his accomplishments.

He then turned his attention to **Mr. Michael Wells**, who was a police officer from Quincy serving in another state. He was killed while on duty on a domestic violence call. He asked the Board to pass a proclamation in recognition of his life and service.

Commissioner Dixon reported that, "Most legislative proposals now have the small counties being held harmless or being exempted from the roll back. However real that might be, I am suspecting that if any other county is forced to roll back and we do not, that we are still going to have to because I just think it would be the right thing to do. What we have been doing for the last few months is getting ready and making sure that we understand the issues that are at hand.

Mr. Suggs gave two wonderful presentations about "What is" and the monies and the costs so that we can make intelligent decisions when we come down to it. But one thing I want us to be ready for and mindful of is that knowing that we may be held harmless, I still intend to push forward for some type of roll back. Now, I hope the Board will join me on that. That is why I am pushing so hard for the board to get out here and get this money. So that when we roll back taxes, we can at least spend the state's money or the fed's money and have no loss of services to our citizens. In this down week because of Easter, the next half is the next four weeks. The real fight. When they start narrowing that money and you see your name out there and it says Gadsden County and not Palm Beach County, things are going to get ugly. We need to be on point.

I had a fellow the other day to ask "Why is Gadsden County here with four commissioners when most counties send only

one." They are recognizing the power of this Board when we show up in numbers. It doesn't matter what we say around this table, when we get over there, we need to show a unified front. I guarantee you that the more money we have, the better off our relationships are going to be. That is just a natural thing.

If we push the roll back - if we roll back to 9 mills immediately, that will cost \$1 million. So, we need to be prepared. We need to make sure we are running down this money in the Legislature and other places so that we can finance the on going programs and the increased programs."

Commissioner Holt

Chair Holt announced the Talquin Open on April 6 - 7 at Lake Talquin. It is a fishing tournament in which the County is involved.

Charles Chapman stated that the registration for the event begins on Friday evening around 4:00 p.m. through 7:00 p.m. Fishermen will be paired up by a draft. The weigh-in will begin at 4:00 p.m. on Saturday. All proceeds will go to benefit fresh water recreation improvements throughout the county.

Commissioner Holt then gave a recap of her trip to Washington, D.C.

Receipt and File Agenda

1. Letter to Kevin McDaniel Regarding Piggly Wiggly Landscape Plan
2. Letter to Governor Charlie Crist Regarding the possibility of a Future Meeting with the County Officials and Citizens
3. Amendment to Original Project Agreement by and Between Allcol Technologies, Inc. and the Board of County Commissioners
4. Letter from Mediacom Regarding Rate Adjustments for Cable Service
5. Letter to Gus Bert Farms Subdivision Homeowners Association Inc. Regarding Area Road Paving

6. Letter to Planning Commission Members Regarding Meeting Attendance
7. Letter from Senator Mel Martinez Regarding Community Development Award
8. Letter from the Clerk of the Circuit Court to the City of Quincy Regarding Animal Control Obligation
9. Letter from Clerk of the Circuit Court Regarding Fund Summary Report
10. Letter from Clerk of the Circuit Court Regarding Cash in the Bank Summary Report

ADJOURNMENT

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

Brenda A. Holt, Chair

Muriel Straughn, Deputy Clerk

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON APRIL 10,
2007, THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: Brenda Holt, Chair
Derrick Price, Vice-Chair
Eugene Lamb
Doug Croley
Edward J. Dixon
Thornton Williams, County Attorney
Marlon Brown, County Manager
Muriel Straughn, Deputy Clerk

Call to Order

Chair Holt called the meeting to order at 6:00 p.m.

Amendment to the Agenda

The agenda was amended to include a request from the County Attorney to move forward with taking the necessary steps to protect the hospital license with the Agency for Health Care Administration (ACHA) even though it is currently in the name of Ashford Healthcare Inc.

DIRECTION FROM COUNTY COMMISSIONER REGARDING LIBRARY COMMISSION APPOINTMENTS

Library Director Jane Mock made a presentation to the Board regarding how the current commission has worked and she proposed a new method of appointing members to it.

Current Method for Appointing Library Commission Members

Vacancy Formula

- 2 from Quincy
- 2 from Chattahoochee
- 2 from Havana
- 1 from Gretna
- 1 from Greensboro
- 1 from County at large

Current Library Commission Members

- District 1 - Janet Gray, Midway, FL.- Commissioner Eugene Lamb
- District 1 - Nora James, Havana, FL - Commissioner Eugene Lamb
- District 2 - Marsha Deane, Quincy, FL - Commissioner Doug Croley
- District 3 - Mary Jo Hargrove, Chattahoochee, FL - Commissioner Derrick Price
- District 3 - Rowena Middlebrooks, Chattahoochee, FL. - Commissioner Derrick Price
- District 3 - Vacancy Greensboro
- District 4 - Vacancy Gretna
- District 5 - Carl Daniels, Quincy, FL. - Commissioner Ed Dixon
- District 5 - Vacancy At Large

Current Number of Appointments by Districts

- District 1 - 2 appointees
- District 2 - 1 appointee
- District 3 - 3 appointees
- District 4 - 1 appointee
- District 5 - 2 appointees

Options Proposed

Option 1 - Amend Library Commission ordinance to allow for 10 members, 2 from each County Commissioner

Option 2 - Amend Library Commission ordinance to allow for 11 members, 2 appointed by each County Commissioner & 1 at large

Option 3 -Amend Library Commission ordinance to allow for 7 members, 1 appointed by each County Commissioner & 2 at large

Option 4 - Amend Library Commission ordinance to allow for 5 members, 1 appointed by each County Commissioner

Option 5-Leave ordinance as it is and direct staff on geographic representation

Anticipated Future Improvements to the Library System

When asked by Commissioner Holt about plans to enhance the library system, Mrs. Mock noted that there is a growing need for the following:

New Bookmobile
Enhanced Reading Materials
Programming - especially computer instruction for adults
Connectivity and Virtual Reference Resources

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AMEND THE LIBRARY ORDINANCE TO CHANGE THE COMMISSION TO A SEVEN MEMBER BOARD WITH STAGGERED 4 YEAR TERMS, BUT TO PROVIDE A TRANSITION PERIOD TO PROTECT THE CURRENT APPOINTMENTS.

Discussion followed as to the function of the Library Commission. It was determined that the historical function is outdated and should be amended to reflect the style of management and government administration now in place. (Since the creation of the county manager's position.)

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISISONER DIXON THE BOARD VOTED 5 - 0, BY VOICE VOTE TO DIRECT THE STAFF, ATTORNEY AND LIBRARY DIRECTOR TO SURVEY OTHER COUNTIES, UPDATE THE ORDINANCE AS IT RELATES TO THE LIBRARY COMMISSION'S DUTIES AND RESPONSIBILITIES. THE MOTION ALSO GAVE THEM THE LATTITUDE AND DISCRETION TO MAKE OTHER RECOMMENDATIONS FOR THE BOARD'S CONSIDERATION IN A WORKSHOP. IT WAS CLARIFIED THAT THE ATTORNEY'S WORK ON THE ORDINANCE WOULD BE COVERED BY THE RETAINER.

TOURIST DEVELOPMENT COUNCIL (TDC)

Community Development Director Farnita Saunders began her presentation by recounting the history of the TDC as follows:

- October 2002 Tax Levied
- November 2002 Referendum during election passed
- Operation began as a nine member council
- March 2006 Legal guidance sought.
 - a. What is the organization structure and role of the TDC according to the statues and ordinance in place? To make recommendations, monitor and

report. Other powers are those expressly granted by the County.

- b. Does the TDC have independent authority to spend money without the County Commission approval? 125.0104 does not appear to grant power to spend without authority from County Commissioners
- c. Does the county commission have the authority to regulate the TDC or are they independent of the county's control? TDC is not independent of the county's control. The By-laws reference BOCC appointments, vacancies and BOCC must approve their budget.

- **August 2006 Administrative oversight given to Community Development Department**
- **November 2006 - operations suspended for following concerns**
 - Membership terms
 - Initial Appointments were not staggered
 - All Terms Expire 12/31/07
 - Bylaws and operational issues - needs restructure
 - TDC entered into contract with Chamber of Commerce to do administrative services. TDC does not have the authority to do so. Any contract must be between the Board of County Commissioners and the other agency.

TDC Existing Organizational Structure

- Nine Member Advisory Council
- Two Members must be elected officials (one from the most populous municipality)
- Six members - to be persons involved in tourist industry or interested in tourist development - no more than 4 - owners or operators of hotel, motel, recreational vehicle parks or other tourist accommodations.

Membership Restructure Proposed

- Allow member to serve remaining term to 12/31/2007
- BOCC to Re-appoint members beginning 01/01/2008
- Allow staggered terms as required by Statute 125.0104(4)(e)
- Allow transition time to achieve staggered terms of appointments.

There was a consensus of the Board to notify the Chamber of Commerce of the intention to terminate the agreement with TDC due to the circumstances.

Lee Garner stated that the TDC has acted in a way that they believed to be correct. He recommended that the staff and attorney go over the proposed changes in a workshop with the TDC so that all parties are fully informed as to how they should operate once they resume. He said that he did not believe that they were ready to begin operation at this point, but he wanted to move in that direction.

A MOTION WAS MADE BY COMMISSIONER CROLEY AND SECONDED BY COMMISSIONER LAMB TO ALLOW TDC TO MEET AND REVIEW THE MATERIAL PROPOSED AND HAVE INPUT INTO THE PROCESS OF ORDINANCE DEVELOPMENT.. **THE MOTION AND SECOND WAS LATER WITHDRAWN.**

Commissioner Croley stated that he felt that the TDC should have input into the ordinance. However, Attorney Williams explained that operations of the TDC had ceased and could not begin again until after the new ordinance is in place. After the ordinance adoption, they can begin to meet and have input into the by-laws and spending allocations.

ANOTHER MOTION SIMILAR TO THE ONE ABOVE WAS MADE BY COMMISSIONER CROLEY AND SECONDED BY COMMISSIONER LAMB, BUT WAS WITHDRAWN AFTER DISCUSSION.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, FOR THE STAFF TO WORK WITH COUNTY ATTORNEY TO DRAFT ORDINANCE TO BE COMPLIANT TO THE STATE STATUTE AS IT RELATES TO TDC; AUTHORIZE THE BOCC TO ENTER INTO CONTRACT WITH CHAMBER OF COMMERCE AND TO RESUME OPERATIONS AT THE APPROPRIATE JUNCTURE.

It was clarified that TDC would have input to the by-laws and the spending allocations once the ordinance is in place and operations have resumed.

GADSDEN COMMUNITY HOSPITAL

Mr. Williams reported that the federal Bankruptcy Court has agreed to allow the transfer of the hospital license from Ashford to Gadsden County. However, Ashford is now defunct and the transfer will take longer than anticipated because the hospital is not in operation. He pointed out also that CMS suspended the authorization for the cost status - full reimbursement of cost for Medicare and Medicaid for the hospital and the County is diligently working to get it reinstated.

Mr. Williams asked the Board to authorize the staff to go forward with negotiations with AHCA to secure the transfer of the license from Ashford to the county. He said that it is their intent to get some type of transfer with an abeyance of activity until the Board can determine what kind of operations it desires to reinstate. He said it is imperative to protect the license, even though it is in Ashford's name. If it is lost, it will be lost forever. He stated, "If we do not have the license, there will never be a hospital."

Discussion followed.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO AUTHORIZE THE ATTORNEY AND STAFF TO MOVE FORWARD WITH NEGOTIATIONS TO RENEW AND SECURE THE LICENSE FOR THE HOSPITAL AND TO INCUR THE EXPENDITURES NECESSARY TO DO SO.

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

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Brenda A. Holt, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON APRIL 17,
2007, THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: Brenda Holt, Chair
Derrick Price, Vice-chair
Eugene Lamb (appearing by telephone)
Doug Croley
Edward J. Dixon
Thornton Williams, County Attorney
Marlon Brown, County Manager
Muriel Straughn, Deputy Clerk

CALL TO ORDER

Chair Holt called the meeting to order. Commissioner Croley led in the invocation and Commissioner Dixon led in pledging allegiance to the U.S. flag.

Chair Holt called for a moment of silence to honor the 33 students and teachers at Virginia Tech who were gunned down in the classroom by another student.

ADOPTION OF THE AGENDA

The agenda was amended as follows:

Awards, Presentations and Appearances Agenda

Delete Item 2 Appearance by Mr. Jim Kellum, Chairman of the Senior Services, Inc.

Add 2-A Approval of Resolution No. 2007-026 Honoring the Life of Officer Lonnie Wells

Public Hearings Agenda

Item 10 Conceptual Plat Review for Plantations of Foxchase - SD-2006-09 Major Subdivision - **Replace Page 1 of the Agenda Item and Add Attachment # 5**

Item 11. Final Plat for San Bonita Farms Subdivision (SD-2005-03) Major Subdivision - **Add**

Attachment # 6

- Item 12. Conceptual/Preliminary Site Plan Northwest Florida Water Management District new Office Facility (Expansion) - (SP-2007-01) - **Add Attachment # 4**

General Discussion

- Item 13. Approval of Change Order #2 Authorizing Additional Roads to be added to the 2006 Dirt Road Paving Contract with Peavy and Sons Construction - **Materials added**
- Add 13-A Approval to Open Boys & Girls Clubs in Gadsden County

County Manager's Agenda

- Item 14. Memo to the Board of County Commissioners on Analysis of Post FY 2005 Increase Staffing and Associated Cost for the Offices of the County Manager, Management and Budget, Information Technology and Public Information/ Intergovernmental Relations

County Attorney's Agenda

- Item 15. Estimated Cost of Legal Services for Transferring the AHCA License for Gadsden Community Hospital to Gadsden Hospital, Inc. (GHI)

COMMISSIONER DIXON MADE A MOTION TO APPROVE THE AGENDA AS AMENDED. COMMISISONER PRICE SECONDED THE MOTION.

Commissioner Croley raised a question as to the order of business. He said, "The business with Item 13A. Most of the changes (to the agenda) were reports. But, this item on the agenda is rather lengthy in that it involves expenditure of money. Under the order of business of the county ordinance, as I have brought up before, Section 245, "All support information to the agenda item shall be available no later than 10 business days before the regular meeting. If the support information is not available, the agenda item shall be removed from the agenda and be considered at a later meeting."

I am requesting that this be considered at a later meeting given that I haven't had time to review it properly."

Holt:

O.K., would you like to pull that item? We'll pull it for discussion and then we can decide at that time.

Brown:

Commissioner, it is on the General Business.

Williams:

Madam Chair, if I may. We have had this issue come up a number of times. In all due respect, Commissioner, that item, that area deals with set agenda prior to this meeting. In the procedure, it outlines that the agenda can be amended and that is a separate section from the section that you are referring to. So, if an item is put on the agenda and the backup materials are not provided at that time, then that item should be pulled. What it is saying, and I don't have the section in front of me, but what it says is that the agenda can be amended, which is a separate section, and that amended section can be provided at the meeting. What is contemplated is what you are doing now.

You are supposed to state your concern about how the amendment is occurring. This is the same concern that Commissioner Lamb had at the last meeting. If the commission, as a whole, does not agree, whether they agree with you or does not, that is what determines whether or not that item is placed on the agenda. Setting the agenda and providing back up items is a different issue from an amended agenda item. I don't know if that provides guidance or not in terms of a decision.

Croley:

You haven't told me where that is in the order of business. All I know is that I haven't had time to properly read and evaluate this information.

Williams:

The bottom line is that it is a commission vote. You have the right to state your objection. This is what we tried to clarify at the last meeting. You state the objection, the commissioners of the body weighs in on that objection. If they vote with you, it goes off the agenda. If they don't vote with you, it stays on.

Holt:

O.K. We have a motion and second to approve the agenda. All in favor?

Dixon, Price, Holt:

Aye

Croley:

No.

Holt:

Commissioner Lamb, what is your vote?

Lamb:

Aye.

Holt:

It is 4 - 1 for approval.

AWARDS, PRESENTATIONS AND APPEARANCES

1. Presentation - Economic Development Update

Mr. Brad Day addressed the Board to report as to activity in the area of the Economic Development.

He highlighted the following:

- Regional Marketing of Gadsden County through Florida's Great Northwest (a marketing arm for a 14 county area)
- Department of Labor WIRED Grant Program - Federal government has awarded money to 13 areas of the US. \$15 Million dollar contract was awarded to Northwest Florida to work on work force development issues in the population. - Gadsden County School System has not been able to pull down some of the funds yet. Part of the Work Force strategy will be to access some of that money to get special professional training for particular targeted industries for people in Gadsden County.
- Opportunity Florida - Regional Association of eight counties that have been labeled as needing extra help. They work specifically with the special needs of those eight counties. They have taken a strong decision to go into affordable housing that will .

Branding - He stated that he was working with Jon Brown,

Gadsden County's Public Relations Coordinator, to develop a consistent message (in keeping with the county's policy) that will market Gadsden County to Enterprise Florida and other marketing agencies. It will distinguish Gadsden County from the other economic development agencies throughout Florida.

Industrial Development Authority-(IDA) - He will begin working in cooperation with the IDA in May to have some informal conversations about the tactical analysis and make some recommendations for systemic changes.

He said that even though the economic development program is still very new, there are two projects with which he is dealing - Project Green and Project Metal. He said that he expects to have a memorandum of agreement with one of them within 60 days that will outline the location of a company in Gadsden County. He said they have found a site for them and they are helping them find a financial structure. He said that it is a good company that would bring a \$2 million investment to the county and an annual payroll.

Project Green is ongoing. He said there are also some other projects that are in the pipeline that have not matured just yet.

Chair Holt stated that she met with the CEO of one of the companies on April 16.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO ACCEPT THE ECONOMIC DEVELOPMENT REPORT.

2. ~~Appearance by Mr. Jim Kellum, Chairman of the Senior Services, Inc.~~

2-A. Approval of Resolution No. 2007-026 Honoring the Life of Officer Lonnie Wells

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION DESCRIBED ABOVE.

CONSENT AGENDA

A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER PRICE TO APPROVE THE CONSENT AGENDA.

Commissioner Croley asked to pull items 5 & 7 for discussion.

Commissioner Dixon contested that he made a motion.

The motion was then opened for discussion.

Commissioner Croley asked again to pull items 5 & 7.

Commissioner Dixon would not agree to amend the motion.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA TO WIT: (COMMISSIONER CROLEY CAST THE LONE DISSENTING VOTE.) This vote was later changed to 3 - 2 with Commissioner Lamb casting a dissenting vote.)

COMMISSIONER LAMB STATED VIA TELEPHONE THAT HE ALSO WANTED ITEMS 5 & 7 PULLED FOR DISCUSSION.

Commissioner Dixon:

Madam Chair, the motion has been properly made and carried.

Williams:

The motion has been made and carried at this point. Again, the request was made to pull the two items as an amendment to the motion. It didn't carry. The issue of the consent agenda has been resolved. The motion has been approved to approve the consent agenda.

3. Approval of Minutes - March 20, 2007
4. Ratification of Approval of Payment of County Bills
Accounts Payable dated April 6 and 13, 2007
Payroll dated April 12, 2007
5. Approval of Commissioner Dixon's Travel to the National Forum for Black Public Administrators' (NFBPA) Annual Education and Training Conference in Phoenix, Arizona on April 21 - 26, 2007 - cost \$2,185.00
6. Approval to Process Payment (\$1,600) in Tourist Development council Grant Funds to Whippoorwill Lodge for the Crappie

Masters and Crappie USA Tournament

7. Approval of the County Manager's Relocation Expenses
Allied Van Lines (AmeriMove) \$4,730.34

CONSENT AGENDA ITEMS PULLED FOR DISCUSSION

PUBLIC HEARING AGENDA

**9. Ordinance 2007-001 Establishing Rules and Regulations for
Gadsden County Parks and Recreation**

Assistant to the County Manager Charles Chapman addressed the Board to answer questions. There were no questions.

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

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

**10. Conceptual Plat Review for the Plantations of Fox Chase -
SD 2006-09 - Major Subdivision**

Owner: The Plantations at Foxchase, L.L.C.

Applicant: Charles Hargraves, P.E. Hargraves Engineering

Location: 1099.78 acre parcel in AG 1 and CONS land use category located at the southwest corner of the intersection of glory Road and its intersection with Shade Farm Road to the north. The proposed subdivision has 183 single family lots in a clustering design with each greater than two acres.

TAX ID: 2-29-3N-4W-0000-00100-0000; 2-29-3N-4W-0000-00220-00000; 2-29-3N-4W-0000-00230-00000; 2-29-3N-4W-0000-00330-00000

Previous Owners: High Hope Farms, LLC & St. Joe Timberland of Delaware.

Land Use Change: Feb 15, 2005 Ordinance 2005-001

Type of Action: 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.

Planning Commission Recommendation: Unanimous Approval based on the findings as outlined in Attachment # 5 with the special conditions a - I also listed.

Growth Management Director Bill McCord was administered an oath by Muriel Straughn, Deputy Clerk, as to the facts he presented regarding the above described project. Those facts are contained in the agenda report attached.

Following his presentation of the project, the Chair opened the meeting for public comments. The following people addressed the Board with questions and comments. They were all administered oaths prior to their testimony.

Mr. Charles Hargraves - in favor

Mr. John Due - opposed

Mrs. Patricia Stevens Due - opposed - entered exhibit of her concerns and objections as evidence and they were made a part of the record.

Ms. Cindy Rudd - not opposed, but asked the board to carefully consider the project.

Following some discussion, Mr. Hargraves noted that the developer would meet with the homeowners association and neighbors.

Commissioner Croley stated that he has very serious concern about this piece of property being developed. He said that he knew that the property is wet and inappropriate for development citing that it drains to the Quincy Creek, then into Little River and ultimately to Lake Talquin as well as Telogia Creek. He was concerned about the impact on wildlife (large and small) and the surrounding agricultural operations.

Commissioner Dixon voiced concerns about the project as well. He also cited animal migration. In addition, he was opposed to a gated community saying that there is already too much segregation in the county. He also stated that he felt it would be irresponsible not to require them to hook up to the central sewer system from the City of Gretna, even if they have to pay for the expansion of sewage treatment. (At this time, Gretna does not have ample capacity to handle the sewage from this subdivision.)

Commissioner Lamb stated that he wanted to see sidewalks in the development.

Commissioner Croley suggested that they have Tall Timbers to address some of the wildlife concerns expressed at this

meeting. He said he would be more receptive to the project after hearing from them.

Commissioner Price expressed concerns about the sewer system proposed.

Commissioner Dixon stated that he did not want to sink the project, but he felt it could be much better. He said that at some point, central sewage must happen. He questioned, "How can we get to the next step?"

More discussion followed.

UPON MOTION BY COMMISSINER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE ACTION ON THIS PROJECT.

11. Final Plat for San Bonita Farms Subdivision (SD-2005-03) - Major Subdivision

Owner: San Bonita Equestrian Properties, Inc.; James and Sarah Bradley, Jonathan and Jamie Temples, Wilbert and Rose Campbell, William Newman, Paul and Colline Hoppes, Michael and Joan Phillips, Gary and Linda Stallons, Thomas and Jacquelin Corley, Tommy and Donna Hatcher, Jimmy Hatcher.

Applicant: Moore Bass Consulting by Fred Beshears

Location: 407.22 acre parcel in the AG 2 land use category. It is located on the north side of shady Rest Road and the Highlands Subdivision, west of US 27 and east of Dover Road approximately 3 miles south of Havana.

Type of Action: The final plat 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.

Previous owners: Coastal Lumber Co; St. Joe Land and Development Company; F & F Gadsden Properties.

Preliminary Approval: July 5, 2005

Development Order: issued on March 28, 2006

TAX ID: 3-14-2N-2W-0000-00200-0000; 3-15-2N-2W-1541-00000-0210; 3-15-2N-2W-1541-00000-0220; 3-15-2N-2W-1541-00000-0230; 3-15-2N-2W-9710-00000-0010; 3-15-2N-2W-9710-00000-0020; 3-15-2N-2W-9710-00000-0030; 3-15-2N-2N-2W-9710-00000-0050; 3-15-2N-2W-9710-00000-0060; 3-15-2N-2W-9710-00000-0070

Planning Commission Recommendation: April 12, 2007

Unanimous approval based on the findings listed in the attached memo and with special conditions a - d also listed in the attached memo.

Growth Management Director Bill McCord was administered an oath as to the facts to which he testified. Those facts are contained in the agenda report attached.

Michael F. Cazessus of Moore Bass Consulting of Tallahassee, FL addressed the board with testimony after he was administered an oath. He was in favor of the project.

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

Commissioner Croley said that he had been on site and reported that it was very well done. His purpose in going to the site was to find a cemetery which was reported to him to exist. However, the cemetery is not on this property, but on another parcel in the vicinity. He read the following into the record: "Rev. William Maxwell, who is a deceased African American minister, and Edward Herring, retired white farmer, confirmed to Bruce Ballister, former P & Z Director, Mr. Herring said that he personally built a wooden casket in the early 1950's for the use of a burial of a black child belonging to the family of farm laborer Eddie Keys and that the cemetery was said to have covered approximately two acres. I will read that into the record so that you will have that for future reference."

Chair Holt called for other comments.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, THE BOARD VOTED TO APPROVE THE FINAL PLAT OF THE SAN BONITA SUBDIVISION.

12. Conceptual Preliminary Site Plan for Northwest Florida Water Management District New Office Facility - (SP-2007-01)

Owner: Northwest Florida Water Management District

Applicant: Dale E. Cronwell, P.E. of Post, Buckley, Schuh & Jernigan.

Location: Expansion of 6,100 sq. ft. of the NFWFMD offices

located on the north side of US 90, west of Dover Road and east of Lanier Road. It is directly across US 90 from the Hammock Creek Commerce Park.

Type of Action: Quasi-judicial in conjunction with advertised public hearing under the Type II plan review procedures per Subsection 7202 of the Gadsden County Land Development Code.

Planning Commissioner Recommendation: April 12 voted unanimously to approve the project with the findings and conditions as listed in the agenda report attached. They also recommended a special condition "e" to connect to central sewer. However, Talquin did not support the sewer connection at this location.

Growth Management Director Bill McCord was administered an oath as to the testimony he gave. He cited the facts as contained in the attached agenda report.

Mr. McCord stated, "The sewer line that runs along Highway 90 is a force main and not a gravity line which is typically what you would need in order to tap into that system unless you were going to be building a lift station. So, they are proposing a septic system as it would be very expensive for them to have to build a lift station to be able to feed into the force main. It is a low impact use they are proposing. One thing you might consider is if they develop a gravity system within ¼ mile of that project site, you require them to connect at such time sewer becomes available."

Chair Holt called for public comments.

Dale Cronwell addressed the board and was administered an oath by Muriel Straughn, deputy clerk. He agreed with the recommendations, but asked to clarify one thing. He presented a letter from Talquin saying they would not let them connect to the force main.

There was discussion among the board about what to do to make the sewer line available to the public along the route of the force main. It was determined that a lift station would cost approximately \$65,000 - \$100,000 to install.

Dixon:

That line was built with public money that we applied for and dropped down. We gave the situation to Talquin. Now, we are approving projects with the impression that because

the line exists, people are going to tap into it. If that is not happening, we kinda need to know why it is not happening. Then we need to know what we need to be doing to facilitate folks tapping into it. It doesn't seem to make any sense for us to have a line running five miles, literally, from East Gadsden to the Leon County line, that nobody can tap into. It just doesn't make any sense to me. Why worry about central sewer at all if that is what we are going to do? We keep allowing people to build septic tanks even next and up to the line. The line runs directly in front of the Water Management District. If they can't tap on, under what circumstances can we get folks to tap in? What do we need to do? I know what it is. It is because he is not a high volume user and is not going to spend a lot of money. I know exactly what it is. Talquin didn't want to put the citizens of Midway on the line. They are not high volume users. But, they ran to 10/90 to get all those businesses in.

Now my concern is - if you are using public money, when does the public get to the line. Or am I out of line in even asking the question?

I would just really like to know. At what point can the people actually use the sewer system?

Brown:

If you allow the staff the opportunity to talk to Talquin in regard to that and then we will respond to you as quickly as possible.

Chair Holt asked the attorney to look into the contracting that took place between the county and Talquin, to see if it was a matter of poor contracting.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PROJECT WITH OPTION 1 WITH SPECIAL CONDITIONS A - D.

GENERAL DISCUSSION

Consent agenda revisited:

Commissioner Dixon withdrew his motion to approve the consent

agenda as written and honor the commissioner's request to remove Items 5 & 7 for discussion. Commissioner Price withdrew the second.

COMMISSIONER DIXON MADE A MOTION TO RECONSIDER THE CONSENT AGENDA. COMMISSIONER PRICE SECONDED THE MOTION. THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO RECONSIDER THE CONSENT AGENDA.

Commissioner Croley requested to remove Items 5 & 7 for discussion.

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

5. Approval of Commissioner Dixon's Travel to the National Forum for Black Public Administrators' (NFBPA) Annual Education and Training Conference in Phoenix, Arizona on April 21 - 26, 2007 - cost \$2,185.00

Commissioner Croley asked Commissioner to explain the public purpose of the trip to what appears to be, by it's name, a exclusionary organization.

Dixon:

Commissioner, the Forum of Black Public Administrators is made up of elected officials. It is a conference of higher thinkers, if you will, people who are doing things, people who are making moves in terms of government. The majority of the folks in this particular group are government officials. It is knowledge based. It is solution oriented in that you actually sit in workshops with folk who have taken situations and brought solutions to the table or failed in bringing solutions to the table.

It is very hands on opportunity to look at some of the issues that plague Gadsden County in particular. I say particularly because the majority of the population in Gadsden County is minority, meaning African American with an increasing number of Hispanics. Even in the midst of that, we have issues that are happening to us and not to the environment around us. Why is that? I don't know. I need to know. These particular kinds of meetings focuses in on those folks who have done things in those

environments. The last time I traveled there, it was concerning the health of a particular community. I think it was Atlanta that we were talking about. They were talking then about AIDS and HIV and how in that particular neighborhood things that they did on a large scale, were not working. They said, "Do not try them, they are a waste of great time and great effort and great money. Here is how you attack it at this particular kind of neighborhood with this particular demographic." You walk away from this particular meeting with a very good understanding of what it is you need to come home and put into place. That is why this particular forum is really, really good and interesting to me and helps me sit at this table.

Chair Holt stated that she attended last year in Tallahassee and she was very impressed. She said there were also white county commissioners there as well Hispanics. She was impressed because they were exchanging knowledge. She also said that Farnita Saunders would be a presenter at this forum, which is a high honor.

Commissioner Croley replied, "When we add up two county employees and one county commissioner going to the same conference out of state in Phoenix at a time whenever we are faced with increasing complaints about costs..., I've got issues with that. No matter how good the conference is. It is the expense at this time that I raise objections to. That is all I want to say."

Commissioner Lamb stated that he did not believe that the Board should be traveling out of state at this time either. He also suggested to Commissioner Dixon that the name of the forum should be changed to remove the word "Black" from the title. He said that he was concerned about what might result from the legislative session and thought the board should be more conservative with spending with such uncertainty looming.

Commissioner Dixon concluded by saying, "I don't apologize for traveling and educating myself so that I can know how to make good decisions around this table."

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTE 3 - 2, BY VOICE VOTE, TO APPROVE COMMISSIONER DIXON'S TRAVEL AS REQUESTED. COMMISSIONERS LAMB AND CROLEY CAST DISSENTING VOTES.

7. Approval of the County Manager's Relocation Expenses
Allied Van Lines (AmeriMove) \$4,730.34

Commissioner Croley referenced a letter to the county manager dated April 18, 2005 outlining the negotiations for his employment contract. He said that the letter was later replaced by employment agreement dated November 7, 2006 citing benefits without reference to a relocation expense. He suggested that it is extraordinary to supplement the manager's compensation when he has already been given increases. He pointed out also that the county manager ordinance requires the manager to reside in the county during his tenure. He argued that so much time has elapsed since he became employed that he could not justify paying this expense. He was opposed to paying the moving expenses.

Commissioner Lamb pointed out that the letter outlining the negotiation says that the county will "assist" with the moving expenses. He proposed that the county pay half the cost.

Commissioner Dixon argued that the ordinance requires the manager to reside in the county. The moving expenses were negotiated at the time of his employment and approved by the board two years ago. He said that it is a very common practice when dealing with executives. He then insisted that the board move forward.

Chair Holt said that if the county did not honor the negotiated agreement, it could possibly end in litigation and she would oppose any action of the board that could result in legal issues - whether she agreed with it or not.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE COUNTY MANAGER'S RELOCATION EXPENSE. COMMISSIONERS CROLEY AND LAMB OPPOSED THE MOTION.

13. Approval of Change Order # 2 Authorizing Additional Roads to be added to the 2006 Dirt Road Paving Contract

Public Works Director Robert Presnell addressed the Board. He stated that he had contacted each commissioner to ascertain their preferences to be placed on the priority list. Since that time he made site visits and performed

research which resulted in the attached list. He then asked for direction.

Discussion followed.

COMMISSIONER DIXON MADE A MOTION TO APPROVE THE LIST AND TO AUTHORIZE THE CHAIRMAN TO SIGN THE CHANGE ORDER.

COMMISSIONER PRICE OFFERED AN AMENDMENT TO THE MOTION TO INCLUDE APPROVAL TO KEEP AT LEAST ONE ROAD CREW WORKING IN DISTRICT 3.

Discussion ensued about which roads would be paved first.

COMMISSIONER DIXON DID NOT ACCEPT THE AMENDMENT TO THE MOTION AS HE DID NOT VIEW IT AS A FRIENDLY AMENDMENT.

COMMISSIONER PRICE WITHDREW HIS AMENDMENT TO THE MOTION.

COMMISSIONER CROLEY SECONDED THE ORIGINAL MOTION AS STATED BY COMMISSIONER DIXON.

Discussion continued.

THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE MOTION. COMMISSIONERS PRICE AND HOLT OPPOSED THE MOTION.

The motion is restated below:

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE CHANGE ORDER TO THE CONTRACT FOR THE ROAD PAVING LIST. THE MOTION ALSO INCLUDED AUTHORITY FOR THE CHAIR TO SIGN THE CHANGE ORDER TO THE CONTRACT.

13A. Approval to Open Boys & Girls Clubs in Gadsden County
OMB-BA# 070042A and B

This agenda item seeks approval by the board to open two Boys and girls Clubs in Gadsden County. This proposal is the result of round table discussions that have taken place over a number of months. Those who participated in the discussions were the sheriff, public defender, state attorney, Juvenile Justice, judges, county commission, and the community.

The cost to begin operation is \$200,000 per facility

inclusive of a local government match of \$75,000. Total cost of operations is \$400,000 inclusive of a \$150,000 match from Gadsden County.

This was discussed at a previous meeting and the county manager was instructed to approach each city and town in the county to see if they would be willing to share in the support of the proposal brought forth through the roundtable discussions. Mr. Brown said that he has contacted the municipalities. Superintendent of Schools Reginald James has pledged his support, but at this time, there has been no commitment from the municipalities.

A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER PRICE TO APPROVE THE APPROPRIATION AND THE BUDGET AMENDMENT DESCRIBED ABOVE.

Discussion followed.

THE BOARD VOTED 3 - 2 IN SUPPORT OF THE MOTION. COMMISSIONER LAMB AND CROLEY OPPOSED THE MOTION.

COUNTY MANAGER'S AGENDA

- 14. Memo to the Board of county Commissioners on Analysis of Post FY 2005 Increase Staffing and Associated Cost for the Offices of the County Manager, Management and Budget, Information Technology and Public Information/Intergovernmental Relations**

This agenda item was prepared in response to previous remarks stated in a public meeting. It is filed for information purposes only - no action was required.

COUNTY ATTORNEY'S AGENDA

- 15. Estimated Cost of Legal Services for Transferring the AHCA License for Gadsden Community Hospital to Gadsden Hospital, Inc.** (Estimated to be between \$6,960 to \$15,660 For Information Purposes Only - No action required.

CITIZENS REQUESTING TO BE HEARD

Kitha Williams made inquiries as to when the hospital would reopen.

DISCUSSION ITEMS BY COMMISSIONERS

Commissioner Lamb, District 1

Commissioner Lamb had no report.

Commissioner Croley, District 2

Commissioner Croley reported that the St. Hebron Community had a clean up event which made a huge impact on the appearance of the community. He commended them for the efforts saying that it is a privilege to represent such fine people.

He then talked briefly about the Quincy by-pass and the beaver dams on Quincy Creek causing flooding issues. He suggested that the City of Quincy be contacted concerning the animal control problem in that regard.

Commissioner Price, Vice Chair, District 3

Commissioner Price had no report.

Commissioner Dixon, District 5

Commissioner Dixon reported that he had received calls from all over the state to commend Gadsden County for the presentation on the Tax Reform issue before the Senate Sub-committee. He said the OMD Director Davin Suggs saved the Florida Association of Counties by putting the best face on tax reform that they had seen. He said even the urban counties were impressed with his presentation.

Commissioner Holt, Chair, District 4

Chair Holt thanked Davin Suggs for the wonderful job he did in presenting to the Senate Sub-committee on Tax Reform. In jest, she said, "Some of them wanted to hire him."

RECEIPT AND FILE AGENDA

- 17.** Resolution Number 2006-050 Authorizing the Chief Elected Official to make Application to the Florida Department of Community Affairs for Approval of Gadsden County Community

Development Block Grant

MAY MEETINGS

May 1, 2007 - Regular Meeting
May 8, 2007 - Workshop/Special Meeting
May 15, 2007 - Regular Meeting

ADJOURNMENT

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE CHAIR DECLARED THE MEETING ADJOURNED.

Brenda A. Holt, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA ON
MAY 1, 2007, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: Brenda A. Holt, Chair
Derrick Price, Vice-Chair
Eugene Lamb
Doug Croley
Edward J. Dixon
Thornton Williams, County Attorney
Marlon Brown, County Manager
Muriel Straughn, Deputy Clerk

CALL TO ORDER

Chair Holt called the meeting to order.

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Price led in the invocation and Commissioner Lamb
led in pledging allegiance to the U.S. Flag.

AMENDMENTS AND ADOPTION OF THE AGENDA

The following amendments were made to the agenda:

Awards, Presentations and Appearances

2. Approval of Resolution No. 2007-029: Recognizing
the Induction of James Hicks into the Negro League
Legends Hall of Fame (Material attached.)
3. Approval of Resolution No. 2007-030: Honoring the
Life of Edward Hentz Fletcher and his Public
Service to Gadsden County (Material attached.)

Consent Agenda

11. Approval of County Auditing Services Contract with
Law, Redd, Crona & Monroe, P.A. Replace Page 2 of
the Agenda Request and add minutes of February 6,
2007 meeting. A letter from Nicholas Thomas, Clerk
of the Circuit Court regarding the same was also
added to the material provided.

General Discussion Additions

- 17A Letter of Support - Friendship Resource in Education and Neighborhood Development Services, Inc. (FRIENDS Resource Center - FRC) and Florida Agricultural & Mechanical University (FAMU) Entrepreneur Rural Business Project (ERBDP) for Capacity Building Grant
- 17B Approval of Chairman Holt's and Commissioner Croley's Travel to the County Commissioners Certification Program

County Manager's Agenda

18. Resolutions Supporting the Designation of Critical Access Hospital Status for Gadsden Community Hospital (Material added.)

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

AWARDS, PRESENTATIONS AND APPEARANCES

1. Presentation Disaster Blankets to the American Red Cross

Emergency Medical Services Director Brian Beasley addressed the Board. He told the Board that an anonymous donor had donated 36 blankets to the American Red Cross to be used for victims of disasters.

2. Resolution No. 2007-029 Recognizing James Hicks into the Negro League Legends Hall of Fame

Chair Holt recognized Mr. James Hicks who was in attendance. She presented him with a Resolution commemorating his induction into the Negro League Legends Hall of Fame. Mr. Hicks reminisced a bit about his baseball career then paused for pictures with the entire commission. (See resolution attached.)

3. Resolution No. 2007-030 Honoring the Life of Edward Hentz Fletcher and His Public Service to Gadsden County

There was no family member present to receive the resolution so it was passed with the intention of revisiting it later in the meeting.

CONSENT AGENDA:

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO REMOVE ITEM 11 FROM THE CONSENT AGENDA AND APPROVE THE REMAINDER OF THE CONSENT AGENDA TO WIT:

4. Approval of Minutes of April 3, 2007 - Regular Meeting
5. Ratification of Approval to Pay County Bills:
Accounts Payable dated April 20 & 27, 2007
Payroll dated: April 26, 2007
6. Approval of Resolution No. 2007-027 Proclaiming May 20-26 as Emergency Medical Service Week
7. Approval of New Road Name - Cow Girl Way - W. off of Mystic Warrior Tr. Off Del Rio Dr
8. Approval and Signatures for Lien Satisfactions for Lola Moye, Clifford Carswell, John Henry Walker, Lillian Pendleton
9. Approval and Signatures for Special Assessment Liens for Nekeytra N. Penn
10. Approval and Signatures for Special Assessment Liens and Rehabilitation Contracts for Charity Simmons, Velma Reed
- ~~11. Approval of county Auditing Services Contract with Law, Redd, Crona & Monroe, P.A. (This item was pulled for discussion.)~~

CONSENT ITEMS PULLED FOR DISCUSSION

11. Approval of County Auditing Services Contract with Law, Redd, Crona & Monroe, P.A.

Commissioner Croley stated that he did not have any problems with renewing the contract with Law, Redd, Crona & Monroe. However, he said that it would be remise to not recognize the fact that it is almost double the cost of the previous contract. He suggested that perhaps it should be re-bid

under the county's bid specifications in the course of good public policy.

He read "The Legislature recognizes that fair and open competition is the basic tenet of public procurement. That such competition reduces the appearance and opportunity for favoritism and inspires public confidence that contracts are awarded equitably and economically and that documentation of the acts taken and effective monitoring mechanisms are an important means of curbing any improprieties in establishing public confidence in the process by which commodities and contractual services are procured."

He then said, "I say this, not in any disrespect toward the accounting firm, which I know to be a fine one, but, just because a 90% increase in cost. I did read in their letter that they would reduce that by \$15,000 if the clerk was hiring an internal auditor. But, \$15,000 off that increase is still substantial."

Dixon:

I might even support a re-bidding simply because the one of the things that I understand is that when we came to this deal in 2004, the auditor we had, if I remember correctly, had been here 19 years. At the City of Quincy, we had the same auditor. They were raggedy then and they were raggedy when I got here. This auditing firm has spent the last few years cleaning up that mess.

We sat here and would look for numbers and I can remember that we were about to make a move on the hospital. It was Centennial then, to get them out. The auditing firm lost the numbers. The same auditing firm. We were sitting here going - What happened? Everybody was comfortable with that auditing firm because they didn't do anything. So, I am not at all interested in the low bidder because that is what we had - the low bidder.

We had them at the City of Quincy and found out we were millions of dollars in the hole. You know what the City of Quincy did with the Finance Director when they found out they were in trouble? They promoted him to City Manager. But, they were millions of dollars in the hole. So, I am not at all interested in the low bidder when it comes to auditing the books and keeping up with the record. I am interested in quality of service that is presented to us.

I don't have a problem with Law, Redd, Crona & Monroe. I think they have done excellent work. If they found their way through the Sheriff's situation out there, God bless them. So, I understand all the hours and they have been good enough, as I recall, not to raise the contractual fee that we agreed to. Am I right? Even though they spent twice as many hours as they planned to in Gadsden County. That speaks to the integrity of the company. I don't have a problem with that. But, I still don't want to have a 19 year situation that goes unbidded for seasons. It was wrong then and it would be wrong now. But, I am not going to get caught up in this low bidder thing because the low bidder kept us in trouble.

Lamb:

I have read this particular item on this firm and I have done some investigations myself. In talking with the manager at length, I have found out a lot more stuff that I needed to know about it and I agree with the commissioner to my left in that it is a good firm. They have done good work in the past.

I feel like they under bidded themselves some time ago and this is why this jump is the way it is. Although, it is a significant jump now from what they have charged in the past. It raised my eyebrows. But, I would like to see us bid it also. The reason for that is not so much for the low bid, but for quality. I am looking for quality of work and I am looking for someone who has a proven record in dealing with this type of work. I feel this company here has done that. But, I want to make sure that when the staff sent out their bidding process, that they make sure they include that in our bid in that I am definitely going to be looking for quality. I think this company has done that and I hope they will be the one of the bidders in this. I think it will be fair that we go ahead and bid it out. I have been consistent with that. As you all know, I have promoted bidding. It is fair to bid. On the other hand, you have to consider those bids for the person who is going to give you the best work for your dollar. So, I am for sending it out for bid.

Dixon:

I will recognize one thing. We have put this company at a disadvantage in that their bid is now public. This company is at a disadvantage in terms of bids for this particular job and I recognize that.

Richard Law:

My name is Richard Law. I am Vice-President of Law Redd Crona & Monroe. We provided additional accounting services that were beyond the scope of the original RFP. Most of that involved simply the adjustments to books, preparation of the financial statements and of course, we did run into some problems with the sheriff. This job, we bid in good faith three years ago, we estimated a fee. We stuck by that contract. We did bill the sheriff in the first year about \$7500 extra because he was so far behind on bookkeeping that we had to catch him up and then do the audit.

But, on the other side, on the board side and the rest of the constitutional officers, we stuck to our contract and didn't ask you for any more money, but we just did what we thought we needed to do.

In going forward, we have a better idea of the scope of the audit which is required here - the scope of the county. What level of cooperation and participation that the county is able to participate in - the cooperation has been very good. I am not saying that they have been uncooperative, they just need assistance at bringing the financial statements up to the level of that report that report that we give you. It is just a lot more.

We have looked at the hours on other jobs and other counties in Florida. I talked to one firm today that does seven counties and their range. One of their small counties is Dixie County. They are much smaller than this and they bill 1100 hours. Some of their midsize counties - St. Johns County is 2000 hours. So far as the estimate of hours to do this, I think that the 1380 is in the ball park. If we can peel off and have the clerk prepare the financial statements, we could peel off \$15,000 off that fee and we could focus our time on auditing which is our job. We don't want that money. We don't want to earn that extra \$15,000 doing accounting work. We want to be your auditor. We want to be the guy that goes out and tests and verifies to be sure that these statements are correct. That is our job. I don't want any more money than what it takes to do this job.

Brown:

Commissioners, again, respectfully, we will do as the board directed. When we did bring this item before you back in February, we indicated that there would be a significant increase in the amount of money for this. Under that, we

asked you whether we should go out for bid at that time or whether we should re-negotiate. You all directed us to re-negotiate it. The minutes are included in your amended agenda as well as the agenda item from that February meeting where you gave us that direction. We had a member of the clerk's office sit in on those negotiations. That member of the clerk's office did verify the amount of hours that was required for the type of audits that Law Redd Crona & Monroe do conduct on behalf of the Board. So, everything that Mr. Law said this evening is right on track in terms of what we heard when we negotiated with the clerk's office sitting on there.

Again, the letter that we got this evening that is included in your amended agenda is much of a surprise to us as staff from the clerk's office because they have been involved in this negotiation from day one.

But, again, we will do as the Board directs us to do. But, again, we were just following what the board directed back in February.

Holt:

Because of the extra hours that were put in, we have to look at the change in the sheriff's department. It wasn't that the sheriff wasn't doing the books, but there was a change over there and you have to go in and do those financials to make sure that we are doing what needs to be in order for a new person to come in. But, what I would also like to say is this - I kinda think it would be unfair to put this year coming up out to bid if your bid is already in. We did have them to do the extra financials. I would look at and definitely consider a year and then put it out. I think that would be more fair than to bid the whole three years out...

Croley:

Mr. Law, I am a fellow business owner like you. We all understand that it is important that the business make a profit. I agree that your firm obviously put in more hours than you anticipated. Just like I have said, in the insurance business on heavy commercial insurance, when you make a price with the underwriters and if you have a loss, you have to suck it up and take it. There is no way to go back always and recapture that.

Now, on the other hand, I agree with what Commissioner Dixon

is saying. Your bid is out there, so to speak, in terms of hours. That makes any quotations in the future very accurate for not only you, but any other company that may quote because you are better educated on the county's needs.

On the other hand, though, as a fellow business owner, I think that you would agree, that any time someone in the supplier brings you a 90% increase in the cost of anything, you are going to start wanting to consider other options or at least have that available to you.

Now I respect what you say, Madam Chair, if I may turn back to you, about the one year. But, remember, you are talking about from \$78,400 currently to \$138,000 less \$15,000 which would make that \$123,000. That is still a pretty good increase for the public to pay. I keep reminding, I just want to be consistent in terms of what we are doing. I agree that we do need the best, among the best auditing firms that we can get. It is certainly fine with me if you are able to retain the account. I don't have any problems with that. I just remain concern about the increase in cost to the public without recognition. I don't think we anticipated when you said substantially, Mr. Manager, that it would be this substantial. At least, I didn't.

Holt:

As I said, Mr. Law, I do think that once your bid is out there, it makes it very easy for someone to come in and underbid on that item.

Also, I think that the County is (inaudible) something new here. I think we need to look at how funds come into the county in the auditing process. It was recommended previously that we have an extra person over in the clerk's office, so that is nothing new. For the clerk to hire someone now is just doing what he should have done already. So, that is nothing new. The other auditing firm recommended the same thing. So, what I am saying is I do believe that it is fair that to make sure that the standard that we have reached, that we maintain it. Before, we didn't know where some of the equipment was or where some of the money was. So, I don't want to go back to anything like that. I'm not interested in having a long term auditing firm that we just keep because we just want to keep them or because someone likes them. I want someone who is doing a good job. But, as I said, I think for a year, it makes plenty of sense. That will give the clerk's office an

opportunity to see how their new person works out doing the auditing.

Price:

As we sit here and listen and this is the best. For the last few years, we have seen it. They are working in our favor. That is what we want - someone to keep going on. Anything that is worth having is worth paying for it. Now, if we have something good, we need to hold on to it.

Holt:

We do need to be able to read this budget and then be able to read the results of that.

Dixon:

I am glad that the manager jumped in because I didn't recall that we had given direction to renegotiate. And, too, I perused the clerk's letter real quick. I have obviously been sitting in this seat too long because the years they had Purvis Gray, the Clerk never called for bids - to go out for rebid for that accounting agency. Never. Not once. Matter of fact, he fought us to go out to get Law, Redd, Crona, and Munroe. We all found that to be quite the story because that auditor believed that they worked for the Clerk and they gave all the information to the Clerk.

This auditor works for the Board of County Commissioners. And we get the information we need in order to make good decisions and look back on what we did - what we did wrong, what we did right, and how to improve on it. As the commissioner to my left said, he wants to be consistent. Consistency does matter, but not if you are going in the wrong direction. You are not going to be consistent just because. If you are going in the wrong direction, you are still going in the wrong direction.

I think that it is important that the manager said that the staff sat down with the auditor, the clerk and whomever else I am sure was involved in this. They have already sat down and done the nuts and bolts of this situation. And agreed on it as I understand the manager to say. Yet, now, at the last hour, we receive a letter that says, "By the way, I am not telling you what to do, but,"

That is what I call inconsistent. How do you get your staff in the room that says "We agree" and then the elected official that says, "Oh, by the way, I don't agree." I

don't understand that. That just doesn't make sense to me.

Law, Redd, Crona and Monroe put in a lot of time, not because they wanted to, but because they had to. Our books were in just that terrible of shape throughout the county. That is real. Everybody agrees that is real. They have quoted us what I believe is a good and fair price. If you guys called around, and I am sure you have, \$100 per hour is not out of the park when it comes to accounting firms. If it would have been, somebody would have said so right here and right now. You haven't heard that. You haven't heard it because \$100 per hour is about decent for a very good firm.

We gave the direction, Madam Chair, in a 5 - 0 vote to go negotiate with this firm because we were impressed with this firm. I considered going out for bid, but I think we have done everything in our present to make sure we have dotted "I's" and crossed "t's" and I am glad you gave me that information. We sat down at the table with the people who needed to be at the table and we hashed out this agreement. If the clerk has somebody over there that can knock off \$15,000 to keep the auditing firm from doing, fine. But, I have no problem going with Law, Redd, Crona and Munore, given the clerk's letter and his people's intent.

Holt:

O.K. If that is it, I need a motion and second and we can see if we are going to discuss or vote or do whatever. Come on, let's see.

Price:

I offer a motion that we just stay with Law, Redd, Crona and Monroe.

Croley:

Is that for one year, Ma'am or the three years?

Price:

Well, let's just go on back with three years.

Dixon:

I second the motion.

Holt:

O.K. We have a motion and second. All in favor, say "Aye."

Dixon, Holt, Price:
Aye.

Holt:
Opposed?

Lamb & Croley:
No.

Holt:
O.K. Three to two. Next item.

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 2, TO APPROVE THE ATTACHED CONTRACT WITH LAW, REDD, CRONA & MONROE FOR THREE YEARS AS PROPOSED.

PUBLIC HEARINGS

12. Public Hearing to Discuss the Proposed Application for Funds from the Department of Community Affairs (DCA), Community Development Block Grant (CDBG) Program - Economic Development Category - \$750,000

County Manager Brown told the Board that this agenda item was set to conduct a public hearing regarding the proposed CDBG Economic Development application for \$750,000 for the Bradwell Huddle House restaurant. The application was prepared for submittal to the Department of Community Affairs in April 2007 under the 2006 funding cycle. However, due to a lack of documentation, the project must be resubmitted for the 2007 funding cycle. The item also requests the Board to select Economic Development as the grant category.

Ms. Farnita Saunders recalled that they had presented the item for their approval in the past. She explained that DCA conducted a site visit for the project and gave them a time frame in which to submit documents back to them. She said that due to some funding problems with the owner's loan commitment, they were not able to meet the deadline. She said that it is back before the Board to select Economic Development as the grant category to submit it to DCA. The other request is to request approval to submit the grant application on behalf of the owner, Monty Bradwell for the Huddle House.

Mr. Dennis Dingman of Summit Professionals addressed the Board regarding the application. He explained that DCA requires that there be two public hearings before a grant application can be submitted to them. The purpose of this hearing is to bring to the public and the board what the CDBG applications are and to ask for approval from the board to begin writing the application and for the board to make a determination as to what category the grant should be written.

He then told the board that a community could have up to three CDBG grants open at one time as long as the work plan is on schedule. The categories available are regular category, (which Gadsden County currently has for housing rehabilitation) neighborhood revitalization (sewer, water, storm water), and another called commercial revitalization (facades, sidewalks, etc for downtown.) There are also planning and design grants which is more for neighborhood revitalization, commercial revitalization category.

The economic development category provides up to \$750,000 per year to a county for the purpose of bringing in a business that will create jobs. The funds are for public infrastructure only - not for private use. In Mr. Bradwell's Huddle House, the funds will be used for sewer - to tie into the City of Quincy's sewer system.

Commissioner Dixon:

Madam Chair, my only question is why do we have only one when we could have three?

Dingman:

The county does have one open. There is one open currently from the year before for the sewer infrastructure for the hotels on I-10. This one for the Huddle House was actually developed last year, but because the financial commitments could not be made, that funding reservation was lost. So, the only way to get the funding reservations back is to this year, apply again. Had the financial documents been provided by Mr. Bradwell, then that grant would have been a current grant that the county would have had for last year and they could have applied again this year for another grant.

Lamb:

So he didn't get the application in in time for last year to you all to apply? He didn't get it in the last cycle in

time to apply?

Dingman:

No, the application was submitted on time. The site visit by DCA was conducted. The application was accepted, the reservation was provided to the county. AT the site visit, however, it was explained to Mr. Bradwell and prior to that that there are financial commitments that would have to be provided within a certain period of time. In fact, I spoke with the agency. The agency actually delayed the site visit and delayed providing the "60 day documentation"... DCA gives the applicant 60 days to provide financial statements from the bank that says that he has the money to implement the project - his funding, the private funding. So, unfortunately, that documentation wasn't provided within those 60 days. DCA does not allow a grant to go forward and they will remove the reservation if that 60 day commitment is un-made. And that is what happened.

Unfortunately also, the 60 day documentation was due right at the end of the application cycle for last year. So, there was no time to resubmit the application for last year. They both coincided and this is the reason.

Lamb:

It is your job, now, to make sure that all things are met in a timely manner.

Dingman:

We cannot force a participating party to provide his financial information. Those are his bank statements, because we, you know, if a person is putting up a building on his own and paying for that building on his own, they are his financial commitments. That is not something that a firm like Summit or anyone else can provide. The County can't provide that. It has to come from the participating party. DCA will not allow us to probe a financial commitment to a company that is going to be benefiting from the funding.

Holt:

Mr. Dingman, thank you.

Mr. Bradwell, would you like to make a comment? He is in the audience. I don't want us to be up here discussing you and don't give you the opportunity to comment.

Bradwell:

Good afternoon, everyone. Again, I will reiterate

Holt:

State your name.

Bradwell:

Monty Bradwell, pursuer of the Bradwell Huddle House. First of all, to bring you up to date from my standpoint, from the financials as he was saying that caused this, my financial institution who is pursuing the loan is going through SBA. I guess this was a new process. They thought they had everything submitted, but there was a letter that was not completely correct (inaudible) Farnita was trying to run this paper over. But, once it got there, they had no tolerance. This is what the letter had to say, so that is where we were. I turned around and got back with them and my financial people actually talked to Summit and said...The agent from Summit said, "We are going to continue to make sure that you get the right paper work." I have had contact with my counsel and the financial institution telling me that it is a go. They have gotten everything they can get from me. I am just waiting and hoping that we are ahead of the game this time. This paper work will be in the county's hands. It has been a learning process, I tell you, I can tell everybody that starts talking about a SBA loan and putting in infrastructure. But, I will work very much to get it done. If I didn't think that this was needed, I wouldn't be trying to re-do this. But, I think it is. Not only for the Huddle House. It's not about Monty Bradwell's personal gain. It is the jobs that it will bring and what it is going to do for that area of Gadsden County. I am just the one who is pursuing this. I am always asking myself and I ask the good Lord, "If I don't do it, when will we get somebody else through here that would take this effort?" It takes a lot of effort and a lot of energy.

Holt:

Thank you, Mr. Bradwell. This is a public hearing. Is there anyone who would like to speak quickly in reference to this item?

Elder Cedric Spradley:

I am Elder Cedric Spradley, pastor of Friendship and CEO of FRIENDS Resource Center. The only problem that I have with it, Madam Chair, is that year before last, we left \$300,000 on the table at DCA. Last year we left \$750,000 on the

table. That is \$1,050,000. What are we doing here? We can't afford this. This county needs that development. Let's make sure that these projects are ready to go and that they are steered in the right direction.

Thank you very much.

Holt:

Thank you. Any other public comment?

There was no response.

Holt:

What is the will of the Board?

Lamb:

I offer a motion that we give them the go ahead to do that project.

Croley:

I'll second it.

Holt:

O.K. We have a motion and a second. All in favor?

ALL:

Aye.

Dixon:

Madam Chair, just one second. I am a little more prone to visit the IHOP, but I will deal with the Huddle House.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RESUBMISSION OF THE CDBG GRANT APPLICATION AND SELECT ECONOMIC DEVELOPMENT AS THE GRANT CATEGORY FOR THE BRADWELL HUDDLE HOUSE PROJECT.

13. Public Hearing - Conceptual/Preliminary Site Plan Review for Sawdust Community Park - SP-2007-03

Growth Management Director Bill McCord was administered an oath by Muriel Straughn, deputy clerk. He described the project in detail and gave specific facts as contained in the attached report

Owner: Gadsden County

Applicant: Gadsden County by Mary Margaret Farris of David H. Melvin, Inc., Representative

Location: Sawdust Community Park on a 5.0 parcel within the Public land use category, located on Providence Road approximately 350 ft. west of Union Chapel Road

Type of Action: Quasi-judicial in conjunction with the advertised public hearing under the Type II plan review procedure per Subsection 7202 of the Gadsden County Land Development Code.

Planning Commission Recommendation: Approval on April 12, 2007 based on findings in the attached agenda report and subject to special conditions a - g also listed in the agenda report.

Planning Department Recommendation: Approval based on the findings and special conditions listed in the attached agenda report.

Chair Holt called for discussion.

Charles Chapman, Assistant to the County Manager, was administered an oath by Muriel Straughn, deputy clerk. He answered commissioners questions adding that the park is in full compliance with the park standards set by the Board in July 5, 2005.

There was some discussion about lighting at the park and how it might affect the residents. Mr. Chapman explained that the park is not up to regulation for full time competitive play so heavy sports lighting would not be feasible for this project. It will be primarily for week end recreational use.

There was discussion about the need for trees and ample shade for patrons. It was suggested that more mature trees should be planted to ensure survival.

Chair Holt called for public comments. 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 CONCEPTUAL AND PRELIMINARY SITE PLAN FOR SAWDUST COMMUNITY PARK.

**14. Public Hearing - Conceptual Plat Review for the Oak Mill
Subdivision - SD-2007-01 Major Subdivision (Parcel # 3-11-
2N-2W-0000-00434-0100**

Owner: Priscilla Davidson and Donna Formby

Applicant/Representative: Michael Meyer, Parker Consulting Services, Inc.

Location: 18.2 acre parcel located at the southwest corner of Gibson Sawmill Road and its intersection with State Road 27 North. It is located in the Rural Residential future land use category and consists of 11 proposed lots.

Type Action Required: 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.

Planning Commission Recommendation: On April 12, 2007, the commission voted unanimously for approval based on findings listed in the attached agenda report, but subject to the special conditions also listed in the report.

Planning Staff Recommendation: Approval subject to the special conditions described above.

Growth Management Director Bill McCord was administered an oath by Muriel Straughn, deputy clerk. He then briefed the Board as to the proposed project citing facts contained in the attached agenda report.

Matthew Parker of Parker Consulting addressed the Board and was administered an oath by Muriel Straughn, deputy clerk. He stated that he was representing the Davidson's. He reiterated much of what Mr. McCord had already testified. He added that one of the issues raised with the Planning Commission was the issue of the sidewalk.

He stated that they were requested to put a sidewalk along US 27. However, the Department of Transportation has historically not looked kindly upon sidewalks along state highways in rural communities. He went on to say that if they do not allow for sidewalks along the rights of way, the staff requested that the developer provide an easement along the back of the lots to achieve a sidewalk. The concern which the developer has with doing that is that the developer is already providing a 25 ft. buffer backing up to US 27. The buffer is important because US 27 is a busy highway and noise is a factor. A sidewalk would within that buffer would reduce the marketability. The property owners would be restricted from enhancing the landscape or putting up fences.

Mr. Parker asked if the Board would consider some type of fee in lieu of the sidewalk construction.

Attorney Williams interjected that this proceeding is for the purpose of approving the conceptual plat and the testimony given is supposed to be about that issue alone.

Mr. Parker responded that the sidewalk was listed as one of the special conditions and he wanted to speak to it at this proceeding because it will be an issue that they will continue to have not only with this development, but with other developments of a like nature.

He then stated that they would only be able to construct sidewalk across some of the lots with breaks between because of the wetland buffer that would extend to the property line on some lots. There would be a hiatus on the sidewalk. He said the logical place to have the sidewalk would be along the right of way. This requirement places a burden on the developer because he is caught between the county and DOT. He felt the county would carry more weight with DOT.

Mr. Parker said that all of the other comments by Mr. McCord can be resolved.

Chair Holt asked Mr. McCord to address Mr. Parker's comments about the breaks in the sidewalk if it is constructed on the developed property.

Mr. McCord replied that the wetlands extend up very close to the highway. There is a wetland buffer on some of the lots where construction would be prohibited. Portions of that buffer butt up against the right of way. He then said that the sidewalk would be in the wetland buffer area, not necessarily the wetland area. He then stated that DOT has not given him any information to indicate that they would not permit a sidewalk in the right of way.

He then stated that the Gibson Community has a lot of commercial land use and a lot of existing residential use as well as potential for additional residential development. This area will develop into something a lot more vibrant than it has been and building a pedestrian system along that property is going to become very important. He did say that he would prefer that the sidewalk be constructed in the right of way.

Commissioner Lamb was in favor of requiring the sidewalk.

Commissioner Croley stated that he was familiar with the property. He recognized the fact that they will be sidewalks constructed on the interior of the subdivision and he could see the hardship that it might place on the developer if he is also required to construct a sidewalk along US 27. He then pointed to the corridor between the wetlands. He asked Mr. Parker what kind of connection he envisioned between the water bodies.

Mr. Parker replied that he expected to use a culvert.

Commissioner Croley then asked how it would accommodate aquatic wildlife.

Mr. Parker stated that the property has the potential to become wet and it will collect water, but there is not standing water there at all times. Normally, it is dry. He then said that an environmentalist would have to determine if there is a wildlife presence there.

Commissioner Croley recalled the environmental issues that plagued Deer Ridge Estates. He pointed out that this development serves as a headwater for Deer Ridge. He cautioned him to be aware of that as the development proceeds. He then asked why the streets would be turned over to the county since they are dead end streets.

Mr. McCord replied that the developer will construct the roads to county standards, then the county will accept them for maintenance.

Commissioner Croley questioned the reference to mounded septic tanks.

Mr. Parker stated that once the Health Department conducts the soil samples they can determine whether there will be a need for mounded septic tanks. If there are lots that will require mounded systems, the lots would have to be reconfigured to allow of only one dwelling per three acres.

Commissioner Dixon commented that since the disaster surrounding Deer Ridge Estates that perhaps it would be a good idea to take a look at that whole area before they continue to approve houses.

Mr. McCord stated that the down stream conditions at Deer Ridge were not caused by things that were upstream. The

problems were due to poor maintenance of the construction site that allowed it to erode away. The drainage flow is good.

Further discussion followed.

Chair Holt called for public comment. 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 CONCEPTUAL PLAT FOR OAK MILL SUBDIVISION 2007-01 MAJOR SUBDIVISION.

15. Public Hearing - Maxwell and Suber Company, High Bridge Road Small Scale Future Land Use Map Comprehensive Plan Amendment - CPA-2007-01 Parcel I.D. # 3-29-2N-3W-0000-00210-0000 Changing 9.07 Acres from AG 2 to RR

Owner: Maxwell and Suber Company

Applicant: Will Maxwell

Agent: Florida Environmental & Land Services, Inc., Brenda A. Powell, Project Manager.

Location: 9.07 acres located approximately 2.5 miles south of the City of Quincy and approximately ¼ mile north of Interstate I-10, on the western side of High Bridge Road (CR 268) at the intersection with Kittrell Road.

Planning Commission Recommendation: Approval on April 12, 2007 with the special conditions listed on page 12 of the attached report.

Planning Department Recommendation: Approval by a vote of 4 - 3 based on the findings in the attached report.

Mr. McCord told the Board that the parcel currently has six houses on it and this land use change would simply bring the development into compliance with the land use.

He then briefed the board with facts contained in the attached agenda report pointing out particularly the findings listed.

Ms. Elva Peppers addressed the Board on behalf of the owner, but had nothing to add to the comments by Mr. McCord.

Commissioner Croley stated that he could not support creating more Rural Residential lands outside the Urban

Service Areas. He pointed out that DCA has already made their concerns known about it. He said, "Infrastructure is more than a water faucet, toilet and a light bulb. In this instance, it is taking rural residential into AG-2 land and I don't think there is adequate justification to start that under the circumstances and that is how I see it.

Ms. Peppers added that the homes have been there since the 1950's.

Commissioner Dixon stated, "I know Mr. Maxwell and they are farmers. So, if there is a problem with agriculture, he would be the first one to holler. So, that doesn't bother me.. If we have the opportunity by breaking by what already exists up into lots. If they might be for sale one day and we have the opportunity to get new housing in there, I certainly would want to take that opportunity. The houses already exists and they are sitting there doing nothing but seasonal when it fills up. So, we have the opportunity and if Mr. Maxwell is willing, I don't see the problem, Madam Chair."

Chair Holt stated that she felt it would be an improvement and she could support it.

She then called for public comments.

Will Maxwell addressed the Board. He said that he and his partner quit growing tomatoes last summer. The property in question was designated a migrant labor camp for many years. He said that anything they can do with it now will be better than what it was before.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE SMALL SCALE LAND USE CHANGE AS DESCRIBED ABOVE. COMMISSIONER CROLEY CAST THE LONE DISSENTING VOTE.

GENERAL DISCUSSION

16. Approval of Change in Location and Addition of Rural Waste Sites

Mr. Brown stated that this agenda item seeks approval for the relocation of the rural waste site located on Martin Luther King Blvd. in Midway to a location on Highway 90 east of Raymond Road which is owned by the St. Joe Company. He

said that the staff also seeks approval to relocate the site on Pat Thomas Parkway further north, closer to the city limits of Quincy when a site is found.

Then he added that staff also seeks approval to locate two new sites which would be located in an undetermined location in Sawdust and at the old landfill site on Kemp Road.

He explained that to add two new locations, the fiscal impact would be \$78,744.00. He said that the staff has not identified a funding source for these sites as yet, but if the Board should direct it, the funds would come from General Funds Contingency or the Fund Balance.

Public Works Director Robert Presnell addressed the Board.

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE OPTION 1 & 2 - APPROVE THE RELOCATION OF THE CURRENT SITE LOCATED IN MIDWAY TO HIGHWAY 90 EAST OF RAYMOND ROAD AND APPROVE THE RELOCATION OF THE SITE ON PAT THOMAS PARKWAY ONCE A SUITABLE SITE IS FOUND.

NO ACTION WAS TAKEN ON THE TWO ADDITIONAL SITES.

17. Appointment and Approval of Planning Commission Members for District 1 and District 4

Gail Bridges Bright, District 4
Alonzo McBride, District 1

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE APPOINTMENTS OF GAIL BRIDGES BRIGHT AND ALONZO MCBRIDE TO THE PLANNING COMMISSION.

17A Letter of Support - Friendship Resource In Education and Neighborhood Development Services, Inc. (FRIENDS Resource Center - FRC) and Florida Agricultural & Mechanical University (FAMU) Entrepreneur Rural Business Project (ERBDP) for Capacity Building Grant

Mr. Brown stated that this agenda item seeks the Board's approval to provide a letter of support to the Friendship Resource In Education and Neighborhood Development Services, Inc. (FRIENDS Resource Center - FRC) and FAMU Entrepreneur

Rural Business Project. FRC and FAMU seeks to partner to apply for a capacity building grant from the US Department of Health & Human Services, Administration for Children and Families, Office of Community Services under its Compassion Capital Fund (CCF) Demonstration Program.

Elder Cedric Spradley addressed the Board. He explained that they are partnered with FAMU to apply for the grant. It is a grant that allows other non profits to do their jobs a little better in building leadership.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE LETTER OF SUPPORT.

17B Approval of Chairman Holt's and Commissioner Croley's Travel to the County Commissioners Certification Program On May 9 - 11 to Howie-in-the-Hills, FL

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE TRAVEL FOR COMMISSIONER CROLEY AND CHAIR HOLT TO ATTEND THE COMMISSIONERS CERTIFICATION PROGRAM. THE COST WAS ESTIMATED TO BE \$1,028.08.

Commissioner Dixon told the Board that he helped to developed the certification program and he could vouch for the integrity of it.

Commissioner Lamb reiterated that it is most beneficial and that he had learned a great deal about government from it.

Mr. Williams reported that he was contacted from the Florida Association of Counties about being a presenter at this training. However, he had conflicts with his schedule and could not participate. He stated that he was honored to be asked and he hopes to do it in the future.

COUNTY MANAGER'S AGENDA

18. Resolutions Supporting the Designation of Critical Access Hospital Status for Gadsden Community Hospital

Mr. Brown called attention to the number of resolutions from the municipalities supporting the county's efforts to reopen the hospital. He pointed out that there is not one from the

Town of Havana. They decided to table the item.

He reported that he will set up meetings with the city manager and individual commissioners to discuss the reasons for wanting the hospital reopened.

Commissioner Dixon stated that he was disappointed that Havana chose not to take action on this matter. He said that he listened to the conversation of the meeting and it was very disappointing.

Commissioner Lamb said that he talked to the Havana city manager and told him that he is in full support of the critical access effort. He said that the manager had agreed to talk with the commissioners in the hope of getting their support.

Commissioner Croley said, "We do need to get them to understand about the critical access component and I'm sure you will get some assistance. Once that element is understood, it may not be the full service hospital that some of them are envisioning, but the critical access is necessary even for taking it further with the emergency services as we understand."

Chair Holt stated, "We are a county and we expect to look out for each other. Those further to the west of us have further to travel and I think those to the east that are closer to Tallahassee and healthcare services need to have consideration for those folks. Some people have to come 20 miles just to get to Quincy, then you have to go to Tallahassee. That is just too far in case of emergency. We would like the support of everyone so the county can move forward in getting the facility opened. So, we would like all support from every part of the county and we cannot afford to wait. We must move forward."

Commissioner Dixon then stated, "I don't want to say it singularly, I want to say that in the background, we support cities, I know in the last two years, whole heartedly. We have asked cities to come to the table. We have supported them on every issue whether it is legislative or otherwise. We move without question. For an issue as big as the hospital -

We don't ask cities to help pay the lobbyists - either one of them. But, we quickly put their agendas on our agenda.

The City of Quincy didn't have an agenda this year. I ran it down and got it back on the legislative agenda even though they didn't send it in. We support cities whole heartedly.

We have encouraged Greensboro. We talked to them about water and sewer and how they are going to grow. We went to them and said, "Here is what is coming your way, how can we help you get ready for it? You can't sit idly by when people are buying land all around you. "How can we help?"

Is it wrong to expect that same kind of loyalty and dependability from the cities? I don't think it is.

Chair Holt concluded by saying, "We just have to keep at it and make sure they understand that we are a group as we represent them at the Capital today. We represented the whole county. We asked about each city. What can we get for those cities. The lobbyists were also working. We will just have to keep working with them, but I want the cities to understand that this is something that the county is going for anyway because we are looking out for all the citizens. So, we're hoping Havana will come on board."

19. Miscellaneous Items

COUNTY ATTORNEY'S AGENDA

20. Miscellaneous Items

Mr. Williams had nothing to report.

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS

Ms. Alice Dupont addressed the Board representing the Quincyfest Committee. She invited everyone to attend the festivities in Quincy in Friday night and Saturday.

She then thanked the Board for the financial contribution toward the festival.

Ms. Valarie Harris, a resident of South Lanier Road, thanked the Board for deciding to pave her road. She stated that

there are a lot of children on the road and speeders would pose a threat to the safety of the children. She said that she would be monitoring the speed and keep the county informed accordingly. However, she said if it should pose a problem, she would like to come back to the board and request installation of speed bumps.

Traffic calming devices were discussed as a possibility for the future.

Chair Holt recognized **School Board Member Hinson** who was in the audience.

Chair Holt then called for a moment of silence to honor the life of Commissioner Price's aunt who just passed from this life.

DISCUSSION ITEMS BY THE COMMISSIONERS

Commissioner Lamb, District 1

There was no report.

Commissioner Croley, District 2

There was no report.

Commissioner Price, District 3

There was no report.

Commissioner Dixon, District 5

There was no report.

Chair Holt

Chair Holt reported that several people went to the Capital on this day and they spoke to many of the legislators. Property Tax Reform was foremost in conversation.

She said, "We have to make sure, ladies and gentlemen, we have to make sure that we know there will be cut backs from everything from hiring to raises. We are going to have to look at these items that come before us. We have to plan and have hearings. Those social programs, the EMS, Law Enforcement - all of these areas have to be looked at.

We came aboard with Mr. Suggs and he gave us some proposals last year. So, we are going to have to seriously start considering those.

One of the representatives told me in the hallway this afternoon that we are pushing it back to the counties because once you cut those programs, those citizens are going to come to the table.

I said, "That takes it off of your back and puts it on us."

They said, "Cut the programs." This is exactly what they told me. He said, "Cut the programs." That takes us out of the mix.

So understand, that once we reach a level of everything we can fund, we have to start having meeting in communities along with citizens to discuss how these are going to be funded. Then we set up a plan and we get together. Then we have to go and see what we can do.

Everyone is going to have to realize that the upcoming year is going to be very tight.

I ran into an officer that said, "I would like to have a raise." I said, "Me, too. But, this is not the year."

What we were looking at before, they got a raise last year. A lot of employees got raises. Some of them had not had a raise (a real raise) in nine years. But, we gave them a raise. So, on the county level, we are going to be forced to look at those cuts. In each of the plans that are out there, there are cuts.

That is included in all the constitutionals. They said all the cities will have to do the same thing. This will not be anything new.

We were impressed with the plans that Mr. Suggs had. He helped us start with the information. We started working on it last spring. We didn't wait until this year.

I would like to thank you very much for that.

I have talked with the manager and we are going to have to start rotating into your district and start talking to

people in your district to find out what they want us to do. It is going to be very devastating for someone to say, "I received services from Senior Citizens, but this year, I can't receive those services."

If we have to roll back to the 2000 and 2001, we didn't Veterans going to the doctor with the assistance of the county. Now, we have vans taking them to Lake City and back home. If we have to roll back to the House's plan, we are going to have to cut all those programs out including cutting salaries, I mean raise and no hiring. So, as I stated, it is nothing new, we knew it was coming. But, now we have to go out and talk to the citizens and make sure that the citizens understand how it will affect them. As they told Orange County, cut your social programs first. O.K. I told them the only social program today we had was dunking Commissioner Dixon for the March of Dimes. We didn't want to cut that. We just wanted to keep dunking him. But, when you look at \$300,000 to \$400,000 - which is what we have in those programs, we cut them and you don't get the services you were getting at the Senior Citizens Center. They are going out into the community and providing everything from meals to running errands for citizens that cannot take care of themselves. When you cut those programs, those citizens are not going to understand. So, that is what those meetings have to be for. As I said, if we want a big raise, county workers, you can forget that. But, we have to look at what we need to do to make sure that the citizens understand what is going on before this happens and not wait.

Dixon:

My thing is we have been through cuts before and we are going to look at some, but what I think we are going to let people know is first of all, we have make sure that we don't do what commissioners did here to fore - to let all the cuts come from the Board of County Commissioners. That is first of all, because we are what people see and feel. There are a bunch of constitutionals out there and they have to experience what we are experiencing. They have to be just as mad as we are about those cuts. I don't think that the cities are going to be that impacted. A lot of them are at 2 or 3 mills already. The point of the matter is that we have to make sure, as Mr. Suggs has brought to our attention, the Board of County Commissioners budget is actually a small part of the whole. There are a lot of folks out there with much bigger budgets than ours - the

Sheriff, for instance. They are going to have some pain. The Clerk, they are going to have some pain in this budget year. Those are the people who need to get ready for it because we have done a lot of things to bring in a lot of money and it is going to soften the blow, but it is coming and I don't have the fear that a lot of folks do. It is coming. Get ready. Deal with it.

Lamb:

Just to add to what you said, Madam Chairman, as I was walking the hall today, I was talking to some of the senators as well as some of the representatives and they mentioned the same things that you said. That it is reality and we are going to have to face it. They went so far as saying that we might even have to look at some staff, not just the county commission, but get with the other constitutional officers, they might have to do the same thing. We have staff that we don't need, not that we don't need them, but if we can do the same thing without those staff members without those staff members, then we don't need that position. We've got to do what is necessary to keep this county running.

Home Buyer Expo

Ms. Farnita Saunders played a promotional advertisement which was used for the Home Buyer Expo at the IFAS Center on May 12. She also showed the advertising posters which were posted all over town. She invited the commissioners to participate also.

The purpose of the expo is to inform people of some of the barriers to home ownership.

Chair Holt stated that she had pushed for this event because there are so many people in Gadsden County losing their homes because they are being taken in by mortgage companies who start out with low interest loans but then after three years, the rate goes up and the payments become unaffordable and people are losing their homes. Homeowners are not always aware of the type mortgages they are getting nor do they understand how to straighten out their credit so that they get qualify for better interest rates.

CRTPA Workshop

Mr. Brown told the Board that Mr. Harry Redd requested to have a workshop with the Board to explain how projects get into the DOT work plans.

He also told them of other pertinent matters which could require setting a workshop to discuss those issues. He told them that his staff would be contacting each of them to determine a good date to hold the workshop.

Employee Policies and Procedures Workshop

Chair Holt requested that a workshop also be conducted for the purpose of discussing the Policies and Procedures dealing with employees.

RECEIPT AND FILE AGENDA

- Letter from Florida Department of Environmental Protection to Coastal Lumber Company Regarding Wetland Resource Permit
- Letter from the Library Regarding the Library Reports
- Letter from the Circuit Court of the Second Judicial Circuit Regarding Order Canceling Foreclosure Sale - March 29, 2007
- Letter from the Circuit Court of the Second Judicial Circuit Regarding Order Canceling Foreclosure Sale - April 2, 2007
- Letter from Management Services to Robert Dean, Southland Commercial Regarding Chattahoochee Library Site Access and Utility Stub Meeting
- Letter from Florida Department of Environmental Protection to Florida Gas Transmission Company, LLC Regarding Consolidated Wetland Resource Permit and Sovereign Submerged Lands Authorization
- Letter from Growth Management to Frank Malowany Regarding Property at 780 Talquin Avenue, Lot 23, 1st Addition to Lakeside Subdivision
- Letter from Workforce Plus Regarding the Grand Opening of the Workforce Plus Executive Center
- Letter from Williams, Wilson and Sexton, P.A. to the Agency for Healthcare Administration Regarding Ashford Healthcare Systems, Inc.
- Letter from Florida Association of Counties Trust to Michael Rayne Regarding Estate of Taffany L. Ivory
- Letter from the Ferguson Group Regarding the Federal Activity Report

- Letter from Clerk of the Circuit Court Regarding Opposition to Indirect Cost Proposal
- Letter from Clerk of the Circuit Court Regarding Cash Report as of April 16, 2007
- Letter from Clerk of the Circuit Court Regarding New Records Management Policy

May Meetings

May 8, 2007 - Workshop/Special Meeting
FY 2007 Emergency Management Update - Sheriff
Alternative Revenues - OMB

May 15, 2007 - Regular Meeting

- Maxwell Suber - Small Scale Amendment (2nd Reading) -
- Sawdust Park
- Oak Mill Subdivision
- Appointment of Members of the Gadsden County Industrial Development Authority Community Development
- Report on the Status of the Quincy Bypass Project

ADJOURNMENT

UPON MOTION BY COMMISISONER AND THERE BEING NO OTHER BUSINESS
BEFORE THE BOARD, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

Brenda A. Holt, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

AT A WORKSHOP OF THE BOARD OF
COUNTY COMMISSIONERS HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON MAY
8, 2007, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT: Brenda A. Holt, Chair
Derrick Price, Vice-Chair
Eugene Lamb
Doug Croley
Edward J. Dixon
Thornton Williams, County Attorney
Marlon Brown, County Manager
Jean Chessser, Deputy Clerk

CALL TO ORDER

Chair Holt called the meeting to order.

Amendments to the Agenda

The agenda was amended as follows:

- Add: Rev. Elizabeth Yates, from the Tallahassee Boys Choir
- Add Chris Doolin - Legislative Update

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, TO APPROVE THE AMENDEMENTS TO THE AGENDA. 0+.

TALLAHASSEE BOYS CHOIR

Rev. Elizabeth Yates addressed the Board saying that Tallahassee Boys Choir and the Tallahassee Girls Choir will be performing at East Gadsden High School on Saturday evening at 6:00 p.m. Greater Tanner Chapel has been a feeder church to those choirs and they have young men participating in the program. Dr. Lee, who directs and leads the program, will be recruiting boys in the Quincy area so that he can begin a Quincy Boys Choir. She asked the Board to help defray the cost of this event so that all students who wish to attend will not be left out.

It was suggested that personal donations be made to the cause, but the Board did not take any action on the request.

Chris Doolin, Legislative Update

Mr. Doolin made a brief report of the actions of the Legislature between sessions.

"The session ended Friday. The tone was set by a billion dollar shortfall going in. So, right off the bat, the House was giving the signals that there would be no projects at all."

The overwhelming issue was property tax reform, which obviously was not resolved... We proceeded to work with your delegation who are really quite a remarkable delegation. I remember when I interviewed for this contract, I was asked about my relationship with President Tom Lee. I said, "Sell, we know Senator Lee, but we are going to work directly with your delegation." Senator Lawson, Representative Richardson, Representative Ausley and Representative Coley. I can tell you - for as long as we can hang onto Senator Al Lawson, he is one heck of a worker in the process along with the others.

We had some success. We would have liked more. But, I guess we can say, the governor said it, the state economy is working on seven cylinders. I think the people are looking for the resolution of property tax reform and land sales and things of that nature are not perking along as they have been. He then went over the details of what Gadsden County received funding - see the attached report.

Property Tax - There will be change and there will be two forms. One will come in the form of the Legislature capping the revenues and the other will come via a constitutional amendment in the next election.

He said, "Gadsden County was in the middle of outlining the impact of service reduction...Your staff, Mr. Suggs, had a Power Point presentation that was really very basic, very simply, very straight forward and it looked at the kind of issues that you would want a county to look at and how you categorized your expenditure..."

When you have your department heads and your constitutional officers speak to you about what they are cutting, ask them, "What does it mean to Gadsden County, to the public?" Then, I think the burden will be before you as to whether or not, if it is stated in a manner the public understands what is going to be

cut, then you also should ask, "Are the recipients of those services - have you notified them that this is happening?" That should happen, too. The public should be invited to come forth and say, "We want that service, we need that service."

We need to have a very transparent process and we need to be very open about it. We need to demonstrate fiscal restraint. We need to clearly manage our services so that the public understands. We need to understand that people are going to be looking at rolling back revenue rates.

We will ask for a safety net because these are local services and these are local dollars and you are local elected officials. If you determine that these cuts are so severe, you should have an option. If your public comes forth and talks about that.

We are going to ask that number one, mitigate the roll back year, give some kind of capacity within your local government, your cities and counties to say, "We issue a finding that we need this service, we need to generate these revenues. If you do that in some form, then you should have the authority as elected officials to determine for your community with the support of the public to exceed any limitation that is suggested.

So, we are in for it. These dialogues are going on statewide. I would hope that by June 1st when your constitutional officers submit their budgets that you will have had some dialogue in advance of that. The fact that the session is June 12-June 22 puts a burden on the tax rolls. You've got to establish the tax roll by July 1. You have to submit tentative budgets and get those adopted for millage rates, so we are in a bit of a fix. I would just ask you to do your best. Whatever we can do to help you, we will do. This is serious and you are on the hot seat. Your department heads and these constitutional officers are doing the public's work. But, they have to understand that you are on the hot seat. They need to take this very seriously and you should understand more than percentages and dollar terms what those services mean. That is how have support for what you do. That is just the bottom line.

I think we had a good year anticipating what we wanted to get. I personally learned a lot. We will be asking for the same kind of things next year because I saw big ticket items being discussed. If we can get these eight cylinders rolling around again, there is going to be money around.

Senator Lawson was elected for his last two years as the minority party leader in the Senate. Steve Geller will be there one more year, then Senator Lawson will serve in that capacity for his final two years in the Senate. That will be helpful and that happened as well.

I hope your public comes forward and says, "We want library services, we want EMS, we support our public safety guys and I know that all those cuts are going to come after you making some internal administrative decisions, yourself. I wish you well. Any questions?

FY 2007 EMERGENCY MANAGEMENT UPDATE

Major Shawn Wood addressed the Board. He introduced the Emergency Management plan saying that it has many facets and it is a controlling mechanism in the face of impending disaster and emergency situations.

Jimmy Hughes, Emergency Management Coordinator, made a presentation as how the emergency plan would unfold in times of disaster, etc. as outlined in the attachment. He highlighted the following:

Functions of Emergency Management

- 5 days out - senior leadership briefing - discuss possibilities, location of storm, etc. 72 hr. countdown begins.
- 4 days out - determination can be made as to likelihood of the storm being an impending disaster for Gadsden County.
- 3 days out - define where you are and look at protective measures. Senior citizens and incapacitated people and special needs folk are identified
- 2 days out - evacuation measures addressed as well as transportation identified. Schools will be a pick up points for buses to carry them to shelters. There are two hurricane risk shelters in Gadsden County. West Gadsden High School & East Gadsden High School. (working to make Havana Elementary a shelter)

ESF - Emergency Support Functions -

These are the people who have expertise in their area who will come to the EOC (Emergency Operation Center)

Captain Douglas Brown, Communications Chief for Gadsden County Sheriff's Department addressed the Board. (He is also in charge of the 911 dispatch center) He said, "We have taken, since Sheriff Young has come on board, we have taken a dispatch center down to his new location. We should be able to hand off to the Sheriff the first week in June a fully functional communications center that is second to none in the United States. We have consistent back up throughout the county, we have pre-padded fall back positions. We have taken an old school bus from the School Board and built a mobile command center with no cost to the county or the sheriff's department. All the stuff that is in there is stuff that we have held onto over the years. I have re-fabricated it, put it in place. We have used it a number of times. So far, it has worked excellently.

Up to this point, we have in house and available at both locations - our dispatch center and our mobile command post, we have what we call our FIN system (Florida Inter-building Network). If and when a situation requires for whatever reason, right down to small grass fires or what have you, we can tie our radio system into a state network and then transfer that network down to any and every person who has radio communications in this county. It is called PAT system. We can patch anybody to anybody and everybody together. That is one of the major requirements of homeland security networks that we set up back when they implemented it. We have tried it, used it, and it works very well. I would submit to you ladies and gentlemen that you have one of the finest communications centers in the United States and you should be very proud of the center, the operators and Sheriff Young for overseeing such."

Dixon:

How do we communicate with people?

Captain Brown:

You mean as far as the citizens go?

Dixon:

Yes, the citizens.

Captain Brown:

On an emergency basis, we do it through the 911 center. The new Viper System that you just acquired for us under the grant

system - what happens is - if a citizen out there needs any help or assistance, they pick up a phone and dial 911. The moment that the call is identified as a 911 through the local phone network, it is either transferred to Miami or Charlotte, S.C. and dipped into a data base that gives us all the information available on that address. The latitude, longitude, what zones it falls into and it transfers that information to my operation center, my 911 center where it is displayed on a CAD system. It gives all that information in writing. At the same time, it sends us what we call alley information. It is a breakdown of all that 911 does. A mapping system will come up on a display screen and pinpoint down to within 10 sq. ft of where that person is actually standing. That is both in house and cell phone. We have entered phase II of three phases of the 911 reconstruction system. And we are at this point - as soon as our mapping gets finished by Easy 911, we will be able to pinpoint cell phones within 10 ft. of where that person is standing.

Dixon:

So, that is the triangulation?

Captain Brown:

That is triangulation through three towers as mandated by the federal government.

Dixon:

How do we, what is our progress, I guess is what I am asking, on getting the word out to people to evacuate? Let's say, if a storm turns and is here, and I'm not sure if this question is appropriate for you or not, how do we warn people, being the rural county that we are, not available to Tallahassee for probably some point to get a message over to tell folk what the T.V. is still running or not.

Captain Brown:

Under the direction of the Sheriff or his staff including the emergency management director, I can actually acquire any radio frequency that is out there. I can broadcast on any frequency.

Dixon:

Tell me what you mean when you say radio. Are you talking about

Captain Brown:

Any kind of media. Any kind of media that travels through the air, I can commandeer and take that over. Under a national

disaster, the sheriff has the authority, by federal law, to acquire frequencies at his discretion.

Dixon:

So, there must be a declared national disaster?

Captain Brown:

A declared national disaster to include local disasters. Now, the sheriff or his designated representatives may acquire those frequencies during that time or emergency that has been declared and we can broadcast over anything that he wants to broadcast on just by reprogramming our equipment.

Dixon:

I am glad to hear that. Let me - National - have they gotten to where they declare national disasters ahead of time now?

Major Wood:

No.

Dixon:

I am asking just for procedure.

Major Wood:

You are talking about civilians, right?

Dixon:

Yes.

Major Wood:

Chattahoochee currently has a Code Red System. Code Red is a reverse 911 system. It allows you to make phone calls in mass numbers to individuals in a certain impact area. I think that is what we are talking about. We are talking about that and it will be something that will be in the next budget. It is about \$50,000. What it allows you to do is have the opportunity - if you buy the system, it is a one time cost. If you pay for it individually by call, it is very expensive after a few disasters. But, Reverse 911 gives you the ability to - for yesterday as an example, we were going house to house knocking on doors and evacuating people. We were using loud speakers. But, what this would allow us to do is to do 64 calls in one minute or less. I think that it is a great program and it actually does what you are saying. We do have the ability with Code Red to pay the bill if Chattahoochee gives us the ability to use their system for the County until we get our own.

Dixon:

Is their system big enough to - I don't know anything about that.

Major Wood:

Yes. What it does is go into a main, you see, the problem is - even that system is somewhat flawed because in today's society, a lot of people don't even have a house phone anymore. What they are trying to do now is change that, but you have to do public information type things like - if you don't have a house phone, you need to call and give us your number. Anyone from then on that calls our dispatch system, from what I understand, then we can trap that number and use that number. We would have that database. It would be built new every time somebody called in.

The system does a couple little things for you, especially municipal entities. You could include the county commission, you could include all county employees and you can different sections of individuals that you table to call. If you want to do an all call for the health individuals in the county, you would put their phone numbers in a bank and go just to that specific entity and it would call just those numbers. We are looking at that system. It is quite expensive, but, you know, that will be totally a decision for ya'll to make it. I like it. I would like to have it.

Dixon:

I am just surprised, Madam Chair, I apologize, I'll be finished in just a minute.

I am surprised, give Florida's history, that the national declaration would have to come down before.

Captain Brown:

They can initiate it, but it can also be initiated at the local level.

Dixon:

You didn't say that. That is all I needed to know. I am good, then.

Major Wood:

The other thing that we are looking at on that is tying into the 911 system and seeing if we can use those funds. They haven't given us an answer on that yet.

Croley:

Captain Brown, I appreciate Commissioner Dixon discussing the Code Red because that was one of my two questions. My second, though, was about GPS equipment and technology on your vehicles, both your county vehicles as well as the sheriff's vehicles. Do you have that now integrated in now as part of your communications system.

Captain Brown:

We have it, sir, it is available. WE only have it on 10 vehicles right now. The Sheriff is including it in his next year's budget for up to 20 more vehicles - to add that into.

Croley:

Again, I am sure that funding is always a factor. At the same time, does the public works and the other components of this emergency management plan include any GPS technology in their equipment for you to be able to monitor, like on fire engines and fire equipment?

Captain Brown:

Once our 911 data system is built, which it is building itself now, and our mapping is on board, it will give us a screen, and all you will have to do is pick up the telephone and I can tell exactly where that fire fighter is standing. It will give me a produce-able map.

Croley:

Assuming that he has a cell phone and assuming that the cell towers are standing. That is assuming a lot.

Captain Brown:

Exactly.

One last thing, Madam Chair, the Sheriff is very adamant about providing support to the local agencies, the local cities and all. We do that without question. Any time they need anything from the County level that we have, they are more than welcome to it. We use our radio system and patch them to whatever resources they need and we provide them with radios that we have acquired through salvage systems. WE have programmed our own radios and we provide that at no cost to fire departments and anybody who asks for it.

Dixon:

Have we learned or figured out how to communicate in mass when cell towers go down?

Captain Brown:

We did from going out to Mississippi, yes, sir.

Dixon:

Do we have something in place?

Captain Brown:

That is why we came back here, sir and re-looked at our communications program. We now have three functional towers throughout the county. We can switch to any portion of the county. We have a mobile command post with a 60 ft. tower on it. Yes, sir, we can operate without cell phones.

Major Wood:

I think last time we actually, the City of Quincy went out and we, McGuyver patched them in.

Holt:

I was about to call him that, but I wouldn't say it.

Major Wood:

When you go through the EFSs. I'll go through them real quick. **EFS#3 is your public works**, Robert and the cities have included their streets. I think you can tell through the last hurricane, they do a very good job. Those guys are out there clearing roads as fast as they go down. I guess it is a thing that when we are all in the EOC like we are right now, communications is so much better. The fact that everybody - in the past, it was just the sheriffs office in there. Now, everybody in the county is sending people to the EOC so you can communicate. The county is sending their people down and the cities are sending people and I think it is the best thing for communication.

The fire fighting - that is one that has changed a whole lot. **The fire fighting is the EFS#4**. One of the things that has helped us in the last couple of hurricanes has been our volunteer fire fighters. I guess when you get 15 volunteers together, one thing that you get is a multitude of talent. You get everything from mechanics to plumbers to electricians. You kinda get a lot for nothing. They really got out this last time and were manning their stations, responding to calls, they were clearing roads and I want to tell you that within hours, there was not a road closed in Gadsden County for more than one hours. A lot of that was because of participation we are getting from our volunteer firemen.

While we are there talking about it, I do have a grant for training. I have had some requests for hurricane training and for hazardous material training. I personally think that we do a lot of training for hurricanes, and after learning about disasters in Gadsden County, my number one fear is more one of a hazardous spill because it runs through every town. We may not get hit with a hurricane because of our geographic location. We haven't been hit, we have been blessed. They tend to turn because of the jutting out at Alligator Point. But, everyday, that train rolls through here with hazardous materials. If I could do something to help the fire fighters with training, that is what I would like to do with the money. As we have discussion, I would like to get some input as to how ya'll would feel about that. To me, it would provide them the opportunity to have people come in to really actually do an on the ground exercise for them for a train derailment with one of our entities here that have chemicals.

Madam Chair, I would just like to know now because I am at the point now to where I have to make a decision on which way we are going to run with this.

Holt:

Well, Mr. Woods, we definitely have need for haz mat training. It is not an "if". We also have a gas line running through the county underground. It is not as if we are protected or insulated. I thought about that at the fire yesterday at the train track. With the fire at the train track, they have tanks on the trains. You have to really think about that. It was a pretty big fire. That is a definite. WE need training in that and it needs to be done quickly. It is not something that we can really sit back and think about. That is what we are going to have to look at. As you know, we are going to have to cut, but we have to put that in the priorities, also.

Major Wood:

That is a grant that I have already been awarded. I was waiting because I got kinda - well someone said hurricane exercise - I had planned on doing something along the lines with the volunteer firemen. I guess it would help with their training.

Croley:

I reinforce what the Chair is saying, Major. Obviously, the need for haz mat training is critical due to the mileage of railroad tracks we have here in practically every district. Also with the gasoline transport trucks that come through. Particularly the great risk, I think every one is aware of it

right here in down town Quincy, with the issue of the truck bypass and the failure to have built that as well as well as the congestion that those trucks bring. I certainly reinforce that point.

Holt:

Yes, Mr. Brown?

Marlon Brown:

I just want to make sure that the sheriff's department coordinates with our fire coordinator because we may already offer that type of training or the City of Quincy may already offer that type of training. So, if we don't, then the money is well worth using. But, if we do, let's not duplicate what we are already doing and the money can be used for other types of exercises.

Major Wood:

What I was going to do, Marlon, is manage the grant myself, but allow them to dictate the training. I don't like fires. I don't go in them. I let them handled that.

Holt:

I was about to say also, I notice in the next presentation that is coming up, when I saw "odorless", "chemicals with odor", I thought, "O.K. that makes sense, but then I thought about odorless chemicals are the ones to really be concerned about. So, haz mat training is very important.

Major Wood:

You've got at least three schools that I can think of right now that are in a fall out zone. Chattahoochee, Gretna and Carter Parramore. There might be more out there, but those are the first ones to come to mind.

The other one is the planning section. Lot of the planning goes through us. That is ESF#5. Basically what that is - us doing what we've done, being able to hand ya'll the, and we are going to get ya'll copies of these books, to where everyone knows the numbers, everyone knows what the plan is, everybody has the ability to look at it. It doesn't do any good if the plan is right here. I don't have a lot of space up there, it does a lot better to put it down here. Chris will take care of 6, 11 and 15.

Chris Floyd is our American Red Cross. I would like to thank him, too, for yesterday at the fire. I called American Red

Cross and within about 25 minutes, they were here with ice cold water and cookies. I sure appreciated those cookies. They were good. And the Cheetos.

Chris Floyd:

What I wanted to start with this evening is to do an update on some of the activities between when we met last September and where we are now and with 23 days left before the beginning of hurricane season, what we are doing now and the beginning of hurricane season and early on.

Annually, we really strive at educating the citizens in all eight of our counties to be ready for a disaster. We do have to do a number of different messages. First of all, the hurricane survival guide. This will be our 16th year of producing the hurricane survival guide. We are taking the count up to 198,000. There will be right about 18,000 distributed here the first week of June through all three of the local newspapers as well as placing them in the various grocery stores throughout the county and using them when we do community events in an effort to try to get people to plan and prepare for a storm

- Linked the Gadsden County web sites to powerful websites with good hurricane and other disaster preparedness information. He asked the County to put some icons on the County home page so that individuals could easily link over.
- Two Risk Shelters are now in Gadsden County as opposed to only one. East Gadsden High School and West Gadsden High School
- Hurricane Zuess Exercise will be conducted May 11-12 to test the emergency system. They will test the ability to push out supplies to emergency aid stations and points of distribution.
- Networking and partnering with faith based communities to become host shelters for evacuations. Risk Shelters - a facility that meets Red Cross criteria and that will withstand 110 mph winds. Host shelters - a facility that can be used for anything other than a hurricane shelter - Pilgrim Rest Missionary Baptist Church in Havana has been certified as a host shelter and they are in the process of getting training.

ESF#8 - Public Health Department

Gadsden County Public Health Department Director:

The ESF#8 is the emergency support function for medical support services. In a hurricane, we will be out there with everybody else up front. I will be in the EOC. I wasn't mentioned in the chart, but it is planned for me to be in the EOC.

Back to your question that you asked, "Does everybody else do what we do here?" Yes, they do. They call it the NIMS system. It is the National Incident Management System. It is mandated by Homeland Security. I think it is HPRD # 5. I may the initials all wrong, but everywhere all over the country, they know this system. If you listen to the response that they had on the television for the tornado that happened in Kansas, you heard people talking about the incident commander and the planning and operations chiefs. We are all a part of the same thing. We can get people from everywhere all over the country who respond and know the same terms and know the same things that we know about how to respond to a disaster.

One of the things that Public Health does in all disasters, is open the special needs shelter in conjunction with the Red Cross and the Emergency Management System. We are responsible for taking care of those people in the shelters who need some special assistance. People who can take care of themselves, they can come. We tell them to bring everything that they need to take care of themselves for several days, 72 hours. Bring water and that kind of stuff. That is one of the things that the public is most lacking in preparing. The worst thing about an emergency is not the emergency itself sometimes, but the fact that people don't plan. There is no reason in the world why somebody should come eight hours after a disaster happens looking for water and looking for food when they could have planned for it. So, that is one of the most important education things that we can get out.

Another one of the things that we do is we have a collection of public service information announcements that we send out in the beginning, during and after a storm. We worry about the water. We worry about the environmental things that can impact water. For instance, when a lift station breaks as a result of a hurricane, immediately, our concern is to worry about drinking water for the area. So, we get out those announcements. We go house to house, door to door and whatever we need to do to make sure that people don't drink the water and don't eat unsafe food. We worry about restaurants that open up after a storm happens and they have been out of electricity. Is their food safe to eat? We monitor that kind of thing. We can call on a vast array of services from other places. All year, at the

State Health Office, people are preparing for the eventuality of a disaster. Whatever kind it is. Across the state, there are stock piles of masks for people to use if there is a disaster in which they can't breathe the air. They have plans for stations for water, they have plans for medications. We make sure that people can get their medications. We stock pile those at certain places and we make arrangements for people to be able to go to a pharmacy, pick up the medicine they need with the bottles they have if they didn't fill it before. We try to educate people that if a disaster is coming, go and try to fill your prescriptions. Don't go into a disaster with an empty bottle of medication. If the pharmacy is out and the gas out and the roads are out, you are going to be in trouble. Often times, we are out there helping people to get oxygen tanks because they run out of oxygen. But, preparedness is probably our big suit and responding to them afterwards.

It seems as if we might not have the staffing that we need here in this county and you are right. We don't have the staffing that we need. But, we have the ability to call on an army of people. If we are all busy manning the shelters and we have our staff already divided up into teams of three that will man a shelter for 12 hours at a time. But, if there are other things that we need to do like being out in the community to offer tetanus shots, provide safety care for people who might have been injured during a disaster, then we can call on other people. We can use staff that has not been assigned to teams. We can also call on all those same people to come in and go out to the houses to help inspire people to go pass out medicines or insect control. We have at our fingertips an array of services. The State Health Office, the ESF, just because of the fires, they have just initiated a call in conference. Usually, it is everyday. Tomorrow will be the first one from 1-2 or 12-1 so that we can talk about disasters all over the state in terms of fires. Because of yesterday's fire, we could have opened a shelter for those people who had breathing problems because of the smoke. We are on standby for all of that kind of stuff. We are there to be a part of it. There is so much more that we do and can do, it would take a long time. We have already been here a long time. If you have some questions.

Holt:

Are there questions for Ms. Byrd? Thank you very much. This is a new part to the formula. I'm saying it is new because you have to realize that we didn't have all of this going on before for years.

Byrd:

Yes, you did. You just didn't hear about it.

Holt:

No, we didn't have it.

Byrd:

This county has responded across the state.

Major Wood:

She didn't talk about the "DMATS" and with us not having a hospital, they are preparing right now that if something happens in a major catastrophe, to where they could set up their own on-site. It is fascinating to me. I appreciate her being here because I have learned a lot.

Dixon:

Do you want to tell us what DMATs are? What does it mean?

Floyd:

Disaster Medical Assistance Triage - a portable hospital.

When you go through this thing, you can see that emergency management encompasses a lot of things and it is one of the things that - I mean, as emergency management, you don't control it. You are only a team mate and every now and then, they pass you the ball and want you to run. That is kind of what happens with the emergency management center. It all becomes a team concept. It is new to us. We have been doing this thing and we have been trying to improve on it and I am going to sit here and evaluate it and say that we still have a ways to go. I am not going to tell you that it is perfect. But, we are educating ourselves and I understand that other individuals in the county are going to the hurricane conference this year. That is a great thing because they will go down and hear what other people went through in a hurricane. It is hard for me to impress on other professions within the county what they have to do.

One of the things that I would like to do if you can set it up for me is to have a guest speaker come in and kind of give you an informal from Lake County. The Lake County Emergency Management Director is a friend of mine and he said that he will come up and give you a short presentation of what the tornados did to him. It scared me bad enough that about a month ago, we had a bad storm coming through and all the people in the weather services were saying, "This thing is terrible. It could be the

worst storm we have had in years." I walked outside and I saw a clear sky. I went back in and I called and asked, "Are you sure?" They said, "Yeah, I am sure Shawn. This thing is going to be terrible. Something bad is going to happen." I looked outside again and it was still clear. So, I called the School Board and the County Manager and I said, "Listen, here is the problem we have." So, what we did was we let school out early. I had a lot of people mad at me. That was their child care. They had to leave work and go get them early and I was pretty much the bad guy. Then we got news about a hour later that close to 20 children got killed over in Enterprise, AL which is not even 100 miles away. We still had a clear sky.

So, it is one of those things that Emergency Management is glued to the TV and you are listening to the experts and you make decisions. To this day, there are still some people who are still mad at me that we let school out and they had to leave work and there wasn't a storm here. But, we have so many kids here and it is hard to make sure that someone is at home. We had to take those protective measures.

When you go to communications, we handle that. But, the search and rescue is a total different aspect of it after a disaster. I won't delve into that, but basically, that is our fire departments, our individuals who are trained will go out into these areas and we have a system set up to where they go house to house, they mark houses, they determine if there injuries in the houses and they start those types of processes to determine that there are no lost lives or that there is someone there and not being taken care of.

Brown:

Excuse me, Commissioners. Could you go back to the communication part. You kind of skimmed over that, but if you will share with the Board who takes the lead in terms of communicating with the media.

Wood:

Actually, that is ESF# 14. That is public information. That is one of the things that the Sheriff and I talked about. We do emergency management and we have our own public information officer, but after talking to the sheriff and the county manager, we thought it would be good to cross reference here and let the county's Public Information Officer (PIO) is my lead PIO for disasters. We put it into effect yesterday. It wasn't a sheriff's office incident and it wasn't an emergency management incident. We felt that with the implications surrounding it, it

would do better with the county PIO taking the lead on that. I'm telling you, he did a really good job of taking the format and the process...and Jon has done really good and I will yield to Jon for minute. He sure helped yesterday because they wanted to put me on camera.

Jon Brown:

Madam Chairman and Honorable Commissioners, I will be brief. One of the most important roles in ESF#14 is just disseminating correct information, accurate information, I should say. In a situation like yesterday, making sure that there is one voice. If that is the county working with the Sheriff's Department and local agencies, making sure, instead of having a number of people disseminating information, we are gathering information, correct information from the correct individuals and making sure that we are disseminating that information so that it is accurate. That way, the citizens can be informed and educated with the correct information.

We have talked a lot in emergency management about hurricanes, but as a number of individuals said today, it is not just hurricanes, there are other disasters. Sometimes, we need to let the public know that they need to evacuate. Sometimes, we need to let the public know in certain situations that they need to stay where they are. In some situations, some training that we have been in and workshops, we might need to let the public know that they need to stay in their homes for 14 days or something of that nature. So, a lot of different situations, but we need to make sure that they are getting information out accurately. We definitely have some challenges in the county related to getting information out. But, we are working through them. We worked a lot last year to discuss some different options and work through them. You heard some of them today. We have some great media partners in the newspapers which are weekly. So, that is a challenge in the sense of getting information out in that manner. But, they are there and ready. Radio partners, media partners in the sense of broadcast as well. We talked a lot last year about putting together a ministerial outreach group and that is something that Jimmy has started and we have also worked on making sure that the pastoral leadership throughout the county is getting information out instantly to their congregations. We are making sure that we have Hispanic partners in context to make sure that we get information out to that community as well.

Any questions?

Dixon:

John, you are back there sending e-mails now, aren't you?

Jon Brown:

Say that again.

Dixon:

Tell the truth.

Jon Brown:

No, I haven't sent an e-mail during this meeting. But, I am prepared.

Holt:

Jon, I noticed, as he is probably right about the e-mail, but, I have noticed that, and I was watching yesterday, some of the people standing out in front of the houses. They were trying to call other people to find out if they saw anything on television and they were trying to watch there at the scene. Commissioner Dixon did a good job. I went and talked to some people. But, they were interested and asking, "What is going on? Is the fire going to get to my house?" The firemen were just working and doing a good job. But, it really bothered them that they didn't know right there. You were doing the part with the media and all that. But, that kind of threw me, the scene itself. Sometimes I think that we need to work on that part. What do we do right there to calm people down and get them to where they don't panic in a situation.

Jon Brown:

One of the things that I saw yesterday, I know that the Sheriff's Department was doing a good job of talking to individuals when I saw them as well as our fire services coordinator and EMS director. His team were really talking to people on site and before they left the scene, making sure that they understood what the situation was, and if it were to flare up again because of the wind, or we left it in a situation where it was smoking, but if it was in a situation where it flared up again, what they needed to do and who they needed to contact.

So, Madam Chairman, I will make sure that we work on that. Not only letting our media partners know and getting information out to the press for all the citizens dealing with the situation.

Holt:

Any other questions?

Mr. Wood?

Major Shawn Wood:

Military support is really easy. Military is a law enforcement function, an ESF#13. Basically, what happens is that if we see that there is going to be a need to lock down Gadsden County, then we would definitely need military support and we would go through the EOC in Tallahassee.

ESF#16 is law enforcement. That is what we do everyday. We are out in the community. We are out in the community doing a multitude of things during a disaster. One of the things you find out in a disaster is that you have multi functions. Law enforcement, we found when we went to Mississippi, very rarely were we used for law enforcement. We were used to deliver meals to houses, put blue tarps on houses. It becomes a one for all type thing. I won't go through the rest of them, but I have several other areas if you want me to come back and go through our continuity of operations.

I will touch on a couple of things that is really important to me as far as what we are going to do for basic necessities. What we have done is put points of distribution for the State to come in and have general areas. Those general areas would be the elementary school on US 27 in Havana; the Gretna Industrial Park; the Greensboro School. You see the different areas that he has listed as host shelters, what happens is that we become a working group. The volunteer firemen are in the forefront of this. The commissioners and people who live in that area as to which areas are affected the most. Even though a hurricane comes through, you'll have certain areas of the county that will be hurt much worse than others. So, as a command group, we've got to figure out who needs what first. That is a tough decisions because you always get into, "It is my people, they need it first." But, we've got to make decisions to say, "This is where they need it because the tornadoes came through and we can allocate resources to those areas. It is tough to get down to the nuts and bolts after disasters hit. One thing that people ask me after they see a town destroyed in Kansas, they say "What would you do?". I say, "A lot of what you can do is what they did. Everything is gone. You have to depend on outside people because you have nothing left. Those outside people have to do it. That is why we have this thing so that it is unified. If everything I have is gone, another county, another entity can come in and help us to get to where we need to be." As I say that, one the things that we ought to look at as a county is doing it ourselves. We have more of our

commissioners, or chairperson, or county managers, or EMS, that the next time there is a disaster, that maybe we go there and be on the ground to really see what it is like. When our guys came back, I was amazed at some of the stories they told about how they lived and what it takes to get a community back up and running.

Now, the State is going to send resources and they are going to send them just as fast as we can ask for them. But, the reality is, if you can't get to Chattahoochee because there are 10,000 trees down, then we have to be self sufficient. We have done some of that. Our Budwiser dealer gave us 48 pallets of water. We used a bunch of that at the fire the other day. We passed it out to different entities in the County, but that is just a dip in the bucket if you have 45,000 without electricity. That number, I would argue that number is larger than that with the Hispanic population. I would not guess as to how many we have. Also, you must include people from Franklin County, people traveling on I-10 and US 27 who are going to be evacuating to our area. That is one of the things that we are still fighting. Self awareness of what families need to do before a hurricane.

Last year, we passed out 15,000 to 18,000 hurricane survival guides. It is very lengthy, about like this program. A lot of people loose interest and read only parts of it. So, we are going out and passing out literature. We are handing out things. We are challenging you to find us churches or organizations that would want the Red Cross to come in and teach individuals how to survive. They are doing a good job going to the schools because if you teach the children, the children will teach the parents. I know that sounds strange, but we've got several educators up here and I think you understand exactly what I am saying.

All in all, our program has come a long way. We have the information. It is now down on paper. I probably needs some improvement, but that is something that we need to work on a continual basis. Prior to a hurricane, we will have an exercise for three days. Most of the county agencies or entities are participating. It will do us good to do some checks and balances as to where we are. Also, we need to see if we can firm up some of our alliances, our agreements with cities and make sure that we are all on the same page. I would like to have a senior leadership briefing to where right before hurricane season, all the counties and cities and individuals come together for a meeting. I will accept whatever date Marlon can give me as a good day.

Do you have any other questions.

Holt:

Right quick, I have a comment. For a long time, it was not understood by some commissioners and I had to learn this myself, but the county commission is in charge by State Law, but we were not involved, we were kind of like standing over to the side. I mentioned to the manager a minute ago about how involved we should be and I thought about the mayor of Louisiana - New Orleans, I thought about the mayor there. No matter what happened, he was caught in the middle. It didn't matter about emergency management team, it was "You. You did it. Why didn't you do?" That is why I think that we should be very involved in this process. I don't know how to get there, but we need to get there.

Major Wood:

I think that yesterday was a pretty good start.

Holt:

Right. It's awful to say, but I enjoyed it because I needed to see it. I needed to be out there. It went really well. You did well. I am not criticizing. I am saying that we need to become more involved because for a long time, we didn't know.

Major Wood:

It is one of those things that we don't look at some of the aspects. I know that Commissioner Dixon has some expertise in large crowds, in management of large crowds, that is one of the things as we are passing out permits, that emergency management need actually needs to be involved in because if a situation occurs, we need to know what is happening. One of the things that we did an improvement on is the fact that ya'll had no electricity if a storm came. So, ya'll are pretty well out of business. But, now you have your computer system and your infrastructure is actually down with us so you actually have a primary system, you have a secondary system - a generator, a tertiary system of a second generator. We have made a lot of improvements in getting ourselves prepared in case something happens to where the lights go out in the County that we will have the ability to operate. We still have some things that we need to do.

Croley:

I just wanted to say, Madam Chair, that I may have written one of my e-mails to the manager some weeks ago and asked if we were

going to get an update before hurricane season. If that had anything to do with your presentation, I just want you to know that you did a great job and all the folks that you brought with you. I appreciate that. It certainly reinforces my confidence here in the emergency management resources that Gadsden County has gotten.

Perhaps at some time, when we have more time, maybe visit some about any type of reciprocal agreements that you have with other public entities and other counties, but for the sake of time, Madam Chair, I would like to say thank you again for a good presentation.

Holt:

Thank you, Commissioner Croley. We do this every year. WE make sure that we do them every year. We kind of got caught a few years ago. That is what I was saying about the Board needs to be more involved. The technology was not there, but it is there now. We had people complaining about how much we were spending on technology. I think they see now that it is well invested. But, we have to be more active as a Board and follow protocol and be more active.

Major Wood:

I think, too, Madam Chair, one of the things is that no one knows the people in your community better than you do. When you are looking at a community, when you have people who are participating, it gives you the ability to know the community.

Dixon:

Major, thanks for the update. I was certainly glad to hear about the communications piece. You and I are going to talk some more at some point about the continuity of operation.

Major Wood:

Actually, we have one, but for the sake of time, I will come back and do it. You said four hours.

Dixon:

That is o.k. We won't prolong it tonight. I want to talk about gas and our storage of gas and our ability to operate when nobody else is operating. We'll talk.

Major Wood:

I will e-mail the thing to the county manager.

Dixon:

It is important for every member around this table to understand that emergency management director is the Board of County Commissioner's employee. We are settled with the responsibility even though he might be in charge. The people around this table have the responsibility and that is who the citizens are going to come see. As you mentioned Ray Neighan, who I saw at a conference not long ago. He is about to grow some hair. It is so bad out there still. It is nothing to play with and it certainly happens. And it happens enough around here that we ought be more than prepared and have our stores and all of that stuff.

Major Wood:

It was very close yesterday to having a major disaster. If the wind had been blowing the other way.

Holt:

I would like to say right quick, we were mentioning earlier about Ring Power and Anheuser Busch, what about Talquin Electric. They are a long standing business in the County.

Major Wood:

You know, Talquin actually comes into EOC as of last year. They have never done that before. What they found out was that we had a terrible communications situation with them because they were somewhere else. They send an employee now with all their information and they were sitting in the EOC as the calls came in and we were actually giving them the pole numbers. The officers would go up and get the pole number and they were able to turn that grid and they were getting the electricity. We were very lucky. A lot of the other counties were out of electricity for a long time. Here we are, little Gadsden County, and we've got these private companies that are coming in. I plan on inviting ore private individuals into the EOC.

Holt:

CSX would be a good one to have a representative here. They are making business. If they are running, they are making money if they are running through here. So, that would be a good one, especially during hurricane season.

Major Wood:

Department of Transportation - if we are in impending disaster, the Department of Transportation will send someone and they will actually have the flow chart of the stuff that is going up and down. They are a liaison.

Brown:

Madam Chair, finally, I think we have come a long way. I remember when I first got here and we dealt with a bunch of hurricanes that first year, Commissioner Dixon was the Chairman and Shawn and I, Commissioner, if I may, Shawn and I got our butts chewed out because there was not a good plan in place. It was in Shawn's head and it was in my head, and I think we have come a long way. The reason that we are having these updates regularly is because of this Board saying that our citizens have to know what the plan is and we have to be prepared. These workshops we are having will happen regularly -twice a year, after a hurricane, before a hurricane so that we can always hone our skills and preparedness and response.

Holt:

I would like to say this right quick to the new commissioners, you haven't gotten chewed out by citizens until there is a disaster because of a hurricane. They are going to be beating your phone to death. What they will do is hold you personally responsible for not being able to tell them which shelter to go to. It won't matter that someone else is running the system, they are not going to worry about those people from the State, they are going to say, "You are my county commissioner, why can't you tell me?" That is what happens and we have to be very involved in this process. They are running the show, but we have to be involved in the process and have input because they have the contacts, but we have to be in there working and not standing by looking.

Dixon:

Because we didn't have the regular contact and discussion of need, the emergency management not only did not get the cooperation that they needed from the Board of County Commissioners, they didn't get the funding that you would need from the Board of County Commissioners. We want all this stuff in place, but there was no opportunity to talk about how much it was going to cost and to get the money in place to where it needed to be. So, that is a natural outflow of these updates.

Holt:

O.K. Would you like a break or move on?

Major Wood:

I would like to make one closing comment. With the situation that we had with the fires all over the State of Florida, that we start preparing ourselves. The other day I was calling you

because there is an executive order signed by the governor and then if we do have fire, that we look at making a declaration of the local state of emergency and that was why I really wanted to put us on that thought path. I wasn't aware that we had that or not.

Brown:

Major Wood has put before you a resolution.

Major Wood:

Basically, what it is - one of the counties in South Florida had not had a resolution and FEMA was having a problem with it. They have suggested that we adopt a resolution for our local mitigation strategy. What is saying is that we will attempt to mitigate issues in Gadsden County.

Holt:

O.K. Commissioners, I need a motion and a second.

Croley:

So moved.

Dixon:

Second.

Holt:

All in favor?

All:

Aye.

Holt:

FIRE SERVICES STUDY BY GOVERNMENT SERVICES GROUP (GSG)

Brian Beasley began the presentation by thanking all fire departments throughout the county in response to the brush fire that occurred on Joe Adams. He especially thanked Quincy Fire Department for quick response saying they were the first on the scene.

County Manager Brown noted that the County held the grand opening of the brand new fire station in Robertsville/St. John with 75-100 people in attendance.

Jason Buckholtz: from GSG addressed the Board. He introduced the fire cost analysis. He thanked the EMS staff and the City of Quincy for providing information that helped development the draft analysis.

He noted that the two main objectives was to improve ISO ratings and review cost alternatives for providing fire protection services in the county. He called attention to the draft analysis attached.

Dispatch System and How it Works

Phillip Hill:

With the communications between the different departments - when the 911 call comes in, dispatch takes the call and sends it out to the different departments. I'll give you a "for instance." Yesterday, we had two different agencies on the scene. We had county fire service on scene as well as city fire services. The communications between gets a little technical sometimes. The dispatch center was patching the county fire service over with law enforcement agencies when we really needed to be patched over to the City of Quincy so we could talk back and forth and communicate. The communications is an issue. We are working closely with Captain Brown to resolve some of that.

The county fire system is a VHS system on its own. It services certain fire departments. There are other systems - the City of Quincy, they have their own system. City of Havana - they talk on their low band municipality system most of the time. They have capabilities to talk on ours as well as the City of Quincy has capabilities. Chattahoochee has their own system. They have their own dispatch system as well. So, there is a lot of different frequencies we are talking on. It would make a lot more sense if everybody was on the same channel. But, there are a lot of different systems in the County.

Captain Brown with his communications center, he has the capability of patching us together when we on the scene and things like that. But, there are a lot of different dispatch systems.

As I was saying when a call comes in and it is a fire call and it is in the five mile order or if it is requested to be transferred to the City of Quincy, they will transfer it over to the City of Quincy dispatch and then they dispatch the city fire department there. If it is a call in the Chattahoochee response

area, they actually transfer that call to the City of Chattahoochee dispatch. And as well, Havana. So, there is a lot of time and delay there. I wouldn't really say a lot, but it does make some time delay there. Sometimes not all the information doesn't get relayed to the different departments that it should. There are some issues there that we are working out and working on.

Dixon:

Question, Madam Chair.

Does the Sheriff's new system offer the opportunity to eliminate that?

Hill:

We actually have the capability to dispatch everyone in the County except the city at this point from the 911 Center.

Dixon:

Having the capability and doing it are two different things. What are you telling me?

Hill:

We are not currently, from the 911 Center, dispatching Havana Fire, Chattahoochee Fire, or City of Quincy Fire - from 911.

Brown:

Commissioners, they have to actually call the cities if a 911 call comes into the sheriff's office, they have to actually transfer that call or call over to Havana to dispatch. Then when that engine goes out, the sheriff doesn't know if it goes out or not. Correct me if I am wrong.

Hill:

That is correct.

Brown:

What happens when a call comes and

Hill:

When a call comes in and they dispatch, once that call leaves the 911 Center and goes to Havana, for instance, when it goes there, communication is cut off with the 911 Center. Simply, the fire truck talks back to their dispatch and they request everything through those resources. Similar things happen with the City of Quincy and also with Chattahoochee.

Dixon:

Madam Chair, I can remember when I was at the City of Quincy, that was the big problem. It is sad to see that it is still the big problem. Then, it was territorial. Nobody wanted to be on any body else's system, so to speak. Is that still the case or what is it?

Hill:

I would be speaking out of turn if I said it was territorial, actually. The municipalities as well as the County like to act on their own, have their own central dispatch center.

Holt:

You could say that it is territorial, then.

Dixon:

Well, as long as we know that is what it is, then -

Hill:

There is open communication right now with the cities and the municipalities or the county and the municipalities. They are talking.

Holt:

Let me say this. I remember three years ago we had a situation. I asked our fire chief then if a house was 2500 sq. ft., a wood frame house built 10 years ago caught on fire, how long would it take before the house would be fully engulfed in flames. We had a scenario that narrowed it down to about 12 minutes. So, you are saying that when the 911 call comes in, dispatch receives it, the person that called doesn't know whether the truck is coming or not because they don't get the communication back. I am more concerned about people than I am about territory. That is not a good thing. This is not a good situation.

We need one system that works and I am sure that there are enough for a number of dispatchers that will do like the County that will work a shift. I am sure. If I was working a night shift, I would want someone to have at least two or three of them.

What I am saying is this is inefficient and it doesn't matter if it is territorial or not. We are talking about peoples lives. This needs to be fixed. We need to work with the cities. The County and the Sheriff's Department needs to fix this. I'm not telling you to fix it. I am just saying, in general, that these

other boards and this commission need to get together and fix it.

Hill:

There is definite dialogue that has been going on between the County and the different municipalities about migrating to one system. There is communications already going on now.

Holt:

We need to work together to fix this. This doesn't sound good. I read that and when I read it, I didn't think it sounded too good during that time.

Croley:

Madam Chair, when Commissioner Dixon asked his question and you answered it Mr. Hill, you used the word "city", singular. Do you mean "cities" meaning Chattahoochee, Havana and Quincy?

Hill:

All municipalities.

Croley:

So, all three of those municipalities are limited in their ability to communicate with the Sheriff's office?

Hill:

Right. We did install a system at Havana when we were changing some of their stuff around there that they could connect directly back to the 911 via the radio if they had to.

Croley:

So the engines can communicate on that basis.

Hill:

Again, all the fire apparatuses in those municipalities do have the countywide channel that they can migrate over to as well as the county based fire departments. So, there is some flip flop in there. We were specifically talking about dispatching, though.

Holt:

O.K. Go ahead.

Buckholtz:

All the county departments do a real good job of maintaining their vehicles and keeping up with them and making sure that they are in good working order. But, you really need to

maintain detailed logs of maintenance and also testing to make sure your equipment is operational. That is a low cost benefit to the County that would help with the ISO scoring.

Hydrants - Currently your hydrants are maintained or most of them are maintained by Talquin Electric. Although, maybe not to the degree that they need to be. That is something that we talked about with Phillip. They are trying to get the ability and the o.k. from Talquin for the fire departments to go ahead and maintain the fire hydrants and test them and make sure that they operate adequately.

Call Reporting By Departments - Not all departments that are providing fire service protection for the county maintain accurate incident reports. That is going to make it very difficult when we talk about funding scenarios. Any funding scenarios will be very difficult to move towards without accurate incident reports from all the fire departments. So, that is something that can definitely be addressed.

Formalized Training - Phillip and I have talked about this. He is working towards it. The county should really develop a formalized training program that sets minimum standards for current and new fire fighters to make sure that everyone is on par with requirements that need to be safe and to be effective. They need to work with the fire chief coordinators also in developing that formalized training procedures.

Number 6 - Under Status Quo is potentially looking at a funding methodology for the current budget allocations. Currently, allocations are not systematically set. They are really politically and lobbyist driven by each departments.

Holt:

You agree, too, huh?

O.K.

Buckholtz:

However, any kind of funding formula really should be developed and discussed prior to developing that funding formula to make sure that everybody is comfortable with all the inputs before we know what the outcome is going to be. You don't want to steer it that way.

The next chart that we put together is called a Voronoi polygon and it differs a little bit from the station zones because there

is a lot of overlap in those station zones. So, what this does is that it takes two points and draws a line straight across and really takes out the overlap in the fire reporting areas. It is kind of hard to see. But, you have in your presentation a list of the unincorporated areas and unincorporated parcels contained in each zone. This may be an example of input or factor that you might want to look at when you are developing your funding formula. It is easy to do and it is very effective in directing resources to where they are needed.

The next option we looked at was "Improve the Status Quo." This option incorporates all the suggestions and requests from the volunteer fire departments for apparatus, facilities, equipment that they need to better provide fire protection services.

Croley:

Could you go back to that?

Buckholtz:

Absolutely.

Croley:

One of the problems that I have with the polygon is that I noticed that - look up at the Georgia line at the northern end of the county. Many of our roads in that area are difficult to get to. You have to actually go around through Georgia to come back into the service area because there is no way of getting from the Robertsville station, Madam Chair. Bettstown Road - we were talking about that this morning at the fire station with the fire chief. So, I will just make mention that that is a problem. I am sure that Mr. Hill and Mr. Beasley is aware of it.

Buckholtz:

Thank you very much, that is something that I did forget to mention. This does not take into account service, call in service for each department does not take into account road miles. It is strictly a geographical zone. Just trying to cut out the overlapping in the fire zones. But, thank you.

O.K. Improve Status Quo - Again, take into account the request from the volunteers. Station upgrades were requested at Havana, Midway, Concord and Sycamore. Really, those were mainly focused on additional bays for existing and potentially new apparatus. Renovations were requested by Mt. Pleasant, Sycamore, and Robertsville. Apparatus were requested by Greensboro and Sycamore and also Midway requested a ladder truck to service

some of the development that is going into their city. Included in the improved Status Quo were also two pumper tankers for a water shuttle program that Phillip has been exploring implementing which will help with ISO rating by delivering water for the necessary water requirements.

Some of the equipment that is requested by some of the volunteer departments were bunker gear, SUBAs which are subcontained breathing apparatus, station generator to provide emergency power in the event that there is a disaster or need. Also a centralized training facility.

Another factor that we thought may be helpful would be administrative support. Currently, the fire coordinator handles all the administration related to fire. Administrative support person could help with the instant reporting requirements for all stations. That would free the coordinator to work on reducing ISO ratings, implementing and testing and training schedules and insuring that citizens are receiving high quality fire response.

Another thing an administrative person could do is help with billing for services. Currently, the county does not bill for services when the fire department responds. The fire coordinator currently does that job, but he just doesn't have time to do that. Probably, the county would want to consider a soft collections method where they bill the insurance companies for services and if they collect, great, and if they don't, you probably don't want to chase the people down.

Holt:

It depends on the size of the people.

Buckholtz:

And the people, I guess.

Response confirmation - we talked about this when we talked about dispatch. Differentiating dispatch centers - not talking to each other. So, this is being addressed and hopefully progress will be made.

Another thing you might want to consider is funding an additional dispatch position. This person would really need to be full time because I don't think the work flow of the current kind of dispatch will necessitate it. However, during peak times, the two dispatch plus the captain or the three dispatch personnel really cannot keep up. If the County does talk to the

municipalities, maybe they can work out something with those current staff who may be interested in doing that. But, it would benefit service response to have that option.

Moving to Option 3 would be the county provided paid fire service. Discussion with the county about going 24 hours, 24/7 coverage. We looked at adding 5 crews and locating them in the current volunteer stations. It would be a total of 37 total positions. They would be broken down by 31 firefighters, 4 Lieutenants, (who would serve more of a shift supervisor role. They would be responding to fires and working a crew, but would be a clear chain of command person), one administrative person, and one fire chief. Each new firefighter would need it's own set of bunker gear. Aside from that all of the apparatus would be identical to those in the approved status quo for the volunteer stations. Because they are county apparatus, they would be housed at the county stations and they can utilize those apparatus to respond to fires.

When we were exploring this option, we identified fire stations that provide good geographic coverage and also minimal upgrades to current facilities to provide the necessary facility upgrades for the paid fire department. Gretna, Havana, Midway, Sycamore and Wetumpka were identified. There are any number of combinations - those lay out nice geographically. The new Gretna station is brand new and would not need any upgrades or maintenance.

Another option that we looked at resulted from our talks with the county manager and the fire coordinator. We were potentially looking at a part time professional fire service. We needed to cover day time working hours. There would be 6 full time firefighters spread throughout the county each three two man shifts. They would do a lot of things that need to be done. (inaudible) maintenance, training - they would be busy when they are not fighting fires, but they would also provide an immediate response in the hours that it is most difficult to get the volunteers because they are usually at work as well.

The two options that we priced out - (We will go through pricing out the other fire options later.) Status Quo would be \$931,000 and Improved Status Quo would be \$1.2 million. Those options, those necessary improvements, upgrades and equipment are included in the other options.

The mid term solutions, the county may want to look at for county paid fire service is combining fire and EMS. Currently,

there are 7 full time EMS personnel on duty already. They should require that all new hires be cross trained as fire and EMS providers, provide a little compensation for those that are certified Fire Fighter I and Fire Fighter II. They should be dispatched to structures when they are available to provide additional resources.

Quincy Provided Fire Service

We have interviewed the City of Quincy Fire Department. They also identified five stations required to provide county wide coverage. Also, two person crews. They would need an additional 36 total positions. The difference between them and the county providing them would be a fire chief, but the number of fire fighters and admin personnel would be the same. They did indicate a willingness on a case by case basis to discuss locating a current volunteer station. However, their preference would be for new stations and new apparatus to fill the stations.

Dixon:

You said "new", the writing says "independent". What is the difference?

Buckholtz:

Independent, making it clear that they would be City of Quincy, well, they would be county stations - maintained and paid for by the county, but they would not house volunteer apparatus or volunteers. So, independent from the current county provided volunteer system. Again, on a case by case basis, they are willing and definitely agreeable to look at it, but, you know, in a perfect world, this is what they would like.

As to the cost to provide these fire protection options - the Status Quo would be no significant additional cost. The Improved Status Quo, the county paid fire protection and the Quincy paid fire protection - the big difference really is the fire facility cost. The apparatus and equipment and fire facility numbers that you see there are the debt service for those resources. Apparatus and equipment is based on a ten year debt service schedule. The Fire Study is based on a twenty year debt service schedule. Personnel is roughly the same cost. The county cost estimation for personnel were used by averaging Tallahassee, Quincy, Jackson, Jefferson County fire departments. The City of Quincy is a known - we know them and we know their cost, what they hire fire fighters at. That is how we derived

their anticipated personnel cost. We used a 9% operating costs which is typical for departments around the state.

Funding Alternatives

There are really three main funding alternatives. Special assessments, impact fees, and MSTUs. If you have specific questions about any of those, we would be happy to discuss those.

Holt:

Questions, Commissioners? Do you have any questions or comments?

Buckholtz:

I was going to the next step, but I will defer questions as to the funding alternatives to one of my colleagues.

Thank you very much.

Holt:

Thank you very much. Comments?

We're going to want to talk to you about those numbers. That is

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Brown:

When he showed the option whereby the county would have paid fire fighters during business hours, there was a number of \$931,000. Is that total cost or is that in addition to the present cost?

Buckholtz:

That would be the total cost. Really, The Status Quo for the part time professional paid option is your current \$635,000 budget. Salaries for six people and required equipment, bunker gear, everybody needs their own set of bunker gear. I don't think that I have made this clear during the presentation, there are a lot of potential synergies and cost savings available. But, to be considerate, we wanted to present the - I don't want to say the worst case, but a realistic case of what it would cost for you to provide these options. There are grants available and other money available to help off set those, but we wanted to give you a conservative estimate.

Holt:

Go back to the funding options. I am sorry, It's near the end.

Brown:

Just for clarification, back up to 931 again.

Croley:

Clarify for me, that Status Quo, is that what the total cost is now and then your Improved Status Quo would be to go to \$1.2 million?

Buckholtz:

If you take the Status Quo option and you don't provide any additional resources for the current volunteer service delivery, but you wanted to hire six personnel paid full time to provide daytime service, your Status Quo, the \$931 is the \$635,000 which your current budget is - Am I going down the right track or. The cost of salaries and the needed equipment of those additional personnel.

The Improved Status Quo would included upgrades to the current volunteer stations and would include their requested apparatus and equipment, yearly debt service, this is included in the \$1.2 million.

Croley:

What does the present volunteer system and contributions to the City - what is that costing?

Buckholtz:

\$635,000.

Croley:

How much?

Buckholtz:

\$635,000.

I can show you.

Croley:

I was trying to get it all together. I'm having to go to different places, so I was trying to do a comparison. O.K. So, those are the three figures - \$653,000, \$931,000 and \$1.2 million.

Buckholtz:

For a part time professional fire fighting department, yes.

Croley:

Question - What is the total revenue generated through the half cent taxes being used for this department? I suppose, Mr. Suggs.

Holt:
Davin?

Suggs:
Currently, we fund fire services with a portion of the one cent small county surtax. Total revenues generated, this year will probably generate a little above \$2.2 million.

Croley:
What all is paid out of that \$2.2 million?

Suggs:
Right now, we currently use it for fire and we use for capital projects in public works - road paving. It has been a split between fire and public works.

Croley:
So, fire and road paving improvement.

Suggs:
Yes, this current year, it is probably about \$742,000 that has been dedicated to fire with the rest being transferred to public works.

Croley:
So, one last question, the money then may be there, but it might come at the expense of road paving?

Suggs:
Yes, this is the reason we are looking ahead - we are going to workshop and we are coming back with alternative revenues on May 22nd. But, pretty much, the whole key, especially with the state and the property tax thing, the whole key is the decision you make with fire. That will determine a lot of whatever else you do. If you do fire with the existing revenue, then you are going to severely impact your ability to pave any roads next year. And, so, the decision on fire and deciding on a new funding source will have a ripple effect. Whatever decision you make will have a ripple effect on your budget for the upcoming year.

Dixon:
May I, Madam Chair?

Holt:

Sure.

Dixon:

Davin, we could potentially move money to fire and find new funding sources for roads?

Suggs:

The issue is - you could do that, but the issue is that we said in this year's budget, the county transportation fund had a significant savings balance or fund balance. It was close to about 2.3 million. So, when we advised the board that we were trying to fund the year, because the fire money ended at the end of last year, and so, we bought a year and we drew down on that savings roughly about \$1 million. So, when we look at replacing, we are going to talk about gas taxes in two weeks, when we look at replacing or adding additional gas taxes, we first have to fill the gap of that one time money that we used. O.K. So, the thing about public works budget or the way they pave, think about it - that is going to be a million dollars less before we add any new revenue. Roughly, the gas taxes that we are looking at will roughly amount to about \$1.2 million. That will be replacing or keeping you almost constant with where you are at today.

Dixon:

But, that is just the first year.

Holt:

Yeah, for the first year, you wouldn't receive anything off of it. Maybe even two.

Suggs:

You would receive about 75% because the revenue will start coming in January which is the beginning of our second quarter. So.

Lamb:

Is a certain amount of that tax money obligated or earmarked to go toward fire and an amount toward roads?

Suggs:

This is the issue that we have talked about before. In the spring when adopted policies, the board adopted a policy so that we could prevent this, but we adopted a policy that we would not further earmark any revenues or restrict revenues at the local

level any further than what the state said. What has happened is we have, by ordinance, restricted the small county surtax when we didn't have to. So, all you restricted it to is fire, public works, water/sewer. You have not by ordinance restricted or allocated a percentage of that revenue. Now, what has been happening when we got here is that we have been acting off tradition. When I got here and we started a budget office, by tradition, the first six months of the tax revenue, when the sales tax came in, they gave it to fire. The second six months, they gave to public works. So, as long as, I guess it was done by tradition. No matter how much fire needed, it didn't get but the first six months of the revenue. Usually, there is a small balance in the fire fund.

Lamb:

Is there anything wrong with that, though? I mean, was it off balance?

Suggs:

I don't think that it is the best use of that revenue.

We will get into this two weeks from now. O.K.

Holt:

Could you go through that last screen - the revenue generating that we were looking at?

Buckholtz:

Yes, ma'am, I was going to suggest to you that I ask my colleague to come up and fill you in on all the "ins" and "outs" of dedicated funding alternatives for fire.

Holt:

Yeah, these are the options that we are looking at. What can be done with special assessments, impact fees - we are doing that study already, MSTUs.

Croley:

Madam Chair, let me share something with you as a board, because I do know about this. On your insurance service office ratings - you know, the initial idea is "Well, if I get a lower ISO rating, it is going to save me a lot of money on my insurance." Well, it really doesn't work that way. The fire rates portion of your insurance premiums are going to be about the same among all companies in the way that they actuarially do this. So, protection class 1 - 4, you are not going to see a change in your fire rate. In other words, when you go to the next step,

say 5, 6, or 7 - you will go up some, but the fire, and I had this checked today because there happened to be a business that called in from Quincy and I was walking by the folks that were rating - I said, "Run that rate in Havana and then in rural areas." It's probably not but about 1.2% difference between these fire ratings - 2% would be generous to say that between Quincy and Havana. So, the question becomes - the real key point is very important to the public interest - is that having that fire station within 5 miles of their business or residence and also trying to have those fire hydrants within 1,000 ft. of their structures. Those are the real key elements here. I think that having the volunteer system is good. Of course, I will be the first to say if my house is on fire or if my children are endangered, I want that fire resource there as quickly as possible. Obviously, I can't put a price on that. But, as we are looking at this and we are looking at ISO ratings, the real key public interest I see initially, aside from making these improvements in dispatch and the other things that you all have talked about, is the importance of trying to get our fire services better situated around the county so that everyone is able to benefit from that and have better protection as a base line. Then, try to expand the fire hydrant program because I noticed, and I will just share this, in district 2, when I asked for that report on the state of district 2, which you provided me, Mr. Manager, it was pointed out in there, I believe in Mr. Beasley's section of that, that under the fire hydrant program, you were doing it clockwise - maybe by tradition or whatever. According to that schedule, I don't believe that district 2 is going to get any fire hydrants until 2012, if I am not mistaken from my recollection.

So, that makes it very difficult in growing areas to provide those services. Then, on top of that, I agree that so often, we look at the Talquin Electric hydrant system and often times, no criticism of Talquin, but I don't know what type of maintenance schedule. I applaud the county manager and public works and this board in just identifying with the little blue markers that some of you have seen in the GPS location. I think that was the first time that has been done, Commissioner Dixon, ever. So, there are a lot of positives and a lot of things that we can do with this, but saying that the one particular solution here is going to save everybody a lot of money is not necessarily going to do that. But, we've got - look at these circles - you see the gaps in them are bad.

Holt:

I'm sorry, do you want to respond?

Buckholtz:

I just want to make one comment - you are right. The only one who can produce ISO rating is ISO. Until they come and review everything and assign it a rating, you are really just trying to work toward their guidelines, but you don't know until they do.

Dixon:

One thing that Commissioner Croley mentioned - the fire hydrant program - part of the problem with that and I don't know if that affects the manager, but we really need to sit down with Talquin on a number of issues because I don't know if we stopped it. I thought that we did. We wouldn't allow them to put any more 4" lines in the ground in any new subdivisions. Four inch lines don't carry enough pressure for hydrants. That was something we were doing in house trying to help somebody and Talquin didn't want to put in any 6" lines. So, I hope we changed it in the development orders that they had to put in 6" lines. We have been getting new subdivisions that were not able to become hydrant ready. It was our own fault. I don't fault Talquin for that kind of stuff. We ought to be smarter than that. You are going to look at a lot of communities, unfortunately, and they've got those 4 inch lines in them. Talquin is going to say, "We are not going to re-invest in water because it doesn't pay. They are probably breaking even or barely making money now. They are not going to go out there and put in 6" lines. They are going to expect the county to come and do it.

We started the program with hydrants we started at Lake Talquin. Because of the phenomenal growth that is going on down there and 4 inch lines. It is a super expensive program. How much is it per hydrant?

Hill:

\$3800 now is the new price.

Dixon:

Per hydrant.

Hill:

From Talquin.

Dixon:

On a system that we gave them for the most part. So, you know, it is a super expensive situation that we have got to find a workable solution for.

Holt:

I must say that is part of contracting. That is bad contracting. What we have to do is look at bad contracting and see if we can improve upon what has already been done and do good contracting from now on. The County applied for the grants, so we need to have better control over what we do sometimes.

Brown:

Talquin does this on their dime.

Holt:

I understand that. What I am saying is that we need to look at in the future is how we do business as far as, as Commissioner Dixon said, putting in 6 inch lines. We should have been doing that all along before now. So, when we look at doing that, if we have a company that is coming in and businesses coming in, we need to look at that early.

Croley:

Madam Chair, I would like to piggy back off what Commissioner Dixon just said. You see, I don't criticize Talquin per se because a lot of those were done under these rural development grants and the USDA water for rural programs, but some people got drinking water. It wasn't intended for fire fighting. But, I know that in the St. Hebron Community for instance, they got the 4" line. There is a 6" line where Shady Rest Road hits the Havana Highway. Now, logically, we would think that we would want to have that looped around on the west side of Little River so that the Quincy Fire Department could fight fires there effectively for all those residents and come around and tie into St. Hebron, then tie into the fire system on Woodward Road, which is a 6 inch line.

But, we, of course, as you said, because of that isolated 4 inch line, you are in a bind. Those people can't get fire hydrants and including out where I am presently living, we can't get fire hydrants because of the very reason that you just said. So, it is a problem.

Holt:

Thank you. Are there any other comments and questions?

O.K., Mr. Manager.

Brown:

Commissioners, as Davin eluded to, we are currently polling you all to see if we can have a special either on the 21st or 22nd where we will be discussing alternative revenues. This is one of the items that will be coming back to you so that you can give us direction as to how you want to proceed. Obviously, the discussion is still open as to where we are headed with property taxes, but again, we are going to try to prepare you as much as possible. You are going to have to make some tough decisions in terms of the way you see us moving financially. But, again, this is just one piece of the major puzzle in terms of how you want to deal with fire services and how do you want to deal with response times.

If I can take from Commissioner Croley was saying, he was saying that if we continue to build fire stations, we may be able to make a dent in helping people with their insurance as well as doing the hydrants. We have another fire station that is currently under construction in Gretna. But, again, all of this takes dollars. Again, this board will have to give us some really clear direction as to where you want us to put the county's resources. Hopefully, when we go through the budget process, we will get that direction from this board.

Holt:

O.K. Alright.

Dixon:

May I, Madam Chair?

Holt:

Sure.

Dixon:

There were some options given in here that I think we should take seriously even now before the budget process. Reporting - if you want the money, you need to report. It is simple. The new formula.

Buckholtz:

That is right. Tying the number of calls may be an option for a funding formula. If you don't report those and you don't keep accurate records, then you are not going to get credit for that call and you are going to get hit in the pocket book. That is right.

Dixon:

I don't know if it is still happening, but the - how can I say it - the love of some fire stations as opposed to others in terms of dispatch - who got called and who didn't get called - even when it was in their city, they didn't get a call. I do recall Gretna having a fire in Gretna and nobody called on the Gretna Fire Department. They called the Quincy Fire Department. That kind of stuff - it is time out for that.

Buckholtz:

Excuse me, Commissioner, but going to a centralized dispatch may also eliminate that because everything would be centralized.

Dixon:

I just believe that you shouldn't take the county money and then fight with the county. There is something wrong with that.

And then, at some point real soon, we are going to have to require of cities some due diligence. We don't mind building a fire station. We don't even mind putting a truck or two in it. But, when does your end kick in at exactly. I heard you say that Midway wants a new ladder truck. Well, Midway just told us how much money they have in the bank. Let them go buy a new ladder truck for themselves and help us out.

Buckholtz:

Well, they did request that during the interview. I see your point, yes.

Dixon:

As I recall, the one truck they've got, we bought.

Buckholtz:

I believe that is correct. Yes.

Dixon:

So, when are the cities going to kick in? Gretna and all of them? Where is their portion to help out? Whether we are talking dispatch, you know, there has got to be some, if they clearly don't want to be a part of a bigger, better situation, and we can't force them, that is true, then let us make it very clear about what is and what isn't. That funding formula - we have been playing with that thing for too many years. How folks get funded. There has got to be a bottom line for everybody and then there has to be an incentive to get your records in, to get your stuff ready, to get training, whatever we need to do to get those volunteers up and running and keep them enthused and up and running. But, we've got to do a better job in fire than we

have ever done before if we are going to be looking at this kind of money.

Holt:

Also, right quick. Because we don't know what is going to happen with tax reform and I know that a lot of these are requests. Those requests are narrowed down a little bit to needs in case we are cut severely. Those requests may be what we want, but then we may have to look back and see what we need and go with that. That is something that you need to keep in the back of your mind. If we roll back, we roll back to what was going on during that year, not what may have been going on in 2006. If you roll back a little bit further, you want to look at what that roll back will mean. I just want you to keep that idea in the back of your head.

Yes, sir, Mr. Suggs.

Suggs:

Above the funding options back again, because I already know what I am going to tell you two weeks from now, this is to give you the highlights. We had administrative budget hearings last week. Even if you leave everything the same, we are fine. But, I am still going to be recommending a new funding option. Normally, we said it would be a decision between fire and paving roads. This coming year, it's not going to be a decision between fire and paving roads. It's going to be a decision between fire and fixing bridges that the State has said you have to fix. I can tell you that bridges are going to come in front of paving roads. The bridges, we have to fix, o.k., so that is the issue that you are going to be faced with.

On this list - impact fees, we are moving towards - of course that will be capital in new areas based on growth. We are in that study now. So you are between special assessments or MSTU. For this current year, do we make any changes going forward - I mean, really, the only option you have for fiscal year 08 is a MSTU because a special assessment dead line has already passed. The State has us in limbo with the MSTU. We don't know until - they may change as they do the property taxes, they may change what we can do and how we can do it with the formula. There are legal limitations on how we do MSTUs. We will see. There are steps that you can take legally. You can instruct the county attorney to be prepared because there is a time line and we have to be ready to move. This all goes back to when the manager asked for clear directions. We are going to need a decision because when I speak to you on May 22nd, we will need a decision

because we will only have a couple of weeks to act on some of these alternative revenues.

Chris Doolin, our lobbyist, he came up here earlier. This is one of the issues when you feel how important it is, you have to take it directly to your constituents. You've got to ask, "Do you want your roads paved or do you want to improve fire service? What do they think?" I think you need to ask them that even at the fire service level now. We've been talking in the budget meetings and we were out there yesterday. I mean, they are working with the bare minimum - the fire and EMS. They are really making good use of the scarce resources that they have. But, there are decisions like this that we can't afford to talk about them just up here. If you are concerned - I am really not allowed to say the word "special assessment" because of the history in Gadsden County. But, it is the point in time where you really don't have a choice but to choose something up there or give something else up that you already have. The Legislature has put you sort of in that predicament. So.

Holt:

Thank you. Alright.

Other items? Any others?

That's it?

Dixon:

Madam Chair, I offer a motion that if we got to give up something, we give road paving in district 1.

Holt:

Yeah, I am sure that he agrees too!

O.K. Let's go.

Adjournment

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

Brenda A. Holt, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON MAY 15,
2007, THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: BRENDA A. HOLT, CHAIR
DERRICK PRICE, VICE-CHAIR
EUGENE LAMB
DOUG CROLEY
EDWARD J. DIXON
THORNTON WILLIAMS, COUNTY ATTORNEY
MARLON BROWN, COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

CALL TO ORDER

Chair Holt called the meeting to order at 6:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Lamb opened the meeting with a prayer.
Commissioner Croley led in pledging allegiance to the U.S. flag.

Mr. Brown announced that the Board had started a new process for those who wished to speak to the Board. He informed the audience that speaker forms were available on the table outside the board chambers. He instructed the audience that if there were those present who desire to speak at this meeting, they must submit that form to the Clerk prior to speaking.

AMENDMENTS AND ADOPTION OF THE AGENDA

The following amendments were made to the agenda:

Add to Awards, Presentation and Appearances Agenda:

- 1a. Presentation of Quincyfest Appreciation Bags
2. Update by Tallahassee Community College and Workforce Plus on the Gadsden Student Training Academy for Reaching Success (G*Stars) Materials added.

Remove from the General Discussion Agenda

Tourist Development Council Request for Funds for the

3rd. Annual Quincyfest Blues/Barbeque Event and the
2007 Emancipation Day Festival

Add to the County Manager's Agenda

18a. Consideration of Human Care Planning Committee for
Gadsden County

18b. Special Meeting Workshop - Thursday, May 31, 2005

Add to Discussion Items by Commissioners

20. Commissioner Dixon, District 5 - Regional Cooperation
Meeting Report

Commissioner Holt, Chairman, District 4 - Gadsden
County/City of Quincy Joint Meeting Update

Add to County Attorney's Agenda

19. Request for Documents from the Library's Patron's
List - New Lawsuit

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER
LAMB, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO APPROVE THE AGENDA
AS AMENDED. COMMISSIONER DIXON WAS NOT PRESENT FOR THIS VOTE.

AWARDS, PRESENTATIONS AND APPEARANCES AGENDA

**1. Employee Service Awards - Ms. Gloria Hill, Bookmobile
Librarian and Mr. Phillip Hill, Sr. Paramedic/Fire
Coordinator and Kenney Jackson, Sr., Maintenance Worker I**

Ms. Hill was recognized for fifteen years of service to the
county. Mr. Hill was recognized for five years of service
as a paramedic. Mr. Kennedy Jackson was not present at this
juncture but was recognized for five years of service to the
public works department.

Ms. Gloria Hill and Mr. Phillip Hill were presented with a
pen and certificate for their years of service. Chairman
Holt make a few remarks expressing the board's appreciation
for their loyalty and outstanding performance.

1a. Presentation of Quincyfest Appreciation Bags

Ms. Alice Dupont addressed the board. On behalf of the

Quincyfest Festival, she expressed appreciation to the board for their support and sponsorship of the event saying that it was a tremendous event which included the entire county. She explained that there was a Latino festival on Friday evening and the Barbeque and Blues festival on Saturday. She then said that they expect to expand the event in the years to follow. The music on both days was superb.

She then presented each board member with a bag of appreciation.

2. Update by Tallahassee Community College and Workforce Plus on the Gadsden Student Training Academy for Reaching Success (G*Stars)

The G*Stars program was developed by Tallahassee Community College and Workforce Plus as a proactive approach to deter or reduce juvenile delinquency in Gadsden County through a comprehensive prevention and early intervention program. It is committed to a long term solution rather than a quick fix by providing training and job opportunities for young people. The Board committed \$150,000 to this program.

Mark Lowe and Rick Frazier addressed the Board.

Mr. Lowe began his remarks by saying that they have just completed the second year of G*Stars. The first year they received 90 applications from high school students who were interested in the program. The second year, they received 152 applications. He said that they have exceeded all the deliverables required by the contract.

He then gave some statistical information as contained in the attachment.

Commissioner Croley inquired as to why there are more applications taken from students of East Gadsden High School than West Gadsden or Shanks Middle School.

Mr. Frazier replied, "We have a very specific timeline which we have to move in order to hand off to Workforce Plus so they can complete the summer employment portion. Obviously, this has to mirror the school year, somewhat. Repeated attempts were made to recruit children at West Gadsden and Shanks Middle School through administration and guidance counselors. We found quite a bit of barriers there. When the applications were turned in, they were about two and a

half months late."

Holt:

What were those barriers?

Frazier:

I can only speculate. When we call the school and they say "We passed them out" there is not much you can do. It is impolite to argue that point. To address your question about what we can do about that in the future, I would like to attempt some diffusion techniques, perhaps through the county administration, Superintendent James, by perhaps having an order come down from him through his administration to have these forms passed out versus an outside entity.

Croley:

Madam Chair, I was just going to suggest that anything that the county manager's office can do to strengthen that and make that contact with the superintendent would probably be a very positive thing for the youth in the county.

Holt:

I would also suggest that - I talked with some of the counselors and before, they were not pushing it. So, that was a problem. But, they maybe need to schedule a day when they go out and do a presentation that day. In that way, the children would get to see what is going on.

Croley:

Like a workshop?

Frazier:

One other recommendation that I would make is that there are teacher workdays to do a workshop. We used to do a work experience program which was a predecessor to this project. One of the things that we would do was a workshop for the folks that were involved in the schools. I think that kind of warrants going back to - having those guidance counselors getting together on a teacher workday and just explain to them what the emphasis of the project is and why it warrants their attention. With anything, it is one of those things that gets lost in the shuffle. A lot of times when we are starting to run this program, there is a lot of emphasis on getting the kids ready for FCAT. So, I think what we have to do is pay attention to putting the spot light back on this project.

Holt:

When you do teacher workdays, they are already assigned to workshops, to be very honest with you. So, what might work out better is PTO meetings when the parents are already there. Parents want them working. They really do. So, sometimes, it is better to go through the parent and also with the counselor. But, I believe we need to get the word out in the community.

CONSENT AGENDA

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

3. Approval of Minutes: April 10, 2007
April 17, 2007
4. Ratification of Approval to Pay County Bills
Accounts Payable dated: May 4, and 11, 2007
Payroll dated: May 10, 2007
5. Approval of New Road Names: Branch Circle (Midway);
Catalpa Circle (Midway); Lombardy Court (Midway);
Sassafras Circle (Midway)
6. Changer Order No. 47 to Contract with C.W. Roberts
Contracting, Inc. for \$25,933.41 increasing the total
price of the contract to \$ 18,454,748.54
7. Approval and Execution of Contracts for Summer Library
Program with Anna Moo
8. Approval of Change Orders #1 (increase of \$11,847)and
#3 (\$6,651.00) for the Chattahoochee Library - Cook
Brothers Inc.
9. Approval of Chairman Holt's, Commissioner Lamb's and
Commissioner Dixon's Travel to the Florida
Association at the Renaissance Orlando Resort at Sea
World on June 12 - June 15, 2007
10. Realization of Deferred EMS Revenue OMB-BA# 070040;
Resolution 2007-031

**11. Approval of the Adopted Gadsden County Recreation
Advisory Council By-Laws**

CONSENT AGENDA ITEMS PULLED FOR DISCUSSION

There were no consent agenda items pulled for discussion.

PUBLIC HEARING AGENDA

**12. Public Hearing and Second Reading - Maxwell and Suber
Company, High Bridge Road Small Scale Future Land Use
Comprehensive Plan Amendment - CPA-2007-01**

Owner: Maxwell and Suber Company

Applicant: Will Maxwell

Agent: Florida Environmental & Land Services, Inc., Brenda
A. Powell, Project Manager.

Location: 9.07 acres located approximately 2.5 miles south
of the City of Quincy and approximately ¼ mile north of
Interstate I-10, on the western side of High Bridge Road
(CR 268) at the intersection with Kittrell Road.

Planning Commission Recommendation: Approval on April 12,
2007 with the special conditions listed on page 12 of the
attached report.

Planning Department Recommendation: Approval by a vote of 4
- 3 based on the findings in the attached report.

Previous BCC Action: May 1, 2007 - Vote of 4 - 1 for
Approval

Mr. McCord told the Board that the parcel currently has six
houses on it and this land use change would simply bring the
development into compliance with the land use.

He then briefed the board with facts contained in the
attached agenda report pointing out particularly the
findings listed.

Chair Holt called for public comments. She reminded
everyone that in order to speak to an issue, they must fill
out the speaker request form located in the foyer and turn
it into the clerk.

She again called for public comments and described where the
property in question was located.

There was no response.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE ABOVE DESCRIBED ORDINANCE. COMMISSIONER CROLY CAST THE LONE DISSENTING VOTE.

GENERAL DISCUSSION AGENDA

13. ~~Approval of Tourist Development Funds Requests for the 3rd Annual Quincyfest Blues/Barbeque Event and the 2007 Emancipation Day Festival~~

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

14. ~~Approval of Bids for Information Technology Network Services~~

Mr. Brown stated that this item seeks Board authorization to negotiate and execute a contract for information technology network services with NetQuincy.

OMB Director Davin Suggs told the Board that this fiber network is one of the last major hurdles before the county can start seeing some improvement. The network will connect all of the existing county buildings that utilize computers. (County administration and staff)

He then recalled that the network infrastructure was bid out to support 1GB per second network. There were two bidders. TDS and NetQuincy. The main difference in the two bids is that NetQuincy would provide aerial fiber and TDS would provide buried fiber. Over a five year period, NetQuincy bid \$50,000 annually for a total of \$250,000. TDS bid a total of \$117,000 annually for a total cost of \$593,000.

The City of Quincy has since contacted the staff regarding the actual bid document. They addressed the fact that the bid document was unclear to them in that it did not specifically ask for installation costs. Therefore the \$50,000 figure annually does not include the installation cost. The installation cost would be approximately about \$20,000 per building for 10 buildings. That would add an additional \$200,000 to their bid price.

Mr. Brown told the Board that TDS provided a letter relating to the bid. He entered it into the record.

Attorney Thornton Williams:

Madam Chair and commissioners, before we proceed, considering that we are looking at an award of a contract, it is appropriate and there have been conversations with the City Manager from Quincy, Mr. Bogan, about some concerns, but nothing has been stated on the record yet. So, we need to at least to have a formal statement from him as to what his concerns are. Then I can tell you what the legal options are.

Quincy City Manager Bogan:

Madam Chair, honorable commissioners, I appreciate having the opportunity to come speak to you all today. We would like to be in an opportunity to where we can work with the county on this as far as internet services. We believe that in the long haul, long range, a partnership with the County would serve the citizens of Gadsden County very well. They will get the benefit from the low cost and have basically superior service.

One of the things that happened associated with this, and I have a copy of the actual bid document, if you all want it.

Brown:

Commissioners, it is included in the agenda item.

Bogan:

It is in the agenda item, but, if you look at this document and you read it, on the face of it, it is asking for the current costs. It doesn't say anything in this document in relation to installation costs.

The item that you all had associated with the RFP was pretty straight forward. Can you do this - yes or no? and we went through and checked off those items. The document itself asks for recurring costs. Now, the primary difference was that we didn't put our recurring cost in the pricing structure. Our recurring cost would be a one time thing that we have planned on paying, but it didn't ask about that in the document. As a result, this document, we believe is unclear. That is the reason we submitted the bid that we submitted.

My request is that we would be allowed to negotiate and talk

about the installation charges. Of course, the county attorney told me that you all may not be able to do that. But, I will let him address that issue.

The thing is that what we were looking to do was to not to get the county locked into a recurring cost of whether it was going to cost to bring you all online initially and then to fail to provide that service throughout at a constant rate. At \$50,000, that was a rate that was something that we believe that we would have been able to do without a major issue.

So, that is pretty much what we are asking - that we be allowed to have that considered.

Williams:

Madam Chair, if I could, I need to have Mr. Lawson to come up and just give the background, just so you have the county's position procedurally. We have a policy. It is Section 5-7 that deals with competitively sealed bids which I will go into in a minute. But, just to posture it properly, so that you know what the county did, I think it would be helpful for you

Holt:

O.K. Mr. Lawson?

Lawson:

The county put out an RFP which is in your agenda item basically requesting the - it was an invitation to bid basically requesting bid on specific items that IT had requested. Under the county's policy, we put out the bid document.

The bidders have the opportunity to review that document and if there are any questions concerning that document, they have the opportunity prior to submitting that bid to call. We indicate on there an individual's name and number to answer any questions concerning the documents so that there can be clarifications prior to submission. That is what the policy allows. Based upon that, we go into the actual policy - what the policy will allow us to do once the bid document has been put out and the bids have come in and received. That is what the attorney is going to provide - an explanation of what the policy will allow us to do and what it will not.

Williams:

Madam Chair, commissioners, as Mr. Lawson pointed out, it is important that we understand the whole concept of competitive bidding. What that involves is a level playing field for all parties. So, it contemplates that bids are submitted and they are given clear direction on what is expected. Based on that direction, everyone gets the chance to give you their best price so that the government gets the best price from the bidders.

It is important to understand that when you are in government and you do a lot of bid work, you think you know what you are saying and sometimes it may not be clear. So, whether it is in a policy or in the document, it is fairly normal for there to be a process for a bidder who doesn't understand what you meant, to ask questions. We have that policy.

Section 5.7.2 entitled "Invitation to Bid" states that no later than five working days prior to the date of receipt of bids, a vendor may make a written request to the county for interpretations or corrections or ambiguity, inconsistency or error which the bidder may discover. So, what that does, whether it is done in this format in our policy or it's in the bid document, it provides a mechanism for a bidder to have an opportunity to get back to you guys for clarification so that there is no confusion. That time came and went on this bid and there was no request made.

Now, the next section that is important here is Section 5.7.7 which involves correction or withdrawal of bids or cancellation of the award. It is fairly lengthy, but in essence what it says is that if we, as a county, discover that there is a misinterpretation, a bidder - and it doesn't completely say this, but it suggests that the bidder's award for a bid document once submitted, are binding on them. But, if there is a mistake in it and the county agrees, then that person or that company is allowed to withdraw the bid. But, there is a process that is outlined. There are two steps.

The first is that the mistake has to be clear on it's face. Then, secondly, when that is determined, the purchasing director, in this case, that is Mr. Lawson, would have to make that determination and then the county manager has to concur.

Having said all of that, you've got two options in my opinion. If the position of the City is that the bid documents were unclear, then there has to be a review done by the purchasing director and the county manager to concur or not. If they concur, their bid is withdrawn. If it is withdrawn, then you have to decide whether to award to TDS or whether to re-bid for a third time.

But, to follow the process, if we take, on face value, the position of the City, you can't follow the rest of the process unless there is a determination by the purchasing director which has to be concurred by the county manager. In essence, you have to pull the item to go through that process.

Commissioner Croley asked, "The City can withdraw it's bid though?"

Mr. Williams replied, "That is no stated in the documents clearly, but it looks like the answer is no, based on what I see. In a perfect world, you would have three options. One is they saw a mistake and they can make adjustments so they bid upward and let it fall where it may. The problem with that is that, (inaudible) that is called giving them a competitive advantage. They submitted their bid in the blind as everyone else did. They get to see what the other person has submitted and you can assume best intentions on their part, but they get to make an adjustment and the other side can't. So, that is considered a competitive advantage.

So, understanding that and reading this policy, it seems to me is that the policy contemplates is that realizing that they don't get that option, the only question is if someone has the - and the term (inaudible) in the bid documents is busted bid, where they have an item where the quantity is too high or too low. If they allege that they have a busted bid, do they have the ability to pull it? On one side you have competitive bidding and the other side you don't want someone to actually go under because they made a mistake in their bid documents. So, you want to make sure that it is an accurate statement and so that process where the purchasing director agrees and the county manager proves there is a way for the determination to be made.

Croley:

Can this commission reject the bids on good grounds?

Williams:

You can reject the bids at any time. If you want to reject today and start over again, you could also do that.

Holt:

Other commissioners? Comments and questions?

Mr. Brogan, right quick.

Brogan:

Thanks again, madam chair and commissioners for hearing me.

The attorney stated the policy of the county very clearly. The only thing is when a bid document was sent out, there was nothing in regards to that. Now, one could argue that we probably should have inquired about what the purchasing policies were of the county. But, unfortunately, we were not aware of that particular clause that was there. We were very cautious in not wanting to have communication with the county in any way about these because we didn't want to be accused of getting an unfair advantage. It played against us.

Holt:

Commissioner?

Dixon:

Is there anything to be lost by giving the manager and the purchasing director an opportunity to ensure us that there was or was not a problem in this bid? Mr. Manager or Mr. Suggs?

Brown:

The only thing is time, Commissioner. The next meeting of the Board, the regular meeting of the Board is June 5. So, after this evening, once myself and the purchasing director gets together, this will probably be re-agendaed for the June 5th meeting.

Dixon:

Is there, I mean, we have done this before because we wanted to get it right. Is there any pressure to do it right now? Do we have the leave way?

Suggs:

We do have a time line, but our time line to be active is in terms of the new network, we have scheduled everything for

October 1 beginning of the new fiscal year. And so, it is two to three weeks to get it correct. I think that both parties have the infrastructure in town areas. For both parties, the time will be needed to get to Chattahoochee and Havana. But, still, you are talking about - if you make a decision in June, then you still have July, August, September for either party to get to those two locations. So, in terms of getting it right, I mean, we are willing to do whatever to abide by the county attorney in terms of - I mean, we have other work that we can be doing while we are making sure that we are within the policies of the county.

Holt:

Commissioners, I would like to make sure that whatever we are not doing that we do it correctly and get it right. That is the bottom line. If we choose a company, let's just say that he is not allowed to withdraw his bid and just say, "We like you." Two hundred fifty thousand dollars and you are not able to perform. O.K. Then we have the problem with the bid documents. If it is our fault, what ramifications may we get in the process so that we can be accused of not doing a fair job or a good job of putting it out there. So, that is my opinion.

Commissioner Croley:

It looks like to me that the simplest thing, the most direct and save both time and give an opportunity to get it corrected is to reject both bids. But, if we do it for a third time, the city will have plenty of opportunity, I hope now, to understand what is expected of them. The TDS folks will, too and perhaps there is a third or fourth one out there that might bid. So, from a purely business standpoint, I would say reject them and that will let them get matters corrected and go again.

Lamb:

That is the way I am looking at it. The attorney has explained the process according the way it was bided and the criteria it was bided on the proposal. The proposal was not followed as far as they are concerns. But, if you bid it over, then you give everybody a fair chance.

Holt:

O.K., Commissioner Price?

Price:

They have seen each others bid, so it kind of conflicts the

bids there I believe. Didn't it?

Holt:

Yeah, everyone has seen everyone's hand in poker, so what do you bid on then?

Croley:

They are just going to do a new deal.

Holt:

They are going to do it again?

Commissioner Dixon?

Dixon:

Madam chair, it was the private company last time. It's the public company this time. I wouldn't like to do this more than a third time.

Holt:

Three times is enough? (Laughter)

Dixon:

I feel impressed to go along with Commissioner Croley and Commissioner Lamb's suggestion. Just toss them out and do it again.

Call the manager and the purchasing director.

Holt:

And make sure we are clear on what we want and in print. We may be, but maybe we need to put it in bold print or something. That way, they will know.

Brown:

I will probably take a note from Commissioner Croley. I think he suggested that we have a pre conference bid meeting. Mr. Attorney, if that is allowed whereby if there are any questions, we invite them at a specific time and date to come ask questions. If there are no questions, the doors close and we move on.

Holt:

Now also, we are not having these, "I couldn't make it, can we do it next week? Stuff." They make sure they show up for the preconference bid meeting.

I need a motion and a second.

Croley:

I make a motion that we reject the bids as presented and have it re-bid to include a pre-bid conference with all interested vendors.

Lamb:

Second.

Holt:

Motion and second. All in favor?

All:

Aye.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIOENR LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO REJECT ALL BIDS AND REBID THE INFORMATION AND TECHNOLOGY NETWORK SERVICES CONTRACT - TO INCLUDE A PRE-BID CONFERENCE.

15. Approval of Repairs to Existing Cross Drain on Beaver Creek Drive

Mr. Brown told the Board that the Public Works Department received a request from a resident in the Reston Subdivision on Beaver Creek Drive to make repairs to their drive way. Work orders were made on more than one occasion. The supervisors reported back to the department that they deemed that the repairs should be the responsibility of the home owner because they (the homeowner) had installed the drive without the approval of the Public Works Department and it did not meet the county standards. (Because of it's placement) The homeowner contacted Representative Curtis Richardson who contacted the county manager and Commissioner Croley and the Public Works were directed to fix the problem.

The entire cross drain under Beaver Creek Drive roadway in front of the residence was replaced to provide a better alignment with the driveway pipe and the slopes were seeded. Due to many extenuating factors, vegetation would not stabilize the slopes.

The county engineer was asked to evaluate the site and he recommend using rip rap to create a retaining wall along the

driveway and a portion or the roadway ditch. Public Works completed the work to the resident's satisfaction and the homeowner seemed satisfied for a few months then began requesting that a retaining wall around the entire area. The estimated cost for that would be approximately \$43,000. The work already performed amounts to \$10,422.92.

Public Works has stated that there are a few remaining tasks to be completed which would cost around \$1,200. However, due to the history of this particular project, the staff asked for direction from the Board as how they should proceed.

Public Works Director Robert Presnell asked the Board if it was their desire to design a concrete headwall as the resident has requested. Such a request would require board approval due to the cost.

The cross drain in the roadway was there from the original development in the 1970's. Mr. Moon added a driveway pipe in the ditch adjacent to the cross drain. It is all very steep -8 ft. tall and is very difficult to stabilize.

Discussion followed.

Commissioner Dixon reasoned that the Board has accepted at least some form of responsibility to this matter prior to this meeting in that the county has gone out there and some work. That gives some culpability to the county. He said, "That being the case, if \$1200 will get us from out there and fix this problem to the degree we hope it will, then let's do. We are already involved, we're out there."

Commissioner Lamb had no comments.

Chair Holt was adamant that this would be the stopping point.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, B VOICE VOTE, TO DIRECT PUBLIC WORKS TO COMPLETE ADDITIONAL MAINTENANCE INCLUDING ADDING RIP-RAP AND SODDING THE SLOPES FOR APPROXIMATELY \$1,200.

16. Approval of Change in Location and Addition of Rural Waste Sites (Re-Agenda of the May 1st. Item

Marlon Brown:

Commissioners, the next item on your agenda is an item that we have re-agendaed. This is approval of change in location and additional rural waste sites. This was re-agendaed from your May 1st meeting.

Commissioners, at that time, you had approved options 1 and 2 which specifically were approved to relocate the current site located in Midway to Highway 90 east of Raymond Road and to approve the relocation site on Pat Thomas Parkway once a suitable site was found.

Commissioners, we didn't specifically, although you discussed item no. 3, which was additional sites in the Sawdust and Concord.

Without going back through the agenda, the question before you is the approval of Item # 3 which is the Sawdust site and the Concord site.

Discussion followed.

A MOTION WAS MADE BY COMMISSIONER LAMB AND SECONDED BY COMMISSIONER CROLEY TO APPROVE THE TWO ADDITIONAL SITES FOR CONCORD AND SAWDUST.

John Yerkes, President of Lake Yvette Homeowners Association addressed the board regarding the relocation of the rural waste site on US 90. He entered a two page document outlining his concerns and objections. He asked the Board to arrange for a town hall meeting at which this item could be discussed with property owners and area residents.

Dr. Anthony Arnold 28852 Blue Star Highway, addressed the Board also concerning similar objections to the placement of the rural waste site. He proposed that if it were a private company who wanted to place a site there, they would be required to go through a permitting process which would entail Comp Plan consistency issues, zoning, and how it fits the visioning process. He urged the board to follow another direction and go through the same permitting process that the county would require of a private company.

The following people were opposed to the US 90 waste site:

Mary Ann Ryan 405 Sheline Dr.

Michael Ryan, 405 Sheline Drive

Rebecca Maynard, 65 Blue Herrin Pt., Havana, FL
Max Thompson, 112 Blue Herrin Pt., Havana, FL
Deborah Morningstar, 112 Blue Herrin Pt., Havana, FL

There was some confusion about what the motion entailed.

Croley:

Madam chair, let me understand something before we go further. The motion that I seconded, or at least I thought I did, was made by Commissioner Lamb and it was for Option 3 which was the two additional sites at Sawdust and Concord.

Lamb:

Right.

Croley:

There was no motion made regarding the site at Midway. Correct?

Lamb:

That was my understanding.

Holt:

That was not the motion. The motion would have been under where it says recommendations, he moved a motion. You said that you seconded the motion. Now, that is for 1, 2 and 3.

Croley:

No, Ma'am. There is a misunderstanding on that.

Holt:

What I am saying is, if he wants to withdraw his motion and you withdraw your second, and let's just start over.

Dixon:

Madam Chair, I think a reconsideration would be in order at this point.

Croley:

I will withdraw my second if Commissioner Lamb will.

Dixon:

You will have to reconsider.

Croley:

Reconsider, excuse, technically that is fine.

Lamb:

I would like to reconsider my motion. I thought we were only talking about Sawdust and Concord. That is why I asked the question.

Holt:

Commissioner Dixon?

Dixon:

May I be recognized, Madam Chair?

What initiated all of this was the relocation of the Midway facility. That is at the bottom of all of this, not new sites. New sites came out of the discussion. But, what initiated it was the relocation of those sites, including the one in district 5. That is at the bottom of all of this. Not the new sites.

Croley:

So, we have that motion offered for reconsideration.

Dixon:

I think we can talk to the parliamentarian, but you have to carry that motion.

Williams:

Madam Chair, if I am clear, the motion was never voted on so it can be withdrawn and the second can be withdrawn and the motion is dead at that point.

Dixon:

We voted.

Williams:

Did we vote?

Holt:

No, we didn't vote on it.

Williams:

You didn't carry a vote, so you can withdraw the motion and the second and the motion is dead.

Lamb:

I withdraw my motion.

Croley:

And, I withdraw the second.

Holt:
O.K. Discussion.

Dixon:
Well, Madam Chair, why don't we move on the one that seems to be favorable and let Commissioner Lamb have public hearings and so on and so forth.

Holt:
O.K. I need a motion and second.

Croley:
Madam Chair, may we discuss this just a second. I am tending to agree with Commissioner Dixon. There has been a good point made that where new sites are being considered, - is there a planning and zoning question involved. In other words, is that the county should do as a correct course of business?

Holt:
Well, Commissioner, if you never want a site, we'll do that process. If you never want a site, go through that process. Pretty much, that is what happens.

What I would like to say is this. Let's go ahead and move the two that we can get out of the way and then let the staff look at that. If that is the will of the Board.

Dixon:
Madam Chair, my position is that Commissioner Price seems to have his new site well in order. We are searching for a site in my district and what we ought to do is to table Commissioner Lamb's current site and new site ought to be tabled until a time in the future when he can have his public hearings and get back to the board on their locations.

Holt:
O.K. We need a motion and a second on that.

Dixon:
That is my motion.

Price:
Second.

Lamb:

The site that is in Concord, which has nothing to do with this site,

Dixon:

I am saying table both your sites until you can get back with the Board.

Holt:

O.K. I have a motion and a second for the two sites - one in district 5 and one in district 3. I have a motion and a second. All in favor?

All:

Aye.

Holt:

What is your will, I see some hands coming up.

Croley:

Madam Chair, the one site in Concord, as you have referenced here, may I ask Mr. Presnell for clarification, but I believe that is on Kemp Road, which was a former land fill site.

Presnell:

Yes, sir. The old land fill site.

Croley:

Has there been any opposition to your knowledge in that area or your concerns, given the nature of the site.

Presnell:

No.

Croley:

Well, Madam Chair, that site was intended to cover for both districts 1 & 2 up north US 27. So, that was really a cost saving measure. Under the circumstances, I would like to move that we go forward with that site.

Lamb:

I second that motion, Madam Chair because I have not gotten any opposition from the Havana area. It has been known that that site has been under consideration.

Dixon:

Madam Chair, the current site of the Midway site is a stone's throw from people's houses. Those sites contrary to what the young lady said, I found to be continually clean. Especially in my district. Continually clean.

I remember when they weren't clean, don't misunderstand me. I remember when they were eye sores and a nuisance to the nose. But, if the commissioner needs the ample time, then I am opposed to it, let him take as much time as he needs to get his district together.

Holt:

O.K. We have a motion and second on what?

Lamb:

On the Concord site.

Holt:

What I am saying is this, in my opinion, one commissioner - Commissioner Lamb would be to have meetings in your district and if that one is no problem, then bring it back on the agenda.

Lamb:

There is no problem with the Concord site.

Holt:

I would do that, that is my opinion, but, we have a motion and a second to approve the Concord site.

All in favor?

Croley & Lamb: Aye

Holt:

Opposed?

Dixon, Price, Holt: NO.

Holt:

2-3. It does not pass.

O.K. Next item.

Brown:

Commissioners, the next item is Item 17 which is the discussion of health insurance options.

Holt:

I am sorry ladies and gentlemen, the item that we voted on - the District 5 and District 3 sites, they passed. That one did not on US 90. The commissioner is advised to meet with you in your district. You contact your commissioner for those meetings.

17. Discussion of Health Insurance Options

Mr. Brown told the Board that this agenda item provided the Board with current health insurance information as it relates to coverage and compares the County's rates to surrounding agencies. It also seeks Board approval of employer contributions as provided in the agenda item or direction to seek a new provider.

Capital Health Plan (CHP) is the current provider and offers a three tier program to employees. Currently, the Board pays the entire insurance premium for single coverage. It now pays 56% for the employee plus one premium and 48% for family coverage premium. It is anticipated that the current rates will increase by 4 - 6%. As of this date, the staff has not received renewal quotes from the provider.

Assistant County Manager and Purchasing/Personnel Director Arthur Lawson addressed the Board. He said that the county has had coverage with CHP for a number of years. Each year the staff brings options to the Board for review. He pointed out that only nine county employees carry family coverage and only 18 carry employee plus one coverage.

The question before the Board at this meeting is two fold:

- 1) Does the Board intend to increase the current county contribution rate for employee + 1 and family coverage.
- 2) Does the Board desire for the staff to do an RFP for a new Carrier?

Mr. Lawson told the Board that it has been his past experience that there will not be a lot of fluctuation in the rates if they decide to go out for proposals. Regardless of who the carrier will ultimately be, the Board would still need to determine the county's level of participation for the employees.

OMB Director Davin Suggs interjected that the real issue is not the carrier or in shopping for rates. The direction that the staff needs from the Board at this meeting is - What does the Board want to contribute toward health insurance for employees.

Discussion followed.

Commissioner Dixon was adamant that the county employees should be afforded a better opportunity to have family coverage so that they can have a peace of mind.

There was a consensus for the staff to survey the county employees to see how many would subscribe to family coverage if the county pays 60% of the cost; 70% of the cost; 80% of the cost, etc. The staff was instructed to bring the result of that survey back to the Board.

COUNTY MANAGER'S AGENDA

18.

18a. Consideration of Human Care Planning Committee for Gadsden County

Mr. Brown told the Board that the United Way of the Big Bend will donate \$7,000 to any county to develop a Human Care Planning Committee to determine priorities and prevention strategies in addressing human care issues. The funds will continue from year to year.

The staff recommended that the Gadsden Community Health Council sit as the Human Care Planning Committee and be designated to receive the funds. There is no local match required.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE GADSDEN COMMUNITY HEALTH COUNCIL AS THE HUMAN CARE PLANNING COMMITTEE FOR GADSDEN COUNTY AND DESIGNATE THEM TO RECEIVE THE GRANT.

18b. Special Meeting Workshop - Thursday, May 31, 2007

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED TO HOLD A SPECIAL

MEETING AND WORKSHOP ON MAY 31, 2007 (Capital Regional Transportation Planning Agency Update - Quincy By-Pass Project; Alternative Revenues; Personnel Policy and Procedures Issues).

COUNTY ATTORNEY'S AGENDA

19.	<p><u>Request for Document for Patron's List - Lawsuit</u></p> <p>Attorney Williams told the Board that the Estate of Shirley Penny has issued a subpoena for the county's records of the books checked out on Shirley Penny's Public Library Cars and a list of the dates that they were checked out. However, Section 257.261(1), Florida Statutes, provides that all library registration records and all library circulation records are confidential and exempt from inspection and copying under the Public Records Law (Chapter 119, Florida Statutes). Section 257.261(3)a) provides that no person may make known such records in any manner except in accordance with a proper judicial order.</p> <p>He asked for authority to file an objection to the subpoena, which may include a motion to quash. It was determined that this work would be outside the contract for services.</p> <p>Discussion followed as to the possible motivation for this subpoena.</p> <p>UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO GO FORWARD TO NEGOTIATE WITH THEM AND TO SEE IF THE MATTER IN QUESTION IS A STRAIGHT FORWARD ISSUE. HOWEVER, IF HE DETERMINES THAT THE ISSUE IS SOMETHING MORE SERIOUS AND REQUIRES THE FILING OF A LAW SUIT, THEN HE MUST COME BACK TO THE BOARD FOR FURTHER APPROVAL.</p>
	<p>Commissioner Lamb was excused from the meeting at this juncture. Before leaving, he stated that he had no reports to make.</p>

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS

Chair Holt called for comments and questions from the public. There was no response.

Mr. Brown noted that beginning on June 5th this portion of the meeting will be placed on the agenda at the beginning of the meeting to follow the Consent Agenda.

DISCUSSION ITEMS BY COMMISSIONERS

20.

Commissioner Croley, District 2

Commissioner Croley asked for clarification of the issue of the placement of rural waste site in District 1. It was determined that the matter could be brought back on the agenda.

Commissioner Price, District 3

Commissioner Price stated that he was unable to attend the Quincyfest due to a death in the family.

Commissioner Dixon, District 5 - Regional Cooperation Meeting Report

Commissioner Dixon called attention to the minutes of meeting he attended of the Regional Cooperation. It was comprised of representatives from areas that surround and feed into Tallahassee and Leon County. He briefed the Board on the discussions that transpired at that meeting.

The next meeting will be July 20 - 22, 2007 at Sawgrass Ponte Vedra, FL.

Commissioner Holt, Chairman, District 4 -

Gadsden County/City of Quincy Joint Meeting Update

Chair Holt reported that along with the county manager, she has been meeting with the mayor of the City of Quincy and their city manager. They have been discussing matters that they can work on together and with the other cities. She highlighted the items discussed at the meeting as reflected on the attached agenda.

Commissioners Making Requests for Information from County Staff

Chair Holt told the commissioners that the county staff is

not their personal staff. She asked them to refrain from calling on county employees to perform research on their behalf. She said that some of the staff is already working overtime and weekends just to get their own jobs done. She encouraged them to take the initiative to do their own research.

RECEIPT AND FILE AGENDA

21. Letter from Mediacom Regarding Black Family Channel to Discontinue Television Broadcasts; Mediacom Customers to See Change in Channel Line-ups

Letter from the Greater Tallahassee Chamber of Commerce Regarding the July 20-22 2007 Conference

Letter from Florida Department of Environmental Protection Regarding Current Process Related to Storm Water Notice General Permits

Letter to the Family of Virginia Rowan Miller Regarding Dwelling Unit/Structure at 780 Talquin Avenue

Signed and Executed - Notice of Award and Agreement with Peavy and Son Construction Co. Inc. for Juniper Road, Lanier Road, Atwater Road and CR 65B Resurfacing Projects (date change)

Clerk's Financial Cash Report

Clerk's Financial Statement

JUNE MEETINGS

- June 5, 2007 Regular Meeting
True Green Chem Lawn - Planning and Zoning
Private Road Paving - Public Works

ADJOURNMENT

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE CHAIR DECLARED THE MEETING ADJOURNED.

Brenda A. Holt, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

AT A WORKSHOP/SPECIAL MEETING OF
THE BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON MAY 31, 2007, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

Present: Brenda A. Holt, Chair
Derrick Price, Vice-chair
Eugene Lamb
Doug Croley
Edward J. Dixon
Doug Sunshine, Deputy County Attorney
Marlon Brown, County Manager
Muriel Straughn, Deputy Clerk

Call to Order

Chair Holt called the meeting to order.

It is noted for the record that Quincy City Commissioner Andy Gay was present as well as the City Manager, Bill Bogan to participate in the discussions regarding the Quincy By-Pass.

She then turned the meeting over to Marlon Brown, County Manager.

REPORT ON THE STATUS OF THE QUINCY BYPASS PROJECT

Mr. Brown told the commissioners that in 2001 the Florida Department of Transportation (FDOT) approved a bypass to be built between U.S. 90 and S.R. 12 to relieve the heavy truck traffic in downtown Quincy. The project was place in the FDOT Five Year Work Plan and a consultant was hired by the FDOT to begin the design of the project. During the design phase, the cost escalated and the construction date was continually pushed back. The project currently is not in the FDOT Five Year Work Plan.

Public Works Director Robert Presnell addressed the Board and introduced a number of people from FDOT who were present to speak to the issue.

Mr. Harry Reed, on behalf of Capital Regional Transportation Planning Agency (CRTPA) and FDOT, addressed the Board. He then introduced Tommy Barfield, the production director for FDOT District 3.

Mr. Tommy Barfield addressed the Board. He gave a brief history of the project.

When the project was first envisioned as a connector from US 90 to SR 12, FDOT did a windshield estimate of the project and guesstimated it to cost \$1.7 million with 1.5 miles of roadway and a short bridge. The preliminary study was done and through that process significant wetlands were identified that would be impacted. Therefore, the scope of the project grew by adding longer bridges. The preliminary estimate of the project at that point grew to \$9 million. But, the increases to the project were funded, but it moved out a few years. As the right of way acquisition progressed as did the design work and permitting application. Again, the wetlands impact and mitigation caused the bridge to be extended to 1,000 ft. The current estimate to complete the project is \$25 million. During the same time, bridge construction cost have risen from \$50 per sq. ft. to \$175 per square ft.

Brent King, design project manager with FDOT, addressed the Board. He introduced David Freedy from PBS&J and Todd French, PBS&J and engineer of record, Regina Battles, manager of work program who sets up the finances for the projects; Joy Giddens, environmental permits manager for FDOT.

David Freedy addressed the Board. He explained the design features of the road which began in 2002. He described the roadway as a two lane road which spans 1.5+ miles from US 90 to SR 12. There will be a signal at US 90 and Strong Road.

Joy Giddens, FDOT permit coordinator, addressed the Board. She explained that the comments from the permitting agencies were "You are impacting too many wetlands for the type of roadway work." She continued, "Their argument at first was the bridge was not long enough after the PD&E study was done. So, they lengthened the bridge to accommodate that. We have met with the Army Corps of Engineers and the DEP in 2002 and they both went on record to say that they would not permit the project as it was designed because the bridge was still not long enough, we were still impacting wetlands, and they were not happy with the culvert size, they wanted a bridge there as well at one site. Another issue that they had was the purpose and the need for the project. There was a lot of, I guess from their point of view, they felt like it was just a development plan for the city. They did not agree with the PD&E study that was approved by Federal Highway in 2001. So, they wanted proof that this met

the purpose and need requirement which is a component of the Army Corps of Engineers permit. When they issue you an individual permit - when you impact large amounts of wetlands, they have to do that size of a permit - their federal guidelines require you to document that the purpose and the need of the project meets certain criteria. It has to be an approved status.

So, through all these different conversations and meetings, the most recent meetings were in 2004. I, myself, met with DEP in Tallahassee. We have reduced the wetland impacts from 15 acres down to 9 acres with the size of the bridge. He said the same things about wanting another bridge and wanting us to prove purpose and need. So, those have been some of the problems that we have been getting.

We have been getting letters with their letterhead telling us that it is not permitted - that they don't feel like it is a permittable project with the way it is designed today. With this design and this size bridge. So, those are some of the road blocks that we have been coming up against. We do have in that \$25 million estimate, we do have over \$1 million for wetland mitigation. Your project will require mitigation for any wetlands that you impact and it is a component of your work program to fund that. So, our wetland impacts are close to \$100,000 per acre.

Upon inquiries from Commissioner Dixon to Ms. Giddens it was determined that the project is still not permittable in its current design nor have the purpose and need issues been resolved.

Mr. Barfield stated, "It is the department's intent to work these issues out. This is a project that we have spent a lot of time and resources working on. Our intent is to produce a project that is completely designed and is permittable and we will continue to have these conversations with these permitting agencies. That is our intent from this point on. We are going to do that. The real issue on the table is that we have a design that is estimated to cost \$25 million. If we go back and redesign this project to meet all of the requirements that all of these agencies have placed on the project, we are looking at another \$6 million to be added to the cost of the project. Now, we are looking at approximately a \$31 million project. We do not have the \$25 million in our work program today. So, we are trying to do everything we can to help fund this project. One of the things that we are trying to do is to control the cost.

That is why we are working with these agencies to try and resolve them without just basically giving up and saying "We will meet their requirements as far as a longer bridge structure and an additional two structures. So, that is why we are at an impasse at this point. We are trying to work through the process and I think that is to everyone's interest.

We are looking for the \$25 million now and that is going to be very difficult to do, but it is going to be even more difficult to come up with \$31 million. That is why we are stuck where we are. But, I will say that we are committed to try and produce a project that is completely designed and is permittable."

Chair Holt asked if it is normal for a project to take so long. Mr. Barfield replied that it is unusual, but the issues with the project are a bit unusual as well.

Commissioner Andy Gay asked what the primary reason for falling back on the FDOT priority list.

Mr. Barfield said, "I don't want to leave you with the impression that it has fallen back. It is just the situation where the project scope has increased, it became much more expensive and the department continues to struggle to try and fund a project of this size."

Commissioner Gay asked if they had looked at alternate routes to which Mr. Barfield replied that several routes were considered in the early stages of the project and this route was determined to be the most feasible route.

Commissioner Dixon stated, "CRPTA is the problem. Those folk sitting at the table decide and give them a work plan of what they think their priorities are. Every year, that particular project gets moved back in favor of some other projects."

Commissioner Gay then asked, "Do you think it is important for us to help you convince whoever as to the purpose and the need this project. It is definitely needed by the City of Quincy and Gadsden County. Do you feel like we need to - "

Commissioner Dixon answered, "Commissioner, as I recall, they can't touch it unless CRTPA approves it, unless the rules have changed."

Mr. Barfield stated, "I don't want to say that the rules have changed or that we really can't continue with this project

without the blessing of the CRTPA, and Harry can certainly speak to that, but I think the issue of why the project has been deferred and up to this point, we were able to keep it in our five year work program which is a critical point. At that point, as long as it is in our five year plan, it is considered a fundable project. We normally don't receive priorities based on fundable projects. Once they are in the work program, then they look at programming priorities on other projects. I mean, it is committed. That was certainly the intent. Now, that this project has fallen out because of the cost increases, now, I think that is when the issue has arisen as to whether or not it is a priority project."

It was determined that the District 3 Five Year Budget is \$1.2 Billion. It was not known how much of that money was slated for Gadsden County.

Mr. Harry Reed addressed the Board. He said, "I would like to address the issue of funding for this particular project. There are categories of funding of which we are not allowed to be able to switch around. For example, SIS funding is a majority of the department's budget. 75% of the funding goes into those projects. This is not an SIS project. It is not designated. We want to look at those types of things. The others are TRIP funding. That is another opportunity to look at this. Unfortunately, TRIP funding requires a local match or some additional match to these funds. To try to get this project funded at 100% is what the difficulty is and these types of things. I do want to let you know that we, my board, has not lowered the priority of this project in any way. It is an important project. The point is that we are trying to get it funded in the category for the type of project that it is. That is where the problem is - there are funding categories - the SIS funding that is available is only available for certain category of roads that are designated by the DOT. Those usually involve interstate roads or connectors to major inter mobile facilities. So, in Tallahassee and this area, that major road is Mahan Drive, which goes downtown to the bus station; Capital Circle SW, which goes to the airport. Those are the ones that come into play in that particular thing. Mahan is a project that we have the same problem with as far as funding. That is a \$40 million and we haven't been to get that funded either. So, it is not a matter of moving your priorities away, it is a matter of getting them funded based on what those priorities are."

Further discussion followed.

There was a consensus among the commissioners of dissatisfaction of the CRTPA support for this project.

Commissioner Croley rationalized that this project is a matter of human life safety issue. He said, "It is not about pork spending,... it is a safety issue. It is a human safety issue. People have got to understand that. Whether they are in DEP questioning the need or the Army Corps of Engineers or DOT or whether they are on the City of Tallahassee Commission or Leon County Commission, they need to get behind this and they need to understand that we've got to do something. I'll tell you, I want the names of those folks in the public record. Because it is not a matter of if we are going to have an accident, it is a matter of when. And, when we do and there is human fatalities, I want those people to have to stand up and be held accountable, whoever they may be. That includes everyone of you. I respect that you are new , Mr. Reed. You have been very kind and courteous in trying to explain what you are trying to do and your administration. I respect and appreciate that. But, when it is all said and done, it is human lives that are at risk."

Mr. Reed suggested that the Board pass a resolution to support the safety issues involved in the project. He offered to have CRTPA to also adopt a resolution in support of the project.

Commissioner Dixon suggested that Gadsden County contact Jefferson County and withdraw from CRTPA. He refused to believe that permitting had held the project up at all.

Commissioner Gay was asked to go back to his commission and ask for a similar resolution.

Commissioner Gay then asked for an update on the impact study of the downtown area. He said, "That it is not local traffic that comes up and down that road. It is commercial and industrial traffic all day long. They are servicing the State of Florida from the coast all the way to Ga. Fuel truck, log trucks, mine trucks, and it is amazing the number of trucks that travel up and down Madison Street from Highway 12 to U.S. 90 on a daily basis. I would request that maybe DOT do an impact study again, just to see the increase."

Mr. Barfield stated that DOT would be happy to do the impact study.

Again, Commissioner Dixon emphasized that DOT will not be the determiner as to whether that money gets set aside.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSION LAMB, THE BOARD VOTED 3 - 2 TO DIRECT STAFF TO DRAFT A RESOLUTION CITING HUMAN SAFETY ISSUES AND CONCERNS AS SUPPORT FOR THE BY-PASS PROJECT. Commissioners Dixon and Price opposed the motion.

It was decided that the Board would address the issue of withdrawing from CRTPA at a later date.

AMENDMENT AND ADOPTION OF THE AGENDA

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AMEND THE AGENDA AS FOLLOWS:

- REMOVE ITEM 2 - HOSPITAL UPDATE
- ADD REQUEST FOR A CLOSED DOOR MEETING FOR JUNE 5 AT 5:30 P.M. TO DEAL WITH LITIGATION MATTERS DEALING WITH THE LIBRARY AND THE HOSPITAL
- CANCEL JUNE 12, 2007 SPECIAL MEETING

REVIEW OF PERSONNEL RULES

Management Services Director/Assistant County Manager Arthur Lawson made a PowerPoint Presentation of the current Personnel Rules and gave a brief overview of them.

The following is a summary of the changes suggested. In addition, each commissioner was to identify things in the policy which they would like to see addressed and submit them to Mr. Lawson for recommendations.

Implement mandatory new employee orientation to cover all personnel rules.

Implement annual mandatory review of the personnel rules by all county employees.

Institute random drug testing for all employees, including management. (A set percentage of the employees every year, plus drug testing for safety related incidents.)

Ongoing improvements for employee training and employment practices. Train the supervisors continually as to the rules and the impacts of the rules.

Grievance Committee - revisit how it is set up - let employees have input as to who sits on the committee - not necessarily the management.

Provide a mechanism in the policy which under certain extraordinary circumstances, could be an avenue to reward employees for thinking outside the box if it results in cost savings to the county.

P. 66 5.10(2) change the 120 days to something more appropriate.

Be diligent on the front end and be consistent in following the rules.

Consider a no tolerance policy for violence and horseplay on the job issues

Recruitment - How can we effectively compete for applicants who might be overqualified to fill vacancies when they are willing to work in those positions?

Remove the grammatical and typographical errors where they appear in the document.

Be consistent in the practice of carrying out the rules

Page 11; Vehicle Use - In view of upcoming budget constraints, as a cost savings, look at the vehicle use by employees and adjust the policy.

Public Input

Hawkins:

I am Sam Hawkins, president of the NAACP.

On that last comment you said about overqualified, I got a letter when I applied for a job with the county that said that I was overqualified. And, the funny thing about it was that I taught the fellow who was interviewing me how to go find out (inaudible) that was going to the courthouse. And, I got a letter saying that I was overqualified. But, anyway, Good evening.

There is a couple of errors in here. One was on page 43 - Recruitment, ah, It was not page 43, it was page 54.

Lawson:

Madam Chair, I was intending to tell you when we first got up - When we reformatted the document, we converted it from an old Wordperfect document to Word and some of the numbers were off. We didn't realize it until it was sent out. So, the Table of Contents needs to be changed to coincide. The conversion threw off the numbers. Sorry about that.

Holt:

Which page are you talking about?

Hawkins:

I was just bringing it to your attention.

A couple of issues, here. One that Commissioner Lamb said, "We can't change the past, we just got to work on the future." But, the past dictates the future. What you said affects the future.

Brown:

Mr. Hawkins, speak into the microphone, please.

Hawkins:

I was just saying that Commissioner Lamb said that we can't change the past, we can only work on the future, but, if we contaminated the water in the past, that means that we can't drink it in the future. So, whatever this policy has done in the past, we can correct the past by correcting this policy.

It is a good policy. I have been through the entire document and I probably know it better than any of you. In the last six months, I think I have read it maybe 10 times. But, in this policy, the employees are still citizens. In the grievance process, even though you go through the manager and the grievance process, they are still citizens. He has a right to bring whatever the issue is that comes before him, if it is employment, to this board as a citizen. When you deny him the right as a citizen to come to the board, you have denied him his constitutional right to question his government or bring his issue to the board as a citizen. So, if an employee is a citizen, then you take away his right, if he feels like he has been through the process and he still has not been done just, as a citizen and as an employee, he should have the right to bring his issue to this board and say, "I will take whatever this

board decides as being the last step." That will prevent a lot of law suits.

What he is saying is "You five members are the governing body of this county and whatever you say, I will agree with." After he has been through this process, this is the last step. But, under this policy, he is denied that process as a citizen. He can not bring any issue to this board according to this policy. So, that means that you deny him his right as a citizen.

The next thing that is in this policy is "random drug testing." Directors are exempt from having random drug tests. They make the most money to buy them with. That is a fact. Drug use is widely known in upper management boards more than in the lower ranks because they can't afford it. That is a discriminatory policy.

The next thing in the policy is

Holt:

Just a minute, let's look at that section.

Croley:

Mr. Hawkins has read this closely. Where is it?

Brown:

2.11

Lamb:

What page is that on?

Croley:

I see substance abuse, but where is the testing? The random drug testing.

Holt:

It says on 21 appropriate disciplinary action will be taken employees who are in possession of or under the influence of alcohol or illegal drugs. So, employees would include the directors?

I was asking Mr. Lawson.

Brown:

Mr. Lawson, please come up. Is there a drug testing policy?

Lawson:

We have a county drug policy, but it is separate from this. It is an employees drug policy. It lists - we only test for safety sensitive position and we are required by DOT for people who hold a certain license to randomly test. We don't randomly test everybody.

Croley:

Madam, Chair, there is a credit given for worker's compensation for random drug testing. Why would the county commission or county employees not be subject to random drug testing. Why would we not want to do that?

Lawson:

We follow the policy as required by law. There are certain positions that we have to randomly test and we test for those positions. If it is does not require random drug testing, we don't randomly drug test the employees. We follow our drug policy. I will provide all of you a copy if you so desire.

It indicates those incidents where we test an employee, if in fact, drug use is suspected.

Croley:

I understand about that, but are we taking the 5% credit on the workers compensation on that?

Lawson:

Yes. We had to have the policy developed for that effect.

Croley:

But, there are no positions excluded, is there?

Lawson:

Yes. We randomly test. You can test any position if you suspect drug use, so it doesn't matter. You can test any position in the county. But, there are certain positions in the county.

Holt:

Well, if that is the case, you are going to get the credit. The thing that confused me was if they are driving a vehicle and it is one of our vehicles, they can be randomly drug tested. That is my point. In case of an accident.

Price:

If they have an accident, they should automatically do the drug testing.

Holt:

If you do random drug test if they drive a vehicle, that solves the problem.

Hawkins:

When an employee comes into employment of the county, does he have to take a drug test. If an employee came in and became employed by the county, would he be required to take a drug test.

Lawson:

We do an annual physical - when an employee is hired, we do a physical and a drug test of the new employee.

Hawkins:

Mr. Manager, did you do a drug test when you were hired?

Brown:

I sure did.

Hawkins:

That is the reason I brought the issue up. If that is the case, and it is the policy of the county, that means that every commissioner should have a drug test because they are employees of the county. Am I correct?

Just for my information, is there a result of the drug test for all the employees of the county? That are employed by the county now?

What I am saying is, and I am getting to a point - when you say discriminatory policy - If you say that we are going to randomly test our employees if we suspect drugs. If that employee has an accident, was using drugs, and the county never tested that employee for drug use, but the director or the supervisor knew that the employee was using drugs,

Holt:

Suspected..

Hawkins:

Right, and was never tested, even though the report was made to the director or the personnel director, and nothing was taken, Why wouldn't the county go to a random drug test of all employees periodically, through the system - so that they wouldn't say "I'm going to do yours because I suspect you." You

are singling me out without concrete evidence to take a drug test, so that is a discriminatory policy. If I just say "I think Commissioner Price is using drugs, I want him to go take a test. You won't know if he is using until after he takes the test. You are singling that one individual out in a discriminatory practice to make him take the test without the proof. If you were only getting proof after he takes the test, are you following me, Commissioner Croley?

Croley:

I follow you, Mr. Hawkins, but, I think what I am hearing said by Mr. Lawson is that whenever there is a serious auto accident or equipment damage, that is part of the drug testing and that they can, but are not regularly doing it or exercising that right as any employer can, exercise the discretionary decision to go out and test anybody at random. So, it is sort of like that sword hanging over everybody's head. If it keeps everybody straight because they know "Hey, you can be tested." I don't see that as discriminatory.

Hawkins:

It is because you can actually say that I have been singled out if you are telling me, " You've got to go take a drug test because I think you are using drugs." You are singled them out and said "I want you to test because I think" - no proof - where is the evidence. You has singled out one employee and now everybody thinks that he is using drugs. He could come back negative, but what you have done is you have put a stigma on that one employee.

Holt:

Are you suggesting just do random drug testing for everyone who is employed?

Commissioner Croley?

Croley:

Madam Chair and Mr. Hawkins, I know that you have experience in construction work, a lot of it, and you have worked around many different companies with other crews of men. You can appreciate and I know that as Commissioner Dixon pointed out earlier with his experience in state government investigations with employee discrimination, he has the right to insure the safety, or the business does or governmental agency has a right to insure the safety of the work force. If I've got a crew of men out there and my fellow workers think that one of them are endangering the crew because of substance abuse, I better hope that the employer

will exercise that right and tests that employee. It doesn't mean that they are discriminating against them. They have probable cause based upon that fact.

Is that correct, Mr. Sunshine?

Sunshine:

I would tend to agree with that.

Hawkins:

It is difficult that without the evidence. That employee can say, "I'm not going to take a drug test." Is he going to be terminated? What is the consequences?

Holt:

Are you suggesting that the County have a random drug test for everyone? Is that your suggestion?

Hawkins:

Yes.

Lamb:

I didn't know that we didn't have a random drug test for all employees of the county. I think that is the sure way out. To have one in place - that all employees at certain time of the year, every year or whenever, - he doesn't know or she doesn't know when they will be tested, but they need to be tested. That is the way it is going now. That is the way it should be.

Hawkins:

My point was and the thing was, the key sentence in that was "if suspected". Well, it doesn't say "We do random drug tests for all employees periodically. You will be subject to a random drug test periodically." All employees. It doesn't say all employees, it just says "if suspected." It doesn't include all the employees of the county, only if you are singled out are you required to do a drug test.

Holt:

What is the cost of a drug test.

Lawson:

\$35.00

Holt:

So, we would be performing drug tests for how many employees?

Lawson:

244.

Lamb:

Could you work out a deal with whoever does the testing?

Croley:

For Mr. Hawkins benefit, I appreciate the point that he is making and that Commissioner Lamb is making. In an ideal world, you could test everyone, but then you get into affordability. But, I think that with the help of Mr. Sunshine, I don't think there is anything wrong with having a policy where you randomly drug test a percentage of the workforce every year and you randomly go around and test a percentage. You don't have to test 100%. I think that is what you are eluding to.

Hawkins:

Right. You don't have to test everybody, but the wording in the policy said, "when suspected." It didn't say all employees. Mr. Attorney, you know that wording is everything in a sentence.

Sunshine:

It certainly can be.

Hawkins:

If you word it to where you are singling out "if you are suspected" but without evidence.

Dixon:

Madam Chair, I would suspect that whatever policy Mr. Hawkins comes up with that the "if suspected" part won't go away. That is site specific, time specific. When I see something or when I encounter something, it doesn't matter if you had your drug test three days ago, but if you wreck that truck this morning, you need to have your drug test. If I suspect. That won't go away. That will still be law somewhere for the protection of the county.

Hawkins:

I agree with you, Commissioner. The only thing that I am saying is in the wording of the policy, that all employees should be subject to a drug test and if suspected, they will be asked to take a drug test. The wording.

Dixon:

I understand why our policy says that those folks in safety sensitive positions, those folks who are driving Mack Trucks,

you know and excavators, who can single handedly do damage to more people than themselves while functioning as a county employee. A secretary probably can't do much harm to many people is she is just high.

Holt:

Let me say this, if I was the person that told you to drive that Mack truck and I was high, I may be a liability to the County, too. Do you understand what I am saying? I could be the person that has the problem.

Dixon:

That is where the suspect part comes in. We all know how to get clean before a drug test. The point is when you suspect that employee might be.

Holt:

Let me say this - I was at a school one time - a country bumpkin teaching in a big school in a big city and I had a student who wanted to go outside and blow his nose everyday. I didn't know what they were doing, but they were snorting cocaine outside my door. When the principle showed it to me, I didn't know what it was. I thought it looked like flour. I didn't know what it was. But, that just goes to show how I didn't know what was going on.

If I am the person who tells you to do something that is a detriment to you or someone else - who makes me test? You report it - when you refuse to do it, you are insubordinate, now.

Dixon:

Then you get fired. (inaudible)

Holt:

But I am the supervisor and I tell you to do something that is detrimental,

Dixon:

That is extreme, Madam chair, that is extreme.

Holt:

But, I am just saying if I am the one that is doing illegal that I should not be doing, I am directing you to do something

Dixon:

The employee should take the responsibility to say something is not right about this and appeal to higher authority. There is nothing here to say that bad things don't happen. Bad things do happen despite the rules we have in place. But, what you have to do and what the managers job is - this is the point I wanted to make earlier - the manager, under our form of government, is the administration. WE are not. We are not. By law, we are not. It clearly says in the law. Anytime you think that we want to tell somebody other than the manager and the attorney what to do, we are violating the law. That is state statute. WE are a legislative body only. Whenever the manager tells somebody what to do and they don't want to do it, they go home.

The manager has to create an atmosphere in his administration when the people on the bottom feel violated or feel like somebody is doing something wrong that is in violation of county policy, written, unwritten, spoken, unspoken, in law or in the spirit of that law, they should be able to appeal to them. They have the right to appeal to them. But, you certainly can't lay down a law for every incident that might happen. You would get a book this thick and nobody knows what is in it.

Hawkins:

Commissioner, you are right except for one thing. The manager is the appeal, but when does that employee lose its rights as a citizen to appeal to this commission.

Dixon:

He can't appeal to this body because state law doesn't allow him to. As a citizen, he needs to talk as an employee. As an employee, his lost option is that gentleman sitting over there. As a citizen, he can come in here and talk about everything except his employment because this body should not hear anything that has to do with his employment.

Hawkins:

Madam Chair, my question is to the manager, so that I can get some clarification. Mr. Lawson put down the different steps that an employee can go through in a grievance process. Now, over the last year, I know that process has been circumvented even under your administration.

Brown:

Madam Chair, would you direct Mr. Hawkins to be specific.

Hawkins:

Yes, in the action of Mr. Richardson and one other. They never went through the employee grievance process. That process was skipped.

Brown:

Incorrect, Mr. Hawkins. Did he file a grievance, Mr. Lawson?

Holt:

Hold on Mr. Hawkins. Commissioners, we are not going to discuss that. Mr. Lawson is only going to say that we went through the process. That is it. We are not discussing it. Individual issues.

Dixon:

Madam Chair, we should not say that. We should not be discussing any specific incident concerning any employee that we might all know all. That is a violation, too.

Hawkins:

My question was, Do you give an employee - is that process automatic? If that employee gets written up and he says "I don't agree with that and I don't want to sign it" - should he be able to go through that process automatically to make sure that he gets the due process of law or does he have to file a grievance? If he says, "I don't agree with this write up." He is automatically saying that, "I have a grievance."

Dixon:

What is the employee's problem in filing, "I have a grievance." And sign it John Doe.

Hawkins:

Why shouldn't that process be automatic when he says that he disagrees with the write-up. His supervisor should automatically put that process into play.

Dixon:

I think that is a point for when we discuss this and how the board lays it out.

Hawkins:

That is exactly why I am making that point.

My last thing and then I am through with this one.

When an employee and this is just an example - no name, no nothing, Commissioner Dixon. If there is an incident with an employee, he has long been terminated or dismissed or written up by his supervisor, it goes to the human resource director who signs it and says "Yes, you have broken this policy." When it is not actually what the policy says. The policy may say - First offense - written reprimand or oral reprimand and that whole process is circumvented and that is why he said that he was terminated. He signs off on this policy. Then here is another employee who comes up and he does something that the personnel manual says he can be terminated for the first offense. O.K. Nothing happens. He gets a written reprimand and that is it. The personnel director signs off on it and says "Yes, we followed the policy." Now, if those individuals bring that to the manager and say "Look, I've got a (inaudible) circumvented personnel policy. What are you going to do about it?"

Who reprimands the director?

Holt:

The manager.

Hawkins:

Back to my original question - So, this process has fallen and I understand in the realm of things here, the personnel director also acts as the assistant manager. Am I correct?

Holt:

Yes.

Hawkins:

So, if he is wrong and in the absence of the manager, he is the manager, this comes to be, he says "I was right and that is it and he is terminated." Where is the checks and balances in place to insure that that employee gets a fair deal and not a stacked deck?

What happens is, and I can do document after document showing that the director said "This is the policy and we followed it" and that is not the case, but he signed saying "We followed the policy."

Does the manager review those personnel issues every so often and say "Make sure that we are following the policy and make sure that the director is doing everything he can."

I just want to know what system is in place to insure that the director of the personnel department is making sure that the subordinates below are following the personnel policy procedure manual. That is the only question.

Holt:

The manager would still be the one that would have to do that since we employ him or her. Him in this case. It would have to go back to the manager who supervises those directors and those employees. He will have to be the last say so in that process.

Hawkins:

Is there a mechanism in this personnel policy that will address that issue so that if there is something that is done wrong to an employee, how would the manager go about correcting that injustice?

It may have happened six months ago, but how do you correct an injustice to an employee because a bad system and a good policy was not followed. It was a good policy but a bad system.

Dixon:

Madam Chair, I think, first of all, most of our systems in this country count on people with good moral character and sound values making good decisions. Now, do you have bad apples? Absolutely. We do, too. But, the system attempts to put safe holds in the grievance process. How that situation is picked and set up is one of those safe holds for an employee to try and ensure that the person gets a fair shake.

I am not sure about our system, I haven't read it. But, it is usually a group of peers who will look at the system and say, "yes", "no" and make recommendations to folks down around and all through the line, whatever you call that committee. When we evaluate the manager, we know about these things and if we don't like it, we say we don't like it.

That is the system's attempt to catch itself. It attempts to right itself continually. As the chairwoman said, this is a working document. IF you find out that that appointed grievance committee isn't working and we have to move to something say like the Leon County Sheriff has. Even though everybody serves at his pleasure...but some folks try and put in some holds that basically say that you as the employee under fire pick one person to represent you on the grievance board, the sheriff will pick one person to represent you on the grievance board and then you come to an understanding of the third person who will

represent you on the grievance board. That group will make a recommendation to the sheriff. The sheriff doesn't have to accept it. He will not give away his authority. None of them will. The manager won't. Who is he going to give it to? It is his responsibility at the end of the day. We hold him personally and professionally responsible to make that decision every day. You can put the holds in place and hopefully they will work. If they are not working, we need to know about it and I think that we are big enough to make the decision to change it.

Holt:

That is one reason why we are going over this now because we have not looked at this document before.

Right quick, I would like to say

Go ahead, Commissioner Croley because I have one more thing that I want to mention.

Croley:

I think that Commissioner Dixon did a great job in summarizing some of this. There are three key things that I have heard out of reviewing this and some of the comments that Mr. Hawkins has made as well as Mr. Lawson's overview.

Those three areas are Training and obviously the need to continue to improve that training and comply with that need that we see in the employment practices liability arena and as re-enforced again by Commissioner Dixon's comments from his experience. An ongoing training program - Commissioner Dixon and Commissioner Lamb mentioned that.

The second thing is this business of the random drug testing. Certainly, the minimum is to test for the safety violation issues, but in the process here, Mr. Manager, you may want to consider a random drug testing - not of 100% of the people, but even a small fraction of them throughout an on-going basis if it is affordable. It is certainly something to look at.

The third thing is the grievance committee. Obviously, it must have integrity or must have substance to create the integrity in the process. As Commissioner Dixon pointed out, many of the sheriffs are using that because of the power that they have. Maybe you could look at revisiting of how the grievance committee is set up.

It doesn't hurt to say this, this commission doesn't have to employ a county manager. Constitutionally, we have the authority, the same as the Clerk and the Sheriff and any other constitutional officer. We can divide this authority up among ourselves and run the county accordingly. But, I don't think that we are willing to do that. We have chosen to employ a professional manager under the Florida Statutes and everything that Commissioner Dixon said about those authority as being personnel is correct. We have chosen, at the least the prior commissions did, and I certainly don't want to get into the day to day operations, so we are going to have a manager of some sort.

Dixon:

We would having a flying high party every Tuesday night.

Holt:

It is funny that you should mention that because I have talked to a couple of counties in the Small County, and they are trying to hire a manager. They said that they didn't want to be bothered. It was too tough. It is a difficult thing to do.

Dixon:

I don't want to belabor the point, but we were in Gulf County and as far as advances go and as much money as they have, the commissioners still run road crews. Each commissioner has a district and a road crew.

Croley:

That might not be a bad idea.

Laughter.

Dixon:

My question was "Are they still in the ice age or had they grown up and realized that this was a better situation. You understand?" But, it creates nightmares for them because five people on any given night can have 10 different opinions. It is a nightmare.

Holt:

On page 66 - verification of previous employment and references - 180 days - I mean 120, no later than 120 days on verification of eligibility and reference checks and all that.

Mr. Lawson, is there a particular reason that there is up to 120 days? I had a certain incident - it happened with a private company and an individual in Quincy, but it wasn't with the County.

Lawson:

No, that is one of those areas that probably needs to be revisited. We check most references before people become employed.

As I stated earlier, we are going back and revisiting all of it.

Holt:

I have made note of quite a few and also some typographical errors.

Croley:

You need to hear this sidebar. The attorney is telling us that it might not be long enough. Five years might be more appropriate.

Holt:

Yeah, but we want to have some checks on them before then.

O.K. We are going to look at this and this is coming back before the Commission, so let's move on.

Thanks to everyone.

**~~STATUS OF UPDATE AND REQUEST FOR DIRECTION REGARDING GADSDEN
COMMUNITY HOSPITAL~~**

This item was deleted from the agenda.

ANALYSIS OF ALTERNATIVE REVENUES FOR FY 2008 THROUGH FY 2012

OMB Director Davin Suggs addressed the Board. He identified three strategies for enhancing the revenue for the upcoming years. They are: 1) New and Enhanced Revenue; 2) Maximize Effectiveness of Current Revenue; 3) Dual Strategy Revenue Enhancements

New and Enhanced Revenues

In anticipation of the property tax reform, Mr. Suggs suggested that the Board seriously consider passing ordinances that will enhance revenues to the County.

See the attached agenda report for details of the options presented for consideration.

Option # 1 Communications Services Tax - The communications services tax is one that is currently levied on all communications services sold with the County. The current rate levied in Gadsden County is 0.44% and is projected to produce approximately \$39,000. The maximum tax rate for non-charter counties is 1.84% and is estimated to produce approximately \$161,462. Currently, all of the cities in Gadsden County levy at least 3% in Communications Services taxes. The rate has to be changed via ordinance before September 1, 2007 to be effective on January 1, 2008.

Option # 2 Gas Taxes The Board may impose an additional **1 to 5 cents** on Motor fuel to fund transportation related to capital projects. This would require an ordinance passed with a super majority vote of the board.

Option # 3 Gas Tax - the Board may impose the ninth cent gas tax on motor fuel. This would require an ordinance passed with a super majority vote of the board.

Option # 4 Impact Fees - Consider the imposition of impact fees for the following areas: General Government, Public Safety, Water and Sewer, Transportation, Parks and Recreation and Library Services related capital expansion.

Option # 5 Municipal Services Taxing Unit

Maximizing Effectiveness of Current Revenue

Option 1 - Consider revising locally imposed restriction on use of Small County Surtax Funds to include all capital related expenditures.

Option 2 - Continually adjust the level of fees charged to maintain compliance with local planning fee policy.

Option 3 - Continually adjust the level of fees and charges for services in all available areas to keep pace with inflation.

Option 4 - Direct the staff to develop self-funding options for a local housing trust fund to develop a consistent source of recurring revenue for housing related activity.

Dual Strategy Revenue Enhancements

Option 1 - Countywide Municipal Services Taxing Unit - MSTU to subsidize the provision of Emergency Medical Services.

Option 2 Countywide Municipal Services Taxing Unit (MSTU) to subsidize the provision of Library Services.

Discussion followed.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO MOVE FORWARD FOR DISCUSSION AT THE NEXT MEETING OPTIONS 1 - 4 IN THE CATEGORY DESCRIBED AS "NEW/ENHANCED REVENUE" AND OPTIONS 1 - 4 IN THE CATEGORY DESCRIBED AS "MAXIMIZING EFFECTIVENESS OF CURRENT REVENUE" AS DESCRIBED ABOVE. COMMISSIONERS CROLEY AND LAMB OPPOSED THE MOTION.

Update of Ames-Barineau Road

Attorney Doug Sunshine reported that he had prepared a consent form to be executed by 51% of the members of homeowners association. It will authorize one of the directors to execute the right-of-way deed in favor of the County. It is now in their hands. As soon as the signatures are in place, the deed can be recorded and the road construction can proceed.

CANCELLATION OF JUNE 12 WORKSHOP

ADJOURNMENT

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

Brenda A. Holt, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON JUNE 5,
2007, THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: Brenda A. Holt, Chair
Derrick Price, Vice-Chair
Eugene Lamb
Doug Croley
Edward J. Dixon
Thornton Williams, County Attorney
Marlon Brown, County Manager
Muriel Straughn, Deputy Clerk

CALL TO ORDER

Chair Holt called the meeting to order.

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Dixon opened the meeting with a prayer.
Commissioner Price led in pledging allegiance to the U.S. flag.

AMENDMENTS TO THE AGENDA

The following amendments were made to the agenda:

Add to the Awards, Presentations and Appearances Agenda

3A Presentation of United Way Employee Campaign
Contribution Awards

3B Urgent Care Center Update

Add to the Consent Agenda

9. Materials for the Gadsden County Burn Ban - Resolution
2007-033

Delete from the Public Hearing Agenda

14. Conceptual Plat Review for the Plantations of Foxchase
SD 2006-09 Major Subdivision - To be continued to July
3, 2007

Add to the Public Hearings Agenda

- 15A 2007 Economic Development Community Development Block Grant (CDBG) in the Amount of \$750,000 - Bradwell Huddle House Project (moved from the General Discussion Agenda)

Add to the General Discussion Agenda

- A16 Status Update and Request for Direction Regarding Gadsden Community Hospital (Material Attached)
- B16 Evaluation of Additional Gas Taxes Available to be Levied in FY 2008

This item was moved to follow the Citizens Requesting to be Heard Agenda at the request of Chair Holt.

- C16 Approval of 2006-2007 Grand-in-aid Agreement for Courthouse Facilities

18. Approval to Accept the FY 2007 2nd Quarter Report (Correction - Add missing pages)

Delete from the General Discussion Agenda

17. Approval to Conduct a Fair Housing Workshop as Required to Apply for Economic Development Community Development Block Grant (CDBG) Funding in the Amount of \$750,000 - Bradwell Huddle House Project (This was moved to the Public Hearing Agenda)

Add to the Discussion Items by Commissioners

25. Gadsden County Community Public Outreach Campaign

Add to Receipt and File Agenda

26. Letter to Marlon Brown, County Manager from Gadsden County Emergency Medical Services (EMS) Regarding Inspection by the Department of Health Bureau of EMS

Letter from the Florida Association of Counties (FAC) saying that Gadsden County has been selected to receive the 2007 FAC Presidential Advocacy Team Award. This is in recognition of leadership shown by the Board on a number of issues statewide as well as the

efforts of the public information campaign has produced in terms of moving Gadsden County forward.

Move to follow Citizens Requesting to be Heard

B16 Evaluation of Gas Tax Revenue

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

AWARDS, PRESENTATIONS AND APPEARANCES

1. Resolution 2007-030 Honoring the Life of Edward Hentz Fletcher, Sr. and his Public Service to Gadsden County

Jon Brown, Intergovernmental Relations Officer, directed the Board's attention to the resolution named above. He read the resolution into the record. Ms. Suzanne Hood, Mr. Fletcher's daughter, was present to receive the resolution on behalf of the family. It is noted here that Mr. Fletcher once served as a member of the County Commission as did his son E. Hentz Fletcher, Jr. who is also deceased. Chair Holt then presented the resolution.

Ms. Hood made a few emotional remarks to the Board and the audience about how much her father loved Gadsden County saying that he never called any other place home. She said, "He considered it a privilege as well as a civic duty to perform the services that he did for our county. My mother could not be here with us today, but she joins with the rest of the family in thanking you for recognizing him for his knowledge and his many years of leadership."

Commissioner Dixon made a few remarks about having served with E. Hentz Fletcher, Jr. as a fellow commissioner. He said, "He was the nicest guy you would ever want to meet. You almost hate to get into an argument with him. He was kind enough to toss you a bone every now and then, even though he didn't have to. Often, he would call as say, "Ed, dog gone it. What do you want?" I would tell him and he would say, "That's too much. You can't have that." And when we go the meeting, I knew that I would get beat down, but he was always kind enough to make sure that District 5 had something - even though there was often a lot of

pressure on him not to do anything. He was a true epidemic of a public servant. He thoroughly enjoyed Tuesday nights...He absolutely adored this county. We certainly appreciate and have appreciated and will never forget his service to this county."

2. Fire Departments Appreciation - Joe Adams Fire

On May 7, 2007, fire departments were dispatched to a fire on or near the CSX railroad tracks along Joe Adams Road. The fire was contained within 4 hours of the first responding agency. On the fire scene were the following departments working together: City of Gretna, City of Greensboro, Mr. Pleasant, Midway, City of Quincy, Robertsville, Wetumpka and the Florida Division of Forestry.

Chair Holt presented each of them with a certificate of appreciation and expressed to them how proud the county was of their efforts. She said, "We need to make sure that we fund the fire departments. They need funding. We give you awards, but it takes money to do this."

Commissioner Dixon said, "Everybody else is running from the fire, but you guys have to run to the fire. Out there on Joe Adams Road, there was not one fire, there were two fires. They were in the most inhospitable place you could get to. You ladies and gentlemen surround folks houses and people were standing out in the yard while you decided whether their house was going to burn down or not. It was all they had. I certainly want to personally and certainly on behalf of the Board, thank you for the job that you do. I don't know how we do this with volunteer firemen. We have got to do more for you all than we do. I certainly want to ditto what the chairman has said in that you guys are the best we have and you give us your best everyday and we certainly appreciate it.

Commissioner Lamb then thanked the firemen for also responding to the fire at the corner of Dupont and CR159 where 14 acres burned. He said, "They responded in a timely manner and did a super job."

3. Presentation of Employees Certificates for Completion of Commercial Drivers Class

The Board then recognized Mr. Clarence Smith, Ms. Patricia Pope, Mr. James Ross and Mr. John Crane for completion of commercial drivers training (CDL). They then commended Mr. Anthony Powell for doing a fantastic job at the Recycling Department.

3A Presentation of United Way Employee Campaign Contribution Awards

The Gadsden County Board of County Commissioners was presented with a Gold Award for making a total employee campaign contribution of \$8,084.14. The Public Works Department was presented a Bronze award for making a department contribution of \$1,388. Davin Suggs, OMB Director, was awarded also for his efforts and commitment as one of the Board's leadership givers.

3B Urgent Care Center Update

Corey Fleming, Urgent Care Administrator, addressed the Board with a report on the operation of the center. He stated that in recent weeks, there has been an issue that needs to be addressed by the commission. The quality of information provided by some of the patients is not adequate - i.e. mailing addresses. Numerous bills and correspondence have been returned due to wrong addresses or wrong P.O. Boxes. He asked for authority to require a state issued picture ID or proof of a valid address when a patient presents for treatment.

He announced the addition of Dr. Ulysis Bentley to the staff. He is from Jacksonville.

He then gave a report as to the services being rendered at the center. He said, "The Urgent Care Center is becoming a provider of choice in this community and people are deciding that the Urgent Care Center is where they want to go instead of having to travel to Tallahassee. So, it has been a very progressive decrease to the TMH Emergency Room."

Questions from the Board:

Commissioner Lamb - I see where you have over 40 return letter within three weeks. What mechanism are you using to collect funds from these individuals?

Answer: Some patients haven't been giving us valid addresses. That hampers us from being able to send them test results and even send them statements on the services performed. That is where I need guidance from the County Commission. Requiring patients to produce state issued picture ID or something with a valid address would help eliminate this problem.

Commissioner Lamb:

So, you estimate that we are losing \$1,000 to \$3,000 monthly. How will we make up those monies?

Answer:

If we can't get the information and statement billings to the patient, it will be extremely difficult to recover the money.

Commissioner Croley:

Where is the shortage in the profit/loss coming from?
Where is this \$110,000 going to be made up, Mr. Manager?

Brown:

Commissioners, if you recall, when the Board approved moving forward with this Urgent Care Center, we had an agreement with TMH that the money will come from, and Davin can correct me if I am wrong, from the interest on the trust fund.

Suggs:

Two things, Commissioners. We knew going in when we planned the Urgent Care Center in November that we would have to cover a gap. We never projected more than about 40% collection. Around that amount. So, now, OMB has been talking and working with Corey and TMH, we are aware and we will report later on tonight in our quarterly report about the collection issues and the revenue issues.

There are two strategies that we are going to take. At the end of the year, when we move closer into the third quarter, we will see, Commissioner Croley, where the shortage will be between the original anticipated profit or collections on TMH side and what we will subsidize. Either we will have to provide more subsidy, which will come from the interest earnings in our possession off the trust fund. Or, also there is another side to the budget which is the expenditure side. A couple of things are tied to that. Part of what we pay by contract to TMH is performance based

on collections. So, they are paid a percentage of collections. So, if they are collecting less than we originally budgeted, we have to pay them less on the expense side. Also, the expense budget was a projection. So, I fully expect that although collections and revenue will be short, that they will not expend 100% of their expenditure budget. So, there will be some room, hopefully, to recover.

We are watching this weekly and we will continue to report to the Board.

Croley:

The projections on the interest and dividends coming off the trust fund are about just under \$350,00 a year. AT this rate, Mr. Flemming, as a business manager can appreciate, is going to have to do a better job at these collections, and try to make this operation at least break even because you won't have enough money out of the trust fund to even cover this not counting all of the other expenses associated with the reopening of the hospital.

Suggs:

Again, going back to the beginning, I believe the budget was a little more a \$1 million for the Urgent Care Center. We, up front, transferred or contributed on the county's side, I think a little more than \$600,000. The rest was expected to be made up from revenue collections. Like I say, as we go, we will continue to monitor.

Our first strategy, number one, is always is to get collections better. Trust me, TMH wants to improve collections because that part of the contract is performance based. They don't get paid unless we get paid. Number two, the second strategy would be to, I think Corey will tell you how hard I am on him, the manager will tell you, that is that Corey will look to slow down expenses and manage his expense budget in order to make sure or shorten the deficit or potential shortfall at the end of the year. Then, lastly, we will expecting, I will totally prepare the Board as soon as possible, as soon as I know if we will have to contribute more than the already \$600,000 that we have dedicated on the county's side. I will let you know via the manager as soon as we know. But, that will be sorta of a deferred beyond the first two strategies.

Holt:

What does the turnaround time on Medicaid and Medicare look like?

Flemming:

Medicare and Medicaid is looking like, at the greatest, about 90 days. The only issue is with Medicare, they still haven't approved our application. It has been sitting since December. But, the thing is that it is retroactive to when you put in the application, meaning December. The same thing with Medicaid. So, even though it has a 30 -90 day turnaround, when we actually get the provider number, it will come.

Holt:

Are the majority of your patients Medicaid and Medicare?

Flemming:

Yes, the majority are Medicaid.

Holt:

So, how does that application process look? How is it moving along?

Flemming:

We recently got our Medicaid number. We put out the claims all the way from December. Medicare - we are still waiting back. Medicare is not anything that we can have a lot of power as far as pushing. I have tried to use a couple of avenues to try and get more information to see if we could push it through the process, but anybody can tell you, as far as, you really don't have a lot of control, but the most important issue is the fact that it will be retroactive back to day one, in fact, to December 1 which is when I put the application in.

Holt:

What kind of numbers on that Medicaid - what does it look like? The kind of numbers - you said the majority of the patients are Medicaid - how does that number apply to the expenditures - I haven't had a chance to really look through this.

Flemming:

Just to put it in prospective, one in every four patients is Medicaid. Medicaid, based on our charges, which is our gross charges - every dollar we charge, Medicaid pays probably anywhere from 33% to 40% on the dollar which is

pretty significant. One fourth of the patients.

Holt:

So, that should reduce that \$110,000 deficit.

Flemming:

That and getting more aggressive about what I requesting before about getting licenses to make sure contact information and make sure that the bill gets to the appropriate party so that we will be able to receive payment.

Holt:

What kind of direction do you need from us? Do we need to have a workshop or do we go ahead pass something and discuss verification of ID or something like that?

Brown:

Commissioners, the action before you this evening is to allow them to request picture ID for address verification and for contact.

Lamb:

Mr. Suggs, Davin, question. Once the interest has been depleted, where will the funds come from to operate the Urgent Care?

Suggs:

In terms of this year, you know a little bit about the trust fund. We have the principle which I want to make clear. We have talked a lot about the hospital tonight. The principle on which the interest is created has not been touched by this Board of County Commissioners. So, the balance of the principle which is probably near about \$11 million or closer to \$12 million will generate interest continually every year. Now the issue you will need, as we move forward, and we have talked about this in December. Remember, we talked about this and I explained that hospital billing and medical services billing, you don't expect 100%. The projections, this was the first time we were doing it and we were trying to prepare you then. In moving forward with the Urgent Care Center is beyond next year, how do you fund it long term. The interest created off the principle is not enough to continue the subsidy at that level.

So, we will during the budget season, and the manager and I

and the manager will be advising you that we have slated this as an issue that the county and the community need to address in terms of how long do we move forward with the Urgent Care Center and where do get those funds from. It is part of the budget process. Before we come to the Board in July, the manager and I will be scheduling an administrative meeting with the trust fund members of the actual trust. As you know, as we advised you back in December. Before we came to you back in December and recommended the funding source for this year for the Urgent Care Center, the manager and I and the Clerk's office, we met with the trust members that govern the trust fund and we plan to do the same thing before we plan to bring you any further recommendations for the future funding for the Urgent Care Center.

Holt:

So, right now, we just need verification on ID some direction on ID for patients. Then we can discuss the rest of this when we get to the hospital issue. The questions about the trust fund.

Lamb:

Madam Chair, I so move that we give them permission to require picture ID.

Croley:

I'll second it.

Holt:

O.K. there is a motion and second. All those in favor?

All:

Aye.

Holt:

O.K. Let's move on.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY TO AUTHORIZE THE URGENT CARE STAFF TO REQUIRE A PICTURE ID FOR VERIFICATION OF ADDRESSES FOR BILLING PURPOSES.

CONSENT AGENDA

Item 12 was pulled for discussion by Chair Holt.

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

4. Approval of Minutes - May 1, 2007 Regular Meeting

5. Ratification of Approval to Pay County Bills

Accounts Payable: May 18 & 25, 2007

Payroll May 24, 2007

6. Approval of Revenue Sharing Application for 2007-2008 Fiscal Year

7. Approval to Continue the Adopt a Road Program Fiscal Impact of approximately \$2,000 for signs, supplies, and litter disposal to be covered through the Solid Waste Department

8. Approval to Use the County Seal on Friends of the Gadsden County Public Library Logo

9. Resolution 2007-033 - Gadsden County Burn Ban

10. Peavy and Sons Construction Co., Inc. Change Order # 3

Deer Ridge Road -	\$ 39,123.00
Ames Barineau -	\$139,673.00
Potter Road	\$149,893.00

Total Change Order	\$355,366.00
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Total Contract Amount	3,018,991.93
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Budget Amendment will follow on the June 19, 2007 meeting.

11. Approval to Accept Grant Award and Letter of Agreement from the KaBOOM! And the Home Depot Organization

The total amount of the reimbursable grant is \$5,000. Approximately \$4,500 of the grant will be utilized to purchase materials and supplies from the Home Depot. The remaining \$500 will be utilized as a gift card, to be used solely for the purchase of project-related materials specifically from The Home Depot.

The grant will be used to refurbish the baseball/softball

field at the Sawdust Park in conjunction with the FRDAP grant from the 2006 Legislature.

12. ~~Approval To Enter Into a Lease Agreement with Coastal Forest Resources Company for Shelfer Park~~

Commissioner Holt removed this item from the Consent Agenda and moved it to follow the Consent Agenda for Discussion.

CONSENT AGENDA ITEMS PULLED FOR DISCUSSION

12. Approval to Enter Into a Lease Agreement with Coastal Forest Resources Company for Shelfer Park

Mr. Brown referenced the material included in the agenda report with this item. He asked Chair Holt to voice whatever concern she had to raise with the agreement.

Holt:

Not so much a question as a statement. What I really want to happen with this item is for us to look at other issues that this Board can work together on. It is a good idea to open parks. I do think that we have to look at other things that we are going to have to look at after the special session to see what kind of funding can we move, what can we do to get to open parks and do things after we take that tax hit that we are going to take. But, I like this. I like the idea that we can work together to open community parks and do things like that.

But, we also need to have the communities working together on the Boys and Girls Club and other actions that will be needed to help the community. We are in a self help mode. If this community doesn't help itself, then we are not going to have funds for items like this.

So, I will just like to thank the commission for looking at items and working with the community on this particular item.

Lamb:

Madam Chairman, this particular item on about two years ago, I asked his Board why isn't there a community park in the Havana area, in District 1. I was told that we did not have any land to place a community park. So, I told the chairman at that time, Commissioner Dixon, that I would start working on that.

I have been working on this now for over a year with Coastal Lumber, negotiating with them, telling them that we do need a park for our community in the District 1 area. And Coastal has agreed to give us almost six acres of land in the Rich Bay area to place a community park. There are no monies involved in that, now. Not one penny involved in that. All we have to do is accept the land. Accept the land. Don't even have to pay a penny for the land. Just accept the land and we will sometime later on apply for a FRDAP grant through this county and we are not at the top of the list for that. Maybe three or four years down the road. All we need to do now is accept the land from Coastal Lumber. They are donating the land to the county for a community park in District 1 area. It happens to be in the Rich Bay area.

Holt:

Thank you, commissioner. That is the point I wanted to make. I think that this is good. Just what you are saying - that the businesses - and I want that to be said - in the County are working together in order to provide services. That is why I wanted to pull the item. When it is a consent item, you don't get to say these positive things about those businesses also. That is the reason for doing that. That is what I am saying - let's move on other issues that help improve this county and this item.

Lamb:

I ask this commission to just accept this land. This is something that I have been toiling with for almost a year. It has not been easy. Our attorney and our staff has been right there along with me. We are asking this Commission just to accept this land that is being donated.

Holt:

I understand, Commissioner Lamb. I am not arguing with you. I am agreeing with you.

Dixon:

I think the point you are telling Commissioner Lamb is, "You want folks to help you with your projects, but you tend not to want to help anybody with their projects. I think that is the point you intend to make.

We all work hard on our individual issues and bring them to the table. And I think that the point you make is very

valid. Anything that is not coming from him or Commissioner Croley is talked about derogatively. And yet, you bring a program and you want somebody to jump on it. And that is fair discussion. So, just let her put it on the table. That is the concern. That is all of our concern. It happens every night.

Holt:
Commissioner Croley?

Croley:
I move Option 1.

Lamb:
Second.

Holt:
O.K. We have a motion and a second. As a matter of discussion, I appreciate you bringing this item to us, Commissioner Lamb. I appreciate those other commissioners for bringing those positive items to us. We want to make sure that we support those, too.

Lamb:
Just one thing, Madam Chairman. Remember now that this has no impact on our budget.

Holt:
Right. But, it does not matter. We'll have to pay taxes or something, but,

Dixon:
It will have an impact because it will become a part of our priority planning. It has an impact. It has a couple of hundred thousand dollar impact. Because it begins to fit into that five year plan where we begin to budget money. As we are going to see tonight as we talk about budgets, it has an impact.

Commissioner Lamb needs to understand that everything that we talk about around this table has an impact. Not just show up when it is his item and want to talk about what a wonderful thing is going on. So, it needs to be said and it needs to be told - Don't just show up on Tuesday night when you've finally got something coming to the agenda and say how wonderful things are.

Thank you, Madam Chair.

Holt:

I did not intend to cause a fight here. Fellows, all I wanted to say is that we are looking at all positive issues and items. Yours is in a long line that will call for funding as the other parks will also. And also other issues coming up.

It doesn't matter how we get the land - if we buy it or someone donates it to us. In the end, we have to provide personnel and upkeep and go out there and make sure those parks are taken care of. But, I wanted to make sure that there are projects going on in each district that are positive that will help the citizens all over the county. We serve more than just our districts. We serve Gadsden County.

I have a motion and a second. Could I have a vote, please.

All in favor?

All:

Aye

Holt:

Opposed?

(no response)

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE LEASE AGREEMENT WITH COASTAL FOREST COMPANY FOR SHELFER PARK.

It is noted here that the park will be constructed utilizing Florida Redevelopment Assistance Program funding in phases over a six year period. The FRDAP grant program makes up to \$200,000 available without a match for small counties. The lease agreement calls for \$1.00 per year for a term of 30 years. The maintenance of the park will be \$1500 per year for open grounds with no facilities.

CITIZENS REQUESTING TO BE HEARD ON ITEMS NOT ON THE AGENDA

Mr. Duncan Fletcher from Quincy addressed the Board. He made some comments about Pat Thomas Parkway. He said that the highway was at one time as scenic as any that you would want to traverse in Gadsden County. He was concerned about the unsightly disturbance of the land by a new sand mining pit that is now taking place. He implored the Board to insure that mitigation measures will take place on the property.

He asked if the County has any kind of revenue stream coming from the sand that leaves the mine?

He cited traffic volume and safety issues as well.

Growth Management Director Bill McCord said, "There are a couple of sand pits at the end of Sadberry Road which are permitted by DEP. Those predated the adoption of the Comp Plan. There are a couple of other sand pits - one on highway 65 in the southwest portion of the county. The most recent one that Mr. Fletcher referred to was on the east side of 267 about a mile or so south of McCall Bridge Road on a 20 acre parcel of land. It was approved by the Board last fall.

DEP is the one who regulates the sand pits. The location is essentially a decision made by the Board as part of the Comp Plan review process. But, the DEP monitors those and all regulation is handled by DEP, including closure and restoration of the property once the mine is closed.

The mines apparently on the end of Sadberry Road are still in operation and they have some years left in them, but they will soon be depleted as well. Then we will have to go through a closure process. That is why the mining companies, the sand mining companies are looking for other locations with suitable materials. Most likely, as you have seen here last fall, you are going to see additional requests because there are only certain areas of the county which have that quality of sand. So, it is not an issue that is going away and it is probably something you are going to be needing to deal with for quite some time.

This issue did come up at the Talquin/Wetumpka meeting that we had last week, on the 24th. There were several comments made about that including the truck traffic. Of course, we are aware of that as well. We evaluate level of service, based on vehicles that cross a particular point in a roadway over a particular period of time. The volume of truck traffic has a minor affect on that. But, it is really about volume of

traffic, whether it is trucks or cars or whatever that cross the roadway segment. Those things are always evaluated as well.

FDOT is the one who issues the drive way permits for any state roadway. So, the drive way permit to and from that existing small mine on that 20 acres, was issued a permit by FDOT for the drive way.

You may recall the requirement for that mine was that they retain a 50 or 100 ft. wide buffer along the roadway. That stip of land along the roadway was to be left undisturbed. So, even though the mining activity or the sand barrow pit can be excavated up close, relatively close to the roadway, it can be right up against the right of way. So, I hope that answers your questions.

Holt:

O.K., Mr. McCord, what about, I know they are regulated, but what about the road side and the trees and all of that? Some of it looks stripped along the roadside.

McCord:

Well, the mine that was approved on the east side, and again, I believe that was the only one that any sort of restriction on clearing up to the right of way line or the property line. It was either 50 ft. or 100 ft. was the requirement when you address the land use amendment. So they are supposed to leave that area undisturbed with the exception of the drive-way in and out of the property.

Croley:

Mr. McCord, who is enforcing that set back?

McCord:

That would be DEP. We can check on the enforcement of that set back.

Croley:

So, the county made that requirement that there be a set back, but there is no effort being made by the county to enforce it. You are depending on a third party?

McCord:

Yes, sir.

Fletcher:

In most projects that ya'll approve, you have to get or

incorporate the egress and exit to it. This project out there has no ramp to come in on and no ramp to come off on. It just turns right onto 267 off of it, cross the embankment into the pit. Those heavy trucks have got no way to get up speed and no way to pull in for the oncoming traffic. You have to stop and wait on them.

I think that the county or the state should have required that they have a turn out.

Holt:

Ladies and gentlemen, if you would like to speak on any issue, please fill the form out and turn it in to the clerk. We are trying to get everyone used to it. Come on. I know that it is a new process and we are trying to perfect it.

AMES BARRINEAU ROAD

Roberts:

My name is Gary Roberts. I am from Havana. You all approved my road on Ames Barrineau. I want to know what is the status of it now.

Holt:

Will everyone turn your phones off, please.

Roberts:

I can't seem to get an answer to what is happening. They said 60 days and the 60 days are almost up and nobody has been out there.

Holt:

O.K.

Brown:

Let me have the attorney, if you don't mind, have the deputy attorney address where we are with that issue.

Mr. Roberts, we have made every attempt, I don't know if Jon is here, but, we have made every attempt to communicate with Miss O'Neal as to what is happening, but, let me have the attorney to quickly catch you up to date.

Holt:

Mr. Manager, doesn't Mr. Presnell come up with the issue of those roads. Do you want to discuss it at that time?

Brown:

No, right now we are going through some legal issues preventing us with actually paving the road.

Paul Sexton:

Good evening, Madam Chairman and Commissioners.

Because this is a private road, one of the conditions of the county being able to pave that road is to get the easement for the right of way in there. The difficulty has been that the easement is owned by the homeowners association, which is a corporation that was dissolved by the Department of State. The homeowners association has preferred not to re-activate the corporation, so we are having difficulty getting a valid conveyance from the corporation.

What we are doing now is we have developed a resolution for the members of the homeowners association to authorize one of officers from the old corporation to make a conveyance. The lady that you referred to has been, we provided to her the necessary documentation. She is going to collect the signatures necessary for that resolution so that the conveyance will be valid. When all the signatures are received and the proper conveyance is executed, then that can be recorded and the county will have the title to that property.

Holt:

I would like to say, commissioners, when this project came forth, the title searches surveys and the resolutions - that was supposed to be part of the cost of that road. It was no supposed to be something that the county was doing. We had to look at something because on private roads, we have to look at one-third/two thirds rule. And, so, all that research information was supposed to be part of that charge and the citizens who own that road are supposed to pay part of that charge.

Croley:

To better inform Mr. Roberts and the commission, basically, what seems to have happen with that project, the survey was ordered and the survey was to go from the subdivision, or expected to go from the subdivision out to the county maintained road. But, for some reason, the survey was only done within the confines of the subdivision. So, there was a failure to include apparently in the legal description out to the paved county maintained road. That apparently occurred after the homeowners association

had already signed off and so now, they are having to go back and re-do that process as Mr. Sexton has outlined.

But, Mr. Roberts, I have seen the e-mails, and I am certainly, and I think that You met Mr. Doug Sunshine, who is with Mr. Williams' firm, the county attorney's law firm, I know that he has been diligently working with that homeowners association group that you are a member of. So, you may want to check with them and spur them along as well. I do believe that is the hold up.

Holt:

And I would like to say this. The commissioners around the table always complain about cost. This is a cost.

Come back up, come on back up.

I would just like to say that because that is the first thing they always say when the attorneys have to do extra work.

O.K. Go ahead.

Roberts:

O.K. I have checked with the property appraiser and the property appraiser is telling me that the county already owns the road. And they are saying that they don't. So, I don't understand.

Holt:

We are going to have to have the legal documents. They have the surveys and all that stuff done and it has to be done correctly. We get property line disputes up here all the time. One person says that it is over here and one person says that it is over there. So, we have to get people out to settle that. We do have to go through this process. I don't think that it was the board's intention during that time, to get into these legal disputes when going in, we were going in to do a one-third/two-thirds on roads. What we were looking at at the time was that the citizens would take care of their part and we would do one-third/two-thirds just paving the road. I think we got into a whole lot of other stuff. Because I am the one that brought that forward. I am the one that researched this issue to get roads on that list.

It was not the intention of this board to get out there and start doing surveys and title searches and this and that and bear the expense of it. It has gotten to be something. I think

we have to revisit this issue to see how to do it. But, we need we need to go ahead and settle this now and then revisit how we are doing this.

Brown:

Madam Chairman, the whole process, the one-third/two-thirds program will be coming back to you in the near future. We will bring it back so that you can see where we have been having some problems. Obviously, one of the issues is the length of time once a community has signed on and when we actually do the project. So, there are a number of issues we are going to bring back to you, including the cost. The cost has escalated. So, we will be bringing that back to you in the near future.

Williams:

Madam Chair and Mr. Roberts, just so that you know, everyone did think that we had all the property, but they were wrong. We didn't. That is what the problem is now. We are trying to get it settled. We are moving.

Roberts

They filed it with the county without the right (inaudible)?

Williams:

Right. It wasn't straight.

Roberts:

Now, the county owns the road?

Williams:

Not yet, but we are working on it. That is what we are working on. Because the association, the homeowners association doesn't exist, we are having to use a different method to get the land conveyed to us. So, that is what Mr. Sexton was explaining.

If you don't have a card from us, you can get a card and we will be more than happy to sit down with you and talk through where we are and keep you apprised. We are almost in daily e-mails about this issue.

PATRICIA HUDGINS

My name is Patricia Hudgins. I am here about my property. About two months ago, (My mother died since the last time I saw you, so I haven't been able to get back up here. I haven't been able to get my head together.) I gave you a letter about that

property from Lenwood Herrin. I have called here and I have never heard any response. He told me today that you have made a decision the last time. Mr. Dixon told me (inaudible) and I tried to do that. I feel the same way. But, he said that you made a decision and if that is the decision that you made, I want it in writing.) I have never received anything in writing. I want it in writing (inaudible) because this was a decision that you, the county commission, not you, but the ones at that time in 1991, made. Now, you have turned around and taken the grandfathering off my property. I don't appreciate it. I have (inaudible) for 16 years on extra interest rate because it was zoned commercial. So, it has cost me money as well as anybody else. Just like the county doesn't want to put out extra money, neither do I.

Another thing is that I was listening in on this hospital thing. You mentioned valid drivers license and social security numbers. You need something that the people sign. You can't take them to court if you don't have backup. So, you're losing money. When I moved here from Los Angeles, I handled a private corporation for Howard Hughes. I am sure you have heard of him. Now, if you don't handle stuff legally, you've got nothing. You can't go to court with nothing. But, if you've got people who are indigents, you have (inaudible) if you can't get all of it, you can get some. They get paid quite a bit in cash. Now, we need to try to do something. This is ridiculous. You don't put somebody over to handle a (inaudible). I am sorry.

I do need a letter on my property, though.

Holt:

Just a minute, Mr. Manager.

Brown:

This is the first time I am hearing about this. I will have to ask Mr. McCord to address this.

Dixon:

May I address it?

I asked her at the last meeting when the letter was presented to go with Mr. McCord, to call his office and to validate the letter from the actions of the Board.

Yes, we did it. We had made a decision, but I would still like that validation to come back to this board as to the

authenticity of her request. That is what it was about.

Mr. McCord?

McCord:

Just to remind the board, this was an administrative request or option that we presented to the Board. It was not an application submitted by Ms. Hudgins. Being that it was something that was initiated by county staff essentially on behalf of Ms. Hudgins, and remember that all of the people that were opposed are neighborhood residents with the exception of Ms. Hudgins, did not want the land use reverted back to something that was changed apparently back in the 90's sometime. The late ninety's or in 2000. It is rural residential. It was rural residential when you had a hearing on it. It is still rural residential because you elected not to change it back to commercial which it was at some point.

I think we mentioned it at the EAR stage and when the new Comp Plan was adopted as a result of EAR, somehow, through the map changes that occurred over the terms and the formats that were used to record the maps with, somehow, it was either overlooked or it was intentionally dropped off under whatever pretense that changed her property and other properties, as we indicated, from commercial land use to rural land use. So, we did not take any action at all to change the land use as a result of our meeting recently. We did not send out a notice saying that, "We did not change the land use on your property."

If it was initiated by the applicant and was denied, we would certainly send a notice. Or it was approved and was initiated by the applicant, we would send a notice. But, not to simply to just essentially verify or affirm the decision of a Board that was made many years ago.

Hudgins:

Well, it was made by the board many years ago

Holt:

Ms. Hudgins, hold on.

Commissioner?

Dixon:

Mr. McCord, I asked you to authenticate or validate what the former planning and zoning director letter said. I didn't ask you to change what the board did or anything else. Just

validate the letter. Certainly, if the letter is valid - we approached this as if it was a scriveners' error on some point. If that is not so, then we approached it with the wrong mind set. And, if we approached it with the wrong mind set, not that the outcome would be any different, but, we need to re-approach it. That was my position in asking that the letter be validated as to whether or not what Mr. Herron said in the letter could be authenticated.

Holt:

O.K., Mr. Manager and Mr. McCord, you can do the research and get that information if it is available. All right.

We'll get back with you and thank you, Ms. Hudgins.

Hudgins:

Thank you. May you have a blessed evening.

B16 EVALUATION OF ADDITIONAL GAS TAXES AVAILABLE TO BE LEVIED
IN FY 2008

Mr. Brown recalled that the Board met on May 31, 2007 to discuss alternative revenues. At that meeting, the board discussed the possibility of instituting additional gas taxes above and beyond what is already levied. He called attention to the analysis the staff had already provided. (See agenda report.)

OMB Director Davin Suggs addressed the Board. He told them that the staff is about 30% into the budget development period for the upcoming budget. He explained that the departments have put together their budgets, met with OMB staff, OMB has met with the county manager, and they are moving toward a final tentative budget recommendation for the board's review in July. He emphasized that the figures are not final, they simply represent the current status which will surely change.

He said that there are two additional gas tax options that are available to the board.

Option # 1 - Impose an additional 1 to 5 cents on motor fuel to fund transportation related capital projects. This would generate an additional \$919,846 annually.

Option #2 - The Board may impose the ninth cent gas tax on motor fuel. Currently, the county levies the ninth cent gas tax on diesel fuel only. This would generate approximately \$250,000 annually.

He then reported that both options require the adoption of an ordinance via a public hearing. Current law requires that the proposed adoption of the ordinance be advertised for 10 days prior to the public hearing. This will require the Board to advertise the ordinance no later than June 9, 2007 in preparation for the June 19, 2007 Board meeting.

Mr. Suggs presented the public works budget request submitted to the county manager. It was emphasized that it should be thought of as being hypothetical and not the final proposed budget. He went through it explaining it in detail. The operating budget request totaled \$9,085,666. However, the budgeted revenue amounted to only \$6,708,080.

Mr. Suggs then recalled that he and the county manager came before the Board last year and advised that there would only be enough bond money left to continue the road building road for one more year. After that, the Board would have to seek additional revenue in order to maintain the level of service.

Mr. Suggs said, "You don't have to adopt any additional gas taxes now. You have been fortunate and what the manager and I are trying to do is - some of the other counties take property tax dollars and put them on the street. They take ½ cent sales tax and put it on the streets or into transportation. You could cut other programs in the general fund. You could cut any of the programs. You could cut libraries, parks & rec and do all of that and put it into transportation.

Based on the current situation at the state level and the situation, I'll just give you a good example. Tonight, you appreciated and recognized some of the volunteer fire departments. I was sitting back there and I am grimacing and it is tough. I am grimacing on your behalf because we know that right now, as we look at this picture, the level of service for volunteer fire, (inaudible), we are locking them in for at least the next five years with zero enhancements unless you take it away from somewhere else. We talked about these strategies on Thursday. It is tough and I want the public to understand how tough it is for the

board. We are very appreciative for those volunteer fire departments that worked hard on Joe Adams Road. But, right now, there is no mechanism for it.

The citizens have not come forward and maybe I need to do a better job as staff in reaching out to the citizens so that they can compel the board to enhance the revenues for greater support for fire services. It is a very tough issue for the board."

Commissioner Dixon acknowledged that the board has known this day was coming long before the Legislature took on the task to slash property taxes. He surmised, "We allow gas taxes only to pay for public works. That is the way we have done it, right? But, we knew that we were literally running out of money in that line item...At any other time, we could have taken money from general fund and put it into transportation. Now that we see some cuts coming down to the general fund, we anticipate at some proportion that we can't reach there and put into use. That is the picture?"

Mr. Suggs replied, "I would not advise that at all, but that is the picture. Correct. ... This is just one strategy that we used to balance the budget. Now, you could direct us to go back in and look at Robert's operations. You could direct us to lay people off. You could direct us to cut out all overtime. There are a number of different ways to fill the gaps. This is just one strategy, if we just looked at cutting capital for tonight's sake. When it is all done and said - I repeat, everything is on the table and we will look at the best way. But, let me go back up to this number. The number that is real is \$2.3 million. That number is not hypothetical. That is the real part about this.

The second thing that I want to say is - going back to Thursday night, if you look at that number. That number is \$2.3 million. Now, the gas taxes alone, we are roughly projecting maybe between a million and \$1.2 million - so it doesn't make you whole. So, that gets you down to about a million dollars. But, if we go back up here to the small county surtax fund, one of the options was to seek another funding source for fire and free up that small county surtax - because that is about another \$8 - 900,000 in small county surtax funds. Let's say that you all wanted to put it all on transportation, that would make you almost whole this year. Those two strategies.

I know that it is difficult for the Board. I want the public to understand how difficult it is. It is difficult for the Board to even consider - number one is gas taxes. No tax is easy, but gas taxes are easier because more than just citizens of Gadsden County pay them. Everybody that travels and everybody that stops at the Flying J, citizens that come back and forth to Leon County, Liberty County, Jackson County - they pay because they fill up here and they use our roads. Those are easier than other options that they board had to fund fire - to free up the other money.

Based on the tradition here and the taxing culture, or the tax adverse culture of our community, we can be honest about it, it is very difficult as we move forward not only under the cloud of what is happening at the state, but just in general, the struggle between providing greater service with the same resources that we have always had.

Holt:
Including the increase in cost.

Suggs:
Correct. And so, Robert is here also tonight. Tonight, I need to get you to understand, I have talked to Robert, You need to talk to Robert about how - it looks simple - replacing the dump trucks and these vehicles - it looks simple - the overtime that his staff makes - you all need to talk to him. You need to talk to him about these bridges, you need to ask him how important this stuff is. As you go through this scenario, it is hypothetical, but, I'll bet you that it is not too far from the truth. If it cutting capital projects versus laying people off, I think I have been around here long enough to know the options. I really want you take advantage and talk to Robert tonight.

Discussion followed among the board members about the proposed gas taxes.

A MOTION WAS MADE BY CHAIR HOLT AND SECONDED BY COMMISSIONER PRICE TO AUTHORIZE THE STAFF AND THE ATTORNEY TO PREPARE ORDINANCES TO IMPOSE A ONE TO FIVE CENTS GAS TAX AND THE NINTH CENTS GAS TAX ON MOTOR FUEL; ADVERTISE A NOTICE OF INTENT TO ADOPT; AND SET A PUBLIC HEARING FOR JUNE 19, 2007 FOR EACH OF THEM. THE BOARD VOTED 3 - 2 WITH COMMISSIONERS LAMB AND CROLEY OPPOSING. THE MOTION TO

PREPARE THE ORDINANCES; ADVERTISE AND SET THE PUBLIC HEARING PASSED.

It was clarified that the motion to have the public hearing passed with a majority vote. It was not a vote on the adoption of the ordinance. The public hearing will be held on June 19 at which time the ordinance will be presented for adoption. However, in order to adopt the ordinance, State Law requires a majority plus one vote by the commission.

A16 Gadsden Community Hospital Update and Request for Direction

Attorney Williams said that he wanted to review the status of the hospital with them and request directions. He called attention to the facts and analysis listed in the agenda report and the chronology of the events up to the present time.

Paul Sexton then made a presentation as described in the attached report. See report for details.

Mr. Williams stated that there is a false impression that the county has been suing CMS. The lawsuit that they are referring to is a lawsuit started by CMS because of the suspension by the Florida Agency for Health Care Administration. (AHCA) CMS started the lawsuit in an attempt to remove the Critical Access Designation status.

Mr. Williams said, "The question was not whether the county was suing CMS - the answer to that question is "no." To be very technical, the county is filing, is trying to get into the lawsuit. We are not actually in the lawsuit and everyone thinks that we are. So, the courts require you to file a matter in a certain way. This is some of the questions and answers that we are going to get into later. So, then if you ask the very technical question, "Is the county's name listed as suing CMS?" - technically, the answer is "yes." But, if you ask the question, "What is the substance of the lawsuit?" - the substance is just a motion to intervene. The county is not in the lawsuit.

The lawsuit has always been between CMS and Ashford. Your questions are very good questions because of the confusion that we generated because we did not give you that level of detail. It was my fault. If we had any idea that someone would not understand those subtleties in the law, we would

have given you more detailed answers. So, the lawsuit is technically labeled the county against CMS, but that is not the substance of the lawsuit. So, I hope that you all will ask as many questions like that as you can tonight because it is our desire to try and clarify this for the purposes of going forward. The point here, and this is what Paul is going to get into later on, the county has enjoyed a particular status with the Center for Medicaid Services called "Critical Access Designation CAH". That status when Ashford was running the hospital allowed the county to get \$2 million back a year. I mean, you have been doing numbers with Davin, but basically, that is \$20 million every 10 years that the County was getting that allowed it to run the hospital. Ashford doesn't exist anymore. Because Ashford doesn't exist anymore, we started fighting to get that critical access designation back. The motion to intervene, which we are trying to get, is to protect the county so that we can get that money back because CMS filed a suit to eliminate the \$2 million for the county. It is very important that everybody is very clear about that, Commissioner. If the county had not filed a motion to intervene, there would be no basis for any ability to get the \$2 million because the law has changed. Since the law has changed, you can't get that money back. I really encourage every commissioner to ask every question about this tonight so that we can make sure that everybody understands if you lose the only fleeting thing that we have right now with this motion to intervene, the county loses \$2 million to open up the hospital. We are trying to do the right thing for the right reason."

Dixon:

Madam Chair, I don't know where Commissioner Croley is going with this. It is a great waste of time. We knew exactly what we were doing when we gave the attorney instructions. This is nothing new to us. I don't think he was on the board and if he has a problem with it, maybe he should ask the board. Don't jump on the attorney. The attorney did what we instructed him to do. Keep all avenues to get the hospital opened open. All avenues. Keep all avenues open. We need our hospital. That was our attitude. That remains our attitude.

The process was that once they deny you as was told to us by the attorney, our only other avenue was to appeal to court the denial of the critical access designation. You appeal that to the court system. We knew exactly what we

were doing. What is the problem? You continue to bring that up in every meeting. So, what? If you have a problem, ask the board to remove it. Do that please. Stop making this noise about nothing.

Holt:

Commissioner Croley?

Croley:

Madam Chair, Commissioner Dixon may have been aware that there was a lawsuit filed, but, apparently, not many of the rest of us were. And, it took finding this little footnote in the write up that the attorney did and then I hear, I get clear answers that there is a lawsuit, there is documentation. We hear it from the Congressional delegation that they are unhappy about it and the lawsuit is filed as a plaintiff - Gadsden County and Gadsden Hospital Incorporated - which I understand that the chair of the Gadsden Hospital Incorporated wasn't aware of and the defendants are Michael O. Leveritt and Dr. Mark V. McClellan. It doesn't say anybody but them.

So, Commissioner Dixon, you may have been aware of it. You may have had foreknowledge of it. But, that is part of the problem. Often times, the rest of us don't seem to get all the information. And, I say that respectfully.

Dixon:

No, you don't.

Croley:

I am asking

Holt:

Just a minute, just a minute, Commissioner Croley, wrap it up, wrap it up.

Commissioner Dixon?

Dixon:

He has no intention whatsoever of doing anything except slowing progress, bashing anybody who doesn't do what he wants to do. I mean, that is his whole game all night. Nothing. He is not going to say anything positive. He is not going to try to help. He is just going to do things to slow progress.

Holt:

O.K. Commissioners. We, not one, but all of us, sat in this room in a legal meeting, and we agreed and told the attorney to do what was necessary to get the hospital opened.

Now, whether we communicated that with our health group GHI or to you, because you are new, then that is our fault that we didn't communicate that. But, we did give those directions. When I looked over the lawsuit, I read over the motion to intervene, it was asking for permission to try to defend that status. I made sure that I read over it page by page, line by line. That is what we need to look at doing.

Either we are going to open the hospital or we are not going to open the hospital. But, if we are going to fight to open the hospital, we need to move on. If we are not, then we need to decide that among this board and we need to let people know either they will have a hospital or not. It is as simple as that.

Mr. Attorney, will you continue, please.

Williams:

Yes, Madam Chair. I think as we lay out the chronology, some of the concerns that have being raised are going to be addressed because if you are in the moment that was being developed, you'll understand how we got there. So, Paul, if you will continue.

Sexton:

In our communications with CMS over the months since it acted to terminate Ashford's agreement, CMS had insisted that the cost status of the hospital was tied to Ashford's provider agreement and would be lost as soon as that provider agreement was terminated. That is one of the key reasons why we participated or attempted to participate in the CMS process. Defending Ashford and that provider agreement was essentially from the CMS standpoint, the defense of critical access hospital status.

Williams:

Again, commissioners, before we go to the next slide, it is very important to understand that five years ago when the agreement was entered into with Ashford, the county had the license and the provider agreement and all of this is

voluntarily transferred to Ashford. So, the county was in control of the two million dollars. But, because CMS took the position that the provider agreement was given to Ashford, it would not discuss with the county the ability to get the two million dollars back. Basically, what they were saying, which is what the bullet is outlining for you is that if they had their way, the two million dollars to Gadsden County was going to go away."

Mr. Sexton then went through the chronology of the hospital developments, then went over questions and answers, then presented a proposed future timeline.

He specifically asked the board to do the following:

- Issue \$275,000 to State Bankruptcy Court
- Authorize chairman to sign closing documents necessary to get transfer of license to GHI
- Allow attorney and staff to return to the Board with a comprehensive process to follow to get the hospital open and select a management company to open the hospital with or without cost status (critical access designation,) if necessary.

Mr. Williams made other remarks then referenced a memo from Clerk Thomas about the financial impact on the county since the hospital closed. He said that the facts in the memo were correct. However he said the question was "What was the cost against the trust fund when the hospital was open?" He answered, "It seems to me that there was practically no financial cost to the trust fund when the hospital was open which is why the trust fund was growing. If that is accurate and he is still looking, he hasn't finalized that yet, but if that is accurate, what that tells you is that if you use the trust fund to get the hospital open. And, in fact, if it does not need money for operations year in and year out, we get our hospital back and the trust fund is going to be used for exactly what it was designed for which is that if something happened that was not the county's fault, there are usual expenditures for reopening the hospital, the trust fund goes down, but then when once it reopens and becomes a viable operation,

which I am sure that you will hold us accountable to, then the trust fund builds back up like it did from 1952 until now.

So, I think when Mr. Suggs finally completes his analysis, that is going to be the result of that. I think that is ultimately good news. So, if Mr. Sharp can get the management companies to come in with an alternative that works without it being a yearly financial drain on the county, that to me, Madam Chair and commissioners is the direction that we need to go in.

Having said that, at some point after you complete your discussion, we need to have direction from you on those three recommendations."

Commissioner Lamb stated that he wants medical care but not necessarily a hospital in the same sense that the county operated the hospital before.

Commissioner Croley stated that he doesn't have the same vision for the hospital as it existed in earlier years. He explained, "I want a medical facility that provides the urgent care services that the community needs, and I want it to be able to stabilize the emergency cases that come up for transport to a more properly equipped medical facility with proper doctors. I am looking for a different way of thinking."

Commissioner Dixon was in favor of opening an operational hospital.

Commissioner Croley asked GHI Chairman Craig McMillan what their vision of the hospital would be.

Mr. McMillan stated that they have two vendors interested in operating the hospital as a hospital. At the last meeting, they asked those vendors to present a plan for operating the hospital as if it were their private business. He stated that they expect to come back to the board with a plan and a process by which to accomplish opening the hospital.

More discussion followed.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY
COMMISSIONER PRICE, THE BOARD VOTED 3 - 2, BY VOICE VOTE,**

TO APPROVE THE PAYMENT OF \$275,000 TO THE BANKRUPTCY COURT THAT IS NECESSARY TO SECURE THE TRANSFER OF THE LICENSE FROM ASHFORD TO GHI. COMMISSIONER CROLEY AND LAMB OPPOSED THE MOTION.

Authorize the Chairman to execute the closing documents to facilitate getting the hospital license transferred back to Gadsden County

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE CLOSING DOCUMENTS NECESSARY TO FACILITATE THE TRANSFER OF THE LICENSE FROM ASHFORD BACK TO THE COUNTY. COMMISSIONERS LAMB AND CROLEY OPPOSED THE MOTION.

Vote of confidence to give direction to the staff and GHI to move forward to re-open the hospital and find a management company to operate it

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO DIRECT GHI AND THE STAFF TO MOVE FORWARD WITH PLANS TO REOPEN THE HOSPITAL AND TO CONTINUE MOVING TOWARD FINDING A MANAGEMENT COMPANY TO OPERATE THE HOSPITAL. THEY WERE ASKED TO COME BACK TO THE BOARD WITH A COMPREHENSIVE PROCESS TO BE FOLLOWED TO OPEN THE HOSPITAL.

It was clarified that a budget amendment would be forthcoming at the June 19th meeting.

PUBLIC HEARINGS AGENDA

13. ORDINANCE 2007-005 - Amending the Library Commission Ordinance

First Public Hearing: Ordinance 2007-005 Amending the Library Commission

Mr. Brown stated that this item seeks to amend the ordinance regarding Gadsden County's Library Commission, Section 50, Sections 31-36. The current ordinance allows for nine members. County Commissioners do not all have the same number of appointees. The reappointment of members of the Library Commission and the duties and functions need clarification and updating.

The staff recommended that the Board approve the ordinance to allow for seven members, one appointed from each commission district and two at large.

The following was suggested:

District 1 - reappoint one sitting member as District 1 commissioner. Take the other sitting appointee and make it an at-large appointment.

District 3 - reappoint one of the sitting appointees as the commissioner from District 3 and reappoint the other appointee from District 3 as an at-large appointee.

District 4 - Make a new appointment to the Commission.

Library Director Jane Mock went over the changes to the ordinance.

Chair Holt called for public input. There was no response.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE FIRST READING OF THE PROPOSED LIBRARY ORDINANCE.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE DESIGNATING ONLY 1 APPOINTMENT EACH FROM DISTRICT 1 AND DISTRICT 3. THE OTHER TWO SITTING APPOINTEES FROM THOSE DISTRICTS ARE TO BECOME DESIGNATED AT-LARGE APPOINTMENTS.

14. ~~CONCEPTUAL PLAT REVIEW FOR THE PLANTATIONS OF FOXCHASE SD-2006-09 MAJOR SUBDIVISION~~ This item was deleted from the agenda at the beginning of the meeting.

15. Public Hearing: Conceptual/Preliminary Site Plan for Tru-Green Chemlawn (formerly Hilaman Storage Building) SP-2007-02

Owner: William H. Wert and Deborah Q. Wert, Tru-Green Chemlawn

Applicant/Representative: Matthew Parker of Parker Consulting Services, Inc.

Location: The site plan is for Lot # 5 of the Gadsden

Commercial Exchange Industrial Subdivision located approximately ¼ mile southwest of the intersection of US 27 and Scotland road (CR159) in Township 2 North, Range 2 West, Section 03

TAX ID:#3-03-2N-2W-1524-00000-0050

Type Action: Quasi-judicial action in conjunction with the advertised public hearing under the Type II plan review procedure per Subsection 7202 of the Land Development Code.

Planning Commission Recommendation: May 10, 2007 approval based on findings contained in the agenda report and subject to special conditions a - h.

Growth Management Director Bill McCord was administered an oath as to his testimony by Muriel Straughn, deputy clerk. He gave a brief description of the project as outlined in the agenda report. (see attached report for details.)

Matthew Parker addressed the board and took an oath administered by Muriel Straughn, deputy clerk. However, he did not offer any testimony.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE OPTION 1 - TO APPROVE THE CONCEPTUAL/PRELIMINARY SITE PLAN FOR THE TRU-GREEN COMMERCIAL SITE ON GARRETT COURT BASED ON THE FINDINGS LISTED IN THE AGENDA REPORT BUT SUBJECT TO THE SPECIAL CONDITIONS A - H ALSO FOUND IN THE AGENDA REPORT ATTACHED.

15A. 2007 Economic Development Community Development Block Grant (CDBG) in the Amount of \$750,000 - Bradwell Huddle House Project (moved from the General Discussion Agenda Item # 17)

Mr. Brown introduced the above stated item per the agenda report attached.

Ms. Saunders announced the opening of a public hearing. She explained that the first public hearing was conducted in April 2007. During that hearing, the public was afforded an opportunity to comment on the proposed project. She then asked the Board to approve the application and authorize the Chairman to sign it, then submit it to the Department of Community Affairs. She then asked the Board to adopt the enabling Resolution 2007-034.

Ms. Saunders then identified the various components of the grant application. She explained that one of the first things they are required to do is to meet with a Citizen's Advisory Task Force (CATF). The task force looks at the application and makes a recommendation to the Board as to whether to submit the application to DCA. She reported that the CATF met on June 5, 2007, reviewed the application and they have recommended that the Board submit the application to DCA.

Ms. Saunders then explained that the grant is to provide water, waste water, gas services and roadway access to construct a new Huddle House to be located off US 90 West. It will be 2100 sq. ft. facility located on a 10 acre parcel off Blue Star Highway. It will be a full service restaurant to be open 24 hrs. per day. Mr. Bradwell is the only participating party to the grant.

See other details of how the money will be spent in the report attached. She added that without the installation of the infrastructure described in the application, the Huddle House cannot open because those services are currently not available at the site. The project will create 22 full time jobs.

Chair Holt called for discussion from the Board. There was no response.

Chair Holt called for the applicant to make remarks. Mr. Monty Bradwell addressed the Board. He stated that he was ready and eager to get started on the project.

Chair Holt then called for public comments. There was no response.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE GRANT APPLICATION, AUTHORIZE THE CHAIRMAN TO SIGN IT, AND APPROVE THE ENABLING RESOLUTION 2007-034.

GENERAL DISCUSSION AGENDA

A16 ~~Gadsden Community Hospital Update and Request for Direction~~

This item was moved to follow item B16 which was also moved to follow the Citizens Requesting to Be Heard Agenda.

B16 ~~Evaluation of Additional Gas Tax Levy~~

This item was moved to follow the Citizens Requesting to Be Heard Agenda at the request of Chair Holt.

C16 ~~Approval of 2006-2007 Grant-in-Aid Agreement for Courthouse Facilities~~

Mr. Brown told the Board that this items seeks approval of the 2006-2007 Grant-in-Aid Agreement for courthouse facilities in the amount of \$400,000, pursuant to Specific Appropriation 3247A of the 2006-2007 General Appropriations Act. This item also requires approval of a Courthouse Facilities Grant-in-Aid Release Request.

This grant will provide capital improvement and renovation to create a third courtroom, jury room, judge's chambers, additional offices, reception area, public restrooms and secure prisoner transport access.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED GRANT AND RELEASE REQUEST.

16. ~~Appointment of Members to the Gadsden County Industrial Development Authority~~

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPOINT JAMES ASHMORE (DISTRICT 1); GENE MARSHALL (DISTRICT 4) TO THE IDA. COMMISSIONER DIXON DID NOT MAKE AN APPOINTMENT FOR DISTRICT 5.

17. ~~Approval to Conduct a Fair Housing Workshop as Required to Apply for Economic Development Community Development Block Grant Funding in the Amount of \$750,000 - Bradwell Huddle House Project~~

This item was deleted from the General Discussion Agenda and placed on the Public Hearings Agenda.

18. ~~Approval to accept the FY 2007 2nd Quarter Report~~

Rick Hoffman and Davin Suggs presented the second quarter report as outlined in the attached report. He described

the report and gave a detailed analysis.

In summary, he stated that the operating departments under the jurisdiction of the Board of County Commissioners have expended approximately 39.93% (versus the County's established benchmark of 50%) Overall, data through the second quarter does not provide enough definitive data to constitute the adjustment of original budget estimates at this time.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ACCEPT AND APPROVE THE SECOND QUARTER REPORT.

19. Approval of the Moving and Use of Donated Milled Asphalt Material to Gadsden County by the Florida Department of Transportation

Mr. Brown stated that this agenda item seeks Board approval to transport 75 loads of milled asphalt material from a Florida Department of Transportation pit to a location in the County. He said that Chair Holt should be credited with accomplishing this feat.

Public Works Director Robert Presnell requested that the Board give direction on the use of the materials.

UPON MOTION BY CHAIR HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ACCEPT THE MATERIALS, MOVE THE MATERIAL AND USE IT IN DISTRICT 3 AND 4.

Commissioner Price and Chair Holt were asked to submit names of roads in their district on which they would like the millings to be used.

20. Florida Department of Transportation Work Program Requests for FY 2008-2012

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ATTACHED PROPOSED FIVE YEAR WORK PROGRAM ITEM REQUEST AND TRANSMIT TO THE FDOT AND THE CRPTA.

COUNTY MANAGER'S AGENDA

21. Approval of Request for Sponsorship for the 39th Annual

Bethune-Cookman University National Alumni Convention

There was brief discussion regarding a request from Bethune Cookman University for a \$1,000 sponsorship of their convention to be held in Tallahassee. While the board was supportive of their event, there was a consensus not to make a financial contribution to the cause.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION AND SEND A LETTER OF GREETING BUT DECLINED TO SEND MONEY FOR SPONSORSHIP.

22. Miscellaneous Items

COUNTY ATTORNEY'S AGENDA

23. ~~Gadsden Community Hospital - Status Update and Request for Direction~~

This item was added to the agenda as Item A16.

24. Miscellaneous Items

Florida Association of Counties (FAC) Presidential Advocacy Team Award

Mr. Brown announced that Gadsden County has been awarded the Advocacy Team Award for 2007. The award will be made at the summer conference.

County Attorney's Absence

Mr. Williams announced that he would be out of the country on a family vacation for two weeks. He said that Paul Sexton would be handling matters for the county in his absence.

DISCUSSION ITEMS BY COMMISSIONERS

Commissioner Lamb - District 1

Commissioner Lamb reported that he would be out of town and unable to attend the next meeting of the CRPTA. He asked for approval from the Board for Commissioner Croley to

represent him at that meeting.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE COMMISSIONER CROLEY TO REPRESENT COMMISSIONER LAMB AT THE CRPTA MEETING IN HIS ABSENCE.

Commissioner Croley - District 2

Commissioner Croley stated that copy of a personal letter from Growth Management Director to himself regarding a housing permit found its way into the public record. He explained that he had 40 acres which had 3 separate parcel numbers assigned to it and he was simply complying with the Growth Management Directors request to have it combined into one parcel number in order to get the permit on his new house. He was not certain why it had appeared in the records of the county commission.

Mr. Brown stated that when any correspondence goes out, a copy of that correspondence goes into a receipt and file record. It was simply standard practice.

Commissioner Price - District 3

Commissioner Price thanked the board for their support with the new Chattahoochee Library. He then asked for the same continued support for the Boys and Girls Club in his district as well.

He then turned remarks to the garbage issues and asked the Public Works Director to pursue enforcement with those who continually litter the roadside.

Commissioner Dixon - District 5

Commissioner Dixon reminded the Board of the summer conference. He said that Gadsden County is considered to be a progressive community by other counties in the state. He encouraged the staff to continue to act with determination and courage and to be forward thinking. He thanked the staff for all their good work.

Commissioner Holt - District 4

Chair Holt referenced an e-mail inquiry about the congratulatory add to the high school seniors which was

placed by the county. She said that it was placed to encourage the graduates in the hope that they would move on to a better life and not end up in trouble and in jail. She deemed it a proper expense.

She said that she would like to schedule town hall meetings in each district to inform the people about issues that are going on in the county, in particular the tax reform issues. She volunteered to meet the public in any district if a particular commissioner did not want to conduct the meeting in his own district. She said that she asked the county manager to contact each commissioner in that regard. She deemed it appropriate as a leader of the commission to move forward on the issue. She said that the manager had acted at her direction.

She then stated when individual commissioners needed to have research done, they should take it upon themselves to do it rather than impose it on the already burdened staff. Otherwise, she suggested that they should channel their request through the manager or make a public records request and wait for the usual response time.

Commissioner Croley responded to Chair Holt's remarks by saying that as an elected commissioner and by the authority of the county ordinance that sets up the position of the county manager, he is within his right to expect the county manager to be responsive to any request that he makes concerning county government. He could not recall giving him a particular time frame in which to make such response.

As to the inquiry about the senior ads, he stated that he simply stated to the county manager that he did not recall there being discussion about placing such advertisements. In return, the manager sent back to him a lengthy hostile response saying that he was of the opinion that he had the authority to spend up to \$25,000 to provide a positive and progressive image of county government which had been sorely lacking prior to his administration.

As to the town meetings, he said that no one asked him about the meetings, he was told that a meeting had been scheduled without his knowledge and he knew nothing at all about such a public information campaign. He insisted that no one ever mentioned it to him. He asked for better communication.

Chair Holt then asked the commissioners to make certain that they remain in the chambers during meetings and be present when votes are cast.

She also asked the commissioners not to make inquiries or give directions to the staff, to channel their requests through the county manager and the attorney. She also said that they would work toward some process through which they could make requests to the staff.

RECEIPT AND FILE AGENDA

26. Letter from Florida Association of Counties Regarding a Veto Request of HB 529 Relating to Cable TV/Video Service Franchises

Letter to James Holcomb, TDS Telecom and Bill Bogan, City Manager, City of Quincy Regarding Fiber Optic Network (Bid #07-06) Rejecting all bids.

Letter to Fred Gaske Regarding the West Gadsden Historical Society, Inc.

Letter to Doug Croley Regarding Housing Permit Application on Tax Parcels

Letter from Florida Association of Counties Regarding a Veto Request of CS/SB 1088 which Passes a State Expense to Counties that will Steadily Rise

Letter to Marlon Brown, County Manager, from Gadsden County Emergency Medical Services (EMS) Regarding Inspection by the Department of Health Bureau of EMS

JUNE MEETINGS:

June 12, 2007 - Workshop/Special Meeting

- Update on Water/Sewer Infrastructure Study - Eutaw, Inc.
- Economic Development Update - Mega-Site Catalyst Project - Community Development

June 19, 2007 - Regular Meeting

- Increase Hours of Operation for the Chattahoochee Public Library
- Employee Service Awards - Management Services
- Private Road Paving - Public Works
- Joint Participation Agreement - Small County Outreach

Program - FDOT - Public Works

ADJOURNMENT

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

Brenda A. Holt, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA ON
JUNE 19, 2007, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: Brenda A. Holt, Chair
Derrick Price, Vice-Chair
Eugene Lamb
Doug Croley
Edward J. Dixon
Paul Sexton, Deputy County Attorney
Marlon Brown, County Manager
Muriel Straughn, Deputy Clerk

CALL TO ORDER

Chair Holt called the meeting to order at 6:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Price opened with a prayer. Chair Holt led in pledging allegiance to the U.S. flag.

AMENDMENTS AND ADOPTION OF THE AGENDA

The following amendments were made to the agenda:

Awards, Presentations and Appearances

Add Re-Presentation of FAC 2007 Presidential Advocacy Team
A-1. Award

Public Hearings

17. Public Hearing - Adoption of Ordinance Levying 1 to 5
Replace Cent Local Option Gas Tax
Ordinance

General Discussion

Revised Approval for Increased Hours of Operation for the
21. Chattahoochee and Havana Public Libraries

Add 21-A Approval of Solomon Construction Company for the
Installation of the Permanent Sewer System at Highway
267 & Interstate 10 - CDBG Project

County Manager's Agenda

Add Update on Property Tax Reform
22.

County Attorney's Agenda

Add Status of Ashford Closing and Negotiations with AHCA
23.

Receipt and File Agenda

25. Letter from the City of Quincy Regarding the
 Opportunity to Compete for Gadsden County's 2007
 Information Technology Business

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

AWARDS PRESENTATIONS AND APPEARANCES

A-1 Re-presentation of FAC 2007 Presidential Advocacy Team Award

Chris Holley, Executive Director of the Florida Association of Counties, (FAC) was present to present the Board with the FAC 2007 Presidential Advocacy Team Award. Ms. Rosie Byrd and Diana Ferguson from the FAC office in Tallahassee were also present for the award.

Mr. Holley stated, "It has been a very challenging year for counties. I am sure that you are well aware of that and this past week when we gathered in Orlando to discuss issues, it was evident that our members are fully engaged in our issues. They are ready and anxious to meet the challenges and we still have some hard work ahead of us as it relates to taxes and tax reform and how we provide services in Florida to our residents... It is my pleasure to recognize the entire board and your staff today. It was hard to pick and choose when Susan was deciding on recognition. It is rare that we recognize an entire board and members of your staff. Normally, you pick a commissioner or two or three from around the state. It is hard for me to pick and choose. Obviously, Commissioner Dixon is a past president of the Association and stays very involved and focused on our issues.

Commissioner Lamb, along with Davin, made many trips to talk about tax reform. Brenda, as well. Brenda serves as Vice-Chair of Rural Caucus and has served as vice chair on other committees.

Marlon provides his support and help constantly. Davin stepped up. He testified before committees on taxes and what the effects of these cuts and reform measures would mean in Gadsden County when I needed help because we had a vacancy on our number crunching staff. He stepped up and was willing to serve and helped guide us in some of our analysis of our data.

But, your entire commission, all of you, have been recognized for your support of Florida's counties and our issues. On behalf of the past president, Susan Latvala, we would like to present a small token of our appreciation to your entire board for your service to Florida."

He then presented a plaque. Chair Holt and Commissioner Dixon made responses.

Mr. Brown thanked Mr. Holley, the commissioners and the staff.

1. Employee Service Award Recognition

The following people were recognized by the board for their years of service and presented with certificates.

Dr. Julius Houston - 15 years of service - Recycling Department - Program Assistant

Ms. Linda Harris - 10 years of service - Special Projects Coordinator - County Manager's Office

Fredrigas McNealy - 10 years of service, Heavy Equipment Operator II, Public Works Department

CONSENT AGENDA

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

2. Approval of Minutes (Amended) for April 17, 2007 Regular Meeting

3. Ratification of Approval to Pay County Bills
Accounts Payable dated: June 1, 8 & 15, 2007
Payroll dated: June 7, 2007
4. Approval of Resolution 2007-034 in Support of the Permitting and Construction of the Quincy Bypass Project
5. Contract for Rehabilitation Work for Mattie M. West
Special Assessment Lien for Mattie M. West
6. SHIP Special Assessment Lien for Brianna Shellmon (Down Payment Assistance and Closing Costs)
7. Approval of the Florida State Hospital Certificate of Public Convenience and Necessity (COPCN)
8. Approval to Renew Affiliation Agreement Between Tallahassee Community College and Gadsden County Emergency Medical Services (EMS) (April 30, 2007 through July 31, 2012)

The purpose of this agreement is to allow the EMS students to secure clinical care learning experience at Gadsden County EMS and for the staff/faculty of TCC to supervise, assist and teach these students.

9. Approval and Execution of Lease Agreements of the State Farmer's Market for the Recycling Department July 1, 2007 - June 20, 2008

Lease No. 3176 - Warehouse and Offices	\$10,777.68
Lease NO. 3194 - Truck Scales	3,906.16
Lease No. 3196 - Land	9,257.39

10. Approval of Resolution 2007-035 and Execution of Joint Participation Agreement - Small County Outreach Program (SCOP) - Florida Department of Transportation - Road Resurfacing for Hanna Mill Pond Road
11. Approval of Commissioner Dixon's Travel to the 2007 National Association of Counties' Annual Conference and Exposition July 12 - July 18, 2007, Richmond, VA at approximately \$1,800
12. Peavy and Son Construction co, Inc. Change Order # 4 for Runkle Road and Butler Road - Increase of \$57,717.92 bringing the total amount of the contract to \$3,076,709.85

13. Approval of the Employee Assistant Program Agreement for the period May 15, 2007 through May 14, 2008. [Eileen McCann, L.C.S.W., C.E.A.P.](#)
14. Approval of [Change Order # 3 with Cook Brothers, Inc. \(CBI\)](#) for the Chattahoochee Library for \$6,957.00 bringing the total contract amount to \$1,025,365.00

CONSENT ITEMS PULLED FOR DISCUSSION

No items were pulled from the consent agenda for discussion.

CITIZENS REQUESTING TO BE HEARD

Patricia Hudgins

She inquired to see if the staff has made any progress on resolving the issue of the land use designation on her property as she requested.

Commissioner Dixon said, "As soon as Mr. McCord has something, I will be glad to contact you myself. I will be more than glad. I won't waste your time. I will be glad to contact you personally when he has something."

She reiterated that she wanted a response in writing.

Teresa Bouie

"I have spoken with Planning and Zoning in reference to a replacement unit that they told me I could have out in Robertsville. I sold the replacement unit, the appraiser came out and told me that two units can't be on one acre of land. Now, I am running into the issue of a federal guidelines with all banks. I've been to several banks and they said that they cannot finance a parcel on which a dwelling already exists on the property. So, I have gotten approval from the county to replace a mobile home that I have sold and now I am being told that I can't put the house in that spot.

I asked the County to divide the one acre and they said that it can't be done. So, I am here. I don't know if a decision can be made tonight, but I am asking the Board of Commissioners to look into this for me. We only have until the end of the month to receive funding.

My mom's sister and her daughter now do not have anywhere to live because of this. I feel that the county is partly responsible because they didn't tell me that in doing a replacement, I had to have cash money, basically, that is what it boils down to. To build a house, we need cash money. No bank will finance two dwellings on one parcel. The property has to be separated.

Commissioner Dixon replied, "I have spoken with Ms. Bouie by telephone and I have received a few calls from Eddie, her brother...I have spoken with Mr. McCord and he hasn't gotten back with me. He may have, but today is the first day that I have been up. But, as soon as he lets me know something, as I explained to you on the phone, it is a banking issue about how they collect their money on that singular piece of property. So, it is not uncommon. It is not an uncommon thing that we come into contact with around the table. But, that is something that Mr. McCord will have to deal with and if there is an avenue out of it for you, he will have to give it to us. Unfortunately, it is not as simple as just cutting the property, splitting the property. But, I have asked his office to look into that and to get back with us."

Chair Holt stated that she had also talked with Ms. Bouie and her brother.

Ms. Bouie left documents with Mr. Brown to pass on to the Planning staff.

No others addressed the Board.

PUBLIC HEARINGS AGENDA

- 15. Public Hearing - Budget Amendment OMB-BA# 070047 ; Resolution 2007-036** - Approval of Funding in the amount of \$275,000 per the agreement reached in bankruptcy court case # 05-450111(LMK). This payment will enable the County to complete the change in ownership proceedings and eventually retain the license for operating the Gadsden Community Hospital.

Mr. Brown announced the opening of a public hearing and that AHCA has tentatively approved the transfer of the hospital license back to the County. He said, "This is a huge step forward, Commissioners and citizens. I want to thank you

for your support and endurance and confidence in us to get this moving forward."

He then explained that the board previously approved the payment of \$275,000 to bankruptcy court and the above stated budget amendment is to provide the budget authority for the payment.

Chair Holt called for comments from the commissioners.

Commissioner Croley stated that Attorney Paul Sexton has explained the terms and conditions of the transaction to him in great detail what the funding process will make happen. He said that he felt that it would be helpful to the public if he would summarize the process. He said, "It helped me to get on board with what we are attempting to do here this evening."

Mr. Sexton explained that the \$275,000 was the balance that is due to Ashford's bankruptcy estate as a result of the negotiations that occurred during the bankruptcy case. Because the lease and the license were actually owned by Ashford and were assets of the estate, it was necessary to arrive at an agreement for the county to regain control of the license and the lease. The agreed to price after months of negotiations was \$300,000. \$25,000 was advanced when Ashford agreed to enter into an interim use agreement that allowed the county to begin to operate the Urgent Care Center at the hospital. The balance is now due in order to complete the transfer process. The \$275,000 will be held in escrow pending AHCA issuing it's official transfer of the license to Gadsden Hospital Inc. (GHI), then the funds will be released to the Bankruptcy estate.

She then called for public comments.

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

16. Public Hearing - Ordinance Levying Ninth Cent Fuel Tax on Motor Fuel

Mr. Brown introduced the above stated ordinance recalling that the board voted on June 5, 2007 to prepare the ordinance and set the public hearing.

He said that the Board voted at the June 4, 2007 meeting to direct the staff to prepare an ordinance for consideration to adopt the ninth cent fuel tax on motor fuel in Gadsden County.

The proposed ordinance would create section 74-4 of the code of ordinances of Gadsden County.

The adoption of the ordinance would provide approximately \$250,000 in transportation funding.

Chair Holt called for comments from the commissioners.

Commissioner Price was supportive of the tax.

Commissioner Lamb stated that in speaking with his constituents, most of them have said they would prefer that this tax be approved by referendum rather than by the board.

Commissioner Croley said that he would not support any increase in gasoline taxes until he can garner a greater understanding of the state tax structure and exactly how the proposed gas tax would be used.

Commissioner Dixon stated, "The wonderful thing about gas taxes in Gadsden County is that most of them are paid by somebody else...Almost 58% (I hope I don't have that number wrong) are generated somewhere between Flying J and Pilot. While some of us go out there, we go because it is the cheapest gas in the County, but for the most part, it is paid by travelers on the interstate and not a heavy burden born by citizens of the county. It has, I think if you go look at the numbers before Flying J was built, and the numbers after Flying J was built, and gauge the percentage - that is how we have been able to put public works totally within the gas line item to be solely run off of - gas taxes in some way, form or fashion that are generated. Literally, before Pilot came on board, Flying J was supporting public works - literally, by itself for a good deal of time.

While this is going to be sad because we are not going to have any money to pave any roads. But, we knew that before the tax situation, as I said in the meeting before. It will be alright because it will be a million bucks and we will survive.

Chair Holt inquired as to the deadline for passing the

ordinance.

OMB Director Davin Suggs said, "The Department of Revenue must be notified by July 1. Just a real quick update, the manager had prepared an update on the impacts of the legislation. It was brought up in this discussion. We know the immediate impact to the property tax or general revenue wise will be a net reduction of anticipated revenue of \$1.5 million. (This is not a reduction over last years property tax revenue, it is a reduction of what the tax revenue would have been if the millage rate stayed at 10 mills.) That is based right now on the estimated taxable value that was given to us by the property appraiser on June 1. That number may shift and change from when he finalizes his taxable value estimates as of July 1.

In layman's terms, this year, right now, we are about \$12.2 million based on 10 mills at about \$1.2 billion of taxable value. Our estimated taxable value has gone up as of June 1 to about \$1.4 or a little above \$1.4 billion. So, if we had stayed at 10 mills, with no changes in legislation, we would have picked up almost \$2 million in general revenue. Maybe about \$1.8 or \$1.9 million in general revenue. Due to the immediate impact of statutory roll back and cap, our millage rate will be forced to go from 10 mills to 8.9 mills. Therefore, instead of picking up about \$1.8 or \$1.9 million, we will pick up about \$300,000. So, we will still increase a little bit in revenue. We will go from about \$12.2 estimated revenue this year to \$12.5 and that is before you do any of the 95%, you take off and do the TRIM calculations and all of that. We are pretty sure, that is pretty close in the ball park of where we are going to be in terms of the immediate impact of the statutory piece of legislation."

Holt:

Commissioners, we are caught between a rock and a hard place. Either we are going to do more paving or not. We are going to do some resurfacing or not. We were just discussing at the last meeting that we would not have any money this year to do the upkeep on the roads that we have paved. So, now we are looking at a situation where we were going to get some money to go back and do these things and now we are not going to get that funding. O.K. So, we have the same budget we had last year minus \$1.5 million even though there was an increase in taxable value. The cost of materials went up so much that it ate up that increase. We are not going to get paving material for what we got it for

last year. That is not going to happen. Labor is not going to be the same as it was last year. So, we can't say that we can roll back and do the same thing we did last year for the same amount.

The sheriff and I sat down and had a long talk yesterday. He needs almost \$1 million increase. I said, "How about \$500,00?" and he said that he is going to need the money. He needs the money.

So, the difference in the \$200 - \$300,000, (projected increase to ad valorem tax revenue)- his budget alone would eat that increase up. So, I don't see how - I mean, we don't have tourism here. The only thing that we have here for sale is gas. That is it. We do not have anything else. Either we can look at the property taxes and try to get the property tax payers here to foot the bill, or we can go and let the tourism trade help us with that by increasing the gas tax.

Now, if it was a big burden for the people in the increase in gas, then the state and the federal government would have let the people have their taxes back, too. But, they are not willing to do it.

So, we have to look at how we are going to generate those funds. All of us are wanting what we want. When we want services, we are going to want those services. Now, \$300,000 is not going to get it. Even if it was a million, it wouldn't be enough because we cannot attract the EMS workers we need. I listened to some firemen today because they were out at an accident that I was at. They were saying that they were having problems with volunteering. They were having to back off from that because they didn't get any income.

The delivery of service is not going to be the same next year as it was last year. We can't say that we can roll back and do the same things that we did last year for the same amount. It is not going to happen.

Suggs:

I have this as a point and this is from our discussions at the FAC conference this week that addresses Commissioner Dixon's point and Commissioner Lamb and Commissioner Croley. Last meeting, we discussed levying additional gas taxes in

order to meet our transportation needs. It is not the only option we discussed. You could use general revenue to supplement and meet those needs.

Commissioner Dixon brought up a good point. I was at a meeting and I sat and talked with a financial manager and the budget director from Orange County. I know there are light years of difference, but we are and a couple of other counties are, too, are very fortunate that we have been able to contain our public works program and our transportation activities strictly within gas taxes and we use about half of the small county surtax. We have not had to flow any general revenue to support public works or transportation activities. In a lot of other counties, that is different because their transportation needs are so great. I just bring up Orange County because their transportation needs are massive. Along with it, you just think about all the gas tax they generate, they still pump a lot of general revenue, a lot of ad valorem tax into their transportation programs. So, in terms of looking at impact of what we would have gotten versus what we will actually get - I advised you last week and you can still instead of adopting the gas taxes, you can take general revenue and push it toward transportation to meet your important needs. You have that option.

But, in looking at that option, I would advise you that you are severely limited because you are getting almost no increase in your largest general revenue.

Holt:

I was about to say, Mr. Suggs, then what does that do to general revenue? Because you already don't have enough funds in there and we were already fiscally constrained before. We didn't have any money really to divvy out of those funds before.

Suggs:

For the next couple of months and the next year or two, you will be in the situation of zero sum gain and you will have to take from somewhere else to pay for something else or not.

Holt:

That means that we will not be paving roads and we will not be able to maintain the roads that we have. That is really what all that means. So, now, we can say we don't want to

raise taxes and come up with a penny gas tax, but as I said before, that is the only way from the outside that we are going to get any help because you are not going to get any. I don't feel like there is going to be any roads other than by gas tax.

Now, unless someone here knows about a good tourism water works park that we can put up right quick, I cannot see the dollars coming in. That deadline is still July 1st. It sounds good and I feel happy saying, "Don't raise any taxes." That sounds good. But, who is going to help us pay for these services and especially transportation and there is no money to maintain with. That is just a reminder, Commissioners.

Any comments from the audience? As I said, you need to fill out one of these forms from out there on the table.

There was no response.

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE ADOPTION OF AN ORDINANCE TO LEVY THE NINTH CENT FUEL TAX ON MOTOR FUEL AND. THE MOTION FAILED IN THAT IT REQUIRED A SUPER MAJORITY VOTE FOR PASSAGE. COMMISSIONERS LAMB AND CROLEY OPPOSED THE MOTION.

17. Public Hearing - Ordinance levying 1 to 5 cents Local Option Gas Tax

(The material provided in the agenda report was replaced with an updated proposed ordinance when the agenda was amended.)

Mr. Brown stated that this item seeks adoption of an ordinance to levy the 1 to 5 cents local option gas tax per the Florida Statutes, Section 206.41(1)(e) and 336.025(2)(b).

At the June 5, 2007 regular meeting, the staff was directed to prepare an ordinance for consideration.

The proposed ordinance, if adopted, would create section 74-5 of the code of ordinance of Gadsden County.

It would provide an estimated \$900,000 in transportation

funding.

Mr. Brown reiterated that the board could levy the gas tax in increments of 1 cent up to 5 cents.

Commissioner Lamb stated again that his constituents would prefer to have the matter go to a referendum as opposed to a vote by the board. He said also they would also like to see a plan set up in advance so that they could see exactly how the money would be used.

Commissioner Dixon stated, "Madam Chair, the sad thing about this particular money is what we use, if you will, to help cities pave their roads as well. That is another thing that is going to go away by the wayside. We are no longer going to be able to give public work assistance to the cities. We do extensive public works in most of the cities. None of them, including Quincy, have the kind of equipment and the kind of talent, the number and degree of stuff just in terms of big equipment, that we do. We often partner with the cities, if not, do the job ourselves. The sad thing about it is that stuff will have to come to an end as well."

Chair Holt stated, "I'd like to just re-iterate what you just said, Commissioner Dixon in that - that is how we help the cities. If we have no money, we will not be able to help the six cities either. That is with their programs within the city limits that deal with transportation - streets, sidewalks or whatever."

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

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE ADOPTION OF AN ORDINANCE DESCRIBED ABOVE. COMMISSIONERS LAMB AND CROLEY OPPOSED THE MOTION. THE MOTION FAILED AS IT REQUIRES A SUPER MAJORITY VOTE FOR PASSAGE.

18. Public Hearing - Ordinance 2007-007 Extending the Additional Two-Cent Local Option Fuel Tax

Mr. Brown stated that this item seeks the adoption of an ordinance to extend the levy of the additional two-cent local option gas tax as set forth in section 74-3, code of ordinances of Gadsden County.

The Board of County Commissioners currently levies all six cents of the 1 to 6 cents Local Option Gas Tax. This tax is currently levied through sections 74-2 (4 cents) and 74-3 (two-cents) of the code of ordinance of Gadsden County.

The proposed ordinance extends the two cent levy until August 31, 2015 and consolidates section 74-2 and 74-3 to apply to all six cents of the levied gas tax. The extension requires a majority affirmative vote of the Board.

The adoption of the ordinance will preserve the current revenue structure of the County. Currently, the County is on pace to receive approximately \$279,000 from this revenue source in FY 2007.

Chair Holt called for discussion among the Board.

Commissioner Lamb reported that he has also talked with his constituents about this tax. Since this tax has been in place for many years, they were not opposed to extending the tax and left it to his discretion. He said he personally had no problem with extending the tax.

Commissioner Croley asked why the staff was proposing to combine this tax with the other four cents passed by separate ordinance.

Paul Sexton replied, "The original four cents was adopted in 1985 and ran for a ten year period. The additional two cents was adopted in 1987 for ten years. They were operating on separate tracks and being kept separately primarily more as a bookkeeping than a real legal mechanism. They are just four and two cents, the same six cents tax. There is a 30 year limit on the tax overall. The 30th year for the four cents is 2015. Based on our research, we were not able to support at this time the proposition that the last two cents would go beyond the 30 year period started by the first in 1985. That is something that probably won't become clear until we get closer down to the end of this 30 year tax for all the applicable taxing authorities. There may be some legislation toward that end. There is an option on the part of the County, when you get to the last two years, to extend the last two cents for two more years. But, this seemed to be an appropriate consolidation because, at this point, they are essentially all the same tax."

Croley:

Wait a minute. That said a lot, but I'm a little bit confused. I didn't follow you. Maybe the public did a better job than me, and maybe the other commissioners. But, coming back to that combining - you mentioned that the four cents can only go for 30 years?

Sexton:

Well, the tax ,overall under that statute, can only go for 30 years.

Croley:

So, what impact does that have on that statute by combining and who made that decision? Did your firm or did someone else?

Sexton:

The staff asked that we combine it and we looked at the issue and it seemed to make sense because we could not see that it was clearly available to the county to extend the last two cents beyond the overall 30 year cap.

Croley:

But, this way you can?

Sexton:

This way you can if you simply make a decision in later years to make an amendment.

Chair Holt called for public comments.

There was no response.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT THE ORDINANCE DESCRIBED ABOVE.

GENERAL DISCUSSION AGENDA

19. Update of the Water/Sewer Infrastructure Engineering and Design Study - Eutaw Utilities, Inc. and Nabors, Giblin & Nickerson, P.A.

Mr. Brown stated that this agenda item provides the Board with an update of the Water/Sewer Infrastructure engineering and Design currently being conducted throughout the County.

For the record, he recalled that the county received legislative funding in the amount of \$350,000 to conduct the Engineering and Design study county-wide. Eutaw Utilities, Inc. and Nabors, Giblin & Nickerson, P.A. were selected to conduct the study. Since the execution of the contract with them, they have held meetings with the Cities of Quincy, Chattahoochee, Midway and Gretna and the Towns of Havana, and Greensboro. They have also met with the seven utility purveyors to discuss the components of the study.

One of the requirements of the contract was for them to make periodic reports to the BOCC regarding the status of the study. That is why they are present for this meeting.

Mr. Tom Bryant from Eutaw Utilities reported the following:

- All communities in the county have need for capacity improvements - treatment capacity improvements in their waste water.
- Effluent disposal is a big issue with most of the purveyors. They are looking at public access re-use of effluent water s with nurseries.
- Most of the communities are looking at upgrades and expansions to their infrastructure. These are very expensive.
- Water resources are an issue throughout the county.
- Connection fees and rates - some of the purveyors need to adjust rates and connection fees
- All of the communities are experiencing growth and are trying to gear up and prepare themselves for it to meet the needs.
- Most of the communities are expanding their service areas in order to meet the need for water and waste water utility. Most of the communities are focused on the interstate interchanges.
- They met with **Florida Department of Environmental Protection** - some concerns were expressed. 1) Water quality in the Mt. Pleasant area. Over time the water quality is diminishing somewhat. 2) Preparedness for

emergencies in Quincy and some others.

- Synergy of purveyors sharing resources would yield great benefits.
- **Northwest Florida Water Management District** - Concerns for water volume through the central part of the county. It affects City of Quincy, Greensboro and Gretna. There are limited volumes of water. As you drill more wells, and pull more water, it affects the adjacent water wells. It would be beneficial for the purveyors to spread out their water resources. Most of the water is now coming from the Mt. Pleasant areas. It will be necessary to spend some time looking at water resources and everyone in the region is going to have to buy into the approach. This will require a regional solution. No one entity can find a solution to this problem.
- **Gadsden County Planning Department** - They have a good handle on where growth is and locations of growth projections. They were very helpful in identifying to where the water and waste water utilities need to be expanded.
- **Florida Rural Water Association** - They have proposed some ideas for the Chattahoochee area.
- **Consultant Engineers who work in the county** - They have some ideas for some sort of synergy where the communities can work together.
- **Talquin Electric engineers** - they were very open in what they are trying to do in the community and in support of the community. They run their utilities like a business, not a government.

GROWTH ISSUES:

US90/I-10 Interchange - already growing rapidly at full speed.

Pat Thomas Parkway/I-10 Interchange - infrastructure contract awarded to Soloman Construction. There is a concern there in that there is a provision for a 10 year switch. In ten years, the City of Quincy will have the

option to pull out of the treatment realm. So, something has to happen at that interchange.

SR 12/I-10 - no activity at the interchange at present. Options must be presented. There is a lot of potential there. Gretna, Greensboro and Quincy circle that interchange and if they will work together, it can be a very productive economic area.

Highway 270A and I-10 - There are some ideas there. The old Jai-Lai has a package plant that could serve that area. Chattahoochee is interested in extending utilities to the interchange, but it will be a long term proposition.

Questions:

- Croley - To what extent did you detect that the municipalities were either annexing and extending utilities to these exchanges with the exception of 10/90? Have you seen any pro-active effort on the part of any municipalities to extend their utilities or work to try to annex those areas in?

Answer:

The intersection of Highway 12, when I talked to the engineer with Hatch Mott McDonald, he was talking about the option of extending the water line west from the City of Quincy past where the prison is, where the prison is proposed, 400 new beds, and over to the interchange and possibly down to Greensboro because Greensboro is having a tremendous problem right now in my opinion. They have development knocking on the door, they can't increase their water capacity at this point. The District says that to increase capacity may affect some surrounding wells.

So, that is one option - for the City of Quincy to move a waterline to the southwest and serve that interchange as well as serve some of the other folks and serve the prison. Now, the discussion was - Will the prison still be the customer of Gretna, but Gretna would be the wholesale customer of the City of Quincy? A lot of things have to take place there. Clear as mud, right? I see that you are confused.

Croley:

I am not confused, but are you getting much support from the municipalities for this type plan?

Bryant:

Well, actually, we haven't gone that far. We are still in the data gathering and I am really probably going beyond my bounds because I am just talking about some of the things that we are brainstorming about. I know that Gretna is trying to get to size the utilities through their engineer CBM so that they could accommodate the interchange.

Brian Armstrong:

Madam Chair and commissioners, I will try and be very brief.

Holt:

State your name, please.

Armstrong:

Brian Armstrong, for Nabors, Giblin and Nickerson. I was going to handle this last slide. You retained us to try and help inform this board about what is out there for water and waste water and how you can go about long range planning to best accommodate the needs of this county and the county residents.

We have done that and I would like to address the commissioners question. The meetings that we have had have been very positive meetings. We have gotten a lot of good information, a lot of data dumping, but also a lot of communication - not just, "Here, take all this information and you can have it", but real discussion about issues, wants, dislikes. We have had some good communications that way. To the point, that we are starting to focus and see where we might be able to make some recommendations and long range planning.

That is basically what we have talked to each of the purveyors about. You know for long range planning, you have to have some certainty. You can only implement long range planning if people cooperate. It will not do us any good to give you a plan and say, "Here are the steps to implement." We need to have cooperation among the groups. And so far, we have seen that cooperation.

Long range planning is going to be based on geographic facts - the water supply and quality issues and waste water capacity issues. Service areas are certainly where cooperation is critical. Part of what we are going to be discussing with them is when two cities want to serve an

interchange. We have to try through this process to develop a way maybe where we can accommodate the needs of both cities. We have seen it in different places where we have been able to accommodate it. We are confident that we are going to come up with something. We have had good discussions that we will be able to present to this board in this plan.

Regional plants - that is a possibility. Water quality was something that has come up and is new to us. We didn't expect to hear that. Not only water supply, but water quality could be an issue to this county. So, it is possible that we will look for a second water source. If we look for a second water source, will it be regional source that a number of purveyors can benefit from? Certainly, on the waste water side, we are seeing that as well.

Commissioners, as a board of county commissioners together with the cities, you would be best off if we can go to all these other government agencies you have heard about and say, "We have that cooperation and we have a plan. Help us fund these things." We have heard it throughout the state and it works and we are hopeful that at the end of this process, we are going to be able to put together a real good plan for you all and get the cooperation and get the funding as possible.

Questions - there are a number of different processes on that regional plants. It doesn't have to be owned by a city, it can be a cooperative regional plant owned by county and cities together or just owned by the cities together in a government utility authority which you have probably heard something about. As we go forward, we will explain a little bit more about that. It is too early to put that out there right now. Before we do that, we want to speak with the cities and see what their interest is. I will say that so far when we raised that concept, they have enjoyed that concept because basically a government utility authority allows simplified interlocal agreement for local governments to get together and build the plant and the cities won't have the liability for the capital necessary to build that plant.

A government utility authority can provide wholesale service so that cities can send their waste water to the plant and have it treated, but still charge their own residents their own rates. So, they have control of that final rate to

their customer which is very important to cities as it is to most purveyors. So, it could be wholesale or it could be retail. All those kinds of things that are just starting to - we got a lot of information now and it is starting to come together as to what might be possible.

Next, we will go back to everybody and we are going to say, "Look, these look like possibilities. What do you think?" Then we will be back before this board again.

Marlon Brown:

This was an effort on the part of everyone from Gadsden County to get this money from the legislature and work cooperatively. You have heard the consultants use that word numerous times. This is our effort to move Gadsden County forward and I think that this study will speak volumes in terms of how we grow as a county, how we deal with development - making sure that we have water and sewer available in the right places for the kind of development that we want. I think these consultants are doing a very good job in terms bringing all of the entities involved in water and sewer to the table so that we can come back with a plan that we can all live with.

Further discussion followed.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO ACCEPT THE REPORT AS PRESENTED.

20. Approval of Bids for Information Technology Network Services

Mr. Brown stated that this agenda item seeks Board authorization to negotiate and execute a contract for information technology network services with TDS. He explained that during the development period of the FY 2007 budget, the Board provided input and approved a strategic plan for the restructuring of information technology services within the County. As a part of the strategic plan, the staff recommended that the County develop a private dedicated fiber optic network.

The staff solicited bids via ITB and two businesses responded. TDS Telecom and the City of Quincy DBA NetQuincy.

Based on the overall cost of the bids/options submitted combined with the services offered, the staff recommended TDS Option # 1 due to the competitiveness of the overall cost (over a five year term), the provision of buried fiber optic cable and the additional offering of an offsite disaster recover location in Kingsland, GA.

Mr. Brown closed his remarks by saying, "This is the third time, if I can remind you, that this is coming before you and staff, again, in the end, will provide a recommendation."

OMB Director Davin Suggs:

Good evening, Madam Chair and Commissioners.

As the manager stated, this is time number three. Just as a status of where we are at with IT, we are at a critical point. We are getting to a point in the development and implementation of the plan where we need the network. This is the last major piece before we start moving forward to the next phase. So, this issue is important and I think we have been working on this for almost a year between trying to bid it out and acquire these network services.

A rehash of what we are asking for is provision of infrastructure whereas we may be able to maintain our own fiber optic network between all of our active county buildings including all three libraries. That infrastructure will provide connectivity between all kinds of employees and connectivity to and from the internet.

All three times, we had two respondents to the bid. We had lots of phone calls, but two major responders. We had TDS and City of Quincy DBA NetQuincy.

The bid was very simple saying to provide fiber to all ten county locations where we have county employees and where we operate our business. Can you provide that infrastructure in a way that we can maintain a network at the speed that we want it to and can you provide us internet connectivity? We had other technical requirements that were all subsets of those two major requirements.

That part of the bid, both respondents could provide that service. There was no doubt.

The next piece was - Could you actually reach all of the

buildings? Both respondents responded that they could reach all ten of our sites. The two most difficult being the Havana Library and the Chattahoochee Library. Everything else is pretty much in town.

The next piece was a cost proposal. And, I am on page three of five of the agenda item. What we received in this final bid - what we asked for was a couple of things. We had to consider installation, which is actual installation of the fiber. Then we had to consider annual, I don't know if we want to call it lease cost, rental costs or annual payments for this infrastructure.

Net Quincy put forth a bid where they requested in the bid \$247,000 for installation. Then they required or asked for \$4200 per month for the current year and then \$50,000 annually for the next five years after that.

TDS provided two options in their bid. The first option they provided was a low cost installation clause which was \$6,000 up front and then \$9280 per month for the rest of current year and then \$111,000 roughly annually for the next five years after that. The second option they provided was \$150,000 for installation up front. Then \$5800 per month for the rest of this current fiscal year, then \$69,000 - \$70,000 annually.

Both parties, they offered additional offerings on top of the basic requirements that were put in the bid. NetQuincy offered free additional connections or service at three additional buildings over the life of that contract at no costs. I believe I put in here for you that the value of that offer was roughly about \$75,000. A little bit over \$75,000.

Dixon:

Repeat that for me Mr. Suggs.

Suggs:

The value of that offer was roughly \$75,000.

Dixon:

Which offering was that? The three buildings?

Suggs:

The three free additional connections of building during the life of the contract.

Example - If we expand or if we added a site or location or county building, they would connect up or run fiber to that building and provided connectivity to that building for free. That value came to about \$75,000.

TDS offered additional offers also. What they offered was a provision of a disaster recovery location offsite in Kingsland, GA. If you are not familiar with Kingsland, GA, I would guess that they are an hour or half hour north of Jacksonville on the coast. If you are not familiar, I am not sure of the size of it in terms of telephone companies and central operating offices and such. The site here - there is a portion of that site that is underground and they have these sites and locations across the county where they provide disaster recovery and co-location services. This would be in one of their facilities in Kingsland, GA.

The value of this offer, I put in your agenda item, is valued at about \$105 - \$106,000. Both those values are over a five year period.

So, when you look at the total cost, NetQuincy's bid was about \$497,000 plus the current year costs. The current year costs just depends of when we make a decision and when we are able to negotiate a contract and get it installed. So, we have a couple or three months left in this fiscal year.

TDS Option #1 came in at about \$562,800. TDS Option # 2 came in at about \$498,000. O.K.

That takes me to our recommendation to the Board. We had to think about a couple of things. First, going back to the respondents meeting the technical capabilities that were required in this bid, we found that both respondents were able to meet the technical requirements of the bid. But, as I stated in the last agenda item and this agenda item, one of the biggest issues for us as the IT staff, is the difference in the fiber. NetQuincy's fiber will be aerial and through use of utility poles. The fiber will be run like other aerial fiber. The backbone or the major portion if not a hundred percent of the fiber with TDS will be buried underground.

In terms of meeting our technical requirements, they both meet them. That is the difference. You have aerial fiber

and you have buried fiber.

Moving it to a recommendation, first we looked at installation costs. Flat out, I advised the manager both from the IT side and the budget side that both the NetQuincy Option and the TDS Option # 2 - we do not have those amount of funds to pay up front installation costs. You're looking at \$247,00 and \$150,000.

When we looked at annual recurring costs, NetQuincy as you saw are lower than both TDS options. This was largely due to the structure because they asked for a lot of what they needed for installation up front. It was not a carry forward through the five year or term of the contract.

TDS Option #1 is a higher annual recurring costs, but of course, there is nothing that we have to pay up front in terms of installation and in terms of meeting our needs of our current cash flow.

TDS Option # 2 - the recurring cost is similar to that of NetQuincy. I believe there is about \$20,000 difference. But, that is because they required to pay \$150,000 up front which goes back to our first thought of avoiding large up front costs due to our cash situation right now.

When looking at the extra offerings, both of them are valuable. But, as part of our plan, phase I was the start and implementation of infrastructure. But, phases II and III, we have serious concerns. I have talked to the manager and I believe I have talked to Commissioner Croley and I believe that I have talked to all of you about - What is our backup plan? What is our disaster recovery plan? So, somewhere down the line, not only when we move beyond tape backup and storing our tapes in a secure location, we have to move forward to "What if something happens here in Gadsden County or in Quincy?" It's not just about protecting data, it is about the continuity of business. Can we continue to operate?

In looking at it in those terms, the offsite location or collocation of our equipment is very valuable because it will continue or allow us to continue to operate. Maybe not at a 100%, but in an acceptable manner or fashion. So, from the staff's point of view and from a professional point of view, the extra offering of the offsite disaster recovery location in Kingsland, GA was very valuable. It was

weighted heavily by my staff as we evaluated the proposals.

The bottom line, when you look at us, what we are requiring and where we want this county to be IT wise, there is a slight difference in price. But, when you look at buried fiber and the off site relocation piece in GA, even though it is in Kingsland, even though I know it is on the coast, those offerings in terms of IT staff, in terms of trying to position the county to be in the best possible position that it can be in, that is what outweighed and what, as a professional staff's opinion, that we recommended that we choose TDS Option #1. TDS Option # 1, if you go back to page 3, that is the option with the low to almost zero up front cost for installation and with a higher annual cost. The total cost over the five year period would be about \$563,000.

Both respondents are here. If you have questions of me or the manager and I know both respondents are available to answer questions also.

Brown:

Madam Chair, before you ask questions as a commission, you probably are already aware that the City of Quincy sent out a letter talking about the possibility of spreading some of that initial cost.

Commissioners, just let me forewarn you that, as part of your deliberations this evening, please do not consider that letter because it was not part of their bid submittal. If you do choose Quincy, this is part of the negotiations that will occur as part of what we decide this evening.

Holt:

Commissioner Lamb?

Lamb:

Davin, I picked up two or three things here. Number 1 - I see that the installation fee up front is \$247,000 compared to \$6,000 with Option # 1. But, there should be room for negotiations with NetQuincy. There should be. They are right here in Quincy. But, at least they are not even close to the tail end. Whereas, they are paying \$50,000 annually to them, we are, and we are paying \$111,000 to TDS. That is just one.

I feel personally that you all, that this county should be

able to sit down to the table and negotiate with Quincy in getting that \$247,000 down. You should be able to do that. They are right here together. I can't understand if you can't.

The other thing is the location. If a disaster, is something happens, you need to be able to sit down with them again and be able to work out something with them if you need to - if something was to happen. I can remember when we talked about this a year ago or so, and I was really strong toward TDS because of their installation underground. But, everybody else was high on NetQuincy for some reason and I went along with them on that. But, now I agree, I believe that we should be able to sit down with NetQuincy and work out something and help the city - help Quincy out because they need help. We ought to be able to work together on this. That is when we come to the cooperation that we have been talking about here. Because both of these firms meet the needs, you said that yourself. They both can provide the service. So, we ought to be able to sit down with them and work out whatever differences there are and come up with a fair scenario to get the job done.

Holt:
Commissioner Croley?

Croley:
I wanted to ask Davin - You may have to have the NetQuincy representatives to answer this.

They are going to have to attach those aerial lines to utility poles that they don't own to cover all those buildings. There is going to be rental on those utility poles. I just wondered if that \$50,000 annual charge contemplates that.

Bill Bogan, City Manager of City of Quincy:

Honorable Chairman and Commissioners, I appreciate the opportunity to come before you tonight to speak about this issue. I did have some other thoughts that I wanted to share, but to answer your question, Commissioner Croley, Yes, we did. That was all rolled into that. We have an agreement with Talquin Electric that will allow us to attach to their poles, so that is not really an issue.

There are some other things that I would like to share at later time when I get a chance to speak out to ya'll and

answer your questions.

Holt:

Any other questions and comments?

Croley:

Let me finish on one point. I did sit down with Mr. Suggs and I will confess that I am real sure that I understand the whole county's IT strategy. This is a lot of network commitment in terms of the size of the fiber and the specifications. So, it is difficult for me, with the lack of perspective that I have on this commission, to be on board with getting this deeply into this IT system. As many corporate people would tell you, you can really spend a lot of money on IT and I believe, and you can correct me, Mr. Suggs, if I got this wrong, I believe that currently, you have 80 desktops that are owned and in use by county employees and about 40 in the libraries that are used by the public.

Suggs:

We have 80 - 85 desktops for the public and altogether we have about 183 network connections in total.

Croley:

I think that in this discussion, it is important in trying to evaluate these bids, we need to hear from you just a little bit about where this is going to really be able to take the county so that we can understand which way here - aerial or underground - is going to better serve that interest. Could you very briefly bring us up to date?

Suggs:

Part of what Commissioner Croley is talking about - when we started this, Commissioner Watson was in the seat, when we started about where the county wanted to go. We rehashed history. In terms of first with the fiber, why the fiber is important. Fiber vs. cable. We have DSLs coming across versus copper wire. Fiber is important because of speed and the amount of data that it can transport. Fiber is like a garden hose. There is only one size fiber. What controls the fiber and how much you push and how fast you go are switches. The machines at the end on each end of the hose which we have purchased.

We have both respondents here. In terms of fiber and infrastructure and laying the fiber, whether this was

gigabit network or a 100 MG network, the price is pretty much going to be the same for that piece of it. There is some, because we are asking them to manage it at that speed, there will be some cost. I think the additional cost where we are asking for is our internet connectivity. To give you an example. If you are connecting with DSL, you are probably about 1.5 and 3 megabits of network. We are asking for 10 megabits. The download speeds and the upload speed. That is once again because of the data moving across the county, that the county owns. Moving it, we want to make sure that it is as efficient and as fast as possible for the amount of money that we are putting in.

In looking at the vision, going back to when we started this IT plan, we are building this network for us. It is not only so that we work better here, with Robert, with EMS, we have talked many times about GIS functionality. We have talked several times about some special applications that the Board, that you get phone calls about, where we will start to become more efficient. We talked about moving government from 8:00 to 5:00 to 24 hour government. Then, I had a hard talk with you and once again, it was before you, but, I had a hard talk with the Board. Before we get to all of the good stuff, what we call the good stuff, it is like pouring that cement foundation. We had to build a foundation to be able to support the activities and the efficiencies and the enhancement that we all wanted. Also, at that time, we talked about laying the ground work or building a framework to where, in the future, our goal at the end of five years, is not just to support the Board of County Commissioners, hopefully, we have been talking about collaboration all night, but we have five other elected officials out there at the county level. And, because of past history and we just own up to it, in years past, our commitment to technology have been lacking. So, at the time when we started, no one wanted to work with us. But, I can tell you already, that the tide is changing because the Board is now committed and they have seen the investment and so the questions are starting to be asked. I think that as we continue to move forward, our chances will be good to - where Commissioner Croley and I have talked about it - maximizing the value of your investment. That means having the most people in an efficient manner to use the infrastructure to work well enough to provide countywide services. So, I think that the board was committed to moving in that direction when we started this and I think that we still are. I think that in terms of class of

operation in the county and even regional, I think that we will be very top notch and we will move forward with that.

I will give you an example in terms of our GIS capabilities even now, just about all of the municipalities come to Ken for GIS. But, in terms of what we will be able to do, hopefully and we are planning now that we will be able to produce some revenue, also and also collaborate so that they can be supported - their GIS and GPS functions - it can support itself in part or maybe in whole. That is where we are headed.

It is hard to see now, but as we stay on track, our goal to maximizing the value of our investment is always in the forefront of our minds.

Croley:

Thank you, Madam Chair.

Brown:

May I just add one thing to that. One thing that Davin did not mention is the citizen interaction with the county. Once we get this up and running, the citizens will be able to interact with us over the internet at much higher speed. We will be display or have them fill out forms online, have them submit those online to us. We have talked about building inspection, Commissioner Dixon, the ability for the building inspectors to go out and use computerized templates, do their work in the field, not having to do it on paper, then come back to the office and download it, make sure it is correct, then go back out into the field. They will be able to do their work more efficient with this technology.

One of the things that we are going to be exploring, and this is in the future, we will be able to televise these proceedings over the internet live where the citizens, if they wish to follow the proceedings, they can do it in front of their desktop. These are some of the things that you will see in terms of the citizens.

Holt:

Also, one comment, there were several comments that we got from citizens during that time. They want to start the permitting process over the internet. They want to be able to use credit cards to go ahead and get started. They would not have to be in the State of Florida. They want to go

ahead and get that process. The funny thing was that about four years ago, they asked me, "Do you have a merchant's account on the internet?" so that they could just use their card and go ahead and pay for it right then. I said, "I am sure we do not." At that time, there was only one picture on the website. We want to get it customer friendly and they will be able to do business.

Croley:

Madam Chair, I didn't want to deviate too far from the subject matter here, the bids, but I thought it would be of value to for the public as well as myself, to at least to hear at least some explanation of why we have looked at this three times.

While I want to give the other commissioners an opportunity to make whatever comments, I have some ideas about these two bids when we get ready to call for motions, I would like to discuss further.

Holt:

Other commissioners?

Dixon:

Madam Chair, my interest is certainly not on the tech side. I don't have a clue and I don't pretend to, about how things work. I am just glad that they do work. Recently, we have gotten calls and this is about the efficiency of government, that we were issuing building permits that did not have a septic tank permit yet. A number of those went out and you know what that means. People are chomping at the bit now saying "I got my piece of paper" because those offices do not communicate. There is no way for them to communicate. The Health Department has their network up and running, but we can't sally up to their network and share what is a common purpose. You see our building inspectors walking around with a bundle of paper. Every time they finish one, they have to come bring it back in, hand it to somebody so somebody else can do something else with that same piece of paper as opposed to hitting "send" and sending it to somebody back in the office and staying in the field and being more efficient with their time in terms of just simply delivering a better service. As I said up in Chattahoochee, I was so happy to get a call from a lady who said, "Look, they had a row of computers over here for children and they came in and put some new screens in and now all the adults are on the children's computers. What are ya'll going to do

about it?" It is a good problem to have, I guess. Those kinds of opportunities for people to interact with the computer and cyberspace are really what moves me.

I see Commissioner Elias out there and I think he was one of those originators who was there when NetQuincy came up. One of his selling points was, as I recall, is simply that the computer is the equivalent of learning to read. If you haven't learned to read, you cannot function in the economy. If you can't operate in cyberspace now, you cannot function in the economy. Nobody sends you paper anymore. They send you a website address and they expect you to go there and download some information.

I tried to download some information from my house the other day. It wouldn't download and I had some of that "not so good stuff." Dial-up. So, it is important that the technical things are important. But, there are also some consumer things that I think are just as important. It is important given what is happening in terms of education and all of that stuff in Gadsden County as well. We must create as many opportunities as possible to get folk an opportunity to get online.

I don't when Midway is going to put their backbone in, do you? Maybe this is an opportunity for them to get up and running. Greensboro, Gretna. How can we tap into them and get their folk up and running if we have the capacity and opportunity. You know it will be another 20 years before they get there, literally speaking. That is no disrespect to them. It is just the way that all our revenues are running. If we have the opportunity to partner with them, I think we ought to take those opportunities no matter which system we choose.

Holt:

Any comments, commissioners concerning this particular item?

Croley:

Madam Chair, may I? I will come back and suggest that - given the option 1, I don't, I am not comfortable with that due to the amount of cost annually because that is what this really boils down to. So, it looks like to me that out of fairness, even though we have had this looked at three times, and I know that Mr. Suggs is anxious to get a decision here so he can move forward, but it would seem fair that since both NetQuincy quote or bid and the TDS Option #2

bid are relatively the same, that both vendors be given the opportunity to negotiate on whether or not they would be willing to spread that installation fee out over whatever period of time, and, perhaps, well, at no additional cost. That would be fair to both and something that could be accomplished in negotiations since both now know the respective bid of each.

Holt:

O.K., Mr. Suggs, what kind of time line are we talking about?

Brown:

Commissioners, hold on just a second. If you are telling us to negotiate with both, we'd better get a legal opinion.

Holt:

Sure. I don't blame you.

Dixon:

Well, we have waited a year, what's a few more, but I think I said that at the last meeting, didn't I.

Sexton:

I would have to look at the procurement policy of the county - the county's procurement policy for more detail.

Brown:

Mr. Lawson?

Holt:

City of Quincy and TDS, I will give you an opportunity to comment. Let's listen to what Mr. Lawson has to say.

Lawson:

I think that before you get to the point of negotiating, there needs to be an award. This is a bid so you need to award it one way or another, then you can ask staff to negotiate.

Brown:

I think you would probably have to put it back out.

Lawson:

Or, put it back out for a fourth time.

Brogan:

Thank you again, Madam Chair and Honorable Commissioners. I

appreciate the opportunity to come before you all and speak again.

Let me, first of all, just tell you that the bid that we put before you all was our lock bottom price on the installation as far as - that is the maximum of what we are going to charge you all. We, at the time, kinda got wind that underground might be an issue with you all. So, we started exploring that opportunity. In fact, we have contacted one company that actually has fiber underground running to Havana already. We have engaged conversation with them about potentially being able to tap into their fiber. Anything that we did, we would pass those cost savings on to you all.

One of the things that I do want to point out and you all have had the opportunity to see this letter that I sent out to you all. The tax exempt financing, the ability to spread that over time - while we didn't put that in our bid or anything of that nature, that is something that is available to all governments. So, if a government is in a position to where they are trying to do something and spread it over a certain period of time, that is something that is always available to you, especially if there is going to be an income flow to match that. So, from our standpoint, being that I have been at the City of Quincy for a little bit over a year, we have enjoyed our relationship in working with you all in a cooperative manner. There have been several things that we have worked together to try and accomplish and we would love the opportunity to be able to have that fiber running throughout the county that will allow the other governments and the other agencies the opportunity to seize the opportunity to come and participate in this. We would appreciate the opportunity to serve you all and serve with you, work with you. This is going to belong to the citizens of Gadsden County. Obviously, to the citizens of Quincy, but it is in Gadsden County. This will be the citizens network.

Holt:

Representatives from TDS?

Holcomb:

Thank you commissioners, my name is Frank Holcomb and I am the market manager for TDS here in Quincy and also in St. Mary's, GA over in Kingsland, the area that Davin Suggs referred to as the co-location center for the restoration.

One thing that TDS has done in the past, I think that most of you are aware that we brought DSL Broadband Internet connection some years ago. I think in Commissioner's Dixon's area, I think you will find that all the citizens there have access to DSL. The majority of the citizens that live in Commissioner Croley's district also has access to DSL. We have found that it is very important that school children and the citizens of Quincy and Gadsden County have access to Broadband. We currently have fiber in the ground from Quincy to Gretna and Greensboro and also out to Lake Talquin. We've got connections to Chattahoochee through GT Comm and Bellsouth. We also have fiber connection to Tallahassee through Embark with a meet point in Midway.

TDS has put a considerable amount of investment in the ground through fiber optic technology already. We believe that we have put together the best proposal for Gadsden County and the citizens and we just request that you evaluate that fairly.

Holt:

O.K. Thank you.

Commissioner Croley?

Croley:

It remains my position, on a pure business basis in fairness to both vendors, that they be allowed to respond to a spreading out of that installation fee. Then, we would be in the best position to make a decision based upon strictly whether it is aerial or fiber. I feel like right now, those are the two closest bids. Unless their representatives voice strong objections to that, it creates an opportunity for a win win for both of them right now. Otherwise, somebody is going to loose.

Holt:

I understand what you are saying. Then NetQuincy would be able to give an Option 1 and 2. TDS would be able to give an Option 1 & 2.

Croley:

They would simply take their installation fee and respond as to whether or not they are willing to spread that over the five years or some period in between. It would make it more equitable in whatever decision is made by this board.

Holt:

O.K. Other commissioners?

Dixon:

Madam Chair, even if you were to entertain that, I think you would have to ask both providers, potential providers, to affirm that they will stick to that process. They will not appeal or fight that process because clearly we are going off the table here. But, they will stand by the wishes of this body and not fight that if the body decides to do that. There is no sense in doing this if all we are going to do is come back and have somebody to appeal and want to sue. I will just pick somebody tonight and be done with it. We don't want to go through that again. Not, another year.

Brown:

Again, whatever decision you make, make sure that we are not locked down because whether you approve NetQuincy this evening or TDS, staff will still have the ability to go back and negotiate with either one of them. You would have given us the ability to negotiate and bring back probably a better deal than this.

So, if you were to say to both TDS and NetQuincy, "Go back and sharpen your expenses and spread the costs." I don't want to lock us into not being able to still negotiate and bring these costs down. So, I just want to caution you.

Holt:

I think that should be part of the bid anyway. That staff would have the option to negotiate.

Croley:

Madam Chair, would you be opposed to polling the vendors as to their -

Holt:

I would not be opposed to it at all. I think that they will probably end up installing together if we keep this up.

Dixon:

I think that somebody will holler if it doesn't work.

Holt:

Both vendors, do you have any comments? Come up Mr. Bogan, your representative or whomever.

Holcomb:

Before I can agree, I would like to hear what the

Sexton:

Commissioners, the structure of this particular procurement has labeled as an invitation to bid and it has been structured in a manner where it is submission and selection process. You do have a rider in your lead in page indicating that the County Commissioners reserves the rights to reject any one bid or all bids, any part of a bid, to waive any informality in the bid and to award the purchase in the best interest of the county."

I think that the posture of this procurement right now did not include either an invitation to negotiate or supplemental submissions to the County.

I would be cautious about deviating from the published process because it has an impact on the integrity of your procurement processes overall.

Having said that though, there are may be the availability of publishing an addendum at this point to provide for additional opportunity to respond to specific inquiries by the Board of County Commissioners or the staff. Take that information and basically re-evaluate where the parties are before you make a selection. But, this should turn into a free form negotiation process. I think if you deviate too far away from your original method of procurement, you need to go ahead and just withdraw it and reissue it in the form that you want to which might be RFP or ITN.

Holt:

I am sorry, give me your last name again, please.

Holcomb:

Holcomb. H-O-L-C-O-M-B.

Croley:

Mr. Holcomb, my interest is to treat both of you fairly and try to narrow this down to where it is a more equitable decision so that maybe it becomes just a decision of aerial versus overhead or whatever other factors might develop here in terms of the manager's negotiations with the successful bidder. But, right now, you are approximately in the same ball park when you look at the five year bottom line. But, your installation cost has got to be paid up front under

your option #2. Whether we agree that the letter should have been sent or not, the City of Quincy is saying that they would be perhaps be willing to spread their \$247,000 installation out over some time. So, out of fairness to your company, I would believe that you would want that same opportunity to at lease think about it.

Now, if you say right now that you are not in a position to spread that cost, well, that ends that thought and we can make whatever decision tonight.

Holcomb:

TDS would be glad to negotiate that issue with the commission.

Brown:

Am I correct, you TDS Option 1 is a spreading of that cost. So, you have already supplied that information.

Holcomb:

Actually, that was a spreading of that cost with a \$6,000 up front installation. If you want to take the \$150,000 and spread that out over, then we would discuss that with you.

Holt:

So, what you are saying in that Option 1, the \$6,000 installation, the cost went to \$562,800 which is a difference of \$64,000 - \$65,000.

Croley:

You can basically eliminate consideration of Option 1.

Holcomb:

So, what you are saying is that the \$100,000 less installation charge, you would need to have that \$150,000 also spread over a certain period of time.

Holt:

That would be your option.

Mr. Bogan?

Bogan:

I guess my only basic thing at that point in time is that basically allows them to submit two bids at different prices. Because they did spread it in Option 1.

I am willing to do whatever as long as there is a process laid out. Whatever the County Commission so chooses to do, there is a significant difference, not in the fiber as far as what they are providing and what we are providing. I am not going to get into technicalities of it other than the fact that I believe theirs is a two line fiber and ours is somewhere near 140 lines. That basically means that we will be able to serve a lot more people in the community.

From our standpoint, we believe that our option is, in fact, the best option for Gadsden County and we are willing to do whatever we have to in working with you all to help you all to see that is, in fact, what it is.

Holt:

Mr. Suggs?

Suggs:

I just needed the Board to get clarification with the City of Quincy in terms of - I know in the letter, they talk about spreading the cost out and I also know they have talked about financing. I need them to clarify whether they are expecting us to finance that \$247,000 or were they going to finance it? I need them to clarify that.

Brown:

Again, let me caution you. Hold on Mr. Bogan. Commissioners, if you are going to ask both entities to resubmit based on spreading these costs, the bids will not change with the exception of how that \$247,000 or how that \$150,000 is spread over the cost of the project. Please do not consider anything else that was not submitted as part of the bid.

Croley:

Madam Chair, just what the manager said, as far as an amendment of some sort, is what I am suggesting to be done.

Holt:

An addendum. O.K. What is the will of the Board?

Dixon:

I think we have to go back to the lawyer to figure out which processes that we need.

Sexton:

It would not be re-bid. It would essentially be an

addendum. You are essentially modifying the process to add an additional request for information or request for a refinement of the bids from the two vendors. They would respond to your specific questions. So, you would probably want to have the county manager and Mr. Suggs carefully phrase those for you with an eye toward achieving the goals that you all have mentioned today.

Or, you could specify the question you want tonight and send that out tonight and give them a timeframe within which to respond. You get that information back plus whatever analysis you want from your staff, make your selection, then enter into discussion with your selective vendor.

Dixon:

What is the timeframe on that, do you think?

Brown:

Davin, how long will this set back your schedule for implementing?

Suggs:

Mr. Lawson, is it still 10 days that I have to advertise that? I would like to just send out an addendum.

Lawson:

This is not a bid.

Suggs:

I am going to probably put a couple of days on it, in and out and back in.

Holt:

We can do it at the next meeting, then?

O.K.

Brown:

Again, let me just ask the two vendors, are you agreeable to this process?

What we will do is issue an addendum to the bid requesting that both entities spread their installation costs over the lifetime of the project and just focus on just those costs and resubmit that to the County.

For example, you would take a look at your \$150,000

installation costs. How would you spread that over the life of the project.

Similarly, the City of Quincy will look at the \$247,000 installation costs and spread that over the life of the project and resubmit those back to the County.

Suggs:

Can I just ask the Board a question, and somebody help me out. I am just assuming

Dixon:

We've got you scratching your head this time.

Suggs:

Since they both said yes, I think they both said yes. We just issue an addendum and we can't come back and negotiate with either one of them. Are you giving them the opportunity to change their bid numbers?

Everyone:

No.

Suggs:

O.K., if they can't change their bid numbers and they are both willing to go back do an addendum, I am just thinking forward here, they are both going to spread them out over five years. We will still be at the same price - \$497 - 498.

Croley:

It will be the same bottom line at the end of the five years. The only objective is to try, I mean the public would save \$64,000 if TDS said that they would do that . If they say, "No, we are not going to." Then that is fine.

Suggs:

I am for that, we are on the same page. I am just - if it is going to be the same price at the end of the day, the staff recommendation is probably going to stay the same.

Holt:

In that case, we will take the bottom bid and divide them by five years and that will be it.
What is the will of the Board?

Dixon:

I am rethinking it.

Holt:

Come up please and state your name.

I am Roger (inaudible) with TDS Telecom and I am the account executive that represents the customers here in Quincy and Gadsden County. One of the things that hasn't been brought up tonight and I know that it is near and dear to everyone's heart and that is - What is going to happen when a hurricane comes?" That is why TDS is in the ground today. We suffered through storms like Katrina over with Mississippi with the telecoms there. So, wherever we go now, across the country, we put everything in the ground. So, when the storm hits here, we don't care whether you are three feet, I do care, but the reliability of the service, you could be two feet under water and have 150 mph wind and it will still be working as far as the structure of that fiber.

Holt:

I have another one with the City of Quincy. That is it, now. City of Quincy.

Ray Eton, NetQuincy Director.

Everybody is putting in underground fiber. That is the way the technology is moving now. Even we put in underground fiber here in the City of Quincy, and now at Magnolia Forest and elsewhere. There is a fundamental difference in these bids. You were talking about leasing fiber from a company that is going to give you two fibers to connect these buildings. All that is going to happen at the end is that you have these 10 buildings connected.

The City of Quincy is taking 144 fibers to these location. You will connect those buildings and you will connect all those residents in that city.

I have heard you talk about deploying stuff on the internet. You are going to have a fast pipe regardless of who it is that you go with. The problem is that your citizens won't be able to download anything because they have second tier services. We are trying to change that. WE are trying to connect those citizens.

We are coming in at the lower price because we are eating the excess cost. That is the difference. You can keep on

having the citizens to have second tier services or you can partner with the City of Quincy and bring first tier services.

Holt:

Boy, you have really stumped us tonight. Commissioners, do you have any questions.

Croley:

I am still prepared to make the motion on allowing the amendment when you are ready for it.

Dixon:

Madam Chair, may I?

My thing when we talked about negotiating, my thing would be simply that - are we moving toward clarifying so that we can choose a vendor to then negotiate with or are taking all the negotiations off the table?

Croley:

Move so that we can negotiate. My whole effort is to simply say \$64,000 and be fair with -

Holt:

Alright. I need a motion and a second.

Croley:

I so move.

Dixon:

I second it.

Holt:

A motion to - restate it.

Brown:

It is for an addendum asking both vendors to submit plans that spread the costs of their installation over the life of the project

Croley:

Give them the opportunity.

Brown:

Give them the opportunity, they may not choose to, you are correct, over the life of the project - not changing

anything with the remainder of their bid.

Holt:

That is the motion and the second.

All in favor?

All:

Aye

Holt:

Any opposed?

No response.

**21. Approval of Increase Hours of Operation for the
Chattahoochee and Havana Public Libraries**

(The supporting material for this agenda item was revised at the beginning of the meeting when the agenda was amended and approved.)

Mr. Brown told the commissioners that the Chattahoochee Library hours are currently 12:00 p.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 12:00 p.m. on Saturday. There is a need to extend the hours of operation as explained in the attached agenda report. Three options were offered as possibilities.

Library Director Jane Mock addressed the board explaining the hours of operation of the other libraries and the fiscal impact of extending the hours. She recommended that the hours be extended to the current hours at the Havana Public Library, which are 11:00 a.m. to 8:00 p.m. Monday and Tuesday, 11:00 a.m. to 6:00 p.m. on Wednesday through Friday and 9:00 a.m. to 12:00 p.m. on Saturday.

Discussion followed.

Mr. Suggs cautioned that because of the uncertainty of the state tax reform which will be on the January ballot, the Board may have to revisit the number of operation hours. He recommended approving Option 1 because he felt that the budget could sustain those hours. (Increase the hours of operation at the Chattahoochee Public Library to match the current hours at the Havana Public Library.)

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE OPTION 1 - . 11:00 a.m. to 8:00 p.m. Monday and Tuesday, 11:00 a.m. to 6:00 p.m. on Wednesday through Friday and 9:00 a.m. to 12:00 p.m. on Saturday.

Commissioner Dixon stated, "Just for discussion, to me that is absolutely the most distasteful thing we can do. And, I know that we don't have any choice. Don't misunderstand me. But, to limit, severely limit the hours of the Library like that after we just opened it and expect people to come, just not having the wherewithal to do has got to be the worst thing in the world."

Chair Holt reminded him, "Well, Commissioner Dixon, we will be in line with the other counties. They said they want to roll back and they are going to start shutting down programs, not hiring to fill vacancies, then begin laying off employees. Those are the plans, so-"

He then replied, "We'll figure it out."

21A Approval of Soloman Construction Company for the Installation of the Permanent Sewer System at Highway 237 (Pat Thomas Parkway) and Interstate 10 - CDGC Project - Grant amount was \$489,986.

Mr. Brown stated that this agenda item seeks approval to accept the bid from Solomon Construction company in the amount of \$376,885 for the extension of wastewater and to install a permanent wastewater sewer system which will provide sewer to two newly constructed hotels - Hampton Inn and Holiday Inn Express located at Highway 267 & Interstate 10.

Seven bidders responded to the Request for Proposals for the project which will be funded by a Community Economic Development Block Grant from the Department of Community Affairs.

On June 12, 2007 the staff met with David H. Melvin, Inc. and opened the bids and Soloman Construction submitted the lowest bid. After the county engineers completed their review, they recommended that the County accept the base bid as submitted by Solomon Construction. They also recommended that they upgrade the sewer force main to a 6 in. sewer

force main to accommodate future growth at the interchange. If the upgrade is approved, the total bid from Solomon would be \$401,482 and still remains the lowest bid.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE BID AWARD TO SOLOMAN CONSTRUCTION WITH THE OPTION 1.

Following Item 22, this motion was revisited and clarified by another motion.

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO UPGRADE THE SEWER LINE TO A 6" LINE.

COUNTY MANAGER'S AGENDA

22. Update on Property Tax Reform

OMB Director gave an overview of the Legislator's Property Tax Reform impact on Gadsden County. The county must roll back the millage rate 8.9 mills. The revenue will actually increase approximately \$300,000 over last year's revenue. That will generate about \$12.5 million.

All governments are statutorily required to go back to the roll back rate. That means that they must reduce the millage rate to generate the same amount of revenue the previous year. Then they give you credit for all the new construction that came onto the roll as of January 1, 2007.

Mr. Suggs explained, "It worked out sort of funny. Because we are fiscally constrained, we got some credit for that, but also because we were the first county above the threshold to where we had to reduce back further from the roll back rate. The tiers were at 0% if you met a threshold. What they looked at was the growth and rise in tax revenue over a five year period. If it was above or below the state average and by how much. So, that first tier was from 0 - 5%. If you were in 0 - 5% in increase in tax rate, then you were not required to roll back any further than the roll back rate. The next tier was between 5 - 7%. If you raised your taxes at a rate between 5 - 7%, then you were require to reduce your revenue to the roll back rate, then plus another negative 3%. O.K. We came in, according to the latest state records, we came in at 5.34%. So, we just crept above that threshold. So, we have

to reduce back to the roll back rate, and then subtract another 3%."

He then went on to say, "When you talk to your citizens, the way you have to phrase this, so you can tell the truth to them, it amounts to a net reduction in "anticipated" revenue. I applaud the manager because we used a certain strategy to where we did not use scare tactics. We have tried to tell the truth from the whole point...We have been very forward with the media, we did not throw arbitrary numbers out there, so when you talk to your citizens, what we are suffering due to this statutory legislation is a reduction in anticipated revenue. We lost money that we would have gotten if the millage rate had stayed at 10 mills. What actually happened is that our revenues right now are forecast or projected to rise about \$300,00 over last year. In essence, going in to next year, and this is just taking in property tax revenue. Going into next year, roughly, we will just replay this year all over again. Other state revenue estimates will not be out until mid July. Hopefully, we will pick up some gain. Some of the revenues have been flat, so we are hoping we will pick up some. Overall, we are safe right now. Going in, we have had a pretty lean and tight budget development period. We have been knocking people back left and right. But, as we go in looking at in terms of our revenue base, we are playing this year over again, until at least we have that mind set until we go into January. ... Here is the issue...things that we do in 2006 are foreshadowing what we do in 2010...this is where you will feel the pinch...

We are still running the numbers on the second piece which is the constitutional amendment. It has changed up until the last second in the legislative session. We are still waiting for the governor to sign off on it completely - the "Super Exemption". Now, you are going to have a choice between staying with "Save our Homes" or choosing a super exemption. The original number that the State gave us was about a 25% hit...Imagine reducing the taxable value by 25%. That is the effect...It will take a lot of stuff close if not completely off the rolls. The problem with trying to forecast it - I am having a difficult time. I am going to work with the property appraiser. We can only speculate on who is going to choose which plan. The State speculates that smaller counties will get hit the hardest because people will choose the super exemption because it will get them completely off the roll. If not, close to it. The

forecast for Gadsden County is that 99% of the people who have homesteads will switch to the super exemption. So,...we are talking about between 2 and 3 million dollars.... At the end of the day, we know that it is going to be serious - a significantly severe impact... The best I can do is give you a range because I can't tell you how many people are going to choose which plan...

Moving forward, we know this piece pretty solidly. The manager and I will spend the next two weeks and we will be putting together a tentative budget and we will come before you on July 10. We will workshop on the complete tentative budget package.

By July 17, we have to adopt a millage rate.

Discussion followed among the Board.

Mr. Brown concluded by saying, "We just want to go on record so that the public understands that we always said to the public that we support property tax reform. We have never said that we are against property tax reform. So, we are supportive of that."

Mr. Suggs added, "We have written letters to that effect. The Board has sent letters to both the House and the Senate stating that the Gadsden County Board of County Commissioners supports property tax reform...As we go forward, we are picking up \$300,000, but this net reduction in anticipated revenue, we saw four slides about the water sewer study. You fought tooth and nail and the study cost \$350,00. You fought tooth and nail to get that. Before you can even think about implementing that, I can tell you that you are not going to be able to do that piecing it together grant by grant by grant. All commissioners brought up a very good point of bringing the cities in and in cooperation...At some point, like we did at 267, the Board is going to have to take some action in the future and that is heavy infrastructure. That is where you start to hurt in this net reduction of anticipated revenue. We can go on and on down the line. It is because Gadsden County has just been in a state of maintaining which has actually turned into neglecting. Now, the bills are going to start to come due. Those intersections you put up - \$750,000 every two years is not going to get you those intersections. The County has to take action.

So, to put it in perspective, we talk about capital infrastructure all the time. Loss of revenue like that is very, very serious to the Board. It could have been much worse. We could have been in another per cent range like some of the south Florida counties, but still, you, not having the ability to make the decision to reduce taxes or invest in infrastructure is very serious.

Commissioner Croley stated, "That raises a challenge about how you accomplish these objectives in the future. You and I sat down We've got to see the leadership step forward, do something with these interstate exchanges as you say. There may be a need for more creative financing ways, but to keep crying basically that the sky is falling is somewhat an exaggeration until we see what the public actually does. Once we know that, then you can make better plans. But, making decisions and saying things in the blind seems to be premature and I say that respectfully to everyone's interest... "

COUNTY ATTORNEY'S AGENDA

23. Status of the Ashford Closing and Negotiation with AHCA

Attorney Paul Sexton provided an update on the transfer of the hospital license to the county's control.

The Agency for Health Care Administration (AHCA) wants a Closing Document showing a transfer of control to Gadsden Hospital Inc. (GHI) After that AHCA will then issue the license to GHI. The original agreement with AHCA contemplated that the county would transfer the license after the hospital was brought up to speed and in full compliance and ready to be opened. The difficulty is that that the license is expiring on June 30 and the only option is to get it transferred over to GHI now.

See the attached report for further details.

UPON MOTION BY COMMISSIONER AND SECOND BY COMMISSIONER THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ASHFORD AGREEMENT REGARDING THE CHANGE OF OWNERSHIP OF THE LICENSE FOR THE HOSPITAL.

APPROVE THE AHCA SUPPLEMENTAL AGREEMENT PROVIDING THAT FOR

AN INACTIVE LICENSE TO GHI WHICH CAN BE ACTIVATED BY
BRINGING THE HOSPITAL INTO FULL COMPLIANCE WITH REGULATORY
STANDARDS.

\$275,000

\$600,000 PAID TO

Suggs:

Just to refresh everybody's memory. There are a couple of pieces to this. When we reached the original agreement, the original plan was to pay \$275,00 to Ashford through the Bankruptcy Court and we were going to have to pay some money to AHCA. That amount to AHCA was lower because we were going to make actual improvements ourselves. Now, this plan which we did last year, the Board approved this plan in closed session...At that time, we did a budget amendment and we set all that money aside. I believe the total amount of these payments came to about \$1.9 million... We set all that money aside. All that money came from interest in our ownership that has been generated over the years off the principle of the trust. Now, let's move forward to December when we opened the Urgent Care Center...The manager, member of the county attorney's office, myself, members of the Clerk's office - we met with members of the trust fund committee - Mr. Richard Bass, and we also met with members of Capital City Bank with Capital Investment and Financing Division - because we were looking at what we could do to run the Urgent Care Center temporarily and stay on track to fulfill our obligations. The idea of this originally came from one of the committee members, including a number of them from the Capital City Bank - this money that we set aside from the AHCA capital improvements - use that money now instead of borrowing money to operate the Urgent Care Center. Everybody decided not to borrow operating cash flow. So, the money - our interest that was in our possession - we moved that and we did a budget amendment to fund the Urgent Care Center for one year. Moving forward now, we are about to receive the license. We are in the process...we will be meeting with the trust fund committee again moving forward as a part of budget planning purposes. We are here now and here is what we have to do. We bought ourselves that one year of time to get to this place and we now need to come up with a strategy to bring back to the Board and the GHI board to plan out. We have to keep the Urgent Care Center open for some period of time as we get down to the final interviews - if we are going to have a hospital or not. Those are coming up on the 26th - and also fund the capital

improvements to meet the required obligation. A portion of the money is already set aside from interest. There will be a portion that we will talk to the trust fund committee in terms of these capital improvements. WE will seek their advice and opinion and probably at some time request to use trust fund money to apply towards capital improvements for the actual hospital. We continue down this line. That is what we plan to do. We will probably go into and request funds off the actual principle of the trust fund. That is what the meeting next week is for.

There are two ways that we can go about this. You can go with the trust fund committee. Either way, you have to go to court and the judge has to decide. You can go with the trust fund committee or you can go without them. You either have them on your side or they can not be on your side. And so, just like last year when we were moving forward, we were not touching principle, but we kept them in the loop. We will be meeting with them again to discuss the best use and strategy of both the interest of the trust fund and the actual principle.

Moving forward with the Urgent Care Center - I believe that is a matter that we will talk with them also in terms of looking at revenue and continuing to operate the Urgent Care Center. We have to look at that, too, in terms of the interest that is generated off the trust which will probably not be enough. All of these options will be coming back to the Board in the next month.

Commissioner Croley stated, "I want to remind the county that trust fund was set up with 90% of that principle was contributed by residents and descendants of District 2. Many of them have approached me about how that trust fund money is being used as a legacy which their family has left for the health care of the citizens of the county. Their concerns and interests need to be considered and evaluated. This business of depending upon and going into the principle of that trust fund and perhaps being at odds with the trust committee sends a rather questionable, at best, on the part of anyone on this board or in any plans. I hope you will bear that in mind.

Dixon:

It is amazing, this has been a very open process. Mr. Sexton, I don't recall exactly what that money was aside for - Was it AHCA Ashford debt? Medicaid payments that was owed?

Sexton:

There are about three components. One is tax obligation to the order of about \$342,768 that Ashford had not paid. Then and addition \$548,000 which is for Medicaid overpayments which were paid by AHCA to Ashford. Then there is about \$1.2 million in penalties for late filing penalties. This \$1.2 million is available to be offset through capital improvements to the hospital. Whatever you are going to spend on the hospital to bring it back up to speed from a capital standpoint, is available to off set that \$1.2 million on a dollar for dollar basis. But, those are the three components.

Dixon:

I want to make it very clear, as I recall, all of those motions were just about unanimous vote. So, Commissioner, I apologize for your not being on the Board at that particular time. You didn't get to put your input in.

But, two, AHCA waived all of their money, as I recall. The only money they could not waive was federal money. We had to pay that back. Some of that they rolled over into construction costs. They allowed us to carry it over and do construction in the hospital. The point being, short of that money being paid, not only could we not have a license, no one could have a license short of that money being paid.

Now, all of that information was discussed in public meetings. There is nothing to be hidden. They are big numbers. But, that is all they are.

This hospital is important to this community and I am sure those descendants thought it was and that is why I think this Board, over the number of years has worked hard to make sure that we have some health care in this county.

I think that it is fantastic that they live in District 2. But, I also think that it is fantastic that they looked out for the county and was not selfish enough to think of themselves only.

Now, I am also sorry that you think that your singular wisdom is greater than the wisdom of this body - before you or since you. That is scary to me, but if you want to go there, that is fine. But, the Board made the decision, the Board, in what was contemplated as being in the best

interest of the community. The whole Board, lawyers and citizens included. We followed a process. We did it the right way. We asked and as Mr. Suggs said, the only offense we have gotten from the trustees is your suggestion tonight. That is it.

So, we talk about team work, but it doesn't sound like a lot of it is going to come from you.

Holt:

I would like to request a copy of the trust fund papers. I don't know if all the other members would like a copy.

The numbers were much higher. This body and the attorneys worked very hard to get the numbers down. They were a lot higher...

UPON MOTION BY COMMISSIOENR DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO SIGN THE CLOSING DOCUMENTS WITH ASHFORD AND APPROVE THE DIRECTION OF THE NEGOTIATIONS WITH AHCA AND AFFIRM THE CHAIRMAN'S AUTHORITY TO SIGN THE FINAL VERSION OF THE AGREEMENT WHEN IT IS FINALIZED.

DISCUSSION ITEMS BY COMMISSIONERS

Commissioner Lamb, District 1

Library Commission Appointments for District 1

Commissioner Lamb appointed Janet Grey from District 1 to serve as an at-large member of the Library Commission and appoint Ms. Nora James as being the District 1 commissioner.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED APPOINTMENTS TO THE LIBRARY COMMISSION.

CRTPA Alternate Appointment

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE , THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPOINT COMMISSIONER CROLEY TO BE THE ALTERNATE APPOINTMENT FOR COMMISSIONER LAMB TO THE CRTPA.

Commissioner Croley, District 2

Commissioner Croley applauded Commissioner Lamb on his recent appointment to the Tallahassee Community College Board.

He then recognized the \$50,000 in legislative funding awarded to the Eugene Lamb Foundation for its work in improving its work in recreational opportunities for citizens in Midway, FL.

He then shared the following statement:

It has now been a little more than seven months since I joined the Board of County Commissioners. In these past months, I have consistently focused my attention of essential county government services, the delivery of these services to the citizens in an exemplary manner and providing these services at the lowest reasonable cost to the public.

Guided in this agenda by the principles of sensible economic development, protection of our environment and support for infrastructure improvements, I receive a constant stream of positive feed back from a diversity of citizens across the county, most especially those citizens living in District 2. Yet, to effectively carry out any public agenda, a reasonable exercise of lawful due diligence and inquiry to the affairs of the existing county government is required. To this end and despite any distraction to the contrary, I will not be turned aside.

I thank you very much.

Commissioner Price, Vice-Chair, District 3

District 3 Library Commission Appointments

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPOINT MS. MIDDLEBROOK AS AT LARGE COMMISSIONER AND MS. MARY JO OSWALD AS THE DISTRICT APPOINTMENT.

Commissioner Dixon, District 5

Commissioner Dixon stated that the Florida Association of Counties Conference was the worst he had ever attended. He said that he believes that the focus was just not evident and the education tracks were quite limited. He was confident that it would be better next time.

He encouraged everyone to stay positioned to take advantage of opportunities that will surely come again.

Chair Holt, District 4

Chair Holt called attention to the Five on Five Town Hall Meetings that will be held in all of the county districts. The purpose is to inform constituents of issues that are relevant to the government in Gadsden County.

25. RECEIPT AND FILE AGENDA

- a. Application to Florida Department of Environmental Protection (FDEP) for Consolidated Small County Solid Waste Management Grant for \$ \$277,316.00
- b. Letter from Florida Institute of Government regarding online training program on Florida Code of Ethics, Sunshine Law and Public Records Act. At www.floridasethicslaws.com
- c. Memorandum from William McCord, Growth Management Director to Staff and Robert Presnell, Public Works Director and Marlon Brown, County Manager regarding Housing Permits, Culverts, Building Permit Fees, Issuing Certificates of Occupancy
- d. Memorandum from William McCord, Growth Management Director to Staff and Robert Presnell, Public Works Director and Marlon Brown, County Manager regarding Permit Fees for Churches.
- e. Letter to Jack "Jake" E. Kiker, III regarding Appeal Notice concerning 780 Talquin Avenue - violations of the Standard Building Code
- f. Letter to Steve Byran regarding his Request for Administrative Land Use Amendment on Tax Parcel 3-03-2N-2W-0000-00434-0500

- g. Letter to Kelly A. Martinson, Assistant General Counsel for Department of Community Affairs regarding DOAH Case No. 06-2779GM - DCA vs. Gadsden County. (DCA requested additional explanation of how Gadsden County arrived at the proposed urban service boundaries that it intends to implement and a statement of the criteria that will be used to establish the urban service boundaries that will ultimately be adopted.)
- h. Letter to Board of County Commissioners from Sheriff Morris Young regarding Teen Court Program Mock Trial to be held on June 26, 2007 at 6:00 p.m. in the Guy Race Building
- i. Letter from Williams, Wilson & Sexton, PA to Allen P. Turnage regarding Ashford Healthcare Services Case No. 05-45011-LMK US Bankruptcy Court regarding patient records
- j. Letter to Marlon Brown, County Manager from Comcast regarding NFL Network Channel effective July 31, 2007
- k. Letter to Marlon Brown, County Manager, regarding increase prices for cable service from \$48.50 to \$50.50 per month.
- l. Letter to County Commissioner from Kelley L. Smith, Office of the Governor declining invitation to attend the Grand Opening and Dedication Ceremony
- m. Letter to Marlon Brown, County Manager, from Bill Bogan, Jr. City Manager, City of Quincy regarding 2005 Audit Report - available online at www.myquincy.net
- n. Letter to Marlon Brown from Insurance Services office, Inc. regarding their analysis of the structural fire suppression delivery system provided in Gadsden County. The Public Protection Classification: 5/9 Prior Public Protection Classification: 4/9 This is a retrogression from the previous classification.
- o. Letter from the City of Quincy Regarding the Opportunity to Compete for Gadsden County's 2007 Information Technology Business

JULY MEETINGS

July 3, 2007 - Regular Meeting

- Hinkle A & V Request (Tharpe St.) - Growth Management

- Steffen (McCall Bridge Road) - Growth Management
- Appointment of District 5 Member to the Industrial Development Authority - CDA
- Economic Development Update & Catalyst Mega site Project Update - CDA

ADJOURNMENT

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

Brenda A. Holt, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON JULY 3,
2007, THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: Brenda A. Holt, Chair
Derrick Price, Vice-Chair
Eugene Lamb
Doug Croley
Edward J. Dixon (Arrived at 6:10 p.m.)
Thornton Williams, County Attorney
Marlon Brown, County Attorney
Jean Chessser, Deputy Clerk

INVOCATION AND PLEDGE OF ALLEGIANCE

Chair Holt called the meeting to order. Commissioner Lamb opened the meeting with a prayer and Commissioner Croley led in pledging allegiance to the U.S. flag.

Chair Holt announced to the audience that if there was anyone present who wished to address the Board, they should complete the form provided in the foyer and give it to the clerk.

AMENDMENTS AND ADOPTION OF THE AGENDA

There were no amendments to the agenda and no action was taken to adopt the agenda as presented.

AWARDS, PRESENTATIONS AND APPEARANCES

1. Recognition of Employees that Completed Supervisory Training

The County's Management Services Department sponsored a five week supervisory training course conducted by Mr. Paul Smith on behalf of the Florida Institute of Government during the month of March 2007. The following people were recognized for completing the training and were presented plaques by the commissioners:

Jarrold Dugger, Paramedic With Gadsden EMS
Gail Faircloth, Library Assistant III with Public Library
Edward Faulk, Equipment Operator II with Public Works
Phillip Hill, Sr. Paramedic/Supervisor with Gadsden EMS
Shelia Jackson, Maintenance Worker I with Public Works
Sonya James, Library Assistant II with Public Library

Michelle Ostenberg, Paramedic with Gadsden EMS
Deborah Poitier, Maintenance Worker I with Public Works
Anthony Powell, Solid Waste Director, Solid Waste Division
Bertha Vickers, Sign Technician with Public Works
Leonard Williams, Heavy Equipment Operator I with Public Works
Jessie Winbush, Operation Supervisor with Public Works

CONSENT AGENDA

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

2. Approval of Minutes of June 5, 2007 Regular Meeting

3. Ratification of the Approval to Pay County Bills

Accounts Payable dated June 22 & 29, 2007
Payroll dated June 21, 2007

**4. Approval of Commissioner Dixon's Travel to the 2007 Annual
Chamber Community Conference in Pointe Vedra Beach, FL on July
20 - July 22, 2007 (approximately \$960)**

**5. Approval of David H. Melvin, Inc. as Project Engineer and
Summit Professional Services as the Program Administrator for
the Bradwell Huddle House Project - Community Development
Block Grant Program**

**6. Approval of the Public Works Mosquito Control Budget FY 2007-
2008**

**7. Approval of 2007/2008 Drug-Free and Safety Program Workplace
Premium Credit Applications**

Commissioner Croley requested that the correspondence dated May 3, 2007 from Smith Thompson Shaw to Junior Ford regarding a Code Violation (appearing on the Receipt and File Agenda) be pulled for discussion following citizens comments.

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS

Chair Holt called for public comments and questions.

Dennis Dingham from Summit Professional Services approached the Board. He reported that Mr. Monty Bradwell's application for the CDBG Grant is complete and the financial arrangements have been made by Mr. Bradwell and his bank. He said that everything should go forward as everything is now in order.

Commissioner Croley reported that a code enforcement issue has been going on in the St. Hebron Community for sometime having to do with a hog pen in the community. He made a PowerPoint presentation to document it. He said that it came to the Board on March 15 as a result of a petition that was filed by several residents in the area. Code Enforcement Officer Tribue was responsive to the complaint and gave the owners time to abate the nuisance. However, time passed without resolution. On April 27, a letter was mailed to Jamie Thompson, the owner of the property. There was agreement that he would take some action to abate the issue. As of this date, the hogs are still there and the residents are still complaining. He asked the staff and Board to take some action to ensure that this matter get abated quickly.

Mr. Brown stated that the Code Enforcement Officer has issued a citation. Mr. Thompson was the owner of the property, but it has been sold to the owner of the hogs, which has caused a delay in getting matters resolved because they had to start all over again. However, the citation has been issued and there should be action taken by a judge fairly soon.

Mr. McCord explained that once the citation is issued, the offender has 15 days to respond. If they don't respond, the citation will go to a judge within a couple of weeks.

Mr. Jamie Thompson, 13475 Middle Field Road, Tallahassee, FL, addressed the Board. He stated that he was the owner of record and Mr. Ford was a tenant on the property. He said that he found himself in a position whereby the only way he could cure the problem was to remove the man from his house. Rather than having to do that, he sold him the property. He said, "The code enforcement officer was telling me one thing and Mr. Ford was telling me another as far as what the neighbors had said - in terms of cows and hogs and everything else in the area. Like I said, rather than stay caught in the middle of that, I sold the property to Mr. Ford.

As to how long he has had the hogs there, I think they have been there for a good while, but I do not know how long."

Commissioner Croley again stated, "On behalf of that community, you can appreciate with all this rain and those circumstances, those people have a very legitimate right to complain in that they expected a faster response than what they have gotten."

PUBLIC HEARINGS

8. Public Hearing - Abandonment and Vacation of a Portion of Tharpe Circle and Lakeview Court (A & V 2007-01) Resolution 2007-037

Owners: Richard and Diane Hinkle

Applicant/Representative: Richard and Diane Hinkle

Location: 4200 square feet (.10 acre) of public right-of-way along Tharpe Circle and Lakeview Court near Lake Talquin.

Planning Commission Date and Recommendation: June 14, 2007 - Unanimous recommendation for approval of a limited abandonment of 2100 ft. of the 5242 feet requested based upon the findings and subject to the special condition that they provide all information to the Growth Management Department per Subsection 740.B prior to recording any instrument conveying the proposed abandoned right-of-way to the applicants, including a metes and bounds legal description of the area to be vacated.

Parcel Id # 4-35-1N-4W-0000-00314-1800.

Growth Management Director Bill McCord was administered an oath by Jean Chessier, deputy clerk, as to the testimony he gave.

This proceeding was then determined to be legislative in nature and that the testimony given would not have to be sworn.

Statement of Issue:

Mr. McCord stated that this request consists of a proposal by Richard and Diane Hinkle asking the County to abandon and vacate (A&V) approximately 4200 square feet of public right-of-way along Tharpe Circle and Lakeview Court adjacent to their property. Their property is located near Lake Talquin off of Lakeview Point Road and further described by Parcel Id # 4-35-1N-4W-0000-00314-1800.

The Hinkles are in the process of trying to sell their house at 555 Tharpe Circle. A survey dated October 15, 2001 shows that a portion of their house (front porch) and septic tank is located completely in the county right-of-way. The septic tank is located in the front or southern portion of the property and encroaches into Tharpe Circle. The septic tank permit was approved by the Department of Environmental Health in 1999 based on a previous survey that met the required setbacks. The applicants had relied upon an earlier survey when they placed their home there. However, that earlier survey was subsequently found to be in error. The encroachment was discovered when the property was resurveyed. The applicants are now seeking relief in order to insure that the house complies with the Code to the highest degree possible. See attached agenda report for further details.

Mr. McCord went on to say, "The big difference is that the area you see marked off in "x" are what the Hinkles are requesting. But, what the Planning Commissioner recommended was the smaller area that encompasses only that area of the southeast corner of the mobile home ...southward to a part where an extension of Tharpe Circle's right-of-way that is located further to the east would then intersect with a line that extends back to their southwest corner. So, that triangle area that would encompass the septic tank and that front porch encroachment is all that we had recommended and all that the planning commission endorsed and recommended for vacation. The reason for that is that that is all the area that would be necessary to comply with the required setbacks and it would get their other improvements outside of a right-of-way zone. It would also insure that that an easement roadway that is adjacent to and east of this property would also retain a standard wide width.

There was public comment at the planning commission meeting that the persons who have access and use that easement did not want to see it reduced in area or width which would possibly impede access to and from their properties. Of course, the county not owning that easement would not be authorized to grant a vacation of the easement since it is enjoyed by others as well as not to diminish that access of that easement to a public right-of-way. The triangle that is located from their southeast corner is located east of that, the terminus with the easement would be retained as right-of-way. That is this smaller triangle here. That would be retained as right-of-way to provide complete access to this easement. Only this area

right here is recommended for a vacation. The applicants requested to vacate the street in that right-of-way all the way to the edge of the pavement. That was a little more than was necessary.

We also needed to ensure that for maintenance purposes and drainage purposes, that there needed to be retained some area along the edge of the pavement up to a certain distance where ditches could be excavated if necessary and utilities and so forth could be installed without having to be placed underneath the pavement.

So, based on all of those conditions, staff came up with a recommendation to vacate only that portion of the right-of-way as shown there on the street. We would not be - and there is a photograph of the property - most of that front yard right now is in the right-of-way. The new right-of-way line would roughly be half way between that fence line straight back towards the wood line there. That would be the new right-of-way line roughly as opposed to having it out by the street. What that does is retain a standard width of 50 ft. which is the normal street right-of-way widths in the area. Otherwise, if you vacated it as they requested, it would be essentially restricted down to about 35 ft. just in front of their house

The property does have a doublewide mobile home on it and the porch does encroach into the right-of-way and as I mentioned. The septic tank does as well. It is a doublewide and now that they have an accurate survey, the house will certainly be placed in the proper setback both from the easement located on the east side of the house as well what may be the future right-of-way line from the front. If a new house should ever be placed there or constructed on the property, it would be at least set back as far as that one is and it would also be moved over to the west to provide the 20 ft. setback from the easement line on the corner lot."

Discussion followed among the Board.

Ms. Toni Ford Paul, 100 Hoffman Dr., Tallahassee, FL appeared representing the Hinkles as their broker.

Further discussion followed.

Chair Holt again called for public comments, questions or concerns about the described vacation. There was no response.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, TO APPROVE OPTION 1 TO ABANDON AND VACATE A 2100 SQUARE FOOT PORTION OF THARPE CIRCLE RIGHT-OF-WAY AND INDICATED IN EXHIBIT A OF THE ATTACHED AGENDA REPORT. THE MOTION ALSO INCLUDED THAT THE PETITIONER SHOULD PROVIDE A SURVEY OF THE PROPERTY IN QUESTION WITH A LEGAL DESCRIPTION.

9. Public Hearing - Abandonment and Vacation of the Southernmost 253' of McCall Bridge Road (A & V - 2007-02)

Mr. Brown stated for the record that the applicant has requested that this matter be postponed. However, because the item was advertised, he asked the applicant to publicly make his request for the record.

Growth Management Director Bill McCord introduced the item.

Statement of Issue:

This request consists of a proposal by the Idlewild Homeowners Association, Inc. asking the County to abandon and vacate approximately 253 linear feet of public right-of-way along the southernmost segment of McCall Bridge Road at Lake Talquin.

Background:

The right-of-way extends to the shore of Lake Talquin where the Idlewild Fish Camp was in operation for many years, predating the Comprehensive Plan. The fish camp consisted of several rental units, a store and a boat ramp. Over the past year, the Idlewild properties were sold to several individuals. On April 19, 2007, the applicants filed a petition to vacate this portion of McCall Bridge Road. The Planning Commission met on June 14, 2007 and held a public hearing on this item and after public comment and discussion voted 6 - 2 to deny the proposed abandonment and vacation based on the findings in the attached agenda report and memo.

Chair Holt stated that she rode to this site earlier in the day and saw where some of the homeowners have put up fences along both sides of the road. She said she felt this is going to present a problem for fishermen because some of them had already approached her about it.

Dixon:

I would suspect since we have done this before on other access points at other parts of the lake that we really need to have a comprehensive understanding of where we intend to maintain public access at the lake, where we don't intend to maintain any accesses. Where we do, then become proactive about maintaining them, putting signage into place, removing people who have taken advantage of, as we found a gentlemen from Alabama who built their own dock and restricted access to it as to who could use it in a public right-of-way. But, we should deal with it comprehensively this issue as well. It doesn't seem to want to go away. We almost have no, I don't think we have any other opportunity except to deal with all of them.

Holt:

O.K.

Lamb:

I had an opportunity to go down and observe this area, too. If he is going to withdraw his item tonight, I suppose we just need to wait until he comes back. But, I did go down and look at it. I wouldn't want to get caught down in that hole and have to back out. I don't drive that good, so I know I wouldn't want to get caught down in there because there is a fence on both sides.

But, now, I think they have a right to put their fence up because it's private property.

Holt:

But, we don't know that yet.

Lamb:

But, the ramp is closed. There is not a boat ramp down there. So, I don't know about letting that road stay there and letting people get trapped down in there. With the private property and the ramp closed, why would we allow people to go down in there and have to back out or else turn around in somebody's yard.

Holt:

Commissioner Lamb, we do need to sit down and look at the accesses. There are several accesses down there that we are going to have to look at. If we can ever get off the other law suits, maybe we can get on this one. But, what happens is this, we are not sure, but there is a whole big discussion

about the end of that ramp and all that stuff. So, why don't we have the applicant come up and say whatever needs to be said by the applicant. I think this is going to be an issue that the county is going to have to address legally and comprehensively and whatever.

Is the applicant here?

Thompson:

I am Jamie Thompson. I am here on behalf of the Idlewild Homeowners Association. We did put up fences along our property lines to keep people from driving into the yards and leaving trash. I think anybody here would do the same.

I recognize that there is a problem down there. Our proposal would be to create a cul-de-sac up where the road

Brown:

Mr. Thompson, will you take the hand held mic with you. I believe it is under the podium. Make sure it is on.

Thompson:

Where the county right-of-way right here is 30 ft. wide. It is a traffic problem if somebody gets all the way down in here with a boat and trailer. If you go back up a little bit further up the right-of-way, it widens to 60 ft. What we would like to propose is to put in a cul-de-sac there where traffic can turn around then have signs posted saying that there is no turn around past that point.

Holt:

Now - whether you want to withdraw this item or not - I think that is what we were discussing. But, there has been a paved turnaround down there for years even when the Robinson's owned all that property down there. That is where the dispute is with the fishermen. The turnaround down there, the county paved that in there down to the ramp and they said that the county paved it. Some of the guys are saying that they helped pave it. So, you see where the dilemma is.

Thompson:

The pavement actually stops right about here. There is no paved turnaround or pavement down to the ramp.

Holt:

But, there is something around that tree, right?

Thompson:

No, ma'am. I don't believe so.

But, if that is a question, I would like to ask for the item be tabled so that those issues can be looked into further and addressed. Hopefully, we can all come back and sit down and come to a resolution that is good for everybody.

Williams:

Just so that we are procedurally correct, Mr. Thompson came by to see me today and talked about this item. When he and I talked about it, his concern potentially for tabling it and not withdrawing it. I have heard discussion about withdrawing the item which means he would have to start all over again. So, the question was whether he could delay the hearing tonight, reschedule this public hearing for purposes of the commission voting on it based on a recommendation from the planning commission - not withdrawing the request which means you start all over again. So, just making sure that you put it in the proper forum for consideration.

Dixon:

Madam Chair, if I may. My concern, number one is because - there are number of things we have talked about before. Public access to the lake, as you know, those opportunities are dwindling everyday. Two, whether or not we are going to become proactive at the lake much like we did with removing the old trailers and all down there and make sure that the people know where the public accesses are and that they have opportunities. The county doesn't charge. Should people be charges the public to use the public access to the lake. All those issues need to be asked and answered. Not just this particular piece. I have fished at this particular place, as you all know, my house is a mile or two up the road. The new home owners came in and put the fences in and that created the crisis here.

Do they have a right to do it. Absolutely, they have a right to do it. But, folk who have gone there to fish for umpteen years have an expectation as well. So, how do we find a common ground, not only for this access, but for all the others so that everybody knows where they stand and what those access points are all about.

So, with that, if Mr. Thompson wants to table, I certainly will offer a motion to table until we can look at this situation comprehensively.

Lamb:

I'll second it.

Holt:

O.K. I have a motion and second for tabling.

I would like to ask one question on that. If you do, you are still going to end up with people coming down there. I don't know about the turnaround - what he is saying about a turnaround back up the road. If you go there and turn around and back all the way back into the water - they might even try it, you never know. But, we need to, I guess, do something as far as letting people know. It is public access, it is not closed. There is a sign saying that it is closed.

Dixon:

You have to be careful, Madam Chair, that you don't allow folk to drive folk from the access either. That is a concern as well as we saw at another point. The people in essence created a situation and made it tough for folks who wanted to access the water to come in. We shouldn't allow that either.

Holt:

So, technically, a public access cannot be closed to the lake if they are down there on public property. That is where the situation comes in at. I don't want ya'll down there fighting over a sign. You guys don't fight. But, you understand where they are coming from and I want you to know that also.

Thompson:

If I may, I think the sign is actually in reference to the old fish camp. The fish camp is closed.

Holt:

Right, I thought that when I saw it today.

We have a motion and a second to table.

Croley:

Madam Chair, may I ask for clarification? How do you - I want to ask our attorney this, is it appropriate to table a public hearing procedurally?

Williams:

The answer is yes. I can give you a longer explanation if you like.

Croley:

No. I just don't know if there are people here who want to speak.

Holt:

There are a few people here on the issue.

Williams:

You have a lot of options, Madam Chair. This is a properly noticed public hearing. I have seen scenarios where you take testimony so that people don't have to come back if they so choose to. Sometimes, you have disabled people, so you provide that and have that information for the body to consider. But, it is absolutely within the discretion of the body to table a meeting that is publicly noticed. The only requirement is that you re-notice it when you have it at a subsequent point in time.

Croley:

To follow up on that, Madam Chair, does the applicant pay to re-advertise?

Williams:

The commission could set that as policy. To date, they have not done that.

Holt:

We need to look at the policy of advertising for one paper and be done with that. It is too expensive to advertise in three papers.

Commissioners, what is the will of the board as far as - we still have people in the audience. But, they do know that if we table it, it will come up at another time.

Dixon:

Madam Chair, I would hope that they will help us out here. Taking the testimony now may make their information less fresh, if you will, at the time of discussion. We really need those home owners information to be fresh for the conversation.

Holt:

I do have, and I know we have a motion and second to table, but we do have several requests to speak. I just want everyone in the audience to know that there is a motion and

second to table this item.

McCord:

If the Board is going to take comment and open the public hearing, I would like to have the opportunity to present the item number and be able to go through that and indicate the planning commission's recommendation and staff recommendation of the request before you take public comment. If you take action as oppose to tabling, you could postpone to a date certain and then we won't have to re-advertise.

Holt:

For those in the audience, we have a motion and a second to table. Then I have one little item that I would like to say. If we are going to look at investigating this item along with the others, it may provide some more evidence which may or may not affect one side or the other. Either for or against. IT may be a little bit better to see what is going on with this item first and see what research we can find. O.K?

We have a motion and second to table this item. All in favor?

All:

Aye.

Holt:

Opposed?

No response.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE ACTION ON THIS ITEM.

GENERAL DISCUSSION

10. Appointment of District 5 Member to the Gadsden County Industrial Development Authority (IDA) Board

No action was taken as it was deferred to the next meeting on July 17.

11. Approval of Bids for Information Technology Network Services

This item was before the Board on June 19, 2007 at which time the staff was given direction to issue an addendum to survey the willingness of both respondents to revise their submitted

pricing structures. The Board's direction was based on two factors:

1. The Board displayed a desire to expend total amounts equal to Net Quincy's Option #1 (\$497,000) and TDS's Option #2 (\$498,000) over the life of the potential five year contract. Staff was instructed not to consider any submission that would alter the total contract price of the two options.
2. The Board, based on advisement from staff, displayed a collective desire to not expend previously submitted "upfront costs" associated with installation as represented by both respondents.

The response submitted by TDS did not address either of the Board's expressed desires based on direction given to staff. NetQuincy's response provided four different options that all address both of the Board's desires.

Brown:

Commissioners, the next item is Item 11, your final item under General Discussion. This is approval of Bids for Information Technology Services. This item seeks your authorization for staff to negotiate and execute a contract for Information Technology services with the City of Quincy doing business with NetQuincy.

Commissioners, as you recall at the last meeting you asked us to request specific information from each one of the vendors. Those vendors have responded to that request. Let me ask Mr. Suggs to briefly go over with you what was re-submitted by each of those vendors so that you can make an informed decision this evening on proceeding with a vendor.

Suggs:

Good evening Commissioners. As the manager stated, when we met last time, the Board gave specific direction to the staff and to the respondents. I want to direct your attention to the second attachment. It is called addendum # 1.

Based on your direction at the last meeting, pretty much the direction was to number 1 - ask the respondents if they were willing to spread their submitted option on that bid, the installation costs, over five years to avoid large upfront costs. Your direction was to ask TDS (they submitted two options, but Option 2 had up front installation costs) if they were willing to spread those costs out over a five year period.

So, pretty much, we drafted an addendum and sent it back out to both respondents. Both responses have been included for you.

NetQuincy answered, "Yes, they were willing to spread that cost out over a five year period" and then they offered four different payment options. They front loaded it, they back loaded it and spread it out even. They gave us different options to choose from.

TDS responded. In TDS/'s response, they referred us back to their other option, their first option which spread out costs already, except those costs were, the price was higher than their option where they had the installation costs up front. They asked us to please use their two options. The one where the costs were spread out and at a higher price or the installation costs up front. They used those as a parameter as a guide line.

So, those were the two responses. In staff's view, we have met and I met with the purchasing director. In terms of specific direction given by the Board to the staff at the last meeting, we viewed these responses as NetQuincy was in compliance with the Board's request and that TDS did not respond in compliance with the Board's request. So, based on that we recommended NetQuincy.

Also in the item, in terms of if you had any technical questions, staff's technical analysis or recommendation has not changed from before.

If you have any questions, I believe both respondents are here if you want to talk to them. I am here, the manager is here.

Holt:

O.K. Any questions for Mr. Suggs right now, Commissioners?

Commissioner Croley?

Croley:

Mr. Suggs, so both bidders got the same opportunity to respond and spread their costs.

Suggs:

Yes, sir.

Croley:

And one answered that they would spread the cost and the other basically said "no" or didn't respond, from what I see on the bid.

Suggs:

Yes, sir.

Croley:

O.K. Thank you.

Holt:

O.K., any other questions, comments, concerns for Mr. Suggs?

O.K., Mr. Suggs, you can just take a rest while we look it over.

Now, don't go to sleep, guys.

Dixon:

Well, Madam Chair, I really don't there is much before us. There is one invitation on the table. Then, we ought to direct staff to accept the bid of NetQuincy and to negotiate with NetQuincy.

Lamb:

I second the motion.

Holt:

We have a motion and second to accept NetQuincy's bid.

Mr. Suggs?

Suggs:

In that direction, can you authorize the Chair to also sign or do you want us to bring the contract back before the Board?

Croley:

Madam Chair.

Holt:

Yes, Commissioner Croley.

Croley:

I agree with what Commissioner Dixon said, but since both vendors are here, is there any appropriate reason we would want to hear from them?

Holt:

It is up to the Board.

Dixon:

Let them respond.

Williams:

State your name and address when you get to the microphone, please.

Holcomb:

Frank Holcomb, I am the market manager for TDS here in Quincy, 107 West Franklin St.

I spoke with Mr. Lawson earlier yesterday after reviewing the bids. In looking at the bids that were turned back in, it appeared to me that Quincy had responded with a \$501,000, total year plus current year. The installation charge in that response, I believe, was \$247,000.

TDS responded with, excuse me just let me make sure that I get these numbers right, \$498,000 with \$150,000 on the option # 2.

The question is when the recommendation came to the Board, the numbers had changed to \$497,000 and I would just like for somebody to clarify why that change was made.

Brown:

Commissioners, if I could have Mr. Lawson to come up and respond to that question.

Holcomb:

And also, just an explanation as to when those additions are wrong in the bids, what is the county's - what would the county normally have done in a situation like that?

Williams:

Let me answer the second question while Mr. Lawson comes up. Mr. Lawson has all the numbers and he can outline them for you. We had conversations about it. Mr. Lawson, you need to be walking to the microphone while I do this, now. You can do the policy side, I'll do the legal side.

Within bidding, there is a body of law that talks about what the options are for the county. What the representative for

TDS is talking about is the issue of when someone has error in a document, does it require you to throw the bid out, or can you ignore it. I am putting this in non legal terms. Within the legal phraseology, it is called "a minor irregularity." A minor irregularity can be ignored. Anything that provides a competitive advantage to one bidder against the other requires that the bid document be thrown out.

When it goes to the price issue - Mr. Lawson and I talked about this yesterday and we did some research in the office, the question was - The price was, I think it was \$510?

Lawson:

\$501

Williams:

But the actual bid price when you added it up for NetQuincy was \$497?

Lawson:

\$499.

Williams:

\$499. So, it actually goes to the benefit of the County. The question was - Could you reach the number by looking at the bid document? If you could reach the number by looking at the bid documents, then it is a minor irregularity. If you could not ascertain the number, it is considered a material deviation, then you would have to look at whether you throw the bids out.

So, we have already given him a legal opinion that these numbers could be determined by looking at the unit prices from NetQuincy. So, in our legal opinion, the county attorney's legal opinion, that would not be a proper consideration for changing the recommendation that is before you.

Dixon:

Madam Chair?

Holt:

Yes.

Dixon:

Did you say that it is not a big stretch between \$499 and \$501.

Williams:

Yes, sir. But, I am pressed, so I am giving you good legal advice.

Croley:

Madam Chair?

Holt:

Yes.

Croley:

Just for the record, the \$497 and the \$498 by TDS that we dealt with at our last meeting, those numbers are correct as far as the total - those numbers have been properly added? Is that correct?

Lawson:

No, they are correct from the numbers that you had at the last meeting, however, from the original bid, if you add up the numbers, the unit price - which was \$4.20 per unit - you would actually come up with a different price than the total.

Mr. Holcomb's thing was that the \$501,000 total cost and the bid did not add up to \$501,000. It actually added up once you take the \$50,000 discount to \$499,000. So, that was the actual number. But, the number that the Board told, that we were discussing at the last meeting, if I am correct, is that we take the installation cost, which was \$247,000, and the installation costs for TDS, which was \$150,000 and spread those costs out over the five years of the contract. Those numbers are the same. Those numbers have not changed.

But, the total costs - what Mr. Holcomb was questioning, was the addition of the unit price based upon the number of units that were actually put in the specification.

Brown:

So, Arthur, basically, NetQuincy did not add their numbers correctly in the beginning.

Lawson:

That is the bottom line.

Croley:

So, they were actually, when you add their installation fee and their annual charges based on their unit, they are at \$501,00?

Lawson:

No, they are at \$499,000.

Holt:

And they had \$501.

Croley:

O.K., I am with you.

But, we gave them both the same option to spread the costs?

Lawson:

Yes, sir.

Croley:

Very well. Thank you madam chair.

Holcomb:

Just one other comment. I am sorry that I keep bringing this up, but it has been a long time, so I just want to make sure that I bring everything up that comes to mind while we are talking about this. In the last addendum, TDS responded with two options. One actually spread those installation costs out with a \$6,000 installation charge which was a larger up front cost.

When the addendum came back out, in the addendum, it said that any change of the total cost to the county would not be considered by this commission. That was in the addendum. So, at \$499,000, which is what the bid was or \$501,000 whichever one you want to take, has nothing to do with the \$497 that was responded by NetQuincy. So, I just want to bring all this up and the commission to consider that and take the appropriate action.

Dixon:

Mr. Holcomb, why didn't your company respond?

Holcomb:

We did.

Dixon:

In the manner that the Board asked for?

Holcomb:

We gave a distinct explanation as to what it was. We had

already spread those installation costs out. The first option already included the installation costs being spread out.

Croley:

Madam chair?

Holt:

Yes.

Croley:

Mr. Holcomb, I think the point that Commissioner Dixon is making is a valid one. I think this board bent over backwards to give you both, both vendors an opportunity to clarify and spread those costs. So, the fact that you didn't respond in the format, you know, doesn't seem as cooperative as we would have -

Holcomb:

Actually, what was happening, and this is from my view, when the bids came out originally, TDS responded and we spread our installation costs out with an Option 1 and Option 2. NetQuincy did not. It was the second time that NetQuincy had failed including installation charges. The first time, you rejected all of the bids because they failed to do it. Now, they came back and put the installation charges in because they didn't know, according to their statement, that should have been included. Now, when they were put in the second time, they should have been spread out then, if that was the intent, not after the bids were open and all the numbers were exposed.

Dixon

But, Mr. Holcomb, that is for this body to decide. We gave you an opportunity and you shushed it.

Holcomb:

Commissioner, I agree. I am just bringing all the issues up so that you can see.

Dixon:

Why didn't you bother to bid?

Holcomb:

I did bid.

Dixon:

In the fashion that the Board requested?

Holcomb:

We did.

Croley:

Madam Chair, let's call the question. I feel like we did

Williams:

Let me make sure that we put this in the proper legal posture because obviously he's going to give a notice to appeal when this is all said and done. I want to make sure that the Board is voting based on the recommendation that was provided by staff and not necessarily I've got my legal antenna going up right now with the discussion.

Holcomb:

Do you have questions for me?

Williams:

No, sir. Thank you.

Concerning previous bids that were rejected. That cannot be considered at this time. So, the vote by the Board right now is based on the item before you, based on the recommendations from staff only. If there is - by silence, that means that you concur so that record is clear for purposes of the vote.

Holt:

O.K. We have a motion and a second to accept NetQuincy's bid. All in favor?

All:

Aye.

Holt:

Unanimous.

Next item.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE OPTION 1 - APPROVE THE AWARDING OF THE BID TO NETQUINCY AND AUTHORIZE THE CHAIRMAN AND STAFF TO NEGOTIATE AND EXECUTE A CONTRACT BASED ON THE SUBMITTED RESPONSE TO THE ISSUED ADDENDUM.

COUNTY MANAGER'S AGENDA

12. Miscellaneous Items

Mr. Brown reminded the commissioners of the luncheon invitation from the Supervisor of Elections to meet Secretary of State Kurt Browning who will be visiting Gadsden County on Friday, July 6 at the Gadsden Art Center. He encouraged their attendance.

Budget Workshop for the 2008 Budget - July 10, 2007 at 6:00 p.m.

Commissioner Croley asked the manager when the audit will be ready for the board.

Mr. Brown stated, "I know that it is completed because there has been some correspondence going back and forth between the clerk's office and my office in terms of the management letter. So, Commissioner, I am hoping that we will have it before we go on summer break, which will be July 17. But, we will work toward that date."

COUNTY ATTORNEY'S AGENDA

Attorney Williams took a moment of personal privilege to tell the board of an experience he had while on vacation in Europe. He said, "Throughout my travels, we had a chance to go to Paris. We went by the Eiffel Tower ... and the part that is interesting is when you are in a foreign county and everyone is speaking a language other than English and you are used to it being the dominate language, your ears are always perked up for anyone that actually speaks English. I was in a restaurant a little bit down from the Eiffel Tower and this guy, an African American, is speaking English to his kid, disciplining him. After having been there for about a week, if I hear anybody speaking English, I am saying, "Hey, are you an American?" Literally, this happens a lot. He said, "Yes, I am." So, I said, "Where are you from?" And he said, "I am from Florida." Then I said, "Really, I live in Florida. What part of Florida?" He said, "I am from Gretna, Florida."

I could not believe it. I go all the way around to the world to run across someone from Gadsden County. So, I proceeded to tell him, of course, that I am the county attorney for the County. We talked for 20 - 30 minutes catching him up on what

has been going on in Gadsden County. I gave him the good news version. Now, we are pen pals. His name is Will Smith. He is from Gretna, Florida and he has a family. He has taken his family from Gretna. He has been in the Army for 18 years and he is showing his kids the world.

I thought it was a really neat story to bring back to Gadsden County that we are being represented everywhere in the world."

13. Miscellaneous

DISCUSSION ITEMS BY COMMISSIONERS

14. Commissioner Lamb, District 1

Commissioner Lamb question the manager if E & E Construction Company gets notification of any project which the County has.

The Manager responded that he had received correspondence on the matter and assured Commissioner Lamb that they would receive notification in the future.

Commissioner Croley, District 2

Commissioner Croley thanked the Board for allowing him to speak about the code enforcement issue in St. Hebron Community.

He then said, "In honor of tomorrow's fourth of July, the 231st day of Independence for these United States, I want to give special recognition and appreciation to the men and women who are serving on active military duty at home and around the world in defense of our freedoms. Just as our attorney referenced there and as Mr. Dixon did. I appreciate that and I think that is something that is important for them to know.

Second, Madam Chair, Gadsden County has a dear and old friend who is now hurting. This friend has long provided both employment and educational for many Gadsden county citizens and families. This same dear friend is loved and respected by many because he continues to do a great deal of good for the people of Gadsden County and across the state. That friend I am referring to is Florida A & M University.

We have all read and heard about their financial and administrative problems that have plagued FAMU sometime now

and within the past few days, we have all learned of even more challenges facing the institution.

Though it may only be symbolic in nature, I do believe that it is appropriate for this board to provide a resolution in support of Florida A & M University on behalf of all Gadsden County citizens. Such a resolution should not only confirm our support for the institution and its mission, but also support for the students, faculty and administration and most especially for incoming President James Ammons. To this end and purpose, I so move and ask this commission entertain a resolution for your signature that may be delivered in whatever appropriate fashion that you see fit."

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO PREPARE A RESOLUTION DESCRIBED ABOVE SUPPORTING FAMU.

Commissioner Croley continued, "The third thing that I would like to bring up is that there are several lessons to be learned from the present FAMU situation. One of the most important was recently pointed out by our own Florida Senator Al Lawson. Senator Lawson made it clear that the primary responsibility for problems at the University rests with its own Board of Trustees. Many failed to ask the hard questions that the board members should always ask their employees. The few who did ask were often ridiculed, accused of not being team players or worse or called racist simply because they would not go along in order to get along. A situation which resulted in many board members placing more focus on their public image than on their public service.

I am going to suggest that perhaps as members of this board of county commissioners, we may benefit from some reflection on this same point ourselves. So, when some of us do ask hard questions, it is not because we are not trying to be team players or not because we aren't trying to get along with everyone or the staff. It is to try to make things better for all the right reasons. I say all of that respectfully and thank you again, Madam Chair for your time."

Commissioner Price, District 3

Commissioner Price reported that he had attended a Teen Court and he thought it was wonderful. He said they are doing a

great job with it.

Commissioner Dixon, District 5

Commissioner Dixon had no report.

Chair Holt, District 4

Chair Holt said that she missed Teen Court but she had heard great things about it.

She then reported that the first Five on Five was held at the Gretna City Hall. She said that it was interesting with tough questions. She was requested by the people in St. John and Robertsville to have such a thing in their community. She asked the Board for permission to conduct that meeting.

The next meeting will be in Chattahoochee at the Public Library.

Mr. Brown stated that he had addressed 30-40 senior citizens at the Senior Citizens Center on Monday and they were very interested in the issues facing the County. They were enthusiastic and energized.

Jon Brown told the Board the next Five on Five would be in Chattahoochee on Thursday, July 12 at 6:30 p.m. at the Chattahoochee Public Library meeting room. The following meeting will be held on July 26 at 6:30 at St. James AME Church in Quincy. There will also be a meeting at Havana Town Hall at 6:30, July 31st. There will also be a meeting on the 24th in Scott Town.

Endowment Trust Fund

OMB Davin Suggs reported that he, Attorney Paul Sexton, and Joe Sharp met with Randy Bass, Seth Clark and Randy Poppell from Capital City Trust and Finance Director Connie McLendon. (They actively manage the trust fund.) They met for about two hours during which time the bank shared the strategies that they are currently invoking in managing the trust. He said it was a very frank open discussion about where they would be favorable in terms of the direction the county is headed. Likewise the bank shared with them where they might have more work to do in order to convince them to go along with other strategies.

Fun Day in St. John's Park

Jon Brown announced that there would be a park dedication and fun day at the St. John's Park on Saturday, July 14, 2007.

Tuesday July 17th will be the second annual legislative appreciation breakfast at IFAS center at 8:15 to 9:30.

15. RECEIPT AND FILE AGENDA

- A.** Letter from Smith, Thompson, Shaw and Manausa, P.A. to Mr. Junior Ford and Ms. Shirley Sweet Regarding 25 Hebron Court, Quincy, FL and Breach of Lease (hogs and chickens on the property in violation of local zoning codes.)
- B.** Notification to Unsuccessful Bidders of Bid No. 07-04 for Asphalt Coated Steel Pipe (bid was awarded to Gulf Atlantic Culvert of Tallahassee, FL)
- C.** Letter to Brian Beasley at EMS from John C. Bixler, Paramedic and Bureau Chief for the Florida Department of Health - congratulating them on having an outstanding compliance monitoring site survey by the Bureau of Emergency Medical Services on June 4, 2007.
- D.** Letter sent to Marlon Brown from the City of Gretna informing him that the City of Gretna adopted Ordinance 2007-01 annexing 40 acres owned by Lex Thompson.
- E.** Letter from Aiken and Associates to Marlon Brown regarding Proposal No. 06-16 A/E Services to conduct a Facilities Space Needs Study at a cost of \$32,097 (Board approved the award to Aiken & Associates on February 6, 2007.)
- F.** Certificate of Participation - Edward Byrne Memorial Justice Assistance Grant (JAG) Program
- G.** Copy of letter sent to area churches regarding SHIP workshops to be conducted throughout the county.
- H.** Clerk's Cash Report
- I.** Clerk's Financial Statement as for June 2007

**UPON MOTION BY COMMISSIONER CROLEY CHAIR HOLT DECLARED THE
MEETING ADJOURNED.**

Brenda Holt, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

AT A SPECIAL MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA ON
JULY 10, 2007, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: Brenda A. Holt, Chair
Derrick Price, Vice-Chair
Doug Croley
Doug Sunshine, Deputy County Attorney
Marlon Brown, County Manager
Muriel Straughn, Deputy Clerk

ABSENT: Edward J. Dixon - appeared via telephone for the budget discussion

Chair Holt called the meeting to order stating the purpose of the meeting. She then turned the meeting over to County Manager Brown.

Legislative Report from Chris Doolin, Gadsden County Lobbyist

Mr. Chris Doolin addressed the Board. He reported on how Gadsden County fared during the recent legislative session in as far as grants and appropriations.

He thanked the Commission for their leadership at the Legislature recently. He said, "You are in close proximity and people rely on you and you responded to the call during the regular and special session. That was evidenced by the Florida Association of Counties award for presidential leadership to the county. There was only one award given to a county and it was given to Gadsden." Additionally, he congratulated Commissioner Lamb for having been appointed to the Board of Trustees to the Tallahassee Community College.

He stated that during the session, there were three overriding issues that impacted the flow of the legislative session. Number 1, it was a known fact that state revenue was falling below the projections. By the beginning of the session, revenue was \$1 billion below projections. The House shut down special projects. The second area was property tax reform and spending caps. They were the overarching issues. The third issue was the new leadership - Speaker, Senate President Ken Pruitt and the Governor's office.

He explained that Gadsden County had seventeen areas of priority in the legislative agenda. He reported there was positive action in 12 of the 17 areas. He stated, "Legitimately, based on review of your legislative program, based on the appropriation bill, based on substantive legislation, the Florida Legislature allocated at a minimum over \$35 million to Gadsden County. \$4.6 million of that is money that wouldn't have been there without legislative action specifically for Gadsden County. \$500,000 Water/Sewer projects; \$400,000 Courthouse renovation; additional \$97,000 for under funding of current budget year for Juvenile Pre-trial detention costs (paid to Department of Juvenile Justice); fiscally constrained program \$929,000; small county emergency distribution funds of \$170,000; \$1 million in park funding; \$188,000 solid waste grant; \$4 million in revenue sharing funds; potential of up to \$500 million to address infant mortality issue - must apply for grant.

See the [Report on Actions of the 2007 Florida Legislature](#) Pertaining to the 2007 Legislative Priorities of the Gadsden County Board of County Commissioners. (attached)

Budget Presentation

Commissioner Dixon joined the meeting via the telephone at this juncture.

Mr. Brown stated that this portion of the meeting is a workshop and the staff would not ask for board action at this meeting. He said, "This is the first time that we are sharing the budget with the Board as well as with the citizens of Gadsden County. We want to walk through the process that got us to where we are today. Some tough decisions have to be made as Chris (Doolin) eluded to in his earlier statements.

The State of Florida went through some property tax reform that has affected our bottom line...We were scheduled to receive \$2.2 million in new tax revenue, but because of property tax reform, our revenue was basically raised by only \$300,000. Davin will walk through this with you this evening the whole millage rate and the roll back rate process and show you where we are today.

Obviously, come January, the decisions will be left in the citizens' hands in terms of where we go when it comes to property tax reform. Obviously, we don't know what the Board is going to decide. I don't have a crystal ball, but I do know that if the voters do pass that legislative reform, come

January, we will be prepared to react appropriately. There will be some tough decisions to be made and we will have enough time to work with the board and make those decisions."

OMB Director Davin Suggs presented the proposed [2008 Budget Document](#) and described each section and explained how to read and use it. He then demonstrated the process the staff had been through to get the budget document to this point. See the document attached.

Mr. Suggs described the various revenue sources as listed in the document. He also explained how the budget was impacted by the property tax reform measures imposed by Florida Legislature. He summarized the revenue by saying, "We remained flat with the revenue increasing by only \$300,000 over last year."

Suggs:

We come to the new year. The first thing that happens is the assessed value goes up on a homesteaded property. But, remember, because of Save Our Homes, it is capped at CPI or 3%. The State controls that CPI number that is used. DOR has instructed all property appraisers that they are using 2.5% in increasing the value of homesteaded property. So, we take that \$72,500 and increase it by 2.5% and you get to about \$74,000 and change. You deduct the \$25,000 homestead exemption and you come up with a taxable value of about \$49,000 and change. You apply the new millage rate of 8.7495 and now they pay county property taxes of \$431 and change. The net effect of the first part of the statutory roll back is that the average person in Gadsden County is going to save \$43 per year beginning this year. If you break that down monthly, it is about \$3.63 per month. That is the average homesteaded homeowner.

The thing we and citizens have to understand is when the savings get down to the individual, you've got \$3.63 per month that they are saving. But, for us, it is \$1.8 million as a government organization. As we go forward, as commissioners, I know you struggle with this because with the people, it is more a principle of putting money back into their pocket and a tax thing.

We can't argue against that. We would not argue against a tax cut. The reality of the tax cut that the Legislature has passed for the homestead owners is that the average person is going to save \$3.63 per month. There is \$1.8 million left out there on the table, which is fine and we will move forward with that. I just want you to understand and the people need to understand

and these numbers can be checked out at the property appraiser's office - this is what it means when it gets back to the individual with the homestead. These numbers will be larger for somebody without a homestead, which is where a lot of this problem was. For commercial property, businesses, people with second homes - anybody who does not have homestead protection of Save Our Homes, the savings will be larger because it goes back to this - they have no cap. That property could go up in value ten, fifteen, twenty or whatever the market says that the value of that property is going up - that is how much their taxes are going up. So, that is where a lot of this issue from south Florida and on coastal properties - that is where it comes from. So, they will save more. When it gets back to the state legislators, they had to come back and soften the legislation because they recognized that for people who have homesteads equals the votes. A lot of people who don't have homestead are the snowbirds who don't live here and don't vote here. But, in terms of the homesteaded owner, it is \$3.63 per month or \$43.00 per year for the average homeowner.

I gave you options because for here in Gadsden County, I gave you an option of \$150,000 assessed value. Now, remember, this is assessed value. So someone could have a \$250,000 home, but the assessed value may be only \$150,000. So, these are assessed values, not market values. Also, I gave you an option at a \$300,000 assessed value. So, if you go down to the \$300,000, that person will save about \$23 per month. As you have more house, you save more."

Mr. Suggs then went through the expenditure budget as proposed. He specifically pointed out the following:

- 2.5% cost of living salary adjustment for all employees of all constitutional officers.
- 5% increase in cost of health insurance coverage
- 3% anticipated increase in utilities
- Centralized management of the vehicle fleet and utilities
- 5% increase overall in insurance premiums - also centralized management of insurance.
- Some reduction in services - elimination of road construction from public works department (lay-offs are possible); elimination of rural waste sites; elimination of all non-critical travel expenses; elimination college intern program; consolidation of hazardous waste program into the recycling department; severe restriction of overtime expenses; elimination of all non profit funding;

reduction of GSTARS Program; reduction of professional development. Net reduction of \$1.7 million.

Mr. Suggs told the board that the budget requests submitted to the Office of Management and Budget (OMB,) were reviewed and reduced by the staff on three occasions even before the impact of property tax reform was known.

He said, "The majority of these cuts and the reductions were made anyway. Now, we get to the question, "What do we maintain and where are we able to enhance current service levels?" Most of these decisions were made based on the board priorities, management initiatives or some direction that we received from previous meetings or meeting the demands of a state mandates and things like that.

Fleet Management

We added two positions. In our efforts to bring in-house vehicle and equipment replacement and management, which is a priority of the manager, we are creating a centralized fleet management services. It is our hope that one day - to get the best value for this - is to run a good enough operation to where the sheriff will want to join and we can manage all of the county's fleet. We recognize that we are not there yet. And so, what we are doing is centralizing all of our fleet and bringing our fleet department up to speed. In the future, not only will we save money and provide better maintenance of our vehicles, but also show to other entities that there is value in consolidating these services and hopefully, countywide. The Sheriff's funding is the Board's funding and so, overall, so if we save the Sheriff money, we save the Board money. That is our goal. These mechanics are being added for their specialized knowledge because taking in-house, the ambulance fleet especially, requires a certain level of technical competence and to handle the work load of handling all of the county's fleet.

Chattahoochee Landfill

Two things that stood out in the budget. We are continuing the site assessment and mitigation in Chattahoochee with the landfill. This is on the operating side. There is also a piece that we will do on the capital side.

Recycling

There is also maintenance of current recycling service provisions. Recycling has had its ups and downs and we have met and talked about it for the last six months. One good thing that has happened is that the grant has gone up for recycling. So, the light has been turned on for recycling. The director, Mr. Powell, is doing some very good things, some progressive things out there. In terms of addressing this priority, I think that is a very good highlight..."

Human Services

Mr. Suggs said, "I want every board member to write this down. We have provided funding - and the board has twelve more months - the manager has found a way to provide you with twelve months of funding, but in reality, it is only six months in terms of making a decision. You have a twelve month grace period in terms of making a decision on the future of healthcare in Gadsden County. We have found a way to provide another year of funding for the Urgent Care operations. I will tell all of you that this source of funding is pretty much the last of our earned interest on the trust. It is not the trust fund money, but our earned interest as income. This is not recurring revenue. This is one time revenue that we will use to buy you one year, twelve months roughly, and I would say shorter - four to six months - to make a determination as to what we will do in terms of the future for healthcare in Gadsden County.

As I sat here before you, I gave you an update when I talked with the trust fund committee. I think that everybody recognizes that it is important. If we are going to attempt to make the transition to some type of medical facility, then the Urgent Care Center has to stay open during that transition. I am telling you right now, and it is not official until you adopt the budget, but your timeline is twelve months. Really, your timeline, depending on what you do and if you need recurring revenue, your time line could be only four months (toward the end of this calendar year.)

There is a referendum and an election the end of January and if anything is going on that ballot, I'm sure that it has to be to the supervisor probably in December. We provided that opportunity for the Board to continue to have as much time as possible to make the best decision as possible, but a decision has to be made. No matter what it is, a decision has to be made one way or the other."

Mr. Suggs went through other areas of the expenditure budget then came back to the issue of the hospital.

He said, "This is on your decision plate. There are four mandated projects that we have to do. Less than 30 days ago, we received the license back. That license is in a passive or inactive state. In order to get it transformed into an active state, we have to fulfill our agreement with AHCA. There are four projects that we have to do. They are listed here. Right now, those prices are estimates, but we will have an engineer on board soon, if he is not already on board, to provide professional engineering estimates and exact specs of the projects. We have to get these done. The money that will be needed to get these things done is located right now in the principle of the corpus of the trust fund. So, we will be going to the trust fund committee. This one, depending on the Board and what they want to do, but, this one is real simple. If you don't do these projects, you don't get the license back in an active state. If you don't get the license back in the active state, you have no type of medical facility in Gadsden County. So, the rubber meets the road. If you don't want to go to the principle of the trust fund, you don't get the license back. If you don't get the license back, everybody goes to Leon County for Healthcare. We can talk about that.

The other option, and the manager and I have been thrashing this out - the other option is that you can go and change the asset allocation in the trust fund so you don't have to touch the principle. You generate more income that comes to you in interest, and you borrow or use the trust fund as security and you borrow the money and pay it off with the interest generated from the trust fund. When you do that, you take on more debt and by changing the asset allocation, the principle does not grow as healthy as it has been. But, in terms of not touching the principle, you achieve that goal. So, to me, it is very straight forward. Those are about your only two options. But, I am sure that the more people that put their heads together, the better. If we don't do those four projects, the license remains inactive and there is no healthcare in Gadsden County without the license."

He then went back to describing other capital expenditure items as they were listed in the budget.

Sheriff's Budget

Suggs:

The Sheriff's budget is up overall by 5%. Right now, on the corrections side, it is relatively flat with the exception of the cost of living adjustment that has been proposed. On the law enforcement side, you have the cost of living adjustment that has been proposed, you have funding for duty weapons, you have funding to maintain his level of health insurance benefits that he provides to his employees and we have had some other developments.

The budgets were produced and published last Thursday and Friday. Yesterday, we received preliminary final results, you know we have been doing a salary study of both the board and the sheriff. What our goal had been for the sheriff is two fold. Number one, we knew that market wise, their compensation was out of wack, as was the board. The preliminary results of the study verified that for the sheriff.

The other issue with the sheriff and the structure that he inherited is that there was no pay structure in the sheriff's department. That is common in small towns. In most law enforcement agencies and a lot of other agencies, there is some type of pay grade plan accompanied by steps...kind of like career service employees. So, we requested as a part of the study, to have a pay grade and step plan formulated for the sheriff's department.

That has been created and I have shared it with the sheriff. The sheriff - in front of all of you, you should have a letter in front of you from the sheriff requesting implementation of that pay plan...To get everybody in a competitive step, our focus now is that we know we can't move to the competitive market salary because it is too much, we are too far behind. But, let's get everybody into a correct step within his organization without decreasing anybody's pay. That proposal right now is estimated to cost about \$140,000 which is roughly about \$30,000 more than the 2.5% cost of living adjustment. So, the letter you have from Sheriff Young, he is requesting that we implement that pay plan. This plan only addresses sworn employees. We asked to get all the sworn certified law enforcement personnel and corrections personnel into the correct structured pay plan.

Then, he has also requested the same cost of living adjustment for all non-sworn civilian employees. Those issues will be addressed. I am sure that the Sheriff will address them with the Board and you will have a chance to address those.

Brown:

Commissioners, at this point, I am recommending that we consider doing that for the sheriff and we will take a look at the numbers and re-adjust the numbers to accommodate the sheriff for creating that step plan as well as insuring that his non-sworn personnel gets the 2.5% cost of living adjustment.

Suggs:

There is another large issue with the sheriff that right now we are unable to fund. I know that the sheriff will talk to you. I know it, the manager knows it - I came to you two years ago and told you how bad technology was for the Board and how awful it was. It is about ten times worse for the sheriff right now. It is a significant need. As you all know with us, it is costly thing. Right now, and I talked to Sheriff yesterday. There are two reason why we can't get there.

Number one, cash wise, up front right now, is very difficult. Even if we could find a way, with January looming and we don't know what is going to happen with the referendum, I am not recommending that we take on any new debt until after January. But, I don't want you to think that the manager and I are lessening or do not hear or will not validate the sheriff's extreme need for technology. It was his number one priority in his budget request. That need is not going to go away. This technology on the law enforcement side, he doesn't have computers in his vehicles, on the corrections side, they don't have a jail management system in terms of managing the inmates and processing them in administration. This is a real issue. We committed yesterday that if there is any way possible to try to do anything, we will continue to work and find a solution in the interim. Right now, with January looming, I agree with the manager, we can't take on any new debt in terms of similar tax exempt lease purchase plan in terms of equipment. I know that we have worked on the study and the study is near completion. I have seen the draft of it. His situation is similar to ours, he needs equipment, but he needs some additional personnel also. So, there are some issues there and we need to try to work to move toward them. Right now, it is an unfortunate casualty of what has happened in terms of the roll backs. But, we have three months until the budget is adopted, so I am sure the Sheriff will speak to it and the Board will have a chance to speak to him directly."

He then continued to review the proposed expenditures. He also discussed centralized management for services and cost centers

for areas such as communications, utilities, insurance, legal expenses, and IT.

It was noted for the record that the funding proposals were recommended by the staff based on the priorities adopted by the Board in April 2007.

Commissioner Lamb asked how the staff reached it's recommendation to eliminate a road crew and the rural waste sites.

Suggs:

The road department was the easier of the two. We didn't have any more funds to pave any dirt roads and the purpose of that department was to prepare roads for dirt road paving. Since we aren't doing any more road paving, we are recommending the elimination of that department because it's purpose was naturally eliminated by the lack of funding.

The rural waste sites - that issue is a money greedy monster. We have been talking about this for the last two years, but the cost has been escalating and what it was before - the manager and I - this is symbolic of what is really before the board. It is choices. We have more choices to make than resources to apply. This is an issue where if we eliminated funding for this service, it doesn't mean that the service had to go away. The people still have options. Versus shutting down two libraries - if we shut down the libraries in Chattahoochee and Havana, those people no longer have - their choices become severely limited because they could only come to the main library. Or, \$233,000 would completely get rid of the parks department. In eliminating our funding of the rural waste site, citizens still have options of contacting Waste Management or - if they are currently driving to the rural waste site, then they can drive to the landfill, the Quincy landfill. So, in looking at saving the most money for the County and hurting the least amount of individuals. Again, I know you are looking at a county-wide service, but the last time we talked to Robert, traditionally, at its peak, we are only selling 1200 permits. If you call Mr. Powell or Robert, that had dropped way down. So, you are talking about a very expensive service and when you break down the cost of that service for the number of people who have permits, you start to get into a debate about inefficiency or ineffective use of funds...This year, there were hardly 1000 permits sold. You are not talking about serving 48,000 people in the county or 30,000 in the unincorporated. You were serving

the number of people who had permits which is probably under 1,000."

Brown:

Commissioner, if you look at it, I think we have 15,000 households in the County. Now, when you have under 1,000 people using the waste sites, it really begs the question as to where these people are getting garbage service from. Who are they using? I know that some of the cities have mandatory garbage pickup. Some subdivisions have mandatory garbage. We are spending almost \$200,000 for less than 1,000 people. It just didn't make fiscal sense to me to go ahead and recommend to continue the service. But, again, it is up to the board to make a decision.

Lamb:

There are a lot of people out there who cannot afford it in the outline areas who are looking for some services from us here at the county level. I just wanted to know who - we have to make that decision, like you say.

Discussion followed among the board about the proposed budget.

Lamb:

Do you feel, do you and your staff feel like the computers for the sheriff's department is less important than the computers that we are getting or the update of the computers that we are getting for our county?

Suggs:

We talked about this ahead of time. I have talked about this with my consultant. Here is the issue with the county and the sheriff.

Public Safety is very important. But, when you look at the county, the main difference - computer wise and user wise, we are about the same. It is about the same population internal user wise. The issue that makes the board important and more complex is that we probably provide about 25 - 30 different services. The sheriff does public safety. Public safety is important, but it is one area of service.

The board provides public safety, you provide health, building inspection, internal financial work, transportation, and so technology is an area of critical need for the board. For the record, so that the board knows, the reason why we know and we have documented the needs of the sheriff is that the board and

the consultant that I have used, the board has paid to do a study of the sheriff's technology because we recognize the need. We have been in this with the sheriff since the beginning and we have stepped forward to try and help the sheriff in that. I know that he is appreciative, but I want everybody to understand that we have not left him out there in the wind.

Lamb:

The reason that I asked that question, Davin, is because you are dealing with lives when you talk about law enforcement and safety. Yours, mine and everybody. I think that it is very important that we update their cars, and I think that the money will be well spent.

Going to my question to the manager. On the retainer for the attorney, can that be renegotiated?

Brown:

Commissioner, that contract is up this year and he will be before you with a new contract. We will take a lot at it and the board can decide which direction they want to go.

Holt:

Commissioners, we are going to try to make general statements and then we will come back in and have these things jotted down for the staff and they can help to pull this together because we have to look at these numbers again.

Price:

Davin, on our dump sites, either way it goes, we are going to wind up getting the trash anyway. If we cut that service out, we are going down dirt roads now finding trash. This is much needed in those rural areas.

Suggs:

I do not disagree with you. I understand. This is a dilemma that is probably going to be one of those issues that will require the full three months. We contemplated that.

Holt:

We have the last vote and say so on these services. The only thing is when you look at the budget lay out, when you look at picking up some money, you've got to mark out where it is coming from. So, remember that. It's got to come from somewhere. The total budget can't change.

Price:

In our sheriff's department. We have got to help them. We are doing a great job, but we've got to work with him as close as we can. It is much needed like he says. There are lives out there - look at the way they've been doing the last few weeks. All those drug busts - and that is good. But we continue to have drugs in the community that need to come out of the community. I think the sheriff's department is doing a great job with the drug department and I know they need the funds to get closer to it.

Croley:

Madam Chair, with all due respect, I don't want to feel rushed tonight. Let us talk as much as

Holt:

No, we can't talk as much because we've got public.

Croley:

I want them to be heard, but at the same time, we need to talk about all these issues. First of all, Davin, you did a good job of going everything in detail. Thank you very much. Mr. Manager, too.

I wanted to clarify something. Did I understand you to say that the budget did not contemplate a 2.5% cost of living allowance for the constitutional officers employees or does it?

Suggs:

What we are recommending to the board is that everybody gets it. The clerk, property appraiser, the supervisor and the tax collector, the funds are in reserve. When we put together the budget, that \$175,000 in reserve, that is the contemplation for it now. So, if the board funds it, the funds in reserve will be used to provide that.

Croley:

From my perspective, that would be important. I think all county employees should be treated equally as far as the cost of living allowance is concerned.

Secondly, Davin, and I want to put this in perspective and I am going to use your department and the IT and include public information in that. As you all know, all this has kind of raised some questions at times.

Look at IT and here we've got the sheriff in here who has needs of his own. But, look at this board's IT. Your budget is

showing \$452,180 for the network plus, and I just remembered the discussion we were having on NetQuincy, and I said \$50,000 for that plus the installation and fees for the year. You are budgeting \$100,000. Plus the \$217,883 in debt service for equipment. You know, our county has a population of just under 50,000 and that IT alone is \$725,000 plus. That works out to be \$14.50 for every man, woman and child living in the county. It sorta seems like that is a lot of money for IT. I say that respectfully. I know you feel like you didn't have, that we haven't had an IT operation, and this was set in last year's budget (a good bit of it), but then, if we throw in several of the people who work in your department, that comes up to another \$281,953. Then, even though it may be said that they are lobbyist, some of it, \$314,625 for public information. You add all that up, that is \$1,321,578. You divide that by the number of people in the county, that works out to be \$28.67 per person when the average income in this county is \$23,129. That is just administrative support and it doesn't mean that it is not important. I am just saying to the public or to us as commissioners when we are dealing with the public - how do we tell that sheriff over there and the judge and I had - we were all three sitting at the table last Friday and we were talking about the jail - it is a liability suit waiting to happen. With all due respect to the county attorneys, they are probably anxious to defend us, but at the same time - what do we tell about this county in terms of priority with our citizens on service?

Suggs:

Good question. Let me start with the \$281 for my staff which is sitting right here. The reason for that is that the numbers that you just used when we are sitting in front of you (inaudible) expend that money. We wouldn't be here tonight. We would have went home about 6:15. It was previous years before I got here. I would love to ask the sheriff if he has benefited from me and my department being here. We can ask him right now. I think that the answer would be "Yes." The sheriff, every department in the county, the board, the tax collector, the property appraiser and everybody else in Gadsden County has benefited from my work or the work of my office under the direction of the manager or the board. So, I have no problem with that. You can ask the sheriff and anybody else - "Was that money well spent?"

The issue, I think, my department has worked tirelessly in terms of providing information to the board, to the people, to help everybody else and I mean, those benefits speak for themselves.

That to even allow some of the statements that you make to even be made is because the information has been provided to you by staff.

Holt:

Mr. Suggs, let me interrupt you for just a minute. Now, there is no way you are going to be able to explain all of that. So, let's get back to the issue. Those things can be addressed and they will be addressed between now and August. There is no way that you are going to be able to pick through that and address each one of those issues. That is the purpose of having it now and coming back in August and doing this again. If any one of the commissioners were here when you came on, they will remember that one of the first places we sent you was to the sheriff's department to help with that budget. So, those are some things that people may or may not know about. Most people don't. To help with that budget and everything. But, what I am saying is that there is no way he is going to be able to explain each one of those. If that number is large, it will have to be sorted through between you and looking at this budget and seeing what you want to pull. Whether he explains it or not, you are going to have to decide on what you want and how you want it. There are five people on this board. So, he's not going to be able to do it. That is his recommendation. If you don't want it, mark through it and let's go to the next item.

Croley:

I didn't expect him to be able to answer that right now. I am just saying that is the dilemma that we face. Thank you.

Brown:

Commissioner, not to cut you off unrespectfully, we can do that for any department. We can look at the sheriff's budget and say, "He is getting \$7.3 million. How much is it worth to each citizen to Gadsden County?" The IT budget and the equipment - that is like for example, let's use public works. We purchase new motor graders for public works. New equipment and new trucks. Those are the tools that those employees use to accomplish their work in the most efficient manner.

IT is what my administrative staff use. Those employees sit in front of a computer almost eight hours a day doing the government's work. In order to have, I mean, they don't have a Cadillac in front of them. They don't have a Yugo. I look at it more like a Chevy. But, that is what we can afford right now and that is what, you know, the tools that we are giving our employees to get the best job possible whereas,

Holt:

Mr. Manager, the same thing applies now matter which one of us speaks. We cannot solve it. We have to decide. The commission is going to have to decide.

Croley:

As far as the jail maintenance, I agree with the sheriff's request. We need to put more money into that and see about helping him with the expansions. Judge Parsons has pointed out as well as the sheriff that this is a critical situation out there with the overcrowding. I realize that it is not popular with the board, but sometimes you just have to realize. We don't need another hospital situation. That is a real issue out there. I come back to - there are several issues here, but I am going to make reference to our own travel expense. We ought to cut our travel expense even more to help out with this because \$10,000 in travel expense for this board is still too much. We should only be going to this Florida Association of Counties meeting which we are active members of. But, some of these other trips, we need to get rid of.

I want to come back to the code enforcement matter. Commissioner Price made a excellent point about the waste sites. We do need more code enforcement in the county. The tax collector made a good proposal back in February. I don't know to what degree you reviewed that, but the tax collector reminded us that there are approximately 3541+ mobile homes that require annual decals, but 2252 of them are delinquent representing 26% of all mobile homes in the county were not contributing anything to the tax base. That has been a big point. If these mobile homes are required to have decals on time, the department of motor vehicles estimates and additional \$128,000 plus in revenue would be collected. This revenue from the mobile home decals is to be divided between the board of county commissioners and the city if the mobile home is in the city and the school board on a 50/50 basis. This money, if collected, could be used to pay for an additional code enforcement officer and if the school board would agree, it could provide revenue for a county youth program because that is something that I know that the sheriff is really interested in as well. As a note of interest, in 2004, the last time that the decal was enforced by the county, the decal revenue went from \$31,000 to \$61,000 for school board and from \$16,000 to \$42,000 for the board of county commissioners and another \$53,000 in property tax was collected on the 194 mobile homes that were not properly shown on the tax rolls. The idea of doing the basics and providing essential county services like

code enforcement would help the property owners, perhaps give us some funding for some of the youth programs in cooperation with the school and I believe, Sheriff, you are going to be seeing Superintendent James in the near future. Maybe that is something that you could discuss with him and it would help defray our cost and move us forward in that regard.

Madam Chair, I want to hear from a lot of other people who are here, so I don't want to say too much more, but I thank you for allowing me to touch on these points.

Holt:

That is a very good suggestion about the decals. In fact, I had a meeting at the Farms, out there, and we discussed some of the same things. So, that is a very good suggestion. O.K.

What I would like to do if we have input, please come up to the microphone. This meeting is open to the public and if you have any input, you want to come up, please do so.

PUBLIC COMMENTS

Sheriff Morris Young

Sheriff Young:

Madam Chair, Board, I am going to be very brief. Last year, I got here too late. This year, I am expecting this Board to at least approve 90% of my budget request. If not, there will be consequences. And, this is all I have to say.

I've got to say this, I've got to say it. O.k. We are here to answer any questions if you need, but I am expecting ya'll to do this. It is time now for it. And, I have been to each one of ya'll and you know what I am talking about.

Thank You.

Holt:

Thank you.

Judge Parsons?

Parsons:

Commissioner Croley has expressed my concern, but I want to tell you. You have got a time bomb on your hands that you are

ignoring in terms of the jail. The jail was built to accommodate roughly 125 with a maximum cap of 150 inmates. Last week, there were over 250 inmates in that jail. People were sleeping on concrete floors without mattresses or pillows. They didn't have enough uniforms to go around.

That is a crisis out there. I haven't heard anybody discuss in terms of budgetary proposals anything that is going to add to the capacity of that jail.

I sit on the public safety committee along with the chairman of the county commission and the chief judge. We have spent several sessions trying to figure out ways that we could tweak the jail population and bring it down. We have done everything that we can do. We have a rocket docket that keeps people with misdemeanor cases in the jail no longer than a week if they can't post bond. The child support people are getting people getting people out of the jail. The circuit judge has reduced the number of probation violators that are in the jail. Still, with all these things that we have done to try and control that population, it keeps going up.

You have got a crisis on your hands. You've either got a major law suit, you've got a human time bomb or the State is going to shut it down. I don't know what you are going to do with those inmates if the State comes in and shuts it down. It is a serious problem and I haven't heard it addressed tonight.

That is my serious concern.

Holt:

Right. Thank you, Judge.

Judge, may I say this? Because, we have been meeting with a group to look at a Saturday work program and the people from the Sheriff's department and the City Police have been meeting and looking at hopefully a program like that. But, you are correct on the jail.

I have talked to several people about it and the manager and I have talked about it two or three times. The jail belongs to the County. It does not belong to the Sheriff's Department and so does Emergency Management. They both belong to the County. When I talked to the manager today, I said the same thing.

We need to look at taking those programs and five people being responsible for those programs. Not looking at saying, "It is

the Sheriff running the jail." It should be that this commission is responsible directly for the administration of the inmates at the jail. It is something that we just never took over.

Parsons:

Let me just say this and I said this before. These things like Saturday programs and all this sort of things. Those are just small things. You have got to be prepared to build another 100 - 150 beds out there at the jail. That is the only thing that is going to solve that problem.

It is major money, it is major construction. But, that is the only thing that is going to provide adequate capacity to meet that problem. That jail was built in 1980 and it hasn't been increased. All over the state, corrections facilities are always expanding.

We have less beds per population in Gadsden County than they do in Leon County by a significant number. Construction is what you've got to do. You have just got to face that problem and do something about it.

Holt:

Also, Judge, if I may say this right quick. I knew that was a band aid to the situation when I mentioned it. I sat down and met with one young man in Madison County. They build jails - this one organization. I met with another and Commissioner Dixon met with them because the young man was telling me when he met with me that he had met with some representatives from up here at the Association meeting. We looked at some options as far as funding and building. The funding and building options led to "If we could get federal inmates in, we could afford it." Those are some options that we brought up. ...

We have to really sit down and look at it. That is why I am saying that it has to come back onto the lap of this commission. It has historically been done by the Sheriff's Department. I am of the opinion that it should have gone to the commission in the first place. And also Emergency Management. Both of those are projects that we should have been doing.

I always thought that the Sheriff's Department should have been dealing only with law enforcement and not have to deal with this. I think that is the issue.

Yes, Mr. Suggs? Then Commissioner Croley.

Suggs:

A couple of things. Number one, to defend the Board now - when Chris Doolin was here earlier, he's probably gone by now, we sent to the State a request for \$25 or \$23 million dollars. It didn't even catch wind. That was for a public safety complex - a jail, administrative office for the Sheriff and new EMS Building and Emergency Management Building. It didn't catch wind.

But, I know that myself, the public information officer, we have toured a couple of cities in the last year. In terms of jails, I know there's a new jail in Walton County. So that issue didn't catch wind at the State. We recognize the need. We asked for the money the best way that we could get it.

In defense of the Board, to the public, the Board can't afford any debt payment like that on a jail unless the people of Gadsden County are going to pay a new tax. Don't ask them to carry that debt if the people in the county are not going to pay a tax.

The same thing with the hospital. A hospital or a medical facility in this county will not exist unless the people pay an additional tax. It is impossible. It is not going to happen.

Holt:

Judge Francis and I met at the capital and we talked about it and had this same discussion. I'm going after funding. He talked to several people at the Capital and I did. I know that the Sheriff did and so did several other groups. If we were able to look at another debt service, if we were able to look at paying a bill, because I asked - some of the representatives and the senators all said, "When you do this roll back, are you considering debt service - what bills you are already paying - are you considering that?" A lot of counties are way, way into debt. We are not at that point yet. But, can you afford another large bill? YOU are talking about a million dollar or better payment per year for about 20 - 30 years.

The State will not fund this, but the State didn't fund Dixie County and the two surrounding counties. They tried for three counties to get a facility. They were not funded either. We were not funded, so we have to go back and afford it? Now, we will have to be creative, but, the State has said pretty much that they are not going to fund it.

Croley:

Well, Madam Chair, I don't agree with you at all about the county commission trying to take over and operate the jail. I want to say this. I pulled the FDLE reports on Gadsden County today and looked at what our Sheriff's Department is doing. I looked at the quality of life here with the Economic Council reports on all counties of similar sizes. I think that our Sheriff's department is doing a great job with very limited resources managing the jail and the emergency services. I think that when the Sheriff invited me out to the jail and gave me a tour, we looked at the way the jail was designed for additional pods. I believe that with some support, he may be able to work with the Department of Correction inmate labor and get a plan in place that those additions could be built with minimum costs.

As Judge Parsons has eloquently pointed out, I know that there are some other initiatives out there that he works with out there in his judicial and criminal justice programs that we may be able to be innovative and partner with the State and perhaps put in some sort of work release type compound that warehouses the inmates - again using the Department of Corrections labor that we may be able to see it expanded. We may need to explore those alternatives. But, from what little bit of time that I have been on this Board, I have gathered that there hasn't been a very positive attitude about these type of efforts. I don't think this is a very good course of action on our part, given the fact as Judge Parsons has continued to emphasize, there is so much liability for us.

Holt:

Right, that is my point. I fully agree with you. I don't think that anyone is saying that the Sheriff is not doing a good job. I think that the Sheriff is doing a great job.

We had this same problem before. This is nothing new. But, what I am saying is - the Board is responsible for the jail. The Board needs to take responsibility for the jail. It shouldn't be the Sheriff's responsibility.

I think that is what has happened over the years. For years, we have been at 10 mills. We don't know where this money was going for 10 mills for years. But, they never took responsibility for the jail and that is why it was never added on to.

Mr. Suggs and then Commissioner Price.

I am sorry.

Suggs:

A couple of things. My staff just reminded me, too. We are in the middle of an impact fee study. One of those impact fee studies is dealing with the jail and expansion of the jail due to population. I know that the commission was half way split on impact fees and we will see when it is time to adopt the ordinance, but I know that one of those specific study was for expansion to the jail.

I just want to bring something and it is dealing with - going back to special revenue - which none of them past. I want to bring it full circle.

The manager and I asked or recommended to create a new revenue to fire. By creating a new revenue to support fire, you would free up the use of a small county surtax - the penny. The penny, remember that we asked you to unrestrict the local ordinance on that penny so that we could use for general capital. To bring it full circle, the original use of that penny was to build the jail that is now too small. That penny was first used to build that jail that we are complaining about before the board came and re-restricted it to public works and fire. But, you won't replace the fire revenue, therefore -

We could go back to the original use of the penny and you could have money and you could look at issues like the jail. It goes back, I said it two years ago. Every dollar is tied to every other dollar. You go to the Clerk's office and you go look at the original use of that penny, it was used to build that jail. Now, the Board has restricted itself from a revenue resource that could be applied to it.

I just want you to believe the manager and I - I've been talking to you about fire revenue, but I always say that if you find a new revenue for fire, you have found a new revenue for stuff like the jail or something else. It is all interconnected. But, somewhere down the line, something new has got to happen.

We can continue to search for grants and whatever, but we know how that is. At some point, being self supporting, we are going to have to ask the community to help us do something for ourselves.

Holt:

Commissioner Price?

Price:

I was going to ask the manager and Davin to get with the Sheriff and let's see how we can do this and make it work. An addition - figure it out one addition at the time. We don't have to do the whole space at one time. Just get a little at the time and go forward with it. Like Commissioner Croley said, use inmate labor. Does the Vo-Tech still have brick masons and all that?

Holt:

I have been out there a couple of times, but from what they were telling me, their funding was restricted to how they are funded from different programs.

Price:

There other work camps - we might can get with some of these prisons.

Lamb:

I think that is a very good idea that Commissioner Croley mentioned, Madam Chairman. But, what the judge is telling us is what I told you two years ago. We need to be more proactive in this. We need to do something. We've been doing a lot of talking, but we haven't been doing anything. We just need to go ahead and do what we need to do to bring that jail to where it is supposed to be.

Here on the county level, too. We need to look at what we are doing, too. There might be areas where we can cut that can generate funds to do some things. We talk about everything else, but we also need to look at ourselves. Do we need everything that we have here? Is it necessary to have it now? Let's look at everything while we are considering. Just like - I think we need to put a freeze on hiring. I don't think we need to be doing any more hiring now. We are talking about all these cuts. We don't need to be doing any more hiring at this time. We need to put a freeze on it. Then we need to look at what we've got. Do we really need it? If we don't, cut it. Now, let's go forward.

Holt:

Commissioner Lamb, on some of those things, I will agree with you on. But, as I said, when you get your budget pack, go back and mark out what you think we don't need. Write in the number you think we need. At our next meeting, we can discuss that. The staff will talk to you about it right along.

Yes, Mr. Suggs.

Suggs:

Look in your budget on page 8-10 (I have it up here on the screen) and the next page, 8-11. Just to let the Sheriff and the Judge know, I have worked with Spencer and we have identified a lot of the projects that we know about. There are probably some that we have not identified. But, I want the Board to know that we have identified these. That over \$1 million worth of projects right there. Go back and look at them and look at the whole capital plan. What you are going to find is - I want you to understand, so let's go back to the beginning of the day.

This budget right here - there is no more money being added to this book right here. The \$40 million is it for this year and \$40 million is going to be it for next year. There is no more money. The manager and I are not going to come and say like Leon County did the other night - Leon County went to their Board and said "Hey, I found an extra \$1.8 million." Now, I know how that happened. But, it ain't happening here. O.K.

So, I think what the chairman is asking - we've got over \$1 million worth of projects. This is just the jail. General revenue dollars. There is very little in general revenue projects in your capital, so look at Fund 001 or look at Fund 301. That is where your general revenue is. That is the money that you can use to do these projects.

Brown:

Davin, Commissioners, basically, just tell us which departments you want to cut and come back and let us know and we will build a new pod.

Holt:

If you say that "I want this project cut." Mark it out and put beside it what you want. That will solve the problem as far as when you come back, I want this cut. I want that cut. These are the projects that we think should be cut. That doesn't mean that we have to agree with them. Mark it out and put down what you want.

Croley:

Put it on the list to cut.

Holt:

No, No, No. What I am saying is you do your cuts, Commissioner Dixon will do his. Also, do you think that the constitutionals

should roll theirs back. We need to look at everything and consider these things before January. How much will we have to cut back in January - another \$2 million. I am saying, we are going to have to consider some of these things anyway.

Croley:

What I want to point out to you is a pretty good point about - Ft. Walton, cause I pulled this too to see what the counties right around us who have similar population. Ft. Walton's 41st most populous county. Their overall state and local taxation rate in 2005 was 9.8 mills. That was their ad valorem. Jackson County, which is the 42nd was 15.31. Gadsden is 43rd. and we are at 19 points. You start looking here at Levy, they were a 18.94. They are all doing a lot with a little apparently. They are faced with the same problems. We've got to weigh that out and I know that Wakulla down there, because the Sheriff asked me about that - They are at 17 mills and they are a smaller county and they have a quality brand new jail facility. So, Sheriff, there is some of your answer there. It is where you place your priorities.

Holt:

I also want to add on to that - when you have beaches, you can do that. When you have beaches and you have developments at I-10, you can do anything.

Croley:

Some of them don't have beaches.

Holt:

But, they have developments at I-10. Commissioner, you don't know this, but, two years ago when I was getting onto this commission about doing development at I-10, they wouldn't do it. They wouldn't go out and go after those vendors. They would not apply for infrastructure money.

They had to plan to build that jail in Wakulla County cause I went and looked at it. They had to plan to build it. They picked up revenue. They picked it off their tourism. They have two beaches. They picked up their money there. But, this county didn't do anything for years, but they were still at 10 mills. So, no one has told me yet, what happened to that money. I have been trying to figure this out for years.

If we found money to give to IT, build libraries, build fire stations, what in the devil was going on with that money before we got here? They spent the money. It was spent. So, where

did the money go? This is the most amazing thing. If you want to see something disappear, I have never, and I teach math, I have never seen numbers disappear like that. So, that is where good gets tough. But, they plan. Those counties planned. This one didn't.

Lamb:

I heard you say, "Where did this money go?", but, we didn't have quite that much during that time as we've got now.

Holt:

They had \$36 when I got here. \$36 million. That is not much from \$40 million.

Lamb:

Another thing I wanted to mention, though, is cuts. We need to look at cuts across the board, including this board right here. We need to look at cuts. I am in favor even of doing that to get to where we need to get to and I want that on the record. I am willing to cut to get to where we need to get to in this county because I want to see my county safe.

Holt:

Some of the counties didn't give any raises. They didn't give a cost of living raise or anything.

Lamb:

I am not talking about just raises.

Holt:

I am saying how they cut. I want you to look at it carefully. Tampa just cut 161 people. I know we are not Tampa, but when you look at what these counties are cutting - they've got 90 days. They will be unemployed in 90 days. What I am saying is , you got to figure if we give 2.5% raise or they don't get 5% or whatever, it is kind of like - Is that logical anyway? I am not just talking about them, I am talking about other departments. Some of them are cutting across the board and even their competition has taken a step back and a roll back. So, we have to look at the total budget. That is what I am saying, instead of trying to figure this out tonight, take this book home, mark through it, make some changes and come back to the board and say, "This is what I really think."

Citizens, please come back so that we can have input. If you don't speak tonight, you can still have input and pull it up on-

line, look through it and make some changes that you think should be made.

Commissioner Price?

Price:

When we decide to make a cut, let's do it with the right attitude. Let's look at it and study and make sure that it is with the right attitude and not to try to hurt the commissioners, not to try to hurt the board, let's try to help the county. Let's go forward with the right attitude. We can do it.

Holt:

Mr. Suggs. I've got just about everybody in one accord, now. Don't say anything to disturb them again.

Suggs:

O.K.. I'm not going to mess it up. I'm going to let it go. I'm going to let it go. This is a process question and maybe it is either for the chairman or the manager.

Are we saying that in August, the board is going to come back with cuts in August? At the end of August?

Holt:

We need to be there before August.

Suggs:

From my standpoint of view, this is what needs to happen. If we are not going to meet again until August 21st, we've got to turn it right back around cause that first public hearing in September is going to be the first and second week in September. It is going to be extremely difficult if the first time we see changes to the budget is in late August. That gives me about a week and a half to turn around. We need to discuss it. We are going to make every change that is submitted.

Holt:

Do we need to have another meeting, Mr. Manager?

Brown:

Let me discuss with staff what we need to do and I will poll the commissioners. Given that we know when we have to adopt the budget, so I will back from that and make a determination as to when we need to meet and I will poll the commissioners and schedule a meeting accordingly.

Holt:

So, what we need to do is to really look at these numbers really hard. That way we can get it to them in time especially for printing and to type up some of this stuff.

Croley:

Madam Chair, again, this is not said negatively, it is said constructively. I just want to remind everybody that in 2004, your ad valorem money was \$10 million approximately. By 2006, this past year, it had gone to \$12 million. And then, on top of that, we would have gotten another \$2 and some odd million to make it \$14 million. But, as it is, we still went up \$300,000 in revenue. So, it is still comes back - it is not so much that we've got to go in with a butcher knife and start hacking things off, we just need to decide where the priorities are. It doesn't mean anything bad, it could be that technology is an important place to put emphasis. Or, do we go back and put the emphasis on those basic essential services like law enforcement, jails, courts, and things of that nature that are essential services to the citizens of the county. That is really what I think that this debate is about. That is what, as Commissioner Price has eloquently said, we need to approach it with the right attitude.

Holt:

It is always good to say that when you cut. If we cut with the right attitude. Don't use an ax, use a machete. But, what we need to look at is - now, what are we going to do? No matter what, we are in a situation. What are we going to do?

Yes, Mr. Suggs? You got to make this fast, too.

Suggs:

I'm going to make it fast. I just want the Board and the public to understand what we have been through and reduced. We lost a net reduction of \$1.8 million dollars. We have added way more than \$1.8 million just in talking tonight. So, to say that we didn't need it - I mean, it is very frustrating because I see this need every day.

Holt:

But, Mr. Suggs, don't get frustrated. The costs of services went up. We have known that since 2004. Commissioner Croley- I agree with his numbers cause they probably are right. But, look at the things we have provided between 2004 and 2006. That is just a fact. So, you don't need to argue with that. He is

allowed to say that information. He is allowed to say it. You know and I know that the price of asphalt went up since then. So, that doesn't bother me one bit. Our computers have increased. The light bill is up. We talked to the City of Quincy about that just yesterday. So, we are trying to find a break wherever we can get a break.

Robert, make asphalt go down. O.K. We're going to make the cost of healthcare go down. This is not going to happen. So, when we look at all this, you may still be at a \$40 million budget, but you have a lot less services because the cost is going to go up of this many supplies. Our ambulance only gets five miles to the gallon. Can we speed it up and make it go faster? Can we make it use less gas? Those are the only options because we can't move Tallahassee. But, those are some of the things we have to look at.

Gentlemen, we need to adjourn so these people can go home.

Croley:

So moved.

Price:

Second.

Holt:

Motion and second. Let's go.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER PRICE, THE CHAIR DECLARED THE MEETING ADJOURNED.

Brenda A. Holt, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA ON
JULY 17, 2007, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: Brenda A. Holt, Chair
Eugene Lamb
Doug Croley
Edward J. Dixon
Thornton Williams, County Attorney
Marlon Brown, County Manager
Muriel Straughn, Deputy Clerk

ABSENT: Derrick Price, Vice-Chair
(excused due to death in family)

INVOCATION AND PLEGE OF ALLEGIANCE

Commissioner Dixon led in the invocation and Commissioner Lamb led in pledging allegiance to the U.S. flag.

ADOPTION OF THE AGENDA AND AMENDMENTS

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO APPROVE THE AGENDA AS LISTED BELOW:

Add to the Awards, Presentations and Appearance Agenda

- A-1. Presentation of 2006 Errors, Insolvencies, Double Assessments and Discounts Report (Dale Summerford, Tax Collector)
- B-1. Presentation of Summary of FY 2006 Audit by Richard Law
- C-1. Urgent Care Center Update by Corey Fleming, TMH Administrator

Delete from the Public Hearing Agenda

- 9. Request for Budget Amendment from Sheriff Morris Young

Add to General Discussion Agenda

- 11-A. Approval of Additional Funding for Sheriff's FY 2007 Budget

11-B. Authorization to Set Date for First Public Hearing on the
FY 2008 Tentative Budget

11-C. Approval of FY 2008 Florida Recreation Development
Assistance Grant Program Project for Submittal

Add to County Manager's Agenda

12-A. Approval of Invitation Letter to Federal Legislative
Delegation

Add to County Attorney's Agenda

A-14. Notice of Protest by TDS - Invitation to Bid 07-06 Fiber
Optic Network

Add to the Receipt and File Agenda

16-H. Letter to Corey Fleming, Director of Urgent Care, from
Connie McLendon, Finance Director

AWARDS, PRESENTATIONS AND APPEARANCES

**A-1 Presentation of the 2006 Errors, Insolvencies, Double
Assessments and Discounts Report -**

Tax Collector Dale Summerford presented the 2006 Errors,
Insolvencies, Double Assessment and Discounts Report
attached to these minutes. He explained the report in
detail.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY
COMMISSIONER CROLEY, THE BOARD VOTED 4 - 0, BY VOICE VOTE,
TO APPROVE THE REPORT DESCRIBED ABOVE.**

B-1. Presentation of Summary of FY 2006 Audit

Mr. Richard Law was present to make the auditor's report.
He did not present the audit report document, but gave a
summary stating that the documents would be forthcoming
once the response letters from the constitutional officers
have been received.

Findings:

- Homeland Security Grant - Fire truck was purchased. While the down payment was dispersed during the grant contract period, the final payment was made after the contract had expired. The county should have requested an extension of time on the contract.
- CDBG Rural Business Enterprise Grant - one of the quarterly reports was not submitted on time.

Prior year comments:-

Internal Controls in IT Section of Clerk's Office - There was not adequate segregation of duties - too much control vested with one person. - The Clerk has added an additional person and internal controls are more segregated now and they are adequate.

Public Works Contract had not been bid out in several years. It was bid out and new contract was awarded.

Loan covenants require that a copy of the county's budget be submitted to them within 45 days of adoption of the budget. It was the second time that it has been pointed out to the Clerk's office and they now know that they are supposed to forward the budget timely.

Audit of the Sheriff- He had several grants that came in and he did not come back to the board with a budget for the Board to consider and authorize him to spend the money. Mr. Law recommended that there should be better coordination between the Sheriff's office and the Board OMB Department to insure that budget authority is approved on those grants.

Board's Article V Special Audit - Report was prepared by the Board's budget office without consultation with the Clerk's accountants which resulted in some omissions from the report. Mr. Law recommended that there be better coordination between the OMB office and the Clerk's accounting staff to safeguard against those omissions in the future.

Mr. Law offered his services to sit down with the commissioners one on one to go over the audit report and answer any questions they might have. He said that the final copy of the report would be delivered the week of July 25.

C-1. Urgent Care Center Update

Mr. Corey Fleming addressed the Board. He gave a brief update citing the following points:

Since the Board passed a resolution requiring a picture ID of patients presenting for services, the issues resulting from bad addresses had greatly improved. They have seen significantly fewer invoices being returned undelivered.

Revenue Enhancement - New contracts are now in place with insurance companies which will increase the revenue.

Commissioner Croley referenced a memo from Connie McLendon regarding deposits and reports not being made timely.

Mr. Fleming said that the issues raised by Ms. McLendon have been addressed. He said a second person has been designated to make the deposits in his absence. Likewise, he had worked out a strategy with the Clerk's office for reporting purposes.

There was some discussion about the amount that the county will have to subsidize the Urgent Care Center.

Mr. Davin Suggs reminded the Board that from the outset, the County knew that it would have to contribute and subsidize the center. \$675,00 was budgeted for the year. Mr. Fleming nor Mr. Suggs could make a projection as to how close to that figure the real figures would come in.

Mr. Suggs emphasized, as a business, the Urgent Care Center will lose money. It was never expected to sustain itself. They could not make an estimate as to how great a loss would actually be at the end of the year.

Chair Holt reminded everyone that healthcare must always be subsidized. If there is going to be healthcare in Gadsden County, it will have to be subsidized.

1. Presentation of Economic Development Update

Mr. Brad Day appeared before the Board to give them an update as to the economic activities

Florida's Great Northwest meeting was held in Gadsden County at Tri-Eagle Sales. Jackson County was

congratulated on their successes in closing deals in economic development. He called attention to the fact that Jackson County has made a considerable investment in infrastructure and incentives to companies to locate there and it has paid off.

He reported that he met with the Industrial Development Authority and the Chamber of Commerce and had very frank discussions. They reached a consensus that they all need to work together to present a united front with prospects and develop a protocol when dealing with them.

Project Green - This is a company which represents a \$25 million capital investment in the county. They are doing several projects across the southeast United States. Right now, it looks like they are going to counties who have offered greater incentives.

Project Metal - They have agreed to a set of concepts and principals. He is working with county staff in the expectation that they can bring forth a memorandum of understanding that the Board can enter into with the company to relocate here. There is an agreement in principal, but some of the details remain to be worked out. He commended the Growth Management Department for working with him on this potential development.

He reported that he has worked with three projects over the last quarter but no success with any of them. He said that he found it extremely disturbing because he sincerely felt that in at least two of the three projects, Gadsden County had the more superior locations which should drive most location decisions for companies. In talking with others in the industry, they came to a conclusion that there are a couple of weaknesses in the proposals that are being prepared. One is an articulated incentive and sustained marketing message. Another issue identified was that the county has no control of property and therefore cannot make property a part of its proposals. He said, "We don't have options in place with property owners and we haven't coordinated with the city governments as well as we should."

There was a general consensus that the Board should conduct an exercise or workshop to ascertain the level of commitment to economic development the County can reasonably make. The following questions were raised as

beginning points of discussion:

- Why can't we articulate an incentive? Mr. Day answered that there is no barrier, we just have to sit down with our partners in the cities and do it.
- How do we approach the control of properties? Mr. Day answered that he will bring back options and recommendations for policy.
- What kind of leverage do we want to give Mr. Day and others to pull in the field?
- What kind of investment do we want to make in growing our economy?

Commissioner Croley asked Mr. Day if he represented other government entities in economic development. He responded saying that he does work with other government entities doing evaluation work for them, but not recruitment.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ACCEPT THE ECONOMIC DEVELOPMENT REPORT AS PRESENTED BY MR. DAY.

CONSENT AGENDA

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

2. Approval of Minutes - June 19, 2007

3. Ratification of Approval to Pay County Bills

Accounts Payable Dated July 6, & 13, 2007
Payroll Dated: July 5, 2007

4. Approval of Chair Holt's Travel to the 2007 Annual Chamber Community Conference - Pointe Vedra Beach, Florida on July 20 - July 22, 2007.

5. Approval of Signatures for Special Assessment Lien for Carolyn Klye and Jack Johnson, Jr.

6. Approval of Signatures for Special Assessment Liens and

Rehabilitation Contracts for Olivia Taswell, Jimmie & Mary Johnson, Bernice Williams, Mattie West

7. Resolution 2007-038 - EMS Write-Off of Bad Debt amounting to \$336,027.49

CONSENT ITEMS PULLED FOR DISCUSSION

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS

Mary Lee Lancaster - Concord Road

Ms. Lancaster thanked Commissioner Lamb, Mr. Brown, Public Works Director, Jessie at Public Works and the Sheriff's office for responding to a dilemma she experienced with her property. She said that she lives in Palmetta, FL where she serves as on the Town Council. She plans to retire to Gadsden County.

Belinda Snyder, Friends of Lake Talquin

Ms. Snyder appeared on behalf of Friends of Lake Talquin. She implored the Board to work diligently to protect

Pat Curtis 761 Bear Creek Road

She thanked the commissioners for the Town Hall Meeting held in May at the Bear Creek State Park. She said that the staff and citizens were quite surprised with the turnout. There were a couple hundred people who attended. She said that it was an eye opening chance to help them understand that they needed to band together to protect the lake.

Sam Hawkins

Hawkins:

What you have before you, Commissioners, is a survey that we did over in District 2. The reason for the survey was that one of the commissioners - let me back up.

I want to thank you for the work you are doing. I think this Commission, as a whole, is a vehicle that will take us where we need to go. We have our problems, but we have the staff and professionals in place that will cure those problems. I know this, commissioners, for the last four

years you have had to do like a stable owner. You had to clean the mess out of the stable before you could put the new horse in. So, I would applaud you. We have been on the opposite sides of the fence, but we are going in the same direction - that is to provide the best services to the residents of Gadsden County that we can.

This survey is called CMIA - Commissioners Missing In Action. I know, Madam Chairman, the procedure is that you address the Board, but I must address this to Commissioner Croley because he was the one that was represented the residents.

Holt:

Mr. Hawkins, please speak to me as the Chair.

Hawkins:

I know that is the procedure, but there was a misconception. I will call it a straight out lie. My father always told me that when you call a man a liar, look him straight in the eye and tell him he is a lie.

We went into District 2 and did this survey because the commissioner of that district said that he had polled them and he went out into his community and they told him they didn't want Boys & Girls Club and they didn't want this. So, my job, as president of the NAACP, is to make sure that these things are true and protect their civil rights.

As of today, 400 members of his district have not seen him - have no idea what he looks like. So, I stand here and say that he is a lie.

Holt:

Mr. Hawkins.

Dixon:

Madam Chair, that is not - let's not go there.

Holt:

Mr. Hawkins, do not, do not call anyone a liar, O.K. Just go ahead and make your statement.

Hawkins:

O.K. This was a fabrication of the truth. I have here in my hand, and if he would like to look at them, we can leave them in the office, signatures of 400 members in his

district who have never seen him. They have no idea what he looks like. Just for a few, Salie Fisher, Ms. Sanders, M & L Lane, Jackson Street, - I'm just saying the streets. These are the residents who have no idea what their commissioner looks like. I would say, Commissioner, to this Commission and these commissioners, we are no longer asleep. The giant has awoken. We refuse to go backward. We are united as one community, one Gadsden County to move forward and to make progress. We refuse to let you take us backward.

Thank you, Commissioners.

Dixon:

Madam Chair, May I?

Holt:

Yes.

Dixon:

I want to say this and everybody who has been to a Board of County Commission meeting knows, Commissioner Croley and I hit it on a regular basis often. But, to stand before a body and label a commissioner a liar is very inappropriate. If you can't respect a man, respect the seat that he got elected to. That was inappropriate and it is inappropriate to speak in that manner, Madam Chair, to anybody sitting in this body.

Holt:

O.K. Next item.

PUBLIC HEARINGS

8. **Public Hearing - Conceptual Plat Review for the Plantations of Fox chase - SD-2006-09 - Major Subdivision (CONTINUED FROM 4-17-07 MEETING)**

Owner: Plantations at Fox Chase, L.L.C

Applicant/Representative: Charles Hargraves, P.E.

Location: Southwest corner of the intersection of Glory Road (CR379-A) and its intersection with Shade Farm Road (CR 483) to the north. It is comprised of multiple parcels located in Township 3 North, Range 4 West, Sections 20, 21, 28, 29.

Land Use Designation: 798.67 acres in AG-1; 301.11 Acres in Conservation proposed for 183 single family homes in a clustering design each greater than 2 acres.

TAX ID: 2-29-3N-4W-0000-00100-0000; 2-29-3N-4W-0000-00200-0000; 2-29-3N-4W-0000-00220-00000; 2-29-3N-4W-0000-00230-00000; 2-29-3N-4W-0000-00330-00000

Type of Action: Quasi Judicial in conjunction with the advertised public hearing as a Type II plan per Subsection 7202 of the Land Development Code.

Planning Commission Action: The Planning Commission recommended approval based on the findings and special conditions a - I as listed in the attached agenda report.

Brown:

Commissioners, the next item is Item No. 8 which is your first public hearing. This is a conceptual plat review of for the Plantations of Fox Chase. SD-2006-09 Major Subdivision. It is a continuation from the April 17th Board meeting. Let me ask Mr. McCord to introduce the item and provide staff recommendations.

Williams:

Before Mr. McCord provides testimony, he needs to be sworn in. I need to provide some background to the Board.

McCord:

I was sworn in at the first hearing. Do I need to be re-sworn?

Williams:

It is a continuation, but I want you to be re-sworn because we have a court reporter here and I want it very clear that you are sworn in and you understand that.

Straughn:

Do you swear or affirm that the testimony you are about to give in this matter shall be the truth, the whole truth and nothing but the truth?

McCord:

I do.

Williams:

That actually is kind of a segue transition if you will into some of the concerns that I want to express tonight. This is a quasi-judicial hearing as you know. Many of the things that you do as a board are quasi-legislative and

therefore there are a lot less restrictions on how things are done. This is quasi-judicial and we have a court reporter that is taking a verbatim transcript of everything that is being said tonight. I don't anticipate that this will become an issue of litigation, but because of that, we have to be clearer in communicating our thoughts as we go forward in this proceeding.

Croley:

Who is paying for the court reporter?

Williams:

I assume Mr. Bateman is. We are not. The county is not. That is another good question because typically, if this were to occur, it will be paid for by the developer. We, as the county will always rely on the Clerk's record for purposes of documentation. So, for future reference, if that issue ever comes up, you can rest assured that if I have not come to you for approval, you won't see a court reporter in the county proceedings.

Again, back on point, be clear in your questions. The hearing is one that requires competent substantial evidence for any decision that you make. I have had discussion with the attorney for the developer, Fox Chase, Mr. Bateman. I didn't realize that you had appearance cards, Madam Chair, for the Board. If it is the will of the Board, at some point, to review this and go forward, I would like to make comments. I can make them now or I can make them after Mr. McCord does his presentation. In fact, let me, as I think about it, let me make go ahead make them now.

Because there is a recommendation for approval to go forward, there is a concern that the development as it relates to utilities has not been fleshed out yet. Mr. McCord is of the opinion, as he has expressed in other hearings, that the more appropriate time to look at the utilities is at the preliminary stage. I have talked to Mr. Bateman. If it is the Board's desire to go forward to the next stage beyond conceptual to preliminary review, he will agree that we will preserve all issues for review, including issues regarding the conceptual stage so that there is no harm to the County. So, every concern that any citizen would have at this stage would be protected so Mr. McCord has the ability to have a better understanding of how they intend to place the utilities on this development. So, I wanted everyone to be aware of that. It would

probably be appropriate to the extent that the citizens that are opposed to it, if they come in and testify, if they would comment on that, you could have that information at this time.

Or, if it is in the will of the Board, and there are no objections, after Mr. McCord puts that statement on the record, if the Board does want to go forward, Mr. Bateman is prepared to state that he agrees with these terms - if that is the direction the Board wants to go in.

Holt:

Just for clarity for the citizens, if they want to make that statement, what exactly do you want them to state? If they wish to do that at the beginning of their statement?

Williams:

If the Board direction is to go toward approval, then the only concerns, before you would make that decision, would be to allow the opponents to provide testimony about their concerns. Because this is a quasi-judicial proceeding, you have to get that testimony in so that you can deliberate in your entirety in that regard.

Mr. Bateman has basically stated that he would do either an abbreviated or no presentation of his issue realizing that there would be no compromise at this stage because all issues are preserved. The issues as it relates to what we are talking about tonight, which is conceptual review, the input of the citizens, if it is done tonight or done at a later time, will still be protected because it only allows the review to go to the next stage. So, you actually have a more formal presentation before Mr. McCord so then he can make a better recommendation to the Board as it relates to the utilities which is the issue that caused the continuance from the last hearing.

I have tried to say this as clear as I could. I am not sure if I accomplished it.

Holt:

We'll get you to repeat it if we didn't.

O.K.

Mr. McCord?

McCord:

Commissioners, this item is a continuation from a public hearing that was last held on April 17th. This is a request for conceptual plat approval for the Plantations at Fox Chase which is on approximately an 1100 acre parcel located in the north central portion of the county near Glory Road and Shade Farm Road. The property consists, again, of just under 1100 acres. 798 of those acres are in the Agriculture 1 which is one unit per 5 acres land use category. Just over 300 acres is in the conservation land use category. The applicant proposes to develop ultimately 183 single family lots in a clustered design pattern.

Again, the Planning Commission did review this conceptual plat back in April of 2007 and recommended unanimously that the Board approve the conceptual plat with a number of conditions which are contained in you agenda package. If necessary, I will review over those again. I did present those at the last meeting on April 17th.

Again, the Board held their last discussion on April 17th and there were a number of issues that came up by various board members that were of concern. That was the reason for the postponement until this time. Some of the primary issues at the time were the location of the property and in it's proximity to wetlands including the wetlands on site. There were some concerns about the ability of the soils to adequately accommodate on site septic systems. Also, migration patterns of large and small wildlife using the property as well as traversing through the property. The possibility and feasibility of extending and providing central sewer to the site from, I believe from the City of Gretna's waste water treatment facility.

I may have another additional item that I thought may have come up. I think Commissioner Lamb had mentioned that there was a desire, perhaps, to entertain or consider sidewalks within the project.

This is a conceptual plat review. It is really the early stages of the Board's evaluation of the site plan for the development of the subdivision. According to the county's Land Development Regulations, there are 10 criteria or 10 standards that need to be met and reviewed at the time of conceptual review. I have never really reviewed a conceptual plat and intended it to be a binding plat. It is just one step in order to obtain a progression toward

what would be more permanent decision by the Board pertaining to the development of the property and ultimately in order for the applicant to obtain a development order.

The next stage would be preliminary plat which is really a more binding action taken by the County Commission which then authorizes the developer to proceed with detailed construction drawings which would be the basis for issuing a development order provided that those detailed construction orders comply with the Land Development Code and the Comp Plan.

With the clustering option that they have proposed with the conceptual plat, a significant portion of this property, more than half of this property would be retained in open space conservation areas. Of course, there are some wetlands on the property. More of the property that would be contained in the open space conservation area would be uplands than would be wetlands. Part of the land use on the property, as I mentioned earlier, is conservation, a substantial portion of it. That was established at the time the land use was approved - I believe it was in 2004, if I am not mistaken.

So, what we are getting here is greater amounts of conservation and open space than is the minimum required by Code when you are using the clustering option.

Many of these points that I have gone over before in our previous meeting in April and I don't want to belabor those, but, again, I want to point out the review by the Planning Commission and review for only the standards identified in Section 6003, primarily subsection D, but also the approval process that it is proceeding through that are listed in subsections b and c.

The land use, as I mentioned, are Agriculture 1 and conservation. The property surrounding it is by and large are also in the agriculture land use classifications. Mostly Agriculture 2, some on Agriculture 3. They are located east and across Glory road. The City of Gretna also has properties also owned by the City of Gretna and properties within the City of Gretna on the southwest extreme border of the property which is adjacent to lands within the conservation land use category which was established, again, back in 2004.

The applicant proposes a series of private streets that would meander through and around wetlands essentially staying on the high ground, if you want to call it that. These private streets will be owned and maintained by the homeowners association as would all the open space tracts within the subdivision. So, there would be no public expense to maintain roadways once they are constructed.

The applicant had indicated that they would be providing a gated community and of course, with private streets, that would be permissible.

We measured the review of the subdivision for compliance with, again, the Land Development Code and the Comp Plan standards. Those are included in your agenda report. The lots within the subdivision would range from 2.0 to 3.48 acres and that complies with the clustering criteria established in the Code.

The applicant has requested a 10% density bonus, meaning increasing the number of lots beyond the base permitted in the land use. That is, by policy, permitted if on site recreation is provided. The more detailed review of the specifics of that on site recreation will be hammered out or presented to you at the time of preliminary plat review. That is not one of the details of on site recreation. It is not one of the criteria for conceptual plat review.

Accessibility will be provided to and from Glory Road. There are two streets shown on the plat that was presented to you back in April which showed two streets - those private streets connecting to Glory Road and one street down to Timmons Road, on the south portion of the property. We are also recommending a stub out be provided to the properties to the west should they ever develop at some future date as well as a stub out or street connection of Shade Farm Road, the north central portion of the property. Again, those will be made as conditions of approval. There are other conditions of approval that we would reserve and I will tell you about them at the end of my discussion.

As I mentioned before, right now, they are proposing these lot sizes from 2 to a little over, around 3.5 acres. If, at some point, soil boring data indicates that the lots are not capable of handling subsurface systems or they require mounded systems, they will have to be increased in size to

at least three acres. That would be reflected in a preliminary plat.

Often times what you will see, perhaps because of environmental issues or the ability to redesign a subdivision to perhaps to save money on construction costs, you will see a little bit different in the preliminary plat stage than you will see in the conceptual review. But, none the less, they all still have to comply with Code.

There was some discussion as I mentioned before about natural resources and it's affects to natural resources including the wetlands on site and also the wildlife that is utilizing or has been known to utilize the site as well as possibility or feasibility of providing central sewer.

One thing that I want to point out about central sewer and if the Board is to discuss policy as it relates to the site plan or if they want to reserve that is that the whole idea of Rural Residential land use, which allows one unit per acre, versus Agriculture 1 land use which is a much larger lot size and lot lower density, is that we don't want to necessarily encourage the extension of expensive central sewer (sewer is generally pretty expensive) into areas that were never intended to have sewer - such as an Agriculture land use. We want to use our sewer resource dollars, if you want to call it that, in the most efficient way possible to serving more dense development as opposed to encouraging central sewer lines to be extended into essentially very rural areas. So, you might want to keep that in mind in your deliberations pertaining or bringing up discussion pertaining to central utilities to the property.

The property does have central water adjacent to it in Glory Road as well as Shade Farm Road and they will be extending those central water lines. Of course, water lines and sewer lines, the costs there are significantly less for water than for sewer.

Again, I want to reiterate that the Planning Commission did review the conceptual plat on April 12 and recommended unanimously with conditions A - I in your agenda report, that you approve the conceptual review with the findings contained in your agenda package beginning on page 11 on through page 13.

There are several options presented to you tonight. The same that were presented to you in April. The first option is to approve the conceptual plat for the Plantations at Fox Chase Subdivision with conditions A - H - not containing condition I. Condition I was satisfied, but apparently because the developer

Croley:

Mr. McCord, speak into your mic, please.

McCord:

Condition I was satisfied because the developer did meet with the area property owners, so there is no need to retain condition I.

Your second option is to approve the request and adopt the findings as recommended by the Planning Commission.

The third is to deny the request for approval of the conceptual plat and indicate the reason for denial.

The fourth is at your discretion.

We are recommending that you move Option 1 which is approval subject to conditions A - H.

Again, there are a number of attachments that were provided to you at the previous meeting. There was also public comment made by some citizens at the April meeting as well.

Williams:

Madam Chair, before we go forward, Mr. McCord had two reports. He had a report that he did on April 17th and he also had a report that he prepared for tonight. You did prepare those reports, correct, for each of those meetings?

McCord:

Yes, sir.

Williams:

If you would, make sure that each one of those copies are submitted as documents and exhibits for purposes of the hearing.

McCord:

Yes, sir, we will.

Bateman:

Rick Bateman. I am from Tallahassee, Florida, 201 North Calhoun St., Suite 500. I am the attorney representing Fox Chase. I don't want to make my speech until you call on me, but what I wanted to do was to ask Mr. Thornton and the Chair if we could stipulate to move those two documents into evidence just for the record to make sure they are in the evidence for the record, here. Thank you.

Holt:

Mr. Bateman, if you will, you are representing the applicant. Does he need to be sworn.

Williams:

No, he doesn't need to be sworn.

Bateman:

Madam Chair, if I may, I'm sorry

Holt:

May I say this? Do you agree with the stipulations?

Bateman:

To the conditions? Yes, we are going to endeavor to fulfill all of the conditions and are anxious to do so with regards to at this stage of conceptual plat.

Holt:

O.K. That is the only question that I have for you at this particular moment. But, the board members may have questions. Whatever you want to do. Do you want to waive your right to speak now?

Williams:

Madam Chair, also, I think that this is an appropriate time for Mr. Bateman. We had a conversation about the - if it is the will of the Board to go forward to stipulate on preserving the conceptual plat review's criteria at a later time when the preliminary plat review comes before the Board. I think what the Board would want to hear at this point is that you do agree with that statement.

Bateman:

Yes, what we agreed to do and I will put it in my words, but it is the same as Mr. Williams said, is for me to never raise any litigation or any other thing that this board or Gadsden County or the applicant waived any rights it may

have had at conceptual review because we went on to the next stage. All those rights are reserved to bring up any points of interest at that time. I will wait a moment to give my speech, but this is just a conceptual review. The criteria that you have to meet are much less than what you have to do in the preliminary review. Then we fine tune it with regard to the final plat.

So, Mr. McCord will have much more to work with. This commission will have much more information. We will be in a much better position to determine because of certain things that we have to do. Will we have to give up things and move things around and meet the board's needs as we go forward with the preliminary plat.

I would just very briefly, then I may not have to say anything else tonight. Just say that I would like to reserve my rights to cross examine Mr. McCord, which will not be like you see on Perry Mason with me saying "Didn't you tell the truth?" No. It is just a matter of him verifying some things in his report so they are a matter of record. If this commission is of the will to move forward on approving this under the stipulation that we made, I won't need to do that at this point in time. I won't need to set the record because all the record would be good for was just the board did not approve moving forward and then we had to go to some other methodology which we would be forced to do to reserve our rights.

Dixon:

That is lawyer talk.

Williams:

Mr. Bateman, you do realize that we both would have to do that if we have to go that way.

Bateman:

Right. I am just saying that there is a mechanism that we have to do. We couldn't, because as the Gadsden County Commission, you don't approve the conceptual, you can't come back for a year. Our only rights would be to file a petition for writ of certiorari. I am just explaining the procedure as to how we go. That is why the record needs to be set.

I would simply like to say at this time, if the Board is of the will to move forward at this stage to the next stage,

with reserving all rights of Gadsden County and any citizens who raise objections or the applicant, but, at this stage, both the Planning Commission and your staff, Mr. McCord, has indicated to you as professional, it is their opinion that this conceptual plat, and again, this doesn't have all the information in it. There may be a lot of things that will change as we go to preliminary plat, but this conceptual plat meets all the requirements of the Comprehensive Plan, it is consistent therewith and also with all the Land Development Regulations that Gadsden County has, for this.

The Planning Commission and this Board both get two more bites at the apple. You get to review the preliminary plat, once we come in and give more information to staff and they've commented. I can certainly tell you that we will be striving to do everything we can for the staff to come back at that point and say "Now, with all this new information, they still meet the Comp Plan and they still meet LDRs." Without that, we are in a lot of trouble. If we can't convince him of that and he comes in here and tells you that, you are going to vote us down. We are in a lot of trouble at that point in time.

If we don't make the staff agree with us, we are in trouble. When we go to the final plat, there will really be some fine tuning after the preliminary plat. The preliminary plat is really a watershed of where you go with all of this. But, the Planning Commission will get to look at that again and so will you. So, this is simply move forward, to let us provide more information, let us go expend more money so that we can bring back the answers that this Commission wants and move forward to the next deal so that as you take your recess, we don't wait.

Thank you for your time. If the Board doesn't want to approve this tonight, I would reserve my right to do the examination and try to present my case.

Thank you very much.

Holt:

Comments, questions from the commissioners on this item?

Croley:

Madam Chair, Mr. Bateman is known for his legal expertise all over and I certainly can applaud his clients for hiring

him. But, on the other hand, this is Gadsden County and these citizens who are here tonight, ought to be heard and this Commission ought to make up its own mind as a body as to whether or not this conceptual plan passes muster.

We made it very clear, when this was tabled, several of the issues that we had. The fact that his client has just now brought Mr. Bateman into the picture to pull their so-called iron from the fire or present their case is so noted and respectfully so. But, at the same time, I believe that the people of Gadsden County ought to be heard on this issue first before we take any action.

Thank you.

Holt:

O.K. Other commissioners?

Lamb:

I concur with Commissioner Croley 100%. I trust that there are some questions that I have also concerning this project before I even consider moving it forward.

Holt:

Commissioner Dixon?

Dixon:

Absolutely, let's hear them.

Holt:

Is there anyone in the audience? Hold on, Mr. Due, let me get all the "fors" first.

Williams:

Madam Chair, just so that we can go forward procedurally, out of fairness to Mr. Bateman and the other side, at this point, I am going to instruct him to look at this from the standpoint of a normal quasi-judicial proceeding. We are not quite set up for cross examination, but you have the ability to bring someone up and ask questions of that particular person of that person at the appropriate time.

Now, because we did the, this is quasi-judicial and Mr. Bateman, you understand that we don't have to be that formal about how we go through the process. We let Mr. McCord lay down the predicate for purposes of getting a

feel for the Board. We understood that.

And Madam Chair, just for the record, we also intended for the citizens to speak at all times before you made a decision. There was never was any intent of ours to do anything like that. If we communicated it improperly, I apologize to the Board. That was not our intent.

Mr. Bateman and I discussed the fact that we realize that the citizens had come here tonight and it was not our intent for them to come here and waste their time and not present. I should have said that before now because I wouldn't want to mislead anyone here.

But, having said that, Mr. Bateman, we will both reserve the ability to get any questions from Mr. McCord that we need to as we go forward at this time.

Holt:

O.K.

We have a citizen signed up to speak on this item. Right now, by looking at the item, it's difficult for us to tell who is for or against because some of them are not checked. So, at this time, I would like to hear from citizens who are in favor of that signed up that are in favor of this issue. Any citizens in the audience that signed up to speak and you are in favor of this item, come forward.

O.K., We have those who are opposed. Of the people we have, the first one is, I believe is Mr. Hargraves.

Bateman:

Madam Chair, Mr. Hargraves is the engineer of record for the party and we will let all the parties wait until the citizens spoke and then we will determine whether we need to proceed with the hearing.

Williams:

What I was explaining earlier, Mr. Bateman, typically what you do in a quasi-judicial hearing is the county puts on it's presentation on, then the applicant responds. Once the Board decided that they wanted to hear the testimony, I think it is appropriate and typically, the applicant would then put on it's response. So, if you would go forward with Mr. Hargraves putting his response on, I think that is appropriate.

Bateman:

Where should he sit?

Williams:

He can either testify and then fill in the gaps with questions if you want. Typically, that is what we do. Just have him sworn in and then if he doesn't - he has done this before - and then if you

Bateman:

We've got to get this record just right. I will ask some further questions. Let him make his presentation and then I will follow up with questions.

Williams:

Well, then you can ask him the questions you want to ask. That is good. Alright.

You need to be sworn in.

Straughn:

Do you swear or affirm that the testimony you are about to give shall be the truth, the whole truth and nothing but the truth?

Hargraves:

I do.

Court reporter:

Will you state your name for the record and spell it please?

Hargraves:

Yes, Charles Edward Hargraves. That is C h a r l e s E d w a r d H a r g r a v e s.

Good evening, Commissioners. At the last meeting we had, and it has been so long ago that I think I heard that it was back in April this evening, one of the questions that you asked me to do was to follow up the availability of sewer in Gretna, which I immediately did by contacting Mr. Jefferson over at the City of Gretna, who I believe is attending the meeting tonight. Since I don't know what he looks like, I'm not sure if he is here.

Holt:

He is in the audience.

Hargraves:

Anyway, I also spoke with their engineer, Mr. Cook. The initial response was that they were still in the process of doing some - getting out of a consent order or moratorium or something. It is my understanding since that time, they have. They do have some reserve capacity in their system. As of today, it is my understanding that they do not have capacity in their sewer system to serve the entire development. They are in the process, it is my understanding, of re-rating their system to where capacity would be available to serve the development. As of tonight, it is my understanding, that it is not, but it is expected to be. So, that is my report on the sewer and I am going to let Mr. Bateman and the Board decide whether it is appropriate or not. Any questions with regard to that issue that I might be able to hopefully answer?

Holt:

O.K. Board members?

Hargraves:

Also, since that time, we also met with the neighbors. We had as good a meeting as you can have when you have a developer doing a project and you have concerned residents that have a wide variety of issues, especially considering that we are at a conceptual plan review and we don't have all the analysis that we would at the preliminary plat.

We did go ahead and proceed with a step that is typically done at the preliminary plat and that was the soil analysis for septic systems. We had one area north of the wetlands in the northeast corner that indicated a section that was not suitable. These tests were performed by Apalachee Backhoe Septic Services or somebody along that line, I can get the full name of the company and address if needed. Those reports will be submitted with the preliminary plat.

As a result of that, we will make a slight adjustment to the area just north of the major wetland in the center at the connection to Shade Farm. We are going to shift that approximately 400 ft. to the north and have an area where those soils were not indicated as being suitable be converted from lots to open space. In order to preserve the density, we are going to extend a cul-de-sac, and I will show you where that it. Extend the road here,

Williams:

Mr. Hargraves, you are not in the microphone and we need to preserve the record here, so

Hargraves:

In the area that I just indicated, we are going to extend a roadway with a cul-de-sac and the lots off of that to account for the ones that have been omitted.

Williams:

Now, because we are all trying to make sure the record is accurate, is the top of the screen north?

Hargraves:

Yes, it is.

Williams:

So, you were pointing in the western?

Hargraves:

More western portion of the development. It is a very irregular piece of property and I apologize for not being able to give you a better verbal description or location. We have not submitted that plan as part of the record because we felt like that would be something that we would submit with the preliminary plat showing that we are still in compliance with the land development rules and regulations as well as the Comp Plan.

Any questions?

Williams:

Mr. Bateman?

Bateman:

Let me just ask a few questions. I'll just stand up. I am not trying to be too formal.

Williams:

Don't we have another mic?

Brown:

Grab the hand held mic.

Dixon:

Turn it on.

Williams:

Now you can stand where you want.

Bateman:

Mr. Hargraves, will you please tell the commission what your profession is.

Hargraves:

I am a professional civil engineer.

Bateman:

Are you certified by the State of Florida?

Hargraves:

I am licensed, yes, sir.

Bateman:

And you are the engineer of record on this particular project?

Hargraves:

Yes, sir.

Bateman:

And you are the agent who submitted the application for Fox Chase?

Hargraves:

I am.

Bateman:

And you have testified before in hearings regarding compliance with the Comp Plan or Land Development Regulations?

Hargraves:

Yes, sir.

Bateman:

In your opinion, is this particular application for this conceptual stage consistent with the Gadsden County Comprehensive Plan?

Hargraves:

Yes, sir.

Bateman:

What about, is it also consistent and does it meet the requirements of the Gadsden County Land Development Regulations?

Hargraves:

Yes, sir.

Bateman:

Thank you, that is all I have.

Williams:

Mr. Bateman, if you were trying to make him an expert, you probably want to put on the record what kind of expert you are trying to make him.

Bateman:

He is a civil engineer expert.

Williams:

I agree to that. I just wanted to make sure that the record was clear.

We are doing a little lawyering thing. He is building a record and I am just trying to make sure if anybody does have to look it over, they understand.

Williams:

I have a couple of questions for you.

You said that Gretna was re-rating their system and if it was re-rated, it would meet capacity potentially for Fox Chase. Do you know when that re-rating is going to occur?

Hargraves:

No, sir. But, it was my understanding from talking to Mr. Jefferson that their engineer might be in attendance tonight and he would be more appropriate to speak to that issue.

Williams:

Are you familiar with the distance from your development to the closest distance from your development to the Gretna sewer line?

Hargraves:

To their existing facility, no. I am familiar with the

distance between our property and the Gretna City limits. But, we are approximately to the nearest lot that we are proposing, somewhere between 2200 and 2500 ft. away from the city limits. The location of their infrastructure, and I apologize, I am not sure where their infrastructure lies in relationship to our development and where gravity or pressure sewer might be available to tie to. But, Mr. Cook might be able to enlighten us on that.

Williams:

I am sure he is, I just have to do this, so just bear with me. So, you are familiar that there is a Code provision that says if you are within a quarter mile, we can require that you connect.

Hargraves:

I know that most Comp Plans have provisions along that as far as it relates to a property of this density and this land use designation. I have not confirmed that and I would have to defer to

Williams:

So, as it relates to the question that Mr. Bateman asked you as to whether you are of the opinion that you meet all the requirements, that is a requirement that you haven't checked yet?

Hargraves:

That is a requirement that we felt, based on dealing with the planning department, that was not applicable, because that is something that addressed during the land use amendment back in 2004.

Williams:

But, you haven't checked it?

Hargraves:

No.

Williams:

We may have some additional questions, but that is all for me now.

Croley:

Madam Chair, do we get to ask questions?

Holt:

Yes.

Croley:

Do you recall that when we were discussing your conceptual plan, we were concerns and questions about hydrology, the flow of water, wildlife (inaudible)? And other matters primarily related to environmental concerns affecting the headwaters of Telogia Creek and Quincy Creek area?

Hargraves:

Yes, sir. I believe the specific

Croley:

Did you follow up on any of those concerns?

Hargraves:

Yes, sir. I spoke with a person at Water Management District and one of the questions was with regard to whether it was an area of critical concern. I believe that it was. It was an area of critical concern related to consumptive use. Drawing water out of the groundwater table in that area. Since we are on central water, the Water Management District, at that time, did not have any concern with our development because we are not proposing any on site wells which would impact the aquifer in that area. But, they were not - it was my understanding that was a consumptive use water resource concern, not from a standpoint of upland development.

Croley:

Did you discuss with them the discharge nature of that property?

Hargraves:

No, sir.

Croley:

Did you discuss with anyone - let me go back and follow up on Mr. Williams' point - you are a civil engineer by training, right?

Hargraves:

Yes, sir.

Croley:

You have no background, then, in biology, wildlife management, ecology or any of those sciences. Is that

correct?

Hargraves:

I've got a little bit of biology through school.

Croley:

Well, we all do that, but you have no expertise in it?

Hargraves:

No, sir.

Croley:

So, you did not follow up on any of the wildlife stuff?

Hargraves:

Actually, we have a professional biologist that has prepared a report - delineation of species and the location of any species that was listed on the property.

Croley:

Thank you.

Holt:

O.K. Any other questions?

Commissioner Lamb?

Lamb:

To Mr. McCord as well as to Mr. Hargraves. I heard you mention that Gretna is upgrading their system.

Hargraves:

Yes, sir. That is my understanding.

Lamb:

Have you thought about or considered sitting down to the table with them to see what assistance you can give them to get their system upgraded so that you can accommodate your project?

Hargraves:

Actually, in conversations with the developer, the cost of installing central sewer on a project where you have two acre lots would be cost prohibitive and it would drive the cost of the lots to a point that they would have a hard time selling those lots. Most of the time, as Bill mentioned previously, when you are looking at conventional

gravity sewer and lift stations to convey and transport waste water from a development area to a collection system, you are typically somewhere below half acre lots. The reason being is that you've got a two acre lot that has a frontage to where you are having to construct hundreds of feet of main to serve two units - one on each side of the street. So, it is economically not feasible for the developer to do that. We are looking at lots that are just out of that area and the State of Florida with the septic systems, allows a half acre lot. I don't think that Gadsden County does, but they allow half acre lots. I think that your Rural Residential requires one acre minimum. Bill can certainly correct me on that. With central water, the State of Florida will allow you to go to a quarter acre lot on septic. Here, we are talking about two acre lots and about six miles of roadway. For every linear foot of roadway, you've got water lines that are in that distance and if you went to sewer, you would have sewer in there and the cost would be substantial.

Croley:

Have you all considered bringing the infrastructure to the main street going into your subdivision facing each one of those homes, making sure that the infrastructure is there for a later date if it is approved that they can hook up to the sewer system?

Hargraves:

No, sir. And, I would like to speak to you on that. If you go in and spend anywhere from \$20 per linear foot to \$50 per linear foot, depending on the depth for an 8" gravity sewer installation in the roadway, and you don't use it for 20 or 30 years - in other words, it doesn't actually get connected to the central sewer - you are going to have to pay a contractor and rehab that system because of the fact that it was not used. It will deteriorate. I would certainly - if the commission is in an area where you've got very high dense development and the sewer is not there today, but you are looking at a density of 6 or 8 units per acre, it might be appropriate if you think that it would be reasonable for that connection to occur in a short period of time. But, no, we did not.

Lamb:

That is what I was considering. I'm not looking at 20 years down the road. If Gretna can upgrade their system to the point where they can accommodate that area, those

citizens who purchase those homes are not going to want to come from the back of their house out to the street in front of their house. This is what the developer should do. Place that infrastructure there so it can be there and this county can make it mandatory that they would have to hook up. And all of this could be a part of this agreement here - that they would have to hook up once Gretna upgrades their system. But, the developer should make sure that the infrastructure is in place so that they can hook up.

Hargraves:

You are asking the developer to put several million dollars into a central sewer that will drive the cost of those lots to a point that he feels like he won't be able to sell them.

Lamb:

That just might be what I am asking.

Williams:

The Q & A of question and answer session between commissioners or any other appropriate to ask questions of the witness - I would strongly advise against any other comments for purposes of the record that is being created tonight.

Lamb:

What you can do on that - I mean whatever you all do to upgrade that community with the infrastructure - that cost is passed on to the buyer. I understand that you have to come up front, you have to do it. But, on the end, the buyer who buys the home - the cost is passed to him. This is what makes their home and their subdivision much better in the future. They should want to do it. If they want a home in that subdivision, you want it upgraded. I see no problem with putting the infrastructure in place. You will have it there from the beginning and hooking up to the sewer system. I'm telling you that we have enough homes in this county already on septic tanks. We need to start upgrading our subdivisions. That is my feeling on it.

Holt:

O.K. Any other questions?

If not, we have Mr. Antonio Jefferson from the City of Gretna.

Williams:

Madam Chair, just procedurally, Mr. Bateman, do you have any other witnesses that you need to put forward to present your case at this time?

Bateman:

No, I do not have any other witnesses other than I do need to question Mr. McCord if we are going to go forward for the record.

Williams:

Again, Commissioners, I apologize. I haven't had to be this formal in the past for any of the other quasi-judicial proceedings. But, in light of this one, I am just trying to make sure that we build the record correctly.

Mr. Bateman needs to complete putting on his case. So, at this point, if you have questions of Mr. McCord, it would be appropriate to do that.

Bateman:

Thank you and I will be very brief. We don't need to be so formal.

Mr. McCord, how was it determined how many houses were appropriate under the Comprehensive Plan and the LDRs for this particular development?

McCord:

Essentially, it is described in the agenda report. Let me get the specific page for you and others can follow along as well. Let me see what I did with my marked copy, here.

On page 2, paragraph 2 of your agenda report - it essentially provides the

Brown:

Bill, will you lower your mic and speak into the mic.

McCord:

Page 2 of your agenda report, the second paragraph essentially explains how we derived at the number of units that would be permitted on the property. Again, that is somewhat eluded to again on the top of page 3. You get the roughly 800 acres, you have 600 - 800 acres in the AG 1 land use; divide that by 5, which is the maximum density permitted in that land use; then you also have some lands

in conservation land use which under our Comp Plan allows one unit per 40 acres - divide that acreage which is about 300 acres by 40 and you get a raw number. Then they are going to be putting on, as I mentioned before, recreation improvements that will allow them to get density credit of 10% additional density. So, we added that number in. So, that was the total number of units that are permissible.

Bateman:

So, as you said within the report, it was the staff analysis that indicated that the applicant was eligible for this amount of units, correct?

McCord:

Yes. After the applicant had indicated to us that they wanted to apply for the density credits.

Bateman:

So, you determined how many they would be eligible for. Is that correct?

McCord:

Yes, sir.

Bateman:

And your basis for that was the Comprehensive Plan and the Land Development Regulations?

McCord:

Yes, sir.

Bateman:

And in your opinion, does the application as presented for this conceptual stage of review meet the criteria set forth by the Comprehensive Plan and meet the requirements of the Land Development Regulations for Gadsden County?

McCord:

At this level of review, we think that it does.

Bateman:

And that includes septic tanks for this type of property?

McCord:

Yes, sir. Under our recommendation, the central sewer, if Gretna has sewer available, central sewer is a good half mile to the west of the closest lot that they propose to

develop within the subdivision.

Bateman:

So, pursuant to Mr. Williams criteria as he has represented the either the Comp Plan or the LDRs, would you say that it is consistent with the Comp Plan and the LDRs to require central sewer from Gretna at this stage of the application?

McCord:

No, sir. I would not think it would be appropriate to consider details of that at this point. However, if it is a policy interpretation, the Board has certainly jurisdiction to make that determination as to how they would interpret that policy and would want to apply it.

Bateman:

I understand, but it is not your opinion that it would be required by the Comp Plan and the LDRs?

McCord:

No, sir.

Williams:

Madam Chair, just so we are clear on the record - Mr. McCord, Chapter 6 of the Land Use -let me get the right title here, is the controlling document by which you made your review. I guess it is entitled Chapter 6 - Submission of Lands under the Code is what you used for purposes of making your review - under Subsection 6003?

McCord:

Yes, sir. That is the process that we would go in reviewing it. Again, Chapter 6 contains a lot of other detailed requirements for different levels of review.

Williams:

I understand, but that is the area that you used for your review?

McCord:

Yes, sir.

Williams:

O.K. That is the only question I had.

Holt:

Commissioner Croley?

Croley:

Mr. McCord, you mentioned that this property zoning had been changed to 1:5 in Conservation. 1:5 makes it eligible for one house per 5 acres. Does it automatically entitle the owner to 1 house per 5 acres or does he or she or the corporation not have to meet certain criteria to be eligible?

McCord:

If there were other policies, specific policies, that would - let's say that the whole property were wetlands, if there were other more specific policies that would prevent achieving development at 1 unit per 5 acres, then that is a possibility and that may be one of the reasons for clustering. I don't know.

Croley:

But, eligibility does not automatically mean entitlement. Correct?

McCord:

I don't take it that way.

Croley:

O.K. Thank you.

Holt:

Other questions from Commissioners?

Williams:

I think Mr. Bateman has one rebuttal.

Bateman:

Sir, in this particular situation pursuant to your understanding of the Comp Plan and the LDRs, are these, is this applicant entitled to the number of units - 183 - that staff analyzed that they were entitled to in this report?

McCord:

He would if he qualifies for the 10% density credit.

Bateman:

And you have made the decision at least at this stage before you get other data that you might consider at the preliminary stage where you might not at the final stage

that he does - is that correct?

McCord:

Yes, sir.

Bateman:

Thank you.

Williams:

Since we are going to put Mr. McCord in a box, I am going to try to help him out of it a little bit.

Mr. McCord, you do agree that your opinion does not supersede any of the Code requirements, is that correct?

McCord:

That is right. As a matter of fact, the final decision making and the interpretation would be a policy would be that of the Board's.

Holt:

Are we ready for the next one?

Dixon:

Land use CSI.

Holt:

Mr. Antonio Jefferson.

Dixon:

Ah! It's a Gretna mix.

Williams:

He will need to be sworn in.

Straughn:

Do you swear or affirm that the testimony you are about to give shall be the truth, the whole truth and nothing but the truth?

Jefferson and Cook:

I do.

Williams:

Mr. Jefferson, state your name for the record.

Jefferson:

Antonio Jefferson, city manager, City of Gretna.

Williams:

I'm sorry, will you repeat that again?

Jefferson:

Antonio Jefferson, city manager, City of Gretna.

Williams:

And you have someone with you who has not been identified, so you might want to state his name for the record.

Cook:

Kip Cook, professional engineer. I work for CDM, Tallahassee, FL. I am the city engineer for the City of Gretna.

Williams:

Now, Mr. Cook, it seems like you were trying to get sworn in at the same time, so you considered yourself to be sworn in at that time. You said, "O.K. So, we are both sworn in." This is just for clarification for the record.

Cook:

C-O-O-K.

Jefferson:

Madam Chair, Commissioners and citizens that are present, thank you for the opportunity to speak on this issue.

Mayor Nadine Smith and one of my commissioners are also in the audience with us. It is very interesting that we get to meet Mr. Hargraves and Mr. Bateman tonight. I have extended by phone an opportunity to sit down with them to discuss this subdivision and what Gretna's position is relative to providing services.

I think that we, one of the things that I would ask us to do, is to research how far Gretna's infrastructure is from the very first lot in this project. I would ask that issue be explored.

I will let Mr. Cook speak to the technical aspects of what Gretna's position is relative to the providing services. But, I will say this. Several months ago, this board enacted a moratorium so that we could sit down as a

community and look at this issue relative to where we are growing and how that growth is going to take place relative to providing services. I am no biologist, I am no geo-techno expert, but I will say this, we need to start thinking now about the impacts of septic tanks on our ground water system. We now sit on a portion of the Florida aquifer that has the best quality of water. If we don't start making environmental decisions at this point to protect that source, then we are going to have some of the same challenges that some of neighbors to the south have. Really, I do not want to sway you, I am not against the subdivision in itself, but we are impacted because the subdivision back doors to the City of Gretna.

We have a portable well inside the City of Gretna that depending on how you view it and what the interpretation is from the Northwest Florida Water Management District and others, this subdivision could have a potential impact as well as those individuals who have property that have potable well systems.

I will say this. The City of Gretna is positioned, and I can say that because my Mayor is here with us, we are in position to sit down with the developer's representatives and talk about how and if Gretna can provide or accommodate them. I would say this, and I know Mr. McCord said this earlier, the agriculture use that this property is designated - that is typically not an area where we look for opportunities for central sewer. But, again, we've got one water source. We've got one opportunity and I would ask that we take that opportunity now. I would love to sit down with Mr. Bateman and the developers to explore that option. I will yield the rest of my time to Mr. Cook so he can talk to you about the technical aspects of Gretna's system.

Williams:

Madam Chair?

Mr. Jefferson, Is Mr. Cook going to talk about what the status of the system is terms of capacity?

Jefferson:

Yes.

Williams:

O.K. I won't ask any questions.

Cook:

Madam Chair, Commissioners, Mr. Attorney, Mr. Manager, staff, I appreciate the opportunity to speak on behalf of the City of Gretna this evening.

I did some quick calculations based upon -

Williams:

Mr. Cook, if you are going to give some background about the system and it's capacity, it probably would be appropriate for you to tell us a little bit about who you are and what your background is.

Cook:

I'll be glad to. I am a registered professional engineer since 1978. I am also board certified environmental engineer by the American Academy of Environmental Engineers. My background has been in the operation of the water and sewer systems since 1976 when I started to work for the City of Tallahassee. I worked in the water and sewer system there for 12 years. Since that time, I have been a consultant engineer for Camp Dresser McKey and the focus of business in the panhandle has been water and sewer systems. Is that good enough?

I did some quick calculations right now because to know if we've got capacity, we need to know what the sewer demand would be from a 183 lot subdivision. Normally, I haven't read your Comp Plan, but normally, that is normal, that is somewhere in the neighborhood of 300 to 350 gallons per day per connection. For 183 customers or connections, that would be about 63,000 gallons per day of necessary treatment capacity and disposal capacity for this subdivision if it hooked to the City of Gretna's system.

I have spoken to Mr. Hargraves on two occasions in the past. Got a phone call from Mr. Bateman's office and I tried to return it on July 11. I left a message with his office, but we were not able to get back together. For some reason, in my last conversation with the owner's surveyor, it was "Gretna is very interested and we think that we've got the capacity to serve you. We would certainly like to open the door and have conversations with you." The manager spoke to that already.

Going back, 63,000 gallons a day at build-out of 183 units

would be the sewer capacity that is required. Right now, the City of Gretna has an operating permit that allows them to treat and re-use 350,000 gallons per day of water. The current flow at Gretna is 190,000 gallons a day. We are expecting to tie on the expansion which is 384 bed at Gadsden Correctional which has about another 40,000 gallons of demand. If my math is right will give us the demand next month of about 230,000 gallons per day. We have a permitting capacity today of 350,000 gallons.

We have filed with FDEP a re-rate application to re-rate the plant and take it from 350,000 gallons per day to 400,000 gallons. We met with FDEP this morning in Pensacola and we answered all of the questions that they have and it is my opinion that we will be able to file the request for additional information and have that plant permitted now to a capacity of 400,000 gallons a day.

Again, if my math is right, we'll have more than sufficient capacity to treat the 63,000 gallons per day that this development would generate at build-out.

I assume there are no issues with water. The City of Gretna is in very good shape to supply this subdivision with water as well.

Williams:

Madam Chair, may I ask a couple of questions?

Holt:

Go right ahead.

Williams:

Mr. Cook, you gave me a lot of numbers. I am not sure that I got that correctly. Today you are at 350,000 when you tie in Gadsden Corrections, is that correct?

Cook:

We have 350,000 gallons a day permitting capacity. When we tie in Gadsden Correctional, we will be at 230,000 which gives us 120,000 gallons per day of capacity right now.

Williams:

So, am I understanding you to say that your calculations for Fox Chase was 63,000 gallons per day... Under your present system, you do have capacity, is that correct.

Cook:

Yes, sir.

Williams:

Did you communicate this to Mr. Hargraves or Mr. Bateman?

Cook:

Well we just - I didn't know it was 183 units until tonight. What we tried to do was open the door for communication so that we could sit down at the table and have discussions between the owner, the city and the engineers on both sides of the issue.

Williams:

Did you ever tell them that you did not have capacity?

Cook:

No, sir. I told them that we would like to sit down and talk about Gretna providing water and sewer service to their subdivision.

Williams:

Those are all my questions.

Holt:

Are there any questions from Mr. Bateman?

Williams:

Let the commission complete their questions, then we can ask him to speak.

Holt:

Commissioner Croley?

Croley:

Madam Chair.

Mr. Cook, you didn't tell them all of your resume'. Mr. Cook used to call on me many years ago. I have known him for well over 30 years. He used to sell me pipe when I was with the City of Tallahassee. Sewer and line, didn't you?

Cook:

Yes, sir.

Croley:

O.k. We will let the record state that. I have known Mr. Cook a long time.

Mr. Cook, would you agree that if the City of Gretna were to be given the opportunity to take on this project, that would generate additional work for your company.

Cook:

Not really. Based on what we've got right now, we've got capacity. The work that would be generated would be for the owner's engineer to design an onsite system and get that to the City of Gretna. If there were any fees for CDM on this project, it would just be to review their work for the City of Gretna to see if they are in compliance with their utility standards.

Croley:

You would be serving them in a (inaudible) capacity.

Williams:

Commissioner, because we are creating the record, it is important to let the witness complete his answer first. She won't be able to record both.

Croley:

Excuse me. Are you finished on that?

Cook:

Yes, sir.

Croley:

Now, so the capacity then is that this project will generate the need for could be addressed by the City of Gretna - that is what you are saying. And, the collection of that waste would then be treated and the effluent would be discharged how?

Cook:

Right now, it is charged to Hackney. It is recharged, excuse me, I don't speak in front of commissions too often. It is re-used by Hackney Nursery Company for irrigation on their plants.

Holt:

Any more questions for Mr. Cook?

Lamb:

The one that I have already raised to Cook, Madam Chairman, is that you all are willing to sit down and talk about the

possibility of this subdivision being a part of Gretna?

Cook:

Yes, sir.

Holt:

Any other questions from any commissioners?

O.K. Mr. Bateman. You need to get the microphone.

Williams:

We got to create the record, Mr. Bateman.

Bateman:

Nobody ever said that they couldn't hear me, Commissioners.

Mr. Bateman, I am not going to try to lawyer you to death, but let's assume that if we hook up to sewer and water with the City of Gretna, we would be able to put in one unit per acre which would be approximately 1099 units. Would you then have the capacity to serve that many units?

Cook:

I would have to do the math, but off the top of my head, I would say no.

Bateman:

O.K. Thank you.

Holt:

Do we have any other questions for Mr. Cook?

Cook:

I believe Mr. Jefferson wanted to say one other thing, Madam Chair.

Holt:

Mr. Jefferson. Right quick.

Jefferson:

Thank you again, Commissioners, thank you for allowing us to speak on this issue. As I said before and I will make the commitment, the mayor is here, that we will sit down with them. I will be honest with you. We will report to this commission or report to whomever you direct whether we can or we won't. We don't want to be a barrier to this project when in actuality we are not in position one way or

the other to provide services that are needed.

Thank you again.

Holt:

Thank you, Mr. Jefferson. O.K.

The next person to speak is Mr. Due.

John Due:

Thank you, Chairperson.

Williams:

Mr. Due, you need to be sworn in first.

Due:

My name is John Due.

Williams:

Just a second.

Straughn:

Do you swear or affirm that the testimony you are about to give will be the truth, the whole truth and nothing but the truth?

Due:

I do.

Court Reporter:

Will you spell your last name.

Due:

D - u - e .

My name is; this is my assistant.

(laughter)

My name is John Due. I am resident and homeowner of Gadsden County and I live at 1381 Timmons Road right next to the proposed development of Plantations at Fox Chase.

In addition to my private interest regarding the impact of the proposed development, by the way, will you please distribute,

Holt:

We did. We already have one.

Due:

I offer you my concerns, opinions and advice as a public counsel in the public interest as an attorney member of the Florida Bar. So, I am not going to submit the bill.

(laughter)

The Fox Chase conceptual Plan should not be approved based on the use of septic tanks.

From my experience as an education advocate, I am aware of how Gadsden County and other big bend counties here in north Florida at high cost of educating its best students but on graduation they leave because of a lack of economic opportunity and therefore there is a need for an economic growth plan. But I am also aware of your interest, which I share, that our growth should be sustained and managed which promotes the health and public safety which is your duty to safe guard. Therefore, I speak against your approving the conceptual plan that would use septic tanks instead of a sewer system because septic tanks at this site would be a probable public health and safety hazard.

This issue is greater than a matter of my or other peoples' personal potential discomfort from an obnoxious odor from one or more anonymous septic tanks out of 188 (that should be corrected to 183, I guess) The issue is 183 septic tanks collectively endangering and putting at risk the public safety and health of Gadsden County residents from the proposed Plantations of Fox Chase site, as a soil absorption or leaching area, from the hazard of pollution, from the flow of untreated nutrients, disease causing bacteria contamination that we have been hearing similar to that which has been contaminating produce that has been recalled and from fecal coli form.

Now according to your file regarding the conceptual plan, as was commented by High Hopes Farms, back on January 1, 2005, the Department of Community Affairs of the State of Florida had reported that substantial portions are moderately or severely limited for septic tanks- plus the site lies within the area of medium vulnerability for contamination of surface aquifers. (I am putting an emphasis on site as a whole site, not just a portion of the

site which we have been referring to as wetlands.)

I talked to my neighbor, Brantley Timmons who lives down Timmons road across from the proposed development, who by the way knew my wife's grandfather, Richard A. Powell, who died in 1959. So, you know he is an old time resident of Gadsden County. He told me that during the time that Gadsden County produced shade tobacco, that land was too wet to raise shade tobacco.

So, I propose that it is your affirmative duty and my affirmative duty to take care to prevent actors and actions, such as permitting septic tanks as part of the conceptual plan. Now to move further quickly because I know I just had three minutes.

Dated to your file on January 7, 2005, High Hope Farms was the applicant developer. It was from the record of that file, it appeared that there was an understanding that it would be the best practice to hook up with the City of Gretna sewer and water system, But for the fact that they were under an order from the Department of Environmental Protection, where they would not be able to hook up.

Now, as you heard, that order has been changed. We heard today that the City of Gretna is able to move forward and I believe it is your responsibility to make a quasi judicial finding that this issue equity should be resolved. You can move forward relating to the issue as to whether or not the City of Gretna can be part of the conceptual plan as far as the hook up of the water and sewer system.

In summary, I believe that we should be pro-active instead of reactive. I believe that Gadsden County should enter into some interagency collaboration with other cities and towns of Gadsden County relating to this whole issue of what should be done, related to the health, in relation to economic development. We want economic development, but it must be maintained and sustained in relation to the public health. So, that means that we can look at other models such as the Jacksonville accord. Where there is collaboration within departments, within the city, as well as with other communities relating to the whole issue of how to treat to water.

Now, I believe that this particular area is not all capable for septic tanks. Other areas in Gadsden County may be

available for septic tanks. So, you should have a plan also for other areas. As you know, septic tanks does not do all the work that needs to be done. So, there needs to be a comprehensive plan and collaboration so that we can have the best system for the health of our citizens.

Thank you.

Holt:

O.K.

Williams:

Excuse me Madam Chair, if I may.

Holt:

Go right ahead.

Williams:

Mr. Due, since you were sworn in, I assumed that, and I apologize if I did it the wrong way, but I just wanted to make sure that you intended for your document to be an exhibit.

Due:

Yes, it can be part of the record.

Williams:

O.K. Clerk, if you will, make this Exhibit # 1, I would appreciate it.

Due:

Thank you for saying that.

Williams:

Mr. Bateman, do you have any objections?

Bateman:

No, I do not.

Williams:

Thank you, sir.

Holt:

O.K. The next person is Mrs. Due.

Any questions from Mr. Bateman?

O.K.

Mrs. Due.

Straughn:

Do you swear or affirm that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth?

Mrs. Due:

I do.

Williams:

Excuse me, Ms. Due, I am sorry to interrupt you, but for the record, will you state your name and address, please.

Ms. Due:

O.K. My name and address is Dr. Patricia Stephens Due. My address is 1381 Timmons Road, Quincy, FL 32352.

On April 17th, I asked that the paper that I submitted to be made a part of that record. So, most of what I have tonight, I will not read because you have a part of that record. In addition to that, I added some special notes. I gave you the same comments and some special notes. It is an update.

Now, I have heard, I guess, money, Where is Mr. Hargraves? On June 4 when we did have our meeting, which was mandated by you, Mr. Herron, who is the manager of the Plantations of Fox Chase, came with Mr. Hargraves. That night our concerns were listened to. But, we were told that the bottom line was money. Money, money, money. As I heard this, I said, "This isn't just happening. This project has been in the making for years." The public, Gadsden County residents started off, maybe it wasn't in the beginning, but \$400,000 to build and pave Timmons Road in preparation for this project. Then we have all the fire hydrants and the water (inaudible). And we talk about "Oh, we have to do this because this is a conceptual plat review." I think the Plantations of Fox Chase believe that as you approve each step, that is roadway that you can turn back.

My April 17th comment and I will say it quickly, the septic tanks create a health and environmental problems, increase traffic in an area where two lanes are used, the added traffic and pollution and the wildlife. Thank you, Mr.

Croley, the wildlife.

Now, on June 4th, Mr. Herron told us that 90% of the land has been sold. Mr. Bates, Mr. Hargraves, are we talking about a project where 90% of the land has been sold and we have not gotten through this conceptual plat review? Maybe it is not my business, but what will the people who bought the land told about what would happen there?

Commissioners, has 90% of the land been sold?

(the tape failed at this juncture)

I had asked on April 17th and expected a response from the commissioners about who these people are. I asked again on June 4th. Mr. Herron had a Manatee County project. I asked him how many projects have they done. He said, "Nine." And he said, because I asked, he would get them to us. I am still waiting for them. Well, again, at that meeting that was mandated by you happened. But, nothing really happened. The meeting was gotten out of the way. When we talked about using the sewer system, that was ruled out on June 4th - too expensive.

So, I would like to, if they are going to sit down with the City of Gretna, to do it in good faith. Don't waste anyone's time if you don't plan to do it anyway. Just so that they could come back and say, "The meeting has happened." Those things aside, I left Atlanta to be here for this meeting. My daughter said, "Mom, are you sure that you want to go back to Quincy to all of that? Do you want me to come with you?" I guess if I had known that we were going to have lawyers tonight, I would have brought two of my girls who are also attorneys. So, it is good to be prepared.

I would like to see you not approve the plan because the more you approve, the less control you will have, I think. I guess this is county business as usual, maybe. But, I am just not accustomed to people approving something when they don't know what the bottom line is. Nobody is willing to give the bottom line. Someone says one thing to one person and another thing to another person and I am still curious about 90% of the land that is already sold. I think that you need to know that, too. This is what Mr. Herron told us who is the manager of this property. He was at that meeting that night.

Do what you need to do, but do it for the good of Gadsden County and not just for the Farms at Quincy, but for the good of Gadsden County. Please don't let money determine what you do. Mr. Herron made it quite clear that is his agenda. It is to make money.

Williams:

Madam Chair, again?

Ms. Due, before you leave, in her prepared document, she has requested that her comments on April 17th and this document be made a part of the record. So, I will also direct the Clerk, without objection from Mr. Bateman, to enter it as Exhibit # 2.

Bateman:

I don't have any objection, but I'm not getting copies or seeing these documents that ya'll are getting.

Williams:

You can have my copy. I am sorry. If you have any question, again, this is quasi-judicial and you can come back up and we will bring the witnesses back up.

Bateman:

I just want to see the documents.

Williams:

Absolutely.

Ms. Due:

Any questions of me, Mr. Bateman?

Bateman:

No, Ma'am.

Holt:

All right. Thank you, Ms. Due.

Ms. D'Entremont.

Straughn:

Do you swear or affirm that the testimony you are about to give shall be the truth, the whole truth and nothing but the truth?

D'Etremont:

Yes, ma'am.

My name is Cindy D'Entremont. D-'-E-n-t-r-e-m-o-n-t
I reside at 210 Planters Circle in Quincy - 32352. I am president of the homeowners' association. We have 545 acres of ground. There are 106 owners of record. There are about 80 homes out there. We are adjacent in part on the northwest corner of this property.

I had some remarks that I had planned for tonight, but a lot of the people who have spoken in front of me have eloquently made all of the same points that I wanted to make. But, as part of the discussion occurred, issues have come up that I would like to clarify and expound on.

As you all are aware, we did have the meeting with the homeowners. It was more than just the homeowners. We had about 40 people there. There were people from the Farms at Quincy as well as people like Mr. Timmons and people up Glory Road and the people from the chicken farm off Shade Farm Road. A lot of questions were asked. We got quite a nice show from the people - Mr. Herron and Mr. Hargraves. We sat very interested in what they had to say.

As she said, they handed out some papers for other projects that they had put on in Manatee County. It was very nicely. I thought we had a good evening there. However, as homeowners and people who are against it, I don't think that we were very impressed and we were not swayed at all.

Mr. Herron did make the comment as Ms. Due said that they have already pre-sold 90% of the lots. I asked as the moderator, how they could sell something that they didn't have a right to sell yet. I didn't get a very adequate answer on that.

He also said in talking about the cost of the sewers, I suggested that they could put in the infrastructure for the sewers like Mr. Lamb had suggested earlier. They said, "No, it will cost too much."

They said they were going to selling these lots at a minimum of \$75,000 a piece. Well, if you take \$75,000 a piece and multiply it by 183 lots, you come up with \$13,725,000. Now they were talking about a couple to three million dollars to do some sewer. To me, that is a minor,

minor part. If you are going to be building half lots that cost \$75,000 on the small side, I think they are going to be putting a pretty good size house in there. So, the people who are going to be buying these lots and building these homes can well afford the small fractional increase to the cost of the house and the lot because the house is going to be worth more. They are not going to have to deal with all these problems with septic and the water problems, etc.

Another issue that I wanted to talk about was the fact that as part of this plat up here, already included in that is a 10% density bonus that they plan to get. I asked that at a meeting with Mr. Hargraves and Mr. Herron. He concurred that the 183 does include their 10%. So, I said, "O.K., you are getting the 10% bonus and I understand that is to be given to you for some recreational facility. What kind of recreational facility do you plan to put in that kind of money?" Mr. Herron said, "Oh, well we don't make any such plans. We probably will give the homeowners association maybe \$10,000 and let the people that live there decide how they want to spend it." I was thinking, "Gee, \$75,000 for a lot and getting 10% more which is about 15 -16 lots more than the base amount for an investment of ten grand is a heck of a deal." But, we still don't know what kind. But, again, they are getting the benefit before they have - and I know this is not the time to have to say what it is, but according to Mr. Herron, they don't intend to tell you anyway. They are going to let the homeowners decide.

Lastly, someone referred tonight to the consumptive supply of water. The fact that because they are already planning to hook into the central water that runs along Glory Road right now, they don't have to worry. It is not as big an issue that there might be any kind of ground water in that geographic area that might be damaged or have any pollution problems.

I need for you to understand that the water that we have on the Farms is well water. There are three wells, two of which are active, which have been providing the water to all the homes there in the farms, plus some other private wells. Some of the people are not actually on the piping system. They have their own private wells. The ones that built their homes out there earlier. These wells have been owned and maintained by Talquin when Bill Crawford, the developer, sold them back in approximately 1997. Talquin

has been managing them and we buy our water from Talquin, but that water, those wells actually physically connected to that interlocal. So, if there is any kind of pollution in that area, it will affect us directly. Like Mr. Cook said, and Mr. Antonio Jefferson said, "We don't have any more water. That is all there is."

So, obviously, I am against your approving of this for lots and lots of reasons and like I said, I won't go over them again.

I thank you very much. I really feel good about tonight's hearing. I feel like this is first time that we really got all the cards on the table. Thank you all very much for your time.

Holt:

Mr. Bateman?

Bateman:

Ms. D'Entremont, we can be very informal about this. You said that you were the

Holt:

Come back to the microphone Ms. D'Entremont.

Bateman:

You're the homeowners association of the Farms of Quincy, is that right?

D'Entremont:

Yes, sir. I am the president of our homeowners association.

Bateman:

Are you all on sewer or septic tanks?

D'Entremont:

We are on sewer because it wasn't - the Farms have been out there about 25 years. Obviously, there was none available at that point.

Bateman:

You are not on sewer. You are on septic tanks.

D'Entremont:

I'm sorry. Septic, not sewer. But, we would like to be on

sewer.

Holt:

O.K. We have a little bit of house cleaning right quick. I am not sure, Mr. Carter, did you want to speak on this issue?

Carter:

No, another issue.

Holt:

It was another. O.K. We will get to you as soon as we finish this issue. O.K. It had the number of this issue on your request. O.K.

That was the last person who signed up to be heard.

Williams:

Madam Chair, just to give Mr. Bateman an opportunity - do you have any additional witnesses or re-examination, this is the time.

Bateman:

I do not. I would respectfully request that I be allowed to address the commission at the end for a little final wrap up.

Williams:

Well, I think the commission is about to go into deliberation. Is that correct, Madam Chair.

Holt:

Yes. Would you like to make your presentation now?

Bateman:

I am not going to make much of a presentation. I am like most lawyers when I say, "Just one more thing, your honor, I really mean it," which is always a lie.

All I would like to say is that we come in here and this is your world and my client is not from here. He conferred with the staff of growth management with regard to what the laws were and what the Comprehensive Plan was. I realize that as we go to development, and he has talked to me about it, I know people who developed long ago, they just used to go out and just flag lots and they could sell them just as quick as they could flag them and that kind of thing.

A pre-sold lot, by the way, is not one that is closed or done anything. Somebody puts down a deposit and they are able to get their money back if they want to, but they put down and reserve a lot. That is what happened with the 90%.

In this situation, we came in, we sat down with Mr. McCord, we asked him what the laws were, we asked him how many houses we were allowed to put there, we asked him about septic tanks, water, electricity, the whole thing. He told us, we did our research and verified everything that he said and he indicated that septic tanks were appropriate pursuant to your laws and Comp Plan as they exist now. You may want to change them and you may want to say, "When you have one per five acres or one per three or one for ten, and the septic is within a half mile, then you've got to have it." But, generally, the requirements for septic are not applicable to this instance, I mean sewer, excuse me. They are not applicable now. The standard for sewer is generally much smaller, one on one, or two on one on the odds. But, again, we just came in and asked him what we could do and we put in our applications there for it.

We will certainly sit down with Gretna and talk about the sewer system. I mean, there are obviously things they can do to make the sewer system work for us. If they want to build out some of the infrastructure for the income that wanted to do some kind of cost sharing, we will certainly sit down with them and talk with them about it. However, we want to make clear for the record, and Mr. Thornton may agree, we are reserving that argument for later when we can get more details and do that. But, we don't believe that as of now that we are required to use sewer. Not that we won't, we will do a lot of things that we are not required to do to make this a better community.

Mr. Williams may believe that we are and we will have to talk about that and decide how we deal with that. That hasn't come up with us before with Mr. McCord and the staff that has been given the job of telling us what we need to do and enforcing that and making sure that we fulfill the requirements of the Comp Plan and otherwise.

We had nothing to do with the \$400,000 that was spent for the road. We are giving back about \$281,000 we think in property taxes per year according to staff analysis for

taxes. Maybe that is a good way to recoup that money although it was not part of our doing. Again, we simply came. We heard the rules and we attempted to abide by them. We simply ask that you give us the opportunity to move from this stage where your staff has found that we did abide them, to another stage. We will be glad to entertain all the concerns, including that of Mr. Croley. I have told him that a number of times, although the staff has found that we have met the requirements thus far for wildlife and such, we will go back and look and study more of that. We will engage Tall Timbers or Red Hills or whomever we can to do so. We want to listen to this commission and we want to hear what the citizens have to say and we want to go out and try as best we can to do this.

Presently, as set forth, we can't afford to do the sewer system. It is simply too great an infrastructure cost. That may change when Gretna tells us something differently. I don't know, but we will certainly sit down and talk with them and we just respectfully request that this commission move this over to the next point in the process.

Thank you very much, Madam Chair.

Holt:

Are there any questions for Mr. Bateman by members of the commission?

Williams:

Madam Chair, if I could just frame the issue at this point now that Mr. Bateman is finished. I think there is sufficient evidence in the record for the commission to deliberate freely as to what direction they want to proceed in. So, I want to take exception to that comment by Mr. Bateman.

There are a number of unanswered questions which I think gives you the freedom, as the Code allows, to either approve, deny or approve with conditions. If you do decide that you want to go forward and you would allow me to enter into an agreement with the developer on behalf of the Board.

In an abundance of caution, and Commissioner Croley, I also respect Mr. Bateman's legal ability, so we will put that

agreement in writing so that we are all in an understanding as to what was intended by the parties. So, with that being said, I think you are free to deliberate this and make the decision that you feel is appropriate.

Holt:

Commissioner Lamb?

Lamb:

Madam Chairman, I have been sitting here listening to, I have been here for over two years now and listening to this. In listening to the public hearing tonight, I am still not impressed with it. I don't think it took all of that to get to where

Holt:

Get that microphone and speak into it.

Lamb:

I have been here for over two years now. In listening to this hearing tonight, I still am not impressed because I don't think it took all of that to get to where we need to get to.

It is something that we have been saying all along - We need to take care of our environment and I still believe that anytime we can get a sewer system in, we need to do it. If Gretna has the facility, I wish they would sit down in a good manner with Gretna and come up with a situation that they can hook onto Gretna's sewer system. I just don't believe that they need to consider putting septic tanks in if they have the opportunity of hooking up with Gretna. We need to take care of our environment.

Again, I am still not impressed with the proceedings that we had here tonight.

Thank you.

Holt:

O.K. Commissioner Dixon?

Dixon:

May I Madam Chair?

I rather enjoyed the verbal jousting that took place with all the attorneys including Mr. Due and Ms. Due who

presented her text in writing as well to us. But, I think we have a quagmire. I don't think it is as clear cut as we propose simply because located next to this proposal is the Farms. I think Ms. D'Entremont said there are 90 some odd homeowners already there on 1 - 2 acre lots with septic tanks. Our Code clearly says, "Within a quarter mile, they have to hook up to sewer." Clearly, they are farther than a quarter mile.

I think our Comp Plan basically, the more I think about it, the more we encourage it, it actually encourages no sewer, as opposed to doing what we thought it would do to encourage sewer. Our Comp Plan doesn't allow us to go down to a half acre lots, only in certain circumstances, which takes away the economical argument about sewer. It literally forces us to have larger lots, which in the practical manner of things, literally force septic tanks. I don't think I have ever seen a project with two acre lots that was forced to go on sewer.

So, I think that we find ourselves in a position where we really need to talk about how we can make this project better, whether that be by making the lots smaller or - what is the word that you use, Mr. McCord when we have bodies of water in places we want to protect and we force folks to -

McCord:

Clustering.

Dixon:

Clustering. Doing some things that will be helpful to the Commissioner Croleys of the world, who are adamant about protecting wildlife and biological species. But, insuring that, we get the sewer in place where the opportunity exists.

The sewer is an economic development lifeline for Gretna, which helps our economic development lifeline as well. Let us also be mindful of that. But, it is a way to protect and take away Commissioner Croley's concerns. But, we also have to realize that we have to make it more appealing to development.

The question is - How do we make it more appealing to development. I just believe that this is an opportunity where we can, if I understand the developers correctly,

they are willing to talk; they are willing to move some things. Right now, if I understand the lawyers correctly, and if you listened to what they were doing in setting the record, they were making it very clear that when they got in court, that we abided by the law and according to State Law, we cannot just say, "No." We might want to, but a judge would tell us that we have to allow this subdivision in its current setup.

Is any one of the lawyers telling me that is not the truth or some circumspect of the truth?

Williams:

I would probably prefer not to discuss.

Dixon:

I will leave it at that. I won't. I will leave it at that.

Williams:

Just for the record, though. That was more opinionated, it was not based on any conversation.

Dixon:

That was just Ed Dixon talking. Just Ed Dixon talking.

So, I think we ought to be careful and take every opportunity we can to make this a better project. I think the Dues want a better project. I think Gretna wants a better project. I think that if an opportunity exists, we ought to take it to create a better project.

And while I am at it, we really need to look at that quarter mile septic rule we have in place. It does not work for us. It is not nearly far enough to force folk in. We ought to look at ways to, again... to look at some way to get these lots down some so that we take away that argument of economics to some degree.

Holt:

Commissioner Croley?

Croley:

Madam Chair, despite earlier references to the contrary, I find that my present fear has been based on being sent by the vast majority of the citizens of District 2, on my representations to them, that I stood for sensible economic

development, protection of the environment and support for infrastructure improvements.

I also want to disclose that I am one of the 100 Stewards of the Red Hills through Tall Timbers. So, yes, I do have a very strong interest in the environment and ecology.

I also want to say for the record, I greatly respect Mr. Bateman as I do Mr. Williams in terms of their legal advice and their representation on both sides of this issue.

Commissioner Dixon has made a very good point in his reference to making this quote, "A better project." That is what this whole discussion has been about. As I had earlier pointed out to this Commission when this project was tabled, being that I don know a little bit about Gadsden County, I am familiar with that tract which was known as Salola Pasture when the American Sumatra Tobacco Corporation owned it, and which they, as Mr. Due verified with Mr. Timmons, were not able to commercially farm that property except with livestock because of the soil types and the wet nature of it.

I agree with the point made earlier that it does seem disingenuous that we should reward somebody with an additionally 10% in lots simply because a portion of their property or a fair portion of their property is not buildable so that you wind up having to cluster these properties to the high ground anyway. That situation creates barricades as we said to the wildlife. You also look at the amount of water run off through impervious roads, roof tops, perhaps fertilizers on the lawn, septic tank nitrates, you wind up with severely, or having the potential to severely impact a water recharge area such as this tract is. I believe that the issue before us, and I do appreciate, from a business standpoint, the sensible economic side of it, that asking this development for sewer does to some degree make it unattainable on one extreme.

The other side and the other extreme is to put this many housing units on a piece of property of this nature. The truth and better answer may lie somewhere in between with less density. The question is - you have put before us a conceptual plan that is based on a higher density than what our knowledge of the property would indicate that it should bear. The concerned citizens of Gadsden County and the

various associations have confirmed that.

Now, at this point, you almost boxed us in to saying that we have to turn down your concept and then you wind up having to wait perhaps a year to re-address it, if I understand the process right. On the other hand, as Ms. Due said, if we move this forward, we continue to push forward a project that we are not comfortable with and we don't believe is in the best interest of the citizens of the County as a whole.

I wind up, Madam Chair, by simply saying this - From my prospective, I see this as a quote "New Day" for the people of Gadsden County. It is time the people in this county stopped being sold out strictly on the basis of growth for the sake of growth.

I look at the City of Gretna. I know they need to expand their tax base, but that sensible economic development that we had agreed on rests south at the interchange. That is where they should be headed. Not trying to expand residential sewer which is a losing -proposition anyway.

So, Madam Chair, on this point, if forced to make a decision tonight as to move this project forward, in it's present format, I am not comfortable doing so.

Holt:

O.K. So, we are looking at two.

Williams:

Madam Chair, if you will, there is one other option which I didn't contemplate. It would actually be a great one for me, in that I won't have to work out a negotiation with Mr. Bateman. There was nothing inappropriate with the concerns being raised to table it once again and to have it brought back with those issues being addressed. The only reason I throw that one out is - I have basically given you four options. 1) approve it; 2) approve with conditions; 3) deny; I guess five options, 4) move it forward conceptually, but reserve all rights under conceptual review; 5) but the cleanest one would probably be - if you decide to move in the direction of keeping it alive - is to table it and ask the developer to come back with those concerns being addressed. Therefore, no one is in any jeopardy. The citizens have voiced concerns. The developer has the opportunity to bring that issue back

before you.

Holt:
Commissioners?

Croley:
Madam Chair, I would move based on the input that Mr. Williams has offered, that we table this conceptual plan until such time as it is available to be rescheduled and hopefully there will be a chance to better address some of these issues for everyone's benefit.

Brown:
Mr. McCord, is the issue better to be tabled or continued?

McCord:
Well, if you table it, we are going to have to re-advertise and send notices out. If we continue it to a date certain, which would be more appropriate, we will not have to. It would essentially be a continuation of this hearing.

Williams:
Continuation is a better term. But, I think it would be appropriate for Mr. Bateman to state whether he would like the Board to continue so there could be additional meetings or does he want to -

Croley:
Madam Chair, then for the record, then let me withdraw that motion for the time being.

Holt:
Mr. Bateman, are you interested in the continuation of this?

Bateman:
Madam Chair, it doesn't matter if I am interested in it. Unfortunately, I will have to confer with my client and see if he has the authority to make that decision. If you will give me just a minute.

Dixon:
Anybody got any good jokes they want to tell?

Holt:
Yeah, while we are waiting.

Williams:

Madam Chair, this might be a good time for a five minute recess.

Dixon:

Do you mind?

Holt:

You can't tell a joke. No, you're not telling jokes.

Five minute recess.

Following the recess, Chair Holt reconvened the meeting.

Holt:

Alright, ladies and gentlemen, let's get started.

Commissioner Dixon, let's go.

O.K. Mr. Bateman.

Bateman:

I don't think it is really up to us about whether to continue or table. If it was up to us, we would of course, get you to vote to move it on. But, certainly my client is willing to go back and try to address the issues they heard voiced by both the commission and the citizens. We would like - this talk about it taking two years and that frustrates us just as much as it does you guys. I can assure you, so we are not trying to delay it. Delay costs us money and we want to get this thing done. So, we would like to get it scheduled as soon as possible. We would like to be on the, I know you are taking a break, which gives us - I don't know when the next meeting is - but, we would love to get on then and just get to work, sit down with Gretna and go talk to Red Hills and whoever we have to do and just do it.

Holt:

Mr. Manager, is that possible.

Brown:

Very possible.

Dixon:

Madam Chair, before the motion is made, since they have concurred, we all need to make sure that we are looking at

this thing holistically and figure out exactly what our goals are. It is my goal to make it, and I repeat to reiterate, to make this a better project. That is my goal for the tabling. I think that if everybody came to the table with that mindset, perhaps we can get this done.

Williams:

Before you make the motion. This is a quasi-judicial proceeding. There are a number of unanswered questions. It is imperative, and this is for all side, that we have the questions answered at the next meeting. As Mr. Bateman pointed out, everyone wants resolution on this issue. The only way to get resolution is to have questions answered. I am making a request that when we come back here, when these hard questions are asked, that there be complete answers so that you, as a board, can make an informed decision about the direction you go in.

Bateman:

Madam Chair, may I address that?

We would greatly benefit because we obviously understand some of the questions. But, if there was way for Mr. Brown to essentially poll the commissioners and give us a list of specific questions, or Mr. McCord or whomever, so we can make sure we got all of them. In the hustle and bustle of all this, we think that we know what your question is, but we may not. We do want to get back and get all of this done the next time.

Williams:

Mr. Bateman, with all due respect, you brought a court reporter tonight and you are more than free to get a transcript. A lot of the questions that I am referring to are not just questions from the commissioners, but questions throughout and from the representatives from the City of Gretna. I am not trying to put you on the spot, but I think a lot of those questions are right there on that transcript.

Bateman:

I respect that, but a lot of the things that I heard, I didn't quite understand and that is why I was asking for that. But, it is just a request.

Williams:

But, again, it is a quasi-judicial proceeding and it would

be inappropriate for the commissioners to submit questions ahead of time. I am trying to help you out. So, if you don't mind getting the transcript, I think the questions are there.

Croley:

Madam Chair, I move then that this conceptual plan review be continued to the meeting of August 21st.

Dixon:

Second.

Holt:

We have a motion and a second to continue this meeting to August 21st. All in favor?

All:

Aye.

Bateman:

One more thing, Madam Chair, this has nothing to do with this at all. We are having the Chamber Retreat for the Tallahassee Leon County this weekend in Jacksonville. I know that some of you have been before and I am sure you have all been invited, because one of the main focus of this particular meeting is regionalism and how we all help each other and we have heard some of that from Brad Day and other economists. So, any of you that can come or any staff that can come, we would certainly welcome them there and look forward to seeing everybody there.

Holt:

O.K. Thank you.

Augustas Sarge Carter, 2176 Plantation Forest Dr.

Tallahassee, FL. addressed the Board regarding a 1.7 acre parcel of land on Holt Lane. He said that it once had two site built homes, but approximately 1 yr ago a tree fell on one of the homes and the homeowner could not afford to repair it so she tore it down. He stated that he was attempting to help some folks get a decent place to live and would like to put a mobile home on the parcel to replace the home that was torn down. However, when he approached the Planning Department for a permit, he was told that he would have to prove that the original site built home was there and occupied within the last two

years. He reported that he went to Talquin Electric to obtain the necessary proof only to learn that electricity had been turned off to the home for more than two years. But, he contended that people had live in the home within that time frame by using an electrical drop cord from the home next door to supply it with electricity. He appealed to the board for whatever intervention appropriate to allow the placement of the mobile home.

Growth Management Director Bill McCord stated, "The issue is really the two year limitation which is a fairly new Code. Ordinance 2006-023 was passed last November after we went through a pretty rigorous review of how we would address non-conforming issues. We said that to allow people to replace a home on a non-conforming lot, if they could prove to us through building permit review, demolition permit, fire report, Talquin Electric service, those types of things that the home was on that property from two years from the date that they make application, then we will allow for placement of the unit. Well, in this case, there has been no evidence provided to us as to the date of demolition because there is no demolition permit and there is no electrical permit. We do have photographs of the property that we have had and apparently the last day of electrical service was 7/22/2004. So, it has been three years. They have lost their non-conforming protection if you will. Again, as we talked many times before, the Code is written and the Comp Plan policy is written in such a way that non conformities are meant to go away. But, we even relaxed the Code in a situation like this to allow two years for them to make reasonable attempts to replace it. So, in this case, they have missed it by a year. So, that is where we are. Otherwise, it would be technically a violation of the Comp Plan Non Conforming provisions of the Code."

Commissioner Dixon stated that this particular issue is one of poverty. He vouched for the fact that there was a house there and that it was torn down by someone's hands. He said that since this is an issue of poverty, it should not be held against them. He asked Mr. McCord if the board could grant a variance.

Mr. McCord replied, "Well, now that the non-conformity time has lapsed, again, we allow one unit per acre and whether you have 1.99, you need two acres to have two units...If you want to make a finding that in your opinion, that the house

was there less than two years ago and was used, because there are other houses which don't have electrical service and they may be in awful disrepair, if you want to call it that, that people will claim to tear down and say, I'll just put a new house in there even though someone may not have lived in the structure for many years. That would be a finding that I would feel more comfortable with if you are wanting to allow them to place another house on the lot. Make a finding that that on a specific date (from your memory) that the house was there. But, based on the evidence that was provided to us, nothing has demonstrated that the house was there except that the electric service was disconnected in 2004."

Attorney Williams interjected, "A couple of things. I don't think that it is appropriate for any commissioner to become a witness for any citizen providing documentation. I am not sure without research whether that commissioner could even vote at that point. It would show a bias in the interest of the outcome which may cause a recusal. So, I would, off the cuff, suggest that maybe that approach is not the proper one. Again, looking at the hardship provisions, it appears that the general criteria may apply. It is basically about waiving requirements under the Code because there is generally no harm that would occur.

This item is not something that you can vote on tonight anyway because it is a citizen requesting to be heard. The best that we can do is to have my office and Mr. McCord's office to sit down and work now that we have a general direction from you as to what you want to do and see if it possible to get that done. That is my recommendation.

Commissioner Lamb inquired about and was informed that there are a mixture of site built homes and mobile homes in the near vicinity of the parcel in question.

Commissioner Croley suggested to Mr. Carter that he secure sworn statements from neighbors etc. that a home was there.

Sam Hawkins apologized for the using the term "liar" when he was speaking earlier in the meeting, but not for the information. He said, "The information is factual."

9. SHERIFF'S REQUEST FOR BUDGET AMENDMENT TO GENERAL OPERATING BUDGET FOR THE 2006-2007 FISCAL YEAR

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

GENERAL DISCUSSION AGENDA

10. Approval of Appointment to the Opportunity Florida Community Land Trust (OFCLT) Board and the Opportunity Florida Community Development Corporation (OFCDC) Board

Opportunity Florida serves as a regional economic development alliance which serves an eight county region within Gadsden, Calhoun, Franklin, Holmes, Gulf, Liberty, Jackson and Washington counties. Opportunity Florida's goal is to provide the connectivity, resources, knowledge and leverage to make things happen for businesses and to create opportunities for regional businesses and workers.

Mr. Rick Marcum addressed the board to solicit a volunteer to serve on the board described above.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO APPOINT FARNITA SAUNDERS TO THE OPPORTUNITY FLORIDA COMMUNITY LAND TRUST BOARD TO REPRESENT GADSDEN COUNTY AND APPOINT HER ALSO TO THE OPPORTUNITY FLORIDA COMMUNITY DEVELOPMENT CORPORATION BOARD TO REPRESENT GADSDEN COUNTY.

11. Discussion of Teresa Bouie's Subdivision Exemption Request/Issue

Mr. Brown recalled that Ms. Bouie had been before the Board at the last meeting requesting a subdivision exemption. She is the owner of a one acre parcel in an AG-2 and she requested that the county grant a variance or waiver from the Comp Plan and Land Development Code or provide some other accommodation would allow for a one acre lot to be subdivided into two separate lots. She requested this action to accommodate the rules of a financial institution which will not approve financing for the replacement of a home on her property. He said that other than making a land use change, the board cannot assist Ms. Bouie with her request.

Growth Management Director Bill McCord stated that the property is on Tyler Sanders Road in a AG-2 land use category which requires a minimum of 10 acre lots. This parcel was created prior to the adoption of the Comp Plan

and it has two houses on it now. The Comp Plan will not allow creation of a lot smaller than 10 acres except under very unusual circumstances. The parcel is a grossly non-conforming lot already. Now, the county would allow her to replace the home, but the issue is that she has requested to subdivide the property. That would be in violation of the Comp Plan and the density standards.

In discussion with Ms. Bouie on the phone, Mr. McCord stated that she has not been able to find a bank that will loan her money to replace one of the homes unless it is on a separate parcel of land.

Mr. McCord stated that the only remedy would be to change the land use to something that would allow two units per acre which could only be Urban Service Area. The location of this parcel would not be an appropriate area for Urban Service land use particularly since there are no central services in the area.

Staff declined to make any recommendations.

Commissioner Croley stated, "Madam Chair, if the Comp Plan is going to have any integrity, we are going to have to have the intestinal fortitude to enforce it."

Chair Holt called for other comments, questions and concerns.

Commissioner Dixon stated, "Madam Chair, I think we did our due diligence on this. We certainly tried to look out for the homeowner. I believe that the law is here to help more than it is to hurt and I've looked at this and looked at what Mr. McCord and his staff has written. There just doesn't seem to be a way around it. I just don't believe that we can help Ms. Bouie."

Chair Holt concurred with the other commissioners. She said, "I think that the advice that we need to give her also is to remind her of the length of time she has to get it put on there. Once it is moved, the limitations go into effect for a certain period of time. But, I don't think that we should get into the financing side of anyone's property or homes."

Commissioner Lamb said, "I think that Mr. McCord has done a good job here in trying to clarify exactly what this Comp

Plan says. I think he has explained it to her pretty well. The explanation is there."

UPON MOTION BY COMMISSIONER DIXON AND SECODN BY COMMISSIONER LAMB, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO DENY MS. BOUIE'S REQUEST.

11-A Approval of Additional Funding for Sheriff's FY 2007 Budget

Resolution 2007-039 AND OMB-BA# 070049

The FY 2007 budget contemplated the receipt of \$200,000 from the School Board for the Sheriff to provide Resource Officers to the schools. The School Board actually paid \$224,919. This agenda item includes a resolution and budget amendment to transfer the excess revenue to the Sheriff's Office in support of law enforcement activities for the remainder of FY 2007. The budget amendment will increase the sheriff's budget by \$24,919

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4- 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION AND BUDGET AMENDMENT DESCRIBED ABOVE.

There was some discussion that the Board needs to take a closer look at what the School Board contributes for the resource officers. Commissioner Dixon stated that he suspects that the County is subsidizing the school patrol to an extreme.

11-B Authorization to Set Date for First Public Hearing on the FY 2008 Tentative Budget

Commissioner Croley requested that the Board hold another workshop on the budget before the public hearing. Mr. Brown stated that he would poll the commissioners as to a date for the workshop.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4 - 0, TO SET THE TENTATIVE BUDGET HEARING FOR SEPTEMBER 11, 2007 AT 6:00 P.M.AND TO SET THE MILLAGE RATE AT 8.7495 MILLS.

11-C Approval of FY 2008 Florida Recreation Development Assistance Grant Program Project for Submittal

Mr. Brown recalled to the Board that they had approved a list of parks to be renovated utilizing the Florida Recreation Development Assistant Program (FRDAP) in July 2005 and set out timeframes in which the various projects were to be accomplished. The first four projects have either been completed or are in the renovation process. St. Hebron Park is No. 5 and should be next for renovation. However, in preparation for the 2008 FRDAP grant application, the staff identified some discrepancies with the park. The park is actually being leased to the County from two churches - St. Hebron Methodist and St. Matthew Baptist, but that lease will expire in 2009. There is also some discrepancy as to the size of the park itself. The lease says that it is .56 acre. The property appraiser's record indicates that it is 2 acres. The FRDAP Administrative Rule requires that the applicant must have control of the property for a minimum of 25 years, which the county does not have at this point. Other concerns were expressed about the current location of the park which included it's close proximity to a major road, security issues plus the location of power lines.

The FRDAP application deadline is September 14, 2007 which does not allow sufficient time to get the discrepancies cleared up.

For that reason, the staff recommended that Drakes Acres Park be moved to No. 5 on the list and St. Hebron Park be moved to No. 6. In the meantime, the staff recommended that the Board proceed with application to FRDAP for the Drake Acres Park and do a title search, boundary survey and new lease agreement for the St. Hebron property in preparation for the 2009 cycle.

Discussion followed regarding the possibility of finding another location for a park in District 2 and acquire it under the FRDAP grant.

Commissioner Lamb asked that Shelfer Park be added to the park list. The staff was instructed to put the matter on the next agenda for consideration.

Parks and Recreation Director Charles Chapman addressed the Board explaining the options as described in the agenda report.

Commissioner Croley stated that he felt it would be more logical to move Drake Acres to No. 5 and St. Hebron Park to No. 6, then pursue another park location.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO MOVE DRAKE ACRES PARK TO NO. 5; MOVE ST. HEBRON PARK TO NO. 6; ACQUIRE A NEW SITE FOR THE LOCATION OF A PARK IN DISTRICT 2 (CLOSER TO THE CHURCHES)

COUNTY MANAGER'S AGENDA

12. Status of Peavy & Sons, L.L.C. Mine, Future Land Use Map (FLUM) Amendment (CPA-2006-005)

The attached report was provided in response to an inquiry made by Mr. Duncan Fletcher to the Board on June 5. Mr. Fletcher had some concern about the sand mines on SR 267. In researching the property, staff documented the following: Planning Commission held a public hearing on July 13, 2006 and recommended the land use change to mining. The Board of County Commissioners approve the land use change on September 19, 2006 at a public hearing. The land use change was advertised and a notice was posted on the property notifying the public of the hearings to be held. There was no opposition to the land use change at either of the hearings.

Growth Management Director Bill McCord recounted the events described by the manager above.

McCord:

The Board had approved a land use change for just a little under 20 acres on the east side of Highway 267 a little bit south of McCall Bridge Road intersection and south of Sadberry Road. There are existing mines at the west end of Sadberry Road now. They have been operating for some time. The best that we can tell, they have been operating before the adoption of the Comp Plan. DEP has issued permits to operate those mines. As you can see on the aerial photograph Ken just had on, the open faced pits of the sand burrow pits that are being operated out there even now - the location where the little hand is there on the screen - is the 19 acres (actually it is less than that, the actual working surface of the mine that they are now operating.) It was approved last year. It is roughly across the street from the asphalt reconditioning facility down there -

whatever that may be actually.

So, the Board did review it. The Planning Commissioner reviewed and approved it. It did go through the public hearing process. We staked the property just as we would any other. The concern, I guess, by Mr. Fletcher and others in the area is that our Code requires us to notify area property owners within 1,000 feet which we did at the time. We also put notices in the newspaper and again, as I mentioned, we staked the property. We followed all the procedures that are required for a Comp Plan amendment in this case. For whatever reason, there was no public participation. At least I don't recall any.

The process for getting them - there are a lot of policies in our Comp Plan and I think I eluded to some of them in the report, but there is a gap in our Comp Plan review - not so much in our Comp Plan, but mainly in our Land Development Code, kind of in conjunction with each other. We really don't review mines. Ya'll may recall the Loughmiller Mine. When I first started, that was pretty much done and it was only a formality to finish that up. But, they have a mine on Highway 265 at the end of where Old Federal Road intersects out there in the southwestern part of the county.

What they did at the time that they came in for their Comp Plan Amendment is they provided a conceptual plan which shows where the working face of the mine was and a buffer area around the mine and where they would get access and things of that sort. We don't have a site plan review process for a mine or mine use. That is something that we seriously need to look at and make sure at least at a minimum, that our site plan review criteria match those of DEP as opposed to simply defaulting to DEP and expecting DEP would then insure that higher standards or their standards would be enforced. We could then enforce it with our own standards if we thought that DEP was not monitoring the site.

Also as was described at the hearings at that time, because this particular 19 acre parcel has access to Highway 267, that just like anybody else whether you are building a single family home or any other type of driveway, you need to get a DOT permit to construct a driveway for entering and exiting the roadway to meet DOT standards. If DOT thought that you needed turn lanes or something

extraordinary about the activity on the site, they could dictate a specific type of drive way with driveway and things of that sort.

So, under our review, we found out that DOT had not issued them a permit, but was in the process of doing so. As of this date, I am not aware of a permit being issued. But, I do know that one was on the fast track, if you will. So, that was good that we were at least able to follow up in that regard. But, again, that is not our roadway and that is not our responsibility. That is the responsibility of the applicant who is developing the site - to get their DOT permit. Since we don't have a site plan review process for that mine, there is part of the problem that I mentioned earlier. We need to institute a process. Perhaps we need to issue a site plan review process before we consider any additional mines. That is what I would suggest. So, once we get the DOT permit cleared up, that is kind of the status of this mine.

In your agenda report is the ordinance that was adopted changing that land use on that 19 acres. You also have a conceptual lay out of the mine operating area including the location of their storm water facility and their buffer. One of the things that Mr. Fletcher had mentioned in his presentation before the Board is that he is concerned about the aesthetics from the highway. So, this buffer was also mentioned in the earlier report when the land use was being considered. It is in tact. In many cases, it is wider than what is shown here on this site plan. Also, the storm water pond, according to Pam Revells, our construction site inspector, it is already being constructed on site. So, the site slopes off to the east. Anything that would run off would be captured by the storm water facility down there. We have not seen any construction drawings for the storm water facility or any drainage calculations for that. Again, DEP monitors these mines and you have an attachment of DEP's mining notice and other correspondence that was provided by Anderson Columbia.

On the last exhibit that you have, which is the last page of Exhibit 4 -, what you see there are shaded area on the map. It indicates lands which have applications for for new burrow pits, new mines, new sand mines that we have not acted upon because we are essentially in a moratorium type phase in this Lake Talquin area. So, we are not entertaining, at least at public hearings, any additional

review of land use changes in the Lake Talquin area until we get the Lake Talquin area plan resolved or adopted - Whichever action ya'll end up taking. But, I want you to know that we have these pending actions and they are significant in area. The intent is of the operators of those mines that I showed you earlier at the end of Sadberry Road, would eventually phase out their operations. There are different types and qualities and span, but eventually phase out their operations, convert those just as you would any other exhausted mine to a more appropriate land use once the mines discontinue and then they would operate for who knows how long over on this new area of Highway 267.

So, that is the status of where things sit right now with this operation. We are hoping to get that DOT permit any day now.

Dixon:

The site review process, what will it take for us to put that in place? Will it be done by the same code compliance person?

McCord:

Yes, it would take some code revisions. We would write it specifically as a development standard in our code just like you would a site plan for any other type of activity such as commercial in Chapter 4. It spells out all the uses and commercial uses. Then Chapter 5 has all the detail design standards. We would need to write it into various portions or chapters of our land development code to address the mining aspects. There would be a lot of cross referencing with the administrative rules, Florida Administrative Code as well as the Statute. Borrowing some design criteria, you could exceed that from DEP. If you wanted to have a bigger buffer, for example, or something like that.

It would be, it would take a little while to get it together. But, we would obviously bring it back to the Planning Commission and the Board for their review. It would be the standards that you would adopt.

Brown:

You do have a moratorium in that area, so as part of that process, Commissioner, that you had in the Lake Talquin area, those sector meetings that we are having, this could

be one of the products that comes out of that process - to create a site review process for mining.

Holt:

Mr. McCord, are there any other applications anywhere else in the County?

McCord:

For mining?

Holt:

Yes.

McCord:

No, ma'am. Just those two properties there on the east side of 267.

Holt:

How would - I was looking at the Comp Plan and the Land Development Code - How would it be affected if someone came in next week and put in an application?

McCord:

Well, for some other location, we would address it as we do now. We would essentially hand it off to DEP.

Croley:

Madam Chair, I will ask Mr. McCord, In District 2 particularly as you approach the GA line, you see the orange area up there, the fullers earth mine. That is fullers earth mining and I know that probably everyone on this commission that has any background in this county is aware of how important that is for employment and also our tax base with processing facilities and the excavation and even the reclamation efforts that are under way. I am concerned about the need to have some process to address the sand mine issues. But, I am also equally concerned about balancing the need for perhaps in the Lake Talquin watershed area, with the need also to not interfere with such a large employment base in this county. I believe even our Comp Plan, and I think you and I have talked about that in one of our orientation meetings, these zoning maps are way out of date and not in keeping with what is actually going on. So, Madam Chair, I just want to urge a little caution and that we develop a better understanding of the issues involved so that whatever solution we may come up with to address the issue of mining, especially of

sand mining, that we do that in a very responsible way.

Holt:

Commissioner Croley, I would agree with you in the employment factor. The reclamation part, to say that they are going to come in and refurbish these areas, the vegetation along the highway and some other things, I think that is something that needs to be looked at. So, when we have a site plan review, we have something to go on when it comes to what the public sees and what the mining is doing and that type of thing. The separation. I think that is what the citizens are looking for. What is the separation between where they are and where they are mining at.

Commissioner Dixon?

Dixon:

Madam Chair, I try very hard not to be cumbersome to business because we sometimes tend to want to create a law at every jump, some kind of regulation to stop something or start something. But, I think what we have to do in this manner is one, call for the sector reviews of the area and next year, by the time we get that pipe in the ground, hopefully, we will move down to the Shiloh area to look at - O.K., now that we've got central sewer and water coming through here, what is this area going to look like? So, I am hoping in District 5 to have a plan for the next 5 - 10 years throughout the district and not just wait and let it happen. But, I think what you are saying happened down with - shall I refer to you all as the Friends of Lake Talquin? - as we call for meeting, the people are aware of the neighborhoods, want to be involved in the neighborhoods and expect that we will be involved to a degree. But, that always requires people and people require money. I think that people now have a heightened sense of Gadsden County and who Gadsden County is, they expect answers to come from us and not some desk bureaucratic DEP.

I think that we ought to put ourselves into a position to have a site review process in place - not that it become overly cumbersome and design it to make businesses fail. That is not what I am after. I certainly am after the middle ground where businesses can be successful and neighborhoods can be successful as well. I don't get off on the "not in my back yard" thing and never in this part of the County and always in this part of the County. I don't want to represent the district that has the least of

the best and the most of the worst. None of us do. None of us want all the bad things in our district. But, some of those things come and we have tertiary situations that come with them like jobs and industries. Industries have helped this county to move forward. We need to make sure that we are protecting at a great degree, Lake Talquin. It has economic impact as well and the neighbors and making sure that they have in the County a way to look at this situation, be given good answers, good science for good science is important as well. We need to know that we have a handle on what is happening at these mines without having to go through a whole lot of paper work with the State.

Holt:

Also, one issue, I would like to say - the last one over on 65, we looked at it and we talked to the miners and they said they were going to run those trucks at a certain times and we got calls saying that they were running at 6:00 a.m. or whenever. Those are the kinds of things that we ran into. I think that the site review plan is a good idea. Also, I think, Commissioner, up in your area, there was a problem with them digging so close to a house. It was a scary situation, there. People came home and they were digging right up to their property line.

Dixon:

They had a right to.

Holt:

And they did. The property came up to that close to the house, but it was a matter of respect that we were looking for.

O.K. But, this requires no action, right?

Croley:

Madam Chair, one thing as you are looking into this,

Dixon:

There are some friends out there that might

Croley:

Yes, you do, but real quick. The issue of while you may have mining going on, you might want to check and make sure we don't have debris hauling coming back into those pits.

McCord:

That would also be regulated to the DEP. They wouldn't allow your to go in and create an innerrant land fill, at least legally.

Holt:

I know there are some people who may want to speak and I know you may not have even thought about speaking on this, but if you have just one person, if you have something you want to say on it, just come up.

Allen:

Commissioners, my name is Ed Allen. I live on Lake Talquin. I have been told, I guess, not to speak to a whole lot of things. But, one thing that I would like to speak to was my conversation with Mr. Brown and Mr. McCord last Monday. Mr. Brown, would you care to address that and tell us exactly what was said?

Brown:

At that meeting?

Allen:

Yes.

Brown:

You requested that we get some minutes and we would look into some issues along 267 and we made a promise that we would do that.

Allen:

Was that all of the conversation.

Dixon:

You just tell us.

Holt:

Yeah, tell us and let us know.

Allen:

I had requested the public records on an asphalt recycling center there on 267 and Ocklawaha Creek and when I got the papers, all the public records, I was told that Staff is not aware of an asphalt recycling plant on 267. It has been there for 25 years. I mean 300 yards from Ocklawaha Creek. Water, when it rains, runs down into Ocklawaha Creek. Back in 1992, it was put there temporarily. They got another permit through January 1, 1994. To this date,

not another permit has been issued. Tons and tons - I am talking thousands of tons of asphalt on 267 and staff is not aware. They just approved the sand pit right across the street. Staff is not aware. Can somebody explain that to me? Anybody?

McCord:

I will be glad to.

Allen:

Trucks running in and out all the time bringing asphalt in grinding it up, stacking it three and four stories high and staff is not aware.

Holt:

O.K. Mr. Allen. Mr. McCord?

McCord:

I will be glad to respond. Yes, we have a very thin file. That happened back in the early 90's and I don't know if that was the only records that were kept in this office at that time or not, but we have a very thin file which in my opinion is incomplete. It didn't contain minutes or any agenda reports. We are working with what we've got. We will have to recreate or rediscover, if you will, searching, constantly searching through minutes, which is very time consuming and labor intensive to be able to try to reconstruct if there was any public record or public hearings on establishing or re-establishing the continuing or discontinuing any authority to operate what they are doing out there. That has been operating ever since I have been here and as far as I have known, I've treated it as a pre-existing non-conforming use. Now, if it is not pre-existing non-conforming use, and the Board wants us to take action to close them down because they are in violation of ya'll authority to grant them a permit, I will be glad to do it. I will go out there tomorrow and put a chain on their fence.

Allen:

It is zoned AG-3.

Holt:

Mr. Allen, just a minute.

Commissioner Dixon?

Dixon:

Madam Chair, Mr. Allen is, - he used to give me fish, I guess he ain't going to give me any more.

Allen:

You are not going to get any more fish until this is cleaned up.

Laughter

Dixon:

There is plenty in Gadsden County to pick at, trust me. But, I want for Mr. Allen and the Friends to realize that when we cross situations, because there are a lot of situations, when we cross and find situations, just as I explained to Mr. Allen with the trailers and the undocumented things down at Lake Talquin, we will tackle them. If this happens to be one of those situations that, as far as I know, it was there when I came to this body, we will tackle it. It is one of those things, and I am sure that you are going to find a whole lot more right there and in every one of our districts. I don't think that it is something to be beating anybody with, I think it is something to be looked at, to get the facts straight, and then for this body to decide a course of action.

That is how to handle it. Mr. McCord doesn't know, I don't know, and I would bet that the only person who might know is Muriel because she has to read every set of minutes that has ever happened. She might be able to tell you. But, I doubt if there is anybody else in this county can give you any more information on that pit. That is just the simple of it. We will give Mr. Allen the same assurances we did when we were working to clean up one aspect of the lake. We will do everything within our authority to get to the bottom of it, decide a course of action, and go from there.

Allen:

I don't want you to misunderstand me, Mr. Dixon. I am not trying to beat anybody to death or anything like that. All I want to do is clean up Lake Talquin. I see this asphalt pit, four stories high, I mean tons and tons of it, 300 yards from Ocklawaha Creek. Is there an answer? I don't know. I don't know the answer. I just want to get to the bottom of it.

Holt:

Right. That is the issue. Let's get to the bottom of that and other things, too. I'll give you a little story on that. I had in my district someone that was putting junk cars in the wetlands. I had never seen it and I had gone down that road forever. But, because the bushes were so high, I had never seen it until a neighbor told me what was going on. At that particular time, I was a new commissioner and I approached the property owner and I said, "I don't think you want to do that and I think you want to clean it up." And he pulled the cars out. He moved them and he started cleaning it up. I was so new that I didn't know the procedure. I just thought, "You are going to get fined and we are going to have a mess. So, clean it up." He did start doing that.

Once we know, then we start doing. I was under the impression, I saw it, I was under the impression that was a - I went fishing down there not too long ago.

So what we will do is get on it. Get that issue and I am sure we can move to another one and get on those too.

Allen:

Thank you, Madam Chair.

Holt:

Thank you, Mr. Allen.

Croley:

Madam Chair, I just want to say something. I know these folks waited a long time in those hard chairs out there. But, I did want to say that I appreciate your patience. Again, for the sake of all of the right reasons, as Commissioner Dixon made reference to and Commissioner Holt, it is good that you are taking an interest. That is what it is going to take. Somebody has got to stand up and make these points, just like Mr. and Mrs. Due. Take an interest. That is what it is about.

Thank you.

12-A Approval of Invitation Letters to Federal Legislative Delegation

Mr. Brown stated that he had received a request from the federal lobbyists asking for the Board to approve a letter

to the federal legislative delegation inviting them to tour the priority projects that was submitted to them for funding. He also asked to send a letter to Representative Boyd thanking him for securing funding for the prescription assistance program.

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

13. Miscellaneous Items
Dedication of St. John Park

Parks and Recreation Director reported on the Community Fund Day to celebrate Parks and Recreation Month at St. John's Park. At 11:00 a.m. it was dedicated for it's new FRDAP renovations. He said that the festivities concluded at 3:00 p.m., but there were patrons that stayed into the evening hours.

Public Information Coordinator Jon Brown made a slide show of pictures taken of the event.

There was applause.

COUNTY ATTORNEY'S AGENDA

14. Miscellaneous Items

Mr. Williams reminded the Board that Gadsden County is a government in the Sunshine Law in the State of Florida. Keeping that in mind, he said that he will begin a new process of informing the Board publicly regarding law suits as they arise. He said there may be little or no information included in the initial information, but it will serve to document the record of such law suits as they arise. He then told them that TDS has filed a bid protest as it pertains to the fiber optic network award to NetQuincy.

DISCUSSION ITEMS BY COMMISSIONERS

15. Commissioner Lamb, District 1

Havana Senior Citizens

Commissioner Lamb called attention to the fact that the

Havana Senior Citizens did not receive any of the funds that was allocated to them in the budget. He asked the staff to look into the matter.

Commissioner Dixon asked that a separate allocation be made for the Havana Center in the future as opposed to depending on the Quincy Seniors to disperse it.

Sheriff's Funding

He then reported that he has received numerous calls from citizens wanting the Board to support and accommodate the sheriff's budget request.

Rural Waste Sites

He requested that the Board continue to fund the rural waste sites in the new budget.

Commissioner Croley, District 2

Passing of Bill Hopkins, Former State Attorney for Second Judicial Circuit

Commissioner Croley made note that Mr. Bill Hopkins served as the State Attorney for 25 years from 1948 - 1973. He was 98 at the time of his death.

Gadsden County Tourist Development Council (TDC) & Chamber of Commerce

Commissioner Croley said that it had been called to his attention that the TDC and the Chamber of Commerce had a contract whereby the TDC would reimburse the Chamber \$300 per month for administrative services. The contract was signed by TDC officials. The outstanding invoice for those services amounts to \$3,300.

He said that while some people have taken the position that the TDC did not have authority to enter into an agreement obligating the County for money, but the fact remains that they did. He added that the Chamber, in good faith, provided services to TDC as specified in the contract.

He contended that because the Commission has honored some of the obligations of the TDC in the recent past, he requested that it also pay this debt owed to the Chamber

within the next 10 days.

Budget Workshop

Commissioner Croley requested that one other budget workshop be scheduled as a special workshop with it being the only focus.

Commissioner Price, Vice-Chair, District 3

Commissioner Price was not present due to a death in his family.

Commissioner Dixon, District 5

Due to the lateness of the hour, Commissioner Dixon had no comments or reports.

Commissioner Holt, Chair, District 4

Chair Holt stated that the Chamber was made aware that the contract with TDC was not legal. They were asked to render receipts to document their services in order to process their request for payment. In response to that request, the Chamber left the meeting and did not present any documentation of their services.

RECEIPT AND FILE AGENDA

- 16A. Letter from the Ferguson Group Regarding the Federal Activity Report and 2007 Appropriation Timeline
- 16B. Letter from the Florida Department of Environmental Protection Regarding LP6721 Water Sewer Infrastructure Grant -
- 16C Letter from David H. Melvin, Inc. regarding Wastewater Extension Project - GAD06SEW
- 16D Letter from US Department of Agriculture Regarding Lease for Real Property, Vacated as of July 6, 2007
- 16E Letter to Ms. Gladys Jones from Florida Department of Environmental Protection Regarding a Notice of Violation
- 16F Letter to Department of Law Enforcement Regarding JAG Program Funds
- 16G Letter from MGT of America, Inc. Regarding Special Session on Property Tax Relief and Reform

- 16H Letter to Corey Fleming, Director of Urgent Care, from
Connie McLendon, Finance Director, Regarding May Deposits**

ADJOURNMENT

UPON MOTION BY COMMISSIONER DIXON, THE CHAIR DECLARED THE
MEETING ADJOURNED AT 11:00 P.M.

Brenda A. Holt, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

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

PRESENT: Brenda A. Holt, Chair
Derrick Price, Vice-Chair
Eugene Lamb
Doug Croley
Edward J. Dixon
Thornton Williams, County Attorney
Marlon Brown, County Manager
Arthur Lawson, Assistant County Attorney
Muriel Straughn, Deputy Clerk

CALL TO ORDER

Chair Holt called the meeting to order.

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE U.S. FLAG

Commissioner Price led in the invocation and Chair Holt led in pledging allegiance to the U.S. flag.

AMENDMENTS TO THE AGENDA

Assistant County Manager Arthur Lawson requested several amendments to the agenda as outlined below.

Additions to Awards, Presentations and Appearances

Add A1 Sheriff's Request for Budget Amendment
Add 2A Resolution in Support of Workforce Development
Week in Gadsden County

Delete from Consent Agenda

Item 6 - Approval of Travel for Chairman Holt and
Commissioner Dixon to the Florida Association of
Counties - All about Florida board and Leadership
Retreat

Add to Consent Items Pulled for Discussion

Item 10 Approval of the Gadsden County Tourist
 Development Council Grant Request to the Havana
 Merchants Association for the Havana Pumpkin
 Festival

Add to Citizens' Requesting to be Heard on Non-Agenda Items

Ron Tyler - Noise Ordinance

Add to Public Hearings Agenda

Item 16: Additional material added to the agenda report
 for on the Conceptual Plat Review for the
 Plantations of Fox Chase - SD-2006-09 Major
 Subdivision

Add to the General Discussion Agenda

Add 18A. Approval for Vendor Change for Air Medical
 Transport & Execution of the Certificate of
 Public Convenience and Necessity

Add to the County Attorney's Agenda

Add 20. Request for Closed Door Sessions/Potential Dates

Add to Commissioner Lamb's Agenda - Appointment of the
county manager to the Juvenile Justice Commission

Commissioner Croley raised a protest over Public Hearing
Item 14 - Communications Tax.

Croley:

Madam Chair, I am raising a protest

Holt:

Would you like to pull?

Croley:

I am raising a protest over Public Hearings Item 14. I
have no knowledge nor do I have any record or can find any
record where this Board of County Commissioners has
authorized this public hearing and the drafting of an
ordinance to increase the communications service tax.

Holt:

O.K. What we can do is we can discuss it when we come to it.

Croley:

No, I want it - it shouldn't be on the agenda to begin with.

Holt:

Commissioner, we discussed earlier, I think it was in July, about that tax. Not an ordinance being put on, but about that tax - it would be coming up. So, I would like for you to, if possible, you can still pull it, and you can still ask for it to be taken off the agenda. But, what I am saying is, until the manager gets here and we see why he put it on there. If there is a date deadline or something like that, what his rationale is. And that way, we can look at it.

Croley:

Madam Chair, I still raise an objection. It puts a cloud on the legality of that. I am going to ask Ms. Straughn here, as the clerk and as a representative for this Board of County Commissioners, Do you have any record anywhere that the commission approved or authorized the drafting of any ordinance or public hearing for this communications services tax?

Straughn:

It was discussed on May 31st. It was approved to move it forward for discussion on June 5th. It did not appear on the June 5th agenda. I have no record of any further discussion.

Holt:

Right. And I know it was discussed, so, what I am saying is, instead of pulling it and taking it off, the manager is going to be here in a few minutes anyway and I would like to see what he has to say about it. It can still be voted off and taken off, and approve the rest of the agenda if you want to pull that item.

Croley:

(inaudible) It shouldn't be on the agenda.

Williams:

Madam Chair, just for purposes of moving forward, what the Board can do since the manager is not here, is approve the

agenda with the statement that when this item comes up, before you go to the substance of the issue, you will discuss the procedure. During discussion of procedure, the Board can then re-vote on whether they want to go forward at that time. That preserves the issue for consideration.

Croley:

I will accept that.

Holt:

That was the same thing, I am sorry that I didn't word it that way, but I was hoping to pull it off, then when he makes his presentation, we'll know. I would like to know.

Awards and presentations is coming up next.

Williams:

Madam Chair, we still need to vote on the agenda.

Holt:

Yes, O.K. For the agenda, for the consent agenda, or for the entire agenda, I need a motion and a second.

Lamb:

We deleted number 6, didn't we?

Holt:

Right, it is already on there to be deleted.

Lamb:

I offer a motion that we approve the consent agenda.

Price:

Second.

Holt:

We have a motion and second. All in favor?

All:

Aye.

Holt:

O.K.

Williams:

Madam Chair, just for procedure, I am not sure that we had a motion to approve the entire agenda, so we need to get a

motion to approve the entire agenda. We need a motion to accept the agenda.

Holt:

That is with number 6 deleted and the other amendments.

Croley:

I move that we accept, approve the agenda with the exceptions as noted by the attorney regarding the Item 14 and the addition of Commissioner Lamb's agenda item.

Williams:

If I may make a friendly suggestion, just say approve the agenda as modified. That includes everything.

Holt:

Will you include that in your motion?

Croley:

As modified. I so move.

Lamb:

Second.

Holt:

We have a motion and a second. All in favor?

All:

Aye.

AWARDS, PRESENTATIONS AND APPEARANCES

1. Employee Service Award Recognition

Mr. Lawson recognized the following employees for the years of service:

Mr. Franklin Springer, Senior Paramedic, EMS - 25 yrs.

Ms. Rose Wilson - Facilities Maintenance Division - 10 years (not present)

Michael Watson Public Works Department - 10 years of service

The Board commended the above named employees and presented them with certificates of appreciation, then posed for pictures of the award.

A1. Sheriff Morris Young's Request for Budget Amendment

Katherine Pondexter, Chief Financial Officer for the Sheriff's Office, addressed the Board. She then introduced Ms. Jane Munroe, a CPA and consultant for the Sheriff's office, and Captain Cecil Morris who is over the administration of the Sheriff's office.

She then requested additional funding for the 2006-2007 budget. She provided documentation proving the need for the additional funding. She requested a total of \$344,500.00 to finish the current budget year.

Chair Holt called for comments from the commissioners.

Commissioner Lamb asked the staff from where the money would come.

Chair Holt asked to first discuss the document itself and to substantiate the need, then follow with discussion about the source of funding.

Commissioner Dixon asked the Sheriff's office to "go over the big picture, the big ticket items that you have encountered in the past year that makes this necessary."

Ms. Jane Munroe explained that the big ticket items dealt with jail inmates of which the sheriff has no way to control. (medical expenses, meals, high personnel turnover and pay off of related benefits)

Commissioner Dixon asked for numbers and line items that have the largest deficit.

Ms. Pondexter explained that the inmate medical will be over budget by \$110,000 by year end bringing the total cost for the year to \$325,000. The inmate meals will be over budget by \$35,000. The estimated cost for inmate meals for the year is \$335,000. Attorney fees were estimated to be over budget by \$50,000. The other area was described as being overtime - \$26,500; and benefit pay-outs of employees (\$65,000) who are leaving the Sheriff's office. She also said they must pay back \$58,000 in salaries to general operating budget due to expiration of grants which previously paid those salaries.

Commissioner Croley questioned why the legal fees went over budget.

Ms. Pondexter replied that the Sheriff is in litigation with a vendor who came in to install the dispatcher center, then defaulted on the contract. Money was paid for equipment that was not delivered. She stated that they hope to recover the legal fees.

Chair Holt stated that she had met with the Sheriff on two different occasions in addition to other telephone conversations. She asked that the jail budget be absorbed into the commission's budget. She said, "In that way, there will be a constant checking on that facility. What has happened over the years is that we gave a lump sum of money, but the commission was unaware of what happened or what was going on. The jail is under the auspices of the commission. We have discussed that and I told him that I am adamant about that. Until we look at that budget in here, in house, so that we can check on that budget on a monthly basis, it is not going to matter. This is going to occur over and over. It is difficult to fix what is going on if we are supposed to be monitoring it here and it is being done over there. I don't know why - I think he is doing a great job of managing - I don't know why anyone would want that responsibility anyway.

He and I have discussed it. He said, "Yes, this is in here." He had no problems with it. That was at 5:00 o'clock today. He and I have discussed it two other times. That is my concern with this. Not just now, but in the past.

The commission is in charge of and responsible for the jail. We are responsible for the jail and no other previous commission has really taken that responsibility on to say, "We will manage the budget, we will know what is going on on a monthly basis and that is what we need to do."

Commissioner Lamb questioned whether the board could/should really become responsible for the jail. He questioned whether the board had the expertise to accomplish that task.

Chair Holt clarified that she was not speaking about managing the jail. She was speaking about managing the budget of the jail facility to determine if the funding is sufficient to meet all the needs. She insisted that the Board should bear a greater burden of responsibility regarding the jail facility.

Commissioner Croley pointed out that the areas of deficit are directly tied to law enforcement and inmates. He acknowledged that the board has responsibility for the facility of the jail. He also acknowledged that past commissions have been negligent in adequately funding the facility. He encouraged the board to improve and expand the facility. However, he pointed out that the funding deficits addressed at this meeting are related to unforeseen expenditures - regardless of the degree of responsibility the board is willing to take on in the future.

Commissioner Dixon stated, "There is something more sinister that will happen next year when/if the super exemption (homestead exemption) passes. The revenue of the county will go down \$1.5 to \$3 million...The Board will have to monitor the "pocketbook" because money is not likely to be "found" in the next fiscal year." He reiterated that the Board needed to be aware sooner rather than later with regard to the jail issues. He summarized by saying, "The jail is the sheriff's job, but it is ultimately is our responsibility to make sure that he is whole and we must put that money out there."

Commissioner Lamb concurred with the other commissioners about living up to the responsibility to adequately fund the sheriff. He suggested that the Sheriff give regular updates as to the issues as they arise.

Commissioner Dixon suggested that the Sheriff and the OMB open a dialogue and meet once a month to discuss where the trends are, line item concerns, etc. When concerns arise, the OMB staff could then bring it to the Board's attention for consideration before the problem escalates.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO PROVIDE THE SHERIFF'S FUNDING REQUEST, DIRECT

**THE STAFF TO PREPARE APPROPRIATE BUDGET AMENDMENT AND
SCHEDULE A PUBLIC HEARING FOR AUGUST 28..**

**2. Update of Escambia County Housing Finance Authority -
Single Family Mortgage Revenue Bond Program for First
Time Homebuyers**

Ms. C.J. Pipkins addressed the Board. She told the Board that Escambia County Housing Finance Authority has provided \$1,000,069 in bond money for low interest home mortgages to first time home buyers in Gadsden County over the last year. Those mortgages were provided through BB&T, Capital City Bank Group, Regions Mortgage, Sun Trust, Countrywide Mortgage, and Synovis. She also said that there will be new bond money available in approximately one month.

Upon being questioned by Commissioner Croley, Ms. Pipkins reported that the default rate for the program ranges between 4 - 8%.

2A Support of Workforce Development Week in Gadsden County

Jon Brown introduced Proclamation 2007-042 in support of Workforce Plus. He read the proclamation into the record.

Debbie Tharpe, Workforce Plus, addressed the Board. She thanked the board for their support in the G*Stars Program then gave a brief synopsis of the program and how it benefits Gadsden County.

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND LAMB BY
COMMISSIONER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO
APROVE THE PROCLAMATION RECOGNIZING MONDAY, SEPTEMBER
3, 2007 THROUGH FRIDAY, SEPTEMBER 7, 2007 AS 2007
WORKFORCE DEVELOPMENT WEEK.**

CONSENT AGENDA

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

3. Approval of Minutes
February 13, 2007
May 31, 2007
July 3, 2007
July 10, 2007
July 17, 2007
4. Ratification of Approval to Pay County Bills
Accounts Payables dated: July 20, & 27, 2007
August 3, 10, & 17, 2007
Payrolls dated: July 12, & 26, 2007
August 2, & 16, 2007
5. Approval of Update on the Impact Fee Study by Government Services Group
6. ~~Approval of Chair Holt's and Commissioner Dixon's Travel to the Florida Association of Counties', All About Florida Board and Leadership Retreat in Ocean Reef Club, Key Largo, Monroe County, FL leaving on August 23 and returning August 24, 2007~~

This item was deleted from the agenda as part of the amendments to the agenda at the beginning of the meeting.
7. Approval of 2008 Small County Solid Waste Grant Agreement SC809 October 1-2007 through September 30, 2008 \$277,316.00
8. Adoption of Resolution 2007-040 to Amend the Capital Improvement Element of Gadsden County Comprehensive Plan to Include Drake Acres Park
9. Approval to Add Shelfer Park on Rich Bay Road to the Florida Recreation Development Assistance Program Grant Project List
10. ~~Approval of the Gadsden County Tourist Development Council Grant Request to the Havana Merchants Association for the Havana Pumpkin Festival (\$5,000)~~

This item was pulled from the consent agenda and placed for discussion.
11. Approval of Bid Award Bid No. 07-05 Gretna Fire Station

to G & L Steel Building of Quincy, FL for \$146,000.00

12. Approval of Appointment of Dr. Carol Sutton as EMS Medical Director for two years beginning October 1, 2007 until October 1, 2009 at \$20,000 per year

13. Approval of Contract with Iron Cove Solutions for SPAM and E-Mail Virus Filtering/Prevention services for \$485.10 per Quarter December 18, 2006 through September 30, 2007

CONSENT AGENDA ITEMS PULLED FOR DISCUSSION

10. Approval of the Gadsden County Tourist Development Council Grant Request to the Havana Merchants Association for the Havana Pumpkin Festival (\$5,000)

Mr. Lawson stated that the reason this item was pulled from the consent agenda for discussion was because a question arose regarding the corporate status of the entity that requested the money. He said that the staff made an inquiry into the Merchant's Association Inc. and found that it was inactive.

Attorney Williams advised the Board that it would not be appropriate for the Board to disperse funds to this organization while they are inactive. He suggested that they become reinstated prior to making such a disbursement.

Jim Kellum, member of the Merchants Association, addressed the Board. He explained that the association can be reactivated quickly and simply by filing paperwork with the Secretary of State. However, it could not be done via the internet - it would have to be done in person.

A MOTION WAS MADE BY COMMISSIONER CROLEY AND SECONDED BY COMMISSIONER LAMB TO APPROVE THE FUNDING ONCE THEIR CORPORATE STATUS CAN BE VERIFIED.

COMMISSIONER DIXON OFFERED A FRIENDLY AMENDMENT WHICH WAS ACCEPTED BY COMMISSIONER CROLEY TO APPROVE THE FUNDING PENDING THE VERIFICATION OF THEIR CORPORATE STATUS BY STAFF, BUT NOT REQUIRE THEM TO COME BACK TO THE BOARD FOR FURTHER APPROVAL - TO ALLOW DISPERSEMENT

OF THE FUNDS AS SOON AS THE STAFF CAN VERIFY THE CORPORATE STATUS. THE BOARD VOTED 5 - 0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

CITIZENS REQUESTING TO BE HEARD

Ron Tyler - Noise Ordinance

Mr. Tyler addressed the board and passed out a letter outlining his complaint against Keith Brooks about noise in his neighborhood. He pointed out that the noise ordinance doesn't go into effect until 10:30 at night. He said that Mr. Brooks works on motorcycles and uses loud generators until 10:30. He asked that the ordinance be changed so that it goes into effect earlier.

Additionally, he reported that Mr. Brooks was using a recreational vehicle as his residence and his repair shop - located at 90 Forest Road - in a residential neighborhood. He said that he uses gasoline generators to power the home and business.

Commissioner Lamb concurred with Mr. Tyler's complaint.

Discussion followed.

Commissioner Dixon suggested to Mr. Tyler seek civil remedy through the court system to the extent that the ordinance provides.

Mr. Tyler asked that the Board enforce the ordinance.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AGENDA THE NOISE ORDINANCE FOR DISCUSSION.

Ron Kemp - Greensboro Small Engine Repair - Request to allow him to relocate his business to Atwater Road and US 90 -

Mr. Kemp stated that he owns Greensboro Small Engine Repair and desires to relocate the business to a parcel which he and his wife purchased near Atwater Road and US 90. He said that he has been told that he does not qualify to operate a neighborhood commercial business because his property is not within the 500 ft required by the Code.

(In an agriculture zone, the property must be within 500 ft. of an intersection of arterial and a collector roadway to qualify for neighborhood commercial use.)

Growth Management Director Bill McCord explained that there was a comp plan amendment proposed, approved by the Board to transmit to DCA, approve by DCA, then it was brought back to the Board for adoption. However, the Board tabled action on that comp plan amendment. In that comp plan amendment is a provision that would allow Mr. Kemp to do what he would like to do. Just recently, that amendment has been bundled with others that are under review by the Planning Commission. As soon as they are ready to make their recommendation, it will be back before the Board for review/adoption. But, until the Board takes action on that amendment, there is nothing the staff can do to help Mr. Kemp.

He clarified that a lot of things have to happen in order for the Kemps to be able to relocate their business. First, the comp plan has to change. Second, if the comp plan text amendment is approved, the Kemps parcel is still beyond the 500 ft. distance from a collector and arterial roadway, so they would have to get a variance. In order to get the variance, they would have to qualify for a hardship which they may or may not qualify for. In addition, the Kemps would have to get a site plan review approved by the Board.

Mr. Kemp said he thought some of the requirements are outlandish. He contended that he had not misunderstood what the staff told them, but that he and his wife were misled. He said the information they had been given had been confusing and misleading.

He was directed to go through the planning and zoning process.

Clarence Jackson and Willie Scott - Gadsden County Senior Citizens Organization

Mr. Jackson thanked the Board for the funding in past years and encouraged them to continue to be generous. He then gave a brief synopsis of the services that they provide to qualifying residents.

Mr. Scott stated that he is a member of the Board of Directors for the Senior Citizens Organization. He implored the Board to continue to fund the Senior Citizens.

Commissioner Croley stated that he had been out to visit with Rev. Jackson and Mr. Scott. He reminded them of a report that he had requested during his visit.

John Yerkes - Citizen's Petition Against a Garbage Drop-Off/ Transfer Station

Mr. Yerkes addressed the Board, then presented a petition containing 350 signatures. The petition was signed by residents in District 1 who are opposed to a rural waste site being place on US 90 as previously considered by the Board. He acknowledged that the Board had suspended their vote on the issue for the time being, but he wanted the petition on the record documenting their opposition.

PUBLIC HEARINGS AGENDA

14. Public Hearing - Approval of Rate Increase of Communication Service Tax

County Manager Marlon Brown stated that this item seeks approval of the Board to increase the current Communications Services Tax rate from .44% to the statutory maximum rate of 1.84%.

Croley:

Excuse me for interrupting you, Mr. Manager, but I raised an objection about this item being agendaed. So, before you go over that, Madam Chair, I still continue to stand on the ground that this was not an item that was requested or approved by the Board of County Commissioners to be added. There was no authority granted by the Board of Commissioners to order the drafting of the ordinance and that has been confirmed by Ms. Straughn here representing us from the Clerk's records. And, so, before we go any further with it, I would like that made clear. Not only made clear, but also the fact that it clouds any legal action in my mind about it going further. Not following the proper process.

Holt:

Mr. Manager, we had this discussion before you came and

Commissioner Croley said that he did not want it on the agenda. I also stated that when we were discussing it before about this tax, that we wanted it back by/before the deadline date - when we were discussing the budget - the other taxes that were discussed - the MSTUs and the MSBUs. Those were voted down. We said at that time that we wanted these to come back, they would be back in time before the deadline date. That was the discussion on this commission. Everybody said - we did not vote, but we all said - yes, we will have that back in time. We were trying to meet that July deadline to get those others voted either up or down. This Board decided to vote down those gas taxes. So, that is gone. But, that is what we decided that day. We discussed it. We didn't vote on it.

Croley:

Madam Chair, respectfully, the minutes reflect that the discussion held in April when the alternative revenues were presented - on a 3 - 2 vote - that we would move forward on Commissioner Dixon's motion, seconded by Commissioner Price, that these items be moved forward to the next meeting for discussion. And, at the next meeting, the only item discussed and action taken on was to move forward on the gasoline tax. That again moved forward on a 3 - 2 vote. And, it was moved forward that an ordinance would be prepared and that the Board would hold a public hearing on it. At no time, can I find in those records, and it has been attested to, that this Board ever authorized the drafting of any ordinance or agendaed for this public hearing. Therefore, any action taken now to raise the communications tax without it being done in proper form, I don't believe is going to stand up.

I would like for the attorney to make a call on that.

Holt:

O.K. I am not sure. Right. He will. He has to. What I was about to say is that I would have to watch the DVD. I always say CD because I am old and I just moved over to CD and now they have DVDs and I missed all of that. But, what I am saying is that I am not disputing the record itself. I have seen disputes in the record compared to it being video taped and that is the reason that I would rather watch the video tape and that way I would know exactly what was said and done.

Because they can't put everything in there in written form. But, I just want to let that be known. We did discuss that and, as far as I remember, said that it would come back and we had until the fall to do this. Now, that is my memory of that whether it is recorded or not.

Mr. Manager, what was your purpose for putting this on the agenda.

Brown:

Again, commissioners, if the commissioner can direct me as to the process that he is talking about as to items being placed before the board for board action, I would be more than happy to take that process and see if there is a violation of us putting it on the agenda.

As the county manager, I have a right to place items on the agenda that I believe is in the best interest of the Board and the citizens of Gadsden County. That is one of the reasons that we have this on the agenda this evening. As well, I believe that there was direction from the Board, whether implicit or explicit. I mean, I understand that there was no vote taken, but we were to bring these back in due process and in due time to get it deliberated by the Board of County Commissioners.

Holt:

Commissioner Dixon. Excuse me, he had his hand up.

Dixon:

Madam Chair, there are, my vote and my intent was to move it forward and bring it back before this body. You always have the right to vote it down. That is why it is put on the table - to be voted down. I don't think there was a problem with bringing it forward. I mean, we haven't passed anything. How things get to the table can be very different. Something can come to the table tonight if we allow it. I don't find any problem with this and I would like to hear from the attorney, but I don't think that it is that big of a deal. He can always ask the other members of the Board to take a vote on it - whether it should be here or not and whether it should be passed. But, the process is the Board's.

Croley:

Madam Chair, here is the thing. Excuse me.

Ms. Straughn, did you review the DVD that they have referenced? Did you find any mention that this communication tax would be moved forward and any action taken beyond discussion at the next meeting.

Straughn:

On May 31st,

Williams:

You need to speak into the microphone.

Straughn:

On May 31st at the workshop, it was discussed. There was a motion to move forward for discussion, the communications tax and the gas taxes. At the following meeting on June 5th, the communications tax was not discussed. The gas taxes were discussed. There was direct authority and direction given to the county manager and the county attorney to prepare those ordinances and bring them back - the gas taxes. The communications tax was not discussed and I have not seen any other reference to the communications tax since May 31st when the Board said to bring it back.

Holt:

Right. And you are saying that was for the following meeting, the next meeting.

Straughn:

At the 31st meeting, it was to be brought back on June 5th. At the June 5th meeting, the communication tax was not discussed.

Holt:

Did it reference specifically that it had to be brought back for that meeting?

Straughn:

I honestly don't recall that it said specifically that it had to be brought back, just brought back for discussion.

Holt:

Alright. If it is on here, I think Commissioner Dixon

may be right about that, we can discuss it. Vote it up or down, but I am not sure. Mr. Attorney?

Croley:

It says, Madam Chair, in the April meeting, it would be brought back at the next meeting for discussion. That was the motion and that is what was approved. What my complaint about this is, the manager, with all due respect, has no business instructing the attorney to be writing up ordinances for this board. Now, if, Commissioner Dixon, I agree 100%, if this board wishes to move forward with an ordinance and instructs the attorney to write that ordinance up within certain parameters, that is one thing. But, in this case, it is the tail wagging the dog because the manager took the initiative and his staff to order an ordinance written and his interpretation about what is in the best interest of the people of Gadsden County.

I say that we are elected to make to make those decisions and it should have come from us, not from the manager. And that is where I am having a problem. The attorney, who we legally need to let speak, and address this issue first about the process and then we can go forward from there or whatever. So.

Holt:

Hold on. I have asked the attorney to speak, then we will move on.

Williams:

Ah.

Holt:

Are you lost for words?

Williams:

I can tell you - I'm trying to figure out where to start. I've got a whole bunch to say. But, everyone is right, here.

Dixon:

That's a good way out.

Holt:

That is a new one.

Williams:

Procedurally, it has been brought to the commission in a way that, from an unspoken policy, is not the normal way the issues have been brought before you. But, staff has an obligation to get issues before the commission necessary for the commission to properly rule on them. If for some reason, the procedure is not properly brought before you, staff is then suppose to inform you that they did that and then the commission ratifies those actions, so, therefore, it is not an improper act. So, the issue should be brought before you that by the normal process where the commission authorizes staff to go forward and bring an ordinance before - if that is not what happened, then there is a valid question as to why did it happen. If that reason is suits you, then you approve the actions of your staff to properly frame the issue before you. So, the issue of whether you want to go forward is asked and answered by Mr. Suggs, if I am not mistaken, Mr. Manager, explaining why he had to do it this way.

Then, Madam Chair, I think it would be appropriate to either vote it up or down to ratify his actions which takes the issue of whether you want to put it on the agenda first. So, you still have a missing element as to what was the reason and why he felt he needed to do it this way.

Holt:

O.K.

Mr. Suggs?

Lamb:

I just wanted to - the statement that I wanted to make is that the reason that you should bring it before this board to make a decision for discussion is to involve the citizens in those discussions. You don't bring anything here without letting them know in time and with a date so they can be here if they have questions and they have a right to know.

Holt:

O.K.

Mr. Suggs?

Suggs:

The reason that we brought this ordinance to you in this fashion, you know we have talked about this for about 4 - 5 months. As the manager said, whether implicit or explicit, the Board did express to hear this at a later date other than when we discussed the gas taxes, in our opinion, to consider for the upcoming year. O.K.?

Commissioner Lamb, this ordinance has been advertised for the last 10 days according to all of the rules and policies and statutes governing public hearings. The very simple fact of why it is before you today is because the deadline to get the information to the Department of Revenue is September 1st and this is the last scheduled meeting of the Board before September 1st. That is the date. September 1st and it will become effective January 1st. If not, we will have to wait until next year.

Croley:

Well, I

Brown:

Commissioner, I believe that Commissioner Dixon was next.

Dixon:

The intent of the Board is just as important as the motion of the Board. We didn't discuss anything else because everything else we needed to discuss, gas taxes and the like, had a June or July deadline stuck in them. So, the intent of the Board was to continue to move forward. We are talking about this as if it has passed already and that some harm has come in that people have not had an opportunity to see or hear.

No one is saying that it was not properly advertised, which is when you want to bring the public to bear. It has been properly advertised, so that being said, I would not want Commissioner Croley to be right about whether we are going to be legal or not. So, Mr. Attorney, I want you to tell me how, - while I have no problem voting to ratify what has already happened. Once again, I said something and you came back and said it again, and chi-chine, the clock went off. But, I don't have a problem with ratifying it, but I want to

make sure that we are insulated from any problem with this.

Williams:

Madam Chair, the reason that I said that Commissioner Croley is correct is that it has been an unspoken policy of the Board that when we have an ordinance that we need to go forward with, even though there has been no public meeting for it, the issue has been brought by staff before you for you to discuss.

Dixon:

I am aware of that and anybody around this table is aware of that. Tell me how we insulate ourselves against the fraction of a percentage that he might be right.

Williams:

The next step is simply ratification of the Board that they want this item on the agenda. No disrespect to the commissioner, he is procedurally correct. I don't think that from a collegiate body doing it's business, that it is an improper issue for the staff to bring before you. The staff is charged ultimately to make sure that you can make decisions on items. If it is a choice between not bringing an issue to the commission because they may not have followed the procedure, but bringing it to you so that you can decide on it, they have to always choose to get the issue before you. That is a simple process.

So, Commissioner and Madam Chair, if I may, what I am saying is, realizing that staff got this issue before you and realizing that there would have been no public hearing before, it would simply have been a discussion and a vote to bring the issue. Now, it has been publicly advertised as it would have been done anyway. There are no negatives associated with it. It is just the way our policy has worked. So, the procedure is to vote on the concerns of Commissioner Croley and say that you want to hear this issue and then have your discussion as you would in any other public hearing.

Croley:

Mr. Attorney, question.

Commissioner Dixon references advertising. I don't

have a problem with the fact that your firm ran the legal notices in the newspaper. I don't have a problem that you drafted up the ordinance in the form that the county manager and staff had requested that you do. What I have a problem with is that it wasn't authorized by the Board to be done. Mr. Suggs has said that he had five months. Where and why haven't you brought all this up during the last five months with the proper discussion in here and authorization. Now, what is being asked is that we go back and authorize what they have done after the fact. That is what the bottom line is.

Dixon:

We still have the ability to not authorize. It is not like we are painted into a corner. That is the whole point. Nothing has been done. There has been no harm to anyone.

Croley:

But, it has been no help.

Dixon:

I can remember back in the day before you Mr. Brown when and my leaning is always to the manager - if he thinks something needs to be brought to the Board, bring it to the Board. Because, as you will remember, Madam Chair, if contracts were up and we didn't specifically ask for them, they didn't come to this body. They just automatically rolled over.

So, I don't have a problem with a forward county manager bringing issues that this body believes are helpful because I can always say no and so can Commissioner Croley.

Holt:

So, I guess the procedural concern, not necessarily about this item, you are concerned about procedure and that is something that we need to look at. We are looking at deadlines right now and we are looking at this item. Do you want it to be approved for discussion? I need to know that. Let's move on.

Dixon:

Madam Chair, I move that we ratify the manager's actions and bring this up for discussion.

Holt:

I have a motion, do I have a second?

Price:

Second.

Holt:

We have a motion and a second, all in favor?

Holt, Price & **Dixon:**

Aye.

Holt:

All opposed?

Lamb & **Croley:**

No.

Holt:

O.K. 3 - 2, it passes.

O.K. Let's discuss it.

Brown:

Commissioners, this item is Item No. 14 on your agenda. It is the first item under Public Hearings. This item seeks approval of the Board of County Commissioners to increase the current communications service tax rate from 0.44% to the statutory maximum of 1.84%.

Commissioners, this communications service tax is one that is currently levied on all communications services in the county. The current rate as I eluded to is 0.44%. The maximum tax rate for non charter counties in 1.84%. Currently all the cities in Gadsden County levy at least 3% in communication services taxes. The staff is recommending that the county increase to the statutory maximum rate of 1.84%. The rate has to be changed by ordinance which is included as attachment number 1 by a majority vote of the Board of County Commissioners.

Commissioners, this has to happen before September 1 of this year to be effective January 1, 2008.

Commissioners, the fiscal impact, if you are so

inclined to approve the ordinance this evening, the current rate is expected to raise \$60,000 in 2008. If you adopt the maximum rate for non charter counties, which is 1.84%, it will produce approximately \$252,000.

Commissioners, again, this will not become effective until January 1, so there is a pro rating of the amount of the revenues that you will actually collect.

This communications service tax will be general revenue and is available to be allocated to any expenditure within the county.

Again, Commissioners, this is a public hearing.

Holt:

This is a public hearing. If there is anyone in the audience who would like to speak for this issue, then we will go for those who would like to speak against this issue. If you would like to speak and you are in favor of this issue, just come up to the microphone.

They are none in favor of it.

If there are any who are opposed who would like to speak against this issue, if you are in opposition?

O.K. Go right ahead.

Laslie:

My name is Marion Laslie. It is my understanding with all of your discussion from before that changes to the comprehensive plan and the ordinances require public notice. It really bothers me and it concerns me that I come to the meeting and the ordinance has already been written. It seems like the public needs to be able to have their input into this. I, as a citizen of district 5, I would like for my representative to vote to represent me and not vote for this increase in taxes on the people. Thank you.

Holt:

O.K., Thank you, Ms. Laslie.

Is there anyone else who is opposed to this item? This is a public hearing.

O.K.

Commissioners, Commissioner Lamb.

Lamb:

Mr. Suggs, could you explain to me and the citizens what does this tax include?

Suggs:

If you remember, back in about 2000 or 2001, before 2000, this county probably collected franchise fees from a cable company on the cable bill. You may have collected them on the telephone bills, too. Pretty much what the state did was that there were a number of different taxes on a number of different communications businesses. That the state did back in 2000 and 2001 was just consolidate all these communications taxes into the communications services tax. We now see it and it should appear on the phone bill, on the cable bill and it may also appear on satellite, it may be on that bill also. That is what the tax will be. You already levy the tax, we are just increasing it.

If you see, I have up here a chart of the current levies. The county, we are up here at .44% and how that .44% came - that was the default rate when the state made the switch. When they made the switch, there was a default rate assigned which is .2. Also, there is another add on of .24 default which you charge because we do no charge rental fees for our rights-of-way for communication companies. Instead, we charge .24% to get that back. Then the default rate of .2, that is what makes up the .44.

As you see, all of the cities in Gadsden County, the six municipalities up there, they currently levy this tax. The lowest one is Midway at 3.70. Everybody else is above 4%. Even with us moving to 1.86 which is the maximum for a non-charter county, we will still be well below any of what the cities charge in terms of this tax.

Lamb:

Specifically, it is cablevision, telephone and satellite, if you've got satellite.

Suggs:

I'm not 100% certain about satellite, but I am sure about phones and cable bill.

Croley:

It covers Direct TV.

Brown:

Commissioners, another point of interest as well, if Davin would show you the entire list, you will see that Gadsden County is probably one of the lowest in the state in terms of levying of that tax. Even the adjacent counties are well above Gadsden County in the levying of that communications services tax.

Holt:

O.K.

Commissioners?

Commissioner Croley?

Croley:

Madam Chair, most of those cities up there have lower ad valorem tax rates as a general rule. Secondly, it comes back and attests to the fact that my concerns about property authorization of this matter is evidenced by the fact that there is nobody here speaking for it. One person here is speaking against it. That is evidence that most of the people in this county don't know anything about it. It confirms everything that I am representing that if this was properly communicated and had been properly noticed to the public through our discussion, then it would be a different matter and we may likely have had more citizen participation and comment on the tax.

Madam Chair, when you get through talking, I will continue.

Holt:

No, you go right ahead, I can hear you very well.

Croley:

No, ma'am I want to make sure you hear this and you can hear two conversations at once.

Holt:

I listen to children all day, I can listen to 15 of them at the same time.

Croley:

Well, I guess that means that we are all a bunch of children up here.

Dixon:

No, I think she was talking to you.

Croley:

O.K. I will wait.

Pause.

My point is that we don't have proper public participation and you are talking about taxing retirees on what few pleasures they've got on a fixed income - on the satellite T.V. or Direct T.V. Folks on their cable T.V. or their telephone and it doesn't matter what everyone else is doing, it is what we do and it is how we do it that is important.

Then, another thing, what specifically are you going to do with this increased revenue? Do you have a specific use of it? The staff says it is going into the general fund for use by what purposes?

Holt:

O.K. Thank you.

Commissioners?

Dixon:

Madam Chair, As I recall, this is about .60 - .70 per month, so Commissioner Croley's cry about killing senior citizens is way off base and continues to be way off base. Making, you know, properly advertised, - He has been here a year and most ordinances don't get one person for it or against it. Most every ordinance that I have seen since I have been here, and surely he is aware of that.

So, can we get down to doing some business tonight or are we just going to spend the night waxing eloquently?

Holt:

O.K. Any other Commissioners? Comments? Concerns?

Dixon:

I motion to approve, if I am in order.

Price:

Second.

Holt:

I have a motion and a second. Now, we had public input, but I am going to make a quick exception. I see two hands in the audience. If you will come up right quick, you can have less than 3 minutes because that part is closed, but I want to hear what you have to say.

Patricia Stevens Due:

\$.60 might make a lot of difference to senior citizens. It's not just this \$.60. What about this hot, hot weather, what about the persons whose utilities have been cut off, food, and all of these things are to be considered. It's not just the \$.60. It is going to go on and on and on.

Holt:

O.K. There was one other hand.

Pat Curtis:

Hello, I am Pat Curtis. 761 Bear Creek Road. I didn't speak when you were asking for people who were for this because I just assumed - I just didn't do that. So, I am going to do that since there was a comment that there was no public comments or something for this.

One of the things as Mr. Suggs had explained is that this tax was put into place by the state government because they took away the franchise fees that the local governments could apply to the different utilities and such. They did that because there was so much inconsistency and they did it also for the benefit of those utility companies. They said, "Save us from all of this because we are having to deal with all these municipalities and all these counties." So, the state set this up, gave a parameter to let the government say, "O.K. here is how you will collect this." If there were franchise fees that were

collected by all the different municipalities to the utilities, that amount of money would still be put on the backs of the consumers. So, they took the franchise fees away and then they said, "Just collect this tax." So, consumers were going to get it even through the franchise fee costs which the utilities would put back on the consumers. Or, the consumers would see it directly as a tax.

So, I think this is a fairer way for consumers to see what the taxes are. Otherwise, they would never see what the real franchise fees were that they were getting put upon them by the utilities. So, I am for it. I don't see that it is a bad thing. We are in a situation where we have to pay for government. This is excellent way of doing that. And, I think that the other way would have been worse.

Holt:

The only problem when we discussed it at the Association meetings with the franchise fee, was that they put it in the bill and you didn't have any say so. So, but, anyway.

Dixon:

Question.

Holt:

Yes, we have a motion and a second. All in favor?

Dixon, Price, **Holt:**

Aye.

Holt:

Opposed?

Croley & **Lamb:**

No.

Holt:

O.K. The motion passes by 3 - 2.

**15. Public Hearing - Final Plat for Carman Maria
Subdivision (SD-2005-11)**

Growth Management Director Bill McCord was administered and oath by Muriel Straughn, deputy clerk, prior to

giving testimony. He gave a brief overview of the project as outlined in the agenda report.

Owners: Talquin Springs General Partnership and Rhonda and Darrell Stodard

Applicant/Representative: Matthew Parker of Parker Consulting Services

Location: Southeast corner of the intersection of Lakeview Point Road and McCall Bridge Road (CR-65-C)

TAX ID: 1-23-1N-4W-0000-00340-0200 and 1-23-1N-4W-0000-00340-0100

Plat Description: 20.66 acre parcel portion of a 43.23 acre parcel in the Rural Residential and Agricultural 3 land use categories. The plat consists of:

- 21 Proposed single family lots
- Rural Residential Land Use
- Single Family site built homes
- 1.94 acres of open space
- On-site storm water retention
- Central water

Type of Hearing: 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.

Land Use Change: October 18, 2005 - changed from Commercial to Rural Residential

Conceptual Plat Approval - P & Z Review January 11, 2006; BCC Approval on February 21, 2006

Preliminary Plat Approval - P & Z Review on April 13, 2006; BCC Approval on May 2, 2006

Planning Commission Recommendation on Final Plat:

July 12, 2007 - Approval with Special Conditions A - G

Mr. McCord highlighted the following points:

- Utilities are installed.
- 6" water lines have been extended to the project complete with fire hydrants.
- Temporary drain basin is located on Tract A, but will be abandoned upon construction of Phase II of the subdivision.
- Sidewalks are required along McCall Bridge Road

and Lakeview Point Road - not completed yet. As homes are constructed, the sidewalks will be completed. (This is one of the special condition.)

- Construction of the subdivision is substantially complete with only minor items remaining.
- Project will be built in two stages. First stage is the part being considered at this public hearing. If they are successful with a land use amendment they are pursuing via a settlement agreement, there will second stage where the common area tracts will be located.
- Lots will range in size from .71 acre to 1.10 acres. Average size is $\frac{3}{4}$ acre.
- Lots are clustered.
- Open space will consists of 4.63 acres. 1.94 acres will be in phase I.
- Roadways will be public roads - 60 ft. width; 20 ft. wide pavement with swales and ditch blocks to provide storm water retention within the rights of way as well in the retention basin.
- Covenants and Restrictions will still have to be approved.
- Findings are listed on Page 6 of the agenda report.
- Condition "h" should be removed as it was determined that a central mail system is not something that this Board should impose. It was recommended by a former Post Master.

Mr. McCord recommended that the Board move Option 1 without the special condition "h".

Chair Holt called for the applicant.

Matthew Parker, the applicant, was administered an oath by Muriel Straughn, deputy clerk. He spoke briefly saying that he was representing William Lee. He offered no new testimony, saying only that he was available to answer questions.

Chair Holt called for public comments from those who were in favor of the project. There was no response. She then called for comments from those who opposed the project.

Pat Curtis of 761 Bear Creek Road was administered an

oath by Muriel Straughn, deputy clerk. She said that she represented The Friends of Lake Talquin. She said they had concern regarding the development with septic tanks in the area of this subdivision. She asked the following questions:

- a. Will the applicants be required to hook up to central sewer if it comes within the required distance.

Answer: Policy 4.5.2 states that new development within one quarter of a mile from an existing central sanitary sewer system must connect to such system within 24 months providing that there is sufficient capacity. Policy 1.19 - Development order shall require development to connect to central water system within 24 months of it becoming available. Efforts to connect to central sewage systems must be undertaken at higher densities and intensities are desired unless the development provides it's own waste water treatment plant.

Williams:

The last question was about retroactivity. Whatever the law is at the time that a person applies, they are entitled to keep that law in place throughout the process, so you generally, you don't have retroactive laws. If you do make something retroactive, it's got to be very specific.

Curtis:

So based on the code that exists now, if sewer becomes available, then they are required to hook up to it within 24 months, am I understanding that correctly?

McCord:

Yes, Ma'am.

Williams:

A quarter mile, 24 months and if they have capacity.

Curtis:

Is there anything that needs to be put into the acceptance of the plat to make sure that that happens should sewer come down McCall Bridge Road. Is there anything that gets put in there or is there anything that happens to, after the fact, when that happens,

that they let the development know, then how does that get taken care of?

McCord:

One of the difficulties with the way this policy is worded is that it says "new development within a quarter of a mile." It doesn't define what "new" is. So, it may be that Carmen Maria is here for three, four, five years and then sewer might appear within a quarter of a mile within say five years. Since it has been around for five years, is that "new"? New to somebody, but we've talked about other issues. Now, it might be five years, it might be two years, it might be 25 years. It just depends on who you talk with and how they interpret that. That would be something that would need to be addressed by the Board.

Curtis:

Well, that is one of the concerns. That developments occurring, has been occurring in that area. I know that we are having more meetings to discuss development concerns and situations in that area, however, understanding what the impacts of septic tanks are to our environment and I understand that DEP is about to come out with their report in a few more months to indicate what those issues are. Preliminarily, speaking with some of the scientists involved with that, they do have some significant findings that we need to be aware of. I know that you all are working on updating the Comprehensive Plan with plan amendments. One of the changes in that is - currently, it reads that by 2005, the county shall review it's policies and procedures on permitting on-site treatment and disposal systems, which is your septic tanks, with respect to permitting, revise state regulations, land use controls and development technologies. That is what you have on the books right now. "By 2005." It is being proposed to change that to 2010. I would strongly urge you to consider not waiting until 2010. You need to make that sooner because these reports from DEP are going to be coming out. We already know what has happened in Leon County with their septic tank situation. That is just the concern that I have.

So, in saying that I was against the subdivision, it was more of trying to highlight the need of really looking strongly at these development codes for septic

tanks.

Thank you.

Holt:

Thank you, is there anyone else that is opposed to this project, to this item moving forward?

O.K. We have all the input from the audience.

Commissioners?

Dixon:

Madam Chair, to her point, what we have done in the past, Ms. Curtis, and I think when you began those meetings in the area, we need to figure out, and I know people already know and probably Mr. McCord does, where that basin is that feeds into Lake Talquin. One of the things, simply because sewer may or may not come to that area in quite some time. But, you can go to a higher level of treatment in terms of - what's it called? The system that we had them install on the lots around the lake?

Brown:

Package?

Dixon:

No. It's just a higher level.

Croley:

Like they have in Wakulla County.

Dixon:

Yeah, the kind that Wakulla County has. While it adds a couple of thousand dollars to the bottom line, but if you are in that basin and it comes to it, that might be something we will want to talk about moving toward as opposed to waiting for central waste water treatment because that will get you some of what you need now as opposed to five years from now.

Thank you Madam Chair.

Holt:

O.K. Any other comments?

Questions? Concerns?

Dixon:

Motion to approve Madam Chair.

Price:

Second.

Holt:

Motion to approve. All in favor?

All:

Aye.

Holt:

Opposed?

No response.

Holt:

O.K. Next item.

16. **Public Hearing - Conceptual Plat Review for the Plantations of Fox Chase - SD-2006-09 Major Subdivision (continued from July 17, 2007 meeting) Additional Material Added to this Agenda Report via the Amended Agenda**

Marlon Brown, County Manager, announced the opening of a public hearing regarding the above referenced project. He reminded the commission that this matter was continued from July 17, 2007 to allow the applicant to address questions raised at that previous meeting. He then turned the meeting over to the Growth Management Director Bill McCord who was administered an oath by Muriel Straughn, deputy clerk.

Owner: Plantations at Foxchase, L.L.C.

Applicant: Charles Hargraves, P.E. Hargraves Engineering, L.L.C.

Location: Southwest corner of the intersection of Glory Road (CR 379-A) and its intersection with Shade Farm Road (CR 483) to the north.

Description: 798.67 acres in the AG-1 land use category and 301.11 acres in the CONS land use category.

Proposed No. of Lots: 183 single family in a

clustering design

TAX PARCEL ID: 2-29-3N-4W-0000-00100-0000; 2-29-3N-4W-0000-00200-0000; 2-29-3N-4W-0000-00220-00000; 2-29-3N-4W-0000-00230-00000; 2-29-3N-4W-0000-00330-00000

TYPE OF HEARING: Quasi-judicial action in conjunction with the advertised public hearing as a Type II plan per Subsection 7202 of the Land Development Code.

THIS HEARING IS CONTINUED FROM JULY 17, 2007

Planning Commission Recommendation: Approval based on the findings as listed in the agenda report but subject to the special conditions a - i.

Staff Recommendations: Approval based on the findings as listed in the agenda report but subject to the special conditions a - i.

Historical Background:

- Land Use Change -February 15, 2005
- Previous Owners - Bear AG, LLC; High Hopes Farms LLC; St. Joe Timberland of Delaware;
- Planning Commission Review - April 12, 2007
- BCC Public Hearings - April 17, 2007; July 17, 2007
- The project was tabled because the Board requested that the applicant check into some environmental issues on the property including the location of lots, water tables, soil borings, capability of the site to be served by septic or Gretna sewage treatment facility.

Mr. McCord pointed out that the development portion of the property is not within ¼ mile of the City of Gretna sewage treatment facility.

He referenced the findings, recommendations and options listed in the agenda report.

Mr. Williams called the Board's attention to page 3 of the agenda report - Item D - Conceptual Plat Requirements. He suggested that use those requirements to assist them in formulating the questions they may have regarding the issues.

Mr. Bateman, attorney for applicant addressed the Board.

Bateman:

I am the attorney and I will not be offering any direct

testimony. Many of these things don't need to be testimony. They were simply questions that were asked of us by the Board to come back and clarify or enlarge upon and we are here to do that. We've also brought some people here that are subject to be asked questions about some of these issues if the board so desires.

I wanted to make sure that everybody got a copy of the August 20, 2007 letter, I guess that is included in the agenda. That is the letter from the applicant.

We looked back through the transcript as Mr. Williams advised. Also reviewed the August 6, 2007 memorandum from Mr. McCord through Mr. Brown setting forth the issues. One issue that I didn't see in there as I read through at the end was when Commissioner Croley asked Mr. Hargraves if he had discussed with the Water Management District, the recharge capability of a particular property. So, I've got Mr. Hargraves here to talk about that. That is a last minute catch that I made.

Let me say that to begin with I wanted to address what appeared to be the largest - that of septic tank vs. sewer. We out with Mr. Hargraves and met with Mr. Antonio Jefferson who is the manager of the City of Gretna, Mr. Skip Cook, who is the engineer for the City of Gretna and of course, their attorney, Mr. Harold Knowles from Tallahassee.

We sort of explored all of the issues, looked at the maps, looked at how far it was - it was about 2800 ft - determined by all parties involved to verify to Mr. McCord that it was over a quarter mile. It was about a half mile from the development site.

Gretna went to work, we went to work. We did our analysis of how much it would cost for the infrastructure, which I believe was included with my letter. Gretna went back and did some calculations for themselves about the economic feasibility of bringing septic to them. I'll let Mr. Jefferson speak to that in just a moment if that is o.k.

We also went back and asked our representative, Mr. Antonio Gaudio, who did our testing out there regarding septic tanks, tested the soil and that kind of thing,

to come here tonight to report to you.

So, if it is alright with the commission, I would ask Mr. Jefferson to come forth first and tell you what is the position of the City of Gretna, then go to Mr. Hargraves and let him tell you what he found out in his conversation with the Water Management District and then ask Mr. Gaudio to come tell you about the sites he tested and the borings he did and what type of soil and what the effects of that will be.

Holt:

Is that o.k. with the Board.

Bateman:

Mr. Jefferson, please.

Straughn to Jefferson:

Do you swear or affirm that the testimony you are about to give shall be the truth, the whole truth and nothing but the truth?

Jefferson:

I do.

Madam Chair, Commissioners, attorney and county manager, thank you for allowing me to represent the City of Gretna tonight on this issue.

Mr. Bateman is correct, we did meet on August 7th to discuss this issue. We got off to a rather rough start in these discussions, but after sitting down and kind of hammering it out - I am sure there have been some e-mails that have been flying between myself and Mr. Bateman that have probably been shared with you. But, at the end of the day, we came to the conclusion that one, there is the confirmation that the existing City of Gretna service is beyond the one quarter mile requirement from the developed area. The second thing is that we did explore the cost of extending the sewer line. That cost for the City of Gretna was about \$300,000. The significant cost for providing sewer to the subdivision would have to be bared by the developer and I think that cost came in somewhere in the area of \$2.7 million. In essence, about \$3 million to provide sewer.

We also talked about providing the subdivision with water. We are still in discussions on that issue, but that is not here before you for consideration tonight. But, I will tell you that I think that at the end of the day, we have both determined that if something were to materialize, that it would require a significant financial commitment from both the City of Gretna as well as the developer. I think that we will continue those discussions because there may be some opportunities to provide the service, but relative to the issue tonight, we are not in a position, according to your comp plan to provide the services.

Holt:

Would anyone like to ask Mr. Jefferson anything.

Thank you, Mr. Jefferson.

Mr. Bateman?

Bateman:

Charles Hargraves, whose is our engineer of record and the agent for the applicant wants to address Mr. Croley's concerns about some of the issues he raised at the last meeting.

Hargraves:

Good evening, commissioners.

Straughn:

Do you swear of affirm that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth?

Hargraves:

I do.

I am Charles Hargraves and I am the applicant's agent and the engineer of record for this project.

Since our last meeting, we did go back and try to address some of the concerns that were raised, particularly by Commissioner Croley regarding the potential for recharge from this area and the potential impact from septic systems to the aquifer.

We spoke with Chris Richards over at Northwest Florida

Water Management District. He is the Chief of Ground Water Management Bureau. We asked him about the potential for contamination of the aquifer from septic systems or from storm water from surface water infiltrating into the ground. He said that there were 200 - 250 ft. of a clay material, different types of clay that would confine the aquifer from the surface water and the potential for recharge in that area is very, very low. I am not an expert and I am certainly not a geologist. So, please forgive me for my butchering of his analysis there.

He went on to say that the potential for impacting the aquifer because of that would be very low. We don't have any maps that the district has issued showing high impact areas or areas of concern from that prospective that we were able to obtain. Typically, you do find that your recharge areas for the aquifer in sandier soils where surface water falls and infiltrates quickly.

You also asked me about the impacts to the Quincy Creek Watershed and to the Telogia Creek. The vast majority of the project is located within Telogia Creek watershed.

Allen, would you pass out the - we've got a little watershed map that came right out of your comp plan amendment which we have tried to the best of our ability to locate the property on. It has the watershed delineation for Quincy Creek and Telogia Creek basin and just guessing on there, I would say less than 2% of the sites are located within the Quincy Creek, so most of the water that falls on this piece of property is going to eventually end up in the Telogia Creek Basin.

Our plan of development with regard to storm water impacts are to follow all of the federal, state and county regulation with regard to water management.

Beyond that, I don't know if there were any other particular concerns that you were looking for us to address with regard to impacts, but we can say that we will comply with the rules and regulations that are in place.

Holt:

O.K. Are there any questions for Mr. Hargraves?

Croley:

Mr. Hargraves, I don't think, I mean, we can go back and check but I don't think that my focus was on the aquifer as much as it was on the surface waters of Telogia and Quincy Creek watersheds.

Hargraves:

O.K.

Croley:

Those, that is fine, but did you get anything in writing from that gentleman (inaudible)?

Hargraves:

No, sir, I did not. We spoke with him today because I had a conversation with Mr. Bateman and he pointed out that the report that staff had sent us earlier in the week, I believe, I'm not going to swear on that, contained items and issues that were brought up. We went through that list and tried to address those the best we can. With me today, I have Anthony Gaudio, he is a master septic tank contractor and Florida underground utility contractor. I hope I didn't butcher his title, but he can certainly talk to you a lot more about the on-site waste water treatment facilities and stuff. We also have Mr. Pope here from Pope Environmental that can talk to you about the management of wildlife.

Holt:

Any other questions from Mr. Hargraves?

Turn the phones off.

O.K.

Bateman:

Madam Chair, next, I am going to ask Mr. Anthony Gaudio if he will come forward, please.

Straughn:

Do you swear or affirm that the testimony you are about to give will be the truth, the whole truth and nothing but the truth?

Gaudio:

I do.

My name is Anthony G-A-U-D-I-O.

Bateman:

Mr. Gaudio, I am going to ask you to, because this is a quasi-judicial

Holt:

Mr. Bateman, you wanted not to interrogate this man, I am sure.

Bateman:

I wanted to ask him a couple of questions.

Holt:

I know, but I just needed you, - the audience doesn't know what you are doing and I just wanted to let the public know.

Bateman:

I need to ask him a couple of questions if you don't mind.

Holt:

Alright. A few questions. Thank you, you jumped up and made it look like you were going to do something to him. O.K., thank you.

Bateman:

Mr. Gaudio, first, would you please just give the commission your qualifications and what your license is in the State of Florida and tell them about this sewage situation out there and what is the best to be done then answer any questions that they might have.

Gaudio:

I am a master septic tank contractor. I was the first master septic tank contractor in the state. I have been installing septic tanks for 35 years. I also am licensed to do site evaluations and my firm was engaged by Mr. Hargraves to go out and do site evaluations on 46 of the lots in the Plantations of Foxchase Subdivision.

We did not find any soil or site conditions in those 46 lots that we evaluated by a state certified environmental health specialist that would prevent them from meeting all the requirements of the Florida Administrative Code Chapter 64 E-6 - governing on site waste water systems.

In addition, all the conditions of the Gadsden County ordinance can be met. This, of course, is for properly installed and properly maintained systems.

Bateman:

Will you tell them please about the soil conditions out there and what it means as it related to the effluent getting into the aquifer and that kind of thing.

Gaudio:

As Mr. Hargraves mentioned, what we found was horizons of loam, loamy sand, sandy clay loam in the 72 inches that we evaluated. We did not encounter any sandy clay or clay soils which are soils which are not usable for on site waste water systems. Underneath this type of soil that we located there, there is a combining layer of clay that prevents or limits the intrusion of effluent into ground water. Surface waters are protected when the systems are properly installed and properly maintained.

Williams:

Mr. Bateman, are you trying to qualify Mr. Gaudio as an expert? If you are, I am willing to stipulate to it.

Bateman:

I don't know that you necessarily have to designate him as such, but I think he stands on his own credentials, but, yes, I am trying to qualify him as an expert.

Holt:

Commissioner Croley?

Croley:

So you surveyed, I believe there are 187 lots, and you surveyed 46 of them. Is that what I understood you to say? Approximately 25% of the total number of lots in the project.

Gaudio:

Yes, sir.

Croley:

And you confirmed that what you have is a rather, as stated by Mr. Hargraves, a rather impervious layer of clay underneath. And you said that you measured down 72 inches, six feet, to do the boring.

Gaudio:

By hand. Yes, sir.

Croley:

Well, I hope it wasn't as hot as today. But, anyway, you confirmed that basically, this water doesn't percolate down very well past that clay layer at six ft. Is that right?

Gaudio:

What I said, sir, is that these soil types, which is the soil that we encountered was sandy clay loam, which has an acceptance rate that permits on site waste water systems. Typically, by looking at the soil maps in this region, there is a deep confining layer that protects the aquifer. So, typically, on-site waste water systems are dissipated in the upper regions, or upper horizons of the soil.

Croley:

But, the point and the concern that the residents and some of us on the commission had was that that impervious layer of clay is what - when it rains a lot - makes that land somewhat wetter because it retains that water.

Gaudio:

Yes, what we found, we found what is called modeling in the soil, which is the indicator for seasonal high water table. But, all those indicators were within the range that allows on-site waste water systems. So,

Croley:

You can put a septic tank in a lot of places, yes, sir.

Holt:

Mr. Gaudio, you said you surveyed 40?

Gaudio:

Yes, sir, I mean, yes ma'am.

Holt:

That's o.k. Don't worry about that, it is o.k.

Gaudio:

I just want to clarify that Mike Sundean, an environmental health specialist who is in my employ, did the actual site evaluations.

Holt:

Would they sparse throughout or were they in specific locations? Did they go throughout the development? How was that done?

Gaudio:

Do you want to show them?

Hargraves:

I apologize, but I do not believe that we have the map that shows it. But, what we did is we tried to look at areas that we felt like were more prone to impacts from potential wetlands. In other words, when we located and identified them, oh - you do have them?

This is not very big. We tried to spread it around in the development.

Holt:

Just get the portable mic, hold the mic for him and let him show us the map. Just kind of stand right here and or let him hold it while you hold the map. He doesn't want to give up the mic.

Hargraves:

I will hold it and try to manage. He's hogging the mic long enough. (laughter)

Alright. What we tried to do here was to spread the tests around.

Holt:

Hold the top.

Hargraves:

Concentrating along the areas outside of the wetlands

where we felt like there would be higher potential for issues from ground water created from surface water run off. This is a wet land, this is a wetland. We concentrated along the back sides of these. This is an area where we indicated previously in the last meeting that we had some ground water that was a little higher than what it should have been. We adjusted this road up and dropped in a cul-de-sac down in here to remove the development from that location. But, we did try to break it out and while it is only 25%, it was what was required for the preliminary plat stage, and we felt like it was, because of the concern the Board had, that we would go ahead and do it at conceptual stage to try and address those concerns.

McCord:

Commissioners, I believe that in Attachment #2 of your agenda report, it indicates the lots where they did the borings that would correspond with the aerial photograph. The lots with the stars on them.

Holt:

Can't give these to people with bad eyes, though. It is too small.

Croley:

Madam Chair, I wondered what those stars meant. I didn't see an explanation or a footnote on there. It is very small, I might have missed it.

Holt:

O.K. Mr. Bateman?

Bateman:

Madam Chair, I would next like to - that is all we have with regard to the sewer septic tanks at this point in time. The applicant has agreed as we proceed, if we proceed to the preliminary plat approval, to do 150% of the required drain field and to also require the residents to sign up for a maintenance contract to make sure that the septic tanks are kept in good condition as part of the covenants that go along with the particular property. That is not really appropriate here at the conceptual stage, but we are going to pose that to, we have already asked our client and we are going to pose that to Mr. McCord.

I would now like to call Mr. Kevin Pope of Pope Environmental. Mr. Pope is experienced in doing wildlife and doing conservation management programs. I would like Mr. Pope to explain his credentials, who he has worked for, what he has done in the past and basically, I have given you his scope of offered services here. We have not yet entered into a contract in case there were other items that Mr. McCord or the Board might require as conditions. But, I will let Mr. Pope explain his background.

Mr. Williams, if you would like to stipulate to his expertise at any time, that would be great after he talks.

Thank you.

Straughn:

Do you swear or affirm that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth.

Pope:

Yes, ma'am, I do.

I am Kevin Pope, a principle of Pope Environmental, a Tallahassee based environmental consulting firm. Among other things, we conduct a good bit of conservation management planning for a variety of different kinds of conservation lands. We do conservation management planning for places that you probably have heard of like Tall Timbers, Apalachee Land Conservancy, State DEP, Northwest Florida Water Management District and local governments, cities and counties, as well as private land owners.

We have conducted or prepared conservation management plans on other sites similar to this. I am not sure what your ordinance calls it. In Leon County it is called a conservation subdivision where more than 50% of the land is set aside. Conservation management plans are required in most communities that have these kinds of subdivisions. We have done this sort of work before. I and my staff that do this sort of work all have at least 20 years of professional ecological experience in the State of Florida. So, we are pretty familiar with what we are looking at.

If you have any questions about that, or?

Croley:

What are we looking at? Tell us what you are looking at.

Pope:

I am not sure that I follow you.

Croley:

Have you been on the property?

Pope:

I have not been on site, no. I am not under contract yet.

Croley:

So, you have not been anywhere on the site.

O.K.

Let me state general concerns that came up. This property has a series of wetland areas as well as wet weather ponds. Cypress ponds, which is explained by the impervious layer of clay underneath. So, the surface water stands there in rainy seasons.

You've got various types of wildlife that move back and forth across the properties. The concern that some of us on the commission had was that the way the houses have been proposed in this conceptual stage creates a barrier to the movement of those wildlife species back and forth because of the fact that it is clustering on the property. It has created a barrier, so to speak, by these lots and these houses.

The question was - Could the developer better handle these wildlife management issues by having better corridors for them to move north and south; east and west in. I am sure from looking at that, you could probably appreciate why that question might come up. Will there be validity to that in your opinion.

Pope:

It certainly - one aspect of conservation management planning is connectivity. It is one of the first

things that I mentioned when I looked at the aerial photograph. What I have seen is essentially this site plan on top of an aerial photograph and then I have gone back and looked at high resolution digital aerials that we have in our shop.

Again, not having been on the site, don't really know the resources on site except that they are probably very similar to things we have seen elsewhere. This kind of design is very similar to what I have seen in many other conservation subdivisions. There is - I can't speak for all areas, but at least in the central area, there is good connectivity between the larger conservation clusters - conservation aerials that I will call them, both internally and off the site which is the first thing that I noticed that there was some good connectivity. I have seen places where they do, for example, circles, where you make an island in the middle that is not accessible and it does significantly degrade that habitat. That is not the issue here. It's not to say there might not be places where it could be better. I can't say without looking specifically on the ground if there are places where it could be improved.

One thing I did mention to Mr. Bateman when we first looked at it is ask him about what those crossings were - if they were causeways or how many culverts there were, if the culverts were sized so that critters can move through them. There are various design parameters that you can use to accommodate different species moving through those corridors.

I haven't seen those plans to see, but as part of the conservation management planning effort, we would look at that and make recommendations about how those connections could be maintained for the wildlife species.

Croley:

But, my point is, is that was a valid concern as far as the wildlife is concerned. They will need to move.

One final point. This is an observation that affects everyone of us as commissioners for our respective districts. Whether it is Telogia Creek watershed or the Apalachicola or the Lake Talquin or the Ochlocknee

and in my case, the Little River, which is a part of this Lake Talquin watershed. It includes the Quincy Creek. The fact that we've got the Friends of Lake Talquin here and others her. Today, I ran into a US Fish and Wildlife Fishery survey crew, who are doing an analysis of the muscles, the shellfish on Little River, which is upstream from Commissioner Dixon's district as well as Commissioner Lamb's. They are concerned. They were from Panama City - a four member team. Their concern was that in this county, we are seeing a deterioration in our surface water quality. That is having a negative impact on the shellfish and muscles which you are probably much more familiar with technically than I am.

Now, these concerns seem to be under study and they are going to send a copy and I want to make sure that the manager gets that - their report - for sharing with the other commissioners. But, my point is that we have a valid concern in any of this conceptual process about what is going to happen with the surface waters. Given representations from these type of government regulators and so a lot of people are asking those questions and we have to act on those concerns in a responsible manner.

Madam Chair, that is all I have to say.

Thank you.

Holt:

O.K. Thank you.

Any other questions from commissioners?

Mr. Bateman?

Bateman:

That is all the evidence I have to offer tonight as it relates to whether the other issue set forward whether the property was appropriate for this kind of density and whether we deserve the 10% bonus. I think the 10% bonus at the conceptual stage as it says in the Code. You apply for it at the conceptual stage, then you have to meet the criteria at the preliminary review. Then the requirements and confirms specific design criteria prior to the development order. So, for what we are

requesting here today, I think what we've done, we have qualified for it as far as requesting it and obviously, I rely on Mr. McCord's findings to state that we believe that this piece of property supports the density as requested.

Thank you very much, Madam Chairman.

Holt:

Mr. Bateman, what you are saying is that you feel the applicant has met all the requirements - is that what you are saying?

Bateman:

Yes, ma'am. Of the Comp Plan and the LDRs and hopefully, we have addressed the questions set forth by this commission which is what we did, whether they were required by the LDRs or not.

Holt:

Hold on just a minute, Mr. Bateman. Questions, commissioners?

Dixon:

How does fencing work in this district? I know it is kind of early, but -

Hargraves:

I have had one conversation with the applicant on it and they were and he was considering in the covenants and restrictions limiting the type of fence that would be allowed along the front of the development to like a three rail type cattle fence. I am sure you have seen the equestrian areas where you have either the three white or black painted rail type fences. But,

Dixon:

You'll have to help me out here - equestrian areas?

Hargraves:

Some of the horse farms down south where they have the large 2 x 6 plank fences along the roadway. But, that has not been in the covenants and restrictions and reviewed, but he has put a little bit of thought into it.

Dixon:

To piggy back on Commissioner Croley's concerns about wildlife moving to and fro - it seems to always bother me that folks put up a big fence and literally stop all the wildlife and make them go in very different directions than perhaps they are used to.

Hargraves:

A six foot opaque privacy fence will very much slow new wildlife down from the standpoint of deer and hogs, if you have them in there. Certainly, they are not going to jump over a six foot fence. I live in Killlearn Lakes north of Tallahassee. I live on a half acre lot. I have had deer in and out of my yard, much to my wife's displeasure, she has had them mow down flowers in the front yard. I don't know how many thousand units there are in that development. The vast majority of those lots are half acre or less. And we have deer moving through it without any problem. Here, you've got development with two acre lots. Certainly, if they go in and do privacy fences surrounding the property, which I do not believe is the intent of the developer to allow builders to do, but if they were allowed to do that, then certainly that could be a potential. But, that is certainly not being proposed or expected.

Dixon:

That would be looking maybe to excess in the development orders. I think that is how you get away from some of his concerns, major concerns.

Hargraves:

I certainly can't speak for the owner, but I certainly would not expect that he would be or have an objection to some constraints that would have wording that would allow, you know, some of your large game animals to have better connectivity.

Dixon:

I say that from the prospective that it has been one of the best selling points for me and my family when they come down to my house and you drive into the yard and there is a herd of deer standing there that won't let you come home. They are all excited and I am mad. So, you know, it is just one of those wonderful things to ride along and see a deer standing out on the road. He must know that I don't have a gun rack in my truck.

For the developer, I think that it is a good opportunity, not only to resolve or sway if not resolve, some of Commissioner Croley's concerns, but, to add a nice little facet to his subdivision.

Hargraves:

I will absolutely pass that along to the owner and if, in fact, you allow us to go to the preliminary plat stage, then I will make sure that he has something for your review and consideration at that point in time.

Dixon:

Thank you.

Holt:

O.K. Are there any other questions?

Croley:

I have a question of Mr. McCord regarding Mr. Bateman's request about the 10% bonus.

Williams:

Commissioner Croley, just procedurally so, if Mr. Bateman is done, then we will come back to Mr. McCord.

Croley:

Well, before then we go to Mr. McCord, may I ask Mr. Bateman a question?

Holt:

Yes.

Croley:

Mr. Bateman, you are asking then, or your client is, for this 10% bonus, is that correct?

Croley:

Would he consider the possibility of giving that up to reduce the density?

Bateman:

Well, sir, I mean, we get it because we build recreation amenities. That is why we get it. I mean, he would like to put as many as he can put up here and maintain the flow and have our studies what to do. But, I haven't asked him that question. I don't think so. I think 183 units is pretty sparse density here

with this size lots and this much open space.

Croley:

Well, I am asking that to piggy back on the point that Commissioner Dixon brought us and that Mr. Pope made reference to and confirmed. If there was some flexibility about that 10%, that would allow for creation of better wildlife travel corridors or other matter along that line. But, if he is going to be real rigid and want the full 10%, that might, shall we say inhibit the creativity, or maybe if you employ Mr. Pope, he will have to be even more creative. I am just looking for ways to lessen the impact and to avoid putting what I consider undue burdens on the feasibility of the project. I mean, I would like to see a quality project. If we are going to go forward with this with all of these issues properly addressed to the satisfaction, we may not get 100% satisfaction, but at least the majority of the community would feel much more inclined to support your project, if that makes sense.

Bateman:

It does make sense and we will certainly listen to what Mr. Pope says. What Mr. Pope told me was that the design where the flow through there is a very good beginning point. We've got a lot of open space in this, we are clustering them because that is what the growth and the planners request us and want us to do so that we will leave more open space rather than spreading them all around. We are going to continue to listen to what everybody tells us. When a major issue arises, Mr. Croley, with regard to the wildlife of something else that affects the Comp Plan or LDR, certainly, we will be willing to do what we have to do to get our development done.

Thank you.

Holt:

O.K. Any other questions?

Mr. McCord?

Mr. Croley, you had a question.

Croley:

Does the developer, under the present county codes, growth management codes, get a 10% bonus, even for land that can't build on. In this case, it's wetland. You can't build on the wetland. But, if you cluster, do you get a 10% bonus just because you clustered and you couldn't build on wetland?

McCord:

No, you don't get any bonus simply for clustering. You only get, and then it depends on the land use. You get net developable density in rural residential. You are allowed gross development density in Agricultural. The density bonus is only for providing on-site recreation. That on-site recreation and the facilities at that on-site recreation will be evaluated at the preliminary plat stage.

Croley:

So, to better understand what you just said, they are getting a 10% bonus on this project because of the "recreational opportunity there" quote, unquote, they intend to provide.

McCord:

Right. And you get to decide what those are.

Croley:

Those recreational opportunities are somewhat subjective?

McCord:

You get to decide what those are, right. But, what we will do is measure those against this county's level of service standards for facility types. So, for example, if 183 lots requires one tennis court, then they could build a tennis court or an open play field that could be doubled as soccer, football, baseball or that type of thing or a combination of those things.

Croley:

SO, under this process, we are being asked to give this development, a 10% bonus for recreational opportunities and we don't even know what they are. Is that basically what you just said?

McCord:

You will get the opportunity to identify specifically

what those recreation facilities are.

Croley:

But, after the fact.

McCord:

After the fact of what? I'm not sure that I understand?

Holt:

Commissioner.

Williams:

Madam Chair, because we are in a quasi-judicial proceeding and this is the type of things that depending on the actions of the commission, we are building a record. It is important that we all recognize what the process is. Mr. McCord is trying to outline that we have a conceptual site review and then a lot of detail is filled in which will specifically address the concerns of the commissioner at the preliminary plat stage. Mr. McCord, I think it may be helpful for the commissioners because I want the record to be clear, for them to understand what authority they have at the preliminary plat stage if there is a concern as to whether the requirements at that level are not met. What are the options that the commission would have.

McCord:

If the commission feels that the recreation proposed is not sufficient to meet whatever county standard as you interpret it, then you could essentially deny them the density bonus at the preliminary plat stage. They identify the request for density bonus here, but if they don't satisfy the requirement for recreation as you see it, then there is no entitlement to any density bonus.

Williams:

So, just for additional clarification, if the commission feels as a body that they would want to go forward at the conceptual plat stage, if they go to preliminary plat, are they bound by their vote tonight on the 10% bonus if the requirements are not met at the preliminary plat stage?

McCord:

I do not see that they would be bound. Otherwise, they would get to preliminary plat stage and say, "Well, we are not going to provide any recreation, but you approved our 10% at the conceptual." That would fall on the face of the intent of the Code.

Holt:

O.K. Commissioner Croley?

Croley:

Mr. Attorney, I understand what you are saying, but to clarify that recreational aspect of this is one of the basis that this concept of the conceptual plan is going to include this 10% bonus. It is kind of like, what comes first - the chicken or the egg? And in their case, they are saying, "O.K., we are providing a, we intend to provide recreational opportunities, therefore, we qualify for the 10% bonus. But, we don't know what those recreational opportunities are. We are giving them approval for conceptual process because, you make it sound like (I don't mean this in the wrong way) we've got to give them the conceptual before we know the answers to those questions. I am asking you - Is that really what you are saying?

Williams:

Let me take your question and break it down into a series of questions if that is o.k.

Croley:

Alright

Williams:

You don't have to approve the conceptual review as a generic concept. If you go back to concept of what you do as a governing body, you outline rules of procedure and process because the citizens of the county are supposed to believe that if they follow the process, then they will get the same results whoever they are. Understanding that, what you have said as a body is that the conceptual plat review has certain criteria and they are outlined on page 3 and 4. Within that, there are specific requirements that have to be met. Also, if you will look at the full text which the planning commission considers, it also says that the attachment of reasonable conditions to the subdivision

of land is an exercise of police power delegated by the State to the County. So, what that basically means is that if you give testimony that explains to them your concerns, you can put additional requirements on them at the conceptual plat review outside of the 10 items that are outlined. So, you see that Mr. McCord has got through the planning commission and the growth management department concerns outlined on page 14 that they have identified.

Holt:

10 and 15.

Williams:

That is kind of the conceptual plat review stage. You have those generic criteria that are outlined, but it does not require the level of specificity that goes to what is the nature of the recreational facility that you are going to do.

Now what it does for you is this. As a developer, they can come to this board and say, "We want the 10% credit and we don't know what we are going to do yet. If I understand the Code correctly, what it says is, "You can ask for it and we will say that we approve your concept, but then when you put in your recreational facilities, if they are not sufficient, based on our standards, on that one issue alone, you lose that 10% bonus at the time of the preliminary plat review. So, you are not giving that to them and you are not getting that ability to see whether they give you appropriate recreational facilities based on a 10% increase. You get an absolute total independent review again at the preliminary plat stage. I think, personally, that that is a good way it is written, so, you get a second bite at the apple for lack of a better way of explaining it to you, at the time preliminary plat review comes back up.

Mr. McCord, since I can't testify, I want to make sure that there is testimony in the record. Do you agree with that basic outline of what the process is?

McCord:

It sounds just like what I said, except you used a lot more words.

Laughter.

Holt:

Just like what you said?

Williams:

Hey, I think I need to have a class on presenting the issues.

Holt:

O.K. Alright. That is that.

Everyone that is in favor of this issue - we need to move on.

We have Mr. John Due that would like to speak on this issue - Those opposing.

Due:

My name is John Due. I live at 1381 Timmons Road.
Do I need to be sworn in?

Williams:

Yes, sir.

Straughn:

Do you swear or affirm that the testimony you are about to give shall be the truth, the whole truth and nothing but the truth?

Due:

I do. My name is John Due. I live at 1381 Timmons Road. This is a continuation of my remarks that I made at the previous public hearing. I have certain statements in writing that I would like to give to staff and county commission.

Clerk, how many copies do you need?

Straughn:

Seven.

Williams:

Mr. Due, if you don't mind, would you give a copy to Mr. McCord, please.

Due:

You have one copy, don't you Mr. County Attorney?

Williams:

Yes, sir.

Due:

First, in regards to the statement made by Mr. McCord, he referred to an opinion of the County Attorney, that there was no issue relating to septic tanks. I didn't see that in the record, in the file of this case, of an official opinion of the county attorney. That is my first objection.

Second, this is quasi-judicial hearing and at the previous hearing, we had a court reporter and I do not see a court reporter at this hearing, so I object to that.

Thirdly, I was in the office of Mr. McCord, I believe it was Monday, and the letter from Mr. Bateman to the County Commission was denied and I was not given an opportunity to see or read that letter which I assume was based upon a client attorney relationship. But, it did deny me an opportunity for me to be prepared to reply to statements by the applicant that were made in writing to the commission.

In relating to the Foxchase application, and in reference to conforming to the requirements of the Comprehensive Plan, I think back about 50 years ago. Senator Thurmond of South Carolina and Senator Easemon of Mississippi argued a policy of nullification into position. That the States had rights superior to the Federal rights. That was 50 years ago. Now, 50 years later, we have a new theory of interposition nullification. The issue before you in relation to the public interest is no the requirements of the comprehensive plan, but the requirements of the State of Florida to protect the public health, safety and welfare of the people of the State of Florida and Gadsden County. In other words, your Comprehensive Plan doesn't trump the requirements of the State of Florida to protect the people.

Relating to these factors, one - the Board of County Commissioners has no power to interpret or nullify the public rights of State Law and interpose a local policy

positioned against the legal rights and authority of the State of Florida to promote the public health, welfare and safety of the people. By permitting a development based on the use of septic tanks in this particular at risk area, because permitting the use of septic tanks is not promoting the public health, etc.

Factor two - reason dictates that the Board can not permit the Plantations of Foxchase to move forward with the proposed development unless it requires the developer to hook up to a sewage system regardless of the fact that the closest the City of Gretna is more than one quarter of a mile from a possible sewer line hook up.

Now, this is based on upon what we said at the previous public hearing - that it was the Department of Community Affairs which reported that - and this is an agency of the State of Florida - that reported that substantial portions of the proposed development are moderately or severely limited for septic tanks and the site lies within the area of medium vulnerability for contamination of surface aquifers in relation to the site as a whole as a soil absorptions or leaching area. Therefore, because of the conditions and the risk factors of the proposed site, the use of septic tanks would be in violation of legal public rights by being hazard to the health, safety and welfare of the people.

Therefore, well, I should say this. This issue, this question of good faith compliance as to whether or not you were going to meet with the City of Gretna, the developer here, I was informed that it was a "token" meeting and the City of Gretna was offered no opportunity to present what would be its ability to serve the site. But, even there was good faith compliance, even if there is no verification of the ability/capacity for City of Gretna to serve the area, this does not justify or excuse the Board of County Commissioners from legal liability to the State of Florida and to the People for violating their public rights to public health, safety, and welfare by permitting the use of septic tanks.

Four. The Board of County Commissioners of Gadsden County, therefore, is liable as an agent of the State of Florida as the Representative of the People of

Gadsden County, it has a duty to either obtain a new report - not a report from Mr. Hargraves, who went to some official who is not the Department of Community Affairs. You or the developer must go to the Department of Community Affairs, itself, and ask them to issue a new report that septic tanks will not be a danger to the people of Gadsden County in relation to this particular area. Or, an alternative would be to deny the application or, in the alternative, you will be liable.

Thank you.

Holt:

O.K. Thank you, Mr. Due.

Any questions, comments of Mr. Due?

Good evening, Mrs. Due.

Straughn:

Do you swear or affirm that the testimony you are about to give shall be the truth, the whole truth and nothing but the truth?

Mrs. Due:

Ido. Good evening.

Holt:

Good evening.

Due:

Chair, members of the Gadsden County Board of County Commissioners, County Attorney, Mr. Brown, County Manager, my name is Patricia Stevens Due and my address is 1481 Timmons Road, Quincy, FL. I am speaking/writing in reference to the Conceptual Plat Review for the Plantations of Foxchase. This land, previously owned by High Hope Farms, borders my back fence line. I am tonight, August 21st, 2007, still opposed to Plantations at Foxchase Project.

Over four years ago, people living within 1000 feet of this property, received a notice of possible land changes. At that time, this must have included five or six of us. Why and when any and all changes are

important to all citizens in the county, that such a limited number is notified? Yes, I know, there is the newspaper, which a lot of people don't get, can't afford to get or don't read. It seems to me that this Project has been on the track for years now. I know for at least for four years. Some of you commissioners were not here when it all started. I attended the initial meeting when we asked that High Hpe Farms, the owners at that time, not be allowed to do this same invasive development of this land. My reasons then are the same as today.

- Concerns expressed over the building of almost two hundred homes equipped with septic tanks, creating health and environmental problems.
- The increased traffic in an area where tow lanes are used. Wondering how this urban sprawl is going to be handled and added to that traffic and pollution.
- Last, but not least, the wildlife.

There is talk, and I heard rumblings, that you, the county commissioners, have to vote to approve this conceptual plat review for the Plantations at Foxchase or face a lawsuit or legal action. If, in fact, this is true, why have you had the citizens of this community working under what then would be false pretenses, that we could have real input in what happens in our community? When this process first began, I objected to the moving of this project and was told that at each step, it could be stopped. At each step, there have been opportunities to speak at the public hearings. There have been several meetings mandated by you, the commissioners. On June 4, 2007, Mr. Herron, representing the project, met with some of the residents of the Farms at Quincy. From what was actually accomplished at the meeting was just going through the motions. However, Mr. Herron did report to us at this time, that ninety percent of the land is sold. He also said that he was not in the business of building houses, so I guess that the baton will be passed to someone else once you approve this. So, July 17, 2007, Plantations of Foxchase was also told to meet with the City of Gretna to see what could be done in reference to sewer lines in the proposed site. To my understanding, there was one meeting but Plantations at Foxchase did not follow up with a second meeting that was needed.

Are we, the citizens of Gadsden County, here tonight for a Shot Gun Union? Are you, the Gadsden County Commissioners feeling pressured into this union by Plantations of Foxchase, an outside force. If so, why were not notified that our input is not necessary, wanted or needed tonight? Why would we as Gadsden County residents be invited, if you have no choice, to a masquerade ball?

Please do enter my comments into your official records.

Thank you.

Holt:

Thank you, Ms. Due. Are there any questions or comments for Ms. Due?

O.K. Thank you.

Mrs. D'Entremont?

Straughn:

Do you swear or affirm that the testimony you are about to give shall be the truth, the whole truth and nothing but the truth?

D'Entremont:

Yes, Ma'am, I do.

Williams:

Ms. D'Entremont, before you speak, Madam Chair, I just want to make sure that Ms. Due understands for the record, that if there is any belief that the commission cannot not vote for this project, they can not vote for the project. We have different types of proceedings that occur before the commission. This is a quasi-judicial proceeding so they have to listen to all the testimony before they make their minds up as to what they want to do and a part of that testimony is the testimony from the citizens of Gadsden County. I hope that I didn't say anything to anyone to give you that impression, particularly you or anyone else that is going to testify because that is not the case.

They can take any and all testimony. They are almost like judges tonight when they are in these types of

hearings. They are suppose to stay open minded until all the testimony is submitted. Then, based on the evidence, they are then supposed to follow the process and make a decision. So, your input is important. I just wanted to put this in, Madam Chair. As I was explaining different questions along the way, I didn't want to give anybody the impression that if you come out here and you take your time to provide testimony that it is not something that has to be considered by the commissioners. They are supposed to consider all testimony.

Due:

Thank you. I am glad to hear that.

Holt:

Ms. D'Entremont.

D'Entremont:

Good evening, Chairman Holt and members of the commission. I am Cindy D'Entremont. I am president of the Homeowners' Association of the Farms at Quincy - 545 acres.

Croley:

Will you please speak into the mic a little better, I am sorry.

D'Entremont:

O.K. Can you hear that better? President of the Homeowners' Association of the Farms at Quincy. We have 545 acres and we are contiguous in part, just south of the planned development. I have testified here several times before of my opposition of this plan back when it was High Hope Farms, etc.

Some things have come tonight, especially, that I would like some clarification. I don't know, but I am hoping that Mr. McCord is going to be the one to answer the question, but if not, maybe Mr. Williams can.

I would like to know legally speaking, what is your definition of the word development.

Williams:

Mr. McCord, I am going to punt this one to you.

McCord:

Well, intentionally, what we would need to do is search our code. Development is defined in Chapter 380.06 in the Florida Statutes. In many cases, development can be anything including a fence. So.

D'Entremont:

In reference to this Foxchase Plantations, what is meant by the development?

McCord:

What is meant - the improvements that would be constructed upon the properties.

D'Entremont:

O.K. As you know, this particular development, as you are calling it, is comprised of multiple parcels of ground. Are you in agreement with that?

McCord:

Well, as, I am not sure what you mean by

D'Entremont:

Well, there are different Tax Parcels - if you look at Clay VanLandingham, the Tax Appraisers' thing, you will see multiple groups of land that are contiguous. They brought all these pieces together and created this.

McCord:

Tax ID number.

D'Entremont:

Tax ID numbers, O.K. My question is - Is each and every one of these all putting together the development?

McCord:

State that again.

D'Entrmont:

Are each of these particular pieces, everything that is highlighted in there, "the development?" Starting with this piece here all the way up to Shade Farm Road. Is that all "the development?" Every bit of piece of ground there, that they have title to, is the development, yes or no?

McCord:

It is not all going to be developed.

D'Entremont:

That is not what I asked, I said, "Is it the development?"

McCord:

Part of their development, yes.

D'Entremont:

Part of their development. What part is not their development?

McCord:

Outside the boundaries of their property, their 1100 acres.

D'Entremont:

O. K. So, the 1100 acres is their development?

McCord:

The development - I understand where you are going with this. I understand where you are going with this. The development is the improvements, not necessarily the boundaries. There is a difference and I believe the Statute, and I don't have it in front of me right now, will better define that as opposed to what is considered as improvements to the property vs. the development boundary. I think what you are getting at is the boundary as to the improvements on the development property.

Williams:

Mr. McCord, even though, not necessarily that she not an attorney, but it is appropriate. We are going to let her ask you some questions, so don't get ahead of yourself.

McCord:

I am trying to clarify exactly what I think her question is.

Williams:

You will get there quicker if you just let her ask and then answer, then we will move on and at the appropriate time, give a complete answer.

D'Entremont:

I will read you your, not statute number, but policy number - 4.3.1 "The county shall require new developments" (this is a new development) "to connect to sanitary sewer systems and central water systems if they are within one fourth of a mile of said public facilities within 24 months if the provider can provide capacity."

Now, the question of whether the provider is going to be able to provide capacity was addressed tonight and I understand that there is not a complete resolution on that. But, that is a potential. O.K.

Again, I am going to leave the podium.

This is part of their development. This piece right here, that is the Gretna sewer plant. They are slap up against each other. Their development is against it. There is no quarter mile between Gretna sewer and their development as defined by their area there.

Furthermore, there exists on that property, I don't know exactly where, there exists today a lift station that is part and parcel of the sewer plant. I spoke to Mr. Antonio Jefferson and asked him if that could be utilized as part of any future sewer plant connection to the facility and he said, "Well, yes and no." It is in the air and it is not for sure, but, there is already some piping there.

Now, if that piece of ground, where it is not being developed because it can't be developed, is to be included in their development numbers, then you need to go back to the beginning and figure out what amount of property is going to be included in the calculations to tell you how many houses they are entitled to because they based this on 1100 and some acres of ground, based on the land you have to take away because of wetlands, and your net is what you calculate how many houses they can have. Whether they have the 10% add on or not. But, if they have a development that is 1100 acres, that piece right there that sits next to Gretna sewer plant is, in fact, their land. So, we don't have to worry about a quarter mile because it isn't. It probably a matter of inches.

McCord:

It is right next door to it.

D'Entremont:

Indeed.

McCord:

Yep. That's where it is.

D'Entremont:

So, that is not an issue. That has been satisfied and we have to abide by your rules. I understand the unit that was here before us, the Anna Marie or whatever it was called down there at the lake, closer to the lake. There is no sewer plant available to them down there. But, we've got one right next door. And, if any development that comes before this board in that last four years has a chance of getting this connection, this system should be the one because the proximity is there.

And a quarter mile, if you want to go the distance to where they are planning the development, a quarter mile is around 1500 and some feet.

McCord:

1320.

D'Entremont:

Right.

And that start over there is about really more of a mile. You are talking perhaps 600 ft. or better to that point. But, again, it is all a mute point, because they are not even a quarter mile away from it. Their development lies adjacent to a sewer plant.

So, Board, I can't understand why we are even here discussing this point. If they want to put in this many homes, then our Statute, our Land Use Amendment, our rules already say that they have to do it.

So, I thank you for your time and I hope you will consider what I said and vote to make them use it if they are going to build houses out there.

Holt:

Ms. D'Entremont, just a minute.

Board members, are there any questions.

Croley:

Good point. What if they decide to sell that piece of land?

D'Entremont:

Well, if it is a land use amendment and it applies to the land, it didn't bother High Hopes Farms, Graves Williams et al, and made great big promises to you, then immediately turned it over to these folks.

Well, actually, there was an intermediary group and now this is the third group that has owned it.

Irrespective of that, if they turn around and sell it to somebody else, they should still, unless they can do something with the geography, they are still next to a sewer plant.

Croley:

Thank you.

Holt:

Thank you.

Mr. McCord, do you need to address that issue?

Price:

Commissioner Lamb has his hand up.

Holt:

O.K., but, no. I want to just get his out of the way, now. I am coming to you. I just wanted to it while it has just came up.

McCord:

If that is the interpretation that is being made, then nobody is going to build on any property adjacent to - you couldn't build a house on an agricultural property adjacent to the Gretna Waste Water Treatment. So, if you have ten acres in AG-2, you are not going to be able to build unless you connect up the central sewer. Do you see? And, this would be a snowball effect because, again, we get to the issue of "new development

within 24 months with available capacity." If this property is then required to connect under that interpretation, I certainly think it would be fair to see the next stepping stone which is the Farms of Quincy, then the next property, the next property, and the next property. Essentially, everybody will be required to connect to sewer because they are going to become contiguous with their development boundary. Do you see? So, everybody, everybody in the room in here that has property is going to end up having to connect and pay a cost for connecting to central sewer if that replicates over and over. If that is your interpretation. That is not how I looked at it. I looked at where the actual improvements are going to be constructed in proximity to existing sewer facility. I think that is reasonable considering the ramifications of not taking that position.

Holt:

Commissioner Lamb?

Lamb:

Thank you Madam Chairman. I think the last speaker made some good points. It was a point that I had already thought of before they even made them. I would like to see that subdivision really in the city limits of Gretna. They've got everything they need, so why don't they just annex that land into the city limits of Gretna and hook on to their sewer system. We are going to have to make a decision one way or another and I have said it before and I am going to say it again. If you are that close to a sewer system, I just can't see you not hooking up. I just can't see that. It doesn't make sense and I feel that they should do that. I don't care what they say or what they do, I believe in doing what I think is right and I think it is right for them to hook up to that sewage system and not fear that they might do this or might do that. I don't care what they do, but, I say that I think that they should hook up to Gretna's sewage system. It is just that simple.

Holt:

O.K. Other commissioners? Any questions?

O.K. I want to make sure, but, I think that was it - everyone that signed up.

Is that everyone that signed up?

Anyone who signed up to speak on this issue?

Alright, we are going to have some people to come up and speak that did not sign up, but you are suppose to sign up, o.k. Come on up right quick. You are suppose to sign and fill out these forms.

Ladies and gentlemen, they are at the door. So, we are going to sneak these one or two in here.

Straughn:

Do you swear or affirm that the testimony you are about to give shall be the truth, the whole truth and nothing but the truth?

Belinda Snyder:

I do. My name is Belinda Snyder. I live at 160 Dusty Hunter Lane. I am part of the Friends at Lake Talquin in Commissioner Dixon's district. We have been discussing some of the septic tank issues and no, I am not an expert at septic tanks, so I am not even going to try to prove that. But, we have been speaking with a local ecologist and water researcher here in, well he is actually in Leon County. In his opinion, sandy clay soil is not best suited for septic tanks. The reason is that it doesn't allow the percolation straight down into the ground. It makes it go sideways to go down and it eventually works its way into our water systems, into our lakes, into our rivers, and into our streams and creeks. So, that is an argument against the septic tanks being in the sandy clay soil.

The other issue that I would like to bring up is - they sampled 46 of the lots, but they picked and chose they wanted to sample. It would probably be best to sample - maybe pick and chose a few, but you would also want to have a random sampling that is generated from some sort of random generator to pick what you are doing. That way, you get a better sample, always.

Again, as this lady said, I am hoping that my commissioner will vote the way that his people in his area want him to vote to save our lake.

Holt:

We are government.

O.K. Ms. Laslie?

Laslie:

Since you opened the door. My name is Marion Laslie.

Williams:

Ms. Laslie, you need to be sworn in.

Holt:

O.K. I am going to stop opening the door, O.K?

Straughn:

Do you swear or affirm that the testimony you are about to give shall be the truth, the whole truth and nothing but the truth?

Laslie:

I do. My name is Marion Laslie.

Just for the record, I wanted to mention that it is my understanding that there is a minimum lot size for this development was 2 acres and the Land Development Code requires a 3-acre minimum for a mounded septic tank. So, I am assuming that would, that would be upheld should that be the case for any of these lots, should septic tanks be use, Heaven forbid.

And, that the number of lots that have been requested will be determined more by the soil and not by the number has been discussed here tonight. So, if there are limitations on the soil, the number of lots will certainly have to be reduced.

Holt:

Mr. McCord, with the property near Gretna, adjacent to Gretna, we had this discussion before when this issue came up before - in the beginning. That property used to calculate the numbers.

McCord:

One to forty, it is. This area just to the east of the sewage treatment plant which is located right there where the hand is - that is the sewage treatment facility. All that property, half mile over that is all shown as wooded there, is one to forty,

conservation land use. They did use that acreage in calculating their density within their development.

Ken, can we find out how much acreage that is - that little piece right there?

D'Entremont:

172 acres point 7 feet.

Holt:

Alright, Ms. D'Entremont.

Mr. McCord, I have a question in there. You brought up an interesting comment about anyone that built near a town would have to be on that sewer system.

McCord:

Yeah, that would depend on how you would interpret that. For example, this parcel right here which is in the county, or perhaps this parcel right here. Someone wanted in agriculture land use, someone wanted to build a house on their farm field or on their farm property, if you interpreted that policy as has been eluded to tonight, that person would be required to extend a sewer line to the City of Gretna sewage treatment system before they could develop. If their property was 500 acres and they wanted to put their house on the far side of that property, they would still have to hook up to the sewer system.

Holt:

Because of the interpretation.

My other question was - and that is a very interesting concept. I don't think anyone on this board ever thought of that. I don't know that anyone that has been before the board has thought of that. If you are going to say that that is the process, then the cost would be what that individual would say - if they wanted to be next door to a city. But, you are saying that the City will provide that hook up.

McCord:

No, the cost would be on the developer.

Holt:

The cost would be on the person if they were building

one house. But if they are building one house, would they be a developer? If you are saying that you are going to improve next door to a city, and as he said, and he asked the developer, if you put up a fence, that is a development, if you build a house, so we need to look at the interpretation of that part anyway. We can't send those property owners into something - we have to look at the interpretation of that. If that was included, if there were any mistakes made previous to now, then we need to look at it. But, if you are saying City of Gretna, City of Quincy, Chattahoochee, Greensboro or whomever, how that is going to be done, those are things we need to look at.

Dixon:

May I, Madam Chair?

Lamb:

I think you would be comparing a development to one dwelling.

Holt:

That is what I have been trying to get (inaudible) for him.

Lamb:

But, for a development, yes. That is common sense.

Holt:

It would be.

Dixon:

May I, Madam Chair?

Holt:

Yes.

Dixon:

Ms. D'Entremont proposed something that I had not thought of. How do we calculate that quarter mile? What enters into that calculation? For me, that is the question.

Everybody who stood up here, probably has septic tanks. Probably just about everybody who stood up here if not everybody has septic tanks. No one wants them and no one likes them. That is pretty much a given, even

though we all exist on them. My point in pushing this group toward looking at the opportunity for central sewage is simply because the opportunity existed. How we calculate that just didn't cross my mind until Ms. D'Entremont mentioned it.

So, How are we calculating it, as you said, from point of access to the sewage system? Sometimes you can do it as the crow flies and sometimes you can't. Is it to the property? Or is it to the development? Is that what you have been choosing to do?

McCord:

When I did the measurement, it was from the sewage plant which is up there in the purple area, straight line east to the area of improvements that would be associated with the development. If that is a straight line, that is one half mile across that parcel. So, their cul-de-sac, one of their cul-de-sacs of their street comes to about that westerly boundary right about there where Ken is showing it. You can see that. That is where their lots get closest to the sewage treatment plant.

Dixon:

So my question to you is - Is that the proper way to calculate it?

McCord:

Well, somebody has got to make a decision, and if ya'll want to tell me how far that is going to be, I will be happy to apply that to all new developments.

Dixon:

I would be glad to tell you if I know.

But, my question is

Williams:

If I could rephrase your question, it might be - Does the board have a policy as to how you do the calculations?

McCord:

Not that I am aware of.

Dixon:

That provides a whole new twist for this situation.

Holt:

Commissioner?

Croley:

Back out, please on that map some, Ken if you don't mind. Well that's a little, yeah, I just kind of wanted to see the surrounding area there.

You know, the problem with all these regulations is that your project, Mr. Bateman and his client here, like we do, it is easier for the attorneys and it is easier for everybody, if everything is in black and white and you've got some way of measuring everything. But, then, all of a sudden, because you've got to hold him to a standard or we do, we've got to hold everybody else and it is the little people who get hurt. They don't have the money to hire all these folks. That is the bad thing about all this over regulation.

As Commissioner Dixon said about the noise ordinance, that is the problem that is unfair about this. I want to treat you fair. I want your client to be able to use their land. But, I don't want to go, but I also want to treat those good people sitting behind you fair because of their concerns. It is all goes back, from the way I see it, back to the question of density, location, density, location. The concern is too much density on that piece of land where it is situated.

Turn that green area back on, Ken. You took that off. That green area is a wetland area. That is just in general. That doesn't count when it is perhaps raining more. You've got all those agriculture activities around. So, we are going to hear in a few - you build this out and in a few years from now, either those of us who are here now, some of us, or a whole new set of people, are going to hear people coming in and saying, "Oh, they are running those tractors over there on that peanut farm too much, or those egg farms up there are spreading their chicken manure and they are bothering us. And, we want more regulations, or we want more ordinance or we get a report that the creek coming into Gretna there which is coming right straight through it is now become so loaded up with nitrates that there is slim growing everywhere in it and it smells. And,

Commissioner Holt, if she is still representing those folks, is going to be catching the devil about that. It all comes back to the fact that all this density and the location of this project presents a lot of problems and we are being asked because it is easier to let that camel get his nose under the tent to go forward because you might sue us over the fact that we held you to a different standard than somebody else.

Then there is Mr. Due sitting back there reminding us that we've got a higher standard and we might be liable for that. I guess what I am trying to say is - I don't mind there some being some development out there from my standpoint because I respect that right of the property owner to be able to use their property. But, you don't have the right to exploit the situation and I guess where I am headed with this is - I can live with some houses, but I just don't know how many houses under the circumstances.

And, the business of sewer, you don't have the capacity, Mr. Jefferson said, to serve out there and the resources. You confirmed that earlier.

Dixon:

Madam Chair, he didn't say that.

Croley:

I misunderstood him, then. You said that you do, but you don't have the ?

Holt:

Mr. Jefferson, come back up, Mr. Jefferson.

Croley:

I am sorry, I want to clarify that then.

Jefferson:

Commissioner, what I shared with the commission was based upon the definition that I understood of a quarter of a mile. That was the determination.

But, we can serve, but we didn't want to get in the way and cause the commission to have to consider that wasn't a doable option by your Comp Plan.

Croley:

But, anyway, it goes back to the point, it is still

density and location.

Dixon:

May I Madam Chair. I was just trying to stick to the facts of this and not how I felt about it simply because to run sewer actually goes against what you are trying to do. It actually gives him a greater number of units. Much, much greater number of units. He can go to 1 to 4, 1-5. So, you really haven't done any great thing by forcing one house off two acres.

D'Entremont:

It would be protecting the environment.

Dixon:

Ma'am please, not from the audience.

My thing is let's find out how we intend to do the calculation. If he falls within that range that he has to do sewer, I don't have a problem with it. If that is the law, that is the law. I think we ought to - as a matter of fact, I said in the last meeting, it ought to be a mile, not a quarter mile. Because otherwise, you are going to have everybody trying to stay out of that quarter mile to develop. But, the point is something is going to happen. How do we corral it? I don't know. But, I think you've got to figure out that quarter mile for us. And does Ms. D'Entremont have any validity to it? If so, where do we go from there, because that changes the whole scenario.

Williams:

Madam Chair?

Holt:

Yes.

Williams:

At the last hearing, again, I just want to remind the audience that the commission can vote to deny, so I want you to know that as I give you some alternatives to see if we can figure out something that works for everybody.

A lot of what we are dealing with right now are hypothetical situations as to what it could be or could not be. I think there are some real clear concerns

expressed by this commission about less density. But, Mr. McCord has testified to is you won't really don't know what they are going to do until they go to the preliminary plat stage.

Is that correct, Mr. McCord?

McCord:

A lot of the issues brought up tonight could result in significant changes to design at the preliminary plat stage.

Williams:

I think that is a "yes."

What they had agreed to before, and I may ask Mr. Bateman, if you will come up and let me know if he agrees to it, tonight is - we would preserve all legal issues as it relates to the conceptual plat review - allow them to go to preliminary plat so these things could be addressed. If they are not satisfactory to the commission, you would have the authority to deny it at the conceptual plat stage -

He is shaking his head "no", but that is what I thought we had agreed to before. AT least that allows the development of something for review by the commission that is more concrete. So, within the context of either a denial or a just an outright approval, I am trying to propose something that will allow everyone to see something different that is more in line with what may actually happen. It would possibly give the citizens and the commission a comfort zone.

I don't know how you feel about that, Mr. Bateman. Madam Chair, if he wants to come up and discuss it, that is an option for you to consider.

Bateman:

I was shaking my head because I thought, my understanding was that we would go with the conceptual plat while reserving all rights for everybody, which I think you do anyway, essentially when you do conceptual, you haven't given up any right. But, then, certainly, you could turn us down at preliminary plat. You said conceptual plat again. Certainly, that is fine with us.

Williams:

That is correct. But, if you recall, when we had the last meeting, there was some concerns here. You and I had a discussion about whether we would look to see if there was a way to get a comfort zone for everybody so that they could actually see what you are doing. Right now, no one really knows what you are doing. It is all just guess work. And so, what I am trying to do is to see if there is some middle ground to get you some comfort zone from the commission as well as the citizens.

I thought we had discussed that.

Bateman:

Would you say it to me again, because I am not understanding it.

Holt:

He is getting tired.

Bateman:

I thought you said approve the conceptual plan while reserving all rights; move to preliminary plat stage; then when you get to preliminary plat stage, you can turn us down for any reason you want to.

Williams:

As well as conceptual. And you would appeal if you wanted to at that point.

Bateman:

I don't think you can go to preliminary until you get through conceptual. It is a matter of procedure.

Williams:

If you and I stipulate that we would allow that to occur. The parties affected can stipulate to it. If the board and your client stipulates that they are willing to do that and preserve those conceptual plat rights, I think we would be o.k.

Bateman:

I don't have a problem with the conceptual plat rights, but I am concerned about the legal procedure about going from conceptual to preliminary. I think you have

got to get conceptual before you can go forward to preliminary according to your Code. I may be wrong. I mean, it is a procedural thing, but I don't want to open us all up to getting sued by somebody that says that we didn't follow the right procedures.

Certainly, I think you can reserve all your rights, if you vote to accept the conceptual stage, you reserve all rights, I will stipulate that you reserve all rights. Certainly, you reserve all rights as do we. I don't think there is any question about it anyway, bust yes, sir.

Williams:

Excuse us, commissioners for being a little legalese Right now, but I am trying to give you some options. If you take the discussions tonight, it basically boils down to this - no one really knows what it looks like yet, so no one has a comfort zone. So, to balance everyone's rights, you want to at least have a chance to see what it looks like, but we wouldn't want anyone to be angry if you allow the developer to go forward then realize six months down the road that it was really bad, just like everyone thought. So, you would want the ability to invoke any rights that were involved at this stage. I think that is what the concern is.

Bateman:

I will be willing to stipulate that we don't even have any rights at this stage if you will approve us conceptually, we don't have any rights. We haven't garnered any advantage other than being to move to preliminary.

I will quote a great legal scholar who said, "Everybody is right" a little earlier in this meeting. I understand the concern and certainly, we want to go to preliminary plat by however you want to get us there. I just wanted to let you know what I thought about deal. However we can get there, we are willing to go and do all the work. We've done a lot of it already, including the traffic and that kind of thing.

Williams:

Madam Chair, if I could, I know that it is getting late and we've got to be done by eleven. If it is o.k., can

we temporarily pass this for a minute and Mr. Bateman and I can go out in the hall and talk while you go through some of these other issues? Would that be appropriate?

Croley:

I don't feel comfortable about that. These people that sit in here, they are going to want to hear what ya'll are talking about.

Williams:

We will report back. Maybe it is not the will of the body to see if there is an option. If there is no will of the body to see an option, I don't need to talk with him. I am just trying to develop. You obviously can deny. That is not a concern. You have an approval with conditions from Mr. McCord. I am trying to explore another option if that is the direction that you want to go in. If you don't want to go in that direction, I don't need to talk to Mr. Bateman.

Croley:

Mr. Attorney, if Madam Chair, will allow me to ask this quick question. As you pointed out, time is running out and people have been waiting on other issues. What are our options right now, without you going out in the hall?

Laughter.

Williams:

Your options are to deny or approve it with conditions. Actually, if you go back to page 14, page 13, you have options 1, 2, 3 and 4 as recommended by Mr. McCord. So, you can do just about whatever you want to at this point. The discretion of the Board goes back to, as we discussed earlier on page 4, you have the right, if you look at the full paragraph after no. 10 - about half way down, it says, " you can attach reasonable conditions to the subdivision." That is a valid exercise of your police powers delegated by the State to the county. You can put additional requirements on it which is at the discretion of the Board which is item 4. So, you have all options to do whatever you want to.

Holt:

Commissioner Lamb.

Lamb:

Mr. McCord. If they were to hook up to sewer system in Gretna, doesn't this board have the authority to say it is 1 - 4; 1 - 5; 1 - 3? We do still have that authority don't we?

McCord:

Well, you've got land use on the property and I think that is part of the crux of this issue. The land use is already established when it was changed back three or four years ago. So, you've essentially assigned them development rights at a certain number of units that they can provide unless you can provide compelling evidence that you couldn't develop at those intensities. That is probably what this little statement here is about reasonable conditions.

Again, you have other opportunities to apply that. Now, my guess, and this is how I have kind of have viewed things, is that, when you have agricultural land with those types of densities or those restrictions of on densities, the idea is not to go populate with sewer lines. There is no way you are going to be able to afford that. That is just not reasonable. The alternative, unlike what our existing land use map is, is to provide for more compact development in urbanized clusters that you want to target future infrastructure improvements to and leave the countryside as countryside. That is where you are going to get your bang for your buck. That is where you are going to be able to afford your utilities.

If you go start and set a precedent or you single out one development that is a fairly low density for sewer, then someone is going to point the finger and say, "You are going to have to do it over here and over here and over here." You get to a point, unless you've got the funds to impose a regulatory tax, which is a term that has been kicked around, and increase those regulatory taxes, you are going to destroy property values in the county and the ability for people to use it for other than one house on what they've got now. That is the concern I have.

I think there is a reasonable expectation that if you

have agriculture land use, unless there is really something unusual, in this county, one to five or one to twenty, then you are not going to develop on sewer. We don't want to encourage the public's money or even the private sewage system, to extend out into very low density residential areas. Rural residential might be an area that you might want to consider some policy changes, too.

Bateman:

Madam Chair, one of the things that I believe that we put into the letter, you asked us to go back and calculate the economic feasibility and we gave you the calculation as to how much it would cost.

One of the things that we looked at was how dense do we have to get to to make sewer to where it is even viable at all to do? Forget about the Comp Plan and the LDRs and whatever. You can't satisfy every commissioner because some want less density and others want sewage, but we did put a number, which is a relatively slight increase to say that we can do 224 units, that we would be willing to voluntarily do the sewer.

You asked us to make that calculation and we are setting that forward.

Holt:

Right, you know what, especially down there at Lake Talquin, there is one spot down there. I kind of wonder about sewer with that much wetland. And, if a pipe breaks. I know that probably has nothing to do with anything. Maybe some experts out there can tell me better. But, how do you cross the wetlands with a sewer line. How does that affect the wetlands. I just wonder about that.

Any other comments and questions?

The attorney's suggestion, we didn't give him an answer. I know Commissioner Croley said he didn't want those two out there in the hallway.

Croley:

It's not that I don't want the two in the hallway, I just feel like the citizens would.

Holt:

I know. I was going to say, but as we have discussed, they would have to come back, poor thing. But, what I am saying is I don't know if you are hammering out something that say, and this is what I was of the opinion you were saying, - At the preliminary point, if we decided, this board decided, and said "O.K. that is not what we wanted - and also if Mr. McCord goes back and looks at it - are we to say, that property is part of that development and it would be within that mileage of Gretna." These are things that we need clarification on.

Croley:

Would you entertain a motion on this now? We've got to move on.

Dixon:

It depends on the motion.

Holt:

I was just going to say let's take a five minute break. They probably would do it the hallway anyway.

Croley:

Mr. Attorney, can we move this and then I am going to ask a question. Can we move this without the 10% density bonus from a conceptual standpoint now?

Williams:

If I understand the Code correctly, if they apply for it and they put the recreational in at preliminary, if they are willing to do it, our Code authorizes them to get the 10%. So, I think that answer is "no."

Croley:

That changes things.

McCord:

Well, I want to clarify. It is discretionary for the bonus. You don't have to give it to them. The clustering, they do have the right. The density bonus, you don't have to give to them. That is the way I view it in the Comp Plan.

Croley:

Where I am headed with this is - I don't think there is

anyone in here that heard me that doesn't understand that I am trying to look out for the environmental considerations. But at the same time, if we are faced with the choice of turning them down, that doesn't seem very fair and it doesn't make logical sense from the way the present way the Codes are written. We've got to do something right by their property rights and as Commissioner Dixon made a good point earlier, in these matters, we've got to leave some of the personal feelings out of it and do this on a business type basis that deals with scientific issues. Toward that, if I could, I would think that we should try to move forward with the conceptual process without the 10% bonus and let them see if they can address these issues that the public has raised. That seems to be the logical step to take at this point in time. Or, turn the whole thing down and they will be back here again.

Holt:

Yeah, they are going to be back.

Mr. Bateman, do you have any questions?

Commissioners?

Dixon:

Madam Chair, I was sitting here and thinking our only option - and I said it a few minutes ago, well, I guess it has been a couple of hours ago, now - you really should be in a commission meeting only for about 3 hours. Advanced waste water treatment is the middle ground. Anybody who does advanced waste water treatment - that water is just short of drinking. We send it to the nurseries now and all of that stuff. I know that the City of Gretna does. It comes in the flowers and all of that stuff.

What if, instead of septic tanks, we mandated AWT for them. That would get us to the environmental situation. I would be willing to move it to preliminary if they would agree to AWT.

Holt:

Mr. Bateman, the ball is in your court.

Bateman:

I don't have my client here to talk about moving to AWT

or not. I can't stipulate to that. Certainly, we will consider it and come back immediately, but it is eleven o'clock tonight. I have never heard of this option before and we have tried to discuss every option we could, but, if you want to move it like that, then that is fine.

Dixon:

We don't need his support. It is my intent to move it with that as part of the DO for the preliminary. That gets me, in my mind, where I want to be. Then, you can force sewer, but they could still, I mean, the lots are still two acres, so.

Holt:

What is the motion. Is there any other comment?

Croley:

Can we eliminate that 10% bonus?

Dixon:

If you can trust me, I will keep an open mind in the preliminary. That is the proper place to do it anyway.

Croley:

I will trust you.

Holt:

Bear in mind, those are more expensive to do, but they work.

Croley:

I understand that.

Holt:

I was just saying that.

O.K. I need a motion from the Board.

Dixon:

Madam Chair, I move that we move this along to preliminary with the understanding that AWT - advanced waste water treatment - not just septic tank will be provided by the developer.

Williams:

Madam Chair, before you get a second, let me just clarify the motion.

For purposes of the item, the recommendation from Mr. McCord is to move Option 1 with a list of conditions. Then we are adding another condition, which will be condition "I" which is AWT. I've just got to make sure that we've got a record that is correct.

Dixon:

I said that. See, all you did was call it "I" and you got two hundred dollars. I don't understand that.

Croley:

Does that cover all lots?

Dixon:

All lots.

Price:

Second

Holt:

We have a motion and a second. All in favor?

Dixon, Price, Holt & Croley:

Aye.

Holt:

Opposed?

Lamb:

No.

Holt:

Motion passes 4 - 1.

GENERAL DISCUSSION AGENDA

17. Approval of Augusta "Sarge" Carter's Request for Mobile Home Placement

County Manager Marlon Brown recalled that Mr. Augustus Carter appeared before the Board on July 17, 2007, under the citizens to be heard portion of the meeting and requested relief from having to comply with Subsection 5003.E of the Land Development Code and Comp Plan Policy 1.5.1. Mr. Carter represents Ms. Rosa Sweet who owns a 1.75 acre parcel which now has one home on the property.

Mr. Carter asked for an appeal or variance in order to replace a mobile home (a second dwelling unit) on Ms. Sweet's lot on Holt Lane located in a Rural Residential land use district in the Shiloh Community. No formal variance application was submitted. At the Board's direction, this item was placed on this agenda for consideration.

Growth Management Director Bill McCord addressed the Board. He stated that his department had not approved the application to place the home on the parcel because it would violate the Land Development Code and not meet the intent of the Comp Plan policies.

He then stated that a mobile home has been moved onto the property prior to applying for the permit. He called attention to the fact that there is a utility pole, but no water connection, no septic tank evidence or no clean out of the septic tank in the area. He also stated that the utility service has been disconnected for more than two years.

Pam Revels reviewed the site to confirm the findings in the report.

He recalled that testimony was given by the applicant that there had been another unit on the property until about one year ago. He called attention to the sworn statements in the agenda package confirming that there was a residential unit on the property within the last two years.

A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER LAMB, TO MOVE OPTION TWO.- TO FIND THAT IN THE OPINION OF THE BOARD, A SECOND DWELLING UNIT WAS

LEGALLY IN PLACE ON THE PROPERTY WITHIN THE PAST TWO YEARS AS OF JUNE 18, 2007 AND THAT THE PREVIOUS STRUCTURE IS ENTITLED TO BE REPLACED UNDER THE NON-CONFORMING PROVISIONS OF THE LAND DEVELOPMENT CODE.

Commissioner Croley raised some concern about not following regulations. He was concerned about the message that it might send to the public.

Commissioner Dixon responded that under normal circumstances, he is a stickler for following what the Code says. However, there are some situations that don't match up well.

Commissioner Croley then questioned Mr. Carter about the mobile home decals.

THE BOARD VOTED 5 - 0 IN FAVOR OF THE MOTION.

18. Biles Land Use Amendment

Growth Management Director Bill McCord explained that this request was quite unusual. The applicants own a 19.6 acre parcel in the AG-3 Land Use which requires a 20 acre size parcel. The 19.6 acre parcel was created after the adoption of the Comp Plan. AT the time the Comp Plan was adopted and that the parcel was created, the minimum lot size in the AG-3 Land Use was 40 acres. This parcel was created in violation of the land use requirements.

The Biles purchased the property from James L. Thompson. He applied for a building permit to build a shed, however, a much larger structure has been constructed on the property. When the applicants came in, they provided a letter written by the previous Growth Management Director indicating that they could divide the property even though he knew that it would violate the comprehensive plan.

The Growth Management Department denied the building permit because it was an illegally created lot. They have appealed to the Board for a decision.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY ATTORNEY TO PREPARE AN

APPROPRIATE LEGAL INSTRUMENT TO BE RECORDED IN THE PUBLIC RECORDS THAT WOULD RECOGNIZE THE NON-CONFORMING PARCELS AND PERMIT CONSTRUCTION OF A DWELLING UNIT AND PLACE RESTRICTION ON THE USE AND SUBDIVISION OF THE PROPERTY.

18A Approval for Vendor Change for Air Medical Transport & Execution of the Certificate of Public Convenience and Necessity

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO SIGN THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY. TO PHI AIR MEDICAL FLIGHT SERVICE.

COUNTY MANAGER'S AGENDA

19. Miscellaneous Items

Appointment of County Manager Marlon Brown to the Juvenile Justice Commission

Commissioner Lamb explained that he had been approached by people inquiring about the manager's appointment to the Juvenile Justice Commission. He said that those people have expressed to him that they do not feel that it relates to county business. He asked the manager how long he would be away from the county in order to fulfill his obligation to this commission.

Mr. Brown replied that the appointment would end at the beginning of November, 2007.

Commissioner Lamb asked if he would consider taking leave time in order to participate on the commission.

Mr. Brown answered that any issue dealing with juvenile justice and helping to reform the system would benefit the county. He explained that Gadsden County has the highest cost for juvenile detention among the small counties in the State of Florida. He contended that it is most appropriate for Gadsden County to have a

presence in the reform process.

He said, "I want to be able to look a grandmother, a mother, father in their faces and say that your son or daughter will be safe in the juvenile justice system. I also want to be able to tell the citizens of Gadsden County that there will be prevention programs, intervention programs so their sons and daughters will not necessarily have to go into detention. I think that it will benefit the citizens of Gadsden County."

Commissioner Lamb replied, "I don't have a problem with you being on the board. I think that it is good. It is a good appointment and I think you will do a good job. I just have a problem with you not using your personal leave time to do state business. I don't think that this is really relates to your job here in Gadsden County. I think that the Board gave you permission to serve on that board and I think that we have done justice to you. But, I don't think that we should go as far a giving you leave time. I think you should use your leave time. It is not that many days that you will be missing. But, that is just the way that I feel about it."

Commissioner Croley stated that he has had people asking him the same thing. He felt that the manager should have brought the matter to the Board and gotten concurrence from the Board in advance.

Commissioner Dixon stated that he felt this is exactly what the manager should be doing. He shows leadership inside the county and it gives him the opportunity to demonstrate leadership at the state level.

Chair Holt pointed out that it indeed serves Gadsden County because this county paid out almost \$1 million in juvenile detention costs. The state reduced that dramatically so the county would not have to pay it. She contended that the business of that commission directly relates to issues inside Gadsden County.

COMMISSIONER LAMB MADE A MOTION TO SUPPORT THE MANAGER'S APPOINTMENT TO THE JUVENILE JUSTICE COMMISSION, BUT THAT HE TAKE PERSONAL LEAVE TIME TO ATTEND. COMMISSIONER CROLEY SECONDED THE MOTION.

Chair Holt stated that this matter is not a voting issue for this meeting agenda. However, upon examination of the amended agenda, she concluded that it could be voted on.

CHAIR HOLT CALLED FOR A VOTE.

THE BOARD VOTED 2 - 3 WITH COMMISSIONERS LAMB AND CROLEY IN SUPPORT OF THE MOTION AND COMMISSIONERS DIXON, PRICE AND HOLT OPPOISING. THE MOTION FAILED.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE APPOINTMENT TO THE JUVENILE JUSTICE REFORM COMMISSION AND GIVE HIM LEAVE TO SERVE AND NOT ALLOW HIM TO USE HIS PERSONAL LEAVE TIME TO ACCOMPLISH AS IT WAS DEEMED TO BE COUNTY BUSINESS. COMMISSIONERS LAMB AND CROLEY OPPOSED THE MOTION.

It was suggested that the manager report back to the board as to the actions of the commission.

Commissioner Dixon asked that he push the issue to have the State fund the program and take it off the backs of counties. He said that would bring about a single system that is funded.

Mr. Brown asked for clarification stating that he also sits on the boards of the Healthy Start Coalition Board, Gadsden County Community Health Council Board, Board of the United Way. He asked if he needed a vote in order to serve on those voluntary boards.

There was a consensus that those appointments did not require board vote, but if he had costs associated with them, he should notify the board.

Signing Ceremony for Regionalism - Chamber Retreat

COUNTY ATTORNEY'S AGENDA B

20. Request for Closed Door Session and Potential Dates

Mr. Williams asked for a closed session with the Board

as there are a number of litigation matters on which he needs to update them.

A MOTION WAS MADE BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO HOLD A ATTORNEY/CLIENT SESSION AT A TIME TO BE DETERMINED BY THE COUNTY MANAGER.

DISCUSSION ITEMS BY COMMISSIONERS

21. Commissioner Lamb - District 1

Commissioner Lamb had no report.

Commissioner Croley - District 2

Commissioner Croley had no report.

Commissioner Price, Vice Chairman - District 3

Commissioner Price had no report.

Commissioner Holt, Chair - District 4

Chair Holt announced that she would be speaking to the City of Quincy on September 11th as a citizen about the Boys and Girls Club.

Appointment of Gwen Bowers, Warden of Gadsden Correctional Facility, to serve on the Workforce Plus Board of Directors

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0 , BY VOICE VOTE, TO APPOINT GWEN BOWERS, TO SERVE ON THE WORKFORCE PLUS BOARD OF DIRECTORS.

Commissioner Dixon - District 5

Due to the lateness of the hour, Commissioner Dixon gave no report.

RECEIPT AND FILE AGENDA

Receipt and File

22.

- a. Letter from Quincy Gadsden Airport Authority Regarding the Appointment of Troy Mullis to the Authority Board
- b. Letter to James Dean, Area Director, USDA, Rural Development Regarding Support of Community and Economic Development Organization of Gadsden County, Inc. (CEDO) Application for Funding of the Crossroad Academy Charter School New Facility
- c. Letter to Larry Fountain and Laura Wiggins Regarding Billboard for Tax Parcel
- d. Letter to Vanita Anderson of the Apalachee Regional Planning Council from Florida Commission for the Transportation Disadvantaged Regarding Planning Agency, Quality Assurance and Program Evaluation Review
- e. Letter to Patricia Hutchins Regarding Board Decision on Proposed Administrative Future Land Use Map Amendment
- f. Letter to Edna Hewitt Regarding Access to Tax Parcel, Page 1021 Public Records of Gadsden County
- g. Letter from Florida Association of Counties Regarding the Formation of the FAC Taxation and Budget Reform Commission (TBRC) Workgroup
- h. Notice of Bid Award Regarding the Fiber Optic Work
- i. Letter from Edward Allen Regarding the Clean up in and Around Lake Talquin
- j. Letter from The City of Quincy Regarding Voluntary Annexation - Ordinance Number 991
- k. Quincy-Gadsden Airport Authority, Audited Financial Statements for the Year Ended September 30, 2006
- l. Sewer System Project Documents - Permanent Easement/Disclosure Certification

- m. Letter to Jennifer Frye Regarding Request for Permission to Subdivide Tax Parcel
- n. Notice of Bid Award Regarding Project Engineer and Program Administration for the Bradwell Huddle House Project
- o. Bid Protest Bid No. 07-06 (Re-Bid) Fiber Optic Network
- p. Letter from Florida Department of Juvenile Justice to Marlon Brown Regarding confirmation of Appointment to Florida's Blueprint Commission on Juvenile Justice Reform
- q. Letter from the Department of Community Affairs Regarding CDBG Agreement Modifications Number 3
- r. Letter from The City of Quincy Regarding Annexation - Ordinance Number 1000
- s. Letter to Florida Department of Transportation, District 3 from Capital Region Transportation Planning Agency Regarding the Quincy Bypass Project
- t. Letter from Florida Department of Transportation Regarding Traffic Signal for Fiscal Year 07/08
- u. Florida Kidcare Outreach Proclamation
- v. Letter from the Clerk of Circuit Court Regarding Summary Financial Statement as of August 7, 2007
- w. Letter from the Clerk of Circuit Court Regarding Cash in-Bank Summary as of August 8, 2007

August Meeting

August 28, 2007 - FY 2008 Budget Workshop - OMB

September Meeting

September 4, 2007 - Regular Meeting

Final Plat - Magnolia Forest Phase II & IV - Growth Management

Re-Plat Lot 18, Block B, Dixie Farms Subdivision
(Pittman's Re-Subdivision) - Growth
Management

Approval to Accept the FY 2007 3rd Quarter Report - OMB

Appointment of District 5 Member to the Gadsden County
Industrial Development Authority (IDA) Board
- CDA

Legal Opinion - Tourist Development Council Payments
to Chamber of Commerce CDA

- FAMU Resolution - PIO

September 11, 2007 - Special Meeting

- FY 2008 Budget 1st Budget Hearing - OMB

September 18, 2007 - Regular Meeting

- Administrative Text Amendments - Growth Management

September 25, 2007 - Special Meeting

- FY 2007 Budget 2nd Budget Hearing - OMB

ADJOURNMENT

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY
COMMISSIONER PRICE, THE CHAIR DECLARED THE MEETING
ADJOURNED AT 11:00 P.M.

Brenda A. Holt, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON AUGUST 28,
2007, THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

Present: Brenda Holt, Chair
Derrick Price, Vice-Chairman
Eugene Lamb
Doug Croley
Edward J. Dixon (arrived late)
Thornton Williams, County Attorney
Marlon Brown, County Manager
Muriel Straughn, Deputy Clerk

CALL TO ORDER

Chair Holt called to the meeting to order at 6:05.

A MOTION WAS MADE BY CHAIR HOLT AND SECONDED BY COMMISSIONER PRICE TO TAKE A FIVE MINUTE RECESS. THE BOARD VOTED 2 - 2 WITH COMMISSIONERS CROLEY AND LAMB OPPOSING THE RECESS.

Commissioner Croley announced that he and the county staff would be at the Tallavana Community Church on Thursday, August 30, to listen to the people of District 2 and answer questions they may have about county government, the upcoming budget and the like.

There was a long pause as the commission was waiting for Commissioner Dixon to arrive as well as OMB Director Davin Suggs who was to be the presenter. The meeting did not convene until 6:20 p.m.

OMB-BA# 070052 Resolution 2007-044 - Sheriff - \$344,500

County Manager Marlon Brown amended the agenda to include an amendment to the Sheriff's budget which the Board approved on August 21, 2007. He explained that the additional funds requested by the sheriff will be taken from the Fine and Forfeiture fund balance. He also expressed to the commissioners that, "This is one-time money and it will not be in the following budgets. This is something that I normally recommend against doing, but given the situation, staff is recommending that you go ahead and provide this \$344,500 to the Sheriff. It will basically leave a balance of \$20,000 in the Fine and Forfeiture fund balance."

He then announced that this meeting was a public hearing and asked the chair to call for public comment.

Chair Holt asked if there were questions from the public regarding the budget amendment. There was no response.

Commissioner Croley asked if the money could be taken from some other place.

Mr. Brown replied, "No, sir, not unless you are going to cut something else in order to get the money."

Commissioner Croley asked if it was general fund reserve or strictly Fine and Forfeiture money.

Mr. Brown replied, "This is part of our general fund. We have it separated into Fine and Forfeiture, but it is part of the general fund."

COMMISSIONER CROLEY MADE A MOTION TO TAKE \$150,000 FROM THE BOYS AND GIRLS FUND. COMMISSIONER LAMB SECONDED THE MOTION. THE BOARD VOTED 2 - 2. THE MOTION FAILED.

COMMISSIONER CROLEY MADE A MOTION TO APPROVE THE BUDGET AMENDMENT AS PRESENTED. COMMISSIONER PRICE SECONDED THE MOTION. THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE MOTION.

Commissioner Dixon arrived at this juncture of the meeting.

Mr. Brown explained that the proposed tentative budget (distributed by staff on July 10) was \$40 million and that there will be no more additional revenue with which to work. He asked the Board to make their recommendations/additions to the budget and the staff will then come back with their recommendations for cuts in order to accommodate the wishes of the board.

UPON MOTION BY COMMISSION PRICE AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO PROCEED IN THE PROCESS DESCRIBED BY THE MANAGER AS TO HOW TO GO ABOUT DETERMINING WHAT THE BUDGET WOULD ULTIMATELY BECOME.

STAFF RECOMMENDATIONS

OMB Director Davin Suggs reviewed a number of administrative changes to the budget which was distributed on July 10, 2007. They are outlined in the attached agenda report.

Chair Holt asked the Board to take discussion from the public regarding the topics raised by the staff and listed in the agenda report.

Recycling - the staff had proposed to discontinue the recycling program and the rural waste sites in the proposed tentative budget

There was some discussion regarding whether the Solid Waste Grant could be used for the rural waste sites.

Recycling Department Director Anthony Powell addressed the Board. He reported that he had talked with the Department of Environmental Protection (DEP) and they had told him that it could be used for that purpose and, in fact, most counties did use it in that manner.

Tiffany Parsons Brasswell spoke in favor of keeping the recycling program and at least offer citizens an option to recycle even if it meant that the cost would go up..

Ron Sossia stated that recycling is something that must be done regardless of the cost.

Commissioner Lamb insisted that the rural waste sites be included in the budget.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADD RECYCLING AND THE RURAL WASTE SITES BACK TO THE BUDGET.

Mr. Suggs stated that the staff is well aware that there must be garbage service of some sort, whether it is paid directly by the residents or by the County. Because of the history of mandatory garbage, the Board has been reluctant to re-impose garbage pick up service through any financial mechanisms that are available. (MSTUs, etc). However, he reminded them that the public does have access to garbage pick up through private arrangement with Waste Management - they are not without some source of garbage collection. The alternative of providing waste sites has been a financial burden to the county with relatively few permits sold for the service. He said the benefits to the few who are purchasing permits are disproportionate to the cost for continuing the service.

Code Enforcement Officer

Commissioner Croley stated that he would like to have an additional code enforcement officer that would be deputized through the Department of Motor Vehicles to enforce the collections of the mobile home decals. The cost would/could be offset by the fees that would be generated by the sale of the decals.

Commissioner Lamb concurred.

Commissioner Dixon said he didn't object to a code enforcement officer, but he would fear what would have to be sacrificed elsewhere in the budget in order to make it a reality. But, for the purpose of discussion, he would support moving it forward.

Chair Holt stated that she has always supported the idea of having more code enforcement officers, but with the budget cuts certain to come from the state, she may be forced to make funding decisions in favor of more pressing issues.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADD A NON-SWORN CODE ENFORCEMENT OFFICER BACK TO THE BUDGET.

PUBLIC COMMENTS

Sheriff Morris Young addressed the Board briefly, then yielded the floor to his employees who wanted to speak.

The following people were recognized for comments:

Sandra Hooks - Dispatcher - emphasized the need for pay increases for sheriff employees.

Cathy Weatherford - former 911 operator who left because of the pay - implored to board to support the sheriff's request.

Commissioner Dixon asked the above speakers what they thought of the step pay plan that has been proposed for the Sheriff's office.

Katherine Pondexter, CFO for the Sheriff, explained that the step plan was for sworn officers. The communication staff is not part of that plan.

Pamela Anderson, corrections officer, spoke to the issue of raises.

Julia Nelson, with 16 years of corrections experience - 4 years with the Sheriff's office, spoke of the dangerous situation at the jail. She said that when she goes in at the beginning of a shift, she must step over bodies to get an inmate count.

Doug Stiles stated that convenience store clerks make more money than starting deputies.

Michael Stubbs, officer with the Sheriff said he loves his job but he wants to be able to provide for his family as well in a way that is fair to them.

Commissioner Dixon reminded the Sheriff's employees of what the board did for them last year.

- 7% raises across the board
- funding for car fleet - \$274,000
- Commitment to fund a step plan for pay rates

Mr. Suggs said the plan first involved creating the organizational structure and a compensation plan. The study has been completed after having looked at the surrounding areas - Leon County, in particular and the state corrections facilities. The results emphatically confirmed that the sheriff's sworn officers are "way under paid" in every category.

He then explained how the step plan would work. He said that Sheriff Young made it known that he cannot wait another year to become competitive with salaries and wages within the structure.

Commissioner Dixon wanted to make certain that all the sheriff's employees understood the logic and the process that the Board and the Sheriff were going through to get their salaries to where they deserve to be.

Commissioner Croley asked the Sheriff if he wanted the step pay plan and if he would control the plan.

Sheriff Young replied the he wanted the pay to begin at the high end of each step of the plan. He emphasized the he could not wait for another year to begin. He also stated that he would control the step plan.

Brian Alexander pointed out a flaw in the plan. He explained that there is a difference between level 10 correctional tech

and correctional officer. A bailiff and correctional officer are both board state certified and should make the same as a deputy sheriff. They go through the same training. A certified officer can go anywhere in the State of Florida and go to work the same as a deputy. A correctional tech is a civilian who can come in and work a control panel or process an inmate by booking, but have no contact with the inmate. The span between a correctional tech and correctional officer should be different.

Mr. Suggs confirmed that Mr. Alexander's remarks were accurate and the correction was made earlier in the day.

Vincent Crump concurred with the remarks made by all of those who spoke earlier. He thanked the Board for their consideration.

Brenda McGill Ellison from Havana spoke as a family member of an inmate at the jail. She complained of the poor conditions at the jail and her experience with her relative and his need for medical care. She said that the inmates nor the workers are not safe. She spoke specifically to sanitary conditions and the overcrowded conditions which lends itself to a hostile environment. She implored them to grant the sheriff enough money to do his job to keep Gadsden County safe.

Rodney Moore, Deputy Sheriff, addressed the Board asking them to give the Sheriff the same consideration as they give themselves. He asked them to stop playing politics. He called attention to the fact that surrounding counties do not pay their county manager what Gadsden County is paying nor do they have the staff that Gadsden County does. He then pointed out that he had to purchase health insurance for his family on his meager salary while the county paid it for the manager over and above his exorbitant salary. He questioned the fairness.

He implored the Board to give the Sheriff what he needed. He also said that he would actively work to unseat any commissioner who would not support the sheriff in this matter.

There was huge applause.

Chair Holt told Mr. Moore that the plan to help the sheriff was in the works long before this budget season began and it will continue regardless.

Lamonte Petterson who works at the jail addressed the Board. He said that he is concerned about the conditions at the jail as they are frustrating and unsafe.

GUS BERT FARM ROAD

Brenda Tadlock, 156 Gus Bert Farm Road, said that their homeowners association would like for the County to pave their road pursuant to Ordinance 93-002. She asked that that paving be added to the budget.

Mr. Suggs said the staff is already working on the project and will be coming back to the Board very soon with recommendations.

Katherine Pondexter spoke to the Board again saying the total budget request for the Sheriff is \$8.5 million. However, she said that the salaries and the step plan will affect that number. Commissioner Dixon asked her to provide the Board with the details of what the Sheriff is requesting.

RECESS

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, CHAIR DECLARED A FIVE MINUTE RECESS.

The meeting reconvened following the recess.

Commissioner Croley asked to make some remarks to the budget itself in light of the fact that he was the one who had requested this workshop. He met with some reluctance from the Chair in light of others who were present to speak. However, at his insistence, she recognized him and asked him to keep it brief.

Commissioner Croley cited a number of personal observations, comparisons to previous budgets and comparisons to the budgets of counties of similar size. He said that those comparisons cause him great concern.

Before he could finish his remarks, Chair Holt called for him to bring them to a close stating that there were still three other people who asked to speak. However, he insisted that he be allowed to continue and he did.

The following people were recognized for public comments:

Robyn McDougal - We Care Network - requesting budget funding

Mary Dekle - Legal Services of North Florida- request for budget funding

Ron Sepcy - remarks regarding the county organizational structure and rise in the administrative budget from \$400,000 to \$2.1 million in two years. He stated that Commissioner Croley's remarks earlier in the meeting should be publicized.

Sam Hawkins - NAACP - commended the board overall for their performance and encouraged them to keep moving forward in spite of certain commissioners who did not fully support the management direction.

At the conclusion of his remarks, Commissioner Croley asked Chair Holt if Sam Hawkins was her husband, but she declined to answer in protest of the personal question.

Board Discussion

Commissioner Dixon commended the staff for the budget document. He then defended the staff and the increase in the administrative budget as being necessary.

Commissioner Lamb asked that the funding for We Care Network and North FL Legal Services be added to the budget. He also suggested that all but necessary staff positions be eliminated in order to provide essential services. He challenged the Board to put aside personalities and personal agendas and look toward what is best for the county.

Commissioner Price reported that he had visited the jail again recently. He said that there have been improvements compared to his visit two years ago except for the overcrowded conditions. He pledged his support to help the Sheriff as much as possible.

Chair Holt stated that she monitors what is going on at the state level and neighboring counties relative to funding and revenues. She said that while change is already taking place in Gadsden County, more change will come such as centralized cost centers and impending budget constraints. She, too, defended the actions of the staff and the cost of administration.

ADJOURNMENT

UPON MOTION BY COMMISSIONER DIXON, THE CHAIR DECLARED THE
MEETING ADJOURNED AT 9:35.

Brenda A. Holt, Chair

Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA ON
SEPTEMBER 4, 2007, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: Brenda Holt, Chair
Eugene Lamb, Vice Chair
Doug Croley
Derrick Price
Ed Dixon
Thornton Williams, County Attorney
Arthur Lawson, Asst. County Manager
Jean Chessser, Deputy Clerk

Invocation and Pledge of Allegiance

Chair Holt called the meeting to order with Commissioner Price leading in prayer and Commissioner Croley leading in the pledge of allegiance to the U.S. flag.

Amendments and Approval of the Agenda

ADD Added Under Awards & Presentations

A-1 Approval of Revisions to the Proposed FY 2008 Budget

ADD Under General Discussion

Revised # 15 Approval of Payment to the Gadsden County Chamber of Commerce for Services Rendered on Behalf of the Gadsden County Tourist Development Council During Suspension of Operations - (\$2,700) and Arrears for Increase in Contractual Amounts (\$1,000) (REVISED)

REMOVE # 15 Approval of Payment to the Gadsden County Chamber of Commerce for Services Rendered on Behalf of the Gadsden County Tourist Development Council During Suspension of Operations - (\$2,200) and Arrears for Increase in Contractual Amounts (\$1,200)

ADD Under Discussion Items by Commissioners

Under Commissioner Lamb - Bryan's Electric - Administrative Use Request (Attached)

Under Commissioner Holt, Chair - County Manager's Evaluation (Attached)

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

Commissioner Dixon was not present for this vote.

A-1. APPROVAL OF REVISIONS TO THE PROPOSED FY 2008 BUDGET

Mr. Lawson asked that Mr. Suggs go through the complete proposed 2008 budget revisions then go through the recommended pay plan for the Sheriff.

Mr. Suggs gave an in-depth presentation with recommendations for the Board's consideration and approval. He stated the Board had directed staff to include funding for the rural waste sites and keep or maintain recycling services, and one non-sworn code enforcement officer. In addition, he said that Capital Medical Services and Legal Services of North Florida had petitioned the Board to maintain their non-profit funding and additional direction was also given to staff to continue working on a recommendation for the Sheriff's entire budget recommendation.

1. Rural Waste Sites - (\$223,336)-

Mr. Suggs said six rural waste sites (the 6th being the site in Sawdust) were added back to the budget in the amount of \$223,336 which included two additional part-time employees, one of which would have been necessary anyway and the other to keep from having to use public works employees and pay them overtime. He said this would allow the County to do away with the day labor which they have been filling the gap with, as well as allow the program to stand on its own. Mr. Suggs stated this also included tipping fees as paid to Waste Pro.

2. Non-Sworn Code Enforcement Officer (\$67,764) -

Added back was one Non-Sworn Code Enforcement Officer at \$67,764 which includes the position, related operating supplies and a vehicle for this position which is funded out of the Capital Budget.

3. Non-Profit Funding (Capital Medical Society \$10,000 & Legal Services of North Florida \$9,000 -

4. Community Redevelopment Agency Funding (\$39,100) --

Staff added \$39,100 to the budget to cover these costs (CRA payments to the City of Quincy and Town of Havana) Mr. Suggs stated costs based on updated figures from the Property Appraiser have increased.

5. Fire Services (\$2,500) --

Fire Services - funding for gas was inadvertently left out of the original budget, only a new vehicle had been included in the budget and staff has **added \$2,500 to the budget to cover the cost of gas and oil** to accompany a recommended addition of a new vehicle for the Fire Services Coordinator.

6. Additional Ambulance re-Mounting *Staff Recommended \$62,000

Mr. Suggs said the **additional ambulance re-mounting included at \$62,000 is a staff recommendation**, that staff had not received direction from the Board on this item, and due to the current condition of the EMS fleet and the level of demand for EMS services, staff was recommending additional funding for an additional re-mounting of an existing ambulance. He said this additional funding would allow EMS to re-mount a total of two existing trucks during FY 2008 (one unit was already in the budget for \$62,000). He further stated this would be like the County getting two units for the price of one, as a brand new unit is about \$124,000.

7. Landfill Assessment projects (REMOVAL of \$140,000) --

Removal of \$140,000 from the Landfill Assessment Projects was because of the DEP requirements that the County will no longer have to fund ongoing assessment analyses -- (\$100,000 from special revenue or the previously recommended capital project to add slopes to land being purchased adjacent to the former Chattahoochee landfill and \$40,000 from general revenue). He explained that the \$100,000 for on-going assessment analyses came from special revenue and that even though the analyses are no longer required, the \$100,000 cannot be used anywhere else, that it basically goes back into the pot where there is a one-time non-recurring solid waste expenditure. He also stated the \$40,000 going back into the pot will help offset some of the other additions being made.

Constitutional Officers -

1. Cost of Living Adjustment *Staff Recommended (33,362) --

Mr. Suggs said the cost of living adjustment is a staff recommendation and \$33,362 was added to provide each Constitutional officer (with the exception of the Sheriff) the ability to provide a 2.5% cost of living adjustment to each of their respective employees. He also said this recommendation is consistent with the recommendation for the BOCC employees. He explained staff's original intent was to fund a similar cost for living adjustments from the Board's Reserve for Contingency, but staff was now recommending including the funding directly in the proposed FY 2008 budget. Mr. Suggs again stated this figure does not include the Sheriff, but it is for the other four Constitutional Officers.

2. Sheriff (\$1,089,588) -

Mr. Suggs stated "Board, I think this is important and I believe what staff is recommending for you to adopt is something monumental and historical in terms of Board support for the Gadsden County Sheriff. As far as I was able to tell in looking back at what was in the finance system, this single amount of funding that staff is recommending, in terms of funding or new funding for one year has not been matched, other than the actual construction of the jail".

He further stated staff has put together a total package of almost \$1.1 million for the Sheriff, a lot of this being directed by the Board and the on-going negotiations with the Sheriff's Office. He said not all of the funding recommended will go directly to the Sheriff; some of it will be budgeted in the County Budget for projects specific to the Sheriff.

**a. Compensation - Sworn Law Enforcement & Corrections \$667,629-
-**

Mr. Suggs explained staff had two compensation studies performed during the development of the FY 2008 budget - one study based on current affordability of the County and the other based on actual market data of the surrounding area and similar agencies. He said staff's recommendation is a compromise between the two studies and aimed at addressing the issue of the Sheriff's ability to recruit and retain qualified individuals at a competitive salary. The recommended funding

will provide the Sheriff with resources to offer starting salaries that are greater than the Florida Department of Corrections and the City of Quincy Police Department, both of which have the highest starting salaries in Gadsden County for correctional officers and entry level law enforcement personnel - (City of Quincy \$30,000 for law enforcement and Dept of Corrections \$30,800 for correctional officers.) Mr. Suggs said the funding will also provide the Sheriff with resources to implement a structured step-based compensation plan to maintain equity, fairness, and competitiveness with regards to compensation practices within the Sheriff's Office. He said the County could not afford the purely marketing plan, and recognizing the Sheriff does have to compete with the City of Quincy and the Department of Corrections, that the least the County can do at a minimal is beat both of those two agencies to give the Sheriff a "leg up" in terms of recruiting and retaining local qualified candidates. Mr. Suggs stated with the way the funding is designed it will allow the Sheriff to not be in this situation again, or whoever is the Sheriff, if they maintain this recommended system it will insure or maintain some type of equity in fairness, as well as the ability to be competitive in regards to compensation.

b. Compensation - Administrative & Command Staff (\$41,459) -

Mr. Suggs explained the command staff as being the majors (4) and Captain (1) and administrative staff. He said he had talked with the Sheriff early on about doing the same 2.5% cost of living adjustment increase for the Sheriff's administrative staff as was being done for the other Constitutional Officers and the Board. Mr. Suggs said the Sheriff was willing to accept that.

c. Patrol Vehicles (45,000) -

Mr. Suggs said at the end of the FY 2006, there was an agreement with the Sheriff that he could enter into a vehicle replacement plan, and that staff knew about this \$45,000 a year and a half ago (Board previously approved) and knew this would have to be done as part of the agreement so that the Sheriff can maintain his plan of getting rid of one of the old vehicles and getting new vehicles.

d. Duty Weapons (\$35,000) -

Mr. Suggs said this funding is for weapons for the law enforcement side of the Sheriff's Office, as well as shotguns.

He said hopefully, the Sheriff's Office will be able to standardize somewhat on their weapons, instead of using their personal weapons.

e. Information Technology (\$150,000) -

Mr. Suggs said staff had, at Board expense, performed an IT plan study similar to what they did for the Board and this funding will give the Sheriff about 75%, a very good start, if he will readjust some of his funding that he has now and it is reallocated towards IT. Mr. Suggs said if the Sheriff will do this, he can make a significant dent into his IT problems and make some significant progress.

Commissioner Dixon stated he understood from looking at the IT study for the Sheriff, that it will take a lot of staff and he asked if the County is going to bring the Sheriff along with the County's IT upgrades, or if by definition the Sheriff's IT upgrade is separate and by itself from the County's IT upgrades.

Mr. Suggs said they have gone round and round on this and that he sat down personally and talked with the Sheriff about this. He said he is staff, not political and the number one issue from his conversations is that the Sheriff gets along with the Board now, but what if the Sheriff is not the Sheriff, and the Board is not the Board. Mr. Suggs said that is an issue of the Sheriff, and as IT Director he feels it should be an issue for the Board also. Technically is it possible, yes. Will it save money, yes. It is very feasible to achieve some cost savings. Can it be done, should it be done - from a budget or total cost perspective, yes, but the truth is that there are some political things that the Board as a Constitutional political body and the Sheriff as a Constitutional Officer - Do you need to get around to do that so it exists and can be maintained beyond the actual people, the bodies, the County and the Sheriff, he said this would have to be worked out between the Board and the Sheriff on a political level. Mr. Suggs said right now, this plan does not contemplate any merger in the short term of any of the facilities other than they are both in the same building and share the same generator. He said the Sheriff benefits from that because the County maintains the building and generator. He said as the Sheriff upgrades his system there will be mutual, or indirect mutual benefits both ways. He also said the plan as proposed takes care of the Sheriff as if he were on an island by himself.

Chair Holt said when she spoke with the Sheriff his concern was that his information needs to stay confidential in house, and she asked if this proposal was simply for just installing the technology that the Sheriff needs without having to get into what that information is?

Mr. Suggs said the study was done through Board resources and as part of a contract with him as a consultant/certified engineer, the study was done at the Sheriff's Office, and in sharing resources like that he felt sure in some areas there will be opportunities for cost savings, maybe for both the Board and the Sheriff. He said his recommendation would be, even if just maintaining the equipment and not necessarily managing data - he said just for the Board's IT, he should be closer to 4 people instead of just two. He said when you talk about separation of duties, the Board realistically cannot afford the staffing needed for the separation of duties and the Board would have to err to anyone touching any piece of the Sheriff's equipment who had to be certified or approved for any type of clearance such as NCIC data. He said staff would err to the highest level of clearance so that a person could maintain the Sheriff's equipment and the Board's equipment. He also explained with the Board's IT, there is a lot of variety and with the Sheriff there is not a lot of variety but his information is mission critical with a high amount of mobile data that has to be supported. He also said because of the high mobile demands such as laptops in the cars, it will require some staff.

Commissioner Dixon said he understood it would take staff, but asked if it would really require two separate structures, two separate IT directors or two separate -

Mr. Suggs agreed that does not make sense for the Sheriff to buy the same stuff and hire somebody and then have to re-send them back to IBM school. He also said part of what the Board is doing that makes sense is the ability to realize greater efficiency for everybody -- the Sheriff, the Tax Collector, the Property Appraiser, everybody and the sooner everyone can get on one system and utilize the investment the County is making is what makes the most sense.

Commissioner Dixon said he wanted to be sure when the Board makes the commitment to technology, that the technology gets there soon enough to where it is actually useable and gets built.

Mr. Suggs did state that even though the plan is written for the Sheriff alone, the equipment he recommended for the Sheriff, with the exception of the special law enforcement software, is all Microsoft. He said the equipment he recommended is consistent with the equipment the Board bought. He also said he felt if the Board and the Sheriff would sit down and get around the minor political questions they have for one another, that the technical feasibility of it and the common sense of it could push it forward.

Commissioner Croley discussed how to get the Constitutional Officers to become engaged in and part of the expense of the technology. He said in his conversation with Mr. Suggs they discussed it being very similar to what the electric cooperatives did. They set up a cooperative among themselves, a not for profit but in that situation the Constitutionals would have to have more direct input into that process because the issue is not so much the hardware; that you can't separate a server out with racks, can't provide the internet speed or the applications and that is where they are going, that it makes sense. He said, however, in the real world the County obviously is not there.

Chair Holt stated that was a good point and that is why they need to be sure they can pull together and fund these things. She said if a person is not here and they pull up the web site for Gadsden County intending to do business with the County, they should be able to do that, not just with the County itself, but with all of the Constitutionals. She also said if they need to get clearance that is what they need to do, and work with all of the Constitutionals.

Mr. Suggs said he thinks the attitudes of all the Constitutional Officers has changed from what it was originally as they see the amount of work that has gone into this and he feels the opportunity is there, if they work on the reality part and with the help of the Board the staff will be able to do what the Board wants.

Commissioner Croley said the point is under the present framework of just the Board of County Commissioners controlling the technology in the County, he does not believe the other Constitutionals will necessarily get on board with it unless they can have direct input as a stand alone entity. He asked if, at some point in time, Mr. Suggs could come back with some ideas on that.

Mr. Suggs said as an example, the City of Tallahassee and Leon County share GIS, and the GIS staff and equipment sits in the Leon County Courthouse and you have the County and City Commission, but there is a separate governing board made up of City and County Commissioners that govern it and during the budget process that governing board has to come up with a budget and recommend it both to the City and the County. He said there are extra steps in the process, but it guarantees the City and County have equal input over the work and input of services provided by GIS.

Mr. Suggs stated the funding for **Items f & g** pertains to the jail but is related to the Sheriff, and these funds will remain in the County Budget. He said these are one time costs and under Board direction, the Sheriff will work with Mr. Spencer Bowens, Facilities Management to get these projects done under the Board's auspices.

f. Jail-Renovation of Female Pod(\$30,000)*BOARD'S CAPITAL BUDGET

Mr. Suggs said the County does not have enough money to build a new pod but current space will be renovated as use for the new female pod and \$30,000 is being provided in the County's Capital Budget to get this job done. He said this measure should temporarily help alleviate some of the current overcrowding issues.

g. Jail - Security Camera System (\$120,000) * BOARD'S CAPITAL BUDGET

Mr. Suggs said the number one problem at the jail, after you take care of salaries and get them up to full staffing levels, is the over-crowding. He said the over-crowding vs. the jail staff the Sheriff has, as the County is not able to give him any new or additional employees, makes it hard to control or have officers work in a safe environment and it is hard to maintain safety and security for the actual prisoners. He stated in a tour of the jail and every pod, the cameras that are currently there are stationary, and with the new system it will lessen the opportunity or need for the officers to be inside the actual pods, and they will be able to monitor from outside the pods the actions of the inmates. He said hopefully this will increase the safety and security of the employees, and as an indirect product, enhancing the safety and security of the inmates.

Mr. Suggs said this funding (a little over \$1.1 million) is significant, better than just a decent package and it actually addresses putting real dollars towards real issues for the Sheriff. He again stated just so the Board would understand on **items f & g**, that this is money they are not giving to the Sheriff but rather the Board is designating within their own budget to do these projects as the actual jail building is the Board's responsibility. He also said these two projects are to be completed this year, in coordination with the Sheriff.

Other Issues:

1. Increase Communications Services Tax Revenue (\$144,509) -

Mr. Suggs said this revenue has been added in the budget because the Board had previously approved the Communications Services Tax Revenue.

2. Reduce Animal Control Revenue (Reduction of \$6,000) -

Mr. Suggs stated animal control revenue was reduced because staff inadvertently misinterpreted the current contract with the City of Quincy as the related operating expenses had also been added. He said the contract with the City of Quincy states they will pay for one full-time employee only and this now reflects an appropriate adjustment.

3. Reduce School Board Payment for SRO's (Reduction of \$25,072)

Mr. Suggs stated he had received word late last week that the School Board has reduced their payment for SRO's to the County through the Sheriff by \$25,072. He said the Sheriff has a contract with the School Board for SRO's and the School Board has reduced their contract from \$224,900 to about \$199,000. He also said the Sheriff has correspondingly reduced the number from 9 officers to 5 officers to be placed at the schools. Mr. Suggs said the \$199,000 represents about 80% of the cost of the five officers and the Sheriff's reason being when school is out he puts the officers back on the road for general law enforcement work. He said at some time the Sheriff had planned to go back to the school board (and the Board was in agreement) to ask for closer to full financing, as before this year they the County got close to somewhere between 50-60% of the cost of 9 officers. He said the Sheriff asked for 80% for the 9

officers and the school board reduced the funding, only wanting 5 officers and the Sheriff reduced the number of SRO's to 5.

Fiscal Impact:

Mr. Suggs stated that in answer to questions the Board may have, funding for all of the revisions to the proposed FY 2008 budget can be made to accommodate the revisions as shown below:

1. Staff utilized additional general revenue from the increase in Communication Service Taxes and the reduction of previous anticipated requirements for ongoing Chattahoochee Landfill analyses.

2. Mr. Suggs said this is highly dependent on the decision of the Board tonight - first when these two happen and in order to be able to implement all of the above, he needs the Board to remain consistent or become consistent with the Board adopted policy that was adopted about a year and a half ago. He said that policy states the Board will not restrict any revenues any further than State Statutes require, and he said the Ordinance currently restricts the use of a Small County Surtax or the penny. He further stated that currently through local Ordinance the Board has it restricted in greater detail than the State requires. He then said in Laymen's terms he needs the Board to free up the penny - free it up from the restrictions the Board has on it. He said currently those restrictions would be the transportation, fire and water & sewer and he needs the Board to free that up. If the Board frees it up, he said staff has identified and contemplated the one-time use of fund balance proceeds or cash reserves in the transportation fund. He said staff has gone through and identified and projected out through the end of this year where the cash reserves will be in the transportation fund - that they are sufficient. He said it is like a repeat of what was done earlier this year to get road paving - used reserves to buy the County a year to decide on the gas taxes so they could continue road paving.

Mr. Suggs also said, as shown in the attached Third Quarter Report, there is one exceptional performing revenue which is the gas tax (six cents) - the five cents being brought this year, and currently the sixth cent which has been generated from tier 2 & 3 diesel at Flying-J, those are performing outstanding. He said it is complex but he believes one of them will come in at about \$300,000 more than projected. He said the fund, right now the way staff is projecting, the revenues are performing well and the Board will have sufficient reserve to buy them another

year and in this case, maybe not necessarily for paving, but to be able to use this fund balance this cash reserve to fund capital projects that are funded or are in the transportation budget, bridge work, striping, replacement of Public Works vehicles and trucks, and The Board will have one-time money for one-time projects. He said he stays within Board policy, which is when money is used from reserves or cash balance it is non-recurring; it is not used for recurring items so non-recurring money is spent on non-recurring items so they do not get in trouble. He also said the Board can use this money, and if they do so and they remove the restrictions on the penny it will free up the use and/or availability of revenue from the penny, the penny being a good, strong recurring revenue that can be used to implement the majority of this plan which is the increase to the Sheriff, which will give the Board a year, and one thing he wanted to tell the Board is that he feels it is his job to advise them in considering all of this,

"Do not consider approving these revisions, O.K., flat out, do not approve or vote for these revisions if you don't have intentions of seriously considering adopting the gas taxes for next year, fiscal year 2009. If you know right now that you are not going to move or consider the gas taxes, then this plan will not work. What will happen next year, if you don't approve the gas taxes, then you are faced with either not doing any or hardly any public works capital projects or you will have to cut your budget somewhere else in general revenue, and move that general revenue over to do public works projects and you are going to leave yourself short, O.K."

He said everyone knows what they went through two months ago with the gas taxes, but that it was his duty to tell the Board how all of it works. He said you have revenue this year so increased money can be provided to the Sheriff, but the Board will have to come back next year and replace that revenue. He said this is the way the Board can do it and maintain - doing it one year is fine but the Board must put themselves in the position of maintaining. Mr. Suggs then stated the direction staff is asking is:

- (1) To approve or not approve the revisions, and

- (2) If approving the revisions, direct staff (both County staff and County Attorney staff) to prepare, revise and advertise an Ordinance that would change the current local Ordinance governing the use of proceeds from the Small County Surtax.

Mr. Suggs said the best available date will be September 25th which will be the second public hearing, the last public hearing on the budget.

Chair Holt then called for questions, comments from the Board on the proposed revisions.

Commissioner Dixon stated his concern is that next year when recycling is not performing, the Board will cut it or it is going to come up again to be cut and once you make that "can be cut list" it generally doesn't change. He said the assumption he is making is that the super exemption will pass and the County will be \$2 million short as a result of it - short of how much growth the County has. He asked if it was not prudent to begin the process of looking at that situation now while there is some flexibility, as opposed to next year when seven people conceivably could be put out of a job, and maybe they should try to place those employees in other positions within the County now.

Mr. Suggs responded he thought the proposal or question that came up last week -- when staff can confirm that the grant can be used for solid waste activities to help relieve or cut down on that general revenue subsidy-- that it was a good idea to look at it now. He said the thing with recycling is that it is labor intensive and there are always different perspectives on how many people are actually being served and what it is costing the County. He also said, in the Third Quarter Report, recycling was over \$100,000 over budget at the time of the report. He said not a lot of that was from malfeasance, misfeasance or any wrong doing on anybody, it is simply something that has happened. He said if the Board were to ask themselves which of the two services, rural waste sites or recycling is more important to be provided by the County to the community, the County will then need to go after their best shot; because in the past it has been both of them but now both of them are costing the County. He said staff had met with the County Manager over the past three weeks to discuss the possibilities of containing recycling within that grant and staff would not have recommended removing recycling or doing away with it or looking at it unless they felt it could be done. Mr. Suggs also responded to questions

from Commissioner Dixon and said part of the problem is the recycling maintenance bills. He said you could cut down on that and possibly have a shot at containing it within the grant and additional revenues if there was new equipment. He said this all comes back down to service. He said there had been discussions on putting recycling bins at the rural waste sites as opposed to curb side service, but is not feasible as the recycling bins tend to be used for garbage, and you would have to have an employee go through all of it to sort out what is recycling and what is garbage.

Chair Holt asked if the funds (\$277,000) from the recycling grant could be used for the waste sites and Mr. Suggs stated they could. She said if the Board had to choose between the two, then that is what should be done if it comes to that, but that the Board needs to look at the total package to see if they can get this done. If it is not something they have, they look at cutting something else. She said if the Commissioners want both to stay in it, the Board can look at it and see if there is anything extra that can be done with recycling, but if it doesn't work then they move on.

There was discussion concerning the commercial cardboard (Most of which is brought into the County from Tallahassee - the Tallahassee Democrat's newspapers and Rose Printing. Mr. Suggs also said there was information brought to staff's attention by Mr. Charles Chapman on used tires with that also being a possibility of generating more revenue for recycling.

Chair Holt briefly discussed the number of people, 1200 approximately for recycling and on the rural waste sites, approximately 1,000 people. She then said "Referendum passes in January - of these two or either both, if you had to be looking at the cost, the rural waste sites may be something the County will be able to offer, but it may not. In looking at the recycling, the County could do it or not do it - she said the Board needs to look at long range what may happen also, not looking just at September, but for January, long range".

Mr. Suggs said solid waste period is just one of the few remaining opportunities to free up general revenue now or in the future. He said one of the things the Board could do if the Referendum does pass in January is ask the citizens to pay for their garbage either by paying the vendor directly or paying the County and then the County paying the vendor.

After further discussion among the Board it was agreed Mr. Suggs will bring back some dollar figures and information on the commercial cardboard/used tires at next week's meeting and he will also meet with Anthony Powell to try and come up with more realistic figures for revenue without a lot of additional expenses being incurred, and he will bring that information back to the Board as well.

Commissioner Croley said at this time, he feels it is important to continue the waste sites and recycling for the citizens of Gadsden County.

The non-sworn code enforcement officer's salary will be \$30,000, and for a sworn officer it would have been \$35,000. The balance of the expenses covers a vehicle from capital outlay, office supplies, lap top, operating expenses.

There was discussion on the mobile home decal revenue that could be generated through this and Mr. Suggs explained that staff had originally planned to go after just the existing ones, but will now go after any additional revenue that is out there. Mr. Suggs said the school board automatically receives 50% of the revenues collected through this, and the County will receive revenues only from those in the unincorporated areas of the County. He said, for example, if they are in the City of Quincy or the City of Havana, they will receive 50%, the County will not. He said he has not budgeted for any anticipation of increased revenue generation from this in the proposed budget as it is a small amount, and he wanted to see what the situation would be and then make projections at that time.

Commissioner Croley asked that Mr. Suggs monitor how much money is going to the school board from this as it is a County effort and there may be some opportunities to work with the school board to use that increase in revenue for some other mutually beneficial program.

Chair Holt said the County should leave code enforcement within the cities up to them, that the County should not be responsible for the expense of a code enforcement officer for the cities - each city should be responsible for their own code enforcement, permitting, inspections, etc., unless they are contracted with the County for these types of services.

Commissioner Dixon recommended that Mr. Suggs contact the school board because as one of the main receivers of these funds, they

should be willing to put some in up front to help with this position, if they are interested.

The Board agreed that Mr. Suggs is to contact the school board and will report back to them at next week's meeting on the response from the school board.

On **Non-Profit Funding**, Mr. Suggs said the amounts in the proposed revisions for Capital Medical Center and Legal Services of North Florida is funded at the same rate as they were funded during this current year. He said on the non-profit funding, staff's original intent was to put whatever amount is available, whether it is \$20,000 or whatever into a pot in conjunction with the United Way - money is not given to United Way, but the money the County puts in and the money United Way would put in with the County would then be used for non-profit organizations in Gadsden County. He explained this is similar to the program Leon County has with the United Way, but said it is too late to do that this year, but if the Board decides this is how they want to determine the donations, staff could look at doing it for the 2009 fiscal year. He responded to questions from Commissioner Lamb on the United Way process and said staff's goal in doing it the first year was to get everyone familiar with the process and then merge with United Way to get a larger pot of money for Gadsden County.

Commissioner Lamb said he just wanted everything to be done fair and that he knew the United Way would do that and he supported it.

The Board discussed the "pool process" they had used with a committee being appointed (one member from each district), the committee reviewing the requests of each organization and then the committee making the recommendation as to the amount to be given.

Commissioner Dixon recommended to the Board that they go back to the "pool process" regardless of how much the pot is, and let the people go before that body and make their case. He said just because Capital Medical and Legal Services showed up, does not necessarily mean they should be funded. Let it be competitive, let everyone have a chance. He also said last year, the money did not become available until January so there was no rush on it.

Commissioner Croley agreed with Commissioner Dixon on the pool process in that it would certainly separate it from the Board.

Chair Holt asked if the Commission could look at about \$20,000 because when you look at this, it is not really just non-profit, and in looking at the long range forecast she does not want anyone to forget about that. She said if a certain amount is set aside, everyone needs to be reminded that when they go through that process, that is it.

Commissioner Dixon said his concern is that when the money starts drying up, those people doing the non-profit work still has to do it and he urged the Board to be slow to cut that pot of money because those folks provide necessary services in our community, and even in bad budgets the Board needs to make sure there is money out there.

Mr. Suggs is to come back to the Board at next week's meeting with some figures to be available for non-profit funding in the pool process.

The Board had no questions or comments on the following proposed budget revision items as shown in the attached agenda packet:

Community Redevelopment Agency funding, Fire Services, An Additional Ambulance Re-Mount, Landfill Assessment Projects, Constitutional Officers' (this does not include the Sheriff's Office) Cost of Living Adjustments.

Sheriff's proposed revisions -Compensation for sworn law enforcement and corrections totaling \$667,629. Mr. Suggs said the Sheriff wanted competitive starting salaries for deputies and correctional officers with a provision for competitive salaries for all existing sworn personnel. He said staff's number one priority was the Sheriff's needs, to give him some type of structured pay plan, that staff doesn't want to just fix it one time but rather get it fixed in such a fashion the Sheriff can maintain it and doesn't have problems with salaries again. He said the Sheriff doesn't have to and that everyone on the Board understood that, and another concern of staff is protecting and looking out for the Board's best interest in doing this. He explained in staff's looking at compensation they wanted to look at and do everything they could to make sure the Sheriff pays the best in Gadsden County because that was not previously the case. He said they have tried to equalize the correctional officers and deputies salaries and the deputies and correctional officers will start at \$31,000 as proposed in the attached schedule. He also said the greatest range of disparity is actually the ones that should be the higher payments, the

sergeants and lieutenants were more out of whack than the deputies. Mr. Suggs explained what the Sheriff can do to implement a fifteen step plan with a range and spread of 50%, deputy or correctional officer starting at \$31,000 and going to \$46,500. He said what is important to staff is their ability to help the Sheriff maintain this because the Board has to fund it to maintain it, they have to move the steps - 15 step plan with only a 2-3% gap between steps so it maintains the Board's ability to maintain the step plan from year to year. He said in a step plan a person automatically moves each year from step one to step two to step three, and this year Step 1 is at \$31,000, you apply a cost of living adjustment to the step or the salary range so the person not only gets 2-3% as they move between the gap in the step, and if you move the entire range 2%, they actually get a 4-5% increase. He said staff had to keep that number below 5% to give a realistic chance of the Board being able to maintain the Sheriff having a competitive compensation system. He said staff wanted to make sure the Board is in the best possibility of being able to maintain, once they get a system set up, if the Sheriff so sees fit. Mr. Suggs said if the Sheriff chooses this, the Board can maintain it.

In response to questions from Commissioner Dixon, Mr. Suggs said if the Sheriff comes to the Board tomorrow and says "I want to do this step plan", staff could tell the Board what it will cost for the next five years, give the Board that number. He said the only variable staff would not know is the number if staffing increases, but if staffing stayed the same, staff could tell the Board what the figures would be for the next five years to maintain (Board funding) and move the steps - said he could do that tomorrow.

Commissioner Croley said he supports the increase for the Sheriff, but is concerned that the Board may be getting into telling the Sheriff what kind of pay structure he is going to have, and that could raise serious concerns. He asked how the Board could go in and tell the Sheriff as a Constitutional Officer what he is going to pay his employees unless he is on board with this and wants to do this himself. He said he was not sure the Board had that authority.

Chair Holt said the Sheriff did not have anyone to help him with the study and the Board had said they would help him with the study. The Sheriff did not have the funding for it, and the Sheriff has been bouncing numbers back and forth with different commissioners and that the Sheriff has kept referring back to this study as it has given him a base line. She said this is a

suggestion, that the Board was not telling him what he could or could not do.

Commissioner Dixon said that was a valid point, and that the Sheriff is unlike most other Constitutionals in that he can realistically change his budget at any point. He said this problem has been going on for years with deputies being underpaid, and that there was no structure and at every point the Board has asked the Sheriff would he be willing to accept this structure. He also said other sheriffs have this structure in place, and it lets every officer know where they will be and be able to plan for their future, but it also lets the Board know. He said the Sheriff still has the ability to move people within that structure as he sees fit, and even at this time the Board gives him a certain amount for personnel and if he spends outside of that it is well within his right, but he has a budget, too, and that in some way form or fashion the Board does dictate to him how much money he is going to spend, without taking away any of his rights. Commissioner Dixon also said the structure allows for the Board to say if the Sheriff needs 5% and there are some special cases you will be able to see that right away, right now you can't see anything. He said the Sheriff could come in and say I need "\$600,000" and when you ask how this got out of whack, no one knows and no one can tell you, but this would provide structure. He said he could not speak for the Sheriff, but would hope that it would benefit him as well because this no longer has to be an issue - it is a discussion about whether we will be at step 1 or step 2 as our minimum - that is the discussion. Commissioner Dixon then stated to Mr. Suggs that the suggestion looks fantastic.

Mr. Suggs said, from a staff's point of view, they work very hard not to overstep their boundaries at the Sheriff's Office, but as his duty to the Board, staff had to go through this process in order to be able to tell the Board, without a shadow of a doubt, the Sheriff should not come back, if the Board approves this, the Sheriff should not come back saying he has a problem with salaries. He said the Sheriff does not have to do this in terms of the step plans or not, doesn't have to do one bit of it. He stated, however, his staff had to go through it to be able to show the Board with the amount of money staff is recommending they provide, that the Sheriff can address all of the needs he has ever spoken about salaries - he can be competitive with starting salaries, he can bring current employees up to competitive salaries. He said the Board would be giving him enough money to do all of that, and that is why staff ran all the numbers. Mr. Suggs said at the end of the day

the Sheriff could take the recommendations or advisement on the structure, and if the Sheriff came before the Board tonight and said he was going to do this structure, for the Board and working on the Board's budget that he and Mr. Lawson would be able to pretty much tell the Board how much money the Sheriff would need over the next five years, short of him adding additional staff.

There being no further questions or concerns from the Board, discussion then began on the funding of the proposed revisions.

Mr. Suggs stated all funding first comes from all of the available revenue from the additional communication services tax, picking up about \$40,000 and without having to do the one landfill project which was about \$180,000. Mr. Suggs said they put some stuff back in and the line share of how they are able to support the Sheriff is, (1) because of sufficient cash reserves in transportation staff is projecting about \$3.2/\$3.3 million at the end of the year, and with these reserves, the Board will be able to fund a lot of one time projects in the amount of \$750,000. (2) The Board can then free up revenue from the penny which is currently supporting those projects, and if they change the Local Ordinance that un-restricts the penny the Board can use those funds to support these changes which the line share would be for the Sheriff.

In response to questions from Commissioner Croley, Mr. Suggs said currently the only revenues in the transportation fund comes from gas taxes, revenue that flows from the penny and minor monies from work done for Midway or Gretna, etc., by the County, but the bulk is from the fuel and penny tax.

Commissioner Croley asked Commissioner Dixon, since Commissioner Dixon has the most seniority on the Commission at this time, what his thoughts were on the Small County Surtax, what would be the down side of un-restricting the penny tax.

Commissioner Dixon said he did not think there was a down side. He said there was a down side when the County did not go after additional revenue so that any time you took from Peter to pay Paul, Peter was just out. He said now the Board has the ability to go after additional revenues that were never gone after before -waste water or water. He said he thought it was no longer needed for those captures to be sure the County funded fire and roads which were at one time 400-500 miles, and the County had to get as much money into that situation as possible.

He said we still have some roads, but it is not nearly as significant as it was.

Commissioner Croley then inquired of Mr. Suggs what percentage of funding for all of these items, the Sheriff's expenses, would have to come from the transportation fund, at least the Small County Surtax.

Mr. Suggs explained where the penny, the Surtax is going in reference to the new stuff. He said \$801,000 is going to the fine and forfeiture fund - that is operating for the Sheriff. \$150,000 is going to fund 301, capital projects (\$30,000 female pod, \$120,000 security camera system). He said the rural waste sites are being paid from general revenue and to free up general revenue the ambulance remounts of \$124,000 is coming from the penny and some funding was already going into fund 342, EMS and Fire. So, the \$801,000, the \$150,000, the \$62,000, for a total of \$1,013,000 will come from the Small County Surtax, if it is freed up to fund this.

Commissioner Croley asked Mr. Suggs if he felt he would still have adequate funding in transportation to take care of bridge maintenance and paving repairs, and Mr. Suggs said the transportation budget will remain the same because when he is moving the penny out, he is moving cash reserves in and he reassured the Commission that funding is adequate. Mr. Suggs reminded the Commission that they need to seriously consider this as one time funding. He also said to move forward with the amount of service the County has been providing previously in transportation, something has to be budgeted next year going into FY 2009.

Commissioner Dixon asked if he understood correctly that the reason Mr. Suggs must do it like that is because this money has to reoccur from this day forward.

Mr. Suggs responded that was correct, with the exception of the \$150,000 for the jail. He said it was very important that the public and everyone knows how the transportation fund is set up. He said the penny going to the transportation fund was not supporting day-to-day operations. He said the penny was supporting the line share of capital or one-time projects. In terms of operating off the gas taxes for the public works department, Mr. Suggs said the penny was not going there. He also stated transportation has ample funding for day-to-day operations and scheduled capital projects the Board approved.

Commissioner Dixon asked if this was with no new capital and Mr. Suggs said next year in the 2009 FY, this question will have to be addressed again.

Commissioner Croley said he wanted to make sure that he understands the recommendation of Option 2 to free up the restriction on the Small County Surtax will simply fund what they have here and it will not be on a re-occurring basis.

Mr. Suggs responded that in going back to the adopted policy which said "the Board will not restrict any revenue beyond what it has to by State law", that freeing up the penny hurts absolutely nothing. He said as proposed here, freeing up the penny gives the Board the flexibility it needs to meet the challenges in an ever-changing environment. He also said next year or the year after, the issue may be something else and asked that the Board not look at this measure as strictly rededicating this penny to the Sheriff. He said freeing up the penny simply gives the Board the flexibility to meet the challenges and demands as they come to the County. He said the penny will grow and he feels it is proper that the Board gives itself this flexibility to handle any new challenges that may come. Once it is freed up it is free unless the Board decides to restrict it again.

Commissioner Dixon expressed thanks to Mr. Suggs and staff for the hard work and crunching of numbers to try and get this plan into play.

Commissioner Price said the City of Chattahoochee has received a grant for the Southside Park and he asked that Mr. Suggs look into the possibility of the County matching \$60,000 if the City of Chattahoochee puts in \$60,000 for a community center at the park. He said there is an old school building there that could be used for this.

Mr. Suggs said if it is the Board's desire that he could go back and look and report back next week at their meeting. He said if this a one-time funding he would see if funds are available and he will also check into whether this is a historical site and if funding may be available there also. The Board was in agreement that Mr. Suggs review and report back to the Board with his findings and recommendations next week.

Chair Holt said one item she wanted to discuss was how the County can cut back on the costs for people that are on call with County vehicles. She said she had talked with the County

Manager about this and the possibility of restricting travel for people off-call. She also said it may not be necessary at this time, but she would like for the Board and the Constitutionals to look at a 5% roll back. She said other counties are doing this and she would like to look at the future on some of those.

Mr. Suggs said he is working on a proposal for the Board on the cuts and during the next 12 to 18 months they will have ample opportunity to do that.

At this point, the following action was taken by the Board:

UPON A MOTION BY COMMISSIONER DIXON TO ACCEPT STAFF'S RECOMMENDATIONS OF OPTIONS 1&2 TO APPROVE THE REVISIONS OF THE PROPOSED FY 2008 BUDGET, AND DIRECT STAFF TO PREPARE AN ORDINANCE TO REVISE AND ADVERTISE THE CURRENT LOCAL ORDINANCE GOVERNING THE USE OF PROCEEDS FROM THE SMALL COUNTY SURTAX, AND UPON A SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

Commissioner Lamb was not present during this vote.

CONSENT AGENDA

1. Ratification of Approval of Payment of Bills
Accounts Payable dated August 24 and 31, 2007
Payrolls dated August 16 and 30, 2007
2. Approval of Commissioner Croley's travel to Gainesville, Fl on September 25-26, 2007 to attend the County Commissioner Certification (CCC) Workshop at a cost of approximately \$300
3. Approval to accept federal grant funds of \$16,069 to the Emergency Management Preparedness and Assistance Program Base Grant - Acceptance of this grant will increase the total amount of funding to \$119,028.
.
4. Approve the appointment of Felicia Battle as member of the Gadsden County Industrial Development Authority (IDA) Board - District 5
5. Approval and Signatures for Lien Satisfaction
Theresa Brown OR Book 474 Page 189-192
6. Approval and Signatures for Lien Satisfaction
Sadie Bradley - OR Book 551 pages 2061-2063

7. Approval of Signature for Special Assessment Lien
Jason and Laura King
8. Approval of Signature for Special Assessment Lien and
Rehabilitation Contracts Margie Young
9. Approval of Public Library Technology Plan
10. Approval of Five Year Long Range Plan for the Gadsden County
Public Library 2007-2012
11. Approval and Execution of State Aid Grant Agreement

**UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER
DIXON, THE BOARD VOTED 4-0, BY VOICE VOTE, TO APPROVE THE
CONSENT AGENDA AS STATED ABOVE:**

Commissioner Lamb was not present for this vote.

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS:

Ms. Tricia Collins of the Gadsden Arts Center, **Pastor Stanley Sims** of A Shepherd's Hand Resource Center, and **Ms. Kelly Parker Williams** had requested to appear before the Board for non-profit funding.

Chair Holt reminded those wishing to appear and speak that the Board has decided on another option for non-funding and it was not necessary for them to present their issues to the Board at this time as Mr. Suggs will be bringing the proposal for non-funding back before the Board.

Ms. Collins and Pastor Sims thanked the Board for their time and hard work.

Ms. Williams passed out literature on infant mortality as part of the Gadsden Community Healthy Start Coalition, Center for Health Equity and Mother care Community Meeting on infant mortality awareness in Gadsden County, as well as the Coalition Highlights findings for 2006-2007.

12. PUBLIC HEARING: Final Plat for Pittman Subdivision, A Re-Plat of Lot 18, Dixie Farms Subdivision (SD-2007-02), Located on the south side of Garland Road and south of Potter Woodberry Road (CR 159A) and east of Salem Road (CR 159) approximately 1.0

miles northwest of Havana, in Township 3 North, Range 2 West, Section 22 (Tax ID# 2-22-3N-2W-0175-00000-0180).

This is a quasi-judicial hearing and Growth Management Director Bill McCord was sworn by Deputy Clerk Jean Chesser.

Mr. McCord explained the request as shown in the attached agenda packet and stated it was the recommendation of the Planning Commission and the Growth Management Department for approval of Option #1 with Conditions a-d.

With no questions from the Board, Chair Holt called for public comments and there was none.

UPON A MOTION BY COMMISSIONER LAMB AND SECONDED BY COMMISSIONER CROLEY, THE BOARD VOTED 5-0, BY VOICE VOTE, TO APPROVE OPTION 1 - APPROVE THE FINAL PLAT, A REPLAT OF LOT 18, DIXIE FARMS, BASED ON THE FINDINGS LISTED IN THE AGENDA REPORT AND SUBJECT TO CONDITIONS A-D ALSO LISTED IN THE AGENDA REPORT.

GENERAL DISCUSSION:

13. Approval to Accept FY 2007 Third Quarter Budget Report.

Davin Suggs, OMB Director, presented the Third Quarter Report as required by the county's comprehensive financial management policy.

COMMISSIONER DIXON MADE A MOTION TO APPROVE THE REPORT AS PRESENTED. COMMISSIONER LAMB MADE A SECOND TO THE MOTION. THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

14. Approval of SHIP Annual Report.

There were no questions/comments from the Board.

UPON A MOTION BY COMMISSIONER DIXON TO APPROVE THE SHIP ANNUAL REPORT AS SUBMITTED BY FARNITA SAUNDERS, COMMUNITY DEVELOPMENT ADMINISTRATION DIRECTOR, AND UPON A SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5-0, BY VOICE VOTE IN FAVOR OF THE MOTION.

15. REVISED Approval of Payment to the Gadsden County Chamber of Commerce for Services Rendered on Behalf of the Gadsden County Tourist Development Council During Suspension of Operations - \$2,700. and Arrears for Increase in Contractual Amounts - \$1,000.

Chair Holt stated she sits on this Tourism Development Council (TDC) and there was an agreement made between the TDC and the Chamber for the Chamber to provide certain services for \$300.00 per month. She reiterated that the contract was never approved by the Board of County Commissioners, and it should have been. During the course of the year, the County Commission determined the need to transfer the duties of the TDC to the Community Development Department and it subsequently changed the structure of the organization and delivery of those services. However, there was an outstanding bill for services previous to the reorganization for which the Chamber has requested payment.

UPON A MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO RATIFY THE CONTRACT BETWEEN THE TDC AND THE CHAMBER OF COMMERCE AND TO APPROVE THE PAYMENT OF \$3700 TO THE CHAMBER AS SUPPORTED BY THE ATTACHED DOCUMENTATION.

16. County Manager

There were no items by the Assistant Co. Manager presented for discussion.

17. County Attorney

The attorney had no items to discuss.

18. Discussion Items by Commissioners:

Commissioner Lamb -

Bryan's Electric Administrative Land Use Request was added to the agenda.

Commissioner Croley said he wanted to disqualify himself because he did not want to be a witness for anything. He said Mr. Bryan was correct that the property at one time was a bulk LP gas site, and his only concern is that the adjoining property owners be notified of any type of correction that is taken. He said somewhere along the line, the property had been changed from commercial to agricultural and whether that was done appropriately, he did not know. He said Mr. Bryan had contacted him and Commissioner Croley advised him to check out the matter with Growth Management and look at the process.

Commissioner Lamb said if this could be done administratively, he had no problem with Mr. Bryan paying the necessary fees and

working with the Board or Growth Management administratively to take care of it.

Mr. McCord, Growth Management Director, explained the request to the Board. He said no application for land use amendment has been submitted to his office, simply that Mr. Bryan as the property owner, had come into his office asking about the status of a land use amendment. Mr. McCord said he informed Mr. Bryan that in order to submit an application that he would need to fill out the application form and go through the regular process. In this case, it would be considered a small scale amendment. He said he got the impression from Mr. Bryan that he did not want to go through a lengthy process of a land use amendment.

Mr. McCord said he told Mr. Bryan he could then go apply or appeal to the Board and ask them to adopt it as an administrative amendment. He said that would mean the County would take on all of the fees and responsibility that goes along with representing this person on his behalf in pursuing it that way. He also said a review fee would be waived if the Board adopted it as their own amendment.

Mr. McCord said he had simply advised Mr. Bryan he had the right to do that, and if the Board accepted it as an administrative amendment, Growth Management will handle it as the Board decides - either a small scale amendment separately or bundled together with other small scale amendments that have been entertained in the past.

Mr. McCord further explained the property is currently in the category II land use category, across the street from an industrial park and adjacent to the railroad which has commercial land adjacent to it. Prior to adoption of the Comp Plan this property had been used for a propane distribution site but is not being used for that at this time, basically the property is unimproved at this time with just a small shed and some gravel type parking lot on it. The owner wants to use the property for a sort of quasi-industrial use and he cannot get that use under agricultural land use classification. He said the owner will need to get a land use that will be consistent with his intended use of the property.

After a brief discussion, Chair Holt asked the applicant to come forward.

Mr. Stephen Bryan, Applicant/Owner, addressed the Board and said he wanted to build a building on the property where he can park his trucks inside of it. He stated he has had an environmental study done on the property and he thought the land was still commercial when he bought it.

After discussion among the Board Commissioner Dixon asked Mr. McCord what the best course would be for Mr. Bryan.

Mr. McCord stated Mr. Bryan could submit a small scale amendment application like most of the applicants do. He said it is not any quicker whether it is done administratively or he submits the application. He said there is a lot of detailed information that will have to be searched and researched to find out or answer the questions to the small scale amendment. He said that the staff time and that would essentially be on the County's nickel.

After further discussion, Chair Holt said either way, it is going to cost money, either the County or Mr. Bryan. She then advised Mr. Bryan that he should try to get the application and go through the application process.

Commissioner Croley said there was a very good turn out for the 5 on 5 Meeting at the Tallavana Community Church and he thanked staff for their participation. He said he has heard a lot of positive comments about it.

Commissioner Price thanked Mr. Suggs and his staff for a great job on this proposal.

Commissioner Dixon said he has been on this Board for almost 16 years and the Board has never been able to tackle the Sheriff's pay plan. He said it is a testament to this body and a testament of the Sheriff in his willingness to participate in the plan. He said it will provide a level of service from deputies and all who risk their lives for the citizens, and that it would require some tweaking and looking at it probably annually. He said it is phenomenal and all the members of the Board should be congratulated for taking this on and getting it done - not promises, but getting it done in a timely fashion. He said there won't be the turnover any more. He again expressed thanks to Mr. Suggs and his staff for all of their hard work.

Chair Holt said Jon Brown had made a presentation to TDC and asked that he share the presentation with the Board.

Mr. Brown explained the presentation was for "outdoor" promotion of Gadsden County with a concept of "Stop, Stay & Relax" and was basically for use in pulling people off the Interstate from the 4 exchanges on I-10 so they could enjoy the beauty of Gadsden County. He went through the slide presentation showing things that Gadsden County has to offer right now.

Chair Holt said in looking at where the County makes their money and it is when the people stop and get off I-10, when they get off Hwy 90. She said she has received some great comments on the sign that is on I-10 and people are saying "you are there, we know you are there, your name is out there" and this is what we have to look at in funding. She said the job of the TDC is to make sure when Gadsden County has things going on that the tourists stop and spend their money here. She said it is all in how you brand the county, and those negative issues have gone away over the past couple of years because of how we have sold the County to the public. She said if this is something everyone wants to do, go after branding the County she would like to see some numbers, if Mr. Suggs could, to see what they are doing-- that the County does not want to be known for the negative stuff.

Value Adjustment Board Appointments

Chair Holt asked Commissioner Dixon and Commissioner Lamb to service on the Value Adjustment Board along with her for 2007.

UPON A MOTION BY COMMISSIONER PRICE AND A SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE APPOINTMENTS OF COMMISSIONER LAMB AND COMMISSIONER DIXON TO THE VAB FOR 2007.

Library Commission Appointment

Chair Holt stated that Library Director Jane Mock requested that Mary Ann Bethune be formally appointed to the Library Commission for the record. She explained that this appointment must be shown in the Board minutes and she thought it had been addressed previously, but it could not be found in the minutes. She then called for a motion and a second.

COMMISSIONER PRICE MADE THE MOTION TO ACCEPT AND COMMISSIONER DIXON MADE A SECOND TO THE MOTION FOR MS. MARY ANN BETHUNE, AND A VOTE WAS TAKEN WITH A 5-0 VOTE IN FAVOR THEREOF.

County Attorney Williams interrupted and stated to be procedurally correct; he would recommend just putting it on the consent agenda for the next meeting.

It was the agreement of the Board, at this point, to have the appointment of Ms. Bethune added to the next consent agenda as recommended by the County Attorney.

Chair Holt asked the Board to review the attached County Manager's evaluation packet, complete and return to Mr. Lawson by September 14.

RECEIPT AND FILE AGENDA

- 2006-2007 G*Stars Annual Report
- Letter to Roderick O'Brian Smith regarding New Visions Manor Mobile Home Park Violation
- Correspondence from Florida Association of Counties Workers Compensation Program regarding current status of FAC Workers' Compensation Program
- Letter from Growth Management Department to Barry Poole, Poole Engineering, regarding Towhee Trace Minor Subdivision MSD-2005-15 Construction Plan Review
- Letter from City of Gretna to Marlon Brown, County Manager, regarding request to increase fire service funding for the City of Gretna
- Letter from Town of Havana to Marlon Brown, County Manager, regarding Pipeline Purpose and Reliability/Hazard Awareness & Prevention/Leak Recognition and Response, Damage Prevention
- Letter from Florida Agency for Health Care Administration (AHCA) to Spencer Bowen, Facilities Director, regarding Fire Alarm Replacement at Gadsden Community Hospital
- Letter from Williams, Wilson & Sexton, PA to Randall Denker, Esquire regarding proposed River Walk Development and maintenance of River Road

- Letter from Florida Division of Emergency Mangement to Marlon Brown, County Manager, regarding FEMA Funding for disaster damages as a result of Hurricane Dennis.
- Letter from Wakulla County Sheriff David F. Harvey to Marlon Brown, County Manager, congratulating him for being named to the statewide Blueprint Commission of Juvenile Justice Issues
- Annual Local Government Financial Report FY 2005-2006

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD AT THIS TIME, CHAIR HOLT DECLARED THE MEETING ADJOURNED AT 8:55 P.M.

Brenda Holt, Chair

ATTEST:

Jean Chesser, Deputy Clerk

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON SEPTEMBER
11, 2007, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

Present: Brenda A. Holt, Chair
Derrick Price, Vice-Chair
Eugene Lamb
Doug Croley
Edward J. Dixon, Chair
Thornton Williams, County Attorney
Marlon Brown, County Manager
Muriel Straughn, Deputy Clerk

Call to Order

Chair Holt called the meeting to order and announced that it was a public hearing for the purpose of adopting the tentative budget for 2007-2008.

She stated, "This is the first of two required public hearings on the Gadsden County budget FY 2007/2008. If you wish to speak during the public hearing portion of this meeting, please step forward at the appropriate time."

Amendment to the Agenda

County Manager Marlon Brown asked to amend the agenda prior to starting the public hearing on the budget. He added the Memorandum of Understanding with North Florida Educational Development Corporation (NFEDC).

A MOTION WAS MADE BY COMMISSIONER LAMB AND SECONDED BY COMMISSIONER PRICE TO AMEND THE AGENDA TO INCLUDE THE MOU.

Chair Holt explained that she had requested this matter be added to this agenda because NFEDC is approaching a deadline and needs to have the agreement executed before the Board would meet again.

Commissioner Croley objected to amending the agenda. He stated, "I haven't had any time to read it and this is some of the complaint that I have about adding items to the agenda at the last minute without an opportunity to adequately review it. I have just been handed it. With no disrespect meant to the

presenter or to you, Madam Chair, but, I just don't think that we've had adequate time to read it."

Chair Holt replied, "I think that will be a good time - if you hear it and if you decide that you don't want to vote on it, that will be up in the discussion phase."

Commissioner Lamb interjected, "The reason that I offered a motion to go ahead and hear it is because we have been doing this for I don't know how long. We have been asking that we do not do this. We have been asking the manager not to bring those amendments to us in this order and this fashion because we need time to look at it and read it. But, we continue to do this. That is why I offered a motion to go ahead and do it."

Chair Holt explained that NFEDC called her and asked that it be added to the agenda and she agreed to bring it forward to discern whether the Board wanted to hear it or not. She said it was not the manager's decision to bring it to the Board.

THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO AMEND THE AGENDA TO INCLUDE THE MOU WITH NFEDC. COMMISSIONER CROLEY CAST THE LONE DISSENTING VOTE.

Community Development Director Farnita Saunders addressed the Board regarding the MOU. She explained that the agreement is the last document necessary for NFEDC to submit an application to the Federal Home Loan Bank of Atlanta so that they can begin their housing project located south of Quincy off Pat Thomas Parkway. NFEDC has been working on the project for about five years.

The memorandum of understanding would allow NFEDC to refer the potential homebuyers to the county's home buyer classes which is held on a quarterly basis already. The Federal Home Loan Bank of Atlanta requires the home buyer education component.

Commissioner Croley inquired as to any financial obligation on the county's part.

Ms. Saunders stated that is no financial impact to the County.

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MOU WITH NFEDC.

Tentative Budget Adoption

Mr. Brown stated that when the Board met previously, the staff was given directions to add budget items to the proposed budget. He asked to review those changes prior to going to the public hearing.

OMB Director Davin Suggs reminded the commissioners that they instructed him to add three items to the budget. Those items were Non-Profit Funding via citizen process (\$40,000) for We Care Network & North Florida Legal Services); Grant Match for Southside Park in Chattahoochee (\$50,000) ; County identity or branding project - (\$40,000). The park funding will be contingent on the participation of the City of Chattahoochee. The branding project would be put out for bid and a plan will be brought back for the board to approve prior to moving forward with it.

In order to accommodate the additions, Mr. Suggs explained that the following deletions were made:

Suggs:

Reduction in the Indigent Care Funding - Reduced from \$100,000 to \$50,000.

Reduction in Solid Waste Services -

We put the rural waste sites back in. But, when we went back and looked at the budget all day today and yesterday, there were expenses in there, the way that we will operate them, that are not necessary. When we looked at this year's expenditures and what is going on this year versus - at the time during budget submission what we thought was necessary, there was a lot of maintenance expenditure requests. What has occurred this year in recycling, because Mr. Powell is the director over both, were more one time expenditures. When we went back and looked at fuel expenditures and were able to reduce that part of the budget also.

The theory is, and this is in conjunction with the direction you gave us last week to go back and look at recycling, is that we want to ask the Board for one more year to keep recycling in the budget. We want to keep Recycling because - the primary reason is that in past years, the grant that we received from the State has been at about the \$20,000 level. This year, the grant has been increased to \$277,000. We would like one more year to see either if we can contain the costs - whether it is through changing the service delivery aspect of the program or if we can

generate more in-county income as directed last week to see if we can get it to live within the grant and it's own program generated revenues.

At that point, if we cannot save Recycling or get it to work and be self-contained in terms of cost, what we have done is we have reduced solid waste program. You will still be able to operate all six rural waste sites. That budget still includes, not 2 part-time attendants, but 4 part-time attendants. It includes enough funding for gasoline. There is one inmate supervisor that works in there and there is still enough funding in there to cover the tipping fees to Waste Pro for the six rural waste sites - as estimated per site.

If Recycling does not work out, we have now reduced the solid waste budget to fit within the level of the grant that we receive. So, if we work on it for year, and we will know within six to eight months if Recycling will work. If it does work, it will be great. We will be able to keep Recycling within the grant and we will continue to pay for solid waste and look for other ways to fund it. If Recycling does not work, we have cut down expenditures so that we can transfer the grant to cover your entire rural waste site collection operation minus whatever one or two employees we have to move over from Recycling. Right now, we feel that is the best strategy and we will get to work on container recycling.

With these reductions, you come up with \$130,000 to pay for what you requested us to look at and put in.

At this point, I leave it open to the Board for discussion.

Holt:

Questions, Commissioners about any of the information presented?

Croley:

Madam Chair?

Holt:

Yes.

Croley:

May I ask a question of Mr. Suggs?

Holt:

Sure.

Croley:

The reduction in solid waste funding - does that mean a reduction in hours?

Suggs:

No, sir.

Croley:

Did that mean - if I understood you to say that you were shifting employees?

Suggs:

No, sir.

Croley:

Explain to me then how will you over the \$61,000 - I didn't quite follow some of that.

Suggs:

O.K. I am going to the same page - You are on B -what? B- 39, correct?

Brown:

Could you put it up on the screen as well.

Suggs:

O.K. Let me pull it up. Give me one second here.

Croley:

I am looking at 39.

Brown:

Commissioner, let us get it up on the screen so the audience will know what you are talking about.

Suggs:

O.K. We are going to focus in so that everybody knows and we will go to the top here.

This printed version that you have in your book is before we put the rural waste sites back in.

Let me answer your question and I can show you (maybe it is still here)

Croley:

O.K. The budget that I am looking at does not include the rural waste sites. You had taken them out.

Suggs:

Right. You are looking at the original book.

Croley:

Now, you are going to put them back in, but they are still going to be less than \$61,000?

Suggs:

The total amount that is going to be in there is going to be \$265,000. It is on your handout.

Croley:

Yeah. I just wanted to make sure that I understood what you are doing. \$265.

Suggs:

\$265,252.

Croley:

We are going to run six waste sites for basically \$10,000 each, maybe a little bit more than \$10,000 all year.

Suggs:

There are two main costs. Once the waste sites have already been constructed, the major cost are going to be your tipping fees. These are the fees that we pay to Waste Pro to come and pick up the garbage every month. That is going to be in the budget at about \$150,000.

Croley:

I understand that.

Suggs:

The other cost for the waste sites, which is going to move from 2 to 4 part-time attendants. These part-time attendants make about, I mean, they are part-time and they make about \$9,000 to \$10,000 per year each. Cause all we are paying them, you pay a part-time salary and social security. So, you will have 4 of those in there. You will have one inmate crew supervisor. Other than that, there is about \$15,000 in there for gas and oil. There is about \$10,000 in there for repair and maintenance.

Croley:

My contention is that one of the reasons the waste sites are under utilized is the poor service hours they offer. It would appear to me that a more prudent action, if I wanted to promote the cleaning up of the County, would be to expand those waste service hours so that people could take their trash to the solid waste sites rather than just trying to make them work at a minimum knowing that you are going to continue to have problems.

It is the same way with the recycling. There is not a lot being done to promote the use of these solid waste sites in the recycling effort. That is just a point there that I think needs to be considered.

On some of the other items, we are back to same thing with the Southside Park in Chattahoochee. No disrespect meant to Commissioner Price in District 3, but at the same time, we are back to having social service programs that benefit only a single district at a time when there are other programs out there that should be more broad based. These are some of the issues that I have with this concept of putting these projects in just a selected district.

When I look at the page on (let me find that again, I was on it for) Page B74. Yeah, you increased the amount of money for not for profits, but the not-for-profits are getting less because the money - \$150,000 - is being moved over again, and this is no disrespect to your Boys and Girls Club, but that is going into two districts. While at the same time, the Senior Citizens are not getting anymore money, the Red Cross, the other organization that were in here, are not getting any opportunities at more money, and that is not very fair in this process.

When I look at this county branding project, that is \$40,000. What happened to the Tourist Development Council? That is something that that money should be there to do. Not take this money, \$40,000 out of the general fund operations as I understand that is where it is going to be coming from. It is just not fair nor in the best interest of the citizens as a whole.

Holt:

Other commissioners?
Commissioner Price.

Price:

On those \$50,000 for Southside. It is not just for the park, it is for the building. They also have senior citizens in that

building. Community Center - that is what we are looking at. I am trying hard to work with the City. If they will go \$50,000, we will meet them with \$50,000.

Holt:

Commissioner Lamb.

Lamb:

Mr. Suggs, the Southside Park in Chattahoochee, is that in the city or the county?

Suggs:

I am not sure, sir.

Lamb:

You are funding something and you don't know where it is?

Holt:

He is not funding it. It was not his idea.

Brown:

Hold on just a second.

Charles, where is that park?

Charles Chapman:

It is just outside the city limits.

Brown:

Commissioner, please, I mean, these are projects that the Commission asked us to take a look at. We are not the ones that are funding this. We are bringing it back to the Board because,

Suggs:

But, he is recommending this.

Holt:

No, he is not.

Brown:

He is not recommending this. The Board asked us to bring back these items at the last meeting. We are bringing them back for you to consider. We are not recommending these, Commissioner.

Lamb:

Charles, this is outside the city limits, right?

Chapman:

Yes, sir. That is correct.

Lamb:

O.K. That answers my question.

Holt:

Commissioner Dixon.

Dixon:

Madam Chair, thank you.

Holt:

Yes.

Dixon:

I agree with Commissioner Croley. If we are going to create a branding program, then why not use the Tourist Development dollars for that particular program. I think that is what is was set up to do and that what it is designed to do.

However, unlike him, I would not - the difference between himself and Commissioner Price is Commissioner Price asked for what he wanted.

If Commissioner Croley had wanted to expand the service hours, he had every opportunity to ask and get it put up here, just like anybody else did. But, at no point, did he. So, you have not, certainly if you ask not.

In a board meeting, Commissioner Price said, "I want \$50,000, he said \$60,000, actually, for Southside School. Just like Commissioner Croley asked the other night, "I want to see a code enforcement officer." It showed up in the budget and we had to vote on it. It is no different. The process is the same. You know, let's, you know, we wasted one budget meeting, let's not waste this one.

Holt:

O.K.

Commissioners, as far as this issue on the Boys and Girls Club - as you know and I keep repeating, that we have the highest bill in the state - out of 34 counties. Our bill is exactly \$705,050. That is our bill. Now, that State has been writing it off, but they are already saying that they are not going to continue to write it off. That is almost \$1 million that we

owe. Now, we have to come with some programs, so when you are writing, don't forget to write that for the newspapers on Thursday. Our bill was exactly \$705,050. The State has been able to let us go on that. They are not going to continue to do so. We want them to pay it.

Sir, you had your time.

We don't want to pay it. I want the State to take care of DJJ like they used to, but they are not going to continue, so they are letting us know that we need to do something and put in some programs.

As far as special projects in the districts, anything that the commissioner wants and the citizens out there want, they have the opportunity to go through their commissioner to get.

Boys and Girls Club - if the commissioners up here didn't want it, they voted against. The ones that wanted it, they voted for it. It is as simple as that.

I am on the TDC, the Tourist Development Council, and they are looking at and setting aside money for advertisement. But, I believe it is the responsibility of this Commission to look at how you want to be advertised. I think that we need to look into.

This is not - what we are not going tonight is we are not running for office. We are trying to settle on the budget. So, you run for office as soon as this process is over. So, we don't need all these political speeches. All we need to do is look at the budget, talk about the items, and let's move on. O.K.?

Mr. Suggs.

Suggs:

I think most of it was covered. But, for the manager's sake and for the staff's sake, this, I mean, I think that we have facilitated a process that has allowed all the input, I think, that has been desired by the Board. An example is when Recycling came up, it came up and it was asked to be cut. An example, Commissioner Croley is that you asked staff to look at a way to keep it. We have been busting our behinds for the last two weeks to find a way to keep it. That is what we came back with tonight. The example being that if the request, everything that we do and that the manager does, that staff does, comes at

the direction from the Board. Just like the direction about Recycling. We brought it back to you.

At no time in the last year and half, has staff - since the last direction received from the Board on the rural waste sites concerning hours and location sites, when we added, we just added a sixth waste site. So, in terms of the process, I just think that fairness needs to be maintained in the allegations toward staff.

Thank you.

Holt:

O.K.

Mr. Manager, are there other items?

Brown:

Commissioners, those are all the items for your consideration. Again, as I have asked or requested from the Board before, we just need an up and down vote on these issues before we get into the reading of the public hearing information.

Croley:

Madam Chair, a question, please.

Holt:

O.K. We need discussion on each one of those. I think maybe that would help out.

Commissioner Croley?

Croley:

You just referenced that the State was going to start charging the County. Have you got that in any documentation?

Holt:

No, sir, I do not. But, that is why I keep calling. I got some information from them today on our stats. That is why I make sure that I stay in contact with them as I do with the Department of Corrections. I stay in contact with them also.

Croley:

But, you don't have any documentation?

Holt:

I don't have any documentation now. I am talking so I am hearing and when I hear that everyone is cutting, and I keep listening to make sure that we are not on the chopping block as of yet.

Croley:

One other point of clarification.

Holt:

Yes, sir.

Croley:

This process right now that we are going through right now of having this public hearing is still an opportunity to change anything about this budget that we so wish. At the request of the public. So, it doesn't make any difference whether something was brought up before or whether you bring it up tonight or you bring it up at the second hearing.

Holt:

Is that your question or is that a statement?

Croley:

I am asking. That is the process? So, you can bring up as many items as you want.

Holt:

Yes, you can bring items up.

Croley:

So, you can bring up as many items as we want and make whatever changes, so we are under no deadline.

Holt:

Yeah, you are under a deadline because we have to finally finish.

Croley:

I know, but I am under no deadline to bring up to anyone's attention any specific change until that it is finally voted on and approved.

Holt:

Well, let me say this. On the night of the final reading, that may not give staff an opportunity to bring some information back. That's not saying that you want any, but if all the board members, if I say, "I want you to go and cut an area." and it's

on the last night, then it may not give the staff an opportunity to get us any information on that item. That is all I am saying.

Commissioners, any other questions or statements about those items up there on the screen?

Lamb:

It is not on those items, Madam Chair, but I just wanted to ask when can we add other items to this?

Holt :

You can bring it up any night just as Commissioner Price did. You can say, "This is what I want to add and this is what I want staff to look at."

Lamb:

That is what I am saying, when can I do that?

Holt:

Mr. Suggs, what kind of deadlines are we talking about?

Brown:

Hold on Davin, hold on.

Commissioners, just again, we started this process back in, I believe we had our first meetings in June of this year. We have worked with the commission, we have sent you forms to add items, delete items, cut items. We are down to basically the eleventh hour. I mean, just be considerate of staff's time. It is difficult at this time to manipulate the budget in an extensible massive way. So, if you have any additions that you would like for us to consider, please do it tonight to give us enough time to do the analysis. Because on the 25th, I mean, that is the last time you have the ability to adopt the budget. And again, I am not putting any pressure on the Board. This is out of respect, commissioner, but please.

Croley:

I am asking you then as soon as we finish addressing this, then we will have several changes.

Holt:

We will have several changes that we look at, things that we are going to consider.

Croley:

I have something that I want to propose.

Holt:

And, also, Mr. Suggs, any comments?

Suggs:

The rest of the process is - we have tonight. This is the statutory tentative public hearing. This is the public hearing that was advertised on the TRIM Notices. What has to happen after tonight - you have to adopt a tentative millage rate and you have to adopt tentative. Tonight is the first night that you can adopt any type of budget. We never asked you to adopt a budget yet in the many meetings that we have held. Tonight, you have to adopt a budget. That budget, by me and my staff, has to be advertised in the paper as is, to be voted on September 25th. The manager is correct. You can make a thousand changes tonight. But, the ads are due to the paper by Friday. Sometimes, they give us grace and let us get them in by Monday at 12:00. Now, depending on the number of changes, we will make whatever changes the Board votes on. That is fine. But, just so you know the process, the budget has to be advertised in the statutory format before the 25th meeting. On the meeting of the 25th, if we need to make changes on the 25th, you will make changes and we will recess for however long it takes me to make the changes and we will stay here and then we will come back and unrecsess and we will adopt those changes. So, on the 25th, if it takes 30 hours or 23 hours, we will take 23 hours.

Holt:

No, no, no.

Brown:

But, again, Commissioners, as we have done in the past, as items are brought up, please vote on it, so we have clear directions instead of commissioners just giving us direction with no consensus of the board.

Holt:

So, when we bring up items, you want a vote on it tonight. Do you want it or do we not?

Dixon:

Madam Chair, I would hope that every commissioner took advantage, I know I did, when you sent us the cut list, if you will, the cut mad list, and I am sure we all got one and we all had very obligation and opportunity to sit with staff and say, "Here is what I want to see go and here is why and here is what

I want to add and here is why." All those things came up in this budget. So, this is not the beginning of this process. As the manager has said, this is the ending of this process. Certainly, all major items ought be in here. If not, we really missed something.

Madam Chair, I really don't, I know Commissioner Croley likes to holler social programs, but I don't apologize for investing in children at all. I noticed that he congratulated Commissioner Lamb when he got \$50,000 to go to his park in Midway. He got a congratulations, not a roar that it is a social program. So, I take no umbrage in what he says and certainly give no credence to it in that Commissioner Price asked for money for a park in his own back yard.

I will bet you, Mr. Suggs, that you can find a way to pay for recycling, to make it pay for itself. But, you've got it back here, don't you? But, I did ask you to find a way if you couldn't make it pay for itself. But yet, you still have it in the budget. Correct?

Suggs:
Correct.

Dixon:
Why?

Suggs:
Because in asking for another year for recycling, the outcry, and it was asked by the Board, to see if we can find it because of the political importance, or the environmental importance of it. It was brought up at the board meeting by the commissioners.

Dixon:
Thank you very much.

Holt:
Now, we need to look at these items, gentlemen.

Non-profit funding. Is that amount agreeable with the people on this board?

Croley:
I would like to have that increased to at least \$50,000.

Dixon:

Madam Chair, may I?

On that issue, are we able - may I direct this question to Mr. Suggs?

Holt:

Sure, go right ahead.

Dixon:

Mr. Suggs, are we able to use TDC money for the branding project?

Suggs:

O.K. Here is the question. The branding project, as strictly for the county in general, no. All TDC monies - and for the public, the TDC money is - the TDC is the Tourist Development Council. It is funded by the Tourist Development Tax, the nickname is the bed tax. When you stay in a hotel, you pay a tax that is called a bed tax. That money must go back to activities that generate or promote tourism. What we say is heads in beds. It is bringing people in. So, it depends.

As brought up last week, Jon presented to the TDC to do a tourism specific campaign.

Dixon:

Is this something different?

Suggs:

This is something different. This would be something more general. This is very similar to the - Are you familiar when the City of Tallahassee went from their old logo (a picture of city hall) and they went to this star - this whole star - this is something similar to that. But, it is more defining Gadsden County government as an organization and as a body.

Dixon:

Oh. O.K.

Holt:

So, is it possible then to look at that and instead of saying to look at that as (and I know you said those funds would be set aside) but, the Board has to decide how those are used. That is the part that I am interested in. When you were looking at doing that, you are talking about something totally different, separate from the TDC.

Brown:

Commissioners, from what I understand, this was brought when Jon Brown did the presentation on what the TDC was doing. From what I understand, there was discussion amongst the Board, that something similar should be done for the County. This is the reason we brought this to you this evening. Again, it will require an up and down vote as to whether you still want to pursue this or not to pursue this.

Holt:

I think, when I look at it, it is kind of like a joint venture. If we see what is going on with one and the other. I think that is kind of an area where if the TDC is going to do some advertising and they are going to do advertisement in that area, that advertisement and spending has to come through this board anyway. We have to approve whatever is done in there anyway.

That is what I am saying. If we are looking at boosting in that area or how to do it. Either way, both have to come before this board. So, if you want that money to sit until someone arrives at a plan, if it does, if not, it can be moved on.

Mr. Dixon, Commissioner Dixon, I am sorry.

Dixon:

Thank you, Madam Chair for recognizing me.

If my thoughts swayed you all on that - because I am really more interested in the TDC branding, if you will, the stuff that Jon Brown had up on the board in terms of branding the county as a whole as a place to come stay, relax. The presentation that we saw. I'm really much more interested in that type of venture.

Brown:

Commissioner, that is already funded separately in the TDC's budget. So, this will be in addition to that money just for the County. But, again, you all can help us clarify what you actually wanted that evening. If it is that you were more focused on what the TDC was doing and was really excited about that, then we don't need this this evening.

Dixon:

That is what I am saying. If I just need to add \$10,000 to that, that is one thing. If they've got the lion's share of the money in their budget, then that is what I am interested in doing. I am not interested in the particular brand. No, not me.

Holt:

Other commissioners on that item, comments?

Croley:

I see that we have had no discussion about it, no understanding of it, and yet, the staff proposes to spend, put \$40,000 in the budget for a branding program. Nobody has had any discussion on it (inaudible) and I have a problem with that whenever I am looking at the other needs throughout the county.

Holt:

Right. The staff did not bring that up. We had that at the last meeting. Mr. Brown did his presentation because I asked him to from the TDC meeting. As I told you that night, he was showing you some of the things that can be done. We said - staff didn't come up with this - we discussed it. We said, "Bring it back." It doesn't matter whether we vote it up or down. It is not staff's fault. They did not decide that. This Board did.

Croley:

I am not blaming anybody on it. I'm just letting you know that I can't support it.

Holt:

Well, you keep saying "staff" and it is not staff's fault. They only did what we told them to do. Now, if we decide that you want to put 50 cents in there, that is fine. If you decide you want to put any money or if you want TDC to do it, that is up to this Board. But, we have to move on on this issue. We are getting comments on it right now.

Commissioner Dixon?

Dixon:

Madam Chair, we can be here all night unless we start making some decisions.

Holt:

O.K. That is what I am trying to get to.

Dixon:

If I am in order, I will move that we move the \$40,000 that we have in the branding project into the non-profit funding.

Holt:

O.K. We have \$40,000 there. That is your motion.

Price:

Second.

Brown:

So, now, there will be \$80,000 for non-profit funding.

Dixon:

Yes.

Holt:

O.K. you are saying to put the \$80,000 for non-profit.

We have a motion and a second to move the \$40,000 from branding to non-profit.

All in favor?

All:

Aye

Holt:

Opposed?

No response.

Commissioner Lamb, I assume that is an affirmative vote.

Lamb:

I didn't say "no", so it is "yes".

Holt:

Sometimes. That depends. I had a relationship like that once.

(laughter)

Sometimes.

Ladies and gentlemen, we are looking at Southside Park item.
Let's move on.

Dixon:

Can we keep this above the podium.

Holt:

This was. We were talking about responses, not other things, Commissioner Dixon.

We are looking at Southside Park, that is the next item up there. Discussion?

Croley:

I don't think that is an appropriate project to fund if, as you say, we are short on funds at this time. I believe that \$50,000 should be put back into solid waste.

Holt:

O.K.

Other commissioners?

Lamb:

I feel the same way, Madam Chair. That money should be put back into solid waste for recycling.

Holt:

O.K. Other commissioners?

Dixon:

Madam Chair, there is no sense in having programs with no where to go. That is no good. I think we sit here and look and it is kind of hypocritical that when folk get money for their program, they don't want to give any money for anybody's program.

You know, that stuff just doesn't fly well for me. You can sit here and say how wonderful it is for you to get money, but nobody else should have any? No. It doesn't work for me.

Holt:

O.K. I need a motion and a second.

Dixon:

I motion that we approve the money for Southside.

Price:

Second.

Holt:

We have a motion and second.

All in favor?

Dixon, Holt, Price:

Aye.

Holt:

Opposed?

Croley and Lamb:

No.

Holt:

You see, I voted yes. Ya'll heard it, didn't you?

O.K., Let's move on.

Brown:

Madam Chair, if you can go ahead and read the script of the public hearing.

Holt:

O.K. Start back from the top?

This is the first of two required public hearings of the Gadsden County Budget for the fiscal year 2007-2008. If you wish to speak during the public hearing portion of this meeting, please step forward at the appropriate time. (There are some forms out front, like this, if you would like to put your name on them, they are on the table out there.) Also, the proposed millage rate is 8.7495 mills which is 3% less than the aggregate roll back millage rate of 9.0201 mills. Now the county manager will read the millage rate into the public record.

Brown:

Thank you, Madam Chair.

The proposed county-wide millage rate is 8.7495 mills, which is, again, 3% less than the county-wide roll back millage rate of 9.0201 mills. Commissioners, at this time, I know that individuals have turned in speaker slips and you can request that those speakers come up and speak to the item at hand.

Holt:

Ms. Kathy Anderson, you have 3 minutes. Come on up.

Anderson:

I don't really know where to start, but mostly I am here, I don't know that the millage rate, reducing it is going to help a

whole lot. But, just in general, I have an overall objection to the taxing of our properties. Properties being taxed without houses, there is no house there, so you can't say that a house sold in that area. It has jumped exponentially since 2006. I just want to see if there is anything I can do about it.

I have talked with Clay and Clay seems to think that I need to come and talk to you. So, I am here. I want to know what you can do to help us because it is a point in the case where if anybody can write me a big enough check tonight, I am ready to sell. So, there you go.

Holt:

You, too?

O.K.

Commissioner Dixon?

Dixon:

Ms. Anderson, did the property change hands?

Anderson:

The property was given to me by my father.

Dixon:

So, it did change hands?

Anderson:

Well, yeah, but since I've had it, it went up \$40,000 and the property next to us. We haven't sold it, don't intend to sell it. It is staying in the family. The property next to us has gone up exponentially also with not even a home on it. Nothing has sold, the properties around us. The only one was with a trailer and a lot, off the waterfront for \$56,000. So nothing right close has sold. They have had some landings that have sold for millions of dollars.

Dixon:

Can I ask you where it is, where it is located?

Anderson:

Lake Talquin.

Just because they call it water - it has always been water. It was water when I got it and nothing has changed.

Dixon:

And even though we are rolling back the tax, the taxes per se?

Anderson:

Well, it went from \$ (inaudible) a year to \$1700 a year which has hit me hard.

Dixon:

By mandate of the Legislature, we rolled back the tax rate. But, what everybody is experiencing is the fact that property values in Gadsden County are increasing exponentially across the board.

Anderson:

But, that is based on a false economy.

Dixon:

We don't control that.

Anderson:

We don't control it, but we do have people here that control what is going on within our county.

Holt:

I wish it were.

Dixon:

The problem is the value. I spoke with a young lady who lived at the lake on a piece of waterfront property with nothing on it - the same old shack that has been on it for 20 years. But, the value of that piece of property has gone up dramatically. She is really in trouble with it.

Anderson:

I don't think I am alone, then, am I?

Dixon:

I think that is what the State Legislature thought they were getting at in terms of this mandatory rollback. But, I can bet you that it won't get at it because the values keep going up.

Anderson:

Well, it's nice if you're selling.

Dixon:

It is great if you are selling.

Anderson:

It is something that I can't homestead exempt, I can't live on that place and I can't be at the house that I am at. So, you know, it is really basically saying that we can't have the all American pie here because we have been sold too short. You are putting a price on something that people can't afford first to buy. Look at the foreclosures. The banks are saying, "Oh, I 'll make you a deal today." O.K. if there are a lot of foreclosures here, somebody has got to start backing up. So, I am going to start today in asking - Can you all help?

Holt:

Ms. Anderson, I must say this. If the State is willing to change their formula for the value adjustment, then it will change. But, until that mathematical formula is changed, Mr. VanLandingham must use it. Even if you cut, you went down and let's say that we reduced the millage rate. Well, that would mean that we would not do any services, to be very honest with you.

But, you could cut it in half and that property value is still going to go up. So, until that formula is adjusted, that is what we asked for at the Legislature. You change the formula on how they are doing the value and there was some suggestions to not change the formula while you are on it, but you are going to have to pay for it when you sell it. Give them a break at least while they are on it. But, until you change that formula, that whole scenario is not going to change.

Anderson:

Well, I am not alone. Everybody here has a piece of property.

Holt:

Two or three.

Anderson:

Then when you start looking at that, you are priced, you are being forced to sell (inaudible.) Our income has not increased like this. Insurance has gone up, property tax has gone up - not up, but it has doubled. Both of those. Well, my income didn't double. Did any of ya'll's double? So, what are we going to do? We are all going to need to go to the State now?

Holt:

That was the whole point, I thought, of going to the Legislature in the spring - to ask for a change in that formula. Until the math is different, it is not going to matter.

Anderson:

Well some counties have adopted something and have lessened the property taxes. Bay County has.

Holt:

They rolled back their millage rate and they were required by the State to roll it back also. So, they rolled it back, but their property taxes still increased because of that rate that they use for the valuation. That formula caused it. And that is what he has to go by.

Anderson:

Alright, so then, I understand he has a job and he has a formula. But, who do we get to change the math?

Holt:

State of Florida.

Anderson:

And who do we have to see for the State of Florida to change it? The Legislature?

Holt:

Yes, ma'am. I tried two committees.

Yes, Commissioner Croley.

Croley:

Ms. Anderson, you might be interested in knowing that this county in 2004 in the ad valorem property tax generated \$8.8 million. Today, that same tax, even with this reduced millage rate, generates, is projected to generate \$12.6 million. So, in five years, if you count this years proposed budget, revenue has gone up right at \$3.8 million, just in ad valorem taxes alone. The millage rate that you have been told is mandated by the State was an action taken by the State to force a roll back from the 10 mills which was the maximum this county has been charging down to 8.7495 mills. Now, does that mean this Board couldn't reduce that millage rate further? Yes, they could if you can get a majority of those sitting up here to agree to do it.

Anderson:

Well, maybe that is where we need to start. It's on the table, so, that is a possibility.

Croley:

And that is what you are asking, aren't you? You might also be interested in knowing as the public, as you are talking about this, as well as this commission, and this is straight out of your own information, just in the major revenue sources, from 2004, the total revenue from the major sources was \$17.6 million. Today, those same sources are generating \$25.1 million or in other words, \$7.5 million more in revenue.

Anderson:

If we are generating, where is that money going?

Croley:

That is a good question.

Holt:

When you get on the internet and pull up our budget, and look at it, look at the service.

Anderson:

Is that what you are addressing tonight, the budget?

Holt:

Right. Right. That is what you do. When you really want to know what is going on with the money.

Anderson:

Well, we do need to know.

Holt:

Right. And that is why we hired these guys to put it on the internet so you can look at it before you get here. In that way, you can see what is going on and how that money is being used. Also, when you look at that, the cost of services went up and that is something that is not in those numbers. The cost of paving a mile of road went up since 2004. The price of asphalt went up and the prices that the contractors charge went up. So, those are things that, not just one minute thing, that we are looking at that we have to pay for. Then we've got to pay services on debts that are owed because when you go out and do things for people to help them. So, those are things that we have to look at when you are looking at those numbers also.

Now, that is why we are having this meeting here also. And, we have to move on and you can come back.

Croley:

Madam Chair, before you do that, let me just reinforce what you just said. The Chair is correct. There are additional expenses out there. But, I thought you might also be interested in knowing that if you look at the summary of all revenue sources less the net transfers, which you don't double count all the transfers, again, coming from the numbers provided, in 2004, those funds generated \$20.6 million. Today, they generate \$40 million. So, you now have got a \$19.3 million increase in five years in this county from all funding sources. Remember the ones she is talking about from the State and all. But, in 2004, they had \$11,088,000 in bond issue money for the libraries and some of the roads and all that. So, if you add that back in, since it is a debt, and take it from the \$19 million, it didn't, you could say, well, it went up \$6.7 million or right at \$6.8 million if you round it off. Point is, the county has gotten a lot of money and you are right in asking your questions. So, I would go on line as the chair suggested and pull up section 10 of the line item budget and I am sure that Mr. Suggs will be glad to explain where you can find that on the website. It might give you some insight as it will others in where the money is going.

Holt:

Ms. Anderson, I am sorry that addressed you incorrectly, step back up to the microphone so that they can hear you. Mr. Suggs would be the one to do the numbers for you because he is the budget cruncher. He is the numbers man. Also, what we are looking at is this, when you look at those costs, you look at the costs of servicing those debts. That is what I am saying. There was no increase in your income. There was no increase, basically, you may as well say, too, salaries. That is what we are trying to get to the step system. What was the increase, as I said, was to services. Then you have to look at that. Before, we couldn't get on the internet.

Anderson:

What services are being provided that we didn't already have?

Holt:

Well, you have to look at everything. He can list everything. Everything from roads to healthcare

Anderson:

Now, we don't even have a hospital.

Holt:

I was just about to say that. Everything from roads to running the Urgent Care Facility to other things that are being done.

Those are things that he would be the person to talk with you and could give you the break down on all of those.

Anderson:

I don't mind talking, but I want some changes.

Holt:

I understand, but where you want to go with it and so that you can be informed.

Anderson:

So, after tonight, we've got to keep talking or keep coming back?

Holt:

That is only way we can work it out. That is the only way we can solve what we need to solve.

Anderson:

Well, I thank you for your time. I will be back.

Holt:

You do have other opportunities. Thank you very much.

William Small?

Small:

I have some questions on the homestead exemption. Now, I just moved to this area here and bought property and we qualified for \$25,000 homestead exemption. It has been brought to my attention that there is an additional \$25,000 that has been approved by the State. Is that correct?

Holt:

Are you saying for senior citizens? I am just saying for senior citizens.

Small:

Yes. Is that correct?

Holt:

Mr. Suggs, could you go through that for him?

Suggs:

The additional \$25,000 that he is talking about is an exemption for senior citizens. There is an additional \$25,000 and now \$50,000 total for senior citizens. I believe you have to be

over the age of 62 and make less than \$21,000 or \$22,000 per year. By state law, they give each county the option to enact that measure.

Smart:

Right. Well, other counties have gotten this exemption. Gadsden County, where are we at on it?

Suggs:

Since I have been here, for the last two years I know, we have not considered it. The issue here with the commissioners and the property appraiser have to deal with is the value of property here in Gadsden County, meaning with that initial \$25,000 that everybody gets, there is property off the rolls. When you take that exemption up to \$50,000 or \$75,000, a lot more property comes off the roll. The averaged assessed value of a home in Gadsden County is about \$72,000 to \$73,000. I think those are some of the issues that this board and previous boards have struggled with - exempting a number of properties off the roll. But, other than that, I mean, there is no stated reason on the record for why they have not done it. One of the issues that we face is when you look at equity of who pays taxes and who is on the tax roll and who is not, I know that in the past, there have been issues in that there were a few who pay and a whole lot to receive. And so, when you enact something like the senior homestead, it worsens that situation.

Holt:

Mr. Small?

Small:

What I am looking at here is when I moved up here and bought property that I am on right now in 2004, the property tax was like \$450. In 2005, it jumped to \$650.00. In 2006, when I bought the property, it jumped to \$12,600. Now, that is quite a jump.

Holt:

Twelve thousand? Twelve hundred?

Dixon:

Madam Chair, that is because once he purchased it, it is no longer covered under the save-our-homes program. So, he paid the taxes at market. Those are just the rules of save-our-homes.

Small :

Oh, that is rule? Well, that clears that up.

Dixon:

Yes.

Suggs:

Sir, what the commissioner is talking about is, in Florida, we have a rule. If you own a home and you have a homestead, there is a rule. It is called Save-Our-Homes. From year to year, there are two parts to your property taxes. The value of your house versus the tax rate that this board sets. In the past, what the state government has done, they protect people who live here and their primary residence under Save-Our-Homes and homestead exemption. The homestead exemption which you talked about, exempts the first \$25,000 of value off.

But, the more important protection is the Save-Our-Homes. This is what the young lady was talking about. If you are in a homestead property from Save-Our-Homes, from year one to two, if the market value of your property goes up 40% - 50%, it doesn't matter. Under Save-our-Homes, it caps it from going up more than 3%. That protects people.

I believe that her issue is that the property is not homesteaded and it is not under Save-Our-Homes, so when the market goes up 40%, the value of her property goes up 40% and the amount of what she pays in taxes goes up 40%. When you have property under Save-Our-Homes, and somebody else owned the property, they purchased that property 10 years ago and the market had been moving at 10% a year for 10 years, so it is pretty much doubled in 10 years. But, through Save-Our-Homes, that value in terms of being assessed and taxed by your government has only gone up about 30%. So, there is a 70% gap that was never being taxed until that property was sold to you.

There is a process and it is called "recapture." When that property is sold to a new owner, that 70% that has never been taxed comes back to life. That property comes back to the market value of the current day. We, the government, recapture that savings that was passed on to the previous owner. We recapture that so the taxes can go up from \$600 to \$12,000 overnight when that property is sold. That is the law statewide.

These are part of the issues that everybody has been debating for the last year. But, that recapture it - I had a phone call from a lady who moved from Georgia to Havana. In moving, she

moved between March and April, and what happened? Number 1, she based what she thought her property tax would be on what the current owner was paying. She moved in between that time and forgot to file for homestead. She called me and she talked to Rick. She was irate because her property taxes went through the roof. She almost couldn't afford the house because she had based her budget on it. But, it was all because of the recapture process and the homestead and Save-Our-Homes Laws of the State of Florida which this board does not control.

What you can do locally is we set the tax rate. You can file for homestead with the Property Appraiser, but when you buy a property, there is nothing that any of us can do about that recapture process.

Small :

O.K. Well, let's get back to homestead exemption. What about the other \$25,000 for the senior citizens?

Dixon:

May I?

Holt:

Commissioner Dixon.

Dixon:

Mr. Small, I brought that up last year, I think. I wanted to put that forward as a cost savings to our seniors in this county. Then, we started going through the process that the State has taken us through and is going to continue in January. And so, I pulled up, if you will. I stopped because I did not know what the total impact of this situation was going to be on the county.

Right now, I think in January when we vote on what is called the super exemption, meaning that everybody will have the option to move to \$50,000 base exemption in January. That will cost the county \$2 million right off the top. So, my thing is to wait until we see how all of these things are going to go together then, once again, look at that seniors exemption at that point. That is my particular situation.

Lamb:

Madam Chairman?

Holt:

Commissioner Lamb? I am sorry.

Lamb:

That is a question that has been asked to me more than once - about the \$25,000 exemption. It never was mentioned that much here and citizens have asked me about it. I told them that I would inquire of the county office. I did do that almost two years ago. It will have to be something that we do here. I am in favor of doing that for the senior citizens. But, it will take a majority vote in order to pass that.

Holt:

O.K. Mr. Small, you were about to say something.

Small:

So, you are talking about January. Will ya'll take a vote on this in this county?

Dixon:

All the counties in the State.

Holt:

All the counties in the State are going to look at that particular.

Small:

Well, there are other counties right now that are getting this exemption, but we are not. And, that is my question.

Dixon:

Right.

Holt:

But, what Commissioner Dixon was talking about was the constitutional amendment that is coming up in January, not necessarily that. Because that is looking at what the rollback is going to be if there is a rollback. Then we can go after any other exemptions that we need to go after. I think that was his suggestion. Not saying that other counties are not already doing it.

Dixon:

We brought it up last year to talk about it and we didn't follow through on it because at that point, what happened was that the State started talking about this mandatory rollback. We didn't know how much it was going to be or to what extent. So, I took it off the table, if you will, until we find out, from my perspective, and any commissioner at all can bring it up, but,

until we could get the whole picture of what effect it would have on the county, my particular point of view was to back it off until after the vote in January when we see the real effect that all of these exemptions are going to have on the county.

Small:

My question is - if other counties can afford to do this, why not Gadsden County?

Holt:

O.K., Mr. Suggs?

Suggs:

One of the main reasons, if the Board asked for my advice, back when we were going through the special revenue, one of the things that we talked about was that we have to look at Gadsden County's tax base in terms of property taxes. Our tax base is the value of all of our taxable property. There are a couple of issues.

Our taxable value now that we are taxing off of is probably about \$1.4 billion. When I looked at the numbers for the year 2006, we are the last set of numbers that the Department of Revenue has when they compare all of the counties. I believe that we were like 53rd or 54th out of 67 counties in terms of worst tax base in the State of Florida, meaning that they set a rate that is applied against the total taxable value of property. That value is so low in Gadsden County, that when you exempt or you give people exemption, you lower that taxable value or you lower that tax base. I don't think, I mean, in the end, this is a political decision they have to make. In terms of a financial decision - can our tax base sustain something like that? It is something that they will have to think strongly about. But, I think that is one of the reasons that you have to look at it very, very closely because your tax base and the strength of your tax base, which has gotten better, but it is still low when you look in comparison to the rest of the 67 counties.

Small:

Well, this is what I don't understand. I moved to this County and I am paying double, over double in taxes than what was paid last year and the year before last.

Suggs:

Do you have a homestead exemption on that?

Small:

I have the \$25,000 homestead exemption. I am a senior. I will be 65 on October 10 and that is the reason that I am asking this question about the other \$25,000.

Suggs:

And this is to the Board and I will tell everybody, if you have homestead protection and you are under Save Our Homes, the County in the past could not have raised the millage rate because we are capped out. Your taxes are increased, but the value of your property which is applied against our rate was capped. The (inaudible) protection is capped at 3% per year. So, in terms of your taxes going from \$600 to \$1200 or doubling like that, under that legal protection, unless there is some type of improvement made to your home that the property appraiser picked up, that great of a jump is just not legally possible.

Dixon:

He just purchased the property.

Small:

What I am saying is since our taxes went up, it seems to me like if everybody that is moving into Gadsden County now, if their taxes are going to go up that high, you should be able to afford to add another \$25,000 that has been approved by the State.

Holt:

Mr. Small, may I say this? I think that everyone would have an individual opinion up here and I think that all the commissioners up here would seriously look at that for our seniors. I don't see a problem with looking at that. I do share the same concern - what happens in January is going to determine what we do anyway. But, I think that it will be easier for us if you will get with Mr. Suggs and talk about that and see if there is anything that we may be able to look at. Simply because he has more numbers and more information. A one on one with him may help you out, too.

I don't see any problem with bringing this issue back up.

Commissioner Croley?

Croley:

One thing is the emphasis on the income requirement which is \$21,000, I believe or something in that neighborhood, of personal income.

Suggs:

It is \$21.

Croley:

That is household income. That is not you individually, that is everybody living in that household. You have to be able to prove it with the appropriate IRS filings and other information with the tax collector and property appraiser's office.

The point is, the \$25,000 increase in homestead exemption for seniors is not necessarily a bad idea or that it won't work in this county. But, a lot of people who might be expecting to benefit from it might be disappointed. Just to make you aware of that requirement.

Small:

Well, I know that most of the people who are on low income or fixed income like I am on a fixed income. I draw my Social Security, I draw a disability from the military. It don't come no where close to \$21,000. My wife doesn't work and there are a lot of people in Gadsden County that is in the same predicament and if something don't change, we are going to loose our property because we can't afford to pay the taxes here.

Holt:

O.K. Thank you, Mr. Small. If you will, as I said, talk with Mr. Suggs after the meeting and we can look at some items in there. I really don't think, I really don't feel that anyone up here has a problem with looking at that issue.

Small:

I hope you all will pass it.

Holt:

Thank you.

Alright. That was it. Those were the two.

Dixon:

Madam Chair, can I say something? I apologize for going away from the script, but this super exemption that is going to come up in January - I think that everybody ought to make sure that they look at it closely. It is going to double your homestead for one or two years, but if you read the fine print, after that, you start paying taxes based on your market rate. There is no cap like Save Our Homes if you move to the super

exemption. You start paying straight up market taxes. Am I right about that, Mr. Suggs?

Suggs:

Yeah, if they chose the super exemption where it moves to a percentage. They get a higher percentage exemption, but they are open to the market value.

Dixon:

So, if your property doubles overnight because you happen to live at the lake or somebody else next to you put in a subdivision, you are going to be caught up in that situation with no protection from this body or any other body. Now, that is not an endorsement of the super exemption or anything else, that is just the way the law is written. It is going to be sold as a super exemption, but it is going to hit retirees the hardest. Those folk who live at the lake and enjoy the lake where it is the hardest already to keep property values down, it is going to hit you like nothing else - like nothing you have seen.

Small:

I am not talking about people who are living at the lake or have lakefront property. I am talking about ordinary people who live out here and are trying to survive.

Dixon:

I understand, sir. And don't misunderstand me, it is going to hit ordinary people just as hard. In Gadsden County where property values continue across the county to rise because of the changing of property - property changing hands. People buying and selling. Property in general is going up and we ought to be very mindful of this law and read it carefully. If it works for you, fine. But, please read it carefully.

Small:

I think that we elected you people to protect us from this just like we elected Bush for President and he is not doing his job.

(laughter)

Holt:

Don't go there, Mr. Small. Thank you, but you are right. You are right, Mr. Small. What he is saying is that you could lose your cap and you don't want to lose the 3%. Like yours jumped up - that is what would happen with the super exemption. They also let us know, too, the accountants over in Tallahassee also

said that with that, it will jump up and you could look at \$600 today and after - you are going to lose Save Our Homes at the same time. So, once you go for it, you lose that and your taxes will go up. You lose your exemption and you lose all of it. That is what I am saying.

O.K. We need to move on.

Mr. Manager.

Brown:

Madam Chair, if you could read the following information into the record, then ask for the Commission approval.

Holt:

State Statute require the Board to address the millage rate before addressing each budget. The Board must vote on each millage rate and budget separately. I will now entertain the following motions: 1) Approval of the tentative 2007/2008 countywide millage rate of 8.7495 mills and 2) the 2007/2008 countywide budget.

Dixon:

I motion that we approve the millage.

Price:

Second.

Croley:

Madam Chair, may we have some discussion?

Holt:

Yes, sir.

Croley:

Madam Chair, given the amount of money that has been generated in the last five years, or the previous four and now going into the fifth, it looks like that we, as it has been pointed out, could reduce the millage rate somewhat further recognizing that there may be changes in January, but at the same time, you have been at 10 mills and this is the first time there has been any rate reduction. The rate reduction has come at the instruction of the State Legislature because boards like this one have not been reacting. I would propose that we consider reducing this millage rate down to 8%.

Holt:

O.K. Any other comments from Commissioners?

Dixon:

May I, Madam Chair?

Holt:

Mr. Suggs, wait a minute.

Commissioners?

Dixon:

Madam Chair, I know you can easily make word of lowering millage rates and so on and so forth, but Gadsden County's millage rate has been at 10 mills for 20 years, for over 20 years for a reason. It is simply because the county does not generate enough revenue in ad valorem, or did not generate, let me say that, did not generate, could not generate enough revenue to sustain itself basically. Therefore, we skimped on services, we skimped on road paving, we skimped on fire, we skimped on police services, deputies, so on and so forth, we skimped on everything. We had a county just limping along. And Commissioner Croley is right - until 2004.

In 2004, we adopted a new forward looking formula for the county. We have generated more money. Do you know why? Because we intended to generate more money outside of ad valorem taxes. You can look at ad valorem taxes - what it was going up over those years. Growth was not coming to the county. We have gone elsewhere and generated an enormous amount of money. Why? Because we know that we needed to invest. We were not investing in things that would bring jobs here like infrastructure. We weren't investing in things like roads. In the last four or five years, we have paved almost every road in this county and prepared to pay off the debt of that.

It is easy to talk about take it back, take it back, take it back. But the assumption is that everybody was happy back then and I would guarantee you that would be a bad assumption. Nobody was happy with Gadsden County. Everybody left Gadsden County. Everybody got a high school diploma and got college in Tallahassee and stayed in Tallahassee. Now, we have people wanting to come to Gadsden County because we have something to offer.

I would suggest to the members of this board to not take that "put my head in the ground" attitude of Commissioner Croley's.

Do nothing and everything will be alright. It has not been alright thus far, but it is getting to be alright.

Holt:

Mr. Suggs, I am sorry.

Suggs:

This is another matter. Just understand that - we had this discussion with about 12 or 13 counties in the Association of Counties - this year is important. Whatever millage rate you set - you understand that the law rolled us back to a number. That is the millage rate that we have - 8.7495 mills. That is the roll back rate minus 3%. There were four categories - the 3%, 5%, 7% and 9%. We fell in the lowest category because that our increase, and there were three of four counties that were at 0%. But, we are at 3% because our increase in value was well below the state average over a five year period. (2001 - 2006) Because our increase in value and our increase in revenue from that millage applied to our millage rate has been below the state average. We fell into that lowest category at 3%.

As a matter of law, and that is how we get to the 8.7495. We have discussed and the counties have been warned that even though that is the state limit, going forward, there is a revenue cap. Whatever millage rate you adopt this year, then going forward, you get new construction, and you get growth and personal income applied to the rollback rate for each year. But, it is all based on the millage rate you adopt this year. Here is the key. It is not the rate that the state set. It will be whatever millage rate that you adopt. So, right now, you are capped forever going forward as 8.7495. Everything will be based off of that. But, all counties have been warned. There have been other counties that say, "Hey, let's go lower." I think there are one or two who have gone lower. Just as well, I think there are about five or six that over rid the state. The state gave you the option to override it and do what you want to. But, whatever millage rate you adopt, if you go lower and go down to 8 mills, you go down to 6 or even 5, you are stuck with that forever. That becomes the basis for your cap. Then, in terms of getting back up, you put yourself in that position until eternity or until they change the law or dissolve the law. That is where your cap will be based off of.

Holt:

Mr. Suggs and some of the board, I truly argued with a couple of my friend commissioners out of Franklin County that we got the cap rollback plus another rollback of 3% and they did not. What

happens in a lot of communities in counties, when they are around the coast, they can market. They can market - they have industry. They have tourism and all of that. When you are an inland county and you can't do those things, then you are stuck. You can't generate any money. The only way we can generate money is off of I-10, US 90 and 27. That is how we generate money other than property taxes. So, instead of just doing property taxes, we have to look at some other revenues if you want some other things done. We were told that we would be capped at that. Now, if we want to override what the State wanted us to do, we have to go through that process. So, that way, and this board has evidently decided not to go through that process to override the state recommendation.

Commissioner Lamb?

Lamb:

I attended some of the tax meetings. Mr. Suggs and I attended. We were warned that we would have to be careful about moving down with property taxes. Now, I would like to see them go down myself, personally. But, I don't want to do something and then regret that I did it. Plus, there are funds and monies that I would like to see moved to other places. I will be mentioning it here tonight out of the money that we will be generating from the property taxes.

Now, I will have to support where we are right now.

Holt:

Right. We were warned.

Commissioner Price, any comments?

Price:

No, you already have a motion.

Holt:

We have a motion and second. All in favor?

Dixon, Lamb, Price, Holt:

Aye.

Holt:

Opposed?

Croley:

No.

Holt:

O.K.

Number 2:

Brown:

Commissioners, you need to adopt the tentative 2007/2008 budget. I heard that Commissioner Lamb had some items he wanted to add to the budget.

Lamb:

Go ahead, Madam Chairman until I have a chance to look over this.

Croley:

Madam Chair, I have a lot of things I would like to take out of the budget that I think that are primarily focused on administration costs that would allow some of these reductions in the operating expenses.

I would like to move that we eliminate the economic development consultant funding.

Brown:

Commissioners, before we go on, could I get a vote on that?

Dixon:

Could we go through them all, Madam Chair? I would appreciate it.

Croley:

It will be fine to talk about them individually.

Dixon:

I don't mind talking about them individually, but can we put the whole list on the board so we look at them.

Holt:

Commissioner Croley, do you have a copy or something like that of those items.

Croley:

I have one copy I can give to Mr. Suggs later. But, I think that I am recording these just fine. It is \$60,000, Mr. Suggs. That will be simple.

Holt:

O.K., the next one?

Croley:

- Assistant to the county manager - \$68,548.
- Reduce the Management and Budget staff operations by 50% - we will just say \$150,000 there.
- Management and Budget Information Technology - another \$150,000
- Your - the public information needs to be cut by 50% at least - I'm going to give you a number - you can cut that by \$150,000 as well.
- I want to suggest that under your own contract, Mr. Manager, from looking at it, there was a provision in there that revisit there about paying of health insurance on your family by the county. Given that you are the only county employee that receives that benefit, that would save that money, whatever that amount is and put you on parity with the other county employees and the other elected officials who have to pay for their family's health insurance as well.

Holt:

O.K.

Croley:

I am not done.

Holt:

O.K. I thought you were going on and I was trying to get you to go on to the next one.

Croley:

- I want to cut the hospital consultant, Mr. Sharpe's contract, I believe is \$3200 every two weeks. That is about \$80,000 a year for basically part time work on a hospital that we don't even have open. I believe that contract needs to be reduced by \$40,000.
- The hospital legal expenses need to be reduced by another \$10,000 and that savings of \$50,000 could be used to provide another additional emergency transport unit. Not just refitting an ambulance.
- In addition, the fleet management budget could be cut by \$100,000 and that money applied to the rural waste sites to expand them and to attempt to add additional sites in the future.

- Finally, the transportation fund administrative allocation which is coming out of these gas taxes needs to be transferred to a bridge maintenance program to increase what you already got in there, Mr. Suggs, by another \$500,000.
- The jail maintenance facility needs to be increased by \$250,000 coming out of the infrastructure that is funded by this small county surtax that we have gone back and done the research on to find out about that.
- Finally, you can take another \$106,452 of that general fund administration allocation and move that to the Sheriff's office to help them with their funding.

Basically, reduce the size of this administration expenses. I will give you more detail if you have trouble balancing.

Holt:

You would have to say that wouldn't you?
O.K.

Commissioner Lamb, your list?

Lamb:

Commissioner Croley has mostly said everything that I wanted to say. I have another two beside what he said.

- Delete \$120,000 from the attorney's retainer.
- I already have the hospital consultant, I wanted to do that and have.
- Delete the Boys and Girls Club by \$150,000 and give that to the Sheriff's Department.
- We have already added the Code Enforcement Officer.

That's it. He has already mentioned all of the things that I wanted.

Holt:

Anyone else with an add or delete list?

Dixon:

Madam Chair, I used the one that they sent us and so my add or deletes either got cut from the budget by staff or added to the budget by staff.

Holt:

O.K.

Commissioner Price - add or delete? You already did yours?

Price:

Yes.

Holt:

O.K. Any others? Any discussion?

O.K. No discussion.

Croley:

Madam Chair, I just wanted to add for the benefit of the public. When Commissioner Dixon referenced the fact about roads and all as being funded. Those are not being funded, as I understand, by the ad valorem property tax. Your property tax in this county did go up an additional \$300,000 even though this millage rate got reduced. So, the actual millage rate reduction, when you go back and look at the year 2004 and start moving forward, this revenue still went up \$3.7 million in the ad valorem or property tax category alone. That doesn't count the increases in the other restricted funds such as the gas tax, the small county surtax, the other half cent tax. There are other funds that are dedicated that also went up which is where that \$7.5 million increase in the same period of time came from. We are having a lot of money come in. As Ms. Anderson said, you have to ask the question - Where is it going?

Holt:

Thank you, Commissioner Croley.

Dixon:

May I, Madam Chair?

Holt:

Just a minute, the manager wanted to say something right quick.

Brown:

(inaudible)

Holt:

O.K. Commissioner Dixon.

Dixon:

An old man once told me, "Be careful who attempts to lead you by misleading you." Be careful of who attempts to lead you by misleading you. Commissioner Croley seems to have a hold on the

facts. But, I will tell you that his facts tend to be skewered and narrowly focused and certainly off the point.

We sat here last week and listened to a discussion about Jackson County and how their tax rate is two mills lower than ours. What he failed to tell you is that they have a utility that transferred \$2 million into their account in lieu of their taxable value. How much is a mill worth in Gadsden and Jackson County? About a million dollars. So, short of them owning that utility, their budget looks a lot like ours. He said to you that Jackson County has a much lower staffing level than we do. Not true also. I've got the numbers up in the office. Contrary to popular belief and Commissioner Croley, they look a lot like ours.

Be careful of folk who attempt to lead you by misleading you because even though taxes went up in Gadsden County, did you pay more for gas in the last few years? So did Gadsden County. Did you pay more for bread in the last couple of years? So did Gadsden County. The problem is that when we started doing things we had deficits already that existed. He harps about bridges. Bridges have been broken in Gadsden County for a long time. We could fix one at a time because those bridges cost \$400-\$500,000 a piece for one. So, while he makes some kind of point that sounds good to the ear, it is totally misleading and he knows it. His whole attempt is to mislead you to believe that something has happened. Something is happening. We began to bring in good people who generated more revenue for Gadsden County and hence began the upswing of Gadsden County. We invested in economic development. Why? To keep you here in Gadsden County and the only way we can lower your taxes is that somebody else is willing to pay them. Who is that? Generally, business. Because businesses don't require the level of service that your house does. The business doesn't require a hospital. Generally, business only require police and fire. Other than that, they want you to leave them alone. For that, they pay a premium.

Every mobile home that does or does not pay tax in Gadsden County, and trust me, many of them don't. Many of them don't. They require the same service. It doesn't matter if your house is worth a million dollars or five cents. That family requires the same if not a greater level of service. Heretofore, the county hasn't been able to deliver that service. We couldn't pave roads, we couldn't put out fires, we didn't have, and yes, we have taken in a lot of money.

Madam Chair, I apologize, I will quit.

But, we built libraries, we built fire stations, we built all those things that heretofore this board couldn't do. One, it didn't have the staff which meant that it didn't have the talent in-house, and two, we didn't have the people to generate the money to do it.

Have we generated a lot money? Yes, but a lot of it has not come from taxation. A lot of it - \$6 million a year almost for the last two years, has come from the Legislature because we got up off our duffs and put \$50,000 - that administration that he wants to cut - we put \$50,000 into a lobbyist to go over and beg on behalf of Gadsden County and every city in Gadsden County. I will sit here and tell you - I see Mr. Jefferson out there - ask him if his city has benefited from the \$50,000 lobbyist we pay for. I am sure he will say, "Yes."

Unidentified audience member:
What benefits did he give us?

Dixon:

Water services, Mr. Jefferson, how much money did you get? Just answer the question, I don't want to involve you in this.

Jefferson:
\$900,000 for the last two years.

Dixon:

For \$50,000 lobbyist. That is one project alone. So, I don't want you to be mislead continually and I wouldn't want to say anything, but it just keeps coming up and he just keeps intentionally misleading folks.

Holt:

Ladies and gentlemen, if you wanted to speak, you were suppose to fill out a form and we were suppose to call your name. So, this argument right now is among the board. You can hear everybody getting feisty. So, this is among the board. We have done what we were going to do with the audience. O.K. Now, we will meet again. So, you will get to see this bad show again.

Ladies and gentlemen, I will say this. You notice that we keep going back to 2004 because that is when we started moving forward. We started moving forward because we started getting new people. That was a strange thing. It was amazing. Some people didn't want to come here. They said, "You have a bad

reputation." They said that. "We don't want to come to Gadsden County." I went to two people's houses that were accountants. And I said, "Come and apply for a job." They said, "No, we don't want to be bothered with that nonsense in government, especially in Gadsden County."

I don't blame them because it gets to be a headache. But, the books were messed up. We had to go after what we had to go after. Those lobbyist - when they said "Be here at 11:00, Ms. Holt. We need you at the cabinet in the Senator's office. Go over here, go over to the House." We walked back and forth, back and forth. It did not matter which city they were complaining about, they said, "Do we need this? Why does Gretna need this? Why does Havana want this? Why does Chattahoochee want this?" We got off from work and we went and did it. I did not get paid. I will be very honest with you. This is just personal. You don't get paid on your regular job when you are out there doing that.

We needed more people over there. These are some things that we wanted. You get a chance to see how stressful that situation really is. O.K. But, we are not going to get anything by sitting here and complaining. We have to get up and go after funding. That is something that Gadsden County only started doing in 2004. Really in 2005, to tell you the truth. That is when we started going after funding. We are going to have to continue to do so.

But, what I need right now is to let's get this done so that we can move on. Everybody has had a chance to vent. Now, we are through venting, let's move on.

Croley:

Madam Chair, I want to

Holt:

No, no, no. Mr. Manager?

Croley:

I wanted to

Holt:

Sir, no, no, no, no. We don't want to discuss anything. If you want to add something - add something. Take it away?

Croley:

I want to add something.

Holt:

Make it fast.

Croley:

I just want to clarify one thing.

Holt:

No, no, no. We don't want clarification. You either add or subtract.

Croley:

This has to do with clarification on Jackson County.

Holt:

No, no, no. No, no. That is not our budget. We are going to add or subtract. If you want to take care of Jackson County, let's do that at the next meeting. No, sir. Mr. Manager.

Croley:

No, I just want to clarify.

Holt:

No, sir. Mr. Manager, what do you want?

Brown:

Madam Chair, I need adoption of the countywide budget with the two items that you included this evening.

Holt:

O.K. What is the will of this board?

Dixon:

Motion to approve.

Price:

Second.

Holt:

We have a motion and a second. All in favor?

Dixon, Price, **Holt:**

Aye.

Holt:

Opposed?

Croley:

No.

Holt:

Next item?

Brown:

I need for you to direct staff to advertise in accordance with Florida Statutes that a tentative millage rate and the budget for fiscal year 2008 with the date and time which will be September 25th at 6:00 p.m. to adopt the final millage rate and budget for 2008.

Dixon:

Let my motion so recognize.

Price:

Second.

Holt:

We have a motion and second. All in favor?

Dixon, Price, Holt:

Aye.

**The chair did not call for a vote for those opposing.*

Lamb:

Madam Chairman, when will we hear about those add or drops that we just did?

Suggs:

Do you mean those two?

Lamb:

Yeah.

Suggs:

Right now, what you have approved is - you have approved \$80,000 and \$50,000. \$80,000 for non-profits and \$50,000 for Southside.

Croley:

So, we never voted on those other cuts.

Lamb:

I know, but when will we do that? Discuss those?

Brown:

Commissioner, this evening, I didn't hear a motion and I didn't hear direction.

Holt:

O.K. so, what do we need to do/

Croley:

I was never given an opportunity.

Holt:

Sir, that is not true, you were given opportunity. You did not provide a motion. You could have done so.

Suggs:

Madam Chairman, please allow me just 30 seconds, please. I want to reiterate. My staff is here. The commissioners are here. Over a month ago, over a month ago,

Holt:

Mr. Suggs, don't, don't get upset now. We have been doing this since June. Anyone could have at any time could have brought anything. Calm down.

Dixon:

Don't.

Croley:

I can still bring things to this board.

Holt:

I didn't say that you could not. I was talking to Mr. Suggs.

All we need to know is if there is a problem, let's fix it and move on.

Mr. Attorney?

Williams:

Just so that procedurally, you move accurately, I think you do have issues from the two commissioners before you and there has not been an actual vote one way or the other. I think that procedurally, there should be a vote.

Dixon:

Mr. Attorney, there should be a motion. Was there a motion, Mr. Attorney?

Williams:

No, sir. I just wanted to make sure

Dixon:

How can you have a vote when no motion exists?

Williams:

Commissioner, Madam Chair, if I may.

What I am saying to you is that someone should offer a motion one way or another and it should be voted up or down.

Dixon:

Why?

Williams:

So that the issues from the other commissioners can be addressed.

Dixon:

The commissioners themselves, either of them did not offer a motion for their own issue.

Williams:

Commissioner, I am just trying to make sure that the record states that clearly.

Dixon:

Mr. Attorney, let me play Commissioner Croley for minute and let me tell you about your job. No commissioner offered a motion to hear his item. Then, did it not fall dead for lack of?

Williams:

I think the record might show that maybe the opportunity wasn't as clear to have it addressed. Because of that, I am trying to make sure that it is clear in terms of adopting the budget, that it is clear that those items were properly addressed.

Dixon:

Then say that and don't say that a right existed, Mr. Attorney.

Lamb:

Madam Chairman, that is the only reason that I asked the question. We didn't act on those items. The attorney is right on that. We should be given that back to vote on the item because that is our right as a commissioner. I am going to

respect whatever way we do it. But, it should be the way that this board votes do it. We should be given the opportunity to do that.

Holt:

Right. I don't have a problem with that commissioner.

One thing that I must say is this. In the fray back and forth, I think that is when the opportunity was missed. The opportunity was there. Now, I want to clarify that. I have no problems with discussing all items on the list. I have no problem with that. What is the will of this board? Do we need to go back, what do we need to do?

Brown:

You need to go back and reconsider the adoption of the tentative budget.

Dixon:

But, only if we vote to approve them.

Williams:

Procedurally, if you want to go forward, you can vote on whether you want to entertain these items for purposes of adopting the budget. You don't have to reconsider the motions. You can have a motion on whether you want to reconsider these items. If the answer is no - that you don't want to consider those items, it has been discussed and it is on the record. If the answer is yes, then you have a motion to reconsider, then have discussion.

Holt:

No problem with that. Whatever the will of this board is, is what will be done.

I need a motion if you want to reconsider, or want to consider these items.

Dixon:

Madam Chair, I will offer a motion that we do not consider any additional items to the budget.

Price:

Second.

Croley:

Madam Chair, may we discuss?

Holt:

Yes, you may. Most certainly.

Croley:

First of all, this budget isn't adopted until that final public hearing. Is that correct, Mr. Attorney.

Williams:

Commissioner Croley, that is correct. But, for purposes of this meeting, the issue about giving direction to staff is what you are here for and what has to be published. And, so, the tentative budget is adopted tonight. Then it is published based on what this board approves. So, for purposes of tonight, the board, as a group, must make a decision as to what they want to have published for the public to know so they can come back in at the final adoption of the budget.

Croley:

That, I understand. But, there is nothing that is going to prevent except for a majority vote, any consideration of any of these reductions that I presented. Now, obviously, there is a motion on the floor with a second that you are not going to consider them. By a majority vote, that will be fine.

But, the public out here needs to understand and all of those who are watching on television that this is their county's budget and they are the ones who ought to be making this decision, not the simple majority of three because it is your taxes and as far as services, (inaudible due to audience clapping)

Holt:

Keep the noise down, we are going to listen.

Croley:

They speak for themselves and that is all I have to say, Madam Chair.

Holt:

Thank you and I am going to say this. As I said, I have no problem with consideration of these items. I have no problems with it. I just want to vote on it lump sum and be done with it and I have no problems with it.

Commissioner Lamb?

The reason that I feel that we need to have a right to vote on the item is because that is our right as a commissioner. If we feel, I am going to respect the opinion of the majority, whatever it is. We shouldn't have the attitude that it has to be the way I want it to be. It should be the way this Board votes as a majority. I am going to respect whatever the majority says. Whatever the majority says, that is what I will abide by and I am not going to mention it. But, I think we should give the opportunity to express ourselves item by item. That is the way I feel, but if you don't, whatever the will of the board, I will abide.

Holt:

Commissioner Dixon, before you do that, I have to reiterate this. When we vote on this issue, I do not want anyone to think that you did not have a right for a motion. There was a right there. There was an opportunity there. If you had left Jackson County alone, we would have voted already. O.K. So, it is not that the opportunity was not there. Now, as I said, there is a motion and a second on the floor. I have no problem with voting on these? Do we have to vote on them individually, that is my only concern. I would like to vote on them as a total block and be through with it, either up or down.

Williams:

Madam Chair, I believe you can vote in a block for all of it.

Holt:

I have no problem with that. We have a motion and a second. Commissioner Dixon?

Dixon:

Madam Chair, for discussion. If the commissioner, Commissioner Croley, will stop attempting to be so photogenic and telligenic, we could do some business.

Holt:

I am getting out of here, ya'll.

Dixon:

The same thing happened in the last meeting. He comes with problem, problem, problem, but he never comes with an answer. You offered him the opportunity to make a motion and yet he talks about the TV cameras. When are we going to get down to the business of the budget?

Holt:

O.K. Hold on. Ya'll on doing the same thing and we are not going to get this motion passed or voted up or down or whatever. As long as it is a block, I have no problem with it. Commissioners, we have a motion and a second to not accept, to not consider those items. We have a motion and second.

All in favor to not consider those items?

Dixon, **Price:**
Aye.

Holt:
Opposed?

Holt, Lamb, **Croley:**
No.

Holt:
I am voting no. I want to hear them in one block, that is it.

These are the items, we have the opportunity to go after these items. Either vote them up or down as a block. That is all I want. I don't want to discuss each item. We know what they are.

Croley:
Madam Chair, I am totally confused by your vote. You just - we were just voting them up or down. The motion that Commissioner Dixon said was not to consider them which was voting them down.

Holt:
Mr. Attorney, let me make sure. Were we not saying that we were voting to consider the items? The opportunity.

Williams:
I thought the motion was to not to consider the items.

Dixon:
So, technically, there is no motion before the body.

Williams:
Procedurally, if there is clarity on the motion, you go to the person who made the motion.

Dixon:
There should always be an affirmative motion. There is no affirmative motion before the body.

Croley:

That is because you made a negative motion.

Dixon:

So, someone needs to make a motion to hear, to reconsider.

Croley:

I am going to move, since the motion to block failed on a 3 - 2 vote, I am moving that these items that were listed by the commissioners from district 1 and district 2 be considered by the staff for the next meeting.

Lamb:

Second.

Holt:

No, no. We have to vote on these items, if we want them considered, it has to be as a total package.

Croley:

Yes, Ma'am. I made the motion. Now, it may fail, but I stated the motion.

Holt:

O.K. Go ahead.

Croley:

I stated the motion that these items are to be considered and removed from the budget and monies redistributed.

Dixon:

You can't do that. You would need a motion to reconsider first.

Croley:

I make a motion to reconsider the items and that they be included in the budget.

Lamb:

I second it.

Dixon:

Madam Chair, the motion

Holt:

We have a motion and a second to reconsider these items and that we put these on the agenda for the next workshop.

Croley:

Madam Chair, no. I'll restate it to you. It is a motion to have these items included in the next budget review by the staff at the next budget hearing. Just like it was done at the last meeting when the items were added. The same process.

Holt:

Alright. We have a motion and a second. All in favor?

Lamb and Coley:

Aye.

Holt:

Opposed?

Dixon, Price, **Holt:**

No.

Holt:

Really? I wanted it as a block, so we could decide tonight whether we want it.

Anything else?

Dixon:

Motion to adjourn.

Price:

Second.

Holt:

Motion and second. All in favor?

All:

Aye.

Holt:

Let's go. Good by.

Brenda A. Holt, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON SEPTEMBER
18, 2007, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT: Brenda A. Holt, Chair
Derrick Price, Vice-Chair
Eugene Lamb
Doug Croley
Edward J. Dixon
Thornton Williams, County Attorney
Marlon Brown, County Manager
Muriel Straughn, Deputy Clerk

CALL TO ORDER

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Lamb led in the invocation and Commissioner Holt
led in pledging allegiance to the US flag.

AWARDS, PRESENTATIONS AND APPEARANCES

The following presentations were made:

- Ms. Sonia Crawford - 25 years of service - Gadsden County
Chattahoochee Branch Librarian
- Mr. Christopher Green (Mr. Green was not present)
- But he was recognized for 10 years of service - County
Public Works - Heavy Equipment Operator I
- Ms. Temeka Chaney - 5 yrs of service - County Probation
Department

ADOPTION OF AMENDMENTS TO THE AGENDA

COUNTY ATTORNEY

18. Overview of Legal Services Performed Under Retainer for
Gadsden County FY 2006-2007

Mr. Williams made a brief description of the types of
services that his firm performs - both under the retainer
which they are paid and the types of special projects they

do which are not covered under the retainer.

No action was required by the board as this was just for clarification.

CONSENT AGENDA

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

2. Ratification of Approval to Pay County Bills
Accounts Payables Dated September 7th & 14th, 2007
Payroll Dated: September 13, 2007
3. Approval of Chair Holt's travel to Washington, DC. On
September 19 and 20 for the Fiscal Year 2008 Federal
Appropriations Process and Upcoming Capitol Hill Meetings -
approximate cost - \$500.00
4. Approval of Chair Holt's travel to Gainesville, FL on
September 26-28, 2007 for 2007-2008 Legislative Policy
Committee Conference - cost approximately \$300.00
5. Approval of Payment of July (\$5,000) and August (\$5,000)
Invoices to Artemis Strategies
6. Approval of Renewal of State Lobbying Services Agreement
with Christian B. Doolin & Associates, L.L.C.
7. Approval of New Road Names - Chickum Lane - North off
Bristol Highway South of Telogia Creek Road; Hambone Path -
West off Attapulugus Highway
8. Approval of Support for Resolution No. 2007-045 to Designate
Highway 27 in Gadsden County as a Purple Heart Highway
- ~~9. Approval of the Gadsden County Home Emergency Repair Program~~
This item was pulled for discussion at the request of
Commissioner Croley. It was subsequently approved.
10. Approval of the Gadsden County Tourist Development Council
Grant Request to Gadsden Arts Center for the 19th Annual Art
in Gadsden Exhibition - \$2,400
11. Approval of the Gadsden County Tourist Development Council

**Grant Request to the Havana Merchants Association for the
Havana Holiday Parade & Lawn Mower Contest - \$2,400**

**12. Approval of Lien Satisfactions for Henry and Bertha Spooner
and Ida Herring**

CONSENT AGENDA ITEMS PULLED FOR DISCUSSION

9. Approval of the Gadsden County Home Emergency Repair Program

Commissioner Croley asked Ms. Saunders to expound on this program - primarily to let the audience know that this program exists and is available. He stated that he supported it but felt that it merited discussion so that the public would know. He also asked staff to provide a report of how much and where these funds are awarded and not awarded.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE ABOVE STATED PROGRAM - INCLUDING THE GUIDELINES AND ELIGIBILITY CRITERIA.

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS

Mr. Malcom Cunningham - Property in St. Hebron - stated that he was denied a permit to build an additional home on his property and requested a variance. The matter was referred to the county manager and staff with instructions to do an analysis of the problem and report back to the board.

Mr. Don Weed, Middlebrook Road, requested that his road not be paved.

Mr. Gurnett of East Lake Road, requested that his road not be paved citing that they do organic gardening and do not desire the water run off contaminating his garden.

Mr. Doug Nunamaker, also of East Lake Road, requested that the road not be paved.

Public Works Director Robert Presnell reported that work had not begun on those roads at this juncture.

PUBLIC HEARINGS

GENERAL DISCUSSION AGENDA

**13. Approval of Appointment of an Elected Official to the
Gadsden County Tourist Development Council**

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO CONTACT ALL MUNICIPALITIES WITHIN THE COUNTY TO DISCERN THEIR INTEREST IN HAVING INPUT TO THE APPOINTMENT OF THE VACANT ELECTED OFFICIAL'S POSITION ON THE TDC. IF THERE IS NO INTEREST EXPRESSED BY THE OTHER MUNICIPALITIES, THEN THE APPOINTMENT WOULD AUTOMATICALLY GO TO DAVID NORMAN AS PRESENTED AS A RECOMMENDATION BY TDC.

Commissioner Price was not present for this vote.

**14. Approval of the Gadsden County New Construction Pilot
Program - Affordable Housing**

Community Development Director Farnita Saunders presented the above named project for consideration and as described in the attached agenda report. Following discussion, there was a consensus that the board would like to have more information before actual construction would take place.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE PROGRAM CONCEPT, BUT WITH THE UNDERSTANDING THAT IT WOULD COME BACK TO THE BOARD FOR FURTHER CONSIDERATION BEFORE ANY FUNDS WOULD ACTUALLY BE SPENT.

**15. Approval to Apply for the Paid Staffing for Adequate Fire
and Emergency Response (SAFER) Grant from the Department of
Homeland Security**

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE STAFF APPLYING FOR THE ABOVE STATED GRANT AND AS DESCRIBED IN THE ATTACHED AGENDA REPORT.

**15A Approval of Request for Projects to be Included in the
Florida Department of Transportation Five Year Work Plan for
the Apalachee Regional Planning Council**

Dan Dargawitz from the Apalachee Regional Planning Council addressed the board regarding the three projects proposed in

Gadsden County in the Five Year Plan. They are as follows:

1. AN Railroad Terminal In Greensboro CrossinG of CR 269
2. Gadsden Co. SR 12 and US 90 - Sidewalk near Piggly Wiggly
3. Quincy By-Pass Extension North

There was some discussion about the downtown truck traffic that continues to plague downtown Quincy.

Following discussion of the proposed projects, there was a general consensus of the board that they were not satisfied with the projects identified.

Commissioner Croley voiced concern about the bridges that needed to be repaired and replaced.

Public Works Director Robert Presnell explained that these projects are separate to the Capital Regional Planning Transportation Agency projects lists.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE LIST BUT TO AMEND THE LIST IF POSSIBLE TO INCLUDE BRIDGES REPAIR AND REPLACEMENTS IF THEY QUALIFY FOR STATE FUNDING AND ADD A TRAFFIC STUDY OF South SR 267 - PAT THOMAS PARKWAY TO DETERMINE WHAT THE TRAFFIC WARRANTS IN TERMS OF PROVIDING FOR SAFETY OF TRAVELERS.

COUNTY MANAGER'S AGENDA

16. Insurance Services office (ISO) Information

The attached agenda report was for information purposes only. No action was necessary.

17. Miscellaneous Items

There were no miscellaneous items to discuss.

COUNTY ATTORNEY'S AGENDA

18. This item was moved to follow the Awards and Presentations at the beginning of the meeting.

DISCUSSION ITEMS BY COMMISSIONERS

19.

Commissioner Lamb, District 1

Commissioner Lamb asked the attorney about the progress of the noise ordinance.

Attorney Williams reported that he should have something to present in another month.

Commissioner Croley, District 2

Commissioner Price, Vice-Chair, District 3

Commissioner Price raised an issue with the CSX Railroad on the Hardaway Road in Gretna.

Commissioner Dixon, District 5

Commissioner Dixon had nothing to report.

Commissioner Holt, Chair, District 4

Chair Holt raised an issue regarding the need for commercial buildings for prospective businesses willing to look at the industrial parks in Gadsden County.

She then stated that she had a number of complaints about foul odors being emitted from plants. While there is research underway about noise pollution, she asked the county attorney to also look at this issue.

She then appointed Ms. Marion Bethune to the Library Commission from District 4.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPOINT MARION BETHUNE TO THE LIBRARY COMMISSION.

Ms. Farnita Saunders announced a round table discussion

about affordable housing that will take place on September 25, 2007 in the board chambers to discuss possibilities for Gadsden County.

RECEIPT AND FILE AGENDA

20.

- a. Letter from Clerk of Court Regarding Department of Transportation Grants (Speed & DUI)
- b. Letter to CSX Transportation Road Master Regarding Crossing - Jamieson Road
- c. Letter from the Chamber of Commerce Regarding Annual Chamber Community Conference
- d. Letter from Big Bend Transit, Inc. Regarding Funding of the Shuttle Service
- e. Letter from Florida Department of Environmental Protection Regarding Dredge and Fill Permit - Lake Talquin at McCall Bridge Road
- f. Letter from Florida Department of Transportation Regarding Federal Highway Administration Emergency Relief and FEMA Public Assistance Documentation and Funding Workshop
- g. Letter MAS Unlimited, Inc. Regarding Glory Estates - Newberry Addition Roadway Dedication
- h. Letter from Bright House Networks Regarding Notice of Application for State-Issued Certificate to Provide Cable Television Service
- i. Letter from the City of Quincy Regarding City of Quincy Annexation
- j. Letter to Willie Candidate Regarding Procedural Options - Improper Subdivision of Woodlawn Acres Lot # 2.

ADJOURNMENT

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE CHAIR DECLARED THE MEETING ADJOURNED.

Brenda A. Holt, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONER HELD IN AND
FOR GADSDEN COUNTY, FLORIDA ON
SEPTEMBER 25, 2007, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: Brenda Holt, Chair
Derrick Price, Vice-Chair
Eugene Lamb
Doug Croley
Edward J. Dixon
Thornton Williams, County Attorney
Marlon Brown, County Manager
Muriel Straughn, Deputy Clerk

Call to Order

PUBLIC HEARING - AMENDMENT TO GADSDEN COUNTY ORDINANCE 74-1
ENTITLED "Discretionary Sales Surtax"

Davin Suggs responded to a number of questions that had circulated throughout the community about the amendment to the use of the sales surtax. Those questions were as follows:

1. Are the proposed revisions legal?
2. What has been the intent of Gadsden County in the past?
3. How do other similar counties use available revenue?
4. Who benefits from amending the ordinance?

He answered each of the questions as detailed in the attached agenda report. He then referenced the following as authorities to amend the ordinance:

1. FL Statutes 212.055 and
2. Gadsden County ordinance 74-1 (a) and (b).
3. Article II of the Gadsden County Comprehensive Financial Management Policy

He gave a brief history of how the tax came into being citing a number of board actions between June 16, 1987 and the present. He also reported as to how other counties utilized the surtax.

All of the above were submitted as a part of the agenda report and analysis.

Chair Holt called for public comments:

Jason Blackman, EMS Employee - in favor of ordinance. He cited needs for EMS equipment - especially trucks. He reported that the equipment is malfunctioning and unsafe.

John Due - cited the Sheriff's needs and questioned whether the civil rights of the inmates are being protected under the conditions that exist at the jail presently.

Bill Stinson - deferred to the Budget portion of the meeting.

M. Ostenberg - EMS Training Officer, spoke as an employee of EMS and as a citizen. She spoke to the enormous needs of the EMS staff for equipment. She stated that on this day, the department had to fly two patients out for care because there were no trucks available to transport them.

Board discussion followed.

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 2 TO APPROVE THE ORDINANCE. THE MOTION FAILED AS IT REQUIRED A SUPRA MAJORITY VOTE TO APPROVE IT. COMMISSIONERS PRICE, HOLT AND DIXON VOTED IN FAVOR OF THE MOTION. COMMISSIONER LAMB AND CROLEY OPPOSED.

A bit of disruption occurred as a result of the vote above. Chair Holt called for the Bailiff to assist in bringing order to the meeting.

SECOND PUBLIC HEARING FOR ADOPTION OF FINAL MILLAGE RATES AND FINAL BUDGET FOR FY 2007/2008

County Manager Marlon Brown introduced the proposed budget for 2007/2008. He read into the record the following:

"This is the second of two required public hearings on Gadsden County's budget for the fiscal year 2007/2008. If you wish to speak during the public hearing portion of this meeting, please fill out one of those forms and step forward when your name is called. The proposed final millage rate is 8.7495 mills which is 3% less than the rollback millage rate of 9.0201 mills."

He then repeated the millage rate proposed.

OMB Director Davin Suggs stated that the budget prepared for adoption was predicated on the passage of the above ordinance.

Since the ordinance failed, the budget as proposed "is no good and does not comply with the law."

He reminded them that this is September 25th and the fiscal year ends on Friday of this week. He asked for a recess to confer with the attorney.

Commissioner Dixon asked if the Board could continue operating on last year's budget until the new budget can be adopted.

Mr. Suggs answered, "You can adopt the current year budget after it has been amended. We would have to recess and go prepare a resolution and you can adopt this year's budget and we can start again and we would have to do some advertising and take care of some other legal things to continue this meeting."

Mr. Williams responded, "There is a provision in the law that will allow you to put into place a budget that is not the adopted budget for this upcoming fiscal year. There are some time tables that have to be complied with, but the law does allow you to work on a different budget."

Discussion followed.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 2 TO TAKE A RECESS TO DETERMINE WHAT THE PROCESS WOULD BE FROM THIS POINT FORWARD. COMMISSIONERS CROLEY AND LAMB OPPOSED THE MOTION.

THE MEETING RECONVENED AT 7:40 P.M.

Attorney Williams advised that the Board has the option of recessing the hearing for the purposes of getting information from the staff to balance the budget. He cited FS 200.065(2)(c) as authority to recess the hearing.

What budget do you have to use to operate on between now and the time a new budget is adopted? He cited FS 200.065(2)(g) "...A taxing authority may expend monies based on it's tentative budget after adoption pursuant to paragraph (c) and you have adopted a tentative budget. Until such time as a final budget is adopted, pursuant to paragraph (d), which is what you were doing tonight, only within the fiscal year, the taxing authority begins prior to the adoption of it's final budget."

He then advised that they could "recess and continue this hearing and adopt the tentative budget for purposes of having a budget to work on between now and the final adoption with the balanced budget coming back from Mr. Suggs. The only thing that is unclear involves the issue of the budget that was based on the ordinance that was to pass tonight. So, that issue is something that obviously would not have been contemplated within the statutes. So, the only option that I have been able to give the manager and Mr. Suggs is that portion of the budget cannot be implemented for purposes of operation and having something within the county to work on."

Madam Chair and commissioners, that is my legal opinion as it relates to this matter."

Discussion followed as to advertisements and notices that must be given to the public.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 1, TO CONTINUE THIS HEARING UNTIL OCTOBER 3, 2007 AND DIRECT THE STAFF TO AMEND THE PROPOSED BUDGET. COMMISSIONER CROLEY CAST THE LONE DISSENTING VOTE.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO OPERATE ON THE TENTATIVE BUDGET PURSUANT TO FS 200.065 MINUS THE PORTION OF THE BUDGET WHICH WOULD HAVE BEEN FUNDED BY THE ORDINANCE THAT FAILED AT THIS MEETING. COMMISSIONER CROLEY CAST THE LONE DISSENTING VOTE.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER
LAMB, THE CHAIR DECLARED THE MEETING RECESSED.

Brenda Holt, 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 2,
2007, THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: Brenda A. Holt, Chair
Derrick Price, Vice-Chair
Eugene Lamb (Departed early)
Doug Croley
Edward J. Dixon
Thornton Williams, County Attorney (arrived late)
Paul Sexton, Deputy County Attorney
Marlon Brown, County Manager
Muriel Straughn, Deputy Clerk

CALL TO ORDER

Chair Holt called the meeting to order.

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Dixon opened the meeting with prayer and
Commissioner Croley led in pledging allegiance to the U.S. Flag.

AMENDMENTS AND ADOPTION OF THE AGENDA

County Manager Marlon Brown proposed the following amendments to
the agenda:

Delete Item 17 (Talquin Shores Subdivision) from the General
Discussion Agenda and Add it to the Public Hearing Agenda as
Item A-12.

Add 17-A - Approval to Accept the Award Letter and Certificate
of Subgrant from the Florida Department of Law Enforcement,
Office of Criminal Justice Grants

Add 17B - Approval of Chairman's Execution of Contract with
Soloman Construction Co. for the Sewer Project on SR 267 & I-10.

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

AWARDS, PRESENTATIONS AND APPEARANCES

**Resolution 2007-046 Honoring the Life of Hal Richmond and
His Public Service to Gadsden County**

Jon Brown read the above named resolution into the record. He noted that Mr. Richmond served as the previous county attorney January 1991 - December 31, 2004. The resolution was presented to his wife, Marcella Richmond, as the entire board stood along side her.

CONSENT AGENDA

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

2. Approval of Minutes - May 8, 2007 Special Meeting
September 4, 2007 Regular Meeting
3. Ratification of Approval to Pay County Bills
Accounts Payable Warrants dated: September 7, 14, & 21, 2007
Payrolls dated: September 13, 27, 2007
4. Approval of Contract Between Gadsden County Board of County Commissioners and State of Florida Department of Health for Operation of the [Gadsden County Health Department](#)
5. Approval of Workforce Services Plan 2007-2009
Out of School and At Risk Youth Work Program initiatives
6. Approval of Board Member Appointment to the Workforce Plus Board of Directors - Larry Rishell, President of Printing Operations at the Printing House
7. Approval of Mosquito Control Agreement with Department of [Agriculture and Consumer Services \(DACS\) and Annual Certified Budget](#) County match for this program is \$35,648.00
8. Approval of Cancellation of Present Gadsden State Farmer's Market Lease Agreements and [Approval of New Lease Agreements \(month to month\)](#)
9. Approval of 2007-2008 Interlocal [Fire Agreement with the City of Quincy](#) and the [City of Chattahoochee](#)
10. Approval of Contract with [G & L Steel Building, LLC](#)

To Build the Gretna Public Safety Complex (Fire Station)
for \$146,000

11. Approval to Establish Budget for FY 2007 Tanker Grant
Resolution [2007-048](#) [OMB BA 070054](#)

CONSENT ITMES PULLED FOR DISCUSSION:

There were no items pulled from the consent agenda for discussion.

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS

Mr. Ray Kelly addressed the Board regarding Buck Way Road off of Richbay Road. He said that a load of dirt had been dumped onto the road and caused problems in traversing the road as well problems for his yard. It was determined that the road was a county roadway.

The matter was referred to Public Works Director Robert Presnell.

Ms. Mary Bunyon from the Hinson community addressed the Board. She reported that the Bush Road, a dirt street behind the Hobbit Hoagie, is washed out and overgrown. She asked that the road be repaired.

It was determined that Bush Road is a county maintained road. The matter was referred to Public Works Director Robert Presnell.

Commissioner Croley also called attention to the railroad overpass in Hinson. He said the drains are blocked and need attention.

Mr. James Davis asked for county authority to replace an existing mobile home on his property with a modular home. He explained that his father also has a mobile home on the property. He was told by the Growth Management Department that the parcel cannot be subdivided. He then said that the bank will not give him a mortgage until the parcel is divided.

Growth Management Director Bill McCord stated that he spoke with Mr. Davis previously. He explained that the parcel was purchased in 2001 and it is not eligible for immediate family exemption status. It is in the AG-1 land use category which requires at least one unit per five acres. There are already two units on the property which does not

comply with the Land Development Code. He said that Mr. Davis can replace the unit as a existing non-compliant lot, but it cannot further violate what has already been done. It does not comply with the immediate family exemption process.

Discussion followed.

It was suggested that a land use change from AG-1 to Rural Residential might be a viable option for Mr. Davis to pursue if he could persuade the neighbor between his property and the adjacent rural residential property to also apply for a land use change. If that effort is successful, then he could subdivide the property.

. **PUBLIC HEARINGS**

A12 Talquin Shores Subdivision Agreement

Talquin Shores Subdivision Approval

County Manager Marlon Brown opened a public hearing regarding the Talquin Shores Subdivision. He then turned it over to Growth Management Director Bill McCord. He reported that there was a meeting between Danny Miller, developer, and his attorney and the county staff and the county attorney. They reached a compromise solution that will address the approval of the subdivision. See the attached agenda report for details.

Attorney Sexton referenced Item No. B under the statement of issues of the agenda report. He said that it would be problematic for the developer to provide central water at the present time to Phase I. The developer asked to defer that requirement until phase II is completed. He asked that the board come to an agreement with that caveat in mind regarding the deferral of the water main for phase I.

Chair Holt called for public comments.

Danny Miller addressed the board. He stated the following: "I met with and talked extensively with County Manager Marlon Brown and Growth Management Director Bill McCord. I agree with all of the stipulations and just request that you make this approval so that we can move forward and get this

thing done right.

Mr. McCord has done a good job and I appreciate him working with me. County Manger Brown has done a fabulous job and so has Paul Sexton, county attorney. We have an agreement and I respectfully request that you all approve it so that the people who own these lots can have quiet enjoyment of their real estate and we can move forward and get it finished. I Expressed in a meeting here in February that I was willing to work with Mr. McCord to get this thing done and we have done that.

I thank you for the opportunity to come and ask that you approve what Mr. McCord has recommended.

Chair Holt called for public comments in favor of the subdivision.

There was no response.

She then called for public comments from those who opposed the subdivision.

Mr. Ed Allen asked what type septic tanks would be required by the developer.

Mr. McCord replied, "The sewage treatment will be provided for as agreed to much earlier in the Comp Plan Amendment. What that essentially means is that they will have to provide advanced waste water treatment systems if the septic tanks are located within 200 ft. of the water line and the wetland line. In this case, it is a bluff, so it is a water line. All of those septic systems, if they are traditional septic systems, will have to be pushed back to the west. What that essentially means is that they will all be in the front yard unless they go to advanced treatment systems. My guess is that they will all be in the front yard. That was a condition of the policy and it is included in your attachment number 5. There are two different stipulations contained in that ordinance. I am not sure why there were two separate ones. But it is condition 5 or stipulation 5 as well as stipulation 11, which puts that extra ordinary standard beyond what our code now calls for which is only 100 ft. for a septic system, regardless of the type of septic system. Here, it is 200 ft. unless they put in an advanced waste water system. That is part of the condition of approval."

Commissioner Dixon recalled that all of the lots were required to have advanced waste water treatment.

Mr. Miller agreed to stipulate that the septic systems would be advanced waste water treatment.

Commissioner Croley disclosed that Mr. Miller did contact him regarding the subdivision approval. He then questioned Mr. McCord, "Is this design, in your opinion, better than the original vesting plat?"

Mr. McCord replied, "I think it is because even though you have one lot that is not 100 ft. in width, that lot is deeper and it actually covers more territory, more land. Because of the roadway being shifted, regardless of whether it is private or public, being shifted from this alignment over to the west, it gives these lots more depth and more flexibility for placing things like septic tanks and the house."

County Manager Brown reminded the board that some of the lots have already been purchased and those land owners did not have that understanding.

Commissioner Dixon stated for the record that Mr. Miller had also called him. It was confirmed that he had called all of the commissioners.

Commissioner Dixon stated, "I have gone down there and it is like standing up and looking off at a little piece of heaven. It is absolutely the most beautiful place I have seen at the lake. I wish I had a couple hundred grand."

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE RECOMMENDATIONS OF THE PLANNING DEPARTMENT WITH THE SPECIAL CONDITIONS LISTED IN THE AGENDA REPORT AND THE ADDITIONAL MANDATE THAT THE ADVANCED WASTE WATER TREATMENT BE REQUIRED.

Commissioner Lamb left the meeting early and was not present for this vote.

12. Public Hearing - Approval of Funding for Rural Business Enterprise Grant (RBEG) United States Department of Agriculture (USDA) in the Amount of \$39,735 (Piggly Wiggly US 90 Stormwater project Resolution No. 2007 049

OMB BA 070056

County Manager Brown gave a brief description of the above stated issue. He asked for approval to pay Dixie Paving for the additional work and to also approve the resolution and the budget amendment associated with it.

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

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE PAYMENT TO DIXIE PAVING, THE RESOLUTION AND BUDGET AMENDMENT.

13. Public Hearing - Approval of Additional Funding for Justice Assistance Grant (JAG) in the amount of \$ 15,018.17
Resolution # 2007-0050; OMB-BA 070055

County Manager Brown introduced the item above. He then asked the Board to approve the additional funding and the associated resolution and budget amendment.

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

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ADDITIONAL FUNDING, RESOLUTION AND BUDGET AMENDMENT.

14. Public Hearing - Approval of Additional Funding for the Robertsville Fire Station Project in the Amount of \$10,818.41 - Resolution 2007-051; OMB-BA# 070058 A&B

County Manager Brown then introduced the above stated issue.

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

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ADDITIONAL FUNDING, RESOLUTION, AND BUDGET AMENDMENT DESCRIBED ABOVE.

GENERAL BUSINESS

**15. Approval to Amend FY 2008 Planning and Zoning Building
Inspection Fees [Resolution 2007-047](#)**

Commissioner Croley asked if the changes would significantly change the revenue received.

OMB Director Davin Suggs stated that some of the fees were actually reduced and others were increased to account for inflation only. There will be no significant change.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE TO ADOPT THE ABOVE NAMED RESOLUTION APPROVING THE ATTACHED FEE SCHEDULE FOR BUILDING INSPECTION AND PLANNING AND ZONING FEES.

**16. Approval of National Association of Counties (NACO)
Prescription Drug Discount Program (Participation Agreement)**

Mr. Charles Chapman addressed the Board. He explained that the program is offered as a perk because Gadsden County is a member of the National Association of Counties. There is no cost affiliated for being a part of the program. It is a prescription discount card provided through a partnership with NACO and Care Mark. There are 57,000 participants in the program. CVS, Walgreens, Massey Drugs, Medical Center, WalMart and Winn Dixie. It is not a supplement for current prescription coverage. It is for those people who do not have prescription coverage. The card can offer up to 20% savings on prescriptions.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE PARTICIPATING AGREEMENTS FOR THE PRESCRIPTION DRUG DISCOUNT PROGRAM AS DESCRIBED ABOVE.

**A17 Approval to Accept the Award Letter and Certificate of
Subgrant from the [Florida Department of Law Enforcement,
Office of Criminal Justice Grants 2008-JAGC-GADS-1-Q9-198](#)**

[OMB-BA# 080001](#)

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, TO ACCEPT THE AWRD LETTER AND CERTIFICATE OF SUBGRANT

FROM FDLE FOR THE CRIMINAL JUSTICE GRANT.

17. Approval of Talquin Shores (Unrecorded) Subdivision

This item was moved to public hearings - see Item No. A12.

17B Post Approval of Execution of the Contract With Soloman Construction for the Sewer Project on I-10 and Pat Thomas Parkway - Economic Development Grant

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE CHAIRMAN'S SIGNATURE ON THE SOLOMAN CONSTRUCTION CONTRACT.

COUNTY MANAGER'S AGENDA

18. Final Budget Proposal

Mr. Brown told the Board that he would give them a copy of the final draft of the proposed budget at the close of the meeting. He reminded them of the continuation of the public hearing on Wednesday, October 3, 2007 at 6:00 p.m.

19. COUNTY ATTORNEY

Attorney Williams had nothing to report.

20. DISCUSSION ITEMS BY COMMISSIONERS

Commissioner Lamb, District 1

Commissioner Lamb was not present.

Commissioner Croley, District 2

Commissioner Croley had nothing to report.

Commissioner Price, District 3

Commissioner Price thanked everyone for attending the grand opening of the Boys and Girls Club in Chattahoochee.

Commissioner Dixon, District 5

Commissioner Dixon stated that the grand opening was fantastic.

Commissioner Holt, District 4, Chair

Commissioner Holt reported that when she went to Washington D.C., they stopped by USDA and visited with Mr. Gary Morgan. He recommended that the Board consider mandatory clean outs of septic tanks periodically in areas where there is no central sewer systems. He also has some suggestions about how to develop the interstate interchanges.

21. RECEIPT AND FILE AGENDA

- a. Letter to the Plantation of Foxchase, L.L.C. Regarding Conceptual Plan
- b. Letter to Department Heads Regarding Expenditure Closeout and Final Submission of Bills
- c. Letter from State of Florida Division of Emergency Management Regarding Large Project Closeout
- d. Memorandum from the Florida Department of Health Regarding Emergency Medical Services County Grant Application
- e. Letter from State of Florida Department of Community Affairs Regarding Review and Clearance of FY 2006 Audit, Community Development Block Grant
- g. Letter from Candace Butler to DEP Regarding a Sand Pit on Ocklawaha Creek
- h. Workshop Invitation on Cash and Debt Management and Estate Planning
- i. Letter from Williams, Wilson & Sexton, P.A. to Smith, Thompson, Shaw & Manausa, P.A. regarding Robert Stouts's Application for a Building Permit
- j. Letter from Chip Gray Realty, PA Regarding Real Estate Listing of the Property Located at 305 West Jefferson Street, Quincy, FL (Property Appraiser and Tax Collector's office)
- k. Letter from Talquin Electric - Invitation to Attend the Annual Meeting on September 29, 2007

- l. Letter to Dale Summerford from Department of Revenue regarding Tax Collector's Summary of the 2007-2008 Budget by Appropriation Category
- m. Letter to Department of Transportation from FDEP Regarding Application, file number 20-2082001-001-DG for general permit for the fence replacement involving 1.49 acres of temporary wetland along I-10 between SR 267 and US 90
- n. Letter to David and Regina Shields from FDEP regarding settlement of a Fill Violation and Dumping Solid Waste (roofing shingles) in State Jurisdictional Wetlands OGC File No. 07-1549-20-DF
- o. Letter and Check for \$2,700 to BCC from Talquin Bass Association for use by Parks and Recreation
- p. Clerk's Financial Statement Report as of September 21, 2007
- q. Clerk's Cash-In-Bank Summary Report as of September 21, 2007

ADJOURNMENT

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

Brenda A. Holt, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

AT THE CONTINUATION OF THE FINAL BUDGET
PUBLIC HEARING HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON OCTOBER 3, 2007, THE
FOLLOWING PROCEEDINGS WERE HAD, VIZ:

PRESENT: Brenda Holt, Chair
Derrick Price, Vice-Chair
Eugene Lamb
Doug Croley
Edward J. Dixon
Thornton Williams, County Attorney
Marlon Brown, County Manager
Muriel Straughn, Deputy Clerk

PUBLIC HEARING

Chair Holt called the meeting to order and read the following:

"This is the second of two required public hearings on the Gadsden County Budget for FY 2007/2008. If you wish to speak during the public hearing portion of this meeting, please step forward at the appropriate time. The proposed aggregate millage rate is 8.7495 mills which is 3% less than the roll back millage rate of 9.0201 mills."

County Manager Marlon Brown announced for the record that this hearing was a continuation of the hearing on September 25, 2007 which was recessed until this date. He then read the millage rate into the record.

OMB Director Davin Suggs pointed out all of the revisions made to the approved tentative budget as outlined in the attached agenda report.

Chair Holt called for public comments.

Bill Stinson, 5800 Old Federal Road, Quincy, FL addressed the board voicing his opposition to the increase in ad valorem taxes. He also suggested that the budget be prepared in a format that was easier for the public to comprehend.

Discussion of the budget and proposed cuts followed among the board.

Adoption of Millage Rate - Resolution No. 2007-053

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MILLAGE RATE AT 8.7495 MILLS FOR THE FY 2007/2008.

Adoption of the FY 2007/2008 Budget - Resolution 2007-054

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE BUDGET AS PROPOSED AND REFLECTED IN THE ATTACHED BUDGET WITH THE UNDERSTANDING THAT THE STAFF WILL BRING BACK THOSE ITEMS DELETED FROM THE INITIALLY PROPOSED BUDGET AND RE-INSTATE THEM IF THE STAFF CAN FIND SOME NON-RECURRING FUNDS TO DO SO.

Ambulance Purchases

The staff was given direction to bring back an option to immediately purchase two brand new ambulances.

ADJOURNMENT

UPON MOTION BY COMMISSISONER DIXON AND SECOND BY COMMISSIONER CROLEY, THE CHAIR DECLARED THE MEETING ADJOURNED.

Brenda A. Holt, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

Board of County Commissioners

Agenda Request

Date of Meeting: October 3, 2007

Date Submitted: October 2, 2007

To: Honorable Chairman and Members of the Board of County Commissioners

From: Marlon Brown, County Manager
Davin J. Suggs, Director, Office of Management and Budget

Subject: Continuation of Second Public Hearing for Adoption of Final Millage Rates
and Final Budgets for FY 2007/2008

Statement of Issue:

Continuation of the second public hearing for the adoption of the County wide final millage rates and final budgets for FY 2007/2008.

Background:

On September 25, 2007 the Board held its second public hearing for the adoption of countywide final millage rates and final budgets for FY 2007/2008. Pursuant to Florida Statutes the meeting was recessed and scheduled to be continued on October 3, 2007.

Analysis:

The adopted tentative budget to be originally considered for final adoption was based on the adoption of a revised local county ordinance governing the use of revenue proceeds from the small county surtax. The ordinance in question was not adopted, and the Board directed staff to propose alternative methods to balancing the FY 2007/2008 budget.

The adopted tentative budget provided for the direct funding of the following items in relation to the use of small county surtax revenues:

Board of County Commissioners

1. Re-mounting of (2) ambulances - \$124,000*

**Based on information provided by EMS staff with regards to re-mounting versus the actual purchase of new ambulances, The County Manager had planned to recommend that the Board the actual purchase of four new ambulances in the 2008 Fiscal year.*

Agenda Request: Continuation of Second Public Hearing for Adoption of Final Millage Rates and Final Budgets for FY 2007/2008

October 3, 2007

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Gadsden County Sheriff's Office – (\$1,090,500)

1. Salary Increases for all Sworn Personnel - \$668,000
2. Cost of Living Adjustments for all GCSO Administrative Personnel - \$42,000
3. Funding for GCSO Information Technology - \$150,000
4. Funding for Vehicle Replacement Program - \$45,000
5. Funding for Duty Weapons - \$35,500
6. Funding for Renovations to the Female Pod at Jail Facility - \$30,000
7. Funding for a New Jail Security Camera System - \$120,000

Due to the revised small county surtax ordinance not being adopted, the following funding alternatives are recommended by staff to the Board in their final consideration of the adoption of a final FY 2007/2008 Budget.

Gadsden County Sheriff's Office (\$755,000)

1. Salary Increases for all Sworn Personnel - \$668,000
2. Cost of Living Adjustments for all GCSO Administrative Personnel - \$42,000
3. Funding for Vehicle Replacement Program - \$45,000

Staff recommends that the following items be either eliminated or reduced to provide adequate funding for the above appropriations related to the Gadsden County Sheriff's Office.

1. Eliminate Recycling Program – (\$186,000)
Funding from the recycling grant will be used to fund the operation of the rural waste site collection centers. All affected positions will be offered other employment opportunities within the County.
2. Eliminate funding for Southside Park (Chattahoochee) renovations – (\$50,000)
3. Eliminate the position/department of Assistant to the County Manager – (\$36,000)
All affected positions will be offered other employment opportunities within the County.
4. Eliminate funding for the rental of facility space for the Supervisor of Elections – (\$40,000)
5. Eliminate funding for the current Economic Development Consultant – (\$60,000)
6. Reduce General Fund Reserve for Contingency – (\$75,000)
Funding will be appropriated at \$100,000.

Agenda Request: Continuation of Second Public Hearing for Adoption of Final Millage Rates and Final Budgets for FY 2007/2008

October 3, 2007

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7. Reduce funding for New Code Enforcement Officer -- (\$14,000)
This position will be offered to one of the displaced employees from the recycling program. An existing county vehicle will be re-purposed instead of purchasing a new vehicle as originally contemplated.
8. Reduce funding for the Emergency Housing Repair program -- (\$25,000)
Funding will be appropriated at \$50,000.
9. Reduce BOCC I.T. Network and Operating Expenses -- (\$50,000)
A corresponding reduction in network service to the Havana and Chattahoochee Libraries will be contemplated.
10. Reduce funding for Non-Profit Organizations -- (\$30,000)
Funding will be appropriated at \$50,000.
11. Reduce funding for Indigent Care Liability -- (\$25,000)
Funding will be appropriated at \$25,000.
12. Reduce funding for Library (State Fund) Reserves -- (\$47,000)
13. Reduce funding for County Extension programming -- (\$10,000)
14. Reduce funding for Parks & Recreation operations -- (\$20,000)
15. Reduce funding for Medical Examiner services -- (\$5,000)
16. Reduce funding for Public Information Office programs -- (\$30,000)
17. Reduce recurring funding for purchase of Library Books -- (\$20,000)
One -time non-recurring funding will be appropriated at \$20,000 to maintain level of service for FY 2007/2008.

Addition of Revenue to support Funding of Recurring Items

The following revenue source was not contemplated in the adopted tentative budget due to staff's original recommendation to eliminate all funding for the operation of the rural waste site collection centers. Due to the Board's direction to maintain funding for these operations, the receipt of the following revenue source should also be contemplated.

1. Rural Waste Site Dumpster Permit Fees - \$57,000

Agenda Request: Continuation of Second Public Hearing for Adoption of Final Millage Rates and Final Budgets for FY 2007/2008

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Funding of Non-Recurring Items – Recommended for Immediate Adoption

Funding option #1 below is recommended to replace reduced recurring revenue for the purchase of Library Books in FY 2007/2008. This recommendation is for FY 2007/2008 only and other alternatives will need to be considered to maintain the current level of service in future years.

Funding option #2 below is recommended to support the continuation of Big Bend Transit Services in Gadsden County. The funding amount represents 50% of the cost of the operation of the service three days a week. The funding is contingent on the City of Quincy's ability to fund the other 50%. This is not recommended for recurring funding and should be evaluated on a year-to-year basis.

1. One time use of Library State Fund Fund Balance Reserves - \$20,000
2. Funding for Big Bend Transit Services - \$25,000 (G.F. Reserves For Contingency contemplated in "reductions to fund recurring items")

Funding of Non-Recurring Items – Recommended for Deferred Adoption

The funding of the items presented is recommended to be considered after BOCC staff completes the "Close-Out" process for FY 2006/2007. At that time, staff will be able to recommend to the Board to appropriate the use of available non-recurring funding for these non-recurring expenses.

1. Ambulance (2) Re-Mountings - \$124,000
As additional revenue sources are being identified, staff will continue to apply for grants for the purchase of new ambulances in a manner consistent with past practices.
2. Renovation of Female Pod at Jail Facility - \$30,000
3. Jail Security Camera System - \$120,000
4. Contribution for Southside Park (Chattahoochee) Renovations - \$50,000

Options:

1. Adopt, via resolution (2007-053), the final FY 2007/2008 Countywide millage rate of 8.7495 mills. (Attachment #1 – *Under Separate Cover*)
2. Adopt, via resolution (2007-054), the final FY 2007/2008 Countywide budget. (Attachment #2 – *Under Separate Cover*)
3. Board Direction

Recommendation:

Options #1 and #2.

Agenda Request: Continuation of Second Public Hearing for Adoption of Final Millage Rates
and Final Budgets for FY 2007/2008

October 3, 2007

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Note:

All of the options need to be voted on separately and in the order presented. Florida Statutes require the Board to address the millage rate before addressing the associated budget.

Attachments:

1. Resolution 2007-053 adopting the final FY 2007/2008 Countywide millage rate of 8.7495 mills - *Under Separate Cover*
2. Resolution 2007-054 adopting the final FY 2007/2008 budget - *Under Separate Cover*
- 2a. Summary of Final FY 2007/2008 Countywide budget - *Under Separate Cover*

RESOLUTION NO. 2007-053

WHEREAS, the Board of County Commissioners of Gadsden County Florida, pursuant to Florida Statute 129.03, has received and examined the Fiscal Year 2007/2008 final budget; and

WHEREAS, the gross taxable value for operating purposes not exempt from taxation with Gadsden County has been certified by the County Property Appraiser to the Board of County Commissioners as \$1,440,090,808; and

WHEREAS, the Board of County Commissioners of Gadsden County Florida, pursuant to Florida Statute 200.065, has computed a final millage rate necessary to fund the final Countywide budget other than the portion of the budget to be funded from sources other than this ad valorem tax; and

WHEREAS, the Board of County Commissioners of Gadsden County Florida, pursuant to Florida Statute 200.065, has advised the County Property Appraiser of its proposed millage rate, of its rolled-back rate, and of the date, time and place at which a public hearing would be held to consider the proposed millage rate; and

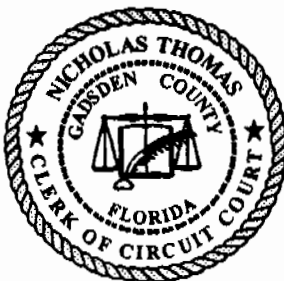
WHEREAS, the Board of County Commissioners of Gadsden County Florida, pursuant to Florida Statute 200.065, has held a public hearing on September 11, 2007 for the purpose of hearing requests and complaints from the public regarding the tentative millage rate and budget; and

WHEREAS, the Board of County Commissioners of Gadsden County Florida, pursuant to Florida Statute 200.065, has duly advertised and held a public hearing on September 25, 2007 for the purpose of hearing requests and complaints from the public regarding the final millage rate and budget; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Gadsden County, Florida, that:

The Fiscal Year 2007/2008 final Countywide operating millage rate is 8.7495 mills, which is 3.00% less than the rolled-back rate of 9.0201 mills.

Adopted this 3rd day of October, 2007.



Attest: Nicholas Thomas, Clerk of the Court
Gadsden County, Florida

by: *Michael Stanger*

Gadsden County, Florida

by: *Brenda A. Holt*
Brenda A. Holt, Chairman
Board of County Commissioners

RESOLUTION NO. 2007-054

WHEREAS, the Board of County Commissioners of Gadsden County Florida, pursuant to Florida Statute 129.03, has received and examined the Fiscal Year 2007/2008 final budget; and

WHEREAS, the Board of County Commissioners of Gadsden County Florida, pursuant to Florida Statute 200.065, has advised the County Property Appraiser of its proposed millage rate, of its rolled-back rate, and of the date, time and place at which a public hearing would be held to consider the tentative budget; and

WHEREAS, the Board of County Commissioners of Gadsden County Florida, pursuant to Florida Statute 200.065, has held a public hearing on September 11, 2007 for the purpose of hearing requests and complaints from the public regarding the tentative budget; and

WHEREAS, the Board of County Commissioners of Gadsden County Florida, pursuant to Florida Statute 200.065, has duly advertised and held a public hearing on September 25, 2007 for the purpose of hearing requests and complaints from the public regarding the final budget; and

WHEREAS, the Board of County Commissioners of Gadsden County Florida, set forth the appropriations and revenue estimate, attached hereto as Exhibit A, for the final Countywide budget for Fiscal Year 2007/2008 for the amount of \$57,688,251; and

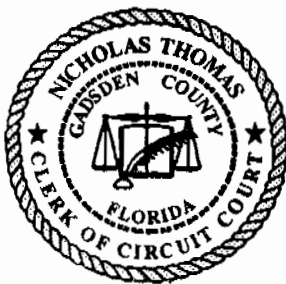
NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Gadsden County, Florida, that:

The Fiscal Year 2007/2008 final Countywide budget be adopted by fund as it appears in the attached Exhibit A.

Adopted this 3rd day of October, 2007.

Gadsden County, Florida

by: Brenda A. Holt
Brenda A. Holt, Chairman
Board of County Commissioners



Attest: Nicholas Thomas, Clerk of the Court
Gadsden County, Florida

by: Nicholas Thomas

Summary of Funds

	<u>Fund</u>	<u>Sec.</u>	<u>Pg. #</u>	<u>FY 2006</u> <u>Actual</u>	<u>FY 2007</u> <u>Adopted</u>	<u>FY 2008</u> <u>Budget</u>	<u>FY 2009</u> <u>Planned</u>	<u>FY 2010</u> <u>Planned</u>	<u>FY 2011</u> <u>Planned</u>	<u>FY 2012</u> <u>Planned</u>
Funds										
General Fund	001	3 -	3	13,419,897	16,910,536	17,302,700	22,398,709	20,024,326	19,568,538	20,097,648
Court Facilities Fund	005	3 -	5	35,549	310,287	199,845	206,541	213,520	220,797	228,387
Hospital Operating Fund	103	3 -	6	341,296	295,450	1,180,818	1,224,547	1,269,768	1,316,909	1,366,065
County Probation Fund	104	3 -	7	209,119	280,667	280,330	290,098	299,774	309,791	320,162
Fire Services Fund	105	3 -	8	826,814	782,504	826,369	851,977	878,267	905,385	933,354
Growth Management Fund	106	3 -	9	329,226	638,149	642,324	663,728	684,990	706,959	729,658
County Transportation Fund	112	3 -	10	4,007,267	5,984,224	5,384,114	5,753,897	5,962,069	6,102,654	6,594,924
Landfill and Arthropod Fund	113	3 -	11	518,338	530,665	462,820	374,754	386,809	399,264	412,138
Judicial Services Fund	114	3 -	12	181,742	234,711	268,548	273,111	277,789	282,585	287,500
Fine and Forefeiture Fund	115	3 -	13	5,967,246	6,788,988	7,513,211	7,738,608	7,970,766	8,209,889	8,456,185
Parks & Recreation Fund	116	3 -	14	102,061	191,901	176,988	183,284	189,609	196,171	202,984
Library - Local Portion Fund	117	3 -	15		437,669	620,996	645,989	671,252	697,604	725,101
Library - State Portion Fund	118	3 -	16		400,000	482,000	462,000	462,000	462,000	466,597
Choose Life Grant Fund	119	3 -	17							
Tourist Development Fund	120	3 -	18	13,420	31,635	66,500	68,162	69,867	71,614	73,405
CDBG Econ. Development Grant Fund	121	3 -	19	18,000						
Voter Education Grant Fund	122	3 -	20	10,107						
Poll Worker Recruitment Grant Fund	123	3 -	21	4,915						
Voting Assistance Grant Fund	124	3 -	22	112,884						
Building Inspection Fund	125	3 -	23	322,520	505,875	516,175	530,657	546,415	562,646	579,362
Animal Control Fund	126	3 -	24	92,634	100,225	102,449	106,239	110,004	113,919	117,990
Small County Surtax Fund	130	3 -	25		2,452,700	2,300,476	2,415,500	2,576,596	2,663,089	2,815,094
RBEG USDA Grant Fund	132	3 -	26	266,877						
Supervisor of Elections Fund	135	3 -	27	666,917	425,919	479,104	493,817	508,633	523,891	539,607
Emergency Medical Services Fund	142	3 -	28	1,811,068	2,141,038	2,234,057	2,307,670	2,381,238	2,457,254	2,535,803
Waste Services Fund	143	3 -	29			80,000				
FRDAP Grant Fund	144	3 -	30	8,155						
Recycling RE-0307 Fund	147	3 -	31	509,024	410,151	277,000	277,000	277,000	277,000	277,000
Big Bend Transit - FDOT Fund	148	3 -	32	58,703						
Emergency Management Prep Fund	150	3 -	33	115,323	113,124	119,078	119,078	119,078	119,078	119,078
J.A.G. Drug Abuse Grant Fund	152	3 -	34	85,455						
02-LSTA-E-04 Grant Fund	154	3 -	35	40,000						
01-LSTA-F-06 Grant Fund	155	3 -	36	30,000						
S.H.I.P. Fund	156	3 -	37	483,946	363,629	437,162	450,296	463,806	477,722	492,055
CLIC Grant Fund	157	3 -	38	10,000						
EMS County Award Grant Fund	158	3 -	39	23,064						
Rural County - Wireless Grant Fund	159	3 -	40							
CDBG Housing Grant Fund	165	3 -	41	8,734						
Old E-911 Wireless Fund	166	3 -	42	107,132						
EMS Grant R5011 Fund	167	3 -	43							
E-911 Fund	168	3 -	44	137,587	126,350	204,250	209,000	213,869	218,860	223,976
EMS Gant R5010 Fund	169	3 -	45	7,354						
Keep America Beautiful Grant Fund	171	3 -	46	16,585						
Rural Match M5060 Grant Fund	173	3 -	47	134,597						
Livescan Records Imp. Grant Fund	174	3 -	48	38,431						
Volunteer Fire Assistance Grant Fund	176	3 -	49	12,395						
Closing the Gap - COAJZ Grant Fund	177	3 -	50	115,462						
Boating Improvement Fund	178	3 -	51			14,250	14,250	14,250	14,250	14,250
Landfill Closure Reimbursement Fund	179	3 -	52	153,711						
Homeland Security Firefighter Grant Fund	187	3 -	53	142,708						
Courthouse Facility Grant Fund	190	3 -	54		400,000	800,000				
Rural Match Grant #R3012	195	3 -	55	1,091						

Summary of Funds

	Fund	Sec.	Pg. #	FY 2006 Actual	FY 2007 Adopted	FY 2008 Budget	FY 2009 Planned	FY 2010 Planned	FY 2011 Planned	FY 2012 Planned
Funds										
Library 04-PLC-01 Grant Fund	197	3 -	56	789,484			750,000			500,000
Fire Debt Service Fund	205	3 -	57		132,000					
Library Debt Service Fund	207	3 -	58	133,245	1,235,002	1,236,828	1,267,748	1,299,442	1,331,928	1,365,227
Public Works Debt Service Fund	212	3 -	59	1,225,959	1,129,737	1,237,850	1,268,796	1,300,516	1,333,029	1,366,355
Capital Projects - General Fund	301	3 -	60		388,400	80,000	3,042,600	1,240,000	762,000	12,697,500
Capital Projects - Hospital Fund	303	3 -	61		525,000	1,150,000	3,255,000			
Capital Projects - Water/Sewer Fund	304	3 -	62		350,000	250,000				
Capital Projects - Road Paving Fund	305	3 -	63	4,138,406						
Capital Projects - Library Fund	307	3 -	64	485,461	28,500		1,890,560			1,682,000
Capital Projects - Public Works Fund	313	3 -	65		1,242,363	1,306,000	1,541,715	1,616,519	1,619,360	1,969,360
Capital Projects - Sp. As.m. Paving Fund	315	3 -	66	109,399	81,510					
Capital Projects - Court Facilities Fund	325	3 -	67		220,438	1,355,151	254,865	158,322	165,615	226,840
Capital Projects - Fire / EMS Fund	342	3 -	68		410,000	61,000	1,034,551	756,056	1,455,156	368,000
Capital Projects - Parks Fund	344	3 -	69		650,500	808,000	690,000	600,000	625,000	400,000
Capital Projects - S.C.R.A.P. Fund	360	3 -	70	83,201	2,033,812					
Capital Projects - C.I.G.P. Fund	362	3 -	71		245,274					
Capital Projects - S.C.O.P. Fund	364	3 -	72	55,122	844,670	726,720				
Capital Projects - E-911 Fund	368	3 -	73			13,345	12,368	11,338	10,253	9,111
Insurance I.S. Fund	501	3 -	74		759,392	866,045	952,650	1,047,915	1,152,706	1,267,977
Technology I.S. Fund	502	3 -	75	75,699	602,838	821,923	1,458,879	806,006	823,290	759,022
Legal I.S. Fund	503	3 -	76	294,274	180,000	180,000	185,400	190,962	196,691	202,592
Fleet Management I.S. Fund	504	3 -	77			2,153,750	2,163,855	2,087,096	2,149,709	2,214,200
Utility Management I.S. Fund	505	3 -	78			563,876	603,347	645,581	690,771	739,126
Hospital Endowment Fund	661	3 -	79	1,799,250	288,800	1,906,200	3,642,486	399,112	411,085	423,418
Total All Funds (Gross)				40,686,854	52,204,633	57,688,251	72,073,732	58,730,560	59,604,462	74,799,051
Less Transfers				(9,195,645)	(14,676,794)	(17,957,362)	(25,239,161)	(19,040,468)	(18,561,879)	(20,066,145)
Total All Funds (Net Transfers)				31,491,209	37,527,839	39,730,889	46,834,571	39,690,092	41,042,583	54,732,906

AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA ON
OCTOBER 16, 2007, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: Brenda A. Holt, Chair
Derrick Price, Vice-Chair
Eugene Lamb
Doug Croley
Edward J. Dixon
Thornton Williams, County Attorney
Marlon Brown, County Manager
Muriel Straughn, Deputy Clerk

CALL TO ORDER

Chair Holt called the meeting to order. She then introduced the Boys and Girls Club of Chattahoochee who were in attendance.

Invocation and Pledge of Allegiance

Commissioner Price led in the invocation. The Boys and Girls Club led in pledging allegiance to the US flag.

County Manager Marlon Brown wished each commissioner "Happy Boss's Day". County Attorney Thornton Williams joined him in his well wishes.

Mr. Brown then introduced Ms. Latricia Germany, Ms. Latriva Stallworth, Buddy Streit and J.R. Davis of the Boys and Girls Club. The Boys and Girls then performed for the Board in appreciation for making their club possible.

Mr. Streit addressed the board briefly saying that the Chattahoochee Club was the quickest start up of a Boys and Girls Club in history in that they are already ready to perform in the manner they have done. He thanked the board for their amazing support.

Commissioner Price also thanked the board for supporting him in locating the first Boys and Girls Club in Gadsden County in Chattahoochee. He reported that he stopped by the club often and the staff is doing a great job.

ADOPTION OF THE AGENDA AND AMENDMENTS

The following amendments were made to the agenda:

1. Remove Employee Service Award Recognition
2. Add Additional Material to the Update on the Hospital and Urgent Care Center
21. Public Hearing - Add Additional Information to the Request for Approval of an Outdoor Entertainment Venue Temporary Use - Bear Creek Music and Arts Outdoor Festival Permit
- A23 Add Approval to Fund the Purchase of Two Ambulances
- 24A Add Update on the Gadsden County Recycling Program
- 24B Add Approval for the County to Serve on the Tallahassee Leon Economic Development Council Board of Directors
- 24C Discussion - Planning Commission Members Attendance
- 24D City of Chattahoochee's Resolution 2008-001 Recommendation for the Name of the New Chattahoochee Library
26. Commissioner Holt's Discussion Items - Approval of At-Large Planning Commission Member
- 27q Add Letter from the Tax Collector Regarding Excess Fees for FY 2006-2007
- 25A Attorney's Legal Opinion as to Use of Surtax Revenue

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

AWARDS, PRESENTATIONS AND APPEARANCES AGENDA

1. ~~Employee Service Award Recognition~~

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

2. Update on the Hospital and Urgent Care Center

County Manager Marlon Brown reported that Gadsden Hospital Inc. (GHI) had been working for the last year and a half to find a company to manage the hospital when the county gets into a position to reopen it. He then asked Joe Sharp, hospital consultant, to update the Board as to GHI's recommendation.

Mr. Sharp called attention to two letters from GHI. Letter No. 1 was informing Gadsden County Commission that they were not in a position to recommend a vendor to manage the hospital because the critical access designation remains unresolved.

Chair Holt recalled that the direction that the Board gave GHI was to choose one of the two vendors.

Mr. Sharp said that he recalled that on November 7, 2005, the BOCC voted to direct GHI to get into position to assume the management of Gadsden Community Hospital. GHI then issued an invitation to negotiate. Thirty-three companies responded with interest and the list was narrowed down to only two companies. One was Alliant Management from Louisville, KY. The other was Tallahassee Memorial Healthcare, Inc. of Tallahassee, FL.

He went on to say that Alliant only wanted to operate the hospital if it had critical access designation. On the other hand, TMH said they were willing to manage the hospital with or without critical access designation, but their operating projection for three years was considerably higher than Alliant.

Chair Holt asked if Alliant would consider entering into an agreement contingent on getting the critical access certification.

Mr. Sharp could not answer her question.

Attorney Williams asked Mr. Sharp if either vendor projected a break-even position at some time interval.

Mr. Sharp answered, "The Alliant projection indicated that it would be close to a break even status in it's third year. The operating projection from Tallahassee Memorial Healthcare did not project any break even at any point."

Dr. Emko addressed the board. He stated that he strongly believes that the community needs the hospital and he urged the County Commission to overcome whatever obstacles there are in order to re-open the hospital.

Commissioner Dixon asked, "Do I understand you basically to say that the recommendation from GHI is to hold where we are, don't make a decision until we can see what is going to happen with the cost status and in the interim maintain the Urgent Care Center?"

Mr. Sharp confirmed that was essentially the position of GHI.

Commissioner Croley stated that he felt the commissioners should support GHI in their recommendation.

Chair Holt stated that if a contract is put into place contingent on cost status, they would not be bound by the agreement in the event the critical access certification does not come to fruition. The county's appeal for the critical access designation would have greater impact if there was a management company in place ready and willing to open the hospital.

Attorney Thornton Williams said one of the things that has been said publicly by CMS is that it wouldn't make any difference if they give the critical access designation back to the hospital because they (CMS) don't believe that a hospital could be economically feasible.

He then stated, "I would tell you as a board, if it is possible to pick a provider that could show that the numbers work before the selection is made, it removes the objection that CMS has publicly said...It has to help to know, from CMS's prospective, that the only obstacle is the selection that the numbers actually work and there is a committed provider to make the numbers work within opening up the hospital. The position that they have made is that they don't believe that if they pick anyone, that because it is a rural hospital, that the numbers will ever work."

Mr. Sharp stated, "I share the attorney's opinion in regard to having a hospital management company. In CMS's view of us, I believe that having one, if only on a contingency basis, would be an improvement over where we are now in terms of CMS's view of us."

Commissioner Croley asked what factual empirical evidence there was that would support the claim that CMS would review the critical access designation more favorably if there is a hospital management firm in place at this time.

Commissioner Dixon asked to have the matter tabled until the Board could have more in depth discussion.

Commissioner Lamb concurred with Commissioner Dixon in that there needed to be more discussion and input from GHI before reaching a decision.

Commissioner Croley asked to see the information which the attorney referenced - something concrete that can be used to move the item forward or either allow it to sit as GHI has recommended until a legal decision in the pending matter can be attained.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 3 - 2, TO TABLE THE MATTER UNTIL THE NEXT REGULAR MEETING. COMMISSIONERS HOLT AND PRICE OPPOSED THE MOTION.

Hospital Medical and Personnel Records

Mr. Sharp then told the Board that Florida Statutes and Florida Hospital Regulations require that when a patient requests a medical record, he must be supplied that record. He went on to say that county administration has received an accumulation of two dozen record requests since the Gadsden Community Hospital closed. He said there is a need to respond to those requests. GHI has no resources with which to make proper responses and have yielded that authority to the Board of County Commissioners to respond to those requests for medical records and medical personnel records.

Mr. Sharp reported that the "master code" to the electronic medical records has been recently received and he was successful in attaining those medical records using the code. He said that he will bring back a detailed plan identifying the steps which will be implemented when responding to requests for medical records.

Mr. Sharp then asked for authority to bring this matter back to the Board as an agenda item for approval.

Attorney Williams stated that there should be a motion for

Mr. Sharp to take over the responsibility for maintaining the medical records.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO GIVE MR. SHARP THE AUTHORITY TO BRING BACK A PLAN FOR RESPONDING TO MEDICAL RECORD REQUESTS AND MEDICAL PERSONNEL RECORDS RELATING TO GADSDEN COMMUNITY HOSPITAL AND TO ACCEPT THE RESONSIBILITY FOR MAINTAINING THE MEDICAL RECORDS ONCE THAT PLAN IS IMPLEMENTED.

Attorney Williams asked who would have authority to make such responses until the plan is put into place in light of the requirements for HIPPA certification.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO GIVE THE COUNTY MANAGER THE AUTHORITY TO MOVE FORWARD WITH WHATEVER IS NECESSARY TO MAKE AVAILABLE TO THE PUBLIC THEIR HOSPITAL RECORDS AND PERSONNEL RECORDS.

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

CONSENT AGENDA

3. Approval of Minutes - August 21, 2007
August 28, 2007

4. Ratification of Approval to Pay County Bills

Accounts Payable - October 5, 2007
October 12, 2007
Payroll September 30, 2007
October 11, 2007

5. Approval of Chairman Holt's Travel for the Advanced County Commissioner (ACC) Education Program which includes the following seminars:

1. Leadership Skills for Change Agents in Florida's Growth Environment on October 25-26, 2007

2. Strategic Visioning & Implementing that Vision on

January 10-11-2008

3. Understanding and Working with Growth Stakeholders &
County Deal Makers in Florida's Growth Environment on
April 17-18, 2008

6. Approval of New Road Names

Heide Lane - North Off Havana Hwy West of coca Cola Ave.

7. Approval to Accept Florida Department of Health County Grant
Award - Emergency Medical Services (EMS)
Resolution 2007-052

To be used to upgrade basic equipment - 2007 Grant \$21,789
Plus Carry Over of \$9,385.04 totaling \$31,174.04

8. Approval to Accept the Annual Forestry Report and Operating
Plan

9. Approval to Apply for EMS Matching Funds Grant and
Authorization for County Manager to Sign the Application

10. Approval to Award Community Traffic Safety Team Sidewalk
Project to GAC Contractors Inc. of Panama City, FL for -
\$189,000. - Approve the Chairman's signature on the Notice
of Award and Contract

11. Approval of Changer Order # 5 to 2006 Road Paving contract
Peavy and Son - increase of \$106,015.90

12. Approval of Lanier Road Resurfacing Contract Change Order
and Notice of Substantial Completion
FDOT - SCOP Grant - Decreasing the Amount of the Contract by
\$168,683.51

13. Approval of Atwater Road Contract Change Order - decreased
by \$93,507.80- County Incentive Grant Program - Notice of
Substantial completion

14. Approval of Old Federal Road Contract Change Order -
decreased by \$74,126.55 - Small County Road Assistance
Program Grant - (SCRAP) - Notice of Substantial Completion

15. Approval of Juniper Road Resurfacing Contract Change Order
and Notice of Substantial Completion - Decrease contract by \$
45,695.88

16. Approval to Participate in the Local Update of Census Address (LUCA) and Acceptance of Grant Award Letter and Subgrant Agreement from Department of Community Affairs. Contract # 08-DD-3-02-30-01-007 \$13,565 ending April 15, 2008

Resolution 2007-056; OMB-BA# 080002

17. Approval of Non-Profit Process and Timeline Board members to nominate citizens fro the PRT by November 6, 2007

18. ALLCOL Technologies, Inc. Services Contract for IT Service - for one year at \$2,000 per month.

19 Approval to Re-Issue a Request for Proposal for Fiber Optic Network Services

20.

CONSENT AGENDA ITEMS PULLED FOR DISCUSSION

There were no consent agenda items pulled for discussion.

CITIZENS REQUESTING TO BE HEARD

Mr. Cory Flemming, administrator for the Gadsden County Urgent Care Center, addressed the Board. He gave an update on the center saying that they average seeing 15 patients per day. He said that he is in the process of compiling a more comprehensive report to include financial data and will forward it to the Board upon completion. He agreed to supply statistical data to Commissioner Lamb per his request.

Various marketing strategies were discussed that might increase the patronage. (Employer outreach, etc.)

Mr. William Walker for Mr. William Canidate of Woodlawm Subdivision

Mr. William Walker addressed the Board. He said that Mr. Canidate desires to subdivide a lot which he owns in the Woodlawn Subdivision. He has appeared before the Board on other occasions and was denied.

Growth Management Director Bill McCord explained the situation as follows:

- The property was platted in the 1990's as five-acre lots with deed restrictions for one house per lot.
- A house was permitted on Lot 2 and shortly after, the owner sold that house and one acre of the five acre lot to another person. That one-acre lot with the house on it violated the subdivision regulations. The remaining four acres (without a house on it) is not eligible for a building permit.
- The staff sent detailed letters describing the proper process that the applicant would have to go through in order to achieve what they desire - which is to subdivide the property and/or to allow for two houses on the original five acres.
- The first step described was to have the deed restrictions removed from the deed. The county did not establish those deed restrictions, they were established by the people who platted the subdivision. All of the property was sold. (A five lot subdivision)
- In order to release the deed restrictions, there must be a notarized letter from each of the other property owners agreeing to release the restrictions. Those notarized statements would then be recorded in official records and the deed restrictions could be expunged.
- Secondly, the one lot would have to be re-platted through the major subdivision process.
- The applicant has not provided the information necessary nor have they addressed the directions given to them in the letters over the course of 2.5 years.

Chair Holt asked Mr. Walker if he had the notarized statements from the other property owners.

Mr. Walker replied that he had not been able to get signatures from two of the owners because of a language barrier. He had an interpreter to explain the matter to them, but they still declined to sign it. However, there are seven other owners who are willing to re-subdivide their property as well.

Commissioner Dixon proposed that this matter be scheduled at the next regular meeting.

Mr. McCord emphasized that the Board cannot expunge the deed restrictions, it can only be done by the affected property owners.

There was a consensus of the Board to agenda this discussion for the next meeting.

Jim Southerland

Mr. Southerland stated that the County Commission meetings air throughout most of the county and he has been trying for some time to get them aired in the Chattahoochee area. He said that he has an offer from Bright House to allow the meetings to run in the Chattahoochee area, but they are asking for is a request from the County Commission to air them.

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY MANAGER TO WRITE A LETTER TO BRIGHT HOUSE REQUESTING THAT THEY AIR THE COMMISSION MEETINGS AT NO COST TO THE BOARD.

PUBLIC HEARINGS

20. Variance Request - Gay Steffen Residence (V-2007-003)

Owner: Gay Steffen

TAX ID 5-OL-OR-OS-0000-77100-2100

Location: Idlewild Fish Camp - south terminus of McCall Bridge Road where the roadway meets the lake shore.

Type Action: Quasi-judicial action - Type III

Growth Management Director Bill McCord was administered an oath by Muriel Straughn, deputy clerk. He gave a brief description of the request as follows:

The applicant purchased a .279 acre parcel which was a pre-existing non-conforming parcel created prior to the adoption of the comprehensive plan and is considered a non-conforming legal lot of record. It was last used as a fish camp and a structure still exists there. The applicant desires to tear that structure down and build a new house, but it will require 47.1 feet variance to allow for the construction within 2.9 feet from the McCall Bridge Road right-of-way. The required setback is 65 feet from the centerline of the 30 ft. wide right-of-way or 45 feet from the right-of-way.

(See the attached agenda report for further details and outlined by Mr. McCord.)

Mr. McCord explained that if the applicant replaced the

structure in the exact same footprint, they would not need a variance. But, since they are moving the structure further away from the water (which is more desirable to the staff), they will encroach on some of the setback, making a variance necessary.

Planning Commission Recommendation: Approval subject to conditions listed in the agenda report based on the findings also listed.

Staff Recommendation: Same as the Planning Commission.

Mr. McCord submitted the agenda report as County Exhibit A for the record.

Chair Holt called for public comment.

Gay Steffan, 14 East Washington St. Quincy, FL, addressed the Board. She was sworn by Muriel Straughn as to her testimony. She explained that the reason she needed to move the house to another part of the lot is to protect the two large oak trees which would be in jeopardy if the house is constructed in the existing foot prints of the existing structure.

Commissioner Lamb asked Mr. McCord if anyone had voiced opposition to the project.

Ed Allen, 268 Chinquapin Way, Quincy, FL, addressed the Board and was administered an oath by Muriel Straughn. He asked what kind of septic tank would be installed. He asked that they be required to install advanced waste water systems.

Mr. McCord stated that there is a permitted septic tank on the property which was installed less than one year ago.

Commissioner Dixon stated that he would like for the applicant to consider installing a new septic tank using advanced waste water treatment because of the proximity to the lake.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RECOMMENDATIONS OF THE PLANNING COMMISSION AND STAFF TO ALLOW THE VARIANCE BASED ON THE FINDINGS LISTED IN THE AGENDA REPORT AND SUBJECT TO SPECIAL CONDITIONS THAT THE APPLICANT PROVIDE A FENCE ALONG THE RIGHT-OF-WAY FROM THE

NORTH BUILDING LINE TO THE SOUTH BUILDING LINE; PRESERVE THE TWO LARGE OAK TREES IN THE SOUTH CENTRAL PORTION OF THE PROPERTY (LIMBS MAY BE TRIMMED TO FACILITATE THE CONSTRUCTION OF THE HOUSE; THE BUILDING FOOT PRINT IS TO EXTEND NO MORE THAN 10 FEET TO THE NORTH AND 10 FEET TO THE EAST THAN THAT INDICATED ON THE PLAN; EXISTING ACCESSORY STRUCTURES ARE TO BE REMOVED. .

**21. Request for Approval of an Outdoor Entertainment Venue
Temporary Use - Bear Creek Music and Arts Outdoor Festival
Permit Per Section 58, Article IV, Gadsden County Code of
Ordinances**

Owner: TLW Acquisitions (Lyle Williams 620 Sadberry Road, Quincy, FL)

Applicant: Big IV Productions (Paul Levine, P.O. Box 1765, Quincy, FL)

Issue: Outdoor Festival Permit, per section 58, Article IV, Code of Ordinances for November 16-18, 2007 Bear Creek Music and Arts Festival

Location: Ponderosa Wildlife Preserve - north of Mossy Oaks Subdivision on the west side of SR 267 in the Wetumpka Community. (Approximately 5 miles south of I-10)

TAX ID: 5-OL-OR-OS-0000-501000-0100, 5-OL-OS-0000-50400-0500, 5-OL-OR-OS-0000-50400-1000

Growth Management Director Bill McCord gave a description of the application as listed and described in the attached agenda report. He made a visual presentation as well.

Chair Holt disclosed that the applicant had contacted her and she had visited the site. She then called for public input.

Paul Levine and Lyle Williams were questioned by the Board.

The following people spoke in support of the festival:

Monica Smart 310 M & M Lane, Quincy, FL

Sam Soloman, 118 North Calhoun St. Quincy, FL

Kerryn Seward, 1408 Roddenberry Road, Thomasville, GA 31792

Tommy Williams, P.O. Box 1577, Thomasville, GA 31799

Reban Meyers 3255 Old Federal Road, Quincy, FL 32351

Joyce Grant, P.O. Box 676, Greensboro, FL 32330

Andrew Block, 3010 Thomasville Road, Tallahassee, FL

Casey Rychlik, 1200 Stearnes St.

Robert Montalbano, 1816 Doomar Dr. Tallahassee, FL 32308

Daniel Rault

Donald Boyce, 3255 Old Federal Road, Quincy, FL

Mike Leporin, 545 River Birch Road (Tri-Eagle Sales)

Frank Detrich, 32 Talquin Resort Drive, Quincy, FL

Ed Allen, 268 Chinquapin Way, Quincy, FL, Friends of Lake Talquin, responded to remarks made by Mr. Levine that might have left the impression that Friends of Lake Talquin was in support of the festival. He acknowledged having conversation with Mr. Levine, but he told Mr. Levine that this festival issue is outside the scope of the by-laws for Friends of Lake Talquin. He stated for the record that he did not agree that the festival would be a great thing. He again stated that it is an issue that is outside the scope of their by-laws.

The following people spoke in opposition to the festival:
(A petition in opposition to the festival was filed with the Clerk for the record as Exhibit A.

Teresa Rhames, 3620 Old Federal Road, Quincy, FL

Troy Mullis, 565 Gould Road, Quincy, FL (Antioch Church)

Herb Sheheane, Cane Creek Road, Quincy, FL

Robert Melane, Sadberry Road, Mossy Oak Subdivision, Quincy

Jim Brantley, 5523 Old Federal Road, Quincy, FL

Charles Houston, 421 Gould Road, Quincy, FL

Pastor Stanley Sims

Jim Corder

Karen Sheheane

Discussion among the Board followed. It was evident that this location posed very unique and specific concerns for the Board, particularly traffic safety and the health and welfare of the ailing and aging community that are in such close proximity. (This was made known to the commissioners during the testimony phase of this hearing.) There was a consensus that those concerns were not addressed in the application nor through testimony.

Some points taken into consideration by the commissioners are as follows:

- Many tickets had already been sold, prior to the festival being permitted as evidenced by their website.
- The festival was being promoted at a website (not by Mr. Levine) in a manner that called into question the kinds of activity that might be associated with the event other than the stage shows. (drugs and sex)

- Music and the exotic animals that live on the property would not likely be compatible to the huge crowd expected.
- Most of the people who spoke in support of the festival were not Gadsden County residents. The others were affiliated with Mr. Williams professionally.
- The terrain of the property would carry sound for a long distance and carry it loudly. The area surrounding the proposed site is populated with a lot of elderly and sick people who were identified. A festival atmosphere for multiple days and late evenings would impede their quality of life and could be detrimental to their health.
- Lack of an open local hospital and limited EMS equipment to adequately provide protection for those who would be attending. It was noted that the EMS staff is already overburdened and often find there are not enough emergency vehicles to respond to routine calls much less those that might arise from such a venue.
- The traffic safety plan was questionable for the event given the terrain of the property. There was also a questionable safety issue for those who live in the area who might experience difficulty getting to and from their homes safely - especially if there was an emergency.

Mr. Williams stated that the animals have been segregated onto the 250 acres to the west. The feeders have been relocated there. There should be no interaction between visitors and the animals.

The website that the commissioners viewed with the distasteful promotion of the festival was determined to be "Funkin Jam" which was music discussion forum by people in Florida. They talk about events in their hometowns and music events around the county. It was not the website of Mr. Levine.

Commissioner Croley stated the issue he has with the application is one of safety in terms of traffic that a concert of this size would generate and the fact that it was so widely promoted and tickets sold before a permit was issued.

Attorney Williams stated that the ordinance requires a

permit 90 days prior to the event. There was testimony given at this hearing that the event was promoted. However, he encouraged them not to deny the permit based on that criteria because previous Boards have waived the time requirement for this production company in the past.

Commissioner Dixon stated that he had participated professionally in putting together events such as the one proposed. (Setting them up, bringing together all of the resources.) He said that he personally did not feel that this location is a good one for this type of event.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER LAMB, THE BOARD FOUND THAT THE APPLICATION DID NOT ADEQUATELY PROVIDE PROTECTION FOR THE SAFETY AND HEALTH OF GADSDEN COUNTY CITIZENS. THEY VOTED 5 - 0, BY VOICE VOTE, TO DENY THE APPLICATION FOR THE PERMIT BASED ON IT'S FINDINGS. IT WAS STATED THAT THIS PARTICULAR VENUE AND THE TRAFFIC SAFETY PLAN IS NOT IN THE BEST INTEREST OF THOSE WHO WILL ATTEND THE FUNCTION NOR IN THE BEST INTEREST OF THE COUNTY. THERE WAS ALSO TESTIMONY REGARDING HEALTH ISSUES

It was noted that if the safety and health issues could be remedied, the applicant could re-apply.

There was a huge applause.

GENERAL DISCUSSION

22. Approval to Deny Nathaniel Cunningham House Application

TAX ID: 3-03-2N-3W-0000-00122-0200

Mr. Nathaniel Cunningham submitted a housing application for the placement of a second home on a parcel containing 1.5 acres in the Rural Residential land use category (one home per acre). The code requires a minimum of 2 acres to permit 2 homes. Staff denied the housing application on September 10, 2007.

See the agenda report for a detailed description of the staff's action leading up to this meeting.

Commissioner Holt disclosed that she had been contacted about this matter prior to the meeting.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO DIRECT THE ATTORNEY AND THE GROWTH MANAGEMENT DIRECTOR DO SOME RESEARCH TO SEE IF THERE IS SOME CREATIVE WAY TO FIND A SOLUTION TO MR. CUNNINGHAM'S SITUATION.

A23 Approval to Fund the Purchase of Two Ambulances

At a previous meeting, Commissioner Dixon proposed that the County purchase two new ambulances and use the general fund fund balance to pay for them. The staff determined that two new ambulances would cost approximately \$220,000.00. The staff also had requested the purchase of two new cardiac monitors for each ambulance which would be another \$40,000.

Three sources of funding were considered:

1. Reduce 2008 expenditures to accommodate this purchase.
2. General Fund Balance (reserve)
3. Revise the Small County Surtax ordinance to include public safety capital outlay as an allowable allocation of revenues from the surtax.

Attorney Williams presented a handout which outlined the research he had prepared dealing with the use of the small county surtax. He summarized an Attorney General's opinion by saying that a public works project can be any kind of public building and it can even be a nonpermanent public building. As a working concept, any kind of a building is considered a public work.

There was a question regarding whether the language in the Gadsden County Ordinance restricted that language (above). Section 74-1(b) "Funds generated by the sales tax and distributed to the county and municipalities as provided for in this section shall be used for the maintenance infrastructure of public works projects...such as roads, road improvements, water and sewage systems, fire protection and suppression."

He concluded that any public works project can be maintained under that section - it is not restricted to just roads. The ordinance language is not as restricted as he had originally believed it to be.

Commissioner Croley stated that it seemed to him like the surtax could be used to replace the fuel tanks at the Sheriff's Garage and free up general fund dollars to

purchase the ambulances.

He also proposed that the money being returned from the Tax Collector (\$96,000) could also be used to help fund the ambulances.

Without further research, Attorney Williams was reluctant to conclude that the surtax could be used for the replacement of the fuel tanks. He said he would have to do more extensive research in order to render a proper legal opinion as to the fuel tanks.

Commissioner Croley said that he suspected that the fuel tanks are underground and should have a life expectancy of more than five years and would therefore be considered a capital structure. He then suggested that the matter be explored for further clarification.

Commissioner Dixon stated that Commissioner Croley's proposal seemed quite "doable". However, the general fund balance could be used to immediately purchase the ambulances then wait for the research to determine which monies would ultimately be used to purchase them. The fund balance could be repaid if and when another funding source can be earmarked for the purchased.

County Manager Brown stated, "I would first recommend using any (unexpected) money that is coming in from 2007 to use for this."

OMB Director Davin Suggs supported the manager's position and was reluctant to use the general fund reserves. He suggested that the board might consider using the surtax restricted to only capital purchases in line with the attorney's interpretation. While he didn't oppose using the reserves in emergency situations, he stated that the board has other options- other cash and other means - and he would prefer that they use "the best choice."

Chair Holt reminded the board to be mindful of what is likely to happen in January when there are more state budget cuts. She was opposed to using the general fund balance.

Commissioner Price stated that he had been terribly embarrassed earlier in the week to see an ambulance broken down in the middle of US 90 in Chattahoochee and the patient had to be transferred from one ambulance to another. He

said that he called the manager to tell him how sad that situation was. He said that even the Sheriff had to be summoned to help in that situation. He implored the board to move forward to purchase at least two ambulances if not four.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO PURCHASE THE TWO AMBULANCES AND CARDIAC MONITORS FROM GENERAL FUND BALANCE AND FOLLOW THE PROPER PROCEDURES TO DO SO. IF THE BOARD COMES TO THE CONCLUSION THAT OTHER MONIES CAN BE USED TO EFFECT THE PURCHASE, THE BOARD WOULD CONSIDER REPAYING THE MONEY BACK TO THE GENERAL FUND BALANCE.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO DIRECT THE ATTORNEY TO RESEARCH WHETHER THE FUEL TANKS REPLACEMENT COULD BE CONSIDERED A CAPITAL PROJECT AND THUS BE FUNDED BY THE REVENUE GENERATED BY THE SMALL COUNTY SURTAX.

23. Approval of Update of Information Technology (IT) Strategic Plan

County Manager Brown stated that a number of questions have arisen recently regarding the IT plan from members of the board and from the Clerk's Office. He asked the staff to give an update on the status of the program and the plan.

OMB Davin Suggs presented the IT Strategic Plan and Progress Assessment Report and summarized it briefly. He said that the staff has begun to appoint machines (computers) to individuals. That process will continue through Thanksgiving at which time all of the new computers should be deployed to all individuals who work for the county. All employees will be working with Microsoft Office 2007. One of the goals from the beginning of the plan was to give everybody the same office productivity application software.

Website - Staff is in the middle of the first phase of the website project which should be done by early 2008. Phase 2 & 3 will bring on the individual departments.

He referenced a report prepared by the Clerk's internal auditor. He said, "They did some type of report or investigation. There have been questions and stuff in the newspaper. A lot of inaccurate information has been out

there in the public about IT. If any of you want to ask any question of me or Kimbrew, our reports are truthful and factual. If you have any questions or concerns yourselves, I want you to ask the source for the information."

Commissioner Croley said that he realized that IT is a complicated and expensive endeavor. He asked specific questions regarding software - Vista in particular.

Mr. Suggs said that they have no plans to run Vista. They will use Windows XP Professional.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ACCEPT THE IT STRATEGIC PLAN AND THE PROGRESS REPORT.

Mr. Suggs stated, "As to the work we are doing with IT, we have been recognized, I believe, it is a national publication called Emergency Management Magazine. What the manager is holding up...There is a special insert in that national magazine about the Gadsden County IT project. So, we will be getting that to you and get that out if Jon Brown will work his magic. Do you see the courthouse? There is a picture of the courthouse in the article. According to Mr. Jackson, they called and interviewed Mr. Jackson about all the work that we have been doing over the past year. So, just to let you know, people outside of Gadsden County are recognizing your commitment to better technology."

COUNTY ATTORNEY'S AGENDA

Attorney's Opinion as to Use of Surtax Revenue

This was discussed earlier in the meeting.

COUNTY MANAGER'S AGENDA

24A. Update on the Gadsden County Recycling Program

County Manager Marlon Brown recalled that the Board voted on October 3, 2007 to discontinue the Recycling Program. However, since that time, the staff became aware of a number of interlocal agreements that obligate the County to provide recycling pickup within Chattahoochee, Greensboro,

Gretna, Midway, City of Quincy and Town of Havana.

He recommended that the County continue the curbside services for Gretna, Chattahoochee, Greensboro and Midway until December 31, 2007 until the required notification to terminate can be satisfied. He said that the materials could be transported to Recycle Fibers in Tallahassee until the program can be closed out.

As to the contracts with the City of Quincy and Town of Havana, termination of those services would be contingent upon reaching an agreement with them to terminate the contract early.

Mr. Brown then asked for guidance from the Board.

Commissioner Croley stated that he had received a great deal of public outcry regarding the board's decision to discontinue the recycling operation. He said that he would like to see the service continued for everyone until and in depth business analysis could be done on the recycling program to see if there is a way that it could be made to at least break even.

Commissioner Lamb reported that he had also received numerous calls from his constituents declaring their opposition to the program being discontinued. He voiced the same sentiments as Commissioner Croley.

Mr. Brown reminded the board that they had been faced with a decision at budget adoption to either keep recycling and do away with the waste sites or vice versa. The board voted to discontinue recycling and keep the six waste sites. The staff had followed directions of the board when they voted to keep the six rural waste sites and discontinue recycling.

Chair Holt called for public comments.

John Mulloy, 450 Collins Road 1, Havana, FL. addressed the Board. He presented a letter outlining his objections. He asked the board to rethink the issue and at least offer some options to those who desire to recycle, even if it costs more to the customer.

Commissioner Croley commended Mr. Mulloy for sitting through the lengthy agenda just to make his comments.

He then went on to say that there is substantial evidence to document that people need to focus on improving the planet. He said that recycling a way to help in that regard.

He then stated that he had heard that the county is now hauling recyclable material to the landfill and then paying to dispose of it after having collected it. He said that it is very disappointing to him.

Chair Holt stated that she did not think that it is fair to be debating only one of the programs that was cut from the budget. She said that they should be debating all of the cuts at the same time. She reminded them that there were a total of 11 cuts.

Commissioner Croley stated that the other items that were cut were coming out of general revenue. The recycling program was being paid for by a grant and the resale of the recyclable material.

Chair Holt again stated that it seems strange that there would be a debate on only part of the cuts. She insisted that all cuts should be debated at the same time.

Commissioner Dixon said that the more he looks at the program, the more he came to understand that the recycling program was about everybody but those people who live in the unincorporated area of Gadsden County. He pointed out that every one of the cities have a garbage plan and a system by which someone picks up their garbage. He said they don't need the county's recycling program because they could have one for themselves - possibly even a mandatory program. He said he failed to understand why the county should pay for a recycling program for people inside the incorporated areas of the county.

He then said that we live in a county where people do not want mandatory garbage, but they want to recycle a few pieces a week, then dispose of the garbage in the back yard. He questioned, "If there are only few hundred people buying permits, where is the garbage, the real garbage (not the three liquid bottles of soap in the recycle bin) but, where is the real garbage going? I think we've got it backwards. We are asking folks to recycle when they are still throwing away their garbage. So, we need to be willing to tackle the big issue, and that is

garbage...

He summarized by saying that for all the good that the program should be doing, it is broken and needs to be fixed.

He also made some comments saying that the Clerk's office had been paying for recyclable materials without a contract in place.

OMB Director Davin Suggs:

With exception of one year, fiscal year 2000, recycling has lost money. The recycling fund used to have a fund balance, it's own cash. Every year except for FY 2005 when they broke even by \$2.00, it ran a deficit and was balanced with funds from it's own fund balance of former proceeds. When we arrived, the fund balance was reduced. In 2000, there was somewhere between \$300,000 and \$400,000. By the time the manager got here, it was down to \$40,000. We had to balance his budget. It has run a deficit since we have been here, too and we made that publicly clear. We had to balance that out with general revenue because you have to finish with a balanced budget every year. It has cost this budget season, in our quarterly reports we made, we made it painfully clear that recycling that recycling is not working. Before we came to you with the request for additional funding for the sheriff, staff asked the board - and we all agreed that recycling needed fixing, that the program was broke - staff asked the board for one more year to address the recycling needs so as to make it break even. We all agreed that it needed serious attention to make it break even.

How recycling got cut out of the budget was because the surtax (ordinance) was not changed so that we could fund the sheriff - which at that time - if we could have used the surtax to fund the sheriff's plan, it would have freed up general revenue which would have funded the rural waste sites which would have allowed us to use the grant for recycling and to make it balance out.

Croley:

I am aware that in 2006 that it appears that you had to transfer \$109,648 from the general fund to cover the shortfalls in the recycling. We do not know yet, and I guess until you close out the year what it will be in 2007.

Now, I do know that in 2005, as you said, it did break even.

O.K. At the same time, the personnel costs in 2005 was \$92,799 and it went to \$163,216.00. You and I talked about some of those reasons for that. But, the fact is expenses have gone up and revenue from the recycling program has remained flat. I do not know the details of what the county is paying to various recyclers for their bulk material. That, we can find out. This is the reason, fellow commissioners and staff, that we need a business analysis done on the recycling program to find out whether or not it is a reasonable endeavor, the way it is set up.

I have a problem with the idea, as Mr. Mulloy from Collins Road - he is on the opposite side, the east side from me, for the recycling truck to drive by my house to go pick up the recycling materials in Havana and not stop and empty my bin in the morning. I've got a problem with that, but I would like to know for instance - How many tons of recycling material are we generating and getting revenue for.

Commissioner Dixon, if we can get the bulk items to resell, that is that much more revenue in excess over the grant money to help defer the costs. I do agree that we need to focus the recycling efforts on Gadsden County and not Outside the county, because that is the purpose of the program, so on that point, I think we have consensus. But, we definitely need, Madam Chair, to look at this separately, not because I am trying to downplay any other programs that were impacted by the budget cuts, but this program - all it's got to do is break even. That is all it's got to do. If we can increase revenue or cut expenses or a combination of the two, we should be able to accomplish some goal.

So, Mr. Suggs, do you see where it would be possible, with the manager and the board's approval, to do a more in depth business analysis of the recycling program for the benefit of the citizens?

Suggs:

Commissioner Croley brings up some good points. The difference in staffing between 2005 and now have been - there have been four people in recycling. Before, there was just one truck driver. One of the positions was

subsidized by another grant - the urban and forestry community grant. When that grant went away, that position came back into the budget. Also, in 2007, we added an additional truck driver to help maintain the routes. So, personnel costs have gone up because we have added personnel and personnel has come back into the budget.

Here is the problem. We all agree. The numbers are the facts. Recycling has broken even once out of the last seven years. Everybody agrees with that, we can't refute it. Everybody agreed during the budget season that recycling needed to be looked at and run more efficiently if we are going to keep it. We all agreed on that point.

When you look at where recycling breaks the budget every year, they have an operating budget, and they blow their operating budget. They are not blowing the personnel budget. They are blowing the operating budget for the last two years by at least \$100,000 which can come from various factors - from the use of day labor because it is labor intensive. Picking up paper in Tallahassee instead of focusing on material in Gadsden County. So, all of this is true and I think that we all agree that if we are to do recycling, we need to look at how to do it better and more cost effective. So, this goes back to my point. We all agree on that fact. WE all set up here and said that. We didn't cut recycling because it was not cost effective. We all agreed that it was not cost effective and we asked you to look at it and try to make it work better. But, it was not cut because of that. We are not doing recycling because we needed a way to pay for and continue the operation of the rural waste sites.

Dixon:

Correct me if I am wrong, but to even consider recycling at this point, we need to have a funding source because we have taken that funding source away.

Suggs:

You are very correct. As part of this item, we have been basing the decision tonight, and I am going to have to go back and get with Anthony, then come back and tell you that operating recycling through December, because tonight, we don't have a way to pay for it. I will have to come back in two or three weeks and tell you how we are going to pay for three months of operation. Because we took the funding source for recycling which is legally allowable and we are

paying for the operation of the rural waste sites with the use of that grant from the State of Florida. That is the issue with recycling. We do have to look at cutting some other service.

Holt:

That is what I was saying. We need to look at our total cuts. We need to look at everything. We don't need to piece meal this, commissioners. This is going to end up being an animal that you don't want. We need to either pull a day and workshop them or so something. But, to go after one or two items at a time and every time we pull something, he is going to have to look for funding and the manager will have to bring it back and we have to advertise. We need to look at these items.

Croley:

Madam Chair , due to the lateness of the hour, would you just entertain a motion to allow Mr. Suggs and the manager - to allow the manager to look at the recycling from a business standpoint and just get us back information about what it would take to make this

Holt:

Mr. Croley, Commissioner Croley, you are still singling out that issue. I would like for the manager and staff to look at all the cuts and let's sit down and do this on a workshop day or whatever. Whatever we need to do, we need to go ahead and do it. Now, I know that we have to look at something as far as servicing those other cities. I don't think that we should get into looking at this item separate from those others. Let's look at all of them together.

Williams:

Madam Chair and commissioners, you also have a legal issue. Mr. Suggs asked my office to look at these contracts for the cities that were outlined. I think it is Gretna, Chattahoochee, Greensboro and Midway. There is language that says you have to give them notice two months before the end of the calendar year. That is November 1. So, as you make your decision, to not decide almost makes it go another year.

Price:

Does recycling have any outstanding bills?

Suggs:

Outstanding bills from the last fiscal year?
We are in the close out process now, so all last bills are coming in from the previous year, but as far as costs, there are going to be costs whether you keep it or not, even if you decide to phase it out, there will be costs in cleaning up the place. We will have to return the facility back in the way in which we received it from the state. That will be whether we transfer equipment to other department or sell it or dispose of it, there is going to be costs in phasing it out. Old bills from the last fiscal year, there are so old bills. Everybody has bills that are bills that are being processed now as part of the close out.

Holt:

So, what you need right now, Mr. Manager and Mr. Suggs, is a motion to continue to follow those contracts that we have. We need that first.

Suggs:

What the manager needs and according to what the attorney stated, is, - Here is the big picture. We need to know if we are to continue in the action adopted in the budget - to phase out the recycling. The manager needs direction as to whether we are staying with that plan. We are asking you to allow us to do it within the legal bounds of those contracts.

Holt:

Where are you going to get the funds from?

Suggs:

I will come back and tell you how much that will cost.

Holt:

And you've got to do that in time before Nov. 1st.

Williams:

Madam Chair, just to give you some options, you can always notice them that you are intending to terminate at the end of the year. But, you can tell them that it may be reconsidered before the actual termination date. That gives you the option to exercise and follow through the notice requirements at the same time. You will have two months to decide to come back and do something different if you want to.

Holt:

Alright. First of all, we need to settle this on extending the contract. We need to settle that right away because we have this time limit that is put upon us.

Croley:

But, this plan doesn't include serving those of us in the unincorporated areas who have already paid our money for this service. We have a contract, too. Mr. Mulloy has a contract. We paid our money and the people in Tallavana and Reston and all those other areas that are customers in the rural areas, we have a contract, too.

Holt:

Mr. Croley, you are very correct and so do I and so does every board member up here. We are recycling also. But, the bottom line of it is that we needed a funding source. This budget was contingent upon that surtax. We didn't do the surtax. We got the garbage sites. So, something had to be paid for from somewhere. We just decided to pay for two ambulances out of the general fund, so we have to do something.

Croley:

Well, I am not going to be agreeable to have a recycle truck drive by my drive way and not pick up my bin and me paying for it. I'm going to rare about that. I think many of the other citizens will, too. And, Madam Chair, I don't mean that, that is why I am asking, respectfully for a business type review.

Holt:

I understand.

Williams:

Madam Chair, I need a point of order. It is eleven o'clock and by our ordinance, it's five of eleven and by our ordinance, if you want to go past eleven o'clock, you need to extend the meeting to a time certain.

Holt:

O.K. We can ask for a continuation to a time certain - 11:15, Commissioners? Do you want to try to make it out of here by 11:15? I guess we will need another continuance, if that doesn't work. O.K., we agree.

Commissioner Dixon?

Dixon:

Madam Chair, all of this is mute unless you have a new funding source to bring into play and nobody has discussed a new funding source, so it is mute.

(inaudible)

Dixon:

No, that is not. And I hope part of your termination plan will be to return the unused portion to citizens as well as to businesses, their money, whatever part of their \$24 you owe them. Me included, give me mine, appreciate it.

That is part of the termination plan, am I correct?

Suggs:

That is part of the fiscal analysis we did when we decided to move forward. Part of the fiscal impact that I need to bring back is the refund to customers who have paid and we are terminating before the end of their contract.

Holt:

Alright, so Commissioner Croley, part of the plan is to return the money for those that have paid for the year. So, whatever part of that \$24 individuals owe, they are going to give us our part back and for the businesses also. But, we have to deal with those contracts for the cities. We have to do that because of the stipulations in those contracts.

What is the will of this board?

Lamb:

How much will it take for the number of clients that we have on recycling to keep this program going? What will be the cost?

Suggs:

I don't know right off the top of my head, but the grant last year was about \$198,000 and we got some proceeds - in the budget last year, it was set at \$199 and it will probably come in at \$220. The program is probably hovering right around \$535,000, total. The grant this year came in at \$198,00 with \$220 - \$230 on the revenue side. We spent upward and above \$535,000 - that is with our estimated clientele paying \$2.00 per month. There are about 1200

people paying \$2.00 and so, what you are looking at is, we would up making about \$424,030 because we made or sold more goods than we thought, but right now, we are not closed out and that is an unofficial number. But, the last time I looked, it was about \$535,000. This is for the year that just passed. That is what recycling cost us.

Here is the issue. Recycling - the last two years, the last couple or years where it has run a deficit and there has not been enough fund balance to cover that deficit in recycling and we have had to cover it with general revenue. Other than that, recycling should not cost any money. This is the whole point that we have been making for the last two or three months. If we are going to keep it, we need to look at it and make it run right. Recycling should not cost us any money. The grant, which is about \$277,000 this year, is saving you from using general revenue which we don't have to pay for the operation of the rural waste sites. That is how - this is the dilemma that we are in, you are using the grant to pay for the rural waste sites, which means that you don't have to use general revenue to pay for the operation of the rural waste sites.

If you were to re-institute the recycling and move that grant back to recycling, now you would probably have a hole of over \$250,000 and you will have no money to operate the rural waste sites.

Croley:

I understand that, Mr. Suggs, but again, that is why I keep asking and looking at this from a business standpoint first and let's just review the solid waste sites as well as the recycling because I can get into a bunch of issues about the way the programs have been run. I can get into a bunch of issues about the way the permits are being handled, I can get into issues about the way the waste sites, the hours, - it is not a customer friendly process. That is a fact. If you use it and I buy garbage pickup, I pay recycling and I buy one of those waste permits. Now, I do everything that is available out there. I can tell you that it is not a customer friendly arrangement. I know what I am talking about.

Now, all I am asking of this board - we can't make a decision here tonight except to say that you've got to honor those contracts. I am simply asking to look at this on a business basis so we can move on and give you that

charge, Mr. Manager, and then we will have more time to discuss it without this lateness of the hour hanging over us.

Holt:

Commissioner Croley, I think the problem there though is that November 1st deadline to let those cities know that they are going to be terminated as of December. I have forgotten that date on there, but, before November 1st, we will not meet again. If we have to notify them by November 1st, we need to let them know. If we are going to let them know that we are going to terminate them at the end of December. We also have to have a funding source to fund them between now and December. For the other two towns, we've got to have a funding source to fund them until next July. So, where the money is going to come from is more important, I think, if you are going to have it after today, where are we going to get the money from to pay through next July? If we say we are going to terminate you in December, we've got to have the money to fund it through December.

Dixon:

Madam Chair, and I promise you that this will be my closing argument.

We bring in from citizens roughly \$30,000 of the \$500,000 you need to run the program. Are you with me? Does that sound about right? O.K. So, in order for people to carry that program, it will cost them way more money than they are willing to spend. Period. Unless we come up with a new funding source - we can create all kinds of efficiencies in the programs that we want to, but that \$500,000 is still hanging out there that somebody's got to come up with. So, unless we come to the table with a funding source, once again I will say, this is mute.

Holt:

Alright. We are stuck in the mud here.

Dixon:

Madam Chair, I will motion that we give the manager the authority to begin to terminate the program, notify the cities, and whatever other stuff that was on there - Options One and Two.

Price:

Second.

Holt:

Alright. We have a motion and second to accept the manager's recommendations for Options 1 & 2. All in favor?

Price, Holt, Dixon:

Aye

Holt:

Opposed?

Lamb & Croley:

No.

**24B Approval for the County to Serve on the Tallahassee/Leon
County Economic Development Council Board of Directors**

Mr. Brown told the Board that The Economic Development Council's (EDC) Nominating Committee has extended Gadsden County, represented by the county manager, an invitation to serve on the EDC Board of Directors in an ex-officio capacity as a public representation from Gadsden County. The Gadsden County Chamber of Commerce Executive Director, David Gardner, is the representative of the private sector. The membership fee - \$5,000.

Commissioner Lamb raised an issue with this item since there is already a Gadsden County person serving on the Board. He also suggested that someone other than the county manager represent the county.

Chair Holt stated that the person from Gadsden County that already sits on the board represents the private sector and would not necessarily represent the county's best interest. The mission of the Chamber of Commerce is entirely different to that of the county.

Commissioner Croley stated that he was once a member of the Tallahassee EDC and paid the \$5,000 for a few years. He stated that he believes in the idea of regionalism. He went on to say, "That is an expensive seat at the table when there is already somebody there. All I am going to tell you is that a year from now, you are still only going to have a seat at the table. You wait and see. So, I am not really that thrilled with this idea of spending another

\$5,000 outside the county right now. Particularly when we don't have the money for ambulances, we don't have the money to keep recycling and all these other things. To me, that just seems like sending a mixed signal."

Chair Holt replied, "I understand that you may feel that way. But, I am familiar with that regional group. If you don't have a seat at the table, we could also get left out again. That is my concern with that... They discussed everything from our development to roads, to schools, businesses coming in and they are looking at it as a regional issue. When we cut that economic development position, we need someone at the table. The difference between \$60,000 and the \$5,000, I think we are getting a deal there. That is my opinion on that."

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE COUNTY PARTICIPATING ON THE TALLAHASSEE/LEON COUNTY ECONOMIC DEVELOPMENT COUNCIL BOARD OF DIRECTORS WHICH INCLUDES A MEMBERSHIP FEE OF \$5,000 (PREVIOUSLY APPROVED IN THE BUDGET) AND TO HAVE THE COUNTY MANAGER OR HIS DESIGNEE TO SERVE ON THE BOARD OF DIRECTORS. COMMISSIONER LAMB CAST THE LONE DISSENTING VOTE.

24C Planning Commissioners Attendance

Mr. Brown reported that at several recent Planning Commission meetings, it has been difficult to achieve a quorum necessary to conduct business. He asked for authority to direct the county attorney to develop amendments to Chapter 2, Article V, Division 1, Section 2 - 176 to include attendance standards as a basis for removal from the commission.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE COUNTY ATTORNEY TO BRING BACK A PROPOSAL TO AMEND THE ORDINANCE AS DESCRIBED ABOVE.

24D City of Chattahoochee's Resolution 2008-01 - Recommendation for the Name of the New Chattahoochee Library

Commissioner Price said that he had heard nothing about renaming the library. He suggested that when and if the Board decides to rename it, he would prefer to have more

public input.

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0, TO AUTHORIZE THE CHAIR TO SEND A LETTER ACKNOWLEDGING RECEIPT OF THE RESOLUTION AND THAT THE BOARD WOULD CONSIDER THOSE NAMES ALONG WITH OTHERS SUBMITTED BY THE PUBLIC AT SUCH TIME THEY SHOULD DECIDE TO CHANGE THE NAME.

County Manger's Evaluation

There was no discussion on this agenda item.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ACCEPT THE COUNTY MANAGERS EVALUATION.

DISCUSSION ITEMS BY COMMISSIONERS

Commissioner Lamb

Commissioner Lamb stated that he had two people he would like to appoint to the Senior Citizens Board. However, he agreed to defer to the next meeting due to the lateness of the hour.

Commissioner Croley

Commissioner Price

Commissioner Dixon

Chair Holt

At Large Planning Commissioner Appointment

Due to the lateness of the hour, this agenda item was not addressed.

Receipt and File

27.

- a. -Letter from the State of Florida Attorney General's Office
Regarding Settlement Agreement

- b. -Letter from the Florida Department of Corrections Regarding the County Jail
- c. -Letter from Landis Crockett to the Department of Environmental Protection Regarding Friends of Lake Talquin
- d. -Letter to Willie and Mary Parker Regarding Construction of a Porch on an Existing Residence
- e. -Letter from the Department of Environmental Protection to David and Regina Shields Regarding Solid Waste/Dredge and Fill Penalties
- f. -Letter from Comcast Regarding a Change in Late Fees
- g. -Letter from Chip Gray Realty, PA Regarding Recent Property Listing which is Leased to Gadsden County
- h. -Letter from the Department of Revenue Regarding Local Communication Service Tax, Ordinance #2007-009
- i. -Notice from the Office of Criminal Justice Grants at Florida Department of Law Enforcement Regarding the JAG Program
- j. -Letter from the Department of Community Affairs Regarding CDBG Contract Monitoring Visit Scheduled October 16, 2007
- k. -Letter to the office of the Auditor General Regarding the County Audit Corrective Action Plan
- l. -Letter to Medicare Regarding the Gadsden County Urgent Care Center Operation
- m. -Agreement Regarding Development of Parcel - David & Carline Biles
- n. -Letter from the Clerk of Circuit Court Regarding Cash Report as of October 3, 2007
- o. -Letter from the Clerk of Circuit Court Regarding Summary Financial Statement as of October, 2007
- p. -Letter from the Clerk of Circuit Court Regarding the Clerk's Internal Auditor on Countywide Technology Enhancement Initiative
- q. Letter from the Tax Collector Regarding Excess Fees (Unused Revenue) for Fiscal Year 2006-2007 (Attached)

ADJOURNMENT

THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR ADJOURNED
THE MEETING AT 11:35 P.M.

BRENDA A. HOLT, CHAIR

ATTEST:

Muriel Straughn, Deputy Clerk

AT THE REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS HELD
IN AND FOR GADSDEN COUNTY FLORIDA
ON NOVEMBER 6, 2007, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: Brenda A. Holt, Chair
Derrick Price, Vice-Chair
Eugene Lamb
Doug Croley
Edward J. Dixon
Thornton Williams, County Attorney
Marlon Brown, County Manager
Muriel Straughn, Deputy Clerk

CALL TO ORDER

Chair Holt called the meeting to order and welcomed the 12th grade class of West Gadsden High School for coming out to watch some of the activities of politics.

Invocation and Pledge of Allegiance

County Manager Marlon Brown lead in prayer, and at the request of the Chair, the 12th grade class of West Gadsden lead in the Pledge of Allegiance to the U.S. flag.

AMENDMENTS AND ADOPTION OF THE AGENDA

The Chair called for amendments to the agenda, and County Manager Brown stated there were none.

AWARDS, PRESENTATIONS AND APPEARANCES:

1. Employee Service Awards

The County Manager said this item seeks Board recognition for the employees listed herein for their years of service to the County.

- | | | |
|--------------------|---------------------|----------|
| • Deborah Meeks | Public Works | 5 years |
| • Wayne Chester | Public Works | 25 years |
| • Jerry Conyers | Public Works | 25 years |
| • James Thompson | EMS | 5 years |
| • Glen Dilworth | Public Works | 5 years |
| • Shelia Faircloth | Management Services | 20 years |

Each employee was presented a plaque and the Board expressed appreciation for the service and dedication of the employees to Gadsden County.

At this point in the meeting, the Board members came forward to have their picture taken with the 12th grade class of West Gadsden High School and Chair Holt said the Board appreciates having young people in attendance and that is the best way for them to learn how government works and how it has improved.

2. Resolution 2007-057 Recognizing November as Art Appreciation Month in Gadsden and in Support of the 19th Annual Art in Gadsden Celebration

County Manager Brown asked that Jon Brown and Ms. Tricia Collins come forward for the presentation and reading of Resolution #2007-057.

Jon Brown, Public Relations Officer, read the Resolution. Ms. Collins thanked the Board for their support and asked that they all join with the Gadsden Arts Center for the awards ceremony and opening reception to be held on Friday, November 9, beginning at 6 P.M. She said the ceremony would kick off the celebration of the 19th Annual Art in Gadsden exhibition. She then thanked the Board for the Resolution as she accepted it on behalf of the Board of Directors of the Gadsden Arts Center.

UPON A MOTION BY COMMISSIONER DIXON AND A SECOND BY COMMISSIONER PRICE TO APPROVE RESOLUTION #2007-057, THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

3. Gadsden Hospital Inc. (GHI) - Hospital Management Services Vendor

The County Manager stated this item was a request of the Chairman for the appearance of the GHI Chairman. He also reminded the Commission on October 16th they had postponed consideration of the GHI's letter on the hospital management services until this meeting. He stated there had been some concern expressed by the Commission which they wanted to discuss with the GHI Chairman the process of selecting a management company and on questions as to whether they needed to proceed in the selection of a management company prior to getting the critical access designation or whether they should move ahead and wait until they get the critical

access designation before actually bringing in a management company.

Mr. Craig McMillan, Chairman of the GHI Board, was present and stated he had no questions of the Commission.

Chair Holt stated the reason she requested this meeting because it was the Board's desire to select a vendor and have them in position to run the hospital when and if the critical access designation is restored.

The County Attorney explained that the issue driving the push to select a vendor was that CMS stated that they did not believe that the hospital was financially viable. He redacted that statement from correspondence in February of 2007 between Paul Sexton and Joe Sharp but was actually conveyed by Representative Richardson to them. In his attempt to try and help the County get the hospital re-opened, one objection raised by CMS was, "What difference does it make, because if you pick someone, the numbers don't work." In other words, they did not believe that the hospital was financially viable.

He said that everyone is aware that CMS has given the County different objections over time. If the county can help them to understand that there is a vendor that produces a financially viable option, it removes that at least that objection and could add some pressure on CMS to make the choice to reinstate the critical access status.

He also said he thought everyone had reached the conclusion at this time that if the critical access status is not reinstated, the bids that are now before the County for selection of a vendor will probably be rejected and they will start over again because without the \$2 million a year, you couldn't actually run the hospital in its old form. He said this is what led the discussion to the point of understanding CMS has a belief, whether it is true or not, that the hospital as configured is not financially viable, and if you don't get CAH you are going to reject all bids and start over again. He said the only alternative that is available (if there is a financially viable option) is to present that to CMS and see if it stimulates them to help get us back the CAH status. He said that frames the issue for purposes of discussion tonight.

Commissioner Croley stated to the County Attorney that he

believed a review of the record would be that his inquiry was whether anyone had any documentation that would confirm that critical access would be given or the opportunity for critical access enhanced if a management company had been chosen for the hospital at this time. He said that is what he was looking for and this (referenced copy of document presented by Attorney Williams - memo from Paul Sexton to Joe Sharp dated 2/21/07 as shown in attached agenda packet) just simply confirms that according to Representative Richardson, CMS is in doubt and Commissioner Croley said that simply reinforced the concern he registered.

Attorney Williams responded saying it was actually the opposite as their belief is unfounded. If there is a way to demonstrate the hospital will work with CAH status, what it shows CMS is if they were to reinstate the CAH statue that the numbers do work and the point of the correspondence and the attempt by Representative Richardson was simply this: Why go through the effort of all the federal procedures to give back \$2 million given to the County, when in six months they are going to have to turn it back over because they can't make the numbers work. If it doesn't work now, it won't work in six months from now, so the point is if we do have a scenario where the numbers do work, it actually makes CMS understand they were wrong on that point and it forces them to re-think their position and hopefully (even though no one can guarantee it because the County doesn't make the decisions at CMS) but hopefully get them to understand the numbers do work and they should give the CAH designation back to the County.

Commissioner Dixon said he was interested in hearing what Mr. McMillan and the GHI Board was thinking when they arrived at their conclusion.

Mr. McMillan addressed the Commission and said first of all he would like to correct a misconception. He said the \$2 million Attorney Williams was talking about was a figure the GHI Board got from TMH as a vendor when they were looking at opening a 25 or 26 (whatever) bed hospital. He said the \$2 million is not money the County would even get because they don't even have CAH designation. He said that money will change based on what the billings are. He said everyone keeps talking about the \$2 million and how it will help, but the \$2 million was a projection of losing \$3.5 million vs losing \$1.5 million, and that is the \$2 million everybody keeps talking about. He also said the \$2 million was based

on billings beyond what we have been looking at recently and as your billings decrease the difference between critical access and non-critical access decreases. He said the \$2 million is sort of a nebula's thing; it is not true money, it is the difference between whether you have critical access or not have critical access, and the \$2 million is modified by the government.

Chair Holt stated that was correct and the reason she wanted this brought back before the Commission was when they were on the phones and with CMS in D.C. they implied the same things. She said other things the Commission has discussed in closed meetings is that we are looking at a situation where we need to move forward, one way or the other and if TMH or the other company will come in and say they are willing to give us some numbers if we get critical access then that is what we do.

Mr. McMillan said in answer to Commissioner Dixon on how the GHI Board got to where they are (presented Board with a summary of the last proposal from TMH dated September 17, 2007) that he basically took their title accounts and said he wanted the Commission to be aware of what the numbers look like that the GHI Board is looking at. He said back in February of 2003 the Board of County Commissioners charged GHI (when they got started again) with trying to "find an operator of the hospital or us operate it ourselves, be prepared if the past tenant left, we would go and step in, and that is what we have done. We have been doing it on and off for those five years and I am so thankful for the Board we have - they are all good citizens that care nothing about anything but the good health and providing to the community, but we also have to be pragmatic and look at the numbers we are dealing with. We started out with a host of vendors interested in providing a process and those vendors started going by the wayside and we finally got down to two vendors. One of the vendors stated they would not do anything without critical access hospital designation so that left us with TMH who is your current vendor for the urgent care facility, so all we can do is go based on the numbers TMH has provided us, but none of us on that Board are healthcare providers - that is not our business so we have to rely on Joe Sharp and the experts to tell us what those numbers should look like".

Chair Holt told Mr. McMillan the Commission was looking at TMH's numbers and they need to see Alliant's numbers.

Mr. McMillan said Alliant was not going to give numbers for non-critical access hospital designation.

Chair Holt said that was right and what she wanted to see was numbers for critical access designation because that was the question.

Mr. McMillan addressed the Chair saying that the Commission has a consultant -

Chair Holt responded that was right and she was about to ask him for it.

The County Manager said when Alliant first submitted their proposal they said the hospital could break even with critical access within three years.

Chair Holt stated to Mr. McMillan what the Commission was looking at and why they asked the GHI Board to look at this was because if the County can find someone to get them to that point where the County can get help with critical access to get that designation, and they are saying they cannot do it without critical access, they are not going to get a contract anyway because the County doesn't have one. If they can help us up to that point, then the County can see if that is what's holding it up on the federal level then "we" can move on. She stated she had talked to Mr. Sharp concerning TMH on numbers a minimum of three times. She said the Commission is trying to see if there is someone that can work with the County up until we see if we can get critical access designation. She said "it is not to have a contract to just run the hospital, and if TMH is not going to give us any numbers, then they are saying they can't do it anyway which is not a problem, because if they are not going to do it, they are not going to do it".

Mr. McMillan responded, "No, they say they can do it".

Chair Holt said, "I'm saying they can't do it without critical access".

Mr. McMillan said "No, TMH says they can do it without critical access".

Chair Holt responded, "OK. but the numbers are so high we can't afford the numbers", that is out of the water.

Commissioner Dixon asked if there was cost associated with naming a company, something he was not seeing associated with naming a company? He said he is committed to a hospital of some form or variety, but it has to break even, period. He said as he understands it is just another piece in the puzzle, not the straw that will break the camels back probably, but another step that presents a better picture. He said he was trying to get to the cost, or the problem or the pain associated with naming or choosing one. He said everyone knows if the County doesn't have CAH status, they will have to have another plan, and if he remembered correctly at no point does TMH's plan break even. He said the County Manager refreshed him that they (Alliant) break even in 3 years. He said he didn't know the differences in the plan, but was sure Mr. McMillan and his team does.

Mr. McMillan said Alliant had made a very interesting proposal because it did show a break even in three years, "but to be good stewards we need to make sure we are dealing with people that you don't get in the same shape you did with the prior tenant". He said he honestly did not believe Alliant was on that level, but the GHI Board had not been able to get financial data from them, they would not share their Financial statements, they would not release it.

Mr. Sharp said Alliant is a hospital management company owned by a private corporation, and being a private corporation it was their preference not to make their financials available to us and declined to make their financial structure available to the County. He said their proposal was very detailed with 22 pages of some financial data over a three year period, number of people they intended to hire, their hiring schedule, types of equipment, types of people they would be looking for, types of equipment they would expect to be replaced, the types of patients they would receive, the number of patients they anticipated. A plan to begin marketing to build faith and confidence in the hospital that a patient would receive quality care, physicians could receive quality and timely results - all of that information, Mr. Sharp stated was provided by Alliant, but when it came down to them providing the County with their financial information, they declined to do so.

Commissioner Dixon asked "How many businesses have we done business with that didn't provide financials?" He said he

didn't want to get to the point, even with Alliant, that they end up being owned by Centennial - not interested in that either.

Mr. Sharp stated Alliant is owned by Blue & Company, a CPA firm out of Louisville, KY, and that Blue & Company is a private function held corporation, it is not a public corporation.

Commissioner Dixon said he understood that, but rarely has he seen anybody do business with folk that would not release their financials. He said that is another question, which for him takes Alliant off his list. He asked if there was any harm or danger associated in naming or choosing a company.

Attorney Williams said the issue on a privately held corporation has been a big issue, not only on the County level but also at the State level. At the State level they have a prepared exemption from public records and one of the issues for these privately held companies is their records become public upon receipt by the County, and because they are in a competitive market they do not want to release those records because they lose their competitive advantage. He said what he has found is that you can negotiate terms by which you can become satisfied that the company is financially viable without taking the records into possession so that it does not become a public record.

Commissioner Dixon asked how deep you would have to get in before that becomes an option in terms of negotiations.

Attorney Williams said normally it would be beyond the stage the County is at now with two viable companies. They have not been selected, and normally they would turn over their records, they become public. They were never selected and there was no reason for them to do it because they have a competitive disadvantage in the future. He said if they are sophisticated as he would like to think they are, and are viably sound which the County doesn't know, but would like to think they are, then they would figure out a way to work with the County to negotiate terms which allows the GHI Board to be satisfied that they are financially viable. He said in his experience this is not going to happen unless there is a selection that occurs.

Mr. McMillan stated one of the reasons given for not

releasing the financial information was that a lot of the personal financial information is that of the members of their CPA group and that he could understand some of that.

Commissioner Lamb said he wanted to commend Mr. McMillan and the GHI Board for digging deep, that evidently "we" didn't dig that deep before, and he understood the GHI Board wanted to make sure they cover it before making a thorough recommendation to the Commission. He stated, however, that he could not support anyone if they did not come up with the data the County needs to be certain they are financially viable, and that all issues are covered to help the County make the right decision, if they make a decision about the hospital.

Mr. McMillan said he understood what the Commission is trying to do and the reason the GHI Board got to where they are is that they discarded anybody that was not going to do it without CAH designation because the hurdles for the County to get the CAH seemed to be so high and more and more difficult for the County to get it. He said that was the reason the GHI Board took the approach if the hospital was to be opened any time soon, "we better start looking at someone that can provide the service needed without the CAH".

Chair Holt asked if there was any way possible for the Commission members to go ahead and allow something to happen, let the attorney look into it and if they don't provide the information it comes back to the Board anyway and the Board will know quick if they are a viable company or not, if they are going to help, and she stated she wanted to know about the costs that Commissioner Dixon brought up also.

County Manager Brown said there is no harm in selecting a management company at this time, other than the money that will have to be paid out to that management company in the interim until a decision is made on whether to open the hospital or not. He reminded the Commission that one of the responsibilities placed on them by AHCA was to get the hospital up and running, get the medical issues resolved, get all the physical plant issues resolved. He also said one of their conversations with AHCA was that the County could not do that without having some sort of medical company on board to help with those issues. He further stated they could hire a management company to the point

where the hospital is ready to open until a decision is made with regard to critical access or not. He said that is the only risk they would be taking and then at the end of that they could make a decision to either terminate the agreement with this management company or have them continue operating the hospital beyond that point.

Chair Holt asked if that would be, "say three months, that company works with us for three months, helps us to get it open and if at the end of the three months is when the County would have to make some financial commitments to that company for any work they have done"?

The County Manager said they would have to pay the management company once the contract is signed with them, the County would have to pay them and put some stipulations in the agreement as to what the management company would be helping the County with - could put in the agreement that it is contingent upon hospital getting critical access or not, and once that decision is made, then you can re-open negotiations with that company to either run the hospital without critical access or run it with critical access.

Commissioner Croley said he did not know of any commissioner here that has made more than a good faith effort to support the re-opening of the Gadsden County Hospital, whether in public meetings or in closed door sessions on litigation matters, but when he looks at the proposed operating statement from TMH, he sees the total capital expenditures as being \$1.8 million. He said "The County has just had to go into contingency to buy two new ambulances and approve that(coming up later on agenda). We seem to be pouring good money after bad on this hospital as far as trying to open a conventional hospital, and this leads me to ask the Chair(referring to Mr. McMillan) and I am assuming you have some members of your Board here. Is it your opinion that this conventional hospital has any type of market feasibility in this area?"

Mr. McMillan responded, "With the numbers that you are looking at, No".

Commissioner Croley to Mr. McMillan "Is it your recommendation that we stop digging this hole any deeper and look for alternatives to, say for instance, expand our medical transport or improve and expand the urgent care facility that we have been working with?"

Mr. McMillan, "I have no problem with trying to pursue further, I mean it doesn't cost anything - you know, we are bunch of volunteers and we'll be glad to continue meeting and looking at options; so I don't have a problem with trying to pursue any further. I think there are some issues that affect us, and I hate to say it but we are geographically challenged. You know we have a great amount of our population east of here, but if something happens they are not going to come west to the Gadsden Hospital, Inc., they are going to go to Tallahassee. It just so happens that in both of your districts I think that is the case, yours Mr. Lamb and yours Mr. Croley. I think that is the reason we are in the shape we are right now is because that CAH designation can't be within, what is it 25 or 30-- can't be within 35 miles of another hospital. Well, you know they did that for a reason. I'm sure a lot of it from the federal standpoint was cost cutting, but if you look at when the prior vendor had the hospital, and I know he run it in the ground, but when you look at what he had had through the years, the average daily census of that hospital was probably less than four or five, three even. Commissioner Holt I have heard you say you worked at that hospital and you can't operate a hospital on three people, three paying patients because you have food services, you've got janitorial help, you've got administrative help, you've got all those things that are fixed costs that you are going to have to have whether you have one patient or twenty-five patients."

Chair Holt asked to stop Mr. McMillan for a few minutes so she could take a few comments from the Commissioners.

Commissioner Croley said he wanted to reiterate in response to a comment about fixed cost from Mr. McMillan, that in looking at a ten-bed facility that works out to be \$825,665.00 per bed for ten beds and if you drop it to 5 beds, it is \$1,764,764.00 and the point is, it just is not financially feasible, as he though it was being pointed out and it was time to look at a different alternative.

Chair Holt said, "O.K., Thank you Commissioner Croley and I just would like to say this and I am glad you said everyone east of here would go to Tallahassee, because most of those children in the audience are west of here so I don't think and you statement does not hold water with me at all to say-- wait, wait, wait, I did not interrupt you and I did not

interrupt you Commissioner Lamb and I'll get to you in just a minute. What I am saying is this. If they need a hospital they are not in range to get over there before something happens, so I don't think that is a logical statement to be made; especially when they are playing football and basketball and all these other things are happening. So, it's OK - I mean you are making it sound as if it's OK if they don't make it to a hospital, and I saw them little faces out there frowning up and mine was frowning up too. But, I would like to say this, when we look at that hospital, that hospital did not have a low census until that company got here. I worked there. I know it did not have a low census, they did not have to keep going into that Endowment Fund getting money because they had people at the hospital and so that is the problem. The other problem I see is if TMH was the company that did not give a bid or offer or running the hospital with critical access. This is without critical access, so why were they not kicked out of the -"

Mr. McMillan responded, "They did give us a bid for running it with critical access."

Chair Holt "OK that was too high and that was the one Joe kept asking -"

Mr. McMillan "critical access is lower than this".

Chair Holt "Is TMH willing to come to us now with critical access? Wait a minute now, you can't speak for TMH, OK--"

Mr. McMillan "OK"

Chair Holt "--Because I know some people in this County that helped run that hospital in the ground, OK, so it wasn't just that company, OK, but what I am saying is if you take that amount of money this other company is talking about and TMH is talking about and they are willing to help us get the hospital open, that is what we are concerned about tonight; not giving them a long-term contract, just to get the place open and that's all we're asking for. If there is a cost, I think we can look at that. It has to come back before this Board anyway. We are not going to move one step unless we look at it so that's what I'm saying to the Board members." She stated what the GHI Board has done is tough work and she expressed her appreciation. She also said she was surprised at a couple of things Mr. Sharp had said tonight that she

felt he should have told the Commission also.

Commissioner Dixon said "I don't want this discussion to disintegrate into the type of hospital - that is not on the table -if at some point it doesn't happen we'll look at a different model. Did I misunderstand everybody? We're not locked into a model. I don't remember having that discussion. We're talking about whether we need a hospital or not and how to get there, so let's not get locked into a model just yet. We can have that discussion whenever we determine whether we're going to get critical access or not. He then asked again if there was any harm in naming a company with something that we think might work at this point, at this juncture. He further stated "I think that is the question before us, not the type of hospital - not any of that stuff -- it makes for good play, but you know, I mean to say the people east of here won't use the hospital, but and the bookends, if you will, represent those people. Well, between the three of us, we represent the other 30,000; and they represent a lot of people who won't go east. St Johns, Robertsville - not only will they not go east, they can't go east. There is no quick way to get there so let's stay out of that stuff. This is about a hospital. We can play politics - got a lot of issues on here to play with and we will take advantage of some of them I'm sure. I just want to make sure that we are taking the next step and when the word comes down, I will accept it from CMS or the judge, whoever gets here first or second, doesn't bother me at all. We have got to have a hospital in some form or another. I'm on that point and that is my position and my question is can you help us get there."

Commissioner Lamb said, "just to comment on the east or west or where ever, I feel that if we had a hospital here in the Quincy area, in Gadsden County or east of Quincy, I think if we had one that can provide the services needed we probably could get people from everywhere. It wouldn't have to be east, west or north because we had people from west Gadsden County passing by it when it was a hospital going to Leon County. If you get one that functions well and provides the services we need, but if you don't, you are going to be in the same boat you have been all the time and they are going to pass by it". He said if you don't get the first class services - it's just that simple, if you don't get the service that TMH can give, you are not going to get them to stop here. Those who have good insurance and those who have money are not coming this way, not going to stop at Gadsden

Hospital, they are going to Tallahassee if you can't provide the right services. He further stated, "You wouldn't do it, and neither would I if it's not giving the services to your loved ones and yourself".

Commissioner Price said, "I think anything right now would work for Gadsden County because the 3-5 hour waiting period in Tallahassee is ridiculous. You could be gone to Jacksonville, Pensacola, anywhere within that time period." He said he had used Gadsden Hospital and received good service, and that had it not been for Gadsden Hospital, his mother probably would not be here today. He said he also worked at Gadsden Hospital and thought the people were treated fair and given good service. He said, "it is not as bad as we think it is, because we have to go into it and find out what is going on".

Chair Holt said on that point the Board has looked at the three nursing programs in Tallahassee and the residential program in Tallahassee and made these discussions with several different organizations. She said this is not saying we will not be able to give good service. She said they have looked at training facilities and several different options, but the bottom line is "and I feel this personally, if we go ahead and do something and make a move in order to see if we can get the place up and running, at least get the CAH status back and then look at a long-term provider - not look at a long-term provider tonight, but let's see if we have an option out there so we can get moving. Either we get the CAH designation or we don't, but we need to do something for aligning this thing. Everyone is tired of waiting." Let's move ahead, if we get some numbers it has to come back to the BOCC anyway.

The County Attorney said just some legal points based on the comments (1) what kind of contract can we do? He said he has done many types of contracts and the contract is not an impediment to a selection. He said a contract could be done by making a selection with the understanding of a concept called "Notice to Proceed" and you can do no expenditures with any funds until you tell them they go forward. He said it could be stated that if they expend any funds it will not cost the County anything. (2) You could go one step further and do what the County Manager suggested - have them do some minimal management work in anticipation of a type of hospital that would be open in the future. He said the point

of this is not about any of those issues, that the signal is with CMS. He asked that everyone understand a non selection sends a mixed signal to CMS that we don't think we can make the numbers work. A selection from anyone that has numbers that don't make it work with CAH status sends a message to CMS that there is no reason to pick anyone because the CAH status doesn't make us financially whole. He further stated that with all due respect for all the comments, the issue for consideration for the BOCC is do we need to try to get the relative sum of \$2 million (or whatever that figure is) back. He said he has reviewed the files to some extent and there was an independent analysis of the value of the CAH status, and the analysis said it was roughly worth \$2 million and the independent analysis (since we are talking about Alliant) was that if Alliant was selected that it was roughly worth \$2 million and he doesn't want to the Board to not understand there is a nexus between the analysis done independently of the CAH status to the County and the value of Alliant. He said he did not think anyone would recommend a company that was not financially viable and that he doesn't think anyone would bring a company back to the BOCC That did not provide sufficient numbers to you that would let you know that it worked. He said he must say, as the BOCC makes their decision, if the message to CMS is that we can't find a company that makes the numbers work, that that sends a strong signal to CMS about what their final decision-making has to be as it relates to CAH status. He said this is not about opening the hospital at this point. It is about whether we can get whatever portion of that money back which is millions of dollars back into Gadsden County. He said just to make sense to everybody, this is not \$2 million for one year. This is in perpetuity so that in ten years it is \$20 million, in a hundred years, it is \$200 million - this is a financially viable issue as it relates to the County. He said that is why the County is fighting so hard because once it's gone, it is gone. He said the last point was that if Ashford had gone into bankruptcy six months earlier, the County could have reapplied and there would not have been a problem. He said the radius issue is a new issue under the law (changed the radius in January of 2006). He said he cannot understand the wisdom of the federal government and the County is in a battle here. He said AHCA understands that a hospital is needed in Gadsden County and because you would like to think if you have one agency fighting you that you would have both agencies fighting you. He said AHCA has worked with Gadsden County during these negotiating terms and they have supported

Gadsden County getting this hospital back. He also said that typically a federal agency will support a state agency as they go forward because they are at ground level in what their assessment of what the needs are. He said the County has been fighting many battles with CMS and he is not sure why the County is having to fight those battles, but if the County is not sending a message to CMS that the County has a model that makes the CAH status work, the County is in effect making a decision -- probably telling CMS not to give it back to us.

Commissioner Croley said he would come back to the County Attorney and say that he has no problems in supporting the County Manager in the hiring of a management company if they can produce something tangible that says that will cause the Centers for Medicare & Medicaid to provide this CAH to the Gadsden Hospital so the County has a chance of making it financially feasible to operate it. He said but to continue to spend the money without that, and until the County hears from the judge in the litigation matter, it appears to him to be an irresponsible action on the Board's part.

Commissioner Dixon said he learned a lesson about hospitals and ambulances when Commissioner McGill was still alive and the BOCC was going to cut the ambulance services because they were functioning on a grant. He said it's not important until you need it and Gadsden County needs it. He said it will be hard to get there but the County must go forward. Whether it is a super emergency room or whatever, as long as the people have something to come to and not have to run the risk of being caught on I-10 in traffic. He said "time is the point".

Commissioner Lamb said he would support what the Chairman was asking, to move forward and see what the County could come up with. He said he would support the hospital, as long as he feels it is first class and if it is going to be the right thing for the people of Gadsden County, but if he did not feel it was the right thing for the people, he would not support it -- would not support anything that is going to be second class. He said he would support the facility if it is first class -- an emergency or a super emergency room did not matter, as long as it is first class.

Chair Holt stated for those listening and for the Commissioners that the Board is discussing a company to help Gadsden County get the CAH status back. She said the County

is not looking at the facility itself. She said she thinks the BOCC should make a decision, that she does not feel it is encumbering upon the BOCC to keep tasking the GHI Board, saying you do it, you do it. She said it is time for the BOCC to do it and to make a decision and do something to let the people at CMS know that the County is ready to move forward and get someone to help the County in going after the CAH designation. She said if it is \$2 million with a poorly run hospital it will be a lot more than that with a viable hospital. So the hospital or whether it is a super emergency room or not, without that designation it is going to be more than \$2 million. She said "what we need to do is take it upon this Board. Stop sending that Board back to do our work".

Commissioner Dixon said the County Attorney had made a proposal that he thought was viable, to go gather information and return to the Board of County Commissioners and at that point be in the position to determine how --

Chair Holt interrupted and told Commissioner Dixon to put it in the form of a motion.

At this point Commissioner Croley said he would so move.

Commissioner Price at this point stated "second".

County Attorney Williams stated to the Chair that to be procedurally correct and if the BOCC wants the GHI Board to go and do that then they will have to meet within their Board and will discuss it and then hopefully follow the will of this Commission, but procedurally the Chair would then want the BOCC to take the Chair's direction and act upon that direction and then do fact gathering and find out if Alliant wants to come up with a vehicle that gives GHI a comfort zone or not and if the answer is no that resolves a lot of issues for you, but you should go through your Board.

Chair Holt responded "OK, what type of timeframe are we looking at?"

Commissioner Dixon said he would amend his motion to what the attorney said and give them a deliberate timeframe that we move forward expeditiously so this can, if the County does choose to go forward that it can be a help to them in the bigger picture, and if we don't then that's fine also.

Chair Holt asked Mr. McMillan what he thought about the Board's plan here.

Mr. McMillan said, first of all, the GHI Board would never have written a letter to the BOCC if they had known that was what they wanted GHI to do. He explained the letter had said GHI was at a standstill, and until the CAH status is taken care of there was no reason for GHI to do anything - make a recommendation.

Chair Holt said she was sorry, because that was what they left here with and it got changed some kind of way.

Mr. McMillan asked if the BOCC was asking GHI to look at the vendors if they had critical access.

Chair Holt responded those two (TMH & Alliant). She said they have narrowed it down to those two.

Chair McMillan said he would like to ask the attorney a question. He then asked "why even have GHI, why can't the BOCC make that call, you designate Alliant or whoever it is. Why? You did the urgent care facility and GHI was not involved with it, so why do this with GHI being involved with it"?

Attorney Williams said this is a long-term issue as it relates to government. It is bigger than just GHI and the Commission. He said as everyone knows, Gadsden County is getting bigger and part of a bigger government is that it does have boards in place. He said it is very common, unfortunately, as you re-start and re-engineer, there are stumbling blocks in front of you. He said if the process is going to work, government uses people in the community to get the will and consciousness of the community as they make decisions. He said if it is perfect, they don't need them, but if it is not perfect that is when you need the people in the community to step in and let the Commission know what their struggles are. Theoretically the Commission is supposed to look at the big picture and you have these boards out in different areas of the community that bring forth different issues and try to work them out. He said this is the process and when you can't work them out, you bring them up, that issue is discussed and then the Commission gets some sense of where they want to go back to the Board. He then stated to Mr. McMillan that "even though you did not figure out that is what they wanted this time,

but maybe when you have a different problem next time you can figure that out and then maybe as the chairman, know what direction the Commission is going in and give your Board some better guidance". He told Mr. McMillan this is normal when a board has a problem the Chair will come before the Commission and ask for direction, the concerns are discussed and the Commission gives some direction, and you work through the problem. He said the problem is why the GHI Board is there; it's not because you didn't have problems, because if there were no problems then the Commission could work everything out. He said even though it may appear that it is not working, that in his humble opinion it actually is working.

Mr. McMillan thanked the Attorney for the civics lesson and stated the fact is nobody care more about establishing a hospital in Gadsden County than the GHI Board does. He said he has used the emergency room and the hospital over the past years and he knows the need for a hospital. He also stated what GHI has been working with is somewhat frustrating in seeing the numbers and it is easier for the Commission to have GHI and be able to say you want it done in a hurry and we want a timeframe, but that he doubted Attorney Williams could tell them when the timeframe is going to come for that CAH designation.

Attorney Williams said on the CAH designation the federal government moves slow, and the answer is "we're not sure". He said in dealing with federal government he does know it is important for you to constantly let them know this is important to you. He said "if we back off it goes away and then it dies from lack of attention".

Chair McMillan said GHI was not trying to back off, and what they really wanted was some direction from the Commission. He said GHI can certainly look at a vendor that would be viable with CAH designation, if that is what the Commission wants.

Chair Holt that is - she said she had just drafted the County Attorney to sit in with the GHI Board because "if they are saying we need that to hand them, then we are willing to say let's go and hand it to them because we have a company that is willing to work with us and now, what is their excuse. If that is their excuse, then let's take it away from them".

Commissioner Croley asked that the motion be restated in a short, concise way.

UPON A MOTION BY COMMISSIONER DIXON TO FOLLOW THE DIRECTION GIVEN BY THE ATTORNEY WHICH IS FOR GHI TO GATHER INFORMATION ON ALLIANT IF IT IS AVAILABLE AND TMH, PUT IT IN A FORM THAT THE COMMISSION IS LOOKING FOR TO BE ABLE TO SEE AND DECIDE ABOUT CAH DESIGNATION; AND TO PUT THE COMMISSION IN A POSITION TO MAKE A DECISION ABOUT IT. A SECOND TO THE MOTION WAS MADE BY COMMISSIONER PRICE.

Commissioner Croley asked if the Commission was just going to support GHI going back to do some exploratory work.

Attorney Williams said the issue isn't just fact finding. He said the reason the GHI Chairman did not present any numbers on Alliant is because they could not show their financial viability and that he was not comfortable presenting to the Commission the Alliant numbers, and if the Commission is going to seriously consider Alliant, the GHI Board has to have a comfort zone that Alliant is a viable company.

Mr. McMillan asked if GHI was to deal with those two vendors or look at others.

Chair Holt said she would not because if TMH is saying they can't do it, and it is within the County's budget then the Commission doesn't need to go down that alleyway any more, and we just need to go after what we can do and then let's just move on.

Attorney Williams said just for clarification, the issue is not just fact finding, it is for validation of Alliant or not, and if they validate, then consider the proposals as they relate to the CAH status as that is what needs to be demonstrated to CMS.

Commissioner Croley said what he is trying to get straight is that the Commission is not committing a large expenditure of money until this comes back with a recommendation from the Board.

Chair Holt stated there was a motion and a second and then called for a vote.

THE COMMISSION VOTED 5-0, BY VOICE VOTE, IN FAVOR OF COMMISSIONER DIXON'S MOTION AS STATED ABOVE.

CONSENT AGENDA

Commissioner Croley asked that Items 9, 13 and 14 be pulled.

UPON A MOTION BY COMMISSIONER DIXON TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF ITEMS 9, 13, AND 14, AND UPON A SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5-0, IN FAVOR OF THE MOTION.

4. Minutes of September 11, 2007 Special Meeting
5. Ratification of Approval to Pay County Bills as Reflected in the Accounts Payable Warrant Registers Dated October 19 and 26, 2007 and Payroll Warrant Register dated October 25, 2007
6. Approval of Chairman Holt's Travel to St. Augustine for The Florida Association of Counties 2008 Legislative Conference - leaving on November 13 and returning on November 16, 2007 - Cost of Approximately \$900.00
7. Approval of Commissioner Dixon's Travel to St. Augustine for the National Association of Counties' Health Access Forum and the Florida Association of Counties' 2008 Legislative Conference - leaving on November 12 and returning on November 16, 2007 - Cost of Approximately \$1000.00
8. Approval of Commissioner Croley's Travel to Gainesville, FL on November 13 for the County Commissioner Certification Workshop at approximately \$200.00
9. **THIS ITEM WAS PULLED FOR DISCUSSION FROM THE CONSENT AGENDA**
*** Approval of 2008 Holiday Schedule - 12 Paid Holidays:
New Years Day; Martin Luther King Birthday; Good Friday; Memorial Day; Independence Day; Labor Day, Veteran's Day; Thanksgiving Day; Day after Thanksgiving; Christmas Eve; Christmas Day; Floating Personal Holiday
10. SHIP Special Assessment Lien for Gloria Woodard - down payment assistance and closing cost
-
11. SHIP Housing Rehabilitation Special Assessment Lien and Rehabilitation Contract for Annie Gibson
12. Post Approval of Change Order #1 between BOCC and Solomon

Construction Extending Construction for 10 days AND CDBG Contract - Waste Water Infrastructure Project at I-10 and SR 267 - Modification # 4 with Department of Community Affairs - extending the deadline to January 16, 2009 so as to monitor the job creation numbers by DCA for 12 months

13. THIS ITEM WAS PULLED FOR DISCUSSION FROM THE CONSENT AGENDA.

Acceptance of the CDBG Grant from DCA for the Bradwell Huddle House Project
Post Approval of the Contract between BODD and Summit Professional Services, Inc. for program administration services for the Bradwell Huddle House project

Post approval of the contract between the BOCC and David H. Melvin, Inc. for engineering services for the Bradwell Huddle House Project

Authorization for the Chairman to execute future documents that are required as the project progresses from the preliminary engineering phase to construction and close-out phase. -(work directives and administrative documents) All change orders and contract modifications will be presented to the BOCC for prior approval.

Resolution No. 2007-060 OMB-BA# 080003

14. THIS ITEM WAS PULLED FROM THE CONSENT AGENDA FOR DISCUSSION.

*** Amendment to FY 2008 Planning & Zoning, Building Inspection Fees to Include Engineering Fees and Approval of Resolution 2007-059

CONSENT ITEMS PULLED FOR DISCUSSION

9. Approval of 2008 Holiday Schedule

Commissioner Croley stated he had questions last year with Gadsden giving 12 paid holidays and the surrounding counties and municipalities, as well as the State is giving 9, 10 or 11. He would again like the Commission to substitute the annual personal leave in place of the Good Friday holiday. He explained his reasons and explained he felt the County is being more than fair and generous, especially at a time when the public is looking more for production out of the staff.

Commissioner Lamb said he would like the County Manager to explain why the County gives so many days.

Commissioner Dixon stated the County Manager doesn't give holidays, the Commission does.

Commissioner Lamb asked Commissioner Dixon what he suggested and Commissioner Dixon responded "the same ones that are always on the agenda".

The County Manager explained he did not choose the dates, that they are dates the Commission has historically provided to their employees. He said the surrounding counties give more personal holidays and if you look at the total number of holidays given, Gadsden County actually gets less. He did request if the Commission considers cutting the holiday schedule that they consider giving the employees more vacation days.

Commissioner Croley said he wanted to register that this is an excessive holiday schedule.

UPON A MOTION BY COMMISSIONER DIXON TO APPROVE THE HOLIDAY SCHEDULE AS PRESENTED ON THE AGENDA, AND UPON A SECOND BY COMMISSIONER PRICE, THE BOARD VOTED, 4-1, BY VOICE VOTE, IN FAVOR OF THE MOTION. COMMISSIONER CROLEY CAST THE ONE OPPOSING VOTE.

13. Acceptance of the Community Development Block Grant (CDBG) from the Florida Dept of Community Affairs for the Bradwell Huddle House Project and Approval of Contracts with Summit Professional Services, Inc. for Program Administration and David H. Melvin (Engineering) in the amount of \$750,000.

Commissioner Croley said he was pleased that Mr. Bradwell had received the Block Grant funding but stated he has concerns with the "post" approval of already signed contracts and stated Ms. Saunders had called him this afternoon explaining this was oversights. The contracts had been assigned without Board approval in haste of getting the grant application in. He said his only concern with this is to confirm that this will not put Mr. Bradwell's grant in jeopardy in any way.

The County Manager said it would not and explained this is a competitive grant and it was done this way so Gadsden could be one of the first counties to get part of the money. He explained it was done in a quick turnaround to get it back to DCA. He said as with other practices that they have done in the past is when they have the Chairman execute a contract, it is brought back to the Board for post approval.

Chair Holt said in order to make sure the County met the deadlines and beat out the other competitors, that was what they did and if they had not done that, they would not have gotten the \$750,000 as that is what they were told.

Ms. Farnita Saunders CDA Director stated the County Manager had stated exactly the facts the way they happened.

Commissioner Lamb asked if this was bid out and the County Manager stated it was bid out and the Board had approved the consultants on July 3rd and once the County got the contract back from DCA, and in order to be sure they were competitive, they had the Chairman go ahead and execute those contracts and that is what is being brought back before the Commission tonight.

Commissioner Lamb asked if the Commission members had been told, not just notified in a meeting, that this was what had to happen?

The County Manager stated at the July 3rd meeting there was actually the process that would take place in terms of getting the \$750,000. He said when the contract was executed back in September the members were not actually notified that they had executed the contract.

Commissioner Lamb said what the County Manager needs to do in the future is if it is on a tight schedule and he can't get an item to the meeting, the Commission members should be notified in some sort of way. County Manager Brown agreed with Commissioner Lamb.

Commissioner Croley asked the County Attorney if he was in agreement as to what had been represented as far as any legal problems associated with the Bradwell grant.

The County Attorney stated he is going to do some additional research on this, but generally the Commission can ratify actions after the fact by a legal term. He said he would do some further research just to validate it. He said obviously the best decision is to have pre-approval from the Board. He said the question is whether staff can do anything in anticipation of Board approval and if the Board does not approve it to then pull it, then if the answer is yes and there are no financial expenditures then there is no negative impact to the Board. He said his gut reaction is yes; not desirable, but as long as the Board ratifies the decision then he believes it is acceptable.

Commissioner Croley said based on the opinion given to the Board by the Attorney he would like to make the following motion.

UPON A MOTION BY COMMISSIONER CROLEY TO APPROVE ITEM 13 BASED UPON THE OPINION GIVEN BY THE COUNTY ATTORNEY, AND UPON A SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

14. Approval to Amend FY 2008 Planning & Zoning and Building Inspection Fees to include Engineering Fees and Approval of Resolution 2007-059.

Commissioner Croley said this item authorizes Prebble-Rish to invoice the County for the reviews they conduct every month at a fee that went from \$75.00/hr to \$300 for a plan review, for example, and this fee schedule is being passed on to the public. He said his concern is the substantial change and he asked Mr. McCord, Growth Management Director if that had been bid out.

Mr. McCord said that was the contract done a year and a half ago and that he was only one of the many persons involved in the benefits of the services of the contract. He said he was not managing the contract; only the beneficiary.

The County Manager said this was actually approved by the Commission in December of 2006, that the Board had approved Prebble-Rish to be the County engineer of record in October, and then signed the contract in December 2006. He said there are a number of costs associated with the principles of doing work for the County and the numbers seen here reflect those numbers. He also said the County has reduced the number of items for planning review that Growth Management does and what the County is trying to do is get all the numbers in compliance so that Prebble-Rish is not short on the amount of work they spend on the plan reviews.

Commissioner Croley stated "So, this is to benefit Prebble-Rish"?

The County Manager the County has a contract with Prebble Rish which has a schedule of costs associated with that, and those numbers are in line with what they are requesting of the Commission.

UPON A MOTION BY COMMISSIONER DIXON TO APPROVE ITEM 14 AS PRESENTED ON THE AGENDA, AND UPON A SECOND BY COMMISSIONER

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

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS

Chair Holt stated two citizens had signed to be heard.

Mr. Ed Allen a resident of the Lake Talquin area appeared in reference to an article in the Tallahassee Democrat quoting the County Manager as saying the asphalt recycling plant (on 267 South) was there before the County's growth maps were approved in the 1990's. He said he believed the Comp Plan was approved in 1991 and the asphalt reconditioning plant was put there temporarily in 1992 and then got an extension of the temporary permit to 1994. He said he does not know of any other permits they have gotten since that time, other than an air quality permit. He said he just wanted Mr. Brown to be aware of that and said Mr. Brown may have been misquoted in the Democrat but wanted to be sure they were talking about the same asphalt plant.

The County Manager responded, yes we are. He said he sent a packet to the Democrat that had the information in it as to when the plan was approved and when the Comp Plan was also adopted. He said what the Democrat took out of that he cannot control.

Mr. Allen asked if the public records that the County has that it was put there in 1992, temporarily, was a fact and Mr. Brown responded that was a fact. He also said the same article states no one has asked the County to prohibit additional sand mining in the areas having agricultural zoning. He then said, "Let me be the first to ask you not to permit any more sand mines out there". He said they are eaten up with dump trucks out there, and he asked if all they had to do was ask not to have any more out there.

The County Manager asked Mr. Allen to get with Mr. McCord as that would be Comp Plan Amendment and a Land Development Code Amendment that would have to come before the Commission to approve the prohibition of that type of land use.

Chair Holt advised Mr. Allen the 3 minute time limit was up and the Commission must move on.

Ms. Cathy Crow raised questions about the recycling program and asked if it was correct the recycling department took 895 tons of recyclable items and dumped it in the Decatur County dump.

The County Manager said the only person he had questions from on this issue was Commissioner Croley and by em-mail he sent all of the Commissioners information that as part of the clean-up there were contaminated items left in the yard over a number of years, that there was some quality paper that was part of that, but not all of that material was recyclable, and that yes it was taken to the Decatur County Landfill. He said all of the material they had was sorted and prepared for delivery to the recyclable center and taken to the recyclable center, other than two truck loads that was dumped.

Chair Holt said on that item the Board would need to see the e-mail and then look at it. She asked if Ms. Crow could get the information to staff and they can look at it.

Ms. Crow stated the em-mail was from Commissioner Croley to Ron Hamlicks and she asked Commissioner Croley if he wanted to forward it to them.

Commissioner Croley stated Gadsden County had sent a total of 895.74 tons of recyclables, sorted and unsorted material, to the Decatur County Solid Waste Facility between 8/1 and 8/31 at a cost of approximately \$26,426.00 with 218 county dump truck loads one way (436 loads round trip if you figure going and coming). He said that is a fact.

Chair Holt asked Commissioner Croley if he had given that to the County Manager and Commissioner Croley responded the County Manager is going to get the information.

Chair Holt said there is no such thing as a fact until he gets it.

Ms. Crow said it was her understanding that over 1200 families in Gadsden County have been washing, sorting and dragging to the road all of their recyclables and they are not being recycled. She said it is not fair and she asked the Commission if she should put hers out tomorrow morning.

Chair Holt said "I would not unless you know someone is coming to get it."

The County Manager stated they had sent letters to all the citizens on the recycling program and shared with them that the program will continue through December 31. He said the County is picking up recyclables and is not taking it to the Decatur

County Landfill and if anyone has information that they are taking recyclables that could be resold to the Decatur Landfill, to please let him know.

Chair Holt asked if Ms. Crow had some information she wanted to give to the County Manager so he could look it up and get back with her, and Commissioner Dixon stated he had it.

Commissioner Dixon said he is at a loss with this and he knows they can bring people up at any time from the audience but that he was sitting here reading a letter that the Manager had received that had all kind of four letter words in it from somebody that is recycling. He asked why anyone would send a government official a letter like that and he said he is always somewhat surprised to find that Commissioner Croley is at the bottom of it. He said the vote to do away with recycling was 5-0. After further discussion by Commissioner Dixon, he said he was also concerned about the papers that write it; that the Havana Herald called it concerned citizens - concerned citizens called DEP. He said "say it like it is and stop covering for Commissioner Croley and his dirty deeds."

As discussion followed between Commissioners Lamb and Dixon, and with Chair Holt calling for order back on the Board, she advised the public she would put them out if they commented on anything else and said that goes for members of the Board also. Chair Holt asked that another Deputy be called. Chair Holt brought order back to the meeting and asked that the meeting continue.

Commissioner Dixon extended his apology to the Chair and the audience.

Mr. Charles Roberts addressed the Board asking about the decision the Board made on the Cunningham property which joins Mr. Roberts land, and Chair Holt asked Mr. McCord for a quick up-date on that issue.

Mr. McCord said this particular property was originally 1.5 acres and split in the middle by a parcel that was sold prior to adoption of the Comp Plan. He said the property already has one house on it and Mr. Cunningham wants to put a smaller house on the 1/2 acre lot which is not compliant with the Comp Plan. Mr. McCord said he has sent information to the Attorney for review but has not heard anything back on it at this time. He also said it would be a violation of the Comp Plan to permit a house on the 1/2 acre lot, even though the Board appeared to have a majority consensus to find a way to allow it to work. He said

he has not found a way to make it work short of amending the Comp Plan.

The County Attorney said he has not come to a conclusion either. He said when the application came before the Board there was no opposition.

Mr. Roberts said he is in opposition.

Attorney Williams stated since the issue was being reviewed, he could give the Chair the contact information for Mr. Sexton and he could review it and factor this information into it for making a recommendation back to the Board.

Commissioner Croley addressed Mr. Roberts and said Mr. Cunningham had come before the Commission indicating a desire to use a portion of the property east of Mr. Roberts, and it was represented that (stated he thought Commissioner Holt had stated she had communicated with Mr. Roberts and if there were no tenants there, that he had no opposition). He said on that basis the Board members were amenable to allow the attorney to look at this and see if there was some legal way Mr. Cunningham could utilize his property. He said Mr. Roberts presence tonight confirms that consensus was not the case and he (Mr. Roberts) has legal rights also to be protected. He said he was sure (as Commissioner Holt has expressed) that Mr. Roberts would also be given that protection in the process.

Mr. Roberts thanked the Commission.

Ms. Lola Wallace addressed the Board on the hospital opening and said the senior residents, as well as all citizens of Gadsden County need a hospital. She does volunteer work at the Gadsden Senior Center and presented a poem "Open our Hospital" which she had written and said all of her seniors agreed with it. Ms. Wallace said that was from her Gadsden County Senior Citizens - all 6,000 of them. She also presented a petition from the Seniors for opening the hospital with 106 signatures. Ms. Wallace stated she has purchased a small megaphone for her use with another small group of people for going into the community to let them know about the hospital, the procedures, how it is getting open, what needs to be done to get it open, etc., and she then asked County Manager Brown if it was against the law for a citizen to have a bull horn to go into the communities for giving good advice on the government's and the citizens standpoint of what is going on with the hospital.

County Manager Brown said the County has a noise ordinance, but he does not believe it addresses the use of a bull horn and he deferred to the County Attorney.

County Attorney Williams said the Ordinance is under review at this time and she asked that they please not have it under review right now, because she could not help her seniors - can't tell them what is going on -

Chair Holt asked that Ms. Wallace get with the County Manager on that. She said it was very tenacious of Ms. Wallace and certainly a good idea.

Judge Stewart Parsons addressed the Board on the recycling issue. He said everyone on the Board are his friends, but he wanted to be on record as an individual citizen/resident of the western part of the County, and stated he is deeply concerned about the Board's decision of discontinuing the recycling program. Judge Parsons said he feels that is a major step backwards in terms of the progress of the County, that Gadsden County may be perceived as taking a regressive step in an area that deserves a lot of attention. He said it is his understanding the County receives a \$277,000 solid waste grant that has always been used to fund the recycling program and the County, out of different revenues, chose to subsidize the solid waste pick-up points and what they have elected to do is to take that grant money and subsidize the waste pick-up points rather than fund the recycling program. After further comments from Judge Parsons, he ended his comments with saying he feels when people look at Gadsden County and learn the County has discontinued the recycling program that they will not perceive Gadsden County as a progressive county.

The County Manager inquired of Judge Parsons as to whether or not he knew staff would be bringing back before the Board the drop off recycling, and he asked if that was something the judge did or did not support.

Judge Parsons responded he was encouraged by that, glad to see that and he felt when DEP got involved it brought that about and he was glad to see it. He said he would like to commend the County Manager for meeting with him on this issue and it was a very informative and productive session and stated he enjoyed meeting with the Manager on the issue.

Commissioner Dixon said "we are calling it backwards, but we are still burying our garbage in our backyard, and that is the

equivalent of backwards. Recycling is about one percent of the amount of garbage generated in Gadsden County - might be just a little bit more - a bigger problem. The problem, not that recycling isn't a problem because it is, and "we" should pay attention to it, given the funds. Nobody wants to talk about garbage. Garbage is all over the County and we get pinched on about recycling. There is probably a million tons of garbage generated in the County and where does it go? We have 13,000 houses and only 1100 with garbage permits, leaving 11,000 doing what with their garbage? Someone tell me what those 11,000 are doing with their garbage".

Judge Parsons asked how many homes were on the garbage pick-up before the County opened the subsidized pick-up points.

Commissioner Dixon said 1,200 - most of them in the City, not in the County.

Judge Parsons stated all he knows is that out in the County where he lives, he paid \$65.00 every three months to have his garbage picked up and his neighbor takes his around the corner for \$50.00. He said his neighbor had pick-up service before the County started subsidizing the pick-up points.

Commissioner Dixon said, Your Honor you can't use the numbers to make your case and forget about the numbers when we talk about garbage".

Judge Parsons said he is not trying to compare garbage to recycling, that recycling is important.

Commissioner Dixon said if it is 2% of what is generated, somebody should be concerned about the other 98%.

Judge Parsons stated he thought the County should be doing both, and he thought the County could find other things to eliminate in their budget.

Chair Holt told the Judge she appreciated his input, but as she had stated, "all 17 come back at the same time and that is the way we do it; "we take care of business like it is business, I've noticed you do the same thing in the Courtroom. Good job".

Commissioner Croley stated to Judge Parsons that the figure in the 2005 DEP report on recycling was 25% of the solid waste in the County going back (generated in the County total tonnage) into recycling according to the figures. He said that could be

checked on the DEP website and that there was also a remarkable decrease in the year 2006. Commissioner Croley addressed the Chair and stated, "and as far as the record is concerned, Madam Chair -Yeah, I make no bones about it as I have given a press release about it. I don't have any objections to the DEP looking at where the funding they are providing is going. I think they should. I think the citizens need to know because tonight, sitting in front of my driveway is my recycling bin and in the morning that truck needs to be there to pick it up; and I don't want to know that it was put in the Decatur County Landfill without being processed and possibly sold", He said he thought that was what the Judge was saying about the need - it is a matter of good faith. He said the final thing is DEP was not going to give the County the \$277,000 because the County was ending the recycling program and it was only after that issue was raised with them that they bothered to send a letter to the Solid Waste Director Mr. Anthony Powell to remind him of that fact, and only then was there an effort made by the County to "offer recycling back through the solid waste collection sites". He also said, "Yes we are, Commissioner Lamb and I are I suppose really bad guys because 93% of the recycling folks are in the Havana and Quincy service areas; so yeah, if we're speaking up for you on the recycling matter, Judge, and the others who are interested in it and care about the environment in the future, we plead guilty, or at least I do".

Chair Holt asked the Judge and Commissioner Dixon to hold on just a minute. She then stated, "Before we continue this brawl- it's gone from a fact to a brawl, I would like to say this. I spoke with DEP on two different occasions and I have never heard so many lies coming from one side or the other in my life. It is so unusual that now even people at DEP are backing up and there is so much false information going from one side to the other, I wish they would stop. Everybody back up and close their mouths and wait. All the issues are coming back before us anyway so I don't know why everybody is just throwing up sticks and leaves and stuff and trash like two bunches of gorillas out there waiting on what to happen because it still has to come back before this Board. She told Judge Parsons she understood his concern.

Judge Parsons said he had forgot to say and what he wanted to include was that he volunteered to work with the County, put together an advisory committee, work with the County Manager, explore all the options that the County has on recycling to see if we can't come up with something the County can afford and will really met the needs of the people that have a strong

interest in this.

Chair Holt said DEP told her they had no intentions of getting into this nonsense. She said isn't that something? They really don't want anything to do with it now.

Commissioner Dixon said, "Madam Chair, how conveniently we forget the letter we got from DEP saying what we were doing was okay."

Chair Holt said, "Right, and they named people today that were wrong that work with this County and they said they were wrong. That's DEP and I did not call them, they called me today. All this false information and these lies flying back and forth, let's stop it, let's move on. We will find out and we will take care of it when we get to it".

Chair Holt asked Ms. Mary Stone to come forward and someone from the audience stated Ms. Stone had left.

Chair Holt then called Rev. Charles Houston forward on the Bear Creek Music Arts Festival.

Rev. Houston thanked the Commission for the action they had taken concerning this proposed festival and he urged that the Commission read the "bits and pieces from Bear Creek & Funknjam Websites" and then they will never, ever allow an event of this sort to come to Gadsden County. He also presented a petition with over 300 names in opposition of the festival and it was the desire of those people not to just do away with drinking, alcohol and drugs, but rather to do away with this period.

Chair Holt thanked Rev. Houston and said the article is from a website (and if it is their website that she would hold them accountable) but explained if you put a link on your website and it is a chat room, anyone can write or say anything. She said she wanted to make sure the people know the Board is not saying that particular company, but rather any company. She said they will be down at the Suwannee Music Park and several of those commissioners had called her and told her "thanks" for the business, and some of the people down there are happy to have it because they say it will help boost their economy. She said the bottom line is that she doesn't believe in accusing people of something, if it is a chat room they click on it, they can say anything they want.

Commissioner Croley said (more to the point of Rev. Houston)

that he asked the County Attorney to clarify who has the authority to enforce the Ordinance regarding the issue of misdemeanor. He said the County Attorney had called him, and he asked that he explain that for the benefit of Rev. Houston and others present.

Attorney Williams said, as he had discussed with Commissioner Croley, that this was an Ordinance that pre-dates him as the County Attorney, and he had a concern as to whether the County had the authority for criminal penalties within a County Ordinance. He said he is researching that issue because -- it is an easy answer -- that law enforcement is responsible for criminal violations and either a City Police Officer in their jurisdiction, the Sheriff or Sheriff's Deputy or the State Attorney's Office is responsible for finding and making a determination if a criminal violation has occurred. He said it could be through a reference from a citizen, but the question the Commissioner asked had a second question that he didn't ask and that was "do we have the authority in our Ordinances to impose criminal liability. He said he has researched it more since he and Commissioner Croley talked and he found there is a State Statute that provided authority in limited circumstances for a county to impose criminal liability, but that he has not yet connected it to the Statute, yet. He said he was concerned in giving the Commissioner an answer as to how it can be enforced with whether or not we had the authority to actually have that Ordinance in place.

Commissioner Croley asked if it was that a citizen could file a complaint with law enforcement and that would go (assuming that would be a misdemeanor) before the County Court.

Attorney Williams said they could file it and the law enforcement agency has the authority to investigate it and determine whether they would go forward with charges, that it is not automatic, it still requires an investigation.

Commissioner Dixon said to answer his question, the Board made a decision and that decision is good for one year, unless one of the Board members who was in the majority brings it back up. That was the decision to deny the permit. He said it needs to be made clear that in regard to any land use decision the Board cannot just tell people unequivocally No. He said you have to give people stated reasons as they have the opportunity to remedy them and they have rights, and then they would have the right to literally sue this Body because they are in accordance with the our law and "we" are not giving it to them.

Mr. Michael Mullis addressed the Board in reference to the Bear Creek Festival and stated the folks that have come down and the Board said were citizens are actually citizens of Georgia, not Florida. He said most of them are owners of large plantations in Thomas County and after further comments he said those people should give this "great economic" benefit to Thomas County rather than to the people of Gadsden County that do not want it. He said he had called Commissioner Dixon because he was very aware of where this piece of property is located and Commissioner Dixon had made the statement that this was one of the worse sites in the County to hold a festival because of the ingress and egress and other factors. Mr. Mullis said this land will not move, it is always going to be in the same place long after we are all dead and gone, and that is one situation he did not how the County could remedy it. He also said in addition to the petition, there are many more that are against it, but have not spoken out or signed a petition.

Chair Dixon addressed the Chair stating Mr. Mullis said "they are from Thomas County. Does that say that someone from Gadsden County could do it? He said that is why you have to stick to the detail about the technical - about the law". That is not a reason the Board could say No.

In response to Mr. Mullis comments, Chair Holt said if they remedy the items stated to them by the Board, they have the right to come back before the Board at a later date and make their request again.

There being no other public comments, the Chair asked the County Manager to move to the next item on the agenda.

PUBLIC HEARINGS

15. Public Hearing - Approval to Fund the Purchase of Two Ambulances and Two Cardiac Monitors . Resolution # 2007-062, Budget Amendment OMB-BA # 08004.

The County Manager explained this item seeks Board approval, and as directed by the Board on October 16, staff has allocated funding from the County's general fund--fund cash balance, in the estimated amount of \$260,000. He also stated this was a public hearing item.

Chair Holt called for public input and Ms. Emily Rowan

addressed the Board stating her support of the purchase of two ambulances as well as the two cardiac monitors. She said her family has had cause to use the Urgent Care Facility, that it was very nice, the doctor and medical staff treated them very quickly and in a follow-up to their family physician the following day, he confirmed the very diagnosis that had been made at the Urgent Care facility.

Chair Holt thanked Ms. Rowan for her comments and support. She also stated she has done a lot of research on that issue, especially with doctors in the County and she thought everyone would be amazed at some of the information coming up.

Commissioner Croley said he was in support of Commissioner Dixon's recommendation and it has been made very clear as the public needs the ambulances because "we" have to depend on them for transport as previously discussed. He asked that the motion be moved forward.

UPON A MOTION BY COMMISSIONER DIXON AND A SECOND BY COMMISSIONER CROLEY TO APPROVE THE PURCHASE OF THE TWO AMBULANCES AND TWO HEART CARDIAC MONITORS, THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

Commissioner Dixon suggested to Mr. Beasley that they get some heavy duty ambulances because they would have to put a lot of miles on them.

Chair Holt said she could hear those people asking "where is the money going to come from" and she said don't worry about it just get some good ones.

The County Manager said staff is exploring some different options on the type of ambulances (design) and they will bring that back to the Commission once staff comes up with some options.

Chair Holt said they need to be effective, work well, something that will get them through the long haul -

Commissioner Dixon suggested they may need to get a larger truck, more sturdy - will hold up to the number of man hours that will be put on those ambulances.

AT THIS POINT OF THE MEETING, COUNTY MANAGER BROWN ADVISED

MR. KEVIN VISLOCKY WAS BEING TAKEN OUT OF TURN AS HE HAD FILLED OUT A CITIZENS APPEARANCE FORM.

Mr. Vislocky of the Reston Development addressed the Board stating he has an issue before P&Z concerning a 2.7 acre lot he owns next to his current residence. He stated he has a potential buyer that wishes to build on that parcel and that Mr. McCord had said he feels due to the Comp Plan, Policy 1.5.2 and because of the way the land was broken up in the Reston area under the Comp Plan, that he (Mr. McCord) did not feel it met the requirements and had recommended Mr. Vislocky appear before the Commission to plead his case and ask them to intercede on his behalf on what he wishes to do.

Commissioner Dixon asked if the Commission could hear this request since it is before the P&Z Board.

Mr. McCord explained it is not before the P&Z Board yet, that Mr. Vislocky had come to his office and they had spoken about it. He said Mr. Vislocky owns a platted lot (Lot # 49) in Phase Four of the Reston Subdivision. He explained lots 50 & 51 are not platted lots and had been reserved for a possible future phase, but were specifically excluded from Phase Four and the plat actually states this is not part of the plat. He said the reason that was done is because of other statutes regulating this property and what Mr. Vislocky is stuck with is he purchased lot 49 in 1990 and then bought the rest of the property later in the same year. Then in 1991 the Comp Plan was adopted which established Ag-2 (one to ten) and Mr. Vislocky's combined property is about six acres. He said the policy Mr. Vislocky referenced is that at the time of the adoption of the Comp Plan if you owned two or three lots together at that time, they were essentially treated as one lot for purposes of complying with that land use. Mr. McCord said if Mr. Vislocky owned lots 49 & 51 and someone else owned lot 50, he would be able to build a house on lots 49 & 51, but because the lots are contiguous to each other and the way the policy is written, he has essentially lost out. He also stated if Mr. Vislocky had purchased the additional property after adoption of the Comp Plan he would be allowed to and that is what they are up against. He said to overcome that there are some remedies which he is prepared to present to the Commission as Mr. Vislocky had requested to be placed on the November 20th agenda. Mr. McCord said he has already started preparing an agenda report that will explain Mr. Vislocky's remedy (some will include land use changes) in anticipation of the

Commission possibly doing that.

Chair Holt asked if it included looking at whether it would be necessary to go through the Planning Commission and Mr. McCord said it would be required as either option being considered at this point would require Planning Commission and DCA review.

Commissioner Croley asked Mr. McCord if all of the lots surrounding this were 10 acres and Mr. McCord said they are not.

Commissioner Croley said it appears to him to be a mistake on the zoning map because all of those lots are less than 10 acres and it also looks as what is being requested is another 'common sense' matter as the Board has previously discussed. He said he continues to represent that he is not in support of contiguous urban sprawl represented by RR, but quite clearly as he and Commissioner Dixon had referenced on other matters in the past, there are certain cases where common sense tells you a mistake was made in the Plan that needs to be corrected.

Mr. McCord said he couldn't agree more.

Commissioner Dixon said the law clearly does not allow them to exercise common sense, but he had no problem with mandating Mr. Vislocky back to Mr. McCord's office and to come back before the Commission with something or to let Mr. Vislocky go through whatever process Mr. McCord deems necessary.

Mr. McCord said in the recent past Planning & Zoning Board has suggested in many cases where they know there was an oversight to propose Administrative Land Use Changes to essentially best fit those properties the way they should and that this is a clear case (much of the Reston Subdivision). He also said there are some lots in there that are over 10 acres and the Commission would have to address those the best way they want to; perhaps keeping those in AG-2, but a lot of the lots in that subdivision are 2-1/2 to 3 acres and if that is the case, a lot of those lots could be subdivided themselves - replatted. He said, of course, the Commission has the ability to say No to that because of the compatibility issue.

Commissioner Dixon said if they are going to try to fix this whole situation, that he does not feel Mr. Vislocky should have to bear that financial burden.

After further discussion it was agreed that Mr. Vislocky and Mr. McCord would get together and come up with options and bring them back to the Commission.

16. Public Hearing - Comprehensive Plan Amendment - Capital Improvements Element - CPA-2006-07AD - Large Scale Amendment (1st Reading)

County Manager Brown stated this is and Administrative Item which comes before the Commission every year and is the second public hearing on this item. He said the proposed is the early up-date to the Capital Improvement Element.

Mr. McCord then presented the proposed Draft Ordinance to revise the Capital Improvements Element and stated it was the first reading. He said it has been reviewed for its consistency with the County's adopted budget that was passed earlier last month. He said there are some corrections that will be made (typo's and filling in some of the obvious omissions). He explained Exhibit A as shown in the attached agenda packet and said the underlined text is the new text and the shaded or struck-through text is to be removed. He stated he would answer any questions of the Commission and that the corrections would be made prior to bringing it back for a second reading. He said they will need to update and adopt the Comp Plan Capital Improvements Element before the year ends. He also stated the County Manger has scheduled this item for more detailed discussion in a work shop in the event the Commission has more in-depth questions but said they do need to move it along at this point.

The County Manager said this is very important to the Board - it basically is their Capital Improvements Element and represents the direction the Board would like the County to go in. He said his purpose for scheduling this for a work shop is to get the Board's vision of where they would like the County to go -- if the Board wants more roads paved staff would like to know that also in the workshop scheduled for November 19. He said that is the type of information needed in the workshop so when the County's next year and next five-year budgets are developed staff will understand what the direction is; whether more bridges, more

ambulances, a facility for public safety. He said that exercise will give the direction they need as a vision for the next five years.

Commissioner Croley said if this was coming back for greater discussion that he has six questions that he would like to state for public record in this hearing and that he would then share them with Mr. McCord and the County Manager to allow them to be prepared to answer.

- (1) Why is the Capital Improvements Element Plan now going to DCA and what new needs have prompted it?
- (2) How are these needs related to the six major land use changes now before DCA which are in legal question?
- (3) Who are we paying for these capital improvements?
- (4) Is this proposed Capital Improvements Plan consistent with our adopted Comprehensive Plan?
- (5) Where is the data analysis that documents, demonstrates, or shows the Plan is consistent with the adopted level of service detailed in the adopted Comprehensive Plan?
- (6) What are the levels of service in Gadsden County for water, sewer, roads, bridges, solid waste, and are these levels adequate?

Chair Holt called for additional questions or comments from the Board. She then told Mr. McCord that she noticed a couple of areas and she would get with him on those.

Chair Holt called for public comments for or against this item on the Comprehensive Plan and there was no none.

Chair Holt stated one her closing items for tonight is they need to workshop the Comprehensive Plan in extensive format over "X" number of months.

The County Manager stated Mr. McCord is working on a plan to get a consultant aboard to look at both the Comp Plan and the Land Development Code.

Chair Holt responded, "Yes sir, because it does not match anymore with the growth".

Mr. McCord said primarily the Land Development Code is what the consultant was hired to do. He said they will be doing an evaluation appraisal report (hopefully next Spring) which

will be due to the State in 2009, so there is going to be a lot of things going on as far as revisions, whether on Comp Plan Policies or Land Development Code Regulations.

Chair Holt said she is more interested in the Comp Plan because the Land Development Code is only going to do what the Comp Plan says to do, and they will need some help in that area.

UPON A MOTION BY COMMISSIONER DIXON AND A SECOND BY COMMISSIONER PRICE TO APPROVE ITEM 16, THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

17. Public Hearing - Lonnie Lee Small Scale Future Land Use Map (FLUM) Comprehensive Plan Amendment - CPA -2007-04 Changing 8.55 acres of a 14.77 acre parcel from the Agricultural 2 (AG-2) land use category to Rural Residential (RR) category

The remaining 6.22 acres is proposed to remain AG-2. The applicant proposes a seven (7) lot minor subdivision in a clustered lot design with site-built homes.

Owner: Lonnie Lee

Applicant: Florida Environmental and Land Services, Inc.
(FELSI)

Location: East side of Union Chapel Road approximately 1045 feet south of the intersection of Union Chapel Road with Juniper Creek Road and one mile north of the intersection of Union Chapel Road and Providence Road

TAX ID 3-13-2N-5W-0000-00434-0000

Type of Action: Quasi-legislative action in conjunction with the advertised public hearing as a small scale amendment to the FLUM per Subsection 7401.A.2 of the Gadsden County Land Development Code and Chapter 163.3187(1), Florida Statutes.

P & Z Commission Recommendation: October 11, 2007- Recommended **DENIAL** of the application based on findings listed in the attached agenda report.

Staff Recommendation: **DENIAL** based on the findings listed in the attached report.

An overview of the application was presented by Growth Management Director Bill McCord as shown in the attached agenda packet.

Ms. Elva Peppers of Florida Environmental Land Services addressed the Board on behalf of the applicant, explaining the second plan presented which would actually create a situation that could be considered in-fill. She said the 4.77 acre portion is what Mr. Lee wants changed to RR and the 10 acre portion would remain Ag-2 and would be available for only one ten acre lot.

Mr. Lonnie Lee, owner, also appeared and explained what he wanted to do - only wants to build two houses on the property -- one now and maybe one in the future.

After discussion among the Board, Chair Holt called for public comments/questions.

No one appeared in support of the request.

Mr. James Rogers spoke in opposition to the request.

After discussion from the Board on various ways to possibly settle this issue, Attorney Williams said what he was hearing is the Board has a different request than the application before them, and if it is the will of the Board to have this application reconsidered, there may be an Option under the discretion of the Board to have it sent back to the Planning Commission to have them re-evaluate what vehicle works for this. In light of the fact the Commission does not have the actual fact item that was presented to the Planning Commission, it almost suggests they need to revisit and then make a recommendation back up. He said typically when they make a decision to go in a different direction at least the underlying facts are consistent from the Planning Commission to you, but right now the Board has two different concepts. He said it seems to him that it is not appropriate for approval or denial and that it should be revisited, analyzed and properly presented to the Commission.

Chair holt advised Commissioner Price it was his district and asked what he wanted to do.

Commissioner Price inquired of Mr. McCord as to what would have to be done to get 2 houses on this piece of property.

Mr. McCord said the land use would have to change to RR and they could then create a site specific policy limiting that parcel to the two homes but stated that would be a text amendment which would have to go to DCA for approval. He said that would take about nine months as a large scale amendment. Mr. McCord said there is no easy solution.

There was additional discussion on the different land use possibilities and the family exemption process.

Mr. McCord explained the way the family exemption has been modified is that you can create as many as three lots as long as each lot is at least one acre. He stated that everyone should understand, under the family exemption those lots could not be sold out of the immediate family - those lots remain in the immediate family for ever.

Mr. Lee stated he didn't want to sell them anyway.

Commissioner Price asked if this would give Mr. Lee what he needed and Mr. McCord stated if that was Mr. Lee's intent. He reminded everyone again those lots cannot be sold and if they are repossessed by a bank the bank cannot sell them, and it goes back on the original owner.

Commissioner Croley expressed concern that citizens go into the Planning Department for information and they possibly get too much information which complicates things. He said if Mr. Lee wants to build two houses for his family members that he should be able to build one house, do the family split and then go on about his business. He then asked Ms. Peppers if, in her course of work for Mr. Lee, she had discussed the family split with him, and inquired as to why Ms. Peppers has gone this far in the process.

Ms. Peppers said No, she did not realize that was an option with Mr. Lee. She said regardless, they have come into these situations before where a decision is made and say something happens to Mr. Lee next year and he needs to get rid of the property, then he stuck in a position where he has two houses on one piece of property and he cannot sell one of them off. She said the reason they are here is to try and do it the right way and that it could be accomplished by going to Ag-1.

COMMISSIONER PRICE MOVED THAT THE PROPERTY BE CHANGED FROM

AG-2 TO AG-1 IN ORDER THAT MR. LEE CAN DO WHAT HE NEEDS.

No second was made to the motion at this point.

The County Manager said the Board needs to understand the process and how long it will take. He asked Mr. McCord to quickly explain for the Board.

Mr. McCord said they could prepare this for transmittal to DCA as a change from Ag-2 to Ag-1, but the Attorney had mentioned it may need to go back to the Planning Commission because it is different than what was proposed to the Planning Commission; however, since it is not a more (less density than was proposed with the original) it would become a large scale amendment because it is more than ten acres. He said it would have to go for compliance review and it will come back, possibly with an ORC report and they may reject it. He said it will then be presented back to the Commission along with the ORC report as part of the Ordinance and if the Commission decides to approve it DCA may find it in non-compliance and they will be in the same situation as with some other requests that will be discussed in several weeks.

The County Attorney recommended if it is going from Ag-2 to AG-1, that the Commission just give Mr. McCord guidance so he can do all of his research to be sure there are no show-stoppers, but then they are boxed in because they can't make adjustments. He then recommended the Commission give Mr. McCord guidance so that if he does all of his research to make certain we are legal, that there won't be any problems because they have mandated that and he may not be able to do anything to get to where the Commission wants him to get to.

In response to Commissioner Dixon, Mr. McCord said No, if the Commission's recommendation is to go to AG-1 on the whole property then it will not plot.

After further discussion, the following action was taken:

COMMISSIONER PRICE WITHDREW HIS MOTION.

COMMISSIONER DIXON MADE A MOTION THAT MR. LEE TAKE HIS PROPOSAL BACK TO PLANNING & ZONING WITH THE NEW REQUEST OF 2 UNITS AND A WAY BE DEVISED AND PRESENTED TO THEM THAT WILL GET US THERE; AND WITHOUT THE LARGE SCALE AMENDMENT THAT HAS BEEN DISCUSSED, THAT IT BE PRESENTED TO PLANNING & ZONING

AND THEN BROUGHT TO THE BOARD, AND COMMISSIONER PRICE MADE A SECOND.

Commissioner Croley asked if he understood Commissioner Dixon's motion that they were to take it back to P&Z to be re-submitted and without any commitments beyond that so there is a fair hearing given to all the land owners and Chair Holt responded, Yes.

At this time, Chair Holt called for the will of the Board.

THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF COMMISSIONER DIXON'S MOTION.

18. **PUBLIC HEARING** -

FINAL PLAT FOR THE GROVE, PHASE II SUBDIVISION (SD-2005-13)

33 lot subdivision on 33.95 acre parcel

Owner/Applicant: JLT Development, LLC

Location: East side of Bostick Road south of US 90 West approximately two miles southwest of downtown Quincy

Type of Action: Quasi-judicial in conjunction with the advertised public hearing as a Level II and Type II plan per Subsections 7103 and 7202 of the Gadsden County Land Development Code.

Planning Commission Recommendations: October 11, 2007 - voted unanimously to recommend approval based on the findings in the attached agenda report and contingent upon special conditions listed as a - g also in the attached agenda report.

Staff Recommendation: Approval based on the findings and contingent on the special conditions a - g listed in the agenda report.

Growth Management Director Bill McCord was administered an oath by Muriel Straughn, deputy clerk. He then gave an overview of the project with the details outlined in the attached report.

Chair Holt called for the applicant to come forward.

Mr. Jamie Thompson, representing the Applicant was sworn and

stated they have met all the provisions and submitted everything with the exception of the maintenance bond for the road. He stated he would take care of that item this week.

Chair Holt called for public comments from those who were in favor of the subdivision and there was none.

Chair Holt called for public comments from those who were opposed to the subdivision and there was none.

Commissioner Dixon said he did not see any sidewalk recommendations in this subdivision and Mr. McCord said the Board had granted a variance not to require sidewalks.

Commissioner Croley also raised questions as to how the solid waste would be handled. He also asked that the Commission, in the future, look at some type of Bond similar to the road bonds that will guarantee the enforcement of solid waste by someone.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 TO 0, TO APPROVE THE PROJECT DESCRIBED ABOVE BASED ON THE FINDINGS IN THE ATTACHED REPORT AND SUBJECT TO SPECIAL CONDITIONS A - G AS LISTED IN THE ATTACHED REPORT.

19. PUBLIC HEARING

ABANDONMENT AND VACATION OF STREETS AND WALKWAYS WITHIN TALQUIN SHORES PHASE I SUBDIVISION (A & V - 2007-003) AND ADOPTION OF RESOLUTION 2007-058

Growth Management Director Bill McCord stated this is the final action necessary to vacate the streets and walkways within the approved, vested, but unrecorded Talquin Shores Subdivision. He stated that the Board took action on October 2, 2007 to authorize the vacation of the streets and walkways after conducting a public hearing in conjunction with the approval of the Talquin Shores Phase I minor subdivision approval. Mr. McCord said the Planning Department is requesting approval of the Resolution as shown in the attached agenda packet, Resolution 2007-058.

Chair Holt called for public comment and there was none.

UPON MOTION BY COMMISSIONER LAMB, AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 TO 0, BY VOICE VOTE, TO APPROVE RESOLUTION 2007-058 VACATING THE STREETS AND WALKWAYS DESCRIBED IN THE ATTACHED AGENDA REPORT.

GENERAL BUSINESS AGENDA

20. Approval of Staff Direction for Reviewing Proposed Development of Property - Willie Candidate and William Walker

The County Manager Brown said this item seeks Board direction and asked that Mr. McCord state the items Mr. Walker is requesting and provide staff recommendation.

At the October 6, 2007 meeting, the Board directed staff to place this item on the agenda at a subsequent meeting. In the interim, the staff prepared a report for the Board's review.

Mr. McCord said Mr. Willie Candidate unlawfully subdivided Lot # 2 of the Woodlawn Acres Subdivision, a five acre tract purchased October 13, 1997. On April 25, 2003, Mr. Canidate recorded the sale of a one (1) acre tract and kept the remaining four acres without filing or receiving subdivision approval after being advised by staff that he could not subdivide the property as proposed.

The staff cannot issue a permit on the four acre parcel of Lot # 2 because it was created not in conformity with the County's Subdivision regulations and it is unlawful to re-subdivide any parcel of land that is not in compliance with Chapter 177, FL Statutes. In order to re-plat a recorded platted lot, such as the original Lot # 2, a major subdivision must be reviewed and approved by the Board.

The Woodlawn Acres Subdivision was recorded with a deed restriction which limited the development on each five acre parcel to "one single dwelling unit per lot." Subdividing of Lot # 2 without the lifting of the deed restriction would be in conflict with Subsection 4202©(4) of the LDC. The consent of the Woodlawn Acres Homeowners Association or the holders of all deeded/created lots within the subdivision is required in order to lift a deed restriction. This will take the legal transmission of approval of all property

owners within the subdivision to lift the restriction and to record the repeal of the restriction in the public record.

Additional discussion continued among the Board on this issue.

A MOTION WAS MADE BY COMMISSIONER CROLEY WITH A SECOND BY COMMISSIONER LAMB THAT BASED ON FACTS PRESENTED, "THE BOARD END THIS AND MR. WALKER WILL HAVE TO GO BACK AND WHEN HE GETS THE DEED RESTRICTIONS LIFTED, HE CAN COME BACK AND RE-APPLY."

After a brief comment from Commissioner Dixon, Commissioner Croley stated since he had made a motion and had a second, for the second time, that he would like the Chair to call the question.

Chair Holt asked if Commissioner Croley was asking to approve this or send it back to P&Z.

Commissioner Dixon spoke up and said Commissioner Croley was recommending to accept staff's request which is to deny Mr. Walker's position

Chair Holt asked to deny?

Commissioner Dixon asked the Chair to let Commissioner Croley clarify his motion.

COMMISSIONER CROLEY MOVED THAT THE BOARD ACCEPT MR. MCCORD'S RECOMMENDATION THAT MR. WALKER IS GOING TO HAVE TO GET A RELEASE FROM ALL PROPERTY OWNERS OF THE DEED RESTRICTION, AND THEN HE CAN COME BACK AND GO THROUGH THE PROCESS, AND COMMISSIONER LAMB MADE A SECOND TO THE MOTION. THE BOARD THEN VOTED 2-3, BY VOICE VOTE IN FAVOR OF THE MOTION.

THE MOTION FAILED WITH A VOTE AS FOLLOWS:

<u>IN FAVOR OF MOTION</u>	<u>AGAINST MOTION</u>
COMMISSIONER CROLEY	COMMISSIONER DIXON
COMMISSIONER LAMB	COMMISSIONER PRICE
	CHAIR HOLT

COMMISSIONER DIXON MADE A MOTION THAT THE BOARD GRANT MR. WALKER THE RIGHT TO PUT ANOTHER UNIT ON HIS PROPERTY, ONE HOUSE ON THE FOUR ACRES AND COMMISSIONER PRICE MADE A SECOND TO THE MOTION.

Chair Holt asked if Mr. Commissioner Dixon's motion was to put one house on his four acres.

Commissioner Dixon said correct.

Commissioner Croley asked the County Attorney if he was advising the Board to violate the deed restrictions.

The County Attorney said, as he had previously stated, he was not sure what the right course of action was, but "If it is the will of the Board to go in that direction, then I will do my best to defend it". He said he could not recommend it one way or the other at this point. After further explanation the County Attorney said he had not done any type of research as to what would be the ultimate solution, but the one thing he could say with certainty was on any issue that has been around for ten years, the answer is not very clear. He said if the Board asked if he could tell them that he recommends it, he could not do that, and if they asked if he could tell them to vote against it, that he could not do that either. He said this issue is more confusing, but if the Board make the decision to go in that direction, then it is his legal obligation as best he can to try and defend that position, and he stated that is what he would do.

**THE BOARD VOTED 3-2, BY VOICE VOTE, IN FAVOR OF THE MOTION.
THE MOTION PASSED.**

IN FAVOR OF MOTION
COMMISSIONER DIXON
COMMISSIONER PRICE
CHAIR HOLT

AGAINST MOTION
COMMISSIONER CROLEY
COMMISSIONER LAMB

Mr. McCord asked for clarification on whether the applicant would have to go through the subdivision process as the land was illegally subdivided. He said if the Board is granting the applicant a variance to waive all subdivision and allow him to put a second house on there, that he supposes the applicant also gets a variance from all the subdivision regulations. He explained there is a whole process for granting variances, other than what has been addressed today, and if it is the will of the Board to grant a variance, the applicant will need to come back to apply for the variance.

Commissioner Croley stated he had no problem approving the applicant to build another house on the 4 acres, if it is done properly, but for the record he wanted to say he thought the Chair was violating their own laws and regulations and that was not right. He also said, and meaning no disrespect to Mr. Walker, but if the position were reversed, the next person that stands up here would the Chair violate the rules for that person (he or she) too. He said there is no integrity. This is a who do you know arrangement. He said he thought it was bad policy and bad government and everything else, and that he hoped DCA and the lawyers would get it on it.

After further discussion among the Board, Chair Holt called the question on Commissioner Dixon's motion.

At this point, Commissioner Dixon stated he would withdraw his motion and Commissioner Price withdrew his second to the motion.

COMMISSIONER DIXON MADE A MOTION THAT THE APPLICANT GO THROUGH THE MINOR SUBDIVISION PROCESS.

Mr. McCord said since this is a formal platted subdivision under the Code, it requires it to go through the major subdivision, unless you grant a variance.

The County Manager said that information was in the agenda item, it is part of the background provided the Board, and if the Board were to decide to grant Mr. Walker the ability to build the additional house, he would have to go through the major subdivision process as shown on page 7 of their agenda item.

At this point Commissioner Dixon withdrew his motion on the subdivision, and stated he would return to his motion of granting the variance.

Chair Holt stated the Board was withdrawing the motion on the subdivision and making a motion for the variance. She called for a second to the motion, and Commissioner Price made a second to Commissioner Dixon's motion.

CHAIR HOLT THEN STATED THE BOARD HAD A MOTION FOR GRANTING MR. WALKER THE VARIANCE AND A SECOND, AND SHE CALLED FOR A VOTE FROM THE BOARD WITH THE MOTION PASSING BY A VOICE VOTE OF 3-2, IN FAVOR OF SAID MOTION.

IN FAVOR OF MOTION

AGAINST MOTION

COMMISSIONER DIXON
COMMISSIONER PRICE
CHAIR HOLT

COMMISSIONER CROLEY
COMMISSIONER LAMB

Chair Holt stated the variance has been granted.

21. COUNTY MANAGER'S AGENDA

No items for discussion.

22. COUNTY ATTORNEY'S AGENDA

He advised Commissioner Lamb the attorney's office is close to getting back with him on the noise ordinance. He said this appeared to be a fairly simple item, but it is not that simple and if enforceable it must be something that can't be challenged and stricken. He said they have been working on an Ordinance trying to place noise restrictions in effect 24 hours a day and they have found that there are very few counties that do that. He also stated the first Ordinance they had written up was solid, but on the time schedule or the period of times you can put restrictions on volume was not as simple as they had thought it would be, therefore, it is taking a little longer to get back with the Commissioner on this issue.

Potential Air Pollution Ordinance

The county attorney was asked to research air/odor pollution ordinances in other counties and the potential for the Board to adopt an ordinance. He said his office has researched the Ordinances in other counties and the potential for the Board to adopt an Ordinance. He discussed the comparisons of other small counties in the State, including those in the Small County Coalition as shown in the attached agenda. He said of the 21 counties in the Small County Coalition, none have specific air or pollution Ordinances. He said most small counties that have addressed the air or odor pollution problems did it through a Nuisance Ordinance. He said Gadsden does not have a nuisance ordinance at this time and neither does Leon County, but he stated some of the larger counties does, in fact, have an Ordinance.

Chair Holt asked if the Board was in line, not necessarily

having a law to enforce it, but what they do in terms of reporting or enforcing. She said she has received numerous calls from the Sawdust community concerning one of the factories in that area (Mushroom Farm).

The County Attorney said his recommendation would be if it is the will of the Board, that a nuisance ordinance could be done and then incorporate those specific concerns which would be more broad based, not a specific criteria where the County would have to go through DEP for approval of the Ordinance as it relates to air and/or odor pollution.

Chair Holt said she has not spoken to the factory about any of this, and she wanted to know what or how it could be handled - sit down with the people, call DEP?.

Commissioner Dixon said this would be just like the noise ordinance - very difficult to enforce. He said the County does not have that staff expertise and they would end up relying on DEP or somebody that is already regulating them. He suggested the better way of handling it would be for the County to get with the management of the factory because they know what their regulations are. He also suggested calling DEP to find out what their regulations are as it relates to that type of industry.

Attorney Williams stated a motion was needed not to go forward with an ordinance

UPON A MOTION BY COMMISSIONER DIXON AND UPON A SECOND BY COMMISSIONER PRICE THAT THE COUNTY ATTORNEY DOES NOT PROCEED FORWARD WITH AN AIR/ODOR POLLUTION ORDINANCE, THE BOARD VOTED 5-0, BY VOICE VOTE IN FAVOR OF THE MOTION.

23. DISCUSSION ITEMS BY COMMISSIONERS

Commissioner Lamb, District 1

Commissioner Lamb stated that because of a conflict, he would not be able to attend the CRPTA meetings and asked Commissioner Croley to take over for him. He said they meet the third Monday of every month at 1:00 P.M.

Commissioner Croley said if no one else wished to take on that responsibility, he would do what he could.

UPON A MOTION BY COMMISSIONER DIXON TO APPROVE COMMISSIONER

CROLEY TO REPRESENT THE BOARD AT THE CRPTA, AND UPON A SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

Commissioner Croley, District 2

Commissioner Croley said he wanted to state again for the record that there are many concerns about the ending of the recycling program. He said he has been in communication with the County Manager and has been assured that he is developing a report, especially addressing the curb-side recycling, the issue of how the recyclable materials have been disposed of to date and what is going on in an objective fashion. He said he has in deed been in touch with the DEP to learn about the grant process and what their expectations are. He said he has also been in contact with, as he had explained to the County Manager he would do, the Decatur County, Georgia officials regarding the amount of materials transported over their scales and into their solid waste facility on US 27 South. He said for these inquiries and requests for information, as he previously stated, with 93% of the active curb-side recycling customers being located in the Quincy and Havana service district, and for all of the reasons that have been brought up, that he will continue to make inquiries and he looks forward to the Manager's report on November 20. He said at that time the Board can deal with the matter in a factual manner.

Commissioner Price, Vice-Chairman, District 3

No items for discussion

Commissioner Dixon, District 5

Commissioner Dixon again apologized to the Chair for his behavior earlier in the meeting and he said "facts will find themselves out". He said the Board should become mindful of the folk who intend to lead them by misleading them. He said the County is moving forward and the back-biting should stop. He said he sat on the Board for 15 years on the down side of a 3-2 vote, but in all that time he never went out without going out fighting for Gadsden County. He said he had brought home a lot of money, could not control where it went, but never once did he ever back-bite his fellow commissioners; anything he had to say, he said it at the table and they didn't hear it in the streets. He said "you only get it as good as you give it" and if integrity is no

longer a plan around the table, then everybody needs to know what the rules are.

Commissioner Holt, Chairman, District 4

Request to Run for Second Vice President of the Florida Association of Counties

Chair Holt stated she is running for a 2nd vice-chair for the Florida Association of Counties, and stated she would like the Board's approval to do so.

Commissioner Croley stated he supports the Chair in this but asked, just for the record, if there would be any expense to the citizens of Gadsden County.

Chair Holt responded there would not be any expense to the citizens -not unless they want to help me buy some signs. She said she bares all the expense herself.

UPON A MOTION BY COMMISSIONER DIXON AND A SECOND BY COMMISSIONER PRICE FOR COMMISSIONER HOLT TO RUN FOR A 2ND VICE-CHAIR WITH THE FLORIDA ASSOCIATION OF COUNTIES, THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

Chair Holt stated the Health Council will be holding a meeting November 7th at 6 P.M. (6 P.M.-7 P.M.) in the Commission Board Room concerning Aids Awareness in the County.

Chair Holt asked that the public be mindful and not send any and further negative letters with profanity coming to the Commission or staff.

Chair Holt asked that the Board authorize the County Attorney to research and render an opinion and advisement of the Board action with regards to the following:

The Gadsden County Clerk's role, authority, responsibility based on the Florida Statutes, Florida Constitution and existing County Ordinances. She said her reason for asking for this is that "ever so often we have controversy and we should be able to clear that up and start trying to have a good working relationship, so we start from the legal side. Using existing County Ordinances or Policies is the first thing. The second thing, the application of previous court

decisions regarding Florida Clerk of Courts role to the Board of County Commissioners. His authority and responsibility, looking specifically at "Alachua vs. Powers" and "Brock vs. Collier County". Third, take any action needed to ensure the County Clerk's actions are appropriate and consistent with regards to legal findings of the two preceding requests". She said the reason for this is so we can set a good foundation, find out where we are and then start working, and try to work in a positive manner.

She also stated she would like to request the Board authorize staff to initiate "a public records request of the Clerk's Office for all detailed transaction, information for the recycling program for the previous five years. The reason for that is not just the recycling program - any other funds paid out by the County for any contracts or the like thereof of contracts, any checks or any dollars paid out by the County so we can find out where those dollars are going so we don't have to hear that there oral agreements made and written agreements made that are not approved by this Board".

The County Manager stated he thought Commissioner Holt would need some support from the Board.

Commissioner Dixon asked, "Why?"

The County Manager stated, "To give direction to the County Attorney."

Commissioner Dixon said, "She could give that request on her own, she didn't need the Board's vote on that."

The County Attorney replied that it was fairly extensive research. He reminded them that his office had done their presentation advising that his firm would go over their retainer by about \$20,000 at the end of the year. He said if this is a request to do this, he would ask that it be authorized to be put in the 800 category.

Chair Holt said she was sure there may be some discussion, but that the board needed some good understanding of the clerk's role.

Commissioner Croley said that the Chair did not need Board authority to ask for public records and that she did not need to hire the County Attorney at public expense to get

them.

He also said as far as the County Clerk's role, Gadsden County is a constitutional county government, not a charter government. It is all clearly laid out in the Florida Statutes, the Florida Constitution, the Attorney General's Opinion, and it should not be that complicated for anyone to look up. He said the application of the previous court decisions regarding Florida Clerk of Circuit Courts role with the Board of County Commissions is set forth in all those same statutes; and as far as paying money to find out what the Clerk is supposed to do for this Board, it's clear, he has a deputy clerk sitting in here and they do the financial administration - the check and balance on the County government. He also said to take any actions needed to ensure the County Clerk's actions are appropriate in regards to the legal findings of the two preceding requests, the Clerk is a Constitutional Officer elected by the people just as "we" are, individually, and as Commissioners over our respective districts.

Commissioner Croley said he did not have to ask the Board when he makes any inquiry of any State agency or any County officer, the same as any other commissioner in here, including the Chair. He said he could not see the justification for engaging additional legal expense for this matter, that it doesn't make sense.

Chair Holt said she would agree with Commissioner Croley, but for one thing. "We have these items come up ever so often and, is the over-stepping of boundaries on 'our' part or 'his' part?" She said it comes up quite often and she did not know if Commissioner Croley had been on the Board long enough to see it, but for five years she has seen it go over and over and the two clash. "It doesn't matter if you are an elected official, it doesn't matter if I'm an elected official, it does not make me right on issues and it does not sometimes make me mind my own business. That is something that it does not make us do. Let's get some ground work, let's start off so everyone knows where they are supposed to be because we have people over-stepping their bounds in the other departments; ours maybe also, but we need to be sure we do this". She said that was the opinion of Commissioner Croley and she needed to get the opinion of the rest of the Board if this was going to be an issue.

Commissioner Lamb said the Florida Statutes state what the

Clerk's duties are, and those things the Chair wants to obtain from the Clerk's Office, she should ask for them because they are public records and she should be able to get them.

Chair Holt said it was not a matter of her getting them, it was a matter of the Board having a legal opinion, getting the Attorney to look over them to give the Board a legal opinion.

Commissioner Lamb stated when "we" get them, if we want to ask the attorney any concerns that the Board has the right to ask that of him.

Chair Holt said, "OK, but we need to have all documents pulled on any monies paid out either on an oral agreement or a written agreement that was not approved by this Board. Now that may be given to you and it may not".

Commissioner Dixon said he did not argue with the Chair's ability to request to have certain documents, but he was not of the opinion that she needed the Board's approval to get it. He said he was of the opinion that she had the right to ask the attorney to answer those questions just as Commissioner Croley had done. He said the Chair had that same ability to put forth the list and get it answered.

Chair Holt then asked that the County Attorney look at those items for her.

The County Attorney said he would look at them, if that was the will of the Board. He asked that the Board appreciate that he tries to live within his budget, and that they realize he will go over and.

Commissioner Dixon said, "The attorney goes over budget because the Commission asks him to do things". He said he would never deny a commissioner an answer to a question he or she thought they needed - "approve the extra budget or stop asking questions. That is the choice, but if you keep asking questions, you are indirectly approving the budget".

Chair Holt said in reviewing the Comp Plan that will be coming up for meetings, that in the Regional meetings the Board has been asked to look at the Comp Plans for Leon, Wakulla, Madison, Franklin, Gadsden, Jefferson and Taylor Counties to try and do a comparison on those Comp Plans to

be sure we are looking at the same issues, what we have in common and what we need to improve. She said on the DEP issue, she has spoken with them twice and told them that if a Commissioner or someone from the public calls, they are not representing this Commission - this Commission as a body represents itself. She also said she had told DEP today that she tries to make every Commissioner on this Commission welcome, and if they don't feel welcome that she is happy for them to exile themselves from the Commission, but she wants it solved there and that she has no need and no use for someone that is obviously saying negative things about Gadsden County. She said we will work as we have problems just like everyone else, but if there is someone going out there saying you don't want certain items for other communities but you want it for yours, then that is not the position of this Commission. She said she wanted to reiterate that no item is supposed to come back, unless all 17 come back at the same time. She also said she has had calls from concerned citizens wanting to know if the Commission is supposed to hear every issue, are the Commissioners going to stay in the room or are they going to get up and leave as they have been doing and evidently they are watching us more on television than we thought. They want to make sure we hear all the items and their concerns. She said she did not ask if they were part of an item or issue, but that she had told them the Commissioners are supposed to stay in the room.

24 **RECEIPT AND FILE AGENDA**

- a. Library Report September 2007
- b. Letter to Curb-Side Customers Regarding the Discontinuation of the Recycling Program
- c. Letter to the Town of Greensboro Regarding the Discontinuation of the Recycling Program
- d. Letter to the City of Midway Regarding the Discontinuation of the Recycling Program
- e. Letter to the City of Gretna Regarding the Discontinuation of the Recycling Program
- f. Letter to the City of Chattahoochee Regarding the Discontinuation of the Recycling Program

- g. Letter to the City of Chattahoochee and the Chattahoochee Woman's Club Regarding the Recommendation to Rename the Chattahoochee Public Library
- h. Letter from ISO Regarding the Public Protection Classification Survey
- i. Letter from Florida Department of Environmental Protection Regarding Notice of Denial Use of General Permit
- j. Letter from the City of Gretna Regarding the City of Gretna's Comprehensive Plan Amendments
- k. Letter from the Department of Community Affairs Regarding the Monitoring of CDBG Project
- l. Memorandum from the Apalachee Regional Planning Council Regarding Medicaid Reform
- m. Letter to Deliverance Temple Regarding Parking Addition Conceptual/Preliminary Site Plan Approval with Conditions
- n. Letter to the City of Quincy Regarding Abandonment of Easement
- o. Letter from the Gadsden County Property Appraiser Regarding Unspent 2007 Budget Monies and 2007 Income from Map Sales
- p. Letter to Big IV Productions Regarding a Request for an Outdoor Festival Permit for Bear Creek Music and Arts Festival
- q. Final Order Regarding Variances for the Talquin Shores, Phase 1
- r. Final Order Regarding Variance for Steffen Residence
- s. Minutes from the Gadsden County Value Adjustment Board
- t. Letter from the Department of Community Affairs Regarding Executed CDBG Award Agreement
- u. Memorandum Regarding FY 2007 I.T. Allocations

- v. Memorandum Regarding FY 2007 Legal Allocations
- w. Letter from Florida Department of Environmental Protection Regarding Citizen Petition
- x. Against Sand Pits East of State Road 267 in the Wetumpka/Lake Talquin Area
- y. Memorandum from the Ferguson Group Regarding Notes from the Chairman's September 20th Washington, D.C. Meeting
- z. Letter from the Clerk of Circuit Court Regarding Summary Financial Statement as of October 23, 2007

November Meetings

- November 13, 2007
- Capital Improvement Element of the Comprehensive Plan - Growth Management
- Gadsden County vs Florida Department of Community Affairs - Growth Management
- New Affordable Housing Construction Program - CDA
- Housing Repair Program - CDA

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ADJOURNMENT

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

Brenda A. Holt, Chair

ATTEST:

Jean Chesser, Deputy Clerk

AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA ON
NOVEMBER 20, 2007, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

Present: Brenda A. Holt, Chair
Derrick Price, Vice-chair
Eugene Lamb
Doug Croley (arrived late)
Edward J. Dixon
Thornton Williams, County Attorney
Marlon Brown, County Manager
Muriel Straughn, Deputy Clerk

CALL TO ORDER

Mr. Sam Palmer led in the invocation and Attorney Williams led in pledging allegiance to the US flag.

The following amendments were made to the agenda:

- A-1. State of the County Address
- 14. Attachments for the Recycling Update Report
- 15-A. Approval to Dedicate the First Permanent Quincy Boys and Girls Club Facility after Ms. Crystal Riley
- 15-B. Revised Minutes from the Budget Workshop and Special Meeting on August 28, 2007

UPON MOTION BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED ABOVE. (COMMISSIONER CROLEY WAS NOT PRESENT FOR THIS VOTE.)

State of the County Address

Chair Holt called for a moment of silent prayer for Robert Presnell, Public Works Director, whose son died over the weekend in an automobile accident.

Chair Holt then gave the State of the County Address outlining the progress the county has made over the last year.

Election of Chair and Vice Chairman

Commissioner Price made a motion to make Commissioner Dixon the next Chairman of the Board.

Commissioner Croley asked, "Is it not customary that the responsibilities of the chair to be rotated?"

When asked, Commissioner Price declined to serve as the Chair.

Chair Holt seconded the motion that Commissioner Dixon be made the Chairman.

Commissioner Lamb interjected that the election should be done by nomination and not by a motion.

Commissioner Price retracted his motion and made it a nomination of Commissioner Dixon. Chair Holt seconded the nomination.

Commissioner Croley nominated Commissioner Lamb.

Chair Holt called for a vote for Commissioner Dixon.

Commissioners Dixon, Holt and Price voted, "Aye." There were three votes in favor of Commissioner Dixon as the Chairman.

Chair Holt then called for votes for Commissioner Lamb.

Commissioner Croley and Commissioner Lamb voted, "Aye."

Commissioner Croley made a motion that nominations cease. Commissioner Lamb seconded the motion.

Chair Holt then announced that Commissioner Dixon would be the next Chairman of the Board.

Commissioner Dixon then took the gavel.

He opened the floor for nominations for the Vice-Chairman.

Commissioner Croley nominated Commissioner Eugene Lamb.

Commissioner Holt nominated Commissioner Derrick Price.

Commissioner Croley made a motion that nominations cease. Commissioner Lamb seconded the motion. The board voted 5 - 0, by voice vote, to close the nominations.

Chair Dixon called for votes for Commissioner Lamb.

Commissioner Croley, Lamb and Chair Dixon voted, "Aye."

Chair Dixon then called for a vote for Commissioner Price as Vice-chair.

Commissioner Holt and Commissioner Price voted, "Aye."

The vote was 3 - 2 in favor of Commissioner Lamb as the new Vice-Chair.

Chair Dixon then presented former Chair Holt with a plaque of appreciation for diligence, service and determination while she served as Chair in FY 2006-2007.

CONSENT AGENDA

Commissioner Croley asked to remove Item 4 - Engineering Services Agreement with Preble Rish - for discussion.

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

2. Ratification of Approval of Payment of County Bills As Reflected in the Following Warrant Registers:

Accounts Payable: November 2, 2007
 November 9, 2007
 November 16, 2007

Payroll Dated: November 8, 2007

3. Approval of the Retirement Package for Robert Rosenberger

One month additional pay to allow him time to apply for normal retirement; 310 hours of annual leave; payment for 50% of accrued sick leave which is 1086.50 hours; continued health insurance coverage for employee plus one until 9/01/08.

Total retirement pack is approximately \$22,555.46.

4. ~~Extension of Contract for Engineering Services with Preble-Rish until November 30, 2008~~

This item was removed for discussion following the consent agenda.

5. Authorization and Approval for Chairman to Execute the Notice to Proceed Agreement to GAC Contractors, Inc. of Panama City, Florida for the CTST Sidewalk Project

This project will be funded by Florida Department of Transportation Grant to provide safety for children walking to and from Chattahoochee Elementary, Gretna Elementary and Stewart Street Elementary and along Wards Lot -

6. Approval of Library Plan of Service for 2007-2008

7. Approval of Matching Funds for Poll Worker Recruitment and Training Funds OMB BA 08005A and 080005B

8. Approval of SUNCOM Network Services Agreement - Wireless Air-Cards

9. Revisions and Additions of Financial Management Policies - Resolution 2007-065

CONSENT ITEMS PULLED FOR DISCUSSION

4. Approval of Extension of Professional Services Agreement with Preble Rish for Engineering Services

Commissioner Croley stated that he understood that the above contract is to be an extension by negotiation for the engineering services. He said he had discussed it with the manager earlier. He said that he wanted to make certain that if the board approves the extension, it will not end up being the same situation as the new contract with the auditors - where through negotiations, the contract went up 90%. He said, "I just want to make sure that this is in line with the existing fees and that there will not be any surprises. The manager has assured me that will not be the case. I just want to get that stated on the record."

Mr. Brown stated that if there is a substantial increase, he will bring it back to the Board for approval.

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

10. CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS

Hugh and Jettie Powell and Dr. Belen Mills - Yates Street Runoff
(Attachments)

Dr. Belen Mills, 58 Yates St. (P.O. Box 20023, Tallahassee, FL 3236) addressed the Board dealing with the problems of water run off from the road that is causing damage to her property. She then said that the county began paving Yates Street, but stopped 120 feet from her home. She said that when she inquired as to why the paving did not continue, she did not get an answer.

Chair Dixon replied that he remembers that the paving stopped, but could not remember the details as to why it stopped. He said they would make inquiries and get back to her with what they learn.

Dr. Mills then complained that the street is so dark and she would like to have streets lights installed.

Chair Dixon told her that the county manager is already doing some research into how to approach a county wide program with Talquin Electric to get street lights installed in the county. He did not make a commitment, but said they were looking into it to discern if it would be financially feasible for the county.

Mr. Hugh Powell addressed the Board. He said that he was a neighbor to Dr. Mills. He concurred completely with the remarks that Dr. Mills made. He also requested that the paving of Yates Street continue. He said that he understood that there is an encroachment on the road right-of-way and at some points, the road is no more than 12 ft. wide. He said that the small roadway doesn't allow for a large vehicles to pass safely- such as a moving van or even emergency vehicles. He said that he would like to know for certain where the right-of-way boundaries are located.

Ms. Jettie Powell offered their condolences to the Presnell family. She said that they appreciated all the county has done to improve the water run-off problem that resulted from paving a portion of Yates Street. She stated that they are concerned about the electric fence that the Spencers have

around their property along the right-of-way. She said there are young children in the area and at the places where the roadway is so narrow, the fence is a potential safety issue. She said one night, they had an emergency and had to call AAA to have their vehicle towed. The road was so narrow, that the wrecker encountered great difficulty getting to the car. The fence impairs the accessibility to residents, mail carriers, and public utilities. She asked that the Board address their issues.

Chair Dixon asked the manager to look into the issues and place it on an agenda if it cannot be solved otherwise.

Pat Spencer addressed the Board. He stated that when the road was paved, he was told that DEP required that the paving stop at the point they did. He was opposed to further paving of the road. He was also opposed to the placement of the millings on the road as well. He argued that the flooding on Dr. Mills property was created on their own property due in part to too many buildings on too small a lot with no storm drainage.

Chair Dixon told Mr. Spencer that there would be no decision on the issue at this meeting and the matter had been referred to the county manager's office. He asked Mr. Spencer to call that office with information that might be helpful.

Attorney Williams stated that the board cannot act on any issue that was not publicly noticed and this issue was not publicly noticed.

Mrs. Shirley Clark, 337 Edwin Clark Road, Greensboro, FL. She questioned the use of the Clark Sand Pit. She reported that it has become a dump. She said that in the last few years, there have been piles of concrete and from time to time there have been piles of brush and trees which are burned there. She stated that the fires have also been left unattended.

However, she said that she was really disturbed recently to see a pile of white goods accumulate there with the gate left open and refrigerators with doors in tact. She said there are also eight covered tractor trailer semis parked there.

She then asked, "What is going on? We have not been notified. There is water in that pit that fluctuates with the rain - but it is dry right now. But, that tells me that there are

springs there. What does that do to our well? My question is - What is going on and are you aware?"

Chair Dixon replied, "No, we are not. But, we will find out."

Ms. Clark then stated, "I know you can't do anything tonight, but, I would like to find out as the other nine families that live on that road. I have my husband here and I have one other family here and we would like to know what is going on."

Mr. Brown explained that Public Works Director Robert Presnell is not at this meeting because of the death of his son, but he is the person responsible for the pit. He said that look into it immediately.

Ms. Clark gave the manager her telephone number and she asked that he call her later in the evening.

Sam Hawkins spoke to the board briefly about the hospital, but directed his remarks specifically to two commissioners. He said he had made some observations and he was concerned about how they represented the county. Chair Dixon interrupted him at the end of the allotted three minutes.

Chair Dixon then reminded the public that they have three minutes to address "issues", but he also asked that they be respectful of the office that each commissioner holds.

11. Public Hearing -- Approval of FY 2007 Close-Out Budget Amendments and 4th Quarter Report

Mr. Brown stated that this item should have been deleted from the agenda at the beginning of the meeting since it has been rescheduled for a special meeting on Monday, November 26, 2007.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, TO RESCHEDULE THIS ITEM FOR NOVEMBER 26, 2007 AT 6:00 P.M.

12. Public Hearing - Ordinance 2007-010 - Comprehensive Plan Amendment - Capital Improvement Element CPA 2006 07AD Large Scale Amendment Adoption Hearing (Second Reading)

Growth Management Director Bill McCord recalled that the first reading on this Ordinance was held on November 6 and a

workshop was held on November 19. He explained that this element of the Comprehensive Plan must be amended every year to take into consideration new capital items and to expunge those capital items that are no longer considered a priority by the county. The Planning Commission recommended approval as did the staff.

Chair Dixon called for public comment. There was no response.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ORDINANCE AS DESCRIBED IN THE ATTACHED AGENDA REPORT.

GENERAL BUSINESS

13. Approval of Update on the Impact Fee Study

The county contracted with Government Services Group in May, 2007 to perform a study and analysis regarding the possibility of imposing impact fees in Gadsden County.

Mr. Rick Hoffman, Gadsden County OMB Department, addressed the board. He referenced the schedule as proposed by Government Services Group (See the attached agenda report.)

Phase I entailed data gathering whereby county departments were asked to provide information specific to their departments. The deadline to respond to the initial request was August 3, 2007. A second request for data was due October 31st. All responses were submitted except for the Sheriff's Department.

The Sheriff's Office has indicated that they do not have the historical data or the means and the manpower to retrieve the historical data needed by Government Service Group.

Mr. Hoffman said, "The county staff, the Sheriff's Office and Government Services Group staff have all worked together. We have had several conference calls. At this point, the Sheriff's Department has been given a couple of suggestions. 1) Dedicate staff to manually pull the information needed. There has been a little resistance to that because of workloads, which I can certainly understand. But, because of the time needed and the

resources and staffing and workload, it would be very difficult for the Sheriff's Department to dedicate the staff to do the research and pull the information. We have made a suggestion to staff in the Sheriff's office that they bite the bullet and commit or if they can't afford the resources to give us personnel time, they should ask to withdraw from the study. That is where we stand now.

We have not had a response back from the Sheriff's Department on making the commitment one way or the other. At this point, we come to you, the Board, to ask for direction on how to handle and work with the Sheriff's department as to filling out these two pieces of the impact fee study that you all have approved."

Commissioner Croley was in favor of giving the Sheriff more time to come to a decision.

Commissioner Holt asked Mr. Hoffman how that would affect the timeline for the study.

Mr. Hoffman could not really answer.

Mr. Brown explained that the Sheriff's Department has a number of priorities with which they deal. The question which he faces is whether he should direct his staff to take time away from their normal operations to gather the data or to continue their normal operation.

Discussion followed as to whether the Sheriff actually has the capacity to pull the data together..

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ACCEPT THE REPORT WITH THE DIRECTION PROVIDED BY THE BOARD TO GIVE THE SHERIFF AS MUCH TIME AS THE PROCESS WILL ALLOW TO RESPOND WITH THE NEEDED DATA.

14. Approval of Update on Gadsden County Recycling Issues

Mr. Brown introduced the attached report on the recycling issue. He briefed the Board on issues surrounding statements that were made about materials taken to the Decatur County landfill. Those remarks are contained in the report. He then gave a PowerPoint presentation substantiating the buildup of recyclable materials at the plant site over a period of seven years. He said that when

recyclable materials have been exposed to the environment for more than a year, it is considered contaminated and should be disposed of rather than recycled. He denied taking any current collections to a landfill. He also denied that there was a \$300,000 surplus in the solid waste funds when he became county manager. He cited audited financial statements which substantiated that there was only a \$46,000 surplus in the fund in 2005. He also pointed out that it stands at \$36,000 at this point.

Please refer to the attached report for further details.

Chair Dixon recognized the following people for comments:

Mrs. Louise Davidson Walke- See exhibit filed

John Mulloy - He was willing to pay more to keep curbside recycling. He also supported mandatory garbage pickup.

Christopher Smith - requested the hours of the waste sites be extended.

Brian Murray - He asked for more education about the program and supported advertising to raise awareness. He asked how available the bins will be at the sites.

John Monroeau - He was willing to pay more for curbside pickup if county would continue it. He was also concerned about the eye sore that could result with the inappropriate use of the waste sites.

Paul Masado - He was willing to pay more for curbside and he asked the board to continue it- perhaps it could continue at only twice a month.

Thelma Freeman - She recently moved from Sarasota County where citizens were actually fined for placing recyclable goods in their garbage. She supported continuation of the program. She asked the board to revisit curbside pickup. She encouraged the board to move forward, not backward.

Rick Soskis gave a number of pointers to the audience and the Board about measures the average person could take to protect the environment.

Kenneth Jones challenged the Board to really educate the public as to the value of recycling. He was willing to pay

more for curbside service. His daughter, **Kelly Jones**, said she wanted to make a poster that shows how people should recycle so that "we won't have to have a dead land."

Mr. Calgary reiterated everything the above speakers stated. He said that he is an environmental engineer and asked, "Where is the skinny end of the funnel? What is causing the problem?" He proposed that low subscription was a contributing factor to the failure of the recycling program. He suggested that it was never adequately publicized. He said, "Let people know that this is an option. If they have the option, they may choose to subscribe. That would get the subscription base up...things become much more affordable by economies of scale. Go to intermittent pick up a couple times a month. You're cutting something, but you are still keeping the fundamental program."

Katherine Calgary raised several questions to which OMB Davin Suggs responded.

Discussion followed.

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

- Implementation of the Gadsden County Drop-Off Recycling Program;
- Reconvene and expand the Solid Waste Committee to eleven members to comprehensively address the collection of and disposal of all solid waste to include a financial analysis of any recommended options; and
- An educational and informational campaign on the disposal of all household solid waste.

15. Discussion of Proposed Subdivision in Agricultural-2 Land Use Category -Parcel Tax ID # 3-05-2N-2W-0574-0000D-0490

Growth Management Director Bill McCord addressed the board concerning a request from Mr. Kevin Vislocky to subdivide a parcel in the Reston Subdivision. He explained that when the comprehensive plan was adopted, if you had a parcel of land that was adjacent to another parcel of land that you

owned at the same time, Comprehensive Plan Policy 1.5.2 provided that those lots would be treated as one lot or one parcel for purposes of applying the Comprehensive Plan. His property contains approximately 6 acres.

Mr. Vislocky did purchase three separate parcels prior to the adoption of the Comp Plan.

Mr. McCord stated that Reston Subdivision appears to be haphazardly broken into land use categories. He made a visual demonstration as to how the subdivision is designated. He suggested that the land use doesn't match the developed density of the subdivision and it should be corrected through administrative action.

See the agenda report for further details of this request.

Discussion followed.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE STAFF TO PREPARE AN ADMINISTRATIVE TEXT AMENDMENT TO THE COMPREHENSIVE PLAN TO MODIFY POLICY 1.5.2 BY REMOVING THE RESTRICTIVE ADJACENCY CLAUSE OR TO CHANGE THE FUTURE LAND USE DESIGNATION OF THE PLATTED PORTION OF ALL PHASES OF RESTON SUBDIVISION AND PERHAPS TO OTHER UN-PLATTED NON-CONFORMING PARCELS IN THE AREA TO ENSURE THAT ALL PLATTED LOTS AND OTHER NON-CONFORMING LOT SIZES ARE LOCATED IN A COMMON FUTURE LAND USE CATEGORY.

15A. Approval to Dedicate the First Permanent Quincy Boys and Girls Club Facility after Ms. Crystal Riley

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO NAME THE BOYS AND GIRLS CLUB FOR CRYSTAL RILEY, A STUDENT WHO DIED AT EAST GADSDEN HIGH SCHOOL.

Commissioner Lamb also asked that the names of other children who have been killed be memorialized in some fashion. The county manager was asked to bring back a plan to do just that.

Sam Hawkins suggested that a granite memorial be erected and that names be added to it as a memorial to those young people.

15B. Revised Minutes from the Budget Workshop and Special Meeting on August 28, 2007

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE REVISED MINUTES OF AUGUST 28, 2007.

COUNTY MANAGER

16. Mr. Brown had nothing to report.

COUNTY ATTORNEY

17. Mr. Williams had nothing to report.

DISCUSSION ITEMS BY COMMISSIONERS

Commissioner Lamb

Commissioner Lamb questioned when the appointments should be made to the Solid Waste Committee.

There was a suggestion that the board should ask those interested in serving on the Solid Waste Committee to file an application for the board's consideration. There was also a suggestion that the committee vacancies should be advertised and that applicants screened appropriately.

Commissioner Croley

Commissioner Croley stated that he sincerely hopes to move forward in a spirit of harmony in the upcoming year.

Capital Regional Transportation Agency (CRTPA) Report-

Commissioner Croley stated that there is an opinion on the council that doesn't embrace rural counties participation. However, he said he was happy to report that opinion is not the consensus of the vast majority. He said they did put on the list for funding the traffic study needed for the Quincy By-Pass. They also agreed to add Jefferson County to the agency and to include all of Wakulla County, rather than just the metropolitan area.

He nominated Commissioner Lamb to serve as the alternate on the CRTPA.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPOINT COMMISSIONER LAMB AS THE ALTERNATE TO THE CRTPA.

Commissioner Price

Commissioner Price reminded the manager to call Ms. Clark in response to her questions about the sand pit. He then wished everyone a wonderful and safe Thanksgiving. He also asked for prayers for the Presnell family who are mourning the death of their son.

Commissioner Holt

Commissioner Holt thanked the Board for their support during her tenure as Chair.

She then reported she had visited the Escambia County Recycling Program and that they operate it with the use of their Work Camp. She asked that staff look at the possibility of coordinating the local program with the Juvenile Justice Program and the inmate program.

Florida Association of Counties (FAC) Workshop - Medicaid

The cost of Medicaid costs is expected to rise by 12%. Gadsden County already budgets \$600,000 per year, but it is something that must be considered in the next budget cycle.

SCRAP and SCOP Funding

She said that as legislation now stands, counties with a millage rate below 8 mills will not qualify for the above transportation grants. There is a proposal to amend that legislation to not tie it to millage rates. She asked for the board's support for that amendment in March.

She then reported that there is a fight over fiscally constrained funding. She said that it will come out of a non-recurring fund this time but is at risk.

She implored each commissioner to be attentive to all correspondence coming from FAC and be prepared to defend all small county issues coming before the Legislature next session.

Commissioner Dixon

RECEIPT AND FILE AGENDA (FOR THE RECORD)

19.

- a. Memorandum for the Record Regarding Approval of the (SHIP) Annual Report
- b. Letter from the Parramores Regarding Opposition to the Bear Creek Music & Art Festival
- c. Letter from Northwest Florida Water Management District Regarding Five-Year Water Resource Development Work Program
- d. Letter from the Florida Department of State Regarding the Implementation of House Bill 537 Chapter Law 2007-30 - Comprehensive Elections Reform
- e. Memorandum from the Finance Director Regarding Transmittal of Budget to Satisfy Requirement of Bond Covenants
- f. Letter from the Office of Criminal Justice Grants Regarding the Gadsden County Sheriff's Office Narcotics Unit
- g. Letter from the State of Florida Commission on Ethics Regarding Gadsden County Industrial Development Authority - Financial Disclosure - "Local Option"
- h. Letter from the Finance Director Regarding Purchases Made from Confiscated Property Funds
- i. Letter from The Stiell Law Firm Regarding Notice of Intent to Sue Gadsden County Board of County Commissioners
- j. Letter from ISO Regarding Havana Outside Protected Area - Public Protection Classification
- k. Letter to the Florida Department of Community Affairs Regarding Plan Amendments
- l. Letter from the Florida Department of Law Enforcement Regarding JAGD Grant Contract
- m. -Letter from the Florida Department of Environmental Protection Regarding the Recycling and Solid Waste Programs

- n. Letter from the Florida Department of Environmental Protection Regarding the Local Hazardous Waste Management Assessment, Notification and Verification Program
- o. Letter to the Florida Department of Environmental Protection Regarding the Local Hazardous Waste Management Assessment, Notifications and Verification Program Continuation
- p. Letter to Bright House Networks Regarding Televising County Commission Meetings
- q. Letter from the Florida Department of Environmental Protection Regarding Response Recycling Clarification
- r. Letters to LaRue Planning & Management Services, Inc. and Land Planning Services, Inc. Regarding for Proposal to Revise the Gadsden County Land Development Code
- s. Notice from the U.S. Department of Housing and Urban Development Regarding Request for Release of HUD Funds and Certification
- t. Notice from the Gadsden Emergency Medical Services Regarding Activity Report and Fire Report
- u. Notice from the Gadsden County Property Appraiser Regarding Profit and Loss Budget vs. Actual - FY 2007
- v. Notice from the Clerk of the Circuit Court Regarding Statement of Revenues, Expenditures and Changes in Fund Balance - Budget and Actual - FY 2007
- w. Letter from the Clerk of the Circuit Court Regarding Small County Consolidated Grants

December Meetings

December 4, 2007 - Regular Meeting

- Text Amendments Adoption Ordinance (2nd Reading)
- Thompson LUA Adoption Hearing (2nd Reading)
- River Oak Plantation LUA Adoption Hearing (2nd Reading)

- Chapman-Donofrio LUA Adoption Hearing (2nd Reading)
- Capital Improvements Element Revision (2nd Reading)
- Fuchs LUA Adoption Hearing (2nd Reading)
- Volsch LUA Adoption Hearing (2nd Reading)
- Rooster Crossing LUA Adoption Hearing (2nd Reading)
- Admin. Map Amendments (A-L, N-O) (Q, S&T*) (2nd Reading)

December 11, 2007 - Workshop

December 18, 2007 - Regular Meeting

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 4,
2007, THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: Edward J. Dixon, Chair
Eugene Lamb, Vice-Chair
Doug Croley
Derrick Price
Brenda Holt
Thornton Williams, County Attorney (arrived late)
Stacy McMillan, Deputy County Attorney
Arthur Lawson, Assistant County Manager
Muriel Straughn, Deputy Clerk

CALL TO ORDER

Chair Dixon called the meeting to order.

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Price led in the invocation and Commissioner Croley
led in pledging allegiance to the U.S. flag.

AMENDMENTS TO THE AGENDA

The agenda was amended as follows:

ADD Approval to Modify the Community Development Block Grant
12-A (CDBG) Housing Rehabilitation Contract with the Florida
Department of Community Affairs - \$750,000

4. Pulled for Discussion - Approval of Resolution # 2007-064:
Support for the Protection of the Apalachicola River and
Bay
6. Pulled for Discussion - Approval of Signatures for Special
Assessment Lien

ADD Update on SBA Investment of County Funds
13A

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER
PRICE, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE
AGENDA AS AMENDED ABOVE. (Commissioner Holt was not present for
this vote.)

AWARDS, PRESENTATIONS AND APPEARANCES

There were no presentations. However, Commissioner Price made mention of the Carroll family who lost a child in a hit and run automobile accident over the weekend. He asked for the Board's support and prayers for the family.

Chair Dixon called for a moment of silence for the bereaved family.

He then informed the audience that they may address the board on any issue not on the agenda by filling out a speaker request form located in the lobby. He instructed them to give the form to the clerk.

CONSENT AGENDA

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

1. Approval of Minutes

October 2, 2007 Regular Meeting

2. Ratification of the Approval to Pay County Bills

Accounts Payable:	November 16, 2007
	November 21, 2007
	November 30, 2007
Payroll:	November 21, 2007
	December 6, 2007

3. Approval for Phillip Hill, Fire Coordinator, to Seek Public Office in Blountstown, FL

4. ~~Approval of Resolution 2007-064 in Support for the Protection of the Apalachicola River and Bay~~

This item was removed for discussion via the amended agenda.

5. Approval of Signatures for Special Assessment Lien and Rehabilitation Contract - Lessie Simmons

6. ~~Approval of Signatures for Special Assessment Lien - for~~

Natasha Zephir

This item was pulled for discussion via the amended agenda.

7. Approval and Execution of Library Services and Technology Act Grant Agreement and Debarment Certificate

CONSENT ITEMS PULLED FOR DISCUSSION

4. Approval of Resolution 2007-064 in Support of the Protection of the Apalachicola River and Bay

Commissioner Croley asked, "Who is going to accept this resolution and how will it be used?"

Mr. Andy Smith, Executive Director of Apalachicola River Keepers, addressed the board. He explained that the purpose of the resolution is to encourage the State Water Management Districts to do scientific assessments of minimal ecological flows that are necessary to protect the ecological and economic health provided by the river and bay. He said that Gulf, Jackson, Franklin and Calhoun Counties have already adopted a similar resolution. He then said that he was leaving this meeting to go to Liberty County to receive one from them as well. He said that he expects to deliver all of them to the Governor and to the Secretary of Environmental Protection - primarily to let the state leaders know that they need to stand up and make it known that a diverse group of entities need the flow of the river - not just the Apalachicola River Keepers.

Mr. Smith explained that the primary threat at this time is the reduction of fresh water coming from Georgia. Recent droughts have caused Georgia to seek relief from the Army Corps of Engineers to reduce the flow from the Atlanta area to insure adequate water supply to their residents.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION DESCRIBED ABOVE.

6. Special Assessment Lien for Natasha Zephir

Commissioner Croley noted that Ms. Zephir resides in Leon County, but has received down payment assistance to purchase

a home with Gadsden County SHIP funds. He raised concerns that Gadsden funds were being used by an out of county citizen when clearly there are people inside the county that could use the help.

Assistant County Manager Arthur Lawson responded that the criteria by which a person is qualified for down payment assistance does not require that the person reside in the County. As long as the home being purchased is in the county, they are eligible for the funds.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE SPECIAL ASSESSMENT LIEN FOR MS ZEPHIR.

CITIZENS REQUESTING TO BE HEARD:

Ms. Juanita Bass

Ms. Bass submitted a petition asking for the county's assistance with vicious stray dogs running rampant in the Tobacco Road Subdivision. She reported that they have called animal control, and left messages, but have not even received a return phone call.

She said that there are a number of people in the neighborhood who have been instructed by their doctors to walk for their health, but they can't because there are pit bull dogs that will chase and attack them.

Commissioner Croley reported that Ms. Bass and her husband had contacted him regarding the problem. He said that he explained to her that due to the nature of her problem, perhaps the better course of action would be for the homeowner's association to petition the Board then the county manager could act on it. He asked the Board to accept the petition.

The petition was accepted by the Clerk and the matter referred to the county manager's office.

PUBLIC HEARINGS:

8. Bryan Small Scale Future Land Use Map (FLUM) Comprehensive

Plan Amendment CPA-2007-07 Changing 2 acres from Agriculture 2 (AG 2) to Commercial (COMM) Land Use Category - First Reading of Ordinance 2007-011

Growth Management Director Bill McCord gave the following facts as well as others contained in the agenda report which was made a part of the record:

Owner: Mr. and Mrs. Steve Bryan

Applicant/Representative: Elva Peppers of Florida
Environmental and Land Services

Location: East side of Scotland Road (CT 159), adjacent to and south of the CSX Railroad across the roadway from Gadsden Commercial Exchange Industrial Park (on the west side of the property); adjacent to commercial property; adjacent to US 27; It also borders existing AG 2 land use to the south.

Properties in the area are a mixture of land uses. The property was previously used for light industrial use by Suburban Propane, then used for storing of vehicles - not agricultural uses.

TAX ID: 3-03-2N-2W-0000-00434-0500

Type Action Legislative in conjunction with the advertised public hearing as a small scale amendment per Subsection 7401.A.2 of the Land Development Code and FL 163.3182(1))c)

Planning Commission Recommendation: November 15, 2007 - voted unanimously to approve the amendment.

Staff Recommendation: Approval based on the findings listed in the agenda report.

Ms. Elva Peppers addressed the board. She reiterated that the historical use of the parcel has been commercial.

Chair Dixon called for public comment. There was no response.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE FIRST READING OF THE ORDINANCE.

9. Garrison Design & Construction, Lot 6, Gadsden Commercial Exchange - Conceptual/Preliminary Site Plan - SP-2007-011

Type Action: Quasi-judicial action in conjunction with the advertised hearing under the Type II plan review procedure

per Subsection 7202 of the Land Development Code.

Growth Management Director Bill McCord was administered an oath by Muriel Straughn, deputy clerk.

He gave the following background information as well as other facts stated in the agenda report which was made part of the record.

Owner: Garrison Design and Construction, Inc.

Agent or Representative: Matthew Parker of Parker Consulting Services, Inc.

Location: Lot 6, Gadsden Commercial Exchange located approximately ¼ mile southwest of the intersection of US 27 and Scotland Road (CR 159) Access to and from via Garrett Court within the subdivision. (Back lot of the subdivision in the industrial land use category.)

TAX ID: 3-03-2N-2W-1524-00000-0060

When the subdivision was approved, there were covenants that restricted certain uses in the industrial land use category. (See the development order is in the agenda report.) When the commercial subdivision was first approved, there was a 50 ft. conservation easement along the southwest border of the property. On the south side of Merritt Lane, there is rural residential property. As the subdivision was developed, there was a reserved strip to retain the area as a buffer that would create a separation between the residences and this commercial subdivision.

The site plan proposes to build a 3,000 sq. ft. office and 17,000 sq. ft. warehouse for a construction company.

Planning Commission Recommendation: Approval by a vote of 8 - 1, based on the findings found in the agenda report and the special conditions a - k also listed in the agenda report.

Staff Recommendation: Approval based on the findings and subject to the special conditions mentioned above.

Chair Dixon called for the applicant, but he was not available.

Chair Dixon then called for public comments. 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 - APPROVE THE CONCEPTUAL/PRELIMINARY SITE PLAN FOR GARRISON DESIGN AND CONSTRUCTION FOR LOT 6 BASED ON THE FINDINGS AND SPECIAL CONDITIONS AS LISTED IN THE AGENDA REPORT.

**10. Garrison Design & Construction and Retail Conceptual/
Preliminary Site Plan - SP-2007-011 Phase I and II
Fairbanks Ferry and Concord Road**

Type Action: Quasi-judicial action in conjunction with the advertised public hearing under the Type II plan review procedure per Subsection 7202 of the Land Development Code.

Growth Management Director Bill McCord was administered an oath by Muriel Straughn, deputy clerk. He briefed the board to the following facts as well as those contained in the agenda report which was made a part of the record.

Owner: William Garrison/Garrison Construction

Applicant/Representative: Matthew Parker, Parker Consulting Services, Inc.

TAX ID: 2-18-3N-1W-0000-00414-0600

Location: 4.96 acre site located at the north east corner of the intersection of Concord Road (CR 157) and Fairbanks Ferry Road (CR 12)

The proposal is for a two-phase project. Phase I: 3,000 sq. ft. of office and 17,000 sq. ft. of warehouse for a construction company. Phase II: 1,080 sq. ft. of retail shopping center containing approximately five additional retail stores, each ranging in size from 1,800 ft. to 3,000 sq. ft. The construction plans are exactly the same as the previous project. This proposal is different in that it has additional buildings that would allow for offices, restaurant, and general retail type activity.

He pointed out that the drive ways need to be shifted to protect trees and meet access management compliance. He asked for the applicant to provide an easement to adjacent property that would allow for connection of traffic when it develops.

Planning Commission Recommendation: Approval based on the findings and special conditions a - j listed in the agenda report.

Mike Meyer of Parker Consulting, Inc. was administered an oath by Muriel Straughn, deputy clerk.

He raised issues with the request to move the drive way and the measures recommended for tree protection. He asked the board to waive the requirement recommended by staff to move the location of the building and driveways. He said if they lose both driveway connections, it will prohibit the site from functioning at it's full potential. He said they feel it is more safe with the driveway as designed - farther away from the intersection. He also asked them to waive the requirement to provide the easement to the adjacent property.

Chair Dixon asked Mr. Meyer if he had made his request for the waivers known to Mr. McCord.

He responded by saying that Matthew Parker made it known at the Planning Commission meeting.

Mr. Meyer then demonstrated some optional parking spaces. He said there is a requirement in the Gadsden County Code to provide a "clear distance triangle" which is 160 ft. from the intersection. It states that you cannot have any obstruction in that triangle which includes parking spaces or anything that would obstruct the view through the triangle. He showed where they would prefer to have the parking, which is allowable by FDOT standards, but the Gadsden Code would not allow for it.

Chair Dixon called for other public comments. There was no response.

Commissioner Croley was confused about the previous application on the agenda for this meeting and it's relationship to this application.

Mr. McCord stated that this location could be an alternative site since the office building and the warehouse design is the same footprint building. They could build both structures.

Commissioner Croley then said he travels that area often and knows first hand that it can be a very congested intersection. He could also recall several accidents that occurred there. He reported that some of the folks in the

area have expressed their concerns to him about the increased traffic that such a development would bring which would add to the peak hour congestion issue. He asked what the county could do to address traffic issues.

Mr. McCord responded that the county could ask FDOT or the applicant to provide a traffic analysis to see if a signal was warranted. It could also make the intersection a four-way stop. He cautioned that if there is already a congestion problem, it should not be incumbent on the applicant to correct a problem that already exists. However, if the trips generated by this project exacerbates an existing problem, there might be an opportunity to require the applicant to look into making improvements to the intersection which could be a signal.

Commissioner Lamb stated that he had received several calls from area residents regarding potential traffic impacts.

Mr. McCord said that the additional trip generations could not be projected until they know what exactly will go into the retail shops. However, the industrial trips should not impact the level of service on the roadway.

Mr. McCord stated that he did not have a problem with waiving the clear distance triangle requirement.

Commissioner Lamb asked Mr. Meyer to explain what he meant when he said that relocating the driveway as recommended by Mr. McCord would deny them use of the property at it's highest potential.

Mr. Meyer said, "As far as the maneuverability of the tractor trailers, that was one of the major issues with the old site. We tried to connect to Merritt Lane and that was not acceptable. That would have provided more maneuverability for the tractor trailers. Here, this site is much larger. That is part of what made it more appealing. If we were forced to move this driveway and also combine the traffic, a tractor trailer coming in with regular traffic, to a retail center and along with the employees entering the commercial building, it would make it more difficult for the tractor trailers to move around. The traffic merging with one another could be problematic. We would rather keep the traffic separate for safety concerns and also just for the ease of the drivers - and to keep delivery separate also."

Discussion followed between Mr. Meyer and the commissioners.

Chair Dixon suggested that this project be moved forward based on the Planning Commission's recommendation, but give Mr. Meyer, Mr. Parker, and Mr. Garrison an opportunity to work with Mr. McCord and convince him of their need and their logic to make the changes or to not make the changes recommended by the staff.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE OPTION 1 - TO APPROVE THE CONCEPTUAL/PRELIMINARY SITE PLAN BASED ON THE FINDINGS AND THE SPECIAL CONDITIONS LISTED IN THE AGENDA REPORT.

11. Conceptual/Preliminary Site Plan for Crossroads Academy School (SP-2007-06 and SE-2007-02)

Type of Action: Quasi-judicial action in conjunction with the advertised public hearing as a Type II plan per Subsections 7202.A.9 and 4202.J. of the Land Development Code.

Growth Management Director Bill McCord was administered an oath by Muriel Straughn, deputy clerk. He briefed the board as to the proposed project which included the following details as well as those listed in the attached agenda report which was made part of the record. He called attention to a number of findings and special conditions also listed in the agenda report.

Owner: Community and Economic Development Organization of Gadsden County, Inc. (CEDO) by Crossroad Academy School (a public charter school)

Applicant/Representative: David H. Melvin, Inc.

Location: 12.27 acres within the Urban Services Area on the south side of Strong Road approximately 2100 feet approximately 2100 feet east of Highbridge Road (CR 268) The proposed school will be constructed on the south side of Strong Road and the west side of Frances Kelly Road. The school plan consists of 18,710 square foot building with classrooms, a kitchen, media center, and a gym.

TAX ID: 3-20-2N-3W-0000-00221-0000

Planning Commissioner Recommendation: November 15, 2007 -

recommended approval by unanimous vote with the findings and special conditions as listed on pages 7 - 11 of the agenda report.

Mr. McCord noted the following issues specifically:

- Francis Kelley Road has a substandard right-of-way. As a condition of approval, Mr. McCord asked that the applicant dedicate additional right-of-way to bring their side of the roadway up to the standard right-of-way width criteria.
- The Code requires a sidewalk along Strong Road and Kelly Road because it is in the USA land use category. The applicant has expressed reluctance to provide the sidewalks and requested a waiver.
- The property in that area has the potential to develop because it has recently been annexed into the City of Quincy and it has water and sewer service capacity.
- The findings of the Planning Commission are listed on pages 7 - 8 of the agenda report. The special conditions of approval are a - g as listed on page 10-11.

Mr. McCord then recommended approval of Option 1 as stated in the agenda report.

Chair Dixon called for the applicant.

Ms. Mary Margaret Ferris, engineer for the project (Melvin Engineering) was administered an oath by Muriel Straughn, deputy clerk.

Ms. Ferris stated that a revised site plan was prepared following the Planning Commission meeting and it was e-mailed to Mr. McCord but was not included with the agenda package. She had a copy of it with her and she showed it to the Board. She demonstrated how it was changed at the request of the Planning Commission in order to preserve many of the trees. She said they would only have to remove one tree as it was redesigned and they would mitigate for it pursuant to directions from the Board.

She raised an issue with the requirement for the sidewalks along Strong Road (2,000 ft.) and Francis Kelly Road (1,500

ft.) She asked that requirement to be waived.

Commissioner Lamb was not inclined to waive the sidewalk requirements.

Commissioner Croley raised his concern about the proximity of the school to the railroad tracks. It was determined to be between $\frac{1}{4}$ mile and $\frac{1}{2}$ mile - not posing any danger.

Commissioner Holt asked, "Mr. McCord, do you know of anything that we have that says that any property owners on Francis Kelley can be assessed or look at the cost of that sidewalk coming down there since it is not developed in there. That is coming up later on. If the 15 ft. of right-of-way is given by school so that the road can be developed. Also looking at those folks, property owners on both sides of the road, looking at that for the cost?"

Mr. McCord answered that there is no mechanism in place to assess property owners for sidewalk installation. He suggested that is something they may want to consider in the future.

Chair Dixon called for public comments.

Ms. Millie Forehand, Executive Director and Principle of Crossroad Academy Charter School, was administered an oath by Muriel Straughn deputy clerk. She emphasized that the school is a public school, not a private school.

She made the following points:

- She is ordinarily an advocate of sidewalks when they are going somewhere, but the sidewalks required with the project are not going anywhere and she objected to the requirement.
- 95% of the students are brought in by school buses and the others are brought in private vehicles. There are no students walking to school.
- There is only one residential home on Kelley Road and all other traffic would only be traversing it for the purpose of going to the cemetery.
- She felt it unfair to require additional right-of-way for the road when the county is not requesting it of the other property owners.

Chair Dixon stated that he was concerned about the level of activity along Strong Road that is already occurring.

(Businesses, housing complexes, etc.) He emphasized that it is now an urban area and it must have sidewalks. However, he stated he felt it would be burdensome to put sidewalks along Kelley Road because it is literally going nowhere. He then reiterated that it is a public school and this board should work with them to secure a grant to get the sidewalk installed. He said, "Give us an opportunity to work through how to get sidewalks out there. They must have sidewalks, but I think that with it being a public school, we ought to be working with them...They are an "A" school which in Gadsden County is a rarity. But, sidewalks must go there ...We have to start someplace."

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE SITE PLAN REQUIRING THE SIDEWALK ALONG STRONG ROAD, INCLUDING THE REQUIREMENT FOR RIGHT OF WAY ALONG FRANCIS KELLY ROAD, BUT WAIVE THE SIDEWALK REQUIREMENT ALONG FRANCIS KELLY ROAD. IT WAS ALSO AGREED THAT THE COUNTY WILL WORK WITH THEM ON THE REQUIRED SIDEWALK.

Mr. McCord noted that the board's action was essentially granting a variance from the sidewalk requirements. He stated that it was not advertised in the newspaper or on the notices sent out as a variance. He was quick to point out that variances do not require newspaper advertisement, but the Code does require "notice". Again, he said this variance from the code was not noticed as a variance to the affected parties. He said there is the possibility that someone would be opposed to it.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO GRANT CROSSROAD ACADEMY A VARIANCE AS TO THE REQUIREMENT TO BUILD A SIDEWALK ALONG FRANCIS KELLEY ROAD BECAUSE IT IS BURDENSOME AND WOULD SERVE NO PUBLIC PURPOSE. (THE PROPERTY SHOULD NOT DEVELOP TO THE EXTENT THAT A SIDEWALK WILL BE NECESSITATED.) AS A PART OF THIS MOTION, THE BOARD ALSO DIRECTED THE ATTORNEY TO PERFORM SUCH RESEARCH AS NECESSARY TO DETERMINE IF ALL CODES AND REQUIREMENTS OF LAW HAVE BEEN MET TO SATISFY THE NOTICE REQUIREMENTS FOR THE BOARD'S ACTION RELATIVE TO THE VARIANCE ABOVE. IF HE DETERMINES THAT THOSE REQUIREMENTS HAVE NOT BEEN MET, THEN HE WAS DIRECTED TO BRING IT BACK TO THE BOARD FOR APPROVAL WITH PROPER NOTICE.

12. Patronis Future Land Use Map Comprehensive Plan Amendment - CPA-2007-05 Large Scale Plan Amendment (Transmittal Hearing) 218.76 acres from AG-3 to AG-1

Growth Management Director Bill McCord briefed the board as to the following facts as well as others contained in the agenda report which was made part of the record.

Type of Hearing: Quasi-legislative 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 and Section 163 3187(1), F.S.

Owner: John and Anne Patronis

Applicant/Representative: Elva Peppers, Florida
Environmental Land Services, Inc.

Location: South side of Shady Rest Road (CR 270) West of Lanier Road, between Havana Highway (SR 12) and US 27.

TAX ID: 3-07-2N-2W-0000-00344-0500 (5 acres); 3-07-2N-2W-0000-00440-0000 (213.76 acres)

The applicant is requesting the land use amendment in order to develop and market the property as small farms or large estates ranging in size from two to eleven acres. If approved, the land use would permit densities of up to four times greater than is now permitted under the existing AG-3 land use.

All applications must be justified by adequate data and analysis prior to the submittal to Department of Community Affairs (DCA).

There is a complication with this application (as with others at this time) in that DCA has recently issued unfavorable Objections, Recommendation and Comments Report (ORC) on another similar land use amendment which was transmitted. The County is in the process of negotiating a Settlement Agreement with DCA in response to their objections.

DCA has taken the position that the County has sufficient lands available for projected future growth and does not need any land use changes to accommodate future population.

DCA has started putting the hammer down on local governments and one of the things that they have been urgently pursuing

is the needs analysis on land use application, especially AG-1 designations.

Planning Commission Recommendation: There were two motions made at the November meeting. The first motion to approve Option 1 failed. The second motion was to approve Option 2 (shift share arrangement), but it also failed. The third option was withdrawn and no vote was taken on it. **There was no affirmative motion, therefore, they forwarded it to the county commission without a recommendation.**

Mr. McCord stated that he received a call from Ms. Rita Becker indicating that she was against the land use change. Her concern was related to impacts of traffic, speed, noise, pollution, wildlife, sewage, drainage and fire & EMT service. She was opposed to changing it to AG-1, but could support AG-2 land use.

He also said he received a letter from Bryant, Miller & Olive, a representative of three property owners that are located across the road from the proposed developer, voicing their concerns and opposition to the project.

Mr. McCord reported that county staff was told by DCA staff that AG-1 land use is a "sprawling land use pattern" and that, based on the recent needs analysis, there is no demonstrated need for land use changes to accommodate the kind of population to provide lot sizes for this type of housing.

Staff Recommendation: The land use change should not be approved as requested. It is inconsistent with the Comprehensive Plan. See page 27-28 for details. Staff did recommend Option 3 - to approve a land use amendment on the entire 315 acres (that includes the 51.07 acre parcel which is already designated as RR) of the applicant's property to AG-2

Attorney Williams stated, "I want to express an additional concern from a legal prospective which is - if I understand it correctly - where we are with the litigation with DCA - this kind of embraces this issue, not directly, but indirectly. You might want to get comment, but when you discuss this issue, have a discussion about any decision to go forward it or to send it to DCA -

If you send it to them with an amendment (based on the direction that we have as a Comp Plan at this time) we are basically attacking their position in the negotiations. If we go in with a position that is consistent with their position, we are basically conceding our position in the negotiations.

So, there may be an option to consider as a fifth option. You could potentially remand it back to the Planning Commission and see if the applicant will put this in abatement until this is resolved with DCA. Until it is resolved, I am not sure that you have a good landing zone as it relates to this issue."

Commissioner Croley referenced page 26 of the agenda report regarding Type IV Reviews coming to the Board without a recommendation from the Planning Commission. He asked for clarification from the attorney.

Mr. Williams responded, "When the Planning Commission does not send a recommendation, it comes before you, but you can decide at that point not to act...That is the general procedure. If you had a situation where you did not have a concern from the DCA, it would probably be appropriate to give some kind of testimony to get some sense of what direction you would want to go in and then decide. In other words, to make a decision, you would want to have some information as a board to rest your decision upon.

The thing that complicates this for this particular proceeding is the DCA litigation that we have before you. ..You can take testimony, that is not the issue. What I am saying to you is that regardless of how you take testimony tonight, it is my legal opinion that you are in a "Catch 22." If you decide to go forward, you are fighting against yourself or fighting for the DCA - depending on which position you take."

Chair Dixon commented, "My position, Commissioners, is that if we take public testimony then at the end of it, people will expect a decision which puts us back into the "Catch 22."

Commissioner Holt stated that she would prefer not to take testimony because she did not want to give the impression that they would make a decision. She suggested that it be remanded back to the Planning Commission, then wait to see

what will happen with the DCA.

Commissioner Croley asked, "Are we saying that if we don't take public testimony, that we are in essence, turning this down?"

Attorney Williams answered, "Commissioners, you can remand it back to the Planning Commission and ask them to consider (I don't know if they considered the litigation, Bill, at the time of the Planning Commission - whether any recommendation to go forward has any impact on the litigation.) You can ask them to have a conversation with the applicant to see if they are willing to put this in abeyance until this issue is resolved with the DCA. I'm am uncomfortable, legally, giving you recommendation of one direction or the other until we get the litigation resolved. If they are not willing to come and say that they are want to do that, obviously, you have the option tonight to just terminate the application because you do not have a recommendation from the Planning Commission."

Chair Dixon then concluded, "We have the right to terminate or to suspend, if you will, ourselves and not remand. Or table?"

Attorney Williams answered, "Not to table. You have a right to terminate the application process. If you want to send it back to the Planning Commission, you can do that with direction. But, because I haven't researched the abeyance issue, but I don't think we have the ability to put it in abeyance. We have a process for the application to go forward, so I believe the applicant would have to agree to allow us to resolve the litigation. If they are not willing to do that and you have to rule, my legal opinion is that you are in a "Catch 22" on this issue."

Again, Commissioner Holt stated that she felt it would be better for the applicant to remand it back to the Planning Commission.

Commissioner Croley stated that he would rather either terminate the application or take testimony and then make a decision. He was not in favor of sending it back to the Planning Commission.

Commissioner Lamb said, "I don't want us to do anything that would put us in a situation that we could not deal fairly

with the DCA. I want to make sure that we stand behind our attorney. Since he is working on this, let's not put him in a bind. Whatever their recommendation is, I want to really consider their recommendation very strongly."

Commissioner Price asked, "What if we just changed it to AG-2?"

Chair Dixon said, "If we change it and we approve it, then we send it forward to DCA, we are saying to DCA, "DCA, we understand what you are saying and therefore, we are wrong." That is the problem with that - if the Board approves it and sends it forth. So, the attorney feels that is giving up a position, if you will."

Commissioner Holt asked, "What if the applicant decides to delay this process - not withdraw because you would not want to start all over - what do you think would be the best thing if we did not act on this tonight?"

Mr. McCord answered, "The concern that I have is that we have other amendments. This is a transmittal cycle and there are other amendments that are to be transmitted and will be heard by this board here soon. Large scale amendments. The next hearing that we are going to have will be in January. That will be it. We will cut it off and any amendments that are not recommended or approved for transmittal by that January meeting, then would have to wait until another cycle to be submitted or transmitted. You can only transmit to the State large scale amendments twice a year. So, we would have to wait about six months roughly before this one could catch up."

Chair Dixon asked, "Do we have any transmissions that would trigger this same concern from the attorney going forward now?"

Mr. McCord answered, "There are a number of cases that, yes, they are even preceding this that are in adoption stages as opposed to transmittal stages. We have already gotten an ORC Report on them. The issue of the settlement agreement, because we haven't come to an agreement yet, is that we are clogging the pipe up with all these land use amendments that are stacking up. What is going to happen when we plunge out the settlement agreement amendments, there are going to be a lot of others that will start flowing through as well for consideration. So, you will have to weigh those, given the

context of the ORC Reports for those particular amendments. Some of which DCA had no objections to and some which they did. You will have to weigh those or not. Otherwise, if you approve them and we don't satisfy DCA's concern, which we all know from the way they submit their subjective comments to us, it is often hard to tell exactly what they mean. That is one reason that the settlement agreement process has dragged on as long as it has. Other amendments that will come forth that may essentially get us in the same boat.

Chair Dixon called for the applicant.

Michael Donaldson, attorney with Carlton Fields Law Firm of Tallahassee addressed the Board. He said that he was Assistant General Counsel at DCA when the Gadsden County Plan was first adopted. He also disclosed that he is also representing one of the property owners that is caught up in the settlement agreement cases with the DCA - one of the amendments which DCA actually likes.

As opposed to terminating or killing the amendment, he asked that the Board table any decision. However, he disagreed with the conclusion that this particular amendment has anything to do with the amendments that are being held up. He asked the Board to hear his arguments.

I do have an email from Susan Poplin, who is a planner at DCA, that specifically answered our recent question about whether or not AG to AG designations or redesignations DCA sees a problem with that. Her response said that is not prohibited by the settlement agreement or that is not prohibited by DCA. I actually have that document if that makes a difference. Having said that, I hope I haven't taken too much time. Other than that, I will be glad to answer any questions.

Dixon:

Mr. Donaldson, I would humbly suggest, given what you are hearing here, that you do withdraw to sometime certain. I would say that because I think the Board is in a position to accept the attorney's position. With that, we have one or two options before us. Since he has just told me that we could not delay it because that would not give you your due process, that would leave us one option.

Donaldson:

Tabling it basically would mean that we would not have to reapply. We wouldn't have to pay a fee.

Dixon:

I wouldn't put you in a position, I certainly wouldn't recommend putting you in position of having to start over again. But, that we table to some future date that we do get this settlement and that we can clearly address you and give Mr. Patronis the due process that his request requires.

An attorney from Bryant Miller and Olive (representing Nick and Wendy Adams, Ricky and Jeannie Carmichael and Charles Sauther) addressed the Board. She disagreed with Attorney Donaldson that this LUA has nothing to do with the Settlement Agreement with the DCA. She argued that there is a trend from DCA regarding increasing the density for residential development in the County. The objections raised by them just happened to be on going from AG categories to RR, but the particular objection is that you are increasing residential density when you have already over allocated lands for residential development that are already appropriately zoned and appropriately categorized.

She said that her clients feel that, "The buck really ought to stop here. This is the Gadsden County Commission. This is the body that has decided that this is the future land use map and this is how we are going to develop in the future. These residents are making decisions everyday on buying property and locating here and they expect to be protected by that blueprint for growth, for the future. So, they would like to see a decision be made. Our preference would be to go ahead and take public testimony tonight and have you make a decision, but I understand that you are leaning the other day and I certainly respect that."

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO CONTINUE THE HEARING INDEFINELY.

GENERAL BUSINESS AGENDA

- 12 **Approval to Modify the Community Development Block Grant**
A. **(CDBG) Housing Rehabilitation Contract with the Florida**
Department of Community Affairs (DCA) Modification Number 1

to 06-DB-3K-02-30-01-H-15 Allowing a six month extension until July 26, 2008.

Chair Dixon explained that there was \$95,000 money left over in the grant after the program was finished and the money needs to be reallocated and the timeframe needs to be extended.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MODIFICATION TO THE ABOVE REFERENCED CONTRACT.

COUNTY MANAGER'S AGENDA

13. **State Board of Administration (SBA) Update on Local Government Investment Pool (LGIP)**

Note: On November 29, 2007, the SBA temporarily froze withdrawals from and deposits into the LGIP.

Chair Dixon congratulated OMB Director Davin Suggs for being chosen to be a member of the advisory board to the LGIP of SBA.

Mr. Suggs then addressed the Board. He reported that SBA had hired a global investment management company, BlackRock, to conduct a review of the LGIP's current holdings. BlackRock made recommendations to the trustees as how to proceed in light of the recent downgrading of some investments held by the LGIP.

He then said that SBA hopes to re-open on Thursday, December 6. He then gave a highlight of the attached report.

The impact on Gadsden County was limited per a memo distributed by Clerk Thomas. As has been the past practice, the Clerk had withdrawn sufficient funds from SBA to sustain county operations for the first quarter of the new year until ad valorem taxes begin to come in. The Clerk had moved that cash at the end of September. Because of that customary good practice, Gadsden County was not impacted as greatly as it might have been at some other point in the year. He assured the Board that between new revenues coming in and the liquid assets, the county was financially o.k.

There are approximately \$3 million remaining at SBA in 4 separate accounts - General Fund, Transportation Fund, Transportation Debt Service, Landfill Escrow Account. Those funds are not needed immediately and the county can bear being patient and waiting things out. There are protective provisions and restrictions listed in the attached report which would allow the county to withdraw substantial portions of those funds if necessary.

Mr. Suggs stated that he is constant contact with the Clerk, County Manager and the Chairman and keeps them informed of the recommendations of the LGIP Advisory Committee. He noted that even though Lobbyist Chris Doolin's name does not appear on the advisory committee roster, he put in a lot of good hard work. He said he had been with him every step of the way, he attended all of the meetings and participated in conference calls. He said, "He worked extremely hard, day and night on this matter."

He said, "The Clerk believes and we all believe very strongly in SBA. It has been good and solid for 25 years. With investments, sometimes they go bad and you need to be patient. Because of our positive situation with our cash flow here, the Clerk is advising us to advise you, the Board, that the money we have in there, we do not necessarily need to go and withdraw right now. We want to advise you to support the Clerk and maintain the course with the funds we have there now. There are some funds that we will need to withdraw to make debt payments and we will withdraw those to make debt payments on the road paving bond. As of now, we want to stay the course with the money that we have in SBA. That is for as long as it is foreseeable to be possible or positive. If something does not go right, I am sure, without hesitation, he will be able to withdraw it. Those limitations allow us, the new withdrawal provisions allow us to withdraw that cash.

Second, the Clerk is advising, and I am advising to you, r you to support him in that we would like to temporarily suspend any future deposits of new revenue in SBA until we see what is going to happen. We had a couple of cases of where - the way we receive a lot of our revenue, especially from the State and DOR, is that we get EFTs. They simply wire the money to one of our accounts. We have a couple of revenue streams that we had set up to be wired directly to our SBA accounts. I know today, work was in progress to

stop those EFTs and start receiving warrants or hard checks that we could deposit here at Capital City at one of our local banks. We ask that you support him in stopping that and let's wait and see if the positive action is going to continue.

Lastly, I talked long with the Clerk, this was good - this was a good experience for Gadsden County. It was something that happened and we were not hurt. It gives us an opportunity to reset our priorities and strategies so that we can protect ourselves from any future events that are similar. So, I know that the Clerk is doing some research and that he will be prepared at a later date to make some recommendations to change some strategies and protocols to minimize our exposure to risk like some other counties were exposed to this time with SBA. He has agreed and is very open - he has been very open - we have communicated both on the phone and face to face on several occasions over that last four days. He is committed to that communication until we get through this and back to our normal operating state. As soon as he has some solid strategies that he will want to present, I'll talk to him and then we will get them in front of you to inform you and keep you up to date as we move forward to re-strategize our cash management policies."

Holt:

I spoke with Mr. Doolin on Saturday because I was concerned, also. Was there was a slow on the withdraws on those accounts by the committee?

Suggs:

What has happened, Thursday, they stopped. This Thursday, they propose to re-open it. Right now, in SBA, there is one fund where all of the investments are. What they will do is split into two.

Holt:

I understand that, I just want to know if there was a recommendation to slow it even though it is going to open back up on Thursday?

Suggs:

Fund B - nothing. Fund B with 14% is where all the negative securities are, there will be no withdrawals and no deposits. Fund A where there is \$12 billion, positive securities, but there is a provision. With that provision, anybody that has money, you are only allowed to withdraw the

greater of 15% or \$2 million.

Holt:

O.K. That was my concern. The reason I asked that is because when I talked to Chris, everyone was concerned about a run on those accounts.

Suggs:

There are three things they have done. There is a limit with no penalty at 15% or \$2 million. After that, they will, Secretary Sink is working to establish relationships with banks so that instead running on the bank or drawing cash, the entities could go up and pledge their shares in SBA and get a short term loan and you would just have to play that interest rate game. The interest rate that you are paying on that loan would hopefully be lower than what you would earn.

After that, the other provision is that they will allow people to withdraw more than \$2 million, but with what we call redemption fees. That was a hot issue for the last 48 hours. That redemption fee would be some percentage. Even though funding is in good securities, it is not as liquid to where everybody could make a run and get all of their money. So anything over \$2 million or 15% whichever is greater, they will be required to pay a redemption fee because that would cause the fund managers to sell short some securities to liquidate to pay off. So, we would recover that in redemption penalties.

Holt:

One reason I wanted to know about that was because usually when there is a problem, they will say you take a lesser cent on the dollar.

Suggs:

What Commissioner Holt is talking about is when this thing started, we moved about 10 million miles from Friday to this morning. At one point on Friday, we got to 90 cent on the dollar. They asked us if that would be o.k. From Miami and Dade and Escambia, there were a lot of curse words in that conversation.

Holt:

I know there were a lot of curse words, but Chris Doolin did a great job. When I called him, he had the information and everything right there.

Croley:

Mr. Suggs, as you know, I have been monitoring the situation with Clerk Thomas and he is doing a good job under the circumstances. I have not reviewed the counties investment policy. I don't even know if there is a written investment policy.

Suggs:

There is.

Croley:

But, I would like to get a copy of it.

The question I want to ask is pretty simple. Was Gadsden County lucky or smart?

Suggs:

I think it was a very good combination of both. They do a very good job in managing cash.

Croley:

But with the situation of having the money.

Suggs:

They do a very good job and we were very fortunate about the timing. We all discussed, this is no secret, the Clerk and I discussed it - if it had been in April, it might have been a different situation. But, the phone call transpired Thursday afternoon - that is when they shut this thing down. The Clerk's office and I communicated Thursday morning in anticipation before that meeting. Thursday morning, when I communicated with the finance director, I was pretty much assured then - we did not know that they were going to shut it down, but in terms of the situation of where we were standing - so, I give the Clerk's office credit. They do a very good job. Cash management, number one, is not an easy job. Number two, with the number of other jobs that they do with the level of staffing, and still be able to handle cash management, they need to be commended.

Dixon:

Be careful, you might make us say nice things about them.

Suggs:

They do deserve some credit in this situation. They do deserve credit.

May I add one thing. This is important. You can look at the timing of everything. I know that Jefferson County was in the paper. Some counties are in trouble because they were using SBA the wrong way. Very clear. That is where the Clerk's office gets a lot of credit because there are a lot of entities, especially the smaller entities, that use SBA as a super count or as a local banking institution where that is where they are writing their checks and stuff. I'm not going to say that SBA was not meant to be used like that, but I have been assured that it was never (inaudible) That is the story behind the story when you talk to a lot of folks out there. SBA by local cash managers, at these other entities or governments, SBA was not being used as a proper tool.

Dixon:

That is also part of being a small county because you don't have all those cash managers and all those folks in house.

Suggs:

So, we are fortunate.

Dixon:

No, we were smart, we were not fortunate. Now, that is clearly the difference between lucky and smart. We hire smart people for that effect. But, please confer our appreciation to the Clerk on behalf of the Board for them doing what they do.

Holt:

I, like Commissioner Croley, would also like to see the investment policy.

My number two question was, of all those accounts, are they invested any where other than securities? Out of any of our accounts.

Dixon:

It would be institutional funds, big institutional funds. Did you look at it? .

Holt:

I don't have a problem with waiting to see it, but I just wanted to know if they were becoming rather liquid out of those accounts going into securities or what?

Suggs:

One of our issues with SBA that came out of this committee is that there has not been 100% clarity about the whereabouts our money.

Holt:

That was the main question.

Suggs:

One of the things that came up to and I think you will see it BlackRock's proposal is 100% transparency. This question came up on Friday. SBA has promised that they get the total investment portfolio on the SBA website. That question came up several times. What is the firm in Tampa that owns the stadium?

Dixon:

Raymond James.

Suggs:

When the people at Raymond James took over the conference call, they said, "Hey, we need to know everything."

That is when SBA stopped and said, "Hey, we understand that." BlackRock from New York came in and said, "We promise. If we are going to restore confidence, there has to be 100% transparency."

Holt:

Right. On that, because of the investment situation with those, that is why some of the large counties made a run on the account - because they could not track their money. So, it was not that they just wanted to pull it out. They could not find the money.

Suggs:

One assurance that we have with the new fund A - where the good money will be - will be no stocks. At this point, they have planned to have a lot of commercial paper, but that also includes corporate bonds and not just government backed bonds.

If you will look at the advisory committee's statement - of what we required or what we are asking - one of the things that we are asking - Commissioner Croley referred to that investment policy that we have which is driven by the FL Statutes - we asked that SBA hold themselves to that same Statute which also preaches safety and security of money, then liquidity before yield or profit. The other two

factors we asked were that they go back and redraft and revisit that policy to be more conservative to address those first issues.

Dixon:

In essence, lower the risk so you can bring the confidence up.

Croley:

Mr. Chair, you asked that he pass our appreciation on the Clerk. I would like to make that more formal and make a motion.

Dixon:

You want me to sign a letter, don't you?

Croley:

Yes, I want you to sign a letter.

Dixon:

Why would you do that to me? You know that is bad blood out here. Would you let Lamb sign the letter? I am just joking. Thank you, Davin, we appreciate you. If we don't say it enough, we know we pay you well. But, we thank you anyway.

(Huge laughter.)

COUNTY ATTORNEY'S AGENDA

14. Mr. Williams had nothing to report.

15. DISCUSSION ITEMS BY COMMISSIONERS

Commissioner Lamb, Vice Chairman, District 1

Commissioner Lamb had nothing to report.

Commissioner Doug Croley, District 2

Commissioner Croley recognized and thanked Mr. McCord for the good job he has been doing on the Land Use Amendments.

All the commissioners concurred.

Commissioner Derrick Price, District 3

Commissioner Price had nothing to report.

Commissioner Holt, District 4

Commissioner Holt directed a question to Mr. McCord, "On the non conforming communities that we have - those that came off the tobacco farms and settled in areas and they are already - they may be listed as AG-1, but there are 15 housing sitting there - do you think - I know that we addressed it somewhat earlier - I am sure that DCA will say that they are non-conforming and what do we do about it - But, I think that we need to go ahead and address some of these issues because those 15-20 houses are not going to move and they are going to be there and I would like to see something - us look at that. Do we need to rezone them? Do we need to just - how do we get passed that non-conforming status?...We need to get into compliance with the Comp Plan and the Land Development Code. We need to figure out a way that they match - the map up here to match those items."

Commissioner Dixon, Chair, District 5

Commissioner Dixon had nothing to report.

Receipt and File

16.

- a. Memorandum of Agreement Between Gadsden County Health Department and North Florida Medical Centers, Inc.
- b. Letter to Finance Director, Clerk of Court and County Manager Regarding Purchase Order 07-35A and 07-344A
- c. Letter from the Auditor General Regarding the Financial Audit Report Requirements
- d. Letter from Capital City Trust Company Regarding the Quincy Historical Preservation Trust
- e. Letter from the Florida Department of Revenue Regarding Truth in Millage (TRIM) Certification

- f. Letter from the Florida Department of Community Affairs Regarding CDBG Contract Monitoring Report
- g. Letter from Williams Wilson & Sexton, P.A. to Eraclides, Johns, Hall, Gelman, Johannessen & Kemper, L.L.P. Regarding Subpoenas for Medical Records
- h. Letter from the Florida Department of Revenue Regarding Distribution Percentages of Local Option Gas Tax
- i. Letter to Dr. Anthony Arnold Regarding Gadsden County Planning Commission Membership Appointment
- j. Letter from Prestigious Portable Restrooms Regarding Introduction of Services
- k. Memorandum Regarding the Library Report
- l. Memorandum Regarding the Big Bend Regional Partnership Meeting Summary for November 5, 2007
- m. Letter from the Florida Department of Environmental Protection Regarding Proposed Settlement of a Fill Violation

December Meetings

December 11, 2007 - Workshop

- Bryan LUA (AG-2 to COMM) - (2nd Reading) - Growth Management
- 2008 BOCC Priorities and Initiatives - OMB

December 18, 2007 - Regular Meeting

ADJOURNMENT

THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, CHAIR DIXON
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
DECEMBER 11, 2007, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: Ed Dixon, Chairman
Eugene Lamb, Vice-Chair
Doug Croley
Brenda A. Holt
Derrick Price
Marlon Brown, County Manager
Jean Chesser, Deputy Clerk

Chair Dixon called the Special Meeting/Workshop to order. The County Manager led in prayer and the Chairman led in the Pledge of Allegiance to the U.S. flag.

Chair Dixon urged as the festive season begins that everyone try and stay safe, take it easy and take care of each other. He then turned the meeting over to the County Manager.

The County Manager stated the amendments for tonight's agenda with these additions:

Item #1 - Update of Solid Waste Program and Approval of New Schedule for the Six Rural Waste Sites. **ADDED: Request from the Town of Havana for the use of the County's recycling bins.**

The County Manager explained the request was for the use of the bins the County had previously provided for curbside recycling.

OTHER ITEMS AS NECESSARY:

Item #3 - **ADDED: 3-A Approval of the Board of County Commissioners 2008 Meeting Calendar.**

The County Manager asked Jon Brown to play an Ad that is being run via Radio for all the citizens of Gadsden County which promotes the Urgent Care Center. He said there are several Ads running on both radio stations (WGWD & WWSD) in Gadsden County and hopefully the citizens will become more aware of the facility.

Commissioner Holt stated it could also be advertised on TV Channel 6 & Channel 27 as a public service advertisement - at no charge, if someone would go in and do it two weeks prior to the running of the Ad. She suggested the Ad include Medicare/Medicaid when mentioning insurance as some people may not know that.

Chair Dixon called for public comments/input and there was none.

Chair Dixon asked Jon what was being done for increased coverage and Jon said they are currently running them on WGWD, WWSD and are looking at 96.1 and implementing a quarterly print for the newspapers that will have a schedule for the Center. He said they have also talked with Mr. Jim Sutherland about possibly running some PSA spots and other avenues for TV advertising as well.

Commissioner Croley asked how much money had been allocated for the advertising.

Jon said he believes this to be about \$540. He said they are running on a very discounted schedule with WGWD (FM) which would reduce the cost (normally the spots are between \$10-\$15/spot) to about \$5.00/spot. He said the Ads are being run on Monday - Saturday for their general market and on Sunday because WGWD has an extensive gospel segment with a general market in the evening which has a very large African-American listener ship. He said they are doing this in an effort to target all of the County. He said WWSD is an AM station and it also has a large African-American listener ship. He stated the TV and printed Ads will help target the entire County as well. Jon stated he would get all of the specific numbers together and would E-Mail all commissioners with that information.

Commissioner Croley asked if the \$540 would cover what they plan to do now and Jon said that only covers the radio right now for WGWD.

Commissioner Croley said he wanted to know the total cost involved with what advertising they plan to do.

The County Manager explained the total cost has not yet been determined because Jon still has to get with the other radio stations and with the print media to find out their costs. He said they may do it as a PSA or on a discounted rate, but those costs have not been determined, and at this time all they have targeted is radio.

Commissioner Croley asked whether "X" amount of money would be budgeted for a total amount of advertising and allow them to see how many avenues they could get or if they were going to see how many

different avenues they could get(whether PSA or whatever) and then come back to the Board.

The County Manager said they would have to explore what other avenues there are, get the costs and that he has made the decision to actually do the Ads. He said that decision has basically rested with him in terms of the costs; that he did not know the costs yet, but it would probably be less than \$1,000-\$2,000.

Commissioner Croley stated that was fine, he was just trying to get a ballpark figure.

Chair Dixon said he wanted to see, whichever avenues are chosen to explore, basically as with other issues that need advertising where they begin with a bigger budget and then a smaller budget as they begin to target and zero in on those folks, that he wants "to answer the call". He said he understood the need to get something out and appreciated staff getting something on the air, but whether the budget is brought early or later he wants it to be an intentional process, not hit and miss - a very intentional process of driving home Urgent Care, Recycling opportunities that will be out there, the Library or whatever; and when the Board looks at the numbers again they will be able to see if they are putting the money behind what they say it is that they want to see happen.

The County Manager explained when the County hired TMH to run the Urgent Care Center funds had been budgeted for advertising and one of the directives from the Board was to be certain they had enough advertising for the people in the outreaching areas to know about Urgent Care. He said this is where the funds for the advertising are coming from and he will bring the numbers back for the Board to see.

Commissioner Croley said he would like to see how many people the County is serving now, whether it is for Urgent Care or Recycling so after they get into the advertising program, the Board can see whether those numbers are going up, what areas they are going up in, and whether or not the dollars being spent are having the desired results. He said the whole purpose of using the advertising program is to increase users.

Jon Brown said he and Cory Fleming have already talked and they will be able to track what they were doing at this point last year, and then in moving forward, they will be able to track how effective the advertising has been. He said one of the things they have done in the commercials is repeat the phone number several times to help make people aware, know where it is, and help increase those numbers. He also said the Board of County Commissioners, as well as the GHI Board

has stressed the importance of aggressive advertising for the Urgent Care Center.

Commissioner Croley asked that Workman's Comp insurance also be added to the insurance portion of advertising so they can get as many paying customers as possible.

Commissioner Holt said just the value of the advertising program itself may not necessarily increase the number of customers, but the number of paying customers, and if those with coverage see the service as a good service, it may increase the number of paying customers and that is what they are looking for, the numbers may reflect it just in payments.

ITEM # 1 Update of Solid Waste Program and Approval of the New Schedule for the Six Rural Waste Sites.

The County Manager explained this item is seeking Board approval of the new schedule for the six waste sites, as well as to provide the Board with an up-date of the Solid Waste Program. He said on November 20th staff provided the Board with a plan dealing with recycling in the County which included the opportunity for the citizens to continue recycling. One of the major provisions of the plan as approved by the Board was the establishment of a citizen's advisory committee on solid waste to review overall solid waste issues in the County, including recycling. The Committee will then report back to the Board with recommendations on how to deal with solid waste. He explained the citizens are being provided the opportunity to drop off recycling materials at the six waste sites, beginning January 1 of 2008. If the individual is dropping off recycling items only, it will not require them to purchase a garbage permit for the recycling items being dropped off. In other words, recycling would be free for all citizens of Gadsden County regardless of where they live and regardless if the citizens reside in one of the cities that provide recycling at a cost. He explained staff is placing Ads in all of the local media to inform the citizens of this opportunity to recycle at the rural sites and what materials will be allowed. He said staff is in discussions with Waste-Pro, as well as some initial conversations with Waste Management. He said with Waste-Pro being the County's approved service provider for the six rural waste sites that it is staff's belief that by having the recycling bins at the sites Waste-Pro would be the best company to service those sites. He also said Waste-Pro will provide the recycling bins, will transport the bins to whatever recycling facility they currently take recycling to from Tallahassee. The attendants that will be at the six sites will be responsible for making sure the materials brought by the citizens qualify for recycling.

The County Manager said the Town of Havana is using Waste-Pro to provide curb side recycling to all of its citizens and the City of Quincy is also considering using Waste-Pro to provide curb side recycling to the Quincy residents at a cost of \$5.50/month. He also said Commissioner Lamb has had discussions with the City Manager of Midway concerning the possibility of Waste Management providing the same service to the residents of Midway. He said at this time he does not know what Gretna, Greensboro or Chattahoochee is doing with regard to recycling.

Chair Dixon called for questions from the Commission.

Commissioner Croley said he did not believe this would be a satisfactory long term solution. The people that participate, at least in Districts 1 & 2 have a heavy level of participation with a lot more homes in close proximity. He said the other communities outside of District 2 wherever they may be, and in the Lake Talquin area the people are going to expect to have the curb side service restored at some point in the future.

Chair Dixon asked Commissioner Croley to give a solution and Commissioner Croley said he would like to see the citizen's solid waste committee have the chance to come up with some ideas for the Board to look at.

Chair Dixon asked if neighborhoods such as the Reston community that have a hundred homes had been looked at, even if the truck did not stop along the way, but for those big neighborhoods where it makes sense to go door-to-door.

The County Manager said staff could probably approach Waste-Pro or Waste Management to see if (for example when servicing the City of Quincy and on the same day servicing the Town of Havana) on their way from Quincy if they could -

Commissioner Croley said he thought everybody was on the same page and he just wanted to give the solid waste committee a chance to come up with ideas. In the interim piggy-back off what Chair Dixon had stated - and where you have concentrations of customers off those thousand households that were permitted to come up with some more efficient way. Perhaps to do a recycle bin or some sort of possibly a community bin, but something.

The County Manager said he had miss-spoke because Reston and Tallavana are already County customers and are on Waste Management. He said, for example, if all those homes are already on garbage pick-

up they could talk to Waste Management to see if they would be willing to provide recycling, as part of that service. He said if that is not an option, possibly they could put a rural community bin inside the gates at Tallavana or possibly something close by Reston that those citizens could take their recyclables to.

Commissioner Croley said he just wanted this administration to be thinking in the interim, as Chair Dixon has referenced, and think about how to deal with these situations so the level of service can be improved in the interim and then look at what comes back from the committee.

Commissioner Lamb said in talking with the City of Midway and Waste Management, he does not believe Waste Management will be able to do anything when it comes to recycling at this point. He said in the large quantity neighborhoods (like Lake Yvette, Reston) he believes Waste-Pro will go into those large areas for providing curbside service. He said he understands the County area is on Waste Management, not Waste-Pro, but the County could possibly negotiate with Waste-Pro, if Waste Management cannot do it. He said Waste Management said they do not have the trucks available. He also said in talking with the City Manager in Havana, he believes Waste-Pro will do it as they are interested in going into larger areas that are concentrated together. He also said there are not many people in the City limits that are on it, and based on what he has been told Waste Management will not be able to do it in Midway. He also responded to a question from the Chair and said Midway does not have mandatory garbage pick up. He also said he had tried to get Midway to require mandatory garbage pick-up when they were building all the new homes but Midway would not do it.

The County Manager asked that the Board allow him time to verify the franchise agreement the County has with Waste Management does not preclude them from having another company provide recycling, and that the Board's suggestion is certainly a valid request.

Commissioner Lamb said the County would probably have to put it up for bid if they talk with Waste-Pro because of the contract the County has with Waste Management, but they would probably consider it if it is put up for bid.

Chair Dixon said the County doesn't want to bid it.

Commissioner Holt told the County Manager she would like to see the numbers, the location and the concentration of those citizens that tie in with the advertising discussed earlier. She said if the County is going after this, it should be part of the advertising

budget. Get those concentrations up and see where they need to concentrate their efforts, and once that is taken care of, they may want to target some other areas that have 200-300 homes to look at a site. She also raised the question as to how the County could be sure the people dropping off their recyclables are not also dropping off garbage because you have one group that has permits and the recyclables would not be required to pay for the recycling. She also brought up the fact that the monitors are not at the sites 24 hours/day. She said the County does need to advertise, and when they can see where the concentration of people is and where they need to target, that will give them a better idea of where to concentrate their efforts. She said part of the problem is a lot of people just don't know what recycling will take.

The County Manager explained the gates should not be open for them to go in and dump their garbage. He said when the sites are open the attendants will be there checking to see that the recyclables -

Chair Dixon stated Commissioner Holt was referring to putting them in the neighborhoods.

Commissioner Holt said at the sites also, but especially in the neighborhoods because some people would see that as a way to dump their household trash when it is not monitored.

The County Manager said that was a problem they had when the community bins were scattered around the County with a lot of household trash being mixed with the recyclables.

The County Manager said there is obviously a cost associated with this and the cities are adding it to the utility bills and if Waste-Pro does provide service to (example, Reston or Tallavana) the County will have to discuss with Waste-Pro how they will bill those people.

Commissioner Holt said if that is the case, the County should possibly talk with Talquin Electric to see if they could do the collection part and do it with Talquin.

Chair Dixon explained that is something for the committee to consider and asked the Board to try and keep this to the interim - how can they deal with this situation in the interim.

Commissioner Price said the City of Chattahoochee has their own city truck and he asked if the County could get with the different cities that have their own trucks and see if they can get the bins themselves, or possibly the County get them and the cities be responsible for them. He said they had had a bin in the IGA parking

lot and didn't have any problems with people dumping anything other than recyclables in it.

Anthony Powell said they did have problems with that after hours and when they are not manned there are problems.

Chair Dixon said the Board must think out of the box on this, what has been done didn't work - Tallavana is an easy neighborhood because it has a gate you have to go in and out of, but they must think about what they are doing out in the open communities.

Commissioner Croley said the collection part of the recycling is just one part and the second, one of the most important parts is what you are going to do with it when it is collected. He said the Board needs to see a marketing plan as that was part of the issues that came up with previous recycling problems. He asked who it would be marketed to and what the County Manager's experience was in getting the recyclable material marketed because that would be the source of revenue for breaking even. He said there is some GIS technology, the addresses of the 1,000 household subscribers that should be plotted on the map so the Commissioners can see where the customer concentration is and know in terms of what recycling material will be coming in and then get it on a proper business plan. He said the County has the grant, the re-sale of recycling materials and the subscription fees from when the County had the curbside, plus a little bit of interest on the money, but there needs to be more of a business plan in place.

The County Manager said that was correct and since Waste-Pro would be handling the recycling staff could find out what their intent is as they collect Leon County and the City of Tallahassee's recycling and will bundle all of that together. He said Gadsden County is not getting any money out of recycling and the County is basically out of recycling in terms of the acquisition and sale of the recyclable materials.

Commissioner Croley said he would like the County to look at getting some of that money, if possible. If Waste-Pro is only going to do it in the interim that is fine, but ultimately the County needs to cover the cost as it can't just be a free service. He said the idea is to have it break even.

The County Manager stated there really and truly is no cost to the County.

The Chair said this is just short term and the committee may come back with a fee structure along with all kinds of other stuff and he stated, "Let's not sell ourselves short just now".

Commissioner Price said he thinks the recycling bins at the waste sites is the way to go for right now.

Chair Dixon stated he had looked at the numbers and if 97% of the folks recycling reside within the confines of the City limits, the Board may need to look at something different, or perhaps an attachment to that. He said if the cities are doing it for their concentration, then the County will only have to concentrate on the unincorporated areas of the County. He also said if they put together an advertising program that will cover the whole County, then the County could come back and focus on those unincorporated areas they know are going to be tough in terms of keeping things out of the recycling areas. Some folks don't want them near their neighborhood, all of the acronyms that will jump out at them, and the County needs to have a plan. He also said the cities that don't recycle, certainly need to recycle. He said he had thought about the possibility of the County laying out a type of grant to a city saying "if you recycle along with your garbage pick-up, this amount of money is for you". Why, because the County wants to continually encourage the cities to keep the recycling going and tell them if they don't have it, to pick it up. He said a grant will help the cities minimize the cost (\$5.00 per or \$60.00/year times however many) and \$8,000 - \$10,000 in grant funds and the cities would be off and running as it relates to recycling. He further stated they should encourage the cities to do it.

Commissioner Croley asked if the solid waste treatment trust fund money (\$277,000) was being used just by the County or if the municipalities were sharing in any of it.

The County Manager said it was being used by the County for solid waste -- the trust fund still does not fully cover the County's solid waste.

Commissioner Croley stated it had also been used for recycling with the question then becoming if the cities are going to take over those municipalities recycling, they may want to share in the money.

Chair Dixon said the point of the matter is the County should be encouraging the cities - they have the densities - they have the vehicles already in place. He said the shame of it is "we were trying to recycle in Havana (for instance) when Havana had a truck that stopped at somebody's door every morning already; that was

duplication of effort and didn't make sense. We shouldn't be doing that and if we have the opportunity to fix it, flat line it and get a greater production out of it. Why wouldn't we? What I'm saying is you give an encouraging amount of money to somebody and say you go recycle. Let that help ease the burden of you as a city to recycle - go do it".

Commissioner Lamb said he agreed and had mentioned that to Waste Management, but the problem is the same truck cannot be used for recycling that is used for garbage pick-up. He said Waste Management did not have a truck. He also said he feels the biggest problem now is the outlying areas and the County needs to do what they feel is best for those citizens.

In response to Commissioner Holt's questions on using the sites the County currently has and then giving staff an opportunity to look at those, the Chair said he was sure if staff comes up with any reasonable ideas they will bring them back to the Board.

The County Manager said staff will attempt to bring back to the Board the numbers of subscribers in the (Reston/Tallavana) concentrated areas (areas outside the city limits) at next week's meeting. He also said they will attempt to have conversations with Waste Management and Waste-Pro to see if they can provide service to those areas.

Chair Dixon said the number of subscribers today really was not important, as the County simply intends to increase the subscribers.

The County Manager agreed and said if those residents see they are going to get a recycling truck coming in front of their house, those who are not recycling may then want to recycle.

Chair Dixon called for public input at this time.

Mr. Stewart Johnson addressed the Board asking about some of the bigger users of waste (schools, government, county, city, and municipalities) and asked if they were all recycling and said he thought it should be mandatory. He said the schools generate tons of paper, Chattahoochee State Hospital generates a ton of waste and all of this should go into the coffer of a recycling facility. He said the County could make it mandatory. Does the County or the City have boxes for waste paper to be recycled? He said these are some of the questions he is just throwing out. He said these are the huge concentration areas.

Chair Dixon assured Mr. Johnson his concerns have not fallen on deaf ears.

Mr. John Dew addressed the Board saying he and his wife are very serious about recycling and he spoke in favor of recycling. He said the County is headed in the right direction because recycling is not just a local problem - it is a national problem. Mr. Dew said he is in hopes the committee will have representatives from the different cities so the County can begin to look at the recycling issue based upon the intent of the State of Florida, so there will be real recycling and no corruption of taking all those items to Georgia. He then asked for the locations of the six sites being used at this time.

Chair Dixon read the locations of the six sites and thanked Mr. Dew for his input.

Commissioner Croley reminded everyone what the money recycling saves is that it saves the dumping fee in the landfill and when that tonnage is added up it can be a considerable amount of money the municipalities and/or the County can save. He said that reinforces the importance of having a viable recycling program and that it be County-wide in whatever fashion that may be.

Ms. Leah Brooks of Chattahoochee addressed the Board stating the interim measure in Chattahoochee is that Jackson County has agreed to pick up the recycling bins at no cost. She suggested putting the sites on the County website with maps so people would know exactly where they are and how to get to them. She also suggested the County make sure staff is well trained.

Chair Dixon apologized and said the previous program was in place but was not well thought out and the County hopes in the interim, over the next few months, the County will come back with a program that really works, meets the budget and meets the citizen's needs.

The County Manager reminded the citizens that curbside recycling is still being provided by the County through December 31, 2007 for those that currently have curbside recycling. He said this was one of the reasons for asking for direction from the Board tonight, and that advertisements (full page ads) will be in the local newspapers letting folks know where they can take their recycling materials, as well as the location of the six rural sites. He also said as the second part of this same agenda item, the Board needs to consider the forming of the citizen's advisory committee. The County has already started placing ads in the local papers and other media requesting

interested citizens submit an application to the Management Services Department (copy of application shown in agenda packet). Applications will be due January 3, 2008, all completed applications forwarded to each commissioner for them to select two citizens from each of their respective districts and then one member will be appointed at-large, for a total of 11 committee members. The Board will have prior approval on the composition of this committee and consideration of the current solid waste committee members will be eligible for consideration. Each commissioner will then bring their two recommended appointees back before the Board for approval. He said this committee will be staffed by the solid waste director, staff from the budget office and the public information office and the committee will serve for approximately three months with a minimum of three (could be more) meetings beginning in February 2008 and ending in April 2008 with a recommendation to the Board by May 2008. He said staff is trying to get all of this finished before the Board puts a budget in place for the following year.

Commissioner Croley encouraged that the County Manager make sure all the department heads understand this process so there is good training and when people ask questions they will know who to refer the interested persons to.

Commissioner Lamb asked in reference to District 1, the Concord area, if the committee could possibly come up with something as those people would either have to go to Post Plant Road or Midway and that is two long stretches for those particular citizens.

The County Manager said anything and everything will be on the table, and nothing will be filtered or watered down - all information from the committee will be brought before the Board for their consideration and to provide staff direction as to how the Board wishes them to proceed on solid waste, recycling, hazardous household materials, etc.

The County Manager stated the third part of this agenda item was staff's recommendation for Board consideration of the operating schedule of the rural waste sites. He said there are currently six locations and beginning January 1, 2008, with four site attendants working for approximately 28 hours/week. Saturday is the busiest day of the week for drop-offs so all of the sites will be open 5 hours on Saturdays. The citizens will have the opportunity to recycle free of charge at the rural waste sites. (Proposed Revised Operating schedule shown in attachment #2 of the agenda packet) He also said staff will be given a solid waste and recycling information and education program.

Discussion followed on garbage being dumped along the Ochlocknee River and problems generated from that, as well as other areas in the County.

Chair Dixon said he would like, one day, to see the people from Code Enforcement/Building Inspection (those people that are use to dealing with this sort of stuff) put on gloves and find areas in the County, and if it means having to go through this garbage to find out who the culprits are that is doing this intentional dumping and slap some heavy fines on them, find one thing with somebody's name on it and show people if this is an intentional process, the County is going to fine them. He said it didn't matter if it was one day per quarter. Take that day and get in those spots where the complaints are coming from, go through the garbage and you find a receipt or something with a name on it and you find those people, you won't have to bring many of them up to get the point over. He said it is one of those things that has to be done.

Commissioner Croley said it was his understanding that the attitude of the Courts is you have to see the person doing the dumping; this is one of those areas where the Board needs to call on the legal staff to take a look at the County Ordinances and see what needs to be done to beef them up. He stated in District 3, off Boykin Road, there is a tremendous amount of building materials being dumped just as referenced occurring in District 1, as well as in District 2. He said if they can get this done, it would be a step in the right direction. He also mentioned the possibility of some type of "reward program" as that would almost be cheaper to pay a reward than it would be for the County having to pay and send labor out to pick up that garbage.

After further discussion, Chair Dixon said those people dumping garbage could be caught, but you have to be creative enough to do it. He said some times you just have to wait on them to catch them - "We must be creative and show the people the County will no longer tolerate this type of nastiness".

Commissioner Holt said she did not think it would work right now with the sites, but in considering the curbside recycling, she would like the committee to consider stickers because if those people that are paying had the same opportunity to have a sticker, you would not have the problem of losing the two. She also said at the same time, those people would be doing the right thing by paying for services and the others were not.

There was discussion concerning the hours of operation at Post Plant and RodShaw Road sites being from 2-7 P.M. on Saturdays, and during

the winter months it is dark before 7:00 and there are no lights at the sites for the safety of the workers. The possibility of Sunday service hours was also discussed.

Anthony Powell said he has spoken with Davin Suggs about this, and they are addressing the safety concerns/issues for the employees, including the lights.

The County Manager said the schedules could be adjusted for summer and then for winter months.

Chair Dixon said he did not think the County should have employees at the sites after dark - it is not safe. He asked if Mr. Powell could do an informal survey of his employees at the sites as to the schedule-the hours and whether or not people would bring their garbage on Sunday if the sites were open. That type of general questions for the customers. He said if the response was No, then the schedule is good.

Commissioner Lamb asked the County Manager if he has received any calls or comments from citizens around the County on having mandatory garbage pick-up and the County Manager said the calls that he has received are from the people wanting it, but he did not know if that was the position of everyone in the County.

Commissioner Lamb said he was also getting calls about it and one way they may be able to address it is by putting it on the ballot.

Chair Dixon said that would also be for the committee to look at, that they would consider all of the options.

UPON A MOTION BY COMMISSIONER HOLT TO APPROVE ITEMS ONE AND TWO OF THE SOLID WASTE PROPOSAL AND BRING BACK THE SCHEDULE TO THE BOARD AT THE DECEMBER 18 MEETING, AND UPON A SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5-0, BY VOICE VOTE IN FAVOR OF THE MOTION.

ITEM # 2-Updating Board Goals and Priorities for FY 2009 Budget Development Process:

The County Manager explained this item seeks input from the Board with regards to the updating of pre-established goals and priorities for the upcoming FY 2009 budget development period. He said staff is asking for some specificity from the Board as to what they would like staff to focus on so that when they develop the budget staff will know what the Board is focusing on for 2009. He then turned it over to David Suggs, OMB Director.

Mr. Suggs gave a slide presentation on the budget development process and what is currently on the table. He explained the categories on Board priorities and Management initiatives as well as each phase of the process as shown in the attached agenda. He said the last two years they used notebooks with blank pages for this process, but for this year-- during the next week-- he will be meeting with each commissioner during the next week to go over the initiative/goal development form for FY 2009-2013(5 year outlook) and asked that the commissioners be as specific, give as much information as possible when completing the forms (attachments A-B). He said this will certainly help staff in the development of a focused and issue-driven budget and financial plan, and it will also give staff a better focus of their efforts and strategic use of the County's resources in addressing the significant issues of the Board as representatives of the citizens of Gadsden County. He also said staff will make every effort to get as much information as possible, fiscally analyze each commissioner's request and bring as much information to the table as possible for the January meeting (workshop). He said at that point the Board can sit, listen and vote as a group on what the priorities will be for FY 2009.

There were no questions from the Board.

The County Manager explained the commission may submit items (as an example totaling \$62 million and staff would then say OK, but we only have a \$30 million budget, and begin trimming down from there.) He asked if on bridges, would the Board want to use infrastructure funds or surtax funds for those repairs, or would they want to continue to wait. In other words, not just the opportunities to use County dollars, but perhaps save County dollars or look somewhere else for dollars to help this situation. He said the County has legislative requests at both the Federal and State levels asking for money, but it may not be timely as those bridges continue to deteriorate. He said with that type of information, when everything is placed on the table there are no ifs, ands, or buts as to the direction the County needs to head.

Commissioner Croley said he wants to see is a bridge maintenance program developed by the County and Public Works that is not just reacting to what DOT inspections say, but a plan presented by the County staff on a maintenance plan.

Chair Dixon said those are the things they are talking about, staff needs some real world guidance. He explained what he thought the County Manager was referring to was if the federal monies are not coming in (for example on bridges) how long should the County wait, should they start now, should they use local forces, and if so how

much - because they are not getting the funding they thought they were. He said he had met with staff this week and this budget process is about the "big picture" and it is about being focused, flexible and getting finished; it is not hit and miss, it is about how "we" can get it done. When the County sees opportunities to bring in money from somebody else and can use it, that's fine, but when the County encounters difficulties, then they must see how that can be handled. The County does not just stand still, they figure out another way to get it done and he encouraged each commissioner to bring everything (ideas and solutions) to the table for consideration during this process. He said that is what staff needs, and the Board needs to be focused and make decisions on the best possible evidence in front of them and get things done.

Commissioner Holt said in a meeting with the Governor and the Secretary of DOT one of the issues they discussed was inmate labor and inmate skills and the possibility of utilizing inmate labor. Their only concern was that the County would have to provide security for the inmates to come out and go to work. She said "we" have the women's prison, the men's prison and the county jail and we need to look at the programs they have.

Chair Dixon said the Secretary of Corrections had stated they have no problem with using inmates for adding on to the jail as that is what DOC does, the inmates help build the jails. Chair Dixon also said the County is interested and the point they got over to the Governor is that the Board has to make decisions - the County would love to have the State's money, but the Board cannot wait on them as the County has to handle it's own business and if it means being a little innovative or flexible in how they do things, then that is what they will do in order to accomplish their goals.

Commissioner Croley said Commissioner Holt made a very good point and he asked if the County could use inmates/trustees (30/60/90 days left on their sentence - no flight risk) to help with the staffing of the solid waste sites. They would basically be used for monitoring the recycling.

Chair Dixon briefly spoke of the opportunities available to the County through inmate labor to help accomplish the County's goals. He also said the difference between the County and the State is that the County inmates are just there for a moment (less than 365 days) and with the State inmates you would tend to want to build things with them as those inmates do not tend to come and go. He also said the Public Works Dept has eight crews of eight going out daily and the County employees at Public Works are sent to class and are trained to handle the inmates they have working on the roads or other places.

He said you are paying for one but actually getting eight people to go to work.

Chair Dixon asked for other items to come before the Board and Commissioner Croley asked for an update of a dog situation that had been brought up by a citizen (Ms. Bass) at the last Commission meeting.

The County Manager said staff and the Animal Control people had gone out earlier today and picked the dog up. He said he called Ms. Bass this afternoon and she is satisfied with the service she received. He said the dog could be returned to the owners, but they must insure that the dog will be secured or leashed before the County will return the dog.

Commissioner Holt said that took man hours and if the County doesn't have something in place they need to get something in place where the owners pay for that.

Chair Dixon said that was a fight for another night.

Commissioner Holt responded if someone was going out to see about your dog, the owner should pay for that service - it is not a free service.

The County Manager said that is part of the ideas staff is looking for in preparation of next year's budget.

The County Manager asked for action from the Board on the Town of Havana's request for use of the County's recycling bins as stated in the amended Item # 1 of the agenda.

UPON A MOTION BY COMMISSIONER LAMB AND A SECOND BY COMMISSIONER CROLEY TO ALLOW THE TOWN OF HAVANA THE USE OF THE COUNTY'S RECYCLING BINS THAT ARE NO LONGER BEING USED, THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

Item # 3 Approval of the Board of County Commissioners 2008 Meeting Calendar

The County Manager stated the difference between the previous year's calendar and the one being proposed for next year is they are recommending the Special Meetings/Workshops be held every other month, rather than every month. He said the Board has done such an excellent job in developing policies and giving staff direction that staff feels they can go every other month for the special meetings.

He also stated if the Board wants to continue having them every month, staff would go by that decision.

Commissioner Croley said he would like for the Commissioners to have a chance to review the calendar and see how it will fit in with their plans for the up-coming year.

Chair Dixon recommended tentatively approving it and leaving it open to be changed at any point.

UPON A MOTION BY COMMISSIONER HOLT TO TENTATIVELY APPROVE THE 2008 CALENDAR WITH THE OPTION FOR CHANGE, AND A SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5-0 BY VOICE VOTE, IN FAVOR OF THE MOTION.

Mr. Suggs presented the Board with copies of the Clerk's Investment Policies which they had requested at the Board Meeting on December 4.

The County Manager advised the Board the City of Quincy has let the County out of their contract and Quincy will be going with Waste-Pro for their recycling service. He also reminded the Board of the community meeting in Commissioner Price's District on Thursday, December 13, 6:00 P.M. at Union Chapel AME Church. He also stated staff would be coming back with a revamped five-on-five for next year, and if any of the Commissioners wanted to have an interim meeting or two, that staff would be glad to help them out.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD AT THIS
TIME, CHAIR DIXON DECLARED THE MEETING ADJOURNED AT 8:00 P.M.**

Edward Dixon, Chairman

Jean Chessser, Deputy Clerk

AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA ON
DECEMBER 18, 2007, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: Edward J. Dixon, Chair
Eugene Lamb, Vice-chair
Doug Croley
Derrick Price
Brenda Holt
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 Croley led in the invocation and Attorney Thornton Williams led in pledging allegiance to the U.S. flag.

Chair Dixon took a moment to wish everyone a joyous Christmas season. Commissioner Croley then extended Christmas greetings to the men and women of the U.S. armed forces serving away from home.

AMENDMENTS AND ADOPTION OF THE AGENDA

Material added to the following agenda items:

3. Approval of Draft 2008 State Legislative Program
21. Variance Request for William Walker - Woodlawn Subdivision
8. Budget Close-out and 4th Quarter Report

ADD to Citizens Requesting to be Heard:

Mr. and Mrs. Mark Isaac - Regarding Immediate Family Subdivision Regulations Variance (Growth Management Letter Attached)

Add to General Business Agenda:

- 22-A. Execution of Computer Instructor Contract (Material Attached)
- 22-B. Approval of the Board of County Commissioners 2008 Meeting Calendar (Material Attached)
- 22-C. Update on Schedule of Operations for the Six Rural Waste Sites (Material Attached)

DELETE:

- 20. Public Hearing - Carry Forward Budget Amendments for FY 2008 (To be Rescheduled)

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

AWARDS, PRESENTATIONS AND APPEARANCES

1. Update on Opportunity Florida Activities - Home Ownership Program Leaflet

Mr. Rick Marcum, Executive Director of Opportunity Florida, briefed the board on two current projects - the Affordable Workforce Housing Initiative and the broadband initiative to provide internet services to residents in outlying areas.

He referenced the on-line application for the housing initiative which he provided to each commissioner. He said that the first house is now under contract. He reported that the feedback they have received has been good. He then stated that there will be a forum in Marianna at which they will inform all builders in the region as to how they can become qualified to build homes for this program.

He introduced Roger Miller who represents the eight eastern counties in the Florida's Great Northwest.

Mr. Miller reported the following:

- Florida's Great Northwest received a proposal (in response to an RFP) from SJH who will be studying alternative energy industry in the sixteen counties in the region. That is significant to Gadsden County because there are a number of biomass power generation

plants on the drawing board and will be looking to see if there is enough fuel for those power plants. The study should be released in April or May of 2008.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ACCEPT THE ABOVE REPORT.

2. Gadsden Hospital Incorporated's Update on Selection of a Management Services Provider for Gadsden Community Hospital

Craig McMillan, Chairman of Gadsden Hospital, Inc., (GHI) addressed the board. He reported that GHI had selected Tallahassee Regional Medical Center (TMH) to be the vendor of choice to operate the hospital when it reopens. He said they have had two negotiation meetings with them.

3. Approval of Draft 2008 State Legislative Program

Gadsden County State Legislative Lobbyist Chris Doolin addressed the Board. He said there would be a big challenge in the upcoming legislative session, but that he was confident that Gadsden County would get a fair shake.

He then introduced the priorities established by the board. He explained the process that was used to arrive at a consensus of the final legislative priorities. They held meetings with the commissioners, county department heads, representatives of all six cities in the county and community leaders. Then preliminary discussions were held with the legislative delegation and the governor, Lt. governor, and agency heads.

He then explained that once the priorities are approved by this board, they will be disseminated to Senator Lawson, Representative Ausley, Representative Coley and Representative Richardson. They will also begin to prepare a community budget request which will be sent directly to the House and Senate. The priorities will be sent to the Governor's office and they, in turn will send it to the office of Planning and Budgeting and each agency secretary for their review.

Mr. Doolin reported that he met with the Governor's Office and they are committed to working with Gadsden County as a special initiative. The leadership in Tallahassee will be focused on Gadsden County in that it is in the shadow of

the Capital and they appreciate the collaborative effort the County has put forth. He then went through the priorities as outlined in the attached agenda report.

Sarah Bleakley spoke briefly to the Board, but had nothing additional to report.

Commissioner Holt stated that she would really like to see if the county could get additional sites and funding for other Boys and Girls Club in the county.

Commissioner Croley complimented Mr. Doolin on the work he has done and said he was pleased with the efforts he has made to get help with bridges and to protect the water quality in the county. He referenced the water line upgrades from the legislative priority document. He asked Mr. Doolin if he has had any conversation with Talquin Electric about assisting them in getting the existing lines upgraded to increase capacity.

Ms. Bleakley replied that the issue actually arose out of conversation with Talquin regarding increasing the water supply.

Chair Dixon said that the concept being discussed takes in total line replacement in some areas. It serves as an incentive to Talquin to replace the lines.

Commissioner Croley specifically addressed the St. Hebron community water lines and those up near the GA state line which need to be upgraded.

Commissioner Holt encouraged the commissioners to participate in the lobbying efforts during the session. She said, "It takes just a little bit to let them know that we want to be the model county for the rural counties. They can use us to help get into those new programs and use it throughout the State of Florida."

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE LEGISLATIVE PRIORITIES AND ACCEPT THE REPORT AS PRESENTED IN THE AGENDA REPORT.

CONSENT AGENDA

Commissioner Croley asked that Item 5 be pulled for discussion.

County Manager Brown asked to pull Item 17 and 18 for discussion.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGEND AS AMENDED.

4. Ratification of Approval for Payment of County Bills

Accounts Payables Dated: December 7, 2007
December 14, 2007

5. ~~Approval of Memorandum of Understanding Between Gadsden County and Boys and Girls Club for the Quiney Facility~~

(This item was pulled for discussion.)

6. Approval of Contract with Evans Construction to be the Contractor for the Build the Gretna Public Safety Complex - \$10,000 - Construction to be performed by inmate labor

7. Approval of Lease Agreement with State of Florida Department of Agriculture and Consumer Services for William A. Inman Agriculture Center - Livestock Pavilion - \$1.00 per year beginning January 1, 2008 until December 30, 2017

8. Approval to Pursue Partnership with Talquin Bass Association for the 30th Annual lake Talquin Open Bass Fishing Tournament 2008

9. Approval of 60 Day Extension of the Lease with the Gadsden County Senior Services, Inc. Until January 10, 2008

10. Approval of Addendum # 2 to the Agreement with Joel Sampson Architect, Inc. for Architectural/Engineering Services for new Courtroom in the Guy Race Judicial Complex

11. Approval of Staff's Request to Ask for an Extension of Time from Property Appraiser and Tax Collector to Recoup Costs Associated with Paving of Quail Roost Drive and Ames Barineau Road.- Special Assessment Revenue Options

12. Approval of Amended 2008 Budget Narrative for Capital Budget Allocation - Vehicle Replacement for Public Works -

P. 8-85 of the FY 2008 Annual Operating budget and Capital Improvement Program - narrative changed to read "This project involves the purchase of three pick-up trucks and one service vehicle."

13. Approval to Establish Budget for FY 2008 Library Services and Technology Act Grant Agreement Resolution 2007-063; Budget Amendment OMB BA# 080012 07-LSTA-E-01 for \$28,800.00
14. Approval of Friends of the Public Library Donation - \$5,000 to be used to purchase Books for Quincy, Havana and Chattahoochee Libraries. Resolution No. 2007-070; OMB-BA# 080014A & B
15. Approval to Accept the Federal Volunteer Fire Assistance Grant for \$13,650.00 to be used to purchase internal tone voice paging system Resolution No. 2007-067 Budget Amendment OMB-BA# 080013 A & B
16. Approval to Execute Agreement with Gadsden County Board of County Commissioner and Big Bend Transit, Inc. (\$25,000 or 50% of the cost for the in town shuttle.)
17. ~~Local Agency Program (LAP) Agreement and Resolution Accepting State Funding for Resurfacing and Widening of Concord Road (CR 157) Resolution Number 2007-068~~

This item was pulled from the agenda for discussion.

18. ~~Local Agency Program Agreement (LAP) Accepting State Funding for Resurfacing and widening of Hardaway Highway CR 268 from Bonnie Hill Road to Atwater Road Resolution No. 2007-069~~

This item was pulled from the agenda for discussion.

ITEMS PULLED FOR DISCUSSION

5. Approval of Memorandum of Understanding Between Gadsden County and Boys and Girls Club for the Quincy Facility

Commissioner Croley stated that he was in support of the agreement, but he raised concern about the fact that it

requires a seven year commitment and if budget constraints become an issue, the board may face having to re-evaluate this program. He also said that he would like to see it expanded to include the other districts as well.

Commissioner Lamb asked the Board to direct the staff to find money to expand the program and he challenged each commissioner to find a permanent building in their respective districts to house the programs.

Commissioner Price stated that he would like to make finding a permanent place for the ones that is already operational a priority of the Board.

Discussion followed.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE AGREEMENT DESCRIBED ABOVE.

**17. Local Agency Program (LAP) Agreement and Resolution
Accepting State Funding for Resurfacing and Widening of
Concord Road (CR 157) Resolution Number 2007-068**

County Manager Marlon Brown stated that a number of projects come before the board on a regular basis that amount to millions of dollars. He told them that Public Works Director Robert Presnell is the person who seeks the grants and he asked the board to take a moment to recognize him for his efforts. He noted that the transportation grants before the board at this meeting amounts to more than \$4 million.

Mr. Presnell spoke briefly. He was quick to give credit to previous Chair Holt for her unrelenting efforts in pursuing the two LAP grants.

Chair Dixon reiterated that this board has a great deal of personal power with state agencies - "the ability to go over and influence folks."

There was some discussion about Lanier Road repairs. (Lanier Road is a brand new road, but there were problems with the culvert and pot holes were already appearing.)

There was also discussion about Dodger Park Road, but it

was reported to be on the resurfacing list already.

18. Local Agency Program Agreement (LAP) Accepting State Funding for Resurfacing and widening of Hardaway Highway CR 268 from Bonnie Hill Road to Atwater Road Resolution No. 2007-069

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE ITEM 17 AND 18 ABOVE.

CITIZENS REQUESTING TO BE HEARD

Mr. Mack and Mrs. Angeline Isaac

Mrs. Isaac spoke to the board regarding a 3.3 acre lot that was created through the Immediate Family Exception process in 1999. Due to medical problems, she and her husband now desire to sell their lot to a non-immediate family member, but have been told by Growth Management Director Bill McCord that it would violate the county's code.

She asked for a variance.

Chair Dixon disclosed that he had met with Mrs. Isaac.

Dixon:

All of us know that the Immediate Family Exemption does not have an opt out clause. There is no way to opt out once you are in it. That is the dilemma that they face. We know it going in and try to tell everybody who comes up. But, we do live in a real world. I don't know what to do and I told Mrs. Isaac that it is a tough nut and that we have dealt with it before. It doesn't give us any leave-way and I recall the law. I don't know. I invited her to come before the body and put it on the table.

Once and again, I am speechless on the issue, I just didn't know how to give her any instruction or any direction."

The matter was referred to the staff and attorney with instructions to bring it back with some recommendations and options for the board to consider.

PUBLIC HEARINGS

19. Bryan Small Scale Future Land Use Map (FLUM) Comprehensive

**Plan Amendment CPA-2007-07 Changing 2 acres from
Agriculture 2 (AG 2) to Commercial (COMM) Land Use Category
- Second Reading of Ordinance 2007-011**

Growth Management Director Bill McCord gave the following facts as well as others contained in the agenda report which was made a part of the record:

Owner: Mr. and Mrs. Steve Bryan

Applicant/Representative: Elva Peppers of Florida
Environmental and Land Services

Location: East side of Scotland Road (CT 159), adjacent to and south of the CSX Railroad across the roadway from Gadsden Commercial Exchange Industrial Park (on the west side of the property); adjacent to commercial property; adjacent to US 27; It also borders existing AG 2 land use to the south.

Properties in the area are a mixture of land uses. The property was previously used for light industrial use by Suburban Propane, then used for storing of vehicles - not agricultural uses.

TAX ID: 3-03-2N-2W-0000-00434-0500

Type Action Legislative in conjunction with the advertised public hearing as a small scale amendment per Subsection 7401.A.2 of the Land Development Code and FL 163.3182(1))c)

Planning Commission Recommendation: November 15, 2007 - voted unanimously to approve the amendment.

Staff Recommendation: Approval based on the findings listed in the agenda report.

Ms. Elva Peppers addressed the board. She reiterated that the historical use of the parcel had been commercial.

Chair Dixon called for public input - for or against the ordinance. There was no response.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIOENR CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ADOPTION SMALL SCALE LAND USE AMENDMENT AND ORDINANCE 2007-011.

20. ~~**PUBLIC HEARING: CARRY FORWARD BUDGET AMENDMENTS FOR FY 2008**~~

This item was deleted from the agenda and rescheduled.

21. PUBLIC HEARING - VARIANCE REQUEST - WILLIAM WALKER (V-2007-05) WOOD LAWN ACRES SUBDIVISION

Type of Hearing: Quasi-judicial in conjunction with the advertised public hearing and is considered a Type III action per Subsection 7203.A.4 of the Land Development Code.

Growth Management Director Bill McCord was administered an oath by Muriel Straughn, deputy clerk. He then briefed the board as to the application and the chronology of this request. He gave testimony to the following facts as well as those listed in the agenda report attached.

Owner: Willie Canidate

Applicant/Representative: William Walker

Background: On November 6, 2007, the Board voted to grant Mr. Walker a variance. By granting the variance, the LDC must be followed which includes addressing each of the criteria for granting a variance as describe in Subsection 7301.

See the chronology of this project as outlined in the attached agenda report which was made a part of the record for this hearing.

Chair Dixon called for public comments.

Randy Carey, 285 Strong Road, Quincy, FL addressed the board. He was administered an oath by Muriel Straughn, deputy clerk. He stated that he is also representing Betty Herndon who was the creator of the subdivision, Woodlawn Acres. He said that she consented to telephone conference if the Board desired.

He referenced the Plat Book # 2, Page 67 where there is a record of the restrictions on the deed. He then referenced the warranty deed OR Book 469 Page 6-7 which has denotes restrictions and requirements of the mortgage that Mr. and Mrs. Herndon carried for Mr. Walker.- OR Book 469 Pages 707-712. He referenced Item # 4 specifically.

Mr. Carey said that he was a licensed realtor at Century 21 in Tallahassee and assisted the Herndons in selling some of

their lots, but not Mr. Walker's lot. He said that all of the people to whom he sold lots to were informed in writing and in person of the restrictions.

After two years, Mr. Walker and Mr. Canidate removed timber from the property then posted advertising signs that they would subdivide the property despite the fact that there were deed restrictions on the lots. Mr. Walker did subdivide the property in violation of the deed restriction.

Mr. Carey asked the commissioners not to approve the variance because the property was unlawfully subdivided.

Commissioner Croley was opposed to granting the variance, based on the evidence presented in the agenda report and many previous discussions in other meetings as reflected in the minutes of those meetings.

Chair Dixon stated that this board cannot enforce deed restrictions regardless of where a lot is located. He said that issue would be more aptly handled through civil procedures in the court system. He pointed out that because Mr. Walker has rural residential land use designation, that would allow him to subdivide the property and that is the only thing that the board could enforce. He said that he had heard no evidence at this hearing to substantiate a claim that Mr. Walker and Mr. Candidate do not have a right to subdivide their property.

Commissioner Lamb stated that he felt like the proper thing for them to do would be to go to court and get a declaratory judgment as to the deed restrictions, then come back to the board for a decision on the variance. He was opposed to the variance at this time.

Attorney Williams attempted to clarify the issue. He said, "As it relates to the staff report,...my memory is when you had the discussion before, and it was just before you for in a non-quasi-judicial setting, there was more information provided that is different than what I see in this report. As the report is written, it seems to be skewed, in my opinion, and I think that the commissioners should have a balance of information so that you can make a decision about what you think is right so that you can make the best policy decision. In a quasi-judicial proceeding, you need to have that before you can have options. It would tend to

say, the way this report is written, the options are limited before the commission. So, I think that it might be helpful if there is someone else who can provide some additional testimony to the commissioners so you have other information by which you can have a ruling. I think that would be appropriate next step."

Marlon Brown:

Commissioner, if I may. Again, Mr. Attorney, I apologize if you are just getting the material, but, I think, and I don't want to argue with the attorney, but, I think the material in the agenda is the material that we presented previously. There are no changes to it. The recommendation is based on the commission's direction that we got at the last meeting to approve the variance. We are basically rehashing the information that was previously presented. So, I take exception to what you are saying in that the report has been skewed, Mr. Attorney."

Williams:

I didn't mean to infer anything negative.

Dixon:

Because of the extent and the length of time that this has been going on, and when I read the record, it comes down to whether we enforce zoning, I mean, deed restrictions. That is it. The question is clearly that we don't. Under that scenario, Mr. Walker has the right to have this. No one has presented any information to the contrary that does not relate to deed restrictions.

Croley:

Commissioner Dixon, you are correct. The board does not enforce deed restrictions. There is nothing here that we are going to instruct our county attorney to bring legal against Mr. Walker because he illegally subdivided the land according to the deed restrictions placed upon it. But, we do have a responsibility when we know from our own staff reports - he made it very clear and I agree with the manager and I didn't take it that the attorney was necessarily trying to find fault with the work here, but it is very clear that the historical evidence shows that this was an illegal subdivision. And, yes, if we know that something is illegal, we should not go along with it. If it is wrong, we shouldn't do it.

Dixon:

You are saying illegal based on what?

Croley:

On the fact that it was recorded, based on the evidence presented here, that it was a recorded deed restriction that the property could not be subdivided.

Dixon:

Commissioner, you cannot base an argument on faulty foundation. You keep going back to the one point that we don't enforce. That is not real.

Croley:

The point that I continue to make is that we can't go back and bring any penalties against what has happened by the same as an affected party - any citizen who holds interest in that property could. We don't take on that responsibility, but we certainly don't have a responsibility to condone that illegal subdivision and that is what we would be doing by giving the variance. It flies in the face of the very staff recommendation that we were given.

Dixon:

Commissioner, if you had read the entire packet.

Croley:

I did.

Dixon:

I have been involved with it and looked at it and we clearly have given direction to do this, direction to do that that we didn't follow through with. This has been albatross around our necks. This wasn't done right from the beginning for whatever reasons and whomever is at fault. Now, I am not here to find fault, I am here to say that this is right, it is proper. We don't enforce deed restrictions. We don't do it for Subdivision A and we don't do it for Subdivision B. You want us to do it now and that is wrong because the next guy that comes along and says, "I've got deed restrictions," what are we going to do then. That is wrong.

If they want to enforce deed restriction, there is a platform for them to do that. Right now, Mr. Walker and Mr. Canidate have the right to have this subdivision based on our law, from my interpretation.

Croley:
My interpretation is different.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 2 - 3, BY VOICE VOTE TO DENY THE VARIANCE REQUEST. THE MOTION FAILED WITH COMMISSIONERS CROLEY AND LAMB IN FAVOR OF IT AND THE REMAINING COMMISSIONER OPPOSED.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 2, BY VOICE VOTE TO APPROVE THE VARIANCE REQUEST. THE MOTION PASSED WITH COMMISSIONERS CROLEY AND LAMB OPPOSING.

GENERAL BUSINESS AGENDA

22. Update on 2007 Closeout and 4th Quarter Report

OMB-BA# 070062-070089

OMB Director Davin Suggs presented the attached 4th Quarter Report. He highlighted several things as follows:

- The general fund is projected to have a surplus balance of \$700,000
- The county received approximately \$400,000 in unexpected revenue over what was budgeted.
- The following budgets overspent their allocations for various reasons: Animal Control (\$14,682); County Attorney (\$317,818 in costs associated with assigned special projects and approved litigation - the retainer is all that is budgeted for the attorney); County Manger (\$32,409); Failities (\$1,319); Library Services for extended hours of operation (\$29,516); Parks and Recreation (\$8,330); Public Information (\$60,725); Solid Waste Services (\$14,129; Recycling (\$177,914)

Discussion followed.

UPON MOTION OF COMMISSIONER PRICE AND SECOND BY COMMISSIONER LAMB THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ACCEPTANCE OF THE 2007 4TH QUARTER REPORT. Commissioner Holt was not present for this vote.

22A. Execution of Computer Instructor Contract

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE CONTRACT FOR \$7,500 WITH ROBBIE SUSAN CHANDLER FOR COMPUTER INSTRUCTION AT THE LIBRARY.

There was discussion about computer training being made available to county employees.

Assistant County Manager Arthur Lawson stated that there is already a plan in the works for computer training for county employees.

22B. Approval of 2008 Meeting Calendar

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE 2008 MEETING CALENDAR.

22C. Update on Schedule of Operations for the Six Rural Waste Site

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE SCHEDULE OF OPERATIONS AS ILLUSTRATED THE ATTACHMENT A AND FUND THE ADDITIONAL SALARY BY REDUCING THE GENERAL FUND RESERVE FOR CONTINGENCY BY \$13,182. THIS MOTION WAS APPROVED SUBJECT TO REVIEW BY THE SOLID WASTE COMMITTEE.

COUNTY MANAGER'S AGENDA

COUNTY ATTORNEY'S AGENDA

Attorney Williams had nothing to report.

DISCUSSION ITEMS BY COMMISSIONERS

Commissioner Lamb, Vice-Chairman, District 1 - Driver Education Memo from Ken Morris

Commissioner Lamb commended East Gadsden High School Chorus who was recently selected to visit Carnegie Hall in Manhattan, New York. He said that in order to go, students must have passed all of the FCAT assessments or have at least a 3.0 academic average. There will be 20 students

attending. Again, he commended those students and Principal Rosalyn Smith.

All the other commissioners joined Commissioner Lamb in his commendation.

Commissioner Lamb then asked the attorney and staff to look into assessing an additional fine to traffic tickets as provided for by the Legislature's Driver Education Safety Act. He said that it was his understanding that \$5.00 could be collected by the Clerk to enhance driver education classes.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE ATTORNEY TO DRAFT THE ORDINANCE DESCRIBED ABOVE AND BRING BACK TO THE BOARD FOR CONSIDERATION.

Commissioner Croley, District 2

Commissioner Croley raised the issue of **Citizens Planning Bill of Rights**. "I would like to ask that this item be agendaed early in 2008. I would like to ask the board's concurrence to allow me to discuss this further with the attorney and the manager and Mr. McCord and bring you back something that we publicly review. The jest behind it is to avoid the extreme of the Florida Hometown Democracy Amendment by re-enforcing our citizens better protection in the planning process. It is intended to afford the developers more certainty from their business standpoint and to protect the investment of the property owners that they have made on their lands and properties. I think that it is a good thing that we should consider and I think that, as referenced by Mr. Doolin, I would also like to include his office in that, or his operation, in taking a look at this and see what we can come up with that might continue to put Gadsden County in the forefront."

Dixon:

That is the kind of planning and forethought that I am really impressed with because if you, Florida Hometown Democracy - a lot of people may not know about it - it sounds good, but what it basically does ...every planning and zoning decision that happens has to go to a vote of the community of the county- every one - not some of them - every one. Can you imagine what would get done? Absolutely nothing. It is hard enough to get something

done around here, but every decision that is made concerning planning, - Am I over exaggerating? It is a mess and it gaining steam because it feels good. It will throw Planning and Zoning into the worst harangue you have ever heard of. So, I agree whole heartedly. It is better to get out in front of these things than to wait until they get steam rolled...It will drag a county into the ground. Trust me.

Croley:

Then, on that basis, I would ask the attorney, the manager, Mr. McCord and Mr. Doolin's office and any other who we feel in appropriate to have input, to come up with something that we can agenda later in the first of the year.

Commissioner Croley wished everyone a Merry Christmas and Happy New Year.

Commissioner Price, District 3

Commissioner Price wished everyone a safe and happy new year.

Commissioner Holt, District 4

Commissioner Holt reported that at a recent Florida Association of Counties (FAC) meeting there was a great deal of discussion about the zoning and development issues and the Department of Community Affairs (DCA). She said that it was the general consensus of those attending that counties would like to have DCA give them a "blueprint" to follow that would streamline the process and eliminate extraordinary workloads for the rural county growth management departments.

She then reported that the Department of Environmental Protection (DEP) has lifted the restrictions on Gretna relative to their water and sewer operations. She said, "They are keeping their hands to the grindstone and they are just really working on things. The whole personality of that commission has changed and they are looking for help. But, they are working hard and they are working as a family."

She then spoke briefly about getting development started around the I-10 interchange near Gretna and Greensboro and

the role that the County can play in assisting the cities to make the development happen.

Commissioner Dixon, Chairman, District 5 - Appointments to the Transportation Disadvantaged Coordinating Board

Chair Dixon asked each commissioner to submit their priority funding issues to the OMB Director who will then compile them and bring them back at a later meeting for consideration.

26. RECEIPT AND FILE AGENDA

- a. Letter from FL DEP to David L. and Regina Shields - Proposed Settlement Fill Violation (Dumping solid waste into wetlands) OGC File No. 07-1549-20-DF
- b. Letter to Gadsden County from FL DEP regarding permit applications for dredge and fill activities in State Waters within Gadsden County (File No. 20-0212692-002DF)
- c. Letter to James L. and Heidi A. Thompson from FL DEP regarding Permit file number 20-0280905-001-DF with permit modification no. 20-0280905-0002-DF (seawall and shoreline at Lake Talquin)
- d. Letter to County Manager Marlon Brown from Mediacom regarding expansion of services and increases to cable cost in Gadsden County
- e. Letter from Transportation Disadvantaged Coordinating Board to Gadsden County Commissioners Thanking them for Support for Shuttle Services
- f. Notice of County Grant Award from Florida Department of Health to EMS - grant ends January 9, 2009
- g. Letter to Capital Region Transportation Planning Agency (dated November 27, 20007) informing them of the appointment of Doug Croley to represent Gadsden County on the CRTPA
- h. Copy of the contract extension - professional services agreement with Preble-Rish, Inc. and Gadsden County
- i. Letter from Williams Wilson & Sexton (November 26, 2007) to Jack L. McLean, Jr., Esquire (Holland & Knight) regarding subpoena by City of Quincy to get medical records for Natalie King Civil Case.

- j. Letter to Marlon Brown, County Manager, from the Department of Revenue finding the county in compliance with the maximum total taxes levied requirements of s.200.185
- k. Notice from the City of Quincy regarding hearing on December 4, 2007 at City Hall - CDS Manufacturing, Inc. has applied for a Development Review for a Casting and Concrete batch plant to be located at Quincy Business Parke on Joe Adams Road
- l. Medical Records Data Agreement between Gadsden County and American System Technologies, Inc. 1735 River Road, McDonough, GA 30252 - \$1,500 plus \$75.00 per hour
- m. Letter from FDLE regarding close out on Grant no. 2007-JAGC-GADS-1-P#-200
- n. Letter to Anthony and Verena Maher from Growth Management Director Bill McCord regarding Future Land Use Category of parcel 2-24-3N-2W-0000-00431-0200
- o. Letter to County Manager Marlon Brown from James A. Riggins in response to a letter he received from Oliver Sellars regarding violation on his property
- p. Letter to New Birth Church Regarding Temporary and limited Certificate of Occupancy
- q. Letter to Gadsden County from FDOT regarding reimbursement of for operation and maintenance of highway lighting systems on State Roads in Gadsden County
- r. November 19, 2007 Letter to OMB Director Davin Suggs from Finance Director Connie McLendon acknowledging receipt and understanding of methodology for internal service funds
- s. November 15, 2007 Letter to OMB Director Davin Suggs from Finance Director Connie McLendon regarding access to accounting system.
- t. Letter from Finance Director Connie McLendon regarding Gadsden County's available cash funds in response to SBA Local Government Finance Pool shut down.

ADJOURNMENT

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

Edward J. Dixon, Chair

ATTEST:

Muriel Straughn, Deputy Clerk