

AT A REGULAR MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS HELD IN  
AND FOR GADSDEN COUNTY, FLORIDA ON  
JANUARY 15, 2008, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: Edward J. Dixon, Chair, District 5  
Eugene Lamb, Vice-Chair, District 1  
Doug Croley, District 2  
Derrick Price, District 3  
Brenda Holt, District 4  
Thornton Williams, County Attorney  
Marlon Brown, County Manager  
Muriel Straughn, Deputy Clerk

INVOCATION AND PLEDGE OF ALLEGIANCE

Chair Dixon called the meeting to order. County Manager Marlon Brown led in the invocation and Attorney Thornton Williams led in pledging allegiance to the U.S. flag.

The chair recognized Mr. Jim Southerland of Southerland Enterprises who announced that he had been successful in his efforts to get the county commission meetings broadcast in the Chattahoochee area.

AMENDMENTS TO THE AGENDA

8. Public Hearing - Lonnie Lee Small Scale Future Land Use Map (FLUM) Comprehensive Plan Amendment - CPA-2207-04 Revised Application - additional material provided and added to the agenda report
- 16 General Business - Approval of Commissioner Holt's Travel to  
-A Madison, FL to attend "The Jail as a Part of County Government Training Program" on January 28 - January 30, 2008 (This was later moved to the consent agenda.)
7. Consent Agenda - Approval to Sell Surplus Equipment/Vehicles at Auction - This item was pulled for discussion at the request of Commissioner Holt.

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

## **AWARDS, PRESENTATIONS AND APPEARANCES**

### **1. Employee Service Award Recognitions**

The following employees were recognized for the years of service.

**Jessie Winbush** - Public Works Operations Supervisor - employed in 1982

**Ray Joiner** - EMS Sr. Paramedic - employed in 1982

**Willie Lurry** - Public Works Fleet Technician- employed in 1978

### **2. Gadsden County Community Hospital Report - Mechanical, Engineering and Plumbing survey - Phase I**

Mr. Joe Sharp addressed the Board regarding the results of the above mentioned survey. He said that it was performed at the direction of County Manager Marlon Brown under the emergency powers granted him by the board. He presented the McGinnis Fleming Engineering, Inc. Phase I Report (attached.)

Below are listed some highlights of the report. See the attached report for complete details:

- The estimated cost of the repairs identified by AHCA totaled \$1,882,000 - however the report identified many more repairs that need to be made to the superstructure of the building.
- Attorney Sexton contacted AHCA regarding the report to ascertain whether the repairs as identified would be certified and accepted by AHCA.
- The list identified by ACHA **is not the sum total of what may be required** to get the hospital operational
- AHCA referred Mr. Sexton to the Joint Commission of Accreditation of Hospital Organizations (JCAHO) as a resource - contact a consultant that could be employed to review the hospital and the report and give guidance as to the improvements necessary for reopening the hospital
- Mr. Sexton recommended that the County employ qualified professionals to assess the hospital and the report and make recommendations.

- The license that was held for the hospital was for a 25 bed facility, however, the proposed future operation of the hospital would likely be no more than 15 beds.
- GHI is currently negotiating with Tallahassee Memorial to operate the hospital.
- Regardless of whether the hospital opens again as a hospital, there are structural improvements that are necessary to protect it as an asset.
- The cost of the repairs would have to come from the body of the Hospital Trust Fund. That can only be done through the court and the trust committee via direction from the board.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 -2, BY VOICE VOTE TO THE FOLLOWING:

- (A) APPROVE THE FINDINGS AND RECOMMENDATIONS OF THE REPORT AND AUTHORIZE THE COUNTY MANAGER TO IMPLEMENT SUCH FINDINGS - INCLUDING HIRING A CONSULTANT FAMILIAR WITH HOSPITALS;
- (B) CONVENE A MEETING WITH THE TRUST COMMITTEE;
- (C) CONTACT JACHO TO REVIEW THE FINDINGS OF THE REPORT AND TO CONFIRM THAT ALL AHCA ITEMS ARE ENUMERATED AND IDENTIFIED IN THE REPORT TO MEET OR EXCEED THEIR REQUIREMENTS.

COMMISSIONERS HOLT, PRICE AND DIXON VOTED IN FAVOR OF THE MOTION. COMMISSIONERS LAMB AND CROLEY OPPOSED IT.

### CONSENT AGENDA

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

### 3. Approval of Minutes:

October 16, 2007 Regular Meeting  
November 6, 2007 Regular Meeting  
November 20, 2007 Regular Meeting  
December 11, 2007 Special Meeting

### 4. Ratification of Approval to Pay County Bills

Accounts Payable Dated: December 21, 2007  
December 28, 2007  
January 4, 2008  
January 11, 2008

Payroll Dated: December 20, 2007  
January 3, 2008

- 5. Approval of New Road Name:** Nickolas Drive - East off  
Attapulgus Highway North of Woodward Road
- 6. Approval of Travel for Chairman Dixon to attend National  
Association of Counties' Legislative Conference** March 1 - 5,  
2008 in Washington, D.C. - Approximate cost \$1,900.00
- 16 A Approval of Commissioner Holt's Travel to Madison, FL to  
attend "The Jail as a Part of County Government Training  
Program" on January 28 - January 30, 2008**

**ITEMS REMOVED FROM CONSENT AGENDA FOR DISCUSSION:**

**7. Approval to Sell Surplus Equipment/Vehicles at Auction**

Commissioner Holt stated that her reason for pulling this item for discussion was because she would like to see the surplus items made available to county residents first at a local auction prior to going to Tallahassee.

Discussion followed.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 1, TO ALLOW THE SURPLUS EQUIPMENT TO BE SOLD AS DESCRIBED IN THE AGENDA REPORT, BUT TO RE-EVALUATE THE METHOD OF DISPOSITION IN THE FUTURE AND TO CONSIDER MAKING IT AVAILABLE TO RESIDENTS AT A LOCAL AUCTION FIRST. COMMISSIONER HOLT CAST THE LONE DISSENTING VOTE.

**CITIZENS REQUESTING TO BE HEARD**

**Ms. Kay Miller**

220 Old Sycamore Road  
Quincy, FL 32351

Ms. Miller presented a number of petitions from citizens who use Big Bend Transit as the primary mode of transportation. She said the petitioners are appealing to the County for help because their benefits to Big Bend Transit has been cut.

Chair Dixon explained, "Medicaid has cut out money paid to

Big Bend Transit and that money was re-allocated to HMOs for those citizens who joined Medicaid HMOs. What happened was the transportation money that Big Bend Transit usually can count on follow those clients. Now, because public transportation, as you know, at a minimum, is expensive. There are very few public transportation systems anywhere in the world that actually make money. Big Bend Transit got cut and therefore they have cut services. Not only to those folks who take Big Bend Transit to work every day (and I have gotten a number of calls from folks who do) but the services have been cut from people who take Big Bend Transit to dialysis, to the doctor. It is a situation of monstrous proportion and we are all very concern. We invest money into Big Bend Transit. Don't know if our little investment will help anymore. That is a program that requires hundreds of thousands of dollars just to run. Just to crank up every morning. But, you can rest assured, we will take it to the Legislature and to the Capital with our lobbyists because that issue is of grave importance to this county."

Commissioner Croley said that some of his neighbors use Big Bend Transit and he understood it's importance to the Board.

There was a consensus of the Board to draft a resolution to the local and federal lobbyists outlining the board's concern on the issue.

**Ms. Crystal Green, 117 South Gadsden Street, Tallahassee, FL.** addressed the board representing Martin Green Productions. She invited residents of Gadsden County to participate in the Tallahassee Fitness Festival on Saturday, January 26 at the Leon County Civic Center. See the attached information for description of the festival.

**Ms Felina Martin, also** of Martin Green Productions, spoke very briefly about the fitness festival.

**Carl Money** addressed the board saying that he works at the Gadsden County Public Works Department. He asked to address employment issues dealing with two fellow employees who were terminated.

Chair Dixon interjected that personnel issues as they relate to specific employees could not be addressed by the County Commission. He explained that personnel issues are directly for the county manager and the management team.

AT A SPECIAL MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS  
HELD IN AND FOR GADSDEN COUNTY,  
FLORIDA, ON JANUARY 29, 2008, THE  
FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

PRESENT:

Edward J. Dixon, Chairman  
Doug Croley  
Eugene Lamb  
Brenda Holt  
Derrick Price  
Thornton Williams, County Attorney  
Jean Chesser, Deputy Clerk

Chair Dixon called the meeting to order at 8:25 P.M.

County Attorney Thornton Williams addressed the Chair requesting a "Closed Door Meeting".

Chair Dixon called for the will of the Board in approving the request of the County Attorney for a "Closed Door Meeting", and the Board voted 5-0, by Voice Vote, in favor of the request.

At this juncture of the meeting, the Deputy Clerk was excused.

**A TRANSCRIPT OF THE PROCEEDINGS FROM THE CLOSED DOOR MEETING  
WILL BE MADE AVAILABLE UPON COMPLETION OF SAID MINUTES BY THE  
ATTENDING COURT REPORTER.**

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Edward J. Dixon, Chairman

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Jean Chesser, Deputy Clerk

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**Ms. Roslyn Smith, Principal at East Gadsden High School**  
27001 Blue Star Memorial Highway, Havana, FL. 32333

She introduced the Jaguar Carnegie Hall Committee and the director of the high school chorus. She stated that the chorus has been invited to perform at Carnegie Hall in Manhattan, New York on April 12 - 17, 2008. She then appealed to the board as a commission and as individuals to help the chorus raise the necessary money to make the trip.

Discussion followed, but no action was taken.

Commissioner Holt stated that she felt the School Board should have money set aside to provide for events such as this one.

Commissioner Croley stated, "I'll share your sheet with my wife and we will see if we can't help in some way."

Chair Dixon stated, "I will be very frank with you. Personally, I have no qualms about asking this board to help you, but the reality is that I will do whatever the School Board does. But, it bothers me that the School Board only pledged to you guys only \$1,500."

Ms. Smith quickly explained that the School Board pledged \$15,000 for the trip.

Attorney Williams said that he would "Do something."

**Elva Peppers**, an audience member, suggested that there may be those in the audience who would like to contribute as well.

It was suggested that the committee give all their information to Jon Brown, Gadsden County Public Information Officer, who can then extend the appeal forward to "our partners and friends."

**PUBLIC HEARING AGENDA:**

**8. Public Hearing - Lonnie Lee Small Scale Future Land Use Map (FLUM) Comprehensive Plan Amendment - CPA 2007-04 Revised Application First Reading of Ordinance**

The original application was for a Small Scale Land Use Amendment to change the land use designation on a 8.5 acre portion of an 14.77 from AG 2 to Rural Residential. After discussion by the County Commission in November, the Board suggested that a solution be investigated by the Growth Management Department to find a way to allow for the construction of at least one additional home.

**Owner:** Mr. Lonnie Lee

**Applicant/Representative:** Florida Environmental and Land Services, Inc.

**Type Action:** Legislative in conjunction with the advertised public hearing as a small scale amendment to the Future Land Use Map (FLUM) per Subsection 7401.A.2 of the Land Development Code and FS 163.3182(1)(c)

**Location:** East side of Union Chapel Road, approximately 1045 feet south of the intersection of Union Chapel Road with Juniper Creek Road (CR65A) and one mile north of the intersection of Union Chapel Road and Providence Road

**TAX ID:** 3-13-2N-5W-0000-00434-0000

**Planning Commission Recommendation:** October 11, 2007 at which time the request was to amend 8.55 acres of the property from AG2 to RR. The commission reviewed the voted 7-0 to **recommend denial** of the request.

**Prior BCC Action:** On November 6, 2007, the BCC sent the request back to the Planning Commission and asked them to re-hear the request for a land use change from AG 2 - AG 1 Growth Management Director Bill McCord briefed the board as to the application. See the attached agenda report for details of the application.

**Planning Commission Re-hearing Recommendation:** On December 13, 2007 there was discussion on the different possibilities of addressing this request, one of which was rezoning to AG-1 (That would become a major land use change and will have to go before DCA). Ultimately they recommended that less than two acres of the parcel be changed to rural residential.

The following people gave testimony:

- **Bill McCord**, Growth Management Director
- **Elva Peppers**, Florida Environmental and Land Services, Inc.



- **Brenda Powell**, Florida Environmental and Land Services, Inc.

The agenda report was entered into the record pointing out the finding of facts contained on pages 13-14.

Mr. McCord stated for the record, "The Growth Management Department continues to find that the amendment is inconsistent because there is sufficient amount of vacant land in this area to accommodate this land use and it is not the practice that we have had to extend generally the Rural Residential land use into areas without sufficient infrastructure."

Discussion followed.

(Chair Dixon left the chambers briefly during the discussion period. Vice -Chair Lamb presided in his absence.)

Vice-Chair Lamb called for public comments. There was no response.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE FIRST READING OF THE ORDINANCE DESCRIBED ABOVE.**

9. **PUBLIC HEARING - COMPREHENSIVE PLAN AMENDMENTS (CPA-2007-08AD)**
  - (A) **RESTON SUBDIVISION**  
Changing 134 acres from AG-2 to RR
  - (B) **ALTCHUL SUBDIVISION**  
Changing 141 Acres from

Reston Subdivision is located north of Shady Rest Road.

Growth Management Director Bill McCord introduced the attached amendment. He recalled that an individual came before the board some weeks ago expressing concern about not being able to sell a six acre parcel of land within the Reston Subdivision. Upon researching the dilemma he found that when the Comp Plan was first adopted, there was a policy in place which stated that if a person owned two adjacent lots within a subdivision prior to the adoption of the plan, they would only be allowed to develop one house on those two lots. There are a number of lots that are affected by that policy.

Mr. McCord proposed a Future Land Use Map change that would change the land use designation of the platted portion of the subdivision to Rural Residential. That would establish a single land use category throughout the subdivision and thus restore a person's right to sell a lot they bought adjacent to their property. It would not change the land use designation of the un-platted portion of the subdivision which will remain Ag-2. . See the attached agenda report for further details.

Chair Dixon called for public comments.

**Kevin Vislosky, 1451 Beaver Creek Drive, Havana, FL**, spoke in support of the amendment. He asked two questions.

- If the adjacency clause is not addressed through this amendment, will that in time prevent us from spitting the lot and selling a lot from the parcel? Do they have to go together or can they stand alone?
- If this process proceeds forward and ultimately goes to the Department of Community Affairs, what kind of time line are we talking about before all of this could potentially be approved?

Mr. McCord answered, "Policy 1.5.2 is now proposed to be changed. But, there are a lot of other properties that are still going to be affected by Policy 1.5.2. That is certainly that you might want to entertain changing at some future date, particularly with the EAR amendments. But, again, it will open the door for some things that you may not want to have happen."

He read the policy into the record as follows, "Any person may construct a single family residence on any lot of record as of November 26, 1991, which is not adjacent to another parcel which is under the same ownership and was not under the same ownership on November 26, 1991, notwithstanding the designation of the Future Land Use Map."

As to the timeframe for the change to take place, Mr. McCord said, "It usually takes 60 - 90 days for it to come back for adoption."

**Deanne Mosler, 71 Spruce Lane South, Havana, FL** was recognized for questions. She was in support of the amendment.

Discussion followed among the board.

**UPON MOTION BY COMMISSIONER AND SECOND BY COMMISSIONER, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE TRANSMITTAL OF THE PLAN AMENDMENT FOR THE RESTON SUBDIVISION PORTION.**

**ALTCHUL SUBDIVISION**

Altchul is an unrecorded subdivision, but was done with metes and bounds roughly at the same time as Reston. There are a series of lots of approximately 5 acres each. In 1999, the residents in the middle portion of the subdivision petitioned the county to change their land use from Rural Residential to AG-1 in an effort to stop the trend of subdividing the 5 acre lots and increasing the density of the subdivision. The remainder of the subdivision to the east and west is designated as AG-2. Mr. McCord recommended that the entire subdivision be changed to a single land use category.

Chair Dixon called for public comment for those in favor of the land use change.

**Elva Peppers, resident,** questioned Mr. McCord about when the amendment would be transmitted. Mr. McCord replied that they would be transmitted immediately. It would be considered the fall amendments because the petitions were received by the fall deadline. She then questioned the designation of Mr. Jeff Davis's property. **She stated for the record that she would be opposed to his property being designated as commercial or industrial.**

**Jeff Davis** (pre-existing non conforming use) stated that he bought his property in 1988 (2.5 acres) and he has a commercial loan on it and cannot get insurance on it if he put a residence on it. He requested that it be designated as light industrial and asked that his property not be included in the land use amendment for the subdivision.

Mr. McCord stated that Mr. Davis's lot is a legal non conforming use regardless of the zoning, however, when and if the property changes hands, the non-conforming use would be discontinued.

Commissioner Croley said that he had received several calls about this proposed amendment and wanted more time to study the impact of it.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO TABLE ACTION ON THIS PORTION OF THE LAND USE AMENDMENT. CHAIR DIXON CAST THE LONE DISSENTING VOTE.

**PUBLIC HEARING - RIVERBEND COMPREHENSIVE PLAN AMENDMENT CPA-2007-06 - LARGE SCALE LAND USE AMENDMENT (TRANSMITTAL HEARING)** Changing 2,067 acres from AG-3 to AG-2

Growth Management Director Bill McCord briefed the board as to the project.

**Owner:** Plum Creek Land Company

**Applicant:** Environmental Consulting and Design, Inc.

**Location:** Three miles south of the Town of Havana, Five miles north of the City of Tallahassee, east of U.S. 27 and adjacent to the Leon County line bordering the Ochlockonee River to the south. The property has approximately 28,500 feet of frontage on the west bank of the Ochlockonee River

**Type of Action:** Quasi-legislative action 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.

**TAX ID:** 2-32-3N-1W-0000-00434-0200  
2-33-3N-1W-0000-00300-0000  
2-33-3N-1W-0000-00340-0000  
3-04-2N-1W-0000-00500-0500  
3-05-2N-1W-0000-00300-0100  
3-06-2N-1W-0000-00400-0100  
3-07-2N-1W-0000-00210-0100  
3-08-2N-1W-0000-00500-0200  
3-18-2N-1W-0000-00200-0100

See the attached agenda report for details of the proposed change.

**Planning Commission Recommendation:** December 13, 2007 - Approval based on the findings and special conditions as listed in the agenda report with site specific policies.

The property owner proposes to designate 59% of the land for open space and passive recreation. The applicant has indicated that they would agree to donate a portion of the property at the Ochlockonee Bridge for a public park with access to the river. (18 acres)

Chair Dixon called for a recess.

Following the recess, the following people gave testimony in support of the proposed amendment:

**Linda Shelley**, Attorney with Fowler and White, 101 North Monroe St. Suite 1090, Tallahassee, FL 32301 (former DCA Secretary and former General Counsel for Apalachee Regional Planning Council)

**Carl Salafrio**, President of Environmental Consulting and Design - in support of the amendment

**Richard Barr**, Kimley-Horn and Associates, Inc. - Transportation consultants

The following people gave testimony opposing the proposed amendment:

**Ron Heierman 2990 Camp Road** (four miles from the proposed development)

**Gary Sprague, 1000 Concord Road, Havana, FL**

**Pat Spencer , 84 Yates Street, Quincy, FL 32351** was recognized for questions, but did not state specific opposition.

**Jeff Sprague, 1000 Concord Road, Havana, FL**

Discussion followed among the board.

Commissioner Lamb stated that he travels that area of the County and knows that those roads are dangerous. He said, "I just don't see the infrastructure here. I don't want to create another Deer Ridge."

Commissioner Croley said that he had a long list of concerns about the project.

- Have site specific policies been done in Gadsden County before? No.
- Have conservation easements been given on the Leon County side of this project? Yes.
- Gopher tortoises are a threatened species and that area

is a habitat for them.

- Upstream water storage - The dam has broken before - if it breaks again , it will come through the proposed project and possibly leave home owners isolated without available help.
- Adjoining land owners use their property for hunting - new home owners could find that burdensome.
- Water levels on the river have risen above the top of the gate at the end of the roadway where the proposed park would be. He had serious reservations about how much park infrastructure would be realistic at that juncture.
- When there are controlled burns taking place on those timberlands in the area, it could pose serious risk to the daily travelers. A development of this size would increase daily trips and increase risks to all who travel - especially if treacherous conditions arose.
- How to provide for emergency services to such a remote area would be a real challenge given the constraints already placed on the EMS and Fire Services Department

Chair Dixon raised specific issues about the water levels given the fact that draught conditions have prevailed for so long. He said that the present conditions of the property are not the norm.

He then questioned Mr. Barr about traffic concerns at the intersection with Iron Bridge Road. He asked how confident he was in the daily trip numbers he has projected.

Mr. Barr reminded the board that the project is in a planning stage and the traffic analysis done thus far is nothing more than a planning level analysis. At the site development stage, there would be a more detailed traffic study along with ingress and egress plan. He said that the planning analysis looked at general capacity on the roadways and found that there is capacity at the Level of Service C (LOS) which is the LOS adopted by the county. With the proposed project, the LOS would still be well below the volume at LOS C. At project build out, you would not max out the LOS for traffic on that road.

Commissioner Holt reminded the public that the board is only considering a land use change at this meeting - not the conceptual plan outlined in the agenda report. She said that conceptual plan will change at varying stages of the project.

There was some discussion about how they would relocate the gophers on the property.

**Ron Heierman** asked, "Who is going to pay for the re-alignment of that road when it becomes a problem?"

Attorney Williams interjected that the county is going through an impact fee study at this time and it may be appropriate to ask the developer if they would be willing to abide by whatever the impact fee study says is appropriate for purposes of what their development does to the impacted roadways.

Ms. Shelley said that most impact fees are collected at the permit stage or certificate of occupancy stage. She said that it would be at least a couple of years before they would progress to the building permit stage. At such time, the county's impact fees will be in effect and they would have to pay it.

Commissioner Lamb asked if the county would do it's own traffic analysis.

The agenda report was entered into the record.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE LAND USE CHANGE BASED ON THE FINDINGS AND SUBJECT TO THE SPECIAL CONDITIONS LISTED IN THE AGENDA REPORT.  
(COMMISSIONERS LAMB AND CROLEY OPPOSED THE MOTION.)**

**PUBLIC HEARING - COMPREHENSIVE PLAN TEXT AMENDMENTS -  
ADMINISTRATIVE FUTURE LAND USE ELEMENT AND MAP SERIES,  
TRAFFIC CIRCULATION ELEMENT, HOUSING ELEMENT, INFRASTRUCTURE  
ELEMENT, CONSERVATION ELEMENT, RECREATION AND OPEN SPACE  
ELEMENT - CPA-2006-08AD - LARGE SCALE AMENDMENT TRANSMITTAL  
HEARING**

County Manager Brown asked the board to defer this discussion to another date.

Discussion followed.

Mr. McCord was adamant that the Board should take the initiative to work really hard on the amendments proposed. He asked the board to transmit it to DCA and workshop it in the interim.

Attorney Williams cautioned them about transmitting something to DCA which may or may not be adopted when they return it.

Chair Dixon called for comments from the public. There was no response.

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO TABLE THIS ITEM UNTIL FEBRUARY 12.**

**12 Discussion of Isaac Immediate Family Exception Issue**

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Mr. McCord reported that he had researched the comp plan and land development code and found no options to offer the Isaacs that would allow them to sell their home to a non family member.

Chair Dixon proposed that the county dissolve the law that allows for the Immediate Family Exception. He said it clearly does not fit the purpose for which it was intended.

**Continuance of the Meeting Beyond 11:00 p.m**

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO EXTEND THE MEETING UNTIL 11:10 P.M.**

Commissioner Lamb and Commissioner Croley concurred that the law should be repealed.

Mr. McCord said that it would not be effective until September, but that doesn't erase those lots that were created all the lots that were created before the ordinance went into effect. All of those lots are bound by the old language of the law. He said, "You would probably have to put something in your Comp Plan that DCA would have to



accept that would state that any lot that was created through the immediate family exception process, once homesteaded by an eligible family member, could then be sold and would be considered a non-conforming buildable lot of record. But then, in a situation like that, you are encouraging people to come and create immediate family lots, then just go out and subdivide them. So, you are giving them carte blanche to create non-conforming lots all over the place without any restrictions."

Commissioner Croley clarified, "So, what we are talking about doing is completely eliminating the family exemption and that means that folks wouldn't be able to come back up here and want to take advantage of division on homesteaded property...We need to figure out how much intestinal fortitude we are going to have to have to stand up to this."

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE STAFF AND ATTORNEY TO RESEARCH THE IMMEDIATE FAMILY EXEMPTION ISSUE AND COME BACK TO THE BOARD WITH SOME OPTIONS AND RECOMMENDATIONS.**

Due to the lateness of the hour, Chair Dixon asked that the remainder of the agenda be rescheduled to the next meeting.

**13 Community Development Block Grant (CDBG) Economic Development Project Completion Summary - Installation of Permanent Wastewater/Sewer System at Interstate 10 & Highway 267**

See the discussion of this matter at the end of the meeting.

**14 Discretionary Surtax - Definition of Public Works Projects**

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Due to the lateness of the hour, there was a consensus to pass this item to January 29.

**15 Restoration of Abandoned Gravesites**

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Due to the lateness of the hour, there was a consensus to pass this item to January 29.

**16 Policy on Citizen Contributions**

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Due to the lateness of the hour, there was a consensus to pass this item to January 29.

16   ~~Approval of Commissioner Holt's Travel to The Jail as a Part~~  
A   ~~of County Government Training Program~~

This item was added to the consent agenda earlier in the meeting.

18   Citizen Use of Bull Horn for Public Support of Hospital

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Due to the lateness of the hour, there was a consensus to pass this item to January 29.

19   Discussion Items by Commissioners

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Commissioner Lamb, Vice Chairman, District 1

Due to the lateness of the hour, no report was made.

Commissioner Croley, District 2

Due to the lateness of the hour, no report was made.

Commissioner Price, District 3

Commissioner Price asked the Board to extend the hours of the Chattahoochee Waste Site because it is not adequate.

Commissioner Holt, District 4

Due to the lateness of the hour, no report was made.

Commissioner Dixon, Chairman, District 5 -

Approval of Appointments to the Transportation Disadvantaged  
Coordinating Board      No action was taken.

Appointments to the Apalachee Regional Planning Council

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY  
COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO  
APPOINT COMMISSIONER LAMB TO THE ARPC WITH COMMISSIONER  
CROLEY AS THE ALTERNATE. GRETNA MAYOR NADINE SMITH WAS ALSO  
APPOINTED TO THE ARPC AS A CITY REPRESENTATIVE. NO  
ALTERNATE WAS NAMED FOR MS. SMITH.

**Motion to Extend the Meeting to 11:20 p.m.**

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO EXTEND THE MEETIN TO 11:20 P.M.

**Report on the Waste Water System at Pat Thomas Parkway and I-10.**

Ms. Farnita Saunders introduced Dennis Dingham of Summit Professional Services who reported that the above project is now complete. He congratulated the Board and staff for going for the economic development project. He specifically stated that "Without Farnita's persistence and drive on this thing, it would not have been completed as well as it has. There have been a lot of turns that folks have tried to make to turn this into something that it was not supposed to be. Without her constant vigilance in looking at this, you would never have made it...There is still some monitoring that we have to do (such as the jobs created) but as far as the project is concerned from DCA's standpoint, the County has done well. I just wanted to congratulate you all.

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ACCEPT THE REPORT BY SUMMIT PROFESSIONAL.

**Receipt and File**

20.

- a. Memorandum Regarding the Library Report
- b. Letter from Judith Spencer Regarding Paving of Yates Street-Lake Talquin
- c. Letter from Bright House Regarding County Board of Commissioners Broadcast
- d. Letter from the Office of the Governor Regarding Recent Visit to Quincy
- e. Letter to Deliverance Temple Regarding Parking Addition Conceptual/Preliminary Site Plan Approval with Conditions
- f. Letter to Willie Candidate Regarding Walker/Canidate

Variance Request - Woodlawn Acres Subdivision Lot #2

- g. Letter from the University of Florida Regarding facility User Fees
- h. Letter to La Rue Planning and Management Services, Inc. Regarding Gadsden County Land Development Code Revisions (Request for Proposal (RFP))
- i. Letter to Poole Engineering Regarding Towhee Trace Minor Subdivision MSD-2005-15 - Construction Plan 2<sup>nd</sup> Review
- j. Letter from the Department of Revenue Regarding the distribution of Local Option Gas Tax
- k. Letter from the Department of Environmental Protection Regarding Financial Audit of Small County Solid Waste Grant Number SC709
- l. Letter from the Department of Community Affairs Regarding the CDBG Monitoring Report
- m. Letter from the Department of Community Affairs Regarding the CDBG Agreement - Modification Number 4
- n. Memorandum for the Record Regarding Modification to Grant Agreement Between the Department of Community Affairs and Gadsden County

**January Meeting**

January 22, 2008 - Workshop

January 29, 2008 - Regular Meeting

Possible Settlement Agreement Discussion -  
Growth Management

**ADJOURNMENT**

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR  
DECLARED THE MEETING ADJOURNED AT 11:25 P.M.**

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**Edward J. Dixon, Chair**

**ATTEST:**

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**Muriel Straughn, Deputy Clerk**

AT A SPECIAL MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS HELD IN  
AND FOR GADSDEN COUNTY, FLORIDA,  
ON JANUARY 22, 2008, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: Edward J. Dixon, Chair, District 5  
Eugene Lamb, Vice-Chair, District 1  
Doug Croley, District 2  
Derrick Price, District 3  
Brenda Holt, District 4  
Thornton Williams, County Attorney  
Marlon Brown, County Manager  
Muriel Straughn, Deputy Clerk

CALL TO ORDER

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

County Manager Marlon Brown stated that Commissioner Lamb would be arriving late for the meeting because he was attending another meeting with Tallahassee Community College.

Amendments to the Agenda

- A- Designation of Citizens Advisory Committee on Solid Waste  
1  
1. Update on County Facilities Space Need Study - additional materials  
2. Introduction and Approval of the Compensation and Pay Study - additional materials

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

A-1

A- DESIGNATION OF CITIZENS ADVISORY COMMITTEE ON SOLID WASTE  
1.

Mr. Brown reminded the commissioners that at the regular meeting on November 20, 2007, they authorized the staff to reconvene and expand the Solid Waste Committee from five to eleven members. Subsequently, the staff developed applications and invited interested citizens to participate. He reported that seventeen applications have been received.

He went on to say that, meetings should begin in February and they will meet for approximately three months in anticipation of bringing definitive recommendations to the board in time for the budget cycle.

He asked for board direction. (It is noted here that additional applications were received at this meeting.)

**There was a consensus to table this item until the next meeting.**

## **2. UPDATE ON COUNTY FACILITY'S SPACE NEEDS STUDY**

On February 6, 2007, the Board approved Akin & Associates to conduct a Facilities Space Needs Study. See that attached agenda report which outlines the tasks assigned to Akin and Associates and their findings and recommendations.

Mr. Akin presented the preliminary report attached. He noted the following specifically.

1. Six of the seven county buildings are worthy of remodeling. The only exception is the EMS building. It is so disjointed that it does not allow for growth. The buildings are dilapidated and very old. He recommended that another site be obtained and build a new EMS building.
2. Almost all of the county's buildings have poor efficiency ratings - they ranged from only 41% to 70% in efficiency. However, he said that it would not be cost efficient to renovate them.

The following are some of the recommendations that he made:

- Form a focus group that will look at the report and make some policy recommendations about how to manage the projected growth in the county.
- Apply for federal grants.

- Purchase the property where the Property Appraiser/Tax Collector are currently housed.
- Courthouse - It is a great building for the Historic Register, but there is very little that can be done to it to make it more usable. It should be nurtured and preserved. It is inadequate and has long passed its intended function. Mr. Akin recommended building a new courthouse complex.

Mr. Brown stated that when he first came to the county as the county manager, he spoke to the commissioners regarding the facilities and making the best use of them. He emphasized that the courthouse is bursting at the seams and all of the offices are very cramped.

Through board discussion the following topics were raised:

- File storage - it was recommended that archiving records to electronic media would free up floor space.
- Courtroom space - scheduling use of courtroom more efficiently - it was determined that the courtroom use is not something the board can control.
- Property Appraiser and Tax Collector site - the Spears family own the lot adjacent to the lot where they are located. While the property is for sale, the Spears want to sell both lots together. They are not interested in selling them separately. There are underground fuel tanks on the site that would have to be considered.
- There was some discussion about shifting staff rather than modifying buildings to accommodate the most urgent space needs as a stopgap measure.

Mr. Brown stated that the tightest use of space is in the courthouse and the office of the Supervisor of Elections. **Because there will be general elections this year, attention must be given to trying to resolve the Supervisor's in time for the elections. He said the staff would be bringing some options to the Board very soon.**

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ACCEPT THE**



**REPORT FROM AKIN AND ASSOCIATES ON THE COUNTY'S SPACE NEEDS.**

**2. INTRODUCTION AND APPROVAL OF THE COMPENSATION AND PAY STUDY**

Mr. Brown introduced Mr. Sal Nuzzo, Vice-President of Evergreen Solutions, LLC. He then gave an overview of the Compensation and Pay Study, which he conducted for the Board of County Commissioners. See the attached report for details.

Listed below are some of the points that he made in his presentation:

Gadsden County is 4% below the minimum salary range across the board. At the lowest end of the ranges, typically where you would hire entry-level staff, Gadsden County is, on the average, 4% below the market across the board. (Some positions were above market, some were well below.)

**Entry level** Probation Assistant was 23% below market average. Probation Officer I was 17.5% below; Probation Officer II was 12% below. Heavy Equipment Operator - 14% below; Librarians were well below. As you progress through the mid range and maximum range, those positions get progressively out of proportion.

Middle of the salary range - Gadsden County is about 13% below the market - on the average. As the grades gain more tenure, the county becomes less competitive. 18 of the 37 jobs surveyed more than 10% below the market at midpoint. Nine jobs surveyed more than 20%. The statistical disparity is excessive among probation officers, librarians, fleet managers, planners -

**Top in of the range** - Gadsden County is 19% below the market. As the county begins to experience growth, it will have a significant impact on the county's ability to recruit new individuals as positions become available, but also to retain those individuals that it will want as the county moves forward. Of the 24 of the 37 jobs surveyed more than 10% below market.

Mr. Nuzzo recommended a specific structure for a new pay plan for the county that lends itself to market provisions as well as internal equity. He also recommended some specific

revisions to job classifications based on the type of work being performed.

**Recommendations:**

- Implement 27-grade structure with market competitive salaries at the midpoint.
- Bring those individuals who are below the minimum of the new range to the minimum range. (\$60,000 this budget year.) This will not address things like salary compression or market equity.
- In the upcoming budget cycle, implement a 5% market equity adjustment - increase of \$275,000 in salary expenditures. (Gadsden County has not maintained its compensation ranges over time and thus has lost its competitiveness.
- Conduct an annual survey internally of specific classifications. The market will change rather dynamically over time. Make sure the classification plan mirrors the market and keeps pace.
- Conduct an annual survey of peers to see how they are adjusting their plan each year.
- County should do a limited version of this study on a five to seven year basis to ensure that ranges and the plan kept pace over time.

He then called attention to the charts demonstrating the grade assignments. (Grades 5 through 34 each with a minimum, mid and maximum range)

Commissioner Holt asked Mr. Nuzzo about comparing job descriptions for positions to the actual work they performed.

Mr. Nuzzo responded that they reviewed the job descriptions. He said they would provide the county a template for a more substantive set of position descriptions that will give the county a bit more mobility to hire within a range.

Nuzzo:

One of the things that we found was that the ability to hire

up to a certain percentage of the current range was not based on any kind of numeric or structural set of policies. We have recommendations on those policies and we will certainly provide them to the administration to consider adopting. They are policies that we have developed for many organizations. It is just a matter of if they want them and when they want them. We will certainly provide them to you as either a supplement to this or an appendix or a separate document.

The typical policy that we have developed revolves around two factors. One is either a certain number based on years of experience in that specific function that is verifiable. The other is generally two years of verifiable salary history regardless of the job. So, if either of those criteria can be met, you can hire up to above the midpoint. Typically, we provide a caveat in there for county manager approval if it is above the midpoint. But, it is usually based on some more consistent methodology."

Commissioner Croley commended Mr. Nuzzo on the study. He then questioned him about how they conducted the survey.

Nuzzo:

How we go about our survey - the preliminary recommendation was to identify, based on the anecdotal research, we do on our end first, a series of proposed survey targets or organizations that are geographic to yours who have some competitive nature with your county. Then we also go back in or research and look at demographic factors that would also lead up to some counties or organizations that are outside the geographic county. We submit that to the county for them to review and approve. The initial list came from us.

Croley:

The reason I am asking that question is that from the private sector side, I am looking at - What is your labor pool here? Where are you drawing your employees from? With all due respect, we are not drawing employees from Alachua County unless they are applying for a job and moving here from that market area. This market area is Decatur County, Thomas County, Grady County, City of Bainbridge area, Leon County, Wakulla County, perhaps Jackson, Liberty, and Calhoun. Those are the surrounding counties that the majority of the work force comes from. On that basis, that is what the focus of the county's compensation should be based upon. That is

where you have to compete for your labor force.

Now, at the same time, I am certainly aware that we are going to have specialized needs that cannot be filled with employees from those areas. Perhaps, some of those instances, it is appropriate to look beyond that labor pool. However, at the same time, I am looking also at - What is the percentage of turnover in this county government? The manager and I have spoken about this earlier, just to let you know when we reviewed the agenda, and as he stated, it is relatively low.

Therefore, if the turnover is low, that would give you the impression that your compensation might not be too far out of line with the labor pool in which we must compete for. Is that incorrect?

Nuzzo:

Let me first address your first comment and then the actual selection of the labor pool, then come back to the comment on the turn over issue. It might or might not have a relationship on the common thinking.

First off, I would concur with you on the latter half of your statement. There are going to be positions - both para-professional level and as you move up, where your competitive labor market is not just going to be geographic. US Department of Labor, most public sector organizations that we have been working on over the course of the last five years, have recognized that, as an element of statistically valid compensation, so, over the course of our work in the last four or five years, as we have advanced our survey methodology, we have begun to look at what is the market place - not just geographically, but also demographically. How does that impact the competitive market? I would also follow that up with when we look at an organization like Alachua County or another organization outside of this geographic area, we are cognizant of the fact that the cost of living places a factor in those areas. So, when we bring that data over and when we include it in the analysis, we are factoring in for the cost of living differential that is present between Gadsden County and Alachua County and any other county. In fact, as soon as we go outside of Gadsden County, we are going to factor in the cost of living.

Now, the difference in location as an impact on just how much

that cost of living plays into the equation. But, I would also say that more and more, your labor pool scope being outside of this geographic area is moving further down the salary schedule. So, more and more of what would be considered your lower grade employees are beginning to be more competitive with organizations outside of this area.

So, in a sense, I would agree with your comment. Four or five years ago, that was how most salary surveys and that compensation analysis were conducted. It has evolved since then to be what most public organizations would consider, what the Department of Labor would consider a more statistically valid methodology for analyzing competitive market for labor.

On the second point with respect to whether or not the turn over rate has anything to do with compensation. It certainly does. However, one could make the case that the compensation levels can be linked in a couple of ways. The compensation levels may not be hurting you from a turn over perspective right now, but they are certainly hurting, at least anecdotally, we would argue statistically as well, from recruitment prospective on new employees coming in. Therefore, as the county begins to grow, as Mr. Akin pointed out in his presentation earlier, as the migration from Leon County moves into Gadsden County, you are going to find that those factors and your ability to recruit and retain are going to fall off much more quickly.

The county turn over rate may not be very high and that have a very tangible affect on the budget, but I would argue that there are other things that can be considered with respect to the overall level of service delivery. Not necessarily the quality of the employee, but the ability to recruit new candidates into those positions that the county needs to operate.

Croley:

I am very appreciative of those observations. However, that still, if you don't have any turn over, you don't have vacancies, and if you don't have vacancies, you don't have positions to fill. Now, you can argue - yes, the important of keeping your salaries competitive and that is not what I am saying shouldn't be the focus. They should be and you should be competitive within your market. But, there is a limited amount of financial resources, as a board or

commission here, to draw upon. Our citizens are limited and may even be more limited in their willingness to pay after this election ends, assuming that things go forward. If they are not willing to pay the money to provide the additional revenues that are required, we are going to be faced with having to look at making use of what we have. I guess that is what bothers me to some degree in the way that this market survey is set up. Are you saying to me and to the other commissioners here, that you got a salary survey or schedule from Decatur County, Thomas County, this other counties or Jackson County as you have listed here.

Nuzzo:

We did. We did research with salary surveys, with gathering pay plans and with contacting those organizations. We do not, and this is true in every case, we do not get responses from every single organization for every single position. But, quite honestly, even when we do get those responses, we assess how comparable those jobs are to ensure that we are making adequate comparisons.

The point that you made just before that though, I think that it is very, very important and very accurate. You are in a fiscally - you are in a position where you have to balance fiscal responsibility with the need to be competitive. We were very cognizant of that in the context of developing the plan and implementation. That is why, at this point, we are only recommending that the salary ranges be set up and you take the first step toward bringing those employees that are below the minimum to the minimum. We are not recommending that because probation officers are 25% below market that probation officers get a 25% increases. You find that the implementation of that would result in several hundreds of thousands if not more than \$1 million.

We are recommending that the county take a first step. Establish the ranges, establish the grades, get those employees who are below the minimum to the minimum and begin to address, in a fiscally responsible manner, those market inequities or market equity adjustments over time. We proposed an implementation plan for organizations of this size last year and the year before that were \$400,000 or \$300,000 simply because they were able to address everything in a one or two year plan. We recognized that in this environment, especially within this county, that is why we set up the grades and ranges and implementation in the manner

that we have.

I am hopeful that this will be a solution that will be palatable to the board and palatable to the manager to be able to move forward over time. That is what we are here for.

Croley:

On that basis, this approach sounds more doable for us and I share that observation with you, but the additional \$275,000 - I don't know about that.

Nuzzo:

It is something for the board to - it is a recommendation that we are making. It is a recommendation that I know Mr. Brown is fond of and it is a recommendation for the board to consider in the 08-09 budget planning cycle. We made the recommendation because we want you to be cognizant that this does not end. As the county grows and as the county continues to deliver services and wishes to deliver services in a high quality manner, this is going to continue to be a challenge. Not just for Gadsden County, but for every county around the state. That is why the recommendation is in there. We would support it, but if the fiscal reality is that, it is not available at that time, that is something to consider.

Dixon:

Mr. Nuzzo, let me just say first of all, Thank you for continuing your work with us. This certainly is another step in this process. Many of us can remember when at public works, we had 15 - 20% turn over on a regular basis, not to mention throughout the remainder of the county. So, I think what this shows us is 1) We have made a lot of progress. I can remember when we had to upgrade a bunch of jobs 25 - 30% just to get to the minimum. It is certainly another step and it is gratifying to know that we are only a little ways out of the minimum on a lot of jobs. That is gratifying.

Tell me something. I was disappointed to see paramedics. I know how competitive that field is. I think during our discussions on the budget, when we talked about salaries, I got the word that salaries were good in paramedics and EMTs. Am I misquoting?

Nuzzo:

They are good at entry level. But, when they get to the midpoint and the maximum end of the ranges is where they fall off. But, EMTs are about 5% above market at minimum. Regular paramedics are actually about 11% above at minimum. Senior paramedics are about 6% above at the minimum. So, you are able to get them in. Our contention and our prediction is that, because the ranges are structured, if you don't move in the direction of implementing the comprehensive solution, over time, you are going to find that retention of those really well qualified EMTs and paramedics are going to fall off in the coming years.

Brown:

Mr. Chairman, if I may. When you recall those discussions, a lot of them were more or less complaining about the equipment. They were happy with the compensation, but the equipment and the conditions of the job place, as Mr. Akin mentioned in terms of the EMS building. So, so those are the fluff part of their concerns in terms of what they were concerned about.

Dixon:

Right. That is what I recall.

I was also gratified to see that there were not a lot of public works jobs listed - in my quick glance.

Nuzzo:

There weren't. We had heavy equipment operators that were well below. That doesn't mean that they weren't below, but they weren't as far below as some of the others.

Dixon:

I don't think this, as you said, this is a continuing situation that we will continue to have to address. I am just glad we have to address it at 5% as opposed to the 25% and the 12% that we have had to do the last couple of years. So, I think that you and Mr. Lawson have done a fantastic job in this presentation.

Nuzzo:

Thank you very much. I would also call attention to Davin Suggs.

Dixon:

Don't call his name. You were doing well, Mr. Nuzzo. You



were on a roll, but you're about to get out of here. You are about to get what you came for. (Laughter)

Holt:

I noticed that some of the job titles changed when those on the current and proposed classifications. Lead custodians - are there reasons for those levels?

Nuzzo:

Just because of the current levels of incumbents within the classifications. In many cases, we just saw that there were a few too many job classifications. It would be far easier to reduce the number of jobs, make it easier to administer and give employees a little bit more sense of a structure and there may a need over time as the county grows to add some positions and there is certainly room for that in the plan. But, we just didn't see the need for it right now.

Holt:

Does that mean that the job description was the same?

Nuzzo:

I believe in the custodial case, and please correct me if I am wrong, the lead custodian performs the majority of the same functions as the remainder of the custodians except for one assignment of something. So,

Holt:

I just chose that one, but I was more interested in heavy equipment I, heavy equipment II and those positions like that. If they are doing more work? Less work? Have they been there longer? I wouldn't want that to all be categorized into one area.

Dixon:

If I am correct, that is the kind of information he is going to offer. That you are going to account for - the years and all of that stuff in the new plan.

Nuzzo:

There is one thing that we did not include in the report. We typically don't include all of the data, but it is the implementation of the plan by the person. You can then begin to see how we slot in. I believe in the librarian and the heavy equipment operators, if my memory serves me - we actually completed the draft of this a couple of months ago -

maybe it was just the librarian, but there no one in the "I" position, everyone was in the "II" position. So, we created that one as the "I" and it is legally a "II".

Dixon:

You created an advancement?

Nuzzo:

Yeah.

Holt:

On the low turn over rate, that has a lot to do with lack of training of employees over the years. If you are not trained, you are apt not to quit. But, it does account for low productivity. If I am not getting paid well and I'm not being trained, I am not able to move up or get promoted. Then I have a tendency to produce less.

Nuzzo:

You are absolutely right. It also goes to your point about being able to bring people in based on their experience. Because the range minimums are only about 4% below market, the level of employee that you are typically going to see coming in are at that lower level of experience. At the midpoint and at the maximum, unless the county is willing to bring someone in close to the maximum (and on some occasions, they have done) but, that makes your ranges and your structure meaningless. That is the direction and the reasoning behind it. But, you are absolutely correct.

Croley:

Mr. Chair, if you are ready to entertain a motion, I would move Option 1.

Holt:

Second.

Dixon:

We have a motion and second for Option 1. Just one quick question for discussion. The minimum is there for a reason, the maximum is there a reason. Is there, and you probably don't want to tell me this. I know that we can't compete with the maximum. I know we can't and I think that is a good point that the commissioner to my left was harking on. Is there a place where you think we should be competitive, understanding that for some jobs, principle planners, we are

going to be pushed toward the max. I understand that. But, is there a general point that we can reach the 75 percentile.

Nuzzo:

That is a very good question. I am glad you brought up percentile. Progressive organizations will try to be competitive at the 75<sup>th</sup> percentile. That is a progressive organization - one that wants to be close to if not a market leader.

Dixon:

What about a "poor want to be progressive" organization? We've got to be real here, if you know what I mean.

Williams:

Take them past the midpoint.

Nuzzo:

I think the way I want to answer this is that I would love to come back here five years from now and do the same market survey and find that you are within 3% of the midpoint. If you are within 3% of the market average at the midpoint (plus or minus), I would consider that a very successful implementation of this plan. Keeping in mind that you are about 13% below right now.

Dixon:

Very good. That gives me something to work with. Thank you very much.

We have a motion and a second. There being no further discussion, all in favor, a sign of "aye."

All:

Aye.

Dixon:

Thank you again, Mr. Lawson and Davin Suggs.

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHROIZE THE STAFF TO IMPLEMENT THE INITIAL PHASE OF THE PROPOSED PAY PLAN AT A COST OF APPROXIMATELY \$60,000.**

**3. REVIEW OF GOALS AND SELECTION OF PRIORITIES FOR FY 2009 BUDGET DEVELOPMENT PROCESS**

Mr. Brown introduced the above named item. He reminded the commissioners that last year, they adopted a number of broad goals and priorities to provide for improved services and products to the citizens of Gadsden County. However, because the goals listed in the attachment are so broad, he asked each commissioner to submit their own list of very specific priorities to aid in the development of the fiscal year 2009 budget.

The broad goals and objectives are found as Attachment 1 of the agenda report. Attachment 2 is a compiled list of the specific priorities which each commissioner submitted prior to this meeting.

Mr. Brown stated that some of the items may not necessarily need a fiscal analysis and could be accomplished administratively right away.

**Comprehensive Planning Issues Identified by Commissioners**

- ~~• Citizens Bill of Rights - BCC has already approved this.~~

This issue was already being addressed by staff and Commissioner Croley.

- ~~• Code Enforcement on Friday Road; Charlie Harris Loop; Schwall Road and US 27 North - This item can be accomplished internally. It is basically getting staff to look at these areas.~~

This issue can and will be addressed through normal course of action by staff.

- **Comp Plan Update** -
- 
- The Land Development Code update is already in progress and the Comp Plan will follow. **Staff will establish time frame for this item.** Commissioner Lamb had concerns about sidewalks that he wanted addressed. There was discussion about when the sidewalks requirement would apply to developments. However, the

ordinance does provide for "opt out" clause upon review by staff and the board.

- **Improve Relationship to Department of Community Affairs (DCA)**
- **Develop US 27 and US 90 Corridors**

Commissioner Holt suggested that the board look at the type of development it desires to have along these corridor roads. There are opportunities if the county plans for neighborhood commercial ventures. It was not her intention to pursue infrastructure at this point, but to plan for the kinds of businesses that will surely move in from Leon County.

Croley:

I am beginning to come get feed back from my constituents about "too much density, too much traffic." I think that it is important that they feel that there are some safeguards to protect and address their concerns. I am not sure how we go about funding that as far as economic development. It looks like to me, it is more planning than funding.

Holt:

I am no trying to say "congestion", but you plan for it. If you look at the city west of here, how they planned their main arterial roads and everything - it is through set backs. The vegetation is set back. You don't know there is a Publix until you get in there.

Dixon:

Close some of the areas that are non-conforming, but develop the areas so that the stores are right here and not stretched all the way down the highway. We focused on 27, 90 and 267. I know we did corridor plans for 90 and 27 - plans for their development.

Lamb:

What we will do on 90 as well as 27 is make sure that the businesses are compatible to what we have there now.

Holt:

Right. If you look at 27, look at the development off of 27. Look at the number of homes. If we can get in the type of facilities that the community would want, how we go after those funding dollars to place business in there that the

community wants. It may lie within policy development itself.

Croley:

I don't have any problems with what you are suggesting, but it seems to me that it is a growth management issue. But, to have it under economic development, I am confused about that.

Brown:

Commissioners, this is the forum where we kind of flesh out what the intent is.

Dixon:

Let's move this back to comprehensive planning and make that a little easier

### **Culture and Recreation**

- There was a consensus to provide for permanent home for Boys and Girls Club in Quincy and Chattahoochee and establish new clubs in Gretna and Havana. **This will be brought back with implementation cost, then the board can prioritize based on what the "budget looks like."**
- Development of Veteran's Memorial Park will be brought back at a later time. -

Chair Dixon explained that in the course of conversations with veterans, they had expressed to him a desire to have a place to gather with other veterans and people in general from time to time. From those conversations, the idea arose to erect a memorial park that would serve multiple purposes. While there are military monuments on the courthouse square, the location is not conducive as a gathering place.

He then said that he would like to see a park developed on the site of the old county jail. It now serves as a record storage facility.

He recalled that when the City of Quincy set up their Community Redevelopment Authority (CRA), the board anticipated that the city would move to do some things, part of which would be to develop the entire downtown area. A park away from the downtown courthouse square would allow a safer place for festivals and events that bring people together and build a spirit of community. It would get

people off the courthouse square and also provide a facility away from the US 90 traffic. He reiterated that that the site he proposed would provide a wonderful opportunity and also give a presence and recognition of veterans.

Commissioner Croley called attention to the fact that there a number of war monuments already erected on the grounds of the courthouse square and that the "square" might be the more appropriate place to dedicate to veterans. He quickly recognized the need for a park as described by the Chair - but, not necessarily for the purpose of a veterans' memorial.

- **Commissioner Holt called attention to the monument dedicated to the memory of Confederate soldiers. She asked that one be placed on the south side of the square to memorialize the slaves that did their part in that battle.**

#### **Construction of new libraries in Gretna, Greensboro & Midway**

Ms. Mock stated that the Library Services Long Range plan is to erect two new libraries over the next five years.

Suggs:

Two considerations, Board Members, with upcoming libraries. With the previous libraries, one thing that we were able to benefit from is that we were replacing libraries which made a difference. We already had the staff, we already had the inventory of books. So, as we go forward, one thing that you need to think about because now you are talking a new library in the in the system with new staff which we will analyze. But, the other thing that I think will come in favor as We look at it is the footprint of the areas. These libraries might not be as big as Quincy. The circulation in Midway, Gretna and Greensboro will be smaller probably if not comparable to Chattahoochee and Havana. They may be smaller, may be same size. That will all balance out, but they are some of the issues that you need to think about as we do the fiscal analysis.

The other thing - as we move forward and we bring this back to you, if you want to put together a library plan, it is very important that you all adopt it and say, "Hey, this is the plan for the next three, four or five years." We have to act in advance in order to get in that grant cycle with the State. Jane has a lot of paper work to prepare and that

grant cycle is part of the CBER and legislative process. So, we have to be able to act - to get that \$500,000 from the State for each library, we have to act well in advance to prepare.

Dixon:

Do you think you could send some over real quick? Do we have it? I know the time for CBERS has passed, but folk love libraries and the man's brother is sitting right there. If he can't help us, we need to get rid of him. I'm just joking, Mr. Lawson.

But, being that it is a process, like we did with the courthouse - two or three years of drawing down money to build that expansion. I think what we ought do here is consider development, then let's begin to position for that library.

Suggs:

Depending on what the manager's preference is, if you know you want us to do a fiscal analysis on libraries, one thing that will help us is if you will give us some type of time framework. If you say three libraries and there is a consensus from the board that you want us to do an analysis on the cost of building three libraries and bring three libraries into the system, if we had a timeframe in which to spread that analysis over, whether it is three in five years or three in three years, we need to know so we can do an analysis.

Brown:

Davin, when you say three in three years, that is part of the consensus that you will get from the board.

Dixon:

What about two in three years?

Suggs:

Three in the next ten years - how about that?

Dixon:

Two in three years or three in five years.

**There was a consensus to build three new libraries in five**



**years.**

**Shelfer Park Discussion Revisited**

Holt:

Mr. Chairman, if I may right quick, you said earlier that there was a private CBER for Shelfer Park. How is that going to work?

Dixon:

I don't know. I approached that subject with our legislators who did allow me to put that \$1 million CBER in, too because I had that discussion with them that we have a list. Commissioner Croley actually is next on the list. But, remember, he opted out last year to allow Drake Acres to move up the list. Shelfer Park is the last park, the newest park on the list, therefore, took the last position on the roll of parks. Because once we realized that CBER was there and realized the consternation it might create among the board, we asked the Legislature to allow us to submit a CBER that would cover all the parks.

Holt:

What I am saying is, if they are allowing a CBER for Shelfer Park, then I should come back and get the community out in Friendship to provide a CBER, Rosedale should be able to provide a CBER. That is what I am saying. If we are saying that we are going to cover all the parks, and we provide a CBER for five parks, then a private CBER is put in and requested money, then that may cut out what we are doing for the other areas. They should have put in a private CBER, too.

Dixon:

Madam, I agree wholeheartedly with you.

Holt:

It seems unfair. Either we are going to be together or we are not going to be together.

Dixon:

The CBER, as I understand it, is designed not to compete against the parks. The list of parks. So, it is not asking for park money, FRDAP money, but, it is asking for GR money for that park. That doesn't help your position any.

Holt:

That is fine, it doesn't matter to me which pot the money comes out of. It can come out of GR. But, I think that it should be fair when everybody is going after money at the same time. If it is going to be a county park, it is a county park. If it is going after a private CBER, then all five should go after a private CBER. Then they can go after the FRDAP money, too. But, that is not fair to the other parks.

Dixon:

Madam commissioner, I did express those exact sentiments to the legislative body. But, it is coming out of the legislative body. Let me just say that I did express to them vehemently, vociferously, if you will, my concern about that CBER and how this same body had asked us to do things - decent and in order - not only the cities, all of the cities, and the county's wishes in priority. I mean from the most needy to the least needy and then that we be prepared to make decisions based on what we had submitted to them. This is an occult on what they have asked us to do. And, I told them that. I said, "That is just not right." Of course, they have the authority to do it. It is not right and it is not fair to those folks who waited in line for the next turn. I made that very clear as well. That being said, it is not our call...We submitted the CBER thinking that it would be an acceptable alternative. At the very last moment, the legislative office decided that CBER is not what they wanted to see and submitted a single individual CBER. So, both are going forward. I'm sure that nobody, well, I am not sure about anything anymore. That is how the situation stands at the moment.

Next issue.

Brown:

Before you leave, just so that we have a consensus for the staff to bring back an analysis on:

- **Permanent Boys and Girls clubs - two permanent sites and two new programs.**
- **Analysis for the development of three libraries within five years (Sites to consider are Greensboro, Gretna, Midway and Shadefarm Road area) as well as a bookmobile to serve the more remote areas (St. Hebron, Jamison,**

**Tallavana)**

- **Veteran's Park proposal would be brought back later.**
- **Parks development dependent on CBER funding.**

The chair then moved discussion to the subject of economic environment.

**Economic Environment**

- **Develop I-10 Interchange at SR 12 (Greensboro/Gretna)**
- **Continue Grants for I-10 Interchanges**

Gretna City Manager Antonio Jefferson addressed the board:

Mr. Chairman and commissioners, thank you for the opportunity to speak to you. Highway 12 and I-10 will progress rather quickly and I think a lot quicker than I think the board may be expecting. We have a number of inquiries relative to infrastructure at that location. Tonight, I am going to ask you to consider that the County did get \$250,000 during the 2006 or maybe it was the 2007 legislative session. We would like for you to make a commitment for that to be used.

I am just going to go over a couple of things.

Dixon:

How are you going to check our pockets? (laughter)

Jefferson:

O.K. I won't check your pockets, but I am sure you will say, "Let's make a deal." (Laughter)

As I was saying, I think that this is going to unfold relatively quickly. We have had a number of inquiries over the last few months, as I am sure you have. But, we have some serious inquiries on board and to the point that we have asked our engineer to do a preliminary cost estimate relative to the project. We have talked to some of the developers that are interested in that area i.e. they either own property now or they are interested in purchasing options at that exchange. We believe the line right now - the cost would be between \$1.6 and \$2.2 million. That would add water and sewer to the exchange on both sides of the highway.

One of the things that I would say is that it makes sense to us because we are in a position - we are the only utility provider in that area that provides both water and sewer services. If we can get this project off the ground now, I think it will be very important to the county as well as the City of Gretna.

Our interest is obviously expanding our infrastructure to serve more people thereby reducing the cost toward individual citizens overall. As you mentioned earlier, Chairman, I did kind of pick your pockets on that \$250,000. We would love to have that. Our plan is this. We want to take your \$250,000 plus our \$250,000 and leverage that against some other grant opportunities as well as some private development commitments that we have got - at least a verbal commitment to make towards the project. Obviously, we want to work with the County staff to develop an overall proposal. We have talked with the folks at OTED, DCA, Rural Development and probably about everybody that we could as far as finding as many people as we could get on board with this project. So, if you want to squeeze something in there for 2008-2009, I would appreciate it. But, if you want to get a deal now, the time is now.

Dixon:  
What are you offering?

Jefferson:  
We got \$250,000, too. So, we will throw our \$250,000 in the mix to make it all happen. There has to be an expansion of the treatment facility, so we are going to leverage our \$250,000 along with your \$250,000 if you are in agreeance as a board and make this project happen. If you are as serious and committed about it, I think that when we had the hearings on Fox Chase, I remember Commissioner Croley said that that is one of the things that the City of Gretna should pursue - the infrastructure to I-10. Of course, I want Commissioner Croley to realize his dream as well as our district commissioner, Commissioner Holt.

Dixon:  
Mr. Manager and Ms. Saunders, how are stacked? I know we are finishing up a grant. How are we stacked in terms of the continued pursuit of cash?

Brown:

Commissioners, as you know, we just finalized the 267/I-10 project. Ms. Saunders, how much over were we on that project that we would need some of this \$250,000?

Saunders:

I do apologize, but would you repeat the question again. I heard the latter part, but I was absorbing what Mr. Jefferson was saying.

Brown:

How much over were we on the 267 project that we dipping into that \$250,000?

Saunders:

We were actually over about \$25,000 on the 267 project, but we were able to utilize funding from a different source. So, we are fine. We still have the \$250,000 available.

Brown:

And that money is to used before June 30, 2008.

Saunders:

Well, we are actually going to request an extension for an additional couple of years. We talked about the \$250,000 so we do have some plans that were also recommended in the preliminary draft of the water sewer study, as far as using that money.

Dixon:

How are we doing in terms - Are we, can we, is there an opportunity out there for us much like we did with Quincy to help Gretna?

Saunders:

At the 267 interchange, we have talked to DCA, we have talked with USDA about a couple of funding sources to do something at SR 12. But, one of the things that we are trying to figure out now as far they are concerned (and Mr. Jefferson and I have had this conversation and I also had this conversation with the manager) In order to obtain another CDBG grant very similar to what we just did at 267, we are going to have to have a business. If we can identify a business, that can bring us in some jobs, we can get the maximum amount to develop that interchange, which is \$750,000. So, those are the conversations we have had trying to - I have received some inquiries from some developers,

some hotel owners, wanting to do some things. But, it is slowing down a little bit. I don't know if Mr. Jefferson has a potential business, but if we get a potential business, the county is now in a good position to apply for another CDBG grant because we just closed out the 267 project as you recall from the update last week. We are kind of wide open right now.

Brown:

But, again, Commissioners, it is tied to jobs. You remember when we did 267 how difficult they were.

Saunders:

We will receive \$35,000 for every job we can create on a new project.

Croley:

Do we have a particular business in mind for that interchange that would qualify?

Saunders:

Initially, we had a hotel. We had a developer who wanted to bring in another hotel at that interchange. We have had some conversations with an existing hotel owner to possibly do something out there. They have a desire to have a restaurant to come first to bring the hotel because the two are just there. It is a matter of which one will come first. At this time, we don't have one concrete. I will say that. Last year, we had some conversations about the hotel which was a chain hotel. It was great. We could have gotten the \$750,000 but that has kind of died off a bit. So, we don't have anything that is really active. But, if we can, I mean, we have been searching.

Brown:

To the City - Do you have any prospect, Mr. Jefferson?

Jefferson:

I told you - it's "Let's make a deal." We've got some prospects. Yes, we do have some serious prospects and the question is not whether they will do it, it is whether we can put this project together to make it happen. I think we have a business option, if not two, to do it that are fully committed at this point to doing it.

Croley:

I think though that we have to have something specific. Ms. Saunders is nodding her head. With all due respect, yes, we do have all these visions of grandeur, but this running you a sewer line with the hope that somebody is going to come along and build it, I don't think that quite measures up based upon the way she was nodding her head. Am I understanding that right, Ms. Saunders?

Jefferson:

Here is the city's position in this. We have a business, we think, that is really giving us some serious - that have said, "If you can give put together the water and sewer, we will come. That, I think will create the necessary jobs for whatever CDBG money you are eligible for." Here is what I have offered to Ms. Saunders and to the manager - ultimately, we as - we want to sit down with the staff, obviously and identify the business and put the whole package together. If we can't put it together, then we don't want to use your \$250,000. But, we think that we've got some interest to the level that we can put together a grant application to ultimately acquire an economic development funds.

Croley:

Does this interfere in any way the plans for Mr. Monty Bradwell and his project?

Jefferson:

Not to my knowledge, no. The two businesses that I am aware of at this point, has no impact on him.

Dixon:

Mr. Jefferson, I think he was talking to her.

Jefferson:

I am sorry.

Dixon:

You've got to appreciate a little tenacity.

Saunders:

Commissioner, I think your question is, and please correct me if I am wrong, but your question is in reference to the county's ability to apply for another grant even though we just got approved for the Bradwell grant or as far as businesses are concerned, the type of businesses for the

Bradwell.

Croley:  
The Huddle House.

Saunders:  
We are O.K. One is not going to affect the other. As I just mentioned, because we just closed out 267, we have the ability to apply for this new one. The reason we need a business is because as part of the grant application, we have to actually have a funding commitment from that business to be able to know where the additional resources are going to come from beyond the grant funds that are going to be available.

Holt:  
As I said earlier, Mr. (inaudible) from USDA in Washington said to go ahead and try to put plans together for I-10 as quickly as possible simply because they know that things are going to be moving through the House and the Senate and some of those things are going to fund those items that are signed off. You have to be first in line. If you are turned down, then fine, but they told us to "Please, get your paperwork in." They told us that last summer. Is that not right, Jon? He said, "Get the paperwork in." He pointed out those exists and he wanted to know how that sewer was going to be run. But, he said on two different occasions, "Put your paperwork in first and get in line first." It is very important - what you are saying. I have even been approached by someone about that exit.

Also, another point I want to make is that we definitely need a grant writer. If you want to get something at I-10, it helps to have someone to go after that funding.

Dixon:  
So, what we really need is a directive from this board for the staff to pursue at all speed the acquisition and development and submission of grants and other funding opportunities along with the City of Gretna for this location and the development of the Chattahoochee location, further. So that we don't have to talk about it anymore, it becomes an automatic progression that we move into that area.

Mr. Suggs?



**Suggs:**

**Is the staff restricted to grants only?**

**Dixon:**

**No, We are looking for a workable package.**

**Brown:**

**Commissioners, we also need direction on the \$250,000 because that CDBG is not tied to any jobs or business.**

**Dixon:**

**It will be in the package, won't it? You will recommend it to us in the package.**

**Mayor, does that meet your expectation?**

**Jefferson:**

**Yes.**

**Dixon:**

**Good, because we wouldn't want to disappoint Gretna.**

**Is that the consensus of the body?**

**The discussion then turned to Neighborhood Improvement.**

#### **NEIGHBORHOOD IMPROVEMENT PROGRAM**

Chair Dixon explained that under a neighborhood improvement program, it would call for a task group to sit down and focus on the older unappealing neighborhoods and make a plan as to how to improve it collectively with respect to the county's resources. (Sewer, sidewalks, transportation needs, housing improvements, code enforcement, street lighting) He said they should look at those neighborhoods and build an aura of being a nice neighborhood.

Mr. Brown asked the board to be specific with the targeted neighborhood so that staff could come back with an analysis.

**There was a consensus to develop the parameters first. Then commissioners can establish a list of the neighborhoods that fit those parameters. This would require neighborhood participation as one of the parameters. It would also entail some code enforcement.**

### **Better Code Enforcement For the Creeks and Streams**

There was a consensus as to the following:

- Need for better enforcement teeth in the ordinances that are already on the books.
- More inmate crews to use in the clean up effort.
- Regular massive operations to make citizens know that the board is serious about cleaning up the county. Focus on problem areas and issue citations on large scale basis.
- Institute new tactics that will bring about a change in people's mind set about what they do with their garbage.

### **Affordable Housing - Develop Revenue Stream**

There was no consensus on this item.

### **Develop Emergency Housing Repair Program**

There was a consensus to broaden the criteria by which those funds can be utilized. (\$50,000 in the current budget) (eliminate insurance requirement to qualify for the assistance; help for feeble or aged first; construction of handrails; etc. - this money should not be used as cash payment for electrical hook-ups and the like.)

## **GENERAL GOVERNMENT**

### **Reduce Administrative and Legal Cost in County Government**

- Commissioner Croley suggested that some of the inquiries that are handled by the attorney might be addressed by staff. There was no consensus on this issue.

### **Require Monthly Production Reports From All County Departments**

- There is a need to measure employee productivity in order to measure training needs for staff
- There was a request for regular reports from county departments that would assist the board in making

decisions.

- Staff was asked to create benchmarks and performance measurements that would lend itself to meeting efficiency goals in the upcoming year. However, it was emphasized that this administrative effort should not become so burdensome that it debilitates the ability to render services in a quality fashion.
- Commissioner Lamb requested regular reports from Senior Citizens Center.
- The commissioners asked for a report on the number of permits that are issued to mobile homes and how many citations are being written to people without the permits. The object of this request was to get those people to make their contribution to support county government. It was reiterated by the manager that when those violators come before the board asking for relief once a citation has been issued, it will be extremely important to the staff to have the support of the board. Public education should be a component of compelling people to do the right thing.

**Develop Aggressive Grant Better Procurement Strategies for Each Department**

This was determined to be an administrative function not requiring a budget analysis.

**Implement Better Code Enforcement for the Creeks and Streams**

This matter was determined to be part of the overall Code Enforcement package.

**Aggressive Revenue Development by Commissioners**

There was discussion about this item, but there was no consensus or actions taken.

**Amend Current Gas Tax Legislation Changed to Require a Simple Majority Vote to Amend the Local Ordinance as Opposed to A Super Majority Vote**

Commissioner Holt was asked to bring back information to the board for discussion on this matter. No consensus was reached.

**Employee Compensation Improvement**

This item was addressed and the plan is being implemented.

### **Human Services**

#### **Increase funding to non-profit agencies**

Develop innovative funding mechanisms for funding non-profits.

There was a suggestion that the county hire a grant writer, but there was not a consensus.

There was no consensus about how much to increase the non profit funding.

#### **Re-open the hospital**

This matter is continually being addressed.

### **Physical Environment**

No specific consensus was stated but there was discussion as to the following issues.

- Assign two inmate crews to clean up junk and trash from creeks and waterways.
- Clean up roadways prior to the 2008 roadside mowing season.

#### **Establish Countywide Canopy Roads Program**

- Staff was asked to identify roads in the county with a canopy of trees, then ultimately move toward a plan to protect those trees and the road.

### **Solid Waste and Recycling Issues**

There was a consensus to re-establish the Solid Waste Committee and support whatever recommendations come out of that committee relative to recycling and solid waste collection and getting the county cleaned up..

### **Implement Findings of Water/Sewer Study**

The information package resulting from the Water/Sewer Study was included in the CBERS for the particular items the county is requesting from the Legislature. The report itself will be reviewed on January 23<sup>rd</sup> and then transmitted to the municipalities in the county. The information package is now ready for distribution. No further action necessary at this time.

### **Public Safety**

#### **Fire Hydrant Program**

No specific consensus was stated, but the following subjects were discussed:

There is already a CBER requesting funds for hydrants and infrastructure to support it.

Install three fire hydrants on Havana Highway west of intersection of Kirby Circle to intersection of Riverview Road

Develop infrastructure to support the expansion of fire hydrant placement

### **New Jail Pod and Improvements To Guard Stations**

- The Sheriff's Department has contacted the Department of Corrections and they have drawn up plans for a new pod. The next step will be to come back to the board and ask for money to be put into the budget to implement it's construction. Once those plans are developed and a cost analysis performed, it will come back to the board for action.

Commissioner Holt stated that she would be attending a workshop in Madison, FL on January 29 along with the Sheriff's Department dealing with county jails.

Chair Dixon made it very clear that he is not interested in spending more money on criminals that he does for citizens. He said, "I have a tough time justifying to the folk that I serve why I can spend \$10 million on a jail and can't pave their road. Put up a fence and put some tents up. I will

be very frank with you, I am not interested in air conditioning or heat. You can eat cold sandwiches. Jail should not be some place where you go to relax. I don't get this cable TV thing. I didn't have cable for 10 years. I don't get this that our jail has to look like a community center. I don't understand that. If you go to our jail, you need to be going to work, not lifting weights all day so that you can be a bigger and stronger criminal. I don't go for that."

Commissioner Croley contended that there needs to be some sort of expansion at the jail that would lend itself to provide safety and security for the employees that work there.

Commissioner Holt reminded them that the jail is a county responsibility and the board is responsible for it - not the sheriff. She also said that cable T.V. is a control measure for inmate and employee safety - it is not considered a luxury.

#### **Expand and Improve Medical Transport Services**

- **There was a consensus that EMS needs a new facility and equipment.**

#### **Transportation**

**There was a consensus to continue the road paving program to the extent possible. The roads specifically named by the commissioners are listed below:**

Remaining roads in Districts 1, 3, 4, 5  
Deer Run Road  
Azalea Trail  
Horseshoe Road  
Perry Lane  
Jenkins Road

#### **Provide \$150,000 in Funding for Cost Share Projects**

Commissioner Croley called attention to the program where citizens can share in the cost of paving their roads.

Mr. Brown stated that the staff is already working on

such a program and would be bringing back recommendations before the budget cycle begins.

Mr. Suggs stated that, at this time, he would recommend not going forward with this program because of liability issues that could result. However, discussion ceased at this point until a more detailed discussion could take place.

There was no consensus on the above program.

**The following projects were noted but there was no specific instruction from the board:**

- Add 2 ft. of pavement on County Road 65 North
- Restripe Salter Road, Dogtown Road and Salem Road
- Rework road shoulders on Salem Road, Point Milligan, Philadelphia Church Road, Woodward and Scotland Road

**Resurface Dodger Ball Park Road**

This item is already being addressed by the Public Works Department.

**Replace North and South Bulkheads for the County Road 65 Bridge; Repair or Replace the Bridge Rails**

Public Works Director Robert Presnell stated that he is seeking a quick remedy for the bridge and that he and OMB Director Davin Suggs are in the processing of developing other strategies.

He went on to say that the Bear Creek Bridge will be advertised in the upcoming week for a full bridge replacement. That bridge will be completely taken out and the road would be closed while the new bridge is installed. It should take approximately one month.

He then explained that there are six critical bridges and that public works will attack them in the order of the federal ranking. (They were ranked by Vulcan and Associates, bridge engineers, not the public works department.) From that, he said that he expects to work down the ranking path with the expectation that

they all will eventually be fully restored.

There was a consensus of the board that the ranking of the bridges was acceptable to them.

Commissioner Croley asked the following:

- Establish a dedicated bridge maintenance crew.
- Get with DOT motor vehicle enforcement and do whatever is required by them in order to be able to enforce weight restrictions on the bridges.
- Establish process for people who need overweight permits to get them.

Mr. Presnell stated that he had two men whom he would be sending for special training to deal with bridge issues. He said that he expected to build capacity within the public works department.

**Establish Relationship with CSX Railroad at Higher Management Level**

There was a consensus to the following:

- Open dialogue with management of CSX about the possibility of installing additional spurs to industrial parks at various locations in the county for those business who will utilize rail transportation
- Get the exit out of Midway - the ingress and egress into Rustling Pines Subdivision was discussed. None of the points can be closed.
- Other track issues were also identified: Lanier Drive, Brickyard Road, Crawfish Island, Jamieson Road, Joiner Road, etc.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER CROLEY THE BOARD VOTED 5 - 0, BY VOICE VOTTE, TO DIRECT STAFF TO COME BACK TO THE BOARD WITH THE FISCAL ANALYSIS OF THE ITEMS IDENTIFIED ABOVE AS BEING PRIORITIES AND IDENTIFY THOSE WHICH CAN BE DONE IMMEDIATELY THROUGH NORMAL ADMINISTRATIVE MEASURES.



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

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Edward J. Dixon, Chair

ATTEST:

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Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS  
HELD IN AND FOR GADSDEN  
COUNTY, FLORIDA ON JANUARY 29,  
2008, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

**PRESENT:**

Edward Dixon, Chair  
Eugene Lamb, Vice-Chair  
Doug Croley  
Derrick Price  
Brenda Holt  
Thornton Williams, County Attorney  
Marlon Brown, County Manager  
Jean Chessser, Deputy Clerk

**Invocation and Pledge of Allegiance**

Chair Dixon called the meeting to order with Commissioner Holt leading in prayer, and the County Attorney leading in the pledge of allegiance to the U.S. flag.

**Amendments to the Agenda**

The County Manager presented the following amendments to the Agenda:

**Public Hearings:**

13. **ADDITIONAL MATERIAL ATTACHED)** - Discussion of Isaac Immediate Family Exemption Issue William McCord, Growth Management Director)

**General Business:**

**ADD**

- 14-A** Appointment of Citizens Advisory Committee on Solid Waste

**County Manager:**

**ADD**

- 15-A** Update & Discussion of Code Enforcement/Animal Control Efforts in St. Hebron

- ADD** Emergency Meeting to Request an Attorney-Client Session As Requested by the County Attorney

**UPON A MOTION BY COMMISSIONER HOLT AND A SECOND BY COMMISSIONER LAMB TO APPROVE THE AGENDA AS AMENDED, THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

#### **Awards, Presentations and Appearances**

- (1) Presentation of National Association of Counties Prescription Drug Program Card & Marketing Materials

At the request of the Co.Manager, Mr.Charles Chapman gave a brief presentation of the NACO (Caremark/Advance PCS Health, L.P./ Gadsden County)Prescription Drug Program which staff had been encouraged by Commissioners Dixon and Holt to participate in. No enrollment fee and no qualification other than being a citizen of Gads. Co. Cards are ready for immediate use; cards are printed in English & Spanish, available to all residents of Gadsden County. This is not an insurance card, but it does provide a discount at every major pharmacy in the County, as well as the minor pharmacies such as Massey Drugs. Savings may be up to 20% on prescription drugs - doesn't have to be a prescription drug just for humans - as it will also cover prescription drugs for pets. Mr. Chapman said the first phase has begun with distribution through the Health Department, school health department nurses, out-lying clinics. The second phase will be through the partnering of physicians that are working with the County through the PAMS Program and the Health Council. The third phase is to have cards available through every major/minor pharmacy in the County. There are 42,000 cards immediately available.

Chair Dixon commented these cards are available to all citizens, not just for low income people - available to everybody. He said this is a **"win"** for the citizens of Gadsden County. He explained that even if someone has insurance, the cards can still be used to help knock off up to 20% on prescriptions not covered under their insurance. He said it was extremely important that every citizen of Gadsden County be given a card. He urged everyone get as many cards as they need -- it is not a problem to have more than one, and hopefully staff will be able to roll this out through the cracks and crevices of Gadsden County.

In response to a question from Commission Holt, Mr. Chapman said the cards are not currently available in the pharmacies - that will be the third phase and hopefully within the next 2-3 months they will be available in all of the pharmacies. He said all of the

pharmacies in Gadsden County should accept these cards, according to the contracts already on file. He stated this card also fills in the gap with the \$4.00 Wal-Mart generic prescriptions – if the prescription is a lower price than \$4.00, Wal-Mart will give the lower price.

Chair Dixon commended staff for their work in pursuing this program and helping make it available to the citizens of Gadsden County.

(2) Presentation of Final Fiscal Year 2008 Federal Legislative Report, Renewal of Federal Lobbying Services Agreement, and Approval of Draft Fiscal Year 2009 Federal Legislative Priorities.

Mr. Bill Ferguson CEO of the Ferguson Group spoke briefly thanking the Board for allowing Ferguson the opportunity of working with the County during the past year and said they look forward to working with the County during the future.

Mr. Kareem Murphy, Federal Lobbyist with the Ferguson Group presented the final Fiscal Year 2008 Federal Legislative Report and reviewed the draft and recommendations of the Board of County Commissioners' Fiscal Year 2009 Federal Legislative Program. He gave a brief slide presentation of the 2008 accomplishments as shown in the attached agenda packet. He said the Ferguson Group has helped the County develop a very close relationship with the USDA and thanks to the County's delegation they were successful in securing a "soft earmark" in the final 2008 Appropriations bill which President Bush signed the day after Christmas. He said the County secured some resources through State legislation and the Ferguson group is waiting on that data which will be the specific data for the County's water and waste water needs. He said that will be the actual basis for the project submission to draw the money down from the USDA. Mr. Murphy said they have recommended the County expand their scope of work in the Appropriation's request for the 2009 Federal agenda to include an additional project – the G-Star's project. He said there are some programs, initiatives, areas of interest of the County not shown on the Ferguson proposed 2009 work plan and the reason they are not shown is based upon the Ferguson Group's knowledge of the available Federal resources and the fact that there really is not a Federal program to meet the County's needs. He recommended the County not seek support from their Congressional Delegation in areas that the Ferguson Group does not think there are resources that can actually be secured – does not want to ask members of Congress to do things that largely the Federal Government has no programs. He recommended the local delegation set up some meetings and book those times in now with

the Congressional delegation when they attend the Annual NACO Conference in March. He briefly discussed the environmental infrastructure and they expect Congress to begin talking again about re-authorizing the surface transportation bill and he said they feel there will be significant funding resources available on this in late 2008. He said County bridge repairs are a perpetual need and Congress is looking at funding ways through either the stimulus or possibly through a separate bridge bill and they want to be certain the County is able to take advantage of those resources.

Commissioner Holt said the Commission had not put jails on their proposed work plan and that she did not know if there was funding available but it was an issue the Commission needs to look at.

Mr. Murphy said that was one of the issues discussed with the Ferguson Group but the Federal programs are not designed to assist with the capital needs - they are not in the business of building jails for local city or county governments. He said there are funds available for offender management programs from the services side, not on the capital side. He said he would be happy to take this issue up with the County Manager and follow up to see how they could possibly incorporate this item.

Chair Dixon asked Mr. Murphy if the County's issues have now been positioned so they are compatible with what the Federal government is offering. He said he understood the Federal government does not build jails, but they have a lot of federal inmates that need to be housed and a contract would get the County to a jail just as quick as a building would.

Mr. Murphy said there is a federal program through the Federal Bureau of Prisons where there is capacity here for the County's jail where they can house federal inmates. He said that was not necessarily a specific program staff had identified to the Ferguson Group, but stated he wanted to make certain staff was aware of the program.

Chair Dixon said he was aware, even in the State of Florida, that it usually takes two to three years to get an issue properly positioned - one let alone multiple issues and he said he was comfortable, but wanted to make sure the County's issues have been positioned and totaled so they receive an optimal look when the programs make themselves available.

Mr. Murphy said he thinks they have and it was one of the most substantive accomplishments they had with the County in calendar

year 2007. He said some of the programs they are proposing the County work on for fiscal Federal year 2009 (this calendar year) have been re-packaged and the Ferguson Group has brought the County's explanations/justifications for their requests more in line with the Federal programs, more in line with the individual priorities of Congressman Boyd and Senators Nelson and Martinez, as well as the Statutory basis for the programs. He said the County is now in a better position to take advantage of the resources.

Commissioner Croley raised questions on the County bridges and asked if there was any program available, possibly through USDA to the rural counties, as a lot of the County roads were considered farm to market roads when they were originally paved. The bridges were built in the 1940's - 50's and he inquired if funding may be available for bridge up-grades in that regard as they are moving timber and other agricultural products across them.

Mr. Murphy said not through the USDA. He said the money is basically there through the Department of Transportation and FEMA has a new bridge program they are trying to put together with the U.S. Coast Guard. He said he is working with FEMA to try and identify that as a potential source of funding. He said this issue really deals with a navigation channel function.

Mr. Ferguson said they are starting to line up the process of working on the highway reorganization bill, and because of the Minnesota bridge mishap, there will be lot more emphasis placed on bridges. He said he thought there would be an opportunity to get funding for Gadsden County.

Commissioner Lamb inquired as to the possibility of funding for the aging senior citizens.

Mr. Murphy said there are increasing amounts of resources available on the program side, not the capital side. He said it is ultimately impossible to get the Federal government to build a senior citizen's center or a senior's wellness center. On the healthcare capital opportunities they are recommending the County pursue those for the Gadsden Hospital request. He said based on that, they would not want the Board to submit requests that would be basically competing against each other - the equivalent of two different departments submitting an application for the same Federal grant program. He said that would be a disaster on their collective parts here with the County. He also said in terms of the services side, there are increasing numbers of resources available through public education campaigns, and some resources available around substance abuse as there is an increasing number

of seniors turning to hard-core drugs and that without knowing what specific programs the County had in mind that broadly defined, there are some sources available out there. He said he would follow up with staff on this issue.

County Attorney Williams said the President had basically drawn a line in the sand about ear marks during his message and he said he noticed the Ferguson Group had ear marks as a funding source for the water and sewer upgrade from last year. He asked the Ferguson Group if they had a strategy that relates to funding sources on the projects for next year, rather than the President's comments.

Mr. Ferguson said if they read carefully, not just the materials he used in his speech but also the accompanying materials to his speech, what the President did say in terms of the '08 ear marks he was going to leave them alone. In terms of the '09 ear marks, he is going to require the process be more transparent and included on a statutory basis. He said most ear marks were included in the report language which goes along with the Statute. Mr. Ferguson said there are a number of strategies the Democrats have already talked about in terms of dealing with that. He said the Republican Conference met and tried to get all of the Republicans to line up for a moratorium against ear marks but they could not get anywhere near the number of Republicans to agree to that. He said the President's message in the State of the Union Address was even softer than the President would have liked to have made it, and he is going to require Congress to put it in Statutes as opposed to in the reports and he will have an Executive Order stating if it is in a report he will ask his agencies to ignore it. Mr. Ferguson said he feels that is a battle for Congress to fight with the Administration. He said one option Congress is looking at is not presenting the President with an Appropriations Bill this year, but rather go through a continuing resolution until the beginning of next year and then present them in '09 to be signed by the new President. He said he did not think what the President was saying would change anything they are doing right now and that, of course, they would have to work within whatever strictures Congress sets, and Congress seems to be very committed to continuing ear marks, especially for local agencies like the County.

**UPON A MOTION BY COMMISSIONER HOLT TO APPROVE OPTION ONE FOR APPROVAL OF FISCAL YEAR 2008 LEGISLATIVE REPORT, OPTION TWO FOR APPROVAL OF DRAFT FISCAL YEAR 2009 FEDERAL LEGISLATIVE PRIORITIES, AND OPTION 3 FOR APPROVAL OF THE FY 2009 FEDERAL LOBBYING SERVICES AGREEMENT WITH THE FERGUSON GROUP, LLC., AND AUTHORIZE THE CHAIRMAN TO EXECUTE THE AGREEMENT, AND UPON A SECOND BY COMMISSIONER PRICE,**

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

**Consent Agenda:**

- (3) Ratification of Approval of Payment of Bills
- (4) Approval of Resolution No. 2008-002 for Emergency Funding of Transportation for the Disadvantaged Program in Gadsden County
- (5) Approval of New Road Names
- (6) Approval of Lease Agreement for the Property Appraiser and Tax Collector Facility
- (7) Approval of Resolution # 2008-001 and Acceptance of Grant Award from the Florida Department of Health, Bureau of Emergency Medical Services (EMS)
- (8) Approval of Amended Gadsden County Public Library Services
- (9) PULLED FOR DISCUSSION** - Approval of Contract for Planning Services - Land Development Code Revisions/Update

Commissioner Croley requested Item 9 be pulled from the Consent Agenda for discussion.

**UPON A MOTION BY COMMISSIONER PRICE AND A SECOND BY COMMISSIONER HOLT TO APPROVE THE CONSENT AGENDA AS AMENDED WITH ITEM 9 BEING PULLED FOR DISCUSSION, THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

- 9. Approval of Contract for Planning Services - Land Development Code Revisions/Update to LaRue Planning and Management Services, Inc.

Commissioner Croley said he had spoken with the County Manager about this item which was approved in 2006/2007 and not acted upon until now, approximately 2 years later. He said it was his understanding this has been carried over during this time and it is part of a Land Development Code revision and should tie in with the Comprehensive Plan Revisions which he is scheduled to review with Mr. McCord Friday morning as agreed in the Commission meeting. He asked that Mr. McCord explain for everyone what he is attempting to do here.



The County Manager asked to make a correction -the discussion was that this would actually tie into some direction he had given to start a revision of the Comprehensive Plan. He said the items he and Mr. McCord would be meeting with Commissioner Croley on Friday are the items that were two years back; the amendments to the Comp Plan to try a give more clarity for the Commissioner as to what they are doing. He said he had directed Mr. McCord to move forward in getting a consultant on board to look at the Comprehensive Plan and make some changes.

Commissioner Croley said the County Manager had represented they had a lot of complaints from developers -

The County Manager asked Mr. McCord to explain the types of complaints in terms of inconsistencies in sections of the Code.

Mr. McCord explained they have had complaints about the non-fluent nature of the Land Development Code when reviewing projects. He said at the conceptual review level this Body and the Planning & Zoning Commission has been asking a lot of questions on detail and wanting answers on issues that are not addressed until the preliminary plat review and it is his opinion and that of many of the developers and engineers that there is a lot of work that doesn't need to be done and delaying the process without improving the quality in insuring that they are not missing issues. He said the Land Development Code was adopted in 1996, has been amended a few times, sparingly, since then. He said there are still some inconsistencies in the Code and language that makes absolutely no sense, particularly as it pertains to transferred development rights and whether or not the County is going to pursue and encourage a program of transferred development rights. He said this is part of the Comp Plan amendments the Board has been reviewing and scheduled for a workshop on the 12<sup>th</sup>. He said the Land Development Code needs to be more clearly defined as even the formatting is cumbersome. It is difficult to navigate through the Land Development Code and regardless of what they do with the Comp Plan, the Land Development Code needs to be addressed. Mr. McCord said this is simply the first step in trying to address this problem and it is something that will probably be multiple-year and the year is due in 2009 and hopefully after that the County will have a pretty sound Land Development Code.

Commissioner Croley asked Mr. McCord if this was an effort to accelerate the development process.

Mr. McCord responded not at all, they are not accelerating the development process, just making it more fluent, less cumbersome.

Commissioner Croley also registered concerns with the zoning of resident's properties. He said everyone is aware there are a lot of problems with the existing Land Use Map, lot of inaccuracies, lot of errors, and part of the problem is in trying to deal fairly with the public and at the same time get some consistencies in the Comp Plan so that when someone buys a piece of property they will have some assurance the property they are buying and the extent to which they are able to use them are preserved over a long period of time, and not having people come in wanting zoning changes, wanting to flip the property and move on from outside interests. He asked that the citizen's property rights be protected, avoid putting them in awkward situations and that this be done for the citizens living inside Gadsden County and not outside interests that try to simply develop what they can, often times at the expense of our residents. He said he thinks this is the most important thing.

Chair Dixon said he thought Commissioner Croley had mischaracterized what this is about - the Code is in bad shape and doesn't read well for anybody involved. He said the re-write of the Code has a great deal to do with getting everything in the same vision as opposed to subsequent pieces as they have now. He said you can't read the Code in one or two places and understand it; you must search the Code for pieces of compatibility and compliance. He said Mr. McCord and his staff do not have the time to re-write the Code and this is an opportunity to re-write it and get it straight. He said the Board could discuss the philosophy of the Code in between, but this is an opportunity to re-write and have a consistent, single set of rules.

Commissioner Lamb agreed work needs to be done on the Development Code and the concerns of citizens of the County should be first.

Commissioner Holt said the Comprehensive Plan is the Bible of the County and the Land Development Code administers that. She said there are citizens that don't understand the Code and sometimes the interpretation from the Comp Plan to the Land Development Code is not compatible. She said DCA will hold the County accountable for the Comprehensive Plan and she thinks it is a good time that the citizens, the Board and everyone come in the audience, sit down and look at the document.

Chair Dixon called for the will of the Board on Item # 9.

UPON A MOTION BY COMMISSIONER HOLT AND A SECOND BY COMMISSIONER LAMB FOR APPROVAL OF THE CONTRACT FOR PLANNING SERVICES - LAND DEVELOPMENT CODE REVISIONS/UPDATE WITH LARUE PLANNING AND MANAGEMENT SERVICES, INC., THE BOARD VOTED, 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

**Citizens Requesting to Be Heard on Non-Agenda Items**

Chair Dixon called for citizens requesting to be heard and there was none.

**Public Hearings**

**(10) Driver Education Program Funding Ordinance**

The County Attorney stated this was at the request of Commissioner Lamb for the County Attorney's office to draft an Ordinance under Section 318.1215, Florida Statutes that would require the Clerk of the Court to collect an additional \$5 with each civil traffic penalty to be used to fund driver education programs in public and non-public schools. He said his office had done the research and an Ordinance did not exist. He presented the Commission with a drafted Ordinance for Board approval. He said page 2 of the agenda report states the fiscal impact would be up to \$50,000 and that he does not believe that is an accurate number of what the County would get as his office did the calculation of the dollar amount against the amount that is collected. He said currently the Clerk's Office collects about \$10,000 a year in civil traffic penalties and the number is in that range but his office did not get the actual number of penalties that occurred, and that is the number that would be multiplied by \$5.00. He said the Statute provides how the money is to be used. It is not for administrative purposes; it is only for the enhancement of driver's education. Mr. Williams also stated this is a public hearing.

Chair Dixon called for anyone from the audience wishing to speak for or against the proposed Ordinance.

Ms. Rosalyn Smith, Principal of East Gadsden High School spoke in support of the driver education funding request and said the School has provided the driver education safety program for the past five years for students in grades 9 - 12. She said the funding would definitely enhance the addition to what they have at East Gadsden.

Mr. Charles Green, Driver's Education Instruction at East Gadsden High School spoke in support of the driver education funding. Mr. Green said they are currently using simulators at the school. He said they had purchased ten (10) approximately four years ago and the maintenance cost on the simulators is astronomical. Mr. Green said they ran out of funding and he can only use four of the ten at this time and they are asking the Commission for help.

Chair Dixon asked if the students had any actual driving time or if the whole class was spent on the simulator. He said the Grant requires the student spend 30% of their time behind the wheel of a car. He asked Mr. Green if this passes were they prepared to do that

Mr. Green said for those students that complete the ten lessons on the simulator that he has agreed with the Driver's License Office that he would give the students the actual driver's test in a car that was donated last year by the Sheriff's Office. He also said they were prepared to have the students spend the 30% of the time behind the wheel of the car.

The County Attorney said procedurally, and if it is the will of the Board, once the Commission passes the Ordinance then there should be some type of funding analysis from the budget office. He said the policy would be the next step to be established by the Board as to how they want to go forward with the funding, and at this time the amount of funding is an unknown.

Commissioner Price inquired as to whether there was a driving education program at each school – West Gadsden and/or just East Gadsden and if students wanting to enter the class would have to go out to East Gadsden.

Mr. Green explained that currently the program is only at East Gadsden during the school year, but the summer program is a dual program with both East & West Gadsden being involved and participating in the program.

Commissioner Croley raised questions on the program being available to "non-public" schools and asked if this would include "private schools" as well.

The County Attorney stated it would include private, charter or anything that is a non-public school. He said the language in the Ordinance is duplicated statutory language, and as the internal policy is determined as how to proceed that the

Ordinance must be in place first to give Board authority and then they must find funding.

Once they have established funding it allows the Board to decide how they wish to do the disbursements. He said the definition of non-public would be private schools, charter schools, but said he was not sure it would go as far as home schooling which is another form of education. He also said when they go back and do the policy development he could then give the Board a better definition of that. He said he thought the intent of the Legislature in drafting it up was to capture every type of education, giving the Board the option to use it, if they so desired to. He said the Board would also have the ability to go before a gambit of public and non-public based on how the Board defines them in their internal policies, and that gives the Board broad discretion and they will be able to exercise their discretion after they decide what the universe is.

In response to questions from Commissioner Croley as to whether or not there are any other driver's programs in the County - either public or private, Mr. Green responded East Gadsden has the only program at this time, but any of the schools (West Gadsden, Robert F. Munroe, Tallavana) can participate in the summer program. He said they had two instructors for the summer program last year (Mr. Green and a teacher from West Gadsden) and they could have sixty (60) kids in the summer program.

Commissioner Holt asked what funding was received from the School Board for the driver education program at East Gadsden, and Mr. Green responded the only thing was his salary.

Chair Dixon asked for anyone from the public wishing to speak on the driver education issue and there was no one.

After a brief discussion among the Board wanting additional information on this item and to table until their next meeting, the following action was taken by the Board.

**UPON A MOTION TO TABLE DISCUSSION OF THE MEMBERS ON THE DRIVER'S EDUCATION PROGRAM FUNDING ORDINANCE BY COMMISSIONER HOLT AND A SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

Mr. Glenn Hammelman, 2199 Attapulugus Hwy, addressed the Board with concerns on Big Bend Transit and explained how his family depends upon it for his brother-in-law to get to and from work. He said it is costing his brother-in-law \$18.12 per day (when he

is able to get a ride.) He said the citizens need this service and there needs to be more than 42 seats available to the citizens. He asked for the support of the Commission to get this issue resolved.

Chair Dixon said the Big Bend Item was on the Consent Agenda for this meeting and the Board of County Commissioners had approved a Resolution encouraging AHCA to release their funding now, rather than in March, so Big Bend Transit could resume their daily trips, increase their daily trips. He also said the Chairman of the Board of County Commissioners also sits as the Chairman of Big Bend Transit and that he is certainly aware of the impact it is having on Mr. Hammelman's family. The Chairman also said what the Board did tonight was by far the biggest and best thing they could have done in encouraging AHCA to allow the County to draw down that money for Big Bend. He said it is having a huge impact all over the County.

Commissioner Croley agreed with the Chair's comments and said he hopes every citizen in the County hears that message.

**(11) Revisions to the Gadsden County Noise Ordinance**

This was a public hearing on proposed revisions to the County's Ordinance 06-026 which was adopted in November of 2006 and created Chapter 79 - Noise Disturbance to regulate the noise in the County.

The County Attorney said the current Ordinance provides for the restricting the noise levels between the hours of 10:00 PM until 7:00 AM and he explained the proposed revisions were reviewed in two aspects - (1) could the hours be extended based on the case law and (2) the method of enforcement measurement. He said he could recommend to the Board they could amend their hours of restriction from 10:00 PM back to 7:00 PM with a regulated time period of 7 PM to 7 AM. He said basically on the enforcement of noise there are two methods of enforcement - (1) being the opinion of the law enforcement officer hearing a sound that seems to disturb the citizenry and based on that the officer can require the person to abate the noise - (2) the decibel based system where equipment would be required to determine the volume and it is then determined if it is too loud. The County Attorney recommended that the present method (which is the best judgment of a law enforcement officer) not be changed; to leave that in place and then extend the hours. He discussed the proposed revised Ordinance as shown in the attached agenda packet and recommended the Board only approve the amendment that extends the

hours, and leave the enforcement to the best judgment of the law enforcement officer.

Chair Dixon announced this as a public hearing and called for anyone from the audience wishing to speak on this matter and no one wished to speak.

There was discussion on whether or not there had been more cases won with the instrument and the County Attorney said there had been cases won both ways, but it was his opinion that it would be more difficult to put the equipment in place as it relates to whether or not they use equipment because the officer still has to be present to validate the noise actually occurred. He said the equipment is simply a way for the officer to determine that what he heard was actually too loud. He also stated regardless of the circumstance, the officer would have to be there at the time the noise occurred; it is a kind of hit or miss in terms of enforcement.

There was additional discussion on this item pertaining to the process for exemptions/special permits for any of the citizens. There was also a brief discussion of the Ordinance language placing all of the authority on the County Manager for issuing the permits and the process for the citizens to appeal the Manager's decision. The County Attorney said there is a process in the County Code whereby a citizen can appeal a decision of the Manager to the Board. The citizens would be protected if they feel they are not being fairly addressed by the Manager by bringing their appeal to their elected commissioners. The County Attorney said he would double check on this, but is 99% sure that is correct.

Commissioner Croley said he would like to be sure that protection is in that for the citizens.

Chair Dixon said everyone knows he has been opposed to this from the beginning as it attempts to regulate personal behavior and gives the opportunity for neighbors not having to talk to neighbors – taking away the ability for neighbors to be neighborly. He said he understands what the Board is trying to do, but is concerned they are over-reaching in trying to do it.

Commissioner Holt said she has no problems with the time as it is now (10-7) but is concerned with some of the restrictions for permits as it pertains to businesses or private citizens.

Commissioner Lamb said he has no problem with the way the Ordinance reads, and it doesn't just pertain to a next door neighbor, it is also for big and small events, and the County Attorney is trying to cover the whole thing and if they will give it an opportunity to work it will work, but the doesn't feel it is picking on or mistreating anyone.

Chair Dixon asked if there was any way to track the use of this law as his concern is the possible misuse of the law -- any way to track the calls that come in and the application of this law so that six months or a year from now they can look at it and say Yes it does or No, it doesn't work. He said it cannot be tweaked until they have some idea of what the law is or is not doing.

The County Manager said that should be easy to do. Staff would have to get with the Municipalities and the Sheriff and get a report from them by month as to how many noise complaints they had, what type and how the complaints were dealt with. He said he thought that information could be tracked and brought back to the Board six months from now -

Chair Dixon said he thought he could go along with the passage if that is done.

Commissioner Croley said he agrees with the Chair's concerns and asked the County Attorney if he could possibly write into the Ordinance that it requires more than one complaint (more than one person complaining) so it could be taken to Code Enforcement in such a way as they deal with the motor cycles.

The County Attorney said they had not looked at that question but it could certainly be looked at if it is the will of the Board. He said when this review was done the issue was "what was the range of time" and he had given them the outer limit. He said this was a separate issue and was different than the driver's funding issue as it deals with the personal rights of citizens and regulation by government - real Constitutional issues. He said if it was the will of the Board that they not go forward tonight he would ask that he be allowed to do the research and the Board table it until after he has completed the research.

Chair Dixon said he had no problem in moving forward with the Ordinance, as long as they try and get some numbers on this as his concern is the misuse of the law.

Commissioner Lamb said he agreed with the Chair that the County Manager follow up and get the Board some additional information,



but it was his feeling that the Board should move forward with this.

Commissioner Holt said she would like to collect the data first; that the Ordinance could be drafted any way they want it, but the data needs to be there first.

COMMISSIONER LAMB MADE A MOTION TO ACCEPT WHAT THE COUNTY ATTORNEY HAS PRESENTED AND TO GO FORWARD WITH THAT, AND TO HAVE THE COUNTY MANAGER DO A FOLLOW-UP AND REPORT BACK TO THE BOARD WITH FINDINGS IN SIX MONTHS.

The County Attorney said if this was a motion to adopt, that his recommendation was "not to take the decibel -- only the hours". He said they researched two different issues for the Board.

In response to Commissioner Holt's question, the Chair stated the Ordinance would be in effect at this time, if it so passes.

Chair Dixon called for public discussion and there was none.

**COMMISSIONER LAMB AMENDED HIS MOTION TO PASS THE NOISE ORDINANCE, RECOGNIZING THE HOURS, NOT THE DECIBELS, AND DIRECTING THE COUNTY MANAGER TO CREATE MEASUREMENTS IN THE USE OF THIS LAW BY THE SHERIFF'S DEPARTMENT AND THE NUMBER OF CALLS, AND UPON A SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4-1, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

**Commissioner Holt voting against the motion.**

**12. Public Hearing - Lonnie Lee Small Scale Future Land Use Map (FLUM) Comprehensive Plan Amendment - CPA-2007-04m Second Reading of Adoption of Ordinance.**

Mr. McCord presented this item for public hearing as shown in the attached agenda packet. He said the Growth Management Department had recommended approval and the Board approved the first reading of the Ordinance two weeks ago, with this being the second reading of the Ordinance and it will then be adopted as a small scale amendment and transmitted to DCA and will just change the extreme southwest corner of the parcel to RR and the applicant can then do a two-for-one subdivision, once the land use is approved.

Chair Dixon called for comments/questions from the Board.

Commissioner Croley said, to state for the record, this change has been done in such a way that it appears to protect the AG-2 interest of the other surrounding property owners.

Chair Dixon called for public comment and there was none.

Chair Dixon called for the will of the Board.

**UPON A MOTION BY COMMISSIONER HOLT TO APPROVE THIS ITEM, AND UPON A SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

### **General Business**

#### **(13) Discussion of Isaac Immediate Family Exception Issue**

The County Manager explained this item as a request under the direction of the Board at the January 15, 2008 meeting for staff to bring back options with regard to the Immediate Family Subdivision Policies. He stated staff has a number of options for the Board and then asked that Mr. McCord explain those options. After a detailed explanation from Mr. McCord as shown in the attached agenda packet with Growth Management recommending Option #1 To retain the existing Code language and require the recipients of immediate family parcels to retain the property in the immediate family or if no longer homesteaded by the immediate family member to be joined with the parent property. (This could still allow for sale of the property if through a boundary adjustment the owner could acquire sufficient property to comply with the Comp Plan minimum parcel/lot size), Chair Dixon asked wasn't it his concern at the last meeting that the County should abolish the law.

The County Attorney stated it was the inconsistencies of the law and the unintended consequences that people received. He said when they went back Mr. McCord made a recommendation for a more restrictive Code and the Board approved that. He said he wasn't sure what the answer was, and then asked Mr. McCord if they had the old Code would the Isaacs qualify for the immediate family exemption; or secondly on option 2 -

Chair Dixon interrupted and said they have done this dance three meetings in a row and at the last meeting, given what we had, this was what was offered and it does not help the Isaacs. He said if the Isaacs had some neighbors to give them some property, they would have done that. He asked if he was misunderstanding his own self - that his concerns at the last meeting was to

abolish the law, come back at this meeting and show him how we intend to abolish the law. He said everyone already knows what they can't do, the Isaacs need an opportunity and this is getting old – either the Board intends to help the Isaacs or they don't – that is a policy decision, but to come back and say 'here is the same thing we knew at the last meeting' doesn't work for him. He asked why there was not an option to abolish the law like he had asked for.

The County Manager said the direction of the Board was for staff to come back with options to deal with this issue.

Chair Dixon responded "one of which was to get rid of the law".

Mr. McCord said that would be one of the Board's options under their discretion. He said the Board would be sun setting law; but regardless, it would not address the Isaac's issue of a previous Ordinance creating an immediate family lot.

Chair Dixon said the way the law is now, it amounts to a taking. People invest their life savings in their homes – plan to use when they retire – to use when catastrophic things happen in their lives, whatever. He stated he loves the immediate family law, but he had just realized he does not like the position it is putting people in. He said that is bad and people should be able to liquidate themselves if that is what they want to do. He said this law does not allow the Isaacs to do that, and he doesn't think the Board ever intended that to happen to anybody – it is an unintended consequence of a law. He explained he had asked for an option to get rid of it to try and release the Isaacs' from their difficulties, as well as all the other folks that have been impacted because of the law, as they are in the same position as the Isaacs, but they have not had to realize it yet. He said he has also asked if there was a way to fix it, fine, he wanted to see it and asked if the Board was not in the same position they were in two weeks ago.

Commissioner Holt said as she read over the item she thought there might be an addition to the property and asked if the Isaacs had discussed that with Mr. McCord and possibly adding it back onto the parent parcel.

Chair Dixon said if this could be tabled until the end of the meeting and bring the Isaacs back that would give staff time to provide the Board with options as he had requested.

Commissioner Croley said he would make the motion for the Chair as long as it is understood, respectfully to the Isaacs, that he is not in support of doing something just for them that cannot be done for everybody else as all citizens need to be treated equally. He said there had been a difference of opinions on this particular item, but he agreed with the Chair that the Board needed a little more time to Get this thing figure out.

**UPON A MOTION BY COMMISSIONER CROLEY TO TABLE THIS ITEM UNTIL THE END OF THE MEETING, AND UPON A SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

**(14) Approval to provide Funding for East Gadsden High School(EGHS) Choral Department to attend Carnegie Hall in Manhattan, N.Y. on April 12-17, 2008.**

The County Manager explained the request for funding and stated, just for background information, the EGHS Choral Jaguar Singers have been invited to perform at Carnegie Hall and this trip objective is to educate and enlighten students of Gadsden County through exposure to music from different genres, offer performance opportunities to future music educators and encourage well-rounded students who will give back to the community. The EGHS Choral Group has passed all the necessary academic requirements to attend Carnegie Hall which includes completion of a successful audition at Carnegie Hall, passing all sections of the FCAT, maintaining a 3.0 cumulative G.P.A. and maintaining great conduct in all their classes. The request from the BOCC is for \$5,000.00 to purchase new uniforms, and the Gadsden County School Board will be providing approximately \$15,000.00 in support of this trip. He said the recommendation of staff was for the BOCC not to approve this funding request as they have not funded such requests in previous years; however, he also said options have been provided as shown in the attached agenda packet, if the Board sees fit to approve this request.

Chair Dixon stated to the Board he felt this is an important item because at the end of the day they are all "our" kids. He said he had trouble dealing with the School Board on a regular basis, their word in his personal view does not generally mean anything, but this is not about them, it is about kids having an opportunity and where the opportunity exists, the Board should give a hand. He said he knew Principal Smith's ways and background in pushing children to achieve and this is an investment, not an expense - "you are investing in the children's dreams" and he felt the Board should pursue this matter.

Commissioner Holt said as a teacher she is in favor of funding activities that will add to the educational level of students but her concern is how the Board could fund this when there is a group from West Gadsden High School that has told her they will be coming also. She said she was thinking just maybe give the money to the School Board and let them divide it up – how is it going to be done if it is approved as there is another group coming.

In response to Commissioner Croley, Commissioner Holt said a couple of years ago WGHS sent a student to Hawaii for a track meet, another student had been sent over seas for another activity. She said the Board needs to see how to do this so they do not get involved in too many activities.

Commissioner Croley said based on the presentation from Principal Smith and other groups, this program is the result of some very stringent standards – this is not necessarily an athletic event or where the Board is using public money to send folks on, like a travel fund, and this program is one that not everyone can take part in unless they have met the standards. He said it is his opinion that if the Board is going to assist in any area that it would be something of this nature. He said he has seen some things that he has taken exception to, but in this instance there are standards in place -- grades, culture and education. He also expressed hopes that others have supported it on a personal basis as he has.

Commissioner Holt said she did not disagree with the activity itself, that she wanted the kids to go, but the same type of argument could be made for the young man that went to Hawaii that did have the G.P.A. She said she is looking at the future and how the Board could do this in such a way, how do they get to where they need to get to.

Chair Dixon said he is in favor of the persuasiveness of the argument. There are times the Board does things that has never been done before; has gone down un-chartered waters, but it has to do with the people making the argument. He said Principal Smith has made the argument for him. He said she is certainly an achieved principal, does not play the radio, believes in kids learning – they can play, but they better learn the rules of play. It is those kinds of kids being pushed to the limit and at the end of the day, everyone should remember that. He said it is an eye-opening experience for the kids, and what happens when other folks come along – can they convince the Board to give them

money - is the money available -if they can't convince the Board, they can't have any money.

Commissioner Lamb said he was definitely in favor of approving this request and said he would like to recommend approval of Option 3 (Fund the request utilizing the Non-Profits budget resources).

The County Manager advised the Commission, as a heads up, if they approve Option 3, staff has gone through the non-profit funding and the allocation of funding on each of the non-profit requests will be coming before the Board during one of their February meetings. He also said if they approve Option 3 staff will have to go back and re-adjust the funding being recommended for each of the non-profits.

Commissioner Croley asked Commissioner Lamb to re-consider as many of the non-profits have asked and gone through the proper process and decide if that is really the fair thing to do to those entities that have gone through the process, as this is sort of throwing them a curve. He said at times, things happen in a community when folks have done a good job from across the County and just simply situations where it feels like it is the right thing to do. He said he wants the request to go forward, but not from the non-profit budget resources.

**COMMISSIONER HOLT MADE A MOTION TO APPROVE OPTION 2 TO FUND THE REQUEST UTILIZING THE RESERVE FOR CONTINGENCY BUDGET RESOURCES, IN THE AMOUNT OF \$5,000.00 TO THE EAST GADSDEN HIGH SCHOOL CHORAL GROUP, AND UPON A SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

The County Manager said this item would be brought back before the Board at their next meeting (February 5, 2008) with the Budget Amendment.

Principal Smith graciously thanked the Board saying she was full of joy and happiness because the BOCC had reached out to invest in a dream. She said the Board really did not know just what they have done for this community and the ECHS Choral Group and their Director who will go and represent excellence in a way they never thought possible. She said the Board will have pictures, videos, tee-shirts, everything, including a reception the Group is already planning to say to the entire community that they are appreciative. She ended by stating on behalf of the entire school family and those students, "Thank You Very Much".

Chair Dixon responded to Principal Smith to allow the Board to say "Thank You" because the Board certainly knows what she is up against and they do not want to be a stumbling block of any type in her way.

**14-A Appointment of Citizens Advisory Committee on Solid Waste**

The County Manager explained each Commissioner had made two appointments to the Committee (stated Commissioner Holt still needed one more appointment) and that staff was also asking the Board to select an At-Large committee member. He said a schedule for the meetings to begin on February 11, and then continuing meetings on February 18, 25, March 10, 17, 24, and April 14, 21, and 28. He said there is no fiscal impact at this time and staff will fully staff that committee, and if the Board is so inclined, to approve their appointments.

Commissioner Holt said she would like to have Mr. Sam Palmer as her second person. She said she had already given the paperwork to Mr. Lawson, Assistant County Manager.

Commissioner Croley said he would like to recommend Mr. Raymond H. Walke as the At-Large member. He said it would be difficult for the Board to find anyone else with his credentials.

Chair Dixon agreed that based on his background Mr. Walke would make a wonderful candidate, but the thing with Advisory Committees is the thing that makes them wonderful is the people that want to do it. He said based on that, he would like to recommend Mr. Harold J. Carter as the At-Large member.

After additional discussion among the Board, the following action was taken.

**UPON A MOTION BY COMMISSIONER HOLT FOR APPROVAL OF THE COMMISSION APPOINTEES AND THREE ADDITIONAL AT-LARGE APPOINTEES, WITH TWO OF THE AT-LARGE APPOINTEES BEING MR. RAYMOND H. WALKE AND MR. HAROLD J. CARTER, AND UPON A SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

Commissioner Croley said the only question he wanted to make certain the Commission is in agreement with is the Citizen's Advisory Committee is charged with making and working with the County Manager and other County staff and the County Attorney to review any aspect of the solid waste, recycling and hazardous material disposal in the County or improve the efficiency and quality of service and all matters necessary to get what the

Board needs to be a service back on track and up to a high level of standards.

The County Attorney asked if that could range from leave it as it is, or to bring back curb-side, so?

Commissioner Croley said as long as everyone is comfortable with that.

Commissioner Holt said that should be advisory as they have a lot of committees that think, for some reason, that what they say is law. It is not their advisory.

The County Manager said for clarification in reference to the Advisory Committee, the Board has appointed 12 members to the Board and asked if the Commission wanted to choose one more from the list they have been given.

After a brief discussion, Chair Dixon asked if any of the Commissioners had anyone else they would like to put forward and Commissioner Holt responded she could have one by tomorrow.

Chair Dixon asked Commissioner Holt to bring the Board a name and they would have 13, and that way it would stay uneven.

**County Manager:**

**15.A Update and Discussion of Code Enforcement/Animal Control Efforts in St. Hebron**

The County Manager explained the situation with Code Enforcement and Animal Control in the St. Hebron community and advised the Board the(12)hogs have been picked up by Animal Control and are currently being stored at the Animal Control Service Center and will be taken over to the County Extension Office. The gentleman that owns the hogs will have three days (from the date they were picked up) to re-claim the hogs. He said the gentleman has already made a request to re-claim them and staff will insure that before the hogs are released the gentleman will have to keep them in a suitable location so as not to escape in the future and they will not be back in an area where keeping livestock is not allowed; that they will not go back to St. Hebron. He also said the gentleman has assured staff the other 4 hogs that are still in St. Hebron will be gone by February 1st and staff will make certain of that and they will charge the gentleman for each day the County tends the hogs, as well paying



all citations which have been issued before he can pick up the hogs.

Commissioner expressed frustration that it has taken this long to resolve this issue and he asked Mr. McCord and the County Attorney if there is any way to shorten this type of issue in the future by seizing the offending property.

The County Manager said staff is working on this issue with the County Attorney at this time to put more teeth into the Enforcement Code Ordinance as the Board had directed at the last workshop.

#### **16. County Attorney:**

##### **ADD: Emergency Meeting to Request an Attorney-Client Session**

The County Attorney stated he was requesting a Closed-Session immediately following this meeting and stated he would need a motion.

**UPON A MOTION BY COMMISSIONER HOLT TO APPROVE THE CLOSED ATTORNEY-CLIENT SESSION IMMEDIATELY FOLLOWING THIS MEETING, AND UPON A SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

#### **13. CONTINUATION OF ISAAC IMMEDIATE FAMILY EXEMPTION**

The County Attorney stated he has talked with the Isaac's on the Isaac Immediate Family issue, and based upon Mr. McCord's recommendation on the hardship exemption and discussed the criteria by which they could meet that exemption. He said the Isaac's understand this is a process; a process that everyone would follow, and the Isaacs have agreed they will fill out the application for the Planning Commission. He said they have enough time to follow the process and it will go back before the Planning Commission and will then come back to the BOCC. He said the process is being done as outlined under the County's laws for them and they have agreed to follow that process.

Chair Dixon asked the Isaac's if they have agreed to follow the process as explained by the County Attorney, the process and the timeframe. He also asked if they were comfortable with what they were being offered and the Isaacs responded affirmatively to both questions.

Mr. McCord reminded the Commission there is a \$500.00 application fee that could be waived by the Board if they so choose.

Commissioner Croley said the only question he had was whether or not this would be waived for all citizens coming before the Board and that it would be a process that wouldn't.

The County Attorney explained simply being a hardship doesn't mean everybody will be in the same situation. The nature of it would have to be considered by the Board and make sure the underlying factors are the same in every situation. He that, in and of itself, doesn't mean that everybody's hardship application has to be waived.

Commissioner Croley asked if what the Attorney was saying was rather than waive it tonight, they would wait and get the application and then make the determination?

The County Manager stated the money comes with the application, so the Board would have to exempt or waive it for the Isaac's tonight.

Commissioner Croley asked on what basis it was being waived and the Chair responded because of hardship and he did not want to talk about it in front of other people in public.

Commissioner Croley said he could not make a decision except in public.

**UPON A MOTION BY COMMISSIONER PRICE TO WAIVE THE \$500.00 APPLICATION FEE FOR THE ISAACS, AND UPON A SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4-1, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

**Commissioner Croley voted against the Motion.**

#### **17. DISCUSSION ITEMS BY COMMISSIONERS:**

##### **Commissioner Lamb:**

Commissioner Lamb said he had met with the Senior Citizen's Board Administration in Havana where they made a presentation to the City Manager. He said from what he heard, they seem to be on

the right track and he is hopeful they can create some type of communications and checks and balances to be presented to the Havana Town Council so the Council can give some funding to the Sr. Citizens of Gadsden County Board. He said the other thing was

Chair Dixon asked if the Havana Senior Citizen's Board was an individual non-profit and if so, why didn't they apply for the non-profit as that was a large pot of money available to them.

Commissioner Lamb stated the Havana Board was an individual non-profit, and he had no idea why they didn't apply for the non-profit, but he would make that known to them. He also said at his ARPC meeting they were asking questions about the Transportation Disadvantaged Coordinating Board and had stated Commissioner Price was the County's representative but he had not shown up.

Chair Dixon said he had been filling in for Commissioner Price and he was going to appoint someone tonight to head up that Board.

**Commissioner Croley:**

Commissioner Croley said asked the County Manager what the status was of lien assessments on Quail Hollow and Ames Barineau Road so that there is money back in the program for other citizens to take advantage of. He said several citizens have called him wanting to take part in the paving program similar to what was done Quail Hollow and Ames Barineau Road which was discussed in the list of priorities.

The County Manager said this issue is being brought to the Board as an agenda item in March.

Commissioner Croley said he would like the consensus of the Board on the 2009 budget, for funding consideration of a part-time inspector for the County roads and infrastructure - maybe someone that is retired with possibly some DOT experience that would help monitor the safety, quality and efficiency of the public works being done as it doesn't hurt to have someone checking the guardrails, posting of signs as is similarly done on all State roads at the County level. He said he thought that would be a benefit in many ways to the Public Works Department.

The County Manager said that would be coming back to the Commission in March.

**Commissioner Price:**

Commissioner Priced asked the Chair if the five-on-five meetings could be started back.

Chair Dixon said he had met with Jon Brown earlier on this issue and hopefully in February and March the five-on-five meetings will start back up.

Mr. Brown said the scheduling would depend on the Commissioners, that staff was recommending early February and March before getting to far into the Legislative Session. He said staff would like to get their schedules as early as possible so they could all be promoted at the same time.

Chair Dixon asked that each Commissioner get with Mr. Brown or the County Manager as soon as possible so that a schedule will be ready for the Board at the next meeting. It was the consensus of the Board to the County Manager that they want to start the five-on-five meetings back up.

**Commissioner Holt:**

Commissioner Holt said she attended the workshop meeting on jails in Madison County which was sponsored by the U.S. Department of Justice and on numerous occasions they stated the Commission is responsible for every policy, procedure, every pill given, everything that is done at the jail. She said they gave a book listing all of the responsibilities of a County Commissioner as well as a book that was given to the Sheriff that included every thing the Commission is responsible for. She asked that the Commission consider having a workshop on the jail itself to see what they as a Commission are liable for. She said if there are law suits the Commission is liable as well as several other issues - if policies and procedures had not properly been gone over with employees, the Commission is also liable. She said they kept saying as a Commission "you are liable" and even though you have someone running the jail, the Commission is still responsible for the jail. She said the Commission needs to schedule a workshop on the jail.

**Commissioner Dixon:**

Chair Dixon stated he would like to make appointments to the Transportation Disadvantaged Coordinating Board, and said with

the Board's permission he would appoint his self and Commissioner Lamb would be the alternative for this Board.

**UPON A MOTION BY COMMISSIONER HOLT TO APPROVE COMMISSIONER DIXON AS THE MEMBER FOR THE TRANSPORTATION DISADVANTAGED COORDINATING BOARD WITH COMMISSIONER LAMB TO SERVE AS THE ALTERNATE, AND UPON A SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

Chair Dixon said the appointment for the Apalachee Regional Planning Council will be Mary Madison (who is up for the Presidency) and Mary Nadeen Smith will be the alternate.

**UPON A MOTION BY COMMISSIONER HOLT TO APPROVE THE APPOINTMENT OF MARY MADISON AS THE MEMBER OF THE APALACHEE REGIONAL PLANNING COUNCIL AND MARY NADEEN SMITH AS THE ALTERNATE, AND UPON A SECOND BY COMMISSIONER PRICE THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

Chair Dixon presented the names of members for the Recreation Advisory Council for the term 2008-2010, as shown in the attached agenda packet for consideration by the Board.

**UPON A MOTION BY COMMISSIONER HOLT AND A SECOND BY COMMISSIONER PRICE TO APPROVE THE LIST OF SAID MEMBERS TO THE RECREATION ADVISORY COUNCIL FOR THE TERM 2008-2010, THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

Mr. Charles Chapman advised the Board the agenda item was for new appointments for Districts 1,3,4 and 5. He said the Board could keep the current members but they have had some difficulty in establishing a consistent quorum for the Recreation Advisory meetings.

Chair Dixon asked that Mr. Chapman get with the Board on those members that are not working out and the Board will reappoint.

**THE ABOVE MOTION WAS AMENDED BY COMMISSIONER HOLT WITH A SECOND BY COMMISSIONER PRICE TO APPOINT MEMBERS FOR DISTRICTS 1, 3, 4, AND 5 FOR THE 2008-2010 TERM FOR THE RECREATION ADVISORY COUNCIL, AND MR. CHARLES CHAPMAN WILL GET WITH THE BOARD ON ANY MEMBER NOT WORKING OUT AND THE BOARD WILL RE-APPOINT. THE BOARD VOTED 5-0, BY VOICE VOTE IN FAVOR OF THE MOTION.**

Members: David Tranchand - District 1, Avis Woods - District 2,  
Ron Price - District 4, and Aegis Scott - District 5.

**RECEIPT & FILE AGENDA:**

- A. Letter from the Florida Department of Environmental Protection regarding Dredge and Fill activities in Waters of the State within Local Jurisdiction.
- B. Letter from the Florida Department of Environmental Protection Regarding Request for Additional Information on Mitigation Plan Application, for a Wetland Resource Permit.
- C. Letter to Marks Gray, P.A. regarding Subpoena Issued to Gadsden Community Hospital, Spring B Buxton v. PMI/Comprehensive Solutions.
- D. Letter from the University of Florida Extension Regarding the Biennial Extension Stakeholders Forum on Thursday, February 14, 2008.
- E. Letter from David H. Melvin, Inc., Regarding Gadsden County, Florida Wastewater Extension.
- F. Memorandum from Emergency Management Service Regarding Signed and Approved Variance from the Department of Health.
- G. Letter from the City of Gretna Regarding an Interlocal Agreement – Building and Inspection Services
- H. Letter to Governor Charlie Crist regarding November 29, 2007, visit to Gadsden County.
- I. Letter from Bright House Network Regarding Replay of County Commissioners meetings.
- J. Letter from the Florida Department of Agriculture and Consumer Services regarding Repairs for the Farmers Market Facility.
- K. Letter from the Florida Department of Environmental Protection regarding Proposed Settlement of Dredge and Fill Violation.
- L. Letter from the Florida Department of Environmental Protection Regarding Inspection of Property Located at 4675 McCall Bridge Road.

- M. Letter from Florida Agricultural and Mechanical University regarding the Implementation of a Technology/Veterinary Medicine Program.
- N. Memorandum regarding the Library Report.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD AT THIS TIME, THE CHAIR DECLARED THE MEETING ADJOURNED AT 8:20 P.M.**

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**Edward Dixon, Chairman**

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**Jean Chesser, Deputy Clerk**

**AT A SPECIAL MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON FEBRUARY 12,  
2008, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.**

**Present:** Edward J. Dixon, Chair, District 5  
Eugene Lamb, Vice-Chair, District 1  
Doug Croley, District 2  
Derrick Price, District 3  
Brenda Holt, District 4  
Thornton Williams, County Attorney  
Arthur Lawson, Assistant County Manager  
Muriel Straughn, Deputy Clerk

**CALL TO ORDER**

Chair Dixon called the meeting to order then turned it over to Assistant County Manager Arthur Lawson.

Mr. Lawson then announced a public hearing for the purpose of reviewing the Comprehensive Plan Text Amendments (Administrative) - Future Land Use Element and Map Series, Traffic Circulation Element, Housing Element, Infrastructure Element, Conservation Element, Recreation and Open Space Element - CPA-2006-08AD- Large Scale Amendment.

He then turned the meeting over to Growth Management Director Bill McCord. Again, Mr. McCord announced that the meeting was advertised as a public hearing for the purpose stated above.

**Lanier Road Extension (Proposed) Exhibit 4 - B**

- **THERE WAS A CONSENSUS TO PRESERVE THE CORRIDOR AS DESIGNATED IN THE AMENDMENT.**

Mr. McCord stated that the map demonstrates a proposal for a new collector road that (if adopted) will become a part of the Future Land Use Map (FLUM) Series Transportation Network. He said, "This will be a future collector road or an extension that would extend from the northeast portion of the property where Mellissa is pointing an arrow. It is roughly the intersection of Lanier Road and Highway 90 just northwest of Havana and extend a new collector roadway southwestwardly along the east side of the ridge along Munroe Creek, across Interstate 10 and



then cross through the western portion of Midway, which is a future development proposal, west of the Rustling Pines area, cross the CSX Railroad, then intersect with High Bridge Road (CR 268) just to the south of the railroad. This collector roadway will facilitate not only traffic movements through the western portion of Midway, but - Many of you are aware now that Midway is essentially locked in on that massive area that they annexed and have been developing. It has one way in and one way out access. There are going to be hundreds and hundreds of homes built in that westernly portion of the City of Midway. This collector roadway will not only facilitate easier access, it will be an alternative access in and out of Midway. It won't overload Highway 268 either near Palmer Road or even at this location. It will give an alternative access out to the north and east, and it will provide easier access to the high school area, the law enforcement academy and even the north ends of the county up around Havana and provide an alternative route to Quincy.

We have identified this future collector roadway and essentially how we would anticipate most of the funding would be perhaps even the CRTPA could be funded locally. But, what we are really thinking is that the best way to fund most of this roadway is for each developer who would be developing their project along this corridor would then develop their portion of it. Now, with the exception for the most part would be the crossing of I-10, which would require possibly at least two bridges. But, there would need to be sufficient right-of-way to provide for the collector roadway plus retention to provide drainage for the roadway. And what that probably means is at least 100 ft. wide corridor somewhere in this particular alignment, not this specific alignment. Of course, a study would have to be done to determine what would be the most appropriate alignment. Where there would be the most appropriate places to put storm water facilities as well as how much additional right-of-way would be needed for not only the storm water facilities, but also certainly for the bridge across the interstate. You would need more than 100 ft. to facilitate the slopes on the approaches to the bridge. Usually, that is the case. The right-of-way is a little wider where the bridge is and the approaches to the bridge.

Of course, a lot of this corridor goes through Midway and the idea was that the developers of the properties in Midway, just as in the County would "ante-up" their share or reserve that corridor and develop their subdivisions from that corridor. It being a collector roadway, you wouldn't have it where you plat

lots off of it and have driveways off it every 55 to 100 ft. like you have on High Top Subdivision in Havana. Many of you know where that is. What you get is a number of driveways. The idea is that you don't want to encourage or permit a lot of driveways on heavily traveled roads particularly with higher speeds where people could potentially be backing out and creating numerous conflict points. The idea with a collector roadway is that you would have limited access, but controlled access. The spacing of these roadways would vary anywhere from 200-300 ft. up to 600 ft. depending on the classification of the road. So, the idea, I think, the developers of these properties did not want to provide a collector road. They were simply looking a local road to build and extend out to Highbridge Road and dump traffic onto Highbridge Road at that one location to provide an alternative to Palmer Road, which is currently the only way in and out of that area now.

I am suspicious even with the intent and extent of development that has gone on Midway and that area now, whether even a local roadway would be sufficient at build out to provide an alternative access, fluid access, out of that western portion of Midway, much less the additional development they have proposed.

Of course, what we have decided to be the best alignment, (of course, the study would have to reveal this) that they would build that road along the ridge line. The ridge line is where they would like to build the subdivision because of the higher and dryer lots that they would be able to higher yield on lots. They would also like to be able to plat individual lots off of a collector road which is not a desirable way to develop the property by any means.

What we anticipate is the roadway would be developed, if it follows along parcel boundary, then each property owner or developer on that particular side of the road would dedicate at the time the subdivision, that corridor of the development of the road, then build that road up to at least one of their entrances of both their entrances to the subdivision. By being able to do that and as time progresses, this roadway would kind of build itself with the exception of the highway crossing, which we would have to look for funding to be able to build that.

That is the idea that we had. There is even possibly the opportunity years down the road, that if an interchange were to be built here to facilitate or provide direct access to the law enforcement academy, that they could gain access from their

southeast corner of their property that they own. Of course, that is way out there and that is not really part of what we initially indicated. We were just looking for an overpass, not an interchange. A lot of things would have to come about before an interchange could even be considered. That would involve the federal government as well as the Regional Transportation Planning Agency.

So, I think, as far as the details of the concern of Mr. Gasvini, that is what their concern is. They do not really want to see a collector roadway. They would want to use this area for their local street. Again, by providing a local street and not a opportunity to extend the collector roadway, I am very concerned about long term implications and impacts on existing county roadways without building a well interconnected network of roadways. So, I think that probably covers it. There may be some questions after Mr. Gasvini expresses his concerns or his desires. I will be glad to answer them.

Lamb:

Mr. McCord, when you said, "They don't want to see this type of road", I guess you were talking about Palmer Road, to come in and out. Who were you referring to? The state?

McCord:

I was referring to the developers - they are wanting their next phase here in the area of this roadway. They propose to build a local street across the railroad tracks - a bridge apparently - to cross the railroad tracks and connect with High Bridge Road. They would use that access as an alternative access to Palmer Road. That is what I was referring to. That is the only other access point out of that western portion of Midway that they have proposed that I am aware of.

Lamb:

So, your reason for going over the interstate over to Highway 90, near the school, is to take, that would be a better access for getting to the school?

McCord:

That is certainly one benefit. But, it is not the only reason. What we want to do is provide alternative travel routes for what is going to be a very densely populated area having two local roadways. I don't know how many lots they are proposing, but they are already a lot of platted lots out there now, much less what is going to happen here further to the west. Two local streets that are only available to relieve traffic and disperse

that traffic is going to be - well, I doubt very seriously if it will comply with any level of service standard. It will put more burden of highway 268.

Lamb:

But, you are in favor of them going out to 268 also, aren't you?

McCord:

Oh, yes.

Lamb:

What kind of time frame are you proposing if this comes about - going out to 90?

McCord:

That is unknown at this time. It all depends primarily on the development and the schedule and availability of funds to be able to piece the corridor together. And the scheduling of other developers in doing their portion of the roadway. It is possible that for many, many years, you could have 268 up to some point south of I-10 built maybe first. Maybe the second leg would be from Highway 90 southwestwardly for some distance, then years later, another leg of that closer to the interstate. The last portion of that would be the bridge.

Lamb:

When you say south of I-10, but not going across I-10.

McCord:

That is the area that they would be developing. The area shown in purple there.

Lamb:

You still won't be going across, you would just pave up to I-10?

McCord:

Well, they will with local streets. Now, what we would need is a corridor of at least 100 ft. and a wider corridor as you get closer to I-10. They want to build lots on that corridor which would be the bridge approach to and over the interstate. If they were allowed to go ahead or permitted to go ahead and build new homes and plat lots over that area, trying to go back after the fact and try to establish that new connection would be very difficult to do.

Lamb:

Who would be responsible? Who do you see being responsible of developing those streets to the interstate, all the way across the interstate, then over to 90?

McCord:

Primarily, what we had anticipated is that as subdivision develop along this corridor, the properties that contain this corridor on either side, that they would then, as part of their development plat a corridor for a future road right-of-way of at least 100 ft. and in some cases, maybe a little wider as well as reserve areas for retention basins. As they develop, they would piece meal their portion together. They would build their section as adjacent and as within their subdivisions. With the exception of the bridge across the interstate which would have to be funded by a local or state funds or CRTPA funds for which we might be eligible for that extension.

Lamb:

Would that be coordinated with Midway, the City of Midway? Does the City of Midway have any say in this?

McCord:

Certainly they do. They would be the one controlling how the lots are platted in the Midway portion. The county does have control over issuing roadway connection permits to the county system. So, the county could not provide for a driveway or roadway or roadway connection permit at that location there on Highway 268, just south of the railroad tracks. So, yes, we have coordinated with Midway, we've got the census to Midway, but I have not received their comments. What I would like to do before it comes back for adoption is at least sit down with their manager and discuss the importance of this. We have told them about this and sent them information, but I have not heard from them.

Lamb:

That is what I was concerned about. Making sure that they understood and are up to date on what you are looking at and what you are planning or what you are intending to recommend. They need to really be up to date on this. They do not need to be left out in the dark. When the developers are going to them and they don't know what to say, and they don't understand it, then they are lost. I really think that you really need to - whatever comes out of this, you need to make sure that they are aware of what is going on.

Croley:

Mr. McCord, would you show me where the city limits of Midway are in relation to this road.

McCord:

Everything in purple is Midway. You see everything between the interstate and the railroad track is in Midway.

Croley:

All right. Now, you don't have a map that would back out of that? The reason I am asking for that type of view is because I am not real clear. I understand that the folks might have homes in the city limits here, the purple area, could make use of this road. But, I am not sure how this road ties in with an overall comprehensive transportation plan. I just don't follow the need for it quite as well. The reason being is that it looks like to me from trying to represent the needs of the county, on the Capital Regional Planning Authority, that we would do better if we had an interchange at where High Bridge crosses this I-10 at 268 as well as one there with road improvements there to the existing interchange at US 90. I am just not sure who is going to use this road. It is almost like it is a road that comes from Lanier and ends at 268 that might make a bad situation worse than helping the situation. I am not real clear on the need, in other words.

McCord:

The need is not there now. It will be when Midway completely develops out and it will be there on portions of Highway 90 west between 90 and the interstate, northwest of the industrial park where the Budwiser place is and develops.

Croley:

How many miles is it from the yellow proposed road that you are talking about up to the north of 268 where it crosses I-10?

McCord:

About 3.5 miles to 4 miles.

Croley:

From the yellow road to there. O.K.

I am always going to try to do what the majority of this commission would request that I do, if I am going to be the representative of the County there, but it seems like to me that more people would be served if we focused our attention to I-10 up there at 268 - 3 miles away.

I just don't see how many folks would be using that connector road to Lanier Road. I just don't follow the need for it yet. You're going to have to help me understand that.

Dixon:

Unfortunately, I'll tell you, or fortunately, I see exactly what he is saying. If Midway keeps growing like Midway is doing, and I see no reason for why they would stop. They are going to create thousands of houses in that area. They still don't have any other access out of there except Palmer Road. I think Orian's Point, correct me if I am wrong, no, not Orian's, that is Munroe Creek that comes out to 268. But there is no access to that property because remember, you've still got that railroad track there that you've got to deal with. So, I can see certainly the forward looking of it.

Croley:

Commissioner, what I am saying is that I do not disagree that there needs to be more than one way out for people who have purchased property in those areas. And, yes, I do think that the development community, if they are going to continue to build in there, have a responsibility to provide that additional access. What I am referring to is that the idea of making this some sort of major connector here in the county from 268 up to south Lanier Road, I am not sure that I understand the need for that in that direction. I certainly understand that they need to connect to 268 and that there is some enhancements that need to be made, but you are talking a major infrastructure over the interstate without how we are going to justify that in the future. I can see that there are plenty of folks that live at the lake and plenty of folks south of Quincy. You know your district better than the rest of us, but, you've got the folks in the western part of Midway, no doubt, that are no doubt going to want to reach the interstate. It just looks to me like that would be a shorter way to do it in the future.

Dixon:

I don't think you have to choose one over the other. All getting to I-10 does is give people another option. I think that is all it is designed to do. You can go - Do you envision connecting to I-10? I know you talked about a bridge over I-10. You didn't talk about access point.

McCord:

There has been some conversation that perhaps the law enforcement academy might want their own interchange one day, but that is not the purpose of putting this on the table. It is

just to put it in our future network plan. There is no specific target date for it. What I foresee as a necessary improvement. Now, I have talked with Jack Reed at the Regional Planning Agency about this proposal and he seems

Williams:

That is Harry Reed, you called him Jack Reed.

McCord:

I am sorry, my apologies, Harry.

Lamb:

What Commissioner Croley is saying is - he mentioned the school. That is the only thing that I know of that would be a good access right now, the school. Most of the traffic is going east out of Midway. Most of it. Going out to 268 would be a good idea and I think what they are working on now will be good and Palmer Road. But, Palmer Road is not equipped at this point to do what it is doing. That road has to be built up. It really needs to look like 268.

Dixon:

I think that is what he is saying. You are asking for a collector road to be built, not a Palmer Road. Not a local road. And perhaps the development wants to put in a local road.

Lamb:

I think Palmer Road needs to be changed and that is what he is saying. Turn Palmer Road into a road just like 268. Now that is what is important right now. I think that was in the future to do that. To build Palmer Road over. That road is breaking up.

McCord:

I don't know about the structural integrity of the road, but the alignment of the road is not well suited for a collector road - traffic, speed, volumes. Also, it intersects with 268 right next to the railroad tracks which is a real concern about traffic circulation in that area. If Palmer Road were re-aligned and a new alignment intersected with 268 half way between the interstate and the railroad tracks. But, that would mean acquiring right-of-way and perhaps even people's homes. But, it is an insufficient roadway now to be accommodating all that traffic that has been generated by the development even though the subdivision out there is not even close to being built out. The existing subdivisions. Building twice this many with what they've got out there now, when all those fill up,



you're going to get an average of about 9.5 trips per house per day. Putting all those trips per day with the number of housing units, I don't know the exact number, I think there are 468 built out there now. When you start putting more than a thousand homes out there, you're talking about a lot of trips. You are probably getting 12-13,000 trips. Most local roads are just not going to be able to cover those things. AS you can imagine, you go into Rustling Pines now, and it's not even built out, but, let's say in five years, it is built out. The poor soul who bought that first house as you drive up Rustling Pines Drive, is going to see all of that traffic come by their house everyday.

I wish we could have done something about it before or Midway could have done something about it before. That is just not the best management practices.

Lamb:

My biggest concern right now, Mr. McCord is Palmer Road. Like you say, you may have to re-direct that traffic in some way. The way the alignment is now, it will be difficult to put a good road down through there because of the curve, especially at the steep curve at - it should be 5 mph there and they are coming through there at 20 mph.

Dixon:

This is our first item and here we have spent 30 minutes. Now, you are building your own grave.

Come on up Mr. Gasvini.

Croley:

There at the little white area south of the city limits where the yellow road is proposed to come out, that property is not within the city obviously. By what strange reason has that been left out, since it looks like the purple blog has been creeping.

McCord:

I guess that property owner has not had any desire to annex into the City of Midway.

Croley:

Who is that property owner?

McCord:

I don't recall.

Melissa Wimberly:  
It is the Department of Forestry.

Croley:  
What makes you think that the Department of Forestry is going to want a road through their land?

Wimberly:  
Well, actually the road goes through Demetrius Anthony's property to right here.

Dixon:  
Mr. Gasvini.

Gasvini:  
I just wanted to add just one thing and it is something everyone is concerned about. We are going to provide access through the back part of Orian's Point coming through this road. There will be a second access provided for Orian's Point and Rustling Pines. I think that is something the commissioners are concerned about. We agree with that in the case of emergency, there needs to be at least two access, regardless of other traffic issues.

But, we disagree with putting a road through the middle of our property along the high ridge. That is where we intended to put houses in there. This is a several million dollar project. The bridge itself, will be 10 million or more to build over I-10, then over to Highway 90. Without a whole lot of studies done, I believe Mr. McCord said there is no study now. So, we are coming in here thinking that it is a good idea, but we really do not know if that is the best idea to go with or not.

With due respect to all the commissioners, would you like it if it was your property? To be mandated that you put a house full of sod, then build a road through it to nowhere - to I-10. If you discuss it with yourself, ask yourself, "How much do I agree with that if that was my property?" I think you would come to the proper answer."

Commissioner Croley raised the following points :

- Florida Gas is going to be replacing their existing pipe line with high pressure lines.
- He could not see the need for this particular collector road in the type of alignment that has been presented.

- Completely agree about the need to have another access point.
- He felt it would be better to have interchange at High Bridge and I-10
- This market in Midway is not Gadsden County folks - the traffic will be going east, not north to Havana.

Attorney Williams:

The big issue here is corridor preservation. It is huge. There is no study done yet. Once done, a study will give you criteria as to the size and type of road. You can't get there without this in the comp plan. While the alignment is an issue, you must preserve the corridor. The study will tell you what size and type of road it will need to become.

Point #2: Developers typically work with government for alignment because they want their people happy so they can get in and out of their subdivision quickly. So, typically there are a series of alignments that are looked at. The developer thinks enhances the value of the property because they get a better sell rate for that alignment as opposed to a single alignment. So, this is actually kind of unusual also because you would actually have a situation where the land that is owned by the developer - if there is a dedication involved here as opposed to a condemnation, they are willing to do a dedication. That enhances the value of their property. It is kind of different than what I would have expected to see.

**At the end of the day, if you don't preserve the corridor and you needed it, you can't unring the bell. It is the biggest problem going around the state right now. It is called congestion management. You can't move traffic because the roadway alignment was not preserved early on during this phase of the process.**

Exhibit 'A'

**POLICY 1.1.16 - PAGE 19 OF FUTURE LAND USE TEXT AMENDMENT -  
TRANSFER OF DEVELOPMENT RIGHTS -**

Mr. McCord described how transfer of development rights could be transferred from one property to another.

Following a lengthy discussion, Attorney Williams advised that if the Board should move forward with this provision, "I just want to tell you, if you do an overlay, you've got to have some way to put the public on notice. **These are nightmares.** I have represented clients over in Leon County that bought property, but for the grace of the commission to give them money to get out of the deal, they were stuck and they didn't realize what they were getting.

You've got to change the color or do something so that people have some chance to be put on notice because you are going to have a lot of development in one area and a piece of property that is surrounded by land that is supposed to be developed to a certain density. But, they have given their development rights away and no one is going to know. They are going to buy property and you will have citizens requesting to be heard standing up here telling you that they need relief. Then we are going to be looking for ways, legally, and you don't hear me speak out so much about things like this, but, **I am seeing a legal nightmare coming down the tubes as it relates to this.** I am going to be charged with trying to figure out a way to make it work. It is going to happen over and over and over again.

This is a trap for citizens thinking that they have developmental rights and they don't. Somebody has made money off the property - you know, midnight sales, don't know what is going on and now they are a totally innocent party. The person who sold the property can't be found and then the commission is in a box trying to figure out how to let this person develop something that is one to ten and he has a density of only one to twenty.

There has got to be some notice somehow."

Holt:

As I said, you can walk out that door after you make this agreement, you can go out that door, and it doesn't matter if it is on a paper napkin, they can sell that property right then. They do not have to file a deed in order for them to own the property. They can own it forever and that person can turn around and sell it again if that first person never files that deed. So, you can have a stream of people in here with that same problem.

McCord:

If they don't file a deed, how does the property appraiser and the tax collector know how to assess taxes to the right party.

Holt:

They still assess it to the one that owned the property originally. So, there is one that I tracked all the way to Jacksonville. It's out near I-10 on 267. Same problem. Now someone went into the office and started paying the property taxes because they thought if they paid them long enough, they would be able to get the property. They just let them lapse. This has been going on for almost 20 years on that one piece of property. But, it can be that way so long as there is no deed filed. That person can continuously sell that property over and over again as long as someone pays the taxes.

McCord:

I can assure you that we will be diligent in recording any transfer of development rights on our official maps and in requiring recording into the public record.

Holt:

I am sure you would do your job. But, the attorney is correct in that they are going to do like they are doing with the family exemption now. They are going to be out there saying, "I didn't know."

Croley:

Are you referring, Commissioner Holt, to these contracts for deed where people are selling property and then they are financing it and people pay and pay and pay and then they give you a deed?

Holt:

It can be done that way because the person is not in a hurry to develop. They may not find out til five or six years later that they can't develop on it at all like they intended to. But, it would be a good way to pull the rural residential back into the town. But, it can be a big problem.

Croley:

Mr. Chair, while you were out, I think that the conversation was the Mr. McCord outlined this and we are going to look it over, I want to say to the commission that I appreciate the opportunity that you allowed me to have a little extra time to meet with Mr. McCord and review this in a little more detail than we wanting to apparently. We did meet last Friday, I believe it was and

went through several items. I would like to share some of my concerns with the commission that I have. But, before doing so, I want to - It is a sad thing that we don't have more people in attendance this evening with something of such importance to the county.

I was disappointed, and I will say this to the manager, that this information was not posted on the website as of yesterday, I believe, Mr. McCord, when you and I spoke, I don't believe it was up at that time, or at least if it was, I couldn't find it. I believe that is an injustice to the citizens that it wasn't done, Mr. Manager. I don't understand why that information wasn't up there. Are you aware of what the problem was?

Lawson:

No, sir. When it was brought to our attention, I think we got it up there.

Croley:

No, what I am trying to say is that no one has had a lot of time with it - the public.

These are not necessarily in good order, but maybe it will provoke some other conversation as Commissioner Holt's comments did about the transfer.

**POLICY 2.1.8 - ABANDONED RAILROAD RIGHT-OF-WAY -**

Page 3 of the Transportation section -

- Staff was directed to change the language to read **"Abandoned or discontinued railroad rights-of-way before 1980 shall be retained and those abandoned or discontinued after 1980 may be retained..."**

Mr. McCord stated that the Staggers Act was approved in 1980 which allowed abandonment of the railroad tracks. No railroads have been abandoned since the Stagger's act with exception of a short line of the Seaboard Coastline that was abandoned from Chattahoochee up to Climax. There is a small segment within the City of Chattahoochee that was abandoned after that date of adoption of the Stagger's Act. But, no other railroad in Gadsden County has been abandoned since the Stagger's Act except for that short segment.

Issue: To have language which would allow the board to decide if they want to take any abandoned railroad line and use it for

a trail or some recreational purpose. The issue is also to have maximum flexibility.

Following discussion there was a consensus to change the language to read, "Abandoned or discontinued railroad rights-of-way before 1980 shall be retained and those abandoned or discontinued after 1980 may be retained....."

**POLICY 1.1.5 PAGE 8 - FUTURE LAND USE TEXT AMENDMENT - MIXED USE LAND USE CATEGORY (MXU)**

**There were no recommendations for changes.** There was some discussion regarding whether the Comp Plan is "development friendly."

**PAGE 9 - DENSITY AND INTENSITY OF USES: -**

Commissioner Croley voiced concern about such intense use in certain portions of the county - particularly near Little River. **No direction for change was given to the staff.**

**(M) MINING (MIN) PAGE 17 OF FUTURE LAND USE TEXT AMENDMENT -**

Sand pits are considered mines and regulated by DEP. However, there was some discussion regarding how to make the mining tracts "look better" to the public yet protect the business interest.

**The specific concerns noted were:**

- How mining "looks" - the more invisible it can be, the better - preserve a standard with setbacks, larger buffer areas, etc.
- Ingress and egress to the public roads
- Impacts made on the public road infrastructure
- Hours of operation that might threaten residents peaceful existence
- Speed of mining vehicles
- Routes of mining vehicle travel - to protect neighborhoods
- Possibly consider doing testing to ascertain pollution levels.

**It was decided that all of the above issues would be addressed in the conceptual plan stage and the new language adequately provides for that oversight.**

**NEIGHBORHOOD COMMERCIAL (NC) PAGE 11 FUTURE LAND USE TEXT  
AMENDMENT**

After some discussion, it was determined that this land use category serves a useful purpose, but the staff was directed to make the following changes:

- Add a statement in the Comprehensive Plan that will allow for variances from the Comp Plan standards would be allowed in the Land Development Code.
- There was a consensus to change the last sentence on the page to read "Alcohol sales may be permitted for Neighborhood Commercial Use with approval of the board ."
- There was also a consensus to set up procedures for revoking a license for beer sales in the Land Development Code.

Commissioner Croley asked to see the amendments again once the changes are made before he would agree to approve to transmit it. However, later in the meeting there was more discussion and a vote to transmit.

**POLICY 1.5.1**

There was a consensus that the last sentence should be deleted.

**PAGE 12 OF FUTURE LAND USE TEXT AMENDMENT (E) COMMERCIAL LAND  
USE (COMM)**

- There was a consensus to add language to allow residential use in Commercial Land Use areas and to allow for the retention of residential status for homes located in the Enterprise Zones.

**COLLECTOR ROADWAYS- PAGE 12 FUTURE LAND USE TEXT AMENDMENT**

There was discussion as to the definition of a "collector road." **No changes were offered at this time**, but it was agreed that the staff and board would continue to work on the document and make appropriate changes to improve the standards to control the growth while realigning the county and maintaining the rural character of the county.



**HOUSING ELEMENT - Page 1**

- **THE STAFF WAS DIRECTED TO CHANGE LANGUAGE TO ALLOW FOR THE DEVELOPMENT OF THREE UNITS PER ACRE IN RURAL RESIDENTIAL AREAS WITHOUT CENTRAL SEWER FOR THE PURPOSE OF AFFORDABLE HOUSING.**

Chair Dixon posed the following questions and comments:

- What are we doing and how does this help us to get affordable housing?"
- HUD's definition of "Affordable Housing" - a person spending no more than 30% of their income for housing. This definition is not necessarily what affordable means in Gadsden County.
- How do we go about creating housing for folks who go to work everyday, knowing that there is nothing on the market for them?
- What kind of drivers can we put in here to make sure that we are doing some things to help folk get in that position?

Farnita Saunders, Community Development Director responded as follows:

"The category that is recommended here will help to get us there. We'll talk about that a little bit more. If you recall, we talked about this land use category about a year ago during the housing workshop. We played around with this language and now it is back before you.

Another thing is the choice of our residents. IT is a very real thing that you are going to have to deal with. People have choices. We can get them there. I think we really do. But, we have dealt with people who absolutely don't want to live in the type of houses or the types of houses that you just mentioned when you are five feet or ten feet total setbacks. They are just not wanting that. In many cases, unfortunately, that is the alternative in today's market with dirt costing so much."

Dixon:

I am interested in creating a house, or a unit of houses, that we have done some things internally that allow the developer to get there. Short of anybody being in the internal works of your

office or somebody else's office, you wouldn't know that it is affordable houses. You don't have to hang any signs, and I have been places where they did it.

Saunders:

I think we can get there, but I think it is going to take a true density bonus to these developers.

Dixon:

Well, that is what I am trying to get to. How?

Croley:

Let me ask you this question, Mr. Chair, for Farnita and for Bill - When you say that we are trying to serve the needs of the residents of this county for affordable housing - that is not really what I see happening. We are serving the needs for affordable housing for others and that is the problem that we are faced with and that is where I keep coming back to the point of - Look, let us take care of our own. That is where I am coming from.

Dixon:

I agree with you, but we are talking about two different sets of people.

Croley:

But, I think that is important - a point that we make - that is a very important point that we make. If we are going to be providing affordable housing for residents of other communities, that is a different matter than trying to provide affordable housing for the residents here. And, we talk about the county taking on this role. That is why I say that we ought to be working with the municipalities because when you say Urban Service Area, guess what? Urban Service Area, as far as I am concerned, is the incorporated limits of the municipalities. That is what they were set up for. They have central water, sewer and the other things that make the necessary utility accommodations for greater density. **But, we are faced with nothing but affordable housing being provided for people who are not our own.**

Dixon:

I agree.

Holt:

You are definitely correct in what you are saying and I think that you are saying are the same things that Commissioner Dixon

and I have said (and a couple of other commissioners). When we are looking at that, I am trying to figure how to get it in and offer those bonuses and work with these cities to those in. If you go up to a certain section of Tampa, inside the city limits, they did that. They went in and put in affordable houses for working people and they did it under mixed use where they said, for a certain number of blocks, this is what we are going to do. Then they put in the neighborhood stores and stuff like that. But, they did it under mixed funding, and they did several things and I think that is where we are trying to go here. To try to get the affordable housing, but we may be looking out there when we need to work with the cities and pull it in a little bit tighter. That is what we are really looking for so that the mixed use may be where we need to go. You may be near a town or near a town near an old tobacco warehouse or something like that where the use is different. It is not a step down use from commercial to wherever you needed to be. But, you've created this area and we may need to look at a more creative side that we have never looked at before.

But, you are following the same lines about that. Because, if we don't, we will never get to where we need to get to. The income is not going to rise and the people are still going to come from Tallahassee and get the housing. The retirees are getting quite a few of the houses now, too. So, it is not the ones we want. We need to target our group and go after funding and programs for those groups.

Dixon:

Very few people who lived in Midway moved into those new neighborhoods. O.K. Very few people. The folks who ain't got no housing, still ain't got no housing and still ain't got no opportunities for housing.

Croley:

Commissioner Dixon, all I am trying to say about this thing is the same point. It's like a big rock up there and if we chipping the bits and pieces of it, pretty soon the rock is going to be gone and the people who live here are not going to be any better off than before.

Dixon:

I get your point.

Holt:

Speaking well of the dead, the Mr. Gasvini that recently passed away. He and I had a long conversation one day. He asked for a meeting and we met. At the end of the meeting, I asked him, "How many houses do you have to build in order to build one for free?" He said, "Twenty, but I don't want to choose the persons that I build the house for. The commission does that."

And I said to build one free because that is the absolute to really help someone. Now, they are not going to get it free - they will have to pay back something. But, what would he have to do to get it a no cost. Then, we could get that money and keep rolling and do the next house. That is what I was basically saying.

Those are the things that we never talk about and these are the things that we really do need to talk about. Those people out there that are really poor.

Croley:

But, Commissioner Holt, I can't agree with you that we are going to have a developer to build 20 houses and give one free. Pretty soon, you are going to run out of spaces.

Holt:

No, no, no. That is not what I am saying at all.

What I am saying is that I never looked at the other side of a developer does as compared to what we need. We are permitting things to happen and we are not negotiating anything to our benefit. To the benefit of the citizens. That is the part, when I look at affordable housing, it is not going to fix itself when you get those developments. When I see what other cities and counties that have gone in and made plans and done things and we are still sitting back waiting. And, it is not going to happen.

Ms. Saunders went after property over there by the old nursing home in Quincy for affordable housing. That was a first that I have ever heard of in this county where we took initiative to do it.

You are saying that we are not providing affordable housing to the clients that we need to provide for. I know a lot of teachers - three that drive from Jefferson County and they can't afford to stay here because they don't have any money to buy over here. They are wasting more in gas than it would take for

them to come and build a house over here. But, they can't afford it.

Dixon:

We can't keep going back and forth on this. If a developer is willing to build us a \$100,000 house, what do I need to have in place for him or her to do that?

Saunders:

Are you talking one unit?

Dixon:

Several units. Is it two to one? What do I need to have in place to encourage that that to happen?

Saunders

I think from a developer's standpoint, and it has really had my hands tied every time a developer walks into my office, we didn't really have anything to offer them. They are going to want an extra unit, whether it is two or more. I would like to see us get down to quarter acre lots.

Dixon:

That ain't going to happen, but go ahead.

Saunders:

Well, a quarter acre lot with water and sewer isn't a bad thing. If you are talking septic, that is a totally different thing. But, it still creates a viable neighborhood and people really don't have much of a problem on quarter acre lots.

Dixon:

The low density thing will do that. That is central water and sewer. But, for the most part, if we have to move a little bit away from that, then if you have just central water, how can I get a \$100,000 house built?

Saunders:

Mr. McCord?

If developers can get away with it, the developers want to put three units on an acre and they don't want to have to have sewer. They can't afford it if they only get three units.

McCord:

I think any proposal to allow two units per acre without central sewer would be opposed by DCA, strongly opposed. I don't think

it is going to go anywhere. We used to have different gradation of rural residential until 2002 that allowed for two to one under certain infrastructure requirements. Rural Residential 1, 2, 3. One allowed two to one. Two allowed one to one, but allowed clustering. Then Residential three allowed for a basic one acre lot. There was no clustering issued. That is somewhat the way we are going here, but the incentive that we are making is complete infrastructure.

DCA is not very -

Dixon:

That doesn't make sense, Mr. McCord. If the City of Midway can put four lots on an acre with septic tanks and approved by DCA, why can't we do two?

McCord:

DCA has admitted to me that they thought that was a mistake.

Dixon:

Yeah, right. A thousand houses later, they thought that was a mistake?

Saunders:

We are in an different administration.

Dixon:

Look, I need some answers, I don't need to be told what we can't do. I know all of that.

McCord:

The Statute does allow with central water, quarter acre lots.

Dixon:

The Statute does?

McCord:

The Statute does. But, again, we are talking about DCA. What DCA wants is not necessarily what the Statute will allow.

Dixon:

I need for you guys to define an affordable house. We said that was \$100,000. Right?

Saunders:

We have thrown out that price, but there is nothing to say that is what it is.

Dixon:

I know. That is what we are working with and let's call it that. That is what the numbers that say that our people can afford - that we are talking about - what our workforce folks can afford. How do I get there?

Saunders:

My recommendation would be the quarter acre lots. Based on what Mr. McCord has said, it probably won't because I know, based on what we have in place, whether or not it is acceptable to DCA and whether they would let it be approved, I don't know. It is your decision. If quarter acre lots are not something that you are comfortable with on septics, then we need to move away from that. But, developers just want more for their money. Quarter acre lots are not that small. They maintain the rural character of this area. But, to get these people down to something they can afford, not knowing how much the dirt is costing, it is really, really tough.

Croley:

It looks like to me that it would be beneficial to folks in the county, all across, no matter what station they are, that we should come up with a better working relations with the municipalities. Most of them have the services. That seems to me to be a more appropriate strategy because when you take these folks and put them out in the areas where densities are quarter acres lots or whatever, they don't have transportation, there is no recreation, no medical services, you got law enforcement issue, problems getting them to school and all of these things. It looks like to me that we should be working with the municipalities on this. Now, I am not suggesting that the whole municipality needs to be affordable housing. But, you should be able to have areas that developers could have some degree of confidence between the city and the support of the county that they are going to support higher density because of the central sewer, water and the electrical services all being there.

We should work with Talquin and keep a good relationship with everyone and try to focus on the residents who live here. I'll bet you've got bunches of co-workers at the hospital, and Commissioner Holt, who cannot afford houses because they are not making enough money. If there was something in the proximity of Chattahoochee, they may be able to better afford it. Right now, they are all scattered out in the rural areas or Ma-ma's back yard or ganged up somewhere because they can't afford the house.

That is all I am trying to say. I don't know how we get there, as you say, but, I think that is a start. It's going to come nearer happening where the utilities exists than ask people to go out and build them where they don't exist.

Dixon:

While I agree with that, Commissioner, I think that we still have to have the option of some kind of bonus to make that \$100,000 house - whether it is two to one or three to one. I would like to see that option simply because I think it is real. I know folks, and if you live in Gadsden County any time and you are not used to living up under people, you are not going to want to live up under people. We couldn't move my ma-ma to the city for nothing in the world. We couldn't when she was alive. As much as she wanted something new, she wasn't coming into the city to do it. We've got to have that option. Where it exist, take advantage of it. If we can get folks into a house and keep the rural nature of it. I've just got this thing about piling people up.

Holt:

This thing about proximity. If they are willing to come in a little bit, I don't see a problem with the bonuses if we can work it out. If we can get it and the developers are willing to build it somewhere, I think that is a incentive to get it nearer to the things that the commission is talking about.

I would like to say this. Affordable housing for the workforce group includes townhouses. That type of thing. Those are some things that we need to look at. If you are going to build and you're with a quarter of a mile and you are going to hook up anyway, that is a bonus that we can offer a developer to say that they can put in a couple of townhouses that working people can afford. They may not be able to afford to get out there and build that house, but they may be able to afford that townhouse.

Saunders:

What is coming on the 19<sup>th</sup>, we will be talking about that a little bit more - how we will work with the City of Quincy and the pilot program that you approved some time ago. There is a new scenario for moving forward on that pilot program for them. So, we have a little work to do to come up with something.

Croley::

Commissioner Dixon, it is pretty obvious, and it is getting to be a late hour, but this document needs to be edited a little



bit closer and be brought back in a retyped format with these adjustments in it.

I hate to send it on - I can't see how we can vote to send something forward without these corrections being made and have another opportunity to get them back in a proper manner.

Dixon:

Bill, I know these need to go, so let's stay a little longer and make the corrections. We need to be finished with this.

McCord:

Whichever corrections that you are telling us tonight, we are going to make and send them on.

Dixon:

We trust you to make them.

McCord:

You will get a chance to see them again. If you find that you are not comfortable with it, you certainly can rescind it.

Dixon:

Commissioners, we need to do this tonight.

Williams:

When it comes back from DCA and the commission doesn't like it, they don't have to adopt it. Is that correct?

McCord:

That is correct.

Croley:

What are our opportunities to make changes in this and how often can we change it?

McCord:

You can change it twice a year under the current Statute. You can have another opportunity to workshop this even after transmittal before you have an adoption hearing. You need to adopt, according to DCA, I think you have 120 days to adopt.

Dixon:

Thank you, Mr. McCord. All policies have unintended consequences and so that is why you reserve the right to change them.

Williams:

Mr. Chair, really quickly. You have to look at this as a live document as opposed to a static document. It is constantly being updated and revised because of unintended consequences, but what Mr. McCord is doing - it is not my place, but he is giving the stuff in front of you so you can deal with it and actually have the concerns. His job is putting it in front of you in a proper format. It will be back again and again, so there will always be an opportunity to fix it. Ideally, you are trying to catch it all the first time.

Dixon:

Good, that was my argument.

Commissioners, if you have concern, please put them forward to Mr. McCord.

Saunders:

One point of clarification so that Bill and I are leaving with a directive from you - Are you wanting to see components where there is no central sewer - you would like to see three to one? Where are you trying to get to?

Dixon:

**As much as.**

Lamb:

I don't think we should bind ourselves to that.

Dixon:

We don't. We just want to see it.

McCord:

We will propose it to DCA and see what they say.

Consensus to change.

**ENTERPRIZE ZONE/RESIDENTIAL USE IN COMMERCIAL LAND USE ZONES**

- **STAFF DIRECTED TO ADD LANGUAGE THAT SAYS THAT RESIDENTIAL USE IS PERMITTED IN COMMERCIAL LAND USE CATEGORY**

Holt:

Mr. McCord, on the Enterprise Zone - residential home owners in the Enterprise Zones - we don't address that anywhere as to what their rights are. They may still have property rights as far as

their property being commercial, but the problems they are running into is that they are not being able to refinance because it is not considered to be residential anymore and they are stuck. I need to have something that will help these folk out. There are quite a few of them.

McCord:

I believe that is a land use issue to itself. You certainly can include some policy in your future land use element and we probably should. Check on Policy 1.1.5 on page 12.

What I wanted to do here was clarify that residential uses would be a permissible use in a commercial land use. The only place where we have that is in our Land Development Code in a table within the Land Development Code. That is the only wiggle room that we have that would allow for residential use. If someone wants to build a house in a commercial land use and it is wedged between two commercial activities, why shouldn't they be allowed to? So, we probably ought to include some language on Page 12 under section (E) to indicate so. Maybe you want to indicate that it will be limited to certain types of residential uses or the density.

Holt:

Mr. McCord, my question isn't whether someone wants to build a home in a commercial area. These homes were already there. The Enterprise Zone made them become commercial. These home owners are stuck. They cannot refinance. They cannot get a second mortgage. To be very honest with you, the ones that have called me don't want to stop what we are trying to do as far as developing the county and to offer incentives to the Enterprise Zones. They just want to be able to refinance their mortgages and get better rates.

Dixon:

So, if we said in the language "For the purposes of zoning, these homes shall retain their residential status, provided they existed before the.."

Croley:

Commissioner Dixon, let me share this. On the old Croley place where I am living right now, happens to be, as I pointed out to Mr. McCord, zoned industrial. Now, how it got colored industrial, I do not know. But, that is the same situation that she is talking about. People

Dixon:

She knows how their got colored.

Holt:

Yeah, that was no problem. They

Croley:

But, in our case, I'm trying to say has been just sitting there. It was built in 1948. So, what would happen is, this situation might be a little bit different, but, if I were to say, "Is it properly zoned?" No, it is not.

Holt:

But, in this case, they are not arguing about the zoning, because after I explained what the Enterprise Zone meant and how it could help the county out and all of that, they were happy with that.

Croley:

I am not necessarily complaining about the industrial per se, not that I would want to use it, but, the point is that I want to be protected for

Dixon:

For their banking health, or financial health, they need that line to literally say "For residential uses in the Enterprise Zone shall be considered.."

Croley:

(inaudible) in all land use categories, is what I trying to get at. Do we need to?

McCord:

Let me mention, the Enterprise Zone - there are a lot of properties that are residentially zoned in the Enterprise Zone because there are certain benefits to having certain people and residential uses and the businesses get some credit for having people live in that residential portion of the Enterprise Zone. So, that should not be an issue.

The only concern is that the Comp Plan doesn't have specific language which allows for residential use in a Commercial zone, whether it is accessory or primary use. So, if we simply add that a residential use, if someone elects to do that, I don't think you are going to get a lot of people wanting to do build new houses in a commercial zone, but you might. **If we just simply say that a residential use, just like one of these**

**commercial uses, is a permitted use in the Commercial Land Use, that will clear that up.**

Holt:

That is basically what I am looking for to look out for those folks.

Ms. Saunders, right quick, do you think the financial institutions will accept that?

Saunders:

From a lending prospective, as long as it something that we can attach to what they are already saying and saying that it is zoning is commercial, they are not going to see that it is in an Enterprise Zone, but they will see that it is commercial. If there is a way that we can overcome the language that they are seeing and it is attached, I don't think that they would have a problem with it. That is a problem when a person can't refinance a residential dwelling. Especially, with the way that rates are going now.

Holt:

That is basically where they are. Two or three people have tried and they couldn't get anything and they had good credit, too. They couldn't get it as long as it had commercial in there.

#### **REPLATTING OF PROPERTY -**

##### **NO STAFF DIRECTION WAS GIVEN.**

The other is right quick, Mr. McCord, on re-platting property - this may not have anything to do with the Comp Plan, it may be the Land Development Code, for re-platting. I know a lot of residents had a problem. They sectioned off seven acres and they had to come back and replat under our Comp Plan rules that say you have to go back and go through the permit for a major subdivision when otherwise, they would not have had to go through that. Do we need to address that here?

McCord:

No, that would be a part of the Land Development Code.

#### **WILD AND/OR EXOTIC ANIMALS**

- **STAFF WAS DIRECTED TO BRING BACK DOCUMENTATION AT SOME FUTURE DATE PRETAINING TO A POLICY GEARED TOWARD PERMITTING OF NON-NATIVE ANIMALS**

Holt:

No problem. No problem. We can look at that.

Last one. Big cats. I had a commissioner talking to me about this today from Broward County. Large cats. They are having a problem with that in South Florida. Lions. They had to go to work. He got a permit from Fish and Game or something, and put a cougar in his front yard and it was permitted.

I got a call from Commissioner Lamb's district about a cat. I told them, "Sweetheart, you are calling the wrong one. You need to call Commissioner Lamb because I am not going. They went to court and they are fighting it out in court.

Croley:

I happen to have a lady who does have several cougars and a tiger. She is in District 2. She is permitted and has been for a number of years when there were changes in the law about higher liability limits. I really, she does all this educational stuff and she's got this foundation for Florida panthers and what not. I really don't see that it is a big issue right now. She lives in a rural area up 27 north and to the west. I have never had any complaints from any of her neighbors or anything. I really hate to open up something when we are not having a problem with it. If this thing becomes a retirement home for elephants or hippopotamuses, we may need to relook at that, but right now, it is not an issue from my prospective.

Holt:

Thank you. Mr. McCord, how would we address that?

McCord:

You might want to address it in the Land Development Code, but I don't think it is something that you necessarily want to address here.

Holt:

But, it is something as far as I am concerned, needs to be addressed. I want some type of way so that this commission has some say so in either how it is done - because the neighbors need to know. The neighbors and the service person are the two that talked to me about it. They were doing service in the area

for another home owner. They were concerned when the homeowner told them. They didn't know that the cats were over there and they were concerned about it. We need to know so we will know what we are talking about.

McCord:

The guy that had a horse on less than five acres of land - our Code says that for a horse or exotic animals, you have to get a special exception permit when you have less than five acres of land. Now if you want to expand that to include certain exotic animals and maybe define what those animals might be, I am sure that you could require a special permit to do that. As of now, that is the only ordinance that we have that we could use to control it.

Holt:

That is something that is not addressed here and I would love for it to be addressed. Do you want to bring it back?

Williams:

Mr. Chair, this issues is actually bigger. If you go to Miami, there are people who have brought in so many exotic animals and released them in the regular domain and you would think that you are in some kind of wild kingdom movie or video down there. You've got these lizards walking around all over Miami. These exotic animals walking around - toucan birds flying around, a whole bunch of little parrots, whole droves of them. It is a pretty bizarre event to see what goes on down there.

So, when you are talking about protecting Gadsden County - I know the young lady that Commissioner Croley is talking about and she is a great lady and she has even been at the Capital with a gage, locked up with the animals and she doesn't bite them and they don't bite her. They get along real good, but there is a bigger issue. If it is forward thinking and this is something you want to look at, you can actually change the way this county looks because of the fact that these counties are released. You know about the fire ants - they are coming to Florida and there is nothing anybody can do about it. So, it is a serious issue.

Holt:

Also, on that issue, this was a couple of years ago. One of the deputies went out 265 to make an arrest. They went into the house and they've got to have back up. I know this case personally because they were out in Commissioner Price's district now, but it used to be my district. They went in as a

drug bust and the guy had one of those snakes that squeezes you to death - what do they call that snake?

Price:  
Python.

Holt:  
Yeah. They had several in a cage in an aquarium and that is where the drugs were. So, what happened was they came in with all these snakes there - an they can go to wildlife and they can get a permit without notifying you that these animals are in your county. These are things that we need to look at. A couple of years ago, I did have a bear that came through my property. I stay in the house at night, so it wasn't a problem, but when we got up the next morning, we saw where he had torn up a couple of things.

Croley:  
He is a native.

Dixon:  
You are bothering him.

Holt:  
I was staying in the house, I told you where I was. I let him have the back property. But, we need to look at that. This may not be the document, but we do need to look at it. Let's get some documentation on that, Mr. Chair, so we can move forward.

Croley:  
Mr. Chair, not to belabor anything. Commissioner Holt, I appreciate where you are coming from. It may be a good thing, as the attorney says, to have our heads up on these matters, but at this point in time, I am not aware of it really being a problem. Again, Mr. Williams has verified that the lady who does have the panthers and cougars, have the permits, they are behind a screened fence. But, you've got another situation when you go down here south of Greensboro. I see a man there has a buffalo. Well, they once lived here, too. I don't know whether that is exotic or not. We can go on and on with this.

Dixon:  
The fact that ya'll are talking about this scares me. So, if ya'll will just quit talking about it.

Holt:  
I want information on it.



Croley:  
O.k.

Holt:  
If we can bring in on, I need the documentation, Mr. Chairman,  
so we can move on that one.

That is it for me.

Dixon:  
Any other questions, Commissioners?

If there will be none, the chair will entertain a motion to  
transmit.

Holt:  
So move.

Price:  
Second.

Dixon:  
We have a motion and a second to transmit the text as amended.  
Will there be further discussion?

All in favor, sign of "aye."

All:  
Aye.

Dixon:  
Please make it unanimous.

**MOTION TO TRANSMIT THE TEXT AMENDMENTS TO DCA**

**UPON MOTION BY COMMISISONER HOLT AND SECOND BY COMMISSIONER  
PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TRANSMIT THE  
TEXT AMENDMENTS AS AMENDED ABOVE.**

Chair Dixon then stated that there will be a meeting with the  
Governor's Chief of Staff and other policy staff members  
regarding the Legislative Agenda Priority List. He said that he  
would be forwarding information to them about

Mr. Williams reported that he has recently been elected the chairman of a private sector "Think Tank" on transportation issues. He said that it is a statewide organization called "Floridians for Better Transportation." He explained that they advocate for keeping trust funds in place so that they can do more for all the counties in the state.

**ADJOURNMENT**

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

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**Edward J. Dixon, Chair**

**ATTEST:**

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**Muriel Straughn, Deputy Clerk**

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON FEBRUARY 19,  
2008, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

**Present:** Edward J. Dixon, Chair, District 5  
Eugene Lamb, Vice-Chair, District 1  
Doug Croley, District 2  
Derrick Price, District 3  
Brenda Holt, District 4  
Thornton Williams, County Attorney  
Marlon Brown, County Manager  
Muriel Straughn, Deputy Clerk

**Call to Order**

Chair Dixon called the meeting to order announcing the date and the time of the meeting.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Commissioner Price led in the invocation and Attorney Thornton Williams led in pledging allegiance to the U.S. flag.

**AMENDMENTS TO THE AGENDA**

The following amendments were made to the agenda:

**Consent Agenda:**

**Move Item 5** to the General Business Agenda for discussion:  
Appointment of Members to the Gadsden County Tourist  
Development Council

**Delete Item 6.** Approval to Acquire Property Located in  
Quincy (Brumby Street) and construct a Single Family  
Attached Dwelling Unit - New Construction Pilot Program

**Public Hearing Agenda**

**Reschedule Item 8.** - Variance Request V-2008-01- Isaac  
Immediate Family Exception Variance (TAX ID #3-32-2N-4W-  
0000-00222-0100) - Reschedule to March 4, 2008

**General Business Agenda**

**Add Item 8-A.** Approval of Acquisition of Parcel for new Construction Pilot Program and Authorization for the Chairmand to Execute the Contract.

**County Manager's Agenda**

Miscellaneous

- Voluntary Annexations into the City of Gretna
- Report on Storm Damage in Gadsden County
- Clarification of Board Direction Regarding Affordable Housing Density in Rural Residential Land Use Category

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

**AWARDS, PRESENTATIONS AND APPEARANCES**

**1. Urgent Care Center Update - Corey Fleming, Administrator**

Mr. Fleming reported that the Urgent Care Center has been open for approximately one year and over 4,000 patients have been treated. He stated that five days of the week they are seeing at least 20 patients per day. He also said that they are implementing some marketing strategies and pushing to get information to the general public about the advantages of using the center as opposed to traveling to the hospital emergency room in Tallahassee.

He then briefed the board with the information as contained in the report submitted along with the agenda item.

Commissioner Croley requested the following information:

What is the average revenue per month? Mr. Fleming answered "Between \$15,000 and \$20,000 per month (unverified)"

What is the average monthly expenses and what is the trend relative to income? Mr. Fleming replied that it fluctuates. He was asked to provide the information to the commissioners in writing along with responses to the following questions:

What percentage of the income comes from insurance?

What percentage is written off as uncollectable?  
How much of the income comes from workers compensation?  
How is the inventory being managed and what kind of  
accountability is in place to protect that inventory?

County Manager Brown reminded the commissioners that the center was not approached as if it would be a profitable business. It is a service provided and it is necessary to subsidize it. It is not likely that it will ever make a profit.

Commissioner Croley acknowledged that the manager's statements were correct. However, he stated that it was his hope that, collectively, the staff and board could arrive at some strategies that will close the gap between income and expenses.

No action was necessary.

#### **CONSENT AGENDA**

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

2. Approval of Minutes - January 15, 2008 Regular Meeting

3. Ratification of Approval to Pay County Bills:

Accounts Payables Dated:	February 8 & 15, 2008
Payroll Dated:	February 14, 2008

4. Approve Grant Funding (\$9,500) as Recommended by the Tourist Development Council for Four Events

- 30<sup>th</sup> Annual Lake Talquin Open Fishing Tournament April 6-7, 2008 - \$2,000
- Great Quincy/Gadsden Bicycle Road Race -April 13, 2008 - \$1,500
- 8<sup>th</sup> Annual Chattahoochee Challenge Tunnel Boat Race March 28-30, 2008 - \$3,000
- 4<sup>th</sup> Annual Big River Blast - Drag Boat Racing Chattahoochee, FL - April 18-20 - \$3,000
-

5. ~~Appointments of Member to the Gadsden County Tourist Development Council~~— This item was moved to the General Business Agenda for discussion as Item 9.
  6. ~~Approval to Acquire Property Located in Quincy (Brumby Street) and Construct a Single Family Attached Dwelling Unit — New Construction Pilot Program~~— This item was deleted from the consent agenda, but added as Item 8-A.
7. **Approval of the Proposed 2008 Road Striping List**

**CITIZENS REQUESTING TO BE HEARD**

Ms. Cynthia Brown, 68 Franklin Jones Road, Quincy, FL., addressed the Board. She stated that she came before the board two weeks ago asking for a variance. She was advised to have her request put on the agenda and to submit an application for the variance. She said that she went to file the application only to find that the fee was \$500.00. She asked the board to waive the fee due to the fact that there had already been so much misunderstanding between her and the staff.

She stated that her hardship resulted from having had a major miscommunication with the staff which resulted in her being misdirected to expend funds to purchase a mobile home for which she has now been denied a permit.

Dixon:

I think you are going to have to make your argument.

Cynthia Brown:

I submitted an application and I was given flags and told to put them out. Then I was advised to go to Environmental Health and I submitted all the applications there then I purchased the mobile home. Then I asked for a density waiver permit. I spent all that money, then the application was denied.

Holt:

Mr. Chairman, if I may help Ms. Brown out a bit with her explanation.

She went to Planning and Zoning and she got the flags. They told her to go over to the Health Department. She went over there and Environmental Health put the flags out and did the soil testing and all of that. That is when she thought that she was in position to get the mobile home. But, the approval - she

had not gotten - she had not gone through that process. She was under the impression that since they told her to go and do these things that she was approved for the mobile home. She is the one that came before us two weeks ago.

Dixon:

She is the one that we talked about changing or looking at changing the way that we do business?

Holt:

The process. Right.

Croley:

We need a better alert to say, "Just because you got the flags, doesn't mean that you got approval."

Holt:

Right.

Also in that process, was - What was the stopping point? You must stop right here. If you are waiting on a permit, would you spend money to go and get a soil test? That was her basic concern. If someone tells you to go over there and get a soil test done, then she's got to start spending money, then she is thinking that she has a right to get that mobile home.

Dixon:

What is the will of the body?

Lamb:

This problem is again about miscommunication and misdirection. People are putting plans in their heads by coming to Growth Management before they consider placing a house or whatever on a spot of land - they should find out first if they can do that. That is what we have got to get over.

Dixon:

Does that board bear any causality in this? I think that is her position. If that is so, then we should be willing to waive the fee. Is that your argument?

Cynthia Brown:

Right.

Croley:

Mr. Chair, as Ms. Brown will recall, I was very adamant about the fact that we need to see a better process where it is made



clear to everyone coming in. Just because you got the flags or whatever, you shouldn't have gone out and bought the mobile home. The problem that we get into is that I can appreciate Ms. Brown standing here and saying, "Well, that was a mistake on my part to buy the mobile home. They didn't explain to me as fully as they should." But, we are back to the same thing of what weu do for one, are we willing to do it for all?

Ms. Brown, with all due respect, your problem is, and you are not alone, you misunderstood the process. My question comes back to the board. If a waiver of the fee is granted, then is that going to be fair to everyone else? And, does it set a bad precedent? I have a problem more with the fee - the amount of the fee than in charging the fee. I don't know that \$500 is a realistic fee. I would be more inclined to looking at the fee than I would be waiving it. But, that is not before us.

Dixon:

Do we bear some of the responsibility for the situation that Ms. Brown is in?

Lamb:

Is there, and we probably don't know this, I don't know if Mr. McCord knows or not - Is there a problem with the spot? Do you see a problem with the spot before we grant this one way or the other?

Marlon Brown:

I think we addressed that last week. I think there are too many units on that parcel. I think it is on rural residential. Mr. McCord, aren't there already six units on that one acre? How many acres is it, Mr. McCord?

McCord:

There is 2.79 acres on the property. Now, there are four mobile homes and one site built homes on that 2.79 acres. If allowed to place another mobile home, you would have six units. It is in rural residential land use.

Croley:

Mr. Chair, I would like to ask Mr. McCord a question. We are not really deciding tonight about (inaudible) we are just trying to determine whether or not the process was flawed in such a way that a reasonable person came before your operation up there and made application for a housing permit would in any way be lead to believe that they could go forward and purchase a mobile

home with the expectation of putting it where you gave them flags to identify. But, I would like to know.

McCord:

This is the first time that I am aware of that we simply gave them flags to begin the process for us to begin the review that someone has misconstrued that this is approval from us.

We have had other people who have gone out and bought mobile homes thinking that they were entitled to have a mobile home on a piece of property. I think you all may remember some of those cases. But, this is the first time that I can recall that someone has actually filled out the application, were given the flags to go stake the location and then simply went out and bought a home and expected to place a mobile home on a property without any approval whatsoever from our office.

Holt:

Mr. Chairman, may I?

I would like to ask the attorney - What do you think? You said reasonable person, that sounds like an attorney to me.

Williams:

There are not enough facts for me to remotely render an opinion on what I am hearing tonight, Commissioner. Obviously, Mr. McCord's opinion is a factor that this board would weigh. We have been wrestling with these issue internally now as it relates to this type of a matter. When they come back before you, it is a quasi-judicial proceeding and you have to have evidence before you.

One of the things that the manager and I have been talking about on a much bigger scale is that we are trying to prepare reports for you so that you get all of the evidence before you and then you have the opportunity to weigh the evidence which is what you are suppose to do in a quasi-judicial board. As you all recall, and this is a little bit more than you asked for, when you sit up here, you are in different modes. Sometimes, you are in legislative mode and sometimes, you are in judicial mode. What I am working with the Manager on is when we give you legislative information, you can make policy basically at that moment and you ultimately make that decision.

What I am working with the Manager on and the staff is that I want them to provide you with everything however substantive or not in the presentations on quasi-judicial proceedings because

you are the body that makes the determination based on the quality of the facts. Then based on that, you can make a decision. So, we are wrestling with that right now. I can't weigh in on that one, but I can weigh in on the fee. You have waived the fee before.

Commissioner Croley, my job is always to make sure that as you make decisions, that they are done consistently. I have always done that and I will continue to do that.

As it relates to this, to the extent that the board believes there has been some culpability of the process by this individual, then to the extent that you define that in the future, that would be the framework by which you would want to do the same thing. That is what is before you now in terms of what has been represented. So, it's not just that you waive the fee. That has never been the legal standard for what binds you. It is the facts that you hear that determine how you are going to treat anybody in the future.

So, the facts you have are she feels that regardless of how we think it was presented, she feels that she had evidence presented to her that caused her to believe that she was in a position to go out and purchase a mobile home. There is a certain level of logic that everyone can apply and you would believe that somebody would not invest that much money unless they had something that may not be before us that made her believe that. So, I can tell you that from a legal standpoint, that would be the only restriction that would be on the board. If another person felt that they had a reason to believe that they were misled and the board saw that information and they then believed that what was told to them gives you a reason to believe that it was accurate, you waive the fee.

Sorry to make it so wordy, but it is not just a simple question as you all have been wrestling with. The bottom line is that you have waived them before. You can waive it now and my job is to make sure that if it comes before you again, that it is done consistently and I will do that.

Dixon:  
Commissioner Price.

Price:  
I feel like when she got her flags, and she put them out, she felt like she had the "go ahead" to go and purchase the mobile home. We have got to put something in place. Somebody might

have to follow those flags out or take those flags out themselves and see where they are putting them up.

Williams:

The other part of it is that if you do change the process, Mr. Chair and commissioners, at the moment you change the process, then there won't be any concern about similar treatment. By changing the process, no one can be in the same position again. This is either a one or two time exception. It isn't something that should happen routinely.

Dixon:

Commissioner Lamb?

Lamb:

I have half way listened to what the attorney was saying. My concern, Mr. Chairman is - the flags that were given to her has nothing to do with the coming into compliance with the zoning. Her land does not fit the zoning for what they want. So, I know we ain't there. That is why I asked the question because it has got to come back to us.

Dixon:

Commissioner, then don't talk about it. Yes, it will come back to us.

Lamb:

If we know before hand that something ain't right

Dixon:

Don't go there.

Lamb:

O.K.

Dixon:

Can we bring this back to whether to waive or not. Let's keep it there.

Commissioner Croley?

Croley:

I think what the attorney ended up after all of that saying is that there has got to be some reason to believe or some evidence presented by Ms. Brown to us that would give us cause to waive her variance fee.

Now, I don't know if any of you have had the personal experience, but I have, of getting flags from Mr. McCord's office. They gave me flags when I applied for a housing permit for a new house. And I had to go and put those flags out for them to come and inspect. At no time am I aware of, and of course that was my first experience in dealing with them, I was made aware of anything that I could automatically go build a house until they did their inspection. That was very clear.

But, it is a challenging process for any citizen. It would be awfully hard for me, based upon what I have heard so far, unless Ms. Brown can elaborate in greater detail. I am sorry, but, I don't know of any reason that I can support waiving the fee at this time. I feel like we would be giving special treatment. Now, I think the fee is too high, but as you said, that is a different matter. But, if there is something else that Ms. Brown has to add, I sure would like to hear it, Ms. Brown.

Dixon:

As she comes, I will be very honest with you. I have talked with Bill a time or two and I have had to asked him about property. And we are not considered reasonable people. We should know more than anybody else should. It is a daunting process. As I said in the last meeting, many things could happen and we have got to look at that process and if it means putting "STOP" on the papers or "Do Not Purchase" or "Do Not Buy" or "This in way entitles you the right to purchase or buy or build anything." It has to be in there somewhere right after they step through the door. Right at the top of the page. O.K. Change that process to where going to getting your septic tank and all of that stuff becomes something that happens after Bill says "yes", not before and not during because we have to stop people from expending money before they get to the yeah or nay.

Croley:

If Ms. Brown can add something, I am all ears.

Cynthia Brown:

When I submitted my permit application, I asked what was my next step. I was given the flags to place where I needed to place them. I asked them what was the next step and they said, "Environmental Health Service." I went to Environmental Health Service and when I submitted that application, that is when I had to get the paper for the septic and pay a guy to do some type of scale drawing of the mobile home. So, that still led me to believe that it was approved because it wasn't denied for that permit application - they sent me to Environmental Health.

Croley:

One follow up question, if I may, Mr. Chairman.

Ms. Brown, at any point in that office up there, did anyone state to you that you could go ahead and purchase a mobile home or that they said that you could put the mobile home on the property? Did they say they would have to come out and check it?

Brown:

I don't think they said that they would have to come out it, they didn't tell me that. They just gave me the flags and told me where to put the flags - at the drive way and the septic tank, they mentioned 35 ft. from this road and things like that.

Croley:

And you never got past the front desk?

Brown:

This was all at the front desk. After that, I asked what the next step was and that is when they sent me to Environmental Health.

Dixon:

That is my problem right there. We send these folk off to spend money, which could be a lot of money, when we have not given approval. From my position, it is not a far reach to assume that if I am sending you off to spend money, we might be sending the wrong message.

Holt:

I move that we approve the waiver of the fee.

Price:

Second.

Dixon:

We have a motion and a second.

Williams:

Mr. Chairman, I am not sure we can vote on the decision in question. I think it needs to be put on the agenda.

Holt:

I withdraw my motion.

Price:

I withdraw my second.

Croley:

Mr. Chairman, before it is closed, I would like to request that when it is put on the agenda that we need some information in there that provides copies of what the process is. What do the people see? Not what is suppose to happen in the back office. I've got to have a basis to justify doing something for one that I am not willing to do for all.

Dixon:

And, if you could, we talked about changing it, if some changes have been made.

Brown:

Mr. Chairman, we have already changed it so what we will provide you is what we used to provide citizens.

Holt:

Also, in that process, if we could have a sign-off sheet for the person to sign for the information acknowledging that they know. That form should be in there also.

Lamb:

All of that should be written on the form.

Williams:

Mr. Chair, one last point. Since you are going to revamp this whole process, this is the first person who has come before you concerned about the amount of the fee. Obviously, it is the board's discretion, but you might want to consider looking at the amount.

Croley:

I would make that for the majority of the citizens. They are not big companies. Isn't the same fee charged to citizens? I would like to have that.

Dixon:

Bring it back. Whether it is a 35 ft. or a 2 ft. variance. Alright, Ms. Brown, you ought to be proud of yourself. You have messed up the whole deal. (laughter) We can't vote on the variance tonight. It has to be on the agenda for the next meeting.

Cynthia Brown:

I don't have to go through Planning and Zoning? Do I come back here at the next meeting?

Dixon:  
Mr. Manager,

Williams:  
It should be for the consent agenda shouldn't it?

Brown:  
No, we will have to discuss. We can do the waiver on the consent agenda. But, we can probably do hers the same evening.

Croley:  
You mean waive hers on the consent agenda?

Brown:  
Waive the \$500 fee on the consent agenda.

Croley:  
No, I don't want to do that. What we do for one, let's do for all or whatever.

Brown:  
No? You don't want to do that.

Bill, when can you bring it back.

McCord:  
I could have it back to you by the 4<sup>th</sup> of March. However, that would mean that the Planning Commission wouldn't have the opportunity to review it because they don't meet until the 13<sup>th</sup>.

Brown:  
That is a step in the process, but, again, you have the ability to circumvent that process.

Croley:  
Ms. Brown, I know that it is hard to come up with \$500, but it looks like it would be prudent to go ahead to go ahead and make that application and pay that \$500 fee with the understanding that it is still open for discussion as to whether you are due a refund. I mean, if you can do that. That way, it will go through Planning and Zoning. I am not in support of doing something for one that we are not going to do for all. That is my problem.



Dixon:

I think this is a different situation.

Holt:

On that issue right quick, Mr. Manager, how apt is the clerk to refund?

Dixon:

He will refund if we tell him to refund it.

Holt:

But, if she is in a time factor of moving the home or not moving the mobile home, if she pays the \$500, it will move faster. If she doesn't pay the \$500, it probably will take longer.

Croley:

Commissioners, don't leave her with the opinion that if she pays the \$500, she is going to get the variance.

Williams:

This is getting really convoluted and I've got to say something only because if you've got someone asking for a variance simply because they cannot afford to pay the \$500, then there should not be any discussion about her paying it. Either she has it or she doesn't. And she doesn't. So, before we get too far down this trail, I think that conversation should be, if she pays it, it is paid and it is done. It's not paid and then refunded. The whole point of this discussion that you have been in for about 30 minutes now is because she didn't have the money.

Dixon:

No, that wasn't the discussion. She didn't say she didn't have the money. She said that she thought we were at some fault in this position. That is what she said. She never said she didn't have the money. She said she thought it was our fault. And therefore that she -

Cynthia Brown:

I said both.

Brown:

Mr. Chairman, if I may. What we will do is bring back the request for the waiver on the 4<sup>th</sup> meeting. And if you direct us to by pass the Planning Commission, we will bring back the variance as well. Otherwise, it will be brought back at the next

available board meeting after it has gone before the Planning Commission.

Dixon:

Get it back here as soon as possible.

Brown:

Do you want it brought back on the 4<sup>th</sup> or do you want us to go through the Planning Process? If you bring it back on the 4<sup>th</sup>, you can deal with it on that evening and you can give a decision to Ms. Brown as to whether she can put the mobile home on the property or not.

Dixon:

What is the will of the body?

I think we ought to deal with it. Right or wrong, Ms. Brown did something and she's got a mobile home out there somewhere. We need to give her direction - either take it back to the mobile home place or that she can have it. One or the other. But, because of this situation, I think we ought to move as expeditiously as possible and deal with it. Whether we tell her no or yes or whatever. Let's just deal with it.

Price:

**I make a motion that bypass the Planning Commission and bring it back on the 4<sup>th</sup>.**

Holt:

**Second.**

Dixon:

**We have a motion and a second. All in favor?**

All:

**Aye.**

**5. APPOINTMENT OF THE MEMBERS TO THE GADSDEN COUNTY TOURIST DEVELOPMENT COUNCIL**

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE THE ABOVE STATED ITEM.**

**GENERAL BUSINESS**

**8-A. Approval of Acquisition of Parcel for New Construction Pilot Program and Authorization for Chairman to Execute the Contract**

County Manager Marlon Brown stated that this agenda item seeks approval from the Board of County Commissioners (BOCC) to acquire a residential lot located at the end of Lots 9, 10, and 11, Block 1, Slappey's Addition commonly known as Brumby Street and the authorization for the Chairman to execute the contract.

He went on to say that on September 18, 2007, the staff presented the BOCC with the New Construction Pilot Program concept and the BOCC approved the funding in the amount of \$100,000 to acquire land and construct one single family home.

See attached the parcel map, soil test results, appraisal, and the contract for sale and purchase.

Attorney Thornton Williams stated for the record that he had received an e-mail from Finance Director Connie McLendon asking that he render an opinion as to whether general fund balance dollars could be used for the purchase described above. He said that he had not had time to research it. He then said, "To the extent that you decide to approve this agenda item, we would ask that if you approve it subject to a legal opinion that says that the monies can be spent as designated by this board."

Croley:

We are at a point where we have seen the citizens make it clear statewide, whether they did in this county doesn't matter, but, the point is that folks are concerned about how this property tax monies are being used. It is my position, given the fact that we need to be more concerned in the future about these tax dollars. We are going to be facing perhaps revenue restrictions and we need to be doing things with tax dollars that benefit all the citizens. Taking money out of reserves to build a single dwelling that is going to benefit one family, possibly - and I don't know how you are going to dispose of this at a time when you've got all these subprime issues and all the foreclosures. We've got an overabundance of buildable lots out here. I can't see that this is an appropriate time to go forward with this. I think that it would be improper to

do so.

Lamb:

Since we have gotten information from the Clerk's office concerning this, they must have a concern or they must have found something that we might not know. I think we should wait until the attorney gives us his findings before we move forward on it. I don't think it is anything that we need to be in a hurry to do. I would just like to wait and see what he has to say concerning this.

Holt:

Mr. Chairman, May I? I had nothing to say, but, what we are looking at is a situation which we have discussed several times. I will admit that when we look at what has happened to the real estate market, it does cause concern. But, there is one thing that does not cause any concern is that with a \$100,000 house, you are going to be able to sell one new house. That is something that is going to happen. You are going to be able to do that simply because for a number of people here they are going to want somewhere to live. Now, if it was \$200,000 or \$150,000, it would be very difficult to sell. I have been after one for \$135,000 for a family (inaudible) and it has been very difficult to sell. But, houses for \$100,000 or less, you are going to get those sold. They are going to move if it is a new house. So, the resale is not a problem. The concern is that we need to move toward this. As I have told other people, toward that group of people who do not buy houses in this county. Those are teachers, because they don't get paid enough money, those are the firemen, the policemen and the deputy sheriffs. They are the ones that can buy a new home for \$100,000 up to \$150,000 if they are making pretty good money - they have been on the job for a pretty good while. We still have teachers out there that do not have anywhere to live. They are paying rent. So, this is the area that is going to get the working people.

I understand the concern about pulling down the reserves, but I think we should approve this matter contingent upon the research of the attorney. If the attorney says that it cannot be done, then we do not. It depends on his opinion.

Thank you, Mr. Chairman.

Dixon:

Commissioners, I will disagree with the commissioner to my left for the simple reason that unless we begin to do things that broaden our tax base, we are always going to be in this position. If we continue to have folks approaching us saying "I've got a mobile home" because that is what they can afford, it is simple. We have an overabundance of mobile homes. People living here and requiring services, but not paying into the kitty, then we are selling ourselves short. We need to recognize that we've got to have this kind of housing in our stock. If we don't have it in there, we are selling ourselves short.

As far as the vote in Gadsden County, I think you know, Commissioner, that the citizens in Gadsden County voted "no" to the amendment. I think you know that. What people were reacting to is what was happening down south. People are getting killed down south. They really are.

Here in Gadsden County, we need to be providing people with an opportunity to live in site-built houses. If we don't, we are going to be overrun with mobile homes and those people who already pay taxes are just going to have to keep paying more because the demand for services will continue. It will continue, it will not go away. The best thing that you can do is broaden your tax base. How do you do that? Get more people paying into the kitty. You take a piece of property - one that is not on the tax roll, you put a house on the tax roll, somebody is paying for it, they are paying taxes on it and they are not buying mobile homes. You got a double whammy going for you.

It is important that we move forward - that we not get chicken and pulling back the reign. There is always going to be some big bad bear out there wanting to take this county away from us in one form or another. Now is not the time to get chicken about those things that we know our people need. We might have to find a new way to fund them, but now is not the time to get sticky fingers and pull back on the things that deliver real services to real people.

Lamb:

Mr. Chairman, as I said before, I think the idea is pretty good. I am not against the idea because I think it is something that is needed in this county, If we sell the home, we get the money back. But, I just want to make sure that we are doing the right thing before we get started. I can't. I don't think we should do it if there are any

questions about it. Until we get a legal opinion on it, that is the way I stand.

Dixon:

Let's bring this to a head.

Brown:

May I address just one issue?

The question that we got from the clerk was whether we can use general fund money to do this. They didn't give us any reason that we could not do it. They just wanted a legal opinion as to whether we could use general fund money. If they had stated, "Hey, there is an issue about the use of these monies and given us some specifics as to why they believe we could not do it, then commissioners, we would have brought that to you. But, again, commissioners, it was very vague - could you provide us with a legal opinion as to whether we can use general fund money for this.

Holt:

Mr. Chairman, I move approval contingent upon the opinion from the attorney.

Price:

Second.

Dixon:

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

Croley:

Mr. Chair, it is still my observation that you are taking money from everybody for the benefit of one interest at a time when, as I have already said, the economics doesn't make sense to do it. Whether that be the will of this majority or not, it doesn't change the fact that is what you are doing. You are taking money from all of the tax payers and putting it into a program that is beneficial to only one family in this county. That is not right.

Dixon:

Commissioner, you don't see the big picture. This is the first, not the last.

Croley:

I fail to see your timing, even if you can do it and it

being appropriate. Whether you call that - you referenced it as being chicken, but even a chicken has sense enough to get out of the way of an oncoming vehicle.

But, let's go ahead with the vote. I am satisfied.

Dixon:

Will there be further discussion?

All in favor, sign of "aye."

Holt, Price, Dixon:

Aye

Dixon:

Opposed?

Lamb and Croley:

No.

Dixon:

Make that 3 - 2, please.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE ACQUISITION OF THE BRUMBY STREET PARCEL DESCRIBED ABOVE AND AUTHORIZE THE CHAIRMAN TO EXECUTE THE CONTRACT FOR SALE FOR THE PURPOSE OF CONSTRUCTING ONE SINGLE FAMILY DETACHED UNIT. THE MOTION FOR APPROVAL WAS CONTINGENT ON THE COUNTY ATTORNEY FURNISHING A LEGAL OPINION TO VALIDATE THAT THIS EXPENDITURE WOULD BE A PROPER USE OF THE GENERAL FUND BALANCE.

8. ~~Public Hearing - Variance Request V-2008-01-Isaac~~  
~~Immediate Family Exception (TAX ID 3-32-2N-4W-0000-00222-~~  
~~01000)~~ This item was rescheduled to March 4, 2008 per the amended agenda.

9. COUNTY MANAGER'S AGENDA

- Voluntary Annexations into the City of Gretna

Growth Management Director Bill McCord gave the commissioners a presentation of the property which is being

considered for annexation into the City of Gretna which comprises the largest annexation the county has ever encountered. He suggested that the County sit down with the City of Gretna and enter into an interlocal agreement as with all local communities to deal with the proposed annexations. The city is scheduled to adopt the ordinance on March 4<sup>th</sup>.

Attorney Williams stated that when an annexation is done correctly, the county has no ability to fight it.

Discussion followed as how Gretna would propose to provide services and infrastructure, but no action was taken. The manager was asked to invite the City of Gretna to share their plans with the County.

- **Report on Storm Damage in Gadsden County**

Mr. McCord reported on the damage that the county suffered during the most recent storm and tornado that touched down in the Mt. Pleasant community in the middle of the night. He said that the entire Building Inspection Department was on the scene as was Public Works Department, the Sheriff's Department and the management staff. Two homes lost their roofs, one mobile home lost it's roof and others sustained tree damage and downed utility poles. Others lost shingles and shed. But most of the damage occurred from trees. A total of 15 houses had some sort of damage.

Chairman Dixon commended the Gadsden Baptist Association and Calvary Baptist Church for all the volunteer work they provided as did the American Red Cross. He stated that the community effort was tremendous.

Mr. Brown noted that one of the of the resident's who sustained damage to their home was a county employee and her parents.

Commissioner Dixon asked that the staff look at how the County responds to situations such as the one described above. Because there was no emergency declared, there was no way the county could help the affected properties other than picking up debris after others put it beside the road. The county was without any authority to help because the damage occurred on private property..

He asked that the manager look into seeing what options



might be available by which the county could help mitigate a crisis, especially when the county has the skill sets to remove whatever threat is present - even when it is on private property. Such things as keeping a building inspector on site until the power can be restored and the family can safely return to their home.

Commissioner Holt concurred that the county needs to have a team to assess what can be done when a crisis presents.

- **Clarification of Board Direction Regarding Affordable Housing Density in Rural Residential Land Use Category**

Mr. McCord recalled that there was discussion at the February 25<sup>th</sup> meeting regarding allowing lots as small as 1/3 acre for developments if they were going to provide for affordable housing. The context where the discussion began was under was under the proposed low density land use and the medium density residential land use. He went on to say, that he was not sure of the intent - He asked if the Board intended to allow for 1/3 acre lots in Rural Residential or only in low density residential and medium density residential - keeping in mind that you would allow septic tanks (not central sewer) for those size lots. He asked for clarification.

There was a majority consensus that it was the intention of the board to include rural residential as well. However, Commissioner Croley wanted to know how that would impact the ground water.

Mr. McCord answered, "The possible effect, if DCA were to accept it as a plausible alternative to accommodate affordable housing in rural residential is that - you've got to understand also with that, the idea was presented that these units would not have to provide a connection to central sewer. They could be built with septic tanks on a 1/3 acre. That is not much different that what you are getting in Midway in the area called Rustling Pines.

Most of those lots are being sold to people who would qualify for affordable housing under our Comp Plan's definition of affordable housing..

I don't know the exact numbers, but perhaps as high as 75% of all housing built in this county would qualify as affordable housing. That unleashes a very large area ...

Dixon:  
That is not our intent.

McCord:  
O.K. Then, I am not sure what is going to happen with the way the language is written.

Dixon:  
No, but you are assuming some things, aren't you?

McCord:  
Yes, I am.

Dixon:  
You are assuming the wrong thing. That is not my intent. My intent is not to unleash. Remember the market we are talking about - we are talking about houses that are less than - that the market is not covering. We are not talking about those folks in Midway and other places. We are talking about citizens that we know do not qualify. I think I have couched everything that I have said in that vein. Correct me if I am wrong. But, I have been very narrow in my discussions. I'm trying to figure where you are getting 75% from. That is not what I have said at any point in time.

McCord:  
I was explaining that the definition that is used in our Comp Plan for qualified or eligible for affordable housing would most likely, and this is an estimate, 75% of the people building homes out there would qualify.

Dixon:  
But, at no point have we used that definition for affordable housing.

McCord:  
But that is your adopted policy.

Dixon:  
I understand that. We may have to change the policy as well. But, at no point did we use that definition as our understanding for what affordable housing is.

McCord:  
Then we don't have a definition in there right now that

covers it.

Dixon:

Then let's put one in there that covers it.

Brown:

Commissioners, again, we are working on that right now and we will bring back a policy that defines what affordable housing means to Gadsden County. We will be bringing that back. But, if it is the intent of the Board to include this in Rural Residential, we will move forward with that as part of the policy.

Dixon:

That is my intent.

Holt:

It is my intent. And also, Mr. Chair, it will have to come back before us again anyway.

Dixon:

If it is the intent. What is the intent?

Commissioner Croley clearly said that it was not his intent.

Croley:

It is not my intent to (inaudible)

Dixon:

Let's move on. That is a mischaracterization and I don't know why you keep repeating it. You really shouldn't. It is a mischaracterization of everything that anybody has said.

O.K. Next item.

**10. COUNTY ATTORNEY'S AGENDA**

Mr. Williams had nothing to report.

**11. DISCUSSION ITEMS BY COMMISSIONERS**

**Commissioner Lamb, Vice Chairman, District 1**

Commissioner Lamb asked the manager to bring the ordinance dealing with traffic fines to provide funds for driver

education enhancement back to the board at the next meeting.

Commissioner Holt asked to see it before it is added to the agenda.

**Commissioner Croley, District 2**

Commissioner Croley made a general observation about the land use situations are going in the county. He voiced concern for the sprawl and density and the way that developers are coming into the county and circumventing reasonable standards. He stated that he did not feel that it was appropriate for the City of Gretna to have such a large and sprawling annexation with no consideration being given to the other municipalities - such as Greensboro. He said that he feels that is wrong and is taking advantage of poor people who don't know any better. He encouraged the commission to continue to say "no" and try to bring order to the growth in the county.

**Commissioner Price, District 3**

Commissioner Price stated that the Gala honoring Dr. Woodward was a great event for a great man. He said, "I'm glad to have a man like that for the people in this county."

**Commissioner Holt, District 4**

Commissioner Holt invited everyone out to Carter Parramore for the basketball play off. She asked them to come out and support the team. She also said that when they went to Valdosta for the play off, they did not have enough money to stay overnight and had to drive home each night of the tournament. She said she would be asking each of them for help in that regard.

She was then excused from the meeting.

**Commissioner Dixon, Chair, District 5**

Chair Dixon stated that this board can be mindful of the annexations taking place, but there is little that can be done to prevent it.

**Receipt and File**

12.

- a. -Letter from Carr Allison Regarding Estate of Ivory v. Gadsden County
- b. -Notice of Bid Award Regarding Pest Control Services to Terminix International
- c. -Memorandum Regarding Publication of Ordinances
- d. -Letter from Communities In Schools Regarding Request for Financial Support
- e. -Letter from the Executive Office of the Governor Regarding the Fiscally Constrained County/Property Tax Impact Statutory Provision
- f. -Memorandum Regarding School Facility Funding and Public School Facilities Element Requirement
- g. -Letter from Comcast Regarding Programming Changes
- h. -Letter from the Department of Community Affairs Regarding Notification of Prohibitions that May Affect Adoption of Comprehensive Plan Amendments
- i. -Letter from the Florida Department of Environmental Protection Regarding Proposed Settlement of a Fill Violation
- j. -Letter from the Florida Department of Environmental Protection Regarding Clean Watersheds Needs Survey - 2008
- k. -Letter from the Florida Department of Law Enforcement Regarding Grant Adjustment Notice
- l. -Letter from the Boys and Girls Club Regarding the 43<sup>rd</sup> Annual Florida Youth of the Year Competition
- m. -Letter from the Florida Department of Environmental Protection Regarding Receipt of Application for a Dredge and Fill Permit

- n. -Memorandum Regarding Fee Adjustment for Growth Management
- o. -Letter from the Northwest Florida Water Management District Regarding Notice of Final Agency Action - Approval of Individual Stormwater Permit
- p. -Letter from Bright House Regarding Customer Satisfaction for Telephone Service
- q. -Memorandum for the Record Regarding Completion of the CDBG Interstate 10 & 267 Project

### **February Meeting**

February 25, 2008 - Special Meeting

Board of County Commissioners Spending Priorities for FY  
2009 - Special Meeting - OMB

### **March Meetings**

March 4, 2008 - Regular Meeting

March 11, 2008 - Special Meeting

March 18, 2008 - Regular Meeting

**ADJOURNMENT**

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

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Edward J. Dixon, Chair

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Muriel Straughn, Deputy Clerk

AT THE REGULAR MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS HELD  
IN AND FOR GADSDEN COUNTY, FLORIDA  
ON MARCH 4, 2008, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: Eugene Lamb, Vice-Chair, District 1  
Doug Croley, District 2  
Derrick Price, District 3  
Brenda Holt, District 4  
Thornton Williams, Deputy County Attorney  
Paul Sexton, Deputy County Attorney  
Lonnie Groot, Deputy County Attorney  
Marlon Brown, County Manager  
Muriel Straughn, Deputy Clerk

Absent: Edward J. Dixon, Chair, District 5

CALL TO ORDER

Vice-Chair Lamb called the meeting to order.

INVOCATION AND PLEDGE OF ALLEGIANCE

County Manager Marlon Brown led in the invocation and  
Commissioner Croley led in pledging allegiance to the U.S. flag.

AMENDMENTS TO THE AGENDA

The following amendments were made to the agenda:

Add A-1: Discussion of the City of Gretna Annexation

Add to 11: Additional material to the agenda report for the  
variance request by Cynthia Brown.

Add 15-A: Public Hearing - Variance Request V-2008-01  
Isaac Immediate Family Exception

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

AWARDS, APPEARANCES AND PRESENTATIONS



**A-1 Discussion of the City of Gretna's Annexation**

County Attorney Thornton Williams stated that some issues have been called to his attention regarding the annexation of property into the City of Gretna. He was quick to point out that he was not alleging that there was anything illegal happening, but the sheer size of the annexation would warrant taking at closer look and asking questions.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE ATTORNEY WILLIAMS TO ATTEND THE CITY COUNCIL MEETING WITH THE CITY OF GRETNA TO REGISTER THE COUNTY'S CONCERNS WITH THEIR INTENT TO ANNEX COUNTY PROPERTY INTO THEIR CITY LIMITS. IT WAS FURTHER EXPRESSED THAT THE COUNTY COMMISSION SUPPORTS THE CITY OF GRETNA IN THEIR ATTEMPTS FOR GROWTH AND THIS ACTION SHOULD LEND ITSELF TO THAT END.

**1. Employee Service Award Recognition**

The Board recognized the following employees with plaques and certificates of appreciation.

Kristine Odahowski - Library Services - 10 Years  
David Howard - Public Works - 10 years  
Kendrick Jackson - Public Works - 5 years

**2. Update on the Proposed New Courtroom and Office Expansion**

Joel Sampson, Architect, presented the proposed drawings of the addition of a new courtroom to the Guy Race Building.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ACCEPT THE PROPOSED PLANS AS PRESENTED FOR THE ADDITION TO THE GUY RACE BUILDING.

Bill Wills, Trial Court Marshall for the Second Judicial Circuit, on behalf of Chief Judge Francis, thanked the Board for their leadership in getting the grant to construct the courtroom.

Nina Moody, Public Defender's Office, expressed their appreciation for the new addition.

**CONSENT AGENDA**

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

**3. Approval of Minutes**

January 22, 2008  
January 29, 2008

**4. Ratification of Approval to Pay County Bills**

Accounts Payables Dated: February 22, 2008  
February 29, 2008  
Payroll Dated: February 28, 2008

**5. Approval and Execution of Storymaker Performance and Workshop Contract** Three Circus King Performances

**6. Approval and Signature for Lien Satisfaction**

Ozell & Alberta Miller

**7. Approval to Submit a Letter to Support a Regional Cooperative Initiative - Our Region Tomorrow** - to facilitate discussions relevant to Gadsden County and the eight-county region

**8. Approval of the Gadsden County Tourist Development Council's Grant Recommendation to the City of Quincy for the Quincyfest Blues and Barbeque Event - \$4,000**

**9. Approval to Execute Grant-in-Aid Agreement with Gadsden County Board of County Commissioners (BOCC) and the Office of the State Courts Administration and the 2<sup>nd</sup> Judicial Circuit Court for the Improvements of Courthouse Facilities**

**Citizens Requesting to be Hear on Non-Agenda Items**

**Jim Smart - Atomic Bicycle Race Team - The Great Quincy/Gadsden Road Race part of the Big Bend Cycling Festival - Regional Tourism Effort**

Mr. Smart gave each commissioner a handout regarding the above named race. He said that they expect the race to begin in downtown Quincy in an effort to showcase Quincy. He demonstrated the race route.

Commissioner Croley reported that he had been contacted by some

residents along the race route that expressed concern. He gave those names to the county manager and asked him to contact them in a effort to alleviate those concerns.

### **Wesley Cox - South Springs Subdivision and Cox Lane Paving**

#### **Wesley Cox:**

My name is Wesley Cox. I live at 637 Cox Lane which is off Pat Thomas Parkway, south of Quincy. I live there and I have family members, who won't be speaking, that have property and who live there. South Springs Subdivision has recently requested a right of way permit from the County Road and Bridge Department to place water and sewer lines down Cox Lane.

South Springs was annexed into the City of Quincy, so they are in the city, but on three sides of them, are property owners that are in the county and Cox Road is a county road.

The attorney that I visited with said that this is a pretty unique situation where two municipalities have jurisdiction. The City of Quincy has jurisdiction over the actual 20 acres on which they are putting 80 homes. But, the impact of the residents around it and the county road is a county issue, because it is all within the county.

We are requesting that these two permits for the sewage and water not be granted until the county has time to get the developer to comply with the Gadsden County Land Development Code and see where we stand. The Code is very specific about what must be done to obtain a permit. It states that there has to be compliance with the Code before a development order can be issued. This Code specifically states that no development may occur until a final site plan is approved and a development order is issued. As of now, none of these requirements with the County has been met or other permits have been applied for or obtained. Nor have any of the proposed work along Cox Lane been reviewed by the County staff.

The Florida Department of Transportation has no permit applications, no conversation, no nothing on how Cox Lane will tie into 267. Talking with them, they said, obviously, there will have to be a turn lane or a de-acceleration lane. DEP says that they have not been asked anything about the wetlands that Cox Lane goes across or anything.

Cox Lane is about 32 feet wide and it is a dirt road. Is that sufficient to pave underground utilities, sidewalks and all of

that. Who will pay for this, the county or the developer? If the developer is going to pay, do we have anything signed? They already have two other existing easements that are in the city that abut their property and one of them I know for sure has water and sewer. The other one has water and sewer within 500 ft. of Cox Lane,  $\frac{3}{4}$  of a mile.

I just ask that the County make South Springs dot the "I's" and cross the "T's" and follow the letter of the law. And, not issue the permit without them going through the county approval process. Although the development is within the city, it will impact the county and county residents.

**Vice-Chair Lamb:**

Mr. Manager, I suppose we will have to turn this over to you and the attorney.

**County Manager Marlon Brown:**

This is a discussion that we have been having with the residents on Cox Lane for quite some time. Both Mr. Presnell and Mr. McCord have met with Mr. Reister, who has been representing the residents. This is not an issue that I can really address at this time. We will have to bring back information to the board on this.

Obviously, there are utilities that are being requested - approval to be requested for the utilities down Cox Lane to serve the development. Our position is that the utility companies have the right to request that permit. They are asking us not to issue that permit until we have some clarification as to whether they need to comply with the County's Land Development Code.

Robert, have they submitted a request for the permits to go down the middle of the road? We would probably need to have the attorney address this issue and bring it back to you as quickly as possible. Not to delay anything, but Mr. Cox is correct. There are two other access points to this development. Although the immediate need in terms of the developer for where they are trying to develop is not close to where those two accesses are, they will need some meandering and probably the crossing of some wetlands. So, it is a complex situation, but if you will allow myself to work with the county attorney's office and take a look at this and work with the residents, we will bring back what the county's position on this is.

**Vice-Chair Lamb:**

The question that he brought us needs to be addressed to us after

you all look into it.

**Commissioner Croley:**

Who is making the application for the utilities - the City of Quincy, Talquin, who?

**County Manager Marlon Brown:**

The developer is making that using a private utility installation services.

**Croley:**

So, it is the developer who is applying to the county and you have a process in place that you will go over with us? That will be a properly agendaed item for those neighbors and properly noticed.

**Vice-Chair Lamb:**

Yes, they will bring it back to us.

**Brown:**

I have assured Mr. Reister that any action or any discussion by this board, we will inform the residents of any such meetings.

**Lamb:**

Robert Reister?

**Reister:**

My name is Robert Reister. I live at 709 Cox Lane. I am here tonight to seek the board's help with a problem my neighbors and I have with the development in the City known as South Springs.

When this property was annexed and rezoned and platted in the city, I and others, were not properly notified of the ongoing development review. I was not sent any letters nor was the property itself posted. Because of this, I was deprived of my right to participate in that review process and unable to voice any concerns that I had about the project.

It is ironic that the very citizens who are mostly affected by this development are county residents and have been cut out of the process by the City. In fact, when I was told by the city planning director that the only people who had to be notified were adjacent city property owners, I couldn't believe it. This development is surrounded on three sides by the county and not everyone was informed about it.

In addition, the city did not notify the county about this

project even though they approved the project knowing full well that Cox Lane would be impacted and that additional right of way would need to be acquired. Had the City done so, they would have been aware of the problems. Instead, they took the word of the developer that they had an agreement to pave Cox Lane, which in fact, they did not and they do not. Now, the developer has asked the Road Department to issue permits to place water and sewer along Cox Lane. None of the review processes have been done as they are required by the County Code. None of our concerns about increased traffic, impact on the wetlands, noise, density or incompatibility with the surrounding agricultural uses have been addressed.

Since the developer at the city did not address this issue, it now falls to the County to do so. We are asking the County to give us and yourselves time to look at these problems, resolve them according to the Land Development Code guidelines and come up with the proper answers to these questions. Therefore, I am asking the County to NOT issue any permits relating to Cox Lane until all the issues have been resolved and all the requirements are met.

**Lamb:**

Thank you.

**Commissioner Holt:**

The request for the development was brought to us and it was heard by some members of this commission. It was brought to us before it was annexed into the city.

**Reister:**

Before it was annexed?

**Holt:**

Right. It came to us first. We had this discussion previously.

**Reister:**

About Cox Lane?

**Holt:**

About the development. That is what I am saying, if you live within a thousand feet of that property, you were notified. It is not a new issue.

**Reister:**

I was not notified.

**Holt:**

I can't say whether you were or not. I'm not sure if Mr. McCord was here at that time. But, what I am saying is that was the procedure. It was before us - the development. Then it was annexed into the city and it went to the city. Once it was annexed, you have to realize, once it was annexed, it became a city issue. The road is in the county, but not the development.

I'm really saying this for the new commissioners. This is not a new issue.

**Reister:**

We are not asking you to address the development. We are asking you to address the county road issue.

**Lamb:**

Thank you. We will have our manager to follow through on this and inform you all and inform us and put it on the agenda.

Mr. Garcia, Jason. We are going to have you not to come tonight. You get with the manager. He will hold a meeting with you and

**Garcia:**

I am Jason Garcia. I am with the Earth Tones Consulting Group that is helping with the development. It was brought before the commission and it was approved in the Urban Service Area. I think that as to Mr. Reister's issue - he was not a land owner at that time and he wasn't aware of these things. He is a relatively new land owner.

The city has been working with the county on the issues on Cox Lane. It is not a new issue. All of the permits have been received - the DEP permits, etc. It has all been done. I will bring you copies of all that stuff.

**Lamb:**

We are not questioning what has and has not been done. All we want to do now is allow our manager and our attorney to look into it and bring us back a report and put it on the agenda. Some of those ladies and gentlemen have not heard about this, so we want to make sure that everybody is on board.

**Garcia:**

I have worked with a lot of counties and this is always a tough situation when it's on the county property, the city folks don't get notified, and it is just one of those things that happens

when you are working with multiple municipalities.

**Lamb:**

I want to thank them for coming forward to let us know, though. That is what they are supposed to do.

**Garcia:**

My job is to work with them.

**Lamb:**

Thank you very much.

**10. Public Hearing - Approval of Budget Amendment for Pilot Housing Program Resolution 2008-006; OMB-BA# 080044A**

See the attached agenda report for details of this budget amendment.

Mr. Brown announced that the county attorney had provided a legal opinion stating that this expenditure was an appropriate use of the general revenue.

Vice-Chair Lamb called for public comments. There was no response.

Commissioner Croley stated that he does not feel this is an appropriate use of tax payer's funds. He then questioned Mr. McCord regarding the standards for affordable housing. He asked him what percentage of the permits issued in Gadsden County would be considered affordable housing.

Mr. McCord responded that approximately 50% to 70% of the permits issued could be considered as affordable.

Commissioner Croley remained opposed to this matter.

Commissioner Holt disagreed with Commissioner Croley citing the needs of the "working poor". She said that most folks in Gadsden County could work themselves into a home if they could get one for under \$100,000.

Vice-Chair Lamb asked how much of the money would be for the land on which the home will sit.

Ms. Saunders answered that the lot was \$12,000. She also stated that there are practically no homes being built for under \$100,000. It was clarified that all costs will be



recouped when the house is sold.

Commissioner Croley then asked, "How are you going to determine who will be eligible to purchase the house?"

Ms. Saunders said that the successful home owner will have to go through the county's program, but it will be offered on the competitive open market to the first person who qualifies, but hopefully, it will be a Gadsden County resident.

Commissioner Croley continued to be opposed to this project in the current economic environment especially when only one family will be the benefit of it.

County Manager Brown reminded the Board that this is a pilot project to determine that the market exists and prove to developers that homes under \$100,000 are needed and can be profitable to them.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 1, BY VOICE VOTE, TO APPROVE THE BUDGET AMENDMENT AND RESOLUTION STATED ABOVE.**  
(Commissioner Croley opposed the motion.)

**11. Public Hearing - Variance Request - V-2008-02 - Cynthia Brown**

**Owner:** Herbert McCloud  
**Applicant:** Cynthia Brown  
**Variance Request:** Subsections 5003.B.7 & 5003.E LDC  
**Location:** East side of M & M Lane (St. Johns Community)  
**Type of Action:** Quasi Judicial

The property is 2.79 acres and located in a Rural Residential (1:1) land use category. A site built home was constructed in 1978 and four other mobile homes were placed on the property in 1997, 1998, and 2004. The location where the applicant has requested to place a mobile home was previously occupied by a mobile home but it has not hosted a mobile home since at least before 2002.

**Previous hearing before the board: February 5<sup>th</sup> and 19<sup>th</sup>, 2008**  
- see the minutes of this meeting for historical background of this matter. Ms. Brown stated that she felt that she was approved for the Housing Permit because staff provided her flags to mark the location of the proposed mobile home on the property and instructed her to go to the Health Department for a septic system permit. She said that she was given the impression by

county staff that she had been approved for the permit. She went on to say that based on that impression, she purchased a mobile home. It was not until after she had purchased the home, that she was notified that her application for the permit was denied. She then appealed to the county commission for relief from that land development regulation that caused the staff to deny the permit.

**Growth Management Director Bill McCord** was administered an oath by the deputy clerk. He gave the board a detailed review of the request as outlined in the agenda report which he entered into the record as County Exhibit # 1.

Following the testimony of Mr. McCord, Vice-Chair Lamb called for comments from the public who opposed the variance. There was no response. He then called for testimony from the public who were in favor of the request.

**Cynthia Brown**, applicant, was administered an oath by the deputy clerk. She appealed to the board once again to grant the variance.

There was a consensus of the board that perhaps the county did have some culpability in that Ms. Brown got the impression that she had been approved for a housing permit prior to her purchasing the home. It was noted by the commissioners that the application process could be confusing to a person.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 1, BY VOICE VOTE, TO APPROVE OPTION 2 - APPROVE THE VARIANCE AND ALLOW MS. BROWN TO PLACE HER MOBILE HOME ON THE LOT IN QUESTION. COMMISSIONER CROLEY CAST THE LONE DISSENTING VOTE.**

**12. Public Hearing - Conceptual/Preliminary Site Plan with Deviation for Alltel Communications (SP-2007-05)**

**Owner:** James Johnson

**Applicant:** Belinda Bodie, Faulk and Foster, Representative

**Location:** North of U.S. 90 and east of Hough Farm Road

**Planning Commission Recommendation:** Approval based on the findings and special conditions as listed in the agenda report.

Growth Manager Bill McCord was administered an oath by the deputy clerk prior to his testimony. He presented the

proposed project as outlined in detail in the agenda report which **he entered into the record as County Exhibit # 1.** In addition to the agenda report, Mr. McCord stated that he has received a letter from the applicant committing to remove the tower in the event the tower should cease operation.

Vice-Chair Lamb called for public comments.

**Belinda Bodie**, Alltel Communications, was administered an oath by the deputy clerk. She then gave testimony regarding the proposed location for the tower. Upon being questioned by the board, she agreed to provide liability insurance certification and indemnification. She also identified the letter referenced by Mr. McCord as being the letter of commitment by Alltel to remove the tower within 180 days of cessation if and when it should cease operation. **It was entered into the record as Alltel Exhibit # 1.**

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE SITE PLAN WITH DEVIATIONS AS DESCRIBED IN THE AGENDA REPORT AND SUBJECT TO THE SPECIAL CONDITIONS THAT THE APPLICANT PROVIDE LIABILITY INSURANCE CERTIFICATES AND INDEMNIFICATION.

**13. Public Hearing - Final Plat - Magnolia Forest, Phases III and IV Project 03PZ-038-205-2-09 (Originally called Sparkleberry Subdivision)**

**Owner:** Raymond K. Sheline Revocable Trust

**Applicant:** Poole Engineering and Surveying

**Location:** North side of US 90 approximately one mile east of the intersection with Selman Road (southeast of city of Quincy)

**Type of Hearing:** Quasi Judicial

Planning Commission Recommendation: Approval

**Description:** The final plat for Magnolia Forest, Phases III and IV consists of 54 lots on 83.09 acres in the Rural Residential land use category.

**Planning Commission:** February 14, 2008 - unanimous approval subject to the special conditions listed in the agenda report.

**Growth Management Director Bill McCord** was administered an oath by the deputy clerk. He briefed the board with facts

outlined in the **agenda report which he entered into the record as Exhibit # 1.**

Vice-Chair Lamb called for public comments. There was no response.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE FINAL PLAT AS DESCRIBED IN THE AGENDA REPORT BUT SUBJECT TO THE SPECIAL CONDITIONS LISTED IN THE AGENDA REPORT.**

**14. Public Hearing - AP-2007-04 - Appeal of the Denial of Mr. Nathaniel Cunningham's Housing Permit Application**

**Growth Management Director Bill McCord** was administered an oath by the deputy clerk.

He explained that the Growth Management staff denied a housing permit application by Mr. Nathaniel Cunningham on Post Plant Road due to the insufficient amount of acreage to permit a second home on the property as required by the Comprehensive Plan.

In addition to the facts and details contained in the agenda report, Mr. McCord made the following explanation of how the request came to the board.

- The applicant's property was originally two acres.
- In 1989, approximately .5 acre was split out of the middle of the 2. acres leaving two separate noncontiguous portions on either side of the new lot. One portion is .9 acre and the other is .6 acre, but they both share the same parcel ID number on the tax roll.
- Mr. Charles Roberts owns the middle section which contains .5 acre.
- It may have been the intention of the property owner to subdivide the property into three lots, but according the record, the two portions on either side of Mr. Roberts were not created as separate lots when the center portion was sold to Mr. Roberts.
- There is already a dwelling on the portion which is .9 acre in size.
- Mr. Cunningham desires to place a home of the portion which is .6 acres, however since it shares the same

parcel number as the .9 acre portion, his application for the permit was denied by staff because the county code requires a density of one dwelling unit per one acre in rural residential areas and the lot of record was too small to qualify for another unit.

- Mr. Cunningham appealed the staff denial to the board because he believes that it was the intention to subdivide the 2 acres into three lots in 1989 - prior to the adoption of the Comprehensive Plan and therefore should be grandfathered as three non-conforming lots.

**Mr. McCord entered the agenda report into the record as County Exhibit # 1.**

**Attorney Williams** called attention to an attorney's opinion which was part of the record entered into evidence. The opinion stated, "Our research did not indicate that the County is precluded from adopting regulations that would treat the two "outside" portions of Mr. Cunningham's parcel as a single parcel. Therefore, if the County's Comprehensive Plan or Land Development Regulations expressly mandate that the two outside portions of Mr. Cunningham's parcel be considered as a single parcel, then our evaluation would have to recognize those provisions. However, absent such provisions, the County should look at the two outside portions of the original parcel from a practical standpoint, as there appears to be no per se rule in general law."

Vice Chair Lamb called for public comments.

**Mr. Nathaniel Cunningham**, 398 Grace Cunningham Road, was administered an oath by the deputy clerk. He addressed the Mr. Robert's previous complaints. He recalled that he promised at the last meeting to place a privacy fence between the two properties and to speak with the exiting tenants about being good neighbors.

Commissioner Croley once again asked the attorney to verify that there are no conflicts in the comp plan to prevent the board from granting approval of Mr. Cunningham's request.

Attorney Williams replied, "That is correct."

Commissioner Holt asked Mr. Cunningham to continue to work with the neighbors to insure their privacy concerns are

addressed.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE OPTION 3 OF THE AGENDA REPORT - RECOGNIZE THAT THE INTENDED EFFECT OF SELLING THE CENTER PORTION (.5 ACRE) OUT OF THE CENTER OF A 2.0 ACRE LOT WAS TO CREATE THREE LOTS OF .9 ACRE, .5 ACRE, AND .6 ACRE EVEN THOUGH THE SUBDIVISION WAS NOT APPROVED AND SEPARATE DEEDS WERE NEVER RECORDED FOR THE THREE LOTS. THIS WOULD RECOGNIZE THE EASTERLY AND WESTERLY PORTION OF THE SINGLE DEEDED PARCEL AS TWO VESTED, SEPARATE NON-CONFORMING PARCELS FOR PURPOSES OF DEVELOPMENT. THE TWO SEPARATE PORTIONS OF THE PARCEL MAY BE DEEDED AS SEPARATE PARCELS AND ASSIGNED A SEPARATE TAX ID NUMBER FOR THE PURPOSE OF OBTAINING HOUSING PERMITS AND BUILDING PERMITS. THESE SHOULD ALSO BE RECORDED.

**Request to Waive Appeal Fee**

It was determined that Mr. Cunningham would have to pay the \$500.00 appeal fee.

**15. Public Hearing - Ebony Estates Small Scale Future Land Use Map (FLUM) Comprehensive Plan Amendment - CPA-2007-08-First Reading of the Ordinance - 9.94 Acres from Agriculture 2 (AG 2) to Rural Residential (RR)**

**Owner:** Junior and Latasha Murray

**Applicant:** Spectra Engineering & Research, Inc.

**Location:** North side of Hutchinson Ferry Road east of the St. Johns Community; 4.35 miles north of the City of Quincy

**Description:** The applicant proposes to build a seven lot minor subdivision with site-built homes.

**Type Action:** **Quasi-legislative action** in conjunction with the advertised public hearing as a small scale amendment to the Future Land Use Map per Subsection 7401.A.2 LDC; FS 163.3187(1)(c)

**Planning Commission Recommendation:** January 17, 2008 - voted 4 - 3 to approve based on findings and special conditions contained in the agenda report.

**Staff Recommendation:** Denial

Growth Management Director Bill McCord gave the board a brief overview of the request for the land use amendment as contained in the attached agenda report. He emphasized

that this amendment would create an extension of RR property surrounded by AG-2 on three sides which would further extend or expand the scattered land use pattern. The RR properties to the south are approximately 5 to 25 acre tracts and are more compatible to the AG-2 land use category than the RR minimum acreage size.

Vice Chair Lamb called for public comments.

**Latasha Murray**, developer, addressed the board. She stated that this development will be for affordable housing and she is working with the county's SHIP program. The prices of the homes will be around \$100,000 plus \$25,000 for the lot.

**Spectra Engineer Peter Okonkwo, P.E.**, addressed the board. He addressed issues regarding the fire flow and the size of the water lines. He said there is sufficient pressure to provide the homes with water from Talquin Electric. However, there would not be adequate fire flow pressure. But, they propose to install a booster pump which will ensure that adequate flow would be available for fire suppression. He also pointed out that there is a fire department across the street from this proposed development.

Commissioner Croley stated that he cannot support more Rural Residential property in the midst of agriculture lands. He stated that there is already too much urban sprawl in the agriculture areas.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 1, BY VOICE VOTE, TO APPROVE THE FIRST READING OF THE ORDINANCE TO ADOPT THE SMALL SCALE LAND USE AMENDMENT AS DESCRIBED ABOVE. COMMISSIONER CROLEY CAST THE LONE DISSENSING VOTE.**

**15A. Public Hearing - Variance Request V-2008-01 Isaac Immediate Family Exception Variance**

**Owner:** Mack and Angeline Isaac

**Location:** Along the west side of Sally Brown Road, approximately 1.2 miles southeast of the Sawdust Community.

**Type Action:** Quasi Judicial

The property was originally part of the Frank Isaac family estate. It was divided into five parcels in 1999 and approximately 30 acres remains among Mr. Frank Isaac's heirs.

Growth Management Director Bill McCord was administered an oath by the deputy clerk. He entered the agenda report into the record and highlighted the following facts:

1. Mr. & Mrs. Isaac acquired 3.3 acres from the estate on December 27, 1999 and recorded the deed in January 2000. The constructed a home on the lot in 2001 and have maintained it as their homestead since then.
2. The Isaacs are experiencing some medical problems and are having difficulty up-keeping the house and need to sell the home.
3. The Isaacs have requested a variance from several provisions in the Code to allow them to sell in the future a parcel of land created through the immediate family exception process to someone who is not in the immediate family. See the attached agenda report for a list of those provisions.
4. If the home is sold to someone outside the family, it would violate the ordinance that allowed for immediate family exception.
5. It was never the intent of the ordinance that once the parcel was created that it would never be able to be sold to someone who is not an immediate family member. However, that is the way the ordinance reads.
6. The applicants deny that the 3.33 acre lot was created under the family exception provisions.

Attorney Williams made the following statements:

7. P. 13 of the agenda report, next to the last paragraph, "Under the current economic climate, foreclosures are on the rise. If the immediate family parcel(s) were foreclosed, individuals and the mortgage company and banks should not be given relief or excused from compliance with the County's land development regulations or state statute." He contended that, in his opinion, they could ignore it. "If you enforce the restriction and the land is foreclosed, a bank gets it and they are not in the family. They have absolute control of that property to resell it any way that they want to. If you give them restriction, you allow them to at least recover because they are in a situation that they didn't



intend. Nobody buys property and owns it with the expectation that they are going to be foreclosed on."...With the subprime market that is going on around the country that is causing a ripple effect even in Gadsden County. .We are in a very unique and difficult time right now as it relates to what is going on in ownership of property in the nation and in Gadsden County. That is the unique situation that we have here. The evidence you have in the report that came from Mr. McCord speaks to the concern of what happens when a bank actually takes over the property.

- There is no deed recorded which states that the lot is deed restricted for immediate family use only. There is no notice of restriction to the mortgage company.

Commissioner Holt agreed with the attorney's opinion.

Commissioner Croley asked, "Does the commission have the discretion in this matter to look beyond our present rules and regulations so that I do not treat one person different than another?"

Attorney Williams answered, "I think the answer is "yes", but with a modification. I don't think you are looking beyond your rules and regulations. You are using an existing rule and regulation to grant the proper relief. I think it is a very narrow exception. So, to the extent that I suggested that it is a liberal interpretation, that was me misspeaking and talking a little too fast. When you do exceptions, they should be very narrowly drawn. This is a very narrow exception as it relates to what is going on in this set of circumstances. I hope that it doesn't occur a lot, but you are going to have to have unrecorded restriction, foreclosure and a hardship that has been created. In that interpretation, my answer is "Yes, you have the option to meet the requirements under the variance." I hope I don't see it very often and I hope I don't have to render this type of legal opinion very often. But, as I pointed out before, these are very unique times in the nation as well as Gadsden County."

Vice-Chair Lamb called for public comments. There was no response.

**UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE VARIANCE REQUESTED BY THE ISAACS.**

**GENERAL BUSINESS**

**16. Approval of Variance Application Fee Waiver Request -  
Cynthia Brown**

Mrs. Brown told the board that she continues to believe that the Planning staff misled her to believe that she was approved for a housing permit when in fact she was not. Based on her belief, she purchased a mobile home only to find that she could not place it on the lot for which she requested a permit. (This matter was resolved earlier in the meeting.) The variance application and fee resulted from that same misinformation from the county staff. She contended that if the miscommunication had not occurred, she would not be before the board requesting the variance.

It was established that there is no process or standard in place by which citizens can request a waiver from the fees. It was noted that the board did not waive the fee for Mr. Cunningham earlier in this meeting.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO DENY THE VARIANCE FEE WAIVER REQUEST.**

**17. Appointment of Members to the Gadsden County Tourist Development Council**

There was some discussion about expanding the size of the council to eleven members, however, it was determined that the enabling statute states "shall consist of nine members." No action was taken on that proposal.

It was determined that there is one vacancy on the board, but there are three recommendations to fill that vacancy - David Norman of Havana, Patricia Vice of Greensboro and Willie Fagg from Gretna.

Commissioner Holt told the board that many of the appointees are not attending the meetings. She implored them to appoint people who are interested enough to be present for the deliberations.

**UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 2 - 2, BY VOICE VOTE, TO APPOINT**

DAVID NORMAN TO THE TOURIST DEVELOPMENT COUNCIL. THE MOTION FAILED FOR LACK OF A MAJORITY. COMMISSIONERS HOLT AND PRICE OPPOSED THE MOTION. COMMISSIONERS CROLEY AND LAMB VOTED IN FAVOR OF THE MOTION.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 1, BY VOICE VOTE, TO APPOINT WILLIE FAGG TO THE TOURIST DEVELOPMENT COUNCIL. COMMISSIONER CROLEY OPPOSED THE MOTION.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO RE-APPOINT ALL OTHER PRESENT BOARD MEMBERS - Brenda Holt (4 years), Andy Gay (4 years), Peter Patel (4 years), Lee Garner (3 years), James Atkins (3 years), Jim Kellum (2 years), Jeff DuBree (1 Year), Ollie Sheffield (1 year).

**18. Approval of the Update on the Impact Fee Study**

Mr. Rick Hoffman, Office of Management and Budget (OMB) directed the board's attention to the Impact Fee Study. He said that there are reports on five of the eight studies which the board authorized. He explained that if they move to adopt those studies at this meeting, they would move forward to the next phase, which would be the ordinance phase.

**Marguerite McCauley**, project manager with Government Services Group, was present along with David Metcalf, transportation engineer and Christy Carey from Nabors, Giblin, Nickerson who provided oversight on the methodology for calculating the rates.

**Ms. McCauley** gave a Powerpoint presentation which is attached to the agenda report.

**David Metcalf** then made the presentation of the Transportation Element of the study.

At the conclusion of the presentation, County Manager Brown stated that he would like to schedule a block of time for each commissioner to meet with the consultants, then bring the study back at a later time for adoption and setting the impact fees.

Mr. Suggs stated that the consultants were not able to move

forward on the sheriff's studies. He also explained that they were not able to get enough data on fire services in order to do an impact fee study for fire services. He said, "We simply do not have enough data to support fees if it was challenged by resident in a court of law."

There was no action taken.

**19. Approval to Accept the FY 2008 1<sup>st</sup> Quarter Report**

OMB Director Davin Suggs presented the 1<sup>st</sup> Quarter Financial Report.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ACCEPT THE ABOVE STATED REPORT.

**COUNTY MANAGER'S AGENDA**

**20. Presentation of New EMS Unit Lettering for Recently Purchased Ambulances**

No Action required.

**COUNTY ATTORNEY'S AGENDA**

**21. Miscellaneous Items**

**Meeting with City of Gretna re: Annexation**

Mr. Williams stated that he met with Gretna earlier in the evening and explained to them that the Board of County Commissioners have been looking at the advertised annexation of county land into the City of Gretna. He told them that he had not reached a final legal conclusion regarding the issue, but procedurally he wanted to appear before them and put on the record that the BCC has some possible concerns. He reported that his comments were favorably received and they asked no questions of him. Additionally, he reported that they did adopt the ordinance annexing the lands described in their advertisement. He concluded by saying that a foundation was laid for discussion to occur between the city manager and the county manager.

**DISCUSSION ITEMS BY COMMISSIONERS**

**22. Commissioner Lamb, Vice-Chair, District 1**

Commissioner Lamb asked the Board to consider the dump site on Kemp Road at the next meeting. He also asked that Deer Run Road Paving be placed on the agenda for consideration.

**Commissioner Croley, District 2**

Commissioner Croley expressed appreciation to the county staff who were present at the site of the recent plane crash across the road from the airport. He especially asked the board to write a letter to the responders who came from Leon County.

He pointed out that there was considerable damage done to the yard of the resident where the crash occurred. He asked that an attempt be made to recover the costs of restoring the man's yard from the insurance carrier of the aircraft owner as well as those costs incurred by the county.

He then made inquiries about the following:

- Animal shelter - chip reader & incinerator
- Status of St. Hebron Road & streets
- Culverts and drainage issues

Mr. Brown agreed to give the commissioner an update on the above issues.

**Commissioner Price, District 3**

Commissioner Price announced the Five on Five Meeting at St Mary's Church on Highway 65 - Thursday at 6:30 p.m..

He then thanked public works for the work done in District 3 in cleaning out ditches and culverts.

He reported that he had received calls from people in his district saying that they had not been allowed to leave their trash at the dump site because they did not have a permit. He asked if the staff would look into having permits available at the site for purchase.

**Commissioner Holt, District 4**

Commissioner Holt reminded the commissioners of the Legislative session. She encouraged every commissioner to proactive in pursuing funding.

**Commissioner Dixon, District 5**

Commissioner Dixon was not present.

**RECEIPT AND FILE AGENDA**

- a. Letter from the Florida Department of Transportation regarding elimination of Mast Arm Plant
- b. Letter to Deliverance Temple Regarding Amended Conditional Approval - Parking Addition Conceptual/Preliminary Site Plan
- c. Letter to Smith, Greene & Coombs Regarding Subpoena Issued
- d. Letter from East Gadsden High School Regarding Xclusive Modeling Troupe
- e. Letter from Department of Highway Safety and Motor Vehicles Regarding Choose Life License Plate Funds

**March Meetings**

March 11, 2008 Special Meeting

March 18, 2008 Regular Meeting

March 31, 2008 Special Meeting

**ADJOURNMENT**

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

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Edward J. Dixon, Chair

ATTEST:

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Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON MARCH 18,  
2008, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

Present: Edward J. Dixon, Chair, District 5  
Eugene Lamb, Vice-Chair, District 1  
Derrick Price, District 3  
Brenda A. Holt, District 4  
Thornton Williams, County Attorney  
Marlon Brown, County Manager  
Muriel Straughn, Deputy Clerk

Absent: Doug Croley, District 2

Invocation and Pledge of Allegiance

County Manager Brown led in the invocation and Commissioner Price led in pledging allegiance to the U.S. flag.

Mr. Brown took a moment of personal privilege and asked Mr. Jon Brown to show an excerpt of the WCTV Good Morning Show featuring Chairman Dixon as the Celebrity Chef with his recipe for "Ed Fish." (Grouper) There was a brief moment of laughter followed by the chairman saying, "Thank you, Mr. Manager. I am thoroughly embarrassed."

Amendments to the Agenda

The agenda was amended as follows:

17. Public Hearing - Chapman-Donofrio Large Scale Comprehensive Plan Amendment - CPA-2006-02 - First Reading - Replace the first page of the agenda report.

ADD Approval Provision of Matching Funds for Emergency  
22A Funding of Big Bend Transit, Inc. OMB BA# 080049

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



**Awards, Presentations and Appearances**

**1. Employee Service Award Recognition**

**Mrs. Betty Sprenkle, Executive Assistant, County Manager's Office - 30 Years of Service**

County Manager Brown stated that the presentation to Mrs. Sprenkle was very personal to him because she is his executive assistant and his right hand person. He also stated that she was at one time the county manager. He said, "Betty has really helped me to do what I needed to do to be county manager and I could not have done it without her."

Chair Dixon stated that he has spent the last 16 years of her 30 years with Mrs. Sprenkle and it has been a pleasure to work with her. The commissioners then presented Mrs. Sprenkle with a plaque of appreciation and a clock to recognize her years of service.

**CONSENT AGENDA**

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

**2. Approval of Minutes**

May 15, 2007 - Regular Meeting  
February 19, 2008 - Regular Meeting

**3. Ratification of Approval to Pay County Bills**

Accounts Payables: February 22 & 29, 2008  
March 7, 2008  
Payroll Dated: February 28, 2008

**3. Approval to Accept the Anti-Gang Initiative Certificate of Subgrant Award from the Florida Department of Law Enforcement, Office of Criminal Justice for FY 2007-2008**  
**2008-PNAG-GADS-1-R4-001**

This grant is in the amount Of \$103,455 to identify and

curtail gang activities. It will be used to educate the general public about preventable gang related activities.

**4. Approval for the Chairman to Execute the Emergency Management Preparedness Assistance Grant State and Federal-Funded Subgrant Agreement between the State of Florida, Division of Emergency Management and Gadsden County**

08-BG-24-02-29-01-XXXX; CSFA Number: 52008; DFDA Number: 97.042  
- \$105,806 less \$2,847 for satellite services for 12 months =  
\$102,959

**5. Approval and Execution of Contract with Kate Carpenter for the Youth Summer Library Program** - Folksinger, songwriter and storyteller; She will provide three programs - one at each library

**6. Post Approval of Amendment to Grant Agreement (LP6721) with the Florida Department of Environmental Protection for Water/Sewer Infrastructure Engineering and Design Study - \$350,000 extending the grant until December 31, 2009**

**7. Approval of EMS Bad Debt Write Off of \$331,508.54 - Resolution 2008-008**

**8. Approval of Budget Amendment to Provide Additional Funding for the Health Council, Prescription Assistance Medical Services (PAMS) Program** OMB-BA# 080046 Additional \$5,000

**9. Approval to Disburse Funds to Non-Profit Agencies and Authorize Chairman to Execute All Necessary Non-Profit Funding Agreements in Accordance with Board Policy**

DISC Village	\$9,300
Capital Medical We Care Network	6,700
Early Learning Coalition	6,700
Legal Services of North FL	8,300
Gadsden Arts Center	9,000
Gadsden Healthy Start	6,700
The Refuge House	3,300

**11. Approval to Award the Bear Creek Road Bridge Replacement to Fairchild-Florida Construction, Inc. for \$279,854.00 and Authorize Chairman to Execute The Agreement and Notice of Award**

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**12. Approval to Sell Surplus Vehicles at Auction**

129 - 2000 Chevrolet Pickup; 123 - 2000 Chevrolet Pickup; 1993 Chevrolet S-10; 1999 Dodge Pickup; 151- 1995 Ford Service Truck

**13. Approval of Termination of Lease Agreements with the Gadsden State Farmers Market - Lease No. 3418**

**CITIZENS REQUESTING TO BE HEARD**

**South Springs Subdivision**

Mr. Walter Miller, co-developer of South Spring Subdivision, addressed the board. He recalled that there was a discussion about the installation of utilities on Cox Lane at a previous meeting. The matter was referred to the county manager and the attorney to do some research.

He contended that they have complied with all the requirements and he did not believe that issuance of the permit was something that the board had to approve. He asked that they be allowed to move forward with the installation of water and sewer along Cox Lane for the City of Quincy.

Chair Dixon asked, "Have we determined that this action is administrative in nature?"

Brown:

Commissioners, when this residents on Cox Lane came before the board, the board directed myself with the staff to work with the county attorney's office because they raised a number of issues with regard to the Land Development Code and an interpretation of that code. So, you directed us to work with the county attorney to bring something back to the board to agenda - an item to the board so the board can take a comprehensive look at the issues that were raised. We also promised the Cox Lane residents that they would be informed as to when this item would be brought back.

As this is under Citizen's Request To Be Heard, again, our previous position is that this is not an item on which you can take any action. It must be brought back as an agenda item to the board.

I had a phone discussion with them today and I shared with them

that this would be coming back on April 1<sup>st</sup> as an agenda item which will be the first regular meeting in April .

Commissioner Holt asked if there liability issues involved with the delay in permitting.

Attorney Williams responded that he did not believe that the county has delayed the process and should be no liability.

**PUBIC HEARINGS:**

**14. Public Hearing - Approval of Change Order # 6 to 2006 Road Paving Contract with Peavy and Son; Resolution # 2008-012; Budget Amendment OMB-BA0048**

Mr. Brown stated that the above change order is to increase the cost of the paving contract to include Hazel Green Road, Woodrow Butler Road and Mt. Pleasant Cemetery Road and decrease costs associated with Winding Creek Road and Winding Creek Lane. There is an increase of \$125,417.32 relating to the corrected costs associated with the paving of the roads listed above. The increased costs associated with the Woodrow Butler Road has already been funded as a result of the Board's approval of the FY 2008 Carry Forward Budget Amendments. However, approximately \$85,000 of the stated increase can be attributed to the Board's prior approval to add the paving of Hazel Green Road and Mt. Pleasant Cemetery Road. This funding was not contemplated in the currently adopted FY 2008 budget. There are sufficient funds in the Transportation Fund Fund Balance to provide for the increase.

Chair Dixon 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 CHANGE ORDER DESCRIBED ABOVE.**

**15 Public Hearing - Fuchs Large Scale Comprehensive Plan Amendment - CPA-2006-11 - First Reading of the Ordinance Changing 10.91 acres from AG- to RR and 5.91 Acres from AG-3 to AG-2 - 3 Additional Lots Possible -**

Growth Management Director Bill McCord introduced the

ordinance described above. He briefed the board with information contained in the agenda report. The file was formally entered into the record as County Exhibit # 1.

**Owner:** Diana R. Fuchs

**Project Manager:** Brenda A. Powell, Florida Environmental & Land Services, Inc.

**Location:** north side of Kittrell Road, approximately 2/3 of a mile east of CR 268 (High Bridge Road) It is located in the Deer Trace Farm Subdivision.

**TAX ID:** 3-28-2N-3W-0000-00431-0100

(This property is not a subdivision, but a metes and bounds type parcelization pattern, but there are deed restrictions that would limit lot sizes to no smaller than two acres. There could potentially be three lots.)

Per the application, "the applicant is proposing to merely replace an existing mobile home with a site built home if the LUA is approved." The application also states that the request is necessary to replace an existing mobile home with a site built home in order to accommodate a disabled relative.

**Planning Commission Recommendation:** Change the land use on the west 5.91 acres from AG-2 to RR; change the easterly 5 acre parcel to From AG-2 to AG-1 . See the findings as listed in the agenda report.

**Staff Recommendation:** Staff concurred with Planning Commission based on their findings.

Chair Dixon called for public comments.

**Ms. Dian Fuchs, owner,** addressed the board. She clarified that there are deed restrictions which will limit the density to only one dwelling per two acres on the upper portion of the property. The absolute maximum number of homes would be only three dwellings.

**UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 0, BY VOICE VOTE, APPROVED THE READING OF THE FIRST ORDINANCE ON THE FUCHS LARGE SCALE COMPREHENSIVE PLAN AMENDMENT.**

16. **Public Hearing - Volsch Large Scale Comprehensive Plan Amendment - CPA-2006-12 - Adoption Hearing First Reading of the Ordinance Changing 29.49 Acres from AG-2 to AG-1 ; (5**

**Potential Lots)**

**Mr McCord** briefed the board as to the above named Comp Plan Amendment as contained in the agenda report which was filed with the clerk. He highlighted the following:

**Owner:** Jill Volsch and Ken O'Brian

**Applicant:** Eric Gooch, P.E. of W. E. Engineering

**Location:** one mile south east of the City of Havana, adjacent to the north side of County Road 153 (Iron Bridge Road) and at the end of Tall Timber Road

**TAX ID:** 3-01-2N-2W-0000-00122-0100 AND 3-01-2N-2W-0000-00210-0300

**Type of Action Required:** Quasi-legislative in conjunction with the advertised public hearing as a large scale amendment to the FLUM

**Planning Commission Recommendation:** After public input on **November 16, 2006**, the Planning Commission made a number of findings as outlined in the agenda report. They voted unanimously to approve the change with the understanding that the staff will be forthcoming with an administrative land use amendment to change the land use designation of the property east and west of subject properties to AG-1.

**Prior Board Action:** On **December 5, 2006**, the BCC conducted a transmittal hearing and voted to approve the land use change and transmit it to The Florida Department of Community Affairs for their review. They did not provide any objections to the request.

**Current and Proposed Land Uses:** The amendment is for 29.49 acres consisting of two parcels under the ownership by Jill Volsch and Ken O'Brian. The 10.19 acre parcel (westerly parcel) contains a homesteaded mobile home, kennels and a pond. The 19.30 acre parcel (easterly parcel) is vacant and is heavily wooded. A conceptual site plan has been provided indicating that the 29.49 acre site could be subdivided into five lots, at density of .8 units per five acres. The main access to Morningside Kennel is from the South Quail Hollow Trail. There is a gated entrance on Iron Bridge Road. The conceptual plan indicates that the applicant is requesting the FLUM amendment to subdivide the property into five parcels, one of which will contain the existing mobile home and kennel, another would contain kennels and the additional three proposed parcels are vacant.

Mr. McCord then explained that the parcels that surround the

subject parcels have been developed at much higher densities than the subject parcels. (non-conforming)  
By changing the land use designation of the surrounding property, it would be less non-conforming.

**Chair Dixon 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 FIRST READING OF THE ORDINANCE AND THE LAND USE AMENDMENT DESCRIBED ABOVE.**

**17. Public Hearing - Chapman-Donofrio Large Scale Comprehensive Plan Amendment - CPA-2006-02 - Adoption Hearing - First Reading of Ordinance Changing 27.4 Acres from AG-3 to AG-1**

**Owner:** Brian Chapman, Phyllis Donofrio

**Applicant:** Elva L. Peppers, FL Environmental & Land Services, Inc.

**Location:** Two adjacent parcels totaling 27.4 acres located northwest of Quincy (3.7 miles), northeast of Gretna (2.5 miles), west of SR 267 and southwest of the St. John's Community, on the south side of Shade Farm Road, accessing Pete Smith Road

**Potential Lots:** 5

**TAX ID:** 2-22-3N-4W-0000-00114-0000 AND 2-23-3N-4W-0000-00230-0000

**Planning Commissioner Recommendation:** Based on a number of findings listed in the agenda report, the Commission voted 6 - 0 on October 10, 2006 to recommend denial of the Land Use Amendment. They found it to was inconsistent with the Comprehensive Plan and Land Development Regulations and indicated by the findings. The primary reason for recommending denial was because if this LUA is approved, it would leave a pocket of AG3 land isolated from other larger AG 3 lands. It would tend to indicate that there would be a leap frog scattered pattern of land use.

**Prior BCC Action:** November 7, 2006 and April 3, 2007 the Board approved the LUA for transmittal to DCA for their review.

**DCA reviewed the amendment and provided no objections.**

**Staff Recommendation:** Approve the LUA request and the draft ordinance amending the adopted Future Land Use Map (FLUM) by changing the land use category on the property described above from AG-3 to AG 1 land use category based on the

findings listed in the agenda report.

Mr. McCord briefed the board as to the information contained in the agenda report as filed with the clerk.

Chair Dixon called for public comments. `

**Bryan Chapman** addressed the board to say that he no longer has any objections to the land use change.

**UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 0, TO APPROVE THE FIRST READING OF THE ORDINANCE AND CHAPMAN-DONOFRIO LARGE SCHALE COMPREHENSIVE PLAN AMENDMENT AND LAND USE CHANGE DESCRIBED ABOVE.**

**18 Public Hearing - Comprehensive Plan Amendments (CPA-2006-16AD) (A-L, N-O, Q, and S) Administrative Future Land Use Map Amendments - First Reading of the Adopting Ordinance**

The Growth Management Department requested approval of sixteen FLUM amendments to change the land use designation on parcels to reflect the actual or originally intended land use designation for properties and to establish a land use to provide consistency with the existing use of the property with the FLUM. Five of the sixteen amendments are large scale plan amendments and were transmitted to FDCA for review and comment before adoption. The FDCA reviewed the proposed administrative amendments and provided no objections.

Amendments A - J (Public Parks) - The purpose of these amendments is to assign the Recreation (REC) land use to each of the county owned and/or county maintained parks.

<b>Amendment Number</b>	<b>Park Name</b>	<b>Number of Acres</b>
A	Sawdust	4.74
B	St. Johns	2.00
C	Robertsville	2.00
D	Rosedale	.93
E	Friendship	2.12
F	Scott Town	1.2
G	St. Hebron	2.02
H	Shiloh	1.78
I	Drake Acres	1.13



J

Pat Thomas

6.03

**Amendment K ( Shaw Property on Cooks Landing Road**

84.1 Acres from Conservation to AG 3

**Amendment L (Havana Middle School)**

49.86 acres from AG-1 to Public

**Amendment N (Iron Bridge Road - Rich Bay Area)**

99.98 acres from AG-2 to AG-1

**Amendment O ( West Gadsden High School)**

62 acres from Urban Service Area to Public

**Amendment Q (Williams Property)**

All of proposed lot 7 (east 3/4ths) (2.25 acres) be changed from AG 3 to RR; all of proposed Lot 6 (7.32) acres be changed from RR to AG1 (western approximate 50 ft.); and that the eastern approximate 300 feet of proposed Lot 6 (4-25-1N-4W-0000-00231-0300) (6.97 acres) be changed from AG-3 to AG-1.

Chair Dixon called for public comments.

**Amendment S - ACHS Properties, Inc. - CAP 2006-16AD(S) - La Salle Drive Area near the hospital - Changing 13.6 Acres from Industrial to Public**

Mr. McCord stated that this property consists of two properties currently used as health clinics located just south of Gadsden County Hospital. The two properties are owned by ACMHS. In 2005, they submitted a letter requesting confirmation that the use of the property complied with the land use. Since the site was used as a clinic, staff felt it would be more appropriate to designate it as Public land use.

Chair Dixon called for public comments.

Mr. McCord stated that FDCA had some objection to the proposed amendment "T" - Mining Lands CPA 2006-16AD(T) It is not included in the ordinances at this meeting. It was pulled from consideration by the staff.

Chair Dixon called for public comments on the ordinances described above.

**There was no response.**

There was brief discussion among the board.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTE 4 - 0, BY VOICE VOTE, TO APPROVE THE FIRST READING OF THE COMPREHENSIVE PLAN AMENDMENT (CPA-2006-16AD) (A-L, N-0, Q, AND S) AND ORDINANCES AS DESCRIBED ABOVE.**

**19. Ebony Estate Small Scale FLUM Comprehensive Plan amendment - CPS-2007-08 - Second Reading of the Ordinance 2008-003**  
Changing 9.94 Acres from AG-2 to RR

Growth Management Director Bill McCord gave a brief description of the land use change and reminded the board that they approved the first reading of the proposed ordinance at a previous meeting. He also explained that there appears to be a property boundary dispute between the Murray's and some of the neighboring property owners.

See the agenda report for further details which was filed with the clerk.

Chair Dixon called for public comments.

Ms. Latasha Murray addressed the board. She also spoke to the issue of a boundary dispute with Ms. Marionette Bryant and her son, Mr. Darrell McMullen.

Rev. Marionette Bryant and her son Mr. Darrell McMullen addressed the board. They demonstrated on a map where they believe the boundaries are supposed to be and where Ms. Murray's stakes are located. She said that when she purchased the property, she had it surveyed and concrete monuments installed. She also stated that the monuments have been removed from the ground and left lying on top of the ground.

Chair Dixon restated the issue before the board as being approval of the land use change and clarified that boundary disputes are not within the parameters of the board's authority. He suggested to the applicant that they have their surveyors and/or the title companies to get together and try to resolve the boundary issues. Otherwise, the only way to resolve it is via a civil court judgment.

Discussion followed.

Chair Dixon once again called for public comments as to the land use issue only.

Ms. Murray's surveyor requested to speak, but Chair Dixon again stated that his testimony would have no affect on the land use issue before the board, since boundary disputes are not within the board's authority to resolve. He declined to take further comments relative to the boundary issue from either party.

Discussion followed among the board.

It was clarified that the board was approving a land use change that will only affect the property owned by Ms. Murray, wherever it is finally determined to be.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE ORDINANCE 2008-003 KNOWN AS EBONY ESTATES SMALL SCALE FUTURE LAND USE COMPREHENSIVE PLAN AMENDMENT - CPA 2007-08. CHANGING THE LAND USE OF 9.94 ACRES FROM AG-2 TO RR.**

**20. Approval of New Branch Library Location, Execution of Resolution, and Execution of Certification of Application for a State of Florida Public Library Construction Grant**

County Manager Marlon Brown briefed the board on the above stated issue explaining that the deadline date for the grant was April 1, 2008. However, he stated that given the fiscal environment of the state and local government, he would recommend that they not move forward on this project.

Following some discussion, it was apparent that the board was not ready to make a decision at this meeting. It was suggested that it be tabled until the March 31, 2008 workshop.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO TABLE THIS MATTER UNTIL MARCH 31.**

**21. Discussion and Direction for the Maintenance of Non-Maintained County Roads/Rights-of-Way**

County Manager Marlon Brown stated that this agenda item seeks board direction on the county's policy concerning maintenance of the county rights-of-way on which either the roads were never constructed or at least never maintained for some reason.

He referenced a policy adopted by the board in 1995 which is attached. According to the policy, the county's practice has been to not maintain these deeded rights-of-way if the roads had not been constructed or maintained previously. Subsequently, the board came to a decision as to which roads would be maintained and adopted a policy not to accept any more dirt roads into the county's inventory of roads. The policy did not state that the county could not or would not maintain the deeded rights-of-way if requested or directed by the board.

He called particular attention to Wood Run in Colonial Estates. He said there is some question as to whether it was actually constructed when the rights-of-way were deeded to the county in 1973 along with all the roads in Colonial Estates. He reported that a land owner has contacted public works with a request to at least mow the roadway so as to at least allow for access to his property.

A fiscal analysis was made a part of the agenda report.

Chair Dixon:

I asked the county manager and the attorney to look at this. It is kind of a no-man's land, if you will, certainly a quandary for the county. The right-of-way of way has been dedicated to the county, so anybody looking at a map, tell me if I am wrong about this Ms. Kellum, anyone looking at a map can be under the impression that it is a public right-of-way. You may come up.

Mr. Dodson, I have you, and you may come up as well along with Ms. Dalean.

Let's let the lawyer talk for a minute, but that is the situation. It is a publicly deeded right-of-way. It is not a private road. It is by all intent and purpose, a property of the county that we may have chosen not to maintain or wasn't built or whatever. It is not like you can un-deed it or give it back to the land owners or give back to the developer. It has been given to the county.

Kellum:

Since you asked me a question, may I state my name and make a statement that maybe can correct some of the information that I have heard.

Dixon:

Please,

Kellum:

I am Betty Kellum. We have offered for sale a piece of property that a Mr. Proctor owns in Colonial Estates. I worked for David Smith in 1979 and I believe in 1978. Mr. Davis Smith had Mr. Billy Ray Hitson to build those roads. They were built. Billy Ray Hitson also built that Winding Creek Road that you spoke to earlier tonight. If he built them, they were built to county specifications. I was not here in 1973, but I was here in 1978 and 79. I spoke with Mr. Croley earlier - he and I both worked for Davis Smith in the late 70's and early 80's - and he and both represented those properties with a county road. Our firm did represent them as county roads. So, the information you have, Mr. Brown, is somehow incorrect in that those roads - Colonial Estates, this particular road (back then) was built and it was built by Mr. Billy Ray Hitson and it was built to county specifications, deeded to and accepted by the county.

Dixon:

Well, the only reason that you know that is because you were here. None of us were here. You've got a picture in your mind and we don't. We've got to read the papers.

Mr. Attorney, you want to tell us what you found out about this and then Mr. Dodson, I will let you have a word.

Williams:

That actually goes to some of the concerns that I had as I did the research on this issue as I discussed with you, Chair, and with the manager. What I always try to do is talk about what should be, then we talk about what is and then that let's us know the parameters about how to set your policies. What is supposed to happen is just what was outlined. You have county standards, you have a county road system. If a person or a developer wants the county to accept the road, the county won't accept the road unless the road meets the county standards. You actually have criteria that outlines what they are supposed to do and the time frame for when the transfer is supposed to occur.

The theory is that when the transfer occurs, whatever your county standards are, you have a road that if you had built it, you would have built it the same way so that it would last basically the same amount of time. What we thought had happened before we just had this testimony, was that the road was never accepted by the county, excuse me, it was accepted by the county, but, it wasn't at county standards.

So, what I had suggested is that you basically got to have two criteria. You've got to have roads that meet county standards and that we are following normal county policies and that you would not accept the road unless it meets the proper standard. It appears, but we are not sure now, because we don't actually have a case like this. But, there may be roads that were accepted by the county, but they didn't meet the county standards at the time they were accepted. The reason that is a problem is that the reason that you can accept a road, from a budgetary standpoint, you can know what your costs are when you accept that road.

Commissioner Lamb, this goes back to Deer Ridge and the problems that we had out there because of making sure that if we accepted that road, that it was at county standards before we would accept it. So, what I suggested is that if you wanted to form later policy that upon acceptance, you would maintain the road based on whatever your normal maintenance of a county road would be - that would be appropriate and consistent with the way that you treat the roads. If you had a road that was accepted, but was not at county standards, you, in my opinion, would be free to adopt a policy that would bring that road up to county standards and then you could then maintain it like you did any other road because you have to balance out the budgetary costs.

So, that is what I have outlined. It is not a perfect answer, but it is a situation that didn't follow with what the normal process is, which is you shouldn't by normal county policy or any other county or any other state agency - DOT, for instance, normally would not accept a road unless it was at the standard of the county at the time that it was accepted.

Dixon:  
Did he lose all of ya'll, too?

Williams:

I could say it shorter.

Dixon:

Ms. Kellum, because I think this changes the whole thing for me - your testimony that the roads were built and that the county allowed the road to fall into disrepair and disuse. That changes the whole thing.

Madam Commissioner?

Holt:

I am not saying this necessarily about this road, but there are other roads in this county, when you look at that map, there several that are built and not built - but, what I am questioning is, is there any documentation - I know that the roads were given to the county, but the documentation that the road was built - that is part that I need.

Kellum:

Mr. Billy Ray Hitson is still alive and probably could document it.

Holt:

When we go out on this little roads, we need documentation saying that the county built that road.

Kellum:

The county did not build it. The county accepted it after it was built.

Holt:

Well then, we need documentation that he built the road and that the county accepted it.

Kellum:

As far as I have in my possession, I only know that Mr. Billy Hitson is alive and he could attest to it.

Holt:

That is what I need - some documentation.

Lamb:

In view of the fact that the county did accept the road from the individual who built that subdivision, and it is an individual case where I don't think it would cost that much for us to go in there and grade the road to a point where they could move around. I don't know there is a problem for

us to go in there and do what needs to be done on the road. We do own the road. I don't think it will cost us hardly anything. It is an individual case. When another case comes about, then we would have to study that case. But, I don't think there is much for us to do here except try to upgrade the road where they asking us to just upgrade it, mow it or whatever. I would like to know what all you all are asking us to do?

Dodson:

I am Jackie Dodson. I represent the buyer of the lot that has got it under contract and has contingency on what action the county takes on the road situation. Let me reiterate a little bit.

In 1976, I built a subdivision - Sandy Creek and I ran into this same problem. I moved away. The county had me to build this road to county specs. They would not accept it until it was done. Of course, there is documentation on that one in 1976. We are now talking about one in 1973. I moved away a short time and when I came back to build in Gadsden County, this road that I had spent all this money to build to county specs was grown up in pine trees. So, at that time, 10 years ago, I contacted the County and they corrected it.

We have a similar situation here, where this road now, mowing would take care of most of it, but we have a few 16 and 18 inch pine trees that are right in the middle of the right-of-way. After going out myself and measuring what is there and looking at the contour of the road, this road was at one time built as I had to do the ones in Sandy Creek. It looks like it has the right pitch, it's got the ditch in the right-of-way. Of course, it was not maintained and it has allowed to grow up in vegetation. What we are asking is - my buyers would like the big trees taken down so it could be used. Right now, you couldn't get heavy concrete trucks and sand trucks in there. Right at the beginning of the road, there is a 16-inch pine tree right in the middle of it. It is one foot off the center of the right-of-way. If you leave what is there on the side, it will help to stabilize runoff because this is a sloped lot. The road is sloped going into the lot. That would help stabilize and help cut down on erosion. What we would like to do is to at least take down the big trees, mow the right-of-way out to where we can get equipment in there and to stabilize it to where we are not washing and we wouldn't later be calling



the county every time it rains about dirt coming in the front door. Stabilize it with some impervious materials similar to limerock. We are not asking you to come out there and build another whole road. If you will just do those minor things, from my past experience, this would suffice to keep this road in good shape and keep the budget down on the maintenance.

Lamb:

I have no problem with going in there and doing what he is asking us to do so they can get their equipment back and forth. I don't think it will cost us that much to do that.

Price:

Mr. Presnell, can we hear what he's go to say about that?

Dixon:

Mr. Presnell, come one.

Price:

Mr. Presnell, have you been out there to see the road?

Presnell:

Yes, sir. Several times.

Dixon:

So, it is ours.

Presnell:

Yes, it belongs to the county commissioners.

Dixon:

I think we have established that. That is one question - Does it belong to the people? And I guess what we need to do is go back in the record and figure out is- at that point was the board, and Mr. Dodson spoke to that point to some degree, under what standard of roads was the county accepting roads under?

Presnell:

Basically, what ya'll are trying to do back in 1995, and I have talked to two employees who have been here for over 25 years, the board, back in 1995, when the board was going through E911 addressing, they were trying to determine public versus maintained. So, the board just decided what would be maintained and what was not going to be maintained. If they had been maintained four years prior to that, they

would continue to be maintained.

For instance, down at the lake in your district, there were miles and miles of deeded road, probably moreso in that district than anywhere else in the county... They are on paper, but that is it. The board, over the years, accepted a lot of roads in subdivision, especially in District 1, way after the fact. Some of those were pretty good, but some were just pig trails. We still have those today. Wayside Farms is an example a couple off the main - places where we have been and paved roads, but those roads were never opened up and maintained. This particular roadway has large pines, it is a pretty steep grade going down there. I imagine the owner and the developer, Billy Ray probably pushed that road in there to meet whatever he had to meet, but there has clearly been no grading and ditch cleaning. It's a pretty good slope in there. The washing that he mentioned is something that is going to have to be dealt with. If this board decides to go in there and mow it, we could do that. People move in and they are probably going to ask for more. As you do more, if you go in there and grade and pull the ditches, the erosion will be an issue.

Dodson:

That is one reason that I mentioned that you should leave the ditches alone. They are in good shape, let the vegetation that is there, stay there because it will help with the erosion.

Another issue is that Talquin Electric is going to require at least 15 ft. of clear area to run their power down to where we are planning to build houses. So, they are going to have to have at least 20 - 30 ft. by the time Talquin gets through. Like I said, mowing will take care of most of it, but with some of the trees being 3" and 4" in diameter, that is a little more than mowing that will be required there.

Dixon:

O.K.

Holt:

You are giving me that look.

Dixon:

Commissioner, I think that it has been established that 1) The public owns it. So, we don't have the luxury of not

doing anything or giving it to somebody else. I think a lot of these roads, until people request otherwise, we are good to leave them as they are. But, because they are in our inventory and because they are publicly deeded, it is a slippery slope, but I don't see where we have any alternative. It is not a private road. There is no doubt about whether the road is public. If we accept Ms. Kellum's word at face value, and I have no reason to doubt it, at some point, the county, and Mr. Dodson just reaffirmed that the county at some point decided those neighborhoods were not being pressured to grow and the county just decided to leave them. There are quite a few places, as I know.

Now, we are being asked to come back and service them to some degree. Can we pave those road? No. They are going to have to wait to the end of the cycle like everybody else. But, I do feel that we have some obligation to out there and open that property up.

Holt:

I thoroughly agree with you and I have no problem in doing that. I have been knowing Ms. Kellum a long time, but I do ask that she provide some documentation on the road. When they are not built or were not built by the county, that we have a decision making process to go by when we do decide to go back and do them. We need to have something in place - if a contractor builds them, or if we build them, so we can move on.

Dixon:

I think that is what the attorney was trying to say. We need to develop some criteria - If it was built to standards and we accepted it, that is one thing. If it was just deeded to us and never built, that is something else. So, we will encounter this again and again and again and we might as well develop some criteria to deal with it up front and in your face.

Kellum:

I will be glad to go to Mr. Hitson tomorrow and get him to sign something saying that he built that road and bring it to your office.

**UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 0, TO AFFIRM THAT WOOD RUN IS A COUNTY ROAD AND A PUBLIC RIGHT-OF-WAY AND THUS, THE COUNTY**

IS OBLIGATED TO MAINTAIN IT.. THE MOTION FURTHER DIRECTED THE PUBLIC WORKS DEPARTMENT TO CLEAR THE ROADWAY SO IT CAN BE TRAVERSED BY TALQUIN ELECTRIC AND BUILDING CONTRACTORS.

There was a consensus of the board to develop a policy and a process to deal with this type of issue in the future.

**22. Approval to Apply for a Transit Service Development Grant from the Florida Department of Transportation to Re-Establish the Quincy to Tallahassee Shuttle u**

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE APPLICATION FOR A TRANSIT SERVICE DEVELOPMENT GRANT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION TO RE-ESTABLISH THE QUINCY TO TALLAHASSEE SHUTTLE (OPTION B OF THE ATTACHMENT 1) AND OTHER NEEDED EFFORTS TO ENSURE SUCCESS OF THIS SERVICE.

**22A Approval of Provision of Matching Funds for Emergency Funding of Big Bend Transit, Inc. OMB-BA# 080049**

County Manager Marlon Brown stated that this item seeks approval of Budget Amendment to provide matching funds in the amount of \$11,014 to be combined with the provision of \$99,127 from the State of Florida Commission for the Transportation Disadvantaged. The funds would come from the General Fund Reserve for Contingency.

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

**COUNTY MANAGER'S AGENDA**

The manager had nothing else to report, however, he minded them of the March 31<sup>st</sup> special meeting to review the priorities for the upcoming year.

**COUNTY ATTORNEY'S AGENDA**

The attorney had no items to discuss.

**COMMISSIONER LAMB, DISTRICT 1**

Commissioner Lamb had nothing to report.

**COMMISSIONER PRICE, DISTRICT 3**

Commissioner Price had nothing to report.

**COMMISSIONER HOLT, DISTRICT 4**

Commissioner Holt asked that the matter regarding county maintained roads be brought back to the board as soon as possible.

Jon Brown announced the Five on Five Meeting in Gretna Thursday at 7:00 p.m. at the Tabernacle Church of Christ - just off US 90.

**CHAIR DIXON, DISTRICT 5**

Chair Dixon stated that the Legislature will soon be convening and it is most important that the entire board avail itself to travel to Tallahassee and go after the dollars that will be coming out of the session.

He then reminded them of the Lake Talquin Open on March 21-22, 2008.

**RECEIPT AND FILE AGENDA**

26.

- a. - Letter to Chief Cindy Dick Regarding Gadsden County Plane Crash
- b. - Letter from the Florida Department of State Regarding Gretna School, 772 Church Street, Gretna, Florida
- c. - Letter from the Florida Department of Health Regarding the FY 2006 Audit Report
- d. Letter from the Florida Department of Community Affairs Regarding Completed Review of the Adopted Comprehensive Plan Amendment
- e. Letter from the Florida Department of Environmental Protection Regarding Application Submission and the Need for Additional Information

- f. Letter from the Florida Department of State Regarding  
Receipt of Ordinance Number 2008-002
- g. Letter from Governor Charlie Crist Regarding Challenges  
Faced by Florida's Rural Counties
- h. Letter to Governor Charlie Crist Regarding Securing  
Additional Support from State Agencies
- i. Letter from Nicholas Thomas Clerk of the Circuit Court  
Regarding Cash Report

**ADJOURNMENT**

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

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**Edward J. Dixon, Chair**

**ATTEST:**

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**Muriel Straughn, Deputy Clerk**

**AT A SPECIAL MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS HELD IN  
AND FOR GADSDEN COUNTY, FLORIDA ON  
MARCH 31, 2008, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.**

**PRESENT:** Edward J. Dixon, Chair, District 5 (arrived late)  
Eugene Lamb, Vice-Chair, District 1  
Doug Croley, District 2  
Derrick Price, District 3  
Brenda Holt, District 4  
Marlon Brown, County Manager  
Muriel Straughn, Deputy Clerk

**CALL TO ORDER**

Vice-Chair Lamb called the meeting to order in the absence of the chairman.

**Invocation and Pledge of Allegiance**

Commissioner Croley led in the invocation and County Manager Marlon Brown led in pledging allegiance to the U. S. flag.

**Funding Eligibility by Funding Category**

OMB Director Davin Suggs gave a detailed presentation of the projected revenue and available resources that can be utilized for the upcoming budget. He also explained the fund balances in each category of funds.

**General Revenue**

- There is very little money in General Revenue with which the board can use. He recommended caution when redistributing these funds. He reiterated that the board adopted a policy to retain 20% of the budgeted revenue in fund balance. While the general revenue can be used for any project, there is not a surplus in the general fund balance. The unaudited fund balance is \$3.1 million which is less than what the board's policy calls for - which would be \$3.6 million. (Enough revenue to operate for the first quarter of a new fiscal year until ad valorem tax revenue begins to come in.)



### **Transportation**

- Staff strongly recommended that the board maintain an amount equal to the annual debt payment in reserve in the Transportation fund. The annual debt payment is approximately \$1 million.
- There is between \$900,000 and \$1.5 million in the upcoming budget which the board can use its discretion for spending on Transportation projects.

### **Surtax**

- Approximately \$1 million dollars available for appropriate projects.

### **Capital Projects**

Mr. Suggs stated that the County has no free money in revenue at this time to pledge toward any more debt. In order to acquire new debt, the board would have to make room to handle the debt payment. He said that there are two ways to do that. 1) New increased revenue coming in or 2) create revenue by cutting or eliminating uses of current revenue.

A number of critical needs for space were revealed by the recent facilities study by the consulting professional architect. It identified the following needs:

- Renovation to the Woodham Justice Center
- Renovation to the Butler Building
- Three new structures -
  - o New Courthouse;
  - o EMS Building;
  - o Tax Collector and Property Appraiser.

Discussion followed.

It is noted here that the Board has been engaged in discussion with the Spears family regarding the purchase of the building which has been leased for the Property Appraiser and Tax Collector for over 30 years. However, the purchase of that building is tied to the purchase of the adjoining property where a gas station stood until recently. There are still fuel tanks in the ground on that parcel. Before that property can be used, the fuel tanks must be removed and there could be some mitigation issues that will arise from that. The county holds a

three year lease, but the property is for sale. The lease does provide for the right to purchase.

Dixon: So, basically, as I understand it, if we are talking buildings, and right now we are talking surtax, we can talk about either buying a building or two, based on what we decided to purchase or build, we can look at debt service which probably means we can buy more building, but we've got to pay for it over time, or some combination thereof.

Suggs: Just one caveat. When you are talking about debt and what is available to service the debt - the manager and I talked today and we may need for the county attorney to look at this, but, in terms of servicing the debt, right now, the way I read the statute, the surtax is not available to service debt. The way the statute reads you would have to go to referendum in order for you to be allowed to take on debt. So, the question - I cannot interpret it for you - but, it passed one time, but does that mean that it is good forever, or does it have to go back each time? So, I would defer to the strongest

Dixon: However we decide, whatever fund, there are options out there, but we have to dedicate a funding source to it.

Suggs: If you are going to consider debt, you need to look strongly at dedicating a way to pay it back.

Croley: My question is, "Does the funding of this debt require a public referendum?"

Dixon: If you use this money.

Suggs: If you use surtax money, I would say, "Yes."  
If you are using general revenue, I would say, "No."  
Because, like we funded the library, we pledged  
(inaudible).

Right now, I would say, "No." But, if it is any other revenue, I would say, "No." But, I will go back and look again at special caveats.

Croley: That is something the attorney ought to be able to answer.

Dixon: They like to tell you what you can and cannot do with

tax money. I should be clear.

Suggs: Like I said, it depends of the specifics - each source of revenue has specific caveats when it comes to debt. We'll have to look at it at that time.

Dixon: Can we move to a new pot of money?

Suggs: We will begin at the beginning and just work our way through.

The first section is a section that is easy for you. We can do them within existing resources in either our current level of operating budget, which may change. We can come back and talk about them, but we can do them with either funding or staff.

Under comprehensive planning and code enforcement - this is the dedicated task force - we can bring the specific areas of county staff whether it be law enforcement, code enforcement or planning and zoning and building inspection together to help clean up the county in the terms of an internal task force. That is about it in terms of existing resources.

The other one was for Mr. McCord to address a county bill of rights for Gadsden County citizens. That can possibly be done within the existing resources.

Brown: Commissioners, I don't know if you have read in the paper that the Senate and Legislature has delayed any decision on Citizen's Bill of Rights. I you want us to continue absent of that, we can continue developing our own.

That was an item brought by Commissioner Croley and the staff has been working on developing that citizens bill of rights. But, again, we can continue moving forward absent of the State doing something

Croley: Mr. Chair, I would like to move that we continue to move forward on it. As the manager and I have discussed, we have gone a little slower to see what was going to come out of the State. Now we have a little time to do a little research. Many counties have moved in this direction and it would go a long way toward perhaps helping us with our planning and zoning process and give

our citizens better information. I know Commissioner Holt has brought this up a couple of times where citizens have not understood the process. This would be an effort to do the right thing and keep the public informed. So, I would like to keep working because I do think that something is going to come out of the State. It's either that or we are going to be faced with another citizens referendum.

Holt:

### **GOALS AND PRIORITIES**

Mr. Suggs then went through the priorities and goals which was compiled from previous action of the board. See the attached documentation outlining those priorities and the possible funding sources of each.

### **Libraries**

County Manager Brown recalled that he had previously recommended that the board not move forward with building another library at this time, given the fiscal environment of the state at this time. However, he stated that he has reconsidered that recommendation based on news coming from the Legislature that there will be some money available for grants for libraries. He then recommended that if the board decides at this meeting to build another library, that they choose the location so that the grant application can be filed immediately.

Mr. Suggs then went through the attached materials which describes the Funding Eligibility by Funding Category

### **Citizen Bill of Rights**

Commissioner Croley recommended that the board continue to move forward with Citizens Bill of Rights even though it appears that the Legislature has postponed taking any action in that regard during this legislative session.

### **General Government**

Three issues were identified as priorities:

- Reduce Administrative Cost - This will require no additional money, it will be accomplished within existing resources.

- Quarterly Reports on Operational Production: To be accomplished within existing resources.
- Revenue Enhancement/Grant Procurement/Commissioner Outreach to Other Legislators: To be accomplished with existing resources.

### **Transportation**

Two issues were identified.

- Road Maintenance - Repair roads and culverts - The items listed as priorities can be handled within existing resources. 2008 Budget for road maintenance was \$2.2 million.
- Safety Enhancements - Stripping, guardrails, etc. Items listed specifically as priorities can be addressed by staff in existing resources. There is money allocated in each of the five years in the five year plan for safety enhancements. It can be further addressed during the budget season if the Board wishes to allocate more funds than what is already budgeted. (If they wish to get these matters addressed sooner than later.)

Commissioner Croley asked what it would cost to hire additional OPS employee to monitor how the safety issues are being resolved.

Mr. Brown stated that he felt that it is the responsibility of the supervisor of public works to follow up to make certain that weight restrictions are properly posted to deal with any safety issue dealing with roads and bridges. He said following discussion with staff, it is believed that there are adequate resources to do that. He asked for another year to monitor the situation.

Chair Dixon raised concerns about the striping of the roads.

Public Works Director Robert Presnell stated that guard rails and striping are in the current budget and they are being addressed. He then explained the kind of stripping that was recently bid out. (High quality paint with reflective glass added to the paint.) He said the roads to be stripped were ranked according to greatest need.

Commissioner Croley raised concern about some of the road shoulders which drop off and cause some erosion. He asked, "Are

you going to be able to address this in a major way or are you going to be back to doing the minimum?"

Mr. Presnell replied, "We are trying to dedicate one crew to it. The manager and I were on a road to day where we saw some evidence of where the shoulder crew had been. We actually went by the crew. We will have one crew. You will not see them in every district. That is not our plan at all. As Davin mentioned, you would need to fund additional resources to hit it in any large operational way. It takes one to two dump trucks as well. Some of them you have to (inaudible) and some of it, you have to add. High spots, you remove. Other spots, you have to fill in to do a shoulder properly. It takes a motor grader, a couple of trucks, pick-up, four men."

Commissioner Croley stated that he has seen improvement, but it remains a problem in all districts.

Mr. Presnell said as road and safety issues are brought to his attention, he responds immediately to rectify them. Otherwise, he has a routine maintenance schedule that he follows.

Mr. Brown said that he and Mr. Presnell are riding the county in an attempt to rectify issues before they become a problem.

Commissioner Holt suggested that when property owners petition the county for road improvements, they should be informed in advance of all the consequences that come with that improvement - such as storm water runoff ramifications. She surmised that once people get a good understanding of how the resulting water flow will affect their property, they may choose to not have their roads paved.

#### **GENERAL REVENUE CATEGORY**

##### **Comprehensive Planning - Corridor Plan and Comp Plan**

- Update the Comp Plan using a consultant
- Develop Corridor Plan for US 27 (new) and US 90 (update) - \$130,000

##### **Culture and Recreation**

There was a consensus to skip this category until it could be determined if there would be adequate funds to address it.

### **Compensation Study**

County Manager Brown reported that Phase I of the Compensation Study was implemented. The second phase will cost \$275,000 which will be scattered over many different funds. He recommended that they go ahead and approve the implementation of the second phase. The second phase will bring each position within each classification up to a level so as to be competitive in the market.

Discussion followed.

Commissioner Croley asked who would be receiving the raises.

Mr. Brown replied that it would be the rank and file employees - not contracted employees.

Chair Dixon said that it is important to keep the skill sets of key people when things get tough in the economy. Paying them competitive salaries insures that you keep those skill sets.

There was a consensus that the employees are the greatest asset which the county has. However, it was emphasized that along with the compensation increase, there would be accountability measures put into place that would insure that production was in line with the salary increases.

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT THE BOARD VOTE 5 - 0, BY VOICE VOTE, TO APPROVE THE IMPLEMENTATION OF PHASE II OF THE COMPENSATION PLAN.**

After some discussion regarding how the meeting should proceed from this point, it was decided that each commissioner would name their priority projects, then they could work through the money allocation according to the projects which received the greater consensus of the commissioners.

Dixon: Am I the guy that gets to go first? Ya'll are looking kind of shy. Let me look at my list here. Mr. Suggs has messed me up.

I am interested in funding

1. the permanent facilities for the Boys and Girls Clubs in Quincy and Chattahoochee;
2. the expansion of the Supervisor's Office and;

3. a new Veteran's park.

How many is that? Three? Is three enough? I will stop there. Then I've got some other smaller items, but they will wait for discussion.

Who is the next brave soul?

Lamb: I will go.

1. Three roads in my districts;
2. the expansion of the Supervisor of Election's office;
3. Boys and Girls Club in Havana

Brown: Commissioner, what was the first one?

Lamb: Three roads.

Brown: Do you want to name those roads?

Dixon: Then we get down to one new B/G in Havana,  
One new B/G in Gretna.

Lamb: Yeah. Deer Run.

Brown: That one is on the agenda this evening.

Croley: Is this for this year or next year?

Dixon: This year we can do it.

Lamb: This year.

Then Horseshoe and Azalea Trail.

Brown: Horseshoe and Azalea Trail.

Dixon: Go ahead, Commissioner.

- Lamb:
2. Supervisor of Elections office;
  3. and fund a Boys and Girls Club in Havana.

Dixon: You want a club - the \$75,000 club operations, so that is re-occurring.

Lamb: Yes. There is another small one, but I'll let someone else go for their big ones.



Dixon: Commissioner Price?

Price:     1. The Supervisor of Elections office;  
          2. permanent place for our Boys and Girls Club;  
          3. and our library in Greensboro;  
          4. and continue with the road paving in District 3.

Brown: Commissioner, do you want to be specific because, again, we are dealing with one pot of money. So, we will need to know how many roads?

Dixon: That is a whole fight in itself. When it gets to the list, and it will get to the list because those are dedicated dollars - let's just go from there. Let's just say that you've got roads you want paved. Is that alright? We can only do roads with that pot of money. That is another discussion.

Croley: That is my question. Are you trying to deal with each fund or are you talking about broad base?

Dixon: Not yet. Let's just try to figure out where we've got unanimity and then we can break it out.

Commissioner Holt?

Holt:       1. Yes, the statue at the courthouse,  
          2. the Supervisor of Elections office,  
          3. the Boys and Girls Club in Gretna and  
          4. the two permanent facilities.

Dixon: Commissioner Croley?

Croley: My focus remains  
          1. road improvements,  
          2. bridge maintenance improvements,  
          3. emergency services improvements;  
          4. and the jail facility improvements  
          5. along with (I'm going to add a fifth one in here and that is) fire hydrants and the  
          6. water stream clean up and the expansion on inmate crews.

I think those would do us the greatest amount of good for the greatest number of people throughout the county.

Price: I would like for us, if we can, to fund a fire substation station for the St. Mary's area.

Croley: What do you mean by substation? I mean, you've got to have the volunteers. But, they've got to come forward.

Dixon: He's talking about a plan.

Alright. According to my notes, we have four who want the Supervisor of Elections office expansion; one new Boys and Girls Club in Havana; one new Boys and Girls Club for Gretna; three for Boys and Girls permanent homes in Chattahoochee and Quincy.

Brown: Mr. Chairman, if I may get clarification. The Boys and Girls in Havana - Is that just operations or is that -

Dixon: Just operations.

Lamb: Operations.

Brown: Gretna - is that operation?

Dixon: Yeah. So those are reoccurring dollars.

Brown: So, that is two operations.

Dixon: We've got one new fire plan in St. Mary's; one new library - was that for Greensboro, Commissioner?

Price: Yes.

Croley: Mr. Chair, may I ask one question? Is this going to include any grant application or matching monies for grants? If that is the case, which I wasn't clear on that. I thought we were talking primarily capital expenditures as well as operations. I would like to ask that we set aside some money - it is my understanding that for a water quality study of the Little River Watershed, we could include in Districts 1 and 2 and 5 - because there is money at the Northwest Florida Water Management, but they will require a small match. I do not know exactly how much that will be, but this will be important to the lake. This is where this

water is ending up. That study will be beneficial to the residents through out the county. If we find that it works, it might be useful over in the Telogia Creek watershed.

Lamb: Mr. Chairman, on the grant side, I would like to consider a library in Midway also.

Holt: You can put one in Gretna, too.

Price: And Greensboro.

Holt: He has already said Greensboro.

Dixon: Libraries in Greensboro, Midway and Gretna. Let's proof the list.

Now, out of the GR, we are talking EMS, - Would fire come under GR?

Suggs: That would come from surtax.

Commissioner Croley, were talking about fire hydrants or infrastructure?

Croley: Fire hydrants would be capital improvement and would meet the definition of broad -

Brown: That would come under fire suppression and would come from the surtax.

Croley: The need for improved EMS facility. Maybe we can't build a million dollar building, but, certainly we can make some improvement - that little structure that they have and others around the county - they can certainly make some improvements.

Dixon: It is just in the wrong place.

Just the big ticket items. We've got four votes for Supervisor of Elections office expansion. We've got three votes for permanent homes for the Boys and Girls Clubs, then we have one for a new Boys and Girls Club in Havana; one for a new Boys and Girls Club in Gretna; we have one vote for a new fire plan for St. Mary's; a new library for Greensboro; one for Midway; one for Gretna; one vote for a new EMS building; the remainder of the

stuff, if we can clarify these, then we can clarify the other stuff on the list and the road projects. We can discuss that when we discuss that pot of money.

So, let's take the first one. Davin bring up the Supervisor of Elections expansion.

Suggs: O.K. We are looking at a manufactured metal building right now. Our architectural plans are about \$290,000 purchased. We already own the land.

Dixon: Where would that be located? Right next to them?

Suggs: Yes, it is directly south of them. You know where that dirt parking lot is next to them.

Dixon: Will it be attached to the building?

Brown: Commissioners, let me have Spencer, Mr. Bowen share with you what the concept will be for that facility.

Bowens: We have here the Supervisor of Elections office. Supervisor Knight has been working with us extensively. We came up with this floor plan that she has given her blessings on. It contains approximately 2,500 sq. ft. attached to the current physical location along with some reconfiguration of her existing station. This drawing reflects that. This will be used for storing her equipment and to accommodate her early voting requirement.

Brown: Are there some requirements for the façade from the down town prospective.

Bowens: Yes, fortunately, Joel Sampson sits on that commission and he has a good feel for it. He is actually the architect (inaudible)

Croley: So, basically you are talking about adding this addition onto the existing old fire station, so this gives her more space and she stays where she is.

I don't have a problem with that.

Dixon: But, this gives her the space that she needs as I understand it. Keep hands on those things that we hold dearly - a voting machine.

O.K.

Croley: I don't have a problem with this. You can make that five votes for it.

Dixon: We have before us the expansion of the Supervisor of Elections building. What is the will of the body?

Price: So moved.

Lamb: Second.

Dixon: We have a motion and a second for approval to the tune of \$209,000 thereabouts.

Any questions?

All in favor, sign of "aye."

All: Aye

Dixon: Please make it unanimous.

Holt: Mr. Chairman, if I may. You have not put the jail on that list. I think that is something that we need.

Dixon: It has a vote on it.

Brown: Yes, Commissioner Croley had it on his list.

Holt: I think that should be moved up (inaudible) I think that is a real need and not necessarily a want.

Dixon: Well, it didn't have but one vote, so it doesn't move up. It moves down.

Holt: O.K. Well, now it has two.

Dixon: It has two.

Price: It is a need.

Dixon: Just calm down. Hold your horses now.

### **Boys and Girls Club**

Dixon: The next thing that has three votes is a permanent home for the Boys and Girls Clubs in Chattahoochee and Quincy. Davin, give us the costs.

Brown: Excuse me, Mr. Chair, but it was actually three with Commissioner Holt requesting one in Gretna.

Dixon: We are talking permanent homes now. She is talking about a program.

Brown: Oh. She just wants operations.

Suggs We are looking at approximately \$600,000 each and that does not include the cost of the land. This is simply based on our hypothetical schematic drawing here. You see, the site sits on one acre of land. The building will be 4,600 sq. ft. There are 24 parking spaces in the parking lot, but the building itself is almost 5,000 sq. ft. The storm water management and outdoor space for a play area. It is a \$600,000 costs, but it is strictly conceptual. Mr. Sampson helped us. It gives us an idea of what we could do. It is loosely based on the site plan for the fire station in Robertsville and the one in Gretna. That is where we started from in terms of a site plan or a basic idea. He started from there and went and came up with these ideas. So, that is what that price is based on. \$600,00 per.

Brown: Again, commissioners. This is doing it using professional labor. This is not using any type of inmate labor.

Dixon: So that you can drive the cost down.

Brown: This is your maximum cost with the exclusion of the land for the facility.

Croley: When you take the crews away from public works, that means things are not getting done there. So, I wanted to ask this of you, Mr. Chair, If I may.

Let's just suppose for some reason, and I am not against Boys and Girls Clubs. As a matter of fact, I was going to say that I would lend support to the one in Havana if it will serve both Districts 1 & 2.

Dixon: I don't think you can stop the kids from coming.

Croley: Well, you know what I mean.

Dixon: It is all in the location.

Croley: This is where I am coming from. Let's just say that for some reason that the Boys and Girls Club doesn't (inaudible). Is this a multi-use building, Mr. Manager? Can you do something besides just Boys and Girls Club?

Dixon: That is wide open. Those walls can be changed out.

Price: Into a community center or something.

Brown: Correct.

Croley: Where right now would you think it could be located?

Price: We will have to find the land.

Croley: Well, it started in District 5, so -

Dixon: I am working with the Mayor for the moment. We are talking to some folks and trying to get some land donated. That will be the best deal because you can get more building for the buck. But, somewhere in the north and west of Pat Thomas Parkway That area.

Croley: Now, this is a finance question. Mr. Manager, the funds for this facility - you are saying it would have to come out of small county surtax.

Brown: Or general revenue.

Croley: Respectfully, Mr. Dixon, whether or not I will support it as a facility - my concern is the small county surtax. It is my understanding from what I read in the Statutes, I am not a lawyer, but, it was me that prompted his looking into it. It's like a three legged stool. You've got a seat that is represented by capital improvement. That surtax - one leg of it has to serve broad public works. The second leg - it's got to be for a fixed type access with a five year life expectancy and the third leg - it's got to serve the infrastructure. General government doesn't count. How is this going to

meet that criteria. We may have to look for another source of funding is what I am trying to say. We may not have to decide that right now, but -

Dixon: I see the building much like a park. It is the county initiative that supports the recreation and culture of our citizens. I don't think that is a stretch to say that you build a building that supports kids with recreation and culture. It serves the public purpose. Surely, the children are citizens.

Croley: It serves a public purpose, but how broad it is, the broad general government purpose.

Dixon: That is not broad enough?

We are building a building, but certainly that is not all that it is.

Croley: Fire services goes to everybody's house. I am saying that that particular source of funding is giving me a problem. That is all I am trying to say.

I am not shooting down the project. It's just that means of funding it.

Holt: Inaudible

Suggs: Along with this, we will sit down and talk. We need to look at utilities and maintenance outside of inmates. We are just estimating \$25,000 per unit annually for utilities and minor maintenance of the outside.

Dixon: **We have the funding of two Boys and Girls Clubs. What is the will of the body.**

Price: **So moved.**

Dixon: **We have a motion. Do we have a second?**

Holt: **Second.**

Croley: **Mr. Chair, clarification.**

**Which funding source will this come from?**

Dixon: **The surtax at this time. We will get clarity. If there**



**is a problem, they will find it somewhere else.**

Croley: Commissioner, I can't support it on the funding.

Dixon: I understand. The lawyer will double check for us.

Lamb: So, we can do it. We can support it with the -

Dixon: **If you can't do it, you just can't do it. We will have to look at other sources.**

**We have a motion and a second. All in favor, sign of "aye."**

Croley: **Will you restate the motion.**

Dixon: **We have a motion to build two permanent homes for Boys and Girls Clubs funded by the surtax or any other revenue source deemed appropriate. Will your motion so say? Will you second say so?**

Holt: **Yes.**

Price: **Yes.**

Dixon: **We have a motion and a second. Do we have discussion.**

Croley: Mr. Chairman, I just can't support it on the surtax. I just don't think that - I thin that is too specific and it doesn't serve the definition and I think that is going to create a problem. I would look for a more suitable funding source. You leave me in a situation where I can't vote with you on that funding source. It's not saying that I am against the project. I just can't support the project like that.

Dixon: It is not my intention to put you in an untenable situation.

Lamb: Davin, what other source could you get that from Davin beside the surtax?

Suggs: We have general revenue.

Dixon: There being no further discussion, all in favor, sign of "aye."

Holt      **Aye.**

Lamb

Dixon

Price

Dixon:    **Opposes?**

Croley:   **NO.**

Dixon:    **Make that four to one.**

**Davin, can we get a count?**

Brown:    You are \$410,00 over.

Dixon:    So, we have already busted that budget.

Brown:    Right. Again, we don't know what the actual costs will be for the Boys and Girls Clubs. What were the cost of the Fire stations?

Suggs:    The first one was \$300,000 and the second was \$350,00.

Dixon:    O.K. Let's move on.

Now we have a bunch of items that - Davin, I think you are going to have to put both slots of money up. Can we deal with the general fund? Do we have any money in the general fund?

Brown:    You have a lot of money in general fund. Davin, pull up that chart.

Dixon:    But, you are recommending that we don't spend any money from the general fund?

Brown:    Correct. What I was saying, Mr. Chairman is that your 20% (for reserves set by policy of the board) is \$3.5 million. Right now, you have an unaudited balance of \$2.6 million of which \$500,000 has already been dedicated to the ambulance services to purchase the two ambulances that you bought and the tanks to be taken out of the ground. So, you have about a \$3.1 million balance right now. You are about \$400,000 below your 20% level.

Dixon:    Where we would like to be.

Brown: Where you would like to be. But, again, if you go down to two months for reserves, you would have some surplus. If you use the two months window, you have about \$150,000 or perhaps only a \$100,000 surplus.

Suggs: Right, where you want to be is somewhere in between here. That 20% mark is as high as you can go. Even at that, there is some question, that is an aggregate of your total budget that I applied to each fund. That is an aggregate of the total budget. But, two or three months of operating money - that is the key for you.

Dixon: Say that again.

Brown: You have \$3.1 million. That is a lot of money, but, what we have in terms of ability. But, as the county manager, would I recommend that you spend that? No, I would not recommend it. I recommend that you try to get back to \$3.6 million at a minimum.

Croley: So, you recommend that we have what - \$3 million?

Brown: I recommend that you try to get back up to the \$3.6 million at a minimum.

Holt: So, we have \$3 million (inaudible)

Suggs: What you need to think about is that property tax bills go out and people start paying property taxes around November 1<sup>st</sup>. Bills go out November 1<sup>st</sup>, but we don't start getting money. We get that first hit around the second week in December which is the second week into the third month. We will get a large deposit and then we take off in terms of cash funds. There is a reason for what transportation can spend in three months and what we are spending is because the general fund supports the sheriff and everybody else. We have to advance the sheriff several months in advance and the property appraiser and the supervisor. They want cash up front. We fund their cash flow as well as our own.

Dixon: We have done this in past years so that we wouldn't have to borrow money, basically. We got out of the habit of borrowing every year to float us until the tax revenue comes in. We made a decision to basically save up the cash so we would have it on hand.

Brown: Mr. Chairman, before we took over, this fund balance was as \$1.5 million.

Suggs: We were headed toward only \$1 million.

Brown: It was lower than what we really needed to keep two months of money floating. Remember, that first year, the clerk sent us a letter saying we would have to borrow money etc., etc. But, fortunately, we didn't have to do that. Now, we have put ourselves in a position that we don't have to do that.

Holt: Mr. Chair, Mr. Manager, let's talk roads, so we can move on.

Transportation: Take additional \$500,000 and put into Bridge Repair.

\$3.75 Million budgeted Fund Balance \$2.9 million (unaudited)

Suggs: In the transportation budget, you have a range here, depending on where you want to be. The room for discretion here is once again, - at the end of three months, you have spent about \$600,000 in terms of expenses. The maximum amount, technically, that you should be at is \$1.2 million. But, once again, the state looks at your budget as an aggregate.

Remember that you've got debt of this much which you have to take into consideration. But, even taking into consideration the debt and one of these numbers, you spread your - once again, the staff recommendation (inaudible)

Dixon: So, what you are saying is that we have a range between \$900,000 and \$1.5 million to spend in next year's budget?

Brown: You are basically up to \$1.5 million. If I were making a recommendation, I would recommend that you budget no more than \$1.5 million in transportation projects.

Suggs: I think the key here is - in order to maximize whatever amount of money you set aside, is patience.

You want all of this money to go on the street without bringing in a certain number of crews. It is going to take longer than before when we had that bond money because we brought in special crews just to do that stuff.

Croley: How much will it be for that bridge repair? How much did it come to?

Brown: \$340,000.

Dixon: Was that an under budget? (No answer)

Croley: May I ask Mr. Presnell something?

Would you, Mr. Presnell clarify for all of us, as far as the bridge in question, is that typical of most of the county bridges?

Presnell: That is a smaller bridge. It was a double arched pipe. It did not have pilings. Most of our bridges have pilings. The one that we are working with in design on 157, is a piling bridge, but it is a totally different design. We have a lot of demolition cost when we are dealing with concrete.

Croley: On the bridge repair needs that we have looked at and you are familiar with, not just in district 2, but all districts, would you say that this is going to be more expensive to deal with some of them?

Presnell: The replacement on 157, just based on the sheer length, it will probably come in around \$400,000. Then after that, we would typically move into rehabilitation type work. Then we would be dealing with smaller numbers.

Croley: Let's just say, then, if it is the will of the board, to set aside \$500,000 out of the \$1.5 million, and you have \$500,000 allocated annually on a program for the next five years, could you pretty well get the bridges straightened out over a period of time? You know for the next three to five years.

Presnell: At \$500,000 per year. Yes, sir. We have been working with the people who bid on this project as well as our engineering firm. When you get into some of the

scouring issues, the bridge, in particular, the one on 161 on that creek up there. Now, if you do railings, you double it, but everything underneath, \$100,000.

Croley: But, if you were funded \$500,000 per year for the next few years, you feel like you could get the bridges in good repair?

Dixon: According to this, it is already built into the budget. We are at \$400,000 and growing.

Presnell: Our goal was to do the two that are in dire need this year. Then we will get into some of the scouring and complex issues.

Croley: I am saying all of this so there can be some understanding and commitment by the board as a whole to try and move this thing forward. If you just fix the two bridge that are falling down, and then divert the funds back into something else, we will be back into the same situation and be managing by crisis and not by program.

Presnell: The answer to your question clearly, \$500,000 funding per year for the next few years, we could get a good handle on all of the bridges.

Dixon: Alright. We have done that. It is planned in the budget for the next four years to be -

Brown: Mr. Chairman, we have also requested money for the federal delegation for bridges.

Dixon: That is our money right there that we have committed to .

Brown: It is not \$500,000. It is \$400,000, for the next four years. It is not part of the money that you are asking for this evening.

Suggs: Just so that you understand, the transportation fund and the funding mix and how all of this is funded, every single cent of your capital in the public works fund does not come from gas tax money. This is all surtax money. Surtax money is the second most solid source of revenue behind property tax. It is local and is remains steady for that type of tax. Based on

the local economy and it is a solid revenue. So, this plan, in terms of stability, is based on real revenue, not state shared revenue, not property tax, but surtax.

Croley: Now, when you say surtax, you are not talking about the small county surtax, are you?

Suggs: Yes, the small county surtax.

Dixon: We are spending down reserves. That is what we are doing.

Suggs: This is planned use of the recurring revenue. Let's say that I am planning for \$2.3 million to come in from the surtax. Recurring revenue. This is planned use of that recurring revenue.

Dixon: But, \$350,000 is that Bear Creek Bridge.

Suggs: Correct.

What we have presented in our budget is , "Hey, we are putting up this much of our own money - almost \$2 million over five years. That is our plan A. Plan A.1 is that we are going to the State. Plan A.2 is that we are going to the Feds.

Dixon: That will either lower our cost or give us the ability to do more faster.

Suggs: This is our own money. Regardless of whether we get money from them or not, we are going to show them that we are trying to take care of it.

After this five years - our costs are based on a list of the 15 most dire needs on the ranking list. Once we get those back up from 50 or whatever they are up to at least over 80, and get them to where we can maintain them then we want to keep them there. It is like road resurfacing, we need to keep money in either a capital in Robert's rural maintenance budget, but once we get everything to where it needs to be, he needs continuous funding of maintenance so we don't have to get back to this \$500,000 or \$1 million per year pop on major fixes. With our funding capability, first, we have to get those 15 or 18 up.

- Dixon: So, should we, let's say that bridges are on the pole tonight - \$300,000 - all that would do is take that budget up to \$650,000 for this year, right?
- Brown: But, Commissioners, not the reserve. This is not part of the reserve. This is program dollars.
- Suggs: Correct.
- Brown: Now, Commissioners, that money would come from the money that you already have spent. The surtax. It will come from - right now, we are using that surtax to fund these bridges, correct? Or, you can take transportation money and add to this \$1.5 million.
- Suggs: The surtax money is funding all these projects.
- Croley: I want it to a half million dollars. That is not unreasonable. Now, we only need \$200,000 and that is great, but we need to have this figure up. I think that it is a major priority. It needs to be closer to five. With the cost of concrete and other things -
- Dixon: Wow! Let's not get into next year's budget. We've got some fighting to do right here today.
- Croley: Well we need to get more bridges than this.
- Holt: So, what you are saying is that we need to move another \$100,000 into there and make that \$500,000.
- Croley: That is what I am asking.
- Brown: That is next year's budget. Unless you are asking
- Croley: I want you to spend some money on the bridges now. I am saying that I want to spend \$500,000 this year, plus the \$350,000 that is already spent. This is extra.
- Dixon: That is your proposal - to add an additional \$500,000 for bridges.
- Holt: I was just about to say Boys and Girls Club for Gretna.



Dixon: You can't pay for that with transportation dollars. We are in transportation dollars now, we are in transportation. We will revisit that Madam Commissioner later.

Robert, put that road list up.

I am sorry, Davin.

Let's look at this.

Now, we have up to \$1.5 million as I understand it. We can do bridges, roads and road related situations.

Now, one commissioner said three roads. That was Commissioner Lamb.

Commissioner Price said roads in general.

The commissioner back here said bridges. Commissioner Croley said bridges.

I suspect that we all want roads in some way form or fashion.

Croley: I said roads as well.

Dixon: Now, we have \$1.5 million. What say you?

Brown: The money that you just split, the \$1.5 million, is going to take Robert about a year to get all those roads paved, given that we have one crew.

Holt: Divide it by five and be done with it.

Dixon: Any other suggestions?

Holt: Either that or give it all to the ones which need the most roads and that will be Districts 3 and 4. The first proposal would be a bit more fair, but -

Croley: I would like to throw this out, Mr. Chair. You know, this business of just going out here and paving roads just to say that you are paving roads, that doesn't

seem like very good stewardship of the public dollars. We should be paving roads where there is an adequate number of residents, where there are needs, where the public works director is able to objectively offer input and do things in a better business like manner to solve the needs of the greatest number of people. That doesn't necessarily mean that the eastern side ought to get paved and nothing on the west or the southwest. There ought to be a fairer formula that includes what the public works department has to deal with. I know, you mentioned a couple of times about mobilization. Mr. Presnell may have some input in this. There is one little strip of road that he has to take a motor grader over near Selman Road and grade. The tires that you wear out running that motor grader on the pavement over a period of time would pay for that little bit of asphalt. There are just some things that are common sense. But, to just go out here and say, "Pave every dirt road even if it has only one person on it whether they want it paved or not" doesn't seem very smart to me.

Lamb: Mr. Chairman, that is why I mentioned the few I did. I understand that all roads need paving all over this county. But, we have to use common sense, too. I have about 15 roads. I only listed three because I felt like they were the greatest need at this time. I am trying to do what I think is right. I have given you the roads that have been overlooked and that need to be paved immediately. That is why I gave only three roads. We could easily name five or ten roads. All of us can. But, I am just giving three because I am trying to be responsible to the commission because other people need roads paved, too.

Dixon: Are each of your roads a mile long?

Lamb: I know that Deer Run is. Horseshoe is not quite a mile. Azalea is shorter than Horseshoe. Deer Run is about a mile. I know it is a mile.

Holt: Where are they? On the right hand side?

Suggs: Those are the feet, and 5,000 and something is a mile. So.

Brown: Commissioners, again, Deer Run is in your agenda. I

think the number is \$209,000.

Dixon: That is \$140,000 per mile.

(long pause)

Nobody lives on White Lily, I don't think. That is the low road. McCook Road - they don't want it to be paved. Magnolia Farms has three houses on it. They are mad at Robert for cutting the shoulder down. High Bluff landing and Bert Road needs to be paved. Joe Knight and Little River Road. It is about a tenth of a mile. It is right in there before you get in there to the creek, right?

Presnell: But, it has a boat ramp.

Dixon: Yeah, that is a good piece. Yeah.

So, I have effectively taken most of my roads off the list.

Croley: Mr. Chair, what about the revolving money where these people came in here and they still owe for Barrineau Road and Quail Roost. What is the status, where did that money come from and when is it coming back?

Suggs: Right now, Mr. Lonnie Groot and myself are tied up in conversation and research based on - we were going to bring it to the board tomorrow, then, we have pushed it back to the 15<sup>th</sup>. But, there are some serious issues regarding those roads when we talked to the tax collector. He sent the ordinance and some issues to the General Council of the Tax Collector's Association. The ordinance that we are operating under is either inefficient or not necessarily illegal, but, we have to abide by it. There are some issues with collecting the money. In terms of what we can put it on the tax roll or not.

Croley: We haven't taken public money and spent it on private property, I would hope.

Suggs: No, the issue is with the way the ordinance was written and provides for the collection of the funds.

Croley: I mean that is a case where that money came from the

transportation fund and it would be approximately how much to go back into it?

Suggs: There was about \$109,000 on Quail Roost and about \$170,000 spent on Ames Barrineau. So, we will be getting two thirds of that back.

Croley: Well, that is a nice chunk of change. It will pave more roads.

If you would go to district 2 roads up there. Mr. Chair, I am going to look at this as you did. We have obviously, for instance, C & E Farm Road, there is no one that lives on that road anymore. I don't believe. Is there? O.K. I don't think it would be appropriate to pave that right now. We have other roads on there like the Jenkins place. It is 454 ft., but there are several houses on it and we maintain it. I'm just using it as an example. When you look at the roads, there are a lot of little roads that could be paved if you could free up a motor grader. I believe that the proper course of action is to work with the director of public works to identify these situations to help defer the cost. To me, that is common sense and good business.

Holt: Mr. Chairman, may I? Commissioner Croley, (inaudible), but what I was going to say is this. The numbers are high in the two western districts. It's going to be that way. I have one with about 23 homes on it. There are two basic options here. I've got some smaller ones (inaudible)

Croley: But, if you go with district 3, Mr. Suggs, if the chair will not object, I wanted to show you for instance, on Boykin Road, where we have a lot of St. Joe land, there may be 3 residents on there. You go to (inaudible) Road, that is on the Liberty Gadsden line - Liberty County reworked that road and how they got into Gadsden County, I don't know, but we didn't say anything about it. But, I don't think that road superintendent is there anymore.

Holt: I know you are correct about the number of houses and stuff like that. That is one reason why I am said, when we have the engineers going out looking at

property, and there may be some concerns about concern about rain after it is paved. People are very upset about that. That right there may alleviate some problems in itself. Because they have no idea about what is going to happen after it rains. I am looking at that and Commissioner Price is looking at the same thing. We have large numbers of people who are raising all kinds of sand.

Presnell: If you look at the total of the list. We have a grand total of about 72 miles. We have paved some in the last few weeks and we haven't updated this. We have about 68 miles total now. Really, there are only about 50 miles of those that public works would ever consider paving. So, some of the ones that ya'll are considering tonight, for various reasons, we would not recommend them. If the Commission just wants to, we would build them, but I would never recommend paying \$140,000 per mile to pave about 20 miles of them. So, if that helps you any.

And also, if you take a bridge money that you are talking about for next year, at \$140,000 per mile, you are looking at 5 miles. That brings you to \$1.2 million in itself. Just the bridge money - if you were to pave 5 miles of road. And really, that is about all one paving crew that we have could do. You know we are down to only one paving crew and that is about what they can do. So, at \$140,000 per mile, 5 miles, and the bridge money is \$1.2 million.

Dixon: Thank you Robert.

I was looking for some excitement and some enthusiasm to come. I was waiting on it. I thought that you were so good in your presentation that it stunned them. But, I don't think that was the case.

Holt: Mr. Chairman, back to my original suggestion, would you like to split it equally and be through with it? I mean, if we have the larger districts with the greater number of miles that need paving, I think that is logical. That may get some of yours out of the way, at least as much money as what we would have. That way, it may work out better next time.

Dixon: Which is exclusive of any bridge money. That is your proposal?

Croley: Is that going to include the bridge money or

Holt: I was going to say that since you want \$500,000 in there, if you would put \$100,000 with the \$400,000 we already have there - Is it already \$350,00 or \$400,00?

Brown: \$350,000.

Holt: \$350,000, make it an even \$500,000.

Dixon: But, you can't do anything with \$150,000, so it would just be sitting there.

The next bridge - That is for a bridge that is already - the bridge on Bear Creek. He is advocating for the next bridge on 157 which will cost \$400,000 roughly - give or take. So, he is looking at a new \$400,000 to go toward that bridge. It is budgeted for next year or God willing, we pull some money down from the Legislature, if not, that money is budgeted for next year. He is advocating to move up that bridge.

Croley: What district would that be in?

Dixon: It is in Lamb's district. Are we suppose to feel good because you are advocating for Commissioner Lamb, is that your point?

Croley: No, I just know that it is important to get it worked on.

Dixon: He can tell me the shoulders in my district that needs some work on - he knows what district that bridge is - (laughter)

What is the split on that? Does it give anybody enough to do anything with?

5 into \$1.5, that is \$300,000 a piece.

Brown: That would be about 2 miles each.

Croley: Now, that is taking out?

Dixon: That is no bridge.

Holt: No bridge. Two miles and that is it. Unless you three guys want to (inaudible) and we would get the same percentages you would get.

Croley: Well, I am going back to what I said before. Everybody would like to have their dirt roads paved. That is a "want." That bridge that is falling down in front of your house - is that a "need" or a "want?"

Dixon: Commissioner, that is an unfair question and you know it is because those folk who were up here from Deer Run think that it is a need, don't they? You can say something about that bridge all you want, they think it is a need. So, that is the gist of what we do here. We make hard decisions. There ain't no right answer.

Croley: My question goes back to Commissioner Lamb's bridge in Concord. Is that a major safety hazard that needs to be dealt with immediately?

Dixon: Commissioner, let me tell you what your first problem is. Commissioner Lamb is voting for the road. That is the first problem. So, that makes it kind of obvious. (huge laughter)

Price: People don't come here talking about bridges, they come here to talk about roads.

Dixon: Let me just bring it to the forefront because somebody got to move this.

What is the will of the body? **Divide it 5 ways?**

Holt: **So moved.**

Price: **Second.**

Dixon: **We have a motion and a second to split the \$1.5 million into 5 ways. Equal portions to each district. Will there be further discussion?**

**All in favor, sign of "aye."**

All: **AYE.**

Dixon: **End of discussion. Now, you could always have went and spent just \$500,000 more dollars. That is a pretty good nice chunk of money in that fund.**

Now, let me back up. I will tell you what we did and this is what Mr. Suggs does. The law says that 20% should be taken off the top - GR. Mr. Suggs takes 20% off every fund. Now, am I misleading folks, Mr. Suggs? Now, I want you all to understand that because his goal has been to save money for the county and put us in the best fiscal light we could ever be in. That was the goal. All of these funds have a surplus balance intentionally. We are in better shape than any government in this county and probably more than many more around the state. That is intentional. But, if we need to hit some of these things, we are in good shape. You can't spend transportation dollars on anything but transportation. Period.

Are you hearing me, Commissioner?

Croley: So, we could have a breakdown in GR if you want, but you still can't spend can't spend anything but GR dollars. That is why he recommended against us touching that and that is why we accepted the challenge to not touch it. O.K? But, if you want to look at something a little bit more, you can. It is out there.

Now, the question is, can you convince three people around this table to do it?

Do you save it for a rainy day? We live in Florida and you know, we have hurricane season. How much do you save? Or, as the commissioner is going on about - How important is the bridge and should it be moved up this year? Can it last another year? That is a question we have to answer. It is hard, but that is the job the we keep asking for.

Me, I am worse than all of you.

Croley: Mr. Chair, I still strongly want to recommend and I will even make a motion if you will entertain it.

Dixon: Tell us what you are talking about now.



Croley: I recommend that you give greater attention to that bridge. One day, a school bus,

Dixon: Don't do that. Don't do that. Don't scare us.

Brown: Mr. Chair, I think what Mr. Croley is asking is to spend another \$500,000. We have the money. If the board goes along with Commissioner Croley, you could take another \$500,000 to put toward that bridge this year.

Dixon: Let me open the discussion up. \$3.75 million of which we budgeted in this budget \$846,000 so the fund balance for transportation is \$2.9 million, give or take. (unaudited) For auditing purposes, let's say \$2.8 million. O.K. But, I think Rick is better than that, so \$ 2.8. That is the balance. That is not the budget. That is what is in that fund. When we look at it next year, Davin will add some more to it.

So, do you expand roads, do you do some more road, or do you do that bridge.

Robert, how is that bridge? It is bad. Does it need pushing up?

Lamb: That is the question I wanted to ask Robert.

Dixon: Don't stand there and do us like the manager did us about the ambulances. Tell us.

Lamb: Robert, we need your comments.

Presnell: That bridge has been identified by the Department of Transportation as needing replacement. There is no way to fix it. We put stints on it about 10 years ago. DOT came in and did it. This county did not do it. They came in and put stints on the legs of the bridge. It is just gone.

Brown: Robert, it is critical. If the board approves that tonight, it will be a good thing.

Presnell: We have already started the design on it. We don't know what it is going to cost. When I tell you \$400,000, I am basing that on the previous bid, basically. It may be \$300,000, but it is a different

type of bridge. We can also budget the money and not spend it. We could also (inaudible) but, the bridge is critical.

Lamb: I think we need to go forward in appropriating the money even though it might not cost as much as we think it will. We need to do it.

Holt: Mr. Chair, we could amend the budget and do it anyway. It's not something that we are going to end up doing anyway. I would like to see a list of those bridges and what is going on with them. It is not something that I truly remember any discussion about.

Dixon: There are just two bad ones and the rest of them require maintenance that we have not given them.

Holt: I am in favor of fixing them, but when you said hurricane season, my antennas go up, too. I want to make sure that there is money in there in case of disaster. That is kind of

Brown: Commissioners, if I may brief you. There is money, but the \$1.5 million that you just approved - it is going to take Robert about a year to get those paved with only one crew.

Dixon: So, that will put us into the next fiscal year.

Brown: So, what we they are recommending is to go ahead and spend the \$500,000 on the bridge because by the time we get around to next year, we will have a surplus again to still put toward these roads.

So, the staff recommendation is to go ahead and approve the bridge. We will do as many roads, based on the action determined this evening as well. That will take us to the next fiscal year.

Dixon: Robert, I get to be first this time. I have been last for five years. O.K. Alright, we still have a problem.

Holt: I just want to make sure that we have some emergency funds. I know Mr. Suggs is hoarding money there, but if a hurricane hits next month, I want to make sure that that we've got options. **But, I will offer a**

**motion that we go ahead and do the bridge.**

Croley: **I'll second that.**

Dixon: **We've got a motion and a second.**

**Nobody else wants to talk for fear that it might not pass.**

**All in favor sign of "aye."**

All: **Aye**

Dixon: **Please make it unanimous.**

Croley: Mr. Chair, let me just say this to you commissioners. Thank ya'll for recognizing that. I think that is a very good step forward in the right direction.

Lamb: I want to thank the commission, too, Mr. Chairman for considering that.

Dixon: He's got some stiff words for you.

Let's go back to the deficit.

Suggs: Do you mean the surtax money?

Dixon: Yep.

Suggs: Right now, based on what we estimate, we have about a million dollars. (inaudible) That is with the supervisor's office (inaudible)

Brown: Commissioners, if I may. Could I suggest that we leave this as it is and we will work to refine the numbers for the Boys and Girls Clubs. If it is a deficit, we will come back to you and we will address that in time.

Suggs: Could I answer Commissioner Croley's question.

Brown: We will do that as well in terms of whatever and however the surtax can be used for the funding of the Boys and Girls Club.

Dixon: Now, we ain't got no more money. We can keep talking

if ya'll want to.

Holt: We don't really want to talk about it, we just want to make sure that they get that Boys and Girls Club in Gretna and Havana.

Brown: Commissioners, what we will do as part of the development of the 09 budget, we will look at the operational costs for those and we will bring that to you as well.

Dixon: Commissioners, I'll tell you that I know that we have approached the Boys and Girls Club on a district kind of thing. But, this is bottom line good stuff for our kids. I am telling you that I was one of the twelve statewide judges for the Boys and Girls Club Kid of the Year. I was blown away. One of the other judges as well. The young lady that I chose won the Kid of the Year. Just fantastic. But, there was a whole room full of outstanding children from every walk of life you could imagine and from everything wrong in the world, they had come. You listen to some of the stories and then you listen to some of the stories - "When I was seven, there lay my mom with a needle in her arm. What was I suppose to do with my four year old and my three year old brother and Daddy just left us." Then you had another young lady who said, "I was raised with my mom and my daddy. We lived in a middle class family. I just found the Boys and Girls Club to be the best thing ever." So, they are from every walk of life. Every socioeconomic background. They did not trot out all the sob stories. ....and how this kid has turned his life around. (gap in tape)

This ranks right up there with libraries with me. We ought to roll these things out just as fast as we can to get this stuff out there.

Croley: Along the lines of Boys and Girls Clubs, is there any - obviously the expense of building a building and where the money comes from is the source of divide. Is there any chance that there are other public facilities that are not being utilized or not being used that other governmental authorities would make available? I know that in District 1, I believe, you mentioned something that all you wanted was funding for the actual club - that the facility would be

available.

Dixon: Have they changed their mind about that facility?

Lamb: No, not yet.

Dixon: That was the first place we envisioned putting a Boys and Girls Club. Havana Northside.

Lamb: Right. We are working on it.

Dixon: We went to the School Board and the School Board said, "Well, let our lawyer get with your lawyer." And we haven't heard anything else from them.

We have attempted to work, I mean, when we were developing the whole Boys and Girls concept, the Superintendent of Schools was there, all of the mayors were there, all of them bought in and said, "Yes, take us. We will be there for you." We rolled them out and the Superintendent said, "Ah, I can't help you." So,

Croley: It would just be a lot easier if everyone would work together and try to figure out how to use existing facilities.

Dixon: I agree. Commissioner Price has a place in his district that the School Board has in lease to the City of Chattahoochee. It would be an excellent place. You are talking Havana Northside. Those are places that are existing historical community places that if we could get them, we wouldn't have to build. Spend half as much money renovating or upgrading, or even if you went on site and built the new building, you would still make use of an excellent place and site. You would marry a whole bunch of money as opposed to - we funded it alone because they left us no choice. If you recall, we wanted the cities to come up with \$35,000 a piece. We don't mind.

We'll try and fund as many as we possibly can. It is not us that is walking away from the table. They simply walked away. We went to the Superintendent and said, "Can't we let it exist in one of your schools right now?" He said, "Well, I've got the "21<sup>st</sup>. Century in the school." I said, "In the whole

school?" Then I realized that is not need - it is politics. So, I don't want to get into it with them about politics over a program that we feel strongly about. We just have to go do it ourselves. That has been the conclusion of the board.

We have tried. We have asked every city. We went to the City of Quincy and said, "There is Kelly Campbell. Nobody is there. Can we come in there?" They said, "No." So, it is beyond me. Everybody will confirm what I just said. I am floored just like everybody else is. This could be a lot easier on everybody if folks would just step up.

We historically haven't carried property as a part of the Board of County Commissioners. The School Board has tons of property. They don't want them and we can't get hold of it. So.

Madam Commissioner?

Holt: Also, Commissioner Croley, on the properties that we asked for - some of the schools are up and running. Our program wouldn't start until after school. So, it would be a perfect time. It would be many of the same children that go to school during the day.  
(inaudible)

It would have benefited the schools as well as the Boys and Girls Club because they would already be on that campus. But, we were not allowed to use those.

Dixon: Ms. Saunders, are you still here. Commissioner, you were there. We went through Hampton Heights and talked about what we could do, how we could open it up and make a central entry way into the school. They don't have central sewer and water, so that could be a little piece of us expanding the central sewer and water system for the city of Havana to those people and to the residents. Then, we looked at what buildings needed to come down because they were falling down. Which ones could we expand on and then the football fields and the other property and affordable housing and all that stuff. We went before the School Board and -

Lamb: I think there are some positive things that are coming down the line. I think we need to just wait and have

a little patience. There are some things in the works and there are some things coming down the line and that I think the School Board are going to be positive toward. I think we just need to be patient.

Croley: It sounds like there is room or an opening for opportunity.

Lamb: Yeah, we need to keep going along. Just keep going.

Dixon: If you can, tell them to come correct. We are ready to go. It has not been our problem from the jump.

Madam Commissioner?

Holt: Right quick, we had the attorney looking at the county accepting donations. I have some individuals want to start giving donations for the statue at the courthouse. We have done this before. I want to know what the progress of that is and I want to bring that item back.

Dixon: Could we agenda that item for the next meeting? Not tomorrow night, but the one after.

Holt: That way they would know when they could get started on those donations.

Dixon: Anything else to come before the body?

Brown: Mr. Chairman, some of the actions taken this evening have been advertised as public hearings, so if you would just quickly go through those items.

Item Number 3 was the approval of Deer Run. We just need to approve that as a public hearing and ask if there are any one in the public who want to speak on that.

Suggs: On Deer Run - as part of the action they took

Brown: But, they didn't take any public comments.

Suggs: But, usually what happens when, the last few times when we approved a pot of money for paving, you wait

for Robert to bring that change order back with whatever contractual change order list - he brings back a list, then you take action and comments.

Brown: Alright Davin, we'll hold off on this until it comes back.

Dixon: There was Deer Run and what was the second and third one?

We've got items 1, 2 and 3. Would there be those who would like to comment on any item - Items 1, 2, and 3? Now is your opportunity.

Are there those of you who are not happen with the compensation study, now is your time. That is a set up ya'll.

Will there be no public discussion?

(No response)

O.K.

Will there be anything else to come before the body?

Brown: Muriel, do they need to take action on that after the public hearing?

Straughn: I would rather that they did.

Brown: Just get board approval for those items.

Dixon: How should we handle that?

Straughn: Just ratify your previous motion after having conducted the public hearing.

Dixon: What was the motion?

Straughn: **To implement Phase II of the Compensation Study Plan.**

Croley: **I'll make that motion.**

Holt: **Second.**

Dixon: **We have a motion and a second to approve the**



**compensation plan.**

**All in favor, sign of "aye."**

All: **Aye.**

Dixon: **Opposes?**

**(No response)**

**Make that unanimous.**

Brown: Commissioners, Item number 4 (Approval of Additional Rural Waste Site Located on Kemp Road) will come back. The Solid Waste Committee is working on that. Commissioner Lamb has requested that we hold off on Item number 4 until the Solid Waste Committee brings back their recommendation.

Dixon: Is that all the motions, Mrs. Straughn?

Suggs: Number 5 -

Brown: Number 5 is the Library and we didn't take any action on that, so we are not moving forward with the Library.

That is it.

Dixon: **The chair will entertain a motion to adjourn.**

Holt: **So moved.**

Dixon: **We stand adjourned.**

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Edward J. Dixon, Chair

ATTEST:

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Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON APRIL 1,  
2008, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

PRESENT: Edward J. Dixon, Chair, District 5 (Arrived at 6:25)  
Eugene Lamb, Vice-Chair, District 1  
Doug Croley, District 2  
Derrick Price, District 3  
Brenda Holt, District 4 (Arrived at 6:10 p.m.)  
Thornton Williams, County Attorney  
Arthur Lawson, Assistant County Manager  
Marlon Brown, County Manager (arrived at 6:50)  
Muriel Straughn, Deputy Clerk

CALL TO ORDER

Vice-Chair Lamb called the meeting to order announcing the date and time of the meeting.

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Price led in the invocation and Attorney Thornton Williams led in the pledge of allegiance to the U.S. flag.

AMENDMENTS TO THE AGENDA

The following changes were made to the agenda:

Add 2-A	Introduction of the New Gadsden County Health Department Administrator by Tom Arnold
Add 2-B	Presentation of Gadsden County Boys and Girls Club Tobacco Grant - Marianne Ripley
Attachment To add To 11	Public Hearing - Special Exception Request - Vietnamese Pot-Bellied Pig on a Residential Parcel of Less than 5 Acres at 19 Sugar Mill Way (SE-2008-01
Delete Item 17	Discussion of Cox Lane Utility Permit Issue (To Be Rescheduled)
Add 18-A	Approval and Execution of Amendment of Library Services and Technology Contract for Kids Embracing Reading Through Cultural Exploration Grant

Add                      Approval and Execution of Resolution 2008-014 in  
18-B                      Recognition of Library Appreciation Month

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 0, BY VOICE VOTE TO APPROVE THE AGENDA AS AMENDED ABOVE. COMMISSIONERS DIXON AND HOLT WERE NOT PRESENT FOR THIS VOTE.

**AWARDS, PRESENTATIONS AND APPEARANCES**

**1.        Presentation of Final Water/Sewer Infrastructure Engineering and Design Study - Eutaw Utilities, Inc. and Nabors, Giblin & Nickerson, P.A.**

Ms. Farnita Saunders addressed the board saying that she was very excited that after a very long time, the final copy of the Water and Sewer Infrastructure and Design Study was complete. She introduced Brian Armstrong with Nabors, Giblin & Nickerson; Tom Bryant with Eutaw Utilities, Inc.; Mark Neihouse of Eutaw Utilities; and Darrell Dransfield also with Eutaw Utilities.

She stated that the study would be made available on the county's website.

Brian Armstrong addressed the board pointing out the changes and additions to the report since the board's last review of the draft.

Commissioner Croley asked Mr. Armstrong to explain the phases.

Mr. Armstrong replied, "We have a timeline as a phasing in here. I know that right now, there are some efforts being made on behalf of the county to secure some funds to assist with one of the recommendations which is the acquisition of the Rosedale Water Association and improvements to that system. I know there are efforts in terms of the looping line - a countywide water extension. I know there are efforts going on to secure funds for that right now. So, that might actually move up the phasing that we have incorporated in here. But, right now, we propose, unless other events come about, we propose to stick with the phasing that is suggested in this report."

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE REPORT AND TO IMPLEMENT THE NEXT PHASE OF THE STUDY AND TO AUTHORIZE STAFF TO HIRE A CONSULTANT TO IMPLEMENT THE NEXT PHASE OF THE STUDY. THE MOTION WAS MADE WITH THE UNDERSTANDING THAT THERE WERE SUFFICIENT GRANT FUNDS REMAINING TO FUND IT.

2. Presentation by Ms. Laurie Rigg Concerning Improvements to the Animal Shelter

Ms. Rigg stated that she and other concerned citizens are offering to help the animal control officers. She explained that they would like to help with organization and other needs at the animal shelter. She said all of the items needed will be donated. She asked for approval of the board and their blessings.

She said that on April 19, they will begin with the most immediate needs - shelving, cabinets, organizing the work room and the cat room, sinks for washing the food bowls, feeding dishes, paint the outside of the building.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AUTHORIZE THE WORK DESCRIBED BY MS. RIGGS AND OFFERED HER THEIR SUPPORT AND BLESSINGS

2A Introduction of the New Gadsden County Health Department Administrator by Tom Arnold

Assistant County Manager Arthur Lawson introduced Mr. Tom Arnold, Deputy State Health Officer, Florida Department of Health.

Mr. Arnold reported that Ms. Sylvia Byrd who served as the County Health Department Director has recently resigned making it necessary to find a replacement. He announced the appointment of Marlon Hunter who has 14 years of experience in public health activities, most recently in Wakulla County.

Mr. Hunter made just a few brief remarks saying that he is looking forward to serving in Gadsden County.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY

COMMISSIONER PRICE, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ACCEPT THE APPOINTMENT OF MR. HUNTER AS THE DIRECTOR OF THE GADSDEN COUNTY HEALTH DEPARTMENT.

**2B**      **Presentation of Gadsden County Boys and Girls Club Tobacco Grant - Marianne Ripley**

Mr. Lawson introduce Ms. Marianne Ripley from Boys and Girls Club.

Ms. Ripley stated that she met with County Manager Marlon Brown earlier in the day and he had invited her to come to this meeting and tell them about the Tobacco Grant. She expressed her gratitude to the Commission for the opportunity to be in Gadsden County and for the Board's support. She then introduced Ms. Washington, the boys and Girls Club site coordinator in Quincy.

Ms. Ripley gave each commissioner a copy of some information regarding the Tobacco Grant and explained the opportunities that it will present over the next 2.5 years. (See the attached information for details.)

Commissioner Lamb told the board that Gadsden County is very fortunate to have Ms. Ripley working with the Boys and Girls Club in the county. He said that he has known her for many years as they worked together at the Tallahassee Parks and Recreation Department. He said she is very creative and talented.

Chair Dixon responded by saying, "We don't mind borrowing for the long term, people with great talent and great skill. We certainly welcome you here."

.

**CONSENT AGENDA**

**3.**      **Ratification of Approval to Pay County Bills**

Accounts Payable Dated: March 14, 21, 28, 2008  
Payroll Dated: March 13 & 27, 2008

**4.**      **Approval to accept the Victims of Crime Act Award Letter and Grant Agreement from the Office of the Attorney General, Division of Victim Services, Bureau of Advocacy and Grants Management for Fiscal Year 2007-2008**

Grant No. V7157; CFDA 16.575

The Sheriff's Office received a Victims of Crime Act Grant from the Office of the Attorney General in the amount of \$36,395 to assist victims of crime. The grant will be utilized during the period October 1, 2007 through September 30, 2008.

**5. Approval to Accept the Delinquency Prevention Award Letter and Grant agreement from the Florida Department of Juvenile Justice, Neighborhood Accountability Board for Fiscal Year 2007-2008 Grant Number NB-602**

The Sheriff's Office received a grant from the Florida Department of Juvenile Justice in the amount of \$30,000 to implement an early intervention plan, provide meaningful mental health and substance abuse and other services for troubled youths and their families. The Havana Community Justice Program will be the official recipient of this award. The grant will be utilized during the period of July 1, 2007 and June 30, 2008.

**6. Approval of EMS Rate Increase to wit:**

1. Basic Life Support non emergency	\$450.00
2. Advance Life Support non emergency	500.00
3. Basic Life Support emergency	500.00
4. Advance Life Support Level 1	550.00
5. Advance Life Support Level 2	600.00
6. Mileage	10.00 per mile
7. Standby	100.00 per hour

**7. Post Approval Cardiac Monitor Service Agreement Technical Service Support Agreement - Medtronic Emergency Response Systems Inc. Contract Number PB08Q211 \$5,359.00 annually**

In order to maintain the current information for the cardiac monitors, it is necessary to have them inspected, cleaned and the batteries upgraded on a yearly basis. The monitors are very sensitive and can only be serviced by the original vendor.

**8. Approval of Resolution 2008-007 and OMB-BA# 080045 Recognizing Revenue of \$5,549 from the Friends of the Public Library and Tallahassee Town Committee Donations**

**CONSENT ITEMS PULLED FOR DISCUSSION**

No consent agenda items were pulled for discussion.

**CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS BU**

**Mr. Robert Stout - Talquin Shores Subdivision**

Mr. Stout recalled that when Talquin Shores Subdivision was approved, it was contingent upon a number of special conditions one of which was a requirement to install advanced waste water treatment septic tanks. He said that he did not oppose it at the time because he did not understand it. However, he has since realized the financial impact of that special requirement as a home owner. He said that he spoke with some of the other homeowners and they all would like the board to re-address that requirement. He asked that they place in on an agenda for discussion.

He went on to explain that he has had soil boring done on his property and the site is very suitable for a standard system. The cost of a standard system is approximately \$2,000 whereas the advanced system costs \$10,000. He pointed out that the maintenance of the advanced system is also much higher than a standard system.

Chair Dixon stated, "It was not the cost to the homeowner that was paramount, it was the potential cost to the lake that was paramount. That is what the sentiment of the board was at that time."

Growth Management Director Bill McCord stated that the advanced waste water treatment system was a condition of approval for the subdivision. He recalled that "Friends of Lake Talquin" who live in the area asked for that specific condition to be applied.

Chair Dixon asked the staff to compile information relating to the science behind septic tanks and ground contamination.

Commissioner Holt recalled that the only way that the subdivision got approval was because they agreed to go with advanced waste water treatment.

Chair Dixon clarified that the first question that must come to the board is "Does the board want to re-agenda the matter?" If the board determines that they will re-consider it, he said



"When the question comes, have the science for us and if anybody wants to, at that point, have it re-agendaed, we may."

Commissioner Croley asked the staff to include information that will clarify the difference between the aerobic systems, advanced waste water systems and standard septic tanks.

**Ms. Emily Rowan**

Ms. Rowan addressed the commissioners to express her gratitude to them and the EMS Department. She went on to say that her husband suffered a heart attack on the evening of March 22. They called 911 and the ambulance arrived in just a short time and began treating him, then transported him to Tallahassee. She said the EMTs were both professional and caring. She commended Mike Lowell and Colleen Frederick for their care, patience and thoughtfulness.

Chair Dixon asked the manager to convey those words to EMS Director Brian Beasley.

**Dr. Anthony Viegbesie 989 Ames Barineau Road, Havana, FL 32333**

He stated that he has followed the county's progress in getting the water and sewer study prepared and he applauded their success in getting the study completed. He encouraged them in their efforts to implement the next phase of the study. He offered his help in securing additional funding when and if he becomes elected as Representative of this district.

**Ms. Belinda Synder - Friends of Lake Talquin - Safety on the Lake**

Ms Synder spoke on behalf of the Friends of Lake Talquin. She reported that it has been her observation as well as many others that boaters are not observing the " 50 ft. no wake" zone which poses a very real safety hazard to other boaters. She said that she had contacted Fish and Wildlife Commission (FWC) who told her they could not patrol it or issue citations without a request coming from the county commission. She then asked the board to intervene with FWC and ask them to patrol the lake.

She then asked if there will be any information coming back to the public that grew out of the planning meetings held with the Growth Management Department about growth and development at the lake.

Growth Management Director Bill McCord responded by saying that he is working on it, but was instructed not to establish deadlines or make any promises about when it would be ready.

There was a consensus of the board to direct the staff to comply with the request of the Friends of Lake Talquin and make appropriate contacts with FWC regarding patrolling the lake for safety.

#### **PUBLIC HEARINGS**

#### **9. Public Hearing - Conceptual/Preliminary Site Plan for MST Construction (SP)-2008-001)**

**Owner:** MST Holdings, LLC

**Applicant/Representative:** Maelene Carol Tyson and Kathy Shirah, P.E. of Shirah Design & Construction, Inc.

**Location:** Lot # 2 (off Garrett Drive) of the Gadsden Commercial Exchange Industrial Subdivision located approximately 1.4 mile southwest of the intersection of US 27 and Scotland Road (CR 159) in Township 2 North, Range 2 West, Section 03

**TAX ID:** 3-03-2N-2W-1524-00000-0020

**Description:** A conceptual/preliminary site plan for a 4,000 square foot structure to be used for 1,000 sq. feet of office, 1,400 ft. of maintenance area and 1,600 sq ft. of covered storage on 3.54 acres for a construction company.

**Type Action:** Quasi-Judicial action in conjunction with the advertised public hearing under the Type II Plan Review Procedure.

**Planning Commission Recommendation:** On March 13, 2008, the Planning Commission voted unanimously to approve the plat based on a number of findings contained in the agenda report and subject to special conditions a - h listed on page 10 of the agenda report.

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

He gave testimony which is contained in the attached agenda report. He entered the agenda report as County Exhibit # 1.

**Ms. Kathleen Shirah** was administered an oath by Deputy Clerk Muriel Straughn, as to her testimony.

Upon being questioned by the board she offered the following

facts:

- There will be no fuel or gas tanks on the site.
- It is an operation center and a warehouse for storing small components, but not tanks.
- There will be no refurbishment on site - it will **not** be a repair site.
- All gas tanks will be delivered directly from the manufacturer to the site - they will not come to this facility.

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

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, TO APPROVE THE RECOMMENDATION OF THE PLANNING COMMISSION AND APPROVE THE CONCEPTUAL/PRELIMINARY PLAT FOR MST CONSTRUCTION BASED ON THE FINDINGS AND SPECIAL CONDITIONS LISTED IN THE AGENDA REPORT.

\*\*\*County Manager Marlon Brown arrived at this juncture.

**10. PUBLIC HEARING: Conceptual Plat Review for the Quincy Pines - SD-2007-04 - Major Subdivision - Tax Parcel ID # 2-19-3N-3W-0000-00110-0100**

**Quincy Pines - SD 2007-04- Major Subdivision Tax Parcel ID 2-19-3N-3W-0000-00110-0100**

**Owner:** Quincy Pines, LLC.

**Manager:** Mike Hutto

**Representative:** Charles Hargraves, P.E. Hargraves Engineering, L.L.C.

**Location:** .55 mile from the northeast corner of the intersection of Attapulugus Highway and Woodward Road. (3 miles north of Quincy)

**Size:** 154 acres - 42 Lots proposed

**Type Action:** Quasi-Judicial action in conjunction with the advertised public hearing as a Type II review

**Planning Commission Recommendation:** On January 17, 2008, the vote was 5 - 2 to approve the conceptual plat based on a number of findings listed in the agenda report but contingent on special conditions also contained in the agenda report.

**TAX ID:** 2-19-3N-3W-0000-00110-0100

**Description:** The parcel is 154.77 acres in the Rural Residential (RR) future land use category. The applicant proposes 42 lots with site built homes. The proposed density is 0.29 units per acre. The lots range in size between 2.0 acres up to 4.47 acres.

**Staff Recommendation:** Based on the findings and contingent on the special conditions a - j. staff recommended approval.

**Attachments: 7**

1. Location Map
2. Conceptual Plat of the Quincy Pines Subdivision
3. Public Hearing Notice
4. Conceptual Plan Narrative
5. Planning commissioner Recommendation Memo
6. Letter from Ross and Donna Hansell
7. Letter from Woodward Family Farm

**Previous BCC Action:** February 5, 2008 - Issue was tabled until developers could meet with adjacent property owners.

Mr. Brown announced a public hearing and introduced the above named issue.

Growth Management Director Bill McCord was administered and oath by Deputy Clerk Muriel Straughn. He then gave testimony as contained in the attached agenda report which he entered into the record as County Exhibit #1. He reported that a meeting between the developer and the area residents was held as requested by the board on February 5, 2008.

Chair Dixon called for public comments.

Garvin Boden, attorney for the applicant, addressed the board. He offered no testimony, but was available for questions. He did report that the developer did meet with the neighbors to the proposed development.

**Charles Hargraves, Representative for the Developer, 3201 Shamrock South, Suite 101, Tallahassee, FL 32309** was administered an oath by Deputy Clerk Muriel Straughn. He reported that the owners had met with the neighbors to the development and they heard a wide range of concerns. He said that many of the concerns will be addressed at the preliminary and construction plan development stage.

Upon being questioned by the board the following facts were stated:

- There will be 42 site built homes.
- The size of homes will be at least 1500 sq. ft. under roof.

**Bryant Rowe** was administered an oath by Deputy Clerk Muriel Straughn.

He said, "If you remember last summer when we had our affordable housing workshop, this property here, we were talking using it as a test case for some of the new zoning. We went back and took a deeper look at the area and realized that with everything that was around this area, this would not be a good site to basically do quarter acre or half acre lots. We went back and talked to our realtors and talked to a lot of people in the area. We took the present market conditions into consideration. We feel that we have come up with a good plan for this property as it comes before you.

Where I live, I live on a 2.5 acre lot. My kids are always out and about screaming and I am concerned about them disturbing our neighbors. But, whenever I talked to them, they never know, they never hear them. My lot will actually be the smallest in this subdivision of 2.5 up to 4 acres. So, I am here if you have questions of me. I will be more than happy to answer them."

**Hugh Stephens, 701 Woodward Road, Quincy, FL 32351,** was administered an oath by Deputy Clerk Muriel Straughn. He confirmed that the neighbors did have a meeting with the developers and all their concerns were raised. He requested that the number of lots be limited to no more than 42. He asked that in the future, the developer meet with the area residents in advance of the conceptual review by the board. He asked that the comments of the neighbors be included in the record before it goes back to the Planning Commission at the next review.

**Charles Boyd, 423 Woodward Road, Quincy, FL 32351,** was administered an oath by Deputy Clerk Muriel Straughn. He reported that the meeting held with the developer had been very cordial. He said that if they follow through on the things they said they will do, it would eliminate his objections to the development. He went on to say, "As long as I have some sort of boundary line between my property and theirs, whatever it may be, will satisfy me just fine. Like I say, as long as they are willing to do what they said they

will do, and I have no reason to say that they won't. The erosion problems on that piece of property are there and they invited us to go in there and walk around and look. We did and we saw it again. As long as they are required to take care of those in a manner that doesn't affect the surrounding properties, then I have no significant objections."

**Ross and Donna Hansell 3298 Attapulgus Highway, Quincy, FL** were administered an oath by Deputy Clerk Muriel Straughn. His concerns were:

- Noise
- Trespassing
- Traffic (one recent fatality)
- Impact on the land and wildlife
- Lack of second entrance to the development
- Placement of modular homes
- Boundary lines

He asked for larger lots, privacy fence, marked boundary lines.

He concluded by saying, "We don't like this development, but we are not here to block it. We just want our considerations to be put on the table and we are looking out for our interests."

There was a consensus of the board that they would like to see a second entrance for emergency situations.

The plat indicates an unpaved road - Lincoln Heights Road - that could possibly serve as a second entrance into the subdivision. However, the legal status of the road is in question - it is believed to be a private road.

Commissioner Croley asked if there has been any discussion with the developer about paving Lincoln Heights Road out to Attapulgus Road. Mr. McCord answered, "No, sir, we haven't."

**Ms. Donna Hansell** stated that the subject was brought up at the meeting between the area residents and the developer. It was stated at that meeting that it would not be paved.

Chair Dixon clarified that it has not been established whether Lincoln Heights Road is a county road or a private

road.

Commissioner Lamb asked if the issue of trespassing was discussed at the meeting with the adjacent land owners.

Ms. Hansell stated that they have already experienced trespassing by the surveyors coming onto their property. They were not notified in advance that people would be on their property. (It was later noted that surveyors have statutory authority to access property for the purpose of surveying without it being considered trespassing.)

Commissioner Croley asked who was present at the meeting with the adjacent landowners.

Mr. Rowe answered that Mike Hutto, one of the full partners of the LLC was present at the meeting.

Chair Dixon stated that he would support the approval of the plat.

Commissioner Holt stated that she would like to see a second entrance. She asked that they continue to look at that issue.

Mr. Rowe explained that the status of Lincoln Heights is unknown but it is believed to be a private road and the residents would be opposed to having their road paved. However, the plat does show a stub out at the Lincoln Heights Road. There are also two other stub outs for future access.

Commissioner Croley had concerns about the traffic volume that already exists in the area. (Mining and gasoline transport trucks in addition to local traffic.) This subdivision would only compound the issue. He asked if the county has adequate road capacity for the additional housing. He then said that he appreciated the fact that Mr. Hutto met with the area residents. He also asked to board to weigh heavily on Mr. Stephens suggestion that they be allowed to be involved in the next phase.

Commissioner Lamb stated that he does have concerns about the infrastructure, but would support the recommendation of the Planning Commission. He said he would like for the developer to be sensitive about the trespassing issue as the development progresses.

Again, Commissioner Holt expressed her concerns about the "One way in and one way out". She asked them to seriously look for another outlet.

Mr. Rowe stated that the developer is committed to place the stub at the Lincoln Heights Road. He also stated that they do not have a problem putting a back up entrance at Palmer.

Mr. McCord entered the agenda report as County Exhibit # 1.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE CONCEPTUAL PLAT FOR QUINCY PINES BASED ON THE FINDINGS OF THE PLANNING COMMISSION AND SUBJECT TO THE SPECIAL CONDITIONS LISTED IN THE AGENDA REPORT.**

**11. PUBLIC HEARING: Special Exception Request - Vietnamese Pot-Bellied Pig on a Residential Parcel of Less than 5 Acres at 19 Sugarmill Way (SE-2008-01)**

**Applicant:** Bonnie C. Foshee

**Location:** 19 Sugarmill Way (Lot 1 Block A of the Sugarmill Woods 2 Subdivision

**TAX ID - 2-33-3N-2W-0259-0000A-00100**

**Type Action:** Quasi-Judicial

**Planning Commission Recommendation:** On March 13, 2008, the Planning Commission voted unanimously to recommend the approval of the special exception.

A resident in the Sugarmill Subdivision filed a complaint with the Code Enforcement Office regarding a pig at the above location. On January 23, 2008, the Code Enforcement Office issues a "Warning Notice to Correct Violation - illegal livestock in a residential area not zoned for livestock." The complainant lives 3,000 ft. from the subject property. The complaint was that the Foshee's have a pig. The complaint did not allege that there were any nuisance impacts generated by the pig such as noise, smell. Etc.

On February 5, 2008, the applicant submitted a request for a special exception use to permit to have a Vietnamese pot-bellied pig on a .53 acre lot containing a residence in the RR land use category.



Growth Management Director Bill McCord was administered an oath. He gave testimony as contained in the agenda report which was submitted as a County Exhibit # 1. He summarized by saying that in order to have an exotic pet, the owner must have a permit. He was quick to point out that if the board agreed to issue the special exception permit, it would expire when the pet expires.

He also submitted a letter he received via mail in support of allowing the pig to continue living on the property.

**Ms. Bonnie Foshee** was administered an oath by the deputy clerk. She stated that the pet pig, Fred, was abandoned by college students when it was only 13 pounds and she ultimately adopted it. She said that pot bellied pigs live for 10-15 years. He is already 10 years old. It is now 280 pounds and is too big to live inside the home so they built a house in the back yard for him. She asked the board to allow her to keep Fred for the rest of his life.

Following discussion, the board recognized that the Vietnamese Pot Belly Pig, Fred, is a a pet. It was noted that there were no complaints of Fred being a nuisance. It was also noted that the Board can withdraw the special exception permit if is found to be necessary. Chairman Dixon 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 SPECIAL EXCEPTION PERMIT CONTINGENT ON THEM GETTING ANY ADDITIONAL PERMITS THAT MAY BE REQUIRED BY THE FISH AND WILDLIFE COMMISSION.**

**12. PUBLIC HEARING: Rooster Crossing Future Lnad Use Map Comprehensive Plan Amendment - CPA-2006-13 - Large Scale Plan Amendment - Adoption Hearing - First Reading Ordinance 2008-023**

**Changing 50 Acres from AG-3 to RR - Potential of 50 lots**

**Owner:** Rooster Crossing Plantation, LLC

**Applicant/Representative:** Blackhawk Engineering, Inc.

**Location:** south(west) side of US 90 at the south end of South Lanier Road and north of the Hammock Creek Commerce

Park, approximately two and one half miles northwest of Midway

**TAX ID: portions of**      **3-36-2N-3W-0000-00310-0000 and**  
   **3-31-2N-2W-0000-00320-0000 and all**  
   **3-36-2N-3W-0000-00140-0000**

The plan amendment was transmitted to the Florida Department of Community Affairs (FDCA) on April 24, 2007.

**Planning Commission Recommendation:** Approval of the ordinance only on the parcel 3-36-2N-3W-0000-00140-0000 which contains 40 acres. They did not recommend changing the other 13 acres.

**Type Hearing:** Quasi-legislative Type IV Review

**Previous BCC Action:** December 5, 2006, the Board reviewed it and approved the transmittal to DCA

**FDCA Review: Issued Objections, Recommendations and Comments as found in Attachment # 6.**

In response to those objections, the County proposed several alternatives and responses that the county believes will sufficiently address FDCA's concerns. (See attachments # 5 and # 8.) A settlement agreement is in process at this time.

Attorney Williams stated that he attended the meeting with FDCA when Mr. McCord defended the county's position on the objections they raised. He said, "I can't really explain accurately how well the presentation was by Mr. McCord. There was a perception when we went into the meeting that the county did not know what it was doing and it was out of control. There was a lot of resistance to ideas. Mr. McCord came in with a present map and with a map of what he wanted the county to look like - kind of like a visioning thing. He went through a very detailed and orderly presentation of how he was going to go about accomplishing it. He even showed how the six amendments fit in with all of that. He expressed concern about things that did need to be done.

The DCA Secretary began to align himself with us. I can tell you that it was my impression after he got through with his presentation that the DCA has a new and healthy respect for what the county is doing with land development over here. It was all because of the presentation that Mr. McCord presented to them. He spoke their language and they understood it and you could see a paradigm shift in their thinking about what this county is about and where it is going and whether it was a good thing or bad thing.

Even having said that and being a lawyer and being wordy, it still didn't quite convey just how impressive he was to them. They are the state and they think they know better. He literally had them in a position where they felt that he was totally on top of what was going on in this county. So, I just wanted to make that point."

County Manager Brown stated that this meeting with the Secretary of DCA resulted from the dialogue that began when Commissioner Holt met with the Governor's office at which time he opened up the opportunity to meet with the Secretary to discuss the matters of concern in Gadsden County. He said that "We are a lot closer to settling those six amendments now than we were a couple of weeks ago, given that we had that audience with the Secretary and Bill was able to articulate our position. I am encouraged that we will get a good response from DCA over the next couple of weeks."

Commissioner Holt commended Mr. McCord.

Mr. McCord went over the material contained in the agenda report in great detail. (See the agenda report for further details.)

Commissioner Croley asked if the sewer main already in place along US 90 will accept the sewage from this development.

Mr. McCord responded that they have confirmed that Talquin has adequate capacity for this development and more. The developer will have to build a lift station and tie into the force main.

Discussion followed among the board.

Chair Dixon called for public comments. The following people were recognized.

**Carmen Green** - Black Hawk Engineering - She said that she had talked with Mr. Stamps at Talquin Electric and was assured that sewage capacity is available. There should be no issues with connecting to the line.

**Valarie Harris** - Lanier Road South resident. She recalled that when this land use amendment (LUA) was heard before, it was suggested that the developer meet with the home owners

in the area. She reported that there has not been such a meeting.

Chair Dixon expressed to Ms. Green that the board takes very seriously the developer's willingness to meet with area home owners when a development is being proposed.

Ms. Green responded that they had been waiting to see what the outcome with DCA would be before they scheduled the meeting. She promised that a meeting would be scheduled before the next hearing on this development.

**Ed Allen**, for Friends of Lake Talquin, voiced concern about the pumping station. He asked, "What kind of back up plan is in place in the event of failure of the pumping station?" Chair Dixon assured him those matters will be reviewed at the proper juncture, however, it would not be addressed at the land use stage of development.

Board discussion followed.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE OPTION # 1 AND APPROVE THE LAND USE AMENDMENT CHANGING THE FLUM BY CHANGING the LAND USE CATEGORY ON APPROXIMATELY 50 ACRES AS DESCRIBED IN THE ATTACHED AGENDA REPORT .

The Chair declared a recess, then reconvened the meeting after five minutes.

**13. Public Hearing - Chapman-Donofrio Large Scale Comprehensive Plan Amendment - CPA-2006-02- Adoption Hearing (Second Reading) Ordinance 2008-006**

**Mr McCord** briefed the board as to the above named Comp Plan Amendment as reflected in the agenda report which was filed with the clerk. He highlighted the following:

**Owner:** Brian Chapman, Phyllis Donofrio

**Applicant:** Elva L. Peppers, FL Environmental & Land Services, Inc.

**Location:** Two adjacent parcels totaling 27.4 acres located northwest of Quincy (3.7 miles), northeast of Gretna (2.5 miles), west of SR 267 and southwest of the St. John's Community, on the south side of Shade Farm Road, accessing

Pete Smith Road

**Potential Lots: 5**

**TAX ID:** 2-22-3N-4W-0000-00114-0000 AND 2-23-3N-4W-0000-00230-0000

**Planning Commissioner Recommendation:** Based on a number of findings listed in the agenda report, the Commission voted 6 - 0 on October 10, 2006 to recommend denial of the Land Use Amendment. They found it to be inconsistent with the Comprehensive Plan and Land Development Regulations and indicated by the findings. The primary reason for recommending denial was because if this LUA is approved, it would leave a pocket of AG3 land isolated from other larger AG 3 lands. It would tend to indicate that there would be a leap frog scattered pattern of land use.

**Prior BCC Action:** November 7, 2006 and April 3, 2007 the Board approved the LUA for transmittal to DCA for their review.

**DCA reviewed the amendment and provided no objections.**

**Staff Recommendation:** Approve the LUA request and the draft ordinance amending the adopted Future Land Use Map (FLUM) by changing the land use category on the property described above from AG-3 to AG 1 land use category based on the findings listed in the agenda report.

Chair Dixon 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 THE ORDINANCE DESCRIBED ABOVE.**

**14. Public Hearing - Volsch Large Scale Comprehensive Plan Amendment - CPA-2006-11 Adoption Hearing (Second Reading)**

**Owner:** Jill Volsch and Ken O'Brian

**Applicant:** Eric Gooch, P.E. of W. E. Engineering

**Location:** one mile south east of the City of Havana, adjacent to the north side of County Road 153 (Iron Bridge Road) and at the end of Tall Timber Road

**TAX ID:** 3-01-2N-2W-0000-00122-0100 AND 3-01-2N-2W-0000-00210-0300

**Type of Action Required:** Quasi-legislative in conjunction with the advertised public hearing as a large scale amendment to the FLUM

**Planning Commission Recommendation:** After public input on

**November 16, 2006,** the Planning Commission made a number of findings as outlined in the agenda report. They voted unanimously to approve the change with the understanding that the staff will be forthcoming with an administrative land use amendment to change the land use designation of the property east and west of subject properties to AG-1.

**Prior Board Action:** On December 5, 2006, the BCC conducted a transmittal hearing and voted to approve the land use change and transmit it to The Florida Department of Community Affairs for their review. They did not provide any objections to the request.

**Current and Proposed Land Uses:** The amendment is for 29.49 acres consisting of two parcels under the ownership by Jill Volsch and Ken O'Brian. The 10.19 acre parcel (westerly parcel) contains a homesteaded mobile home, kennels and a pond. The 19.30 acre parcel (easterly parcel) is vacant and is heavily wooded. A conceptual site plan has been provided indicating that the 29.49 acre site could be subdivided into five lots, at density of .8 units per five acres. The main access to Morningside Kennel is from the South Quail Hollow Trail. There is a gated entrance on Iron Bridge Road. The conceptual plan indicates that the applicant is requesting the FLUM amendment to subdivide the property into five parcels, one of which will contain the existing mobile home and kennel, another would contain kennels and the additional three proposed parcels are vacant.

Mr. McCord then explained that the parcels that surround the subject parcels have been developed at much higher densities than the subject parcels. (non-conforming) By changing the land use designation of the surrounding property, it would be less non-conforming.

**Chair Dixon 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 FIRST READING OF THE ORDINANCE AND THE LAND USE AMENDMENT DESCRIBED ABOVE.**

**15. Public Hearing - Fuchs Large Scale Comprehensive Plan Amendment - CPA-2006-11- Adoption Hearing for Ordinance 2008-004 (Second Reading)**

Growth Management Director Bill McCord introduced the ordinance described above. He briefed the board with

information contained in the agenda report. The file was formally entered into the record as County Exhibit # 1.

**Owner:** Diana R. Fuchs

**Project Manager:** Brenda A. Powell, Florida Environmental & Land Services, Inc.

**Location:** north side of Kittrell Road, approximately 2/3 of a mile east of CR 268 (High Bridge Road) It is located in the Deer Trace Farm Subdivision.

**TAX ID:** 3-28-2N-3W-0000-00431-0100

(This property is not a subdivision, but a metes and bounds type parcelization pattern, but there are deed restrictions that would limit lot sizes to no smaller than two acres. There could potentially be three lots.)

Per the application, "the applicant is proposing to merely replace an existing mobile home with a site built home if the LUA is approved." The application also states that the request is necessary to replace an existing mobile home with a site built home in order to accommodate a disabled relative.

**Planning Commission Recommendation:** Change the land use on the west 5.91 acres from AG-2 to RR; change the easterly 5 acre parcel to From AG-2 to AG-1 . See the findings as listed in the agenda report.

**Staff Recommendation:** Staff concurred with Planning Commission based on their findings.

DCA stated no objections to this amendment when it was transmitted for their review.

Chair Dixon called for public comments.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, TO APPROVE THE ORDINANCE DESCRIBED ABOVE.**

**16. Public Hearing - Comprehensive Plan Amendments (CPA-2006-16AD) (A-L, N-O, Q, and S) Administrative Future Land Use Map Amendments - Adoption Hearing FOR ORDINANCE NUMBERS 2008-007 THRU 2008-022 (Second Reading)**

The Growth Management Department requested approval of sixteen FLUM amendments to change the land use designation on parcels to reflect the actual or

originally intended land use designation for properties and to establish a land use to provide consistency with the existing use of the property with the FLUM. Five of the sixteen amendments are large scale plan amendments and were transmitted to FDCA for review and comment before adoption. The FDCA reviewed the proposed administrative amendments and provided no objections.

Amendments A - J (Public Parks) - The purpose of these amendments is to assign the Recreation (REC) land use to each of the county owned and/or county maintained parks.

<b>Amendment Number</b>	<b>Park Name</b>	<b>Number of Acres</b>
A	Sawdust	4.74
B	St. Johns	2.00
C	Robertsville	2.00
D	Rosedale	.93
E	Friendship	2.12
F	Scott Town	1.2
G	St. Hebron	2.02
H	Shiloh	1.78
I	Drake Acres	1.13
J	Pat Thomas	6.03

**Amendment K ( Shaw Property on Cooks Landing Road**

84.1 Acres from Conservation to AG 3

**Amendment L (Havana Middle School)**

49.86 acres from AG-1 to Public

**Amendment N (Iron Bridge Road - Rich Bay Area)**

99.98 acres from AG-2 to AG-1

**Amendment O ( West Gadsden High School)**

62 acres from Urban Service Area to Public

**Amendment Q (Williams Property)**

All of proposed lot 7 (east 3/4ths) (**2.25 acres**) be changed from AG 3 to RR; all of proposed Lot 6 (**7.32**) acres be changed from RR to AG1 (western approximate 50 ft.); and that the eastern approximate 300 feet of proposed Lot 6 (4-25-1N-4W-0000-00231-0300) (**6.97 acres**) be changed from AG-3 to AG-1.

**Amendment S - ACHS Properties, Inc. - CAP 2006-16AD(S) - La Salle Drive Area near the hospital - Changing 13.6**



**Acres from Industrial to Public**

Mr. McCord stated that this property consists of two properties currently used as health clinics located just south of Gadsden County Hospital. The two properties are owned by ACMHS. In 2005, they submitted a letter requesting confirmation that the use of the property complied with the land use. Since the site was used as a clinic, staff felt it would be more appropriate to designate it as Public land use.

Mr. McCord stated that FDCA had some objection to the proposed amendment "T" - Mining Lands CPA 2006-16AD(T) It is not included in the ordinances at this meeting. It was pulled from consideration by the staff.

Chair Dixon called for public comments on the ordinances described above.

There was no response.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTE 5 - 0, BY VOICE VOTE, TO APPROVE ORDINANCES AS DESCRIBED ABOVE.

**17. ~~Discussion of Cox Lan utility Permit Issue~~**

This item was deleted at the beginning of the meeting.

**18. Nominations/Appointments of Member to the Gadsden County Tourist Development Council - Patricia Vice**

UPON MOTION BY COMMISISONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE APPOINTMENT OF PATRICIA VICE TO THE TOURIST DEVELOPMENT COUNCIL.

**18-  
A Approval and Execution of Amendment of Library Services and Technology Contract for Kids Embracing Reading Through Cultural Exploration Grant 07-LSTA-E-01**

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED CONTRACT AND AMENDMENT 1 TO THE GRANT.

**18B Approval and Execution of Resolution 2008-014 for Library Appreciation Month**

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION DESCRIBED ABOVE.

**19. COUNTY MANAGER'S AGENDA**

**20. COUNTY ATTORNEY'S AGENDA**

**Status Report on Ruling of Chief U.S. District Judge Robert Hinkle - Hospital CMS Status**

Attorney Williams stated that he had called each commissioner individually and informed them that he had received an order dismissing the lawsuit filed by the county in federal district court regarding the hospital.

He explained that Judge Hinkle's order stated that Ashford had a responsibility to defend itself in the lawsuit, but it didn't. He went on to say that when the county realized that Ashford was not going to defend itself, the county stepped in to protect the critical access designation. However, the judge said that it was Ashford's responsibility and the county's attempts to save it were not sufficient. He said he is looking at what options are available at this point.

Chair Dixon stated, "This is really a sad day for all of us and certainly for healthcare in Gadsden County. We know every option that we pursue after this is going to require a plan that probably will require some financial backing from this county. That is bad in that we are going to have to really look at our options and think about this thing all over again.

We have talked about "Plan Bs" and what comes next. Not having critical access designation certainly hurts every other option that we are going to pursue to some degree. But, we are going to run this as hard as we possibly can to find the other options...we have got to find a way to provide healthcare in the county. We know what we have out there now is a stop gap measure in terms of the urgent care. But, now the options for long term care just got shorter. Our pockets better get deeper real quick because every other option will require us to pay for that plan to work and make

money or for the board to step up and handle the shortages that come with it.

We put our best foot forward. We ran down every lead and we turned over every rock that we thought we could possibly turn over - the designation was just that important. We need solutions. We need ideas. We need commissioners who are dedicated to finding an answer."

#### **Request for Closed Door Session**

Attorney Williams asked for closed session to discuss the federal law suit.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO HOLD A CLOSED DOOR SESSION ON THURSDAY, APRIL 3, AT 6:00 P.M. (This was later amended to be held at 6:30 p.m.)

### **21. Discussion Items by Commissioners**

#### **Commissioner Price, District 3**

Commissioner Price announced the Groundbreaking Ceremony for Sawdust Park on Providence Road on Saturday, April 5, 2008 from 11:00 a.m. - 1:00 p.m.

He then asked the board to consider doing something for the jail if there is money left over at the end of the year.

Jon Brown elaborated on the groundbreaking ceremony at Sawdust Park.

He then announced the Ice Cream Social on April 9, 2008 on the Courthouse Square from 12:00 p.m. - 1:30 p.m. The public was invited to meet & greet with elected officials, department directors and staff.

#### **Commissioner Holt, District 4**

##### **Cox Lane**

Commissioner Holt asked why the Cox Lane issue was rescheduled. He said she had received phone calls from people on both sides of the issue.

Attorney Williams responded that the biggest issue at this point is trying to determine who owns the road. There are no legal documents saying that the county owns the road.

### **Annexation**

Commissioner Holt then asked about a procedure relating to the annexation of county land into the municipalities.

County Manager Brown stated that they are now working on an interlocal agreement with the municipalities whereby the county would be notified when discussion about annexations begin. At the present time, the only notification that the county receives is after the annexation occurs. All parties would have to agree.

### **Commissioner Croley, District 2**

Commissioner Croley stated that he had an occasion to visit the Urgent Care Facility over the weekend. He reported that it was a positive experience and it worked well.

County Manager Brown made similar remarks in that he also had a personal experience at the Urgent Care Facility as well. He said the care was professional and the service was very expedient. He said, "I didn't think I would ever use Urgent Care, but I can only say great things about it. It was really good."

It was suggested that the county do some kind of sales and marketing effort to let people in the county know that Urgent Care does use Capital Health Plan insurance.

### **Truck Traffic on Woodward Road**

Commissioner Croley stated that Woodward Road is experiencing a lot of truck traffic that may be exceeding the weight limits. He asked if the Public Works could contact FDOT to do some enforcement work. However, he asked them to contact BASF first and give the fleet manager a "heads up".

### **Commissioner Lamb, District 1**

Commissioner Lamb stated he had a conflict with the date set aside for the closed session. It was rescheduled for 6:30

rather than 6:00 p.m.

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AMEND THE TIME OF THE MEETING FOR THE CLOSED SESSION TO 6:30 ON THURSDAY RATHER THAN 6:00 P.M.**

There was some discussion about the excessive number of meetings that the board has been having recently.

**CHAIR DIXON, DISTRICT 5**

Chair Dixon reminded the commissioners of the joint meeting with the City of Quincy and the Airport Authority at the airport on April 7, 2008 at 6:00 p.m.

He then expressed his appreciation for the recent cooperation among the board members. He said, "I know it is an election year, we all do. It is a bad time because it looks like we are finally not disliking each other so much, and we might even find a little appreciation for one another now and then. I know people change in an election year. Let me warn you not to do some things that I have experienced. Stay out of folks race. It makes for bad business around the table... I have done it myself. It is sad and it makes for bad business and it makes for less cooperation. It makes for a mean spirits and mean people. And what would be a perfectly good program, it gets sidetracked and bounced because of those ill feelings. Leave what you do at this table. Put all the arguments you can into your message. Whatever the deal is, put it on the table and when you get out from here, get up so you can shake somebody's hand going out the door. This mean spiritedness doesn't work anywhere. It is no good for anybody. Trust me, I know what I am talking about. We are going to loose a lot of time and a lot of effort and a lot of cooperation. That is me talking and nobody else."

**22. Receipt and File Agenda**

- a. Memorandum for the Record Regarding Approval of Contract Between Clemons, Rutherford & associates and the county executed by the Chairman on March 11, 2008. The board authorized the county manager to hire a consultant to evaluate the findings and recommendations on repairs to the

hospital at a meeting on January 15, 2008.

- b. Letter from the Sheriff Regarding Impounding, keeping and Disposing of Stray Livestock
- c. Letter from the Florida Department of Environmental Protection Regarding Permit Application Extensions
- d. Letter from the City of Chattahoochee Regarding the Comprehensive Plan Amendment - Public School Facilities Element
- e. Letter from the county Attorney to County Chairman Regarding the County Authority to Expend General Revenues to Fund the County's Affordable housing Pilot Program
- f. Letter to State Line Travel Centers Inc. Regarding Notice of Violation
- g. Letter from the Florida Department of Transportation Regarding Traffic Regulation Change Multiphase Traffic Control Signal
- h. Letter from Northwest Florida Water Management District Regarding Consolidated Annual Report
- i. Letter from Florida Environmental & Land Services, Inc. Regarding Adoption of Land Use Amendments for Diana Fuchs and Chapman-Donofrio
- j. Letter to Deliverance Temple Regarding Parking Addition Conceptual/Preliminary Site Plan
- k. Letter to Willie Canidate Regarding Lot # 2 Wood Lawn Acres Subdivision - Variance Approval
- l. Letter from Thurman and Betty Ann Hurst Regarding Crews for Widening of Drive Way
- m. Letter from the Boys and Girls Clubs of the Big Bend Regarding Participation in the Florida Youth of the Year Competition
- n. Letter from the City of Gretna Regarding City Ordinance # 2008-04 - Voluntary Annexation
- o. Letter to Donna Kempf Regarding Status of Proposed Land Use Change and Potential Development Review Schedules

- p. Letter to Brian Herron Regarding Preliminary Plat Approval for the Plantations of Foxchase Subdivision (SD-2006-13)
- q. Letter from the Clerk of the Circuit Court Regarding Summary Financial Statement

**ADJOURNMENT**

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

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Edward J. Dixon, Chair

ATTEST:

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Muriel Straughn, Deputy Clerk



AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY ON APRIL 15, 2008, THE  
FOLLOWING PROCEEDINGS WERE HAD, VIZ.

PRESENT: Edward J. Dixon, Chair, District 5  
Eugene Lamb, Vice-Chair, District 1  
Doug Croley, District 2  
Derrick Price, District 3  
Brenda Holt, District 4  
Paul Sexton, Deputy County Attorney  
Marlon Brown, County Manager  
Muriel Straughn, Deputy Clerk

CALL TO ORDER

Chair Dixon called the meeting to order

Invocation and Pledge of Allegiance

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

Amendments to the Agenda

The following amendments were made to the agenda:

- 13 Approval of Bids for Information Technology Services -  
Add Additional Material
- Add Approval to Place the Voter-Approved Indigent Care Surtax  
13A on the November 2008 Ballot
- Add Memorandum - Use of Small County Surtax Revenues  
16A
- Add Ratification of April 3, 2008 Board Action - Gadsden  
16B County, et al., Plaintiffs v. Michael O. Leavitt in his  
Capacity as Secretary of the United States Department of  
Health and Human Services, et al., Case No. 4:07cv51-  
RH/WCS

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 Croley was not present for this vote.

**AWARDS, PRESENTATIONS AND APPEARANCES**

**1. Employee Service Award Recognition** (Arthur Lawson, Sr., Assistant County Manager)

The board recognized the following employees for their years of service to Gadsden County then presented them with certificates and gifts.

James Peacock, Jr. - Heavy Equipment Operator - 10 Years  
Andre Walker- EMT and Interim Fire Coordinator - 10 years  
Willie Murphy - Heavy Equipment Operator - 15 years  
Thomas Penn - Heavy Equipment Operator - 30 years

**CONSENT AGENDA**

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

**2. Approval of Minutes**

February 5, 2008 - Regular Meeting  
February 12, 2008 - Special Meeting  
March 18, 2008 - Regular Meeting

**3. Ratification of Approval of Payment of Bills**

Accounts Payable Dated: April 4<sup>th</sup> and 11<sup>th</sup>, 2008  
Payroll Dated April 10, 2008

**4. Approval of Resolution Supporting Funding of the Rural and Family Lands Protection Act - Resolution 2008-017** William McCord, Growth Management Director)

**5. Approval of Fire Service/Mutual Aid Agreement with the City of Tallahassee** (Fire Department) (Brian Beasley, EMS Director)

**6. Approval of Signatures for Special Assessment Liens and Rehabilitation Contracts - Emergency Repairs** (Farnita Saunders, Community Development Administration Director)  
Willie Dell Martin; Ethel Pete; Annie Woody

**7. Approval of Signatures for Special Assessment Lien and Rehabilitation Contract-Community Development Block Grant (CDBG) & State Housing Initiative Partnership (SHIP) Programs**(Farnita Saunders, Community Development Administration Director)

Ella Griffin; Emma Gray

**8. Approval of Resolution 2008-010 Amending the State Housing Initiative Partnership Program (SHIP) Local Housing Assistance Plan LHAP** (Farnita Saunders, Community Development Administration Director)

Resolution 2008-010 amends Resolution 2002-020 to increase the administrative fees.

This amends the SHIP administrative fee from 7.5 percent to 10 percent for fiscal years 2002-2003; 2003-2004; 2004-2005. It also amends the maximum award amount from \$9,000 to \$10,000 for the low income category for the new construction purchase category and the existing home purchase category for fiscal years 2005-2006; 2006-2007; and 2007-2008

**9. Approval to Submit Letter of Support to Enterprise Florida, Inc. on Behalf of Opportunity Florida** (Farnita Saunders, Community Development Administration Director)

**CONSENT ITEMS PULLED FOR DISCUSSION**

There were no items pulled for discussion.

**CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS (3 MINUTE LIMIT)**

**Ed Allen- Friends of Lake Talquin**

Mr. Allen stated that there has been an ongoing effort to clean things up around Lake Talquin. He said, "We have been continuously trying to clean one place up in particular. We are getting no cooperation. By that, I mean, no cooperation because it is an absentee owner. They are out in California or someplace, but somebody needs to do something about the place. Last summer, they killed some rattlesnakes out there." He then submitted pictures as evidence of the problem.

He then referenced another parcel on which there are 24 vehicles parked on a quarter acre lot. He then asked, "What do we have to do in order to get this places cleaned up?"

Growth Management Director Bill McCord responded to Mr. Allen's complaints. He demonstrated the obstacles that the staff has encountered - one being that the absentee owners of the lots in question are not responding to any of the correspondence sent to them. Another being that one property is tied up in Probate Court. He then suggested that perhaps the property should be declared a nuisance, then take legal procedures to clean them up then place a lien on the property.

Attorney Sexton said there are mechanisms available, but he could not recite them without researching it first.

Chair Dixon said, "This really looks bad. Let's see if we can get a quick clean up and go through the process. I'm sure we have to declare it a nuisance in some way, shape or form. But, nobody next door should have to live with that kind of stuff."

Commissioner Holt suggested they pursue a legal opinion before going onto the property. But, once the opinion is in hand, then proceed with the clean up.

Commissioner Croley stated that there are sites just like that one all over the county. He cautioned that what you do for one, be willing to do for all. He then asked about the status of the Task Force for Code Enforcement.

Chair Dixon posed the question, "Is it our ordinance that is slowing us down in terms of these clean-ups or is it state law that we are having to function under? If it is something that we created, then we can change it to allow us quicker access to these kinds of properties and so on."

County Manager Brown replied, "One of the issues that we are dealing with as Mr. McCord eluded to is the whole Probate and legal issues that are already compounding the situation and our ability to get onto the property. We want to make sure that, legally, we can. So, we will check with the county attorney to see what rights we have or what authority we have to enter the property and clean it up."

Chair Dixon stated, "Mr. Manager, if you would along with the

investigation about the ordinance, bring us up to par on the task force that we approved and how these things can work together to make sure that, number one, when we identify (and thank you, Mr. Allen for identifying this one) but, when people identify these options to us, we are able to make the case and clean the place."

Commissioner Croley reiterated that the task force needs to know those things for the sake of their empowerment - not just for this one particular case. For that reason, it should be approached comprehensively just as outlined by the chair.

#### **PUBLIC HEARINGS**

**10. Public Hearing - Rooster Crossing Future Land Use Map Comprehensive Plan Amendment - CPA-2006-13 - Large Scale Plan Amendment - Adoption Hearing (2nd Reading) (William McCord, Growth Management Director) Ordinance 2008-023 Changing 50 Acres from AG-3 to RR - Potential of 50 lots**

**Owner:** Rooster Crossing Plantation, LLC

**Applicant/Representative:** Blackhawk Engineering, Inc.

**Location:** south(west) side of US 90 at the south end of South Lanier Road and north of the Hammock Creek Commerce Park, approximately two and one half miles northwest of Midway

**TAX ID:** portions of            3-36-2N-3W-0000-00310-0000 and  
   3-31-2N-2W-0000-00320-0000 and all  
   3-36-2N-3W-0000-00140-0000

The plan amendment was transmitted to the Florida Department of Community Affairs (FDCA) on April 24, 2007.

**Planning Commission Recommendation:** Approval of the ordinance

**Type Hearing:** Quasi-legislative Type IV Review

**Previous BCC Action:** December 5, 2006, the Board reviewed it and approved the transmittal to DCA; April 1, 2008 - approved the first reading of the ordinance. The board instructed the developer to conduct a public hearing with the residents in the area affected by the proposed development.

**FDCA Review:** Issued Objections, Recommendations and

**Comments as found in Attachment # 6.**

County Manager Brown reported that a meeting between the area and residents had been held.

Growth Management Director Bill McCord introduced the item reciting information contained in the attached agenda report. He pointed out that this property lies in the area which is to be a part of a community wide study. As one of the special conditions for approval of this development, he recommended that the board not consider conceptual or preliminary site plans until that study is completed. He also indicated that this development would provide the first leg of the new collector road that was included in the Comp Plan Amendment which essential extends from US 90 westerly to the boundary to the north portion of the proposed development.

Chair Dixon called for public comments. The following people were recognized for comments

**Carmen Green, Blackhawk Engineering,** reported that a public meeting was held with the residents in the area and their concerns were heard relative to how the subdivision would be laid out especially the proposed density. However, she pointed out that the subdivision will have central sewer facilities and in order to be economically feasible the density must be at least one unit per acre.

**Ms. Valarie Harris,** area resident of Lanier Road South, addressed the board. Her greatest concern was the increase to traffic and access through Lanier Road South. She asked that they access the subdivision through Reeves Lane and consider a second entrance from that point. She also questioned whether or not existing residents could hook up to the central sewer.

**Ms. Green** responded that the developer is open to a different access point.

Chair Dixon stated that it will be easier for the local residents to hook up to the central sewer system while it is going in, but that will be determined at a later date.

Ms. Green then submitted a letter for the record. (It was given to Kimbrew Jackson to copy and return.)

**Ed Allen, Friends of Lake Talquin**, asked questions regarding the pumping station. However, it was determined that the a tract of land would be identified at the conceptual site plan stage.

There was discussion among the board.

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, TO APPROVE THE LAND USE CHANGE.**

**11. Public Hearing (Rehearing) - AP-2007-04 - Appeal of the Denial of Mr. Nathaniel Cunningham's Housing Permit Application - Tax ID #3-03-2N-3W-0000-00122-0200 (William McCord, Growth Management Director)**

County Manager Brown remarked that this item was before the board previously as a general business item when it should have been a public hearing item. He apologized to the neighbors who were impacted by the board's decision without having been given proper notice.

Growth Management Director Bill McCord was administered an oath by Deputy Clerk Muriel Straughn. He then gave the board a brief description of the subject matter.

He explained that this matter first came to the planning department as an application for a housing permit which was denied. Mr. Cunningham appealed the staff denial to the board. It was heard by the BCC on March 4, 2008 as a General Business discussion item at which time the board granted Mr. Cunningham's appeal which would allow him to place a second house on a portion of land not connected to another portion of the property under the same deed.

Subsequent to that meeting on March 4, 2008, the Planning Department received a letter was from Mr. Charles Roberts stating some concerns that he had as a neighbor. The staff realized at that time that the proceeding should have been scheduled and advertised as a public hearing with notice. Therefore, it was placed on this agenda with proper notice as a public hearing.

The Planning Commission met and reviewed the request on April 10. After hearing the request and taking public comment, they voted 6 - 1 to recognize that this lot, by the

fact that it was split at the time it was, it was a defacto subdivided lot. The county attorney's opinion indicates that there is no governing law that dictates whether this lot should be considered a separate non conforming lot. The Planning Commission did vote in favor of reversing the staff denial and granted the appeal and voted to recommend waiving the appeal fee of \$500.

Mr. McCord asked the Board to require Mr. Cunningham to at least fill out the appeal application form for the record. (Since Mr. Cunningham appeared in person to appeal to the board, he never formally filed an written appeal.) He also suggested that the applicant be required to record a separate deed for this portion of the property. It will then be identified as a previously recognized non-conforming lot. It would be eligible to be sold and would also be eligible for building permits.

He then entered the agenda report into the record.

Chair Dixon called for the applicant. He was not present.

Chair Dixon then called for public comments.

**Charles A Roberts, 1635 Post Plant Road**, was administered an oath by the deputy clerk. He stated that he owns the parcel between the two parcels owned by Mr. Cunningham. He stated his opposition to the project. He said that the applicant already has a rental house on the west side of him. It is his understanding that Mr. Cunningham will place another mobile home on the other lot and rent it out as well. He said that he would be sandwiched in between. He complained of the noise and the traffic that already exists. He anticipated some potential drainage problems with the placement of another unit on the other parcel.

Commissioner Croley acknowledged that he and Mr. Roberts had talked about this matter on the phone.

Attorney Sexton clarified that Mr. McCord had prepared the agenda report and stated once again for the record that the agenda report had been entered into the record as the county's exhibit. It was also noted that the Planning Commission's recommendation was entered into the record as well.

Board discussion followed.



**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO CONTINUE THIS MATTER UNTIL MAY 6, 2008.**

Staff was given directions to facilitate a meeting between Mr. Roberts and Mr. Cunningham in an effort to address the issues raised by Mr. Roberts.

## **GENERAL BUSINESS**

### **12. Discussion of Cox Lane Utility Permit Issue**

(Robert Presnell, Public Works Director)

Attorney Sexton remarked that the county attorney was asked to take a look at the circumstances involving Cox Lane with regard to the appropriate regulatory environment. He reported the following:

- It appears that Cox Lane is a road that has been continuously maintained by the county in excess of seven years. That would qualify for dedication to the county 95.361 FS. However, the county has not formally accepted the road by resolution or deed.
- The development is within the city limits of Quincy.
- The developer of South Springs Subdivision is being required as a condition of development to pave Cox Lane and lay water and sewer utilities in the road.
- This issue is not whether the county has a right to regulate the development itself, but the nature of jurisdiction over activities to Cox Lane as well as whether or not Cox Lane belongs to the county.
- Would the paving of Cox Lane and the laying of utilities be subject to county regulation?
- If it is determined that the county does own the road, then the development would have to get a county permit for paving and laying of utilities.
- Based on Chapter 163 of the Land Development Code, paving of the roadway would be development, thus be subject to the Comp Plan and the Land Development regulations.

See the [attached memorandum](#) submitted by the county attorney which outlines the questions and issues involved. It also contains a summary and analysis.

Testimony was heard from the following:

Jason Garcia - in support  
Walt Miller - in support  
Carolyn Ford - in support  
Marva Davis, Attorney - in support  
Ed Freeman - Genesis Engineering - in support  
Rob Reister, Cox Lane resident - opposed  
Scott Shirley - Attorney for Cox Lane residents - opposed  
Wesley Cox, Cox Lane resident - opposed

Rebuttals were heard from Attorney Marva Davis and Jason Garcia.

#### **Road Acceptance**

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ACCEPT COX LANE AS A COUNTY ROAD.

#### **Other Questions To Be Resolved:**

Is the laying of utility lines in the roadway considered development?

Is the developer acting as an agent or the instrument for the City of Quincy relative to the installation of the utilities?

Testimony was heard from the following:

Jason Garcia  
Immanuel Sapp

Board discussion followed. There was a consensus that there was not sufficient information to discern whether the laying of utility lines in the roadway constitutes development.

#### **Continue hearing to May 6, 2008**

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO GIVE THE ATTORNEY ADDITIONAL TIME TO GATHER MORE FACTS THAT WILL HELP THE BOARD TO DISCERN THE ANSWERS TO THE ABOVE QUESTIONS AND TO CONTINUE THE DISCUSSION UNTIL MAY 6, 2008.

**13. Approval of Bids for Information Network Technology Services**  
(Davin Suggs, OMB Director) (Additional Material Attached)

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AWARD THE INFORMATION TECHNOLOGY SERVICES CONTRACT TO NETQUINCY AND AUTHORIZED THE STAFF TO NEGOTIATE A CONTRACT AND AUTHORIZED THE CHAIRMAN TO EXECUTE THE CONTRACT.

**Brown:**

Commissioners, the second item under general business is approval of bids for Information Technology Network Services. This item seeks board authorization to negotiate and execute a contract for information technology network services with TDS Telecom, Inc.

Commissioners, we have provided some background information. I have Mr. Suggs here who will go through how we went through this process and how we came up with our recommendation before you. We also have the county attorney who participated in this process as well. We are available to answer any questions that you have. I know that both respondents are here and I am sure that they will answer any questions that the board may have regarding their response to the RFP.

Mr. Suggs?

**Sexton:**

Mr. Chairman, before Mr. Suggs makes his presentation, the additional materials that you received from Mr. Suggs separate from the agenda package include the addendum to the RFP that add additional detail with regard to the selection process and the criteria for ranking and selecting from among the proposers. Those criteria are stated under section 9 on pages 10 and 11 of the handout that you received. My understanding is that the staff followed those criteria in formulating their recommendation. I just wanted to point those criteria out since it is going to be that it will be the Board of County Commissioners who will make the ultimate decision. The staff recommendation is just that - for purposes of this RFP, it is just a recommendation. So, if there is any question about the criteria, I am sure we will be happy to help you understand.

These are qualitative criteria. It is not a scoring system.

You have four criteria and then Mr. Suggs will give you a discussion of what they are and how they evaluated each one.

**Dixon:**

For the record, before you begin, let me recognize that Mr. Eton gave me a letter from Mr. Bogan to be presented to the body - a copy of which the clerk has.

Mr. Suggs?

**Suggs:**

All right. To save everybody time, if you will go to page two of the agenda item - page two of five of the actual agenda item - starting with the "Analysis." It is Item number 13.

Page two of the actual agenda item - in the agenda book.

**Dixon:**

In the book at the top of the page. The page number is at the top.

**Suggs:**

O.K. At the top of page two of five, I summarized what the county attorney was speaking to - the criteria that we used in evaluating the bids. You see the four different sections or relevance that we used in making our analysis and evaluating the proposals.

One was satisfaction of mandatory technical elements. The second was the proposer's experience and technical capabilities. The third was price proposal. The assumption made in this RFP was for a 60-month contract. And provision of optional service elements.

Now, I will just briefly.

**Sexton:**

Before you go much further Mr. Suggs, what is important to realize is per the terms of the RFP, this is the order of importance of the criteria. The relative importance. There is no specific numerical relationship, but, as the list goes down, the relative importance goes down of each of those elements. That was part of what was developed as criteria for the evaluation process.

**Suggs:**

Do you want me to run through them briefly or do you just want to ask questions?

**Dixon:**

Run through them briefly, and then we may have some questions.

**Suggs:**

First, "Mandatory Technical Elements." This was number one in our scope. Our scope has always been to provide us with a dedicated fiber optic network between our county buildings. The only thing that has changed from the previous bids is that we went from 10 buildings down to five buildings. We cut out the three libraries during the budget cuts during budget season and we cut out two other outlying buildings. We just moved Community Development to another location, so we were able to eliminate some buildings to acquire some potential cost savings. So - Could they meet our scope? Could they provide us a dedicated network to the buildings listed in the bid? And, we had a yes/no, pass/fail section of technical questions that they had to respond to and answer. They pretty much had to answer "yes" to them, which all spoke to technical parts of services that we needed.

The reviewers, when we looked at it, both of them completed the technical portion in a satisfactory fashion. We had no problem with either one of them. Moving forward with that.

Experience in Technical Capability - Both respondents were required or asked to provide experience and technical capability statements or statements to show their experience in providing services we requested and to describe resources that they had through their services so that we could analyze that. When we reviewed it, we came up with Number 1 - both of them provided information that reflected positively - in a positive fashion about their services and their ability to meet our needs - our minimum needs. When it just came down to it, the staff ranked TDS ahead of NetQuincy due to it's national presence, number one. With that comes just the size and the girth of the infrastructure and availability of resources as well as their directly related experience in terms of their focus experience in providing these services - meaning telecommunications. This is what they do. This is all they do. So, in that, the evaluators ranked TDS ahead of NetQuincy in the area.

The third area was Price Proposal. We asked the vendors to submit price proposals based on a sixty-month contract. We gave them the option that they could provide us several different pricing options or pricing schemes, depending on how they wanted to mix the services they offered and the prices they offered. In the RFP, the county reserved the option to evaluate them using evaluated versus a constant dollar versus a future dollar or with inflation. But, the way both bids came in, both entities, no matter how many options, they offer flat prices over a five-year period. So, it was very easy to determine what was what in terms of evaluating the price bids.

The lowest price bid - TDS offered two options. If you will turn to page three of the agenda item - they offered two options. They offered a monthly payment option and then they offered an annual payment option, meaning that their base offer was a monthly price that totaled \$39,300 annually. They gave us the option that if we were to make one annual payment over the term of each year of the contract, they would give us 6% discount, which then reduced that annual price to \$37,000.

NetQuincy provided five different options. The lowest option came to a total over a five-year period of \$182,460, or roughly about \$36,500 per year. Their highest option came in at about \$246,000 over five years or roughly about \$49,300. Just the varying options with NetQuincy - all of the options meet our minimal needs, but the varying prices depends on the level of service and the way it is combined with optional elements that they offer in addition to our minimal core requirements. So, that accounts for the difference in prices. It is the different levels of services that they offered.

So, with pricing, overall what you have is that both of the offers met our minimal needs. NetQuincy had the lowest one when you take their lowest offer versus TDS lowest discount offer. NetQuincy was lower annually by about \$600 a year or over a five year period, about \$3,000.

O.K. The last section was Optional Technical Elements. What we did - Our core requirements were: 1) Build us a fiber network dedicated. We own it. 2) Connect our five buildings at a certain speed and give us a certain size bandwidth to the internet or access to the internet. Our basic core minimal needs. 3) We also requested - we let

them know that we prefer these optional elements - if you could deliver these at a price that we can afford, that would be great.

We listed five of the optional elements that we preferred. But, we also asked them, even if we did not list anything else, is there is anything else that you can offer that we did not think about, put it on the table and we are willing to look at it. So, in this section, there are notable differences between the two. They offered different things. They were both attractive. But, when we looked at them - number one, what we asked for, we told them was "Here are the options that we want to look at. We want to look at buried fiber. We want to look at the ability to relocate existing services to another building. Meaning, we are currently here in terms of county administration. But, if we moved away to another building or if we built a new building, we want to be able to move this service to that whatever building we go to." Not adding new service, but relocating existing service or existing lines that are in use. Third was additional dark fibers or non-fibers that are not in use. This would be for redundancy or give us the ability to tech manage in the future. Meaning that whoever runs what fiber instead of running (I think the bid called for two pairs of four fibers in the core requirements) but to run additional fibers. Right now, what we are asking for is 1KB network. In five years, we may want to run twice that speed and we would already have the fibers there. It is hypothetical, but that is what we asked for - the ability. Could they produce additional fibers?

The fourth was Collocation of White Space and Bandwidth. Basically, the disaster recovery site at no additional cost. That was important to us.

Then five was availability of First Ability. First Ability meaning - there are periods of time that we may need greater access to the internet. During times that we are busy or doing something, instead of at a regular speed, we may need to increase that access to allow traffic to flow through. We just wanted to ask about that availability to be provided to us upon request.

So, we look at NetQuincy's response. They did not offer buried fiber. Relocation - they said "yes" and that was included in the base. The dark fiber, they offered four additional fibers per site at a negotiated cost.

Co-location - they offered co-location, rack space for disaster recovery services in the network operations center here in Quincy. Burstability, they offered between 10 and 25 megabytes per second depending on pricing option. That goes back to the different pricing options that they offer.

They also offered two other options that we did not request in our RFP, but we welcomed them to submit. Those two were: They offered satellite broadband internet connectivity and they also additional in-service network connections beyond the fiber requested buildings at no cost. We assume that to mean - let's say that we only have five buildings, we took off five. And, if there was another building that needed to be connected - and so, that is how we read that.

TDS's Response - Buried fiber was "yes" as included in the base price. 2) Relocation - will be discussed and negotiated based on the request. The when and where would be negotiated. 3) Dark fibers - TDS, as a factor of doing business and in their response, they run spare fibers, but the use and allocation of those spare fibers, at the time and demand of the request, it will be a negotiated option. But, as a business practice, they run more than what is needed. Then the rest will negotiate use of that and the allocation of those fibers will be negotiated. 4) Co-location - they offered included in the base price a collocation site in Kingsland, GA, and one megabyte per second of connection speed or bandwidth up and down. So, that would provide the county with offsite, out of Quincy, out of county, disaster recovery location space. And 5) Burstability - on their response, it depends on the requested amount of bandwidth at the time of need.

So, bottom line in this section is that staff found both proposals - technical, optional proposals, favorable. However, in evaluating, the staff knowing the county needs and looking at the proposals, we ranked TDS ahead of NetQuincy. The first thing, the biggest thing and the primary thing was TDS's ability to provide buried fiber versus aerial fiber. That was a big thing. Then also, the second factor to us was the ability to provide the disaster recovery location outside the general vicinity of Quincy and Gadsden County.

In summation, based on reviewing all four elements, staff is recommending that you authorize the chairman to negotiate



and enter into a contract with TDS.

**Croley:**

For the chairman to negotiate? Usually the

**Dixon:**

You know what he is talking about here.

**Croley:**

Well, I didn't think he was talking about you, but, he said the chairman, but I was wondering if he meant the manager.

**Suggs:**

For the staff to negotiate and the chairman to execute.

**Croley:**

O.K. He signs it, but you would, O.K. I just wanted to make sure. I didn't know you were a computer expert, that why I - I mean network.

**Dixon:**

I am entering a keyboard class next week.

Are you finished, Mr. Suggs?

Suggs:

Yes, sir.

**Dixon:**

Questions of Mr. Suggs, commissioners?

Will there be other comments? We have a letter from Mr. Bogan. We will honor such a request.

**Eton:**

Good evening, commissioners. My name is Ray Eton and

**Sexton:**

Mr. Chairman, before you get too much further into the discussion phase, I suggest to the chair that the commission not entertain any offers to change proposals or to add or subtract from what has been submitted. If you want commentary to aid the commissioners to appreciate what has been filed, I don't think that is terribly objectionable because you have both parties here. But, I think the RFP process is designed to have everybody make their submittals and then live or die with what they have submitted.

**Dixon:**

If you would, make your comments, you are recognized.

**Eton:**

I presented this evening, a letter from our city manager who didn't expect to be here tonight. He is outlining the City of Quincy's concerns regarding the evaluation and recommendation before you.

Our concerns from the City of Quincy are pretty basic. We offer the best price and the broadest service for that price. And, considering where this bid has been, and price has been emphasized, cost has been emphasized throughout this RFP process. The RFP process was let with a cap of a certain dollar amount and then staff also asked us to offer options at no cost within that price. We have exceeded by far the offerings in terms of options and other things.

I do want to make one point of clarification. I think staff interpreted our dark fiber option as an additional cost and it is not. If you read it, we will bring additional dark fiber as requested as an option and a price as staff requested was to light those fibers up similar to the way he described the TDS offering. In the evaluation by staff, they also gave weight to the fact that the disaster recovery site would be out of the City of Quincy. In our options that we presented, we also offered the satellite bandwidth internet connection that you could place anywhere. Anywhere in the country. So, it didn't have to be that you selected an option or not for disaster recovery. We can put your disaster recovery wherever you choose. I don't think those were accurately represented.

But, as I say, our request is simple. We asked the commission to reconsider the evaluation and to award NetQuincy as the lowest bidder and best value.

Thank you.

**Dixon:**

Thank you, sir.

**Sipple:**

Good evening, Commissioners. My name is Marty Sipple. I am an attorney with the Ausley & McMullen Law Firm in Tallahassee and I represent TDS. Also with me is Tom McCabe

from the company. He can answer any technical questions you might have.

I am going to be very brief and it has been a long evening and this has also been an extremely long process - trying to let this contract. I just want to emphasize a couple of things - I guess from a legal prospective and an overall process perspective.

Mr. Sexton said and he is quite correct that staff has made recommendation and it is ultimately the board's job to make the final decision. But, I think you can call on your attorney also to advise you that the fact that it is a recommendation and it is ultimately your decision doesn't necessarily mean that you get to do whatever you want. We have, you county has adopted a procurement policy.

**Dixon:**

Sir, we have done this a number of times. Is there something new you want to add?

**Sipple:**

O.K. The only thing I will say, your honor, (huge laughter)

You have four criteria - basically objective criteria. Two of them are a draw. Then the other two, your technical staff has concluded and weighed heavily in favor of TDS. So, it really becomes a simple decision.

So, with that and taking my cue from the chairman, I will leave it at that.

**Dixon:**

Thank you and forgive me if I sound harsh. I'm really not trying to. Please forgive me.

Commissioners?

**Lamb:**

I have read this and I looked at it and I don't see a whole lot of difference in what either one of these is offering. I see where we will have saved \$3,000 with NetQuincy.

The last time we had it up here, I think that it was the other way around. But, is there that much difference that you chose TDS over NetQuincy and you can save \$3,000?

**Suggs:**

Are you asking about the difference in the price or the difference in - and really, when you get on the annual basis, the difference in the price is \$600. There is \$3,000 difference over a five-year period. That is if you went with NetQuincy's lowest option. They offered five options.

**Lamb:**

But they are still the lowest bidder.

**Suggs:**

Correct. But, as we wrote in the agenda item, even though TDS on an annual basis is \$600 higher than NetQuincy's lowest offer, the value of what TDS is offering and how we ranked it and evaluated it, it outweighed - it is worth paying that \$600 more by far.

**Lamb:**

In your opinion.

**Suggs:**

Yes, in my opinion. Yes, my opinion, and the staff.

**Dixon:**

Commissioners, now, let's be straight. Somebody is going to get this contract tonight. Do we understand each other? So, let's not be long. Let's just.

**Croley:**

I just want to ask you a question. They are close. NetQuincy is the low bidder. The only question that comes to my mind is outages. How have the - if you look at the record of internet service outages in their respective service area, is there one doing a really bad job or one doing an outstanding job or are they equal in that regard, too?

**Suggs:**

What we looked at, we did not go back and look at past history on outages. We asked for that technical and capability statement in terms of resources and maintenance and trouble shooting and monitoring. When we looked at those resources, we have personal experience with both of them in this area -when dealing with them and having problems. But, going back to their technical capabilities, it is almost a draw, but then you always fall back to TDS

because it is a larger company with a larger infrastructure and larger resources. But, in terms of service, our personal experience with service - we have had service from both of them. The service from both of them has been good.

**Croley:**

So, NetQuincy has offered the lowest bid it appears. Unless there is something I am missing.

**McCabe:**

Tom McCabe with TDS Telecom. I would just to share just a little bit of information about what we are talking about here. I don't think that enough emphasis has been placed on the technical aspect of what we have to offer as a company. We have been providing service in Gadsden County for over 100 years. We have a national organization with over 11,000 people that have the experience and technical knowledge to take care of this network for you. Now, what you have seen recently in the newspaper. I mean, the City of Quincy, with all due respect, NetQuincy has a workshop on April 29 to evaluate whether to outsource NetQuincy somewhere else. There has been a lot - looking over the proposal, I see stuff about local dollars. Well, TDS Telecom paid Gadsden County over \$300,000 in intangible taxes. Something that NetQuincy has an obligation to pay, but has not done so. That is an issue that is going to be brought up. So, when we are talking about \$600 compared to the technical experience that we have to offer, I don't think there is a question. Now, if it is that there is some affinity for NetQuincy for whatever reason that is one thing. But, I guarantee you that you cannot compare the two organizations with all due respect for them. We have a great interest in the City of Quincy being successful because as the city and the county grow, our business grows and that is what we are looking at. This is an extremely difficult business and we find it tougher and tougher everyday. I don't think some of the other folks understand the challenges that they have today or the challenges that they will have tomorrow. I think that with our company, you are going to have the ability to make sure that what you agree to tonight and what you have in the end of five years from now, and as technology changes, we will be there upgrading our network because we have the resources to do so.

Thank you.

**Sipple:**

Could I say one thing?

**Dixon:**

We have 20 minutes to conclude this meeting.

**Sipple:**

Just one sentence. One sentence. One sentence. And this is directed at Mr. Croley.

**Dixon:**

Why? You don't like the rest of us?

**Sipple:**

Well, I want to answer a simple question that he asked. That was when he asked Mr. Suggs about "What do you fall back on?" And when he said, "He falls back on the national size and structure," and you kind of shook your head.

It is critical that you defer to your technical people here. What this recommendation says is, "The two critical overriding tipping points here are underground cable, number one and number two, that backup station in Georgia." It's not just that they are a big company that is your technical staff telling you why those factors are worth \$600 a year. He can explain why those two things are worth \$600 per year. It is not just because they are a big national company. That is all I wanted to say to Commissioner Croley.

**Dixon:**

Mr. Eton, you get your opportunity.

**Eton:**

A couple of points of clarification. First of all, you were talking about the preference for buried cable. I defy you to find any trade journal that will recommend one aerial cable over buried cable. You just won't find it. It is six of one and half dozen of another. They all come with pros and cons. Secondly, the young man referred to a workshop that the city is conducting concerning NetQuincy and it's financial position. The City is involved and engaged in due diligence in terms of strategic planning and strategic visioning for the whole city - every department. Every department is being examined and being looked at in how it relates to the coalition of the city and whether or not they need to be repositioned. NetQuincy is included. So, it is not that the only thing the City is looking is NetQuincy. They are looking at all of the city's

operations.

Now, regarding the \$600. Now, if you take the lowest bid of NetQuincy and all of it's options, it still exceeds what TDS is offering. So, if you add all of those options to the TDS bid, the value is going to be more than \$600.

**Croley:**

Mr. Chair, just for the record, so that our friendly attorney will know, I am a customer of TDS and I use it everyday in Gadsden County and they do fine. But, I am looking at the whole big picture.

**Dixon:**

Mr. Bogan?

**Bogan:**

I just want to take a couple of minutes. I wasn't going to say anything, but Mr. McCabe addressed me and I feel like I need to address this issue of outsourcing.

As Mr. Eton said, we are strategically looking at that. The whole thought is that there are ways of partnering with someone in order to be able to continue to be able to expand and be responsive and be what we need to be as an organization without having to drain off the city resources.

The city issued a debt on this. We can't just abandon NetQuincy. So, we've got to be responsible in the way that we approach it. I am consulting right now with experts in the field, but not in this town, to find out what is the best direction to go with that as far as being able to yield it.

I've got one other point that I want to bring to you. If NetQuincy had not been here, what would your price for telecommunications have been? That is all I have to say. Go back and look at your original bid.

**Lamb:**

Mr. Chairman.

**Dixon:**

Commissioner.

**Lamb:**

When I see an opportunity to cooperate and to keep my home

county within our government or to accept something that they have to offer within our county, and clearly, they have the lowest bid, not that I am giving them anything, not that I am favoring them, but I have the opportunity to keep our own here at home. I can't see me not supporting them. I just can't see that. If we have the same thing, if they offer the same thing someone else can, and they are here in Quincy, from Gadsden County, and I cannot support my own home that would be a poor excuse for me not to support them. I just can't see myself not supporting my own home if they have the same thing to offer and they won the bid. I can't see myself doing that. I will not do that.

With that, if no one else has anything?

**Dixon:**

Let me see. Let me look around. We might.

**Lamb:**

O.K. But, come back to me, now.

**Holt:**

On these items, looking at the recommendation for TDS as compared to NetQuincy, and them being a nationwide company, what are those advantages to TDS?

**Dixon:**

Please, Mr. McCabe.

**McCabe:**

Well, the level of expertise that we have. This is our business. This was not a side business that we decided to get into with the hopes of making additional revenues for the city. WE are a national organization. We have a national network. We have direct connections with POPS outside of Quincy through our own network. We filter a lot of advantages that we can bring to this table that we have been doing for a long time in Gadsden County. Now, when you talk about, and Mr. Lamb, I would just like to point out that we serve most of the county. Your constituents are dependent upon us. We are the ones that are rolling out broadband services outside to other parts of Gadsden County. Now, we are the ones who are taking those financial risks. And, it is not taxpayer dollars that are doing that. Those are things that are important.

**Dixon:**



Alright, members. I hate to rush you all while you deliberate, but I have an agenda that still has five things left on it that we need to do in the next 15 minutes.

**Lamb:**

Please, Mr. Chairman. I have a question for Mr. Suggs.

**Dixon:**

Mr. Suggs.

**Lamb:**

Mr. Suggs, whoever gets this bid, aren't they going to serve the whole county?

**Suggs:**

In terms of the county organization, whoever gets the bid, in terms of us internally as an organization, one person will provide service to us.

**Lamb:**

That is what I am saying.

**Suggs:**

Yes. But, the county government organization.

**Lamb:**

Only?

**Suggs:**

Yes, only. This has nothing to do with residents or anything like that. This is just Gadsden County BOCC.

**Lamb:**

Do we have a lot of residents who use the services?

**Suggs:**

Are you talking about from us? From either company?

**Lamb:**

Yes.

**Suggs:**

I don't have the exact count. I don't know. I don't have any data with which to answer that question. I know that they both operate in the county.

**Dixon:**

I am sure you can ask them. Commissioner?

**Croley:**

How much money does the phone bills for the county run with TDS?

**Suggs:**

Roughly, I know the last couple of bills, all the phones, they averaged about \$5,000 per month.

**Croley:**

O.K. So, we are doing a fairly good bit of business with TDS as far as the county goes. They are a vendor, too for the county. That is what I am trying to say.

**Suggs:**

Yeah. Right.

**Croley:**

That have a presence here. O.K.

**Dixon:**

Commissioners, I hate to push, but the chair will entertain a motion.

**Lamb:**

I offer a motion that we go with NetQuincy.

**Dixon:**

We have a motion.

**Price:**

Second.

**Dixon:**

We have a second. Will there be further discussion among the members? (no response) There being none, all in favor, sign of "Aye."

**All:**

Aye.

**Dixon:**

Opposes?

(No response.)

**Dixon:**

Make it unanimous. The county will enter into negotiations with NetQuincy.

**13A Approval to Place the Voter-Approved Indigent Care Surtax on the November 2008 Ballot**

Mr. Brown stated that this agenda item seeks board authorization to place an initiative to impose the Voter-Approved Indigent Care Surtax on the November 2008 Ballot. He explained that it was being presented again at the request of Commissioner Holt.

As background, he recalled that the county's pursuit to retain "Critical Access" status for the hospital was not successful, making it necessary to look again at revenue sources if the county continues to pursue the re-opening of the hospital. Based on the staff analysis, the surtax should generate \$1.52 million annually.

Commissioner Holt made a few comments. She stated, "I think that the state and federal government would look more favorably on us if we are willing to try and levy some of the funding ourselves for healthcare instead of having to continuously ask for outside help. You have to also look at how that would be done in so far as people buying items - even gas - throughout the county. Tourist would be helping to pay for that. When they stop, they are going to buy gas. That half cent sales tax would also be paid by those individuals, too because they have a tendency to use our healthcare facilities. We know that because throughout a tourism state, you are going to have some tourist here. What I am looking at now is to get that half cent sales tax on the ballot. We can bring that back before the Health Council. I guarantee you that I will be working on that campaign myself simply because this is an item that I truly believe in. If we don't provide for healthcare, we can forget about paving roads and everything else because we won't be behaving responsibly. When we look at these items, healthcare comes first."

**A MOTION WAS MADE BY COMMISSIONER HOLT AND SECONDED BY**

COMMISSIONER PRICE TO DIRECT THE GADSDEN COMMUNITY HEALTH COUNCIL TO DEVELOP A HEALTH CARE PLAN FOR USE OF THE VOER-APPROVED INDIGENT CARE SURTAX FOR BOARD APPROVAL.

Discussion followed.

Commissioner Croley recalled that it had only been two years since this same surtax was defeated by the voters. He questioned whether there had been sufficient changes in the community and environment to warrant putting this issue back on the ballot.

\*\*\*\*\*  
UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO EXTEND THE MEETING FOR TEN ADDITIONAL MINUTES.  
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THE BOARD VOTED 4 - 1 IN FAVOR OF THE MOTION WITH COMMISSIONER CROLEY OPPOSING.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 1, TO DIRECT THE COUNTY ATTORNEY TO DRAFT THE ORDINANCE AND REFERENDUM LANGUAGE TO SUPPORT THE HEALTH CARE PLAN FOR APPROVAL BY THE BOARD.  
COMMISSIONER CROLEY CAST THE LONE DISSENTING VOTE.

**14. Approval of Revisions to Section 6 & 8 of the County Personnel Rules**

(Davin Suggs, OMB Director) (Additional Material Attached)

A MOTION WAS MADE BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE TO APPROVE THE REVISIONS TO THE PERSONNEL RULES.

Commissioner Croley was opposed to having so many members on a grievance committee dealing with employee issues.

THE BOARD VOTED 3 - 2 IN FAVOR OF THE MOTION. COMMISSIONERS HOLT, PRICE AND DIXON VOTED IN FAVOR OF THE MOTION. COMMISSIONERS LAMB AND CROLEY OPPOSED IT.

**15. Letter from Florida City and County Management Association Regarding the Selection of Gadsden County for the Program Excellence Award: Community Partnership for a Population from 20,001 to 50,000**

Mr. Brown stated that the above named award was given to Gadsden County in recognition for the legislative priority program that it has with collaboration with the municipalities. He said that the Chairman will be traveling to Marco Island to accept the award on behalf of the County.

**16. County Attorney**

**16A Use of Small County Surtax Revenues (Memorandum)**

Mr. Sexton called attention to the memorandum prepared by the county attorney in response to an inquiry about using revenue from the small county surtax to fund the construction of the Boys and Girls Clubs. The summary and conclusion stated "It is our opinion the Board of County Commissioners may use the revenues of the Small County Surtax for the desired purposes relating to the development of facilities for use by the Boys and Girls Club on county property. The desired infrastructure and associated public works had been appropriately determined to advance public purposes and to serve the public interest. It is understood that the use by the Boys and Girls Club would be implemented by means of a lease or similar legal document."

No action was necessary.

**16B Ratification of April 3, 2008 Board Action; Gadsden County, et al., Plaintiffs v. Michael O. Leavitt in his Capacity as Secretary of the United States Department of Health and Human Services, et al., Case No. 4:07cv51-RH/WCS**

Following the closed session on April 3, 2008, the board reconvened a public session without calling the clerk back into the chambers to record the board's action. There was a court reporter present, but the transcript was not yet available for the public record.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO RATIFY THEIR PREVIOUS ACTION OF APRIL 3, 2008, TO NOT MOVE FORWARD WITH THE LAW SUIT NAMED ABOVE.**

It was stated by Attorney Sexton that the transcripts pertaining to the lawsuit will now be available for public review.

**COUNTY MANAGER**

**17. Miscellaneous Items**

Letter from Florida City and County Management Association  
Regarding the Selection of Gadsden County for the Program  
Excellence Award: Community Partnership for a Population  
from 20,001 - 50,000

**Discussion Items by Commissioners**

**Commissioner Lamb, Vice Chairman, District 1**

Commissioner Lamb had no report or comments.

**Commissioner Croley, District 2**

In response to the concerns expressed by Commissioner Holt about healthcare, Commissioner Croley stated that he agrees that health related issues (including the medical insurance) is important. However, he encouraged the board to slow down and take the time to take a rational and step by step approach to healthcare in Gadsden County.

**Commissioner Price, District 3**

Commissioner Price called attention to the ground breaking ceremony on Saturday at the new Sawdust Park.

He then made some remarks about some commissioners interfering in another commissioners bid for re-election. He said, "They are asking them to vote me out. My fellow commissioners. So, since my fellow commissioners have so much concern about District 3, and I was looking at the road paving list - and it is the furthestest on the list with road paving, three and four - let's move the road paving money to three and four."

Chair Dixon stated, "Commissioner, that is not appropriate at this time."

Commissioner Price pleaded with the other commissioners to "stay in your own race."

**Commissioner Holt, District 4**

Commissioner Holt thanked those who attended the ceremony at Robertsville Park.

She then made some remarks about the indigent care surtax saying that her constituents have pleaded with her to bring the referendum back to the forefront. She said that they had actually started a petition drive to make it happen.

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**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO EXTEND THE MEETING A SECOND TIME - FOR AN ADDITIONAL FIVE MINUTES.**

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**Commissioner Dixon, Chairman, District 5**

Chair Dixon had no report or comments.

**Receipt and File**

**18**

- a. Letter from Big Bend Transit, Inc. Regarding Gadsden County's Transportation Disadvantaged Service
- b. Letter to Nathaniel Cunningham Regarding Appeal 2007-04 - Board Decision to Reverse the Denial of a Housing Permit on the East Portion of Land
- c. Letter to Deliverance Temple Regarding Parking Addition Stormwater Review Comments
- d. Letter to Mack and Angeline Isaac Regarding Variance Approval of Immediate Family Exception Lot Variance
- e. Letter to Cynthia Brown Regarding Brown Variance on McCloud Property - Variance Approval - V-2008-02
- f. Letter from Charles A. Roberts Regarding Rural Residential (Cunningham Project)
- g. Letter to Henry S. Holley Regarding Inquiry on Existing Asphalt Plant on SR 267 Township 1N, Range 4W, Section 28
- h. Letter to Latasha Murray Regarding Ebony Estates LUA (Small Scale) Amendment

- i. Letter from Florida Association of Counties Regarding the Taxation Budget Reform Commission (TBRC)
- j. Notice of Dismissal of County Appeal of Termination of Medicare Provider Agreement for Gadsden Community Hospital
- k. Letter to Henry Chandler Regarding Status of Property at 842 St. Johns Church Road
- l. Letter from Blackhawk Engineering Inc. Regarding Rooster Crossing Large Scale Map Amendment
- m. Memorandum Regarding Public Meeting on Proposed Extension/Expansion of Florida Gas Transmission

**May Meetings**

- May 6, 2008 - Regular Meeting
- May 13, 2008 - Workshop
- May 20, 2008 - Regular Meeting



**ADJOURNMENT**

THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR  
DECLARED THE MEETING ADJOURNED AT 11:30 P.M.

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Edward J. Dixon, Chair

ATTEST:

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Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON MAY 6, 2008,  
THE FOLLOWING PROCEEDINGS WERE HAD,  
VIZ.

PRESENT: Edward J. Dixon, Chair, District 5  
Eugene Lamb, Vice-Chair, District 1  
Doug Croley, District 2 (arrived at 6:05)  
Derrick Price, District 3  
Brenda Holt, District 4  
Paul Sexton, Deputy County Attorney  
Marlon Brown, County Manager  
Muriel Straughn, Deputy Clerk

CALL TO ORDER

Chair Dixon called the meeting to order stating the date and time of the meeting. County Manager Marlon Brown led in the invocation and Commissioner Price led in pledging allegiance to the US flag.

AMENDMENTS TO THE AGENDA

The following amendments were made to the agenda.

Delete Presentation of Winners of the 30<sup>th</sup> Annual Lake Talquin  
Item 2 Open Bass Fishing Tournament of March 22, 2008

Add 2007 Gadsden County Government Employees United Way  
Material Campaign Report and Presentation of Awards  
For  
Item 3

Add 5A Update on the Status of the Citizen's Advisory  
Committee on Solid Waste - Pat Curtis

Add Mr. Charles Roberts, 1635 Post Plant Road, Quincy, FL  
Citizens  
Agenda

Add 17A Approval of Amendment No. 3 to Grant Agreement (LP6721)  
with the Florida Department of Environmental Protection  
for Water/Sewer Infrastructure Engineering and Design

Study - \$250,000

Add 17B Approval to Declare Emergency Medical Service (EMS)  
Unit 2 Surplus and Transfer the Unit to Jefferson  
County

Add 17C Approval of Contract with Evans Construction &  
Development, Inc. to Complete Construction of the  
Gadsden County Public Safety Complex in Gretna, FL

Replace Discussion of Edward J. Butler Governmental Complex  
Material Parking Lot  
Item 18

Add 18A Approval to Change the May 20, 2008 Board of County  
Commission Meeting to May 27, 2008

Material Discussion of Cox Lane Utility Permit Issue  
For Item  
20.

Add 20A Request Approval of Closed Door Attorney/Client  
Session, if Needed, to Discuss the TDS Bid Protest

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

**Item 12 of the Consent Agenda was pulled for discussion at the  
request of Commissioner Lamb.**

**AWARDS, PRESENTATIONS AND APPEARANCES**

**1. Introduction of Dr. Chedrick Neal of Quincy Health and Rehab**

Commissioner Holt introduced Dr. Neal whom she met in Palm  
Beach recently. She went on to say that he has opened a  
practice in Gadsden County.

Dr. Neal greeted the Board saying that he is a chiropractor  
and has always wanted to come to Florida. When he discovered  
that Gadsden County had only one chiropractor, he decided to

locate his practice in Quincy. He said that the community has welcomed him and he promised to work to improve healthcare to the citizens.

**2. ~~Presentation of Winners of the 30<sup>th</sup> Annual Lake Talquin Open Bass Fishing Tournament Held on March 22, 2008~~**

This item was deleted in the amended agenda.

**3. 2007 Gadsden County Government Employees United Way Campaign Report and Presentation of Awards**

Ms. Millie Smith, Campaign Manager for United Way of the Big Bend, addressed the board. She said that Gadsden County employees raised over \$8,000 for the Gadsden County Community to be distributed through the United Way.

She recognized the following county departments for their financial contributions:

- Office of Management and Budget
- Growth Management and Building Inspection -
- Public Works Department
- County Manager and Public Relations

She then presented a plaque of appreciation to Gadsden County Government.

**4. Support of Building Safety Week in Gadsden County and Recognition of Gadsden County Building Inspection Team**

County Manager Brown recognized the employees of the Building Inspection Department and asked them to stand. They were Bill McCord, Growth Management Director, Melissa Wimberly, Isabelle Byrd, Debbie Joyner, Sara Dunn, and Pam Revell.

He went on to say that the week of May 5 - 11, 2008 is Building Safety Awareness Week. He then introduced **Resolution 2008-018.**

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION NAMED ABOVE.**

**5. Approval of Health Plan for Use of the Voter-Approved Indigent Care Surtax**

On April 15, 2008, the Board of County Commissioners directed the Gadsden County Community Health Council to develop a health care plan for use of the voter-approved indigent care surtax for BOCC approval. The Council met on April 22, 2008 and unanimously approved the attached Comprehensive Healthcare Plan.

**Mr. Maximo Martinez**, Executive Director of the Gadsden County Community Health Council, along with Joe Sharp, Corey Flemming, Marlon Hunter were all present to introduce the plan.

Mr. Martinez cited the following reasons that Gadsden County needs a comprehensive health care plan:

1. Health disparities
2. Economic disparities
3. Lack of access to healthcare

He reiterated the need, not only for a comprehensive healthcare plan, but also a hospital.

**Joe Sharpe** addressed the board with the healthcare proposals. He explained that the plan provides for primary healthcare services for Gadsden County citizens who are 200% of the federal poverty level (\$44,000), bonafide resident of Gadsden County, and do not participate as members of Medicaid, Medicare or other government healthcare programs wherein comprehensive primary care is provided. Clinical services will be provided in the cities of Chattahoochee, Greensboro, Gretna, Havana, Midway and in Quincy at the hospital. In addition to the PAMS program, pharmacy services will be provided by FAMU School of Pharmacy. Specialty Healthcare Services shall be provided through arrangement with the We Care Network, a network of physicians.

See the attached material for further details.

The plan also calls for the dedication of \$571,952 from the voter approved surtax to support the re-establishment of Emergency Care and Inpatient beds in Gadsden County.

Commissioner Lamb questioned Mr. Martinez about whether it

was a good time to go back to the people with a referendum on the next election ballot.

Mr. Martinez replied, "The need is so great, I would feel bad if we don't try it. So, I would rather err in putting it out there and see what happens."

Commissioner Croley stated that the plan appears to be the same plan as proposed two years ago except that it now provides for one third of the proceeds to go toward the hospital.

He reminded the board of the following:

- The country is at war
- Fuel cost is at the highest level it has ever been
- Food prices are up and still climbing
- State employees did not receive a raise
- Overall economy is down
- Retail sales are "way off"
- Mortgage foreclosures are at an all time high

He opposed putting it on the ballot for the following reasons:

- The timing in the economic climate could not be worse.
- The plan is not balanced enough to provide enough benefit to all citizens of the county.

He raised the following question:

1. **If illegal aliens are not to be covered by the eligibility requirements, how will their legal status be determined?** Answer: If they are in the United States legally, they will have documentation to prove it.

Commissioner Lamb asked the following question:

2. **Can you make any kind of adjustment to your proposal to address the concerns raised by Commissioner Croley?** Answer: The proposal is a draft document - a working document that can be adjusted.

Chair Dixon asked the following questions:

1. **What are your eligibility criteria based on?** Answer: Eligibility criteria is based upon information gathered from similar plans - operational and other parts in the State of Florida. Thresholds will be set

by the Board of County Commissioners and they can be raised or lowered.

**2. What did we learn in the past two years about why the last plan and referendum was not approved? Answer:**

We didn't do the best job we could have done in marketing the program. We missed a segment of the population. A precinct by precinct study was done and there were areas in the county where there had been inadequate representation of the program.

He summarized by saying, "This is not a crisis coming, it is a crisis that is here and has been here for quite some time. ...It is only getting worse... It is encompassing more of the population...it goes across socioeconomic lines. It touches everyone of us, rich, poor, alien or not. Those things are endemic to our community. Our failure to address them means that we will be here next year again...looking over some dead bodies because we know that Gadsden County people are dying of things that people stopping dying from a long time ago. But, because of the lack of healthcare and the lack of healthcare opportunity early on...there is no way to keep our people healthy enough to begin doing well. For some odd reason...our folks are ill and we have got to get a handle on this thing...I don't see a choice."

County Manager Brown stated, "The cost(indigent care) is going up and we are using property tax dollars to pay for it. We budgeted \$25,000 about four years ago. Now, it is over \$100,000 and it keeps going up."

Commissioner Holt asked the following questions:

- 1. How many trips per day are being made on the ambulances to Tallahassee for health related issues? Answer:** 30-35 calls per shift. (Shifts are 24 hour periods.)
- 2. What is the cost related to those trips? Answer:** \$800 per trip is billed? However, that amount is not what is actually collected.
- 3. What is the life flight average? Answer:** 32-35 monthly at \$8,500 - \$9,000 per flight.
- 4. How many deaths have there been since the hospital closed? Answer:** 27 - 30.

Commissioner Holt stated, "We have to look at this. It is never too soon to save a life. It can be too late and we know that because 27-30 people are dead. This is not a debatable point...At least put it on the ballot and let the

citizens decide."

Commissioner Croley suggested the following with regard to the plan:

- Broaden the participation to include Gadsden Hospital Inc. Board of Directors, stake holders in the process, expand Urgent Care, add medical transport, and Emergency Room

Commissioner Holt asked that the proposal should include the word "Hospital" to "Gadsden Rural Emergency Hospital" (Hospital/Rural Emergency Hospital)

Other Questions:

**How has the plan changed from the last time it was placed on the ballot?** Answer: Last time, we did not have the hospital issue to deal with. So, that is a change. A welcomed change.

**Will this tax be able to meet the needs of what you are now talking about in this plan?** Answer: Yes.

**If you raise the eligibility (from 200% to 400% of the poverty level) what does that mean in terms of the bottom line?** Answer: Anyone with an income of \$160,000 annually would qualify for this program. 200% of poverty would be \$44,000; 300% of poverty would be \$56,000

**What restrictions are on how this money can be used if it passes? Is it restricted to only providing medical care or can it be used on a broader basis to provide the emergency care that we all agree that we need? Medical Transport? Expanding the Urgent Care in some way?** It is very restrictive in what this can be used for and how it can be used. 1) You have to be indigent 2) Construction or Reconstruction. Those are the two determining factors and the program has to serve the indigent person - that is the uninsured or the underinsured.

County Manager Brown said, "If this board will give us direction to proceed with the rural emergency hospital or the hospital, there is no other choice but that we would have to go into the corpus of the trust fund to get that money. This money, if you would give us the direction and then it is approved, it would allow us to use that surtax to



fund the construction of the hospital without going to the trust fund. It has been an issued discussed by this board - to try to leave that corpus as whole as possible. This will help us to not go into the corpus to support moving forward with the hospital."

Chairman Dixon called for public comments.

**Chastine Newsome** stated that the people want a hospital. "You are not going to have any response because you are not giving them what they want. Their minds are made up that they need a hospital. That is where their minds are set - on a hospital and they are willing to pay the price for that."

**Dr. Anthony Viegbesie (Dr. V), 989 Ames Barineau Rd., Havana, FL 32333** urged the Board to accept the proposed plan. He encouraged them to explore and to consider implementing the Valdosta, Georgia model volunteer medical center in Quincy.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO ACCEPT THE PROPOSAL OF THE HEALTH COUNCIL, INCLUDING THE WORDS "HOSPITAL/RURAL EMERGENCY HOSPITAL". COMMISSIONER CROLEY CAST THE LONE DISSENTING VOTE.

**5A. Updating the Status of the Citizen's Advisory Committee on Solid Waste - Pat Curtis**

**Ms. Pat Curtis** addressed the board with a report as to how the committee is proceeding in their efforts to compile information and make a recommendation to the Board regarding recycling and solid waste issues. She said they have had ten meetings and have had presentations from staff and various agencies associated with waste disposal. The challenges and the issues facing Gadsden County have been identified and clarified. She reported that Mr. Norm Thomas, Leon County Solid Waste Director, met with them and gave them a prospective as to what they are doing in Leon County.

County Manager Brown remarked that this committee is really a working committee and he expects that the recommendations that they will bring to the board for consideration will be good ones.

Commissioner Croley added his compliments to the work of the committee. He said, "I appreciate all of the ways that you are looking at the issues. I think that is the more comprehensive way to look at some of the problems when you get good citizen input and have new ideas come in and break with some of the normal processes that we see in county government."

Commissioner Lamb added, "I just want to commend you all for working as hard you are working and putting so much into it. I look forward to your recommendations and to the workshop in the future."

Commissioner Holt thanked them for volunteering and commended their work as well.

*Items 8, 12 & 13 of the consent agenda were pulled for discussion.*

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

6. Approval of Minutes - April 1, 2008
7. Ratification of Approval to Pay County Bills
8. ~~Approval of Commissioner Holt's Travel to the County Leadership Institute (CLI)~~
9. Approval of Chairman Dixon's Travel to the Florida City and County Management Association Annual Conference at Marco Island, Florida to Accept the FCCMA Community Partnership Program Excellence Award on Behalf of Gadsden County
10. Approval of the Gadsden County Tourist Development Council's Grant Recommendation to the Havana Merchants Association for the Havana Art & Musical Festival - \$4,000
11. Approval of Bid Award for New Courtroom and Office Expansion at the Guy A. Race Judicial Complex to Southern Triad Construction

- ~~12. Approval to Award 2008 Striping bid to Oglesby Construction Inc.~~
- ~~13. Approval of Award of Bid 08-02 to Gulf Atlantic Culvert for Culvert Pipe~~

CONSENT ITEMS PULLED FOR DISCUSSION

8. Approval of Commissioner Holt's Travel to Leadership Institute

This agenda item seeks approval for Commissioner Holt to travel to New York City on May 27-31, 2008 to attend the Art and Practice of Public Leadership at the County Leadership Institute. The Leadership Institute is a joint effort of the national Association of Counties (NACO) and New York University's Robert F. Wagner Graduate School of Public Service. Only 30 elected officials (nationwide) are selected to attend this training each year. Commissioner Holt was selected by the Florida Association of Counties to represent Florida in the program. They focus on finding and identifying funding programs, delivery of services, etc. from the national level.

Chair Dixon stated, "This not only establishes you, but certainly sets Gadsden County up as providing some of the most elite commissioners from around the State. She had to compete with commissioners from every county in that State. It wasn't a hard choice for the association to choose her. Now, she will serve with some of the better county commissioners from around the country in this training institute and that is a lot to be said for her and her diligence in being a commissioner. And, for Gadsden County in supporting commissioners efforts and participating in the association, then participating in terms of policy and implementing policy and creating policy that works for people. She is to be commended and you gentlemen as well for your continued support of those activities."

Commissioner Croley congratulated Commissioner Holt for having been selected.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY

**COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE TRAVEL AS DESCRIBED ABOVE.**

**12. Approval to Award Bid for Road Striping to Oglesby Construction Inc.**

\$350,000 was allocated to road striping program in the budget. The bid came in \$178,545.48. Commissioner Price asked if the board would expand the project and allocate more roads to be stripped up to the amount budgeted.

Public Works Director Robert Presnell stated that 52 roads were identified as needing to be stripped. He recommended that the board direct additional roads to be stripped. It could be accomplished by doing a change order to the contract.

Chair Dixon reported that he has received a number of complaints in his district, especially near Lake Talquin, about roads needing striping.

Mr. Presnell asked the commissioners to report to him any roads in their respective districts that needs restriping.

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, TO APPROVE THE BID AWARD TO OGLESBY AS DESCRIBED ABOVE AND TO APPROVE A CHANGE ORDER TO ADD ADDITIONAL ROADS TO THE CONTRACT UP TO THE AMOUNT APPROVED IN THE BUDGET.**

**13. Approval to Award Bid 08-002 to Gulf Atlantic Culvert for Culvert Pipe**

Commissioner Holt stated that she had received a call saying that the old metal culverts that are being replaced could be salvaged for money. She asked how the county is disposing of the old culverts - both concrete and metal ones.

Mr. Presnell replied that they haul the metal pipes from the job sites and they are sold by the pound as salvage metal. The old concrete pipes are taken to the Clark Pit and stockpiled until they can be crushed. They are ultimately reused in the county as road base materials.

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

**BID AWARD AS DESCRIBED ABOVE.**

**CITIZENS REQUESTING TO BE HEARD ON NON-AGENDAED ITEMS**

**Mr. Shawn Shaw**, 1997 May Meadow Lane, Tallahassee, FL. addressed the Board. He stated that he was a candidate for the Florida House of Representatives for House Seat 8. He cited his credentials which he feels qualifies him to be the best candidate for that office. He specifically pointed out that he is a member of the Bond Community Health Clinic in Tallahassee. It provides healthcare to no income and low income families. He recommended that the healthcare focus in Gadsden County should go toward re-opening the hospital. He said that, if elected, he would work hard to get it re-opened. He went on to say that part of his political platform would be to bring healthcare back into the communities, particularly to Gadsden County in light of the disparities that were identified earlier in this meeting.

**Charles Roberts, 1635 Post Plant Road, Quincy, FL**

County Manager Brown reported that at the direction of the board, he had attempted to facilitate a meeting between Mr. Roberts and Mr. Nathaniel Cunningham to see if they could meet on a middle ground to resolve their differences regarding the development of a parcel of land belonging to Mr. Cunningham, but adjacent to Mr. Roberts. He reported that Mr. Roberts declined the meeting. Instead, he requested to come before the board to address the issues in relation to Mr. Cunningham's existing and proposed use of the property.

**Mr. Charles Roberts** then addressed the board. He stated that he still is opposed to allowing Mr. Cunningham to develop the parcel adjacent to him. He requested that the board not grant him the right to develop it.

Mr. Brown recommended that the matter be deferred until it can be noticed as a public hearing. The last time it was before the board, it was as a public hearing.

**Mr. Nathaniel Cunningham** addressed the board. He presented a letter for the record outlining the issues stated by Mr. Roberts as being his concerns regarding the development. He said he is willing to resolve all of the issues and he continues to be committed to keeping an open dialogue.

There was a consensus to agenda the matter on May 27, 2008 as a public hearing.

**PUBLIC HEARINGS**

**14. Public Hearing - Albritton Small Scale Future Land Use Map (FLUM) Comprehensive Plan Amendment - CPA-2008-01 ( 10 acres from Mining to AG-2. First Reading or Ordinance**

**Owner:** Keith Albritton

**Location:** Northwest side of Point Milligan Road (CR 161) south of Dogtown Road and north of Willachoochee Creek in the Branchville Community

**Type Action:** Quasi-legislative

**Planning Commission Recommendation:** April 10, 2008 - Approval

Growth Management Director Bill McCord gave the board a brief overview of the land use change as outlined in the attached agenda report. The owners wish to build a house on a portion of the property that is designated as Mining Land Use, but must first have the land use changed to something that would allow for construction of a house.

Board discussion followed regarding the various designations of the entire area.

Chair Dixon called for public comments.

**Keith Albritton**, owner, addressed the board explaining that they want to build their home overlooking a pond located on the ten acres described in the land use change application.

There were no other public comments offered.

**UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE FIRST READING OF THE ORDINANCE.**

**GENERAL BUSINESS**

**15. Approval of Contractual Services Agreement with Connect CTY, and Authorization for the Chairman's Signature to Execute the Agreement**

County Manager Brown stated that the staff seeks the approval to enter into contractual services agreements with Connect-CTY to provide notification services to the citizens of Gadsden County in the event of an emergency or to notify citizens of special events and news.

He explained that this is a continuation of the process of getting prepared for emergencies as outlined in the recent in-house emergency training. The need for improved communication with citizens was identified as being a top priority. That can be resolved with various software which has been made available to universities and schools across the nation in light of the recent tragedy at Virginia Tech.

Connect-CTY (Blackboard Connect)\_ emerged from research endeavors as a viable solution to the communication conundrum. It will allow the staff to highlight geographical areas of Gadsden County and send out immediate unlimited information to the citizens of Gadsden County.

**Daniel Peterson**, Vice-President of CTY, made a presentation explaining that the software makes available unlimited points of contact (home phone, work phone, cell phone, text messaging, email, voice mail, and pda/pagers) to inform citizens of events, emergencies or information blasts. He said it can keep citizens informed about what is happening in their community and also get them engaged and involved. He cited a number of examples of how the program has proven to be very beneficial to communities such as escaped prisoner alerts, notification of meetings with important agendas, hurricanes, impending bad weather, power outages, and surveys to garner public opinion on community issues.

There are two types of systems. One is considered service based, such as the one proposed. A home based system is one which you would purchase hardware and equipment for and be maintained somewhere in the county - typically in an emergency management facility. If it fails, then you have to repair it before it can be used to send out communications. However, when you are dependent on a system which is housed elsewhere, you have to make sure

that you choose a provider that has taken the time and investment to have redundancy (duplicated capability in multiple locations.)

Mr. Peterson said that the proposed system has multiple locations made to duplicate all three power interconnects across the US.

Fiscal Impact: FY 2008 - \$ 17,596.00 (Pro-rated)  
\$ 43,814.00 per year for 3 years  
**Total: \$149,038.00**

Major Shawn Wood was present. He stated that this system would be invaluable to the Emergency Management Department. He said there are a lot of uses that the system brings.

County Manager Brown added that many of the systems which they have looked at are phone based systems, but this system takes the phone but also every form of communication that a person has and tries to send a message to it.

Commissioner Croley stated that he thought it would be prudent to try one of the communication systems. However, he was hesitant to contract for three years. He suggested that they try it for this storm system with an option to renew. He also suggested that a policy be put into place about how to utilize it.

Commissioner Holt liked the multiple forms of communication that the system provides. She was also intrigued that it could be used to collect data from surveys that would prove beneficial in making application for federal and state grants. Collection of data in a timely manner would be critical in those matters.

Chair Dixon stated that he met with the staff at the presentation. He stated that he was absolutely impressed with it.

Chair Dixon called for public comments.

**Wesley Cox** asked how they would access people's cell phone numbers.

Mr. Peterson replied, "When we put the program in place, we actually obtain land line data and update it every 30 days.



Part of the implementation process, our organization, through our client care team and our PR team, will help educate the county constituents about the importance of communication for their public safety and their well being and their family and property. They will encourage them if they have a cell phone or alternate contact point, whether it is text message or e-mail, if they want preferred communications to come to that device, we provide the county with a link on your county website to branded with your (inaudible) to link with your emergency communication system and input their data so you can reach them on their cell phone, text address, e-mail address, etc.) It is a combination of public data, the education, the community education process, as well as that web port for collection...Because of federal regulations, cell phone data and those that are non-pub are not publicly available."

Major Wood said that the current dispatch system has already captured a number of cell phone numbers. He asked if those captured numbers already on the system could be integrated into the proposed system. Answer: Yes, but it would have to be with their permission.

**Mr. Gary Roberts was recognized for questions.**

Attorney Sexton stated that he had provided some comments to the staff regarding some of the contract language. He recommended that the board provide the attorney an opportunity to have discussions with the company about that language before it is signed.

**A MOTION WAS MADE BY COMMISSIONER HOLT AND SECOND BY COMMISSISONER PRICE TO APPROVE THE CONTRACTUAL SERVICE AGREEMENT WITH CONNECT CTY, PIGGYBACKING ON THE HOUSTON-GALVESTON AREA CONSORTIUM AWARDED CONTRACT, AND AUTHORIZE THE CHAIRMAN TO EXECUTE THE AGREEMENT SUBJECT TO THE APPROVAL BY THE COUNTY ATTORNEY.**

Commissioner Croley raised the following issues once again:

- Policy about how it will be used
- Length of the contract
- Privacy issues
- Coordination and relationship to other local governments
- Changing technology

Discussion continued.

It was noted that the staff would develop a policy dealing with how this program will be used.

**COMMISSIONER HOLT CALLED THE QUESTION.**

**THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE MOTION STATED ABOVE.**

**16. Approval to Negotiate Purchase of the Property Located at 305 West Jefferson St.**

This agenda item seeks approval to negotiate the purchase of the property located at 305 West Jefferson St., which is the site of the current Tax Collector/Property Appraiser's Office and the adjacent vacant lot.

See the agenda report for details of this proposed purchase.

Issues raised in the discussion included the following points:

- The county already owns two buildings that are being underutilized at this time. (Woodham Justice Center and the hospital.) Best use of those spaces are still unresolved.
- The purchase of that building is tied to the purchase of the adjacent lot, on which there are fuel tanks that must be removed - that would be an issue in itself.
- There would have to be improvements made to the building to accommodate future space needs. That cost coupled with the purchase cost and possible clean up costs of the fuel tanks could easily exceed the cost of building a brand new building.
- The location of the property is more conducive to downtown business- not government.

**Tax Collector Dale Summerford addressed the board.** Upon being questioned, he made the following points:

- The Property Appraiser and Tax Collector moved to that

location in 1973 - 35 years ago.

- It is convenient for public purpose.
- They are content to stay where they are, but they are not opposed to moving to any location as long as they is ground level entrance and there is ease of access for the public.
- They are cramped for space, but creative design could make adequate accommodations.
- He would not be opposed to trying to negotiate a sale price, but property values along US 90 are escalating and may affect the affordability for government purpose.
- The tanks at the old gas station must be taken out of the ground next year. There may or may not be contamination.
- There have been attempts to purchase the building in the past, but the owner was unwilling to sell.
- They were offered other spaces over the years, but either deferred to more pressing needs of other county agencies or declined sites because of access issues.
- There is a three year lease in place at this time.

Commissioner Dixon stated that he is not in favor of the purchase because the county would have to pay a premium for US 90 frontage, which the county does not need. There are other equally pressing needs for space that need to be considered along with this decision. He was opposed to entering into negotiations at this time because he did not feel it would be in good faith.

Following discussion among the board, there was a consensus to not move forward with negotiating a purchase at this time.

County Manager Brown reminded the Board that the facilities study will be finalized soon and it will give the board an opportunity to take a comprehensive view of all the space needs within the county.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ALLOW THE STAFF TO LOOK AT ALL THE SPACE NEED COMPREHENSIVELY INCLUDING BRINGING THE FACILITY STUDY BACK TO THE BOARD FOR FURTHER DISCUSSION.**

**17. Update on 2/3 - 1/3 Paving Projects: Quail Roost Drive and Ames Barineau Road**

County Manager Brown stated that during a board meeting in October 2004, the board entered into agreements with petitioning property owners to pave Quail Roost Drive and Quail Roost West, as well as Ames Barineau Road pursuant to Ordinance providing for Special Assessments for Road Improvements. Per the agreements, improvements were made to the roadways with the understanding that the petitioners would pay 2/3 of the cost of the improvements. He went on to explain that there are a number of issues that have surfaced in relation to how those payments may be made to the county. The property owners are prepared to make the agreed upon payments, but a mechanism for collecting them has presented a challenge.

OMB Director Davin Suggs said there were a couple of specific issues to be addressed:

**1. What cost should be used in determining the assessment roll for Quail Roost and Ames Barrineau Road ?**

Agreements were signed with Quail Roost residents in 2004 but the paving was not accomplished until 2006. During that time, the cost of paving increased significantly because of the rise in fuel cost. When the project was finally completed, the actual cost was almost double what was stated in the signed agreement. However, staff did not meet with the Quail Roost residents prior to the paving commencement and they did not have input regarding whether to move forward or not at the increased cost versus the originally stated cost. In contrast, a meeting was held with the residents on Ames Barineau Road prior to commencement of the paving and they were informed of the increased cost and they reluctantly chose to move forward with the project at the increased price.

Mr. Brown, as county manager, recommended that the Board honor the initial agreements signed by all of the petitioners and let the county absorb the cost.

Discussion followed.

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

**USE THE ORIGINAL COST ESTIMATES IN THE ABOVE MENTIONED  
CONTRACTS FOR THE ASSESSMENTS FOR THE PAVING OF THE ROADS.**

**Collection Method**

A number of questions were raised regarding the collection of the money because the ordinance on the books is not clear nor adequate. The following questions were raised:

**2. What method of collecting the money should be utilized to recoup the costs associated with the paving?**

- Who holds the lien?
- What happens if the property owner does not pay?
- How quickly can the property be foreclosed on if the bill is not paid?

Tax Collector Dale Summerford addressed the board regarding the collection process. He said, "When I started reading the ordinance, there were some issues that came to light as it pertains to the way this is going to be collected. The way the ordinance is written, it is almost like they intertwined sending out a separate bill and filing liens in the courthouse with a method of putting it on the tax bill. That is a serious problem that I see. The ordinance needs to be tweaked to better clarify. You can go either way. You can do a separate bill. The problem with a separate bill is that you are not guaranteed about when you are going to get your money. But, in terms of the property owner, it is unfair because if we send out a separate bill and ya'll file liens in the courthouse, the only option for you to collect your money is to foreclose on the property. There is no set time for when that takes place. The property owner doesn't know where they stand. That is kind of an older way of collecting these special assessment. By putting it on the tax bill, it is a lot more technical. There is a process you have to go through to get it on the bill. If you elect to do so, the earliest it could appear on the tax bill would be November of 2009. The Calendar of events actually starts January 1<sup>st</sup>. You've got to hold a hearing to adopt the intent to use the uniform method of collection. There are other dates that have to be met later in the year in terms of building the assessment roll. The property appraiser has to provide you with certain information to build that roll with. You have to have a public hearing later, usually in the summer, where all the interested parties can attend and voice objections if they

have any. There probably would not be any in this case because this is primarily a voluntary situation.

By putting it on the tax bill, the owner knows where they stand. If they don't pay, they are given a two-year grace period before any pressure could be put on them to pay in the form of a tax deed application. By having it on the tax bill, if they pay early, it is just like paying regular property taxes. They receive a discount for early payment. If the assessment is more than \$100, they can sign up for quarterly payment plan which we currently have in place. There are so many other avenues to help the property owner. The thing I like about it is that the property owner knows where they stand. It is not a "hit or miss" kind of thing you would have with a separate bill.

I would be amenable to sending out a separate bill and collecting it, but there are some problems with that. Putting it on the tax bill would be better for all parties involved. I would like to share that information with you.

One of the things is that if you put it on the tax bill, if there is a concern about costs, you could amortize that over a period of years whether it is five years, eight years, or whatever. It would make it easier for a person to handle in terms of paying. If you file that lien, it may be for \$2500 and it is sitting in courthouse in the official records not knowing when it is going to be paid. In terms of it being a lien, it may have an effect on the property owner. IF they have a mortgage on the property, it could be in violation. There are so many other things if you did it the way the ordinance is set up currently.

So, the ordinance needs to be tweaked to address the collection method. You can do it either way, but, it doesn't need to be intertwined like it is right now. It is confusing. In the ordinance, it mentions, "In Section 62-46 that the lien shall be of the same nature and extent as general county taxes and collected in the same manner and with the same fees, interest penalties for the default in payment and under the same provisions as the sale and forfeiture of general county taxes.". You can't do that with a separate bill. It has to be on that tax bill. That is one of the main conflicts right there as far as the ordinance is concerned.

Discussion followed among the board.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AMEND THE ORDINANCE TO USE THE UNIFORM METHOD OF COLLECTION.

Attorney Sexton stated that an ordinance revision could come back to the Board for adoption in approximately 30 days.

**3. How does the county want to proceed with future petitions?**

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO SUSPEND PRIVATE ROAD PAVING UNDER THIS ORDINANCE UNTIL IT CAN BE AMENDED AND ALSO TO AUTHORIZE STAFF TO INVESTIGATE WHAT OTHER FUNDING OPTIONS THERE ARE AVAILABLE FOR SPECIAL PROJECTS IN THE COUNTY. (SUCH AS MSTU'S)

**17A. Approval of Amendment No. 3 to Grant Agreement (LP6721) with the Florida Department of Environmental Protection for Water/Sewer Infrastructure Engineering and Design Study - \$250,000**

This agenda item seeks approval of the third amendment to the grant between the Gadsden County Board of County Commissioner (BOCC) and the Florida Department of Environmental Protection (DEP) for the implementation of the County's Water/Sewer Infrastructure Engineering and Design Study. The initial funding was for \$350,000 and the second grant was for \$250,000. This amendment will actually just add the \$250,000 to the initial grant.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE AMENDMENT DESCRIBED ABOVE. COMMISSIONER CROLEY WAS NOT PRESENT FOR THIS VOTE.

**17B. Approval to Declare Emergency Medical Service (EMS) Unit 2 Surplus and Transfer the Unit to Jefferson County**

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO DECLARE THE 2001 Ford F-350 EMS Unit 2 AS SURPLUS AND DONATE IT TO JEFFERSON COUNTY, FLORIDA.

**17C. Approval of Contract with Evans Construction & Development, Inc. to Complete Construction of the Gadsden County Public Safety Complex in Gretna, FL.**

This agenda item seeks approval to expand the scope of service with Evans Construction & Development, Inc. to complete the construction of the Gadsden County Public Safety Complex in Gretna to include the hiring and payment of subcontractors for electrical, plumbing, mechanical and fire sprinkler services.

County Manager Brown explained that this is a process that will allow the construction to move along quickly. He added that when it was brought to the board initially, the County was acting as it's own contractor. Through discussion with the Clerk of the Court, it was determined that the county would have to bid out individually the electrical, mechanical, plumbing services. That would delay the completion. However, these services could be incorporated into the Evans contract and they could procure the services and not delay the project. It will increase the contract amount from \$10,000 to \$12,500.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE REVISED CONTRACT WITH EVANS CONSTRUCTION & DEVELOPMENT, INC. TO COMPLETE THE CONSTRUCTION OF THE GADSDEN COUNTY SAFETY COMPLEX IN THE CITY OF GRETNA AND TO AUTHORIZE THE CHAIRMAN TO EXECUTE A CONTRACT AFTER REVIEW BY THE COUNTY ATTORNEY.

**18. Discussion of Edward J. Butler Governmental Complex Parking Lot**

There was some discussion regarding the loitering and littering in the parking lot of the Edward J. Butler Governmental Complex parking lot after hours and on week ends.

There was a consensus to give the staff an opportunity to research the pros and cons of this issue and bring back a recommendation to the board for future actions.

**18A. Approval to Change the May 20, 2008 Board of County Commissioners Meeting to May 27, 2008**



Chair Dixon stated that a lot of the commissioners were going to be in separate locations on the 20<sup>th</sup>. He requested that the meeting date be changed to May 27, 2008.

Commissioner Lamb reasoned that because there were more than one, he would agree to it.

Commissioner Holt stated that she would not be present on the 27<sup>th</sup>, but she had no objections to changing the date.

**UPON MOTIONBY COMMISSIONER PRICE AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO CHANGE THE DATE OF THE May 20<sup>th</sup> MEETING TO MAY 27<sup>TH</sup>.**

**19. Miscellaneous Items**

**20. Discussion of Cox Lane Utility Permit Issue**

Attorney Sexton reported that the board had determined that Cox Lane is a county road even though it is now inside the city limits and that improvement to the road would be considered development and would require a permit. It was deferred to this meeting for further discussion. He then stated that a number of documents have been submitted by the applicant to the county, but he did not receive it in time to evaluate them and make an analysis before this meeting.

He requested that the board defer action until he could make a complete analysis.

**UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ACCEPT THE ATTORNEY'S RECOMMENDATION AND DEFER ACTION ON COX LANE UNTIL SUCH TIME THAT THE ATTORNEY CAN MAKE A COMPLETE EVALUATION OF FACTS.**

**20A. Request Approval of Closed Door Attorney/Client Session, if Needed, to Discuss the TDS Bid Protest**

Mr. Sexton stated that his office is evaluating the issue of whether or not it would be appropriate or feasible to have a closed door session to discuss the matters that are

raised in the TDS protest with the board. He said that when they complete their assessment, he would like to have the authority to advertise a closed door meeting if necessary.

Commissioner Croley said that there have been some e-mail communications about the TDS protest. He went on to say that the procurement process has some appeal process and the protestor has raised some issues that "we were not as aware of as we ideally would like to have been. This is an opportunity to allow that process to work. I do not support, based upon some material that I have received and reviewed from an Attorney General's opinion about these closed door sessions. I believe that we need to let that process work and not commit to closed door session at this time. There have been no law suits filed to my knowledge. It is just a bid protest with a procedure in place to address it."

Commissioner Holt responded, "I think that anytime that there is a protest, my opinion, we look to the legal advisors of the county to make sure that we are protected. The attorney's recommendation is subject to some things that should be in a closed door session. That part, if we go into a closed door session, we are going to discuss things that we may not be privy to discuss out in the public. I think that it makes sense to have that safety net. Do that, and we can decide at that time what we want to do."

Commissioner Lamb stated, "From what I read and from what I was told, anytime we have a closed door session, it should involve litigation. I don't think that we are at the point that litigation is confronting us right now. So, I am in favor of not having it unless there is litigation involved."

Chair Dixon explained, "Commissioners, I think he is asking for the opportunity, should there be the need to, litigation or the foreseeable need for litigation. I think that out of an abundance of caution and having had great background in these kinds of matters, as the attorneys often told us, that this is the proper and prudent thing to do. Their leadership of us through litigation is not to be questioned from my perspective. You had to be here a few years before to see the difference. But, I think this is

just precaution. As always, we ought to follow their direction unless we have some great reason and rationale for why not to."

Attorney Sexton replied, "The reason we brought this issue to the board is that we have had a request to provide an analysis of the issues that were raised in this case which gives rise to circumstance where we would be advising the commissioners on the merits or the potential merits of the case while it is in the very early stages. We view that as a situation where it would be inappropriate to spread the analysis on the public record. The Statute that we are dealing with refers to pending litigation to which the entity is presently a party before a court or an administrative agency. So, it is not just court litigation. The county's bid protest process gives rise to a proceeding before the county manager or his designee that is essentially a quasi-judicial proceeding which is litigation by it's essential nature. That is our initial response to this. We are not saying categorically that this is definitely the circumstance in which a closed door session should be held, but rather one where we believe there is a question that should be resolved and we are in the process of doing that. That is why we are requesting authority to set the closed door session if necessary and appropriate. The outcome of the process that would be before Mr. Brown is basically the fact finder and interpreter of the instances and the origins of the RFP would be brought back to you with a recommendation as to the facts and appropriate policy and law which then gives you the opportunity to make a final decision. If we go into this process before that involving a presentation by the attorneys, it sort of short cuts the process and basically lays out the analysis on the public record before it has really been presented to Mr. Brown. That is why we had a concern about responding in any detailed kind of way to a request for an analysis at this early stage. That is why we had a concern about responding to a request for an analysis. That is why we looked toward a closed door session as a means to provide that information without spreading the analysis on the public record."

Discussion followed.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO AUTHORIZE**

THE COUNTY ATTORNEY TO MAKE THE APPROPRIATE EVALUATION AND ANALYSIS CONCERNING THE TDS PROTEST, THEN IF HE FEELS THAT IT IS NECESSARY, AUTHORIZE HIM TO SET A CLOSED DOOR SESSION TO DISCUSS IT. COMMISSIONER LAMB AND CROLEY OPPOSED THE MOTION.

**21      Miscellaneous Items**

**DISCUSSION ITEMS BY COMMISSIONERS**

**22.    Commissioner Lamb, District 1, Vice-Chairman**

Commissioner Lamb stated that he would like to supplement the Senior Citizens organization in the county.

He asked for a report on the Driver Education funding.

County Manager Brown replied that Mr. Green is putting together a proposal to bring back to the board regarding the driver education moneys.

Commissioner Holt also asked for information as to why this is not funded through the school system.

**Commissioner Croley, District 2**

Commissioner Croley reported for the record that his new residence address in District 2 changed from 2814 Havana Highway, Quincy, FL to 255 Long View Lane, Havana, FL.

**Commissioner Price, District 3**

Commissioner Price had nothing to report.

**Commissioner Holt, District 4**

Commissioner Holt requested the commissioners, as citizens, look at helping to raise money for the Senior Citizens organizations.

**Commissioner Dixon, District 5, Chairman**

Commissioner Dixon stated that it is an election year and it has become very clear that some of the sitting commissioners oppose other sitting commissioners. He cautioned them to "keep the fight in the streets. When we

come up here, we do too much pontificating around the table. We have too much work to do. A meeting that should have taken two hours and a half, took four hours. So, let's be about business."

**Receipt and File Agenda**

- a. Letter from Emily C. Rowan - Appreciation for EMS Staff and Emergency Response
- b. Letter from Florida Department of State, Division of Historical Resources Regarding Gretna School
- c. Letter from Blackhawk Engineering, Inc. Regarding Rooster Crossing Plantation, LLC
- d. Letter from Bill Lett Regarding Dupont Road's Re-surfacing
- e. Letter from Florida Department of Health, Bureau of EMS Regarding EMS Week
- f. Letter from Chip Gray Realty, PA Regarding Property Occupied by the Property Appraiser and the Tax Collector
- g. Letter to Enterprise Florida, Inc. Regarding Application for the Regional Rural Development Grant
- h. Letter to Bonnie C. Foshee Regarding Foshee Vietnamese Potbellied Pig Special Exception Use Approval
- i. Letter from Florida Department of Transportation Regarding Revenue Estimating Conference Information
- j. Letter from Florida Association of Counties Regarding Dues for FY 2008/09
- k. Letter from Florida Department of Revenue Regarding Communication Services Tax (CST) Electronic Address/Jurisdiction Database
- l. Letter from Florida Department of Revenue Regarding Communication Services Tax (CST) Electronic Address/Jurisdiction Database - Area 2
- m. Letter from Mediacom Regarding Expanded Channel Line-up

- n. Letter to United States Congressman Allen Boyd Regarding Urban and Communities Forestry Grant
- o. Planning Commission Memorandum Regarding Appeal of Denial of Housing Permit for Nathaniel Cunningham
- p. Letter to Florida Department of Community affairs Regarding Spring Transmittal of Comprehensive Plan Amendments
- q. Letter to Bill Lett Regarding Dupont Road
- r. Letter from Florida Department of Transportation Regarding Traffic Signal Compensation for Fiscal Year 07-08
- s. Letter from Florida Department of Transportation Regarding Traffic Signal Compensation for Fiscal Year 08/09
- t. Letter from Florida Department of Environmental Protection Regarding a Culvert Access Violation
- u. Letter from Florida Division of Emergency Management Regarding the Review of Gadsden County Comprehensive Emergency Management Plan (CEMP)
- v. Letter from Florida Gas Transmission Company Regarding Expanding Existing Natural Gas
- w. Memorandum Regarding Library Report
- x. Notice of 2008 Public Works Employee Work Hours, 2007 Work Orders and 2008 Mosquito Control
- y. Letter from Nicholas Thomas, Clerk of the Circuit Court, to the Florida Department of Law Enforcement Regarding Signature Authority
- z. Cash Report
- aa. Memorandum from the Ferguson Group, LLC Regarding Federal Activity Report
- bb. Citizens Advisory Committee on Solid Waste Meeting Minutes

**ADJOURNMENT**

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

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Edward J. Dixon, Chair

ATTEST:

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Muriel Straughn, Deputy Clerk

**AT A SPECIAL MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON MAY 13,  
2008, THE FOLLOWING PROCEEDINGS WAS  
HAD, VIZ.**

PRESENT: Edward J. Dixon, Chair, District 5  
Eugene Lamb, Vice-Chair, District 1  
Doug Croley, District 2  
Derrick Price, District 3  
Brenda Holt, District 4  
Thornton Williams, County Attorney  
Marlon Brown, County Manager  
Muriel Straughn, Deputy Clerk

**CALL TO ORDER**

Chair Dixon called the meeting to order. County Manager Marlon Brown led in the invocation and Commissioner Lamb led in pledging allegiance to the U.S. flag.

**1. Approval of Resolution 2008-019 Proclaiming May 18-24, 2008 as Emergency Medical Week in Gadsden County**

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

**2. Mosquito Control Report**

Mr. Mac Dunn, Mosquito Control Division Director, shared with the board that there has been "an abundant hatch-off of mosquitoes" earlier in the year resulting in above average requests for spraying. Spraying began in March with 136 complaints followed by 288 complaints in April.

He then explained that mosquito spraying is monitored very closely by the state and they audit each complaint and request for spraying.

Upon being questioned by the board, the following statements were made by Mr. Dunn:

- Homeowners should contact him directly with their requests for spraying rather than their commissioner.
- Should there be an outbreak in a city, he would coordinate efforts to help them with the elimination of



mosquitoes.

- There is some coordination between the Code Enforcement Department in that Code Enforcement would report standing bodies of water where mosquito breeding was evident.
- Mr. Dunn is certified by the State of Florida to administer the mosquito control program.
- The program is funded 50% by the State and 50% by the County.
- Hours of operation are flexible so as to accommodate the needs of the public without requiring overtime wages.
- The public is encouraged to call for spraying when there is a health risk. Before spraying is done, tests are performed to document the presence of the mosquitoes.
- There have been no cases of West Nile virus even among the bird population in Gadsden County. He has not located any of the species that carries the virus.

### 3. Gadsden County Community Hospital Update

County Manager Brown gave a synopsis of the closing and re-opening of the Gadsden County Hospital.

Joe Sharp, hospital consultant, introduced Mr. James Lewis of Clemons Rutherford and Associates; Mrs. Tillie Ransom; Mr. Wesley Thigpen and Bob (inaudible) of TLC Engineers; Corey Fleming of Tallahassee Memorial Hospital; Davin Suggs, Gadsden County OMB Director; Thornton Williams, County Attorney; Spencer Bowen, Gadsden County Facilities Director. He also recognized Scott Whitehead, GHI Board of Directors.

**Hospital License Issue:** The current license is inactive and issued to Gadsden Hospital, Inc. It is a Class I Rural Hospital which expires June 21, 2008. In order to secure the change of ownership that put the hospital license in the name of Gadsden Hospital, Inc., there was an agreement with Agency for Healthcare Administration (AHCA) for the county to make repairs and renovations according to an improvement list for the hospital facility and medical systems and to have that repair and renovation completed by June 30, 2008 and to have operation and patient care policies approved by AHCA or JACO by June 30, 2008.

Mr. Sharp noted that it is obvious that the deadline cannot be met. GHI applied for a hospital license renewal to renew

the license for another year and requested an extension of the license period.

Attorney Williams interjected that when GHI received the inactive license, AHCA was aware that that the county could not meet that date and anticipated there would be an application for extension to follow. The delay was due, in part, to waiting to see if the county could get the critical access designation re-instated. Additionally, they knew that the repairs would take a long time to complete. They anticipated in advance that there would be an application for the extension.

Mr. Sharp said that AHCA has requested a report showing the current status and pending actions to bring the facility into compliance and a timeline showing expectations and assurances of the completion of the required improvement list.

Impact on EMS as it relates to the re-opening of the hospital: It would cut at least 50% of the trips to a Tallahassee hospital. There would be a potential savings to the EMS budget. The end diagnosis of at least 70% of the transports that are currently being taken to the Tallahassee emergency rooms are things that could be treated locally - such as bumps, bruises, stomach pains, headaches, etc. The other 30% are true emergencies.

**Mr. Joe Sharp** introduced the Rural Emergency Hospital Concept as follows:

- Emergency room operating 24 hours a day, seven days a week.
- Five inpatient/observation beds designed with the ability to increase capacity as demand increases.
- High level diagnostic capability electronically linked to physicians in Tallahassee. (convenience factor)
- Clinical space available to visiting specialty care physicians from Tallahassee.
- Area for rehabilitation services.
- Licensed by AHCA as a Class I rural hospital
- Should be self supporting after a couple of years.

Mr. Corey Fleming introduced the Financial Proforma:

- Hospital concept is designed and built on efficiencies.
- The emergency room will be the central part of the hospital.

- FTEs will be less than 60 people.
- Strong partnership with tertiary facility such as TMH. (Such as pharmacy)
- Operating revenue: \$5.6 million 1)  
Inpatient/Observation patients (2 per day in the beginning, but census going up continually) and 2)  
Outpatient (Emergency Services and diagnostic services)  
Revenue projections are deliberately low.
- Operating Expense: \$5.772 Million with a net loss of \$120,000 (going down as inpatient increases) Salaries would be the greatest expense - Physicians 24 Hr. per day and typical operating expenses.

Mr. Sharp then presented two floor plans. One for a new facility, the other a retrofit of the existing hospital. He also had a diagram for a "winged configuration" (see diagrams in the agenda report.)

**New construction cost:**

Bldg. - \$250 - \$\$350 per sq. ft. \$6 - 8.4 Million  
Medical Equipment - \$3 million  
Estimated time of construction 300-360 days  
Total - \$9 - \$11.4 million (no land cost included)

**Renovation and Rehabilitation to existing hospital: (see diagram)**

The winged model was not recommended because it would require more staff thus would be a less efficient operation.

Improvement credit list cost - 14 Items plus other items that AHCA has determined needs to be repaired - \$2,621,000,00

Both McGinnis & Flemming and CRA have other items that they are recommending: \$1.4 million

**Placing the rural emergency hospital in the current hospital**

Negotiated Improvement Repair List - \$2,621,000  
Recommended Repairs and Renovation - \$2.9 million.  
McGinnis Fleming and CRA Recommendation - \$1.4 million  
Medical Equipment required - \$3 million

Only base repairs and renovations = \$5,521,700 plus \$3 million equipment = \$8,521,000

Hospital license expires on June 21, 2009. CRA has indicated that all repairs can be completed and open for patient services no later than June 21, 2009. They recommended that the county go with a design and build concept or with a general manager concept for the construction project to insure delivery on time.

Davin Suggs interjected that there may be some duplication of costs in those figures quoted by Mr. Sharp . (Some of cost associated with the redesign of the existing facility might also appear on the credit list.) He said that once they meet with CRA again, there may be some potential for the cost to go down.

**He recommended that the board not finance the medical equipment on the same note with the building.**

He then emphasized the areas that would require funding:

- Building
- Equipment
- Operating Cash Flow

He then explained the options that may or may not be available for financing the hospital.

- Deplete the corpus of the hospital trust fund
- The assets in the trust fund are invested in such as way that 70% is set aside for growth of the corpus and 30% is invested to produce income from which the county gets about \$300,000 per year. With some manipulation, those investments could be changed to produce enough income to pay a note on the construction. However, it would a challenge as to how the equipment can be purchased. He added also that there would need to be some liquid cash flow for hospital operations. (Use some of the money from the corpus of the trust for 12-18 months - to be repaid to the trust fund once the hospital begins to generate its own cash flow.)

Options for financing of the construction: -

- League of Cities & Florida Association of Counties program, (low option);
- Solicit a company that will design and build a new

hospital, then lease it from them, lease payment would be configured with interest and principle amount so that what is paid to them goes toward purchase of the building;

- Construction loan with or without the half cent surtax. 33% of the surtax money would be used for construction of the hospital. If the referendum is successful, the proceeds would be used to pay off the construction loan.

Operating Cash Flow:

- Use some of the money from the corpus of the trust for 12-18 months - to be repaid to the trust fund once the hospital begins to generate its own cash flow
- Outright loan
- Staff is continuing to investigate possibilities.

Questions raised by Commissioners:

Holt:

Is there a particular reason why we are pursuing this at this time? What type of hospital we are going to have instead of seeing whether we get the half cent sales tax. We don't know if that is going to be voted upon and approved. So, is there any particular reason why we are doing this now?

Brown:

Commissioner, the direction that we got from the board was to pursue and bring back healthcare to Gadsden County.

Holt:

Right. But is there a particular reason we are doing it before the half cent is put out there? We are saying that we want a hospital, but we want the people to say whether they want a hospital or not, then look at the type.

Brown:

Commissioners, if you look at the license, it expires on June 21, 2009. If we don't do it now, we will not have enough time. There are no more renewals for that license. You are going to lose that license come June of next year.

Holt:

So, if we open that one with the improvements and it didn't look like we wanted it to look, we could retain the license. If it did not look the way we want it to look, as a rural emergency hospital, could we retain the license?

Brown:

Commissioner, that is direction that we are asking for tonight. Give us direction as to whether you want us to pursue this option or not. If there is something else that this board wants us to pursue, give us that direction tonight. If this is not the model that you want us to pursue, we need to know that tonight.

Holt:

O.K. I don't think there is a problem with which model to choose. Right now, it is to save the license. Is that why there is urgency?

Sharp :

The urgency is that even with all the influence that we have with our good friends and the cooperation from the agency of Health Care Administration, they are under a statutory limit. They cannot extend that license any longer than June 21, 2009.

Brown:

Excuse me, Joe, hold on. I really don't want to put to the board that the reason we are doing this is to save the license. I don't want to bring a facility to this county that does not serve the needs of this county just to save the license.

Holt:

Right. That is not what I am asking about. I understand what you are saying.

Brown:

Give us direction as to what model you want us to pursue. I think the license is part of that, but let's not put something on the table that is not going to serve.

Holt:

No, I have no intention of doing that. I want to know what the reality of this situation is. That is what I was looking at. The other is, and I know that we are looking at trying to make and I would love a new facility. But, looking at how to make that fit within the old building versus building a new building - When it comes to that half cent sales tax, as I have said before, that confuses voters. That confuses them.

You are going to get the money and build a new hospital. You're going to get the money and renovate this hospital. Letting them know exactly what we are going to do is going to be the problem. If I was not in government and I was sitting home and looked at the 6:00 p.m news and you said that we are going build a new hospital, I would say, "What are you going to do with the old one?" Why are you building one? Why am I going to pay a half cent to build a new hospital?" I am looking at the confusion that it causes the masses of people and that is why I asked, "Why now?" Not because of the license. You are saying that we can't extend it any longer than one year. But, we have to be logical about how we are going to pay for this and what kind of image we are giving people. In November they are going to have to vote. With all the hoop-lah with the presidential election and all of that - it all comes back to the hospital and healthcare and how we take care of it. I don't want to confuse anyone. That is why I am asking, "Why is it being done now?" If it is the license - that is an urgent issue - by June 2009. But, how do we make sure? People are saying that they want a hospital. O.K. We want a hospital. We want good healthcare, too. But, how do we relay that to the individuals out there that work. We know we have a lot of people that work regular, hard, nasty jobs. They are going to hear one sound bit. We need them to know that we want them to have good healthcare. We are not out here splurging your half cent before we even get it. We are trying to let you know that we are trying to take care of you, but, we don't want to give them the impression that we are just going to get it and throw it away. So, that is why I am asking that now. Not necessarily for anything else. But, I know that as a voter, they are not going to go and research this stuff.

Dixon:

Let me say this. Once the critical access designation - when we realized that it wasn't going to go any further on the legal side, I directed staff to go back and look at the information that we have gathered thus far and find us a proposal that will get our citizens a hospital and an adequate health plan. When I say adequate healthcare, I am talking about somewhere where we can feel safe going twenty-four seven when the need and emergency arises. And, what they have presented here, what I see, is basically, take what you've got. There is a cost to taking what you've got. Or,

look at something new. There are efficiencies.

Now, it might be efficient to build a new building, but, from the map that I see up there, it looks very inefficient for the building that we've got. Very inefficient for the building that we've got. What do you do with the rest of the building? So on and so forth.

If the goal is to provide competent quality healthcare (and I think that is all of our goal), the first question becomes, "Do we use the existing building or do we build a new building?" That is the question. That is the question because whatever we do, we have to make sure that it operates as efficiently as possible or we end up in this same situation again. The bottom line at the end of the day, it is about the ability of the hospital to be self supporting and self surviving. So, we've got to decide whether we use the existing building or whether we build a new building. Then, I think that dictates everything else. If you are going to use the existing building, then you know that a certain portion of the half cent tax or you are going to have to do some other stuff. If you do a new building, you know what comes along with that as well. They begin to answer a lot of these questions.

My concern now, right off, is - If we look at the hospital in its current configuration, and I am going to Mr. Croley's point, is that every design that CRA has done, is to reequip that whole building to be used as a medical facility. Am I wrong about that? To re-equip that whole building to be now used as a hospital. Well, we all know that is no longer the option. That is no longer the option. But, it is still going to cost \$8 million. That is real from the numbers they have given us.

So, we have some base decisions before we get into how we sell it. Which way do we go - left or right?

Brown:

Mr. Chairman, let me take you one step beyond that. Just based on the question from Commissioner Holt, is this the concept that you feel that this county needs? The staff is saying, "Based on our research, we believe that right now, we believe that this is the best concept for the county." But, we need affirmation of that - whether this is the concept or whether you want us to go back to the drawing board and



consider some other things. We may need to go back to the citizens and get their input as to whether this is the type of hospital. We don't want to go off in a direction that does not necessarily meet the needs of the citizens of Gadsden County. So, based on what we have provided to you this evening, this is the first time that some commissioners are seeing this concept - based on what staff has researched and brought before you, is this what we can start off with as a base and then grow upon it or do we need something more that we can grow upon?

Croley:

Mr. Manager, in answer to your question, I want to say that I like this concept. I like this concept. I think for our county, it looks good. Now, I want to come back and make it very clear that I want to kick the tires real hard on this plan and see if the wheels fall off. But, I also want this to be broad based because it is important. I am saying broad based from the stand point of community involvement and interest. I think that, as the manager referenced, you do need more citizens input. We need a more actively engaged hospital board looking at these numbers. And, Mr. Chair, when you look at the needs, as the manager pointed out, about it being broad based. Now, that is critical because if it is not supported by all segments of the county population, it is not going to work. Along those lines, I don't know whether or not it is more cost efficient from a business standpoint to take the existing structure and renovate that portion of it that this footprint would fit in, or whether or not it would be more cost efficient to look at a new structure. I don't know, as Commissioner Holt has raised the point, and as I have had serious reservation about taking the tax issue, and that is a separate issue that should be discussed in that line, - to the public without their involvement and understanding. I think it is much more likely for them to accept such a tax upon themselves if they better understand what their money is going to be used for. But, that is a separate issue right now.

I want to come back to the concept, Mr. Manager. I, for one, like your concept as presented.

Dixon:

O.K. Let's go around the table.

I'm sorry, commissioner, I didn't mean to cut you off.

Croley:

I want to ask this as a point of record to document two things, if I could, of the staff, real quickly.

Mr. Flemming, if you don't mind, would you come back up to the podium. You and Mr. Sharp, both. I'll be quick about this.

Since you prepared the numbers, I would like to verify for the public record here - You are employed by TMH?

Flemming:

Correct.

Croley:

I am assuming that, in putting together these numbers, you had assistance from TMH staff and other resources there to help you so that you are confident that the proforma that you are presenting here is a good solid numbers for us to make an evaluation upon?

Flemming:

That is correct. You would not have anything in front of you if I didn't pass it through our finance.

Croley:

Mr. Sharp, if I may ask of you as a professional consultant, this concept of a rural emergency hospital, for a rural county such as Gadsden, you have presented it in such a way that it seems to address all those key needs that I know that I have communications with you and the manager about being broad based and serving all the segments of the population. Do you feel that model meets that criteria?

Sharp:

I feel this model meets that criteria to serve all of the citizens of Gadsden County.

Croley:

Has the hospital board joined you in that position, to the best of your knowledge, or have there been any comments from them?

Sharp :

They were presented with the concept last week. They are

still looking at it. Informally, there were very favorable comments made.

Croley:

Thank you, sir.

Dixon:

Other commissioners, on the concept?

Lamb:

I think the concept is good. I am just leary about the numbers. They can look one way and be another. I am really concerned about the numbers. And we know it is going to cost, which ever way you go. I am looking at this booklet and looking at all these pictures they have in this book about the building - the existing building down there. It's going to cost and I think we don't need to move too fast. We don't have anything in place yet. The surtax - it is not in place. We will have to wait and see how that is going to turn out. I am also kind of concerned about the individuals who are running for president. They are talking about healthcare for everybody. We don't know how that is going to affect us. It might help. We might need to wait and see what is going to help there. We might get help from them. But we are planning on spending money and not getting anywhere. That might be money wasted. I hope we don't move too fast and do something that is not going to do us any good. Let's take our time in going about this.

Holt:

Mr. Chair, what is the average patient count from Gadsden County at TMH now? Average per month?

Flemming:

I looked at that information at one time. There is no figure that I can really give you right now. The best figures that I can give you is looking at EMS. That is the best issue saying about 70 - 50%. I can also throw in the Urgent Care Center, we are seeing a little over 4,000 patients. So you can look at that as a projection to look at. Nine to ten thousands. Now, that is just ER. If you are talking about inpatient - I don't know.

Holt:

Right, that is what I am talking about. I don't think five

beds would be sufficient at all. I like the concept. I have worked ICU, so I know that same concept is the one that you are talking about where your main frame is the emergency room and the beds sit out from the emergency. So, I am more concerned about five beds. How did you come up with that number. Was it from the previous operation of the hospital? I really want this board to understand that five beds would not do. I really want you to understand that. I have worked in nursing and you have really do this in order to see what is going on that last year.

That particular five patient count - that company would not even buy toilet tissue for those patients. Nurses were going out doing that. All the amenities, they were turning patients away. They would tell employees not to come in. That number is no where near what you would have to have. If you would say 10 beds, I would feel a lot better. If you said five emergency, five swing beds, I would feel better about it.

Flemming:

I want to actually start looking at the numbers. Looking at comparable communities, looking at Perry and looking at Madison, they rarely go over the - at the most, I think they had eight patients. That is why they are actually looking more toward critical access status, to be able to utilize less beds and get more reimbursement.

The reality is that in those communities, they have to go there. They don't have a facility within an hour range such as Tallahassee Memorial. The statutes start kicking in - like I said about the stroke patient, they had to go to TMH. IF it is a heart attack, they have to go to TMH. So, that is a population that is separated from -

Holt:

That is not the population that I am talking about. I am talking about the average. The average of about 10 that I am pretty certain you are going to need.

The only reason I am saying that is because of this - what happens is this, you are going to have observation days. They are not going to be emergencies, they are not going to be critical care. That is why I asked about five swing beds. When you are looking (inaudible) So you are saying adding on later, when you are going to have five beds and those people

are either going to have to go to Tallahassee or they are going to have to be discharged. It may not be something that they want to do. I think that is more of a liability than anything else.

Brown:

Commissioner, I am agreeing with you. I am in agreement with you on that. The good thing about doing it in the existing hospital is that you have the ability to quickly add rooms. I am in agreement.

Holt:

I am not debating it, but I am just letting this board know that I feel - the reason that I am saying that is to say this - not saying that design is the best one or the other one, I not saying that they are the best or they are not the best one. What I am saying is that what we need in a facility, no matter which one they do - cause you said, Mr. Chairman, look at the concept. Then the other idea there is there is this - I don't think that number is enough. I really don't. You are going to look at causing a couple of law suits because you are pushing that number. WE have had a couple of those before when we were trying to keep staff down and close down wings and back up into just part of the hospital where we were just serving part of it because that company would not bring in staff and they would not accept patients. Then we ended up having to ship them out. When we did that, we came back with a couple of law suits because of that. It tightend up the bar so much.

My other question is this - What type of hospital does Franklin County building with the half cent?

Flemming:

They are keeping it as a critical access hospital. They are basically re-building their facility.

Holt:

How many beds?

Flemming:

They are keeping 25 beds open.

Holt:

What is that population? Do you have any idea, Mr. Sharp? I am trying to compare what they are doing. I know our

population is different. I am asking for general information.

Dixon:

It is very different. I am thinking of Gulf, not Franklin.

Holt:

Franklin is a very small community, but they have St. George Island sitting out from there.

Dixon:

They have beach community and they have St. Joe coming through just like Gulf. They are building a new hospital, but it is backed by St. Joe and they have a few different models than we do.

Holt:

That why I said the other five beds. We need to go for ten at least, you could have the other as five swing beds. If not, you've got to go, you've got to make a decision. Who is going to decide. That doctor is going to be putting their license on the line. I understand what you are saying.

Dixon:

I am going to respectfully disagree with you from another angle because I think I have to approach this from the affordability aspect. Where we have zero beds available right now. We have to create a model that we can be sure that if it is not surviving, we don't have a lot to do to help it survive. That is my big concern. We have to have a model that breaks even. We have to have a model.

If things like Amendment One keeps coming, and I have no reason to believe they won't, we don't have the ability to help the hospital very much. The model, whether it is five beds - What is the definition of a rural hospital - How long can people stay? Is there a definition about how long people can stay?

Flemming:

The definition of a rural hospital is defined by the number of open beds that you have. I think it is under 100.

Sharp:

Rural critical access hospital - the maximum number of licensed beds is 25. We are going to propose, with your

direction, we would propose to keep the rural hospital license that we currently have at 25 beds. We would only construct five beds within the facility. That will give you the ability, without going back to AHCA, if you need more beds, to activate the other 20 beds.

Dixon:

On a need only basis. That also takes you into new costs and new other things that you must staff up to manage. I like the model because it looks like it will break even fairly quickly. That is the first situation that I like about it.

I like the new building because it brings efficiencies that none of these buildings would bring. Not to mention that each use of this building requires us to do something else. That will be mismanagement out there. There will be three quarters of the building that is going to go unused. Maybe half of it. Then we have to make the decision now, to give Clemons Rutherford direction - Are they going to go and fix the whole building now? What? To me, that is an important decision in terms of deciding whether we use this building or a new building and redirect the use of this building. That is the decision.

Everybody else is waiting. Teams of people are waiting to move based on that decision. My thing for doing it now is simply, - I didn't know about the data until you said it right now - but, my thing right now is, we have been two years without a hospital in this county and we need to make some decisions and make some things happen. It is as simple as that for me.

Price:

Who will determine that more beds are needed?

Dixon:

The hospital board.

Price:

So, would they have to come back to us or can they take it upon themselves?

Dixon:

If they have the money, probably not.

I don't know what the lay out is - whether we ratify their

decisions or not.

Croley:

I was going to say, Mr. Chair, we are just talking about concept. You made a point. We don't have any type of medical facility for the citizens now. This is a start. Yeah, you've got to crawl before you walk. Walk before you run. This is an opportunity to move forward and we have legitimately had differences, but we have all been focused on the same goal. We had disagreements about how to proceed, but, this model seems the most workable right now at this point in time for this community. I think we ought to go with the concept and as I said earlier, we need to kick the tires really hard and make sure that the wheels don't fall off. We need to allow the citizens to have input in this process. I think that would strengthen the whole effort, Mr. Chair, and allow us to move forward. Without that, the engineers and architects won't be able to give us any good numbers. I am sure it will help the staff to have some direction as to what kind of model.

Williams:

There may be a way to get you all to a direction to satisfy everyone's concern. If I understood correctly, Mr. Sharp, there is a cost to put this design in place, correct? The reason that you are doing that is because it is going to reduce the need for staff.

It may be helpful if the board is looking at the concept as a starting point, you can separate that issue from the design. What the concern is that the projections may be low and you may need more growth and this plan restricts it. If you look at the cost of this design against staffing, it may give you some additional options and you may want to direct them to go back and compare that design cost to staffing cost over a period of time. If these are conservative numbers, the growth may offset the shift. So,

Dixon:

I am not discounting her need for ten. If you go to a new building, you have put in space or facility, however ya'll describe it, whether you build it now or not. How many is that new building designed with.

Sharp:

That is designed for five beds, but it also designed so that



if additional beds are needed, it can be added onto within that structure.

Holt:

That was my only concern about that. The other question, did we decide that we were going to use TMH? We were talking one time about another company. Then we talked about TMH.

Dixon:

No, ma'am. I just think that is the folk we are working with.

Holt:

That was one of my questions. I know we didn't know what to consider anymore. If we are going to say rebuild this facility because TMH is going to manage it or are we going to look at the other management company that we were looking at, then we need to do that so I can knock that one off my list of things to do.

Also, I think that the digestion of information is what we are really going to have to go into. As I said before - If you say "hospital", I think it will pass. If you try to sell something new, I think it is going to be a problem. What I want to do, as I said, this facility sounds great to me, but I want to make sure that the voters can support it. This facility is pretty much based on the half cent sales tax and the trust fund. That is what we are basing it on. But how will it generate money and when? So, that half cent sales tax part of it has to pass.

Dixon:

I will agree, now that you have brought it up, that is another situation that is requiring our decision. I am of the opinion that when you go to the public, you have an idea about what it is that you want to see. If you don't, then you are going to have a year long discussion about what you do and don't want to see. Take them an idea and let them cut it up, but take people an idea of what it is that this board is standing behind and wish for the public to help accomplish. No matter what that it, whatever we decide, whether it is the old building or the new building, I think you take it to people and say, "Hey, look. Here is what we have come up with and here is how we got there. Here are the assumptions we made, here is what we think it will generate, here is what you get out of the deal." That is for no matter

what building we decide on or what option we take. I think that you have got to go and take it because it then becomes a great part of the half cent sales tax and moving it forward.

Holt:

I want to say this right quick and you (inaudible) - Now you are back to your Five on Five meetings because if the commissioners are willing to agree to this in this room, you should be able to agree to get out there in the public and sell this idea. When it comes to District 4, and I feel like I don't want to go that day and have a meeting that day, what I voted on in this room, I should be out there in the public and say, "These are our options, right here. You guys tell us what you want." It behooves the members of this board to not look at something and say this is a good idea, but then when they get out into the community, they don't support it because they don't want to have that problem.

I have a question for Mr. Sharp. A large portion of the Medicare and Medicaid is paid by the county up front. By the county, itself. The first so many days a person is there a portion is paid by the county, after 13 or 14 days, the State picks up. We want to back ours up. I know that the Association of Counties want to be responsible for the days on the tail end of those days because you have to eat a percentage of that cost of Medicare and Medicaid. Is that still true?

Sharp:

Yes, ma'am.

Holt:

That is something commissioners. What I am saying commissioners, is that we are paying a high percentage by counties for those first 13 or 14 days that they are in a facility.

Dixon:

I don't think it is 13 or 14. I think it is day 4 and 5. Isn't it? It may not be the first three, but it seems like I remember it being the last.

Holt:

But, we eat that cost and I was just wondering about that because you get a lower percentage rate if you even out. I was just wondering.

Dixon:

They were thinking about moving it back - that is what they were considering doing. They were trying to make it the third day as well as the fourth and fifth day.

Sharp:

While we are at this point, I'll do this as a reminder. June 21<sup>st</sup>, 2009, the license goes away. Whatever you do after June 21<sup>st</sup>, 2009, you will have to go through the certificate of need process, start all over brand new without a license unless we can get the legislature to move that date. AHCA can't move the date. This license cannot be extended beyond June 21, 2009.

Now, if you are going to build a new one, if you are going to renovate the old one, it takes time to get that done. It has been estimated that doing the base alone is going to take 338 days. To build a new one will take anywhere from 10 months to 360 days. So, in your deliberations, just keep in mind that we are being, the only constraint that we have is the constraint of the hospital license.

Brown:

Commissioners, if I may - Is there the possibility that you would consider getting some broad based representation? Maybe two citizens from each district to sit down vent this and then let's quickly bring it back. I think that instead of having public meetings on this, do what we have done with the Solid Waste Committee, get some broad based representation, get this vented by that citizen's committee, bring it back to you if there are concerns. I think that is probably the quickest way to get some citizens input on this particular issue, Commissioner Holt. Citizen's acceptance of this will be the issue. Just something for you all to consider.

Dixon:

Let me ask a question. The half cent is moving forward. We won't know the answer to that until November. It won't go into effect until January. What does that do to the time line and how do you all foresee handling that situation?

Suggs:

There are two things. In terms of either one, right now, you are about 11.4 at the highest on a new building. Right now,

we are looking at between 5.9 and 8 on reconstructing the old one. If you gave us instruction in June to renovate, we would need to decide on the financing options at that point.

Dixon:

What you are saying is that we would have to pledge other assets until the (inaudible) comes on line.

Suggs:

The most likely, the concept is going to involve - if you move before November, you are going to have to put the trust fund in play. The only option where you don't have to put the trust fund in play is if you select the renovation option and we will work with Clemons Rutherford to get that number down to where that number is small enough to we could manipulate the allocation of the trust fund so that the interest can pay the debt service. Any other scenario, we would have to move forward with the trust fund. If the half cent sales tax passes, we can seek financing and we could restore the trust fund and continue the building in the process. It is complicated, but that is the truth of it.

If we move forward now, if you elect to build a new building at 11.4, and we move forward in June after we meet with citizens, we would have to start by using the trust fund money, and the half cent does not pass, at that point, if you are using the trust fund, it would be depleted, but you would have a new building. That is the timing and the reality of it and the funds that we have in our ability. Whether you renovate the old one - the renovation will be dependent on the costs, because of the terming of the license and when the issue goes to referendum - that is what you are dealing with. Joe is correct. The only outside of - if you wanted to wait it out, the only thing you can really depend on is like a "Hail Mary" is the change in legislation. Somebody would have to legislatively change the statutes to say something else than what they say now.

Dixon:

That is all well and fine, but we need a hospital. So, the date just happens to be another contributive problem.

Croley:

Mr. Chair, for the sake of time and to move forward, would the chair be in a position to entertain a motion on the concept along with the appointment of a citizens advisory

committee with two representatives from each district plus representatives from the hospital board to evaluate this proforma really closely, allow our engineers and consultants to look at these different footprints and figure out the exact cost which will tract with what I believe is the staff's recommendation. Then that information may go a long way toward helping make that citizens decision on the healthcare tax, assuming that is on the ballot, much more informed and possible. Would that not reflect what we have been discussing here.

Holt:

You guys are getting tired and I am getting tired, too. On this, and I have no problem with the concept of the idea of doing this. My concern with this is to say that you holding it to five beds. I really don't want to be a bedroom community to Tallahassee. I want Gadsden County to stand on it's own. I don't want to be a bedroom community to TMH.

Dixon:

So, madam, what you are saying is that no matter what concept we look at, you want 10 beds.

Holt:

I really want to look at the number of beds.

Dixon:

You want to either see or have the ability to have at least 10 beds.

Holt:

In fact, you are saying 10, I would not have a problem with having 15, but, what I am saying here is this, all of a sudden, we have to go with this process and I know we do. We have been trying to do our best job in getting that designation back and we were not able to get it. I am all in favor in getting the hospital and getting up and getting started. We can look at leveraging some more funds. Maybe we will come up with a better way later on after the half cent is over with. I wanted to make sure that we are not short changing citizens in the process.

Dixon:

Was that a yes?

Holt:

No. Not really. I am not there yet. Look at me a little bit harder. I still want to look at this and see that what we are going to do is in the best interest of the citizens. I know we have to look at the numbers. We are looking at one set of numbers. As we said earlier, we want to look at those numbers and make sure that it satisfies the need. If that half cent sales tax goes into effect and it runs for "x" number of years, we have to have production. I don't really think that is going to work with citizens when you set this amount of money and all you have is five beds. A lot of citizens don't want to hear that either. I know we have to start somewhere.

Dixon:

Let's not get stuck on five beds. That seems to be a minor issue and I mean no disrespect in saying that. I don't think that anybody here is opposed to creating a space that we have access to 10 beds. I haven't heard anybody say anything negative about that. I certainly don't mind putting the concept out there and I certainly don't mind to giving it to folk and let them tear it up. But, I think we certainly need, in a while, to get back here and make decisions about things.

Suggs:

Another option that could be a reality is that if we took our time and thought about this type of thing. TMH could operate off their license in Gadsden County, also.

Brown:

Davin, let us try to get past this first.

Williams:

Mr. Chair, if I could, again, I think that if the commission is willing to look at the concept separate from the design, it will give some direction. A design is a separate issue. Again, in terms of giving the commission complete information, if you had information that talked about what the cost for this design is - whether the new facility or the old facility - against the cost for additional personnel. The rationale that was given was that it minimizes personnel which gives you cost savings. If you then this \$100,000 that you are going to lose each year against this design, if you don't do this design, and you fit it somehow in the existing facility and add an additional person. We had discussion at some point, Joe, that we could get with AHCA and just lock

off some rooms and make it smaller. People may have to walk a little further, but, if there was a growth, and if Gadsden County does grow, the existing lay out of the hospital will accommodate that growth. Whereas, even though you may be able to use this, it is still restrictive in it's design.

So, Mr. Chair, again, this is a comprehensive Kum Ba Ya approach to everything. The design works, but the issue is staff. If you give us direction to come back to you with a cost comparison between doing this against the cost for this design against staffing over time. Maybe it would make it so that you would have a better way to make the analysis.

Dixon:

Not only staff, but cost. Can you crank up a piece of that building? And does it make sense to crank up just a piece of it and leave a piece of it in moth balls over time.

I'm just, those are kind of questions that I am asking if we are going to use a piece of that building. What are the overall cost? I am sure there are some things you can't turn off, you know, a piece of in the building. There are probably a lot of things you can't turn off a piece of in the building, come to think of it. Then there are some things you can't fix without fixing the whole thing or ripping it out. I know there are some humongous decisions for you guys just looking at this thing, then having to turn off the air supplies in the rest of the wings and those kinds of things. I am interested in those kinds of things if that option is chosen. I am going along with your idea. I think we ought to give people an opportunity and take three weeks or a month and vent it and let people look at it and look it over and get it back to us and go from there.

Croley:

Along those lines, Mr. Chair, would you entertain a motion that at this time we move the rural emergency hospital concept forward and that a citizen's committee be appointed with two citizens from each commission district along with two members of the hospital board to look at this concept and flesh out some more of the numbers and to work with the consultants. That is a long motion there, but the idea is to allow more citizen input and move this forward.

Dixon:

That is a motion, is there a second?

**Lamb:**  
**Second**

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

Holt:  
Right quick - can that include commissioners also?

Dixon:  
I am sure you can show up. But, try not to get into the discussion. You know, that is why we don't go to Planning and Zoning meetings. You are going to show up and have to vote on it next week.

Holt:  
The reason I asked that is because of some of the physical attributes of the building, I forgot.

Dixon:  
I didn't invite anybody in the audience to have a word with us. Is there anyone in the public who would like to speak.

Scott Whitehead:  
For any of you who don't know me, I am Scott Whitehead. I am on the Gadsden Hospital Board. I would like to compliment our staff. Honestly, I think we are finally on the best track that I have seen and I have sat on this board for a long time, now. I honestly believe that we can sell this to the citizens of this community and of Gadsden County. I am stating on the record that I will go door to door myself and help do this. I believe in this cause. I believe in these gentlemen who have put forth this effort. We are on the right track. I will work with my commissioner. I will work with anyone here to help explain it. This is a good concept. We need to go with it. Time is an element. We do not want to go through this licensing. We do not want to go there. I have been here the whole route in this and it is rocky.

Mr. Chairman, any questions of me?

Dixon:  
Thank you, sir, for your candor. God knows it is nice to say, "We agree with you" for a minute.



Will there be anyone else?

O.K. We have a motion and a second. All in favor, a sign of "Aye".

All:  
Aye.

Dixon:  
Opposes?

(No response)  
Please make it unanimous.

Thank you, gentlemen. You were able to put it in a very good picture to us. We appreciate it.

Croley:  
I certainly appreciate the way you brought it together this time.

Brown:  
Thank you, commissioners.

Dixon:  
Before everybody goes, we need a time to bring this back to us.

Brown:  
Commissioners, we will bring this back to you by the first meeting in July. New will be very aggressive in terms of the meetings and we will bring it back by the first meeting in July.

Dixon:  
Call you appointees into the manager. Please do not wait. In the next day or two. Please ma'am and sirs. Call in your appointees, whoever they might be. This ship needs to sail.

Brown:  
We will go ahead with those appointees without bringing them back to the board. We are moving forward, commissioners, if I can have that direction.

Croley:  
I would so move on that.

Dixon:

We have a motion. Do we have a second?

Price:

Second.

Dixon:

To approve all the appointees. Send in your two people.

All in favor, sign of "Aye."

ALL:

Aye.

Dixon:

Opposes?

(No response.)

Price:

Do they have to be in your district?

Dixon:

No, they just have to be two good people that we can count on.

Croley:

Smart people.

#### **4. Water Quality Report on Lake Talquin**

Growth Management Director Bill McCord stated that he was proposing to the commission the possibility of applying for grants that would help the county evaluate the quality of water in Gadsden County. In addition, he said that if the grant application is successful, the county could hire a consultant who could give advice about what measures can be done in the boundaries of Gadsden County to improve the water quality.

TMLD Study - monitoring water quality with systematic modeling and sampling to see how over a period of time the surface water and ground water are doing (improving or not improving)

Dr. Sean McGlynn of McGlynn Laboratories, Inc. then told the board that Gadsden County is the greenest county in Florida with a lot of topography and a lot of water. He then gave a presentation of facts from the study performed on the Ochlockonee River commissioned by the late Pat Thomas. He noted that Lake Talquin and the Ochlockonee River actually gets cleaner as it passes through and along the border of Gadsden County. The pollutions of the water usually refer to the nutrients that runs off the land into the water. He said that phosphorous does much damage to water and leads to overgrowth of algae and can cause fish kills. He went on to say that many natural endemic species (Ochlockonee mussels, Ochlockonee moccasin shell and others) that would filter and clean the water are vanishing. This is due in part to the pollution to the river.

He called attention to the intense use of irrigation in the south Georgia farms. He said, "This water is water that would have come down through, and just like the Apalachicola, when they withdraw water from the system in times of draught, there is less water coming through. During the summer, the water that is left gets hotter and the thermal stress kills the mussels. Erosion also contributes to the pollution of the water shed then into the river. Chicken farms in Georgia are occasionally flushed and that contaminates the river...All of this makes murky water and the murk settles and this is what makes bad fish habitat. Fish eggs get algae and there is bacteria in all of this. It is all degenerating. Fish like nice sandy banks to make a hull and they can have a 100,000 young and fill up the lake. But, not like this.

Game and Fish have noticed that the fish count in Lake Talquin has gone way down. If you talk to the Fish Commission, they say that it needs to be drawn down. When you draw it down, all this muck starts to dry out and shrink. But, I really don't think you can draw down the lake in a draught. We have been in this draught for over 10 years.

Another thing that Georgia has more (inaudible) than any other state in the union. 68,000 to be exact. As you know, Cairo wants to build a 1300 acre lake. This will all take river from the Ochlockonee River. They didn't do the environmental studies. They have logged the basin. They are having some problems now. The Army Corps didn't like that at all. So, that may not happen."

Mr. McCord mentioned the TMDL Program. This is a law suit actually. EPA lost in the Supreme Court over the Clean Water Act. And there were held responsible for all the polluted water bodies in the nation because they were not enforcing the laws. So, they quickly delegated to the states this program, TMDL (Total Maximum Daily Loads). What DEP has been doing is trying to figure out the actual load of pollutants that Lake Talquin can take and still be healthy. If it exceeds that load...they will set a production goal for the level of pollutants in the lake. They will tell you that you have to drop it so much to be healthy. When it is exceeding the TMDL, you actually can't add any more pollutants to the body. There will be no more permits for NPDS (Points served for any kind of discharge) and there can be building moratoriums and fines. This is what most people thinks it means."

He then explained the charts attached to agenda report.

Questions:

**How would you recommend that we go forward in not only protecting the lake, but putting it in a better situation than we have now?**

By being in the TMDL Program, although you are impaired, you are also prioritized for grant funding. They want it cleaned up. So, what you can do is ask - Governor Crist did not cut the Florida Forever Funding - and I believe that DEP still has \$30 million to spend on such projects. It is a totally separate pot of money. The Extension Office through your Soil and Conservation District has EQIP (Environment Quality Improvement Program) grants for anybody with agricultural exemption. On Lake Tallavana - and Dr. Scott is here from Lake Tallavana representing them, but he is also the Assistant State Geologist. If you are getting water quality ground water issues, he is the expert. He basically went and got the extension and the county farms together and got a grant for the county farmer to fence his cattle out of a ravine where their hoofs were constantly breaking the ground down and causing it to erode. That is best management practice. Now, the extension office paid to have the cattle fenced out of the ravine and now many of their problems are solved with the cattle farm. But, that is the way to move forward. To think, look at what funding is available, try to

get something to cure the problem and put the best management practices to use.

Septic tanks along a water body often don't work because you are on a slope, particularly in Gadsden County. The clay layers and sand layers are sloping with it and sometimes one or two septic tanks along a lake may not be functioning properly because of the geology. Those can be replaced. In general, your whole county is a very good county for septic tanks. You have good soils, you have clay layers to protect your drinking water that cause effluent from septic tanks to work solely to your soils. That diffuse kind of layering is sometimes better than having to discharge into a creek. The septic tanks spread out over a large area will diffuse that. In Wakulla County, where they do not have the clay layers and the aquifer is 10 feet below the sand, with septic tanks, you can't even tell if they full because they go down so fast.

There are expensive ways (big engineering projects) or you can implement growth policies so that you are growing in a sustainable manner in a way that will not pollute the environment. Often, that is a lot cheaper than coming at the tail end and trying to fix it with a big engineering project.

Dixon:

Last night, I talked with some of the Friends of Lake Talquin about the studies that Leon County and Wakulla have done in terms of recognizing where their water bodies are and where they plan to create opportunities not to build because those areas are far more sensitive than other areas. Wakulla has gone to mandatory Advanced Waste Water Treatment in septic tanks. What about Gadsden County and AVA study. We have talked with Leon County about that and moving forward with that. Would that be helpful for us?

County Manager Brown:

Before you answer that Dr. McGlynn, the AVA Study is Aquifer Vulnerability Assessment study that they have done. It started off looking at Wakulla Springs and looking at the impact of the spray fields on Wakulla Springs. Basically, it has spread now beyond that including some of the pollutants that are coming down from the State of Georgia that are affecting the Springs as well. So, Mr. Chairman.

Dr. McGlynn:

We have the Assistant State Geologist here. The aquifer belongs to geologists. They get mad when a biologist tries to talk about it.

Dr. Scott:

He is finally learning. We have only been doing this together for many years.

Dixon:

We know, we've got a lawyer like that.

Dr. Scott:

With the aquifer vulnerability assessments, over most of the state, what you are looking at is the vulnerability of the Floridian Aquifer System which is the main fresh water producing aquifer in the state. Very fortunately, here in Gadsden County, it is covered by a good thick sequence of clays so surface water does not get into the Floridian Aquifer easily. The bad thing about it is that the Floridian Aquifer system in this county is not as productive as in Leon, Wakulla or Jefferson counties. So, the aquifer vulnerability assessment won't do as much good in a county with the geology that we have here.

Dixon:

Let me ask you guys together, since you are native, and Dr. McGlynn obviously spends a great deal of time here,

Dr. Scott:

Well, he is our consultant for the Tallavana area.

Dixon:

Fantastic. Native. Welcome.

Are you guys in a position to help us in any way to prepare - obviously, this stuff is very technical. To help us prepare so that when we do begin our comprehensive planning, we know where and what to do and that we are in front of the situation and not behind it?

Dr. McGlynn:

I think we are. Yes, we would be happy to help if we can. That is why we are here today.

Dr. Scott:

I am with the Florida Geological Survey part of the DEP and

we provide this kind of information to counties all the time. We just have to be approached. Then with a consultant like Sean, who we have a very good connection with to begin with, he can come to us and say, "O.K., I am working with Gadsden County, give me all the well information that you have that shows where the fullers earth clays are, where you have building problems, where other sands occur, where the drainage patterns." We do that all the time.

As a Gadsden County resident, I can help out on other than DEP basis.

Dixon:  
That is good.

Dr. Scott:  
Working with Sean has really helped us and we are looking at - the question was asked about why Tallavana and Little River and all that was within the Ochlockonee was within the Ochlockonee Basin. It is because prior to Lake Talquin being there, Little River is a tributary of the lower part of the Ochlockonee. Now, that it is under water at Lake Talquin, it doesn't change the fact that it is part of the overall basin and not only is the lake at the headwaters of the Little River Basin which makes it kinda the Little Lake Talquin and the health of the drainage basin that we are living around is affecting the health of Lake Talquin.

Croley:  
Thank you for this excellent presentation, I will ask you for the benefit of the commission as a whole, and the staff and other members of the public - identify real quickly the major water drainage basins in the county, Doctor, please.

Dr. McGlynn:  
You have this on the computer if ya'll want to print it out later in color. Little River, Telogia Creek, Quincy Creek, and this is Swamp Creek. All of these colored ones are impaired. That is where Little River comes together into Lake Talquin, as Dr. Scott said, it used to be the Ochlockonee River. This is Bear Creek. I guess you don't need to worry about these that are coming from the other side. We just got this one in for fun because it is just below your border to show you that other counties have problems, too. This is Sopchoppy down here and here is Ochlockonee Bay.

Croley:

My point in bringing that up is to understand that no matter commission district, we are all affected by this surface water quality issue and the need to stay on top of it as you have made that point.

One of things, and I know that Commissioner Dixon has just brought up a good subject about grants for monitoring this water quality. I am not real sure, for instance in the Little River drainage system there, I don't think we are doing a very good job of surveying that water yet. Is there some, and I have had some conversation with Doug Barr at the Northwest Florida Water Management District, and he has advised the manager and Mr. McCord and I think some of the other members of the commission that there are some funds out there to help monitor this water quality so that we can stay on top of this technically. It is all going down to the Lake Talquin state resource. Could you tell us if there are some other monies out there and what the county needs to do?

McGlynn:

(inaudible) used to mentor me. It is like driving through the rain without your wipers on. It often turns out that after you look at a situation, it is not what you thought the problem was at all. The monitoring should be rather inexpensive compared to the fix. The monitoring is necessary to have a good fix. There is actually free monitoring that can be done through Lake Watch at the University of Florida, but DEP doesn't accept that data. They don't use it. They pay for a lot of monitoring at the moment. It may be possible to get money from them to take over the monitoring that they are doing.

We got a Florida Forever Grant in Lake Blue Herrin. The one thing is that we put a lot of monitoring into it. The Water Management District gave it to the homeowners association...There are ways to get money to do monitoring. We can talk about that later. The water management director has grants, DEP has grants, USGS does monitoring, EPA.

I have been trying to tell you that a lot of the impairment is coming from across the borders. But, being on the impaired list, you are prioritized for the DEP 319 Grants right off the bat which includes not only monitoring, but restoration and projects to fix it which costs a lot more



than the monitoring.

Dr. Scott:

We are making a small effort - We've got Sean working for the Tallavana Homeowners' Association looking at trying to get us a grant so that we can monitor water quality and look at things that we can do in the Hurricane Creek, Beaver Creek drainage and even the little one that had no name, but it was a pretty magnolia beach hammock so he called it Hammock Creek, but we are hoping to be able to get a grant. This is a little start at looking at mainly the Little River Basin down into Lake Talquin and compare what we see up there to what Lake Watch is getting in Tallavana and Lake Talquin. We are very concerned about the water quality. So, we are hoping to get one of these grants through Sean.

Dixon:

Mr. Manager, since Sean is already out there, what do we need to go on and let him cover the rest of the river?

Brown:

As Commissioner Croley has eluded to, we are trying to get a grant from the Northwest Florida Water Management District. I think he has given us a number of resources for us to also take a look at. We are going to have staff explore some of these grants and take a look at everything and anything that is liquid in the county.

Obviously, we are going to dealing with water coming from the State of Georgia, but, we will look at all of these options and resources and move forward from here.

Holt:

Dr. Scott and Dr. McGlynn, Dr. Scott, I have known him for quite a while, both him and his wife. But, I would like to ask you this. I went to talk to an archeologist and a couple of people in the area of water management in Milwaukee. What they were doing is they starting buying up areas going back so many feet or yards from the lake. They purchased it and they made walking trails and parks, etc. They said in that workshop that the problems with it and people bought property on the waterways, they put their back yard up to the water and that is where most of the pollution was coming from. Everything drained from the back yard and they were cutting off access for the public to the lake. I see that a lot in this area. "I am buying this. This is my property. My back

yard is at the lake and nobody else can come down there." So, what they started doing was purchasing around the lake and it made a big difference in their water quality and they are treating the water at the lake side. They have facilities and different things in there to treat the water.

Have you experienced anything like that?

Dr. Scott:

Sort of. I have been working on the springs in Florida now for almost 10 years under the governor's of Florida Springs Initiative. One of the things that has been done with some of the state's money is to buy up land around sink holes, around the areas where the springs are actually coming up and create a buffer so that any water running over the land has time to have the nutrients absorbed out of it and to offer release from the erosion and stuff. Keep the water that is going into the sink holes and water that is flowing into the spring basin just at the surface - to clean it up. That buffer around any lake would work the same way. But, he is the lakes man.

Dr. McGlyn:

I mentioned the Killlearn Lake grant that we got from the Water Management District, the Florida Forever Grant. When that separation was planted, from the lake shore to 40 ft. in is common area. That has been neglected and people are fencing across it and planting hedges and all kinds of stuff, but it is so much nicer - In Europe, almost every water body is affected. You don't own the beach. There is no private beach. You can walk anywhere you want. This is a concept that I wish we had more of in this country. They are starting to enjoy it more in Golden Eagle and in Killlearn Lakes. We are re-establishing all the trails and the buffers which are crucial.

Holt:

That is one thing when I looked at that, that is something that has to be beyond that even put any development - even after you do that buffer. It backed it up and gave public access and that is something that we are losing at the lake. We are having the lake front being bought up, but there is no access to the public for the lake. What they did was put a very nice park around the lake. That was another buffer that kept the pollutants out of the water.

I know you mentioned earlier that there could be just one or two septic tanks around a lake that is leaking. Is there any specific tried and true method that you know of that would go around and test it at the water front? Can you see that discharge is coming out of a specific area where 1- 15 homes are located. Is there a way to know what to look at and hone in on whether an area needs to be looked at? I know when there is someone new coming to the lake, the people at the lake say, "No, we don't want any more people." But, you have to look at thinking - You are there, you could be polluting the lake yourself.

Dr. McGlynn:

Exactly. That is what we are using the model for. I showed you the DEM (Digital Elevation Model) which is the slopes going down to the lake. We are identifying through the model all the lots that have severe slopes with septic tanks and where they are located and how far from the lake. Then we can go back and throw some dye and flush the septic tank and there are fluorescent meters that we can put into the water to actually measure whether it gets to the lake or not.

Dixon:

I am very interested to see if we can bring Dr. McGlynn on as we begin the talks down at Lake Talquin and we get into the issues about the sand mines down there and the other kinds of pits that are down there. It would be very informational, not only to the members of this body, but certainly to those citizens. Obviously, he is somebody that they trust and I know that they have hired him before. Since he is working in Tallavana, if we could go on and cover the county, I think it would give all of us some assurance that we are getting good science when we are looking at these situations. It is about the science. We can deal with the "feel good", but let's make sure that it is to feel good in that we have the science taken care of.

Holt:

Mr. Chairman, may I ask? Dr. Scott, is your wife running today? She is a marathon runner.

Dr. Scott:

Well, she is not a marathon runner, she is out running. She was running yesterday evening.

Holt:

I'll tell you, he and I stay in the gym. She goes out and runs all over the place.

One of the big problems with the lakes when people buy up the property around it is that they want grass. They clean all the native vegetation out and put down grass down to the edge of the lake, then fertilize it. That is death to a lake. Septic tanks are a problem, but if people will properly maintain them, pump them every few years, keeping trees from growing in drain fields, they work pretty good and you can mandate advanced waste water treatment, which is more expensive, but it reduces the nutrients even more.

Dixon:

That is another thing, Commissioner, I see you over here. That is another thing. I really want to get into some of the basics of how we can, through ordination, begin to help ease the burden, if you will, whether you are this close to a watershed or a water body, you have to pump your septic tank every "x" number of years. Once every five years or whatever. We need to have stuff like that on the book that makes our job a lot easier and it certainly makes the pollution opportunities to the lake less. That kind of master plan, if you will, doesn't have to be very technical in nature. From the things that I am hearing you talk about, it is just as you said, personal responsibility about polluting. Whether or not the sand pits out there are polluting the lake or they aren't. To what degree should we or shouldn't we? Are there some rules that we should have in place. I know that DEP usurps their authority a lot, but are there some things that we can do to make sure that we are mitigating any potential problem that we have out there?

This is all new for us. We haven't had a lot of planners, as I said last night, we had one for the longest and certainly not this level of expertise, so, I am happy and I am sure that many of the board members are that we can actually get this kind of expertise in house. That is the kind of stuff that I would love to have done in terms of getting to the point on some of these issues so that we can decide if they are issues and find out if there is a big problem at the lake or there isn't. If there isn't, we need to be doing some kind of maintenance and maintaining. But, just what process and procedure do we need to be doing?

Dr. Scott:

Mr. Chairman, I love hearing that. As a resident of Gadsden County now for six years, I love it here. I love to hear that the County Commission wants to be proactive on this. Thank you.

Croley:

I just want to just re-enforce that Dr. Scott and Dr. McGlynn. There is one thing that I am very convinced of - people across this county love the water, recreation, the fishing. I know that members of this commission enjoy fishing and people want to make sure that their fish and their water resources are safe. Any assistance that you can provide, do it. I know that I believe that this commission would be on very good grounds to support that effort whether it be in Telogia Creek basin there, which is Commissioner Holt, or the River Keepers of the Apalachicola River behind the dam and right on all the way across. I know everybody likes the fishing. We need to have a good safe fish supply and plenty of it. So, anything you can do to help with that, I know we will be appreciative.

Lamb:

One thing that I would like to add to this is that I have dwelled on is trying to keep our river banks and things clean. That is one thing that I feel like we need to put more emphasis on within the county. The river banks off 12 and Highway 90 and off 268, we need to check those banks more because when people go fishing, they leave all kinds of trash and things right there on the river banks. The same thing with people who are hauling stuff and dumping it near the river bank. We need to monitor those river banks more.

Dr. McGlynn:

With Tall Timbers, we have been doing clean-ups on the Ochlockonee River. Somehow they seem to do most of them in Georgia. But, you can shift them this way. If the commission requests it, we can and it won't cost you anything.

Dixon:

Do you want us to write them a letter now?

Dr. McGlynn:

Yes. I am sick of cleaning up in Georgia.

Dixon:

Lane ain't going to like it. I asked Lane about that one time at a Leadership Florida meeting - why he does everything in Georgia. He said, "That is where the plantations we own are." So, we left it at that. We'll see. But, I would certainly be interested in entering into some kind of situation. If the manager and staff could so provide us.

Brown:

We will bring it back, Mr. Chairman.

Ed Allen:

Good evening, Mr. Chairman and commissioners. My name is Ed Allen and I live at Lake Talquin. We appreciate Dr. McGlynn showing up and giving everybody an update.

The only thing that I wanted to mention is that the grant that Mr. Brown was eluding to, I believe, is a Northwest Florida Water Management grant. It is a %50,000 matching grant. I asked Mr. Brown at the time if ya'll were going after it. He thought you were going to. We would like to encourage you to do that because that is the Little River and that is one of the main water bodies that flows into the lake. We do encourage you to do that.

Dixon:

We are going to do whatever Dr. McGlynn says to do.

Will there be others?

Haber:

I am Larry Haber. I, too, live at the lake. I am new to some of this stuff. I just put in my first septic tank about two years ago. I have had to redo my drain field at a tremendous expense and I think that one of the problems is the regulations that govern these drain fields are not stringent enough around the lake where we have the hills. We are pumping water uphill or letting you go downhill. The other thing that I learned the other day is that the average life of a septic tank is about 17 years. I am sure that most of us ignore that and let it go on. So, I would encourage regular inspections at least once every five years. And look at our regulations as to how we do septic tanks around the lake. Maybe we need to enhance them and maybe we need to use advance water systems around the lake. It would be a lot cheaper to do it up front than later on.

Dixon:

I think those are the things that I was asking Dr. McGlynn to help us develop in the policy. So.

Haber:

I am just experiencing this and it has been very expensive.

Dixon :

I bet. Thank you.

Dr. Scott, thank you very much. Your input has been most helpful.

Dr. Scott:

Sean has all my contact information.

Dixon:

We are counting on it. Trust me. We are absolutely counting on it.

**Discussion of Proposed Methods to Define Affordable Housing in Gadsden County**

Community Development Director Farnita Saunders addressed the board. The discussion regarding a definition for affordable housing in Gadsden County began in 2007 and each time the question has been posed again and again. "What does affordable housing mean **in Gadsden County?**"

Wallisa Cobb, Community Development Sr. Analyst, addressed the board with two definitions that the department has proposed. She explained how the staff arrived at the two methods. See the agenda report for a description of the methods and analysis used.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE METHOD 2 AS THE PRICE FOR AFFORDABLE HOUSING - \$133,308 AND THE MEDIAN INCOME OF \$44,433.**

**ADJOURNMENT**

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

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**Edward J. Dixon, Chair**

**ATTEST:**

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**Muriel Straughn, Deputy Clerk**



AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON MAY 27,  
2008, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

Present: Eugene Lamb, Vice-Chair, District 1  
Doug Croley, District 2  
Derrick Price, District 3  
Thornton Williams, County Attorney  
Marlon Brown, County Manager

Absent: Edward J. Dixon, Chair  
Brenda A. Holt

INVOCATION AND PLEDGE OF ALLEGIANCE

Vice-Chair Lamb called the meeting to order. Commissioner Price led in the invocation and Commissioner Croley led in pledging allegiance to the US flag.

AMENDMENTS TO THE AGENDA

The following amendments were made to the agenda:

- Add A- Carnegie Hall Pillar of the Community Award  
1. Rasheen Richardson, East Gadsden High School
22. Public Hearing - Revised Attachments to the Temporary Waiver Request for Comprehensive Plan Amendments to the Capital Improvements Element and Intergovernmental Coordination Element.
- Delete Materials Added to Discussion of Cox Lane Utility  
24. Permit Issue
- Add Letters from Ard, Shirley and Randolph, P.A. Regarding  
25. Cox Lane

Items 6 & 19 were pulled from the Consent Agenda and placed for discussion following the consent agenda approval.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE AMENDED AGENDA DESCRIBED ABOVE.

**AWARDS PRESENTATIONS AND APPEARANCES**

**1. Employee Service Award Recognition**

The following employees were recognized for their years of service to the County.

Franklin Love - 10 Years - Public Works (not present)  
Bobby Jones - 10 Years - Public Works  
Arthur Lawson - 15 Years - Management Services Director  
and Assistant County Manager

They were presented with certificates and plaques.

**1-A Carnegie Hall Pillar of the Community Award**  
**Rasheen Richardson, East Gadsden High School**

Ms. Richardson presented the board with a plaque in appreciation of the \$5,000 donation the board made to the East Gadsden High School Chorus for their trip to New York City to perform at Carnegie Hall.

She encouraged the board to continue to be open minded about funding projects such as this one by budgeting for "over achievers" who might compete for the funds each year.

**CONSENT AGENDA**

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA MINUS ITEMS 6 & 19.

2. Approval of Minutes of April 15, 2008
3. Ratification of Approval to Pay County Bills  
Accounts Payable dated: May 9<sup>th</sup>, 16<sup>th</sup>, & 23<sup>rd</sup>, 2008  
Payroll dated: May 8<sup>th</sup> and 22<sup>nd</sup>, 2008
4. Approval of Signature on Application for Revenue Sharing  
2009-2009
5. Approval of Travel to Florida Association of Counties'  
Annual Conference for: Chairman Dixon, Commissioners Holt,  
Croley, and Lamb.- June 24-27, 2008 at the Doral Golf Resort  
& Spa, Miami-Dade County, FL

6. ~~Approval of Travel for Chairman Dixon to attend the Leadership Florida Annual Meeting in Hollywood, FL on June 26-29, 2008 Miami, FL~~

This item was pulled for discussion.

7. Approval and Signatures for Lien Satisfaction - Wanda Murray
8. Approval and Signatures for Lien Satisfaction SHIP/CDBG Housing Rehabilitation Program - Mary Ward, Kathryn Walters, Earl and Tinness Dickens
9. Resolution 2008-020 Approving the State Housing Initiatives Partnership Program (SHIP) Local Housing Assistance Plan for Fiscal Years 2008-2009; 2009-2010; 2010-2011
10. Resolution 2008-025 Amending the SHIP Assistance Plan for Fiscal Years 2002-2003; 2003-2004; 2004-2005 (Specifically identifying FY 2004-2005 for which maximum assistance to an eligible homeowner was increased from \$9,000 to \$10,000)
11. Approval for Funding Distribution for Additional Road Paving and Other Improvements by County Commission District
12. Approval to Accept the Standard Contract Between the State of Florida, Department of Revenue and the Gadsden County Board of County Commissioners (Contract No. CSP20 Between Florida Department of Revenue and Gadsden County to fund Sheriff's Process Delivery fees for Title IV Child Support Enforcement actions. \$41,700 for period July 1, 2008 - June 30, 2011)
13. Approval of Resolution # 2008-022 and OMB-BA# 080082 Acceptance of Emergency Medical Service Tracking and Reporting System (EMSTTARS) Grant Award from the Florida Department of Health, Bureau of Emergency Medical Service (EMS) and Department of Transportation \$30,500.00 (To purchase six new laptop computers and vehicle mounts for each county ambulance) (April 26, 2008 and
14. Approval of TDS Telecom DSL Internet Connectivity Service between three county buildings: Butler Building, EMS and Woodham Complex
15. Approval of Contract with Office Business Systems, Inc.(to

purchase copiers for several departments.) State Contract 59-2360376 - lease for 60 months for \$110,000 over a five year period.

16. Approval of Resolution 2008-024 OMB BA# 080083 and Acceptance of Additional Funding fro FY 2008 Library Services and Technology Act Grant Agreement Amendment # 1
17. Approval of Resolution 2008-015; OMB-BA# 080079 and Acceptance of the Local Agency Program (LAP) Agreement from the Florida Department of Transportation - Hardaway Highway
18. Approval of Resolution 2008-016 and OMB-BA# 080080 and Acceptance of the Local Agency Program (LAP) Agreement from the Florida Department of Transportation - Concord Road
- ~~19. Request Direction for Payment of Indigent Hospital Services Claims~~

**Consent Items Pulled for Discussion**

**6. Approval of Travel for Chairman Dixon to attend the Leadership Florida Annual Meeting in Hollywood, FL on June 26-29, 2008 - Miami, FL**

Commissioner Croley asked the county manager to explain the purpose of this travel and why it is important to the public.

Mr. Brown explained that Leadership Florida is an organization that has a number of state leaders, CEOs of many Florida companies, senators, representatives, etc. It is an organization which can benefit Gadsden County by providing a forum where Gadsden County can network with other leaders throughout the State of Florida. He will learn of the new issues facing Florida and through this network of informed people and identified resources, Gadsden County will be in a better position to deal more effectively with those issues, especially in the economic environment that Florida is now facing.

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE TRAVEL DESCRIBED ABOVE.**

**19. Request Direction for Payment of Indigent Hospital Services Claims**

Commissioner Croley apologized for having pulled this item for discussion saying that he did so in error.

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO DIRECT STAFF TO NEGOTIATE A LOWER RATE WITH PARTICIPATING HOSPITALS.**

**Citizens Requesting to be Heard on Non-Agenda Items**

**Marty Tompkins, Air Methods Corporation,** 70 Academy Drive, Havana, FL 32333, addressed the board. He referenced the recent county RFP for helicopter service. He stated that they currently provide helicopter service for Gadsden County and have done so for 3.5 years. He pointed out that the service does not cost Gadsden County anything. They operate from the Pat Thomas Law Enforcement Academy. He went on to say that, they have always tried to address any concerns which the Gadsden County EMS has and they want to protect their financial investment that they have made to be located in Gadsden County and they would like to stay in Gadsden County.

**William Walker, 1250 Tyler Sanders Road, Quincy, FL**

Mr. Walker addressed the board representing the Isaac family and the Immediate Family Exemption. He was directed to contact the Growth Management Department and follow the process to agenda this item.

**PUBLIC HEARINGS**

20. **Public Hearing - Resolution 2008-023; OMB-BA# 080081; Approval for Additional Budget Authority to Gadsden Hospital, Inc. for legal counsel.**

County Manager Brown introduced and explained the above named resolution and budget amendment. (See agenda report for details.)

Vice-Chair Lamb opened the floor for comments and questions from the public. There was no response.

Commissioner Croley asked the manager to advise him of how much money had been expended for attorney fees relating to the hospital and to Gadsden Hospital Inc.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION AND BUDGET AMENDMENT.

**21. Public Hearing: Albritton Small Scale Future Land Use Map (FLUM) Comprehensive Plan Amendment - CPA 2008-01- Second Reading of Ordinance to Adopt Ordinance No. 2008-023**

County Manager Brown introduced this item saying that it was before the board on May 6, 2008 as the board approved the first reading of the ordinance.

Growth Management Director Bill McCord recalled brief details of the ordinance for the benefit of the board and the public.

Vice-Chair Lamb called for public input. There was no response.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE ORDINANCE NAMED ABOVE.

**22. Public Hearing - Temporary Waiver Request for Comprehensive Plan Amendment for a Public Schools Facilities Element and Related Text Amendment to the Capital Improvements Element and Intergovernmental Coordination Element**

County Manager Brown introduced the above named item then referenced the revised attachments to the agenda report per the amended agenda. He then announced the opening of a public hearing on the matter and turned the hearing over to Growth Management Director Bill McCord.

Mr. McCord then stated, "We are here before you this evening to ask for the board's temporary waiver request for approval of this waiver application to the Department of Community Affairs. The Florida Legislature in 2005 approved Senate Bill 360 in the Growth Management Legislation at the time, which required local governments on a set schedule by December 1, 2008 to adopt the Public School Facilities Element and make other amendments to the Comprehensive Plan primarily to the Capital Improvements Element and Intergovernmental Co-ordination Element. DCA, after the adoption of that ordinance, established a separate schedule that they wanted certain counties to adopt their public

schools elements - not necessarily on December 1, 2008, but on a staggered schedule. Gadsden County was placed on the adoption schedule of February 1, 2008. Well, we had been working on this public school facilities element for some time. We have actually implemented Stage I of this intergovernmental coordination element with the School Board when the intergovernmental coordination agreement was put together, initially in 2004 and amended again as part of the legislation in 2006. So, we are doing a lot of the things that are eventually going to be solidified into our Comp Plan Policy. But, we have not met that deadline. However, we are certainly not the only one. I think there are only six counties in the state who have met that deadline. Most counties have not. Some counties have yet to submit their adopted amendments. The other local governments in the county are waiting on the county to also submit their public schools facilities element.

But, the basis for this discussion of the waiver request is - under the statute that is described in the agenda report, 163.3177.12 Some counties can ask for a waiver from the public school facility element if they meet qualifying criteria. We have evaluated that criteria and believe that even though it is certainly important for the county to adopt a public school facilities element and the related changes, we do believe that we do qualify for a waiver. In the instance of trying to allow us to continue to review and adopt comprehensive plan amendments as necessary, if DCA will allow us to, is to submit this temporary waiver for a period of time - just long enough for us to adopt a public school facilities element.

Now, what DCA has indicated, even though we kind of disagree with them on the staff level, is that their legislation that they proposed and became a part of the State Statute was they would not allow local governments to adopt comprehensive plan amendments which increase density as opposed to transmit. They have interpreted that to not even allow for transmittal. So, that has kind of put a kink in some of the more recent amendments that you have heard at public hearing and approved for transmittal as well as adoption.

But, if DCA will accept this temporary waiver, that will allow us to open the gate and have them consider these pending comp plan amendments for approval.

Again, this is a temporary measure that we are proposing. We anticipate that the public school facilities element will be before you at a workshop in two weeks (on the 10<sup>th</sup>) where you can discuss the ramifications of the policy and the things that you have seen already through intergovernmental coordination agreement. Also, the following week, on the 17<sup>th</sup>, you will have a public hearing for the transmittal of the public schools facilities and related elements.

We are moving on a fast track and we are really probably looking at a date of late summer for adoption. DCA, once they get transmittal, they take 60 days to review the public school facilities element, they will provide us with an ORC Report and adverse comments. If we need to make changes, then DCA will work with us to identify what needs to be changed. Then we would come back with an ordinance and adopt the public school facilities element and hopefully be found in compliance..

What we are also doing with this waiver is, because we had scheduled this meeting for tonight (this is not our normal meeting night), we found ourselves in a conflict with the School Board. So, we have one of our other staff members before the School Board tonight essentially doing this same thing tonight asking for this temporary waiver. But, in addition, they are also considering not only the waiver, but they are also considering adoption of the endorsement of the amendments themselves. So, there are two actions that the School Board is considering tonight - the waiver, which is a fast track deal, to allow the county to continue through the comp plan process and to submit those amendments. Plus, they are actually considering the amendment that you will be listening to our discussion and presentation on the 10<sup>th</sup>, then again on the 17<sup>th</sup>. So, they are considering that and you will have that report from the School Board and any concerns that they have will be available to you at the workshop on the 10<sup>th</sup> and then at the public hearing.

What we have devised here is to allow for any of those amendments that are now being reviewed or are being held from being reviewed by DCA. This temporary waiver which we believe we qualify for, the criteria, according to the Department of Education and the School Board, they anticipate a declining public school enrollment in Gadsden County. So, we are now only about 56% or so capacity in all schools and on top of that, we are expecting a declining enrollment. We are in unusual circumstances compared to



most of the rest of the State, particularly in fast growing areas of the State where they are either over capacity now or they project their schools to be over capacity in the ten year time frame or planning period. We don't foresee those things happening here in Gadsden County and therefore, that is one of the four items that we qualify for a waiver. Those are listed in your agenda report in attachment # 2.

This will be an opportunity for us to protect ourselves in the short term. WE probably should have sent this thing to DCA back in the fall. That is really what I intended, but we had other things come up. Obviously, we are a small department and we can't run all the ships at the same time. We don't have that capability, unfortunately. So, really, we are not in too bad of a bind. The temporary waiver will buy us a little time. I think we can get it accepted by DCA and again, we are forging ahead with public schools facilities element.

So, we are requesting that you all approve the waiver request. You will see the public school facilities element itself in two weeks, so the waiver will only be in effect for two years unless we have some real difficulty coming to meeting of terms or whatever may come forward with the ORC report."

Vice-Chair Lamb called for public comments. There was no response.

He then turned to the commissioners for questions.

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSINER PRICE, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE TEMPORARY WAIVER REQUEST FOR COMPREHENSIVE PLAN AMENDMENT FOR A PUBLIC SCHOOLS FACILITIES ELEMENT AND RELATED TEXT AMENDMENT TO THE CAPITAL IMPROVEMENTS ELEMENT AND INTERGOVERNMENTAL COORDINATION ELEMENT.**

**23. Public Hearing (Continued) AP-2007-04 - Appeal of the Denial of Mr. Nathaniel Cunningham's Housing Permit Application - TAX ID #3-03-2N-3W-0000-00122-0200**

Growth Management Director Bill McCord stated that this item is a quasi-judicial action which was continued from a previous meeting. He stated for the record that he was previously sworn as to his testimony. He called attention

to the agenda report. He pointed out that the applicant owns a single parcel of land under a single deed and they sold a half acre in the center of the parcel in 1989. As a result, the two outside parcels share the same parcel ID number. Mr. Cunningham has a home on the west side of Mr. Robert's parcel and desires to build another home on the east side of Mr. Roberts' parcel. The staff administratively denied Mr. Cunningham's housing permit request because of the language in the Comprehensively Plan. Mr. Cunningham appealed the denial and several hearings have taken place on the issue.

**Mr. Nathaniel Cunningham** appeared before board. He was previously sworn as to his testimony. 390 Grace Cunningham Road, Quincy, FL. He said that he is committed to working with Mr. Roberts to abate any of his discomforts. He stated that he has spoken to his tenants about the noise and late evening traffic and he agreed to build a privacy fence on the east side of Mr. Roberts. In addition, he has talked with some experts to remedy the erosion and water runoff that Mr. Roberts is experiencing.

Commissioner Croley stated that it appears that Mr. Cunningham has done what he committed to do.

**Mr. Charles Roberts, 1635 Post Plant Road, Quincy, FL** appeared before the board. It was stated for the record that Mr. Roberts was previously sworn. He stated that he had place railroad cross ties to keep cars from encroaching on his property. He reiterated his need for the privacy fence on the westerly side, noise and late night traffic, water run off and erosion issues. He also stated that the tenants now own a pit bull dog which frightens him. In addition, he has observed that guests of the tenants will sometimes "relieve themselves outdoors as a bathroom." He continued, "I can sit in my den watching T.V. and look right out my door and see it. That is not proper. It is a bad situation." Another issue that he brought up is that there are two cars parked on the property that do not run.

Vice-Chair Lamb asked the county manager to have the code enforcement department to follow up on the parked vehicles.

Mr. Brown asked that Mr. Cunningham be allowed to try and deal with the vehicles issue first and if he is not successful, then he would direct staff to intervene with enforcement.

Commissioner Croley asked Mr. Cunningham to look into the bull dog issue and reminded him of liability issues regarding pit bulls. He then asked Mr. Roberts if he was satisfied with the commitment made by Mr. Cunningham. Mr. Roberts responded by saying that he had not seen a copy of the commitment made in writing by Mr. Cunningham.

Commissioner Price stated that he felt that Mr. Cunningham has a right to develop his property. He also agreed that it appeared that Mr. Cunningham was trying very hard to appease Mr. Roberts. He suggested that the two of them should continue to try and work it out.

Attorney Williams suggested that he work with Mr. McCord and come up with a vehicle that will tie the restrictions to the use of the property.

County Manager Brown recalled that Mr. Cunningham stated on the record that he would commit to do a number of things,

There was some discussion as to whether Mr. Cunningham should bear the burden of erecting a fence on the western boundary of Mr. Roberts when the benefit would be purely for Mr. Robert's privacy. Another point was made - the property is exactly the same as it was when Mr. Roberts purchased the property - there was a house on the westerly portion and they shared the driveway from the beginning. The only thing that has changed is that Mr. Cunningham now wants to put a house on the opposite side.

Mr. Cunningham addressed the board again saying, "I have said it over and over and over again, My family and I are willing to work to the utmost to make sure that he and his wife are not disturbed. We have already worked with our tenants to make sure that all of this debris will be moved. So, give them 30 days. I have given them 30 days, so all I need is some time, Mr. Roberts. You and I can work on that privacy fence, sir. I think you and I are smart enough that we can work up a fence, if you will let me. Now, you know, I don't need them to tell me how to do a fence. I have done fences all my life."

Lamb:

I think those two can work it out. Thank you very much. Mr. McCord or somebody will have to check to see that it gets done. Mr. McCord, will you make sure that it gets

done? He has 30 days to do what he needs to do. If you will have your code enforcement to go out and check it out to make sure. Hopefully, we won't hear from them again.

**Croley:**

I will move, if I am reading this correctly, I am going to ask Mr. McCord and the manager to correct me, Option 1 is based upon the attorney's interpretation, I move option 1 with the provisions that the privacy fence on the east side be erected; the water run off issue be properly addressed based upon Growth Management inspection; that there be no further code enforcement violations or problems with the tenant issue; and Mr. Roberts and Mr. Cunningham are going to work out the other fence. But I also add in there the stipulation that Mr. Cunningham will pay the \$500 fee that was required in this process, which is what he agreed to do before. So, on that basis, I so move.

**Price:**

**Second.**

**Lamb:**

We have a motion and second that we approve Option 1 with those stipulations that Commissioner Croley has stated.

All in favor, let it be known by saying, "aye."

**All:**

Aye.

**McCord:**

Could I get clarification on the fence condition of approval. What was that? Was that both sides?

**Croley:**

No, just the east side. But,

**Roberts:**

What did you say, is he going to erect the fence up? On which side?

**Croley:**

He will erect a fence on the east side the way he originally agreed to do.

**Roberts:**

But, what I am saying is the west side is still a problem. The east side is not hurting. Just like the weekend. She wanted to go out to the wash house. She couldn't go out there because they were sitting under the carport lined up. As soon as we opened the door, there is a group just sitting there watching. They are like birds on a line. Just waiting and watching to see what is going on. That is no privacy for anyone to get in and out of their home. That is no privacy at all. They are sitting up under the carport. I have pictures, if you want to see the carport.

Lamb:

What Mr. Cunningham has agreed to do, Mr. Roberts, is to take care of that situation. He is suppose to put up a private fence on the west side also. He is suppose to get with you and make sure.

Roberts:

Who is going to come out and look at the property?

Lamb:

The Growth Management Department.

Croley:

Mr. Chair, let's get clarification. There was nothing in the motion that was passed and seconded by Commissioner Price that requires the privacy fence on the west side. The commitment is that Mr. Cunningham asked for 30 days to work with his tenants and deal with these issues. Now, if we continue to get code enforcement issues out of it, I am sure we will hear this issue back up here. It may require a fence on the west side or some other measures to be taken, but right now, that is not a part of the requirement on Mr. Cunningham. We really need to make that clear and give Mr. Roberts and Code Enforcement and Mr. Cunningham a chance to get this tenant problem worked out.

Price:

Mr. Roberts can get with Mr. Cunningham and say, let's go in together, because that is helping you with the privacy. You know, if me and my friends want to sit in my garage, that is us sitting in the garage. I can't help who passes by the house.

Roberts:

If your wife and kids coming in and out with people just sitting there like they are having a party drinking beer,

you know, that is no respect for your wife or your kids.  
That is no respect at all.

Lamb:  
He has a point.

Roberts:  
Why do I have to build a fence?

Price:  
Because you want to protect your family. So,

Roberts:  
He opened the can of worms with this situation, I didn't.

Lamb:  
Order. Excuse me, Mr. Cunningham, are you going to work  
with him of getting a privacy fence on that west side.

Cunningham:  
I said so in my last statement, sir.

Lamb:  
So, he is going to do that.

Cunningham:  
I don't need anybody to come out and observe. The two of us  
are grown enough to put a fence there.

Lamb:  
Exactly. You all are going to take care of that. It needs  
to be taken care of.

O.K. Did I carry that motion?

Croley:  
We are done.

#### **GENERAL BUSINESS**

- ~~24. Discussion of Cox Lane Utility Permit Issue — Additional  
Material Provided in the Amended Agenda, However, the County  
Attorney asked that this item be deferred to a later date.~~

This item was deleted from the agenda at the beginning of  
the meeting.

## **25 Comprehensive Plan Amendment Settlement Agreement Discussion**

Growth Management Director Bill McCord stated that this item was being presented to the Board in response to a request by the Florida Department of Community Affairs (FDCA) staff. The FDCA staff presented a proposal to the FDCA management for approval to formally present to the county so that the county could present to FDCA on a series of negotiations that have gone back and forth between the county and FDCA on the proposed settlement agreement.

The county adopted eleven amendments to the Comp Plan in April 2005 and six of those amendments were found not in compliance by FDCA. As a result, FDCA filed suit with the Department of Administrative Hearings and since that time, there have been ongoing efforts to come to some agreement.

Mr. McCord called attention to Attachment #4 of the agenda report. It was a copy of the responses given to the county by FDCA over the time of negotiations and the county's counter proposals.

Attorney Williams interjected that the agreement is the FDCA staff recommendations to their bosses. If the Board of County Commissioners agrees to the recommendations, then they will elevate it to the management level for approval.

Mr. McCord continued by saying if the Secretary is amenable to those proposals, then the issues are essentially on the way to being resolved as it relates to FDCA. However, there is one intervening party who has intervened on behalf of FDCA position. The administrative law judge would then realign the issues so that it would be only that one party who intervened with FDCA who would be opposed to the amendment.

Again, Mr. Williams interjected saying, "If you approve this tonight, this issue kind of surfaced late this afternoon, but, if you approve it tonight, we are going to look at options that minimize the possibility of protracted litigation for the people or amendments that have nothing to do with the interveners. We are going to present that to DCA, so, when we bring it back, we will bring it back with a few more recommendations to address that concern. As, I said, this came up late this afternoon."

Mr. McCord continued:

The meat and potatoes of the settlement agreement itself that I think you should probably focus most of your efforts on - it is not so much what we have now, because what we have now is not acceptable to DCA, it is item Attachment #5, which the latest settlement agreement response from DCA. This is the language that we would include. There are really two parts to this. There is the settle agreement with all the preambles and all the formalities of the legalese that the attorneys will be preparing to make sure that everything is in proper legal form. Then there is the meat and potatoes part of it, which is the actual Comp Plan Change language that we would be adopting in our Comp Plan.

So, if you will go to Attachment # 5,...it is extremely important as to the discussion tonight. It would affect all of the six properties which we talked about. There would be site specific policies pertaining to each of those six properties. These would essentially be assurances for infrastructure that would be required. It would also be an affordable or workforce housing option that the applicant would provide. There would be advanced waste water treatment systems requires, dedicated open space, as well as assuring that a developer's agreement would be adopted, which would address providing utilities to each of these properties. So, this is just the first step in many processes that would have to be addressed upon future submittal of applications of development of property.

Each one of these has a little bit different language, site specific criteria. I want to bring to your attention Policy 1.14.2 in Attachment #5 which pertains to the Highlands and the Stodard property. This is where they will be providing on site central sewage treatment facilities and not septic systems.

The Suber property is not listed as a separate site specific policy because they are already adjacent to central water and sewer. By other policies in the Comp Plan, they are required to connect to those facilities. They are not held to that same requirement nor did DCA think that was appropriate in that case.

Policy 1.14.3 - Again, it is pretty much the same as the others. You may recall, and I believe that it is also included in Attachment # 7, we have site specific policies



for these properties now, but these are little bit different, quite a bit different, I guess...

Policy 1.14.3 is the Schneff property which is almost identical to the conditions as the adjacent Wildflower property.

Policy 1.14.4 is the Mortham Shaw property which also has very similar requirements. The Mortham Shaw property is the one that I mentioned earlier where the party intervened on behalf or with DCA. As Thornton had mentioned, Mr. Williams had mentioned, that if DCA will allow us to, if they continue to be an intervener, then we wouldn't hold up all of the other amendments simply because one was still being opposed to by a party other than DCA.

Now, the big issues are broader policy implications which are a part of objective 1.15 which commits the county to pursuing, not necessarily adopting, but, consider adopting, but not necessarily adopting, urban service boundaries. You can see the language there that DCA has actually stricken through and underlined. So, we are going to be attaching the train to evaluate urban service boundaries.

The way we are initially going to do this is through these neighborhood community plans that we are going to be doing on a one year schedule. That is also included in one of the policies. It also establishes (those are listed in policy 1.15.2) and you can see we are in the middle of doing the Talquin Wetumpka Plan. You may have to adjust some of the dates here because as this draws out, obviously we are having difficulty meeting this schedule. So, depending on when the actual agreement is adopted, we may have to modify that date to October or November and subsequently adjust the other dates.

Policy 1.15.3 talks about urban services are being planned and where they are going to be planned. It essentially means that we are not going to encourage the development of Urban Services outside of a designated Urban Service Boundary. In most cases, that is going to be anything that is going to be rural residential or higher density, it is going to be located inside an urban service boundary. If you adopt this thing, there will be no more rural residential land uses created unless it is going to be inside an urban service boundary or unless it is going to be served by central water and sewer. This is really going to

put the breaks on any new rural residential land uses occurring in the county except in those particular locations that qualify - with the exception of small scale amendments.

Now, DCA did not originally want to include the small scale amendment portion in that, but I thought it was important that we at least reserve the possibility to do that. We would have to be judicious in how we apply that. You would not necessarily get a small scale amendment simply by applying, even if you qualify.

Also on 15.3, we would have no land use change from AG land use category to another AG category permitted in any area designated in urban service boundary. So, you couldn't go AG 3 to AG 1 inside an urban service boundary. You would have to go to a more dense land use, therefore that would kick in to provide more infrastructure.

Also, it would exempt certain amendments that have already been considered and in some cases adopted by the board. Some of these, as you may recall, are the Fuchs Land Use, the Rooster Crossing Land Use, Chapman-Denofrio, Volsch Land Use Amendment and the Williams Land Use Amendment down off of McCall Bridge Road, as well as two other amendments that have been submitted to the county for review, but have not advanced pending resolution of this settlement agreement - The Thompson amendment and the River Oaks amendment, which is on the west side of Little River on the north side of Highway 90. This is not committing you to adopt any of these amendments that you haven't already taken action on. You have taken action of the Fuchs, Rooster, Chapman-Denofrio, Volsch, but you have not taken action on, nor would this commit you to take action to favorably approve those amendments - the Thompson and the River Oak amendment.

But, again, Policy 1.15.4, with the exemptions, binds the county to not approve large scale land use amendments from agriculture land uses to rural residential or more dense land use category than rural residential unless amendments are located within the adopted urban service boundaries. So, as Marlon eluded to, we are going to be addressing the map. The scattered yellow pattern that you see there on the map - we will have to do that at a later date. But, at this stage, we are not going to be adding to that except in very unusual circumstances. That would be something designated urban service boundaries. We have to designate the urban service boundary first with the exception of these

amendments, then of course, small scale amendments. The days of creating these extensions of or the new rural residential areas in very rural areas are pretty much gone with this settlement agreement.

Then in Policy 1.15 is the infrastructure within the adopted urban service area will be provided by the developer or the developers expense unless the county agrees to participate in the funding of any infrastructure improvements.

So, that is the highlights of the proposal that DCA seems to be willing to commit to and it would release us from the binds that we are in now with DCA. I think that this would be a good direction to follow for the county. It means that we are going to have to use more discipline in how we apply land use. I certainly would not give up on the idea of (simply because we have adopted this settlement agreement, if that is the intent you want) to not look at some of these areas out in the very rural areas that have rural residential land use now, that whatever reason they were assigned, may have been ill advised to have adopted under that land use now. That will be a difficult decision for you to make as a board, but I think it is important for us to commit to curtailing what DCA has identified on our existing map as "sprawl." Why they didn't tell us that back in 1989, and just decided to do that now, I don't know. But, none the less, I think it is a journey that we may be going on. With the neighborhood community plans, it will curtail the pressure for sprawl and be a better indicator for people who do want to build in this county to really identify those areas and what their expectations are and be able to develop at reasonable density with the proper infrastructure.

Williams:

Mr. Chair, it may be helpful if Mr. McCord would give you an indication of whether this settlement agreement is more in line with what he wanted to do in some of the other meetings that he had. Just so that you have a sense of whether he feels we are in a better position overall or not-so-good position overall.

McCord:

As I have indicated earlier, we kicked around this ball in various stages from the first day that we really were found not in compliance. We responded with a very lengthy...response to the notice of noncompliance in November

of 2005 - shortly after we were found not in compliance.

We addressed all these issues in our needs analysis and so forth that they kept saying, "You need to demonstrate need." It got to a point where I said, "Well, how much is too much?" They said, "You have six times the amount of land use in rural residential that you need." My question was, "How do we know that is too much? Why isn't eight times too much or 1.5 times too much? How did we get to this position now and why are you calling us in on it now?"

You will see in some of the responses where they wanted us to go to rural residential target areas and they changed the strategy or the path that they were leading us down. We would respond to try and follow them down that path, and they would say, "No, no, go back this way. We want you to consider this, this and this."

Apparently, they knew exactly how high to dangle the fruit. Every time we would jump, they would raise the fruit from our grasp. So, now, as they have maybe dropped the level of the fruit or we have improved the capability of our legs to jump - I don't know.

It is very binding. It is probably not a bad idea for us to practice more discipline. I wish DCA were in that mode over the years. In my opinion, they have been inconsistent, both in or negotiations with them recently and obviously since the adoption of the original plan. I don't know if that answers your question or if it steps on too many toes, but I have done that before. I have been somewhat frustrated, and ya'll know my frustration with dealing with DCA on this and I think this report and our correspondence even provided by them will display our concern about that.

There are persons who are affected by this here tonight. They are interveners in the case as well. I don't know if it is appropriate for them to speak or not.

Vice-Chair Lamb called for public comment.

County Manager Brown stated that the agreement would come back to the board at a public hearing for adoption. The purpose of having it on the agenda was to give the board a "feel" as to whether it is acceptable. It will go back to DCA management and will come back to the county at a public hearing for approval.

**Michael Donaldson**, attorney with Carlton, Fields Law Firm. He was speaking on behalf of three of the interveners - Highlands, Suber and Wildflower. He agreed with most of what Mr. McCord said. He said, "It is probably as good as it is going to get after two years of going back and forth. We would ask that you move Option 1."

Commissioner Croley raised an issue about how expensive this process has been to litigate this matter for potential developers. He concluded that the taxpayers have been asked to carry a financial burden for six land use changes for developers. He asked, "If these six major land use plans in their present form has caused so much problem for DCA, why would we want to go forward with them and continue to pay the expense and ask the taxpayers of this county to pay that?"

Mr. McCord replied, "This is a test case for DCA and this county. In my opinion, you don't make land use policy in this county anymore. DCA makes it for you. I think that it is important for you to, whether, I don't know how much money it has taken either, but I know it has taken a lot more staff time from my office than I would like for it to have taken. But, you are not going to be able to do any more land use changes at all, regardless of whether you do this amendment or not because they are going to find the next land use amendment, if you do not adopt this settlement agreement and repeal all the six amendments in question, the next one that comes in and asks for something that you think is reasonable, they are going to say, "Forget it. You have six times the amount of rural residential land use that you need." Even if it makes perfect sense - it connects to water and sewer and all of the other bells and whistles and time it at the right time. If they don't like it, they are going to say, "No" and they don't have to have a reason to say no. We have a needs analysis that in their opinion, we have too much residential land. In this case, what they are going to be saying is, "Go build in those areas where you already have appropriate land use." But, we don't have utilities there, but they won't allow us to build where there is utilities, so, yes, that is exactly what we are going to do, DCA. We will go out there and build where there is no utilities where you said it was appropriate 15-20 years ago to build and that is where we are going to build. So, we are going to have more houses on septic tanks without central sewer and more widely dispersed.

There is a big flaw in the policy that DCA adopted when they adopted this map. They said it was o.k. at the time that they did it. I realize that they probably had many other comp plans that they were dealing with at the time and they just wanted to get something on the books saying that they met the requirements of the Growth Management Act at the time of the deadline. But, this is what you inherited. Unless you want to continue the pattern of what you have up there and expect to see all that yellow populated in perhaps one acre lots where I think it is inappropriate, that is what DCA is going to stick you with unless you take the reigns and say, "Look, we realize that we want to have new development and if we are going to have it, let us have it in areas where we can at least financially and feasibly provide infrastructure, not where DCA said it was appropriate 15 years ago when they did a rush job on the comp plan." That is my concern.

Croley:

We, as the board of county commissioners, elected by the citizens of this county, agree with you that we should control the land use changes here in the county to the maximum extent possible. But, what I am trying to understand is the tie between these six land use changes and the "urban services areas" that you propose. You could do the urban service area without the six land use amendments being involved as well as with them. Either way. What is the link? I don't understand why we continue to take money, time and resources for these six items when we could do what your suggesting at a lot less expense.

McCord:

Well, most of the expense is now there. We are wrapping this up, so what has been expended now will be most of it. We have gone to this extent. I don't know how much additional expense will be necessary to finish this up. It depends on what maybe happens with the one intervener - assuming that DCA accepts what we are proposing.

If it is the will of the board to simply say, "We are going to repeal those amendments," that is something that you can do. I think it is a good idea to go ahead and identify these amendments as appropriate, therefore, we are putting DCA on notice that these amendments areas are prime for consideration for inclusion in an urban service boundary.

Brown:

Commissioner, if I may add to that. You and I have discussed this at length today. I think we are headed in the right direction in terms of what has been proposed by staff and what has been accepted by DCA. These six land use amendments, yes, they may not meet the law of what we are trying to achieve with DCA. They came in at a time when obviously the Comp Plan was not the best Comp Plan. I think that we, as staff, and I think that DCA has recognized that we are attempting change the Comp Plan.

One of the things that you and I have spoken about and I think this board is headed to is giving the citizens an opportunity before we change any land uses to have input on that. I think the opportunity is here now to really clean up this Comp Plan. Unfortunately, these six amendments, or the nine in all, did not come at a time when the Comp Plan was at it's best...I, as the county manager, do not agree with this land use map. I don't agree with how the Comp Plan is written. I think we are making every effort to make it better. I don't think these six land use amendments should be held in abeyance or should suffer because of how the Comp Plan was written when it first came in or the Land Development Code or the map was.

I think there was significant effort on the part of each one of these developers to put in the infrastructure as this board has discussed in terms of water, sewer, sidewalks. A lot of them have agreed because of the stipulations you made. As a land use planner, that is what my background is, I may not agree with these land uses as they are, but then, given what we have had to work with in the past and what we came in under, we recommend that we move forward. I think that we are doing a good fix in terms of where we are headed with the Comprehensive Plan and Land Development Code. I would just recommend that we move forward. We will try to keep the cost down as much as possible. We will come before you if there is still opposition to this one land use amendment. We will talk to the attorney and see if this board wants to pursue that one. You may not decide to pursue it and by everything that is before us, that one may die. But, let's move forward with what we have. Commissioner, we are doing our best to fix it.

It was determined that the proposed amendments would yield between 700 - 1,000 housing units.

Croley:

Where I am going with this is, you change a few thousand acres and you're talking maybe a 1,000 housing units. You are saying that DCA is saying that we have more capacity than we have. What impact does that have on the rest of the citizens and the rest of the property owners? Is that excess capacity now being increased to a point that no one else in the county will be considered for land use change themselves? I am not real sure how these six tie to our desire to establish urban service boundaries, if we decide to go in that direction. It sounds like to me that you are saying that DCA says that we've got more capacity than what we need, yet you are increasing that capacity by 1,000.

McCord:

That is the point that I was trying to make. We will be increasing capacity in areas to where we are going to have and have infrastructure as opposed to - if we didn't increase that capacity - those thousand units - wherever that demand will be met - will be going to areas where we don't have infrastructure. There are no options. You would have no alternative but to build in those areas without infrastructure if you don't provide an area with infrastructure.

Croley:

So, the next step of that is the down zoning of the existing rural residential?

McCord:

In some areas, that might be appropriate and I would support that.

Lamb:

So, what you are asking us to do is to send this proposal on to DCA.

Brown:

Commissioners, I don't think that we are miles apart. I think that we are closer in terms of our philosophical position than what it may seem. We know that we have to fix this. We know that, given all the other that we do have, you don't want to see "one to one" in Mt. Pleasant or in Concord.

Let's move to get these areas concentrated. Let's get water



and sewer in the ground where water and sewer is needed and let's move forward in fixing this map.

We are asking you to allow this to move forward, to give DCA staff the ability to take this to their management. We have met with the secretary of DCA. I think we are close and he understands Gadsden County's need. We understand the issue with sprawl - we don't want to have sprawl in Gadsden County or to be a bedroom community of sprawl to Tallahassee. So, allow us the ability to work with DCA, to work with their management and come back to the board. We will be working on the Comprehensive Plan as we work with the Land Use Map and Land Development Code. I think that within a year or a year and a half, you will have a much better Comprehensive Plan and much better Land Use Map and I think we will be headed toward a better Gadsden County.

Croley:

Mr. Chair, I want to say something about what the manager said. We are closer - all of us, I think, about the urban sprawl. My issues, I have already laid out and won't go back over them, but I don't necessarily oppose this approach. But, as I said, I ask a lot of questions about it because I think that you need to think. That is something that everybody needs to be doing - thinking about it.

I said to the folks here who are representing the different developments, I am not saying that I would not have supported your particular development project, but, you've got to appreciate what we have been doing in the past is not the way of the future. That is where I think we are having a consensus and a coming together. On that basis, Mr. Chair, I will make the motion, unless there is further discussion, that we move this option as recommended by the staff - Option # 1.

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE OPTION 1 - AGREE TO ACCEPT THE AMENDMENT LANGUAGE AS PRESENTED IN ATTACHMENT #5 AND AUTHORIZE STAFF TO COMPLETE THE SETTLEMENT AGREEMENT PROCESS BY SCHEDULING A PUBLIC HEARING AND RELATED COMPREHENSIVE PLAN PUBLIC HEARINGS AND DRAFT AN ORDINANCE TO ADOPT THE SETTLEMENT AGREEMENT AND PLAN AMENDMENTS.**

**COUNTY MANAGER'S AGENDA**

26. Miscellaneous Items

The manager had no items to discuss.

**COUNTY ATTORNEY'S AGENDA**

27. Miscellaneous Items

The attorney had nothing to discuss.

**28. DISCUSSION ITEMS BY COMMISSIONERS**

**Commissioner Lamb, Vice-Chairman, District 1**

**Driver Education**

Commissioner Lamb asked for an update on the driver education program.

Mr. Brown stated that he was in discussion with the attorney's office about it and it would be on the agenda with an ordinance.

**Concord Road Stripping**

He then asked the Public Works Department if they could do some temporary stripping on Concord Road until it can be resurfaced.

**Boys and Girls Club**

He then asked to go on record again as stating that he has requested a Boys and Girls Club in Havana in the upcoming budget cycle.

Mr. Brown indicated that it is included in the items to be brought to the board for discussion as they progress with the budget preparation.

**Commissioner Croley, District 2**

Commissioner Croley reported that there was a board meeting of the Capital Regional Transportation Planning Agency on May 19. He reported the following:

- There would be a regional mobility plan funded at \$800,000. (\$350,000 from FDOT; \$150,00 from Star Metro; \$100,00 from Unified Planning Work Program and \$100,000 additional from FDOT; \$100,000 from Bike and Pedestrian Box fund.) Because all of Wakulla, Gadsden, and Jefferson Counties were added to CRPTA, the mobility plan is very important to the citizens because the state, federal and local government will become more involved in it.
- There were two parts to the plan: 1) a unified planning work program with Gadsden County Transportation Disadvantage Service plan designated the Apalachee Regional Planning Agency as the official planning agency for the Gadsden County Transportation Disadvantaged Coordinating Board. 2) Local Government Comprehensive Plans - Gadsden County Evaluation and Appraisal Reports (EAR) are due for Gadsden County on September 1, 2009.
- There was some recognition for the need for the Quincy By-Pass.

**UPON MOTION BY COMMISSIONER PRICE AND SECOND BY VICE-CHAIR LAMB, THE BOARD VOTED 3 - 0, TO ACCEPT THE REPORT ABOVE.**

Commissioner Croley then asked for a report as to the status on the Citizen Bill of Rights. (Within 60 days or so.)

He then noted the number of traffic fatalities that have occurred in Gadsden County within just the last few weeks. He asked that the Board come back with a resolution or something to ask FHP and the Sheriff's Department for increased speed enforcement.

**There was a consensus to bring a resolution back on another agenda.**

**Commissioner Price, District 3**

Commissioner commended Gadsden County EMS for their response to his mother over the week end. He thanked the staff for taking care of his family.

**Commissioner Holt, District 4**

Commissioner Holt was not present.

**Commissioner Dixon, Chairman, District 5**

Commissioner Dixon was not present.

**Appointment of Captain Manuel "Manny" Benevides Sousa to the Quincy-Gadsden Airport Authority**

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE APPOINTMENT OF CAPTAIN MANUEL BENEVIDES SOUSA TO THE QUINCY-GADSDEN AIRPORT AUTHORITY.

**29. RECEIPT AND FILE AGENDA**

- a. Letter from United States Senator Bill Nelson Regarding Gadsden County, Florida Fire Service - FY 2008 Assistance to Firefighters' Grant Program
- b. Letter from United States Congressmen Allen Boyd Regarding Gadsden County, Florida Fire Service - FY 2008 Assistance to Firefighters' Grant Program
- c. Letter from the Town of Havana Regarding Natural Gas Infrastructure
- d. Letter from East Gadsden High School Regarding Performance at Carnegie Hall in Manhattan, New York
- e. Letter from United Way of the Big Bend Regarding Appreciation for the 2008 Campaign
- f. Letter from Florida Department of Health Regarding EMSTARS Funding Assistance
- g. Letter from Florida Department of Environmental Protection Regarding Gadsden County Water/Sewer Infrastructure Project
- h. Letter to Florida Association of Counties Regarding Commissioner Brenda Holt's Candidacy for Second Vice President of the Florida Association of Counties
- i. Letter to Florida Association of Counties Regarding Gadsden County Board of County Commissioner's Endorsement of Commissioner Brenda Holt's Candidacy for Second Vice President of the Florida Association of Counties

- j. Letter from Gadsden County Sheriff Regarding Gadsden County Emergency Management Office Annual Local Mitigation Strategy Meeting
- k. Letter from the Boys and Girls Clubs of the Big Bend Regarding 2006-2007 Annual Audit Report
- l. Letter from the Friends of Lake Talquin Regarding Water Sampling Results
- m. Letter from Comcast Regarding Program Changes
- n. Letter from Comcast Regarding Customer Choice and Convenience
- o. Letter from Florida Department of Revenue Regarding State Revenue Sharing Application for Fiscal Year 2008-2009
- p. Letter to Charles A. Roberts Regarding Meeting on the Proposal to Construct a Home
- q. Resolution for Reverend Clarence M. Jackson, II
- r. Letter from Brevard County Regarding Upcoming Retirement of Space Shuttle and Suspension of United States Human Spaceflight Program
- s. Letter from Carver Heights Senior Citizens Regarding Request for Financial Support
- t. Letter from Gadsden Community Hospital Regarding Legal Services Amendment
- u. Letter to Lee Garner Regarding Public School Facilities Element - Waiver Application Form
- v. Letter to Gardner, Bist, Wiener, Wadsworth & Bowden, P.A. Regarding Ocklawaha Ventures, LLC - Land Use Amendment Application - CPA-2006-09
- w. Letter from PBS&J to C.W. Roberts Contracting, Inc. Regarding Preconstruction Conference Notice
- x. Letter from East Gadsden High School Regarding County-Wide Driver Education

- y. Letter from Department of Growth Management Regarding Conceptual/Preliminary Site Plan Approval for Gadsden County (Bradwell Lane-Huddle House) Infrastructure Extension
- z. Letter to Tallahassee Land Company, Inc. Regarding Acquisition of a Site for a Boy's and Girl's Club in Quincy, Florida
- aa. Letter from the Clerk of the Circuit Court Regarding the Cash Report
- bb. Letter from the Clerk of the Circuit Court Regarding the Summary Financial Statement

**June Meetings**

- June 3, 2008 - Regular Meeting
- June 10, 2008 - Workshop
- June 17, 2008 - Regular Meeting

**ADJOURNEMENT**

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

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**Edward J. Dixon, Chair**

**ATTEST:**

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**Muriel Straughn, Deputy Clerk**



AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON JUNE 3,  
2008, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

Present: Edward J. Dixon, Chairman, District 5 (arrived late)  
Eugene Lamb, Vice-Chair, District 1  
Doug Croley, District 2  
Derrick Price, District 3  
Brenda Holt, District 4  
Stacey McMillan, Deputy County Attorney  
Marlon Brown, County Manager  
Muriel Straughn, Deputy Clerk

CALL TO ORDER

The meeting was called to order by Vice-Chair Lamb.  
Commissioner Croley led in the invocation. Commissioner Holt  
led in pledging allegiance to the US Flag.

AMENDMENTS TO THE AGENDA

Awards, Presentations and Appearances

Add A-1. Report of the Citizens Advisory Committee on the  
Rural Emergency Hospital Concept

Move Approval to Place the ½ Cent Voter Approved Indigent  
Item 14. Surtax on the August 26, 2008 Election Ballot

General Business

Item 13 Discussion of the Stevens School Lease Agreement  
Remove from the agenda and defer to June 17, 2008  
North Florida Education Development Corporation

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

AWARDS, PRESENTATIONS AND APPEARANCES

A- Citizens Advisory Committee Report on Rural Emergency  
1. Hospital Concept

Mr. Joe Sharpe, hospital consultant, addressed the board in

the absence of Mr. Scott Whitehead, Citizens Advisory Committee Chairman.

Pursuant to the direction of the Board of County Commissioners, the Citizens Advisory Committee was asked to meet and bring back recommendations for the board's consideration as to the following:

1. Rural emergency hospital concept;
2. Service components of the hospital
3. Financial proforma;
4. Location
5. Financing options
6. Voter approved indigent surtax and
7. Comprehensive Healthcare Plan

Mr. Sharp said the advisory committee was comprised of the following people:

- Mr. David Trenchand
- Ms. Hardie Rogers
- Dr. Sterling Watson
- Mr. T. Bert Fletcher
- Ms. Arrie Battles
- Mr. Marlon Hunter, for Sherry VanLandingham
- Mr. Sam Palmer
- Rev. Ronald McCloud
- Rev. John Battles
- Dr. Pat Woodward
- Mr. Anthony Thomas
- Mr. Sam Hawkins
- Senator Fred Dudley (former senator)
- Mr. Scott Whitehead, Chairman

The following people had input to the recommendation in addition to the advisory committee:

- William Rutherford, Clemons Rutherford & Associates;
- Mr. Cory Fleming, Executive Director of Regional Development Tallahassee Memorial Hospital;
- Mr. Maximo Martinez, Gadsden County Community Health Council;
- Mr. Lonnie Groot, County Attorney's office;
- Joe Sharpe, Consultant for the Board of County Commissioners and Gadsden Hospital, Inc.

Mr. Sharpe reported that the Citizens Advisory Committee made the following recommendations:

1. Approve the build out of a 25 bed Rural Emergency Hospital Concept (The hospital license is for a 25 bed hospital. In order to maintain that license, AHCA requires a commitment of up to 25 beds. Although they have asked for 25 beds, the county does not necessarily have to operate all 25 beds. All AHCA is requiring is that there is the ability to operate 25 beds within a 48 hour notice if the need arises. 13 rooms will be for private use - Hospice Care or private nursing services as a revenue source. The other ten beds will be for other hospital services.) 13-0 vote
2. Renovate the existing hospital facility as opposed to building a new one. 13-0 vote
3. Approved placing a referendum on the August ballot for the Voter Approved Indigent Surtax. (12-1 approval with Dr. Sterling Watson opposing the motion to use the surtax as the method of financing and supporting the hospital concept. Dr. Watson's concern was that he did not feel that the citizens of Gadsden County and the hospital trust fund should bear the full responsibility of financially supporting the hospital. He felt that there should be a private entity willing to come in and take the financial risks.)

Chair Dixon called for questions of the audience. There was no response. He then turned to the commission.

**COMMISSIONER HOLT MADE A MOTION TO ACCEPT THE REPORT AND RECOMMENDATIONS OF THE CITIZEN'S ADVISORY COMMITTEE. COMMISSIONER PRICE SECONDED THE MOTION.**

**POINTS OF DISCUSSION INCLUDED THE FOLLOWING:**

Croley:

As I had expressed reservations and actually voted against going forward with the tax, that was based on the point (that I had said earlier) that we needed to have a direction for the hospital. When presented with the concept of the rural emergency hospital, we had a coming together on that basis.

Now, for the public to go forward with the tax, it is an opportunity for us to see how serious this community is

about wanting some sort of hospital facility back. I took note of Chairman Whitehead's (of the committee) remarks, Mr. Chair, as we move to vote on this motion. He said, "If the committee had to be brought back together for another meeting, he wanted at least three financing options to be reviewed by the committee for their recommendation."

I would only say that as we vote to go forward with this tax, if that is the will of the body, that we explore possibilities of getting Tallahassee Memorial Hospital or another medical providers more involved in this process. I would ask that this board consider that as we move forward.

With that, Mr. Chair, I will close.

Dixon:  
Will there be others?

Holt:  
Right quick, Mr. Chairman.

Dixon:  
Madam Commissioner.

Holt:  
Thank you.

On that issue, I did meet with one company last Thursday evening. But, without that critical access designation, and they are the largest company that manage rural hospitals in the country, they said without that critical access designation, it did not look like it was possible for them right now. So, that is something. If they couldn't afford to do it, that made it very difficult for us to get a smaller company. That does not stop us from trying. But, I would like to say that I really want to move on with this and look at the financing options for getting the hospital open and see what we can do. If we can get some help, I am more than happy to do so.

Dixon:  
My comment in closing is simply - Commissioner?

Lamb:  
I would like to commend that citizen committee for working so hard and for the long hours they put in to come up with a recommendation to us so that we can go forward to see what

we can come up with and see what we can work out.

Thank you.

Dixon:

As we move forward with this, we would all like for some outside entity to come and save us. But, I am proud of this board in having the foresight and insight and wisdom to find a way to save ourselves. We have laid this thing down, Commissioners, as you know. One of the main things we talked about was not only affordability, but, sustainability. We know we are going to be short of money for the next few years. That is real. Every government in the State of Florida, from now on, is going to be short of money. So, this hospital has to be solvent on it's own for the most part. From the day it opens, it's got to be solvent. We built that into this process. The Citizens Committee verified that for us. I think we had some people on there who were pretty good with numbers and who flushed this thing out. It is time now, that if nobody comes to save us, we are going to save ourselves.

As I told the governor when he was here, "We would appreciate your help. We will get there a lot faster if you help us, but, if you don't, we'll just be a few days longer getting it done on our own. We are going to take care of Gadsden County. We are going to figure this thing out." I hope that everyone of us will get out there and see this thing be successful because it is important for us and it is important for our future.

With that, if there is nothing else, the chair will entertain. We have a motion and a second. All in favor, sign of "Aye."

All:

Aye.

Dixon:

Opposes?

(There was no response.)

Brown:

Mr. Chairman, that was a motion to accept the report and accept the recommendations from the committee. We have a companion agenda item, and we will move to this item. It is

Item # 14 on the agenda, which is approval to place the half cent voter approved indigent surtax on the August 26<sup>th</sup> Ballot and to schedule a public hearing on this item on June 17.

Commissioners, I am not going to go through the entire issue here. You know the background of what we are trying to do. So, we are asking the board to approve either of the options that you have before you. There are four options and the staff is recommending **Options 1 & 2 which is to approve the placement of the voter approved half cent indigent surtax on the August 26<sup>th</sup>, 2008 ballot and to approve setting a public hearing on the half cent indigent care surtax ordinance for June 17, 2008 regular meeting.**

Holt:  
I move approval.

Price:  
Second.

Dixon:  
We have a motion and a second. We are on Item 14 - Is it two items wrapped together?

Holt:  
Options 1 & 2.

Price:  
Yes.

Dixon:  
We have a motion and a second to approve options 1 & 2. Will there be discussion? Members of the public, this is how we intend to pay for this wonderful concept of a rural emergency room/hospital that we have come up with. Will there be questions, comments, concerns?

Croley:  
Mr. Chair, I think we need to let the record reflect again that it was the recommendation of the Citizens Advisory Committee that this go forward. Is that not correct?

Dixon:  
That is correct. So recognized. More discussion?

Holt:

May I, Mr. Chair. On this, as we have said before, this has to have the participation of the members of the public, the participation of the elected officials and every one of us saying that they support this healthcare tax because it (the hospital) has to be paid for. We have to pay for these services. They will not pay for themselves.

There was a lady that asked me today, "How do we pay for it with the surtax?" I said, "If you spend \$2.00, you will spend an extra penny." Now we can either go and do this, or

Croley:  
Half a penny.

Holt:  
At half a penny. But, what she said was that she did not understand that on the previous ballot. She had no idea that it was for the hospital. She thought it was for other things. If we vote for it, but don't support it, then we are telling them that we are voting for something that we don't believe in.

Lamb:  
Once this tax has been put on the ballot and voted on and passed, our recommendation here is that we need to ask our citizens to support it. The citizens of this county is the community and if they don't support it, it is going nowhere. We are doing all of this in vain if we pass the tax then still do not support the hospital. We need the citizens to support the hospital. Those who have insurance and those who have the money to support the hospital in this county. If that doesn't happen, we are going around in a circle.

Croley:  
Mr. Chair, let me add something else in here. These numbers, I always like these numbers. I know, I believe everyone got a copy of the Tallahassee Memorial Hospital Annual Report. Something that everyone might be interested in knowing. They have 770 beds at TMH according to this report. They've got 2900 employees. They've got all the different medical services 20 miles away. We can't give a full service hospital of the nature that might have existed here in the 1950's, like the old hospital that I was born in and maybe some of the rest of you. But, they had 68,100 emergency center visits. Today, when I was in downtown Tallahassee coming up Thomasville Road, I saw two Gadsden County ambulances at the intersection of Betton Road and

Thomasville Road.

Now, they are bringing people from Gadsden County over as part of this 68,100. It would stand to reason, since according to some, I think, Mr. Sharpe, you pointed it out, that probably 50% of those transports might could be dealt with here and it may be even greater. So, logic would tell us that if we had an emergency facility here to receive some of these patients and screen them out, it might help us to save money on transportation costs and the other things.

Now, that we have some sort of coming together in concept, as has been pointed out, it makes it much more possible to present this and give the citizens an opportunity to determine what direction that they want to go in and what they are willing to pay for.

I thought that was information, Mr. Chair, that I thought, not only the commission, but the public at large, might appreciate receiving.

Dixon:  
Thank you, commissioner.

Holt:  
Mr. Chairman, right quick.

Dixon:  
Madam Commissioner.

Holt:  
To add to what you are saying, Commissioner Croley, that also affects your (inaudible) as far as the money that gets paid out to the hospital. That means that Medicare and Medicaid funding gets to stay here instead of us having to pay other counties because they have a Gadsden County address. Whenever you go to a hospital in the State of Florida, we have to send that money out to pay. So, we are still paying for the services anyway.

Thank you, Mr. Chairman.

Dixon:  
We have before the body a motion and a second. There being no further discussion, all in favor, sign of "Aye."

All:



Aye.

Dixon:  
Opposes?

(No response)

Please make it unanimous.  
Thank you very much. Next item please.

Commissioner Croley asked that Item No. 6 be pulled from the  
Consent Agenda for discussion.

**CONSENT AGENDA**

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

1. Approval of Minutes - March 4, 2008 - Regular Meeting
2. Ratification of Approval of Payment of Bills- May 30, 2008
3. Post Approval of Transfer Agreement with Talquin Electric Cooperative, Inc. for the Highway 267 and I-10 Wastewater System
4. Approval to Select and Enter into Contract Negotiations with Bryan Sruggs Construction, Inc. to Construct a Single Family Home on Brumby Street (New Construction Pilot Program)
5. Approval of Employee Assistance Program Agreement (EAP) - For the period May 15, 2008 through May 14, 2009 - Eileen McCann, LCSW, CEAP
- ~~6. Approval of General Contractor Services & Construction Management~~ Pulled for discussion following the consent agenda.
7. Approval of Change Order #7 to 2006 Road Paving Contract - increase of \$430,462.44 to the Contract with Peavy & Sons Construction for Chinaberry Lane overrun; Middle Creek Road overrun; Joe Adams Road resurfacing; Thigpen Road Resurfacing; Deer Run Road Paving

8. Approval of Change Order #1-Hanna Mill Pond Road Paving increasing the contract with Peavy & Sons Construction by \$113,598.48 bringing the cost to \$662,095.34 (SCOP Project)
9. Post Approval of Letter to Natural Resources Conservation Service requesting assistance for Lake Tallavana's Dam Emergency

**6. Approval of General Contractor Services & Construction Management**

The above stated agenda item seeks board approval to prequalify general contractors for future construction projects and authorizes the chairman to execute contracts after development by the county attorney.

The county is currently undertaking several projects relating to human services, culture & recreation, public safety and general government. Completing these projects in a timely, cost effective manner and within budget requires much planning and coordinating. The county's process can take up to two months before a project can begin. In an effort to reduce the amount of time that it takes to begin construction, staff asked that the board prequalify general contractors for future projects.

Commissioner Croley asked, "At what limits would these contracts be set at before they would have to be bid out with the different competing contractors?"

Assistant County Manager Arthur Lawson answered, "Our reason for pre-approving the contractors is basically to be able to give them a contract and let them go out and do the due diligence and bring us back a bid which we would bring before the board for approval. Our initial thought was to go up to as much as \$500,000. Anything beyond that would be up to the board's decision as to whether or not they wanted to set a specific limit. That is the purpose of pre-approving. So that we can move projects along, then we would bring that dollar amount back to the board for approval prior to our moving forward with the contract."

County Manager Brown stated, "Commissioners, you know I discussed with you that I thought that number was higher, but, according to the staff, it is much lower - \$500,000."

Croley:

This would be for a period of three years of qualifications.

Lawson:

Yes.

Dixon:

Can others be added to this list or is this the list?

Lawson:

Well, we did and RFP. This is the list. However, if you would like for others to be added, we can certainly do that, then we would have to bring it back to you for approval.

Holt:

Mr. Chairman, may I please. May we please have a certain length of time or a check point so that we can check on the process? If you say you are doing this for a three year period, at the end of the first year, let's look to see if it is working effectively or not.

Dixon:

Madam, I think you have the right to check on it anytime you like.

Holt:

I just wanted to see the expression on the manager's face when I said that. I just wanted to make sure. O.K.

Croley:

Confusion - Does that say that it is for three years now?

Brown:

Three years, correct. But again, the board has the right at any time to bring this back and say, "Hey," or we can report to you that it is not working and we can go a different route.

Commissioners, just one point, we did send this out to vendors and had personal communications with vendors via giving them the RFP and some responded and some did not respond.

Dixon:

Item 6 - what is the will?

Croley:

I move approval.

**Lamb:**  
**Second.**

**Dixon:**  
**All in favor, sign of, "Aye."**

**All:**  
**Aye.**

**Dixon:**  
**Opposes?**

**(No response)**

**Please make it unanimous.**

Clarification: The staff recommendation was to approve to prequalify the four general contractors for future board projects and authorize the chairman to execute contracts after development by the county attorney. The four contractors who responded were: Bass Construction, Evans Construction & Development, Ajax Construction and Concrete Services, Inc.

**CITIZENS REQUESTING TO BE HEARD ON NON AGENDA ITEMS**

**Attorney Marva Davis, representing North Florida Education Development Corporation, (NFEDC)** addressed the board. The item she asked to address was Item 13 which was removed from the agenda at the beginning of the meeting.

She reported that the executive director of NFEDC would not be available for June 17, 2008, which was the date to which it was rescheduled. She requested that it be scheduled at some other date.

Chair Dixon asked Ms. Davis to contact the County Manager as to a date that would be convenient to Ms. Ford.

**Belinda Snyder, representing Friends of Lake Talquin** pointed out a couple of things.

- Friends of Lake Talquin have developed recommendations for the Wetumpka and Lake Talquin Community Overlay and they would forward them to the county prior to Thursday

night's meeting.

- She understood that the Department of Community Affairs has not received the Gadsden County's adopted Comp Plan amendment yet, thus they have not issued a notice of intent. Prior to the transmittal of that amendment, she stated that she asked to register a formal administrative challenge to the mining operations on Highway 267. She asked that they (Friends of Lake Talquin) be allowed to go on notice and on record as such. She also asked that the amendment be transmitted to the Friends of Lake Talquin at the same time that it is transmitted to the Department of Community Affairs.

Chair Dixon asked that she submit their written letter of request to Growth Management Director Bill McCord.

Mr. McCord was confused about what she was requesting. However, he stated he would be in touch with Ms. Synder to determine what exactly what she was requesting.

Commissioner Holt asked how many members were in the Friends of Lake Talquin.

Ms. Synder replied that there were 118 members.

Holt:

Compare that to the number of people who live at Lake Talquin. If I am looking at a group and there are other people who are not in that group - I am not hearing from those people - if I can get some kind of understanding about what is going on.

Dixon:

They are asking for information, basically.

Holt:

Right. I understand. I am just saying, in the overall, what is going on down at Lake Talquin? I have never asked that question.

Dixon:

And you are just trying to find the best way to get them whatever information it is that they need?

Holt:

Right.

Synder:

We do have, on a weekly basis, we get new members. So, it is not stopping at 118.

Holt:

Right. I understand. I just never knew. Thank you.

## **PUBLIC HEARINGS**

10. **Public Hearing - Conceptual Plat Review for the Paradise Gardens Subdivision - SD-2008-01 - Major Subdivision, Tax Parcel ID #2-03-3N-5W-0000-00231-0000 11 lots on 18.390 acres**

**Owner:** Noah & Tee, Development, LLC, Latasha Murray

**Applicant/Representative:** Peter Okonkwo, P.E., Spectra Engineering & Research, Inc.

**Location:** 1,000 feet east of the southeastern corner of the intersection of Blue Star Highway (U.S. 90) and Atwater Road in the Oak Grove Community. The land use designation is Rural Residential.

**Planning Commissioner Recommendation:** March 18, 2008 - Denial; May 15, 2005 - **Denial** based on the findings that the density is not compatible with other area and adjacent development and it is not compatible with the adjacent hunting preserve.

**Type Hearing:** Quasi-judicial action in conjunction with the advertised public hearing

**Staff Recommendation:** **Approval** subject to conditions as listed in the agenda package beginning on page 16 - 18.

**Growth Management Director Bill McCord** was administered an oath by Deputy Clerk Muriel Straughn. He made a presentation of the project as detailed in the attached agenda report which he formally entered into the record.

**Latasha Murray, developer** addressed the board. She was administered an oath by the deputy clerk.

**Peter Okonkwo, P.E., Spectra Engineering & Research, Inc.** addressed the board after being sworn by the deputy clerk. He made a brief presentation.

Chair Dixon called for public comments. The following people spoke in favor of the subdivision after having been sworn by the deputy clerk:

**Kimbrew Jackson, 850 Blue Star Highway - In favor of the project.**

**David Avant, adjacent land owner. Opposed to the development.** He contested the public hearing moving forward because it was not advertised on the county's web site. Additionally, he said he has a business on two sides of the development. One of which is a hunting preserve on which his family has hunted for six generations. Another issue which he raised was the water quality which could be compromised by septic tanks slated to be installed in the proposed development. He also claimed that such a dense development would create urban sprawl. He also stated that there are remains of unmarked graves that date back prior to the Civil War - a fact of history passed down in an oral tradition for many generations. He was not certain about where the graves are located, but he understood that it is on the south side of the road between the water tower and Atwater Road. He estimated that there were 30 graves. He requested that a full archeological survey be made prior to any development if the board voted to allow the subdivision to proceed.

**Donna Kempf, spoke in opposition to the project.** She requested that the item be tabled until they could get with their attorney stating that they must have a contingency in order to evaluate the due process of law. She pointed out the following:

- It was stated by Ms. Murray that packets of material were distributed to all of the neighbors. However, she stated that she did not receive a packet.
- The subdivision is not compatible with the area.
- It would disturb the privacy of the neighborhood.
- There is a wood tree line which acts as a barrier between her property and the proposed development. She question what would become of that tree line.
- EPA has been notified that they are digging ditches which they described as holding ponds beside the creek.
- A petition with 32 signatures are opposed to the subdivision.
- Basketball courts and tennis courts are not compatible with country life.

**Henry Patterson, an area resident, spoke in opposition to**

the development saying that he moved there because of the quiet country life and he would like to keep it that way. He said that eleven homes in "the country" is just to dense.

Upon being questioned by the board, it was determined that there was a meeting scheduled with the homeowners in the area. However, it was scheduled on Mother's Day morning in Quincy which proved to be an un-opportune time as well as inconvenient for the citizens.

**Mary Daniels** addressed the board with only a question. She asked Ms. Murray if she has completed the homes that she has built in other subdivisions. She related that she had heard that some of the people in her other developments have had problems with their homes.

**Ms. Mary Smith** addressed the board in opposition after she was administered an oath by the deputy clerk. Her main concern was the increased traffic.

**Ron Kempf** addressed the board in opposition after having been sworn by the deputy clerk. He re-emphasized the request of his attorney to seek a continuance to allow for due process of law. He then addressed the hunting that takes place in the area which should be a serious consideration to a prospective home buyer.

Chair Dixon ended the public comments and turned to the board for discussion.

Mr. McCord reminded the board that they must base their decision on evidence and not "hear say."

Discussion followed.

Commissioner Price asked Ms. Murray how long she has had a sign on the property advertising the subdivision.

She replied that she acquired the property in 2005. Approximately one year after that, she put a big banner on the property. She had only one call that came forward from the banner advertisement.

Commissioner Price then asked her if she would be willing to meet with the area residents again to which she agreed.

Chair Dixon encouraged her to have a meeting in the



neighborhood.

Commissioner Croley agreed that the matter should be tabled. He also encouraged all citizens who were aware of the unmarked graves in Gadsden County to bring such information forward.

Commissioner Holt stated that her main concerns are water quality, quality of life and property rights. She reminded the board that all of the property is already designated as rural residential land use and with that designation, there are rights attached with it.

**UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE A DECISION ON THIS MATTER UNTIL SECOND MEETING IN JULY - JULY 15, 2008.**

**Ms. Beverly Lettingham** stated that the first scheduled meeting was on Mother's Day at 10:00 a.m. and there were only seven people who attended. She invited Ms. Murray to meet with them at Oak Grove AME Church.

**11. Approval of Senior Management Severance Pay Policy**

County Manager Brown briefed the board as to the proposed severance pay policy.

Chair Dixon asked that this item be deferred to a later date.

Commissioner Holt asked the staff to provide some estimation as to what this would entail in terms of fiscal impact.

Assistant County Manager Arthur Lawson stated that severance policy is structured around the years of service an individual has with the county. Therefore, it would be difficult to determine a fiscal impact.

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE THE ABOVE STATED ITEM UNTIL A LATER DATE.**

**12. Discussion and Direction on Selecting an Existing Railroad Crossing for Potential Closure**

County Manager Brown told the board that the county was approached by a private developer, CSX Railroad, and Jan Bordelon, Rail Specialist from FDOT as to the availability of any existing crossings that the county may consider closing as part of the permitting of a new crossing in Midway. Public Works staff met with all the parties and studied the issue and inspected several potential crossings that might potentially be recommended for closure without creating a hardship on the public. At that time, only one crossing could be found that staff would consider recommending for potential closure - Cutoff Road.

Mr. Brown went on to say that CSX Railroad and the FDOT requires two existing crossings be closed in order for a new crossing to be permitted. The City of Midway refused to submit one crossing for closing and Public Works did not pursue the matter further. However, recently the county had another request to assist in trying to locate two crossing for closure to allow the new crossing in Midway off of High Bridge Road. The City of Midway will be asked by Premier Homes Corporation to approve the closure of the crossing on Joyner Road.

He then asked for board direction.

Dixon:

Commissioners, as you know, this has been going on for quite some time. We have had this situation that developed in Midway where folks are literally tied in. Commissioner Lamb has made this a point of his whole deal about finding that second crossing. This opportunity has come back before us and it needed to be brought to the table.

Lamb:

The crossing there in Midway that the manager was referring to on Joyner Road, the City of Midway will take that one up some time, I suppose they are getting information to the people who use that one the most. To the best of my knowledge, they are supposed to be investigating that particular crossing in Midway. I don't think that anything has been found.

Dixon:

Mr. Presnell, do you want to come tell us about this crossing?

Presnell:

As the manager explained and the chairman mentioned, this is a couple year old project. Most of the leg work was done on it a couple of years ago when we had the original request. Along with the engineering staff and the railroad people involved, we looked at all the crossings in the unincorporated area of the county. I think you've got a list there. It is a hard thing to find. I didn't think we were going to find anything. Cutoff Road came up as one that was a possibility. The reason that it is a possibility is - for those of you who are familiar with it - is because there is an additional crossing down the road about one quarter of a mile. That is the reason that we were able to recommend that one at that time.

Again, the City of Midway failed to produce on the crossing they promised. It went away - the whole thing. As the chairman stated, recently, it has been revived. We haven't done a whole lot of new legwork. We have just done this report based on what we previously looked at in order to get direction. We have new members on the board and if you want to pursue this, we need to get direction from the board. If you want to pursue some different avenue, let us know.

Croley:

This business of Cutoff Road. I am not familiar with that name. All I know is Salem Road. Where does Cutoff Road come from?

Presnell:

Salem Road out to 27.

Croley:

I know what you are calling it, but legally, it is called Salem Road according to the 911 address. So, I don't know where this name Cutoff Road came from.

Presnell:

On our maintenance maps, that is what it is called.

Croley:

That is what you call it. O.K.

The other thing is - who is the private developer in 2005 that is referenced here.

Presnell:

Mr. Lex Thompson. They owned the property in Midway at that time in Midway.

Croley:

When you mentioned CSX Railroad requiring two crossings to be closed. Now, I want to help Mr. Gasvini to get his railroad crossing if we can possibly do it. But, I am not in favor of taking infrastructure from some other part of the county that is being used and inconveniencing all of the residents there to be shifted someplace else. So, I want to ask some questions about CSX Railroad requiring that two crossings be closed. So, what is that about.

Presnell:

They actually were requiring three. They indicated to us that it would require three crossings. After much negotiations by Mr. Thompson who had attorneys who specialized in this on a project, they were able to negotiate it down to two crossings. They said they would accept that.

Croley:

I don't doubt what you are representing, Mr. Presnell, but it is just hard for me to believe that in the eastern United States with the growth that CSX is requiring that railroad crossings be closed before they can accommodate a new situation that has a demand. Furthermore, when you say two crossings, does that mean signalized crossings or just crossings, period. What do they define as crossing?

Presnell:

It depends. If you want to put in a signalized crossing, then they are looking for a signalized crossing. But, that is negotiable. Crossing means an existing crossing.

Croley:

O.K. Well, didn't they close the crossing in San Bonita Farms or wasn't there some talk about that in the area there. There was a rural crossing there on that farm. You need to check into that. That may help this situation. But, the Salem Road crossing is a signalized crossing. They would not have signalized it unless there was a great deal of traffic there. I can attest that it is heavily traveled. It raises a question, Mr. Chair, that if there are rural crossings that may have been used for farm crossing, that they could be reevaluated, that may be no longer active, that might meet a qualification that we

could work with.

Presnell:

We looked at a number of those and I am not saying that the staff did not miss anything. We did not spend a lot of money with technical consultants, but the staff went and physically looked at them. There are many of them that that is the only way in and out.

What I am calling Cutoff Road is a signalized crossing. As part of the negotiation with CSX, they agreed to improve the one at the end of Salem Road at the Truss Plant. They were going to improve it and signalize it and take the expense of that. But, again,

Dixon:

Commissioner, a couple of years ago, when we first looked at this, we looked at almost every crossing that we have in this county -in the tomato fields and everywhere else. This one has always been on the list simply because we were looking for three. It has always been on the list because it had an adjacent crossing next to it.

The other ones we weren't so lucky with. They were the only way in and out of all of those places that we had taken an opportunity to look at.

CSX's position is simply that trains are moving faster. Every time they have an opening, if you recall, if you go down 90 west, everyone of those roads had a crossing going to those farms out there. They came along a couple of years ago and closed them all. I think they asked our permission, but they didn't really want it. Now, they are demanding, because of the growth and other things, that we close those crossing.

Croley:

Mr. Chair, I find it, again, I don't dispute anything that you are saying or that Mr. Presnell is saying, but I just find it hard to believe that CSX Railroad isn't confronted with having to put in new crossings in many places. Now, they may not like the rural one way in and one way out situation, but, the crossing in this instance is a signalized crossing, heavily traveled and heavily used by a lot of people. Has there been any type of traffic counts? There is no process to this. There is no public hearing and the impact on the people. I did take the initiative, Mr.

Chair, to visit with businesses in that area and talk to the residents. Not a one of them are willing to give up this crossing. I can tell you from personal experience, I go through there quite a bit. That is a very heavily used crossing. So, I just can't see this having public support.

Dixon:

Commissioner, this is about having discussion and direction. That being the point, I think you have to adjust the position of this situation to the situation they are experiencing in Midway. That situation is bad and it is not going to get better. We did not make it.

Croley:

That apartment complex there, for instance, that was permitted there. Do you see those strings up there on that utility pole. That crossing should - That one should have

Dixon:

If we get into the right and wrongs of it, we will all walk away from the table. But,

Holt:

That one in Midway gets a lot more traffic. I went to both of them. I went to the one on Salem Road and I also went to the one in Midway - right there where there is one way in and one way out,

Croley:

Excuse me, Commissioner, which one?

Dixon:

Brickyard.

Holt:

I don't know the name of the road, I didn't look at it,

Lamb:

Joyner Road.

Holt:

That one at the apartments, it is busy too, now.

Dixon:

You mean the one that Midway is considering closing?

Holt:

Right.

Dixon:  
Joyner Road.

Holt:  
There was a lot of traffic in and out. That area is growing so. I am more concerned - not just Joyner Road, but the whole area in there - down High Bridge Road and all of that. That area is growing just so fast. That is why I am interested in looking at this to see what the options are. We need to start looking at it and start working with CSX to see if we need to look at some other things or locate some other items because of the growth. That is not the only one because of the growth. I know we can't do anything about what the cities do, but, we need to look at what we can do in the outlying areas and see if we can accommodate some of these things. That is why I am in favor of looking at options. Not just Option 1, but other options also.

Dixon:  
Commissioner, if you will look at the one on Joyner Road, It is in much the same position as this one is. There is another. If you closed it off, you could go back around, just come around a quarter of a mile.

Holt:  
But, the houses there, that is what I am talking about. We have to look at which openings may be closed, which crossings may be closed and which ones may not be closed. That is what I am saying. I am not saying that particular one. That is why I said that I didn't look at the roads, I looked at the population in Midway to see if that was one thing that we could do.

Lamb:  
The one on Joyner Road - and you all may not be aware of this, there was an adjacent road parallel to that crossing. There is a small, I think Mr. Ghazvini knows what I am talking about - that is what makes it possible or not make it easy on the residents to accept closing that road. Not going around - I know where you are talking about, but they don't have to do that.

Dixon:  
Oh, there is another?

Lamb:

Yes, there was a road there, but they closed it. It is not developed now, but Mr. Ghazvini knows what I am talking about because I showed it to him. That might be a great possibility if the residents that use Joyner crossing will agree. Some of them have already agreed to that. That could be a great opportunity.

But, now Salem Road is a little bit different. There is more traffic on Salem Road than there is here on Joyner Road. Plus, some of the residents that I asked about it, as of today, want a traffic count as well as a public hearing on that particular road if we it is going to be considered in our discussion - considered to be closed.

Croley:

Mr. Chair, that ought to be done any of them that closes. A public hearing and proper advertisement and traffic count.

Dixon:

Well, we are here for discussion.

Lamb:

We had that in Midway on Joyner Road.

Holt:

May I, Mr. Chairman?

At least those have two ways. So, we are looking at that. Some of the others can't be considered because you only have one way in and one way out. So, there are quite a few of them that couldn't be considered. So, we need to give staff direction to go ahead and look at Option 1.

Dixon:

Well, let's have staff come back to us on Salem Road. Let's look at it. Get us some pictures. Get us some information. Let Planning and Zoning know who to notify that we are having a public hearing on the issue.

Croley:

Mr. Chair, if there is a public hearing held, I want a further hearing held in that area, not just up here. I want to hear what the residents say in that area. Furthermore, let me add this as far as - you've got issues with the Florida Highway Patrol, 911, EMS, all of these other interests in any of these crossings. I want to see a format that is used in evaluating any railroad crossing. Even the



ones that you have mentioned where there is only one way in and one way out. Well, I don't know where those are. Another thing, the mainline running east and west from Jacksonville toward New Orleans - that is running parallel to US 90. Those crossings should be looked at. That line up through US 27 is a CSX line, but that one is going up to the Bainbridge area from Tallahassee. We have less crossings there than you do on the line going east and west. So, I think there is more opportunities to look beyond just the line going up to Bainbridge. That is why we don't have that many crossings. Once these things are lost, you can't get them back. That is why I said that I want to hear from the citizens there - not ask them to come up here.

Holt:

Mr. Chairman, May I?

Dixon:

Just one second.

First of all, this is a very focused item. It is for a very focused item. I certainly don't want to do a full scale project just to get down whether we do this or not. You can do this and do a full scale project, so, Commissioner, you are more than free, certainly, to have a public hearing in the neighborhood. That is certainly much within your purview.

The point is that there is pressure now from the City of Midway and from those residents. We have had many meetings with Mr. McCord in just doing amendments about the second exit and the pressure and the need to have that.

Am I misleading anybody?

This is pressing need and it has been a pressing need. I don't think you need to distort it by having a big "what to do about all the crossings." You can do that if you like, but, this is a very focused issue and I think we need to take a very focused approach to it.

Croley:

Well, Mr. Chair, it is focused alright because we all know that it is about one development. That is what it is about. Now, I don't want to get roiled up about it, but

Dixon:

Please do.

Croley:

I am willing to help Mr. Ghazvini as much as I can, but I am not going to give up without strong representation and citizen input and support taking a railroad crossing to transfer to some place else when the whole community depends on that crossing.

Dixon:

Commissioner, if you want to make that point, please make it. But, don't distort it. That is what I am asking you not to do. Make the point. If you want to have a public meeting, if you want to bring people together, do that. That is necessary. We will have a public meeting here. Do that. That is necessary. O.K. But, don't distort the issue. That is what I am asking you not to do. I am not asking you not to represent your constituency. I am asking you to please represent them. But, don't distort the issue. That is what I am asking you not to do.

Madam Commissioner?

Holt:

I want to say right quick and I really must say that I rode that road and came out there for years because I worked in Tallahassee over on Thomasville Road. I just did not see that much traffic. That is the only thing that kind of got me about it. I had to ask where was it - I had to ask twice - I asked the county manager. I was riding that road, never looking at the road, but I was just trying to beat traffic that would get caught out on US 27. I just can't remember over the years, (inaudible) That was my concern. I would like to ask Mr. Presnell a question.

Dixon:

Mr. Presnell, in your research, what did you find out there?

Presnell:

Excuse me, I missed the question.

Dixon:

In your research of searching for available crossings, what did you find out about Salem? Did you talk with anybody out there?

Presnell:

We spoke with and we did meet with representative of Clinton Nursery - a nursery that is located there. But, we did not go into any public hearings or in depth interviews, neighborhood surveys - nothing of that nature. It was very preliminary. But, we did speak with a representative of Clinton Nursery.

Dixon:

What was your general gist from him?

Presnell:

They wouldn't have a really big problem with it if the crossing down at the end was approved to take the hump out because they have a problem with long trucks dragging there. If that was signalized and smoothed out - at that time two years ago, it wasn't a killer to them.

Holt:

Mr. Chairman, I wanted to ask him exactly the same thing. That is why I am saying that I don't have a problem with this at all because as I remember coming around from behind Coastal Lumber Company, my route used to go and come out down there, I don't remember that being - right there by the nursery - a population problem at all - a traffic problem at all.

Presnell:

Like I said, we didn't put any counters down or park out there and monitor or have any engineering studies, but we will be glad to do anything that you all direct us to look at. I can tell you this - to find a railroad crossing that you could just come up here and recommend to you all as a possibility to get rid of - that is a hard thing to do. Now, there are a lot down through the Greensboro corridor from the old A & N Railroad out of Port St. Joe, but, CSX doesn't take those.

Lamb:

Is that road paved going back to SRS 12?

Presnell:

It is paved from SR 12 out to US 27 to the cutoff. It is dirt from that point down to the other crossing. But, it is paved back to SR 12, yes.

Croley:

Why does CSX signalize railroad crossings? Generally, it is

because of traffic, is that correct? They are concerned about the amount of traffic. Right?

Presnell:  
Right.

Croley:  
Now, the lower Salem Road there and the crossing in question is signalized isn't it?

Presnell:  
Yes, sir.

Croley:  
So, that meant that for CSX to spend the money to signalize it, there must have been a fair amount of traffic going through there.

Presnell:  
There was a problem at some point if they signalized it.

Croley:  
I am not aware of traveling around by Coastal to go that way.

Holt:  
When you come out the other way, baby. On the other end. I go Havana that way when I coming from the up there near the Georgia line. That is how I come around to Havana.

Presnell:  
We can look at the issue more and get some more information if that is what you need or we can see what the City does.

Dixon:  
Let's go ahead and have some discussion. Let's get Mr. McCord group to let the neighborhood know and get some feed back. Anybody opposed to that?

Holt:  
I would think that we should follow the recommendation. I have no problem with it. And, I have no problem with the commissioner having community meetings on it.

Croley:  
Were you referencing the Salem Crossing only, or are you talking about staff looking at crossings all along the CSX

line?

Dixon:

I am talking about Salem Road.

Croley:

Only Salem.

Again, I feel like this conversation is focusing on trying to take infrastructure from one area for the benefit of one interest and I am sorry, but, I am not happy with this situation and I have a problem with it.

Lamb:

I think that staff, their intent was to look at other crossings, too.

Dixon:

Staff has looked at other crossings already.

Croley:

Since 2005?

Dixon:

I am sure he has looked. I am sure he will look.

Lamb:

Can we give him direction to not just to look at Salem, but include Salem, but to look at other sites also.

Dixon:

Mr. Presnell, please bring us whatever sites you think have the potential of being closed.

Presnell:

Yes, sir. Bill just mentioned that with the new maps, they have new aerial maps that will give us another opportunity to look at all crossings.

Dixon:

O.K.

Holt:

And they will be bought back when?

Dixon:

When would you like for it to be brought back?

Holt:  
Next meeting.

Croley:  
No, I will not be here for the next regular meeting, commissioner, and I am asking that be tabled until at least for 60 days.

Holt:  
I would really, really rather to make a motion to go ahead and approve it, but, what I am saying is that if you some time, - but 60 days, that seems like a long time.

Dixon:  
First meeting in July.

Croley:  
Commissioner Dixon, I believe that everyone is very aware, at least the county manager is that I will be out of town all of next week. The following week is the first opportunity that I am back. The next week, we have the Florida Association of Counties meeting.

Now, that is not adequate time for anyone to meet with his constituents and this affects not only District 2 residents, but also District 1. There is no way that anyone has adequate time to meet with anyone. That is why I am saying that it will be July. You've got the 4<sup>th</sup> of July holiday before we can even have a chance to communicate with the public about it. So, you are trying to press this

Dixon:  
Commissioner, don't. Nobody is pressing. I think that you hear the commissioner trying to be generous. You are the one who is pressing.

Croley:  
I am not going to be here in the month of June primarily and I am requesting that this be given adequate time through - in the month of July to discuss this with the residents of the affected area and those to have an opportunity to review this. Then, we can agenda it for it to come back. That is being fair.

Dixon:  
When do we meet in July, Mr. Manager.

Brown:

The first, second and third Tuesdays. What is the final date in July? For the final meeting?

Lamb:

The first, eighth and fifteenth.

Dixon:

Are we meeting on the first?

Lamb:

Yes. And the third will be the fifteenth.

Holt:

Mr. Chairman?

Dixon:

Madam.

Holt:

The reason that I am saying this is that Midway is going to have to close theirs in order for this to work anyway. So, we can look at delaying and delaying and delaying - but we still have to wait and see what they are going to do before we can close it. It wouldn't do any good to close it if they are not going to close theirs either. We have to have two of them closed. So, what I am saying is that if we go ahead and take care of this, not vote on it, but do it in a timely manner, give them some time to look at it - it's going to take them some time, too, but, if we keep putting it off, it is not as if we are going to - if we meet in July, then that means that they probably not going to meet on it until August.

Dixon:

They are not waiting on us, are they?

Croley:

Maybe they will or won't close theirs, I don't know, but, I am saying that I cannot get adequate public input or gather that in this month for a meeting in July. What did you say Commissioner about August 19?

Lamb:

That is the only time we meet in August.

Croley:

We can have input by August 19, but not before the 4<sup>th</sup>.

Holt:

If we can look at it in July, I have no problem with it.

Croley:

What is your pressing point, Commissioner? I don't understand why you are in such a rush.

Dixon:

Commissioners, we are going to bring this to a close.

Holt:

O.K. I am happy with July.

Croley:

But, I am not and it is my district.

Holt:

I move that we table this item until the first meeting in July.

Price:

Second.

Lamb:

The first meeting? Not July 1, now.

Holt:

Are we going to meet July 1?

Lamb:

And the fifteenth.

Croley:

You are not helping the situation. You are not helping Mr. Ghazvini, so be aware of that.

Holt:

Is it possible to go ahead and approve it and then you bring it back up if you are on the winning side?

Croley:

You can be on the winning side, but Mr. Ghazvini, be aware of that.



Dixon:

Commissioners, would you accept July 15<sup>th</sup>?

Holt:

July 15? I will accept July 15<sup>th</sup> if we can get everything and get it in.

Ghazvini:

I am sorry, I may be speaking out of turn. We don't have objections to any decisions by the commission. Whatever is the pleasure of the commission. Please, whatever is best for the commission.

Croley:

Mr. Ghazvini, can I ask a question of you. Do you have a problem with us considering this on August 19<sup>th</sup>?

Ghazvini:

We have got some time frames. I think August 19<sup>th</sup> is too late, but at the pleasure of the commission, whatever you decide, we will go along with. We have no option. But, August 19<sup>th</sup> is a little too late for us.

Holt:

I will go along with it.

Dixon:

Meaning?

Holt:

Second meeting in July.

Dixon:

July 15<sup>th</sup> - is that what you mean, Commissioner?

Price:

Second.

Dixon:

**We have a motion and a second to agenda this matter for July 15<sup>th</sup>.** Further discussion, commissioners?

Croley:

Under protest, I am going to go along with it only because I have no choice.

Dixon:

Duly noted.

All in favor, sign of "Aye."

All:

Aye.

Dixon:

Next item please.

~~13. Discussion of Stevens School Lease Agreement~~

This item was deleted from the agenda.

~~14. Approval to Place the 1/2 cent Voter Approved Indigent Surtax  
on the August 26 Election~~

This item was addressed at the beginning of the meeting.

**COUNTY MANAGER'S AGENDA**

Mr. Brown had no matters to discuss.

**COUNTY ATTORNEY'S AGENDA**

Ms. McMillan had nothing to discuss.

**DISCUSSION ITEMS BY COMMISSIONERS**

None of the commissioners had items to be discussed.

**RECEIPT AN FILE AGENDA**

- 8.
- a. Letter from Florida Department of Environmental Protection Regarding Dredge and fill Activities in Waters of the State
- b. Letter to Prestigious Portable Restrooms Regarding Month to Month Portable Restroom Service-Gadsden County Division of Parks and Recreation
- c. Letter to Environmental Consulting and Design, Inc. Regarding Transmittal of Comprehensive Plan Amendment
- d. Letter from Florida Agency for Healthcare Administration Regarding Renewal Application for Hospital License
- e. Letter from Clemons, Rutherford and Associates, Inc. Regarding Gadsden County Hospital
- f. Letter to McGlynn Laboratories Regarding Requested Gadsden County Land Use Maps
- g. Letter from United States Senator Mel Martinez Regarding Gadsden County, Florida Fire Service - FY 2008 Assistance to Firefighters' Grant Program

**June Meetings**

- June 10, 2008 - Workshop
- June 17, 2008 - Regular Meeting

**ADJOURNEMENT**

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

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Edward J. Dixon, Chair

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**Muriel Straughn, Deputy Clerk**

AT A SPECIAL MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS HELD IN  
AND FOR GADSDEN COUNTY, FLORIDA ON  
JUNE 10, 2008, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

Present: Edward J. Dixon, Chair, District 5  
Eugene Lamb, District 1  
Derrick Price, District 3  
Brenda Holt, (arrived late)  
Lonnie Groot, Deputy County Attorney  
Marlon Brown, County Manager  
Muriel Straughn, Deputy Clerk

Absent: Doug Croley, District 2

**CALL TO ORDER**

Chair Dixon called the meeting to order and turned it over to County Manager Marlon Brown.

**AMENDMENTS TO THE AGENDA**

The agenda was amended as follows:

1. Discussion of the Report from the Citizens Advisory Committee on Solid Waste - Replacement Item
2. Discussion of Preliminary FY 2009 Budget - Additional Attachment

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 0, BY VOICE VOTE, TO APPROVE THE AMENDED AGENDA.

**1. DISCUSSION OF THE REPORT FROM THE SOLID WASTE ADVISORY COMMITTEE**

Budget Analyst Rick Haufman addressed the board explaining that he met with the advisory committee and was impressed with the way in which they approached the task of studying the problem of how to deal with the solid waste in Gadsden County. He reported that they were very open minded and collected a lot of data from as many experts as they could. He stated that their report is very thorough report as well as a very thorough recommendation. He then introduced the chair of the committee, Jack Malloy.

Mr. Malloy then gave a PowerPoint presentation of their report. Upon conclusion of the report, he recognized the members of the committee who were as follows:

Pat Curtis, Vice Chairman  
Harold Carter  
Debra Chatham  
Michael Knight  
Ed Allen  
Larry Clayton  
Ray Walke  
Leon Alexander  
Sam Palmer (resigned)  
Valerie Jones (resigned)  
Alice Godwin (resigned)

**UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ACCEPT THE REPORT AS PRESENTED.**

Chair Dixon called for public comments.

**Bill Stinson** addressed the board expressing his gratitude for the committee.

It was noted that the recommendations for the committee would come back to the board for possible action at a later date.

**2. DISCUSSION OF PROPOSED COMPREHENSIVE PLAN AMENDMENT FOR PUBLIC SCHOOLS FACILITIES ELEMENT AND RELATED TEXT AMENDMENTS TO THE CAPITAL IMPROVEMENTS ELEMENT AND INTERGOVERNMENTAL COORDINATION ELEMENT CPA-2008-02AD**

(It is noted here that the proposed amendment was reviewed by the Planning Commission on May 15, 2008 and they recommended that the County Commission approve it. The School Board reviewed in on May 27, 2008 and also recommended approval, but asked that 10.2.7 be changed to allow for reciprocal notification when the county or the School Board acquires property for community facilities whereby there could be some possibility for co-location or sharing of that property.)

Interim Growth Management Director Jill Jeglie introduced the Comprehensive Plan Amendment.

Ms. Amy O'Donnell of the Growth Management Department then

briefed the board on the draft amendment. She highlighted the "Co-ordination Element" and "Concurrency Element". She stated that these elements are a result of requirements of Senate Bill 260. The policy mandates discussion between the two boards which would hopefully lead to cooperative resolution. Any disagreements between the two bodies would be arbitrated by the Apalachee Regional Planning Council per Florida Statutes 164 and 186.

Mr. Groot called attention to the Interlocal Agreement (Attachment # 7) Section 7 which could be invoked by the county to cause discussion to be had to resolve issues relating to public facilities.

Ms. O'Donnell suggested that language could be added to Chapter 10 - Public School Facilities Element - Section 10.2.7 to mandate discussion between the School Board and the County Commission. "Co-location and shared use opportunities will be considered by the County and the School Board when planning and designing new or renovating existing community facilities."

Chair Dixon explained that the gist of the additional language would be to strongly encourage forced conversation that leads to co-location and not duplication.

Ms. O'Donnell pointed out that the interlocal agreement requires the two bodies to meet annually, but the School Board requested that they meet bi-annually. She emphasized that by meeting together more often, more ideas could be posed and possible solutions could be found simply because there is more conversation between the two boards.

Mr. Brown told the board that no action was required by them at this meeting because the matter would come back for a public hearing on June 17.

### **3. DISCUSSION OF PRELIMINARY FY 2009 BUDGET**

Mr. Brown stated that the staff was seeking guidance and direction from the board regarding the development of the tentative FY 2009 thru FY 2013 operating and capital budgets.

OMB Director Davin Suggs gave a brief overview of the tentative proposed budget process. He cautioned that the

revenue projections contained in the attached information were approximate until July 1. He reviewed the impact of FL Constitution Amendment Number 1 on the local ad valorem taxes. (Additional \$25k Homestead on the 3<sup>rd</sup> \$25,000; Portability; Valuation Cap on Non-Homestead Property; Tangible Personal Property Exemption) The total loss in county valuation was approximately \$222,384,463. Based on the current millage rate of 8.7495, the county can expect a loss in General Revenue of \$1,043.161.

He then compared the revenues based on different millage rates then explained how the roll back rate works. See the attachment for a breakdown of the three budgeting strategies. (SB 1588 FY 2009 Rolled Back Rate; Break Even Millage Rate; Growth Millage Rate)

Mr. Brown stated that there is a bill awaiting the governor's signature that will help fiscally constrained counties to soften the blow of Amendment 1. It will amount to about \$450,000. However, the county will still experience a considerable loss in revenue.

Mr. Suggs then gave an overview of the proposed expenditures by budget group.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO MOVE THE TENTATIVE BUDGET HEARING FROM JULY 8 TO JULY 14, 2008.**

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO ACCEPT THE REPORT AS PRESENTED.**



**ADJOURNMENT**

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

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**Edward J. Dixon, Chair**

**ATTEST:**

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**Muriel Straughn, Deputy Clerk**

AT THE REGULAR MEETING OF THE  
BOARD OF COUNTY COMMISISONERS  
HELD IN AND FOR GADSDEN COUNTY,  
FLORIDA ON JUNE 17, 2008, THE  
FOLLOWING PROCEEDINGS WERE HAD,  
VIZ.

Present: Edward J. Dixon, Chair, District 5  
Eugene Lamb, Vice-Chair, District 1  
Doug Croley, District 2  
Derrick Price, District 3  
Brenda A. Holt, District 4  
Thornton Williams, County Attorney  
Marlon Brown, County Manager  
Muriel Straughn, Deputy Clerk

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Vice-Chair Lamb led in the invocation and Chair Dixon led in  
pledging allegiance to the U.S. Flag.

AMENDMENTS AND APPROVAL OF AGENDA

The agenda was amended as follows:

Replace attachments for:

Item 10:

Public Hearing - Approval of Gadsden County Hospital and  
Indigent Health Care Ordinance Replace Attachment 1 and  
2

Add 10-A:

Approval for Addition Budget Authority to Gadsden  
Community Health Council (Companion to Item 10)

Add 15-A to General Business Agenda:

Approval to Renew Insurance Programs with PRIA

Add 15-B to General Business Agenda:

Approval of Resolution 2008-026 Establishing the Gadsden  
County Affordable Housing Advisory Committee

Add 16 to the County Manager's Agenda:

Discussion of Changes to the Value Adjustment Board

Add 16-A:

City of Tallahassee - Transit Shuttle from Gadsden  
County to Tallahassee

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

**AWARDS, PRESENTATIONS AND APPEARANCES**

**A-1 Recognition of Academic Excellence for Mr. Michael Kelly of West Gadsden High School**

Mr. Jon Brown introduced Gail Bright Bridges, the Student Government Association Advisor from West Gadsden High School.

Ms. Bridges presented Mr. Michael Kelly and his parents in recognition of the fact that he scored 29 out of a possible 36 points on the ACT (College Achievement Test) and is only a junior in high school and at Tallahassee Community College. She explained that the State average is 21. Michael is the President of the Honor Society at West Gadsden High School. When questioned about his future plans, he stated that he expects to continue at TCC then transfer to a university to seek a double major in computer science and some sort of engineering. He stated that he expects to have his associate degree by the time he completes high school. Following graduation from a four year university, he plans to give back to the community.

The board and audience congratulated Mr. Kelly.

**CONSENT AGENDA**

Items 2, 5, 8 and 9 were pulled for discussion.

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

1. Ratification of Approval to Pay County Bills  
Accounts Payables dated June 6 & 13, 2008;  
Payroll dated June 5, 2008
2. ~~Approval of Florida Department of Transportation Work  
Program Requests for FY 2009 FY 2013~~

This item was pulled for discussion

3. **Approval of Change Order # 1 to the Gadsden County Community Traffic Safety Team Sidewalk Project**
4. **Approval to Apply for the Safer Grant from the Department of Homeland Security**
5. ~~Approval of Reimbursement for Volunteer Firefighters for Airport Drill~~  
This item was pulled for discussion
6. **Approval of Signatures for Special Assessment Liens**
7. **Approval of Signatures for Special Assessment Lien and Rehabilitation Contract - Community Development Block Grant (CDBG) & State Housing Initiative Partnership (SHIP) Programs**
8. ~~Approval of Gadsden County Enterprise Zone Boundary Amendment~~—This item was pulled for discussion
9. ~~Approval of Big Bend Regional Health Information Organization High Speed Broadband Project~~  
This item was pulled for discussion

**CONSENT ITEMS PULL FOR DISCUSSION**

**2. Approval of Florida Department of Transportation Work Program Requests for FY 2009-FY 2013**

Interim Growth Management Director Jill Jigley stated that this item deals with the DOT's Revised Five Year Work Plan and the Transportation Improvement Program for FY 2009-2013. See the program description in the attached agenda report. She continued by saying that it includes capacity improvements to the Quincy Airport, railroad crossing replacements, road re-surfacing and paving, shoulder projects and county projects for the those years described. She reported that the Quincy By-Pass was removed from the Plan in 2007 and is not included in this plan. However, a resolution was filed with Capital Regional Transportation Planning Agency (CRTPA) recommending that it be included.

Mr. Keith McCaren, Apalachee Regional Planning Council and liaison to FDOT for Rural Counties made a presentation of the Five Year Work Plan.

Dan (inaudible) also made a presentation and described the projects listed in the agenda report.

Harry Reed, Executive Director of the CRTPA addressed the board in response to questions.

Commissioner Croley made the following report:  
We were also able to add in their priority list that is used to determine the rankings of these priorities a very important feature for the rural counties and that will be the element of safety. Now, Mr. Reed's staff will be working on some criteria as to how that element can be included in the point scoring. That will be beneficial to all rural counties that now make up the region. We recognize many of our roads were paved as farm to market roads in the late 40's and early 50's. As this commission knows full well, our bridges in many parts of the county are older and fall into that category. This would allow us an opportunity to get a fairer consideration in the scoring process. Is that not correct, Mr. Reed?

Reed:

Yes, sir. It certainly adds to higher consideration for this project also. (By-pass) We appreciate you bringing that to our attention.

Croley:

Mr. Chair, I want to raise an issue here. I intended to pull the item myself, but the manager chose to do so.

Mr. Reed, Item 8 on page five of the agenda report. Highway Safety Improvement Program (High Risk Rural Roads and Elimination of Hazards Relating to Rail Highway Crossings) (Close three existing CSX railroad crossings and replace with a new crossing or viaduct in west Midway as part of the proposed Lanier Road Extension.)

I don't know exactly how that fits in here. We had some discussion about that and I thought that we had agreed that there would be an opportunity for citizens

to have input in that process. So, could you, maybe, explain to me how that came to be.

Brown:

Commissioners, Robert will have to address that item. Mr. Presnell?

Presnell:

Good evening.

That was put in there by the Growth Management Department. Now, we are working on the first sentence on that - Public Works is working on a Rural Highway Safety Enhancement Program, but it has nothing to do with railroad crossings.

Croley:

So, this is an error - you believe?

Presnell:

Jill can probably speak to that better. But, Public Works did not put that in there. The first part, we are working with a program intensively. But you could delete the railroad crossing portion of it. It involves signage, road widening, working with the University of FL, etc.

Croley:

Mr. Chairman, I don't think there is any contention about any of that.

Dixon:

So, we will delete that. Anybody opposed to deleting that.

Holt:

On any of these under resurfacing or the table on the shoulders, on any of these, - does that include widening and all? If any of them did not (inaudible)

McClaren:

I can't say for sure. We would have to check on it project by project, but, we can get back with you on that. It, that has been historically, an opportunity when you resurface, to address problems. In the design plan for each of these resurfacing projects are very detailed. But, we can report back as to how each of

these resurfacing projects are being handled.

Holt:

It would be a great opportunity to do that. Those roads are too narrow and it would be good to pick up a foot or two.

McCaren:

I can tell you that, generally, because of the budget situation that we are in, over the last two years, they have been trying to minimize the amount of extra expense in the resurfacing projects. So, But, sometimes, depending on when the design plans were drawn up and when this work commences, they may have already programmed in a widening. So, we will have to look into that.

Holt:

Great opportunity for it.

Croley:

Mr. Chair, I would like Mr. Reed to come back up, please. There are two elements that are in here that you might want to touch on and update the commission on as well. The fact is that the CRTPA has been expanded to include all of Gadsden County. Is that correct?

Reed:

Yes, sir. We anticipate next year that we would include the whole county. We have to go through the steps. I need to meet with the manager and discuss this further. The steps of the reapportionment plan that would encompass all of the counties that are involved. This has to be approved by the governor and once that is done, then we can complete the interlocal agreement to include all of the county. So, in the future, it would include all of the areas. In anticipation of this, as we kick off the next long range plan, which is our regional mobility plan, we are going to be working with you to identify the needs for the whole county in the long range plan, not just the area that you see shaded on this.

Croley:

As we mentioned, added in all of Wakulla, I believe and Jefferson County. So, this involvement of the rural counties in the area in the planning part.

One other point, Mr. Chair, that might be of benefit to all municipalities as well as the county to be aware of, and I think, Mr. Reed, you might elaborate on this. I sense that there was a great deal of opportunity for us to look at funding that has to do with bicycles. There seems to be a lot of interest at the federal and state level for funds to support those additional modes of transportation. Perhaps this could be widening shoulders or other opportunities. Mr. Presnell will be engaged and visiting with you about what those opportunities may be in the future. Particularly, as fuel prices go up. I found that the cycling not only those who ride to and from work, but those who are using them for recreation as well.

Reed:

Yes, sir. We want to look at all facilities. That is why we called it a regional mobility plan.

To answer Commissioner Holt's question, it has been a practice of DOT that when it does go in to repave the roads or add shoulders to it that they bring it up to standard. So, I would anticipate that they would bring it up to the current standard. If it is narrow and doesn't meet current standards, they will improve it to that level.

Holt:

Thank you.

Dixon:

I hate to continue to be so skeptical. Usually, I am not skeptical about things. My continued concern is how, in this time of decreasing budget, and the one project we had is not on the work schedule, How now have we grown to include things in our county? If we couldn't get one project on, what is the chance of getting our project getting greatly increased?

Reed:

As far as the planning is concerned, that hasn't changed from the standpoint other than the fact that now you have the opportunity to look at it from a regional standpoint and you have the opportunity to lobby DOT and put forward what those priorities are for the region. That carries a little more weight than



trying to do it on your own. As Commissioner Croley pointed out, we are one of the three urban areas really in the panhandle and it is becoming more and more evident that we need to start looking at a more urban type of thing. The problems that you are running into are issues that we need to deal with today to be able to make sure that we don't have bigger problems tomorrow. Those are the type of things that we are trying to emphasize.

Dixon:

Tell me what you are dealing with today in terms of Gadsden County.

Reed:

I am not sure that I understand what you are referring to.

Dixon:

I am at a loss continually. We had this meeting 6 - 8 months ago with DOT and you guys and you told us we are no longer on the work schedule. We are having a meeting now, 8 months later, for you to tell us that we are no longer on the work schedule. But, we got a letter in and it was a good letter. I am just not getting it.

Reed:

I think that I understand. It is a matter continually pushing forward those priorities that you have.

Dixon:

I don't mind going to the Legislature and begging and everybody will tell you. I don't mind at all. But, I get the feeling that I am beating a dead horse. Not only is he dead, he decayed a long time ago. We just ought to get off of it.

Now, if that is game, just tell us, "We are not going to fund this. Get off." Even now, if we get on the next work program, it will be 2013 or 2014 for Gadsden County to get one project through CRTPA.

Reed:

There are other projects that are in here. The resurfacing program.

Dixon:

We were doing that before you, though.

Reed:

Well, let me explain. Part of the problem has to do with something that we are trying to address as well. That is that you have about 40 different funding programs that are related to this. They've got monies in little pots that are only applies to certain types of projects. Resurfacing, for example. You can't take resurfacing and use it to do a construction project for new capacity because it is not allocated that way.

Same thing for bicycle and pedestrian funds. One of the things as we move forward, one of the things we want to try to do is look at how we can better allocate those funds and not put them in just one little silo for a little bit of things, rather that pull it together so that we can fund the greater projects.

Now, DOT has committed and I think that is one of the things that they have said before, while it is not on the work program, in their minds, it has been deferred. It is just deferred out of the five year program. It has not been dropped. This project is moving forward as far as them trying to make sure that it is ready to go for construction.

I think there is a letter that you got showing that the DOT is moved forward to get permits on this project. So, it is not something that they have totally dropped. It is just something that they are having trouble funding at this point in time. The decreasing funding is something that we are constantly dealing with all the time. Since November 2006, DOT's budget has dropped \$2.5 billion.

Dixon:

You are making my point. When we had plenty of money, they deferred it.

Reed:

They deferred it in 2007.

Dixon:

They wouldn't fund it when we had plenty of money. Before CRTPA, They wouldn't fund it. They wouldn't fund it with CRTPA and now they won't fund it with

CRTPA and no money. So, I am trying to figure out why waste our time with CRTPA. You still haven't given me a rationale reason. We were doing SCRAP and SCOP before you came along, before CRTPA came along. I helped write the legislation. So, tell me what is this asset that you bring to the table? I have yet to see any of it. That is my concern. I am sure you guys do a wonderful job. It's just that you don't do a wonderful job in Gadsden County. I am trying to get there. Every time we have this meeting, you say, "We are planning and we are working." But, now we find that we are not in the plan and you have taken more of Gadsden County so you can call yourself regional, but we have less of a chance to get a project. I just can't figure that out.

Reed:

I am sorry that I am just at a loss to be able to explain the situation from the standpoint that I can't control the money. All I can do is to work with you to try to set priorities that you want to put forward. That includes the whole county. As we become larger and larger, then it becomes more critical to understanding what the relationships are between transportation, economic development and things of this type. This is what we are attempting to try to work with you to do. And deal with the needs of the growing needs of the western part of the county as well. To make sure that they are brought to the attention of those who are in charge of funding. But, I can't change the funding level that has happened as a result of the economic turndown. So, that is the issue. We can only continue to work with you to make sure that it is represented to the DOT.

Croley:

Mr. Chair, I can appreciate your frustration. That same frustration is obviously shared by some other officials in the county. However, Mr. Reed's organization that we are a part of, CRTPA, is the vehicle that the Federal Highway Administration and the Florida Department of Transportation seems to chose to work through. It is the best that we have at least have a seat at the table and that we are not alone now in that we have the other rural counties and the other expanded interest that we see there.

Now, does that bring about a legislative priority of funding of our priorities? No, it doesn't. But, at the same time, nothing beats a failure but a try. All we can do - we have already made a little headway - we are getting it back on board, they are supported it unanimously. They considered the safety element issue which would benefit the folks in District 3 or District 1 or District 5 or District 4 or District 2. We have got to work with what we have been given.

It is like Planning and Zoning and this land use map. I didn't chose it. I didn't vote for it. Don't like it. But, I have to live with it until something better comes along. So, Mr. Reed, since he has come on board, and I think he was introduced soon after I was elected and placed here by the citizens of District 2, I can only say that he has been most supportive in at least hearing our concerns.

Commissioner Lamb was there before me and he may hold a different opinion, but, for the sake of the public's time, I just would conclude that they are doing the best they can for what they have to work with at this time. We are making a little progress and I appreciate his support. I appreciate this commission's support.

Dixon:

Commissioner, I am going to write this up to my skepticism. But, you know, my problem is delayed gratification. Basically, what I am hearing CRTPA and them say is, "You shouldn't expect anything until 2013." And yet, you are drawing down money based on this regionalism because that is how the new money is coming out. You've got to go across city lines and across county lines to show your regional pull. Yet, we are not benefiting from being in the number. So, that is my thing and my concern. That is what I am going to be looking at from now on. I am still not seeing anything except for a wonderful letter. I want to see something with dollars attached to it.

Reed:

I understand your concern. The only thing that I can point to is that if we continue to put this forward and make sure that it is your number one priority for this county, there is always the opportunity. I will give you the example of Mahan Drive. It has been on the

number one list for Leon County for the last five years. The last TIP that we had, there was only \$7 million. It was in the 5<sup>th</sup> year. That project is now has turned around as a result of need and changes in circumstances. Now, it is completely funded at \$39 million. Now, a lot of that is coming from a local source to begin with, but the state is stepping up to match that. The opportunities that we have are to look for matching opportunities that makes it look more enticing and a better investment as far as the state is concerned.

Dixon:

That means that we have to have historic growth in order to draw down dollars. We don't want that. If I understand the Mahan funding, it was because of astronomical growth in that corridor. Are you telling me that is what we have to do to experience funding in Gadsden County?

Reed:

No. I think it has to do with a good plan as to how you want to grow and what those priorities are. One of the things that I pointed out to Commissioner Croley, the Quincy By-Pass is critical to this area. If you look at it from an economic development standpoint and the movement of trucks through this area, there is a huge safety issue that we need to deal with as well as a matter of preserving the downtown. Also, the fact that we talked about bicycles and pedestrians. It is not safe for people to be out there with the number of trucks that come through the middle of downtown. So, it has become a very big problem that needs to be addressed. It is something that will only get worse as time goes on. We want to help you to plan to be able to in a position to take advantage of anything that comes along.

Mr. Williams is aware that we go through cycles with these types of things. We have had downturns before with funding. The next thing that is going to come about is probably within the next 3 - 5 years, we will end up with a huge slug of construction money that will come forward. You have to be ready with projects so that they can move forward.

Dixon:

I am not stuck on the downturn because as I said earlier, when we had plenty of money, we were not in the number. So, it is not the downturn. It is absolutely the county's ability to draw down money in the midst of this rural thing called CRTPA. We have gone out on our own to put in sidewalks on streets that we know are beginning to experience part of what is proposed as this by-pass. But, I can't wait 10 years. We are going ahead now. We are a county that has no money. My needs are not going to get to Mahan Drive level. If you are telling me that is what we have to do to get some money, then I really see no need for CRTPA.

I won't prolong this any longer.

Holt:

Any of these projects for 08-09, do you see any funding other than resurfacing? Commuter is what I am looking at - bus system from here to Tallahassee - that funding? Is there anything at the state level that can help us other than that?

McCaren:

What is in the work plan - called transit - is related to the Big Bend and is not related to the proposed Star Metro proposal which is separate and not in the 08-09 funding. That would be new and would be added to the next update. Essentially, the list of projects that you are approving tonight would be what staff, the planning staff and the Regional Planning Council and CRTPA would be moving forward for the next update of the work program.

Holt:

If we are in the group, it ties our hands as far as getting funding separately. Everyone in the group is not getting funded. I understand what the process is supposed to be. Two secretaries of transportation ago told us that in a workshop - how the regional plan would work. But, the problem is when we are out there and we have one or two votes on the board/commission, our projects get delayed again and again and there is no mechanism to go out and get any help. That is some of the frustration with many counties.

Reed:

I don't think that is necessarily true, Commissioner. The reason that your project got in the work program was because of what you did outside of the group. That is within the area of what we are responsible for and we support that. But, the discussions that you had with the governor and then he consequently had with the DOT secretary generated the project. One of the things that we are doing that doesn't show up here - one of the things that we have to be concerned about is continuing funding. We are working on that right now. We have identified and are working with Star Metro to be able to have a continuing source of funds that comes from several federal programs that hasn't been tapped yet because they don't apply to urban areas. They apply to the rural areas.

Holt:

I know that and that is why I am saying that is what that substation has been before. That is why you get some tension from small counties. It is not because we are in this group, but, it is felt that we were forced into it from the beginning, then your hands are tied as far as being able to go after any other funding - if we didn't come before CRTPA and make those requests. I think that a lot of programs out there are specialized on a federal level and will bring funding and that is one of the items I was speaking to. What other funding is there for commuter travel - looking at the congestion in Tallahassee - trying to find parking and outlying areas are tying up the traffic or helping to tie up the traffic in Tallahassee by us coming in and out.

Thank you, Mr. Chairman.

**Croley:**

**Will you entertain a motion that we accept this work program with the deletion of the railroad crossing?  
You have a motion.**

**Holt:**

**Second.**

**Dixon:**

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

**All in favor, sign of "Aye."**

All:

Aye.

**5. Approval of Reimbursement for Volunteer Firefighters for Airport Drill**

This item was seeking approval to reimburse \$100.00 per fire fighter who participated in the airport disaster drill on May 22, 2008.

Chair Dixon stated that he was on the scene during the drill and he felt that the volunteers should be given something for their time.

Commissioner Lamb stated that they were well prepared and should be compensated.

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PAYMENT TO EACH VOLUNTEER WHO PARTICPATED IN THE FIRE DRILL.**

**8. Approval of Gadsden County Enterprise Zone Boundary Amendment**

Commissioner Holt questioned how to go about getting information out to the public as to what the benefits to businesses are for hiring and working within that Enterprise Zone. She said, "We need to let the businesses know that these zones are here so that we can get businesses in."

**UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE AMENDMENT TO THE GADSDEN COUNTY ENTERPISE ZONE BOUNDARY.**

**9. Approval of Big Bend Regional Health Information Organization High Speed Broadband Project**

This item was pulled for discussion by Commissioner Croley. He stated, "I don't have a problem at all with Big Bend Regional Health Information Organization High



Speed Broadband Project conceptually." He then referenced the by-laws and articles of incorporation. He questioned why they would not have any representation from the rural counties on their board, yet they are asking for the county's support. He concluded by saying, "It seems odd that this group is after the Florida Enterprise Zone status, but it doesn't seem like the citizens of this county merit a membership into their organization."

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO DEFER THIS MATTER FOR FURTHER CLARIFICATION.**

**CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS**

**Larry Ganus, 2174 Frank Smith Road, Quincy, FL - Proposed closing of Cut-Off Road**

Chair Dixon told Mr. Ganus that there would be a special meeting on that item.

Mr. Ganus replied, "So, I can't give you these petitions that we gathered this week? We have over 550 names on this petition."

Dixon:

Please don't make your argument while I am asking you not to make your argument.

Croley:

Mr. Chair, I do believe that since these people have come, now wait a minute, hear me out. Hear me out. Since these citizens have taken up their time and have come to present themselves under this "Citizens to be Heard", that they at least be allowed to make their statements in the public record and present their commission with their record in this forum.

Dixon:

Did you not inform them that there would be a meeting?

Croley:

I have not informed them of anything. They have come on their own volition.

Ganus:

There has been no public record of a meeting, either.

Dixon:

Mr. Ganus, he should have informed you. There is as he said earlier, a time that has been scheduled for that meeting. When is that time, Mr. Manager?

Brown:

Commissioner Croley and I have been discussing that we will try to have it the week prior to the last regularly scheduled meeting in July.

Dixon:

O.K. That is a public meeting. That is due to be heard before this body?

Croley:

That was the discussion. However, Mr. Chair, they still have a legal right.

Dixon:

I am not saying that. Commissioner, please don't twist what I am saying. I am saying that is a duly scheduled meeting. We should not entertain testimony until that meeting. If you have incensed these people to come, then you knew that was improper. You knew that we had a meeting scheduled and a time for which we would entertain discussion.

Croley:

I have not incensed anyone. The public has a right to give their comments.

Dixon:

Commissioner, you know you are mincing the words. This is not the same thing.

Mr. Ganus, I apologize. If you would like to leave your petitions, please do so. We will certainly hear you at the appropriate time.

Ganus:

I also have some other information on railroad and transportation, too that I would like to leave with you.

Dixon:

If you will, please. Thank you very much.

Croley:

Mr. Ganus, I apologize that you are not allowed under your citizens right to be heard.

Ganus:

That is o.k. No problem.

Croley:

Mr. Chair, point of order.

Dixon:

Commissioner?

Croley:

On behalf of those people who have apparently signed the petitions that have been filed with the Clerk, I would move that, despite the chair's decision that these folks not be allowed to make their statements, that their petitions be incorporated into the public record related to that hearing that - well, the item being agendaed on July 15<sup>th</sup> and that they become a part of that public record. Is that correct?

Williams:

Chair and Commissioners, I haven't had a chance to get with the manager to determine what kind of hearing that you are going to have. Are you going to have a quasi judicial hearing?

Dixon:

No.

Williams:

If it is, it will require sworn testimony. It may not be that type of pubic hearing.

Croley:

Not unless you are going to close the road. I believe that is what we are (inaudible) It requires proper notification and a proper public hearing. Closing a railroad crossing would constitute the closing of the road.

Williams:

Let's put it this way. With that request being made, let me research whether it is appropriate to take in testimony of any sort prior to the actual noticing of a public hearing. I want to make sure that the commission as a body stays in the

correct posture.

Croley:

Let me clarify for the record. There was a decision. There was not a public hearing in that it was simply to agenda the item because the chair requested that the item be added to the agenda. We did not have 10 days advanced notice that the item was being added. And, the consensus in here was that because I raised objection to it, that it was agreed that the item would be tabled for discussion on July 15<sup>th</sup>. At that time, it would be revisited.

Now, the issue is that these citizens have come up here for their three minutes and they are wishing to make whatever statements about their county government. This is their county government. They have a right.

Dixon:

Commissioner, let's not grand stand. Stick to the issue.

Croley:

That goes back to the point that their representation can be provided now so that they don't necessarily have to re-gather 500 signatures or whatever they have.

Dixon:

Did I not ask him to please give it to clerk?

Croley:

Yeah, but I want to make sure that it is added into the agenda.

Dixon:

Now, let's back this think up. We discussed that in our last meeting. You asked for time to convene a community meeting.

Croley:

Because they had no notice.

Dixon:

And the board agreed to that. Let me finish, please.

We also set a time to hear such situation as the last meeting in July. Did we not?

Croley:

We agreed to that item be agendaed.

Dixon:

Yes, we did. Thank you very much.

At any other time, it is alright to have public discourse. No one is against that. And, I am really disappointed that you chose to frame it in that manner that there was some of us opposed to public discourse. That is not the point and you know it well. The point is - when an item is scheduled, you will entertain conversation on that item and on that day. Now, if they want to put some information into the record, please do so. But, this is just a point of order for the meeting. It is no about an attempt to deny someone their right to free speech or to speak at a meeting.

Croley:

Commissioner, I remind you, I remind you that this commission is fully prepared to vote on closing those railroad crossings until we brought it up and resisted.

Dixon:

Commissioner, you are doing just what I asked us not to do.

Croley:

Well, that is what is happening.

Dixon:

Yes, sir. Are you speaking on something other than the crossing?

Unidentified audience member:

I am speaking for my business.

Dixon:

On the railroad crossing, sir?

Unidentified audience member:

I am speaking on Salem Road.

Dixon :

O.K., We are not going to entertain that at this time.

Unidentified audience member:

Are you refusing to hear my comments?

Dixon:

We will take your information, we absolutely will.

Unidentified audience member:  
Are you refusing to take my comments?

Dixon:  
If you want to make your comments, feel free.

Unidentified audience member:  
I do. Salem Road is the lifeline for eight businesses, three ag businesses and approximately 140 people. That road affects 140 people's jobs. There is one end that is industrial and one end that is residential.

How many of ya'll have traveled Salem Road in the last year? Did you go on the dirt road, Commissioner Holt? How wide is it?

Holt:  
I didn't measure it.

Unidentified audience member:  
I'll tell you. It is 12 ft. wide in some places and 18 at others. You are talking about putting semis coming in there. There are 30 a day at one location and more than 10 at the other location. You talk about putting that onto a dirt road and it is going to affect businesses and people's lives. I think you need to consider that.

For a county that is trying to propel into the 21<sup>st</sup> century and not notify businesses that are located on that road and people that are located on that road that you are going to close those crossing is truly bad business and pretty bad (inaudible).

Dixon:  
I think you have been misled, sir.

Unidentified audience member.  
I am just saying

Dixon:  
I understand, but please make your point, but you have been misled.

Unidentified audience member:  
My point is this - I got notified from the Havana Herald. Is that the place that the citizens in this county is supposed

to get their notification from - about a road that will affect 140-150 people - that work on that road. That is their lifeline.

Ladies and gentlemen, we need to consider that. Are you going to close down one section in a structure to open another structure on the other end of the county for the benefit of an out of the county company. I think not. There is going to be a fight in Gadsden. I hope ya'll look at this closely before ya'll make that decision.

Thank you.

Dixon:

Mr. Ganus, come on back.

Ganus:

I was hoping you would change your mind. May I see my petitions back because I want to use the information from DOT.

Holt:

Mr. Chairman, a question.

Do we need to rehear this on that day.

Dixon:

No ma'am.

Holt:

So, we won't need to hear these on that day.

Ganus:

As Mr. Jones stated, there are a lot of people affected by this.

Dixon:

Excuse me, state your name for the record.

Ganus:

Larry Ganus.

Dixon:

Thank you.

Ganus:

There are a lot of people upset over in the Havana area about

the proposal to close the crossing at Cut-Off Road. We have, as I said, over 550 signatures on a petition which I would like to read and get into the record this evening. This is entitled "Petition to the Gadsden County Board of County Commissioners Concerning the Proposed Closing of Any Railroad Crossing on Salem Road."

"We the undersigned are opposed to a proposed closing of any railroad grade crossing on Salem either at Cut-Off Road or at the South end of Salem Road. We feel that these crossings are too valuable as county assets to be considered for closing, particularly when used to promote development in another jurisdiction and considering the negative effect it would have on local traffic, businesses and residents. We further feel that it has been inappropriate for our Board of County Commissioners to have considered this matter without first having held public hearings to explain the necessity and to receive public input into the decision.

This is respectfully submitted the 17<sup>th</sup> day of June, 2008"

I think that pretty well summarizes the feelings of the folks that signed this. They signed it knowing what they were signing.

In the meantime, I have also gathered some information from the Department of Transportation from the lady who handles railroad crossing inventories in the State. The crossing at Cut-Off Road has a lot of traffic. They have listed over 3400 crossings a day. Also, it has a good safety index rating. So, there is not a compelling reason to close that crossing because it helps to disperse the traffic in the area and it is a benefit to that area. As Mr. Jones said, a lot of businesses use it to get access to their businesses. The employees use it and even commuters from Georgia use it. You stay there in the intersection for very long, you will see a lot of Georgia traffic coming through. So, there are a lot of good reasons to keep it open. I has been open since 1983 as far as I can tell from the information I received. That is 25 years that the intersection has been open. It is well used by a lot of us. We do not want to see it closed.

Thank you very much.

Dixon:

Thank you, Mr. Ganus.



Mr. E.F. Cotilla?

Cotilla:

My name is E F Cotilla. I am one of the business representatives from that Salem Road area. As the people who talked before me put it so eloquently, that would be a great disruption to our lives. Not only being able to get to and from work, but also on the added miles and the fact of all the gas and the extra traffic we would have to deal with to go all the way around Highway 12 to get to our businesses. Not to mention all the 18 wheelers that come to my business delivering. They would not be able to traverse through the dirt road that you are proposing that they would be able to get through. It would be unsafe and it is very impractical as far as I can see it.

Also, there is a tax revenue that supports our county through those businesses and properties in that area. That development, as I understand it is not really producing that much of a tax base for the county to profit from. Quite the opposite. I would like for our voice to be heard on this issue as opposed to an out of town developer, basically, that is not really serving our best interest. Most of us live and work in this area and we appreciate the work that the commissioners do to serve our people in this community.

Thank you for taking the time to listen to us and our concerns.

Dixon:

Thank you, Mr. Cotilla.

Do we have anyone else who wants to speak on that issue?

Ms. Newsome, come on up.

Newsome:

Good evening, Commissioners. My name is Chastine Newsome and I am here to ask you one question. Has the Commission talked with Senator Nelson about help for the Gadsden County Hospital?

Dixon:

Yes, ma'am, we have.

Newsome:

And are you going to go with, are you going to try to work

with Senator Nelson on that or are you going to go along with the plan that you already approved to go on the ballot.

Holt:

Ms. Newsome, I spoke to one of his aids the other day. We are trying to get funding from him also. This is an effort put together to try and use all resources necessary. I spoke with her last Wednesday.

Newsome:

Well, the citizens would prefer themselves, to have a one cent sales tax and work with Senator Nelson. I think that would be the best thing for the citizens of this county. A lot of citizens do what they need to do for themselves - what they want to do for themselves. And work with Senator Nelson instead of giving them this proposal that you have already put on the ballot in 2006 and they refused it. Rejected it. I think they are going to reject it again in 2008. So consider that.

Dixon:

Thank you, Ms. Newsome.

**9-A. Resignation of County Growth Management Direction - Arthur Cyr, 320 Deer Ridge Estates, Havana, FL**

Mr. Arthur Cyr presented original petitions signed by the people of District 1 who commended the work performed by the former Growth Management Director Bill McCord and they opposed his resignation. They cited that they believed that he was serving the public's interest and they were terribly disappointed to learn of the circumstances of his resignation. He asked that the petitions be placed in the public record. They were received by the clerk and marked as an Exhibit to the minutes of this proceeding.

**PUBLIC HEARINGS**

**10. Public Hearing - Approval of Gadsden County Hospital and Indigent Health Care Ordinance**

Attorney Williams announced the opening of a public hearing to consider an ordinance for the indigent healthcare surtax. He gave the following background: April 15, 2008, BCC gave direction to develop a

comprehensive healthcare plan.

May 6, 2008 - Comprehensive healthcare plan approved by BCC. BCC directed the staff to develop and advertise and ordinance to place the indigent surtax on the August 26, 2008 ballot for referendum for voter approval of the indigent care surtax.

June 6, 2008 - advertisement in local newspapers and filed with Clerk of Court for public inspection.

Mr. Williams reviewed the FL Statute regarding the county's ability to use the surtax revenue for support of the hospital and the ability to pledge the revenue for bond indebtedness. He then read the title of the ordinance into the record.

Chair Dixon called for public comments.

**Ms. Chastine Newsome** again referenced statements made by Senator Nelson regarding a plan and funding for the hospital. She implored the board to work with the Senator because he "knows where the money is and he has the money. We don't want to hear anymore about all this other. If you don't consider the plan for the citizens, I'm going to have a friendly nice protest against your plan."

Commissioner Croley asked for clarification by saying, "Based upon the recommendation of the healthcare and hospital consultant, the citizens committee that reviewed the plan and the input from the hospital board, that there was a recommendation to allow the citizens to again have the opportunity to vote on the healthcare tax. I do have concerns about the plan as presented...So, what I am trying to understand is the agreement to allow the citizens to vote on the healthcare tax, since time is of the essence, require our concurrence with the way it is written or will we have the opportunity to revisit that. Then the second part of that is that I am not ready to commit to place the county in debt as far as bonding tonight...I have no problem to consider a plan in the future that may involve bonding, but I am not willing to vote to go forward on the ballot if I am being required to commit to bonding tonight."

Following a lengthy and contentious discussion, Commissioner Croley asked that the language in the proposed ordinance be changed so as to require a supra majority vote of the county commission to commit the funds for bond indebtedness.

Hospital consultant Joe Sharp stated that if the board could not move forward on the surtax to provide funding that could be pledged for debt, the reopening of the hospital before the license expires was highly unlikely. If the license expires, the county must go through the process of a certificate of need.

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSINE LAMB TO APPROVE THE ORDINANCE WITH THE AMENDMENT TO REQUIRE A SUPRA MAJORITY VOTE BEFORE THE PROCEEDS OF THE SURTAX CAN BE PLEDGED FOR BONDING.**

Following more discussion and at the request of the chairman, Commissioner Croley withdrew his motion and Commissioner Lamb withdrew the second.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO DEFER THIS AGENDA ITEM TO THE END OF THE MEETING.**

**10A      Approval for Addition Budget Authority to Gadsden  
Community Health Council OMB-BA# 080089**

This agenda item requested approval from the Board to provide additional budget authority to the Gadsden Community Health Council. The additional resources will be utilized to educate the citizens of Gadsden County about the proposed Gadsden County Comprehensive Healthcare Plan. It was a companion item in support of the public hearing requesting that the board approve the placement of the Voter-Approved Indigent Care Surtax Ordinance on referendum for the August 26, 2008 primary election.

**This item was moved to the end of the agenda along with the previous item.**

**11.      Public Hearing - Request for Transmittal of a  
Comprehensive Plan Amendment for the Public Schools  
Facilities Element and Related Text Amendments to the**

**Capital Improvements Element and Intergovernmental  
Coordination Element (CPA-2008-02AD)**

Interim Growth Management Director Jill Jeglie introduced the above named item to the board. Ms. Amy O'Donnell then briefed the board on the history and purpose of the amendment. See the details in the attached agenda report. This meeting was scheduled and advertised as a public hearing to hear and take comments from the public as well as to seek approval of the draft Public School Facilities Element (PSFE) to the Comprehensive Plan which includes amendments to the existing Capital Improvements Element (CIE) and Intergovernmental Coordination Element (ICE) and their subsequent transmittal to the Florida Department of community Affairs (FDCA)

Discussion followed among the board.

Chair Dixon called for public input, questions and comments. There was no response. There being no public comments, the chair called for a motion.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY  
COMMISSIONER PRICE, THE BOARD VOTED 3 - 0, BY VOICE  
VOTE, TO APPROVE THE TRANSMITTAL OF THE ABOVE DESCRIBED  
COMPREHENSIVE PLAN AMENDMENT (CPA-2008-02AD) .  
COMMISSIONERS LAMB AND CROLEY WERE NOT PRESENT FOR THIS  
VOTE.**

12. **Public Hearing - Funding of Adopted Commissioners  
Priorities Resolution No. 2008-030 OMB-BA# 080087**

County Manager Marlon Brown introduced the resolution and budget amendment named above. They represent the funding of the budget priorities approved by the commissioners on March 31, 2008. \$1.2 million for construction of two Boys and Girls Club Facilities; \$200,000 in funding for the construction of an addition to Supervisor of Elections Building; \$1.5 million in funding of additional road paving projects; \$500,000 in additional funding for bridge repairs and maintenance. The remaining priorities and goals discussed at that meeting were used by staff as policy guidance in the current development of the tentative FY 2009 budget.

Chair Dixon called for questions or comments from the

public. There was no response.

**A MOTION WAS MADE BY COMMISSIONER CROLEY TO APPROVE THE FUNDING DESCRIBED ABOVE. THE MOTION DIED FOR LACK OF A SECOND.**

Commissioner Holt asked if any of the funds in question could be used for renovating the hospital.

Davin Suggs stated that the \$1.2 million allocated for Boys and Girls club and the \$200,000 for the Supervisor of Elections could be used toward the hospital renovation, but the other funds are dedicated transportation money and could not be used.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE NAMED RESOLUTION AND BUDGET AMENDMENT. (Commissioner Lamb was not present for this vote.)**

**13. Public Hearing - Request To Fund Two (2) Positions for the 2<sup>nd</sup> Judicial Circuit for State Fiscal Year 2009 OMB-BA# 080086; Resolution 2008-027 (Trial Courts Marshall and Circuit Liaison)**

The above item was introduced by the county manager.

Commissioner Coley asked for more information about these two positions to which the manager stated he would provide.

Chair Dixon called for public comments.

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

**14. Public Hearing - Approval of Resolution 2008-029 and Acceptance of Emergency Medical Service Matching Grant Number R7001 Grant Award from the Florida Department of Health, Bureau of Emergency Medical Services (EMS) OMB-BA# 080085A & B**

County Manager Marlon Brown said that the above stated grant would be used to purchase a new Type I ambulance

and cardiac monitors. It will require a match of \$13,500.

Chair Dixon 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 THE ABOVE STATED GRANT.

**15-A Approval to Renew Insurance Programs with Public Risk Insurance Agency (PRIA) for an Extended Renewal Option**

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RENEWAL WITH PRIA.

**15-B Approval of Resolution No. 2008-026 Establishing the Gadsden County Affordable Housing Advisory Committee (AHAC)**

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

**15. Approval to Award RFT 08-06 to PHI Air Medical for Emergency Air Medical Transport**

County Manager Marlon Brown briefed the board on the above named agenda item giving the details contained in the agenda report.

The following people made comments and answered questions by the board: Randy Lehman, Air Method Corporation; Brian Beasley, EMS Director; Mr. Ragsdale PHI.

Discussion followed.

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TENTATIVELY AWARD THE BID TO PHI AND TO NEGOTIATE A CONTRACT WITH THEM. HOWEVER, THERE WAS DIRECTION GIVEN TO THE STAFF TO ALSO CONTINUE DISCUSSION WITH AIR METHODS TO WHICH PHI HAD NO OBJECTIONS.

**COUNTY MANAGER'S AGENDA**

**16. Discussion of changes to the Value Adjustment Board**

County Manager Marlon Brown briefed the board as to the changes to the process of the Value Adjustment Board. See the agenda report for details. He then asked them to make the appointments to the Board.

Chair Dixon appointed Commissioner Holt, Commissioner Croley and Ms. Emily Rowan to be the private citizen's representative on the Value Adjustment Board.

**16-A City of Tallahassee City Commission Agenda Item Regarding the Gadsden County/Tallahassee Transit Shuttle**

This agenda item was for informational purposes only. See the agenda report for details.

**10. Public Hearing - Approval of Gadsden County Hospital and Indigent Health Care Ordinance** - revisited

This item was deferred to the end of the meeting. Discussion continued.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSINER LAMB, THE BOARD VOTED 5 - 0, BY ROLL CALL VOTE, TO APPROVE ORDINANCE 2008-025 WITH THE AMENDMENT TO REQUIRE A SUPRA MAJORITY VOTE BEFORE THE PROCEEDS OF THE SURTAX CAN BE PLEDGED FOR BONDING.

**10A Approval for Addition Budget Authority to Gadsden Community Health Council OMB-BA# 080089**

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

**COUNTY ATTORNEY'S AGENDA**

17. Mr. Williams had no matters to discuss.



**DISCUSSION ITEMS BY COMMISSIONERS**

18. There were no reports made by the commissioners and no discussion items brought forward.

**19. Receipt and File**

- a. Letter to The Florida Fish and Wildlife Conservation Commission Regarding No Wake Zones at Lake Talquin
- b. Letter to Gadsden County Health Department Regarding Wetumpka-Lake Talquin Community/Neighborhood Plan Focus Group Meeting
- c. Letter to Municipalities Regarding Public School Facilities Element - Waiver Approval and Waiver Application Form
- d. Letter from Gadsden County School Board - School Facility Element/FDCA Waiver
- e. Letter to Boys and Girls Club of the Big Bend Responding to a Fee Waiver Request
- f. Letter from the Department of Environmental Protection to Florida Gas Transmission Company Regarding Rustling Pines Subdivision
- g. Letter from the Department of Environmental Protection to Global Investments and Properties Regarding a Wetland Resource Permit
- h. Letter from the Department of Environmental Protection to David and Regina Shields Regarding the Settlement of a Fill Violation
- i. Letter from the Department of Transportation to the Department of Environmental Protection Regarding SY 10 (US 90) East to SR 12 - Quincy By-Pass
- j. Notice from Federal Energy Regulatory Commission - Florida Gas Transmission Company, LLC
- k. Request for Fund from the Original Florida Tourism Task Force for FY 2008-09

- l. Big Bend Regional Partnership May 12, 2008 Meeting Summary
- m. Tentative Budget Request from Chief Judge Charles A. Francis
- n. Legislative Office of Economic and Demographic Research - Notice of 1.35% Property Tax Cap Workshops

**July Meetings**

- July 1, 2008 - Regular Meeting
- July 8, 2008 - Budget Workshop
- July 15, 2008 - Regular Meeting

**ADJOURNMENT**

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

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Edward J. Dixon, Chair

ATTEST:

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Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS HELD IN  
AND FOR GADSDEN COUNTY, FLORIDA ON  
JULY 1, 2008, TH FOLLOIWN  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: Edward J. Dixon, Chair, District 5  
Eugene Lamb, Vice-Chair, District 1  
Doug Croley, District 2  
Derrick Price, District 3  
Brenda Holt, District 4  
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

County Manager Marlon Brown led in the invocation and Attorney Williams led in pledging allegiance to the U.S. flag.

Amendments to the Agenda.

The following changes were made to the agenda:

- Delete Item 8. - Approval of Senior Management Severance Pay Policy
- Delete Item 9. - Presentation of Bid Protest Report and Approval of Recommendation of the County Manager with Regard to RFP 7-10 (To be rescheduled.)
- Add Item 10A - Cox Lane Status

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

Awards, Presentations and Appearances

1. Approval Resolution 2008-032 in Support of the Big Bend Regional Health Information Organization (BBRHIO) High Speed Broadband Project

The Florida Agency for Health Care Administration (FAHCA) and BBRHIO, along with a group of health care stakeholders from the public and private sectors, propose to connect nine hospitals in eight rural counties in the Panhandle and Big Bend regions to the Big Bend Regional Healthcare Information Organization in Tallahassee and the Escambia Health Information Network in Pensacola. The rural counties include Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Madison and Taylor. All of the counties fall under Florida's Enterprise Zones as outlined by the Economical Development Council. The attached resolution is Gadsden County's support of that effort to allow for the information exchange services that this telecommunications project will bring forth.

Dr. Henry Grant, Ms. Beth Kirkland and Mr. Allen Byington addressed the board.

Mr. Byington stated that this organization was created in January 2005 at the request of the Agency for Health Care Administration (AHCA) to begin the regional effort for healthcare information exchange. The focus is geared toward exchange of health information records about the treatment and care of patients in a secure and private manner.

He continued saying, "We have been focusing the last three years on infrastructure and software interfaces to exchange data electronically between the different stake holders in the community. So, the information between TMH and Capital Regional can be shared in real time electronically versus phone calls and waiting on faxes. So, that is the 10,000 ft. view of that effort.

The majority of the board members are either CEOs or practice administrators representing the major stake holders in the community. Tallahassee Orthopedic Clinic, Southern Medical Group, and the like. So, we have two hospitals, CHP and several other key medical stake holders seated on the board that have been guiding and directing this effort for the last three years. The executive committee is made up of myself and Dr. Kaelin Dr. Kaelin is chairman of the board. The Board and executive committee are working in pro bono capacity to see this effort through. We have been grant funded a total of about \$850,000 from AHCA and that has been matched with the required 50% match. So, we have invested nearly \$2 million over the last two and a half years in creating the infrastructure to exchange that information

amongst the stake holders in the metropolitan community. Since inception, the Big Bend RHIO has kept in the forefront the need to outreach into the rural communities. But, the effort was contained in the metropolitan area first to get those folks and the technology in place to exchange records amongst themselves. The FCC, early last year, put out a proposal, or the order seeking proposals to connect rural hospitals. They are trying to distribute the universal service through rural healthcare fund that has been aggregating a significant amount of funding over the past eleven years that the program has been in place. They have only distributed only 10% annually of the \$400 million that has gone into that coffer.

So, in soliciting proposals to connect rural hospitals, predominantly not for profit hospital, the Big Bend RHIO, in partnership with AHCA, submitted a proposal to the FCC to secure funding to create a dedicated broadband network serving the rural healthcare hospitals. We did that. We were successful in receiving the grant funding to create the infrastructure that is in that proposal. We are now beginning the outreach into this rural communities to get them on board, get them educated into what the RHIO is doing at the core and what this project really means.

Beth can explain why we are looking for the document from you that we are looking for and how it is impacted into us raising funding to contribute a 15% required match by the FCC to fund this project."

Beth Kirkland explained, "The Federal Communications Grant is a total of \$9.6 million and the required match is approximately \$1.5 million. One of the vehicles that we have determined may help us fulfill that match is the Enterprise Zone, the State Enterprise Zone Program. As it were, all of the eight counties included in the grant are Enterprise Zone counties. So, we have reached out to each of those counties asking that they pass this required resolution (a document that the state requires) so that BBRHIO can become an approved sponsor of the community contribution tax credit program of the Enterprise Zone. Henry Grant has been helpful in establishing all of the documentation. He supplies the letter of approval from the Enterprise Zone Agency, then the Board is asked to supply the resolution in support of this. What this does is that the state annually has approximately \$10.5 million that can be returned to for-profit companies in

sales and use tax credits, insurance premium credits or corporate income tax credit if they make a donation to an approved 501(c)3. \$7 million of that is typically for low income housing and those types. An example would be Habitat for Humanity. A lot of banks will make donations to Habitat for Humanity and get a tax credit for doing that. \$3 million is for other. Under the "Other" category is the IT Broadband infrastructure for rural counties. The statute was written that way on purpose, but hardly any counties in the State of Florida have come up with a solution that actually takes advantage of the statute. This is very unique that we could get a federal grant for this infrastructure, have eight counties that qualify according to the federal government because of the not for profit hospital status, then be able to get the infrastructure into these counties. AS we move forward to have that exchange of electronic exchange of record, the patients that have travel needs to get to the medical centers for their healthcare - they can stay in their communities, their community hospital, their community healthcare centers and still get the X-rays and other diagnostics back and forth to the urban centers.

That is why we are requesting the resolution. Gadsden County will be number eight of the eight counties. We hope that it will be approved this evening. There is a time line with this. We are on the first day of the state's fiscal year, July 1 - 15 is the time period in which the for profit entities will file their applications, make their donations, file their applications for the credits and hopefully in total, those donations will help us to meet the match for the FCC grant."

Commissioner Croley pointed out that there are no representatives on their board from the eight rural counties from which they have solicited support. He asked, "How do we have input into that?"

Mr. Byington replied, "It is the board's intent as time moves forward and progress is made in these efforts, is to outreach into the rural communities and into the rural counties in which healthcare is shared among the rural and metropolitan areas and get representation over time. As this effort has evolved the way it was evolved with virtually no funding other than state grant funding up to this point, there has not been a more cohesive and formally organized group to run this operation day to day. That is emerging and we are now getting out of testing and into production of exchange of

records in Leon County among those stake holders. We are ready to reach out into the rural communities. We are not trying to do it in a vacuum, but we are trying to do it in stages and we are trying to get to a point where we can effectively operate in a more formalized fashion. We are getting there.

But on this particular project, the only thing we are asking for is to help us get the status so we can attract investors to invest to meet that 15% match to create this network that the FCC has solicited us to create and try to raise the 15% required match - try to raise that outside of these communities, so we don't have to these communities that do not have significant resources to even help with the 15% match."

Ms. Kirkland added, "The rural communities have been touched through the Regional Mayoral Initiative. Some of the mayors within the municipalities in Gadsden County have heard about this project through their participation in the Regional Mayoral Initiative. We will also have our first opportunity tomorrow to present to the Opportunity Florida Board of Directors. From there, we are proposing a summit with all of the counties involved that are listed within the FCC order, the week of July 24. We are firming up a date, place, and time, then we will be reaching out to all the rural communities and stake holders. We will be asking Marlon and Henry to assist us in pulling together a list of stake holders from Gadsden County, as we will do with all of the other counties...With future grant proposals, we hope to also take it and connect to Jacksonville. It is quite an opportunity for our region to bring broadband to the rural communities between Escambia County and Jefferson County.

Discussion followed.

Commissioner Croley referenced page 2 of 10 of the By-Laws, Section 3.03 - Election and Removal - "It is the intent of the board to consist of representatives of the entities initially appointed by the board of directors unless determined otherwise by two thirds of the board of directors." He went on to say that, the program is a wonderful thing, but he would like to see them come back to the Gadsden County and keep them informed and "in the loop" and the project moves forward.



UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE RESOLUTION 2008-032.

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

**CONSENT AGENDA**

**1. Approval of Minutes**

March 31, 2008

**3. Ratification of Approval to Pay County Bills**

Warrant Registry dated June 20 & 27, 2008  
Payroll dated June 19, 2008

**4. Approval of Travel for Commissioners Dixon, Croley and Holt to the 2008 Annual Chamber Community Conference in Amelia Island, FL on August 8 - 10, 2008**

**5. Approval of Bid Award to MST Construction Company of Havana for the Replacement of Fuel Tanks at Sheriff's Garage**

**6. Approval of Public Works Mosquito Control Budget FY 2008-2009**

**7. Approval of Insurance Coverage for the New Wetumpka Substation**

**8. ~~Approval of Senior Management Severance Pay Policy~~  
Deleted per the amended agenda**

**9. ~~Presentation of Bid Protest Report and Approval of Recommendation of County Manager in Regard to RFP~~  
Deleted per amended agenda - to be rescheduled**

**CONSENT ITEMS PULLED FOR DISCUSSION**

There were no items pulled for discussion.

**CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS (3 MINUTE LIMIT)**

The following people addressed the board opposing the issuance of a permit to allow a benefit and music festival at the Bear Creek Ponderosa.

**Jim Brantley, 2553 Old Federal Road, Quincy, FL**  
**Rev. Charles Houston**  
**Roy Mullis, 565 Gould Road, Quincy, FL**

County Manager Marlon Brown told the board there is a request to conduct a festival at the Bear Creek Ponderosa. The applicant's permit request indicated that the number of patrons expected to attend the festival did not reach the threshold for board review. He said it would be dealt with administratively. The attendance is expected to be fewer than 500 people and it will be held for only five hours, therefore exempting them from the requirements of the ordinance. He went on to say that if the applicant meets all of the ordinance requirements, the staff nor the county would have a reason to deny the request.

Commissioner Croley stated that when he spoke to the manager earlier about this matter, he was left with the impression that it would be on the agenda. However, it did not appear on the agenda. He asked the manager to explain.

Mr. Brown replied, "Commissioner, what I said was that I was considering putting this on the amended agenda. After I had a discussion with each commissioner informing them about what this issue was and looking back at the ordinance and seeing that it was an administrative item, I saw fit that it did not need to go before the Board of County Commissioners. As such, Commissioner, being an amended agenda, I did not put it on the agenda."

Commissioner Lamb stated that he felt this is a matter that should be brought to the Board.

Chair Dixon called for the commissioners not to usurp the manager's authority as provided in the ordinance.

**PUBLIC HEARINGS**

There were no public hearings.

**GENERAL BUSINESS**

**10. Approval to Transmit - Ocklawaha Ventures, LLC**  
**Comprehensive Plan Amendment (CPA-2000-09) Changing 68.88**  
**Acres from AG 3 to AG-1**

**Cohen Comprehensive Plan Amendment (CPA 2006-10) Changing**  
**29.15 acres from AG-# to AG-1**

Owners: Jason Boone, Eric Cohen & Robert Dutton, Sr.  
Applicant: Jason Boone, Eric Cohen & Robert Dutton, Sr.

See the minutes of December 5, 2006 for previous board action.

Interim Growth Management Director Jill Jeglie addressed the board explaining that the board previously heard the amendment applications on December 5, 2006 and voted to delay action on them until the county had an opportunity to complete the Wetumpka-Lake Talquin Neighborhood Plan (WLTNP). Since that time, the County held three meetings to receive input and develop the WLTNP. At the last neighborhood meeting, the two above stated land use amendment applications were discussed. There was a general agreement to allow those applications to move forward to the Department of Community Affairs for review prior to the completion of the WLTNP completion.

It was also noted that the policies resulting from those neighborhood meetings would be reviewed by the Planning Commission in September.

Chair Dixon stated that he had asked Ms. Jeglie to place this matter on the agenda.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ALLOW THE AMENDMENTS TO PROCEED TO A PUBLIC HEARING IN FRONT OF THE PLANNING COMMISSION AND SUBSEQUENTLY COME BACK TO THE BOARD AND ULTIMATELY TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS FOR REVIEW.**

**Cox Lane Status Report**

Attorney Williams called attention to the material related to Cox Lane on the amended agenda. He recommended, "Marry the condition for the placement of the utilities with a requirement that an application be submitted for the (street) connection permit. If it is approved, then the utilities and the connection permit can be granted. If it is approved, then, if the homeowners do not like it, they can appeal it. If it if it is denied, applicant can appeal it. The second condition is that you allow staff to provide you whatever conditions they think are appropriate, or deny it if they think it is appropriate and allow staff fact finding latitude. Mr. Chair, that is my recommendation."

Dixon:

Let us hear from the proponent, Attorney Marva Davis.

Davis:

It has been quite a long time and we are back before you. I will make my comments short. I really believe that it is time for the utility permits to be issued and we believe that is a function of your administrative body and that is where it should be administered. We do not believe that there should be any conditions other than the issuing of the permit. We believe that when that permit is issued, that it will show that we will be in compliance with your requirements to properly install those utilities. That is where the inquiry should end. We just don't believe that there should be this tie-in-connection and any more requirement that we come back before you for anything and that the appropriate body will be your administrative body - They have all the rules and regulations. Obviously, we know that we must comply with all the appropriate rules and regulations. We do not feel that anything additional should be tied to this permit. That is basically our position.

Dixon:

Mr. Ed Freeman?

Freeman:

Commissioners, how are you doing tonight?

These are prescription glasses that I have tinted and I need them to see, so I am not wearing sunglasses in case you think that.

Commissioners, I have read this law a dozen times. I have talked to three different land use attorneys in the last week. Nowhere in the Florida Statutes does it say that you all have the authority to do what you are doing. Number one, the statute lays this out very clear so there wouldn't be a conflict.

There is no way that laying utility lines in a roadway can be considered development. When you have development, you have to divide land into three or more parcels and do some kind of construction. These utility lines go in an existing road and they are covered up and that road is still the same.

The other thing is, it says they are exempt from anything going for a public hearing when they are going to be installed by a utility authority. Well, we have a permit applied for by the City of Quincy.

Now, I have been told by the people who applied for the permit that they were threatened -that their jobs would be taken from them simply because they applied for this permit. The DEP permit clearly states that the owner of these utilities is the City of Quincy. The State of Florida approved this and sent it out to everybody in the county including emailing a copy of it to Chairman Dixon. Everything would take place on Cox Lane, that the sewer tie in would be down at Pat Thomas Parkway. It was spelled out almost two years ago. Two years ago. DEP approved it and sent it to everybody.

The problem is - if you all do what the attorney suggested here tonight, I will promise you this. I will have a suit filed by tomorrow. This has cost me over \$40,000 in lost time and wages and countless monies that it has cost Ms. Ford. Without this project moving forward, she could lose her loan and there are all kinds of commitments that could be lost because of this. This is some sort of political game that you all are playing. It is not a game to me. This is my life. This is my livelihood. It is an attempt to destroy me - that is what it is. Now, I am not threatening you, I am promising you. I will file a lawsuit

tomorrow for the simple reason that you all are violating ethics. How could people be threatened to loose their job when your own staff is telling you that you cannot consider installing utilities as, you know, construction. It is not considered development. There is no way. I mean, we have done this for many, many years. No utility authority accepts the lines until they have been tested and inspected.

Now, if you read the DEP permit, once those lines have been tested and inspected, the City of Quincy will own those lines. They belong to the City of Quincy. The only thing that we are asking from you all is the right to put those utilities in the road. It has nothing to do with Cox Lane Subdivision. It has everything to do with the utilities going up to Cox Lane. Once the utilities hit Cox Lane, you know, that is my job and I am done with it.

As for the driveway connections and all of that, I think that is not, I mean, we didn't apply for the permit. We did initially and we were told by this commission to go back and get the City to apply for it. The City applied for it. Then, we find out that people are getting fired. The man is telling me, "Well, I have been threatened. My job is at stake and all kinds of stuff." I said, "What is going on?" Then we found out that even the very man that wrote the letter from the County, the guy in charge of Public Works gets fired because he is saying that you cannot do this.

Something is wrong. I am going to have the Ethics Commission look into this. I am going to have so many people looking at this thing that you are going to wish you hadn't done this. I promise you that.

Dixon:

Mr. Freeman, you obviously have us mixed up with the City of Quincy.

Mr. Garcia?

Thank you, Mr. Freeman, I appreciate it.

Garcia:

I guess you all know me by know. I am Jason Garcia, consultant for the developer.

I think everybody has gotten emotionally tied to this thing. I am now on a first name basis with you all. But, at the end of the day, I think it gets down to two simple deals. The county attorney has made it pretty clear that the placement of utilities is pretty straight forward. It has found it's way here to this commission, but it is really a staff issue. There is an appeal process, but the law, I think, is pretty clear.

With regard to the driveway connection permit, I want to ask Mr. Presnell - How would we physically obtain a driveway connection permit? I don't know of a way for our development to get a driveway connection permit from the county. It is physically impossible. We have a connection to the City. We do not have a connection to the County. There is not a physical connection. What I am understanding that you are saying is to tie the two together as a caveat. I am confused because I do not know of a physical connection that we have to Cox Lane - our development.

Presnell:

Good evening, Commissioners. Only if you intend to connect to Cox Lane - other than utilities. If you intend to place a culvert, yes, there are. Jill can give the specific numbers. There is a Code - an existing code. The public works end of it is that we make sure - Growth Management has the forms and that is where you apply. Public Works makes sure that you have the right lengths, mitered ends and things of that nature - the right pipe and that it is placed properly, line of sight and that sort of thing. Jill can speak more specifically about the Code.

Garcia:

But, if you look at the actual map, the zoning map, we don't physically touch the county right-of-way. We are connected to the City. Any culverts would be from the centerline of the road which is county to the north city to the south. We don't physically connect to the county right of way. The city connects to the county, but there is not a physical connection between us. So, I think that while we have these emotions going on today, really, when you get down to it, it is a simple technical discussion there.

There is one comment that I would like to make before you

address that. I understand that in reading the review as far as the opinion that this issue should go back to staff. According to the email from Ms. Jeglie, if you look here, you guys have a letter from Bill McCord back in February, where that is exactly what he said. There is a three page memo here. So, we have four months here of fooling around about this technical issue, when you had this back in February. Again, I think we only have a simple technical issue here. I have a plat map here if you would like to look at it where you can physically see it - the connection issue.

Williams:

Just for clarification, and Mr. Presnell, I may need your help on this, but I thought there was a connection there, a driveway, and entrance way, if you will, off of Cox Lane into the subdivision. Is that not accurate?

Presnell:

If you look at the plans that I have seen, unless they have revised those plans, the plans that I saw had a driveway connection to Cox Lane. The drawing also showed what land had been annexed. If my memory is correct, it went to the back side of the ditch - the annexation. Is that correct?

Williams:

Mr. Presnell, just so the commissioners are clear, and this is an example of why we have had to work through these issues, just so that the commissioners are clear, if they want to have a drive way that touches the county's road, Cox Lane, do they have to get a permit from the County?

Presnell:

Any other development has. We review them everyday.

Garcia:

Here is the actual plat that has been recorded with the County.

The City of Quincy right-of-way goes to the center of the road and the county goes to the center of the road to the north. So, our physical driveway connects to the City of Quincy. We do not physically connect to the County.

Presnell:

It is a county maintained road.



Garcia:

Right. But, this is the right-of-way and this part is actually city, though.

Williams:

Commissioners, this is an example of the kinds of issues that you are dealing with. The law is not designed to put the citizens of Gadsden County in a situation that doesn't allow them to look at impacts. The law is designed so that you can look at impacts. So, what we are basically hearing is that we have a situation - Let' assume for purposes of discussion, that the connection actually does go to the city piece of property. They still, at some point, must drive on a county road. At some point, on some basis, there is a regulation that the county has. What I am trying to outline is that I can't tell you what the outcome would be of that review. But, to suggest that the county can't review the connection or the use of the county road, I think is going one step too far.

Garcia:

That goes back to the Comp Plan amendment. The Comp Plan Amendment addresses the level of service and traffic circulation.

Dixon:

Which Comp Plan amendment, Mr. Garcia? The original or the one you all sent back?

Garcia:

The amended Comp Plan Amendment.

Dixon:

Which is which?

Garcia:

It was the one that ended up getting approved by DCA which was in 2005.

Dixon:

Is it one that we sent?

Garcia:

Yes.

Dixon:

But, the subdivision looks nothing like that now.

Garcia:

The Comp Plan amendment does not address hard design details. A Comp Plan amendment addresses impacts, level of service, density levels, requirements for schools, etc.

Dixon:

Has that Comp Plan amendment been approved by DCA yet? The new one?

Garcia:

Yes. It was approved. There was an amendment that had to be filed, a technical amendment, but it was administrative. There was a little confusion there between DCA and the City of Quincy. It was a combination of the South Springs development, the Wal-Mart site and one other site. It was just a technical amendment, but yes, it was approved.

Dixon:

I sat here through all of those - Wal-Mart, the other and South Springs. Let me remind you that South Springs - the Comprehensive Plan that we sent out from here looked nothing like the one that you all are operating on. And, while you may not, Mr. Garcia, believe that it is significant or important, as you say, a technical matter, I think very differently.

Garcia:

I know you do because you are the one who pushed to have that amendment and that caveat at the end when it was a county development - the half acre restriction. But, it is now in the city and that restriction no longer applies. I know that you have an issue with it, but, we are beyond that. This is a technical issue about a utility permit.

Dixon:

My concern is that you can agree with one piece of it, but you don't agree with the other piece of it. The other piece says South Springs, the entrance is at Wal-Mart. That says that as well.

Garcia:

Yes, but, it also says that you have the level of service and you have the ability to connect to Cox Lane.

Dixon:

So, you agree with me that the entrance to South Springs is at Wal-Mart.

Garcia:

There is a primary entrance that was discussed there, but there was also connection through the road to the north or to the south of Wal-Mart as well as Cox Lane.

Dixon:

That is Hogan Lane, not Cox Lane.

Garcia:

I said both.

Dixon:

Thank you, Mr. Garcia.

Holt:

Mr. Chairman, I would like to see the map.

Dixon:

Would you make that map available to the commissioner, please.

Mr. Clarence Lewis?

Lewis:

Mr. Chairman, my name is Clarence Lewis and I am the chairman of the board for North Florida Education Development Corporation. The subject that is in discussion and has been in discussion for the last few months now. I apologize for not being here, but my wife has had about three mini-strokes here in January. Had I not been at home and in therapy up until this point, I am still in therapy with her, I would have been here so we could get this thing straightened out and get the facts on the road. But, I thank my attorney and other members of the staff for being here.

I have been observing, Mr. Chairman. But, let me go back and say good evening to everyone. I apologize. But, I have been observing over the last four or five years here, the development scheme in Gadsden County. I am from Gretna. There is a hundred and something more units going

up on the back side of the farm thing there, that community, with all these septic tanks. There was a lot of concern about that area putting in septic tanks. But, you all approved it. I looked at other developments that has been going on in this county and nobody has caught as much hell as we have. And, jumping through all the hoops that we had to jump through, but all these other developments that came before you were passed immediately with less restriction and less constraints and less, I guess, political action.

Now, all of you got nice homes. Am I correct? Everybody around there have nice homes, right? So, either you don't have a home or you are homeless. You all have nice homes, correct?

Dixon:  
Yes.

Lewis:  
My point is that we are working in this county and have been operating in this county for twenty years trying to meet the unmet gaps of citizens in this county. We are working hard to build houses as a Community Housing Development (CDHLE) organization, a non profit. Maybe that is what you all have a problem with. As a non-profit doing these kinds of things. But, I know that there are some of you all beating on this organization for a while now. Ethnically, it is wrong. It is wrong. We are building houses for young women, head of households, the working poor that live in dilapidated houses all over this county. We are trying to help improve the unmet gaps of housing stock in Gadsden County.

Denying us to Cox Lane is criminal. It is very criminal. You know, I don't like discrimination, but I see some discriminatory action that has taken place in this county and around this table here. Holding up past developments and what all they have gone through without going through all these changes and about technical this and technical that. Even though we was in this county, Mr. Dixon, you have put strong restrictions on us and our projects. As I look around, I look at Sawdust and what they propose for Gretna and all over the county. I looked at developments and the land allocation for houses and it is nothing like what you are talking about.

So, we had to go where we could get services, where we were accepted and we annexed into the city because it abuts city property. It has utilities in the ground and everything else. Fighting us with this particular issue and development, and this is not only for you all, but for anybody that is fighting us, it is detrimental. We are working for the working poor. These are folks in Gadsden County - the same folks that vote for you guys all over this county. They lived in third world conditions. You have a 1949 to 1959 housing stock and every dam thing you've got around here is falling in. And it doesn't make sense to bring this over and over backward and forward around this table here and table it to be discussed. What ever happened to interlocal agreement if there is a problem. You all and the city of Quincy is not talking. What ever happened to interlocal agreement? All you guys had to do was to get together in an administrative meeting and sit down and work out these problems. If Cox Lane is in the county, but it is within the city limits, you know, that is nonsense.

I used to be a commissioner. I used to be a mayor. I understand the ramifications of all of this. But, what you are doing is wasting time, you are wasting tax payers' money, and guess what? You are putting Gadsden County in a bad legal position right now. I have had enough of it. I have been absent and I couldn't speak out on it and I couldn't confront you on it just one on one with it. But, I am confronting you tonight and I want to make you aware, and this is no threat - because you all are threatening us because we have gotten everything that we got on hold and I think that somebody is trying to play this game to stretch it out long enough so that it becomes a complete failure.

But, you know what? God is in this plan and it is going to work out and it is going to work out and you guys are going to help make it work. I saw your sign and I saw your sign up. You all are going to be knocking on people's doors real soon. You are already knocking on people's doors asking them to support you. How do you feel knocking on somebody's door asking them to support you. We have folks from Tallahassee and surrounding counties that is looking for a housing vehicle and asking us, "How can I get a house for my family?" You all are the ones getting the

ad valorem taxes. So, therefore, you can't deny me from Cox Lane. We all own Cox Lane too. We pay taxes all over the road and all over the county here. I am a bona fide tax payers. I live in Gadsden County. I pay taxes. Every year I get mad because when I look at the educational system, it is sucking and that is where most of my money is going and to Water Management in terms of taxes. You all handle the taxes so ya'll can't deny us privileges. We have met all the legal requirements there is to be met. Then you put us right back into the same cycle. You put us on the agenda, then you snatch us off the agenda. You don't even notify us, even when we are on the agenda, you don't notify us. Somebody is playing games. But, I will tell you what, there is a place that we can resolve all the differences and if we don't get it together real soon, we are going to see ya'll real soon on another piece of turf. I will make it known to you. I know all of you. I don't have any hard feelings, but, business is business. You are going to treat me and my organization the same way that you treat these other general contractors. Of course, we don't have anything to give you if you support. We don't any kick back money and we can't give you any of that.

Dixon:

Thank you, Mr. Lewis.

Williams:

Mr. Chairman, if you don't mind, I just want to say for the audience, that since I have worked on this item, not a single one of you have contacted me.

Dixon:

Mr. Attorney, that is not necessary. Lady and gentlemen, this item is before us. Oh, I am sorry, forgive me, I have another stack of speaker cards here. Mr. Wesley Cox, please, my apologies. Mr. Reister, please come forward.

Reister:

Good evening, Commissioners. My name is Rob Reister and I live at 709 Cox Lane. As county residents who live adjacent to the proposed South Springs Development, we have appeared before you for more than three months now. We have consistently expressed our concerns and reasons for our objections to any permits being issued for this development of Cox Lane. They remain the same.

- Number 1 - Inadequate right-of-way width.
- Number 2 - Roadway paving
- Number 3 - Stormwater run off retention
- Number 4 - Sidewalks
- Number 5 - Traffic Volume
- Number 6 - Turning lanes
- Number 7 - Other necessary permits

None of these issues have been addressed by the developers in regard to Cox Lane, which is a requirement of the permit approval according to the County Land Development Code. We are asking you again to assure us that all these issues will be reviewed and remedied prior to any activity occurring on Cox Lane. If you choose to approve the issuance of utility permit with the condition of obtaining a road connection permit also, we request that you include the resolution of these other issues as well as an additional condition of approval prior to any permit being issued or work commencing.

Now, you have heard some stuff here tonight - one of which this subdivision is in compliance with the city Comp Plan. That is not true. Since the question of the Cox Lane usage is tied to the South Springs development itself, this board should be aware of the current situation at the city level. As of now, the Land Use designation is not in compliance with the City Comp Plan. There is no amendment under review by the DCA to correct that situation. This brings into the question the validity of the plat and the development order issued by the City of Quincy. Since March 28, 2008, we have been asking the City to clarify the situation and to date, we have had no response. In fact, the mayor stated in a public meeting that the City would take no actions or make any decisions about South Springs until they were in compliance.

Additionally, Jack McLean, the interim city manager, stated at the June 10<sup>th</sup> meeting, that the developers told him they will shift from Phase I, Cox Lane, to Phase II, Wal-Mart. If this is, in fact, the case, there will be no reason to issue any permit for Cox Lane at all as the utilities and access would be provided at another location.

We are, as I am sure you are also, weary of this situation. We have spent untold hours and thousands of dollars simply trying to insure any development is done properly and

legally. If it is this board's intent to make a decision tonight on this utility permit, we are asking you to include the resolution of our concerns as an additional condition of approval. This would, as it should, put the responsibility of compliance with the developers, not the county and not us.

Thank you.

Dixon:

Thank you, Mr. Reister.

Mr. Cox?

Cox:

Good evening, Commissioners, Attorney Williams, Manager Brown. I am Wesley Cox. I live at 637 Cox Lane. I've got something that I pulled up this evening. I don't know. He said that God was in this and maybe He was. But, let me pass this out. What you all will see is that they haven't paid property taxes for seven years. They owe \$40,000 on it.

Dixon:

Please speak to the commission. Don't talk to them.

Cox:

O.K. I am sorry, Commissioners.

That is a copy of the delinquent property taxes. Ya'll have never received a cent from them since they have owned this property. The certificates have been sold by investors for interest. Anyway, I just pulled that up.

Initially, the first night that I came here to visit with ya'll on this, the first thing that I said was that I just wanted to see that this was done right and the "t's" were crossed and the "I's" were dotted and all the permits are pulled before anything got started so that when we got half way through, some agency (DEP or somebody) says that you are out of compliance or you don't have enough of this or enough for that; you've done spent two or three hundred thousand - so let's bend the rules to break the rules. That is all I asked for the first night. Whatever is done, let's make sure that it is done right. State Law says that all your permits are supposed to be pulled, even county, everything is supposed to be pulled and everything in place



before you start.

The permit application for the underground utilities that is laying on Robert Presnell's desk says on it "That they have located the utilities from TDS, Talquin Electric, and the City of Quincy." As of yesterday, TDS and Talquin Electric said that they have never been asked to locate and never have located them. They just put it on there and gave it to Robert and said, "Yes, we have had all this stuff located." Now, that is a very small deal, but a lot of small deals add up to a big deal.

If ya'll do issue a permit for the placing of the underground utilities, I ask that we have stipulations in it so that we can figure out who is going to pave the road, who is going to address storm water, the width of the road, the sidewalks, all of those things in the state and county plans. The paving of the road.

Attorney Davis, in her correspondence with Attorney Williams office, she clearly states that they don't intend on paving the road. They want the county to pave it. They are willing to give up the \$30,000 to pave it. That road to pave and handle that amount of traffic is not just asphalt on top of the existing road. They've got to dig down and put a 12" - 15" base.

Dixon:

Ladies and gentlemen, just one second. The next person I hear from the audience will be asked to leave. You address the board. If you have comments, put your hand up and I will recognize you, but please don't address the speaker or the members of the body unless you are at the podium. Are we clear? Thank you very much.

I am sorry, Mr. Cox. Please continue.

Cox:

That road will have to be - the dirt will have to be moved and taken down. Robert Presnell understands that a lot better than I do. But, I have asked a couple of contractors what it would cost to do .6 mile to build it. \$200,000 plus.

Me and my family own 80% - The county residents out there, not South Springs that is in the city, but the county

residents, my family and what have you, we own 80% of that road. South Springs owns the other. We don't want that road paved.

Ya'll have roads all over the county that people are wanting the road paved. This is one ya'll don't have to worry about the county residents.

I won't put a lot of emphasis on what the city residents want. They didn't care about what the county residents wanted whenever they proposed it. They didn't ask us. We were even told that we were not notified because we were not city residents and they didn't have to notify us.

Before anything is issues, let's make sure that we know who is going to pay for paving, who is going to do the storm water run off, where it is going to be, and get everything in order. Please have some kind of bond from the developer or the city or whoever is doing this so that when they get half way through and Cox Lane is torn up and they leave that somebody will fix it so we can get in and out.

I will reiterate what Rob said. The interim city manager and Commissioner Taylor have both said in public forum that Ms. Carolyn Ford has told them that they were going to abandon Phase I and go to Phase II and access off of Wal-Mart, therefore they don't have to deal with the County. The property is in the city and the access point. I don't know. If they are doing that, this phase I should be a mute point. If not, I don't know where they stand on that. I would like to get a better understanding.

As far as some of the other developments that has been done in the city and county (that some of the previous speakers were eluding to), I think that was for developments that ya'll had control of. A county development using a county road. You could wrap your arms around the whole thing. This is a different nature. I don't know that there has ever been one that has been in the city that you had so much infrastructure being utilized and updated and improved that was in the county nor the other way. I don't know that there is one in the county that we have to use so much of a city road and impacted the city. This is a unique bird and that is why Mr. William's firm has had to look at it so much. I think that if it was all in one jurisdiction, it would have been a lot easier to understand

and follow and not so much fact finding.

Thank ya'll.

Dixon:

Yes, sir? Mr. Garcia?

Garcia:

I want to clarify a couple of things that was made at the City Commission about abandoning Phase I and going on to Phase II - that is not accurate. No one from the development team was there. What was said, and I am paraphrasing it, "We are moving forward with Phase II." We are not abandoning Phase I. That has never been an issue. We are moving forward with Phase II. That is what was discussed. I think that there was a miscommunication as far as abandoning of Phase I.

Dixon:

Ms. Davis?

Davis:

With reference to the comment that was made by Mr. Cox - that I said that the county was going to pave the road - those were not my statements. What I said in my communication, and I think you will find my communication there as witness to this, and that is that the developer reached an agreement with the city. It is to see, had agreed to work with the county for the paving of the road. Now, it is not the developer who set up this whole issue of paving the road. The developer simply said that we are going to have people who are going to live here and they must have utilities. They must be able to get water. They must be able to have sewer. They must be able to have electricity, cable, etc. Those people will need the basic necessities to be able to live where they live. It is the county that has regulations in reference to having it's road paved. It is within the Comprehensive Plan. The County normally wants to have roads paved. I will say again what I said in my initial comments some months ago. Never before have I seen where a county is rejecting getting a road paved. Now, it is very strange and I still find it strange that tonight we find ourselves in an argument about not having a road paved. Most people are glad to find an organization or somebody willing to put up money to have a road paved. The only difference that I see

here tonight is the difference in color of those who have come forth and a difference in the power of those who come forth who do not wish to have the road paved. That is what it boils down to from my prospective. This organization has been trying to provide affordable housing, give utilities and have also said, "We will put our money up so that the road can be paved." The City of Quincy has said that it is willing to put its money up to have the road paved. And I hear where people are in line trying to get roads paved and asking "Put our road name of the list to get paved." People are now hearing that there is an effort to reject getting a road paved.

I want to get back to the real issue. And that is and I made my comments brief, but really and truly, I think the discussion here for these many months has been much to do about nothing. The real issue is providing utilities to this subdivision. That is the only application that is before this board and that is the only issue that should be decided. That is why I said, give the permit for the utilities. That is the only issue. We can talk months and months. We can go to court and we can fight. But, really and truly, it is an injustice.

I have tried. I have bit my tongue and I have tried to keep it as clear as I could to stay within the issue. But, there comes a point in time when you've got to separate the foolishness from what the real facts are. The real facts are that you've got a subdivision that is going to have some utilities. And I don't know why we are denied a permit. This is the first time that I have ever heard that you've got to come before the County Commission to get a permit for utilities in this manner and go for months and months in doing it.

Now, my clients are spending more money on me and they really should never have had the need to hire me and we should never have to go to court. But if that is what you all want and you think it is worth it to deny utilities to an upcoming subdivision, have at it. That is how I make my money. I am sure there are some other lawyers who would like to make theirs that way, too. But, I really don't think we have to go there. Let's get to the real issue. Let's stop all the subsurface things, all the political things, all the personality things that have been going on and let's get to the real issue - providing the community

with the utilities that it will need in this subdivision.

I want to thank Mr. Williams for providing you with his response. He and I are professionals. We disagree to some extent about what should be done. But, I don't think any of the personal things that have been getting in the way of some of these decisions should be here. So, let us get down to it. If you are going to make a decision, make it. But, I believe that if you will look at what the real issue is - Should there be a permit? That is the only thing that is before you. I ask you to stick to the issue and make a ruling tonight to refer this back to your department who has the authority and everything in place to make the real decisions that need to be made.

Thank you.

Williams:

Ms. Davis, you are not saying that you and I have personal issues are you?

Davis:

No, sir. I said that you and I are professionals and you gave your professional opinion to them and I am giving my professional opinion. Although we may disagree in court when we go to court, we are probably going to do that again. But, I just want everybody to know what my position was. It is a simple issue before you. I don't think this business about tying it together with the road and all is what needs to be done or should be done. It is no personal reflection upon you, Mr. Williams, it is a difference in a legal opinion.

Garcia:

May I respond to just one quick thing.

Dixon:

Five seconds, please.

Garcia:

We did notify the utilities. We only got one response back, but we did notify the other utilities and we have it on file. We are only required to notify them -like (inaudible) you can't make them go out there, but we have complied.

Dixon:

Members of the body, let me, because for some reason, I get the feeling that I am at the center of this argument. Let me be very clear about my position.

I don't think before three months ago, I ever met many of the Coxes. I have had time to run in with NFEDC and I know all the players and departments including Mr. Lewis. So, let's be very frank about who I am and what I know. Six years ago this project came before this body. Six years ago, this body decided that the numbers that they had were too many for that particular piece of property. Regardless of what they can have, this body decided that there were too many people that their subdivision called for. We reduced the number intentionally and approved it. Sent it to DCA with our blessings to be signed off on. It never came back to us until just recently. It came back morphed into something none of us ever hoped that it would become. I think I have said around this table a number of times that I don't care to see more than three houses per acre. I think I have said that a couple of times. Anything more than that is the beginning of a slum. It may not be right now. It will look good two or three years, but our job is to look down the road in the creation of subdivisions and communities. I made it very clear. If you will check the records from six years ago, I was very clear about my position and so were some of the other commissioners who were on this board who did not necessarily agree with me some of the time, let alone all of the time. We approved this subdivision with the same caveat.

It wasn't just Commissioner Dixon who approved that. It was a lot of commissioners who approved it. It went to the City and came back something totally different than any of us ever thought. Much more intensive, many more people and with a different ingress and egress. What we approved as South Springs, the entrance to South Springs.

Now, since we are being frank, I saw this as I see it now, as an attempt to go around what the county had laid out. You went to the city and you got what you thought you wanted. Fine. You got it. And, as long as you were dealing with the city, you were fine. As long as you got what you wanted at the city, you were fine. But, I find it quite humorous that you have come back here now and you want to point a finger at the county for delaying your six-

year delay. You delayed it for six years, not us. You have been before us for quite a number of months and now you want us to feel bad about the time you have spent on this program because we won't do what it is that you asked us to do.

Now, this is Ed Dixon's opinion. I am not bashful about what it is that I think is going on. You may call it politics or anything else that you want. But, I was very clear six years ago and I am very clear now. The land use is too intensive. Those folks who live on Cox Lane are just bystanders to this situation. My position has not changed from six years ago to right now. My position has not changed. I don't know why you would think that it would.

There is no guessing about where I stand. I guess I am in pretty good company. I have been called racist by white folks. Now, I am being called racist by black folks. But, if that is the company that I am in, feel free. If you want to check my record on housing, then go check it. I am the one pushing a cheaper house up in here. Ask the county. Am I wrong about that, commissioner? Check it.

So, I am not too impressed personally. Now, does anybody have any concern about where I stand.

Davis:

I have one. I have an exhibit. May I?

Dixon:

No ma'am. This is the board's time.

Now I have made my position very clear. Members of this body?

Holt:

Mr. Manager or either Mr. Presnell, on these utilities, if they were approved tonight, the permit would be a separate issue? What is the process on the permit? Assume that the permit was approved tonight, the connection permit, that is a separate issue totally, what is that process?

Williams:

Commissioners, there is no present application for the connection permit before the county. If you were to grant

the utility permit tonight, not knowing what the developer's direction would be, I really can't tell you what they would or would not do.

Holt:

In order for them to connect to that road, either they would either have to apply for a connection or the City of Quincy would.

Williams:

I would have told you that the answer to that question is "yes" before tonight. Mr. Garcia, if I am correct, stated that he believes the developer does not have to connect to the county road. He thinks he has the connection to the city. So, I would have told you the answer was "yes, they would still have to get the connection" before his presentation tonight. Now, I haven't researched the issue, but obviously it makes me concerned that he believes that if he gets the utility permit, then there would be no requirement to get a connection permit at some point in the future.

Holt:

The reason that I am asking that is - let's say that the center of the road with one side of the road going to the county and the other side going to the city. That is what it looks like on paper. Is that what you are saying?

Williams:

There may be some housekeeping that needs to be done. I will check on that the attorneys in the office. But, when you decided to accept the road - when the county voted to accept the road because they had maintained it - it became a county road. So, if we need to get some technical paperwork done to record that interest, then we will do that. Once that is done, I don't believe, and again, I will research the issue, but, but I don't believe that it is a city centerline. I think that it is a county road.

Holt:

O.K. My concern is and I will state my position very clearly. We asked them to get, we told them that it had to be either a utility company or a local government to make the application. That was a big issue during that time. Now, they have a local government making the application.



I don't see why we are debating that point.

Now, we said get the local government and they have a local government. If you are debating the connection as a separate issue, I see no problem with approving the utility permit then looking at the connection permit as a separate issue. They are not asking for a connection permit. They are asking for permission to put down utilities. That is where - I am fully in favor of that.

Thank you, Mr. Chair.

Lamb:

Let me see if I can see where I want to start on this. I am trying to put the pieces the pieces together so far as the infrastructure for the utilities. I have nothing to do with the housing situation. That is the city. I should keep my nose out of that because these utilities is enough for me to deal with.

My question to the attorney is - If we gave them permission to put the utilities down in the road and I don't see a problem with putting the utilities down in the road, but, I think the problem coming in that the connection - that they can be able to use the road with the subdivision. They are going to be able to use that road. Them being able to use that road has nothing to do with utilities. So, why can't we, why are we denying them an opportunity to go down that road with - that had nothing to do with the length of the road. It shouldn't have anything to do with it. Why can't they take the utilities down the road - take it down to where they want to take it - but, does that give them permission to use the road?

Williams:

I just had a thought. I still believe that the better approach is for them not to expend any funds until the issue of all permits associated with that development has been approved by the county. I think that puts the county in the best legal position.

There is another alternative that I think is available If the developer were to provide a waiver to any legal claims against the county for placing the utilities, it may work. I am not sure about that right off the top of my head, but

the problem is that if you allow them - when I met with my attorneys and we worked through it, if we allow them to put the utilities in place first, then they applied for a connection permit and let's say that you had decided that the requirements that you put in place - they didn't agree with them, then they could potentially file a law suit suggesting that you should have told them up front and they wouldn't have expended the money to put the utilities down the road. So, it is a law suit on the horizon if you allow them to place the utilities in place and then there is potentially you would either put conditions in place that would not let them connect or deny their connections.

Lamb:

I don't want the county to hold against the developer nor the city of denying them the opportunity to put those facilities down that road because of the number of houses they've got in that subdivision. Now, some of us might feel that it is too many homes and I might feel the same way, but, that is something that I feel like the staff and the City should get together on. One of the gentlemen who was speaking on behalf of the Cox family, he has a lot of things in his statement that he would like to see done - and he was talking about the using of the road. That shouldn't have anything to do with the utilities going down the road. As for using the road, that is when the staff from the county and staff from the city should sit down together and work this out if they are going to use that road. But using the road shouldn't have anything to do with utilities. But, now, I understand what he is saying when he says there are some things that need to be done. There might be some things that he is asking for that cannot be done because one side might have to give in to the other side. But, they ought to be able to reason together to make sure that it gets worked out between the county staff and the city staff. They ought to be able to go down that road and put these utilities down the road. Our staff should sit down with the city staff and work it out. I personally feel like that should have been done some time ago. It has not been done, but it is not too late to do it.

We keep going over this same thing over and over. I understand about the number of homes in there. It might be too many. But, our staff needs to tell the City, "Hey, you're letting too many homes in here." Let's give some

and take some so that these people will be able to do what they need to do.

Dixon:

The point on that is simply if you give them the right to run the utility, the question in my mind is - Do you give them the right to use the road as the ingress and egress of the subdivision? The point is - if you want those folks to come in and out of Cox Lane, then I think if you take step 1, then you are almost mandated to take step 2. That is what I am hearing the attorney saying. The problem is that if you force upon the folks of Cox Lane because the question is do you have to bring the road up to Code? The problem there is that I have not heard anything that said that they had to bring the road up to Code. So, now, you've got hundreds of units.

Lamb:

The only thing I heard about the Code situation - bringing it up to Code - is from the Cox side saying that these things need to be done. If those things need to be done, why can't the county and the city staff get together and look at those items and see what they can do.

Dixon:

That is what number 1 is saying. "Require that the grant for the pending application for utility installation in Cox Lane be subject to the condition , in addition to any others deemed appropriate by the Public Works Division, that no utility installation work is to commence until after an application for a street connection to Cox Lane has been filed with and acted on by the County."

The street connection is what you have to do to that road before you can - To agree on it up front, not after. To agree on that up front so that everybody knows going in what the deal is going to be. Cox Lane knows, the developer knows, the City knows and the County knows exactly what that project is going to look like before you start digging.

Lamb:

I don't disagree with you on that. But, they need to sit down.

Dixon:

That is what number 1 calls for.

Lamb:

The county staff and the city staff should have before now. But they need to start now so these people won't have to keep spending this money coming up here. They need to sit down and work it out.

Dixon:

That is number 1, commissioner.

Lamb:

They can bring that recommendation back to us so we can approve it or not approve. But, if they can work it out, we should go forward. That is the way I see it.

Holt:

Mr. Williams, let's say that supposedly that something in the process needs to be continued, where we need to work on like where the division line falls, county owns the road and all of that stuff. Even if that is done, could that not be done - the utilities be added - go ahead and complete the utilities contingent upon - with the intent saying that there would be no presumption that the connection permit will be given.

Dixon:

Because, didn't he call that a waiver?

Williams:

It's called a waiver. You could potentially do that. I don't think it is in the county's best position. For instance they could argue duress if they didn't agree to it, then you wouldn't have issue with utilities permit. Duress is an exception against preventing a lawsuit. So that argument that they were under a state of duress and out a lot of money. Of course, they would agree to anything that you ask them to do.

Holt:

But, what I am saying is - If that was the case, you give them a utility permit, they were allowed to do the utilities with the understanding that there was no presumption that they would get a connection permit. And, if you sign off on that, that means that is what it says.

Williams:

Because there is so much contention on both sides, I have to make sure that the commission is aware that there is a great likelihood of a lawsuit. It is up to me to make sure that the County is in the best position possible in light of that. I can tell you that I can put that language in there, but anything that goes away from what you would normally do - The best way to look at this - With a normal development, you would have approved a preliminary plat, conceptual and final and everything would have been approved up front before they got started. The only thing that is different here is that it is the subdivision is being removed. Now, you are doing it sequentially instead of approving everything at one time. So, if you look at it from that stand point, it makes appropriate sense that you approve everything because the developer should know that he can meet all the conditions of the county or not before they expend any money.

The concern that I have expressed and I continue to express is that as soon as they expend money, they have an argument that you should have granted all the other permits because you should not have let them expend any money if you knew there was a possibility that you would deny and the only reason that they agreed to the terms is because they couldn't get it done otherwise. That is the legal term called duress.

Holt:

I am sorry, but I really have a problem with that.

Williams:

If I could just add one other thing.

If you look at the presentations tonight. You have one side who were adamant that they were right. You have those on the other side who were adamant that they were right. On one side you hear that they don't have to pave the road. On the other side, you hear they must pave the road and install a sidewalk. And there has been no fact finding done by your staff to provide you with what is a proper opinion as it relates to what should be done. That is where the concern has been. The delay that we have had as we have tried to go forward is every time we have tried to get to get to what the right answer is , we have had to go over and filter out the information that we have gotten

from each side. And this is what we have gone through over and over again. My secondary concern is that as the presentations have been made to the commissioners, I am not convinced that what you have heard is much of what the facts are. It is more advocacy. I am not saying that anybody is misrepresenting anything. They are just advocating their position. I would prefer that the commission have fact finding done.

There is one thing that I do agree with all parties on. There is a pending application for a utility permit before the commission that needs to be acted on that hasn't been acted on. It is, in my opinion, appropriate to for the commission to put conditions on that permit if it is approved. But, I do think that there is a need, if you chose to act on the permit tonight. The only question is whether to put conditions on it. My recommendation is that you do put conditions on that permit if you decide to approve it.

Holt:

Well, let's try. I have no problem with putting a motion in. If it dies, it dies, if it works, it works. But, I would like to place a motion - I move to approve the utility permit with no presumption that a connection permit will be granted. Only on the utility basis itself.

Price:

Second.

Dixon:

We have a motion and second. Discussion?

Croley:

Mr. Chair, I have been sitting here unusually quiet. I have just been taking this in because I haven't been present with your historical prospective on the South Springs Development. I have heard of it and I am somewhat generally familiar with it. I certainly know about Cox Lane. Been down it and looked at the area from farming days.

However, there are some things here that you had addressed with this group. But, I just want to make sure that Mr. Lewis and Ms. Davis understand.

Mr. Lewis, I don't have any bias toward anybody up here. I try to deal with the facts.

Ms. Davis, I want to make it very clear to you. I don't care what color you are. I don't care what your background is or what your economic status is. As far as I am concerned, everybody that comes up here to that podium should be treated equally and with respect. I think I have been doing that since I have been here.

Now, as far as your project is concerned, Mr. Lewis, Mr. Chair and the rest of the commissioners and the community as a whole - I don't like you not paying your property taxes. I am sorry if that doesn't fit well, but I don't like you not paying your property taxes. Now, you may have your reasons.

Any other developer that comes up here, I don't like you not paying your property taxes. That does prejudice me somewhat against you. I am honest enough to say so.

Now, as far as the road is concerned. Anybody who can see can go out and look at Cox Road. Mr. Presnell, I am going to ask you to come to the podium with the chair's permission, so that I can understand some facts. The width of that road from edge of where the motor grader throws the dirt off the crown to the other side is how wide?

Presnell:  
Twenty-four feet.

Croley:  
Twenty-four feet. Is that adequate for a utility to be run down it?

Presnell:  
If you run it down the center of the road.

Croley:  
O.K. Now, is it standard procedure - because I have been up here a little over a year now, and I don't recall somebody bringing a utility permit to the commission - is that something that your office has always dealt with?

Presnell:  
Generally, they are issued at the department level. But,

as you all have seen here tonight, this one has some special issues. I thought it prudent to bring it to the board for direction.

Croley:

O.K. So, this is an exception by bringing it to the board for the process.

Presnell:

Yes.

Croley:

O.K. Thank you. Now, the fact as the attorney points out is that if you had issued the permit, we wouldn't be discussing it, the developer would be moving forward with that process, but we would hear about the connection permit. Is that correct, Mr. Presnell?

Presnell:

No, sir. They are generally handled when one applies for a development order. It is a Growth Management issue.

Croley:

Growth Management.

Presnell:

It is on one of the forms that they issue.

Croley:

What I am trying to say is that your department doesn't do anything with the connector other than put in the culvert.

Presnell:

Well, we look at the technical aspects of it.

Croley:

And the final observation about this is the business of the City of Quincy - If I understood the representations correctly, claiming that the center line of the road, the south half of the street (12 ft.) is in the City? Is that what I understood?

Presnell:

The drawing that he just showed me, they annexed onto a portion in front of their property. The portion that they own, they annexed out to the centerline.



Croley:  
But, not out to the highway.

Dixon:  
The main road.

Presnell:  
Correct.

Croley:  
O.K. The white looks like it goes further than their property line. If that has any significance. So, Mr. Chair, you come back to where we have to rely on the attorney here and his advice being that if you issue the permit, that you give up any control of the connection in the future. If I hear you correctly, Mr. Attorney. Is that what you have indicated?

Williams:  
Mr. Chair and commissioners, what I have indicated is that there is exposure for a law suit if you do not keep them together. Now, we have a new issue. It is the issue of who owns the right-of-way on the road. The county voted to accept it as a county road.

Croley:  
Well, it would seem to me that it would be out of the ordinary for the utility permit not to have been issued by Public Works and that it be up here. So, on that point, it seems like to me that Commissioner Holt's motion has merit. The other aspect of it, though, is this business of the adequacy of the road. I can't deal with the density. I agree with Commissioner Lamb on that. That is something that Mr. Lewis was able to get done through the City of Quincy, rightly or wrongly. But, I can't deal with the density. But, I can deal with the fact that the road is inadequate for that much traffic. Anybody can easily see that.

So, if Commissioner Holt would restate her motion, if I could re-hear that motion, does it include in there a waiver from the applicant for any future claims regarding the connection? Would you clarify that.

Holt:

My motion was I moved to approve the utility permit with no presumption that a connection permit would be granted.

Croley:

Would there be a motion, or would that motion be subject to a friendly amendment to require a legal agreement between the applicant and the County that these two items would be separate so that the issues brought by the residents could be more fairly and objectively reviewed?

Holt:

Well, for those issues to be separate, they only requested a utility permit anyway. So, it is my opinion that they are separate.

Croley:

But, I am hearing legal advice to the contrary.

Holt:

The legal advice is saying to tie the two together and in order for the utilities to be put in, the connection permit must be given at the same time. Is that not true?

Dixon:

But, he is not saying that. He is saying that as to your motion, that the permittee understand that there is no presumption, as you said, that they would be given a connect permit.

Holt:

I have no problem with that.

Dixon:

In addition, he is saying that a legal document be drawn that the permittee will sign waiving that particular issue.

Holt:

Let me hear from the attorney on that.

Davis:

Marva Davis. We can stipulate for the record that there is no application pending before this body or it's staff for a permit for a connection to the road or to pave a road. The only thing that is pending is the utilities, or the application for a utility permit. So, therefore, not having made that application, and you are not making a

decision concerning that. Commissioner Holt has said that we would be accepting this utility permit with the understanding that there is no presumption or agreement that, in fact, a connection permit will be issued. I think that is actually the way that it is. You are only granting a utility permit. We don't have anything else before you. I think that is what I have been saying all along. I will be hard put to come back later and argue that you made a decision on the connection on the road when I have argued all along that it is not even before you and it is not an application. While I could not say that we are waiving any particular rights, clearly, if we haven't applied for it, you can't grant it. If there is no presumption that you will grant it, then the burden will be on us to comply or figure out what the next step is. We could not waive any particular rights, but we could clearly state that there is no presumption that you are going to grant it. It will have to be considered on it's own merits.

Dixon:

Ms. Davis, did I understand you to say earlier that you didn't think that you needed a connect?

Davis:

I didn't say anything about whether I thought we needed a connect.

Dixon:

Did I hear someone else in your party say that?

Davis:

I think I heard Mr. Garcia - he said that he

Garcia:

Because of the annexation, we physically cannot make a driveway permit to the county. We have to make it to the city.

Dixon:

Let me ask you a question. Put me in real time. The subdivision is permitted. How will people get to it under your understanding of what the law is?

Garcia:

Let's just hypothetically say that some of them will use

Cox Lane and some of them may go through Phase II which might include another road or another access point. That might be something that we are looking at. But, the connection permit and the requirements - we have made those requirements.

Dixon:

I am trying to make myself very, very clear here. In your understanding, you don't need a permit after. Once the utility permit is issued, you can now build and occupy a subdivision and ingress and egress on Cox Lane without any further approval.

Garcia:

No, we have to make a permit to the city. The city made have to make a permit to the county. There may be an interlocal agreement that just as the paving issue or the maintenance. It is a unique situation because the city has that clip, that little section of Cox Lane and there might be something where - I am just speaking from experience of other projects that we have been involved in where the city might pay the county an annual fee to maintain that part of their area that is annexed in. But, as far as our product is concerned, our permit requirement, the only permit application we can do is to the city.

Dixon:

So, my understanding of what you are saying is basically that once you apply for a permit to the city to access their portion of Cox Lane, now that they have annexed, you are through. And, therefore, people will have the ability to travel up and down the road because nobody is going to stop them at that point.

Garcia:

If the county has a requirement for a connection permit from another municipality, then there would be an additional requirement just as there is a permit required to connect to DOT.

Dixon:

But, isn't that the situation that we are discussing?

Croley:

Mr. Chair, you are correct because is a question that I was going to.

You are saying that because the City of Quincy now claims that half, 12 ft. of Cox Lane, that is now in front of your property there is in the city. And that they are the ones that can issue the connection. Then you are automatically on Cox Lane and your interest is going to use Cox Lane without any restrictions.

That, Mr. Chair is going too far. That is not being fair. It is not being right. You are basically jumping across that ditch claiming that it is in the city. I have never heard until this night that that portion of Cox Lane had been annexed in. Is that something that the county was made aware of? Is that something that you understood, Mr. Attorney? Is it anything that the manager knew of?

Williams:

Nope, This is the first I have heard about it. We will research first thing tomorrow.

Garcia:

It was recorded with the county. It has been recorded for months.

Dixon:

I think that the understanding is when you annex a piece of property, just (inaudible) a road, you annex technically to the center line.

Garcia:

We had nothing to do with that process.

Dixon:

I am just saying, but that is what you are playing on - your annexation is literally to the center line of the road.

Garcia:

I am telling you that the law says that is what you have to do .

Dixon:

I am agreeing with you. You are just operating off of it. That is all I am saying.

Williams:

There is another issue. You and the board accepted the road as a county road after your annexation, so now the question becomes - Who owns the road?

Dixon:

I thought the presumption was that the road was ours. We just needed to formalize it.

Holt:

Mr. Chairman, we did accept the road because we maintained it, but it was just never accepted by the county. We accepted the road after the annexation. The annexation was done first. So, even if we accepted the road, we did not accept annexed part of the road. Could we have overridden the city's annexation. Even if they annexed to the middle of the road, would it be within our power to accept that part of the road?

Garcia:

What would probably happen is the city would grant you an easement for maintenance of that portion to keep it consistent. That section of the road is actually the city's.

Croley:

Mr. Chair, that is information that I didn't have and I would ask that Mr. Presnell come up and confirm for the record whether or not this is something that Public Works was aware of. Were you aware Mr. Presnell that the City of Quincy had annexed to the center line of Cox Lane.

Presnell:

No, sir. I have a drawing that is not as detailed which was submitted to me for utility permit review purposes that does not show that type of information. This is the first I have seen of the annexation being to the center line.

I also need to mention that the county has had that road by prescriptive easement which is a Florida Law, a statute, for 35-40 years. So, the board accepting it was just a housekeeping matter. But, by prescriptive easement, you know, we have had the responsibility and by law can't quit maintaining it without this board abandoning it. I am not sure how annexation plays into that, but in any other circumstance, we can't quit maintaining one even if we want to.

Williams:

Mr. Chair, if I could. One of the attorneys in my office is Lonnie Groot. He has been the county attorney in another county and has a little background in this. So, Lonnie, if you will - and again, this is just so that you can understand the complexity of it. We still need to research it.

Groot:

You are right, we still need to research it. There is a whole series of definitions in Chapter 334 about roads. One of the definitions is a local road. Now, a local road is in either a city street system or it is in a county road system. And, it is not partially in and partially out as property lines change. In Seminole County, this happens a lot because jurisdictions are so mixed up. Typically it is either a city road or a county road in its entirety. I think that is the conclusion this will end up showing. But, we do need to research it a little bit more. Does that help?

Dixon:

So, it is not partial. You are sure that it is not partial anything? That clears up a lot for us.

Groot:

It's not partial anything. Otherwise you couldn't plan. Some jurisdictions have city here, county there, city here and it can't be a county road for two blocks and city street for the next two streets.

Croley:

So the question becomes - under the circumstances, assuming that the development interest is correct and the City of Quincy did indeed annex into the center line of Cox Lane in front of that development, they have a connection permit to the City of Quincy. They are on the road, period and can use the road.

Groot:

If it is a county road (like I think it is), you would have to go the county even if the city annexed into the centerline. It is a county road, so, you would still have to have connection permit from the county.

Croley:

So, they would have to have a county permit.

Groot:

That is normative, yes, sir.

Croley:

Before Ms. Davis responds to that, Mr. Chair.

Ms. Davis, are you saying to me and to the other commissioners that you are unwilling to waive any further connectivity right and treat that separately?

Davis:

No, I did say treat it separately. That is not what I said. I have absolutely no problem with treating it as a separate issue. I think that is what I have always maintained.

Croley:

I know you want to maintain your strongest legal position. I asked you, though, if you would waive, would your client be willing to waive those rights or any

What is the proper term, Mr. Attorney?

Williams:

Inference.

Davis:

Waive an inference of what?

Williams:

That you will get a connection for your driveway permit if is required in the future just because the utility permit was granted.

Davis:

I don't think there is an inference is what I said. Let me make myself clear. I don't think that I am in a position for my client to use the term "waive" or to say "waive". I don't think that my client will say that they are waiving anything. But, what I said and I think it is clear, I think that the commissioner's point was that we all agree that there is no presumption. Presumption means that I cannot come back later and say that I had an understanding



that based upon what you did, I detrimentally relied upon what you did, so now I ought to get a permit just because I got a previous permit. I am saying to you, based upon our position, the only thing we have applied for is a utility permit and there is no presumption that we are going to get a connectivity connection. But, yes, we may have to apply and I don't know the answer to the question as to whether or not we will have to apply to the county for a connectional permit. But, I am saying to you, if we do, then that is what we have to do. If we don't, we won't. But, I cannot say that we are waiving that whatever the situation is. I am saying that there is no presumption that you are going to grant a connection permit because you are not doing it. You are only telling me and the only thing we have asked you for is a utility permit. There is no presumption that you are going to grant a connection permit. That is the only thing that I have said should be on the floor. I know we have gotten into a lot of other issues, but, this is not about the road at this point. I agree that we've got a lot of research that has to be done and a lot to find out before we even get to that point. The only thing that this body, this organization has asked for is a utility permit. That utility permit is going to be on public maintained right-of-way, which is permitted, but it has nothing to do with whether there is going to be a connection or whether there will be any road paving in the future.

Williams:

May I give you a hierarchy of choices and then maybe that will help. I think the best choice is to connect them together which is the recommendation that we made. The second best choice is to grant the utility permit with a waiver. The third best choice is to grant the utility permit, then whatever happens after that, happens. That is the sequence in my mind according to exposure.

Now, I can't tell you that it is high risk or low risk on any of them. I think that you need to be aware that is the hierarchy. You are well within your right to grant the utility permit tonight with no restrictions. But, within the context of the unknowns that we have here, and there are a lot of unknowns. That is what has caused us so much difficulty in getting a presentation back to you. It gives you exposure that can't be quantified, if that makes sense. That is why we are asking for the other stuff. We just

don't know what is out there. It would be great if the developer would just say they would waive and then that would make it less problematic for us.

Holt:

But, Mr. Chairman, what is being waived?

Williams:

The belief that simply granting the utility permit provides a legal basis to sue the county if the county's determination in executing the permit for the driveway (if we have that right) was prohibitive to them and they didn't want to comply with it.

Holt:

Are you waiving the

Williams:

The argument that you if you lay the utilities, you have the right to get the connection to the driveway.

Davis:

So, you are saying waiving an argument. Is that what you are saying?

Williams:

The ability to litigate with us over the fact that if the conditions put into place with a connection permit, you didn't agree with, then one of your arguments is that you detrimentally relied on the county to allow you to lay the utilities.

Davis:

This is with a separation of the two issues by granting the utility permit alone. If that is done, having a stipulation or agreement that says that we waive any argument that the granting of the utility permit itself is any indicia or inference that you will also grant a connection permit.

Williams:

Correct, and you would waive any right that you would have legally to sue the county based on the granting of this permit to infer the second permit would be granted.

Davis:

Waive any right to sue the county for failure to grant the permit based upon an argument of - We will waive the argument. Do you follow what I am saying?

But, the argument that, in other words, we would be estopped from - that the word estopped.

Williams:

Commissioners, this would be a very narrow limitation. If she had any other legal basis to sue the county for the denial of the permit outside of that argument, she could still exercise those arguments so you are not requiring her to preclude everything. All we are saying is that you can't use the granting of one permit as a basis to litigate against the county to say that you should get the second permit. It is actually a very narrow limitation.

Holt:

That is the only word that I know in the law. Estopped. I remember that from real estate.

Croley:

Another thing is that I don't believe that under the circumstances with these unpaid taxes, that the citizens of this county should be bearing the legal cost for all the negotiations back to tie up that agreement. I think that is a cost that should be born by the developer since they are the ones that have generated the expense.

Davis:

I am sorry, but, I missed you.

Croley:

Ms. Davis, I am saying that under the circumstances with the unpaid property taxes, I cannot see adding insult to injury by asking tax payers of the county to bear the legal costs between you and Mr. Sexton's office to draft up such an agreement if the permit is issued and the waiver.

Davis:

Do you want me to draft the agreement at my clients expense.

Croley:

Yeah, I want somebody to pay besides. With all due respect to Mr. Sexton, we pay him enough.

Anyway, Mr. Chair, getting back to the question at hand.

Davis:

Mr. Williams, I don't know why we need an agreement other than the statement on this record. When the permit itself is issued and we sign off on it, it simply says that we agree that we are estopped from raising any issues concerning whether the connectional permit will - we will stipulate that there is no presumption that a connection permit will be issued based upon the issuance of the utility permit and that we are estopped from raising that issue at a later date. Only that issue.

Williams:

The only reason that I would be more comfortable with it is when you issue a permit, the conditions of the permit usually deal with some aspect of how you go forward with doing what you are obligated to do under the permit. This is about legal issue. When you do a legal issue, the preferred way to do it is some kind of legally binding document that writes out what the parties positions are. So, a permit is not the best method to deal with this issue.

Davis:

Do you have any problems with that? What I am afraid of and I don't want us to get into a legal hassle with words. Sometimes that happens. I am stating very clearly tonight where we are tonight. It is very, very clear. There are no presumptions and I am estopped. I can't say that you are granting me a connection permit anytime in the future. That is very clear. Very easily put on the permit and very easy for me to stand here and say. But, if we start getting into a lot of legal words and adding this word and so forth, I just feel like we are going around in circles again in getting it approved by the commission. You know, it is very clear where we are.

Williams:

Ms. Davis, this really scares me when we've got a lawyer and they don't want to use the law.

Davis:

No, I am saying that the word estopped and no presumption are very clear to anybody including us lawyers.

Dixon:  
Thank you.

Mr. Reister?

Reister:  
I just want to say - Here we go again. They are not going to make any commitments.

Ms. Holt, I think you need to understand that this should not be just an issue of just one utility placement. This is all interconnected. There is no reason to issue one. There is no reason why these developer shouldn't address these issues. Why don't they address these issues? I think that if you read your land development code, you will understand that these are requirement. This is why this code is in place. This is why it is there. This is why your staff is there to review this and make sure that everything is done right. That is all that we have ever asked. That is all we are asking for you to do now.

Croley:  
We have a motion on the floor.

Davis:  
We are not saying that we won't argue those issues at a later time if we have to make an application for a permit. We didn't say that we wouldn't address those issues. We didn't even say that we wouldn't even comply with whatever it is that we have to do at that point. We are saying that we are not at that point. I am just saying that there is no presumption that you are going to give us a permit later other than this utility permit. And, I am estopped from coming back or my organization that I represent is estopped from coming back and saying that it should have gotten a permit for the connection based upon getting this utility permit. You have already told us that you don't know what you are going to do at that point because you don't have enough facts before you. I don't know any more clear words than "no presumption" and "estopped."

Croley:  
Mr. Chair, you know, in an effort to find some middle grounds here. I think that in the hierarchy that our attorney is representing to us in this matter, number 2 -

What is the proper legal word?

Williams:

We were using estoppel now. We went from inference to waiver to estoppel.

Croley:

I think that estoppel is the proper thing to have reached a reasonable compromise in this matter.

Davis:

Inference is a lot less than estoppel

Croley:

That effort will have my support. But, to separate them, I don't feel comfortable.

Dixon:

We have a motion and a second.

Holt:

I have no problem with amending my motion to include an estoppel clause that would separate the two - the utility permit from the connection permit.

Williams:

Do you want a separate legal document or statement on the record.

Holt:

You can do it by separate legal document.

Croley:

May I ask, Commissioner Holt, under these circumstances, that the financial burden for the preparation of that document, however small it may be, is born by the developer.

Holt:

I don't want to include that in my motion. That is something that should be worked out separately. If he doesn't pay the taxes, whoever gets the property is going to have to pay them. So, the taxes are going to get paid anyway.

Dixon:

Do you accept the friendly amendment with your second?

Price:

Yes.

Dixon:

We have before us a motion so amended and so seconded.  
Will there be further discussion among the members.

Lamb:

Mr. Attorney, are you comfortable with this motion.

Williams:

I think it gets us to where we need to get to.

Croley:

I might as well go ahead and ask.

Mr. Attorney, do you feel then that this puts this board and the public interest in a position to address these other issues that have been raised by the opposing point of view?

Williams:

I think the answer is tentatively "Yes." Because the right-of-way issue and the centerline of the road needs to be researched. Assuming that Mr. Garcia is incorrect, the answer is "Yes." I feel comfortable that this puts the county in the second best possible position for purposes of going forward. The bigger issue is that I do believe that you need to grant the utility permit because it has been pending and this gets that issue moving.

Dixon:

Just for my position, I believe that it leaves those home owners exposed. Exposed to the point where we are going to be hard pressed to deny a connection permit. This body is going to be hard pressed in one way, form or another. We are going to get those folks, while they won't be talking about utilities, they will be talking about, "I need a house and they have offered me a house and I want a house out there." That is going to be the argument. You are going to be hard pressed. You are going to put those neighbors in a position that they need not be in for this general situation. For the record, I wouldn't have approved this anywhere in the county. There is no need for

us to stack people on top of each other anywhere. We have plenty of space and plenty of room. There is just no need for this kind of stacking of people. We all know what happens when you do this.

We have before us a motion and a second.

All in favor, sign of "Aye."

Holt, Price, Lamb, Croley:  
Aye.

Dixon:  
The motion passes four to one.

Next item please.

Garcia:  
Could we ask for just one point of clarification.

Is the driveway connection review process going to be done at the staff level or the commission level?

Holt:  
We don't know.

Dixon:  
It will depend on what is needed.

Williams:  
You have not submitted an application yet. That has been your strongest argument all night. When the application is submitted, it will be reviewed. You have to submit it to staff. The staff will review it and make a decision as to whether it should come to this board. It should be reviewed at the staff level, but we haven't gotten that far yet. As you have argued all night, it is premature.

Garcia:  
I just wanted to know so that when we get to that point, they will know.

Williams:  
We don't have it. You don't have it in place. We can't analyze it.



Davis:

Plus, you have to reach a decision about the road and all of that stuff. So, you all will notify us if you make a decision about the road?

Williams:

Excuse me, Mr. Chairman, let me speak to the manager for just a second, he has a concern.

Croley:

Mr. Chair, but we could request it.

Dixon:

Let us recess for about four minutes.

RECESS:

Dixon:

Let us reconvene.

Oh wise man, what do you have for us.

#### **COUNTY MANAGER'S AGENDA**

Mr. Brown had no items.

#### **COUNTY ATTORNEY'S AGENDA**

Mr. Williams had no items.

#### **DISCUSSION ITEMS BY COMMISSIONERS**

**Commissioner Lamb, Vice Chair - District 1**

**Commissioner Croley, District 2**

**Commissioner Price, District 3**

**Commissioner Holt, District 4**

Commissioner Holt suggested as discussion continue regarding

the community development plan for Lake Talquin, that there be some consideration for providing for public access to the lake. She voiced concern for the fisherman who feel that they are being cut off from the lake. She said, "We need to have areas where the public can use Lake Talquin."

**Commissioner Dixon, Chair, District 5**

**Appointments to Value Adjustment Board**

Chair Dixon appointed Ms. Emily Rowan as the homestead property representative to the Value Adjustment Board. He then appointed Commissioner Croley and Commissioner Holt.

**UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, TO APPOINT COMMISSIONERS CROLEY AND HOLT AND MRS. EMILY ROWAN TO THE VALUE ADJUSTMENT BOARD.**

**RECEIPT AND FILE AGENDA**

14.

- a. Notice from Florida Department of Revenue, Tax Information Publication Regarding Increase in the Indexed Tax on Asphalt
- b. Letter from Agency for Health Care Administration Regarding the Inactive Hospital License
- c. Letter from Florida Department of Health Regarding Cash Match Requirement for the Emergency Medical Services Rural Grant
- d. Letter to the City of Gretna Regarding Proposed City Limit Signs
- e. Memorandum Regarding Gadsden Hospital Inc. Update
- f. Letter from Florida Department of Community Affairs Regarding Public School Facilities Element Waiver Application Form for Gadsden County

- g. Notice from Florida Department of Law Enforcement Regarding Edward Byrne Memorial JAG Program
- h. Letter from Florida Department of Law Enforcement Regarding Federal Fiscal Year 2008 Edward Byrne Memorial Justice Assistance Grant Program - JAG Countywide
- i. Letter from Gerald W. Thompson Regarding Wetumpka - Lake Talquin Area
- j. Letter from Gadsden Community Healthy Start Coalition, Inc. Regarding a Request for Office Space at the Gadsden Community Hospital
- k. Letter from Florida Department of Health Regarding 2007-2008 Emergency Medical Services Rural Matching Grant (Four 12 Lead Cardiac Monitors) was Not Recommended for Funding
- l. Letter to Nathaniel Cunningham Regarding Appeal Request on Use of Parcel
- m. Letter from Gardner, Bits, Wiener, Wadsworth and Bowden, P.A. Regarding Ocklawaha Ventures, LLC Application for Gadsden County Comprehensive Plan Land Use Map Amendment
- n. Letter from Gadsden County Chamber of Commerce Regarding Industrial Development Authority Member Appointment
- o. Letter from Florida Department of Health Regarding Award of a Rural Emergency Medical Services Matching Grant
- p. Invoice from the City of Chattahoochee Regarding Utility Port a Potty at River Landing
- q. Memorandum Regarding Charges for Transcripts of Attorney-Client Meetings with BOCC
- r. Letter from Florida Department of Environmental Protection Regarding Gadsden County Water/Sewer Infrastructure Project
- s. Letter from Clemons, Rutherford and Associates, Inc. Regarding Gadsden County Hospital
- t. Letter to Scott Whitehead Regarding the Citizens Advisory Committee

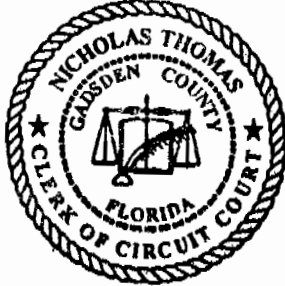
- u. Letter to Eddie Richardson Regarding Re-issued Temporary Certificate of Occupancy for New Birth Church at 2535 Shade Farm Road
- v. Letter from the City of Chattahoochee Regarding Comprehensive Plan Amendment 2008-02

**July Meetings**

July 14, 2008 - Budget Workshop  
July 15, 2008 - Regular Meeting

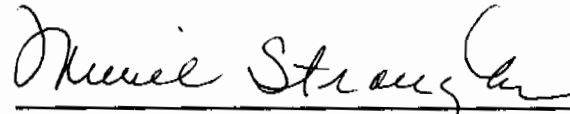
**ADJOURNMENT**

**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 SPECIAL MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON JULY 14,  
2008, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

**PRESENT:** Commissioner Edward J. Dixon, Chairman  
Commissioner Eugene Lamb, Vice-Chair  
Commissioner Doug Croley  
Commissioner Derrick Price  
Commissioner Brenda Holt  
County Attorney Thornton Williams  
County Manager Marlon Brown (Arrived Late)  
Assistant County Manager Arthur Lawson  
Deputy Clerk Muriel Straughn

**CALL TO ORDER:**

Chair Dixon called the meeting to order by leading in prayer and the pledge of allegiance to the U.S. flag.

Chair Dixon stated the proposed FY 2009 tentative budget and adoption of FY 2009 millage was on the scheduled agenda and asked if there were any amendments to the agenda.

Mr. Suggs explained that as part of the budget process, he would like to bring back the Solid Waste item for Board discussion and possible action. He explained that depending on what the Board wishes to do; the opportunity for placing something on the Referendum is running out in August.

**UPON A MOTION BY COMMISSIONER HOLT AND A SECOND BY COMMISSIONER PRICE TO APPROVE THE AMENDED AGENDA TO INCLUDE SOLID WASTE, THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

Chair Dixon turned the program over to Mr. Lawson.

Mr. Lawson stated the County Manager was running late and stated Mr. Suggs would walk through the Board through the workshop.

Mr. Suggs gave a brief overview of the proposed 2009 tentative budget process and explained that one of the most significant issues is the property taxes and millage rate and specific action needs to be taken on setting the tentative millage rate. He explained this is one of the three votes needed to set the millage rate, and a vote is needed tonight so staff can submit the State forms to the Property Appraiser. The Property Appraiser will then mail out proposed property tax notices to every property owner during the month of August. Mr. Suggs said this information must be available to the Property

Special Meeting Board of County Commissioners  
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Appraiser by the beginning of August. He urged the Board to keep in mind that once set, the millage rate cannot be raised without proper individual notice, and if the Board sets it now and comes back in September wanting to raise it again, that cannot be done without the County and Property Appraiser going back through the process of sending out individual notices. He suggested if the Board can lower it, to do so, as they will vote two more times with public notice in September; cannot go higher, but can go lower at that time. Mr. Suggs said staff would also look for specific direction given on development of the budget, not just for tonight but during the on-going public hearings. Last, if the Board is able to give specific direction on the solid waste recommendations from the Solid Waste Citizen's Advisory Committee.

In reviewing the proposed budget overview, Mr. Suggs stated the FY 2009 requested \$116,575,667 is inflated due to capital requests by approximately \$63 million; partially because of the water/sewer study which was approximately \$28 – 29 million; as well as the previously Board approved architectural study. He said there are a number of recommendations for improvement of existing buildings and recommendations for construction that has been put in over the years, all of which has been included in the capital request figures. Mr. Suggs said the \$116,575,667 figure has been reduced by \$80,908,602 bringing a balanced FY 2009 proposed budget of \$35,667,065 which is down by a little over \$4 million, or a 10% reduction. In looking at the operating units, Mr. Suggs explained each unit is going down with the exception of the Judicial Unit which includes all judicial and administrative departments, the State Attorney and Public Defender. He said the constitutional capital request figures also included a significant (approximately \$13-14 million) repair request for the jail as made by the Sheriff. Mr. Suggs also explained in looking at the estimated impact on Total County valuation, the County lost approximately \$222,384,463 and in looking at the 2008 estimated taxable value (Countywide) the county is looking at approximately \$430,013 in loss based on the current millage rate of 8.7495.

Mr. Suggs then presented some options put together by staff in consideration of a millage rate shown in the attached agenda packet. He said the budget values are based on the third option, "Break Even" Millage rate of 9.0586 mills. He said staff's recommendation was Option 3 "Break Even" Millage Rate at 9.0586 mills which will generate @ **no net gain or loss** in revenue and is equal to 4.07% reduction in property taxes. He said the Millage Rate that is set for FY 2009 will, in effect, become the base rate upon which all future years are measured and explained that the County's millage rate will not affect any aid coming from the State. He also said, even if the Board decides to take a supra-majority vote and increase the millage to a break even point, the County will still have a problem (all things still being constant) within the next four years.

Mr. Suggs explained the other Major Revenue Sources (excluding, property taxes) and said that Fiscally Constrained Funds, State Revenue Sharing and the Emergency Sales Tax are all down because they are in the County's general fund. On the Tier II and III diesel (in Transportation and what it means to Public Works) is that the County gas tax is only down by \$30,000. He said he is not too concerned about that, but is concerned with the approximate \$300,000 loss with the Tier II and III diesel. All of this was discussed at the workshops in June with the expectation that general revenues would be down. He said the way they budget, the actuals will normally come in a little higher than budgeted, but what is important now is the way the County has to budget; not to take all 5% that the State says – must look budget to budget as that is what forces the cuts. Right now the County is down about \$425,000 in major revenues. He said major revenue debt

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shown as there are a lot of calculations. EMS collection of fees is strong and EMS is going a lot of people and the collection rate is maintaining, and he believes they will be at the \$1.5 mark in collections this year. Every dime EMS collects in-house is a dime less of general revenue the County has to provide as a subsidy. The Planning & Zoning revenue fees which were raised two years ago keep going south; particularly in volume and that revenue is not performing well and the County is beginning to see a decline in building inspection revenues based on volume. He said the County is already subsidizing Planning & Zoning with general revenues, but in the budget the County was able to get expenditures to meet revenues, but revenues are going down. He said this is important because Building Inspection has been totally independent of general revenue subsidy – has lived off the fees they collected. Mr. Suggs said this will be monitored throughout the year, and he said another fee increase will probably be brought to the Board for building inspection fees – this will be done within the next two to three months. He said there are discussions going on with some of the cities for consideration of the County picking up some of that inspection business also.

Chair Dixon said one question the County must consider is whether or not the County wants to subsidize that business because what is happening in this budget is the money and the growth is not keeping up with the real growth and he said another question is whether or not the County can afford to subsidize on that business.

Mr. Suggs said the funds which will be received from the State for being a fiscally constrained county are not included in this budget (approximate portion Gadsden County should receive is about \$450,000; that was the original amount that came out during the Legislative Session. However, the Department of Revenue has been very insistent that the County not count on any specific number, but rather to wait.

In looking at expenditures, Mr. Suggs said the strategies given the different departments was a blanket or incrementally budget as their budget is not based on what they got last year. He said all departments were notified up front that it was going to be very tight going in and they would receive very minimal additional funding beyond basic operating needs and any increase in the base funding would be due to inflation on a demand for increase of services. They were told not to ask for any new positions, programs or services unless directly tied to an executive or legislative mandate from the County Manager or Board. The most important thing was the departments were told all funding decisions would be made based on available revenue, legal requirements and executive and legislative priorities.

Mr. Suggs said the second most important thing in discussing major revenues is that over-all, the County had a general fund revenue shortfall of about \$549,000 and staff is recommending to the Board a formula or plan that, instead of the Board absorbing the entire cut due to deficit, that it be shared out with all those benefiting from general revenues funding.

After further budget explanation Mr. Suggs said for the second year, he is recommending this budget eliminate non-profit funding completely at this time staff will wait on Board direction. Other items of discussion involved a new Board line item funding; the Connect CTY at \$43,800 and approximately one-half of that will be charged to the Emergency Management Grant with the remainder coming from general funds. He also said as requested by the Board to bring back



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a detailed item on Senior Citizens and how they could go about funding them and providing support. The Senior Citizens receives a line share of their money from the State (over \$700,000). He said they have been designated an (inaudible) agency and staff will have some options to bring before the Board for services to the seniors and that part could change and it will be brought as a separate item. Mr. Suggs explained there is absolutely nothing in the budget as reserve for contingencies in the general fund. He said he is somewhat concerned about it but has recommended to the County Manager that with it being at zero at this time he is aware the County will receive something – doesn't know what or when, but when it is received from the State to put it into reserve – not to commit it to recurring expenditures as the County doesn't know if they will get it again next year. He said at this time there is nothing budgeted in a budgeted reserve that the County could go to without having a public hearing.

Mr. Suggs discussed the grants, capital funding (recommended making some significant improvements at the jail @ approx \$850,000 which will be funded through the Small County Surtax) with a total bottom line figure of approximately \$2.58 million for capital funding. Mr. Suggs also said the jail renovation funds will be retained by the Board of County Commissioners and it is a project that the Facilities Management Department will manage – the funds will not be given directly to the Sheriff's Office. He said the trucks and backhoe for Public Works will be funded from the Small County Surtax. He also said there is no road paving money in this.

The County Manager asked that the Board take some time to hear the recommendations from the Solid Waste Advisory Committee prior to making a decision or voting on the Millage Rate and asked Mr. John Malloy to address the Board at this time.

Mr. Malloy spoke to the Board and presented recommendations as shown in the attached agenda packet for their consideration. After discussion and questions from the Board regarding Recommendation 1b (Universal Pickup with Non Ad-Valorem Assessment), it was suggested to the County Attorney that because of the fact an Ordinance would have to be prepared, that the Board allow the County Attorney and the County Manager to get together and word it in such a way that when the Ordinance is brought back before the Board they will have time to discuss and make adjustments at that time. The County Attorney said that could be brought back to the Board at their August 19<sup>th</sup> meeting.

Commissioner Holt recommended that the language be worded in such a manner in the first couple of lines so the people will know and can understand exactly what the Ordinance is about.

After further discussion it was agreed the County Manager and County Attorney will work on the Ordinance and it will be brought back to the Board on August 19<sup>th</sup>.

At this point, the Chairman asked for continuing discussion on the Millage Rate and the following action was taken:

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**(1) Motion by Commissioner Holt with a Second by Commissioner Price to approve the Break Even Millage Rate (9.0586 Mills) – This required a supra majority (4) vote. (Break Even = 9.0586 mills, this generates @ no net gain or loss in revenue and is equal to 4.07% reduction in taxes)**

Vote Recorded: In Favor – Holt/Price/Dixon  
Opposed – Lamb/Croley

**Motion Failed**

\*\*\*\*\*

**(2) Motion by Commissioner Lamb with a Second by Commissioner Croley to approve the Current Millage Rate (8.7495 Mills) – This required a simple (3) majority vote. (Current Millage Rate 8.7495 and generates @ \$430,000 loss in revenue if applied in FY 2009)**

Vote Recorded: In Favor – Croley, Lamb  
Opposed – Holt, Price, Dixon

**Motion Failed**

\*\*\*\*\*

**(3) MOTION BY COMMISSIONER HOLT TO APPROVE THE FY 2009 ROLLED BACK MILLAGE RATE OF 8.9064 WITH A SECOND BY COMMISSIONER PRICE (This required a simple (3) majority and generates @ \$211,773 loss in revenue and equal to 5.0% reduction in taxes). THE BOARD VOTED IN FAVOR OF THE MOTION.**

Vote Recorded: In Favor – Holt, Price, Dixon  
Opposed – Lamb, Croley

**MOTION PASSED**

Chairman Dixon then stated: **“AS OF THIS MEETING, THE MILLAGE RATE IS 8.9064”**

The County Manager asked that the Board begin consideration on the Urgent Care Center and whether or not they want to continue the Urgent Care Center or simply cease operations of the Center because there will be a lot of demolition involved in getting the hospital ready for their 2011, 2009, opening deadline date. He explained that because of the demolition, and major construction, they could not have the Urgent Care Facility in the hospital during that process. The County Manager suggested a possible special meeting of the Board prior to the beginning of August for a decision.

Chair Dixon asked if anyone wished to have the Urgent Care Center cease in the interim.

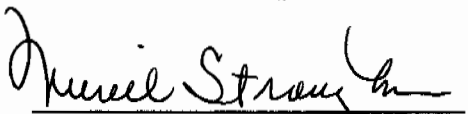
Commissioner Croley said he had been to the Urgent Care Center last Friday and in talking with staff he was told that only about two in ten patients are paying. He said he had mentioned that to the County Manager and said he would like to see some financial information about what is going on with Urgent Care before the Board is able to make too strong a decision. He said he does urge people to use the Urgent Care Center.

Chair Dixon said he does not want to put something out there that is debated every two weeks. He does not want to send messages that they don't intend to send.

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Commissioner Holt recommended Urgent Care use the EMS collection agency as EMS is collecting their money somehow, and if TMH is not doing it the County needs someone to do it.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD AT THIS TIME, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.**

  
Edward Dixon, Chairman  
Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON JULY 15,  
2008, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

PRESENT: Edward J. Dixon, Chair, District 5  
Eugene Lamb, Vice-Chair, District 1  
Doug Croley, District 2  
Derrick Price, District 3  
Brenda Holt, District 4  
Thornton Williams, County Attorney  
Marlon Brown, County Manager  
Muriel Straughn, Deputy Clerk

CALL TO ORDER

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

AMENDMENTS TO THE AGENDA

The following changes were made to the agenda:

Add Item 2-A Presentation of Four Year College Scholarship to  
Corey Perry from the Boys and Girls Club of the  
Big Bend

Add Item 2-B. Approval to Enter into Contractual Negotiations  
with Brafford Real Estate Corporation for the  
Purchase of Property for the Quincy Boys and  
Girls Club and Provide the Funding to the Boys  
and Girls Club of the Big Bend to Construct the  
Facility

Add Item 2-C. Reception of a Grant from DEP

**Public  
Hearings**

11. Public Hearing - Ocklawaha Ventures, LLC  
Comprehensive Plan Amendment (CPA-2006-09) Major  
Land Use Amendment (Transmittal) **Additional  
Material Provided.**

Replace Item Public Hearing - Cohen Future Land Use Map  
12 Comprehensive Plan Amendment (CPA- 2006-10) -

Major Land Use Amendment

Delete Item Public Hearing - AP-2008-01- Britt Appeal of the  
13. Denial of a Two-for One (One into Two)  
Subdivision Application - TAX ID # 5-0L-OR-OS-  
0000-71200-0200

**General  
Business**

15. Additional Material Added for Approval of  
Compliance/Stipulated Settlement Agreement with  
the Florida Department of Community Affairs

18. Additional Material Added for Discussion and  
Direction on Selecting an Existing Railroad  
Crossing for Potential Closure

Add Item 18-A Approval of Change Order # 8 to 2006 Road Paving  
Contract with Peavy and Son Construction Co. Inc.  
to include Byrd Road and Authorize the Chairman  
to Execute the Change Order

Add Item 18-B. Approval to Accept the Certificate of  
Participation for the Byrne Memorial Justice  
Assistance Grant (JAG)

**County Manager**

Add 19-A Gadsden Hospital Inc. Request

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

**AWARDS, PRESENTATIONS AND APPEARANCES**

**1. 2007 Errors, Insolvencies, Double Assessments and Discounts  
Report**

Tax Collector Dale Summerford addressed the Board explaining  
that he is required by law to appear before them within 60  
days within the Tax Certificate Sale, which was held on May  
29, 2008. He explained the changes and errors to the tax

roll as seen in the attachment.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE AND ACCEPT THE ERRORS AND INSOLVENCIES, DOUBLE ASSESSMENTS AND DISCOUNT REPORT FOR 2007.

**2. Employee Retirement Recognition**

County Manager Marlon Brown recognized Mr. Willie Brundidge who was retiring from the Public Works Department as a heavy equipment operator for 22 years. Mr. Brundidge was not present at the juncture.

**2A. Presentation of Four Year College Scholarship to Corey Perry from the Boys and Girls Club of the Big Bend**

Mr. Buddy Strait addressed the Board then presented Mr. Corey Perry of Gretna, FL with a pre-paid college scholarship. Corey will attend Tallahassee Community College in the fall then on to a university.

Corey then thanked God and the Boys and Girls Club for the opportunity to go on to college.

Latrisha Germany, director of the Gadsden County Boys and Girls Club at Chattahoochee, encouraged Corey in the journey ahead of him.

**2B Approval to Enter Into Contractual Negotiations with Brafford Real Estate Corporation for the Purchase of Property for the Quincy Boys and Girls Club and Provide the Funding to the Boys and Girls Club of the Big Bend to Construct the Facility**

Brown:

Mr. Chairman, the next item under Awards & Presentations, since it is dealing with Boys and Girls Clubs, we decided to put this under the previous presentation that you just heard. This is approval to enter into contractual negotiations with Brafford Real Estate Corporation for the purchase of property for the Quincy Boys and Girls Club and to provide funding to the Boys and Girls Club of the Big Bend to construct the facility.

Commissioners, this item seeks your approval, as I just

eluded to, to purchase a site for the permanent site for the Boys & Girls Club in Quincy. Previously, you had directed staff, based on two previous actions - one on March 31<sup>st</sup>, 2008 and the other one on June 17, 2008 - to move forward with the funding of the facilities - one in Quincy and one in Chattahoochee. This action this evening will move forward the construction of the facility for Quincy.

Commissioners, we have been in negotiations with Mr. Ron Brafford regarding the purchase of a site in Quincy for the permanent location of a Boys and Girls Club. Commissioners, we have done separate land appraisals for the property and they both came in comparatively at \$40,000 per acre. Included in your agenda item, based on our discussion with Mr. Brafford, the land site which is on Martin Luther King Blvd., which is right behind Premier Bank, will cost us about \$120,000. It is for 3.03 acres. It will include improvements to the site. The other work, which will include design engineering and storm water construction and building of the site. We are asking the Board to provide that funding to the Boys and Girls Club to move that project forward. You have allocated about \$600,000 to the permanent site in Quincy. As you see from the agenda item, the project cost will be about \$540,000 where the remainder in the amount of \$420,000 will be provided to the Boys and Girls Club of the Big Bend for the actual construction of the site.

The action before you this evening, Commissioners, is to approve staff to enter into negotiations with Brafford Real Estate Corporation to purchase the site for the Boys and Girls Club of Quincy, then to authorize the Chairman to execute the purchase contract subject to the legal review and approval.

Commissioners, inclusive of this will be your decision to also award the Boys and Girls Club of the Big Bend the remainder of that funding in the amount of \$420,000 for the actual construction of the facility. We have both Mr. Brafford and Mr. Buddy Strait as well as Mr. Charles Chapman if you have any questions.

Dixon:  
Tell us about it Charles.

Chapman:  
Since March 31, 2008 at the budget workshop, the board set a

priority, as the manager identified, for two permanent facilities. One in Quincy and one in Chattahoochee. As such an opportunity arose to discuss the project with Mr. Ron Brafford of Brafford Real Estate Corporation. Staff has since that time worked hard on doing our due diligence in acquiring appraisals for the property and also working on a proposal with Mr. Brafford to make this project a success. As the manager noted, the project for the Quincy site location was identified at \$600,000. We have worked with Mr. Brafford to put a proposal together for the turnkey project, including the purchase of the land at \$540,000 - an estimate. Also for architectural services of approximately \$26,000. So, from the \$600,000 identified, we are looking at a total project cost at turnkey at \$566,000. So, we are under budget.

Mr. Brafford is here to answer any questions specifically regarding his proposal. You will see it as Attachment Number 1 in your agenda package. The following item right behind the proposal is the identified parcel location. It does include 3.03 acres to be developed for the club site itself. It also includes 1.01 acres that will not be charged in this proposal. It will be a permanent ingress and egress from Martin Luther King, Jr. Blvd.

Further in your agenda package, there are two sample conceptual designs for future Boys and Girls Club properties that were given to us by Boys and Girls Club in meetings with Mr. Strait and Mr. Davis giving suggested spatial usage in the development of a club. We have designed through the assistance of Joel Sampson, Architect, to design a 4400 sq. ft. facility that you see as Attachment Number 4. The last two items in your agenda package contain an appraisal report by Carroll Appraisal Company that provides a cost per acre of \$40,000 and a second and last appraisal in your agenda package is by Bell Griffith & Associates for the same amount of \$40,000 per acre.

Dixon:  
Questions, Commissioners?

Croley:  
Where is the funding of this project?

Brown:  
This is an item that you approved on March 31<sup>st</sup>, Commissioner as well as on June 17, 2008 when you did a budget amendment



and it is coming from the surtax.

Croley:

I believe on March 31<sup>st</sup>, I think you will find in a copy of the record, you will find that I voted against this on the basis - not on the operation of the Boys and Girls Club, but against building the facility that is going to be paid for with the surtax. Nothing has come up that has changed my position on that from reading this information because it was pointed out that the surtax was passed to build a jail. This commission extended it by the ordinance that says, "...for fire suppression and protection, water and sewer and other infrastructure that serves a broad general purposes of the county government." We are in a situation here where - if you can show me a different way of funding it, I certainly will be open. But, taking this surtax money and spending it to build a building - and as I read through the minutes, this is something, Commissioner Dixon, you indicated that you were going to search for a public facility that was already available. Then, as the manager is referencing, on the meeting of June 17, this was listed about \$1.2 million for funding it. But, these transactions all say Supervisor of Election building for a project to add to her building. The others are for dirt road paving. I don't see anything in here specifically about funding the building of a Boys and Girls Club.

Now, I am the one that brought up the surtax for replacing those fuel tanks for the Sheriff's department so that the patrol cars could be refueled. That is a broad general infrastructure serving all the citizens of the county. Not funding an individual structure. So, I cannot see where that is in there.

Dixon:

Thank you, Commissioner.

Lamb:

Mr. Chair, would you ask the manager to elaborate on that please - on why we are using this particular fund.

Brown:

O.K.

Commissioners, on June 17, the specific agenda item listed \$1.2 million for construction of two Boys and Girls Club facilities. This was passed 4 - 0. You were absent,

Commissioner Lamb. The previous item that Commissioner Croley eluded to - he did vote against the funding, but he did approve the allocation of the money. This was done in a public hearing on June 17 to allocate the funding.

Croley:

Mr. Manager, please look at the attachments - these are the budgets passed by resolution. There is no resolution passed for the transfer of money for Boys and Girls Clubs - a facility for that. This has nothing to do with supporting the operation of the Boys and Girls Club, but there is nothing in there about that I voted to build a Boys and Girls Club and to provide funding out of the surtax for that.

Brown:

Again, Commissioner, once the board approves this, we will move forward with the budget amendment. But, the concept and all of the information - what is in here in terms of what we provided and in terms of the board's action on March 31<sup>st</sup>.

Croley:

It doesn't say that.

Dixon:

All right gentlemen. Thank you very much. We have had extensive conversations in meetings. Commissioner, I think it was you who asked us to flesh out the definition of the surtax so that we would be on good ground, if you would, in decisions about the spending of money. We have gone through this elaborately.

Let me move on. Are there any other commissioners with questions or concerns? Let's get on. We've got a long agenda.

Croley:

Mr. Chair, as a point of order, I believe that this should take four votes, or a super majority vote, to use that surtax money.

Williams:

Mr. Chairman, I think it was a super majority if you amended the ordinance. I may have to pull it to discuss it. I was not prepared to discuss the surtax, but if my memory is correct - We have had so many discussions about this - For

the ordinance to be voted on, it would require a super majority vote to change what you would spend the money on. But, once you put the items in there, then it didn't require a super majority. That is my memory on it.

Dixon:

We will carry it on and if there is a concern, you will bring it to the board.

Lamb:

You will research that?

Williams:

I will research it.

Dixon:

In the meantime.

Holt:

I move approval.

Price:

Second.

Dixon:

We have a motion and second. All in favor, sign of "Aye."

Holt, Dixon, Lamb, Price:

Aye.

Dixon:

Opposed?

Croley:

No.

Dixon:

Make that four to one please.

Thank you very much.

## **2C. Reception of a Grant from DEP**

Commissioner Dixon reported that the County received six grants for public parks throughout the county. He said, "I think we received more grants than any other county. I know more than any other small county. Probably not money wise, but park wise, I think we received more money than any other county in the state. At least, that is what they were chiding us about down in Miami - about our connection and how we hooked in. But, this particular grant of \$135,610.84 is for the new park at Drake Acres at the Lake. So, get ready, it is coming."

### **CONSENT AGENDA**

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

3. Approval of Minutes
  - May 6, 2008, 2008
  - May 25, 2008, 2008
  - December 4, 2007
  - September 18, 2007
4. Ratification of Approval to Pay County Bills
  - Accounts Payables dated: June 27, July 3 & 11, 2008
  - Payroll dated: July 3, 2008
5. Approval to Execute the Emergency Management Preparedness Assistance Sub Grant Agreement 08-BG-24-02-30-01-382 for \$16,073.00 for reimbursement of eligible costs for period of October 1, 2007 through September 30, 2008. This award increases the County's total amount of funding under this agreement to \$119,032
6. Approval of New Road Names - H & M Lane - South off Blue Star Hwy West of Quincy City Limits
7. Approval of Joint Participation Agreement - Small County Road Assistance Program (SCRAP) Resolution 2008-033 Financial Project No. 42403815801 for Luten Road \$655,360.00
8. Approval of Funding from the Florida Department of Transportation to Reestablish the Quincy to Tallahassee

Shuttle Transit Services and Authorize the Chairman to Execute the Joint Participation Agreement (\$130,000)

9. Post Approval of Executed Contract with Bryan Scruggs Construction, Inc. to Construct a Single Family Home on Brumby Street under the New Construction Pilot Program
10. Approval of the Second Memorandum of Agreement with the Office of Tourism, Trade and Economic Development and Enterprise Florida, Inc. in Support of the Regional Catalyst Economic Development Project

#### **CITIZENS REQUESTING TO BE HEARD**

**Paul Levine**, Director of Purple Hatter's Ball, addressed the Board. He said the memorial event for Rachael Hauffman was held at the Ponderosa Wildlife Preserve. He reported that the festival was very successful with the sale of more than 300 tickets in spite of the rain. There were no incidents.

**Rev. Charles Houston** addressed the board. He said that he was in the process of collection signatures on a petition regarding music and fireworks at 3:30 a.m. in conjunction with the Purple Hatter's Ball. He stated that the county manager promised the people that the event would go from 12 - 5, then he changed it to 3 - 8:00. He said, "You have ignored the will of the people - 350 strong that signed that petition that was given to each one of you. They live there. That particular party that I told you about that got up at 3:00 in the morning and went to his daughter's house to see if something was wrong - his wife is right now - is suffering a life threatening situation. If this was a no-problems concert, it is only because the music was so loud and the events were so bad that they couldn't hear it themselves. Like some of our boom boxes, they just made a lot of boom noise and not very much music. But, we don't want to hear it at 3:30 in the morning. One particular person's letter who is being prepared at this time, and I will be glad to share it with you once we get them, but, that particular person lives 2.5 miles from the event site and they heard it. Yet, you have ignored the people who live there, who pay their taxes and who support you, who live with you. They don't live in Ga. They don't live in Tallahassee. They live here. They have expressed their concerns and we are faced with a dilemma and we don't know

what to say to you. But, Mr. Brown, you really let us down. You really let us down. If I were your boss tonight, I would fire you."

Dixon:

Thank you Rev. Houston. If you would, prepare that information and forward it to us.

Houston:

One other thing I want to mention about safety. They used one driveway to enter the park. That drive way was on a severe curve where there is terrific traffic. That is where the deputy sheriff was. He said they had security. They did until 8:00. They locked the doors at 8:00 p.m. Then they had their party.

One other thing. The traffic that is there - the deputy sheriff went home at 8:00 and the only thing that I can say about that was report that came into the sheriff's office and to me. There were no reports of any problems. And, there wasn't until 8:00 when your staff, I assume, went home. The deputy sheriff went home. Then we suffered the consequences.

Holt:

I went to the event. I stayed there until after 7:00. There were no problems up until that time. I listened to the music. We rode around the property on the highway and you could not hear the bands outside of the property. I talked to some of the neighbors and they said they did not hear them. I did not come back at 3:00 in the morning, but we did go back out there at 11:00 at night. (We were heading to Tallahassee) So, those are some things that I did. I hate to vote on something when I don't know anything about it. So, that is one reason that I went out there and I rode out there. I can't say anything about 3:00 a.m. But, I can tell you that at 11:00, you could not hear them.

Dixon:

Mr. Manager, if you would, have a report prepared with those folks who staffed it out there - the sheriff's office and inclusive of Rev. Houston's statements and information that he has prepared.

Brown:

Mr. Chairman, just to let you know, we had staff out there until 9:00 p.m. I, myself, rode out there after 10:00. I will have that in my report in terms of my discussion with the Sheriff's department and their assessment. I will have that as well.

Holt:

Also, Mr. Chair, if it is possible, have Mr. Levine and his staff's report in there also so we can hear both sides of it.

Dixon:

This is a matter of law. The law says, "Under 500, you may". That is our law. You have to be careful about throwing out laws that for the moment don't make you feel good. You have to be very careful. You wouldn't want it done to you when your time is up. It is going to come your time for some law, one way or the other. We have to be very careful and mindful about that. If the law needs to be changed, then the board will change it. But, not for a particular incident. The law will be changed. Mr. Houston's group and Mr. Levine's group - please petition this board to change it. That is how this law came into being. If it is bad, we need to change it. If it doesn't fit the right group, we need to change it. But, you don't, on a dime, throw laws out because they don't fit right now. That is not the American way and it is certainly not the democratic way of doing things. This is not about what the board wants. The board was reacting to the law. The law doesn't give us jurisdiction. The law that we created puts the jurisdiction in the hands of the manager. So, that being said, let's move on.

#### **PUBLIC HEARINGS**

**11. Public Hearing Ocklawaha Ventures, LLC Comprehensive Plan Amendment (CPA) 2006-09) Major Land Use Amendment for Transmittal changing 68.88 acres from AG-3 to AG-1 (2 parcels)**

**Owner:** Jason Boone and Gabrielle Hanway

**Applicant/Representative:** Shawn Marston of Creech Engineering

**Location:** North and south side of Cooks Landing Road at the intersection of SR 267

**Planning Commission Recommendation:** Approval to change to a density of one dwelling unit per twenty acres to one dwelling unit per five acres if they would agree to do advanced waste water treatment.

Interim Growth Management Director Jill Jeglie told the board that this application was put on hold in 2006 voluntarily by the applicant until the Wetumpka Lake Talquin Neighborhood Plan could be developed. Even though the plan is still not completed, the applicant came before the board

on June 5 and the board voted to allow the application to proceed through the process to be transmitted to DCA. See the agenda packet for further details of this applications.

Commissioner Croley asked, "A question regarding the state lands in the brown. I see that they touch and adjoin that property. Have you received any comment in favor of or opposed to the zoning change from the State?"

Ms. Jeglie replied, "No comment whatsoever."

Croley:  
Have they been made aware?

Jeglie:  
Yes, this property was noticed with signs and with mail public notice.

Croley:  
Mailed to the State?

Jeglie:  
Yes, as it is listed on the tax roll.

Croley:  
And they stated no opposition?

Jeglie:  
That is correct.

Dixon:  
This is the transmission to DCA, so they will know and they will have another wack at it, so to speak.

Jeglie:  
In addition, there were representatives of the Friends at Lake Talquin who spoke at the Planning Commission hearing who spoke out in favor of this amendment.

**Chair Dixon called for public input.**  
There was no response.

**UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE LAND USE CHANGE FROM AG-3 TO AG-1 CONTINGENT UPON THE SPECIAL CONDITIONS LISTED IN THE AGENDA REPORT ATTACHED AND WITH THE ADDITIONAL SPECIAL CONDITION THAT THE APPLICANT USE ADVANCED WASTE WATER TREATMENT SYSTEMS.**



**12. Public Hearing - Cohen Future Land Use Map Comprehensive Plan Amendment (CPA-2006-010) Major Land Use Amendment for Transmittal Changing 29.15 acres from AG-3 to Ag-1**

**Owner:** Robert Dutton and Mr. Eric Cohen

**Applicant/Representative:** Florida Environmental Land Services, Inc.

**Location:** North side of Cook Landing Road approximately 1.6 miles from the intersection of SR 267.

**Proposed Use:** Five-lot minor subdivision with four lots of 2+ acres clustered on the northeast side overlooking the water with the fifth lot of 20+ acres taking up the remainder of the parcel.

Interim Growth Management Director Jill Jeglie told the board that this application was also held in abatement awaiting the development of the Wetumpka Lake Talquin Neighborhood Plan. Even though the plan is still not completed, the applicant came before the board on June 5 and the board voted to allow the application to proceed through the process for transmission to DCA. See the agenda packet for further details of this application.

**Staff Findings** are listed on pages 11 - 13 of the agenda report.

**Staff Recommendation:** Deny the application because it would result in a leapfrog development pattern. See other compatibility concerns listed in the agenda report.

**Planning Commission Recommendation:** There was no recommendation as there was a tie vote, which technically could be a recommendation of denial. They had concerns about the use of the adjacent land and it's proximity to Lake Talquin. The adjacent uses are state owned forestry land, Lake Talquin State Park, agriculture uses.

It was noted that the Friends of Lake Talquin had not voiced any objections to the land use change.

**Brenda Powell**, Florida Environmental and Land Services addressed the Board. She said that there are some great similarities between this proposed project and the Ocklawaha Ventures project.

Chair Dixon called for public input.

**Belinda Snyder, President of Friends of Lake Talquin,** addressed the board. She said that her organization is not opposed to the venture, but she asked that they follow in the same footsteps that the Ocklawaha Ventures is committed to. However, she stated that they are very much against the clustering because of the shape of the land and how "tiny" it is down by the lake. They did not oppose its development into 5-acre tracts with advanced wastewater treatment.

**Maury Norwood,** resident adjacent to the property in question. He said that he had concern about the clustering right at the lake. It would also set a precedent for other clustering to follow. However, if it were truly five-acre parcels, he would have no objections.

**Bob Dutton, one of the owners of the property,** spoke briefly. He said they would abide by all rules and regulations of the county without exception. He also stated that he sent the Friends of Lake Talquin and Mr. Norwood a picture of a house that he just completed on Lake Seminole - valued at \$400,000. He said, "We want to become a friend of Lake Talquin and become part of Gadsden County's progress. We certainly do not have any intention of doing anything detrimental to anybody in this area."

Commissioner Lamb had no objections as long as they developed the property consistent to the surrounding uses as the Friends of Lake Talquin pointed out.

Commissioner Croley asked if there would be clustering.

Ms. Elva Peppers replied that they do intend to cluster the lots.

Mr. Dutton stated that they do not have to cluster if it is against planning and zoning policies.

Ms. Peppers stated that could be addressed at the subdivision process.

Commissioner Croley stated that he wanted that issue cleared up at this point.

Commissioner Lamb asked them to consider not clustering at all.

Chair Dixon stated that he would not be opposed to

clustering because they will use advanced wastewater treatment and that changes the entire scheme of things for him.

**Ms. Belinda Snyder** objected once again to the clustering.

Commissioner Holt stated that there are others who should be considered as well.

Commissioner Croley asked Ms. Jeglie, "The conservation easement with the state, with the state properties, did you get any comment from them about their position on clustering?"

Ms. Jeglie replied, "No comment. They were also noticed and there was a sign put up and we have heard no comment from the state. We received no comment from the State."

Croley:

Well, the Ocklawaha, since they have tied the two together to some degree, it is approved for one to five. They haven't mentioned anything about clustering. Is that correct?

Jeglie:

That is correct.

Croley:

And they will use advance wastewater treatment as they have already agreed to?

Jeglie:

That is correct.

Croley:

Thank you.

Dixon:

Ladies and gentlemen, anytime you deal with the lake, this is going to be the conversation. It is simple, but the simple thing is that there are no simple answers. We are going to be friends today and enemies tomorrow - maybe even later today. That is the whole thing about this. There are no simple answers. Where we can get victory, we take them. If there is a design, and I think we are talking about the design, if we ask those folk to bring them back to us once again for approval, I am sure that they will be more than

willing to, won't you?

Dutton:  
Absolutely.

That is correct.

Dixon:  
For this board's approval.

O.K. Anybody opposed to that?

Holt:  
I move approval.

Dixon:  
We have a motion. Do we have a second for approval?

Price:  
Second.

Dixon:  
Anybody got a comment?

Croley:  
That is approval on the basis of the land use and with advance wastewater treatment with the conditions and it having to come back to us for design approval.

Dixon:  
Yes, land use only, with conditions. Does everybody understand? Are we all on the same page?

Croley:  
It will come back to us again. I am with you.

Dixon:  
If there is no further discussion, all in favor, sign of "aye."

All:  
Aye.

Dixon:  
Opposes?

(No response)

Please make it unanimous.

- ~~13. Public Hearing -- AP 2008-01-- Britt Appeal of the Denial of a Two for One (One into Two) Subdivision Application -- TAX ID 5-0L-0R-0S-0000-71200-0200~~

This item was deleted from the agenda in the amended agenda.

#### **GENERAL BUSINESS**

**14. Presentation of Bid Protest Report and Approval of Recommendation of the County Manager in Regard to RFP 7-10**

Attorney Williams:

Before the manager starts on this item, I think you are going to have some testimony that is going to come in on this item, but, because this is possibly going to be an appeal issue, just to keep the process in order, you are more than welcome to take the testimony, but the discussion has to be restricted (because there will be a transcript of this) to the recommendation from the manager. It is just the basis for what your decision should be on for all the board members. So, if you don't mind, once you get all the testimony in, I would ask that the discussion be based on whether you agree or don't agree with the outlined recommendations by the county manager.

Dixon:

Mr. Manager.

Brown:

Once again, commissioners, this is your first item under General Business. This is presentation of the bid protest and approval of the recommendation of the county manager with regard to RFP 7-10.

Commissioners, this item represents the report and recommendation, my report and recommendation to the board with regard to the formal bid protest filed by Telecommunications Corporation also known as TDS.

Commissioners, just as background, if you will allow me to

go through this - it is a very sensitive issue.

An RFP was issued on December 17, 2007, seeking sealed proposals from interested and qualified firms or individuals to provide a 1Gbps fiber optic wide area network. Proposals were due on January 3, 2008. After a mandatory pre-proposal conference held on December 27, 2007, staff issued Addendum No. 1, providing written responses to questions raised at the pre-proposal conference. In response, TDS filed a specifications challenge, asserting that Addendum No. 1 showed that the RFP failed to state the relative weight and importance of price and other evaluative criteria. That protest was subsequently resolved by the County's issuance of a revised RFP on January 16, 2008. This revised RFP had a deadline date of January 29, 2008. TDS and NetQuincy submitted sealed proposals on January 29, 2008.

A county staff evaluation team reviewed and evaluated the proposals submitted by TDS and NetQuincy. A written staff Agenda Report was issued to the Board of County Commissioners and considered by the Board at its regular meeting on April 15, 2008. Staff recommended that the Board select TDS for the award of the RFP. After discussion, the Board decided to award the RFP to NetQuincy and authorized the chairman and county staff to negotiate and execute a contract. Based on the Board's decision to award the contract to NetQuincy, TDS filed a timely Formal Written Protest on April 18, 2008.

Commissioners, the Bid Protest Proceedings were conducted in this matter in compliance with Section 5.13.4 of the county's procurement policies. The purchasing director met with the protestant and did not resolve the protest. Next, a proceeding was held before the county manager on June 3, 2008.

Commissioners, I heard all presentations from the parties, including the City of Quincy. Based upon the information I received at the protest proceeding, I have issued the attached report and recommendation in Attachment No. 1.

Commissioners, my recommendation is that you uphold your decision to award the RFP to NetQuincy. And, Commissioners, we have that information included in terms of my report. You will hear, I am sure, from both NetQuincy and TDS this evening. The option before you is to approve the Report and Recommendations of the County Manager to deny the Formal

Protest of TDS.

Dixon:

TDS, if you would like, come forward.

Sipple:

Good evening, I am Marty Sipple. I am here on behalf of TDS. I am not going to keep you very long on this issue. I know it has been going on for a while.

TDS - the county issued a procurement solicitation for this contract that spelled out objective criteria and ordered those criteria in terms of importance. The staff, the county evaluated those criteria, those objective criteria and concluded that it wasn't close. That TDS had a far superior product. That was your staff's recommendation. The board decided to go the other way and awarded the contract to NetQuincy.

As I indicated at a previous meeting, it is a legal matter. TDS does not believe that this board has just unfettered discretion to reject the recommendation of the staff based upon objective weighted criteria. TDS continues to believe that was a legal matter - an erroneous decision because it was based on matters outside the criteria that were spelled out in the procurement document. So, those arguments were made to the county manager and the county manager has rejected those items that TDS continues to believe that it was a legally erroneous decision.

Also, of course, it is somewhat ironic that Mr. Summerford is here tonight because there is a significant issue here tonight because NetQuincy has not paid ad valorem taxes for several years, possibly never. NetQuincy is a direct competitor of TDS and it has been legislatively authorized to compete. But, part of competing and going into business is you must play by the same rules as your competitors. But, they have not played by the same rules, because they don't pay taxes like TDS does.

Also, I gather that it is somewhat an open secret in this town that NetQuincy is probably going to be looking for a way to go out of business. So, the county is going to pay them a significant amount of money to string up a series of fiber optic cables and when they go out of business and that money will be gone and wasted as the cables hang on the lines without being used. I suppose at that point, there

will be another procurement and the county will pay somebody else, maybe TDS, to do it again.

So, for those reasons, of course, TDS doesn't think that it makes much sense to award this contract to NetQuincy, but, apparently that is the will. So, again, we would just reiterate the legal challenges that were made to Mr. Brown and urge the commission to possibly reconsider its decision tonight.

Thank you.

Williams:

Mr. Chairman and commissioners, again, I will caution you to make no questions.

Sipple:

I am sorry. I am available to answer any questions. I apologize.

Williams:

I am asking them not to ask any questions. The issue is whether the document prepared by Mr. Brown is appropriate. If there are concerns about his decisions, that is what is before the commission tonight.

If you take questions for him, and then you are to then incorporate that in, then you are modifying the actual findings by Mr. Brown and creating a whole new issue legally if there is an appeal at stake. So, it is a very technical issue, but considering that we are already in appellant process, I am asking that you honor the process that the county has outlined. Which is - Mr. Brown has done a review. That is the document in front of you. If there are concerns about the document, that is appropriate to be discussed. But, generally bringing out new facts to be reviewed would be inappropriate.

Dixon:

Thank you Mr. Sipple.

Questions of the manager?

Lamb:

Mr. Manager, were you aware at any time that NetQuincy had not paid their taxes?



Williams:

If I may, you will have to rephrase your question. The question should be - At the time of the presentation of the hearing, was there any evidence presented to him about unpaid taxes? Because on appeal, the process is in appeal by TDS of the award by this board. TDS had an appeal. They had the ability to present the facts to the manager for his consideration. So, Commissioner Lamb, if you don't mind, we are in a quasi-judicial process, I will ask you to rephrase your question and just ask him if it was presented to him at that hearing for his consideration in making his decision. It is the same question, but it had to be presented at the hearing with the manager for his consideration.

Lamb:

Right. I can ask him that, but I still want to know. At the beginning, when we first heard them at bid.

Williams:

I can answer that for you. They made a representation that there were unpaid taxes. I was at the meeting when that occurred. There was a statement made and I can't recall if there was any evidence presented at that time. I can't remember which one of the RFPs it was done at. But, I think it could have been the second one. But, for purposes of this appeal ruling by this board, it is very important to me legally that we stay strictly with the evidence presented to the manager at that hearing. So, with that being said,

Lamb:

But, the only question I have toward it is to say that I wasn't aware at the initial thing that day that they had not paid up.

Williams:

Let's let him answer the question, but, again, I want to put us in the best legal posture. Just as long as you understand that ultimately, you have to rule on what the appeals order says.

Brown:

Commissioner, yes, I was made aware of it. I don't know how much they didn't pay. In the discussion with the Tax Collector and the Property Appraiser in terms of whether taxes were due or taxes were not due, I still, that did not make, that did not have any influence on my decision as to whether NetQuincy was the more qualified company to provide

service - whether they paid taxes or not. So, yes, it was presented. Did I take that into consideration in my decision - No, I did not.

Croley:

Just a follow up.

Mr. Attorney, is it not a legal requirement, statutory requirement or at least in the Alachua County Court Case that NetQuincy, or utilities like that, that are in telecommunications, have to pay these tangible personal property taxes?

Williams:

I don't recall the answer to that question. I know my staff looked at it. I do know that we looked at the question of whether there was a requirement listed in the RFP and the answer was no, it was not listed in the RFP. So, having said that, because we researched the issue about whether that was a requirement that would then cause them to be considered a non-responsive bidder. As you are probably aware, there are two criteria generically in looking at bids. One is whether they are responsible and one is whether they are responsive. Responsible means, Do they have the legal capacity to do the work. They have to demonstrate that in the bid document. Responsive means - did they answer the questions outlined in the RFP? In a generic process, the county, through its staff, is supposed to make a determination that a bidder is responsible and responsive. But, that criteria was not laid out. So, to the extent that it may be accurate. Let's say hypothetically, the most that I think the county could do, as a condition of going forward post award is to put a condition on them to require them to pay it. I don't think it is a criteria for throwing out the bid, if it is true.

Brown:

Either way - either direction you go in, whether you uphold my decision or you grant TDS the right to appeal and to make a decision to go with TDS, part of the requirement for selecting one of these companies is that we will do our due diligence and take a look at their ability to perform and whether they are financially stable etc, etc. That will come with the award. It doesn't come before the award.

Croley:

But, Mr. Attorney, isn't it assumed when an RFP is issued

and you have responders that the responders are expected to be viable and in compliance with the law? I think you both will recall when this issue came up, e-mail went up from me to the property appraiser. We had a response back from the property appraiser that I believe; I know it was shared with you. And yet, that became a factor about the viability of the responder - that being NetQuincy.

Williams:

Again, you can't change the RFP process in the middle of the process. That is pretty standard as it relates to selections. So, to the extent that the county did not include that, I don't think that it makes the county stop the RFP process and start it over again. There are a lot of ways that procurements are secured for performance. Depending on the size of projects, you will have performance bonds. You can have direct letter of credit. There are a lot of things that are done on the backside of it because it is very - you could have a company that is very viable on paper that cannot get the work done. As the manager pointed out, it is normal to do due diligence and do something that lets you know that the person that has been selected can complete the project. It has nothing to do with paying taxes or not paying taxes. It has to do with the county, upon making an award, insuring that the project is done the way that it is suppose to be done and that if - whether it is a viable company or - I am not sure how you would do a non viable company - but, whoever the company is, that it is done to the satisfaction of the county. The county is supposed to put milestones in the contract and if they comply with the contract, the bond is released - (inaudible) the document is released. If they don't do it to our satisfaction, we call the bonds and we get it done to the satisfaction of how we want to get it done.

As the manager pointed out, this is an absolute red herring to the extent that it should throw out the bid document. If you ask the question - Is there something you want to do differently in the future - maybe. As it relates to this RFP, it does not put the county at any risk whatsoever in insuring that the work is done properly.

Croley:

But, what I understood you to say earlier is acceptance of the manager's recommendation does not preclude consideration of these factors as we go forward.

Williams:

The factors about the financial liability? Absolutely. He still has to do his due diligence. A contract has to be entered into and terms and conditions have to be placed into that contract.

Croley:

On that basis then, I am satisfied with it, Mr. Chair.

Williams:

Just for future reference, every contract has to be done that way. When you all hired me to be your county attorney, and chairman, just to put everybody in the right mind set, one of the things that we first noticed was that contracts were not done in the normal legal method, which is to have termination agreements in them, performance agreements in them. We put all of those in place across the board in every contract. What is says is "This is the way we do business in Gadsden County." Winning of the award, in and of itself, is not enough. They have to perform. If they don't perform, we put insurances in the contract that will allow the county to have money as recourse to make sure that it is done properly.

Brown:

Mr. Attorney and Mr. Chairman, to follow that, even given a performance bond, we will go and we will look at the equipment that either of these companies and see whether they have the capacity to perform. Even before we award a contract, we will know whether - if you decide to go with NetQuincy, whether they can perform or not perform. We will bring it back to the board if we feel that they are deficient in any way and we will let the board make a decision based on that.

Dixon:

Question? Anyone else?

Before us is a recommendation.

Price:

I move we accept his recommendation.

**Dixon:**

**To approve the report and the recommendations of the county manager to deny the formal protest of TDS. That is the motion.**

Holt:  
So moved.

Dixon:  
That is the motion, that is the second.

All in favor, sign of "aye."

Price, Holt, Dixon, Croley:  
Aye.

Dixon:  
Opposes?

Lamb:  
No.

Dixon:  
The motion passes 4 - 1.

**15. Approval of Compliance/Stipulated Agreement with the Florida Department of Community Affairs**

Williams:  
Commissioners, as you know, this item has been before us a number of times. Without going through all the involved parties, there were some key changes. Jill is going to go through some of the substantive changes that have occurred based on the submittal. The most important thing is that we presented to you an agreement between us and DCA as a settlement agreement so that we can go forward. You had to vote to approve it and you did. DCA has concurred. Now, tonight, you have to vote to sign the stipulated settlement agreement tonight. If you agree to do that and authorize the chairman to sign it - but, there are some changes and Ms. Jeglie needs to point them out to you. Why don't you do that first, then I will tell you procedurally what it is that you need to do so that we can wrap this up.

Jeglie:  
Very quickly, you have the latest stipulated agreement - you have the revised completion statement dates for the urban service boundary. Actually, these objectives and policies you have seen before, but they have been tweaked slightly. They have to do with the six major amendments that came

before you originally in 2005. They have been discussed on a number of occasions, most recently back in May.

There are specific policies for those amendments. Basically they include - for some of them, they are required to have central potable water systems, for some of them, and they are required to provide affordable or moderate or low-income housing. I can answer questions on any of those specifically if you like. You have the document labeled as Exhibit B - Remedial Plan Amendment. This would allow some of the minor amendments and other amendments to go forward that are listed in Policy 1.1.154.

One of the major issues in this is that it will require us as a county to adopt urban service boundaries. We have indicated six of those areas in previous meetings including the visioning plan. There are some criteria for doing neighborhood plans to develop those urban service boundaries. That would include the deadlines that I eluded to. Once we do the neighborhood plans, we are committing to adopting actual amendments to implement them within six months of the adoption of those plans.

Exhibit B Remedial Plan Amendment also lists the criteria for developing those urban service boundaries.

If you have some specific question, I will be happy to answer those.

Williams:

If you don't have any questions, then you need a motion to agree to the settlement as amended and authorize the chairman to execute the settlement agreement.

We had a call from one of the applicants that - if it is possible to get DCA to do the agreement separately - there is a intervener/opposition to one - Lonnie do you remember which one it was? Jill? Which one has opposition?

Lonnie Groot:

I forgot which one it was. The separate will actually be on the Comp Plan Amendment.

Williams:

I understand. I just wanted to let people know.

Unidentified person:

I think it was Mortham Shaw.

Williams:

Shaw is the one that had opposition. So, we've been requested to see if we can get them done separately when we do the Comp Plan Amendment. We talked to DCA about it and DCA agreed to do each one separately. So, to the extent that the opposition goes forward, it will not hold up the other five.

Croley:

Mr. Chair, I have a question.

Will you please restate again the time frame for the urban service boundaries establishment - how soon?

Brown:

Commissioners, that is in your amended agenda. Jill, will you go ahead and read it for the record?

Jeglie:

There are six urban services boundaries planned. First is the Wetumpka/Lake Talquin area, which the deadlines propose a deadline of January 1, 2009. The second is US 90 East Corridor - February 1, 2010. US 27 Corridor March 1, 2011. State Highway 12 corridor (Quincy to Havana) December 1, 2012. St. Johns/Robertsville - December 1, 2013 and West Quincy - Gretna/Greensboro- December 1, 2014.

Croley:

Just as a follow up, does this mean that urban services boundary must be established? Why if, for instance, residents don't want an east 90 Urban Service Corridor. I will just use that one as an example.

Jeglie:

It says that we "shall" consider urban service boundaries, that we must do the neighborhood plan. I believe that there are

Croley:

It says, "consider", but not obligated to.

Jeglie:

There is a stipulated agreement, I believe, that there is a requirement, I mean, not a requirement, but an indicator that the Florida Department of Community Affairs if they

found us not in compliance with this agreement, they could take us to administrative hearings. I will let the attorney address that, but I don't know if that is on the specific amendment or the adoption of the urban service boundaries or both.

Williams:

Lonnie, if you will come up here.

Jeglie:

One of the key items in there is that it will govern amendments from/to rural residential or higher densities land use amendments.

Dixon:

The point is if you don't identify them, they won't approve any densities of any kind in those areas. That is the deal. You don't have to identify any. But, if you don't, then we are going to assume that you didn't want to, and therefore, you can't bring us any kind of growth in those areas, period.

Jeglie:

That is my understanding. It speaks specifically to rural residential.

Groot:

DCA is going to hold you to your current densities unless you do an urban service boundaries study and adopt an urban service boundary that justifies the increased density.

Croley:

I just want to make sure that we are not committing to increase density anywhere, nor are we precluding that opportunity to do so.

Dixon:

You are precluded if you don't do it.

Croley:

If you don't adopt the urban service boundaries.

Dixon:

It works the other way.

Croley:

But, you don't have to adopt urban service boundaries unless



you want to have more density.

Dixon:  
Right.

Croley:  
Then, I can go along with it.

Dixon:  
Questions?

Holt:  
Do you need a motion?

Dixon:  
We need a motion.

Holt:  
I move approval.

Price:  
Second.

Dixon:  
We have a motion and second for approval. All in favor  
signify by sign of "aye."

All:  
Aye.

Dixon:  
Opposes?

(No response)

Dixon:  
Please make it unanimous.

Next item, please.

**16. Discussion and Direction of Nuisance Abatement/Lot Clearing Ordinance**

This item was presented as a draft ordinance for the board to consider relating to nuisance abatement and lot clearing.

Attorney Williams stated that he placed this item and Item 17 on the agenda because they have been in process for some time. He stated that neither of the proposed ordinances has been noticed and they cannot be voted on at this meeting. He called for discussion and input from the commissioners.

County Manager Brown stated that the ordinances came about from feed back from the commissioners and the public in terms of the ineffectiveness of the past code enforcement efforts in Gadsden County. He said that the ordinances will allow the county the ability to go clean up "eye sore" properties, then place a lien on the property to off set the cost of the abatement issues.

He then said they would be targeting areas in the county to get them cleaned up - beginning with the Lake Talquin area then move to other areas of the county.

Commissioner Holt said that she had no major problem with it as it was written, however, she referred to the bottom of page 1 - "Employees may enter upon any land at reasonable times..." She suggested that the staff embark on some education to the public regarding how the ordinance has changed.

Mr. Brown replied that an education campaign would become a part of the ordinance enforcement.

Commissioner Price asked how they would deal with abandoned houses. The manager said, "First of all, we will attempt to contact the owner and give them a certain number of days to remove the property or we will go in and remove the property. We will basically get reimbursement from the property owner for getting that abandoned home or trailer off the property.

Commissioner Croley asked from what jurisdiction the ordinance originated.

Attorney Lonnie Groot responded, "From me. I have drafted similar ordinances in Seminole County, Lake Helen, Palm Coast, and I could go on and on, but it is an ordinance that is used, or a process that is used in many counties and cities throughout the state. The whole idea is to have tools that you can use. You don't have to use them, but you talk to citizens and they clear up the problem. But, the

idea is to get compliance without having to go through the process. But, to have a tool available if you need it."

Attorney Williams interjected, "Lonnie is a phenomenal resource for county work. He has done a lot of county work. But, in terms of the issue of exercising judgment and when do we need to do a real comprehensive research; it is a judgment call each time. After talking with Lonnie, I feel comfortable that he has drafted what the county needed here. For instance, on the issue of the ad valorem taxes, we are going to do a polling of the counties on how they approach this issue of universal service like we are talking about. So, it is a case-by-case basis and the other ones that we have done in the past, we didn't have Lonnie as a resource, but we do now. We don't need to do it as extensively. When it is a big issue, like the one we are talking about, we will always do that type of background. Just so the commission understands just what kind of universal options are out there."

Commissioner Croley stated that he wanted to make sure that the staff can recognize the difference in being "a little bit junky from being trashy."

Attorney Williams directed the commissioners to page 5 to the definition of "nuisance". He went on to say that there can be some abuse of judgment because there will be some amount discretion. "That is where the citizens requesting to be heard allows you to hear about things like that if it occurs. Bear in mind, there will be some discretion with this and it will be new to the county. To the extent that manager is actually going to enforce on a regular basis, you will have to keep in mind that people are not going to be happy about how it is exercised. The other thing, commissioners, as you have pointed out many times, the commission will begin setting a precedent in terms of how they treat people. So the ordinance, in and of itself, is unexercised at this time. As the manager exercises his discretion under the ordinance, you will be setting boundaries and expectations of the citizens of Gadsden County. With those boundaries and expectations in place, hopefully, the manager will exercise a vision for you and then they will know what to expect. The whole purpose of this is to not keep you in a situation where you are constantly going through enforcement measures. If the manager does his educational program, the whole purpose of this is to learn what is expected. So, as they go one step

too far now, after knowing the ordinance is in place, they won't go that step further. They will back up and they will clean up, they will get rid of abandoned cars, they will make the unsightly areas that are creating nuisances clean now so there is no enforcement for the manager. The goal is not enforcement. The goal is for people to be aware of it and not do it - if we exercise it properly."

Mr. Brown then stated, "Part of this is the code enforcement sweep. I think that will kind of fit the parameters of what people should expect. It will also set parameters for us in terms of how far are we going. Are we being punitive or are we are trying to really help in these areas. The code enforcement determines how this whole process will work."

Commissioner Price cautioned that the county should be mindful of how they approach people about a nuisance.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE DRAFT ORDINANCE AND BRING IT BACK FOR A PUBLIC HEARING AND ADOPTION AT A LATER DATE.**

**17. Discussion and Direction of Code Enforcement Board Ordinance**

This item is a companion item to Item 16.

Commissioner Croley questioned who would serve on the board. He asked the manager and the attorney to incorporate one of the positions on the board to be a person who actively engages in agriculture production.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVED THE PROPOSED DRAFT ORDINANCE AND TO BRING IT BACK FOR PUBLIC HEARING AND ADOPTION AT A LATER DATE.**

**18. Discussion and Direction on Selecting and Existing Railroad Crossing for Potential Closure**

In May 2008, the Public Works Department was asked by a private developer to secure a new railroad crossing in Midway. In order to open a new crossing, CSX Railroad determined that at least two other crossing in the county must be closed. One of those closing was proposed to be Joyner Road in Midway and the other was Salem Road in

Havana. The closing of the Salem crossing was brought to the board for discussion on June 3, 2008. Since then, there was a public meeting in the Havana area. At that meeting citizens expressed concerns, as did business owners about the inconvenience that the closure would create. They also expressed concern for the way it was selected to be closed.

It was noted that the closing of Joyner Road crossing was scheduled to be on the agenda for the City of Midway on July 16. Staff recommended that the board await the outcome of their meeting before they make a determination as to the closing of the Salem crossing. Additionally, Mr. Brown presented a listing of crossing located in the unincorporated areas of the county.

Again, Mr. Brown recommended Option 1 in the agenda report which was to obtain the outcome of the decision of the proposed closure in the City of Midway and if the City approves the closure on Joyner Road, bring back all potential sites in the unincorporated are for additional Board action.

Public Works Director Robert Presnell reported that a public meeting was held at the Town Hall chambers and it was well attended. They received a number of complaints, comments and questions. He said since that meeting, the staff has looked at a number of other sites. After further study, Salem Road crossing and Joyner Road crossing are the only two they have been able to identify that would meet the criteria that was outlined by CSX. The developer and his consultant have also looked at each and every crossing in the county. They are in agreement with staff that the only ones that can be closed are Joyner Road and Salem Road.

Mr. Presnell went on to say that it would not be a quick process even they made a decision to close it at this meeting. He said that anyone could challenge the closing through administrative hearings. At best, the process could take up to two years. Likewise, anyone can apply for the closing of the crossing. But, in either case, the closing would have to come to the board of county commissioners.

Chair Dixon called for public input.

**Mr. Larry Ganus** addressed the board as a private citizen and as Planning Commissioner.

As a private citizen, he presented another petition opposing the Salem Road Crossing. (This was a second petition with the first having been filed in June. That petition was included in the agenda report.) Both petitions have more than 600 signatures collectively in opposition to the closing.

As a planning commissioner, he presented a resolution from the commission and read it into the record. The resolution requested that the board of county commissioners handle railroad closing be handled as a Type IV review in the future and to revise subsection 7204 of the LDC to include the Vacation, Abandonment, or Closure of a county roadway under Type IV review procedures. He also presented an information brochure regarding FL Public Rail Grade Crossings Open and Closing program.

He referenced Section 2.2.3 of the Comprehensive Plan

He asked that that the county do some hard bargaining with CSX to stop the closing given the hardship it places on the county.

He then referenced Chapter 7 of the Land Development Code, which deals with vacation of rights-of-way and easements. He contended that if the Salem Road crossing is closed, it will essentially close the Cut Off Road and would require review by the Growth Management Department. He stated that he interpreted that to be a violation of Policy 2.2.3 of the Comprehensive Plan.

He asked the board to consider the resolution and the request of the Planning Commission. He said that people feel left out of the process and do not understand what is going on.

Mr. Presnell stated that this matter was brought to the board to seek their direction as how he should respond to a request made of him. He clarified that all of the policies of the county would be followed if this matter should proceed to that point. He reiterated that no one has applied for a crossing closure up until this point.

The chair turned the discussion toward the board.

Commissioner Croley said that Mr. Ganus and Mr. Presnell have been very accurate in their representation of the

public meeting held in Havana. He named the following people as being present: Eugene Lamb, District 1 County Commissioner; two Town of Havana councilmen; Town Manager Howard McKinnon; Harry Reed, Capital Regional Transportation Authority; County Manager Marlon Brown and a large number of businessmen.

Commissioner Croley then said that the county manager's recommendation makes practical sense and the board should wait to see what the City of Midway would do at their meeting regarding Joyner Road. He pointed out that if the Salem Road crossing is closed, the road will have to be realigned - a cost that should be born by the applicant requesting the new crossing in Midway.

Commissioner Lamb had no comments.

Chair Dixon addressed the issue of how the county got involved with this issue. He said that it had been before the board a number of times before the new commissioners came on board. But, most recently it was brought forward by the Growth Management Department - the need for a railroad crossing in Midway. At the same time, there was discussion about the need for a new road that would cross from US 90 to SR 267. He said that he brought it to the table by way of the agenda for discussion by the board. He went on to say that the new subdivisions in Midway disparately need a back door out of their subdivision.

Commissioner Holt commented that there is no reason to wait on Midway. She was in favor of beginning the process to see what will happen with it at DOT.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE CLOSING OF THE RAILROAD CROSSING AT SALEM ROAD CONTINGENT UPON THE CLOSING OF THE ONE IN MIDWAY. COMMISSIONERS LAMB AND CROLEY OPPOSED THE MOTION.**

**18- Approval of Change Order # 8 to 2006 Road Paving Contract**  
**A with Peavy and Son Construction Co. Inc. to include Byrd**  
**Road and Authorize the Chairman to Execute the Change Order**

It was noted that Commissioner Holt was going to voluntarily provide the funding from the District 4 allocation for the paving of Byrd Road in District 5.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE CHANGE ORDER DESCRIBED ABOVE AND AUTHORIZE THE TRANSFER OF \$70,000 FROM DISTRICT 4 ROAD PAVING TO DISTRICT 5 ROAD PAVING.

**18- Approval to Accept the Certificate of Participation for the**  
**B. Byrne Memorial Justice Assistance Grant (JAG)**

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ABOVE CERTIFICATE OF PARTICIPATION DESCRIBED ABOVE.

Mr. Brown asked to clarify a statement he made earlier in the meeting with regard to the approval of a budget amendment for the Boys and Girls Club facility. He said there was not a budget amendment approved, however, the board approved the funding.

**COUNTY MANAGER'S AGENDA**

**Add 19-A**

Gadsden Hospital Inc. Request

**Gadsden County Comprehensive Healthcare for the uninsured and Hospital Re-opening Plan Ordinance 2008-025**

Brown:

At the request of the Gadsden Hospital, Inc., related to the plan that the board approved to go with the surtax, a request was made to see if the board would consider making that plan more general than be more detailed. They asked that the board consider looking at the plan and have it focus just on the re-opening of the hospital and indigent care and not get into to specifics until the surtax passes when we can get more into details on how the money will be divided up.

Joe Sharpe, who is the healthcare facilities consultant to the county manager, can give you the details. But, they felt that being so specific convolutes the message that is trying to be pushed forward that the money will be spent for the reopening of the hospital and that the money will be spent for indigent healthcare. That convolutes the message. The directions that we got said that if the board considered that request, they, at their next meeting will



make a decision for either support or non-support for the surtax at their next meeting on the August 26<sup>th</sup> agenda. The message is consistent with what the general plan says. They just wanted the plan to be more general rather than specific.

Williams:

I haven't talked to Mr. Sharp about this, but the way the law is written, the plan is incorporated into the ordinance. If you want to go in this direction, I would ask that you do it with the caveat that it has to be subject to legal review. We did this consistent with what we thought the law required. If you recall, when we brought this to you, there was some concern about the allocations, if I recall, that we had to address at the time that you adopted the ordinance because the plan had to be outlined and incorporated into the ordinance. This is a new situation for you in that this document becomes permanent upon the adoption of the ordinance. So, I was under the impression from meeting with my staff and with their meetings with Mr. Sharp on the policy side, that this was the level of detail that was required of the ordinance. So, if that is not the case, in light of the fact that I hadn't had any discussions, I would like - if this is the direction that you want to go in, to have some leave way assuming that it is legally sufficient to go in that direction.

Sharp:

I, too, would feel more comfortable with legal review if the board should decide to go in a more general direction. I think it is possible to go a little bit more general than we have. We do have a little bit of specificity in the plan as it now stands. But, legal review would insure that we keep consistent with the statute. If the board should desire to make the change.

Holt:

Question, Mr. Chairman.

Is it the intent of the hospital board not to support the hospital re-opening if it is not deemed general by this board?

Sharp:

Correct me if I am wrong, Mr. Manager, but my impression was that the hospital board felt like there were provisions

within the specificity of the plan that would cause some citizens not to support the re-opening of the hospital.

Dixon:  
Which one of those?

Sharp:

Brown:  
Commissioners, if I may?

They wanted to stick with the gist of what the statute and the law provides for the use of that money. Simply put, construction/reconstruction of a hospital and indigent care. They wanted to keep it that simple. They had some concerns about the primary care facilities within each district because they didn't know how many doctors we would have to get involved in this type of plan and how that would operate. Given that the health department, if you look at the plan, the health department would get some of the surtax - whether they have the capacity to handle all of that once the surtax was passed. They felt that those were the kinds of things that could be worked out on the back end compared to actually putting it into the plan. In the event that they don't have the capacity, you have made a promise or put something in the plan that the health department cannot deliver on. At least, that is where they are coming from. Keep it general and we will work out the details. They do support re-opening the hospital. They do support the money going to indigent care, but they said "Let's move that to the back end."

Holt:  
I am fully in favor of the attorney looking at that first because I think we discussed that at length as to what should and should not be in that plan. I also want to ask a question right quick because the time is running out. The construction on that building has to meet the deadline and those are things that we have to look at.

I appreciate everything that the hospital board has done and the health council has done and what the community group has done. But, I don't want this to be "If you don't get the right answer, then you decide you don't want to support this plan." The hospital board was appointed by this board...If we have board members that are not going to support the re-opening for whatever reason, those members

need to be replaced - not continuously grinding this thing down.

If I may, Mr. Chair, we need to direct the staff to look into what term limits are on those members and what other things do we need to look at.

Dixon:

Commissioner, we may address those at any time - at your leisure. But, for the moment, if we could approach this with the general plan, with the attorney's legal review, contingent upon the attorney's legal review.

Williams:

Just so that you understand, I went over this very comprehensively with the staff. I am not sure that the health council understands that if I was briefly properly, if it is not in the plan, they can't spend money on it. This is a very thin line of choices. More general doesn't mean more general. It means you get to spend it or you don't get to spend it.

Dixon:

If it is not in the plan, you can't buy it.

Williams:

Yes, that is the way I was briefed. We wrote it up with the level of specificity to make sure there was a broad level of abilities over time. Obviously, if there is a request, we will look at it if that is the direction you want to go in. But, I want to make sure that everyone understands that unless something has changed in what was presented to me, it is my understanding that if we didn't outline it, the money could not be spent in that direction. That is why

Dixon:

Who did this re-write?

Sharp:

I did, sir.

Dixon:

O.K.

Brown:

Mr. Chair, that is the one that was adopted by ordinance.

Dixon:

This is the one that was adopted by the ordinance.

Holt:

Mr. Chairman, if I may. It is time sensitive. Between now and the last of next month is when we are voting.

Dixon:

If we can, let's move this based upon the attorney approving it. If he can't approve it, I am sure we will have a quick meeting. We will need to call a meeting.

Brown:

Please know that this does not change the purpose of the surtax. It is still for the re-opening of the hospital. It is still for indigent care to be provided with the fund. So, it does not change that main message. It is for the re-opening of the hospital.

Holt:

Mr. Chairman, if I may right quick, then I am going to leave this alone. But, when we appoint a board that is helping with healthcare that is universal throughout the county, then we need that board to support the idea of what having a hospital in the county is. That is something, as I said, for staff to look at to see what the terms are for the members of that board.

Thank you, Mr. Chairman.

Dixon:

The chair will entertain a motion.

**UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PLAN DESCRIBED ABOVE WITH THE CAVEAT THAT IT IS CONSISTENT WITH LEGAL REVIEW.**

#### **COUNTY ATTORNEY'S AGENDA**

The county attorney had no items

#### **DISCUSSION ITEMS BROUGHT BY COMMISSIONERS**

None of the commissioners had anything to report.

Mr. Brown reminded the Board that they were on break until August 19.

**Receipt and File Agenda**

- a. Letter from Florida Department of Environmental Protection Regarding Florida Recreation Development Assistance Program FY 2009-2010 Application Submission Period Announcement
- b. Letter from Florida Department of Revenue Regarding Extension of Time for Assessment Roll Submission
- c. Letter from Capital Region Transportation Planning Agency Regarding Adopted FY 2009-2013 Transportation Improvement Program
- d. Letter to Rich Payne, District Manager for Waste Management Regarding Solid Waste Collection Agreement
- e. Letter from Gadsden County Property Appraiser Regarding Classification and Exemption of Historic Properties Request from Wayne Gregory
- f. Letter to Sara Drass, Circuit 14 of the Florida Department of Children and Families Regarding a Letter of Agreement for Innovate Gadsden
- g. Letter from Florida Fish and Wildlife Conservation Commission Regarding Increased Patrol of the "No-Wake" Zones Near Ingrams Marina on Lake Talquin
- h. Letter from Florida Department of Environmental Protection Regarding Fiscal Year 2008-2009 General Appropriations Act
- i. Letter from Florida Department of Community Affairs Regarding Waiver from School Concurrency
- j. Addendum No. 1 Regarding Schedule of Values for the Gretna Fire Station
- k. Letter to the Gadsden County Supervisor of Elections Regarding Ordinance 2008-025- Gadsden County Hospital and Indigent Health Care Ordinance - Referendum

- l. Letter from Florida Department of Community Affairs Regarding CDBG Contract Monitoring Report
- m. Letter from Seltzer Management Group, Inc. 2007-08 SHIP Program Management Review and Physical Inspection
- n. Letter to William Walker Regarding Incomplete Variance Applications
- o. Letter from Wakulla County Regarding Wakulla Springs' Water Quality
- p. Letter to Miracle Temple Church of God in Christ Regarding Subdividing Property for the Pastor

**August Meeting**

**ADJOURNMENT**

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

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Edward J. Dixon, Chair

ATTEST:

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Muriel Straughn, Deputy Clerk

AT THE REGULAR MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS HELD  
IN AND FOR GADSDEN COUNTY, FLORIDA  
ON AUGUST 19, 2008, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: Edward J. Dixon, Chair, District 5  
Eugene Lamb, Vice-Chair, District 1  
Doug Croley, District 2  
Derrick Price, District 3  
Brenda Holt, District 4  
Thornton Williams, County Attorney  
Marlon Brown, County Manager  
Muriel Straughn, Deputy Clerk

**CALL TO ORDER**

Chair Dixon called the meeting to order. County Manager Marlon Brown led in the invocation and Commissioner Croley led in pledging the allegiance to the U.S. flag.

**AMENDMENTS TO THE AGENDA**

The following amendments were made to the agenda:

**Add to Awards, Presentations and Appearances**

- A-1 Formal Legislative Appreciation for Outgoing  
Legislators - Representative Curtis B. Richardson &  
Representative Loranne Ausley
- B-1 Formal Appreciation for Tricia Collins, Former  
Executive Director, Gadsden Arts Center
- C-1 Formal Introduction to County Leadership and the  
Community - David Chayer, Chief Executive Officer,  
American Red Cross - Capital Area Chapter
- Move Presentation of FY 2007 Audit  
Item 1 to  
Item  
2
- Move Item Presentation of Report on G\*Stars  
2 to Item  
1



**Changes to the Consent Agenda**

14. Approval of Preble-Rish, Inc. as the Consultant to Oversee the Implementation of the Countywide Water/Sewer Infrastructure Engineering and Design Study. Additional Material Provided
15. Delete (Approval of Reimbursement Process to Hotel-Owners for the Installation of Temporary Septic Systems (Highway 267 & I-10))
18. Move from Consent Agenda to General Business Agenda - Approval of Additional Board Meeting Dates
21. Move from Consent Agenda to General Business - Approval of Project Agreement with the Natural Resources Conservation Service for Lake Tallavana Dam Stabilization.
24. Approval to Establish Budget Authority for FY 2008 Joint Participation Agreement Between the State of Florida, Department of Transportation and Gadsden County Board of County Commissioners for the Re-establishment of the Shuttle Transit Service Additional Attachment Provided.

**Reschedule the Following Public Hearings:**

25. Approval of Code enforcement Board Ordinance
26. Approval of Nuisance Abatement/Lot Clearing Ordinance
27. Approval of Solid Waste Ordinance

**Additions to the Public Hearings Agenda**

- 29-A. Public Hearing - Repeal of Ordinance 2006-004. Replace with the Adoption of Comprehensive Plan Amendment Ordinance 2008-026 for the Wildflower Major Land Use Amendment to amend the Comprehensive Plan Future Land Use Map Tax ID 2-27-3N-4W-00130-0000 Continue to Next Regular Meeting

- 29-B. Public Hearing - Repeal Ordinances 2006-005 thru 2006-011. Rescheduled replacement with the Adoption of Comprehensive Plan Amendment Ordinances 2008-027 & 2008-028 for the Highlands at Lake Talquin (CPA 2005-028) Tax ID 4-25-1N-4W-0000-00232-0000 and a portion of 4-26-1N-4W-0000-00340-0200 and Stoddard II (CPA 2005-014) Major Land Use Amendments (TAX ID 2-27-3N-4W-0000-00340-0200) to amend the Comprehensive Plan Future Land Use Map Continue to Next Regular Meeting
- 29-C. Public Hearing - Repeal of Ordinance 2006-012 and Replacement with the Adoption of Comprehensive Plan Amendment Ordinance 2008-029 for the Schnepf (CPA 2005-017) Major Land Use Amendment (TAX ID) 2-25-3N-4W-0000-0000-00320-0000 and 2-25-3N-4W-0000-00331-0100 Continue to Next Regular Meeting
- 29-D. Public Hearing - Adoption of Comprehensive Plan Amendment Ordinance 2008-013 and replacement with the Adoption of Comprehensive Plan Amendment Ordinance 2008-030 for the Mortham-Shaw (CPA 2005-018) Major Land Use Amendment Tax ID 2-34-3N-4W-0000-00000-0100 and 2-34-3N-4W-0000-00130-0100 to amend the Comprehensive Plan Future Land Use Map for 326 acres from AG-3 to RR Continue to Next Regular Meeting
- 29-E. Public Hearing - Adoption of Comprehensive Plan Amendment Ordinance 2008-031 for Text Amendments - Urban Service Boundaries to Enact Objective 1.15 and Policies 1.15.1, 1.15.2, 1.15.3, 1.15.4, and 1.15.5 as remedial amendments to the Future Land Use Element and the Future Land Use Map of the Gadsden County Comprehensive Plan pertaining to the implementation of urban service boundaries as prescribed in the Compliance/Stipulated Settlement Agreement with the Florida Department of Community Affairs. Continue to the Next Regular Meeting

**Delete the following Public Hearing:**

28. Approval of Gadsden County Hospital and Indigent Health Care Ordinance - removed at the request of the county attorney
30. Public Hearing - Approval to Enact the Dori Slosberg Driver Education Safety Act.

**Add to the General Business Agenda**

- 19. Moved from Consent Agenda to General Business Agenda - Approval of Additional Board Meeting Dates
- 22. Moved from Consent Agenda to General Business - Approval of Project Agreement with the Natural Resources Conservation Service for Lake Tallavana Dam Stabilization.
- 33-A Assignment of the Waste management Contract to EWS Central Florida

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

**AWARDS, PRESENTATIONS AND APPEARANCES**

**A-1. Formal Legislative Appreciation for Outgoing Legislators - Representative Curtis B. Richardson & Representative Lorraine Ausley**

Public Information Officer Jon Brown told the board that Representative Lorraine Ausley was unable to be present because of family priorities. However, she sent her "Hello" and blessings in her absence.

He then introduced Representative Curtis Richardson. He presented him with a small token of appreciation - a photo of Lake Talquin entitled, "Out of the Office" and a plaque. He posed for pictures with the board then briefly addressed the board and the audience. Each board member extended their words of thanks and encouragement.

**B-1 Department of Children and Families Secretary George Shelton**

County Manager Marlon Brown recognized George Shelton, the new Secretary for the Department of Children and Families. He spoke briefly to board. He said that Governor Crist had directed that he create a relationship with Gadsden

County and to bring services - whether it was mobile health units or having a "Safe Baby Fair." He said that he and the governor are committed to doing that. He then introduced Mr. Jason Demetius, DCF Chief of Staff, and Mr. Angel Trejo, who, in turn, introduced his staff.

PIO Jon Brown then introduced Rick Frazier of Tallahassee Community College.

Mr. Frazier spoke to the board regarding the Engineering Composite Camp that TCC was able to partner with Gadsden County and DCF to make happen for a number of Gadsden County teens over the summer. He explained that they set out to stimulate student interest in the sciences and engineering and to get students into that career pipeline. He explained why it was imperative to reach students while they are middle school age.

Ms. Beth Mann Pace, Workforce Development, also spoke to the board about the camp. She made a slide show presentation showing some of the things that they were able to do with the students.

Some of the students also appeared before the board and brought with them the skateboards they constructed during the camp.

The students and their leaders posed for pictures with the board.

#### **Presentation of Report on G\*-Stars**

Rick Frazier again addressed the board. He said that this was the third year that they have been able to participate with the County Commission as providers to do the summer youth program.

Kim Moore of Workforce Florida also addressed the board regarding the youth program. She explained that TCC had the training component and Workforce managed the job piece of the G\*Stars program. She explained how the program worked and how they were able to impact the lives of the young people who participated.

See the attached deliverable report.

Mr. Frazier highlighted the following:

- The middle schools were engaged for the first time since the project began.
- There was greater parent involvement than in past years.
- The number of employers participating was very good.

**B-1. Formal Appreciation for Tricia Collins, Former Executive Director, Gadsden Arts Center**

PIO Jon Brown introduced Ms. Tricia Collins, who has left Gadsden County to become the Executive Director of the Thomasville Cultural Center, Thomasville, GA. He presented her with a plaque of appreciation. She stated that she had great fun while in Gadsden County. She said, "All I had to do was hold up a mirror to Gadsden County because you are the story and you are the success of Gadsden County. You are the creative folks." She also thanked them for supporting art in Gadsden County.

**C-1. Formal Introduction to County Leadership and the Community - David Chayer, Chief Executive Officer, American Red Cross - Capital Area Chapter**

PIO Jon Brown introduced Mr. Chayer who then spoke briefly to the board. He said that he has 9 ½ years of experience with the Red Cross.

**2. Presentation of FY 2007 Annual Audit**

Mr. Richard Law of Law, Redd, and Crona addressed the board. He said that they have issued an unqualified opinion of the financial statements. He reported that the financial statements were prepared by the Clerk's Office and they had done an excellent job of taking that responsibility which was now being required under the new auditing standards.

Federal & State Grants - Because of the special audits of two federal grants and four state grants, the auditors issued reports with no findings of non-compliance and no questions of costs.

Internal Controls - A management letter was issued to the board (Page 80) with recommendations to improve internal

controls. Those findings were discussed with management and the board filed a rebuttal letter.

Constitutional Officers - There were no management letters for the Tax Collector, Property Appraiser, Clerk, or the Supervisor of Elections. There were no findings and no internal control weaknesses.

Sheriff's Office - There was a management letter for the Sheriff. Mr. Law made note of the fact that each year the Sheriff comes back to the board for over expenditure of funds mainly due to medical costs and the jail.

**Law:**

With the overcrowding that exist at the jail and the uncontrollable cost of medical care for the prisoners and the potential for litigation, I think that the County is exposed to a great deal of risk because of the overcrowding and due to the tight budget that you all are experiencing and looking forward to a tight budget - not being able to control the medical cost and the litigation should be something that is on a heightened sense of urgency for you to address - in our opinion. I just want to point that out for your consideration. We don't have an answer on the funding, but I think that if you look at the potential for the costs you are incurring on the medical side. You have people closer together and you have conflicts with people. You are going to have fights, medical costs that are exaggerated over the normal circumstances. I think if you will look at the cost benefit of the savings of medical and possible legal costs, it may be something that helps you look at the funding side as a cost savings. I know it won't pay for a jail, absolutely, but it may be something to consider.

**Croley:**

It would appear, and you correct me if I am wrong, that the cash flow of the county is pretty tight. Is that a fair understanding here - with our revenue and expenses and some of the things that you are talking about?"

**Law:**

Yes, I would say that it is. You've got a \$36 million budget and according to the Statement of Revenues, Expenditures, and Changes in Fund Balance of all your governmental funds, you have an excess of revenues over

expenditures of \$166,000. \$166,000 compared to \$36 million is a very slim margin of profit, in you will.

**Croley:**

I noticed that in your letters that you reference some of the issues, and I know that management, the county manager's office, has responded to, but, you mentioned our use of the Fuel Reconciliation, which I believe is being addressed. "The fuel inventory levels were being performed by a public works employee rather than by someone who was not involved in the fuel inventory reconciliation." That is correct?

**Law:**

Well, the reconciliations of the Fuel Master System were several months behind. I believe from May 2007 until we came in January and did our audit, they were that far behind on performing the reconciliation. Reconciliations are important because you are trying to determine whether the usage equals the ending inventory and to look for any discrepancies in the use of fuel. With the price of fuel these days, the risk of a loss is much greater and greater attention needs to be paid to those reconciliations.

Now, as far as the stick measurement of those tanks, that needs to be done by someone other than the person with custody and control in reconciliation. That needs to be an independent process to the reconciliation. That was the essence of that recommendation.

**Croley:**

You also mentioned about the usage of multiple internal funds. On page 81. Referencing, "The board had 65 special revenue funds, then the three new internal funds...then the board does not utilize a general long term debt account group to account for all the long term debt of the board."

I have made mention myself in here, fellow commissioners, that makes it very confusing to follow even the budget process, at least for me and I am reasonably astute with the numbers here. I noticed that the management's response letter disagreed with you on that and indicated that there would not be a compliance with that portion. Is that adding costs, in your opinion, to the operation of the county government?

**Law:**

It doesn't necessarily add cost, but, I believe in simplicity. When you look at 65 funds spread across a spreadsheet, it is a lot more difficult to assimilate that information, especially from your prospective, as a commission trying to adopt a budget on something that is so numerous number of funds. On use of the internal service funds, I think that complicates it and makes it less transparent for you to see these operations. The operations are for insurance, legal and technology. Those typically are not internal service funds activities where internal service funds are commonly used. But, it can be used. It is not that it is improper, it is just that there are ways to fold those activities into the general fund and still have better transparency and an easier way for you to interpret the budget and the financial statement.

**Croley:**

The final observation is here on page 55 and the top of page 56. There are notes regarding the Gadsden Hospital. \$548,089.40 owed to AHCA for Medicaid Audit that is to be repaid monthly over 24 months in installment plans when the hospital re-opens. Another \$1,190,145.60 payable to AHCA for public medical assistance trust fund. Then, we've got another \$275,000 owed to AHCA for the same trust fund and another \$275,000 payable to the bankruptcy estate of Ashford due upon entry of an order by the bankruptcy court that may not be appealed. The amount was paid during June of 2007. That totals up to be about \$2,288,215. Am I to understand, based upon this audit report, that aside from the \$275,000 that has already been paid, that these are monies that the county will actually owe in addition to the cost of re-opening and refurbishing the hospital?

**Law:**

As the terms of those agreements exists now, yeah.

**Brown :**

Mr. Chairman, if I may?

**Dixon:**

Mr. Law, very quickly, Your reference to the multiple funds, we have had that a couple of years now. Your concern is simply that it is not the way you do business, but it is preferable for the Office of Management and Budget. You don't particularly care for it. They like it.



There is nothing wrong in doing it that way. Do I understand that to be true?

**Law:**

Yes, this is simply a recommendation for simplicity sake.

**Dixon:**

Alright. I wouldn't want people to misunderstand.

Secondly, you have given us an unqualified audit, which is a great audit. Am I correct about that?

**Law:**

That is correct.

**Dixon:**

And, those funds that were just mentioned have been there for a while. They are what was agreed on, as I understand the document, in order for the county to get the license for the opportunity to have the hospital back. That is what those funds are dedicated for and they are tied to whether the hospital opens and earns money.

**Law:**

Correct.

**Dixon:**

Thank you very much.

**Brown:**

Mr. Chairman, may I just add to that. I know that you all have probably seen the legislative language where a lot of those costs or payments to AHCA were forgiven. So, again, in the next audit, that will be shared with Mr. Law and you will not see that in there. Those are obligations that we, the county, made to Agency of Healthcare Administration at a duly recognized board meeting that we would pay before the opening of the hospital. They are not new and should not be a surprise to anyone in this room.

**Dixon:**

I wanted to make mention of it because the papers seem to have a problem with printing truth as opposed to printing rumors and what sounds good. I want to make sure that they get the numbers down and the thought process behind the numbers. Not just a lot of numbers yelled out that sounds

like something that really happen to be much about nothing. So, let's move on.

**Holt:**

Thank you, Mr. Chairman. As for the, on page 81, where the text about the legal and the insurance. As I mentioned to Mr. Law, in the meeting I had with him, those are items that were questioned by this commission and that drives whether the budget department can single out those departments what are you payingt them for? That is all we kept hearing. So, they were singled out and now we know what they are being paid for because every time Tech does something, the department is singled out and we know what Tech spent that money on. For the attorney, the same thing is true and the same thing you will find in insurance. Those are the departments that use most of those services and that is why you need to know whether that service is being spent over at Road and Bridge, if it is being spent in other locations, if it is being spent in other departments that may use a co-insurance. All of the employees may be some at the Clerk's office and some in other departments, but you know what is being spent. That is why those accounts were singled out simply because this board was inquiring almost every other night when we met - What is going on with the attorney's budget? What is going on with technology? What is going on with other areas? That is one reason why it is good to do business that way. Simply because you get to find out. If it is not needed later on and you have a commission that has members that really do understand this because it may make it easier for some commissioners. But all of us are not apt to not be able to read a budget. I was an accounting major. I can read a budget. I am in math now simply because it was easier to get a job and go teach school at that particular time.

This is not difficult to read a budget if you sit down and study it and ask questions. For those who can't read a budget, you get with the accountant. That is what I did for years when I first got here. As for the amount of the \$166,000 difference. That is not all of the money. That was the difference in what you were looking at that you've brought in extra and what was spent out. What we need to do is look at other funding mechanisms. As I tell the other commissioners - Where is the money that you brought in? We are not up here to sit up here every Tuesday night and discuss what is not in the bank. It is our job to go

lobbying to get something in the bank. Some of these commissioners fail to realize that their job as a public servant is to go over to Tallahassee and get money. But, they fail to realize that and they sit back and judge. They don't go and get. You have money in the bank. That means that they hire us to go get the money. So, let's not whine about it. Let's be about it as the students say at school.

As for the money that we discussed with AHCA, it was a lot more because of mismanagement. We know people right here in Gadsden County that helped mismanage that money. So, let's not talk about who did and who what. That is over. Local people helped mismanage that money. That is over. But, AHCA is willing to work with us to reduce that amount. They have reduced it twice as far as I can remember. They may have reduced it more than that in the past. We have negotiated through legal means. That is something we don't really talk about as far as what happened. But, we know it looks a lot better than it did before. But, I would just like to make these observations possible. If the commissioners are more willing to do their jobs, they will have to do something. Not just on Tuesday nights. That happens before Tuesday night.

Thank you very much, Mr. Chairman.

**Dixon:**

Mr. Law, your comments concerning the Sheriff's office concern me greatly. Mr. Suggs, do we need to get copies of his audit?

If you would, get enough for the other commissioners if they so choose.

Thank you very much, sir.

Do we need to vote to accept this?

**Brown:**

Mr. Chairman, I want to make sure that the public is not left with idea that we only have \$166,000 in reserve. Let Mr. Suggs share with the board that we have several reserve funds set up that amount to over \$3 million in total.

**Suggs:**

Davin Suggs, Budget Director.

If you go back page 15 of the audit - where the statement of Revenues, Expenditures and changes in Fund Balance. If you look at the total when you add all the funds up - when the auditors looked at profit over expenditures, at the end there was \$166,000 extra added onto what you already had.

What I want you to look at and what we always talk about when we report to you, The first two columns on this page - the first one is the general fund. It is the biggest fund and the most important fund. The second is your transportation fund. For us, it is the second most important fund. If you look at the total, like we have always talked about, if you add both of those up, the cash fund balance or reserve is over \$7 million. Now, if you look at both those budgets together, the general fund and the transportation fund are about \$21 or \$22 million. Our goal has always been to maintain three months operating cash to get us through or up to 20% of the budget - what the State Statutes says. When you look at 20% of roughly \$22 million, is about \$4.4 million. We judge that 20% as excess over the whole budget, so, by our goals that we set in our financial policies, we should have at least between \$3 million and \$4 million in cash. Between those two most important funds, we are at \$7.5 million. We always continue, as the cost of gas goes up, the cost of keeping employees goes up, our need to continue to increase or maintain our cash and our comfort to operate at the beginning of the year, is always important. That is why we continue to strive to maintain those levels. In both those funds - I think in general fund, we added \$655,000 this past year. In the transportation fund, we added about \$145,000 to the fund balance. So, when you look at those two funds, the two most major important funds.

**Dixon:**

Just to give a comparison, four years ago, in order to continue the operation of the county government for those three months, we had to borrow every year a million dollars from the bank just to continue the operations of county government. We no longer have to do that. Trust me, most counties our size still do it.

**Brown:**

Mr. Chairman, Mr. Suggs probably doesn't want to pat himself on the back, but he was the one that set up this fund so that we do have that money in the bank in the event that we do have the need to dip into it. So, those funds

are very strong. Again, Mr. Suggs and his talent put those reserves in place and it has been growing ever since. That \$166,000 extra - that will go into the reserves. That is not normally the business of government to make a profit. No government is really in the business of making a profit, but we need to keep a strong reserve and we have that.

**Dixon:**

I am glad we've got the auditors because quite frankly, I think Mr. Suggs lies to us about how much money we actually got. So, I need to check him every now and then.

**Holt:**

The board sent me to Madison County and some law enforcement officers to a federal government workshop on jails and prisons. That information is coming - I will bring it back to this board. There are two or three ways to raise money for jails. The state is not going to give us any money nor is the federal government unless we get some new life into Washington and they decide to fund us. They currently do not fund jails and prisons except their own. They are supposed to be taken care of by the local government, but then they don't send any money to take care of them. The former commissioners have said the same things about unfunded mandates. But, that information is coming back and there are three options and that is it.

With Amendment One, you are not going to have the extra money anyway even if you could bond it, it is going to be difficult to pay it back. So, we need to look at those options that is coming up.

**Dixon:**

Thank you. We appreciate you as always. You show us how good we actually look.

Can I get a motion?

**Holt:**

I move approval.

**Price:**

Second.

**Dixon:**

All in favor, sign of "aye."

All:  
Aye.

**Dixon:**  
Opposes?

(No response.)

Make it unanimous.

**3. EMPLOYEE SERVICE AWARD RECOGNITION**

Mr. Brown recognized Mr. Larry Crum, Paramedic with the EMS Department for 5 years of service and Mr. Earl Lee, a mechanic with the Public Works Department, for 10 years of service.

**CONSENT AGENDA**

Items 10, 13, and 14 were pulled from the consent agenda for discussion.

**UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE AMENDED CONSENT AGENDA AS FOLLOWS:**

4. Approval of Minutes
  - May 13, 2008 Special Meeting
  - June 17, 2008 Regular Meeting
  - July 14, 2008 Special Meeting
5. Ratification of Approval to Pay County Bills
  - Accounts Payable Dated: July 25, 28, & 31, 2008
  - Payrolls Dated: July 17 & 31, 2008
6. Approval of Signatures for Special Assessment Lien
  - Calyta M Pitts
7. Approval of Signatures for Special Assessment Liens and Rehabilitation Contracts - Emergency Repairs
  - Lucy Glover, Terry Haynes
8. Approval of Signatures fro Special Assessment Lien and Rehabilitation Contract - Community Development Block Grant (CDBG) and State Housing Initiative Partnership (SHIP) Programs - James Lee

9. Approval to Accept the Grant Award from the Florida Department of Environmental Protection, Florida Recreation Development Assistance Grant Program (FRDAP) to Renovate Drake Acres Park - \$135,611 Agreement No. A9078; CSFA No. 37.017; CSFA FRDAP

- ~~10. Approval of the Gadsden County Tourist Development Council Grant Requests for the Second Funding Cycle for 2008 \$6,500~~

~~This item for pulled for discussion following the consent agenda.~~

11. Post Approval of the Department of Community Affairs, Community Development Block Grant (CDBG) Housing Rehabilitation Program Closeout Summary - \$750,000 Contract ended July 26, 2008
12. Approval of the Sale of County Owned Property to Mr. Max Fletcher, Jr. (Tolar White Road in Greensboro, FL for the assessed value of \$2,000 and Authorization for the Clerk of Court to Proceed with Private Sale. .

- ~~13. Approval of Resolution 2008 041 and Second Amended and Restated Interlocal Agreement of the Florida Water Utility Finance Commission~~

This Item was pulled from the consent agenda and placed for discussion.

- ~~14. Approval of Preble-Rish, Inc. as the Consultant to Oversee the Implementation of the Countywide Water/Sewer Infrastructure Engineering and Design Study~~

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

- ~~15. Approval of Reimbursement Process to Hotel Owners for the Installation of Temporary Septic Systems (Highway 267 and Interstate 10 Wastewater Project)~~

This item was deleted from the agenda via the amended agenda.

16. Approval to Reject all Proposals Submitted for RFP 08-06 for the Addition of Air Medical Division
17. Approval for the County Manger to Continue to Serve on the

Board of Directors of the Economic Development Council of  
Tallahassee/Leon County, Inc.

~~18. Approval of Additional Board Meeting Dates~~

This item was moved to the General Business Agenda for  
discussion.

19. Approval of Change Order # 9 to 2006 Road Paving Contract Between Gadsden County and Peavy and Son Construction Co. Inc. The change order is to provide for an increase of \$40,135.22 to the contract amount bringing the total contract amount to \$4,601,279.30. ((Archie Jackson, Brewington St., Travis St., Fulton Shaw Road, Oaks Rd. and North Oaks Rd., and Joe Adams Road)
20. Post Approval of Concrete Services, Inc. (CSI) as General Contractor for Addition to the Supervisor of Elections Office (CSI was approved on June 3, 2008 as one of Pre-qualified contractors.) Budget Amendment OMB-BA# 080096 A & B
- ~~21. Approval of Project Agreement with the Natural Resources Conservation Service for Lake Tallavana Dam Stabilization~~
22. Approval of Joint Participation Agreement - Small County Outreach Program (SCOP) - Florida Department of Transportation Resolution 2008-034; Financial Project No. 42406415801; Clark Road from CR 269B to CR 270A (Flatcreek Road)
23. Joint Participation Agreement - County Incentive Grant Program - Florida Department of Transportation - Resurfacing of Richbay Road Financial Project 42243415801; Resolution 2008-035
24. Approval to Establish Budget Authority for FY 2008 Joint Participation Agreement between the State of Florida, Department of Transportation and Gadsden County Board of County Commissioners for the Re-Establishment of the Shuttle Transit Services in the amount of \$130,000. Resolution 2008-040; OMB-BA# 080094; Financial Project No. 42462418401;

**CONSENT ITEMS PULLED FOR DISCUSSION**



**10. Approval of the Gadsden County Tourist Development Council  
Grant Requests for the Second Funding Cycle for 2008 -  
\$6,500**

Commissioner Lamb stated that he was asked by a citizen to have this item tabled.

Mr. Brown stated that a member of the Tourist Development Council did call him and request that this item be tabled to a future date. That person had a concern that the criteria that has been adopted by the TDC and intended to bring it back to the TDC and ask that it be reconsidered by them.

Commissioner Holt stated:

The discussion came up yesterday as for events being held and they were not being held accountable for the bed nights that were being spent in the county. When we started holding them accountable for the bed nights as it says you are supposed to do by law - we started looking at that. So, Ms. Saunders and one of the other members, Mr. Patel, went to a workshop and they found out what was being done throughout the state. We started following the criteria that they had. They brought that information back and presented it to us - you have so many bed nights spent with an event, (inaudible), then that is counted and they report that back to us. But, if they do not, we cannot just give them money for not having any type of criteria. So, we give that. That was brought back to the Tourist Development Council, the council voted on it and approved it. That is what we have been doing - a check sheet. We had one member that was not on board, and he came back and was complaining about the criteria.

The people that are requesting funds for different events that are in this packet - they met the criteria, they were there on time and had their information in on time and they did everything they were supposed to do.

Before I got on that council, there were projects being funded at high numbers, but there was no criteria for "What is your reporting?" If you go to other places that have Tourist Development Councils, at the hotels, they will say, "How did you enjoy the event? Which hotel did you stay at? And that sort of thing. If we are trying to get the tourists in our county to spend their money, that is what you do.

We chose that criteria and we voted on it. That particular member was not happy with it. Then bring it back to the next monthly meeting as we said. That way the council could hear any kind of complaints that needed to be heard. But, to stop any events from being funded - the council had a majority vote - it does not make any sense to pull this item and cause anyone who is doing the right thing to not get funded.

**Dixon:**

Did I see Ms. Saunders here?

I don't understand the dynamics that are here.

**Brown:**

The Tourist Development Council, as a body, adopted criteria by which events are to be funded. I had a call from one member who obviously also called Commissioner Lamb, who was not happy with the criteria and felt that the staff of the TDC, which is obviously run under Ms. Saunders, did not do enough research, in terms of what other counties do with criteria. But, as a body, the TDC adopted that criteria based on information brought back from other communities that have the same type of issues in terms of how to fund events. Again, it is an issue of where one member is not happy with the criteria and is asking the board to allow that member to go back to get a decision, then bring it back to the board.

**Lamb:**

Another concern that he raised is - and I don't know how much bearing this is going to have on our tabling it, but - he said that the minutes from the last meeting were not adopted - not approved - the last meeting they had.

**Saunders:**

Commissioner, I apologize, I wasn't able to make the meeting on yesterday. I am not aware of that. The last meeting that was held was for the purpose of reviewing grant applications. It is very possible that matter wasn't considered at the last meeting because it was just for the purpose of reviewing the grant applications and making a decision for making those awards.

**Lamb:**

He wanted us to consider that.

**Holt:**

I can tell you about that. The young lady who was reporting out of Ms. Saunders office, stood up and read the information. She had not had time to type the minutes up and everything because she had been out with illness. But, she read off what happened in the meeting. What was funded, what was the criteria and everything. That particular member was not happy.

Now, I will be very honest with you. When that member's project was being funded, they were happy. And it was bed nights. That is what we said. Follow the law. If they stay here, you get points for that. You don't want to have an event and have the people staying over in Tallahassee and spending their money in Tallahassee and we don't receive any of their tax dollars. It is just a matter of business.

**Dixon:**

My concern is that there are people who are funded here, who I assume have deadlines and dates and kind of need the money. I am trying to get to the issue. In tabling this, what do we accomplish? Do we do harm to these people?

**Saunders:**

I think, Commissioner, if you decide to table the item tonight, of course, it will have an impact on other organizations who are waiting for funding for their events. There are a couple of items that are questionable.

**Dixon:**

Is the issue with TDC and what is has done?

**Saunders:**

I think the issue is with the process. The award level and tying of amount of grant funding that an organization is eligible for to the number of room nights that an organization is able to secure. That is where the Tourist Development Tax comes from. In the past, Gadsden County has not tied funding to anything that is measurable. In this case, we now have tied it to, "How many room nights can you produce?"

**Dixon:**

I really still don't see the connection. First of all, we have very few hotel rooms, so, we just don't throw a lot of things that convince people to stay here - other than family

reunions, funerals and the like. I have always felt funny about the bed night thing anyway, but that is what TDC does.

My thing is simply - why can't we go ahead and pass these people and what effect would it have? That is what I am asking.

Saunders:

We can certainly do that. I think it is the organization who has a concern about the funding may not understand that if it is tabled, it will have an impact on the other organizations that are waiting on the funding. The organizations that have questioned the amounts, they were funded at the lowest level because of the new process that is in place. It will have a negative impact on the other organization if it is tabled tonight.

**Holt:**

And also, Mr. Chairman, if I may, when those organizations were funded at triple the amount of money, without any criteria, there were no complaints. When we said, "Tie this to a criteria," now there is a big problem. And, as I said, we cannot just give out money without any rhyme or reason unless you make it fair to the whole 52,000 people in Gadsden County. That is what I think it is, not 47,000. But, you cannot do that for a select group of people. You have to allow everyone the opportunity to apply and the process has to be fair. Now, if you want that to come back to the board, come back and let us negotiate, but not because you didn't get what you thought you should get. Then you want to come back and delay what everyone else got when they followed the process.

**Croley:**

For the benefit of the public, would you please identify where these funding resources come from.

Saunders:

The funds for the grants, all the Tourist Development Council funds, but specifically these funds, come from a grant category and the funds are generated, the revenue is generated from the Tourist Development Tax and it comes from the taxes charged on bed nights. When anyone checks into a hotel, there is an additional tax charged, that is levied and that is the source of the revenue for the grant fund.

**Croley:**

So, these are coming, they are distributed as grants to these applicants, but it comes from this bed tax that Commissioner Holt has referenced.

Now, Commissioner Dixon makes a very good point about the fact that there is not a broad basis of overnight accommodations in our county. So, sometimes, it gets to be difficult to say to someone in Greensboro or Gretna or Havana where there is a limited number of bedroom opportunities to generate that they've got to meet certain criteria if they are going to share in the tax. There are a lot of times when people do spend that night in other parts of the county and travel to those destination points for family reunions or funerals or whatever the case may be. My concern and this may have to be answered by the county attorney. This formula that Commissioner Holt has been explaining, that was adopted by the Tourism Development Council internally. Is that a formula that requires the Board of County Commissioners to approve? The formula before it is actually used so that the public has opportunity to have input into this or is this something that the TDC can do internally without the Board of County Commissioners?

Williams:

If you recall, we went extensively into restructuring the Tourist Development Council over a number of months. I am working off of memory, but my memory is that they were able to put a structure in place. What they were doing before was actually making the awards without the commission's approval. What you did in the restructure, you required them to bring their recommendations to you for review.

If I can go a little further, my sense of it is, once you put a process into place, you typically are supposed to follow that process. If there is a concern about how the process is applied, then you would justify on a going forward basis. You have a dual obligation. One is for the person who is concerned. But, you equally have an obligations for all the citizens in Gadsden County that went through the process of applying. They took the time to fill out the application because the TDC said, "This is the process."

What you are doing now is you are saying to them, "You have followed the process, but having followed the process, we are going to throw it out at the last possible moment and

not provide you with the grants that have been recommended by the TDC." That is the concern that you need to be aware of. As a recommendation to the commission, it may be that the citizen that was on the TDC has a concern. You may want to ask the chair of the TDC to come and present to you what it is that is that process that they go through right now. Then the commission can say whether you are comfortable with that process or not. But, if you have a process in place and it is not one that is subject to legal challenge, I think that the way that the Statute is worded, you have to let the process complete itself. There is no basis to come in and interject outside of that, if I understand it correctly. Now, that is off the cuff, I don't have the statute in front of me, so there may be some modifications if I looked at it.

**Croley:**

One follow up. Did you verify, as I have frequently brought up in the past, that the status of everything is in good order by the applicants? Their standing, their legal standing?

**Saunders:**

Yes, we do that for every organization. We check with the Secretary of State to make sure that their Articles of Incorporation are current and they are an active organization.

Commissioners, if I may for just one moment, I would like to tell you another reason why this may be an issue. The TDC currently has three different categories in which they can spend their money. One is administrative, one is a grant category and one is a marketing category. What we were finding was that the TDC - they were expending all of their money in the grants category. We are trying to - and they would have to make some shift and - they were over expending. The last grant cycle, they spend almost \$20,000 in grants. So, some of the council members were requesting - we were giving so many large pots of money to each organization - and so, we are trying to find a way to spread the money around just a little bit. So, this recommended process was a way to keep them within their budget that they actually adopted in the spending categories - the allocations that they actually voted on.

**Dixon:**

I will tell you what my concern is - There are organizations that are doing things that are positive in the community - some who have no legal standing, if you will, and because they do a single event a year, they really don't have any reason to have any legal standing. I am thinking about the May Day Celebration where 3,000 - 4,000 people come every year. Every year. It is a community celebration, but they do it once a year. So, they don't really have any reason to go through the process to have legal status.

Secondly, I can't think of any event in Gadsden County that folks come in and spend the night or feel the need to rent a room for many nights. There are very few multiple day events that I am aware of.

So, I think that almost immediately, we have limited the pot to just a few people or organizations that will actually qualify for the money. I don't know how - my concern has always been how you get around that and have the ability to give more and different kinds of organizations money. How do you encourage people to come and see Gadsden County and consider spending the night if you never fund those organizations that are actually doing things for people to come and see. That doesn't make sense.

Saunders:

That does make sense, Commissioner. Actually, we had several events where people stayed overnight. One you approved in the last funding cycle was the Bass Fishing Tournament. That was a week-end event and they took up a lot of RVs nights and hotel rooms. We have a new one that is being funded this time - the Quincy Fighting Tigers. So, that is a very exciting one. They have never applied for one. They had a boxing event here early this year. It was a big event held at the Livestock Pavilion. WE are going to do that again. Gadsden Art Center has been able to prove that they have some room nights.

I think that the organization that we are questioning may not produce those room nights. We all know that there are no hotel in Havana, but the council has talked repeatedly and has suggested that in order to - of course Gadsden County TDC assisted in funding the Havana organizations, but they also suggested that they work with Leon County to try to see if Leon County can assist them with some grant funds because those people do have to stay overnight in Leon County and we are very aware of that.

**Dixon:**

My point is, while I don't suggest that all the money be opened up to something like that, but that we find a way. Those organizations do a yeoman's work and get very little if any funding because they are not and have no reason to go and be a 501(c)3 other than that one event.

**Brown:**

Mr. Chairman, why don't we go ahead and approve this, then we will take a look at those in question. If there is a need to increase the funding for those, we will take a look at the criteria under which the funds have been allocated. Really and truly, you can get money even if they have "0" nights. They can get \$1,000 even if you produce "0" nights. So, give us an opportunity to bring back the criteria for this board. Again, you can supersede the Tourist Development Council in terms of what criteria you want to consider. But, let these move forward and we can apply more money to the two events in question and bring them back for additional money. I don't think those events are happening in September and I think they can come back.

**Dixon:**

I am certainly don't want to usurp the authority of the TDC, but, I certainly want to make that category known.

Madam Commissioner?

**Holt:**

Right quick. I will try to make this quick. We can always bring things back. I think that as a Council when we looked at that information, we were saying, "What do they do in those other small places that don't have a lot of tourism. That is what we were looking at. This wasn't done in the blind. Even if they had "0" nights, they could still get funding. What we were trying to do was follow what the law says. Also, I must say this, it is very important. If you look at the voting on the TDC, there were events that were getting funded with no criteria and they did not want to advertise to the general public. I said, "You've got to advertise to the general public. You cannot fund these special events and not advertise - that is why we have to follow the law and you have to advertise when these things are being put out there to make sure that the public knows." Some of the people that you are talking about knew nothing about this. People in Greensboro and Gretna knew nothing



about this. It was unfair, so we had to put some criteria in place to stop the run on the funding. I think that it would be very good if this commission would be willing to look into it because this has been a fight from Day One.

Thank you very much and I move that we approve this item.

**Price:**

Second.

**Dixon:**

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

**Croley:**

Mr. Chair, is this item moved subject to a review?

**Dixon:**

I think that is the intent.

**Croley:**

She is saying, "No."

**Holt:**

The reason that I don't want to adjust my motion is because these groups did what they were supposed to do. If we want to bring it back and bring something back for the next group, then do that. But, I don't think we should hold up these. They have done everything they were supposed to do.

**Dixon:**

Well, I think that is what we are talking about. That is your motion and that is your second.

**Price:**

Right.

**Dixon:**

Is everybody on the same page?

**Croley:**

I am hearing that we are going to move forward with these folks who have complied and allow the staff to maybe review the process to address this issue. But, I am hearing Commissioner Holt say that is not her motion.

**Dixon:**

But, she said it. You can bring it back.

**Croley:**

We can always bring it back. It doesn't have to be included in this motion.

**Dixon:**

Come on, now. We've got some real stuff to talk about.

**Holt:**

Carry the motion. You've got a motion and a second.

**Dixon:**

All in favor, a sign of "Aye."

Holt, Dixon, **Price:**

Aye

**Dixon:**

Opposes?

Croley & **Lamb:**

No.

**Dixon:**

O.K. Three two, motion passes.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 2, TO APPROVE THE PAYMENT OF THE FOLLOWING GRANTS:**

Gadsden Art Center - \$2,500

Havana Merchants Association - Pumpkin Festival - \$1,000

Havana Merchants Association - Holiday Parade/Lawn Mower Contest - \$500

Quincy Fighting Tigers Boxing Gym - USA Boxing Event - \$2,500 C

**COMMISSIONERS CROLEY AND LAMB OPPOSED THE MOTION.**

**13. Approval of Resolution 2008-041 and Second Amended and Restated Interlocal Agreement of the Florida Water Utility Finance Commission**

Commissioner Holt asked Commissioner Croley if Croley Insurance Agency held the insurance for the Florida Water Utility Finance Commission to which he replied, "Yes, I believe we do..." She then suggested that he make that disclosure and possibly abstain from voting.

Commissioner Croley asked the attorney if there was a conflict. After some discussion and in an abundance of caution, Commissioner Croley did declare a conflict even though he did not believe there was a conflict and he abstained from voting. (See attachments)

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION AND INTERLOCAL AGREEMENT DESCRIBED ABOVE.**

**14. Approval of Preble-Rish, Inc. as the Consultant to Oversee the Implementation of the Countywide Water/Sewer Infrastructure Engineering and Design Study**

Commissioner Lamb explained that he asked that this item be pulled because some of the bidders has expressed some concern about the decision that was reached by the bid committee.

Mr. Brown explained that Eutaw Utilities, Inc/Nabors, Giblin & Nickerson, PA was selected to conduct the countywide infrastructure study which was completed and approved by the board on April 1, 2008. Since then, the Florida Legislature awarded the county \$250,000 to begin the implementation of the study. Because of the technical nature of the study, it was necessary to hire a consultant to oversee the implementation. An RFQ was developed as RFQ 08-07. Three proposals were received and reviewed by a selection committee. It was their recommendation to award the contract to Preble-Rish.

Brian Armstrong, Nabors, Giblin & Nickerson addressed the board making a plea for the board to override the bid committee's recommendation and award it to Eutaw Utilities and Nabors Giblin & Nickerson. He said that the county is now in a position to move forward because of the study prepared by his firm. He said they could offer better continuity, collaboration, construction and no conflict of interest.

Attorney Williams directed the commissioners attention to the agenda report.

Williams:

Before you go forward and have any other comments, I think that it is important to recognize that if you go to page 15, you will see that there was a point system for

selection by your staff. You do have the ability to overrule the staff's recommendations. But, typically, the reason we put that in there is so that if there is what we call a "busted bid," and you determine at some subsequent point, you have the ability to come back in and look at that. What I was looking for was comments about somehow that the scoring was wrong; whether one of the persons that scored was not qualified or had a bias - which would be a normal reason for the commission to look at it.

Outside of that, and again, I am not saying that you don't have the authority to make a different choice. You do have that authority. We have written that into the bid documents for you. A part of that is that there is a reliance on staff and staff has almost gave them 100 on each area that you look at. I just want to make the commission aware that there wasn't a subjective determination by your staff. It was an objective determination by your staff and people were scored by that. So, with all due respect to Mr. Armstrong, he had to do what he is doing right now. By the criteria that you would normally look at, the issue of whether the persons doing the analysis were not qualified, you would look at whether somehow there was arbitrarily a low score, which is not here. So, there is nothing inherently wrong with the staff made this recommendation to you. I just want to make you aware of that to keep things balanced as you deliberate.

Chair Dixon called for comments from the Melvin group. There was no response.

Warren Yeager from Preble-Rish also addressed the board. He spoke to the qualifications and availability of his company to do the work for the county. He also noted that they have been the county's engineer for about eight years and believes that they have done a good job. He also stated that they plan to open an office in Quincy in the Community Development Office.

Commissioner Lamb commented, "One thing that I would say, Mr. Chairman, I am the type of person who would not want to set an example by not going along with what our staff has recommended. In looking forward to the next one, things might be different then. So, we need to be consistent with out staff. They have gone out and I think they have done a good job. I think we should follow their recommendation. That is just the way I feel."

It was clarified that Jimmy Lee (one of the selection committee members) is the review engineer for the Water/Waste Department for the City of Tallahassee. It was also clarified that the engineer would be an extension of the county staff and they would be working with the municipalities as well.

After discussion among the board, the chair called for a motion.

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE REVIEW AND SELECTION OF THE COMMITTEE'S RECOMMENDATION TO SELECT PREBLE-RISH, INC. AS THE TOP RANKED CONSULTANT TO OVERSEE THE IMPLEMENTATION OF THE COUNTYWIDE WATER/SEWER INFRASTRUCTURE ENGINEERING AND DESIGN STUDY; APPROVE STAFF TO BEGIN CONTRACTUAL NEGOTIATIONS AND AUTHORIZE THE CHAIRMAN TO EXECUTE THE CONTRACTUAL AGREEMENT CONTINGENT UPON LEGAL REVIEW AND APPROVAL BY THE COUNTY ATTORNEY.

#### CITIZENS REQUESTING TO BE HEARD

**Sam Hawkins**, President of Gadsden County NAACP, addressed the board. He stated that he had been all over the county promoting the re-opening of the hospital. He said that he was disturbed to learn that there are members of the board going throughout the county telling people, "We don't need a hospital." He called attention to the oath that each of them took to "Do no harm." He suggested that by not seeking adequate healthcare for Gadsden County, they are doing harm to the citizens they have pledged to serve. He concluded by saying, "You need to do better."

**Major Sean Wood**, addressed the board. He reported that the new countywide Emergency Call Back System has been tested and it performed thousands of calls during the treat of the recent Tropical Storm Faye.

He then reported on the jail population which has averaged between 275-280 inmates per day in the institution designed for 157 inmates. He said that the downturn in the economy is having an impact in Gadsden County as it is all over the country. He also reported that they have had an increase in the number of

inmate confrontations - mostly due to the overcrowded conditions.

Chair Dixon stated, "Manage your budget and make sure that you are communicating with the Office of Management and Budget as to where you all are. The things we said last year is that we knew we were not going to have any money this year. So, don't catch us on the back side. Manage those budgets and see things coming. The auditors have some nice comments you guys, so staff needs to know as well what you guys are looking at before it begins to break down. You need to be with our number crunchers. Those are the folks that can actually help you. We have to manage this situation because at the end of the day, it is about managing your money. We don't have an unlimited supply of money. I'm not getting on you, I am just saying that is where we need to be.

I remember saying to Ms. Pondexter, "Will you get with staff and look at your budget as we go?" Now, we are two months before the end of the fiscal year. I want to know how many times you have met on that budget. I mean the budget people.

Major Woods:

Katherine and Davin will have to answer that.

**Pondexter:**

Katherine Pondexter, I am the chief financial officer for the Sheriff's office. Davin and I are always in contact with each other. I sent him copies of the expense report from our medical. There is absolutely no way that we can tell when our medical cost will go up. It is impossible.

**Dixon:**

Does Davin have the full picture of your budget?

**Pondexter:**

Yes, he does.

**Dixon:**

Mr. Suggs, do you have the full picture of her budget?

**Suggs:**

Mr. Chairman, if you are referring to a weekly or a monthly line item,

**Dixon:**

That is what I am referring to because that is what I asked for.

**Suggs:**

We don't have access to that. We have some recent reports as to the lump sum and -

**Dixon:**

No, no, no. Mr. Manager, did I not ask that monthly, the sheriff's department alert OMD as to what is happening so that we don't get down to the end of the fiscal year and see things coming.

**Brown:**

You said that at the time when Ms. Pondexter and the Sherrif personally came here and you made that request some time last year.

**Holt:**

Mr. Chairman, may I?

**Dixon:**

Just one moment.

Ms. Pondexter, do you want to say something?

**Pondexter:**

Yes, I do. I have communicated with Davin. I sent him copies, as I said, of our medical costs. This is something that we cannot - I mean, we manage the budget, but the rising cost of medical, the overcrowding in the jail - the inmates are on top of each other, they are sleeping on the floor, we have right now, two different kinds of outbreaks at the jail. This is what is causing the cost to rise. I think was around June that I said to Davin - we were already well over our medical cost. There is no way to manage that. We don't know when we are going to get an inmate in jail who has a catastrophic illness.

**Dixon:**

Ms. Pondexter, we are not saying that you do. We are certainly aware of what other counties are going through. Other counties are going through cut backs in every operation, period.

**Pondexter:**

I understand that. I understand that.

**Dixon:**

My question to you is, "How does Mr. Suggs prepare for that if he doesn't really know?"

**Pondexter:**

We don't know either. This is something that we have to go and

**Dixon:**

If you will, let me finish, please.

**Pondexter:**

O.K. I will.

**Dixon:**

We have to project all the time. We project. Because we are able to project, we are able to move some money and cut some services some place else. I want to see what you have done in your budget and where you have done it to scale back and realize that you've got exceeding cost. This is the first that I am hearing of it and it is two months before the end of the fiscal year. The things we did last year was to make sure that we didn't get to two months before the end of the fiscal year. That was the whole point. We knew last year, two years ago, we knew that counties and the state was about to go through a budget transformation. We began to prepare for it. We knew that revenue was going to be going down and we began to seek revenue elsewhere. Ad valorem taxes are down and we all know that. To prevent having to go through catastrophic situations where we were going to need a half million or a million dollars, let's manage so that when times come, and if at all possible, we see these things coming. There is not an unlimited pot of money. That is all that I am saying. But, you are standing here saying that you have a problem, but you knew in June that you had a problem and you didn't come to the board in June.

**Pondexter:**

I did not come to the board, but I did as you asked - to go to Davin. I did send the information to him. So, I want to bring to your attention that last year, we did not get an increase in operating costs. So, we are still at last year's funding, but, the cost has continued to rise.

**Dixon:**

That is for everybody.

**Pondexter:**

This is what the auditor was trying to express to you in terms of

**Dixon:**



No, that is not what he was expressing to me. He impressed some other stuff upon me. None of us got an increase. That doesn't mean you can overspend the line item. None of us got an increase. Help me with that.

**Pondexter:**

As I said, medical cost is something that we cannot predict. When you look at historical data, it doesn't mean that - the plan is that we are continuing to monitor and I continue to talk with Davin on it, but, when we get these medical bills, we have no alternative, but to pay them. So, I don't see how you figure that - we are not the only county or the only sheriff's office that are encountering this type of medical problems. We are not. When I talked to Leon County last year, I think their budget went over by \$500,000 just in medical costs.

**Dixon:**

But, they've got a budget of over \$160 million.

**Pondexter:**

They still went over. That is what I am saying. This is a line item that - yes, we can talk to Davin from time to time regarding it, but, it is very difficult.

**Dixon:**

We can't do anything in a board meeting, can we?

**Pondexter:**

O.K. Are you suggesting that we meet with you, then, we can do that.

**Dixon:**

No, I suggest that you meet with the manager and staff. That is what I suggest.

**Pondexter:**

We can do that, too. But,

**Dixon:**

I suggest that you present him with your whole budget and where you are right now in your whole budget.

**Pondexter:**

We will do that and I would like to meet with each one of the commissioners.

**Dixon:**

That won't do any good until you get the numbers down.

**Pondexter:**

The numbers are down, we have them. What do mean - the rising cost?

**Dixon:**

I don't understand why you can't get the numbers to staff.

**Holt:**

Mr. Chairman, May I?

Mr. Suggs, you need a copy of that budget so you can see how that line item is affecting the rest of the budget.. We asked for it before -there was a general consensus of this board for them to get information to us. Not just that, but to look at the overall budget monthly. We need that information. Is there anything else that you need that you can foresee?

**Suggs:**

No, I mean, as the chairman said and as you stated, we have talked about medical before in conversation. But, what we need to look at everything. If we want to work together or us advising them, we can say "Hey, from a, b, and c, you need to stop doing something, cut something, because medical is rising. You can project medical. You know that medical is going to be 150% over. We are always open to do that, but we need the whole budget. WE need every line item for every departmental budget in order to be able to do that.

**Holt:**

Mr. Chairman, a couple more questions.

Ms. Pondexter, can you get that to him?

What kind of time line are you talking about?

**Pondexter:**

Well, I can get it to him this week. That is no problem with that.

**Holt:**

All the line items and everything. Revenues, expenditures, everything. We need to get all that done. The only thing is that is going to throw it off - as I have said, we have very few options and I keep expounding upon it - We can privatize it, we

can get a director to go in there and manage the jail, we can look at some programs and we have looked at that before. Instead of putting them in jail, let's send them out to work and do some jobs that we need to do anyway. Then with child support, what you end up with is people that have a whole lot more crime than you do. That is where we talked about. But, in order for us to even start, even a company would want to see how that is being affected by medical, by any other line item. They have to see that. And that is all the budget department is asking for. They've got to see it every month. It has to balance out so that we can figure out where it is coming in and where it is going out.

Thank you, Mr. Chairman.

**Brown:**

I really hate to put gloom and doom on this, but, we have two more months, probably one more month in the fiscal year. There is nothing that we are going to find to cut.

Basically, what this request is, and I am sorry, Major Woods and Ms. Pondexter, this is a request for additional funding for the Sheriff's Department. At this late stage in the budget year, there is nothing to cut. Commissioners and Chairman Dixon, this is a process that should have started at the beginning of the fiscal year where on a monthly basis we were getting budgets from the Sheriff's Department and assisting them in terms of monitoring that budget and making recommendations throughout the year just as we have to do with our own budget - where we need to cut back on in order to make this work.

At this late stage, there is nothing we can really do except probably see where they are and obviously, these bills have to be paid and we will have to come back before the board and request additional funding for the Sheriff's Department. That is the bottom line.

**Holt:**

Yes, but they have to get that budget to us.

**Brown:**

Correct, but again, be prepared for an additional request for funding for the Sheriff's Department.

**Major Wood:**

I would just like to make a statement. This last month, we we have had three or four illnesses that have run from between

\$50,000 and \$100,000. When someone comes in with a heart attack or sickle cell, you can't plan for that. You can plan, but this last month it has been bad.

**Holt:**

So, what you are saying is that we really need a hospital?

**Major Wood:**

Well, I can tell you that when you go over to TMH, you get a \$100,000 bill. That is what I can tell you.

**Dixon:**

That situation is going to have to be managed better. Somebody, and the counties I have seen have management programs. If we don't have a management healthcare program, then we need to be about the business of getting one and the way we fund it is wrong. If we need a program in there, we need to get it and quit going through these circles every year at this same time. O.K. I want to see the numbers for two years that says budget versus actual. The line items and how they were spent and how we are going - and Mr. Suggs, I want to see some counties and what they have done and I want to see it soon - about making this thing more manageable than it is now. You cannot tell me that other counties are not managing it better than this. This has to be managed better.

From what I heard from the auditor, we have a long way to do, so let's get with it and let's get this information and get this stuff done.

Unfortunately, what Commissioner Holt is beginning to say sounds almost palatable and I have never considered that.

**Suggs:**

Just a couple of things. I know that when I was at Leon County and I worked with the Sheriff's office, there was a unit under me in terms of budgetary. I worked with Scott (inaudible) They had medical issues every year. They flip flopped from farming out, having a medical staff, but at that time, the sheriff's budget was \$40 million. They had a staff with a CPA, but if the Sheriff had a problem with medical, they would take the funds from somewhere else and address it. I mean, in terms of how they ran their budget, they gave money back to the board every year.

I have said when she has informed me that medical was running over, I said, "Hey, do you remember what the board told you?"

When we gave them \$300,000 last year, that was it out of the reserve for Fine and Forfeiture in terms of money to help them. I reminded them of that and as we have talked, I have reminded them of what the board told them last year in going forward. The issue goes to, as you all are saying, and we can work with them, but, as the manager said, when it comes down to only two months left, I mean -

**Dixon:**

We need a plan. It is as simple as that. We need a plan. Ultimately, it is the board's responsibility. We need a plan.

**Croley:**

Major Wood, what is the status of the pod ya'll were having added to the jail with DOC?

**Major Wood:**

It is going to take a while.

**Croley:**

Has it started?

**Major Wood:**

No. They have started preparations with plans, but we have not physically gotten boots on the ground or materials in the jail.

**Croley:**

But, your department is going to do it?

**Major Wood:**

We are in the process.

All I am doing is forecasting for you and to say that we realize that the population of the jail is going to go way up. That is all I am trying to say.

**Dixon:**

Do you remember that call you made two days before the hurricane actually got here? Yesterday or whenever ya'll made that call countywide that a hurricane is coming?

**Major Wood:**

Yes, sir.

**Dixon:**

Well, it is like making that call, but the hurricane is already here. What exactly do you want us to do?

**Major Wood:**

It is just a decision ya'll are going to have to make.

**Dixon:**

Major Wood, I understand. This is just a little frustration on my part. We need a plan. Mr. Manager and Mr. OMB and hopefully with Ms. Pondexter and the Sheriff - We need a plan so that we do not enter the next fiscal year with this same position.

Thank you, Ms. Pondexter.

Next item?

**PUBLIC HEARING AGENDA**

**25. ~~Approval of Code Enforcement Board Ordinance~~**

This item was rescheduled per the amended agenda.

**26. ~~Approval of Nuisance Abatement/Lot Clearing Ordinance~~**

This item was rescheduled per the amended agenda.

**27. ~~Approval of Solid Waste Ordinance~~**

This item was rescheduled per the amended agenda.

**28. ~~Approval of Gadsden County Hospital and Indigent Health Care Ordinance~~**

**29. Public Hearing - Conceptual/Preliminary Site Plan with Deviations for Alltel Communications, Woodberry (SP-2008-04), Tax ID 3-10-2N-4W-0000-00134-0500**

**Owner:** Monte C. Bradwell

**Representative:** Belinda Bodie, Faulk and Foster, for Alltel Communications, Inc.

**Type Hearing:** Quasi Judicial in conjunction with the advertise public hearing under the concurrent Type II site plan review procedure per Subsections 7202 and 5811.F of the LDC.

**Location:** South side of the Bradwell Mortuary site, a 7.77 acre parcel on the south side of US 90 and approximately a

half mile from the intersection of U.S. 90 and Ben Bostick Road (CR 274).

**Description:** Conceptual/Preliminary Site plan for a 250 foot tall self supporting telecommunications tower. Also a 230 sq. ft. equipment shelter and three 240 sq. ft. equipment areas for future co-locations equipment for up to five co-locations.

**Request:** Two deviations from the requirement of Section 5800 Communication Towers of the County Land Development Code (LDC)- see description of the deviations as listed in the agenda report.

**Planning Commission Recommendation:** The Planning Commissioner met on July 10, 2008 and voted unanimously to recommend approval.

**Staff Recommendation:** Approval based on Planning Commission's findings and contingent on the conditions listed in the agenda report.

**Jill Jeglie, Interim Growth Management Director** gave a brief overview of the request after she was administered an oath by the deputy clerk. Following her testimony, she formally entered the agenda report into the record as County Exhibit # 1.

Chair Dixon called for public comments.

**Ms. Belinda Bodie of Alltel Communications,** addressed the board. She was administered an oath by the deputy clerk. She explained that this tower is the second of three which they have proposed to erect in Gadsden County. She explained that it will "fill in a whole that we have between two of our existing sites."

Commissioner Croley asked, "How far out did you notify the property owners of this variance?"

Ms. Jeglie replied, "Property owners within 1,000 ft. were notified. In addition, there was a sign placed on the property."

Discussion followed.

**UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PROJECT (OPTION 1) BASED ON THE FINDINGS LISTED IN THE**

**AGENDA REPORT AND CONTINGENT UPON THE SPECIAL CONDITIONS  
ALSO LISTED IN THE AGENDA REPORT.**

- 29-A. Public Hearing - Repeal of Ordinance 2006-004. Replace with the Adoption of Comprehensive Plan Amendment Ordinance 2008-026 for the Wildflower Major Land Use Amendment to amend the Comprehensive Plan Future Land Use Map Tax ID 2-27-3N-4W-00130-0000 Continue to Next Regular Meeting
- 29-B. Public Hearing - Repeal Ordinances 2006-005 thru 2006-011. Rescheduled replacement with the Adoption of Comprehensive Plan Amendment Ordinances 2008-027 & 2008-028 for the Highlands at Lake Talquin (CPA 2005-028) Tax ID 4-25-1N-4W-0000-00232-0000 and a portion of 4-26-1N-4W-0000-00340-0200 and Stoddard II (CPA 2005-014) Major Land Use Amendments (TAX ID 2-27-3N-4W-0000-00340-0200) to amend the Comprehensive Plan Future Land Use Map Continue to Next Regular Meeting
- 29-C. Public Hearing - Repeal of Ordinance 2006-012 and Replacement with the Adoption of Comprehensive Plan Amendment Ordinance 2008-029 for the Schnepf (CPA 2005-017) Major Land Use Amendment (TAX ID) 2-25-3N-4W-0000-0000-00320-0000 and 2-25-3N-4W-0000-00331-0100 Continue to Next Regular Meeting
- 29-D. Public Hearing - Adoption of Comprehensive Plan Amendment Ordinance 2008-013 and replacement with the Adoption of Comprehensive Plan Amendment Ordinance 2008-030 for the Mortham-Shaw (CPA 2005-018) Major Land Use Amendment Tax ID 2-34-3N-4W-0000-00000-0100 and 2-34-3N-4W-0000-00130-0100 to amend the Comprehensive Plan Future Land Use Map for 326 acres from AG-3 to RR Continue to Next Regular Meeting
- 29-E. Public Hearing - Adoption of Comprehensive Plan Amendment Ordinance 2008-031 for Text Amendments - Urban Service Boundaries to Enact Objective 1.15 and Policies 1.15.1, 1.15.2, 1.15.3, 1.15.4, and 1.15.5 as remedial amendments to the Future Land Use Element and the Future Land Use Map of the Gadsden County Comprehensive Plan pertaining to the implementation of urban service boundaries as prescribed in the Compliance/Stipulated Settlement



Agreement with the Florida Department of Community Affairs. Continue to the Next Regular Meeting

**30. Public Hearing - Approval to Enact the Dori Slosberg Driver Education Safety Act.**

This item was deleted per the amended agenda.

**31. Public Hearing - Approval of Resolution No. 2008-037 and Authorization of the Chairman to Execute the Library Services and Technology Act (LSTA) Grant Agreement, Books on Wheels Project from the Florida Department of State, Division of Library and Information Services OMB-BA# 08091 A & B; 08-LSTA-E-02; Agreement with Specialty Vehicle Services, LLC (SVS)**

After the county manager briefed the board on the above named grant, the chair called for public comments and questions. There being none, he called for a motion.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION 2008-037, BUDGET AMENDMENT OMB-BA# 080091 A & B; AUTHORIZE CHAIRMAN TO SIGN THE GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF STAE, DIVISION OF LIBRARY AND INFORMATION SERVICES IN THE AMOUNT OF \$200,000 AND APPROVE THE CONSULTING SERVICES WITH SPECIALTY VEHICLE SERVICES, LLC. (SVS).

**32. Funding of Commissioners Priorities Boys and Girls Club - Resolution 2008-038 - OMB BA #080093 A & B & C; Road Paving - Resolution 2008-039 - OMB BA# 080092 A & B; Tallahassee Shuttle Service - Resolution 2008-040 - OMB BA# 080094**

County Manager Brown brief the board regarding the above named resolutions and budget amendments to accomplish the following approved projects:

- \$1.2 million in funding for the construction of two Boys and Girls Club facilities.
- \$200,000 in funding for the construction of the addition to Supervisor of Elections Building.
- \$1.5 million in funding for additional road paving projects
- \$500,000 in additional funding for bridge repairs and maintenance.

Chair Dixon called for public comments. There was no response from the public. He then turned the discussion to the board.

**Croley:**

Mr. Chair.

**Dixon:**

Commissioner.

**Croley:**

As I have previously communicated to the manager, and I believe that, by copy, he has communicated that to each of you. Despite what may have been provided by the county attorney's office, this is using surtax money to fund a Boys and Girls Club facility - not the Boys and Girls Club, that is already being funded. It is using surtax money. One need only to read the ordinance. I do not dispute the county attorney's analysis regarding the state's statutes that enables the levying of the surtax money nor do I dispute his legal interpretation of certain definitions, but it is very clear that the Board of County Commissioners enacted certain restrictions on the use of the surtax funds that go above and beyond those imposed by state statute.

I would refer this commission to the fact, as has been brought up earlier by a citizen, that the oaths of office. We did take an oath, a sworn oath I might remind everyone, to uphold the laws of the United States and the State of Florida as well as the county ordinances. And, all you have to do is go back and look at what was passed when you were on the commission back in 1995, Mr. Chair, on June 6<sup>th</sup>. You extended the one cent infrastructure surtax. That is what you even called it. It passed 5 - 0. According to the minutes of the Clerk's office, the imposition of a sales tax of 1% is to be used to for public works projects, fire protection and suppression and other public purposes and it is further defined as restricted to transportation, fire, and water/sewer projects and maintenance of the infrastructure. If you want to do anything beyond that, it says that it requires a super majority vote.

Now as long as that is going to be the choice of funding, we have not had that vote. It is the right and proper thing that it be treated in that regard because the proposed funding, and Mr. Suggs, you may want to clarify this, but I believe that you are taking this \$550,000 or a portion of it, a significant

portion of it out of fund 105 which is the fire services fund. We just heard from the Sheriff's office, right or wrong, that the jail is busting open. We've got all these other obligations and this does not meet certain definitions under this surtax that we should be dealing with in a proper manner.

**Brown:**

Mr. Chair, before you move forward, would you clarify the difference between the 105 fund and the surtax.

**Suggs:**

O.K. As of last budget season and this budget season, we are talking about small county surtax funds. Because of previous, and this came up tonight during the audit presentation. Before we got here, money was everywhere. You had left over remnants of small county surtax funds in fund 105. We came in and created fund 130 so that we could put all the money in one place so everybody could see it.

**Brown:**

Davin, tell them what fund 130 is.

**Suggs:**

We created the small county surtax fund so there are no more issues about where this money is going. Now all the money comes into the small county surtax fund so that you can see where it goes. The money that we are moving out of reserves, the fund balance in fund 105, is accumulated small county surtax funds that previously had gone unspent. 105 is your fire services funds. This is the same money, the same type of budget amendment. As I said, if you go back to June 17, the same funds were used that I think that this board approved 5 - 0, to build the Supervisor of Election building. It is the same small county surtax fund. From there, I will defer to the county attorney.

**Dixon:**

Commissioners, let me be very frank. We have had this discussion any number of times as to what this particular fund could and should be used for. It was Commissioner Croley who asked the attorney for his opinion. You can't ask for an opinion and then don't like what it says. It is what it is. I respectfully respect your opinion on this. You know, but, I totally disagree with you. It has been made very plain and very clear by the attorney. If Boys and Girls are not a public use, I don't know what else is. I hope we build 100 of them in every community from Reston to Chattahoochee to any community that

wants one. It is about children. It is about the safe keeping of children. It is a public facility. It is no different to me than the Supervisor of Elections office. It is no different to me. On that, Commissioner, I think that you are way off base. Furthermore, if you have been opposed to it all the time, it doesn't defy logic that you are opposed to the way it is funded. But, let's not keep beating issues to death that opinions have been rendered time after time after time. You agree with everything the lawyer says, but ... You can't have it both ways. We are here to make decisions and you can't be of a double mind because a double mind means that we would be just sitting here doing nothing and helping no one. Either you accept the attorney's opinion or don't accept it, but you can't accept it then toss it out. That does not make any sense.

We have studied this thing up and down and sideways. The funding up and down and sideways. This is the third or fourth time that this particular project, these particular projects have been before us. Please, let's just move on with it.

Commissioner Lamb?

**Lamb:**

We are funding the Supervisor of Election building out of this fund?

**Suggs:**

Yes, sir.

**Lamb:**

The surtax fund?

**Suggs:**

Yes, sir.

**Lamb:**

Mr. Attorney, when you made your findings on this on the surtax, you probably used the state statute - is that where you found your information?

Williams:

I looked at the state statute and then I looked at the ordinance that we used.

**Lamb:**

The state statute, as you know, gives you an open variety of reasons that you can use these funds. Is that correct?

Williams:

That is correct. But, let me add just a little bit more. We have done two written opinions on the use of the surtax funds. I presented to the board that you could have a real conservative interpretation of it or you could have a broader view of it. If you recall, no one wanted to open up an amendment to the ordinance which requires an extra ordinary vote. I presented to the board in January that if you did open it up, and you did agree to look at it more broadly, it only would require a simple majority vote. When I presented that to you all, you basically agreed that you would not open it up and you wanted the broadest interpretation. With that, we looked at the use of the language and it said, "infrastructure or public works projects." We drafted a definition that said that those projects wouldn't meet that criteria. So, we went in and found AG Opinions that talked about that. It is really interesting when you get into it because the AG Opinion said that if you meet the definition of the ordinance, it went so far as to say that even a temporary school building that is not permanently affixed to the land would qualify under your ordinance if it met your criteria. Common sense would say that it doesn't make and sense whatsoever. So, the AG was looking for ways to give counties the options to help the citizens of the county. I put all of that in the opinion so that you all could see that the Attorney General had given you broad discretion within the ordinance that you have in place.

But, what is really important is that back in January, you already rendered the opinion that said that once you have it in your ordinance, it is a simple majority. If you expand the ordinance, it requires a super majority to get it done. To answer your question, Commissioner, yes, we looked at the statute because you have to go back to where the authority comes from, but we then looked at the ordinance that was enacted which is 74-1 and we looked at the interpretation that was there and we rendered our opinion off the county ordinance.

Lamb:

This particular ordinance that we are looking at - the surtax ordinance, isn't it a lot more specific than the statute?

Williams:

It is in some respects. State statute would allow you to make - to do anything. But, the ordinance is only suggestive. So, it says that you could use it for maintenance for infrastructure of public works projects. Then what is missing is, they say, "such

as", then they give you road improvements and water and sewer. But, folks who are reading it are saying is that it is for only those projects. But, it is not saying "only those", it is saying "such as those types of projects." Public works projects is what the ordinance is for. You can do public works projects and they just happen to give you a couple of examples such as road improvements and water and sewer.

**Lamb:**

So, the Supervisor of Elections addition and the Boys and Girls Clubs are new structures. You know, we are all for the Boys and Girls clubs, but this is talking about the structure only. What part of that ordinance do these two items fall under specifically?

**Williams:**

What it falls under is the general category called "Public Works Projects." The struggle that everyone had was - What is the definition of a "Public Works Project?" So, we went in with our legal opinion and outlined for you what is a public works project. If I recall correctly, it said that it had to be permanently affixed to the land for seven years or greater.

**Croly:**

Five years.

**Williams:**

Five years or greater. As long as it is affixed to the land for five years or greater, it would be considered a public works project. So, with that criteria, when you brought something before you to vote on it, if it met that standard, it would meet the criteria of the ordinance.

**Lamb:**

I have had phone calls on it. I reckon that it got out that we are dealing with that ordinance. We do have people who are saying that they are going to sue the county if we deal with that particular ordinance and we use that particular tax.

**Williams:**

I represent public bodies for a while and I can tell you that there is nothing that you can do to stop anybody from suing us. But, if you ask me if the legal opinion that I have rendered is defensible, I think the answer is "Yes." I can't guarantee what a judge is going to do, but, I think that the county commission, as a body, is in a comfortable position.

**Lamb:**

Have you had any communication about this with the Clerk of Court?

Williams:

I have not.

**Lamb:**

I would love for you to just - you know, we are already building the Supervisor of Elections office as you already know. But, I would really like to get his opinion. Since he controls those ordinances in the courthouse there, I would like to get his opinion before I will vote on it.

**Brown:**

Mr. Chairman, if I may.

Just to respond to Commissioner Lamb. I think that Commissioner Croley, and correct me if I am wrong, asked the clerk for an opinion of the use of the ordinance. I think that issue of "public works project" came back from the clerk as an interpretation - correct me if I am wrong, Davin, but, it could be used for any fixed asset that has a five year life span or greater. Therefore, I think that interpretation from the clerk's office has already been rendered that it could be used for any type of public works in the county.

**Lamb:**

How much money do we have? Do we have a certain amount of money in there now?

**Suggs:**

When we started back in January, February and March, from our report, we had about a million dollars. Then we have accumulated some money that has come in this year. So, we were working with about \$1 million when you starting setting your priorities. Remember when you set your priorities, you included the Supervisor's building and at that time, two Boys and Girls clubs.

**Lamb:**

If this comes about, that particular building can still be used for more than just a Boys and Girls Club. That is just one phase of it - the Boys and Girls Club - If we can use it. I have to make sure that we can do that. If we can do that, I don't a problem in doing it. But, I know that our attorney has

given us interpretation of the ordinance, but I really want to - the attorney general - have you spoken to him?

**Williams:**

I do see where you are coming from. But, recall now, that I have been in a lead attorney position many times and I have been in a situation where I have been requested to do attorney general opinions. The only reason you would do an attorney general's opinion is when your attorney is uncomfortable with his own interpretation of the law. I am not uncomfortable with my interpretation of the law. I believe my interpretation is accurate. I may be mistaken, but, I think the Clerk's office has already funded based on this interpretation. It has been out since January. I did a second interpretation in April, I think which was consistent with that one before. This is not new, Commissioner. It has been out for a while. I don't have any problems talking with the Clerk, but I just want you all to be aware that the opinion was out. You, as a body, approved that opinion. I don't know what the vote count was, but I haven't done anything radical here. This has been a fairly consistent direction that this commission has told me that they wanted to go to. It has gone from underground utilities tanks, underground storage tanks to the Boys and Girls Clubs. So, it has gone the full spectrum of what you have asked. I have always done what I thought was legal. Nothing less and nothing more. So, it is a broad interpretation, but it is a legal interpretation and I want everyone to be clear about that. It is not even remotely close to the edge of the line in my opinion, but it gives you the discretion to do those things for the citizens of Gadsden County.

**Lamb:**

I believe your opinion. I believe that you did what you had to do to on your opinion. I believe that you were truthful about the solutions that you have come up with - the findings that you have rendered to us. I think you did what you were asked to do and I think you did it in good spirit. But, I just want to - I don't know. For some reason, I just want the Clerk - I would feel much better if the Clerk could agree with you - just communication with him and agree with you on that this ordinance can be used and this tax can be used for a building for the Boys and Girls Club. Then I would have no problem voting for it. But, at this time, I want to wait until you can communicate with him. That is just how I feel.

**Croley:**



Mr. Chair, before - since the manager referenced the clerk, again, let's make sure that everybody understands where I am coming from. I don't care if four votes for the facility. That will be just fine. The thing is - the state statutes are far broader. You, the board, not me - I wasn't here - made it more restrictive. It is very clear when you go back and you read the historical minutes.

Now, let me finish, now. Here is the thing that I raised with the fuel tanks. There are three criteria from my reading of the same attorney general opinions that he did and looking at the same statutes and looking at your own ordinance. A) It had to have a five year life expectancy. B) It's got to be adding to and part of the maintenance or adding to the public infrastructure. And C) It's got to serve a broad base public benefit.

Now, in the case of the fuel tanks. They are underground and they lasted more than five years and they served the public works infrastructure and they served a broad public interest because they covered the fuel for the entire county Sheriff's Office to patrol with as well as public works backup. We voted 5 - 0 to do that. I didn't ask the attorney to go check that out. He volunteered if you go back and check the minutes. You did that, I didn't ask you to. And, I believe it was you who said, "That's o.k. if he does."

So, as far as the clerk - when he did provide that information, yes, the clerk paid that. This addition on the Supervisor of Elections office. I believe that decision was 5 - 0. Same basis. The building is 5 years, it adds to the public works infrastructure and it serves a broad public benefit.

Now, I didn't make this ordinance up. That is what you had. I appreciate the point that the attorney makes about his interpretation and his confidence to stand behind it. But, at the same time, you normally check the background on any of your legislation. Mr. Chair, you are the one that it in here.

**Dixon:**

Let me ask you a question. Which one of those categories does it not meet in your professional opinion?

**Croley:**

I don't know how broad a public service the building is - you have never said that it was anything other than Boys and Girls facility.

**Dixon:**

It is a Boys and Girls Club. Anybody, correct me if I am wrong, but

Williams:

Mr. Chair, before you and the commissioner go too far on that issue, there is no criteria about broad service. The criteria is

**Dixon:**

I understand the point. The point is not about whether you can do it. The point is that somebody doesn't want you to do it. That is a whole different argument. If you don't want a Boys and Girls Club, vote, "no." That is about it. If you don't want a building for a Boys and Girls Club, vote, "no." That is the point. It is a public facility much like the library. Anybody who wants to go can go. Anybody who wants to go can go. It is no different than the library. So, let's not split hairs here because I think you guys are doing.

Coley:

I move the question.

**Dixon:**

Don't split hairs.

**Croley:**

The library wasn't built out of these funds.

**Dixon:**

I know that, but it is a public building much the same. Let's move on. This is a public hearing. Will there be those who wish to speak. I think I called for that one time.

Now, I'm sorry I did it again.

Sam Hawkins:

Mr. Chairman,

**Dixon:**

State your name for the record.

Hawkins:

Mr. Chairman, I just want to make one thing clear. If these two gentlemen do not want a Boys and Girls Club in Gadsden County, do not put an ordinance out -

**Dixon:**

Mr. Hawkins, please address the body. Don't .

Hawkins:

Mr. Chairman, just tell them to come out and say, "I don't want a Boys and Girls Club in Gadsden County." Then let their constituents decide whether they want them to sit at that desk. I think that is the best option.

**Dixon:**

Thank you, Mr. Hawkins.

Let's bring this to a close.

**Lamb:**

It has nothing to do with that. You know I want a Boys and Girls Club. I don't know what you are talking about. But, the point is this - I want to make sure. If we can build that building with that tax, I will vote for it. I just want to make sure and I am going to stick to what I believe.

**Dixon:**

You can do anything you want to with that building when it ain't a Boys and Girls Club. It is a Boys and Girl's Club only three or four hours a day. What is going to be the rest of the time.

Can we move on, please.

**Holt:**

I just want to reiterate something that was said before. We have had this discussion before and it really should have been taken care of earlier. If we had taken care of this in January or April.

As to the minutes - some things are not written down because everything that was said is not in there and we can't necessarily rely on the minutes. We need to go by the recording if you want to see what one person said as opposed to another. They are doing the best they can, but when you look at it, it is a little bit different. She is doing the best she can, but what I wanted to say is this. We have to look at these issues earlier before (inaudible) come up.

There is one other thing I wanted to say. If they don't want a Boys and Girls Club, they can vote against it. But, if we are

going to move forward and try to keep them out the jail....(inaudible)

**Dixon:**

Thank you.

**Croley:**

I call the question, Mr. Chair.

**Dixon:**

We have the question.

**Holt:**

I move approval.

**Price:**

Second.

**Dixon:**

We have a motion and a second for approval. There being no further discussion, all in favor, sign of "aye."

Holt, Price, **Dixon:**

Aye.

**Dixon:**

Opposes?

Lamb and **Croley:**

No.

**Dixon:**

3 -2. The motion passes.

Next item please.

**33. Public Hearing - Approval to Provide Initial Funding for the Implementation of the Gadsden Rural Emergency Hospital Project Resolution 2008-036; OMB#08-0090 A & B**

County Manager Brown announced a public hearing for the purpose of getting input and the board's authorization to provide the initial funds to facilitate the implementation of the Gadsden Rural Emergency Hospital Project. He also stated that if the voter referendum for the indigent care surtax should fail, the board can quickly re-address the hospital issue.

Commissioner Croley suggested that the board delay action on this matter until after the election which is only one week from this meeting.

Mr. Brown explained that the architect is currently working without pay and the board will not meet again until September 16 to approve this matter. He commented that it would be irresponsible for the board to delay paying them for so long.

Attorney Williams pointed out the very tight timeline that is approaching. He reminded them that to protect the license, the hospital must be receiving patients by June 19, 2009. He encouraged them not to delay any movement forward.

Commissioner Croley reminded the board that the reason the board is so far behind in getting the hospital re-opened is because it spent so much time litigating a law suit in which the county did not prevail. He opposed taking any further action until the outcome of the voter referendum.

Commissioner Lamb reasoned that if people are working he could not rationalize not paying them for their efforts.

Commissioner Holt encouraged the board to move forward on this issue, reminding them that the building needs repair regardless of the outcome of the referendum. H

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE FUNDING DESCRIBED ABOVE. COMMISSIONER CROLEY CAST THE LONE DISSENTING VOTE.

#### **GENERAL BUSINESS AGENDA**

#### **County Manager's Agenda**

#### **18. Approval of Additional Board Meeting Dates**

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO CHANGE THE MEETING DATES FOR THE TENTATIVE AND FINAL BUDGET HEARINGS FROM SEPTEMBER 9, 2008 AND SEPTEMBER 23, 2008 TO SEPTEMBER 16, 2008 AND SEPTEMBER 30, 2008 RESPECTIVELY.

**21. Approval of Project Agreement with the Natural Resources  
Conservation Service for Lake Tallavana Dam Stabilization**

This item was moved from the Consent Agenda to General Business via the amended agenda.

**Brown:**

Commissioners, Item number 21 which was also on the consent agenda is seeking board approval for the project agreement with the Natural Resources Conservation Service for the Lake Tallavana dam, dam stabilization.

**Dixon:**

You don't have to say that two or three times, now. Are you trying to make a point?

**Brown:**

I just wanted to make sure that it was clear that it is a dam that we are talking about.

Commissioners, this agenda item seeks board approval of the project agreement which is attachment 1 with the United States Department of Agriculture Natural Resources Conservation Service for emergency watershed protection measures to relieve hazards and stabilize the drainage outlet of the dam which impounds Lake Tallavana. Staff also request approval for the chairman to sign the agreement.

Commissioners, back in June, you approved the application to the USDA as a sponsor for Emergency Watershed Protection funds to stabilize the drainage outlet on the Lake Tallavana dam to prevent the residents of the neighborhood from being trapped should the dam suffer a catastrophic failure. The application was made with the county as sponsor of the project with 75% of the funding which is about \$200,000. The county, as sponsor would be required to make the 25% match. When the board approved the application, it was agreed that the homeowners association would be required to provide this match before the project could move forward with the county as the sponsor.

Commissioner, with the approval of this project agreement, it will allow staff to proceed with an agreement with the Lake Tallavana Homeowners Association for the provision of the 25% match and also with the design and repair can begin

so the project can move forward with construction as soon as possible.

Commissioners, as sponsor, we will be responsible for the design, bid construction and inspection of the project. Once the project is completed, the emergency funds will be electronically transferred to the County within 5 days. Without this assistance, the homeowners would probably not be able to make permanent repairs to this structure and would run the risk of a dam failure during a major storm event. Since this roadway is the only access for the subdivision, several hundred residents would be cut off from emergency services and or leaving the subdivision.

Commissioners, again, part of the fiscal impact, the Natural Resources Conservation Service has approved up to \$300,000 for this project. 25% will be required of the homeowners' association.

**Dixon:**

It is ya'll. I am sorry, I would have moved you guys up if I had known. My apologies. I usually look out into the audience and see who is out there. I am sorry. I just thought ya'll were interested citizens. Please forgive me. I usually do better than that.

And I know who you are, so.

**Scott:**

I guess I need to state my name for the record. I am Dr. Tom Scott of the Tallavana Homeowners' Association. I am not a medical doctor. I am a geologist. My wife calls me the "Talking Doctor." That is why I am here today.

We had to apply for this grant because of problems in Lake Tallavana. Lake Tallavana is in the headwaters of Lake Talquin and we have millions of gallons of water impounded by this dam. If we lose the dam and the water drains down, it will drain right into Lake Talquin. That will have effects with sediment and issues like that in Lake Talquin.

We are very fortunate that the NRCS got the grant approved because obviously the cost of the restoration - the homeowners could not afford that. We have other board members here tonight and we also have two folks from the NRCS are here.

**Dixon:**

Do you want to introduce them for us since they have been here for so long?

**Scott:**

Do you all want to introduce yourselves?

**Dixon:**

He needs to prove that he was here.

Hayford:

I am Jason Hayford and I am the conservationist here in the county. Whenever the applications come in, everybody comes to me.

**Dixon:**

Welcome, Jason.

Sandy (inaudible)

I am Sandy (inaudible). I am the area engineer for the panhandle of Florida. I will also be the NRCS on this project.

Neil McDonald:

My name is Neil McDonald and I am the president of the Lake Tallavana Homeowners Association. I would like to thank you all for letting us have the opportunity to speak. This is Bill Oswald, the vice-president and long time resident of Gadsden County. He was born and raised here. So, if you have any questions, and if we can answer them, we would be more than happy to.

**Dixon:**

I would not vote against this just to "piss" Commissioner Croley off. But,

No, I am just kidding.

McDonald:

I want you all to understand that this is not only very important to Lake Tallavana, but to the Little River Watershed, Quincy Creek and Lake Talquin and right on down. This doesn't just impact Lake Tallavana, it impacts Gadsden County and Gadsden residents all the way down to Lake Talquin. It is one of those things that we really need to maintain the environment and the protection and recreation



for the people in Gadsden County. I hope you do approve it.

Thank you.

**Scott:**

Do ya'll have any question for any one of us.

**Dixon:**

No, I really want to vote against it, but I just can't do it. I will be honest with you, I just can't do it. The project is still a good project.

Will there be anyone else?

**Holt:**

Right quick, I really, really wanted you guys to say what you are saying right now because there are other areas of the county, they don't quite know how to deal with low areas and wetlands. I mean that these are individual citizens. They are not developers and they don't quite know how to do it. So, I think it is so perfect that when we are looking at situations where you can have communities and you are applying for funding. Usually, they come to us and say, "Will you pay for it?" So, when we can help, we help. But, what I am saying is - it is how you are doing it. I think this board and everyone else appreciates it. I have listened to the commissioner teasing Commissioner Croley, but I think what you are doing is good. We have to figure out how to help other peoples.

I will never forget when I moved here from Georgia. I was in the fifth grade. We had lived where it was high and dry. We came down here near Sawdust and whole back yards were flooded. They were living in old farm houses that sat up off the ground. We figured out then why they set up so far off the ground - Because they were built over low areas where water was running through.

I am sure that Dr. Scott, that we can use services from you. At least, your opinions. But, you have just about answered all of my questions that I had.

**Croley:**

Mr. Chair, would you entertain a motion to move Option 1.

**Dixon:**

From you, no.

(laughter)

I've got to get him somehow.

**Price:**

I will second it.

**Dixon:**

Commissioner, did you want to have a word. I apologize. I am sorry. I am blaming it on the lateness of the hour.

**Croley:**

No, I don't have anything else to say other than to move the motion.

**Dixon:**

Dr. Scott, I have a good name for you.

**Scott:**

Yes, sir?

**Dixon**

Rock Doc.

**Scott:**

My license says Rock Doc and my email address is The Rock Doc.

**Dixon:**

We have a motion and a second. There being no further discussion, all in favor, sign of "aye."

All:

Aye.

(Note: Option 1 was to approve the Project Agreement.)

#### **COUNTY ATTORNEY'S AGENDA**

#### **33-A Assignment of Waste Management Contract to Emerald Waste Services (EWS) Central Florida**

Waste Management entered into a contract with Gadsden County on November 16, 1999 for the collection and disposal of garbage in the unincorporated areas of Gadsden

County. In June, 2008, they sent a letter to the County asking that the contract be assigned to EWS Central Florida. Waste Management has the exclusive franchise in Gadsden County.

Mr. Williams reported that his office had solicited information from EWS to demonstrate that they could meet the same criteria that Waste Management had contracted to do. He went on to say that once EWS had met that criteria, they had also met the prerequisite for a transfer of the contract to occur. He pointed out the attachments which includes an outline of their personnel, equipment, and a transition plan. Additionally, there was a guarantee by the parent company to hold the county harmless if an issue arises with the local company.

Chair Dixon called for comments.

Attorney Harold Knowles addressed the board as the attorney for EWS. He introduced Mr. Mark Bagley, CEO of EWS.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ASSIGNMENT OF THE WASTE MANAGEMENT CONTRACT TO EWS.**

#### **Resignation of Public Information Officer Jon Brown**

County Manager Brown announced the resignation of Jon Brown who would be going to Leon County to serve as their public information officer. The staff and commissioners bid him farewell and congratulated him on his new position.

#### **35. Discussion Items Brought By Commissioners**

##### **Commissioner Dixon**

##### **Appointment of Member to Serve on the County Canvassing Board for the Primary Election to be Held August 26, 2008**

**UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPOINT DR. HENRY GRANT TO THE COUNTY CANVASSING BOARD.**

There were no other items brought up by commissioners for discussion

**36.Receipt and File Agenda**

37.

- a. Letter from Florida Department of Management Services Regarding E911 State Grant Notification (2008 Fall Schedule)
- b. Letter from Florida Department of Transportation Regarding Transportation Regional Incentive Program (TRIP) FY 09/10
- c. Letter from Leon County Courthouse Regarding 2009 Court Holiday Schedule
- d. Letter from Florida Department of Revenue Regarding Budget Request
- e. Letter from Williams, Wilson and Sexton, P.A. Regarding Moore Litigation Settlement
- f. Letter from Mediacom Regarding Communications Services
- g. Memorandum for the Record Regarding Rosedale Water Association Water System Improvements-Letter of Concurrence
- h. Letter from Clerk of the Circuit Court Regarding Big Bend Regional Health Information
- i. Letter from Florida Department of Environmental Protection Regarding Wetland Resource Permit Request
- j. Letter from Florida Department of Environmental Protection Regarding Wetland Resource and Sovereign Submerge Lands Authorization Permits
- k. Letter from Edward Allen Regarding Wetumpka-Lake Talquin Area
- l. Letter to Florida Communities Trust Regarding Grant Application for Acquisition of Quincy Creek

- m. Letter United States Senator Bill Nelson Regarding  
Appreciation for Framed Photograph of the Historic Gadsden  
County Courthouse
- n. Docket from Florida Public Service Commission Regarding  
Interconnection Agreements
- o. Letter from Florida Department of Transportation Regarding  
Traffic Signal Compensation for Fiscal Year 08-09
- p. Letter from Janice Jackson and Corrine Hamilton Regarding  
Providing for a Gadsden County Resident
- q. Memorandum to Gadsden County Property Appraiser Regarding  
DR-420 and Associated Documents
- r. Final Order Regarding the Protest by TDS Telecommunications  
Corporation Award of REP 7-10 to NetQuincy
- s. Letter to Law, Redd, Crona and Munroe, P.A. Regarding Audit  
Report for the Fiscal Year Ended September 30, 2007
- t. Letter from URS Corporation Regarding Environmental  
Assessment for Extension Runway 14/32 at the Quincy  
Municipal Airport Quincy, Florida
- u. Letter from the Clerk of the Circuit Court Regarding the  
Cash Report
- v. Letter from the Clerk of the Circuit Court Regarding the  
Summary Financial Statement

### **September Meetings**

September 9, 2008 - Regular Meeting

September 23, 2008 - Regular Meeting

**ADJOURNMENT**

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

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**Edward J. Dixon, Chair**

**ATTEST:**

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**Muriel Straughn, Deputy Clerk**

AT A SPECIAL MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS  
HELD IN AND FOR GADSDEN COUNTY,  
FLORIDA, ON SEPTEMBER 8, 2008,  
THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

PRESENT:

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

CALL TO ORDER:

Chair Dixon called the meeting to order and turned the program over to the County Manager and Davin Suggs, OMB Director.

Mr. Suggs explained they have further reviews of the budget and began where the Board left off in July.

According to Mr. Suggs, staff will need Board direction to make final changes as there is a scheduled public hearing on the formal adoption of the 2009 budget and millage rate for September 16, 2008. He said some of the goals of this workshop is to give an update on revenue forecast, particularly from the State and seek policy guidance and input to develop the final tentative budget. He said some administrative changes that will need to be made will also be discussed.

Mr. Suggs explained at the July meeting they left off at a proposed FY 2009 budget of \$35,657,065, which was a balanced budget. He said

at the July meeting a vote took place on the millage rate. The \$35,657,065 budget presented was based on a break even millage rate of 9.0586 – but the Board subsequently adopted a millage rate of 8.9064. He said that created a deficit of \$212,000 in ad valorem and general revenue. The deficit will have to be addressed in terms of rebalancing the budget. With major revenues (particularly from the State) as of August 20, 2008 they put out other projections and some of those projections sent the figures further downward; State revenue sharing down approximately \$45,000, Fiscally constrained funds is down about \$4,500, half-cent sales tax (what the State shares with all the local governments) is down about \$67,000 – almost \$70,000. He said that is different from the County's own local sales tax. The Constitutional gas tax is down \$8,000 and the other two that will have a significant impact on the County is the emergency sales tax which is down about \$70,000 (an off-set of the half-cent sales tax the State shares). The Small County Surtax is also down – the County had it at about \$2.4 million and the State has come back and it is down to approximately \$2.345 million. All of these figures are from the Legislative Committee and governmental relations from the State and are available on the State's Department of Revenue website. Mr. Suggs explained the impact to the County is approximately \$300,000 more which is on top of the \$212,000. Due to the adoption of the millage rate there is approximately one-half million dollars that will have to be cut tonight. He said the budget reductions which the Board will have to make are due to the adoption of the staff recommended millage rate and the reduction in estimates of State based revenue resources. In his power point presentation the budget reductions reflected the amount of reduction, after factoring in the mandatory 5% reduction in revenue estimates; general revenue funded expenditures needs to be cut approximately \$380,000, in transportation revenue a cut of \$7,600 and in special revenue a cut of approximately \$113,000. The budget reductions on July 14 showed a general fund revenue shortfall of \$548,778 and after a second cut amount to the constitutional officers, the September 8 general fund revenue shortfall is at \$379,422. Under the budget reductions and/or additions in general revenue BOCC (\$171,030), Clerk (\$16,910), Sheriff (\$191,481.), Mr. Suggs indicated the Chairman recommended the elimination of the PIO Department, the OMB Director Position, including benefits associated with this position; add professional services funding to OMB budget of \$25,000; add travel funding to County Manager of \$5,000; add reserve for contingency funding of approximately \$60,011. Under budget reductions/addition for Transportation Revenue of \$7,600, recommended the \$7,600 funds be replaced with available fund balance (FB currently equals @ \$299,000. Under special revenue for Small County Surtax staff recommended cutting the BOCC capital project (Butler building window replacement at \$43,715; replace \$68,896 in transportation capital projects with



available fund balance (FB currently equals approximately \$442,000. As shown in the power point presentation the summary of significant BOCC Cuts to date were Planning and Zoning Director Position and fringe benefits; OMB Director Position and fringe benefits; Public Information Department, Non-Profit Funding; Significant reduction to the Health Council and a staff assistant position in Management Services.

Mr. Suggs discussed the anticipated administrative changes as shown in the power point presentation with the proposed budget distributed on July 14 as potential adjustment of financial relationship between the BOCC, Gadsden Senior Services and the Gadsden County Health Department; development of fund structure for administration on indigent healthcare surtax; adjustment of Constitutional Officer salaries, including commissioners per the Florida Legislature; development of potential cost savings collaboration with the Department of Health in the provision of Countywide health and Human services; Adjustments based on unsettled Sheriff's contracts with the City of Midway and the School Board.

In response to questions from the Board, Mr. Suggs said the Health Council had been reduced from \$50,000 to \$5,000 and Chair Dixon expressed concern with that cut, because there is no sense in creating a health council that would be ineffective in their ability to carry out their duties.

The County Manager stated the \$45,000 was going to the Health Department.

Mr. Suggs said with the passage of the indigent surtax, the program will now be funded out of the surtax.

Chair Dixon inquired as to how those positions with the Health Council will be covered in the interim (until surtax becomes effective) and the County Manager said Congressman Boyd had been very successful in getting about \$95,000 for the Health Council to be spread over three years and in the interim that money which should be available would help cover the gap until the surtax becomes available.

Chair Dixon requested the County Manager get him some numbers to make sure on this item.

Commissioner Lamb inquired of the \$25,000 professional services as to when it would be used and what it is for.

The county Manager said that was in anticipation of Mr. Suggs leaving and now that he has resigned, the Manager said he would be bringing a contract to the Board on September 16 for Mr. Suggs to finish the close-out and wrap up of the budget. He said the contract should conclude, probably, by the end of November.

Commissioner Lamb asked the County Manager if they were not capable of doing that and the Manager responded it was a lot of work and he felt it would be very good for Mr. Suggs to finish that work and from that point on, the Manager said they could handle the budget.

In response to Commissioner Croley, the Manager said there would be three positions remaining in the OMB office. The Manager also said those three positions don't all do budget work, they assist in other work, and Mr. Suggs said on the budget side there is Davin, Rick and Vivian.

Commissioner Croley asked about the timeframe for closing out and Mr. Suggs explained the process and the time required, and Commissioner Croley asked if existing staff could handle this or about sending all of the required information to the Clerk's Office and having them put it in.

Commissioner Holt said she would think they would want to get paid the \$25,000; probably more.

Chair Dixon stated they have been having this disagreement in philosophy for quite some time and in two months staff can have it done; but, send it across the street and he would guarantee they are not going to do this.

In explaining Transportation Revenue of \$7,600, Mr. Suggs said this revenue goes directly into the debt service account and does not affect actual operations directly. He recommended using the fund balance to cover the short fall for this year and then readjust for the 2010 budget. He said at this time there is \$442,000 in the Public Works Capital Fund. He recommended cutting or removing the \$68,000 in surtax money and replace it with monies in the Fund Balance.

Commissioner Croley inquired as to what type of transportation capital projects Mr. Suggs was contemplating using the \$68,000 for and Mr. Suggs gave an example of equipment replacement for Public Works, and the continuation of the bridge replacement programs.

Mr. Suggs said going into next year the County has done very well in terms of trying to get this budget together, and in terms of trying to handle issues from the State as they have tried to keep pace. He said it is his real belief that next year the County really needs to

start from the impact of the County trying to keep pace, cut and maintain, look at the different departments in terms of maintaining service levels and ability to handle change of something that is not planned will be stressed to the limit. He said the less the County has to spend on administration, the more they can spend on programs.

Mr. Suggs said since the half-cent tax has passed that some fund structure needs to be set up as the Statutes are very particular in how those funds are spent. He said the Statutes talks about the money coming in to the Clerk through a Trust Fund and then redistributed by direction of the Board to either debt service or to qualifying agencies or activities. He said the Board will probably see a couple of new funds, probably at least three - a Trust Fund where the Clerk will do his statutory duties; a debt service fund for the re-construction and some type of operating or activity fund where actual activities. According to the guidelines in the Ordinance which the Board approved they need to try and get that set up now.

Commissioner Croley asked if the indigent surtax could be used to assist indigent seniors with their healthcare and other needs.

Mr. Suggs said the key to that according to the Ordinance, there are two things that the monies can be used for - (1) to the renovation of construction of the hospital and (2) or something loosely tied to that Ordinance; thus the key being indigent or medically poor as the Statutes gives the Board the validity to define the term "medically poor or indigent" -

The county Manager interrupted at this point and responded to Commissioner Croley that the answer to his question was "Yes".

In reference to salaries for the Constitutional Officers and the Board as set by the State, Mr. Suggs said they will make certain those salaries are correct before the last budget is adopted, as well as the Tax Collector's budget per Department of Revenue.

Mr. Suggs said he had received a phone call from the Sheriff's Office and as of this time they have not finalized their contracts with the City of Midway or the School Board. He said he is not 100% sure if the City of Midway will remain or if they will go in a different direction, as well as the School Board. His recommendation to the County Manager was if they keep the contracts, fine; if they don't keep the contracts he would not recommend that the Board back fill if those contracts go away - if those contracts go away, then the funding goes away.

In response to questions from the Chairman on whether or not the City of Midway did their contract on a per-hour type thing, Mr. Suggs said he was not sure about Midway but he thought it was for two officers, but the Sheriff simply requests 80% of the cost of each deputy because he uses those deputies in the off school time (2 months) on regular patrol.

Commissioner Lamb said the Midway contract is based on an hourly rate, and Chair Dixon explained the problem with that is (said the Sheriff needs to know) those things don't go anywhere near the cost and actually getting rid of those contracts may help the Sheriff's budget. He said it costs approximately \$90,000 to outfit an officer and they are getting \$30,000 for those things. They get the officers for 8 hours/day - that is not nearly meeting the cost and maybe the real deal would be to look at those things again.

Mr. Suggs said he would keep the County Manager posted on this situation.

Commissioner Croley inquired if along those same lines the County's Public Works Department was providing services to the municipalities in a similar fashion.

Mr. Suggs said Public Works Director has structured rates which include administrative fees and on top of, the cost of and he continually adjusts those rates which includes man-hour costs, equipment rental and an administrative charge on top of that.

In response to a question from Commissioner Croley if that meant priority is given to those municipalities over the general road and public needs of the County, Mr. Presnell explained that was not the case; most of the contracted work with the municipalities was for routine motor grade blade work (dirt roads) and things of that nature. He said the municipalities are just added to the public works routes already established.

The County Manager said with the first public hearing being September 16 and the fact that they need to have a tentative budget for Board adoption that he would like to get feed back from the Board on the proposed cuts in the overall budget. He said staff would like direction tonight as they have to publish the budget for the Board.

Chair Dixon called for input from the Board.

Commissioner Croley asked about the significant increase in the cost of technology over the last few years, probably to the tune of \$1 million. He asked what was being done with that.

Mr. Suggs explained that first of all, they had a significant increase because they went from a "No IT budget to an IT budget". He said the IT budget for 2009 remains the same. He said in moving forward they have finally received a decision on fiber and they are trying to move forward in getting a contract for that.

The County Manager said the budget for 2009 IT is \$393,000 - the same as 2008 and there are no additional capital expenditures involved in this that would come from general revenue.

Chair Dixon requested the Board give the Manager some direction and he said on the Planning & Zoning position that is one that does not need to be cut - the position should not be cut; he can't believe there is less work down there.

The County Manager asked the Chairman if he was opposed to, instead of funding it at a director position, that they consider an additional planner position. He said he is having conversations with Ms. Jegli as to what type of resources she needs.

Chair Dixon said that was his thing. The interaction of the public where the public touches the County, they should be careful not to go lesser - you have to go more in terms of people who have simple questions and simple situations. He said as he recalled, that had become a problem for people with very small problems who could have received a 3 or 4 day turn around, but instead ended up with a 3 to 4 weeks for no reason other than. He said it will not generate any money, it isn't pretty, but if Joe Blow wants to build on a half acre, he needs an answer. Chair Dixon said that has been one of his points for a long time - not less people down t here - more.

Commissioner Lamb said that is a position he feels the County really needs.

Commissioner Croley asked the County Manager if he was considering filling the position, but with a lesser paid position, and the Manager said that is what he is asking the Board to consider and he will discuss that possibility with Ms. Jegli.

Chair Dixon said on the OMB position that he knows Commissioner Croley does not like those positions and feels the Clerk can do it, so on and so forth. He said in the 14 years he has been here, the Clerk came in with a list of budgets and that was it. He said he didn't know what the Clerk has gotten over there thus far, but that he doubted the Clerk had any more capability over there; but they are not going to be able to do it. They are not going to be able to give

the Board any real information. He said if the new Board is fine with that, that's fine; they will make the changes in that but OMB has become a resource not only for the Board, but also for staff. Everybody knows (the thing about the City of Quincy, nobody seems to know how much money anybody has) and that is crazy. He said OMB is a resource and he would much rather be out of a PIO - which probably will be irreplaceable anyway. He said the reason the County has had good audits and a whole lot of money coming through here is because they have been very accountable with the money they have been given. He said he thought that accountability goes out the window when you have to wait on a number from the Clerk from somebody who has other duties to deal with because those people still have to write all the checks and do whatever their "Clerkly" duties are. He stated that he is opposed to OMB being eliminated. He said the Manager has to travel; when the money is short you have to go where the people are that have the money. He said he is fine with the rest of it.

Commissioner Lamb said he thought on the PIO, that could be a good position, but he did not feel it should be funded full-time, said he thought it could be a part-time position or combined with another position. He said it is an important position in certain cases. He said the OMB position is also important but it has cost a lot to create an OMB Director position and a budget department. He said there is no question about it. It is an important position for the Board, but if the Clerk can handle that position with management here and their cooperation and conferring with the Clerk's Office in handling that position that he feels it would save the Board a lot of money if that could happen. He said that is what he would like to see, if he is capable; if the Manager and the Clerk's Office feel they can handle that position that he would prefer seeing it that way.

Chair Dixon said with OMB that he has heard Commissioner Lamb and Commissioner Croley say that numerous times, but he has never seen anything from the Clerk nor heard how he would handle it. He said he thought what the Clerk would end up doing is hiring two or three people to do it. That is what he would do - it's no different, so even if in November -- the County is still going to have to have some money to pay those people.

Commissioner Lamb said if there is no money being saved by combining with the Clerk then it would make no sense to do it, but if there is a savings on the part of trying to join in with the Clerk and his department to do it, then it would be a big savings. He said that is what he would request the Board do.

Gadsden County Board of County Commissioners  
Special Meeting – September 8, 2008

The County Manager said in order for the Clerk to handle those budgetary duties, the Board would have to change the Ordinance because by Ordinance the County Manager is the budget director or he can delegate those duties to a staff member.

Chair Dixon said he did not want to belabor the point – they would do this by numbers. The reality is the Clerk's Office already suffers from (said he knows Commissioner Croley knows it) that small staff. He asked Davin what it was called in the books where you can't separate duties – where you get dinged in the audit for having a small staff.

Mr. Suggs said they have inter-mingled workloads and all that stuff, and then in the audit –

Chair Dixon said where you get dinged in the audit for having a small staff. Guess what you are going to have to do – the person that writes the checks can't write the Po's and you can call it what you like, check and balances or whatever; but the person that writes the P.O. can't write the check; well, who are those people? You know it can't happen. It's not going to happen so you are going to end up funding two positions anyway. That is the reality, no matter who they are. The reality is it is not going to happen. We are going to move on.

Mr. Suggs said to clarify, they are getting rid of only one position and the office and three positions are still there.

Chair Dixon said he understood, but he would not want anybody to believe staff can actually – a management analyst equates to – you understand what I'm saying?

Commissioner Holt said the numbers must be correct and in 2002, 2003, and 2004 they were cited by the Auditors for not having enough people. She said in their meetings with the Auditor he said there was no cooperation between the departments and that he was very concerned because usually your finance people and your budget people work together. She said that was a problem that the Board had – the auditor said you cannot do this. It is not an official program; and the County needs to have an official budget department and they should work along with the finance department. She said they did not really give the County an option as to either keeping one or the other. She also said the auditor wanted the budget as a whole budget and the Board kept getting them in parts.

Commissioner Lamb said on Item 3 (Professional Services funding to OMB Budget in the amount of \$25,000) that this is another item if it could be done in-house without going outside and using resources on

the outside, that he would prefer they try to do it in-house. He said he thought that could be done - if they have been working on the budget the last three or four years, then they should be able to close it out.

Commissioner Croley addressed Mr. Suggs saying he thought they would both agree; the public and the Commission certainly knows and the public should have a clear understanding that all of these revenues are projections given by the State, and they are on a conservative basis. Revenues have gone up in the County quite significantly since 2004 until now; Ad Valorem taxes, especially. Probably part of the reason the citizens wanted a roll back. It may not have passed in this County, but they have state-wide. The County is now in a situation where if the economy improves, the revenues improve; if economy gets worse, revenues could get worse. He said in terms of operating the County's government that he thinks there are people that can wear more hats than one. There could be better cooperation between constitutional officers and not have all of this alienation that has been rampant, so to speak, in the last several years. That doesn't mean the Office of Management and Budget needs to be entirely eliminated; it just means that it could be more efficient. He said it doesn't mean that somebody can't serve as the public information officer and also serve in another role. Does it mean that they can do everything full time as a public information officer as the County has? That was probably more of a want than it was as a need - more of a luxury than a necessity. He asked if it meant the Sheriff's Office needs to be efficient in what they are doing; rightfully so and they do need to be looking at their financial matters and they do need to be realistic in the services they provide. It also means that every department the County has needs to be careful in what they do. Does it mean the County has to cut back in delivering services on the front desk to the public in Planning and Zoning and Building Inspection and Growth Management? No, it just means they need to be more efficient. He said he agreed with Mr. Suggs about the need to make the computer systems obviously much more functional than what they are - they have put together a great system, but there may be a possibility to remote in, using existing internet capability that may not require laying as much fiber. All of these things need to be creatively thought about in this budget process in the recognition that even when it comes to replacing the windows in the Butler building, what about the Department of Corrections skilled labor coming in and helping with the windows as we have seen that in the Courthouse. He said there are a multitude of things that can be done in this budget without there being a "Severe Burden Placed Upon The Services To The Public"; does it require more efficiency and more thought from this on the part of the Manager? He said yes, he thought so; but as far as being overly alarmed about this that he



does not feel that way, and as far as these specific items and if the Manager thinks that is what he can do without, that he had no problem with it.

Chair Dixon asked what they were doing with the Sheriff's Office as he thought in all of their budgeting and auditing gurning, nobody made mention of it. He said while most of the Board will be gone, that is a pitfall according to the Auditor. He said he was surprised that Commissioner Croley did not bring it up.

Commissioner Croley responded that he thought he did bring it up and Chair Dixon responded No, that with a bad budget situation like that, Commissioner Croley would usually be on top of it. Chair Dixon then asked what the Sheriff's Office was doing.

Mr. Suggs said since the last Board meeting they have received some documents, especially on Corrections that have been much better than in the past. He said Rick has been working with Ms. Pondexter every day and that he has also given her some comments in trying to help them. He said Corrections is easier to focus on and on the law enforcement side that is much more difficult because they operate several different programs. He said in terms of working with the Sheriff's Office on what information is needed, that they are getting there. He said in terms of this year, is it a day late and a dollar short; that is going to be up to the Board because at the end of the day it is going to be very tight on them in terms of Corrections. He said based on what staff had received, and in talking with Rick on what they had submitted as to what they thought their shortfall would be, that Rick is working on that. He said for staff in terms of the Board it is the timing of the situation. Mr. Suggs said when and if (he said they have not officially asked for anything) - He said the Board's ability to help them --if they are in the hole, it is going to put the Board in a hole. He said the last time the Board helped them it was with fund balances and reserves in the fine and forfeiture fund, and that pretty much wiped the fund clean. He said anything the Sheriff's Office approaches the Board for in terms of balancing their budget will have to come from the General Fund (fund balance) or reserves.

Chair Dixon said the Auditor had made great strides in informing him of just how bad the Sheriff's - not just their financial situation was but their processional situation is.

Mr. Suggs said when he spoke to the auditor in terms of the most recent audit and what they found, that in terms of addressing the audit which was released in the last thirty days that he has not sat

down with Ms. Pondexter to talk about it. He said, therefore, in terms of addressing the latest audit's finding and what the Sheriff's Office response to the findings were, but he said he knew some of the stuff was not new like a new financial system but that he knew they are working on some of those things. He said as to where they are at today that he could not answer that today. He said they are trying to do better and make an effort on grant reporting and coming to the County for grants. He said, for example, the Sheriff's Office has the same thing as that like the Clerk's Office in paying bills, checking invoices, doing payroll and dealing with cash management and then to put on the management and planning side of the financing - pretty much at the Sheriff's Office there are two people doing what the Clerk's Office and the OMB office tries to do. He said in cutting the Sheriff's budget that it is not like he has a lot of money to put three or four people in there; that is the problem, you have two people trying to do both sides of the financial management. He said paying invoices and doing payroll is a handful and that is probably the problem there - two people doing everything.

The County Manager said staff has done everything to try and help the Sheriff with the budget management part in terms of creating a template similar to what the County uses - and all they would have to do is plug in the numbers and then all they would have to do is handle the financial part. He said they offered assistance, offered staff to go over and assist.

Chair Dixon asked if the Sheriff's Office had taken the offer and the County Manager said staff has offered and they are still waiting.

Mr. Suggs said he would be very honest and from the budget side and the IT side, they have offered on both of them. He said his professional opinion is that --he is only staff, not political, but he feels like he has bumped into a political wall -

Chair Dixon responded and asked that Mr. Suggs stop right there. He said the Board was not going to be political either; they have offered and the Sheriffs Office has not accepted and that is the Sheriff's business. He said he would leave it at that, but according to the Auditor, that place is in a sad situation.

Commissioner Croley asked Mr. Suggs where the majority of the over-runs come from within the Sheriff's various funds that affront that operation and Mr. Suggs said, in speaking as to the knowledge he has, that in the Corrections side, the biggest will be in medical and claims. He said they have gotten control over pharmaceuticals to some degree. He said the largest over-run will be in medical/claims and in meals.

Chair Dixon said he wanted to make it very clear that he was not speaking to the over-runs; what he was speaking to was the process of having numbers – having them now in real time so they can make good decisions and not on the backside, and according to the Auditor (said he was sure the Auditor had spoken with each of the Commissioners) the Sheriff's processes are in detrimental shape. He said the Board is aware of the over-runs; they just don't know how much and they should know that. If the Sheriff's Office had the type of budgeting situations the Board has because now the Board is sitting here now when they should be making some decisions about it and they have an inability to make any decisions about it. He said that is quite his concern.

The County Manager said staff is showing some cuts to the other Constitutional officers as well, and if staff has direction of the entire Board they will communicate with them of what cuts to anticipate so they can also adjust their budget. He said he has heard from the Board in terms of the PIO, the OMB; but said he would like some sort of Board direction as to how staff should proceed in order that they can go ahead and create the budget for next Tuesday's meeting. He requested the Board take each item and that the Board give some direction as a whole.

After a brief discussion among the Board, Chair Dixon asked if there were any additional items the Board wanted to add.

Chair Dixon said he wanted to see non-profits.

Commissioner Croley asked about the move of all the travel money and the consultants over to the Board of County Commissioners and Mr. Suggs said the travel budget is \$2,000 less than last year and the lobbyist and Mr. Southerland's budget had been moved to the Board's budget.

The County Manager inquired of Commissioner Lamb if the boys and girls club for the Havana area (\$75,000) was something he still wished to be considered.

Commissioner Lamb responded affirmatively and said he has a building; a school. He said he has one for Quincy and one for Havana. He also said he had spoken with the director of the boys and girls club and they prefer a school over anything, and if the Board would consider placing them at a school –

Chair Dixon responded they have been down that route for two years.

Commissioner Lamb again stated he has a school; it has been confirmed.

Chair Dixon asked Commissioner Lamb to give him something in writing and stated "some folk's word around here ain't worth this paper".

Commissioner Lamb said he would get the Chair something in writing.

Commissioner Holt said the boys and girls club in Havana was after Gretna and she requested Gretna be put back on the list.

Commissioner Price said he wanted to make sure Mr. Presnell got all the roads that he had out there taken care of and Mr. Presnell said everything the Board has approved will be built and constructed, and they may still have a few dollars left and they will be coming back to him.

The County Manager asked Mr. Suggs if there was any money, partial money or matching money funds in the budget for the water shed study staff has been discussing with Dr. McGlynn and Mr. Suggs said this involved two separate issues - the matching funds necessary for the grant and he said he would have no problem going with fund balance to match for the grant. He also said the bigger issue is that there is some funding needing to contract with someone to write the grant and that would be up to the Board. If the Board directs them, they will find it.

The County Manager said staff has had discussions with Dr. McGlynn as to whether he could possibly write the grant pro-bono or would charge and staff is waiting to hear from him.

In response to questions from Commissioner Croley, Ms. Jegli said she had spoken with Dr. McGlynn about a month ago regarding this and has been unable to reach him. She will check into this again so it can be added to the budget.

There was a brief discussion on Dr. Austenberg filling in as interim PIO on a full-time basis, and the County Manager said she will be going back to EMS as she is a full-time paramedic.

Chair Dixon said the Board would take each item at this time in an attempt to give the Manager some direction.

Commissioner Croley asked if it could be adjusted later and the Chairman responded it could be adjusted any Tuesday the Board meets.

ITEM 1. PIO POSITION - EITHER A HALF-TIME POSITION OR POSSIBLY

MARRIED TO ANOTHER POSITION OR TOTALLY ELIMINATED.

Chair Dixon said he had spoken with Kim Moore about the FEMA money and the fact that they would pay 100% of the salary for 6 months - 50% annually. He said that might make the other half of the PIO position if the County can get on top of it and go ahead and do it. He then asked if anyone had any opposition to the PIO position as either full time or half time. He requested the Manager look at the money part and if he was correct, and if not, would anyone be opposed to the position being half-time.

Commissioner Lamb said he would support it at half-time.

County Manager asked the Chair for some other acknowledgement on this item from the rest of the Board.

Commissioner Croley said if there is money available from FEMA and if they can spare Dr. Austenberg (because they spared here before) that it appears to him she should be able to function in both roles.

Chair Dixon called for any opposition and there was none.

ITEM 2. OMB Director Position and fringe benefits.

Chair Dixon said his position was not to eliminate.

Commissioner Croley said his position was to downsize and find someone else in there among the three that could fill that position, and then said his position is to eliminate.

Commissioner Lamb said his position is to eliminate

Commissioner Price said his position is not to eliminate

Commissioner Holt said her position is not to eliminate

Chair Dixon said the vote was 3-2 "Not to eliminate".

ITEM 3. Professional Services in the amount of \$25,000 that allows Mr. Suggs to finish out his work and close out the budget.

The County Manager stated if the Board is keeping Item 2, they don't need Item 3.

Chair Dixon asked the Manager if they could continue to fund it until, and the Manager responded affirmatively.

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Commissioner Croley said he didn't have any problems with him continuing his services if it is not going to – it will come back up. He asked if the fee was \$25,000 and for how many months.

The County Manager said it would probably be less than that; it would probably run \$16,500 for the entire—and Commissioner Croley said he had no problems with Mr. Suggs, that was not the issue and if the County Manager can make it work out he would not have a problem with it.

ITEM 4. Travel funding to County Manager's budget in the amount of \$25,000.

The County Manager explained that in eliminating the PIO and Intergovernmental Relations that this would be the Intergovernmental part of those duties he has assumed and would cover his travel for the FAC Legislative and FAC Conference. He said this was not in his budget because they had Jon Brown attending those as he was the Intergovernmental Relations.

Chair Dixon said the next item would be Reserve for Contingency Funding –

The County Manager asked if Item # 4 was O.K. with all of the Board Members and Commissioner Croley said to put it in there. He said he did not know what all the County Manager traveled to; no need to go there now.

ITEM # 5. Reserve for Contingency Funding in Approximate Amount of \$60,011.

Commissioner Lamb said that was fine.

Chair Dixon referred back to the list "Summary of Significant BOCC Cuts" and asked if staff was going to get him some numbers on the significant cut to the Health Council (Pams Program, Insurance Program, etc) because he wanted to make sure that in the interim they did not lose –

The County Manager said he would discuss this with the executive director and would have a response for the Chairman at the September 16<sup>th</sup> meeting.

Commissioner Lamb inquired as to how much was in there now and the County Manager said \$5,000. The Manager said it had been \$50,000 and they actually do the prescription assistance program in terms of helping Gadsden County residents get drugs at a low price (a contract

with different suppliers) and they will match a doctor's prescription with a supplier and get the drugs at a reduced rate.

Ms. Amy Sykes asked to be heard and Chair Dixon requested she come forward.

Ms. Sykes said the Board had done an excellent job in raising money with grants, and ever since moving to Gadsden County there has been a new park every other month, almost every road in the County has been paved; and all has been done with grant money. She said the children of this community have no education system at all - educating the children of this community with non-certified teachers. She said she was not criticizing, but simply some perspective on things. She said she was in awe of all the things the County has done, but nothing improves the property value more than teachers and a good education system. She said 15 years ago the school system in Wakulla County was nothing and when their school system became an A+ system, the property values skyrocketed. Ms. Sykes said she knew everyone on the Board had a genuine concern for the citizens of the County and the Board has worked very hard at trying to improve the County, but the one thing that will improve the County more than anything else is teachers; teachers are the answer. She said there are generations of children going through the school system here - a system that is horrendous and nobody ever speaks up against it. She said it is criminal to send a kid through high school here and not educate them; it is not just a bad system, it is horrendous. She said there is a 4.2 million dollar law enforcement academy across the street from the failing high school system. She said they pay \$30,000 to train one state trooper to go through that academy and they could spend \$30,000 hiring a certified teacher that could teach 30 kids. She told the Board they could do this without raising taxes. She said if the County invests in education they could go anywhere they want to go; they turn the education system around in this community and they could all be Senators if they want to be. She said they could not keep a \$30,000 Cadillac sitting in front of the Sheriff's Office that they took from a drug dealer -the Board needs to start thinking, sell the Cadillac and hire a teacher. She said that would be more beneficial to the community than keeping the Cadillac on display with a sign boasting it was taken from a drug dealer. Ms. Sykes said she has no kids in this school system and is not doing this out of personal interest. She said everyone on the Board has a responsibility on that; it is the worse form of child abuse that you could do to a child. She said they need to sell the park equipment, stop painting, sell every drug dealer's car at the Sheriff's Office and hire teachers. She said they have teachers in the community but the paper writes that they are not certified. On the hospital issue Ms. Sykes said this is a gold mine for a physician's office to come

into. All of the patients in this community are Medicare and Medicaid patients and any doctor in this area loves that type of demographics because Medicare pays in two weeks and Medicaid pays in five days – they love that, but doctors are not going to move here and send their children to schools that don't educate them – their wives won't move into a community that offers no public school system. She told the Board to improve the school system and the doctors from HCA will come to this County and build a hospital. She said to let those doctors build the hospital – HCA owns Tallahassee Community Hospital as well others throughout Florida. She said they have recently bought over the Medical Group of North Florida and several other doctors' offices in Tallahassee. She said they would do that here, but the County must offer them and their staff an education system for their children. Ms. Sykes again stated she was not criticizing the Board – they have done a great job in raising money, but they need to redirect the focus on what they are spending the money on.

Chair Dixon said Ms. Sykes was criticizing and it should be said; she should not feel bad about that. He said unfortunately they are not the School Board and the Board has tried very hard; hired lobbyist to go to Tallahassee to get some of the money Ms. Sykes was talking about. He said they offered the same opportunity to the School Board to partner with them. He said it all starts with the quality of individuals that they are turning out – everything starts with that. He said it is not the Board's responsibility, although they have tried many times. He said the School Board has refused and the Board has basically decided to circumvent the school board. He said the Boys and Girls Club is an opportunity for kids to get some help; some structured type of leadership in here for kids. He said they created G-Stars. He said the Board has done their part, if you will, and he was sure the new Board will find a way to get some money to the school district, but the question is "are you going to use it properly and let it get to the kids because the bottom line is the school district – no body is coming here.

Ms. Sykes interjected that it was everybody's responsibility in this community to hire teachers.

Chair Dixon said until the School Board finds itself in a position to make the investment in teachers, it is not going to happen and that is the philosophy for the School Board. He also said to put it more succinctly "responsible parents won't send their kids to school in Gadsden County." People who have more send their kids some place else; majority of the people in Chattahoochee send their kids to school in Sneads and they are not rich. He agreed with Ms. Sykes comments and thanked her.



Commissioner Holt briefly stated she was one of the certified teachers in the County. She explained the State of Florida gives the (inaudible) to certify because there is such a shortage in the educational system. She said people don't go into mathematics any more because it doesn't pay anything. She said if a gym or P.E. teacher is going to make the same as a mathematician when they start out, then there is no reason for the mathematician to be in education; that's how they see it. She said Ms. Sykes was correct and they do need to keep working with the school system. She said at one time they had asked if the School Board would build their library separate for the school and the County fund with them, then the libraries could have been used on the weekends instead of having to build a whole separate facility but they could not get any traction there and ended up having to build separate libraries. She said it is a community thing and agreed with Ms. Sykes that people are not going to come here if the school system is not worth anything.

Mr. Chris Moultry addressed the Board stating the Board needs to continue the Boys and Girls Club. He said the key thing to education is not so much just the education, but the need for mentors. He said he was a troubled kid all the way through school; in ESE classes and was told he would never make it. He said he was on social security most of his life (just got off SS two months ago). He said he is now a funeral director, bail bondsman and a City Councilman in Chattahoochee. He said what is needed are mentors. He also said he hopes that the new board and the old board will stay together for the good of the County. He said the main thing is to stay together, pull together and use common sense and do the right thing.

Gadsden Community Health Council – Chair Dixon reaffirmed the Manager would get some more figures on that for the Board.

Elimination of staff assistant position – there were no comments.

Non-Profit Funding – The County Manager said \$50,000 had been set aside last year and this year they have none. He reminded the Board that everything they put back in means they will have to take something else out. He said "we are down to pens and pencils and warm bodies".

After a brief discussion, Chair Dixon asked that the Non-Profit Funding be put back in at \$25,000 and then the Board would see just where they are at that time and they can always work with that.

Boys & Girls Club – Gretna & Havana

Commissioner Croley asked if there was any possibility, now that they are getting more boys and girls club in the County that the terms of the boys and girls club funding could be re-negotiated at perhaps instead of \$75,000 each; see if they won't do a better deal.

Chair Dixon said he was sure anything was negotiable and they may or may not.

Commissioner Croley said they wouldn't if they were not asked. He said at that rate, maybe the Board could fund it themselves at that kind of price.

Chair Dixon said it is not just because it's a boys and girls club, but they had gone through a concerted effort in looking for a program that was (1) independent (2) structurally based (3) based with people of competent education and service. He said there are plenty of programs in Gadsden County; most of them just have kids holding hands and they become big baby sitting centers. He said they went to the boys and girls club for a reason - they came with a structure that was un-bending everyday - kids will do this, this, this. He said he could not recall exactly what their director's criteria was, but they attempted in the community to hire certified teachers to be in the program; not to mention that every dollar the County put up, the boys and girls club puts up \$3. He said the County put up \$75,000 but the program actually runs at about \$300,000 each year. He said because of their big umbrella, the boys and girls club has the ability to bring in monies from other places. He said the boys and girls club was chosen because of their track record and all of the things they have brought to the table. He said that was the whole point, but surely everything could be negotiated.

Commissioner Lamb asked that it be added (could be done during negotiations) that the boys and girl club make a concerted effort to hire certified employees from this area - Gretna, Quincy, Havana, Chattahoochee area.

Chair Dixon said he was pretty sure they had done that and one of the other reasons the Board hired them was because they could not intervene in what the boys and girls club did; the Board's hands off - you fund the program, that is all you do. He said you don't start at ground zero with the boys and girls club - they hit the ground running. He then requested the Manager to look at this.

The County Manager stated for Commissioner Croley questions, that the water shed study would be taken from fund balance, if they get the matching funds from Northwest Florida Water Management District.

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Commissioner Croley asked the Manager who he had been utilizing for grants if it was not being done internally, and the Manager said it was by committee; for example EMS does their own grants, Ms. Mock does her own grants, Public Works does their own, Community Development does their own, etc. He said all of the information is then given to OMB (Ms. Howard).

Chair Dixon advised staff the Board was going to have to figure this whole thing out; service delivery should be the name of the game and hopefully they would ere on the side of service delivery.

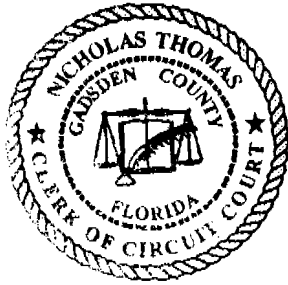
Commissioner Croley added that in the budget he would like to follow up on Emergency Management's "list of needs specific only to Emergency Management" as was identified in conversations he and the County Manager had with Major Wood during the "Faye" situation. He said much of that funding may come from outside sources but it needs to be detailed separately from what the present grants are doing. He said they do not have the proper emergency vehicle, they saw a generator fail and some other things that the Board needs to look at.

Chair Dixon said he thought that whole situation needs to be looked at in totality. He said they have had conversations about that, and the situation is bad.

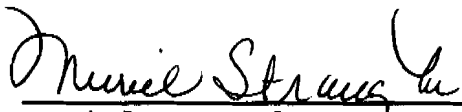
The County Manager said staff would bring back some recommendations at next Tuesday's meeting which is a public hearing. He said the Board would have another opportunity, September 30, to make some additional changes, but that will be the final opportunity; unless like last year and they can't come to an agreement on the budget, then staff will then ask the Board to set another date in October.

Chair Dixon said the Board would finish it by September 30.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD AT THIS  
TIME, THE MEETING WAS ADJOURNED.**



  
EDWARD J. DIXON, CHAIRMAN

  
Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS  
HELD IN AND FOR GADSDEN COUNTY,  
FLORIDA, ON SEPTEMBER 16, 2008,  
THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

**Present:**

Commissioner Edward J. Dixon, Chairman, District 5  
Commissioner Eugene Lamb, Vice-Chair, District 1  
Commissioner Doug Croley, District 2  
Commissioner Derrick Price, District 3  
Commissioner Brenda Holt, District 4  
Thornton Williams, County Attorney  
Marlon Brown, County Manager  
Muriel Straughn, Deputy Clerk

**CALL TO ORDER:**

The meeting was called to order by Chairman Dixon, with  
Commissioner Price leading in prayer and Commissioner Lamb  
leading in the Pledge of Allegiance to the US Flag.

**AMENDMENTS TO THE AGENDA:**

**Consent Agenda:**

**Deletion** of Item 4 - Resolution No. 2008-044 Opposing an  
Amendment to the Florida Constitution -

**Deletion** of Item 6 - Approval of Stipend for Volunteer Fire

**Move** Item 12 from the Consent Agenda to Public Hearing.

**Addition** of Item A-12 for approval authorizing the Chairman to  
execute a letter of commitment from Wachovia Bank (Florida Local  
Government Finance Commission) for interim financing for the  
renovation of the Gadsden Community Hospital.

**Public Hearing Agenda:**

**Item 13** - Public Hearing on Tentative FY 2009 Millage Rate and Operating and Capital Budget -- Additional material provided.

**Items 14, 15, 16, 17** Variance Request - at the request and consent of the applicants, all four requests will be presented jointly.

**Item 18**, Conceptual Plat Review for the Paradise Gardens Subdivision - Additional information provided.

**Item 20**, Highlands at Lake Talquin and Stodard II Comprehensive Plan Amendments - Additional information provided.

**Item 22**, Mortham-Shaw Comprehensive Comprehensive Plan Amendment - Additional information provided.

**Item 23**, Approval of Ordinance # 2008-030 Urban Service Boundary and Adopting Remedial Amendments to the Comprehensive Plan in Compliance with the Stipulated Settlement Agreement - requested this item be heard and action taken on it, prior to hearing Items 19, 20, 21, 22 which are all repeal Ordinances.

**General Business Agenda:**

**Add Item 23-A** - Approval and execution of Grant Agreements for Library State Aid.

**Add Item 23-B** - Approval of Consultant Services for FY 2009 Budget Implementation and FY 2008 Budget Close Out.

**Add 23-C** - Approval to Temporarily Terminate Urgent Care Services at the Gadsden Community Hospital.

**Add 23-D** - Approval to Process the Gerald W. Thompson & Sandstone Properties (CPA-2007-03) and the AC-Peavy, LLC (CPA 2007-02) Comprehensive Plan Future Land Use Map Amendments from Ag 3 to Mining.

Chairman Dixon called for the will of the Board.

Commissioner Croley raised the point of this as being a lot of material for the Board to try and absorb in less than five minutes. He said he understood the County Manager is often times hit with these items, but he wanted to say for the public's

benefit, it is awfully hard to have time to go through this material and do it property in this short a period of time.

**UPON A MOTION BY COMMISSIONER HOLT AND A SECOND BY COMMISSIONER PRICE TO APPROVE THE AMENDED AGENDA AS STATED ABOVE, THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

**UPON A MOTION BY COMMISSIONER HOLT AND A SECOND BY COMMISSIONER PRICE TO APPROVE THE CONSENT AGENDA, THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION TO WIT:**

1.. Approval of Minutes

June 3, 2008 Regular Meeting

July 1, 2008 Regular Meeting

2. Ratification of the Approval to Pay County Bills

Accounts Payable Dated: August 1, 8, 15, 22, & 29, 2008

8

September 14 & 28, 2008

Payrolls Dated: August 14 & 28, 2008

September 11, 2008

3. Approval for Stacey S. Hannington to Seek the Political Office of City Commissioner for City of Quincy District 2

~~4. Approval of Resolution No. 2008-044 Opposing an Amendment to the Florida Constitution that Would Allow Voters to Decide All Changes to a City or County's Comprehensive Plan~~

This item was deleted from the consent agenda.

5.A Approval of Lien Satisfaction for Annie Mae West - Authorize Chairman's Signature

~~6. Approval of Stipend for Volunteer Fire Department for Tropical Storm Faye~~

This item was deleted from the agenda.

7. Approval for Three fire Trucks to be Declared as Surplus and Taken to Auction for Sale

American La France (No VIN available)

FMC Fire Engine g75fvn33298

Ford 900 - c901v077875

8. Approval of the Contract # 1215 dated June 6, 1988 Amendment from the Florida Department of Agriculture and Consumer

- Services and Gadsden County to Increase the Cost Per Acre and Number of Acres for Fire Protection - This increases the amount by \$9,043.43 over previous years. The county portion will be \$21,043.54.
9. Approval of Annual Certified Budget with Department of Agriculture and Consumer Services (DACS) County match will be \$34,879.00 - for Mosquito Control
  10. Approval of Change Order # 2 to Hanna Mill Pond Road Project (Increase of \$64,327.64 bringing the total contract price to \$726,422.98)
  11. Approval of the Receipt of Donations to the Library from Friends of the Library and Woodman of the World - Resolution # 2008-046 and Budget Amendment OMB-BAQ# 080095
  12. ~~Approval of Consultant for Planning Services Evaluation and Appraisal Report of the Comprehensive Plan and Authorization for the Chairman to Execute the Agreement~~

This Item was moved to the Public Hearing Agenda

**A-12: Approval to Authorize Chairman to Execute Letter of Commitment from Wachovia Bank (Florida Local Government Finance Commission) for interim financing for the Renovation of Gadsden Community Hospital:**

This item was temporarily pulled in order to hear the citizens requesting to be heard.

**CITIZENS REQUESTING TO BE HEARD ON NON-AGENDAED ITEMS:**

Mr. Sam Childers of 3472 Weems Road, Tallahassee, Florida appeared and requested:

**Childers:** "At the next appropriate meeting, that the Commission discuss and put on the agenda the decision of the County Manager, Mr. Marlon Brown's decision, to over rule staff's decision regarding the award of the general construction contract for the Gadsden County Hospital. Our Firm, Childers Construction, was originally recommended by your Architect. Then we were requested to do a standup oral presentation in front of staff assembled by Mr. Brown. Um, we did that presentation. We were selected four to one to be your contractor for the Gadsden County Hospital.



Since that time, Mr. Brown has over ruled staff's decision; and my understanding it was based on our location that we were in Tallahassee. You had two other contractors and another contractor that was also based out of Tallahassee. Anyway, irregardless, we are requesting that the decision be reversed and that our Firm is awarded the contract, and we would like ya'll to take this up for discussion. I talked to Mr. Williams prior to this meeting and he said at the next appropriate meeting would be where we could get into more detail."

**Chairman Dixon:** "Thank you very much, Mr. Childers".

**County Attorney Williams:** "Mr. Chair, just so every one is clear, I told him, if it was your desire to do so, at the next appropriate meeting would be the time to discuss it".

**Mr. Childers:** "I can discuss it now if -- O.K."

**County Attorney Williams:** "We won't discuss it now".

**Mr. Childers:** "O.K., thank you very much".

**Commissioner Croley:** "Based on his request, I move it be placed on the agenda unless you have already decided to do so, Mr. Manager"

**County Manager Brown:** "O.K., Mr. Chairman if I may - this is an issue regarding the selection of the construction manager that was - that authorization was left at my level in terms of who was chosen. I, uh, awarded that contract to Ajax, Inc., based here in Gadsden County, and that is uh, and we have directed the Architect to start negotiations with Ajax. So, again, if the Board would like to suspend that and have this agendaed to come before the Board, then that again is at the pleasure of the Board, but we have already started negotiations with Ajax."

**Commissioner Croley:** "Mr. Chair, again I am restating a motion that in response to Mr. Childers' request that he be given his due process; that he be allowed to make his presentation at a special meeting next Tuesday that has been scheduled to discuss the hospital issues"

**Commissioner Lamb:** "I second that".

**Chair Dixon:** "We have a motion, and a second - for discussion? Is this the authority that we gave unto the Manager to speed

things along to make sure we didn't get caught up in any situation?"

**County Manager Brown:** "Correct Mr. Chair, Correct".

**Commissioner Lamb:** "Please, Mr. Chair. I spoke to the Manager also concerning this item because I got - I received a phone call on it. I don't think it is fair for the Manager to form a committee, then that committee go out and do their job and recommend one out of four or five companies to come in and do the job, and then, um, all of a sudden, all of a sudden pull that company from the bid. Now, the Manager also mentioned to me that they was not from Gadsden County. There was two or three of them on there that was not from Gadsden County. I would like to see Gadsden County, uh, really -

**County Attorney Williams:** "Commissioner, let me interrupt you if you don't mind. There was a formal bid protest from Childers on the award decision that the Manager made. At some point, this body may have to get actual documentation to look at and make a decision as to whether you agree or disagree with the Manager's choice, or whether you want to do something differently. With all due respect, I would ask you to reserve comments at this time and you can get the documentation in front of you so you know what your choices are before you weigh in one way or the other --

**Commissioner Lamb:** "I ain't got no problems with that as long as we see the material "--

**County Attorney Williams:** "And, vote up and down whether or not you want to look at the award decision and actually see the documentation that the decision was made on".

**Commissioner Lamb:** "O.K., if that material is given to us, fine".

**Chairman Dixon:** "Mam?"

**Commissioner Holt:** "O.K., Mr. Chairman may I? Under that total process, Mr. Manager?"

**County Manager Brown:** "Madam Commissioner, what I have been advised by the architects is that we have probably now less than 20 days to get a 'inaudible' on board, so given whatever that process may be that this Board may engage in, I just put out in front of you that we don't have that time. That is one of the reasons that you gave me that emergency authorization".

**Commissioner Holt:** "O.K., go ahead".

**County Attorney Williams:** "Well, In all fairness to everyone, it doesn't slow the process. We have a provision in the law that allowed the manager to award the project to go forward if he felt that it was in the best interest of the County. The manager conferred with my office about where we were and what the issues are, and again as I advised Commissioner Lamb, I don't want to get into the details right now, but he asked me what choices he had and at one point he exercised one set of choices. The architects and the others brought information back to him and based on that information he had to make a different decision, but the Code that is already in place allowed him to make that decision. So the project is going forward so if you choose to hear the information or not, it will not affect the project going forward based on the legal posture of the case right now".

**Commissioner Holt:** "So you don't want an opinion stated right now, but we need to vote on the motion?"

**Chairman Dixon:** "Well, my, my real concern is that why give authority if you don't want to exercise it. Uh, brings me back to the band that was playing down at Lake Talquin - under the Ordinance the Manager had the authority, didn't like the decision, but if you don't like the decision, don't give the authority. If that's - I think we've all been external of that stuff. I know I haven't been privy and maybe some of you all have, but -"

**Commissioner Croley:** "Well, Mr. Chair if you followed that logic, why did you even put out an RFP to begin with? I mean I don't recall you giving, us giving any broad, I mean we may have given some instruction to move with dispatch, but I'm not aware of any action that changed the RFP process because why did you even do that? You should've just gone ahead and made the decision out of who ever you wanted. I mean, out of fairness to this man and I'm not for him, nor am I against him, but I do want to hear what he has to say, out of fairness and I would like to move the motion, if we could Commissioner."

**Chairman Dixon:** "Oh we certainly can move the motion. We have a motion and a second to hear Mr. Childers' concern at the next available meeting, uh - All in favor of that say aye"

**VOTING AYE - COMMISSIONER LAMB, COMMISSIONER CROLEY**

**Chairman Dixon:** "All opposed say No"

**VOTING NO - COMMISSIONER HOLT, COMMISSIONER PRICE, COMMISSIONER DIXON**

**Chairman Dixon:** "Motion Died"

**Mr. Childers:** "Well, can I finish my two minutes, or whatever? I mean my position is, Mr. Dixon, you said that uh -- in the previous commission meeting I made myself available to Mr. Brown and everybody for discussion and I heard you specifically say, and I'm pretty sure - about 90% sure it was you, maybe a hundred, that you - that ya'll have a stance that you do not go against staff's recommendation. We spent thousands of dollars to present, to do a presentation as did the other contracting firms, and when you do that, you do that to hopefully get work. Never in my - in the prerequisite to this presentation was it said that I had to be a Gadsden County based general contractor - never, it was not in there. You also stated you do not have a policy going against staff recommendation. That is exactly what Mr. Brown did. He appointed this committee. They voted four to one to have me as your contractor and I, I'm totally confused as to what happened. I know there was some lobbying going on, from my understanding, after my presentation, all the way up, all the way up until I guess the tax vote, and I - in thirty years of business, I have never been treated like this - not once, and Mr. Lawson is first class. He had a great committee and I think they did the right thing and I would hope that y'all would do the same thing".

**Chairman Dixon:** "Mr. Childers, let me make it very clear, you are twisting my words. What I said is you must have a very compelling case for us to go against staff's wishes because we usually don't. So please, so please don't misuse my words and the point of the matter is very simply, everybody spent thousands of dollars - everybody lobbied -

**Mr. Childers:** "But not everybody was voted" -

**Chairman Dixon:** "Let me finish. Everybody lobbied, everybody - I got phone calls and I would assume other commissioners got phone calls from everybody participating. I got a phone call from everybody except you probably.

**Mr. Childers:** "Sure".

**Chairman Dixon:** "O.K., you know what I told them - the manager is making the decision, period. I don't know anything about it,

please don't ask me. We gave that authority to the manager in the interest of moving the process quickly along -"

**Mr. Childers:** "Well, if you could answer me. Why do you have the committee?"

**Chairman Dixon:** "Mr. Childers, just one moment. Now you may not agree with that process, but that doesn't give you the right to have the job. O.K.?"

**Mr. Childers:** "Well, why did you have the process? I'm confused, explain to me - if no one can explain -"

**Chairman Dixon:** "Mr. Childers you're getting confused mixed up with disappointed - you're disappointed".

**Mr. Childers:** "No, I'm not; I'm confused. I've been through many presentations. I've lost many presentations; I've won many presentations. Why did we go through the process of a presentation? If Mr. Brown can answer that, I mean, we were the most qualified and we had a four to one vote by your staff and y'all - and Mr. Brown overruled it. I don't understand it."

**County Manager Brown:** "Mr. Chairman, if I could just remind the Board Mr. Attorney."

**County Attorney Williams:** "That's just what I'm about to do".

**County Manager Brown:** "Commissioners, do you recall the "inaudible" that you took on the fiber-optic network"?

**County Attorney Williams:** "Mr. Manager, I want to ask all parties not to discuss it, and just for the record, the Chair, as best as I know because I haven't had any conversations with him about this has not looked at any documents so he is not aware of what went on so any comments that he made can't impact any - the lawsuit that is pending because he has no direct knowledge of what's going on to my knowledge. So I just want to make that clear even though you guys engaged in a healthy exchange. I don't want to mess up my lawsuit, Chair."

**Commissioner Croley:** "Mr. Attorney, Mr. Childers has asked for due process and would like to be heard. This Commission just rejected allowing him that opportunity; yet it was the same Commission and almost the same exact words out of our Chair who said to the Preble-Rish folks in the Eutaw Utilities, sorry but we are going with the RFP committee's recommendation of Preble-

Rish and not Eutaw. And, that is what was said in here, and my point is and still is the man is not being given due process regardless of whether he is right or wrong in his assessment and that is the point, sir, that I regret for you."

**Commissioner Holt:** "Mr. Chairman -"

**Chairman Dixon:** "No mam, no mam - that's the end of it. We're moving on. Next item. Thank you Mr. Childers".

Ms. Gina Hartsfield, 1171 Barineau Road, Tallahassee, Florida appeared before the Commission and said she had been asked to read a letter on behalf of the Sheriff. Ms. Hartsfield distributed copies of a letter from Sheriff Morris Young which had been addressed to the Board of County Commissioners, the citizens of Gadsden County, the Governor and the Attorney General which addressed the crisis currently facing the Sheriff's Office, specifically the jail, as shown in the attached agenda packet.

Chair Dixon thanked Ms. Hartsfield.

County Attorney Williams explained there were some issues under Public Hearings that would need to be continued due to a technical error. Items 19-23, all major land use amendments were not properly noticed and he recommended to the Commission to table items 19-23 until noticed properly. He explained there was an issue from the first meeting that required a continuance to the September 9<sup>th</sup> meeting. The September 9<sup>th</sup> meeting was then rescheduled for September 16<sup>th</sup> which triggered a re-notice and the re-notice was not done and that could potentially result in some legal challenges.

Commissioner Croley asked whose responsibility it was concerning the technical error and Chair Dixon asked that the Commission not get into that.

Chair Dixon stated Items 19 - 23 would not be heard tonight and he asked that any interested parties contact Ms. Jill Jegli in Growth Management or to check the papers for the re-scheduling of those items.

County Attorney Williams advised the Commission that when they begin the public hearing portion of the meeting, a motion will need to be made to table Items 19-23.

**PUBLIC HEARINGS:**

**A-12: Approval to Authorize Chairman to Execute Letter of Commitment from Wachovia Bank (Florida Local Government Finance Commission) for interim financing for the Renovation of Gadsden Community Hospital:**

County Manager Brown explained this item as being for interim financing and the projected cost to renovate the hospital is estimated at approximately \$6.5 million. He said the County has been approved by Wachovia Bank as the underwriter for the Florida Local Government Finance Commission Commercial paper Program, and has been issued a letter of commitment by the bank. This letter of commitment must be executed by the County before the final financing procedures can begin and must be returned to Wachovia Bank no later than September 19, 2008. After the letter of commitment has been executed, the final closing paperwork will be drafted and brought before the Board on September 30, 2008, and if the Board approves the final resolutions, the County will be able to draw down the required funding by October 15, 2008. He also explained funding from the Indigent Care Surtax will provide the necessary resources to make the debt (approximately \$442,000) service payments, and the County must pledge the surtax revenue. He said it is staff's recommendation from the fiscal impact statement that the Board seek to re-fund this commercial paper deal with a fixed, long-term bond issuance. After further explanation of the agreement as shown in the attached agenda packet, the Manager said staff was recommending Option #1 to approve authorization for the Chairman to execute the attached letter of commitment from Wachovia Bank and he advised the Board this would require a super-majority vote. The Manager said this money will get the hospital started in terms of renovations and he will bring the pro-forma and construction plans to the Board at their meeting on September 23.

Chair Dixon called for questions/comments from the Board.

Commissioner Lamb inquired of the Manager as to whether or not the \$6.5 million was a fairly accurate number and how long the County would have for repayment of the loan.

The Manager said the \$6.5 million is pretty accurate as it is just in terms of renovation - physical renovations of the hospital into the rural emergency facility. He said the loan is short-term financing, 18 months. He said that is why they will have to go back out and get long-term financing; similar to what the County has done for the libraries and other construction which was funded in the past.

In response to Commissioner Lamb's question on whether or not staff saw any problems in getting long-term financing, Davin Suggs said staff is working on this and explained that in his conversation with Ms. Howard of USDA earlier this date when he explained the County had to get the interim or gap funding because the money was needed now and the potential to go back to USDA through their rural community development facility program that she had stated if the County tells the truth, sends it back saying why they had to get gap financing, then USDA would assist the County, if they decide to go that route in obtaining long-term financing. He also said there were other programs and that the Florida League of Cities is looking for long-term options for the County. He said he has some people with the Association of Counties working on some long-term debt instruments and there is a division of BB&T out of D.C. that is working on a long-term instrument; said there are about four or five irons in the fire that the County can look at in terms of long-term debt issues. He said they are all aware the County is using short-term financing and will be re-financing. Mr. Suggs said the County is getting the money now in terms of commercial paper so they can do the work and then they will come back - timing will be key with the County. He said the County could try to re-finance it right away, (say December or January) and, based on who is advising the County, it may be the County will wait until the end of next year as they will want to look at a fixed rate - wait and see what the rates will do because the market is pretty volatile right now.

Commissioner Croley addressed the Letter of Credit amount as being \$7 million (\$7,076,986.30) with an interest rate of 12% for a period of 270 days.

Mr. Suggs explained the \$6.5 million is what the County is borrowing and the \$7,076,986 is what Wachovia must set aside (amount they would be looking for if the County should ever default) in backing the County as Wachovia ensues some risk in providing the letter of credit for the County. He said before the final resolutions and documents are brought to the Board, staff will make sure everything is, as staff understands it, in the best interest of the County.

In response to questions from Commissioner Croley regarding the amount of the letter of credit and the interest rate, Mr. Suggs said

The interest rate will change monthly and historically the last six months that interest rate has been about 1.46%, plus in this in case if you add an additional one point that would move it to 2.5. He said he has taken the 2.5% and another 1 point, making



it 3.5. He said basically the only security that will have to be put up is the sur-tax revenue. The bank is making sure the County has a debt service fund so this can be separated out; they will require those things be set out and stipulated. However, in terms of actual financial security the County has to put up is that the County is pledging the revenue from the sur-tax.

Commissioner Croley asked the County Attorney if it was his legal understanding that the acceptance of the letter by the Board with a super-majority vote was that this will have to come back before the Board for a final approval to accept the funds from the Bank.

The County Attorney said he has not had the whole process outlined to him, that he thought this was the representation of the County Manager and Mr. Suggs as ultimately made to the Board tonight. He said if that is the process they have outlined, he said his answer would be "Yes", but in terms of the legal hurdles that had to be addressed, the issues that he has dealt with were whether it would require a super-majority vote and it did. He also said it was his understanding that the decision tonight basically sets up everything after tonight as being more pro-forma and his understanding is the Board has basically committed the surtax and committed to go forward with the loan, so tonight would be the night of whether the Board makes the decision that they want to go forward.

Commissioner Croley asked if it was correct the County was going to renovate the building with this money, will re-pay this money with the indigent healthcare tax (or some of it) and the County will turn around and seek long-term financing, but will also have some of the indigent surtax available for use in operating the hospital, and the County Manager responded that was all correct.

Commissioner Croley then asked if the County Manager planned on spending any of this loan proceeds before the Commission has the chance to again confirm the vote in a public hearing, and after they have all seen the pro-forma.

The County Manager said there would not be any draw downs until October 15, and between now and October 15 the County will not be spending any money as part of this \$6.5 million major renovation.

Commissioner Croley then asked the County Attorney if a super majority vote would then obligate the Commission in such a way that it could not re-evaluate this and if for some reason, if the plans were not economically feasible -- He then said he wanted to state for the record, if there is anyone that is in doubt,

that Commissioner Croley is 100% behind getting a rural emergency hospital facility open, but that he also wanted a long-term, financially sound operating plan; that is what he is committed to and that is what he wants to see.

Chair Dixon said reality is this needs to be passed, the Commission will have another meeting on Tuesday (9/23) and then before September 30, the Commission will have to do something again that will require the same vote - no money, no hospital; I don't care what you think about it. That is the reality of it.

Commissioner Holt said it is her feeling it would behoove the Board to move forward with this. She said the Board is responsible for the plan - not necessarily staff. She said the Commission has been going over this and other plans for over three years. She said her only concern is if this money is not enough -- \$6.5 million may not be enough right now - go back and get the refinancing done.

The County Manager responded to Commissioner Holt saying staff will be coming back to the Commission. The \$6.5 million is just for renovations and they will still have to purchase equipment, and that will come back at a future date. This is just the first step towards getting the rural emergency facility open. He reminded the Commission that on September 30, it will again require a super majority vote for this \$6.5 million.

Chair Dixon said just for general discussion to be real about this, that any hiccup along the way in this process means the County will not have a hospital - any hiccup will sideline the project because they are not only fighting the politics of the situation, but also the timeframe that must be met. He said no matter how wonder the plan is, if the timeframe is not met the hospital will not open.

**COMMISSIONER CROLEY MADE A MOTION AUTHORIZING THE CHAIRMAN TO PROCEED WITH THE LETTER OF CREDIT TONIGHT, AND UPON A SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

The County Manager said on the advice of the County Attorney, a motion is needed to reschedule Items 19-23.

**UPON A MOTION BY COMMISSIONER LAMB AND A SECOND BY COMMISSIONER HOLT TO RESCHEDULE ITEMS 19, 20, 21, 22 AND 23, THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

**Item 12 (Moved from Consent Agenda to Public Hearing)**

**12. Approval of Consultant for Planning Services - Evaluation and Appraisal Report of the Comprehensive Plan and Authorization for the Chairman to Execute the Agreement;.Resolution 2008-045; OMB-BA# 080097**

The County Manager passed out additional material (scoring sheet) on this item and he said the Growth Management Department has completed their evaluation and interview process and they have recommended **Kimley-Horn & Associates, Inc.** as Consultant to perform the planning services which includes conducting the Evaluation and Appraisal of the Comprehensive Plan as required by Florida Statute 163.3191. The Manager said a budget Amendment has been prepared (#080097) and Resolution # 2008-045 transferring funds from the Growth Management fund balance Fund for the EAR consultant services. The contract amount is \$65,000, with the contract running eleven months.

Chair Dixon called for public comment and there was none.

Ms. Jill Jegli introduced Mr. John Sewell, Project Manager of Kimley-Horn.

There being no further discussion, the Chair called for the will of the Board.

**UPON A MOTION BY COMMISSIONER LAMB AND A SECOND BY COMMISSIONER PRICE TO ACCEPT THE RECOMMENDATION OF STAFF FOR KIMLEY-HORN AS THE EAR CONSULTANT, THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

**13. Public Hearing on the Tentative FY 2009 Millage Rate and Operating and Capital Budget.**

The County Manager explained the information is included in the amended agenda and Mr. Suggs presented a slide presentation of all material. He said according to Florida Statutes the Board is required to hold this first public hearing on the adoption of the County-wide tentative Millage Rate and the tentative budget for FY 2009. The Property Appraiser has certified to the County the taxable value against which taxes may be levied in the entire County and in each district of the County in which taxes authorized by law to be levied by the Board. He said in the prepared tentative

budget the certified numbers were used for the basis of estimating the millage rate that is required to be levied.

Chair Dixon stated this is the required first of two public hearings on the Gadsden County budget for fiscal year 2009 and asked if anyone in the audience wished to speak during the public hearing to step forward at the appropriate time. He said the proposed aggregate millage rate is 8.9064 mills which is 5.68% less than the aggregate roll back millage rate of 9.4431 mills. He asked that the County Manager read the millage rate into public record at this time.

The County Manager said the Proposed Count-wide Millage Rate is 8.9064 mills which is 5.68% less than the County-wide roll back millage rate of 9.4431 mills. He said anyone that has turned in speaker cards to the Clerk will be allowed to speak on the millage rate itself.

At this point, Chair Dixon asked that anyone wishing to speak on the millage rate come forward and no one came forward.

County Manager recommended the Board not vote on adoption of the budget at this time as there are several items to be discussed on the budget. He said the Board could vote on the millage rate at this time if no one from the public has any questions on this issue.

Chair Dixon read into the record "Florida Statute requires the Board to address the millage rate, before addressing each budget. The Board must vote on each millage rate and budget separately". He then entertained the following motion:

(1) Approval of the tentative fiscal year 2009 County-wide millage rate of 8.9064 mills.

In response to a question from Commissioner Croley if this would be a tax increase, Mr. Suggs stated the current millage rate for the County is 8.7495, and would technically be a tax decrease of 5.68%.

Chair Dixon called for public discussion and Ms. Amy Sykes asked if property taxes would be more this year and if the County would have more revenue from this tax for the community than they did last year.

Mr. Suggs explained the property taxes for those residents that were taxed last year should see a decrease in their

county portion of property taxes this year. He also stated the County would actually have less revenue - it would go down roughly \$200,000.

Chair Dixon reminded everyone that the County had decreased their tax, but for those residents of the City of Quincy they would see a dramatic increase as the City of Quincy had doubled their taxes.

Ms. Ruth Aiken also spoke on the millage rate stating she understood the roll-back, but the bottom line would be when she pays her taxes -when she writes that check, it will be more than it was last year.

After further discussion the Chair called for the will of the Board.

**UPON A MOTION BY COMMISSIONER LAMB, AND A SECOND BY COMMISSIONER CROLEY FOR APPROVAL OF THE PROPOSED FY 2009 COUNTY-WIDE MILLAGE RATE OF 8.9064, THE BOARD VOTED 5-0, BY VOICE VOTE IN FAVOR OF THE MOTION.**

Chair Dixon stated the Board would discuss the budget at this time.

The County Manager said before presenting the budget tonight that staff had presented a balanced budget at the Commission meeting on September 8th. However, staff had since been directed to contemplate additions to the budget and based on that direction, the following changes were made to the budget.

**General Revenue:**

Add OMB Director Position	@ \$102,511.00	Re-Occuring
Cut OMB Professional Svcs	@ \$(25,000.00)	Non Re-Occuring
Add 2 B&G Club Ops	@ \$150,000.00	Re-Occuring
Add Watershed Consultant	@ \$ 20,000.00	Non Re-Occuring
Add Non-Profit Funding	@ \$ 25,000.00	Re-Occuring
Add 2 Part-Time Animal Control Positions	@ \$ 22,459.00	Re-Occuring (this item added By the County Manager)

**Under EMERGENCY MGT**

Add IT Enhancements	@ \$ 30,000.00	Non Re-Occuring
Add Debris Mgt. Plan	@ \$ 10,000.00	Re-Occuring
Operating Subsidy	@ \$ 21,907.00	Re-Occuring
Senior Planning Pos.	@ \$ 65,000.00	Re-Occuring

**Transportation Revenue:**

Replace Backhoe w/Ditch Digger @ \$120,000.00 Non Re-Occuring

**Special Revenue:**

EM Mobile Generator @ \$ 30,000.00 Non Re-Occuring  
Ambulance Re-Mount @ \$ 65,000.00 Non Re-Occuring (this item added by the County Manager)

The County Manager said after the scheduled workshop on the tentative millage rate and budget, the Chairman of the Board requested that staff present funding in support of the provision of one-time bonuses to BOCC employees for consideration by the entire Board. The bonus to be considered is in the amount equal to the greater of 5% of each respective employee's salary or \$1,500. The bonuses would be effective and payable during the first full payroll period in the new fiscal year. The 5% or \$1,500 bonuses are Non Re-Occuring and the impact of both bonuses are shown by each of the funds:

**General Revenue:**

General Fund	\$ 78,286.00
Probation Fund	10,719.00
Growth Mgt. Fund	20,042.00
Landfill Fund	14,259.00
Parks & Rec Fund	5,994.00
Library Local and State Fund	30,315.00
Animal Control Fund	3,517.00
Tech Fund	6,247.00
Fleet	12,651.00
	<b>\$182,030.00</b>

**Special Revenue:**

Urgent Care	\$ 19,606.00
Fire Services	3,459.00
Transportation	115,980.00
Building Inspection	16,809.00
EMS	75,006.00
	<b>\$230,860.00</b>

The County Manager explained the majority of the items presented above have been funded with Non Re-Occurring revenue and staff advises the Board to seriously reconsider a number of items that

are being considered for funding that will require Re-Occurring revenue as shown below:

OMB Director Position (\$102,511) General Revenue  
Non-Profit Funding (\$25,000) General Revenue  
2 Boys and Girls Club Operations (\$150,000) General Revenue  
2 Part-Time Animal Control Positions (22,459) General Revenue  
Emergency Mgt. Debris Mgt Plan (\$10,000) General Revenue  
Emergency Mgt. Operating Subsidy (\$21,907) General Revenue  
Senior Planning Position (\$65,000) General Revenue

Staff also advises the use of fund balance (reserves) to fund one-time expenses is somewhat acceptable only if those reserves are large enough to support the expenses, together with funds needed to support related government operation at the beginning of the fiscal year, and at a time when property tax revenues are not yet fully realized. Staff projects the General Fund Balance will be approximately \$1,788,738 in FY 2009, and it has been the goal of this Board to retain between 2-3 month's of operating expenses or 20% of a respective fund budget in its fund balance. Based on FY 2008 figures, the Board expended approximately \$3.1 million in the first two months of the fiscal year. Staff also projects the building inspection fund balance will be completely diminished as a result of the above additions and the current year-end estimates. If staff's estimates are correct, the General Fund will have to support the Building Inspection Fund until enough cash is generated from related fund activities. Finally, for purposes of Official Record, the proposed budget contemplates the absorption of all health insurance increases for BOCC employees. The employee's rate for medical and related insurance will remain the same as in the previous fiscal year.

Chair Dixon called for questions from the Board.

Commissioner Croley asked the County Manager if he was recommending, as a professional manager, the \$1,500 bonus program and the Manager responded that he was not supportive of any of the increases that were made to the budget; however, if the Board were to make a decision, he would support Non-Recurring items over Recurring items.

Commissioner Croley asked the County Manager "But you don't support the \$1,500 bonus, even as a non-recurring item; and therefore, did not support a 5% salary increase at this time"? Commissioner Croley also said he did not recall the discussion on the 2 part-time animal control positions.

The county Manager said he did not support any of the increases added to the budget of September 8<sup>th</sup>. He said he added the animal control positions to the budget to improve services at the animal control facility. He said they are trying to improve the animal control services but they do not have anyone basically collecting the animals and servicing the animals on nights and weekends. By having these two part-time positions they can move towards better shelter and a better program that possibly could include some type of adoption program in the future. He also said the emergency management items he added had not been shared with the Board on September 8<sup>th</sup>. The Manager said staff had gone to the Emergency Management Operations Director and asked them to submit to staff what items would enhance their readiness in the event there are any major situations that may occur, and these were the items submitted. The ambulance remount also was not part of the September 8 meeting. He said a lot of miles are being put on the ambulances and this is another opportunity to use non re-occurring revenue to improve the County's ambulances given the fact that the County may or may not have a hospital next year, depending on how the Board votes. In response to additional questions from Commissioner Croley, the Manager said the emergency management items are not coming out of a special fund for emergency management - it will be coming out of the surtax and is not coming out of the general revenue.

Chair Dixon requested the County Manager explain again about the bonus funds and the Manager said each department is funded by a special fund that was set aside about three years ago whereby the general revenue funding is broken out to separate items. Each of these funds has a balance - they are all in the general revenue fund, but they all have their own stand alone funds within that fund.

Chair Dixon said he had asked staff to take a look at this simply because of the cost of living situation everyone is experiencing, and the fact that no raises are going to be given this year. He said looking out for your employees is the paramount thing that you do, because your employees deliver the services. He said, "Any opportunity we get to toss them a little something and the thing about this is not re-occurring, it is a bonus so it doesn't tie the hands of the new commissioners in terms of them having more pay to deal with in terms of employees. It is a bonus; it is a merit, if you will, in that it gives them something without tying next year's Budget up in knots. So, I would appreciate it if you would consider that opportunity".



In terms of the OMB Director position, the Manager asked that if the Board does decide not to fund that position, that they put back a one-time \$25,000 for professional services for Mr. Suggs for the close out of 2008 and the inputting of the 2009 budget.

Chair Dixon said for the Board at large, he is certainly in favor of the one time bonuses, even if the Board reluctantly takes them down to a \$1,000. He said he would not fight for the OMB director's position, the animal control and the emergency management debris that he could certainly put a line through that, but said he would like to have the opportunity to fight for the boys and girls clubs.

The County Manager asked if it was correct the only item the Chairman would support under recurring are the boys and girls clubs, and the Chairman responded affirmatively.

In response to questions from Commissioner Croley as to what the Emergency Management Debris Management Plan is, the County Manager explained that under this plan the County would contract with a debris management company that in the event of storms or any catastrophic situation to come in and do all the clearing, etc. of the roadways; and this would free up the County's public works employees to deal with items that need to be fixed (roads, culverts, etc.). He explained the \$10,000 is what the County would pay annually for this contract and was added as one of the items to help enhance the services of emergency Management during these types of events. He said the cost to contract with a debris company may be somewhat more expensive than this, plus the County's chances of getting someone to come in when other counties are experiencing similar situations that the County could be last on the list. This guarantees the County will have service, if the service is needed. He said this is the equivalent of insurance - basically would lock the company in to respond to Gadsden County in such an event.

Commissioner Holt said she would support Senior Planning Position (#7) because Planning & Zoning needs that position, (#3) the boys and girls club as well as the bonus for Board employees. She said on the 2 part-time animal control positions, if they cannot get some volunteers in there to help then the County is going to have to look at some other things that they could possibly do. She also said she is interested in (#5) Emergency Management Debris Management Plan.

Commissioner Lamb said he has no problem with the one-time bonus, and he would support (#3) boys and girls club, (#5) debris management plan, and (#7) senior planning position.

The County Manager explained the (#6) Emergency Management Operating Subsidy of \$21,907. He said when the County did the Connect CTY call out part of the funding came from the Emergency Management Grant and the Director of Operations stated that has had an impact on their operations and has asked that subsidy be re-established.

Mr. Suggs said that essentially means the Board will pay for the entire cost of Connect CTY.

There was discussion among the Board that the Emergency Management Grant (approximately \$119,000) is a County grant passed through to the Sheriff's Office. The Board originally agreed to assume 50% of the cost (the other 50% would come from the Emergency Management Grant) of Connect CTY since a portion of the services would be used for Public Information - some non-emergency type deals. Now, the Sheriff's Office (Emergency Management) is basically asking that the County pay 100% of the cost.

Chair Dixon said he now had before him items 3,5,7, the backhoe, the ambulance remount, and the one-time bonus. He asked Mr. Suggs to give them a brief overview of the general budget as these items are actually additions to the whole budget.

Mr. Suggs said there will be notices placed in the newspapers for the public and the final budget hearing is scheduled for September 30, 2008, for fiscal year 2009 budget which will be effective October 1<sup>st</sup>. He said in general the County's budget is about \$36,000,000; down from about \$40,000,000 from last year. The most significant thing being the County is down in capital spending and across the board the Millage rate is less than the aggregate roll-back rate which for the majority of the citizens is a tax decrease this year. He said there will be less revenue from property taxes and the County will suffer from the short falls in State funded revenue as the County moves forward. The budget will be posted on-line after tonight; later in the week.

The County Manager brought to the Board's attention, prior to taking public comment on the budget, a letter from School Superintendent James regarding formalizing support for establishing boys and girls after school programs at Havana Elementary School and James A. Shanks Middle School.

Chair Dixon called for anyone wishing to speak regarding the budget to come forward.

Mr. Harvey Sweeney of 4374 Hardaway Highway addressed the Board concerning the proposed 5% bonus and said he had no objection to that, but asked if that would include everyone (County Manager, County Attorney, etc.) and if they would come back later and give big bonuses as they have been doing in the past. He asked if the 5% was the maximum.

Chair Dixon said what they are trying to do is get their employees up to a living wage which the Board has tried to do this over a number of years. He said he is not ashamed for trying to pay the people a living wage for work. He said they pay for talent at every level and this year they had not planned a raise simply because of the budget concerns as the County's budget is down from \$40,000,000 to \$36,000,000. He said they have not laid anyone off - worked hard not to lay anyone off, unlike most of the local governments around the State that have had substantial lay-offs. He said to answer Mr. Sweeney's question, the Board will try to be absolutely fair with people. He said they have never gone back to give big raises; they have raised people up, and if talking about giving the Sheriff's Department big raises, I guess -

Mr. Sweeney responded he was not talking about the Sheriff's Department.

Chair Dixon said Mr. Sweeney could not single them out, because the Sheriff's Department got the biggest raises they have ever given.

Mr. Sweeney said he felt law enforcement needs it a lot more than some other people the Board has given it to.

Chair Dixon thanked Mr. Sweeney.

Ms. Mary Dekle of Legal Services of North Florida, 121 N. Jackson Street, Quincy addressed the Board on behalf of not only North Florida Legal Services, but also other non-profits that provide essential services to the people of Gadsden County. She explained she was speaking on behalf of the people that sometimes have no voice; the folks that they serve, domestic violence victims, the seniors, the children who would like to stay in school, the people who are losing their homes and the people who can't afford to put food in their children's mouths at night. She explained they are in the same boat as the County is, but encouraged the Board keep the non-profit funding in the budget, and if the Board could find

it in their hearts to please increase it because it is an investment in the future.

Chair Dixon said the Board has always been very sympathetic to Legal Services of North Florida and assured Ms. Dekle it was not over, and as they look around they will certainly keep them in mind.

There being no other public speakers, the Chair said it is now back before the Board and they would very quickly review all of the items the Commissioners have mentioned, if there is consensus they will add to the list and will then move on, unless someone wants to vote on every item.

Commissioner Croley stated he would like to vote on every one of them.

There was no opposition to Commissioner Croley's request.

The County Manager said the first item was the OMB Director's position which he recommended be taken out of the budget and replaced  
With the professional fees of \$25,000 that was originally cut.

**UPON A MOTION BY COMMISSIONER CROLEY AND A SECOND BY COMMISSIONER HOLT TO REMOVE THE OMB DIRECTOR'S POSITION FROM THE BUDGET AND REPLACE IT WITH THE PROFESSIONAL FEE CONTRACT OF \$25,000, THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

The County Manager said he had recommended the non-profit funding of \$25,000 be eliminated from the Budget.

Chair Dixon responded that if it was not going to get an affirmative vote, then there was nothing to it. He then requested they go to the things on the list (the short list), and all of those we don't discuss are not funded.

**UPON A MOTION BY COMMISSIONER HOLT AND A SECOND BY COMMISSIONER PRICE TO APPROVE THE 2 BOYS AND GIRLS CLUB OPERATIONS (\$150,000), THE BOARD VOTED 4-1, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

**COMMISSIONER CROLEY VOTED AGAINST THIS MOTION.**

**UPON A MOTION BY COMMISSIONER HOLT AND A SECOND BY COMMISSIONER LAMB TO APPROVE THE EMERGENCY MANAGEMENT DEBRIS MANAGEMENT PLAN OF \$10,000, THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

Chair Dixon said the County Manager had wanted the Board to look at the Emergency Management Operating Subsidy of \$21,907. There being no interest by the Commissioners for this discussion, the Chair said possibly they would look at it in the next budget meeting.

**UPON A MOTION BY COMMISSIONER LAMB AND A SECOND BY COMMISSIONER HOLT TO APPROVE THE SENIOR PLANNING POSITION FOR \$65,000, THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

Chair Dixon said the next item was the bonus for the employees and asked for the will of the body.

Commissioner Croley asked the Manager weren't these salaries raised in March.

The County Manager said the last raise officially that the Board employees received was October, 2007, in the amount of 3%. He said after a marketing study was done, at the request of the Board, an adjustment was made for a few employees in February and then a marketing over-all increase for all employees which averaged about 5%.

Commissioner Croley said they had recently received a 5% raise in March, 2008 and the County Manager said it was a 5% market equity adjustment and all employees received that except the County Manager and the County Attorney.

Commissioner Croley then asked the Chairman if it was his recommendation that they all now receive a \$1,500 bonus on top of that, effective the new budget year and no other cost of living increase.

Chair Dixon responded that was correct - there is nothing else out there for this year and that no market study would be done this year. He asked the County Manager if that was correct and the County Manager responded that was correct.

Commissioner Croley asked the County Manager if he was recommending against this and the County Manager responded he was, to be clear, against everything added to the budget, including this.

Commissioner Croley said "I'm just trying to figure out how you're going to pay for it".

Commissioner Holt said "How we gonna pay for it"

Commissioner Croley "Well, how we are going to pay for it"

Chair Dixon "Trust me, we'll get another swing at that. If it doesn't look good, you can take it out". Chair Dixon called for a motion.

**UPON A MOTION BY COMMISSIONER HOLT AND A SECOND BY COMMISSIONER PRICE TO APPROVE A \$1,500 BONUS ACROSS THE BOARD FOR ALL EMPLOYEES, THE BOARD VOTED 4-1, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

**COMMISSIONER CROLEY VOTED AGAINST THIS MOTION.**

**UPON A MOTION BY COMMISSIONER LAMB AND A SECOND BY COMMISSIONER PRICE TO PURCHASE THE DITCH DIGGER (\$120,000.00) THE BOARD VOTED 5-0, BY VOICE VOTE IN FAVOR OF THE MOTION.**

**UPON A MOTION FOR THE AMBULANCE RE-MOUNT BY COMMISSIONER PRICE AND A SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

After a brief discussion on the Emergency Management Mobile Generator, the following action was taken:

**UPON A MOTION BY COMMISSIONER CROLEY AND A SECOND BY COMMISSIONER LAMB TO PURCHASE THE MOBILE GENERATOR (\$30,000) FOR EMERGENCY MANAGEMENT CONTINGENT UPON SOME CLARITY BEING BROUGHT BACK BY THE COUNTY MANAGER AT THE NEXT BUDGET MEETING AS TO WHAT THE EMERGENCY MANAGEMENT GRANT IS BEING USED FOR, THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

Mr. Suggs asked for clarification from the Board that everything else not discussed is to be taken out of the budget.

Chair Dixon responded affirmatively.

The County Manager, in an effort to be certain of everything, they put in professional services, non-profit funding was not put in, boys and girls club was funded, debris management plan was funded, senior planner position was funded, the ditch digger was funded, the Emergency Management mobile generator and the ambulance remount was funded, and the \$1,500 bonus for all employees was funded.

Chair Dixon responded that was the essence of their discussion. He then said the Board has before them the tentative County-wide 2009 budget and he called for the will of the body.

**UPON A MOTION BY COMMISSIONER HOLT TO APPROVE THE TENTATIVE COUNTY-WIDE 2009 BUDGET, AND UPON A SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

**Public Hearings:**

**14, 15, 16, 17 - Variance Request V-2008-03, Variance Request V-2008-04, Variance Request V-2008-05 and Variance Request 2008-06.**

The County Manager said the applicants requested that all these variances be taken together.

The County Attorney said he could ask the Board to accept a motion to combine each of these items (14-17). He said the Board operates in different capacities, and stated in this one, they would be operating in a quasi-judicial capacity. Since each hearing is a separate hearing, they must have a motion to consolidate. He said once the Board receives the request for the motion to consolidate, Mr. William Walker (representative for applicants) will then indicate he has no objection to the consolidation. At that point the Board can then vote to consolidate and Ms. Jegli (Interim Growth Mgt. Director) can make a presentation on all of the cases at once.

**COMMISSIONER LAMB MADE A MOTION TO CONSOLIDATE ITEMS 14, 15, 16 AND 17, AND A SECOND WAS MADE BY COMMISSIONER CROLEY.**

Mr. Walker stated he had no objections to the items being consolidated.

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

Ms. Jegli was sworn by Deputy Clerk Straughn.

Ms. Jegli explained the variance requests as shown in the attached agenda packet. She said the applicants wanted the variances in order that they can do what they wish with their property and because the County does not have any proof of record or documents stating this was under the family exception. She said there is no indication of a formal process, no deed restrictions were recorded, no record of immediate family exemptions and never recorded as immediate family exemption. She indicated a similar variance was granted in March of this year to

Mack and Angeline Isaac based upon their specific financial hardship. After further explanation by Ms. Jegli, the County Attorney stated, just to keep this in proper form, that he thinks Growth Management Department and Planning & Zoning has said in their opinion that the Darlene Isaac Pearson parcel (Item # 16) qualifies for a hardship and they are not tying them together with the others, as they are all separate applications. He further stated that at the appropriate time it may be appropriate to dispose of that one based on the recommendations and then wrestle with the issue, if that is the will of the Board, as it relates to the combining of the parcels in the minor subdivision vs. the request for a variance for the other parcels which are located on the other side of the road from Darlene Isaacs Pearson's parcel. He said this one seems to be a little more straight forward than the other parcels. The Attorney reminded the Commission this is still a quasi-judicial hearing and if they ask questions of Ms. Jegli or him, they will need to take testimony from Mr. Walker.

Chair Dixon asked if there were any questions for Ms. Jegli immediately. He then called for the representative of the Isaac family.

The County Attorney said to again keep this in proper order that this was going to be confusing otherwise, and the first parcel he felt the Board should address (even though they have been combined) is the Darlene Isaac Pearson parcel; and if Mr. Walker has no objection to the recommendation from Growth Management which is to grant the variance that Mr. Walker should present that testimony to the Board and that he would then ask that the Board act on that. Then the other issues would become a discussion point.

Mr. William Walker, as representative of the Isaac family was sworn and said he had no objection to the recommendation from the Growth Management Department in granting the variance (Variance V-2008-05) for the Darlene Isaac Pearson parcel.

The County Attorney stated, so the record would be clear, that the Growth Management Department is not tying the other parcels to the Darlene Isaac Pearson parcel, and Ms. Jegli stated that was correct.

Chair Dixon called for anyone wishing to speak for or against this item and there was none.



**UPON A MOTION BY COMMISSIONER HOLT TO APPROVE THE DARLENE ISAAC PEARSON HARDSHIP VARIANCE (OPTION #2) AS RECOMMENDED BY GROWTH MANAGEMENT, AND UPON A SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5-0, BY VOICE VOTE IN FAVOR OF THE MOTION.**

Mr. Walker addressed the Johnny Isaac (V-2008-04, the Vicky Isaac (V-2008-06 and the Carolyn Isaac Smith (V-2008-03), Items 14, 15, 17. He said when Mr. Ballister (former Growth Mgt. Director) broke this property up (1999) among the family members there was no stipulation placed on the property. He said Attorney Blucher Lines, at the advice of Mr. Ballister, agreed this property was never put under immediate family exemption. There is no County record stating the property was ever put under immediate family exemption, and prior to the Comp Plan of 1 to 10, the family members had individual parcels - could sale this property as is and as they chose.

Chair Dixon asked Ms. Jegli if she was saying No, it wasn't divided, or no, he can't prove it was divided?"

Ms. Jegli said there is no record that the County Commission approved at a public meeting this particular subdivision. She said there is also a letter from Mr. Thomas Skipper, surveyor in the agenda packet saying how he believed it was approved, but that does not indicate that the Board every saw this.

Chair Dixon said he was taken back and would never have made Mr. Mack and Ms. Angeline Isaac go through the variance process if the County didn't have any documentation that said this was immediate family exemption.

Commissioner Croley said at the time of the Mack and Angeline Isaac variance request that he believed this information was presented and Mr. Ballister said it didn't matter and then the Board voted to give the variance (said he did not support it on the basis that on information provided the Board at the time, the variance did not appear to be in order) and now they appear to be back to a situation where the majority did give the variance to Mack and Angeline Isaac, the Board has just given a variance for Mr. Darlene Isaac Pearson because she doesn't have an adequate amount of land, and that is consistent with what has been done before. Now, technically while the other three parcels may not be in compliance with the Land Use Plan, it is a matter of equity that comes to mind and that based on this information and based on his conversation with Thomas Skipper in his office recently, Mr. Skipper reconfirmed this and it is now hard to sit here and be equitable and say the other three parcels aren't entitled to a

similar variance instead of going strictly by the regulations. He also asked the County Attorney if he could legally look at the equity issue as an element in this.

The County Attorney said it could be looked at a lot of different ways and the equity issue could be looked at as that is why they do a hardship variance. Hardship variances by definition are equitable based decisions. He said normally when the Board has these presentations, there is a presentation by the growth management director which gives the Board evidence that kind of guides them and very rarely is there a presentation from growth management that says there is no evidence to document what their decision is, so the Board has a little more discretion than they would normally have in a situation like this.

Commissioner Croley asked if there would be any basis for the balance of the heir property owner (Mr. Frank Isaac) to come back claiming he has 30.49 acres that is entitled to an equity matter as those now at hand.

The County Attorney said they could apply but they should not be approved to sub-divide their lots into two acres because the issue the Board is dealing with at this time is previously sub-divided lots with no documentation as to why they were sub-divided and that happened prior to now. He said if the Board decides to do it tonight, then everything else will stay as is from this point forward.

Ms. Jegli said she agreed with the County Attorney on the Board's discretion to approve something. However, from a staff perspective what she is hearing is if someone comes into her office saying they have a piece of property that was created after the adoption of the Comp Plan - property that is not conforming and if Growth Management does not have evidence of when they recorded it, then those people would have some kind of claim or precedent to claim they are entitled to be able to - Ms. Jegli said the burden of proof is not on the Growth Management Department to provide evidence as the burden of proof is on the applicant as to how it was created. She said there was an immediate family exemption process in the Code in 1999 and a requirement that parcels were to be 10 acre minimums, unless created under that provision, were clustered and the remainder placed in a conservation easement. She stated concern with the precedent because she has a lot of people coming in who have issues with when their parcel was created and it not meeting a minimum parcel size.

The County Attorney said he would like to interject at this point as he wanted to keep this record as clean as possible. The answer to Ms. Jegli's question is No, it does not set a precedent. When you are dealing with hardship based cases; variance based cases, each one is fact specific and fact driven. He said each situation must be looked at separately and individually and one of the things they have done is to make sure every exception they have is very narrowly drawn so that they do not restrict the Board's decision making for the future. He said the answer to Ms. Jegli's question is No.

Chair Dixon said his position is - he said they keep discussing it in the tone of immediate family exemption - and he said he was back before that. He said he is of the opinion that it didn't exist, doesn't exist and therefore, the Board can't make rules as if it does. He said his concern is that something happened in 1999 and since there is no paperwork no one knows exactly what happened. He said the Board spent the first two or three years trying to fix stuff that happened with Mr. Ballister and no paperwork. He said he thought Mr. McCord made his name in Gadsden County doing that, but by the same token, he feels you must ere on the side of the homeowner, the property owner and not on the side of the County.

Commissioner Croley said no one should interpret this as under an immediate family exemption. He said this is strictly an equity issue now and if it doesn't include the other 30 acres he feels the Board should move on.

Chair Dixon asked if there was anyone else that wished to speak and there was none.

The County Attorney said to get this in proper form he would need Ms. Jegli to come up as she had documents for each of the items and for her to say she was moving documentation for items 14, 15, 16 and 17 into the record.

Ms. Jegli requested Variance request 2008-03, Item # 14 Carolyn Isaac Smith Immediate Family Exception, Variance Request 2008-04 Johnny Isaac Immediate Family Exception, Variance Request 2008-05 Item # 16 Darlene Isaac Pearson, Variance 2008-06 Vicky Isaac Immediate Family Exception be moved into the record.

The county Attorney asked for clarification of Option # 1 from Ms. Jegli as to 'make findings consistent with the criteria of Sub-section 7301 to make it conforming' on Items 14 and 15 and Mr. Jegli said that was correct.

The County Attorney advised Option # 1 could be moved on Items 14, 15 and 17. (Item # 16 has already been voted on.

The County Manager reminded the Board to keep in consideration that the applicants were also asking for a waiver of the variance fee, if the Board is so inclined, as the applicants have already paid that fee.

Chair Dixon said the motion would be to approve Option #1 on pages 11 and 14, to approve the variance as requested by the applicant and make findings consistent with criteria of Sub-section 7301 of the Land Development Code and should the Board so choose to waive variance application fee.

**UPON A MOTION BY COMMISSIONER CROLEY TO MOVE OPTION # 1 UNDER ITEM # 14 FOR CAROLINE ISAAC PROPERTY BE APPROVED FOR VARIANCE AS A MATTER OF EQUITY AND BASED UPON THE LEGAL STATEMENTS PROVIDED BY MR. THOMAS SKIPPER, A REGISTERED LAND SURVEYOR AND MR. BLUCHER LINES, A MEMBER IN GOOD STANDING OF THE FLORIDA BAR, AND UPON A SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5-0, BY VOICE VOTE IN FAVOR OF THE MOTION.**

**UPON A MOTION BY COMMISSIONER CROLEY TO MOVE OPTION # 1 UNDER ITEM # 15 FOR JOHNNY ISAAC PROPERTY AND UPON A SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

**UPON A MOTION BY COMMISSIONER CROLEY TO MOVE OPTION # 1 UNDER ITEM #17, WITHOUT THE WAIVER, FOR THE VICKI ISAAC PROPERTY, AND UPON A SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5-0, BY VOICE VOTE IN FAVOR OF THE MOTION.**

**18. Conceptual Plat Review for the Paradise Gardens Subdivision - SD-2008-01, Major Subdivision, Tax Parcel ID # 2-03-3N-5W-0000-00231-0000.**

The County Manager requested Ms. Jegli present this item to the Board.

**At 8:50 PM, Chair Dixon called for a short recess of the Board and the meeting reconvened at 9:00 PM.**

County Attorney Williams advised the Board legal representative for the adjacent property owners, Ms. Tracy Moyer of the Moyer Law Firm has requested a continuance of this item until the next Board meeting (scheduled for September 30<sup>th</sup>). Ms. Moyer has an

expert witness to testify concerning this item, but is unavailable for tonight's meeting. After further explanation of this request, it was his recommendation that the Board grant the continuance until the next Board meeting.

Ms. Moye briefly addressed the Board requesting the continuance based on Attachment #3 of this item (shown in attached agenda packet). She explained her expert witness was out of town and unavailable for tonight's meeting, but would be present at the next Board meeting.

Ms. Latasha Murray, Applicant, addressed the Board in opposition to the continuance being granted.

Mr. Peter Okonkwo, Project Manager with Spectra Engineering & Research, Inc. also addressed the Board in opposition to the continuance being granted.

The County Attorney said this is a quasi-judicial proceeding and the persons who testify before the Board have the right to put evidence into the record so if someone decides to make an appeal, the decision of the Board must be supported based on all of the evidence that has been properly presented. He said he did not believe the Board had the choice to rule on this item tonight without allowing Ms. Moye' to put evidence into the record. He said they have two choices - either hear the developer's presentation and Ms. Jegli's presentation tonight; continue the hearing and then allow Ms. Moye' to bring in evidence at a second hearing. He said in his opinion that means all of the evidence is not in front of the Board at the same time, or they could continue it (because they must allow her to put her evidence in anyway) and hear all of it at one time with all of the evidence in front of them. He said he did not believe he could tell the Board they have the option, when an attorney has come before them saying they have a witness that is unavailable, to have the hearing tonight and move on it tonight and not allow her to put her evidence into the record.

After a brief discussion the following action was taken:

**UPON A MOTION BY COMMISSIONER PRICE AND A SECOND BY COMMISSIONER HOLT TO CONTINUE THIS ITEM (Conceptual plat review for the Paradise Gardens Subdivision - Agenda Item # 18) THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

**General Business:**

**23-A Approval and execution of Grant Agreements for Library State Aid.**

The County Manager said this grant agreement for State aid must be submitted by October 1, with additional documents being due by December 1, 2008. State aid is a significant portion of the Library's budget and the State's 2008-2009 estimation of Gadsden County's State Aid is \$362,000. He said the approval and execution of the agreement is one step towards beginning the Grant and is so vital to the library services in Gadsden County. During fiscal year 2007, the State Aid for Gadsden County was \$457,769 which helped significantly with salaries, operating expenses and library materials.

**UPON A MOTION BY COMMISSIONER HOLT AND A SECOND BY COMMISSIONER LAMB TO APPROVE AND EXECUTE THE GRANT AGREEMENT, THE BOARD VOTED 5-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.**

**23-B Approval of Consultant Services with Davin Suggs for FY 2009 Budget Implementation and FY 2008 Budget Close Out.**

The County Manager requested Board approval for entering into contract with Mr. Suggs as Consultant for the implementation of FY 2009 budget and the FY 2008 budget close out and to authorize the Chairman to sign the contract. He said the contract would be for \$16,750.00 and stated Mr. Suggs had resigned his position with the County as of this date to accept another position. He said \$25,000 had been placed in the 2009 budget for these services.

**UPON A MOTION BY COMMISSIONER CROLEY AND A SECOND BY COMMISSIONER HOLT TO APPROVE MR. SUGGS AS CONSULTANT FOR THE IMPLEMENTATION OF FY 2009 BUDGET AND FY 2008 BUDGET CLOSE OUT IN THE AMOUNT OF \$16,750, THE BOARD VOTED 5-0, BY VOICE VOTE IN FAVOR OF THE MOTION.**

**23-C Approval to Temporarily Terminate Urgent Care Services at Gadsden Community Hospital**

The County Manager explained this as a request from staff for the temporary termination of Urgent Care services at the existing hospital facility within 60 days from September 30, 2008, due to the need to abate and renovate for the new Rural Emergency Hospital facility. He said at any time within the 60 days the services could be terminated and with the passage of the surtax they need to begin abatement and renovations throughout the entire facility and the Urgent Care Center must be closed. Mr.

Brown said staff is considering other options to provide residents with healthcare services during the same operating time as the Urgent Care Center. However, if these do not come to fruition, healthcare services provided by the County would not begin again until the hospital is re-opened as the Rural Emergency Center and assured the Board that staff will provide updates to the Board on its findings from time to time. The fiscal impact for relocating the urgent care center outside of the hospital would cost approximately \$300,000 and funding to accommodate this move; and with the funding of a number of items with the interest from the Hospital Trust Fund and the trust fund balance, the moving of the urgent care center cannot be accommodated by the funds currently available. He asked that the Board approve the temporary termination of the urgent care services within sixty days. He said they will continue to look at other options for providing the service up until 10:00 PM for the residents, but until that time they cannot continue the operations.

In response to questions from Commissioner Lamb as to where it could be moved, the County Manager said they have identified several locations and staff is working on terms with the landlords. He said the real issue here is not necessarily moving it, but the cost to move it with a lot of the costs having to be borne by the Board of County Commissioners or the Trust Fund and they just don't have that amount of money to facilitate the move at this time.

Commissioner Holt asked about the services being provided at the clinic behind the hospital and the County Manager said that is one of the options they are looking at.

Commissioner Croley asked about the employees, and the County Manager said the employees would be notified (according to Mr. Sharp) and they are aware of the decision the Board would be making this evening.

The County Manager said there really is nothing they can do, other than give the employees notice and pay them up until that time.

Some possible sites brought up by the Board for consideration was a portable, the North Florida Medical Center, the Gretna Clinic, the Health Department, TMH staying open until -

Chair Dixon said there must be some other options out there and he said he would take this request under advisement as he would not vote to close it now.

Commissioner Croley said he did not want to go backwards, wants to go forward and they want to get the health care better. He said he wanted something that would work financially; long term and closing this would be going backwards until they get something else.

Mr. Sharp said with a portable they would have to make water and sewer connections, utilities, and then modify it to accept x-rays, if they wish to still offer the x-ray services. He said there are not currently many alternatives out there within the County that can provide x-ray services as is currently being provided. He said if they moved to North Florida medical or some other clinic, it would be a step down because the x-ray capabilities in those locations are not provided. He said the majority of the cost in relocating the facility would be where this comes in because they would have to lead-line the walls, must bring in extra air conditioning power, and in a mobile (bring the x-ray services to the patients) x-ray unit Mr. Sharp said they thought they had a lead on one, but that disappeared. He said the cost of a mobile x-ray machine would still be within the \$250,000 range.

The County Attorney said this is actually two separate issues - one being the hospital needs to be vacated for construction and the question being how they would get healthcare to stay in Gadsden County because, otherwise they would lose the license because they can't stay on their schedule. He recommended the Board look at it that way - vote to move urgent care out of the hospital but give direction to get something in place before the move occurs. Don't say the word "close".

Mr. Sharp said the architects have indicated that according to the current schedule they have laid out that from the start of the abatement process they will be in the area that is currently occupied by urgent care within 45 days. He said they would have to vacate that.

Commissioner Croley asked if they need to move urgent care somewhere else, even if without the x-ray, would it be possible and who would have an x-ray unit that is not in use today but could be used temporarily; possibly the National Guard?



Mr. Sharp said he would not know, but possibly the Veterans' Administration.

The County Manager inquired if Mr. Fleming would have any input, and Mr. Fleming responded there are some entities that would lease. It could be leased all out, or it could be done on a per procedure need with the number of times you use it, you reimburse for that. He said that option has been tabbed because it is on the higher end as far as the costs, and it would require negotiations with possibly TDI or Radiology Associates. He said there would have to be a commitment on the use of the unit, how long it would be needed, etc., to make it worth their while. He said it is possible, but it has to be thoroughly investigated with some serious conversation. He responded to Commissioner Croley's question stating there is no State or Federal agency that would have this caliber of machinery. He said it would be different if they were talking about beds or some outdated lab equipment chairs, but when talking about a radiology system that has to be consistently maintained and regulated, that is not something they would have an exchange with. He said generally what they could do would be to buy an out-dated system from someone that is purchasing a new system and would be willing to sale it at a reduced price. He said he had previously worked for the V.A. and they don't do that.

After additional discussion, and the sentiment being they did not want to vote at this time to close it, the Board requested the County Manager bring back more options for the next Board meeting.

Commissioner Holt asked if something could be brought back for the September 23<sup>rd</sup> meeting that would give them something at a mid point. She said she wanted to make certain they did not over-run their time.

The County Manager said staff has already been working on this and he was sure they would have an answer within two weeks.

Chair Dixon said the Board understood urgent care would have to be relocated, and he advised staff everyone was mindful, and not to delay the construction process. He said if a special meeting is needed for this item, that could be done; but again stated not to delay the construction process.

**23-D Approval to Process the Gerald W. Thompson & Sandstone Properties (CPA-2007-03) and the AC-Peavy, L.L.C. (CPA-2007-02) Comprehensive Plan Future Land Use Map Amendments from Agriculture 3 (AG-3) to Mining.**

The County Manager explained that Mr. Gerald Thompson and Sandstone Properties as owners have requested their previously abated comprehensive plan future land use map amendment be allowed to be processed and heard by Planning Commission and the Board of County Commissioners prior to the adoption of the Wetumpka-Lake Talquin Neighborhood Plan (WLTNP) as shown in agenda packet as Attachment #1. After detailed explanation of the request by the County Manager as shown in the attached agenda packet, it was the recommendation of staff that the Board move Option # 4 - Discretion of the Board.

Chair Dixon asked if anyone was present that wished to speak, representing the applicant.

Mr. Ben Powell, President of the Woodlands Company, Inc. spoke to the Board on behalf of Mr. Gerald Thompson, not as an attorney, but as Mr. Thompson's land manager. He said he was appearing to answer any questions the Board may have and to request that they be allowed to move the process forward. He explained he referred to the situation as a moratorium in a letter he addressed to the Board dated September 15, 2008 - said he was not sure that was the correct word to use, but they are requesting to be lifted from that situation, the same as the Board did for the Ocklawaha group and the Cohen group. He said if they are pulled out of this situation, they would start - would be just at the beginning of the process for the approval of the change.

There being no questions for Mr. Powell, Chair Dixon asked if there were others wishing to speak.

Mr. Michael Donaldson representing Anderson-Columbia spoke saying they did not ask for this, but if it would get through the process quicker, they certainly were for it. He said the point should be made that the Board would not be approving anything tonight; they would just be getting them back into the cube to be able to go forward through the Planning & Zoning Commission, to the Board of County Commissioners and then on to DCA for compliance determination. He said this is basically all the request is and they will support either way - if the Board said no, that would be fine, they would be status quo, or if the Board allows the other amendment to go forward, Anderson-Columbia would certainly like to go along on that train.

Chair Dixon called for others wishing to speak.

Mr. Ed Allen, resident of Lake Talquin addressed the Board and requested to go in the record that he objects to this meeting; the bringing up of this as it was not advertised, has not been on the agenda at all, until today. He said as far as Ocklawaha Cohen Land Groups that was a housing unit, not a sand pit. He said the applicants are talking of sand pits within the water shed of Lake Talquin. He said the Board had put one sand pit out there which consists of 19.99 acres and allowed that to go under the radar of DCA by going small scale amendment and now they are asking for 600 more acres out there. One acre can produce one truckload per hour of sand; that is their records, not mine. That is 600 truckloads per hour he is going to put out there. Not only that, the Board has gone against their own compatibility code - put a sand pit out there in the water shed of Lake Talquin with nothing around it; absolutely nothing except houses. You have houses within a half mile north, housing within a half mile south, you have Ocklawaha Creek on the south side, Bear Creek on the north, you have the lake to the east, and what have you got to the west - you've got a non-conforming asphalt reconditioning plant. That is what they used to put into their initial application. He then asked to read from the applicant's initial application that Not only that the staff was unaware of the activities out there. On July 9<sup>th</sup> a year ago, I came in here-I went to Mr. Brown's office, did I not Mr. Brown? I asked for public records on sand pits that were out there and Mr. Brown and Mr. McCord - Mr. McCord stated staff was not aware of an asphalt reconditioning plant on 267. Now this asphalt reconditioning plant is three stories high, 43 acres and -

Chair Dixon interrupted and told Mr. Allen - "One issue before us".

Mr. Allen responded O.K. let me get to that. In their impact concurrency questionnaire - it's sand pits.

Chair Dixon interrupted and said, "Mr. Allen, they are asking for a right which we asked them to abate. They are not asking us to approve anything. We stopped their application in the system. Now, they are asking to go forward which they have a right to. The question is 'when should we' - that is the question before the Board because we can't stop them from applying".

Mr. Allen "I understand that. At what point did you stop the Anderson-Columbia Peavy sand pit from going out there? You didn't stop them. I mean, it is within the water shed of Lake Talquin".

Chair Dixon "Mr. Allen, before us is the same request that the Cohen group - we asked them to stop until we had those community meetings".

Mr. Allen "Cohen was a housing project, Cohen was a housing project".

Chair Dixon "Doesn't matter Mr. Allen. You are missing my point. You can't stop people from applying. You can tell them No, they can't do it. We asked them to stop their application - we asked everybody that was in that process who had something going on at the Lake to stop until we could get a hold on the neighborhood and they had the option at one point -"

Mr. Allen "And I believe, I believe if I am correct, the Cohen application was because they asked to be not included in the Wetumpka-Lake Talquin Plan".

Chair Dixon "Who?"

Mr. Allen "Who, the Ocklawaha Cohen Plan - they asked to be excluded - I don't know how they could ask not to be included. They had their lawyer here and they asked not to be included".

Chair Dixon "No, they asked to be allowed to go through the process".

Mr. Allen "And to be excluded from the Wetumpka-Lake Talquin Plan".

Chair Dixon "You can't be excluded from the plan".

Mr. Allen "You excluded them - I didn't".

Chair Dixon "No, we allowed them to continue with their application".

Mr. Allen "I didn't exclude them".

Chair Dixon "Mr. Allen, so now let's talk about applications".

Mr. Allen "O.K., well the application is there. What can I tell you other than the fact you put a sand pit out there that is still in the Wetumpka-Lake Talquin under DCA - under the 20 acre limit of DCA. Now we have sand pits galore that you're trying to put out there. The process will have to go forward, I guess, and we'll have to come back to fight another day - that's all I know -"

Chair Dixon "Thank you, Mr. Allen".

Mr. Allen "Thank you, Mr. Dixon".

Chair Dixon asked if there would be others.

Mr. Barry Haber, Vice President of the Friends of Lake Talquin addressed the Board saying he would like to do this in two parts - "One this was not advertised - can we get a continuance on this? I mean do you have to vote or can we go-

Chair Dixon "I don't know whether it - I don't know if it needs to be advertised. They are not asking us to do anything".

County Attorney Williams stated The answer is you don't because there are no substantive rights being affected tonight. You don't need to continue. All you're doing is making a decision as to whether or not you want to get the process started. As you all are aware, you will be fully vetted at that point - you will have to do a series of public hearing at the Planning Commission and then the actual application for review will be back before this Body properly noticed; and the issues to be discussed will be back before you. So, if you ask the question should you continue it because it was amended on, the answer is No because no one is going to be prejudiced by the fact that you make a decision tonight.

Mr. Haber said Well alright, the second part of it - if you will just bare with me, I will try to be short on my second part of this, O.K. The land they are talking about is right in the middle of a conservation area - this is all conservation here - this is what they are talking about; right next to housing projects, this is all conservation. You got the lake right here. This is what they're talking about. How you would even consider something like that, I don't know. It certainly is not part of the overlay plan now. It should be part of the overlay plan. There is absolutely no economic - you talk about economics - one home on one acre of land can produce more real estate taxes or money for the County than three to four hundred acres. How the County can put itself in such financial stress as to put these mining operations that pay no operations is just unbelievable to me. One hundred acres, for instance right now the AC Peavy - last year 324 acres - they paid \$500.00 in taxes with a mining operation on it. What homeowner can possibly do that? That's all.

Chair Dixon Thank you sir. Will there be others?

Commissioner Croley asked a question of the County Attorney Doesn't, the County Code require in writing that all items placed on the County Commission agenda be given a 10-day notice?

The County Attorney responded I will have to go back and look at it - I'm not sure that is what it says.

Commissioner Croley said I think it does, and that implies a public notice.

The county Attorney said I think it says - in the sections I'm looking at, I think you have two provisions. One provision talks about items put on the agenda prior to amendment, and then there is a section that talks about the fact that you can amend the agenda prior to the meeting so those are two separate sections, if I remember it correctly. Just give me one second and I will find it. I think that is - I looked at this before and that is what happened. There are two separate provisions - I don't see it in front of me right now.

The County Manager said It's 307 on page 407.

Commissioner Croley I think it's in the back of our manuals. What does it say in the manual?

The County Attorney said On page 407 Additions, it is Section K - Additions Deletions or Corrections to the Agenda. 'Additions, deletions or corrections to the agenda may be considered by the Commission and adopted by the passage of a single motion. Non-agenda items may be confined to items that are informational only. So, you have a choice to put informational items on - you can put anything on there that you want that-We had this discussion before and what the-and this is about setting your official agenda. The Board has to have the discretion to put items on the agenda so you can do County business and if it was restricted so that you did not have that discretion, you may not be able to get the business of the County done. So, as I recall in looking at this - I thought there were two separate sections. One was how you set the original agenda that puts people of the public on notice and then there was a section that talked about how you could make an amendment to the agenda. So I think that you are in compliance in terms of how the agenda items are being addressed.

Commissioner Croley said, Well, it says official agenda - there shall be an official agenda of every meeting of the Commission that shall determine that which doesn't meet all proceedings -I'm still trying to see where it says 10 days because I've read it.

County Attorney said Go to Section B, Agenda form - it says all support information for agenda items shall be available no later than 10 days before the regular meeting and that's for-if you read it in sequence it modifies the official agenda. What it is telling you is that for the items that you know are going to come up on the agenda you are supposed to have supporting information 10 days so anyone in the public that wants that information can get it. So as the Manager sets the agenda he knows an item is going to be on the agenda; he is supposed to provide all the documents, all the supporting documentation ten days before that item comes up. What it doesn't address is the additions, deletions and modifications which is Section K in the back which talks about his ability or the Commission's ability to make modifications to the agenda. This is actually in the best interest of the Commission, Commissioner, which is you have to have flexibility to do business of the County and if something comes up that requires you to make a modification you have to have that flexibility. So I think they are not in opposition of each other. I think they work together. If you know what you are going to agenda you make sure the supporting documentation is there ahead of time for the public to hear. If you have something that requires you to put it on the agenda, you have the discretion as a Commission to put it on the agenda. And, as you also know, there is a vote about how that is done within the rules.

Commissioner Croley said Well, to that point, I think there is a public interest because it says if support information is not available the agenda item shall be removed from the agenda and considered at a later meeting. My only point is to the first point that the gentleman raised - this has not received proper public notice with supporting agenda items given ten days in advance. I think he has merit about that and that was the crux of my question to you, so go ahead Mr. Chair.

Chair Dixon said Commissioner my point is very simple. Over a year ago we asked those people who had items in the pipeline to voluntarily pull them or to stay them right in the process where they were. There were some mines, there were some houses, there was some subdivisions. We asked them all to stop - agree with us while we get the community in a position to understand exactly what is beginning to happen now in what is now considered the Lake Talquin neighborhood. We asked them voluntarily, and they did voluntarily over a year ago. Now they are asking us - so we have no legal - we didn't do anything legal to stop them, first of all and they could have said no. Secondly, this Board is not making a decision on the substance of the matter. It is simply allowing those people to go

back through Planning & Zoning and whatever other options are out there for them to go to. I think different people are in different parts of the process. Was Cohen ready to be transmitted and we held it? Is that what is was?

Ms. Jill Jegli said The Cohen and the Ocklawaha applications had already been to the Board.

Chair Dixon responded Right, so everybody was in different stages in the process and they voluntarily stopped their process. Whether the Board was going to agree with them or not, they voluntarily stopped. At this point they are asking us to allow them to start their processes back and the point of the matter is, if they voluntarily did it, we don't really have any justification to stop them. That's it. They are applying - they are not asking this Board for anything. Mr. Allen comment?

Mr. Ed Allen spoke saying you continue to say they volunteered. Was not there a DCA moratorium on all activities out there?

Chair Dixon Responded No.

Mr. Allen It was not DCA required?

Chair Dixon No,sir. No, sir. I asked those people, all of them.

Mr. Allen O.K, I thought DCA required it.

Chair Dixon No, sir. So what would be unfair to those people is that now we have done what we asked to allow to be done to continue to hold them and not allow them to go through the process whether Planning & Zoning and other Boards, and this future Board says yea or nay isn't the point. They voluntarily pulled their programs and now they are asking to be allowed back in. That's it, no more than that. So, what is the will of the Body?

Commissioner Holt said I move approval.

Commissioner Price said Second.

Chair Dixon asked what is the approval for?

Commissioner Holt responded to allow them to continue the process.

Chair Dixon, there is a motion and a second - discussion?



Commissioner Croley said I still have a problem, Mr. Chair, with this not being on the agenda in advance with the information here to read and absorb, like a lot of these other items.

Chair Dixon Said Commissioner there is no information of us pulling -

Commissioner Croley said this information is - some information has quite a few pages, including the letter and except for trying to read this in between the other items, that is all the prior notice that I've had. I don't know what you worked out with these folks in the past. I wasn't here.

Chair Dixon O.K, it's called asking. All in favor, sign of aye.

**UPON A MOTION BY COMMISSIONER HOLT FOR APPROVAL TO ALLOW THE APPLICANTS TO CONTINUE IN THE PROCESS, AND WITH A SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3-2, BY VOICE VOTE IN FAVOR OF THE MOTION.**

**Vote Recorded as Commissioners Holt, Price, Dixon In Favor  
Commissioners Croley, Lamb Against**

Mr. Haber asked to speak again, and Chair Dixon called him forward.

Mr. Haber said If ya'll are going to take a vote on it, Sir, Commissioner Dixon, I am going to ask you to recuse yourself based on an article with the Havana Herald dated August 14, 2008, which advises who your major contributors were in the campaign. It states, I don't know how true it is. I am only reading it, that it came from developers and the sand mines. I can read the whole thing into the record, if you would like.

Chair Dixon responded Mr. Haber thank you very much.

Mr. Haber asked, "Will you recuse yourself?"

Chair Dixon responded, "No, I will not. Thank you very much, sir."

Mr. Haber asked, "That will be in the record?"

Chair Dixon responded, "Sure, as she is taping it, it will."

Chair Dixon called for anything else.

County Manager - No items

County Attorney - No items

Commissioner Price - No items

Commissioner Holt - No items

**Commissioner Croley -**

He reported the Value Adjustment Board is in place and an attorney was selected by the Board - Mr. Bradley Munroe. He said that there will be a funding request for the Board's share of the Value Adjustment Board expenses.

Commissioner Lamb - No items

Chair Dixon thanked Commissioner Croley for the information he gave him from Property Appraiser Clay VanLandingham.

The County Manager referred to his evaluation and advised the Board that Mr. Lawson would get with each of the Commissioners and the timeframe for getting this completed is Friday September 26.

Mr. Lawson said the timeframe is for September 26 and the Chair will present the results to the Board on September 30.

**ADJOURNMENT**

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD AT THIS  
TIME, THE MEETING WAS ADJOURNED.**

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**EDWARD J. DIXON, CHAIRMAN**

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Muriel Straughn, Deputy Clerk

Minutes As Transcribed by Jean Chesser

AT A SPECIAL MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS HELD IN  
AND FOR GADSDEN COUNTY, FLORIDA ON  
SEPTEMBER 23, 2008, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

**PRESENT:** Ed Dixon, Chair, District 5  
Eugene Lamb, Vice-Chair, District 1  
Doug Croley, District 2  
Derrick Price, District 3  
Brenda Holt, District 4  
Thornton Williams, County Attorney  
Marlon Brown, County Manager  
Muriel Straughn, Deputy Clerk

**Call to Order**

Chair Dixon called the meeting to order at 6:00 p.m. then turned it over to County Manager Brown who briefed that board as to the most recent concept of the hospital design. He stated that it would only use the most eastern part of the hospital only.

**Brown:**

What you have before you basically utilizes the eastern most part of the hospital. That is this area right here. That is the only area that we will be running the Rural Emergency Healthcare from.

There is a lot of discussion out in the community that we are working on a 25 bed hospital. This is not the 25 bed hospital. As you recall, based on the sessions that we have had with you, the hospital is licensed for 25 beds. The discussions with the Agency for Healthcare Administration, AHCA, they require us to have those 25 beds available within 48 hours if, and only if, the need occurs. Again, 25 bed license and having 25 beds available if, and only if, the need arises.

What we have before you is basically a four bed facility. So even though you approved a 5 - 10 bed facility, we have scaled that back based on discussions that we have had with Tallahassee Memorial Healthcare and based on the proforma that we will be presenting to you later on as part of the discussion. This is based on the research that they did based on what Ashford did. Ashford was the previous manager of the hospital so we know the kind of service that they provided based on other rural facilities around Tallahassee. They did not use Tallahassee

Memorial or Capital Regional Medical to conduct this proforma, nor to give us the content that you have before you. This itself is a type of rural emergency facility that is being built all across the nation as the most efficient use of your resources to get the most return.

I am going to have Mr. Sharp to actually go over the concept with you so you can get an idea of what we will be constructing. There is another aspect of another part of this hospital that will be renovated as part of the total envelope of this facility. But, those are strictly for revenue generation. If this hospital, the rural emergency facility were to run by itself without the other features and services that we will be putting into this hospital, we will be running at a serious deficit. I don't think you or myself nor Mr. Sharpe nor the community would want to build a facility that will be a burden of operating at a deficit.

So, let me have Joe just quickly go over the schematics that you have before you. Again, Commissioners, this is purely informal, so if you need clarification of anything that we are presenting to you, please interrupt us as we go along.

Mr. Sharp gave a brief overview of the design plans for the rural emergency hospital.

**Brown:**

Again, Commissioners, we will be rehabbing the entire envelope of the hospital. We will even have one of these operation areas equipped and ready in the event that the opportunity does allow itself to happen.

**Croley:**

What do you envision for the two wings in the future.

**Sharp:**

Over the course of developing this particular model and looking at reopening the hospital, the State of Florida currently has 14 - 15 children that are participants of the Children's Medical Service out of the Department of Health. They are currently having to go outside the State of Florida to receive their hospital service. The idea of them using Gadsden Hospital for hospital service originated within the DOH. They put us in contact with the company that is caring for those patients currently. We have had numerous discussions with that company about them utilizing this space. They have made no commitments and we have made no commitments to them, but they have visited

the space and they feel like the space would fit their need, particularly the size of the rooms would fit their needs. We have two business opportunities with this group if it comes to fruition.

Number 1 - if the state allows these patients to continue to classified as in-patient beds, then this company would be interested in leasing part of our licensed beds. If not, the state would prefer that these patients be housed in a facility under the company's own license, then that company would be interested in leasing this space from us.

Currently Medicaid and the Medicaid division of AHCA and the licensing division of AHCA are currently discussion debates on whether it is going to be licensed by the other company or as inpatients under our license.

We have had numerous inquiries from other entities for office space. We even have an inquiry from a physician regarding office space. We have had a number of people inquiring as to use of that space.

**Brown:**

Commissioners, all of that has happened since the vote was passed by the electorate. My phone has been ringing off the hook in terms of interested parties wanting to lease space. And they are all medical related type services. They are basically interested in leasing some of our space. The other part of that is since we don't have a physical facility yet, we haven't committed to any of these inquiries. But, again, once we start moving forward and once we know solidly and you have given us direction, we will put ink to those inquiries and bring it before the board and the hospital board for a determination and your approval.

But, remember, you still have a hospital board that you have put as the administrative arm of this facility. We will be working closely with them in terms of anything we need for this facility.

**Lamb:**

Marlon, the only entity that you have in stone right now is Hospice, right?

**Brown:**

Correct.

**Lamb:**

The others who have been calling, and I know that it is a ways off from here and I know that you are working on that, but my biggest concern is to make sure that we get people who are responsible and credible. That is very, very important to the citizens of this county. The question that has been raised to me is - I don't know what procedures that you are going to use in order to bring these vendors or entities in, but this is something that is really important to me.

**Brown:**

That is a very good point that you have raised. At least in terms with my discussions with the hospital board, that is one of their major concerns as well. I think you have a number of citizens on that hospital board that are going to make sure that only quality medical services and quality tenants come to this facility. They will not let the ball drop this time. They are very serious about it and they are going to be very involved in what needs to go on here.

I feel very, very encouraged and optimistic about what you see here this evening and the possibility of what can happen.

**Lamb:**

Those names of those vendors and entities will be coming before us, won't it?

**Brown:**

Yes.

**Lamb:**

Because the important thing here is revenue. That is going to help operate that building. Those who are not been responsible and have not been responsible, we can't take them on their word. We can't take any more of that burden. I think you are on the right track.

**Holt:**

Mr. Chairman, May I?

There is one key point to that. There has been interest also - I don't know if those organizations have contacted the other commissioners, but, I have been contacted by Veterans Administration and there is also a heart clinic that is interested. I mentioned that last night.

I have also been concerned about the overflow. I am sure there will be overflow with four beds, no matter what our plan is. I think that the urgency that we were looking at and the complaints that I received were many and that they were not interested in going to Tallahassee for those items or those things that they didn't think were critical. A lot of the people in the community are under the impression that they will be coming here. They are not saying that it is going to be 4 beds. They are not saying that this commission or the new commissioners coming on - no one on this commission or the new commission is going to say let's get this person out of this bed and get someone else in there. So, I feel this is very important. The citizens have one impression and we may be seeing something else.

The other thing is that I am a little concerned, and I was at the meeting last night and they were saying that food would be brought in. If you have patients under observation, a lot of times, they will be given certain diets. If you have a diabetic, they don't eat a certain meal. They eat snacks because they are required to eat at certain times - every two hours or whatever, they have to receive certain foods and stuff like that. I am concerned about that. There was a cafeteria there, is there going to be space for a cafeteria? It may not be a full blown cafeteria, but -

**Brown:**

Mr. Sharp, will you first address the issue of the overflow. My advice to you as a board, and as citizens, let's chew this one bite at a time. We have four beds, but yet we will have 21 beds sitting in reserve that we can expand quickly to 25 beds.

**Dixon:**

Show us where you will go.

**Brown:**

Commissioner, right next to where those four beds are. We have 21 beds, 2 beds per room in this area.

And, Chairman, a lot of people (inaudible) and we hope the people will come - either by word of mouth or a good job by us in marketing it and making sure that there is quality service from the day you walk into that facility and the day that you leave that facility.

**Dixon:**



I wanted you to show that because just like the last time we met on this, Commissioners, we were saying that we were going to build a 25 bed full blown hospital. I don't want Madam Commissioner leaving here under the impression that after we said we were going to put 5 - 10 beds out there, that we are only doing 4. We are showing the capacity of 4, but quickly we could get up to what is demanded by the public.

**Brown:**

Correct.

**Holt:**

Mr. Chairman, if I may.

I am definitely not going to have that impression because I am going to tell (Inaudible) if it is 100 people, I am going to send 100 people down there. That is what I am going to do because that is the first stop for people.

**Dixon:**

Do you want to answer the second question before she continues?

**Sharp:**

In the (inaudible) kitchen, there is sufficient area for a small cafeteria style with tables and chairs where people can sit. There will be vending machines. Obviously, those people with special diets will be taken care of. There will be orders placed to the food vendor. That will be delivered in on schedule. It will be prepared and it will be placed in safe containers and heated or cooled as necessary prior to being served. If there are snacks, if that is what they require, canned, such as Ensure and stuff of that nature, that will be there as well. It will be well stocked.

**Holt:**

So, there will be an area for food preparation?

**Sharp:**

There will be an area for food preparation.

**Holt:**

If you are admitting a patient late at night and you don't get an order brought in even if the food vendor is in Tallahassee or wherever. That is not cost effective if you have someone admitted late at night or the evening when there is not time to place an order. Usually, a food vendor requires time to prepare the food. That is my concern - that that area is equipped so

that if there are preparation that needed to be done, it can be done.

**Sharp:**

The architect is working on the design right now. I know that they are putting in a food separation area just for such cases as you just mentioned.

**Lamb:**

Mr. Sharp, I believe that on last evening, we discussed in our orientation, about the 44 hour observation and the 4 beds. You only have 48 hours? You spoke something about that.

**Sharp:**

If you place a patient in an observation bed, that patient can only stay in that bed for 48 hours. However, that patient can be transferred to an in-patient bed if a longer stay is required.

**Lamb:**

Thank you.

**Brown:**

Commissioner, let me clarify that. This facility will not be able to treat a serious traumatic event. In that case, if a patient was brought to the facility, we would be able to stabilize them, then we would transport them to the nearest hospital - CRMH or TMH. Again, if a patient requires a longer stay than 48 hours, they need specialized care, and we would transport them to another facility. Again, this is strictly for observation to keep Gadsden County residents here in this facility whereby once they are released, they can easily go back to their homes. That is the only purpose of the observation beds right now.

**Croley:**

Not so much a question, but an observation of the manager.

Commissioner Holt made a very important point for the community that we heard that we had a 25 bed license, then we went to 10, then there was talk about 25. I think that it is important that, and Mr. Sharp and Manager Brown convinced me of this, that holding the 25 beds license under this plan would make good sense. What we really are seeing is an evolution of what was a free standing type hospital building into more of a community health center that will serve not only the hospital, but offer

some of these other things as well. Would you agree with that Mr. Manager and Mr. Sharp?

**Brown:**

Correct, Commissioner.

**Croley:**

So, as time goes by, Commissioner Holt, maybe we will see utilization of those other beds.

**Holt:**

Oh, I am quite sure, Mr. Chairman, if I may?

I am quite sure that you will because of the increase in population. We are going to see that anyway. I am looking at how well it converts later into other things. I am sure later on, there will be more construction or something going on there that will require some update of this plan. But, it is a good plan.

**Dixon:**

Can we get back to the proforma? The reality is that we had a 25 bed license or no license. Now, so you can, that came in our first meeting. You can have a 25 bed hospital or AHCA said you are going to have no hospital.

**Brown:**

Mr. Chairman, if I may?

Just for clarification on that, Commissioners, obviously, we could reduce the license and reduce the beds, but that is a whole different thing.

**Dixon:**

Technically, you can't reduce the beds. You must have access to them within 48 hours.

**Brown:**

If you want to keep that license. Right.

**Dixon:**

Or you can have no license.

**Brown:**

Or a different license.

**Dixon:**

Could we have a different license?

**Brown:**

I mean,

**Dixon:**

No, so let's go on, now.

**Holt:**

Now, let's keep this moving. Don't start that, it took us three years to get here.

**Dixon:**

The reality is that we don't have enough time to get another license, so let's get to the proforma.

**Brown:**

Back in May and June of this year, you were provided a proforma from TMH. That proforma has now been rendered not in compliance with what we have just shown you. We went to TMH and I personally went to Mark O'Brian at TMH and he personally gave me this proforma. This is the proforma based on the concept which you just saw. This is the proforma that was developed by TMH. It was not developed by Marlon Brown nor Mr. Sharp nor Mr. Suggs, who is now at the Florida Association of Counties. This was developed by TMH.

I am going to ask Mr. Sharp to go through each line with you. What you see in the left hand column, in terms of the numbers is strictly TMH's numbers. What you see on the right hand column but in the shaded area some enhanced revenue assumptions that we have placed in there to assist with the bottom line.

Mr. Sharp.

**Sharp:**

The first item that you are going to see is the 1460. That number is derived by this number right here. We are assuming and average daily in patient census of four patients. That number comes from the historic data of the operation of the hospital under Ashford for the last two years. That is an average of the last 10 months of operations and their full year of operation in 2004 and it came from the Medicare Cost Report.

**Brown:**

Mr. Sharpe, before you go on. Mr. Chairman, what you see here are very, very, very conservative numbers based on again, as Mr.

Sharp has said, based on Ashford's management of that facility. Again, we all know that hospital could have done much better with better management.

**Sharp:**

Also, we took out the (inaudible) nursing units on that Medicare cost report and only used the for bed patient days. So to get to 1460, you multiply the daily census of 4 inpatients by 365 days per year.

When each patient goes into the hospital, there are certain diagnostic tests that are routinely performed on that patient. Stating the outpatient activity - those are diagnostic tests that are classified as outpatient activities. Stating that outpatient activities, the tests in terms of inpatient days, you would have a ratio of 3.71. That is representing the outpatient services in terms of inpatient days.

If you multiply 3.71 by 1460, you come out to an adjusted patient days of 5,417. If you want to find out what your average adjusted daily census is, you take 5,417 and divide that by 365 and you will come out with 14.8 patients a day. That means that the revenue from the inpatient side and the revenue from the outpatient side would be equal to having 14.8 patients in the hospital.

The emergency room visits that you see here - 16,000 came from the hospital records. The staffing of 40, you will see that is TMH's estimate of what it will take in terms of staff to run this facility at this level.

The gross charges were adjusted patient day of 1,525 needs a little explanation. Charges in this day and time don't really mean much. How we arrived at this number is that TMH looked at rural hospitals operating in this area plus looked at one or two hospitals in south Florida and this was the average charge adjusted for patient days that these other rural hospital are making. In this model, this model assumes that the physicians that are going to be working in this hospital are employed by the county or employed by the hospital board. In exchange for their hospital employment, and we have the expense cost down later under expenses, in exchange for their employment, they are going to surrender their ability to charge to the hospital. So, the hospital will be able to collect the physician fees. That is going to add on the average on an adjusted patient day of \$370. So, you are going to have a total adjusted patient day gross charge of \$1,895.

Now, multiplying the \$1895 by adjusted patient days, you are going to come out with total charges of \$10,264,000. For a hospital, for rural hospitals, the mix of inpatient and outpatient charges is going to be 70% of those charges are going to be outpatient and 30% are going to inpatient. Now, that ratio is different is you are located in a large urban area. You will have more inpatient than you will have outpatients. Slightly more. It will be closer to 50/50 in larger hospitals. But, in rural hospitals, consistently, we have run 70/30. So, that is the reason that we have used that number. The inpatient charges of 30% of the \$10,264,000 and the outpatient charges of 70% of the \$10,264,000.

Now, I said earlier that what a hospital charges has little relevance in this market. Why? Because everybody discounts healthcare services including the largest purchase of the federal government. The rate of the discount is 65%. So, if you want net patient revenue from outpatient and inpatient services, you need to multiply \$10,264,000 by 35%. You come out with \$3,592,560. Added revenue in the TMH column is a non competitive grant. This is a noncompetitive grant that is awarded to each rural hospital in the state annually with no competition as long as the Legislature makes the appropriation. And the Legislature, for the past 35 years, has made this appropriation. So, we have included that grant as income giving a total net operating income of \$3,692,560.

Expenses - Those 40 employees that we talked about earlier will come to \$2,106,163. That schedule for those employees is on page 2 of Attachment 4 in your agenda packet. I talked earlier about the emergency room physicians as being employees. The emergency room physicians will perform as emergency room physicians and also as hospital physicians so that local physicians may make their calls to them for inpatient care. TMH has actually held discussions with a group of physicians who are interested in this position and this is a solid number. \$1,425,000.

Maintenance of the building

**Dixon:**

Mr. Sharp. Mr. Sharp.

Question. Their interest in being employees is stimulated by what? The liability? In being county employees? Is that what we bring to the table on this, the limited liability?

**Sharp:**

Yes. The limited liability by being county employees or employees of the hospital and the hospital has limited liability.

Drugs - \$108,000

Supplies - \$232,000

Continuing Education - \$20,000

Postage for sending out bills - \$13,000

Insurance - \$75,000

Rental - there are times when you will need to rent certain pieces of equipment rather than purchase them. That is \$25,000.

License, State Taxes and Fees - \$35,000

Dues for continuing education for your professional employees - \$5,000.

Consulting fees - that is not for me, ladies and gentlemen, but there are times when hospitals need to hire consultants for a day or two to come in and help with situations and that is what that is for.

The total expenses are \$4,335,479. Giving an excess of expense over revenue of \$629,919. Adding to that the interest from the interest subsidy of the hospital trust fund of \$275,000. You come out with a net excess of expense over revenue of \$367,919.

That is the TMH bare bones proforma.

**Brown:**

Mr. Chairman, that is just operating the rural emergency facility as is with the 4 inpatient beds that you have.

**Dixon:**

Question, commissioner?

**Lamb:**

Mr. Manager and Joe, are all of these numbers here on the left is the TMH numbers. Am I right?

**Brown:**

Yes, commissioner.

**Lamb:**

Those numbers are very conservative numbers, aren't they?

**Brown:**

Correct.

**Lamb:**

And I can see the net came out to be \$367,919, but we haven't gotten to how we are going to put that in the "plus" yet. We haven't gotten to our numbers.

**Sharp:**

That is coming next. When ya'll are ready.

**Dixon:**

Commissioner?

**Croley:**

Let me touch on three points here that I have heard in the community.

First of all, the local market area. Mr. Sharp, is it safe to say that these numbers are based upon historical information that you had on Ashford Healthcare's operation?

**Sharp:**

TMH prepared the numbers on the left and that is my understanding.

**Croley:**

Let's say, for instance, those communities on the eastern side of the county that may find it more convenient to go to TMH it self as opposed to coming west - these numbers should adjust it for that market area?

**Sharp:**

They should be adjusted for that market area, yes. If that was the prior experience of the hospital.

**Croley:**

And the gross charges, recognizing they are discounted, those are comparable to say, the surrounding rural hospitals that we might find in Marianna, Bainbridge, Cairo, Blountstown. In your opinion.



**Sharp:**

That is my understanding, yes.

**Croley:**

As you have already pointed out, while rural healthcare grant is not guaranteed, it has been funded for 35 years, so we would have every reason to believe that it is likely to be funded in the future.

**Sharp:**

It would be my expectation that it would be funded in the future. There would be a revolution of all rural hospitals if it were not.

**Croley:**

And the final point is this interest subsidy from the trust fund of approximately \$275,000. Is there any restriction, to your knowledge, that would prohibit the use of that trust fund interest in this manner.

**Sharp:**

No, sir. It is my understanding that the use of the interest of the trust fund is completely and solely within the discretion of the Board of County Commissioners.

**Croley:**

O.K. Thank you.

Thank you, Mr. Chair.

**Dixon:**

Other questions?

Please continue.

**Sharp:**

The next column that you see is the column with the added revenue that we anticipate with the opening of the hospital. As you will see, the numbers on the patient days remain the same. I will point out to you on staffing in the second column, it is increased from 40 to 43. We will get to the reasons for that later. Everything else remains the same including the net patient revenue.

Now, let's get down to things that county staff has added to this proforma.

We anticipate the leasing of the rehab clinic that we showed you earlier at a total of \$30,000 per year at current market rates. We anticipate the leasing of the specialty physician clinic, which we showed you earlier, at \$50,000 at current market rate. That would be a total of \$80,000 from clinic leases.

Hospice contract - early on from the beginning of these discussions, Big Bend Hospice CEO and President called us and indicated to us that she wanted to use Gadsden Community Hospital for all of her hospice patients that required medical inpatient care. She has indicated to us in a letter and has indicated that in an e-mail letter and has sent me a specimen contract for those patients. She indicates to us that over a course of a year that she will average 2 inpatients per day. So, the net revenue, because we would contract, we would not contract with Medicare for them, we would contract with Big Bend Hospice. Big Bend Hospice would receive a total of \$560 from Medicare. Big Bend Hospice would pay us \$471 per inpatient day. That multiplied by 2 inpatients per day for a year or 730 and you multiply 730 by \$471 and you come out with \$343,000. Now, that is gross. We talked earlier for the increasing of the staff for Hospice patients. We will show you how much we have increased the staffing due to taking care of these hospice patients.

Indigent Care DX - With each indigent care person participate in the indigent care program that was approved on August 26<sup>th</sup>, the physicians will require as a part of their history and physicals, they have some base line diagnostic tests performed. These base line diagnostic tests - CBC, Urinalysis, Chest X-Ray, all can be performed at Gadsden Community Hospital, at this facility. This facility will have the equipment and personnel to perform those tests. Actuarially, for this battery of tests, the utilization number is 512 per 1,000 members. We anticipate 2,000 members in the indigent care program for the first year. At the retail rate at that number actually goes to \$359,000, but we will use a conservative figure of \$350,000 additional revenue to the hospital.

**Brown:**

Mr. Sharp, before you go any further, Commissioners, this was put in place because of your hospital board. They directed staff to make the facility be the preferred provider for indigent care diagnostic tests. This is the reason that this \$350,000 is in here. We will have to do some adjustments to the plan. Obviously, when things start to gel, we will have some

firm numbers, we will actually go back and put them into the plan and bring it back before you for the adjustment.

**Sharp:**

\$350,000 is lower than the actual computation, but we will be happy to use those numbers.

\$100,000 is the non-compete grant that we talked about earlier.

The total net operating revenue right now is \$4,466,000.

Under salaries, you note that we have increased salaries from 2106 to 2264. That is the addition of 3 registered nurses not at the salary that is indicated in the employee plan on page 2 of attachment 4, but that is in there at \$52,000. It is in there at a higher number than the actual projected cost. So, we have increased the cost there.

The ER physician fees will remain the same. Maintenance remains the same.

Drugs have been increased from 108 to 120 and supplies have been increased from 232 to 260.

The other numbers at the left are as they were in the TMH projection.

So, we come out with total expenses of instead of \$4,335,000, we come out with \$4,533,000. That would give us an excess of expense over revenue of \$67,253. Adding to that the interest of the subsidy of the hospital trust fund, we come out with revenue in excess of expenses of \$207,747.

We have added the \$207,747 to capital replacement fund and reserve.

**Croley:**

Mr. Chair.

**Dixon:**

Question. You have not, do I understand correctly that for all those specialty services that you spoke of during the design phase, you have not included a revenue stream for them at all in this.

**Sharp:**

We have considered that especially as we talked through the design phase. It would be up under the outpatient services ratio of 3.71.

**Brown:**

It is included.

**Dixon:**

It is included.

**Sharp:**

In answer to your question, it is included. Yes, it is in that 3.71. That is a little bit higher number for inpatient services than you would normally find in a rural hospital. It has been elevated by 17 points.

**Brown:**

Again, Mr. Chairman, we have not included - Mr. Sharp's discussion that he mentioned about the group that would like to bring those Florida residents -

**Dixon:**

The rental of space is not there.

**Brown:**

Correct. We have not included that number in our analysis.

**Dixon:**

Just the firm numbers that you have.

Commissioner?

**Croley:**

I think that Commissioner Holt was first.

**Holt:**

I was about to say, down at the bottom of the expenses. That is not \$67,000 is it?

**Brown:**

\$67,000, yes.

**Holt:**

Well, you said (inaudible)

**Brown:**

You have a loss of \$642,000 to now a loss of \$67,000.

**Holt:**

O.K. I just wanted to make sure I was looking at it correctly.

**Brown:**

When we applied the interest from the trust fund, if you apply all of the interest, then you go to +\$207,000.

**Dixon:**

Commissioner Croley?

**Croley:**

Mr. Sharp and Mr. Brown, this capital replacement fund was originally shown at \$250,000. Is this now being shown at \$207,747.

**Brown:**

What the proforma had set aside previously that we need to have a capital reserve fund of \$250,000. We did not put it in here because it is not part of your daily operating expense. What we are proposing here is that any excess revenue you have can be placed into that capital replacement fund.

**Croley:**

I see what you doing. I saw the numbers being the same and I just wanted to be sure I understood what you are doing.

**Brown:**

Again, Commissioner, we have had some discussions with the attorney's office in terms of how to package that capital replacement fund and what type of revenues we would be able to use to put funds in reserve to replace what improvements we might need in the future.

**Croley:**

Are you saying that Attorney Williams is a hospital expert?

**Brown:**

He sure is.

(Laughter)

**Sharp:**

Among a lot of other unusual talents.

**Lamb:**

So, looking at all of our numbers, we are still looking at and considering numbers on both sides. But, we are not looking at a lot of profit here, especially at the beginning. Hopefully, we can break even or a little above. That might not even happen, but, we are in range.

**Brown:**

Again, commissioners, leasing of this space might not happen the first year. We know that we are not going to get \$80,000 the first year. So, even if you were to take this out from the bottom line, you are still at \$117,000 in terms of what you actually know you are going to get.

**Lamb:**

On Hospice, you said an average of two per day.

What you are really saying is that it could be 4 - 6 one day, but it could also be 0 one day. Am I correct?

**Brown:**

Correct. This is an annual average.

**Croley:**

Commissioner Lamb asked a good question there that I am not real clear on. The time frame that you responded to him on. How long, Mr. Sharp, do you think it is going to take to get this healthcare facility in operation with leasing of the space, the actual - to get this kind of revenue.

**Sharp:**

Well obviously construction and reconstruction has to take place. It must be completed and the hospital ready to receive patients on June 21<sup>st</sup>, 2009. No later than that date. At that date, we would be ready to receive the Hospice Patients and any other patients. Shortly after that, I think we could be ready on the leasing of the rehab center and possibly even the physician space. There is the possibility that we could have both the spaces leased by June 21.

**Williams:**

Commissioner, what we could do, if the board approves it, we could the simultaneous negotiations if the board approves this plan tonight. Then you could come up with selection criteria for tenants for the hospital. We could then go through negotiations simultaneously. I will just a contingency clause in it that says they can occupy it within a short timeframe after the hospital is open so that you can maximize revenue. We

can work on that in the meantime. We don't have to wait til the hospital is open.

**Croley:**

Wouldn't it be more appropriate for that to go to the hospital board.

**Williams:**

Just take county commission out of it and say board. It is the same process.

**Croley:**

That will work. Same process, but I am just saying through the board.

I had one other question about the - I lost my thought on it right now, but, it will come back. Go ahead, Mr. Chair, I am sorry.

**Holt:**

I have a question. Mr. Sharp, you don't have to keep getting u because I am already tired. I have been with teenagers all day and I am tired.

Do you know if there is any better revenue collection on inpatients than outpatients. I know that that insurance companies want you there for a certain number of days or period of time before they start paying maximum. Is there any, just off the top of your head?

**Sharp:**

Generally, collections are not measured in terms of inpatient and outpatient. It is measured in terms of how many days are outstanding. But, I would say that it is probably easier, my experience has been that it is probably easier to collect the outpatient services than inpatients because inpatients are likely to be a much larger number. You probably could collect the outpatient services first. If that is your question.

**Holt:**

You pretty much answered (inaudible)

**Sharp:**

Most of the contracts that I have experienced will simply pay you at a flat rate per day or per diem. Or they will pay a percentage of your charge.

**Dixon:**

Mr. Sharp and Mr. Brown, do we anticipate any Medicaid savings by folks staying here now as opposed to venturing over to TMH? I know we get bills back with TMH charges. Have we anticipated any savings anywhere in this?

**Sharp:**

There are savings, to answer your question, Mr. Chairman. What you are talking about is the HICRA Program whereby if a Gadsden County resident enters a hospital outside this county, this county is billed for those charges. We anticipate that there will be some savings. We have not attempted to quantify that.

If logic tells you that if they are coming to this facility and not going outside the county as they now must do, that there are going to be savings to us.

**Dixon:**

Aren't we up to \$500-\$600,000 now.

**Brown:**

\$600,000.

**Dixon:**

There are two different funds. There is Medicaid and HICRA and they both kick in at different times.

Do we anticipate any Medicaid. That is something to think about. It is cash paid out that might anticipate.

**Sharp:**

We do anticipate some savings but we have not quantified it.

**Dixon:**

Just a word for the wise.

**Brown:**

Mr. Chair, If I could have Mr. Suggs,

**Croley:**

I was going to follow up on the length of time to get that hospital in operation. Will any of this effort require ad valorem tax?

**Brown:**

No, Commissioner, I don't anticipate nor will I come before the board to ask ad valorem taxes for the operations here.



**Croley:**

O.K. So, we should be fine utilizing this six revenues that you and I discussed.

**Brown:**

Correct. But, let me quantify that. As long as we get the cooperation from the other entities involved in this like the trust committee, etc.

**Croley:**

I understand.

**Brown:**

Let me have Mr. Suggs go over these revenues.

**Suggs:**

Good evening, Commissioners.

What we are going to talk about first as the manager asked here

Leading up to the election, the newspaper and I know in the community, the manager received concerns from citizens, I have received concerns and I think some of the commissioners received concerns as to the legitimacy of our revenue estimates of the discretionary surtax that was passed on the 26<sup>th</sup>. So, what we want to explain as we explained to the Hospital Citizens Committee last night, I want to explain to you all that this is not a number that the manager or I have concocted upstairs in our office. What we have here is a sheet, a paper that is generated by the State. First if you look at "A" here, It is calculated by the Florida Department Revenue, Office of Tax Research. So, this comes from the State Revenue's estimating office. I printed this sheet out on September 8<sup>th</sup> when we received some questions. This is part of a publication that is published by the Legislative Committee on Intergovernmental Relations. About twice a year, they publish new books. They are available on line at their website for anybody to be able to download. What this sheet shows is revenue that is from the local discretionary sales surtax. What we better know that as is the Gadsden County has the small county surtax, which we have an ordinance for one penny which we currently split between fire and public works, water/sewer and capital projects. We have had several discussions on that. Simply put, the state provides an estimate of what that one penny will raise over a year. The half cent, voter approved half cent surtax falls in this

category and the basis of that revenue is the same as the full cent discretionary surtax.

As we go forward, the second thing I want you to see that these are revenue estimates that were published for local fiscal year ending September 30, 2009. So, these are revenue estimates for the upcoming fiscal year starting October 1 through next September. So, these are the most recent estimates.

I want to explain There are two columns here. First, you have the one cent tax rate, the default formula. DOR has for every county a default formula. I need to go back and look to see how it is based, it may be based on population or some other type of expenditures. But, DOR says that you can just go by this default formula or the county and all of its municipalities can get together and establish an interlocal agreement to determine how the penny will be split up. In each of these two sets, you have a distribution percentage and an estimated distribution. Now, we move down to Gadsden County. Before you go down to Gadsden County, I want to show you that this is the third revision that was published on August 20<sup>th</sup>, 2008. As we talked before, we use state revenue estimating because number 1 - they are conservative and number 2 - I like it because when they find out they are wrong, they republish and correct themselves and give you a more updated estimate. This revenue to date, or through August 21<sup>st</sup> has been revised 3 times and each time they have gone downward which is reflective of what is going on at the state. But, it should give everybody a level of confidence even though the numbers have gotten smaller, this is the third version and it is the best information that the manager and myself have had to go on.

So, if you look at Gadsden County, see Gadsden BOCC, then underneath Gadsden BOCC, you will see Chattahoochee, Greensboro, Gretna, Havana and Midway, then you see a line that says "Countywide Total.". Next, you go over to the percentage distribution, you see Gadsden County BOCC, you see a 73 there. What that means is the penny, the ordinance that we talk about a lot, that one cent surtax is levied in the county, but you all, as the board, actually only receive 73% of what that penny generates in this county. So, that money raises roughly - you see that 2.34 that they are estimating for next year, I think, the last time I looked at it, you will receive about that this year in the current year that is ending. I think it is about 2.3 and you probably have one more month because they post a month behind so you've got one more month. Probably another \$100,000.

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As you go on, you see Chattahoochee gets 4% of that penny and Quincy gets about 12% and when you add all of this up, it is 100% of that penny. If you go down to that 100% line, and we have come over here, you see that number - I have circled it when I gave it to Joe earlier. That total percent of what that penny generates in the county, they estimate for next year to be about \$3.2 million. Our simple math in estimating this in estimating this - and I will tell you why - is that we halved that. We just took that 3.2 and halved it. At the time when we originally did it, when we started on this two years ago, we halved it. That number back then was at \$3.0 million. We halved it and that is where the original \$1.5 million projection came from. The latest estimate of August 20<sup>th</sup> is \$3.2 million. Actual half and we are being conservative to say \$1.6 million.

The main difference here between this penny which is estimated here and the half cent surtax is that as you see here on the board, we have to share this penny. But, the way the Statute, although the revenue, the basis of it is the same in terms of local and discretionary - the local option which was enacted by referendum. The half cent by Statute, you do not have to share it. If you remember, the Statute indicates that all of the revenue from the half cent has to be spent according to that ordinance. When the revenues come in, they go through the clerk And he holds them in a trust fund until he is directed by you to distribute them toward causes that are stipulated in the ordinance whether it goes to programming, retiring debt service, or however you all direct the Clerk to distribute those funds from the trust fund. But, all of the money that is generated goes toward those issues stipulated in the ordinance and that was approved by referendum. So, on that basis, knowing that you don't have to share any of the half cent with the any of the cities, we just took half of the penny would generate. So, right now, as of August 20<sup>th</sup>, that is about \$1.6 million.

I know that in conversations with the public leading up to the election, the number was \$1.5 million. I wanted to reassure everybody that based on all the information that we have, we are confident that it will generate the revenue that we have told you and the public that it would.

**Dixon:**

We appreciate the lesson.

**Brown:**

Commissioners, I hope you noticed how well Mr. Suggs is dressed.

He never dressed that way here.

**Dixon:**

He never dressed like that for you.

**Brown:**

Definitely. I don't know if he got a pay raise or upgrade or what he got.

**Dixon:**

Mr. Suggs, we appreciate the lesson, but the people who manipulated those numbers knew what the real number was. We appreciate the lesson, though.

What is the next thing on the agenda?

**Brown:**

Commissioners, that is it.

Mr. Suggs, would you give the board an update on the financial issues related to the loan?

**Croley:**

Mr. Chair, before we leave that number, Mr. Suggs, if you could confirm for me that - A) There is nothing in the statutes that is going to allow any of the municipalities to go back and attempt to later claim any share of this money.

**Suggs:**

No, and we answered that question last night. No. It is strictly by the ordinance.

**Croley:**

Has any action been taken by the board to date that obligates that revenue to be shared, say with the Gadsden County Community Health Council, I see Mr. Martinez back there. Are we, is the Board able to work with that funding source in accordance with our understanding that it can be used for this Healthcare Council.

**Suggs:**

So far, all that has happened is the Referendum has passed with that Plan. Right now, you are governed by that plan that is attached to the ordinance. As you move further in implementation, between the manager, the BOCC and the Hospital Board, you guys will take up with that.

**Croley:**

O.K. That clears that up. Thank you, Mr. Chair.

**Suggs:**

An update. Last Tuesday, at your regular board meeting, we discussed a item about future financing of the renovation and construction . At that time, we presented to you a letter of credit or commitment from Wachovia Bank as the underwriters through the Florida Association of Counties Local Government Finance Commission Commercial Paper Program. Unfortunately, between that time and today, we have had several incidents in the market place to where chiefly, the instrument that we were using, which was short term financing, commercial paper has taken a beating in terms of the ability to acquire it, the public's confidence in it, the ability of banks and finance institutions to trade it, sell it, and to generate cash which we would then, in turn, use to do financing short term to do renovation and construction of the hospital. You remember the original plan is that we advised the board to acquire short term cash using commercial paper, do the renovations, then seek a longer much lower fixed interest rate - public bonds, taxes and bonding for the long term. This was all driven by the short time frame in which we had to do that construction and renovation. By Tuesday, we will have an actual answer. The issue now is with the Florida Association of Counties ability to continue to operate that program because of the market. I advise the manager daily on what is happening with the Association of Counties ability to continue the program.

Wachovia's - last week As you know last week we approached last week, we were in terms of the county, the last one to the table with Wachovia. Because Wachovia was having problems, they tried to back out. We were the last deal in with them. As of right now, we still have a letter of commitment from them. But, the board has not committed to any deal as of yet until final papers are signed which were to come to you next Tuesday. So, the Board, right now, is not committed to anything. The reason that is important to know is as a result of what is going on, it is becoming more costly to deal in the market. Interest rates are moving very rapidly and they are very volatile right now.

There are three things that can happen before we come back to the board next Tuesday. FAC could discontinue the commercial paper program. Or, they could have discontinued and we would deal with Wachovia directly, but at an interest rate that I would not advise you to sign a deal with Wachovia. Or, both

options could go away completely. Because of that, the manager and I have talked daily and we are working on a Plan C, D, E & F which will put the county in the best light. I don't want to be in the position of having your only option to be accept short term financing at 12 - 14% interest rate. It would be ridiculous. That would be a lot of money for borrowing that money short term. Still with the goal in mind of acquiring cash to do this project at the lowest possible price with the most agreeable terms, the board can do this project, then re-finance with more favorable terms when the market is better with long term taxes and bonds. I brief the manager daily because the situation changes daily. I have forwarded him an article this afternoon that maybe he might be able to pass on to the commissioners. It is out of the Wall Street Journal which explains more about the federal buyout or intervention. They speak directly to the commercial paper market which we were dealing in and it's troubles. Hopefully, he will pass that on to you. It explains some of the background of what is happening and how it is affecting this deal right now. As we come up with more options, hopefully by Tuesday, we will be able to bring you multiple options of alternative directions to go in.

**Holt:**

Mr. Manager, have we started the negotiations with USDA?

**Brown:**

We have put in a call. Correct. I have put in a call to them and we are having conversations with them as well.

**Holt:**

Is there anything that the commissioners can do? Whatever needs to be done is what we need to do.

**Brown:**

All the help we could get, I would not turn down.

**Holt:**

Get us a list. That is our job. We are supposed to lobby.

**Brown:**

Let's see how things go. I have some calls in with other financial institutions. Let's see how that pans out. Florida Association of Counties is still on the table. We have not gotten a "no" from them. So, as we know more, we will let you know more. As stated by Mr. Suggs, things are changing day by day.

I don't want to give you something that is going to change tomorrow. So, once we stabilize where we are headed at, I will give you a heads up.

**Holt:**

That I know you are going to do anyway, but what I am saying is long term, I know USDA does not move quickly. That is what I am concerned about.

**Brown:**

Sure, Commissioner, we will take all the help we need in terms of -

**Holt:**

Give us the list so we can go to work. That is what we are supposed to be doing.

**Croley:**

Mr. Brown, Mr. Sharp, Mr. Suggs, right now, as Mr. Sharp has pointed out to us on several occasions, the importance of time is of the essence due to the expiration of the license. I know that I talked to AHCA and they have confirmed that, but they felt like we had to act by June or it would go away. The question becomes - the most important thing is to get the building itself renovated. Mr. Brown, right now, you have asbestos and mold extraction going on and that was estimated at about a quarter million dollars. Then the construction, which is \$6.5 million. There was the architects fees and permits at about \$975,000. I guess we have a contingency of about \$325,000, which puts us at about \$8,050,000 without the equipment. Do you, Mr. Suggs, see that as being our primary focus - this \$8 million? Or both of you.

**Brown:**

Commissioner, if I may. Mr. Suggs can explain the difference in the \$6.5 and the money that we are using for the abatement and the architectural fees and how reach that.

**Suggs:**

First, let me address the abatement and then the initial architectural fees. Roughly two months ago, this board passed a budget amendment where we placed start up funds and placed \$350,000 in reserve funding from our hospital operating fund into the project account, so today, you have \$350,000 in the project account to where we can start to pay bills on the abatement. So, that issue is taken care of.

Let's go next to the renovation and construction part of the project. As we move forward, our estimates were \$6.5 million inclusive of architect fees, actual renovation and construction. The only thing that was not inclusive was the abatement. I know the initial numbers from TMH - TMH estimated those initial construction numbers without our input, so the initial proforma. But, you have \$6.5 million and as we go through the process of receiving a final construction contract, that number may be \$6.5 or \$6.6. Whenever that number is finalized, then we will know that. The next issue is the equipment. Right now the initial equipment list was provided to us and Joe worked with us in developing the initial equipment list. It is roughly 2.7 million.

I have advised the manager and Joe that I believe that the 2.7 and you can look at that list for yourself, there is some contingency money in there. There is about \$900,000 worth of IT stuff on that list. I advised the manager that we try to whittle that list down. Even if we can get it from \$2.7 to \$2.2 - that is a savings of \$500,000. Whittle that list down and I have advised him to let's go ahead and get specific pieces of equipment and list prices from vendors so that we can get a very good solid list and cut that number down. Then once you know what equipment we have to get, there are different avenues. For example, and X-Ray machine is on that list. It may be very possible that the company may provide a leasing plan or an option plan to acquire that equipment. So, instead of putting out or trying to issue a ten year or a seven year tax exempt bond, we might just do a lease purchase plan with the company. That is the direction we are headed toward with equipment.

As we go down that list, our first focus will be - you took care of the money for the abatement. So right now our primary focus is on trying to finance the primary part of it - the renovation and construction. As soon as we have solidified and acquired that, then we will move toward acquiring the equipment and we will come back with financing strategies for acquiring that equipment. That would be our next step.

**Croley:**

In follow up \$975,000 in fees for architects and permits. In short, do you think that the figure in total including the equipment, the figure \$10.8 million is pretty realistic as far as the capitalization expense to get the facility into condition to utilize?

**Suggs:**



To date, the number where we received the \$6.5 million figure from, and Joe correct me if I am wrong, it is the estimate that we received that from the architect, CRA. We asked them for a number - "What do you think this total project is going to cost?" To date, that number is at \$6.5 million.

Now, as we go forward into actual implementation and execution of contracts, it could be \$6.3 or \$6.7.

**Croley:**

So, there is not a \$975,000 that was originally shown, Mr. Manager?

**Suggs:**

And I think, - Are you looking at Attachment # 4? I think you must be looking at a piece of Attachment # 4.

Croley:

I am looking at what was originally provided as far as capitalization.

Suggs:

That is not our number. That is TMH's number that was calculated without input from us.

Croley:

But, we are still right about \$10 million. I think that figure has come out before.

Brown:

Correct.

Holt:

If I may, Mr. Chairman.

Also, you would not want a long term bond on equipment anyway simply because the life of that equipment would not be as long. So, it needs to be bonded separate.

Croley:

Thank you. That cleared that up.

Brown:

Mr. Chairman, that is all that we have this evening.

Whatever the direction of the Board is, we will take that under advisement.

Mr. Chairman, I apologize, there is one other thing that I need to share with you before you take comment from the rest of the commission.

We had a meeting last night of the hospital board and the Citizens Advisory Committee on the Rural Emergency Facility. They both unanimously took action to accept both reports on the facility as well as the proforma that we provided.

One of the items that came up, Commissioners, was that they asked this board to consider was the management of the hospital. As you are aware and if you recall, the last time we presented anything before this board, we had two vendors that the hospital board was negotiating with. Actually, I think they were only negotiating with one. They actually chose Tallahassee Memorial Healthcare as the vendor to negotiate with.

Because of some of the things that we are dealing with, they had suspended those negotiations. The hospital board took action last night and very vociferously requested that they, asked that the Board of County Commissioners continue negotiations with TMH because they did not want to have to go back and put out another ITN or RFP and start this process all over again. They felt that TMH was selected and they need to continue that process of negotiation with TMH. They are asking for approval from the board to continue that negotiation process.

**Holt:**

I was at that meeting last night also on that. TMH says that since they were not selected at that particular time to do the estimate on the equipment they wanted to wait to see if they were selected or if there was a going to be a \$10,000 fee. I would like to ask that if they are selected that they not charge that \$10,000 fee. I would think that if they are the selected group, that would be something they would help do anyway as the management part.

**Brown:**

Commissioner, let me have Mr. Sharp explain that.

**Sharp:**

TMH was willing to be of assistance to us and to the Gadsden Hospital Board in the selection of the equipment and the evaluation of the current equipment that is in the hospital, whether it needs to be replaced or if it could be used or whatever. They were willing to do that. What they stated in

their letter is that if we did not choose them and did not contract with them that we pay them a fee of \$10,000.

**Holt:**

Right. I would also say this. Since they would be contracted and if that is the will of this board, as the management company, the equipment, and I know that would do that in good faith, but that the equipment stays with us. If not, the equipment that we are paying TMH to lease and if we decide that at anytime they are not the management company that they pull all of the equipment out. We had that problem before with another management company. The equipment stays with the hospital.

**Dixon:**

Commissioner Lamb.

**Lamb:**

I was also present at the orientation last evening and I was, the hospital board, with the support of the citizens advisory committee, did vote to recommend that we go with TMH and try to work out the equipment situation with them also as part of the management and so forth. The orientation, I felt like was good. I feel like we should adhere to what their recommendation is. I have no problem in offering a motion, Mr. Chairman at any time.

**Dixon:**

Will there be others?

**Croley:**

I would concur that TMH seems to be the most logical party since you have already started and have done so much work with them.  
s

**Dixon:**

Do I understand the question before us, Mr. Attorney?

**Williams:**

Mr. Chair, just so that you have a level playing field, you have a date by which you must have the hospital open. The negotiations were suspended and then we'll start up again. I would suggest that if the board wants to continue with TMH, which is your prerogative, that sometime certain be given to conclusion about the negotiations. If you don't conclude the negotiations by a time certain, then you are in a position where you have no choice but to deal with TMH. I am sure they will negotiate in good faith, but typically, it doesn't provide the

best business environment for negotiations. I would suggest that you have a time certain.

**Dixon:**

What kind of time frame would you suggest?

**Williams:**

I would ask that you give discretion to Mr. Sharp and the manager so that they can set a drop dead date for conclusion of the negotiations based on their belief by which they can give ITN or some other bid document out for other management companies to have the ability to present and have the hospital open by June 19.

**Holt:**

Mr. Chairman, may I. I am concerned about that also. If, by chance, we can't close by a certain date, we would pushing it to get with another management company quickly.

**Croley:**

My question comes back to is it this board who is doing the negotiations, or is it the hospital board.

**Dixon:**

The question is to authorize the hospital board to continue to negotiating with TMH and arrive at an understanding at some time certain.

**Williams:**

The final contract will be brought back to the board for ratification. But, the negotiations are to be done by the hospital board.

**Croley:**

Well, the way you said it, it sounded like the manager and Mr. Sharp would be negotiating on it solely, but o.k. I am on board with it.

**Dixon:**

Are there other questions?

What is the will of the body?

**Lamb:**

Mr. Chairman, I offer a motion that we give the hospital board the authority to continue negotiating with TMH with a time certain on it.

**Dixon:**  
That is the motion.

**Croley:**  
Second.

**Dixon:**  
We have a second.

Will there be further discussion.

All in favor, a sign of "aye."

**All:**  
Aye.

**Dixon:**  
Opposes?

(no response)

Please make it unanimous.

**Holt:**  
Is it possible to get updates so this thing doesn't keep dragging on.

**Dixon:**  
I am sure Mr. Sharp knows not to make that time certain drag on forever.

**Brown:**  
Again, Mr. Chairman and commissioners, I guarantee that you will updates regularly.

**Holt:**  
Yes, because I will be at all the meetings.

**Croley:**  
Before we move to the proforma, there was a discussion in the community about, and I certainly wanted to ask the question of the manager and Mr. Sharp and I wanted to get it out into the public. They looked at a different model with no overnight stays and I wanted to so state here, as Mr. Sharp has put together here - the revenue estimate is worse, (in other words, the losses are greater with no overnight stays in the facility.)

I think that is important and we don't need to go into a lot of detail about it, but I wanted to make sure that was out. Mr. Brown, you might want to make a comment.

**Brown:**

I just wanted to show the bottom line -

**Dixon:**

I don't want to cloud the issue. There is such a thing as too much information.

**Brown:**

I just wanted to show the bottom line that Commissioner Croley eluded to and the options will be much clearer.

**Dixon:**

Let me restate. That clouds the issue. We have one model. One rural emergency hospital that we are proud d to accept. It is a five to ten bed facility. But, our hospital license says that 25 beds have to be ready within 48 hours and we will make sure that happens. The proforma we looked at came in with a \$267,000 loss. The manager and staff have some options that they have added to the hospital, that in their wise estimation, will bring about enough revenue to make it generate \$207,000 to the positive side. That is what we are going with.

Now, did I misstate something?

I don't to wake up tomorrow - and the paper has a bad job of writing around what the peripheral issues are, and never getting into the mix- so, they leave people hanging. I don't want to leave people hanging. Are we all on the same page?

The manager has asked us to accept the report and the proforma. That is the question that is before us.

What is the will of the body?

**Holt:**

I move approval

Price:

Second.

**Dixon:**

We have a motion and we have a second to accept the report and the proforma.

Will there be discussion?  
(no response)

All in favor, a sign of, "aye."

All:  
Aye.

**Dixon:**  
Opposes, same sign.

(no response)

Ladies and gentlemen, that is all. We stand adjourned.

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Edward J. Dixon, Chair

ATTEST:

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Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS HELD IN  
AND FOR GADSDEN COUNTY, FLORIDA ON  
SEPTEMBER 30, 2008, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: Edward J. Dixon, Chair, District 5  
Eugene Lamb, Vice-Chair, District 1  
Doug Croley, District 2  
Derrick Price, District 3  
Brenda A. Holt, District 4  
Thornton Williams, County Attorney  
Marlon Brown, County Manager  
Muriel Straughn, Deputy Clerk

CALL TO ORDER

Chair Dixon called the meeting to order. County Manager Marlon Brown led in the invocation and Attorney Thornton Williams led in pledging allegiance to the U.S. flag.

AMENDMENTS TO THE AGENDA

Dixon: Are there amendments to the agenda?

Brown: Thank you, Mr. Chairman. Good evening, Members of the Board.

We have a number of amendments to the agenda this evening. Under Awards, Presentations, and Appearances, that addition that we previously added as Item 1-A, the City of Gretna has respectfully requested that that be rescheduled to another meeting. I will wait to hear from them as to when they would like to come back before the board. So, that will not be heard this evening.

Commissioners, under public hearings, Item Number 14 - a public hearing regarding the adoption of an ordinance to approve the reimbursement process to hotel owners for the installation of temporary septic systems (Highway 267 and Interstate 10 Wastewater Project) - we have provided additional material to that agenda item.

Commissioners, Item number 15 - we are asking you to hear that item first under public hearings. That is the second



public hearing for the adoption of the final millage rate and final budgets for FY 2008/2009. That was advertised to be heard first, so we will be making that the first item under public hearing. That is Item 15 - that will go before Item Number 13.

Commissioners we are adding Item # 15-A - That is a public hearing. It is a continued public hearing on the Conceptual Plat Review for the Paradise Gardens Subdivision - SD 2008-01 - Major Subdivision, with the Tax Parcel ID as provided in your amended agenda. Commissioners, this item was advertised, but we did not include it on your agenda that you have in your book, so, as you recall, this was to come back before you this evening.

Under General Business, we are adding item 16-A which is approval of the Application for E911 Rural County Grant. This is being requested by the Sheriff, Mr. Morris Young.

We are also adding Item number 16-B which is a request from Pastor Lyonel Leonard of the House of Comfort and Refuge Ministries to operate a tent revival beyond the limitations of the current noise ordinance. This will be presented by Ms. Jill Jeglie, the interim growth management director.

We are also adding Item 16-C which is Procurement of Services for the reopening of the hospital. This will be under general business by Mr. Thornton Williams, the county attorney.

Commissioners, under the Items to be discussed by the commissioners, the discussion of the county manager's contract will come before you on October 7, 2008 agenda to give the board of county commissioner enough time to review the revisions to the contract.

Those are the amendments to this evening's agenda.

Dixon: O.K. We have heard the amendments. What is the will of the body?

Holt: I move approval.

Price: Second.

Dixon: We have a motion and a second, will there be discussion?  
(No response)

All in favor, sign of "aye."

All: Aye.

Dixon: Please make it unanimous.

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

### **Awards, Presentations and Appearances**

1. **Approval of Proclamation Number 2008-047 Recognizing Veterans of Foreign Wars, Post 12054 (Jerome Jordan, Veterans Service Officer)**

Assistant County Manager Arthur Lawson introduced VFW Chapter Commander Willie Ellison and John Sailor. Chairman Dixon and the commission recognized the VFW Post and read the resolution into the record recognizing them for the highest honor as an All American Post. They then posed for pictures.

Commander Ellison commended the 66 members of the post and the Ladies Auxiliary for doing all the hard work that led to the national recognition.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOED 5 - 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION 2008-047 RECOGNIZING THE VETERANS OF FOREIGN WARS AND POST 12054.

### **Consent**

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

2. **Ratification of Approval to Pay County Bills**

Accounts Payable Dated: September 19<sup>th</sup> and 26, 2008  
Payrolls Dated: September 25, 2008

3. Approval of Contract with the Florida Department of Health for the Operation of the Gadsden County Health Department for FY 2008-2009 (Marlon Hunter, Gadsden County Health Department Administrator)

4. Post Approval of Commissioner Holt's Travel to the Florida Association of Counties', 2008-2009 Legislative Policy Committee Conference (Brenda Holt, Commissioner)

September 24 - 26, 2008 in Clearwater, FL - Cost of \$500.00

5. Approval of Bradley Munroe as Value Adjustment Board Attorney (Arthur Lawson, Sr., Assistant County Manager)

Fiscal Impact - approximately \$1500

6. Approval of Translator/Interpreter Contracts for the Probation Division (Arthur Lawson, Sr., Assistant County Manager)

Eagle Interpreting  
Bridging Barriers

7. Approval of Wal-Mart Stores, Inc. Donations (Rick Hoffmann, Interim OMB Director) Resolution # 2008-052; OMB-BA#080100

8. Approval to Execute Transportation Agreement with Gadsden County Board of County Commissioners and Big Bend Transit, Inc. for Fiscal Year 2008-09 (Rick Hoffmann, Interim OMB Director) Fiscal Impact \$25,000

9. Approval of Mosquito Control Agreement with Department of Agriculture and Consumer Services (DACS)(Robert Presnell, Public Works Director) Contract No. FDACS 014134; county match is \$34,879.00

10. Approval to Award the Luten Road SCRAP Paving Bid, (Project # 228.055) to Peavy and Son Construction Co. Inc.(Robert Presnell, Public Works Director)

11. Approval of the Appointment of Robert Presnell to Serve Four Year Term on Gadsden Soil and Water Conservation District(Robert Presnell, Public Works Director)

**12. Approval of Volunteer Fire Department Agreements and Authorization for the Chairman to Execute(Brian Beasley, EMS Director)**

**Citizens Requesting to be Heard on Non-Agenda items (3 minute limit)**

**Belinda Synder, 156 Dusty Hunter Lane, President of Friends of Lake Talquin**

Ms. Synder called attention to a number of items that were added to the agenda of the last commission meeting. She stated that they were added to the agenda after the agenda was published on the website. She took the position that those items were not noticed correctly. She stated, "We believe they should have been noticed and we believe the rules were violated and we just want to go on record that we feel that."

**Amy Sykes, Quincy resident,** addressed the board. She specifically asked the board that as they deliberate about how they are going to spend their money, that they should give consideration to hiring more teachers and to make efforts to bring about change in the school system. She asserted that economic development will not come until the issues with education in Gadsden County are addressed and remedied.

She said, "It benefits the community as a whole for ya'll to improve the school system. The only way I know for that to happen is for ya'll to hire teachers. You are going to need a lot of them. I would appreciate as you are designating money out, medical bills that are unpaid and other things, if you would think of that in the back of your mind. An A+ education system in this community would benefit everybody whether you have children or not, it increases your standard of living...You have a whole community of children in this county, generations and generations in this county that are not being educated. It is not that there is bad education, the education is horrible compared to Leon High School that is just 15 miles down the road. There is no reason for a child going to Leon High School should have a better education than a child going to Gadsden County high schools. Ya'll are the group to fix this problems...You can change this system for these kids....

I know it seems like a far fetched idea that this education system can be turned around, but it can and you guys are the group that can do it. It's not going to be the next group, it has to be ya'll...Ya'll do a great job of coming up with money, Mr. Dixon, all of ya'll. Ya'll are great grant writers and I am asking ya'll to put forth effort and your clout into hiring teachers and getting teachers with some of that money. I'm not saying that the grants ya'll wrote to get parks in this community was a bad thing. I'm not saying that the grants ya'll wrote to get roads paved was a bad thing. I am saying that if you spent money on the education system and in hiring teachers, that money would be spent for the betterment of the community more than anything else..."

Chair Dixon explained that the role of the County Commission is quite different from that of the School Board. He suggested that this forum is not the correct one for her cause. He encouraged her to continue her efforts at the School Board.

She then stated, "Commissioner Holt, and Commissioner Dixon, there isn't anybody in this county that raise money as well as ya'll can. I am coming to ya'll because ya'll have the ability to do it. I don't know anybody else in the county that raises money as well as ya'll do. I don't know anybody that is as qualified and I am coming to you because I think you have qualities in that area. I'm not coming to you because it is your responsibility to resolve. I am coming to you because you have skills in this area, all of ya'll do and you have demonstrated it....You have the power, you have the beliefs for it. People listen to you...Please speak to it..."

Chair Dixon expressed appreciation for her confidence in the board then assured her that her remarks would be taken under advisement.

### **Public Hearings**

#### **15. Public Hearing - Budget Hearing and Millage Rate**

Chair Dixon announced the opening of the second public hearing on the adoption of the FY 2008-2009 Budget. He stated that the Proposed Millage Rate is 8.9064 mills which is 5.68% less than the aggregate rolled back millage rate

of 9.4431 mills. He invited public participation at the appropriate time.

County Manager Brown then read the millage rate into the public record. "The proposed final countywide millage rate is 8.9064 mills which is 5.68% less than the countywide roll back millage rate of 9.4431 mills."

Chair Dixon then called for public input. The following people were recognized for comments:

**Terri Rosenblaum, Juanita Thigpen, and Mary Dekle** from North Florida Legal Services addressed the board and encouraged them to continue to fund their organization because the help for their clients is needed so desperately. They also pointed out that the money given to them is often spent to help their clients recover money which will be spent locally and from that standpoint, the tax dollars would actually become money invested in the local economy.

After discussion among the board, it was determined that the need is great, especially in the present economic environment of the nation - people losing their homes in the mortgage crisis, increase in bankruptcy proceedings and rising unemployment - a time when people need the most help. They surmised that it would be an investment in the economy.

There was a consensus to direct the manager and the staff to look for \$10,000 in funding for Legal Services only. If they find it, then the board would consider adding it to the budget.

**Dixon:**

**The board must vote on the millage resolution and the budget resolution separately. I will entertain the following motion:**

**Approval of the Resolution 2008-045 for the fiscal year 2009 countywide millage rate of 8.9064 mills.**

**Holt:**

**I move approval.**

**Price:**

**Second.**

Dixon:

We have a motion and a second to approve the millage rate. All in favor, a sign of, "Aye."

All:

Aye.

Dixon:

Opposes?

Please make it unanimous.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE RESOLUTION 2008-049 SETTING THE MILLAGE RATE AT 8.9064 MILLS.

Dixon:

I will now entertain a motion to approve the resolution certifying that the fiscal year 2009 countywide budget.

Holt:

So moved.

Price:

Second.

Dixon:

We have a motion and we have a second.

Do we have any discussion?

Suggs:

Just for the record, the manager has a substitute for the attachment. There was a technical error and we are replacing the attachment. It is a different format than what appeared in the advertisement in the paper. We have it in a different format that the Clerk will use to certify. So, Ms. Muriel, if you will take that copy for the record, it is the official summary.

Williams:

Just so that the record is clear, everybody is getting a copy before the vote is taken.

Croley:

What is the change?

Suggs:

There is no change. What you see is the format for the Ad. If you look at the second page, the gross number under 2009, we gave the gross number is \$50,040,813. It matches what you have in the attachment. The state requires one format and the clerk and the board have historically used this format. As soon as you pass this tonight, Muriel will turn it in and will certify it. As soon as we load it into the system.

Dixon:

So, it is procedure as opposed to anything else.

Croley:

I want to ask a question. I find this memorandum from the clerk's office relating to the budget. Have you seen this, Mr. Suggs?

Suggs:

No.

Brown:

I am seeing it for the first time this evening. I found it sitting on my desk, so.

Croley:

What bearing will it have on the adoption of the budget?

Dixon:

We have to adopt the budget.

Brown:

Again, Commissioner, when we went over the budget at the first public hearing with you, we shared with you that we would be dipping into the general fund fund balance to balance the budget. Again, you know, I have not read this in detail, but, if this is as of September, we have not done close out, we have not done balancing of each department's budget to see which budget is in the red and which budgets are in the black. We have not finalized all of our revenues. So, again, I don't know at this point in time, where it stands in terms of budget.

Dixon:

And in quickly digesting this, this is exactly what you told us at the last meeting, right?

Brown:



Correct.

Dixon:

And, you won't approve nothing, right? Because of the cash balance.

Brown:

Correct.

Croley:

I think that it has bearing because it says, in my quick read, as well, it says, "Please find attached a cash report indicating a balance of \$1,832,866 in general fund cash as of this date." And, then it says, "This presents a poor cash position for the end of the fiscal year. The situation is especially bleak." And he is showing the required expenses from the Sheriff, Clerk, Property Appraiser and the Board of County Commissioners - and if I read this right, it is \$2.4 million.

So, it looks like what the Clerk is asking for is for the board to delay the payment of the bonus money that the commission voted on until at least December. How do we react to this?

Dixon:

Please tell me where you see that at.

Croley:

The last page - it says that \$2.4 million and the balance on the front says \$1.8 million.

Dixon:

No. No. Show me where you saw that he asked for it to be deferred.

Croley:

At the bottom on the first page, he says, "I would be remiss in my duties not point this out to you. I strongly encourage you to delay this outflow of cash until December when the county will be in a better cash flow position."

Holt:

Mr. Chairman, may I?

Dixon:

Please.

Holt:

Mr. Manager, we discussed that those bonuses would be for when?

Brown:

They will come out in the first full pay period in October. I believe it will be October - Where is Mr. Lawson?

Lawson:

The first full pay period would be October 21<sup>st</sup>.

Brown:

The 21<sup>st</sup> is when all employees will get that bonus.

Croley:

Well, if we don't have the money, why would we want to do that October 1<sup>st</sup>, Excuse me, the first payroll in October?

Brown:

Commissioner, I have shared with you before that we don't have the money to do any of the things which you added to budget on September 14<sup>th</sup>. I advised you, Commissioner.

I think you were the one that asked me several times, "Should we do this?" and I repeatedly said, "No."

Again, I can only advise you. The board makes the decisions.

Croley:

Well, I would hope, I can always hope, as the man says, that this board shows some fiscal restraint in these matters and not let your, the county, be left in dire financial straits and have to go and borrow money because Mr. Suggs has yet to close out the budget.

And, Mr. Manager, our discussion today indicated, not to put words in your mouth, that you are faced with some overruns and expenditures in this current budget that is going to place us in an extremely tight situation to put it mildly.

Brown:

Correct. And, I shared with you as well, Commissioner, I don't know what revenues that are still to come in will play in this. I don't know what departments that are also coming in in the black will play in this. So, again, until we do close out, I don't know what the bottom line is going to be.

Croley:

So, Commissioners, I am appealing to you on behalf of and for the common good of everyone, to let's defer spending the money until we see where we are. What you are going to do is you are going to cause people to be laid off or lose their jobs and that is not a good thing.

Dixon:

Thank you, commissioner.

Lamb:

That is what I was getting ready to ask. Is it possible that we can defer this until the close out and see what we've got and see if we can afford to do what we would like to do. I feel like that we would be in good standing with our county because we don't want to do anything that is going to hurt anyone that is already employed by the county. We really need to just wait until close out. If we've got it, then we can use it.

Dixon:

Commissioner, let me speak frankly. I really don't know where this epiphany came from all of a sudden. I think that two weeks ago, we sat here and the manager basically walked us through all of the numbers. I don't know why a memo from the clerk springs forth as being from God. This is nothing new. None of you are new to this, first of all. Second of all, you make decisions, then you make other decisions in relation to that. I am not going to deny employees a \$1500 bonus. We are going to make decisions. My concern has been all along is that you guys want to wait on everything and not make any decisions. It is a matter of making decisions, then making choices. You guys are sitting here like you are just coming to the knowledge as to what the budget looked like. Correct me if you are wrong.

Croley:

I am going to correct you that you are wrong. Yeah, you are very wrong. We know what the budget looked like, but we didn't know what -

Dixon:

Commissioner, I am talking.

Croley:

You asked me a question.

Dixon:

Do you have the minutes of the last meeting. I want you to play it, if you do. We've got a video somewhere.

The position is - you guys ain't new to this. So, don't be sitting here acting like it is new because you got a letter from the clerk. Please don't. We knew exactly what moves we were making when we made them. The manager sat down and said, "My opinion is that you don't spend a dime and if you spend something, you spend it from non-recurring money."

Now, is there anybody here that was here last week? Did you hear that?

O.K., That is what was said. Thank you Ms. Sykes.

No, Ms. Sykes, go back for now. Ms. Sykes, Ms. Sykes, Ms. Sykes, no. Please don't make me ask the law enforcement to come in. Where is the deputy? Ma'am, please step back, please. By all means, please step back.

Williams:

Mr. Chair, just let me say for the record. I didn't see this item until I got here. It is not on the agenda.

Dixon:

No, and I am sure that was intentional.

Ms. Sykes, please don't. Please don't, Ms. Sykes.

Now, the point is that if you want to change some things in the budget, there are plenty of things that we can change. We can address them at the very next meeting. As the manager says, we approve the budget tonight and you can take out anything that you like.

So, Mr. Manager, in all fairness to the other members, when you come back at the next meeting, bring some information to answer these questions to their satisfaction. We can take out whatever needs to be taken out of the budget to satisfy the members and the clerk. Are you with me?

Brown:

Yes, sir.

Dixon:

**But, tonight, we need to approve a budget. That is what is before this body. O.K.?**

Holt:

I move approval.

Dixon:

I thought we had a motion and a second, did we not?

Did we Ms. Straughn?

Straughn:

Yes.

Dixon:

All in favor of the budget, say, "Aye."

Holt, Price, Dixon, Lamb:

Aye.

Dixon:

All opposed, say, "Nay."

Croley:

No.

Dixon:

Four to one. The budget passes.

And we will be very glad to entertain those concerns at the very next meeting. O.K.?

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE BUDGET AS PROPOSED.

**13. Public Hearing - Stipend for Volunteer Fire Department for Service During Tropical Storm Fay (Brian Beasley, EMS Director) Resolution 2008-048; OMB-BA# 080098 (ATTACHED)**

County Manager Brown explained that this agenda item was requesting the board to reimburse \$500 to each Volunteer Fire Department that participated in the Tropical Storm Fay occurrence on August 22 & 23, 2008. The Volunteer Fire Departments played a major role in clearing fallen trees from county roads, major highways and they also assisted the Gadsden County EMS with car accidents.

Chair Dixon called for public input. There was no response. He also took the opportunity to thank the fire departments, particularly the Wetumpka Fire Department, for

reacting to the emergency and coming to the rescue of the citizens of the county.

EMS Director Brian Beasley also went on record as expressing his gratitude to those volunteers.

Commissioner Holt praised the work that the fire fighters contribute in terms of their time and efforts and willing hearts.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION AND THE BUDGET AMENDMENT TO PAY THE STIPEND TO THE VOLUNTEER FIRE DEPARTMENTS.

14. Public Hearing - Adoption of Ordinance #2008-026 to Authorize the Reimbursement Process to Hotel Owners for the Installation of Temporary Septic Systems - (Highway 267 and Interstate 10 Wastewater Project)(Farnita Saunders, Community Development Administration Director)Resolution 2008-051; OMB BA-080099; Resolution 2008-053; Resolution 2008-054

County Manager Brown stated that this agenda item seeks the adoption of an ordinance that will authorize the process and the payment of \$237,860.00 to the hotel owners (Hampton Inn and Holiday Inn Express located at the interchange at Highway 267 and Interstate 10. He gave a brief background and history of the request explaining that the matter was agreed to by the commission in 2006. See the attachments for the analysis and minutes of meetings documenting the board's previous actions.

Chair Dixon called for public input. There was no response.

Attorney Williams gave background information as contained in the agenda report attached.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ADOPT ORDINANCE NO. 2008-026 THAT ESTABLISHES THE REIMBURSEMENT PROCESS AS DEVELOPED BY THE COUNTY ATTORNEY'S OFFICE; RESOLUTION 2008-053, 2008-054, 2008-051, AND BUDGET AMENDMENT OMB-BA# 080099 AND TO APPROVE THE PAYMENT OF \$237,860 TO THE HOTEL OWNERS.

It was clarified that the above motion did not include payment of interest to the hotel owners at this point. However, there was a consensus to consider reimbursing the hotel owners the interest they paid on their temporary loan if/when the staff can establish, in fact, that such interest was paid for the septic tank expense and provide documentation as to the amount of the interest paid.

**15. ~~Public Hearing — Second Public Hearing For Adoption of Final Millage Rates and Final Budgets for FY 2008/2009(Davin Suggs, OMB)~~**

This item was moved to follow "Citizens Requesting to be Heard" Agenda items. See above.

**15A. Public Hearing, Continued - Conceptual Plat Review for the Paradise Gardens Subdivision - SD-2008-01 - Major Subdivision**

**Owner:** Noah & Tee, Development, LLC

**Applicant/Representative:** Latasha Murray, Owner & Peter Okonkwo, P.E. Spectra Engineering & Research, Inc.

**Location:** Approximately 1,000 ft. east of the southeastern corner of the intersection of Blue Star Highway (SR90) and Atwater Road in the Oak Grove Community. It is comprised of a single parcel in Township 3 North, Range 5 West, Section 19 (Tax ID # 2-03-3N-5W-0000-00231-0000) **The land use designation is Rural Residential on the Future Land Use Map which allows a density of one unit per acre.**

**Staff Recommendation:** Approval

**Planning Commission Recommendation:** On March 13, 2008, The Planning Commission voted to **deny the application**. It came back to the Planning Commission on **May 15, 2008** in a revised plan, but it was **denied again** based on the finding that the proposed density is not compatible with other development in the area and that the use is not compatible with the hunting preserve adjacent to it.

**Previous BCC Hearings:** **June 3, 2008** - The board directed the applicant to conduct another meeting with the neighbors - which was subsequently held on July 18. **September 16, 2008**, the hearing was continued to September 30, 2008 at the request of the attorney for the neighboring property owners.

**Type of Hearing:** Quasi-judicial action in conjunction with the advertised public hearing as a type II review per Subsection 7202 of the Gadsden County Land Development Code.

**Testimony was heard from the following people:**

**Interim Growth Management Director Jill Jeglie** addressed the board. She was administered an oath by the deputy clerk. She formally entered the agenda report into the record as Co. Exhibit "A".

**Latasha Murray & Peter Okonkwo** addressed the board and were administered oaths by the deputy clerk. They were in favor of the subdivision and urged the board to approve it.

Brown: Commissioners, this is a public hearing that you continued to this date. It is a conceptual plat review for Paradise Gardens SD-2008-001 Major Subdivision. The Tax Parcel ID is included.

Let me ask Ms. Jill Jeglie to introduce this item and provide staff's recommendation.

Commissioners, if you recall, part of the continuance was at the request of the attorney representing the neighborhood in that area. She had requested a continuance and to be given opportunity to provide expert testimony from a geologist. So, let me ask Ms. Jeglie to continue with the introduction and provide staff's recommendation.

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?

Jeglie: Yes.

In front of you, you have the conceptual application for the Paradise Garden Subdivision. I remind you that the conceptual is part of a three part subdivision process. Later, if this is moved for approval, we will go into the preliminary plat process and application process. But, at this point, this is a conceptual plat for 11 approximately ½ clustered lots on 18.390 acre parcel in the Rural Residential Land Use Category. It is known as the Paradise Garden Subdivision. The subdivision is located approximately 1,000 ft. east of intersection of US 90/Blue Star Highway and Atwater Road. The area is highlighted on



the screen. The proposed subdivision is located adjacent to a public water supply as well owned by Talquin on a one-acre parcel.

The applicant has requested a variance from Subsection 5402 of the county Land Development Code which requires a 500 ft. radius of the well head protection zone to the public potable water. Houses and septic tanks are prohibited within the first 200 ft. of that setback. The applicant has indicated a reduction to 280 ft. for that setback within that secondary 500 ft. requirement. The applicant can request a reduction supported by site specific hydrological data and analysis to rebut the subsection of that particular code to prove that activity within that secondary 300 ft. of that 500 ft. well head protection zone would not be adversely affected. That rebuttal would have to be verified by the Northwest Florida Water management District. You have attachments 8 & 10 in your agenda packet that shows letters from Talquin and Northwest Florida Water Management District indicating that their setback is 200 ft. and they provide the statutory background for that.

The Planning Commission originally saw this application in March. At the March meeting, they recommended denial based on a number of findings. They met again on May 15. They recommended denial 9-2 of the project with the same findings they originally indicated. Those findings were they did not feel that density was compatible with other area and adjacent development and that the development is not compatible with the adjacent hunting preserve. However, they did make a finding that the well head protection and substantive issues were addressed.

At the board's June 3<sup>rd</sup> meeting, the board voted to continue the Paradise Garden Subdivision Conceptual Plan hearing until the July 15<sup>th</sup> meeting. The developer then requested another continuance because the board requested that they meet with the area residents regarding the project. On July 18, 2008, at 5:00 p.m., they held a public meeting at the Chattahoochee Public Library. The summary of that meeting is in the agenda packet. There were also some prior meetings.

As a result of that meeting, there were some proposed changes. There will be an addition of an eight foot fence along the perimeter of the proposed lots excluding along Blue Star Highway and the open space properties at the south end of the development. The open space playground area which formerly had tennis courts now indicates that will be a playground and picnic area owned and maintained by the homeowners association. Extensive landscaping is proposed and will be provided and it will include Oak trees and not palms. The minimum floor area of each house 1500 sq. ft. and that there would be a strong homeowners association with covenant restrictions to implement the conditions.

The body of the report goes through the specifics of the subdivision.

Will you switch to a copy of the plat.

The access, again, is to US 90 on the north side. This is turned around to make it fit your screen. At the south end, they are proposing putting 39.4% of the area into conservation open space. Again, on the north end, between two of the parcels, there is the homeowners association owned property for the playgrounds.

Do you have the plat with the wellhead on there? On this particular copy of the plan sheet "C7" indicates the areas in question. The inner circle is the 200 ft. which prohibits homes and septic tanks. The secondary circle would be the closest point where a septic tank would be located. The outer circle is the 500 ft. setback. Again, that secondary band would not typically allow septic tanks. The inner 200 would not allow homes or septic tanks.

In your staff report, in addition to the Planning Commission's recommendations, is our staff's recommendation. The staff's recommendation is for approval, but again, the Planning Commission's recommendation was denial with the two referenced conditions. The planning staff's findings are found on pages 16-18 of the staff report. The recommendations from staff was Option 1 - to approve the subdivision; and the recommendation of the

Planning Commission to deny the subdivision.

I am here to answer any questions which you might have.

One thing that I am not sure of tonight is whether the hydrological expert is here to speak today. We were not able to confirm that. Ms. Moye is no longer representing the neighbors.

Williams: Just for the record , Jill, do have documents you provided to the Commission. Muriel, for the record, you will have that identified for the record as "County Exhibit A."

Jeglie: What I gave you was a summary. I can go into the details from the staff. The developer is here also.

Dixon: Ms. Jeglie, am I correct in understanding that this property is rural residential - zoned already?

Jeglie: Yes, except for a very small portion.

Dixon: So, what I am looking at up on the map right here is correct.

Jeglie: That is correct.

Dixon: I should assume that already entitles that home owner to some benefit.

Jeglie: The allowed use is one unit per acre based on net density which is less the wetlands.

Dixon: And I am to understand that means one unit per acre less the wetlands with no authority from this board. Am I correct?

Jeglie: They would always have to come in for subdivision, but, yes, they have the right.

Dixon: But, they have the right without any authority from this board other than for approval of this subdivision proper.

Jeglie: The Comprehensive Plan allows that, yes.

Dixon: Thank you very much. I just wanted to make sure.

Dixon: Is the applicant or their representative present?

Murray: Good evening.

Dixon: Good evening.

:

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?

Okonkwo: Yes, I do.

My name is Peter Okonkwo with Spectra Engineering.

Murray: I am Latasha Murray; the developer.

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?

Murray: I do.

Williams: Ms. Murray, because this is a quasi-judicial proceeding, if you are going to speak, I will need you to be in front of the microphone.

Murray: I do.

Okonkwo: Commissioners, this project has been going on for some time. Last meeting, it was continued to today to allow for an expert witness to show up and to provide some information. The board asked us to meet with the home owners. That meeting took place. We had quite a few to show up and share information and their intent as to the subdivision. They gave us a list of items that they would like to see. I think those items have been included in your agenda. Some of the items we have tried to accommodate and did accommodate. We included a fence, (inaudible) a wooden fence, providing brick veneer on parts of each of the houses, increasing the square footage of the houses, providing a playground area for the homeowners association, and

also making sure that we will have a strong homeowners association to insure that the development keeps up and maintains the area.

We have met all the criteria and the requirements including the septic tank set backs. We have provided our studies to the county engineer who reviewed it and approved it. We also sent the information to the Northwest Florida Water Management District who also reviewed it. Also, Talquin, who owns the well next door, also looked at our information and design and concur that it doesn't present a problem to the wellhead. All that information, I believe has been provided to you.

Today, we are asking the board to approve the conceptual plat so that we can proceed to the other phases of the project. We have already performed several soil borings on the property and I believe that information has also been provided to ensure the type of soils that are out there.

I believe that Ms. Murray, the developer, has done a lot to accommodate the neighbors and their requests. I think you should commend her for that effort.

Right now, we believe that we have met the Comprehensive Plan requirements and regulations and we ask the board to approve it.

Murray: Like he said, we are asking the board for approval. I have done more than what I need to do. I have talked to home owners and I think we came to a meeting of the minds, in my opinion. So, I am asking for approval tonight.

That is all I have.

Dixon: Questions of Mr. Okonkwo or Ms. Murray?

Lamb: So, you met with most of the homeowners in that area?

Murray: Yes, on several occasions.

Dixon: How big are your lots?

Murray: One half acre.

Dixon: I asked Ms. Jeglie and she confirmed that is a rural residential zoning. What did the Planning Commission tell you - did I understand that they said it was incompatible?

Ms. Jeglie, what did they use to get to that conclusion?

Jeglie: They recommended denial based on the fact that they did not believe the density is compatible with other area and adjacent development and that it was not compatible with the adjacent hunting preserve.

There was significant testimony given from the property owners in the area with concern regarding the fact that so many of them are large parcel sizes, in particular the parcel to the immediate south, east and north. It is used as a hunting preserve. There is documentation as to the historical use of that property.

Dixon: Do I understand - that is what we call a perfect circle up there. Some folk in my position before me and after me and during me, drew that as a node because they wanted growth to occur in that circle.

Jeglie: Yes, and I think in addition, that they were - we've got several of them around. In particular, in this one, there are some smaller parcels in the northwest node, and even in this node, that range from around an acre and there are some that are from 2 - 5 acres. There are also some very large tracts.

Dixon: With the goal being that if we would allow growth in that circle, we could literally deny growth outside of that circle and keep those folks who have large tracts from being inundated with growth. You have to provide for growth someplace and this is the opportunity that some board took.

Jeglie: I can only assume.

- Dixon: So, how many lots under the current Statutes as they read, if they comply with DEP and Northwest Florida Water Management District and Talquin - how many lots can they get provided that they provide you with a subdivision that you approve.
- Jeglie: With a clustered subdivision and half acre lots, they could do 11 lots. They have the potential to do up to 12.
- Dixon: Thank you very much Ms. Jeglie.
- Any questions of Mr. Okonkwo?
- Croley: I have one of Ms. Jeglie if she will come back up, then I have one of Ms. Murray.
- Dixon: If nothing else, Ms. Jeglie, this is a good exercise for all of us.
- Croley: There was some concern expressed about a rural cemetery on the property. Has there been anyone to come forward with any evidence that a cemetery exists or that it is shown some place on the property?
- Jeglie: We have not seen any site specific evidence.
- Croley: And no one has provided any information specifically?
- Jeglie: There was testimony, but nothing that was site specific. Also, in checking with the Historic Registry, they did not provide us with a letter to that effect.
- Croley: We have many, many cemeteries in the county that are not on the historic register. The question is that no one living person has come forward and said, "This is where."
- Jeglie: There was no definitive site specific evidence, but there was testimony given.
- Croley: Ms. Murray, please. You were present and I am certain you heard a lot about the folks from the hunting preserve. Mr. Avant, I believe, had some concerns about that there is considerable hunting that goes on

on your property. Will you, as a prudent business person, as you start marketing those lots, make the buyers aware of the type of environment they are moving into so that we won't later hear, "They are firing guns next door to my property."

Murray: Yes, I will create a disclosure so that my buyers will be aware. In speaking with the next door neighbors. They have not encountered any problems with people hunting on their property. There are living neighbors next to my property and they haven't ever run into a problem. They have people going back and forth from U.S. 90 and they haven't had an incident to occur or been in the paper. But, I will create a disclosure.

Croley: We don't want anyone shooting toward your property, but at the same time, the noise and activities associated with the type of hunting that apparently Mr. Avant conducts on his property is something that needs to be disclosed.

Dixon: Are you trying to tell her that we are not going to close the gun club down because they complain?

Commissioner?

Lamb: I have a question for Ms. Jeglie.

Dixon: Ms. Jeglie, it is your turn again.

Lamb: You stated that P & Z refused this item. What was the vote on that?

Jeglie: They had a concern regarding the compatibility of the density in the area and also the adjacent hunting parcel. There was also discussion about some of the neighbors and their way of life there.

Lamb: What was the vote on it?

Jeglie: The vote at the second meeting was 9 - 2 to deny.

Lamb: Thank you.

Dixon: Are there any other questions of Ms. Murray or Mr. Okonkwo?



O.K. We have some folk who are opposed to this project. If you will come now, Ms. Donna Kempf and waiting in the wings are Mrs. Amanda Hines.

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?

Kemphf: Yes.

I don't like talking up here, I get nervous.

Williams: Madam, if you will, state your name and address for the record.

Kemphf: Donna Kemphf, 8072 Blue Star Highway, Quincy, FL

We had an attorney here with us last time, but we have told her that we didn't want to spend our money anymore. She did advise us and it was spoken by Jill that the hydrology data has not been provided. According to the county's own provision, the burden is on Ms. Murray to prove by a professional engineering geologist as to the effect of the proposed septic system - Comprehensive Plan Subsection 5402 of the County Land Development Code Policy 1.71. This file is incomplete. There has not been a rebuttal of the necessary site specific hydraulic data and Jill, herself, has said this in a letter that she wrote to the Northwest Florida Water Management District. I have it right here.

I have conferred with Florida State University and they cannot give information to say Yeah or Nay, but they have also looked over the data that was provided and it is not sufficient. Attorney Scott Shirley said the same thing and so did Attorney Moree.

First off, tonight's meeting was not properly noticed in the newspaper. It was not on-line and it was not on the agenda this morning. We are being told that it was on the agenda all of a sudden.

According to our attorney, Scott Shirley and John Rudolph, if it was announced as continued from the previous meeting, that is usually o.k., but if they

don't put it on the agenda, there should have been a noticed date. You have enough grounds to ask for a continuance. There should have been a noticed date for the meeting to all participants. If it was not on the agenda brought to the attention as being omitted and put on the agenda at the last minute, that is enough grounds to tell you that we want a continuance because participants were not properly notified.

Also, our attorney advised us to get a court reporter this evening, but we were not able to do that because the court reporters had the day off.

I have, along with my husband, typed up the library meeting specifics that were said that night. There are attachments here with petitions with the signatures of all the neighbors that are against this. And the reasons being safety issues - an eight foot fence is not going to keep a bullet from hitting somebody.

I personally heard from Ms. Holt the last time about safety and there is a comprehensive code that says that safety is the first primary Subsection 5001 - "Gadsden County is committed to the protection of the general health, safety and welfare of its citizens and visitors."

As to the compatibility issues - There is also Subsection 5002 - Conflicts and Mitigation "Develop parcel in a fashion compatible with the adjacent uses." - Next door to this property is my piece of land which is five acres, along with my husband. There is a 19 acre parcel across the street. There is 400 acre parcel on the other part. A 40 acre parcel right beside it. My parcel is five. There is a three acre parcel touching it right down below. There is a 30 acre parcel right adjacent to it. We are talking about adjacent properties, not properties that are within the circle. It says in the Gadsden County Code, adjacent property.

It also says "Barriers - It says eight foot high, it doesn't say a fence, but it says fence and tree line. If she wants to develop her property, she takes away the natural tree line because she can't build a house

unless she takes the tree line down. The Code says she has to keep the natural tree line and a fence in the Conflicts and Mitigation.

I am asking you to deny this, along with the other owners around because of the incompatibility issue, safety issue, hydraulic data (it supposed to be done during the wet season and the dry season) and I have read through over and again the Code. I ask you to read it, too because it is all in there.

I want to submit this into the record for recording.

Dixon: Thank you Ms. Kempf.

Mrs. Hines?

Williams: (To the clerk) Just a technical thing - label that as Citizen's Exhibit # 1. If there are exhibits, you would do them sequentially.

Hines: Do I state my name?

Dixon: Yes, please.

Hines: Amanda Hines. I am at 258 Hurst Farm Road.

Williams: Just a moment, you have to be sworn.

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?

Hines: Yes, ma'am.

I am one of the adjacent owners. Some of the facts are a little bit misconstrued. If you look at the 1,000 ft., well, they said 1,000 ft. from the property that most of them were small properties, but they are not. I am out there close to it and I have one house per 10 acres. We are not all rural residential. They had to notify 33 people out of that 1,000 ft. area. Out of the 33 people, one has one acre, one has five acres, but the rest have more. The ones that are on h small acreage, it is because Ma-ma gave daughter some or Grandma gave granddaughter some. I can name the

ones that are on small acres. They are living near relatives. It is a little bit different than bringing in a subdivision of non related people.

The whole plan of the comprehensive future building plan - I read every bit of it - is to plan for future is to protect us from future problems. Compatibility is a big future problem.

When we moved out, I mean to Mt. Pleasant, away from town, away from everything. You move out there to live on a big piece of land. You don't move out there to live in a little bitty subdivision. I am afraid that if you move 11 houses out there, that will average 33 people coming in and out of a two lane highway. I am worried about wrecks. I am worried about trying to get my children back and forth to school. I am worried about that. I am worried about my way of life as far as hunting. My child killed his first eight point last year. If 33 people move in, I imagine that the deer are going to run for high heaven when the noise starts creeping in.

Can you imagine kids out there playing ball and they are on a little half-acre lot. Are they going to stay in their little tiny yard when they have nothing to do? Or, are they going to go vandalizing? Our resources in Gadsden County are taxed. Ya'll are seeing that every day- not being able to put funds where you want to. I am afraid that they are going to be taxed even further.

I know that our Mt. Pleasant Volunteer Fire Department is taxed and I know that our police department is taxed. I am just worried about a subdivision being right there, our natural resources, there is an aquifer at the bottom. They are not even addressing the boundaries, really. The North Florida Water Management District says to follow the Gadsden County Code, which is a 500 ft. set back. They are asking for a variance of 280 ft. If they follow the 500 ft., that would knock out about three more houses.

Talquin also said, "Follow Gadsden County's Code." Well, Gadsden County Codes says - There is a reason for that. The wellhead protects us. That well head protects it in case of failure of septic tanks. If

they fail, and I am sorry, even with the best of intentions, they fail. When they fail, we are going to have pollution. We are going to have problems. Not only that, but on a little bitty half acre, try to dig up a septic tank without ruining the next door neighbor's yard - trying to get in and out.

Like I said, the big thing is compatibility. The first time that we met, it was zero for it with P & Z. The second time, two voted for it. And, it was mostly about safety as far as the hunting preserve. One of the gentlemen brought up the septic tanks. And it was just more about compatibility and the way of life affecting the others that are already existing out there. We are co-habiting.

The only good thing that I have seen come out of this is that I have read the Comprehensive Plan more than I ever thought that I would and I have met my neighbors more thoroughly than I ever did before. I have a good group of neighbors. We coincide peacefully. We are a variety and we come from all different backgrounds and I am glad that I have gotten to meet some of them. The gentleman back there in the back is one of my neighbors and I didn't even know him until I started getting involved.

Dixon: You don't like him either, do you?

Hines: I don't like who?

Dixon: Your neighbor back there in the back.

Hines: I love him. He is sweet. He told me that if I broke down, I might could stop.

Dixon: Are we talking about the same guy? The guy back there working the camera?

Hines: Yes, he is a real nice man.

Dixon: Ms. Hines, let me ask you a question.

Hines: Yes, sir?

Dixon: Now, you heard me ask Ms. Jeglie. I assume that when

you do your compatibility like the members of the board did, the Planning and Zoning Commission - they are comparing it to something outside the circle.

Hines: No, sir. They are not.

Dixon: Let me finish. Please, let me finish.  
Because the goal of having the yellow circle is that if you are going to have development, you want it inside of that circle. Those who put that circle up there wanted it to happen inside of that circle, not outside of it.

So, work with me here.

Therefore, Ms. Murray and Mr. Okonkwo already have some rights. O.K. Understand that. They already have some rights whether we do anything or not. I am going to check, but, I don't know how it got here anyway. Maybe it was the waiver that brought it to this body. But, as far as I understand, and I am sure that Ms. Jeglie can make it very clear to me, they have some rights and they can have some units out there now. They will go through the subdivision process and they will meet Ms. Jeglie's conditions, which she says they have already met, and they will have some units there. O.K. That is a reality.

Hines: Right. I knew that.

Dixon: You can't take that from them.

Hines: Nope.

Dixon: That being said, the reason we asked them to go back to you and talk to you was to see what understanding the neighborhood could come to. Zero is not an option. You can't take what they already have. You can tell them how to fix it and what code to meet, but you can't take what they already have. Now, that is a reality. We like to talk about the fence. Now, I am sure, I am very sure that the hunting club is not going to start hunting near the fence where people are living, are they?

Hines: I hope not. I am not in the hunting club.

Dixon: Are they? Say, "No."

Hines: No. I am not in it and I am no where near that hunting club.

Dixon: So, my point being - We have had some folks come up here before and started shooting because they didn't like their neighbors. They just went down to the fence and started shooting every night. We have had that. O.K.? And they go to jail.

Williams: Mr. Chair, if I could for a minute. We have to have a clear record and when each person is talking at the same time as another is talking, the record is not clear for purposes. So, if you would.

Dixon: O.K. I think he was trying to tell me to hurry up and hush.

My point is - I need for you guys to be in a better position, not a worse position. The better position is - If something is going to happen, how can I better my position? You asked for a fence. The fence is there. You asked for some other things. It is there. O.K. I am just trying to deal with what is here because if we say, "No.", all they are going to do is sue us. And because they have that yellow circle up there, they are going to win. Then you are going to get nothing because the court won't give it to you. They have the right to do it and there is nothing that you can do about it. O.K.? Anybody who told you different didn't know what they were talking about, including your lawyer.

Hines: On those two things that she said,

Dixon: Didn't he ask you not to talk when I am talking?

Hines: Sorry.

Dixon: All I am saying is - as you return to your seat and we take some more testimony, that is the proper position to be in. Are you with me?

Hines: I am with you.

Dixon: O.K. Is there anybody else who has questions of Ms. Hines?

Thank you Ms. Hines.

Ms. Jeglie?

Dixon: Ms. Jeglie, your turn again.

Williams: Chair and Commissioners, as Ms. Jeglie comes back up, because this is a quasi-judicial, we normally don't have contested matters. She puts on direct, you have opposition and rebuttal and then she needs to respond to some of the allegations that were made so that you have a clear record. So, when you finish your questions, Ms. Jeglie, to the best that you can, because we have to have evidence, which is testimony, would you respond to some of the comments that they have made?

Dixon: Would you direct her through it just in case we don't.

Williams: I will do the best I can, sir.

Dixon: Thank you, sir. That is very kind of you. You ought to try and earn some of your money. - That was a joke, ya'll.

Lamb: I have a question for you.

How many lots do they have - 11?

Jeglie: Eleven half acre lots.

Lamb: Half acre lots. How many homes?

Jeglie: That would be 11 homes.

Lamb: What is the minimum amount of homes they need to put on those 11 acres according to our Code?

Dixon: They have 39 acres.

Jeglie: Based on the Code, it would be the total acreage minus



the amount they have in wetlands, so that would mean 11 acres to develop at one unit per acre. But, they are clustering, so there are allowed to go down to half-acre lots.

Lamb: I think that is where the Planning and Zoning Board was coming from. You've got 11 acres; 11 half-acre lots with 11 homes on those half acre lots. I understand that they have their rights, but, you know, that is just too many homes to put on 11 half acre lots. But, if that is the law, I understand that. I understand that is the law. But, they just don't have much room. That is just not much room there with 11 homes on 11 half-acre lots. I think that is why the Planning and Zoning Board said that it is not compatible with the surrounding area.

Thank you.

Holt: I was going to say - Does she need to go ahead and address those issues? I can speak after that.

Dixon: I think she already did.

Holt: The ones that were brought up?

Dixon: Is there anything that you want to add so that we can clear the record and make the record straight?

Williams: There was an issue about the set back.

Dixon: 500 ft. versus 280.

Jeglie: The Code specifically says "Site specific hydrological data. The applicant provided two letter where they had sent a copy of the plan to the Northwest Florida Water Management District and to Talquin. They indicated what their Code was and that our Code was greater and basically did not indicate any objection. I have talked to the applicant's - Tony Williams with Spectra after the last meeting and asked whether they wanted to provide any site specific data and I don't believe - they have provided it to me, so I don't believe that they have that.

Dixon: In essence, the authors who sent you those letters,

you respect their opinions.

Jeglie: Yes, I do.

Dixon: O.K.

Holt: There was also a question about trees as compared to the fence and if they cut down trees, they would have less houses? I don't know if that is something she needs to address or not.

Dixon: There was a concern raised by Mrs. Kempf about the tree line.

Jeglie: One of the conditions that could be put on the plat would be a requirement to provide a natural buffer. That hasn't been proposed. They did propose providing an eight foot fence.

Dixon: I don't think she was addressing that. I think she was talking about the natural tree line that is already there. I don't recall exactly.

Jeglie: To my recollection, there was quite a bit of clearing on the front end of the site, however, there may still be some trees along the tree line next to Kempf property and I would let the applicant's agent answer that.

Holt: I know that many people in the Mt. Pleasant area have questions about compatibility, but property rights are something that Ms. Murray has. Everyone in that yellow circle has property rights that is designated with their property. Now, they have that and we can't take that away. If she has, by law, and anyone, by law, has - let's say five acres - they could put one house per acre. Then that is their right. This board can't take that right away from them. But, what we can do is address how it applies to the Code and the Comprehensive Plan.

But, to be very honest with you, it is in my district and I am almost sure that there is not going to be a bullet going toward that fence. There is not going to be all this noise and all of that stuff out there simply because - and the reason I am saying that is because that is something that will cause that person to go to jail. And I am hoping that is what the game

warden and the deputy sheriffs will do. Because you have a right to shoot on your property and that is it. Not on someone's else's. I don't care what piece of paper you have in your hand, if someone is out there breaking the law, they need to go to jail. Now, that is understood. I don't care what the neighbors say or anyone else says.

The reason - as it was explained to me when I got on this commission - all that yellow up there on this map was because the previous commissions wanted development at. That is where they thought development should be. So, when a person buys in that area, they feel that when they bought that, they had rights. Those are things we need to look at.

If we can minimize the problem between neighbors, that is what we are trying to get done. We don't want there to be so many problems in the beginning that there is a problem there. I think that the clustering pulls you back away from the property line. Instead of saying you have 11 acres and you can put 11 houses anywhere you want - near the property line or away - if you cluster, you can put them away from the adjacent property. That is the purpose of clustering. Also, if you do get sewer out there, it is easier to run sewer to a cul-de-sac that is clustered on a half acre. It is not that close. On an acre, would be where the problem would be. If you came on later and you run a sewer out there, it will be very, very difficult to run sewer on acre lots, especially if those homes sit in the middle or the back of a one acre lot. It would become a problem.

What I want to do is hopefully make sure that we work as well as we can to solve those problems as far as they go. If you went out there and built one house at a time, they would be able to build one house per acre. And, if there are 11 acres of buildable lots, they will have 11 houses. It just wouldn't be done all at one time. If there is anyone that can address how to stop it without taking away a person's rights, it could be addressed. That is where the problem is. It doesn't matter whether you can like it or not or whatever. Just like I can't come to Commissioner Croley's house and say "Commissioner Croley, you can't have that in your yard." He definitely wouldn't come

over there. I only have a little spot. So, that is what I am saying. You can't take things from people. We have to honor the fact that they do have a right.

Dixon: Thank you, Commissioner.

Commissioner Croley?

Croley: It's you again, Ms. Jeglie.

You need to change seats with Brian there.

I heard Ms. Kempf raise several issues related to the County Code. Are you in agreement that any of those objections have validity or that there is conflict with the Code as this project and conceptual plan is in conflict in those matters that she has raised.

Jeglie: The Code does require site specific data, however, it does give the authority to Northwest Florida Water Management District to raise or not raise objections and they did not. I am comfortable with the decision for granting the variance or the waiver.

Croley: Just verifying - Did they waive, did they refer back to the Gadsden County Code as the guiding?

Jeglie: The letters are provided as attachment # 8 and #10. They do in the Talquin letter. At the bottom of the first page, there is a reference that the Gadsden County Land Development Code Section 5402 requires a mandatory 200 ft. protection zone exclusion area. It refers to what our code is, but it does not defer or agree that code should be applied.

Croley: Then, as a professional planner, then you do not believe that Ms. Kempf's presentation or information conflicts with what you have done with your recommendation?

Jeglie: I believe that the evidence stands on its own and I don't know that it conflicts. But, there is always going to be differing opinions and testimony.

Croley: Let me ask then about the well head protection. The County Code says "500 ft." Apparently, there is a request for a variance from that to go down to 280 ft.

What is the basis of the 500 ft.? Where does that number come from?

Croley: But, that is in the County Code today?

Jeglie: Yes, it is.

Croley: And, the third consideration is the representation made by Ms. Kempf related to advertising and the public notification of this hearing. Would you please clarify that for me and explain why it did not show up on the agenda material.

Jeglie: At the August meeting, I think, I can't remember the date, but at the August meeting, it was continued. We found that there was actually - Let me go back. It had been continued to the August 28<sup>th</sup> meeting. The August 28<sup>th</sup> meeting did not happen so it was continued to the September 16<sup>th</sup>. At the meeting on the 16<sup>th</sup>, there was a question regarding whether it was continued from the previous meeting or not. There was some uncertainty in that regard. It was continued at that meeting to this specific meeting. As to the reason that it didn't get on the agenda, I believe - we typically meet and discuss agenda items. I was not - a staff report that was due by noon. We revised the staff report after they had the original agenda put on there. So, it was put on there afterwards. But, it was continued at the meeting and we also called the attorney's office to confirm that we were o.k.

Croley: Mr. Attorney, are there any legal issues from your standpoint with the way this has been handled?

Williams: I am not sure. I am not aware of what the actual language was at the meeting. We are pretty clear on it - if you continue a meeting, then you do not have to re-notice.

Jill, I guess what I am hearing you say is that it was not re-noticed in the newspapers?

Jeglie: No, it was not. Those notices do not go out of my department.

Dixon: As I recall and I guess we will have to check the minutes, what was requested of us by Ms. Moye' was to

- continue the meeting. As the representative of those folks, we honored her request to continue to this meeting in a public meeting.
- Jeglie: Typically, when an item is continued to a date and time certain, typically, at least in our department, we don't re-notice.
- Croley: Mr. Chair, is there anyone else wishing to speak against this. I would like to
- Dixon: I am sorry, Commissioner.
- Croley: Mr. Chair, if there is anyone else wishing to speak against this, I would like to -
- Williams: Procedurally, what we need to do is - you have your direct testimony, then you have rebuttal, then you have redirect, then re-rebuttal. You have the opportunity for individuals to come back up and speak again to comment on what has been testified to.
- Croley: I want to have an opportunity to make some additional comments, but I want to hear some other facts first.
- Dixon: I will ask Mr. Okonkwo and Ms. Murray to back up if they would like to address any issues that haven't been addressed, then we will hear from the public again.
- Williams: When all the public has finished discussing and you have all the evidence in front of you, then Mr. Chair, you close off the discussions, presentations of evidence, then the commission is free to discuss the evidence that is in front of them.
- Okonkwo: What I would like to discuss is the site specific study. We did do a site specific study which was given to Northwest Florida Water Management District, Talquin and the county engineer for their review. So, it was actually done in accordance with the requirements of the Code. It was after the review of that study that the board concurred that there are no issues with the septic tanks.
- (inaudible) the whole parcel is 19 acres. By Code, she could have gotten 19 lots in that parcel. But, of

course, with the presence of environmental areas and wetlands, we were able to cluster and only put in 11 lots. So, she could have gotten 19.

Dixon: How much property is - can we go back to the subdivision lay-out, please. How much property is that?

Murray: It is a little bit more than 19 acres.

Dixon: Is that the back end of your property over here? Is that behind the tree line? Is that your property behind the tree line?

Murray: Yes.

Dixon: Do you see where I mean - to the right? That is your property all the way to the square. How many acres are contained in there?

Murray: 19 acres.

Dixon: No acres will go into conservation?

Murray: No, it is a total of 19 acres.

Dixon: It is a total of 19 acres. How many acres are behind the tree line right there?

Okonkwo: About 6 or 7 acres.

Dixon: So, 6 or 7 acres separate you the shooting range, I'm sorry, the hunting club?

Murray: Yes.

Dixon: I am sorry, it is not a shooting range, please forgive me. That is a mistake on my part.

But, it serves as additional buffer, if you will.

Okonkwo: That is right.

Dixon: All right. Thank you all.

Are there others who would like to speak for or

against? Now is your opportunity.

Please ma'am and sir, come forward.

Williams: Chair, just to keep it procedurally in the correct posture, if you are for the applicant, this is the time for them to speak. Then we will close it out and let the opposition come up and speak.

Dixon: If you want to speak for this, now is your time to come.

If you will, stand and be sworn and state your name for the record.

Daniels: I am Mary Daniels. I live out at Oak Grove. I have lived out there about 45 or 50 years.

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?

Daniels: I do.

As far as I am concerned, Ms. Murray can put the 11 houses out there. I have talked with some of the other people out there, but they are not here tonight, but they agreed that she could put them out there.

Dixon: Thank you very much.

There is a lesson to be learned there, brief and to the point.

Will there be those who are opposed?

(There was no response.)

O.K. If there is no one else, I will take it to the board for discussion. The public discussion is now closed.

Members of the body?

Holt: May I ask Ms. Jeglie a question or is this just among



us?

Dixon: This is just among us. You can get some help if you need.

Holt: I may need some.

Dixon: This is sort of like the million dollar thing.

Got a phone call you want to use?

Holt: Yeah, really.

Dixon: Ms. Jeglie, would you answer a question for us please?

Holt: I will be very brief, Ms. Jeglie. I think we have narrowed it down to the water. We want to make sure that the safety and welfare, as far as that goes, and water resources. As I have already stated, the property rights are established. And you were saying about that 200 foot - is that 280 feet - is that circle inside?

Jeglie: Yes, that is the second circle from the center.

Holt: That is on those two lots.

Dixon: Commissioner, just for information, and I know you have read this already, Talquin Electric's Mark Stamps, the Development Coordinator, indicates that Talquin will have no issue as long as all future septic tanks are installed consistent with all state and local rules and regulations.

Holt: Right. I read it, I didn't have a problem with it. I just couldn't see it on here and I wanted to make sure that it is those two lots right near the front. That is all I needed.

Jeglie: Just one thing. Just a correction. The vote on the Planning Commission was 7 - 2. There were 9 members. I misspoke.

Dixon: Seven to two. O.K.

Thank you.

Members, let's bring this to a head, please.  
Commissioner Croley?

Croley: Well, as I have said many times, I don't agree with this Comp Plan. It was already here before I came. I think the fact that somebody took a quarter and drew a circle on a map and called that planning is ridiculous. However, I have to be fair.

Ms. Murray bought this property with it zoned the way it is. Ms. Kempf and Ms. Hines and the other people who live in that area on larger acreage - if you go back, please, and put the map back up with the zoning and the circle - you have to appreciate that the land is zoned rural residential.

Now, I hear a lot about property rights and maybe I got these attorneys on this side here and one over here. They may say that "You are wrong about this.", but, the one thing I heard in planning is that property owners only have three rights. You've got the right to own it, you've got the right to pay taxes on it and you may have the mineral rights. Everything else is subject to governmental regulation whether we like it or not. That applies to me as well as everybody else.

My concern remains that I have to deal with this as it is - as a commissioner. I don't like the urban sprawl. I don't think the infrastructure is in place, but I can't say that Ms. Murray hasn't done her part from what I see to try to deal with these matters in a proper fashion.

If the property owners that live in that area had come before this commission and requested a down zoning of the properties in that area, that might be a different matter. Do away with that circle. But, as it is, the circle is what we see. In the absence of anything else, commissioners, it puts me in the position of doing something that I don't particularly care for. I recall, I believe, that Ms. Murray was here once before with a piece of property north of (inaudible) that was zoned AG2. I did not support her in her project there for the very reason that I am giving now

- her zoning was AG2 (1:10) and I felt like that was urban sprawl. This is urban sprawl, but I don't have any basis to stand in opposition to it at this time.

Thank you, commissioners.

Dixon: Ladies and gentlemen, let me be very frank with you. In a county that used to be primarily farming, everything is an upzoning. Everything. Cause everything used to be part of the farm. O.K. That is the reality of it. So, we have to rezone everything. Nobody, contrary to my intelligent commissioner to my left, nobody took a quarter and laid it on a map and drew a circle around it. What we realized was that there are two big roads where people would meet, where traffic will happen and what you want to do is put things where people cross. It is called "neighborhood commercial" to some degree. Here, we didn't put any commercial. We just put increased housing. Why?

You don't want to put housing out in the middle of fields where people can't get to them. That is the intelligence behind it. So, however he arrived at his conclusion, it is the right one. How he got there was wrong. But, the point being that you can't ask people to do what you want them to do in good faith - meet with the community and the community meet with them - then they meet all your requests, then turn around and still deny them. That is not right. It is not fair. It is not fair to the neighbors and it is certainly not fair to the developer.

Everything in this county has to be developed. Why? Because it used to be a farm. Everything used to be a farm. If you follow the roads in Gadsden County, most of them lead nowhere. Why? It used to be a farm. There is nothing down there. How do you get something down there? You change the zoning. You put those circles where you think people are.

Sawdust is not on that map. There is no yellow around Sawdust, but a lot of people live there don't they?

So, any time anybody is willing to give a piece of property to their son or daughter, they have to come

in here and ask for an upzoning. Should they have to do that? That is a lot of money. But they have to because that is the law. That is the opposite of what we are dealing with right now. So, please. We are not Tallahassee. This is a farm we are working with and we are trying to get people someplace to stay. When they are in good standing with the law and they make do with what we have asked them to do, we ought to make sure that they get what they ask for.

So, now, the chair will entertain a motion.

Price: I make a motion for approval.

Dixon: We have a motion, do we have a second?

Holt: You have a second.

Dixon: We have a reluctant second.

Holt: You are right.

Dixon: We have had discussion. All in favor, a sign of, "Aye."

Dixon,  
Croley  
Price

Dixon: All opposes?

Lamb: No.

Holt:

Dixon: Mine is "Aye."

We have a whole lot of "ayes."  
Let me see the "ayes" please.

Dixon: Who are the "nays"? (Commissioner Lamb and Commissioner Holt.

Croley: I would like to be.

Dixon: So it is three to two for approval.

**Holt: Three to two.**

Dixon: Thank you very much to the developer and to the neighbors. Thank you very much.

**Item 14 Revisited:**

Brown: Mr. Chairman, may we go back to the public hearing on item number 14. There was an issue that was brought before the board that we forgot to address. I apologize. This, again, is item number 14 - public hearing. Adoption of an ordinance to approve the reimbursement process to hotel owners for the installation of temporary septic tanks on Highway 267 and Interstate 10.

Commissioners, one of the questions that we brought to you was for the reimbursement of the interest on the loans that the hotel owners paid and we need some direction from the board as to whether they would like for the hotel owners to be reimbursed for that or not.

Again, if that is the direction of the board, we will bring this back at a future board meeting for an additional budget amendment.

Dixon: What is the number. I didn't get a number or anything on the interest.

Brown: Ms. Cobb, would you come forward and show them

We are back on item number 14, commissioners.

Cobb: I listed today some preliminary numbers. I have to confirm these numbers. But, for Payal Hospitality - they gave us an interest amount to date of \$19,695.78. For Kiwis - they gave us an amount of \$27,215.64. Again, I have not received all of the proper documentation to substantiate that amount.

Dixon: So, the question before the board is - Do we pay interest?

Brown: Mr. Chairman, let me ask, if I may assist the board on this. Why don't we hold off on this until we get the proper documentation and we are satisfied with it. We will provide whatever calculation and bring it back to

the board as to what our recommendation would be.

Croley: What was the original agreement?

Brown: The original agreement, again, commissioners, was to pay them the cost for installing the septic tanks for Hampton Inn at 100% and Holiday Inn Express at 50%. Again, what happened was they had to take out loans to do this and we never contemplated, correct me if I am wrong, Ms. Cobb, actually paying interest on those loans.

Croley: What evidence do you have as to the amount of interest paid?

Brown: That is what we will bring back to you.

Cobb: Let me step back for a minute.

I did receive documentation from a lender. I received a forwarded e-mail from one of the lenders for Kiwis. But, I need additional documentation about whether or not those funds were all used for the temporary septic tank.

I did receive a letter of documentation for Payal Hospitality, but I have some questions in regard to the same thing. Whether or not all of those funds were for the installation of the septic tanks.

It may confirm that all of those funds were used for the septic tank and it's abandonment. Then the numbers won't change. I just need to speak to the lender.

Dixon: You will bring that issue back to us at a later date.

Brown: Correct.

Dixon: Thank you, Ms. Cobb.

### **General Business**

**16. Approval of a Request by Danny Miller to Rescind Prior Board Actions and to Vest the 1965 Talquin Shores Phase I Subdivision (Jill Jeglie, Interim Growth Management Director)**

Jeglie: Mr. Danny Miller, the property owner, or the agent or developer of the Talquin Shores Subdivision has requested that you reconsider your previous decision on his property. There were a number of decisions that were made, but he would like for you to go back and approve or re-instate the 1965 plat for this property. You have a staff report that gives you the history of this particular plan and outlines the fact that - again, I kind of walked into this one, but there is significant history that I have found from other staff reports.

This was originally platted in 1965. The plat was not recorded. The roadway improvements are not in. There is no storm water. The lots have been sold. At some point it appears that Growth Management had either a request or did action for a clearing for a roadway and a request for permits. In 2002, a previous growth management director had requested an opinion from Mr. Hal Richmond, the former county attorney, regarding this property. AT that point, he stated that it was his opinion that Talquin Shores plat was accepted by the board by signature of the chairman of the board. At that time in 1965, approval actually granted them some rights. However, in 2003, there was a land use amendment that put conditions on this property, including the requirement for advanced treatment, requirements for setbacks from wetlands, requirements that they meet the Comprehensive Plan Policies, which would include the pre and post development, retention of storm water. In 2004, the applicant applied for a major subdivision. Somewhere during that point, there was a difference of the configuration of lots. An opinion was made that it was not the same plat as was originally vested. The staff report goes on to outline. In 2004, there was a final design to reconfigure the Phase I Subdivision provided to staff. That was dated in 2004. Sometime several years later, another former growth management director indicating that it should be vested.

However, it came to you all in October, 2007. You may be familiar with this. And, you made some decisions. There were a number of conditions placed on this property to allow it to go forward. You decided that rather than have it through the major subdivision process and go back to you, that it would be considered a minor subdivision; that they would provide you the construction plans. They did a final plat of the minor subdivision and that they would record deeds of the property.

On April 22, 2008, construction plans were filed with Growth Management. There have been several meetings with Mr. Miller, several attorneys that he has had for counsel and the county's legal representation regarding the minor subdivision. There are some issues that have not been addressed including the requirement that this particular minor subdivision comply with the county storm water management policies as implemented by the Comprehensive Plan. The Northwest Florida Water Management District - they may be able to meet it, but we just haven't received that information.

Again, Mr. Miller has made this request. There is no additional information or evidence provided to staff that indicated that your former decision should not apply. Therefore, our recommendation is that you deny going forward to hear this. However, that is certainly your decision. I just want to state for the record that I am a fresh pair of eyes that has looked at this. As for the minor subdivision, I do not find that we are asking for anything that would be out of the ordinary. That was not required by Chapter 177 FL Statutes regarding platting subdivisions. I do have concerns and believe that they should have to meet the - if it is not vested, they should meet the stormwater policies of both the storm water management manual of the Northwest Florida Water Management District for pre and post development run off. I have concerns there.

Dixon: Do you believe that it is vested?

Jeglie: If it is vested, then I believe that is a legal opinion as to what would apply. But, I would have to do that review. I have not done that review.



There is a 1965 plat, but it doesn't give us any information regarding the construction. There are no construction plans on file that have been approved. So, what standards do they meet? That is something you probably could apply and it is very difficult one for me to answer. I was only prepared at this point to discuss whether you wanted to proceed and reconsider your original decision. I certainly would seek the attorney's advice on that.

Dixon: Thank you.

Will the applicant or his representative come forward, please.

Mr. Miller.  
Miller: Good evening, Commissioners and Mr. Chairman. This thing has been going on now for several years.

Dixon: I thought we had done this dance.

Miller: Yes, sir. Absolutely, I've been here, done it and this thing has gone back and forth for four years now. I originally came to the board with this vested plat four years ago.

Hal Richmond, previous county attorney, recommended (and ya'll have the letter) and stated that it was a vested plat. I went to Bruce Ballister, who was the growth management director with a reconfigured plat, made the lots bigger, made them better. Bruce Ballister approved it and sent it over for recordation at the property appraiser's office.

I subsequently sold 12 lots. The people that I sold these lots to have been denied the use of those lots ever since they bought them. They pay taxes. They are good honest hard working people. None of them are here tonight because I didn't want them to come up here and raise a bunch of cane with good folks. They are really upset as I am.

I can digress back to when it all started and go through the whole litany if you like for me to. It's going to take a little bit of time.

Dixon: Let's not. Let's just cut to the chase.

Miller: Yes, sir. I like cutting to the chase, sir.

Dixon: What is the difference in what you are asking for now and what you have.

Miller: When Bill McCord came into this county and became the growth management director, he immediately jumped on this and said that it was not a vested plat.

I met many times with the county manager and the county attorneys and Bill McCord and we had a deal. Now, I've first met with the commission over a year and a half ago in trying to get this thing corrected. We had a deal and we sat down at your direction, Mr. Chairman. You directed Bill McCord and I to sit down and work out the problems.

From the time we met in February of 2007, I didn't sit down with McCord until September 2007 after repeated attempts to sit down with him. Now, we finally hammered out a deal with the county manager and Bill McCord and I believe the county attorney was present. I had subsequent follow up meetings with McCord and we had an agreement that we were going to do a vested minor subdivision. That agreement was not lived up to by Bill McCord. He came back and treated it as if it was a major subdivision.

Dixon: Tell us what your opinion of the vested minor subdivision had. I am sorry, but, what was in that deal?

Miller: In that deal, he would expediently approve the subdivision, give me a minimum criteria to meet and he would approve it and we could get it done. He came up with a litany of 50 or 60 objections. They were erroneous and unmeetable. He asked and so has the current growth management director asked for additional easements be given on the people's lots. The people who own the lots when they already had a 60 ft. easement. That is just one of the things.

The construction plans were done. I hired an engineering firm for \$30,000 to do the construction plans. I have done wetlands delineations, studies, (inaudible) and spent countless amounts of money

trying to get this thing done. The Growth Management Department is treating this as a major subdivision. This is a vested subdivision. I sold lots which were approved and accepted by the county and I proceeded based on what the county allowed me to do. All I want is to get this thing to a point where the people who own these lots can use them.

I presented a resolution to the board and I would like for you to consider the resolution and I would like for it to be adopted so that people who own those lots can enjoy the quiet title to their property.

And, again, I can go back and digress and go through the whole thing. I have ten pages of notes here.

Dixon: Before we get down there, let me understand because you are not giving me the basics. Is there storm water treatment in this plan?

Miller: Yes, sir. Absolutely. If I could, Mr. Chairman, I apologize for interrupting you. I have my attorney and I would like for him to explain what vesting means and what I am exempt from and what I am not.

Dixon: We understand vesting. I don't need an attorney to tell me what vesting is. I need to know what we can agree to so that we don't do this dance anymore.

Williams: Mr. Chair, you can't do much tonight. If you are going to have

Dixon: I just want to understand because I need to decide whether we are going to give him the opportunity to come back or not, if you don't mind.

Williams: I don't mind.

Miller: Vesting strictly means that this subdivision is exempt from Growth Management rules. That is all it means. I am not exempt from storm water management rules. The state takes precedent on storm water issues. The state is the ultimate authority. I cannot put this subdivision in without state approval. I have to manage the storm water. It can not be discharged into the lake. It cannot and will

not be. Otherwise, the state would not approve it.  
Northwest Florida Water Management.

Dixon: I don't understand. You are asking us to give you a free hand.

Miller: I am not asking for a free hand. We have covenants and restrictions and we have done everything we know how to do. We just can't get through growth management. They are treating this as a major subdivision.

Dixon: If, let's assume just for discussion purposes, you have the vesting. What happens with storm water and what happens with storm water treatment and what happens - those are questions that we want answered before giving you the vesting. What I want from you is for your to present me with a picture that in giving you vesting - 1965 vesting, that the things we hold true are not going to be damaged. The lake, the water.

Miller: O.K. I will start at the beginning. First of all - these lots are bigger than back in 1965. There is better access, the easements are bigger and wider. I have to comply with state mandated stormwater retention policies. I cannot discharge stormwater from these lots into the lake that is untreated. It is illegal. It is not allowed. Northwest Florida would never approve this without a proper stormwater management plan, which we have done with Northwest Florida Water Management.

The next issue would be septic tanks. In a previous agreement, and when we came before the board, these have to be advanced waste water treatment and they will continue to be advanced waste water treatment. The state law requires it.

Dixon: Commissioner, forgive me. But, come on Ms. Jeglie. For the sake of conversation, let's assume some vesting has occurred. What do we need from him that is not coming to you?

Jeglie: A legal description that match the plat that he is proposing would be first.

Dixon: What else?

Jeglie: A plat that matches what he is proposing. There is the 1965 plat, there is the plat that you all looked at and then there is what we received which is (inaudible) I am not sure what it is that we are vesting. That is one of my concerns. A plan that complies with the county's storm water management manual. Verification of the Northwest Florida Water Management District criteria has been met. That would be some of the major issues. Also that all the parcels have access when they make the shift (inaudible). It is just a minor shift and it might not be important to the engineers that prepared it, but it will be important to the people who (inaudible)

Dixon: Did you want to say something?

Croley: I want to ask a question.

Ms. Jeglie, I am looking at this plat that was done by Mr. Shelfer in 1965. Item - Attachment #4. Would you put that up, please.

Dixon: There it is. That is #4.

Jeglie: No, that is the 2004 plat.

Dixon: Oh, that is # 2 - I am sorry.

Jeglie: I don't have a copy of that (inaudible)

Croley: Well, it was in this packet of material signed by Mr. Shelfer. Judge Reynolds never filed it apparently as a recorded subdivision. If I count correctly, there appears to be about 28 lots.

Attachment # 3 that was done by Mr. Skipper shows the 12 lots. Is the land area, the total number of acres, the same between the two. Do you know?

Jeglie: My understanding is that this phase is less than the total of the plat of 1965, but I have not done a side by side comparison. I wasn't prepared for that

tonight.

Croley: Mr. Miller, could you answer that question?

The total number of acres in the 12 lots seems smaller and all that you did was apparently move the road to the west.

Miller: Yes, sir. That is exactly right. We made the lots bigger and we also made the lots wider.

If I could just, could I have rebuttal time now or do I need to answer some more questions first?

Croley: You are on my time now, so you can answer my questions to whatever degree you need to add.

What do you want to add?

Miller: I just wanted to rebut something that Ms. Jeglie said. That these lot owners don't have access is absolutely not the case.

Dixon: No, she said that she wanted to make sure that they have access. In all fairness, that is what she said.

Miller: Well, I understood it differently.

Croley: Do all twelve lots have access to a road? And I am assuming - how wide is that road?

Miller: It is 60 ft. wide.

Croley: Do they have access to the road?

Miller: Yes.

Croley: Has the road been put in?

Miller: Yes.

Croley: You've got the road in and they can get in and out with no problems.

Miller: Yes, absolutely. You couldn't sell a lot without access.

Croley: We know that. I just want to hear you say that, though.  
Is that a paved road or a dirt road?

Miller: It is not a paved road. I cannot pave this road until I get approval from Northwest Florida Water Management District with best storm water practices that is approved.

Secondly, I might add that Northwest Florida Water Management District storm water retention requirements exceeds Gadsden County's and takes precedent over Gadsden County's.

Croley: Well, right now, all I am trying to do is determine - It seems like sometime back in - I believe that is back in attachment - in October 2, 2007, this came up. I thought we went through all of this and it was determined that the area has some sort of vesting rights and that you were simply moving the road over, reducing the number of lots, therefore, making it better as far as the protection of the lake. They were different conditions put in here that you accepted at the time.

Miller: I did, but I was strong armed into those conditions by Bill McCord.

Croley: Wait a minute now, you can't plead, you can't cry about that. I am just saying

Miller: Well, if I could just defend myself on that statement.

Dixon: Let me not get into the mix of it. The question before us is - should we rescind and take a look at this again. That is what is before us.

Croley: I am trying to understand though, Mr. Chair, what is it that is creating a hardship, Mr. Miller? That is what I am trying to discern.

Miller: The first hardship is the timeframe. When you go from having a directive from your chairman to the growth management director to sit down and work out a plan and come back to you and it takes 9 months to get a

plan worked out, then almost a year to get back to the board - that is the first hardship. In the meantime, the people who own those lots have no quiet title. They have no enjoyment of their property. That was not my fault.

The second thing is that growth management now is coming back and saying, "We want additional easements for the swales given by the property owners." The property owners have already given additional easements.

Croley: The fact that the chair directed the growth management director to do anything, with all due respect, I know he sometimes thinks he does, but, he doesn't run the county.

Dixon: No, he means the board.

Croley: Oh. O.K. Alright. Point of clarification. You meant the board.

But, specifically, I don't understand what is not being done by growth management. Ms. Jeglie, can you explain what is preventing the lot owners from getting a housing permit?

Jeglie: Yes, the finalization, having construction plans, and permitting plans from the Northwest Florida Water Management District. The plan here that was agreed upon in 2004 and what we received with the construction plans differs from this. Not a whole lot, but it does differ. The fact that they (inaudible) cul-de-sac (inaudible) It is 10, 11 and 12, then portions of lots 1 -3. There are picky little things that we have to look at when we receive a plat. We have to make sure that they match up with the legal description. We have a couple of legal descriptions on property that were sold to people that do not match the plat that we have in hand for the review. That is an important issue to us.

The Comprehensive Plan Policy conditions that were placed on this by the board required that they provide the buffers and wetlands setbacks and also to



require some easements for small areas of conservation that is something that would typically apply. The abandonment of the right-of-way where they moved it over, so now we have a 60 ft. right-of-way and they need to show that they will provide a roadway that meets the FDOT current standards. Part of that will be to display the conveyance, shoulders, and there are a lot of technical issues. We can provide all this information. I don't have a problem with their concept.

Dixon: Ms. Jeglie.

Croley: May I finish first?

Dixon: My apologies, Commissioner.

Croley: Thank you.

Ms. Jeglie, the plat that then that is showing up here does not track with what you are saying that was given to who?

Jeglie: The growth management department. It is not the same. There have been a few changes.

Croley: Now, Mr. Miller, come up here and tell us why that would not match.

Miller: It is just the difference in engineering and the plat design. The long and the short of it that she's got the plat. Growth Management has the plat that has been reconfigured very slightly with the cul-de-sac. They've got it.

Croley: Did you move the cul-de-sac?

Miller: Yes, we did. We moved the cul-de-sac north. But, this cul-de-sac is still a dedicated cul-de-sac and lots do not encroach on it.

Croley: Was it moved after you had gotten board approval?

Miller: No.

Croley: You moved it before you got board approval?

Miller: Wait a second.

Croley: Yes, sir.

Unidentif  
ied There is the difference between that plat and that lot description that Tom Skipper did and it is like 4" per lot or 2" per lot. The engineer did the plat. Tom Skipper laid out the lots. There is a difference of a few inches in each lot. And, I am talking about an inch or an inch and a half on various sides. The engineer and Skipper are, at this time, presently, during the day light hours, coordinating that to get it back to Ms. Jeglie.

Croley: What I am trying to understand is - that is what was presented - from what I remember back in October. In October, that wasn't?

Miller: No. What was presented - you know, I can't say for sure, but the change would have been an insignificant change, but nothing has changed since October or even before October.

Croley: Well, this is what was in the book. That is why I am asking.

Miller: I don't know what your staff gave you, sir. I didn't provide that. Staff provided that.

Croley: I am trying to get an understanding of what is causing so much trouble.

Miller: I would like to have that understanding as well.

Jeglie: It was my understanding that tonight you would decide if the board wanted to re-hear this. At that point, I would have provided you with copies of what has been submitted. The question was at this point(inaudible) If you would like to have copies of the plat that they did and the construction plans which show the configurations - it may be inches, but, I do not know whether these people agreed to have the cul-de-sac in their front yard or have agree that it would be below them, but, I am not at liberty.

Miller: If it doesn't affect them, what difference does it

make?

It doesn't affect the lots or the lot owners. It affects me because I am a property owner.

Dixon: Can we agree to schedule this for a meeting?  
Do we have enough to agree to schedule this? Would the next meeting be appropriate?

Brown: Commissioners, this would have to be a public hearing, so we will have to advertise it.

Croley: We have some people who wanted to speak.

Dixon: I am sorry. I have your request right before me. Please come forward.

Curtis: Good evening, Commissioners, I am Pat Curtis. I live at 761 Bear Creek Road. I am here representing the Friends at Lake Talquin. We are recommending that you accept the recommendation to rescind the prior board action. We want to make sure that certain standards that have been put into place will be followed. First, I just wanted to let you know that our interest is not against development. We are very much for development around the lake. But, we just want to make sure that the environment and the lake is protected. We also want to make sure that there is development that increases the tax base and we want to encourage improvement to the property values around the lake. We want to make sure that all standards for building new subdivisions or housing around the lake protect the lake.

One specific thing that was mentioned was the advanced waste water treatment. We want to make sure that stays in place. So, if you rescind previous board action, that is one thing that would be rescinded. We want to make sure that doesn't take place. We also want to be sure that the storm water protection is in place. That property is right there at the lake and it will definitely have some impact.

In the last month, Leon County has been experiencing all kinds of problems based on prior decisions that were made 25 years ago. They are now beginning to realize the impacts of those development decisions. They don't understand the impacts of those decisions

until now. Every week there have been article in the newspaper about how the septic situation in Leon County and Wakulla County have impacted Wakulla Springs and how planning and development decisions have caused flooding issues. It is very important that Gadsden County make sound decisions and that we follow standards that protect the water and the lake and the environment.

Our opinion is that we should follow the staff's recommendation mainly because as they have stated (inaudible) waste water treatment plant. So, that is what our position is.

Dixon: Thank you, Ms. Curtis.

Holt: I have a question for Ms. Jeglie.

You are getting in the frequent miles here tonight.

The only thing that I see different here is the cul-de-sac. It is up at 11 & 12. then down below there.

Jeglie: There is a difference there and also to - I think there was a very slight difference in lots 1, 2, 3. We basically took all of the legal descriptions as they were recorded to each person and traced them. It took many hours and they differ.

Holt: Mr. Miller, would you be willing to get your people to look at that - Mr. Skipper and the engineer?

Miller: Yes.

Holt: Can you get it in here by next week?

Dixon: We have to notice it.

Holt: Schedule it in two weeks?

Dixon: They will do it as soon as they can.

Holt: Those people need to be enjoying those lots. We need to hurry up. This has been going on for four years.

Jeglie: I was not prepared tonight to make an argument, but,

(inaudible)

Dixon: I don't think that was a question. He has already said he would do it. That is not in question.

Lamb: Mr. Chairman, as the commissioner to my right has stated, we have been going through this time and time again. I think Mr. Miller has tried to work with us all that he can. We have directed him to our growth management and I think we need to get this back on the agenda as soon as possible. He has been trying to work with us. We need to put forth an effort to bring this to a close.

Croley: Do we have other speakers? I thought there was two.

Dixon: Are there others? Did I miss someone. If you would, come to the microphone and state your name for the record.

Hawkins: Sam Hawkins.

I have been sitting here and trying to figure it out. I have listened to one thing. How did you increase the size of a lot that you have already sold?

Dixon: No, he increased the sold lots from the previous map - before they were sold.

Hawkins: (inaudible)

Dixon: You would have had to be here.

The question is?

Brown: Commissioners, if you approve or go with Option 1,

Dixon: Number 2.

Brown: So sorry. We will have to advertise this and schedule a public hearing. What is our public notice requirement for a public hearing?

Jeglie: 10 days.

Brown: So, this will have to be the second meeting in October.

Croley: Mr. Chair, I would like for Mr. Miller to come back up. I just want to ask a question.

Miller: Yes, sir, Mr. Croley.

Croley: Right now, it looks like to me that you've got vested interest in 12 lots that you sold. All. The only difference is that you've got some details that you haven't been able to work out with growth management.

Why would you not want to go and get with Ms. Jeglie, she is a new person and sit down and list out 1, 2, 3, so that we know.

Miller: I have been trying to do that for the last six months. Each time I get there, we get stone walled.

Croley: Mr. Manager, isn't that reasonable for them to do that? Then what they can't come to terms on, then come back if they can't work it out.

Miller: With all due respect, I respectfully ask the board for a public hearing on it.

Croley: O.K.

Dixon: We have been asked to rescind the previous action and reschedule this at a public hearing at the earliest possible opportunity.

Lamb: I so move.

Dixon: I have a motion. Do we have a second?

Holt: Second.

Dixon: We have a motion and a second. All in favor, sign of "Aye."

All: Aye.

Dixon: Opposes?  
(No response.)

Staff and manager, it would help us if we recognize that 1) Mr. Miller has some vested rights that the

board has already recognized. O.K. Let's get beyond that. I would like to settle this at the next meeting, please.  
Let's finish it. Give, take, whatever. Get it done.

Lamb: It won't be at the next meeting.

Dixon: At the proper time.

O.K. Next item, please.

### **County Manager**

#### **16A. Approval of E911 Rural County Grant Application**

The E911 Rural County Grant Program is to assist rural counties with the installation and maintenance of an Enhanced 911 (E911) system and to provide "seamless" Enhanced 911 throughout the State of Florida.

E911 Director Devane Mason appeared before the board and requested they approve the application described above.

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE E911 GRANT APPLICATION AND AUTHORIZE THE CHAIRMAN TO SIGN IT.

#### **16B. Request of Pastor Lyonel Leonard of the House of Comfort and Refuge Ministries to Operate a Tent Revival beyond the Limitations of the Current Noise Ordinance**

County Manager Brown explained that Pastor Leonard had applied for and received a permit to conduct a tent revival subject to compliance with the county's noise ordinance. After the revival began, the sheriff's department received complaints about the noise which ultimately came back to the county for resolution. Pastor Leonard then applied for a waiver to the noise ordinance requirement based on his belief that it encroached on their right for practice of freedom of religion. The manager stated that he denied the request for a waiver and Pastor Leonard has appealed his denial to the board.

**Pastor Leonard** addressed the board explaining his position.

(His permit for the outdoor event was for the hours 6:30 to 10:30 p.m. However, the noise ordinance goes into effect at 7:00 p.m.)

**Scott Whitehead**, one of the people who complained about the noise, also addressed the board explaining his dilemma as a funeral home director working with bereaved families. He said that sometimes the noise would be loud enough to disrupt family visitations at the funeral home. (They typically have family visitation and viewing from 6:00 - 8:30 p.m. - during the hours of revival services.) The amplified sound was disturbing to grieving family members at a very sensitive time in their lives. He asked that the board not grant the waiver to the noise ordinance.

Chair Dixon pointed out a number of facts:

1. The area in question is in commercial zone and with that zoning comes some expectation that there will be noise.
2. The noise ordinance was designed to protect residential neighborhoods where one has the expectation of peaceful existence.
3. Everybody has rights - the pastor and the church as well as the neighbors, however, religious freedom is one that is a monster to tackle.
4. The better solution would be for both sides to hold conversations and make compromises that each other can abide by.

Following a lengthy and spirited discussion, Pastor Leonard and Mr. Whitehead were in agreement that they could work things out through conversation and compromise.

Chair Dixon concluded by saying, "I will feel good when you and Mr. Whitehead come by and say, "I am happy - not a problem."

**You all work it out, write it down and send it to the manager and we will have the manager forward it on to the sheriff's office."**

#### **16C. PROCUREMENT OF SERVICE FOR REOPENING OF HOSPITAL**

Williams: What I do want to advise the commissioners about is that this involves the procurement of the construction manager and we have a bid protest and we have the



apparent winner in the audience and we have the bid protester in the audience. Everybody's got a lawyer.

So, there are some things that I am going to say and if you feel a need to discuss it, you can. As you know, we have not had a closed session on this issue. There are going to be some things that I will suggest to you that because the litigation is still pending, that there is - to the extent that you can, not have a lengthy discussion on the issue.

What you have before you commissioners are a series of documents that are designed to do a number of things.

One is to affirm the denial of all bids and to restart the selection process of a construction manager. A statement that the emergency for Gadsden County has existed since the close of the hospital and to reaffirm that.

Then to approve a process for a selection of a construction manager for the county.

That is a sum total of what we have here in front of you.

Mr. Chair, what I would like to do just so that we have a clear statement of what has been going on in the county, I will hit some of the highlights in the memo that we have in front of you. Then Mr. Sexton can jump in at the appropriate time to give you all some guidance as to what we need and why it is important at this point.

I would add also that we are in a double-time situation for the county as it relates to the hospital. One of the criteria we looked at was, even though we felt like the decision to move forward was well founded by the manager, my job is to provide you with the best possible posture as it relates to litigation. I didn't feel that it was appropriate for the county to be in a situation where the issue of whether Gadsden County got a license would be decided, excuse me, whether the hospital opens would be decided by legal action. In my opinion, I felt that if the legal action that is before you, the bid protest, even though we thought we were in a proper form that would

have prevailed, the likelihood that the hospital would have been completed in time would have been compromised. If the hospital was not completed in time, the license would have been lost. If the license was lost, it would be approximately two years roughly before Gadsden County would have the potential, and I underscore "potential", of getting the hospital open.

So, in the letter that Mr. Brown issued, the county manager, which was reviewed by my office and myself, we looked at the concerns outlined by Childers. This is the proper document so that we can address this.

We looked at the issue that gave us concern and concluded that some of them were sufficient by which we decided that a rejection was appropriate.

Having done that, I think it is appropriate at this point tonight, and at the conclusion of this discussion, that this Commission should ratify that the emergency existed and to ratify that Mr. Brown's actions were appropriate in an attempt to get the hospital open - to make it clear that as it relates to the actions of the manager in attempting to protect the license for Gadsden County that his actions were appropriate. That takes care of the first phase.

The second phase then is to get a process back in place that allows the manager to do what he normally does, which is to make a selection of who he thinks is the best applicant is for the - to do the construction manager services. In review of it, we have agreed that he will then make that recommendation to the board to decide whether they will, you will agree with his recommendation or not.

In preparing the documents, we made it very clear to anyone who applies that the selection committee's decision is a recommendation to the board. It is not binding and the board has the complete and absolute discretion to decide whether the decision that is recommended to you is in the best interest of the county. There will be no restrictions on anyone who bids as to a recommendation binding you to go with the recommendation from staff.

Those are the high points, Mr. Chairman, as to what we have done. We have sufficient documentation outlining the issues that have been before the county as it relates to the emergency that has been in place as it relates to healthcare in the county. The highlights on that issue involve the fact that when the hospital was closed, we had the critical access designation compromised by the previous vendor. We lost that critical access designation and the hospital could not have been opened until there was an identified funding source. We did come up with a design which is an emergency hospital configuration, but there was still no funding source in place. Only until you had the August ½ cent tax put into place did you have a method by which you could keep the hospital open based on your funding source. The ability then to get the hospital opened was an issue. As we have discussed in many meetings, AHCA gave us two years in one year increments, I believe it was June 08 for the first year and then June 09 for the second year. At the passage of the ½ cent sales tax, you had approximately 6 - 7 months to get the hospital open. I want to make it very clear that had the original bid award had applied, my understanding is, and Mr. Sharp is here and he can speak on this and I think Mr. Sexton was involved and the manager can speak to it.

It was not a normal procurement process. The applicant, whether it had been the protestor or the apparent awardee, would all have had to do some type of double time to get the hospital open by June of next year. Under no circumstances have I been advised by could have gone through the normal bid process and gotten the hospital open in time. It is my opinion that by doing this process, it still provides a timetable by which the hospital can be rebid and the applicant - whoever is awarded the contract will have sufficient opportunity through an extra ordinary effort to get the hospital open within the time frame allotted by AHCA.

One last comment, Mr. Chairman, and this relates to AHCA. There have been some suggestions that maybe they can do something differently or in the case as it relates to the license. Within the context of what I understand the law is as to what they can do, they have taken us to the full length of their discretion.

So, if there would be something, it would be based on some type of potential legislative action, which is uncertain. Typically, you would not have a stand alone bill. So, you can get a commitment from AHCA that they would do this, but you could be tied to a bill that would be so untenable that the governor may veto it or somehow, one side or another may not think it is a good idea. So, the suggestion that we would gamble the license and the timetable by which the construction manager could not get it done was not an option in my estimation.

Mr. Chair, that kind of gives you like a big picture item about where we are. Again, my only request is that if you ask a question and it is something that involves pending litigation that we have in front of us, I would ask that you at least advise you that I would ask that we not have that discussion. If it is something that is a public document and you have a question, then I am free to answer your question to provide you a legal comment on that.

Dixon: O.K. You have heard the request of the attorney. Members of the body?

Lamb: It is kind of difficult to ask any questions for fear of what we have here.

Mr. Attorney, why did we use our committee to do this?

Williams: That is a question you can't ask. What I can tell you is that the record is clear. Nothing will be compromised as it relates to the record as to what happened. So, any questions that the commissioners would like to ask will be available to be asked at any time. It is a paper trail. So, the things that were done are documented to the extent that if there is any concern as to whether this was a process that was outlined in the policies and procedures of the county, the answer is that it was. At the appropriate time, this commission can vet the process to the full extent that they are comfortable with it. Again, I am just concerned that if you do it tonight, there is a bid protest and my biggest concern is the litigation potentially overshadowing the reopening of the hospital for the county and healthcare for the county has been the goal all along.

Holt: Mr. Chairman, are you recommending options 1?

Williams: That is correct. I've got a couple of things I need to add. I am recommending Option 1. Just so that everyone is clear on what that does, you have a resolution here. What it does if the commission adopts it, it affirms the county manager's decision to reject all the responses to the price solicitation of construction manager services. It reaffirms the emergency conditions requiring expedited procurement of goods and services needed to reopen the hospital. That is important because you have to have the ability to use a truncated approach for the selection of the construction manager.

What we also found, and this is a legitimate reason for re-advertisement or re-solicitation is that in the process of going forward, there were some duties that were not aligned properly. We also asked that you direct that the roof and wall repairs be separated away from the construction manager's work and be immediately procured so that the remediation work can proceed.

Mr. Chair and Commissioners, as you know, when you do construction work, there is a concept called critical path. What that means is that you can have a lot of work that needs to be done, but there are pacing items and if those pacing items are off track, then the project gets off pace. As you go through your reselection of your construction manager, demolition work can be done. That is what the critical path item is right now.

The next issue is direct that the county solicit construction manager services to complete the repair and reopening of the hospital utilizing procedures set forth in the resolution.

The resolution has a time table. Paul if you will go over the time table for the commissioners.

Sexton: The time table set forth in the draft procurement entitled Competitive Negotiation for Construction Management Services, which is Exhibit A to the resolution. Section 2 is the section for procurement.

The solicitation will be issued tomorrow. Sealed replies are due on October 8. There will be a ranking by Board of County Commissioners on October 14 which will be based on a recommendation by the county manager with the assistance of staff as he see necessary. October 15<sup>th</sup> will be the posting of the ranking.

Just so that you understand, we are dealing with the construction manager contract. What you are basically doing is establishing a ranking. To do this ranking, you identify the number 1 contender that the county is going to enter into negotiations. If you can come to terms with the number 1 ranking firm, with regard to prices for his services, the terms and conditions of the services and all the documents that make a contract, then when you have agreement with that, that will be your construction manager. That will be returned back to the board of county commissioners for approval and be executed at the next available commission meeting after the negotiation is completed. At that point, the project can be coordinated with the construction manager and move forward.

At this point, we are anticipating being able to return a contract to you if we can expedite the negotiations sufficiently, sometime early in November.

Croley: Mr. Chair?

Mr. Attorney, I don't have a problem with the rejection of the bids or the RFPs for the sake of getting something done on the building.

I do have a problem though with your approach in having us, as a board, ratify so to speak, the actions that the manager is representing that he is taking by rejecting the bids.

As I told you, ya'll got yourselves, between you and the manager, into this situation without my assistance. Now, you are asking for my assistance to get out of it. I see under the rights of boards of county commissioners, your own memo here - page 4 - states that the procurement policies of the county allows this board to take whatever action is necessary for the public welfare and that we did not give up any of its authority. In fact, you quote in your sentence

here, "Consistent with Section 7, the Board of County Commissioners has construed the County's Procurement Policies as remaining subject to the Board of County Commissioners' inherent authority to exercise its powers as the County's chief administrative and legislative authority." Now, my position is - Why do we have to be ratifying this decision. We should be able to, from a technical standpoint and legal standpoint, reject all bids as the Board of County Commissioners and exercise this control ourselves and go back to the fact that if there is to be an emergency perceived, that emergency is a result of the administrative issue and the financial issue associated with the possible loss of the hospital license by delay.

I feel like I am being forced into "camouflaging a decision" that was previously made, that in my opinion, maybe should not have been made by the manager. It should have been made by the board.

Williams: May I respond, Mr. Chair.

I need to keep the record clear.

Dixon: Let me simply say this. We gave the manager that authority in a board meeting. There was nothing superficial or erroneous about it. We gave the manager that authority, period.

Now, this wasn't about hiding or camouflaging anything. This is about making sure that we get a hospital at the end of the day.

We made it very clear. It really doesn't bother me who he chose. It doesn't bother me who gets one ounce of work. We need a hospital. I don't need anything to stand in the way of that. That is my position. That has always been my position. There is nothing camouflaged about it.

Ya'll got that point right there?

I know how the Havana Herald will show up in the morning. Tallahassee Democrat, too. Not to mention the Gadsden County Times.

So, let's be very frank about it. There is always some reason or something is in the closet and being hidden. But, we voted on it. So, let's get back to the point at hand. The point at hand is to try and clear a process so that we can have a hospital.

No disrespect to Mr. Childers or anybody else who wants to be a part of this thing. But, you are not going to be a part of it to the detriment of this community, period, as far as I am concerned.

So, however this process gets there, let's get there.

Williams: Excuse me, I just want to get this in the record. The documents that talk about what happened in this process are all public documents. There is a very clear trail. Everything that occurred, occurred pursuant to the procurement policy. I want to make that very clear.

With no disrespect to Commissioner Croley, but, we are in litigation and it is important that nothing incorrectly stated as to what happened as it relates to pending litigation.

As you know, we typically have issues about strategies in a closed session and you can speak freely and it is recorded. Because we are in a public forum and we have the litigants in the room or they could have gotten the tapes, it is important that the record stay painfully clear so there is no confusion about what the county's position is.

I think it is pivotable as to whether the hospital will open in June of 09.

Holt: Mr. Chairman, may I?

Dixon: You may.

Holt: About that time line, Mr. Sexton, you said that you would bring it back to us in November.

Sexton: The time frame for conclusion of the negotiations is not specified because it just takes the time that it



takes. It could be done in a week or it could take a month.

Holt: Oh no, it is not going to take a month because it is going to finish before then because the people voted to open the hospital.

Sexton: I understand.

Dixon: The bottom line, gentlemen, is either they negotiate or you are moving on. Period.

Holt: We could vote Thursday as far as I am concerned. To be very honest with you. I really, really, really have had enough of this. I am not fussing at you. I really am not. There are people who are sitting around here who have stalled this process.

But, I would like to tell the board this - And I want to tell the people in the audience this because I got this call - Linda Jackson, a resident in Gadsden County and lives near Robertsville, would like this commission to know that she couldn't make it to this meeting, but she lost her 22 year old daughter, Shareka Jackson, last Saturday. She said they took her to TMH over the weekend. (She said that the commissioners should go to TMH) She felt the paramedics did a good job, but they did not have a hospital to take her too and they were trying to get her to Life Flight but they could not get her stable enough to get her to Tallahassee. She did not make it to Tallahassee and she died in the yard. This is not something that Ms. Linda Jackson is willing to put up with. So, these may not be the only law suits we are talking about.

Ms. Jackson is suffering from the loss of her daughter and now she is faced with raising her granddaughter who is 2 years old. The funeral is Saturday at Mt. Hosey Church for those of you who want to attend. . These are some people who are very upset with us. I think that this commission, including the people in the audience, should think about the people they represent.

If we have to make a decision, we have had three bids and we could look at those companies and have them

ready by Thursday. But, what I want to say is this, - I am not finished.

This is not something that is going to go away. To say that something is wrong with this company or that company, those are tools. We are talking about lives. So, if you don't like that company, I don't care if five companies that work together and renovate the hospital. This is not something that the voters are willing to put up with and put up with people who are politicking and posturing and trying to get a better (inaudible) on someone else. That is all this is.

Now, let's move on to what the problems really are. Healthcare. We need a hospital. So, November is too late. We need to have the people working on the hospital in October. It should have been October of last year instead of October of this year. We don't need to wait.

Now, we've got to go back and go through this whole process.

Lamb: Mr. Attorney, where are we and what are you asking us to consider?

Williams: I am asking for two motions. If you go to the third page of the - the analysis is very small. It is only this big. This is all the documentation about the emergency and the condition of healthcare in Gadsden County. So, we've got about an inch worth of paper just documenting the problems in Gadsden County over the last two plus years. The analysis of what we need to do is here.

If you go to page three, you need a motion affirming the resolution. The resolution outlines the process and the authorization for the manager to go back out and start the bid solicitation process and follow the procedure that you have outlined.

Holt: I move that we approve Option 1.

Dixon: Madam, please.

Williams: Then, the second part that I need is - as you know, we

would normally do this in a closed session. We have a pending lawsuit, but, based on your actions tonight, this should resolve the pending law suit. I need authorization from you to allow us to go forward to file motions to dismiss the law suit that is pending.

Lamb: Do we have time to re-advertise?

Brown: Commissioner, the information that the county attorney has presented has a truncated process whereby we will be able to do this immediately upon your approval this evening. We already have the ad ready to go, pending the approval by the board this evening.

Lamb: How will you advertise this time? What procedure will you use?

Sexton: Tallahassee Democrat has the shortest time for advertising and we may be able to get an ad run as early as Thursday morning. Then the county also posts the advertisement on its website. We will probably provide for communication of this advertisement to the participants in the last go round.

Lamb: Will you be using a committee?

Brown: Commissioner, I haven't decided what process at this time, but I will be consulting with the attorney as well as the purchasing director.

Lamb: Mr. Chair, does the manager still have the final authority to make this final decision?

Dixon: He will make a recommendation to the board.

Williams: All final decisions will be made by the board in this new solicitation process. It will be truncated in the sense that the time is compressed, but all decisions will be - well, take the emergency part out of that because the emergency part allows the manager to make that decision, but he is elevating all of the final decisions up to the board to make the final decisions.

Croley: Just to follow up on that. I want to make sure that it comes back to us and I notice in your competitive negotiations here, that you have a ranking by the board of county commissioners. As far as the

schedule, is that not correct?

Sexton: Yes. You will get a recommended ranking by the county manager, then you will make your decision as to the ranking.

Croley: I am fine on that. What I am trying to do is not put the county manager back in the same situation of having to deal with this by himself.

You are satisfied, Paul, that this arrangement will accomplish the objective?

Sexton: Yes, we wrote this so that it runs on a short schedule and loops back to the board of county commissioners for the ranking and then for the final approval of the contract.

Croley: Mr. Chair, when you are ready for a motion.

Holt: I move a motion.

Dixon: Hold on. Let me make it very clear. I think we did the first time was right. I don't see the necessity for this. I don't know why we give people authority to make decisions, then - but in the interest in moving ahead with a situation that I think is wrong, I will entertain a motion.

Holt: Mr. Chair, I would like to ask a question right quick. I would like to finish this process up before the end of October.

Brown: If I may, Commissioner, the schedule that the architects gave us, we needed to have someone on board by the end of October. So, I will do my due diligence to make sure that you have something before you before the end of October.

Holt: This is in the emergency process?

Brown: Correct.

Holt: This is not the regular process?

Brown: Correct.

Holt: You are sure?

Brown: Correct.

Williams: Mr. Chairman, you need two motions. The first motion is to adopt the resolution.

Dixon: We need a motion to adopt Resolution 2008-055.

Lamb: So moved.

Price: Second.

Dixon: We have a motion and a second.

Will there be discussion?  
(No response)

All in favor, sign of "Aye."

All: Aye.

Dixon: Opposes?

(No response)

Make it unanimous.

Williams: The second motion is authorization for the county attorneys office to do all things necessary to hopefully wind down the present litigation.

Dixon: The chair will entertain.

Holt: So moved.

Price: Second.

Dixon: We have a motion and a second.

Discussion?

Croley: All things necessary is a pretty broad latitude.

Williams: Within the context of the law.

Dixon: Close the lawsuit.

Any more questions?

All in favor, sign of "aye."

All: Aye.

Dixon: Opposes?

(No response)

Make it unanimous.

Anything else, Mr. Attorney?

Williams: No, sir. That is it for the county attorney.

**17.** Miscellaneous Items

**County Attorney**

**18.** Miscellaneous Items

**Discussion Items by Commissioners**

19.

Commissioner Lamb, Vice Chairman, District 1

Commissioner Croley, District 2

Commissioner Price, District 3

Commissioner Holt, District 4

Commissioner Dixon, Chairman, District 5 -

**Approval of County Manager's Evaluation and Contract**

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE COUNTY MANAGER'S EVALUATION REPORT.

**Receipt and File**

20.

- a. Letter from Florida Department of Revenue Regarding Ordinance Number 08-025, the Indigent Care Sales Surtax
- b. Letter from Florida Department of Community Affairs Regarding Completion of the CDBG Grant
- c. Letter from Apalachee Regional Planning Council Regarding Gadsden County Proposed Amendment Series 08-PEFE1
- d. Letter from Florida Association of Counties Trust Regarding Team Expansion
- e. Letter from Natural Resources Conservation Service Regarding Project Agreement - Emergency Watershed Protection Program
- f. Letter from Florida Department of Revenue Regarding Finalized Salaries of County Constitutional Officers - FY 2008-2009
- g. Letter to Kimley-Horn and Associates, Inc. Regarding Gadsden County RFP 08-08
- h. Letter from Florida Agency for Health Care Administration Regarding Health Care Facilities Inspection Reports Posted on Agency's Web Site
- i. Memorandum Regarding the Library Report
- j. Memorandum for the Receipt and File Record Regarding Approval of Change Order for Judicial Complex Expansion for Southern Triad Construction
- k. Memorandum for the Record Regarding Notice to Proceed - Sheriff's Department Fuel Tank Replacement
- l. Memorandum for the Record Regarding Notice of Award - Sheriff's Department Fuel Tank Replacement Agreement
- m. Letter from the Clerk of the Circuit Court Regarding Gadsden County Indigent Care Surtax

#### **October Meetings**

- October 7, 2008 - Regular Meeting

- October 14, 2008 - Special Meeting/Workshop
- October 21, 2008 - Regular Meeting



**ADJOURNMENT**

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

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Edward J. Dixon, Chair

ATTEST:

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Muriel Straughn, Deputy Clerk

AT THE REGULAR MEETING OF THE  
BOARD OF COUNT COMMISSIONERS HELD  
IN AND FOR GADSDEN COUNTY, FLORIDA  
ON OCTOBER 7, 2008, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

**PRESENT:** Edward J. Dixon, Chair, District 5  
Eugene Lamb, Vice-Chair, District 1  
Doug Croley, District 2  
Derrick Price, District 3  
Brenda Holt, District 4  
Paul Sexton, Deputy County Attorney  
Marlon Brown, County Manager  
Muriel Straughn, Deputy Clerk

**CALL TO ORDER**

Chair Dixon called the meeting to order then led in the invocation. Commissioner Croley led in pledging allegiance to the U.S. flag.

**AMENDMENTS TO THE AGENDA**

The following amendments to the agenda were proposed by County Manager Brown:

**Consent Agenda:**

**Replace Material for Item #10:**

Approval of Renewal of State Lobbying Services Contract -  
Replace copy of Contract with the attached copy which  
reflects the figure included in the agenda write-up.

**Delete Item #12 from the Consent Agenda and move to General  
Business Agenda as 18-A:**

Post Approval of Change Order for Concrete Services, Inc.  
for the Addition to the Supervisor of Elections Office

**Delete Item # 13 from the Consent Agenda and move to General  
Business Agenda as Item # 18-B.**

Post Approval of Change Order for Guy A. Race Judicial  
Complex Expansion from Southern Triad Construction

**General Business**

**Add Item 18-A:**

Post Approval of Change Order for Concrete Services, Inc. and Contract with Ed Cox Construction for Alternative to the Addition to the Supervisor of Elections Office

**Add Item 18-B:**

Post Approval of Change Order for Guy A. Race Judicial Complex Expansion from Southern Triad Construction for an Electrical Upgrade and Additional Site Work

**Add Item 18-C:**

Post Approval of Contract with Cross Construction for Gadsden Community Hospital Abatement

**Add Item 18-D:**

Approval to Transfer State Housing Initiative Partnership (SHIP) Program Special Assessment Lien from Residence at 94 Park Lane in Quincy to 185 Frances Harrell Way in Midway.

**Add Item 18-E:**

Approval of Amendments to the County Manager's Employment Agreement and Authorize the Chairman to Execute

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE AMENDMENTS TO AGENDA**

**AWARDS, PRESENTATIONS AND APPEARANCES**

**1. Overview of Gadsden County Health Department Services**

Mr. Marlon Hunter gave the board a brief overview of the accomplishments and services of the Gadsden County Health Department. He explained that the state mandates that all county health departments render at least three services - communicable disease, primary care and environmental health. See the attached report for details. He introduced Mr. Fred Thornton, the new business manager who relocated from Sarasota County.

He did make mention that the state has cut their budget and they expect it to be cut even more during the course of the fiscal year.

He also stated that the greatest need of Gadsden citizens was identified as being dental care. He reported that there are now two dentists, one dental hygienist, two assistants as well as office staff to provide dental care. The two programs that they now administer is Medicaid Kids and Adult Medicaid. However, he said he would soon be coming back to the board to get approval to implement an Adult Fee for Service program.

He then reported that they hope to re-open the Chattahoochee Clinic soon.

Commissioner Price asked Mr. Hunter if they could keep the Chattahoochee clinic open on weekends to give working people greater accessibility to their services.

Mr. Hunter stated that their primary goal at this stage is to first get Medicaid Kid clientele population up and taken care of. Once that is accomplished, they will move forward with expanding services to nights and weekends.

Commissioner Lamb asked if there was a program in place to take care of a pandemic outbreak if it should occur.

Mr. Hunter responded that Mr. Rick Miller is the regional emergency preparedness coordinator and he has worked with the local staff to develop a pandemic flu plan.

Commissioner Lamb then asked if there is any plan in the works to make services available to the Midway area.

Mr. Hunter answered that they would do an assessment to understand what the needs are, then they could move forward with making services available in Midway.

Commissioner Croley commended the department for the progress they have made in such a short time.

Mr. Hunter closed by saying that he would be doing a needs assessment of the entire county over the next year to discern what and where the greatest needs are.

## **2. Employee Service Award Recognition**

County Manager Brown recognized the following employees:

- Ms. Natasha Wilkens -Probation Officer I,-5 Years

- Mr. Edward Faulk, Inmate Supervisor for Public Works - 10 Years
- Ms. Yolanda Goode, 4-H Extension Youth Agent II- 10 Years (Ms. Goode was not present.)
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#### **CONSENT AGENDA**

Items 8, 10, & 11 were pulled from the consent agenda for discussion.

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

3. Approval of Minutes - September 16, 2008 Regular Meeting
4. Ratification of Approval to Pay County Bills A/P - September 19 & 26, 2008; Payroll - September 25, 2008
5. Approval of Signatures for Special Assessment Liens - Anthony Akins
6. Approval of Signatures for Special Assessment Lien and Rehabilitation Contract - Emergency Repairs - Gloria Thomas
7. Approval of Signatures for Special Assessment Lien and Rehabilitation Contract - Stat Housing Initiative Partnership (SHIP) - Clarence & Florine Butler; Jerelean Richardson
8. ~~Approval of Interlocal Agreements with City of Midway, Chattahoochee, Quincy, Gretna and the Gadsden County School Board~~—This was pulled for discussion following the Consent Agenda
9. Approval to Accept the Division of Forestry Annual Forestry Report and Operating Plan and authorization for the chairman to sign the plan - Fiscal Impact to Gadsden County - \$21,043.54
10. ~~Approval to Renew the State Lobbying Services Contract with Chris Doolin and Associates~~—This was removed from the Consent Agenda for discussion.
11. ~~Approval of the 2009 Holiday Schedule~~ This was removed for discussion.
12. ~~Post Approval of Change Order for Concrete Services, Inc. for the Addition to the Supervisor of Elections Office -~~ This item was deleted from the Consent Agenda and Moved to General Business as Item 18-A.
13. ~~Post Approval of Change Order for Guy A. Race Judicial Complex Expansion from Southern Triad Construction~~ This item was deleted from the Consent Agenda and place on the General Business Agenda as Item 18-B.

**CONSENT ITEMS PULLED FOR DISCUSSION**

**8. Approval of Interlocal Agreements with City of Midway, Chattahoochee, Quincy, Gretna and the Gadsden County School Board for Road Maintenance Activities**

Historically, the Public Works Department has entered into agreements with the municipalities to perform maintenance to dirt roads, etc. and it is reimbursed for the work via the terms of the agreement.

In response to questions by Commissioner Croley, the following facts were made known:

- All roads in Havana are now paved and they did not request that their agreement be renewed. They no longer utilize county services.
- The hourly rates are re-calculated annually per actual cost.
- The service does not place a burden on county resources.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE AGREEMENTS AS PRESENTED.

**10. Approval of Renewal of State Lobbying Services Contract with Chris Doolin & Associates.**

It was clarified for the record that the contract amount was for \$50,000 as reflected in the amended agenda. The original contract was awarded in 2005. The proposed contract will begin the fourth year that the county has utilized their services. The contract comes up for renewal every year.

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UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE CONTRACT WITH CHRIS DOOLIN & ASSOCIATES.

**11. Approval of the 2009 Holiday Schedule**

Commissioner Croley objected to 12 paid holidays per year. He contended that it is not in line with the other municipalities and state government.

County Manager Brown stated that the analysis performed in past years led the previous board to set this schedule. It was due, in part, to the fact that the county does not offer as many annual leave hours as other governments. The combined annual leave and holiday hours is similar to other agencies.

Assistant County Manager Arthur Lawson stated they typically do an analysis every year. He said that they survey other surrounding counties as to their holiday schedule as well as the total aggregate leave that they provide. In addition to that, the management sees it as a benefit to the employees.

Commissioner Croley remained opposed to the schedule in light of the financial difficulty the county was experiencing.

Chair Dixon contended that Gadsden County set out to be a leader and not a follower in this regard.

**UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE SCHEDULE AS PRESENTED. COMMISSIONER CROLEY CAST THE LONE DISSENTING VOTE.**

**PUBLIC HEARING:**

**14. Public Hearing - Approval of Ordinance # 2008-030 - Urban Service Boundary (USB) Adopting Remedial Amendments to the Comprehensive Plan in Compliance with the Stipulated Settlement Agreement**

On July 15, 2008, the Board voted to approve the proposed Stipulate Settlement Agreement with the Florida Department of Community Affairs (FDCA) pertaining to six land use amendments to the county's Comprehensive Plan that was adopted in April 2006. As part of the stipulated agreement, the board must repeal five of the six ordinances previously adopted and adopt a new ordinance adopting the remedial text amendments to allow for the development of Urban Service Boundaries (USB) overlays.

Growth Management Director Jill Jeglie introduced the ordinance and gave pertinent details as contained in the

attached agenda report. She recommended approval of the ordinance.

Attorney Sexton summarized the issue saying, "This is the amendment process to implement the terms of the stipulated settlement. This ordinance is the one global revision of the Comprehensive Planning Elements that provides additional guidance that will govern all future land use amendments of the county per the policies that DCA wanted the county to pursue. He said it would provide overall guidance to the planning process above and beyond the limitations that are included in the site specific policies for the agenda items that follow this agenda item."

Chair Dixon remarked that USB is something that Gadsden County did not have. Therefore, people could not be compelled to move closer to the city, yet the county did not have the ability to give people smaller lots. As a result, people began to go to the cities and request annexation, but the cities had no ability to provide infrastructure. The USB will give the county the ability to get lots smaller and nearer the cities and extend their water systems.

Following discussion among the board members, Chair Dixon called for public input.

**Mr. Jeffrey Brown, attorney for Billy Don Grant** voicing objections overall to the settlement agreement, in particular to the amendment referred to as the Mortham Shaw Amendment. He said that this ordinance would lead to the approval of the Mortham Shaw Amendment (Item 18).

**Michael Dooner** addressed the board in opposition to the ordinance. He stated that he objects to the settlement agreement because "In adopting this, you are telling every other agriculture land owner in the county that they cannot do anything with their land except what they are already doing. That is taking away rights. Right now, we all have the right to appear before you and go through the process and ask for a change in our designation. If you pass this, that right is gone. I do not believe that the ordinance, as advertised over the last few months, and we all know this has been going on for years, but, I don't believe, now that it has come to a head, that it has been advertised to the property owners in the county that it is affecting them. You have advertised it under the name of Wildflower,



Schnepf, Mortham and all those. You have unintentionally, I think, but you have misled people with those advertisements to believe that these changes are only affecting those properties. And, you are taking away a right that we all now have and you have not properly noticed us. If you were starting over in this whole ordeal, and you were going to change the Comp Plan to draw new boundaries, you would have notified everybody that that was the purpose of what was happening. That has not happened. I don't think you can pass this ordinance until you properly tell every property owner in this county what is happening."

**Ms. Pat Curtis, representative for Friends of Lake Talquin,** addressed the board in support of the ordinance and encouraged the board to take measures to protect Lake Talquin. She also stated for the record, that Friends of Lake Talquin want to be very involved in the Wetumpka/Lake Talquin overlay plan process.

Chair Dixon called for other comments.

There was no response.

In response to Michael Dooner's notification objections, Commissioner Lamb asked Ms. Jeglie if the public hearing was properly noticed. She answered that it was advertised as required by the County Code.

Attorney Paul Sexton replied, "The objection that he had was the broader policy adoption which is under Item 14. The process that we are in was contemplated by the Statutes and the notice provisions that we are operating under were specified by the Statute. The Statute specifically contemplates that there would be potential for remedial amendments to the Comprehensive Plan to address objections or in this particular instance, agreements on the part of the county to policy changes that would overcome DCA's objections. The notice that was issued for this item was consistent with the statutory notice provisions, which is a publication in a newspaper of general circulation."

Commissioner Lamb then questioned whether all land owners of the county are affected by the ordinance, and not just those who live in the proximity.

Mr. Sexton replied, "Yes, I believe that the objector's premise was that you need to mail a notice of this proposed amendment to every property owner in the county. That is not the law in Florida...That has not been done. That is not a statutory requirement."

Discussion followed among the board, staff and attorney.

Mr. Dooner again approached the board. He said, "The point that I am trying to make is that I am not opposed to any one of these in particular. It is more of - the bigger issue is that after two or three years of these same developments trying to get approved, I promise you that people are not reading every ad that comes out about those developments. They are the same way today as they were two or three years ago. I mean, they have been in the paper. We don't know what is going on with Wildflower and Schnepf and DCA and you guys. We know ya'll are trying to work it out, but this agreement has restrictions on other land owners that have not been properly noticed. I truly think that."

Dixon:

What do you think those restrictions are, Mr. Dooner?

Dooner:

If a person outside, from this point forward if this is passed, people outside of the Urban Service Area who are AG now, have no hope of going to the AG1 or Rural Residential. Yesterday, they did have that right to appear and ask. Now, they don't. That has not been properly advertised.

Dixon:

Mr. Dooner, I have read it a couple of times. First of all, nothing is getting passed, period. DCA has held up everything that we sent forward. All of these projects were different in nature, different in scope and different in size. And, DCA basically said, "Stop, we are not taking anything else. We don't want it. You guys don't get it, you don't understand." And, we sat around for a year and said, "Tell us what it is that we don't understand." Then they came back with this and said, "I think this will get you there." And we said, "Well, that is all we asked to do in the beginning anyway." And they said, "Well, yeah, but it is coming from God now, so we can go forward." I don't see this as limiting other properties. I see it as an added bonus to the Board of County Commissioners. We couldn't do

urban service areas to this degree before. We couldn't do urban service. There was just nothing we could do. So, people would go to the cities and get annexed. Then leave the folk in the county, literally, to deal with whatever we grow up to be. Midway for instance. Those people didn't want to come into the county because, while we were giving them urban service, we would never have let them go down to a quarter acre lot with no sewer. They knew that.

Dooner:

I understand. You are actually making the same point that I am trying to make. You are changing the process and you have not notified all the land owners in the county.

Dixon:

Mr. Dooner, we are not changing the process, we are adding something to the process.

Dooner:

I think that is change.

Dixon:

Every time we do a piece, we change it. I think you are being very extravagant when you use "change" in that manner. What I am saying is simply, that we have a tool that we didn't have before, number 1. Number 2, you've always had to come to this body to change AG anything to Rural Residential. You still have that option. I don't think it will be anymore difficult that it has been in the past. I don't see that - the test has always been out there - how much do you need? That test has always been out there. Where do you build it? As Ms. Jeglie said, the neighborhood overlays and all you get now is an additional piece to go with it. Joe Blow in the middle of nowhere, can just jump up and want to change 50 acres. There has to be a reason and a rationale to get there. The system and the process is no different.

Dooner:

Mr. Chairman, I will respectfully disagree. If it was no different, we wouldn't be having to pass a new ordinance. I would hope that you would at least table this or whatever the process is and make sure that you properly advertise.

Dixon:

Mr. Dooner, we have been doing this for how long now?

Dooner:

A long time. I know that. I don't disagree with you. I don't think anybody has done anything intentionally wrong. I promise you that. It is just that after three years of fussing with DCA about this, all of us out in the county that own property assume that this ordinance and the others to come were to change these - Wildflower, Schnepf, you know, those. Now, a few of us have learned that, "Oh, by the way, there is another thing, it says that the rest of you can't go to rural residential."

Dixon:

Well, let's get out of generalities. Can you go down, I don't mind, can you go down and show me what you are talking about?

Dooner:

I don't have it right here in front of me. But, actually Jill is the one that told me about it on the phone. I mean, I found it and I asked her about it and basically, she confirmed that once this is adopted, if you are outside of the USA, your rights have changed.

Dixon:

Ms. Jeglie, do you want to address that?

Jeglie:

In those policies that you have, in order to - we have to adopt urban service boundaries. There are criteria for adopting it. It does say that your amendments to Rural Residential or greater would have to be within the Urban Service Boundaries. The way it is now, they can be adjacent to Rural Residential and they can apply - that doesn't mean that you will get it and also, too, again, the State is not approving many of those without going through this lengthy process that we have now, if at all.

Dixon:

Wait Ms. Jeglie. You just said two very different things. "The county says, but, the state won't approve."

Jeglie:

With this settlement agreement, the county is going to have to consider and adopt Urban Service Boundaries. If you are applying for a land use amendment within that Urban Service

Boundary, you will be able to go to higher density. If you are outside that Urban Service Boundary, then it does limit your ability to go to Rural Residential or higher density.

Dixon:

Now, and what you are also telling me is that the stuff that we sent over were denied for that very same reason. So, the State is going to deny, for the most part, something that we send over that is outside of that boundary. They did it before and now, they have a line to look at and say, "Oh, by the way.."

Sexton:

Mr. Chairman, if I could just jump in here a little bit, the Department of Community Affairs in the last year or two has made a change in how they are taking the approach to regulating comprehensive plan amendments at the local level. They are much more focused on what they consider to be urban sprawl. They are also focused on the concept of having to have proof of a need to increase density in a county. What we are dealing with here is simply a reflection of what the State Policy is that overlays on top of the counties. This is not - what is reflected in the comp plan amendments is existing policy at the state level. It is going to stay existing state policy for the foreseeable future.

The bottom line for DCA is, if we don't adopt these remedial amendments, they will not agree that any of the other amendments can be made and any future amendments will be facing the same hurdles of having to deal with DCA's objection on the grounds of urban sprawl and the issue of "Is there statistical proof of the need for higher densities?" So, that is a constant that is going to be there, regardless of whether you make this amendment.

Further discussion followed among the board members.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 1 TO APPROVE ORDINANCE 2008-030 ADOPTING REMEDIAL AMENDMENTS TO THE GADSDEN COUNTY COMPREHENSIVE PLAN - ALLOWING FOR THE ADOPTION OF URBAN SERVICE BOUNDARIES TO ENACT OBJECTIVE 1.15 AND POLICIES 1.15.1, 1.15.2, 1.15.3, 1.15.4, AND 1.15.5 AS REMEDIAL AMENDMENTS TO THE FUTURE LAND USE ELEMENT OF THE GADSDEN**

COUNTY COMPREHENSIVE PLAN PERTAINING TO THE IMPLEMENTATION OF URBAN SERVICE BOUNDARIES AS PRESCRIBED IN THE COMPLIANCE/STIPULATED SETTLEMENT AGREEMENT WITH THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS. (Commissioner Croley cast the lone dissenting vote.)

**14. Public Hearing - Wildflower Comprehensive Plan Amendment (CPA-2005-07) Major Land Use Amendment - The Repeal of Ordinance # 2006-004 and the Adoption of Ordinance 2008-02**

*Changing the Land Use Designation on a 101.16 Acre parcel from AG-2 to RR*

**Owner:** Eagles Landing At Quincy, LLC

**Applicant:** Bill Thomas

**Location:** East side of SR 267 (Bainbridge Highway) north of Salter Road and south of Old Philadelphia Church Road

**TAX ID:** 2-36-3N-4W-0000-00112-0000 & 2-36-3N-4W-0000-00132-0100

**Description of Project:** 76 lots under the clustering provisions. Single family residential homes

**Staff Recommendation:** Approval

On April 26, 2006, the Board voted to approve Ordinance 2006-004 with a site specific policy, Policy 1.14.1. The Florida Department of Community Affairs (FDCA) found this amendment along with five others "not in compliance." After much negotiation, these amendments were approved subject to compliance with a "Stipulated Settlement Agreement" with the FDAC. To proceed, the Board must first repeal Ordinance 2006-004 and then adopt a new ordinance 2008-026 compliant with site specific policies. The proposed ordinance adopts by reference the policies identified in the "Remedial Plan Amendments" of the Stipulated Settlement Agreement.

**Growth Management Director Jill Jeglie** introduced the agenda item describing it as contained in the agenda report attached.

Chair Dixon called for questions and comments from the public.

**Michael Donaldson**, Representative, addressed the board on behalf of Eagles Landing, LLC who is now the owner of

record. He gave no further comments, but offered to answer questions.

**Michael Dooner**, adjacent property owner to the east, addressed the board. He was strongly opposed to the project. He specifically was concerned about the 10% of the land set aside for public recreation use. He asked a number of questions to which the board had no answer at this point.

**Jeffrey Brown, attorney for Billy Don Grant and Gadsden Golf and Country Club**, addressed the board. He voiced objections to this project on the grounds that it creates urban sprawl.

There being no other public comments, the chair called for discussion from the board.

Discussion followed.

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO REPEAL ORDINANCE 2006-004 AND APPROVE THE ORDINANCE 2008-026 AMENDING THE FUTURE LAND USE MAP CHANGING 101.16 ACRES FROM AG-2 TO RR WITH SITE SPECIFIC POLICY 1.14.1 AS ADOPTED BY THE STIPULATED SETTLEMENT AGREEMENT, REMEDIAL PLAN AMENDMENT. Commissioners Croley and Lamb opposed the motion.

**16. Public Hearing - Highlands at Lake Talquin (CPA-2005-10) and Stoddard II (CPA-2005-014) Comprehensive Plan Amendments - The Repeal of Ordinance # 2006-005 and Ordinance 2006-011 and the Adoption of Ordinance 2008-027**

*Changing the land use designation of 369.3 acres from AG-3 to RR.*

**Owner of Highlands:** Highlands at Lake Talquin, Inc.

**Applicant:** Larry Witt & Parker Consulting

**Location:** South side of McCall Bridge Road east of Lakeview Point Road

**TAX ID:** 4-25-1N-4W-0000-00232-0000

4-26-1N-4W-0000-00340-0000

**Owner of Stodard:** Talquin Springs, LLC and Darrell and Rhonda Stodard

**Representative of Stodard:** Matthew Parker, Parker Consulting

**Location:** South side of McCall Bridge Road (CR65C) and the east side of Lakeview Point Road  
**TAX ID:** 4-25-1N-4W-0000-00340-0100

*Changing 27.21 Acres from AG-3 to RR - 23 lots for single family homes.*

On April 25, 2006, The Board of County Commissioners voted to adopt both the Highlands at Lake Talquin (CPA-2005-10) (Ordinance 2006-05) and the Stodard II (CPA-2006-011) Ordinance 2006-011) Future Land Use map amendments with site specific policies. The Florida Department of Community Affairs (FDCA) found the amendments "not in compliance". Since these amendments are adjacent to each other and had similar issues, they were addressed in the same ordinance (2008-027), and policy, Policy 1.14.2 in the Stipulated Settlement Agreement with the FDCA.

The staff report were entered into the record.

The chair opened the public hearing and asked for public input.

**Bob Routa, Attorney for Bill Lee,** addressed the board, but and offered no new testimony or evidence. He was available for questions only.

**Michael Donaldson, Attorney for Highlands,** addressed the board to answer questions, but offered no new testimony.

**Mr. Fred Malfa,** adjacent property owner on McCall Bridge Road, had questions about the septic package system to be used to serve the new subdivision.

**Mr. Jim Brantley,** 5523 Old Federal Road, Quincy, FL, spoke in opposition. He asked them to table this project until the new commission takes office.

**Jeffrey Brown, Attorney for Billy Don Grant,** spoke in opposition to the project.

**Matt Heart, Boy Scout Camp,** spoke in opposition saying that the project is not compatible with the adjacent land uses, particularly the Boy Scout Camp. He pointed out that the camp would be a nuisance to the home owners with rifle ranges, BMX Tracks with lights, etc. He also pointed out



that the camp brings in \$.5 million a year into the local economy. A subdivision of the proposed size will seriously limit the abilities of the camp to operate in a fashion conducive to a conservation type camp site. He cited safety issues for the campers. He said that they already have to deal continually with people trespassing onto the camp with their four-wheelers. They also have to deal with hunting trespassers who think the camp is a public park. He said they sometimes have as many as 1,000 scout campers on the site who are would not be safe if trespassing becomes an issue. He said that the subdivisions would dramatically change the character of the area, which has been a conservation camp for over 42 years.

He also contested the statement in the applicant's application relative to the need for affordable housing in Gadsden County. He contended that there was ample property in the county that is already designated as rural residential property.

**Frank Shaw, also from Boy Scouts,** addressed the board in opposition to the project.

**Landis Crocket, Friends of Lake Talquin,** asked the board to complete the Wetumpka Lake Talquin Overlay before approving this project.

**Michael Donaldson** spoke again in support of the project.

**Ed Allen,** Friends of Lake Talquin, read into the record the objections raised by the Department of Community Affairs related to this project. He also stated that there is no agreement on the part of Talquin to take over the septic system.

**Frank Shaw,** Boy Scouts Corp., stated that the developer has never contacted them about the proposed project.

Chair Dixon closed public comment portion of the hearing.

Discussion among the board commenced, but they could not reach a consensus.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE THIS PROJECT UNTIL THE END OF THE MEETING.**

**17. Schnepf Comprehensive Plan Amendment (CPA 2005-17) Major  
Land Use Amendment changing 86.37 from AG2 to RR - The  
Repeal of Ordinance 2006-012 and the Adoption of Ordinance  
2008-028**

**Owner:** Clifford J. Schnepf

**Applicant:** Elva Peppers, Representative

**Location:** East side of SR 267 (Bainbridge Highway), north of Salter Road and south of Old Philadelphia Church Road (CR 272) just north of and adjacent to the Wildflower land use amendment

**Type of Hearing:** Quasi-Legislative

**TAX ID:** 2-25-3N-4W-0000-00320-0000 AND 2-25-3N-4W-0000-00331-0000

**Planning Commission Recommendation:** Approval based on findings listed in the attached agenda report.

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

**Interim Growth Management Director Jill Jeglie** introduced the ordinance giving a brief background - On April 25, 2006, the Board voted to approve Ordinance 2006-012 with a specific policy, Policy 1.14.3. the FDCA found this amendment along with five others "not in compliance". After much negotiation, these amendments were approved subject to compliance with a "Stipulated Settlement" agreement with FDCA. In order to proceed, the board must repeal Ordinance 2006-012, then adopt the new Ordinance 2008-028 compliant with the site specific policies. The proposed ordinance adopts by reference, the policies identified in the "Remedial Plan Amendments" in Exhibit B of the Stipulated Settlement Agreement.

Chair Dixon called for public comments.

**Michael Dooner, Jeffrey Brown, and John Aikens** spoke in opposition to the development and the ordinance.

Board discussion followed.

A MOTION WAS MADE BY COMMISSIONER PRICE TO APPROVE THE STAFF RECOMMENDATION. THE MOTION DIED FOR LACK OF A SECOND.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 2 - 3, BY VOICE VOTE, TO DENY

APPROVAL OF THE ORDINANCE AND LAND USE AMENDMENT. **THE MOTION FAILED** WITH COMMISSIONERS CROLEY AND LAMB VOTING FOR THE MOTION TO DENY AND COMMISSIONERS DIXON, HOLT AND PRICE VOTING AGAINST.

Further discussion among the board followed.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE ORDINANCE AND THE LAND USE AMENDMENT.

**18. Public Hearing - Mortham-Shaw Comprehensive Plan Amendment (CPA-2005-018) - Major Land Use Amendment - The Repeal of Ordinance 2006-013 and the Adoption of Ordinance 2008-029**

*Changing 325.57 acres from AG-2 & AG-3 to RR - 160 lots*

**Owner:** C.R. Shaw III, et. Al and Rebecca Shaw

**Representative:** Florida Environmental & Land Services, Inc.

**Description:**

**Allen Mortham** addressed the board in support the adoption of the land use change.

**Ed Poppell, adjacent property owner**, addressed the board in opposition to the land use amendment. He read into the record a statement in which he cited a number of issues which included code enforcement violations. He cited an incident whereby a number of trees on his property were destroyed by trespassers. He said that when he called Code Enforcement for assistance, they were of no help nor has he been able to get them to return his calls. He also said that the officer seemed to be unfamiliar with the development codes on the books.

Mr. Poppell then projected that soil erosion is going to be a big problem on the proposed development. He contended that the citizens deserve to be protected by the codes and ordinances on the books. He asked that a code enforcement officer be on site everyday once the development begins. He also asked that the staff respond to the citizens when the complaints begin to be made and halt construction when violations occur.

He concluded by asking the board to deny the development.

**Jan Baldwin, 136 Planters Circle, Quincy, FL** addressed the board. She said that she had contacted archeologists about the proposed project and learned that there are two archeological sites on the property. Bethlehem Church and the Spanish Indian Mission Road which extended to the Spanish Trail. She implored the board to be mindful of the procedures outlined by the state for development of properties that are archeological sites.

She went on to say that numerous artifacts have been found on that site and there may be Indian mounds that have not been found yet. She referenced two letters she had received from the Florida Master File site and noted a number of contacts she had made regarding the property.

They are listed below:

District Office of DEP - Pensacola - Cliff Street  
Environmental Resources - Julian Petrow, Administrator  
DEP - Gary Tew, Tom Franklin, Mike Dalton, Lewis  
Tazar, Ryan Wheeler; Allison Vincent

She reported that archeological signs are now posted on the property after several conversations with the above contacts.

She petitioned the board to take the time to follow the state procedures and do the appropriate surveys and attempt to preserve whatever history they can for the next generation.

She then entered as Exhibit 1 the maps and letters which she referred to regarding the archaeological sites.

**Mr. James Anderson and Ms. Cindy D'Entremont of the Homeowners Association for Farms at Quincy Subdivision** addressed the board in opposition to the development.

Ms. D'Entremont stated that she did not believe that this proceeding was adequately noticed based on the letter she received in the mail.

**Mr. Jeffrey Brown, attorney for Billy Don Grant and Golf Club of Quincy,** addressed the board and continued to oppose the development. He noted that his client had intervened into the pending administrative hearing at DCA on this ordinance

and will continue to oppose it. He raised a practical problem with the amendment in that it would allow development of the 160 lots with no minimum lot size. The language reads, "The average lot size will consist of lots of approximately two acres." He asked that the wording be changed to require a minimum lot size. He suggested a minimum of five acres.

Chair Dixon closed the public comment portion of the meeting.

Discussion followed among the board, but no consensus could be reached.

The issue regarding a possible error in the public notice was raised again.

Attorney Sexton stated that the published notice (newspaper advertisement) was correct and it included the entire area being considered. However, there was an error in the mailed notices to the area property owners as it did not describe the correct area being considered. He could not say for certain that a mailed notice was required by law even though it was a practice of the board. He asked for a few minutes to research the matter.

**UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE THIS ITEM UNTIL LATER IN THE MEETING.**

**16. Public Hearing - Highlands at Lake Talquin (CPA-2005-10) and Stoddard II (CPA-2005-014) Comprehensive Plan Amendments - The Repeal of Ordinance # 2006-005 and Ordinance 2006-011 and the Adoption of Ordinance 2008-027 continued**

The board re-addressed the above stated land use amendment and ordinance.

Chair Dixon stated that he was quite perplexed about this plan amendment because he really felt that it should be a part of the neighborhood development plan for the Wetumpka/Lake Talquin area.

**Michael Donaldson** approached the board again in support of the development. He reminded them that it had been going on for more than two years. In that time, the developer has done everything the board and DCA asked him to do. He also

reminded them of the signed Stipulated Settlement Agreement that the county and the developer signed. He argued for approval of the project.

**Mr. Routa** also approached the board again in support of the project.

**Ms. Pat Curtis** reminded the board that the Stipulated Agreement also included the completion of the overlay plan for the Wetumpka Lake Talquin area. She argued that it would most prudent to complete the overlay plan first, which should be completed in January 2009.

**Ed Allen** inquired about the density that would be allowed if central sewer is installed.

Chair Dixon then stated, "The lake has the greatest density of any area in the county. The question becomes, What should the growth pattern be?...Mr. Allen did bring up some points that brought me back to why I think I certainly went, I could be wrong, but I am of the impression that I was the one pushing the buttons about sewer and the interconnectivity of the subdivisions that are coming on line down there. It really wasn't about this subdivision, per se as much as it was about the other subdivisions that have the potential to hook up. There is an approval of one across the street, over in the bushes, not near the lake. If you are going to develop, that is really where you want people to go, not down near the water. You want to keep as many folks as far away from the water as possible.

So, the push was there. You are going to see this in the next few meetings that I have to vote. I don't particularly get excited about people who come in and enjoy a community and want to keep everybody else out. That is not right. The same thing that you came looking for, others are coming behind you. They are looking for the good life at the lake, the good life downtown, wherever you think the good life is, somebody else wants it, too."

Commissioner Holt reminded the commissioners that the board continually insisted that potential developers around the lake consider central sewer systems in order to protect the lake. This developer has agreed to do just that and she supported the development for that reason.

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE ORDINANCE AND THE LAND USE AMENDMENT AS RECOMMENDED BY THE STAFF. COMMISSIONERS HOLT, PRICE, AND DIXON VOTED, "AYE." COMMISSIONERS CROLEY AND LAMB VOTED, "NO."

**MORTHAM SHAW LAND USE AMENDMENT - REVISITED**

Attorney Sexton recommended that this land use amendment be continued to October 21, 2008.

UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO CONTINUE THE MORTHAM SHAW LAND USE AMENDMENT UNTIL OCTOBER 21, 2008. COMMISSIONER CROLEY CAST THE LONE DISSENTING VOTE.

**GENERAL BUSINESS AGENDA**

**18-A Post Approval of Change Order for Concrete Services, Inc. and Approval of Contract with Ed Cox Construction for Build out for the Addition to the Supervisor of Elections Office**

The base bid for this project was \$184,523. The cost of the Change Order is \$21,954 and the cost for the build out is \$30,300. See the attached agenda report for the details of the contract and change order.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE CHANGE ORDER WITH CONCRETE SERVICES, INC. AND THE CONTRACT WITH ED COX CONSTRUCTION AND TO AUTHORIZE THE CHAIRMAN TO SIGN EACH.

**18-B Post Approval of Change Orders for Guy A. Race Judicial Complex Expansion from Southern Triad Construction**

The cost of the change orders is \$17,215 and \$ \$14,978 bringing the total contract to \$1,117,519. See the attached report for details of the change order.

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

**18-C Post Approval of Contract with Cross Construction for Gadsden Community Hospital Abatement**

County Manager Brown told the board that effort were moving forward as expeditiously as possible for the re-opening of the hospital as a rural emergency facility. In order to move forward, there are hazardous material and asbestos that must be removed before construction can begin. It was determined that the abatement process should move forward since there still is no construction manager in place for the renovation. The cost associated with the abatement is \$283,500.

Commissioner Croley raised a question as to why it was being brought to the board for post approval if he had made the decision as the manager based upon the emergency authority to get the hospital opened.

The chair declined to allow that discussion.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE CONTRACT WITH CROSS CONSTRUCTION AND TO AUTHORIZE THE CHAIRMAN'S SIGNATURE.

**18-D Approval to Transfer State Housing Initiatives Partnership (SHIP) Program Special Assessment Lien from Residence at 94 Park Lane in Quincy to 185 Frances Harrell Way in Midway..**

See the attached report for details of this item.

Chair Dixon suggested that the Board forgive the lien since Ms. Simmons has lived in the house for nine years.

The staff did not concur.

Commissioner Croley voiced concern that this would set a precedent that will present problems in the future.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 4 - 1 TO APPROVE THE STAFF RECOMMENDATION TO TRANSFER THE LIEN FOR TAWANNA p. SIMMONS FROM HER RESIDENCE AT 94 PARK LANE INQUINCY TO THE RESIDENCE AT 185 FRANCES HARRELL WAY IN MIDWAY, SUBJECT TO A RESPONSE FROM THE FLORIDA HOUSING FINANCE CORPORATION AND TO AUTHORIZE THE COUNTY ATTORNEY TO PREPARE APPROPRIATE DOCMUNTS TO TRANSFER THE LIEN AND DRAFT A PROMISSORY NOTE THAT OBLIGATES THE HOMEOWNER TO REPAY THE COUNTY'S LIEN IN THE AMOUNT OF \$3,230.08.



**AMENDMENT TO THE EMPLOYMENT AGREEMENT BETWEEN THE COUNTY  
AND THE COUNTY MANAGER**

Chair Dixon introduced the county manager's contract explaining that there were additions and changes to the previous contract.

Croley:

Before we review each one, may I ask you a question, Mr. Chair.

Dixon:

You certainly may.

Croley:

By what authority were these amendments even contemplated? I don't recall the board giving any authority to anyone to enter into any of these changes on his behalf.

Dixon:

I don't think we have entered into anything.

Croley:

What are they even here?

Dixon:

At the manager.

Brown:

Mr. Chairman, if you recall back when I brought before you the evaluation, I also requested that the contract be considered for amendment. That was back in - Mr. Lawson, correct me - was it early September or August?

Lawson:

That was in September.

Brown:

I brought you the evaluation and we also said that the contract would be coming back for amendment. The board approved such.

Croley:

I thought the board just accepted the - I will have to go back and see the minutes on that. There was no motion.

Brown:

There was no objection.

Croley:

There was no motion to authorize the re-opening of the contract.

Dixon:

There has not been any authorization or re-opening. Let's not misstate the obvious.

Mr. Manager, do you want to walk us through this?

Brown:

Sure, commissioners, as I have discussed with each one of you, there is nothing here other than protecting my salary and benefits and also - that is included in the first page - then it goes on and talks about the county manager's salary can only be reduced if all employees salaries and benefits are reduced and only by the same percentage reduction of all employees' salary and benefits. The county manager's salary and benefits can only be reduced if a new contract if a new contract is negotiated and agreed upon by the county manager.

As it relates to the insurance coverage, it was struck In consideration, the county manager agreement to accept the reduced base salary, Gadsden County shall pay the County Manager's and his family's health insurance coverage.

Under the Annual, Sick, Personal Leave and Pension Fund, the contract when it was approved back in 2006, it spoke to upon execution of the contract that I would be getting 200 hours of annual leave, 12 working days of sick leave. The Clerk's office had concern about that. They felt like that was not the intent of the board when we executed this contract. So, we deliberated. I have not yet agreed to that, but I decided to take it out of the contract at this point in time.

Mr. Chairman, you may recall those discussions with the Clerk's office.

Dixon:  
I do.

Brown:  
When this contract was executed, I was not awarded that time or that benefit because the Clerk's office felt that it was not the intent of the board, so I did not fight it.

Under Conferences, Training and Education - I have inserted the word, "National" in there since I am a member of the International County Manager's Association - that is a national association. I did not want to preclude possible attendance from that type of event.

I have also included, and again, this has been reviewed by the chairman and the county attorney, a trigger for renewal of the contract. As you are aware, the contract ends September of 2009. It requests that the board or myself consider 6 months in advance of the end of that contract that we discuss or we give each other notice notification to discuss the contract being renewed. If that six months notice is given by myself or the board, it automatically goes month to month beginning September of 2009.

It also talks about that if the board of the county commissioners agree to consider renewal, contract negotiations include the county manager, my attorney, the chairman of the board of county commissioners, the county attorney and the personnel director. It must be scheduled and agreed upon in good faith and an agreed upon contract by negotiating parties must be brought before the board prior to June 1<sup>st</sup>, 2009.

Commissioners, again, all of this is to provide protection and to afford me an opportunity that if there is no agreement, that I can look for other employment and not be when 2009 comes around and I am without a job. Although I am afforded six months severance, but I would like to have the opportunity for employment if it is the decision of this board not to renew my contract.

It also talks about non-renewal of the contract, Commissioners. In the event, there is an agreement not to renew the contract by the county manager or the county commissioners, the county manager is entitled to continued employee, his salary and benefits through September 30,

2009 , which is the end of the contract. Then beginning in October 1, 2009, I am entitled to six months salary in accordance with the county's bi-weekly schedule.

Again, it talks about my unpaid annual leave which is unused and my sick leave that it would be paid in accordance with the contract requirements.

All of that has not changed from the termination clause that was previously in the contract.

It also talks about if the board of county commissioners and the county manager agree to immediately end employment, on March 31, 2009 - that is if the board decides not to continue my employment, on March 31, 2009, that is before we start contract negotiations or thereafter, then I would be entitled to my salary and benefits from whatever that period is through September 30, 2009, then beginning on October 1, I would be entitled to 6 months severance. Again, with the unused annual and sick leave being paid accordingly.

Termination for Cause - Everything is struck and termination for cause will be limited to only conviction of any crime. In other words, if there is a crime that has been committed, and I am convicted, that would be termination for cause.

Croley:

Mr. Chair, are we going to be able to talk about these as we are going through?

Dixon:

At your leisure.

Croley:

This one, I've got problems with. In other words, if you got, well, let's just say, even though I don't think you would do it, I think it would be way out of character for you, but, let's just say that you got drunk and you ran over somebody's child and killed them, but until we had you convicted for DWI, the board couldn't terminate you?

Brown:

If I am convicted?

Croley:

No, I said until you are convicted for a crime, you could not be terminated.

Brown:

Correct.

Price:

That is the way it works with the State.

Dixon:

That is the way it works for every regulatory agency.

Croley:

So, no demonstration for poor performance, violations of provisions of law or county ordinance, policies or procedures, conduct unbecoming of a public employee.

Mr. Sexton, you are familiar with bonding and I don't know if your position is a bonded position in terms of not being a public official in that sense, but there is fidelity bonds and other matters related to good faith and performance that would come into play that go beyond conviction of any crime. My point is that I don't think that striking all of that out is appropriate.

If the manager is concerned about getting treated fairly in the future, I can respect that he has apprehensions, but, certainly, I would make it very clear that treating you fair is one thing. But, negotiating out something like this is a disservice to the public trust.

Dixon:

Commissioner, this is his request of us. If you would like to see something different, say so.

Croley:

I am trying to make sure he understands that. I would like to have it all as it presently reads and this business of strike outs removed.

Brown:

Again, Mr. Chairman, I don't want to leave the future of my employment, and yes, commissioner, you as one commissioner can say that I would be treated fairly, but, I don't want to leave my future open to subjectiveness. Commissioners,

basically, I am asking to protect my employment, protect my salary and benefits. Again, commissioners, whatever changes that you see fit to put back in here, then we can talk about it.

Croley:

But, Mr. Manager, don't you see that there is responsibility of public trust and accountability that goes beyond just safeguarding you personally?

Brown:

I understand that, Commissioner. This is standard in many contracts, county manager, city manager contracts both in Florida and nationally.

Croley:

Well, that doesn't make it necessarily correct. I haven't seen any to the contrary.

Sexton:

Commissioner Croley, you earlier directed a comment to me on bonding. I don't think the bonding requirement and the terms for termination have to be co-extensive. I think that is a policy consideration.

Croley:

Well, we can talk about that further and I think I can show you that it probably will be.

Dixon:

Let's move on. You have a question, Madam Commissioner?

Lamb:

I want to make a motion if I can, Mr. Chairman.

Dixon:

Madam Commissioner, then I will get to you.

Holt:

I don't think we should judge if we want to be fair here. If we go by State Statute, that will help us out a lot. The other thing about - we have had attorneys in the county that drunken driving was no problem. If I can remember what I have read correctly. Some things I know about some of the attorneys here in the county. That was not a problem. I think that you would owe anyone due process -

even those who won't uphold the law. I may think that you are guilty, but that is not my option. That should be taken care of in a court of law. I don't think that is something we should decide even if it is one of us out there in the audience to decide whether we are guilty or not. I don't think that is something that we should even discuss at this time simply because it questions a person's character.

I may argue with some of my co-commissioners, but, I shouldn't discuss whether you are right or wrong. In this particular situation, you should look at what the state says you can and cannot do in certain instances, then look at what we want to offer the manager. He may be willing to accept it or not be willing to accept it.

Lamb:

I would like to offer a motion to accept the contract as written. Exactly like he's got it.

Price:

Second.

Dixon:

We have a motion and second. Discussion?

Croley:

I stand opposed to that one clause about termination for cause. I think that is improper and a breach of our responsibility.

Commissioner Holt, you made mention about us as elected officials, but that is not even on the same order. The elected officials are governed by a whole different set of laws and procedures. This has to do with just plain due diligence on the part of the commission for any employee. I can't make that any clearer. Why was it put in here in the first place. You must have gotten this contract from somebody else.

Dixon:

From me.

Croley:

You? Where did you get it from and why did you put it in here, then?

Dixon:

Well, commissioner, I've got to be honest with you. You are kind of like Al Davis of the Raiders.

Croley:

Oh, you borrowed it from him?

Dixon:

Yeah.

We have a motion and a second. All in favor, sign of "Aye."

Holt, Dixon, Lamb, Price:  
Aye.

Dixon:

Opposes?

Croley:

No.

Dixon:

Make it 4 - 1.

### **Discussion Items by Commissioners**

#### **Commissioner Price, District 3**

Commissioner Price inquired about the status of the employee bonuses.

Mr. Lawson stated that there are concerns from the finance department because of the cash position so early into the new fiscal year. The finance director requested that the bonuses wait until the second pay period in November after money from the taxes start coming in.

Chair Dixon stated that the concerns of the finance department are not valid. He pointed out that the Sheriff gave bonuses to all his employees even though he knows that he is operating in a deficit. He pointed out that the clerk did not send a letter to him asking him to delay his bonus payments or describe the cash position to him.



The staff was directed to direct the Clerk to pay the bonuses as scheduled.

**Commissioner Dixon, District 5**

Commissioner Dixon commented that things are moving very quickly on the hospital and that no one commissioner has the authority to usurp the authority of manager's ability to guide this process. He said that if any commissioner has a problem, they should bring it to the board and then the body will direct the manager according to the will of the body. He said, "Do not intercede, insert, mix or mingle in the process that the manager and his team are using to attempt to accomplish - whether it be the financing, whether it be the letting of bids, - do not insert yourself into those situations. Now, I would like to take a motion just for clarity."

Holt:  
How do you want it stated?

Dixon:  
So moved.

Price:  
So moved.

Holt:  
Second.

Dixon:  
Don't interfere. Whatever you get will come back to the body.

Croley:  
State Statutes allow us to ask any question we want to and he can provide an answer.

Dixon:  
You can say it, but I have watched you almost mess up every opportunity this body has had. Now, I will make it very clear

Croley:  
Who has messed up?

Dixon:  
You.

Croley:  
On what basis?

What basis? Commissioner, you don't know what you are talking about.

Dixon:  
I watched you. Now, do you understand me?

I have watched you mess up some stuff.

We have a motion and a second.

All in favor?

Holt, Dixon, Price:  
Aye.

Dixon:  
Opposes?

Croley & Lamb:  
No.

Dixon:  
Now, let me make it very clear, on the 19<sup>th</sup>, you can run this ship any way you want to. Until then, please do not insert yourself into the business of the manager. If you have a problem, please bring it back to this board.

Croley:  
I don't give a dam about what you say.

Dixon:  
Commissioner, I know you don't, and when you have had a drink, you really don't care.

Croley:  
I don't have to have a drink, I can tell you that. I make no bones about it.

Lamb:  
Let's adjourn.

Dixon:

Let there be no misunderstanding, commissioner,

Croley:

Don't you misunderstand me.

Dixon:

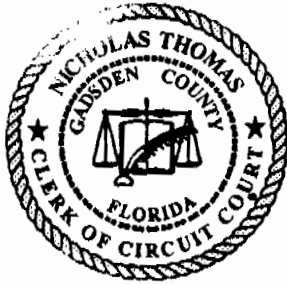
You really can't cuss like me if I felt the notion to.  
I just don't want to tonight. I am going to try and make  
it for these next few weeks.

Ladies and gentlemen, thank you for the excitement.

We are adjourned.

**Receipt and File Agenda**

- a. Letter to Florida Department of Environmental  
Protection Regarding the St. Hebron Park Capital  
Improvement Plan
- b. Letter to Florida Department of Natural Resources  
Conservation Service regarding Project Agreement No.  
69-4209-8-1689 Emergency Watershed Protection Program  
- Tropical Storm Fay on August 22, 2008
- c. Letter to Representative Boyd Inviting Him to Gadsden  
County to Discuss Gadsden Community Priorities
- d. Letter to Craig McMillan, GHI Chairman, Regarding BCC  
Decision for GHI to Negotiate with TMH HealthCare, Inc.  
to Manage the Hospital Upon Reopening



ATTEST:

*Muriel Straughn*

Muriel Straughn, Deputy Clerk

*Eugene Lamb*

Eugene Lamb, Chairman

AT A SPECIAL MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON OCTOBER 14,  
2008, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

PRESENT: Edward J. Dixon, Chair, District 5  
Eugene Lamb, Vice-Chair, District 1  
Doug Croley, District 2  
Derrick Price, District 3  
Brenda Holt, District 4  
Thornton Williams, County Attorney  
Marlon Brown, County Manager  
Muriel Straughn, Deputy Clerk

CALL TO ORDER

Chair Dixon called the meeting to order then turned the meeting over to County Manager Brown. Mr. Brown then shared a letter from the Agency for Health Care Administration (AHCA) with the board. (attached.) He noted that Ashford HealthCare owed AHCA \$2,081,274.00 when the hospital closed and the county became liable for that debt. The letter stated, "During the 2008 Legislative session, funds were authorized to satisfy the outstanding obligations as of June 30, 2008 to the Agency for Health Care Administration for Gadsden Hospital, Inc." Mr. Brown explained that the letter means that the county has been forgiven of the payments and fines assessed against Ashford Healthcare. He noted that Representative Marti Coley was the sponsor of the bill along with others who supported it, one of which was Rep. Curtis Richardson, Rep. Ausley and Senator Al Lawson. He expressed the profound gratitude for the legislative action.

Mr. Brown then stated that this debt forgiveness will satisfy one of the management letter comments in the most recent audit report for the county.

Amendments to the Agenda

Mr. Brown explained that the amended agenda makes no material changes to the agenda itself, but some of the wording of the titles have been changed to more accurately reflect the description of the items. (See the amended agenda.)

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO MOVE ITEM #3 TO ITEM #1.

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

**3. Update on Financial Strategies for the Construction of the Rural Emergency Hospital**

Mr. Brown stated that this agenda item is an update on the financial strategies being explored by staff for constructing the new Rural Emergency Hospital. He explained that they were trying to arrange interim financing to complete the necessary renovations until long term financing could be secured. The county has been approved by Wachovia Bank who issued a letter of commitment which was executed by the County on September 16, 2008. Soon after that approval, staff learned that Wachovia Bank has been acquired by Citibank, so non-issued commitments made by Wachovia Bank were invalid.

The staff began looking to other banks and focused attention on two of the financial institutions - Capital City Bank Group, Inc. (short term loan) and United States Department of Agriculture in Washington, D.C. (long term loan) See the attached agenda report for further detail.

He concluded by saying he would keep the commissioners apprised as more progress is made.

There was no action taken.

**1. Selection of a Construction Management Company for Negotiation of Contract for Hospital Construction Management Services, Approval for Staff to Negotiate with Selected Company, and Authorization for the Chairman to Execute a Contract**

Brown: Commissioners, Item 1 is selection of a construction management company for negotiation of contract for hospital construction management services, approval for staff to negotiate with the selected company and authorization for the chairman to execute the

contract.

Commissioners, as you recall on September 30, 2008, you affirmed that emergency conditions continued to exist in getting the hospital reopened and approved expedited procurement of goods and services needed to reopen the hospital. The board directed that the county solicit construction management services to complete the repair and reopening of the hospital utilizing competitive negotiation, and prescribed the form of an Invitation to Competitive Negotiation. In keeping with the boards' directions, staff issued the Notice of Competitive Negotiations, soliciting sealed written responses from qualified construction management companies.

Commissioners, we received three proposals. Proposals were submitted by Ajax Construction Company, Childers Construction Company and Ram Construction.

Commissioners, the selection process to be followed was outlined in the Invitation to Competitive Negotiation. That process provides that the county manager and such staff and consultant as he may assign to assist to evaluate the response and replies timely, timely received, with the intention of providing a recommended ranking of vendors to the Board of County Commissioners.

Commissioners, myself and a committee of staff and consultants designated to assist met. We evaluated and ranked the three proposals. The proposals were ranked based on the 23 factors set forth in Exhibit B of the Invitation to Negotiate. You have been provided copies of that.

Based upon the above, those factors, the committee ranked the proposals as follows:

Ajax Construction # 1  
Childers Construction #1  
Ram Construction # 3

So, in essence, Commissioners, there was a tie in the recommendation that is provided to the Board.

Commissioners, again, let me share with you the

reasons for that.

As I eluded to, there were 23 factors by which we were required to evaluate each one of these firms. The committee went through each one of these individual criterion and determined whether each one of those vendors met that criterion.

For example, if you had experience in constructing hospitals, you got a check, whether you did 20, whether you did 30 or whether you did 40, you got a check whether you met that or showed or proved that you did have hospital construction experience. We didn't leave any subjectivity in terms of whether someone got a bold mark or whether they got an unbold mark in terms of whether they did 30, whether one did 10 or one did zero. So, it was straight across the board. You either met it or you did not meet it.

Commissioners, Ajax and Childers were both ranked number 1 because they met all 23 of the factors outlined in Exhibit B of the solicitation o. Ram Construction met 15 of the 23 and therefore was ranked third.

Commissioners, notwithstanding the evaluation factors, the committee was of the opinion that Childers definitely has more specific experience in the medical field and has completed more medical related projects.

The committee was also of the opinion that Ajax should be given additional consideration for being a Gadsden County contractor and would utilize more Gadsden County subcontractors than any of the other companies.

Commissioners, ultimately, it was decided that the final consideration for those competing factors and breaking the tie should rest with the board. Therefore, I am recommending or I have provided the above recommended ranking based on the factors and just the factors set forth in Exhibit B of the solicitation document.

Commissioners, the board's ultimate decision on the ranking should be based on those same factors as well as the information provided by the contractors or their submittals.



You have, Mr. Chairman, some Speaker Request Forms in front of you from, I believe, representatives of those companies that would like to speak.

Commissioners, when the board makes it's decision on the ranking, the staff requests that the board direct the county manager or his designee or designees to conduct negotiations with the first ranked construction management company. These negotiations should be completed by October 21, 2008. If these negotiations result in an agreement on contract terms and compensation, staff requests that the chairman be authorized to execute the resulting contracts.

Commissioners, if negotiations do not result in an agreement, staff requests that the board direct the county manager or his designee or designees to conduct negotiations with the second ranked construction company and so on until a contract is achieved.

Commissioners, as a note, although work on the remediation on the roof and envelope have been independently awarded to other contractors, staff is considering the potential of rolling both contracts up under the construction manager at a later stage in order to optimize project management.

Commissioners, also just as a note, we had two meetings. One, the first meeting was just to discuss the proposals. A decision was made to rank Childers first and Ajax second just based on subjective input. Again, as you can see in the agenda item, a lot of that was related to the experience of Childers in terms of the medical field.

The second meeting was held to more fully go over the 23 factors which was our directions and to evaluate the contractors based on those 23 factors. Commissioners, at that time, as I mentioned before, both Childers and Ajax came out as number 1.

Commissioners, as a fiscal impact as to your selection, your ultimate selection, your initial negotiations with the selected company will result in an agreed formula for compensation for the construction manager and may include any negotiated

guaranteed maximum price or GMP for the overall project.

Commissioners, however the GMP may not be established until the second round of negotiations after the initial contract is put into place.

At this time, the overall cost for this project cannot be determined until negotiations are held with the company that is selected. The initial compensation formula for construction management services typically involves recovery of a certain base amount for direct project management costs plus a percentage of the subsequent project cost to cover the overhead and profit.

Again, this project will be funded from the financing secured to finance the entire renovation and repair of the overall hospital to be secured with the local surtax revenue.

Commissioners, we have a number of options that we are recommending for your approval this evening. Number 1 is to make a final ranking of the construction management companies and approve that ranking. The next option is to direct staff to negotiate with the top ranked company for an agreement and compensation which is a contract for the hospital construction management services. Option number 3 is that if no agreement on contract terms and compensation is reached, that you direct staff to negotiate with the second ranked company and so on until an agreement and compensation or contract is ranked. Option # 4 is to authorize the chairman to execute after the review by the county attorney.

Commissioners, that is the extent of my presentation this evening. We have Mr. Lawson who is the procurement director, also the assistant county manager, who is also available to answer any questions that you may have.

Mr. Sexton is here as well, the deputy county attorney.

Dixon: Questions of the attorney?  
(No response)

We have Mr. Childers and Mr. Smith who would like to speak.

Mr. Childers, would you be so good as to honor us with your presence?

Will there be others other than these two that I have mentioned?

Please continue, Mr. Childers.

Childers: Thank you. My name is Sam Childers, 3472 Weems Road, Tallahassee, FL.

Ladies and gentlemen, thank you again. This will be the third time we have been selected number 1. Four of your committee members previously selected us number 1.

It was said that we were not Gadsden County based. So, since that time, we have gone out and associated ourselves with several Gadsden County based subcontractors. Cook Brothers - Finley Cook has joined our team. He was one of your presenters earlier. He is going to be on our team. I also have Excel Molding and Mill Works. They were on our original team. They are Gadsden County based. I also have Concrete Services and their team. 65 plus contractors. In addition, we have Tallahassee based subcontractors and we are right down the street 15 minutes away from any problems. Your mechanical, electrical, and plumbing issues are in Tallahassee. We are not out of Jacksonville, Tallahassee.

We also have AHCA experience. The team that we have and I think ya'll made note of it, based on our experience, we have more AHCA experience than anybody in this area. Hands down. This same team. We've worked with them for years. We are successful at getting projects passed. We do it without fail. We have not been denied occupancy due to AHCA in 25 years. Our team is the strongest by far. We have the experience, we have the knowledge and the expertise. And ladies and gentlemen, I know that you all know that we have been fighting for this job. We know we can do it. We've got the ability to do it. We have

the staff and we have the contacts and the subcontractor base. We are local. I just feel like if you people would look through the documents in front of you, this is the third time that we have been selected number 1. I certainly would like to be your contractor. If I didn't want to be here, I wouldn't be fighting this hard. I think we can do ya'll one heck of a job and have you in on time.

Thank you.

Dixon: Any questions of Mr. Childers?

Thank you Mr. Childers.

Mr. Smith?

Smith: Jay Smith, 1080 Commerce Blvd., Midway, FL.

Good evening, Commissioners. I appreciate the opportunity to speak to you tonight.

Ajax has been very involved with this process as you know. We were the only major business in Gadsden County that assisted in the promotion of the half-cent sales tax group to allow this project to become a reality.

Regardless of who is selected tonight, this project needs to start immediately. The citizens of Gadsden County have spoken with an overwhelming majority and the well being of the community is most important.

Ajax was established in 1958 by my late grandfather in Tallahassee. We moved our headquarters to Gadsden County in 1998 to the 10/90 Office Park and we have called it home ever since. We are one of the first companies to build there and hoped to be a catalyst for development in the park ever since. Our motto is "Quality Builds it's Own Reputation." Every project we complete has that guarantee and we have demonstrated that in Gadsden County. Our successful projects in Gadsden County include East Gadsden and West Gadsden High Schools. Both of these projects won awards and brought a lot of positive light to the community on both projects. Both of them were designed by your architects, CRA.

Also, East Gadsden was the national project of the year recognized by Associated Builders and Contractors.

Outside the construction in Gadsden County, Ajax has maintained an active role in this county. We are sponsors of and members of the Gadsden County Chamber of Commerce, sponsors of East Gadsden High School, East Gadsden High School Chorus - we sponsored them to go to New York City this year, East Gadsden High School Athletics, West Gadsden High School High School, the Gadsden County Men of Action, Gadsden County Arts Council, Kiwanis Club of Greensboro, Kiwanis Club of Quincy, Gadsden County Emancipation Proclamation Celebration, Gadsden County Schools Administration Staff Kick Off Celebration and various church functions, just to name a few.

We were honored when Gadsden County Schools nominated Ajax for the assistance at Shanks High School. We were awarded the Business Partner of the Year by the State of Florida Department of Education. Ajax is the only locally based construction company that has been recognized by Florida Trend as a Top 200 Private Company and by ENR (Engineering News Record) as one of the top 100 construction managers in the country.

We are very proud of the staff and experience that we have developed including significant hospital and healthcare experience. We have completed over \$100 million in healthcare projects in the last 20 years which includes working for some of the premier health groups including Shands, Florida Hospital, USF Health, HCA and United Medical Corporation. Many of these projects were as difficult and in many cases more complex than the task at hand.

We also have developed a team of subcontractors for this project. That team includes nine companies from Gadsden County, certified minority businesses on our team. As a group, we employ over 110 residents of Gadsden County. So, the businesses that are going to be a part of my team, we are going to have 110 people who live in Gadsden County working on this project.

There is no question that Ajax has the professional

experience and personal commitment to the community to do a superior job on this important project. Our team has been closely reviewing plans and doing budget work on this project for the last eight weeks. This was a tight job two months ago. And, the delays caused by the challenges have not benefited anyone involved in this project.

Finally, a job of this size is an economic development boost to the community. We need to keep as much of the project money working for the community. When local government select construction managers, they want to be sure they hire a company that can do a job on time and on budget. After the standards are reviewed, the majority of them also factor in how will the CM help the community. How will local people be given opportunity to work on the job? How is the company invested in the county? Do they pay local property taxes? Do they support community organizations? Has the company been cooperative with the county?

Ajax has a successful track record of meeting all of these standards and we look forward to being your partner. I am here this evening on behalf of the entire Ajax team to ask the commission to accept Ajax Corporation as your construction manager for this significant project.

Thank you very much.

Dixon: Questions of Mr. Smith?

Thank you, Mr. Smith.

Will there be others who would like to speak on this item?

O.K. Thank you.

Members of the body?

(long pause)

I did say, "Members of the body, didn't I?"

Holt: Yes.

Dixon: O.K.

Price: Mr. Chairman and Mr. Manager, we haven't had any problems with Ajax and the schools or anything - deadlines, etc?

Brown: Commissioner, we didn't check with the School Board to see if there were any problems with the schools. I don't know if Mr. Smith or either Mr. Hinson - Mr. Hinson from the School Board is here.

Dixon: I think they said they won an award for the school, so, they probably didn't break down. I think that is a good guess.

Price: I think that it is great that they can bring in Gadsden County families - you know, those 110 people need jobs. We've got people that need jobs, especially today. You know, if you've got a little scar on your record, it is hard to get a government job or a state job or anything, you know. Guys, I reckon would go along with those kinds of people who have a little blemish on their record or something like that. Everybody needs to work. We appreciate them bringing our people in to work out in here where we are going to have other teams to bring all the labor and all from Gadsden County. I know they say they have contractors from Gadsden County and that is great.

Lamb: On your subcontractors for these two companies, are both of them going to have the same subcontractors from Gadsden County?

Brown: Correct, Commissioner. If you look at their proposals, I believe that Childers Construction Company has three Gadsden County companies they have identified as subcontractors.

I believe, and either one of them can correct me if I am wrong, but I believe that Ajax has six.

Mr. Lawson, do you recall?

Lawson        Page 8 on the Ajax proposal.

Brown:        Page 8 on the Ajax proposal and what other page, Mr. Lawson?

Lawson:       Page 10 for Childers.

Dixon:        Page 10 for Childers.

Brown:        Page 10 - tab 11 - Childers has identified Concrete Services, Cook Brothers, Excel Millwork and Molding, and Greenways of America. Also, they identified the principal of the Lewis and Thompson, Gerald Thompson, actually resides in Gadsden County, so from what I understand, the business is not in Gadsden County, but the principal resides in Gadsden County. So, they have three subcontractors that will be from Gadsden County.

Ajax Construction has one, two, three, four, five, six, seven, eight, nine subcontractors from Gadsden County.

But, again, Commissioners, I must alert you to, again, I don't know what the volume of the work or the value of the work is for each of these subcontractors. So, again -

Lamb:        How large are these subcontractors? Are they companies or are they just small subcontractors?

Brown:        Commissioner, I will ask that either one of those construction managers can probably share with you how large they are and probably the value of work that will probably be given to them.

Lamb:        Mr. Childers, the question is - Are these companies that you have dealing with you or are they just individual subcontractors?

Childers:    The subcontractors that we have that would be doing work on your hospital - for example, Cook Brothers and Concrete Services are locally based and Greenways - they are subcontractors. To answer your question, Commissioner Price, I know for a fact that there are over 70 people with those firms - well, actually, it



is over 100 people with Greenways. It will be close to 100 with those firms.

I think that something that is really critical that you need to consider is the MEP portion of this project. The mechanical, electrical and plumbing. We are right next door with those subs. They are available within 20 minutes if there is an issue. They are right down the street. We are not in Jacksonville. I think that is critical in our AHCA experience.

But, as far as the base of employees and people from the area. They are going to be subcontractors. Cook Brothers will join us in the construction as well.

Lamb: O.K.

Dixon: Mr. Smith?

Smith: All of the subcontractors that Mr. Childers mentioned except for Cook Brothers is on our team. Excel Millwork, Concrete Services and Greenways are all a part of our team as well. Greenways probably has the most employees. We didn't even count them in our number of 110 because the landscaping is going to be so small, we don't know what portion that is going to be. So, they are not even included in our calculations of 110. Typically, on a new job, they would have a significant labor pool, but on this job, it is already landscaped primarily. We will do a little bit touch up work around the face of it.

We also have included Edwards Ceramic Tile. They are out of Greensboro. Daycar Fire Protection out of Midway, Dixie Paving and grading, a site work contractor out of Midway, Big Bend Rebar out of Quincy, FL and a provider of portables, Talquin Portables. They are in Midway, FL as well. That is a small portion. Also, another group that we could potentially use for temporary fencing is Florida Fence and Deck has bought 2 lots inside 10/90 Commerce Park and is planning on building there. They are located in Tallahassee currently, but they are paying property taxes and they will be moving their location where we reside and we have been a major proponent of

businesses moving to that park.

Lamb: Question of Mr. Smith.

Your electrical and mechanical - where are they based at?

Smith: (inaudible) and Miller Electric both are based in Jacksonville. Miller Electric has a Tallahassee office. It is currently working on three significant projects in town. They just completed the \$66 million FSU Chemistry project with us with great success. They had the labor needed to successfully complete that project. There are reasons why we selected those two companies. One is their experience with us on healthcare projects. And, two because there is a major project going on in Tallahassee that is using up a lot of the labor pool here locally. The MEPs is the most important portion that will be taking place in this hospital. We knew that they were not burdened down by that large construction project and we wanted to make sure that we had the resources to complete this project. They have that proven track record. Both of them have been in business for over 50 years. Combined, they have done more than a billion dollars of healthcare projects. So, there is no question on their experience. On any warranty issues that might have come up at Chemistry, we have no issues. They have residents that live in Tallahassee and Gadsden County that work for them even though they are over in Jacksonville - their headquarters are there. They use union labor. Union labor is going to be used out of a local union shop. So, the issues there - there are none. I am the one that you turn to ten years from now. You are not going to have to worry about calling down to Jacksonville. You are going to call Midway, FL. I am 10 miles from this location and that is the most important thing. I guarantee this project will be completed on time and within budget and I am the one you call when there is an issue down the road. You don't have to worry about where my subcontractors are because you will go through me and I make sure. I hold the contract with them and I hold that relationship to make sure that they get the job done.

Lamb: If a malfunction takes place, will you have to contact

Jacksonville before you can look into it?

Smith: No, sir. We will look into it first. We will take a read and see what the problem is and what the issue might be. It might be that we have to contact someone from Nebraska or from Chicago, depending upon where we are getting this equipment. There are a lot of different components that come down to whose issue it is. But, it all goes through Ajax. I am 10 minutes away and I will be here. We have been in business for 50 years and we will be here to answer those problems. If I need to hire somebody from Greensboro, Jacksonville, from wherever that needs to be, we will take care of that.

Lamb: I am not concerned about - answering the problem is not my biggest concern. My biggest concern is fixing the problem. Can you all fix the problem.

Smith: Yes, sir.

Lamb: Ajax can?

Smith: Yes, sir. If we can't do it, we will find someone.

Dixon: Are you through, Commissioner?

Lamb: Yes.

Dixon: Mr. Smith and Mr. Childers, if you want to answer this question, please feel free to do so.

Let me understand - once I get past professionalism - and by that, I mean competency- whether or not you have the ability, skills to do the job - the knowledge, skills and abilities to do the job. Each of you as a contract manager are just moving people into place and you may use Excel Millwork or depending on his workload, another provider. But, it is a matter of moving pieces into the puzzle that will help with whatever the layout you have. Am I simplifying that too much?

Smith: We are the construction manager that guarantees it all, then we subcontract out the work.

Dixon: Mr. Childers, did you want to say something on that?

Childers: I will say this on the way our company is set up. We do the exact same thing as Mr. Smith does. But, what we do have on staff and because of the amount of work that we do at TMH, we have a dry wall contractor, rather a dry wall employee, a brick mason, block mason. We have those people on staff. Carpenters on staff and we have a painter. So, we have those people on staff and if something busts over there, we have a dry wall guy on our payroll. He comes over and fixes it. We do that daily.

Dixon: Mr. Smith, I assume that you either have somebody or a phone call.

Smith: Yes, sir. We have 156 employees statewide. Locally, we have that resource so that we can fix things in house before we have to go out of house.

Dixon: But, when you were saying about Nebraska, that is a matter of where you all will buy individual parts from or systems that operate in the hospital and you may need specific training or specific expertise to deal with that particular piece of equipment. Is that what you meant by that? Would you agree with that, Mr. Childers?

Childers: Yes, I would agree with that. But, also by us having the local people, they can come over immediately and diagnose a problem with us. We can look at it and if they need to do something temporarily, they are there immediately to do so.

Dixon: O.K.

Lamb: Mr. Childers, your experience with the local hospitals in Tallahassee - can you tell me a little about that?

Childers: We started 25 years ago with Tallahassee Memorial Hospital. I started from changing door jams and locksets and it evolved into doing, as a partner, in the \$55 million expansion. So, we have gone the whole gamut. Everything that you are having done in your hospital, I personally have been involved with the Childers Construction. WE did the CT Scan at TMH - the first one they installed. We have done all their

X-ray equipment, we have renovated the entire -almost the whole building. We have worked non-stop there for 25 years.

I personally have been through many AHCA inspections. The inspectors know me. When they need something done, we get it done. We have been doing this for 25 years. My superintendent has been at TMH for 20 years. The same superintendent that you are going to have. My project managers have worked as a team the whole time. I don't Jay's experience or his guy, but he has been my employee for 20 years. We just finished the cardiac service lab. That was an \$8 million project and we finished it ahead of schedule.

Lamb: Mr. Smith, can you tell me some of your experience with the local hospital. Do you have any with the local hospital?

Smith: We did some work CRMC hospital. It was minor work. All of our major healthcare work has been outside of Tallahassee. Like I said, with the Shands Hospital, Florida Hospital, USF Health, United Medical Corporation with multiple entities including both large in-occupied hospitals and rural settings kind of like we are doing here today. All very complex, all with the same components that we are looking at doing at this hospital.

Childers: We just finished the work at Capital Regional. They have a new facility and we just put in an MRI over at Capital Regional and we just finished the renovation of their emergency room area as well.

Dixon: So, would it be fair of me to say that the quality of the work, regardless of who we choose, is not in question.

Childers: Not with my crew. I can't answer for Jay. I know for a fact about our guys. You would not still be working in the same place for 25 years if you don't do good work.

Dixon: I suspect you wouldn't keep working if there was a question.

He probably can't work at TMH because you have been

there for 25 years.

Childers: No, actually that is not true. We have stayed there for 25 years and that is good. But, we

Dixon: Commissioner?

Croley: Mr. Chair and Commissioners, there is no question and for the public, that both Childers Construction Company and Ajax Construction Company are outstandingly good construction management firms and they both have excellent reputations. No question that both are competent in their respective field.

But, for me, as I look at these evaluations and their responses, there are some things that jump out to me.

First of all, if I look under Tab A of the Childers Construction, one of the comments that is made comes from the architect, Clemons Rutherford. I am going to assume that Mr. Rutherford is not being misquoted when he says, "No other has the experience Childers Construction has in this type of medical construction." The format of these RFPs, Mr. Manager, are they not the same as they were originally done a few weeks back?

Brown: Correct. In terms of format, but again, I don't think the instructions were followed as they have been followed this time around.

Croley: So, you've got basically the same questions that you were addressing?

Brown: Correct.

Croley: Mr. Childers and Mr. Smith both are using subcontractors that you could say that some of them are heavily Gadsden County based and others are just outside the area. Regardless of whether we mention about the folks in Jacksonville, so it is going to contribute to the local Gadsden County economy no matter which construction manager firm is chosen.

But, when I come back and I read in your own write-up here from the staff, it says on page 2 of 4, it says, "Childers has more specific experience in the medical

field and has completed more medical related projects."

With all due respect to Mr. Smith and Ajax, it is not schools that we are trying to have renovated. It is a hospital. On that basis and given the fact that the rankings, it is awfully hard to ignore that Childers has more, at least from what is presented here, the strongest background in medical facilities - especially given the situation that we are faced with in this county. And, for me, that does have a lot of bearing in the matter. I really think that is a key factor that we should consider in our evaluation.

Dixon: Commissioner Lamb?

Lamb: I concur with the commissioner to my far left. I also would like to say that looking at the experience that has taken place right here up under our nose - to the two best hospitals in the state and Tallahassee - Childers Construction has been working for them for some time. Evidently, they have been chosen by them more than once and they are satisfied with the work they have done there in Tallahassee. Mr. Manager, it could be very easy if you had just said another option that said "Split it." (laughter) I know you can't, but I feel that both construction companies are good. Both companies are good and both have employees from here. Both have subcontractors in the area and I have no problem with either of them.

But, I am looking at the experience at the hospital and the medical field with Childers Construction. He does have more than Ajax in that field.

Thank you, Mr. Chairman.

Price: That is why we have inspectors watching everything - to make sure that they meet the needs - the things that the hospital needs.

Dixon: Let me stick my two cents in.

You know, for the first time, we are seeing this stuff and I am not disappointed. Certainly not in the quality of both companies. Childers or Ajax.

My position really is simply that once you establish professionalism, whether you have done 100 or 200, at some point, you know how to do what you are doing. That is just the reality of it. And, if you know what you are doing, I think we can clearly establish that on both sides of the coin.

Secondly, if Childers has TMH locked up, you generally got to go somewhere else and work if you want to work on hospitals. It is as simple as that. There is a comfort zone there with any company and no one else can get in.

I remember when I first came to this job, we had companies who were on the county's payroll and the first thing we would say was, "Well, we've been working with them for 20 years." Well, that is because nobody else could get in.

Now, I am not saying that is the Childers situation, I am sure you had to deliver a quality product all the time. That is the reality of it. You had to deliver a quality product all the time. That is also no reason to simply give Ajax a job. So, I am just saying that I recognize both sides of the coin. In that, my goal was certainly was to make sure that you establish the professional ability to deliver the goods and to deliver the goods on time. Simply on time.

Be seated, Mr. Childers.

Childers: We bid against, I just wanted to say that they have bid.

Dixon: Mr. Childers, didn't I give you an opportunity to say everything you wanted to say? Do you have something else you want to say?

Childers: You were saying the I had it locked up and I don't. I have had to bid against Jay the last three jobs at TMH.

Dixon: Mr. Childers, don't talk from back there.

Please, if there is something you would like to say,



Childers: Well, I tried to come up there.

Dixon: It is the board's time now. I gave you an opportunity to say everything you would like to say. But, if you would like to say something, please, come on.

Childers: I just wanted to make it clear that we bid against Ajax the last three projects that we did at TMH so we do not have TMH locked up. It is not a negotiated job at TMH. They are bidding the projects and we bid against Ajax the last three times and we were successful in low bid. So, I just didn't want you to misunderstand. I want to make it clear that we don't have TMH locked up.

Dixon: At no point did I think that they just handed it to you.

Childers: O.K. Just wanted to make that clear.

Dixon: Mr. Smith, do you have a last statement that you want to make?

Smith: No, sir.

Dixon: Are you sure? I will give you the opportunity.

Smith: Well, I'll never give up the opportunity to talk.

Sam's company has a great track record at TMH and I have never tried to belittle his company or make accusations.

Dixon: Good. Now is not a good time either.

Smith: We are very excited. We have completed multiple projects in healthcare related - over \$100 million for multiple entities selected time and time again, just like they have been at TMH. We have a proven track record and we have the people here locally to do it. We are excited about the opportunity.

Dixon: Thank you very much.

Croley: Mr. Chair, I want to ask a question.

In the procurement policies of the county, when you have a tie bids, are those - I have seen where those were awarded or determined by a coin toss - when all things being equal.

Laughter.

What provisions do we have in the procurement policies that deal with situations when all things are equal?

Brown: Let me ask Mr. Lawson or the county attorney.

Williams: And I am going to punt to Paul. But, Paul can correct me once he comes up, but, once it comes to the commission and the issue - and we had this conversation today - was the commission should generally look at what they think is in the best interest of the county and use the 23 criteria in this case as guidance for your decision making.

I think that it is pretty obvious that the recommendation from the selection committee that they were of equal abilities. It has been proven by the information that has been provided to the commission.

What we have done, as attorneys, we made sure that everyone was completely aware of the fact that it was at the discretion of the county commission to make the decision. And Paul, correct me if I am mistaken, but other than that, is there anything in the procedure that says that there is a tie breaking process in our rules?

Sexton: I don't have the procedures with me, but I don't recall ever seeing a tie breaking procedure in the policies. You all made the decision at the time you issued this procurement that actually the procurement itself is not going to be subject to the policies. It is going to be operating based on what is written in the document. But, looking to the policy for guidance, because of this situation, I am not aware of anything that has a tie breaking provision in there.

Dixon: So, we can vote ourselves a coin tossing opportunity?

Williams: I think you need to state reasons as to why as the coin is in the air.

(Laughter)

Holt: Throw it way up. May I, Mr. Chairman?

Dixon: Madam Commissioner?

Holt: I have spent quite a bit of time both at Shands and at TMH. I have had relatives with kidney transplants at Shands and then come to TMH so, I see the list on both facilities as "Construction by" both these companies. So, that is not much debatable. That is pretty much out of the loop right there. That kind of Xs them out. We need to just go ahead and vote and get this over with. Let's go ahead and do this. If you look at page 18 and you see where Ajax experience is and you in Childer's book and you see where their experience is. So, it is already listed.

Dixon: Commissioner Lamb.

Lamb: It is just, you know. There could be confusion because two weeks ago, one company was recommended 4 - 1. Now, this week, it is a tie. That is confusing to me. Being who I am, I just don't think, that is just my personal opinion, I don't understand how it could get to be a tie when two weeks ago, it was 4 - 1. That just concerns me.

Williams: Mr. Chair, if I may?

Dixon: No. No.

Williams: I need to keep the record.

Dixon: O.K. Go ahead.

Williams: Just so all of the commissioners are clear about that and that is a good point.

When we had the meeting and we discussed the previous bid documents, we specifically requested that the commission make the decision that all the previous bids were rejected. That reflectively had the impact of closing out that set of bid documents and criteria.

Within the context of how the staff reviewed it, I don't know this to be the answer, but, just so that you all can understand that - having written a number of bid documents myself - everyone is well intentioned when they write them - they may have included it better, they may have put it in a different format, it may have been more readable, and the information could have been communicated differently so that staff was able to better understand what they were capable of doing. Most importantly, it doesn't infer that there was anything done rightly or wrongly from one set of bid documents to the other. The question that was before the staff was - with the 23 questions that were asked - were they properly responded to so that they could do an assessment of capacity? In two bidders, they found that they had responded to all 23 questions and one bidder did not.

So, it is a fair question to ask - Why is it different. But, you would actually have to go back, if it were appropriate, and look at them and compare them. But, you should really look at how the responses came in on the 23 questions. And, what staff did for you was to say that two bidders answered the questions to show a level of competency. In their recommendation to this board, they felt they were equal.

And, so, bearing in mind that you could have a second bid protest based on the decision that you have tonight. It is important that this commission only look at the criteria as it relates to this last round of selections.

Dixon: Commissioner?

Croley: I would like to make a motion that Childers be selected as construction manager based upon the staff's comment on page two of four, "Childers has more specific experience in the medical field and has completed more medical related projects."  
I so move.

Lamb: I second that.

Dixon: We have a motion and a second that Childers be selected as the awardee as the construction manager

company.

Will there be discussion?

(no response)

All in favor, sign of, "Aye."

Lamb: Aye.

Croley: Aye.

Dixon: All opposed, "Nay."

Dixon: Nay.

Holt: (no vocal response)

Price: Nay.

Dixon: It is not Childers.

Croley: I thought we had three.

Dixon: All in favor, let me see your hands.

(Commissioners Croley and Lamb raised their hands.)

All opposed, a show of hands, please.

(Commissioners Price, Holt and Dixon raised their hands.)

Croley: I was mistaken, I thought I heard

Dixon: Chair will entertain. Come on, let's move, ya'll.

Holt: I move approval for Ajax.

Price: Second.

Dixon: I have a motion and a second for Ajax.

Will there be any discussion?

(no response)

All in favor, sign of, "Aye."

Dixon: Aye.

Price: Aye.

Holt: Aye.

Dixon: All opposed?

Lamb: No.

Croley: No.

Dixon: Let me see your hands. All in favor?

(Commissioners Holt, Price and Dixon raised their hands.)

All opposed?

(Commissioners Croley and Lamb raised their hands.)

Make it 3 - 2. The motion passes in favor of Ajax.

We need a motion to give the staff the ability to negotiate a contract and the chair to execute.

Holt: So moved.

Price: Second.

Dixon: All in favor, sign of, "Aye."

All: Aye.

Dixon: Please make it unanimous.

Next item please.

Brown: Commissioners, we also need a motion on the third item which is if no agreement can be reached on the contract, that we negotiate with the next vendor.

Holt: So moved.

Price: Second.

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

(no response)

All in favor, sign of, "Aye."

All: Aye.

Dixon: Please make that unanimous as well.

Brown: Commissioners, I just want to make sure that you approved item number 4, which was to authorize the chairman to execute the agreement and that it was a part of the motion.

Dixon: That was in the second motion.

Holt: Yes.

Dixon: Are there other matters, Mr. Manager?

Holt: Excuse me, but do you need a motion for clarification for the clerk because I don't want there to be any problems.

Dixon: The clerk is clear.

Brown: You made a selection of Ajax.  
You authorized the staff to negotiate but you also included in that motion for the chairman to execute the contract.

Holt: That is why I asked if we need to clarify.

Dixon: Do we need another motion to negotiate with the second company if you can not reach agreement.

Brown: You already approved that.

Dixon: That is already in there.

Will there be anything else?

Brown: Not on Item No. 1.

Dixon: Where are we?

Brown:           Item Number 2.

Commissioners, this is for bid award for the hospital roof repair to Rowe Roofing. This is bid number 08-11.

Commissioners, again, as background, on September 30, you affirmed that emergency conditions continue to exist in terms of getting the hospital reopened and approved expedited procurement of goods and services needed to reopen the hospital. You also directed that the roof and wall repairs be separated away from the construction manager's work and directed staff to immediately procure the services for those repairs in order for remediation work to proceed at the hospital.

Commissioners, in keeping with your direction, staff put out a solicitation for informal sealed bids from qualified vendors to complete the construction and repair of the hospital roof and the building envelope.

Commissioners, two bids were submitted for this project. One from Rowe Roofing and the other one from Ajax Construction. Each contractor presented options as requested in the bid document. The solicitation requested that each bidder to submit a bid to repair and renovate the existing roof system and to also submit a bid for total roof replacement.

Both options were provided for no less than a 15 year warranty for materials and workmanship.

The second part of the bid was to evaluate and provide cost to repair the entire facilities exterior walls. Based upon the staff analysis and the discussion with the county's architect, CRA, and both bidders, that due to the uncertainty of what repairs were needed to be made to the exterior envelope, that portion of the bid would be separated from the roof repair.

The envelope of the building will be evaluated by the architect and the determination will be made on future repairs when the additional information is gathered.

So, Commissioners, right now, only the roof will be considered for award.



Commissioners, Rowe Roofing was the low bidder on the repair of the existing roof in the amount of \$49,500. However, this option would not give the county the 15 year warranty requested in the bid.

Rowe's base bid for the new roof option to achieve the 15 year warranty was \$272,000. Ajax bid was \$274,859.00. Therefore, staff is recommending that the bid be awarded to Rowe Roofing as the low and responsive bid.

Commissioners, as we stated earlier with the previous agenda item, the costs for the project for the replacement will be funded from financing and secured financing for the entire renovation and repair of the overall hospital. That will be ultimately secured with the local surtax revenue.

Staff is recommending that you approve the award of the bid no. 08-11 for the hospital roof repair to Rowe Roofing, authorize the chairman to execute the contract after review by the county attorney.

Dixon: Are there those who would like to speak on this item?

Members of the body?

Croley: I have a question.

Mr. Manager, when we reviewed this item earlier today, I asked the question - Do we have anything in writing from anyone that says that the whole building needs a new roof?

Mr. Bowen called me today, so let the record reflect that.

Dixon: State your name for the record.

Bowen: Spencer Bowen.

Croley: Mr. Bowen, do we have anything in writing from the architect or anyone that says the whole roof needs to be replaced?

Bowen: No, sir.

Croley: Commissioners, having had some experience in buying some public roofs,

Thank you, Mr. Bowen, right now. I may have another question, so you might not want to go to the back.

You know, it would seem to me that we ought to be looking at whether the roof needs to be replaced. The 15 year warranty for this kind of price seems rather excessive. I mean, if I could get a much longer term, I would think from a business standpoint, it might be worth consideration. But, 15 years for over a quarter million dollars seems rather excessive.

If the roof in question is only a problem around where it joins the wall line, I would like to have more information on that. And, if Mr. Rowe can enlighten us, I would like to hear from him.

Dixon: State your name for the record, please.

Rowe: (inaudible) Rowe, 3637 Liveoak Plantation Road, Tallahassee, FL.

Dixon: Before we get started, let me ask - Why are we redoing the roof? Surely it is not just because you want to redo the roof. Please enlighten me.

Brown: No, sir. Commissioners, one of the things is that right now, we have a roof that we know, at least we don't know if there is a warranty on it. Mr. Bowen can correct me if I am wrong.

So, in the event that Mr. Rowe does the repairs and something else along the roof fails, we are going to have to call Mr. Rowe back or someone back or put out another bid to fix whatever is wrong with the roof - other than the repairs that Mr. Rowe makes.

So, we felt that it was in the best interest of the county to go ahead and replace the entire roof warranted. Again, I am not an expert in roofing, so I don't know if there is the ability to provide a longer warranty.

Holt: Mr. Chairman, may I? Because I can tell you really about the roof.

Dixon: Just one second. So, let me understand. So, out of - you don't want to build a new building under if the roof might leak? You just think it makes good sense?

Brown: Correct.

Dixon: You just thinks it makes good sense.

Brown: To do the entire replacement than to do just repairs.

Holt: Mr. Chairman, please.

Dixon: I am just trying to get to some professionalism.

Madam Commissioner, yes.

Please ma'am. When I will recognize you, you will get your opportunity.

Holt: I am sure.  
Thank you.

Dixon: Mr. Bowen, let the madam commissioner speak, please.

Holt: May I say this, please.

Since the day the hospital was built, and I worked there when it was built. Since the day it was built, the roof has leaked. It has never not leaked. Every room out there has already leaked.

Because we were upset with contractor that they had to build the building at that particular time. So, there is no way you can renovate that building and not put a roof on it. You go out there and see stains where is has leaked over the years. When it was brand new, when we walked in there, the roof leaked.

Thank you, Mr. Chairman.

Dixon: In an abundance of caution.

Mr. Rowe?

Rowe: I am here to answer any questions.

Croley: May I? Since he came up to answer mine.

Mr. Rowe, I am simply asking. In your professional opinion, since I haven't gotten any report from anyone else in writing - Does the entire roof need to be replaced?

Rowe: Commissioner, it is a two-fold answer. I said in my initial bid proposal that I felt that the roof could be fixed and I still stand by the fact that I think the roof can be fixed.

During our scope review with Mr. Rutherford, he pointed out several different items that I had not taken into consideration as your design professional.

I am a roofer. I roof buildings.

To answer your question - Yes, I think we can fix the roof. We cannot guarantee more than what we fix for an extended period of time. Therein lies the problem. If I fix Leak A on this wing and it leaks two years from now on Wing B, you are going to have to call me out.

Croley: In follow up to that - Would you be able to give a warranty longer than the 15 years or your material sources?

Rowe: First of all, I think that the commission has recognized or should recognize that the roof warranty that you are getting is only as good as the contractor and the system that you are putting on. I will site a case in point.

We did a job for CRA 12 ½ years ago at Archbold Hospital. RPM, the manufacturer of the system that we put on that roof at that time. Their roof subsequently failed last summer. They spent a quarter million out of their pocket replacing that roof with two years left on that warranty. They got a brand new roof.

The manufacturer that I have is going to come in. I have been a product of this community, raised up at Lake Talquin, we've got a business in the Gadsden

10/90 Park and I 've got one of the largest parcels. I employ more people directly for my company, not subcontracting, than probably any contractor in this county. We are going to be here. We are going to be the person to take the call. As you guys asked earlier, I am going to be the contractor that is going to come out and fix it. I was raised on a roof. I know how to roof. So, I am not going to have to call Texas, Nebraska - you are going to call Rudy Rowe and I am going to come out and fix it.

Croley: So, really overall then, you think that it makes good business sense to go ahead and replace the entire roof?

Rowe: I think that with the dollar magnitude of the interior renovation project and being able to optimize getting a 15 year system on there, yes, sir. From the standpoint of - if 5 years from now, we have different seated commissioners, and they have a leaking roof, and they have a seven to eight million dollars worth of renovation, I do think that it make economic sense and it is economically and fiscally responsible of the commission to take that into consideration.

Again, I did not until I did a scope review with Mr. Rutherford. We talked about some things that I had not originally contemplated.

Dixon: Any other questions of Mr. Rowe?

Mr. Rowe, thank you. We appreciate your honesty.

Any other questions?

Croley: No, on that basis, I wouldn't have a problem with it.

Lamb: I offer a motion that we accept the recommendation coming from the staff.

Dixon: We have a motion to accept the bid.

Croley: I second it.

Dixon: We have a second. Do we have discussion?

(No response.)

All in favor, a sign of, "Aye."

All: Aye.

Dixon: Opposes?

(no response)

Please make it unanimous.

Next item please.

Brown: That is it, Mr. Chairman.

Dixon: There being nothing else, ladies and gentlemen, thank you very much, we stand adjourned.

**ADJOURNMENT**

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

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**Edward J. Dixon, Chair**

**ATTEST:**

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**Muriel Straughn, Deputy Clerk**

AT A REGULAR MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS HELD IN  
AND FOR GADSDEN COUNTY, FLORIDA ON  
OCTOBER 21, 2008, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: Edward J. Dixon, Chair, District  
Eugene Lamb, Vice-Chair, District 1  
Doug Croley, District 2  
Derrick Price, District 3  
Brenda Holt, District 4  
Thornton Williams, County Attorney  
Marlon Brown, County Manager  
Muriel Straughn, Deputy Clerk

CALL TO ORDER

Chair Dixon called the meeting to order. Commissioner Holt led in the invocation and Commissioner Price led in pledging allegiance to the U.S. Flag.

AMENDMENTS TO THE AGENDA

The following amendments were made to the agenda:

- Revise Title of Item 2 to Read "September 8, 2008 Special Meeting"
- Delete Item 5 from the Consent Agenda (Approval to Apply to Department of Health for EMS Matching Grants) and **add it to the General Business Agenda as Item 9-B** with Revised Title- Approval to Apply to Department of Health for EMS Matching Grants and Approval of Resolution No. 2008-059
- Item # 7 - Add Additional Material and Revise Title to Read "Request of Danny Miller for the Board of County Commissioners to Consider Recognizing the Talquin Shores Subdivision, Phase I (Lots 1 - 12) as a Vested Subdivision, Not Subject to the County's Current Comprehensive Plan and Land Development Code.
- Add Item 9-A - Notice of Selection of Contractor for Negotiation of Contract for Construction Management Services for the Gadsden Community Hospital Reopening



- Add 9-B - Approval to Apply to Department of Health for EMS Matching Grants an Approval of Resolution No. .2008-059

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AMEND AND APPROVE THE AGENDA.

**AWARDS, PRESENTATIONS AND APPEARANCES**

**1. Proclamation Honoring Gadsden County 2008 Farm Family of the Year Fount and Beth May - Resolution 2008-056**

County Manager Marlon Brown recognized Fount and Beth May as Farm Family of the Year. Chair Dixon presented them the above referenced resolution in appreciation for their contribution to Gadsden County.

**CONSENT AGENDA**

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

**2. Approval of Minutes**

September 8, 2008, Special Meeting

**3. Ratification of Approval to Pay County Bills**

Accounts Payable Dated: October 3 & 10, 2008  
Payroll Dated: October 9, 2008

**4. Post Approval of State Housing Initiatives Partnership (SHIP) Program Annual Report for FY 2006/2007**

**5. ~~Approval to Apply to Department of Health for EMS Matching Grants~~**

This was moved to Item 9-B under the General Business Agenda.

**CITIZENS REQUESTING TO BE HEARD**

Ms. Grace Maloy of the Gadsden Arts Center addressed the board to request that the board restore their funding request.

It was noted that the board did not fund any non-profit agencies in the recent budget due to revenue shortfall and the poor economic environment which is griping the entire nation.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO DIRECT THE MANAGER AND STAFF TO LOOK AT THE BUDGET AND COME BACK WITH SOME OPTIONS FOR THEM TO CONSIDER AS IT RELATES TO NON-PROFIT FUNDING.

**6. PUBLIC HEARING:**

**Mortham-Shaw Comprehensive Plan Amendment (CPA-2005-018)**  
**Major Land Use Amendment; Repeal of Ordinance 2006-013**  
**and the Adoption of Ordinance 2008-029**

**Owner:** C.R. Shaw III et.al and Rebecca Shaw

**Applicant:** Florida Environmental & Land Services, Inc.

**Location:** North side and south side of Solomon Dairy Road (CR 268) approximately 2.3 miles northwest of Quincy. It is bordered to the west by the Farms of Quincy Subdivision and to the south by the Golf Club of Quincy.

**Type of Hearing:** Quasi-legislative

Mr. Brown noted that on October 7, 2008, there was a question about whether the area property owners were properly notified of public meeting. He asked the attorney to make known his findings with regard to the notification.

Attorney Williams recalled that there were two issues that surfaced at the last hearing. One was whether the hearing was properly noticed. He then referred the commissioners to page 3 of the agenda report which spell out the statute requirements for notice. He reported that the staff has now complied with those requirements.

The second issue was very technical in nature. He stated that a portion of the property in question had actually been sold - a fact of which the county staff was not notified. There was also a scrivener's error. However, pointed out that both issues can be resolved by simply modifying the ordinance.

He advised that the Board of County Commissioner may move forward with the hearing as proper notice has been

resolved by sending out proper notices to the area residents. As well, he stated that the other technical issue can be and will be addressed via proper reference to the parcel number on the Future Land Use Map Amendment as well as in the Text Amendment. He reiterated that nothing detrimental would occur by moving forward in adopting the ordinance.

In an abundance of caution, he asked them to make a determination that proper notice was given and that the listing of the Parcel ID Numbers in the remedial amendment is an immaterial scrivener's error; then proceed with the hearing of the issues set forth in the staff report after correcting the Parcel ID Numbers in the remedial amendment.

Chair Dixon called for public comment on the issues stated above. There was no response.

**UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO FIND THAT THE COUNTY HAS ISSUED NOTICES OF THE HEARING IN COMPLIANCE WITH THE FLORIDA STATUTES AND COUNTY CODE AND THAT THE LISTING OF THE PARCEL ID NUMBERS IN THE REMEDIAL AMENDMENT IS AN IMMATERIAL SCRIVENER'S ERROR; AND TO PROCEED WITH THE HEARING ON THE ISSUES SET FORTH IN THE STAFF REPORT AFTER CORRECTING THE LISTING OF THE PARCEL ID NUMBERS IN THE REMEDIAL AMENDMENT.**

Interim Growth Management Director Jill Jeglie presented a brief overview of the proposed land use amendment and ordinance.

Chair Dixon called for the applicant.

**Allen Mortham** addressed the board representing the Shaw family and himself in support of the project.

**Attorney Jeffrey Brown**, representing Billy Don Grant and Gadsden Golf and County Club, addressed the Board. He stated his objections to the amendment. His objections centered around 1) Urban Sprawl; 2) Language of the amendment; 3) Adverse affect the amendment will have on the adjoining neighborhood and the inconsistencies it will present with the Comprehensive Plan.

Attorney Brown contended that there is no language in the

amendment that will provide for a minimum lot size of 2 acres or greater as previously agreed to. He asked the board to amend the language to expressly create a minimum lot size and do so in clear language. He made a point of saying that he was not offering this change as a settlement in the litigation his client still has pending in this matter.

He urged the board to reject this amendment and send it back for revisions. Alternatively, he requested at the very least, language requiring a minimum lot size.

**James Anderson, President of the Quincy Farms Homeowners Association** spoke on behalf of the homeowners association as being opposed to the development.

**Ms. Vicki Hendricks, Farms at Quincy,** addressed the board. She had concerns for traffic safety, etc.

Discussion among the board followed.

Commissioner Holt voiced concern for the lack of central sewer and no minimum lot size.

Commissioner Croley was opposed based primarily on the fact that the Urban Service Boundaries have not been established.

Commissioner Lamb was concerned that any new development should be compatible and similar to what is already there - larger lot sizes, etc.

Chairman Dixon contended that there is already a myriad of lot sizes in that area - even one acre lots.

Board discussion followed.

**UPON MOTION BY COMMISSIONER PRICE AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 3 - 2, BY VOICE VOTE, TO APPROVE THE LAND USE AMENDMENT CONTINGENT ON A MINIMUM LOT SIZE OF AT LEAST 2 ACRES BEING ADDED TO POLICY 1.14.4. COMMISSIONERS LAMB AND CROLEY OPPOSED THE MOTION.**

7.       • **PUBLIC HEARING:**

- Request of Danny Miller for the Board of County Commissioners to Consider Recognizing the Talquin Shores Subdivision, Phase I (Lots 1 - 12) as a Vested Subdivision, Not Subject to the County's Current Comprehensive Plan and Land Development Code.

Application of the Site Specific Conditions of the County's 2003 Future Land Use Map Amendment to the 1965 Plat Area for Talquin Shores Development (Attachment # 1)

**Brown:**

Commissioners, the issue that was brought before you previously was for you to determine whether the 1965 plat area for Talquin Shores was not included in the 2003 Future Land Use Map Amendment (Ordinance 2003-10) and as such, require the eleven conditions of development stated therein; and to grant Mr. Danny's Miller's request that it rescind its October 2, 2007 action which was approval of his agreement that the 1965 Plat area for Talquin Shores would be subject to the site specific conditions of the County's 2003 Future Land Use Map amendment. Mr. Miller is requesting that his vested subdivision, which is before you this evening, only be required to comply with North West Florida Water Management District (NFWFMD) regulations.

Commissioners, he has also provided, and I am going to go ahead and hand this out, this was provided to Commissioner Croley today, I believe, Commissioner?

**Croley:**

No, it was October 2.

**Brown:**

Mr. Miller has included a resolution that, I believe that it is an agenda item, Ms. Jeglie, but, it is also included here. It basically delineates what he is requesting.

Ms. Jeglie, if you want to go ahead and give the Commission some background information, then the attorney will share with you his findings. And, we will have our recommendation at the end of that as well.

**Jeglie:**

I think there is a slight correction based on the resolution and, Mr. Miller can correct me, that they would

agree to both to Northwest Florida Water Management District and the requirement for advanced septic systems.

**Brown:**

Correct.

**Jeglie:**

Again, there was a determination made in 2007 that this particular subdivision would be required to be compliant with a number of conditions. That is outlined in the October 2<sup>nd</sup> letter. That came as a result of an earlier land use amendment that occurred in 2003 which put a number of conditions on Talquin Shores plat and also several hundred acres owned by Mr. Miller. They applied for and received approval of that particular amendment which required that the development obtain appropriate state and federal wetlands impact permits; that the applicant should perform an on site survey to further delineate the waters of the state; the 100 year flood plain; and at the time of the platting, the applicant shall place all wetlands with the conservation easement and provide for a 50 ft. natural vegetative buffer; the development should be restricted to no more than 250 residential units to be deed restricted for the construction of site built homes; the development should be served by on-site septic systems designed for secondary level of treatment as stipulated by the health department and by the water management district for all systems that are located within 200 ft. of the jurisdictional line.

**Brown:**

O.K., Ms. Jeglie, hold on right there. Commissioners, that is on page 3 of 10 of your agenda item.

Just to clarify, Mr. Miller came in back in 2003 for changing the land use and got rural residential zoning. There were stipulations that were made part of that overall request for rural residential land use change. Those are the stipulations that Ms. Jeglie just went through. That was in 2003.

**Jeglie:**

It goes on to list what all those would be on pages 3 and 4. Then in 2007, Mr. Miller came in with plans and a determination was made that those particular plans include the sale of 12 lots and that they differed substantially as determined by the director and also by the board from

the originally platted subdivision which had many more lots. So that particular configuration then was determined to be vested in November of 2007, based on an October decision. There were a series of actions that were taken. As a result of that, it was also determined that they would only have to go through a minor subdivision plat. So, early last April, Mr. Miller came back and had the minor subdivision and applied for the construction plans. There are still a number of issues that need to be addressed and there is information that staff did not have including we were looking for the plans and plans to be submitted to Preble-Rish, who is the county storm water engineer, approval by Northwest Florida Water Management District of the storm water for the entire subdivision which would include pre and post development for both the roadway and the lots. And, also the calculations that would support that. The plan that we saw then differs slightly from the plan that was originally approved. The subdivision plan that you all saw in 2007 included a shortened cul-de-sac. There are some concerns that staff had indicated in a previous meeting regarding the legal descriptions that were recorded and sold with those particular parcels.

As of today, we still have not received an approval from Northwest Florida Water Management District regarding the proposed subdivision. I understand that should Mr. Miller be granted the vesting, he would only be required to provide storm water for the proposed roadway and that the individual lots would either be exempt or be required to have individual storm water ponds on the back of the lots. Between the homes and the lake front. That was a concern to staff. As of today, we have not received an approval from Northwest Florida Water Management District

You have a recommendation in your staff report which is located on page 9 which is requesting that you determine that the 1965 plat for Talquin Shores be compliant with the Comprehensive Plan (Ordinance 2003-10) and as such require compliance with the 11 conditions of development.

There is a second option that regardless of whether the 1965 Plat Area was included in the 2003 FLUM Amendment, deny Mr. Miller's request to rescind the Board's October 2, 2007 approval to apply the 11 site specific conditions that were adopted by the Comprehensive Plan Map Amendment in 2003 or

The board could, based upon a determination that the 1965 Plat Area is not subject to the 2003 FLUM and grant Mr. Miller's request and rescind the Board's October 2, 2007 which required that those site specific conditions be applied to the plat.

The fourth option is for board direction.

So, basically what you have right now is really, I think, Mr. Williams can walk you through that also, but, is whether they are subject to that 2003 Land Use Map Amendment and it's conditions. Then based upon that determination, there are several decisions that you could make.

**Brown:**

Commissioners, again, just to clarify again, you know, the issue came to us in 2003. They got the Land Use Change. Mr. Miller came back in 2007 and you changed that to a minor subdivision, but, you still kept a number of the conditions that Mr. Miller had agreed to as part of the conditions for moving forward with this development.

We have had several meetings since that time where we went back and forth trying to clarify what those conditions were and what requirements were required to be submitted to Growth Management to continue in the approval process.

Again, Mr. Miller has now come before you and is asking if the property can have a strict vesting whereby he will only comply with meeting the Northwest Florida Water Management District's requirements and the advanced waste water treatment requirements. All of the other conditions that are not associated with those two requirements would go away if you grant his request. So, simply stated, that is why we are here this evening.

Mr. Williams, I don't know if you have anything else to add to that.

**Williams:**

I don't have anything unless the Chairman or the commissioner have any questions.

Just to give you some options to think about - obviously, the staff worked through comprehensively. Earlier, when



we came up with the 11 conditions, a situation that gave Mr. Miller what we recommended to the board as a resolution of all of his concerns, a typical approach would be - if you wanted to revisit it, which obviously is not the - it is his option to make that request.

One approach would be to look at the issues that he has a concern with and see if they should be addressed as opposed to a rescission of all of the issues carte blanche. If Mr. Miller and staff worked it out, it would seem that it was reasonable and it was presented before the board and it was voted on by the board and the board accepted it because Mr. Miller said that he could comply with those conditions.

So, if you want an additional option, an additional option would be to see what issues he feels that he has a problem with in the county staff and have the commission look at those particular issues.

**Brown:**

Commissioners, I want to make one correction in your agenda report. Just before you get to the options, there is a recommendation from staff. Please strike that from the agenda item because staff is recommending option number 4 which is the board's direction. We had initially recommended denial.

**Dixon:**

Did you get weak-kneed?

**Croley:**

He got scared.

**Brown:**

Just trembling in my shoes, Commissioner.

(Laughter)

**Dixon:**

Are there any questions of Ms. Jeglie before we move to Mr. Miller?

Mr. Miller, either you or your representative, please come forward.

**Miller:**

Thank you, Mr. Chair. My name is Danny Miller, a life long resident of Gadsden County.

I can start at the beginning, but it is going to take a lot of time. But, I will do whatever you ask me to do, Mr. Chairman.

**Dixon:**

Mr. Miller, it doesn't matter if you have been here all your life. If you came here yesterday, you've got the same rights.

**Miller:**

Yes, sir. Thank you. I appreciate that.

**Dixon:**

Can we get to the chase.

I thought we sent ya'll off to fix this thing and come back.

**Miller:**

Yes, sir. And it has been a back and forth and we can never get back and forth on it.

**Dixon:**

Can we go through this list that Ms. Jeglie is reading from?

**Miller:**

I have never seen it, I don't know what it is, sir.

**Brown:**

It was the conditions that the board approved back in 2007.

**Dixon:**

Can somebody please get him a sheet.

**Miller:**

Could I please do a little background first?

**Dixon:**

The short version, if you would. I think most of us are familiar with it.

**Miller:**

Most people are familiar with it. We have been back and forth on it.

First of all, I want to make a clarification back to 2003. Two of the members of this current board were on the board at the time that I originally came before the board to get a Comp Plan Amendment. Specifically in the meeting, specifically in the second meeting for the Comp Plan Amendment, the current Growth Management Director confirmed before the commission that area was exempt from and not included in the application for the Comprehensive Plan Amendment 2003-10. It is in the record. I did not bring it. I was going to go get it and bring it, but I didn't do it and I apologize to you for that. But, it is a matter of fact and it is in the record. It is a part of the public record. Part of the commission minutes from a meeting in 2003.

Having said that - that it was excluded. The then Growth Management Director approved this as a vested subdivision. Sent the plat over to the Property Appraiser's office and said, "Mr. Miller, you are ready to go." All of those documents, you all have seen them. You have seen the affidavit from Ballister. You have seen the letter from the previous county attorney saying it is a vested subdivision and it is excluded. That is where the problem with Bill McCord came in. He steadfastly said that it was not excluded. He didn't do his homework. It was excluded.

Now, moving forward, when all of this issue arose with Mr. McCord, I tried my best to work with him to get it resolved and we finally came up with what we thought was a solution. The timeframe that Bill McCord took to look through this took a year. Once it was done, approved and agreed to, he withdrew his agreement in a meeting that I had with him and some staff members. He back-tracked on his agreement that we could do a minor subdivision. He changed it to the criteria of a major subdivision. That is where all the fracas started.

I can't get anywhere with staff to get this done and get it completed.

**Dixon:**

Correct me if I am wrong, Ms. Jeglie, I thought you said that it was agreed to to be treated as a minor

subdivision.

**Jeglie:**

That is correct.

**Miller:**

But, Mr. McCord treated it as a major subdivision. He cited 58 objections to the subdivision. We answered those. I hired an engineering consulting firm and we responded to it. It was kicked back to us the day before he was fired with another 30 some odd objections.

**Dixon:**

He wasn't fired.

**Miller:**

Well, when he resigned. Whatever happened.

**Dixon:**

Just clarification for the record.

**Miller:**

Yes, sir, thank you.

That is the history as to where this thing has gone through. Look, we have 12 property owners down there. These are great lots. It is a top end subdivision with great value. These people have been paying taxes on these lots for four years and haven't been able to use them. We need to get this resolved. That is why, through my attorney, we drafted this resolution which solves the problems. We are complying with every regulation that the state of Florida has in storm water management, which was inaccurately reported to ya'll just a few minutes ago, that we would only do stormwater for the road. That is not the case. We are doing storm water for the road, stormwater for each lot and it meets the state's requirements and it exceeds the state's requirement. My engineer told me that the state requirement is  $\frac{1}{2}$  inch per hour of retention for the size of the property. We sized this storm water at  $\frac{3}{4}$  inch per hour. So, we are exceeding those. We are doing that to get through and get a permit from Northwest Florida Water Management. We cannot move forward with anything until North Florida gives us our stormwater operating permit. We also agreed to the AWTs on the property.

**Dixon:**

Are we talking about the piece in red, and then a second piece?

**Miller:**

Only the piece in red.

**Dixon:**

Only the piece in red. Nothing more?

**Brown:**

Nothing more. Correct.

**Dixon:**

They are talking about it like it is two.

**Miller:**

Mr. Chairman, I respectfully ask that you and the commissioners look at this and vote and agree to approve our resolution.

**Dixon:**

Let me ask Ms. Jeglie - Do you see his resolution? Do you have it?

**Jeglie:**

Yes, I do.

**Dixon:**

What is wrong with it from your prospective? I know that is not a fair question to ask you.

**Brown:**

Mr. Chairman, that is Attachment # 13 in your agenda packet.

**Dixon:**

Commissioner Croley?

**Croley:**

Before we get into what is wrong with the resolution or what is right about it, let me -

Mr. Miller, now I don't think there is any disagreement, from what I have heard from the board historically, with your representations that you are vested in those 12 lots.

We are all on the same page. We don't have any questions about that.

I understand that you came in since I have been here and you have improved those lots by making them a little bit larger.

**Miller:**

Yes, sir. From the original vested plat, with a vesting determination by the then county attorney, Hal Richmond, we made these lots bigger. We made them better. In Bill McCord's own words, he said, "I commend Mr. Miller for making these lots better."

**Croley:**

I am not worried about Mr. McCord or anything. I am just trying to say that we are all - you made the lots bigger and you made them better. I don't think there is any disagreement up here about that.

Now, I think I understand where the confusion came or at least where Mr. McCord was saying that because the balance of the land had been changed to rural residential, and that he didn't question the way that you had the twelve lots, he started applying all the rules that affected the bigger piece to the small piece and that is where you are starting to have the problems. I see, I think that is the communications that you are trying to convey.

But, if you don't object, Mr. Chair, or the other commissioners, let me just for the sake of time, try to walk through this so that I understand. I think that everybody would like to get this behind us, both for your sake as well as the commission's sake and everyone that is affected.

- Number 1 - The development will be required to obtain appropriate State and Federal wetlands impact permits for any infraction on wetlands or other waters of the state proposed by the development.

Now, unless I am badly mistaken, the jurisdictional waters of the state are defined by the state's water bodies, which the Lake Talquin would be and that would also include the Army Corps of Engineers. Now, I don't believe you can do much down there without those federal and state permits, so, what is wrong with Number 1 and with you

putting a copy on file with the Growth Management Office that you have done that? How does that hurt you? I am trying to understand that? That is for the protection of the people.

**Miller:**

First of all, you can't circumvent federal or state rules.

**Dixon:**

Are you in agreement to do that? I think that is what he is looking for. You are not opposed to that, are you?

**Miller:**

No, I am not opposed to that.

**Dixon:**

Commissioner, go ahead.

**Croley:**

And, he asked you to provide an accurate survey of the lot changes that you made, either through a licensed surveyor or professional engineer, somebody seeing that plan, so that the Growth Management office has a copy of that.

**Miller:**

Done and delivered.

**Croley to Jeglie:**

Do you have that?

**Jeglie:**

What we have and what the Water Management District also has is not consistent with the plans. There are changes to the deeded documents to those lots.

**Croley:**

Well, he creates a

**Dixon:**

That is the document that is just a matter of inches here and there.

**Miller:**

It is just a matter of inches.

**Dixon:**

But, you will get a corrected one.

**Miller:**

Yes, sir.

**Croley:**

But, for the public's sake and for the public record, you have to provide a properly sealed survey of your lots. You don't disagree with that, or else you are liable to be -

**Miller:**

I don't disagree with that, but, let me explain to you - the surveys are done, the lots are sold, the deeds are recorded and those legal descriptions cannot and will not change. My attorney will tell you the same thing. This attorney will tell you the same thing. That cannot change. It is not going to change.

**Croley:**

We are not asking you about changing them, I just asked you if you had a survey that tracks with that or some other documentation that Growth Management can show lot owner who comes into apply. I mean, that is pretty basic.

**Miller:**

Yes.

**Dixon:**

He said, "Yes."

**Croley:**

The second thing says, "The applicant shall perform an on-site survey to further delineate the waters of the State, the 100-year floodplain, established setbacks from all wetlands and other waters of the state, and determining the minimum housing elevations."

Isn't that FEMA's requirements in floodplain areas?

**Miller:**

Yes.

**Croley:**

Do you have a problem with providing that for the public record?

**Miller:**



Not at all. It is already done.

**Croley:**

I mean, have you filed a copy?

**Miller:**

Well, we gave Growth Management a copy.

**Croley:**

O.K. and Number 3 - "At the time of platting, the application shall place all wetlands within a conservation easement and provide for a 50' naturally vegetated buffer as required by the Comprehensive Plan and Land Development Code."

Have you done that?

**Miller:**

If it is vested, it is unnecessary. Vesting does not require you to do this. Vesting does not require it.

**Dixon:**

No is your answer.

**Miller:**

No.

**Croley:**

You've got two "yeses" and a "no", so far.

**Miller:**

I just need three, "Yeses" sir.

(laughter)

**Croley:**

O.K.

"4. The Development shall be restricted to no more than 250 residential units to be deed restricted for construction as site-built homes."

Well, I don't think that fits the situation.

**Miller:**

No.

**Croley:**

All right, Mr. Manager, that is one of the eleven conditions, but that doesn't track with these 12 lots.

**Brown:**

Correct.

**Croley:**

"5. This condition will be met (On-site septic tanks designed for secondary levels of treatment.)"

I don't see that

**Dixon:**

That is a "yes" - he has already agreed to that.

**Croley:**

"This condition will be met. On-site septic tank"

**Dixon:**

AWT.

**Croley:**

O.K.

"6. All . . . County stormwater management criteria shall be applied to any proposed development, and best management practices for sediment and erosion control as described in the "Florida Development Manual" shall be observed and confirmed at permitting and construction. State standards would be met for the roadway, but maybe not for runoff from the individual lots that could reach Lake Talquin in and untreated state."

Well -

**Miller:**

That is complied with through Northwest Florida Water Management District.

**Croley:**

But, have you gotten the letter of permit from them?

**Miller:**

We have applied for it and we are waiting on it.

**Croley:**

But, once you get it, then you will give it to Growth Management?

**Miller:**

Sure, I will be happy to give you a copy of it

**Croley:**

O.K.

"7. Water service shall be provided through joint agreement with Talquin Electric Co-operative to ensure that adequate capacity is available for each stage of development."

**Miller:**

Again, that is a part of the Comprehensive Plan and I am telling you that property is exempt. All of this is part of the Comprehensive Plan.

**Dixon:**

Do you have water?

**Croley:**

How are you going to provide water?

**Dixon:**

Is there going to be a well?

**Miller:**

Right.

**Dixon:**

Does Talquin have a line down there?

**Miller:**

They do not, sir.

**Dixon:**

They do not. O.K.

**Miller:**

If I were doing 250 lots, it would be feasible to bring water down there. But, I am not doing 250 lots.

**Croley:**

"8. Solid waste hauling shall be mandated for all residential lots to be hauled to the transfer station at

Quincy which pre-sorts and ships waste to the Springhill Landfill facility in Jackson County."

Well, if we had mandatory garbage, that would be perfect.

**Dixon:**

That is nothing. That is a, "yes", right?

**Miller:**

That is a yes.

**Croley:**

"9. Per the agreements with this commission at the public hearings, recreational lands will be provided for the residents of the subdivision and lake access will be provided for residents of the County."

That is not really applicable to the 12 lots.

**Miller:**

No.

**Croley:**

"Per that same agreement, the developer agrees that road paving requirements of the Gadsden County Land Development Code shall be met."

**Dixon:**

Did you build the road to county standards?

**Miller:**

I will, yes, absolutely.

**Dixon:**

That is a yes.

**Miller:**

Yes.

**Croley:**

"11. This condition will be met - On-site septic tanks designed for secondary levels of treatment."

That is the same as 5 That is a repeat of number 5. So, we don't need that.

So, really, if I understand this right, the only real

problem that you seem to be having is that you have not identified the conservation easement boundaries that your Code is requiring, which is number 3. Is that

**Dixon**

But, there is no conservation easement required.

**Croley:**

I am not disagreeing with you. I am just asking.

**Jeglie:**

There are some small areas along the title waters that would have to be in conservation easement. Then there is one other issue with meeting the county stormwater criteria because we would require that the developer provide and maintain stormwater.

What happens right now is that we have deeded properties with no easements to provide stormwater on them. There are no identified stormwater ponds. So, in order to meet the county standards right now, it could be done with some changes to the documents. We think they could do it, but that has not been demonstrated to us yet.

**Miller:**

Let me respond to that.

The state, Northwest Florida Water Management District, requires a bond, a performance bond to maintain stormwater management facilities. I've got to put up a performance bond. They've got to be maintained. Once I get through the maintenance period, then it gets turned over to the homeowners association, who, in turn, has to put up a bond to maintain the stormwater facility. That is a Northwest Florida requirement.

**Croley:**

I appreciate that, but, do you have the homeowners association set up with mandatory fees in place?

**Miller:**

Yes, sir.

**Croley:**

And all the lots you sold are subject to that?

**Miller:**

Yes.

**Croley:**

O.K. Well, I kind of have a problem with Number 3 because I am not sure that it really fits in with the vesting of the lots unless I am missing something. It looks like Number 1 covers that. Does anybody see that differently?

So, we have pretty well narrowed this down to where there is not a lot of disagreement about where you are.

**Dixon:**

Commissioner, we are looking at Numbers 1, 2, 7, 8, & 9.

**Croley:**

Well, Number 9 does not apply.

**Dixon:**

I am sorry, Number 10. 7, 8, 10.

**Croley:**

1, 2, 8 & 10. The rest of them do not fit into this issue. Does anybody disagree with that?

O.K. Now, I know that we've got to hear from affected parties. That helped narrow it down for me.

**Dixon:**

Thank you, Mr. Miller.

This is a public hearing. Will there those who would like to speak?

I don't have any cards here, but, we will certainly give you an opportunity. Will there be those who would like to speak.

Alright. We will closed the public portion of the hearing.

Members of the body?

I am pretty clear on it. If it is vested, everything else after that is negotiated. If we call it vested, there is nothing you can do to make him do it except through negotiations. We got some good stuff in there and I don't

see the hang up.

**Croley:**

I just wanted to ask the manager a question.

Based on these 5 items 1, 2 7, 8 and 10. Would the staff have any serious problems with that or know of any reason, maybe the attorney will have a comment to make. Is there anything, legally, here that we would be afoul of?

**Brown:**

Commissioners, I will let the attorney speak as to his issues.

Commissioners, I would strongly recommend that you go ahead and provide the vesting and lay the two commissioners that Mr. Miller is requesting. I would not leave anything up to negotiation.

**Dixon:**

No, No. I was saying, this is the negotiation. We are going to leave here with something.

**Brown:**

O.K. That was my only concern. To give the

**Croley:**

In follow up to an answer to my question - you don't have a problem with the five items or anything that we have discussed. We have done a thorough job on those.

**Brown:**

Correct. If Mr. Miller is willing to meet those and if, my his acknowledgment, he has met those, we will not have a problem with it.

Ms. Jeglie?

**Jeglie:**

When you are saying number 7 - you are talking about water. There was agreement early on that they would not have to provide (inaudible)

**Croley:**

Right. He can't bring water that far. So, we really probably ought to delete number 7 and move that to a "no." Now, we are down to only 1, 2 8 & 10.

**Brown:**

Commissioner, to answer your question,

**Dixon:**

So, the motion, commissioners, that would be in order would be to approve or determine that the subdivision is vested with development conditions 1, 2, 8 & 10. Anybody opposed to that?

(No response.)

**Lamb:**

I so move that we follow that procedure.

**Price:**

Second.

**Dixon:**

Discussion from the members?

All in favor, sign of "aye."

**All:**

Aye.

**Dixon:**

I ain't going to see this anymore and I sure hope that they don't see this anymore.

**Miller:**

There is something that I just have got to say.

I have come before this board many times either when you were on the board or were the chairman. What you have brought to the county and to the board is a level of professionalism that I greatly appreciate and I know the county does as well. I thank you for your service and I wish you God speed.

**Dixon:**

Thank you. That is kind of you to say, especially after you have caused us all this "hell."

(huge laughter)

Oh, I am sorry, I am not suppose to say that. Ya'll



forgive me.

**Brown:**

Commissioners, just for the record, you have provided the vesting as stated in the motion?

**Croley:**

Right.

**Dixon:**

Yes.

**8. Discussion and Direction on the Voting Status of School Board Member on Planning Commission**

Ms. Amy O'Donnell briefed the board as to the request made by the School Board to allow the School Board representative on the Planning Commission to be given voting status.

Following discussion, there was a consensus to expand the Planning Commission to twelve members and grant the School Board's request.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO DIRECT THE STAFF TO DRAFT AN ORDINANCE TO EXPAND THE PLANNING COMMISSION TO TWELVE MEMBERS AND GRANT VOTING STATUS TO THE SCHOOL BOARD REPRESENTATIVE.

**9. Discussion and Direction for the Operations of the Urgent Care Center During the Renovation of the Gadsden County Hospital**

See the attached agenda report for details and background information concerning the relocation of the Urgent Care Center.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RELOCATION OF THE URGENT CARE CENTER AND CONTINUE ITS OPERATION AND TO DIRECT STAFF TO CLOSELY MONITOR FINANCES AND REPORT TO THE BOARD IN JANUARY WITH RECOMMENDATIONS REGARDING CONTINUED OPERATIONS. THIS MOTION WAS CONTINGENT UPON MR. FLEMING PROVIDING FINANCIAL REPORTS TO THE MANAGER ON A MONTHLY BASIS FOR

**DISTRIBUTIOON TO THE BOARD.**

**9-A. Notice of Selection of Contractor for Negotiation of Contract for Construction Management Services for the Gadsden Community Hospital Re-opening**

**Brown:**

Commissioner, Item 9-A - This is Notice of Selection of Contractor for Negotiation of Contract for Construction Management Services for the Gadsden Community Hospital Re-opening.

Mr. Williams.

**Williams:**

Mr. Chair and Commissioners, I have in front of you a document which I want to ask you to vote on which ratifies the decision that was made on October 14<sup>th</sup>, 2008 when you ranked Ajax Construction Company first for purposes of negotiations for the construction management services for Gadsden Community Hospital re-opening.

Specifically, Chair and Commissioners, I would like for you to look at Page 2 of the Agenda Item from October 14<sup>th</sup>. You will note that the manager indicated that there were two number one ranked bidders. One was Ajax Construction and the other one was Childers Construction. And, if you will go down about 4 lines, there is a statement that says, "Notwithstanding the evaluation factors, the Manager and the Committee were of the opinion that Childers has more specific experience in the medical field and has completed more medical related projects."

I am on the agenda item which is about 4 pages, Page 4, Page 2 of 4 - it is the third line down.

The sentence that I wanted to bring your attention to is the sentence that reads, "The Manager and the committee were also of the opinion that Ajax should be given additional consideration for being a Gadsden County contractor and would utilize more Gadsden County subcontractors than the other companies."

In the discussion, I just wanted to make sure that you vote and your Notice of Selection - that criteria was also a reason that was the selection. That the selection was made - if you go back to the second from the last page,

the Notice of Selection is attached. You are voting to ratify the selection process and this Notice of Selection. This includes that particular sentence in it. If you go to the second paragraph, about 5 lines down, it restates what I just read to you which is, "In particular, the Board of County Commissioners considered the information provided on the vendors' qualifications and experience and resources and the location of the vendors and their subcontractors in relation to Gadsden County."

Second to the last page, second paragraph, about five lines in.

I will re-read it. "In particular, the Board of County Commissioners considered the information provided on the vendors' qualifications and experience and resources and the location of the vendors and their subcontractors in relation to Gadsden County."

This is an unusual step. But, I am asking you to do this only because we have had a lot of litigation involving this. I am trying to minimize the legal expenses associated with this by making a selection process by the commission clearly indicated that the commission made this choice. So, it is a little overkill on my part. Thought I would just let you know that, but, I don't know any other way to do it to maybe to avoid any additional litigation associated with this issue.

As I have said before, it has been my concern that litigation involving the opening of the hospital could possibly be jeopardized for the hospital to get opened on time.

So, Chair and Commissioners, I need a vote to approving the attached Notice of Selection for issuance by the county as drafted or other direction. But, my recommendation is to approve the notice as drafted.

**Dixon:**

Questions by the members?

**Croley:**

I don't understand this, Mr. Attorney.

Now, what I am - you know, the staff recommendations were based or the evaluations were based upon one contractor,

which I don't have problems with either contractor, but one was cited as having more specific experience in medical field. The other one was recognized for using more Gadsden County based subcontractors. Both legitimate reasons. A vote was taken, it was a split vote on both the motion to approve Childers and the motion then to approve Ajax.

Now, that seems pretty clear on the record. I don't understand how this is enhancing anything and if a vote on this is taken, those of us in the minority, it would imply that we were incorrect in our evaluation. And, in the award to Ajax, and those that voted against Childers were incorrect in their evaluation. I don't understand what we are doing here or why the necessity of it.

**Williams:**

It does not, with all due respect, it doesn't do that. It doesn't affect any one vote previously. The issue involves something that shouldn't be before the county which is that you've got a lot of litigation surrounding this and it is just that simple. Knowing that we have a lot of litigation surrounding it, I stated before and I stand by that statement, that we don't make sure that we do everything possible to avoid additional litigation, the litigation could cause the hospital not to open. Therefore, I asked my attorneys, you know Paul Sexton does a lot of background work, "Is there anything additionally that we can do that may prevent an additional bid protest on this issue?" We are correct. We normally would just issue a notice of intent without bringing it back before the board. But, as we looked at it, we vetted it and we said, "Maybe the ones on the other side would say this is not what the board did." So, as an additional precaution, the vote that the board has previously done is just being ratified by the board before we issue the notice. That is an attempt to avoid potential litigation. It is a good thing. It protects the county. I hope that it prevents litigation and that should allow the county manager to go forward and get the hospital open without having litigation to be ended by impediment.

**Croley:**

What was the unanimous vote following regarding Ajax. It was after the vote and the majority voted to award the contract to Ajax and we had a follow-up vote and I cannot remember the reason for it, but it was unanimous by all of

us.

**Williams:**

That vote was for the manager to negotiate and when the contract was entered into, the chair could execute the contract.

**Croley:**

With Ajax.

**Williams:**

This is a technical issue, Commissioner. I can't make it substantive, it is just a technical issue.

**Croley:**

But, I am not following you and I don't understand what we are doing. I just don't understand it.

**Williams:**

It is a technical issue which I hope, and I can only hope, that will prevent the county from having additional litigation. And, by having - if the board ratifies it's own notice, there are legal arguments that could be made, I mean when you are in contentious litigation, you have to look for contentious issues. There is an argument that could be made that "maybe the board didn't ratify the specific language of the notice". It is a very technical legal issue. And so, it has nothing to do with the substantive vote, and I have particularly pointed out to you the language that was in the agenda item and I particularly pointed out to you the language that is in the notice. The board is voting on that and it is very clear that is what you intended. I am hoping that I can avoid litigation. You know, I think I am saving the county money. If the other side looks at it and decides that they cannot provide a basis to do a bid protest. I can't guarantee they are going to do it because I don't represent their interest, but I am trying to knock down as many different legal arguments that can be raised.

There is nothing to it other than that. I normally would not do this if it is a non continuous issue. But, I am trying to do the best that I can to protect and minimize the illegal cost to the county.

**Croley:**

Well, not having had an opportunity to read this and not

understanding what you are doing here, and when I don't understand something and I am in doubt, they may vote for it, but, not me.

**Dixon:**

Commissioners, what is the will of the body?

**Holt:**

I move approval.

**Price:**

Second.

**Dixon:**

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

(no response)

There being none, all in favor, a sign of, "Aye."

**Holt: Aye.**

**Price: Aye**

**Dixon: Aye**

**Dixon:**

All opposed?

**Lamb: No.**

**Croley: No.**

**Dixon:**

3 - 2. The motion passes.

**9-B. Approval to Apply to Department of Health for EMS Matching Grants and Approval of Resolution No. 2008-059**

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, TO APPROVE THE RESOLUTION STATED ABOVE AND AUTHORIZE THE STAFF TO APPLY FOR GRANTS AS NEEDED.

**10. County Manager's Agenda**

Mr. Brown had nothing to report.

**11. County Attorney's Agenda**

Mr. Williams had nothing to report.

**12. Discussion Items by Commissioners**

**Commissioner Lamb, District 1**

Commissioner Lamb had nothing to report.

**Commissioner Croley, District 2**

In jest, Commissioner Croley stated that he and his wife had traveled through Concord recently and had to stop in the middle of the road to remove a gopher tortoise. He suggested to Commissioner Lamb that he should do a better job of keeping the tortoises out of the road.

**Commissioner Holt, District 4**

Commissioner Holt reported that she had attended the South Regional Juvenile Boxing Match that was held at the Inman Agriculture Center. She reported that the match was very professional, well attended and most enjoyable. It was an event supported by the Tourist Council and brought in quite of few visitors from out of the area. She encouraged the support of the board.

**Commissioner Price, District 3**

Commissioner Price had nothing to report.

**Commissioner Dixon, District 5**

Commissioner Dixon had nothing to report.

**13. RECEIPT AND FILE AGENDA**

- a. Letter to Florida Department of Community Affairs Regarding Public School Facilities Waiver Application
- b. Letter to Florida Department of Community Affairs Regarding Public School Facilities Waiver Application FDCA Review - Response to June 20, 2008 Letter

- c. Letter from Department of Community Affairs Regarding Objections, Recommendations and Comments Report for Amendment 02-PDFE1
- d. Letter from the Early Learning Coalition Regarding School Readiness Program in Gadsden County
- e. Letter from Florida Department of Health Regarding 2008-2009 Emergency Medical Services County Grant Application
- f. Letter from Florida Department of Law Enforcement Regarding FCIC/NCIC Audit
- g. Letter to Morris Young, Sheriff Regarding Emergency Preparedness Grant
- h. Letter from the Early Learning Coalition Regarding Program Report for 2008 Funding Award
- i. Letter from Florida Department of Revenue Regarding Final Approved Budget for the fiscal year 2008-2009
- j. Letter to USDA Farm Service Agency Regarding Lease for Real Property
- k. Letter from Gadsden Community Health Council Regarding a Request for funding for the Prescription Assistance Medical Services Program
- l. Letter from Johnnie Carey Regarding the Gadsden County Race Park and Sawdust Park
- m. Letter from Gadsden Community Health Council Regarding Indigent Healthcare Education Campaign
- n. Letter to Keith and Karen Albritton Regarding Housing Permit Application - Small Scale Land use Amendment

#### **November Meetings**

- November 3, 2008 - Regular Meeting
- November 18, 2008 - Regular Meeting



**ADJOURNMENT**

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

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Eugene Lamb, Chair

ATTEST:

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Muriel Straughn, Deputy Clerk

AT THE REGULAR MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON NOVEMBER 3,  
2008, THE FOLLOWING PROCEEDINGS WERE  
HAD, VIZ.

Present: Edward J. Dixon, Chair, District 5  
Eugene Lamb, Vice-Chair, District 1  
Doug Croley, District 2  
Derrick Price, District 3  
Brenda A. Holt, District 4  
Thornton Williams, County Attorney  
Marlon Brown, County Manager  
Muriel Straughn, Deputy Clerk

Invocation and Pledge of Allegiance

Chair Dixon called the meeting to order. Commissioner 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:

MATERIALS ADDED: Items 1, 2, 4, 22 and 23.

MOVE: Items 1 & 2 to the end of the meeting. - Recognizing Commissioner Price and Commissioner Dixon for their Years of Dedicated Service.

ADD:

22. Request from the Clerk to Borrow Funds from Fund Balance to Meet Cash Requirements for BCC Payroll and Accounts Payables

23-A. Approval to Authorize Chairman to Execute Letter of Commitment from Capital City Bank for Interim Financing for the Renovation of Gadsden Community Hospital

23-B. Approval of Contract for Construction Management Services for the Gadsden Community Hospital Reopening

23-C. Approval of Inscription on Plaques for Newly Constructed

## County Buildings

There was some discussion regarding a request from Danny Miller for the board to adopt a resolution granting vesting for Talquin Shores. However, County Attorney Williams advised that the board should follow normal procedure and issue a letter consistent with previous board practice. It was not added to the agenda.

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

- ~~1. Recognition Honoring Commissioner Derrick E. Price (District 3) For His Dedicated Service to Gadsden County and Approval of Resolution 2008-062~~

This item was moved to the end of the agenda.

- ~~2. Recognition Honoring Commissioner Edward J. Dixon (District 5) or His Dedicated Service to Gadsden County and Approval of Resolution 2008-063~~

This item was moved to the end of the agenda.

- 3. Approval to Close the Quincy Guardian Ad Litem Office and Provide Services for Gadsden County from the Leon County Office. Resolution 2008-061; OMB-BA# 090003B**

As of July, 2008, the Guardian Ad Litem Program's State Budget was reduced significantly prompting the elimination of five positions, including secretarial support for the Gadsden County office. The loss of funding threatens the viability of the Quincy based office. Services are rendered for the other counties of the Second Judicial Circuit in Leon County and those counties pay based on a percentage of children served.

If the Quincy office is relocated to Leon County, Gadsden County must pay to Leon County an additional \$10,692 over and above the \$8,000 currently in the 2009 budget.

Alternatively, the Quincy office could remain open, but Gadsden County must pay for the part time secretary required

to keep the office open. That would cost an additional \$11,724 in salary and benefits over and above the \$8,000 currently in the 2009 budget.

Marcia Hiltie from Guardian Ad Litem appeared before the board reiterating that the Quincy office cannot remain open without secretarial support.

There was a consensus between Ms. Hiltie and the board that it would be preferable to keep the Quincy office open. However, given the county's temporary cash position at the present, the board was not prepared to make that commitment at this meeting. It was noted that there has already been an increase in the numbers of incidents involving children in the court system. It is expected to rise even more as the local economy worsens.

Following discussion, Ms. Hiltie agreed to struggle to keep the office open for another couple of months and allow the county more time to analyze it's ability to help keep the office open.

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ALLOW GUARDIAN AD LITEM THE OPPORTUNITY TO KEEP THE SERVICES IN GADSDEN COUNTY. THE COUNTY AGREED TO READDRESS THE MATTER IN A COUPLE OF MONTHS.**

**4. Approval of a Request from the Board of the Gadsden Senior Services Center to Transfer Responsibility of the Senior Center Services to the Board of County Commissioners**

Mr. Brown briefed the board on a request from the Gadsden Senior Services Center to take over the operations of the center. (See the attached agenda report.)

Clarence Jackson, Chairman of the Board of Directors for Gadsden Senior Services, addressed the board. He gave a grim report involving some systemic issues that the current staff cannot resolve without intervention. He also stated that the Board of Directors are all willing to step aside and allow the Board of County Commissioners to reconstitute a new board of directors if necessary.

Leverne Demis, Executive Director of Senior Services, addressed the board reiterating that the center has the ability to draw down more money and that they should be in a

position to repay what the county advances to them.

Bob Williams, member of Gadsden Senior Services Board of Directors addressed the board. He pointed out a number of things for the board's consideration.

1. The county is in dire need of the services that the programs are designed to meet.
2. There are adequate resources available from the various grant programs for the center to operate in a fiscally sound manner.
3. The skill sets that are necessary to provide all of the services are not in place at the present time.

Mr. Brown told the board that the staff would bring back an analysis and recommendations if the board should agree to move forward.

OMB Staff member Vivian Howard answered questions from the board.

**UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE FOLLOWING:**

1. Approve \$85,768.47 in funding (from the general fund contingency) to Gadsden Senior Services Center to pay past due bills and schedule a public hearing to amend the budget to allocate the funds. (This will come back to the board for further approval)
2. Approve the request of the Gadsden Senior Services Center Board to transfer lead agency responsibilities to the Gadsden County Board of County Commissioners.
3. Approve the decision of the Gadsden Senior Services Center Board to reconstitute itself as an advisory Board to the Board of County Commissioners.
4. Direct staff to develop a department budget for operating the Gadsden Senior Services Center with administrative responsibilities provided by the County Manager.

**CONSENT AGENDA**

Items 9 and 15 were pulled from the consent agenda for discussion.

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

**5. Approval of Minutes**

February 25, 2008  
April 7, 2008  
June 10, 2008  
July 15, 2008  
August 19, 2008  
September 16, 2008 (amended)  
September 30, 2008

**6. Ratification of Approval to Pay County Bills**

Accounts Payables Dated: October 17, 24, 31, 2008  
Payroll Dated: October 23, 2008

**7. Approval of Resolution 2008-058 & OMB-BA# 090001 and Acceptance of the Award Letter and Certificate of Subgrant from the Florida Department of Law Enforcement, Office of Criminal Justice Grants 2009 JAGC-GADS-1-T7-104 - \$27,015**

**8. Approval of Commissioner Holt's Travel to the Florida Association of Counties 2009 Legislative Conference November 18-21, 2008 in Daytona Beach, FL**

**~~9. Approval to Enter Into Contractual Funding and Lease Agreement with Boys and Girls Club of the Big Bend to Construct Quincy Facility and Authorize the Chairman to Execute the Agreement~~**

This item was pulled by Commissioner Croley for discussion.

**10. Approval of 2008-2009 Library Plan of Service**

**11. Approval and Execution of Community Libraries in Caring Grant Agreements (CLIC) 09-CLIC-03 for \$5,000 to improve the non-fiction collection - no match required.**

12. Approval to Renew the Florida Medical Training Institute Agreement and Authorize the Chairman to Execute the Agreement  
07/14/2008 thru 07/14/2010
13. Approval of Volunteer Fire Department Agreements and Authorization for the Chairman to Execute - Havana (\$60,085.00) and Mt. Pleasant (\$17,000) October 1, 2008 - September 30, 2011
14. Approval of Change Order # 10 Authorizing a Price Increase for Roads Added to the 2006 Dirt Road Paving Contract with Peavy and Sons Construction Co. Inc.

This increases the price per ton of asphalt from \$75.00 to \$90.00 for the roads listed on the 2006 countywide dirt road paving contract. The change order also deletes Silas Walker Road and add Max Herrin Road.

The increase in the contract price for at the \$90.00 per ton will be \$91,851.15.

The total amount of the change order was \$163,670.85.

- ~~15. Approval to Purchase Property Adjacent to the Chattahoochee Landfill and Authorization for the Chairman to Execute the Contract of Sale~~

This item was pulled for discussion.

16. Approval of Resolution 2008-060 and OMB-BA# 090002 - Acceptance and Execution of the Local Agency Program (LAP) Agreement from the Florida Department of Transportation - County Roads 379-A, 269 and 159
17. Approval to Fill the Vacant Position on the Gadsden County Construction Licensing Board with Former Member, Tony E. Colvin

CONSENT AGENDA ITEMS PULLED FOR DISCUSSION

9. Approval to Enter Into Contractual Funding and Lease Agreement with Boys and Girls Club of the Big Bend to Construct Quincy Facility and Authorize the Chairman to Execute the Agreement

Croley: I would like for the manager to go over this item especially in light of this communication from the Clerk's office about the financial situation. Explain to me how this is supposed to work.

Brown: Mr. Chairman, if I may.

Dixon: Please.

Brown: This item is for approval to enter into a contractual funding and lease agreement with the Boys and Girls Club of the Big Bend to construct a Quincy facility. This authorizes the chairman to execute the agreement.

Commissioners, as you recall, you had directed us to develop a contractual agreement to build a permanent facility or construct a permanent facility for the Boys and Girls Club in Quincy.

The agreement also contains a provision to lease the facility by the Boys and Girls Club of the Big Bend. Commissioners, during the March 31<sup>st</sup>, 2008 Board of County Commissioners Budget Workshop to identify board priorities, the construction of a permanent site built Boys and Girls Club in Chattahoochee and Quincy were identified. The staff subsequently moved forward with obtaining construction information to move forward with cost estimates for the project. Staff's effort led to an estimated total cost including acquisition of land and the construction of the facility at \$550,000.

Commissioners, on June 17<sup>th</sup> of 2008, the board approved the funding the Boys and Girls Club facility construction projects as part of their final FY 2009 budget priorities. Subsequently, on July 15<sup>th</sup>, 2008, the Board of County Commissioners directed staff to enter into a contractual negotiations with Brafford Enterprises and authorized the chairman to execute any agreements to purchase the land before the construction of the facility. In addition, the Board of County Commissioners authorized an award of \$420,000 to the Boys and Girls Club of the Big Bend to construct the facility.

Then again, On August 19<sup>th</sup>, 2008, the board of county



commissioners approved the corresponding budget amendment to purchase the land and to construct the Boys and Girls club. The project site was acquired on August 29, 2008 and is located with an ingress and egress from Martin Luther King Jr. Blvd. in Quincy. The property is directly adjacent to the existing vacant nursing home facility on Martin Luther King Jr. Blvd. and Premier Bank on Pat Thomas Parkway in Quincy.

The board of county commission staff and the county attorney's office has since met with the Boys and Girls Club to draft an equitable funding agreement for the funding of the construction and lease of the facility by the Boys and Girls Club.

Commissioners, the newly acquired 4.04 acres of property on Martin Luther King Jr. Blvd. in Quincy, FL provides access to several schools and neighborhoods. The future construction of the facility will be managed in part through the efforts of the Boys and Girls Club and the board of county commission staff.

Commissioners, the cost to acquire the property was \$122,000. The Boys and Girls Club of the Big Bend, as the recipient of this fiscal award will be responsible for the selection of the construction firm within 60 days of the execution of this agreement. The board of county commissioners reserves the right to process the draws up to, but, not to exceed \$414,000 for the construction of the facility.

The board of county commission staff also reserve the right to enter into and inspect and perform any due diligence necessary regarding the construction of the facility at any time. Boys and Girls Clubs will also be subject to terms of the lease for a period of five years. The first will end on September 1, 2013. The county then reserves the right to revisit the lease at any time of the renewal and determined whether Boys and Girls Club is faithfully performing their end of the bargain. The terms of the lease may be renewed for four additional five-year terms. The rent due to the county commissioners for each one of these terms is \$1.00 per year. They Boys and Girls

Club is also responsible for utility and fee payment as well as maintenance of the facility. In addition, the Boys and Girls Club will indemnify the board of county commissioners and provide proof of liability insurance coverage during the terms of the lease agreement.

Commissioners, the existing operation of the funding agreement for the Boys and Girls Club of the Big Bend expire in the year 2013. There is no caveat that exists in the funding agreement to continue the funding agreement with the Boys and Girls Club.

As I mentioned, Commissioners, the funding would be in the amount of \$414,000. I have provided to you a breakdown of the costs that we have expended thus far equaling \$549,241.80. Before you this evening are two options that ought to be considered. One is that we approve funding the Boys and Girls Club in the amount not to exceed \$414,000 to construct the Quincy facility and to approve the lease agreement with the Boys and Girls Club of the Big Bend for the Quincy Facility.

Croley: Mr. Chair.

Dixon: Commissioner Croley.

Croley: I want to specifically direct my comments to Commissioner Holt and Commissioner Lamb since you and Commissioner Price will not be here.

Dixon: We ain't gone yet.

Croley: But, you are on the way.

Holt: He will probably be right there.

Dixon: Do you want us to leave the room?

Croley: No, you can stay and hear, but, I said "specifically" to them.

The county surtax ordinance, you heard me state on several occasions. It is pretty clear, when you go

back and you read the intent, that the surtax money was limited and that it required a supra majority vote. That was not the case with this project.

I, again, state to Mr. Strait here tonight and to anyone, this is not about whether we support the Boys and Girls Club Program. This is about whether or not the building is being built.

The School Board has provided a letter, thanks to Commissioner Lamb, that has made the school facilities available for Boys and Girls Club. I read in the Tallahassee Democrat today where that is being done in Franklin County. In fact, aided with the Department of Education funding. Three Boys and Girls Clubs. I applaud the Boys and Girls Club for their success in getting that funding. It also enables the school system to assist in the transport of the participants.

The third matter about this is the cost. Again, I keep coming back. We have before us a communication from the Clerk. We don't have the money. If we expect to make the payroll, we've got to borrow the money from the surtax fund.

The fourth thing is that you have bought the property, but I am not aware that the property has been zoned for a government facility, which is what this is supposed to be. I don't even know that the zoning is there with the City of Quincy.

Certainly, if it were in the county, it would be a matter that would have to come before this board.

So, until such time as we are either in a better financial position or unless this situation with the school system - if we can cultivate that, it would be more prudent on our part to hold off on this effort.

I am asking that this board and this includes Commissioner Dixon, as chair, and Commissioner Price, to recognize that if we are going to have a chance of keeping these Boys and Girls Clubs funded and operational, that we not go forward with this effort at this time.

To that affect, Mr. Chair, I am making a motion.

Dixon: The Chair will not entertain, Commissioner.

Croley: O.K.

Dixon: Let everybody have a moment, if you don't mind.

Let me come into this. I can talk now or listen now?

Croley: You can talk or do whatever.

Dixon: With all due respect, that is "poppy-cocking hog wash." The simple matter of the fact is that you have never supported Boys and Girls Club. You have sat here and pontificated as if you have when every vote that is taken, you firmly vote against. I guess that every new audience come up,

Croley: Check the record. You are wrong.

Dixon: Commissioner, please don't disrespect me.

Croley: You are wrong.

Dixon: You haven't supported Boys and Girls Club and you don't now. The simple matter of the fact is that anybody can get a letter from the Clerk if they need one. It's amazing that it is just about the amount that the Boys and Girls Club cost. It is simply amazing. So, I am not amused or impressed by it nor by your position. You have never supported Boys and Girls Club. Never. Never.

So, this pretext of the budget - Gadsden County is in the best financial shape it has ever been in. I am sure you won't get the Clerk to deny that. What you are talking about is cash flow. Please tell people what cash flow is. Don't just say things. We go through this period every year where we don't have money because the taxes haven't been paid just yet. Simply put.

We have done great and we have had surplus and we have surplus now. I am sure that the manager will go

through and do like he does every year because it is there. It is there in the line items. It has always there. Due to Davin Suggs and the rest of the financial staff, they make sure that they lie to us and be conservative about what they spend. It is very simple. It is very understandable. We do it every year.

You just got \$114,000 from Mr. Summerford. That is there. That happens. You can't count on it, but it is there. If you trust and look at the line items, the fund balance - and for those of us who are ignorant of budget, the fund balance is simply the surplus that they keep in line items. It is there to supply the general fund.

This money is from the surtax, which means that it is a line item all by itself. You can only pay for these things with it. You may borrow from it to pay for ad valorem items, but, you must put it back. There is no shortage of money as Commissioner Croley would have you believe. It is simple. It is pretext for the fact that you never supported Boys and Girls Club and you don't now.

You may take the funding from Boys and Girls Club when we leave. That you may do, but you will have to deal with citizens about that. You and whomever chooses to saddle up with you.

But, the School Board coming now with a letter, when we asked them three years ago, this is no new pony and show here. We asked the School Board three years ago to help us put Boys and Girls Clubs in your community.

Muriel, will you make available those notes, please to the body and to the press. They tend to have Pneumonia and amnesia when it comes to anything that Commissioner Croley says. Simply put, we have asked of the School Board and they said, "No." Not only "No" but when they finally came around, they said they would give us some old broke up building some place that will cost you a half million to a million dollars to renovate if you really want it.

So, please don't come to this body with this false

attempt at saving something. As I understand it, it is your deal, Commissioner Croley, to add to the jail. What kind of irony is that? Instead of keeping kids out of jail, you take the money and you add to the jail to put more kids in prison.

If that is the tone that this body is going to take, I am glad that I am not going to be here in two weeks. When we no longer invest in children, but, we invest in prison, God bless them. But, you will never take my vote to do it.

Other Commissioners? Let's roll on. We've got a ceremony to get to.

Holt: Yes, May I, Mr. Chair.

Mr. Manager, that funding. Is it available?

Brown: Which funding?

Holt: For the Boys and Girls Club.

Brown: Commissioner, yes, the money is available. We have already done a budget amendment. It is in the budget for the construction of the Boys and Girls Club.

Holt: Just for the record, I asked for four different schools, I didn't ask for one. I asked for four different schools. That is where I wanted it at. I never saw having to get a different facility. I asked for Shanks, Carter Parramore, Stewart Street and Munroe. Those are the four schools that I asked for. I thought it would have been great - especially Shanks because you have all of the facilities there. You have the ball diamond and all of that. We were told, "No."

So, those are some things that caused us to go to this point. We could have had the Boys and Girls Clubs at the schools in the different communities all the time. So, this is nothing new. I had no interest in doing this in the beginning. I was told by the School Board "Yes" at first, then when the pressure got on, I was told, "No."

So, that is why that I am very apt to say that if you

get something permanent, you don't have to worry about it. That is really my contention. I went after it for three months to get a school. We even tried two churches. Once those same people went to the churches and told the churches, "No." We could not get it. The people at the Boys and Girls Club, they know. We were communicating with them also. We tried several facilities. We finally got a church to take the facility. Once they did, there were people in the community that wanted that money that we were giving to the Boys and Girls Club. They went to that minister and gave that minister the devil. To be very honest with you.

Dixon: No, people from the School Board, Madam Chair.

Holt: There were some people from the School Board and people from the schools and people from the community that went to that pastor, they went to him and they went to his son and they said all kinds of nasty things. They said that we should give them the money and not to the Boys and Girls Club. That is what they told that pastor.

I am going to be very honest with you about this situation. In the beginning, there was no intent to go and build a building. There was no intent at all. The schools were already there, as I said, and I talked to several members of the School Board. I said, "The facilities are there, the computer rooms are there. These are things that we want the children to use everyday. It is already paid for, there are no liens on any schools in the county." That was funding that could have been there and could have helped out other programs. They were already in the schools. We were serving the same students. We would have been able to help those children. This is something.

I was so happy when Commissioner Lamb came and said that we could use some schools in the other communities. I said, "What about St. Johns and these outlying communities that don't have anything? What about Greensboro, Midway? These are places that you would be able to come in if they have facilities and go ahead a Boys and Girls Club and we wouldn't have to worry about a building. Maybe pay utilities, but

that would have been it.

My only hesitation in not voting for this is because I have already been through that. I know how they can be. That is my concern. Yes, when I go down there and see them already going to jail, then I go to Chattahoochee and there is a line of children trying to get into the Boys and Girls Club. To me, it is no brainer. It is a no brainer. You are going to have to pay for them. I will be very honest with you. I have some that I have to discipline and I have some that I just pray that they can get into a Boys and Girls Club. Because if they don't, they are going to be in your house. They are going to be in your home if they are not someplace. I support this. If I had not gone through that, I would say, "Yes, let's do that." I would already have been doing that. I mean, I went door to door. I did not just beat the phone.

Croley: Mr. Chair, May I ask Commissioner Holt a question?

Dixon: Sure.

Croley: Commissioner Holt, if the School Board will support the use of the school facilities as Commissioner Lamb has provided evidence to say that they would, and they are sincere, don't you honestly think, as you just said, that it would be so much better for all the children in the county if they can have access to that and it would be better and more effective for Mr. Strait's program. You just indicated that.

Holt: Well, I think that it would. But, there is one caveat there. That is that I have been through it. That is only thing. It is like a wooden nickel. You can't spend it for anything in America today. We tried several programs. The board members, and I will be frank, I am telling you when I went through it, it did not work. And, several other projects. What I am saying, It is on the table at six o'clock and time for the meeting, it is best to go ahead and have something in writing in play. If we can't fund some of these other programs, these kids are going to be on the street.

I have been there, done that. If I could have gotten



anything, I even tried to get Chattahoochee High School, if I could have gotten anything, I would have done it. But, I could not get it.

Croley: On that basis, if we can get that kind of contractual arrangement?

Holt: I am going to vote for this tonight. I am telling you. I need something in hand.

Croley: That's fine.

Dixon: Other commissioners? Commissioner Lamb.

Lamb: The School Board and the Superintendent have agreed for us to use any school that we would like to use in this county for a Boys and Girls Club. I have been working with Boys and Girls Clubs for over 20 years. I have asked Mr. Buddy Strait and his assistant, and he is sitting here somewhere, "Wouldn't it be better for us to use schools than to build a building for Boys and Girls Club?" His assistant told me that is what they have been using all the time. They prefer using a school. I have been working with Boys and Girls Clubs for over 20 years over in Leon County and Tallahassee.

I have the Superintendent and the School Board to agree in writing that we can do that. We need these funds for other areas. Our infrastructure is down, our bridges, our road, the jail - not so much adding on, but renovating; healthcare. We do not need to put \$400,000 into Mr. Buddy Strait's hand to build a building. I am asking this board to please consider using the schools temporarily until we get on our feet better financially. Then we can consider building a building if we need to in the future. I am asking the board to do that.

Dixon: Other commissioners?

Price: I feel like that if the School Board would have agreed in the beginning, we wouldn't be this far tonight. The City of Chattahoochee, when we went to the City of Chattahoochee, they were more than thrilled to help us with the Boys and Girls Club. Matter of fact, I don't think they want us to move.

I didn't much try to look for land or anything in Chattahoochee because I think it is in a nice location and the children are fine. I think that Mr. Garner is pleased with the turn out that we have in Chattahoochee. So, the Boys and Girls Clubs are needed.

Dixon: Commissioners, I will close. Simply, we have spent a lot of money in infrastructure - millions of dollars that we have gone to get to invest in infrastructure, so in a few years, when the economy comes back, Gadsden County will be positioned to grow beyond. I understand that Greensboro is now getting on the boat and looking at what is happening at the exit that they have. We invest in everything and everybody.

But, four years ago, we didn't spend one dime on children unless it was grant money in Gadsden County. Not one dime of ad valorem taxes was spent on children in Gadsden County. And, you wonder why we have the negative numbers that we have.

I understand the School Board. They have lost their program. I understand due to some inefficiencies in their house. What do they call that thing? 21<sup>st</sup> Century. They lost enough of them so they want to replace it and they want to replace it with Boys and Girls Clubs. It is a political football. I don't want Boys and Girls Clubs to be political football.

I want kids to go there long after Ed Dixon and Lamb and Croley are gone. Boys and Girls Club should not be a hit and miss venture. It should not be whether or not the variety of the day believes they should be there. They are principled studied programs that deliver goods. I don't want my kids to go to hand holding programs like they go to now where they tell them that everything is fine. You don't really have to write. You can rap all day. You can do anything except learn. That is not the vision I have.

The only opportunity for you is jail. Surely, we've got \$1 million in the budget for upgrades to the jail. Am I wrong, Mr. Manager?

Brown: \$750,000.

Dixon: That is close enough to \$1 million. Outside of this. So, what is the money for? What is the money for. The jail doesn't need that much money unless you are going to build a new one.

The pretext is wrong and it is bad and it shows that whoever is using it didn't do their homework. There is \$750,000 in the jail, trust me. You can upgrade a jail if that is all you want to do.

The problem with the jail is not the jail, it is the courthouse. But, you see what we are doing over there. WE spent \$1.5 million to get a new judge in here so the people could get to court. That is why the jail is full. People being held for felony violations and they need to get to court. If you've got a problem with sleeping with other folks in jail, let me suggest something to you. Stop committing crimes.

I am not going to take money from children so you can warm up the jail for criminals. If these gentlemen want to do it, let them do it on their time, they are not going to do it on mine.

Let us bring this to a head.

Call the question.

What is the will of the body?

Holt: I move approval.

Price: Second.

Dixon: We have a motion and a second for approval.

All in favor, sign of, "Aye."

Price

Dixon

Holt: Aye.

Dixon: Opposes?

Lamb

Croley: No.

Dixon: That is 3 - 2 in favor. The motion carries.

Brown: Commissioners, is that Options 1 & 2?

Holt: Options 1 & 2

Price: Options 1 & 2

Dixon: Do you want me to redo the vote, Ms. Straughn?

Straughn: No.

Dixon: Are you sure?

Straughn: If you feel better about it.

Holt: I move approval of Options 1 & 2.

Price: Second.

Dixon: We have a motion to approve Options 1 & 2.

All in favor, sign of, "Aye."

Dixon

Price

Holt Aye.

Dixon: Opposes?

Lamb

Croley: No.

Dixon: 3 - 2 in favor. Motion carries.

**15. Approval to Purchase Property Adjacent to the Chattahoochee  
Landfill and Authorization for the Chairman to Execute the  
Contract of Sale**

Commissioner Croley questioned Public Works Director Robert Presnell as to why the county is trying to purchase this land.

Mr. Presnell explained that there are contaminants leaving the landfill and the Department of Environmental Protection advised the county to extend the sampling, purchase the property and place monitoring wells on it rather than go onto the property and clean it up. He continued, "If you own the property and you are monitoring it, you are allowed to continue to just monitor it unless it gets into the surface water. We don't own this 26 acres, so they are indicating that they will make us do remediation on the property that we currently own."

Commissioner Croley contended that \$3,000 per acre was excessive.

Mr. Presnell stated that he had made an offer of \$1500 per acre which was declined. He made another offer at \$2500 per acre which was also declined. The owners responded to the last offer with a letter saying they would entertain \$3,000 per acre.

Commissioner Croley suggested that the board of county commissioners sent the owners a letter offering \$1500 per acre.

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, FOR THE BOARD OF COUNTY COMMISSIONERS TO AUTHORIZE AN OFFER OF \$1500 PER ACRE BE MADE TO PLUM CREEK RATHER THAN ACCEPT THEIR OFFER OF \$3,000.**

**CITIZENS REQUESTING TO BE HEARD**

Mr. Danny Miller addressed the board.

Miller: Mr. Chairman, every time I think this problem is resolved, it rears it's ugly head again.

I presented to staff, a resolution which was included in the agenda package. First of all, at the meeting before last, I came before the board and asked to be heard in a public hearing. We presented a resolution to the staff which was presented to the Board of County Commissioners. I was under the impression that the resolution was adopted and approved. I was told today that, in fact, the county attorney had said that the resolution was not adopted.

We agreed to the stipulations that Commissioner Croley put forth at the last meeting. We agreed to those. We put those in the resolution, delivered the resolution to the county attorney and the county attorney came back and said that it was not approved. Now, I don't understand why it was not approved. So, that is why I am here - to get clarification.

Dixon: Mr. Attorney?

Williams: Mr. Sexton was working on that. Paul, if you will get up and address the board, please.

Sexton: The issue of the wording of a resolution, actually, the issue of issuing a resolution was not in the motion before the board. The wording of the resolution that was offered on Mr. Miller's behalf was not discussed by the board. When the draft

Williams: Paul, just for clarification, was this from your review of the minutes?

Sexton: This is from my review of the minutes. I had wanted to take the time to see the draft minutes that come from the Clerk's office. From looking at the minutes, it was a simple motion to determine that the property was vested and that there were going to be four basic conditions that would be applied to the issuance of permits for the subdivision in lieu of

the eleven that had been agreed to by Mr. Miller about a year ago.

So, in my view, even if a resolution was going to be issued by the Board of County Commissioners, it would have been a lot simpler and a lot less verbage that Mr. Miller's resolution.

Williams: Hold on Paul, let's not go too far here.

Dixon: Mr. Sexton, the letter from the Board of County Commissioner carries no more authority, in your opinion, than the resolution?

Sexton: The vote of the Board of County Commissioners established the action of Board of County Commissioners was. The issuance of a resolution would not change that, it would simply be a different way of expressing it.

The board acted and you made a ruling. It was binding on the county and Mr. Miller.

Williams: This is what we were looking at when we were amending the agenda. At the point when we were beginning to discuss and that is, prior to any of the other actions, there was an issue about what the planning director was saying or not saying, and meaning and not meaning. This is board action. That pretty much resolves it.

Dixon: So, in essence, Mr. Miller, for you and let me try and get to it from your position. This is a "feel good" that you would like to have, simply put.

Miller: Yes, sir. I am amiss to understand and I guess Mr. Sexton is arguing a legal point. If I had, before this commission, simply mentioned the word "resolution", which is, I thought where we were because you all had the resolution in front of you. It was in the agenda package. That was confirmed by the staff today. I was under the impression that we were here to approve the resolution. We went through all the points of the resolution and you all voted accordingly.

I think the legal point that is being argued, which I am not fully capable of arguing, but

Dixon: Let's just get to what you need.

Miller: I need a resolution adopted tonight.

Dixon: If it is a "feel good" something, then I don't reckon the board will have a problem on consenting. I mean, if it is just a resolution with attachments that detail what we agreed to, and as long as it doesn't - I don't know. If it is just "feel good", what is the reservation?

Williams: The issue has always been about normal county procedure. We have had this discussion a lot of times. You know, Ms. Jeglie and our office have all been concerned about making what we are doing be consistent and that we treat people the same way.

By the board action occurring, and you have this on the record, it is my legal opinion that it is binding on the part of the commission absent another vote to get the issue back before you. So, you've got that on the record now. There just is not an issue out there as it relates to what the board intended because it was a board vote.

If you are going to do resolutions, then what you are saying is that you've got to consider doing resolutions on a regular basis and are you going to change county policy. It is not just about whether you do it for Mr. Miller. That is what the bigger picture is. There just is not an issue here.

So, if you are going to put (inaudible) on it unnecessarily, you are looking at - What is the treatment that you give other citizens in the county as this issue goes forward.

Miller: Then my question is - Has there never been a resolution approved by the board?

Dixon: Not for land use.

Miller: I couldn't argue that one way or the other, sir. I was speaking in generalities.



Dixon: Let me have this one on my way out.

Thank you, Mr. Miller. You can always approach the body if legally, that won't work for you. There will be some more folk here.

Miller: So, what is the understanding here?

What do I need to walk away from here tonight with?

Dixon: You have a vested subdivision that recognizes four things that the board has asked you to comply with.

Miller: Yes and if I can just kick one out to the board, I had a vested subdivision, recognized by the board under the previous growth management director and all of that changed after we had that understanding.

Dixon: Take your \$300 and sue them.

Miller: Listen, nobody wants to do that.

Dixon: I know it.

Miller: Nobody is going to win.

Croley: Mr. Chair,

Mr. Miller, let me be very clear. Your attorney sent to my office the resolution. I even made available to the attorney and I believe the manager even made copies, plus it was in the agenda package. But, let me make it clear, this board, and I agree with Commissioner Dixon on this point. Sometimes we fight, but, a lot of times we will agree. Now, that is - you got your vesting, we agreed to let you move your road, we agreed to let you enlarge your lots. We went through your list just so you wouldn't have to come back up here.

Miller: I don't want to be here.

Croley: And, I appreciate that.

But, we went through the list for your benefit.

Dixon: Comprehensively.

Croley: Comprehensively. We even took extra time. We listed out everything. And everybody voted unanimously.

Now, we've got a legal opinion from the county attorney that says they can give you a letter that treats you the same as every other citizen that comes up here.

Now, beyond that, I don't know what else we are supposed to do.

Dixon: I think we are going to let him take the letter and work with it.

Thank you, Mr. Miller

#### **PUBLIC HEARINGS**

#### **18. Public Hearing - Approval of Gadsden County Enterprise Zone Boundary Amendment**

County Manager Brown introduced Mr. Lee Garner, Chairman of the Enterprise Zone Agency and Dr. Henry Grant, Enterprise Zone Coordinator.

Mr. Garner explained that the Agency desires to amend the Enterprise Zone boundaries so as to better utilize the 20 square miles by removing properties in the public domain, wetlands and other undevelopable properties from the zone and to allow other properties which are zoned commercial or industrial or identified for those uses. The new boundaries will enhance the quality of existing business and promote the creation of new business in the enterprise zone.

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

Commissioner Holt stated that she had been approached by some residents who live in the Enterprise Zone, whose lands are zoned commercial. She said that it had created some difficulty for them with their banks and mortgage companies when they went to refinance. She asked that they make an effort to inform residents who live in those enterprise zones of possible consequences.

She also asked them to do more advertising regarding the benefits of the enterprise zones to businesses.

Further discussion followed.

**UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTE 5 - 0, BY VOICE VOTE, TO APPROVE THE BOUNDARY AMENDMENTS AS PROPOSED AND DIRECTED STAFF TO DEVELOP A RESOLUTION TO REFLECT THE COMMISSION'S APPROVAL OF THE CHANGES.**

**19. Public Hearing - Approval of Nuisance Abatement/Lot Clearing Ordinance**

County Attorney Thornton Williams introduced the proposed ordinance known as the Property Management Nuisance Abatement Ordinance. He made note that the ordinance first came to the board on August 19, 2008, but was continued.

Discussion followed among the board.

Commissioner Croley made note of the fact that the ordinance places a lot of responsibility on the county manager. He asked what legal thoughts led to placing that authority to the county manager rather than the board.

Mr. Williams responded that it is typical in county governments, whether they are a charter government or a subdivision of the state, to designate such day to day matters to the county manager. The board then becomes the avenue of appeal. He said that it provides for the traditional check and balance system. He also stated that if there are unintended consequences arising from this ordinance, it can be amended to remediate any abuses or unintended consequences. He stated for the record that the primary purpose in pursuing this ordinance was to get compliance on the issues, not to use it in an abusive fashion.

The chair called for public comments. There was no response.

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

**20. Public Hearing - Approval of Code Enforcement Board Ordinance**

County Attorney Thornton Williams introduced the proposed ordinance.

Discussion followed among the board.

When questioned by the board, Interim Growth Management Director Jill Jeglie remarked that she was not really supportive of a Code Enforcement Board. She stated that it had been her experience that it is difficult to keep such boards balanced and attentive. Another concern she expressed was that a small staff could easily become overburdened and the county could end up getting diminished returns. She felt that with the Nuisance Abatement Ordinance in place, she would prefer to work with it for a time and see what impacts it might bring about before resorting to a Code Enforcement Board.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO TABLE THE CODE ENFORCEMENT BOARD ORDINANCE.**

**21. Public Hearing - First Reading of Ordinance 2008-031 for the Adoption of a Public School Facilities Element and Related Text Amendments to the Capital Improvements Element and Intergovernmental Coordination Element (CPA 2008-02AD) - Comprehensive Text Amendment**

County Manager Marlon Brown introduced the agenda item. Ms. Amy O'Donnell, Growth Management Planner, introduced the ordinance. She announced the opening of the public hearing and explained the ordinance. See the attached agenda report and ordinance. The ordinance was advertised for a public hearing for this date as well as November 18. She recommended approval of the ordinance.

Chair Dixon called for public comments.

There was no response.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE FIRST READING OF THE ORDINANCE DESCRIBED ABOVE.**

**GENERAL BUSINESS**

**22. Discussion of Cash Report and Request by Clerk Thomas to Borrow Funds from Fund Balance to Meet Cash Requirement for BCC Payroll and Accounts Payables**

County Manager Brown called attention to the memo from the Clerk regarding the cash flow difficulty. (It was delivered just prior to this meeting.) He stated that he disagreed with some of the things stated in the memo, but, he recommended that the board authorize the clerk to borrow the funds as he sees fit from whatever fund that he can get the money.

Consultant Davin Suggs addressed the board. He agreed with the manager in his recommendation to direct the clerk to "borrow the money from ourselves" as he sees fit. He explained that there is money in the bank, but, the general fund cash is low. He pointed out that the situation is only temporary - two to three weeks at most. He said that the ad valorem tax payments will soon come in and the tight cash position will quickly improve.

As to the legal issues addressed by the clerk, he made no comment other than the clerk is not a lawyer and the board should rely on their attorney as it relates to legal issues.

As to the clerk's claim that the board's General Fund expenditures exceeded the General Fund revenue by \$1.2 million, he pointed out for the record that the board previously approved the spending of \$940,000 of that amount. via public hearings and budget amendments. While the clerk has posted the expenditures, the budget amendment has not been posted. Once the amendment is posted, it will change the picture significantly.

As to the issue of accounting for indirect costs - he explained why the staff wanted to go with using indirect cost so as to get a realistic picture of what the cost of doing business is as it relates to each department. When the clerk was approached with the initial methodology, the clerk would not go along with it. He then said, "This past year, we had a discussion with the auditor about it because the clerk's office had complained so about it. He (the auditor) came to the manager and me and he recommended that we go through a process. As he started describing the process, I said, "This is a process similar to the process

we used in Leon County." The reason I recognized what he was describing is because he was the auditor in Leon County. He was one of the auditors on contract. It is the same process that we wanted to instill here to capture properly the indirect cost or allocated cost...We suggested a methodology. They didn't want to go with it. So, how we got to this methodology - it was the second best option. So, if they want to change it and go with something that is federally approved that the state uses and everybody uses, I would say, "Go for it."

As to the comment about the ill-timed payment of employee bonuses - he has totaled it at \$303,408. Really, what affected the General Fund was closer to \$160,000. Between \$150 and \$160,000. That is just a rough estimate that we did.

That is not to negate any of this. When you go back to the record, you will see that the board, together as a group, over the last year and a half, made some conscious decision to spend some of the fund balance. You knew how much money you had in fund balance and you made a conscious decision. You directed staff saying, "There are actions that need to be taken."

The manager and I said to you, "You can take these actions, but this is what can happen." Every time. Still, you made the decision to put two ambulances on the road, etc. All of this comes down to the fact that you took actions, you implemented policy. Now, it has come down to about two to three weeks of having enough cash on hand. If taxes had been due on October 15 instead of November 1, this would be a non-issue.

In the future, the future board needs to work to go back and build up the cash balance to an appropriate level. Appropriate levels are all tied to spending.

In closing, and you know this, stuff like this memo, - the information is selective and discretionary. I could list five or six more points and the example that I gave the manager is - Let's say that it came down to \$150,000 cash that you needed to get you through a week and a half. That bullet point that is not on here is that you budgeted the Clerk about \$440,000 in his budget. What bullet point is not on here and what he doesn't tell you unless you ask him is or you ask Rick or myself of the manager to go and look

it up - but, he took about \$150,000 worth of your interest off your fund balance. It is allowed by law. The law allows clerks to retain the interest on funds because he invests the money and acts as the cash manager. Some clerks don't do it, some clerks do. I don't have an issue with him retaining the interest as the law allows. But, the issue is that he doesn't tell you. That is not one of the bullet points on here. So, take this memo with a grain of salt as you go forward.

Finally, as I advised the manager, with cash, he is recommending and he probably will take it out of 301. But, I have advised the manager that in your motion, to direct the clerk to borrow money from yourselves at his discretion where he sees fit. Out of all the projects, you have the Boys and Girls Club, and this is from memory, that is in 301 and needs cash. It is similar in the amount. But, you also have about \$750,000 worth of jail projects in this same fund. I advised the manager that you can direct that - O.K. - Wherever he borrows the money from, until it is paid back, if he borrows it from 301, you can put into action, pay it back as soon as possible - number 1; number 2 - this board has a choice of implementing which project comes first. Meaning that you can put into your motion or you action to implement Boys and Girls Club project first and hold off on every other project out of 301. You can have an action like that.

That is all I have."

Board discussion followed.

A MOTION WAS MADE BY COMMISSIONER CROLEY AND SECONDED BY COMMISSIONER LAMB TO AUTHORIZE THE CLERK TO BORROW \$500,000 FROM ANY FUND THE CLERK CHOOSES TO MEET THE NON-TRANSPORTATION PAYROLL AND PAY THE PAST DUE PAYABLES AND THAT THE MONEY BE REPAID NO LATER THAN JANUARY 1, 2009.

Chair Dixon asked that the motion be amended to direct that the Boys and Girls Club be funded as a priority.

Commissioner Croley declined to amend the motion on that basis.

Chair Dixon called for a vote.

COMMISSIONERS LAMB AND CROLEY VOTED IN FAVOR OF THE MOTION.

COMMISSIONERS HOLT, PRICE AND DIXON OPPOSED THE MOTION. THE MOTION FAILED 2 - 3.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 3 - 2 TO AUTHORIZE THE CLERK TO TAKE THE MONEY FROM ANY ACCOUNT HE DEEMS NECESSARY EXCLUDING THE MONEY IN 301 THAT IS SET ASIDE FOR BOYS AND GIRLS CLUB - MAKING BOYS AND GIRLS CLUB A FUNDING PRIORITY. . THE MOTION PASSED WITH COMMISSIONERS CROLEY AND LAMB OPPOSING.

**23. Approval of the Gadsden County Tourist Development Council's Revised Grant Funding Process**

Community Development Director Farnita Saunders addressed the board.

She recalled that the board had directed her to determine what other TDC's were doing and how they expend their funds. She reported that she has done that. She referenced page four of the agenda report. She then explained how some of the other counties use their money.

Mr. Art Kimbrough, President of Jackson County Chamber of Commerce, addressed the board. He shared a number of learning experiences that the Jackson County TDC went through in their early history as a council. He made the observation that Gadsden is now going through the same learning curve that they had experienced. He offered the help of the Jackson County TDC to aid Gadsden County in the process.

Mr. Lee Garner also addressed the Board on behalf of the Gadsden County TDC and encouraged them to approve the plan as proposed.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER PRICE, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE REVISED PROCESS FOR DETERMINING FUNDING LEVELS BASED UPON MEASURABLE OUTCOMES OF ROOM NIGHTS AND COMMUNITY IMPACT, AND CONTINGENT UPON THE DRAFTING OF AN ORDINANCE BY THE COUNTY ATTORNEY, TO AMEND THE TOURSIT DEVELOPMENT PLAN TO INCLUDE THIS REVISED PROCESS.

**23A. Approval to Authorize Chairman to Execute Letter of Commitment from Capital City Bank for Interim Financing for the Renovation of Gadsden Community Hospital**



County Manager Marlon Brown briefed the board on the conversations he had with Capital City Bank regarding the interim financing for the renovation of the hospital. See the attached report for further details and the letter from Capital City Bank.

The manager then asked for the board to approve the acceptance of the loan commitment by a supra-majority vote.

Commissioner Croley stated that he was not opposed to moving forward to a public hearing, but he did not want to commit to a bond issue at this time.

The manager explained that the reason for asking for a supra-majority vote was to keep the option of issuing bonds alive as the county moves forward to long term financing.

**Sexton:**

The principal reason that we are proposing that you retain the option to issue bonds at this stage is that the ability to issue bonds for this particular use and utilizing this particular revenue source is tied to county population. You all are getting close to the threshold. If you issue bonds before you reach the threshold, you are grandfathered for basically the lifetime of the project and you can continue to refund and issue bonds over the life of the loans. If you don't issue bonds initially and then you pass the threshold, then you aren't going to be able to issue bonds.

**Croley:**

Well, Mr. Sexton, I don't believe our population is going to change that drastically between tonight and November 18<sup>th</sup> when we hold a public hearing. I think that I have a problem about that.

I want to hear what the public has to say. I am supportive of this, but you are making me uncomfortable. Without hearing and getting the public input and having the proper public hearing. But, I want to go forward with the loan application or the loan process, but not with your supra majority bond vote necessarily tonight.

**Dixon:**

Commissioner Lamb?

**Lamb:**

Why are we doing a supra majority vote? Why are

recommending that tonight? Why don't we just go forward. After the public hearing, we can make a decision then. We have been going forward ever since we started this, so why are we?

**Sexton:**

I am not certain that a supra majority vote is called for at each step of the process. I think though, for purposes of consistency, it might be advisable to do that just to insure that your actions are viewed as consistent in each step of the process.

**Brown:**

Commissioners, if you recall, when we did the, when we brought the same letter of commitment from Wachovia to you, you did it by supra majority.

**Croley:**

We didn't do it on bonding. We did it to go forward on the same basis of what we are talking about here. To secure the terms of the loan, have the public hearing, and if everything comes back satisfactorily, then we can have a decision made about bonding. That is what we were very clear on.

**Dixon:**

Let's not do this.

**Williams:**

Mr. Chair and Commissioners, you probably ought to give them little more background about when the last census was taken. This is a more of a protective measure. You can unring the bell, correct? But you can't fix it if you have a problem.

Paul can give you the dates better than I can. But, the issue is that there is a census that is taken. How many years old was the last one?

**Sexton:**

The most recently published population data for Gadsden County was April of 2007 out of the Legislative Office that tracks this and the University of Florida. It puts the county's population at 49,300 and some odd people. The 2010 population is over 50,000. The question is when you cross the threshold. Our recommendation is that you make sure that you have your bond powers exercised before somebody says, "Surprise."

**Williams:**

Couple of things, Paul and Commissioners. Bear with me for a second. So, there is April of 2007, so you would have expected that there would have been one in April of 2008. Is that correct?

**Sexton:**

Right. But nothing was published.

**Williams:**

Nothing was published, so, if something is published at some point and it goes over 50,000, you can't get the bonds. Is that correct?

**Sexton:**

That is correct.

**Dixon:**

You can't get the bonds at the rate that we qualify for.

**Sexton:**

No, you cannot bond the project if you do not bond before you hit 50,000.

**Williams:**

So, what I have asked Paul to do is figure out when we thought the next, for lack of a better word, the next census would come up that would say what the size of the population for Gadsden County was. But, you haven't been able to figure out when that would be yet. So, this is a "We don't want to lose it act" more than anything else.

Our job is make sure that you are informed about what is out there. Then, as we have said many times, you act on it. But, the problem is that we don't know whether we got another 700 people in the county or not. It is over a year old. If it turns out that they count wrong, we are stuck.

**Croley:**

When did the Governor's office census estimates become the official census? I am not aware of it. Where is that referenced in any bond matters?

**Dixon:**

Beaver is the official. The University of Florida Beaver is the official.

**Sexton:**

There is a statutory reference. The difficulty in determining population for purposes of these threshold is that there is really no real legislative, there is no real statutory definition when you cross a threshold. There are lots of categorization of counties - various populations. We are just dealing with bonding at this point with this particular revenue source. There is a statute that says that there is a legislative office, and I said the governors office by mistake, but, there is a legislative office that publishes this data

**Dixon:**

Governmental affairs.

**Sexton:**

The economic development or something like that - they publish this annually. They are supposed to publish this annually. They are recognized by statutes for allocation purposes when there are revenue sharing issues. That is as close as we can get. And, of course there is Beaver. And it looks like they are using the Beaver numbers in any event. The timing and the numbers seem to coincide. It is more a question of being prepared for the unexpected because they were suppose to publish in April of 2008 and they have not done so. So, we are basically on borrowed time. We don't know what the numbers are going to be or when it is going to come out.

**Dixon:**

So, what is required to move this commitment.

If it can't be moved, then the hospital dies here. The new board can get financing if they so choose. But, let's not delay for the sake of argument.

**Lamb:**

I don't know your are coming from on this vote stuff, but on the 18<sup>th</sup>, after the public hearing, you will still need a supra majority vote?

**Brown:**

Correct.

**Croley:**

That is to issue the bonds. He is trying to get a supra

majority vote to -

**Brown:**

Commissioners, all you are doing is preserving the option. You are not issuing bonds. You are preserving the option to issue bonds in the event that you go over the 50,000 population, you will still have the ability. You are just preserving the options. Commissioners, we need four votes. I am requesting or asking that you provide the four votes so that we can move this hospital forward.

**Lamb:**

Does the hospital board recommend that we go forward on this?

**Croley:**

Subject to evidence that you've got long term financing. Where is a copy of that in this information? What page?

**Dixon:**

Subject to long term financing over the next 18 months.

**Croley:**

All I have gotten, if you want to see my copy of it - Of course, we only got this.

**Lamb:**

Mr. Manager, on the 18<sup>th</sup> of this month, when we come back for public hearing, we still have to have a supra majority vote?

**Brown:**

You will have the opportunity again, Commissioner.

**Lamb:**

We still have to have a supra majority vote on this in order to move forward?

**Brown:**

Correct. Correct. Yes, sir.

**Dixon:**

The question, Mr. Manager is this. If they chose not to preserve the option of bonding at this point, is the loan then off the table?

**Brown:**

No, sir.

**Dixon:**

If we approve this tonight - the loan, the commitment for the loan - or in two weeks, they approve the commitment for the loan, all you've got is a loan that you have to repay. Am I wrong?

**Brown:**

Correct. Mr. Mayfield, from Capital City Bank is here and he can probably respond to that a little bit better.

**Williams:**

Paul has expressed some concern. Before he steps up, Paul, can you still preserve this on the 18<sup>th</sup> as opposed to tonight.

**Sexton:**

You probably can. My preference would be to act with more conservatism and go ahead and get a supra majority vote tonight.

**Williams:**

But, you are only doing that because you are concerned about when the new census numbers may come out. That is a concern that you have expressed to me.

**Sexton:**

Just to be clear on the issue, you actually have to issue the bonds as the trigger to stop the impact of the population growth. The commitment to do the bonds will not grant you the grandfathering. It is the actual issuance of the bonds.

**Williams:**

So, between now and the 18<sup>th</sup>, it doesn't matter then?

**Sexton:**

Ultimately, that is not going to affect it.

**Dixon:**

No, because you are not going to issue them between now and the 18<sup>th</sup>.

**Croley:**

Let's go forward with the loan.

**Holt:**

That is what I was about to say.

**Croley:**

Without the bond issue right now. We will deal with the bond when we have the public hearing.

**Dixon:**

Look! When I turn it loose, it is going to be ya'll. I just want to get through it with clean hands with nobody dying on my nickel. O.K? I want to know that we did everything we could.

There is a loan commitment letter before us. The manager has requested a supra majority vote to include bonds. That is not the motion that the board has to make. O.K?

**Croley:**

I make a motion that we move forward with the loan with Capital City Bank without the bonding at this time.

**Dixon:**

That we accept option 1 - to authorize the chairman to execute the attached letter of acceptance to Capital City Bank for the Fixed Rate Option of 4.0% for 18 months?

**Croley:**

Well, wait a minute. This says that it requires a supra majority vote.

**Lamb:**

Cross that out.

**Croley:**

Mark that out.

**Williams:**

Just so the record is clear,

**Sexton:**

I don't think that for purposes of accepting the letter of commitment, that you need a supra majority. The letter itself does not actually address the issue of bonds.

**Croley:**

I so move.

**Lamb:**

**Second.**

**Dixon:**

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

**Price:**

Mr. Manager, does this get you where you need to be?

**Brown:**

Commissioner, I will have to defer to Capital City Bank to see if this has any impact on the approval that you are getting tonight - without the bond language in there. Will that still get us the loan?

**Dixon:**

State your name for the record, if you will, sir.

**Mayfield:**

Emory Mayfield. I am the Senior Vice President of Capital City Bank. It wouldn't impact the loan. As a matter of fact, when I wrote this commitment, we didn't realize that we would be doing this transaction through a bond and not through a loan.

On Friday, we had a conference call where we started discussing the details of issuing it through a bond. So, if it would help the case here, we are willing to extend our letter of commitment for two weeks and I will formalize this tomorrow morning so that it doesn't put you all in jeopardy of losing your bond status. Whatever your wish is, is fine with us, with the bank, whether it is done tonight or whether it is done after a public hearing.

**Dixon:**

Mr. Mayfield, I need to do this tonight just for my good feeling. O.K.?

**Mayfield:**

Absolutely. That is just fine.

**Dixon:**

I hope these gentlemen will bond it or fix the financing however they will like to do it. They can do that two weeks from now.

Thank you, Mr. Mayfield, we appreciate you. And, thank



Capital City Bank for us.

They've got a floating rate in here now. Who takes a floating interest rate these days?

**O.K. We have a motion and a second. All in favor, sign of, "Aye."**

**Lamb, Croley, Holt, Price and Dixon: Aye.**

**Dixon:**

All opposed?

(no response)

**Make it unanimous.**

**23B. Approval of Contract for Construction Management Services for the Gadsden Community Hospital Reopening**

The county manager gave a brief chronology of how the board came to select Ajax as the construction manager for the hospital renovation project. At the last meeting, the board directed the staff to negotiate a contract with them and return to the board for approval of the contract. (see the attached agenda report for further details.)

Deputy County Attorney Paul Sexton then went through the contract.

**Sexton:**

The construction manager contract is a contract where the prime contractor is essentially more involved in cooperating with the owner and the architect in developing a viable project. They actually get involved in the earlier stage of drawing. They provide comments to the architect and the owner on ways to optimize the project, reduce the cost and improve the speed of delivery of services. It is a recommended way of doing business in projects like this where you have a tight timeframe and a fairly complicated challenge to your contract.

The structure of the contract calls for you to establish the nature of the project, which in this case is the hospital renovation. The construction managers' general duties, in

terms of working with the owner and the architect in developing the final plans, is to then make an estimate of the project cost. Then, the basic contract is going to have the compensation formula for the construction manager in relationship to the overall project cost. In this case, it is 5.5% of the project cost. At a later stage, after the construction manager has had a chance to negotiate with his subcontractors, he picks his optimal team, figures out the best way to get the project done. He will come back to the owner (in this case, it is the county) with a proposed Guaranteed Maximum Price. This is the maximum amount of money that he expects the project to cost for the county.

There is a negotiation that follows. If there is agreement on the guaranteed maximum price for the project, that is the cost of the project in the absence of the county putting in necessary change orders because of unforeseen circumstances and the like. So, a guaranteed maximum price as opposed to a "cost plus" approach puts a cap on the project costs.

In this particular contract, because you are dealing with one large core project, which is the hospital itself, if you can't come to terms on the GMP, you do have the ability to simply terminate the contract. Then, you would have to procure an alternative construction manager - if you can't come to terms.

That is the financial aspects of the process. There are a lot more details in the agenda report on the mechanics of various aspects of the program.

**Dixon:**

Anything else, Mr. Manager?

**Brown:**

No, Commissioner, but the representatives of Ajax are here if you have questions of them.

As I mentioned, the GMP is not in here. That will have to be brought back to the board for approval as we look forward. Ajax has guaranteed that once the GMP is approved, they can start construction by the end of this month.

**Smith:**

Actually, Mr. Manager, we are hoping to give you an early GMP tomorrow so we can start the initial demolition and movement of Urgent Care. We were notified by the abatement

contractor that he has a certain bill that needs to be paid. He needs to get in there and remediate the mold in the Urgent Care area and it is going to take him two weeks time. We need him in that area and completed by the 18<sup>th</sup> of November.

So, part of our package that we are going to present tomorrow is just the early package to get the early work started - the demolition work and all the different stuff completed before we get the full GMP. But, that needs to be started immediately. We need the Urgent Care work moved into the new area and completed before we go forward with the new 100% documents which we expect to have here in two weeks.

**Croley:**

Mr. Smith, 5.5%. Now, there has been so much going on, that could have escaped me. You negotiated that out between yourself and the county and the architect?

**Smith:**

The county and the architect, yes, sir.

**Croley:**

The county and the architect. That would be you?

What is the 5.5%? Is that going to include the work that has already been approved to be done out there?

**Brown:**

There is some work that you would not pay the 5.5% for. If you will, show the commissioners what will fall under the 5.5% and what would not.

**Smith:**

Everything that we manage will be considered under that 5.5% - the abatement - we are not managing currently - that is a direct contract with you all. So, that is not part of the 5.5%.

**Croley:**

That isn't. What about the roof?

**Smith:**

Yes, sir. The roofing will be brought underneath our contract. We will be managing the roofer. Because the roof that was bid to you all was a roof, as is today, will be

replaced. The roof now has to take in the fact that we are enclosing one of the open courtyard areas. There is going to be new roof there. We are going to have new penetrations because we are moving all the different services around, so we are adding new penetrations to the roof. That was not a part of his bid price. So, we are having to manage the new work with his current bid and it is our job to manage all of that, then guarantee it. The warranty and everything will be all under my contract. I am the one holding the risk of Mr. Rowe's contract now.

**Croley:**

When did we approve changing the roof? You said you were going to cover the open area courtyard.

**Smith:**

As part of the design of your building, you are enclosing one of the courtyards inside and you are creating new patient rooms in that area as well. It is part of the design. So, that roof will have to extend over that area as well.

**Croley:**

That was in the design drawing that we approved? Enclosing the courtyard?

**Brown:**

That design was brought to you, commissioner, and approved by the board of county commissioners.

**Croley:**

Well, I like to know what I have approved, that is all.

**Smith:**

Another thing, too, Commissioner, is that you want us to be able to manage as many of the subs as possible. At the end of the day, two years from now, you will not have to ask who did what work? Is it the roofer or is it the plumber? If we manage it all, we also manage all the subcontracts. We have all their contracts in hand and we can tell you who needs to go back there.

**Croley:**

I don't have a problem about you managing the subcontractors except for the ones that were already approved.

What I am trying to understand, Mr. Smith, is this part of

it. I don't know what the total cost is going to be. I understand that you are going to have some numbers available tomorrow.

**Smith:**

That is just for the early work. It is not complete.

**Croley:**

And, I am not trying to, whether it was with my vote or not, the vote has been made to go forward with your firm. And, as I stated to you, that is not an issue now. What I am wanting to know is- What it is going to cost? We need to have some idea of what we have got to pay back.

What I don't understand is - I don't know what the cost is going to be, yet you asked me to approve the contract.

**Brown:**

Again, Commissioner, the price is not in the contract. That will be brought back to you for your approval so that you will know what the price is. You can approve it up or approve it down when that price comes back. If it does not work and the county can't negotiate a price with Ajax Construction, we will go with the next firm

**Croley:**

Alright. What are the legal penalties for us if that agreement is not worked out? Didn't I see something in here about 20%? I didn't get a chance to read it. You sent this by e-mail, but, I didn't print out all 41 pages.

**Williams:**

Just as background - I am going to have Paul answer those questions, but sometimes, as we work on all of these issues, we don't really get a chance to talk about the lawyers background that you have working for you. But, for you, the commissioners as well as the citizens of Gadsden County, Paul Sexton appears understated sometimes. For about six or seven years, he was head of the contracts for the State of Florida's Department of Transportation - statewide. They had contracts for about \$2 billion per year. He was responsible for coordinating and making sure that all contracts were drafted up properly. So, he knows contracts and procurement policies and procedures backwards and forwards.

So, Paul, will you answer the commissioner's question about

why you do not have a GMP now in your construction manager's contract?

**Sexton:**

Like I said before, that 20% reference, Commissioner, is actually to the status of the plans. Typically, plans are about 60 - 70% before you can expect a contractor to come in with a GMP. Ajax has said that they could work with 20% plans and we are actually past that. That just refers to the completeness of the plans.

Typically, under the construction manager contract, you don't know the price of the project at the time you write the contract. But, you do have control over what the price is going to be because you negotiate with the contractor over the GMP when he does present it to you.

There have been times, and probably all agencies have done this, where you can't come to terms with a contractor and you find another way to get your project built. But, in many cases, you do come to agreement and you have a GMP and you have a cap on your price. And, the contractor is taking on much more project management responsibility than just a regular general contractor.

**Croley:**

One last question. Construction manager's preconstruction phase fee - \$48,750 - that is in addition to the 5.5%.

**Sexton:**

That is the fee to compensate the construction manager for the personnel and other cost he incurs in putting together the GMP.

**Williams:**

Paul, tell them whether that is standard or not.

**Sexton:**

That is standard. Preconstruction phase is very typical.

**Croley:**

I understand that. I was just getting it into the public record.

**Dixon:**

He is more than aware.

**Lamb:**

Question, Mr. Chairman.

**Dixon:**

Commissioner Lamb.

**Sexton:**

And basically, that is what you will be out of pocket if you can't come to terms. That would be it.

**Dixon:**

Thank you, Paul.

**Lamb:**

Did I hear you say that you are going to have something to bring us on the GMP tomorrow because one of your subs needs money to get started?

**Smith:**

One of the requirements that you all are looking for us to do is to move the Urgent Care to the old labor and delivery area of the hospital. That is outside of the original framework of what the full plans are trying to do. So, we need to get work done prior to us starting on the new hospital area. That was one of the requirements that you all voted for here in the last six weeks. So, tomorrow, I will be submitting to the county manager and his staff, an early GMP for you all to look at and authorize us to get forward and moving.

We also have to go through submittals. One of the biggest hurdles in the schedule of getting this done is getting the materials approved and getting them ordered so that when we are ready to start building, the materials will be here in place. So, that is another part of what this GMP. It will be fully explained and it will be in a book and clearly defined as to what we are going to be spending money on. A majority of it all is going into the Urgent Care area. But, it is allowing us to get the ball rolling.

**Lamb:**

You are not asking the county to give you any money up front, are you?

**Smith:**

Not in what we are talking about today, no, sir.

This is a two step process - this contract. Today, we are agreeing to what the terms say in this contract and the preconstruction phase fee. Then, it is our job to bring you back a GMP. Then you are committing yourself to those dollars.

**Croley:**

Mr. Chair, one or two other questions.

One, has the hospital board seen this and approved it like they did the finance letter?

**Brown:**

No, Commissioner. The reason the hospital board has not seen this is because we finalized this agreement after we had the hospital board meeting. Again, you know commissioners, we only took the loan commitment letter to the hospital board more or less as a FYI and they took action to support the commitment letter.

**Croley:**

The second question - Mr. Sexton, did you draft this contract?

**Sexton:**

I worked on drafting the contract. I selected the base form contract to work from. Then I put in the proposed revisions that I would recommend to the county manager. We received proposed revisions from Ajax and I made my recommendations as to which should be accepted and which should be modified and that produced that document there.

**Brown:**

Also the architect.

**Sexton:**

Also the architect.

**Croley:**

I am disclosing. I only got this when I came into this meeting. A 41 page contract. I haven't had an opportunity to read it. Now, I may understand most of the provisions, as the chair has eluded to. However, I am telling you that I haven't had a chance to read it. So, any vote for it is that I am having to rely on what you are telling me and what the manager is telling me and Mr. Smith's answers.



So, Mr. Chair, having said that, let's go forward.

**Brown:**

Mr. Chair, again, this was also sent on Friday to all commissioners.

**Dixon:**

It was sent to all commissioners and he chose not to print it out. O.K. I printed it out. Cost me a lot of ink.

Ladies and gentlemen, what is the will of the board?

**Holt:**

I move approval.

**Price:**

Second.

**Dixon:**

We have a motion and a second for approval. Will there be further discussion?

All in favor, sign of, "Aye."

Price, Holt, Lamb, Dixon, Croley: Aye.

**Dixon:**

Please make it unanimous.

**23C. Approval of Inscription on Plaques for Newly Constructed County Buildings**

County Manager Brown reported that the county has now completed the construction of the Gadsden County Gretna Safety Complex as well as the addition to the Supervisor of Elections Office. The Guy A. Race Judicial Complex Expansion and the renovations to the Gadsden Community Hospital are currently under construction. The Boys & Girls Club of Quincy is slated to begin construction soon.

In an effort to recognize the board members who played a role in the manifestation of these projects, staff requested that commemorative plaques be placed on the buildings bearing the names of the respective commissioners. The fiscal impact will be approximately \$1500.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE PLACEMENT OF THE PLAQUES WITH THE INSCRIPTION AS DESCRIBED IN THE ATTACHED AGENDA REPORT.

**RECOGNITION OF OUTGOING COMMISSIONERS**

**Resolution 2008 - 062 Honoring Derrick Price, District 3, for Four Years 2004-2008**

Chair Dixon read the resolution into the record. He was presented with gifts before making a few remarks.

**Resolution 2008- 063 Honoring Edward J. Dixon, District 5, for Sixteen Years of Service, 1992 - 2008**

County Manager Brown read the resolution into the record. He also presented the Chair Dixon with gifts. The chairman then made his parting comments.

**RECEIPT AND FILE AGENDA**

- a. Letter to Monte Bradwell regarding preliminary acquisition for publicly acquired property
- b. Letter from the Gadsden County Sheriff's office regarding Teen Court Program
- c. Letter from the Florida Department of Law Enforcement regarding the Edward Byrne Memorial Justice Assistance Grant
- d. Letter from the First Restored Church of Jesus Christ, Inc. regarding fee waiver for permits
- e. Notice of Bid Award to Rowe Roofing Regarding Gadsden Hospital roof repair
- f. Letter to Charles Harris, Jr. regarding preliminary acquisition notice for publicly acquired property
- g. Letter from Comcast regarding customer accommodation
- h. Letter from Florida Agency for Health Care Administration regarding Legislative funding for Gadsden Hospital Inc.
- i. Letter from the Clerk of Circuit Court Finance Office

regarding fuel billing and payments

- j. Resolution 08/09-4 from Clay County regarding support of a constitutional amendment that requires State Legislator to operate under the same Sunshine Law as county officials
- k. Letter to Gadsden County School District regarding review of draft Comprehensive Plan Amendments - Public School Facilities Element
- l. Letter from Gadsden Senior Services, Inc. regarding oversight of operation of the Gadsden Senior Services Center
- m. Letter from George and Associates consulting Engineers, Inc. regarding county Roadway Improvement Plan
- n. Memorandum for the record regarding the notice to Proceed for the approved Isaac Variance
- o. Memorandum for the record regarding executed consulting contract for Planning services for the Evaluation and Appraisal Report (EAR)
- p. Letter from the Clerk of the Circuit Court regarding Tax Certificates for September 3, 2008
- q. Letter from the Clerk of the Circuit Court regarding Tax Certificates for October 3, 2008

#### **November Meetings**

November 18, 2008

#### **December Meetings**

December 2, 2008 - Regular Meeting  
December 9, 2008 - Workshop  
December 16, 2008 - Regular Meeting

**ADJOURNMENT**

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

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**Eugene Lamb, Chair**  
**Date Approved:**

**ATTEST:**

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Muriel Straughn, Deputy Clerk

AT A SPECIAL EMERGENCY MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS HELD IN  
AND FOR GADSDEN COUNTY, FLORIDA ON  
NOVEMBER 10, 2008, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

**Present:** Edward J. Dixon, Chair, District 5  
Derrick Price, District 3  
Brenda Holt, District 4  
Thornton Williams, County Attorney  
Arthur Lawson, Assistant County Manager  
Muriel Straughn, Deputy Clerk

**Absent:** Eugene Lamb, Vice-Chair, District 1  
Doug Croley, District 2

Dixon: Let's bring this meeting of the board to order,  
this emergency meeting of Monday, November 10,  
2008 at six o'clock, to order.

Commissioners, thank you for hearing the call. I  
asked for this meeting for the simple matter that  
the days are quickly beginning to equate to  
opportunity and money. It is bad enough that we  
understand that if anybody is going to complete  
this project, it is going to require double time  
if not triple time to get it done and get it  
finished in the manner in which we would like.  
So, every day is important in the maintenance of  
that contract and that license and the opening of  
the hospital. So, thank you all very much for  
coming to this meeting. Thank you to staff for  
getting together with the contractors and trying  
to come up with a guaranteed maximum price so that  
in the next week, when the new board meets, at  
least they will have a package in front of them so  
that there will not be a hesitation, if you will,  
or oscillation or vacillation in the process that  
will slow the process. If it slows, it is simply  
because people want to slow it and not because of  
any action that has not been taken.

So, with that, let me thank you. Thank you all  
for your continued participation. I know that our

last meeting was supposed to be a minute ago, or last week, but our duty is until the 18<sup>th</sup> at six o'clock. Our duty remains and this is a part of our duty in insuring this project moves steadily along.

Mr. Manager?

Lawson: Thank you, Mr. Chairman and members of the board.

As the chairman discussed, this meeting is to present the **guaranteed** maximum price that the construction manager as well as the staff has negotiated to bring to you for your consideration.

There are a couple of issues that we have before you to consider tonight. One is whether the Board of County Commissioners should approve the guaranteed maximum price proposal submitted by Ajax Construction. Issue number 2 is whether the Board of County Commissioner should approve the concept of providing for liquidated damages for delayed performance by Ajax.

Mr. Chairman, as a matter of background, the Board approved the construction manager's contract to reopen the hospital with Ajax at it's November 3<sup>rd</sup> meeting. A contract was executed.

Pursuant to Article 7 of the CM's contract, Ajax was to submit a guaranteed maximum price for the project. Ajax presented the GMP proposal to staff at a meeting this morning that lasted until mid-afternoon. Representatives from Clemons Rutherford attended that meeting and participated in the discussion. The GMP proposed by Ajax is reflected in the document prepared by Ajax which representatives from Ajax will go through and discuss in detail with you this afternoon.

As of the time that staff left the meeting with Ajax representative, it was understood that the total GMP proposed by Ajax was \$9.75 million. This amount was discussed as an adjusted proposal by Ajax as a result of our meeting today. Of course, you will have that submittal tonight as Ajax prepares to go through it with you.

Just to highlight some of the major items that I am sure will be discussed with you tonight, components of the GMP is that the pre-construction phase was negotiated at \$48,750.00. Ajax on-site and other project management cost is approximately \$606,597. The cost of construction without the roofing work was \$7,685,255. The cost of the roofing contract is \$363,982. Ajax contingency for our change cost is \$395,000. Contingency for the reconciliation of the 100% plan is \$120,000; Contingency for AHCA design changes is another \$30,000. The overhead and profit at 5.5% is \$500,416 with a total GMP of \$9,750,000.

In discussion with Will Rutherford of CRA, he indicated that the GMP amount was not unreasonable in light of the cost that he performed on the project. The major factors that affect the change from the earlier \$6.5 million budget by CRA is due to a substantial change in the design in terms of renovation of the hospital - using the rural emergency hospital model and also the compressed construction schedule which our construction managers will go into detail with you tonight.

The major components of the project - the electrical work is a little more than \$1.8 million. The plumbing, the HV/AC cost is a little more than \$1.5 million. Cross Contract, which is in a direct contract with the county will cost another \$337,750. Also, not included in this GMP I might add is the fee for our architectural services for this project.

I would like to make the board aware that, in addition to this GMP, also costs that are not included that will be associated with this project is the cost of what they call the FF & E or furniture, fixtures and equipment. That cost could range anywhere from \$2 million to \$2.5 million. That cost has not been finalized as of yet. There is some discussion to be had with TMH and GHI in terms of the final specification.

With that, Mr. Chairman and members of the board, there is also some additional proposed language by

Ajax in terms of setting liquidated damages that are before you tonight for consideration. Staff is not opposed to a liquidated damage provision per se, but there is some concern that it properly reflects the critical impact of missing the June 21, 2009 date. We will certainly be negotiating with Ajax to come to a final number on liquidated damages.

What our options are tonight is to review and act on Ajax proposed GMP, consider Ajax proposed liquidated damages and of course, there is the board's discretion. Our recommendation is to move Option 1. If you have any questions before I ask -

Paul, is there is any additional information that he would like to add before we ask Ajax to come up.

Sexton: I don't believe there is anything in particular about the GMP process that I need to add. I think that the board probably wants to hear from Mr. Smith and perhaps from CRA on the issue.

It may be appropriate to formalize the record on the basis on the meeting for tonight, too.

Dixon: Before we hear from them, what is the order to formalize this meeting.

Williams to Dixon: When you called the meeting, it was at your call that you felt you needed to have a meeting?

Dixon: Yes.

Williams: I think you recited the reasons at the beginning of the meeting. But, the board needs to agree that there was an emergency and I guess the best way is by vote. Is that correct, Paul?

Sexton: Yes, that would appear to be the most appropriate way.

Dixon: If the commissioners would, the chair will entertain a motion.



Holt: So moved.

Price: Second.

Dixon: We have a motion and a second. Is there any discussion?

(No response.)

All in favor, sign of, "Aye."

Holt,  
Dixon,  
Price: Aye.

Dixon: Please make it unanimous.

The other members were informed, Mr. Manager - of this meeting?

Lawson: Yes, sir. They were.

Dixon: Clemons Rutherford or Ajax, which one is first?

Come on up here. If you would, state your name for the record and tell us in your wisdom, what we are looking at and why we are looking at it and why it cost so much.

Rutherford: Why it cost so much is because it is an expensive building. We started out this project originally

Williams: I don't think you stated your name.

Rutherford: Bill Rutherford.

To renovate the hospital in it's current condition and to leave it as is physically, but just to re-do the interiors and to leave the wings as they are. During the discussion, it was decided to basically abandon the wings to the rear. Use the wings to the front and to add beds in the courtyard to make this a 25 bed - what I will refer to as a rural hospital. So, the size of the hospital grew to about - what would you say?

Unidentified person: It is about 35,000 square feet completely renovated, 5,000 square feet (inaudible)

Rutherford: So, you've got about 40,000 square feet - 35,000 of which was renovated and 5,000 which is new space. Right? O.K.

When we looked at the \$6.5 million, and I think when I was over here with the hospital board week before last, I told them that, in my opinion at that time, that we were closer to \$8 million right then on doing this. The \$9 million kind of surprises me a little bit, quite frankly. But, these guys are the ones who have put the numbers together. But, I was fully expecting this facility to be in the \$8 million range. If they are saying that it is \$9.4 or \$9.5, where ever they are, then they are the ones who put the numbers together. I have to look at their numbers. We saw these numbers for the first time today. Quite frankly, that is not a lot of time to go through it and digest it, but I did have someone over here looking at it and they went through it the best of his ability with them when they were meeting for four or five hours this morning. He came back and told me that the numbers looked o.k. to him for what Ajax had done.

So, at this point, I would tell you that I would rely on their numbers unless is permitted for us to sit down and take it apart piece by piece.

I don't know if I am telling you what you want or not. Is that the recap you want?

Dixon: The truth always works with me. Tell us what you know.

Rutherford: That is where it is. If I had my way, if I had the opportunity to do what I think should be done, I would like to take the time to sit down with them and their subs and see what could be done differently, what could be taken out possibly, what could be reconfigured, reshaped and what could be done to get it down to a number that is more realistic for your expectations. I know that

the biggest enemy that this project has is time. Time is the major issue here and I am not sure if you have that time or if you are even willing to entertain that time. But, that would be -

You said to tell you what I think. I think that is what I would do. Just back up. It is very difficult to take \$9.75 million worth of effort and in 12 hours and say "Yes, everything is right. No changes. Don't do anything different. Either take it or leave it." I think that is a difficult spot to be in. It just takes time and this project has been pressed for time from day one. Everybody knows that. But, I do think that it would be well served to take it and look at it.

I don't know Ajax's opinion on that or not. Maybe you have already done that. But, that would be where I stand on it.

Dixon: Questions of Mr. Rutherford?

Holt: Mr. Rutherford, when I talked with your earlier, you mentioned going before the Legislature and asking for an extension.

Rutherford: Well, we have talked - excuse me.

Holt: Let me go a little further, the reason I am saying that is because I have heard that before and I don't know if any of you have been before the Legislature, but we have. O.K.? It doesn't work that way.

I would love to say that AHCA wouldn't close the hospital, but AHCA already did. We worked on subcommittees and we have done everything we can to get this extension. So, when we said approximately \$7 million, that was it. I don't see where there is any more money coming from. This is the "Hail Mary" at the end of the game. So, this is no surprise and I don't know where we can squeeze anymore time out of this. It would be at the whim of the Legislature. If you look at the number of new representative and senators coming in and they have never seen this project

before - you are not looking at a good will vote there that we may get.

Rutherford: I understand.

Holt: Thank you, Mr. Chairman.

Dixon: Mr. Smith?

Smith: Yes, sir. Good evening. Jay Smith, Ajax Building Corporation, 1080 Commerce Blvd., Midway, FL.

Good evening, Commissioners.

What we have provided for you tonight is a guaranteed maximum price proposal. In this, we go through and detail all kind of information provided for you that we went through and detailed today with county staff, Mr. Sexton and Will Rutherford from CRA. We also had two representatives from TLC, who is the engineer working with Mr. Rutherford's group, and mechanical engineer and electrical engineer in particular. The mechanical engineer is in charge of the HV/AC design and plumbing design, fire protection and all of that - Components which are the majority of the cost.

So, what we did in preparing this information - we got documents on October 10<sup>th</sup>, this past month. We took those documents, we got them to our subcontractors, our major subcontractors that are going to be providing cost and doing the work on this job. We also took the plans and did an in-house detailed estimate without relying on any subcontractors, based on our cost information and our historical data doing hospital work. We developed our in-house estimate and then we required our subcontractors to provide a sealed price proposal to us as well.

Within that, our number and our subcontractors number were within about \$100,000 of each other. We then brought them in, the main ones, and went through their scope and made sure that they were pricing what was on the plans accurately and making sure that they were giving us the best

cost. We did that because of our in-house estimates.

We then determined certain items that the county could save money on and put proposed dollars to that. We had all of that information for today's meeting. We went through it in detail with the engineers, with the architects, and with the county staff. And, that is where we came today.

So, what we have priced on the plan was 35,000 square feet of complete remodeled renovation of portions of your hospital. That includes the ER, the two ORs, the patient rooms, the dining area, the lobby area and administrative area. It also includes that new roof that you all bid out that Rowe Roofing was the low bidder. He had added scope because we are inclosing part of the courtyard. We are also adding gutters and down spouts, so his bid went up from where his hard bid number was. It is now a different scope.

We also have included the shell space of 5,000 sq. feet which is going to be the clinic and rehab. Those spaces are not required by AHCA in order to get the hospital open. But, those are two areas that the county would have potential revenue sources for finishing those out.

We also provided a cost to completely finish those, but that is above the \$9.75 million.

Also, within the \$9.75 million is the work that we are doing in the old labor and delivery area where now your urgent care is being moved. So, all of that is contained in the \$9.75 million. It is clearly broken down by division. We showed a set of plans, we showed our site utilization plan as to how we are going to work on this site.

It also talks about - we put in allowances within this estimate. Allowances allow the county to save money if the proposal goes below those items. In particular, a few of them we can talk about, we provided \$120,000 in there to go from the October 10<sup>th</sup> drawing to the 100% drawing which I think are completed by the architect, but we have not seen

them yet. But, there are going to be some changes from that initial design to the 100% design. They are going to AHCA to be permitted. But, we have provided an allowance for that work. We will get with the subcontractors and decipher where that money is. If that number comes in below \$120,000, that money goes back to the county.

We also provided numbers for you that show details on our cost, our overhead, our profit line, all that stuff has been spelled out in the information that you have provided tonight as well as in our GMP book.

We provided our schedule and our plan of attack and how we are going to attack the schedule. We also provided alternates that we talked about that show the cost of the complete build out of the clinic, the complete build out of the re-hab, the construction of the southeast covered walkway that is proposed in these plans which is not comparative on the AHCA, but it is something that you all wanted to look at.

We have an alternate in here for your FF & E, but I believe the county is going to do that themselves. It won't be contained in our number. It is not in the \$9.75 million.

Dixon: What is FF & E?

Smith: Furniture, Fixtures and Equipment.

The other thing of not is that Mr. Will Rutherford did an estimate on his own outside our estimate. He concurred with where we were today. I think we were almost identical with their estimate, which was done completely separate of our subcontractors. So, the number we have provided - I am confident is an accurate number.

The question is - is that the scope of work you want us to move forward with?

As we all know, we have been delayed from a bunch of different items that have taken place until

today. We are running out of time in order to get this amount of work completed in the time that we are facing.

That is the reason why the emergency request was asked. We've got to get going in order to meet that deadline. June 21<sup>st</sup> was your date, but we have to finish 4 - 6 weeks ahead of that so that you can get all of your staff in there and get them trained. So, everyday we have is very important in order to get this work done. We will be working two eight-hour shifts, five days a week. So, there is only so much more time that we can squeeze in before June 21<sup>st</sup>.

Dixon: How much of what we are looking at now - we are all looking at the \$2 million that is more than we anticipated, - How much of that is because of the lack of time?

Smith: At first, I was telling staff that I thought it would be 10 - 15%. But, we are in a unique market right now, so I think that number has been eliminated because of subs needing work. This pricing, if we were on a normal timeline, I do not think would be much different. I think we are getting the right cost for the work that is being designed today. I think you are getting an accurate price.

Does that answer your question, Commissioner?

Dixon: It does.

Now, my question immediately becomes - it takes me back - now, I wish we were building a new building. But, we are beyond that. The question now is, given what Mr. Rutherford said, -

One, I know we need to approve something so we can move forward. And, as engineers, there is always a way to do something else. The question is - does it give you the quality you need and the caliber that you need to have it at?

I certainly don't mind having discussion, but, from my prospective, we need to approve and give the ability to go back and allow you and Mr. Rutherford some time to present to the next board whatever opportunity there is to save money and draw that number down. I don't mind giving the ability to go up to, but, hoping that you gentlemen would get that number down to a more palatable number knowing that we still have to crunch to get the FF & E. That is still out there.

There is trouble in the economic market out there and dollars are not getting any easier to come by. As you say, time is becoming a big monster. It is the big monster. We have all known that it is the big monster. I would hope that you gentlemen will, in good faith, move as expeditiously, should the board give you support, as possible to get this done.

I have seen frivolous law suit and frivolous law suit about nothing. It is a dog eat dog world. Ya'll guys go to war every day and I watch it. Some you win and some you lose. But, we have got to move on. I say that whoever gets the deal or doesn't get the deal, you are really costing this community an opportunity of a hospital. I hope that no matter what happens tonight and at the next meeting, that we are getting the best foot forward out of this deal.

I really don't want to lose the hospital because Johnny and Jimmy couldn't play together. Do you get what I mean? I really don't.

Smith:

Commissioner, as an item and talking about the schedule of where we are, the emergency generator that is going to back up the hospital - it has a 30 week lead time. That is one of the issues that is the reason that we are having to rush this. If we order tomorrow, whatever you all decide, we've got to order that. We have got to start the submittal process and have that ordered immediately or this hospital will not have an emergency generator.



The more we delay - that is just one of the long lead items. A lot of the medical items also have long lead time as well. That is kind of the nature - I believe that Mr. Rutherford's design team and Ajax have a history together of finding ways to value engineer.

Dixon: Is this the Hatfields and McCoys - Is there a history?

Smith: No, sir. East Gadsden High School is a project that we - we have done more than 25 projects together, but East Gadsden was the one that won the National Project of the Year because of what CRA's design team, Ajax and the owner was able to do in working together and finding a way to get that job done.

The question is Scope-wise, what can be reduced? It's scope that you can't reduce a lot of the finishes - hospitals have a grade that is far beyond a school or an office building. You can't lessen those on a lot of the stages. The biggest area is square footage. That is the only way you can reduce a large amount of money.

Bill, would you agree with that?

So, that is where we are commissioner. We will be happy to - if you want to set aside a certain amount tonight and move forward with that, but I think what I have heard before is that ya'll wanted a full price in order to proceed forward. That is what we did tonight. We could go to a Plan B, but you are running out of time. You could a lot a certain amount of money and get certain things ordered and get certain things moving, like Demo and getting the project moving - getting Urgent Care moved on over, but, the direction that I was given at the last meeting was to get a complete price so that we know where we are so that we can move forward. You did not want a partial price.

Dixon: As I said before, I certainly have no problem

giving them, along with staff and attorney, the ability to approve this program up to the amount that is there with the understanding that Ajax and CRA would work diligently to bring this price down in some way, form or fashion. Even if that includes working with the new board, if they so deem fit to cut the square footage or however they will deem fit. But, we must get this project moving and mobilized.

I saw a hand in the back. If you would.

Ashburn: My name is Roger Ashburn. I have a question for Ajax?

Have you received your final plans from AHCA?

Smith: (inaudible).

Ashburn: If they have not received the final approved set of plans from AHCA, I wonder how they know what they are bidding on.

That was just a question.

Smith: We do this with a number of owners from around the state where you go to a guaranteed maximum price prior to the final set of documents so the project can get moving.

We based it on our knowledge of what is required by AHCA and what has been discussed with Mr. Rutherford and his staff. That is why we have set an allowance up as well. To be able to answer those changes that might come up. Again, if savings are had from the change, then the money goes back to the county.

The initial stand up review, as well, - that is Mr. Gamble, the director of our operations, the architect and the county, and we were present at that meeting, had a stand up review with AHCA and that has been reflected in the plans which we priced.

Dixon: Give us a general idea of what a stand up review

is.

Smith: You go to them and say, "This is our plan, this is what we have." They say, "Do you have this, do you have that?" And you say, "Yes, no." Then they say, "Well, we need this, this and this." It is a cursory review that AHCA requires.

Dixon: In other words, they let you know what is expected.

Smith: Does that answer your question?

Dixon: Madam Commissioner?

Holt: Mr. Smith, what you are saying is that they did tell you in general what you needed?

Smith: Yes, ma'am.

Our belief is that AHCA's comments are going to be is minimal to what Mr. Rutherford's 100% design is. Like I said, they have incorporated all of those things. His staff designs for AHCA everyday. His engineers design for AHCA everyday. Based on our experience and our subcontractors experience, that has all been built into our price.

Dixon: Basically, he is going to keep his reputation and his well liked persona with AHCA in tact.

Holt: If we look at approving what your maximum would be with the understanding that the next commission could come in and say, "We don't want that, we want to take that out. Or We want to include this." That is probably what will happen. Those numbers can adjust to fit what the new commission wants?

Smith: Yes. We will do whatever the commission tells us to do. But, again, the end date cannot change. Every decision that is put off another week, which I understand that things are going to be changed, but you subject yourself to running out of time. But, we understand that this is an evolving

process. We are all here working together as a team to find a way to get the scope you need at the price you need.

Holt: Mr. Attorney, what are we looking at in that processing?

Williams: I am not sure I understand.

Holt: Approving the maximum - looking at this on this sheet.

Williams: That is an issue dealing with liquidating damages and Paul can present that issue to you as a separate issue.

Sexton: The contract as it is currently written does not include a provision dealing with liquidated damages, which is common in construction contracts. But, given the impact of the AHCA deadline, we did not include a provision for it.

At this point, Ajax wants to address that because they want to have some parameters as to what their risk is in relationship to the project deadline. The language that you see in there, that block of text is what they have proposed for the county to approve. For the Board of County Commissioner to approve, so that the process of nailing down liquidated damages would take place.

The issue was raised by them this morning. I advised them at that time and we discussed this into the afternoon, that I thought it would be difficult for the Board of County Commissioners to wrestle the liquidated damage issues to the ground and come up with definitive numbers in less than 24 hours. It is not the kind of issue that is readily resolvable.

I don't think there is a problem with the concept of liquidated damages as long as the daily rate or the weekly rate, whichever you want to apply, reflects the importance of keeping the project of schedule with AHCA.

At this point, they are proposing a cap of

\$150,000. That is their proposal as the total cost for liquidated damages. There are certainly other ways of looking at the value of liquidated damages.

At this point, the Board of County Commissioners need to assess whether they think that amount of money is going to be sufficient because that is essentially going to be as much money as Ajax would be penalized if this project goes off schedule. You may want to look at other values. Then it is just a matter of what can be accepted on the county's side versus Ajax side.

Williams: Typically when you put LDs in a contract, it is supposed to be something that encourages the contractor to meet the deadline.

If you look at the profit - Is this \$500,000 just the profit on the - is that the total profit, Paul?

Sexton: The \$500,416 is their profit and overhead for the project.

Now, there is a separate number recovering their on-site and other project management cost - higher up - of \$606,000.

Williams: So, basically (inaudible)

If I were to give an off the cuff analysis, I would say that the number should be higher because at some point, they should feel incentivized to do something. In this case, there is not much incentive to do anything, because in the worst case scenario, they still make \$250,000 profit. So, when you look at doing a penalty provision, you look at how long you think they may be off schedule against how long it takes them to get back on schedule. You motivate them to want to do it quicker.

I will give you an example. When you approved the

ordinance of nuisances, I think we had \$500 per day. \$250.00 for the first occurrence, then \$500 for every one after that. Obviously, in Gadsden County, if someone goes a week or two, that is a big number. But, the theory is that in the notice itself, if you are going to be declared a nuisance, it will motivate them to get it fixed, then they will ask to get their fees waived. That way the fees never kick in. The whole theory is that you don't impose the fees.

So, the logic applies here also. You are suppose to have a number that basically encourages Ajax and his project people to say, "We don't want to have that number come into play." So, then they are motivated to not have that number come into play.

As I am reading this right now, (inaudible) there is no incentive to want to get this project in on time because it is still a profitable operation even in the worst case scenario. So, essentially, it should be some value that is uncomfortable if they don't finish the project on time.

Holt: My question is - If the commission slows it down, then it is not their fault that they don't meet the deadline. So, if we change the design at the last minute, or change something that throws them off course, then how does that motivate them to stay on course, when it is the commission that may be throwing them off. What in the document states that?

Williams: Well, the LDs should be based on events within Ajax control. It is not based on events out of their control. Is that what you intended, Paul?

Sexton: That was the intent.

Williams: You know, typically, you could have - this is a bad example, but, we will use rain days. You have a time projected to get a job done, but it is very typical to give rain days so you can tack on additional rain days. So, they may be off schedule, but they can come in and ask for rain days and you give it to them. Then they get it

finished on time.

Another example may be that you have a provision in the contract, if a supplier can't get the equipment in on time and they can't install it, you may have an additional time extension because of supplies not being available. Again, if they couldn't meet a schedule because of no fault of their own, they might trigger the LDs, but they have an escape clause where they can ask the county not to enforce it.

Holt: O.K. with that provision, that answers my questions. In dealing with the State, unless they decide to give us an extension, they are not going to give us any rain days. We are not going to get any of that. That is why I am asking these questions now.

Dixon: I am not taking what Mr. Rutherford said lightly. The board ought through its attorney or its lobbyist, begin that process right now for going to the Legislature and ask - whether you get it or not, you should ask. Who knows what might happen.

Holt: The reason that I ask them that is because I thought maybe they heard something with their ear to the ground. You know that the Small County Coalition will be working the Legislature tomorrow and it is not something that you get a BYE on. This is an issue that I will be pushing along with a few others. If this document moves forward so that it makes sense for the county as well as reasonable for the company to stay motivated for them to stay on schedule.

Smith: We proposed the \$150,000. That is above anything that we have ever been involved with. Probably the largest liquidated damage project that I can remember in my mind right now is a job we are currently doing with Clemons Rutherford right now. It is \$3,333 per day. I have that number imprinted in my brain and everyone of my subcontractors and every one of my personnel has that number in their mind.

What happens is the larger you increase the

liquidated damage amount, the larger risk it is to the subcontractors and the construction manager. There is a risk reward item. We thought \$150,000 was above and beyond fairness knowing where we were on this job and the number of issues that could potentially come between now and May in order to get you in by June 21<sup>st</sup>.

As soon as someone hiccups or sneezes, we do not want to be in an adversarial role where we or our subcontractors are now looking at the county and the architect saying, "You delayed us. We want five days." It doesn't matter. If we get five days extended to our contract, we get five more days on the \$150,000. But, you lose your AHCA license.

So, my argument today is that we are throwing that out in good faith. I personally believe that \$150,000 hits my firm very hard. I take that to heart. But, beyond the money, if this hospital doesn't open, I am a Gadsden County business. I look at each of you in the face and look at every business and resident in the face, and it will be a failure of my firm, the county and the engineers and the architects. It is a team effort. I tried to put what I thought was the most fair value in front of you all.

What we are trying to do is set a cap and let's negotiate. We discussed it at contract. We said we were going to GMP, but we haven't had that discussion in between.

So, I wanted to put a cap on it so that we could start negotiations and at least we would know going forward and our subs would know that here is the highest it can be. Now, let's work on something per day charge or whatever. That is just something that we threw out in a good faith effort to get this project moving.

If we delay another week, does that number change now for us because we have wasted a week on our schedule. There are so many questions. If we keep going back, it looks like it is going to continue on where we are going to go forward from



here. This number was based on us getting a notice to proceed tomorrow.

Dixon: I am waiting for someone to magically appear out of the blue and tell me what to do.

Holt: Mr. Sexton?

Sexton: Yes, Commissioner?

Holt: Is there an average or a ratio that normally applies?

Sexton: Liquidated damages are recognized essentially as a motivator for the contractor and also a means by which the contractor's ultimate financial risk on the project is controlled.

But, I think in most cases, the owners are not facing situations where the project may be for naught if you miss a deadline.

You are dealing with a mixed concept and trying to come up with something that is of value to the county if something happens and the project goes off schedule and a realistic incentive for the contractor.

If you set the incentive cost too high, then you promote an adversarial relationship with the contractor. The contractor then needs to battle for all the time he has to make sure he doesn't end up with liquidated damages at the end of the project.

But, then again, if you set it too low, then the value of the liquidated damages to the owner, which in this case is the County, then are simply not enough.

It is a matter of trying to reach the proper balance. That is not something that I can really offer an opinion on. That is one that I think that the County Commission needs to wrestled with.

You don't necessarily have to agree to set a

maximum tonight. That is what Ajax's proposal is. You can save that as another matter for discussion later on as part of the determination of the mechanism for assessment rate. You can go ahead and agree to a ceiling, then the daily or weekly rate gets built to deliver up to that maximum.

Holt: The ceiling rate is interesting. Let's say that if you could set a ceiling rate, then it could be lowered from that. If there was a problem.

Williams: Excuse me for second. Paul, refresh my memory, the license expires on what date?

Sexton: June 21<sup>st</sup>, 2009.

Williams: Here is the issue. On the proposal, they've got a completion date of May 29, 2009. Is that right, Mr. Smith?

Smith: Yes.

Williams: It doesn't matter what happens on this project between now and June 21<sup>st</sup>. If you look at the proposal - I am on Item A on the first page - Clarifications, Qualifications and Assumptions. This applies to what Mr. Rutherford was talking about. It is too much to absorb when you have to look at it so quickly.

If you look go to the second bullet - the GMP proposal is based on a Notice to Proceed etc., etc, on November 11. So, your construction manager has come in assuming that they will get a Notice to Proceed tomorrow. So, you are already (inaudible) based on that date. That is o.k. But, what is important is, if you will go down to the fourth bullet, your LDs really kick in on May 29 until June 21<sup>st</sup>.

I am just thinking out loud. You have to think in terms of what will work for this project. It doesn't really matter what happens between 5/29 and 6/21.

Mr. Smith, do you agree with that? Without getting into a lot of detail here, we're trying to

get to the big picture right now.

Smith: Yes, sir. I am trying to get your big picture.

Williams: So, it doesn't really matter what happens on this project, whether you do it backwards, forward or sideways, you end it on 5/29, everything is o.k.

What is important is that it is inspected and approved and running by June 21<sup>st</sup>.

Now, Mr. Chair, if you don't mind me going with this for just a minute - the issue then becomes between 5/29 and 6/21, what is your drop dead date that if you don't get it done by then, you are really running time lines. Then, you back up a little bit to incentivize you to get it done before that date. That is when your LDs kick in and you can figure out a number. Because at the point, we need you to move fast.

Does that make sense to you? In other words, let me say it differently with real numbers.

5/29 is your drop dead date?

Smith: Yes, sir.

Williams: Let's assume that for whatever reason, there are, because he has a lot of assumptions built in here. He's got every assumption possible that looks after them built in here. I don't blame him, I would do it if I did it. So, he is anticipating some slippage. So, in terms of doing your assumptions here, your assumptions have got to be based on the fact that it doesn't matter what his slippage assumptions are, he's got to make that time up. Because after that date, it doesn't matter because he doesn't get an extension, because you can't get it inspected in time.

This is a very unique contract. Normally, if you get your additional days, you've got enough time that you extend it to the back side. But, you've actually got a firm date on the back side that you've got to get it finished by - no matter what.

So, it doesn't matter if he needs more money or if you approve it or not, if it isn't finished by that time frame, you can't get your inspection done and you lose the license.

For discussion purposes, you can't assume that the Legislature is going to approve the extension. That is what the dilemma is. In my mind, this is really thinking out loud - you've got to schedule the inspection. One of the questions that might help me to frame it is - When do you anticipate the inspection to be scheduled?

Smith: We called for it - When did we

Hill: Ed Hill, Ajax Building Corporation Project Manager. Normally, the architect calls for the inspection after we have gone through a series of reviews and determined that we are ready for AHCA. Usually, they will let you know about the week before as to the day that they are coming.

During that inspection week,

Williams: What is the time frame that you notice them that you are ready for them to come in?

Hill: We usually let them know about three weeks ahead of time.

Williams: Mr. Rutherford?

Rutherford: Let me see if I can help you out a little bit here. There are two dates that are critical typically in construction contracts. The first date is what is termed substantial completion. Substantial completion means that the project is ready to be used for the intent for which it is designed, but there may be minor things that may have to be done.

For example, maybe all the doors don't have all the second coat of paint. Maybe there is a couple of rooms that don't have carpet finished, but it is not anything major. So, when we get to a point of substantial completion, we will go through that project with them and determine that they are

substantially complete in our opinion. We will then notify AHCA and they will come in.

AHCA will take two or three weeks before they get there. So, the time between us notifying them and them showing up on site, they will go very close to final completion.

Am I making sense here?

Williams: You are. But, what is running through my mind is if you wait until May 29 to notify AHCA of substantial completion, then

Rutherford: You can't wait until then. So, if I were you - I am going to back up here a couple of minutes to your discussion on liquidated damages. I would look at the contract from a liquidated damage point of view as from the date of substantial completion. If you were to ask me, I would say, "What kind of rate are you going to pay to borrow this money?" Let's just say 5%. I don't know if that is right or wrong. I am just going to say \$9 million because I can run the math in my head easier. That is \$450,000 per year at 5%. I would divide that by 365 and get a daily rate because that is what it would cost you in interest so that you don't get damaged on the loan value. That is the way that I would determine the daily rate.

I am running the numbers in my head and I am somewhere in the \$1300 to \$1400 per day. So, from substantial completion, if they did not meet that date of substantial completion, to me I would enforce liquidated damages. Now, that doesn't mean that if they catch up and they get everything done, you still have the right to say, "You still got it done on time even though you had to work three shifts and we are going to forgive it." That is the way I would approach the damages clause.

Do you understand what I am saying?

Williams: I understand what you are saying, but it still does not incentivize the contractor to do the work. The whole purpose of the LDs is to

incentivize the contractor.

You recoup damages, but you hired the contractor to do the work, but, if for some reason, he is not getting it done and you want to motivate him in a negative kind of way, LDs become the negative motivation.

I actually agree with Mr. Smith that they don't always work the way they are intended to work. But, it is not about recouping losses, it is about incentivizing the contractor.

Rutherford: Liquidated damages are a very poor way to make your project finish on time.

Williams: I do agree with you on that. We could have another whole discussion on that.

Rutherford: What he needs to do is meet the dates that he sets forward and the discussion is never needs to be had.

Williams: I am not a fan of LDs, but to the extent that they are being discussed, if you are going to put them in, you should put them in, put them in a way that are going to be effective.

Dixon: Mr. Rutherford, what is a good way to incentivize a project?

Rutherford: Well, after doing this for 40 years, if I pay the contractor what he asks and give him his fee and the owner is happy with a number, that is the best way I can do it. That way, he is paid what he has asked for in the contract and liquidated damages is something that we may assess once every ten years. Quality contractors make money by finishing their projects on time, not by being late and then paying you a daily rate back. That is a poor practice.

Williams: Mr. Chair, I agree with him on that. But what typically happens in modern contracts is there is an incentive clause. If it wasn't so much out of scope with what the anticipated numbers were, we typically have an early completion fee in

contracts. You incentivize them in the fact that they can make more money. Actually, they work too well. But, I agree with Mr. Rutherford.

Rutherford: I don't like incentive contracts because the contractors can make more on the incentive clause than he can on the profit of the job.

Williams: My experience with LDs is that they have not been very effective, but to the extent that you have it in here, if you are going to have it in here, it is for a reason and it is not to (inaudible)

Dixon: Alright. We are between a rock and a hard place. It is sort of rough. It is certainly my opinion not to hamstring the contractor or the architect. I want to give you whatever you need to complete the project. I hope that the board that comes after me will do the same.

We have come a long way and the majority of the majority of the population in Gadsden County have said, "We want a hospital." We have thrown around numbers. The last number we put out had to do with what we thought we needed. This number is closer to what we know we need. The next board will meet and hopefully approve that number through a loan or whatever financial tool avails itself to them.

I certainly have not heard any testimony from anyone that says that the \$150,000 that Ajax has asked for is out of the way or under the way. Being that time is important, and along with the words of Mr. Rutherford - simply put, if you pay somebody a fair wage, they generally are incentivized to go ahead and do the job and get it done.

Commissioners, if you don't have anymore questions.

Williams: Mr. Chair, before you vote, if you are going to vote to approve it, I just need to make sure that there are some things that are reconciled legally. I see a disconnect on that page that I was telling

you about.

They have proposed this based on a Notice to Proceed tomorrow. Is that correct?

Smith: Yes, sir.

Williams: But, they don't have an agreed to LD provision. So,

Smith: What we are proposing is that we are going to give ourselves 30 days to either come up with a per day as Mr. Rutherford discussed. Mr. Sexton was worried that without further discussion with you all, and Paul, I don't mean to speak on your behalf, but the actual damage issue. I said, "Let's leave the door open for negotiation. We want to set a ceiling and the floor of where we can start negotiating and hopefully, we can come to something that we can both agree upon within the next 30 days, but we wanted a ceiling that says that this is as much as it will go, now let's work something out between us."

Williams: If you want to do it, a way that would be better, if you have a number that you can live with, then I think you should take it on the terms that the county puts into place.

Smith: O.K. That is fine with me.

Williams: That makes me feel better about the Notice to Proceed. Right now, you have a Notice to Proceed and they could walk away from the contract based upon

Holt: Don't worry, it wasn't going to happen.

Williams: If they want a Notice to Proceed tomorrow, which basically says they've got to execute a contract tomorrow, then they have got to agree that if they want that cap, that the county, in it's discretion, determines what and how those LDs will kick in.

Smith: So, are we going with a cap as a start?



Williams: That is what the chair said was the direction that he was moving in. The board has not voted yet.

What I was saying is if they are recommending a cap, then you should not negotiate how the county wants to impose the LDs. They should give you terms as to how they will impose the LDs at the \$150,000 cap.

Holt: May I Mr. Chair?

So, will that be fair that the county decided? Is he comfortable with the \$150,000.

Dixon: He is comfortable with the \$150,000 cap. What we and the attorney will decide is how they kick in.

Williams: What they are saying is, in their agreement, this document that they gave you, it says that they have a Notice to Proceed for tomorrow. I have said that it is basically impossible for Mr. Lawson to issue a notice to proceed tomorrow because we still don't have a contract because they have unexecuted terms. So, they want to have a \$150,000 cap and still negotiate them on terms, but they want a notice to proceed tomorrow. It cant' happen.

Dixon: Is there a way to make it happen?

Williams: If they need to get started tomorrow, and the other thing that I didn't tell you is that they have so many contingencies in here about performance that the Notice to Proceed would basically create a ripple effect, based on how I see it.

The only way to do this is if they want a Notice to Proceed tomorrow, and they want a \$150,000 cap, then they have to agree by contract that the county will set the terms of how the LDs will apply. They will accept the terms because the county will accept the \$150,000 cap. How it is imposed, how many days is involved, when it starts, that will solely be in the discretion of the county. They get their \$150,000 cap and they

should be able to get the Notice to Proceed tomorrow.

Paul, did I miss anything?

Sexton: Mr. Smith proposed an alternative approach that might have a little more concrete element that has an option in it. It is that there will be an LD provision in there for \$2,000 per day and the county could opt to go for actual damages not to exceed \$150,000. So, it's the county's option to go either daily LDs of \$2,000 or actual damages not to exceed \$150,000. The difference is that with actual damages, you actually have to prove up your damages.

Williams: If you say 30 days at \$2,000, that is \$60,000.

Dixon: You are talking about concept, not the number in it.

Williams: If you accept the concept, you would have a number that would be something like \$6,000 per day. \$4,000 per day would be \$120,000 for 30 days.

Smith: What Mr. Sexton was worried about was that you can't put a number to it if you loose the license. So, that is where we got the \$150,000 cap.

What we are saying is that \$2,000 per day is the liquidated damages. That is typically as Mr. Rutherford stated, that typically covers your interest cost. What I was saying to make Mr. Sexton to feel comfortable, because he was so worried about if we blow the June 21<sup>st</sup> date, there are all kinds of cost that could take place. You are saying that we have got to cover the cost up to \$150,000 if we don't meet that June 21<sup>st</sup> date and it was under my control that it was lost.

Williams: I would say to the commission that I agree with Mr. Rutherford. We have gone so far down this rabbit trail that we are letting the shadows scare us instead of the image of what we are trying to do.

They are supposed to want to get this job done on

time and within budget. This is supposed to be a clause that is in the contract that is not used. It is not a clause that is supposed to be used. There is way too much discussion in my opinion about it.

Now, to the extent that they want a cap and to the extent that this board will entertain a cap, then how the county will impose it should not be an issue for them because they should believe that they are going to get the project done on time, which is what Mr. Smith is saying they are going to do.

My recommendation is that you approve the contract or the GMP as recommended, approve the cap as requested by the construction manager, then let the county come up with the terms and conditions about how they will be imposed.

Then, Mr. Smith and his company, let's hope they do it the right way and this never becomes an issue.

Holt: I have a question right quick.

The difference in the two of them, then I am through with the liquidated damages, the difference in the two amounts means that the commission would have to look at how to make up that difference or the project can be altered to fit the amount that they have.

Dixon: What amounts are you talking about?

Holt: The amount of the construction. The difference between the \$9.75 and the amount that has already been approved for borrowing.

Dixon: Not the \$9.75 million. It hasn't been approved. It is going to be approved at the next meeting. What staff will do in the meantime is go back to the bankers and say, "Short of something being worked out between the architect and the contractor with a new number, that is why, hopefully, I am asking the board to approve something that says "Up to \$9.75 million" so that

they have the leave way to go back and look and take a week before the next board meeting and see if there are other opportunities out there. If there are none, whatever the bankers then say, that is the number they will be working with.

Williams: Mr. Chair and commissioners, one other thing. Since there is, Mr. Rutherford has already pointed out that the substantial completion date is the pivotal date and you've already got a contract that says that date is going to be May 29<sup>th</sup>, 2009, If the contractor is willing to agree that you will determine how you will do the LDs, then what you could vote on is that they will not be imposed any sooner than May 29, 2009. We have already had the discussion that May 29, 2009 is the substantial completion date.

Dixon: Hold that argument. Let's do one thing at the time because I think we are getting our swords crossed.

The first thing before us is the approval of the contract, before we get to the LDs.

Williams: You need to do it in the reverse order.

Dixon: We need to do the LDs first. So, tell us what the motion should be.

Williams: The motion would be that you approve the cap of the LDs at \$150,000 and it would not be imposed any sooner than May 29, 2009 or the substantial completion date, whichever date it is changed to if it is earlier than that, and it would be determined by the county - we will take input from Ajax, but it will not be their decision in terms of how to assess the \$150,000 fee.

Holt: So, the county would set the stipulations on the liquidation damages.

Williams: You would make the assessment on what the per diem is; it would not start any sooner than May 29, 2009; it would be capped at \$150,000.

Dixon: Any questions with the motion out there?

Any around the table?

The chair will entertain.

She was writing it down as he was stating it.

Holt: I was about to say, no later than May 29<sup>th</sup>, but you are saying sooner than May 29<sup>th</sup>.

O.K. Well, that is my motion that we approve the \$150,000 cap.

Dixon: Don't restate it.

We already have it.

Holt: And stop right there. You have it?  
Alright, that is my motion.

Price: Second.

Dixon: We have a motion and a second.

There being no further discussion, all in favor, a sign of, "Aye."

Holt Aye.  
Price  
Dixon

Dixon: Motion is unanimous.

The next issue before us is the approval of the contract including the LDs as previously approved.

Holt: So moved.

Lawson: It is the GMP.

Holt: GMP.

Dixon: Guaranteed Maximum Price up to \$9.75 million.  
In the interim, we hope the architect and the constructors will meet and see if there are cost

savings that can be effective. That is the motion that we all need to hear.

The chair will entertain.

Price: So moved.

Holt: Second.

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

All in favor, sign of, "Aye."

Price Aye.

Holt

Dixon

Dixon: Motion is unanimous.

Lawson: Mr. Chairman, just as a matter of information, we have had some initial discussions with Capital City this afternoon. However, we will have some additional discussion tomorrow for them to consider the additional amount of money that we are going to need. In our initial discussion with Mr. Mayfield, he indicated that this is something that, based on the additional amount that we need, it would have to go before their board. He indicated that they will meet on Thursday. So, we will have additional discussions with him tomorrow concerning what we will need as well as the justification for the additional amount.

Dixon: Ladies and gentlemen, there being no other matters before the board, we stand adjourned.

**ADJOURNMENT**

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

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Eugene Lamb, Chair

ATTEST:

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Muriel Straughn, Deputy Clerk

AT THE REGULAR MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS HELD  
IN AND FOR GADSDEN COUNTY FLORIDA  
ON NOVEMBER 18, 2008, THE  
FOLLOWING PROCEEDINGS WERE HAD,  
VIZ.

**PRESENT:** Eugene Lamb, Chair, District 1  
Doug Croley, Vice-Chair, District 2  
Gene Morgan, District 3  
Brenda Holt, District 4  
Sherry Taylor, District 5  
Thornton Williams, County Attorney  
Marlon Brown, County Manager  
Muriel Straughn, Deputy Clerk

**Call to Order**

Commissioner Lamb called the meeting to order, called for a moment of silent prayer, then, led in pledging allegiance to the U.S. flag.

**AMENDMENTS TO THE AGENDA**

County Manager Brown introduced a number of amendments to the agenda as indicated below:

Delete Item 13 - Public Hearing Approval to Authorize the Chairman or the Chairman's Designee to Close the Loan with Capital City Bank for Interim Financing for the Renovation of Gadsden Community Hospital (to be brought back at a future meeting)

Item 14 Public Hearing - Approval of FY 2008 Close-Out Budget Amendments - additional materials added

Item 17 Title of the agenda item revised to read "Discussion of Gadsden County's Financial Status - materials added.

Item 18 Title of the agenda item revised to read "Overview of Legal Services Performed for Gadsden County - January 2005 - September 2008" and materials added



Item 19 Title revised to read "Discussion of the Gadsden Community License Issue to Include Adoption of Resolution 2008 - 070 - requesting Legislative Extension of the Gadsden Community Hospital

Item 20 Title revised to read, "Discussion of Advertised Special Emergency Meeting of the Gadsden BOCC held on November 10, 2008"

ADD Item 21A - Resolution Pending Action on Interim Financing for the Renovation of Gadsden Community Hospital

Commissioner Holt asked what impact deleting Item 13 would have on the work going on at the hospital. County Manager Brown explained that it was deleted because the amount stated in financing documents was \$6.5 million. That amount has increased to \$9.75 million and the documents need to be changed to reflect the correct amount. He reported that he had received word from Capital City Bank that the increased amount has been approved by the Board of Directors, but the financing documents have not been completed.

Commissioner Holt then asked that all the items dealing with the hospital be moved to follow the "Citizens Requesting to be Heard" agenda. Items 19, 20, & 20-A.

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

**1. Election of Chair and Vice Chair**

Commissioner Holt nominated Commissioner Lamb to be the new chair. Commissioner Croley seconded the nomination.

Commissioner Croley moved that nominations cease.

The board voted 5 - 0 in favor of Commissioner Lamb as the new Chairman of the Board.

Chair Lamb opened the floor for nominations for Vice-Chair.

Commissioner Morgan nominated Commissioner Croley to

be then new Vice-Chair.

Commissioner Holt seconded the nomination.

The board voted 5 - 0, by voice vote, to approve Commissioner Croley as the new Vice-Chair.

**2. Approval and Confirmation of the Appointment of the Growth Management Director**

Mr. Brown introduced Mr. Howard Douglas who was recently appointed by the county manager as the new Growth Management Director.

Mr. Douglas addressed the board and gave them a brief description of his background, which includes a graduate degree from Florida State University in Urban and Regional Planning.

Commissioner Croley called attention to the fact that Mr. Douglas holds a Real Estate Broker and Residential Contractor's License. He asked if he would be putting those licenses into inactive status while employed with Gadsden County.

Mr. Douglas replied, "I will be happy to do that if that would be your wishes, yes."

Commissioner Croley stated, "I think there is the potential for conflict of interest anytime you would be engaged in those two professions in view of the responsibilities that you would be taking on as growth management director."

The board commended Ms. Jeglie for the great job she did as the interim growth management director.

There was applause from the audience.

Commissioner Taylor asked Mr. Douglas if he had any experience in working with municipalities in government.

Mr. Douglas replied that his experience had been at the state level, but, in that role, he had constant interaction with local governments and he developed a close relationship with them. He also stated that he

is familiar with Gadsden County and owns property in Gadsden County.

Commissioner Morgan pointed out that one of the critical skills required in this position would be the ability to deal with the public. He asked, "What is your opinion of your people skills and have you thought about that with the potential of having this position?"

Mr. Douglas replied, "Well, let me say that building cell towers across the southeast for the last 11 years certainly qualifies me to be in a position to where I get into public meetings and community meetings being perceived as the "bad guy." I always conducted myself in a professional manner and I listened to the citizens or the county commissioners or the planning commissioners or whomever I was dealing with and I listened closely and dealt with them in a professional manner. I can do the same thing here. I realize that sometimes people may not necessarily agree with some of the decisions that we have made or they might need a little bit more understanding of why we have made the decisions on those kinds of things. In a public meeting, they come out and that is a good time to talk about it and get things resolved because everybody is here and we can talk about it. I am well versed in dealing with the public and public speaking and in a difficult setting in a public arena."

Commissioner Taylor stated that she wanted to encourage the local talent to apply for the positions such as this one. She commented that she was not certain that she could confirm his appointment at this time. She explained, "It has nothing to do with you. It has to do with my lack of knowledge at this time."

Chair Lamb commented on the great need for the director to have good people skills.

Mr. Douglas closed his remarks by saying, "The way I look at it is that I am here to serve the citizens of Gadsden County. My door will always be open to them to come in, sit down, and talk about issues that they are concerned about. I am willing to listen. If they have a better thought than I do, I am willing to admit that, "Well, you know, you are right, maybe it ought

to be done this way. So, my door is always open and I am here to serve the citizens."

The manager pointed out that there is a probationary period, which is usually about 6 months. He also pointed out the fact that the position is an "at will" position and they serve at the pleasure of the county manager.

Commissioner Croley emphasized that, "All citizens, whatever their station, are to be treated equally and that all are treated consistently fair."

Chair Lamb called for a motion.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO AFFIRM MR. DOUGLAS AS THE NEW GROWTH MANAGEMENT DIRECTOR. COMMISSIONER TAYLOR CAST THE LONE DISSENTING VOTE.

#### CONSENT AGENDA

Commissioner Taylor asked to pull Items 9, 10, 11 and 12 for discussion.

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

3. Approval of Minutes - October 14, 2008

4. Ratification of Approval to Pay County Bills

Accounts Payables Dated: November 7 & 14, 2008

Payroll Dated: November 6, 2008

5. Approval of New Bank Resolutions and Signature Cards for New Chairman

6. Approval to Accept the Victims of Crime (VOCA) Grant Agreement, Number V8214 from the State of Florida, Office of the Attorney General

7. Approval of Resolution #2008-066 and Letter to Governor Crist Requesting that the Florida Legislature Appropriate an Additional \$14.6 Million to Fund the

Anticipated Impact of Amendment 1 in Fiscally  
Constrained Counties in FY 2009-010

8. Approval of Resolution #2008-065; OMB-BA #090007 and  
Acceptance of Donation from the Friends of the Public  
Library

9. ~~Post Approval of Change Order with Cross Construction  
to Provide Air Monitoring and Testing at Gadsden  
Community Hospital~~

This item was pulled from the Consent Agenda for discussion.

10. ~~Post Board Approval of Fire Contracts for Sycamore,  
Concord, and Robertsville Volunteer Fire Departments~~

This item was pulled from the Consent Agenda for discussion.

11. ~~Approval to Award the Concord Road (C.R. 157) Bridge  
Replacement to Murphee Bridge Corporation and  
Authorization for the Chairman to Execute the  
Agreement~~

This item was pulled from the Consent Agenda for discussion.

12. ~~Approval of Award of Bid to Peavy and Son Construction  
Co., Inc. for Resurfacing of Clark Road through a  
Small County Outreach Program Grant~~

This item was pulled from the Consent Agenda for discussion.

CONSENT ITEMS PULLED FOR DISCUSSION

9. ~~Post Approval of Change Order with Cross Construction  
to Provide Air Monitoring and Testing at Gadsden  
Community Hospital~~

In response to questions from Commission Taylor, the manager explained that the County contracted with Cross Construction Company for \$250,000 to do the mold and asbestos abatement at Gadsden Community Hospital in preparation for the new construction and renovation

that is to follow. As a requirement from state agencies, the air had to be monitored and certified before occupancy can be allowed, particularly Urgent Care, which must be relocated to another section of the hospital. The air monitoring was not originally a part of the scope of services to be rendered by Cross Construction. They have secured the services of Southern Earth Science to do the testing, monitoring and certification required. The amount of the change order is \$54,250.

Mr. Spencer Bowen explained that Cross Construction was contracted to identify and remove the hazardous materials from the building. When dealing with such hazardous materials, continuing monitoring is required. In addition, there must be documented evidence that the abatement was done according to the OSHA standards and AHCA standards and that no cross contamination occurred. In order to get that documented evidence, it was necessary to engage the air monitoring services, which was not originally in the contracted price with Cross Construction.

Commissioner Croley stated he visited the hospital and spoke with someone from Cross Construction. He voiced concerns that the air monitoring was not included in the proposal in light of the fact that it is required.

Mr. Bowens stated that architect prepared the bid documents and the air monitoring was not a part of the bid specs.

Commissioner Croley asked if the manager had discussed the matter with Clemons Rutherford.

Mr. Brown answered, "Commissioner, this is one that I will admit slipped through the staff and the architect in terms of making sure that we had a complete package - one for the demolition and abatement and one for the continued monitoring. Obviously, Commissioners, if you are going to clean a facility and abate it for mold and mildew, there has to be a monitoring after that. It was not included in the original bid. It slipped us and that is the reason you have this before you this evening."

Commissioner Croley asked, "Would you be willing to

ask the architectural firm to see if they want to step up and cover for their mistake?"

Commissioner Holt stated, "It is very important that I would want another company monitoring the abatement. You do not really want the same company monitoring the abatement because, if they did not do their job, someone needs to check on them. This is the easiest way to get shut done. If that abatement is not done properly, it is not monitored properly, and you do open the hospital and the people start getting sick - that is not something you want. Therefore, we chose this construction company for the abatement, but we should not choose the same company to do the monitoring. We got the lowest company, so you saved money there. Nevertheless, you would not want that same company to monitor its own work. It would be like the fox watching the hen house."

Commissioner Croley agreed with Commissioner Holt in that it would be a better idea to have the monitoring done by a separate entity. However, he pointed out that the change order is for the same company.

Commissioner Morgan agreed with both the other commissioners. He said, "It is something that we should have addressed before now. This change order increases the price of this contract 25%. It is not as if it is \$5,000. We are talking about \$54,000. It seems like every time we sit down to discuss different items associated with this project, it just seems like there is no lid on the cost. It is a bit of concern to me and I think that we might want to - however, this needs to be done, but I just don't think the county needs to pick up the tab on this one."

Mr. Brown explained, "We would have brought before this board a request to have a company to do the monitoring regardless. We asked Cross to put this under their contract since they are doing the abatement so that it would be seamless. We would have come to you after Cross had done their work to say, "O.K., we need someone to monitor this." Southeast Services, whether we went through the bid process or we did not go through a bid process, we would have had to do this anyway. We just asked Cross to do this as a part of their contract. Hence, you have the change

order.

We do not have to tie this to Cross's contract. We could come to you independently of that and ask you to hire a monitoring company. One of the problems is that by having Southeast under Cross it speeded the process because Cross is already there dealing with the demolition and they are doing the work. Southeast is already doing the monitoring to make sure that the air ducts are clean and comply with OSHA and AHCA standards. This is, and again, Commissioners, I apologize because this is just a way to get this done expeditiously and have Cross put it under their contract instead of coming to you with 3 different bids."

Commissioner Holt stated that she did not want anything to happen to delay the process of getting the hospital re-opened. She reiterated that the monitoring and abatement must continue without interruption.

Mr. Bowens stated, "They are monitoring right along. The important thing about continual monitoring was because of the decision made by the board to continue the Urgent Care Services. We have to monitor that continuously to make sure there is clean air."

Commissioner Taylor reiterated that a \$54,000 contract should have gone to bid. However, because this project is so time sensitive, the normal process could be remedied.

Commissioner Croley stated that he did not like the way it was handled, but because the project must move forward, he felt it would be appropriate to approve the change order, but with the expectation that this kind of action would not be necessary in the future.

Commissioner Taylor asked for the breakdown of the \$54,000.

Mr. Bowen said that he would provide that information to the commissioner.

**UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY  
COMMISSIONER CROLEY, THE BOARD VOTED 4 - 1 TO TABLE**



**THIS ITEM UNTIL DECEMBER 2, 2008. COMMISSIONER HOLT CAST THE LONE DISSENTING VOTE.**

Commissioner Holt cautioned that the monitoring could not cease because there are patients coming in and out of that building everyday.

It was clarified for the record that it was the board's desire for the work to continue, but the board wanted more information and detail about the contract itself.

If the vendor is not comfortable with continuing the work without the contract approved, the manager was instructed to bring the matter back to the board to address it quickly.

**10. Post Board Approval of 2008 Fire Service Contracts for Sycamore, Concord, and Robertsville Volunteer Fire Departments**

Commissioner Taylor questioned why the fire service contracts were being brought forward for "post approval" after the year had ended.

EMS Director Brian Beasley explained that years ago fire service agreements were put into place as the fire departments came into being. There was no uniformity in the terms of the agreements or the expiration dates. Some were for multiple years while others were not.

He went on to say that in an effort to bring uniformity to the process, the board directed a couple of years ago to amend the contracts to bring all of them to the same expiration date - September 30, 2008. It was also directed that the contracts themselves be uniform in structure. Most of the service agreements were brought to the board at that time for approval. It was not apparent why the above named contracts were not a part of that overall amendment and approval cycle. However, because fire services are considered a public safety operation, the services were continued on a month to month basis even though there was not an contract in place to cover those months of operation. Staff did not realize the former contract date had expired until it came time for those departments to

receive their year-end draw from the Clerk. The Clerk was reluctant to issue their draw without an approved and signed contract in place. For that reason, the contracts were being presented for post approval so that the Clerk would have the necessary authority by which to release the funds for FY ending September 30, 2008.

Commissioner Taylor then raised a question about the value of equipment for purposes of inventory. Following some discussion, there was agreement among the board to reduce the amount in section 7 of the contract from \$5,000 to \$1,000.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY , THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE CONCORD, SYCAMORE AND ROBERTSVILLE FIRE SERVICES AGREEMENT NAMED ABOVE, BUT TO AMEND SECTION 7 OF ALL ACTIVE CONTRACTS REDUCING THE AMOUNT FROM \$5,000 TO \$1,000.

**11. Approval to Award the Concord Road (CR 157) Bridge Replacement to Murphree Bridge Corporation and Authorization for the Chairman to Execute the Agreement**

Public Works Director Robert Presnell addressed the board saying that this agenda seeks Board approval to award the complete replacement of the bridge on Concord Road (CR 157) to Murphree Bridge Corporation for \$495,000. He went on to say that the Public Works FY 2008-09 Budget provides for \$400,000 in funding. However, the lowest bid was for \$495,000. If the Board should approve the bid award, it would be necessary to transfer \$95,000 from the Transportation Reserve Fund to this project.

Commissioner Taylor asked if the \$95,000 that are in the Transportation Reserves had been earmarked for anything else to which Mr. Presnell answered, "No."

Commissioner Croley stated that the cost of this particular bridge replacement is a good indication of the costs of the upcoming bridge repairs.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY

COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE BID AWARD TO MURPHREE BRIDGE CORPORATION; AUTHORIZE THE CHAIRMAN TO EXECUTE THE AGREEMENT, AND TO APPROVE THE TRANSFER OF \$95,000 FROM TRANSPORTATION RESERVES TO THIS PROJECT.

**12. Approval of Award of Bid to Peavy and Son Construction Co., Inc. for Resurfacing of Clark Road through a Small County Outreach Program Grant (SCOP)**

Public Works Director Robert Presnell explained that the county has an opportunity each year to submit an application for state funding for a resurfacing project. It is through the Small County Outreach Program. The board approved the application for these funds to resurface Audie Clark and Edwin Clark Roads. After notification of the grant award, the project was designed and the RFP was advertised. The low bidder was Peavy and Son Construction for \$542,404.44.

There was some discussion regarding the up and down changes to the price of asphalt over the last two years and the affect on the road paving contracts. The prices are dropping at this point, which will be a great benefit to the county.

Commissioner Holt reported that the state is looking at not funding the SCOP grants because of the state budget cuts. She implored the commissioners to lobby the Legislature to keep the program.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE OPTION 1 - AWARD THE BID TO PEAVY AND SON AND AUTHORIZE THE CHAIRMAN'S SIGNATURE ON THE AGREEMENT.

**CITIZENS REQUESTING TO BE HEARD**

**Bill Law, President of Tallahassee Community College Regarding Year-In-Review 2008 and Quick Job Training for Displaced Workers**

President Law addressed the board saying that TCC is very proud of their partnership with Gadsden County and they are concerned about the loss of the 500 jobs associated with the closing of Quincy Farms recently.

He explained a variety of programs that they can offer that would train displaced workers to regain employment quickly. The classes will be in English as well as Spanish. He said they were offering the training at no cost to Gadsden County.

Chairman Lamb praised Dr. Law and the work they have done for Gadsden County. He then recognized Mr. Bill Hebrock, member of the TCC Board of Trustees, who was also present.

All the board members thanked TCC for stepping forward to help at a time when "things aren't looking good."

Dr. Law commented that he would be back as things begin to unfold.

#### **CITIZENS REQUESTING TO BE HEARD**

##### **Joseph Moore 4706 Mt. Pleasant Road, Quincy, FL**

Mr. Moore approached the board about the zoning on his property (AG2). He said that he owns three acres and wanted to put some mobile homes on it for his children. However, upon inquiring about permits, he discovered that the county code would only allow him to have one.

Mr. Moore was referred to Ms. Jill Jeglie, of the Growth Management Department.

Commissioner Taylor stated that it appears that Mr. Moore already knows the rules that apply to his property, but he is asking for help. She also stated that she is interested in changing the rule to help the owner retain the right to do whatever he wants to with his land.

#### **19. Discussion of Gadsden Community Hospital License Issue to Include Adoption of Resolution Number 2008-070 - A Resolution of the Gadsden County Board of County Commissioners Concerning Request for a Legislative Extension on the License for Gadsden Community Hospital**

Lamb: Let us start with Number 19.

Brown: Commissioners, Item Number 19 is a discussion of the Gadsden Community Hospital License issue to include adoption of Resolution No. 2008-070 - a resolution of the Gadsden County Board of County Commissioners concerning a request for a legislative extension on the license for Gadsden Community Hospital.

This was requested by Commissioner Croley. Just as background, this is a resolution that is requesting the Legislature extend or consider extending the expiration date for our license. As you may be aware, the license is due to expire June 21<sup>st</sup>, 2009. We are trying to get the Rural Emergency Facility constructed before that time. However, that is a very constraining time. So, at the request of Commissioner Croley and this was also supported by the Gadsden Hospital Inc. Board who had a meeting last night. They are supporting this request for this extension. We have the resolution, which has been included in your agenda - requesting that the Legislature extend the license.

The Hospital Board recommended that the Board consider making that extension 24 months.

Williams: Mr. Chair and Commissioners, what I was going to suggest to you - if you go to page 4 of 5 of the resolution, the timeframe is outlined in Subsection D. As background, I believe you just got this today, but the resolution gives us the chronology of what happened with the hospital and why we have a timeframe that is constrained and the concern about whether the hospital can be opened by June 21<sup>st</sup>, 2009.

The reason that you all are doing the resolution, and this is for the new commissioners, is that if the hospital is not opened on June 21<sup>st</sup>, 2009, you will permanently lose the license. If you permanently lose the license, it will be two years probably, at a minimum, before you can get a hospital back in Gadsden County.

Therefore, this is a band-aid that Commissioner Croley wanted to put into place to give the county options to get the Legislature to put this into place.

I believe the manager's goal is to still go forward to get the hospital open by this date. But, if for some reason, there were unforeseen circumstances involving the hospital, (as it has been pointed out earlier, it seems to happen more than we would want it to), you wanted to have options. So, this is an option presented outlining what the problems are that have gotten you to this point. You want the Legislature to consider that, and then provide for an extension.

That leads up to the actual statements within the resolution. If you go to page 4 of 5, Subsection D, about three lines down, they ask for an extension of 18 months.

I had the same concern as outlined by the manager and the board. My recommendation to you is - Instead of doing a hard date, do a request from the Legislature for a minimum of 18 months. The problem you have with a hard date is as you vet the process when you deal with AHCA, there may be concerns that are unique to the county as it relates to doing this. They may ask for more time. So, you do not want to do a resolution that actually restricts their flexibility to give you the time that they think you need.

So, the recommendation that (which is the same as the board, but a little bit more flexible, I think) is to modify line 3. After the words "license for eighteen," in between "for" and "eighteen," put in a "minimum of." That is the resolution. It has no fiscal impact. It does not do anything negative for the county. It just shows a concerted front from the board that you are requesting the Legislature to come in and give you additional time so that you do not lose the license. If you lose the license, you are two to three years without the hospital.

Lamb: Thank you.

Brown: Commissioners, there is some other information that is in the item that was also requested by Commissioner Croley. Why don't you go ahead and take action on the resolution, then come back to the item so we can fully address what information is in here.

Commissioner Croley, I do not know what your pleasure is in this.

Lamb: Mr. Croley?

Croley: Thank you, Mr. Chair. I did ask that this item be agenda and that this resolution be prepared by the attorney and I wish to thank his office for doing so.

I do not know that we had, at the time of our conversation, any specific number of months extension, but I do agree that the minimum of 18 months sounds well in the resolution.

I also had some conversation with some of the legislative delegation and I think that we will find some support there as well as conversation with Mr. Chris Doolin and his staff, our legislative lobbyist.

I am going to ask you to please support this because one of the problems we are running into is having a gun to our heads, so to speak, with this timeframe. It is causing us to have to make hasty decisions that often times may not always be the best if we had more time to reflect on them.

Mr. Chair, if I may, I see the Chair of the Hospital Board back there and I would like Mr. Craig McMillan to come up to the podium and maybe make a comment about the board's feelings on the appropriateness of this resolution.

Lamb: O.K.

McMillan: Good evening.

Lamb: State your name and address for the record, please.

McMillan: Craig McMillan, 2678 Luten Road, Quincy.

I appreciate you asking me to come and speak to this before you do the resolution. I think Marlon, the manager, spoke that our request was that you change the 18 months to 24 months. The thinking behind that was - one of our board members, Fred Dudley who is an Ex-State Senator and a lobbyist, thought if we would do it for the 24 months, it would put us into the legislative cycle. Doing it at 18 would throw it down to January 2010. That is why we thought 24 months was a better number for you. It is just up to you as to whether you want to do that.

Williams: Mr. Chair, if I may respond?

You have one cycle. With all due respect, for Senator Dudley, he is a friend, but you have one cycle. If you do not make it in this cycle, you have a problem and it goes away and there is nothing that you can do with it. You can do 24, but you really are looking at about whatever it gets you between now and April of next year. That really is your only cycle.

McMillan: I do not think, and I am not trying to put words into Senator Dudley's mouth, but I think that what he was talking about was if there are things that come up during that period, that it would give you another cycle. We realize that if you do not get this passed in this next legislative session, it is a mute point.

Williams: 24 or 18 doesn't matter. The issue that I want the board to be aware of is that you have other players involved. My issue is more about giving general direction to the Legislature because you are asking for permission here. You also have AHCA in play and you are asking them to cooperate. I do not think that it is in the best interest to give a hard number. So, if you want



to do 24 months, my recommendation is still just to put "a minimum of" in the language.

McMillan: We do not disagree with that at all.

That was our request, but as far as the numbers, it was 24.

Croley: In terms of trying to push this forward to give us that additional time, is the board strongly supportive?

McMillan: Absolutely. We think, you know, I have personally been dealing with this since 2002. Now, that is long enough. We need a facility. We want to see it moved forward as expeditiously as we can. I will be here longer if you have any other questions.

Croley: We probably will have more questions, so you might want to sit up front.

Mr. Attorney, if we could do a minimum of 24 as suggested, will that accomplish what you said?

Williams: That will accomplish it and if someone makes a motion to do that and then if you will authorize the chair to execute it with the amendments to it, I think that takes care of the resolution for me.

Croley: There may be other discussion.

Holt: I know people are hearing this and I want to make sure that they understand what we are talking about. You will also have opportunity to have input into these issues. So, it is your hospital and you will have an opportunity to come up and speak to the issue. You don't have to be on a board or a committee to do that.

But, in this particular instance, we are not trying to slow down the hospital re-opening. It is a good idea to request an extension, but we will not stop playing football, we do not drop the ball, we will continue working just as we are working now to get the hospital open. But, this

extension will give us more time to make sure, if we happen not to meet the deadline. But, it is not my intention and I am sure it is not the intention of the members of this board, to slow down the work on the hospital. It has to be open June 9<sup>th</sup> if we do not get that extension.

So, Mr. Chairman, if it is o.k., if there is anyone who would like to speak to this issue, they can come up and speak. That way, they are not sitting here for nothing.

Lamb: Is there anyone who would like to say something concerning this issue, they can. If not, we are going to proceed with the motion.

Taylor: Mr. Chair?

Morgan: Mr. Chairman, I had a comment as well. Very briefly, I would like to take just a minute. I have been to a couple of the meetings with the board members. I know that Mr. McMillan is here and there may be others, but this has been an issue that these citizens serve on a voluntary basis on these boards as well as the citizens committee have dealt with for a number, - some of them as Mr. McMillan indicated, for five or six years. A long time. I would really like them to know that we appreciate the time that they have put into this. I have heard in the meetings that I have attended, some very good questions asked and I think that we should be very appreciative of their service.

I cannot imagine that when they offered to do this that they would think that they would be in these discussions for this length of time. So, we certainly appreciate your service to the community.

Croley: **Mr. Chair, I would like to go ahead and move the resolution and in an appropriate form your signature**

**Williams: With a minimum of 24 months**

Croley: With a minimum of 24 months and that would be my motion.

Morgan: I second it.

Lamb: It has been moved and properly seconded that we move this particular motion with a minimum of 24 months.

Are there any questions?

(no response)

Are we ready to vote?

All in favor let it be known by a sign of, "Aye."

Croley

Morgan

Holt

Taylor

Lamb: Aye.

Lamb: The "Ayes" have it.

Thank you.

Brown: Commissioners, if I may?

Commissioner Croley, do you want to go through the order?

Croley: Well, let me state my motive for doing so and then if the commissioners have questions or the public have questions, it is a good opportunity for them to ask them.

I had asked that this item be agendaed, Mr. Chair, regarding the hospital license so that the new commissioners would have an opportunity to know what was going on and what the history had been of the hospital and have some background. It would also give an opportunity for this information to be shared with the news media as well as the general public.

The questions and the time frames that have been provided by your office as well as the attorney, gives us a very precise summary of where this situation started and where it is to date as well as a copy of the proforma, the operating proforma, that had been provided and approved by the board in the past.

I don't really have a lot of questions, myself, Mr. Chair, but I think that we need to hear from any of the other commissioners and the public in my humble opinion.

Lamb: Mr. Manager, do you have anything to add to that?

Brown: Again, commissioners, we will be available if you all have any questions tonight. I will be happy to answer any questions with regard to the license. How this all came into being. I will tell you that there is a number out there in terms of construction, cost of the hospital is included in the agenda item. I met with the architects today and the construction manager. We are working diligently to get that number down as much as possible. We will be looking at different aspects of the plan and different operational aspects of the rural emergency facility. I think we have a mandate from the hospital board, as well, to do that. So, we will be working within the next two weeks to get that number down as much as possible and bring that back to you for your approval.

On the good news side, we, as I mentioned earlier, we got approval from Capital City Bank for the additional money that we requested. The \$9.75 million. My hope is that we will not have to use all of that. But, again, we will do our best to go back and whittle that down where everyone understands that number, how we arrived at that number and what code requirements are required as to the reasons that the number went up.

So, we will get back to you on that, hopefully, by the beginning of next week.

Lamb: Mr. McMillan do you have anything to add.

McMillan: I would have a question.

First of all, last night was the first time that we have looked and seen the \$9.75 million, so we were a little bit concerned, which I am sure you are, all of a sudden, we've got a about a 30% increase in cost. A couple of months ago, we had a joint meeting of our board with the citizens committee and the architect happened to be there. I asked at that time, "Do you feel comfortable with the numbers?" At that time, it was \$7.5 million. He said that yes, he did, he felt very comfortable with them.

Now, we are up to \$9.75 million. Something that we also found out last night - that doesn't include the architect fees which I think can approach over \$800,000. And so, you got money from the bank to do the \$9.75. Who is going to pay the other \$800,000? Where is that coming from? We've got real questions.

Brown: Again, all those issues will be brought back to you, in terms of those numbers and we will work to bring those numbers down to something that you understand what the architectural costs are, what the cost of the construction of the facility, what the cost of doing the clinic, doing the rehab, the relocation of the Urgent Care Center, the roof - you will have a detailed breakdown by the time we have done the cost for the facility, then we will know where to go from there.

Lamb: Is the architect here tonight?

Brown: No, they are not here tonight, nor the construction manager.

Morgan: Mr. Manager, in your estimation regarding where we are now regarding this project, what would you have to estimate the total, based on what Mr. McMillan is speaking of, as well - Where are we right now? Ball park?

Brown: If we were to use the \$9.75 million, again, we know that there are equipment cost out there that we have estimated to be about \$2.5 million. So, we are looking at about, I would guess about the \$12 million range in terms if you use the \$9.75. \$12 million range for the facility in terms of the construction cost.

Morgan: I think it is important just to re-emphasize that we are in at project that we were at \$6.5 million at one time. At time that we selected our construction manager, we were under the impression that it was a \$7.5 million project.

Brown: Right.

Morgan: Now, we are just saying tonight, in as far as what we are looking at, roughly these figures. I believe, if I am not mistaken, in addition to the architect's fees, the management fees at 5.5% is also going to have to something that will be added on top of that number. Is that correct?

Brown: That was included in the \$9.75 million. Yes, that is in the \$9.75 million.

Morgan: Are there any other fees that are not included in there that the public needs to be aware of? Because when I do the math, I am coming up with between \$13 and \$15 million.

Brown: Commissioner, everything that we have asked the construction manager to do is to absorb within that \$9.75 million all of the other costs associated with the facility. The roofs, we have the abatement cost in this, - no, not the abatement cost, but the roof is in there as well as, you know, as I mentioned to you some of the other fees including the profit, etc.

And Commissioners, let me clarify that \$6.5 million. If you recall back in May, what we brought to you was a schematic. The architect at that time had not done a detailed analysis and we gave you a schematic and an estimate of \$6.5 million. As we have worked and proceeded to

really detail the plans and provide some specificity, obviously, the cost has been increased. You have equipment cost, you have retainage cost in there. When the architect met with you, yes, he came with the \$7.5 million. When AHCA came in and did their review and requested some additional items to be in there, that continued to drive the cost up.

Commissioner, just like you, I am concerned about the \$9.75 million as well. I am going to make sure that the "I's" are dotted and the "t's" are crossed and when I come back to you, I am coming back to you with the architect in hand, with the construction manager in hand, with whomever I need to bring in hand, so that we stand before you, each one of them can tell you the reason the number is what it is. When I come back to you, I will come with a number that you can either approve or not approve. Then we can do whatever the board directs us to do.

Lamb: Before I yield to Commissioner Taylor, remember that the contract said that we could go to the second bidder if we cannot reach agreement with the first bidder. I want to make sure that the public knows that. And I believe that when we first bid it, it was \$6.5 million even coming from the bidder that did not receive the bid. So, the person, I believe that Childers Construction said they could build it for \$6.5 million.

We want to make sure that we cover all the angles here and make sure that we keep the people that are going to give us the best deal for where we are trying to go here in Gadsden County.

Brown: And Commissioners, if Childers Construction could build it for \$6.5 the way we have it designed right now, I would take it today.

Lamb: O.K. Commissioner Taylor.

Taylor: Mr. Manager, I don't know how much of this we need to discuss tonight because from my understanding, you have pulled this item as far

as the hospital and the cost and Ajax and all else. It is to be discussed at a later time. Am I correct?

Lamb: Right.

Holt: But, not this part.

Croley: The bonding, Commissioner Taylor.

Taylor: Well, explain a little bit more so that

Brown: The financing for the hospital - \$9.75 million - that is what has been taken off the agenda for this evening.

Taylor: O.K.

Croley: Mr. Chair and Mr. Manager, may I just say that it was because it was advertised at too low a figure, is that right?

Williams: That is correct. The bond counsel has informed us that for the board to - you could discuss it, but you could not vote on it because the number was not consistent with what the construction manager came back to you for. So, with that being said, it was not good use of your time unless you could discuss it and actually vote on the number.

Taylor: O.K. Let me finish then.

I am on point, now. Let me finish.

A couple of things. I try to be resourceful in finding out as much information as I can on an issue. Obviously, I am not in construction, but, I do know folks that are. In looking at the amount and looking at the booklet that was given to support the amount that is being cut by Ajax. It seems if there are areas that can be cut, based on the information that I've got. For example, the electrical work and the plumbing work. Electrical - \$1.8 mill. Is that to do with the entire hospital? I understood that two wings won't be touched at all in this process.



Then I read somewhere where the clinic and some other area will be roughed in. So, it is not really complete renovation of the hospital, but only portions. You've got \$1.8 million. That is one question.

Plumbing - \$2.5 mill. Again, limited space area. Are they replacing the entire plumbing system or are we bringing the plumbing system up to code. Those are my areas of concern.

Where are these companies coming from. I hope they are local. I hope we have a local electrical company and plumbing company because we've got folks who need jobs.

I have a lot of questions. I will not support \$9.75 million. I will not support it. I think what we should do - it is just my opinion and I am just one commissioner - is that we should with the different specs that Ajax has only had privilege to from my understanding, there are different specs on the table now?

Brown: Correct.

Taylor: Then we should maybe put this thing back out there and give the bidders a 10-day window to come back and see if we can beat this price. Because we are asking the tax payers to pay out quite a bit of money.

Brown: Commissioner, if I may?

Lamb: Mr. Manager.

Brown: Commissioner, what we are doing right now, even though there is a number out there, we now have 100% design plans. So, the architect and the construction manager are working together, as I mentioned, we actually met with them today to get those numbers down.

I request that the board hold off, and again, I don't know if you can action tonight on the commissioner's request, but hold up and let's see what the construction manager and the architect

comes back with. Remember, the architect is also going to provide you with an estimate in terms of what it will cost. So, if the architects estimate and Ajax estimate is close or the same number, Commissioners, I can only advise that we are not going to find someone lower than that. Remember also that we are dealing with a guaranteed maximum price type contract, which requires the construction manager to have their subs under them. So, to pull those out and have those bid differently, I would have to ask the attorney what the impact of that would be given that you already have a signed contract with the construction manager.

Commissioner Lamb, Chairman Lamb, I would say to you that you are correct. If we can't come to an agreement with the number 1 approved construction manager, then we have the ability to go to number 2 and see if they can provide the same thing that is better.

Lamb: Before the attorney comes back, I think Mr. Cook wanted to have something to say on this item. State your name and address, Mr. Cook.

Cook: Finley Cook, 405 North 14<sup>th</sup> St, Quincy, FL., a life long resident of Gadsden County.

I have been listening to what is going on here,

Williams: Mr. Cook, before you start, you are coming in a personal capacity here tonight, correct?

Cook: Always.

Williams: All right.

Cook: Actually, I have the full county tax payers behind me in the capacity that I speak today, if they want me to represent them. I have been in the construction business for over 28 years. I am a life long resident of Gadsden County. I have never seen a botched up proposal as bad as this one has been. The only thing I ever want our county to do is to do something that is fair.

This process was not fair. It seems like that for the last two months, the only thing we have been trying to do is get this construction manager under contract even though we knew that we had a newly elected board.

Then we found out, and as the tax payers, and I am looking at everybody in this room that are tax payers in this community that we are paying probably \$2.5 million more than what it can actually be done for. That is the capacity that I am in tonight. I looked at the full GMP at \$9.75 million and I think that we are getting taken to the cleaners.

I know that the committee, I know that the first time around, I was asked to bid on this work. I submitted my proposal. There were three people. There was Cook Brothers Inc.. There was Ajax Construction and Childers Construction. The committee sat there and recommended Childers. The board decided to give it to Ajax. There was something wrong with that when they come with a \$9.75 million budget. The current one that they had selected previously was at \$6.5.

It is kind of like Mr. Brown said earlier. Give the guy a chance. You said \$6.5. Maybe take this thing for one more week. You have already been going on this thing for two months, now. The whole thing to me, kind of smells. The best way to do it, if we can get this extension, that will be the easiest thing to do to make sure that the process is right. Wash this thing clean and move forward. It seems to me that since we have a lobbyist for this county, that he should have been this last year lobbying the legislators and AHCA to make sure that we got that extension. Instead, I think he was more concerned about the political action committee to run this referendum and get it passed. That is our lobbyist and I think there might be some violations in him because he is not a resident or in this community at all. So, there are some concerns there. They concern me, as a tax payer and I am looking at everybody who pays taxes in this community. It should be a concern to them.

Do we want this hospital? Yes, we do. I will tell you. If it was voted by the voters, then that what the will of this government should do. Now should we do it right? Yes, we should. And right is to sit there and clean what has already been done and do over because you've got the time to do it if you want to. Now, I can sit there and go through the details of the GMP. Like I said, I have done this plenty of times. I am not a man that comes up here all the time. I am a part of my community and I want to give back to my community. This is what we need to do. I don't think the taxpayers of this community should be burdened with things that we shouldn't have to pay for. That is what I look at in that full budget that I saw.. If ya'll have any questions, or if you want to ask me anything in detail about, I will give ya'll the answers. I think that if we get this extension, it will save millions and millions of dollars of our citizens that needs to be going into their pockets so they can support themselves and not some firm from Gainesville, not some firm from Jacksonville.

Thank you.

Holt: Mr. Chairman. Comment.

The \$1.6 million was for a sketch. That is basically what it was for. For those items came back before this board, we voted on other things that we wanted to include in there. The atrium to be redone, to make that part of the hospital. To move the emergency room to the other side. So, we can't sit here and say what we don't know.

If anyone had been in this room, and they went through all those meetings when we sat here and said, "We want this done. We want the emergency room moved. That was extra cost." No company is going to do all that extra work on the other end over where labor and delivery is and move that emergency room so we can keep it open and not charge you. It has to be abated in order for you to get to move that part over there. So, this is not something that was done in the blind as it is

being pretended to be among some people in this room.

This was done in the full public and known to the citizens in the county. My concern is this - I didn't like the \$9.75 million. They can tell you I talked about that. I talked to Ajax about it. I will talk to anyone about it and try to get it down. But, this is not something that was done that if we had gone with the original design we would have been able to stay within the \$6.5 million. But, we wanted to put some other entities in there that would make money. If we put a heart- What was it, Mr. Manager - some people wanted to lease parts of the hospital. In order for us to renovate those parts and get people in there, then we could make some money to help keep the hospital open, we had to go and fix up those parts. So, we went from one part of that hospital to the other to see how we could help support it. Once it is opened and people don't have any money and they come in we have to service them anyway, then someone has to pay for it. How do we pay for it especially when you are looking a lay-offs. We have to lease those parts of the hospital out. If you are not making money, you are losing money in America. That is the only way it works.

So, how do we do that? Do we want to close down the Urgent Care? No. The commission said, "No, move it." If you will notice, when people get sick, they need a hospital. They didn't say, "Close it." I have people asking me and I am sure they talk to you if you read the papers. If you close it, where are they going to go?

Now, we have to go back and clean out that part of the old labor and delivery part, abate that and move that section over to the other end. We said, "What about moving it into the Health Department, moving it down there?" Then they said they couldn't do X-Rays and all of this. So, this is a cost to do that. Do I like the numbers? No. I don't like the numbers at all.

I even asked for an extension. Someone mentioned

it to me the other day. I asked at the Legislature last Wednesday - some of the legislators for an extension. So, this is nothing new. I want the extension. But, until that day, we must work by that deadline. The gross maximum price is the maximum that they will charge for the new design. O.K. But, that means you work downward from that. It doesn't mean we are going to give you \$9.75 million. That wouldn't be logical at all. But, if you had been at the other meeting, you would have heard that because we said that in that emergency meeting. Wait a minute now, do you realize, an Ajax representative stood up at that podium and we questioned him for quite a long time saying that is not what we were looking at. We spoke with the engineer, did we not, Mr. Manager. And the engineer said, "Well, I was thinking, you know what we were looking at was a different scheme, then we included this and then the price has to be looked at." That is what you have to do.

You cannot stop this project and meet that June deadline. Now, we can either work it down or get on another horse and start riding. You can ride this horse or you can ride another horse as long as we don't miss the deadline. So, if this company doesn't work out, we will move to the second company as we agreed. If that is possible to do.

But, we have not been approved for the extension yet. We cannot stop working until we get the extension. Because if we don't, you are not going to have the hospital. There are rumors already out there about lawsuits, so let's look at this and look at it logically.

We have a time line and we have to beat the time line. Now, if the legislators decide to do this and give us the extension, we still have to deal with AHCA. AHCA came in and said you will have to do this, this, this and this. That increased the price also. So, whoever is doing it, we need to hurry up. Don't say, "I am not going to vote for this and stop the work on the hospital because I am serious, you are going to receive a lawsuit."

We are going to be sued by citizens. They are already in the process.

Thank you, Mr. Chairman. I am sure it is O.K.

McMillan: Just one last comment from the hospital board. Our concern all along has been that you look at - We don't care what the numbers are, well, we do care what the numbers look like - we do want you to look at the numbers and what the true numbers are and what the true - you know - it would be great if we had the luxury of saying, "I am for the hospital." And left it at that because I am and I have been dedicated to it for six years. I have used that hospital when it was opened before and it has been great. So, it is not that we are not for the hospital. But, we can't stop with, "I am for the hospital." We have to go deeper. Your charge to us as a hospital board is to figure out how to operate this hospital. And operate this hospital the most efficiently that we can.

You are the ones who have to come up with the money. It is above my pay grade to make those decisions. That is ya'll. All I want ya'll to do is to look at the true numbers.

I get concerned that we have seen the hospital pricing go up, yet, we are seeing equipment costs come down. I am looking at a memo in September that said equipment cost was going to be \$3 million. Now, you are saying that they are going to be \$2.5 million. I don't believe that our equipment costs are coming down to be honest with you. If anything, they will go up.

We found out last night about the architect fees that is going to be added on. I did some quick math, and I am not an accountant, but I came up with the equipment cost, the architectural fees, and the cost of construction as it is currently set (realizing that is the maximum amount) that is \$13,578,000 before we open the doors.

I worry about the debt service. The debt service - if we were to do the construction portion of it at the 30 years @ 4.5%, as has been suggested would happen, that is \$643,000 annually for the cost of construction. The equipment, itself - and I used 10 years to amortize it for, but I don't think you can get 10 years worth of financing on equipment - , but if you did, at the same interest rate, that would be another \$373,000 per year. So, we're talking about just debt service, never opening the door, of a \$1,016,000 per year. You've got to figure out where that money is coming from. That is ya'll job, not mine.

We've been looking at things regarding leasing and we have had contact with people who want to lease the hospital. But, saying they want to and actually paying are two different things. There has been some interest by some people to come in and use some beds and they were going to pay us a handsome sum to do that. But, that means you've actually got to open up that part of the hospital that was going to be moth-balled. So, those are going to increase the cost.

We also have not spoken to the fact that we are going to have to have start up money. There will be a period of time that will be lag time between the hospital opening and us receiving revenue to pay utilities, supplies, salaries. That is a sizeable amount of money. There were some figures that were thrown out before. I am not going to use them because I am afraid they have changed, too. What I am saying is that as bad as the numbers are, let's look at the true numbers and make an intelligent decision.

Right now, we have been piece-milling numbers and those numbers keep changing. So, my real concern as a hospital board, is that we be realistic about it and we will do everything in our power to carry out everything that ya'll want.

Lamb: I think I had another citizen with comments.

Hawkins: I just have a couple of comments.



Lamb: State your name and address, please.

Hawkins: Sam Hawkins, Quincy, FL.

As I have listened to ya'll talk about this hospital, being on the citizens board, we went over these same numbers at a meeting that was extensive. We sent a good recommendation back to the board. Nothing has changed. Cost are going us astronomical. You have no idea about construction. I listened to Mr. Cook and others. I've come to a conclusion. It is coming back to a system that if we don't give it to our friends, then it is not right.

This hospital must open. The state gives counties - the federal government gives counties unfunded mandates all the time. The citizens voted to have the hospital open and gave you a funding mechanism to fund it. Now, your responsibility is to do what the citizens requested you to do. They didn't put a number on how much it is going to cost. They said, "We are going to give you a mandate to open the hospital. Here is your funding mechanism. You make it happen no matter what the cost is."

I hear Mr. Cook say, "Oh, you are just throwing \$2 million into a hole." I didn't hear him to volunteer his company to come in here and help out with this here.

The next thing that I didn't hear is - I didn't hear anybody ask since we have all these lay-offs and unemployment - is ask for citizens to come in and volunteer to work over there doing labor work or whatever to help cut the cost of the hospital.

So, I can take the information that was given to you at face value, look at what has happened to the City of Quincy - it is broke. Now, you tell me, what would you base an intelligent decision on? The lack of information, processing of that information.

Now, I can tell you. I am a citizen. I wouldn't

want to be the one that died because you didn't want to spend \$2 million. Name one person in this room who would say, "John, you've got to die because we are not going to spend \$2 million." Do you want to die for \$2 million? NO. It doesn't make any difference how much it costs. The bottom line is, "How much is this life worth to these commissioners?" How much is your life worth? If your life is not worth more than \$2 million, go out there and lay in front of one them trucks. They will pay you \$2 million. How much is that life worth?

Thank you, commissioners.

Cook: I just wanted to rebut some of those remarks by Mr. Hawkins. I appreciate your statements and all that, but, I know a lot about construction. I agree, a life is not worth \$2 million. It is worth a lot more than that.

I am not sitting here and telling you that you are going to save \$ 2 million to jeopardize the opening of that hospital. I am telling you that you can probably save a million and a half to two million without changing anything. Give a chance to the second guy. Let them look at it. That is all I am saying.

I agree with Mr. Hawkins in that a life is not worth \$ 2 million. I wouldn't want that on my shoulders. But, I am tell you that you can get that hospital open. I don't know why Mr. Hawkins continues to think that I am against this community. He has his personal opinion and all that, but I can tell you real quick - I am for this community. Not only for myself sitting up here, but, for the silent majority that does not come up here. Those taxpayers. \$2 million can go back into this community. It could go back into equipment that is not covered in the GMP. That is what I am talking about. It still gets the hospital open. So, the flubbing of the words up here - they are what they are. You guys have to make that decision and it is a hard decision. We are all on the same page about getting this hospital open. I am sitting here. It is my tax

dollars. It is the taxpayers behind and that is what is important to me here today.

Battle: Pastor Battles, 43? Berry Lane.

Has anyone on this board contacted our U.S. Representative? What are they doing? Once again, are we going to give them a free pass?

Now, I am sure that if they get sick, regardless of where they are at, someone is going to get to them or their family and carry them to the hospital. We voted for them, although this time I passed up one of them for this very same reason here. This is serious business here.

People went to the polls on August 26<sup>th</sup> and they said they wanted this hospital open. All it is going to cost you is that someone is going to get you out of that chair if it doesn't happen. You know that. Just to show you, I am a fighter and I am going to fight and I am going to be dealing with this. This county - the board has changed and I respect that. But, there was more people that voted for the hospital than voted for you all. We must not forget that. When it is time to rally the troops, trust me, I will do that. This hospital must open.

Lamb: Thank you, Pastor Battles.

Mr. Manager, as some of my co-commissioners, you know that I am concerned about that \$9.75 million. You and I discussed that. Something that I will say again, I want the commissioners to get with you before we come here so that we can be on top of what is going on. That will save a lot of time. I will discuss that at the end. But, we will give you the opportunity to go back and talk to Ajax and whoever else. As I said before, if we are not pleased with Ajax, we will go with someone else.

Brown: Mr. Chairman, I will be the first to tell you if you need to go with someone else. Again, Commissioners, this is not just Ajax by itself. This is not Ajax's number. This is their number

based on the architectural design and the architect's estimate. The architect came in at \$9.6 million before even talking to Ajax. So, again, they need to work together to get this hammered down.

So, if you will allow us that opportunity, we will bring you back a number and the board can make a decision as to whether they want to accept that number or go with someone else.

Lamb: Make sure that the architect is here.  
I want him here, too.

Brown: The architect will be here as well.

Lamb: Now, are we through with that particular item?

Croley: I think I saw Commissioner Morgan's hand.

Lamb: Commissioner Morgan?

Morgan: A couple of things. I have been listening. Obviously, this is a very polarizing issue. But, there is one thing that I think we are losing sight of. I don't particularly agree that folks were voting for a hospital. What we were voting for was a viable solution to quality public healthcare. If we open a building and we can't keep that building open, we have done nothing but put an additional burden on the folks here in this community. I think it is our responsibility to listen to the folks that tell us they have questions that know about this business.

Every meeting that I have been a part of that I have listened to, there are always more questions than there are answers. Every single time. Different numbers. Like Mr. McMillan referred to before, every single time, there are different numbers. And, they always seem to be going up. There is always something. "Oh, by the way, this was not included."

I think that communication is key. Everybody has got to be on the same page here.

Rev. Battles mentioned politics in this. This is something that goes beyond politics. We have been hired by the citizens and the taxpayers of this community to make an informed decision on a project that we are talking about now, like I mentioned before, \$15 million on a county our size and facing economic situations that are going to be occurring where again there will be a lot more questions than there are answers in your head.

There are some serious concerns here. No matter what side of the fence that we are on, we need to have open ears and start listening to some of the questions being asked and get some answers so that we can make some intelligent informed decisions.

I am absolutely in favor. I assume that everybody in this room is in favor of providing that part of public service.

That is all I have to say at this point.

Lamb: I think everybody up here is in favor of getting quality service. But, we are going to make sure that we do it right. I don't care what anyone says, it is going to be done right.

Come on Mr. Bateman.

Bateman: My name is Rick Bateman. I am at 201 South Calhoun St. I am not representing anybody today. As I sit here and listen to this, I know Mr. Childers and I have represented Ajax before and I know the other gentleman who spoke up here and bid on this. I followed this process.  
(inaudible) Mr. Dixon.

It seems to me that this commission could do without putting my mind ahead of yours is - if you are going to allow Ajax to sit down with the architect to go through and work on these plans, and go through and do - you selected a second person who you said was just as qualified and had more experience.

All you've got to do is give that architect the right and the authority to share those plans with Childers Construction as well as Ajax. Then, you would get two different versions of that coming back to you. You won't be dealing with Ajax, then have to wait for Childers to come back and give you something different if you are not happy with Ajax.

I don't know, Mr. Williams might could tell you different. I don't know how you sign a deal and make a deal before you finance it. You don't have it financed - whatever. He is not a construction manager, but even if he didn't get selected as the construction manager, even if you are stuck with Ajax, which you may or may not be, he could certainly give you a better idea of what is done. He has built hospitals and he hasn't built just hospital offices. He has built exactly this kind of acute care that Ms. Holt has been fighting for ever since the day she got in here.

Like I say, I haven't been hired by anybody. I know all of these people, but it seems to me that if you wanted to save time - you've got to give the architect permission to share those plans with Childers. I am sure Childers would sign a confidentiality agreement and look at them and go over them the same way you are doing with Ajax.

Williams: Mr. Chair and Commissioners, I think I need to have Mr. Sexton come up and outline the legal process that we are in.

For the new commissioners, we originally had a bid process that went out by the architect and we, from the county attorney's perspective, found some concerns with it. We rejected all bids and we re-issued the bid documents.

What I don't want to have happen, if we can avoid it, is to have a situation where we have a tainted bid process a second time.

So, Mr. Sexton, if you will, - for the new commissioners, - I think you all have met him,

but he is the deputy county attorney. He has been working on the bid documents for the commission as it relates to this.

If I may just one other minute, Chair and Commissioners. When I met with the new commissioners and I explained Mr. Sexton's background, I want the public to understand Mr. Sexton's background.

He has been involved in procurement matters statewide at some level for some 20 something years. WE are talking multi-million dollar contractual arrangements. He knows all (inaudible) of them and is acutely aware how to put together a bid document of just about any nature, as well as one that involves getting the proper legal position for the hospital. So, I am comfortable that we have done a legal process that works for the county. So, I wanted to give you some background on his background before he spoke to outline where we are and what your options are.

Mr. Sexton.

Sexton: Mr. Chairman. Good evening, Commissioners.

The process that you all utilized was a short form procurement for construction manager contract. That was done after an emergency declaration because of the short time frame that is now available for completion of the project.

I believe it was September 30<sup>th</sup>, you authorized the process and the advertisements went out. Subsequently, we had proposals received for construction managers from Childers Construction, Ajax and Cook Brothers. This was on the second go round. And, the staff met and analyzed the proposals and gave you a recommendation. The Board of County Commissioners selected Ajax. A contract was negotiated with Ajax and was executed.

Now, this contract provides for a basic fee structure for profit and overhead and recovery of

administrative costs, then negotiation of a guaranteed maximum price, which is basically the second step in the contracting process.

The \$9.75 million that has been discussed was the proposed number from Ajax for the guaranteed maximum price under that contract. That is basically his ceiling absent any change orders from the board of county commissioners.

The board of county commissioners considered that proposed GMP this past Monday before last, on the 10<sup>th</sup>, at an emergency meeting and approved that GMP and a minor contract amendment establishing liquidated damages if the hospital is not open on time.

Then that was finalized and executed by the chairman. At this point, that is the number that is in front of the board of county commissioners as the contract price.

There are provisions in the contract for termination of the project. I apologize for not having it with me so that I can read it to you and give you the exact chapter and verse on conditions and what happens. But, right now, the project is technically under way. It is in the very early stages. My understanding is that as part of the process, the prices are going to be more thoroughly examined. There is going to be some value engineering analysis done to look at some ways of reducing the cost and making sure that the numbers that Ajax has produced can't be brought down even if the project stays exactly the way that it is planned.

That is the status of where that contract is right now.

Lamb: Commissioner Croley?

Croley: Mr. Sexton, I just heard Mr. Bateman make a suggestion that had some good logic to it, it sounded like. What would be wrong with allowing Childers Construction Company to look at these specifications that are being redone and



revisited in negotiations by the architect with Ajax Construction. So, if things don't come to terms with Ajax, for the time savings, we could have the benefit of that second opinion.

Sexton: There are a couple of ways to look at it.

If what the board of county commissioners is looking for is just information and Childers is willing to provide that to you and basically not try and rebid the project, then I think that you are looking at one scenario.

If what we are really looking at is essentially trying to reopen the bids and rebid the contract in the middle of the contract, my only concern would be that we have to follow the contract provisions that govern how an issue like this is addressed.

Again, I apologize for not having the contract with me. I believe there are termination provisions in there for termination for cause and without cause. I need to look at those and I need to advise you if you were to contemplate the possibility of going to your second proposer.

Croley: Didn't you write that contract up?

Sexton: I did. I just don't have it memorized.

Williams: It is not a small contract.

Croley: I am aware. It is 41 pages. I remember.

Sexton: I had wanted to bring it with me this afternoon, and in the rush to get over here, I didn't have it with me.

Croley: Mr. Chair, I must say that this discussion has transcended over into the second item that I had on here about the emergency meeting and the decision to award that contract to Ajax construction with the GMP of \$9.75 million.

What is concerning me and hearing the public and

knowing the feelings of the commission here tonight, as well as before, - I've got one interest. I agree with Rev. Battles. The people voted for a hospital - a rural emergency facility is what we have called it, or what we call it, hospital.

Now, we've got to get that to occur for all the right reasons. I agree with Commissioner Holt about Urgent Care. We did talk about that.

Guess what? I was out there not this past week end, but the weekend before with an inner ear problem. Let me remind the public here of why this is important. Maybe you do live, like me, on the east side of Little River and it is easier to go the Tallahassee to the doctor rather than come back over here. But, I chose to go to Urgent Care. I have been there three times. They do a good job. It is run by TMH. But, I want you to know this.

I go out there and there is a black child with a high fever - in there with her mom and little sister waiting to see the doctor or physician's assistant.

Then a Hispanic man comes in with his face cut open from having a piece of metal blown into it during this wind while doing his work.

Folks, we have got to be able to respond to the needs of our citizens for healthcare. We have got to be able to do that in such a way that we keep this process in motion so that it is there, Rev. Battles, to take care of our citizens. All of us, no matter what their station may be in life.

Many of our citizens don't have health insurance. We are aware of that. It is a tremendous burden to try and deal with it. But, we've got to look at this cost for all the reasons that Mr. McMillan says and all the reasons that Mr. Cook has said. The people who are going to have to pay, are going to pay for a long time. We can't stop as Commissioner Holt has pointed out.

We've got to keep moving forward. We are kind of like Columbus, we have sailed too far, we can't turn back. Or Lee at Gettysburg on the third day, you've come too far, you can't turn back, no matter what the outcome is. You had better think about that. We have got to go forward.

Now, if Mr. Bateman's idea enables us, and if our resolution works, that is fine. That helps us get the pressure off. But, if Mr. Bateman's idea will work and we can have that option and keep moving forward, I can't see anything wrong with that idea. Of course, this is the first that I have heard of it. I hope that you in your review of the contract will bear that in mind. It is for the right reasons. We have got to move forward.

We've only got a limited amount of money available, Rev. Battles. And, you've asked a very good question and I am going to respond to that about the federal legislation delegation.

I have talked to Congressman Boyd. We have talked to Senator Bill Nelson. We have contacted Senator Martinez's office. We have a federal lobbyist up there as Commissioner Holt knows. Our new commissioners will soon be meeting with them.

We have go to keep this going. I met with Representative Marty Coley Aid when we were over there for our new commissioner orientation last week. I talked with them about helping us with this resolution.

I don't want to go on and on about it, but I do want to ask you, Mr. Sexton, to take a close look at this and let's see if we can't make it happen so that we can have this alternative backup.

Sexton: I can certainly review the contract and let you know what it says and let you know what your options are.

Lamb: Mr. Attorney?

Williams: Mr. Chairman, what you can do is we will meet with Mr. Childer's attorney and see if there are options. The biggest concern that I don't want to have happen is to have your own attorneys undermine the process. So, before you have Mr. Childers office interface with Mr. Brown's office, I would ask that they meet with our office to make sure that there are no legal issues. Once you taint the process, you are going to have to start over again. You could have an issue about timeframes to get everything done.

Holt: If I may. I am glad that you made that point. As he said, until we get some date certain from the Legislature, we have to keep moving forward. GMP means you can negotiate it down. I am not telling you, I am saying this to the board because that is our job. To make sure that we move down on the numbers. If there is something in there that we don't want, take it out. If there is something in there that we don't need, take it out. But, we have that June 29<sup>th</sup> date. They haven't changed it. Until we get something definite from the Legislature, until we get something definite from AHCA and they approve it. On that date, when it is time to open that door, the hospital has to be open. It has to be open. IF not, the citizens told us to do one thing and we end up failing to do what we were told to do. Then we will have to look at legal battles in that.

Lamb: Commissioner Holt, an emergency has come up. Mr. McLean, would you come up and explain the emergency to this commission so we can make a decision about what we are going to do here tonight.

McLean: I am sorry to interrupt your meeting. I just spoke to our utility director, Mike Wade. Our south substation, we have one of the blades arcing and it is arcing pretty severely. What that really means is that in order to keep the

system down longer, in terms of the south side, Walmart and that commercial area as well as the residential area, we need to bring the system down for probably 30 minutes so that we can do the necessary repairs and bring it up. What that means is actually, the whole city will go down for about 30 minutes.

I just wanted to make sure that you knew about that as early as possible. We have some time. WE don't have to do it immediately, but within the next 15 minutes. WE still need to notify police.

Holt: We need to hurry up.

Lamb: Ya'll listen, now. We are going to go ahead with the public hearing out of the way, then we make a decision about whether to stay or adjourn the meeting for tonight. If there is no emergency on here, maybe we can just bring it up at the next meeting.

Thank you very much.

Croley: I would move that, since we have actually covered the contract discussion -

Taylor: Let's just motion to adjourn and bring it back.

Holt: We may not get back up.

Croley: Let's see how the attorney says to handle it.

Williams: What you discussed was whether there is the ability to meet with the second low bidder, which was Childers. There is a legal concern as to whether we will taint the process.

What I suggested to you all was to allow our office to meet with his attorneys to see - it doesn't taint the process, to follow the direction that the board has given before his office meets with Mr. Brown and he has the ability then to go and negotiate down the numbers. That is not the legal process that was advertised. If you don't follow your advertised

process, you may be exposed to another protest which means you start over again.

The second thing that you talked about was - you wanted to know if you had options to look at this process starting from scratch.

That is not an issue for me or for Mr. Brown. That is for the architect that you hired to tell you what your time lines were. I would suggest that you have him come back in at the next meeting while my office meets with Mr. Bateman or whoever is representing Mr. Childers, so that the process is not tainted between now and the next meeting.

If the board agrees with that, then you can use that as direction for us between now and the next meeting.

As it relates to the lights going out - We have all had lights turned out. You can't be guaranteed that they will come back on in time. I would recommend to you that you do all of your public hearings as quickly as you could because you have noticed the public about those matters. Everything else is a non public hearing item and then you can come back for those matters after this meeting. I would recommend that you adjourn after your public hearings.

Sexton: The only other thing is Item 20A that was added to give the board the ability to have the stop gap.

Williams: Item 21A is a resolution that, if you do spend any money, it could be covered by the bond. It is a very simple straight forward issue. 21-A. I think you can move through your agenda items very quickly, but the bigger item concerning Commissioner Taylor is that she wants to make sure that the process on the hospital is being followed and that she has input and that we are getting the best price.

Lamb: Can I get a motion that this procedure is

followed.

Croley: Wait a minute. I am not understanding that motion. We are going to suspend the general business items and moved directly to public hearings.

Williams: Mr. Sexton pointed out that you need to do Item 21 which is a resolution by this board for expenditure of hospital funds. It is a non-public hearing. It is an internal resolution that allows you to recoup money against the bond proceeds or other note that you do. It is a technical issue. If you don't do the resolution and you expend money, you can't recapture it later.

Is that correct, Mr. Sexton?

Sexton: Now that you have construction activity started on site, you need to get the resolution in place to capture those costs so they can be reimbursed when the loan is actually undertaken.

Williams: It is just a technical issue. You need to do item 1. If the board is in agreement with the recommendation on Item 19, then we can follow up on that. My concern about directly having an impact on Mr. Childers as the second low bidder and Mr. Brown's office is that is not your advertised process and that could taint your process. Then you may have to start over again and you may not have enough time.

So, I want to have the architect, who is required to tell you what your time lines are, to come back to see you before you redo the process that was advertised. So, that is the concern that I have there.

Croley: Well, I am confused and I am not going to be hurried by the lights going out if I have to sit up here in the dark until I understand it.

What kind of resolution are you wanting now, Mr. Sexton. I don't see anything agendaed.

Sexton: It is Item 20A. It was brought in this afternoon to the manager's office.

Lamb: O.K. Let us resolve Item 19 first before we go there.

Williams: On Item 19, my recommendation to you is - because you want Mr. Childers to have an opportunity to get information, but we want to be sure that we don't taint the process, I am asking that you have his contact be with my office to make sure that there is no problem. If there is no problem, you can then direct us to have his office meet with Mr. Brown's office to look at another number. In other words, you don't want to have to start over again.

The second recommendation is to have the architect come back to you outline what your time tables are so the board is fully informed as to what you can do in terms of possibly affecting the license for the hospital.

Lamb: O.K. That is item 19.

Bateman: I don't want to talk in the dark, but my point I guess is - if what Mr. Williams is saying is - Mr. Childers meets with his office and then it comes back to the board. Mr. Brown just said he wanted to do it in 10 days, so he could get back to work on these prices. Then we have accomplished nothing here. We have accomplished nothing at all.

My point was to let us to go in there. How in the world when you've got the right to terminate, you have already awarded the bid. You can't sit down with your architect, let your architect and Sam Childers sit down in private and keep it personal (inaudible), go over these numbers. We don't need to see Ajax numbers or what they are talking about with them or interfere with them in anyway.

But, if you are trying to hurry it up, (I'm sorry, I am talking too loud, Ms. Holt. You



always tell me not to, but I get excited and I forget about it.) But, if you wait until we meet with him and then we decided it was alright, which of course it is, because you can certainly sit down and talk with other people to try and better what you are doing to govern this county - then we are way back here at the next meeting when you are talking to the architect and he says "Yes, that would be a good idea." Then 14 or 7 more days, after the 10 days that you have asked him to go ahead and expedite to get those numbers down. So, we haven't accomplished anything.

Croley: I am not interested in all this delay. I think that is a very good point. The objective is to get as much done in the shortest amount of **time**. **If that means us authorizing the architect to meet with Mr. Childers with a confidentiality that Mr. Bateman has outlined, I say that we should go.**

**I so move to that affect.**

Lamb: O.K. We have a motion. Do we have a second?

Holt: Question.

Lamb: We have a question. Ms. Holt.

Holt: I am all for time. You know me. I want the hospital open.

Lamb: Don't take too long now, we've got this emergency.

Holt: I am going to make it as quickly as Commissioner Croley made his.

What has happened is this. We have a contract. I have not problems with changing as I have said. If that doesn't work, let's move over.

But, there is one problem here. If he is so concerned about the contract and he is the attorney that specializes in this, I am a little concerned, too because we could be looking at another lawsuit.

So, what is it that he, Mr. Sexton, is having a concern about? I really want to follow that process. I want everyone to meet that is legal. I just want to make sure that we have that stuff in writing and it is not a problem. We need to make sure that we are following some kind of guideline. That is the only thing. We've got to open on time.

Sexton: The concern that we have is that the process that is outlined in the procedure that we are following for sequential negotiations, you basically work with the contractor that you have selected. If you can't come to terms with that contractor, you move to number 2.

What you are looking at now is the potential for dealing with essentially parallel negotiations, which is really not what this process was designed to contemplate.

If you are going to get outside your process, that is when you are going to get into a situation where you are going to invite potential litigation. We have already have some started that we hope has been avoided, but it is still out there. If you go ahead and deviate from the process that you have published now, then you do run the risk.

Croley: Mr. Chair, I think Mr. Bateman had his hand back up. I am interested in what these two attorneys are saying.

Bateman: **Your honor, if you are worried about us getting into new bid negotiations, just keep ours sealed up until you can see if you can come to a meeting with Ajax. Then, if you can't, you've got ours.**

Croley: **That is what my motion says.**

Williams: The only thing that I ask, Commissioners, as your attorneys, allow us to make sure that what he is saying on the fly can be done. Mr. Bateman has my phone number. He has called me before on

other issues. If he wanted to get this vetted, he should have called me beforehand like he has always done before. He has blindsided us on this legal issue. We can't advise you properly. It is not the right way to do it. The problem that I have a concern about is if what he wants to do taints this process and we have to start over again, we may lose the license on this hospital. This is the concern I had when we rejected the bids before and I am concerned again.

All I am saying is - we don't have to bring this issue back before this board - we need a couple of days to meet and make sure that we are o.k. and we are going to do what it is that the board wants to do. But, I don't want this process tainted. Mr. Bateman knows that if he wanted to get this issue resolved, he could have called me and he didn't call me.

Croley: **Mr. Chair, I amend my motion to include the opportunity for Mr. Sexton to meet with him. This is no effort to delay. I just want to have the option in case we need it.**

Lamb: O.K. GO ahead and make your motion.

Croley: **I have so stated that we empower the architect to provide information regarding the specifications and you may have to help me word this, Mr. Attorney, to word it out right, but that the architect be empowered to share with the next bidder, the specifications and information and that those be sealed that we empower our county attorney to meet with the Childers representative to make sure that the process is handled in proper legal form.**

Lamb: Mr. Attorney?

Williams: That works.

Lamb: Can I get a second?

Morgan: Second.

Lamb: The motion has been properly moved and seconded.

Holt: Question. Are you going to look at this process before Childers meets with the architect?

I want to make sure that attorney is going to do that. Another law suit will slow us down. We have to make that deadline.

Croley: That is the intent.

Williams: Probably the other thing that you need to add is that all of this can occur without coming back before the board because you don't want to slow it down. You can meet and do all of this outside of the board, without coming back to the board. That is what Mr. Bateman wanted to do.

Holt: Do you want to amend you motion for that?

Croley: I said to empower the attorney to meet with them.

Lamb: O.K. We have heard the motion and the questions. All in favor, sign of "Aye."

All: Aye.

Lamb: The "Ayes" have it.

Brown:

**20-A. Resolution Pending Action on Interim Financing for the Renovation of Gadsden Community Hospital**

Sexton: Commissioners, the reason we brought this to you is that we were advised by counsel for the bank that when we start getting into the general category for construction activity,

The predicate for the resolution is the fact that the bank is offering tax exempt loan to the county. There are IRS regulations governing what can be covered by that loan. One of the IRS regulations is that you can capture and reimburse yourself for certain categories of cost automatically, such as the architectural fee and other preliminary cost. But, when actual construction starts, you need to have the loan in place in order to capture those costs. There is a mechanism you can use to capture your cost

which is this resolution which was provided to us by counsel for the bank. If this resolution is adopted by the board of county commissioners, it would capture any costs that are being incurred concurrently that you could not otherwise go back and get. It is basically just making sure that this happens and the resolution is adopted. It does not commit you to a loan or the terms of the loan. It is designed to declare the project so that you can if you go with an interest free loan on this project, which is the current proposal, your cost will start recaptured on the date of the resolution.

Williams: We just got informed and we had to bring it before you because otherwise, you couldn't recapture those costs.

Sexton: Just one thing to point out. It's got a \$10 million statement as a maximum cost on this project. That is not binding in terms of you don't have to expend that amount of money and you don't have to borrow that amount of money. If you believe that number might be higher because of all the total cost that might be rolled in, you can move that up. If you want it lower, then obviously, you can move it down.

Croley: It says, "Project will exceed \$10 million." The last sentence at the bottom, you just said \$10 million. Let me read the sentence out - "It is not reasonably expected that the total amount to be incurred by the board to reimburse itself for the expenditures with respect to the project would exceed \$10 million." But, yet, we have been hearing \$12 million by the time you count the equipment.

Sexton: That is the number that counsel for the bank put it based on the information she was hearing. Obviously, there is more information up here. That is a number that the board of county commissioners can adjust in its wisdom.

Williams: Commissioners, this is really a technical issue. By passing the resolution, you protect yourself for having options on how to allocate monies

later. That is all this does. Anything else can be amended later on if you need to.

Sexton: There is nothing about the IRS regulations that caps your commitment to the project at \$10 million. You can put it at another number if you want to go higher to make sure that you capture everything.

Croley: Again, I am always very irritated by these last minute things that we haven't had time to read and haven't had time to review. You are saying that this all just came up this afternoon.

Sexton: It did because the issue of which loan we were going to traveling under. The issue of \$7.5 or the \$9.75 had not been resolved. The status of the loan from the bank standpoint was uncertain in terms of the amount. Counsel for the bank did not present this issue to me until mid afternoon and she did not get the draft until the end of the afternoon.

Croley: The problem is that I don't know how much is going to cost.

Sexton: All I am saying is that you are not binding yourself by choosing a number, but you probably want to set a number that is high enough to capture your cost in the worst case scenario.

Croley: I am just confused as always about this.

Taylor: I am on the same playing field as Commissioner Croley for more reasons.

**8:35 P.M. AT THIS JUNCTURE OF THE MEETING, THE POWER WENT OFF AND A RECESS WAS DECLARED FOR 30 MINUTES.**

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO RECESS FOR 30 MINUTES.**

**RECONVENED MEETING AT 9:00 P.M.**

Brown: I think Attorney Sexton had the floor explaining to the board the reason for 20-A and the

resolution to insure that you are reimbursed any costs expended prior to you getting the loan so that you could be reimbursed that cost and not be placed at a disadvantage of not getting that cost back.

Sexton: The purpose of the resolution is to give you the ability between now and the date that you close on the loan, whatever you expend for construction, you can go ahead and reimburse yourself through the loan proceeds. Otherwise, if you don't do something like this, you are going to have to forego that reimbursement and find another revenue source to cover that cost.

Williams: In other words, what you are saying is that they are using money out of some county fund right now and that money could be reimbursed from the loan. But, if they don't do this, any monies that are spent between now and the time the board should approve, cannot be reimbursed after the fact.

Sexton: According to the terms of the loan and IRS regulations.

Taylor: Mr. Chairman?

Lamb: Commissioner Taylor.

Taylor: Actually, I was the one talking when the lights went out.

(laughter)

I am uncomfortable with voting on this tonight because I am just getting it and I need a little more information. That is just me.

When the attorney made mention a minute ago about - Oh, by the way, City Manager, I said Quincy's finest - you did it within 26 minutes.

Williams: In other words, what you are saying is that they are using money out of some county fund right now and that money could be reimbursed from the loan. But, if they don't do this, any monies that are

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When the attorney made mention a minute ago about - Oh, by the way, City Manager, I said Quincy's finest - you did it within 26 minutes.

Sexton: According to the terms of the loan and IRS regulations.

McLean: That's what can happen when you've got good people working for you.

Taylor: Good people.

Anyway, back to my point. He said that from your overview of this that we would be able to incur costs that had been spent up to date, so to speak.

Brown: Recoup.

Taylor: Recoup. I am trying to figure out what costs are we looking to be reimbursed from. Are you talking about the Cross Construction costs? Or just pretty much whatever company that is going to do the renovation on the hospital - I am going to use Ajax.?

Sexton: It is primarily Ajax for their - unfortunately,



because of the time available, I was not able to get a good demarcation. We had a conversation with the bank tax counsel a week ago. They indicated that certain categories of expenditures could be recovered retroactively. Those were clearly the architecture fees, the engineer, other testing. I believe that the abatement is covered. I am not sure if the roof is or not. Urgent Care relocation. It is probably under the category of site preparation. But, without the benefit of the regs to look at, and without the benefit of having tax counsel standing right at my elbow, I can't tell you what the categories are. But, what I can tell you is that general construction (inaudible) some of your prior expenditures can be recouped. You can recoup the architectural fees, engineering fees, site prep fees, soil test and probably the abatement. The closer you get to actual construction work, the closer you get to the category that you cannot automatically recoup past costs.

What we are talking about now is enacting a resolution for those categories that cannot be otherwise recouped retroactively, you can start to capture them on a going forward basis and not face the situation where you get to closing and you look backward and see that you expended monies that you would like to be able to reimburse yourself for that you can't reimburse.

Taylor: I still have questions, but, I don't want to prolong this.

Williams: Mr. Chair, if I may. Maybe this will help.

You know, normally, you all have done resolutions in one capacity or another. You know that resolutions can be pretty long. This resolution is three sections. Excuse me, five sections. The only section that does anything is section 2. Section 1 is your authority and I am going to skip over. Section 5 is your effective date. Section 4 is the repealing clause and Section 3 is the severability clause. All of those are things that deal with how you do a resolution. The only action item is Section 2. The only

pertinent part of Section 2 is the very last line on Page 1 that says, "This resolution is intended to constitute a declaration of official intent within the meaning of Section 1.5.0-2 of the Income Tax Regulations."

All this is doing is giving you the option to recoup money and put it back into the fund balance for the county at some point in the future. It does nothing more. It has nothing to do with Ajax. It has nothing to do with Childers. It has nothing to do with Cook Brothers. It is about the county, once they get the loan in place, to capture every money that they are spending right now and put it back in your fund balance. That is all it does. Nothing more. Nothing less.

Lamb: O.K.

Commissioner Croley.

Croley: For the sake of time as Commissioner Taylor referenced there, what I don't understand is this. This goes to the next item. Item 20 when it comes up.

Ajax - you are still in negotiations with them on a guaranteed maximum price. Now, the only work being done out there to my knowledge is what is being done by Cross and the testing work.

Now, you are shaking your head, "no", and he is shaking his head, "yes", now who is right?

Brown: No, no, Commissioner, I was agreeing with you in terms in what work is being done right now, but I was also going to include that the Urgent Care Center is also being relocated. That work is being done by Ajax. You approved funding for that relocation. That relocation could be recouped as part of the loan proceeds if the board approves and we could reimburse ourselves for that.

Croley: Now, the proposal originally done by Ajax for the \$9.75 million, the relocation of Urgent Care was

not in here. Urgent Care was a separate matter. And the decision to use Ajax for that relocation was apparently made when?

Brown: I think it was October, one of the regular meetings in October when you made that decision.

Croley: Now, if this resolution is suppose to enable us to go back and recapture that, why does it have to be passed tonight? In other words, why can't we wait until Commissioner Taylor has a chance to review this and we see how this other stuff is going?

Sexton: Alright, just to clarify where we are in the current contract process with Ajax so everybody understands what is transpiring.

The board of county commissioners acted last Monday, on the 10<sup>th</sup> to accept the guaranteed maximum price proposal of Ajax and there is a document that was executed by the chairman that reflects the commission's approval of that amount of money. So, there is a agreement on a guaranteed maximum price at this moment.

Now, the process under the contract contemplates that there will be refinement of numbers, a refinement of the project and the project can be revised at the option of the owner, which is the county and that the construction manager has an ongoing obligation to work with the owner to achieve efficiencies on the project and apply value engineering concepts and go back and revisit matters in order to refine the numbers and make adjustments. But, there is a contract in place with Ajax right now. They have a GMP in place right now. They actually received a notice to proceed, I believe it was on the 11<sup>th</sup> or the 12<sup>th</sup>. They are in the process of mobilizing on the site and beginning work.

Croley: Well, on that basis, we should have been talking about Item 20 before we ever went to 20-A. That is another case of I am feeling like I am being rushed on this.

And, Paul, I am going to say this. You know that 20 was on here and you knew that we were going to talk about that, yet you didn't come in here prepared with that 41 page contract. You said you left everything and don't have it. There are questions that we may have about what occurred in acceptance of this.

I feel like, Mr. Chair, that I agree with Commissioner Taylor. We can't really act on 20-A until we have more conversation about Item 20.

Sexton: We were only bring 20-A up in the event that the meeting was terminated (by the emergency). We just wanted to give ya'll the opportunity to act today and explain to you that this would be the opportune time to act. Otherwise, you will have to wait until your next meeting to begin capturing cost. That is the only reason it is brought to you.

Williams: If it is the will of the board that they want to have it at the next meeting, we can just make this an informational item. We feel that trying to capture all of the cost gives you the best option based on what bond counsel told us. We are bringing this item forward. This is not an item coming from the county attorney. This is an item coming from the attorney for Capital City Bank who thought this was giving the county commission flexibility. If the commission wants to have time to study it, then I think you study it and then you vote on it at the next meeting.

Lamb: Commissioner Holt?

Holt: If there are costs, and you are saying recapturing those costs, there are costs that we cannot get retroactively, then that amount has to come out of some account. So, we need to make sure that we understand that. There is work that is being done and this commission is going to have to find a way to pay for it if it cannot come out of the Capital City Bank. So, this is not something that you have to decide on whether you will approve this or not. If that money is

spent, it has to be paid by someone and it is going to have to be paid by this commission. Even if you decide you don't want Ajax and you want someone else, it still has to be approved and paid for, hopefully out of that bond money.

Lamb: Question, Mr. Manager. What are they working on - Ajax - what are they working on?

Brown: They are mobilizing right now and there is a fixed cost for mobilization. It is about \$50,000.

Lamb: Can we ask that they put a hold on that until we get through with this?

Brown: Commissioner, if we put a hold on it, we run the risk of losing time that we need to move this facility forward. Those are the type of costs that we would be able to recoup by your approval of this resolution. But, again, that is up to the will of this board as to how you want to proceed on this.

Again, if the bond counsel ways that we cannot get it from the bond proceeds, I will have to come back to this board to find the money to pay Ajax or whomever for work between now and whenever you pass the resolution or get a loan.

Lamb: How much is it?

Brown: About \$48,000 for the mobilization and what else?

Sexton: I think the \$48,000 is actually for pre-construction services. I can't give you a daily rate on mobilization and other cost because we were given lump sums. I don't think we were given daily rates that we could calculate.

Brown: Actually, I think that number is lower because

Lamb: But, that would throw us behind by them waiting. You are saying that this would throw us behind.

Brown: Approving this or not approving this will not throw us behind. They are working. What I am saying is that if you don't approve this, there

is a possibility that we may not be reimbursed for costs.

Lamb: I understand that. I am hearing you say that if we stop them from proceeding with the work, it is going to throw the project behind.

Brown: I am saying there is the possibility that it will throw the project behind.

Croley: I was just going to suggest, Mr. Chair, that I would like to make a motion to table Item 20-A until we have had the discussion on Item 20. Then, we can go back and revisit that if there are questions remaining or we can defer to the next meeting or whatever the will of the board may be.

**So, on that basis, I would like to make a motion that we table Item 20-A until we have had the discussion on Item 20.**

Taylor: **I will second that.**

Morgan: You are saying that we are going to further discuss this tonight?

Croley: Yes. We will have a chance to pull it back, but

Morgan: I do have a specific question about this.

Lamb: **All in favor, let it be known by saying, "Aye."**

Taylor: **Aye.**

Morgan:

Croley:

Holt:

Lamb:

Lamb: Opposes?  
(No reponse.)

The "Ayes" have it.

**20. Discussion of Advertised Special Emergency Meeting of the Gadsden County BOCC Held on November 10, 2008**

Brown: Item 20 was requested by Commissioner Croley to discuss the advertised special emergency meeting of the Gadsden County Board of County Commissioner that was held on November 10<sup>th</sup>, 2008.

Croley: Well, Mr. Chair, as the record shows, I was not present. I will again state that I did not see that this rose to the level of emergency as one would reasonably expect an emergency to exist. We have had definitions of emergencies identified by attorneys in lawsuits that we have seen that was presented to us and this thing has just been going on and on. We are aware of the deadline. The public is aware of the deadline about the hospital license. But, to convene a special meeting and deprive the new commission of an opportunity to review this cost, since we as the incoming commissioners are going to have to deal with this matter, I think it was improper.

To that end, I asked that it be put on this agenda so that we could revisit. I believe that we were given these copies of what was discussed. But, again, Mr. Sexton tells us that he didn't bring a copy of the contract with him to answer questions. But, clearly, the \$9.75 million doesn't even cover, from what I read in here, all of the costs that we got into earlier on the discussion of the other items. If I look on here, there is another \$245,720 to build out the clinic space; another \$195,920 for the rehab; another 39,600 for the covered walk way; and then of course, if we want them to do the fixtures and equipment and furniture at \$2.8 million.

That is a lot. That is pushing this thing up quite high. It's high already. It's way over what we expected. I just feel like this commission here needs to be able to ask any questions about this document and what has been projected. I would like to let that be known.

Lamb: Commissioner Taylor?

Taylor: Can the attorney give me the definition that falls within the guidelines of the county for an

emergency meeting?

Williams: The Code does not specify a definition of what an emergency is. The Code outlines what the regular meetings are and it says that you can have special meetings or emergency meetings. It doesn't say how they can be called.

What happened at the meeting on the 10<sup>th</sup> was - if I can remember from the e-mails - asked the manager to have an emergency meeting. I think it ended up being called an emergency/special meeting. He brought the meeting together and at the meeting, the chair and the members that were in attendance was the chair (at that time, Commissioner Ed Dixon), Commissioner Brenda Holt and Commissioner Derrick Price. The chair told them why he called the meeting, which was to discuss the GMP. He said that in his estimation, he thought that they needed to do it as quickly as possible for purposes of getting the hospital open, based on the schedule that was outlined.

If I remember correctly, the next day was the Notice to Proceed for the 11<sup>th</sup> in the document that was provided. The board then voted that they felt that an emergency did exist and that the meeting should go forward. So, they asked us questions similar to that about what is the process that should be followed. I advised them that if the board wanted to have an emergency meeting, they should have a determination by the then sitting board that the emergency did exist.

The Code is silent on it, which goes to another concern that I have had and I have expressed over the year, which is that the Code does not provide enough guidance to the board about how it is supposed to conduct its business. So, if you ask me the question, "Did you follow the procedure of the Code?" The answer is "No." The Code does not have a procedure.

If you ask me, "Did the board do things that suggested that it ratified the decision that the then chair told Marlon?" The answer is, "Yes, they did ratify it."



The last question that you asked me was, "What does it mean?" The answer is that I really can't tell you what it means because you don't have a Code that gives you guidance on it.

Taylor: The question that I am trying to get to is whether or not the item discussed on that night deemed emergency. I am looking at the date you held this. Considering the date that this board was officially supposed to have met, which is November 18<sup>th</sup>, I don't think anything has occurred within those 8 days that we could have had this meeting on tonight. Or, could have had this meeting within 10 days. So, that is what my question is - Whether or not that meeting really did fall under the description of an emergency meeting. If it did not, then I want to know the validity of that meeting because that is why we are here now, a new board, trying to entertain something that in my opinion, and it is just my opinion, was rushed through.

So, I am trying to see if it had validity. If, indeed, the board had this right to call an emergency meeting and whether or not it fell under guide. Now, I want you to be careful in answering that, Mr. Attorney, because I want your best answer for that question.

Williams: Mr. Chair and Commissioners, just so that everyone knows, I always give my best answer. I have given you every legal option that I saw. I don't do anything but give what I think is the best legal answer and I will always will do that for you, Commissioner. I guarantee you that.

Again, as I pointed out, the guidance for any legal decision is always what I teach in the law firm as "source documents." I impress upon them that they look at the governing documents that tell anybody what it is that you should do.

Obviously, the most important document is the Florida Constitution and in some cases, the US Constitution. Then it is the Statutes. Then it

is the ordinances that the county operates under. As I previously stated, the ordinances for Gadsden County do not spell out what an emergency is. So, when you asked me the question, "Was it an emergency?" My answer was that it is not defined within the context of the Code for the County.

If you ask me the question, "Was it an emergency?" I can only tell you what the acts were because I cannot tell you, legally, what an emergency is by the Statutes of the Code because it is not defined.

I voiced this concern before tonight that the Code should be re-written so there is greater guidance for the commission as a whole so that these types of issues don't come up. Because the attorney works for the board, I could not call an emergency meeting, I cannot vote on an emergency meeting. All I can do is read the Code and interpret the Code.

So, when the issue came up before with the then sitting board and they asked me the question, "What is an emergency?" I gave them a similar answer. They asked me what process they should follow. I told them that basically, they have to decide if they want to vote on whether there was an emergency or not.

If you ask me, "Does that make then an emergency?" The answer is that I really don't know because there is nothing in the Code that outlines what an emergency is.

Taylor: But, you advised them to vote on whether it was an emergency or not. But, then you don't have a definition of an emergency.

Williams: The reason I did that, Commissioner, is that no one commissioner or the chairman can call a meeting. At least the Code was clear on that point. He can ask them to come in and if the commissioners don't ratify that they want to meet, they can't have a meeting. So, in any situation, whether it is this emergency or

whether you have an agreement to have special meetings, the board has to agree that they want to meet as a body to do the meeting.

You are in the Sunshine Law and he cannot poll a commissioner and ask them if they want to meet with him before hand. So, all you can do is have, as the Code outlines, a special meeting or an emergency meeting.

In the past in this county, what has happened for special meetings, is that the manager has put it on the agenda and asked to have special meetings on certain days. Then the board, as a body, has voted on those meetings, then you had those meetings.

We have had a situation when the hospital initially closed. The chair asked the manager to set an emergency meeting. I advised the board at that time that they had to ratify that the request by the chair was, in fact, an emergency.

So, again, it is important for me that you all understand that this is not new legal advice. My legal advice for the county has been consistent meeting after meeting, issue after issue. I advised them then that I was uncomfortable with the Code and the way it is drafted because it does not, in my opinion, give enough guidance to the commission about what they should do on one issue after the other. It puts me, as the attorney, in an awkward spot. When I get a question like this, I think I should be able to give you a definitive answer and say, "Yes, you can do this." Or "No, you can't do it." The Code is not clear.

Lamb: Let me say something here. I understand exactly what Commissioner Taylor is saying. I also understand what the attorney is saying. But, what I am saying is this. Mr. Attorney, I felt personally that you should have told him that you didn't see a need for a so-called emergency meeting. Now, when we left here on the 3<sup>rd</sup> of this month, we all had agreed that the next meeting that would be held would be on the 18<sup>th</sup> of

this month. We all agreed on that. And, we did everything we were suppose to do on the 3<sup>rd</sup> of this month. Then all of a sudden, I have a call from the manager after I had made my plans and everything between the 3<sup>rd</sup> and the 18<sup>th</sup> saying that there was an emergency meeting. I asked the manager about that.

Now, the manager tried to tell the chairman could it wait until this meeting. But, it had to be done his way. Personally, there was no emergency meeting. No, it was not. I could do that and I am not an attorney. I could answer that question. You just have to have common sense to answer that question.

What I am saying is that it was not an emergency and what went on at that meeting is what has got us got us doing all of this here today. You see, when you start doing things wrong, that is what happens to you. You get bogged down somewhere else. What I am saying is, we are going to have to stand up like men and tell men and women the truth and looked them in the face and say what you cannot do and what you shouldn't be doing and not let them, just because they are in a certain position, have the authority to make certain things. Tell them the truth whether they cannot do it or whether they can do it. All they can do is tell you "No" or "Yes." Just like the manager told him. The manager told him to wait until this meeting on the 18<sup>th</sup>. He told the manager he wanted to have it then. But, at least he told him that.

What I am telling you, Mr. Attorney, is - don't let me say something or do something which is not right. If you don't know that it is right or wrong, then tell me to not do it. That is what you should have done if you didn't know whether it was an emergency meeting or not, then tell him not to do it. That is what I think you should have done.

Mr. Morgan?

Morgan: Mr. Chairman, thank you. What I am hearing in

this particular conversation with our county attorney is, and please correct me if I am wrong, what you are saying in answer to this issue is that, in fact, it is debatable, in your opinion as to whether it was an emergency meeting.

Williams: I think that the people that vote on it could debate on it. What I have always tried to do as the attorney is to not get involved in the policy decisions that the policy makers make. What I am telling you is that from a legal perspective, it is debatable because the Code is not clear.

Morgan: That is what I was asking. From a legal perspective, as a new board member that is coming into this issue, quick frankly, I feel like I have been put into a pretty bad position simply because somebody wanted to meet and get something done before the new board got into their seat. This is something that we have got to move forward on and I just feel like if you are saying that from a legal perspective, this, in fact, was debatable and you are sitting here tonight as our county attorney telling us that, then I think we have every right to question what went on at that meeting and determine it's validity. How do we pursue that? How is that done? I don't know. But, I certainly think it is something that we need to address.

Holt: Thank you. I am so happy that I have an opportunity to address this simply because I was one of the three. If three of the commissioners request a meeting of the chairman, and you decide that you want to have a meeting and it is publicized correctly as that one was, you can have a meeting. You determine at that meeting whether it is an emergency or not and that is what you vote on. And, that is what we did. We wanted to make sure that we follow the schedule of getting this hospital open on time. That is why we decided that it was an emergency simply because we must meet that June 29<sup>th</sup> deadline. Also, we were looking at 30 some odd people who died trying to get to Tallahassee. So, we were trying to make sure that the hospital opens on time.

You didn't have to like the \$9.75. I didn't like the \$9.75. So, we negotiate that down, as we have already discussed. There was nothing done incorrectly. It was done correctly, and if you thought it was wrong, you could have come to the meeting. The meeting was open to the public. There wasn't an emergency closed meeting. It was an emergency public meeting to make sure that we stayed on point. If you didn't like the contractor, that was fine. Anyone could have come to the podium and said, "We don't like the contractor." Anyone could have come and said that you didn't think it was an emergency meeting. Any new commissioner, former commissioner, pastor, little children could come to the podium and say what they had to say.

But, the bottom line is that we are suppose to start on this, hopefully back in October to make sure that we got on time. We were on track. The fact that we had an election during that time should not be the catalyst for slowing this project. If we are going to change developer, I mean contractors, then let's do that. Whatever this board decides that you are going to do, that is what you are going to do. But, no, it was not done incorrectly. We voted. Any commissioner who was on the previous commission could have said, "We don't want to have an emergency meeting." Come to the meeting and say, "We don't want to have it." If we had gotten three votes to say we didn't want to have an emergency meeting, we wouldn't have had it. But, only three showed up. Commissioner Dixon, Commissioner Price and I were the only three that showed up. There was hardly anyone in the audience. But, anyone could have said that they didn't want the meeting.

Thank you very much.

Croley: Mr. Chair, I want to ask Mr. Sexton a question.

Mr. Sexton, now the manager was in Trinidad on vacation. Three commissioners show up. You advertised the meeting in the Tallahassee Democrat. As Commissioner Lamb has pointed out,

when we adjourned at our last meeting before then, it was understood that there was not going to be another meeting until tonight.

Now, at any time did you communicate with the chair or you, Mr. Williams, that there would be a need for a special meeting?

Sexton: Did I do that?

Croley: Did you contact the chair and advise him that there was a need to have a special meeting? Either one of you?

Sexton: No.

Williams: And neither did I. And, we would not have done that.

Croley: I didn't ask you if you would have, I asked you if you did.

Williams: Just to let you know, No, we didn't and nor we would ever do that.

Croley: So, the only time that you heard about a special meeting was whenever the communication came through.

Williams: I saw the e-mail from the county manager. That is the first that I heard about it.

Croley: Commissioner Holt, with all due respect, you saw an e-mail from me protesting that the meeting was in question because no legitimate emergency existed. Do you not?

Holt: Are you talking to me?

Croley: I am talking to the attorney.

Williams: Yes, sir. Then what I have done as I have always done, and Commissioner Croley, you and I have done this a lot, I go to Mr. Sexton and I ask Mr. Sexton to research the issue and find out what we have and what the Code says.

Commissioner Taylor, that is when I found out that the Code was lacking on this issue. All it says - it defines a regular meeting as the first and third of each month. It says that you can have special meetings and you can have emergency meetings, but it is silent on when and how they occur.

So, Commissioner Morgan, you asked me if it was debatable. That is what the problem was. There is no clarification in the Code.

Croley: Now, Mr. Sexton, you did your research. I would concur with you that the county code, from my reading of it, is somewhat unclear on that. But, there are certainly State Statutes and there are certainly court precedents and case precedent as to what the definition of an emergency is. We had to go into recess because there was an electrical emergency within the City of Quincy tonight. That was very clear. If we have a hurricane or a storm or a flood, that is understandable. We have had to terminate other matters because of man made and other disasters, but this business of just declaring an on-going emergency as was done in justifying this in any matter leading the commissioners present to somehow think that they could do this somehow seems to be stretching it. I think that is what I am hearing Commissioner Taylor raise a question about. I think that is the basis of Commissioner Morgan's question.

Now, do I find fault with Commissioner Holt for attending and in acting in good faith based upon what she was told and presented with a resolution that it was an emergency meeting, I am not going to attack Commissioner Holt about that.

I am saying that I think that it was bad legal advice and this has set up and boxed us in and ya'll immediately executed a contract with Ajax Construction and started incurring costs and the we get a resolution in Item 20-A .

No, I don't feel comfortable about it, Mr. Chair and that is really my point. I didn't mean to



draw it out, but it kind of makes me irritated.

Lamb: I don't feel comfortable with it myself.

Taylor: I think that at this time, Mr. Chair, maybe we can get a consensus around this board. We need to know if the meeting had validity. Then we need to know what we do in the event that the meeting could be made void. If we can do it or if we can not do it. We need to know what our options, here.

I hear the attorney clearly. He speaks clearly and I can understand you and I appreciate that. And you are clearly saying that there are no definitions. Because there are no definitions, then obviously, there is no interpretation because there is nothing there for you to pull your information from.

With that being said, then there couldn't have been an emergency meeting because we don't have that covenant within our ordinance.

I am asking, Mr. Chair, if we can have legal to go back and look at it. I think Commissioner Croley mentioned some case laws that we might reference. I don't know what is out there. I have no legal jargon, but we need to know if this is a valid meeting. Then we need to contact all parties involved, especially Ajax, if it is not.

I don't want to prolong the process, but, day one, just from my being a third party looking in, have some concerns with it. I just want to make sure that this is a valid meeting. So, I am asking legal to go back to validate that for us.

Lamb: Can that be done? Can you go back and look and see?

Williams: If that is the will of the board for me to do it.

Lamb: Can I get a motion?

Croley: I was just going to say that I am not real comfortable. No disparity for Mr. Williams and

his firm, but they are the ones who, I am not sure that the objectivity is going to be there. You have given an opinion by coming up with a resolution that you could hold this meeting, Mr. Williams, through Mr. Sexton. And yet, we are turning around here now and we are going to ask you if what you did was proper. I am uncomfortable to some degree with that.

I think that we do need to have it reviewed. Commissioner Taylor, I will support your motion, but I am raising that as a concern.

Taylor: His response back to us cannot be subjective. It can't be his opinion. That is why I am asking for case law to be cited, I am asking Statutes to be cited. So, it won't be subjective. That is what I am saying. I don't think he will do anything to cause any description over his integrity.

Taylor: His response back to us cannot be subjective. It can't be his opinion. That is why I am asking for case law to be cited, I am asking Statutes to be cited. So, it won't be subjective. That is what I am saying. I don't think he will do anything to cause any description over his integrity.

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for case law to be cited, I am asking Statutes to be cited. So, it won't be subjective. That is what I am saying. I don't think he will do anything to cause any description over his integrity.

Lamb: I think he can go back and research and do the right thing. You won't have to worry about that, especially, (inaudible)

Holt: Since we are having comments from other commissioners, may I speak?

Lamb: Yeah.

Holt: I think that once it is stated that you can have an emergency meeting, whether there is a definition or not, it gives the board the right to have one. You can research it, but if I were you, I wouldn't question his integrity at all. He told you just what he thought about it. He told us just what he thought about it.

But, if you want to hire outside legal, then you go ahead and hire outside legal for a legal opinion. I don't know if that will do any good because we have an attorney sitting here that we have to count on his opinion, but if we want to do that, we can do that and move on and the make some decisions on this.

I think the emergency was there. I think that the last one I know of was the young Jackson woman who was only 22 years old that died, that made it even more of an emergency. She called EMS at 12:00 o'clock. Urgent Care was closed. She got on the ambulance herself, then she died on the stretcher. They could not take her to the hospital because it wasn't open. She is still talking about taking action - her family is.

Because of this, this commission keeps dragging it's feet. We are in a situation where every day that you wait, it is an emergency whether you find a definition in Webster or a legal journal or wherever you look for it at. It is only important if it is you or your relatives. It is

only important to you then. But, it is important to several of us, no matter where those people are or who you have a question with that passes. It is only important if someone on this board dies or someone in your family. It makes it an emergency.

As I have said before, it is going to be an emergency every time you tell it to me. It is going to be an emergency. So, if you want to hire outside counsel, let's do that. Let's do whatever it is. Let's not stop the timeline.

Lamb: O.K. Thank you.

Williams: Mr. Chair and Commissioners, I want everyone to have a comfort zone, particularly for the new commissioners that I vet all my issues. One of the things that is important, and when you get into legal services, you will see that the work that is done in the county, it is so significant that no one attorney can do it. I never give any of the attorneys any presupposed solutions that I want them to go to. It is ironic that there is even a remote concern about my integrity when I point out the issues about the Code.

But, I am always comfortable, and that is very important for you to understand, that anyone, any competent attorney can come in and look at my legal work and give you an answer on it. I am very comfortable if that is done, that they will reach a conclusion similar to the one that I have reached on any issue.

Commissioner Croley, that has nothing to do with your comment other than I want everyone to understand how I practice law.

I am one of the few lawyers in the nation that was given an AB rating by Martindale-Hubbell which is the oldest and most prestigious law firm in the world. It is the highest rating that you can get and I got it the very first time I ever got rated. I am one of ten percent of the lawyers in the nation to ever get that rating. It means that our legal practice is the highest and it

means that the integrity that we bring to our practice is the highest. It is without repute, it is without any scrutiny and there is no issue about our integrity.

So, if there ever is a concern about just maybe that we mis-analyzed it, I am very comfortable with someone looking at it. Our law firm has the reputation of being impeccable in its legal research. I want you all to have a comfort zone that we do that.

It means that I will give you good legal answer even when it allows you the opportunity to vet me because of the answer that I give you. A good lawyer has to be able to take the critique from his client. I work for the board whoever the board is and I will give them competent legal advice on all issues. So, I am o.k. with the concerns that are being addressed. I am O.K. if a lawyer outside of me looks at this issue because I am comfortable with the legal analysis that I gave you.

Croley: I want to support Commissioner Taylor's direction, but I do seem to recall that I asked Mr. Williams about the legality of that type of meeting and I think we did have a brief conversation and you said you were going to look into it. But, nobody ever got back to me about it.

You all just had the meeting and they did the order up. I know you were not present, I don't believe, at that meeting.

Williams: I was at the meeting.

Croley: Oh, you were. O.K.

Well, let's move forward.

Lamb: I will entertain the will of the board.

Commissioner Taylor.

Taylor: **Thank you, Mr. Chairman. I had made a motion to have the attorney go back and research the**

validity of that meeting. As well, come back with some definition to better improve the term "emergency" going forward in our ordinance. That is what I am asking for.

Croley: I'll second it.

Williams: I was going to ask you - you know, one of the things under the retainer is you can authorize us to re-write ordinances. I would be very happy with authorization.

Taylor: That is exactly what I said. Come back and revisit it. O.K. A motion and a second.

Morgan: Is there a need to have a timeframe placed on the time for these things coming back to us? We are talking about coming back to us. At what point in time are we going to hear this information?

Lamb: He will bring it back at the next meeting.

Taylor: I will amend my motion to include the timeline.

Croley: I will amend my second.

Lamb: Any questions? Ready to vote?

All in favor, signify by saying, "Aye."

Holt Aye.

Croley

Lamb

Morgan

Taylor

Lamb: The vote is unanimous. It will come back at the next meeting.

Mr. Attorney, I believe everything you said and I know you are comfortable and you will stay comfortable and we don't need to look over your shoulder. You don't have to worry about me, as the chairman. You do what you've got to do.

**20-A Resolution Pending Action on Interim Financing  
for the Renovation of Gadsden Community Hospital**

Revisited.

Croley: **I make a motion to take 20-A off the table for reconsideration.**

Lamb: Do I have a second?

Taylor: I will make that motion, Mr. Chairman.

Lamb: We already have a motion.

Taylor: I will second it.

Lamb: O.K. It has been properly moved and seconded that we take up 20-A up for reconsideration. We are ready for questions.

Morgan: My reason, as I stated before when we agreed to take this off the table. I have a question, so hopefully, we can discuss it.

Lamb: We will.

All in favor, let it be known by saying, "Aye."

Lamb Aye.

Holt

Morgan

Croley

Taylor

Lamb: Opposes?  
(No response.)  
The "Ayes" have it.

Thank you. That is 20-A

Morgan: Mr. Chairman, I just simply wanted to ask the attorney - Originally, Mr. Sexton, we were approved by Capital City Bank for \$6.75 million?

Sexton: That was \$7.5 million.

Morgan: I am sorry, \$7.5 million. This was done at what

point in time - two to three weeks ago? How long ago was that?

Brown: This was done, Commissioner at the beginning of November.

Morgan: O.K. The item that we are discussing now is actually a resolution that they are asking us to provide. Was that not asked of us at that point in time when we originally had the \$7.5 million?

Brown: Commissioner, let me tell you how this came into being.

Remember that you had a public hearing item before you this evening that got deleted. Capital City Bank's concern was that since you were not hearing that item here tonight, that you put something in place more or less as a place holder that will allow you to get reimbursed in the event that you incur cost.

Morgan: Thank you for clarifying that. I know that we batted this around and we got interrupted and I just was not sure of that. Thank you for that clarification.

Lamb: Are you finished?

Go ahead, Commissioner.

Holt: Yes, on that item, I am concerned about the county being able to be reimbursed no matter what the amount is. So, if it is \$7.5 or \$7.9 or \$9.75, I want to make sure that we don't miss getting that reimbursement money back. And evidently, the bank seems concerned about it. They are the ones that are requesting it. That is a concern. If we need another number, that is fine. But, we need to make sure that the county doesn't lose any money.

Lamb: Commissioner Taylor.

Croley: I agree with Commissioner Holt on this point with what Mr. Sexton is bringing forward from the bank's attorneys and what Mr. Williams has said.



It really is more of a housekeeping matter. If we would go ahead and approve this whether or not it is Ajax or some other bidder, at least we will have this housekeeping matter in force. Then we can move forward.

So, unless someone else has some questions -

Taylor: I have a question, if you don't mind. Would you yield?

Lamb: Commissioner Taylor.

Taylor: Just one quick question. I think this question is for the manager. You mentioned and I think Mr. Sexton also mentioned a few vendors that might be able to have its cost recouped. My question is looking at Cross Construction as well as Ajax having to relocate the Urgent Care. Are these costs not already budgeted somewhere in a line item?

Brown: Yes, they are, Commissioner. Previous action of the board set aside \$350,000 from the interest earnings from the hospital trust that we are using for the abatement. I personally would like for the money to come out of the surtax that was passed instead of relying on the hospital trust fund. The Urgent Care relocation, the board approved to use the interest earnings as well from the hospital trust fund to relocate the Urgent Care. I personally would like that money to come out of the surtax because that is the purpose of the surtax and not rely on the hospital trust interest earnings to fund those activities.

Taylor: I heard you clear. But, my concern is how much of that Urgent Care or that surtax will we get in. I understand that there are two parties involved with that money. Some of it will be going toward the health council.

Brown: You are correct. That money is divided. Part of the money is for the debt service for reconstructing the hospital.

- Taylor: Which is about how much?
- Brown: Which is about, one third of the money is about \$500,000 right now. And \$17,000 dollars.
- Taylor: I just heard - the chairman of the Board for the hospital stated that, given the interest rate that is being offered by the bank, I think it was 4.something percent. The amount that we are looking at, that you are looking at \$600,000 and something.
- Brown: What he was saying is that when you add additional cost onto the \$9.75 -
- Taylor: I think he had just the \$9.7, then he added some other things that probably brought it up.
- Brown: Right, and he said that when you add the equipment as well, when you add those costs to \$9.7, you are looking more at probably about \$600,000 and at one point, I think he said \$1.2 million.
- Now, remember too, the surtax generates \$1.6 million. So, you have the capacity there to pay whatever debt service you have. What you are going to do is take away the indigent care services that are a part of that surtax. AS that debt service rises, you have to reconsider how much money is going to indigent care services that you are going to be providing.
- Taylor: There are extenuating factors that determine this \$1.6 million. This is a projected amount.
- Brown: The \$1.6 million is not a projected amount. WE actually took that from the earnings that we received this past year from similar sales tax revenues that we have collected. We have not projected that out. This is a very conservative number. So, that number could go up next year. It could stay the same or it could go down.
- Taylor: My concern is and then I am finished with this. But, my concern is this. You are adding on top

of the cost to renovate the hospital. You are looking to recoup other costs as well. Am I right? Now, you are saying through this resolution that "Hey, Cross Construction originally, we gave you \$350,000, but it looks like we might be able to let that half cent pay for it. So, you are adding to the \$9.7. You are adding which will, in turn, make your debt service higher. I am concerned that we are now going to be taking money from what was supposed to be used to operate the hospital and what was supposed to be used to offset some of it's other expenses to pay debt service.

If you keep adding in items, we are only supposed to be looking at spending for the renovation of this hospital out of this money. Not items that you have already agendaed. I might be wrong. I might be out of line.

Croley: Mr. Chair, May I.

Commissioner Taylor, we will have an opportunity to come back and look at what costs go under here. I think what is being done by this is just simply putting us in a position to go back and determine what costs you wish to recoup.

Taylor: I understand the process.

Croley: And by doing this, it seems to be an appropriate housekeeping matter.

If there is no objection, I would like to move that we accept this resolution.

Holt: I second.

Lamb: It has been moved and seconded that we adopt the resolution. That is the motion. Are there any questions?

All in favor, let it be known by saying, "Aye."

Holt: Aye.

Morgan:

Croley:

Lamb:

Lamb: Opposes?

Taylor: Aye.

Lamb: O.K. Four to one.

Thank you.

13. ~~Public Hearing - Approval to Authorize the Chairman or the Chairman's Designee to Close the Loan with Capital City Bank for Interim Financing for the Renovation of Gadsden Community Hospital~~

This item was removed from the agenda at the beginning of the meeting.

14. ~~Public Hearing - Approval of FY 2008 Close-Out Budget Amendments Resolution 2008-069~~

County Manager Brown announced a public hearing to discuss the close out process for the FY September 30, 2008. He stated that the agenda item seeks approval of the Resolution of 2008-069 and authorization for the County Manager, the OMB Staff and the Finance Director to complete and execute all budget amendments necessary to close out the Board of County Commissioner's budget for fiscal year 2008. He stated that it is requested pursuant to FS 129.012 (b) which requires the county to have a balanced budget.

He also pointed out to the new commissioners that the Clerk's Office Finance Department works for the Board of County Commissioners and the County Commission is responsible for giving them direction in how to process the board's accounts even though they work in the Clerk's office.

He stated there were a number of administrative issues that have contributed to the delay in getting the budget amendments prepared in time for this public hearing. He asked for the board's authority to have the OMB staff and the finance director complete and execute all the necessary budget amendments to close

out the year. He said that when they are completed, he would present the technical budget amendments at the December 16, 2008.

He also reported that it appears that there will be a deficit of approximately \$159,041. (See the analysis attached.) He explained that this is still subject to certification by the board's auditors. He went on to say that part of the deficit is due to the fact that the finance department did not post the purchase of the land for the Boys and Girls Club to Fund 130 as the board directed (\$122,524). Instead, they posted it to the General Fund contrary to the board's direction. He said that he had talked with the county's auditor and the county attorney and both of them had indicated to him that there is no reason to disallow the posting to Fund 130.

He went on to state that despite the county attorney's opinion filed saying that the land purchase would comply with Ordinance 95-006, the finance department has contended that the ordinance must first be amended to provide authority to use that revenue for any purpose other than specifically stated in the ordinance itself.

Mr. Brown then said that this posting will be referred to the auditor for correction or other direction from the board. (This posting will have a direct effect on how much the deficit will be at year end.)

Again, he asked to board to authorize the staff and the finance department to complete and execute all necessary budget amendments to close out the year. Those amendments will be brought back for informational purposes, but they will have already been executed by the time they are brought back to the board.

**Chair Lamb called for public comments or questions.**

There was no response.

Commissioner Croley inquired as to whether or not the final bills from the county attorney have been submitted.

Mr. Hauffman replied that they are still waiting for

the September bill.

Mr. Croley pointed out that the contract with the county attorney requires that the invoices be submitted by the 15<sup>th</sup> of every month. He then asked the manager if he had received the October and the November bill.

Mr. Brown stated that he did have a bill on his desk, but he was not certain which month the bill reflected.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE RESOLUTION AND GRANT AUTHORITY AS REQUESTED BY THE MANAGER TO PREPARE AND EXECUTE THE NECESSARY BUDGET AMENDMENTS TO CLOSE OUT THE BUDGET FOR 2008.

15. Public Hearing - Second Reading - Approval of Ordinance #2008-031 for the Adoption of a Public Schools Facilities Element and Related Text Amendments to the Capital Improvements Element and Intergovernmental Coordination Element (CPA-2008-02AD) - Comprehensive Plan Text Amendment

Mr. Brown introduced the public hearing as described in the agenda report. He also stated that this is the second hearing on the ordinance.

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

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

16. Public Hearing - Approval of Ordinance #2008-032 - Designating the School Board Representative on the Planning Commission as a Voting Member

Mr. Brown then announced a public hearing for the second reading of the ordinance stated above.

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

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO APPROVE THE SECOND READING OF ORDINANCE 2008-032.

**17. Discussion of Gadsden County's Current Financial Status (See the attached agenda report.)**

Commissioner Croley stated that he asked that this item be placed on the agenda in view of the state of the economy and current financial issues raised by the State's projections for loss in revenues for the upcoming years. He stated that he felt that the commissioners must monitor the situation closely and that the manager and his staff continue to keep them well informed of the revenue projections are revised.

He stated that he also raised issues regarding the definition of "emergencies", purchasing authority of the manager, travel authority for staff and the use of the internal service funds. He had asked those questions be raised and answered for the sake of clarification and to educate the new commissioners.

Commissioner Taylor stated that she would like to have more information regarding the financial status and requested a meeting with the Clerk to gain more insight. She recognized that there are constraints that face the board and some budget cuts may need to be made.

Commissioner Morgan added that he would like to have all the constitutional officers come together with the board to put all the issues on the table so that everyone can become educated in terms of potential decrease in tax revenues. He asked that the meeting be scheduled sooner than later.

Commissioner Croley stated, "There seems to be somewhat of a conflict, and it has been since I have been up here. You've got an accounting process that sits over here that keeps up with expenditures of the money and the governmental accounting process. Then, we've got a budget process over here that does it somewhat different. There is a conflict in trying to

mesh those two systems together and that creates a difference of opinion sometimes about what should go where and what category. I think that if we can have a meeting of the minds on those processes, it may go a long way for the future facilitation of good relations with everybody. It will help our other constitutional officers to understand where we are money-wise."

Commissioner Holt recalled that there were reasons why the internal service funds were set up to track the actual costs to those departments which utilized them. She cautioned, "Let's not throw out the good things. Keep the good things and throw out the things that you don't want....Let's move on and try to mesh these two things together."

Mr. Brown stated that there was a workshop already scheduled for December 9, 2008 and he would contact the Clerk to ask him to be present and give his analysis of the financial status of the county.

No motion was necessary.

**18. Overview of Legal Services Performed for Gadsden County - January 2005- September 2008**

Commissioner Croley stated that he had also asked for this item to be placed on the agenda so as to help all parties to get a good understanding of the legal expenses that are necessary to run county government.

Attorney Williams then made a presentation which outlined the legal issues to which he and his staff attend to on behalf of the county. (See the attached report for details.)

The pending matters still in litigation were pointed out in the attached report by Attorney Paul Sexton. (See the attached report.)

There was some discussion regarding how much money has been expended in legal services. There was also discussion about the possibility of doing a new request for qualifications in view of the fact that it was last bid in 2005.

**A MOTION WAS MADE BY COMMISSIONER TAYLOR TO GO OUT FOR**



**BID FOR LEGAL SERVICES.**

COMMISSIONER CROLEY ASKED THAT THE MOTION INCLUDE GIVING MR. WILLIAMS 120 DAYS WRITTEN NOTICE (EFFECTIVE NOVEMBER 19, 2008) THAT THE BOARD INTENDS TO TERMINATE HIS CONTRACT (DATED NOVEMBER 14, 2006) AND GO OUT FOR BID FOR LEGAL SERVICES. ALSO TO BE INCLUDED IN THE MOTION WAS THAT IT WAS THE BOARD'S INTENTION TO GIVE MR. WILLIAM'S FIRM THE OPPORTUNITY TO PARTICIPATE IN THE NEW BIDDING PROCESS.

COMMISSIONER RESTATED HER MOTION AS FOLLOWS: BASED ON INFORMATION GATHERED FROM COMMISSIONER CROLEY, I MAKE A MOTION THAT WE GIVE THE ATTORNEY AND HIS FIRM A WRITTEN NOTICE AS OF NOVEMBER 19, 2008, THAT WE ARE TERMINATING HIS CONTRACT WITH HIS FIRM AND THAT WE ISSUE AN RFP FOR ATTORNEY SERVICES. THAT IS MY MOTION.

THE MOTION WAS SECONDED BY COMMISSIONER MORGAN.

Commissioner Holt raised concerns regarding the hospital re-opening and said that she did not want to jeopardize that.

Commissioner Taylor asked, "I did mention that the contract will be terminated effective tomorrow. Does that mean that he continues or - when we have our next board meeting, who will sit in the attorney's seat?"

Croley:

No, he will continue. But, the way I read his contract, it is just that you are going to put out an RFP, but to comply with his contract terms, you are giving him the 120 days notice. He would continue his billings the same as he has been doing. But, we are giving him the proper notice.

It says, "with a reasonable period within to wind down pending matters." No, Mr. Williams, if you don't wish to continue, then, that is your business.

Williams:

I committed to each of you individually that I work at the will of the board. Nothing more and nothing less.

I am not sure I would read the contract the way that

you have suggested, but, I will agree to amend the contract to do what the board wants to do. I wouldn't do it any other way. So, if the board wants me to use that provision as a wind down provision and that you do the RFP. I just want the text of the contract to be in order and I am agreeing to those terms.

**THE BOARD VOTED 4 - 1 IN FAVOR OF THE MOTION.  
COMMISSIONER HOLT CAST THE LONE DISSENTING VOTE.**

Commissioner Taylor insisted that the board have input into the language that will appear on the RFP.

Chair Lamb directed Commissioner Croley to work with the manager in getting the RFP out as well as sending out the correct notice of termination to the attorney.

There was a consensus of the board that they would like for Mr. Williams to compete in the bidding process because they all respect his capabilities. It was noted that this measure was taken as an attempt to minimize the legal cost to the extent that it can be done.

**19. Discussion of Gadsden Community Hospital License Issue to Include Adoption of Resolution Number 2008-070 - A Resolution of the Gadsden County Board of County Commissioners Concerning Request for a Legislative Extension on the License for Gadsden Community Hospital**

This item was discussed earlier in the meeting along with the other hospital issues.

**20. Discussion of Advertised Special Emergency Meeting of the Gadsden BOCC held on November 10, 2008**

This item was discussed earlier in the meeting.

**20A. Resolution Pending Action on Interim Financing for the Renovation of Gadsden Community Hospital**

This item was discussed earlier in the meeting.

**RECEIPT AND FILE AGENDA**

- 24a. Letter from Florida Department of Revenue Regarding  
Audit of the Communication Services Providers
- 24b. Letter from the Boys and Girls Clubs of the Big Bend  
Regarding the 16th Annual Kids Soiree
- 24c. Certificate of Sale Submitted by Capital City Bank
- 24d. Letter from Florida Department of Revenue Regarding  
Truth in Millage (TRIM) Certification
- 24e. Letter from Gadsden Senior Services, Inc. Regarding  
Hardship Funding
- 24f. Letter from Florida Division of Emergency Management  
Regarding Review of Gadsden County's Comprehensive  
Emergency Management Plan (CEMP)
- 24g. Letter from Gadsden County Tax Collector Regarding  
Unspent Revenue for Fiscal Year 2007-2008
- 24h. Letter from Florida Department of Community Affairs  
Regarding Waiver from School Concurrency
- 24i. Letter from Gadsden County Property Appraiser  
Regarding Unspent 2008 Budget Monies and 2008 Income  
from Map Sales
- 24j. Letter from Florida Department of Law Enforcement  
Regarding Federal Fiscal Year (FFY) Edward Byrne  
Memorial Justice Assistance Grant (JAG) Program -  
Florida JAG Direct
- 24k. Letter from Donna Kempf Regarding Conceptual  
Subdivision Plan Development Order for Paradise

Gardens Major Subdivision, Public Records Request

24l. Letter to David H. Melvin, Inc. Regarding  
Construction/Final Plans Review for Bradwell Huddle  
House Restaurant

24m. Letter to Donna Kempf Regarding Paradise Gardens  
Conceptual Plan - Public Records Request

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**December Meetings**

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December 2, 2008 - Regular Meeting

December 9, 2008 - Workshop

December 16, 2008 - Regular Meeting

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**Commissioners Reports**

**Commissioner Holt**

Commissioner Holt said she had been contacted by a number of employees that did not understand the information that they had received regarding their retirement status. She asked him to gather information that could be disseminated to them.

**EXTENSION OF THE MEETING**

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY  
COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE,  
TO EXTEND THE MEETING TO 11:15 P.M.

**Commissioner Taylor**

Commissioner Taylor asked to agenda the county manager's contract for the next meeting.

She also asked for the following:

- A list of all committees and board members appointed by the County Commission. (Highlighting District 5 board members in particular.)
- An review of the 2008/2009 Budget
- A review of the Sheriff's Budget
- Update on the Senior Services Inc.
- Reconsideration of the funding for Boys and Girls Club in view of financial constraints of the county.

**Commissioner Croley**

Mr. Croley made the following report as a representative of the Capital Regional Transportation Planning Authority.

- There was a meeting on November 17 at 1:00 p.m.
- Funding is the major issue facing road and transportation improvements.
- There is an emphasis being placed on any project that incorporates bicycles.
- \$6 million has been appropriated for a turtle crossing on US 27 at Lake Jackson.

He then recognized and welcomed Commissioner Taylor and Commissioner Morgan to the Board.

**Commissioner Lamb**

Commissioner Lamb also welcomed the new commissioners and promised to support them in any way in order to see to it that the county moves forward.

He then asked the manager for the following:

- A list of the new positions that have been hired in the past two fiscal years.
- A copy of the various boards on which commissioners are serving on at the present time.

- A list of the various advisory boards and committees to which the county commission makes appointments - and a current list of the appointees.

He then asked each of the commissioners to meet with the county manager prior to the next meeting so that they can be more familiar with the issues that will appear on the agenda.

**ADJOURNMENT**

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR  
DECLARED THE MEETING ADJOURNED AT 11:15 P.M.**

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**Eugene Lamb, Chair**

**ATTEST:**

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**Muriel Straughn, Deputy Clerk**

AT A REGULAR MEETING OF THE BOARD  
OF COUNTY COMMISSIONERS HELD IN  
AND FOR GADSDEN COUNTY, FLORIDA ON  
DECEMBER 2, 2008, THE FOLLOWING  
PROCEEDINGS WERE HAD, VIZ.

PRESENT: Eugene Lamb, Chair, District 1  
Doug Croley, Vice-Chair, District 2  
Gene Morgan, District 3  
Brenda A. Holt, District 4  
Sherrie Taylor, District 5  
Thornton Williams, County Attorney  
Arthur Lawson, Assistant County Manager  
Muriel Straughn, Deputy Clerk

**CALL TO ORDER**

Chair Lamb called the meeting to order at 6:00 p.m. He announced that if anyone wished to speak to any issue on the agenda to complete the speaker forms and give them to the clerk.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Chair Lamb called for a silent invocation then led in pledging allegiance to the U.S. flag.

**AMENDMENTS AND APPROVAL OF AGENDA**

The agenda was amended as reflected in the [attached memorandum](#).

Commissioner Holt asked that all items dealing with the hospital be moved to come before "Citizen's Requesting to be Heard Agenda."

Commissioner Croley was opposed to moving the items forward in the proceedings.

A MOTION WAS MADE BY COMMISSIONER HOLT TO MOVE THE AGENDA ITEMS DEALING WITH THE HOSPITAL TO PRECEED THE PUBLIC HEARING AGENDA. THE MOTION DIED FOR A LACK OF A SECOND.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED. COMMISSIONER HOLT CAST THE LONE DISSENTING VOTE.

**AWARDS, PRESENTATIONS AND APPEARANCES**



**A1 Approval of Resolution No. 2008-072 - Mutual Agreement to Terminate the Services of the County Manager Marlon Brown**

Assistant County Manager Arthur Lawson introduced the resolution cited above.

Commissioner Holt expressed her appreciation for the services Mr. Brown contributed to and for the benefit of Gadsden County.

**A MOTION WAS MADE BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN TO APPROVE RESOLUTION NO. 2008-072 MUTUALLY AGREEING TO TERMINATE THE SERVICES OF THE COUNTY MANAGER.**

Commissioner Taylor contended that she could not approve moving forward with terminating the services of the manager in view of all the matters that are pending before the board. She asked if there had been any negotiations attempted.

Chair Lamb stated that the manager had attempted to make contact with each of the commissioner prior to his departure.

**THE BOARD VOTED 4 - 1 IN FAVOR OF THE MOTION WITH COMMISSIONER TAYLOR VOTING "NO."**

Chair Lamb then read a letter, which Mr. Brown had requested that he read to the public.

"The county manager kindly requests that any member of the public wishing to address the board on his behalf not to do so. He requests that you respect his wishes and allow the board to move forward with their duties and that everyone move forward in a positive manner. Marlon J. Brown."

Chair Lamb explained that it was the manager who initiated the mutual agreement.

**CONSENT AGENDA**

Items 3, 5, 6, 7, 8, & 8A were pulled for discussion.

1. Approval of Minutes - October 7, 2008 Regular Meeting

2. Ratification of Approval to Pay County Bills  
Accounts Payable Dated: November 21, 26, 2008  
Payroll Dated: November 20, 2008

3. ~~Post Approval of Travel for Commissioners Taylor and Morgan to attend New Commissioners Luncheon and Orientation in Daytona Beach, FL on November 19, 2008 — \$350.00~~

This item was pulled for discussion and subsequently approved following the approval of the remainder of the consent agenda.

4. Approval of New Road Names - Double Branch Court (South off of Shady Rest Road, east of Lanier Road)
5. ~~Approval of Signatures for Special Assessment Lien and Rehabilitation Contract — State Housing Initiative Partnership (SHIP) Program (Cleoretha Hendrix & Maggie Dudley)~~

This item was pulled for discussion and subsequently approved following the approval of the remainder of the consent agenda.

6. ~~Approval of Signatures for Special Assessment Liens and Rehabilitation Contracts Emergency Repairs (Morze Jackson, Barbara Kyles, Louise Coulds, Marguerite Miller)~~

This item was pulled for discussion and subsequently approved following the approval of the remainder of the consent agenda.

7. ~~Approval of Network Engineering Contract for Allcol Technologies, Inc.~~

This item was pulled from the consent agenda for discussion. It was not approved at this meeting pending further staff evaluation and validity of the corporation.

8. ~~Approval of EMS Debt Write Off and Adoption of Resolution 2008-068 totaling \$453,616.45~~

This item was pulled for discussion following the consent and was subsequently approved.

- 8A ~~Consent to Enter into a Consulting Service Contract with Dr. Sean McGlynn for Water Quality Grant Writing and Related Professional Services~~ (This item was moved to the consent agenda from Item 11 as a part of the amendment to the agenda. It was later moved from the consent agenda for discussion.

**3. Post Approval of Travel for Commissioners Taylor and Morgan to attend New Commissioners Luncheon and Orientation in Daytona Beach, FL on November 19, 2008 - \$350.00**

Commissioner Croley explained that he pulled this item in an attempt to make certain that the policies of the board are followed consistently. As a matter of clarification, he stated that commissioners travel must be authorized by the board in advance of the travel. However, the new commissioners only took office on the 18<sup>th</sup> of November and there was not an opportunity to approve their travel in advance.

He then asked if it would be possible to pre-approve the travel for those commissioners who are participating in the commissioners certification program.

Commissioner Holt suggested that pre-approval also be authorized for the annual conference.

Commissioner Morgan interjected that most all of the training dates are established well in advance and there would be ample time to get approval prior to any anticipated travel.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE TRAVEL STATED ABOVE. IT WAS NOTED THAT THERE WERE UNIQUE CIRCUMSTANCES RELATED TO THIS TRAVEL WHICH DID NOT ALLOW FOR PRE-APPROVAL. IT WAS ALSO NOTED THAT NO MORE POST APPROVAL FOR TRAVEL WOULD BE ALLOWED.

**5. Approval of Signatures for Special Assessment Lien and Rehabilitation Contract - State Housing Initiative Partnership (SHIP) Program (Cleoretha Hendrix & Maggie Dudley)**

Commissioner Taylor asked staff for an explanation of this agenda item.

Community Development Director Farnita Saunders responded to questions raised by Commissioner Taylor.

Commissioner Taylor stated, "The question that I have is to - you have here in the background "loan". As I read further, you then indicated that some of them are not required to be repaid. My concern is the definition of "loan." If we could use another term for those who qualify for non-repayment - as opposed to "loan" because that might catch the eye of an auditor who is looking for those dollars to come back into our coffers. So, is that a possibility ?

Ms. Saunders explained that, "It really is not a loan. It is a deferred payment. There is a lien, but it is really not. They are not required to repay this. There is a lien on the home for two years. We can certainly change the verbiage so that it is very clear to our homeowners and to the public or anyone who is interested in this program that it is not a loan that has to be repaid."

**UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE SPECIAL ASSESSMENT LIENS AND REHABILITATION CONTRACTS DESCRIBED ABOVE.**

**6. Approval of Signatures for Special Assessment Liens and Rehabilitation Contracts-Emergency Repairs (Morze Jackson, Barbara Kyles, Louise Goulds, Marguerite Miller)**

After some discussion and explanation of the assessment liens and how they differ from those in Item 5. Commissioner Taylor stated similar concern about the verbiage in the liens as well.

Ms. Saunders explained that SHIP does have a recapture provision in the agreements that can become program income to the State. Many times when a homeowner accumulates equity in their home and they will refinance the home. In those instances when there is a SHIP lien for the down payment and closing costs, that lien must be paid off before new financing can be secured. It would be prorated for the length of time it has been in place and the remainder must be paid back to the SHIP program.

Commissioner Holt made the comment that Ms. Saunders would be available anytime to anyone for questions regarding the SHIP Program.

**UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5-0, BY VOICE VOTE, TO APPROVE THE SPECIAL ASSESSMENT LIENS AND EMERGENCY REHABILITATION CONTRACTS DESCRIBED ABOVE.**

**7. Approval of Network Engineering Contract for Allcol Technologies, Inc.**

Commissioner Taylor asked that this item to be pulled because she had not been privy to the bidding process that led to the original contract with Allcol. She asked, "Does this particular company conflict with what was supposed to be offered with NetQuincy? I just have some questions and need some clarification."

Kembrew Jackson stated, "Allcol Technology was initially at the development of this project. They were the engineers. They performed the engineering services."

Commissioner Taylor then asked, "Was it a bidding process with this or are you wanting to continue their services or extend their contract?"

Mr. Jackson replied, "Because they developed this and they engineered this solution, we wanted to stay with the same person rather than try to re-orientate a brand new person into our scenario. In an effort to save time and money. In order to get all the services that this one company provides, we would have to have multiple vendors because of the different aspects of the network."

Commissioner Taylor then asked, "Are we over or under the amount that allows us not to bid it?"

Mr. Lawson replied, "Madam Commissioner, the threshold that requires us to out for bid is \$25,001. Anything over that, we go out to bid. That figure is actually under the bid amount. I think what Mr. Jackson failed to mention is that this particular entity, when we were initially establishing our IT Server System, this individual was already affiliated with the City of Quincy. We utilized the services as a piggy-back on the services that were already being provided through them

because of the relationship they had and their expertise that they had in terms of developing and engineering our system."

Commissioner Croley remarked that the county has made an investment of almost \$1 million in the technology. He also stated that he was not sure that the county is receiving an appropriate return on that investment. He then called into question the corporate status of Allcol. He presented for the record a printout from the website of the Secretary of State, Division of Corporations, which indicated that the last event of record was dissolution due to annual report.

**Co. Exhibit # 1** - State Division of Corporation - Status Report for Allcol Technologies - Reflecting inactive status and ADMIN Dissolution for Annual Report effective September 26, 2008.

Commissioner Croley then suggested that the staff go back and do an analysis of all of the technology in which the public's money has been invested. He suggested that staff and commissioners go see for themselves where this equipment is located.

Commissioner Holt suggested that the board should consider reducing the threshold which triggers a bidding process. She was in favor of getting an analysis of the IT and the connectivity between county offices and other officials.

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO NOT APPROVE THE CONTRACT WITH ALLCOL. THE MOTION FURTHER STATED THAT STAFF SHOULD DO AN ANALYSIS OF THE IT DEPARTMENT TO DETERMINE THE STATUS OF COMPLETION AND RE-EVALUATE THE APPROACH TO MANAGEMENT OF THE IT. THE MOTION ALSO DIRECTED THE STAFF TO CHECK ON THE VALIDITY OF THE CORPORATION STATUS AND BRING IT BACK TO THE BOARD FOR FURTHER CONSIDERATION.**

It was suggested that once the analysis is prepared, the staff should bring this matter back for further consideration.

**8. Approval of EMS Debt Write Off and Adoption of Resolution 2008-068 totaling \$453,616.45**

Commissioner Taylor stated that she simply needed a bid of history that necessitates the resolution for such a large write-off.

EMS Director Brian Beasley explained that the finance department recommended that EMS do periodic write-offs for the bad debt accounts. They do not forgive the accounts. They are turned over to Superior Assets, a collection agency. As they collect money, the county receives a portion of whatever they are able to collect.

He also explained that there is a payment plan in place for people who need it. The debts stay on the books approximately 18 months before they are written off and turned over to Superior Assets. Superior receives 9% of whatever they collect.

There was some discussion about looking at other options for collecting bad debts.

Mr. Beasley then explained that Medicare and Medicaid will only pay a certain amount per call and per patient.

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION DESCRIBED ABOVE (Option #1)**

**8A.Consent to Enter into a Consulting Service Contract with Dr. Sean McGlynn for Water Quality Grant Writing an Related Professional Services**

Ms. Jill Jeglie, Senior Planner in the Growth Management Department, addressed the board. She stated, "The issue of water quality has come up many times over the last year. In May of this year, there was a lengthy presentation and discussion by the former director and Dr. Sean McGlynn of McGlynn Laboratories (who is present today) and Dr. Scott. They discussed some of the issues regarding water quality in the county. As a result, \$20,000 was placed in the budget to hire Dr. McGlynn to provide consulting services regarding water quality issues, in particular going after some matching fund grants that could be available to the county as well as providing expertise that you will have coming in front of you including the Comp Plan Update and the Comp Plan Amendments where they could possibly have some impact on water quality issues. We do not have that type of expertise on staff. So, as a result, we held a number of meetings over the summer with Dr. McGlynn. Unfortunately, this should have moved quicker, but we have been short staffed. We eventually developed a contract. I incorrectly submitted it as a public

hearing, but it should have been a consent agenda item...Basically, it is to go after matching funds regarding water quality issues in Little River and Lake Talquin. There may be some money available through the Northwest Florida Water Management District. In addition, there are some issues going on where we could provide assistance regarding water quality in proximity to some of the impaired waters that are on the list for Gadsden County."

Commissioner Taylor asked, "Who has monitored and insured the quality of the water in the past?"

Ms. Jeglie replied, "There are agencies that do some monitoring in Gadsden County. Northwest Florida Water Management does permitting and FDEP does some water quality samplings. Both of them to varying degrees. They do different areas on a routine basis. As a result of some of that modeling, there was a list compiled of the impaired waterways in the county. There was a discussion regarding what was causing that. The causes of that have not necessarily been tapped down. Some of them have. Also, what we can do to either get projects going that will improve that or do a more comprehensive study of water quality issues...The county has been made aware of some grants that we could go after if we had the expertise and matching funding to do some improvement."

Commissioner Croley explained to Commissioner Taylor that many communities have come forward and expressed concerns to the board about surface water. It became apparent that the county had never taken any type of water quality monitoring efforts - not even to establish a base line to know whether the water was deteriorating in quality or improving. This step is an effort to that end. Dr. McGlynn is doing work in other water bodies in the county as well as other counties. He came forward and offered his services and he was willing to go out and help the county secure other grant funds to help in that effort.

Commissioner Holt restated that the staff is available to answer any questions from commissioners or the citizens.

Commissioner Morgan asked Dr. McGlynn what manner he would be reporting back to the board. He stated that he was willing to come back before the board to do his reporting.

Dr. McGlynn replied that he would structure his reporting in whatever fashion the board desires. He added, "Going ahead



without any kind of monitoring or scientific analysis of what you are doing in water quality is like driving with your windshield wipers off in the rain."

Commissioner Taylor stated, "I choose to ask questions now because a lot of times, other board members can learn resource information that is not available when you do a one on one. As well, it gives the public an opportunity to hear more about an item or a situation that goes on in their county. That is why I chose to ask questions at this time. I am fully aware that I could schedule a meeting between me and whoever else, but the idea going forward is that we have a transparency government and that people know what is going on. People have informed information and that they can talk with their commissioners about what they have heard or what has come up in these proceedings. This is why I pose my questions."

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO AUTHORIZE THE CHAIRMAN TO EXECUTE A CONTRACT WITH DR. MCGLYNN, MCGLYNN LABORATOIRES, INC. UPON REVIEW BY THE COUNTY ATTORNEY.**

#### **CITIZENS REQUESTING TO BE HEARD**

##### **Joseph Moore, 4706 Mt. Pleasant Road, Quincy, FL**

Mr. Moore spoke to the board regarding the zoning of his 3 acres on land in Mt. Pleasant. He stated that he wanted to subdivide the property so that his children could place homes on the parcel. The matter was referred to the Growth Management Director.

Growth Management Director Howard Douglas stated that he had talked with Mr. Moore and discussed some possible solutions that would allow him to subdivide the property for his immediate family. At the present time, the property is in a trust and has not been through Probate Court. The first thing he must do is get proper title to the property.

The Immediate Family Exemption ordinance expired on September 2, 2008 and is no longer an option to Mr. Moore.

Mr. Douglas stated that there are other options, but they are more difficult. His property abuts Rural Residential property and he could come back a request a Future Land Use Map amendment. However, it is uncertain as to how DCA

might view that in light of the recent stipulated settlement agreement.

He could also look at down zoning to AG 1 land use designation which might allow for two units on the property.

**Mr. John Due, 1381 Timmons Road, Quincy, FL**

Mr. Due addressed an issue which he referred to as the "Croley Rule," which was invoked during Commissioner Holt's tenure as Chair. He explained that Commissioner Holt had instructed commissioners to streamline any questions or directions for the county manager either at a board meeting or through the chair rather than approach him directly. He stated that he felt that was bad policy and against the public interest. He recommended that they proceed to change that rule in the public's interest.

Chair Lamb recalled the incident to which Mr. Due was referring. He contended that the rule was not valid. (This was discussed at the June 5, 2007 meeting.)

Commissioner Croley stated, "Since this applies to me and you are the one that made it, I will simply say this to Mr. Due and to the public and to the commission. First of all, I never paid any attention to what was voted on up here in that regard. I do have both a statutory and a constitutional right to ask questions. You are an attorney yourself have a long history of defending civil rights in that regard.

Secondly, it seems that the perpetrators of that rule are gone, so, as far as I am concerned, it is a mute point. However, it is in the minutes, I believe. Maybe that should be removed at some time."

Commissioner Holt stated, "I am the perpetrator of a rule that I did not know had a name. It was for harassing the manager. Just as I am not to harass whoever is in that seat. They do have a job to do. So, you don't send them off on tangents so that they cannot fulfill the job that they are doing. You don't e-mail them or talk to them and threaten them. That was the whole intent of that was. You do not hold anyone's job over their head and say, "If you don't do this," and you don't threaten them with the hospital and you don't threaten them with all these different things that people have been threatened with.

I am speaking, if you don't mind, Commissioner Croley, since I am the perpetrator.

That is what I said and I don't change one bit. I wouldn't change with my students and I won't change with you. You have a right to do a job. If you don't like the way a person is doing a job, if you have the ability to fire them, you do that. But, you don't send them off on tangents to go over here and take care of this and take care of that when they have a job to do. That was the purpose of my statement.

I didn't know it had a name. That is why I was surprised, Mr. Due when you said that. But, if you look at some of those e-mails, I am sure you would think they are very unusual. Some of them. Not that many, but some of them. So, that was the purpose of that. I would say the same thing if it was me.

The previous manager we had before Mr. Brown, I didn't harass him. I wouldn't do it. I think he is a nice guy. That was the only intent of that. So, if you want to know the intent, all you had to do was ask me.

Chair Lamb stated that he would have that item brought back on an agenda to take whatever action is appropriate to deal with it.

**Rick Bateman, Attorney 201 South Monroe St., Suite 500, Tallahassee, FL**

Mr. Bateman addressed the board, but said that he would defer his remarks until the GMP on the hospital would be discussed.

**Sam Hawkins, 5251 Greensboro Highway, Quincy, FL**

Mr. Hawkins referred to Mr. Due's remarks. He said that it was his understanding that all communications from the board should go through the chairman then relayed to the manager. He said that he had seen some of the e-mails that Commissioner Croley had sent and he would not have sent one like that to anybody because they were threatening.

He then addressed the hospital issue. He said they received communications from TMH that said they were at maximum capacity and could not receive any more patients from Gadsden County. After talking to several people, he was of

the belief that the commission would be liable if a person died as a result of negligence by the commission.

He then referenced a conversation he had had with Commissioner Morgan at which time Commissioner Morgan said that the voters did not vote for a hospital during the August election. He contended that the voters thought they were voting to have a hospital and a funding mechanism through which to pay for it.

He pleaded with the board not to short change the people of Gadsden County.

He then stated, "If Commissioner Croley spent as much time getting this hospital open as he did sending e-mails to everybody in this county, we wouldn't have a problem. I am quite sure that the county manager gets those packets out in advance for these commissioners to do their research on those packets and not sit here and waste our time "show-boating" and asking questions that could have already been answered if they had went to those department heads or directed them through the chairman of this board and had them answered. Now I think I deserve a response here from the chairman on this process and what we can do to eliminate the citizens coming in here for a particular item. We sit here and get filibustered with questions out of the packet that you have already gotten two weeks ahead when they could have already researched those issues. When the citizens want to ask a question, we will ask a question, believe us, we will ask the questions.

My concern is that hospital. That is why I am here. Everybody in this room wants a hospital."

**Sam Palmer**

Mr. Palmer was not present.

Chair Lamb asked if there were any others who wished to speak on a non-agenda item.

There was no response.

**9. Public Hearing - Approval to Amend Local Ordinance 2002-003 to Revise the Gadsden County Tourist Development Plan**

See the attached agenda report for details of the revised plan.

Assistant County Manager Arthur Lawson announced a public hearing for the purpose of adopting the revised Tourist Development Plan.

Commissioner Croley raised a concern, "I am trying to look for a way to increase the funding by that recognition because the way your formulas are set, you get higher amounts of money if you have overnight stays. But, you can't have overnight stays where you don't have accommodations. So, the way they would have to do it is to partner."

Saunders:

If you recall, during the November 3, 2008 meeting, we had discussion regarding the funding process for the Tourist Development Council and the spending allocations. At that time, you asked the staff to go back and take a look at ways, specifically Havana. There are no hotels in Havana and we are very much aware of that.

What we have done in this process also is that we have been able to allow more flexibility to towns like Havana who have really viable events over there attracting a lot of people into town. The amount of funding that a community is eligible for is not to be solely based on room nights. The TDC and the BCC has the discretion to take a look at providing additional funding to any organization under the marketing category...Even though they may not have the room nights, your idea of partnering with another organization is certainly an option. But, we have added a process where they can actually obtain funding from another category...Towns like Havana can also receive funding under the marketing category to be able to offset the fact that they can't get a lot of money based on room nights. There is flexibility for them to be able to get more funding from TDC. Some organizations may be able to meet the room night requirement, but Havana can't. In those cases, we can make exceptions by giving them funding in other categories.

Further discussion followed.

Commissioner Croley insisted that he wanted "to see something more formal such as an organized community association that is promoting their respective businesses and partnered more formally with hotels or places for overnight accommodations which says by simple agreement, "We

are going to recommend to the people who visit us that they stay there and the people who have the accommodations recommend that their guests visit those respective communities - whether it is Chattahoochee, Gretna, Greensboro, Havana or Midway. We just need to see a more formal relationship."

There was also a discussion regarding the "10% administrative funds". It was suggested that that funding be better defined to reflect the real use - such as council travel, workshop, training, seminars, etc.

Further discussion followed regarding the BCC approval of expenditures for the TDC.

**Chair Lamb called for public comments and questions.**

**Sam Hawkins, 5251 Greensboro Highway, Quincy, FL** addressed the board. He reminded the commissioners that they do not represent only one district - they represent the entire county. "As I sit here time and time and time again, I hear one district, one city, one city, one city. Havana is not Gadsden County.

Now, you want to take us poor blacks and poor whites on the west side of the county and say, "Havana is a county." I have heard Commissioner Croley say that Havana residents pay more tax than anybody else in the county. And I am quoting him. That is what he said in this meeting. I can go back and get the minutes.

No matter how much tax Havana pays, Havana is segregated in my opinion. Havana sits on the east side of the county. This commissioner asks that they have a whole different government. This is what Commissioner Croley wants.

If you want segregation, ask for it. If you cessation, ask for it. But, the thing I ask of Havana is to annex those black communities on the east side of US 27 and show me that you open Havana to all the people of Gadsden County and not just a select few.

I am sorry, but I am passionate. This thing has been going on too long. If you want segregation, ask for it. If you want this (inaudible) for the hospital, ask for it. Don't make excuses because all it does is keep a divide in this

county.

We are all in one county. We are one people for one reason and that it to survive and make a living for our families. So, let's cut out this cutting this part of the county off because we've got bigger houses and we pay more taxes.

I live in Gadsden County as well as the rest of the people in here. Gadsden County is one Gadsden County. We rise as one or we fall as one. So, let's get rid of this "I am a commissioner just for District 2. I'm just a commissioner for District 1." You represent this entire county. I don't ever want to hear that anymore. You are the commissioner for District 1, but the first word in your title is "county" commissioner, not District 1 commissioner, it says county. You took an oath to do no harm.

Thank you."

Chair Lamb called for other public comments. There was no response.

**UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE OPTION 1 - TO AMEND THE ORDINANCE 2002-003 TO REVISE THE GADSDEN COUNTY TOURIST DEVELOPMENT PLAN.**

**10. Public Hearing - Metropolitan Cathedral of Truth, Inc. Special Exception Use Expansion with Conceptual and Preliminary Site Plan (SE-2008-001, SP-2008-08)**

**Applicant:** Metropolitan Cathedral of Truth, Inc.

**Representative:** William E. Douglas, P.E. DEC Engineering

**Location:** 1110 Rich Bay Road, Havana, FL

**Parcel ID:** 3-12-2N-2W-0000-00210-0000 AG2 & RR Zoning

**Type Proceeding:** Quasi-Judicial action in conjunction with the advertised public hearing as a Type II action per Subsection 7202 of the Gadsden County Land Development Code and a Class II Institutional Use and an expansion requiring Special Exception permission by the Board of County Commissioner Subsection 4204.K.2

**Planning Commission Recommendation:** November 13, 2008 - unanimous vote to recommend approval.

**Analysis:** The applicant requested approval of an expansion of the Special Exception Use and Site Plan for a 3,000 sq.

ft. addition to the existing Metropolitan Cathedral of Truth structures for the addition of 5 classrooms with restroom facilities. The additional space is to provide space for students and to meet additional restroom requirements for the Pre-K students.

**Staff Recommendation:** Approve Option #1 of the agenda report - approve the Special Exception Use Expansion and the Conceptual/Preliminary site Plan for the Metropolitan Cathedral of Truth, Inc. based on the findings listed in the agenda report attached with special conditions a - g as listed in the agenda report.

Assistant County Manager Arthur Lawson announced the opening of the public hearing.

Attorney Thornton Williams stated for the record, "I have called each of you individually to disclose that I have had one client prior to becoming the county attorney in Gadsden County and it was Metropolitan Cathedral. I was the attorney that represented them which ultimately resulted in them getting the church school. I contacted them before this issue came up. Ms. Jeglie called our office and I need to make the record clear that before we contacted her to give her any legal advice as to what she should or should not do, I got a written waiver from the church school. This item is going to come before you. I don't think there are any additional legal issues. But, in an abundance of caution, I would ask that there be a motion from the board also granting a waiver of conflict for me for purposes of if any legal issues come up before you get started."

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO GRANT MR. WILLIAMS A WAIVER OF CONFLICT.**

**Senior Planner Jill Jeglie** was administered an oath by the clerk prior to her testimony. She then introduced the project with the information contained in the agenda report attached.

**Rev. Malcolm Barrington** was administered an oath prior to offering testimony. He affirmed that the school would comply with all the special conditions listed.

Discussion followed.



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

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE SPECIAL EXCEPTION USE BASED ON THE FINDINGS LISTED IN THE AGENDA REPORT ATTACHED AND SUBJECT TO SPECIAL CONDITIONS A - G ALSO LISTED IN THE AGENDA REPORT.

**11. ~~Request to Enter Into a Consulting Services Contract with Dr. Sean McGlynn for Water Quality Grant Writing and Related Professional Services~~**

This item was removed from the general business agenda and placed on the consent agenda. It was then pulled from the consent agenda for discussion. It is identified in this meeting as Item 8-A and was ultimately approved by unanimous vote of the board.

**12. ~~Discussion of County Manager's Employment Agreement~~**

This item was removed from the agenda as there was a mutual agreement reached between the county manager and the board at the beginning of this meeting, which resulted in the manager's resignation.

**13. ~~Prioritization of Gadsden County Parks Development/Renovation List~~**

Assistant County Manager Arthur Lawson stated that this item was being provided for informational purposes at the request of the board.

The former prioritization list consisted of the following:

1. Shiloh Park renovations (completed)
2. St. John Park renovations (completed)
3. Robertsville Park (complete)
4. Sawdust Park (95% complete)
5. Drake Acres Park
6. St. Hebron (two-phase project)
7. Friendship Park
8. Rosedale Park
9. Scott Town Park
10. Shelfer Park

Chair Lamb pointed out that the only district in the county that does not have a park is the Havana area. He reminded the commissioners that he had intervened and secured 5 acres of land from Coastal Lumber Company for a park - Shelfer Park. He asked that it be moved up on the priority list.

Discussion followed.

Park Co-ordinator Charles Chapman reported that the Recreation Advisory Committee met to determine which grant they would put forth in 2008. It was for St. Hebron Park Phase I, which is an acquisition project. That grant is in the review process with the Department of Environmental Protection. I will remain in review until February 2009 when it will be moved to the Legislature for approval. The county should receive notification in late June 2009 if the grant is awarded. If it is funded, the board should receive the funding by the end of July 2009. (The land they are seeking is located at the corner of CR 161 and St. Hebron Road. It is 14 acres where Yeoman's Mobile Home Park used to be located.) The county applied for a \$200,000 grant to acquire that property.

Croley:

Will the reordering of any of these priorities...interfere with that process?

Chapman:

Not at this time. If we are speaking about replacing a park project that is currently under review, we cannot do that under FRDAP Administrative Rule. However, if we are talking about next year's grant (submission would be next September of 2009), no, it would possibly delay the development of the newly acquired piece of property. But, there is another program, which is a federal match program called Land and Water Conservation Fund, which I have briefly described in the agenda item. That may be used similarly to FRDAP should this board desire.

Croley:

So, no damage would be done to the St. Hebron Park effort by any movement of Shelfer Park up - just so that District 1 citizens can at least have a county park available for their use?

Chapman:

No, sir. I would just need direction from this board to go after Land and Water Conservation funds to develop the property once it is acquired.

Croley:

Mr. Chair, on that basis, since there will be no damage to St. Hebron's effort, I would not be opposed to seeing the Shelfer Park moved up, especially since we have had the land for a period of time. That is the only district that doesn't have a county park.

Holt:

As I stated to the citizens in Havana at the Havana Five on Five Meeting we had at City Hall, that was not an oversight. The previous commissioner there just did not apply for one. I don't know what happened in that situation. But, for some reason, one was never applied for. The other districts did and that is why they got a park. Every commissioner went after FRDAP money.

This federal match program - will we be able to use in conjunction with FRDAP?

Chapman:

Yes. It would be a double-up effort. We have never used Land and Water Conservation Fund before because we didn't have enough real property or services to be able to offset the match requirement. But, now, Parks and Recreation does from our fund balances. So, we are able to put in-kind services and real property values as a match to the Land and Water Conservation Fund and move forward and double up our effort so we can complete this list twice as fast if the board approves us using that fund program.

Holt:

When is the next cycle for FRDAP after St. Hebron Park?

Chapman:

The next cycle would be September of 2009. The current project that is in waiting, should we go ahead and close out the Phase I acquisition of St. Hebron park, if we have the deed in hand, then we could move to developing the park or we could move to Friendship Park which is next on the list unless that list is re-ordered this evening. That would move Shelfer Park up if that is the will of the

board.

Holt:

It may be because Friendship Park is in my district. So, I don't want it bumped down. I don't know how you do that when you are pretty sure you are going to lose anyway on the vote. So, I would like for Friendship Park to be next in line. I think that I have no problems with applying for a federal match program and also looking at applying for FRDAP. Are we only allowed to apply for one from FRDAP?

Chapman:

We are allowed to have up to three open projects at any given time. Currently, we are closing out Sawdust, which would make one project. We have Drake Acres, which is beginning in the design and permit phase. Then we have the St. Hebron acquisition phase grant. So.

Holt:

So, if you close out Sawdust, you could go ahead and apply for two.

Chapman:

Right. I would have one open and then if I can move Drake Acres expeditiously, we could possibly be open for two. But, we can only apply for two in any given one year and only have three open at one time.

Holt:

So, that would be a match there.

Chapman:

Right. Land and Water Conservation is a separate program that has a similar rule. Technically, we could have open six projects within any given year.

Holt:

And the federal match could also be for two projects and FRDAP grant for two projects.

I want Shelfer Park to receive our priority. I don't mind that they receive priority over Rosedale or Scott Town. Scott Town is in my district, too. But, they are for 2011. Friendship has been waiting a while. If it is re-ordered, then it will be re-ordered.

Croley:

I was just going to clarify. On the Phase II development application - is that a separate process from the acquisition? In other words, are we going to be prohibited from having an opportunity like in the Shelfer Park case to see -

Chapman:

No, sir. I take both phases as one major project. AT the first available open slot for FRDAP or LWCF, we will move forward to develop it.

Morgan:

Mr. Chapman, I have just one question. I know that this priority list was established in 2005. Were there any lists prior to that regarding park renovations that we have or was this the first time we have taken on this?

Chapman:

I believe this was the first time. The county manager at that time, Marlon Brown, came with Ms. Nancy Gee, who was the grants coordinator at that time, to set an established priority list for the parks. But, there had been no precedence set before that.

Morgan:

Have there been any changes to the original list of parks in priority?

Chapman:

Not in priority per se, but, we did re-order it due to a conflict with a deed for the original St. Hebron Park property. That was done on July 17, 2007. It reorganized Drake Acres Park and St. Hebron. The deed was unclear as to proper ownership and the State will not provide us FRDAP or LWCF if the deed is not crystal clear.

Morgan:

So, we have for whatever reasons necessary made changes in the past to this list that is before us.

Croley:

I move that upon completion of the St. Hebron Park, that we move Shelfer Park to Number 7 and that the appropriate funding requests be made to the advantage of the citizens of this county.

Taylor:  
Second. Question.

Lamb:  
It has been properly moved and seconded that we move  
Shelfer Park to Number 7. You have heard that motion.  
Ready for questions.

Holt:  
So, that will move Friendship Park to Number 8? I want to  
make sure that it does not throw it out of the loop.

Lamb:  
Let's go ahead and carry this motion, then we will come  
back to that. We've got to re-organize it anyway.

Holt:  
It shifts automatically to Number 8.

Croley:  
For clarification, Mr. Chair, the intent of my motion was  
to simply move Shelfer Park to position # 7 and all the  
others would move down.

Lamb:  
You got that, Charles?

Chapman:  
Yes, sir.

Lamb:  
O.K. are there any more questions?

Are we ready to vote?

All in favor, let it be known by saying, "Aye."

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY  
COMMISSIONER TAYLOR, THE BOARD VOTED 4 - 1, BY VOICE VOTE,  
TO MOVE SHELFER PARK TO POSITION #7 OF THE PRIORITIZATION  
LIST. Commissioner Holt cast the lone dissenting vote.**

**13A. Update on Strategies for Reducing the Construction Cost of the Rural Emergency Hospital**

Lawson: The next item under General Business is Item 13-A. This is an update on the strategies for reducing the construction cost of the Rural Emergency Hospital.

Commissioners, I believe at your last meeting, you instructed the construction manager along with the staff and CRA architects on this project to go back look at the project and see if there were opportunities to provide cost savings on this project and bring that back to the board.

Staff met with Ajax, the construction manager, as well as Clemons Rutherford today and discussed some cost saving measures. I believe that Mr. Rutherford as well as Ajax representatives are here and they can go through and discuss what those measures are and answer any questions that the board might have concerning those cost reductions.

Lamb: O.K. Would you gentlemen come forward?

Smith: Good evening, Commissioners.

Jay Smith, Ajax Building Corporation, 1080 Commerce Blvd., Midway, FL.

Based on the information we received from the architect and from the information from you at the last meeting, you all wanted to look at ways to reduce the cost down from the original GMP of \$9,750,000. So, what we did as a team is - Well, first off, the original GMP was based on 20% documents. Since that time, there have been two different sets of drawings, two more phases of drawings including the last set which went to AHCA - for the permit from AHCA - and to get things moving. That is your final set of documents.

So, now we can get that set of documents, we have based our pricing on the new set. We have worked with our subcontractors on things that have changed since the original GMP was set out. We also now met with the architect and came up with a bunch of different ideas, alternates and looked at ways that we can

reduce the scope so we can bring the cost down.

I believe you have in front of you, Mr. Lawson, what we all prepared as a team. The information also has a plan.

(If there is something that I can clip it on.)

You can see exactly what I am talking about. But, the things we went through - the base bid, with full plans as designed was about \$9.3 million and we have an Alternate 1 to deduct the clinic area buildout and move it to the Urgent Care area that we have already completed. The new Urgent Care, once they move out there into the new ER, you will have that space that is already renovated, so we can move into that space.

You have the Alternate # 2, which was to deduct the re-hab area buildout.

Alternate # 5 was to deduct the portable MRI pad and associated covered walk way.

Alternate # 7 added the special case work at Room 116

Alternate # 9 converted the Operating Room

The second OR, there are two of them, we converted one of them to a storage area.

Alternate # 10 was to leave the west patient wing as is and provide a corridor only. We have to provide an exit through that existing corridor area where there is proposed 21 beds in that back. So, we are showing that area, but we still have to finish the corridor so you can have the emergency exit access.

This is what the team came up with to provide to the county as an alternate. Also, things that are not part of but were added to us that are not a part of the base bid documents - including \$120,000 allowance for structured cabling. The assignment, including that re-roof contract that was originally was bid to the county that we are going to have now as a part of our contract. And, of course, the temporary upfit of the Urgent Care which is not a part of the 100%



documents that we have today. But, that work has been completed and the Urgent Care is being moved on Friday, I believe they are moving from where they are currently existing over to the new area so that we can start the demolition and remediation of the Urgent Care as it sits today. That is where your new Emergency Room will be.

Then there are some costs below the line that the county is, you know, it's a part of their payments including Cross Construction Services which they have a direct contract with you all.

Clemons Rutherford and Associates - their design phase fees for all of their engineers and themselves which is \$800,000. Then this is a budget that CRA came up with today of all of your furniture, fixtures and equipment. They estimated that currently at \$3.3 million.

So, there are some other alternates below that we considered, but these are the ones that the team decided on based on what the county manager and his staff wanted to move forward with tonight to bring to you all.

So, we have gone from \$9.75 million down to \$9.18 million. That is about \$570,000 reduction if the county wants to proceed in that direction.

We are currently on site. We have fully mobilized. As I indicated, we have completed the Urgent Care work. We are working throughout the hospital on the plans that we to GMP on and our substantial date is May 29<sup>th</sup>. So, if these alternates are the direction that the commission would like to go in, we need to have that via change order so we can pull the subcontractors from working in those areas that are no longer going to be a part of the original contract.

I've got a plan here that kind of shows the colored areas. As you see if today, the design currently, Area "D" is your ER area. Area "A" is your OR area. Area "B", which is what we are talking about shelling now, that is the corridor that we have to leave in

place. Area "C" is where we are going to be completing for the four new beds. Area "E" is your lobby and Admin area.

Lawson: Excuse me J.D. Do you see a cordless mic over there?

Smith: Do you want me to start over?

Lamb: Yes, go ahead.

Smith: Start over?

Lamb: Yes, for the record.

Smith: Area "A" is your OR area. We are going to complete one of the OR's and the second one becomes storage. But, all of this area will be completed. It is completely gutted at this time.

Area "B", is completely gutted at this time.

We will finish out this corridor so you can have the emergency exit out of this area. You will have a dead end hallway where your new four-bed area here, Area "C" will be completed, be constructed. We have already completely started gutting all the trees and weeds and everything else that is in that area right now. They are working in there.

Area "D", again is your ER. That is part of the base bid.

Area "E" is your Admin and your lobby and main entrance.

Then Area "G" and "F" are part of what we are shelling. We are keeping the dining area here, but we are shelling - this is the rehab and the clinic area.

The clinic will be moved into the Urgent Care area where we have already completed. When you open the ER, the Urgent Care won't be needed anymore, so your clinic space will now be going into here since we have already put the money into that. The original plan was to have the clinic separate. Then this area

would have been for future designation of whatever ya'll want it to be. We're putting money into so we might as well move the clinic into there.

Then Area "H" will be included in the work we are talking about today. This is your storage and receiving area. The medical records, there is a board room and some other offices associated with business functions.

These areas here that are left. These two areas have already been abated and demo'd. This area is soon to be - I think they are working in this area right now - abating and demo in that area. Those areas will be left untouched until future work progresses or until the county wants.

That is where we are today.

Lamb: O.K. I suppose we are ready for questions.

Commissioner Holt.

Holt: O.K. I am not puzzled at all, but you are talking about the rural emergency hospital, right? That is what we are discussing.

For the half cent. On the ballot, it said, "Shall a .5 or ½ cent indigent care sales surtax be levied for 30 years starting January 1, 2009 until December 31<sup>st</sup>, 2038 to provide healthcare services including, but not limited to re-opening Gadsden Community Hospital. It doesn't say anything about a rural emergency hospital.

The voters voted for a hospital, not a rural emergency hospital. They are two different topics. They voted for a hospital, so you cannot scale down what the citizens voted for.

Mr. Smith.

Smith: Yes, ma'am.

Holt: What, first of all, we are discussing something that the voters did not vote for. You must give them a Gadsden Community Hospital.

Smith: I'm - not

Holt: Not you. I am saying that to this board. O.K.

On the ballot, what they voted for on the ballot is what we must give them. We cannot discuss scaling up, scaling down, scaling sideways. We can only discuss providing a community hospital. Not a rural emergency hospital. That is one thing, Mr. Chair.

Lamb: If it is the will of the board, I would like to get input from the citizens first before we start debating each other or asking questions of Mr. Smith.

If I can get the board to agree to that.

Is that o.k. with the board.

Croley: It is fine with me.

(There was no audible opposition.)

Lamb: Mr. Rick Bateman?

Bateman: Mr. Chairman, Rick Bateman, 201 South Monroe St., Suite 500, Tallahassee. I represent Childers Construction Company.

At your meeting on - I won't go into the history on this because even though Mr. Morgan and Ms. Taylor are new to the Commission, I am sure that, although they may not be familiar with a lot of subjects, but that they are certainly familiar with the history of this community hospital because it has been topic of great interest and concern from everybody in Gadsden County and in the region. So, I won't go back into what all happened.

There was a procurement sent out on October 1<sup>st</sup>. After a very short time period for competitive

bidding, the commission ultimately, sometime in October, on toward the 20<sup>th</sup> of October, at a duly noticed meeting, after several attempts of ranking by the architect, the proposal and a staff proposal of ranking, Ajax and Childers Construction came to you as tied. They both scored 100% on whatever test they were given. Childers had been recommended by the Architect and recommended by staff earlier. This board voted 3 -2 to award the contract to Ajax who now has the contract. A contract voted on by this board.

The procurement was put out at a budgeted amount of \$6.5 million. On December 1<sup>st</sup>, I understand that there was notice of an emergency hearing that I think you are going to address later for December 5<sup>th</sup>. At that point in time, three of the commissioners who were sitting, two of which are not now with us, voted for an addendum which is dated November 10<sup>th</sup> and 11<sup>th</sup> consecutively, for a \$9.75 guaranteed maximum price. When we came back to a meeting on November 18<sup>th</sup>, I think there was some dissatisfaction with that price, I believe, voiced by the board. The board, as Mr. Lawson stated, asked Ajax to go back and work on reducing the cost.

At that point in time, the board directed Childers as the second qualified vendor under the contract, which under the contract, under the procurement, could be negotiated with if a GMP could not be met with Ajax. That is not the case right now, but (the board) asked us to go ahead, get the plans, the full scope of plans (not a reduced scope of plans), but the full scope plans that originally went out at the \$6.5 million and later came back at \$9.75 million.

They (Childers Construction) were to review those plans, meet with the architect and formulate a GMP.

You directed me to discuss this with Mr. Williams, the county attorney. Mr. Williams gave Childers Construction Company, through me, some very specific instructions on my methodology of how we would go about this so that we would not taint the process. I have been in communication with Mr. William's office since that time about various items.

Childers Construction got the plans. They were allowed to speak to the architect about the plans. We were instructed by Mr. Williams not to discuss with the Architect Ajax's GMP or how they got to it or how they priced or anything about Ajax's price because they are the contracted contractor at this time, the construction manager. They also asked that we not lobby anybody with staff or the commission. They gave us various criteria to work with so as not to taint the process, which we followed.

As you might imagine, since it was the Thanksgiving holidays, it took quite a bit of work to get our subcontractors working through the holidays and such. But, we made tremendous progress and we have now completed the task given to us by this commission. We do have a GMP. We were instructed to keep that sealed. Not to reveal it to anyone and it has not been revealed to anyone. It will not be revealed to anyone until your counsel advises you under what circumstances you may see it.

But again, we did not go to the architect and work to reduce the scope or to change anything. Our GMP is based upon the Community Hospital as the plans were on November 25.

Is that good? Did I do right?

Williams: That is good. I am proud of you, Rick.

Chair and Commissioners, I want to state that Mr. Bateman and I did talk and we were very careful - he wanted to tell you what he just told you and we wanted to be real careful about it because as you all know, there are two companies involved in this. You have a law suit possibly from Childers, which we already have one. But, you could equally have a lawsuit from Ajax. It is litigation either way.

What Mr. Bateman agreed to do, which I appreciate, Mr. Bateman, is that he would tell you his position and would do it in a way that we agreed would not taint the present process that you had. If you were to do something different in the process, it should

be your choice, based on your votes and not based on any inadvertent seed by Mr. Bateman.

Which you did not do and you promised me you would not do and I appreciate that. Thank you very much.

Lamb: Thank you. Are there any questions?

Taylor: Let me ask a question of Mr. Bateman.

Lamb: We are going to come back to questions.

(inaudible)

O.K.

Go ahead - Mr. Bateman and Commissioner.

Taylor: I understood you to say that you all were given the scope of - were given information from the engineers.

Bateman: The architects, ma'am.

Taylor: So, I am trying to figure out based on additional information that you shared, that you all worked through the holidays to get together some information to present.

Where is that information? Are we privileged to it at this time - to see it? Where we are based on what they are showing? I mean, when can we see their information?

Williams: It is better for me to answer this question. Again, this is such a delicate issue.

You are in the middle of a contractual agreement with another vendor, a contractor. The board is wrestling with what options they have, if any, as it relates to this procurement.

My job is to try to direct you or allow you to get where you want to go without tainting your process and creating additional litigation.

So, when this issue came up before, if you recall, Mr. Bateman made a point to the board - he asked, "What is wrong with him looking at the numbers so he could come up and see where his numbers were?"

After some discussion, you voted to allow him to look at the number. He agreed that he would not share that number with anyone because of the present position you have contractually.

He has the number, which is a different process than a normal procurement process. But, he wanted to be prepared for options if they arise. You gave him that opportunity.

But, to have the number disclosed at this point and if the board were to act on it - you don't know if it is high or low - it would then possibly be used as a basis for litigation by the other party. So, you would - as the proverbial phrase goes, you would be in a jump out of the frying pan into the fire situation.

All Mr. Bateman has done is put himself into a position to analyze the data. I guess it is fair to say that he is hoping that he has an opportunity to show it to you. He didn't want to waste time. It does take time to prepare information.

Taylor: Thank you. I understand.

Lamb: Thank you, Mr. Bateman.

Ms. Gail Bridges Bright?

Bright: Mr. Chairman.

Gail Bridges Bright, 195 (inaudible) Chattahoochee, FL .

I am here tonight because I am a citizen who voted for a community hospital. I am concerned now about this new language and how it affects what my desire was when I went into the voting booth. I am sure that there are others who don't understand the difference between this new language and what we were



voting for initially. Why has this come about?

Will the board be answering that for us tonight?

Lamb: They will go into detail for you, yes, ma'am.

Bright: They will go into detail.

Lamb: They will let you know exactly what they

Bright: Prior to voting against what we have already voted for.

Lamb: I don't know what they are going to vote for, but we will discuss it.

Bright: `Thank you, sir.

Lamb: Yes, ma'am.

Ms. Arrie Battles?

Battles: I will be discussing Item 13-B regarding Senior Citizens.

Lamb: O.K. We know now. O.K.

Thank you.

Angela Burgess?

Burgess: Good evening. Angela Burgess, P.O. Box 23, Quincy, FL.

My reason for being here tonight, Mr. Chairman and board, - things don't just happen. You have to make them happen. Each one of you, I know each one of you and each one of you have a gift that you could contribute to the betterment of Gadsden County. And, I say that to say, - Point of order - A lot has been said.

Mr. Chairman and to the commissioner that represents my district, Commissioner Croley - a lot has been said and we have talked about the half penny sales

tax and we have talked about all types of options and pathways. But, my concern is for each individual in Gadsden County. You have stated and I won't restate what the pathway between now and June 20<sup>th</sup>. I say to continue to chart the course. What we don't need is to miss the mark. We don't need to miss that mark where delays and our citizens will not have a hospital or will be challenged with trying to establish or re-establish a hospital for two or three years.

Lives are at stake. There is no dollar amount, a capped dollar amount that will take the place of a life, especially if it is your loved one. So, I ask of you to think about the public health right that each one of citizens have here in Gadsden County.

We have not escalated to that point where the citizens rise and say, "You are not doing us a favor." We have a public health right to adequate healthcare - access to that healthcare.

What will happen if we do not establish that foundation for our citizens by June 20<sup>th</sup>. We will escalate to crisis which we hope we can avoid.

One question that I have, Mr. Chairman, for the commissioners, and I am not sure, and I know you probably have your meetings - Is there a window of opportunity where you are facilitated to meet in a retreat setting or workshop setting to say, "What do we agree on?" We can always talk about our conflicts and what we disagree on, but are we going to have a series of meetings by commissioners so that you all can be on the same page as to where you are trying to go - someone to facilitate you to say what you agree on and what you don't agree on.

There are so many options. You have thrown some things out here as to what you are going to be doing and I know that with the economy the way it is, money is an issue although I said about the dollar value. I know that you are borrowing the money and I know that there is money set aside that we don't hear very much about. But, there are also construction grants. You know, as grass roots citizens, we know how to

scratch a dollar. That is just another opportunity to stretch a dollar - to look into construction grants.

I strongly encourage you to continue to engage the community. I know that you have your five on five meetings , but you are here as a commissioner. You are not here as an individual voting for what you want but to listen to the voices of the people in your community. The only way that you are going to be able to do that is for your community to talk to you and for you to get a good sense of what the community wants that you are representing as you try to make decisions for Gadsden County. So, I encourage you to continue with the community dialogue. We have strong health disparities here in Gadsden County.

I have not talked to the chairperson, but I do, after being in Gadsden County for so long and working in that arena, have great concerns for all communities and we have fought for all those communities, but when we look at the City of Midway, Midway does not have a health department for whatever reason. They do not have a library and I know that you put some of things on the back burner because of dollar reasons. But, I definitely want to point of pen in making sure that those things happen so that we can balance the scales of justice of services around in the county.

I hear all of this, but I just say in closing that we continue to look at the point of order - what the citizens have voted for and what they have said. Many lives have been lost and we have many people who are reluctant to move to the county because of their health issues. I have heard people say to me, "My relative has a heart condition. I want to move over there." They have the means to do so, but it is important that we have that hospital. I know that you know this, but just want to put a pen in it. You don't have to answer all my questions, but individually, I will be talking to my commissioner as well as each of you to share my concern of just how important this is. It is not about us. It is bigger than all of us. But, as a team, you can make it happen.

Lamb: Thank you.

Mr. Sam Palmer?

Palmer: Sam Palmer, 1225 Berry St., Quincy.

Mr. Chairman, Board of Commissioners, really, we should not be talking about a hospital. We really should not be talking about a hospital. I was in a meeting about two months ago and a person had just come from down in South Florida. The comment of the person was "What is wrong with the people in Gadsden County that they don't want a hospital. There is something wrong with them."

Commissioners, when the citizens approved the tax, the amendment, they weren't asking or saying, "Here is an option for you to do." They were telling you what they want you to do. There was no question about no money cap. They were concerned about the lives of the people in Gadsden County. So, when you come here and talk about \$9. million or whatever, and also we know that we have a trust fund. A \$12 million trust fund. I just happened to get the information today. I looked at the information about the trust fund and it specifically said for the hospital use in Gadsden County. Period.

The half cent tax is also to help you for the hospital. I looked at some other figures, I don't have it with me, about how much money we are spending on EMS. Over \$1 million per year. In fact \$1.5 million per year - sending people to Tallahassee and to Jackson County and other places when we could have that money here in Gadsden County. This doesn't make sense. It doesn't make sense to even talk about a hospital. We asked for a community hospital. Commissioners, we want nothing more or nothing less than a community hospital.

I am not here to ask you to do what is right. I am not here to beg you to do what is right. But, I will say that if you don't do what is right, we are going

to do all we can to make sure that the consequences  
is felt.

I appreciate it.

Lamb: Thank you.

Pastor John Battle?

Battles: Pastor John Battles, (inaudible) Berry Lane.

Commissioner, I left home to come really to speak to  
you. As I got here and I listened, I said, "Well, I  
will just let it be." But Mr. Hawkins said something  
that sure enough disturbs me. He said that  
Commissioner Morgan said that we didn't vote - those  
59% that went to the polls - didn't vote for a  
hospital.

Well, I would appreciate it, I think this is being  
videoed, I would appreciate it if the this board  
would tell those 59% of the voters that voted in  
favor - tell them what they voted for. If we are  
that ignorant, that dumb, then you tell us - What did  
we go to the polls and vote for on August 26<sup>th</sup>?

I will be waiting and I am sure that many more  
sitting around here are waiting to hear what we went  
to the polls for. Ya'll seem to know everything.  
Ya'll have all the answers. I advise this board to  
remember one thing and that is that you are here to  
serve us, not dictate to us. If we are going to have  
a dictatorship here, then we need to pull those  
soldiers out of Afghanistan and Iraq. Ya'll are here  
to serve us, not dictate to us.

Lamb: Thank you.

Mr. Sam Hawkins?

Hawkins: Good evening, Commissioners. To touch on what  
Pastor Battles said, I have heard the commissioners  
here talk about the hospital. I have seen them going  
around doing everything they can, this that and the  
other. But, one thing that I have not seen - I can't  
say not one of them, but I haven't heard from the new

commissioners nor the former commissioners saying one thing - "I have the solution." "I have the answer."

None of you have an answer. Only the thing that you have is conjecture. Partisanship. I, as a citizen of Gadsden County, and I guess I can speak for some of my members here that I represent in this county, - that is why you see me keep coming - I represent members just like you represent this county. I am going to tell you something. If you are not representing us, who are you representing? I want to know from these commissioners, Mr. Chairman, who are you representing. Just who? It does not appear to me nor the rest of the people I have heard speak tonight, that you are representing them. I have one question for the commissioners, Mr. Chairman.

I see Childers come in here. Why are they here? Why? Who invited them? They bid on a contract and they lost. Thank you.

They have no respect for the residents of Gadsden County to come into this county and hold us up from having adequate healthcare. That is what it is. They have no respect for Gadsden County. They have no respect for what we voted on and what has been done on our behalf. They have no respect. If they did, they would say, "Well, we lost. What can we do to help you?" But, they are not saying that. "Or, Oh! I can save you money." No, you want our money. They are here because one of these commissioners or several of these commissioners asked them. They didn't just walk in the door. Now, that is my opinion. That is my belief. Because I have bid on several contracts. I have lost and I moved on. There is something in this milk that is not clean.

Now, I will tell you my intention, Mr. Chairman. I have had family members to die since that hospital has been closed. I have had friends to die since that hospital has been closed. There is a thing called wrongful death. If this hospital is opened by the target deadline, I urge every person in Gadsden County that has had a loved one to die since that hospital has not been open, look in the phone book and find an address because there are rows of

attorneys. We are going to hold you responsible. I would like to know how you sleep at night when you go home and an ambulance passes by the hospital and someone has died just two blocks on the other side of that hospital. A half mile on the other side of the hospital. How do you sleep at night, commissioners? You don't have a conscience. If you did, you would sit in here and say, "Look, we have done the process, Ajax has the contract, they bid it, let's move on." People in Gadsden County deserve better and we do. We have paid the price. Our parents have paid the price. So, if you think anything else, you are sadly mistaken. You have nothing but awaken a sleeping giant.

Thank You.

Lamb: Is there anyone else? Anyone whose name I didn't call?

Yes, sir. Come on up.

Asburn: I am Roger Asburn. I live at 4896 Point Milligan Road.

I don't know if any of ya'll have added up the figures that have been given here this evening.

Now, we have heard the \$9.75 million and the \$2.5 million for fixtures, furniture and equipment.

Now, we get a reduced price and a reduced building at \$9.18 million and an increased price for the FF& E at \$3.3 million. So, for less building now, compared to two weeks ago, we are going to be paying another quarter of a million dollars for less building, less equipment and less everything.

I just didn't know if you had run those figures.

One question - Has anybody calculated what the monthly or yearly premium will be for paying off this bond issue and if the half cent sales tax, based realistically on what we expect to take in, will pay for the hospital and satisfy the bond?

Lamb: Thank you, sir.

Is there anyone else?

Williams: Good evening. I just wanted to say Thank God for my chance and opportunity to speak. I  
Ma'am, if you will, state your name and address for the record.

Peterson: Good evening, my name is Prophetess Betty Peterson and I am a resident and citizen of Gadsden County. I was born here, raised here. I am kind of emotional tonight because my mother passed away a few years ago with a heart condition. I was in south Florida and I was called on the phone. She was many times back and forth, back and forth, to Tallahassee from Greensboro, FL on the ambulance. No hospital. I was in south Florida and I said, "My God, what is going on? No hospital?" I am not here to a political position. I don't want to be in politics, but I will support the politicians if they do what is right.

I helped down in south Florida to build up south Florida, Tampa as a matter of fact. But, in my heart, I just want you all to do the right thing for God because you all are going to be held accountable.

I am emotional because my mother passed away a few years ago and I wish that the hospital had been open, but it was not open. But, I know beyond the shadow of a doubt that we need a hospital here and I want to speak on behalf of the citizens of this county. I voted for the hospital and I know we need it.

So, please, find it in your heart to do the right thing. Let this be a historical night tonight. I pray, and I am a praying woman, I asked God to give me strength to even come up here and talk. But, please, please, I ask you all to do the right thing before God because you all will be held accountable.

I am not here to put nobody down. I am just saying, "Do what is right before God." You will have peace when you do that. We need the hospital. We needed it many years ago, but we need it now more than ever. Please, do the right thing.



I just want to say that I love everybody and I am praying for everybody. But, we need the hospital.

Thank you very much.

Lamb: Thank you.

Sir?

Moore: My name is Earl Moore. 885 Newberry Road, Quincy.

When I vote, I voted for a hospital. 24 - 7 open hospital. We need a hospital badly because new business don't want to come into the area. People look at areas that don't have sufficient medical people, they don't want to be there because they say, "What if my person gets hurt?" "What if one of your policeman gets shot and can't make it to Tallahassee?"

You don't know what is going to happen. What if you have a heart attack and you can't make it to Tallahassee? They say you've golden hour and if you don't make it within that golden hour, you lose your life.

I think this is a bad situation to be putting the county in. I hate to say it, but the people who had it before, have robbed us worse. So, don't you rob us. We voted for ya'll to take care of us. When we voted ya'll into those positions, we are looking for you to do the job that is good for all of us whether we are black, white - it don't matter.

A man named Dr. Stephens had the first hospital built up here off of Crawford St. and 267. He did not care whether you were black or white, but he was a black doctor. During that time, they didn't do things like they do now. But, he took care of anybody that came in and couldn't afford it. So, that is why we passed that half cent sales tax so that we can get this hospital up and running. We need it running. I think that it is a shame that the county commissioners have got to sit up here and debate whether they are going to have a hospital or Urgent

Care. WE don't need an Urgent Care. We need a hospital. WE need a 24/7 because when you go to Tallahassee, when they've got the flu epidemic and stuff going on, there are no beds for you. What if we get some old people? They die from it. Their lungs get full up with mucous and they can't survive at home. Little babies die from it. We need that hospital open.

When ya'll go home tonight, I want ya'll to think about what if it was your family or even you. The possibility is real. We need to do something positive. Open the hospital.

Lamb: O.K.

Mr. Martinez?

Martinez: Good evening, Mr. Chairman, Commissioners.

My name is Max Martinez and I am here and I want to be very specific, I am here speaking as the Executive Director of the Gadsden Community Health Council.

I know that most of you know that I wear another hat. I am the director of the population base of the health department. I want to make sure that it is clear that I am here speaking strictly as the Executive Director of the Health Council.

I was not thinking of speaking this evening. But, I was compelled to do so.

I like facts. Facts will not steer you wrong if whoever is making those facts are honest.

We were charged to go around the county to present the Comprehensive Healthcare Plan that this Board of County Commission approved. No more. No less. I was singing the same song that was approved right here in this chamber. That is a fact. It was not responsibility to talk about specific figures as to how much the hospital was going to cost. That was left to the hospital board and the consultant that was hired by this County Commission and his name was

Joe Sharp.

When I went out there, I spoke about Comprehensive Health Care Plan and the re-opening of the hospital. Point of clarity. The half cent sales tax was not to pay the debt of the construction of a hospital. Or the remodeling of a hospital. \$578,000 out of the \$1.5 million that was supposed to be generated was going to go towards to help with the remodeling of the hospital. I just want to make sure that is clear. I have to speak on it because this was the face that was criss crossing the county. I get e-mails. I have not responded to any e-mails from any member of the board of county commissioners. I have not. I don't think it was my responsibility.

I like to speak to people face to face so I can appreciate their facial expressions and I can see in their eyes if they are telling me the truth. That is the way I operate. Even within my own department with my staff. I am not too crazy about e-mails. I would rather get an appointment and sit with an individual face to face.

I just want to make clear that Number 1 - let me recap - the half cent tax was not to pay for the hospital. We had many conversations in this chamber as to how that hospital was going to be paid for. I was not a participant of the conversation, but I was a spectator sitting here, there or over there when it was discussed "How are we going to fund this hospital?" It was either the trust fund - it had even bubbled up - bond - or some other financial institution. So, we knew going in that we were going to have an issue with the financing of this remodeling of this hospital.

So, to say now that this is a huge problem, it is just not right. We knew that we were going to deal with this monster. So, I urge you to please consider going back to your notes, to your minutes, that in fact that the conversations about how to find funding for the remodeling of this hospital was going to come to fruition. But, again, the half cent sales tax was for two purposes: One was to help with the remodeling of the hospital and the bulk of the money

was going to implementing the Comprehensive Health Care Plan that your truly with the help of the Health Council and others in the County, including the Board of County Commissioners. Two years ago, we went around the county, and folks if you remember, we lost that one by 900+ votes. We lost that bid. But, this time around, when we went out again and we did a research, we did an analysis - people were saying, "Mr. Martinez, we need a hospital. It is great to have a plan to cover those who are uninsured and underinsured, but we need a hospital."

Hence, the movement of the hospital started. The issue of time was the biggest thing that we had to deal with because of the license.

I thank you for your attention. I am open for any and all questions. I am located at 216 North Adams St. That is where my office is. 558-3628 is the office number, my direct number. My cell number is 519-0068.

Thank you for your patience.

Holt: What was the amount stated?

Martinez: Pardon? What amount for what service?

Croley: On the debt service?

Martinez: \$578,000, but now that you have asked that question, there was a meeting and this was confusing to me. There was a process in place. There was the hospital board, and there was a citizens advisory committee that approved of this plan. There was a huge presentation with numbers and a perform and they chose one - this is what we want. We went through the appropriate channel. Now, the hospital at that time felt that they needed a little more money from the Comprehensive Health Care Plan side, so they took another \$100,000 and put it on with the \$578,000. That was one change.

Another change, now that you mentioned it, another change that the hospital board made was - according

to the original plan, we would have a doctor at each of the six municipalities. The hospital approved, in order to bring more revenue into the hospital, if any contract that the health department could go out there and get, they would do it with the hospital so as to bring services to the hospital and more revenue to the hospital. That was two of the changes.

Was that not right?

Whitehead: Yes, sir. 100%.

Martinez: Please correct me if I am wrong. Those are the changes that were made. I am privy to all the information that is sent to you only because I am involved with health in Gadsden County. And, I am going to be passionate today, I am going to be passionate tomorrow and I will be passionate as long as I am here or someone kicks me out of Gadsden County.

Clarification. Clarification. I may not live, and I have said this before a thousand times here and other municipalities, I may not live in Gadsden County, - Excuse me. Let me re-phrase that. I may not sleep in Gadsden County, but I live and work and pay taxes here, too in Gadsden County. For the last five years, I am here. I am embedded here. I am committed to the citizens of Gadsden County. I could be somewhere else, believe me. But, I like it here because there is a lot of work to do for the citizens of Gadsden County when it comes to health and other concerns. You know that.

Thank you, Mr. Chairman.

Croley: Mr. Martinez, hold on. I appreciate your passion.

I did call your office, you got my cell number?

Martinez: Yes, I did get your number. Thank you.

Croley: Let me see - I am confused here this evening. There seems to be a course of citizens coming up and you even added your voice to it. There seems to be some question about - and I can only speak for myself, I

am not speaking for any other commissioners - some question about a commitment to having a hospital re-opened here in the county.

Have you been told that there is a lack of commitment about that?

Martinez: Absolutely not. Absolutely not. I know that this Board of County Commissioners is committed to having a hospital here in Gadsden County.

Now, let me tell you that I have met with the new incoming commissioners. You and I have met on other occasions, for almost two hours at one point. The only commissioner that I have not met with yet, and congratulate Mr. Chairman on your re-election, is the Chairman and I already have an appointment set up with him.

So, I know there is a commitment from the Board of County Commissioners to have a hospital.

Now, the issue of the cost, I think that is what we are all trying to say - What will be the best way? The most cost effective way to have a hospital here in Gadsden County.

Croley: But, my main point on that subject is - Have you detected in any conversations with me or anyone else that there is a lack of commitment to re-open a hospital facility here in this county?

Martinez: That is a good question. I don't think the term commitment - but I think the perception, and I can't speak for the citizens that spoke - but there is a perception that there is a spirit of non-cooperation toward having a hospital. But, again, I don't think that the citizens don't think you have a commitment. But, I think we speak in the way we stand, in the way we express ourselves, our facial expression, our total voice, the color of our words, - I do a lot of public speaking, orientation, and communications. That is my job with the health department - communications. We send signals that we don't even know that we send signals to. So, as leaders, we

must be very careful how we posture our words, our tone, our color. You may send a message that you don't want to be sending out there. I am not saying you, I am saying anybody.

But, I think - the question that you asked me - there is a commitment. I have not seen anything less than that. When I spoke to Commissioner Morgan, he wants a hospital. He was very honest about how he wants a hospital - cost effective and wants to make sure that we have the appropriate dollars. Everybody else here that I spoke with - I think the commitment is here. You have commitment.

Croley: Now, let me follow up.

So, there seems to be no question, at least in your mind, that there is a commitment for the hospital.

Martinez: Yes.

Croley: The question came up about the type of hospital and the model of it.

If you go back and check the records in the minutes, when the agreement was voted on and it took a supra majority vote to do it, there was a clear and succinct discussion that this would be a rural emergency hospital - we said it was a rural emergency facility that we would refer to as a hospital. I think that is verbatim almost to what was said.

I think you were present. Was that term not used?

Martinez: What I recollect, Commissioner, there was an issue with semantics between Commissioner Brenda Holt and yourself as to the terminology. Emergency Facility versus Emergency Hospital. It was agreed by the Board of County Commission to call it Emergency Hospital. As I understand it.

Croley: Rural Emergency Hospital.

Martinez: That is correct.

Croley: Now, that vote was unanimous, was it not?

Martinez: That is correct.

Croley: Now, let's touch on some things that are important to the citizens. Everybody needs to hear this, this is all part of getting things out.

Martinez: Absolutely.

Croley: First of all, let's deal with the fact that I don't believe, at least myself and the two new commissioners were here when the hospital closed. That would be correct.

Martinez: Yes.

Croley: So, our task is to try to reopen what was closed. Now to that end, we have been stymied by this deadline and we've got a gun to our head. We understand that and I think that every citizen needs to understand that we are aware of that fact.

Now, to that end, if you will recall, at the last (inaudible) our legislative delegation to support a special legal action in the state Legislature to try to get us an extension as a safety guard. I believe that our attorney prepared that document. Is that not correct. And, our lobbyists are working toward that end.

We have also asked that this item be agendaed, at least I have, for every regular meeting from now until that hospital is open so that we have an opportunity to communicate with the citizens about what is going on regarding this effort.

Martinez: Excellent.

Croley: That is a part of keeping you, the citizens informed.

The next question is - This business about the model. Now, citizens that are here, I would ask you, in return, you have asked questions of the



commission. Surely, you want a business model that will keep your hospital going long term. I don't think you want it opened up for two years, then have it crash and burn for the same reasons that it has failed before. Not once, but at least two times and maybe more.

Now, wouldn't you say, Mr. Martinez, that would be an important thing - to have a viable business plan that will keep the hospital operating on for the long term future.

Martinez: Like any business. You have to have to think about sustainability.

Croley: O.K.

Martinez: But, you asked certain questions - I think you were addressing it to the folks that spoke.

Croley: I am just saying "at large."

Martinez: Oh, you were just saying in general. O.K.

I can't speak for them.

Croley: I am not asking you to speak for them. But, from a viable business point, you would agree that would be important?

Martinez: Yes.

Croley: Now, on the half cent tax. You presented a model through your health council for how this half cent tax would be spent.

Martinez: That is correct.

Croley: But, that half cent tax did, indeed, call for \$500,000 to go toward hospital operations.

Martinez: That is correct.

Croley: It did not say anything about the capitalization and that is the cost of the building and the refurbishment. The question though, is - this Board

of County Commissioners and the citizens at large - we don't have the money and there is no printing press. We are not the federal government and can just print more money. The only place that the money is going to come from is yourselves. Whether you live here or spend you money over here during the day. So, my question comes back, Mr. Chair, this is the question, - If we don't use more of the half cent tax, where do we get the money to pay the bonds because the operating performa that has been prepared has shown a loss. So, we have got to come up with a business model.

Now, I am going to end on this note to you Mr. Martinez. If and this question. If that is the case, don't you think that the business plan for the use of this revenue - this half cent indigent surtax - which is what the ballot said, should be re-evaluated?

Martinez: You have said a lot. Let me go back.

Croley: Well, I am actually ending it with my question. Don't you think that if that is the case, it should be reevaluated?

Martinez: No. I have to go back a little bit. Again, I said earlier that this body was charged with finding ways to fund this hospital. That is what I preached out there. It was not my responsibility to tell the citizens where we were going to find the money. The only thing that I could speak upon was that the half cent sales tax and the use of the half cent sales tax. I am passionate about having a Comprehensive Health Care Plan for the uninsured and the underinsured citizens of Gadsden County as we tried to do two years ago.

The responsibility falls on this body to find creative ways, because you guys I know you are fiscally responsible folks and you will find a way to find the money to get this hospital.

I know we had conversation here, commissioner. I was here. They spoke about bonds, financial institution

and even the sacred untouchable trust fund. That was even brought here to the forefront. So, there are ways. There are options out there to find money to remodel this hospital and pay for this hospital.

Croley: Mr. Chair, I will close. But, I do want to clarify for the public as well, Mr. Martinez, the trust fund that is so frequently referred to was brought here - I do believe if you check the current portfolio, the value of that portfolio has fallen drastically compared to what was spoken in reference and left the impression in many peoples' minds that there is a lot more principle there than what is there today.

Martinez: I understand that point and that is why language and the way one speaks has to be clear so the citizens can understand. That is so very important.

Again, I am going to sit down after I say this.

The issue of saying, "Oh, this is going to cost \$9.1 million." We knew that. This conversation was - We held that conversation here about how we were going to find the money. We knew that \$1.5 million was not going to do it because part of that money was going to the Comprehensive Health Care Plan. So, the discussion was - and I have that plan. You and I sat together and I said, "Commissioner Croley, this is the plan that was approved by the Board of County Commission. And this is the plan that I have gone to every municipality preaching about it. No more. No less." So, then the citizens voted on exactly what was presented to them. To come with something different now, with all due respect, it is not right. They voted on what was told to them. I didn't want to say anything. And believe me, I was cautioned very strongly - "Make sure that when you do speak, you specifically say that you are speaking on behalf of the Health Council." I wear two hats and it can get very sensitive when it comes to the line.

But, it is important that whatever we said out there, that is what the citizens voted on.

Thank you.

Holt: Mr. Chairman, May I?

The attorney left, so I guess (inaudible)

Lamb: O.K. I think, before, ah

Battles: Good evening, Commissioners.

My name is Arrie Battles. I live 919 Harden Street. I wanted to ask one question. If you don't find a way to finance the hospital, what are you going to do with our half cent sales tax that you will be collecting starting in January? As citizens, we need to know what you are going to be doing with our money.

Lamb: Thank you.

Mr. Childers?

Childers: Sam Childers, 3472 Weems Road, Tallahassee, FL. I was not prepared to speak, but, I thought I should after the gentlemen stated that I had no respect for the community or the citizens of Gadsden County which is completely untrue.

I was here at the previous meeting at the request of an outside citizen. A gentleman that I do not know very well, he called me. The concern was that the project may not be within budget and that you may go to the second contractor. The last meeting that I was here, I came here to observe. Ya'll made a motion for us to provide a GMP. We worked over the holiday season last week and we provided that GMP. We followed the process. That number has not been known and it will not be known unless ya'll decide to do something different.

My position is - you need to understand what you have in front of you. I don't know when the GMP was provided to you from Ajax.

Williams: Mr. Childers, you can't comment on their numbers in any fashion.

Childers: I'm not. Just do your due diligence. I am really here to say that if I didn't respect the citizens or the people that are here, trust me, we would not be here. I just thought I should go on record with that.

Do your homework. We appreciate it. We are prepared if need be.

Holt: Mr. Attorney, on what the voters voted on - back to that issue. They voted for a community hospital, they did not vote for a rural emergency hospital. How can we vote on something that they didn't vote on?

Williams: I am going to try to turn that into a legal question.

Holt: It is very legal. I brought in an attorney myself tonight.

Williams: First of all, I have not researched what was on the bid documents. AS you know, we have,-excuse me, the voting documents - the title and the substance. There has been a lot of litigation in the Supreme Court level involving, "Do you communicate properly to the citizens what is intended?"

I haven't done any research on that issue. So, I couldn't accurately comprehend on it from a legal standpoint tonight. So, it took me - just to give you an example, you asked me to work on the "Emergency Meeting,". It is a document about this thick over the last two weeks worth of time. I finally got it out yesterday. This issue, I think, is a lot more significant than that issue. It would be a disservice to everybody if I were to render any kind of legal opinion without actually doing research.

Holt: The reason I am asking is - Do we really need to vote on this, Mr. Chairman? Is there an issue that we need to vote on? O.K. So there is no need to vote on it until we do some more fact finding.

In this fact finding process, at the half cent healthcare tax revenue of \$1.5 million a year -

assuming that the economy will not stay as bad as it is right now, hopefully, it will improve, that will be about \$45 million at the end of the half cent. That is how much will have been raised. There is no way that you can tell me that you can't pay that 9.75 million and pay that debt back out of \$45 million. There is no way. It doesn't add up. It doesn't matter which contractor has it. There is no way that you could not repay that even if you only receive a third of that money - of that \$45 million.

That is one item. The other is that we were mandated to re-open the hospital. We were not asked by the citizens, we were mandated to open a community hospital. So, if we change that to 10 beds or 5 beds, it doesn't matter what we say. They voted for a hospital. The current temporary license is for 25 beds. We may not be able to open 25 beds right away, but they voted for a hospital, they did not vote for a super emergency room. They voted for a hospital. That is one issue.

The other is the trust fund. The trust fund money now is at \$10.5 million. This is an issue that we need to go after - the funding for that. This board may never vote to go after the money from that trust fund. That will mean that the citizens will have to do their due diligence to make sure that that funding is out there for the hospital. We have to go after that money. It doesn't matter to me how we get your permission to do it, but you are going to have to get them to do it? We have to go after funding from the trust fund.

It was set up in 1952. I have a copy of it at my house. It was set up for Gadsden Community Hospital. That is what it should be used for. It should not be babied and pampered to make sure that it sits there. As Commissioner Croley told me after a meeting one night, the people on King Street set that trust fund up in 1952.

(inaudible) People were in the fields on a Monday at 11:00 o'clock during that meeting. But, they also generated money to go into that account. That is how the people generated the money to put into that

account. That is how the Coca-Cola money was paid for. By farm labor. The didn't just all of a sudden, (inaudible)

If there is a pandemic in Florida or a major epidemic, counties have the right to close their county lines. That means you do not have a hospital in case of a pandemic. I called TMH yesterday. They had two pediatric beds open. TCH has about 190 beds. They have patients in approximately 150.

Now, remember, these two hospitals serve not only the 285,000 to 300,000 people in Tallahassee, they also serve the surrounding counties, including us.

Now, Hardy County is a smaller county than us, and I chair the Small County Coalition, I am sorry, I chair the Rural Caucus for the State which is comprised of 34 small counties including ours. Some of those small counties fund their hospitals out of their regular budget.

That means that the citizens right here - you deal with a regular budget already. Those counties are getting money out of their regular budget to support their hospital, just as Tallahassee does and just as Leon County does. So, it is unheard of for us to sit here and discuss how we are going to fund it when we are getting about \$40 million already of money. We should be putting some of it toward healthcare anyway.

Now those are some of the issues. Pandemic - if you remember, Gretna, during a hurricane in Louisiana, when the sheriff stopped those people at the county line and they could not come into Gretna - out in Louisiana, and the reason that he had the right to stop them there was because he couldn't protect those county lines. You can check the health directors in any of those counties. They have the option. They have the right to close their county lines.

Where are you going to go in case of a pandemic or major epidemic? There is no where for you to go. Now, these are some things that we are not discussing. Out of \$45 million, of course we can

repay \$9.75 to re-open the hospital. That is just one thing.

We paid out in 2006 \$584,005.60 just on Medicaid sent out of our county. We have been paying this every year. Now, remember, we may pay \$800,000 of this \$9.7, but we are already paying out almost \$600,000 on it anyway. In 2007, we paid out \$534,709. Medicaid leaving the County. If we had our own hospital, that funding could stay here. 2008 - \$558,568.47. If the hospital was open, that money could stay right here in Gadsden County. So, when you are talking about how we are going to pay for it, we keep sending the money out.

So, Commissioners, I suggest and those of you that are new, that you look at this information. I am not finished.

Now, Mr. Beasley, I'm want to ask you a question, if you don't mind, Mr. Chair.

Lamb: Go ahead.

Holt: We are paying for a hospital now. You are paying for it but you are not getting a hospital. What has happened with this board and some of the other boards that we hired - (inaudible) the other board doesn't get paid, but we do to look out for healthcare.

In 2008, how much did we spend - sending out of the county on EMS - Now I see right here in 08 you have down here a write off of \$600,673.91.

Beasley: The numbers you are looking at are based on - That is actually what the ambulance service collected from Medicaid and Medicare and all other insurance. The write off number is what Medicare and Medicaid along with some of the bad debts that were written off. That is an accumulation of all of it.

Holt: So, with that, and with what we are paying Medicaid - sending out of the county right now, we are already at \$1.1 million that we are sending out every year



because we don't have a hospital.

Now, could you not pay a payment of \$800,000 and save money when you are paying out \$1.1 million to send you money out of the county. See, the is the stuff that people need to know. Not to mention that we bought two ambulances last year because the mounts are burning out on the ambulances.

How much were each of those ambulances?

Beasley: Roughly about \$110,000.

Holt: So, we paid \$110,000 for a truck that we are sending people and we take more people to Tallahassee than any of the other six counties.

Ladies and gentlemen, don't be fooled by this. You are paying for this hospital anyway, but you are not getting a hospital. If you just take part of these funds from the these other groups, including the trust fund, you could afford your hospital without even going into your other \$40 million that you have in county funds.

I teach math. I am telling you, it works. It is not an FCAT question, ladies and gentlemen. You don't need to have passed the FCAT, just look at the numbers.

If we look, and I know I taking a little time, but I am just doing what the other commissioners were doing - ladies and gentlemen, and still paying \$1.1 million to send money away from Gadsden County, we could have spent \$800,000 to keep it here. It does not make any sense.

When we finish this, I would like to put hospital issues before any other issues after the Consent Agenda, Commissioners, so people won't have to stay up. We have to go to work tomorrow. So, I hope that is not the intent of this commission to make sure people leave before they get to speak. I know that some have already left.

Thank you.

Lamb: O.K. Thank you.

You may have a seat now.

Mr. McMillan, do you want to come up and address this please.

McMillan: Good evening, Chairman and Commissioners.

I had nothing really to say. I am here if you have questions for me.

Croley: Mr. McMillan.

McMillan: I am Craig McMillan, 2678 Luten Road, Quincy.

Croley: You are the chairman of the Gadsden Hospital Inc. Board?

McMillan: Yes.

Croley: Just for the record, how many members are on that board?

McMillan: Currently, there are nine.

Croley: You have with you, Mr. Scott Whitehead, who is on that board.

McMillan: Yes.

Croley: Now, the reason that I wanted to get that out in the record here for those who are present is to ask you this question.

Well, before I even ask the question, let me make a disclaimer. You and I met last Tuesday at 4:00 p.m. with the then County Manager Marlon Brown and also with the Chief County Building Inspector Mr. Clyde Collins, did we not?

McMillan: Absolutely.

Croley: And, at that time, did we not discuss all of the all

of the operating performas that were available and completely reviewed where we stood on this hospital matter?

McMillan: Absolutely.

Croley: During the course of that discussion, were not all possible revenues discussed?

McMillan: Yes, all of them that I am aware of.

Croley: All of them that I am aware of and the manager had no additional ones either at that time - did you recall?

McMillan: None.

Croley: O.K.

McMillan: Although, I will say that the manager, at that time, was very open to using a lot more of the half cent sales tax than what was originally in the plan.

Croley: During the course of that conversation, the discussion came up about the model. Would you please explain the model that was discussed as it was - and what I understood in the course of that conversation, the manager said that they had been approved by your board and what you confirmed. That is a leading question, but

McMillan: It is, Commissioner Croley. First of all, I don't know what you understood, so I can't speak to that. (laughter)  
But, I will tell you what I understood.

I have heard a lot of talk tonight about what the Citizens Advisory Committee, which Mr. Whitehead was the chairman of, and Mr. Martinez talking about his Council and how it was presented to the citizens about the half cent sales tax - (half cent tax - I don't want to call it a sales tax. Half cent tax.) and what that information was based on.

But, what was such a realization to me in the meeting with Mr. Brown, and he admitted that he did this. I am not trying to pick at Mr. Brown, I just need for

everybody to know because my board is going to meet on Thursday. I sent an e-mail out to them telling basically what stuff we need to address. In that e-mail, I eluded to the information that came to light to us during that meeting. That was, - the main thing to me was that we had been told originally in May, I think, that the county, (I wish the attorney was here.) once we had lost the issue of the critical access designation from the federal government, then all of a sudden, we came up with a new plan for a rural emergency hospital plan with five beds. Our board said, "Man, that is great. That is what we have been looking for - something we can afford to operate.

As I have said before, ya'll have gotten, as far as I am concerned, and I am talking from the board's standpoint, ya'll have got the cart before the horse. Ya'll are building something before we know we can operate it and we are the ones charged with the responsibility of operation. So, we were told, "We have a model out here and it is called a rural emergency medical hospital or rural emergency hospital with five observation beds." We said, "That is the greatest thing we have ever heard of, let's go with it."

The next thing I know, we are being told that AHCA says, "You can't do that. For us to keep our license, we have to have 25 beds and we have to be able to operate those 25 beds. If we moth ball any of them, we have to be able to operate them fully within a 24 hour period." That is wrong. That is now been told to me by Mr. Brown that that is wrong. And they found out later - I don't know who it was - in the last couple of months, that AHCA would allow us to reduce the number of beds and that we could reduce them to whatever number we wanted to and use the same license. We still have that deadline out there, but we could reduce that. On numerous occasions before my board, and I think that Mr. Whitehead will attest to it and probably the citizens group also, that we were told that the reason we are doing the 25 beds is because AHCA said we had to and that is what we were doing. At no time were we told, and we actually asked, "Can we change that??" "No,

you cannot."

We found out in that meeting on Monday that you can change it. You know, that makes a big difference.

Lamb: Mr. McMillan, I also was in communication with AHCA. I am the chairman of a nursing home in Tallahassee. AHCA also has a lot to do with operating that nursing home. We have to answer to AHCA also. I called (inaudible) at the State Department, who is also working for AHCA. I asked her that question about the number of beds. And, I think this happened before your meeting that you and Mr. Croley had with the manager. She told me that it was up to the county, this commission to set how many beds we wanted in the hospital.

I said, "Well, we have been hearing that we have to have 21 or 25 beds." She said, "No, that is not true. You can have only two beds if you want to." But, that is what she told me when I talked to her.

McMillan: That was the realization that I, the enlightenment that I had on Monday or Tuesday when we had that meeting. And quite frankly, I have to respect the manager for standing up and saying, he said, "I take full responsibility for withholding that information from you."

Lamb: Also, Mr. McMillan, in the future, the very near future, I am planning on having a meeting with AHCA, the State delegation. We are working on that now for a date to sit down with him and talk to him about some of these things.

McMillan: The board, all we are doing is trying to be in a position, we are dealing with TMH and trying to be in a position to operate whatever type facility ya'll say that you are going to build. That is not our business. But, we do have figure out how to operate it. That is my biggest concern - how we are going to operate. Not how ya'll are going to pay for it, but how I am going to operate it. Or, you replace me and find somebody else, how that board is going to

operate.

Lamb: Once we hopefully get it in the near future, soon, hopefully, the board will be operating it. The hospital board. That is my understanding.

Commissioner Croley?

Croley: Let me ask you one final question. The business model now with the 25 beds basically requires that you completely construct 25 beds, oxygen and all, then close the door on "x" number of them and only operate a very limited number - basically 5 or whatever it is.

McMillan: That is exactly right.

Croley: So, you are going to pay the cost and service the debt on building a 25 bed hospital and then you are going to close the door on 20 of the rooms because we can't afford to operate them.

So, the question becomes to you, as a board, that business model that you have now that was approved by this commission, just on a operating basis, does it break even?

McMillan: No, I think it showed a \$600,000 loss.

Croley: Per?

McMillan: Per year.

Croley: Now, I might not understand too much, but I do know that 2 and 2 add up to be 4 and water still runs down hill. You cannot sustain an operation loosing money. Now, I am aware that the performa called for the possibility of the trust fund money, meaning the interest, to offset that \$600,000 loss, thereby reducing it and I understand that there was some plan if possible to lease space in the building by other organizations and entities that would pay a rental fee that would help add to the revenue.

Is that correct?

McMillan: Absolutely.

Croley: Do you have or know of any in-hand leases or anyone who has come forth and with any money or good faith effort that a lender would recognize, as a hospital board, to lease such space?

McMillan: We have had some offers, but nothing that you could take to a bank.

Croley: O.K. Mr. Chair, that does me.

Lamb: O.K. Thank you Mr. McMillan.

Holt: May I ask a question?

Lamb: Sure, go ahead.

Holt: Did you look at any other proformas (inaudible) We have people from that citizens group who are saying something totally different from what you are saying.

McMillan: I think that the citizens group proforma, and we did, those -

What happened was that TMH came up with the proformas. They are in the business of operating a hospital, so we used their proforma. What the county staff did, Mr. Sharp and Mr. Brown, was they took the TMH proforma and put on top of that additional revenues that they speculated that we would get from leases. Like for instance, Hospice wanted to rent some beds.

Holt: When they presented it to us, it was on (inaudible) so it wasn't anything new.

McMillan: Oh, yeah. It was on there. But, that was pure speculation. I can't operate on pure speculation on a lease.

Holt: O.K. Two things. One is, and I talked to some people from TMH, too. If you are going to have a rural emergency hospital, you don't need TMH. One director can run a rural emergency hospital.

McMillan: That will be fine.

Holt: So, we would be paying TMH for nothing. (inaudible) But, if you have a rural emergency hospital with fewer beds, you would do all your referrals to them they (inaudible) That is what I called to find out. That is what I did not want. We don't want to be a bedroom community for Tallahassee and refer everything to Tallahassee. That means that we can't get our own doctors. If they are not on staff over there, they cannot (inaudible)

McMillan: Right. Just a point of clarification. The original management contract that we had looked at with TMH and their proposal, was going to amount to cost to us to the county of about \$12,000 to \$15,000 a year, which is nominal.

Holt: Yeah, but that wasn't including everything else that they were looking at. That was only one thing. It was. (inaudible) person to manage it and all that.

McMillan: But, he would be an employee of ours. We would be paying them as employees of ours.

Holt: But, we would be paying them, that is the bottom line.

McMillan: But, you've got to have somebody.

Holt: If we would look at the fact that Mr. Brown was ushered out of here a little earlier, he didn't get a chance to comment on anything that you just said. So, I would rather hear what he meant from him. If it is possible, you shouldn't discuss a person (inaudible) when they are not here. Those are things that we should not discuss Mr. Brown unless Mr. Brown is here to say what he intended.

McMillan: I was asked what I gleaned from that meeting.

Holt: I understand that. But, that would be only what you are saying. That is only what Commissioner Croley is saying. Mr. Brown did not have a chance to comment



and that is my point.

And, the other thing is - ladies and gentlemen, I must say, do not be fooled by this. This is foolishness. Do not be fooled by this. The reason that I am saying that it is foolishness is because we don't even need a board to manage a rural emergency hospital. We would have a director. I have worked under a director before under the county. They ran 52 beds. So, to do this does not make sense because you can cut the cost by not even having TMH and still send referral to Tallahassee.

Thank you, sir.

McMillan: Yes, ma'am.

Lamb: Wait, Mr. McMillan. I am going to call you back up, but I am going to call Mr. Smith back up first.

Good job, Mr. McMillan. You and your board.

Looking at the estimate projection cost, that first part of it. The base bid document and accepting alternates. When do you have to know about that? When is the earliest that you have to know?

Smith: Of which alternates that you want to go for?

Lamb: Yeah.

Smith: As soon as today.

We are working all over the hospital currently. So, if you want us to not finish spaces within the hospital, we need to know immediately so that we will not expend any more dollars in there. We have to be finished May 29<sup>th</sup> as we all know by the contract. That is what we are working underneath. So, if you want to change directions, we will take any direction that the county commission wants us to, but we need to know that immediately so we can quit spending money in those areas.

Lamb: O.K.

Thank you. That is it.

Mr. McMillan?

McMillan: Yes, sir.

Lamb: Does the hospital board need to consider these projections item by item to see what is in here that you really need or what you don't need?

McMillan: One thing that was evident at our last board meeting was that one of our board members, and I am going to be speaking for him and relay what he said, but, one of my board members is Dr. Charles Kent. Dr. Kent was a little frustrated because he said that everybody but the medical community is telling you what you need. Now, I don't want to speak for him on what they said they needed, but, it was a lot more limited than a 25 bed hospital. I am not saying whether it is right or wrong. If we can operate and you can build a 25 bed facility, for goodness sake, let's go. But, we've got to be able to operate it and you've got to be able to pay for it.

Taylor: There has been quite a bit of discussion. It is as if someone scuttle through this county and said, "Get over here because they don't want a hospital." That is what it feels like tonight.

Holt: I am guilty. I did it.

Lamb: Just be quiet, please.

Holt: O.K.

Taylor: That is totally untrue. Totally untrue. I personally voted for the half cent sales tax. I personally support opening this hospital back up. What you are saying tonight is not falling on deaf ears. We have got to figure out how to do it and how to do it so that it can stay open. That is simple. That is all we have been doing. All this other controversy is just that. It is just trying to bring a divide between the citizens and this board. That is all it is trying to do. It is trying to throw suspect up here.

I live here. My family lives here. It is unbelievable to think that somebody would not want a hospital. We have said that around this board time and time again that we want it and that we need it.

So, the controversy that has gone forward is to divide and cast shadow over this board because obviously, some do not like the change that has been made around this board. That is all. So, now we need to be made to look like an enemy.

We need to be clear on what was voted for. You heard it from Mr. Martinez. What went forward as what you were voting for was not true. You heard it. If you were to ready that item and how it was worded on the ballot, it says, "Including but not limited to a Gadsden County Hospital, primary healthcare, etc."

My goal is to make sure that there is a facility out there in case any of us need it. My heart does not run that way. I have been sitting here and listening to some people say that we are selfish, that we are not thinking of the citizens. My whole world is serving the community and making sure that we provide quality services.

It is trying to cast a shadow over this board, that is all. Give us time to work it out.

Now, look at what happened. We told Ajax that your bid was too high two weeks ago. Today, two weeks later, it is \$1.1 million less. We are doing a good service to this community. Now, if we tell them tonight, "You're still not there." Until we are comfortable because again, we don't have the money as we thought we were going to have the money. We don't have the \$1.1 million toward that hospital. We don't. According to what was written on the ballot and what was just told to you by who pushed this item on the ballot, Mr. Martinez. We don't have \$1.5 million. We don't have access to that annually. But, that is what was told to you. But, that wasn't true information. I am interested, I am very interested and I am going to do good diligence to this county to get it opened. I am really not

interested in an extension because I want it open sooner than later. It needs to be open sooner than later. People's lives are being perished because of this.

If we've got people who will go forward with it, I personally would like to see it put back out to bid and give the bidders 10 days to come back to us. That is what I would like to see. 10 days. Not only am I asking for that an independent board to look at the bid. Someone away from this government. We can look at 2 - 3 people who are familiar. I would even look at the board from Mr. Craig McMillan to get 3 people there and maybe 2 from this government. If we start out wrong, it is going to end up wrong.

I have only been here four weeks. This hospital has been closed three years. Four weeks. I have been threatened tonight with a law suit. I have been called an insensitive person. But, I voted for it and I support it 190%. I campaigned on supporting this hospital, but it has to be fiscally sound. That just makes sense. No sense in opening it - just one minute, just give me a minute - I have been quiet til now.

Lamb: I am going to kick it back off, but I really want to bring this to a close.

Taylor: I have been supportive of it, but I have heard throughout this county, folks are calling me and asking, "Why don't you want the hospital open? Where did that come from?"

A shadow is trying to be cast up here. Sit and watch these proceedings as we go forward. That is what you do. Look and learn for yourselves. Watch for yourselves. Don't be told. We need to come together and work together now. You had some great comments out there just then. But, it needs to form a unity of one - not a divide. Trust me, each one these members around this board wants this hospital - whatever version of it - open and open soon. Only time is going to tell you this. Instead of people trying to divide this government. That is all that has been going on since around this county. Whenever

you've got a 3 - 2 vote around this board, and that is what you had 78% of the time for the last three to four years. A 3 -2 vote. What you have in instance of that is a divided government. You have a divided government.

Unidentified audience member: It was before then.

Lamb: Be quiet please.

Taylor: Before then you had a divided government. The idea to go forward as one.

You are right. They are right, Commissioner. It was before then. But, the point of the matter is when do we stop? When do we stop allowing our minds to be manipulated by those who do not want to see it go forward?

I am going to help get that hospital open and through God's grace, we are going to get it open. Nothing short of it.

That is all I wanted to say. One last thing, Mr. Chairman.

Someone said, "You deserve better." You do. You do deserve better. You do deserve it to be open. But, let's get a price that we can afford to. Some people said that now that the actual - we've got to find the actual funds to pay for it. There are dollars there. We've got to start thinking outside the box for one thing. Number 1 - this government might not be able to run it. We might need to get doctors to come in here and run it. We might need to turn it into a non-profit organization to run it. But, we have got to start thinking creatively to get the dollars together.

I have been beat up since I first put my hat in the ring. But, that is o.k. I don't have thin skin. Beat me up. But, I guarantee you, you are not going to see any difference, any wavering of my commitment to this hospital, no matter what is said. I am committed to getting it open and I am going to do

everything I can. But, I am not going to stick my neck out there when I know that when we open it that it is going to close in two years. That is definitely an injustice to the citizens of this county. Let's do it and let's do it right. Put this back out to bid. Give them 10 days and let them come back to us and let's see if we can go forward doing it right.

Lamb: Thank you, Commissioner Taylor.

Now, I am bringing this to a close.

Croley: What about Commissioner Morgan.

Lamb: I am going to let Commissioner Morgan speak just as soon as I get through. But, I am going to bring it to a close and we are going to decide here what we want to do with this. I am not getting any more information from the public. I am through with you tonight on this issue.

(Laughter)

Now, this is what we are going to do right now. I want to say that that no one, we all want this hospital and this facility.

Number one, if you think, if it goes through your mind that you intimidated me or one of my fellow commissioners, stop wasting your time, please. Don't waste your time because you are not going to intimidate me at all. Not at all. None whatsoever. We are going to do what is right. We are trying our best now to work on getting this facility open. We are going to do that. But, if you even feel like you are intimidating me, you are wasting your time. If you don't know me, you had better find out about me. Because we are going to do what is right on behalf of the citizens of Gadsden County. We are going to do what is right. If you start coming back up here and keep running your mouth and trying to intimidate this commission, I am going to sit you down or send you out of here. I am letting you know, point blank. I am not going to have it. You are going to respect

this commission and you are going to let us do what we were elected to do. You didn't run for anything, some of you out there, so don't come up here trying to tell us and try to make us do what you want us to do. We are going to take our time in doing this.

Commissioner Taylor, you are 100% right. We are going to take our time and make sure we do the right thing on behalf of all the citizens of Gadsden County. Nobody in here has anymore relatives who want a hospital than I do. So, don't come telling us what we've got to have. We know we need a hospital here. We know we need a hospital facility over here. But, we are going to do the right thing and we are going to get what we can afford. Sometimes, you cant' get what you want all the time. You are trying to get a steak sometimes when you should be eating a hamburger. You had better be careful about what you ask for. So, we are going to do the right thing on behalf of these citizens.

As I have said before, I am tired of some of you trying to intimidate this commission. I don't want that. You are going to speak like someone who has some sense when you come up there. You are going to respect this commission - everybody up here. You are going to respect them and stop saying what they said. Stop trying to entice those citizens out there to go against what we are trying to do because you are wasting your time. You know you are wasting your time trying to intimidate me. I just want you to know that.

O.K. Commissioner Morgan.

Morgan: Thank you, Mr. Chairman.

I have sat here listening intently to many citizens and commissioners. My phone, probably like many other commissioners and many other folks with the county, has been ringing off the hook all day long and at night.

There are a lot of people who are concerned about

this issue. I want to be very clear. To many of the citizens who may have questioned my commitment to this solution - we are going to fulfill the mandate that was put before us by the voters when they went to the polls on August 26<sup>th</sup>. We are going to come up with the best solution and we are all going to be better for it because we have a great learning process ahead of us. We are going to figure out how to come to a solution that is going to be best for all of us here. I firmly believe that.

Are we going to make mistakes? Yes, we are. But, we are going to have an opportunity to correct those mistakes. There are some things that were said here tonight. We have taken an oath to do no harm. There is the word "hospital" in this referendum. But, we are not talking about, when I am discussing it, it is not a building, it is a solution. It is not for the white citizens, it is not for the black citizens, it is not for the poor, the rich. It is for the citizens and the future citizens of Gadsden County.

We need to work in a positive way. We need to represent our community in a positive way. But, there are some simple facts that we need to consider and be realistic about.

I don't like the process that this has been through. I watched it before I got up here on this commission. I think there was more confusion than there was method to the madness. I think there have consistently been more questions than answers.

Tonight, we got information, and I have been to two meetings. At both meetings, I have had information thrown in front of me the second before we sit down here to make a decision on a \$15 million project. I've got some issues with that. We need to hold the ball and we need to call a time out. And we need to recognize how we can get this 24/7 facility that is going to provide quality healthcare for our citizens. It is a job that we can get done.

I have heard it said two or three times here tonight that our citizens deserve better. Well, I am here to



tell you that I disagree with that. Our citizens deserve the best. They deserve the best possible solution that we can come to that is going to affect your families and mine in the near and distant future. We need to do it and we need to do it right.

The last few words in this referendum that was on the 8/26 ballot, it says, "services for the benefit of our citizens." That is what we have got to focus on and try to move forward and get done.

Now, the facts are this. We are basing a lot of this information on projections. These projections are nothing more than that. These numbers that we have heard - a million and a half and a million and all these other things - they are based on things that we don't know. We don't know what is going to happen in the year ahead. But, from everything that I have heard, it ain't going to be good. We need to think conservatively about how to provide the solution that we are looking for.

Currently, right now, there are rural community hospitals in every direction around our county. Every one of them are suffering financially right now. I don't care if they have been here for a long time or I don't care if they have been built in the last five years. We have one rural hospital that is just about ready to close it's doors that wasn't built that long ago. We better have our ducks in a row when we start talking about what it is that the citizens have mandated us to do. We need to do it in the right way and we need to do it in a positive way.

So, we can either be part of the problem, or part of the solution. People have their eyes on us. Not just the citizens of Gadsden County, but folks that are even considering coming to Gadsden County. They want to know how we are going to handle situations like this. So, we are in the spotlight in a lot of ways.

I have absolute 100% belief that we will come to the best solution. It may take more time than you may want to give us right now. But, please be open minded about that. Some of these situations we can

take care of pretty quickly. Some of them are going to take some time to think through. Communication is key. It is time that we started getting some answers and be able to move forward in a manner where you've got a new board that is here. Everybody is around the table. You've got a hospital board that has the patience of Job in my opinion and along with the citizens committee. So, let's try to move forward in a positive way without pointing fingers, but with open hands.

Thank you.

Lamb: Mr. Smith, would you come back up please.

Croley: Mr. Smith, I just a technical question before we bring this to a close, ourselves.

The most important thing right now about that hospital facility as it now exists is to get the Urgent Care operations moved over to the area that you are referencing as the clinic. That is taking it all the way across the facility. Is that not right? Because you can't finish out what is left to be done for the licensed section, the hospital portion, until the Urgent Care is moved. Is that correct?

Smith: It is one of the objectives right now.

Croley: But, it is a key objective. Because you can't do too much until that is done.

Smith: Yes, sir, of course. But, we are working in every other area except for where the Urgent Care is located.

Croley: Well, I understand that, but in order for you to work where the footprint is supposed to go, you've got to get Urgent Care out of there. That is what I am asking you.

Smith: Yes, sir.

Croley: O.K. That is all I wanted.

Holt: Question for Mr. Smith.

Lamb: Go ahead.

Holt: Mr. Smith, on the original plan, how many beds are there?

Smith: 25.

Holt: And the new plan?

Smith: The new plan as presented tonight?

Holt: Right.

Smith: Four.

Holt: So, the 25 beds, what would that be?

Smith: The GMP as we have the contract right now, calls for 25 beds, 2 ORs, a shell space in the clinic and rehab, the new Urgent Care, your Admin and Dining Room.

What we are offering tonight is an alternative if you all want to do so. It is 4 beds, 1 OR, a clinic, which goes into the Urgent Care, Admin and Dining.

Holt: O.K. So, basically we have cut our 25 beds.

Smith: Pardon me?

Holt: So, we have basically just cut out 25 beds.

Smith: 21 beds.

Holt: 21 beds. O.K.

So, what

Smith: Those 21 beds reduced the cost \$250,000.

Holt: If I remember correctly, my whole argument was if a bus turned over, what would we do with those people? That is one of the arguments that I used there because they are not going to fit into four beds. There is not a commissioner up here that is going to

ask poor Ms. Williams get up out of her bed and give it to someone else when it is not time for her to move. So, we are back to this point. I present that to the other commissioners.

I am not finished, Mr. Chairman.

What I am trying to say is the rooms are already there, so it's not as if you've got to find some rooms. The rooms are already there. The hospital originally had 52 beds, right?

Smith: I couldn't speak on it exactly what it used to have.

Holt: I think that is what it was. So, we are not building new rooms. We are not building another hospital and I want to make sure that is clear to everyone. When you say 4 beds. I don't know of anyone who has called me who is not upset about that. That is what they talk about. I told them to come to the meeting. Fill up the room. Every night that it is on the agenda, fill up the room. So, I am very guilty of that. I think people should have input early, not later. Alright. So it is 4 beds. Old scheme was for 25 beds.

Croley: I am just trying to clarify, are you telling us that in your negotiations that you negotiated a reduction in the number of licensed beds?

Smith: Pardon me, I am sorry.

Croley: Are you telling me that in the negotiations that you entered into with these options, Mr. Lawson, you reduced the number of beds under the license?

Lawson: Mr. Chairman, I mean Commissioner, those options that were offered as reductions in the cost and the number of beds in terms of what will be built out, not the beds under the license, was what was accepted.

Croley: In other words, you would still keep the 25 bed license, but you would now shutter 21 of them.

Holt: But, you couldn't use them.

Croley: No, you could still use them, because you have to within 48 hours. That just means that you plan to shutter 21 of the 25 beds.

Lawson: Correct me if I am wrong, Jay, I think the original concept was to build out for 25 beds.

Smith: Correct.

This is why this is such an evolving process. The \$6.5 million number that was presented to the hospital board so long ago was based upon a 24,000 sq. ft. building and they thought they were going to be able to just touch up and paint the OR area and where these 21 beds are. But, when they did the investigation, there were a lot of issues within that building and it all had to come out. So, now it is wide open area.

So, the GMP that we have on contract with you to date talks about finishing that back area with the 21 beds and building the new area with the 4 beds which gives you that flow through that area.

But, everyone was worried about the cost. So, we came together with the county staff and with the architect and presented as many ideas as we could to come to you all so you can decide.

You only have 4 beds. If you accept this as planned, there will be only 4 beds.

The space where the 21 is will be completely gutted and wide open. Shell space only.

Croley: Will that not require a reduction in the number of beds under the existing 25 bed license - down to 4?

Smith: From what I understand, Commissioner Croley, you are correct. They will license you for what you have at the time of -

Croley: You know, Mr. Smith, if we hadn't gotten you back up here and asked that question and we would have

accepted this, I am not even sure that I would have had a clear understanding of that. At every turn, at every turn, and you and I talked last night, at every turn, something new just seems to materialize about this process. Is there any wonder that there is a lack of confidence in what we hear?

I can't understand how the hospital board, I don't understand how the citizens committee, let alone this commission, and certainly the citizens out there can understand anything about this process.

I mean, it is just so confusing. And I didn't exactly come in here "on the last load of turnips." I was over there at TMH yesterday for 2 hours meeting with their Chief Executive Officer to go over this.

Now, Mr. Chair, I think we need to bring this to a close.

Lamb: We are going to.

This is at the will of this board as to what you would like to do.

Mr. Smith, thank you.

Smith: Yes, sir.

Lamb: Do you want to send this back and negotiate this down with Mr. Smith or do you want to look at these items and give the hospital board an opportunity to look at them or do you want to accept the bid as it is now - this project as it is now? What do you want to do? It is at the will of this board.

Taylor: Mr. Chairman?

Lamb: Commissioner Taylor?

Taylor: I stated my position earlier. And primarily because we want to do it right going forward. If we can get two and whomever else - and, I am looking at my purchasing director now to see if we can do this in a 10 day window - to put this back out for bid and have

an extenuating board with representatives from the county as well to participate with the bid process as far as opening the bids, then ranking them.

So, I guess I am asking

Lamb: Let me say this then, as part of your question - the agenda item that we have here tonight with us - I don't know if we can terminate it and send it out for bid. I think we will have to re-agenda this.

Taylor: **Well, with that being said, I motion to reject this GMP from Ajax. Reject it and send it back.**

Lamb: **Reject it and send it back?**

Holt: Mr. Chairman, may I?

Lamb: Do we have a second?

Williams: Mr. Chair.

Lamb: Hold you motion for just a minute.

Croley: Wait a minute, I am confused.

Williams: If I may, if I can get you in the right posture for where you are with this contract, it may help everybody.

If I am not mistaken, you have an executed contract between Ajax and the County. If I am not mistaken, until a decision is made about the meeting, the number that was the GMP that was approved by the board at that last meeting that occurred before the new board came on board, the agenda item that you have before the board tonight is not an issue of termination of the contract with Ajax. It was an update on the strategies for reducing the construction cost for the rural emergency hospital.

Procedurally, I believe that you would have to agenda that item for purposes of a decision to terminate and you would have to terminate and to re-advertise if that is direction that you want to go in. I don't think that you are in the right posture legally to go

forward with that tonight.

As it relates to the GMP, I think the GMP is already adopted. What you are dealing with is a reduction of the GMP based upon negotiations between staff and Ajax.

I don't think you can effect a GMP that is in front of you. I think the only options that you would have would be to look at a potential termination of the contract and a re-advertising. I would say that if you were going to do that, one of the pacing items, whether it is accurate or not, has been the question of getting the hospital license open on time. There has been a hard date and everyone has been told that it is a hard date.

I think, from a legal perspective, if you are going out with an RFP, the question is whether or not it can be done timely and that you can meet the date that is set by AHCA. And so, as you go forward with that, that is the position that you are in. From a legal standpoint, you would have to re-agenda it because that issue is not before you properly tonight. Realizing that there are six significant legal issues on both side, I wouldn't be doing my job if I didn't make it clear to you as to where you are in terms of your legal options right now.

So, the earliest you could have that agenda item is at the next meeting for consideration as to what direction you want to go with this contract.

Lamb: That would be next Tuesday.

Williams: You could put it on the next Tuesday meeting.

Croley: Mr. Chair, one thing, and I don't disagree with anything that the attorney is saying.

What I would also like to do is that - I think it is time to get representatives from AHCA Licensing, representatives from the construction inspection side and their legal people over here to stand before this board and help answer the questions for the citizens



of this county and this commission so that we can arrive at the proper model.

Because whether it is the reduction in the licensed beds that came up last Tuesday, the conversations held at TMH - in my meeting with them yesterday to try to better get a handle on this; and the conversations with AHCA, we would just be better served if we could hear directly from them. I would like to encourage this commission that we follow up on their offer and allow them to meet with us.

Lamb: That is what I am planning to do.

Croley: If you will

**Taylor: I will withdraw my motion, but I do have a comment.**

Time is of the essence. That is obvious. What we need to do if we want to do this, and this particular item alone has cost about 2 hours tonight and rightfully so because people are very much interested. But, it is an item that needs an agendaed date and time of its own so we can get into the depth of this and move forward. We have already discovered that this amount is going to be difficult to pay back. That has already been discovered. So, it is now time to take action so that what we have told the citizens from around this board that we are in support of this hospital. We need to start taking some steps in that direction.

Now, my question to the attorney and the interim county manager

Lamb: Assistant County Manager.

Taylor: Assistant Manager, is the way you all set up special meetings.

- How much time?
- How can it be done?
- Can it be done within a week's time?

We need to be able to agenda this item so that if we are going to bid it out, we need to get something done and done quickly.

Williams: Mr. Chair, you already have a meeting, a special

meeting set for next Tuesday, the 9<sup>th</sup> on this item. I am not familiar with how much is on that agenda, but it may be appropriate to put it on that meeting if that is the issue you want to discuss.

You have a meeting within a week already set up.

Taylor: I know that there are some items on it.

Lamb: But, we will scale it down as much as we can and get this back on there if that is what you all want to do.

Taylor: Specifically, what are we going to put on the agenda so that we can be able to do 2 things - vote up or down on this contract going forward and then offer out for RFP and also set parameters as to how long - because it is deemed as an emergency - the procurement process.

So, we need to make sure this thing is agendaed so we don't have to wait any longer.

Holt: Mr. Chairman?

Williams: Mr. Chair, the only thing that I would recommend from a legal standpoint because of the litigation issues involving this - I see lawyers circling around out there in every corner - (laughter) is - I think you should have Clemons Rutherford come in. They are the architects who have been giving you advice as to the ability to get this project done in a timely fashion. Somebody should advise the board as to what the time frame would be to get the project done at this stage.

Again, there is a hard and fast date to get it done. Is it June 20<sup>th</sup>? Is that correct?

I had a conversation. Commissioner Morgan, if you don't mind me sharing about the legislative process because he asked me the question, "Why is there so much urgency if we are going to go to the Legislature and we should get a pass from the Legislature, then it shouldn't be an issue. This is a serious issue for Gadsden County." I told him that I agreed with him, but that is not how the Legislature works.

There are only so many slots in the Legislature for so many bills to pass. As background, I am been lobbying the Legislature since 1984. What happens is that your issue gets put on a healthcare bill. There could be an issue that is very important to everybody, but there could be 20 issues that are important to different people around the state. But, there could be one issue that is a problem for the President of the Senate or the Speaker of the House or the Governor and he will veto the bill or it will not get out of the chamber. So, as Mr. McMillan talked about gambling on the future about issues, I can assure you all, there is no certainty of legislation passing this session because that is just the way the process works.

This is a serious issue and everybody will say it is a serious issue, but in the heat of that 60-day span of passing bills, it may not pass. I think that it is important, Mr. Chair, that you have someone advise you whether they - what the time frame they think is available still to get the hospital done. In terms of the legal process that I have to follow, I need to know what type of timeframe that I am dealing with.

**Lamb:** O.K. I would like to see us bring this to question and put this on the agenda for next Tuesday.

**Croley:** I so move.

**Holt:** Question.

**Lamb:** I need a second.

**Taylor:** Second.

**Holt:** Question. I have a question.

**Lamb:** It has been properly moved and seconded that we place this on the agenda for next Tuesday.

**Holt:** I have a question about putting it on the agenda.

**Lamb:** I am getting to the question, thank you.

Holt: You are welcome.

Lamb: Are there questions about the motion?

Holt: Question.

Thank you. I fully agree that it needs discussing, but I just want to make sure that it does not push us past any deadlines. O.K. That is where the concern is. We have within our bid process, that if we did not chose or decide to stay with Ajax, that we would go on to the next one which would be Childers. I don't see any reason to re-bid when we already have those in line. We have already narrowed those down. So, to rebid a process that we have already done doesn't make any sense. If we don't want Ajax, we go on to Childers.

And what I am looking at is that we can look at this process on Tuesday, but I want to make sure that the process is not slowed down. To go back out and bid, we may get some company and we may never track this stuff down.

As the attorney said, the lawyers are circling. There are several and I am sure that you are going to hear from all of them before the end of the month.

But, what we want to do,

Yeah, I am hoping that they do because I will help them file suit. But, what I am saying is I am trying to make sure - we already have something in line and we don't waste anymore time. If we don't want Ajax, go with Childers. But, then we would have to look at that process instead of rebidding it.

Lamb: O.K.

Lawson; Mr. Chairman, may I make one comment?

I would just like to remind the board that Ajax is out there and they are continuing to work. So, I just want to make you aware of that fact.

Secondly, Mr. Rutherford is here and he basically handled the bidding for the past two processes. So, if you all want to know anything about a time frame just in terms of re-bidding, I would suggest that, since Mr. Rutherford is here, you can get his input as to what the time frame would take.

**Croley: Mr. Chair, we have a motion and a second on the floor to re-agenda this for next week's meeting. And I would like to move the question.**

Holt: Mr. Chair, we don't know what that timeframe is. The man is sitting right there. We can tell him.

Lamb: **O.K. You heard the motion and the question. We are ready to vote.**

Holt: They don't want to hear from you.

Lamb: All in favor, let it be known by saying, "Aye."

Morgan  
Lamb  
Croley  
Taylor  
Holt:  
Lamb:

**Aye.**

Opposes?

No response.

**Straughn: What was the vote, Mr. Chairman.**

**Lamb: 5 - 0**

Lamb: Let me ask the manager one question about them keep working. Do you all want them to keep working.

Holt: Of course.

Croley: Mr. Chair, look, we have go to keep moving. You have got to keep moving forward. The question is the business model. That is what we are trying to convey to everybody. It is the business model.

Do we have to keep working for a 25 bed hospital that

we are going to put 20 beds in moth balls or do we reduce it down to some other number to help reduce the cost so that we can afford it.

But, he still got to move the Urgent Care and it doesn't matter is it is Mr. Childers or Mr. Smith or anybody else out there. We have got to get that Urgent Care across to the other side of the building.

Now, does that mean that we are going to continue your contract? I don't know. But, at the same time, I am sure that you will get compensated for the work that you do.

Smith: Yes, sir. The Urgent Care is not the only work that is taking place. I want to make sure that you understand that. We are in the court yard, we are in Area B, we are all over. The Urgent Care was a priority to get them out of that location, but we are working all over the hospital. I am just - there are a lot of things. You are talking about procurement, going to number 2 - the procurement process was over and completed when we were selected and we received the GMP.

If the commission wants to stop and say, "What are we spending money on? What do we want to do?" That is your decision there. But we have to continue. We have a contract that says \$9.75 and it's got to be completed on May 29<sup>th</sup>.

You asked us then to go back and look for any ways to save money. The team has come back and agreed upon - these are the best ideas that we can do. Now, it would take a major change in design. I heard one of the questions, "What if we just wanted to go with an ER and do different things?" I would take a total change in design and it would do a lot of different things.

Again, time is or the essence. That is why this process has moved so fast, but we are still trying to work together as a team saying, "What do we want to do?"

Let's make sure we make those decisions now before we spend any money in those areas and lose that ability

to save any money. There are a lot of things that we need to know as a group.

Croley: To that end, I would move that we allow Ajax to continue working to relocate the Urgent Care across the hospital facility. We will be able to address the cost and what we are going to do as agendaed for the next meeting, but that would allow them to continue to work on that aspect. They have a contract that they are working under. They just don't have an agreed upon price, at least not now.

Mr. Lawson, will that work?

Williams: Mr. Chair,

Croley: Hold on just a second. I want to know, operationally first. Then I want to hear from you legally.

Morgan: Was that a motion that I just heard?

Croley: I am just asking.

Lawson: That is a difficult question to answer, Commissioner. If you are going to tell them to continue working, but only to do a specific part of the work, I don't know. I guess that is a question that Mr. Smith would have to answer.

Croley: He is breaking things down here to do different sections and not do them.

Lawson: Well, he is all over the hospital.

Croley: Well, maybe he needs to be more concentrated in one area of the hospital.

Holt: No, he doesn't.

Croley: Well, anyway.

Williams: Again, I am trying to keep down cost. You have an issue of number 1 - what is agendaed. And your contract - how you handle his contract is

not agendaed. It was an issue about reducing cost but not how he applies his forces within the contract terms.

We have had these conversations about how I know all these the different things that I know. I did constructions contracts in DOT. If we did have that issue before you, demobilization and remobilization costs is one of the most expensive change orders that is involved.

Commissioners, I can assure you without any question in my mind, that you are better served if you are going to take this issue up to take it up in lump sum at the next meeting. There are costs associated with trying to do something like this are huge.

Croley: Are you suggesting then, that we stop him?

Williams: No, sir. I don't think that it is agendaed for you to do it. Whatever you do, you need to do it at the next meeting. Then, whatever line you draw, you draw it. Then you are done with it.

Croley: **I am sorry , I thought I said to let him keep working.**

Williams: I thought it was, and I may have misunderstood you. I thought it was to let him just do the Urgent Care.

Croley: No, I just said -

Morgan: **So, what we are saying is for them to continue working.**

Croley: **Absolutely.**

Holt: **Right.**

Lamb: **Yes, sir.**

Holt: And also, Mr. Chairman, if I may.

If we lay way Mr. Smith and right now, he does have a contract, if we lay way him and he does not finish on time, that gives him some legal recourse against this



commission because he does have a contract. So, they must try to fulfill that contract. 21 beds. 25 bed, I am sorry.

Lawson: Let me be clear just in terms of what I am to re-agenda the contract that we have in place with Mr. Smith.

Is that the item I am to bring back?

Lamb: Exactly.

Taylor: I am. I want to.

Williams: I think there is an issue of the overall procurement, too. So, I think, if I understand it, Commissioner, you want all the issues on the table.

Lawson: And to address the procurement process.

Taylor: Let's go. Let's move forward.

Lamb: O.K. Thank you.

Next item, Mr. Manager.

**13B**                    **Gadsden Senior Services Update**

UPON MOTION BY COMMISSINER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO TABLE THIS AGENDA ITEM TO A LATER MEETING.

**13C**                    **Discussion of All Employees Hired in Last Two Years**

There was a consensus of the board that this agenda report was in response to Commissioner Taylor's request and required no action.

**13D**                    **Gadsden County Boys and Girls Club Update**

Commissioner Taylor requested that this matter be brought back on the agenda for December 16 for reconsideration by the new board in light of the financial status of the county at this time.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO BRING THE MATTER OF THE BOYS AND GIRLS CLUB BACK FOR RECONSIDERATION. THE MOTION FURTHER DIRECTED THAT THE CLERK NOT DISPERSE ANY FUNDS UNTIL THE MATTER IS BROUGHT BACK FOR FURTHER CONSIDERATION.

13E                    Appointment of Members to the Gadsden County  
Affordable Housing Advisory Committee (AHAC)

UPON MOTION BY COMMISSINER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, TO TABLE THIS ITEM UNTIL DECEMBER 16, 2008 AS THE BOARD DETERMINED THAT THEY NEEDED TIME TO REVIEW THE RECOMMENDED APPOINTMENTS. THE MOTION ALSO INCLUDED DIRECTIONS TO STAFF TO IDENTIFY THE LENGTH OF TIME EACH APPOINTEE WOULD SERVE AS WELL AS THE EXPIRATION DATE.

13F                    Request for a Special Meeting for a Public Hearing to  
Repeal Ordinances and Re-adopt by Ordinance the  
Future Land Use Map Amendments

Growth Management Director Howard Douglas stated that the ten amendments listed in the agenda report were adopted by ordinances, but were rejected by DCA because of the Public School Facilities Element was not adopted by the county. The county obtained a waiver from that requirement which will expire at the end of December.

Subsequently, the BOCC has adopted the Public School Facilities Element and sent it to DCA for their review. (November 18, 2008) In order for the land use amendments to move forward, the previous ordinances would have to be repealed and new ordinances adopted.

Commissioner Taylor suggested that the staff try to get an extension of the timeline.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO REQUEST AN EXTENSION FROM DCA, BUT IF IT CAN'T BE GRANTED, SET A PUBLIC HEARING FOR EITHER

**DECEMBER 18, 2008 OR JANUARY 8, 2009.**

Mr. Douglas reported that a workshop meeting was held in Havana on December 1 to discuss the Evaluation and Appraisal Report (EAR) of the Comprehensive Plan. However, no one from the public attended. He said that rather than move forward with the other scheduled meetings throughout the county, the staff would like to make new efforts toward getting information out to the public about the importance of the public's participation in this process.

There was some discussion regarding the way the advertised notices are worded. There was a consensus that such advertising should be worded in such a way that the average citizen would be able to understand what the meetings will be about and why public input is so significant.

**13G**

**Post Approval of Change Order with Cross Construction to Provide Air Monitoring and Testing at Gadsden Memorial Hospital**

**UPON MOTION BY COMMISSINER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO RE-AGENDA THIS MATTER ON DECEMBER 9, 2008 AND TO HAVE THE ARCHITECT PRESENT FOR DISCUSSION.**

Mr. Jay Smith asked the board to reconsider the above action in light of the fact that Urgent Care cannot be moved until the monitoring has been completed. He also reminded them that Urgent Care is scheduled to move on Friday, December 6. He also told them the reason that the contractor left the project was because they learned that the BOCC had been hesitant to approve their contract and the payment for their services had come into question.

Mr. Gamble with Ajax Building Corporation stated that a final air testing has to be done by Southern Earth Science before Urgent Care can be moved. He reiterated that the contractor had pulled off the project until the matter of their contract is resolved. He said that if the board does not resolve

the matter, they may not come back to do the testing. He also added that it could cause delays on the overall hospital project.

Mr. Smith stated the Urgent Care is ready to be moved and they are waiting for the air testing.

Commissioner Morgan stated that he did not like the fact that the \$54,250 change order was before the board after the fact and in such a hasty fashion. However, if it was going to hold up progress at the hospital, he suggested that the board go ahead and approve the change order in an effort to keep things on track as much as possible.

THERE WAS A MOTION BY COMMISSIONER MORGAN TO APPROVE THE CHANGE ORDER IN LIGHT OF THE CIRCUMSTANCES SURROUNDING THE RELOCATION OF URGENT CARE. COMMISSIONER HOLT SECONDED THE MOTION. AFTER FURTHER DISCUSSION BOTH COMMISSIONERS MORGAN AND HOLT WITHDREW THEIR MOTION.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 - 0, TO TAKE THE MATTER OFF THE TABLE FOR RECONSIDERATION.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE CHANGE ORDER WITH CROSS CONSTRUCTION TO ALLOW FOR THE MONITORING BY SOUTHERN EARTH SCIENCE. COMMISSIONER TAYLOR VOTED "NO."

14.                    COUNTY MANAGER'S AGENDA

**15. Legal Analysis of November 10, 2008, Emergency Meeting of Board of County Commissioners**

Williams: Commissioners, you asked me at the last meeting to give you an opinion as to whether the meeting on November 10<sup>th</sup>, which was called as an Emergency Meeting, was a validly called meeting.

I worked feverously on this and my staff since that meeting. We got an opinion out to you late last night. Just for the audience to see, it is this thick with attachments.

What I would like to do, and I would have done this regardless. It is a very detailed analysis. I will give you a brief answer, then if you would entertain having you review it, then we can reschedule this discussion if that is a point if that is appropriate.

When I go into a little bit of the detail, you will understand why because as we have discussed before, the procedures outlining how you conduct business in Gadsden County needs some rework.

With that being said, I will get into the item and get into a brief overview for you. This is a legal opinion as to whether the November 10<sup>th</sup>, 2008 meeting of the Board of County Commission was a validly called meeting.

What I am going to do is to give you my brief answer is on it.

Commissioner Taylor had asked - there was discussion as to whether I should do it and Commissioner Taylor said that I would look at all the rules, statutes and procedures when I came back. I did that. I looked at the county code, I looked at the Attorney General's opinions, I looked at case law and I looked at the Florida Statutes.

The basic problem that you had here was that the Code is silent as to procedure. It specifically states that you can have regular meetings. It states that you can have special meetings and it states that you can have emergency meetings. Substantively, you can have an emergency meeting, but the problem has been

that there is no procedure for how the meeting occurs.

In looking at this, I could tell you that a good lawyer could make an argument on either side. A good lawyer could argue that if it is silent, that means that you could not have a meeting. I am just calling it as I see it.

A good lawyer could say that if you have a meeting and because you want to do county government, then that means that there should be a method for you to have an emergency meeting.

What happened in this meeting was that at the meeting when it was called, the chairman cited his basis for contending that there was an emergency. The then board subsequently voted at that meeting that an emergency existed. So, the only thing that you have that affirmatively happened at that meeting on that night, in the absence of any rules, any Florida Statutes, any ordinances, any Attorney General's Opinion, is that you had a board that voted that they had an emergency.

So, based on that, my opinion is that the board meeting was considered an emergency and should be given due deference unless there is a judicial or legal determined opinion otherwise.

I have to tell you that in some 20 or almost 30 years of rendering of an opinion, I have never rendered an opinion where I said that it could be judicially or legally determined otherwise. I have never had an opinion where I have had to render where there was no guidance in any document that I could look at that would tell me what the legal options are.

The only thing is that I pointed out to you that has happened that was remotely affirmative was the actual actions of the board on that night that the meeting was called.

Three basic questions came up. Can the Gadsden County Board of County Commissioners hold an emergency meeting? If so, who can call such an

emergency meeting and in what manner? Then the last question was whether the November 10<sup>th</sup>, 2008 meeting was validly called as an emergency meeting?

Again, if you look at the ordinance, the ordinance is pretty specific. It states that you can have an emergency meeting. Gadsden County is a non-chartered county with broad powers of self governing and it is put into to execute what is necessary for the county to operate.

So, again, without going into all the details, it is pretty clear that you can hold an emergency meeting. Again, the question was - How does that occur?

We then looked at how it occurred. There is no direct guidance at all on how an emergency meeting is called. That is really where the sticking point occurs between lawyers.

A lawyer can say because there is no guidance, that means you have authority, but, you don't have a method and therefore, you can't go forward.

When you look at the ordinance in general, though, it basically says in Section 2 - 41, "The chairman of the commission shall be responsible for interpreting the provisions of Chapter 2, Article 2, Division 2 of the Code governing questions of order, method of organization and the conduct of the business of the board." So, it gives the discretion to the chairman to determine how you interpret the rules for the Gadsden County Commission.

Based on him calling the meeting and I think if you look at the e-mail string that occurred, the manager at the time, Mr. Brown indicated that the chair had contacted him about having a meeting and he had said that it was an emergency in his opinion. So, it would lend itself to a belief that he had the ability to call the meeting and have the meeting based on the language that is in the Code.

So, long story short is, I don't have anything that gives me a definitive answer for the commission that the meeting was an emergency by an objective

standard, which is what I normally use to give you that opinion.

Absent that, then you go to your next analysis. The next analysis is the indirect analysis under the Code. An indirect analysis under the Code - the only thing that you had that has happened is that you have had a meeting ratified by the board at that time that said it was an emergency. So, absent some other action, it would have to be considered an emergency meeting.

One of the things that I have discussed with my staff is that when a board is in operation, the board as the Gadsden County Board of County Commission is not seen differently when members change in and out. The Board is still the Board. The Board is an on-going perpetual body that runs county government. Typically, what happens is if a board is not comfortable with the previous action of a previous meeting, or as in the occasion of this meeting tonight, a vote on a particular issue, the board does not address the meeting itself, it would address the actions in the meeting.

In light of what has occurred tonight, which obviously I don't have in my memo because I didn't anticipate it, you are actually affecting the issue that was addressed in the meeting. So, I think that if you chose to, this issue almost becomes mute meaning that you have taken up the issue that is underlying such that you don't have a need to necessarily address the issue.

That is important from a legal standpoint for a significant reason. As a board, when you do something a certain way, you set a precedent as to how you will conduct your business in the future as a board across, for lack of a better word, "across the board." There is a concern for me, legally, that if you were to address or put limitations on how you conduct your meetings or how you define an emergency, it could have a negative impact on your process for the future.

What I have committed to you all that I will do is



that I will go in and I will, and this is within the retainer, rewrite the code as it relates to the process of how the board conducts it's meetings. I have looked at that and what I am probably going to recommend to you is that I will work out different sections of it, get it to you in advance so you can digest it, then once you approve all the sections, then bring it back as one piece and then you will have a new procedural code for how you can deal with issues in the future. S

So, having said all of this, I would recommend that after you have reviewed it, at the appropriate time for rescheduling, Mr. Chairman, that the board consider that the meeting that was held on the 10<sup>th</sup> as a valid emergency meeting.

I think that Commissioner Taylor has already made a motion and this board has approved it for me to re-write the present procedural section of the Code as it relates to how this board will conduct it's business generally. Then address the item if there is a concern about the item within another regular board meeting an not to deal, or legally try to address whether the board itself can have an emergency meeting. You do have that language in the Code. I think the better position for the board to be in would be to have the option to have an emergency meeting.

That is my opinion, Mr. Chairman.

Lamb: Before the board asks any questions, we need to extend this meeting, don't we.

Williams: Chair, you are correct. You are three minutes away from 11:00. The meeting is over at 11:00. You need a motion for a time certain.

Holt: **So moved to extend the meeting until 11:20.**

Taylor: **Second.**

Lamb: **O.K. The motion and second is to extend the meeting to 11:20. All in favor, let it be known by a sign of, "Aye."**

All: Aye.

Lamb: Opposes?

(No response)

The "ayes" have it. It will be 11:20, now.

Taylor: Mr. Chairman, obviously, I am not an attorney, but if you don't have it in your Code, how can we define it going forward?

I think this is something a judge might need to look at going forward, so that we could get an opinion on that because something that Commissioner Morgan said at the last meeting was that we are in this posture because of that emergency meeting.

What deemed it an emergency that it was only a week later that we were going to be in a regular meeting to discuss this?

So, I am not questioning the county attorney's opinion, I am just making sure that all that can be looked at has been looked at. If we can get an opinion from someone who is outside the realm of this government, then that is the way I would like to see this go to next.

Lamb: Commissioner Morgan?

Morgan: Excuse me for interrupting earlier. I apologize.

Taylor: That is o.k.

Morgan: We are getting close to being done here.

I agree with what Commissioner Taylor is saying and based on our attorney's information - we are at a point where he is telling us that it could be 50/50. I want to suggest, Mr. Chairman that we request an opinion from the Attorney General's office and have them, if they can possibly, to expedite this back to us. We can find out from an independent body what

the best recommendation might be, then move forward from there.

Williams: Mr. Chairman, if I may? Commissioner Morgan and I talked about this and I think, I am pretty sure that we found everything out there that applies and if it is helpful, you can use the information that I provided and send it to the Attorney General and have them use that as a basis to go forward, or not, it is up to you. But, it is a starting point.

Morgan: I almost think that we need a complete independent observation of this thing. I appreciate what our attorney has done, but, I don't want there to be any reason that what we hear back from the Attorney General's office is not a completely independent look at this issue. I see that as being extremely important. I think it would be in the best interest of our attorney to do that as well.

Holt: I think that Commissioner Croley was next, I was after him.

Croley: I was just going to ask a question.

I was well documented as opposing this meeting. In fact, I consider it an illegal meeting and I would not attend.

Now, the Code may allow the commissioners, after they get together to make some sort of "emergency declaration," when no bona fide or mad made or natural disaster had occurred to necessitate a true emergency as I understand it to be.

But, the question becomes now - What is our real objective in going forward?

Here is the thing. What are we going to do? Are we going to say that Commissioner Holt and former Commissioner Price and former Commissioner Dixon did this to "create obstacles" for this board to deal with this hospital issue in a responsible manner and just approved an amount of money that this county couldn't afford and to tie our hands so that we would be embarrassed in the future and to create obstacles

in getting the hospital open as the bottom line when it was all said and done?

I don't know what that is going to accomplish. We've got to keep moving forward. That is the real question. When we talk about this cost, as far as I am concerned and I have made clear to Mr. Smith, I don't feel bound by what that board did on this guaranteed maximum price. If I can do something that will reduce this cost for the benefit of these citizens, I feel like I have every legal right to do so.

I respect your suggestion, Mr. Morgan. That would certainly clarify any questions about future emergencies and that probably ought to be sent forth for that reason, but I don't really know that it will help us deal with the situation that is in front of us. We are going to have to deal with that at the next meeting when we actually look at that cost.

Morgan: I don't see any way that it would hinder it.

Lamb: No, we won't let it.

Commissioner Holt?

Holt: Thank you, Mr. Chairman.

The loss of human life in Gadsden County is a travesty. It is not an emergency, it is a travesty. The travesty enacted the emergency. You have to look at it that way. You cannot sit here and say that your hands are tied. You can negotiate down anytime you want to. If they looked at the gross maximum price, it said gross, that means the most. Maximum means the most. Price being what it cost. So, there is no problem with the definition. In this particular case, we need the hospital open. The engineers and architects have looked at it and said that you have got to follow this time line. So, that is what we did. There is nothing to say in those documents, when you report this in the newspapers tomorrow that - if you want to look at an emergency, look at the loss of life.

Yeah, I know I have to tell you, Alice.

You have to look at the loss of life.

Yeah, I was just teasing with her.

O.K. What we are looking at and we only have 15 minutes, we are only looking at the gross maximum price. You can negotiate down from that.

Emergency? Yes, it was an emergency. It has been an emergency since that hospital opened. So, this is not something that one board created. If you want to look at the mess, look at the mess when they contracted that hospital out in the first place. I was working down there when the County Commission did that. We did not agree with it. And, we did not agree with the building of this hospital. The other hospital was better.

So, don't look at this as if you did something wrong. No. We could call an emergency meeting and we called it. If you can find something wrong with it, then do so.

I think that if you want to get an Attorney General's opinion, I have not problems with that. I would only have a problem with the cost or if it delays this project.

Thank you, Mr. Chairman.

Taylor: Just one comment and then I am finished.

The idea of an independent opinion will help support this board if it needs to change direction. If there are some litigations coming afterwards, it would give us at least some support in the courts. That is why I am looking at it.

Thank you, that is it.

Lamb: I think all of you have good ideas. I was on the same page with Commissioner Croley. I wasn't for the

called meeting because we had a meeting a week from then. I thought we could take care of all of our business on the 18<sup>th</sup>. I don't agree with that meeting at all. I think it was illegal. I don't think he should have called it and if I could go back, and hopefully, we can, redo this whole bid situation next week. I am going to stick to that because it was not done right. It was out of order completely.

Now, do I have a motion to get an opinion from the Attorney General?

**Morgan:** Yes, I make a motion that we seek an opinion from the Attorney General and to request and expedited response, if possible.

**Taylor:** I second it.

**Lamb:** It has been moved and properly seconded that we get an opinion from the Attorney General expedited as quickly as possible.

All in favor, let it be known by a sign of, "Aye."

Holt  
Taylor  
Croley  
Morgan  
**Lamb:**

Aye.

**Lamb:** Opposes?

(no response)

Thank you very much.

**Lawson:** Mr. Chairman, do you want the county attorney to seek that opinion?

**Lamb:** Well, from what I have heard, I think that the commission would like an independent person to do it.

**Croley:** Mr. Chair, we are going to have to have somebody independently draft up that question, but the question is going to have to be -

This would be my suggestion.

Mr. Williams be able to draft the question, but not provide all of the legal document because all that we are asking - and we will let you bring that question back to us so that we can review it.

Williams: I can bring that question back to you because it is not time sensitive and it is not going to affect your decision on the hospital. I can bring it back either on the 9<sup>th</sup> or the 16<sup>th</sup>. You can review the question and make a decision.

Croley: But, you will not be providing all of your research. Let them do that.

Taylor: That's it.

Lamb: Thank you. Next item, Mr. Manager.

**16. Miscellaneous Items**

**17. Discussion Items by Commissioners**

**Commissioner Morgan, District 3**

Commissioner Morgan asked that the Chattahoochee Library be placed on an agenda for discussion.

He then stated that he had been distressed with the amount of information that is thrown before him at the last minute expecting a decision to be made during the course of that meeting. He suggested that a better and more productive method be provided for him to be able to make sound decisions.

**Commissioner Holt, District 4**

Commissioner Holt made a motion that all items dealing with the hospital be placed on the agenda before the Public Hearings Agenda. The motion died for lack of a second.

She then requested that the Citizens Hospital Advisory Committee meet with the GHI Board of Directors and to have input on issues.

Craig McMillan:

Our meetings are open to everybody who comes. I don't think that we could conduct a joint meeting effectively. We are a separate board. We are a hospital board. If you want to add members to that board, then expand the board. We invite all of the committee members and all the citizenry to come to our meetings. We give a time for them to have input. I think it would be unwieldy to have joint meetings with the Citizens Committee."

Lamb:

They can come, but they can't have a meeting at the same time you are having a meeting. I agree with you on that.

Holt:

In that case, they have no input on the hospital facility itself. If you say they can come up and ask questions about it, that board can decide that you don't really don't have any input. They can listen to your questions and they can answer your questions, but they don't have any input as to what the hospital looks like. We are saying to make sure that the citizens are aware of what is going on. It makes a big difference because I have sat through some of your meetings. That Citizens Committee sat there because they did not understand what was going on. To just have input is one thing. To explain to them what is going on so they would not have to be lost in the process. That is the problem that I have with it.

McMillan:

I appreciate what you are saying, Commissioner Holt. I would tell you though that, as far as the input, we certainly will listen to any of the input that they have. But, we have had no input on what the facility looks like as of now. Unless you are giving me powers that we have not had in the past, we don't have input into that. That is your job.



Holt:

Mr. Chairman, what I am asking for that committee to meet with the hospital board when they meet and that they are notified of the board meeting just as the hospital board members are notified of the meeting. That way, they can be in the room and have input. That's all. Not that it is advertised separately. It is advertised, that is true. But, I want that group notified so that they will have input. I think that Dr. Woodward is also a member of the Citizens group. At least you will have two doctors.

Lamb:

Mr. McMillan, if they come to your meetings, you will give them the opportunity to ask questions and have input, don't you?

McMillan:

Yes, sir.

Lamb:

O.K. I think that is good enough.

McMillan:

If you want to do what Commissioner Holt wants to do, and I am not fighting you on this, Commissioner, it just that you should change the whole committee and make us all one big committee.

Holt:

That is what I would love to do. I am sure you know that. But, what I am saying is that we need some more information. As you can see, there were members of that citizens committee here tonight and they are asking, "What happened?" They don't know what happened. How did we go from a community hospital to a rural hospital?

McMillan:

Could I make one other statement?

To show you how little input we have had - at our last meeting and the stuff we have looked at as far as what the hospital was going to look like - we were told that there would be not dining facilities. That everything would be brought in. All of sudden, we

are seeing dining facilities. We have had no input.

Holt:

That way, they would all know at the same time. If they are sent e-mails and told or called about the meetings at the same time. That was my second request. Do we need to vote on that for them to be notified?

Lamb:

No. They can come to your meeting and ask questions.

Croley:

Mr. Chairman. As I recall, the reason that we have a citizens committee as an ad hoc committee, meaning that it was only there to look at the proforma to add input for the benefit of the hospital board and the commission. It was not a standing committee to go on and on. It did not infringe on the authority of the hospital board.

Holt:

Right. But, we are still discussing the proforma. It is still going on.

Croley:

That was over. We voted on that Rural Emergency Facility and that is in the minutes.

Holt:

We voted on it, but the citizens did not. We are not going to vote on it. Just one other item, then we can go.

Lamb:

They can ask questions if they want to come.

Holt:

They are not going to have that.

One other one is that I would like to request that if there are any citizens who are concerned about opening the hospital to give me a call at 627-2527. We can discuss it.

**Commissioner Taylor, District 5**

Commissioner Taylor asked when the appointments would be made to the Tourist Development Council. Chair Lamb replied that it would be made in January.

She then asked that Clemons Rutherford be contacted to see if they would be willing to share in the cost of the change order with Cross Construction.

Commissioner Taylor voiced her concern about the last minute amended agenda. She said, "If you continue to vote on them, they will continue to put them in front of us. Let's deny them and they will work it out...All they've got to do is make it look like if you don't do it, we are going to die in the morning. Then we fall for it. We've got to stand for something. So, if we want to stop this last minute thing, stop voting for it and start looking for alternatives."

**Commissioner Croley, Vice-Chair, District 2**

Commissioner Croley reported that during the recent rain, another culvert has collapsed.

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 - 0, TO EXTEND THE MEETING TO 11:30 P.M.**

Commissioner Croley questioned Public Works Director Robert Presnell about the maintenance schedule for culverts and cross drainage that goes under the county roads.

Mr. Presnell explained that they have an inspection schedule whereby an independent engineering firm inspects them periodically. He said that there is a crew that circulates around the county on a requested basis also for the smaller culverts, etc.

Commissioner Croley stated to Assistant County Manager Arthur Lawson, "I am dissatisfied. I ride around. Everybody knows that I pay close attention to what is going on about these roads."

I am telling Public Works, ya'll are getting paid more money than any of you have ever been paid before as is the whole county staff. These roads are not being properly looked after - these county crossings. There is no reason for what happened on Salter Road. It collapsed on one end - the north side - then you fixed it and I look around and the south end is collapsed. The north end was not properly fixed. I can go over on Shady Rest Road in front of the animal hospital there at Gibson - that culvert collapsed. I was on Salem Road and the water is running off the road right down the east end of the culvert. The Public Works has gotten this glory by paving every dirt road out there. I understand that has been a priority of the commissioners and that is important. But, at the same time, you can't let everything else go. I know we have backed you up with drainage equipment.

Presnell:

Right now, as for the equipment that you helped get into the budget this year, we have on loan for demonstration right now - we are trying a Volvo now, we are trying a CAT next week. We will have some equipment to do some of these things. But, that is not the big problem, the big problem is money. It is not personnel. It is not that we don't want to do it. It is money. We have repeatedly requested the money. We do a budget every year. I have been here 10 years. I will be happy to pull anyone of those budgets for you and show you what I requested as a need. Then you have a final budget that goes before the board. This particular year, we wound up with \$400,000 for 12 months for bridge and pipe works. It is all in the same line item. I bid the next prioritized bridge which is over on 157 in Commissioner Lamb's district and the bid was \$495,000. I came back to ya'll two weeks ago to transfer another \$95,000. Well, that is it for this year.

The one you just mentioned on Salter Road, the pipe separated on the north end several months ago. We went down and jacked them up, poured concrete band-aids around them, backfilled, tapped and asphalted

them. The problem with the south end, which I think they were all related to Faye where you had water intrusion from the north end. The (inaudible) down under the ground separated from the flash pad and started sucking dirt. That is something that if you had inspected with a microscope, you might have foreseen it. But, that is an age issue. All these facilities are very old. But, don't think that we haven't requested funds to address these problems. I know for the last 10 years. I can't speak before that.

Croley:

I want to bring this to a close, but I want to make sure that the commissioners and the staff understands that we have to do a better job and it is important that attention be given to these areas in the budget process. Money needs to go for the public transportation and safety. It has been neglected for a long time.

Presnell:

We have a list of items we would like to address just as soon as you can make the money available.

Taylor:

Have you applied to FEMA for those dollars that you thought may have been caused by Faye?

Presnell:

Yes, we have already have recovered \$200,00. This afternoon, they were back out and we are probably going to get another \$50,000 to \$60,000. The problem with a lot of our structures, as you know from your history, when they inspect it, they say, "Well, it was worn out before the storm came." Then you don't qualify.

Taylor:

Well, that is their opinion. But, I have learned that if you grieve it or fight it, then eventually, the cave.

Presnell:

Yes, ma'am, we do.

Taylor:

Do you have money that you can move around?

Presnell:

To fix the problems that he just mentioned?

Yes, we are not going to have signs on our road. We will do a budget transfer. But, unless more money is appropriated by this body, it is going to come from signs, stripping or some other expense.

Croley:

Mr. Hoffman, can you get some money through the budget and maybe bring that back to us as to where there might be some sources of funding for these safety improvements on these roads.

Hoffman:

Let me remind you all that late last year, you appropriated some of the fund balances out of transportation fund to have some work done. So, what money is there is very limited. It depends on what kind of balances you want to keep in that fund. I just want to throw in that caveat.

Lamb:

Ladies and gentlemen, there is a need to upgrade our culverts on our roads. There are a lot of wants that we've got and I want some of them. But, we've got to take care of our needs first.

I want to have the opportunity to have the Clerk to give us a financial status of this county. He will be here on Tuesday to bring us up to date. But, I would also like this board to get the clerk's internal auditor to come over and audit our financial books and all our contracts that we have done in the last two to three years. And, the credit card invoices that have been here in the county office.

I would like to get your permission to have the clerk's internal auditor to come over here and audit.

Croley:

I so move.

Taylor:  
Second.

Lamb:

It has been moved and properly seconded to give the clerk authority to have his internal auditor to audit our books, contracts and credit card invoices of the Gadsden County government.

All in favor?

All:  
Aye.

**Commissioner Lamb, Chair, District 1**

**Approval of Appointments to the Transportation Disadvantaged Coordinating Board**

This item was not addressed.

**18. Receipt and File Agenda**

- a. Notice of Ad Valorem Taxes and Non-Ad Valorem Assessments
- b. Letter to Greg Taylor
- c. Letter to Marlon Brown from North Florida Regional Domestic Security Task Force requesting Gadsden County's financial participation to meet sustainment cost for the Public Safety Interoperable Communications grant from Homeland Security. (\$9,981 annually)
- d. Correction to the letter described above. The sustainment cost was corrected to be \$7,000 annually.
- e. Letter from Northwest Florida Water Management District notifying Gadsden County that their five year Water Resource Development Work Program is available on the District's Web site.
- f. Letter to Marlon Brown from Mediacom regarding rate increase of \$3.00 to Mediacom customers

- g. Library circulation report for October 2008
- h. Letter to Debbie Johnson, FDCA regarding digital copies of the complete Stipulated Settlement Agreement package
- i. Letter to Wayne Shepard, Gadsden County School System, regarding Public School Facilities Element of the Comprehensive Plan
- j. Letter to affected parties regarding the Stipulated Settlement Agreement and adopted ordinances for land use amendments
- k. Bank Resolution and signature cards for new chairman's signature at Capital City Bank

**ADJOURNMENT**

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR  
DECLARED THE MEETING ADJOURNED AT 11:30 P.M.**

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**EUGENE LAMB, CHAIR**

**ATTEST:**

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**Muriel Straughn, Deputy Clerk**





AT A SPECIAL MEETING OF THE BOARD OF COUNTY  
COMMISSIONERS HELD IN AND FOR GADSDEN  
COUNTY FLORIDA ON DECEMBER 9, 2009, THE  
FOLLOWING PROCEEDINGS WERE HAD, VIZ.

PRESENT: Eugene Lamb, Chair, District 1  
Doug Croley, Vice-Chair, District 2  
Gene Morgan, District 3  
Brenda A. Holt, District 4  
Sherrie Taylor, District 5  
Nicholas Thomas, Clerk  
Thornton Williams, County Attorney  
Arthur Lawson, Assistant County Manager

**CALL TO ORDER**

Chair Lamb called the meeting to order stating that it was a workshop. He then introduced Mr. Alvin Pickles from the Sheriff's office who would serve as Sergeant At Arms. Mr. Pickles then addressed the audience stating the following:

**Pickles:** The chairman has requested that the Sheriff's Department furnish a Sergeant at Arms at all subsequent meetings, whether they be workshops or regular meetings. The Board has the right to conduct their business in a calm respectful manner. You have the right, as citizens, to be here. We encourage that, but we also encourage that you cooperate and remain calm and quiet until you are asked to speak. If there are any outbursts, we are going to address them. So, let's just all agree with that and conduct ourselves in a manner that we can all get along with.

Thank you.

Chair Lamb turned the meeting over to Assistant County Manager Arthur Lawson.

**AMENDMENTS TO THE AGENDA**

Mr. Lawson pulled Item 7 from the agenda explaining that it should have been placed on the December 16<sup>th</sup> agenda.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE TO REMOVE ITEM 7 FROM THE AGENDA. (REPORT ON THE ATTORNEY GENERAL'S OPINION STATUS)

HOSPITAL LICENSING, CERTIFICATE OF NEED AND CONSTRUCTION ISSUES

Mr. Lawson introduced the following people from the Agency for Healthcare Administration: Ms. Laura McLaugherty, Unit Manager for Hospitals and Outpatient Services Unit; Mr. Grant Dearborn, Chief Facilities Counsel; Mr. James McLamore, Unit Manager for Certificate of Need.

**Grant Dearborn:** At this point, you have an inactive license. It is good through the end of June. That license cannot be renewed because it was once previously renewed. The Statutes do not allow you to renew it.

It has been awhile since we have been out to the physical plant. When we were out there, we did identify some issues, but since it has been such a long period of time, I don't know that we could give you a list of what is wrong simply because we haven't seen the facility. We have talked to one of your lawyers, Mr. Sexton, a number of times about some things. Other than that, I think it would be best if you wanted to - to just ask us some questions pertaining to information that you need to know.

**Lamb:** Does anyone have any statements that they would like to make? If not, I am going it up to the commissioners to ask questions.

Commissioner Croley.

**Croley:** Mr. Dearborn, I appreciate you coming. I initiated some correspondence with your agency along these lines to try to get some answers to our questions here as a commission. Before I ask questions, would it be o.k., I would appreciate it if each person could explain their role in the agency so that we know who to address our questions to. It would help.

**McLaugherty:** I am Laura McLaugherty. I am the unit manager of the hospital and outpatient services unit. Our unit basically oversees all licensure aspects of hospitals in the State of Florida. So, regarding the application for an active hospital license, it would be processed through our office. It is our office which is monitoring the compliance requirements that have been handed down -the requirements that this facility must come into compliance with prior to us being able to issue you an active license.

**McLamore:** I am James McLamore. I am the CON supervisor. With my situation, if your inactive license expires and you run out of time, then you would need to file what is called a Certificate of Need (CON).

Recent statutory changes initiated by the governor for 2008, now allows a fast track for general acute care hospitals. That means that you would put in an application - let's say that you let it lapse in June, you would put in an application around September. Well, actually, the letter of intent deadline - If you let the June one expire, then it would be August 10, 2009. At that point, you would say however many beds for your hospital you want, and say that you want to establish a hospital.

If I am telling you too much, you can always tell me stop.

Basically, I am here if you let the inactive license expire and it becomes a CON situation. The application deadline for that would be September 9, 2009. We do what we call a "completeness review." That is done on September 16, 2009.

Now, under the fast track process, once we do that completeness review, anyone who is opposed to your hospital would have to come in within 21 days and state their opposition. Now that is different than it is currently with other hospitals. Before the statutes changed, someone could wait until the very end of the process and come in and hold you up by saying, "No, we don't want you to build a hospital." So, they have to come in then. If no one comes in, then it is simply a matter of working on your application. You get us a clean application by the admissions deadline of October 14, 2009. With a CON, the complete application is simply the zip code areas you propose to serve, your primary zip code areas, your secondary zip code areas, the amount you think it is going to cost to build the hospital. You need to have a good estimate of that because you would want to know what the licensure fee is that you will have to pay. Once you've got that and an impact study as to how your hospital is going to serve and who it is going to serve and that sort of stuff. You would submit all that and we would review all of that. A decision would be made by December 12, 2009 at which point - once we publish that decision and no one has come in to opposition it, that would be a green light and we would cut the CON and give you the CON which has 18 months for you to get it under construction. If you were building totally from scratch, (that means you have gone out into an area and you have cleared off the land and you have put up foundations for a new building) that sort of stuff, you would have to have that done within 18 months of the December 11, 2009 decision. That is the process if you are starting from scratch and your inactive license has expired.

But, if you work off the inactive license, the CON never comes into play. If you've got yourselves up and running prior to that.

**Croley:**

Question on that. You said, "If no one files opposition." Who is qualified to oppose the opening of a hospital?

- McLamore:** That would be another hospital provider. For instance, Hospital A could say, "Oh, my! You're going to cover people from this area where our hospital serves." It could also be a competing provider. This actually happened in the City of Northport way back when. The representatives there wanted to - the city had picked one applicant to build a hospital and another company came in and said, "Gee, we want to compete with them."
- If you've got competing applicants, that could slow things up. But, if you don't have competing applicants and it is just the existing providers that are there saying, "You are affecting my area adversely by putting a hospital here." Anticipating, I wouldn't know who that would be. But, it would have to be someone who is currently serving your area and the zip codes that you are proposing. It couldn't be a hospital serving over in Perry who would say, "I don't want you to have a hospital over here." I wouldn't work like that.
- Croley:** Mr. Dearborn, if I may follow up on that, what is your role in the agency?
- Dearborn:** I am the attorney that supervises all the licensing attorneys and all of the CON attorneys. Basically, my lawyers represent them in all kinds of matters just as Mr. Williams represents the board.
- Croley:** To my knowledge, there are only two hospitals who would be in the "market" area. That would be TMH and Capital Regional. These two providers, neither one of which have any type of hospitalization or emergency operation in this county. They would be the only qualified "other parties". Is that correct?
- Dearborn:** The only thing that I would suggest is that we would have to look at Jackson. I am supposing that their area doesn't cross over into yours, but I don't have that memorized.
- Croley:** Does somebody know? Do they?
- (inaudible response from unidentified person)
- So, Jackson does serve some in the Gadsden zip codes.
- Dearborn:** It would be based on the zip codes that your propose and they already have them in place. You can have situations where somebody may cross over and provide services on an emergency basis. But, we would have to look at their actual document to see what zip codes that they serve. We can provide that to Mr. Williams if you like.

**Croley:** Mr. Chair, I would like to defer to any other commissioner right now, but, I would like to come back and ask some follow up questions. I am sure the other commissioners have questions of their own at this point. .

**Lamb:** That is fine. Commissioner Holt?

**Holt:** Yes, thank you. I would like to ask for the same opportunity to ask questions a little bit later on.

I spoke with a Ms. Liz Dudek, Deputy Secretary, yesterday on some of these issues. We know that the 25 bed hospital was discussed in order to try to get the critical access designation. That is mainly why the previous commission along with myself was considering that for the last few years. To go after that - the critical access.

Your organization says what, Mr. Dearborn? I met you several times before. What is ACHA's point on that?

**Dearborn:** As far as we are concerned, we don't. The critical access designation is a federal designation. It is not something that we are involved in.

As far as we are concerned, if you have one in-patient bed, you are fine. You can take four or five - up to twenty-five. If you actually got your license back as active, you could, in fact, add beds to that without going through the certificate of need process.

**Holt:** Right, that was for the purpose of discussion.

Before I spoke with her and other individuals at AHCA about - if you did that and went up to the 25 bed license, you would be able to increase. You've just got to meet that deadline.

Also, the critical access, you are going to have to have a minimum of 25 beds. I understand that has nothing to do with your organization. That is what we were told by HHA ( Health and Human Services) in Washington, D.C.

**McLaugherty:** That is not correct. We currently have a critical access hospital right now that only has 15 beds. Actually, it is a minimum, I mean a maximum, not a minimum. The maximum number of beds that a critical access hospital can have is 25 and that is if they participate in the swing bed program.

**Holt:** Right. And, that is what we went after - the swing bed program.

**McLaugherty:** Most all of them do. We do have one that is not and that is a

maximum. It is not a minimum.

**Holt:** Right. That is the reason that - when you said swing beds, that is exactly what we went after. If we go up to 25, we can do the swing beds and look at partnering with other organization. There was a reason for that particular number. The prior commission and members of the community looked at that 25 bed number.

**McLaugherty:** But, again, that is a maximum. That is not a minimum. That does not mean that you can't have 10 and still participate in the swing bed program.

**Holt:** Right. You can still participate in the swing bed program, but when we were in Washington, D.C., HHS officials there said, "You need to try to get those 25 beds." That is what they told us. They didn't give us, "Well, you may be," or "You may not be." I got tired of going up there. I am afraid of flying, so I wasn't in a hurry to get to Washington, D.C. But, that was one number that they thought was appropriate.

**McLaugherty:** Most hospitals have 25 beds, but the occupancy does not support those 25 beds.

**Holt:**

Well, the occupancy may not. But, when they said, "This is what you need to look at," that is what we went after simply because it may or may not have been, but, we only had one shot at it. Maybe that was it.

We also discussed when looking at this issue, that if we went into an emergency situation, that we would have the extra beds already at the hospital. To say that you may not have it fully running, or you may be able to open up to 25 beds and not worry about opening them up. Hopefully, we won't have 25 people right away in Gadsden County that need to be in a hospital. So, we were looking at, - this is not a question, I am sorry, but, we were looking at to open them in case a boat turned over or anything happened and look at the turn around on it. Insurance, Medicaid, Medicare and that type of thing. We would have that available.

Thank you, Mr. Chairman.

**Taylor:** Laura, I am sorry, I don't remember your last name. You added the clarity that we needed to know about the maximum of 25. We could go somewhere in that range of 10 - 15. Thank you for adding that to your dialogue.

James, we were told at one point in time that you brought up some very interesting facts. If we should pass the deadline, we were looking at two years before we could apply or get back on board with

the licensing or an active license. You mentioned some stuff that needed to be done in order to get it back to where we could continue the process.

Now, my understanding was that we needed to go to the Legislature in order to authorize AHCA the authorization to give another extension because you had already extended per your policy. I am trying to get clarity there. I would rather it be as you have mentioned that we just follow up on some application. I am sure, given the capacity that TMH and Capital Regional have had in their emergency rooms, they would not appeal this. But, do we still need to go to the Legislature and get authorization for you to give us another extension? Or, can we follow your process that James has just forementioned?

**Dearborn:** Madam Commissioner, if I may? Those are two different things. What he was talking about was the certificate of need program. It is a precursor to having a license. It is what happens, then you end up getting a license. The discussion about extending the current license is a separate matter and is actually under the Licensure (inaudible) They are separated, but the licensure that you have now is called "inactive." There is standard and inactive. They are the two most common.

An inactive license can be granted once for 12 months and can be renewed once for another 12 months. In essence, you have a 24 month window to go from being inactive to up and running. That last 6 months of that 24 months is where you are at now. So, if you were to try to extend that inactive license, you would have to go talk to the Legislature about that because the Statutes basically prohibit that.

However, what James was talking about is - if that license went away because it was not reactivated and made a standard license, then you could proceed through the certificate of need process which has deadlines and stuff that he talked about.

**Taylor:** I think I follow you. I think I heard you say that in the event we do apply, but still do not meet the deadline and get the green light agreement with the Legislature, we could still come back.

**Dearborn:** You could. You would apply through our certificate of need process and James would be the one that whoever you have working on it would work with in terms of putting in the application. His unit reviews those and such.

**Taylor:** Thank you, Grant. I appreciate it.

Thank you, Mr. Chairman.



- Williams:** Just for clarification, so that the board understands the down side if they go through a CON, and we are working on possibly getting compliance from all the other hospital and healthcare providers in the area. If they did not agree and if they challenge the CON process - How long would the process be before it was completed through a typical administrative proceeding?
- McLamore:** This would be one of the first under the new fast track program. Under the fast track program, we make a decision, the hearing has to be held within 6 months, a decision reached 30 days after that hearing. Again, you are going to know if there is going to be an appeal because they have to do that up front. In the old days, under the old system, somebody could wait until the very end and sort of ambush you. Then delay, delay, delay. The Statute now has it to where they have to come in early at the admission date and again, show proof. Then, that is the only grounds that they can argue on from then on. The intent of the Statute is to not bring in other issues. In the past, they could bring in other issues.
- But, even if somebody stops you, the intent is - an administrative law judge decision would be reached in about 6 - 7 months after the decision. And, if somebody wants to take that to the District Court of Appeals, (that has always been another option) in the past, hospitals would do that competing amongst each other - just to delay somebody. Well, now they have to put up a million dollar bond if they want to take you to the District Court of Appeals. If they lose, they would lose that bond. So, that is another thing put into the law in 2008 to stop the process from running two years on an CON. Typically, this should run no more than 7 months at the latest. We would anticipate, I would really anticipate in your case, it would probably be favorable if you gave us a good application and hired good consultants that knew what they were doing with that application. You would be in a situation to where if no one appeals, January 10, 2009, we would be issuing you a CON.
- Holt:** 2009?
- McLamore:** 2009. Which is way faster than the old system.
- Morgan:** 2009 or 2010?
- McLamore:** 2009. If you come in June - Let me give you those dates again. On December 11, 2009, we would be issuing that CON. So, it is a much faster process than it used to be.
- Dearborn:** If I may? Just to highlight one thing. When your application comes in, the agency reviews it. We actually do make a recommendation either to approve or to deny your request. If we deny it for some reason, you have appeal rights, which Mr. Williams

will explain to you. On the other hand, if we approve it, it doesn't say that you are going to get it, but I think LAJs do give some benefit of the doubt to that if there is a contest and a hearing, particularly because our witnesses will show up and support you. We have one very qualified expert witness who testifies in almost every CON case that there is. So, that is kind of the front end of the process. There is either an approval or denial.

**Lamb:** Thank you.

Commissioner Morgan?

**Morgan:** I am sorry.

**McLamore:** I was just going to say one other thing. Once you first submit that application, if there are missing items, we also notify you of that and you get to give us a complete application. There is a window for you to give us a complete application. We are really looking, as I say, if it is a complete application and you all show a need for the project, it would most likely be approved.

**Lamb:** O.K. Commissioner Morgan?

**Morgan:** Thank you all for coming to speak with us. We really appreciate that.

A couple of my questions have already been answered, but I do have another. AS long as we are talking about the certificate of need fast track process, I know that you spoke of December 11<sup>th</sup> potentially, if we have the ability to begin that process then. We would have up to 18 months to begin that project, correct?

**McLamore:** To break ground.

**Morgan:** To break ground. Is there a completion requirement from the time we break ground?

**McLamore:** You must keep it under continuous construction. AT no point should construction cease for more than a 30 day period.

**Morgan:** But, no unnecessary screens that we would be under once we begin within that 18 month period of time other than what you just stated?

**McLamore:** No.

**Morgan:** Also, regarding the possible extension through the Legislature. Just for the public's knowledge, has this been done successfully in

the past?

**Dearborn:** Not as far as I am aware. That Statute was only enacted in 2006. I am not aware of that Statute having been amended.

**Morgan:** Just for clarity. I guess this question would be for you. Regarding the deadline date that we have right now, I believe we are required to have the facility completed and be up and running and seeing patients, is that correct?

**Lamb:** Ms. McLaugherty, there is a hand mic that you can use.

**Dearborn:** Actually, I think I can answer that one. You would have to pass a survey. You would have to have everything in place except the patients. You would have to have all your staff there. You would have to have all the policies and procedures in place. You would have to have all of the equipment there. So, you would have to be a everything a functional hospital was, but for having patients. You can't have patients in there because you wouldn't have a license. So, everything else - your director of nursing, the nursing staff would all have to be there, be trained and ready to go so that if we said, "O.K. you can be functioning."

**Lamb:** Commissioner Holt?

**Holt:** Yes. This process has never been tried, right? You said that it just came about in 2006. The certificate of need process fast track.

**Dearborn:** No, no, no. The certificate of need came about in 2008.

**Holt:** I know the certificate of need options has been there because we have tried it before and we have tried all options. That is basically how I met Mr. Dearborn. But, what I am saying is that this fast track has not worked because it has never been used.

**Dearborn:** Correct.

**Holt:** So, right now, we are looking at getting opened by June 9<sup>th</sup>. I cannot see putting my eggs in one basket and going for something that has never worked because we have never tried it. In order to not use or go after something we could already go after which is the hospital as it is now. Even if and this is something to me that is so far fetched. Whether we disagree about 5 beds or 25 beds, we do have an option. Our best bet is to get it open now, even if it is 5 beds. Later on, you are talking about 6 months. Applying, 30 day deadline,, then 18 months that you can work on it. You could continuously work on it. That means you could creep real slow and you could work on it and wouldn't have a time set to stop working on it.

We need to have a hospital open and we have an option, as I said. If this board says 5 beds and whatever happens, it is 5 beds. But, we could at least retain the license that we already have at shot at. So, to come back and say we could always take care of this process later. This is not something that we have to do at this time. We are putting the cart before the horse. To get this process in place can happen even after we lose the license that we already have, that is already in place. It really makes more sense and we already have a building there. One of these companies, Ajax or Childers, is going to finish it. We could go ahead on and retain the license that we already have.

Thank you, sir.

**Dearborn:** Madam Commissioner, I will point out, Mr. McLamore pointed out to me that the next batching cycle, the next time you could possibly fill out an application after the license expiration date is August 10<sup>th</sup>.

**Holt:** Right. I heard him say that. By that time, we would have had opportunity to retain license we already have. AHCA has already said that we don't have to open up with all 25 beds. They are saying that if you open up with - what was the number?

**McLamore:** You can open with a minimum of one.

**Holt:** So, if we have a 25 bed facility there, but we only open with one bed, we can retain the license we have now.

**McLaugherty:** That facility does have to be in compliance with the AHCA standards. I would just say, just take a realistic look at how long that construction is going to take. Look at your options because I am not convinced that, to be honest with you, I will be up front with you, I am not convinced that this facility can meet the deadline of June 26<sup>th</sup>.

**Holt:** Mr. Chairman, May I right quick? I was finished until you said that.

The architect is sitting back there and he says we have a schedule. If we follow the schedule, we hired him to do that. If he can come up?

**Lamb:** Not now.

**Holt:** She brought up a point that deals with the schedule that he gave.

**Lamb:** Just hold that point. We want to continue our questioning with them before we go to that point. You can ask them when the time comes

Mr. Croley?

**Croley:** May I also call you James and Laura?

James, you mentioned that this fast track legislation came about in 2006?

**McLamore:** No, 2008.

**Croley:** 2008. O.K. So, it ahs only recently become available for our use. Mr. Dearborn, since we are on a first name basis here -

**Dearborn:** You can call me Grant.

**Croley:** Thank you. I am trying to keep all these names straight. Back to the point. This is a new occurrence.

Laura, in our conversation, you had explained to me that the 25 bed license is something that could be reduced down, or in the event of our need to comply with the half penny indigent tax, which makes reference to a 25 bed acute care hospital, we could, in essence, keep space available for 20 beds in the future and still have 5 operable beds. Is that correct? Or, do we have to build 25 beds and mothball 20 of them, which this rural county cannot afford.

Not for our purposes. You do not have to build all 25. For our purposes, you can go with as little as one to become a licensed hospital. Now, as far as what your referendum originally required as far as 25 beds, I would think that the plan to increase up to 25 beds perhaps could be something that ya'll could do. Take care of the immediatocy - to license a minimum of 1 bed.

**Croley:** On that basis, does that mean that we would have to come back and do a certificate of need or real expensive complicated process to open up those additional beds if we should need them?

**McLamore:** For a CON, all you would have to do is send us a notification that you are going to add beds. If you are a license facility with one bed and say you want to add 19-20 beds, or if you have 5 and you want to add 20, from the CON perspective, all you would do is send us a notification. That can be by letter or e-mail. You can send it to us and we would give you what is a notification number and copy the licensure section, copy plans and construction because again, to get them actually licensed, you will have to go through them and meet all plans and construction criteria. But, if you've got one licensed beds, and you want to add additional acute care beds, you are good to go with just notification. No tricky CON at

all.

**Croley:** Laura, you indicate that you are skeptical about our ability to be able to open the facility up by June and meet the requirements. Now, is that only from the construction side or is that hiring staff, ordering equipment or the whole thing?

**McLaugherty:** My understanding is that there has not been a whole lot done to come into compliance with the requirements. They are pretty significant. I know we have someone here from the office of plans and construction, but I am not sure if he has had a chance to look at the requirements to give an estimates of the anticipated time to bring that facility up to the requirements.

**Croley:** Who is that person, Mr. Chairman. Could they come forward?

**Lamb:** Will you identify yourself and tell us who you are?

**Schiller:** I am James Schiller. I am an engineer with the Agency for Healthcare Administration. We are currently in the process of reviewing the plans that are submitted for the additions and renovations to the hospital facility. That review process is ongoing, but not complete.

**Croley:** Could we reduce the footprint of the facility down to something that we can have opened that better fits the business model that we were presented back in September that called for a reduced number of beds but that we can keep the option of building out the other beds later. What we have been hearing is that we have to build these 25 beds, basically completely outfit them and then close the door on them and then only use 4 - 5 beds.

Folks, ya'll are here to help us. We can't afford that at this time. We have got to get something going and try to comply with our license with an opportunity to expand that in the future. Is that going to be a problem. Can we build a smaller footprint?

**Schiller:** Yes, you can reduce the number of beds that you build. There are some services that are necessary to have a licensed hospital that you have to construct. But, as Laura said, the bed requirement is "one."

**Croley:** So, we can get a hospital in our community on an affordable business model that was presented to us by Mr. Sharp, our hospital consultant that the county had hired and contracted with for some time. These requirements with a smaller footprint until we can get ourselves on our feet so that our hospital board can attempt to operate this on a

financially successful basis. Is that what I am hearing from you?

Well, not exactly.

**Schiller:**

**Croley:** Well, she is saying, "Yes." And you are saying, "Not exactly."

**Schiller:** Not exactly. You can reduce the number of beds and there are some services that you can reduce. In the footprint, there are some basic items that have to be constructed and those elements are going to take a certain amount of time to change the design to the smaller footprint and to construct them is still going to take a considerable amount of time because for even one bed, you still have to provide things like air conditioning with the proper filtration, compliant sprinkler system and fire alarm, an oxygen system that is safe for patient use. There are a lot of things that have to be built even if you are limited to only one bed.

**Croley:** But, that is something that I don't have to, you don't have to necessarily equip the entire empty building as long as the sections that you are operating under adequately meet your standards. Is that incorrect?

**Schiller:** That is correct with some exceptions. The entire building would have to have sprinkler coverage to make it safe. But, the piece that you are opening as a licensed hospital would just need to meet the requirement of the spaces that you are opening.

**Croley:** Then two final questions.

Laura, you were nodding your head, "Yes, we could go with a smaller footprint and meet these specific requirements - sprinklers and other things." But, that would make, we could still have extra space there if we need to expand in coming months or years to fulfill our plan under the half cent indigent care tax referendum. We can go ahead and build to the 25 beds, if we need them.

**Schiller:** Yes, you can do that.

**Croley:** As a safeguard, this goes back to James and Mr. Dearborn, can we, while we are engaged in this construction, go ahead and start the application process so if for some reason (we have a spring tornado or some disaster to befall us) that we could go ahead and start the fast track process for the certificate of need even though we have an inactive license. Is there anything that will prevent us from going ahead and getting that process ready to go?

**McLamore:** Well, technically, "no, " if you want to do that. But, if you are going to be able to get the hospital up and running during your time, the minimum (inaudible) fee is \$10,000. Just the minimum. Then, it is 0.5%.

Croley: Believe me, that is nothing for this group.

McLamore: Oh, wonderful.

Croley: \$10,000 is nothing, millions don't mean much, but

McLamore: The maximum fee is \$50,000. If you wanted to do something like that, you could start a letter of intent February 9, 2009. But, that and then the decision would be reached on June 12, 2009. You would know by then.

Croley: Excuse me, when can we start?

McLamore: Just pretend that you don't have a inactive license or you just want to throw in the towel and not make the inactive license deadline, you could come in with a letter of intent on February 9, 2009. Your application deadline would be March 11, 2009. At that time, you are going to have until April 15, 2009 to get us a complete application. We will send you what we call an "Omissions Notice" on March 18, 2009. By April 15<sup>th</sup> of 2009, if anybody is opposing your project, you will know. If they don't come in by April 15<sup>th</sup>, 2009, then you are going to be pretty well home free.

Let me clear this up a little bit. The detailed statement of opposition must be received by the agency and the applicant within 21 days after the general hospital application is placed. So, you will have 21 days from the 15<sup>th</sup>. That is about May 7<sup>th</sup> or 8<sup>th</sup>. You would know if anybody is going to oppose you. If they don't show up by then, there is no recourse for anyone. You would be home free to go ahead and file your application.

Again, it is fast tracked application. At that time, you do not have to show us the financial billing operation, you do not have to show us your architectural. But, after it is done, 120 days after that, you have got to have all that stuff covered and ready to go with your plans for construction.

I would go back to the gentleman here for the particulars on that. It is a fast tracked system. WE are anticipating that it will work.

Taylor: First of all, let me say thank you. You have opened my eyes to quite a bit with regards to the licensing process. Concerns that I have - I think you mentioned that no one has been over recently to take a look at what we are doing to make sure that we are on line. That concerns me. I really think that someone needs to have a presence if that is available through AHCA - that the engineer has a constant presence on the site. I would hate for May to come and then someone point out something that we should have been doing or could have been doing early on. Once a month if that is available to your program to come in and make sure that we are at least in



compliance to what you have outlined for us. Is that available?

Schiller: Right now, until you have some plans that are approved, there is nothing for us to look at to determine whether or not it is all going o.k. or not.

Taylor: That is true. But, in the meantime, over these five months, once we have everything in place for you to take a look at, I am just asking - can you make sure that we have you every two months or however? As I said earlier, I would hate to get to the ninth hour and then something be pointed out to us.

Dearborn: Commissioner, we have not done that in the past because we are stretched very thin with our surveyors. But, I will be happy to talk to the Deputy Secretary Dudek and see if there is a possibility of some of that. I don't think we could do it every month or anything like that. But, understanding the situation you are in, we can talk about it. We are stretched very thin as all of government is with the number of surveyors that we have and the numbers of things that they have to review and monitor. But, I will be happy to talk about internally then get back to you.

Taylor: I can ask for no more.

My final question, Mr. Chairman is - I am sorry, Laurie, do you have a comment? I saw him shake his head, so I guess he told you, "No."

In the meanwhile, if someone could find some batteries for our hand held mic, I think that is a problem.

The last question - I mentioned earlier about the request for a resolution that we are submitting to the Legislature. Will AHCA be in support if we submit a request to the Legislature this session to ask for an extension. Will you be in support of that request.

Dearborn: We have not been given any authority to speak to that issue tonight. So, we would have to have some discussions with our people who do have authority. But, we would also have to see what you are talking about in a little more detail.

Taylor: Well, I guess, Mr. Chair, we need to perhaps have staff or someone else to have interaction with his office because we do need to make sure that AHCA will support us in submitting this resolution through the Legislature.

Dearborn: If I may, Commissioner, actually, your attorney, Mr. Williams, one his partners, Mr. Sexton, actually mentioned that subject to me today. So, we are going to make some connections next week.

Taylor: You are reading my mind. Thank you, Mr. Chair.

Lamb: Commissioner Holt.

Holt: Thank you, Mr. Chairman.

CRA, the architect, was to give us some information concerning this issue because of the schedule that we received. That does deal with this issue. We do have a schedule that we are working by.

Rutherford: What is your question.

Holt: The question on the schedule.

Lamb: Go ahead and identify yourself for the record.

Rutherford: Bill Rutherford, Clemons, Rutherford, Tallahassee.

Holt: We are looking at a schedule to have this project completed. What was that schedule? Can you elaborate on that a little bit?

Rutherford: I think June 21<sup>st</sup> is the date for the license expiration. I believe that approximately 30 days before that, we have a completion date scheduled.

Holt: I am talking about the work schedule. Not the completion of the work schedule, but the schedule right along.

Rutherford: The schedule is established to be completed about 30 days - for the work on the facility - about 30 days prior to the June 21<sup>st</sup> expiration of the license. The CM, the construction managers that were talked to and the successful one that is now working on it, had accepted that schedule and said that they could do that.

My opinion is that they can complete their work on schedule. I think they are on schedule for the construction of it.

Holt: About the equipment, we know that is that is later.

Rutherford: The equipment will be ordered, but they won't be hiring the staff and putting into place the procedures and the like.

Holt: Right. I understand that. Just the construction part - that is on schedule.

Rutherford: Yes.

Holt: O.K.

Rutherford: They can disagree if they choose to. They had a tight schedule, but I think they can make it.

Holt: Right. We think they can make it.

On that schedule, the way it is now, and if we look at it as they are saying with AHCA, looking at the plans - and we do have plans - I don't want to give the people the impression that there are no plans. There have been plans all along. It's just that there are people who want to change the plans. So, what we are looking at now is looking at the original plans that we had, just talking about those plans. In order to retain this license, without going through having to get another license, is to go ahead and do what we have to do.

I know that Commissioner Croley mentioned twice that we can't afford this hospital. I can show you data that says we can afford this hospital. So, that is surely a debate that he and I will have forever. But, it doesn't mean that we don't get along, it just means that we are going to have that debate simply because I think my numbers are true numbers.

What I am saying is that you are the architect and you are saying from the construction standpoint, we are on schedule. O.K.

What about any delays? Are there any delays if we do not get those permits, the building permits out on time and get back on schedule. Let's say as of tomorrow, no matter what we decide tonight, we need to continue the process.

Rutherford: Obviously, any delay you have will impact the construction manager. I would really like for him to speak in his own interest. But, I just think that we can make it. The (inaudible) documents are in AHCA's office now as Jim, Mr. Sharp said, being reviewed. I anticipate those reviews being finished very soon. There will be some comments and some tweaking to be done. That is always the case in a hospital project. We will have those completed. It won't slow down. But, once those documents are completed, the contractor can take those and permit those drawings. Then he can start the construction. Primary emphasis has been on relocating the Urgent Care and getting the abatement and all of those things done so that when those plans are completed and permitted, he hits the ground running full speed - two shifts to get the construction done.

Holt: To clear up two things - there are plans and they are into AHCA and you believe that we are on schedule. As you said, the construction manager can state his part.

Rutherford: He needs to speak to that.

Holt: Right. We want to make sure that this is something that is feasible and it is affordable. That way, we can go after this deadline. We can always re-apply if we don't make it. The only problem would be if we don't try.

So, we are looking at some other documentation. That is what I am looking at to make sure that this is not a new 25 bed information. This has been out there for a while. I want to try to make sure that we can look at doing this as feasible. We can still follow the time line and that we have plans in place and that we have AHCA out there checking to make sure that this can be done. Instead of giving people the impression that we are not doing the things that we need to do in order to open that facility on time.

What about the - I am sorry, Mr. Chairman, I would like to ask because we need to make sure - no matter which contractor you choose - that they feel that this project can be completed on time.

Lamb: But, we don't want to - let me handle this now.

We don't want to go to anyone else until we get through with these people here. Let me go here first.

Holt: I understand. I just wanted to ask a question.

Lamb: Let me go here first.

Mr. McMillan, do you have anything to ask them as the hospital chairman of the board?

McMillan: Craig McMillan, Quincy.

The question that Commissioner Croley asked about maybe following the parallel path for a period of time - the only question that really wanted to ask is - Is that a possibility? If we had that as a fall back and if we got to the deadline and missed the deadline, then have to start with the fast track. But, you could go ahead and do it. It sounded positive that you could. I would encourage you to follow all three paths. I would encourage you to start the fast track in February, I would ask the Legislature to extend the current license and I would do everything I could to get it open under the current license before that deadline.

Lamb: O.K. Thank you.

Do you have any questions of them?

Morgan: I have a couple more questions just for AHCA.

Laura, just to reiterate, your position with AHCA, you are in charge of just the general licensing. Is that correct?

McLaugherty: Yes for all hospitals.

Morgan: I just wanted to make sure. I know you seem to have some debate

about whether or not we are on track to get this done under the present license. I think you had said earlier that you had some serious concerns with that and were not convinced that we could get that done. I just want to make sure I had that correct from your standpoint.

McLaugherty: I am not an architect. I am not a contractor. From my position, understanding what all has to be completed to open this facility - and like I said, I am not an architect, I am not a contractor, I have not looked at the plans.

Morgan: I am just asking - just trying to make sure that I understand what you said.

McLaugherty: The timeline is extremely tight that you all are anticipating completion.

Morgan: I know you have heard a lot of questions being asked here. Is there any critical information that we need to be aware of that we have not asked questions about?

Dearborn: Mr. Commissioner, there is one thing that we would ask that has not been brought out. We usually ask for at least 30 days notice for a survey so that we can get the right number of surveyors to your facility and get them booked. Generally, we have our surveyors stretched pretty thin, so they book them 30 - 60 days out to be in a particular place. So, we like at least 30 days. If we can get more, of course, it is all the more better. But, at least that amount of time so that the person in charge of the surveyors doesn't kill me. Just that one thing.

McLaugherty: Also, that helps build to build in time for yourself should there be deficiencies during that survey. It gives you time to submit a plan of correction and we would have to do a revisit all before this deadline of June 21.

Lamb: O.K. Let me - O.K. go ahead.

McLamore: If you do decide to do the fast track option, the CON, not that I am encouraging that, but, on February 9<sup>th</sup>, you would send a letter of intent. No money is required. So, you have bought yourself until March 11<sup>th</sup> to put in a shell application. But, you could buy yourself another time of time in case you realize that you are not going to make it on that survey. If you put in a letter of intent on February 9<sup>th</sup>, that will give you another month to see how you are coming with that June deadline. That is something.

Lamb: We want to thank you all to the highest for coming out tonight. This is the kind of information that we wish we could have gotten before now. I know this whole board wants to thank you all for

coming out and sharing this with us.

Again, thank you very much.

Mr. Manager, number 2?

Holt: Mr. Chairman, excuse me, I had a question for the construction company about whether they thought they were on track. They are the ones, that so far, have been out there.

Lamb: We are bringing them up later.

Go ahead with number 2.

Lawson: The next item is the financial analysis and that item will be done by Mr. Thomas, our Clerk of the Court. Additionally, under this item, if any of the constitutional officers want to make a presentation, including our Tax Collector and our Property Appraiser and the Sheriff. All of those items will come under the financial analysis, starting with the Clerk.

#### **FINANCIAL ANALYSIS**

Lamb: Mr. Thomas, before you come forward, again, we want to welcome you here. We haven't seen you in quite a while and hopefully, we will be seeing you more often. I know we have the Property Appraiser with us tonight. Mr. VanLandingham, where are you? Also, we have our Tax Collector, Mr. Dale Summerford. Thank you all for coming. The Sheriff is not here, but, he does have a representative here. He is at a conference with the governor trying to get some money. I told him, "Don't come. Try to get the money." He does have a representative here who has some handouts to give to the commissioners for us to study.

Taylor: You have a representative from the Supervisor of Elections as well.

Lamb: Do we have someone here from the Supervisor of Elections? O.K. Good.  
We have someone here for Ms. Shirley Knight. We have someone from all our constitutional offices and I want to thank you all for coming.

At this time, Mr. Thomas.

Thomas: Mr Chairman, I want to thank you for your personal invitation to

me. You have intervened on several occasions and I appreciate your assistance. To all you commissioner, Thank you for having me.

Tonight, I want to talk a little bit about the financial situation. First of all, let me say that I know you recently received some packets. Some of you may have gotten this afternoon. Don't be alarmed that you just got this information. I know you don't like getting things at the last minute, but, this is designed for you to take home and study. Call us if you have further questions. I might refer to a few of the pages tonight, however.

I want to introduce a couple of my staff people. Connie McLendon is my finance director. Would you mind? She is a little shy. But, Ms. McLendon has been with me since 1989 and has been finance director since 1991. Ms. Shuler is my assistant finance director. She is a CPA and has been with us since 1993. We have been around a little while.

I would describe the county's financial status at this point as a little fragile. It is a situation that you have to manage with care or it could possibly break. There are a number of reasons for that.

One of the main ones is the decline in the fund balance and reserves. This is something that I have talked about off and on for many, many years. It is a very important thing and I will talk about it a little more tonight. Of course, there is the overall economic situation that the State of Florida and our county is in. Our county is not immune from what is going on in the rest of the State of Florida. I know it may have been said over here that we are doing exceptionally well in spite of what is going on in the state, but we are susceptible to the same things that go on in the rest of the State of Florida.

One of those things is declining revenue. That is a concern. Also, the long term obligations. It is always a concern when you have debt and you are increasing debt. We'll talk about that in just a little bit.

The first thing - General Fund Balance Reserves. These are very important to operate on during the first seven weeks of the fiscal year. We had about \$3.8 million at the end of fiscal year 2007. By the end of fiscal year 2008, that had dropped to about \$2.5 million. Well, even the \$3.8 million wasn't enough. I have attached a schedule - page 1 - that shows the actual expenditures that we incurred during the first seven weeks of the fiscal year. What we are looking at really is about \$5 million. That is the goal that I would like to shoot for in order to be comfortable. Those are actual expenditures incurred in those first seven weeks.

Part of that is closing out the old year, making payroll, giving the sheriff and other constitutional officers their draw. That is what is amounted to. We have always managed on far less, but it is at a point now where we can't manage on what we've got.

I could sit here tonight and tell you that when we get to September 30<sup>th</sup>, the end of this fiscal year, you are not going to have enough money to make it those first seven weeks without potentially borrowing money. We will manage it the best that we can, but in order for local government to operate efficiently, you have to have reserves. That is just an important aspect of the way local government operates. Some people come up with a percentage and they say 20%. Some people say (financial planners) talk about 3 - 4 months. All I am asking you for is seven weeks. Just seven weeks. That will make for smoother government operations.

Now, I am not asking you to slash your budgets to get to that. The way to get to that is to do it gradually like we have done before. That is simply having conservative revenue numbers. That is simply staying within your budget on the expenditure side. It is budgeting 95% of revenue as required by the State. It is simply not adding fund balance and reserves back into your general fund budget. If you do that, then theoretically, your fund balances will increase some every year. It is a simple formula. It is not rocket science. It is really is simple.

The county did really well for 2004-2007. 2003 was the last time that we had a major drop in general fund balance. In 2008, the fund balance dropped largely because of increased spending. That has been stated and a lot of that was approved by the Board. There was also some decline in revenue.

General Fund Balance is absolutely essential. You will see on that schedule, we included several other funds. These are the funds that the general fund either subsidizes or are internal service funds that a large part of the money comes from the general fund. You have to take those funds into account in attaining that \$5 million figure.

I want to state that clearly because we should not be dipping into our General Fund Balance to fund anything until we start approaching that figure. That is what I would advise in order to have smooth operation of government. If not, like I said, you can go ahead now and prepare to take out a line of credit to fund your first seven weeks of the next fiscal year starting October 1<sup>st</sup>.

The next important reason for General Fund Reserves is so that you can weather economic downturns. I think you all have seen the memo from the State where they sent a Memorandum notifying us of some decline in State revenue. If you look on page 4 and 5 - if



you take those individual line items and calculate what that actually means to the county and to your budget, it equates to about \$586,000. The State has been in a situation where they have been cutting their budgets for the past couple of years. If the State is cutting its budget, there is no question that our budget will be reduced because a lot of our revenue comes from State shared revenue.

There are state shared fuel taxes, state shared sales taxes, and a lot of these are collected statewide and distributed by formula. If the state is cutting their budget, that means they will be reducing the amount of money that is coming to the county. They have been in this process now for the past couple of years. So, if the state is doing that, we should automatically expect that our revenue is going to decline.

Of course, you want to have reserves for emergencies and disaster preparedness and grants. A lot of grants are reimbursable grants which basically means that we have to spend money in order to get money. So, where does that money come from that we spend? It comes from our reserves. General Fund reserves are very, very important. Over the years, I have sent many, many memos and I know the board has gotten tired of me sending memos on that one particular situation every year. But, if you could have started to approach the \$5 million mark and simply not appropriate General Fund Balance and reserves until you start to approach that point, then you will find yourself in much better shape. Our day to operations will continually be smooth. You will be in a better situation in terms of bond ratings and everything else that you would like to try to do. It is just a wise move.

Let me just say about the revenue situation, the Property Appraiser is going to have in depth comments about property tax reform and our ad valorem situation. We will want to pay special attention to that.

There is a schedule on page 12 that is a schedule of our long term debt. We have about \$18 million in debt scheduled out there. The biggest chunk of that is the road bond, but there are other things. Whenever you are adding debt - and you are going to be adding debt, of course. You talked about it tonight. I am sure at some point, you will want to address the jail situation. So, it is so important that we are sure that you have a revenue source to service that debt that is adequate. And, of course, adequate revenue for operations. I won't go into a lot of detail there.

I want to talk a little bit about the surtax. My office needs clarification from you on that surtax. This is the revenue source that was originally passed to build the county jail. Once the county jail was paid for, the board of county commissioners said they wanted to use it for two major things and has been doing

that. I know that your county attorney has given you an interpretation that blogs that. However, I don't think the ordinance was amended. Just for our purposes, we really need clarification on that ordinance, for example. There are some things that are pending that we need to understand what is the intent of this current board.

Let me also say that as you deliberate on that particular issue, that source of revenue is probably the one thing you will have a lot of flexibility with in the future. I can see that you all are going to be fighting over how to divide that money in the future. There are a lot of things that you, as commissioners, want to do. I just want to caution you to be careful. It was the intent of the previous board at the time (when the ordinance was adopted) to do fire, roads, then come back and do the jail. That was their intention. Your intentions may be different. That is absolutely fine. However, you need to understand that that source of revenue is the only thing you will have flexibility with. Before you commit it to things that have on-going operational costs, you must consider what other long term obligations you may need to fulfill first. Before you commit it to long going operations, look at what other long term needs you might need to fulfill first. If you don't, you may find yourself in a situation where you need to spend a lot of money and you don't have a source of revenue to dedicate. I think you know what I am talking about there.

There are some schedules here dealing with Urgent Care. Schedules A - E. Most of this information will probably will become mute upon the opening of the hospital. IT is simply to point out that the source of revenue for funding the Urgent Care is dwindling. That was mainly the dividends off the trust that was in Fund 661. There are schedules there and some information. If that operation is to continue beyond a certain point, it would have to be subsidized, perhaps by General Revenue or some other source. Whatever you decide, it is for your information.

I want to mention the internal service funds. I won't get into this a whole bunch. This is something that I have written memos to you about for more than a year now. I know that the auditors made comments about it when they made their last audit presentation. I know that it is something that is complicated. However, what we are saying here is that this is a system that is not being used as true internal service funds. Therefore, it complicates your financial picture. It clouds it. It would be much better to go back to a system where actual expenditures are charged to actual departments versus waiting for an allocation from a person that is no longer here. I think he is the only person who truly understood it.

At some point, we would like for you to consider taking a look at that and have your budget person work with the finance department

to try and fix that system. I will tell you that it is to your advantage for a couple of reasons. One is you really run the risk of going into negative cash in the General Fund and, by default, using restricted revenue. That is something that you don't want to do because your picture is clouded by these internal service funds. We don't want that audit comment. We just don't want to go there.

Another thing, you only have two major funds with money. One is your general fund and the other is your transportation fund. In some sense, this system tries to save money in the general fund by allocating more than it probably should to transportation. That is something that we have had concerns about. I would like for you to consider scraping that. The finance department will work with your budget people to fix it.

There are a couple of other things. There are a few problems with the current budget that the finance department and your budget people will work together on. There are a few things that didn't get budgeted like a fuel system contract. There may be some shortage in a few line items including some salaries and some benefits. Of course, the legal services is once again not budgeted adequately. It is budgeted at far less than what we have spent over the last three years. He has always budgeted \$180,000, but we have always spent more than that. It is one of those things that you just know to fix.

I will take questions if you like.

Lamb: Commissioners, do you have questions. If not, I am going to the next constitutional officer if you have no questions.

Croley: I need to ask one.

Lamb: Alright. Go ahead.

Croley: Mr. Clerk. On page 11, Schedule D, there has been a lot of public discussion about the amount of money available from the hospital trust fund interest. If I read this correctly, in 2006, there was \$2,244,790.13 in interest earned by the hospital trust fund.

Thomas: Right.

Croley: Today, in 2008, there is \$28,355.79. That has all been spent?

Thomas: That is what is left in that fund. Now, there is almost \$400,000 which was transferred from that fund that is in Fund 103 that goes for the operation of Urgent Care. But, that transfer was made in

last fiscal year. So, yes, that is what is left. That \$400,000 that is in Urgent Care Fund will certainly be spent for that purpose. So, yes, that is where you are at right now.

Lamb: So, what you are saying is that besides the \$400,000 for Urgent Care, we only have \$28,000 of that \$2 million and some dollars?

Thomas: Yes. That is right.

Holt: In the fair market value, you have down there for that trust as \$9,591,267.33. It is there?

Thomas: That is a separate issue. The trust itself, the bank itself is the trustee. I just put that information there for you. However, Commissioner Croley was asking about the interest in the dividends that the county had in its possession that had accumulated over many years. That is what you had that you could spend.

Holt: Right. I had no problem with that. I was talking about the fair market value as opposed to the interest and the amount that has already been spent for healthcare. The interest has been spent on the hospital.

Thomas: Right. It is two separate issues.

Holt: Right. Those are the two issues that I wanted to bring up so that the public would know what they were because they don't have this document.

Taylor: Just one question. Again, thank you also for coming.

You mentioned some areas concerning the budget. I am at the position that I would like to be able to go through the budget. There may be some items that have been budgeted by the previous board that might need to be entertained again by this current board. So, I am interested in the amendment process to the budget.

Thomas: Well, the board and you manage your own budget. You have a budget director. I guess or I assume that you are going to appoint a new budget director. I don't know if Mr. Hoffman is in that capacity yet or not.

Lamb: No, he is not.

Thomas: O.K. Well, the budget is your budget. You have a county manager who presents the budget and in the past, he has had a budget director to prepare it. However, my staff has always worked with them and will be happy to work with them. They have identified some problems where there is not adequate funding. Of course, we talked a little bit about the revenue shortfall. The thing about

the revenue shortfall, if you had adequate reserves, then the revenue shortfalls that the State notified us of would not be a problem in this way. If you have adequate reserves, you don't necessarily have to cut your budget. You can just use your reserves. But, if you don't have adequate reserves, then you need to take a close look at it. It is another reason to maintain adequate reserves because from time to time, there are going to be economic downturns. From time to time, some revenue source is going to fall short.

Generally, if you build your budget based on 95%, you have that cushion built in. However, in this tight fiscal situation, I am not sure that you are prepared for those cuts that they just notified you of. So, you need to take a closer look.

Taylor: Thank you.

Lamb: Mr. Hoffman.

Hoffman: Mr. Chairman, I just wanted to make the board aware that we did receive the State Revenue Reduction Schedule last Friday. Staff and OMB has been working with the department heads in identifying areas that we can get reductions. It is our intent to bring back budget amendments to you after the first of the year to readdress those.

Lamb: Thank you very much.

Are you finished?

Taylor: No. Just a follow up with Mr. Hoffman.

Listening to the Clerk, he indicated that I guess you are the staff budget person, Mr. Hoffman. I am trying to get acclimated to everybody.

Hoffman: I guess I am considered the senior staff member in the budget office.

Taylor: What I am asking at this time is - If you could come back with the budget and if the chairman would entertain, I would be able to go through it and look at some line items that we can either delete or put into some other line items so that we can have some input in this amendment process. Is that a possibility? And, if so, do we have a deadline that we need to get it done for this fiscal year?

Hoffman: The budget can be amended anytime during the year. I don't know if you want to go through a public type hearing and go through it line item by line item.

Taylor: No, I am not interested in that.

Hoffman: I think you all have copies, but, if not, we can get you line items copies of the budget. Perhaps you can identify items without a public hearing. Then we can address several items rather than go through it line item by line item. I think that would be way more efficient time wise. But, we will be happy to work with the board.

Taylor: Here is my problem with what you just said. I am for transparency. If we do it, I want the public to know. I do want public input. I don't think it should be done at a regular meeting.

Hoffman: I think what I was saying and maybe I didn't express myself too well, if you all as individual members of the board go through the budget and identify the line items that you all are concerned about in advance rather than having a workshop or a public meeting going line item by line item, then we could address those specific line items in a timely and more efficient manner. That is my suggestion.

Taylor: So, you want us to look at it individually then submit to you and then you will look at the whole picture from all five of us.

Hoffman: Well, if there are specific concerns that you have. Yes, ma'am.

Taylor: O.K. Thank you, Mr. Chairman.

Lamb: Commissioner Morgan?

Morgan: Thank you, Mr. Chair. Clerk Thomas, thank you for coming over and speaking to us. You had mentioned earlier - you referenced internal service funds that can potentially cloud the financial picture from an overall standpoint. A couple of questions about that.

How long - Is that something that has been in place for quite a while or are these funds something that has been put into place fairly recently?

Thomas: Fairly recently. In the last three years.

Morgan: The last three years. O.K.

Secondly, are these internal service funds in line with other counties our size? In other words, do most counties budget so that they have these internal service funds?

Thomas: I have talked to some smaller counties. Most of the counties our

size don't. Now, of course, there are some large counties that that do have internal service funds. I clearly do not think that you need them for what you do. That is why I have recommended that you get rid of them. The auditors have also recommended that I think. Mr. Law said that last July. We have worked with it. We just think it is to your advantage to not have them. I truly don't believe anybody other than Mr. Suggs had a clear understanding of what he was trying to accomplish with that. That is not anything against him. It is just that there were some things that he did that I just thought that only he knew what he was trying to do.

Morgan: O.K. Thank you.

Holt: I have one question or one statement on Commissioner Morgan's question. The internal service funds, and I don't know about all of them, but the ones that we went over and the ones that I went over with Mr. Suggs, were put there because we were trying to track down funding. There were questions from commissioners where we were spending legal fees on. We had several projects going on. Folks out there is District 1 where there was flooding and washing away of yards and all that, we had concerns with that. There was something with Barrineau Road. There were several legal issues going. The commissioners asked, "Where are all these legal fees going?" They set up that account so we could track the legal fees and you could tell just where the money was being drawn out at. We sat down and went through that situation particularly. Also, I think that we may have included in there how we pulled out for Progress Energy and that law suit and several other law suits. Where the technology money was going. So, he set those up so we could start pulling those out and we started sitting down looking at them. I am not saying all of the accounts, but those are the ones that I was privy to as far as the board was concerned. They wanted to look at those definite numbers.

Thank you, Mr. Chairman.

Lamb: O.K. Last question, Commissioner Croley.

Croley: It would be remise of me not to say again, looking back over the 24 months that I have been here, I am proud to see you in the room again.

Regarding those internal service funds, Mr. Clerk. Isn't that also a means by which you can maneuver around restricted funds by assessing restricted funds for different services that you would ordinarily would not do?

Thomas: It is. These funds are a source of manipulation. I will tell you why. Things are being paid by an allocation that Mr. Suggs himself formulated and not based on actual cost where the cost should be necessarily. So, we often had to wait until the end of the fiscal year before we got these allocations. So, it has a big potential for manipulation and to try, as I said before, save general fund by allocating costs to transportation. So, I really think you ought to scrap it. However, that is just a recommendation. We will continue to work with you, but, there are potential problems there that I just don't think you want to visit. So, we strongly recommend that you scrap it. We will work with you to help you do that.

Lamb: Mr. Thomas, we really want to thank you for coming out and sharing this with us tonight. Now, Mr. Thomas, we really want you here with us. Now, I am asking, we are asking you to please continue coming and be a part of these meetings with us because there needs to be a relationship and communication with this government over here and your office.

Thomas: I appreciate that.

Lamb: I can assure you that it is going to happen. I know that you are willing to cooperate. You are willing to communicate and develop that relationship. That is what we want. We need you in our meetings to give us guidance and direction along with the manager. Things could work so smoothly if we are working together as a team. Not just you as a constitutional officer, but all of the constitutional officers in this county have got to work together. That is what I am looking for.

Thomas: I don't think I can decline that.

Lamb: Again, thank you very much.

Mr. Clay VanLandingham. Short and sweet please.

Holt: Mr. Chairman, while he is coming, may I ask you something?

On this and any of these items, is the public allowed to have any input?

I just thought about it. We have been going on and on and we have not asked if any of them have input.

Lamb: Not on the financial part. We will let them input on the construction part when we get down to the hospital. But, right now, we are going to go through and hear their reports.

Mr. VanLandingham.

VanLandingham: Commissioners, I would like to thank you for the invitation to



appear before you tonight. I am prepared to probably discuss 5 years worth of historical data if you would like to discuss history. If you would like to discuss the future of ad valorem taxes in Gadsden County, Florida at any point beyond today's date, your guess is as good as mine. There are indications that prices are falling. There are indications that prices are staying the same in some areas of the county and we have a couple of areas where prices are actually increasing.

If you remember, Amendment 1 passed this year. The impact of Amendment 1 to our county was a little more than \$138 million. It cost the county about \$1.2 million in ad valorem tax dollars in income to the county.

A couple of things that I would like to bring to your attention for your consideration in your budget amendment process and even in your 2009 -2010 budget considerations, would be to note that there appears to be at least a 7% decline in new construction values from 2007 - 2008. I look for that decline to be a little more from 2008-2009. I suspect a significant drop from 2009-2010.

Our assessment date is January 1<sup>st</sup> of each tax year. If a building permit is was issued in the latter quarter of a year and that building has not yet been completed and CO'd by the building department, we will not pick it up until the following year. So, we are going to experience a couple of years of carry-over before we see a significant drop in new construction. I think you could probably find out from the building department that we are experiencing that now.

Had Amendment 1 not passed, the total taxable value of all property in Gadsden County would have been 1 billion, 500 million dollars. We are now sitting at 1 billion, 390 million. If you will take note of the chart that I have here for you (I have always said a picture is worth a thousand words) these are numbers from 2003 up through 2008. This is taxable values countywide. In 2003, we were a little under a billion dollars. In 2004, we were right at a billion, 2005 we were a billion and 75 million. We had a significant increase in 2006 and a very significant increase in 2007. 2008, you see the impact of Amendment 1, the additional homestead, the additional \$25,000 exemption for tangible personal property and the provision of portability.

Another indicator that we have is in the real estate activity in the county. I got this information from the Clerk's Office yesterday. This is the actual number of deeds recorded in the county by year. I did put some limitations on the criteria to be searched. I only asked for warranty deeds to be searched because those are typical deeds in real estate transactions rather than something along the lines of a personal representative deed or a quit claim deed.

You can see by the year starting in 2004, from 04-05, we had a 29% increase in recordings. From 05-06, there was a 7% increase, but the last two years, there has been a substantial decrease in the number of real estate transactions recorded in the county.

Documentary Stamp Revenue goes down as a result of this. That is also state funded monies.

I have done a little bit of statistical gathering. On median sale prices, we had the county divided into market areas. This first area would be market 1 which is the eastern portion of the county including Midway, Havana and that area. The median market price for a single family residence in 2007 was \$161,600. That value is now at \$139,900. So, you have seen a decrease of about 14%.

This would be market area 2 which is the area around Quincy and north to the GA line. The median sales price in 2007 of a single family home was \$99,000. We are up a little bit actually here. 10%, as a matter of fact to \$110,000. As I stated earlier, we had some areas go up and some go down and some that remained fairly flat.

This would be market area 3. This is my neighborhood, commissioners, the extreme western part of the county. The median price in 2007 was \$74,250 and now we are down to \$64,000. This is just that price and all the sales data where half of it was above and half of it is below. I am not taking into account any amount of acreage. I am not taking into account any square footage size. I am just looking at overall sales prices.

Commissioner Lamb, I will wind up here pretty quick.

Lamb: Thank you, sir.

VanLandingham Quincy is in the Tallahassee Metropolitan Service Area as far as the Florida Board of Realtors are concerned. What I have done here is taken their January 2007 and January 2008 comparisons for the Tallahassee Metropolitan Service Area. In January 2007, the realtor sales that month were 228. In January of 2008, there were 162. This is a 29% decrease from January 07 to January 08. The median sales price in 2007 was \$178,000. The median sales price in January 2008, it was \$164,000, an 8% decrease. I've got those same figures for October of 2008. These are the latest numbers available. In October of 2007, they showed 169 sales. In October 2008, they show 119. That is a decrease of 30%. You relate this back to the volume of deeds being recorded in the county and these numbers are tracking almost the same. In October of 07, the median sales price was \$214,000. There was an uptick in sales

prices the end of last year. The median sales price is now down to \$180,800. That is a 16% decrease in the median sales price which tracks right along with some of the market areas we have in our county.

Another couple of items that you need to be concerned about were the recent amendments that we voted on in the general election. Constitutional Amendment # 4 - this deals with classifying lands as conservation areas. Whether they are perpetual conservation or whether they are specifically limited as conservation areas for specific periods of time. The Legislature is charged with the task of going in and setting up the guidelines as to - if they will be classified as conservation use for "x" number of years, then what would the assessment process be. If that property is taken out of that conservation easement at an early date, is there a penalty and a recapture rate? That has yet to be satisfied by the Legislature. This takes effect in the year 2010.

The other constitutional amendment that we have deals with the assessment of working water fronts. Not that we have a lot of issue with that in Gadsden County, but it provides for an assessment based upon the use of the land used predominantly for commercial fishing purposes. Land use for vessel launches into waters that are navigatable and accessible to the public - marinas and dry stacks that are open to the public, commercial fishing facility, marine vessel construction and repair and their support - We don't have any of those. But, we have a couple of categories up there that may apply to some of the areas on our lakes and possibly our rivers.

Again, these do not take place until 2010. I expect to see more activity in the conservation area particularly if the Legislature is fairly generous in granting it over different time periods and they are fairly lenient in their penalties if you take it out.

Lamb: Thank you. Are there any questions?

Holt: Right quick. Number 4. This is not a question, but a statement. The Florida Association of Counties has some legislation coming out of Rural Caucus that is stating that on Amendment 4, it has taken out for conservation, that it be at least a billing rate where taxes would be at AG 3. Instead of having that property taken out of the tax roll and just putting into conservation, then a property owner putting in there for 10 years, and they know development is going to come, they pull it out after 10 years with a small penalty and build a whole bunch of houses on there. But for that 10 years, they did not have to pay that property taxes. That legislation would help us if we are able to get that through. If you want some out for conservation, that you pay at least the Agriculture 3 tax base until that property is developed. If not and you don't need to recapture those funds, and they want to

leave it in conservation forever, leave it there. But, don't put it in and take it out and get by without paying past taxes. Everyone else had to pay their taxes.

Thank you, Commissioner Holt.

VanLandingham One more comment that I would like to make came up around election time throughout the state with the legislative offices particularly. I am sure you probably read about it in the papers this year. Homestead values were increasing in the times of a declining market. A lot of people were wondering why. That was the Save Our Homes Recapture Provision under the Save Our Homes Amendment. It provides that homestead properties in Florida shall increase 3% or the consumer price index, whichever is less each year. That is being looked at by the Legislature. It is being looked at by the Department of Revenue. I am sure they will be rethinking that. We have 11,000 homesteads roughly in Gadsden County. It is about a third of the total parcel count that we have in the county. Those numbers have been going up about 3% a year. That has been somewhat of a built-in "give-me" for the taxing authority. Look for that to possibly be changed this coming legislative session.

Lamb: O.K. Thank you very much for the information, Clay. I know the board thanks you for that also.

Dale, Tax Collector.

Summerford: Good evening, Mr. Chairman and Commissioners. I appreciate the opportunity to be here tonight. I want to share some information with you as it relates to property tax collections. As you know, I sent a series of e-mails out to all of you over the last couple of months about some concerns that I've got during these tough economic times.

What I would like to do tonight is give you an update as to where we are at on the 2008 collections. In your package, you should have 3 pages that I printed. Hopefully, you do. If you don't, I have some copies.

Lamb: It is in our books.

Holt: We have it.

Summerford: I will give you a minute to get to it. This is a certified roll recap that I run periodically in terms of keeping up with what we are doing. What I would like to do is - if you will, turn to page 2. First of all, it will give you an update on the entire county. This is all taxing authorities. In a few minutes, I will get into your portion, in terms of the board.

I have circled some items of interest. The rest of it probably doesn't mean much to you. But, if you will look there on the left hand side in the columns there - the one I circled says "Total roll to be collected." This year, our total tax roll in this county (this includes real estate taxes, tangible personal property, and railroads) the total dollar amount is \$25,415,718. If you will drop down to the next items that I have circled, the payments that we have collected and updated - this is money that we have collected and have dispersed to all taxing authorities. Let me add that this is as of December 4<sup>th</sup>. We have collected \$14,664,905. That is what we have collected and sent to you. The taxing authorities have that in their possession.

The next item there - Payments Collected and Not Updated - \$1,626,068. Those are funds that we have collected recently that I have not yet dispersed to everybody. We will be doing that shortly, probably later on this week.

Drop down to the bottom under "Comments." I wanted to share with you where we are at in terms of previous years.

Total dollars collected through December 4<sup>th</sup> - \$16,290,974. That represents 64% of the total tax roll. I am pleasantly pleased in terms of where we are at. In years past, in November, we have usually collected 65-66%. So, we had a good November. I was not anticipating that, but fortunately, most of the big commercial businesses paid, you had taxpayers who were taking advantage of that 4% discount. Then, of course, you've got all the escrow and mortgage companies paying as well. That leaves us with total dollars outstanding at this point at \$9,124,744 which is 36% of the total dollars.

In terms of parcels, parcel accounts, the total parcels paid through December - we had 12,080 parcels paid which is 48% of all the parcels in the county. That leaves total parcels outstanding of \$13,283 which is about 52% of the parcels.

If you will, turn the page to General Revenue Dollars in terms of Ad Valorem taxes. There again, I have circled a couple of items. The total roll to be collected - this is what is due to you this year - \$12,426,188.

If you will drop down to the next two lines to the Payments Collected and Updated, there again, is what I have collected and dispersed to you at this point, is \$7,154,815. The payments collected that have not been dispersed to you is \$796,664 which we will be sending to you shortly.

If you look at comments at the bottom, the total dollars collected through December for you is \$7,951,480 which is 64% of the total

dollars. That gives the outstanding dollars at \$4,474,708 which is 36% still yet to come in. You can see the parcel count which is the same as the previous comment.

We are in good shape right now as far as property tax collections. That is the good news.

The bad news is it could all change between now and April or May. Last year, this last spring, which was the end of the 2007 tax collections, we had a 19% increase in delinquencies. Don't know that it will happen this year. I want to remain optimistic, but when property taxes go delinquent, we sell tax certificates.

This is another item that I want to share with you. This tax certificate business has changed over the years. Up until this past year, we had in the State of Florida, we had large investment firms that would come into these counties and invest in these tax certificates. For the previous, up until this year, the previous 4 - 5 years, I had one particular investment firm who was tied to Merrill Lynch who would purchase 3/4<sup>th</sup> of the whole tax certificate sale. You figure backing up prior to this year, it would be \$1 million to \$1.2 million. They would buy ¾ of it. Well, we know what has happened on Wall Street. You know what has happened to Merrill Lynch. This past spring when I had my tax certificate sale, those guys didn't show up. They participated, but they didn't buy the volume that they have in the past. This is going to be a word of caution. I think all the tax collectors across the state are concerned about this next tax certificate sale. Are the investors going to be there to buy these tax certificates? Fortunately, this past year, I was more successful than a lot of other tax collectors just from the standpoint that I had my tax certificate sale three or four days earlier than some of the rest of them. I had some individual investors that came and participated. They have been squeezed out in the past by the Merrill Lynches and the Wachovias and all of those type organizations. They were very successful. They invested more money than they ever intended in terms of tax certificates. The problems with individuals is that they have invested so much - are they going to have the funds to invest this year?

It is just a word of caution that we may get to the end of May when I hold my tax certificate sale and we may very well wind up having a lot of tax certificates that were not purchased by investors. When what happens in that case is that it becomes a county held tax certificate owned by the board. You do eventually collect that money, but you are not guaranteed of getting it this fiscal year. The earliest, if these folks decide not to pay, the earliest that we could apply any pressure to pay would be two years from the date that they went delinquent. You are talking that these 2008 taxes going delinquent in April of 2009, it would be April 2011 before we could, for sure, call in those

certificates. Some of them will be paid.

I guess what I am trying to say is that I don't want to hold the tax certificate sale and then you wonder why you are a half million dollars short in revenue from the tax certificate sale. That has never happened before. But, based upon the current economic conditions and investors and everything we've got going on across this country, we are real concerned that we are not going to have the investors that we have had in the past.

That is my report. If you have any questions, I will be glad to answer them.

Morgan: Mr. Chairman.

Lamb: Commissioner Morgan.

Morgan: Mr. Summerford, thank you for coming to speak with us. Unfortunately, we have all heard the news of the potential closure of our largest private employer here in the county. What impact is that going to have on the revenues to the county?

Summerford: Clay probably can answer this question better than I can. But, keep in mind, when they do close, that building is still going to be out there. Clay is still going to assess it to a degree. It is not going to totally disappear. He may make some concessions or may have to make some concessions based upon what the building is being used for and if it is occupied and all those type things. Where we may take a hit is the tangible personal property that they pay on the equipment. If they are not operating and the equipment is not there, naturally, they won't be filing tangible returns and they won't be reporting that. Therefore, they won't be paying taxes. We could see a reduction there of a substantial amount. That remains to be seen still.

Croley: Thank you Mr. Tax Collector for your attendance tonight.

This is a very thorough report. I had a question about the total parcels paid through December 4<sup>th</sup> at 48% and outstanding at 52%. Does that track with the historical record to date?

Summerford: Yes. That is pretty close to where we have been. November is always a big month as far as revenue and payments coming in. We are consistent with previous Novembers. I just don't know what the next 4, 5 or 6 months may bring to us.

Croley: At this point then, the uniformity in the three constitutional officers thus far that deal with the money and that is - it doesn't look good over the coming months. We can expect to be on a tight revenue and we need to respond accordingly.

Summerford: I would agree with that.

Lamb: The reason that November is like it is as far as finance coming in is because of the 4% discount?

Summerford: Yes. Correct. Believe it or not, there are people looking for that tax bill in their mailbox and they want to pay it as soon as they get it. We do have a lot of that - thankfully.

Lamb: That is true. I am one of them.

Morgan: Will you come to people's house and pick it up personally?

Summerford: No, you won't find me doing that.

Lamb: Thank you very much Dale for coming.

The Sheriff. I believe you have some information you want to give us. The sheriff asked me to tell you to take this with you and digest it at home and he will be meeting with staff and getting back with us after he sits down with his staff and give us a report. He will get with his staff and he will come back to us. He wants us to take this home and digest it. We don't have to worry about this tonight.

Sean, ya'll have anything you want to say?

Thank you very much.

Lawson: Sean, do you have one for the Clerk and the Official Record?

Lamb: The Supervisor of Elections Office. Do you have anything you want to share with us tonight?

(No response)

Have I missed any constitutional officers?

Thank you very, very much.

Our next item, Mr. Manager.

#### **APPOINTMENT OF INTERIM COUNTY MANAGER**

Chair Lamb introduced Mr. Bud Parmer, who served as Gadsden County's first county manager. He asked the board to consider appointing him as interim manager to assist in the day to day operations until another manager can be hired. He



stated that the contract would be for up to 120 days. He said that he would be heading up the search committee for the permanent manager.

Mr. Parmer addressed the board explaining his background. He told them that he is a range rider for the Florida City and County Manager's Association through the International City and County Manager's Association out of Washington, D.C. He explained that there are five range riders in Florida. They assist cities and counties throughout the state in their attempts to find qualified managers to work for them.

He told the board of his past experience as indicated by his attached resume.

Upon being questioned about the proper procedure for hiring a county manager, Mr. Lawson explained that the board employs the services of the county manager and the county attorney both of which are at the discretion of the board.

County Attorney Williams confirmed that the board can handle it in this manner if they choose to.

There was a question and answer session between the board and Mr. Parmer that followed.

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO HIRE MR. PARMER AS THE INTERIM COUNTY MANAGER FOR UP TO 120 DAYS.**

There was a consensus that Chair Lamb would negotiate a contract with Mr. Parmer and present it for the board's approval on Tuesday, December 16<sup>th</sup> for review and approval by the board.

**REQUEST BY GADSDEN HOSPITAL BOARD TO HIRE THEIR OWN INDEPENDENT ATTORNEY**

GHI Chairman Craig McMillan stated that the hospital board believes it would be in their best interest to have their own attorney separate to the board of county commissioners. He also requested that the board of county commissioners fund the expenditure.

Discussion followed.

**REQUEST TO SEEK DECLARATORY JUDGMENT AS TO THE ROLE OF GHI RELATIVE TO THE HOSPITAL TRUST**

Mr. McMillan then asked for authority to seek a declaratory judgment from a judge to clearly define the role of GHI relative to the hospital trust fund. He stated

that they are not anxious to have any responsibilities, but there is conflicting information based on the trust document. He explained that the original trust document says that the hospital board will have full authority and control over the trust. Since that time, there have been amendments that dealt with where you can use the dividends from the trust. However, none of the amendments spoke to the principle of the trust.

It was brought up by Attorney Paul Sexton that the GHI Board and BCC could enter into an agreement to prevent having to seek a declaratory judgment.

Mr. McMillan voiced concern about such an agreement. He went on to say, "It shouldn't be up to two boards to change the document on a whim. I look at it like a constitution. The constitution survives any of the legislative or the executive branches. This document ought to survive me, my board and ya'll. What the intent of that trust document was is what ought to guide it. That is why I think the only way to get this cleared up, especially when we know that there are going to be needs for funds, is to find out who should be in control. We are not asking for control. But, I want it determined by a judge if at all possible if that is something that is proper. Who is going to control?"

Attorney Williams stated that a declaratory judgment would require a motion to be filed by the GHI board and that would incur legal expense in that regard.

Mr. McMillan continued, "If the intent of the people who originally started the trust, which was the county commission, was that the county commission control that, then they would not have set up a hospital board to control it. The fact that in about 1990 or whenever that was, the hospital board ceased to operate because we leased the facility out to someone. But, now we are back in it again. To me that looks like we are a successor board. But, you know, that is why they make opinions. That is why I want a final judgment. Mr. Sexton and Mr. Williams have given us an opinion as to how they view it up to now. I can probably go find and the trustee could probably come up with how they view it. Ya'll could get someone to tell you how they view it. But, the judge is the one who has the final say-so over this trust. That is why I would rather see the circuit judge make a declaration as to that."

Attorney Williams stated that his recommendation would be to do an agreement between the board and GHI. He asked Attorney Sexton to respond to the question of how the trust agreement can be amended.

Attorney Sexton stated, "We have been serving as counsel for the GHI Board since it was reconstituted and reactivated in 1995 as a matter of convenience for GHI and the Board. We have been asked to look at the issue of what the GHI board's responsibility was under the trust agreement. The original trust agreement and I

can't remember the precise date, it was a document that is many decades old. It established and recognized that the hospital board as having responsibility to advise the trustee with regard to the investment and allocation of funds in the corpus of the trust. And the also had control over the expenditure of the monies - the income from the trusts. Subsequent amendments to the trust, and it was amended by agreement, I believe the agreement was decided by the board of county commissioners and the trustee, which was the bank, changed the language dealing with the expenditure of funds. Now, the interest income is turned over to the Clerk of the Courts and expended under the control of the board county commissioners. The original language in the initial trust agreement still contains that old language dealing with the hospital board having responsibility to provide guidance to the trustee over the investment of the funds.

Our view was that the amendments looked like they changed the control over the use of the income from the hospital board on over to the board of county commissioners. The funds went to the Clerk, but they are county funds and only the county controls county funds.

The original provisions of the trust agreement provided that taking money out of the corpus of the trust, there would have to be an agreement between the trustee, the board of county commissioners and the circuit court judge to go in and take any money out of the corpus. That still is in the agreement today. That has not been touched. That is the opinion that we rendered. We had a discussion at the last meeting as to whether or not the GHI board should be looking for a circuit judge to make a ruling on the current meaning of the agreement or whether we can find value in doing some kind of agreement establishing responsibilities on a going forward basis. There has not been a comprehensive review that I can see over the policies of the trust agreement. It has been amended in certain regards over time. But never a top to bottom rewrite of it."

Attorney Williams added, "The better approach, because it is not a final document, it can be amended, it has already been amended twice, is just to enter into an agreement between the board and GHI as to what the relationship is. That is the most direct way to get it done. It gives you certainty in the process. It takes three to six months to get an opinion from a judge. Even after you get it back, the actual opinion that is given can be amended at some time in the future. So, having said that, I respectfully give you a different recommendation than what the chairman of the board is doing. I think that it doesn't use legal expenses in the most efficient way."

**UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, FOR GHI TO OBTAIN IT'S OWN LEGAL COUNSEL NOT TO EXCEED \$25,000.**

**UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO HAVE THE GHI BOARD AND TRUSTEE SEEK A DECLARATORY JUDGMENT AS TO THE ROLE OF GHI RELATIVE TO THE HOSPITAL TRUST FUND.**

**JOINT PRESS RELEASE BETWEEN GHI AND BOCC REAFFIRMING JOINT DEDICATION AND COMMITMENT TO REOPENING THE HOSPITAL**

Mr. McMillan stated that there has been some concern that the public thinks that they are trying to stall the opening the hospital. He asked the board to join GHI in a joint press release to dispel that public perception. He presented a press release for the board's review. Attorney Williams read it into the record.

Discussion followed.

**UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 5 - 0, TO APPROVE RELEASING A JOINT STATEMENT (TO BE REVIEWED AND TWEAKED BY THE COUNTY ATTORNEY) OF DEDICATION AND COMMITMENT TO REOPEN THE HOSPITAL**

**REQUEST BY GHI TO INVOLVE LOCAL PHYSICIANS AND MEDICAL COMMUNITY IN HOSPITAL DESIGN DECISIONS**

Mr. McMillan reported that the GHI board had received a request from some people in the medical community to have input into what the hospital was going to look like. They recommended the 5 bed hospital.

Discussion followed among the board.

Mr. Maximo Martinez, Executive director of Gadsden Community Health Council, Inc. addressed the board. He explained that his council wrote the Gadsden County Comprehensive Healthcare Plan. He said that the county commission approved the plan which provides \$678,000 of the indigent care surtax to be used for the hospital renovation and construction. (one third of the ½ cent sales tax) The remainder of the proceeds will be used to cover the Gadsden County citizens who have no health insurance or are under insured. He went on to say that there are many citizens who were under the impression that the entire indigent care surtax was going to the hospital. He pointed out that many people are misinformed. He also pointed out that the plan calls for "a rural general acute care hospital with 25 licensed beds...."

Attorney Williams addressed the question of the 5 beds versus 25 beds. He stated that the hospital could begin with fewer beds at initial opening if there is a plan to provide the additional beds and demonstrate how the board expects to get to the build out of the 25 beds prior to the end of the 30 years during which the

tax would be imposed. The commission would not be required to do the 25 beds and nothing else.

Mr. McMillan closed his remarks making the recommendations listed below:

- Involve the medical community in design of the hospital - they recommended building only a 5 bed facility. (However, the referendum and the healthcare plan calls for 25 beds and the recommendation could not be considered.)
- Utilize the Building Official more intensely in overseeing the county's interest at the hospital construction site - he has extensive hospital experience as well as AHCA experience (Clyde Collins)
- Respond to AHCA correspondence regarding the fact that GHI must make application for the active license within 60 days prior to the final inactive expiration date.

UPON MOTION BY COMMISSIONER CROLEY AND SECONDED BY COMMISSIONER TAYLOR, THE BOARD VOTED 4 - 1, BY VOICE VOTE THAT CLYDE COLLINS BE DESIGNATED AS THE COUNTY'S OWNER REPRESENTATIVE IN THE REMODELING AND RENOVATION OF THE HOSPITAL ANSWERABLE TO THE COUNTY MANAGER AND THE BOARD AND TO RENDER REGULAR PERIODIC REPORTS ON THE HOSPITAL PROGRESS. IT WAS POINTED OUT THAT HE CANNOT INTERVERE IN THE CONTRACTUAL RELATIONSHIP WITH THE CONSTRUCTION MANAGER AND THE ARCHITECT TO THEIR CONTRACTUAL OBLIGATION TO BUILD TO AHCA SPECIFICATIONS. COMMISSIONER HOLT VOTED NO.

#### RECESS

The chair declared a five minute recess.

#### RECONVENE

#### DISCUSSION OF THE 2009 LEGISLATIVE PROGRAM

Chris Doolin of Chris Doolin and Associates addressed the board. He presented a draft of the 2009 Legislative agenda and the Legislative Priority Document. It included a request to get an extension of the hospital license.

Commissioner Taylor stated for the record that she is not sold on the lobbyist concept.

No action was taken.

#### APPOINTMENT OF MEMBERS TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

**UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE THE ATTACHED LIST OF MEMBERS TO THE AFFORDABLE HOUSING ADVISORY AUTHORITY.**

**HOSPITAL CONSTRUCTION CONTRACT**

Lawson: The final item, Mr. Chairman, is dealing with the - the item was actually prepared by the county attorney's office. It basically deals with the status of the county's options on the procurement of a contract for construction management services, the county's contract with Ajax Construction Corporation for construction management services. I will turn this over to the county attorney.

Williams: Mr. Chairman, Commissioners, if you recall, at the last meeting, you asked us to bring back the contract with Ajax for review. Then, you amended it to include procurement issues.

Paul, you might as well get close to the microphone.

We ended up coming up with four questions.

1. What is the status of the county's procurement of a contract for construction management services? I am going to give you the short answer even though this is a fairly lengthy document. The answer to that question is that the procurement process has concluded at the time that a contract was executed with Ajax Construction. The procurement which gave you options to go back and continue negotiating with the other proposer was concluded. So, that procurement process is closed at this point.
2. The next question is - What is the status of the county's contract with Ajax Construction Company for construction management services? The answer to that question is that the contract is executed at this time.
3. The third question is - What are the county's options under the construction manager invitation - which is a repeat of the selection process. Basically, if you were to look at options to go back again - Mr. Lawson, you can correct me on this - under the Code, you have to bid it out for 30 days if you do a regular bid. Is that correct?

Lawson: A minimum of 14 days.

Williams: A minimum of 14 days.

Paul, why don't you cover item 3 which is the procurement process for the county. Just briefly lay out the options for the county in terms of what procurement processes they could be involved in. Kinda give them the sense of if we would get a notice out and start over again, what kind of time frame are we looking at.

Sexton: We are dealing with a large public works project. If we were going to do a standard, by the book, procurement and solicit a new contract for contractual services, the statutory requirement is published notice 30 days prior to bid opening. The 30 day period would start at the time when you got a newspaper ad published. That would give you a minimum of 30 days before you could open the bids to look at.

I will talk about the exceptions in a minute.

You have a series of options as to your contracting method. What you chose this time out was a construction management services contract which basically starts off with a contract that is mostly words and very few numbers. There was a formula in there for how the construction manager is paid. But, the actual bottom line price is not determined until later on in the contract process.

Williams: Just to back up a bit - when he said "words" and not "numbers", he means that it was more "qualification" driven as opposed to "low bid" driven.

Sexton: That is correct.

The alternative would be to go with a low bid process. The reason why a construction management services typically are not low bid is because the construction manager is actively involved in trying to help finalize the project and come up with the final details that drive the costs.

We are past that point to the extent that we have the project planned out. So, a low bid process seems like a more feasible process at this point. It did not exist before.

There are a number of other contracting methods, but, I think low bid or construction manager remains the best. The reason why we had started off with construction manager is because you bring in a higher quality and much more expert prime contractor and they are more able to manage the project to meet critical deadlines involving complex construction projects like a hospital. That was the recommendation we had gotten from the architects - to use a construction manager. So, even if you went with a low bid, I would still go with a low bid with a construction manager.

The county's procurement policy has a series of criteria, I am sorry, the process for making your selections where you would establish your criteria, take your proposals then evaluate them, do a selection, bring the recommended bid award to the board of county commissioners, an award would be made and a contract would be negotiated after that.

So, that is the standard, by the book, process. The last time out when you all did the procurement and also the re-procurement, the board issued a resolution determining that an emergency condition existed that allowed the board to use a much more shortened process. You did not advertise the project for 30 days. You used a very quick turnaround on your solicitation and a very quick turnaround in terms of your selection and negotiation process. You were under contract in about 30 days in that process.

If the board wanted to take quick action to solicit in this circumstance, the route you would have to go would be through an emergency declaration like you did the last time. In that case, you would be able to shorten your selection process. You could go to a quick selection process under a construction manager or a combined qualification/low bid under construction manager under a very short time frame. You already have your two best candidates right now that you have been dealing with. Ajax and Childers were ranked equal by the staff when they were presented to the board the last time. That provides you a pool to work from. You can go from pricing approach between the two of them as part of this process.

Does that get to the points that you wanted?

Williams: Yes, that covers question number 3. Obviously, we are giving you legal options. The board has not considered what options they want to deal with the Ajax at this point. We are just outlining for you what the procurement process looks like should there be a decision to revisit a procurement.

4. The last question was - What are the county's options under the contract with Ajax? There are basically three options. One is that you can leave the contract as it is. The second one is to go into some modified negotiation with Ajax. The last one is to terminate the contract and rebid.

So, that kind of gives you the quick and dirty version of what the options are based on what the present status of the procurement process which is finalized and the contract with Ajax was executed.

Mr. Chairman.

Lamb: Commissioner Taylor?

Taylor: First question is - Does the county have provisions for an emergency bid process?

Sexton: I don't think the county has a written procedure that guides you as to how you are supposed to do emergency procurement at the board of county commission level.

Taylor: At what level, then?



Sexton: You have some for emergency purchases by staff in quick turnaround circumstances where there is not time to go through the normal process.

Taylor: Thank you.

Next question. The minimum number of bids that we need to take in order to qualify this as a certified bid process. Is there a minimum number of bids required?

Sexton: There are none prescribed by law.

Taylor: O.K. That is it for now. Thank you.

Mr. Chairman.

Oh, I did have one other question.

Lamb: Go ahead.

Taylor: If we choose to rebid, you said something a moment ago about the construction manager and the renovation. I didn't quite understand. For a point of clarity, there were two separate processes. One where the board appointed a construction manager. Then where it gave the construction job. So, there was two processes.

Sexton: It was not quite that way. I think that the two step process was to identify the construction manager and negotiate a contract for basic terms of compensation, but without a project cost in the contract yet. The second step was to have the construction manager to come to the county with a cost for the construction project - the guaranteed maximum price. The GMP.

Taylor: I guess my question is, Mr. Sexton, if we do bid the whole process back out, then we look to start from the very top and get a construction manager. Or, do we get a construction manager then ask to bid out the GMP?

Sexton: I think the practical approach that you should consider taking is to solicit your construction manager with a price because the project is fully designed out. Ajax has already developed a GMP. Supposedly, Childers is in the process of getting educated enough to do a GMP. I don't know where they are in the process.

You don't have to delay the second step. You could move the second step right up to the very front.

Taylor: Thank you. That is it, Mr. Chairman.

Lamb: Are you finished?

Taylor: Yes.

Holt: The architect. I want to hear from him as to this process. How are we going to affect the process? If we are talking about 14 days, 30 days, whatever number of days. What are we talking about as far as us slowing down or speeded up?

Rutherford: Well, if I understand Mr. Sexton's explanation, you currently have a CM under contract currently. You have, if I understand your explanation, a second CM who has been developing a construction price and either has it developed or very shortly would have it developed. So, the delay - if you were to terminate the existing CM in my opinion, would be in the time that it would take the second CM, should he be selected, to get the project up and running.

Am I making sense? I am trying to keep my answer short.

Holt: I am talking about the number of days and how does it affect the June date for the hospital opening?

Rutherford: I would - the second one, and I am just going to call them by name, Childers. If Childers were selected, I think Childers needs to tell you that you that time more so than me. I would tell you that I would think that if they both have their numbers, then in just a matter of days (3 or 4 days), we could be back up and running.

I am doing it very quickly, because you don't have time to waste.

Holt: This is extremely time sensitive. When we look at that, you are saying we need to go to Childers. Childers knows what they have done. Ajax is known. Everybody knows this process. I mean, even down in Tampa, everybody knows what we are doing. So, if we are going to do something, we need to hear some numbers from these people if this board is considering doing anything. How many days? If Ajax says, "This is it." Childers says, "This is it." Then we will know what to do. But, we don't know what to do if we don't know the number of days and how it will affect the project opening on time.

So, if I may hear from Childers.

Lamb: Not yet. Commissioner Croley?

Croley: First, I would like, Mr. Rutherford, if you will hold on just a second.

I want to ask Mr. Sexton - Regarding termination by owner without cause that is on page 9 of 15, Commissioners, if you want to look at that.

Under Section 14.3, it says, "Termination of owner without cause." When you read through this, "If the owner terminates the agreement other than (inaudible), the owner agrees to reimburse the construction manager for any unpaid direct costs due to him under Section 9.2."

I don't have Section 9.2 in this packet.

Sexton: It actually starts on page 10.

Croley: Excuse me.

There are certain direct costs that the construction manager may have incurred for the work done up to that date, if I am understanding that right. Is that correct?

Sexton: That would be correct.

Croley: Then, "In case of such termination of the agreement, the owner may elect," - If I understand that right, the owner being the board of county commissioners, has the flexibility to assume and become liable for some or all obligations, commitments, unsettled contractual claims that the construction manager has undertaken or incurred in good faith."

But, we are not obligated to.

Sexton: That is correct.

Croley: Now. The other thing - Mr. Martinez, when he was in here, he made his impassioned presentation and talked about the half cent tax vote. There is one little thing though that everybody may have forgotten and I just want to remind the whole commission. The reason that I agreed to go forward with that half cent tax, if you will recall, - I know Mr. Williams here and Commissioner Lamb and Commissioner Holt will - it was held out by myself and I believe that Commissioner Lamb had a similar position - that it takes a super majority vote for the five commissioners to borrow the money from any bonding program to fund the construction and renovation of this hospital. If you didn't understand that, or anyone doesn't, well, they had better pay attention to it because that means that there might not be any money out there and we are not obligated to fund anything that we can't afford.

I thank you for providing that clarification. Now, Mr. Rutherford, if you will come back up, I have a question for you. In the fact that on September 18<sup>th</sup>, we were provided what was referred to by the then County Manager Marlon Brown and Healthcare Consultant Joe Sharp, a presentation of a hospital proforma, surtax revenue projection, and hospital construction plans report. Under that

construction plans report, it says, and I quote, "Clemons, Rutherford and Associates, architect for the project, has estimated the construction and reconstruction cost to be \$6.5 million. To make the most efficient use of construction time, the construction manager model project management was constructed. Ajax of Gadsden County was selected as the construction manager. Currently the architect and the construction manager are working to finalize hospital design plans and construction schedules." At that time, we were told in good faith, that \$6.5 million provided by your firm through those two individuals. What happened?

Rutherford: Nothing happened. At that time we said \$6.5 million because you have a hospital that was originally built for 52 beds. It is now licensed for 25. Our first task four months ago was to bring AHCA to that hospital to review that hospital with AHCA to find out the deficiencies that they would cite and to price those deficiencies. Had you chosen to go the route of correcting the deficiencies only that they cited, you would have been somewhere in the \$6.5 million range. That did not include or it did not speak to the new model where you went in and added enclosing the courtyard for rooms and cut it down to 25 beds. So, it is apples and oranges. The \$6.5 million was to put some paint on, fix the things that AHCA cited, which was about 3-5 pages of items that they identified. Skip Gregory, with your county administrator, with Mr. Sharp, Mr. Bowen, I believe was present - they committed to bend over backward to let you do that with the existing plan at that time. He bent over backwards to the point that I won't make you bring it to current code. I will let you leave it to the code that it was built under in 1984 or 1986. It is unheard of for AHCA to say that.

The model, the financial model that you keep referring to, appeared to not work for you because the 25 beds that you were isolating in the plan as it exists, that AHCA looked at, were one of the reasons that it probably failed to begin with because of the way the nursing stations were - the spread-out situation and the staffing. Since then, you have moved forward so that the new model is more expensive. Theoretically, it is more efficient to operate. I hope I am answering your question.

That is where we are.

Croley: So, if I understand what you just said, we had 52 beds that we could have gotten it for \$6.5 million.

Rutherford: 25 because that is what your license is for.

Croley: Only 25 for the \$6.5.

- Rutherford: But, you could not have moved the nurses station and you couldn't have done any renovation. It would have stayed as it and we would just have new finishes.
- Croley: But, when we had this rural emergency facility design that simply took the 52 beds and made it 25 with the plan in here that you would have the capacity for the 25 beds, but you would only use something less in this plan.
- Rutherford: Then you had to bring the hospital to current code.
- Croley: Then, the decision was to go to current code.
- Rutherford: It was not a decision. It was what you had to do. Once you start renovating , you had to. Skip Gregory, the director at AHCA, could only agree to the 84 code if you did not demolish, tear down, renovate, move walls and those kinds of things.
- Croley: If, under the model that has been referred to, the business model as a rural emergency facility or hospital model, if the footprint of that operation is reduced in such a way that we do have the space for the 20 beds and we only begin by operating the first 5, and then have some sort of plan over a four year period to keep adding those 5 additional beds as the hospital is able to get up and running - not having to finish those 20 beds - would that be financially beneficial in terms of the construction cost? Reserving the space with a plan to build them?
- Rutherford: As of the last meeting, which was last Tuesday afternoon in our office with some of your staff, all of my staff working on this hospital, your then county administrator, the question was asked and answers were given as to how much it would save to do certain things like that. How much could we save if we did not build the beds in the courtyard? How much could we save if we did not finish the beds in the back wing? How much could we save if we eliminated the rehab and the clinic?
- Options were given to the county administrator that afternoon for him to bring to this meeting. Theoretically, you have a \$9.75 million project. If you would like to reduce it, here is what you can do. But, we never got to that discussion. Do you understand?
- Mr. Lawson was present. Those numbers were there, but we never said, to go from 25 to 4. There are four rooms in the courtyard. How much would you save? \$280,000.
- Croley: Was that your price?
- Rutherford: His. The CM's price.
- Croley: Well, wait a minute. You gave the estimate of \$6.5 without a CM.

What did you say it should be?

Rutherford: I didn't have any problem with his estimate as far as his credits for the beds last Tuesday afternoon. Did I answer your question?

Croley: Well, I am going to use an example of the generator. I understand that we have got to buy a new generator.

Rutherford: You have.

Croley: The old generator is not functional?

Rutherford: It will not carry the code required function for the electrical system.

Croley: Is that for the entire shell of the building or is that for the 25 bed portion?

Unidentified Person: The 25 bed portion.

Croley: Only for the 25 bed portion.

Williams: You need to come up to the mic and identify yourself.

Eaton: I am Michael Eaton. I am with CRA and I am the project manager. I deal with healthcare facilities in our office.

The generator issue is based on circuit studies and coordination studies. Power studies. You have to work from inside the building all the circuits and back into the sides of the generator so that they will coordinate. That is a requirement by AHCA. So, that is how the size is determined. That is how we came up with the 500K generator size came from.

Rutherford: We checked that two or three times to make sure that the generator size is correct.

Croley: To date, the present construction management company - What has been done out there as I understand it - maybe Mr. Collins might want to come up and say from the county building inspector's standpoint, and respond.

Mr. Chair, could he come up and answer the question about it.

From a building inspection department, Mr. Collins, what has been done to that building to date? It is a county facility. What has been done?

Collins: I am Clyde Collins. I am the Building Official for Gadsden County.

What has been done is mostly the demolition on it. It is probably

90% done. It is just about, well, they are actually cleaning up. Ajax is mobilized out there and there are trailers out there. The electrician has his trailer out there. WW Gay has his trailer out there and they are delivering material out there to start work.

As far as Ajax is concerned, they have done some saw cutting for the 25 beds in there so they can do the underground sewer lines. They are ready for an inspection, but I haven't issued a permit, so that is where they have to stop before they have their first inspection.

That is where we are at right now.

Croley: What else has been done to the building? The Urgent Care has been relocated?

Collins: Urgent Care has been relocated and that was done by Ajax.

Croley: So, all that has been done. They haven't been paid for the relocation of the Urgent Care to my knowledge.

Collins: I don't know about that.

Croley: But, they are waiting now to go forward or somebody is once you issue a building permit.

Collins: Yes, sir. We can start just as soon as I can get clarification that the documents that I have are 100%. They are telling me now that they are.

Croley: I am going to end back with Mr. Rutherford and Mr. Eaton.

I guess what the concern is that obviously, you heard everything from the AHCA folks. If we are going to try to salvage the license we've got, which is the most practical thing, we need to get moving with somebody. But, the \$9.75 million is substantially more than what was originally presented here.

Is there, in your professional opinion, a way to design this or revisit the design in a quick amount of time that would more substantially reduce that cost?

Rutherford: (inaudible) no.

Easton: We provided alternates, as he mentioned earlier, and the pricing. We have broken out different sections. We have broken out the clinic as a shell as a cost. The rehab as a shell. So, instead of building those out, we will show you a deduct or an add - whatever you want to look at.

Say, it is the shell space - the clinic. We would give, they have broken out the price to build out the clinic. You know the value of

that. So, you could say, "I don't want to do that now." Then we would deduct those costs.

Croley: So, for us to have any sort of price comparison, since you have just said that you couldn't really substantially change the design -

Rutherford: I can't reduce the spaces that AHCA requires you to have. We've got them - not minimized, but on a working level.

Croley: I understand. What I am trying to say is - given those parameters, there is not a whole lot more you can do with the design. The only choice that we, as commissioners have, is to logically look at someone else's price if we feel that the price we have been provided to date is unaffordable. That is where we are, in my estimate, Mr. Chair. Thank you.

Lamb: Commissioner Taylor?

Taylor: Is it Rutherford? I want to call your name right.

Rutherford: Bill.

Taylor: Bill, thank you.

You mentioned a meeting with the staff where you all came back with the concept of the design and kind of evolved and you eliminated some of the items in the design going forward. You mentioned that there was a cost after the elimination of some of those spaces. But, you didn't mention the amount. Was it not an amount that you could bring back to your memory?

Rutherford: I think that Ajax has those in a document here. Let me back up.

Three, four or five weeks ago, the previous commissioner approved a \$9.75 million budget.

Taylor: I heard about it.

Rutherford: I am just here, o.k?

They took that and went to work. The county manager at that time called and said, "We need to reduce the price. Is there anyway we can?"

So, we looked at every option that we could come up with. We looked at providing the 4-5 beds and shelling the 20. Shelling the rehab space that he talked about. Anything that you could have a hospital and do without. They provided a credit to that \$9.75.

Taylor: So, if go back with what you just said - shelling the other 20 beds, going with the 4-5 beds initially, would those plans be approved by



AHCA? Will AHCA be o.k. with the shelling?

Rutherford: AHCA will not have a problem with the shelling of those spaces. We would just take rooms off line and take rehab off line, which we don't have to have for a hospital. We did not take anything out that would keep it from functioning as a hospital.

Taylor: When you say shelling, you are just talking about walls and a floor.

Rutherford: No finishes, no ceiling, probably one light hanging in the room, probably one duct just blowing air to keep it from molding like it was.

Taylor: No floor?

Rutherford: Concrete slab. The slabs are basically there already. The slab and the roof are on this building. It is a shell ready for someone to come in and finish it out.

If you rented the space to a rehab company, you could say, this is your room.

Taylor: Thank you. Mr. Chair, I am ready to move.

Holt: I have a question.

Lamb: Commissioner Holt?

Holt: Thank you. In these 5 beds and shelling 20 - I see it there, but my only concern is the cost later. What will the cost be later on as opposed to now? Let's say that we start with 5 beds and every year we add on 5 beds. This commission has said that every year, we would add 5 beds. Start out with 5, shell the 20, and every year we will move up with 5. I think that people will say, "Maybe that will work." But, what I am saying is - what about that cost of material and that cost going up. It is not going to stay the same. That is the problem with building later. That is the problem we had with asphalt when we tried to lock in the company early on paving. You cannot get those materials later on for as cheap as you can get them today. It is not going to happen. The price will be a lot higher. So, when you are looking at this, that is going to be a big problem.

I have a couple of questions that I need to ask Ajax.

Smith: Good evening. Jay Smith, Ajax Building Corporation, 1080 Commerce Blvd, Midway, FL.

Holt: Let me ask you something. You are working out there and you've got subcontractors working out there as of today. You would say that we owe you a certain amount of money if we terminate the contract.

Smith: Yes, ma'am.

Holt: Before we can look at that, I think this board need to look at what that number is.

Smith: If I could discuss some ideas with you - some options that you all requested.

Taylor: If you look at the numbers, we are could look at moving forward with something else, but we have to tack on what we already owe if it becomes that. And, if we do look at 5 beds and adding on so many beds per year, the cost of that as opposed to if we build now. All these numbers need to be looked at.

Lamb: Mr. Smith, I believe you had something here. Is this what you wanted to present to us?

Smith: Yes, sir. Bring the boards up, please.

There seems to be some discussion about cost and scope and schedule. I want to go through and explain how this process has started.

You have gone through two CM selection processes. Both of those were based on time as being the most important thing we have. You said that we can take out the typical bidding procedures where you bid out to your subcontractors where we qualify and bid them. We want you to hand select your subs cause we are out of time. We've got to move. So, that is the process that we have followed. The emergency is June 21<sup>st</sup> 2009. The original project budget, which we have talked about,...the original budget was \$6.5 million for 22,931 square feet. That is \$283.46 per square foot. At that time, the architect said it was going to take 12 months to complete and it was going to take team process which was actually going to take a 7 day work week. So, you're going to pay overtime on Saturday and Sunday.

We then got the 10/10 set of drawings which our GMP was based upon. That GMP was based on 37,824 sq. ft. Our GMP was \$9.75 million. Now, that included a lot of items that are not typically included, especially when you are trying to compare it to that \$6.5 million number. It included \$293,00 to do a complete re-roof. \$137,000 for the Urgent Care relocation. \$215,000 allowance for structured cabling, which typically the owner provides with the FF&E and it is not a part of our contract. But, your staff asked us to carry that in our allowance. They asked us to carry an allowance to remove the underground fuel tank from the old generator. Again, that is typically done by the owner. They asked us to carry that as part of our number. There is an allowance for exterior stucco for additional \$53,800 which is typically not included. It was not included in the \$6.5 number. So, that gets you to a \$9,040,450.00.

Now, all of these numbers were verified by your architect. He, at the time, said that his estimate was within \$20,000 of our estimate. There are some things that we have gone back and added some allowances in there to make sure that we covered all of the scope. That is what this next set of 100% documents were to do. Your cost per square foot on our GMP is \$239.01. Again, construction of 7 months to complete.

So, if you look at the comparison of where you started and where you are today - we have gone from 12 months to 7 months to construct - you want it 5 months faster. We have gone from \$22,931 sq. ft. to 37,824 sq. ft. So, you have added 14,893 more square feet. An overall cost per square foot you have gone from \$283.46 per square foot which was budgeted to now \$239.01 per square foot. We have gone \$44.45 per square foot less.

The team we compiled was based on a team that could get the job done and guarantee the substantial completion. We also had in our contract \$150,00 potential actual damages that your staff recommended. All of that is part of our price and our guarantee. We've got over 9 local subcontractors and vendors that reside or have their businesses headquartered here in Gadsden County like ourselves. 120 Gadsden County residents are a part of this team. The team that you have today is your construction manager that you have hired. We are here today to answer any questions about cost and how we can move forward. What do we need to do? My men are here and we are here today. You see (inaudible) Eric Gamble, Joe Tucker, Sylvester Jones, and a bunch of our subcontractors are in the room. We have been working under the goal of finishing this job on May 29. We have provided cost savings ideas.

From the GMP set to our 100% set of documents, there was an increase of about \$250,000 of new scope. But, in our GMP, we provided an allowance of \$120,000 for that. We also added an allowance of \$30,000 for AHCA comments that we are anticipating that they will provide to us. We have a contingency in our contract for \$260,000 and we have our overhead, our management cost. That is also a reimbursable cost. So, whatever cost we don't spend goes back to the county. All of that. We also reduced based on your options and your ideas, we reduced our numbers by \$100,000 by cutting out additional time in order to get this job moving forward for you all. We provided all of that last week.

My team is standing ready. We have done everything that you have asked every single time while we have kept the ball moving.

I have asked you every time we've been up here, " Do you want us to keep moving?" You have asked us to keep moving. So, if you want to move in a different direction, we understand that. But, as your construction manager, we think that it is best for you all to work with the team that you have in order to get the goals accomplished.

I think that makes the most cost effective decision for you all.

Thank you.

Lamb: We will entertain some questions.

Holt: Mr. Chairman?

Lamb: Let me go to Commissioner Croley, then I will come back to you.

Holt: But, I had him to come up.

Croley: Let her go first.

Lamb: Commissioner Holt.

Holt: Mr. Smith, you are looking at- in there, a setting up fee - I am trying to attach numbers to your leaving if you're are going and someone else coming in and the cost. I am trying to do that. The reason is that if we get another contractor, we've got to add that cost onto what it is going to cost this board. It is not going to go away. How does this look? You are saying that you are ahead of schedule. How does this look according to what you are hearing from AHCA and what they said today.

Smith: What they said today is right in line with what the team was working for. The architect is in charge of submitting plans to AHCA and for them to go through that AHCA review. He submitted his 100% set of drawings, which is what we are basing our permit on, which we submitted 2 and ½ weeks ago to the county to start that process. Clyde has been working with us diligently out there. He has been trying to work with us to keep the process moving. But, we can't move forward without inspections.

My subcontractors have ordered materials, have made commitments, have moved on site, have bought insurance, have provided bonds, and down the line. The team, as a whole, has moved forward. We've got our site work contractors out there. We have a crane out there and he has moved all the dirt and debris out of one of those areas where we are building that new addition. There has been a considerable amount of work that has already taken place. The commitment is already over \$1 million to the subcontractors and the things that they are having to provide.

What that number is exactly, it will take time for us to have to peel back what everyone has said they have ordered, verify that, go through their costs in detail. But, again, if you look at this as a job of \$9.75 million over 7 months, that is roughly \$1.35 or \$1.4 million per month that is accruing that we are going to bill. The costs are rapidly increasing if we continue to proceed.

So, if you want to stop and go in a different direction, that is why last week we said it was such a big issue. If you want shell space, we needed to know then so we didn't expend any more cost in those areas.

Holt: This question is for the building inspector.

You mentioned the permitting and that is a problem that I had with things going on last week. Tell me about the permitting.

You could have done it from right there, you didn't have to get up.

I'm sorry, Mr. Chair, if that is o.k. with you.

Collins: What we do is we kind of depend on AHCA to do most of our plan review for the job. They did about a week or so ago, right around Thanksgiving, they brought me a set of plans, they actually brought two sets. The last set they brought says that they are 100%.

I have been reviewing those plans and usually what takes place is - after we get through with them, we sit down with the county manager and we discuss the fees, whether we are going to waive them or not waive them. Then what we do is issue a permit. When we got to the point of meeting with the county manager - I don't have one.

Holt: Let me say this. We had two other projects going on and you didn't have to meet with the county manager on those.

Collins: We did. We did with the Gretna Fire Station and we did waive the fees.

Holt: The one at the courthouse is the one I am talking about.

Collins: Yes, ma'am, I did that one also.

Holt: I called and asked. I made specific phone call. I was like - What is going on? I am real antsy about this project, you can tell. I want the hospital open. When I started checking, things didn't quite fall into place - that we could not just keep rolling even if this board was going to change, we needed to keep moving. And so, that was a concern and that is why I wanted to ask you that question right quick.

Do you give a partial? Is there a partial permitting process that you have?

Collins: No. We allow the contractor to work. It says in the Florida Building Code that I can authorize the contractor to work up until the point that they need an inspection. Then, if they are without a permit, they have to stop. That is where we are at right now.

Holt: Mr. Smith, did you have everything or what is going on with that?

Smith: Pardon me.

Holt: That permitting process.

Smith: From what we were told, we have got a 100% set of documents that were supposed to be permittable.

Holt: That was when, last week or this week?

Smith: The architect provided those. They would have a better memory than me, but I would say that it was around November 15<sup>th</sup>. November 17<sup>th</sup> was when we received those, then the Monday thereafter we provided those to the Building Inspection Permitting office.

Collins: We had to send the plans to the fire department of Quincy. It took them two weeks to do their plan review. We got them back. Yes, ma'am.

Holt: Yeah, that is what I am saying. We need to be moving like it is an emergency situation. It just is whether we say it is or not. It just is. In order to meet that deadline, we needed 12 months. We don't have 12 months.

Croley: No offense, I don't mean to cut you off.

Lamb: We've got to look at that clock.

Croley: I am going to come back to the point that yes, I am the one that made the motion to let you keep moving forward. But, my question to you is right now - I can't help what everybody has ordered or what your subs did in good faith. That is between you and them. All I know is that you were authorized. The shell of the building has been done by Cross Construction, I believe, out of Panama City. They removed all the asbestos and the mold. We had the air monitoring issue, which is something that needs to be addressed as well. We authorized you to move the Urgent Care facility across the building. Now, to the best of my knowledge that was the extent.

Smith: You authorized me to go full blast at the \$9.75 million. There is no - if you don't have a permit, you can't order those materials. You have to proceed forward on a timeline. I have a liquidated damages of \$150,000 potentially. I can't say

Croley: Mr. Smith, hold on. To date, and I am not talking about what may have been ordered or about liquidated damages. I am asking you the cost of moving Urgent Care from one side of that building to the other. You held a media event in celebration of that. How much did

it cost to move Urgent Care from one side of the building to the other?

Smith: The cost of the subcontractor work alone was around \$138,000.

Croley: Does that track with what you had in this Urgent Care relocation of \$137,000.

Smith: Pardon me.

Croley: It says Urgent Care Relocation.

Smith: Right. That is about the cost. Correct.

Croley: That was the cost. O.K.

To date, to my knowledge, that is all we have in this project with you. You say otherwise.

Smith: No, sir. We have a contract of \$9.75 million.

Croley: At a questionable meeting with no funding. Now, my point is that in order for a vote that I think would require a super majority vote to get that funding, it goes back to the point that we have a obligation to make sure that we are getting the best deal for the citizens of this county.

Mr. Chair, to that end, I would like to ask a representative from Childers Construction who is the second ranked, well, it was still ranked number 1, excuse me. Let me be straight on that. Allow them to come up and respond to some questions that I have. I am assuming their attorney, Mr. Bateman.

Bateman: Rick Bateman. 201 South Monroe St. Suite 500, Tallahassee. This is Sam Childers of Childers Construction.

Croley: Mr. Childers, Mr. Bateman, the question that I have as a commissioner - cause everybody else can do work and everybody else can say what they want and everybody else can speak, but the responsibility lies on the 5 of us when all is said and done.

Can you, if you were selected based upon pricing, complete the hospital reopening by the deadline of June of 2009?

Childers: Yes, sir. Yes, I can.

Croley: And you have the wear with all to do with that under the basically the same contract provisions but at a different amount?

Bateman: Hold on. Let me answer that. Mr. Williams is about to jump out of his chair over there.

Croley: At this point, I am going to say to ya'll again, as far as I am concerned and of course, I am saying the wrong thing and the attorney flipped, but that is o.k. The point is that I am looking at what is in the best financial interest of the citizens of this county to try to get this hospital open so we can afford to run it.

Bateman: Let me just say this. We came here last week and you had asked us on November 25<sup>th</sup> to meet with the architect to open up the process a little bit to us get some numbers so that we could form a GMP. You didn't consider that last week because you agendaed this item to discuss status of procurement.

We had a GMP ready. A preliminary GMP ready at that point in time. We were asked not to infer whether it was more or less or whatever. We did not.

Since that time, as you have seen from the emails, I believe that I have copied all the commissioners on as well as Mr. Lawson and staff - We have requested from Mr. Sexton more intensive documents. We have gotten all the documents from the architect. We have been able to sit down on that Friday and talk with the architect. We have been able to get all the documents that have been provided to Gadsden County by Ajax.

We were told by Ajax's attorney yesterday that we would be allowed to come out there and review the project documents which would show all the monies that they had expended, all the materials that they have ordered and whatever they have done so that we could determine what we could utilize of what they had already done to even get our price tighter.

Today, when we got out there, we were not allowed to look at the notebook or to enter the premises. They changed their minds. I wasn't given a reason as to why. But, anyway, they changed their minds and I communicated with their attorney, Mr. Sipple. He admitted that they had changed directions, but we did not get to see that.

Be that as it may, we know that they have completed demolition practically. We know that they have moved the Urgent Care. We have calculated a GMP based upon the plans that are before us and before AHCA and the architect. We have formulated a GMP. It is a plain and simple concise document. It gives a GMP based on those plans. Then it allows for deducts for reduction in the scope if you consider doing different things, reduce the number of beds, etc.

Childers: The same items outlined last week for Ajax.



Croley: What you looked at was based on 25 beds?

Bateman: What we bid our base price on was based upon the existing plans.

Croley: On the existing 4 or 25 beds?

Bateman: The plans that are before us is for 25 beds.

Croley: O.K. It is the 25 bed plan.

Bateman: Yes.

Williams: Mr. Chair, just so that everyone is clear about what we tried to do with the direction of the commission, realizing that there are un-researched legal theories on both sides. We tried to give them the ability, at their own expense, to be as optimally placed to re-bid this process if that was the direction the commission wanted to go in. Again, Mr. Bateman is trying to dance around that because none of us have researched the issues that are associated with this. There is going to be potential litigation. We've already got a Childers law suit. We may now have an Ajax law suit.

Lamb: That is fine.

Williams: I am just want to make everyone aware. All the lawyers are trying to be delicate as they do this so that there are no unanticipated additional issues being generated as they try to get a GMP up.

Bateman:: Mr. Croley, we have worked as hard as we could with the information that we've got and the county has been very responsive. Mr. Sexton, from Mr. Thornton's office has been very responsive. The architect has been very responsive. They have given us the documents. We have been on a short time basis. We have been working 24/7 crunching numbers and getting them down. We, meaning Childers, actually went to the open house Monday to kinda get a quick look around. We would need one more day to really reach a finalized absolute numbers and we could be on the job on Monday.

But, let me say this first of all. I want to be very clear about this. We are here at the county's direction to provide you an alternate GMP if you end the relationship with your current construction manager. We have not advocated and we do not advocate. That is not our choice and we are not arguing anymore that we are better than Ajax or that they are better than us or anything like that. Not putting before this board what you should or should not terminate your agreement with Ajax. I would like to

make a few more comments when you are through with the questions.  
I've got a speaker card in.

Croley: Well, Mr. Bateman, let me say this to you -to both you, Mr. Childers, Mr. Smith and the attorneys involved and the contractors/subcontractors and the architect - all of you. The general public and the commission here. I don't have any doubt that either one of the two respective construction companies can do the job within the time if you so state that you can. That is not the issue. The issue is what we can afford in our due diligence. The manner in which this decision of \$9.75 million was made smells. It smells all over practically the whole state according to Commissioner Holt who was down in Tampa.

Holt: Yep. Down in Tampa.

Croley: The issue is - are the citizens of this county getting the best financial deal? We have go and vote for this - four of us do - to borrow the funds to pay whoever it is. We've got to also incur all this additional costs for equipping it and paying Mr. Rutherford here a rather steep price - 8.6% I believe or 8.25 - whatever it is of the total construction cost and give Mr. McMillan and his board something that they can operate with a dog's chance of it being successful.

Bateman: And also buy your equipment and your services and (inaudible) so AHCA will approve it which is part of this.

Croley: The only man that we have that knows anything about this - because all of you are making money on this - is Mr. Collins over here. Everybody in here is out to make money on the citizens of Gadsden County. You ain't here out of the goodness of your hearts. All I am trying to get at is that I need to know that the citizens of this county are getting the best price. Without looking at a second, getting a second opinion, I don't know that.

Lamb: Commissioner Holt.

Holt: I just wanted to say right quick. I don't know if we need to extend the meeting, but I have something to say right quick.

Mr. Attorney, the liability of either not meeting the deadline. Ajax is saying they could be liable. We could be liable for holding up the process. We could get another company in here - the liability of each company and this county and also that other

contract. I am almost concerned that we could owe more than what we are asking from either company.

Williams: Before I answer that, Mr. Chair, because my question is going to run us to 11:00 p.m. I would recommend that you get a motion to get a time certain past 11:00.

Lamb: O.K.

Holt: Let's say 11:30, then we can. I move that we extend the meeting to 11:30.

Taylor: Before I second that, how many people are on the agenda to come before you on this hospital. You need to know how many people want to come up and talk on this issue. Only two?

Lamb: We have already heard Mr. Bateman.

Bateman: I haven't made my comments, though.

Holt: That may take a while.

Lamb: I have a motion and a second for an additional 30 minutes. Are we ready to vote on it? All in favor, let it be known by saying "Aye."

All: Aye.

Lamb: Opposes? (No response.) The Ayes have it. Thank you. You may continue.

Williams: Commissioner, to answer your question, that is an absolute unknown. I know the attorney for Ajax, Mr. Sipple. I am sure that he is going to come up with whatever legal theories there are. The old adage, "He's going to ask for everything he can." We'll fight to get it as little as it can be. Then, the answer will be somewhere in the middle. But, in terms of a number, I don't know what the number will be.

It goes without saying that there will be a cost associated with the termination. But, if you asked me to give you a number, I can't tell you exactly what the number would be.

Holt: That, I am pretty sure that you are correct about. That only fights out in court. My concern is, how does this, even though they are

both saying that they are going to meet the time deadline. Court cases and this and that and all that kind of stuff can stop the deadline and stop the work. I am more interested in the work right now being on time. How do we go about making sure legally can we do anything as this board, no matter what type of hospital we have, that we do everything that is humanly possible to meet this deadline. How do we go about that?

Williams: Well, there are not a lot of legal issues in that. In terms of the termination provision, as you recall, one of the things that my firm looked at when we first got here - most of the contracts that the county had did not have termination provisions in them. We brought this issue to the board and the board directed us that we were to put termination clauses in all of our agreements because if the county was spending it's money and it wanted to go in a different direction, it should have the right to terminate their agreements. It is a policy decision as to whether or not you want to exercise those clauses within the agreements or not. Now, once that is done and we put you in legal parameters, the question of whether you can get it done within a certain timeframe or not goes back over to the people that you have hired to tell you whether you can get those timeframes done. That is the architect and whoever your new CM would be or the old CM. But, it falls into that area. We put you in a legal posture to reach decision or not reach the decision - which is to terminate or not to terminate. But, in terms of the management of the project side of it, that is outside of my expertise.

Holt: I understand that. I guess I am just trying to find some type of way that the project gets done on time. I know all the legal issues are coming. If we could get the hospital done on time and get it open, then at least we would have something with which to retain the license. I know that procedure is not yours. I am just trying to figure out some type of way that this board can move quickly and give an order so that we could keep moving. Everyone is going to sue anyway.

Lamb: I want to hear from Mr. Bateman.

Bateman: Members of the commission, gentlemen and ladies, thank you for having us here today. As you know, I represent Childers Construction Company. I wanted to talk about a couple of issues. One was the GMP. But, let me tell you a little about Childers

Construction Company.

Obviously, they have vast experience in the acute care, emergency care, and urgent care fields. They have worked with this architect in many healthcare matters. They work with AHCA on almost a daily basis. They constructed the big emergency center, the Cardiac Services Center, the Women's Pavilion and the cancer wing at TMH. All brought in on time and with AHCA approval. One of the key things besides just going out and building this building is to build it so that it will meet AHCA specifications and we don't get hung up by AHCA.

Despite the fact that we did not get Ajax to let us look at their books and what they have ordered and whatever. I must agree with Mr. Croley about the subcontractors. The stuff that they have done, some of the stuff they have done, we are going to be able to use. Some of it we are not. There is a mobilization cost. I don't know what it is. But, Childers is ready to sit down tomorrow if you choose to terminate Ajax to discuss this with the county and be on the job immediately. Assuming Ajax is not there if you choose to terminate them. If you don't and you choose to keep them, then we'll go away. We will have done what we told you that we would do and will be glad to do.

I must address, quite bluntly, some of these legal issues. Real quick for the purposes of this board. You have an attorney. They did a great job on analyzing the question of whether the November 10<sup>th</sup> meeting was legal. This does have a point here. I would not necessarily - I don't know what Mr. Williams' conclusion was because he said it was 50/50. It is something that there was not much direction or not much authority - not much for. But, I would argue, like he said, there is one argument, if the ordinance didn't allow for it, it wasn't so. Moreover than that, one of the reasons that I would question the legality of the meeting, or the properness of the meeting is simply that, indeed, what was the emergency? There was \$6.5 million already allocated. That was not a final contract. I will note for you in a moment why it was not a final contract. But, the \$6.5 million allocated - obviously, Ajax, within the next 10 days until the next 10 days wasn't going to burn up \$6.5 million and get to \$9.75. So, the question really becomes the substance, the guts, and the bottom line and the fish hitting the deck. What was the emergency? I don't think that was. That is important because when you get to whether or not there is a final contract, very quickly, I would like to look back at the procurement

document which states that if the county manager is unable to negotiate a satisfactory contract with the first ranked vendor, the negotiations with that vendor will be formally terminated and the county manager or his designee shall continue negotiations with additional vendors in the order of their ranking. You know, they were equally ranked.

If you go then to the award of contract, and your county attorney found that there was an award of contract. The only award of contract that was possible was that November 10<sup>th</sup> deal. Anything before that was not an award of contract because the procurement document reads that, "The county manager shall present the board of county commissioners for its approval the final written agreement with the vendor with whom the contract has been successfully negotiated which will include the final negotiated terms, conditions and specifications."

Now, obviously the terms that are considered final now were done at that November 10<sup>th</sup> meeting. If that meeting is illegal, then you do not have a contract. I don't believe that you have a contract. You have some kind of an agreement with Ajax today. Is it a final negotiated term, conditions and specifications?

I don't know. Certainly you are able to terminate Ajax as Mr. Thornton Williams told you and negotiate with us in my opinion. But, you did have a meeting. You've asked the attorney general if it was legal or illegal. If he rules that it was illegal, then where are you? That is the point I would like to make.

We are very experienced in this field. We are ready to hit the ground running and we can do it ASAP.

Lamb: Thank you. Let's let these people come up and make their comments.

Williams: Mr. Chair, before you call them up, I have just a brief comment to Mr. Bateman's comments while the next person comes up.

Ideally, I would love it that my legal opinion was binding on this board. But, as you know, my opinions are advisory only. That was for this board and for the previous board. So, I have told you all and I give you all my best legal opinion all the time and that is that I thought the arguments could be made the other way. But, it is not the legal arguments that control whether the meeting was an

emergency meeting or not.

What controls it is the board action which occurred. The county commission at that time voted that it was an emergency. That is distinction that finally weighed my legal opinion. So, don't want the legal debate to be what occurs as it relates to this commission making a decision to go forward with whatever decision it wants to get this hospital in place. That is why we rejected the original RFP because we felt it was flawed. We put a new one out there. I have consistently said that I don't want the legal opinions or the legal arguments to be that the basic item for this county getting a hospital. It should not be that way. I cannot support the lawyers arguing over an issue that will disrupt your policy deliberations. I stand by that position. I just wanted to make that really clear. So, he has made his argument and he has a right to make that argument. But, as it does go both ways, I disagree.

Lamb: O.K. Mr. Palmer, state your name and address.

Palmer: Sam Palmer, 1225 Berry St., Quincy, FL.

Mr. Chairman, Commissioners, as I sat back there and I heard some of the things that came from some of the speakers up here, it really surprised me. Some of the things was really erroneous.

I was on the Citizens Committee and the Citizens Hospital Committee met together and I know how we voted and what we voted for. There was no dissention, whatsoever when we did our deliberation and did our voting. We also looked at the different models with the 5, 10 and whatever. Everybody came to the consensus that they wanted 5 beds and 20 beds convertible. There was no dissension in that.

I noticed that they keep haggling over the 5 beds and the 20 beds. If you don't get those 20 beds, you are in the same posture as you are now. They will bring them to the hospital, then they will take them to Tallahassee, or they will by-pass it and take them to Tallahassee. You will be still spending the same amount of money, maybe not the same amount, but you would be spending a large amount of money still just to transport people to Tallahassee. So, I don't know why there is an issue over the hospital.

The attorney, Mr. Williams, would you answer a question for me? I heard you mention the amendments that the county approved. Are you

telling me that the amendments take priority over the citizen's referendum?

Williams: Which amendment?

Palmer: You said that later on, the county passed an amendment on the health care plan.

Williams: I think I was saying that we had a proposed amendment to the plan which was not brought before the board and it was not adopted.

Palmer: O.K. I'm sure glad that you clarified that because I thought you were telling me that the county commission now can take precedence over the citizen's referendum.

Williams: No, sir, absolutely not. In fact, all I said was, if you don't mind just a little clarification, all I said was that in interpreting the plan, there are some ranges that under no scenario could be anything less than what you just outlined. The minimum that it could be was a certain amount of beds that are operational and a certain number of beds that are demonstrated in planned growth, but reach the 25 beds. So we could not just do 5 beds and then have no plan out there for the additional beds. So, what you just proposed is what I told them was one of the options that they had.

Palmer: Just this last week, I had the opportunity to talk to a couple of lawyers. I mentioned that a man at work told me what was going on in Gadsden County. One down south, he pulled up the data on the county commissioners here and he told me what was going on in Gadsden County. He told me one thing. He told me, "I want to advise you that anything that you do, don't do it alone. Make sure that you have other people involved." That is what he told me.

I told him, "I am not alone because the NAACP is the one that is going to provide the guidance. They will be doing anything that we are going to do."

He said, "Make sure that you look at that amendment very closely. He said to look at every word in that amendment. Because they have to follow the wording that the citizens approved in that amendment."

So, I called a lawyer in Tallahassee with the State. He told me the exact same thing that the lawyer told me. That amendment - every word in that amendment must be followed. You can't deviate from it,



period. So, when ya'll are talking about deviation, you can not deviate from the amendment.

I went to Ajax open house the other day. I had the opportunity to talk to some of the workers. I asked them how they were doing. They said they were working overtime, working Saturdays and doing everything we can to get the project completed on time. He said, "However, we are in a situation where we are at a stoppage. We've gone as far as we can go because of the permits." That is what he said. I think that we should make sure that there is nothing in the way that would stop the contractor from meeting that deadline.

I won't comment on the funding because Commissioner Holt made it very clear about the funding. Instead of telling us how we can't do something, you should be telling us how we can do it. All I heard many times is how we can't do it and what we don't have. I think that the issue should have a more positive question.

I would like to ask a question. If the deadline is not met because the commissioners keep interfering with the timeframe, even one day is one day too long to stop the contractors from doing their work. Now, if the contractors don't meet that deadline because of your action, what do you think ya'll are going to do?

Williams: The chair asked me to respond to you on that question. I don't really know how to respond to that other than to say is that the only thing you can assume is that the commission is trying to do their best efforts in their judgment to get it opened on time.

Palmer: Even with the delays that you have done. You can't have even a one day delay. But, if you are forcing people to delay the progress, then you are responsible, are you not.

Williams: You know, the way you are asking the questions, I guess Mr. Chair, you want me to respond to that, too? Just from a legal standpoint, if you ask me a question that I should ask my commissioners if they are doing something intentionally wrong to hurt the hospital from being open, I would advise them not to do that. Things may happen that may be inadvertent. But, intentionally wanting to do something to hurt the hospital, I don't think is the direction that anybody is trying to go in.

Palmer: Thank you.

Lamb: Next speaker, please.

Mr. Marty Sipple?

Williams: Marty, state your name for the record.

Sipple: Martin Sipple with the Ausley, McMullen Law Firm in Tallahassee. 227 South Calhoun Street. Tallahassee, FL.  
I am obviously here speaking on behalf of Ajax. I am going to try to be brief. I have been to the last meeting and I have been to this meeting and I have heard this issue. Now, it is 11:00 and the second meeting and I get to talk.

You are having a big debate within the community about what kind of hospital you want to build. That is a very important debate. You are to be applauded, all of you, for the work that you have done and the investigation that you have done and all of that.  
Ajax is, in some respects, is a big player in that debate. It is building the thing. That is all it is doing. What you build and how big it is and all of those issues, that is not really Ajax's deal. I am not here to advocate one side or the other of what kind of facility you ultimately build.

But, Ajax does have a contract. To the extent that there has been talk at the last two meetings about terminating that contract, that is a big deal to Ajax and rightfully so. So, I hope you will indulge me and let me talk for just a few minutes about that. The contract with Ajax.

There has been some talk about re-bidding tonight. There was talk about that last week as well. One thing that I would try to emphasize from Ajax point of view, Childers point of view, and anybody else that might think about wanting to bid to build this facility, you've got to decide what you are building. Nobody can bid on something that isn't defined.

So, before we get into bids, rebidding, and all that. You have got to decide what it is, as a community, what you want to build. That is the first thing.

The second point that I want to make is - for the last two meetings, I have sat here and I have not heard one indication in any respect that Ajax is not anything other than on budget and on schedule.

Now, obviously, there is a significant issue in this community as to what happened back in November in terms of the decision that was made to build the 25 bed facility that is currently at issue. There is certainly very legitimate debate as to whether this community can afford this \$9.7 million facility. But, all Ajax can do is build what you ask them to build. That is all they are doing. Not one person has said that for the facility that has 100% plans into AHCA that the \$9.75 is one penny too much. Not a person has said that that I have heard. You heard the architect say that they are on schedule. They are on budget and on schedule.

Now, any contractor can come in from behind and look at all the books and say, "I can do it for less. I can do it for \$1 less." It is obvious that somebody can do that. And, of course that is what will happen. That is not fair in any sense of the word.

Now, by saying that is not fair, I don't want it to be taken in any way as indicating that you should not be having this debate about what kind of facility you want to build and how big it is going to be and all that. That is a hugely important debate. But, don't let people take advantage of that debate for their own business purposes.

Now, I want to mention a couple of things as you grapple with this. I am really focusing on the contractual issues that Mr. Williams has talked about and this idea of re-bidding and what you are going to build. There has been some talk about going back to 4 beds and somehow scaling in the other beds and building them later. And you don't have to use a CON You just go back and notify AHCA that you are going to put in the extra beds and all of that. I think that is fine.

There is an issue floating around and Mr. Williams and Mr. Sexton can talk to you about that has to do with the notion of semi-private rooms versus private rooms. I don't want this meeting to go by without that being mentioned. It is not, at least to me, and I don't hold myself out as any sort of expert on hospital law or AHCA permitting issues or CON Law or anything like that. I know just enough to be dangerous. That is that Legislature or AHCA or whoever runs these things have decided that they are not going to allow what we call semi-private rooms anymore. We are only going to have private rooms. I may be saying it wrong, but the bottom line is this. The way the 25 bed thing is currently contemplated, if you don't build those 20 beds and you come back later, - they are

currently designed to have semi private rooms which is 2 beds per room. Later on, if you come back and say, "We're going to add back those beds," AHCA may say, "That is fine, but they've got to be all private rooms. One bed per room" That means that you only get half as many beds which means that you end up with 15 beds and not 25. I don't want to go any further than that, but I think that is a question you need to ask Mr. Williams and Mr. Sexton.

Ajax has turned handstands to build this facility on schedule and on budget. Double shifts, working through the weekends, coming in with proposals to lower the cost. It has done everything that anybody could ask. It is just important that they not be caught up in this community wide debate and somehow damaged in the back wash of that debate. They have done everything right and everything that they have been asked to do.

Mr. Williams has explained to you and I agree that under the contract that you have right now, the commission could cancel it if you want to. You've got to deal with how much you are going to pay Ajax for what it has done to date, but you can certainly cancel it. If you decide to cancel it, you've got to re-bid it. Then the question is again, as I said first thing - don't go there until you decide as a community what you want to build. Then ask for prices. It doesn't solve the problem to just go out and ask these two contractors for prices for the building that you are already building. There is not indication that the \$9.75 million is too high for the building you currently planning. Other than the fact that anybody can come in, scrounge around in the books and come up with a little lower price. Anybody can do that, but it is not fair. There is no indication based on what has been planned and 100% plans submitted that the price is in any way too high.

There has been talk about going to the Legislature and trying to extend this AHCA license. There has been talk about a fast track CON process. Those 2 alternatives might relieve the pressure of the June deadline. If you go that route, then I would submit to you that there is no emergency that would require some sort of fast bid process.

If you decide to, as the AHCA person said, to throw in the towel on the current license and go with either the fast track alternative or just putting all your eggs in the Legislative basket, there is no emergency. Just bid it and take your time, decide what kind of facility you want, then open it up for bid at that point.

But, if you want to proceed under the current deadline, the current license, then I would submit to you that your running a grave risk of missing that deadline if you do anything along the lines of terminating this contract and making some sort of re-bid.

You heard the AHCA person say that, in her opinion, it is a close call right now with Ajax out there working double shifts and all that without people asking them to get into their books and records. It is a close call right now. If we stop and ask the architect to draw up something else, ask these people to re-bid on it, I would submit to you that it is highly unlikely that you are going to make that June deadline.

So, as Mr. Smith said, I would, and of course, you can always change the scope of this project within the existing contract. Mr. Williams, correct me if I am wrong, but there are certainly change order provisions in the contract and you can always change the scope within the existing contract with no problem whatsoever. Keep it going on track. Finish it on the deadline and stick with your present team.

Ajax, as Mr. Smith said, will commit to you to roll up its sleeves and get this done however you want to get it done. Don't get distracted by the politics of other people's interest. Finish the job with the current team you have.

Lamb: Comment from Mr. Croley?

Croley: Only that Mr. Sipple, we are in a process that requires us if we are dissatisfied with one construction manager to go to the next one. This is not a re-bid.

Sipple: Well, I don't agree with that at all. In no sense.

Croley: Well, I won't debate you.

Lamb: We are not going to debate that. We are going by what we have in our contract.

Williams: Mr. Chairman and Commissioners, just one point of clarification. Whatever happens with the bed count, it is going to same no matter what you do, so that issue is not an issue before you for consideration.

Lamb: Did you have something you want to say?

Hoffman: Mr. Chair, may I make a couple of comments?

It is something bears being brought forth tonight. Mr. Croley eluded to it a couple of times in his comments. We don't have financing in place. There is a commitment on the table right now with Capital City Bank and there are some time deadlines that we are facing because we have presented this as a tax free bond type issue. It has to be noticed. It has to be advertised and there are some implications if we don't meet those deadlines.

What I would like to do is ask Paul if he would comment on those. I know he has been communicating with the tax attorney from Capital City Bank.

Croley: Mr. Chair, I agree that we have got to come to some decision about the financing right away, whoever we decide to go with. But, I think we need to decide what course we are going to take with this contract manager before we come to any decision about the financing.

Hoffman: And I agree with you. But, again -

Croley: We need to decide on that within the next 5 minutes.

Lamb: We will work on that, too.

Hoffman: I just wanted to bring that before you and make sure that you are aware.

Croley: Mr. Chair, we have spent all this time today and this is going to deserve more than 4 minutes.

I move that we give ourselves an additional 15 minutes until 11:45 p.m.

Lamb: Is there a second to that motion?

Morgan: Second.

Lamb: It has been moved and properly seconded that we extend this meeting to 11:45 to make this decision.

All in favor, let it be known by saying, "Aye."

All: Aye.

Lamb: Opposes? (no response)

Go ahead.

This has to do with the board and what we are going to do here.

Morgan: Mr. Chairman, I think that it is in order for us to identify specifically what model we want to go with here. I think that just makes sense that it is the first thing we need to do.

Obviously, based on everything we have heard here tonight, AHCA has concerns. We need to move this forward to meet that deadline if possible. We've got to come up with something that meets the criteria of the August 26<sup>th</sup> referendum. We have talked about this at length for two meetings now and I don't see where we are going.

Lamb: Well, we need to make a decision on exactly what you said and don't worry about the lawsuits. That is history. Don't worry about that.

Morgan: I am worried about getting us moved forward in the right direction.

Lamb: What would this board like to see done? I want you all to go ahead and make a motion on what model you want to have and then we will come back and pick up.

Croley: There is no question that we are bound for the 25 beds. That is clear. That was in the half cent indigent healthcare surtax. We have a business model that is known as a rural emergency facility model. As the attorney has pointed out, we do not have to do all 25 beds at once as long as we have a viable plan to do them. I believe that it was Commissioner Holt who made the comment and it has some merit that if we start with 5 as the hospital board recommends and that we have a plan to add an additional 5 each year over the next 4 years, that we end up at the 25 bed facility. Now, will they all necessarily be used? We don't know. But, at least we are moving in the direction of getting those 25 beds and meeting the requirement. To me that is the best chance with input from the medical community to get us moving forward and bring this to a proper close.

I don't want to jump ahead of any other commissioners comments, but in the absence,

Holt: Right quick. I don't have a problem with that. Looking at 4 years, we should be at that point. With that, I have no problem with. I want something certain and definite. But, I also want us to try to meet that June deadline.

Lamb: O.K. What is your motion?

Taylor: We need to add that the additional 5 beds will be done if finances are available. We don't need to tell the community what we are going to do and find ourselves without the funding to do it. I am for the 20 additional beds. Financing might be available and we could put 10 beds in next year as opposed to just 5. But, we need to make the community understand that we need to be fiscally minded about going forward. That needs to be added in.

Now, I am ready to move on with this. I have a couple of comments. Mr. Sexton said that this board does not have the authority for emergency procurement process. What I say to you is that this board does not do procurement anyway. It is done by the county manager and the purchasing director or department heads. It is not under the auspices of this board. We can have an emergency procurement process. It is a provision as outlined in our codes. We can direct a subordinate to handle that for us. The question is whether or not we are willing to do that or go with the next person.

Now, I listened to the attorney and he balked at that idea of going with the next person because the process to do that was not in place. But, I beg to differ. Someone said earlier that the county manager contacted Ajax after the \$9.75 million contract was presented to this board and told them that the price was too high. That statement then began a negotiation. Then began to tell Ajax that the amount of the GMP was not acceptable with this board. Ajax came back to the next meeting with \$8.9 million I don't remember exactly, but I was impressed. Then it went back to over \$9 million. I don't know what happen between the weeks, but it went back up.

I still have problems with the GMP. According to our procurement process, if this board has concerns with the bottom line, then we have the right to go with a second person if we choose.



- Williams: I believe the procurement process has been concluded. I don't believe that you can go to the next bidder. We have researched that issue. Since you have an executed contract with Ajax, my understanding from my conversations with Mr. Bateman, in terms of legal options, if you are looking at going in a different direction, the cleaner option would be to execute a termination of the contract with Ajax. I believe that if you don't do that, there will be legal challenges.
- Taylor: I would say that there are going to be legal challenges anyway, to be honest with you, because of the extent of Ajax and because of Childers. It is just one of those double edged swords. That is a given.
- Now, I brought up the provision about our ability to direct the staff to conduct an emergency procurement. What is your position on that, Mr. Attorney?
- Williams: Paul, would you come up and address that?
- Lamb: Let's get the matter of the model out of the way first, please.
- Taylor: Well, we have already talked about it. We want the 5 beds. Do we need to vote on it? Do you want a motion?
- Croley: I haven't made a motion yet.
- Holt: If you will make it, I will second it.
- Croley: **Mr. Chair, I move that we continue with the Rural Emergency Facility Hospital model with 5 beds as recommended by the hospital board and that we adopt a plan that calls for the construction of 5 additional beds each year for 4 years subject only to a strenuous financial problem and that it would require a super majority vote to delay the construction of those beds.**
- Holt: **I will second that, but I have a question.**
- If we say that we have to be fiscally responsible, we could use that excuse for the next 10 years.
- Croley: Commissioner, only if 4 agrees that that is the case. We need to keep moving forward on this and that allows us an appropriate opportunity to identify the criteria.

Holt: O.K. I will withdraw my second and you just go ahead and say a unanimous vote to delay.

Croley: What now?

Holt: I will second your motion if you will change that to require a unanimous vote to delay the construction - if there is another option, instead of requiring 4 votes, require 5.

Croley: I am confused.

Morgan: Rather than a super majority, she wants it to be a unanimous vote.

Croley: I am not sure that would be very practical and I am not sure that would be legal. I think we could have a super majority vote.

Commissioner, with all due respect, this is a chance for us to move forward and let's bring this thing to a close.

Holt: I don't understand why we couldn't just say 5 votes and be through with it. If we can do 4, we can do 5.

Morgan: Is your motion on the table?

Croley: My motion is on the table and Commissioner Holt seconded it with a question.

Lamb: What is your motion?

Croley: That we go with 25 beds, but we will build 5 first and plan to add 5 additional rooms each year for the next 4 years to get to the full 25 beds, unless through strenuous financial circumstances we are not able to. But, it would take a super majority vote to stop that construction.

Lamb: O.K., Do I have a second.

Holt: He already has a second, but I seconded it upon the question in order to get an answer to my question about a unanimous vote from the attorney. Can we require a unanimous vote?

Williams: You can require a unanimous vote, but what you have done is requested a friendly amendment to the main motion. The party that

put the motion forward has to accept the amendment.

- Holt: The only reason I am saying that is because that pushes this board to look at economic savings and like I said, look at those endless trips and those Medicaid and Medicare dollars we are sending out of town. We need to go back and look at that and sit down as a body and look at that. If not, and we just say that we have no money, and we don't go about looking at those savings after that, then we are going to be stuck where we are now with 5 beds and without moving forward.
- Croley: Well, Commissioner, this create the best opportunity for us to prevent that because it is going to take 4 votes to stop it. You've got all those opportunities to come up.
- Holt: That is what I am saying. If 4 votes can stop it, why can't 5 votes stop it?
- Croley: Well, Commissioner, I can't accept your amendment on that basis.
- Lamb: O.K. We are ready to vote. All in favor,
- Taylor: Do we have a second?
- Morgan: Do we have a second?
- Lamb: Do you still second it?
- Holt: I will rescind my second.
- Morgan: I will second it.
- Lamb: We have heard the motion. Ready for questions?
- All in favor, let it be known by saying, "Aye."
- All: Aye.
- Lamb: Opposes? (No response.) Make it unanimous.
- Now, let's go to Mr. Sexton. You've got two minutes.
- Sexton: I am not sure if I remember the question now.  
The comment was that there is not a procedure in place for the county commission to make emergency purchases. I didn't say that

you couldn't do it. You asked me if there was anything written down on the topic. I said there is nothing written on the topic.

Taylor: But, you didn't give us any lead in how we could do it. You are the attorney that should advise us.

Croley: We can do it.

Sexton: You have home rule powers.

Croley: He can give us his opinion. But, he just said that we don't have a process.

Lamb: We need a motion on what you want to do.

Williams: Before you consider doing any kind of procurement, you've got to deal with the present contractual arrangement that you have.

Taylor: You see, that is advice.

Croley: Mr. Chair, I want to come back and say again that I am not comfortable at all with this price. In my opinion and it has been my position, I cannot support this price without other options. On that basis, I move that this contract be terminated with Ajax and that we enter into other options by looking at the Childers quote.

Lamb: O.K. That is a motion. Do we have a second?

Taylor: I have a second with a request. That we take off Childers as a specific and that we just terminate the contract. I would rather word it that way. Would you amend your motion?

Croley: I move that we terminate the contract with Ajax Construction.

Lamb: It has been moved and properly seconded that we terminate the contract with Ajax Construction.

Holt: Question.

Lamb: We are not hearing any questions from the audience now.

Holt: I would just like to say this. I will agree to the affirmative vote only because I may want to bring this back before the board.

Lamb: All in favor of the motion, let it be known by saying, "Aye."

All: Aye.

Lamb: Opposes? (no response)

Thank you. Now we can go from here.

Williams: Before you go any further commissioners, you need to get another extension for a time certain.

Lamb: We need 5 minutes.

Croley: Let's say 10.

Lamb: 10 minutes, then.

Lamb: I offer that motion to extend the meeting until 5 minutes to 12:00.  
Do I hear a second?

Croley: Second.

Lamb: We have a motion and a second to extend the meeting to 5 minutes to 12:00. All in favor, let it be known by a sign of, "Aye."

All: Aye.

Lamb: Opposes? (no response)

The "ayes" have it. Thank you.

Sir, we are deliberating among ourselves, can we do that?

Sipple: I have a question, sir.

Lamb: No questions, sir.

Taylor: I am trying to get an interpretation of emergency. Again, I am hearing from dialogue that we can do it. So, I am going offer up that we enter into an emergency bid giving bidders a 10 day window to come back to the county no later than December 20<sup>th</sup> at 12:00 noon at which time, we will have a designated board or selected committee

to open the bids at 12:00 noon. We are bidding on the 5 beds with the 20 roughed in rooms. I think that is it.

Williams: Before you get a motion on that, can we help maybe get it framed?

Lamb: Yes.

Williams: I think what you are asking is to have your county manager to confer with your architect to put bid documents in place. Earlier, Mr. Sexton had suggested that you may have other bidders, but you had two bidders to date, which is Ajax and Childers. So, the issue when you did the original bids, you did bids based on qualifications and we weren't sure who was going to bid and it was important to get one who was qualified first. What I am suggesting to you now is that instead of a qualification based bid, and because price is what is driving you, you do a low bid process. In terms of your motion, our recommendation to you is that in getting a qualification sheet drafted up by your architect, and with our office helping out, that you direct us to do a low bid process as opposed to a qualification bid process with a negotiated price process.

Is that right, Paul?

Sexton: Yes. I would recommend that we go ahead and prescribe the contract terms based on the Ajax with just the numbers taken out and the name taken out. That cuts down on negotiation time of the contract terms. And, I believe there may be a need to do a revised drawing with the shell space for the additional beds.

Williams: Cause they've got to know what they are bidding on.

Sexton: Right. On the back where the 20 beds are going to be.

Croley: I have a question. It is my objective, personally, that I want this hospital open by June and I do not want to get into - I understand where you are going, Commissioner, and I agree. This is giving us a chance. It is being fair to Ajax and fair to Childers to get their pricing and let it be on the basis of the low bid. But, I need a timeframe so that these folks can and we can get a decision working. I don't want to go and get things complicated. No offense to the City of Quincy, but the Quincy Fire Department or anywhere else, because we need to get this done. We don't need further dealy.

Mr. Collins, we don't want a process here that is going to complicate this matter to where you've got to be drawn out with these plans long. Can you do that? Can we get this done?

Mr. Rutherford, you may want to come up.

Excuse me, Mr. Chair.

But, we need to know. This is critical.

Rutherford: So that I am clear, ask your question while I am standing here.

Croley: I am wanting to know if by allowing the low bid process between the two contractors, that we keep the specification and all that you have been working under intact so that we can get a quick decision once we know the price and move forward.

Rutherford: What I need is for someone on your side of the table to tell me exactly what you want. I need for someone on your side of the table to tell me that I want 5 beds and I need them to sit down with me and say I want those 5 beds there and I want to shelve these or whatever. I want someone to sit there so that I get very clear direction because we are putting them in a very stressful posture.

Croley: These plans that are in here, what do they call for?

Rutherford: 25.

Croley: We have the design, we just intend to open up five.

Rutherford: I want to make sure that someone tells me that it is those 5.

Croley: Mr. Collins, could you do that?

Rutherford: With all due respect, I think that someone from the medical side should tell me that.

Collins: I will do whatever the board asks.

Croley: Who do we have?

Holt: Mr. Chairman. If I may. We do already have an ER doctor on staff already. We've got people down there working at Urgent Care and we have other doctors. We can get them to meet. They worked the

emergency room for years. Those beds must be near the emergency room in order for this to work.

Lamb: Mr. McMillan?

Rutherford: Whomever, you choose. Someone to say that it is those 5 beds.

McMillan: I hate to get involved in this. When we told you 5 beds, we assumed that they could all be within a pod that one nurses station could look at. I think one of the proposals was for 4 beds in that pod and the others would be mothballed.  
I hate to tell you all this, but you may need to stick with 4 since it will be more economical to address using those and operating those 4 and then have the other 21 beds to add on at a later time. I think that is in your drawing.

Rutherford: So it would be exactly like it.

Croley: Mr. Chair, if we could amend that. We are all on the prevailing side, we can decide that real quickly if we can have a reconsideration of the motion.

Mr. Attorney, since I made the motion, I would like to move that the motion be reconsidered.

Morgan: Second.

Lamb: We have a motion and second that the motion be reconsidered. All in favor, sign of, "Aye."

All: Aye.

Lamb: The "Ayes" have it.

Croley: **I now move that based upon the explanation provided by Mr. Rutherford that we start with 4 beds and that we amend the earlier motion to open an additional however the pods were.**

Rutherford: That makes life a little simpler for everybody as far a numbers are concerned. I still want somebody from your side of the table to come sit down with us in our office and say, "O.K., you are going to do A, B, C, D." When you ask me next Tuesday night at 11:30, "Why did you do this?" I just want someone to look at it with us in our office. It will only take 30 minutes. I would like, and I am not



sure who I am asking, but can you come to our office?

Lamb: Let me carry this motion. You have heard the motion now for the 4 beds and add on as we go along. Are you ready to vote on it?

Holt: We should say at least 5 beds per year.

Croley: Well, based upon the pods, however they are built, it will end up with 25.

Holt: AT the end of 4 years.

Croley: Yes.

Holt: I am asking you to amend your motion.

Croley: Well, I am amending it.

Lamb: All in favor, let it be known by saying, "Aye."

All: Aye.

Lamb: Opposes? (no response)

The "Ayes" have it.

Mr. McMillan and Mr. Collins?

McMillan: May I make a suggestion if at all possible. My board member, Dr. Kent. If I can get him involved, I would certainly like to do that.

Lamb: O.K. That is going to be up under the manager. I want it up under the manager.

Rutherford: If someone will call our office tomorrow and tell us A,B, C will be coming at 4:00 p.m., we will be ready.

Lamb: The manager will do that. Yes.

Holt: Mr. Chairman, as I have said. Include in that number, Dr. Imko, please.

Lamb: Mr. McMillan, oonsider that doctor that she just said.

Williams: The motion about what kind of bid document you want to have. Commissioner Taylor started it, then we started discussing it. So, that motion has never been moved or seconded.

Croley: **I move again, that Mr. Rutherford, we use the model that you have already designed so that for the sake of time we can move forward. All you will need to know is the four rooms.**

Rutherford: We will need to know, so that if they have comments about the four - I would like to put the door here - whatever, I am not going to reinvent the 4, but, I just want to make sure.

Croley: I so move.

Lamb: Can I get a second?

Morgan: **Second.**

Lamb: **It has been moved and seconded that we use the model that is up here.**

Are there any questions?

Are we ready to vote?

All in favor, let it be known by saying, "Aye."

All: **Aye.**

Lamb: **Opposes?**  
(no response)

The "Ayes" have it.

Thank you.

Now, where do we go from here?

Williams: **Mr. Chair, you need to extend this meeting to a time certain.**

Lamb: **We need to extend to 12:00.**

Croley: **So moved.**

Taylor:           **Second.**

Lamb:           **The motion has been moved and properly seconded to extend to 12:00 p.m. All in favor, sign of "Aye."**

All:           **Aye.**

Lamb:           **The "Ayes" have it.**

Williams:       Mr. Chair, the last thing that you need is a motion, I think Commissioner Taylor was saying it earlier, due to the apparent emergency and for purposes of a shorter procurement process that we direct staff to prepare a bid document for a low bid, based on the model that you just voted on.

Sexton:       Mr. Williams, are we talking about an open bid or we going to be using a more of a limited solicitation such as the two that have bid?

Williams:       Well, I think for a fairer process, it can be an open bid. But, the reality of it is that you will probably have two bidders on it.

But, Commissioners, this is a policy direction. What he is saying is - do you want to get an open bid and possibly have someone come in with a model who will give you a lower price as competitive, or do you want to limit it to the two bidders?

Croley:       I personally would rather limit it to the two bidders because they are the two that were qualified.

Holt:       I would rather do an open bid. They are probably the only two who are going to bid anyway. But, it keeps us out of another law suit.

Morgan:       That is fair. I agree with you on that.

Lamb:       O.K. We will go the way our attorney is asking us to - go out for open bid.

Williams:       So, it would be a motion to have an emergency procurement based on the timeframe Commissioner Taylor outlined and based on a low bid process and to direct staff to draft up the documents.

Holt:       That will be on the 19<sup>th</sup>, instead of the 20<sup>th</sup>. Next Friday.

Taylor: That won't give them 10 days.

Lamb: You don't need 10.

Taylor: I make a motion to direct staff to do an emergency procurement to entertain bids for the construction of the hospital.

Holt: Second.

You have heard the motion. All in favor, let it be known by sign of "Aye."

All: Aye.

Lamb: Opposes? (No response.)  
The "Ayes" have it.

Is that it, Mr. Attorney?

Williams: Yes, sir.

Lamb: Thank you all.

**ADJOURNMENT**

THERE BE NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING  
ADJOURNED AT 12:00 MIDNIGHT.

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Eugene Lamb, Chair

ATTEST:

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Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON DECEMBER 16, 2008, THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

**Present:** Eugene Lamb, Chair, District 1  
Douglas Croley, Vice Chair, District 2  
Gene Morgan, District 3  
Brenda A. Holt, District 4  
Sherrie Taylor, District 5  
Thornton Williams, County Attorney  
Bud Parmer, Interim County Manager  
Muriel Straughn, Deputy Clerk

Major Sean Wood, Sergeant-at-Arms, requested that those in attendance remain quiet and attentive until and unless they were recognized to speak.

#### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Chair Lamb called for a moment of silent prayer then led in pledging allegiance to the US flag.

#### **AMENDMENTS TO THE AGENDA**

The following amendments were made to the agenda:

14. Public Hearing – Reimbursement of Interest to Payal Hospitality, Inc. for the Installation of Temporary Septic Systems (Wastewater Project at Highway 267 & I-10) - **Revised Budget Amendment added**
15. Discussion of 2009 Legislative Program - **Material added**
17. Review of Gadsden County Boys and Girls Clubs Operation and Financial Obligations - **Revised materials added.**

#### **Add:**

- 17A. Adoption of Resolution 2008-078 that Provides Recommendations of Affordable Housing Incentives from the Gadsden County Affordable Housing Advisory Committee
- 17B. Senior Citizens Center Update

17C. Interim County Manager Contract

A-18 Request for Special Meeting and Public Hearing Regarding Hospital Financing

A-19 Attorney General Opinion Status.

17D Hospital Emergency Bid Process

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD  
VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE AMENDED AGENDA.**

**1. Employee Service Award Recognition**

The following employees were recognized for their years of service to the County:

Robert Presnell – Public Works Director – 10 Years

Thomas Taylor, Public Works – 20 Years

**CONSENT AGENDA**

**Items 4, 5, 8, 9, 11, 12, 13 were pulled from the agenda for discussion.**

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD  
VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA AS AMENDED ABOVE.**

2. Approval of Minutes: October 21, 2008  
November 3, 2008  
~~November 10, 2008~~ \* At the end of the meeting, the board voted to  
withdraw their approval of the minutes of this meeting as they did not accept that the meeting  
was a valid meeting.

3. Ratification of Payment of County Bills:

Accounts Payables	December 5 <sup>th</sup> & 12 <sup>th</sup> , 2008
Payroll :	December 4, 2008

~~4. Approval of Comprehensive Emergency Management Plan Resolution 2008-075~~

Removed for discussion. See discussion below

~~5. Emergency Management Performance Grant 09-BG-20-02-30-01 \$27,787~~

Removed for discussion. See discussion below

6. Approval of Resolution 2008-076 and OMB BA 090011 Edward Byrne Memorial Justice Assistance

Grant from FDLE, Office of Justice Grants 2009-JAGD-682-JAGD-GADS

7. Approval of Commissioners Taylor and Morgan's Travel to the New Commissioners Workshop January 7-8 in Gainesville, FL

- ~~8. Approval of the 2009 Meeting Calendar for Board of County Commissioners~~

Removed for discussion. See discussion below.

- ~~9. Approval of Vendor to Construction New Bookmobile for the Gadsden County Public Library Bid 08-014 to Pride Tomoka for \$174,250.00~~

Removed for discussion. See discussion below.

10. Approval of Donation from Friends of the Public Library Resolution 2008-074; OMB BA 090010

- ~~11. Appointment of New Members to the Recreation Advisory Council Members for Term January 2009 to December 2011~~

Removed for discussion. See discussion below.

- ~~12. Request for Approval to Begin the Fiscal Year 2009 Comprehensive Emergency Management Plan (CEMP) Review Process~~

Removed for discussion. See discussion below.

- ~~13. Approval of the Gadsden County Tourist Development Council's Recommendation to Contract with Visit Florida for a Tourism/Marketing Video of Gadsden County Miles Media~~

Removed for discussion. See discussion below

**4. Approval of Comprehensive Emergency Management Plan Resolution 2008-075**

Commissioner Croley complimented Major Wood saying that the document was probably the most important thing the board would consider at this meeting because it dealt with the safety of every citizen in the county. He then pointed out that the Emergency Management Plan references "county administrator" as opposed to "county manager." He also pointed out that the FL Statutes refer to the administrative head of local governments that operate as subdivisions of the State as a "county administrator. " However, the Gadsden County ordinance which gives it the title "county manager" as opposed to "county administrator." He asked the board to consider revising the ordinance to be in line with the Statutes and this Emergency Management Plan reference.

Interim Manager Parmer interjected that the International City and County Managers Association advertise those positions as Chief Administrative Officer or "CAO."



**MOTION: AUTHORIZE COUNTY ATTORNEY TO LOOK AT THE COUNTY ORDINANCE WHICH ESTABLISHED THE COUNTY MANAGER'S POSITION AND BRING BACK A PROPOSED AMENDMENT CHANGING THE TITLE TO COUNTY ADMINISTRATOR. ACTION: APPROVE, MOVED BY DOUG CROLEY, SECONDED BY GENE MORGAN.**

Commissioner Holt then suggested that the board schedule a workshop to discuss the Emergency Management Plan before a real emergency arises. Staff was directed to do so.

**THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE MOTION.**

The staff was directed to set up the workshop as requested by Commissioner Holt.

**RESOLUTION 2008-075 APPROVING THE COMPREHENSIVE EMERGENCY MANAGEMENT PLAN (CEMP)**

There was some discussion about possible emergencies that could arise which included the following:

- What to do and in what order should dam failures be addressed if they should occur from water bodies – private and public. (Jim Woodruff Dam and the Lake Talquin Dam were referenced in the plan, however, no private dams were mentioned. ) It was noted that even though private dams are on private property, they still pose a public problem. There was a consensus that the plan should encompass private dams.
- Railroad emergencies
- Include an appropriate response plan to deal with accidents in downtown areas where there are obvious dangers to the public such as with gasoline transport or chemical transport trucks. Places where there is exposure to safety issues. (The plan does address hazardous materials.)
- Include in the plan some provisions for housing and rescuing large animals in disasters and emergencies – cattle, etc.
- Plan for rescue and protection of exotic animals (large cats, tigers, etc.) (Game and Fish Commission are lead agencies on this for permitted animals)
- Communications - include plans to improve the command center with a more appropriate specialized vehicle; Communication Tower – state of repair should be addressed. The Sheriff is responsible for communications with the sheriff's office, EMS, Fire, Animal Control, Gretna, Greensboro, and other entities. Call volume has dramatically increased on a normal day. During a crisis, it has become astronomical. How to handle the overflow calls at the communication center will be dealt with in an upcoming revision of the plan.
- Evacuation process- recent experience with blown culverts reiterated the need to develop a good relationship with Decatur County to provide a back door way out in vulnerable places . Better evacuation routes for other areas should also be better established in the plan.
- The entire plan should be subject to periodic audits.
- First response strategies should be identified in the plan for people who are elderly, infirmed, oxygen dependent , medically needy, etc.
- There should be a plan identified for making sure that there is some provision for getting

emergency food to those who cannot get it for themselves. However, this is a matter typically addressed at the local level with local effort.

- Educate the board, staff and community players to attain a better understanding of the emergency system and FEMA program
- Find a mechanism through which the county can enable itself to go onto private property when it becomes necessary to lend aid in time of crisis.
- The offer from Ring Power for use of generators should be leveraged and put into the plan.

There was a consensus that the board would move forward to have an in-house workshop to discuss the above issues and determine how they county will identify them, how to address them and ultimately incorporate them into the Emergency Plan. Major Wood said they would begin in January. He reiterated the need to send staff to conferences and workshops to learn and network with other counties explaining that it could be instrumental in producing a viable comprehensive emergency plan. It was also noted that through the past emergency exercise, many people in the county discovered that they had a responsibility to perform certain functions of which they were not aware – such as fire fighters and EMS. He said that appropriate training would go a long way to insuring that the county is prepared to respond. He encouraged the county to make the travel and training money available for that training.

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE COMPREHENSIVE EMERGENCY MANAGEMENT PLAN AND THE ADOPTING RESOLUTION 2008-075.**

**5. Emergency Management Performance Grant 09-BG-20-02-30-01 \$27,787**

Commissioner Taylor made note of the scope of services which included public education. However the funds were largely budgeted as capital outlay.

Major Wood explained that the Emergency Call System cost \$20,000 more than anticipated and they had experienced an unanticipated budget cut of \$12,000. He said, “I put this money back into the budget so that we could get back close to where we were. But, in this budget, one of the things they are wanting us to do is look at a CERT program. It teaches people how to rise in their own community and help their own people basically.”

**UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE GRANT NAMED ABOVE.**

**8. Approval of the 2009 Meeting Calendar for Board of County Commissioners**

Commissioner Taylor asked why there was only one meeting scheduled for August.

Assistant County Manager Arthur Lawson explained that the commission traditionally takes a break in August to give commissioners an opportunity to take vacations.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4 – 1, BY VOICE VOTE, TO APPROVE THE 2009 CALENDAR. COMMISSIONER TAYLOR CAST THE LONE DISSENTING VOTE.**

**9. Approval of Vendor to Construction New Bookmobile for the Gadsden County Public Library Bid 08-014 to Pride Tomoka for \$174,250.00**

Commissioner Croley questioned Library Director Jane Mock to make certain she was confident with the recommendation for the vendor selection.

Ms. Mock explained that the consultant had actually visited the site and reported that he was very confident that the vendor could produce the product to the specifications of the county. (See the attached recommendation.)

Commissioner Taylor voiced concern given the wide range between the bidders. She made it very clear that she would not support any change orders.

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE BID AWARD TO PRIDE TOMOKA FOR THE NEW BOOKMOBILE.**

**11. Appointment of New Members to the Recreation Advisory Council Members for Term January 2009 to December 2011**

Commissioner Taylor asked questions about the type of recreation and events that the council would address.

Parks and Recreation Coordinator Charles Chapman explained that the county provides passive recreation opportunities operating primarily as a land management group that provides recreational spaces and equipment for parks. The Advisory Committee was organized specifically to help with the FRDAP grants. The grant requires an advisory committee. He also stated that there is no budget provision for activities and events. Any events are in partnership with others.

**There was a consensus that Mr. Chapman should contact the individual commissioners to ascertain appointments for the vacancies.**

**UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE APPOINTMENT OF NEW MEMBERS TO THE RECREATION ADVISORY COUNCIL FOR DISTRICTS 1, 3, 4, & 5.**

**12. Request for Approval to Begin the Fiscal Year 2009 Comprehensive Emergency Management Plan (CEMP) Review Process**

Commissioner Croley made note of the fact that Charles Chapman has been the liaison between the county commissioners and the Emergency Management Department. He asked Mr. Chapman

to track and monitor the progress regarding the concerns voiced by the commission earlier in the meeting.

Mr. Chapman explained that he made notes of their concerns and they will incorporate them into the plan before bringing them back to the board for review and approval before sending it on to the state.

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE STAFF WORKING WITH EMERGENCY MANAGEMENT TO BEGIN THE 2009 CEMP REVIEW PROCESS AND THAT MR. CHAPMAN REPORT DIRECTLY TO THE COUNTY ADMINISTRATOR THEN TO THE BOARD AND THE PROCESS.**

**13. Approval of the Gadsden County Tourist Development Council's Recommendation to Contract with Visit Florida for a Tourism/Marketing Video of Gadsden County WITH Miles Media**

Commissioner Taylor asked to have more information about the video production. While she thought it was a great idea, she wanted to make certain that the county is getting a good product and value.

Community Director Farnita Saunders explained that this project is in the very preliminary stage and many of the details still have to be determined. She referenced the agenda report which outlines what to expect.

**UPON MOTION BY COMMISSIONER TAYLOR AND SECONDED BY COMMISSIONER CROLEY , THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE CONTRACT WITH MILES MEDIA TO MAKE A MARKETING VIDEO OF GADSDEN COUNTY – NOT TO EXCEED \$2680.00. IT WAS FURTHER MOTIONED THAT IF THE VIDEO SHOULD EXCEED THAT AMOUNT, IT MUST BE BROUGHT BACK TO THE BOARD FOR FURTHER APPROVAL.**

**CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS**

**Harvey Sweeney, 4374 Hardaway Highway, Chattahoochee, FL 32324**

Mr. Sweeney read a statement expressing his displeasure of the past actions of the board which has dramatically increased the county expenditures. He requested that the county go back to the budget of FY 2004 as a basis for establishing the next year's budget. He referenced the hospital, Boys and Girls Clubs, staff salaries, and new positions. He explained that he was responsible for the budget for the Board of Regents for many years and knew that it could be done.

Commissioner Holt asked to make some comments in rebuttal. Chair Lamb insisted that she not respond.

**14. Public Hearing – Reimbursement of Interest to Payal Hospitality, Inc. on the Loan for the Installation of the Temporary Septic Systems for Hampton Inn Located at SR 267 and I-10 Waste Water Project**

This agenda item requested the BOCC to reimburse the Patels for the interest they paid on a loan which they had to secure to install a temporary septic tank system for their hotels (Hampton Inn and Holiday Inn Express) located at SR 267 (Pat Thomas Parkway) and I-10. (The county received a grant to extend the sewer lines to the intersection. However, it was not constructed in time for the opening of the hotels and they had to install a temporary system.) There was an agreement up front between the Patels and the BOCC that the BOCC would reimburse them for those temporary installation expenses. The Patels have been paid for the installation cost based on documentation and receipts they provided. However, it was the board's intention to also reimburse them for the interest they incurred on the loan. When the matter was last discussed by the BOCC, the staff was asked to go back and verify the amount of interest related solely to the septic tank installation. Subsequently, the staff determined that amount to be \$20,266.92.

Commissioner Taylor stated that she had no objections to paying the interest as the BOCC agreed to do. However, she insisted that the documentation and the receipts verifying the cost of the temporary system and a letter from the bank verifying the interest on only the septic tank installation be made a part of the public record.

There was discussion regarding why one of the hotel owners had received a grant equal to 100% of their taxes while the other received a grant equal to only 50%. Ms. Farnita Saunders told them that one of the owners had actually donated an acre of land on which the sewer lift station was constructed.

Mr. Rick Hoffman verified that the funds for this reimbursement must come from reserves for contingency as it was not included in the 2009 budget.

Ms. Saunders recalled that all these transactions were approved in 2006, but she could not explain why the budget director had not included in the budget for 2009.

Commissioner Croley raised an issue with the fact that it had not been included in the budget. He made a point of asking the manager to communicate to the department directors that if there are other "forgotten" expenditures, that they make them known now to the board so they can make informed decisions about all matters facing the board. His issue was that the money was going to have to come from the "public's savings" and that savings continues to dwindle away because it is getting hit some many times.

Commissioner Holt stated that if the plan had gone as planned, the loan nor the interest would have occurred because the sewer lines would have been installed more timely.

Ms. Saunders reminded the board that this matter has been before the board numerous times and the board should not feel as though they have been blindsided. While it may not have been included in the budget, it is something that has been discussed many times as the

public records would indicate. She stated that it is not a failure of any department to bring it forward. Until the hotel owners had abandoned the temporary system and presented verified documentation to support their request for reimbursement, there was nothing to bring forward.

Mr. Hoffman reiterated that the money is coming from the budgeted line item called "Reserves for Contingency", which was put into place for just such purposes as this.

**UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE PAYMENT OF INTEREST TO PAYAL SUBJECT TO APPROPRIATE DOCUMENTATION OF THE EXPENDITURES OF THE PRINCIPAL THAT EQUATE TO THE INTEREST REQUESTED AND THAT IT SHOULD BE VERIFIED BY OMB, COUNTY MANAGER AND THE CLERK’S OFFICE. IT WAS FURTHER MOTIONED THAT SUCH DOCUMENTATION BE PLACED ON THE RECEIPT AND FILE AGENDA FOR THE RECORD.**

**15. Discussion of 2009 Legislative Program**

Chris Doolin of Christian B. Doolin and Associates addressed the board. He gave a historical comparison of the legislative funding to Gadsden County prior to hiring his firm to the legislative funding since the board hired the firm. He said, "One of the things that is significant about our work here in Gadsden County is that it has resulted in an Adopted Priority Document. It was based on a coordinated process and it resulted in a post legislative report, which clearly tracked the actions of the legislature in response to what was prioritized. And, we have had public presentations. That is very important when you hire somebody like us to be able to demonstrate to the public and that it is very open." He continued, "We do feel that we got special attention from the governor’s office and state agencies toward Gadsden County. The process that was used was recognized by the City and County Administrators Association as an innovative legislative planning process. You received an award for that."

Mr. Doolin presented the Legislative Priorities of the Gadsden County including the legislative issues expressed by the municipalities and community.

There was a question and answer session between the board and Mr. Doolin.

Discussion followed.

Commissioner Croley asked Mr. Doolin specifically about his relationship to Ajax Construction.

Mr. Doolin explained , "We have worked with Ajax for 15 years in terms of helping them understand the culture of local governments. I don’t ask county commissioners or school board members to hire them. We posture them to understand local communities and when it is in their best effort to move forward with a proposal and be competitive. If they are hired, fine. If not, then that is the way it goes."

Croley:

To clear that record just a little bit further, at any time, have you ever represented Ajax Construction Company to the members of Gadsden County Board of County Commissioners or it's employees?

Doolin:

No. Represented – no.

Croley:

Or promoted?

Doolin:

The only thing that I have done with Ajax as it relates to folks in Gadsden County is indicate that if there is a project that they would more than likely be interested or be competitive. And if they chose that, then that is up to them. It is just basically knowledge based. It would be like if you had a brother or friend or something saying, "Hey, take a look at these guys." I am not even sure if I even went that far. It is just that kind of stuff. But, no.

Croley :

"Thank you for addressing those two questions.

Further discussion then followed regarding the Small County Coalition, Gadsden County's relationship to them and his relationship to them. Commissioner Croley asked, "Aren't we getting your services through the Small County Coalition membership that we have?"

Doolin:

Well, I think that you raise a good point. What the Small County Coalition does is it establishes a broad legislative agenda. We want the Legislature to fund Solid Waste Grants, we want the Legislature to fund Waiver of Permit Fees. As it relates to Gadsden County specifically, we don't help individual counties unless they ask us to on an independent level to team up with somebody to get them postured to go in. I would equate it to – we build the trough, we pour the water, but the counties have to go drink. You guys have asked us to help you drink the water, to dip into the trough to get your competitive share. I will say that the leadership of the County Coalition and the School Boards are aware of who our clients are. We have talked to them about that.

Croley:

Your representation of the Legislative Agenda for this County also included the agendas of the respective municipalities. Is that correct?

Doolin:

We have, and that is interesting, because we had to work through how to handle that because in working with the municipalities to identify issues, we said that the document that you adopted was a document that had issues expressed by - This document doesn't have any community budget requests in it. Other documents did. Through a process of concurrence and affirmation with the municipality managers or representatives, they would include items

and it would, in essence, be in the document. But, there was a separate section, per se.

Croley:

On that basis then, the success that you have outlined in the prior slide that showed substantial increases in state funding for Gadsden County, did that include those funds for those municipalities.

Doolin:

Yeah. That included all the items that were in the county by county report.

Croley:

So, not just the unincorporated areas.

Doolin:

Primarily the water project type stuff.

Croley:

And, you can appreciate that we have been criticized in the audit reports (if one reads them in detail) that our county government probably runs, to great extent, off of grants. We don't have an adequate financial base to maintain ourselves, or make some progress, without the grants. Progress being defined as having more financial resources. To that end, it raises a concern, as you probably well know in your experience in government, that it costs us a certain percentage of our normal revenue to be set aside as our clerk has explained it to us – we have to finance some of these up front. Then, when we get them, often times we end up with an infrastructure increase or have more to maintain. Like for every one of those parks, Mr. Chapman is more focused on trying to keep the grass cut and the trash picked up and the equipment maintained than he is able to do the operational programs that Commissioner Taylor referenced. We can have too much infrastructure out there to maintain and we can't operate it. So, a concern for me is this whole process of running up and down the hall getting money and not knowing where you are going – just saying that you've got money – building all this stuff that we don't have the money to maintain in the long haul and in view of the economy, it is sometimes more of a curse than a blessing in the long run.

That leads me to the question – you have been doing this for 4 years without any competition for lobbying services. You are year to year. So, this commission could, if it chose to keep a lobbyist, could put out an RFP and you would be as able to respond as anyone else.

Mr. Chair, I bring all this out to clear the air for Mr. Doolin and for the board and the public so that we all understand a little bit better about this lobbying business and why it may not always be the best way to go. Here is what happens. I do know that when I talked to Representative Coley, I talked to Senator Lawson or Representative Williams – they tell me “You don't need a lobbyist to represent Gadsden County to us. That is our job.” The question is – Do we need somebody to shepherd us through that process?

Doolin:



We focus on a strategic plan on the items that you have asked us to. We are not just roaming up and down the halls trying to grab stuff. Secondly, I would encourage you at the end of this year, to issue an RFP and we would chose whether to compete or not. That has come up and I would welcome that. We will chose to make that decision. It is extremely important in this competitive environment with declining revenues that when we go forward when you adopt this, that we can call each of you, if you are the appropriate person to call, to come with us to help us. We are not the big – you are absolutely right. You guys are the ones who were elected to the elected – getting you postured in the position to be effective.

I have been doing this for 34 years. Sarah Bleakley, and Mr. Manager, you know Sarah Bleakley. She is one of the best local government attorneys in the State of Florida. My partner, Bob Jones, has done this for 44 years. I can tell you that I was in the capital today and the Dade County School Board was being walked around by 6 different lobbyists and 3 different firms. So, we are going to compete here and we are going to do our best in the introduction here. I will pledge to you our complete and best effort for your issues. We welcome your support. We will be confident that we can get this done as best as possible. If we don't, you will certainly understand the hurdle we ran into that we could not get over.

Commissioner Holt recalled that when the county applied for the grant to build the new courtroom, the funding was in jeopardy. But, because Mr. Doolin was abreast of what was going on at the capital, he called her to intervene along with Judge Francis with the legislators and the county wound up saving that funding. Had it not been for him being present, the grant would have been lost. She told of other experiences as well.

Commissioner Morgan thanked Mr. Doolin for the presentation and stated that he found value in representation on behalf of the County in the legislative process. However, he spoke to the tough decisions which lie before the board with regard to limited funding. He promised to keep an open mind, but asked for understanding from him if, during the budget process, the county must establish priorities that might not be favorable to him.

Commissioner Lamb asked, "What is the possibility of the Legislature awarding us our license in the special session for the hospital?"

Doolin:

Good question. I don't want to disappoint anybody or say that if you don't get one that the effort will not be achieved. A special session is a very limited process. They just announced yesterday that they would have a special session right after Christmas. They are focused like a heat seeking missile to cut \$2.3 billion out of the budget. I can tell you that I talked to members of your delegation today. They are willing to support this, but the likelihood of getting the call identified to include this specifically is not likely. That doesn't mean that we are not going to ask. But, we are not going to get or put the delegation in a position of discomfort so that they have to give up something in order to get that when we know we are going to work closely with AHCA. I will tell you as well, that we are not quite ready. WE need to have dialogue with the hospital board and get a good clear guidance from them on the community. But, I do think that we will be – if we don't secure that in the session, and hold me to this, I think the opportunity is there. If everybody is coming forward and continues to

be as positive about what you have done as they seem to be. Not you guys – but if we can flush any of the potential concerns out, if we can eliminate any concerns that are related to the old hospital like biomedical waste or whatever, if we can make sure that everybody is engaged in this process understands that there is a plan, it was a will by referendum to support revenue for this, you are moving forward. There shouldn't be any reason, but we are going to have to keep a tight huddle here. If people aren't called into the game to run a play, then they need to stay on the bench until we can run their play.

Mr. McMillan will be involved in that. You will be involved in that. We don't want anybody coming out of the bushes from in related counties saying that we haven't asked them for their support. That is just what we've got to do.

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0 , BY VOICE VOTE , APPROVE THE LEGISLATIVE PRIORITIES AS PRESENTED (OPTION 1)**

**16. Resolution 2008—77 - Extension of the Deadline for the Board to hold Public Hearings to consider Adopting Resolutions for Non-Ad Valorem Assessments Pursuant to Section 197.363(3)(a), Florida Statutes**

Commissioner Croley voiced some concern about the length of time this process has taken. He specifically stated, "I want to make sure that this is not delayed any longer." He asked Mr. Parmer and Mr. Hoffman to see that it is moved as quickly as possible.

Attorney Williams assured the board that he would not do anything directly or indirectly to undermine the commission. He pledged his best professional effort to give them proper legal services for as long as he remains the county attorney.

**UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE RESOLUTION 2008-077 AGREEING THAT THE COUNTY MAY HOLD THE PUBLIC HEARING REQUIRED BY SECTION 197.3632(3)(a), FLORIDA STATUTES, BETWEEN JANUARY 1 AND MARCH 1, 2009.**

**17. Review of Gadsden County Boys and Girls Clubs Operation and Financial Obligations**

Mr. Charles Chapman introduced the above agenda item giving a chronology of Boys and Girls Club – contracts in place and those in transition.

Given the financial plight of the county at this time, Commissioner Taylor asked that the funding of \$564,000 designated in the current budget be reconsidered and placed back into the budget so that it can be redirected to more pressing concerns.

Commissioner Croley stated that the record is already established that he did not believe that the construction of Boys and Girls Club facility was an appropriate use of the surtax monies.

Commissioner Holt clarified that the money being discussed was only those funds that deal with the construction of new facilities. The existing programs in Chattahoochee and Quincy are not in jeopardy. But, she contended that it will be imperative that Boys and Girls must have their own building – perhaps one that can be used as a multi-purpose building or as an emergency shelter.

Commissioner Morgan remarked that the program in Chattahoochee is very successful, but it is not in a new facility. He supported Boys and Girls Clubs, but agreed that the funding priorities are not such that he could support spending that amount of money during the current fiscal year, given the budget constraints the board is facing.

Mr. Hoffman stated that the County directed the Clerk's office to pay the \$122,523.90 purchase price for the property from the surtax. However, the Clerk had contended that it was not an appropriate expenditure and had paid it from the general fund instead. If the property is sold, that money should go back into the general fund.

It was clarified on the record that once the county can afford the clubs in Gretna and Havana, it will be back on the agenda to move forward with establishing those programs.

**UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 – 1, BY VOICE VOTE, TO REMOVE THE FUNDS DESIGNATED IN THE FY 2009 BUDGET DESIGNATED FOR THE CONSTRUCTION OF TWO NEW FACILITIES (\$414,000) FOR BOYS AND GIRLS CLUBS AND RETURN IT TO THE SURTAX FUND. COMMISSIONER HOLT CAST THE LONE DISSENTING VOTE.**

**UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, TO REMOVE THE \$150,000 ALLOCATED IN THE FY 2009 BUDGET FOR STARTING TWO NEW CLUB PROGRAMS IN HAVANA AND GRETNA AND RETURN IT TO THE GENERAL FUND.**

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 5-0 , BY VOICE VOTE, TO PLACE THE 4.04 ACRES OF PROPERTY PURCHASED ( ON MARTIN LUTHER KING BLVD.) BE PLACED BACK ON THE MARKET FOR SALE AND/OR MADE AVAILABLE FOR EXCHANGE FOR OTHER COUNTY FACILITY NEEDS.**

**17A. Adoption of Resolution 2008-078 Providing Recommendations of Affordable Housing Incentives from the Gadsden County Affordable Housing Advisory Committee**

**UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER MORGAN , THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED RESOLUTION.**

**17B. Gadsden Senior Services Center Update**

Mr. Parmer read the agenda report into the record explaining that this item serves as an update concerning the Board's approval to re-organize the structure of the Gadsden Senior

Services Center. He went on to say that many deficiencies have been unearthed in regard to its operation. He said there were vendors who have not been paid – amounting to \$103,000.

He then turned the meeting over to Ms. Vivian Howard who conducted the audit.

Howard: Good evening, Chairman and Commissioners. This item is just an update. When we came in the first time, we basically gave you the details of all of the deficiencies that we found at the center. This item just brings you up to speed as to what is going on right now.

As you remember, when we first did the audit that started back in March of this year and we did it for 6 months. What we found were discrepancies in payments, people being paid Ga. State taxes, then the money was being given back. There were discrepancies in how the programs were being run. There were a number of things wrong. Right now, where we are – since we were here last time, we have had a lot of major changes that have gone on down there. As you probably read in the papers, the president and the vice-president of the board resigned. At that point, we had two draws from the county. The county allocated \$50,000 for the center every year. We have had two draws from that equaling \$25,500. They were actually out of money for payroll. They ran out of money for payroll twice. The programs – one of the programs in particular in October, they were notified that they were not going to receive any money from the State because they did not have the appropriate units of service.

We have been keeping watch on them. We had several insurance companies that were not paid. The money was being taken out of their checks, but it was not being paid to the insurance companies. I went back in again two weeks ago and found out that they were threatening to terminate policies. The money is gone. Right now, they only have \$4,000 in the account.

Area Agency stepped in last Thursday and said, “That is it.” Ms. Wise is here tonight to explain why they stepped in from their financial point of view. The agency was not getting better. It was continuing to get worse. Because the county hasn’t made a decision as to whether or not we were going to bring them under our umbrella, Area Agency had to do something to stop what was going on. As far as the figures, I don’t know where the figure of \$96,000 came from. I have a detailed listing in your packet that shows \$103,301. There is \$52,000 that is owned to just one vendor.

Some of the numbers – when I printed this, you had some \$0.00 by some of the insurances for payments. I was assuming that these payments had been made. But, after Area Agency took over, we found out that there were checks that were actually printed and they had a little note on them that said “paid per Ms. Howard”, but they were never paid. I have copies of checks thinking that they were paid, but they were never paid.

Ms. Wise is here.

Lamb: Before we ask Ms. Howard any questions, let’s hear from Ms. Wise. We are going to try to get all of that out of the way before your questions start. We are going directly to the source and get through with it.

Ms. Wise.

Wise: Good evening. I am Janice Wise. I am the Area Agency on Aging from Tallahassee.

I just concur with Vivian. My board – we discussed it last week and the concern was that we needed to stop the bleeding. Whoever is going to run the agency in the future, we just needed to stop it at that point.

I will entertain any questions. I think you have probably heard enough.

Lamb: Thank you, Ms. Wise. All of us know without going into a whole lot of questions what happened. We can straighten this problem up. Let's take care of the problem. We really don't have to discuss this. We know it was mismanagement. We know that. So, let's go directly to taking care of the problem. Let's see if we can take care of the problem.

Questions from my commissioners?

Taylor: I would like to move, and first of all, let me say first of all that this item was agendaed at our previous meeting. I must apologize because it was something that I asked to go on the agenda so that I could get some understanding. But, we were here until 12:00 p.m. I am glad that it is back up here today because what I want to see going forward, Mr. Chairman, is that the county does take over. If I need to put it in the form of a motion, I will be more clear.

Lamb: Before you put it to motion, I want to hear from the other commissioners. Then we will come back and let you do that.

Taylor: I am ready to step forward and take on the responsibility. I will yield now to Commissioner Croley.

Croley: Ms. Wise, thank you for stepping forward and your organization and stopping this. As the chair has already indicated, we can't spend a whole lot of time looking back. But, I do want you to know that as a commissioner in this county, and I knew Mr. Simon Scott. He was not only a personal friend to me, I knew him for many years and his family lives in District 2. I know that he would be as deeply hurt over this situation as any citizen can be. I just know that this would have really broken his heart. It saddens me as I know that it does so many others in the county to see this kind of service fall apart.

My church, Centenary Methodist Church, I know we have several members, including my own mother-in-law and I will say that Commissioner Taylor's mother, were involved in the Meals on Wheels. It is just sad that this happened. It is important that the community hear this and that we are doing what we need to do to get this straightened out. I want to thank Ms. Vivian Howard.

Vivian, if you will just stand up, I just want to let you know, and you and I have talked about

this matter. I want you to know how much I appreciate, as Mr. Parmer referenced, the good job you have done in looking into this matter and bringing all of this to light. I see Mr. Willie Scott back there. He and I have talked about this along with Mr. Bob Williams. We have got to do something for these elderly citizens, Ms. Wise.

Holt: Thank you very much, Vivian. You have done an outstanding job.

Ms. Wise, thanks for stepping in. We just went into overtime two or three times last meeting. We have to look at the concerns and I would like a lot of input from your organization through the liaison from the Senior Citizens Center to the manager and then on to us.

Mr. Scott – I get called every month. Mr. Scott, I don't think left out anyone, to try and save the Senior Citizens Center. Also the people that were working as sitters. They have been calling. Also the ones working with Meals on Wheels. Obviously, this is something that we have to do. But, the sitters are very concerned. Even though they were not paid very much, they were going in and helping other seniors turn patients over and feeding them and doing all those things.

You are right. All the other board members are correct. This is something that we have to do. We don't really have a choice. But, I think it makes good business sense. I sat in on a couple of your meetings. You know that we have gone through it for the last year or so trying to come up with some fixes for it.

Thank you very much.

Lamb: Commissioner Morgan.

Morgan: Vivian, thank you again. I know you have been mentioned earlier, bBut, we do appreciate your service in this matter.

(To Ms. Wise) Also, we certainly want to thank you for coming to speak to us as well.

I do have a question.

Are there any other counties – I know that you represent 14 counties, I believe. Are there any other counties that have these services underneath their wings so to speak.

Wise: There are numerous counties in the State of Florida, but not in my 14 county district. There is one rural county similar to yours in numbers - Citrus County. There are some large counties in south Florida that have taken over also.

Morgan: O.K. Thank you. I know that our primary concern, obviously, was to restore the services to our seniors. That is something that needs to be done. Obviously, one of the concerns that we have is the \$103,000 – as far as the dollars go.

What would you recommend to us, Ms. Wise, to be watchful for. What are some of the things that we need to be aware if we are considering doing this?

Wise: We are always willing to educate and work with each of the Senior Centers . We are willing to do that and we need somebody in there that is willing to accept that guidance. It is real simple. It really is.

Morgan: Nothing we are missing here as far as concerns that we should have?

Wise: Well, there is one other thing that I should mention. I don't think Vivian mentioned it. There is some accrued leave time that we do not yet know how much it is. We are trying to figure that out right now. So, there will be some additional expense or whatever. We will want to make sure that eventually the employees are taken care of.

Lamb: O.K.

Wise: That accrued leave time in most agencies are put on the books. This was never put on the books.

Lamb: Mr. Manager.

Parmer: Mr. Chairman and members of the commission, I do have a recommendation in regard to this. We have done a lot of work here and we have been involved in this since the time that I have been here. What we would recommend to you is that all financial dealings, all checks issued, all income coming in, either from the state or wherever, be handled through Vivian back in the budget office. Then the programmatic part of it could be done by somebody else.

Lamb: We will let you take care of that part of it.

Parmer: You just take care of the financial part of it.

Lamb: You take care of the part down to getting people down there to run the center.

Croley: Mr. Chair, may I ask Mr. Parmer a question.

I don't think this county can afford nor should we have any interest in making all of the employees – we are not talking about making those employees county employees. We can't afford all that.

Parmer: Just in the interim, we will handle the money.

Croley: I certainly agree with that.

Howard: The center does not run like a county department. It runs differently. So, it is going to be difficult to have the money running in one place and somebody else down there. Even the employees are paid, they are paid according to the programs that they work under. Even

though they may work an 8 hour day, it is not 8 hours in one place like I work in OMB and you work where you work. It is like – you may work 2 hours in one program and 4 hours in another. It depends on the client that they take care of. Whoever is handling it, has to understand how that is done and then put it into their accounting system. That system is linked to Area Agency. That determined how they get their units of service and how they get paid.

Croley: Well, Ms. Howard, let me ask you this question. I think what the manager is saying is that – I don't think he was meaning physically coming up here as much as he was having a representative of the county either physically down there or whatever way is appropriate. I don't think that was what he intended – I didn't understand it in that way.

What I am trying to get at is that we cannot take on all those people to be county employees.

Lamb: I think we all understand that.

I talked to Vivian about that today. She brought to us exactly what I wanted her to bring to us. We are going to accept them under our umbrella, but I am also going to ask this board - I would like to appoint one of these commissioners to be the liaison person to that Senior Citizen Organization and report back to us. I am going to ask the board to let me appoint someone on this board to do that.

Holt: I am not volunteering, but I have a question.

Vivian, what you are saying is the same thing that we discussed. I talked with staff down there before and she told it correctly. It is pulled from so many accounts. Someone has to be able to do that at that facility in order to get that to her and make sure that it matches the money that goes out. That is the problem that she is saying. It is not as if she can just turn it over to her. That is a full time job, by itself. I just wanted to make that point. It is not something that she can just say, "These dollars are here and those dollars are over there." I just wanted to make that point.

Lamb: I think the manager was looking at having a check and balance be here.

Parmer: Oversight.

Holt: I understand that. But, what I was saying that the checks have to match what the other person is doing. You almost need an accountant to go in there and straighten that out or a very good bookkeeper.

Croley: The board understands that. The main thing is that he has

Holt: That is why the money is not coming out correctly. That is what I am saying.

Lamb: I will entertain a motion.



**Croley:** I so move, Mr. Chair, your request to appoint a liaison from the Board of County Commissioners to the Senior Citizens.

**Taylor:** Second.

**Lamb:** It has been properly moved and seconded that we appoint a liaison from the county commission to overlook and oversee that operation and bring us back information back from the Senior Citizen Organization. That is the motion. Are we ready to vote?

All in favor, let it be known by saying, "Aye."

**All:** Aye.

**Lamb:** Opposes?

(No response.)

**The "Ayes" have it.**

Personally, I am going to ask this board to accept Commissioner Taylor to be that person. I would like for her to do that. It is in her district.

Now, we haven't accepted it under our umbrella yet. She wants that pleasure.

**Taylor:** Yes, I do. I certainly do. As a matter of fact, two weeks ago, we fed the seniors fish. They had a wonderful time and I am looking forward to this challenge and getting it going back forward so that Simon Scott won't come back.

**I make a motion that we put the Gadsden Senior Services under the auspices of Gadsden County and that it be set up so that their finance is handled through our OMB and the program is still managed down at the agency.**

**Croley:** I second that motion.

**Lamb:** It has been moved and properly seconded.

**Wise:** May I ask a question?

**Lamb:** Ms. Wise?

**Wise:** My question is – If you are taking over as a county, are all of the employees now going to be county employees and do you have to set something separately in order to be able to not give them the same benefits that your county employees get.

**Croley:** Ms. Wise, I am going to answer that. I will not support this to make those employees down there county employees. They are going to have to continue to be a non-profit entity. The

county is just going to oversee that. We will ask for the resignation of all of those board members so that we can reconsider it.

Wise: Who will set up the non-profit?

Croley: Isn't the non-profit already set up?

Wise: It is under the auspices of my board.

Croley: Well, then we need to set up our own not-for-profit.

Taylor: We can take care of it. So long as you know that going forward, I did work with the OMB office to find the dollars and we have identified some. I was told that we have an opportunity to pay some of those debts off over a period of time. I understand exactly what you are asking for. So, each entity will be identified in its respective places. We will be back at the table, probably on Thursday. But, Thank you.

Lamb: **Now we will make sure that there are good check and balances from now on.**

**O.K. we have a motion and a second. All in favor, let it be known by saying, "Aye."**

All: **Aye.**

Lamb: **Opposes?**

**(No response)**

**The "Ayes" have it.**

**17C Interim County Manager's Contract**

**UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE CONTRACT WITH EARL (BUD) PARMER AS INTERIM COUNTY MANAGER.**

**17D Hospital Emergency Bid Process**

**Holt:**

**This item I asked the manager to put on the agenda because a couple of citizens brought up to me and I hadn't thought about it. They said, "Since you are doing an emergency bid on the 4 beds and the rural hospital, to go ahead and have those companies if they already know the situation with the 21 beds, to include that, and that would cut the cost for what it would cost later for labor and for materials. They aren't going to build it now, but if they could include it into their bids. If you accept the bids now, it would lock in a price now. It would be over the four year period.**

**Lamb:**  
**Commissioners?**

**Croley:**  
**Commissioner Holt, with all due respect, we've got a consensus of agreement with the hospital board and this board. WE have a track that we are running on. I can appreciate your intention, I think that we need to stay focused right on with what we have agreed on so that we can get the best quotes that we can in now to try to get something open and meet our deadline. I really don't want to, I personally don't think that this is in our best business interest to confuse the issue by trying to go back and do something different. I am not saying that is your intent and I respect and appreciate what you are trying to do. But, I do think that we need to go forward and even on this point, Mr. Chair, I would like to hear from Mr. Collins and**

**Holt:**  
**I am not finished with my comment on it.**

**The reason, as I said, the reason that it may not be something that even last that long, but, the reason I am doing this, as I said, a gentleman brought it up to me and a friend of his. He said, "Well, if you guys are going to do this over a four year period, and if you are just going to leave that 21 beds section hulled out, include that in the bids. They are already going to bid. Over the period of four years what the cost would be and they can do it at today's prices. They were not interested in doing it today at all. But, they were saying that over the four year period, if they included that at today's prices, right now, in that bid, and we will already know who it is going to be, because everyone has looked at it, that over that four year period, you would have them into a contract or offer that would cut out the increase in cost on labor and materials. That was the only reason for this.**

**If you will, Mr. Chairman, if you will entertain a motion on this, you can vote it up or vote it down. It was an agendaed item. I asked that it be placed on the agenda.**

**Lamb:**  
**I am going to let you make a motion on it, but remember now, we said that we would, - our intention is to do exactly that if the funds are available to do that. We put it in there, but if the funds are not there to do so, we still can't do it. But, go ahead and offer your motion.**

**Holt:**  
**I offer a motion that we include in the emergency bid a bid by the contractors for the 21 additional beds over the four year period. The other 21 beds. And that is only if the funds are available. That is my motion.**

**Lamb:**  
**O.K. You have heard the motion. Can I have a second.**

**(Pause.)**

No second. The motion dies for lack of a second.

Holt:

O.K. I can just tell the gentleman that I brought it to you and you refused a second. No problem.

One other question. This is not a motion, it is just a question.

**Hospital – Request to get Medical Community Input for Design of ER**

In response to a comment by former Senator Dudley, Commissioner Holt asked the board to invite the local doctors to have input into the design of the emergency room at the new hospital facility.

**A18 Request for Special Meeting and Public Hearing Regarding Hospital Financing**

Mr. Parmer requested the board to hold a special meeting to be held on December 29, 2008 at 6:00 p.m. He also announced the agenda as contained in the attached agenda report.

**UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO HOLD A SPECIAL MEETING AS REQUESTED.**

It was noted that Chair Lamb would be out of town for the special meeting, but he would attend via telephone. Vice-Chair Croley will preside at that meeting. It was agreed that the financing documents would be made available to the commissioners well in advance of the meeting.

**18. County Manager**

**19. County Attorney**

**19A Discussion Regarding the Board's Previous Direction to Seek an Attorney General's Opinion (AGO) as to the Validity of the Special Emergency Meeting on November 10, 2008**

Attorney Williams recalled that the board had instructed him to send to the Attorney General's Office a question regarding the legality of the Emergency Meeting on November 10, 2008 called by the former county commission. It was also requested that the attorney not send his legal analysis which he used to render his own opinion. He reported that Paul Sexton had contacted the Attorney General's office to ascertain information about their process. What they found out was that the AG requires local government to send their attorney's legal opinion and the supporting documentation for review. Secondly, they found out that the Attorney General has "discretionary authority" to review county opinions. He may not wish to render an opinion on a

local ordinance such as the one for Gadsden County. He asked for direction.

Commissioner Croley stated that it seems to be a mute point since the commission has now readdressed the business conducted at that meeting in question.

Commissioner Taylor contended that it was always her thought that it was more appropriate to have the Circuit Court judge to take a look at it rather than send for an AGO.

There was a consensus to take no action.

Mr. Parmer commended Craig McMillan and Clyde Collins for their efforts in moving forward in the hospital effort.

#### **HOSPITAL UPDATE**

Craig McMillan reported that Mr. Parmer, Clerk Thomas and he had met with the trust department at the bank on the issue of control of the trust. He reported that the trust department will take the lead in requesting the opinion from the courts to clarify the trust agreement.

He then reported that Mr. Collins and he met with the architect and TMH. (They tried to get the medical community involved to no avail.)

Clyde Collins addressed the board. He reported the following:

- The hospital will be abated and broom swept and ready for the new contractor by December 23.
- He had met with several contractors at the site who expressed interest in working on the hospital.
- Things are ready to move forward.

#### **20. DISCUSSION ITEMS BY COMMISSIONERS**

##### **Commissioner Morgan, District 3**

##### **Commissioner Holt, District 4**

Commissioner Holt made note of her accomplishments since her election as commissioner. This was in response to Mr. Sweeney's remarks earlier in the meeting.

##### **Commissioner Taylor, District 2**

Commissioner requested that the Public Works Department prepare a work schedule right away so that each commissioner would know when to expect them to be working in their respective districts.

She then asked to withdraw her approval of the minutes of November 10 because she did not

approve of the meeting itself.

**Approval of Minutes – November 10, 2008**

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 – 1, BY VOICE VOTE, TO RECONSIDER THE APPROVAL OF THE NOVEMBER 10, 2008 MINUTES. COMMISSIONER HOLT OPPOSED THE MOTION.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 – 1, BY VOICE VOTE, NOT APPROVE THE MINUTES OF NOVEMBER 10, 2008. COMMISSIONER HOLT OPPOSED THE MEETING.

**Payal Hospitality – Payment for Interest**

Commissioner Taylor asked that the board go back and revisit the matter of the percentage of reimbursement to the Patels. She explained that there should be equity. The other owner is now looking at donating land for a restaurant.

**Boys and Girls Club**

She then stated that she supports all children's programs and she supports the Boys and Girls Clubs. In voting to not go forward with the program expansion at this time was merely a matter of financial economics for the present time. However, she will continue to look toward a time in the future when she can vote to go forward with expansion.

**Sheriff's Budget**

She then asked to have discussion about the Sheriff's budget agendaed for possibly the first or second meeting in February.

**Commissioner Croley, Vice-Chairman, District 2**

**Stimulus Package – Directions to Staff**

Commissioner Croley stated that the county needs to be poised to be ready to begin work on some of the infrastructure projects in the county, especially the bridges. He asked that the commissioners direct the manager and public works to work with Preble-Rish to get prepared with plans so that Gadsden County will be in a position to take advantage of any of the federal money which may come in the future as part of the federal stimulus package. He also asked that the county begin reaching out to those persons who may be centers of influence who can advance the Gadsden County programs.

Mr. Parmer pointed out that a Floridian was appointed to the President's Cabinet to head up the Environmental – Carol Browner, former head of FDEP.

**Commissioner Lamb, Chair, District 1**

**Boys and Girls Clubs**

Chair Lamb reiterated that he wanted to put a Boys and Girls Club in Havana and Gretna as soon as the Board can entertain it. He said he understood the financial circumstances for now, but, he would work to restore those programs to the budget as soon as possible.

**Roads and Bridges**

He then indicated that his first priority – spending wise – would be to repair the bridges and the roads. He asked Mr. Presnell to work toward enhancing the bridges, in particular.

**Appointments to Transportation Disadvantaged Coordinating Board**

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPOINT COMMISSIONER LAMB TO THE TRANSPORTATION DISADVANTAGED BOARD.**

**Approval of Appointments to Big Bend Health Council**

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 1, BY VOICE VOTE, TO APPOINT MARLON HUNTER AND SHERRY VANLANDINGHAM TO THE BIG BEND HEALTH COUNCIL. COMMISSIONER CROLEY CAST THE DISSENTING VOTE.**

**Approval of Appointment to Florida Association of Counties Trust (FACT)**

**It was noted that there is no longer a need to appoint anyone to represent the county at this meeting as the meeting date had passed.**

a.	Letter from FDLE Regarding Criminal Justice Grant
b.	Letter to Danny Miller Regarding Approval of the Talquin Shores Phase I Subdivision Vesting with Conditions
c.	Letter to Thornton Williams Regarding Termination of Legal Services Contract
d.	Letter to the Constitutional Officers Regarding the Board of County Commissioners Special Meeting – December 9, 2008
e.	Letter from Dick Hollahan and Associates, Inc. Regarding Resignation from the Gadsden County Planning Commission
f.	Letter to Florida Division of Historic Resources Regarding the Letter of Support for the West Gadsden Historical Society's Grant Application

g.	Letter from Florida Department of Community Affairs Regarding Review and Clearance of FFY Audit Community Development Block Grant
h.	Letter from Florida Department of Revenue Regarding Outpost in Gadsden County – Child Support Service Site
i.	Letter from Florida Department of Community Affairs Regarding Modification Number 1 of Revised Project Work Plan
j.	Letter from The Ferguson Group, Inc. Regarding Federal Advocacy Report
k.	Letter to the Gadsden County Property Appraiser and Gadsden County Tax Collector regarding Meeting with the Gadsden County Board of County Commissioners to Consider Non-Ad Valorem Assessments Under the Statute for the year 2009



**ADJOURNMENT**

THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING  
ADJOURNED AT 9:30 P.M.

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Eugene Lamb, Chair

ATTEST:

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Muriel Straughn, Deputy Clerk

**AT A SPECIAL MEETING OF THE BOARD OF COUNTY  
COMMISSIONERS HELD IN AND FOR GADSDEN  
COUNTY, FLORIDA ON DECEMBER 29, 2009, THE  
FOLLOWING PROCEEDINGS WERE HAD, VIZ.**

**PRESENT:** Eugene Lamb, Chair, District 1, (appearing via telephone)  
Doug Croley, Vice-Chair, District 2, Presiding  
Gene Morgan, District 3  
Brenda A. Holt, District 4  
Sherrie Taylor, District 5  
Thornton Williams, County Attorney  
Arthur Lawson, Assistant County Manager  
Muriel Straughn, Deputy Clerk

**CALL TO ORDER**

The meeting was called to order by Vice-Chair Croley who was presiding in the physical absence of Chair Lamb. However, Chair Lamb was present telephonically.

**AMENDMENTS TO THE AGENDA**

The agenda was amended as follows:

- Add: Ordinance 2008-034
- Add: Resolution 2008-079
- Add: Item 4A – Attorney conflict waiver (item requested by Jolinda Herring)
- Add: Item 4B – Retrofit Grant for Havana Middle School Contract No. 09-SR 18 02 30 01  
Emergency Management Grant

Vice-Chair Croley asked that the record reflect that Commissioner Lamb was joining the meeting via telephone. Commissioner Lamb acknowledged that he was present.

Commissioner Holt questioned the placement of the “Financing of the Hospital” on the agenda. She asked, “If we are going to look at a contract later, shouldn’t financing follow the contract? We may be financing an amount that he may not agree with.”

Vice-Chair Croley stated that the attorney had determined that the proper order of business would be to put the financing in place first, then make the award of the contract.

Commissioner Holt asked the attorney, “We are going to discuss that first, but there is no number.”

Attorney Williams explained, "The issue before the board tonight is not spending the money. This is a procedural issue to make sure that you have the option to tap into bond money in 2008. If, for some reason, you do go forward and the amount is higher and you choose to spend more, then you can do more bond money. This is a procedural meeting only. The issue of whether you spend the money or not is a different meeting. How you do that is a totally different meeting... Your issue about spending is not on the agenda unless you chose to do that. This is just to make sure that you have every option in play."

**UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE AMENDED AGENDA AS REFLECTED IN THE ATTACHED AMENDED AGENDA.**

**1. REQUEST FOR APPROVAL OF THE TRANSFER OF FUNDS TO MEET THE FINANCIAL OBLIGATIONS OF THE GADSDEN SENIOR SERVICES CENTER**

Lawson: The first item on the agenda tonight is a request for approval of the transfer of funds to meet the financial obligations of the Gadsden Senior Services Center. This item requests the board's approval to transfer funds to assist them in paying off current financial obligations.

At the November 3<sup>rd</sup> meeting, the Gadsden Senior Services Board presented a request to the Board of County Commissioners to provide operational, financial and leadership to the Senior Center. This request came as a result of a six month audit of the center's operation and their financial status. The audit was performed at the direction of the county manager by a member of our office of management and budget.

Currently, the county is continuing to keep watch on the Senior Center. The board approved at its meeting the last time to go ahead and take over the fiscal responsibility for the Senior Center. This particular item is just to provide interim funding to keep the center afloat until the finances can be put into order down there and a new structure is put into place. This item is requesting a budget transfer of \$60,000 to the Gadsden Senior Services Center. The funds have been identified as reducing the GStars, which is the summer youth employment program, by \$60,000. There was \$75,000 allocated for that particular program. That would leave a balance of \$15,000. This request is to approve the transfer of funds from the GStars program to the Senior Services Center to provide interim financing for that center.

Croley: Commissioners, will there be any discussion about this?

Holt: A little bit.

Is the finance director here? I am sorry, I mean the budget director here?

Croley: Mr. Hoffman?

Hoffman: I appreciate the promotion, but

Croley: Will you state your name for the record and your position.

Hoffman: My name is Rick Hoffman, Senior Budget Analyst, Office of Management and Budget.

Holt: Roll back. If we had stayed at the roll back rate, would we have been able to afford this?

I remember that if we had voted for the roll back rate or a little above roll back, we could have reduced it at any time.

Hoffman: The millage rate adopted by the board this past summer was at a lower rate than the Constitutional Roll Back Rate. We did have to make additional reductions in this year's budget as a result of that.

Holt: I wanted to make that statement. This is one of the areas that we had to cut because we did not stay at the roll back rate. That is one thing that the State gave us as an option. To make sure that everyone understands, it is not that we need to cut one program or the other. But, we need a super majority vote, (4votes) in order to stay at the roll back rate or a little above. We didn't get that back in the summer.

This right here.

Croley: Commissioner Holt, please just address this issue. We don't need to go back and rehash all that .

Holt: We might not need to go back to it, but the people need to know that we are not cutting one program for another. The funding is just not there. That is the reason that it is not there. Thank you, Mr. Chairman.

Croley: Will there be others?

Morgan: Mr. Chairman.

Croley: Yes, Commissioner.

Morgan: I have a question regarding the list of outstanding financial obligations that was in our packet. I think it was dated the 29<sup>th</sup> of December. Two questions about that.

I know that the total amount is \$103,301. I want to know if there are any other obligations that we need to be aware of. Specifically, I have noticed in one of the local papers dated the 25<sup>th</sup>, the City of Quincy had listed some delinquent accounts and, unless I am mistaken, the Gadsden Senior Citizens had an outstanding balance there of almost \$1,200. I don't know if I overlooked this list or if it has since been taken care of. What do we know about that?

Hoffman: What I did was adopt the list that was presented to you at the last regular meeting. I

personally was not involved in this audit, so I used the material that was provided. I know that since last meeting, there has been work, Commissioner Morgan, to go ahead and pay off some of those obligations. I believe we took the approach that the most critical of the obligations be paid off first, so the center could keep the doors open.

Morgan: O.k. I just wanted to make sure that we don't have any other things that we are not aware of to be dealing with later on.

Hoffman: I am not aware of any at this time. But, there could be. Or, this list could have been paid down even more.

Morgan: Thank you, Mr. Chairman. That is all I have.

Taylor: Commissioner Morgan has a very good point. The utility bill was something that they were paying. That wasn't really back or behind but it may have slipped 30 days in arrears. But, it was something that Area Agency was able to manage going forward. But, the ones that you see listed are the ones that they can't find funds to recoup and to pay. They are able to go back and take of that and I think they did today.

I met briefly today with the executive director. They are trying to get things up and going.

There are still \$15,000 in the Gstars line item. The idea of going forward, Commissioners, I want to put this in the back of your mind. Take those \$15,000 and perhaps partner with the City of Quincy, who also has \$15,000. We might be able to maximize those dollars in that way and the program won't be altogether lost. Opportunities will still be there for our summer youth.

That is all that I have and I am ready to make a motion to approve the transfer of the funds, if I may, Mr. Chairman.

Croley: Commissioner Taylor, let us ask if there is anyone here who wishes to speak about this item.

(No response.)

O.K. I am ready to entertain your motion.

Taylor: Mr. Chairman.

I make a motion that we approve Option 1 and to transfer the funds for the Gadsden Senior Citizens Program in the amount of \$60,000.

Croley: Will there be a second?

Morgan: I will second that.

Holt: Question.

Croley: The motion has been properly stated and seconded. Now, we are ready for your question, Commissioner Holt.

Holt: In this program that we are moving money out of – the youth work program for the summer, if we are going to do that, I would rather look for other funding mechanism so the children will not be out of work this summer. Not just partnering, but look at other possibilities for getting funding.

Taylor: May I respond?

Croley: Yes.

Taylor: As a matter of fact, I concur. What we are hoping – the budget director and I looked at this and we are hoping that – since there has been a decrease in the diesel fuel cost and the initial budget was set at \$3.00 per gallon, and that has been budgeted, so since there has been a decrease, we are hoping that sometime in this fiscal year, that we will realize some savings in our diesel cost. Then, we might be able to get those funds out and disperse them for this summer employment. We are looking at other avenues to replace those dollars.

Holt: Mr. Chairman, I wanted to make one more statement. I am almost finished.

Right quick. I must say this and I do mean this in the best light, but I am really not in favor of this. I will vote for it because the seniors need help. But, I am not in favor of taking it out of this program simply because that causes crime to go up and that sort of things and there are enough layoffs already. So, there is no income coming into the homes. This is really, really not a good idea.

Thank you, sir.

Croley: Commissioner Lamb, do you have any comments?

Lamb  
Via  
Telephone: No comment. Just repeat your motion before you carry.

**CROLEY: THE MOTION BEFORE US, COMMISSIONER LAMB, IS TO APPROVE OPTION 1, WHICH IS TO APPROVE THE TRANSFER OF \$60,000 FROM THE SUMMER YOUTH WORK PROGRAM TO THE GADSDEN COUNTY SENIOR SERVICES CENTER.**

**LAMB: THANK YOU.**

**CROLEY: THE MOTION HAS BEEN MADE AND SECONDED. WE HAVE HAD DISCUSSION.**

**ALL IN FAVOR, SIGNIFY BY SAYING, "AYE."**

**ALL: AYE.**

**CROLEY: ALL OPPOSED?**

**(NO RESPONSE.)**

**MAKE THAT UNANIMOUS.**

**2. PUBLIC HEARING - FINANCING OF THE HOSPITAL**

Lawson: Item 2, Mr. Chairman is the public hearing on the financing of the hospital and I will ask the county attorney if he will present that item for the board.

Croley: Mr. Attorney.

Williams: Mr. Chair and Commissioners, you have before you tonight a series of matter that you need to vote on for purposes of locking in a loan this calendar year.

Basically, as background, you all are familiar with the fact that you passed the indigent surtax. In passing that, there has been a question about how you will finance the improvements to the hospital.

We have been in contact with counsel for Capital City Bank and they informed us that under IRS regulations, you can qualify for up to \$10 million per year for loans. To do that, there are certain procedural hoops that had to occur. One of them was the you had to have the meeting this year to approve it this year. It would then make you eligible next year for additional funds in they are needed.

What you are doing tonight is a procedural meeting only, which is to lock the loan in place. The only money that will be drawn down are \$50,000. Under IRS regulations, it is my understanding that you have to spend at least \$50,000 of that money to make it qualify for a loan that was used this year. So, you will not, unless you do something differently, execute any documents that will spend any monies for the loan at this time. Paul, that is correct?

Sexton: Yes. That is correct.

Williams: So, all you are doing is nothing more than putting in the paper work that provides you with the authority to draw down on the line or the loan. The loan amount is for \$9,750,000. It is at a fixed rate of 4.34%. Basically, what you are doing is getting a loan that allows you to get a lower interest rate because of how you are using the money.

But, what you do with it, how you do it, when you do it, are questions that you will have an opportunity to decide with the hospital board at some point next year. I can go into more detail. Paul and I can get into more detail, but basically that is all you are doing,

Chair and Commissioners. You are procedurally locking in a loan so that you have options for money without having to go into the fund balances for the county.

Croley: Mr. Attorney, for the record, though, this is being treated as a tax exempt bond arrangement. Is that no correct.

Williams: That is correct as it is being structured right now.

Croley: Mr. Sexton, did you have something you would like to add?

Sexton: Mr. Chairman. Just a procedural note that we are actually dealing with two publicly noticed hearing. One is on the TEFRA Resolution, which is authorizing the project under the IRS regulations. The second one would be on the ordinance that the bank is calling for which includes some terms and conditions for the actual transaction. Then that would be followed at closing with the execution of a series of documents that the bank is requiring.

Croley: Mr. Sexton, do we need to treat these as two separate public hearings, or do we deal with them both simultaneously?

Sexton: I am not going to pretend to be an expert in the IRS regulations governing this. I would suggest that if it was noticed as two hearings that it be held as two hearings just for the sake of formality.

Croley: Mr. Attorney, for the record then, we should start with our Notice which would be a public hearing for the TEFRA guidelines. Is that not correct?

Sexton: I believe that is the order that we have. The matter is discussed in the agenda item.

Croley: Alright. Well, then.

Williams: For the record, Mr. Chair, I think you do want to it as two separate hearings and have a separate vote on each ordinance, then once you have done one, go to the next issue.

Croley: O.K. Let us now start with the first public hearing and procedurally, Mr. Sexton or Mr. Williams, if you will read for the record what the proper terminology will be for this initial public hearing.

Williams: Paul, if you will just briefly walk them through the ordinance.

Sexton: The initial public hearing

Croley: Excuse me, for the record, please state your name and your position.

Sexton: Yes, thank you, Mr. Chairman. I am Paul Sexton with the firm of Williams and Wilson here providing counsel to the board of county commissioners in this matter from a technical standpoint.



The first item we have is the TEFRA hearing.

Croley: Excuse me, Mr. Sexton. Please speak into the mic. For some reason, I don't think it is picking you up.

Sexton: The first hearing is on the TEFRA Resolution, which is Resolution 2008-079 calling for the adoption of this resolution to authorize this project under IRS regulations. Notice of this hearing for this resolution was published in the Tallahassee Democrat in accordance with IRS regulations in excess of 14 days prior to this date. The resolution would authorize the issuance of the tax revenue bonds series 2008 not to exceed \$9,750,000. It is in Section 2. It recites that the facility is owned by the county and will be leased by Gadsden Hospital, Inc. a non-profit corporation and an exempt organization under 501(c) 3 of the Code. And approved in accordance with Section 147 (f) of the Code. That is essentially action for this hearing. I assume you want to take comments and testimony from interested persons.

Croley: Thank you, Mr. Sexton.  
This is a public hearing. If there is anyone here who wishes to speak for or against this action, please come before us to the podium.

(pause – no response)

Again, is there anyone who wished to speak for or against this action? Come to the podium.

(No response.)

Commissioners, there being no response from the public –

Commissioner Taylor.

Taylor: Just for clarity, Mr. Chairman. We are voting to lock in at a fixed rate of 4.34% for 18 months. We are also locking in – what is the amount we are locking in?

Williams: \$9,750,000.

Taylor: That is what we are locking in.

Croley: And, Commissioner, what we are really doing, business wise, is creating an action that makes this a tax exempt bond status, which gives a lower fixed interest rate, that Capital City Bank has agreed to hold. By our action, we are agreeing that this is going to comply with the TEFRA guidelines. Have I stated that correctly, Mr. Sexton?

Sexton: Yes, sir, Mr. Chairman.

Taylor: Well, let me ask this question. In the event that, I guess what I am trying to get at is – If the cost of the facility is much less than the \$9.75 million, then are we obligated to still get

that full amount? Or are we just locking that amount in for right now, but enter into negotiation later?

Croley: Well, we don't have to use all of the \$9.750,000. We would just be approved for that amount. Again, is that not correct, Mr. Sexton.?

Sexton: That is correct. This is approval up to \$9.75 million. It is a draw type loan, which means that the money does not come out and be charged against the loan until draws are made on the project. The project cost controls what you draw.

Taylor: That is what I needed to know.

Do you need a motion to approve the resolution and proposal?

Croley: Not yet, please. Hold on that motion, Commissioner.

Commissioner Lamb, do you have any questions.

Lamb: No questions, just restate your motion whenever it is stated.

Croley: Commissioner Morgan?

Morgan: So, we are actually voting on a resolution, if I am not mistaken, at this point, this particular public hearing, just not to exceed a principal amount of \$9.75 million as she stated. Is that correct?

Sexton : That is correct. It is simply to approve the nature and the amount of the financing and the project.

Croley: Any further questions?

Commissioner Holt.

Holt: I have none.

Taylor: Mr. Chairman.

Sexton: Mr. Chairman, I hate to interrupt at this point, but the counsel for the bank just handed me some forms that he suggested be signed prior to a vote on a resolution. These are forms attesting by the commissioners that there is no conflict with regard to the vote that you are about to take on this resolution.

Croley: Would you please come up and state your name. since you spoke from the floor, we need to know who you are.

- Smith: I am George Smith, with the law firm of Bryant, Miller & Olive. We are at 101 North Monroe Street in Tallahassee, FL. We represent Capital City Bank. As Mr. Sexton has stated, I presented him with a certification that will need to be signed this evening. The timing of that certification is not crucial at this moment.
- Taylor: When you stated "no conflict" – are you talking about the board, Capital City Bank, - what are you talking about specifically?
- Smith: To answer your question, the Attorney General has issued an opinion that if you are own stock in Capital City Bank, this states that you don't have any personal interest in Capital City Bank, but if you have a (inaudible) stock in the bank or have an account there, that would not be a conflict of interest. If you were president of Capital City or if you were on the board of directors or had a substantial position with them, that would be an issue that would need to be disclosed. But, this certificate, and I can allow your attorney to explain it to you, but from our prospective, the certificate just states that the decisions being made were made in the sunshine and that you do not have a conflict of interest and that you do not work for the bank.
- Holt: Mr. Chairman? The attorney can get back with us on the next reading. Do we need another reading on this? Or, is this our final vote?
- Williams: This is the final vote. I thought we had a public hearing before.
- Sexton: This is a single hearing (inaudible)
- Holt: I didn't know about the conflict and how that may affect it – giving him an opportunity to look over it.
- Croley: How long is the no conflict statement – Do they have time?
- Williams: I just got this tonight, but I don't see anything any different than what you would do as a public official.
- Croley: For the record and for the benefit of Commissioner Lamb, given that he is absent from the meeting, does his absence pose a problem as far as his signature on the form?
- Smith: I assume that is directed at me. No, sir, that is no problem. We can work around that.
- Croley: O.K.
- Taylor: For clarity. There are two areas that cold pose a conflict. One – stockholder. Two –to be employed by the bank. Those were the two that I heard. Neither of the two fit me.
- Smith: Those are the two that would be generic. If one of the members had a
- Williams: Let me do it from the document. I asked Paul to get me a copy of the document. Just so that it is clear. There are three basic areas. One is that you agree that you are getting an

amount not to exceed \$9,750,000. That is the first one. The second one is a general statement about Sunshine Law violations – that you did not get together and meet beforehand. That you did what you did in the sunshine. Then the third one is that you do not have any employment or contractual relationship with any business entity which is purchasing the bond from the issuer – which in this case would be Capital City Bank. Those are the three criteria.

Taylor: Is a contract the same thing as a line of credit?

Smith: I am sorry, ma'am. I am not certain what you are asking. If you of the commissioners had a line of credit at the bank or had a deposit account or had a CD or any of those things, that does not create an issue with us.

Taylor: That is on record. You got it on record.

Croley: Commissioner Taylor.

**TAYLOR: I WANT TO MAKE A MOTION TO APPROVE OPTION 1. THAT IS TO ENACT THE PROPOSED RESOLUTION AND THE PROPOSED ORDINANCE.**

**CROLEY: WE WANT TO DO THOSE SEPARATELY.**

**TAYLOR: TO ENACT THE PROPOSED RESOLUTION.**

**CROLEY: IS THERE A SECOND?**

**MORGAN: YOU ARE REFERRING TO 2008-079?**

**CROLEY: YEAH.**

**MORGAN: I WILL SECOND THAT.**

**CROLEY: WILL THERE BE ANY DISCUSSION, COMMISSIONERS?**

**COMMISSIONER LAMB, THE MOTION BEFORE US IS TO APPROVE RESOLUTION 2008-079. THAT MOTION BEING MADE BY COMMISSIONER TAYLOR AND SECONDED BY COMMISSIONER MORGAN.**

**WILLIAMS: MR. CHAIR, YOU NEED A SUPER MAJORITY VOTE.**

**CROLEY: AND, THIS ACTION WILL REQUIRE A SUPER MAJORITY VOTE.**

**ALL IN FAVOR OF THE MOTION, PLEASE SIGNIFY BY STATING, "AYE."**

**HOLT:**

**MORGAN:**

**TAYLOR:**

**CROLEY:**

**LAMB: AYE**

**CROLEY: ALL OPPOSED?**

**(NO RESPONSE.)**

**MAKE THAT UNANIMOUS.**

Taylor: Mr. Chairman, I am ready to move on with the second one.

Croley: We are going to have a second public hearing on this item.

Mr. Sexton, I am assuming that you will introduce this item.

Sexton: Again, Paul Sexton, with the firm, Williams, Wilson. The second hearing is on a published notice of intent to adopt ordinance 2008-034 which is the formal approval of the terms and conditions of up to \$9.75 million loan to finance the cost of renovating the Gadsden Community Hospital.

Commissioners, there were some technical revisions in the body of the ordinance by counsel for the bank which have been incorporated into the file. They were made available to your today. The black line should be a part of your agenda package. It indicates the changes.

Croley: Having just received this information, Commissioners, I would ask that Mr. Sexton and Mr. Williams to please point out what those changes would be versus what was presented in our agenda package.

Sexton: q Alright, let's see. If you will turn to page – Does everybody have a copy of the black line?

If you will turn to page 6 of the black line, under section 12, the second paragraph has been revised so that there will be a separate account established into which funds would be deposited when dispersed by the bank as opposed to at the time of delivery of the bond because this is going to be a draw type loan. There would be no need to set up the account until there is an actual draw done against the loan.

The third paragraph after that one is just a technical change, changing the word "owner" to "bank". You will see that again in the next paragraph and carrying on over to the top of page 7. That same change occurs on page 9 under paragraph A, again, the purchaser is changed to "bank." Then under G, "owner" is changed to "bank". Then on page 10, you will see in paragraph I and J, the term "owner" is changed to "bank or banks." That is the change to the body of the ordinance.

The ordinance also approves the form of a bond and that is Exhibit A which follows – about the 15<sup>th</sup> page in. It starts with A-1 at the bottom with Exhibit A in the form of the bond at the top. You will see that the maturity date and the issue date are stated and the

interest is stated and underlined. The principal amount is also inserted so as not to exceed \$9,750,000.

The paragraph that starts "Know all men by these presence – about the sixth line down, the word "such" was a typographic and it should be "sum" "such lesser sum has been drawn down by the maturity date." Then on page A-2, second full paragraph, there is a reference in the paragraph "to such interest rate shall result in the same yield" - that has now been replaced by an actual rate of 7.06%, which apparently is the banks estimate of the rate that would be paid if this was a taxable bond. That is just simply putting the board of county commissioners on notice to what the bank calculates that difference to be.

Croley: Please go back and state that again, Mr. Sexton, as to where you are.

Sexton: Page A-2, which is the second page of Exhibit A. We are on the second full paragraph – It begins with, "If for any reason" – This deals with what would happen if the actual operation of the hospital result in the debt becoming taxable or doesn't stay in compliance with the tax exempt status. The provisions are that the amount would be whatever is necessary to provide the appropriate yield if it is a taxable event. This was simply a generic reference being replaced by a specific interest rate that the bank calculates that would be affected by it being a taxable event.

Croley: So, Commissioners and citizens, basically, by our prior actions of adopting this and making this a tax exempt process, the interest rate will go from 7.06% to 4.34%. Is that correct?

Sexton: That is the inference that I have drawn from the document. Yes.

Croley: Is there a representative from our bond counsel or the bank here.

There he is. Please come up and state your name for the record and your position.

Mayfield: Emory Mayfield, Senior Vice President, Capital City Bank. What the difference in the rates is the 4.34% rate is the tax exempt rate that municipalities can borrow at. The 7.06 is simply the rate that if the bond is deemed taxable at some point is what we would escalate your rate to. Does that answer your question?

Croley: So, my statement was basically correct.

Mayfield: Yes, it was.

Taylor: May I?

Croley: Yes, Commissioner.

Taylor: If it does become taxable, it will not exceed that 7.06%.

Mayfield: 7.06% would be a fixed rate.

Taylor: That would be a fixed rate. Thank you.

Croley: Commissioners, is everybody clear.

Holt: May I, Mr. Chair.

Mr. Sexton, you are saying to insert the 7.06% if it becomes taxable or up to 7.06%.

Sexton: This is the statement that – the generic statement in the paragraph is that the yield that would be paid by the county if this becomes taxable would be that which would be necessary to put them in an equal return if it is taxable. The bank has simply replaced that generic reference with an actual statement of what the interest rate would be. It is a replacement interest rate. If it becomes a taxable event, then the interest that would be paid on the loan would be 7.06%.

Holt: I follow. But, I would like to see “up to 7.06%”

Sexton: This is not an unusual thing for banks to have a blanket requirement for the borrower to pay whatever it takes for the ultimate holder of the bond to get the equivalent yield if it turns out to be taxable. In my experience, this is not unusual.

Holt: If I may follow up. So it would not increase any more than that?

Sexton: No. It says 7.06%.

Holt: That is the only thing I needed. Thank you.

Croley: Now, let's go to the public.

Sexton: There are a few more changes. I will mention those real quickly for you.

The one we were just discussing. We've got the amount of the loan not to exceed \$9.75 million is now inserted in the paragraph. There is a generic reference to the ordinance being adopted and duly enacted as opposed to a specific ordinance number. Then two paragraphs below that, you essentially have an addition now of a 10 day grace period for making the payment. If the payment is not paid within 10 days of when it is due, there is a 5% additional payment that is being required by the bank.

Croley: Mr. Sexton, on that point. Has that matter been reviewed with the Clerk's office finance department to make sure that the county's payment mechanism will comply with those 10 days requirement.

Sexton: I have not discussed this issue with the Clerk's office. This would be a fixed obligation. There should be a calendarable event other than being responsive to an invoice which is

more dynamic.

Croley: Is there a representative from the Clerk's finance department here?

(no response)

In the absence of that, Mr. Hoffman, would you come up.

Please state your name for the record.

Hoffman: Rick Hoffman, Office of Management and Budget.

Croley: Would you see that 10 day period as presenting a problem for county operations from what you know about the payment process?

Hoffman: I am not in the best position to answer that, but I would agree that it is a calendarable payment date and they ought to be able to schedule it.

Croley: Thank you, sir.

This is a public hearing. If there is anyone present who would like to speak for or against this action, please come to the podium at this time.

(No. response.)

Again, this is a public hearing. Anyone who would like to speak for or against this action, please come to the podium now.

Commissioners?

Taylor: Mr. Chairman.

Croley: Commissioner Taylor:

Taylor: I would like to make a motion that we approve the proposed ordinance for the facility, the rural hospital.

Morgan: Will you mention the specific ordinance number.

Taylor: I am sorry. Ordinance number 2008-034.

Croley: Let's confirm that the motion is in proper form, Mr. Sexton, Mr. Williams.

Williams: I was just trying to make sure that you are in proper form and I think you are, but could I hear the motion again, please.

**TAYLOR: I MAKE A MOTION THAT WE APPROVE THE PROPOSED ORDINANCE NUMBER 2008-034.**



**SEXTON:** MR. CHAIR, I WOULD SIMPLY SUGGEST THAT THE MOTION STATE WHETHER WE ARE TALKING ABOUT THE ORIGINAL VERSION OR THE AMENDED VERSION AS REPRESENTED BY THE BLACK LINE.

**TAYLOR:** THANK YOU. FOR CLARITY – IT WAS FOR THE AMENDED VERSION THAT HAS BEEN PRESENTED.

**MORGAN:** I SECOND THAT, MR. CHAIR.

**CROLEY:** THE MOTION – COMMISSIONER LAMB, ARE YOU STILL THERE.

**LAMB:** I AM STILL HERE.

**CROLEY:** THE MOTION HAS BEEN MADE BY COMMISSIONER TAYLOR AND SECONDED BY COMMISSIONER MORGAN THAT WE APPROVE THE AMENDED ORDINANCE TO GO FORWARD WITH THE TAX EXEMPT BOND WITH CAPITAL CITY BANK.

**WILL THERE BE ANY DISCUSSION AMONG THE COMMISSIONERS?**

**I AM READY TO CALL FOR A VOTE.**

**ALL IN FAVOR, PLEASE SIGNIFY BY STATING, “AYE.”**

**HOLT:**

**TAYLOR:**

**MORGAN:**

**LAMB:**

**CROLEY:** AYE.

**Croley:** ALL OPPOSED?

**(NO RESPONSE.)**

**IT PASSES UNANIMOUSLY.**

Now, I am going to exercise a privilege of the chair and I am going to make a comment about this for the benefit of everyone.

Based on the super majority vote of this board of county commissioners, in the absence of Chairman Lamb, it now falls to me as Vice-chairman to execute the bond agreement and other legal forms required to secure additional funding for the renovation of the existing Gadsden Hospital facility. While this bond action will move us forward toward the public goal of an active not-for-profit hospital in Gadsden County. Major amounts of additional funding will be needed far beyond the 1/3 share of the ½ cent indigent care surtax recently passed by voter referendum will generate. Before placing my signature

on the bond agreement forms, it would remise of me not to point out that the long -term success of the Gadsden Hospital really rests with the citizens of Gadsden County. This board can renovate the facility and turn it over to the hospital board for daily operation under the previously approved rural business model. But, once open, we cannot make paying citizens utilize it or make the medical community support it. These are key factors necessary for the hospital's financial operational success. To this end, I sincerely hope that the general public will favorably respond.

**3. Approval to Award Bid for a General Construction Contractor for Renovations and Additions to the Gadsden Community Hospital and Authorization for the Chairman to Execute a Contract**

Mr. Lawson recalled for the record that the board terminated the construction management contract with Ajax Building Corporation and authorized staff to rebid the hospital project using an approved expedited procurement process. The board had previously reaffirmed that emergency conditions continued to exist in getting the hospital re-opened. The board directed that the county solicit general construction contractor services to complete the repair and re-opening of the hospital utilizing the Invitation to Bid method of procurement. In keeping with the board's directions, staff issued an Invitation to Bid, soliciting sealed bids from qualified general construction contractors. (Sealed bids from qualified contractors.)

Mr. Lawson reported that the county received two sealed bids. One bid was submitted by Childers Construction and one "No Bid" was submitted by Ajax Building Corporation. The one bid was opened and given to Clemons Rutherford Associates (CRA) for evaluation and for a recommendation to the county manager as to whether the bid met the specifications and whether or not it was responsive.

Based on CRA's recommendation, the base bid from Childers was \$8,453,720 with certain continuances and allowances. See the agenda report for a summary of these allowances.

The staff recommendation was to award the construction contract to Childers Construction and authorize the chair to execute the contract.

Vice-Chair Croley called for public input.

**Rick Bateman, 201 South Monroe St., Tallahassee, FL – Attorney Representing Childers Construction Company**

Mr. Bateman called attention to the fact that the contract is not the standard AIA01 Contract that is generally used for a hard bid. It is a modification prepared by Mr. Sexton. He stated that he had received a copy of the contract just before the meeting began. He called attention to two or three things that he would like to address. He said that they are merely minor language matters that the attorneys can work out. There was one substantive change - Article 6 – there is a reference of a date of May 22, 2009. He asked that the date be changed so as to allow Childers to be able to complete the inevitable AHCA "punch list" between May and June. He reiterated that the basis of contract were fine and the terms were fine, but he would like to "tighten up a little bit of the language."

Mr. Williams asked that CRA be allowed to respond to the issue of the date. He reminded them, "The point for the board is that the date is not a hard date for the board – it is a hard date for AHCA. The question is and the bid documents, as I understand them, were set up so that everybody understood that the hospital had to come into compliance with AHCA requirements. So, if it is a requirement that doesn't hold up the license, then it doesn't pace the board on whether they can agree or not. It is just a question of whether you get the license or not on time.

**Will Rutherford, Clemons Rutherford Architects**

Rutherford: The May date should be a substantial completion date, Substantial. The final would be the June date. Substantial would be when it would be applicable to contact AHCA to request those inspections. To receive such a punch list. So, substantial would be May 21. Then final completion would be the June date.

Williams: Mr. Chair, If I may. Just so that everybody is clear and we all understand what your answers are because we all understand that we could lose the license if it is not done on time. So, are you saying that with the substantial completion date in this contract, if they are substantially completed and AHCA does the scheduled inspection, whatever has to be done will not hold up AHCA from issuing the license.

Rutherford: No. What should happen is that this work should be performed and these inspections requested as of May 21. You will have to have that time to contact AHCA. You cannot finish, I agree, in June and ask for AHCA to come. So, in May, they will come. That work will be completed. AHCA will come in May. They will give comments like "caulk under the cabinet, touch up the door." They, Childers will have to perform that work prior to June ending date in order to get a final 100% AHCA clearance.

Williams: Mr. Chair, if I may.

What you are saying is the substantial completion date will allow an AHCA inspection. But, it will not allow for AHCA to issue the license.

Rutherford: I can't speak for AHCA, but in a lot of cases, what AHCA does is issue you that license at substantial completion pending these punch list corrections. They will be minor in nature as such as that you will have a previous inspection would be the hope that we could get AHCA in the timeframe out to previously walk the project. Then, any major items are already taken care of and completed. The items that we are talking about from May to June are cosmetics. They will be concerned with those though.

Williams: I understand what substantial completions means. That is not my concern. Again, with no disrespect, I am just trying to understand about the license being issued. The purpose of doing this is to get the license issued. I don't have a debate with Mr. Bateman about what the date is in terms of recommendation to the board if the license can still be issued. That is really the pacing item is for the board. I am not sure I am getting an answer that gives you a comfort zone. The only question is, by your experience, if they have

substantial completion by May 22 and AHCA does the inspection on May 23 or somewhere there about, and you are at that stage, can AHCA issue the license because you have nothing but cosmetics to do?

Rutherford: Yes.

Williams: Well, then we can modify the date. I don't have a legal issue for you about the date.

Croley: Mr. Sexton?

Sexton: Mr. Chairman, just a point of clarification, if you look at the Childers Bid, they actually have a substantial completion date offered as May 7 with the final completion of May 21 in there. It is in paragraph 4 on the first page of their bid.

Bateman: Mr. Chairman, that is the contract we stand by. That is the bid that we stand by. We will be completed by May 21. It is simply that we won't meet all AHCA requirements because there is always a punch list, like he said, with the caulk and that kind of thing. It is a very minor wording and I don't think anybody is going to be disagreeing about it.

Croley: Mr. Sexton, you have heard Mr. Williams, but as deputy county attorney and since you pointed that out, is there anything else that you and Mr. Williams would have concern over?

Sexton: If Mr. Williams doesn't have any concerns, I don't. He is well versed in contract matters.

Williams: Well, Mr. Chair, again, I think we are all saying the same thing. We are going to meet the substantial completion date and work with the terms of the contract. What Mr. Bateman was saying is that there will be a punch list and there are still AHCA requirements. So, we are saying the same thing legally, it is just sounding like we are saying different things.

Croley: Let's just say it in plain Gadsden County talk. You had better have it open.

Bateman: We will be substantially complete by May 21<sup>st</sup>. Then we will get a punch list after that and that will

Croley: And we don't want to hear that there was some squabble about the date.

Bateman: You won't hear it from me because I won't be here.

Croley: That is what I am afraid of.

Bateman: I am just kidding. I am just kidding.

Croley: We will find you.

Bateman: We are going to get it done, sir.

Croley: Commissioners, any questions for Mr. Bateman?

Holt: I have a statement right quick.

I think that we could just go by the bid. The bid says that you are going to be substantially completed by May 7 and your final completion will be May 21. So, there is nothing else to talk about. The punch list can come at May 7. You can go over and get that punch list on May 7 and you can have that punch list completed 14 days later. You have it right here in the bid.

Bateman: It is in our bid, Ms. Holt. I am just saying that the contract does not exactly reflect what the bid says. But, I think it is just semantics and I just wanted to clear it up.

Holt: It is in the bid and I think that is what we should go by. That is what the contractor says and that is what we need to use.

Croley: I think that is what we are all understanding.

Mr. Childers, you have your hand up and you turned in a sheet to speak. I do want to make sure - is Mr. Bateman is representing you on this ? I don't want any

Childers: Sam Childers, 3472 Weems Road, Tallahassee, FL.  
As far as the AHCA licensing, you will have to have your equipment in place and things that are not within our contract before they will issue you your license. So, that happens June 21<sup>st</sup>. I think the penalty reflects that. That is not an issue.

Croley: Any questions for Mr. Childers while he is up?

Holt: Not now.

Croley: We have some other folks who have asked.

Pastor John Battles, please come to the podium.

Good evening, Pastor Battles. Please state your name for the record.

Battles: Pastor John Battles, 43 Berry Lane.

Mr. Chairman, I would like to, as it relates to the size and the 5 additional beds per year,

I don't know, but suppose, just suppose, and this has crossed my mind. Suppose the hospital board comes back and says that we can't afford them. Then, I want to know whose voice is going to carry the weight at the end of the day. This board or the hospital board? If they come back and say for whatever reason, we cannot, the county cannot afford those five additional beds. I think the citizens need to hold somebody responsible. Elections have consequences, so I feel like we just need someone, the citizens do

someone to hold responsible.

Croley: That is a good question, Pastor Battles. To my recollection, and I am going to ask Mr. Williams and Mr. Sexton and the other commissioners here and the hospital board members that are present to let's think about what we have agreed to.

This board's responsibility is to get a facility out there up and operating and then turn it over to the hospital board to operate. At this time, due to the issues associated with the cost, we were struggling with how to do this and make it work financially. You will recall and the citizens should recall that this board waited voted under the prior manager and the prior board voted for the rural emergency business model. That was what was recommended. And, it did call for a reduced number of operating beds. Now, we still will have the space and the vote by this board was to be able to open up those beds at a minimum of 4 per year unless, by super majority vote, it was determined by this board that it was not feasibly possible to do so financially at that point in time. That does not mean that it won't be continued on. But, as far as the physical facility, that is a decision that would be made by this board. That is what we committed to do. So, those beds would be opened up subject to a supermajority vote by this board not to do so.

Holt: Mr. Chairman, may I, right quick?

Croley: Yes, please, Commissioner.

Holt : I will disagree with you on the emergency concept because in the original meeting, that board, the previous board, agreed that within 24 – 48 hours, we could open those other beds up. That was the discussion and that is what we agreed on. That is how the 25 beds came in. It was not discussed that we were only going to do five beds. It was said that within 24 – 48 hours, we would be able to get those beds up and running. That was the rural concept that we went with.

To answer your question, and I am hoping that we will not need another management company because if we go with this concept of four beds, a director could take care of that. We would not necessarily need that. But, I think that we should be held accountable for what goes on at that facility. Even though I think that the hospital board is doing a good job as far as what they are doing. I don't think that we need to slack the responsibility. It is really the responsibility of this commission. You did not elect the board. The commission appoints the board. It is up to us to make sure that you have the facility and the running of the facility.

Croley: Mr. Palmer. Mr. Sam Palmer

Palmer: Sam Palmer, 1225 Berry St. , Quincy, FL.  
Mr. Chairman, I think the last time I was here, I spoke about the four beds, which is nothing but an emergency room. Mr. Chairman, what I did, what I've got in this paper in my hand is a resolution that I think that you voted for. I would like to read this resolution

that pertains to these 25 beds. It is Section 4 – Plans for Providing Healthcare Services.

“Gadsden County has created the Gadsden County Comprehensive Healthcare for the uninsured and hospital re-opening plan . Based on the Healthcare Council Plan to provide a broad range of healthcare services to eligible participants as prescribed In the plan. As part of the plan, Gadsden County has identified a model of operation of the Gadsden Community Hospital that will provide higher quality diagnostic and treatment services of citizens at an innovative and cost effective manner. Gadsden County Hospital’s plan to reopen the rural general acute hospital with 25 licensed beds. Plans for reopening of the hospital are provided for the following services. The services that are included in the resolution are 24-hours per day, seven days per week, emergency services with 24/7 emergency hospital physician coverage. General acute care in-patient care with 25 licensed beds; various levels of diagnostic testing capability, radiology services, laboratory services, pharmacy services, test interpretation by peers recognized specialist physicians, rehabilitation services, and specialty physician care clinic.”

Now, Chairman Croley, did you also vote for this?

Croley: What is the date of it, Mr. Palmer?

Palmer: 17<sup>th</sup> day of June, 2008. Chairman Ed Dixon was the chairperson.

Croley: Mr. Palmer, I am going to answer you by saying this. Not only did I vote for that, I also voted for several other business matters related to the hospital as did the other commissioners by a unanimous vote. Including the one in September that was the recommended business model.

Now, we are not here to have a hearing on the number of beds. That has been decided. That has been done. I say that respectfully to everyone. We are here to award a construction contract so that we can move forward and get this facility operating within the time frame that we have.

Palmer: So, sir, are you telling me that this council has changed the law? This resolution calls for 25 beds and I think the citizens –

Croley: We are still held to the 25 beds. That is a misstatement.

Palmer: I beg your pardon?

Croley: We have held to the 25 beds. We are just starting with the four as far as operation. We still have the space for the remaining 21.

Palmer: Sir, I understand what you are saying by starting with five, but – cost effectiveness – we all know that the prices are going to escalate. Right? Or are things going to go down? I wonder if we will ever get it. Really.

Mr. Chairman, I just want to bring this to your attention because this is what the citizens voted for. Your advertisement went out to the whole county based on this here. What you voted for. That is what they voted for. We really want what we voted for.

Croley: No comments from the audience. If you are not at the podium, don't say anything.

Will there be any other comments. I think I have Ms. Angela Burgess.

Burgess: Good evening. Angela Burgess, P.O.Box 23, Quincy, FL .

To the commissioners, Mr. Vice-chairman, I am glad, first of all, I give a positive comment that I have made comment to each commissioner about the environmental atmosphere for the community's input. I am glad to see that has improved tonight – to make sure that the community has the opportunity to speak on these issues. You have improved on that for tonight.

As speaking in regard to the hospital, several things have come tonight. To make them brief tonight – you hear the comment saying “a six hundred pound gorilla” – we have added an extra two hundred pounds to that gorilla. The first time I spoke, I told you that I know that this is an awesome task. It is a very heavy task. But, the more I research it, the broader it gets. I called and I asked each commissioner that we need a countywide stakeholders meeting. We are all individuals under the same roof. WE have a breakout session and get onto the same page in order to deal with this. When I said and eight hundred pound gorilla, he is bigger than all of us. It takes the Army, Air Force, Marines and all of us to take care of him. No one person can say, “You take the head, I'll take the heart and you take the whatever.” It is going to take all of us to make this happen.

I say this as it relates to hospitals. So many things are happening and so many things are happening fast. But, when I see some things, as a community grass root person, we have to come and say some things just to let you know that when you say that you are responsible for the facility and you are handing it over to the hospital board and the community – in other words, you keep it alive by using it and paying for it. That is why it is so important to give the people what they asked for. If you give them what they asked for, they will use it. But, if you force feed them something that they don't want, you will be building it in vain. That is too much money for that.

When we start talking about the feasibility study and what I am hearing as a person in the audience, we are comparing apples to oranges. With the contracts, we are not comparing apples to apples. I know you have a choice to make. You don't have to make a choice just because one bid is there. I don't have anything for Ajax. I don't have anything for Childers. But, the process of all of it is what we have to be conscious of. I am not going to go back to the county manager because I have issues as it relates to ethics. Because when a recommendation is given and you have a grass root community of people sitting on a board, a recommendation is a recommendation. Ethically, it is not suppose to leave that room, whatever the recommendation was. I am not going back to that as I said.

But, as it relates to the hospital and apples to apples, I heard some comment at the end of



the contract that we had with the apples and oranges. I don't know if like you are late so many days being paid, look at that and make sure that is not in the contract. We should not be liable if somebody is late placement in the contract. That is just community observation.

As I said about the 800 pound gorilla, I am concerned about districting and interagency agreements. I think we are getting a lot of information and we are not doing followup. I don't know if ya'll go back and look at the tapes or whatever, but a question was made to AHCA - and I don't know if this is happening - but, if other ambulances are coming into the county from other counties. Like for instance, we are geographically arranged and people live at different border lines - whether it is Jackson County, Leon County, near Alabama or Georgia. But, are services crossing the lines to pick up people from Gadsden County and taking them to another county for services? What happens is - if the outer circle is receiving services from another county, and we are denying the inner circle who would benefit from a hospital to have services, that challenges me and it concerns me. So, my question, my pointed question is - Are there any interagency agreements between other counties or states? Because what happens is - I am concerned about the dead zones. If certain illness happen to you, you won't make it to the hospital. So, we call them brown zones, dead zones, or golden hour or whatever. So, if you are at the west end of Gadsden County, Chattahoochee, getting to Quincy or getting to Tallahassee or whatever choice you have - that is a challenge.

So, my question is - it is not a bad thing if it is happening, but we need to have a comprehensive emergency plan to identify that those people are receiving those services and they may not benefit from a hospital.

My last statement as we are saying is this - Are we building a hospital for less than 50,000 people? Or are we building a hospital for 10,000 indigent people that we identify. I think people are getting confused. The 10,000 indigent plan was dealing - when you are dealing with a swat analysis - it was dealing with the threat of the \$6 million that could not be paid by people who came to use the hospital and who could not pay their bill. So, that was a plan to help with that threat of the hospital not surviving. So, I say that to say this - If you are building a hospital for me and anybody else in the room - 50,000 people, if you divide the 50,000 people by the \$9.75 Million, you are talking about \$6.50. If you want to add the interest times 4.5% or the 7.06%, - as we said, that means nothing. If you are talking about dividing it by the 10,000 and basically, that is \$195. I was dividing it by 30 years. I don't know how many years it is going to take to pay off the \$9.75 million. But, when you think about it, it is minute. But, if we all decide that we want this hospital, yes, we can do it. But, if we all decide that we don't want it, we can find every excuse in the world for it not to happen.

I just plant those seeds just for you to think about. The gorilla is larger because we are making decisions that I know that we think we are making them for the better. But, when people lose jobs, I am hearing them say, "I lost my job. And when I lost my job, I lose my benefits and I can't go to the hospital."

When I think about dealing with - and the area that I deal with is the healthcare and

health disparities – we are building pounds on this gorilla. I am fixing to close. When the average man loses a job, certain resources are not there for him. If a woman losses a job and she has kids, she may have some resources. I am hearing in my ear that these men are walking around with high blood pressure of 190/110, if they don't have any insurance, they are not going to a doctor. So, we have to think about that when we deal with the job issues. We keep compounding. When you start compounding things like that, we all get migraine headaches.

So I just say to you – Ms. Taylor, I said it to you. Mr. Chairperson, I said it to you. I said it to all those I could the last time. We need a stakeholders meeting where everybody is at the table – those with the untouchable trust fund and everything else. We can make this hospital that can be vital for the betterment of Gadsden County and not make this 800 pound gorilla that has been hampering Gadsden County. This has been a 40 year generational challenge. It is not going anywhere. We just thank you for your time and your patience.

Croley: Thank you, Ms. Burgess.

That was all the listed speakers.

Commissioners?

Wait, we have one more. This is our last one, now. And Ma'am, please adhere to our ti

Brown: I am not going to belong the time. My name is Linda Brown. I am at 531 Lincoln Street. It is just to all the board. It is just like you said. Gadsden County voted for a hospital and four or five beds will not be a hospital. It takes the whole of Gadsden County, not just the board, but it takes the whole county to make up the difference. You all could pay the 7% and build the hospital and make the hospital and make the hospital run. So, I think you should give us what we asked for. If we voted for a hospital, I think that we should get a hospital.

Croley: Thank you ma'am.

O.K. Commissioners. The item before us is the award of construction renovation contract. Before and this is what we need to keep our focus on, I will ask Mr. Collins to please come to the podium along with again a representative from CRA.

As the county's owner representative, is there anything that you would like to add, Mr. Collins, about this proposal we have received from Childers Construction?

Collins: Again, my name is Clyde Collins. I am the building official for Gadsden County. No, sir there is nothing that I want to do except that I want to go to work and get this thing built.

Croley: Are we going to get this project completed within the time frame required based upon what you have seen to this date and your inspections of the building?

Collins: If this board will give us the contract in the morning, we will build it.

Holt: But, you are the county.

Collins: Well, I am right out there with them.

Holt: I was about to say, You couldn't do it.

Croley: As a representative of the architect, please state your name and give us your assessment.

Rutherford: Will Rutherford, Clemons Rutherford Associates. 2027 Thomasville Road, Tallahassee, FL 32308. Yes, I do believe it is doable. There is an awful lot of work going on and will go on. Yes, it is possible. It will work. We've got to move and we've got to go fast.

Croley: We expect for you to make it happen.

Commissioners, any questions of the owners representative or the architect?

Holt: I don't have any at this time. I may have some later.

Morgan: Mr. Chairman, I do have some comments just based on the public input that we have heard tonight. I think we are having healthy discussions on a massive project for our county in an effort to move forward to complete a viable business model up to the 25 beds that we were asked to do.

The way I understood it when we left the meeting on the 9<sup>th</sup> and we sent this out, excuse me, when we got information from the previous contractor because we were not happy with the GMP of \$9.75 million. They presented us with an alternate GMP that basically came down to just over \$9 million. We were not happy with that amount of money after we had decided on a viable business model because of the overall cost of the project.

Lamb: (Inaudible comments)

Croley: We are trying to get there, Commissioner. Commissioner Lamb, bear with us.

Morgan: What I want to reiterate to the board is we were concerned because the overall cost of this project was basically going to be in excess of \$13 million. I just want to reiterate that based on the numbers that I am looking at here, with the already completed construction, we are going to be billed by the former contractor, Ajax, - I was speaking with the assistant manager today and he was letting me know that that bill is going to be at least \$500,000. Is that correct?

Lawson: Yes, that is what I was told. Between \$500,000 and \$1 million.

Morgan: With those costs, the abatement costs of \$300,000, the base bid that we are looking at this evening of \$8.4 million, the fee of \$950,000 for Clemons Rutherford, The equipment – we are still looking at \$13 - \$14 million for the overall cost of this project. I just want to make sure that the commission is moving forward with the understanding that that is what we are looking at. And though I am in full support of this project, as I mentioned before, as moving forward in the business model that we determined at our last meeting, I can't support spending that kind of money on this project. So, I am just letting the commission know from this point, based on the numbers that I am looking at. I do approve the model. I do look forward to getting this project moving and building out to 25 beds as we have been asked to do. But, again, I just want to mention, and for Commissioner Lamb, who is not present, we are looking at about \$14 million or \$15 million.

Croley: Commissioners, let us recognize that we are here for this special meeting to move forward with an award because work has got to start tomorrow if this project is going to be completed. We need to make this happen tonight. We can look at alternatives. We have alternatives in here that will perhaps let us finish out beds faster if we can get savings in all the right areas and keep this thing moving. We need to get this hospital opened up. We don't have time.

I will ask the commissioners, please appreciate the fact that we need to cut our discussion down so that we can move forward with it.

Commissioner Holt, you've got your hand up.

Holt: Thank you. Thank you, sir. I am not going to cut it down, I am going to finish. In that way, everyone can go home. When we vote tonight, it is over.

On that, you can look at the handout that you have and there is information up on the board. When you look at that information – to anyone in the audience who wants a copy, you can have one – this information says what Ajax did on that five bed. If you look at that under Ajax, when we asked them to come back with a renovation for five beds. When you look at that information – it says revised base concept alternatives. Theirs is \$8,631,000. If Childers is going to be the only one, we are going to have to select Childers, we need to compare apples to apples and get some apples. Let's not compare apples to oranges and come up with a mess.

O.K. the roof, you see that is \$298,000 and it goes on down. The upfit -- \$138,000; structure cable - \$120,000; Cross Construction – now this is what was included in there at \$9.5. It was \$9.4 something.

Childers – with the information that was given within the contract was \$8,453,000. The alternative are included in there would be \$986,000. Then the allowance included for the roof, base bid and they have not included in their base bid, the uplift. There are some

other things that are not included. If you include those, it is \$9.4 million. If you just took it off the top, you are missing one room. If that was the only thing that you are missing, then that would be fine. But, it is not the only thing that we are missing. It looks at the 2% (inaudible) it requires additional negotiations. That means that the 2% could go up. On the next slide – construction site remediation. This is something that says that significant amount of water and moisture damage out there. That is something that we need to look at. These are all add-ons that we are going to have to look at if we want those in there. 3 – bid includes potential \$100,000 savings – that is an engineering related savings. 4 – does not include total anticipated cost of fees associated with work performed by Clemons Rutherford. It may be some or it may not be. 5 – Comparison does not include total anticipated cost of furniture. That was included and if you will notice by looking in this book, and I am not for one or the other,

Croley: Commissioner, with all due respect, they made a no bid and we cannot get into discussion of that.

Holt: I am not interested in them. I am just saying, look at what we were getting at the \$9.75 million. I am not interested in whether – they didn't bid, so I am not interested. I am just saying in comparing the dollars and cents – so we can try and get as close as we can to that amount.

If you will look at # 6 in that hand out – at \$9.7 – now get this – let's see if we can get near that amount. At the \$9.75 – it was 35,000 square feet, hospital administration, two operating rooms – 2 operating rooms; diagnostic; recovery beds; nurses station; examination rooms and 25 beds.

What I am trying to say is that if you are going to give this contract, let's move it as close as we can and get the best product. That is all I am saying. I am not interested in them because they didn't even bid. So, that is fine.

What I am saying is, we need to look at this even if you are going to start tomorrow. But we are not at least getting at \$9.5. I did call around and talk to some contractors and looked at this information. They said, at the best, you were looking at and a comparison to would be \$9.5 to get all those items in there. So, I am not debating that part. I am only debating – can we get to where we need to get to get the best product.

Croley: Commissioner, we are paying for an architect. We have an owners representative in Mr. Collins. And this is a task. But right now, we've got to get this moved. Ajax had every opportunity to bid as anybody else.

Holt: I am not finished. I have one other thing I would like to say.

Croley: Commissioner, please be short.

Holt: I will make it as short as I possibly can. We stayed her four or five hours the other night.

This is \$600,000 set aside for Medicaid patients to go to Tallahassee. This is money that we send outside the county. Now, I looked at these numbers. These come from out of the county. They don't come from anywhere else. That is what we set aside.

Next slide.

We paid out \$568,458 already in 2008. That is money that may be able to be used here. So, what I am saying is if you will just look at the numbers, to see what we can afford, that is just something that I brought to the board before, but the board wasn't willing to accept it.

Croley: Excuse me, but what relevance does that have right now with the award of the bid on the one bid that we've got.

Holt: If you look at savings, this item can be included in there.

Croley: Well, Commissioner, when we get to that, we will have that opportunity, we will do so. But, right now, we have on our agenda and that is what I want to stick to.

Holt: That is what I am trying to do. How can you accept this proposal if we are able to get some other items in here. The builder may be willing to do those.

Croley: Commissioner, I believe that from my review of the proposal, and Mr. Lawson, you handled this. There is ample opportunity in here to make adjustments as determined that we can either save or add to with those savings. Is that correct?

Lawson: That is correct, Commissioner.

Holt: Mr. Chairman, if I may, I am not going to go into that then, because the savings is there. But, what I wanted to say is this, at \$9.4 million, including the \$500,000 to \$1 million that we are going to end up paying Ajax, we are at the \$10 million anyway. So, what is wrong with getting the best product from this contractor? I am saying, as I said before, I put in a motion. I asked that they go ahead and bid on those 25 beds, get it in here and nail that down at today's cost.

Croley: I believe that

Morgan: They are bidden in there, Mr. Chairman.

Holt: No, they are not.

Morgan: There is an alternate of \$336,000.

Croley: No comments from the audience.

Holt: I am sorry, Commissioner Morgan.

Croley: One commissioner at a time.

Holt: I am sorry.

Croley: For point of clarification – Mr. Lawson, Alternate #3, I believe addresses that additional.

Lawson: That is correct. If you build out the patient beds.

Holt: Right. But that is not included in their bid. That is an alternate.

Croley: That was an alternate and we are going to deal with that as we have the opportunity. We have made that repeatedly clear. You are continuing to belabor a point that is serving no purpose here, ma'am. We are trying to move this agenda item so that we can deal with the matter. Then we can come back and we can find these savings and add this in so that we can move forward. But, we've got to get this construction underway tomorrow. If we have to rebid this thing, we are going to lose the license.

Holt: Sir, you won't lose the license because I doubt that you are going to get it anyway. What I was going to say is this, when you are looking at those numbers in this bid, the reason we went to this was because of numbers. What I am saying is, if you are going to say that we are going to accept this bid and this bid should have included these things and it should be in the best bid. Because if they don't finish on time, the \$200,000 that we are giving them for liquidated damages, they are just going to give it back to us. That is all that is going to happen because it is in the bid.

You don't want to look the numbers. As I have said before, this is what determines whether we get food or not.

Croley: Thank you, Commissioner Holt.

Will there any others? The chair is ready to entertain a motion to award this contract.

Taylor: Mr. Chair, there is a comment, if I may.

First of all, the idea for the 25 beds was also voted on by myself. I wanted a 25 bed hospital. The second day after being sworn in on the 19<sup>th</sup>, I was taken to a room and got a complete understanding of what that comprehensive plan was about. That understanding has not been given as well to the community. Yes, we are generating \$1.25 million annually. But, all of that money is not going toward the hospital. The reason that the board is looking at a 4 beds right now is because we don't have the money.

Croley: Excuse me, Commissioner Taylor.

Sir, we have made it clear, turn all cell phones off.

Taylor: Thank you, Mr. Chair.

We don't have the funding. It would destroy us to open it for 6 – 12 months and it be closed again because we can financially support a 25 bed hospital.

All of us are facing hard times. We have to be mindful going forward. I believe that we will meet the deadline. I don't see any doubt whatsoever that we will meet the deadline. Our first patient will be sent July 1. I believe that in my heart. I believe that over the next four years, we are going to get a 25 bed hospital. But, even if we started out with a 25 bed hospital, in June or July, we cannot afford to man that hospital at this time. We can't afford to man it.

Let me finish. Let me finish.

So, we are trying to make the best fiscal sound judgment going forward. Now, it is in that vote to give you 25 beds. But, we have a period of time in which to do it. As long as I am sitting here, I am going to fight to get it done. Nothing else will be different from me. That is a mandate that you put on us. We have to do it. You are right, Mr. Palmer. It is the law. But, let us do in a time that we can financially support it so that we don't have any interruptions in service nor will we have interruptions of the quality of services. When it was open for a long period there, we passed it.

Now, if we were to get all 25 beds filled, because of all of the different specialties that we can't afford, we still would not be able to adequately serve people in all 25 beds. We couldn't do it. We would be held liable.

Croley: Commissioner,

Taylor: Just a minute, then I am finished.

We would be held liable because we would not be able to have all the specialties that TMH has or the Community hospital. We can't bring them here because we can't afford it. I want you all to understand. I know that you have been painted a picture that this board up here that this board up here does not want to see it go forward. That we are going to stop it. I have seen the signs out there on the side of the street. But, only time is going to tell you that this board is in support of these 25 beds. But, we have to think about the fiscal affect and the quality of services going forward. You've got my support. I have had a rude awakening two days later after I was sworn in about where that money is going. That is why we are at this point now. But, give us some time.

Thank you , Mr. Chairman.

Croley: Again, discussions are closed. We are going to vote on this motion or this option and



recommendation by county staff that we approve Childers Construction Company.

Taylor: One question. I saw Mr. Childers hand go up based on the slide that we just looked at.

**CROLEY: COMMISSIONER, WE ARE NOT GOING TO ENTERTAIN ANYMORE COMMENTS FROM THE PUBLIC. WE NEED TO MOVE FORWARD. I AM CALLING FOR A MOTION.**

**LAMB: SO MOVED.**

**CROLEY: COMMISSIONER LAMB HAS SO MOVED. LET THE RECORD REFLECT.**

**WILL THERE BE A SECOND FOR OPTION 1 TO AWARD TO CHILDERS?**

**TAYLOR: I HAVE A SECOND WITH A QUESTION.**

**CROLEY: O.K. WE HAVE A MOTION TO MOVE OPTION 1 BY COMMISSIONER LAMB, A SECOND BY COMMISSIONER TAYLOR. THE MOTION IS NOW OPEN FOR DISCUSSION.**

**WILLIAMS: MR. CHAIRMAN, AT THE PROPER TIME, I NEED TO PUT SOME COMMENTS ON THE RECORD SO WE CAN MAKE SURE THAT WE GET THE DOCUMENT IN FRONT OF THE BOARD PROPERLY.**

**]**

**TAYLOR: THAT IS THE ONLY THING THAT I WANTED TO DO, TOO IS TO HAVE SOME COMMENTS MADE TO EITHER SUPPORT THESE FIGURES, BECAUSE I AM THINKING ABOUT LIABILITY. THE SUPPORT OR CONTRADICT THESE FIGURES THAT WAS PUT IN FRONT OF US THAT SAYS ONE BID EQUATES OUT TO BE THE SAME AS THE OTHER. I AM CONCERNED ABOUT LIABILITY AT THIS POINT.**

**CROLEY: THIS WAS NOT IN THE PUBLIC AGENDA. MR. LAWSON, DO YOU KNOW ANYTHING ABOUT THESE FIGURES.**

**LAWSON: THESE WERE SUBMITTED BY COMMISSIONER HOLT.**

**HOLT: I WOULD LIKE FOR THOSE TO BE ADDED TO THE PUBLIC RECORD.**

**CROLEY: THEY HAVE BEEN MADE A PART OF THE PUBLIC RECORD BY THE FACT THAT THEY WERE PRESENTED HERE.**

**MR. ATTORNEY, BEFORE I CALL THE QUESTION, WHAT ADDITIONAL COMMENT DID YOU NEED TO HAVE MADE?**

**WILLIAMS: JUST FOR CLARIFICATION BECAUSE THERE MAY NEED TO BE SOME MODIFICATIONS TO THE BID DOCUMENTS, I WANT TO MAKE SURE THAT THE BOARD VOTES ON THEM. I MET WITH MR. CHILDERS AND MR. BATEMAN. THE DOCUMENT WILL BE MODIFIED TO SAY THAT THEY WILL COMPLETE THE PROJECT BY MAY 7, SUBSTANTIALLY COMPLETE IT BY MAY 7, FINAL COMPLETION BY MAY 21. THERE IS ADDITIONAL LANGUAGE THAT**

**TALKS ABOUT THE AHCA APPROVAL BY JUNE 21, 2009. MR. CHILDERS WANTS LIQUIDATED DAMAGES TO START ON JUNE 21, 2009. I DON'T THINK THERE IS ANY LEGAL IMPEDIMENT TO STARTING THE LDS ON JUNE 21<sup>ST</sup>. I DON'T THINK THERE IS A CONCERN. I TOLD THEM THAT I COULD LEGALLY RECOMMEND TO THE BOARD THAT THOSE MODIFICATIONS WOULD BE APPROPRIATE. THERE IS ONE OTHER CONCERN THAT MR. BATEMAN HAD. THAT IS THAT IF THE BOARD, THROUGH ITS REPRESENTATIVE, WERE TO ASK FOR ANY CHANGE ORDERS, THAT THEY WOULD WANT TO HAVE THE OPPORTUNITY TO MUTUALLY AGREE ON TIME EXTENSIONS IF APPROPRIATE. I TOLD THEM THAT I DON'T HAVE ANY OPPOSITION TO THAT, BUT THERE WOULD BE NO REQUIREMENT THAT THE BOARD WOULD HAVE TO PUT TIME EXTENSIONS IN PLACE.**

**THOSE TWO MODIFICATIONS, MR. BATEMAN, IF YOU WANT TO COME UP AND MAKE SURE THAT WE HAVE COVERED THOSE TECHNICAL ISSUES THAT WE WERE TALKING ABOUT OUTSIDE.**

Croley: Make it quick, Mr. Bateman.

Bateman: Rick Bateman. 201 South Monroe St. I represent Mr. Childers, Childers Construction. We did agree to that. If we get a change order that we can't complete by AHCA time and it is not required by AHCA, we are going to need an extension to do that. That is standard.

Williams: It is standard. It is a negotiated point between the parties. It is not automatic.

Bateman: Right. I understand that. But, we would have to tell the county that we can't complete it by the date if they won't give it to us. But, it won't have to do with the AHCA licensing because that is already in the contract.

Williams: So, based on your changes, I just want to make sure that the board votes on those modifications to the contract so that we can put that in there.

Croley: We need to deal with that separately. We will make that a separate vote.

Williams: I think you want to amend it because this is about the base contract.

Croley: Commissioner Lamb?

Lamb: I hear you.

Croley: I think you may have heard the points that the county attorney has made regarding adjustments on the contract document and also agreed to by Mr. Bateman on behalf of Childers Construction Company. Could you or would you amend your motion to include those adjustments?

Lamb: **I WILL AMEND MY MOTION TO INCLUDE THOSE ADJUSTMENTS THAT THE ATTORNEY STATED.**

Taylor: **AMEND MY SECOND.**

Croley: **AND COMMISSIONER TAYLOR SECONDS YOUR MOTION AS AMENDED.**

Morgan: **JUST FOR CLARIFICATION. WE ARE TALKING ABOUT A BASE PROPOSAL OF \$8.453 MILLION.**

Croley: **YES.**

**COMMISSIONER HOLT.**

Holt: **I WOULD LIKE TO OFFER A SUBSEQUENT MOTION.**

Croley: **WELL, WE HAVE A MOTION ON THE FLOOR.**

Holt: **SUBSEQUENT COMES FIRST.**

Croley: **NO, I DON'T BELIEVE A SUBSEQUENT.**

Holt: **IT DOES. YOU DON'T HAVE TO SECOND IT OR ANYTHING, BUT IT DOES COME FIRST.**

Croley: **THE CHAIR IS NOT FAMILIAR WITH THAT PARTICULAR PROCEDURE.**

Williams: **I AM NOT FAMILIAR WITH THE PROCEDURE, MR. SEXTON, ARE YOU?**

Sexton: **ARE YOU TALKING A SUBSTITUTE MOTION OR A SUBSEQUENT?**

Williams: **SUBSEQUENT, NOT SUBSTITUTE.**

Croley: **THE COUNTY ATTORNEY IS THE OFFICIAL PARLIAMENTARIAN FOR THE BOARD.**

Williams: **I UNDERSTAND A SUBSEQUENT MOTION. IT WOULD NOT TAKE PRECEDENT WHEN YOU HAVE A MOTION ON THE FLOOR. DID YOU SAY SUBSTITUTE?**

Holt: **YES.**

Williams: **PAUL, ARE YOU FAMILIAR WITH THAT?**

Croley: **THE CHAIR WILL MAKE THE FINAL RULING AND IN THE ABSENCE OF ANYTHING CONTRARY FROM THE PARLIAMENTARIAN, THE MOTION NOW BEFORE US WITH THE AMENDMENTS SUGGESTED BY OUR COUNTY ATTORNEY IS TO MOVE OPTION 1. THAT HAS BEEN PROPERLY MADE AND SECONDED. ALL IN FAVOR, PLEASE SIGNIFY BY SAYING, "AYE."**

Lamb: **AYE.**

Taylor: **AYE.**

Croley: AYE.

NO?

Morgan: NO.

Holt: NO.

Croley: **THAT WAS A 3 – 2 VOTE. LET THE RECORD SHOW TO AWARD THE BID TO CHILDERS CONSTRUCTION.**

Now, Commissioner Holt, you had a motion.

Holt: That was to include in that bid, it doesn't affect it now because you already voted. You should have addressed it first. But once you voted and closed it, that motion was to accept their bid with the 25 beds included within that base bid. That is my motion and that was my motion.

Croley: You can still make that motion because that is an option in here.

Holt: It is too late and it doesn't address it. But, so moved.

Croley: Will there be a second?

Motion dies for lack of a second.

Holt: See, that wasn't difficult.

Lawson: Chairman, there are two more items. One is item 4 – A, the attorney conflict waiver. It is just that Ms. Jolinda Herring requested that since their firm of Bryant, Miller, Olive has been asked to be Gadsden County

Croley: Excuse me, Mr. Manager. Let's let the room clear.

Williams: I can handle this issue really quickly.

Bryant, Miller & Olive represents Capital City Bank on some matters, but they were doing some pro bono work for the county. In an abundance of caution, they just want to make sure that they don't have any conflict issues, so they have asked for a waiver.

Taylor: So moved.

Morgan: Second.

Croley: All in favor?

Croley: Aye

Taylor: ""

Morgan: "

Holt: "

Lamb: "

Croley: Opposed?

(No response)

Make it unanimous.

Next item.

Lawson: The next item is to approve our Emergency Management Director to apply for a grant to retrofit Havana Middle School.

Taylor: So moved.

Holt: Second.

Croley: Wait a second. We have someone here from Emergency Management to speak to it.

Brinkley: Charles Brinkley, Coordinator, Emergency Management Gadsden County.

I bring you good news. Everybody smile.

Through our local mitigation board, two years ago we developed a project and submitted it to the State for the retrofit of the Havana Middle School to make it another risk shelter for the county. You have two in place now. This will be a third, if approved, in the amount of \$121,700. That is a grant. There is no match required.

Croley: Commissioner Lamb, are you still there?

Holt: That is his district.

Croley: We have lost the connection.

Lawson: It is probably gone. Just hang it up.

Croley: Commissioner Lamb. I am going to hang up.

Brinkley: The State has actually gone to Havana Middle School and made two types of estimates. One was an architectural evaluation. What will it take? And second, what will it cost to

do that? They conservatively feel that this can be done for \$121,700.00. The good part that they built into it, if there is any surplus of money, if we can do it for less, we can use that for back-up generators and re-wiring and other mitigation procedures. I am here tonight to ask you to sign this grant and I will be happy to hand carry it to Tallahassee and put it in place.

Taylor: So moved.

Holt: I'll second it. But, I have a question for him right quick.

Croley: Sure.

Holt: The two fire stations were to be built to standards to be used as a shelter in case of storms and all of that. Have you looked at those yet? I know we discussed pulling the trucks out and use the facility. It should be a lot safer and it should be built to standard. Those two locations could also be used for a shelter. The two new fire stations.

Brinkley: I am not aware of that particular project.

Holt: That was our particular project. We made sure that we put in there that it was to be up to standards.

If you can get some more money, especially for those outlying areas.

Brinkley: So, if this comes about, we will have on the western side of the county, a risk shelter at West Gadsden High School. East Gadsden in the center. And, on the eastern side, Havana Middle School.

Holt: The northern part and the southern part of the county. Those are the outlying areas. Especially up near the Georgia line. It is very difficult to get people in during bad weather.

Croley: We have a motion to accept this grant. It has been properly seconded. All in favor, please signify by saying, "Aye."

All: Aye.

Croley: None opposed. Make that unanimous. (4 -0) Commissioner Lamb had lost telephone contact at this point of the meeting.

Taylor: Back to Item 1. We omitted part of that agenda item. One was to appoint a board member to the Senior Citizens. What I am asking is that we might look at getting an appointee for our first meeting. I am just letting the commissioners know. Maybe you have someone in mind that you would like to add to the board.

As well, it won't be considered as a board. I think we are going to go with an advisory committee.

Croley: I think we probably need to properly agenda that to discuss how that board will function. I think Ms. Wise – she is no longer here, but, I think we need to hear from them, see a copy of the bylaws, and have the attorney look at that before we take any action. So,

Taylor: Just wanted to get it on the agenda. The committee is the driving force behind that agency. So, we need to get something in place. Thank you for agendaing that on our next meeting.

Holt: Are we going to go ahead and look at a certain number? Or, do we need to bring that back when it is agendaed?

Croley: We've got to talk about that next time.

Taylor: We need to see how many are going to be returning because we want to get current and new board members.

Croley: We need to see the Articles of Incorporation, the Bylaws, and all that now exist for not for profit and allow our legal folks to take a look at that so that we know what we can do properly.

Now, Commissioners, we appreciate your patience, and the public.

If there are no other items on the agenda,

Lawson: Commissioner Lamb just called and said if you really need him, you could call.

Croley: We don't need him now.

This meeting is adjourned.

**ADJOURNMENT**

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

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**Eugene Lamb, Chair**

**ATTEST:**

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**Muriel Straughn, Deputy Clerk**