AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON JANUARY 3, 2012 AT 6:00 P.M., THE FOLLOWING PROCEEDINGS WAS HAD, VIZ.

Present:

Sherrie Taylor, District 5, Chair Gene Morgan, District 3, Vice-Chair Eugene Lamb, District 1 Doug Croley, District 2 Brenda Holt, District 4 Debra Minnis, County Attorney Arthur Lawson, Interim County Administrator Nicholas Thomas, Clerk

Invocation, Pledge of Allegiance and Roll Call

Chair Taylor called the meeting to order at 6:00 p.m. then led in the invocation, pledge of allegiance to the U.S. flag.

The roll was called by the deputy clerk and recorded the attendance as noted above.

Chair Taylor called for all cell phones to be silenced and requested all speakers to file a "Speaker Request Form" with the clerk.

Amendments and Approval of Agenda

No amendments were made to the Agenda. Chair Taylor asked for a motion to approve it as written.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 -- 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS PRINTED.

Awards, Presentations and Appearances

There were no awards, presentations or appearances to be made.

1. Clerk of Courts

Presentation of County Finance and County Clerk Issues (Nicholas Thomas, Clerk of the Courts)

Clerk Thomas had no report.

CONSENT AGENDA

Items 4 and 5 were pulled at the request of Commissioner Croley, Item 6 at the request of Commissioner Morgan, Commissioner Holt and Chair Taylor and Item 7 at the request of Commissioner Holt respectively.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0 TO APPROVE ITEMS 2 AND 3.

- 2. Approval of Minutes August 23, 2011 Special Joint Meeting
- 3. Ratification of Approval to Pay County Bills
- 4. Approval of Agreement with the Management Experts, LLC to Provide Emergency

 Management Training (Morris Young, Sheriff/Shawn Wood, Emergency

 Management Director)
- 5. Approval and Signature for Satisfaction of Special Assessment Lien(s) State
 Housing Initiative Partnership (SHIP) Program and BOCC (ER) Emergency Repair
 Program (Clyde Collins, Building Official and Phyllis Moore, SHIP Administrator)
- 6. Approval of Bid Award to Southern Triad Construction, LLC, for the Greensboro Train
 Depot Restoration Project(Charles Chapman, Public Works Director/ Robert Presnell,
 Administrative Coordinator)
- 7. Approval of Bid and Contract between CSI Contracting, Inc. and Gadsden County Board of County Commissioners for the Renovation of the Tax Collector's Office(Clyde Collins, Building Official)

CONSENT ITEMS PULLED FOR DISCUSSION

Approval of Agreement with the Management Experts, LLC to Provide Emergency Management Training (Morris Young, Sheriff/Shawn Wood, Emergency Management Director)

Statement of Issue:

Consideration of an agreement between the Gadsden County Board of County Commissioners and The Management Experts, LLC to provide emergency training. This agreement will allow for review and update of the Comprehensive Emergency Management Plan for Gadsden County and will provide emergency response training for local emergency response personnel. These services will be provided under the Federal SHSGP program, contract number 11DS92023001472 in the amount of \$44,348.

Background:

The Gadsden County Sheriff's Office "piggy-backed" off of the Bradford County competitive selection and utilized the services of The Management Experts, LLC to provide emergency training and exercise to local emergency response personnel under Federal SHSGP program Contract Number 10DS39023001298, approved by the BOCC on June 7, 2011. Again, the Gadsden County Sheriff's Office wishes to "piggy-back" off the Bradford County's agreement with The Management Experts, LLC. Attached is the agreement proposed for consideration by the Board. The agreement has been reviewed by the Management Experts, LLC and the Sheriff's Office.

Analysis:

The training provided by The Management Experts, LLC is needed to implement the Federal Department of Emergency Management SHSGP grant program. The Management Experts, LLC was selected to provide these services for Bradford County through a competitive bidding process. As such, Gadsden County may "piggy –back" off the competitive award by Bradford County and contract with The Management Experts, LLC to provide the same services for the Gadsden County Sheriff's Office.

Discussion by Board:

Commissioner Croley questioned item 4, the Bradford County competitive selection. He suggested the item be deferred until a copy could be presented to the Board for review, to make sure it is being competitively bid or this is the best vendor for the service. He asked for a copy of the Bradford County competitive selection or re-bid and suggested it be deferred until the next BOCC meeting.

Chair Taylor concurred with Mr. Croley in saying, presenters should give staff as much information as possible to be passed on to Commissioners. She noted the agreement and budget were presented.

Commissioner Croley inquired of Mr. Lawson about the Bradford County competitive selection.

Mr. Lawson recalled Major Wood had provided a copy last year. However, it was not attached this year, but he could get a copy if the Board desired.

Chair Taylor asked the Board to have a little discussion.

Commissioner Lamb commented he hadn't heard any complaints about the vendor or the process used. He continued to say he was in support of it being passed.

TaShonda Whaley, Gadsden County Sheriff's Office Representative, disclosed to the Board they have only used the "piggy-back" process once and that was last year. She said they provided the Bradford County Contract to the Attorney, where she and the Management Experts helped prepare the Agreement through Bradford County.

Attorney Minnis replied she prepared the agreement, but never had the bid documents.

Commissioner Morgan asked about timeline restrictions? He said he was a component of more information if there were legitimate concerns.

Ms. Whaley provided it was a time sensitive issue because the grant ends June 30th. She said they have the training laid out and it would provide training to the first responders throughout the County and to update their CMP plan.

Commissioner Morgan asked would it be an issue if we reviewed and made a decision at that point and time. He asked would it be a hardship on the Sheriff's Office.

Ms. Whaley again reiterated the timeline they have in place to start on the 26th of this month.

Commissioner Morgan conveyed to Ms. Whaley if she could provide a copy of the Bradford County competitive agreement that you are trying to "piggy-back" off. That would suffice and I could amend my motion to make this contingent upon their review of the Competitive Agreement. He noted he does not like to approve something when it's based on a competitive agreement and he has never viewed it. I will withdraw my motion and amend to defer approval of this contingent upon review of the Bradford County Agreement by the County Attorney and the County Administrator.

Attorney Minnis asked for a point of clarification. When you mentioned competitive agreement, I did see Bradford County's Agreement with this vendor, but I did not see the competitive bid documents.

Commissioner Croley replied that's what he is referring to. I just want to make sure it tracks with our purchasing policy.

Commissioner Holt interjected when an agreement goes into effect. When larger counties are working with us they have more strength in their size. She noted that's why they have partnered with so many of them over the last 8 years and that gets us in the door resulting in a cheaper cost. She stated it may not apply with our Bid process; it may be in the savings of dollars as we did when we partnered with Palm Beach County. We leveled their weight in order to get cheaper contractual services. She noted they had also partnered with the League of Cities in order to get the 10 million dollars we used for paving. She said their Bid process is totally different from ours. She stated she was in favor of reviewing the documents ahead of time.

Chair Taylor relayed the only concern she had was their purchasing policy may be different. I don't want this particular item held up because of the difference in the purchasing policy. It concerns me that their Bradford County bid may not parallel with ours and if it does not, I don't want that to be something that hinders this from moving forward.

Mr. Lawson expressed the County's policy may not be parallel with Bradford County, but they all have to met state statues. If it meets state statue as ours does, he asked Commissioner Croley would he be satisfied with that.

Chair Taylor reiterated there was a motion to have this additional information given in way of the bid packet and as well as looking into the purchasing policy between the two. In the future she requested as much information be given as possible.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 1, BY VOICE VOTE, TO ALLOW THIS TO BE APPROVED BASED ON THE CONTINGENCIES THAT THE BRADFORD COUNTY COMPETITIVE SELECTION AGREEMENT IS PROVIDED TO THE ATTORNEY AND MANAGER FOR REVIEW OF THE BID PACKET AS WELL AS THE PURCHASING POLICY BETWEEN THE TWO.

(Commissioner Lamb opposed the motion)

5.

Approval and Signature for Satisfaction of Special Assessment Lien(s) State Housing Initiative Partnership (SHIP) Program and BOCC (ER) Emergency Repair Program (Clyde Collins, Building Official and Phyllis Moore, SHIP Administrator)

Statement of Issue:

This agenda items seek the Board of County Commissioner's approval and signatures to satisfy the Special Assessment Lien that were agreed upon by the Homeowner and Community Development State Housing Initiative Partnership (SHIP) Rehabilitation Program and BOCC ER Program.

Background:

The loan is funded by the State Housing Initiative Partnership (SHIP) Program through the State of Florida or the Gadsden County Board of County Commissioners and does not require repayment. Repayment of the loan, when required, is based upon the prorated principal balance for the term of the loan that has not expired. The Owner and the Gadsden County Community Development SHIP Housing Rehabilitation Program has agreed that the owner shall remain in the house for a full (5) five-year period at no annual rate of interest and once the (5) five-year period is completed the lien would be forgiven and satisfied. The same with the BOCC (ER) Emergency Repair Program the Owner has agreed to remain in the house a full (2) two-period at no annual rate of interest. The homeowner(s) are required to pay the fees to have the lien recorded and the Clerk of Courts office and the Community Development office will provide them a copy of the recorded document and keep the original in homeowners file.

Analysis:

As agreed upon by the Owner and the Gadsden County Community Development Housing Rehabilitation Program (SHIP) or BOCC ER Program; the owner has completed the full (5) or (2) two year term the lien is due to be forgiven and satisfied.

Commissioner Croley commented he pulled item 5 to get a better understanding of the SHIP Rehabilitation Program. He inquired did the Board ever make a decision on what constitutes an emergency repair? He asked was this the State program or was this an Emergency program.

Mr. Lawson replied he thought she leveraged both Ship monies with some of the Emergency Repair Money.

Mrs. Phyllis Moore, Ship Administrator, greeted the Board. She said they had \$3,500 of Ship dollars she said most times she would levy because 90% of the time \$3,500 would not be enough to cover a roof or ceiling. She said she would leverage it, but there are times and for example she noted a ramp could be done with that amount of money. She noted this item is to address those houses where the owner would remain in the house for a full (5) five --year period at no annual rate of interest and once the (5) five-year period is completed the lien would be forgiven and satisfied.

Commissioner Croley asked if the 2 and 5 year liens they are pertaining to the SHIP money and not the Emergency Repair Funds.

Mrs. Moore replied it could be both. She said you could leverage.

Commissioner Croley asked had they ever made the decision what constitutes an emergency repair.

Mrs. Moore commented during the former Ship Administrator, Faurnita Saunders presence they completed a list of what could constitute as emergency repairs. She said it would be minor repairs such as a ramp.

Commissioner Croley asked that Mrs. Moore give him a copy of the Emergency Repair List for Gadsden County through Administrator. He moved approval.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE AND SIGN LIEN SATISFACTION(S) FOR 11 HOMEOWNERS THAT WERE SERVICED UNDER THE GADSDEN COUNTY SHIP PROGRAM AND THE BOCC (ER)EMERGENCY REPAIR PROGRAM.

6.

Approval of Bid Award to Southern Triad Construction, LLC, for the Greensboro Train Depot Restoration Project (Charles Chapman, Public Works Director/ Robert Presnell, Administrative Coordinator)

Statement of Issue:

This agenda item seeks Board approval to award Southern Triad Construction, LLC the bid for the Greensboro Train Depot Restoration Project. Staff also request authorization for the Chairperson to sign the contract documents.

Background:

The County applied to FDOT for this transportation related historical grant in 2010. The County was subsequently awarded \$500,000 in LAP funding. Clemons Rutherford and Associates was retained to complete the design for the restoration project and prepare the documents. The County recently solicited bids for the restoration of the old Train Depot located in Greensboro. The bids were opened on November 8, 2011 and there were five bids submitted. The low bid of \$468,600 was submitted by Southern Triad Construction, LLC.

Analysis:

The bid documents submitted by Southern Triad Construction, LLC were reviewed by Clemons Rutherford and Associates, the Building Official, and Neighborhood Services Staff and were determined to be complete. The award of this bid will allow staff to proceed with the actual restoration of the building.

Chair Taylor spoke of the reasons for pulling item 6. She expressed the concern she had with this one was it was a \$3,200 difference between this bid and a local company. She asked Mr. Lawson was it just the dollar amount, is the tie breaker for the winning company or were there other factors to be considered.

Mr. Lawson replied all met the specifications and qualifications and the difference basically was the bid amount. He noted the procurement policy requires if all the specifications are met then we award to the low and responsive bidder. He said they followed what their policy dictates. He said as far as what the bid specifications require all of the companies that were considered met those initial specifications. He ended by saying if you meet the specifications or all the requirements then it comes down to the actual dollars.

Chair Taylor asked at any point and time was consideration given for being local companies. She said it was a discussion around the Board that they look at local businesses due to the economy. She stated it was incumbent upon us to keep a ½ million dollars in this County. She commented there was a local company capable of providing services and I want to know what kind of leverage this Board could look at. She asked if they chose not to go with what has been recommended do they have that leverage.

Mrs. Minnis answered Chair Taylor's question by saying you can reject the bids, but her concern is if they have followed your policy in awarding the bid and you now deviate from your policy, then you open the door for inconsistency in your bid process. She said if the Board wants at some future date to look at amending the bid process to allow for points or credits, something of that nature for local businesses. She said she could not recommend to the Board to override the bid at this point which has already gone through the bid process set out in their policy.

Chair Taylor said the Board at previous meetings has had discussions about local preference. She stated it should have been put in place sometime back, especially during these tuff economic times. She conveyed it should be some room for Commissioners to take a look and be mindful of the economy and keeping dollars here, so our bottom line will be able to support our day to day operations. She commented to send a million dollars out when you have 10-15 people working for this company, revenue dollars would be allowed to stay here in this County. She said there should be some leverage this Board could be able to consider. She noted she understood and appreciated the process, but this Board has come up with a word now that's being used when they are amending budgets. She said bids do get amended or reversed. She said it was not customary but in the event we are trying to save our County, it should be the rule to try and do.

Attorney Minnis reiterated an additional issue, if that particular criterion was not included in the bid documentation then that could raise another concern with this particular purchase. The other bidders would have to have notice there was going to be preference given for local vendors. She cautioned for this particular one, there could be issues when doing it that way. "I'm not saying the Board doesn't have the authority to reject all bids, because you do. You can reject all bids and have the process start over. However in my opinion the better option would be to look at your bid process to see if you want to make the amendment there, so this information could get into the bid packets."

Chair Taylor commented Mrs. Minnis mentioned something that sparked a fire. She questioned they can reject bids and then allow the specifications to include the preferential points. She said in that way they would still be in compliance. We would be able to have more leverage in keeping dollars in this County. She said they need to look into and be proponents in doing that.

Commissioner Holt brought up local preference and she specifically said Gadsden County preference, because if you look at look preference that includes all surrounding counties. She said it was never brought back before the Board. She stated in both cases you are not looking at providing jobs in local companies. She commented she can't argue the point about businesses coming to our area and hiring Gadsden residents when they don't have a policy in place. She reiterated this is an emergency process that needs to be in place right away. She asked the Attorney to look at items 6 and 7 to get this information out and get as many people in the County working as possible.

Commissioner Morgan expressed his opinion by saying there are two issues: one is amending the process to award points for local vendors and the other is the Board can make the final

decision on how this is awarded, even if we aren't adhering to policy for a valid reason. He commented a valid reason to him would be, we have a qualified firm who employs a good number of local folks here and this does keep dollars in the County. He said he didn't know if it gave them the good cause to do that. He asked the Attorney to expound further.

Attorney Minnis said that would become an issue if the Board decides not to reject all bids, but basically decides to go with a different vendor other than the one recommended. It would then generate a bid protest, which at that point all of the process would have to stop until the protest is resolved. Whether your preference is for a local vendor at this point, since it's not in your policy would be considered not an arbitrary decision. The Division of Administrative Hearings would have to decide. She cautioned that is the risk they run, since it's not in their policy and it went through the process that a hearing officer may determine that the decision to select someone else without given notice that a preference was going to be given for local could be an arbitrary decision on your part.

Commissioner Morgan said he would not like to delay this project. He suggested they hear from Mr. Chapman or Mr. Presnell on this project.

Chair Taylor interjected by saying the question is still if we decide to toss all bids out. The Board has that authority and then add points for local preferences.

Attorney Minnis clarified her statement by adding the Board has the authority to make a decision other than what has been recommended. Any decision that you make that is different than the recommendation will put you potentially in a bid protest situation. She told the Board they do have the authority to reject all bids and start over, but cautioned someone could protest that.

Mr. Presnell, Public Works, emphasized it was a grant from the Federal Highway Administration and it was applied for back in 2010. The County is required to competitively bid the project to meet very strict regulations. He said the federal dollars are watched very closely and one of the specific requirements is that it be competitively bid. He discussed a letter received with these local concerns. He stated to elevate this problem you would have to go in and change your procurement process. For this particular project, I wouldn't award it to a different bidder. If anything you would have to throw it out and amend your procurement process and re-bid and give us take to check with the Federal Highway people to make sure we haven't violated anything. He said we could put the ½ million dollars in danger.

Chair Taylor expressed pulling the item to see what if anything could we do. I am not trying to get this County into a financial situation where you have to pay legal fees to protect decisions being made around the Board. She reiterated the need to stay local. She said it was important. She wanted it known that she was not in favor of sending a ½ million dollars to Bainbridge, Georgia.

Commissioner Lamb concurred with Commissioner's Holt and Taylor in saying they need to keep the monies here, but we have gotten the information from the Attorney. We need to move forward with this project, but expressed the need to hurry and put something in place.

Commissioner Croley reminded the Board the money they are discussing came through CRTPA. He said they allocated the federal money for the renovation of the Depot as a CRTPA project. He said everything the Attorney and Mr. Presnell stated about the federal dollars is correct. He reminded the Board as they are discussing the idea of local preference some of the same companies have complained to me about Leon County shutting them out and we just resolved that issue. He cautioned the Board and said they could open up a Pandora's Box.

Chair Taylor asked for a motion, so they could move on with the agenda.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4 – 1, BY VOICE VOTE, TO APPROVE THE APPROVAL OF BID AWARD TO SOUTHEREN TRIAD CONSTRUCTION, LLC, FOR THE GREENSBORO TRAIN DEPOT RESTORATION PROJECT.

(Commissioner Taylor opposed the motion)

7.

Approval of Bid and Contract between CSI Contracting, Inc. and Gadsden County Board of County Commissioners for the Renovation of the Tax Collector's Office(Clyde Collins, Building Official)

Statement of Issue:

The agenda item seeks the Board of County Commissioners approval and acceptance of the low bid and authorization for the Chairperson to execute the contract with CSI Contracting, Inc. for the renovation of the Gadsden County Tax Collector's Office to accommodate the addition of the State of Florida Driver License Division.

Background:

The Gadsden County Tax Collector's Office is located at 16 South Calhoun Street, Quincy, Florida 32351. The State of Florida recently closed the Driver License office in Quincy and mandated Gadsden County to assume the licensing division. In order to accommodate this request, the Tax Collector's office needs additional office space for testing and renewing driver licenses.

Analysis:

Staff solicited sealed bids until December 16, 2011. There were five (5) bids received and after scoring was completed, four (4) bids met the construction spec. the review and ranking committee discussed the proposals and recommends that the bid be awarded to CSI Contracting, Inc.

Fiscal Impact:

Funding will be acquired by Gadsden County.

Commissioner Holt called attention to item 7 based on local preference. She commented there is great need and something must be done to get citizens working that are seeking employment.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 -0, BY VOICE VOTE, FOR APPROVAL OF BIDA AND CONTRACT BETWEEN CSI CONTRACTING, INC. AND THE GADSDEN COUNTY BOARD OF COUNTY COMMISSIONERS FOR THE RENOVATION OF THE TAX COLLECTOR'S OFFICE.

Mr. Lawson asked for a point of clarification concerning the County's Procurement Policy.

Chair Taylor stated it would be addressed under the Commissioner's Item, due to it not being on the agenda.

Citizens Requesting to be Heard on Non-Agenda Items (3 minute limit)

Emily Rowan, West Gadsden Historical Society, addressed the Board concerning item 6, Approval of Bid Award to Southern Triad Construction, LLC, and For the Greensboro Train Depot Restoration Project. She spoke in favor of the approval to Southern Triad Construction, LLC. She conveyed they have long anticipated the renovation of the Train Depot. However, she expressed concern that it was not bid locally, but added they did not want to miss out on a ½ million dollars that was awarded. She thanked the Board for approval, so they could move forward.

Public Hearings

8.

Public Hearing – Approval of Resolution Number 2012-001 and Budget Amendments #120001 – to appropriate \$59,841.53(Lamb Park) & BA#12009- to appropriate \$125,000 & \$250,000 (Jail Maintenance) to the Fiscal Year 2011/2012 Budget to Appropriate Funds for Jail Maintenance and Lamb Park (Connie McLendon, Finance Director and Jeff Price, Senior Management and Budget Analyst)

Mr. Price appeared before the Board for approval of Resolution Number 2012-001 and Budget Amendments to the Fiscal Year 2011/2012 Budget to Appropriate Funds for Jail Maintenance and Lamb Park.

Statement of Issue:

This agenda item seeks the Board of County Commissioners (BOCC) approval of the resolution #2012-001 and budget amendments to the FY 2011/12 budget to appropriate funds for jail maintenance and Lamb Park.

Background:

It is requested funds be appropriated from fund 301 (Capital Project – General Fund) to provide funding to complete various infrastructure projects at the County jail. Also it is requested funds be appropriated from fund 344 (Capital Project – Parks Fund) to provide funding to complete the infrastructure construction and installation of equipment at Lamb Park.

Analysis:

The \$125,000 is the cost of an installed chiller for the County jail that overlapped fiscal years. The \$250,000 is to appropriate into FY12 for various projects at the County jail. The 45,000 is the remaining funds in FY11 that is needed to complete Lamb Park.

Fiscal Impact:

By processing the attached budget amendments, funds will be appropriated to the FY2011/2012 budget to: complete Lamb Park; to pay for a chiller for the jail and to provide funds for jail equipment and repairs/renovations.

Interim County Administrator Lawson announced the public hearing and Chairman Taylor confirmed there were no public speakers on this issue.

Commissioner Croley expressed concern the items were split and he had addressed this issue once before. He said on the park funding, he has supported, however the cost of it is continuing to going up. He discussed other concerns such as how much Public Works efforts have gone in and how much more will it take to complete the park. We don't have the money and this is the most money that we have ever spent on a park. He commented his reservation is the amount of money being spent and how much more funds would it take to complete the park.

Commissioner Holt inquired how much money was received federally. She agreed with Commissioner Croley, but stated the project needs to be completed. She noted that Friendship Park, which is in her district, is next on the list.

Commissioner Croley conveyed he doesn't have a problem with going ahead with Budget Amendment, but expressed the need for the Board to know exactly what they are spending. He asked that a detailed report be brought back.

Commissioner Morgan asked what the status of the park.

Robert Presnell of Public Works explained the work on the Lamb Park is 99% complete as of December 19, 2011 at \$102,000.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE RESOLUTION 2011-001 AND BUDGET AMENDMENTS TO THE FY11/12 BUDGET TO APPROPRIATE FUNDS FOR JAIL MAINTENANCE AND LAMB PARK.

9. Public Hearing — Approval of Resolution Number 2012-002 and Budget Amendments #120018 to the Fiscal Year 2011/2012 Budget to Appropriate Funds for Roof on the Records Center (Connie McLendon, Finance Director and Jeff Price, Senior Management and Budget Analyst)

Mr. Price appeared before the Board on a Public Hearing – Approval of Resolution #2012-002 and Budget Amendment to the FY 11/12 Budget to Appropriate Funds for the Roof on the Records Center.

Statement of Issue:

This agenda item seeks the Board of County Commissioners (BOCC) approval of resolution #2012-002 and budget amendment to the FY 2011/12 budget to appropriate funds for the roof on the Records Center.

Background:

It is requested that funds be appropriated from fund 005- Court Facilities Fund to provide funding to complete the roof replacement and repair for the Record Center.

Analysis:

The \$85,500 is the amount budgeted in FY 11 for the roof replacement and repair for the Record Center that overlapped fiscal years.

Interim County Administrator Lawson announced the public hearing and Chairman Taylor confirmed that there were no public speakers.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4— 0, BY VOICE VOTE, FOR APPROVAL OF RESOLUTION NUMBER 2012-002 AND BUDGET AMENDMENTS TO THE FISCAL YEAR 2011/2012 BUDGET TO APPOROPRIATE FUNDS FOR THE ROOF ON THE RECORDS CENTER.

(Commissioner Morgan was not present at this vote)

10.

Public Hearing – Approval of Payroll Re-class Budget Amendments # 120006, 120008, 120017 and Resolution 2012-003 for Fiscal Year 2011/2012 (Connie McLendon, Finance Director and Jeff Price, Senior Management and Budget Analyst)

Statement of Issue:

Mr. Price stated this agenda item seeks approval of Resolution 2012-003 and authorization for the County Administrator and the Finance Director in the Clerk's Office to complete and the attached budget amendments for the Fiscal Year 2012 budget.

Background:

He noted that during the budget process several staff members were coded into new departments and later it was determined they should have been in other departments and other funds.

Analysis:

This process must be implemented by the Board via the corresponding budget amendments in accordance with the Florida Statues.

Fiscal Impact:

These budget amendments will transfer funds and set up the staff salaries and benefits in the correct department. No fiscal change to the entire budget for FY 11/12.

Interim County Administrator Lawson announced the public hearing and Chairman Taylor confirmed there were no public speakers. She added this Resolution dealt with placing employees in the correct classification for this particular fiscal year to match the dollars.

Commissioner Lamb offered a motion and it was held for question by Commissioner Croley.

Commissioner Croley commented about the Resolution deals with the position of Robert Presnell. He said it speaks of putting his payroll under an agreement which was entered into stipulated settlement agreement relating to his court case into parks. He said expenses according to the Clerk's Office where \$135,599.00 on the Lamb Park and you can take out \$18,000.00, but it is still more than a \$102,000.00. He said in the last 3 years there where a \$102,898.00 for park operations, \$105,900 in FY10 and added now in the current budget \$110,652.00 and now you are discussing adding \$87,865.00 into that same account to make parks run at \$198,517.00 in terms of personnel cost. He added it was not a very wise decision. He asked Attorney Minnis, before the Board takes action to see if this tracks with the settlement agreement.

Attorney Minnis replied she was not asked to compare this budget transfer to the settlement agreement. She stated she could not properly answer that question at this time. I don't know if the agreement itself spoke to a particular account the money had to be taken from. She said she could recall it talked about a particular position.

Mr. Lawson interjected and replied Mr. Presnell was initially budgeted in the County Administrator's Budget. He said there were some reclassifications Mr. Presnell, Animal Control, Parks and Solid Waste where put under Public Works, therefore one of the things he wanted to do was to show real cost, where the position really is in function and take out of the County Administrator's Budget, because Mr. Presnell does not do work up under the County

Administrator. He disclosed he functions as the division head of those 3 entities. He said it was suggested he be placed properly, where he actually serves.

Chair Taylor asked a \$105,000 is what the budget was without Mr. Presnell's salary and when you put the \$93,000 in, was that the salary being moved over to that particular line item.

Mr. Lawson said they just took the salary that was budgeted for Mr. Presnell's salary plus benefits and moved it over to that department.

Mr. Price commented he did not have Commissioner Croley figures. He explained what was submitted to the Board.

Commissioner Holt expressed the dispute is where he will be paid. We need to pay out of the appropriate account. She responded they must do what the court order states.

Chair Taylor expressed a point of clarity was needed and she agreed with Commissioner Holt that we need to have transparency.

Commissioner Lamb said the Administrator should be allowed to do his job.

Chair Taylor said that each person is entitled to their own opinion.

As a point of clarification Mr. Price brought to the Board's attention and said that 1206 and 1217 are incorrect. He noted the General Fund and Revenue should be under Expense Account.

In response, Commissioner Croley viewed the proposed change and commented this is why he asked questions, because details matter. He told the Board "it's the public's money; it's not your money it's their money." He asked the Board if it is incorrect how they could take a motion on it.

Chair Taylor expressed concern over corrected items presented and stated there should be a motion to table until the first meeting in February.

Commissioner Holt concurred with tabling this item and added you need to look at employees.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4-1, BY VOICE VOTE, TO DEFER THE PUBLIC HEARING – FOR APPROVAL OF PAYROLL RECLASS BUDGET AMENDMENTS AND RESOLUTION FOR FISCAL YEAR 2011-2012 FOR THE FIRST MEETING IN FEBRUARY.

(Commissioner Lamb opposed this motion)

11.

Public Hearing – Approval of Resolution Number 2012-004 and Budget Amendments #12007 & #120020 to Record SunTrust Financing of Renovations to the Property Appraiser/Tax Collector Building (Connie McLendon, Finance Director and Jeff Price, Senior Management and Budget Analyst)

Statement of Issue:

Mr. Price asked for approval of Resolution Number 2012-004 and Budget Amendments to record SunTrust Financing of Renovations to the Property Appraiser/Tax Collector Building.

Background:

He said at the August 22, 2011 workshop, the Board authorized staff to solicit a request for proposal (RFP) for the financing of renovations to the Property Appraiser/Tax Collector building. At the October 4, 20011 meeting, the SunTrust Financing documents were presented and approved the selection of SunTrust Equipment Finance and Leasing Corp. of Towson, Md. He added at the December 20, 2011 meeting, the SunTrust Financing documents were presented and approved by the Board.

Analysis:

Staff has been working with each other to set up the accounts and move the funds in the proper accounts to pay for the renovations.

Interim County Administrator Lawson announced the public hearing and Chairman Taylor confirmed there were no public speakers.

There was a motion for approval by Commissioner Lamb and seconded by Commissioner Holt.

Commissioner Morgan expressed his appreciation for Mr. Price. He noted on this particular item there is a \$400,000 note that we have in place with this particular lending institution, just because we have that amount allocated does not mean they have to spend that amount. He stated in these tough economic times they should spend wisely.

Commissioner Croley inquired from Clerk Thomas, do you recommend this action be taken.

Clerk Thomas responded you have to set up to receive the monies from the financing up to \$400,000. The one thing you might do later is place money from the Tax Collector \$ 400,000 and set up the Debt Service Account. He said we are in better shape there, then we initially thought. He corrected and said the money from the Debt Service would be coming from what the Tax Collector has collected during the fiscal year. It is going into the Capital Projects account.

Chair Taylor said for clarification the dollars that are generally turned in each year from the Property Appraiser and Tax Collector will now be set up in a separate account. She said it would be used to pay down Debt Service and she added there was already \$109,000 that has

been turned back in by the Property Appraiser and that will go toward the cost of the renovations.

Mr. Lawson commented they would come back and set up Debt Service so they can move some of the money over to pay the debt.

Commissioner Holt echoed Clerk Thomas' comments. She asked to see if the Contractor has hired local people. She discussed Federal money opportunities.

Commissioner Lamb commented that Mr. Collins has worked closely on this project with all who are involved and could answer any questions relating to the Contractor.

Mr. Collins, Building Inspection, discussed local contractors. He said that he talked to the Contractor and they are using local companies to do the work.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 -- 0, BY VOICE VOTE, FOR PUBLIC HEARING -- APPROVAL OF RESOLUTION #2012-004 AND BUDGET AMENDMENTS # 120007 AND #120020 TO RECORD SUNTRUST FINANCING OF RENOVATION TO THE PROPERTY APPRAISER/TAX COLLECTOR BUILDING.

12. Public Hearing – Adoption of the Bostick Road Future Land Use Map Amendment Ordinance number 2012-002 (Anthony Matheny, Planning and Community Development Director)

Subject:

Public Hearing for the Adoption of the Bostick Road Future Land Use Map Amendment (CPA-2011-02) for Parcel #'s 2-27-3N-2W-0000-00123-0100, 2-27-3N-2W-0000-00210-0100, 2-27-3N-2W-0000-00123-0300, 2-27-3N-2W0000-00210-0500, 2-27-3N-2W-0000-00210-0600, 2-27-3N-2W-0000-00210-0400, 2-27-3N-2W-0000-00200, 2-27-3N-2W-0000-00200, 2-27-3N-2W-0000-0000-0000, 2-27-3N-2W-0000-00000, 2-27-3N-2W-0000-0000

Mr. Matheny addressed the Board with Statement of Issue, Background, Land Use and Analysis to refresh the Board's memories of this particular project and adopt the Ordinance 2012-002 supporting this land use change.

Statement of Issue:

The Board of County Commissioners (Board) is requested to consider adoption of an ordinance approving an administrative Future Land Use Map (FLUM) amendment to change the future land use designation on seven (7) parcels totaling 34.75+ acres from Commercial (COMM) to Rural Residential (RR) to reflect the actual land use of the properties and to establish a land use designation consistent with the existing use of the property on the FLUM (Attachment #1 & 2).

At the Board's October 4, 2011 public hearing, the Board voted to approve transmittal of the FLUM amendment to the Florida Department of Economic Opportunity (DEO), the state land

planning agency. The amendment has been reviewed by the DEO and found to have no adverse impacts (Attachment #3). Therefore, the next step is to finalize the FLUM amendment by adopting it by ordinance within 180 days of the County's receipt of agency comments (Section 163.184(3) (c) (1), Florida Statutes (Attachment #5).

Background:

The subject properties are located north and adjacent to the Havana Golf and Country Club, west of the CSX Railroad tracks and U.S. 27 (Florida – Georgia Highway). These properties are part of a COMM designated area located in Township 3N, Range 2W, Section 27 (Attachment #1). Access for the majority of the parcels is Bostick Road, a private residential roadway, and Red Fox Lane. Neither was constructed for commercial development. Access from S.R. 27 (FLA – GA Highway) is via Country Club Drive.

In 2010, Molly Coleman Wilson inquired about selling her 3.03± acre parcel and discovered her property, her mother's, her brother's, as well as four (4) other adjacent properties were designated COMM as of the adoption of the Comprehensive Plan Future Land Use Map (November 26, 1991). The COMM designation made five (5) of these (7) properties legal nonconforming uses for residential development (Subsection 5003.B of the Land Development Code (LDC)). Ms. Wilson discussed the issue with the other six (6) affected property owners. P & CD met with these property owners and signed a petition requesting that the Future Land Use Map Designation on their property be changed from COMM to RR (one resident unit per acre) (Attachment #2).

Five (5) of the seven (7) properties contain a residential dwelling unit. The property owners agree their parcels are "unsuitable for commercial development." They believe the decision to designate their property as COMM was in error and would like the County to amend the FLUM from COMM.

Interim County Administrator Lawson announced the public hearing and Chairman Taylor confirmed that there were no public speakers.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 – 0, BY VOICE VOTE, FOR APPROVAL OF PUBLIC HEARING FOR THE ADOPTION OF THE BOSTICK ROAD FUTURE LAND USE MAP AMENDMENT — ORDINANCE 2012-002 AS NOTED ABOVE.

(Commissioner Lamb was not present for this vote.)

13.

Public Hearing – Adoption of Ordinance Number _ to Implement the Provisions of Section 286.0115, Florida Statutes, Relating to Ex Parte Communications with Local Public Officials Related to Pending Quasi-Judicial Actions (Deborah Minnis, County Attorney/David Weiss, Assistant County Attorney)

Mrs. Minnis discussed the Adoption of Ordinance. She explained in length it simply states there is nothing that prohibits Commissioner's from having conversation with the Citizen's of Gadsden County. She said it basically lays out a process to make disclosure of those private conversations, to remove the allegation or assumption those conversations are somehow prejudicial in some nature. For example, if you have an issue coming before you and have a private conversation with a citizen about that issue, and vote on that issue and someone disagrees with that issue and they challenge it without disclosing the fact that you have had that conversation they could allege an assumption of prejudice on the Commissioner's part. She said this gives you a mechanism to eliminate that presumption. She reiterated, it just set's out a process for disclosing those conversations when those disclosures have to occur and there is a separate section for land use issues and non land use issues and it all deals with the quasi-judicial area, where you are actually acting on a specific matter and not making general legislation.

Statement of Issue:

This item seeks Board direction regarding the adoption of an ordinance to implement the provisions of Section 286.0015, Florida Statues, relating to the removal of presumption of prejudice which arises from ex parte communications with local public officials which are related to quasi-judicial actions pending before such officials.

Background:

Unless prohibited by statue, charter, or ordinance, any person may discuss with any local public official the merits of any matter on which action may be taken by the board on which the local official sits. However, under Florida law, such private or off — record "ex-parte communications" are generally presumed to be prejudice or harm a person whose rights are adversely affected by the board's decision to a higher authority will reverse the board's decision and remand the matter for further proceedings unless the board proves the communication did not impact the board's decision.

Interim County Administrator Lawson announced the public hearing and Chairman Taylor confirmed that there were no public speakers.

Chair Taylor reiterated the comments of the Attorney by saying when a Public Official has conversation with someone who has an agenda item that needs to be voted on it needs to be disclosed before we move forward in taking action. She said it protects this County and the Citizens that come before us.

Commissioner Croley raised the issue he personally has problems with this. Where we have things going on affecting a piece of property and Commissioner's having meetings with others who are trying to make changes and didn't disclose those conversations fully with the public. He added with this Ordinance in place it gives some assurance to the public that we have guidelines to go by. He asked Mrs. Minnis about page 2 of the proposed Ordinance, paragraph (d) he referenced the section where it relates to: This subsection does not subject local public officials to part III of chapter 112, Florida Statues, for not complying with this paragraph.

Attorney Minnis replied it basically means chapter 112 deals with ethics provision. She noted since this is a voluntary Ordinance if you decide you don't want to pass it then you won't be violating any ethical considerations or if you decide you don't want to disclose it's not an ethical issue. It just becomes an issue of whether you are going to have an issue or allegation of presumed prejudice lodged against you by someone about your vote.

Commissioner Croley then inquired about 3 (b) of the proposed Ordinance. A party or party – intervenor in a quasi-judicial proceeding on local government land use matters, upon request by another party or party – intervenors, and shall be required to be qualified as an expert witness, as appropriate.

Attorney Minnis conveyed there are 2 different sections, there is a section dealing with non-land use quasi-judicial issues and a section dealing with the land use quasi-judicial issues and this particular section deals with the land use issues. She said basically what the statue requires if you are going to implement this part of it, what the statue requires is if the people involved in the land use issues, the parties (property owners and business) have the right to request the other party that may be opposing what they want to do be sworn in and have to give sworn testimony. It also says for example, if one of the parties brings an architect and at that point if we want the architect to be what is called a fact witness, but not qualified as an expert. The other party can demand the other person be qualified as an expert and give credentials of why they should be able to give the opinion they are offering. It makes the proceeding a little bit more formal. She commented there is not an obligation to pass this; you can pass a piece of it or all of it as long as you understand how the statue works.

Commissioner Croley remarked he is not to clear on that particular section. He said it appear contradictory.

Attorney Minnis stated it was not contradictory because it says the disclosure of the communication is not required, but the non disclosure shall not be presumed prejudicial to the decision of the decision – making body. She noted this wording came directly out of the statue and in order to pass this Ordinance the language must be in there.

Commissioner Croley asked if this would apply to the Planning and Zoning Commission as well.

Attorney Minnis commented this particular statue dealt specifically with elected officials.

Commissioner Croley said his biggest concern is when the public comes up here and it is a Land Use situation affecting their interest. They have a right to know. He said everyone should be open and above with communication and there should not be any "hidden agendas or conversations that other people do know about or commitments made." He added the Ordinance really protects the Board.

Attorney Minnis added that was correct and to clarify, she had looked back at the definition section to answer the prior question posed by Commissioner Croley and it states it does apply

to local or appointed officials. She said it could be applied to the Planning and Zoning Commission. Once the Ordinance is passed and implement, I will make sure we fully understand all the nuts and bolts. She added subsection (c) was a little confusing to her as well, but if you pass the Ordinance the Statue dictates the language.

Commissioner Holt expressed concern by saying they need to look closer at this Ordinance. She said they are required by state law already to make disclosures. She said it should be done by all Boards or Commission's they appoint are held by this same law. She stated that's why she is always saying we need to sit down and look at these Board's and Commission's because they are not privileged to this information. She said they are requiring people to live under laws and they know nothing about them. She suggested a workshop format so the appointees know what they are getting into by accepting to be on the different Boards.

Commissioner Morgan stated he did read this item, but he also stated he does not fully understand the Ordinance. He asked of the Attorney, most counties our size, do they have this particular Ordinances or one that is similar and how do we enforce.

Attorney Minnis replied she had not canvassed the other Counties to find out if they have this particular Ordinance. She said basically enforcement would have to be issuing policies when these matters come before you, lying out and informing citizens this is the process you would be using when presenting your issues to that particular body. She added also she had found the answer to Commissioner Croley's question about section (c). She said the land use piece deals more with the process for having land use matters presented to the Board and allowing for cross-examination of the people involved. She said basically what subsection (c) says is: it doesn't prohibit Commissioner's or Appointed Officials or anyone else from having private conversations with Citizens about pending land use issues and the disclosure of those conversations is not required because the standard for those particular type of hearings is you can only vote if you have substantial competent evidence to support your vote and that has to be in the record. She said it is very confusing Statue.

Commissioner Croley said if we don't have this Ordinance we aren't suppose to have any communication with any citizen that is coming before quasi-judicial hearing on land use changes. He added this is to allow, unless you have some type of Ordinance in place, because you are not suppose to be talking with them, you create prejudice. He said the drafting of the Ordinance, if approved, would allow them to talk to their elected officials.

Attorney Minnis corrected Commissioner Croley by saying its confusing about the way they put together this Statue because the first part does what you are talking about in non-land use issues. We are not saying Citizen's can't talk to their Commissioners because they can. She said what they are saying is for Commission or Appointed Officials to avoid a presumption of prejudice and at a later date you have to disclose that communication. She said when it gets to the quasi-judicial land use proceedings it specifically said no citizen is precluded from communicating directly with a member of the decision making body by application of ex-parte communication. She said the citizens aren't prohibited from doing that and that disclosure of

those communications by member of the decision making body is not required and such nondisclosures shall not be presumed prejudicial to the decision of the decision making body. She added her opinion was that she thought it was true if you have these procedures in place.

Discussion occurred among the Board.

Commissioner Morgan inquired of the Attorney in her opinion, is the Board better served to adopt ordinance.

Attorney Minnis pointed out from a defense view it is a voluntary statue and if you do it exempts the assumption of prejudice. It just gives another layer of defense if your decision is appealed and there is an allegation of an ex-parte communication that resulted in prejudice to the non-successful party. She said it's not a legal requirement that you adopt.

Commissioner Holt stated if we pass, we had better adhere to what is stated in the Ordinance. She expressed a need for workshops for all parties involved.

Attorney Minnis replied there was no timeline.

Chair Taylor expressed concerned and asked does this affect local officials and other boards. If so, we need to have other Board's input and inform them before mandating.

Attorney Minnis replied it would affect all Boards on the Gadsden County Board of the County Commission.

It is the consensus of the Board that it be tabled and workshops conducted for better understanding.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO DEFER TO GET COMMUNICATIONS FROM OTHER BOARDS AND BRING BACK REPORT FOR A WORKSHOP IN THE FUTURE.

14.

Public Hearing - Adoption of Ordinance number 2012-001 to enact and authorize an additional homestead exemption of \$25,000 for qualified individuals who are at least 65 years of age

(Deborah Minnis, County Attorney)

Attorney Minnis discussed the Adoption of Ordinance Number to enact and authorize an additional homestead exemption of \$25,000 for qualified individuals who are at least 65 years of age.

Statement of Issue:

This item seeks Board direction regarding the adoption of an ordinance to enact and authorize an additional homestead exemption of \$25,000 for qualified individuals who are at least 65 years of age.

Background:

Section 196.075, Florida Statues authorizes counties to grant an additional homestead exemption of not more than \$50,000 to persons who are at least 65 years of age and meet specified statutory criteria. At the February 1, 2011 BOCC meeting, the Board appointed a Committee consisting of Commissioner Lamb; Clay Vanlandingham, Property Appraiser, Dale Summerford, Tax Collector; Arthur Lawson, Interim County Administrator, and a representative from the Clerk's Office to review the impact of a proposed additional ad valorem tax exemption for seniors.

Mr. VanLandingham appeared at the May 3, 2011 BOCC meeting and provided information on the various levels of the exemption and how this additional exemption would affect the ad valorem revenues of the County. The Committee met and decided to recommend an additional \$25,000 homestead exemption for seniors meeting the qualifications as set out in Florida Statues. At the August 16, 2011 BOCC meeting the Board voted 5-0 to adopt the committee's recommendation and authorized an additional \$25,000 homestead exemption for qualified individuals who are at least 65 years of age.

Analysis:

To qualify for the additional exemption, seniors must be at least 65 years of age or older, must have legal or equitable title to the real estate and maintain thereon a permanent residence, and their total household income, as that term is defined by section 196.075, must not exceed \$20,000 plus yearly cost of living increases since January 1, 2007. The amount of the exemption would be based on the value of the home over the \$50,000 homestead exemption presently allowed.

Interim County Administrator Lawson announced the public hearing and Chairman Taylor confirmed there were no public speakers.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE ADOPTION OF ORDINANCE NUMBER 2012-001 TO ENACT AND AUTHORIZE AND ADDITIONAL HOMESTEAD EXEMPTION OF \$25,000 FOR QUALIFIED INDIVIDUALS WHO ARE AT LEAST 65 YEARS OF AGE.

General Business

15.

Approval to Seek Quotes for Financing Ambulance Purchase(s) (Tommy Baker, EMS Director)

Statement of Issue:

This item seeks Board approval to research financing options for replacing high mileage ambulances.

Background:

EMS is experiencing an excessive number of vehicle breakdowns due to the age and condition of the fleet. The following is a summary of the vehicles within the fleet listing year model and mileage.

#	Year	Mileage	Model	Make
1	2009	144,273	3500HD	Chevrolet
2	2008	175,600	3500HD	Chevrolet
3	2005	137,522	F450	Ford
4	2007	251,524	3500	Chevrolet
5	2003	270,093	F350	Ford
6	2009	114,725	3500HD	Chevrolet
7	2006	147,725	E350	Ford
8	2006	300,174	3500	Chevrolet
9	2008	195,116	3500HD	Chevrolet
10	2008	188,230	3500HD	Chevrolet

Analysis:

EMS has experienced multiple vehicle breakdowns with ambulances. Leon County Board of County Commissioners recently donated 3 ambulance units to Gadsden County for the purpose of remounting to a new chassis to assist us with upgrading our fleet. With a fleet size of 10 vehicles, it necessitates the purchase/remount of a minimum of two units per year to accomplish a 5 year rotation. Due to 16 week turnaround time on the chassis from Chevrolet, it is estimated even with the immediate purchase of these vehicles; units will not be completed and placed in service until May 2012. Due to the age and current condition of the fleet, staff is researching options to accelerate this replacement schedule.

Fiscal Impact:

No capital outlay funds were budgeted for equipment purchase in this fiscal year and no transfer was budgeted from General Fund for the EMS budget.

Mr. Tommy Baker addressed the Board and asked to allow them to seek quotes on high mileage ambulances and bring options back to the Commission for consideration.

Commissioner Croley inquired would it be possible to lease instead of buying these type vehicles.

Mr. Baker replied there is one company, but it's not really a lease. He added their plan is to remount the box and he recognized Leon County for giving 3 ambulances. He asked the Board to do a thank you letter.

Commissioner Croley asked what do new units cost.

Mr. Baker replied the cost for a new ambulance is \$190,000 compared to remounting which is about \$85,000. He added they need to get on a rotation plan.

After further discussion, Commissioner's Lamb and Croley spoke in support.

Commissioner Holt pointed out if they could buy in with other counties that are already purchasing, it could also be an additional savings.

Commissioner Morgan conveyed the need for total cost of ownership. He suggested one make on all the ambulances instead of all the different ones and once the Board knew the cost it could be budgeted.

Mr. Baker replied he would return to the Board with his findings and quotes for financing replacement of high mileage ambulances in February.

Chair Taylor spoke in support and asked for motion.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, FOR APPROVAL FOR STAFF TO SEEK QUOTES FOR FINANCING REPLACEMENT OF HIGH MILEAGE AMBULANCES AND BRING OPTIONS BACK TO THE COMMISSION FOR CONSIDERATION AT THE FEBRUARY MEETING.

16.

Discussion of Tourist Development Council – Terms of Appointments (Arthur Lawson, Interim County Administrator/Sonya Burns, TDC Coordinator)

Mr. Lawson addressed the Board concerning the Statement of Issue, Background and Analysis.

Statement of Issue:

This agenda item defines how the term of appointments are identified in the Florida Statue for governing the Tourist Development Council.

Background:

The council shall consist of nine (9) members, each of whom shall be electors in Gadsden County, Florida and shall be appointed by the Gadsden County Board of County Commissioners.

The terms of appointment of each member shall be staggered terms of four years. If determined by a majority vote of the BOCC, members of the Council can be reappointed for additional terms.

Any vacancy in membership shall be filled for the unexpired term by the Gadsden County Board of County Commissioners, who shall have the authority to remove any member for cause, upon written charges, after due notice and a public hearing. For the purpose of these by laws, cause shall, among other things, include conduct that the Gadsden County Board of County Commissioners believes is detrimental to the health, safety, moral, order, convenience, prosperity and general welfare of the citizens of Gadsden County. Cause for removal shall include the unexcused absence from two (2) consecutive Council meetings or (4) meetings in a fiscal year, unless excused by the Chairman for valid personal or medical reasons. At the expiration of a term, members may continue to serve until the Board of County Commissioners reappoints another member to fill such vacancy.

Analysis:

Pursuant to Section 125.0104, Florida Statutes, known as the Local Option Tourist Act, the TDC can make recommendation to the BOCC for uses of the tourist development tax revenue and for the effective operation of special projects, meet and adopt a tourist development plan in according to provisions of Section 125.0104(4)(c), Florida Statues and continuously review expenditures of revenues from the tourist development trust fund and receive, at least quarterly, expenditure reports from the BOCC or its designee.

Mr. DuBree addressed the Board on the Tourist Development Council. They are now on a staggered system. He said traditionally the Council end dates where December 31^{st} . He suggested they reflect the end of the fiscal year. He suggested end dates July 30^{th} .

Commissioner Croley inquired about By-Laws.

Chair Taylor stated the Strategic Plan had all things in place.

Chair Taylor stated, while she understood Mr. DuBree's concerns, for now it was her suggestion to stay with the current process.

Commissioner Morgan expressed his appreciation of the TDC and asked how TDC could be most effective.

Commissioner Holt questioned staggering of Commissioners. She said she was interested in getting new ideas for more people in the county.

Mr. DuBree reported the TDC had positive news increases, numbers from Department of Revenue Website reported August - November collected (increases) most bed taxes, since they started collecting bed tax. He said getting the word out, businesses working together, letting people know what Gadsden County has to offer.

Chair Taylor commented the intelligence is there among the Board. She applauded the TDC for all it had done and said she would like to move forward with positive ideas for the County and for now the consensus of the Board was for everything to remain with the current process.

County Administrator

17. Update on Board Requests (Arthur Lawson, Interim County Administrator)

Mr. Lawson presented a copy of a letter from Mayor John Mark, City of Tallahassee on a Resolution endorsing and supporting efforts to restore Amtrak Service on the Sunset Limited Route. He read a portion of the Resolution. Whereas, the Sunset Limited is an Amtrak passenger train that for most of its history has run between Los Angeles, California, and New Orleans, Louisiana, and that from early 1993 through late August 2005 also ran east of New Orleans through Tallahassee to Jacksonville and south to Orlando, Florida. He gave a brief history of the trains start:

Statement of Issue:

He also noted the Tallahassee Amtrak station (also known as the Jacksonville, Pensacola and Mobile Railroad Company Freight Depot) is a historic Seaboard Air Line Railroad depot that was constructed in 1858 and is considered to be one of the oldest deports in the United States. Located at 918 Railroad Avenue, it was the site of passenger train service for Tallahassee and local area residents until 2005 when Hurricane Katrina damaged railroad tracks west of the community. At the time of the storm event, Amtrak's Sunset Limited provided service to area residents via a line that ran from Los Angeles, California to Orlando, Florida. In 2006, the damaged railroad tracks were repaired yet Amtrak passenger service was not resumed due to the projected costs of restoring the service to the region.

In July 2009, Amtrak issued a Gulf Coast Service Plan Report outlining their strategy for restoring passenger rail service between New Orleans, Louisiana and Sanford, Florida. This plan is mandated in order to meet Section 226 of the Passenger Rail Reinvestment and Improvement Act that requires Amtrak to develop, by July 16, 2009, an approach to restore said service. The plan includes a projected timeline and costs, and identifies any legislative changes required to support reinstatement of service. As of 2011, Tallahassee continues to have no passenger rail service.

Citizens supporting the reinstatement of the service have requested a resolution to be submitted to Florida's congressional delegation. The purpose of the resolution is to urge the Federal Government to restore service to Florida's gulf coast region as soon as possible for both economic and quality of life reasons.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, FOR APPROVAL TO HAVE THE AMTRAK TRAIN RESOLUTION PLACED ON THE AGENDA FOR DISCUSSION.

County Attorney

18

C.W. Roberts Agreement to Abate Recycled Asphalt Pavement Crushing/Production Operation and Related Activities (Deborah Minnis, County Attorney)

Statement of Issue:

This item presents to the Board requested changes to the CW Roberts agreement for abatement of Recycled Asphalt Pavement Crushing/Production Operation and Related Activities.

Background:

On October 7, 2010, the County, CW Roberts, and Roberts and Roberts entered into an Agreement to Abate Recycled Asphalt Pavement Crushing/Production Operation and Related Activities (the "Agreement") whereby CW Roberts and Roberts and Roberts agreed to abate the asphalt crushing operation and remove all recycled asphalt pavement, crush asphalt, and all other material or equipment inconsistent with the land uses described in the Agriculture 3 Land Use Category of the Gadsden County Comprehensive Plan and Future Land Use Element from certain property owned by Roberts and Roberts in Gadsden County, Florida and described in Exhibit "A" attached hereto to the agreement, unless the County alters the land use designation of the Property or issues any approvals allowing such operation on the Property. Nothing therein prohibits CW Roberts or Roberts and Roberts from seeking any land use approvals from the county relating to the property. Based on information provided by Mr. Roberts at the Commission's July 5, 2011 meeting, the parties sought to amend the Agreement to extend the date for abatement to January 31, 2012. An agreement was sent to counsel for CW Roberts amending the date and providing for a fine for each day beyond January 31 on which the material is not removed. Counsel for CW Roberts rejected implementation of the fine. A copy of the agreement showing the requested change is attached hereto.

Attorney Minnis commented basically the only section he wanted removed was about penalty section. She asked for guidance from the Board.

Commissioner Holt expressed concern and stated she didn't think the penalty section should be there. She said it should not be treated differently than any other abatement process we have in the County. She offered a motion for it to remain as it was and it was second by Commissioner Morgan.

Commissioner Croley raised the question. He asked Attorney Minnis as County Attorney does this anyway make you feel uncomfortable with the request. He posed the same question to Interim County Administrator Lawson.

They both replied they did not feel uncomfortable with the request change.

Commissioner Holt inquired why we need the agreement.

Atty. Minnis replied they have been trying to get the contract signed since 2010 and basically this is an extension. Mr. Roberts has not objected in signing, just the portion related to the fines.

Commissioner Holt withdrew the motion and Commissioner Morgan withdrew the second. A new motion was offered by Chair Taylor.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4-1, BY VOICE VOTE, FOR APPROVAL OF THE REVISIONS FOR CW ROBERTS AGREEMENT FOR ABATEMENT OF RECYCLED ASPHALT PAVEMENT CRUSHING/PRODUCTION OPERATION AND RELATED ACTIVITIES.

(Commissioner Holt opposed the motion)

19.

Update on Various Legal Issues (Deborah Minnis, County Attorney)

Election Cost – Slot Referendum

Attorney Minnis called attention to the Slot Referendum (Election Cost). She commented she had met with Supervisor of Elections, Shirley Green-Knight as instructed by the Board. She conveyed Mrs. Knight disclosed she has sufficient funds for a full election in January and she would not be short of funding. She said since BOCC already had an issue on the ballot, the tax abatement, she would have to print ballots for the entire county anyway.

Commissioner Croley inquired if the Creek Indians were willing to pay why not accept their funds for the referendum and have the balance returned to the public. He also asked why Supervisor Knight created a budget with two full elections, county — wide referendums when they weren't planned.

Attorney Minnis stated since we, the Board, have an issue on the ballot anyway, which will require her to send ballots out to the entire County, which is unrelated to their issue; she was already spending the money on the Board's behalf.

Attorney Minnis stated on the issue of why she created the budget the way she did you would have to ask Mrs. Knight. She built in her budget funds for two elections and she has her reasons.

Commissioner Croley stated that Governor Scott has asked the Legislature to deal with the issue of slot machines and if a decision is made before the election who would pay for the ballots to be reprinted.

Attorney Minnis commented it would be a different issue and she did not know who would pay that cost.

Commissioner Morgan recalled from his memory the entity that was speaking before the Board about entertaining us about supporting a referendum, they stated they would incur or reimburse the County for any cost occurred by the referendum. He said he did not understand what the Attorney was saying, because he added there is a cost to it unless what you're saying is we are adding a referendum that doesn't add any additional cost.

She commented normally it would have been only a Republican Primary, but due to the fact the Commission added the two Referendums we have a full county-wide election.

Commissioner Holt stated once you decided on the abatement referendum, we are responsible for what's on the ballot. She said she was of the opinion there is no additional cost.

Chair Taylor remarked that she could recall in a public meeting that Creek Entertainment said they would compensate if needed. She asked Mr. Lawson to have a conversation with Creek Entertainment and come back with a report. She noted there was no additional cost. She then made a motion for approval to allow the Administrator to discuss with Creek Entertainment if they are willing to pay for portions of the referendum.

Commissioner Morgan raised the question if there aren't any additional costs, then there is no discussion.

Commissioner Lamb said the Attorney has already explained there are no costs.

Commissioner Holt commented she agreed with Commissioner Morgan, where is the research that says there is additional cost.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO ALLOW THE ADMINISTRATOR TO RESEARCH TO SEE IF THE WORD ADDITIONAL AND SEE WHAT THE LANGUAGE ACTUALLY SAID, IF NEEDED DISCUSS WITH CREEK ENTERTAINMENT FOR PAYING EXPENSES RELATED TO THE JANUARY BALLOT CONCERNING THE SLOT MACHINES.

Emergency Management Inter-Local Agreement

Commissioner Croley inquired about the Emergency Management Inter-Local Agreement. He asked was it ever signed and commented it was to be brought back before the Board.

Attorney Minnis replied it had not been signed. She commented the Sheriff's Department had requested a change be made to the agreement, which I will bring back to you. She said the change dealt with the job description that would be developed and would not apply to the current Director. She noted it was different than what was currently proposed.

Chair Taylor asked the Attorney to bring back the Agreement with the changes once it is completed.

20.

Discussion Items by Commissioners

Commissioner Lamb, District 1

- Resurfacing Roads in the Lake Yvette Area
- Addressed hearing concerns around the Dias.

Commissioner Croley, District 2

 Concerns regarding Waste Pro Services - How many citizens are participating in Waste Collections, statistical information.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 -0, BY VOICE VOTE, TO APPROVE THE AGENDA AND REVIEW OF WASTE PRO, HOW MANY CITIZENS ARE USING THE SERVICE.

Businesses in unincorporated areas (better understanding of the process)

Commissioner Croley made a motion and it was second by Commissioner Morgan.

Commissioner Holt raised the question whether looking at the license portion, look at them registering with the County.

Commissioner Lamb asked did they not already have this in place; people who come to the County have to register.

Mr. Lawson replied they did not have any occupational licensing in place, he said they don't have any specific mechanism in place other than when they have to permit to build an establishment. He said there is no official mechanism that requires businesses to register with the County.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED S — 0, BY VOICE VOTE, TO APPROVE THE COUNTY ADMINISTRATOR TO LOOK INTO SETTING UP A BUSINESS LICENSE REQUIREMENT FOR UNINCORPORATED AREAS OF THE COUNTY WOULD INVOLVE, FOR DISCUSSION ONLY.

Commissioner Holt, District 4

 County Procurement Process to be brought back to be placed on the Agenda(Gadsden County Preferences)

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO HAVE STAFF RESEARCH AND BRING BACKON HOW TO BRING BACK A PROCUREMENT POLICY THAT WOULD GIVE PREFERENCE TO GADSDEN COUNTY VENDORS TO HAVE STAFF FOR DISCUSSION.

Disclosure for other Board requirements

ADJOURNMENT

There being no further business to come before the Board, the Chair declared the meeting adjourned at 9:05 p.m.

GADSDEN COUNTY, FLORIDA

ATTEST:

THOMAS THOMAS COLUMN AND PLONION COLUMN AND PLONION

BY:

Sherrie Taylor, Chair

Board of County Commissioners

Nicholas Thomas, Clerk of Court
Gadsden County, Florida

Chair Taylor instructed the Administrator to workshop this particular item as soon as possible and not to prolong pass the March date.

Commissioner Holt asked for a copy for the Board on all the different Boards surveying under the umbrella of the BOCC and appointees that serve on those Boards.

Mr. Lawson informed Commissioner Holt this item had already been handled. Mr. Lawson added they are cleaning up Boards at this moment they have identified 28 Boards and when all information is complied it would be presented the Board.

Commissioner Morgan, Vice Chairman, District 3

- Wished everyone a Happy New Year.
- Lobbying Process Financial Commitment for Defending Florida State Hospital
 He motioned for this item to be added to the agenda for discussion and it died for lack
 of second.
- Negative Job Performance of County Employees during public meetings He commented it shouldn't be addressed, but brought to the Administrator's attention.
- Rotate order in which comments are made by Commissioners.
 Chair Taylor said she had no problem with revision of Commission order.

Commissioner Taylor, Chairperson, District 5

- Wished everyone a Happy New Year to all citizens.
- Retreat for Commissioners to remove all barriers and work together.
- Cold Weather Shelter is available and she asked if it could be placed in the announcement and media.
- Canvass Board August 2012 Appointment (To be placed on Agenda at next meeting It was noted Commissioner Lamb has had training.)
- County Manager Position She commented this government was not designed for one
 person to hold two positions. We can't wait a year. He is number 1 and 2 person. She
 said they are setting themselves up for failure. We need someone there in the County
 Manger's position or give Mr. Lawson the job permanent.
- Law Suits FACT Meetings discussed lawsuits dealing with implications of Human Resources and the County. She directed Mrs. Minnis to look at the employment aspects (what statue requires us to take action.)
 - Attorney Minnis will check and will report back to the Board with her findings.

Receipt and File

January Meeting(s)

- January 17, 2012, Regular Meeting, 9:00 a.m.

ADJOURNMENT

There being no further business to come before the Board, the Chair declared the meeting adjourned at 9:05 p.m.

GADSDEN COUNTY, FLORIDA

ATTEST:

BY: FUN

Sherrie Taylor, Chair
Board of County Commissioners

Nicholas Thomas, Clerk of Court Gadsden County, Florida AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA, ON JANUARY 17, 2012 AT 9:00 A.M., THE FOLLOWING PROCEEDINGS WAS HAD, VIZ.

Present: Sherrie Taylor, Chair, District 5

Eugene Lamb, District 1 Doug Croley, District 2 Brenda A. Holt, District 4 Nicholas Thomas, Clerk

Debra Minnis, County Attorney

Arthur Lawson, Interim County Administrator

Absent: Gene Morgan, Vice-Chair, District 3 (Excused)

INVOCATION, PLEDGE OF ALLEGIANCE AND ROLL CALL

Chair Taylor called the meeting to order at 9:00 a.m. She led in a prayer and pledge of allegiance to the U.S. flag.

Beryl H. Wood, deputy clerk called the roll and recorded the attendance as noted above with Commissioner Morgan being absent. Chair Taylor asked for a motion to excuse Commissioner Morgan.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4-0, BY VOICE VOTE, TO APPROVE THE EXCUSAL OF COMMISSIONER MORGAN FOR THE JANUARY 17, 2012 REGULARLY SCHEDULED BOARD MEETING.

AMENDMENTS TO AND APPROVAL OF THE AGENDA

There were no amendments made to the Agenda. Chair Taylor asked for a motion to approve it as written.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS PRINTED.

AWARDS, PRESENTATION AND APPEARANCES

1. Request from the Public for Adoption of an Ordinance Relating to Copper Theft

Mr. Lawson commented this presentation is for a request from the public for adoption of an Ordinance relating to copper theft from the Talquin Electric and the Gadsden County Sheriff's Department. He acknowledged Kim Gay, Manager of Media Communications, Allen Shepard,

Director of Electric Operations Services, and Tracy Bensley, General Manager, Talquin Electric Cooperative, Inc. and Major Shawn Wood, Gadsden County Sheriff's Department.

Statement of Issue:

This item sought board approval to create and enact a county ordinance requiring scrap metal vendors to hold a product brought in for sale for ten (10) days before finalizing the transaction.

Background:

Due to the enormity of copper theft in Gadsden County in recent months, a number of county business people approached the county and the law enforcement agencies with a request that Gadsden County enact an ordinance requiring scrap metal dealers to hold the scrap metal transactions for 10 days before melting it down. Law Enforcement agencies stated they believe by enforcing a ten-day holding period, it would greatly hamper the thieves.

In the past, the scrap medal vendors have taken photographs of the customers that were selling the scrap, but the qualities of the photographs do not meet the evidentiary standards for prosecution in the courts.

Attached is a copy of an ordinance enacted by Leon County. Law Enforcement and the electric industry requested passage of a similar ordinance to help protect the citizens from a growing epidemic.

Kim Gay of Talquin Electric addressed the Board requesting the County Ordinance relating to Copper Theft. She introduced the Talquin Electric Staff that accompanied her today. She asked for the Board's help battling a copper theft crime that is affecting many of the citizens in Gadsden County. For example she detailed how in one weekend over \$25,000 was done in damage to one of their systems. She gave data about poles that have been stripped of wire. She reiterated the need and asked for the Board's support in request to the Ordinance for copper theft.

Chair Taylor entertained discussion from each Commissioner.

Commissioner Holt inquired about the 10 day holding period on transactions.

Mrs. Gay replied what they are asking is for scrap metal dealers to hold the scrap metal for a certain length of time, before melting down. It gives an entity time to identify the material if stolen.

Commissioner Lamb commented he was in 100% agreement with what they are trying to enforce. He reminded them it is not only businesses being affected, but homes also.

Commissioner Croley greeted Talquin representatives. He said his concern is that until they have some registration process with the business in the unincorporated areas. He noted it's hard to determine who the scrap metal dealers are. He said in Gadsden County they have no way of monitoring the business in the unincorporated areas that are in operation. He asked have they taken the ordinance to other surrounding counties.

Mrs. Gay stated they had taken it to the 4 counties they serve. She disclosed Wakulla does not have any scrap metal vendors in there County. She recently they had a meeting statewide with Sheriff's Association and they have contacted all the co-ops in Central, North and South Florida. She said they have asked them to present the Ordinance to their counties so they all can be unified movement.

Commissioner Croley called attention to the proximity of the Georgia and Alabama Line. He said with dealers on both sides of the line, you have material go back and forth. He said that is why he asked because efforts need to be made to work with them. He continued to say if they don't address the issue that way, they will just go into a different direction to sell the scrap metal. He also asked Mrs. Minnis had she taken a look at the Ordinance.

Mrs. Minnis replied she had not, if directed by the Board, she would.

Commissioner Holt asked when they bring the scrap metal in, are they registering with the scrap metal dealers.

Mrs. Gay said yes, the owners are required to give a finger print and photo of the evidence to the dealers. She added according to the Sheriff's Association it's difficult to prosecute on a photograph.

Chair Taylor thanked them for sharing their concerns and taking initiative. She raised the question of Sheriff Young's name being placed instead of Major Shawn Wood as support this issue. She noted the higher up and more collaboration the better stance they would have in support of this issue. She noted it should include the Big Bend Region in getting support for this issue to make it broader. She said there needed to be a law on the books concerning this issue.

Commissioner Lamb offered a motion to have the Attorney look at the Ordinance.

For a point of clarification, Commissioner Croley commented, should this not only include copper, but others such as aluminum.

Chair Taylor commented the language is in the Ordinance covering them all.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE ATTORNEY REVIEWING THE ORDINANCE AND BRING BACK FINDINGS BACK TO THE BOARD.

Commissioner Croley brought attention to the fact; the issue of precious metal theft is taken up with all the municipalities as well.

Chair Taylor reiterated the Big Bend area needs to be notified.

Mrs. Gay noted there are two bills being proposed this year that are concerning scrap metal and they do not require a holding time. She said they tried to pass that law last year and it didn't go. She said that's why they are starting at grassroots level and asking for support, by next year, they

will have more leverage. She then thanked the Board for allowing them to present.

CLERK OF COURT AGENDA

2. Presentation of County Finance and County Clerk Issues

(Clerk of Court, Nicholas Thomas)

Mr. Thomas had no issues. He conveyed to the Board for informational purposes only, the Auditors (Purvis Gray & Company) started auditing accounts today.

CONSENT AGENDA

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA AS STATED.

3. Approval of Minutes:

October 4, 2011 Regular Meeting November 15, 2011 Regular Meeting

4. Ratification of Approval to Pay County Bills

Accounts Payables dated: December 2, 2011

December 9, 2011 December 16, 2011 December 22, 2011 December 30, 2011 January 6, 2012 January 13, 2012

Payrolls Dated: December 15, 2011

January 12, 2012

5. Approval of Inter-Local Agreements with the Municipalities and the School District for Emergency Debris Management

Statement of Issue:

This item sought board approval of Interlocal agreements for the management of debris that might develop from a natural or a man-made emergency or disaster.

Background:

In June, 2011, the Gadsden County Public Works Department in coordination with the Emergency Management Service developed a formal Debris Management Plan. This document addresses the allocation of various heavy equipment and staffing resources to meet the public needs of the county in case of debris laden emergencies. This plan calls for intergovernmental coordination with the county departments to fully address debris management.

In the preparation of the Debris Management Plan, staff discovered the county did not have a mechanism by which to recover costs associated with servicing the municipalities or the school district in times of emergencies. The development of the Interlocal agreement could/would provide a way to allocate and recover resources for services rendered via tax dollars that are not reimbursed by FEMA or Florida Division of Emergency Management.

The proposed agreements list the responsibilities of both parties.

Presenter: Consent Agenda

Action Taken: Approved

6. Resolution 2012-007 – Requesting Amtrak to Restore Services of the Sunset Limited Route

Statement of Issue:

This agenda items sought board approval of a resolution to support the restoration of Amtrak Services and the Sunset Limited Route.

Background:

There has been no Amtrak passenger rail service through North Florida communities since 2005 after Hurricane Katrina caused damage to part of the Sunset Limited Route from New Orleans to Jacksonville. The damage has been repaired and freight train traffic has been restored; however, Amtrak has not reestablished passenger service.

Based on information provided, the Sunset Limited Route from Los Angeles to Jacksonville was the only truly transcontinental route in the nation. There are thirteen "stranded stations" with no Amtrak service stretching across the Gulf Coast.

Analysis:

The Federal Passenger Rail Investment and Improvement Act of 2008 required Amtrak to submit a plan to restore passenger rail services between New Orleans, Louisiana and Jacksonville, FL, but the necessary steps have not yet been implemented. The City of Tallahassee has requested Gadsden County join with them in their efforts to ensure that passenger services are restored by passing Resolution 2012-007.

Presenter: Consent Agenda

Action Taken: Approved

CONSENT AGENDA ITEMS PULLED FOR DISCUSSION

There were no items pulled from the consent agenda.

CITIZENS REQUESTING TO BE HEARD

There were no citizen's requesting to heard.

GENERAL BUSINESS

7. Resolution 2012-006

Statement of Issue:

This agenda item requested approval of Resolution 2012-006 regarding the Workforce Accountability Act.

Background:

The Big Bend Jobs and Education Council was established in May 1996 to serve Leon, Gadsden and Wakulla counties. It has served as the Workforce Development Board since that time. An Interlocal agreement was entered into at that time. Other similar boards were established all over Florida.

After major problems with a Central Florida workforce board, a House panel began moving forward with a bill that would lead to more state control of the regional agencies that help provide job training and other services.

The proposal, which was approved by the House Business & Consumer Affairs Subcommittee, would give the governor power to approve workforce board chairmen and executive directors. Also, it could put new limits on the number of members of the boards and includes financial-disclosure requirements. It was revealed that Workforce Central Florida had a history of widespread problems, including the awarding of agency contracts to board members.

But, other lawmakers raised questions about expanding the state's role.

The proposed resolution is in support of maintaining local authority and control for the regional workforce board as well as maintain the focus established under the federal Workforce Investment Act of 1998 which promotes a locally driven system that is representative of business and community stakeholders and overseen by the Local elected officials.

Kim Moore, CEO, WORKFORCE Plus, enthusiastically articulated her support and asked for the Board of County Commissioners approval of Resolution 2012-06 in regards to the Workforce Accountability Act by powerpoint presentation. She thanked the Board for allowing her to present.

Comments by Board:

Commissioner Croley expressed concern with presentation. He commented they are bringing forth this Resolution for accountability. He asked was this something your Board has authorized you to do.

Ms. Moore replied they all are seeking the same thing which is accountability, which is why they proposed an alternative proposal to BCAS12-01.

He asked would all appointments come from the state.

Ms. Moore stated in response that Florida is a pass through state and you have authority because you appoint. She said it would be serving at the pleasure of in terms of Chair and Executive Director. She said the rest was related to Workforce Directors, appointments could be removed with cause.

Commissioner Croley commented he was uncomfortable passing this resolution because; it puts you in political matter that will not serve you well in the long run.

Commissioner Lamb noted Legislature is trying to get bills passed, so they can put more teeth in the oversight in the Workforce and it gives the Governor more authority. He said he would like to discuss with Florida Association of Counties to get their view.

Commissioner Holt expressed to Ms. Moore that she was correct by bringing this issue to the Board. She said she was in support and motioned for approval.

Chair Taylor stated there was a motion on floor and it died for lack of second. She asked Attorney Minnis had she had a chance to look at resolution. She asked about the political issue that was raised by Commissioner Croley was it noted in the resolution where you would be a proponent to oneside as opposed to the other.

Ms. Minnis stated she had looked at the resolution and added it was in support with other Counties. She said she didn't look at it in eyes of political indication. She discussed section 2 where it reads: That the Board of County Commissioners of Gadsden County, Florida supports the retention of local elected official and regional workforce board authority to select their board chair, and the chief executive officer, as well as to determine the size of the local boards, the removal of board members and budget approval which authorities have allowed local regions to be effective and nimble in meeting the needs of our local economy. She said if a political issue is of concern that section is where it would be.

Chair Taylor conveyed all 3 Commissioners have delivered great and important points. She said with the expressed concerns it would be great if the FASC could look into this, as well as County Attorney. She asked Ms. Moore was it time sensitive? She asked Mr. Lawson to have on the agenda as soon as possible.

Ms. Moore replied this issue is time sensitive. She did apologize for it appearing as a political issue.

Commissioner Lamb said he would like to talk to the Florida Legislative Delegation.

Chair Taylor called attention to more help needed with jobs for residents in Gadsden County.

She suggested they form dialogue in the near future.

UPON MOTION BY COMMISSIONR LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED TO DEFER THE RESOLUTION 2012-006 REGARDING REGIONAL WORKFORCE BOARD LOCAL CONTROL AND ALTERNATIVE PROPOSALS FOR TRANSPARENCY AND ACCOUNTABILITY TO THE FEBRUARY 7, 2012, NEXT REGULARLY SCHEDULED BOARD MEETING FOR THE FLORIDA ASSOCIATION OF COUNTIES, THE FLORIDA LEGISLATIVE DELEGATION AND COUNTY ATTORNEY TO REVIEW AND BRING BACK.

8. Approval of Appointments to the Apalachee Regional Planning Council

Mr. Lawson discussed the appointments to Apalachee Regional Planning Council with the Board.

Statement of Issue:

This item requested approval of two appointments to the Apalachee Regional Planning Council. Gadsden County is entitled to have three representatives. Two of these representatives are appointed locally by the Board of County Commissioners; one must be a county elected official and one must be a municipal elected official. The Governor appoints the third representative.

Background:

The ARPC is one of eleven regional planning councils in Florida. The Apalachee Region is located in the Florida Panhandle and contains nine counties and twenty-eight municipalities. (Calhoun, Franklin, Gadsden, Gulf, Jackson, Jefferson, Leon, Liberty and Wakulla)

The ARPC works with local governments and citizens on a wide range of issues and programs including, but not limited to: Economic Development planning and assistance; Hazardous Waste Generator Assessments; Hurricane Loss, Mitigation, and Evaluation Studies and Transportation Disadvantaged planning.

Commissioner Eugene Lamb serves as the elected county official at this time and Councilwoman Delores Madison from Midway is the other appointee. Dr. Henry Grant was appointed by the Governor for Gadsden County.

Commissioner Eugene Lamb, County Elected - Reappointment:

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE COMMISSIONER LAMB AS THE COUNTY ELECTED MEMBER FOR THE APPOINTMENT TO THE APALACHEE REGIONAL PLANNING COUNCIL.

Councilwoman Delores Madison, Municipal Elected - Appointment:

Chair Taylor commented Councilwoman Madison has indicated that she would like to continue to serve. She asked the Board would they like to open up to other Municipalities to see if they are willing to serve.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4-0 TO HAVE STAFF SEND INVITATION AND BIO TO SEE IF ANYONE OUT OF THE OTHER SIX (6) MUNICIPALITIES WOULD BE INTERESTED IN SERVING AS THE MUNICIPAL ELECTED MEMBER TO THE APALACHEE REGIONAL PLANNING COUNCIL, TO BE PLACED ON THE NEXT AGENDA.

9. Appointment of Commissioner to the County Canvassing Board

Mr. Lawson brought to the Board's attention the appointment of a Commissioner to the County Canvassing Board. He noted the Chairman Taylor would be on the ballot come the August Election and the Board needs to appoint a Commissioner.

Statement of Issue:

This agenda item sought board approval to appoint one commissioner to the County Canvassing Board for the upcoming election to be held on January 31, 2012.

Background:

The County Canvassing Board is composed of the Supervisor of Elections, the county judge, who will sit as the chair, and the Chair of the County Commission. In the event any member of the Board is unable to serve, that member must be replaced.

Analysis:

Since the Chair of the County Commission will be a candidate in the primary election in August 2012, the Board needs to appoint a member to replace her on the Canvassing Board. Commissioner Lamb was approved to attend the Canvassing Board Workshop in December 2011. Since he has completed the recent training, staff recommended that he be appointed to replace the chair.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE COMMISSIONER LAMB AS THE APPOINTEE TO THE CANVASSING BOARD FOR THE AUGUST PRIMARY ELECTION.

COUNTY ADMINISTRATOR'S AGENDA

Mr. Lawson, County Administrator had no issues or concerns to be presented.

COUNTY ATTORNEY'S AGENDA

Attorney Minnis had no issues or concerns to be presented.

11. Update on Various Legal Issues

Referendum Inquiry

Commissioner Croley called attention to the Press Release from the Attorney General, Pam Bondi regarding the countywide referendum to approve slots. He asked did they act properly as a Board on the vote for the slot machines and would it be binding. He then asked Attorney Minnis if she could explain what it meant for the citizens.

In response to Commissioner Croley's inquiry, Attorney Minnis replied the Attorney General opinions are just that, an opinion; it doesn't have the force of a court order, statue or law. She commented she has authority to issue such opinions. The state agency that she issued it to can follow that opinion or they could seek rejoice in the Courts. She noted just because she made an opinion there is nothing wrong with referendum going on ballot for January 31, 2012. She said whether there would be some litigation in the future she could not speak to, but there is nothing wrong with the referendum moving forward to be voted on by the people.

DISCUSSION ITEMS BY THE COMMISSIONERS

12A. Commissioner Morgan, Vice-Chair, District 3

None

12B. Commissioner Holt, District 4

- Preble Rish, issue on two Bridges resolution. She reminded Mr. Lawson they didn't receive follow up.
 - Mr. Lawson commented we didn't get any additional information; will bring back as an Agenda item and provide something in writing to the Board.
- Early Voting begins Saturday, go out and vote. She asked that they vote for Abatement and Slot Machines in support of jobs.
- Friendship Park, reminded Board it was next on list and needs addressing as soon as possible.

12C. Commissioner Croley, District 2

- Update Capital Budgets on the State of County Buildings He expressed this will help them make plans for upcoming Budget Year.
- Heavy Equipment w/Public Works He asked what was the status of the rolling fleet.
- EMS Management Services Update (Fire)
- Animal Control Concerns Update state of the disposal of the euthanized animals. He said they discussed working arrangement with Florida A& M University, Gadsden Extension, to use their incinerator to show some sign of dignity in the disposal of the animal remains.
- Code Enforcement He discussed the lack of Code Enforcement in the County.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE CODE ENFORCEMENT BEING PLACED ON AN UPCOMING AGENDA WITH RECOMMENDATION FROM STAFF AND THE ATTORNEY AS HOW TO ADDRESS CODE ENFORCEMENT IN THE COUNTY.

12D. Commissioner Lamb, District 1

- Code Enforcement
- Resurfacing Roads in the Lake Yvette Area any information
 Charles Chapman they are currently progressing getting the measurements on the actual roadway. He said he had meet with the representatives from Preble-Rish they are getting measurements and estimates and the information should be here soon.
- Jobs for Residents of Gadsden County

12E. Commissioner Taylor, Chair, District 5

 Send off for the National Guard Reserve on Feb. 15, 2012 at 1:30p.m. at James A. Shanks for departure to Kuwait. She commented that she has asked County Staff to work with Veterans Service on this and she would like participation from the Board and the entire community.

Mr. Lawson will agenda and bring back before the Board.

- Charter Government what are advantages/ disadvantages
- Churches would like to adopt roads, such as picking up trash. What language is in place? She said she was hoping County can do signage.
- Registering Unincorporated Areas please bring back (scale down version of the process of businesses getting started.)
- Senior Citizen Parking Lot
 Mr. Lawson commented Clyde Collins, Building Inspector is looking into and will bring back.
- Workforce Plus Concerns, address areas that are in need, to step up services at Work force Plus.
- Concerns with voices and video not matching at the BCC Board meetings.
 Chair Taylor asked Mr. Lawson to check into the situation and address the problem.
- Emergency Money can it be used to build Ramps.
 - Mr. Lawson was asked to check into the validity.
- Let's keep Citizen's first Quality Service Good Government, concerns with items being handled in a timely manner.

RECEIPT AND FILE FOR THE RECORD

13a. Letter and Report from Quincy Gadsden Airport Authority

The report contained financial report and revealed plans to build a new taxi lane and t-hanger during current fiscal year. It also reported that the hangers are filled to capacity and there is a waiting list from people interested in leasing space.

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING ADJOURNED AT 10:27 A.M.

GADSDEN COUNTY, FLORIDA

Sherrie Taylor, Chair

Board of County Commissioners

ATTEST:

Nicholas Thomas, Clerk of Court Gadsden County, Florida AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA, ON FEBRUARY 7, 2012, THE FOLLOWING PROCEEDINGS WAS HAD, VIZ.

PRESENT:

Sherrie Taylor, Chair, District 5

Gene Morgan, Vice - Chair, District 3

Eugene Lamb, District 1 Doug Croley, District 2 Brenda A. Holt, District 4

Nicholas Thomas, Clerk of Court Debra Minnis, County Attorney

Arthur Lawson, Interim County Administrator

INVOCATION, PLEDGE OF ALLEGIANCE AND ROLL CALL

Chair Taylor called the meeting to order at 6:00 p.m. then led in an invocation and the pledge of allegiance to the U.S. flag. She then called for all cell phones to be silenced and requested all speakers to file a "Speakers Request Form" with the clerk.

The roll was called by Deputy Clerk, Beryl Wood and recorded as noted above.

AMENDMENTS TO AND ADOPTION OF THE AGENDA

The agenda was amended as follows: Item # 14, Resolution Regarding Regional Workforce Board Local Control and Alternative Proposals for Transparency and Accountability — Kimberly Moore, CEO, Workforce Plus was pulled from Agenda.

Commissioner Morgan discussed the Abatement Issue which was voted on by the citizens in the last election.

Chair Taylor said the Abatement Issue was not advertised, so it would have to be heard under Commissioner's Item and motioned to be added to the Agenda at a later date. She agreed with Commissioner Morgan it should be discussed.

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

AWARDS, PRESENTATIONS AND APPEARANCES

1. Presentation of Enhanced 011 Geographic Information Systems (GIS) Mapping Status Report for FY 2011/2012

Randy Myers of James A. Sewell Company gave presentation to the Board of County Commission. Also recognized was Captain Robert Barkley of the Gadsden County Sheriff's Office.

This agenda item gave a brief summary status report of the GIS mapping project. The Gadsden County Sheriff's office received grant funding for the first phase of the upgrade. The upgrade will allow for updated GIS Mapping to serve all first responders in their calls for emergency services through the James A. Sewell Company. He commented Sewell specializes in 911 growth maintenance and GIS Data. He said the overall scope of the project is to create accurate street files with address ranges for Gadsden County. There would be two phases to the project: phase 1 – Take separate data bases and clean them up and bring into a single road center line file. During that process they would identify errors, where we notice things that did not make sense and mark those areas. Phase 1 is 95% complete. He said they were \$8,000 under budget of a budget \$24,500. Phase 2 is set to begin immediately upon completion of phase 1 and it would involve field checking the data and a trained technician would be placed in the county to work on the roads and identify any issues that we find. Also to basically correct the errors and then Gadsden County would be able to continue on with the maintenance to keep this data. 911 road data is critical information for Gadsden County. He stated once project is complete Sewell would talk to Gadsden about maintaining if they so desire. He said there is no fiscal impact to the County.

Requested Action: Receive the report and engage discussion among the board and staff.

Staff Recommendation: Receive the report for the record and engage in discussion with Mr. Myers for clarification of the summary report.

Commissioner Croley inquired about the impact this would have on ambulance and fire service. He asked Mr. Myers to explain how they would be able to utilize the service.

Mr. Myers replied that information is part of CTS America Routing Software. He said Sewell would provide the accurate data to go into the vehicles so the software could work properly.

Commissioner Lamb thanked Mr. Myers for his part of the enhancement of 911 Geographic Information Systems (GIS) in the County.

Chair Taylor echoed Commissioner Lamb's response and thanked Mr. Myers for his presentation.

CLERK OF COURTS AGENDA

2. Presentation of County Finance and County Clerk Issues (Nicholas Thomas, Clerk of Court)

Clerk Thomas called attention to two paved road concerns the Auditors, Purvis Gray & Company inquired about: Quail Roost Drive/Quail Roost Drive West in the amount of \$57,342.00 and Ames Barineau in the amount of \$104,640.00 which were paved under special ordinance. He stated they are on the books as an old unresolved financial matter. He conveyed the Auditor's would need an answer on how they would address the issue and what type of resolution would occur.

County Attorney replied this is an issue that has come up on several occasions. She said this is the situation where basically the information was, if we were going to do the special assessment we would have to start back over and redo the process, because the mechanism that was suggested to be used at the time was something that the expert we hired indicated we could not proceed in that manner. She said it would be a matter of workshopping it with the Commissioners so they could understand what the process would be. She stated she has discussed it on other occasions, but it's one of those situations where you would have to redo the special assessment, if you are going to go forward and pursue collecting the funds. She said it would be one where all citizens who benefitted from the paving of the road would have to pay, you wouldn't be able to allow people to volunteer and pay and others not. It would be a situation where you would have to start over with the special assessment process if that's what the Board chooses to do.

Commissioner Holt stated in response, the citizens affected already signed off to pay funds back. She said their signature agreement is not a question. The question she felt was how to do the tax. She disagreed with the expert on this issue.

Attorney Minnis commented from her understanding the way the process has to work is not a matter of whether certain citizens will sign an affidavit saying they agree to pay. She said the way the statue reads by talking to the expert, is each person who benefits from the paving of the road has an obligation to pay. She said the information she received didn't show everyone who benefited from the road signed the affidavit agreeing to pay. She stated that going forward in that manner my not have been allowed under the particular statue being used.

Commissioner Holt asked Attorney Minnis was it possible that they all could be copied with that statue. She stated if she could recall is was not a 100% that had to agree to pay.

Attorney Minnis said the expert that was retained by Board at the suggestion of the Tax Collector was the Government Services Group and that is what they specialized in.

Commissioner Morgan stated they need to move forward and get this issue resolved. He asked when the paving actually took place.

Mr. Lawson commented he believed 2007or 2008 the paving occurred.

Commissioner Croley reminded the Board he had brought the issue up many times and stated we need to deal with it.

Commissioner Lamb remarked it should be given to the Attorney, so she could come up with a mechanism to get funds back for the County.

Chair Taylor said the Board has decided to workshop this issue and come up with a mechanism to address going forward. She said it would become a legal issue to address. She noted the majority was not needed for approval only 2/3 vote. She asked Mr. Lawson to workshop this issue in the 30-45 days and come up with something that could be adopted by the Board.

Attorney Minnis implied what has happened is two different processes has gotten merged to go under the Ordinance with the paving requires 2/3, but when you get to a Special Assessment that's a whole different arena. She said her understanding was from a Special Assessment everyone who benefits from that activity has to be apart of the Special Assessment. She said they were right in saying 2/3 of the property owners can sign and say they want their roads paved, but when you get to the Special Assessment to collect the actual money for doing the paving that's a separate issue, that the Tax Collector had a concern with and asked to bring GSE into the mix.

Chair Taylor said they would workshop it, come up with an Ordinance that would probably join the two Special Assessments and 2/3. She then directed Mr. Lawson to get a letter to the Clerk's Office and the Auditors Purvis Gray & Company on how they would resolve this issue.

CONSENT AGENDA

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA AS STATED.

3. Approval of Minutes

October 18, 2011 Regular Meeting November 1, 2011, Regular Meeting

4. Ratification of Approval to Pay County Bills

5. <u>Proclamation for Keeping Independent Seniors Safe (KISS) and Citizens on Patrol (COP)</u> <u>Volunteers Appreciation Day for February 14, 2012</u>

The Gadsden County Sheriff's Office and the Florida Department of Elder Affairs will be honoring the Keeping Independent Seniors Safe (KISS) and Citizens on Patrol (COP) Volunteers Appreciation Day on February 14, 2012. A proclamation from the BOCC declaring February 14, 2012 as KISS and COP Volunteers Appreciation Day, will recognize these volunteers for their outstanding efforts in support of Gadsden County's citizens.

6. Department of Homeland Security Grant for Planning Training and Exercises Contract Number 12-DS-20-02-30-01 (DFDA # 97.067) Federal Grant No. 2011-SS-00067 Grant Period October 1, 2011 – April 30, 2014

The above named contract is a federal funding grant agreement in the amount of \$20,000 to fund Emergency Preparedness Planning, Training and Exercises for Gadsden County employees, volunteers and citizens. This grant targets Issue #7, Functional Exercise Program (\$15,000) and County Specific Training (\$5,000.00). These funds will allow Emergency Management to conduct training designed to increase the level of professional competence in emergency response personnel, volunteers and citizens.

7. Signature for Medicare-Revalidation Certification Statement

This item requested board approval for the chairperson and the interim county administrator to sign the certification statement to re-validate the Medicare provider status for EMS. This is required by Medicare every three years to continue to receive Medicare payments.

8. Approval of New Appointment to Library Commission

A member of the Library Commission from District 2 recently resigned leaving a vacancy and requires a new appointment. Library Commissioners serve in an advisory capacity in respect to all matters pertaining to public libraries and their cultural activities.

Mr. Henry W. Rollins, Jr. has been proposed as the new appointment to represent District 2, but requires approval by the BOCC.

9. Approval of Conceptual Design for Gadsden County Gateway Signage and Wildflower Plantings

This agenda item sought approval of a conceptual design by Wood and Partner, Inc. for the landscape architecture services associated with two Local Agency Program (LAP) grants funded through the Florida Department of Transportation (FDOT). The subject grants are for design only services in reference to the county entrance gateway signage and wildflower beautification on state roads in Gadsden County.

The grants came through the efforts of the Gadsden County Tourism Development Council as one of their initiatives. FDOT funded the rant application for design work only in August 2011 at the amount \$14,286.00. Bid no. 11-14 was awarded to Wood and Partners on December 5, 2011. Potential funding for the construction of the gateways and landscaping is slated for 2013-2014.

Requested Action: Approval of the Gateway Designs by Wood and Partners, Inc.

10. Appointments to the Apalachee Regional Planning Council – Transportation Disadvantage Coordinating Board

This agenda item sought approval of two appointments to the Transportation Disadvantaged Coordinating Board. The appointments proposed were Chair Sherrie Taylor and Vice-Chair Gene Morgan as the alternate. The board meets once a quarter at the William A. McGill Library in

Quincy starting at 2:00 p.m.

11. Request by Resolution to State of Florida Department of Revenue for a List of Businesses in Unincorporated Gadsden County

At previous board meetings, the BOCC requested the staff to pursue compiling an inventory of businesses located in the unincorporated areas of the county in the hopes that it could get businesses to register with the county for the purpose of simply knowing what is located in the county. According to the Property Appraiser's records, there are more than 600 uncategorized businesses, however that data is uncategorized and non-specific.

The Florida Department of Revenue (DOR) can provide a list for the county, but the contents of the list must remain confidential and kept under lock and key with limited access by those who have signed the attached resolution requesting the data from the DOR. . (Chairperson, Clerk of Court and Planning & Community Development Director) By signing the document, the BOCC is acknowledging the confidential nature of the information and the penalties for violating that confidentiality.

Requested Action: The Board of County Commissioners pursuant to Section 213.053(10) of the Florida Statutes shall:

- A. Provide the Florida Department of Revenue a receipt of an authenticated copy of a resolution adopted by the governing body;
- B. Provide assurances that the governing body, its officers and employee are aware of the requirement and penalties for violating confidentiality requirements; and
- C. Describe measure that will be put into effect by the governing body to assure the requisite confidentiality requirements are followed.

Staff Recommendation: Approve and sign the Resolution for transmission to the Florida Department of Revenue.

12. Gadsden Soil and Water Conservation District (GSWCD) Contribution Agreement for Technical Assistance (An agreement between Gadsden County and the Gadsden Soil and Water Conservation District.)

This item sought board approval of a contribution agreement between Gadsden County and the Gadsden Soil and Water Conservation District.

The GSWCD has received funding through a Contribution Agreement with the Natural Resource Conservation Service (NRCS), United States Department of Agriculture (USDA) for the purpose of making the part-time county position in the local NRCS office full-time with benefits offered by the Gadsden County Board of County Commissioners.

The GSWCD wishes to enter into an agreement to convey the NRCS contribution to the County Commissioners need for the position in question to become full-time with benefits available. The

NRCS will prove 50% of the cost of work for an amount not to exceed \$19,767.00 through September 30, 2012. The total cost for the position is \$39,534.00. The overall purpose of the original Contribution Agreement between GSWCD and NRCS is to deliver the agricultural programs that are a part of the Farm Bill through conservation technical assistance and conservation cost-share programs of the natural Resources Conservation Service that are of mutual interest to the District and NRCS.

Term of the Agreement: October 1, 2011 thru September 30, 2012

Staff Recommendation: Approval of the Agreement Retroactive to October 1, 2011

13. Approval to Renew the Services Contract with Solutions EAP

Solutions Employee Assistance Program (EPA) has been providing EAP services to the County since 2001. Their services consist of providing and furnishing assessment and referral services to employees of the county and members of their immediate families who have been referred to the EAP program through management or have sought such services independently. The purpose of the program is to guide, counsel and assist employees through assessment, counseling, and when necessary and appropriate, a referral to a local provider fur future treatment.

Staff has identified this program as an invaluable resource to county employees and their families. It is a major benefit offered by the County which provides crisis intervention and general counseling on an as needed basis.

Fiscal Impact: The cost of the program is \$4,043.00 and the funds have been budgeted in the 2011/2012 fiscal budget.

Staff Recommendation: Approval of the Agreement with Solutions EAP with Eileen McCann, L.C.S.W., C.E.A.P.

CONSENT ITEMS PULLED FOR DISCUSSION

There were no items pulled for discussion.

CITIZENS REQUESTING TO BE HEARD ON NON AGENDA ITEMS

- <u>Stew Parsons</u>, <u>1899 Hardaway</u>, <u>Chattahoochee</u>, spoke in support of the Solar Farm and expedition of this issue because it's good for Gadsden County.
- Jack Peacock, 206 Jack Drive, Gadsden County Chamber of Commerce, expressed support of Solar Farm moving forward. He said now is the time for Gadsden County.
- Jan G. Rogers, 10622 GA, FL Hwy Havana, FL, discussed support of National Solar moving forward. He commented the vote was loud and clear. He urged the Board to move quickly with this and spoke of the significant point of turn for Gadsden County.
- Lola Murphy, 410 Leslie Lewis Rd, Havana, Fl representing Gregory Subdivision submitted a
 petition for a Helicopter Ordinance to be researched and developed. She asked the Board to

take into consideration the petition to cease the use of a private helicopter being flown out of and landed at 370 Leslie Lewis. The aircraft is being operated by the homeowner, Curtis Trawick, who resides at that address. She called him and discussed the issues, safety, noise, etc. Ordinance does not address private aircraft or landing issues within 300 ft of home. She would like for board to come up with an Ordinance to address rural areas with private aircraft and airport, what they can or can't do. She referenced a copy of the Leon County adopted Ordinance.

 Alice Howell, 458 Leslie Lewis Rd, Havana, Fl representing Gregory Subdivision, spoke in support of Aircraft Ordinance.

AirCraft Ordinance Comments

Chair Taylor gave them direction to get with Interim Administrator, Arthur Lawson, before Thursday to seek some type of resolution.

Commissioner Lamb said he was called by Mrs. Murphy and the person who owns Aircraft. He said, give it to staff and get in contact with FAA. To get something in place, if we don't have anything.

Commissioner Holt cautioned that with closeness of homes there is a concern.

Lola Murphy stated there is no problem with someone having aircraft, but there is a safety issue.

Commissioner Croley spoke of the legal issue, safety manner and the perception of Commercial Training being done.

Chair Taylor stated that if items aren't agenda we can't fully discuss and reminded citizens there are procedures in place, but due to the importance of this issue, asked them to get with the Administrator not later than Thursday.

National Solar Comments

Commissioner Morgan briefly discussed National Solar – He thanked all that expressed concern. He said they would move forward and fast track this issue. He said National Solar is excited about coming to Gadsden County. He was in support of Workshops or whatever is needed to move forward.

Commissioner Holt spoke in support. The point is you have to offer incentives and businesses would be willing to come to Gadsden County.

Chair Taylor said we will have Administrator to Agenda for the next meeting. It would be motioned under Commissioner's Agenda. She said we will motion and make sure it gets on the Agenda.

Commissioner Lamb reminded to be cautious and be on top of state statue.

PUBLIC HEARINGS

There were no public hearings.

GENERAL BUSINESS AGENDA

14. Resolution 2012-006 Regarding Regional Workforce Board Local Control and Alternative Proposal for Transparency and Accountability

Item number 14 was removed from the agenda.

15. Justice Assistance Grant (JAG) 2012-JAGC-GADS-1-C4-162 FOR \$54,515.00 for Countywide Area Drug Taskforce for period 10/01/2011 thru 09/30/2012

Statement of Issue:

Request for the Chairman's Signature to accept the award for the 2011-12 Justice Assistance Grant for the Gadsden County Sheriff's Office, Total Funding \$59,515.00.

Background:

The County Commission approved the application for the above named grant and it has been awarded. The funds will be used to partially fund the Narcotics Taskforce Unit.

Analysis:

This funding will help further the goals of the narcotics taskforce unit and the other participating agencies.

Fiscal Impact: None

Requested Action: Approve the certificate of award and grant budgetary authority for the funds.

Staff Recommendation: Approve the Certificate of Award and Request for Budgetary Authority

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE TO APPROVE THE CERTIFICATE OF ACCEPTANCE AND REQUEST FOR BUDGETARY AUTHORITY.

16. Proposed Advisory Committee(Special Area Plans)

Statement of Issue:

The Board of County Commissioners (Board) is requested to review and consider the member makeup of a proposed Project Advisory Committee that will provide guidance to the County on the development of Special Area Plans for County Commission Districts 1 and 5.

Background:

At the request of the Board, the Planning Commission, at their regularly scheduled meeting on January 12, discussed and made recommendations regarding member makeup of the proposed advisory committee. The County planning consultant Kimley – Horn, advised the county the formation of a Project Advisory Committee would be essential for the review of end products produced by their firm that are very technical and detailed in nature. The Planning Commission recommends the following members.

Project Review Advisory Committee
Planning Commission Member – David Tranchand (District 1)
Planning Commission Member – Ed Allen (District 5)
Planning Commissioner Designee – (District 1)
Planning Commissioner Designee – (District 5)
Farm Bureau Representative
Mining Community Representative – Darrin Taylor

Analysis:

The Project Advisory Committee will serve as a technical review committee consisting of members who live within the districts that the special area plans will impact. Members who represent major industry (i.e., mining and farming) that have a vested interest in the county, and members from the planning commission who represent countywide interests and that specialize in development review for the county and who are appointed by the Board. The members making up this committee have a depth and range of knowledge of planning issues affecting Gadsden County and will provide guidance to County staff and consultant as they go about preparing Area Plans for County Commission Districts 1 and 5.

Commissioner Croley had concerns with what the special plan committee is suppose to being doing. He expressed concerns with Carlton Fields representative, Darrin Taylor. He felt it should be someone locally like a BASF representative. He wanted the names of the additional two concerning mining and agricultural persons.

Mr. Matheny said Mr. Taylor showed interest and they had not made any contact with anyone from BASF.

Commissioner Holt noted it listed the names from the two districts that were impacted. She inquired would they select another committee once the other districts are impacted.

Mr. Matheny advised they would if the Board chose to go ahead with the other area plans, which they will bring back recommendations. He said there may be an option that they not do the other area plans.

Commissioner Holt stated she was in favor of one representative from each district to serve on the special area plan. She gave for example Lake Talquin which is an interest for the entire county not just residents of the area. She also made it known she agreed with Commissioner Croley as to BASF having the mining representative because they have interest in the County.

Commissioner Croley asked was this the outcome of the stipulated agreement of all the land that changed from Ag3 to Ag2 to rural residential. He noted they were all over the County not limited to Districts 1 and 5.

Mr. Matheny replied that it was correct, but the special area which they are covering is Hwy 90 Corridor, Lake Talquin-Wetumpka area(s).

Commissioner Morgan questioned time restraints, would it be a problem to recommend to the Planning & Zoning Commission that we have someone from each district. He asked that it go back to Planning & Zoning Commission.

Mr. Matheny said they could do that because these where simply recommendations. He said as far as the timeframe it wouldn't prohibit the project by going back and amending recommendations.

Chair Taylor asked for a motion to vote the Project Advisory Committee up, down or delay for a vote.

Commissioner Lamb agreed with representation from each district.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO DEFER TO A LATER DATE TO HAVE REPRESENTATION FROM EACH DISTRICT AND THAT THEY APPLY BY RESUMES BE PROVIDED FOR MEMBERS.

17. Consideration of Fee Waiver Request for St. Matthew Missionary Baptist Church located at 1102 Ed Jones Road Parcel No. 2-32-3N-6W-0000-00330-0000

Statement of Issue:

The Board of County Commissioners (Board) was requested to review and make a decision as to whether to grant a waiver of site plan and building fees for the St. Matthew Missionary Baptist Church. The written request lists only the site plan fees, however, the staff confirmed with Reverend Earnest Miller they are requesting all fees, including building inspection fees be waived as well.

Background:

The county is frequently asked to waive site and building fees for churches. At the meeting of January 3, 2012, the board determined it would make the decisions regarding requests by

churches.

The services provided by the Building Department and the Planning Department are necessary to meet State and Local requirements and are necessary to insure the churches have safe access and parking, are handicapped accessible, are good neighbors and do not flood them or themselves. Building inspections insure the churches are structurally sound and meet building and fire codes, etc.

The proposed church is a 4,000 square foot frame building. The estimated building fees are as follows:

Plan Review	\$ 670.00
Permit fees	2,660.00
Electrical permit	143.00
Mechanical Permit	143.00
State Surcharge	135.24
Bldg. Permit & Fees	5,145.37

TOTAL \$7,785.37 (for metal building)

As part of the above figures, the county must pay Preble-Rish, Inc. for storm water review and it would be unreasonable to waive that portion of the fees.

Staff Recommendation: Board discretion.

Presenter: Anthony Matheny, Planning and Community Developer Director

Points of board discussion:

Commissioner Morgan asked how they as a Board could be consistent. He inquired what the policy is concerning wavering of fees.

Mr. Matheny commented since his arrival two years ago he has not had to address this issue, it's a case by case decision. He said it would be up to the Board to decide whether they would like to waive all, partial or no fees at all.

Commissioner Morgan discussed the most recent request.

Mr. Matheny said he couldn't recall one and yielded to Mr. Lawson who indicated he couldn't recall one either.

Commissioner Lamb interjected by saying the Board has not had waivers, but variances. He cautioned the Board.

Commissioner Holt noted she was Chairman back in 2007 when they came up with fees and she argued against the fees being set then to no avail. She said the fees are too high and they should stream line the policy. She stated you can't expect business to come in when they have too many

hoops to jump through. She said there should be a policy in place for churches and she was opposed to case by case. She also stated she couldn't recall a time when they waived fees for churches. She commented she was in favor of workshopping this topic.

Commissioner Croley cautioned they should do one for all, set policy. He noted payment of fees should not be waived, it is a bad precedent.

Chair Taylor said comments have been well heard throughout the Board. She suggested scheduling a workshop to be done on a scale, how we address certain entities. She agreed with one policy that meets all, not case by case.

Commissioner Morgan stated he felt it was very important to have policy in place, but he said they have made exceptions for some churches. He asked what could be done until a policy is in place. He then asked for a motion to waive fees and it died for a lack of second.

Commissioner Holt announced she has no problem with St. Matthew Missionary coming back after workshop has taken place and policy has been set.

Chair Taylor asked how soon they could get it scheduled for a workshop.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 – 1, BY VOICE VOTE, TO DENY CONSIDERATION OF FEE WAIVER REQUEST FOR ST. MATTHEW MISSIONARY BAPTIST CHURCH LOCATED ON 1102 ED JONES RD.

(Commissioner Morgan opposed this vote) Motion to deny carries

Chair Taylor asked Mr. Lawson and staff to expedite the workshop on the fees, so it could be placed on the agenda.

Commissioner Lamb encouraged the Board to make the right decision. He said he was thinking case by case on variances, not fees. He also commented the fees are in place and should not be bothered until they are straightened.

Mr. Lawson clarified with the Board's directive to schedule a workshop to look at the fees or which way would the Board like to go.

Chair Taylor directed Mr. Lawson to schedule a workshop on this issue, so the Board can come together with dialogue on which way they would like to go concerning the issues that have come up around the Board.

Commissioner Holt stated she was of the opinion only the fee portion of the policy needs workshop to determine policy or case by case.

Commissioner Croley commented that what is decided by staff on fees applies to everybody. He said if fees are adjusted up or down, it's a staff decision and a workshop was not needed for that.

Commissioner Morgan reiterated fees for churches had been waived and he asked could Mr. Clyde

Collins, Building Official, verify for the Board.

Mr. Collins, we have waived fees for the sanctuary of the church. He spoke of a letter in his office that was from the Board to Frank Ritter allowing him to waive fees. He said that's why they were appearing before the Board to be deciding whether you would like to reduce, waive or deny. It's up to you the Board on what you would like to do.

Commissioner Morgan commented if it had been done before, he thought it should at least be entertained until a policy is set in place.

18. <u>Discussion of Preble Rish Engineering Services Rendered in the Design of Attapulgus Creek</u> Bridge and Swamp Creek Bridge

Statement of Issue:

This item provides the Board with a detailed review of the Preble Rish Inc. (PRI) design and permit work performed for Attapulgus Creek Bride and Swamp Creek Bridge.

Background:

In the spring of 2009, PRI and Gadsden County Public Works (GCPW) learned that counties may receive federal American Recovery and Reinvestment Act of 2009 funds via Florida Department of Transportation (FDOT) for shovel ready projects, but there was an interest to replace several bridges in Gadsden County. The two (2) bridges that appear to need replacement the most (based on the FDOT bridge sufficiency ratings) were the Attapulgus Creek Bridge and the Swamp Creek Bridge on CR 159. PRI had discussions with GCPW regarding these bridges and it was decided that PRI would conduct the survey and subsequently design the Attapulgus Creek Bridge (500033) and the Swamp Creek Bridge (500032). Due to the County cost constraints it was determined shortly thereafter that PRI would only survey and design the Attapulgus Creek Bridge.

See the attached agenda report for further details of how Preble Rish came to doing the design work for Attapulgus Creek Bridge and Swamp Creek Bridge without a task order and to get the analysis and fiscal impact to the County.

Points of Board Discussion:

Commissioner Holt said the bill is for \$91,497.00 and the funds should be paid back to the County, since it was not properly authorized. She asked what legal action could be taken. She quoted "it's not the Board's money; it's the public's money."

Commissioner Lamb stated they can do two things: Funds can be paid back to county or they can put this matter behind and move on, since funds have been paid.

Chair Taylor asked for direction from County Attorney.

Attorney Minnis commented because of the seriousness of this issue she wouldn't give an opinion at this time however there may be a number of options available to the Board. She asked for the

opportunity to explore those options then make an opinion.

Chair Taylor said Attorney Minnis has said let's look at it legally and come back with legal opinion.

Commissioner Holt questioned if they had or what can be done with the Preble Rish Inc. design plans and specification books and permits.

Charles Chapman, Public Works Director replied he has possession of plans in his office.

Chair Taylor stated this item was for discussion only.

Attorney Minnis commented she would bring back with opinion and options for the Board at the Feb. 21, 2012 BCC Meeting.

19. Request for Funds to Perform Repairs at the Gadsden County Senior Citizens Center

Mr. Lawson stated this agenda item sought board approval for funds to repair wood rot at the Senior Citizens Center and to re-paint and re-pave and stripe the parking lot. The building was constructed in 1989 and is in need of a facelift. He noted the parking lot has some serious pot holes and bumps from roots which needs immediate repair. This could be considered hazardous to the public.

He said staff contacted local contractors to get price quotes for the repairs. Bryant Painting was contacted regarding repairing the wood rot and repainting the building. We discussed with Dixie Paving the repairs to the parking lot which includes repaving and stripping.

Requested Action: Approve funding of \$30,000 from the Reserve for Contingency to cover the costs of the repairs at the Senior Citizens Center.

Board Discussion Points:

Commissioner Morgan asked was this a critical situation for right now.

Mr. Lawson stated it was and a safety concern.

Commissioner Croley pointed out the parking lot should be kept in safe manner especially when you have elderly involved.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 -0, BY VOICE VOTE, FOR APPROVAL FOR FUNDS IN THE AMOUNT OF \$30,000 TO PERFORM REPAIRS AT THE GADSDEN COUNTY SENIOR CITIZENS CENTER.

Chair Taylor expressed appreciation to the Board in the passing of this item.

20. Request for Funding for National Guard Reserve Sendoff Celebration on February 15, 2012

The National Guard Reserve in Quincy is being deployed to Afghanistan in February, 2012. There will be a celebration on February 15, 2012 at 1:30 pm, Corey Field, to extend best wishes to them from the community. Chair Taylor requested that the board budget \$2,000 to help defray the costs associated with the celebration. The expenses would be paid based upon the authority of local county ordinance 2006-018.

She commented this was the first deployment the Gadsden County has had. She said it would be 150 reservist deployed. She has requested the assistance of the County Veteran Services Officer to assist with providing information for the family members, such as benefits for family members during their spouse's deployment, as well as, help with organizing a platform of speakers for the occasion. She then introduced two gentlemen in the audience that would like to address the Board.

- Jerome Jordan, 707 Maine St, Havana, FL, spoke of the Deployment Ceremony, where
 they would come together to thank the troops for the mission. He said the goal is to send
 them off in style. He noted the Governor, Lt. Governor and a host of other special guest
 have been invited and he urged the Counties support.
- Alexander P. Kerr, National Guard Reserve, discussed the Governor's appearance which
 would include 15 minutes of speech time, 15 minutes to shake hands with the troops. He
 noted the deployment has been changed from Kuwait to Afghanistan. He too asked for
 the County's support.

Chair Taylor shared with the Board, Commissioner Morgan had been asked to do welcome. She also discussed portions of the program to give the Board an idea who would be on program and in attendance.

Chair Taylor said these expenditures are allowable, based on the response from the Clerk's Office. She said we want to let the troops know, the County supports them and that freedom is not free. She asked for the amount of \$2,000 for the National Guard Sendoff Celebration.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE FUNDING REQUEST OF \$2,000 FOR THE NATIONAL GUARD RESERVE SENDOFF CELEBRATION ON FEBRUARY 15, 2012.

Chair Taylor enthusiastically thanked the Board for their support for this worthwhile event.

21. Approval of Appointment of an Alternate for Eugene Lamb and a Municipal Appointment to the Apalachee Regional Planning Council (ARPC)

Statement of Issue

This agenda item seeks Board approval for the municipal – elected official and an alternate to Commissioner Eugene Lamb, Jr., for appointments to the Apalachee Regional Planning Council. Gadsden County is entitled to have three representatives on the (ARPC). Two of these representatives are appointed locally by the Board of County Commissioners; one must be a county –elected official and one must be a municipal – elected official. The Governor appoints the third representative. At the January 17, 2012 meeting, Commissioner Eugene Lamb, Jr. was appointed as the County Representative. We are requesting an alternate for Commissioner Lamb and the municipal elected appointment.

Background

The ARPC is one of the eleven regional planning councils in Florida. The Apalachee Region is located in the Florida Panhandle and contains nine counties, (Calhoun, Franklin, Gadsden, Gulf, Jackson, Jefferson, Leon, Liberty and Wakulla) and twenty-eight municipalities. The ARPC is governed by a twenty – seven member Board. Elected officials comprise two –thirds of the Board and appointees of the Governor represent the remaining one-third. The ARPC works with citizens and local governments on a wide range of issues and programs including, but not limited to: Economic Development planning and assistance; Hazardous Waste Generator Assessments; Hurricane Loss, Mitigation, and Evaluation Studies; and Transportation Disadvantaged planning.

At the January 17, 2012 meeting, the Board asked staff to send an invitation to all City Managers for a recommendation of the municipal – elected official. This invitation was sent to all City Managers on January 18, 2012. Only one City Manager responded with no recommendation.

Mr. Lawson commented he had done as directed by the Board and the only municipality that responded was Chattahoochee with no recommendation.

Commissioner Taylor interjected she had spoken with Commissioner Larry Edwards, from City of Quincy and he commented he would accept the appointment.

Deloris Madison – City of Midway, alternate representative.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE APPOINTMENT OF CITY COMMISSIONER LARRY EDWARDS AS THE MUNICIPAL – ELECTED OFFICIAL FOR THE APALACHEE REGIONAL PLANNING COUNCIL AND DELORIS MADISON AS THE ALTERNATE.

Commissioner Lamb's alternate to the Apalachee Regional Planning Council

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5-0, BY VOICE VOTE, TO APPROVE THE COMMISSIONER MORGAN TO BE THE ALTERNATE FOR COMMISSIONER LAMB ON THE APALACHEE REGIONAL PLANNING COUNCIL.

22. Board Direction for Financial Support for The Shuttle - Transportation Disadvantaged Program

Statement of Issue

Mr. Lawson commented this agenda seeks Board direction for consideration of financially supporting the Shuttle in the amount of \$49,130.

Background:

At the December 20, 2011 meeting, the Board discussed the agenda item from Vanita Anderson with the Apalachee Regional Planning Council.

The discussion involved the history of the service, the citizens, The Shuttle serves and other County issues. This item was tabled by the Board and the direction was to bring this item back.

Analysis:

The funding request for The Shuttle for FY12 is \$48, 130 due before March 30, 2012. The City of Quincy was asked to fund \$49, 130 at their December 2011 meeting and the item was tabled. At the January 24, 2012 meeting, the item was not on the Quincy agenda and was not discussed.

Staff would like to remind the Board that for FY13 budget, The Shuttle may request another \$49,000 for FY13 and the Gadsden Express is requesting at least \$65,000 for FY 13. The FY13 budget cycle is expected to be very difficult and all requests should be reviewed and discussed.

Chair Taylor asked for comments around the Board.

Commissioner Lamb commented after his own research it was determined, citizens are using the shuttle for transportation. He then motioned for approval.

Chair Taylor stated there was a motion on the floor and asked for a second.

Commissioner Holt seconded the motion for discussion.

Commissioner Holt expressed she was interested in seeing what the City of Quincy would do as to the funding of The Shuttle, since it resides in the City limits.

Chair Taylor replied she has had discussion with the City Manager and he has stated with the Board's (BCC) support, he is sure the City would also approve. She reiterated that was conversation with only the City Manager.

Commissioner Holt pointed out they need to come back with numbers to help satisfy some of the other municipalities. She also inquired about fees for the Shuttle going to \$1.00, to keep the service running for the citizens.

Commissioner Lamb stated for a point of clarification fees couldn't be set without discussion from

the Transportation Disadvantaged Program.

Commissioner Croley expressed concern with the points of matter concerning the Contingency Fund. He commented these funds need to last through out the storm. He pointed out the Board simply could not afford this project.

Mr. Lawson commented the total amount to operate The Shuttle for one year is approximately \$106,800.00. He said the Transportation Disadvantaged Coordinating Board is hoping the City of Quincy would sponsor \$49,130.00 and the County Commission will sponsor another \$49,130.00 and it is anticipated that \$8,500.00 would be generated through the fare box collection paid by the ridership.

Commissioner Morgan said they can't afford to do it. He said they could budget for next year. He spoke of revenues being cut. He said it is a worthwhile request, but this is not an emergency situation. He urged the Board to think this through before voting.

Commissioner Holt commented; let's find out where City of Quincy stands. She asked is there another area we can pull funds. We haven't looked at economic development. She said she had no problem waiting, but she will support. She encouraged grant writers to seek additional funds for the County.

Commissioner Lamb inquired about item 19, where are funds coming from. He said that was infrastructure and do the funds have to come out of Contingency.

Mr. Lawson said it comes from Contingency. He said he would look and see could if it could come out of Public Works Department, which is the only other Department and see if it is an allowable expense.

Commissioner Lamb commented on storm in District 1, he said they spent funds on the DeerRun Road and had requested FEMA reimburse funds. His question was had they received those funds, because they could be used for paving of Senior Citizen Parking Lot, Item 19.

Mr. Lawson yielded the question to Mr. Charles Chapman, Public Works Director.

Mr. Chapman conveyed the road of discussion is DeerRun Road. He said is it still under review with FEMA and what would qualify for the 2008 storm has not been received for FEMA. He said there is still potential those funds may not be reimbursed. He cautioned the Board may end up owing funds, it is still under review. He commented this was a pilot project with the State and FEMA and half way through they cut it off. He stated with Federal Funds the process is long.

Mr. Thomas pointed out to the Board they would not be able to use Public Works Funds for the Senior Citizen's even with the safety issues if Public Works does the work, you'll have to reimburse the Public Works Fund from somewhere such as General Fund.

Chair Taylor questioned Building Fund Facilities, would there be funds under Clyde Collins in that area there may be some General Fund Dollars. She asked the Board to move forward, there is a

motion and a second on the floor to move forward with this project contingent upon the City of Quincy providing the level of support requested.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 3 – 2, BY VOICE VOTE, FOR APPROVAL CONTINGENT UPON THE CITY OF QUINCY PROVIDING THE LEVEL OF SUPPORT REQUESTED.

(Commissioner's Croley and Morgan opposed this motion.) Above motion carries.

23. Review of Current Committees Appointed by the Gadsden County Board of County Commissioners

1) Apalachee Regional Planning Council - Transportation Disadvantaged Board:

Member Terms: Pursuant to Section 427.0157, Florida Statutes, the Apalachee Regional Planning Council (ARPC), as the Designated Official Planning Agency is required to appoint members to the local Transportation Disadvantaged Coordinating Board (TDCB). By rule, the Chairperson must be an elected official from within the county, which would include any county elected official or any city elected official. The appointed alternate must also be an elected official. Board makes new appointments in December/January after receiving the request from ARPC.

Background: The Transportation Disadvantaged Coordinating Board is responsible for ensuring that Gadsden County elderly and disabled citizens have adequate transportation access for daily activities.

Current Members: Chairperson Sherrie Taylor, Vice Chairperson Gene Morgan (Alternate)

2) Apalachee Regional Planning Council:

Member Terms: The ARPC is governed by a twenty-seven member Board. Gadsden County is entitled to have three representatives on the (ARPC). Two of these representatives are appointed locally by the Board of County Commissioners; one must be a county-elected official and one must be a municipal-elected official. The Governor appoints the third representative.

Background: The ARPC is one of eleven regional planning councils in Florida. The Apalachee Region is located in the Florida Panhandle and contains nine counties, (Calhoun, Franklin, Gadsden, Gulf, Jackson, Jefferson, Leon, Liberty and Wakulla) and twenty-eight municipalities. The ARPC works with citizens and local governments on a wide range of issues and programs including, but not limited to: Economic Development planning and assistance; Hazardous Waste Generator Assessments; Hurricane Loss, Mitigation, and Evaluation Studies; and Transportation Disadvantaged planning.

Current Members: Commissioner Lamb, Commissioner Croley (Alternate), Delores Madison and Dr. Henry Grant.

3) Florida Association of Counties - Small County Coalition:

Member Terms: In accordance with the Small County Coalition Bylaws each regular member of the Small County Coalition annually appoints two Commissioner Representatives. Each regular member is also requested to identify a county staff person to serve as the county liaison with the Coalition office.

Background: The purpose of the Small County Coalition is to give increased visibility and support to issues of primary concern to small counties and rural communities.

Current Members: Chairperson Sherrie Taylor, Vice Chairperson Gene Morgan and Arthur Lawson, Sr.

4) Florida Association of Counties Trust (FACT) Annual Member Meeting Appointee:

Member Terms: In November of each year FACT sends the County Commissioners letters inviting them to attend the Annual Member Meeting. Also included with the invite letter is a Designation of voting representative to the meeting that year. Although there is no set number of representatives who can attend from Gadsden County, only one representative is a voting representative. This is assuming there is a Trustee vacancy. If no vacancy exists, there is no vote. **Background:** This is a Designation of a voting representative to attend the meeting in December.

Current Members: Chairperson Sherrie Taylor

5) The Gadsden County Industrial Development Authority:

Member Terms: The Gadsden County Chamber of Commerce is required to make nominations for members of the Gadsden County Industrial Development Authority with input from the Commissioner of the corresponding district. These nominations must be ratified by majority vote of the County Commission.

Background: The Gadsden County Industrial Development Authority is authorized to secure bonds to acquire, construct, and install projects in Gadsden County by a pledge of revenues derived by the Authority.

Current Members: District 1 – James Ashmore, District 2 – Nick Bert, District 3 – Calvin Dawkins, District 4 – Gene Marshall and District 5 – Barry Haber.

6) The Gadsden County Construction Licensing Board:

Member Terms: The Gadsden County Construction Licensing Board consists of seven members approved by the Board of County Commissioners. The make-up of the Board consists of businessmen and contractors from this area. The board shall elect officers from its membership, whose terms shall expire at the end of the calendar year in which they are elected to serve.

Background: Approve Florida state registered contractors to work in Gadsden County. State registered contractors must register with each and every county they work in. Decide if infractions are valid and discipline contractors registered in Gadsden County for the infractions brought against them by owners who have contracted them for work. To act as the Board of Adjustment and Appeals.

Current Members: Joel Sampson, William McMillan, Michael Francis, Tony Colvin, Isaiah Cole, John Samford, Rusty Black and Clyde Collins.

7) The Gadsden County Library Commission:

Member Terms: The Gadsden County Library Commission will consist of seven members who are registered voters. Each member of the Gadsden Board of County Commissioners will appoint one member. The County Commission by majority vote will appoint two at large members. Gadsden County Library Commission appointees shall serve for four years.

Background: This commission shall serve in an advisory capacity to the County Library Director in respect to all matters pertaining to the Gadsden County Public Library System and Public Library Services.

Current Members: Marian Bethune, Carl Daniels, Carol Edwards, Janet Gray, Paul Mazzotta, Emily Rowan and one vacant seat.

8) The Gadsden County Planning and Zoning Commission:

Member Terms: The local planning agency shall be comprised of eleven members. Each duly elected member of the County Commission shall have two appointments to the local planning agency. These ten regular members shall be augmented by one at-large member who shall be appointed to the agency.

Background: The Planning Commission acts as the Local planning Agency and, in selected code referred issues, as a development review board as described in Section 2-171 of the Gadsden County Code of Ordinances.

Current Members: District 1 - Ronald Butler, District 1 - David Tranchand, District 2 -Diane Sheffield, District 2 - Larry Ganus, District 3 - Frank Rowan, District 3 - Mari Vanlandingham, District 4 - Dr. Gail-Bridges-Bright, District 5 - Catherine Robinson, District 5 - Edward Allen, At-Large Member - Regina M. Davis and School Board Representative - Isaac Simmons, Jr.

9) Capital Region Transportation Planning Agency (CRPTA):

Member Terms: As designated by the Governor of the State of Florida, and as reflected in Section 4.01(a)(1) of the May 12, 2005, Inter-local Agreement, the CRTPA shall consist of voting representatives from Leon County, the City of Tallahassee, the Leon County School Board, Gadsden County, Wakulla County, the City of Midway, the Town of Havana, and the City of Quincy, and one non-voting representative from the Department of Transportation. The membership and terms of elected officials as voting members of the CRTPA Board shall be as prescribed in Section 339.175(3)(b), Florida Statutes, and Sections 4.01 and 4.02 of the Inter-local Agreement. Board members from participating governments which have one voting member may appoint a substitute member to serve as a member of the CRTPA Board no more frequently than once annually, unless the member leaves office.

Background: The Capital Region Transportation Planning Agency (CRTPA) is the region's metropolitan planning organization (MPO). As such, the CRTPA is responsible for coordinating transportation planning within Florida's Capital Region. The CRTPA includes all of Gadsden, Jefferson, Leon and Wakulla counties.

Current Members: Commissioner Doug Croley

10) Opportunity Florida:

Member Terms: County Appointed Members. [Voting status with each member receiving the equivalent of ten (10) votes] Each of the Florida Counties of Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty and Washington; each county commission shall appoint one individual to represent their county. An amount equal to ten cents (\$.10) per capita based on the most recent census data for the county.

Background: Opportunity Florida is a nine county economic development organization that focuses on the retention and creation of jobs and businesses in the region. They also market the counties and throughout the country and internationally, as well. They began in 2000 as a response to an Executive Order by then Governor Jeb Bush. Our eight original counties, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty & Washington were designated as a Rural Area of Critical Economic Concern. Recently, Wakulla County was added to make a total of nine.

Current Members: Charles Chapman

11) The Gadsden Airport Authority:

Member Terms: The Quincy-Gadsden Airport Authority appoints two members and the City of Quincy appoints two members and those four members appoint a fifth member. Terms are for four years and are staggered.

Background: It is the duty of the authority to make a study of the advantages, facilities, resources, products, attractions, conditions, and all other data concerning the district that relate to the airport and air navigation needs; provide for the development, construction, operation and maintenance of the airport and related facilities.

Current Members: Don Sirmons – Chairman, Clifford Hill – Vice Chair, Max Clark – Secretary/Treasurer, Manny Sousa and Troy Mullis.

12) The Gadsden County Tourist Development Council:

Member Terms: The Council shall consist of nine members, each of whom shall be electors in Gadsden County, Florida and shall be appointed by the Gadsden County Board of County Commissioners. The terms of appointment of each member shall be staggered terms of four years. If determined by a majority vote of the BOCC, members of the Council can be reappointed for additional terms.

Background: Pursuant to Section 125.0104, Florida Statutes, known as the Local Option Tourist Act, the TDC can make recommendations to the BOCC for uses of the tourist development tax revenue and for the effective operation of special projects, meet and adopt a tourist development plan in accordance to provisions of Section 125.0104(4) (c), Florida Statutes and continuously review expenditures of revenues from the Tourist Development Trust Fund and receive, at least quarterly, expenditure reports from the BOCC or its designee.

Current Members: Chairperson Sherrie Taylor, The Honorable Angela Sapp, Alka Patel, Lee Garner, David Knight, Matt Thro, Peter Patel, Jeff DuBree and Patricia Vice.

13) The Gadsden County Affordable Housing Advisory Committee (AHAC):

Member Terms: BOCC adopted Resolution No. 2008-026 which establishes and appoints eleven members to the Affordable Housing Advisory Committee. The term of the members shall be for three (3) years with no member service more than two consecutive terms.

Background: To assist the County in developing and conducting needed neighborhood revitalization and housing rehabilitation programs using SHIP and Community Development Block Grant (CDBG) funds.

Current Members: Jeff Davis, Alma Venisee, Richard Lockwood, Dr. Julius Houston, Sherry Vanlandingham, Reverend Charles Flowers, Alonzo McBride, Don Vickers, Eric Hinson, Franklin Springer, Mary Mathews and Dianne Formman

14) The Gadsden County Development Council:

Member Terms: The number of Trustees of the corporation shall be thirteen (13). Trustees elected at the first annual meeting, and at all times thereafter, shall serve for a term of one (1) year until the annual meeting of members following the election of Trustees and until qualification of the successors in office.

Background: The mission of the Gadsden County Development Council is to help foster community and economic development of Gadsden County, Florida by serving as a countywide forum for planning, coordination, and communications about pertinent programs, projects and issues; developing and maintaining a strategic plan designed to identify major community and economic development programs and projects, monitor their progress, and assist in the their achievement, as appropriate; promoting the development of resources needed for community and economic development; gathering and distributing data needed by community and economic development organizations; advocating a balance between community and economic development activities, recognizing that they go hand in hand in moving the county forward.

Current Members: Antonio Jefferson, Bill Enfinger, Cedric Spradley, Charles Chapman, David Gardner, Frank Holcomb, Howard McKinnon, Jack McLean, Lee Garner, Max Fletcher and Dr. Henry Grant

15) The Gadsden Hospital Inc. Board of Directors:

Member Terms: Provides for a nine (9) member Board, with no fewer than five (5) and no more than eleven (11). The term of each Director shall be for five (5) years, which term shall be fixed on relation to the class in which the Director is appointed. Directors may serve consecutive terms.

Background: The operation and maintenance of Gadsden County Hospital under lease to the Corporation by the Board of County Commissioners is intended to constitute a transfer of a governmental function from the County to the Corporation, which shall be construed to be "acting on behalf of" the Board of County Commissioners and as being a corporation primarily acting as an instrumentality of Gadsden County, as those terms are used in Section 768.28 Florida Statutes.

Current Members: Craig McMillan, Dr. Charles Kent, Sheila Atkins, James Suber, Scott Whitehead, Senator Fred Dudley, Shaia Rene' Beckwith-James, Herb Sheheane and Mike Glazer.

16) The Gadsden Hospital Trust Committee:

Member Terms: One person appointed by the Board of County Commissioners; one person appointed by Gadsden Hospital Inc.; and the Clerk or his Designee

Background: In 1952, a Trust was established for the benefit of the hospital in Gadsden County. The beneficiary of the Trust is the BOCC of Gadsden County acting on behalf of the County. Investment decisions will be made by a three member committee in consultation with the Trustee.

Current Members: County Administrator, Jimmy Suber and Nicholas Thomas.

17) Inmate Commissary and Welfare Funds Committee:

Member Terms: The Gadsden County Sheriff recommends that the Inmate Welfare Fund Committee include one County Commissioner, one community member, the Jail Chaplain, the Jail Administrator and one other representative from the Sheriff's Department.

Background: The Gadsden County Sheriff seeks to create a committee in accordance with Florida Statutes 951.23 – County and Municipal Detention Facilities, Definitions; Administration; Standards and Requirements, and the Florida model Jail Standards, Chapter 10 – Privileges, which establishes that if the jail operates a commissary the profits from the commissary shall be used for overall inmate welfare, and an Inmate Welfare Fund Committee shall recommend what expenditures are to be made. Activities of the committee shall be reviewed by the Officer-in-Charge or designee, who shall have final authority on expenditures.

Current Members: Chairperson Sherri Taylor

18) Torreya State Park Advisory Group:

Member Terms: Members of this advisory group shall include, at a minimum, representatives of the lead land managing agency, co-managing entities, local private property owners, the

appropriate soil and water conservation district, a local conservation organization, and a local elected official.

Background: The advisory group process is critical in the development of a State Park management plan.

Current Members: Robert Presnell

19) Workforce Plus Board of Directors:

Member Terms: Members shall be appointed for fixed terms and may service until their successors are appointed. Terms of the Workforce members shall be three (3) years.

Background: In May 1996, the Board approved the establishment of a Jobs and Education Regional Board (Big Bend Jobs and Education Council) that would serve as the Workforce Development Board for the region.

Current Members: Lisa Stephany

20) The Value Adjustment Board:

Member Terms: Every county shall have a Value Adjustment Board which consists of: Two members of the governing body of the county, elected by the governing body from among its members, one of whom shall be elected as the chairperson of the Value adjustment Board; one member of the school board of the county, elected by the school board from its members; and Two citizen members. One citizen member who owns homestead property in the county appointed by the county's governing body; one who owns a business that occupies commercial space located within the school district appointed by the school board of the county. Appointees to the VAB serve from year to year until they resign or another appointment is made.

Background: The purpose of the Value Adjustment Board (VAB) is to hear appeals regarding denied exemptions, petitions relating to assessments, and appeals concerning ad valorem tax deferrals.

Current Members: Chairperson Sherrie Taylor, Vice Chairperson Gene Morgan, Emily Rowan, Bill McMillan and Charlie Frost.

Commissioner Holt commented she has no problem with bringing back. She asked about goals, economic development for Gadsden County. She brought to the Board's attention they should know meeting dates and times. She suggested sitting down with Boards. She asked that it be brought back with results, objectives what they are actually looking for as a Board.

Chair Taylor said she was glad staff has taken the initiative and prepared the Boards and listed the members of each Board. She commented she appreciated Commissioner Holt's vision. She asked Commissioner Holt to work with Staff on this initiative, agenda and bring back to the Board with their findings and resolutions.

24. County Administrator's Agenda – Update on Board Requests

Code Enforcement

Mr. Lawson commented they have had discussion with the County Attorney of Code Enforcement Ordinance and come up with revision to assist staff to expedite some of the problems they are having. He said they would be bringing back before the Board in the near future.

Permit Process

He reminded the Board of its directive concerning the permit process and noted it would probably be brought back at the next meeting to provide discussion.

Health Department Shifting

He said there had been discussion on the House Bill that was talked about in shifting the Health Department to the County, but he said discussions have died.

25. County Attorney's Agenda – Update on Various Legal Issues

• Tax Abatement Referendum

She briefly discussed the Tax Abatement Referendum Issue with the Board. She stated the process from this point is they are working behind scene; they were limited as what they could do until it was voted on by the citizens. She said it needs to be understood there is a very detailed statue that deals with this Tax Abatement Issue and there are other things that have to be in place before an agreement can be signed with National Solar. She noted there is a draft agreement out there that has been reviewed. Meetings have occurred with National Solar regarding some of the issues in the Agreement. It contains additional economic development options in addition to tax abatement. She said when you have an agreement with a tax abatement request in it the statute requires there be an application by the entity requesting the tax abatement. She stated the application must be submitted to the Board, that it be reviewed by the Property Appraiser and the report indicating the number of jobs that would be created and the taxes that may or may not be abated. When that is complete then you can move with executing the agreement. We are continuing with moving that process and making contact with National Solar to make sure they understand what the statue requires of them. She said in the interim they have a draft Ordinance that will be brought back to the Board. Under the law we have to publish that Ordinance for a record number of days. She disclosed that's why it was not on this meeting, with the referendum only passing on January 31, 2012 there was not enough time under the statue to advertise the Ordinance to get it on agenda for a Public Hearing tonight. The next evening meeting is not scheduled until March; it must be done at an evening meeting. She said the Board could if it chose to make the second February meeting and evening meeting. She commented the way the ordinances work, Public Hearings have to occur in the evenings. She welcomed comments. She reminded the Board; please don't copy each other on the draft contract.

Commissioner Morgan inquired about the application and necessary paperwork required, he questioned had it been given to National Solar.

Attorney Minnis replied there is no application packet to give them, we have been in contact with their Attorney to let them know this is process they must go through. My assumption is they have done tax abatements in other counties and they are probably already aware of those requirements, but in abundance of caution we are also continuing to reach out to them and let

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them know this is what the state statute requires.

Commissioner Morgan inquired how it could be determined, where they are in the process. He said this process should move pretty quickly since there is nothing peculiar about Gadsden County's process. He also asked about advertisement.

Attorney Minnis said by contacting their attorney to find out where they are in the process. She stated they have been in contact with their Attorney. She noted this is a state requirement (statue) not of Gadsden County and it is required to be advertised for 10 days and it must be an evening BOCC meeting.

Commissioner Holt made it known to the Board; she was not in favor of morning meetings. She said to take care of zoning issues it should be done twice a month at evening meetings to encourage businesses to come into the County. She then inquired how Citizen's Bill of Right affects this project and also zoning issues.

Attorney Minnis replied the Citizen's Bill of Right comes to play with any land use issues and they are doing a project that would trigger the Citizen's Bill of Rights they would have to comply with the noticed requirements. She stated there have been no zoning issued made, only discussions about making sure any request keep moving. She said there have been no decisions where they have waived anything. She said they just have to make sure the process moves forward expeditiously as possible.

Discussion followed among the Board.

Commissioner Lamb stated on the agreement/contract from National Solar they need to make sure we get copied in a timely manner. He asked if the Citizen's Bill of Rights does come into play, he questioned could it be waived with a Super Majority Vote.

Attorney Minnis noted there had been no changes to contract they received a month ago. She said she would forward the contract in a timely manner. She stated concerning the Citizen's Bill of Right yes, it would have to be a supermajority vote to waive or to dismiss the meeting.

Commissioner Croley commented in abundance of caution, could you send letter to National Solar to remind them of the process from this point and copy the Board to let us know it has taken place.

Attorney Minnis stated she had already directed staff.

Commissioner Croley said he could recall National Solar commented if they could have a decision on the Abatement process or the Economic Development Agreement and if they could have it done before June, they would be on track. He said it should be handled in a proper business way. He said it pointed out the Abatement Process on the ballot; he had concerns because it was a long drawn out process than what they would have had with the Economic Development Agreement. He said they should have time to read Ordinance and have it properly advertised and all citizens who are for and against take part and then the Board could vote on March 5, 2012 meeting and

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have a Public Hearing with no delay. He also expressed concern with the Citizen's Bill of Right.

Attorney Minnis reiterated the first meeting in March would give sufficient time for the proposed Ordinance to be advertised and for comments and Public Hearings to be scheduled.

Commissioner Holt said she has no problem with Solar Company, if you are going to rezone land, do it expeditiously and fairly.

Attorney Minnis commented the first meeting in March would give adequate time for advertisement.

Chair Taylor said the consensus is we want it here, but in a proper manner. She instructed Mrs. Minnis to have all information to the Board in timely manner, notify National Solar of what they need to proceed on and inform the Board of any happenings prior to the March 5, Meeting Date.

26. RECESS FOR PRIVATE ATTORNEY-CLENT SESSION REGARDING THE PATELS VS. GADSDEN COUNTY

The Board of County Commissioner's regularly scheduled meeting recessed for a private attorney – client session regarding the Patel's vs. Gadsden County at 8:30 p.m.

27. RECONVENE THE MEETING FOLLOWING PRIVATE SESSION

The regularly scheduled Board of County Commissioner Meeting reconvened at 9:26 p.m.

28. DISCUSSION ITEMS BY COMMISSIONERS

Commissioner Holt, District 4

Commissioner Holt no issues or concerns to address.

Commissioner Croley, District 2

- CRTPA Board Meeting which was held on January 23, 2012 He reported there was
 discussion of the Greensboro/Gretna I-10 Interchange concerning lights and other safety
 improvements. He said it was in the record to try to get DOT and Federal to help with that
 initiative. He then handed the reference book along with CD (2035 Long Range
 Transportation Plan) to the deputy clerk.
- Jail Inspection He commented they need to address the deficiencies and notify the Department of Corrections on the areas that pertain to the building facility that we have responded to those.
- GIS/GPS software reminded Board they have been reminded to go by the law concerning the Nuisance Abatement Ordinance. He asked the Board to activate that Board, make appropriate appointments and let it do its job for the Citizen's of the County.
- Place on agenda Nuisance Abatement Ordinance Motion:
 UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB,
 THE BOARD VOTED 5 0, BY VOICE VOTE, TO APPROVE THE NUSIANCE ABATEMENT
 ORDINANCE BEING ADDED TO THE AGENDA IN THE NEXT 3 MONTHS.

 At – Large Voting - Shall the Board of County Commissioners vote at large for the November 2012 ballot for the citizen's to vote on.

A question was raised by Commissioner Lamb asking can they do what they are attempting, because it was his understanding it was not by court not by citizens.

Commissioner Croley noted the School Board was sued in Federal Court and they made the decision in that settlement to run by district. The Board of County Commissioner's proposed doing that to follow the School Board later and the citizen's voted, because it was on the ballot.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN THE BOARD VOTED 2 – 3, BY VOICE VOTE, TO OPPOSE THE DISCUSSION OF THE AT-LARGE VOTING ISSUE ON THE AGENDA.

(Commissioner's Holt, Taylor and Lamb opposed motion) Motion failed.

Commissioner Lamb, District 1

Lake Yvette – Inquired about study done on Lake Yvette.

Mr. Chapman informed Commissioner Lamb he has the information in his office and they would need to sit down and discuss numbers on asphalt and resurfacing.

Commissioner Morgan, Vice-Chair District 3

 National Solar - Reminded all of the importance to have clear communication, next steps with dates. He asked that be a part of the agenda item already scheduled for next meeting.

Commissioner Taylor, Chair, District 5

- Expressed thanks to Commissioners for staying the course and working through issues and remaining professional.
- Odor Ordinance concerns She commented there was a concern in Chattahoochee with
 odor related to horses and the closeness to residents. She disclosed she had spoken with
 the County Extension Department and noted there are Ordinances and State Statues that
 address the issue and it needs to be looked into. She then offered to share the information
 with Commissioner Morgan whose district the horses reside and Code Enforcement to be
 involved.
- Reminder Troop Deployment Service, February 15, 2012 at Corey Field

Receipt and File Agenda

There were no documents filed for record.

February Meeting:

February 21, 2012 at 9:00 a.m.

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 9:43P.M.

GADSDEN COUNTY, FLORIDA

BY:

Sherrie Taylor, Chairman

Board of County Commissioners

Nicholas Thomas, Clerk of Court Gadsden County, Florida AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA, ON FEBRUARY 21, 2012 AT 9:00 A.M., THE FOLLOWING PROCEEDINGS WAS HAD, VIZ.

Present:

Sherrie Taylor, Chair, District 5

Gene Morgan, Vice-Chair, District 3

Eugene Lamb, District 1 Doug Croley, District 2 Brenda Holt, District 4 Nicholas Thomas, Clerk

David Weiss, Assistant County Attorney

Arthur Lawson, Interim County Administrator

INVOCATION, PLEDGE OF ALLEGIANCE AND ROLL CALL

Chair Taylor called the meeting to order then led in an invocation followed by the pledge of allegiance to the U.S. flag.

The roll was called by Deputy Clerk, Beryl Wood and attendance was recorded as noted above.

AMENDMENTS AND APPROVAL OF THE AGENDA

Removal from Agenda - Consent Item 6. Request for Law Enforcement Educational Fund for Training Purposes - Special Response Team (Morris Young, Sheriff)

The following amendments were made to the agenda: Pull Item # 6 to be placed on the agenda at a later date.

National Solar Update Addendum to the Agenda

Chair Taylor inquired about the Agreement with National Solar not being placed on the agenda.

Mr. Lawson informed the Chair it would be on the March 6, 2012 agenda as a Public Hearing.

Commissioner Morgan asked that National Solar be placed on the agenda for update and discussion purposes only. He asked the timeline be given.

Chair Taylor asked that it be placed on the Agenda as 20A, for update and discussion purposes only.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5-0, BY VOICE VOTE TO ADD AS 20A, THE NATIONAL SOLAR UPDATE TO THE AGENDA FOR DISCUSSION ONLY.

Mr. Lawson added Item # 9 and Item # 17 are revised for the review in the Agenda Packets.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED ABOVE.

AWARDS, PRESENTATIONS AND APPEARANCES

1. Update - Brownfield Community-Wide Grants and Advance Monitoring for Hazardous Substance and Petroleum grant No. BF-95460910-0

Mr. Lawson introduced Mr. Roger Register, Director for Cardino TBE to give an update on the Brownfield Community - Wide Grants and Advance Monitoring for Hazardous Substance and Petroleum Grant Number BF-95460910-0.

Mr. Register thanked Mr. Lawson and the Board for allowing him to give a brief update, which included the background of the Brownfield Assessment Grant. He gave handouts and read a Post Award Monitoring Review showcasing the successful implementation of the Brownfield's agreement since its original award in 2010. It was addressed to Ms. Sonya Burns who serves as Brownfield Project Coordinator for the County.

Background: In October of 2009, staff applied for EPA Brownfield's Assessment Grant and was awarded \$400,000 in April of 2010. This grant will allow the county to pay an environmental consultant to conduct and complete community-wide hazardous substance and petroleum assessments, which will identify properties in the county that could be redeveloped if the site can be eradicated of any kind of contamination that may be present. This will ultimately lead to discouraging premature development in unsuitable sites and help in the effort to create and maintain a living wage. Therefore, concentrating on those sites that can promote economic revitalization for economic development is the primary goal of the process.

While the grant will not pay for remediation and cleanup of the properties identified, the county can pursue other funding for those activities through the Environmental Protection Agency and other sources.

Following the county's procurement policy, the county ultimate engaged Cardino TBE as the consultant for the site inspections. He stated Olga Perry, EPA Project Manager along with himself as the Director for Cardino TBE prepared a progress report which is attached.

Discussion from the Board:

Commissioner Holt asked Mr. Register to explain the Brownfield's Assessment Grant.

Mr. Register said properties that are abandoned being placed back on tax roll, it's an assessment.

Commissioner Lamb asked did they include homes.

Mr. Register stated he won't say homes can't be involved, but mostly businesses. He ended by once again thanking the Board for their support.

Action Requested/Taken: Mr. Register said no action was requested. The update is for informational purposes only.

CLERK OF COURTS AGENDA

2. Presentation of County Finance and County Clerk Issues (Nicholas Thomas, Clerk of Courts)

Mr. Thomas had no report or comments for the Board at this time.

CONSENT AGENDA

Commissioner Morgan asked that item 10 of the Consent Agenda be pulled for discussion.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5-0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF ITEM 10 TO WIT:

3. Approval of Minutes

January 3, 2012 – Regular Meeting December 6, 2012 – Regular Meeting

Action Taken: Approved as part of the Consent Agenda

4. Ratification of Approval to Pay County Bills As Reflected in the Warrant Vouchers Listed Below:

Accounts Payables Dated:

January 20, 27, 2012

February 3, 10, 17, 2012

Payroll Dated:

January 26, 2012

February 9, 2012

Action Taken: Approved as part of the consent agenda

5. Request for Law Enforcement Educational Fund for Training Purposes and Grant Budgetary Authority - \$3,325.00 for Civil Processing Services

This request was made by Sheriff Morris Young to use the Law Enforcement Educational Fund to provide proper training for law enforcement personnel for civil processing services. This training will allow the personnel to become updated on the laws relating to civil processing. Avalon Legal Information Services, Inc. from Port Orange, FL will conduct the training, which includes 2 days of live presentation for Road Patrol on Civil Process as well as domestic violence training. The fee for training 35 people and related manual and materials is \$3,325.00.

Requested Action: Approval of Budgetary Authority and for the use of Law Enforcement Educational Funds to conduct this training.

Board Action Taken: Approved as part of the Consent Agenda

Request for Budget Authority and use of \$101,190 of the Law Enforcement Educational Fund for Training Law Enforcement Personnel for the Implementation of the Gadsden County Sheriff's Office Special Response Team (SRT) (pulled from the Consent Agenda)

As a result of recent incidents requiring the deployment of Special Response Teams from surrounding counties, Sheriff Morris Young decided to implement its own Special Response Team. He engaged in discussions with Sergeant Charlie Strickland of the Leon County Sheriff's Office SWAT Unit which led him to his decision. Subsequently Sheriff's staff looked into what it would cost to train and equips a SRT, which would consist of eight appointed sworn law enforcement officers, a team commander, training sergeant, assistant team leader with the remaining members being entry personnel and perimeter personnel.

The SRT would initially consist of six months of extensive specialized training both physically and mentally. The tactical team will continue to train regularly in special weapons and tactics. The team will also train with other tactical units associated with fellow law enforcement agencies in the surrounding counties including Leon.

All team members will be on call twenty-four hours a day, seven days a week.

In compliance with FL 938.15, this agenda request was an official request to use second dollar funds (Law Enforcement Education Funds) to provide the specialized training and to purchase the tactical equipment for the implementation of the Gadsden County Sheriff's Special Response Team.

The Clerk's office confirmed that the balance in the law enforcement education funds was \$201,984.46. A detailed breakdown for the cost of the training and equipment is attached to the agenda report submitted by the Sheriff.

Requested Action: Approve the Proposal and Grant Budgetary Authority

Action Taken: Approved as part of the Consent Agenda

8. Approval of the Request for the Gadsden County Fire Service to Conjointly Apply for the FY 2011 Staffing for Adequate Fire and Emergency Response Grant (SAFER) with the Quincy Fire Department

Statement of Issue: This item seeks approval for the Gadsden County Fire Service to conjointly apply for the FY 2011 SAFER with the Quincy Fire Department. The Department of Homeland Security (DHS) and the Federal Emergency Management Agency's (FEMA) Grant Program

Directorate implements and administers the SAFER grants. They provide financial assistance to help fire departments increase frontline firefighters, rehire firefighters that have been laid off, retain firefighters facing imminent layoffs or filing for positions that were vacated through attrition. By applying for the grant, it will guarantee fire service response and improve fire service response times in Gadsden County.

Because the City of Quincy has an established paid fire department, they will facilitate the grant and all fire department operations. The grant cycle opened January 31, 2012 and closed February 24, 2012.

Background: The objective of the SAFER Program is to augment or restore local fire departments' staffing and deployment capabilities so they may effectively respond to emergencies. With the enhanced or restored staffing, a SAFER Grantee's response time will be reduced sufficiently and an appropriate number of trained personnel will be at the incident scene.

The grant is comprised of two categories:

- 1. Hiring of Firefighters A two year grant with no match and no requirement to maintain the program after the grant period.
- 2. Recruitment and Retention of Volunteer Firefighters Four year grant with no match and no requirement to maintain the program after the grant period.

Analysis: The enhanced or restored staffing level of all SAFER Grantees should improve the safety to firefighters by ensuring all first-arriving engines are staffed with a minimum of four qualified personnel or are able to meet NFPA and OSHA standards. The grantees should be able to demonstrate they have achieved more efficient response and safer incidents scenes; thereby ensuring communities have improved protection from fire and fire-related hazards.

Fiscal Impact: The SAFER grant requires no matching funds.

Requested Action: Approval to allow the Gadsden County Fire Services to apply for the FY 2011 SAFER Grant Conjointly with the City of Quincy Fire Department.

County Administrator's Recommendation: Approval of the request.

Action Taken: Approval as part of the Consent Agenda approval.

9. Approval of Annual Support Agreement for EMS Billing Software

Statement of Issue: This item seeks Board approval for the Chairman to sign the 2012 EMS Consultant's Annual Support Agreement for EMS Billing and Collections software.

Background: This agreement covers the technical support services for the EMS Billing and Collections software for 2012.

Analysis: Because this agreement commits the county to payment of funds it must bear the signature of the chairman as the governing authority.

Fiscal Impact: This cost of \$3,000 is a budgeted line item expense in the EMS Billing and

Administration budget. The payment is in arrears for the 2011 support. It will need to be a line

item budget expense in the upcoming 2013 budget.

10. Approval of Interlocal Government Contract for Cooperative Purchasing with the Houston-Galveston Area Council (HGAC) This item was pulled for discussion by Commissioner Morgan. See below.

11. Approval of the FY 2012/2013 Proposed Budget Calendar (Attached)

Statement of Issue: This item seeks acceptance of the proposed budget calendar for FY 2012/13.

Background: Each year the Budget Office prepares a budget calendar for the upcoming budget year. The proposed calendar outlines various deadlines for management and staff to accomplish in order to complete the required budget timely.

Analysis: This year the Budget Office has proposed 4 public budget workshops, one in the months May, June, July, and August. There are several tentative dates that are too early to confirm. Once the Budget Office is able to confirm, the Board will be notified.

Staff Recommendation: Approval of the calendar.

Action Taken: Approval as part of the Consent Agenda approval.

12. Acceptance of the FY 2012 1st Quarter Report

Statement of Issue: This item seeks acceptance of the 1st Quarter Report for FY 2012.

Background: In April of 2006 the Board adopted a comprehensive financial management policy. Section 3.03 — Budget Management and Amendment Policy states the following: "... Finally, consistent with the spirit of this policy, the Board shall require the County Administrator or his designated budget officer to develop during FY 2007 and thereafter regularly submit quarterly (three month) budget status reports to the Board. These reports shall include:

- 1. The status of major revenue collections and/or projections
- 2. The status of actual departmental expenditures in comparison with budgeted expenditures.
- 3. Notification of special issues that could possibly affect the current or future financial status of the Board."

Analysis: In summation, operating departments under the jurisdiction of the County Administrator have expended approximately 23% (versus the County's established benchmark of 25%) of their allotted budgets through the first quarter of the fiscal year. Overall, data through the first quarter (October 1, 2011 thru December 31, 2011) provides enough definitive data to constitute the adjustment of original budget estimates at this time. This report is preliminary due to the fact that the final close out budget amendments and any Finance

adjustments may not have been posted.

Options: 1) Approve Acceptance of the FY20121st Quarter Report 2) Board Direction

County Administrator's Recommendation: Option #1

Attachments: FY 2012 1st Quarter Report

Action Taken: Approval as part of the Consent Agenda

DISCUSSION OF CONSENT AGENDA ITEMS PULLED FOR DISCUSSION

10. Approval of Interlocal Government Contract for Cooperative Purchasing with the Houston-Galveston Area Council (HGAC) (pulled for discussion by Commissioner Morgan)

Commissioner Morgan pulled item number 10 for more clarity. He asked did this limit the County's buying by contracting with the Houston-Galveston Area Council.

Mr. Tommy Baker, EMS Director, replied it would not affect the County's buying.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5-0, BY VOICE VOTE, FOR THE APPROVAL OF THE INTERLOCAL GOVERNMENT CONTRACT FOR COOPERATIVE PURCHASING WITH THE HOUSTON—GALVESTION AREA COUNCIL (HGAC). Motion carries

Statement of Issue: This item seeks Board approval for the Chairperson and the Interim County Administrator to sign the Interlocal Contract for Cooperative Purchasing with HGAC.

Background: HGAC is a regional council of governments operating under the laws of Texas. The HGAC uses mass circulation, minority emphasis print media and internet services to post legal notices and bid solicitations. The HGAC Board then awards contracts which are made available to local governments nationwide. The Texas Interlocal Cooperation Act and the state Interlocal cooperation authority permits participation by local governments, states, state agencies and certain non-profit corporations.

Gadsden County has used HGAC in the past to purchase ambulances. Use of this process expedites the process, saves on advertising expenses and meets the requirements of the local purchasing policy.

Fiscal Impact: There is no cost to become a member of the Cooperative. If the contract is used for the ambulance purchases, there is a charge of \$600.00 per purchase order.

Requested Action Approval of joining the cooperative and authorize the chairperson and the interim administrator to sign the HGAC Interlocal Contract for Cooperative Purchasing.

Interim Administrator's Recommendation: Approval as requested.

Action taken: Approved as motion states above.

CITIZENS REQUESTING TO BE HEARD ON NON AGENDA ITEMS

There were no citizens requesting to be heard.

GENERAL BUSINESS AGENDA

13. Support Letter for a Grant Proposal – Second Chance Act Technology Careers Training Demonstration Projects for Incarcerated Adults and Juveniles (Morris Young, Sheriff)

Sheriff Young of the Gadsden County Sheriff's Office came before the Board to ask their support for a letter for a grant proposal, Second Chance Act Technology Careers Training Demonstration Projects for Incarcerated Adults and Juveniles. He emphasized the positive impact the program would have on Gadsden County and it would help with the overcrowding issue currently at the jail. He then introduced Annie Berry of Redeemed Incorporated who provided an in-depth presentation.

Mrs. Berry disclosed they had partnered with the University of Florida. She explained by inmates completing the program they would receive a certificate at the end of the program, which will help them transition when they return to Society. She said the food would be used to offset the cost at the jail and to provide a Farmer's Market using the inmate's new skills. She acknowledged other partners to the program, Lab First, Gadsden Chamber of Commerce, Gadsden Leadership, Tallahassee Community College and Workforce Plus. She then introduced Dr. Gary Knox.

Dr. Gary Knox, University of Florida of the North Florida Research Center located in Gadsden County - Horticulture training, addressed the Board and thanked them for allowing him to speak. He also spoke in support of the program and welcomed the opportunity.

<u>Statement of Issue:</u> The Sheriff's Department sought a letter of support for a grant proposal to fund the expansion of the Gadsden County Sheriffs "Faith Behind Bars Re-Entry Program" through a collaborative partnership with the University of Florida, Gadsden Research Center.

Background: The Gadsden County Jail faces the challenge of maintaining and operating a facility within the constraints of budget cuts making it difficult to meet the needs in an overcrowded jail and combat recidivism at a rate that continues to increase year after year. Instead of learning how to change their lifestyles, many offenders adopt more dangerous behaviors. Once their time is done, they must re-adjust to society, restore relationships with their family, locate a home, find gainful employment, and deal with the addictions that may have been the cause of their convictions. Unfortunately, many ex-offenders are unprepared to navigate the challenges of reentry. In a culture slow to understand why prisoners should have a second chance, they will end up homeless, unable to find sufficient work, in need of substance abuse treatment and, most critical of all, without a support system to assist them. An estimated 70% of these inmates will be re- arrested within two years of their release. Such a high recidivism rate not

only indicates the failure of our society to address the needs of ex-offenders, but also demonstrates the public safety risk if offenders cannot learn to become productive citizens.

Analysis: The Sheriff's Department is the most appropriate entity to apply for this grant which will help address issues the inmates face. Sheriff Young recently implemented the Faith Behind Bars Re- Entry Program. The program has a threefold purpose, one to address the issues of recidivism among the inmates, second to provide the inmate with skills that assist their re-entry into the community with a support system to help them find employment, housing, and provide a marketable skill by earning a certificate in landscaping, pesticide, and gardening. Thirdly, the program has the potential to save the tax payers thousands of dollars.

The grant will provide funding to expand services to 25 additional inmates.

Points of Discussion by Commissioners:

Commissioner Lamb is this volunteer basis.

Mrs. Berry said we want them to volunteer, but the incentive is gain time.

Sheriff Young added we are training to train them while there in jail, so when they return to society they would be skilled. He said the Chamber of Commerce is doing the entrepreneurship part of the program.

Commissioner Croley said he thought the program was a great idea, but how would they handle future cost.

Captain Corder, County Jail Administrator disclosed the Jail receives commission on sales. He said it is 100% financed for this year. He stated they would partner with the businesses in the County.

Sheriff Young expressed to the Board now was the time to start looking at ways to build a new jail facility. He commented the One Cent Sales Tax has been diverted, now it's going to other projects, but now it's time to go back to tax payers. He said there is a major issue with overcrowding at the Jail.

Commissioner Croley noted the Ordinance that was passed in 2005 and there is a Public Safety Coordinating Council that is in place to deal with those issues. He asked had they had any meetings.

Chair Taylor conveyed the support letter is on the agenda, which she is in support of but, the Ordinance pertaining to the one cent sales tax is not and as a point of order asked that it be placed on the agenda for another date.

Commissioner Holt spoke in support of the project and in support of the Gadsden County Jail.

Commissioner Lamb inquired about females in the project and spoke in support of the enhancement to the Jail.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5-0, BY VOICE VOTE, TO APPROVE THE LETTER OF SUPPORT FOR A GRANT PROPOSAL SECOND CHANCE ACT TECHNOLOGY — CAREERS TRAINING DEMONSTRATION PROJECTS FOR INCARCERATED ADULTS AND JUVENILES.

Sheriff Young informed the Board that on February 28, 2012 CBS News will be in the County covering this particular story. He added it is his hope this particular program would go around the nation.

14. Approval of Request from Sheriff's Office to Use Electronic Monitoring Devices for Non-Violent Inmates As Opposed to Incarceration (Morris Young, Sheriff)

Sheriff Young acknowledged the different economic environment that currently exist and the overcrowding at the jail. He asked for Board approval of a request to use electronic monitoring devices for non-violent inmates as opposed to incarceration. He then introduced the owners and facilitators of the East Coast Judicial Monitoring-SCRAMx – The Leader in Alcohol Monitoring.

Mike Harrison, Owner of East Coast Monitoring, requested funding for 20 people at \$87,000. He discussed how house arrest and continuous alcohol consumption monitoring services provided by East Coast Monitoring could save the county thousands of dollars. He then introduced Duffer Harrison.

Duffer Harrison, East Coast Monitoring, presented a Power Point Presentation which included the benefits of SCRAMx and detailed savings to the County. He highlighted these points:

- Increased accountability by now being able to simultaneously detect both alcohol consumption and an offender's presence in or absence from the home.
- The SCRAMx Adjustable Contingency Model, which helps you flexibly manage offenders based on behavior, place in the justice system, or other applicable variables.
- Streamlined operations and reduced workload by eliminating the redundancies of setting up and managing two separate devices.
- The ability for those offenders, who are not a threat to the community when sober, to earn jail credit for time served while being continuously monitored.

<u>Statement of Issue:</u> The Sheriff's Department sought funding that would allow for the use of East Coast Judicial Monitoring services as an alternative to jail for non-violent offenders.

Background: The Gadsden County Jail is currently unable to facilitate the needs and or civil rights of those incarcerated due to the issue of overcrowding. A larger number of those incarcerated are non-violent offenders and meet the criteria for alternative sentencing. Alternative sentencing also known as "Smart Justice" addresses the issues of budget cuts and overcrowded jails. Smart Justice allows non-violent offenders to be monitored electronically at their home for a third of the cost to house them in the jail. East Coast Judicial Monitoring uses SCRAMX to ensure offenders are in their home and sober. The SCRAMX device is an ankle bracelet that performs a transdermal ethanol test which shows if an offender has been consuming alcohol. These tests are performed every 30 minutes for a total of 1488 alcohol test

per month. The SCRAMX device can also be used simultaneously as a house arrest electronic monitor. If the offender leaves the established perimeter the device will electronically notify authorities. Many states and counties are already using this program with great success. Texas was one of the first states to implement the Smart Justice approach and their research has found that not only did the SCRAMX device alleviate the overcrowding and budget crisis in their jails but it drastically reduced the recidivism rate.

Analysis: By using alternative sentencing strategies provided by East Coast Judicial Monitoring Gadsden County will drastically reduce their inmate per diem, alleviate many problems created by an overcrowded jail, and reduce recidivism all while continuing to provide the taxpayers of Gadsden County a safe place to live.

About SCRAMx

SCRAMx is the next generation of SCRAM that will elevate the alcohol offender management program to a whole new level. By integrating continuous alcohol monitoring (CAM) with house arrest in one device, SCRAMx lets you:

- Go broader in having additional options with which to manage your offenders.
- Turn on CAM by itself or combine it with house arrest as needed depending on the
 offense, situation, or behavior while on the program.
- Go deeper with how much information you're able to compile on offender drinking patterns and whereabouts, which further heightens accountability.
- Eliminate the need to place offenders on two separate devices saves considerable time and resources.

The three components to the SCRAMx system are: The SCRAMx Bracelet, the SCRAMX Base Station and the SCRAMNET.

The patented SCRAMx ankle bracelet – the heart of the SCRAMx system – is attached to the offender with a durable and tamper-proof strap. It is worn 24/7 by the offender for the duration of his or her court-ordered abstinence period, typically 90-120 days.

Every half hour, the bracelet captures transdermal alcohol readings by sampling the insensible perspiration collected from the air above the skin. The bracelet stores the data and, at predetermined intervals, transmits it via radio-frequency (RF) signal to the base station.

Attributes:

- 24/7 transdermal alcohol detection plus house arrest technology in one light-weight tamper-proof bracelet
- Performs 48+ alcohol tests/day and stores data
- Provides full data vs. a snapshot view
- Tamper- and water- resistant
- Automatically collects, stores, and transfers all data via the SCRAMx base station on a predetermined schedule (at least lx/day)
- Date- and time-stamps readings for easy reporting and analysis

The SCRAMx Base Station

The SCRAMx base station is the mechanism by which data is transmitted to AMS for analysis and reporting.

During installation the offender will also receive a SCRAMx base station, which plugs into an analog telephone line- usually in the offender's home or place of work. At a prescheduled time(s) each day, the SCRAMx bracelet "communicates" with the base station, which then retrieves all available data from the bracelet and sends it to SCRAMNET.

Attributes

- Plugs into an analog telephone line at the offender's home or office
- Uploads all available data from the SCRAMx bracelet
- Stores and sends alcohol readings, tamper alerts, and diagnostic data to SCRAMNET for detailed analysis and reporting
- Sends operational messages directly to the client via the LCD screen

SCRAMNET

Where the SCRAMx bracelet is the heart of the system, SCRAMNET is the brains. It is the information hub that not only houses all offender data, but lets you flexibly manage it in the way that is the most effective for your offender management program.

When data is received from the SCRAMx base station, it is stored in SCRAMNET, the webbased application managed by AMS where offender data is collected, analyzed, and maintained in a secure, central location.

SCRAMNET provides a wide range of reports and graphs at your fingertips-from a snapshot of a single event to a comprehensive view of an offender's behavior over time. SCRAMNET lets you customize and easily tailor the reporting that best suits your needs and individual cases, and helps reduce your workload through exception-based reporting.

Attributes

- Can be accessed around-the-clock, from any location, using a standard web browser
- Provides exception-based reporting to reduce workload
- Flags and graphically depicts any alcohol ingestion, tampers, or removal attempts
- Lets you easily customize testing, synchronization, and reporting schedules for each offender
- Provides customized reports and graphs to best suit your information needs
- Allows you to cost-effectively monitor and manage numerous offenders simultaneously

Fiscal Impact: \$87,600

Options: 1.Approve the request; 2. Do not approve the request. 3. Provide other direction.

County Administrator's Recommendation: 1. Approve the request.

Attachment: Information About SCRAMx

Presenters: Power point presentation

Discussion Points by Commissioners:

Commissioner Lamb asked what other Counties are involved in the program.

Commissioner Morgan commented as important as this is, it is not budgeted for this year. We need to place it in the upcoming budget. He also inquired about overcrowding of the jail. If we could find another way to alleviate overcrowding, would this program be necessary.

Captain Corder conveyed over half of the inmates would qualify for outside monitoring, if this program where possible.

Commissioner Croley thanked Major Corder for bringing this information before the Board. He agreed the money is not there in the middle of the budget year and would consider for upcoming Budget Year. He said the Public Safety Council should be working on the overcrowding issue at the Jail. He pointed out he was not in support of raising mileage rate on tax papers.

Commissioner Holt commented it needed to come back. She commented the Board does not see the importance of the program, since it has the potential of outstanding lawsuits. She asked that it be placed on next month's agenda and brought back at that time.

Commissioner Morgan stated that the needs have to be prioritized.

Commissioner Lamb said this is something we need to look at and it could enhance the Jail.

Chair Taylor echoed Commissioner Morgan and Croley. She added this size request has to go through the procurement process and it must be budgeted. She asked the Jail to go out for competitive bidding and present during Budget process. She added they would not want to be that far behind in technology.

Commissioner Croley made a motion for deferral to the budget process to see if funds would be available, and then work with the County Administrator on the Procurement Process. <u>The motion</u> <u>died for a lack of a second.</u>

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5-0, BY VOICE VOTE, TO DEFER TO THE UPCOMING 2012-2013 BUDGET PROCESS.

15. <u>Discussion of Possible Changes to the Gadsden County Comprehensive Plan and Land Development Code to Allow for a More Expedited Development Review Process</u>

Mr. Lawson commented this is a general list of items. This process will take more than one meeting, if there are to be changes to the Gadsden County Comprehensive Plan and Land Development Code to allow for a more expedited Development Review Process. He then yielded to Mr. Matheny, Planning and Community Development Director.

Anthony Matheny stated to the Board it would be an indepth process. He went through the analysis, following standards and some revisions the department could incur, and then he received comments from the Board.

Statement of Issue:

The Board of County Commissioners (Board) is asked to discuss and provide direction to Planning & Community Development (P&CD) staff regarding possible changes to the Gadsden County Comprehensive Plan and Land Development Code (LDC) to allow for a more expedited development review process.

Background:

The Board has asked the Planning & Community Development (P&CD) staff to start the process of changing the County Comprehensive Plan and Land Development Code in order to expedite the development review and permitting process.

Analysis:

The first step in changing and simplifying the County Comprehensive Plan and Land Development Code in order to expedite the development review and permitting process is to identify areas in both documents where changes may be most effective in achieving the aforementioned goal. These changes generally fall into the category of process or development standards. Some of these changes might include:

- 1. Reducing the creation of illegally subdivided parcels by creating a system of checks and balances with the Clerk of the Court and the Property Appraiser offices so no new parcels are created or old parcels re-configured without the required County approval. (This is the number one delay in the issuance of housing permits.)
- Consider amending the Comprehensive Plan to change residential densities in Agricultural Land Use Districts to allow for more residential units. For example, AG-3 currently allows for only one (1) residential unit per twenty (20) acres; and/or revisit the 'Immediate Family Exemption'.
- 3. Consider reviewing the following development standards:
 - a. Consider the creation of a Zoning map with multiple zoning districts to implement each of the future land use districts adopted in the Comprehensive Plan. A Zoning Map will allow more flexibility within districts; may reduce the need for Comprehensive Plan amendments; and may better

- segregate uses in a more logical and effective manner. Most local governments have done this;
- b. Expanding the number and types of uses allowed by right in each land use district:
- c. Expanding the types of uses allowed in Neighborhood Commercial Districts and consider allowing some of these uses by right;
- d. Expanding the list of Class I Commercial uses and reduce the list of uses requiring Class II review;
- e. Expanding the list of Class II Commercial uses. The uses currently require Board review and approval;
- f. Expansion of the list of Home Occupation uses;
- g. Consider lengthening the current two (2) year deadline requirement for the replacement of a nonconforming residential structure and one (1) year deadline requirement for the replacement of a nonconforming nonresidential structure;
- h. Modifying the Land Use Intensity provisions of the code;
- i. Streamlining site plan requirements based in the intensity and density of the proposed project;
- j. Easing buffering requirements for low-impact projects;
- k. Modifying corridor road requirements;
- Modifying sidewalk requirements to require fee-in-lieu where connectivity cannot be achieved;
- m. Simplifying parking requirements;
- n. Simplifying tree and vegetation standards;
- o. Simplifying and reducing signage requirements;
- p. Simplifying rules and regulations governing cell towers;
- q. Adopt standards that will promote the re-development of existing non-residential and commercial sites.

4. Consider revising the following processes:

- a. Shorten the subdivision review process by eliminating or making the conceptual plan requirement optional;
- Allow the Planning & Community Development Director to have more discretion and flexibility in making code interpretations in matters such as setback requirements, parking, etc. This will dramatically reduce time and expense for applicants who are requesting small variations to the rules;
- Limit the types of development actions that require a Citizen's Bill of Rights meeting. Consider requiring a CBR only for major developments such as major subdivisions and land use amendments;
- d. Consider the creation of a Unified Development Code which includes Comp Plan polices and land development codes grouped together in an easy-to-read and understand format and in one document.

Fiscal Impact:

Unknown at this time. However, each one of the items listed above will require planning resources. Therefore, it is recommended that the Board consider including funds in the 2012-2013 budget to retain a planning consulting firm to work with Planning & Community Development staff to review and rewrite the County's Comprehensive Plan and Land Development Code.

Discussion from the Board:

Commissioner Morgan's remarked why the process seems to take longer in Gadsden County than in other Counties.

Mr. Matheny said it's mainly because people don't like being told what they can do with the property. He said it could be streamlined to make process much easier

Commissioner Lamb agreed that this is not an easy process. He said the process could be enhanced, to make it speedier for the public.

Commissioner Croley agreed with the Commissioner Lamb. He stated we need standards. The problem is steps I have to take, flow chart, to make process easier. He said people don't understand the process.

Mr. Matheny we should always work to make the process understandable. He said forms are very descriptive. He cautioned some people don't want to go to through the process.

Commissioner Croley didn't agree with all the complaints.

Commissioner Holt stated they need both. I have asked for Workshops on Comp Plan & Land Development Code. (3A) Not customer friendly

Clerk Thomas interjected by saying when a document is received the only requirement is to verify information for recordation of document such as signatures, legal description, and preparer information. "Once recorded, it's just that, recorded. We do not get into the legalities of it."

Commissioner Holt asked about the process with the Citizen's Bill of Rights.

Mr. Matheny responded they have to host a meeting at their property, advertisement of meetings in 3 papers, take notes positive and negative comments. He said that normally it would take 3-4 weeks. He added that National Solar would have to go through the Citizen Bill of Rights.

Commissioner Croley, where does it come up with advertisement and 3 newspapers.

Mr. Matheny replied it was in place by the former Administrator.

Mr. Lawson said that it was a requirement in our Procurement policy about advertisement in the

newspapers.

Commissioner Morgan asked for a point of clarification. He said they are in agreement that any way we can enhance the Land Development Code & Comp Plan is a positive thing for the public, spoke of importance of the flow chart. He said it should be clearly communicated.

Chair Taylor concurred with Commissioner Holt and Morgan with the complaints on Planning and Zoning. She said it was personality differences; sometimes it is policy and procedures. She stated this department controls economic development (growth & development). She noted it needs to be customer friendly, workshop on Land Development Code- follow policy and procedures (flowchart up front). She said they are feeling a lot of complaints because of barriers that are being placed. She reiterated the need for a Customer friendly P&Z Department. "We want smart growth and development." She asked the Administrator to put something in place, workshop, etc. She asked for a day of dialogue.

Mr. Lawson asked for a point of clarification; get with staff, vent issues and schedule workshop for issue concerns.

Chair Taylor added they would like to see a step process when they walk through the door(flow chart), Land Code, Competitive & Customer Friendly

In closing Mr. Matheny supported his department by stating they are customer friendly and they work closely with the customers to ensure they understand the process.

Action Taken: Informational Purpose Only (Discussion)

16. Selection and Approval of 2012 Transportation Grant Projects

Charles Chapman, Public Works Director asked for the Board's approval and Selection of 2012 Transportation Grant Projects. He said they decided this year to take a different approach and go after grant projects, so they would have ample time to prepare grant applications. He said they went back and reviewed records back from 1998 to look at density maps of where roads had been resurfaced over that period of time and the roads listed fell in the age criteria. He then went into his presentation where he asked the Board to entertain approval of: I SCRAP Project, 2 SCOP Projects, and 1 CIGP Project.

Justin Ford, Project Manager of Preble – Rish, commented they have recommendations that were applied for last year, but weren't funded, but they felt they where sound projects to pursue. He said they applied for the widening of Ben Bostick Road, Bridge over Little River on High Bridge Road and Telogia Creek Road.

Statement of Issue:

This item seeks Board of County Commissioners (Board) selection and approval of transportation capital projects for the 2012 transportation grant season through the Florida Department of Transportation.

Background:

In recent years, Gadsden County has been very successful in receiving grants funds to improve

the County's Transportation System. The majority of these funds were received through the Florida Department of Transportation (FDOT). FDOT routinely solicits county governments to submit projects for funding through their various programs. The grants programs of note are:

- Small County Road Assistance Program (SCRAP)
- Small County Outreach Program (SCOP)
- County Incentive Grant Program (CIGP)

Annually the grant cycles open in May or June. In preparation for the 2012 grant season, staff has worked with Preble Rish Engineering, Inc. (PRI) to provide a sampling of projects for the Board to select from and approve for the various grant programs identified above.

Analysis:

In order to provide a sample list of the projects for the Board to choose from, county staff and PRI reviewed the County's paving history (1998 to present) and selected projects that best fit the grant criteria and fell within the respective life cycles (12-15 years) for the various re-surfacing projects. A color coded density map is provided as in Attachment A

with green coloring indicating older paving jobs (circa 1998) and red being the most recent completed.

Candidate projects based on the various criteria and relative pavement age is provided in Attachment B for the Board's review and selection. The Board is to select projects from Attachment B as follows:

One (1) SCRAP project Two (2) SCOP projects One (1) CIGP project

Fiscal Impact:

None. The County would enter into a Joint Participation Agreement (JPA) with FDOT for the release of grant funds if the selected projects are awarded.

Options:

Select one (1) SCRAP project, select two (2) SCOP projects, select one (1) CIGP project and approve staff to proceed with the application process.

Option 2:

Board provide direction

Attachments:

ATTACHMENT B POTENTIAL PROJECT LIST 2012 SCRAP / SCOP / CIGP GRANT SELECTION

^{*}Programmatic information is provided on each of the programs in Attachments A, C, D, and E.

SCRAP - Select 1 SCOP - Select 2 CIGP - Select 1

<u>District</u>	<u>Proposed</u>	<u>Description</u>	Cost Estimate	Eligible Program	Recommended
1	<u>Project</u>	Of Work	AMERICAN SERVICE		<u>Program</u>
1	Dover Road	Widening/Resurfacing	\$1,533,860.00	SCOP	SCOP
1	Sheline Dr.	Resurfacing	297.500.00	SCOP/SCRAP/CIGP	SCRAP
1	Raymond Dr.	Resurfacing	250,910.00	SCOP/SCRAP/CIGP	SCRAP
2	Salter Road	Resurfacing	285,870.00	SCOP/SCRAP/CIGP	CIGP
2	Porter Mitchell Road	Resurfacing	897,825.00	SCOP/SCRAP/CIGP	CIGP
3	Providence Road	Widening/Resurfacing	687,765.00	SCOP/SCRAP/CIGP	SCRAP
<u>3</u>	<u>Telogia</u> <u>Creek</u> Road	Widening/Resurfacing	606,585.00	SCOP/SCRAP/CIG P	<u>CIGP</u>
3	Juniper Creek Road	Widening/Resurfacing	2,222,610.00	SCOP	SCOP
3	Bridge # 500023	Rehabilitation	1,289735	SCOP	SCOP
4	<u>Peck Betts</u> <u>Road</u>	Dirt Road paving	<u>531,210.00</u>	<u>SCOP</u>	<u>SCOP</u>
4	Hardaway highway	Widening/Resurfacing	\$1,542,810.00	SCOP	SCOP
4	Newberry	Dirt Road Paving	\$573,270.00	SCOP	SCOP
4	M & M Lane	Resurfacing	119,180.00	SCOP/SCRAP/CIGP	CIGP
4	David Thomas Lane	Resurfacing	139,520.00	SCOP/SCRAP/CIGP	CIGP
<u>5</u>	<u>McCall</u> <u>Bridge</u> Road	<u>Resurfacing</u>	<u>1,165,145.00</u>	SCOP/SCRAP	<u>SCRAP</u>
5	Hopkins Landing Rd.	Resurfacing	313,395.00	SCOP/SCRAP/CIGP	SCRAP
5	Sadberry Road	Widening/Resurfacing	461,940.00	SCOP/SCRAP/CIGP	SCRAP
<u>5</u>	<u>Bridge</u> <u>500045</u>	<u>Rehabilitation</u>	<u>2,304,840.00</u>	<u>SCOP</u>	<u>SCOP</u>

Discussion Points by Commissioners:

Commissioner Taylor asked about the projects that were rejected last year.

Mr. Ford, Project Manager stated there was no feedback from Department of Transportation concerning the projects that were rejected last year. Basically they analyze all the projects that come in. There may have been a Bridge Project last year that was more critical for the state.

Commissioner Morgan asked that it be clarified to the public for understanding that these grant dollars apply to collector roads, bridges and not residential county roads being resurfaced or paved.

Mr. Chapman remarked that was correct. He said the way the State looks at these various programs is how to relieve pressure from arterial roadways. He stated they look at projects like a collector road to fund not residential subdivision roads that would be a different funding source.

Commissioner Lamb commented High Bridge Road; it's being used a lot and should be added.

SCOP Program –Bridge 500045 High Bridge Road (District 5); SCOP Program - Peck Betts Road – (District 4); Telogia Creek (District 3) – CIGP; Scrap Project – McCall Bridge Road(District 5)

Commissioner Morgan recommended they go with the recommendations for District 3, Telogia Creek Rd.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5-0, BY VOICE VOTE, TO APPROVE THE RECOMMENDATIONS AS LISTED: SCOP - BRIDGE #500045 MIDWAY/HIGHBRIDGE ROAD CONNECTOR, SCOP - PECK BETTS ROAD - DISTRICT 4; CIGP -TELOGIA CREEK-DISTRICT 3; SCRAP PROJECT - MCCALL BRIDGE, DISTRICT 5.

Approval of the 2012 Small County Consolidated Grant Agreement with Florida Department of Environmental Protection (DEP) Agreement No. 209SC for \$70,588.00 October 1, 2011 thru September 30, 2012 (Charles Chapman, Public Works Director, Robert Presnell, Administrative Coordinator)

Mr. Charles Chapman addressed the Board for approval of the 2012 Small County Consolidated Grant Agreement with Florida Department of Environmental Protection.

Statement of Issue

This agenda item sought Board approval of a funding agreement between the Gadsden County Board of County Commissioners and The Florida Department of Environmental Protection (DEP) for a Small County Consolidated Solid Waste Grant. Staff also seeks approval for the Chairperson to sign as the Authorized Representative and execute the agreement.

Background:

The Department of Environmental Protection has provided grants to county solid waste programs since 1988. Since 1993 DEP has made available the Small County Consolidated Grant to fiscally constrained counties with a population under 100,000. Gadsden County historically used these funds to provide recycling opportunities.

Analysis:

This grant in the amount of \$70,588 subsidizes the solid waste program and reduces the

burden on the citizens of the county. This year the funds will be used to repair the retention ponds located at the closed Chattahoochee Landfill, water quality monitoring, hazardous waste collection efforts, and waste tire disposal.

Financial Impact

The Florida Department of Environmental Protection has approved funding in the amount of \$70,588 for these projects. There is no match requirement. This agreement is retroactive to October 1, 2011 for approved FY11-12 expenses.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5-0, BY VOICE VOTE, FOR APPROVAL OF THE 2012 SMALL COUNTY CONSOLIDATED GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP).

18. Approval to Award RFP 12-01 to SunTrust Equipment Finance & Leasing Corp of Towson, MD for Financing of Ambulance Purchases (Tommy Baker, EMS Director)

Mr. Lawson addressed the Board on the financing of ambulance purchases to start replacing the fleet in the EMS Department. He spoke of the need for the replacement of the emergency vehicles, and then yielded to Mr. Tommy Baker, EMS Director for Gadsden County.

Tommy Baker came before the Board to ask for approval to award RFP 12-01 to SunTrust Equipment Finance & Leasing Corp of Towson, MD for financing of Ambulance Purchases.

Statement of Issue:

This agenda item seeks Board approval to award RFP #12-01 for financing of Ambulance purchases to SunTrust Equipment Finance & Leasing Corp. of Towson, MD.

Background:

At the January 3, 2012 regular meeting, the Board authorized staff to solicit a Request for Proposal for the financing of ambulance purchases. As a result, an RFP was solicited in order to secure a financial institution to provide financing for the project.

Analysis:

There were ten (10) proposals received to finance ambulances. The proposals were received from the following financial institutions:

- Midwest Leasing, Inc. 5-year financing@ 1.98%, 7-year@ 2.046%, 10 year no quote, with a \$250.00 fee to set up escrow account
- Systems Finance Corp. 5-year financing@ 3.16%, 7-year@ 3.25%, and 10-year @3.48%.
- SunTrust Equipment Finance & Leasing Corp. 5-year financing@ 1.68%, 7-year @

- 1.84%, 10-year@ 2.45% with a \$200.00 escrow fee.
- Global Strategic, LLC 5-year financing @ 1.95%, 7-year @ 2.10%, 10-year no quote.
 Prepayment penalty equal to 101% of principal balance and \$250.00 escrow fee.
- Pinnacle Public Finance, Inc. 5-year financing @ 1.87%, 7-year no quote, 10-year no quote.
- Municipal Leasing Consultants 5 year financing@ 2.10%, 7-year@ 2.25%, 10 year no quote.
- Government Capital 5-year financing@ 2.71%, 7-year@ 2.89%, 10-year no quote.
 Additional fees 1% of issuance cost.
- Fifth Third Bank 5-year financing@ 2.28%, 7-year@ 2.42%, 10 year@ 2.68%. Lessee responsible for any legal fees incurred, not to exceed \$7,500.00.
- US Bancorp Equipment Finance (payment in advance) 5-year financing @ 2.18%, 7-year@ 2.46%, 10-year no quote.
- US Bancorp Equipment Finance (payment in arrears) 5-year financing@ 2.29%, 7-year@ 2.65%, 10-year no quote.
- Branch Banking and Trust Company 5-year financing@ 1.80%, 7-year@ 2.05%, 10-year@ 2.36%.

The County proposes to finance \$900,000 over a five year period. This amount of funds is approximately the amount of the ambulance remount/purchases with built in cost increase for known issues with this fleet of 10 units and anticipated increase in chassis cost.

Staff recommends the bid be awarded to the low bid by SunTrust Equipment Finance & Leasing Corp. of Towson, MD for a five year fixed rate of 1.68%. This rate is equivalent to annual payments in the amount of approximately \$189,172.75 and a \$200.00 escrow fee.

Fiscal Impact:

This loan will be financed over a period of five (5) years, with annual payments of approximately \$189,172.75. The payment will commence twelve months from the funding date. There is a separate agenda item that includes a possible budget source to cover these payments.

Options:

- I. Approve award of RFP #12-01 for Financing of Ambulance Purchases to SunTrust Equipment Finance & Leasing Corp. and authorize the Chairperson to execute the loan documents.
- 2. Do not approve award of RFP #12-01 to SunTrust Equipment Finance & Leasing Corp.
- 3. Provide other direction.

Discussion by the Board:

Commissioner Croley asked Mr. Thomas, Clerk of Court did he agree with the recommendation to finance the ambulance purchases as recommended.

Mr. Thomas expressed he had meet with Mr. Baker and it is a great plan a great interest rate. He reminded the Board they would have to budget money in next fiscal year. He said they would need to make this a priority in the Budget.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5-0, BY VOICE VOTE, TO APPROVE THE AWARD OF RFP #12-01 FOR FINANCING OF AMBULANCE PURCHASES TO SUNTRUST EQUIPMENT FINANCE & LEASING CORP. AND AUTHORIZE THE CHAIRPERSON TO EXECUTE THE LOAN DOCUMENTS.

19. Approval of Five Year Replacement Plan for EMS Fleet (Tommy Baker, EMS Director)

Mr. Baker presented the Five Year Replacement Plan for EMS Fleet and asked for approval from the Board.

Statement of Issue:

This item sought Board approval of 5 year replacement plan for EMS fleet vehicles.

Background:

EMS is experiencing an excessive number of vehicle breakdowns due to the age and condition of the fleet. The following is a summary of the vehicles within the fleet listing year model and mileage:

#	Year	Mileage	Model	<u>Make</u>
1	2009	152,656	3500HD	Chevrolet
2	2008	184,450	3500HD	Chevrolet
3	2005	137,695	F450	Ford
4	2007	257,552	3500	Chevrolet
. 5	2003	270,291	F350	Ford
6	2009	124,406	3500HD	Chevrolet
· 7	2006	149,140	E350	Ford
8	2006	309,204	3500	Chevrolet
9	2008	205,175	3500HD	Chevrolet
10	2008	190,685	3500HD	Chevrolet

Analysis:

This plan is for a 5 year replacement schedule for EMS vehicles. With a fleet size of 10 vehicles and annual miles traveled of approximately 500,000 miles, it necessitates replacement of two vehicles per year to maintain a reliable fleet and avoid excessive repair costs. The last vehicle purchased for the fleet was March 2009. This plan will catch us up on replacements, after a 3

year period of no ambulances being purchased. Once completed, this plan will replace vehicles on a 5 year rotation and by replacing 2 vehicles per year and avoiding a critical situation with the condition of the vehicles. We will initially send three units for remount with a 5 month turn around for completion, and then will begin to rotate two units through the process every 5 months. Based on the availability of the chassis and the schedule of the manufacturer, this upgrade will not be completed until the end of 2014 or early 2015. It is anticipated that in FY 2015, we will be able to reduce repair and maintenance costs for the fleet after completing this upgrade. In 2017 we will need to budget for a continued rotation of fleet vehicles for FY 2018 and forward.

Fiscal Impact:

No capital outlay funds were budgeted for equipment purchase in this fiscal year and no transfer was budgeted from General Fund for the EMS operations budget. Proposals have been obtained for lease/purchase and financing for replacement of the fleet. Results of the bids indicate that it is more economical to finance than to lease/purchase. We are continuing to seek grant funding for vehicles, but the application for 2 vehicles in the current year budget was not approved.

Staff requested financing/lease options for the Board to consider. SunTrust Equipment Finance & Leasing Corp appears to be the low bidder. They are to finance \$500,000 up to \$900,000 with annual payments as follow:

Amount Finance	\$500,000	\$700,000	\$900,000
5-year, rate of 1.68%	\$105,096	\$147,134	\$189,173
7-year, rate of 1.84%	\$ 76,782	\$107,494	\$138,207

To fund this proposal, staff has identified the IT Equipment loan of December 2007 with annual payments of approximately \$217,000 was paid off December 2011 with a final payment of over \$118,000. These payments have been funded by General Fund and the County could use the funds to pay the debt service for the EMS vehicles loan.

Options:

- 1. Approval of financing \$900,000 on a 5 year term with Sun Trust Equipment Finance & Leasing Corp with annual payments of \$189,173 with first payment due in FY 2013. Authorization for Chairperson and Interim County Administrator to sign the necessary financing documents.
- 2. Do not approve.
- 3. Board direction.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 -0, BY VOICE VOTE, FOR APPROVAL OF FIVE YEAR REPLACEMENT PLAN FOR EMS FLEET.

20. Approval of Purchase of three Ambulance Remounts (Tommy Baker, EMS Director)

Mr. Lawson presented the last item on the agenda for EMS, the approval of purchase of three Ambulance Remounts, which he is in support of.

Statement of Issue:

This item seeks Board approval of replacement/remount of three ambulances and surplus the three old chassis/trucks.

Background:

The last ambulance vehicle purchased was March 2009. Our fleet size is ten ambulances and due to annual mileage of approximately 500,000 miles per year, it is necessary to replace a minimum of two ambulances per year to maintain a reliable fleet. The ambulance boxes are designed to be remounted several times over the life of the unit. The cost for the remount is \$89,975.00 compared to \$130,000.00 to purchase a new unit with the same specifications. The three units we will remount are the three units donated to us by Leon County for this purpose. The remount of these three units will facilitate this process without taking any current units off line during this process.

Analysis:

This request is to authorize the purchase/remount of three ambulances at a cost of \$89,975.00 per unit with Frazer Bilt in Houston, Texas under the HGAC contract.

Fiscal Impact:

Three units remounted at \$89,975.00 each for a total of \$269,925.00 capital outlay expense. No capital outlay funds were budgeted for equipment purchase in this fiscal year and no transfer was budgeted from General Fund for the EMS operations budget. Included in the agenda package under a separate item is an option to finance this purchase.

Options:

- 1. Authorization to purchase/remount three ambulances by Frazer Bilt in Houston Texas under the HGAC contract.
- 2. Do not approve.
- 3. Board direction.

Board Discussion:

Commissioner Holt inquired where funds would come from for the purchases of the ambulances.

Mr. Lawson replied the money comes from SunTrust, which was included in the agenda package under a separate item as an option to finance this purchase.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5-0, BY VOICE VOTE, FOR APPROVAL OF PURCHASES OF THREE AMBULANCE REMOUNTS.

20 a.) National Solar (addendum to Agenda)

David Weiss, Assistant County Attorney, stated to the Board they have not heard anything back from National Solar. He said he would do follow-up with National Solar and report findings back to the Board.

Commissioner Croley commented they wanted to do things correct and put on front burner. We don't want Gadsden County to be the hold up.

Commissioner Morgan expressed the need to hear communication at each meeting to make sure iron is in the fire.

Chair Taylor also conveyed they would like to hear report at every meeting, make agenda item.

Commissioner Lamb added they can do follow-up with phone call to National Solar, but added National Solar must respond to phone calls.

COUNTY ADMINISTRATOR'S AGENDA

21. Update on Requests Made by the Board

There was no update of issues by the Interim County Administrator, Arthur Lawson.

COUNTY ATTORNEY'S AGENDA

22. Update on Various Legal Issues

Recovery of Cost Incurred in Paving Ames Barineau, Quail Roost Drive and Quail Roost Drive West

David Weiss, Assistant County stated they are seeking direction on Quail Roost Drive, Quail Roost Drive West and Ames Barineau. He noted they had prepared short brief memo regarding potential options that are available to the Board. He said it was his understanding it would be work-shopped in the near future to see how you would like to handle.

Emergency Management Report

Commissioner Croley asked for report for Emergency Management Report between the Sheriff's Office and the Board of County Commissioners. He noted the Chair has brought it up on numerous occasions. He said they need to know that Agreement is in place especially as we prepare for Hurricane Season.

Mr. Lawson said they have not received the report from Sheriff Young.

Mr. Weiss conveyed they would get follow-up from the Sheriff regarding the Emergency Management Report.

DISCUSSION ITEMS BY THE COMMISSIONERS

23a. Commissioner Eugene Lamb, District 1 – Resurfacing of Roads in Lake Yvette Area

No Items

23b. Commissioner Doug Croley, District 2

- Voiced congratulations to Chair Taylor and Vice-Chair Morgan for their efforts with the Troop Send –Off. He said it was excellent and well attended.
- Jail Facility Public Safety Coordinating Council passed an Ordinance in 2005, adopted on State Statue that says you shall do this. He asked it be placed on the next agenda for an update. The entire Board to determine whether Chair Taylor will take initiative to call this meeting to work on the 5 year plan for the Jail and other items needing to be handled or if she wishes to delegate.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4-0, BY VOICE VOTE, FOR APPROVAL OF THE PUBLIC SAFETY COORDINATING COUNCIL BEING PLACED ON THE AGENDA.

Commissioner Holt was not present for this vote. (Motion Carries.)

Code Enforcement Board - He expressed there was a need for this.
 Mr. Lawson asked for time, he said they are working on this issue.

23c. Commissioner Brenda Holt, District 4

- Commented on the excellent on the Troop Send Off.
- Funeral for Patricia Stephens Due, Civil Rights Activist and Gadsden County Resident —
 Thanked Chair Taylor for the Proclamation presented at the funeral. She spoke of her
 importance to society and proposed a Day in her honor coming soon.
- Provided a reminder that "Bike Florida Forgotten Coast Tour" will come through Gadsden on March 25, 2012.

24d. Commissioner Gene Morgan, Vice-Chairman, District 3

- Embarked on the community-wholeness of the Troop Send Off. He stated it was well organized and showed a collaboration of the County coming together.
- Code Enforcement
 - Mr. Lawson, first thing is to get ordinance in place. We are reworking Ordinance, Code Enforcement Cases, to set up magistrate, and process to court system.
- Cold Weather Shelter help from Sheriff in manning the facility.

24e. Commissioner Sherrie Taylor, Chair, District 5

- Gave a "Shout out" to all involved in the Troop Send-Off. She felt it was well
 orchestrated and thanked the many hands that yielded their time to help with this well
 deserved project.
- Process to adopt Road Churches to do cleanup, signage and follow-up they would need.

- Hospital Build out \$90,000 to add additional rooms.
 Mr. Lawson said it would be placed on the agenda- use of funds at the next meeting.
- City of Quincy Funding of Shuttle -She asked was the City of Quincy notified formally of
 the outcome of the Board's decision concerning the Shuttle. She added she would not
 like a breakdown in communication that affects any municipality.
 In his defense, Mr. Lawson commented his was unaware that he was to notify the City of
 Quincy of the Boards action. He stated the request was for funding for the County's part
 of the Shuttle Funding. He said they only dealt with their request.
- Thanked Commissioner Holt sharing Resolution on Mrs. Patricia Due.
- Veteran Services consider having facility for veterans in the near future. She said there
 is a need to be prepared to receive Veteran's once they return.
- County Administrator permanent position (She commented on one person with two
 major positions spoke of trying times the County could face.) She motioned for
 Advertisement of County Administrator. (<u>Motion died for lack of second.</u>)
- Importance of working out Planning and Zoning Issues to move forward and become progressive County.
- Code Enforcement on Odor Attorney has read into law a Code Enforcement Ordinance on Odor. She asked for clarity on what was read by Mrs. Minnis.
- Municipalities Contractual Annual Agreement She commented it is being signed annually. She said what happened this last year the Contractual Agreement lapsed because they weren't in front when the annual signature was due. She said she has had dialogue with the City of Quincy and 3-4 months later it was eventually signed. She said she would like to look at doing the agreement into 3-5 year intervals, to be proactive and make sure there are no gaps in Contractual Agreements. She asked Mr. Lawson to take a look at what are the pros and cons. She asked that it be placed on the agenda sometime in March along with Odor Ordinance.

Receipt and File Agenda

- <u>24a</u> Letter from the City of Quincy Regarding Authorization of the Issuance of a Community Redevelopment Note by the Quincy Community Redevelopment Agency (CRA)
- 24b. Town of Havana Annual Report for the Community Redevelopment Agency (CRA)
- <u>24c.</u> Memorandum Regarding Tourist Development Council Term Extension

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING ADJOURNED AT 11:37 A. M.

GADSDEN COUNTY, FLORIDA

Sherrie Taylor, Chair

Board of County Commissioners

ATTEST:

Nicholas Thomas, Clerk of Court

Gadsden County, Florida

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA, ON FEBRUARY 21, 2012 AT 9:00 A.M., THE FOLLOWING PROCEEDINGS WAS HAD, VIZ.

Present:

Sherrie Taylor, Chair, District 5

Gene Morgan, Vice-Chair, District 3

Eugene Lamb, District 1 Doug Croley, District 2 Brenda Holt, District 4 Nicholas Thomas, Clerk

David Weiss, Assistant County Attorney

Arthur Lawson, Interim County Administrator

INVOCATION, PLEDGE OF ALLEGIANCE AND ROLL CALL

Chair Taylor called the meeting to order then led in an invocation followed by the pledge of allegiance to the U.S. flag.

The roll was called by Deputy Clerk, Beryl Wood and attendance was recorded as noted above.

AMENDMENTS AND APPROVAL OF THE AGENDA

Removal from Agenda - Consent Item 6. Request for Law Enforcement Educational Fund for Training Purposes - Special Response Team (Morris Young, Sheriff)

The following amendments were made to the agenda: Pull Item # 6 to be placed on the agenda at a later date.

National Solar Update Addendum to the Agenda

Chair Taylor inquired about the Agreement with National Solar not being placed on the agenda.

Mr. Lawson informed the Chair it would be on the March 6, 2012 agenda as a Public Hearing.

Commissioner Morgan asked that National Solar be placed on the agenda for update and discussion purposes only. He asked the timeline be given.

Chair Taylor asked that it be placed on the Agenda as 20A, for update and discussion purposes only.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5-0, BY VOICE VOTE TO ADD AS 20A, THE NATIONAL SOLAR UPDATE TO THE AGENDA FOR DISCUSSION ONLY.

Mr. Lawson added Item # 9 and Item # 17 are revised for the review in the Agenda Packets.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED ABOVE.

AWARDS, PRESENTATIONS AND APPEARANCES

1. Update - Brownfield Community-Wide Grants and Advance Monitoring for Hazardous Substance and Petroleum grant No. BF-95460910-0

Mr. Lawson introduced Mr. Roger Register, Director for Cardino TBE to give an update on the Brownfield Community - Wide Grants and Advance Monitoring for Hazardous Substance and Petroleum Grant Number BF-95460910-0.

Mr. Register thanked Mr. Lawson and the Board for allowing him to give a brief update, which included the background of the Brownfield Assessment Grant. He gave handouts and read a Post Award Monitoring Review showcasing the successful implementation of the Brownfield's agreement since its original award in 2010. It was addressed to Ms. Sonya Burns who serves as Brownfield Project Coordinator for the County.

Background: In October of 2009, staff applied for EPA Brownfield's Assessment Grant and was awarded \$400,000 in April of 2010. This grant will allow the county to pay an environmental consultant to conduct and complete community-wide hazardous substance and petroleum assessments, which will identify properties in the county that could be redeveloped if the site can be eradicated of any kind of contamination that may be present. This will ultimately lead to discouraging premature development in unsuitable sites and help in the effort to create and maintain a living wage. Therefore, concentrating on those sites that can promote economic revitalization for economic development is the primary goal of the process.

While the grant will not pay for remediation and cleanup of the properties identified, the county can pursue other funding for those activities through the Environmental Protection Agency and other sources.

Following the county's procurement policy, the county ultimate engaged Cardino TBE as the consultant for the site inspections. He stated Olga Perry, EPA Project Manager along with himself as the Director for Cardino TBE prepared a progress report which is attached.

Discussion from the Board:

Commissioner Holt asked Mr. Register to explain the Brownfield's Assessment Grant.

Mr. Register said properties that are abandoned being placed back on tax roll, it's an assessment.

Commissioner Lamb asked did they include homes.

Mr. Register stated he won't say homes can't be involved, but mostly businesses. He ended by once again thanking the Board for their support.

Action Requested/Taken: Mr. Register said no action was requested. The update is for informational purposes only.

CLERK OF COURTS AGENDA

2. Presentation of County Finance and County Clerk Issues (Nicholas Thomas, Clerk of Courts)

Mr. Thomas had no report or comments for the Board at this time.

CONSENT AGENDA

Commissioner Morgan asked that item 10 of the Consent Agenda be pulled for discussion.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5-0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF ITEM 10 TO WIT:

3. Approval of Minutes

January 3, 2012 – Regular Meeting December 6, 2012 – Regular Meeting

Action Taken: Approved as part of the Consent Agenda

4. Ratification of Approval to Pay County Bills As Reflected in the Warrant Vouchers Listed Below:

Accounts Payables Dated:

January 20, 27, 2012

February 3, 10, 17, 2012

Payroll Dated:

January 26, 2012

February 9, 2012

Action Taken: Approved as part of the consent agenda

5. Request for Law Enforcement Educational Fund for Training Purposes and Grant Budgetary Authority - \$3,325.00 for Civil Processing Services

This request was made by Sheriff Morris Young to use the Law Enforcement Educational Fund to provide proper training for law enforcement personnel for civil processing services. This training will allow the personnel to become updated on the laws relating to civil processing. Avalon Legal Information Services, Inc. from Port Orange, FL will conduct the training, which includes 2 days of live presentation for Road Patrol on Civil Process as well as domestic violence training. The fee for training 35 people and related manual and materials is \$3,325.00.

Requested Action: Approval of Budgetary Authority and for the use of Law Enforcement Educational Funds to conduct this training.

Board Action Taken: Approved as part of the Consent Agenda

Request for Budget Authority and use of \$101,190 of the Law Enforcement Educational Fund for Training Law Enforcement Personnel for the Implementation of the Gadsden County Sheriff's Office Special Response Team (SRT) (pulled from the Consent Agenda)

As a result of recent incidents requiring the deployment of Special Response Teams from surrounding counties, Sheriff Morris Young decided to implement its own Special Response Team. He engaged in discussions with Sergeant Charlie Strickland of the Leon County Sheriff's Office SWAT Unit which led him to his decision. Subsequently Sheriff's staff looked into what it would cost to train and equips a SRT, which would consist of eight appointed sworn law enforcement officers, a team commander, training sergeant, assistant team leader with the remaining members being entry personnel and perimeter personnel.

The SRT would initially consist of six months of extensive specialized training both physically and mentally. The tactical team will continue to train regularly in special weapons and tactics. The team will also train with other tactical units associated with fellow law enforcement agencies in the surrounding counties including Leon.

All team members will be on call twenty-four hours a day, seven days a week.

In compliance with FL 938.15, this agenda request was an official request to use second dollar funds (Law Enforcement Education Funds) to provide the specialized training and to purchase the tactical equipment for the implementation of the Gadsden County Sheriff's Special Response Team.

The Clerk's office confirmed that the balance in the law enforcement education funds was \$201,984.46. A detailed breakdown for the cost of the training and equipment is attached to the agenda report submitted by the Sheriff.

Requested Action: Approve the Proposal and Grant Budgetary Authority

Action Taken: Approved as part of the Consent Agenda

8. Approval of the Request for the Gadsden County Fire Service to Conjointly Apply for the FY 2011 Staffing for Adequate Fire and Emergency Response Grant (SAFER) with the Quincy Fire Department

Statement of Issue: This item seeks approval for the Gadsden County Fire Service to conjointly apply for the FY 2011 SAFER with the Quincy Fire Department. The Department of Homeland Security (DHS) and the Federal Emergency Management Agency's (FEMA) Grant Program

Directorate implements and administers the SAFER grants. They provide financial assistance to help fire departments increase frontline firefighters, rehire firefighters that have been laid off, retain firefighters facing imminent layoffs or filing for positions that were vacated through attrition. By applying for the grant, it will guarantee fire service response and improve fire service response times in Gadsden County.

Because the City of Quincy has an established paid fire department, they will facilitate the grant and all fire department operations. The grant cycle opened January 31, 2012 and closed February 24, 2012.

Background: The objective of the SAFER Program is to augment or restore local fire departments' staffing and deployment capabilities so they may effectively respond to emergencies. With the enhanced or restored staffing, a SAFER Grantee's response time will be reduced sufficiently and an appropriate number of trained personnel will be at the incident scene.

The grant is comprised of two categories:

- 1. Hiring of Firefighters A two year grant with no match and no requirement to maintain the program after the grant period.
- 2. Recruitment and Retention of Volunteer Firefighters Four year grant with no match and no requirement to maintain the program after the grant period.

Analysis: The enhanced or restored staffing level of all SAFER Grantees should improve the safety to firefighters by ensuring all first-arriving engines are staffed with a minimum of four qualified personnel or are able to meet NFPA and OSHA standards. The grantees should be able to demonstrate they have achieved more efficient response and safer incidents scenes; thereby ensuring communities have improved protection from fire and fire-related hazards.

Fiscal Impact: The SAFER grant requires no matching funds.

Requested Action: Approval to allow the Gadsden County Fire Services to apply for the FY 2011 SAFER Grant Conjointly with the City of Quincy Fire Department.

County Administrator's Recommendation: Approval of the request.

Action Taken: Approval as part of the Consent Agenda approval.

9. Approval of Annual Support Agreement for EMS Billing Software

Statement of Issue: This item seeks Board approval for the Chairman to sign the 2012 EMS Consultant's Annual Support Agreement for EMS Billing and Collections software.

Background: This agreement covers the technical support services for the EMS Billing and Collections software for 2012.

Analysis: Because this agreement commits the county to payment of funds it must bear the signature of the chairman as the governing authority.

Fiscal Impact: This cost of \$3,000 is a budgeted line item expense in the EMS Billing and

Administration budget. The payment is in arrears for the 2011 support. It will need to be a line

item budget expense in the upcoming 2013 budget.

10. Approval of Interlocal Government Contract for Cooperative Purchasing with the Houston-Galveston Area Council (HGAC) This item was pulled for discussion by Commissioner Morgan. See below.

11. Approval of the FY 2012/2013 Proposed Budget Calendar (Attached)

Statement of Issue: This item seeks acceptance of the proposed budget calendar for FY 2012/13.

Background: Each year the Budget Office prepares a budget calendar for the upcoming budget year. The proposed calendar outlines various deadlines for management and staff to accomplish in order to complete the required budget timely.

Analysis: This year the Budget Office has proposed 4 public budget workshops, one in the months May, June, July, and August. There are several tentative dates that are too early to confirm. Once the Budget Office is able to confirm, the Board will be notified.

Staff Recommendation: Approval of the calendar.

Action Taken: Approval as part of the Consent Agenda approval.

12. Acceptance of the FY 2012 1st Quarter Report

Statement of Issue: This item seeks acceptance of the 1st Quarter Report for FY 2012.

Background: In April of 2006 the Board adopted a comprehensive financial management policy. Section 3.03 — Budget Management and Amendment Policy states the following: "... Finally, consistent with the spirit of this policy, the Board shall require the County Administrator or his designated budget officer to develop during FY 2007 and thereafter regularly submit quarterly (three month) budget status reports to the Board. These reports shall include:

- 1. The status of major revenue collections and/or projections
- 2. The status of actual departmental expenditures in comparison with budgeted expenditures.
- 3. Notification of special issues that could possibly affect the current or future financial status of the Board."

Analysis: In summation, operating departments under the jurisdiction of the County Administrator have expended approximately 23% (versus the County's established benchmark of 25%) of their allotted budgets through the first quarter of the fiscal year. Overall, data through the first quarter (October 1, 2011 thru December 31, 2011) provides enough definitive data to constitute the adjustment of original budget estimates at this time. This report is preliminary due to the fact that the final close out budget amendments and any Finance

adjustments may not have been posted.

Options: 1) Approve Acceptance of the FY20121st Quarter Report 2) Board Direction

County Administrator's Recommendation: Option #1

Attachments: FY 2012 1st Quarter Report

Action Taken: Approval as part of the Consent Agenda

DISCUSSION OF CONSENT AGENDA ITEMS PULLED FOR DISCUSSION

10. Approval of Interlocal Government Contract for Cooperative Purchasing with the Houston-Galveston Area Council (HGAC) (pulled for discussion by Commissioner Morgan)

Commissioner Morgan pulled item number 10 for more clarity. He asked did this limit the County's buying by contracting with the Houston-Galveston Area Council.

Mr. Tommy Baker, EMS Director, replied it would not affect the County's buying.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5-0, BY VOICE VOTE, FOR THE APPROVAL OF THE INTERLOCAL GOVERNMENT CONTRACT FOR COOPERATIVE PURCHASING WITH THE HOUSTON—GALVESTION AREA COUNCIL (HGAC). Motion carries

Statement of Issue: This item seeks Board approval for the Chairperson and the Interim County Administrator to sign the Interlocal Contract for Cooperative Purchasing with HGAC.

Background: HGAC is a regional council of governments operating under the laws of Texas. The HGAC uses mass circulation, minority emphasis print media and internet services to post legal notices and bid solicitations. The HGAC Board then awards contracts which are made available to local governments nationwide. The Texas Interlocal Cooperation Act and the state Interlocal cooperation authority permits participation by local governments, states, state agencies and certain non-profit corporations.

Gadsden County has used HGAC in the past to purchase ambulances. Use of this process expedites the process, saves on advertising expenses and meets the requirements of the local purchasing policy.

Fiscal Impact: There is no cost to become a member of the Cooperative. If the contract is used for the ambulance purchases, there is a charge of \$600.00 per purchase order.

Requested Action Approval of joining the cooperative and authorize the chairperson and the interim administrator to sign the HGAC Interlocal Contract for Cooperative Purchasing.

Interim Administrator's Recommendation: Approval as requested.

Action taken: Approved as motion states above.

CITIZENS REQUESTING TO BE HEARD ON NON AGENDA ITEMS

There were no citizens requesting to be heard.

GENERAL BUSINESS AGENDA

13. Support Letter for a Grant Proposal – Second Chance Act Technology Careers Training Demonstration Projects for Incarcerated Adults and Juveniles (Morris Young, Sheriff)

Sheriff Young of the Gadsden County Sheriff's Office came before the Board to ask their support for a letter for a grant proposal, Second Chance Act Technology Careers Training Demonstration Projects for Incarcerated Adults and Juveniles. He emphasized the positive impact the program would have on Gadsden County and it would help with the overcrowding issue currently at the jail. He then introduced Annie Berry of Redeemed Incorporated who provided an in-depth presentation.

Mrs. Berry disclosed they had partnered with the University of Florida. She explained by inmates completing the program they would receive a certificate at the end of the program, which will help them transition when they return to Society. She said the food would be used to offset the cost at the jail and to provide a Farmer's Market using the inmate's new skills. She acknowledged other partners to the program, Lab First, Gadsden Chamber of Commerce, Gadsden Leadership, Tallahassee Community College and Workforce Plus. She then introduced Dr. Gary Knox.

Dr. Gary Knox, University of Florida of the North Florida Research Center located in Gadsden County - Horticulture training, addressed the Board and thanked them for allowing him to speak. He also spoke in support of the program and welcomed the opportunity.

<u>Statement of Issue:</u> The Sheriff's Department sought a letter of support for a grant proposal to fund the expansion of the Gadsden County Sheriffs "Faith Behind Bars Re-Entry Program" through a collaborative partnership with the University of Florida, Gadsden Research Center.

Background: The Gadsden County Jail faces the challenge of maintaining and operating a facility within the constraints of budget cuts making it difficult to meet the needs in an overcrowded jail and combat recidivism at a rate that continues to increase year after year. Instead of learning how to change their lifestyles, many offenders adopt more dangerous behaviors. Once their time is done, they must re-adjust to society, restore relationships with their family, locate a home, find gainful employment, and deal with the addictions that may have been the cause of their convictions. Unfortunately, many ex-offenders are unprepared to navigate the challenges of reentry. In a culture slow to understand why prisoners should have a second chance, they will end up homeless, unable to find sufficient work, in need of substance abuse treatment and, most critical of all, without a support system to assist them. An estimated 70% of these inmates will be re- arrested within two years of their release. Such a high recidivism rate not

only indicates the failure of our society to address the needs of ex-offenders, but also demonstrates the public safety risk if offenders cannot learn to become productive citizens.

Analysis: The Sheriff's Department is the most appropriate entity to apply for this grant which will help address issues the inmates face. Sheriff Young recently implemented the Faith Behind Bars Re- Entry Program. The program has a threefold purpose, one to address the issues of recidivism among the inmates, second to provide the inmate with skills that assist their re-entry into the community with a support system to help them find employment, housing, and provide a marketable skill by earning a certificate in landscaping, pesticide, and gardening. Thirdly, the program has the potential to save the tax payers thousands of dollars.

The grant will provide funding to expand services to 25 additional inmates.

Points of Discussion by Commissioners:

Commissioner Lamb is this volunteer basis.

Mrs. Berry said we want them to volunteer, but the incentive is gain time.

Sheriff Young added we are training to train them while there in jail, so when they return to society they would be skilled. He said the Chamber of Commerce is doing the entrepreneurship part of the program.

Commissioner Croley said he thought the program was a great idea, but how would they handle future cost.

Captain Corder, County Jail Administrator disclosed the Jail receives commission on sales. He said it is 100% financed for this year. He stated they would partner with the businesses in the County.

Sheriff Young expressed to the Board now was the time to start looking at ways to build a new jail facility. He commented the One Cent Sales Tax has been diverted, now it's going to other projects, but now it's time to go back to tax payers. He said there is a major issue with overcrowding at the Jail.

Commissioner Croley noted the Ordinance that was passed in 2005 and there is a Public Safety Coordinating Council that is in place to deal with those issues. He asked had they had any meetings.

Chair Taylor conveyed the support letter is on the agenda, which she is in support of but, the Ordinance pertaining to the one cent sales tax is not and as a point of order asked that it be placed on the agenda for another date.

Commissioner Holt spoke in support of the project and in support of the Gadsden County Jail.

Commissioner Lamb inquired about females in the project and spoke in support of the enhancement to the Jail.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5-0, BY VOICE VOTE, TO APPROVE THE LETTER OF SUPPORT FOR A GRANT PROPOSAL SECOND CHANCE ACT TECHNOLOGY — CAREERS TRAINING DEMONSTRATION PROJECTS FOR INCARCERATED ADULTS AND JUVENILES.

Sheriff Young informed the Board that on February 28, 2012 CBS News will be in the County covering this particular story. He added it is his hope this particular program would go around the nation.

14. Approval of Request from Sheriff's Office to Use Electronic Monitoring Devices for Non-Violent Inmates As Opposed to Incarceration (Morris Young, Sheriff)

Sheriff Young acknowledged the different economic environment that currently exist and the overcrowding at the jail. He asked for Board approval of a request to use electronic monitoring devices for non-violent inmates as opposed to incarceration. He then introduced the owners and facilitators of the East Coast Judicial Monitoring-SCRAMx – The Leader in Alcohol Monitoring.

Mike Harrison, Owner of East Coast Monitoring, requested funding for 20 people at \$87,000. He discussed how house arrest and continuous alcohol consumption monitoring services provided by East Coast Monitoring could save the county thousands of dollars. He then introduced Duffer Harrison.

Duffer Harrison, East Coast Monitoring, presented a Power Point Presentation which included the benefits of SCRAMx and detailed savings to the County. He highlighted these points:

- Increased accountability by now being able to simultaneously detect both alcohol consumption and an offender's presence in or absence from the home.
- The SCRAMx Adjustable Contingency Model, which helps you flexibly manage offenders based on behavior, place in the justice system, or other applicable variables.
- Streamlined operations and reduced workload by eliminating the redundancies of setting up and managing two separate devices.
- The ability for those offenders, who are not a threat to the community when sober, to earn jail credit for time served while being continuously monitored.

<u>Statement of Issue:</u> The Sheriff's Department sought funding that would allow for the use of East Coast Judicial Monitoring services as an alternative to jail for non-violent offenders.

Background: The Gadsden County Jail is currently unable to facilitate the needs and or civil rights of those incarcerated due to the issue of overcrowding. A larger number of those incarcerated are non-violent offenders and meet the criteria for alternative sentencing. Alternative sentencing also known as "Smart Justice" addresses the issues of budget cuts and overcrowded jails. Smart Justice allows non-violent offenders to be monitored electronically at their home for a third of the cost to house them in the jail. East Coast Judicial Monitoring uses SCRAMX to ensure offenders are in their home and sober. The SCRAMX device is an ankle bracelet that performs a transdermal ethanol test which shows if an offender has been consuming alcohol. These tests are performed every 30 minutes for a total of 1488 alcohol test

per month. The SCRAMX device can also be used simultaneously as a house arrest electronic monitor. If the offender leaves the established perimeter the device will electronically notify authorities. Many states and counties are already using this program with great success. Texas was one of the first states to implement the Smart Justice approach and their research has found that not only did the SCRAMX device alleviate the overcrowding and budget crisis in their jails but it drastically reduced the recidivism rate.

Analysis: By using alternative sentencing strategies provided by East Coast Judicial Monitoring Gadsden County will drastically reduce their inmate per diem, alleviate many problems created by an overcrowded jail, and reduce recidivism all while continuing to provide the taxpayers of Gadsden County a safe place to live.

About SCRAMx

SCRAMx is the next generation of SCRAM that will elevate the alcohol offender management program to a whole new level. By integrating continuous alcohol monitoring (CAM) with house arrest in one device, SCRAMx lets you:

- Go broader in having additional options with which to manage your offenders.
- Turn on CAM by itself or combine it with house arrest as needed depending on the
 offense, situation, or behavior while on the program.
- Go deeper with how much information you're able to compile on offender drinking patterns and whereabouts, which further heightens accountability.
- Eliminate the need to place offenders on two separate devices saves considerable time and resources.

The three components to the SCRAMx system are: The SCRAMx Bracelet, the SCRAMX Base Station and the SCRAMNET.

The patented SCRAMx ankle bracelet – the heart of the SCRAMx system – is attached to the offender with a durable and tamper-proof strap. It is worn 24/7 by the offender for the duration of his or her court-ordered abstinence period, typically 90-120 days.

Every half hour, the bracelet captures transdermal alcohol readings by sampling the insensible perspiration collected from the air above the skin. The bracelet stores the data and, at predetermined intervals, transmits it via radio-frequency (RF) signal to the base station.

Attributes:

- 24/7 transdermal alcohol detection plus house arrest technology in one light-weight tamper-proof bracelet
- Performs 48+ alcohol tests/day and stores data
- Provides full data vs. a snapshot view
- Tamper- and water- resistant
- Automatically collects, stores, and transfers all data via the SCRAMx base station on a predetermined schedule (at least lx/day)
- Date- and time-stamps readings for easy reporting and analysis

The SCRAMx Base Station

The SCRAMx base station is the mechanism by which data is transmitted to AMS for analysis and reporting.

During installation the offender will also receive a SCRAMx base station, which plugs into an analog telephone line- usually in the offender's home or place of work. At a prescheduled time(s) each day, the SCRAMx bracelet "communicates" with the base station, which then retrieves all available data from the bracelet and sends it to SCRAMNET.

Attributes

- Plugs into an analog telephone line at the offender's home or office
- Uploads all available data from the SCRAMx bracelet
- Stores and sends alcohol readings, tamper alerts, and diagnostic data to SCRAMNET for detailed analysis and reporting
- Sends operational messages directly to the client via the LCD screen

SCRAMNET

Where the SCRAMx bracelet is the heart of the system, SCRAMNET is the brains. It is the information hub that not only houses all offender data, but lets you flexibly manage it in the way that is the most effective for your offender management program.

When data is received from the SCRAMx base station, it is stored in SCRAMNET, the webbased application managed by AMS where offender data is collected, analyzed, and maintained in a secure, central location.

SCRAMNET provides a wide range of reports and graphs at your fingertips-from a snapshot of a single event to a comprehensive view of an offender's behavior over time. SCRAMNET lets you customize and easily tailor the reporting that best suits your needs and individual cases, and helps reduce your workload through exception-based reporting.

Attributes

- Can be accessed around-the-clock, from any location, using a standard web browser
- Provides exception-based reporting to reduce workload
- Flags and graphically depicts any alcohol ingestion, tampers, or removal attempts
- Lets you easily customize testing, synchronization, and reporting schedules for each offender
- Provides customized reports and graphs to best suit your information needs
- Allows you to cost-effectively monitor and manage numerous offenders simultaneously

<u>Fiscal Impact:</u> \$87,600

Options: 1.Approve the request; 2. Do not approve the request. 3. Provide other direction.

County Administrator's Recommendation: 1. Approve the request.

Attachment: Information About SCRAMx

Presenters: Power point presentation

Discussion Points by Commissioners:

Commissioner Lamb asked what other Counties are involved in the program.

Commissioner Morgan commented as important as this is, it is not budgeted for this year. We need to place it in the upcoming budget. He also inquired about overcrowding of the jail. If we could find another way to alleviate overcrowding, would this program be necessary.

Captain Corder conveyed over half of the inmates would qualify for outside monitoring, if this program where possible.

Commissioner Croley thanked Major Corder for bringing this information before the Board. He agreed the money is not there in the middle of the budget year and would consider for upcoming Budget Year. He said the Public Safety Council should be working on the overcrowding issue at the Jail. He pointed out he was not in support of raising mileage rate on tax papers.

Commissioner Holt commented it needed to come back. She commented the Board does not see the importance of the program, since it has the potential of outstanding lawsuits. She asked that it be placed on next month's agenda and brought back at that time.

Commissioner Morgan stated that the needs have to be prioritized.

Commissioner Lamb said this is something we need to look at and it could enhance the Jail.

Chair Taylor echoed Commissioner Morgan and Croley. She added this size request has to go through the procurement process and it must be budgeted. She asked the Jail to go out for competitive bidding and present during Budget process. She added they would not want to be that far behind in technology.

Commissioner Croley made a motion for deferral to the budget process to see if funds would be available, and then work with the County Administrator on the Procurement Process. <u>The motion</u> <u>died for a lack of a second.</u>

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5-0, BY VOICE VOTE, TO DEFER TO THE UPCOMING 2012-2013 BUDGET PROCESS.

15. <u>Discussion of Possible Changes to the Gadsden County Comprehensive Plan and Land Development Code to Allow for a More Expedited Development Review Process</u>

Mr. Lawson commented this is a general list of items. This process will take more than one meeting, if there are to be changes to the Gadsden County Comprehensive Plan and Land Development Code to allow for a more expedited Development Review Process. He then yielded to Mr. Matheny, Planning and Community Development Director.

Anthony Matheny stated to the Board it would be an indepth process. He went through the analysis, following standards and some revisions the department could incur, and then he received comments from the Board.

Statement of Issue:

The Board of County Commissioners (Board) is asked to discuss and provide direction to Planning & Community Development (P&CD) staff regarding possible changes to the Gadsden County Comprehensive Plan and Land Development Code (LDC) to allow for a more expedited development review process.

Background:

The Board has asked the Planning & Community Development (P&CD) staff to start the process of changing the County Comprehensive Plan and Land Development Code in order to expedite the development review and permitting process.

Analysis:

The first step in changing and simplifying the County Comprehensive Plan and Land Development Code in order to expedite the development review and permitting process is to identify areas in both documents where changes may be most effective in achieving the aforementioned goal. These changes generally fall into the category of process or development standards. Some of these changes might include:

- 1. Reducing the creation of illegally subdivided parcels by creating a system of checks and balances with the Clerk of the Court and the Property Appraiser offices so no new parcels are created or old parcels re-configured without the required County approval. (This is the number one delay in the issuance of housing permits.)
- 2. Consider amending the Comprehensive Plan to change residential densities in Agricultural Land Use Districts to allow for more residential units. For example, AG-3 currently allows for only one (1) residential unit per twenty (20) acres; and/or revisit the 'Immediate Family Exemption'.
- 3. Consider reviewing the following development standards:
 - a. Consider the creation of a Zoning map with multiple zoning districts to implement each of the future land use districts adopted in the Comprehensive Plan. A Zoning Map will allow more flexibility within districts; may reduce the need for Comprehensive Plan amendments; and may better

- segregate uses in a more logical and effective manner. Most local governments have done this;
- b. Expanding the number and types of uses allowed by right in each land use district:
- c. Expanding the types of uses allowed in Neighborhood Commercial Districts and consider allowing some of these uses by right;
- d. Expanding the list of Class I Commercial uses and reduce the list of uses requiring Class II review;
- e. Expanding the list of Class II Commercial uses. The uses currently require Board review and approval;
- f. Expansion of the list of Home Occupation uses;
- g. Consider lengthening the current two (2) year deadline requirement for the replacement of a nonconforming residential structure and one (1) year deadline requirement for the replacement of a nonconforming nonresidential structure;
- h. Modifying the Land Use Intensity provisions of the code;
- i. Streamlining site plan requirements based in the intensity and density of the proposed project;
- j. Easing buffering requirements for low-impact projects;
- k. Modifying corridor road requirements;
- Modifying sidewalk requirements to require fee-in-lieu where connectivity cannot be achieved;
- m. Simplifying parking requirements;
- n. Simplifying tree and vegetation standards;
- o. Simplifying and reducing signage requirements;
- p. Simplifying rules and regulations governing cell towers;
- q. Adopt standards that will promote the re-development of existing non-residential and commercial sites.

4. Consider revising the following processes:

- a. Shorten the subdivision review process by eliminating or making the conceptual plan requirement optional;
- Allow the Planning & Community Development Director to have more discretion and flexibility in making code interpretations in matters such as setback requirements, parking, etc. This will dramatically reduce time and expense for applicants who are requesting small variations to the rules;
- Limit the types of development actions that require a Citizen's Bill of Rights meeting. Consider requiring a CBR only for major developments such as major subdivisions and land use amendments;
- d. Consider the creation of a Unified Development Code which includes Comp Plan polices and land development codes grouped together in an easy-to-read and understand format and in one document.

Fiscal Impact:

Unknown at this time. However, each one of the items listed above will require planning resources. Therefore, it is recommended that the Board consider including funds in the 2012-2013 budget to retain a planning consulting firm to work with Planning & Community Development staff to review and rewrite the County's Comprehensive Plan and Land Development Code.

Discussion from the Board:

Commissioner Morgan's remarked why the process seems to take longer in Gadsden County than in other Counties.

Mr. Matheny said it's mainly because people don't like being told what they can do with the property. He said it could be streamlined to make process much easier

Commissioner Lamb agreed that this is not an easy process. He said the process could be enhanced, to make it speedier for the public.

Commissioner Croley agreed with the Commissioner Lamb. He stated we need standards. The problem is steps I have to take, flow chart, to make process easier. He said people don't understand the process.

Mr. Matheny we should always work to make the process understandable. He said forms are very descriptive. He cautioned some people don't want to go to through the process.

Commissioner Croley didn't agree with all the complaints.

Commissioner Holt stated they need both. I have asked for Workshops on Comp Plan & Land Development Code. (3A) Not customer friendly

Clerk Thomas interjected by saying when a document is received the only requirement is to verify information for recordation of document such as signatures, legal description, and preparer information. "Once recorded, it's just that, recorded. We do not get into the legalities of it."

Commissioner Holt asked about the process with the Citizen's Bill of Rights.

Mr. Matheny responded they have to host a meeting at their property, advertisement of meetings in 3 papers, take notes positive and negative comments. He said that normally it would take 3-4 weeks. He added that National Solar would have to go through the Citizen Bill of Rights.

Commissioner Croley, where does it come up with advertisement and 3 newspapers.

Mr. Matheny replied it was in place by the former Administrator.

Mr. Lawson said that it was a requirement in our Procurement policy about advertisement in the

newspapers.

Commissioner Morgan asked for a point of clarification. He said they are in agreement that any way we can enhance the Land Development Code & Comp Plan is a positive thing for the public, spoke of importance of the flow chart. He said it should be clearly communicated.

Chair Taylor concurred with Commissioner Holt and Morgan with the complaints on Planning and Zoning. She said it was personality differences; sometimes it is policy and procedures. She stated this department controls economic development (growth & development). She noted it needs to be customer friendly, workshop on Land Development Code- follow policy and procedures (flowchart up front). She said they are feeling a lot of complaints because of barriers that are being placed. She reiterated the need for a Customer friendly P&Z Department. "We want smart growth and development." She asked the Administrator to put something in place, workshop, etc. She asked for a day of dialogue.

Mr. Lawson asked for a point of clarification; get with staff, vent issues and schedule workshop for issue concerns.

Chair Taylor added they would like to see a step process when they walk through the door(flow chart), Land Code, Competitive & Customer Friendly

In closing Mr. Matheny supported his department by stating they are customer friendly and they work closely with the customers to ensure they understand the process.

Action Taken: Informational Purpose Only (Discussion)

16. Selection and Approval of 2012 Transportation Grant Projects

Charles Chapman, Public Works Director asked for the Board's approval and Selection of 2012 Transportation Grant Projects. He said they decided this year to take a different approach and go after grant projects, so they would have ample time to prepare grant applications. He said they went back and reviewed records back from 1998 to look at density maps of where roads had been resurfaced over that period of time and the roads listed fell in the age criteria. He then went into his presentation where he asked the Board to entertain approval of: I SCRAP Project, 2 SCOP Projects, and 1 CIGP Project.

Justin Ford, Project Manager of Preble – Rish, commented they have recommendations that were applied for last year, but weren't funded, but they felt they where sound projects to pursue. He said they applied for the widening of Ben Bostick Road, Bridge over Little River on High Bridge Road and Telogia Creek Road.

Statement of Issue:

This item seeks Board of County Commissioners (Board) selection and approval of transportation capital projects for the 2012 transportation grant season through the Florida Department of Transportation.

Background:

In recent years, Gadsden County has been very successful in receiving grants funds to improve

the County's Transportation System. The majority of these funds were received through the Florida Department of Transportation (FDOT). FDOT routinely solicits county governments to submit projects for funding through their various programs. The grants programs of note are:

- Small County Road Assistance Program (SCRAP)
- Small County Outreach Program (SCOP)
- County Incentive Grant Program (CIGP)

Annually the grant cycles open in May or June. In preparation for the 2012 grant season, staff has worked with Preble Rish Engineering, Inc. (PRI) to provide a sampling of projects for the Board to select from and approve for the various grant programs identified above.

Analysis:

In order to provide a sample list of the projects for the Board to choose from, county staff and PRI reviewed the County's paving history (1998 to present) and selected projects that best fit the grant criteria and fell within the respective life cycles (12-15 years) for the various re-surfacing projects. A color coded density map is provided as in Attachment A

with green coloring indicating older paving jobs (circa 1998) and red being the most recent completed.

Candidate projects based on the various criteria and relative pavement age is provided in Attachment B for the Board's review and selection. The Board is to select projects from Attachment B as follows:

One (1) SCRAP project Two (2) SCOP projects One (1) CIGP project

Fiscal Impact:

None. The County would enter into a Joint Participation Agreement (JPA) with FDOT for the release of grant funds if the selected projects are awarded.

Options:

Select one (1) SCRAP project, select two (2) SCOP projects, select one (1) CIGP project and approve staff to proceed with the application process.

Option 2:

Board provide direction

Attachments:

ATTACHMENT B POTENTIAL PROJECT LIST 2012 SCRAP / SCOP / CIGP GRANT SELECTION

^{*}Programmatic information is provided on each of the programs in Attachments A, C, D, and E.

SCRAP - Select 1 SCOP - Select 2 CIGP - Select 1

<u>District</u>	<u>Proposed</u>	<u>Description</u>	Cost Estimate	Eligible Program	Recommended
1	<u>Project</u>	Of Work	AMERICAN SERVICE		<u>Program</u>
1	Dover Road	Widening/Resurfacing	\$1,533,860.00	SCOP	SCOP
1	Sheline Dr.	Resurfacing	297.500.00	SCOP/SCRAP/CIGP	SCRAP
1	Raymond Dr.	Resurfacing	250,910.00	SCOP/SCRAP/CIGP	SCRAP
2	Salter Road	Resurfacing	285,870.00	SCOP/SCRAP/CIGP	CIGP
2	Porter Mitchell Road	Resurfacing	897,825.00	SCOP/SCRAP/CIGP	CIGP
3	Providence Road	Widening/Resurfacing	687,765.00	SCOP/SCRAP/CIGP	SCRAP
<u>3</u>	<u>Telogia</u> <u>Creek</u> Road	Widening/Resurfacing	606,585.00	SCOP/SCRAP/CIG P	<u>CIGP</u>
3	Juniper Creek Road	Widening/Resurfacing	2,222,610.00	SCOP	SCOP
3	Bridge # 500023	Rehabilitation	1,289735	SCOP	SCOP
4	<u>Peck Betts</u> <u>Road</u>	Dirt Road paving	<u>531,210.00</u>	<u>SCOP</u>	<u>SCOP</u>
4	Hardaway highway	Widening/Resurfacing	\$1,542,810.00	SCOP	SCOP
4	Newberry	Dirt Road Paving	\$573,270.00	SCOP	SCOP
4	M & M Lane	Resurfacing	119,180.00	SCOP/SCRAP/CIGP	CIGP
4	David Thomas Lane	Resurfacing	139,520.00	SCOP/SCRAP/CIGP	CIGP
<u>5</u>	<u>McCall</u> <u>Bridge</u> Road	<u>Resurfacing</u>	<u>1,165,145.00</u>	SCOP/SCRAP	<u>SCRAP</u>
5	Hopkins Landing Rd.	Resurfacing	313,395.00	SCOP/SCRAP/CIGP	SCRAP
5	Sadberry Road	Widening/Resurfacing	461,940.00	SCOP/SCRAP/CIGP	SCRAP
<u>5</u>	<u>Bridge</u> <u>500045</u>	<u>Rehabilitation</u>	<u>2,304,840.00</u>	<u>SCOP</u>	<u>SCOP</u>

Discussion Points by Commissioners:

Commissioner Taylor asked about the projects that were rejected last year.

Mr. Ford, Project Manager stated there was no feedback from Department of Transportation concerning the projects that were rejected last year. Basically they analyze all the projects that come in. There may have been a Bridge Project last year that was more critical for the state.

Commissioner Morgan asked that it be clarified to the public for understanding that these grant dollars apply to collector roads, bridges and not residential county roads being resurfaced or paved.

Mr. Chapman remarked that was correct. He said the way the State looks at these various programs is how to relieve pressure from arterial roadways. He stated they look at projects like a collector road to fund not residential subdivision roads that would be a different funding source.

Commissioner Lamb commented High Bridge Road; it's being used a lot and should be added.

SCOP Program –Bridge 500045 High Bridge Road (District 5); SCOP Program - Peck Betts Road – (District 4); Telogia Creek (District 3) – CIGP; Scrap Project – McCall Bridge Road(District 5)

Commissioner Morgan recommended they go with the recommendations for District 3, Telogia Creek Rd.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5-0, BY VOICE VOTE, TO APPROVE THE RECOMMENDATIONS AS LISTED: SCOP - BRIDGE #500045 MIDWAY/HIGHBRIDGE ROAD CONNECTOR, SCOP - PECK BETTS ROAD - DISTRICT 4; CIGP -TELOGIA CREEK-DISTRICT 3; SCRAP PROJECT - MCCALL BRIDGE, DISTRICT 5.

Approval of the 2012 Small County Consolidated Grant Agreement with Florida Department of Environmental Protection (DEP) Agreement No. 209SC for \$70,588.00 October 1, 2011 thru September 30, 2012 (Charles Chapman, Public Works Director, Robert Presnell, Administrative Coordinator)

Mr. Charles Chapman addressed the Board for approval of the 2012 Small County Consolidated Grant Agreement with Florida Department of Environmental Protection.

Statement of Issue

This agenda item sought Board approval of a funding agreement between the Gadsden County Board of County Commissioners and The Florida Department of Environmental Protection (DEP) for a Small County Consolidated Solid Waste Grant. Staff also seeks approval for the Chairperson to sign as the Authorized Representative and execute the agreement.

Background:

The Department of Environmental Protection has provided grants to county solid waste programs since 1988. Since 1993 DEP has made available the Small County Consolidated Grant to fiscally constrained counties with a population under 100,000. Gadsden County historically used these funds to provide recycling opportunities.

Analysis:

This grant in the amount of \$70,588 subsidizes the solid waste program and reduces the

burden on the citizens of the county. This year the funds will be used to repair the retention ponds located at the closed Chattahoochee Landfill, water quality monitoring, hazardous waste collection efforts, and waste tire disposal.

Financial Impact

The Florida Department of Environmental Protection has approved funding in the amount of \$70,588 for these projects. There is no match requirement. This agreement is retroactive to October 1, 2011 for approved FY11-12 expenses.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5-0, BY VOICE VOTE, FOR APPROVAL OF THE 2012 SMALL COUNTY CONSOLIDATED GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP).

18. Approval to Award RFP 12-01 to SunTrust Equipment Finance & Leasing Corp of Towson, MD for Financing of Ambulance Purchases (Tommy Baker, EMS Director)

Mr. Lawson addressed the Board on the financing of ambulance purchases to start replacing the fleet in the EMS Department. He spoke of the need for the replacement of the emergency vehicles, and then yielded to Mr. Tommy Baker, EMS Director for Gadsden County.

Tommy Baker came before the Board to ask for approval to award RFP 12-01 to SunTrust Equipment Finance & Leasing Corp of Towson, MD for financing of Ambulance Purchases.

Statement of Issue:

This agenda item seeks Board approval to award RFP #12-01 for financing of Ambulance purchases to SunTrust Equipment Finance & Leasing Corp. of Towson, MD.

Background:

At the January 3, 2012 regular meeting, the Board authorized staff to solicit a Request for Proposal for the financing of ambulance purchases. As a result, an RFP was solicited in order to secure a financial institution to provide financing for the project.

Analysis:

There were ten (10) proposals received to finance ambulances. The proposals were received from the following financial institutions:

- Midwest Leasing, Inc. 5-year financing@ 1.98%, 7-year@ 2.046%, 10 year no quote, with a \$250.00 fee to set up escrow account
- Systems Finance Corp. 5-year financing@ 3.16%, 7-year@ 3.25%, and 10-year @3.48%.
- SunTrust Equipment Finance & Leasing Corp. 5-year financing@ 1.68%, 7-year @

- 1.84%, 10-year@ 2.45% with a \$200.00 escrow fee.
- Global Strategic, LLC 5-year financing @ 1.95%, 7-year @ 2.10%, 10-year no quote.
 Prepayment penalty equal to 101% of principal balance and \$250.00 escrow fee.
- Pinnacle Public Finance, Inc. 5-year financing @ 1.87%, 7-year no quote, 10-year no quote.
- Municipal Leasing Consultants 5 year financing@ 2.10%, 7-year@ 2.25%, 10 year no quote.
- Government Capital 5-year financing@ 2.71%, 7-year@ 2.89%, 10-year no quote.
 Additional fees 1% of issuance cost.
- Fifth Third Bank 5-year financing@ 2.28%, 7-year@ 2.42%, 10 year@ 2.68%. Lessee responsible for any legal fees incurred, not to exceed \$7,500.00.
- US Bancorp Equipment Finance (payment in advance) 5-year financing @ 2.18%, 7-year@ 2.46%, 10-year no quote.
- US Bancorp Equipment Finance (payment in arrears) 5-year financing@ 2.29%, 7-year@ 2.65%, 10-year no quote.
- Branch Banking and Trust Company 5-year financing@ 1.80%, 7-year@ 2.05%, 10-year@ 2.36%.

The County proposes to finance \$900,000 over a five year period. This amount of funds is approximately the amount of the ambulance remount/purchases with built in cost increase for known issues with this fleet of 10 units and anticipated increase in chassis cost.

Staff recommends the bid be awarded to the low bid by SunTrust Equipment Finance & Leasing Corp. of Towson, MD for a five year fixed rate of 1.68%. This rate is equivalent to annual payments in the amount of approximately \$189,172.75 and a \$200.00 escrow fee.

Fiscal Impact:

This loan will be financed over a period of five (5) years, with annual payments of approximately \$189,172.75. The payment will commence twelve months from the funding date. There is a separate agenda item that includes a possible budget source to cover these payments.

Options:

- I. Approve award of RFP #12-01 for Financing of Ambulance Purchases to SunTrust Equipment Finance & Leasing Corp. and authorize the Chairperson to execute the loan documents.
- 2. Do not approve award of RFP #12-01 to SunTrust Equipment Finance & Leasing Corp.
- 3. Provide other direction.

Discussion by the Board:

Commissioner Croley asked Mr. Thomas, Clerk of Court did he agree with the recommendation to finance the ambulance purchases as recommended.

Mr. Thomas expressed he had meet with Mr. Baker and it is a great plan a great interest rate. He reminded the Board they would have to budget money in next fiscal year. He said they would need to make this a priority in the Budget.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5-0, BY VOICE VOTE, TO APPROVE THE AWARD OF RFP #12-01 FOR FINANCING OF AMBULANCE PURCHASES TO SUNTRUST EQUIPMENT FINANCE & LEASING CORP. AND AUTHORIZE THE CHAIRPERSON TO EXECUTE THE LOAN DOCUMENTS.

19. Approval of Five Year Replacement Plan for EMS Fleet (Tommy Baker, EMS Director)

Mr. Baker presented the Five Year Replacement Plan for EMS Fleet and asked for approval from the Board.

Statement of Issue:

This item sought Board approval of 5 year replacement plan for EMS fleet vehicles.

Background:

EMS is experiencing an excessive number of vehicle breakdowns due to the age and condition of the fleet. The following is a summary of the vehicles within the fleet listing year model and mileage:

#	Year	Mileage	Model	<u>Make</u>
1	2009	152,656	3500HD	Chevrolet
2	2008	184,450	3500HD	Chevrolet
3	2005	137,695	F450	Ford
4	2007	257,552	3500	Chevrolet
. 5	2003	270,291	F350	Ford
6	2009	124,406	3500HD	Chevrolet
· 7	2006	149,140	E350	Ford
8	2006	309,204	3500	Chevrolet
9	2008	205,175	3500HD	Chevrolet
10	2008	190,685	3500HD	Chevrolet

Analysis:

This plan is for a 5 year replacement schedule for EMS vehicles. With a fleet size of 10 vehicles and annual miles traveled of approximately 500,000 miles, it necessitates replacement of two vehicles per year to maintain a reliable fleet and avoid excessive repair costs. The last vehicle purchased for the fleet was March 2009. This plan will catch us up on replacements, after a 3

year period of no ambulances being purchased. Once completed, this plan will replace vehicles on a 5 year rotation and by replacing 2 vehicles per year and avoiding a critical situation with the condition of the vehicles. We will initially send three units for remount with a 5 month turn around for completion, and then will begin to rotate two units through the process every 5 months. Based on the availability of the chassis and the schedule of the manufacturer, this upgrade will not be completed until the end of 2014 or early 2015. It is anticipated that in FY 2015, we will be able to reduce repair and maintenance costs for the fleet after completing this upgrade. In 2017 we will need to budget for a continued rotation of fleet vehicles for FY 2018 and forward.

Fiscal Impact:

No capital outlay funds were budgeted for equipment purchase in this fiscal year and no transfer was budgeted from General Fund for the EMS operations budget. Proposals have been obtained for lease/purchase and financing for replacement of the fleet. Results of the bids indicate that it is more economical to finance than to lease/purchase. We are continuing to seek grant funding for vehicles, but the application for 2 vehicles in the current year budget was not approved.

Staff requested financing/lease options for the Board to consider. SunTrust Equipment Finance & Leasing Corp appears to be the low bidder. They are to finance \$500,000 up to \$900,000 with annual payments as follow:

Amount Finance	\$500,000	\$700,000	\$900,000
5-year, rate of 1.68%	\$105,096	\$147,134	\$189,173
7-year, rate of 1.84%	\$ 76,782	\$107,494	\$138,207

To fund this proposal, staff has identified the IT Equipment loan of December 2007 with annual payments of approximately \$217,000 was paid off December 2011 with a final payment of over \$118,000. These payments have been funded by General Fund and the County could use the funds to pay the debt service for the EMS vehicles loan.

Options:

- 1. Approval of financing \$900,000 on a 5 year term with Sun Trust Equipment Finance & Leasing Corp with annual payments of \$189,173 with first payment due in FY 2013. Authorization for Chairperson and Interim County Administrator to sign the necessary financing documents.
- 2. Do not approve.
- 3. Board direction.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 -0, BY VOICE VOTE, FOR APPROVAL OF FIVE YEAR REPLACEMENT PLAN FOR EMS FLEET.

20. Approval of Purchase of three Ambulance Remounts (Tommy Baker, EMS Director)

Mr. Lawson presented the last item on the agenda for EMS, the approval of purchase of three Ambulance Remounts, which he is in support of.

Statement of Issue:

This item seeks Board approval of replacement/remount of three ambulances and surplus the three old chassis/trucks.

Background:

The last ambulance vehicle purchased was March 2009. Our fleet size is ten ambulances and due to annual mileage of approximately 500,000 miles per year, it is necessary to replace a minimum of two ambulances per year to maintain a reliable fleet. The ambulance boxes are designed to be remounted several times over the life of the unit. The cost for the remount is \$89,975.00 compared to \$130,000.00 to purchase a new unit with the same specifications. The three units we will remount are the three units donated to us by Leon County for this purpose. The remount of these three units will facilitate this process without taking any current units off line during this process.

Analysis:

This request is to authorize the purchase/remount of three ambulances at a cost of \$89,975.00 per unit with Frazer Bilt in Houston, Texas under the HGAC contract.

Fiscal Impact:

Three units remounted at \$89,975.00 each for a total of \$269,925.00 capital outlay expense. No capital outlay funds were budgeted for equipment purchase in this fiscal year and no transfer was budgeted from General Fund for the EMS operations budget. Included in the agenda package under a separate item is an option to finance this purchase.

Options:

- 1. Authorization to purchase/remount three ambulances by Frazer Bilt in Houston Texas under the HGAC contract.
- 2. Do not approve.
- 3. Board direction.

Board Discussion:

Commissioner Holt inquired where funds would come from for the purchases of the ambulances.

Mr. Lawson replied the money comes from SunTrust, which was included in the agenda package under a separate item as an option to finance this purchase.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5-0, BY VOICE VOTE, FOR APPROVAL OF PURCHASES OF THREE AMBULANCE REMOUNTS.

20 a.) National Solar (addendum to Agenda)

David Weiss, Assistant County Attorney, stated to the Board they have not heard anything back from National Solar. He said he would do follow-up with National Solar and report findings back to the Board.

Commissioner Croley commented they wanted to do things correct and put on front burner. We don't want Gadsden County to be the hold up.

Commissioner Morgan expressed the need to hear communication at each meeting to make sure iron is in the fire.

Chair Taylor also conveyed they would like to hear report at every meeting, make agenda item.

Commissioner Lamb added they can do follow-up with phone call to National Solar, but added National Solar must respond to phone calls.

COUNTY ADMINISTRATOR'S AGENDA

21. Update on Requests Made by the Board

There was no update of issues by the Interim County Administrator, Arthur Lawson.

COUNTY ATTORNEY'S AGENDA

22. Update on Various Legal Issues

Recovery of Cost Incurred in Paving Ames Barineau, Quail Roost Drive and Quail Roost Drive West

David Weiss, Assistant County stated they are seeking direction on Quail Roost Drive, Quail Roost Drive West and Ames Barineau. He noted they had prepared short brief memo regarding potential options that are available to the Board. He said it was his understanding it would be work-shopped in the near future to see how you would like to handle.

Emergency Management Report

Commissioner Croley asked for report for Emergency Management Report between the Sheriff's Office and the Board of County Commissioners. He noted the Chair has brought it up on numerous occasions. He said they need to know that Agreement is in place especially as we prepare for Hurricane Season.

Mr. Lawson said they have not received the report from Sheriff Young.

Mr. Weiss conveyed they would get follow-up from the Sheriff regarding the Emergency Management Report.

DISCUSSION ITEMS BY THE COMMISSIONERS

23a. Commissioner Eugene Lamb, District 1 – Resurfacing of Roads in Lake Yvette Area

No Items

23b. Commissioner Doug Croley, District 2

- Voiced congratulations to Chair Taylor and Vice-Chair Morgan for their efforts with the Troop Send –Off. He said it was excellent and well attended.
- Jail Facility Public Safety Coordinating Council passed an Ordinance in 2005, adopted on State Statue that says you shall do this. He asked it be placed on the next agenda for an update. The entire Board to determine whether Chair Taylor will take initiative to call this meeting to work on the 5 year plan for the Jail and other items needing to be handled or if she wishes to delegate.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4-0, BY VOICE VOTE, FOR APPROVAL OF THE PUBLIC SAFETY COORDINATING COUNCIL BEING PLACED ON THE AGENDA.

Commissioner Holt was not present for this vote. (Motion Carries.)

Code Enforcement Board - He expressed there was a need for this.
 Mr. Lawson asked for time, he said they are working on this issue.

23c. Commissioner Brenda Holt, District 4

- Commented on the excellent on the Troop Send Off.
- Funeral for Patricia Stephens Due, Civil Rights Activist and Gadsden County Resident —
 Thanked Chair Taylor for the Proclamation presented at the funeral. She spoke of her
 importance to society and proposed a Day in her honor coming soon.
- Provided a reminder that "Bike Florida Forgotten Coast Tour" will come through Gadsden on March 25, 2012.

24d. Commissioner Gene Morgan, Vice-Chairman, District 3

- Embarked on the community-wholeness of the Troop Send Off. He stated it was well organized and showed a collaboration of the County coming together.
- Code Enforcement
 - Mr. Lawson, first thing is to get ordinance in place. We are reworking Ordinance, Code Enforcement Cases, to set up magistrate, and process to court system.
- Cold Weather Shelter help from Sheriff in manning the facility.

24e. Commissioner Sherrie Taylor, Chair, District 5

- Gave a "Shout out" to all involved in the Troop Send-Off. She felt it was well
 orchestrated and thanked the many hands that yielded their time to help with this well
 deserved project.
- Process to adopt Road Churches to do cleanup, signage and follow-up they would need.

- Hospital Build out \$90,000 to add additional rooms.
 Mr. Lawson said it would be placed on the agenda- use of funds at the next meeting.
- City of Quincy Funding of Shuttle -She asked was the City of Quincy notified formally of
 the outcome of the Board's decision concerning the Shuttle. She added she would not
 like a breakdown in communication that affects any municipality.
 In his defense, Mr. Lawson commented his was unaware that he was to notify the City of
 Quincy of the Boards action. He stated the request was for funding for the County's part
 of the Shuttle Funding. He said they only dealt with their request.
- Thanked Commissioner Holt sharing Resolution on Mrs. Patricia Due.
- Veteran Services consider having facility for veterans in the near future. She said there
 is a need to be prepared to receive Veteran's once they return.
- County Administrator permanent position (She commented on one person with two
 major positions spoke of trying times the County could face.) She motioned for
 Advertisement of County Administrator. (<u>Motion died for lack of second.</u>)
- Importance of working out Planning and Zoning Issues to move forward and become progressive County.
- Code Enforcement on Odor Attorney has read into law a Code Enforcement Ordinance on Odor. She asked for clarity on what was read by Mrs. Minnis.
- Municipalities Contractual Annual Agreement She commented it is being signed annually. She said what happened this last year the Contractual Agreement lapsed because they weren't in front when the annual signature was due. She said she has had dialogue with the City of Quincy and 3-4 months later it was eventually signed. She said she would like to look at doing the agreement into 3-5 year intervals, to be proactive and make sure there are no gaps in Contractual Agreements. She asked Mr. Lawson to take a look at what are the pros and cons. She asked that it be placed on the agenda sometime in March along with Odor Ordinance.

Receipt and File Agenda

- <u>24a</u> Letter from the City of Quincy Regarding Authorization of the Issuance of a Community Redevelopment Note by the Quincy Community Redevelopment Agency (CRA)
- 24b. Town of Havana Annual Report for the Community Redevelopment Agency (CRA)
- <u>24c.</u> Memorandum Regarding Tourist Development Council Term Extension

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING ADJOURNED AT 11:37 A. M.

GADSDEN COUNTY, FLORIDA

Sherrie Taylor, Chair

Board of County Commissioners

ATTEST:

Nicholas Thomas, Clerk of Court

Gadsden County, Florida

6

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA, MARCH 6, 2012 AT 6:00 P.M., THE FOLLOWING PROCEEDINGS WAS HAD, VIZ.

Present:

Sherrie Taylor, Chair, District 5 Gene Morgan, Vice-Chair, District 3

Eugene Lamb, District 1 (Arrived Late)

Doug Croley, District 2 Brenda Holt, District 4

Nicholas Thomas, Clerk of Courts Deborah Minnis, County Attorney

Arthur Lawson, Interim County Administrator

Invocation, Pledge of Allegiance and Roll Call

Chair Taylor called the meeting to order at 6:00 p.m. then led in an invocation and the pledge of allegiance to the U.S. flag. She then called for all cell phones to be silenced and requested all speakers to file a "Speakers Request Form" with the clerk.

Beryl H. Wood, deputy clerk called the roll and recorded attendance as noted above with Commissioner Croley being absent. Chair Taylor asked for motion to excuse Commissioner Croley.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER MORGAN, THE BOARD 4-0, BY VOICE VOTE, TO APPROVE THE EXCUSAL OF COMMISSIONER CROLEY FOR THE MARCH 6, 2012 REGULARLY SCHEDULED BOARD MEETING.

Amendments and Approval of Agenda

Addition - Resolution #2012-003 Authorizing the Financing of the EMS Ambulances 14a

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

Awards, Presentations and Appearances

1. Girl Scouts Centennial Proclamation (Commissioner Sherrie Taylor, Chairperson)

Interim County Administrator, Arthur Lawson expressed they would like to honor the Girls Scouts Centennial by way of Proclamation and introduced Mrs. Lois McFarland, to come forward and receive the Proclamation, which would be read and presented by Chair Taylor.

Chair Taylor on behalf of the Board acknowledged the Girl Scouts with a Centennial Proclamation. She stated March 12, 2012 would mark the 100th anniversary of the Girl Scouts of the United States of America, which began in 1912 when Savannah, GA native Juliette "Daisy" Gordon low gathered 18 girls to provide them the opportunity to develop physically, mentally, and spiritually. She went on to state

the Girl Scouting has helped build millions of girls and women of courage, confidence, and character who act to make the world a better place.

Commissioner Croley arrived at this juncture of the meeting.

2. Request for Disposition of the 3-Plus Acres of County Owned Land off Martin Luther King Boulevard (Millie Forehand, Executive Director, Community and Economic Development Organization of Gadsden County, Inc.)

Millie Forehand, Executive Director of Community and Economic Development Organization (CEDO) came before the Board seeking disposition of the 3-Plus Acres of County Owned Land off Martin Luther King Boulevard in Quincy that was purchased by the County for the Boys and Girls Club. She conveyed they had recently purchased the 30 Acres of Land; formally the Gadsden Nursing Home and it would be developed. She added she would like the acreage confirmed of the county owned parcel.

Discussion by the Board:

Commissioner Lamb pointed out it would better help the Board with their decision if they knew what they would develop the land for. He said he would consider supporting, but would like to see documentation of what is being placed on the land.

Mrs. Forehand replied they have several ideas in place such as a High School or expansion of the Cross Road Charter School they currently have, Senior Homes or a Juvenile Re-Entry Program. She made it known they have not decided what the land would be used for.

Commissioner Holt spoke in support of the donation of County owned land.

Commissioner Croley raised the question to Mr. Lawson had the land been declared surplus acreage.

Mr. Lawson replied it had not been declared surplus.

Commissioner Croley asked had it been listed with the Real Estate Firm for possible sale. He asked had there been an appraisal and the amount the property was purchased for.

Mr. Lawson provided the property had been listed with a Real Estate Firm and there has been no appraisal. The amount it was originally purchased for was a \$120,000. He said the intent of the purchase was to build a Boys and Girls Club.

Commissioner Croley commented that he didn't feel it was appropriate to donate the land, since it was bought with taxpayer's money. He said if CEDO wished to buy the property he was in favor of declaring it surplus and allowing the organization to deal with the real-estate firm.

Commissioner Morgan acknowledged Mrs. Forehand said he would entertain an agenda item that would enclose all the information needed to make an intelligent decision and we need clear direction.

Chair Taylor relayed she heard what the majority of the Board has said. She agreed with the request of more information and being placed on the agenda properly, so it could be entertained. She noted they would need the true intent of the property along with the value. She asked Mrs. Forehand to

give it time and when they come up with their true concept to bring back before the Board with clear direction. She pointed out she was in education and was inclined to help.

Commissioner Holt recalled they have donated land before and a dollar out amount was not asked. She asked that it not be considered by the Manager. She referenced the land donation down on Lake Talquin and several other pieces of property donated by the County.

Chair Taylor asked Mrs. Forehand to give Mr. Lawson more information if she wishes this item to appear before the Board for consideration.

Commissioner Lamb concurred he agreed with Commissioner Holt we have voluntary donated land in the past, but he does recall the \$120,000 paid for the referenced piece of land.

Chair Taylor asked that this item be properly placed on the agenda for further discussion.

Clerk of Courts

Presentation of County Finance and County Clerk Issues (Nicholas Thomas, Clerk of the Courts)

Clerk Thomas reported the upcoming decisions of the Legislative Session in that a number of bills are pending that may have financial impact on the County such as Property Appraiser, Medicaid and Pensions. He also announced Senator JD Alexander, Chairman of the Senate Budget Committee would cut Clerk's Budget by an additional 7%.

Late Payments

Commissioner Croley recalled an email sent from the Clerk's Office referenced late payments by Municipalities related to fuel and other expenses due to the County. He asked was there any kind of written policy in place that deals with this matter. He noted \$77,000(City of Quincy) and \$22,000(City of Havana) that have not been paid in several months.

Clerk Thomas recalled from the State Statue Policy, where it is state's they should have payment in within 45 days. He said the Municipalities are aware they behind, so the Clerk's Office felt the next step was to put in writing. He noted one municipality has paid.

Commissioner Croley asked should there be some time of policy in place. He asked that it be placed on the agenda at the appropriate time.

Commissioner Lamb said he was disappointed on the length of time that had passed without the Board's knowledge that a municipality had met their debts.

Clerk Thomas mentioned they have talked to the Municipalities of were of concern, but added he was glad to hear the response from the Board, that they would like to know and from this point forward the Clerk's Office will update in a timely manner.

Commissioner Morgan said he appreciated the Clerk's Office making the Board aware of this situation concerning overdue accounts. He said Clerk Thomas mentioned a 7% cut to his budget, Ad Valorem

Gadsden County Board of County Commissioners March 6, 2012 Regular Meeting

Taxes hit, Medicaid Cuts and they should adhere to them all. He asked that policy be considered as soon as possible.

Clerk Thomas mentioned this has been a sensitive issue in the past with previous Boards.

Commissioner Holt said this is a great time to have Workshops with Municipalities.

Chair Taylor expressed there were some very good points with policy being placed. She asked that Municipalities are made aware as we set policies of what's coming so they can govern accordingly.

Consent Agenda:

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5-0, BY VOICE VOTE, TO APPROVE CONSENT AGENDA WITH THE EXCEPTION OF ITEM NUMBER 6, WHICH WAS PULLED FOR FURTHER DISCUSSION.

- 4. Approval of Minutes January 17, 2012 Regular Meeting
- 5. Ratification of Approval to Pay County Bills
- 6. <u>Approval of Agreement for Library Technical Systems Support (Carolyn Poole, Library Director)</u> pulled by Commissioner Morgan
- 7. <u>Approval of Physio Control Technical Support Agreement for Cardiac Monitoring Equipment (Tommy Baker, EMS Director)</u>

Statement of Issue:

Tommy Baker, EMS Director seeks Board approval to renew the FY 2012 technical services support contract.

This agenda item presents the Technical Service Support Agreement for FY 2012, beginning December 1, 2011 through November 30, 2012. The covered equipment and/or software are as follows: Six (6) Lifepak 12 units, one (1) annual on-site inspection and ship in repair as necessary. The vendor sends a loaner unity and the vendor pays return shipping on the unity for repair; one (1) device case change for Lifepak 12, provides for extended battery replacement coverage, and covers charging devices for these units.

Required data management support and software upgrade services are also covered by this agreement.

Background:

Gadsden County Emergency Medical Service is and Advanced Life Support provider and as such is required by FAC 64E2 to utilize and maintain in property working cardiac monitors. Gadsden County EMS utilizes the Lifepak 12 manufactured by Physio Control. Inspections and periodic preventive maintenance is necessary in order to assure that the units are functioning properly and are operating within FDA guidelines and recommendations.

Analysis:

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Approval required for Chairperson's signature on the FY 2012 Physio Control Technical Service Support Agreement for cardiac monitoring equipment,

Fiscal Impact:

The fee to the vendor under this renewed Professional Services Agreement is \$7,366.00 payable in one annual installment. This expense is a budgeted line item in the EMS Operation budget.

Items Pulled for Discussion

6. <u>Approval of Agreement for Library Technical Systems Support (Carolyn Poole, Library Director) pulled by Commissioner Morgan</u>

Commissioner Morgan commented he pulled the Agreement for Library Technical System Support to express the known need of having someone come in to make needed changes, so the public computers can be fixed effectively. He encouraged the person who is to be hired work with the IT Department where they can learn to address some of the concerns on the Library. He noted a lot of it was a time issue, but please consider because next year the Board may not be able to fund. He asked the Board to look at this service and build upon in hopes to have a savings in the near future.

Commissioner Holt discussed the Privacy issue at the Library. She conveyed citizens should show caution when using Public Computers at the Library for their own protection.

Statement of Issue:

Dr. Poole seeks Board approval to continue the services of a professional library technical systems librarian for the Gadsden County Public Library System.

Background:

The Gadsden County Library System needs professional assistance from a qualified systems librarian to handle the complex and unique requirements of information technology that is accessible to the public. The libraries reached a critical point with dangerous security breaches on public computers, computer viruses, and inoperable hardware/software.

Analysis:

There is historical precedent for outsourcing Library information technology support. The Director budgeted for part-time, hourly support in the FY 2011-2012 County Budget that was approved in September 2011. An expert systems librarian began in February to address urgent library needs and his continued support through the fiscal year will ensure the availability of secure, operating computers to public users.

Fiscal Impact:

Fiscal impact is \$5,000 funded in the Professional Services line item of the library Administration budget.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, FOR APPROVAL OF AGREEMENT FOR LIBRARY TECHNICAL SYSTEMS SUPPORT IN THE AMOUNT OF \$5,000.00.

Citizens requesting to be heard on Non-Agenda Items (3 minute limit)

Danny Miller, 1600 Reynolds Rd, representing Dan Miller Design & Construction Inc. regarding Talquin Shores Sub-Division (vested development rights, building permits). He said he is having difficulty with Growth Management Department refusing to issue Building Permits because the infrastructure is not complete, however we are on our way to complete infrastructure between 60-90 days. He said this is a vested subdivision and they are permitted through the State of Florida Northwestern Florida Water Management Department complying fully with storm water and State requirements for development. I was denied vesting on 15 of the 27 lots. He asked the Board if they would reinstate vesting for the 15 lots and he asked that they please instruct the Growth Management to give building permit.

Chair Taylor thanked Mr. Miller for coming forward with this issue, but cautioned because the item was not properly placed on the agenda. She gave direction for Mr. Miller and Mr. Lawson to communicate. She commented on the rules and regulations that needed to be followed and asked Mr. Lawson to do the research.

Mr. Lawson stated Mr. Weiss, Assistant County Attorney is aware of the situation and had been working on this for quite some time and they would sit down with Mr. Miller to work toward resolution.

Commissioner Lamb thanked Mr. Miller for bringing this issue before the Board. He recalled being on the Board when Mr. Miller originally appeared. He also thanked Chair Taylor for directing to the County Administrator for resolution.

Commissioner Morgan added he would like for this situation to be moved along quickly, if possible for the future land owner that was referenced by Mr. Miller.

Chair Taylor directed Mr. Miller to contact Mr. Lawson there is timeline that should be applied to move forward on all ends and if needs to be placed on the agenda it is brought back in a timely fashion.

➤ Ed Allen, Lake Talquin, CW Roberts — He referenced 3 years ago when 300 signatures from Citizens of Lake Talquin brought in petition regarding the C.W. Roberts Site Issue. The Board agreed the Site was not in compliance and gave them 2 years to have it removed. He recalled they asked for 6 month extension and they would abate the premises by January 31, 2012. He noted as of this moment, they are still out there and they have taken away all their leverage. He asked how they would resolve the problem.

Commissioner Croley asked the Administrator where they doing inspections on the property, if so please provide reports and give recommendation on how we should proceed.

Chair Taylor asked Mr. Lawson to do follow-up and provide reports in the future, since this item was not properly placed on the agenda. She also added he make a recommendation along with the County Attorney on how to proceed.

Public Hearings

8. <u>Public Hearing – Reimbursement of Building Demolition Expenses (Horne Property)</u>
(David Weiss, Assistant County Attorney)

Deborah Minnis, County Attorney addressed the Board concerning the Reimbursement of Building Demolition Expenses on the Horne Property at 79 Carver Avenue, Havana, FL 32333. He said the options were upon a determination of property ownership, substantially comply with the terms of Section 34-68 from this point forward; and adopt the proposed order by resolution and record it in the public records or the Board's discretion.

Background:

Ordinance Number 08-33 is entitled "Gadsden County Property Management and Nuisance Abatement Ordinance," and is codified at Chapter 34, Article IV of the Gadsden County Code of Ordinances (the "Code"). Section 34-68 of the Code (8 of the Ordinance) sets forth the procedure for the maintenance or demolition of unoccupied, unsuitable and dangerous or unsafe, buildings or structures "which are not lawfully occupied and unsuitable for occupancy and are dangerous or unsafe, or which constitute a fire hazard or a hazard t the safety or health or the general public whether by reason of inadequate maintenance, dilapidation, obsolescence, abandonment or otherwise: a public nuisance. Section 34-68 authorizes, but does not require, the County to appropriate and expend such funds as are necessary to carry out its provisions; and requires the County to follow the following procedure to affect the repair or demolition of building or structure determined to be a public nuisance.

Fiscal Impact:

The County will expend \$3,000 initially, which should be recovered from the property owners over the agreed period of time. The order by Resolution, setting for the costs of demolition and repayment terms, will be recorded in the public records, together with the Repayment Agreement, as a special assessment lien against the property, so the County may be able to foreclose the lien, subject to provisions of Florida law, including but not limited to those associated with homestead rights, in the event that the Horne's default on their repayment or other obligations as provided in the Repayment Agreement. The homeowner's have agreed to repay the \$3,000.

Chair Taylor announced the Public Hearing and asked for Public Comment and there was none.

Commissioner Holt moved approval and it was seconded by Commissioner Lamb.

Commissioner Morgan questioned had they addressed shortcomings. He asked what's in place if they don't pay in timely manner.

Mr. Lawson stated they have something in place if this happens again.

Attorney Minnis stated it is covered ordinance. She expressed it could be assessed. She added anytime you take action you are setting precedent, case by case.

Commissioner Croley asked the Attorney if you set a precedent every time you make a rule it needs to be stopped. He stated he was concerned about the future and voiced he said could you make liens be sold then the parties involved pay liens. He asked could that be something they could look into.

Attorney Minnis replied it was something they could look into. She said this is separate Land Use Ordinance.

Clerk Thomas expressed the concern is fronting tax payers money.

Commissioner Croley agreed with the Clerk Thomas about lending money.

Attorney Minnis had it followed the process in the Ordinance, this would not be an issue. She said this is not the normal way this would have come to you.

Commissioner Holt reiterated the Workshop need for the Comp Plan.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4 – 1, BY VOICE VOTE, TO APPROVE – PUBLIC HEARING – REIMBURSEMENT OF BUILDING DEMOLITION EXPENSES (HORNE PROPERTY). Commissioner Morgan opposed this vote. <u>Motion carries</u>

Chair Taylor said this item needs to be Workshopped, she asked for dates to get it scheduled at the next meeting.

Attorney Minnis asked for Clarification did they want to look her to look at both ordinances.

9. <u>Public Hearing - Consideration of Adoption of Ordinance Authorizing the Gadsden County</u>

<u>Board of County Commission to Grant Ad Valorem Tax Exemptions to Certain Businesses as set out in Section 196.1995, Florida Statutes (Deborah Minnis, County Attorney)</u>

Deborah Minnis, County Attorney announced Public Hearing on the Consideration of Adoption of an Ordinance authorizing the Gadsden County Board of County Commission to Grant Ad Valorem Tax Exemptions to Certain Businesses as set out Section 196.1995, Florida Statues.

Background:

During the January 31, 2012 election, the citizens of Gadsden County voted to authorize the Board of County Commissioner to grant ad valorem tax exemptions pursuant to Section 196.1995, Florida Statures. Pursuant to section 196.1995(5), Florida Statues, after a majority vote in favor of such authority, the board of county commissioners must enact an ordinance relating to its authority to exempt from ad valorem taxation up to 100 percent of the assessed value of all improvements made by or for the use of a new business and of all tangible personal property of such business and of the net increase in tangible personal property acquired to facilitate such expansion of an existing business made after the day such ordinance is adopted.

Fiscal Impact:

To be determined on an analysis of the statutorily required application each business requesting abatement must submit.

Chair Taylor announced Public Hearing and asked for Public Comment.

Public Comment:

Marion Lasley, 5 Dante Court, commented on the Tax Exemption Ordinance and stated the document was well drafted.

Commissioner Croley posed several questions on the Ordinance. He spoke of his concerns of this item going on the ballot, he said the majority prevailed. He referenced the Ordinance drafted, he didn't understand definitions. He asked what's defined as a full-time employee, no time specific. He gave

examples of definitions not being clear. He added he had concerns on matters related to Agriculture Lands and asked did they apply to unincorporated areas. He said the Ordinance needs to be cleaned up more.

Attorney Minnis provided a person that works at 28 - 30 hours a week is considered full - time. She stated this is the 1st phase, generic ordinance, separate Ordinance for each business, where they will have to explain. She added whatever Board instructs me to do I will. If you would like to get another definition, she said she would provide. She stated Abatements only last for 10 years and it only applies to unincorporated areas.

Commissioner Morgan commented we meet the FL Statue with this Ordinance. He said this Ordinance is about growth. He asked that it be moved forward.

Attorney Minnis commented yes.

Commissioner Lamb said this is what we asked for and thanked the Attorney for her work.

Commissioner Holt discussed section 4A about 10 jobs and she wanted it to be tied to Gadsden County residents. She said Tax Abatement is tied to the property not equipment. She suggested it be a cut-off.

Clay Vanlandingham, Property Appraiser stated it only applies to Tangible Personal Property and it's up to the Board to decide that the exemption be granted or denied.

Commissioner Morgan noted this is a general document to attract industry to Gadsden County.

Commissioner Croley commented he would defer to the County Attorney's recommendation.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE PUBLIC HEARING – CONSIDERATION OF ADOPTION OF ORDINANCE AUTHORZING THE GADSDEN COUNTY BOARD OF COUNTY COMMISSION TO GRANT AD VALOREM TAX EXEMPTIONS TO CERTAIN BUSINESSED AS SET OUT IN SECTION 196.1995, FLORIDA STATUES ADOPTED AS WRITTEN BY LEGAL.

General Business

10. <u>Discussion of Possible Uses of the \$94,050 Health Resources and Services Administration</u> (HRSA) Grant Funds (Arthur Lawson, Interim County Administrator)

Mr. Lawson discussed and sought direction from the Board on the possible uses of the \$94,050 federal grant funds granted through the Health Resources and Services Administration (HRSA).

Background:

On May 19, 2009, the Commission approved the County Administrative Coordinator's request to apply for federal grant funding through the Health Resources and Services Administration to be used for repairs and renovations to the Gadsden County Community Hospital. The grant was submitted and subsequently approved by HRSA on September 15, 2009.

During the year-long period following the grant award the County was eligible to draw down the \$94,050 in funds but did not because certain reporting requirements were not done. Over the past few months the County has submitted all outstanding reports and our Finance Director has requested the funds. Although the funds have been requested, as of the writing of this agenda report, the funds have not been received.

Analysis:

With the County's impending realization of the grant funds, staff has been requested to present an agenda request to the Board for discussion of possible uses of the funds. Since the hospital renovations have been completed and debt services being paid from the indigent sales tax the funds are a reimbursement to the County and may be used as designated by the Board.

The initial intended use of the funds was for hospital related renovations. Therefore, it is staff recommendation that the funds should be used for the hospital related needs such as the chiller issue or boilers. That equipment was not replaced during renovations and repairs when needed will be very costly. The Clerk and the Finance Director are in agreement with staff's recommendation.

Discussion by the Board

Commissioner Holt said the Referendum was passed for 25 beds not for this item. She said there was no place where patients could go for observation or spend the night. She expressed citizens are becoming frustrated. She asked that they look into getting swing beds. She suggested they check with ACHA on funding of the swing beds. She asked the Board consider what the Citizen's voted for.

Commissioner Lamb made a motion for discussion and direction only of Option 1 and it was seconded by Commissioner Croley.

Chair Taylor said the motion should include direction as to what the Board would like to see done with those dollars.

Commissioner Morgan inquired if the Chiller was top priority and if it was then staff should move forward to rectify the situation.

Chair Taylor asked Mr. Lawson have they received prices on these items. She asked that they are amended to receive prices. She asked that the Hospital Board look consider this item. She recalled the Working Group was formed to come up with a decision on how the \$200,000 plus from the Indigent Health Care Tax would be spent. She asked that look at ways to generate revenue at the Hospital. She stated they must prioritize and do what needs to be done concerning the Chiller and Boiler replacement.

Mr. Lawson said they had not received prices for the Hospital Chillers and Boilers, but they know the range since they recently replaced the ones at jail and the price was \$120,000.00.

Commissioner Holt referenced Medicaid Citizens using the Hospital and reiterated the need for the beds for overnight stay by saying whatever County they go to and if an overnight visit is required that County would receive the revenue. She recalled the debate is over the address and the state is saying now they would verify the address and you won't be able to challenge.

Chair Taylor stated that was a separate issue, but one they need to address in the near future.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 – 1, BY VOICE VOTE TO APPROVE THIS ITEM TO HAVE STAFF MOVE FORWARD IN EXPLORING USING THE \$94,050.00 FUNDS FOR THE CHILLER AND BOILER FOR THE HOSPITAL. (Commissioner Holt opposed this motion.) Motion carries.

Clerk Thomas interjected and added the Board may have additional unexpected revenue in the amount of \$37,000.00 insurance reimbursement, which was unbudgeted miscellaneous revenue. He suggested long term they should consider reestablishment of funds for Hospital Maintenance Cost by setting aside funds on an annual basis for long term monitoring and maintenance of the Hospital.

Chair Taylor asked if they would develop a line item for that particularly item for long term repairs for the hospital, to start building revenue for that particular item. She asked that the \$37,000.00 be brought back if they would need the additional funds to complete the cost of the Chiller/Boiler.

11. <u>Discussion and Direction Regarding the Public Safety Coordinating Council</u> (Arthur Lawson, Interim County Administrator)

Mr. Lawson discussed item #11, Discussion and direction regarding the Public Safety Coordinating Council. He stated they put together an agenda report tells the purpose of the Council information concerning when the Ordinance was passed, the make-up of the Council and the requirements of the Council. He noted the Council had not been active in the last several years.

The Public Safety Coordinating Council (PSCC) which is referenced in Florida Statutes 951.26 which each Board of County Commissioners shall establish a County Public Safety Coordinating Council for the County or shall join with a consortium of one or more other counties to establish a PSCC for the geographic area represented by the member counties. The Council will met regularly to monitor the jail's population as well as increase efforts of coordination between the many agencies of the criminal justice system. The PSCC serves as an advisory committee to the Board and makes recommendations to help alleviate overcrowding in the county jail. Recommendations may include the continuation or expansion of existing programs, the establishment of new programs, or other alternatives that may aid in the alleviation of jail crowding.

The PSCC, by statute, is comprised of the following individuals or their representatives:

State Attorney
Public Defender
Chief Circuit Judge
Chief County Judge
Sheriff
Chief of Police
One County Commissioner
County Probation Director

Commissioner Croley said the item is self explanatory. He noted the State Law requires you have this committee. He mentioned the Ordinance that was adopted. He mentioned crimes, jail overcrowding and need of monitoring the responsible use of taxpayers' dollars on the cost of individuals incarcerated. He added all 3 of those goals are what this Committee is about and it should be in place. He asked that

it be set up and under way as soon as possible for all the appropriate reasons. He volunteered his time to serve on Board.

Chair Taylor directed the Administrator to notify the members who should be apart of the Public Safety Coordinating Council to initiate the Council as mandated. She motioned for Commissioner Doug Croley to serve on Board and it was seconded by Commissioner Lamb.

Commissioner Holt inquired should they vote on the Public Safety Coordinating Council first.

Attorney Minnis commented the Board and Ordinance and are already in place.

Commissioner Morgan questioned should this be placed on the agenda for discussion.

Chair Taylor directed Mr. Lawson to bring back before the Board if there was a need once discussion had taken place with Council Members.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, FOR COMMISSIONER DOUG CROLEY TO SERVE ON THE PUBLIC SAFETY COORDINATING COUNCIL AND DIRECTED COUNTY ADMINISTRATOR TO INITIATE THE COUNCIL START UP.

12. <u>Discussion of County Site Plan and Building Fees for Churches (Anthony Matheny, Planning and Community Development Director and Clyde Collins, Building Official)</u>

Mr. Lawson commented item 12, discussion of County Site Plan and Building Fees for Churches. He stated that this item was brought before the Board to give definitive direction when churches come to request the waiver of Building and Planning and Zoning Fees as to what the official position would be. He recalled the one request before the Board, which they denied. He noted there has been another in the interim. He asked for clear direction, so they would know how to deal with churches when they come to staff asking for fee waivers.

Mr. Matheny, Planning & Community Development Director addressed the Board concerning discussion of the Site Plan and Building Fees for Churches. He commented at the February 7, 2012 meeting, the Board of County Commissioners requested that staff bring back the issue of site plan and building fee waivers for churches for further discussion.

Background:

Frequently, churches approach the Planning & Community Development (P&CD) and Building Department with requests for fee waivers. At the January 3, 2012 Board meeting, the Board agreed that fee waiver requests by churches should be applied for and approved by the Board. Since that time, P&CD has received two requests for site plan and building fee waivers from St. Matthew Missionary Church, which is awaiting an overall policy decision by the Board regarding fee waivers for churches. Staff is anticipating additional requests from churches in the future.

Analysis:

On October 01, 2006, and as amended on November 06,2007, the Board adopted fees to reflect the Boards "desires to establish fees sufficient, but not in excess of, recover an adequate amount to the related costs of associated activities: (Attachment #1 &2). County fees are based on a study conducted

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by the Office of Management and Budget of actual costs to the County for review, inspection, etc. Fees have not been revised or increased in the four (4) years since. Staff has been directed that only the Board can waive fees.

Fiscal Impact:

Site plan (staff review) and building fees range depending on the size of the structures. The fiscal impact for a standalone church ranges between \$7,300± for a 4,000 square foot building to be \$9,800± for an 8,400± square foot building. Site Plan and storm water review fees range between \$2,640± and \$3,040±. Of the site plan review fees, \$300.00 (or more if plans require additional review) is required to compensate Preble –Rish, Inc. for storm water review. Site Plan costs increase significantly for churches with accessory uses which requiring public hearings and notice for Special Exception site plan approval. The increase in cost is directly related to expenses for mailing and advertisement.

Discussion by the Board

Commissioner Holt asked about Workshops. She stated she didn't have a problem waiving fees, but her concern was with case by case basis.

Commissioner Morgan commented he recalled from the last discussion was how to provide better more efficient customer service. He said he thought it was unfair if policy is unclear. He stated the policy should be clear and precise. He commented on the churches that are looking to the Board for fairness. He pointed out and recalled it was confirmed by the Building Official, Clyde Davis they have waived fees in the past. He state it was his suggestion they give churches waivers then set date April 1 from that point forward, they don't make any exceptions until they have Workshops put policies in place, discuss fees and move forward.

Commissioner Lamb stated they did request the Administrator to bring back. He stated he checked with other Counties and some did some didn't waive fees. He asked the Board to remember Growth Management is paid by fees they receive through Site Plans and so forth. He said he was willing to waive Building Fees, but he was not in favor of waiving all fees such as Site Fees for churches.

Commissioner Croley commented he was not in favor of waiving fees. He suggested they have a category that may mitigate some of those expenses for religious institutions. He pointed out they have categories for various other types commercial structures. He said that way it could be done consistently and uniform for all.

Commissioner Lamb added churches do house citizens during disasters in County.

Discussion followed from the Board.

Public Comment:

Marion Lasley, 5 Dante Court, asked could Churches locate anywhere in the County; Do they pay any property taxes or any federal income tax; She mentioned fees that weren't authorized that she recalled from a previous discussion and commented waiving the fees is unfair. She discussed there where unauthorized waivers that were done previously.

Mr. Matheny answered churches are allowed in most land use districts.

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Clay Vanlandingham commented property is exempt as long as it used for church purposes.

Chair Taylor expressed that going forward they are trying to set policy. She mentioned they had no control over what was done previously.

Commissioner Holt suggested a workshop to allow churches and people who this could affect to have a say so in this discussion.

Commissioner Lamb reiterated that he could not recall waiving fees, he could recall waving variances.

Commissioner Morgan agreed with Mrs. Lasley, he said it was at least 3 occasions where fees have been waived. He asked that you be fair to churches.

Commissioner Croley said he couldn't recall waiving fees. He said he was not in support of changing rules, but added churches do many public services for the community and noted special category could be added such as fee schedule. He asked that they Board allow Administrator, Mr. Matheny, Budget Department, etc. to work out details.

Question:

Chair Taylor - do you wish to waive <u>all</u> fees? She asked the deputy clerk to poll the Board.

Poll Results

Holt - No idea, No problem Lamb – No Morgan – Yes Croley – No Taylor – No

Question:

Chair Taylor - do you wish have <u>some</u> of the fees waived. Give Administrator and staff consent to come back with which ones.

Poll Results

Holt – Willing to have manager to have input.

Lamb – Willing for manager to be consent. He voice not given someone just because they have applied. Morgan – Would like for Administrative to be fair to what has been done in the past for the applicants that today. He said he would like any decision to come before the Board.

Croley – Consent

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO ALLOW ADMINISTRATOR TO COME UP WITH A RECOMMENDATION FEE SCHEDULE FOR RELIGIOUS INSTITUTIONS INVOLVED ON AGENDA BEING DISCUSSED TONIGHT AND COME BACK BEFORE THE BOARD WITH FEE SCHEDULE TO BE USED GOING FORWARD.

13. Requested Amendment to Proposed Inter-local Agreement with Sheriff re: Emergency Management and 911 (Deborah Minnis, County Attorney)

Mr. Lawson presented item 13 a request by Sheriff Young to amend the proposed Inter-local Agreement that the current language does not apply to the current Director over Emergency Management. He added after current Director has left then this provision would apply.

Deborah Minnis, County Attorney requested amendment to proposed Inter-local Agreement with Sheriff re: Emergency Management and 911. She said one revision was that the County would develop a position description and this current point there is no description. She added the current Director has been in place a number of years. She said she has drafted language that would meet the Sheriff's request and added she does not hold a position on it one way or the other it is the discretion of the Board whether they want to exempt the current Director from the job description. She noted there is currently not a job description that applies.

Statement of Issue:

Consideration of an inter-local agreement between the Gadsden County Sheriff Office and Gadsden County memorializing the transfer of the Division of Emergency Management to the Gadsden County Sheriff's Office except in time of declaration of emergency or disaster under Chapter 252, Florida Statues.

Background:

In September 1991, the Board of County Commissioners voted to transfer the job functions and equipment of the County's Division of Emergency Management to the Gadsden County Sheriff's Office. However, no formal inter-local agreement was drafted to memorialize this vote or clearly address responsibility for the functions and responsibilities of the division during periods of declared disasters of emergencies. Upon vote of the Board, the County Attorney, County Administrator and a representative from the Sheriff's Office met to draft and inter-local agreement to formalize the transfer of the Division. A draft agreement was approved by the Board at its July 5, 2011 meeting and was presented to the Sheriff for consideration. After consideration the Sheriff requested an amendment to the agreement. Attached is the agreement containing language that addresses the amendment requested by the Sheriff.

Analysis:

Section 252.38, Florida Statues authorizes counties to create a local emergency management agency. This provision also requires all local emergency agencies to have a director. A county constitutional officer or the employee of a county constitutional officer can be appointed as the director of the local emergency management agency. This agreement will memorialize the appointment of the Sheriff of his designee as the Director of the County's Division of Emergency Management with the exception of times during which a disaster or emergency as set out in Chapter 252 is declared. The agreement also sets out the procedure for Board approval of the Director as recommended by the Sheriff. Finally, the agreement sets out the procedure for preparation and submission of grant documents and use of equipment purchased with emergency management funds.

Discussion by Board:

Chair Taylor asked Mr. Lawson what was his recommendation.

Mr. Lawson commented he would approve the amended language.

Commissioner Lamb made a motion and it was seconded by Commissioner Morgan for approval.

The question was called by Commissioner Croley stated this has nothing to do with the current Emergency Management Director, but he had concerns with Board takes responsibilities of emergencies under state law when they are declared and occur. He said the way this is being done smells bad and is not the right thing to do. He said he had a problem with changing the agreement to make it look like the special exception for one individual. He said the wording should remain as County Attorney originally drafted.

Attorney Minnis referenced subsection 3i, allows the County to develop job description, which we don't have at this time. She said the County would layout its requirements for the job, when they initiate and at that point the Sheriff would have to submit the resume of the Director he would be recommending for the job. She stated the request she had was for the new job description whatever it ended up being that it doesn't affect the current Director, who has been in position for a period of time. She confirmed all the language does is bring to the Board the request by the Sheriff. She expressed it's up to Board to decide whether they want to accept that request or not, so she would know how to proceed.

Commissioner Lamb said the Director should meet qualifications. He asked if the Attorney could research other counties. He said his was of the opinion they were willing to work with current Director to meet qualifications.

Motion was withdrawn by Commissioner Lamb and second by Commissioner Morgan.

Commissioner Morgan said from the discussion they heard from around the Board this item needs to go back and be represented to us. He motioned that it be deferred, to ask for specifics, in what the Emergency Management Director has in his background.

Commissioner Holt questioned 3i by saying it could be approved and come back with qualifications.

Chair Taylor said she saw that but was concerned because it didn't give qualifications.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO DEFER THE AGREEMENT FOR FURTHER LANGUAGE ON QUALIFICATIONS FOR THE REQUESTED AMENDMENT TO PROPOSED INTER-LOCAL AGREEMENT WITH SHERIFF RE: EMERGENCY MANAGEMENT AND 911 FOR A MEETING IN THE NEAR FUTURE.

14. <u>National Solar Update (Deborah Minnis, County Attorney/David Weiss, Assistant County</u> Attorney)

Attorney Minnis gave brief update on National Solar, they have submitted draft application and it's being reviewed by Mr. Vanlandingham and with consultation by the Department of Revenue. She said he would be generating a report to you outline all the information that the statue requires him to make the Board aware of regarding the number of jobs that would be created, taxes that may be generated loss or not.

Mr. Vanlandingham said it is a practice application. He stated that he and Eric Williams have talked and they are the genie pigs in this adventure. They have never filled out application before and he committed that he had not also. He said so they place numbers on application and sent it via email to

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him for them to discuss. He stated once it is completed, the process is it would come to the Board; the Board fills out their portion and submits to Property Appraiser. He said it is just a practice application.

Commissioner Morgan asked was the application the standard form (DR418) throughout State of Florida. He then asked for timeline, May 1, 2012 as deadline.

Attorney Minnis commented it was the standard form. However they did send to National Solar's Attorney what the Statue would require. She said it was hard to set specific dates application has to be finalized and could not confirm May 1, 2012 as a deadline date because it would depend on how fast they could a final application in.

Commissioner Morgan confirmed the County was moving forward.

Attorney Minnis replied we have set letter and outlined what needs to be done and there is no ability to waive steps. She confirmed everyone is staying in loop. She said they would need to look this agreement, so once application and ordinance is in place it will be vented a Public Meeting. She reminded the Board not to copy each other concerning this issue.

Mr. Vanlandingham expressed the importance on this project which involves National Solar, Board, Property Appraiser all parties are involved working together. He discussed the need to agree on the agreement. He stated this is a very important matter and you should already be doing homework.

Commissioner Croley asked that they be sent a copy of this new proposed agreement. He asked did they have ideas for changes. He asked what Land Use Issues we need to deal with concerning this project.

Chair Taylor concluded the discussion by saying it is important that we move the Agreement. She encouraged dialogue in the form of a Workshop so the Attorney could have clear direction. She suggested other items for the Workshop could include the Code Enforcement and Zoning Fees. She asked that it be scheduled in the next two weeks.

14a. Approval of Resolution# 2012-003 Authorizing the Financing of EMS Ambulances.

Statement of Issue:

This agenda item seeks Board approval of Resolution #2012-003 authorizing the execution of a master lease agreement and related documents for the financing of EMS ambulances.

Background:

At the February 21, 2012 meeting, the Board approved the results of RFP#12-01 to SunTrust Equipment Finance and Leasing Corp. of Towson, MD. The details of the agreement are \$900,000 for 5 years at a rate 1.68%.

Analysis:

Staff has been working with Doug Dillon with SunTrust Equipment Finance and Leasing Corp. of Towson, MD to prepare the needed documents. These documents have been reviewed by staff as well as the County Attorney.

Fiscal Impact:

Gadsden County Board of County Commissioners
March 6, 2012 Regular Meeting

This agreement will be financed over a period of five (5) years, with annual payments of approximately \$189,072.75. The payment will commence twelve months from the funding date. There will be adequate funds allocated in the budget to cover the loan payments. There will also be a fee of \$250 to use the lesser as the escrow agent.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5-0, BY VOICE VOTE, FOR APPROVAL OF RESOLUTION #2012-003 AUTHORIZING THE FINANCING OF EMS AMBULANCES.

County Administrator

15. Update on Board Requests (Arthur Lawson, Interim County Administrator)

There was no update of issues by Mr. Lawson.

County Attorney

16. Update on Various Legal Issues

(Deborah Minnis, County Attorney)

There was no update of issues by Mrs. Minnis.

Commissioner's Request for Update from the Attorney

Commissioner Croley inquired where the Board stood on the Paving of the Roads Ordinance.

Attorney Minnis commented she has a tentative memorandum concerning the issue and it would be forwarded to Mr. Lawson shortly for distribution to the Board.

Discussion Items by Commissioners

17a. Commissioner Lamb, District 1

Commissioner Lamb had no concerns or items.

17b. Commissioner Morgan, Vice Chairman, District 3

Agenda - Miscellaneous Revenue for the \$37,000 Insurance Premium refund earmarked for the Hospital Chillers/Boilers.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5-0, BY VOICE VOTE, TO AGENDA THE \$37,000 EARMARKED FOR THE HOSPITAL CHILLERS AND BOILERS FOR THE NEXT APPROPRIATE MEETING.

17c. Commissioner Holt, District 4

- ➤ National Solar Issue Posed questions that she would like answered for Citizen's at pending Workshop. 1.) What are would setbacks be if they have adjourning property; 2.)Concern about transmission of power from their facility to the lines; 3.)Cancer.
- ➤ Paving Issue If 2/3 of people on a road can request a road be paid. She questioned how the others that live on the road could be billed. She asked was it legal. She felt the County should pursue the funds from those individuals

Attorney Minnis explained the 2/3 to pave the road is what the Ordinance requires for the County to do the work, but if you have a Special Assessment you have 2 ways to get money out. She said if you do a Special Assessment by law under the case law that has comeout on Special Assessment it has to be equally distributed among all that will benefit from the activity you are doing. She commented that is why we recommend that the 2/3 is saying they want roads paved. It wouldn't be a Special Valued Assessment unless it's equally shared by all people who it would benefit.

Lewis Lane – Inquired about access on and when the road would would come up for paving.

Charles Chapman, Public Works Director, disclosed they have automated schedule to maintain all dirt roads after heavy rain, so they won't have access problems. He also stated they submitted a grant per the Board's instruction and he commented it was in the tentative work program pending the Legislature Budget approval in 2014 or 2015, where it would be paved.

Farm Loans - from over 10 years ago where farmers were denied loans they can make claims until May 1 deadline to get reimbursed. She noted it could be the descendants on the farmers, if the farmers where no longer available. She mentioned it was Federal Dollars.

17d. Commissioner Croley, District 2

- ➤ Voiced congratulations to Mr. Lawson and staff on the publication of the 2011 Gadsden County Annual Report. He said it was composed well.
- Financial Policy Follow-up (for fuel and other related items)

 UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE
 BOARD VOTED 5 0, BY VOICE VOTE, TO APPROVE PLACEMENT ON THE AGENDA AFTER
 DEVELOPMENT BY THE COUNTY ADMINISTRATOR, CLERK, FINANCE AND COUNTY
 ATTORNEY.
- Code Enforcement Liens

17e. Commissioner Taylor, Chairperson, District 5

- ➢ Road Sign Policy Churches Adopted (agenda for 1st meeting in April)
 UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 − 0, BY VOICE VOTE, TO AGENDA THE ROAD SIGNS FOR CHURCHES TO ADOPT ROADS POLICY FOR THE APRIL 3, 2012 BCC MEETING.
- ➤ FEMA Funds potential funds for further discussion (agenda for 2nd meeting in April)

 UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE

 BOARD VOTED 5 0, BY VOICE VOTE, TO APPROVE THE DISCUSSION OF POTENTIAL FEMA

 FUNDS FOR THE APRIL 17, 2012 BCC MEETING.
- > Senior Citizens Thanked Mr. Lawson and staff for work at the Senior Citizen's Building. She inquired the timeline on parking lot.

- Mr. Lawson replied Mr. Clyde Collins, Building Official stated they are waiting on bids to come in. He said the concern was the job being small; it was hard to get companies to bid. He added it should be started within the next couple of weeks.
- National Solar discuss agreement/workshop next 2 weeks at next BCC morning meeting has concluded.
 - UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 0, BY VOICE VOTE, TO DISCUSS AGREEMENT AND WORKSHOP NATIONAL SOLAR AT THE NEXT BOARD MEETING, MARCH 20, 2012 AFTER THE REGULAR SCHEDULED BCC MORNING MEETING.
- > Legislative Sessions update (someone to come in and give clear updates on issues that they may affect us after it is concluded).
 - Clay Vanlandingham, Property Appraiser commented session ends Friday and Session would resume for redistricting the next week.
- Municipality/ Interlocal Agreements doing in intervals of 3-5 years instead of annually.

Charles Chapman, Public Works Director commented all for Public Works expire at the end of the County's Fiscal Year. He stated the caveat would be the fluctuation of the gas market.

Chair Taylor expressed she understood after Mr. Chapman explanation and would like for it to remain annually.

Receipt and File

18.

- a. For the Record: Gadsden County EPA Region Programmatic Review Report On-Site Evaluative Review
- b. For the Record: Ordinance Number 2012-1 from the City of Gretna Regarding Annexation within the Corporate Limits

March Meeting(s)

- March 20, 2012, Regular Meeting, 9:00 a.m.

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING ADJOURNED AT 9:20 P.M.

GADSDEN COUNTY, FLORIDA

Sherrie Taylor, Chair

Board of County Commissioners

ATTEST:

Nicholas Thomas, Clerk of Court

Gadsden County, Florida

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON MARCH 20, 2012 AT 9:00 A.M., THE FOLLOWING PROCEEDINGS WAS HAD, VIZ.

Present: Sherrie Taylor, Chair, District 5

Gene Morgan, Vice - Chair, District 3

Eugene Lamb, District 1 Doug Croley, District 2 Brenda Holt, District 4

David Weiss, Assistant County Attorney Arthur Lawson, Interim County Administrator

Beryl H. Wood, Deputy Clerk

Invocation, Pledge of Allegiance and Roll Call

Chair Taylor called the meeting to order at 9:00 a.m. then led in an invocation and the pledge of allegiance to the U.S. flag. She then called for all cell phones to be silenced and requested all speakers to file a "Speakers Request Form" with the clerk.

The roll was called by the Deputy Clerk, with all members present as listed above.

Amendments and Approval of Agenda

- Add confirmation 911 Coordinator 14a
- Request to submit Grant Application 2012 14b

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

Awards, Presentations and Appearances

1. Resolution Honoring and Proclaiming March 30, 2012 as Mr. Bernard Clark Day (Gene Morgan, Commissioner, District 3)

Commissioner Gene Morgan spoke for a brief minute on the works of Mr. Bernard Clark through the Kiwanis Club and Greensboro, FL and acknowledged his efforts by reading the Resolution into record honoring and proclaiming Friday, March 30, 2012 as Bernard Clark Day. He then invited the public to reception honoring Mr. Clark at the home of Terry Kever.

Chair Taylor asked if everyone would acknowledge Mr. Clark in his absence by a round of applause.

2. Workforce Plus Services Update (Kimberly Moore - CEO, Workforce Plus)

Kimberly Moore, CEO, Workforce Plus presented a power-point on Putting the Pieces Together – Using a Community Driven Approach. She gave an update overview of services from Workforce Plus on how they are available to help through the transition period. She commented from July 1, 2011-March 15, 2012 there have been 608 job seekers for Gadsden County, who have applied for services, total employed was 2,039 and the largest age group of unemployed is 22-32 years of age. She also discussed Gadsden Youth Build where participants earn a stipend while working towards GED and occupation skills certification. She ended her presentation by encouraging the County to take a more visible approach by: Establishing a county-wide jobs plan; Encouraging employers to post their jobs; List your job vacancies; Assist with readying the "workforce"; Become an ambassador and "get the word out".

Chair Taylor thanked Ms. Moore for the presentation and expressed originally she was asked to come before the Board to enlighten the Board about the changes which occurred in the Legislative Session. She said that she was reaching out because the average person she meets and greets is expressing they aren't finding employment through Workforce Plus. She said the Chamber of Commerce offers Entrepreneurship courses to help start employment, becoming their on employers.

Commissioner Holt spoke of all entities working together cohesively. She asked that a Workshop be formed to encourage dialogue. She also asked the School Board be offered the opportunity to become involved.

Commissioner Morgan thanked Ms. Moore for her dynamic presentation and all her years of dedicated service. He expressed the importance of supply and demand, and then discussed the Florida Rural Economic Development and Tourism Summit which was held in Gadsden County. He thanked David Gardner and staff for a yeoman's job with the Summit.

Ms. Moore expounded on the Summit by saying it was great, because they got a chance to highlight Gadsden County and it was well attended.

Commissioner Croley thanked Ms. Moore for her presentation and asked what the average profile of the unemployed was.

Ms. Moore expressed it would be the 22-33 year old bracket.

Commissioner Lamb thanked Ms. Moore for her presentation. He inquired was she actively communicating with the Chamber of Commerce. He noted he would read over all the information that was handed to him and give her a call if he had any suggestions.

Chair Taylor concluded by saying the County needs jobs and thanked Ms. Moore for her presentation. She said she was of the opinion that a Day of Dialogue would be informative with all of the entities mentioned. She asked Mr. Lawson to address the following:

- Chamber of Commerce to have a more visible appearance at Board Meetings
- Chamber of Commerce and Workforce Plus Day of Dialogue

3. <u>Discussion of Recent Value Trends, Fiscal Year 2012 Lost Revenue, Mileage Rate, etc. Based on Current Legislative Actions (Clay Vanlandingham, Property Appraiser)</u>

Mr. Vanlandingham discussed with the Board the recent value trends, fiscal year 2012 lost revenue, Mileage Rate, etc. based on current legislative actions through a detailed power-point presentation entitled "The Sun Has Set on The Days of Rising Property Values". He discussed values slipping away with the Property Tax Revenue continuing to decline since 2007, when taxable values reached a high of over \$1.434 Billion, since then, the taxable values have declined by 11.6%. He noted since the high water mark of 2007, property taxes have dipped by \$1.25 million. He also discussed the Florida Foreclosures, short sales, etc and how the Courts would receive a \$4 million boost to additional judges and case manager who can tackle the state's foreclosure backlog. He said the one-time stipend, which in the 2012-2013 state appropriations bill released, still faces legislative approval. He discussed other items such as Gadsden County Budget History and Balancing a Bouncing Budget. He ended with the issues on the ballot in November 2012: Property Tax Limitation; Property Clue Decline; reduction for Non-Homestead Assessment Increases; Delay of Scheduled Repeal - Combat Veterans (Veterans disabled due to combat injury.)

Commissioner Croley thanked Mr. VanLandingham for his in-depth presentation. He asked were numbers related to Gadsden County (on the Mr. Banker, here are my keys) Distressed Sales. He discussed concerns with raising the mileage rate and stated he was not in favor of. He remarked on Clerk Thomas and Mr. Lawson for being fiscally conservative.

Commissioner Morgan expressed gratitude to Mr. VanLandingham, but stated this was no surprise they knew it was coming. He discussed how to better prioritize and spoke on the commendable job of suggesting not raising the mileage rate. He noted rebuilding the Fund Balance should be a priority.

Commissioner Lamb recognized Mr. VanLandingham for enlightening the Board. He too added they would have to become more responsible.

Commissioner Holt discussed the economic development. She stated this would definitely affect services and funding.

Chair Taylor acknowledged all comments had been great. She suggested the Board start thinking what they would do. She also discussed maintaining services and having funds in the bank. She asked that they start looking at Grant Services and mentioned USDA has funds available. She said they must research resources, find solution and go after it. She encouraged the Board to focus on how to fix the situation without raising taxes or cutting services. She instructed Mr. Lawson to proceed with looking into USDA Grants to help supplement budget.

Clerk of Courts

4. Presentation of County Finance and County Clerk Issues (Nicholas Thomas, Clerk of the Courts)

There was no report for Clerk Thomas.

Consent - (Motion) Lamb/ Holt 9-10 items pulled for discussion 5-0

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF ITEMS 9 AND 10 PULLED FOR DISCUSSION.

- 5. Approval of Minutes February 7, 2012 Regular Meeting
- 6. Ratification of Approval to Pay County Bills
- 7. Approval of Signatures for Special Assessment Liens (SHIP) State Housing Initiative Partnership Program (FHOP) Florida Home Opportunity Program (Down Payment and Closing Cost Assistance Programs) (Phyllis Moore, SHIP Administrator)

Statement of Issue:

This agenda item seeks the Board of County Commissioners (BOCC) approval and signatures for the Special Assessment Lien(s) that were agreed upon by the Homeowner, Contractors and the Community Development Administrators SHIP/FHOP Housing Down Payment and Closing Cost Assistance Programs for the purchase of their new home for Katrina Hopkins and William Dubose of 290 Sand Pine Drive Midway, Florida 32343 in the amount of \$9,901.14; Ronette S. Ballard 623 Sand Pine Drive Midway, Florida 32343 in the amount of \$11,000.00.

8. Approval of Equipment Lease Agreement between Gadsden County and Tallahassee Memorial Healthcare (Arthur Lawson, Interim County Administrator)

Statement of Issue:

This agenda item seeks Board approval of a one year lease of an anesthesia machine to Tallahassee Memorial Healthcare.

Fiscal Impact:

Tallahassee Memorial will continue to pay \$200 per month which is the same amount they have paid historically.

- 9. Board Approval to Transfer Funds from Reserves to Support the Quincy Shuttle (Arthur Lawson, Interim County Administrator) pulled from Consent Agenda
- 10. Request Approval to Pay Invoice to Capital City Classic 2011 for Advertising and Sponsorship (Arthur Lawson, Interim County Administrator) pulled from Consent Agenda
- 11. Resolution Number 2012-012 Declaring the Week of May 15-21, 2012 as Public Works Week in Gadsden County, Florida (Charles Chapman, Public Works Director)
- 12. Approve and Authorize the Chairperson to Execute Correspondence for Grant LP6721 Water/Waste Water Infrastructure (Charles Chapman, Public Works Director)

Statement of Issue:

This item seeks Board approval to execute a letter indicating that an extension for the legislative appropriation by the Florida Department of Environmental Protection for the construction of water and waste water infrastructure will not be needed.

Items Pulled for Discussion - Items 9 and 10

9. <u>Board Approval to Transfer Funds from Reserves to Support the Quincy Shuttle</u>
(Arthur Lawson, Interim County Administrator) – pulled by Commissioner Morgan

Statement of Issue:

This agenda item seeks Board approval to transfer funds from Reserves to support the Quincy Shuttle in the amount of \$24,565 through September 30, 2012.

Background:

For many years the citizens of the County have been served by The Shuttle to meet their transportation needs. In the past, various grants paid for these services; however, the grant funding is gone and in order to provide this service in the future additional funding is required.

Analysis:

The funding request for The Shuttle for FY12 is \$49,210 through September 30, 2012. The City of Quincy and the County have been asked to split the total cost of \$49,210.

Fiscal Impact:

As of this date, the General Fund Reserve for Contingency balance is \$143,165. Processing this amendment for \$24,565 will reduce the balance to \$118,600.

Discussion by the Board:

Commissioner Morgan asked the Board not to approve the dollars for Shuttle.

Commissioner Croley said he agreed not to approve. He said his decision was based on the fact they couldn't afford those funds at the moment. He said monies should go toward Gadsden Express to get people to work.

Commissioner Lamb asked what the amount was. He said because the figures went down to \$24,565.00 through September instead of the amount originally requested. He said he was not in favor, if the City of Quincy could not produce their portion of the funds.

Mr. Lawson said the amount has gone down, funding would be through September. He said the motion was already in place the Board approved contingent upon the City of Quincy Funding.

Chair Taylor spoke in support of the funding. She said the City of Quincy is on Board and the Transportation Disadvantaged (TD) Program has agreed to raise fees.

• <u>Emanuel Sapp, 821-2nd Street, Quincy, FL</u> — One Cent Sales Tax Payment, Shuttle Service(for indigent persons). He addressed the need for indigent purposes. He asked for 5% of the funding of the one cent sales tax to go to help with the Transportation Disadvantage. He stated this is a

necessity. He gave breakdown of Shuttle Services, 80 persons per week at 52 weeks a year generates approximately \$24,000 per year.

Commissioner Taylor stated as a point of clarification the One Cent Sales Tax Funds are restricted and thanked Mr. Sapp for presentation.

Commissioner Holt commented she was in favor of approval of the two items, pulled from the Consent Agenda.

Commissioner Morgan said there was not a logical program that was sustainable. He said it's not that he does not want to fund the program he just felt they should delay funding. He then motioned to delay funding and it was second by Commissioner Croley.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 2 - 3, TO DELAY FUNDING FOR THE QUINCY SHUTTLE.

Commissioner's Holt, Lamb and Taylor opposed. Motion failed.

Commissioner Holt then motioned for approval of the Quincy Shuttle and it was second by Commissioner Lamb.

The question was called by Commissioner Croley he said he would be in support of funding if the motion would include a business plan as to where funding would come from and a fee schedule increase. He noted his concern was how services would be sustained in the future. He stated if the motion stands how it was, he was not in support.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 3 – 2, IN FAVOR OF APPROVAL TO TRANSFER FUNDS FROM RESERVES TO SUPPORT THE QUINCY SHUTTLE IN THE AMOUNT \$24,565.00.

Commissioner's Morgan and Croley opposed. Motion carries.

10. Request Approval to Pay Invoice to Capital City Classic 2011 for Advertising and Sponsorship (Arthur Lawson, Interim County Administrator) – pulled by Commissioner Morgan

Statement of Issue:

This agenda item seeks approval from the Board to pay Invoice #61 in the amount of \$1,000 for a Corporate Sponsorship which includes one black and white full page ad with the Capital City Classic 2011.

Background:

In the past, Gadsden County has supported this event as it has been beneficial to our local area youth. The Classic has been able to give funding to local school athletic programs. Over \$6,000 dollars has been given to the East Gadsden County High School Athletic Program. Also, since the beginning of the High School Seniors Graduating Scholarship Program, funds have been raised resulting in awarding eighteen (18) Gadsden County Seniors College Scholarships.

Payment items of this nature are requested to be made under special ordinance 06-018 which addresses the expenditure of funds for miscellaneous purposes.

Section 2-141 (c) of ordinance 06-018 states in part, that authorization and approval of expenditures above \$500 dollars shall be approved and authorized by the Gadsden County Board of County Commissioners. Since the invoice is over \$500.00, staff is requesting Board approval to pay invoice.

Discussion by Board:

Commissioner Morgan voiced he was not in favor of approval, because at this time it is not a top priority. He then motioned to deny for funding and it was second by Commissioner Croley.

The question was called by Commissioner Lamb. He pointed out this item had already occurred and maybe they should look at not funding future events, if that is the will of the Board.

Commissioner Croley asked who authorized this expenditure.

Mr. Lawson stated this was done annually for the last 3 years and he authorized it as County Administrator.

Commissioner Croley commented he was in favor if Mr. Lawson authorized.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 -1, BY VOICE VOTE, TO PAY INVOICE TO CAPITAL CITY CLASSIC 2011 FOR ADVERTISING AND SPONSORSHIP FOR \$1,000.

Commissioner Morgan opposed. Motion carries.

Citizens requesting to be heard on Non-Agenda Items (3 minute limit)

Rev. Howard Adams, 503 Rosewood St. – Gadsden County Baptist Association, spoke briefly to
the Board asking for their support for the National Day of Prayer which will occur on May 3,
2012 at 12:00 p.m. on the steps of the Courthouse. He asked for a unified effort for all persons
and entities.

General Business

13. Approval of Amendment Number 2 to the Contract between Gadsden County and Big Bend
Transit to Provide for the Continuation of Gadsden Express Services for Eleven Months and for
the Chairperson to Execute the Agreement (Anthony Matheny, Planning and Community
Development Director)

Statement of Issue:

The Departure of Planning and Community Development (P&CD) is requesting approval for the Chairperson to sign an amendment to extend the current Gadsden Express Service Contract for additional eleven (11) months beginning April 1, 2012 and ending February 28, 2013.

Background:

On July 15, 2008, the Gadsden County Board of County Commissioners (Board) approved a Public Transportation Joint Participation Agreement between the State of Florida, Department of Transportation, and Gadsden County for Fiscal Year 2007-08 in the amount of one hundred thirty thousand dollars (\$130,000.00). A federal grant through StarMetro, Tallahassee's transit provider, in the amount of one hundred thirty thousand dollars (\$130,000) was awarded to Gadsden County for this project. Therefore, the total amount of this project is two hundred sixty thousand dollars (\$260,000.00). The Gadsden Express provides an express bus service to and from Gadsden County to the central bus terminal in Tallahassee with limited stops along the way.

Fiscal Analysis:

The cost for the Gadsden Express service is \$85, 140 for eleven (11) months of service (\$7,740 per month x 11 months = \$85, 140). One half of county funding is provided by StarMetro and the other half is provided by the Florida Department of Transportation. Funding from these two sources will be exhausted by the end of February 2013. Gadsden County will need to reapply for funds from these two organizations and/or budget funds to continue the Gadsden Express service after February of 2013.

Discussion by the Board:

Commissioner Taylor motioned for approval and it was seconded by Commissioner Lamb.

Commissioner Croley clarified was this for the Gadsden Express or the Shuttle.

Chair Taylor explained this funding is for the Gadsden Express.

The question was called by Commissioner Morgan. He asked about extra coverage for other parts of County and requested a written update.

Mr. Matheny commented Mr. Waters from Big Bend Transit would be the better person to discuss that particular issue.

Commissioner Croley replied discussions have occurred at the CTPA meetings and they should be pleased to know they are attempting to secure funding to get coverage to outlaying areas.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, FOR APPROVAL OF AMENDMENT NUMBER 2 TO THE CONTRACT BETWEEN GADSDEN COUNTY AND BIG BEND TRANSIT TO PROVIDE FOR THE CONTINUATION OF GADSDEN EXPRESS SERVICES FOR ELEVEN MONTHS AND FOR THE CHAIRPERSON TO EXECUTE THE AGREEMENT.

14. Request Approval of Change Order for Cabinetry Upgrade at the Tax Collector's Office Renovation Project (Clyde Collins, Building Official)

Statement of Issue:

This agenda item seeks approval for a change order request upgrading the cabinetry work at the Tax Collector's Office Renovation Project. The change order consists of upgrading existing customer service counters and work stations and licensing area work stations.

Background:

The original contract did not include the requested additional cabinetry work. The Tax Collector intended to purchase these elements as furnishings if overall funding allowed. A very small amount of cabinetry was included for this project. The Tax Collector priced out the customer service furnishings to suit the project needs at a cost of approximately \$25,000 on state contract.

Fiscal Impact:

In lieu of the purchased furniture we believe it is better use of dollars to upgrade the existing cabinetry, thereby keeping solid wood work stations, spending less up front and spending those dollars in the County. Approve Change Order Request for \$20,667.93 and authorize Chairperson to sign.

Discussion by the Board:

Mr. Lawson:

Madam Chair, Item 14 is one of the items you love it's a Change Order.

Chair Taylor:

Any comments

Commissioner Croley:

I move approval, if there is no discussion.

Commissioner Morgan:

I'll second that and I do have a comment as well.

Chair Taylor:

There's a motion and a second.

Commissioner Holt:

Madam Chairman, question. You don't need \$20,000 worth of cabinets. You can buy portable cabinets from Lowes, but my point is that in saying this, you are increasing it, when the same two Commissioners' are saying don't spend any money. Let's see what they have first, let's get the building done first and see if they need anything and if there is any money available. That's my comment and I don't have anything else to say. We can go ahead and vote.

Chair Taylor:

You wanted to comment, Sir, my apologies.

Commissioner Morgan:

Thank you, Madam Chair I actually have been down to the Tax Collector's Office and I asked the same questions as Commissioner Holt. This in fact makes sense; this is actually what we need to do. This is going to improve the efficiency down there to allow us to provide better customer service with the additional services we have now in place at the Tax Collector's Office, Driver License Services and those

type things. These are dollars that were actually going to be spent, they were actually a little bit more, they were going to spend this on different furniture in order to adequately furnish the area that was already in there, this is just a way that actually saves a couple of dollars. I commended the Tax Collector for doing that and I would ask that the Administrator comment on this, because I called and asked about these very items before I went down there. Thanks.

Mr. Lawson:

Madam Chair, would you like for me to comment.

Chair Taylor:

Yes

Mr. Lawson:

What Commissioner Morgan said is absolutely correct. The Tax Collector was going to buy off of State Contract cabinetry to go into the facilities after the renovations, which would have cost \$25,000. This Change Order actually saves us a couple of thousand dollars by virtue of reworking what he already has there, so that's why we are asking for a Change Order rather than Mr. Summerford having to go out and buy \$25,000 then he would have had to pay for installation as well.

Commissioner Holt:

Madam Chair may I.

Chair Taylor:

Yes

Commissioner Holt:

If that's the case, it should already be in the budget for that facility. You can save \$2,000 but, you are saying if it's already there, he is going to get it any way out of his budget.

Mr. Lawson:

No, I said he was going to purchase it out of the amount that we approved for financing that project.

Commissioner Holt:

Ok, then there is no reason for this.

Mr. Lawson:

You have to approve to approve the Change Order if it's over a certain amount. It's a Change Order to the Contract.

Commissioner Holt:

There's no increase if it's a Change Order. It would be that same bid amount.

Chair Taylor:

You're absolutely right. You're dead on top of this. Here is what is happening. Originally in the bid amount we approved \$400,000. He put \$20,000 in it for, no \$25,000 for cabinets. He put \$25,000 but, since that time he has learned he can get in for \$20,000. He is reducing; this is one of those Change Orders, I kind of like. He is reducing the money that is already there from \$25,000 to \$20,000. He hasn't

done anything wrong, it's just the idea of paying \$20,000 worth of cabinetry, that's where my problem is, but since it is already in there and I have clarity. Thank you all for dialogue. Let's go.

Commissioner Lamb:

I read the Tax Collector's Item and just like Mr. Morgan said he explained to us everything we're talking about, everything we have gone over. We just need to read our information and go forward.

Chair Taylor:

Everything is clear. Thank you for those comments. Was there a motion?

Commissioner Lamb:

Yes and we have a second.

Chair Taylor:

Let's move it. There is a motion and a second to approve this Change-Order, which I understand decreases from \$25,000 to \$20,000. There is a motion and a second, are there any other questions. There being none all in favor of this motion let it be known by saying Aye, Opposed same sign (no response), 5-0. Motion Carries.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0, BY VOICE VOTE, FOR APPROVAL OF CHANGE ORDER FOR CABINETY UPGRADE AT THE TAX COLECTOR'S OFFICE RENOVATION PROJECT.

***Note – Chair Taylor changed her vote for this particular motion to \underline{no} at the next scheduled BCC meeting on April 3, 2012, which made the vote 4 – 1 instead of 5 - 0. See April 3, 2012 BCC minutes for this reflection. (Motion carried.)

14a. E911- County 911 Coordinator - Mr. Buddy Peddle, Jr. (Morris Young, Sheriff)

Effective January 23, 2012 Maurice E. Peddle, Jr. was designated as the new County 911 Coordinator.

He respectfully requested a letter from the Board to satisfy Rule 60FF-6.004(3) (a) – The Board of County Commissioners shall notify the Statewide 911 Coordinator when a new County Coordinator has been designated.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE E911 COORDINATOR, MR. BUDDY PEDDIE, JR AND LETTER TO THE STATE TO NOTIFY THEM OF THE NEW COORDINATOR.

14b. Approval of and Signature on Grant Application 2012 E911 Rural Grant Application

Statement of Issue:

This item seeks Board approval of and signature on The 2012 E911 Rural County Grant Application.

Background:

This grant is effective for application in the fall and spring of each year. If awarded, this grant would afford a higher level of redundancy to our Emergency 911 dispatch center by providing new equipment and software to be installed at our backup Emergency 911 dispatch center located at the Quincy Fire Department. If for any reason the primary Emergency 911 dispatch center should go down the backup Emergency 911 dispatch center is used to answer Emergency 911 calls until the primary Emergency 911 system is back up and working. This same grant was applied for and denied in the fall of 2011.

Analysis:

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" E911 throughout the State of Florida.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, BY VOICE VOTE, FOR APPROVAL OF SIGNATURE ON GRANT APPLICATION.

County Administrator

15. Update on Board Requests (Arthur Lawson, Interim County Administrator)

Mr. Lawson disclosed the FEMA funds regarding Deer Run Road (2008) would be discussed on the April 17, BCC Agenda. He added on April 3, BCC Agenda they would discuss Adopt the Road Program, Fee Waivers on Churches, and Policy on Interlocal Agreements for the use of Fuels.

He also noted they are working on a workshop for the Land Development Code and the Comprehensive Plan and it would be brought back once it is finalized

Commissioner Croley inquired about the Solid Waste Report from Waste Pro and GIS mapping to show what improvement, etc so, they would know what's going on.

Mr. Lawson replied he would contact Waste Pro regarding the report and findings.

County Attorney

16. <u>Update on Various Legal Issues (Deborah Minnis, County Attorney) - David Weiss, Assistant</u> <u>County Attorney</u>

There was no report or issues for the County Attorney.

Discussion Items by Commissioners

17a. Commissioner Lamb, District 1

• Fire Hydrants in Lake Yvette Area

Charles Chapman stated he had spoken with Mr. Benedict; President of Lake Yvette Homeowner's Association concerning the fire hydrants and directed him to Mr. Tommy Baker, EMS Director/Fire Coordinator to get his concerns handled.

17b. Commissioner Croley, District 2

• Reminder of CRTPA meeting – March 26, 2012, he asked the Board to give their concerns to Mr. Lawson who would forward to him.

17c. Commissioner Holt, District 4

- Spoke of the need for a Grant Writer.
- Robertsville Land owner bought .78 acres she thought it was an acre of land; they were under the impression it was an acre of land. She discussed issues with zoning and setbacks. She asked for a motion to have it placed on the agenda.

Chair Taylor asked that she go through the proper channels and then come before the Board with all the information, if no resolution could be reached.

Commissioner Croley asked would this be considered a minor variance.

Mr. Lawson asked if we would allow Mr. Matheny to share discussion from the last meeting.

Mr. Matheny commented they meet with the landowner yesterday after final discussions they allowed her to place trailer on lot. He said there was the initial confusion where she thought she was getting an acre of land and it was not. He stated what she would have to do is get with a surveyor and get a legal easement to have access to her property, due to the other properties she is crossing. He disclosed she would have to move debris off the property, check with Health Department on septic tank requirements. He said there would be no variance required, the Administrator and myself made the call and they would try to help her anyway they can.

Commissioner Holt withdrew her motion.

Commissioner Croley said as long as the Administrator and the Planning Director can deal with these minor variances, he felt it was better on the citizen's not to drag them before the Board.

- Paving Road Issues, if they are on the list, she asked they go in that order for completion and move on to the next.
- Friendship Park

 And Lauren agreement of Ericandahia Bark would be a

Mr. Lawson commented Friendship Park would be on upcoming agenda.

17d. <u>Commissioner Morgan, Vice-Chairman, District 3</u>

- Gadsden Express added to the agenda for discussion
- Reminder of Workshop at 1:30 p.m. National Solar
- Landmark (Mt. Pleasant Area) asked Mr. Lawson to look into it.
- Commented on the Property Appraiser remarks.

17e. <u>Commissioner Taylor, Chairperson, District 5</u>

• Workforce Plus and Chamber Dialogue

UPON MOTION BY COMMISSIONER TAYLOR AND COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, WORKFORCE PLUS AND CHAMBER OF COMMERCE WORKSHOP TO BE SCHEDULED BEFORE THE END OF MAY.

• USDA Grants – to receive dollars in the County. She asked that Mr. Lawson look into the Contract Grant Writer \$15,000.

Mr. Lawson replied the RFP had been done for that position and they should have someone on Board soon.

- Vent in Board Room (that faces Commissioner Holt) she asked that it be looked into.
- Legislature Update she would like for Lobbyist and Delegates to give impact on the Legislative Changes to be brought before the Board sometime in May.
- Comprehensive Plan Someone with expertise to come aboard to help ease the process. She said it could come out of Professional Services not exceeding \$5,000 for this endeavor.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, FOR APPROVAL OF PROFESSIONAL SERVICES TO REVISE THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE NOT TO EXCEED THE COST OF \$5,000.

• C.W. Roberts – asked what was the next step?

Mr. Lawson commented Planning and Zoning has been documenting everything and it's available for review in the Management Office. He said the County Attorney and he would bring back findings.

Receipt and File

- 18. a. For the Record: Letter in Support of the Sheriff's Application for the Second Chance Act Grant
 - b. For the Record: Interlocal Agreement (Part II) between the City of Gretna and Gadsden County Commission
 - c. For the Record: Official Document Certificate of County Canvassing Board

April Meeting (s)

- -April 3, 2012, Regular Meeting, 6:00p.m.
- -April 17, 2012, Regular Meeting, 9:00a.m.

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING ADJOURNED AT 11:25 A.M.

GADSDEN COUNTY, FLORIDA

Sherrie Taylor, Chair

Board of County Commissioners

ATTEST:

Nicholas Thomas, Clerk of Court

Gadsden County, Florida

AT A SPECIAL MEETING/WORKSHOP HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON MARCH 20, 2012 AT 1:30 P.M., THE FOLLOWING PROCEEDINGS WAS HAD, VIZ.

PRESENT: Sherrie Taylor, Chair, District 5

Gene Morgan, Vice-Chair, District 3

Doug Croley, District 2 Brenda Holt, District 4

David Weiss, Deputy County Attorney

Arthur Lawson, Interim County Administrator

Beryl Wood, Deputy Clerk

ABSENT: Eugene Lamb, District 1

Call to Order

Chair Taylor called the meeting to order at 1:30 p.m. announcing that the purpose of the meeting was to discuss the contents on the proposed agreement with National Solar. She then asked all parties present to silence their cell phones for the duration of the meeting.

The meeting was then turned over to Arthur Lawson, Interim County Administrator who then turned it over to David Weiss, Deputy County Attorney.

Mr. Weiss introduced the agreement, which was proposed by National Solar in November, 2011 and a workshop was held in December at which time some good dialogue ensued and some modifications were made as a result. He reported that he and Ms. Minnis had examined the agreement primarily to substantiate that it meets with all statutory requirements. He then requested that the county propose a term limit for the ad valorem tax reduction period, which they can take back to National Solar to negotiate. He informed the board that whatever changes they propose to the agreement will have to be brought back to the board at a public hearing for adoption after they meet with them and apprise them of the proposed changes that result from this meeting.

Chair Taylor asked for community input prior to board discussion.

Update from Chamber of Commerce

David Gardner, Executive Director of the Gadsden County Chamber of Commerce, addressed the board. He reported the following:

"As far as National Solar to date, they have executed agreements in Liberty County and Hardee County much like the one proposed in Gadsden. They have under contract one piece of property at the corner of 267 and Highway 20, which is known as the Bradwell Tract. They are in the process of doing soil tests and surveys as well as transmission studies to determine how the load that transmission line that runs adjacent to that property and how it can handle that transmission load.

That is the quick version of where we are. They have been in touch with Mr. VanLandingham regarding the application for tax abatement. I don't know the exact status of that to date, but I know that they are in process. I think everything is moving along. I certainly appreciate the diligence and hard work that this board has given. You know, it is never as fast as we all want it, but I think it is moving ahead on their end and on our end. The result is going to be very much a success. "

Questions raised by the board to Mr. Gardner:

Croley:

I just wanted to ask a question. You mentioned Hardee County, David, and you mentioned that this same agreement is what they are looking at as well. Have any of those two counties, to you knowledge, approved this agreement?

Gardner:

Yes, to my knowledge, both counties have executed their agreements.

Crolev:

Do we have a copy of the agreements they have executed?

Gardner: i

I may have copies. I will have to check and see. If not, I can make sure that they are sent and they are public record.

Croley:

Madam Chair, I would recommend for the record that we try to obtain copies from those two respective counties of their agreements so that the attorney and the county administrator's office clearly understood what others are doing so that we can evaluate the pros and cons and add it to our information.

Gardner:

I will be more than happy to send it to the county manager and the attorney. I should be able to do that no later than tomorrow if, for some reason, I don't have a fully executed copy.

Croley:

But, to your knowledge, to this point in time without us seeing it, you are representing that this agreement, as written by their attorneys, was adopted by those respective counties?

Gardner:

I have seen the executed Hardee County Agreement. I was at the Liberty County Commission meeting when they approved their agreement.

Croley:

But it is the same agreement? That is what I am asking.

Gardner:

There may be a little bit of tweaking. So – Is it the exact same agreement? I would not want to represent that it is the exact same. There could be some verbiage that has been changed. I can give you copies.

Croley:

O.K. That is fine. I am just trying to make sure that I am starting on the same basis as with everybody else, the other counties, in other words.

Has National Solar or any of its key principals, to your knowledge, David, ever actually constructed a solar farm?

Gardner:

Principals are Hensel Phelps, which is a major partner in National Solar,

Croley:

They are the construction company?

Gardner:

They are also a financial partner, an operating partner and I would consider National Solar as basically (as James Scrivener says) a bundler. They are putting all the different pieces together. There are major entities in the financial world involved in this. I would rather that Mr. Scrivener come and address the group as to all the particulars, which I think will be forthcoming in the near future. I will ask them to do that.

Croley:

That will suffice. Thank you.

Morgan:

Thank you, Madam Chair.

David, thanks for coming and being here. I know that as we move through here, there may be some questions from concerned citizen groups and individuals, so, thanks for coming. I know you are extremely busy.

I agree with the question that Commissioner Croley was asking and I was aware that the other counties had adopted those agreements. I know that you can't stand here and say that these are the exact same agreements, however, was there anything that you are aware of that was a "standout?" In other words, I k now there may be some minor differences, but was there anything that is of major concern or something completely different for Liberty County or Hardee County that would stand out as completely different from this agreement that we are looking at?

Gardner:

I think all the fundamentals and basic terms are the same.

Morgan:

Gadsden County Board of County Commissioners March 20, 2012 Special Meeting/Workshop – 1:30 p.m.

There may be concerns as we move through today's workshop where you might be able to address – Say, "this came up over there."

Gardner:

There are a couple of "somethings" that did come up.

Morgan:

Thank you, Madam Chair.

Holt:

Yes. Mine will come after the citizens input. That will work out better.

Taylor:

Thank you again. Please remain close by.

Gardner:

I will be close by.

Taylor:

I want to thank the Property Appraise for being here and we will hear from you with regards to your note that is on this application. You did give us some heartburn at our last meeting as to moving through its process. We know how important it is as it is to come up with an agreement between the bodies. So, be prepared in just a few, O.K?

Now, I do see two community people, actually three or four community members. Do either of you want to speak at this time? I want to give preference to you in how you want to go forward. We prefer to have input from the community at this time and let your thoughts be our basis. That is how it is supposed to be. So, we will yield to the lady. Come on up, young lady. Give us your full name and your current address.

Laslie:

My name is Marion Laslie, 5 Dante Court, Quincy, FL.

I actually have a hand out for each one of you all. I went through the contract, the revised contract, and noted all of my concerns and things that I see as problems for the county. I think that you need to remember that whatever agreement you sign is going to be here for a while and you guys are not going to be the ones still here in the end, so we need to make sure that the county is protected. So, if I can just hand out my – it is all done by pages and by sections. I just have a little reference as to what my concerns are with the language. As you go through it, you can address my concerns.

(Pause)

Taylor:

Alright. Are there any other citizens that wish to come before us and speak at this time?

Dorian:

My name is Michael Dorian. I live at 145 Alligator Run.

One thing, well, there are several things that I am concerned about. Probably the first one is toward the end of the economic agreement it says that anything that we say in meetings, any oral agreement that we make, any emails, they are negated by the document itself. So, let's just make sure that everything we want is in the written agreement. We haven't talked about setbacks; we haven't talked about vegetation cover; we haven't talked about drainage. While in the meetings, we did talk about imminent domain and all of that has to go into the written contract. Right now, the way I read the contract, it is kind of one-sided.

Ms. Taylor, may I ask Mr. Gardner a question?

Taylor:

Sure.

Dorian:

David, you said that there were some other counties have accepted this. They didn't go into the fact about setbacks?

Gardner:

Those type issues, Mike, are covered in the application for the specific property and the Planning and Zoning surrounding each individual parcel. But, I think that National Solar, if it is not in the contract, they don't have a problem with putting in appropriate setbacks, etc.

Dorian:

All that stuff, when we met before, the things we made agreements about , did they could go into here?

Gardner:

Yes. But, depending on the situation, it could be much greater that what the exact footprint that they have to operate with. Those setbacks and boundaries and covers could be greater. But, establishing some minimum setback, I know we did talk about it, but I don't think the other counties put that in. I will have to check. I think it is covered in the Land Code. I will defer to Anthony on that.

Taylor:

Hold on just a second. (Inaudible) unless there is some rule change. You were going to say something.

Morgan:

I appreciate that. I think maybe David or Michael , Mr. Dorian, ah. Our attorney may have some input here, but it was my understanding that this is the "economic development agreement ." We want to list out, obviously, what we expect from either party. But, when it comes to land use and those type things, setbacks, drainage and those types of things, unless I misunderstood, they are going to have to meet those. That is going to have to be approved through the normal process anyway regardless of what is in here. I don't know that it needs to be included in the actual "economic development" agreement. I don't know that to be the case. The attorney may have some input on that.

Taylor:

Fine. Let's get some input from the attorney.

Weiss:

I think that is right on, Commissioner Morgan, but I will tell you what I actually did. Just because I knew and I was preparing for this meeting today, I went back through my notes from previous workshops and what not and I made a few changes. Not substantial. I did not disseminate this document because it was yesterday and I didn't want to confuse things. But, I made a couple of changes and I did specify under Section 4.1 where "Permitting, Inspections, and Zoning" that they do agree to comply with all applicable zoning and Comprehensive Plan statutory requirements because that was one thing that was one thing that came from that workshop and they are happy to do that. All they want is us to agree to process applications in a timely fashion. They are going to comply with whatever Growth Management sets forth and they are going to comply with all the county's regulations regarding the site development. That is going to be on a site specific basis. This agreement is going to cover however many sites they ultimately end up developing. While you could probably establish a minimum setback for any site, I think that Growth Management would say that it is going to depend on the specific site as to what appropriate setback would be and those types of things. That is just the way it is.

Dorian:

Now, that opens the question, "If we are not going to have set regulations, will the Citizens Bill of Rights kick in?" So, for each of the 20 farms, we will go through a Citizens Bill of Rights process?

Weiss:

Yes. And that was another thing that I did add in here. I specified the Comprehensive Plan, the Land Development Code, and the Planning Bill of Rights, any applicable statutes, - I mean, I wanted to cover all our bases. But, the answer is "Yes." If the Citizens' Bill of Rights is in play, then, yes. They are not avoiding any of our normal county requirements.

Dorian:

O.K. But, now this solar farm is not your normal development. While I think a lot of the questions, ah, I have met with David and I think a lot of the questions have been answered, but, one of the major things that I am worried about is that conduit going from the solar farm to the grid. They are going to carry a lot of electricity. I just want to be sure that we have things written about imminent domain and that a neighborhood is not going to suddenly see high-powered transmission lines coming through the middle of their neighborhood. In this process that we are doing, we can discuss more than just what is in here. We can discuss setbacks.

Weiss:

I think the answer is there is not necessarily a limit to what can be addressed in this agreement. But, it is entitled "Economic Development Agreement." If you start trying to expand it to address every potential issue that doesn't relate to economic development, you are changing the scope of the agreement to some extent . I will defer because, like I said, there is no limit to what can be addressed. I think that Growth Management Director would like to speak to this if we can.

Matheny:

The process in which each of these farms will have to be approved will require a Citizens' Bill of Rights hearing at the property, on the property. It will have to be duly noticed and advertised. It is a special exception, a utility use, anywhere in the county on any land use district.

A special exception means that it has to go through the Planning Commission public hearing; it has to come to this board for a public hearing. As with any special exception, you can deny it for whatever reason you decide that you want to deny it. If you don't like it when it comes through the process, you can deny.

Now, they will have to submit a detailed site plan with a storm water analysis and all the other things that the gentleman referred to will be covered at that time for each site. If there is something like the transmission lines come up and you don't think that is a good idea and want it removed – that is within your power to make those changes or require those changes at that time. So, all of these items will be covered as each farm comes up for review and permitting.

Croley:

May I ask a question?

Taylor:

Yes, sir.

Croley:

I want to step back a minute. Whenever this idea was first brought to us, and I thought as a group we generally presented that the solar farms track with some large scale agricultural land, Silva culture specifically. The AG 3 and 4 tracts that we see on the south end of the county and on some possibly on the north side. If there were transmission lines, it might fit. But those tracts we were going to make available some type of zoning opportunity on those tracts to fit with this "newer technology" and that by doing that, we would be able to address any of these concerns in the agreement, I mean that is what I recall. I might be wrong about that. We were going to be a little bit more specific.

Now, obviously, if you got off of those Silva culture tracts and started getting into the more AG 1 or Ag 2 or into the rural residential areas, which might trigger a whole different consideration. But, I thought that this would put us in a competitive position with Liberty County, Hardee County or any of the other rural counties that were looking at this. Now, it sounds like we are back to whatever happens on AG 3 or AG4 land is now going to be treated with no different process that what we were using for the more densely zoned areas. Do I understand that is what you are talking about doing now?

Matheny:

Commissioner, what happened was and hopefully the administrator will recall like I did, when we brought the item about how to expedite the process or make it a use by right in certain land use districts, that it didn't get any further because there were several commissioners who voiced their concern at the time that they did not want to give up the public hearing approval and the oversight process and they wanted to be able to deny the project in any land use district. So, we didn't go any further with it. Right now, it is listed in our Code and in our Comp Plan as a utility use, which requires a special exception approval in any land use district. In fact, one of the problems that goes back to what Chairman Taylor said this morning, we need to have a lot of work on our Comprehensive Plan and Land

Development Code because sometimes they contradict themselves. I think in the Comprehensive Plan it says that Utilities Uses are allowed by special exception in any land use district. Then when you go to the Land Development Code, it says in AG districts. So, for really practical purposes on where they would put the farms, they would be AG districts, most likely in AG 2 and 3 and probably 3 in overwhelming amount of times if not all of the time, they would be in AG3 districts. That is 1 house per 20 acres. So, I think that we didn't go any further on that, Mr. Administrator, the way I remember it. There was some disagreement on giving up control and having it done as an internal, by right, for lack of a better phrase, internal review. Ya'll wanted the final decision of whether to deny or approve.

Croley:

Well, Mr. Matheny, I appreciate that point, because like you, I recall some of that discussion. I was just referencing that historically that is originally how this came up. Three and four AG land on the Silva culture tracts. But, now we are getting here in this agreement, Mr. Attorney, this is where I am concerned. I had wanted to see this be reasonable smooth for National Solar to make its plans without there being a lot of hardship placed on them moving the technology forward and keeping it away from the more populated areas and the productive agricultural areas. But, when I read in here when you are talking about the expediting processes and all – 14 days. Often times this gives the impression that this is a done deal if they do make an application. I understand that you are shaking your head saying, "No, it is not," but just the terminology would imply or one could infer that if they came and asked for a solar farm on AG 2 of AG 3 land somewhere in the northern end o of the county or even closer to the more populated areas, that they would automatically get it. I think that is what the concern was with the commissioners at the time. How do you respond to that?

Weiss:

Well, that is actually one of the sections that I referred to for that 4:1 that I had revised fairly substantially because I agree with you that it does kind of give that impression that they are going to be fast tracked essentially, which is not what I think was the result and what everybody understood including National Solar. I don't think anybody understood that to necessarily be the result. I think what they wanted was and what my understanding of what the board wanted and wants or wanted at least, and you all can tell me if that is what you still want, but was all applicable regulations and rules were going to continue to apply. They just wanted an assurance that their applications were going to be processed as quickly as possible under the current rules and regulations. That is why I took out "14 days following submission." You know, that doesn't mean anything. Basically it said, "If possible or provided that everything is compliant." Frankly, I just struck that because I agree with you. I think it gives the wrong impression at least as far as the way that this reads and my understanding of what everybody wants.

Now, I don't think, I think that in order to change some of this, you could go back and say, "Well, yeah, within 14 days, under certain circumstances," but there are some things that you can't change. You have statutory notice requirements with regard to public hearings for land use amendments and so on and so forth. Not everything is within our control. But, there are things that are within our control, but as Anthony just said, if you are sticking with the normal process under the Land Development Code and the Comprehensive Plan, you either have to say, "We are going with that process," or "We are not." My understanding is that we are in which everything is applicable. We can expedite it and move it along as quickly as possible and make sure that it doesn't sit in a stack on the corner, but, it is

Croley:

Well this is why I was asking what others had done. I surely don't mean this in any disrespect to our neighboring county, but I keep telling people, "Liberty County and what they do is not necessarily a model to go by." I am just trying to say to you that this is something that we need to consider because I want to make it clear and I think everybody in here is in agreement with this, we certainly want to put out a good welcome and cooperative effort and sincere and straight forward for Nation Solar. But, we just can't ignore the public duties to treat them in an accountable fashion, especially since they were asking for some other things. So, how to do that, I don't know and I am depending on you.

Taylor:

We are still at this phase of citizen input, so let's stay with that and then commissioners will then have its dialogue. But, right now, we need to stay focused as we move through the process.

Dorian:

I am getting my questions answered as you all discuss. One thing that I wanted to ask about – about the 14 days is – Could someone else come in and sue us and say, "Hey, I was first in line and you are letting these folks go past us." That is one of my questions. That is just one.

Let me get back to my little list here and try to push through it. As I said in my introduction, I am really pro solar energy. I have 60 hours toward my solar energy certification. I bleed photons. I really would like to see this thing happen here in Gadsden County. I think it would bring a lot of money. I think it would be good for a lot of people. The other side, though, is that I am a tax payer. Everywhere in this thing it says, "the county will pay the fees, the county will reimburse," you would put in there, "the tax payers will reimburse. The Taxpayers." You know, this thing - ---I am on a fixed income. I am retired. I'll never really be retired because I've got some fix-up homes and I will be doing manual labor the rest of my life. I know that a lot of people are going to make a bunch of money on this thing, but, I am looking at taxpayers and wonder what the taxpayers are going to end up with? That is both sides. That is both sides.

Let me get to one specific concern that I have. That is assignment. I don't understand it. Maybe ya'll can help me. Let me find assignment here. It is number 10. It says "Assignment: The owner shall have the right to assign this agreement in whole or in part including any applicable county incentives or state incentives as follows:" then it has an A and B. Under the "A" it says, "to another solar farm." Then under "B" it says, "to REIT," a real estate investment trust. And I don't understand what that is, but maybe David could answer this question. Will this only be for Solar Farms or can they sell this to another AG 3 applicant? Could they sell the incentives to a hog farm or a tomato farm? They want wells on all their properties. Could we see water bottling plants? I don't understand "B." Is there any way that we could make "B" a little bit clearer in that the only business that is going to be on these 20 properties will be only solar farms? I don't even know what a REIT is. I can't see us — why would we be giving other people these incentives when it is meant for solar farms?

Taylor:

We are taking your comments and you are saying some of the same things that we find on Ms. Laslie's paperwork. We are going to address it, but right now we are taking public input. Then we are going to address them once the public input is completed. So, you won't get a response now, sir. Just voice your opinions, then we will address them as we go along.

Dorian:

O.K. Let me go through them.

Taylor:

We are waiting.

Dorian:

O.K. I already talked about the 14 days. I have talked about the fact that it says county fees will not exceed \$10,000 and then there is another place that talks about \$30,000. I have already talked about the fact that any time you say county fees, you could say tax payer fees. I am concerned about us being co-defendants in law suits. If this board remembers, the last attorneys we had almost broke us. I think that the attorneys we have now have been very reasonable. But, this thing is talking about forever. It says that "even if this agreement expires, the co-ownership of any lawsuits keeps going and going. I don't know. I may not be understanding the legalese, but I am wondering if the county could be getting involved in law suits that happen on this thing. I am pro solar. The abatements don't bother me. I think there are a lot of other counties and the State of California that give it all kinds of incentives. They don't bother me as much as this thing about lawsuits.

Let me see. A lot of this stuff, you have already answered. I guess the last thing that I want to say is imminent domain would be addressed and that imminent domain would be part of the contract. Progress Energy would not be able to come in and put in a large power line through a neighborhood.

That sums up my concerns and I appreciate you all listening and I want to say once again that I would like to see this thing happen and I know that a lot of other counties and states have given a lot of incentives to have solar here. I think that Solar is the future and I want to see these folks come here. But, I don't want to see the tax payers totally take all the responsibility.

Thank you.

Taylor:

Thank you, sir.

Are there any other public comments on this particular item?

Pam Harrison Tribue, 628 South 9th St., Quincy, FL

My position here today is two-fold. I am here first as a mom. I have a 19 year old that enjoyed the public schools of Gadsden County. I have nieces and nephews and a lot of relatives that live here and I am looking forward to their future. I understand that a part of that is creating a school system that we can proud of and I am glad that we are on the mend and things are going really well. I do recognize the impact that the solar farms and other entities coming to the county will have a positive impact on our school system and our overall county.

The other part of my position here is as the program director for the Small Business Service Center. What we do all day every day is encourage businesses to either stay and grow and encourage people to move to this area. Small Businesses can go from one employee to 500. That is the technical name for a

small business. I am excited about the possibilities or the doors that the solar farms will open for Gadsden County. I definitely support them coming here. I am excited about the future and I trust that you all will make a decision that is best for all our Gadsden County citizens.

Taylor:

Are there any other citizens that wish to have input?

There being none, the next step will be for us to look at this agreement and see if we can move through it expeditiously, but still with quality.

I don't want to go by item by item. I do appreciate some of the ideas that Ms. Laslie and Mr. Dorian have outlined as well as Ms. Tribue. I am going to lead with some of their ideas, but as always, I will lend to my colleagues to go first. If we can be a bit more pointed as to what changes we would like to see, and of course, you are taking notes, sir as well as the manager. The Clerk is recording also. So, let's be pointed with our suggestions.

Mr. VanLandingham, Let me ask you one quick question please just as to where we are with the application. Is that moving along as well as it can be expected?

Property Appraiser Clay VanLandingham:

Yes, ma'am. I spoke with

Taylor:

Would you mind coming to the podium so we can record your response?

VanLandingham:

Yes, ma'am. I corresponded with Mr. Eric Williams, the vice-president, last week on one or two issues and before then. He said he would be getting that final application to me, like I said to you all the last time, he turned in a, I don't want to call it a "Make Believe," but, I can't remember what I called it. But, it was a sample that he turned in with some estimates on it. Some numbers in some places — I had some questions about some of those numbers. I questioned him about those numbers and he gave me answers that I will bring up with the board when we get into the final days me approving the application and having all of my questions answered.

Taylor:

So, we are moving along simultaneously with the application and the agreement and whatever else the staff needs to get done so that we can get through this with the attorney?

VanLandingham:

Yes, ma'am.

Taylor:

Alright. Thank you for those comments.

Commissioners, Mr. Attorney, are you ready to proceed? Is there anything additional that you need to add to what has been said by our constituents? Or are we just ready to get input from commissioners?

Weiss:

I think we are ready for your input. I will let you know that I have been in touch with National Solar's counsel as recently as I spoke with him on last Thursday or Friday of last week. He is aware that we are having this workshop. He actually inquired as to whether he or any of their representatives should come. I left it to his discretion. I told him what this meeting pertained to and said, "You certainly will get the results of this meeting through me and through our negotiations. If you would like to be there for first hand or your client, you are welcome. I think they decided they didn't necessarily need to be here for this. I think in the future, if we ever want them to be present to answer questions or anything in the future, they are happy to do that. So, you just need to communicate that with me and I will communicate that with their counsel.

Taylor:

Alright. I appreciate that.

Morgan:

Madam Chair?

Taylor:

Yes, Commissioner.

Morgan:

Just a quick question for Mr. Weiss. Thank you for being here. We appreciate it. You had referred to the fact that yesterday you had made a few minor changes to the agreement. That is not the copy that we are looking at. Is there anything that you can mention now before we move forward that might help guide us?

While he is looking at that, Madam Chair, will there be a reason in the future where we would not want to have the attorneys from National Solar at all of these meetings?

Taylor:

I think it was more prudent that we have this meeting with just ourselves as opposed to having them here. This gives us a chance to catch up with the dirty laundry and I don't want them to leave here thinking that is the case. I think this meeting here is going to be that "down and dirty town meeting." I say that for lack of another word. I don't want them to be here getting the impression that this is going to be monumental task. We just need to work through the fundamentals. That is all we are trying to do today.

Morgan:

I agree with that. I am referring to as we move forward. You know, we are going to be getting into crunch time and if they could be here to quickly address something, it may save us time.

Taylor:

It is just this meeting here where we are trying to make sure of getting down to the best single finished product that we can. Let's sit down here this afternoon with our attorney this afternoon and be done with it. And you are absolutely right, commissioner, in that we should now have them in to following. I

thought of the same thing. After we give you our product from today, and you go over it and insert the changes if there are going to be changes, then let's have a joint meeting. I am on board with that.

O.K.? Alright.

Now, you were going to mention some of the things that you have already addressed.

Weiss:

On Section 3.3 – Employment and job creation. I modified this just to comply with the statutory requirement that they create a minimum of 10 or more new jobs. I didn't change a ton other than that. I was not specified in 3.3 and I wanted to make sure that was specific and complied with the statutory requirements.

3.4 Reporting Requirements— I made it clear that they have to submit the form to the Property Appraiser as required by Statutes, which is the form that the Property Appraiser just spoke about. Also, I added some requirements in terms of reporting requirements that are statutory requirements at the beginning of the application process. To me, it is probably desirable to have them continue to annually report to make sure they are in compliance with all the statutory conditions and continue to have an annual reporting requirement, which they do. That is in 3.4. They proposed that, but I made some of the requirement specific to the statutory requirements.

Croley:

Excuse me, where did you make that change?

Lawson:

You don't have that copy.

Weiss:

I am sorry, when I was going through yesterday, because it was yesterday when I was going through it and just making preparation for this meeting, I wanted to make sure that I was fresh and had all my notes in front of me. So, what I did was I went through and for my purposes, it was easier to do it that way that it was to make notes and reference.

Croley:

Well, when you make that adjustment, make sure that you include not only National Solar, but all of their special entities that they create and all of the real estate investment trusts and any and all associated subsidiaries any way possible. That is going to be a lot left out if you just interject National Solar.

Weiss:

Yeah, and I think that is the change that I basically made. Yes, exactly. I think the way that they define "Owner", but yes, I will make sure that that everyone is required to report. Absolutely.

We already touched on 4.1. I just changed that to make sure that it was very specific that they would comply with all county and state regulations with regard to land development. The language is more specific than that. But, I thought that we had all kind of decided on.

One thing that I wanted to note on 4.2, which I didn't make as a change, but we are agreeing to here is agreeing to administratively initiate and expeditiously process any required changes to the Comp Plan. If it is an administrative change, then they don't pay any fees. I know that is a big part of what they are trying to get around – paying any fees. Now, there is that \$10,000 cap in 4.3. Now, that will be in addition to that \$10,000 cap. They also have an administrative processing of the comp plan change. I just wanted to note that. It is not a huge deal, it is what it is.

Croley:

Well, may I ask you a question on that one?

Weiss:

Sure.

Croley:

Construction and permitting – if I am reading this right, should not exceed \$10,000. You are saying that this only applies to the construction and permit fees that are related to the inspection of the facilities that are being built and things of that nature.

Weiss:

Yes. I guess, depending on how you want it. I think that is the way that I would construe that.

Croley:

Well, don't you think you need to make that clear in the agreement? Either it is or it isn't.

Weiss:

You mean it is to the exclusion of

Croley:

I am just trying to say that it looks ambiguous. If we could have a more clear understanding - either it does or it doesn't - I don't know what is appropriate, I am just asking you. It looks like a gray area and you ought to be able to clear that up with wording and work that out with the other side's attorney.

Weiss:

Yes, absolutely, but, I think that is something that will be a good result from this meeting. If we have a suggestion on what we would like that to apply to – that is where I can go back and say, "O.K. this is ambiguous, we need to be specific and here is what we would propose." But, I think that is yours, in terms of – when you get down to the finances and the incentives and so on and so forth, I obviously want to make sure that we are in compliance with all statutory requirements, but, as far as the dollars, I mean, that is your call.

Croley:

That is why I am bringing it up. Somebody needs to say what you want that \$10,000 to cover.

Morgan:

Mr. Weiss, David Gardner may want to comment on this, but I thought and what I heard when they were here before was is that they intended – they said, "Look, we are coming here with a major investment. We are asking that these permitting fees be capped at \$10,000. That was my understanding. I don't know what is complicated about that. That would include everything.

Weiss:

Well, I think what Commissioner Croley is

Morgan:

That was my perception, but, I could be wrong. I don't know. But, I think from their side of the table, that is what they are saying. David may have some insight on that. That was a while back.

Weiss:

Well, I am certain that if you asked them, they would say, "Yes, we would expect that we would not have to pay fees that in excess of \$10,000. Period.

Morgan:

Yeah. But, I think when they were here, that is what they were expressing to us. I think that is how they are reading at that point. I am not arguing with Commissioner Croley, I am saying if there is something in addition that needs to be there, yeah, we need to put it there because from their prospective, they are talking about everything. I assume that would be everything. Is that right, David? Am I incorrect on that assumption?

Taylor:

Just a minute, Commissioner, I want to acknowledge you, but Commissioner Morgan still has the floor. You can call him up if you chose.

Gardner:

That is my understanding, but, I think the attorney needs to have that conversation with them to find out with clarity.

Taylor:

No, this is our time for putting an agreement together to send to them based on what we think it should say. If the board votes for it to stay the same, it is o.k. But, if we put forth more language – because right now it is the direction that we want to give them in order to move forward based on what is already here. So...

Gardner:

I would like a few minutes to look through my notes just to see if I've got something there.

Taylor:

Sure. Absolutely. You are welcome to come back. Sure.

Madam Commissioner?

Holt:

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Madam Chairman, thank you. I was going to say, "Turn the air down and I can get started." (laughter) I am about to freeze, and I know it is warm over there.

Croley:

She said, "Turn it down."

Lawson:

Alright.

Holt:

Just stop it from blowing on me, O.K?

On that section, I pointed an arrow towards "administratively," and that is one that you brought up. I kind of looked at that one, too. What can it be that causes it to

Croley:

They are not listening to you, hang on.

Taylor:

We tried to keep that air off of you.

Holt:

Well, just put a thing on the bottom and be through with it or just turn that one off.

Taylor:

There is a little lever that adjusts it.

Lawson

Yes, but it turned all the way down.

Taylor:

Well, turn it up and away from her.

Lawson:

Alright, we will work on it.

Holt:

Anyway, let's get back to the agenda and let them fix that. You might not believe it, but I have an EPA certification in air conditioning and refrigeration. I didn't say I could fix anything, I'm just saying that I can take tests.

O.K. the administrative part. I looked in that section – 4.2 and I drew an arrow to it because I wanted to know how much could be done administratively. I think it would help us to know what fees have been charged by other companies that have done that. We don't know. We don't know what permitting fees have been. I put down here for those other locations – are there preliminary sites that Mr. VanLandingham was talking about. What preliminary sites are they talking about? We haven't seen

them. We just need to see what we are talking about. I just think that helps a lot. If we need to move on, we can move on, but we don't have anything tangible. It may not be this company. There may be other companies that have done this. This is brought to us because I asked Mr. Gardner, "Do you have a picture of one?" This is like buying a horse. And, I should say horse, but just like buying a horse, you would ask, "What kind is it?"

Taylor:

You need to stay about from that subject.

Croley:

Yeah, you had better stay away from horses.

Holt:

I shouldn't even say "horse", right? (laughter) I am going to say "animals" because I love 'em. I am going to six of them. That is cute because I love for them to attack me on this board about stuff like that. That is really cute. But, no

Taylor:

No, we're not. I am not going to let nobody attack you. We are going to have good dialogue. Listen,

Holt:

No, no, no. I am not finished. I have some other things.

Taylor:

Oh, O.K. Did you hear that double negative, I said "nobody."

Holt:

On 4.4 they want to be given priority for inspection until completion. That is fine, but, it should be "when possible." If you have someone else to come in and we only have so many inspectors running back and forth, do we let the other company wait? What do we do and how do we handle that? I expect for the Tourist Development Council, the Chamber and WorkForce Plus would be going after permits and companies at the same time. I want this one to be fast tracked if we can do what we can do. But, when it is possible, we want to be able to give them priority, but only when it is possible.

On this \$10,000 in 4.5. Like I said, what have been some fees that have been required to be done for these types of businesses? If we could get some information on it, we will know whether we are within range of what we need to do. O.K? I know some of you listen to Jerry Clower and I used to love him, and he said about the chandelier, they asked an elderly lady in the church, "What do you think about this?" And she said, "I think we first need to get electricity before we can light that chandelier up." I just need to know what it looks like and I want to move quickly on it. Like I say, I talked about solar energy to the Legislature two or three times. What is a good number on that Section 4.5. We are going to grant the money back at those sites where it says, "possible location?"

Morgan:

Where are you reading from?

4.5. You see right there on the fourth line going down in that paragraph, it says, "possible locations." Now, are we going to do it on the locations that they do the study on and they have the locations? Then we are going to refund the money, but you can't say "possible locations" because what if they don't work out? Are we going to pay for those too? If they don't complete them, do we pay for them also?

Weiss:

Excuse me, I don't want to speak out of turn.

Holt:

No, no, no. You go ahead because I have some other things.

Taylor:

Would you yield to him?

Holt:

Sure.

Weiss:

Well, I think that is probably their idea. What they are doing right now on one site is their due diligence. They have a contract and they are checking to make sure the site is going to be suitable to do what they want to do. Yeah, I think their expectation would be that doing the due diligence on a site that doesn't work out is the same as doing their due diligence on a site that does. I mean, you've got to do it either way. I think that is their prospective. Yes, it would apply. From their prospective, they are looking to get \$30,000 back. But, they are not looking at it until they have actually completed one site. They may do due diligence on three or four different sites. Hopefully not. Hopefully, they are identifying sites that are going to be appropriate without having to test six or seven different ones. But, they are not going to get anything back until they actually complete the one and it is on the tax roll.

Holt:

Alright, I understand. I put notes beside the same thing. But, what is too much for us? That is where I am headed. This \$30,000 cap. That is \$30,000 times ten. What is too much? Let's get at least one site on line and I am not really saying to do this, but, I am saying that it is something we need to consider. We need to have a number there. That is why I put question the word "possible." I wrote down here "What is too much?" What is good for us? Remember, we are not going to have that money from the tax roll. The Property Appraiser already told us that. If they put that money out there and do the studies and we agree to give them the money back, where are we going to pull the money from in order to give it back to them? Are they going to pay the money and then we reimburse them? Or are we saying that we are going to pay them?

Taylor:

Do you want that questions answered now?

Holt:

It is going to have to be.

Taylor:

That is a great question because I have pointed to it. Mr. Gardner, can you answer that question about the \$30,000?

Gardener:

I will be glad to.

Commissioner, these are the pictures that you asked for if I may approach. Some of those are the Jacksonville facility. No fees, and again, I will confirm this with the attorney on his draft, but no fees are paid until they pay. The county is never out of any money. That was by design. There is no refund and no compensation mad back to National Solar in any way that . It is a one-time rebate, refund per solar farm. Max. One year. One time. After they have paid the taxes.

Holt:

Question.

O.K. we are telling them that they are going to get ten years tax free. And you are saying that they are going to pay. Who pays the fees? They find a site and they are ready to go and how do we pay them back?

Gardner:

They don't get a refund back until they start paying the taxes.

Taylor to Commissioner Croley and Interim County Administrator: Gentlemen, gentlemen. Commissioner. Quiet please.

Gardner:

They finish this year, they are taxed and whenever they pay the taxes, within 30 days the county will write a check after they have paid. So the county is never out the money. The county will not front the money.

Holt:

Well, how does the tax abatement work as far as that goes?

Gardner:

Well, it is 83% on the county tax side. So, they are still paying taxes and I've got the spreadsheet showing what each farm will pay in taxes. The first year, I can't remember, but maybe it is \$50,000 to \$60,000.

Property Appraiser Clay VanLandingham:

50 grand roughly the first year. That would be the 13% to the county, rather 17% to the county.

Taylor:

For one farm?

VanLandingham:

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For one farm.

Holt:

O.K. Now we are talking. Let's talk about just one farm. One farm and \$50,000 is paid in taxes.

Morgan:

The first year.

Holt:

Well, we know that. O.K.. We then refund them back what they paid for studies up until that farm came on board. Alright. So now if that farm is on board and we only have \$50,000 with which we can refund back to them, but at \$30,000 a pop, they didn't really do but one study. Then you have only \$20,000 left out of \$50,000.

Gardner:

That is one farm.

Holt:

Right, but what I am saying is that you could only do one study.

Gardner:

Well, they can do as many studies as they want, but it is based upon additional farms before they get any money back.

Holt:

I understand that. But, what it says is "possible locations." So, if they did ten studies, but they only developed one farm, where do we get the money to pay them back? That is what I am asking because it says \$30,000 per farm.

VanLandingham:

Once the farm is on line and they pay the taxes, year two is going to come along and they build another farm.

Holt:

But, think about this. I am saying they developed one farm and let's say they did four studies. That would be \$120,000 possibly that we would owe them back even though they did only one farm. It says right here, "possible locations."

Gardner:

I don't know if I can

Taylor:

I am very clear about what she is saying. The language needs to be tightened up to indicate that we will pay only when there is a completed farm ready to start bringing in solar generated electricity. If they do 20 surveys, but when that farm is completed and ready to start operations, that is the only time that we spend out that \$30,000. That does need to be tightened up. At that location. They can do as many as

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they want to in that one year, but we are only going to pay for that location based upon its completion. Am I correct?

Holt:

That is where I am.

Taylor:

Is that correct? That is how it needs to be spelled out and be very clear.

VanLandingham:

You don't want them to do five studies to locate one farm and us pay \$30,000 each time.

Gardner:

In my opinion, they can do as many studies as they want, but they only get reimbursed one time.

VanLandingham:

Right. Up and running farms.

Taylor:

One actual location. This is it. We did 15. Here is what we got. I am still not entirely in favor of the \$30,000 to be very honest with you. My question is - Commissioner, may I get this one question in on this - Does this \$30,000 include the \$10,000 for the construction permitting?

Lawson:

No.

Taylor:

It is not. So, this \$30,000 is in addition to the \$10,000.

Croley:

It is \$40,000.

Gardner:

It is \$40,000 one time.

Taylor:

\$40,000 one time.

Now, you mentioned \$50,000 a minute ago. And Commissioner, this is my last question.

Holt:

Sure.

Taylor:

When you mentioned the \$50,000 a minute ago. Was that \$50,000 after the 83% back to them? Was that our \$50,000?

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VanLandingham: That is our 17%.
Taylor: Now, in that 83% that we are giving them, is this \$40,000 a part of that 83%?
Lawson: No.
Holt: No.
Taylor: So, they are going to come and want additional out of the \$50,000 that we get? Are we clear?
Holt: Sure.
Taylor: We give them \$40,000 and so at the end of the day we come out with only \$10,000?
VanLandingham: For the first year.
Taylor: Alright. Get me a marker. I will mark through this.
Weiss: May I clarify?
Taylor: Yeah, you need to clarify.
Weiss: Alright. Section 4.3. It is a cap. It is not giving them anything back. It is saying, "If their permitting fees exceed \$10,000, the county will eat whatever is in excess of \$10,000."
Taylor:

That makes it even worse.

Holt:

That is why I said we need a copy of what has been done. We don't know what ever has been done.

Taylor:

I know a basic home fee is not as much. But, when you are talking about construction of this magnitude – Clay, will you come to the podium?

Weiss:

I just want to make sure that we are

Taylor:

Mr. Matheny, I need you to come up also.

Holt:

I know one homeowner who just paid his fees and it was \$8,000 and something.

Taylor:

Excuse me for just a second longer.

In the last two years, my question to you is – I am trying to get an example that we can kind of guide ourselves with because there are so many different kind of fees. In the last two years, what major development has this county seen? Major development? Something that cost upward of \$2 million.

VanLandingham:

The construction of the Pipeline by Florida Gas Transmission.

Taylor:

Alright. Stop right there.

Did the county have to go in and do any conveyance or permitting etc.

VanLandingham:

I don't know if there is any permitting required. They already had the rights of way.

Taylor:

That won't be a good example.

I am trying to figure out – My question is, Mr. Mathney, based on the development of this side, how much above \$10,000 are we going to be looking at in terms of in excess of the fees?

Matheny:

Probably quite a bit.

The \$10,000 – if the county is going to pay for anything over \$10,000, the first solar farm that went in, it would far exceed \$10,000 in fees. We got your advertisements, your site plan fees, building fees, you know that is based on the value of what is being built. It is probably going to far exceed \$10,000 on just the first site, so, you will use up the \$10,000 on the first site.

Weiss:

I just want to make sure that I clarify this. Each solar is \$10,000. I sounded to me like – I am just trying to make sure that everybody understands. I am not trying to aggregate anything at all. I am just trying to make sure that the \$10,000 applies is per farm. We are looking at it from a "Per". Each farm that is built is capped at \$10,000. So, the next farm, there is another \$10,000 and the next one is another \$10,000.

Matheny:

O.K. But, it is still probably going to exceed the \$10,000. I would guess. Clyde is not here and he is the one to answer, but the major or the bulk of the fees come in on the value of the project being built. So, if you've got a 200 acre solar farm with a millions and millions of dollars, the building fees would be astronomical. From his department.

From my department, there are all going to be similar because it is the cost of the advertisement s to have the public hearings, it is our site plan review, our storm water review, and it may be \$4,000 to \$5,000 or somewhere in that range.

But his fees are going to be astronomical.

Holt:

Madam Chairman, may I?

Taylor:

Yes, ma'am.

Holt:

You are asking questions to where I was headed with this. The only thing that I can think of that we had is what Greta had. I can't think of anything else that we may have had. What were the permitting fees out there? With the poker room and the horse track and all that?

Matheny:

That was the City of Gretna. That didn't have anything to do with the county.

Holt:

But, don't we do the inspections for them? Do they do theirs separate?

Matheny:

They do theirs separate.

Lawson:

They do their own.

Holt:

O.K. I was trying to think of a project where we could get some idea.

Taylor:

Yes, sir.

VanLandingham:

I some of my discussions with National Solar and with property appraisers from some of the other counties where these other sites are mentioned, if they were take this 2000 acre tract and this project was going to be considered to be phased in, would you not do your site assessment on the entire 2,000 acres and then that would be the one-time fee they had for the whole ten farms? Then would that building permit cover that phase or is there going to be one building permit per 200 acres?

Matheny:

I can't answer the building permit part. Now as far as our part, we could, if you had a 2,000 acre tract of land and you were going to put in ten w00-acred farms, we could require a site plan review process that covered everything that is going to happen on that 2,000 acre site. Or, they could phase it and put the other phases that come in later, but it is really however they want to do it. They could pay it – it is probably cheaper by the dozen. (Laughter) I am just thinking. It is going to require that their engineering work is going to be substantial, their stormwater and everything else. But, again, our fees are not the problem. It is the building fees because it is based on the value of the project and you are talking many millions of dollars there. Those are the big fees.

VanLandingham:

Does that include tangible equipment?

Matheny:

I don't remember.

VanLandingham:

Or does that include just the building on the ground? Because what they are looking at tax wise or value wise, there is very little value attributed to an actual constructed building. Everything else is tangible personal property.

Matheny:

You are talking about the building official fees? You lost me there.

VanLandingham:

Yeah.

Matheny:

Well, his fees, for example. Let's say that a church builds a building. It is nothing for a church to build a sanctuary and that is \$16,000 to \$20,00 in building fees.

VanLandingham:

Right. If they go out there and build a concrete block building that is 2,000square feet –

Matheny:

Well, no, there would not be a whole lot to it, but if they build – again, I am trying to answer for the building official and I cannot. That is his expertise. That potentially is a fee. But, if they just build a small building and Clyde determines that the solar panels themselves is not construction, I don't know

how he would view that. So, I can't tell you what those fees will be. If they are viewed as construction and he assesses fees on that construction, it is going to be very high. If he doesn't, it could be a much smaller assessment.

Croley:

May I ask a question?

Agricultural properties in this county are exempt from building inspection when you are putting up agriculture property up. This is why I keep asking you, "Are the solar panels going to be treated as agricultural property?" If they are going to be agricultural properties, wouldn't they be exempt from the building inspection fees anyway?

Matheny:

My understanding right now is that the way our code reads, and again if you want the attorney to look into this in a deeper manner, ya'll will have to decide what to do, but they are not agriculture uses, they are utility uses. That is why it is a utility use being approved by special exception in an agricultural district. Unless you go by the Comp Plan and it says in any district. But, they are not going to put them in anything but large tracts of land, which are almost always agriculture I would assume.

Croley:

I think that ought to be a legal point for you to remember to check on and determine whether or not somebody can claim that the solar panel. If I put a solar panel up to operate a dairy farm, it is a solar panel and it is doing the same thing as their solar panel has been doing all the time. It is the same size. Are you going to say that it is a commercial utility or are you going to say that is agriculture.

VanLandingham:

Commissioner, I would have a hard time calling a solar panel an ag product.

Croley:

I am asking. I don't know. I don't' know where your legal standings are.

VanLandingham:

I can tell you that National Solar is looking at them as taxable tangible personal property on their application.

Croleva

That is fine. I am not talking about what you tax them as, I am talking about the building inspection.

i ayıor:

Alright. Her is what we need to do . We need to be able to give the attorney some directions. We have quite a bit of dialogue, but we need to let him put the pen to this agreement as we go through it. If we are going to agree on \$10,000, not agree on \$10,000, let's just put some pencil to this agreement and move through it. That way, we can (inaudible)

Holt:

Madam Chair?

Taylor:

I want to go right back to definitions for a quick half a second. Where it says "fulltime employees" - I see where you have 40 hours or more, but I don't see any benefits. Is that not state statute that if you are going to work someone for 40 hours, that benefits be added?

Croley:

No.

Taylor:

You don't have to add benefits?

Lawson:

No, ma'am.

Taylor:

O.K. I just wanted to make sure.

Croley:

Not unless Obama gets it through. Or the court upholds it where we have to maintain health insurance. I think that is the only benefit that they require.

Taylor:

Alright. Page 1. Let's just look at it real quick. Make sure the number of farms is limited to 20. That is there isn't it? That is all they are going to build and there is no wiggle room. That is what they came to us with.

Morgan:

Up to 20.

Weiss:

Yeah. It says it somewhere in here, but it isn't on page 1. I will make sure that it is spelled out.

Taylor:

Make sure that it is 20 and not to exceed 20.

Croley:

I don't see that on Page 1. Will you show me exactly where that was cited. Do ya'll, anybody see that. Ms. Laslie may can tell me. I looked and I didn't see it. I missed it.

Taylor:

Just as the overall agreement. It may be where she pointed, but I happen to concur that it does not exceed 20. I happen to agree with that. That is what we agreed to when they were before us. And we need language to make sure. And that it is nothing else other than these megawatt solar farms.

Nothing else. That needs to be included and made clear. I do see where the change of hands is going to come in, but that is something that we need to discuss as we go through.

Let's move with page 3. The definitions are pretty clear. Any heartburn on page 3?

Croley:

What about page 2.

Taylor:

Page 2 talks about the definitions and the terms that are used in this agreement. Then some of the things that were brought out per you, Ms. Laslie, as to the purpose of some of these definitions. Again, let's just move through to page 3.

Croley:

Ms. Taylor, hold on a second. I appreciate your trying to push this matter through.

Taylor:

Commissioner, we are not going to sit here and talk all day and get nothing done. That is an avenue to kill a project. Just sit and talk and talk and talk. That is an avenue to kill a project. That is what has happened here. We started this meeting at 1:30 and so far the only thing that has been changed is what he brought to the table with him. We have talked. We now need to put pencil to this and quit disagreement.

Croley:

I appreciate that.

Taylor:

So, now what do you want to talk about?

Croley:

I want us to do our job here for the citizens.

Taylor:

That is exactly where I am going. Yes.

Croley:

I don't know what your rush is right this second, but here is my point. I am looking at, when she is raising the matter about the fees. Out of the respect for the citizen's input, "Terms that Gadsden County does not currently employ are listed; impact fees, mobility fees, transportation proportionate share fees, connection fees. " Does all of that apply? I am asking. Under this agreement now, have you looked at that? Since we haven't seen your revised agreement.

Weiss:

My response to that is the language including without limitation anything that is applicable. Blah, blah, blah fees, blah, blah fees, by the county that may be applicable to the owner's development. If they are not applicable, they are not applicable.

Croley:

O.K. I am coming back to number 2.5. "Owner Party" Any other entity of being able to transfer to the special purpose entity or the real estate investment trust.

Taylor:

You see, that is part of a section in here.

Croley:

I am aware of that, Commissioner, but do you even know what those are?

Taylor:

When we get to that we can discuss it. This is just definitions.

Croley:

It is a definition that is telling you about that and the "owner party", I am asking you - do you have any legal concern about the ability to transfer ownership to these other entities when we don't know what they are?

Weiss:

One of their, I remember when National Solar was here, one of their major concerns was that they have flexibility in having various ownership entities for tax purposes presumably, ways to own whatever the solar farm own. They wanted them to be able to be owned and single purpose entities for tax purposes and liability purposes. Those are two reasons. As far as whether I have legal concerns, I don't have any legal concerns necessarily. I mean, they are going to be covered if they transfer to one of these other entities, the other entities will not be parties to this agreement per se.

Croley:

David, I think you understand why I am asking. I would encourage you go back and look at that more closely.

Thank you. That is all I wanted to say.

Taylor:

Here is what I was saying to you and it was not out of any disrespect. But, 2.5 gives us the definition. But, we can address the issue and concern because I agree with you. I don't want to see it just handed over. It being this business being handed over to just anybody. But, that is addressed up under number 10 under "assignment." That is where we can go in and put the language that clearly says that whomever this is given to, it needs to come back before this board for consideration. It clearly states up under assignment that we don't have to come back to the board, we can choose whoever we want to choose. I don't agree with that.

Croley:

Mr. Weiss understands what I am saying and why I brought it up. Thank you.

Taylor:

Alright. Well, again, this is where we can address it and, Commissioner, I am not trying to demean or -I have the same avenue, but how we are going to get there from the definition where we had it spelled out here that we can get there to it. I didn't mean to sound aggressive. I am just trying to get us some pen and pencil to this thing. So, if I was offensive, please accept my apology. It is not what I am trying to do.

Croley:

Yes, ma'am.

Taylor:

Let's move forward and work together. Again, moving on through the definitions.

Now, on to the "owners' obligations and representations." Are there any hardships with the development of the solar farms?

Holt:

I have a question. On that, like I said, I know you said we are going to address all the other issues because it is going to be under the Citizens' Bill of Rights and the only questions that I had from citizens were, "Where are these possible locations out in the rural areas?" You are talking about 140 acres per solar farm. They just wanted to know, "What is it going to look like?" How do we have any reference point to that? It is fine if that is what we agree to, but when you look at the southern part of the county, what is it going to look like – 140 acre patch of trees cut down? Are they going to be looking at fields that are already cleared? Are they going to go in and cut down massive numbers of trees? It is going to be patch work at 140 acres each.

Taylor:

My understanding is that the land that they are looking at, you don't even have to touch nature. It stays in its original form in that the panels that are going in there won't cause any damage to the habitat. That is my understanding.

Holt:

Do we need to address that here?

Taylor:

Mr. Gardner. That is a good question. The development of the solar farms - that should go in there. So get your pen ready.

Gardner:

The properties that they have been looking at are what they call "Low Index" properties that have maybe recently been harvested where the timber has been cut. They don't want property with 40 year old trees. That is not the profile of what they are looking for. They are looking for what they call "Low Index" properties that they can buy very reasonably.

Holt:

Low density property as far as vegetation.

Morgan:

Mr. Gardner, there may be like in this instance where they are looking now, if they go out and have a contract on a 2,000 acre piece or a 10,000 acre piece, that doesn't mean that they are going to use 100% of that property. In other words, if it 2,000, they are not necessarily going to put 10 farms because there may not be the ability to use that entire parcel to do that.

Gardner:

You are absolutely correct. What they are finding right now in this study is that it may support a lot less in terms of the number of farms that they need. It may only hold 4. So, they are in discussion and trying to figure out how many. It will leave a lot of buffered areas.

Morgan:

This project, as it was presented to us when we first became aware of it before we were even selected, This is the first of its kind in the Country. Is that correct?

Gardner:

In terms of utility scale and the method that they are trying to do it will be the first. And of course, the largest in the southeast. But, you know, they are basically in the business of building and operating utility scale solar farms.

Morgan:

In order for them to make a profit, they've got to do this in the most efficient manner and it begins with them making the best possible deal they can on a tract of land that is suitable.

Gardner:

Yes, at every level. So, they don't want to buy the best farm land. They don't want to buy the best timber tracts.

Morgan:

And it may be that they have to make some decisions just like you just said. Rather than them being able to put 10 farms, they may initially want to put 6, but in reality, they may find that they can only put 4 to make the overall project in the future growth of that project work. Correct?

Gardner:

Correct. That is what the studies are showing.

Morgan:

There is nothing that we can do as a governing board to have input into that because we just don't know. It is not something that we can address.

Gardner:

I believe they want to be good stewards of the property.

Morgan:

Anybody that is going to come in and invest \$1.5 billion into an area, you know, it just makes common sense to me that they want to have a positive productive working relationship. It is not just good for

them, they want it to be good for us, too. They want us to be able to go very similar to what happened in Gretna, Commissioner Holt. We had folks out of Atmore AL to come down here telling us what good partners that they were over the past few years. I guarantee you that later on down the road, they are going to want people to come to Gadsden County and say, "What happened when you guys did this? What do you like about them?" They want us to have a positive experience as well.

Now, I understand that this is a bold move on their part and on ours as well. There is risk involved. We are not going to eliminate the risk. Obviously, we are here to discuss how to minimize that. We want to do the right thing, but we are never going to get rid of all of it. We are not going to have the answers to all of the questions. But, this is providing a just an unbelievable amount of potential growth for our county in a positive way. So, we need, and this is just my opinion, I sat here and listened for a while this afternoon. There are a lot of good questions raised and a lot of good concerns expressed. I really appreciate the way Mr. Dorian presented his information and Pam and Ms. Laslie as well. I don't think I heard anybody and I don't' want to put words in anybody's mouth, but I haven't heard Ms. Laslie, but I know I heard Michael and Pam both say that they want this project to come to Gadsden County. It is a positive thing. Michael even commented on the fact that he is a tax payer and he wants to do the right thing for the tax payer, the tax payer, the tax payer. Well, the tax payer — I am one, too. We can either be paying taxes into county that is dying or one that is growing. Where do you want to be spending your tax money or do you want to be investing in a positive place that provides a good future?

I don't want to get off from what we are here to do today, but, we've got to remember that we were chosen. We were selected. This is a great thing for Gadsden County. Even though we are digging in the weeds right now, which is what we have to do, we have an attorney who is talking to their attorneys and with whom we have had time to talk (I assume that we have all called and talked to our attorney about our input. I don't know, but that is what you tried to get us to do. I know I did.) I hope that we can look at the high points here and let the attorney work this out to where there is favorable agreement not only for Gadsden County, but also for National Solar. No business is going to come here if this thing is not favorable for them as well. I wouldn't either.

Yeah, we are taking a risk, but we are not trying to put ourselves into a position where it is going to negatively impact Gadsden County from a financial standpoint. None of us want to do that.

Holt:

Madam Chairman, if I may, may I finish right quick?

Taylor:

Yes.

Holt:

On that section 3.1. I see Ms. Laslie has here also the "20 megawatts or GREATER solar farms." So, are there going to be 20 Megawatts on each site? They are saying "or greater." That needs to be clarified. Is it one or the other? How is that classified. I see that she has that on her sheet.

Weiss:

I think that the way this reads and I think their goal is to produce as many megawatts as possible from each farm. I think what they are agreeing to is to construct and operate 20 megawatts or greater. I mean as much as they can.

Holt:

I understand that part. How does that affect property values next door. How does it affect citizens living next door? I had a couple of calls on that question. How does it affect my property value? That is the only question I had from one person who lives out in the country. They wanted to know when they decide to sell their house and property, how will a solar farm next door affect their property value? Does it decrease of increase it?

Morgan:

We don't know.

Holt:

I was talking to the attorney. But the reason I was asking is because we don't have the data in front of us. Do you know what I am saying? I need to answer these questions and I don't have as many constituents, Commissioner Morgan, as you have in the southern part of the county. That used to be in my district. I don't have as many, but I do have quite a few in the northwestern part of the county. They are interested to know how it affects their property value. They want the jobs and that was the first thing the lady said to me. She wants the jobs to come, but they just want to know when they get ready to sell their property, how will it compare. Do we have any cases that we can site? I know of none. I told her that I didn't have any data because we have not done that research in other locations to find out.

I don't' know is 20 megawatts is good, 100 megawatts? I don't know. I don't know what affects your property value. I am glad to be in a workshop so that I can bring those same questions to you that were asked of me.

Taylor:

O.K. Those are great points, so I think what we need to do is in this particular one, as Commissioner Morgan has said, there are a lot of unknowns. Commissioner Holt has also indicated that there are some things that we do need to know. But, here is what we can do on this particular item that will protect us going forward. We will allow the Property Appraiser or some kind of language here that the owner, I imagine being Hentz Phelps, that the owner would at least, Commissioner Morgan, you are close to this, have dialogue with our Property Appraiser in selecting sites. He knows the density. He knows this area. He knows where the community is. He knows what best suits this farm or he should know the property. He should know or should be able to have input by saying to these people who are coming in and identifying acres or sites, "Well, you may not want to go here because right over those trees is a development, " or "Right below this landing is wildlife that is precious and close to extinct." That is his background and his knowledge. So, in this particular area, Section 3.1, if we can just indicate that the Property Appraiser will be used as resource in identifying some areas. I am sure you are o.k. already because I understand that SR267 at SR20 is o.k. I am sure you have some input on that. But, I think that some kind of language here with him being involved will help to protect our communities and will help give insight to the company that is coming in to locate and purchase suitable parcels for the solar farms. That will help you. (to Commissioner Holt.)

I have no problems with that, but I just want to say this right quick.

Taylor:

Yes. Is that o.k.?

Holt:

This is just for research purposes. It may not be anything that can be solved anyway, but if anyone knows of any instances or places where these have been done, we would know.

Taylor:

Right now, we don't know, so we will have to deal with what we've got.

Holt:

I want someone to see if we can get some research done somewhere. Somebody needs to answer these questions.

Taylor:

Right now, we need to get this agreement approved, so right now, I guess what I am trying to do is just fix the language so that the unknown won't be detrimental to this county, that we have the eyes and ears of someone who has a vested t interest in making sure that these farms are placed in areas that will be conducive to the neighborhood and the community. Who better to do that than the Property Appraiser. So, I would like to see some language in there that will bring him in so that he can have input on helping those people.

Yes, sir.

Croley:

Madam Chair, you know, in a workshop environment like this a part of all this process is supposed to be to hear from the citizens and bring all these ideas out. Commissioner Morgan made a very good point. You agreed with him and I do, too, that we can't exactly come up with a perfect document. We understand that. But, you've got to remember, too, it is our role not to advocate necessarily for National Solar, our job is to welcome them, but, not necessarily advocate strictly for them. Our job is to look after the public interest as a whole.

One of the ways that we can better do that is empower our attorney, the Ausley Law Firm, to look at this and negotiate a lot of the details out with the other side's attorney taking into consideration some of the concerns that we are hearing. I am agreeing with you without getting into every little specific today. Number one, we are not going to be able to think of all of those and Number 2, we don't want to create and adversarial impression. So, we are all on the same page at least in terms of that, or we should be. But, what I am trying to do, at least from my standpoint, and Ms. Laslie, I do appreciate the way that you have written your comments up, and some of the things that I have seen from the county administrator's point of interest is how we can communicate these back to National Solar in an effective business like way that makes it a win/win for everybody. If you and I are going to fight, we will fight. If not, we will move forward. But, as you said, I appreciate your comments earlier and they are accepted

and I want to convey back a similar harmonious tone with you, Madam Chair, but I am going to be looking closely at the agreement to make sure that it is flexible, reasonable to both sides and that everybody wins. I am counting on the Law Firm here to negotiate a lot of this out. I think you understand what position the citizens of this county are being placed in by some of the things that are being asked for.

Taylor:

The very first thing that the attorney said after his summary initially was, "O.K. Here is what I have done. Now, what I need from the board is for you to give me directions and changes and input that you want me to go forward on." That is what we are doing now. We are giving him direction. We have to. He cannot go back and negotiate on anything other than the directions that we are giving him. That is all I am trying to get us to do. Have some dialogue. That is why I asked, "Is it o.k. for the Property Appraiser to be a source for this particular item. I looked at you and I am not trying to be a dictator, but to make sure that and Commissioner Holt agreed, to make sure that everyone agreed to have the Property Appraiser in place on this particular item. I am not trying to muddy it, but just as you said a moment ago, give them directions and let him move through it. It might be something that we can do or not do.

Yes, sir.

PA VanLandingham:

Commissioner Taylor, I would not mind at all being a resource to help National Solar. I would do that anyway. I am just not sure that I want to place myself as being a tool in the process.

Taylor

I agree. But, here is what I am saying to you. They are looking at the spots, the areas, the sites. We need some resource to make sure that whatever they select, it won't have any negative impact. I don't have that ability. I hear you. But, we have to be mindful of it. Before they set up shop, we've got to make sure that this is the right place for them to go into.

Yes.

Weiss

Madam Chair. I think that is the role of Growth Management when they are actually developing the site.

Taylor:

It doesn't matter who, but we need some language. We need somebody here that watches our back as well. I thought of the Property Appraiser cause you know. But if Growth Management will be a better fit, that is fine. I am just trying to find an entity to go in here and make sure that what we are putting in people's back yard is acceptable.

Morgan:

Madam Chair, I understand what you are trying to get at, but I think the process will take care of that. I don't think that we want to have and I think what Clay is saying and I don't want to put words in his mouth, but I would not want to be the guy in that seat that says, "Hey, yeah, they talked to me and I

thought it was a great idea to put it here." Then all of sudden everybody starts raising cane and they start pointing at that guy. Or, who do we know that is going to be sitting in the Property Appraiser's seat 20 years from now? We don't know.

Holt:

Clay. Clay is going to be there.

Taylor:

His job would not be to give them an up or down, but provide them with resources and information. Let me finish this. Provide them with resources and information they may need to know when they are selecting their sites. He would have no authority to say, "Well, yeah, go over there." But he should be able to say, "Well, you know what, I don't know if you have looked two miles down the road or I don't know if you have looked two miles east of you." That is all I am asking him to do. That better protects everybody.

Now, we have also been asked with the surveys to be ponying up. The minute they conduct, you k now, they may be out there spinning their wheels conducting surveys when they could just go to this guy and he can give them more focused areas. You sitting out there conducting survey after survey after survey to find the right sight while you could use this resource and narrow the number of surveys that would be required. So, I am just trying to get to a point where we can go.

Morgan:

I understand.

Holt:

Madam chairman?

Tavlor:

In a way that is productive. That is all I am trying to do. I don't want to use you as a tool, Clay, but as a resource. I said that word. I said that clearly.

VanLandingham:

Thank you.

Holt:

Madam Chairman?

Taylor:

Yes, Commissioner.

Holt:

Thank you, Madam Chairman. Since I am the one that started this argument, I am going to jump out there.

Taylor:

It is not an argument. It's a good debate.

No, no. I am teasing. I am teasing about it being an argument. This is why I like workshops so that we can do this stuff. You don't want to jump on the person that is standing at the microphone with all these questions when we can take care of it early. When they come to the microphone, we can go ahead and settle but we need to settle by that time.

The reason I asked that is because I had underlined that and I see Ms. Laslie had it there as well. We kind of want to know what is going to be going on at the site. I know they want to make as much money as possible. Businesses are trying to make money in this bad economy. But, that is something that you kind of want know about. If it is going to be 100 megawatt or 1,000 megawatt – we kind of need to know stuff like that ahead of time. The agreement says "250 megawatts or greater." It is just something that we need to have some detail on. If we can just have a question asked about that or perhaps the wording could be a little better.

Taylor:

We need to set a moratorium. You can have up to 20, but not to exceed 50. This is what they are looking for.

Holt:

Well, you see, what happens in that is that we don't know what because we have nothing to look at.

Taylor:

Well, take this. We will send this to them and then they can come back and say, "Well, you know what, 50 isn't going to be enough because we can get as much as 200. But, that will start the dialogue. But, if you let it stay like this, then we are at 20 megawatts or greater. But, if we say 50, then they will know that we need some kind of limitation on this because of the environment. Because of the surrounding community and the impact that it may have by generating more. We don't know, but we can't expose the county to them getting 1,000 out there.

Holt:

Another thing, too, if you are looking at set-backs, that may make a big difference. If you are out in the woods by yourself and you are in the middle of 1,000 acres, you know, that is a big difference. That is why I said when you are looking at setbacks and where you want them to locate at, that makes a big difference and can they buy property there, too, and you would want to look at that.

Taylor:

One of the things she did right is that we have county input. So, there goes a resource there plus Growth Management and we just need to put some language in there.

Holt:

Do we want to ask for it?

VanLandingham:

You might want to take advantage of one more resource if he will volunteer. Mr. Jack Peacock from Talquin Electric is in the audience. He might can tell you how big a megawatt is.

O.K. Jack. There you go. We need to know that, too.

Jack Peacock:

These are twenty 200-acre farms. I believe the stipulation was "up to 20" farms or more. Unfortunately, my good friend, Mr. VanLandingham, I am on the distribution end of it, or was until I retired. So, I really don't get into a lot regarding the generation end of it. I don't know what the City of Tallahassee's output is as far as megawatts wise. So, unfortunately, I can't help you with that.

Taylor:

I appreciate your honesty. I would rather you stir us straight than to stir us wrong.

Peacock:

Sure, I wish I had a power plant to compare it to.

Crolev:

It is 1 million watts. I insure power plants so I know.

Peacock:

Without getting into too detailed or technical discussion, but I don't have an output plant to compare it to.

Croley:

That is 20 million.

Holt:

20 million watts, not megawatts.

Croley:

Megawatt means a million.

Holt:

Right. O.K. Well, my question is – Is there a certain set back required for people that are living near those lines, the transmission lines? That is my question.

Peacock:

I don't know what the county's provisions are for an electrical substation. Those are just for ones in the county. There are points in the county where Talquin Electric or the City of Quincy where the transmission lines meet distribution lines. So, I don't know what existing setbacks are for those types of facilities. That would probably be comparable to an electric substation. But, most of the photos that I have seen there is a pretty good distance from the highway and fencing and that sort of thing as well.

Croley:

May I just throw this out to you?

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Yes.

Croley:

Setbacks would be for visual purposes to keep one from having to look at all those acres of panels. That would just be vegetation. You would not need a setback for any of the other safety reasons, it would be visual primarily. Once it is converted into the power grid, it wouldn't make any difference.

Holt:

But, the question that was asked by a young man, I forget where he was from, but, he asked me, "Once you generate this power, let's say it was 100 megawatts, was there any cancer causing agent associated with it?" He got into that and I had no answer for him. That is why I am asking, is there a setback for people, not for the visual?

Croley:

He would be referring to the electromagnetic radiation. There was some concern at one time about that. Jack, you probably remember the discussion a few years ago, around the transmission lines. But, that has been pretty well disproven as a major concern. So, I don't think you would have any real issue with that.

Gardner:

Excuse me, but, I think we asked the University of Florida to weigh in on that. They stand ready to work with us going forward in terms of going forward with any safety issues that (inaudible) who is head of research at this center, but, in terms of the intent, and I did like what Commissioner Taylor was saying about limit it at 50. What may happen in the next few years on that same 120-acre footprint with immerging technology, while it is producing 20 megawatts now, it could be upgraded to produce 30 or 40 megawatts. I think what they are trying to do, at least from what I understand, is to be able to adapt to any progress in technology that may come along. It may remain the same footprint, but, the efficiency may be better. Personally, I think it would be a good idea to cap it.

Holt:

Well, you are where I am and where that young man was.

Gardner:

If they have to come back to the commission if they are going to put in a 200 megawatt facility.

Holt:

We should have some research by then and we can say, "A", "B" or whatever.

Gardner:

I think from a regulatory environment, that is why they are getting right now the 20 megawatts systems.

Holt:

I think 50 is good. It is as good as any other number without my knowing any better.

Peacock:

Gadsden County Board of County Commissioners March 20, 2012 Special Meeting/Workshop – 1:30 p.m.

Madam Chair, may I add just one other point while I am here just briefly?

Taylor:

Sure.

Peacock:

As you know, I am the Chamber Chair this year and I just wanted to make one thing very clear on the part of the Chamber. Let me preface that by saying that having been a contracts manager for several decades, I understand due diligence. I also know that haste makes waste. So, I can appreciate the manner in which we need to go about something of this magnitude because if for some reason in the worst case scenario did not work out, then everybody is going to want to a finger print on the pistol. But, if it does work out, then, Wow!

The Chamber has no fiduciary interest in this matter. No one; no member of the all-volunteer board has any monetary benefit from this nor does David as the director. So, we are simply bringing this to the county, which is the Chamber's job. Now, it is the county's job to say, "Yea or Nay." Ultimately, that decision rests with you all. So, I just wanted to clarify that and thank you for allowing me to speak.

Taylor:

Thank you for coming Mr. Peacock.

We are going to move through.

Holt:

Are we going to cap it at 50?

Taylor:

I am in agreement if we can just cap it at between 20 and 50 megawatts.

Croley:

Technical question. You see Mr. Gardner and Mr. Matheny brought up a good question earlier or somebody did. I think several may have. Let's just say that National Solar works out an arrangement on the south side of the county and we all agree. We will just say 2,000 acres. If I understood this right, they can do 20 megawatts on 120 acres currently with the present technology. I think that is what you just said, Mr. Gardner. What if they are able to take that 2,000 acres and put 10 locations or 10 of these 120-acre sites on that 2,000 acres? Are we going to treat that as one site or are we going to treat that as separate sites even though they own the full 2,000 acres? What my concern is when you start - and like I said before, I want to do the due diligence that Mr. Peacock spoke about and we need to ask the questions for the record. But, at the same time, I don't want to go tying the hands of National Solar and their operations. I don't have a problem with your "50," but, we need to make sure from a legal standpoint that we are able to differentiate in each of their respective collector sites. In other words, are we going to treat their one tract as one site or are we going to treat it as multiple sites? David is holding up his hand to reflect that it is ten. So, again, with all due respect to the point that you are making, I think we need to have that cleared up.

Taylor:

I heard what you just said. I hear you. But, something you said a few minutes ago is that our responsibility is to the citizens.

Croley:

100%

Taylor:

That is who we are responsible for and responsible to. This is a negotiation piece. We are not tying their hands, but we have to set a moratorium. We have to be responsible. In the event that we find out that these power lines may cause some issues, at least we will have some language in place. Now, once he takes this proposed contract back and they have heartburn with 50 megawatts, then we need to come back and look at it and let them tell us why. Like Commissioner Morgan says, after this meeting it is time for their dialogue. Right now, the gentleman closer than any of us has concurred that we need to set a moratorium. We aren't tying their hands, but we are protecting the citizens.

Croley:

Well Commissioner, would not a good way of wording that to address your concern to limit your 50 megawatts to "per footprint" and then maybe come up with sort of buffering distance between them so that on that 2,000 acre tract they could have ten footprints?

Taylor:

I am just only interested in not exceeding 50 megawatts per farm site. We can say it that way per farm site. If they do or are able to do more and we have the resources that we are using through our various constitutional offices and they say, "Well, we don't see where this is going to cause harm for them to have more there," then I won't have any problem. But, we need to set some kind of cap in place.

Morgan:

Madam Chair, I understand your concern. Why don't we just put the issue, just like several other issues, why don't we just framework the issues then give it to the attorney and say, "Hey, here are our concerns: the size of the farms up to "x" number of megawatts." Who is to say that 50 megawatts is the appropriate number? It may be something else. Just say, "Here are our concerns. How will you address that concern?" Then let them come back and say, "Here is what we will put into place that might be comfortable to you."

Why do we have to put in an actual number? That number may not even mean anything. How did you come up with 50? Let me ask that.

Taylor:

Commissioner, it was one that was in the middle of a line. It was one which I felt could be negotiable because it is in the middle of the line there. That is the reason that I chose 50. If 20 doesn't hurt us, then it shouldn't then certainly 50 shouldn't take us to any distance either, but I need to have some kind of cap in place that I can keep them at the table with me. I didn't want to say 30 or 40 because I think that would have narrowed their abilities. But, to give us 50, I have protected both the city and our interest with National Solar. That is why. It is in the middle of the road.

Morgan:

But, why don't we just say, "Here is our concern for our citizens. What kind of solution can you come up with to address it?" What if we say 50, but, in fact, 40 megawatts is harmful? What have we accomplishing?

Taylor:

Then the direction to the attorney is that this number is based on the fact that it does not cause any harm exceeding the 20 megawatts maxing out at 50 megawatts. That number is based on the presumption that it does not cause harm to the community. He has to put the wording there, but we need to give this some language. We need to come up with an agreement based on what they have given us. We can't just tell them that these are our issues and go back. We've got to have some teeth in the fight, too. So, let's just see if we can move this forward.

Morgan:

Mr. Weiss, you are today and obviously are hearing what concerns we have. Are you capable of taking our general concerns and adapting the economic development agreement to include those without us necessarily having to give specific closed-in numbers and limitations that may end up in the end not being very productive? Isn't there a better way to do this?

Weiss:

Yes, I think I can take your concerns and draft language that will be specific to those concerns and will address those concerns. As far as this particular concern, I don't know the facts any better than any one of you. I have no idea what kind of harm may occur from the transmission of a set number of megawatts. So, yeah, I would not feel comfortable putting any number in there, personally.

Morgan:

Me either.

Weiss:

I don't have any idea of what that number should be.

Morgan:

I agree with you.

Weiss:

But, I do agree with Commissioner Taylor in that I don't necessarily want to go back to them and say, "Hey, this is a concern we have, what do you think?" While they may be able to provide information and I am sure they would provide information for us, I don't know that is the best negotiation strategy because then I am leaving it all in their hands. But, I think that to the extent that we want to address this concern, I think we probably need to do is to have some information and reliable facts. There is no reason that we have to walk out of here with all the facts we need necessarily. If that is something that somebody can look into. It may be that there is no number that is harmful. There may be no data that supports that there is any harm for any of this in which case, we don't need to touch it.

In response to your question, I don't need you all to tell me specific language here -"This needs to be bracketed and go right in this area. " I feel like I can take your concerns and address them appropriately

and then circulate a draft for you all to approve or disapprove with specific factual items. I think that I need to have the facts in order to address some of those concerns.

Taylor:

Yes, sir.

Gardner:

Thank you, Madam Chair.

Let me make a comment here. From a safety concern, I got the impression from Dr. Cummerford that is really not an issue. Michael, you were here when Dr. Cummerford was talking. You know, I don't think the number of megawatts is a safety concern. The limiting factor is going to be what the existing transmission lines can handle. That is the reason that they want to move all these farms around; to spread that load. From what I am understanding, there is no safety factor, but more of a transmission load factor. I hear both sides here in terms of limiting the megawatts, but I think it will limit itself mainly by those transmission lines.

Taylor:

We have six people that is going to be working out there in close proximity to these solar panels. Their health is going to be an issue. Any vegetation or you may be safely situated in the middle of nowhere, but you still have people that are going to working there and we need to take their health into consideration. Since we are being pointed about them being from Gadsden County we need to set a moratorium. That is all. I hear the attorney in that we can framework an idea or concept, but it needs to be a little more factual and it needs to come from this board; some actual numbers. Now, you concurred a few minutes ago and I appreciated that. We need to be able to come to some conclusions and let's move forward. It is not that difficult.

Gardner:

Also, let me add, when you talk about safety, it is heavily regulated industry by the state and federal government. That safety will be paramount. My comfort level is there. The people who work in nuclear power plants that are safe or we hope they are safe.

Taylor:

There are still a lot of unknowns in there. There are still a lot of unknowns. We don't know if generating 50 megawatts will cause harm. We don't know if generating 20 will cause harm.

Gardner:

I think that is a great question that David can take back to National Solar. In fact, I will have that same discussion this afternoon to find out from a safety standpoint or regulatory standpoint or load standpoint - there has got to be a number, whether it is 60 megawatts, 80 megawatts or whatever that is in today's world that is considered optimum. I don't know what it is.

Taylor:

We need to put a cap on it.

Gardner:

But, I think they can help us with that.

Taylor:

Alright. Thank you very much. Let's move on through this one. We need to put a number in there. We need to put a cap on it so that we can be protective of the environment and the habitat where they are going to be. Again, it is a negotiable piece. They can come back and tell us, "That is too low." Well, at least we will have dialogue going on. Right now, to just say, "Tell us what you think," – they have already told us what they think. This is their agreement. That is what we are trying to do now is to address what they have put to us. They are saying that 20 megawatts or greater. We need to put down a number.

Croley:

The solar panels collect electromagnetic radiation from the sun and converts that into the electrical power. Here is what I am trying to explain to you. You are concerned about the electromagnetic radiation that Commissioner Holt brought up. It tracks with what David Gardner was just telling us. If you don't put a cap on how big they can be – it is predicated, like he is saying on the utilities lines. If the lines can't take in the power, then they wouldn't be able to put in less number of farms. My concern about it is that the size of the farm has more to do with other environmental considerations than aesthetics. In other words, how many acres of land are you going to cover over with solid panels that it is going to rain on and you will have water running off? Alright, you've got other things that you can capture that water or will the sand going to take it and all of that. Like the University of Florida working on type of grass they've got. I think to achieve what you wanting to say is how big do we want to have it based on the number of panels in terms of acreage on your footprint? Is that making sense, David? That is really what the focus should be and it is the same thing Commissioner Taylor is saying, but it shouldn't necessarily be restricted by the number of megawatts. That is not the right way to do that. I think it should be by the acreage.

Taylor:

That is part of the language that we are dealing with.

Croley:

That is what he needs to figure out for you.

Taylor:

It is part of the language. We can't say, "20 megawatts or greater." We have to put a number there to protect us. We can't' say, "or greater." That leaves us open.

Croley:

Whatever.

Holt:

Also, right quick. When you are talking about the lines and the capacity, that could be easily answered by Talquin or Progress Energy. They could easily answer that because they know what kinds of lines they have out there. The reason that I think a number is good is because they are going to come back and say, "Well, we will need 60 or 70 or whatever." Then we can define a number.

Croley:

That is fine. I am not going to fight you on it. I am just saying that what you really should be doing is to do by the number of acres or per foot print.

Taylor:

And you are absolutely right. There is a part in there that we need – you know what? What he is saying is correct and I agree. So, it is multi-faceted – the things that need to be looked at in this particular piece as well as the megawatts and the acreage. And it needs to be spelled out clearly. We don't want to put more than what the land can bear on so many acres. That needs to be spelled out. 140 acres should not hold more than 10 of those things. But, we need to say that. Now, they can come back and say, "Well, Commissioner, you don't know, but here is what we do know. We can get 20 on that farm." At that point we can say, "Then show us how, but right now, we are saying 10.." so, let's say that. And, I agree with you. Let's go with 10 per 140. Let's go with 20 to 50 per 140. That is how we can say it and then they can come back and tell us why they can't do it that way. But, at least we will have some numbers in place. So, I agree with you. By meeting you half way, let's move out of this one. Is that as clear as mud?

Weiss:

Yes, Commissioner, I think I can do something about it.

Taylor:

No, you have got to do exactly what we just said. 140 acres – 10 farms. 10 farms, no more than 20-50 megawatts. That is just numbers to start working with. Then they can come back and have dialogue and say to us, "Are you crazy? We can't do this and spend this kind of money." But, then we will know. But that will start us talking.

Morgan:

Commissioner Taylor, I appreciate where you are coming from here. What happens when we make these changes, send it out to National Solar and in return we get a letter in the mail saying, "We looked at this and we are no longer interested in Gadsden County."

Taylor:

Again, our attorney is going to say, "This is based on what knowledge we have, but it is just a draft for you to come in and talk to them. They want this, Mr. National Solar, but this is a draft based on the knowledge they have. You need to come in and give them more knowledge and they are willing to look at these numbers again." Do you understand? This is not etched in stone. It is just a day that we can get some of our thoughts in here and then have some dialogue with them. Please confer that because I don't want them to walk away. But, I don't want us to take two and one half hours to sit here and be useless either.

Thank you, we will move.

- 3.2 I love that one. I ain't read it, but I love it. Alright, let's move.
- <u>3.3</u> Now, this 3.3 is hard because it has to do with employment. The only thing that I saw is that it talks about hiring folk, but, it does not give specifics that we want people hired from here, this county. It

does not keep them to the fire on that. They have wiggle room. It says, "We will hire from Gadsden County based on the availability." That is an out. We need to give a percentage of these jobs that must come from this county.

Holt:

Madam Chairman?

Taylor:

Yes.

Holt:

I am in favor of that. I think a Gadsden County preference statement could be put in there. Another reason - I will say that I want every one of them to come from Gadsden County, but, the only real wiggle room we have in there is that we do have the facilities where Gadsden County people work in other counties.

Taylor:

We do..

Holt:

So, we don't want them to tell us, "We don't need your people over here either." But, we do want a Gadsden County preference.

Taylor:

You know what? I have been peeping at the county and the city commission meetings on television from Leon County. I have watched it. You know what, commissioners? They are making it a major project, a major mindset that they hire locally. That is what they are doing now because they know that that is the only way that they are going to grow their county. So, they are taking on this initiative to start looking more in-house. But, I hear what you are saying and I saw some language on that from somewhere about being mindful. If we shut out other counties, they are going to shut us out as well. So, I just want to stick with language that we do due diligence to hire from Gadsden County.

Morgan:

What if there are no qualified applicants from Gadsden County.

Taylor:

Obviously, somebody can get out there and cut grass. I just don't see where they can't. One of those jobs is maintenance. Another one is just cleaning. I think the ones that require higher educational backgrounds is the engineer. The rest of them are lay jobs.

Croley:

Madam chair, doesn't' the agreement, just as it is worded agree to give a preference toward utilizing local companies and residents? Chamber of Commerce members might be inappropriate to have in there, but minority opportunity preferences for vendors and contractors where it is reasonable and financially practical to do so. In my opinion, that is a pretty broad statement and it allows flexibility to try to give these jobs to the county residents, but if you can't find a qualifying engineer, then they could

go elsewhere. I don't want to not appreciate the Chamber of Commerce and Mr. Peacock and David Gardner may take exception to this, but if we are going to single out the Chamber of Commerce, we might need to mention some other groups as well. So, I don't know about that one. That is the only question that I have. I don't' have a problem with the preference. I think it is well worded.

Commissioner Holt is right. I've got City of Tallahassee Police officers, fire fighters, Leon County School teachers, I've got all these types, I've got City of Tallahassee employees - all living in District 2. You've got a few, I believe, in your district as well. So, I don't like getting into too much of what is local.

Taylor:

The only reason why I am fighting for it so, to be honest with you, Doug, is because we are giving up a yeoman's share of proceeds to bring this here. We are giving up a lot of funds. We should be able to say at the end of the day, "It brought us jobs." That is the only reason why I am fighting the strength in the language. If we give all the taxes back and all the incentives back, then the jobs come from Tallahassee, then I can't look my citizens in the eye and say, "Well, you know what, at least we got the jobs." So, that is why I need to strengthened it.

Croley:

And I agree with you.

Holt:

Madam Chairman?

Taylor:

Can I finish this?

Holt:

I am sorry.

Taylor:

I promised you I will yield. I will yield.

I just need to strengthen the language. You know the CDBG grant, it says that you must hire 80% and it must be in this particular bracket. I am not going to that level, but if we are going to give up everything at the end of the day, let's be able to have the jobs here. That is the only reason. And, you know what?

As far as the rest of this is concerned, I willing to move on except for that assignment piece. You were right. They should come back to us and talk to us before they transfer ownership. Our contractual agreement is with this entity, not to whom they transfer to. You were dead on, but I just didn't know if it should be discussed up under definition. But, you were dead on. I am going to ride that coat tail with you when we get to that point.

As far as these jobs, I hear you and I see you, David.

Holt:

Madam Chairman, may I? I put on my copy, "Gadsden County preference" and I think it should be said like that. A Gadsden County preference. Not local, because local means anywhere surrounding. We want a Gadsden County preference on the 120 full time jobs.

Taylor:

Come on David.

Gardner:

I am going to agree with Commissioner Holt on the Gadsden County preference. I cautioned the board when we say Gadsden County residents. We don't want this agreement to backfire on Gadsden County and let it become a turf issue. There are two other major projects that employ a lot of Gadsden County people. One is the Family Dollar location in Jackson County. The other one is the Georgia Pacific facility in Liberty County. Both employ quite a few Gadsden County residents. Both are put together with tax abatement referendums just like this one. They could come back and do the same thing and those folks livelihood could potentially be in jeopardy.

Taylor:

With all due respect to that statement that you just made, if you would go down to Jackson County and the other county that you just mentioned, I am willing to wager you that 60 - 65% of those employees are from those counties. Yes, we do have some, but the majority of these employees are representing the county that the abatements are in.

I am not asking for 100%, but I am asking for a majority. Now, I know about the Family Dollar because I have gone in there and I have even gotten people jobs down there. But, the majority of the people that are working there are from that county. You have to agree with that.

Gardner:

I agree. I just wanted to make sure that the caution light is on with regard to that discussion whatever that number is.

Thank you.

Taylor:

O.K. Let's move on. I agree with this Chamber of Commerce and his comment.

Croley:

Madam Chairman, would you entertain wording?

Taylor:

What do you have?

Croley:

Here is what I was going to say. "Owner and Hansel Phillips agree to give strong preference toward utilizing Gadsden County companies and residents where it is reasonable and financially practical to do so and to report annually these employment contracts."

Taylor:

Is there any reason why you omitted minority?

Holt:

You've got to have that in there.

Taylor:

Minority is broad. It talks about women and different races of people, but minority is broad, so don't get fearful .

Croley:

I am just more interested in helping whoever that employer is . I believe in hiring the most qualified individual regardless of their race, color, creed or sexual orientation. That is the way we operate and it has served my business well. I believe it will serve the economy well. Obviously, we are not talking about – We have already heard from our school system, who is going to make every effort to help train qualified people for consideration. I am just trying to avoid putting anything in here that implies that they are being expected to hire somebody that is not "qualified." A lot of employers, whether people like it or not, take it that way.

Taylor:

Well, they put in "minority," so we can concur with that language. Let's just take out the Chamber of Commerce. I agree with the rest of what you said. Repeat it if you will. But, I want to put minority preferences back in there for women and other minorities.

Holt:

I think it has to stay especially If they are going to get any federal dollars anyway.

Taylor:

Alright, let's move.

Holt:

Madam Chairman, I really thought it should have been 60%,

Taylor:

60%.

Holt:

Because on each site, you are only going to have two engineers. Two engineers is two engineers. 60% is not near what you should hire anyway.

Croley:

I would encourage you not to put percentages in because I keep trying to say that the more you tie a business's hand, they cannot be flexible to respond to the economy and their other needs. I think they would understand the extent and if you ask for an annual report and how much contract costs they

spend during this abatement period, you ought to be fair enough to allow for a lot of discussion up here.

Taylor:

I appreciate that comment and I am going to stick with you on this one. I will tell you why, Commissioner Holt. I could agree with a percentage, but here is what we can do. We can always tie this thing back to the contractor that they did show we have people from this county working and that this contract be continued in its current state. I won't put a percentage, but I just want to make sure that folks from this county are working, from Gadsden and that will tie into the contract.

Just like with ACBAR. This is a fencing company that did business with the City of Quincy. They got a CDBG grant and they had specifics that they needed to hire. There were specifics. When they failed to do so, then they were no longer given that grant. So, I am saying that we just need to put some language in there that this agreement is contingent upon Gadsden residents being hired. I hate to put a percentage in there because what if they can give us 80%.

Holt:

Oh, no, no, no. I was saying "or more." The reason that I said that is because and it doesn't need to be in this document at all, but the reason I brought this up is because with 100 people, you are only talking about 60 people. You are not talking about that many. You see, you are only talking about 125 people. You are not talking about that many people at all that you would be hiring at 60%. But, anyway, another reason I brought this up is because, like you said, if we are giving up everything, we should be able to get some definite numbers. But, what is that reporting that we are going to look at? What is the preference? What documentation are you going to show that there was no preference given? I know it is not going to be in here, but we need something.

Taylor:

There is supposed to be some kind of report. Isn't there a part about reporting?

Holt:

About reporting, but you didn't put whether you did or you didn't. What I am saying is, "What is the documentation that you will use that you went after?"

Croley:

Commissioner Holt, I am going to share this with you. We heard today through the folks we heard are the chronically underemployed or unemployed in the county. The 2,000 that we talked about. I personally have talked and I use a lot of local people to help me in different things. I recently had a man hauling dirt and he was complaining to me in our role up here that he works for some of the major road contractors and I am not going to call anybody's name. He said, "But, they've got these set-asides that they are required under federal law – percentages – and they hire me, but my trucks are not the same as their trucks. They've got newer trucks or whatever and they send me the great distances and then pay me a small amount, but they put under the federal contracts to meet the percentages. They keep their trucks close by, therefore, they get the better profit and I am running on a "shoe string" basis because of my fuel cost and my truck upkeep and all this." My point to you is that is an example of how things get manipulated. The people you intend to help are often times put at a disadvantage. I would much rather that a business be sincere knowing that they are going to have to stand up here in front of

the TVs and the citizens and say, "Hey, you know, I went out there and worked with the small business entrepreneur program and the Chamber and I helped this business by doing the right thing and bringing them along." Sometimes, rather than being forced to do something, if it can be done in good will and then publically presented, it goes down a lot better with people. They don't feel like they are being forced to swallow something. This is just my take, but, in our society, we become overly conscious on certain matters pertaining to race or whatever the case may be, but if you really want to move forward, you need to have this sincere effort on people's part to help move people forward, not just play to percentages. That makes it easy for the lawyers, but, not necessarily good business. And, I appreciate you working with us on that.

Holt:

I do appreciate what you are saying and I understand how it works under contracting. But what I am saying is this. It gives them a number to work by and it gives us a number to work by. If you don't give some numbers in there, some people are not going to get a chance. Others are going to get the contracts to their friends and their friends always look like them. So, that doesn't help anyone else that doesn't look like them.

What I am saying is, the reporting, we are going to do it and that is fine. I don't have a problem with that as long as we put Gadsden County in there, I don't have a problem with it. So, we can move on.

Taylor:

That "Gadsden County residents" is going in there. I think that is the language.

Holt:

And the "Chamber of Commerce" is coming out.

Taylor:

You did indicate that you are good with the language and the Chamber is coming out. We all concurred to that

O.K.

Gardner:

Ya'll did agree that the Chamber is out of the equation in terms of our membership that supports economic development and are a part of this community? Is that what I understand?

Taylor:

Yes. On that particular one, yes.

Holt:

Madam Chairman, May I?

Taylor:

Yes.

Holt:

If we don't, we need to put in all these other organizations. They would say, "well, we do this and we do that." Then you would have to include them also in the language. If we go to one specific group, we are in trouble.

Gardner:

Let me also just make mention that it is not just the numbers of folks that work on the solar farms. Most of these jobs are during the construction period and we are talking about 300 – 500 jobs. That is where a lot of the hiring practices will take place. It is not just on the farms. It is during that construction period. I just want to have that clarity.

Thank you.

Taylor:

That is clear. Maybe at some point in time, David, you might want to express to us why you thought the Chamber – in what area were you going to help in hiring. I mean, you don't hire.

Gardner:

No, ma'am, we don't. But, we are the conduit for a lot of businesses. With our small business program, we are working with a lot of folks now that are trying to get their businesses started. I have had the conversation with Hensel Phelps and National Solar regarding a lot of those folks that we are trying to help. We are the business advocate in Gadsden County. No, we don't do hiring, but we work very closely with Workforce Plus, who is our partner.

Taylor:

Alright. To be honest with you, I have no problem with the Chamber staying in there because the members are so diverse. You have so many businesses in there. You have people from all walks of this county that are members there. I don't have heartburn from this. And Workforce Plus should be in there to be honest with you. They are our employment solution.

Gardner:

And, they have already met with National Solar and Hensel Phelps. Workforce Plus.

Taylor:

Well, they should be mentioned in this contractual agreement.

Holt:

Madam Chairman?

Taylor:

Yes.

Holt:

I think they both should be left out. Let's just go with it.

Taylor:

O.K. Let's just move. There is no heartburn. Let's just move. Why would you want to leave out Workforce Plus?

Holt:

No, no. What I am saying is you may have someone who says, "I am not a member of the Chamber, but I have a business." You see, you may have a whole group out there that is not a member of either of those entities. They could make an issue that they name is not mentioned here. If you name one or two, you are going to have to name the others. Like I used to say about the truck driver. I am out here driving trucks and I am not a member of the Chamber and I don't use Workforce Plus, but I can't' get a contract because I am not a member.

Croley:

I want to appreciate the point that David is bringing up. What I am trying to say to you is that I just don't' think that Workforce Plus or TCC or anybody else should be listed here. I think what we should be doing is working out a relationship with National Solar, which you already have, to say, "Hey, we can add value. Our members are good businesses. We know a lot about them and they can add value." But, that would be like saying you are going to give preference to TCC graduates or FSU graduates or University of Florida graduates. You know, you could go on and on with that. So, if you didn't mention one organization, you wouldn't have mention any of the others. That was my rationale. Nothing against the Chamber.

Taylor:

Re-read the sentence as it was given to you.

Weiss:

Owner and Hensel Phelps agree to give a strong preference toward utilizing Gadsden County companies and residents and minority opportunity preferences for vendors, contractors and employees where it is reason and financially practical to do so.

Croley:

And give a report annually in however you word that sentence.

Weiss:

Well, the reporting requirements are in that next section.

Croley

Well, wherever they are supposed to be. Just make sure that we get a report on that.

Weiss

That is one of the requirements in the reporting section. That is to report on it with employment data.

Taylor:

Is it spelled out clearly as to the number of jobs? Are we clear on that? Is it 120 jobs? It is not a potential, it is an actual.

Croley:

It says "estimates up to." It is not a concrete figure.

Holt:

Yeah. It might be 50 jobs. We might need to look at that.

Taylor:

That is heartburn.

Weiss:

The 120? What I actually did in that regard – I think I mentioned earlier that the Statutes require 10 or more full time employees in the state. Now, that is for continuing. That is not the 400 jobs that are estimated for the construction phase. That is the actual job that will be continuing and what we established for full time employees. That is what I did in that regard because that is the statutory requirement. There is nothing that says this has to be, I mean, the Statutes are in the minimum.

Taylor:

So, it is a minimum of 10, but we need a guaranteed number. If we are giving up these incentives, we need a guaranteed number that they can give us. A guaranteed number. So, what is a good guaranteed number. WE have to have that.

Holt:

Madam Chairman?

Taylor:

Because at the end of the day, we are going to give us 83% for 10 employees.

Holt:

I would like to see 120 jobs and be through with it. They are not going to be all at one time. They will do them as they get the sites in.

Croley:

I think David ought to give some input on that. I don't know enough. How much were they planning per site? I think 10.

Gardner:

There will be an economy of scale as they tend to congregate or have these pods down in one area. I personally don't have a problem with 120. I am going to be very careful on how I say this. My vision, this is not an accepted signed off vision here, but my vision is that Gadsden County become a hub for other opportunities mostly as it relates to assemblage and manufacturing possibly of solar panels or somewhere in this area. It could be equipment or modules somewhere and other opportunities. So, let me leave it at that. But, I don't look at this one-dimensionally in that there be a certain number of jobs and cap it at 120. I think there is a much bigger picture here. Also, the construction jobs start and go on regionally and most of the expertise is here in Gadsden County. Now, whether it is in Jackson or Liberty or north in Wakulla, Gadsden Countians will benefit. People have said, "Well, that is only for four or five years." But, if you are in the construction business and you knew you had a job possibly for four or five

years, that is pretty darn good. So, I think a lot of businesses will feed on this. We have other opportunities that are already coming. It is not just this one.

Croley:

I understand that, but for purposes of this agreement.

Gardner:

I don't have a problem with 120 jobs as a minimum.

Croley:

You would use the word minimum?

Gardner:

Yeah, I don't have a problem with that.

Holt:

There you go.

Gardner:

At total build out. But, they have to employ 10 on the first project. They have to. State Statutes require it.

Taylor:

Now, we want to make it very clear now. We are not talking about the construction sites. But at a minimum of 120 full time jobs.

Gardner:

Long term, full time committed jobs by whatever the statutory definitions are for full time jobs, but there is a minimum of 10 initially.

Croley:

Wait a minute. Now, I am getting – and here is the reason that I am asking the question. I don't have a problem with the 120 either as a minimum. But, what I am trying to say is when they build the first solar farm foot print and we'll just say it is 20 megawatts and they are going to hire the construction people to come in. I understand that and hopefully they will hire locally and all the things through Chamber members and other resources. But, at the end, let's just say that they build that one facility and we have agreed to the abatement process on that one facility and they end up having probably maybe eight people to run that facility. How many will they have for that one 20-megawatt farm?

Gardner:

On that first farm they have to have 10. They have to have 10.

Holt:

Thank you.

Croley:

O.K. 10. 10 is the statutory limit. They have to have 10 people. Well what if they don't build but maybe one more farm and no more.

Gardner:

Alright. Good question. Right now you are getting on that particular piece of property and Clay has already left, but you are getting \$4,795 in tax revenues on that 2,000 acre parcel. Almost \$4,800. Now, let's just say that there are only two farms. Total tax revenue are about \$18 million over the next 30 years not counting the jobs for those few folks. I didn't do all this work for two farms.

Croley:

I understand and I appreciate that, but then, you can't control things.

Gardner:

I can't control whether they will build one.

Croley:

Well, what I am trying to say is that there has to be a minimum of 10 per State Statute per foot print, right?

Weiss:

When I modified this, that is the way that I am interpreting the Statute is that they need to have 10 or more full time employees for the continuing operation of each solar farm. That is within the State. So, they may people at their headquarters in Melbourne that are doing certain leg work that are included for operating this farm. They may not all be located in Gadsden County.

Croley:

Well, see, that is the concern that I think we all need to be clear on. I was going to come back and ask you when you said that about "in the state." What if we give this abatement and we say the 120 and all of that is fine. They build one farm, they hire six people here, but, they count four others at their headquarters. They meet the statutory definition. Will the county, this board, have any leeway about enforcing the 10 full time here within Gadsden County. The Statute says "anywhere in the state."

Taylor:

That is just language. We need to put language in there.

Weiss:

We put language in the contract that requires that the 10 people be in Gadsden County, then they have to comply. If they don't comply with those terms, they are in default.

Croley:

And you are going to do that?

Weiss:

If that is my direction from you all.

Morgan:

With one farm, they have planned six individuals per farm and you tell them that they've got to have 10. Is that what I am hearing?

Croley:

Yes.

Morgan:

How are going to do that to a company. They might not can afford to employ ten people there. I think that we don't know how this is going to grow. Let's say the example that David Gardner just used and say that they only get to two farms total. Worst case scenario. They may only get to one. Maybe they will only get to two. That is not the intent, and I think it will be much beyond that just like David does and just like this company does because they would not be investing these kinds of dollars, but let's just say two. Those two farms, whatever the number is, produces \$18 million to Gadsden County in 30 years, where we were receiving \$4,800. Who cares what total number of jobs they commit to for the total number of jobs.

Croley:

I am fine on that, Commissioner. I am just saying that it needs to be clearly understood up front.

Morgan:

Why?

Croley:

It just needs to be clear. If we are going to go by the State Statutes, I am fine with it.

Morgan:

Follow the State Statutes and let the people do business.

Croley:

I am fine with it.

Morgan:

Follow the State Statutes and let the people do business. That is all we need to do. That is all we need to do. I understand the concern.

Croley:

But, I am hearing commissioners say something different.

Morgan

I understand what we want to accomplish here, but you are tying the hands of these people.

Croley:

No, I am not tying them.

Morgan:

I do understand the intent and I want you to know that I hear what you are saying and we want to provide the most possible jobs for our citizens that we can do. I get all of that. I really do. I promise you I do. And I think these folks will absolutely reach out in every possible way to do that and establish positive working relationships with as many folks as they can. But, if you start putting in too many of these requirements, we are going to defeat the project. I am sorely afraid of that. So, that is why I am coming from that angle understanding your position. I really do.

Croley:

Commissioner, I was not advocating in any way about it. I am saying to you and this board and all the people that are involved in this that we need to make that clear. We either need to say "go by the Statute" and be statewide, which I am fine with, or we need to say, "It's got to be in the county." You are saying 120 jobs. I can understand 120 if it statewide. I am just saying that a good agreement starts with a good understanding. You heard Mr. Peacock and I know him. He negotiated all these contracts for Talquin Electric. I know he is a good negotiator. He would tell you that same thing. He said it earlier. "You need to have a good agreement in place." The less slack there is in it, the less strain there is on both parties.

Morgan:

I understand that. I agree with you on it. We need to have a good agreement in place for both parties.

Holt:

Alright.

Taylor:

Yes, ma'am.

Holt:

Yes, ma'am. Quickly. The 10 per site sounds reasonable. If they are going to have the whole 2,800 acres at one site, then it is the 120 jobs. That kind of clarifies it. If they say, "Well, we can't do that because we have to have two in the Melbourne office and eight there." Then they will let us know that in the negotiation. They can pretty much tell us what they need to do. We can let them know that these are things we are interested in discussing. The attorney takes it back and he comes back to us and says, "State Law requires 10 per site within the state." And they can tell us what they need to do. I don't want them to think we are trying to run them off because we are not trying to run them off. But, we are new at this. You can tell because of the long discussion.

Weiss:

Just so that I can have an understanding, what is it that we are saying. Are we saying that we want – obviously the Statute states the minimum. Do you want to propose to them that a certain number of those employees be employed here in Gadsden County? OR Are we letting them do what they need to do from a business prospective?

Holt:

Madam Chair, I think that what we need to do is to let them know that we are interested in the 10 people being from Gadsden County. But, they need to let us know what they require.

Weiss:

We just want some clarification on what they anticipate.

Holt:

Yeah. Yeah.

Weiss:

O.K. I can certainly do that.

Croley:

Will that work for you, Commissioner Morgan?

Morgan:

Yes, sir.

Croley:

It seems reasonable to me.

Holt:

They are going to tell us what they are going to do.

Taylor:

Well, what is he going to write down here. What language is he going to use.

Holt:

120 jobs with a Gadsden County preference. That is 10 jobs per site. Then they will let us know if any of those jobs need to be in another area. Maybe they are doing something out of the Melbourne office or not.

Taylor:

That could hurt us. If you don't set a minimum number of jobs at these site, then they can say eight out of the Melbourne office and two at your sites. I hear Commissioner Morgan and I hear all three of you. You are dead on target, but we need to set a minimum at each site.

Holt:

10 jobs.

Taylor:

No, they had said six. I don't want to tie their hands to 10. That is not fair. There is not enough work out there for 10. We can say that State Statute is 10 jobs but the county is asking for a minimum of six at each site. If they give us more, we will thank God. But, the State Statute is clear. Now, this gentleman is really saying State Statute, 10 periods. He is not even saying sites.

Weiss:

It is ten. The way that I interpret the Statute, a new business has to have 10 or more full time employees. The same with the expansion of an existing business – 10 or more full time employees. So,

either way you look at it, you are looking at 10 or more employees. Whether you are considering each solar farm a new business or if you consider the second one an expansion. Either way, it is 10.

Now, they may come back and say, "No. No. The way I read the Statute, we are complying by hiring all these people up front in the construction phase. Because it is going to be a long construction phase and they will be hired for five years or whatever. I think it was just mentioned that in the construction industry, having guaranteed employment for five years is pretty good. So, I don't know what they will say necessarily. I think that we could propose 10 or more. That the ongoing operation would require 10 or more and we could say, "which will be located in Gadsden County."

Holt:

You bring up a good point. Cause I hadn't thought about them saying the other jobs would have been included in that number. So, I think 10 per site. Then that would give you the 120. Then to look at that construction phase not be included in there.

Taylor:

This might be a deal breaker, Commissioner. You need to hear what you are saying. They have already told us what jobs are going to be at each site. There is six of them. Now, it should be 10, but a minimum of six per site. We need to give them some wiggle room. They have already identified an engineer, a maintenance, and custodian, - they had six jobs there. That is what I am understanding. Mr. Gardner, am I correct with these six jobs?

Gardner:

I believe it was around six.

Taylor:

No, no, no. It has to be specific.

Morgan:

Unless I misread this, if it is at 20 farms, they have put in that they are guaranteeing up to 120 jobs. Correct? Full time jobs. Six people times 20 farms is 120 full time jobs. Up to. In a perfect world, if they have 20 farms, they will hire up to 120 full time employees. They may only have two farms; they may have six; they may have nine. We don't know.

Gardner:

But, in their projections of all these employees, there is economies of scale within employees. I am sure that with the first few farms as they are tweaking and trying to get all the kinks out, they are going to have more. As they get to 20, it will be -

Morgan:

That is my point. We just don't know. That is their business and they have to do that.

Gardner:

I don't personally have an issue with saying, "You've got to have at least 10 on the first farm." If that satisfies – If they have to be Gadsden County residents, that is for you to decide.

Croley:

I don't think they have to be Gadsden County residents, we just want a preference.

Gardner:

As for Gadsden County positions, I don't know what can be done remotely.

Morgan:

So, what if their business model calls for a certain number, and it does, it is six, and they are building their first one, which is going to be the one with the most question marks on it. Now you are saying that they've got to commit to almost double the number of employees at each site.

Gardner:

You would have to get back to National Solar on that.

Taylor:

Let's do this. Everybody is hitting on some great cylinders here and there are some awesome high points. Here is what we will do to protect ourselves all the way around. I think this comes from all of the commissioners. If we have State Statute that requires 10 jobs, a minimum of six per site. So if they build 100, we are good. If they build 10, we are good. But, a minimum of six per site. That way we are protected. If they go higher, that is even better.

Morgan:

So, what if five years down the road, they are providing however many millions of dollars (maybe it hasn't gotten to that point yet) or several hundred thousand dollars to the county, several million dollars to the school system and they've got a good business going there. But, the economy takes another brief downturn and their business model can't call for that number of employees.

Taylor:

Then it would be time to come back to the table and let's talk. Because you are right. We can't predict past five or ten years. The way things are turning now, we can't even predict past two years. So, we would need to come back and let's talk about this agreement again. All they have to do is come back to us and say, "Listen, we can't honor this. The economy won't support it." So, let's get back and talk so that we can continue with it. If we need to go down to two jobs, then that is what we will do so we can keep them aboard. Two jobs are better than none. So, it will just be time for re-negotiation. But, for right now, we are safe with what you said. I hope we can agree on a minimum of six jobs. We are safe there. I am uncomfortable with mandating that they do 10 because they have already clearly identified that they will do six. But, I am very uncomfortable with them telling me two now that I am looking at a possible six. I have to have a minimum there. So, we are good. We are there. And again, if there is a hardship there, again, this is not etched in stone. This is just a draft so that we could get some actual numbers. I am ready if you all are to go with a minimum of six with a cap of ten per State Statutes. That way, you are O.K. and they are, too.

Croley:

Excuse me. I know that we can't drop below the State Statute.

Weiss:

He is right. You have to have ten per solar farm. Now, whether those ten can be inclusive of the development and construction work, I don't know. That is probably what they will say. Quite frankly, I thought about this and drafted some language because I felt that they would probably come back and say, "No, no, no. We are in compliance with the Statute because we had all these construction workers. They are full time for whatever time that they are full time and we are going to have whatever we need the ongoing maintenance and operation of the individual sites. "They anticipate six per site. Whether they are all here in the county or some of them are down in Melbourne, I don't know.

Croley:

Can't you say a minimum of 10 for the initial site and as Mr. Gardner said, leave that open to comply with the State Statute.

Weiss:

Oh, yeah. There is a lot of language that would comply with the State Statute. I feel like I have drafted some, but again, that leaves It open. To comply with the Statute, you need ten full time jobs created within the state. That is in compliance with the Statute.

Taylor:

If we do anything different, we are trying to rewrite the Statute. If we know it, they will know it as well. Let's just have a minimum of six jobs yet sat each site. That way; we are o.k. It is pretty much what they were asking for anyway. But, we still want to have that part about the State Statute in there with a minimum of six jobs per site. That's important because I will be dog gone if we are going to give up everything and get one (inaudible) and they can do that based on the language that is in here because it says, "up to," but, we need to put a minimum. So, let's move.

Now, let me say this to you. When is the fiscal year for this company? When is their fiscal year?

Weiss:

I don't know their fiscal year. What I said in order to comply with the Statute, again, was on or before March 1^{st} , and that is statutory in terms of -

Taylor:

Well, it needs to be identified in here especially with that reporting requirement. It needs to be identified as to when their fiscal year begins and ends because our budgeting will depend on their report. So, let's get a date in this report.

Weiss:

I have on it March 1st because that is what coincides with their requirements under this form. So, I have on it March 1st.

Taylor:

O.K. So the language is coming.

Weiss:

Yes, I have addressed that.

Taylor:

Now, down here on that 4.2 where it says that they want to identify property up under the Comprehensive Plan – They want to identify property and then get it fast tracked. We need to put some specific type of property – like AG 3. I got that from the Property Appraiser as his preference to where these farms should be put in and developed. This is just my opinion, but you don't want them to develop on just any property as long as there is large tracts of acreage available to them. There might be a community close by. But, AG 3 is what he specifically said.

Croley:

AG 3 and 4. AG 4 is that dark green area and 3 is just a little bit lighter. . (Pointing to the Future Land Use Map)

Taylor:

AG 3 and 4. Well, that is where I got that from, so it needs to be specific that this is where they maintain their boundaries within those types of zones.

Weiss:

So, we want to limit them exclusively to AG 3 and 4 properties.

Croley:

AG 3 is 1:20 and AG4 is 1:40.

Weiss:

I didn't even know we had an AG 4. I thought it was 1, 2, and 3.

Taylor:

Clay told me 3.

Croley:

Well,. If you will look right there, it is heavy and it is 1:40. I've got 2,000 acres of it leased and I know what I am talking about.

Holt:

That is Silva culture. That is AG3. It says AG 1, 2, 3 and Silva Culture.

Croley:

Silva Culture is 1:40. That is what it was unless you've changed it.

Matheny:

May I make a suggestion?

Taylor:

Excuse me. Acknowledge the chair.

Sir?

May I make a suggestion?

Taylor:

Yes, you may.

Matheny:

I would like to limit it to AG and the Silva Culture.

Taylor:

Thank you very much, sir.

Is Silva Culture the same thing as AG 4?

Croley:

It had been. I guess they changed the name of it.

Taylor:

O.K.

Thank you for clarifying that. You are closer and we can't see that far.

Holt:

It's my glasses.

Gardner:

As long as Mr. Matheny was able to render his opinion, I would like to propose what he just proposed, but also ask you to approve AG 2 also because there are some AG 2s that may be better property in terms of - I mean if you look at some of those parcels, there are not any houses around some of them. I don't think there was a lot given to some of the zoning issues related to AG 2.

Taylor:

I think we need to get an opinion from the property appraiser on AG 2 because he was very specific in nature regarding AG 3. Very specific and he even concluded that there were ample acreage that is available for it. So, let's get an opinion on 2, but we can go with 3 and Silva Culture lands.

Gardner:

O.K.

Croley:

May I throw this out?

Taylor:

Yes.

Croley:

Mr. Gardner, that wouldn't be a problem. We can always down zone very quickly.

Gardner:

Very good.

Croley:

Solves the problem.

Taylor:

But, at least you would be looking 3 and Silva.

Weiss:

So, it would be limited to only properties zoned AG 3 and Silva culture and they may still may obtain a Comp Plan Amendment in order to down zone.

Croley:

Sure.

Weiss:

So we will add that language and agree to administratively initiate any Comp Plan Amendments?

Croley:

Yes.

Weiss:

That is what they have in there and that is why I pointed that out earlier.

Holt:

What do you mean by that?

Weiss:

To administratively initiate would basically mean that we would do the process ourselves and we would not require them to come in and apply for a Comp Plan Amendment.

Holt:

No, you got to do that. They need to fill out something. We shouldn't just administratively do it. You are talking about changing zoning. If it is possible to downgrade from a 3 to a 2, you need to have something that says that those people nearby can have a little say-so in that. So the word "administratively" needs to be taken out. It may be something very simple, but you are talking about changing zoning.

Croley:

I thought that our objective was to try to make this as simple on the Silva Culture, which is what we are now calling AG 4 and 3, that we were going to try and make that easy for the company to move on and if they found a site on AG 2 land that met the kind of criteria that Mr. Gardner just referenced. Normally,

people don't have a problem with a down-zoning. They usually have a problem with an increase in density. It seems like to me that that expense would not be burdensome on the county.

Mr. Gardner, I see you are nodding your head in agreement, but would you come and express an opinion on that because that just shouldn't be that big an issue.

Gardner:

There may be a couple of parcels that currently have an AG 2 zoning that may be right and the proximity may be in line with a transmission line that the stars line up on. There are not that many of them and that is the only reason that I made that comment. But, for the purposes of moving things along, we are certainly o.k. with AG 3.

Croley:

Down-zoning is not going to be that expensive process, is it?

Gardner:

Like I said, there may be two, three, four properties that are currently zoned 2 and yes is the answer to your question. It should not be a big issue.

Holt:

I don't have a problem with that now. And I don't have a problem with expediting it, but, I do have a problem with saying you are going to change the way it is going to be done in the Comprehensive Plan. And, it going to be done administratively.

Commissioner, when you were talking about having problems with holding ponds and blah, blah, when will this trigger that process?

Croley:

Mr. Matheny, will you clarify that because I don't think these sites would typically have holding ponds unless

Holt:

I am just speaking about drainage, I am sorry.

Matheny:

That would be a site by site issue – any kind of storm water drainage. He is talking about "administratively" and what he is talking about is that we would do it.

Holt:

I know that.

Matheny:

But, we would still go through all the public hearings. I wouldn't just be Mr. Lawson telling me to do it, we would go through the entire public hearing process.

Holt:

That public hearing process would be done before this board?

Matheny:

Correct. Then we would pay for it. The county would pay for it.

Croley:

It will be very similar to what you have been doing whenever there has been an error discovered in the Zoning Map. We have had to do it for some folks in your area and all five districts.

Holt:

We have done it before all over the county.

Croley:

Time is precious. It is time to go. The clock on the wall says that it is only a quarter to three. It has been that way for a long time.

Taylor:

(Inaudible) Laughter.

Weiss:

Write that down next to the air conditioning unit.

Taylor:

Here is how we will do that. Now, let's wrap it up and get it quicker.

We will add AG 3 and Silva Culture lands as areas potential or suitable sites for the farms. In the event it will down grade the zoning, then the proper process would kick in per our Growth Management Department. So, just something to that nature. You know, we will follow the proper procedure and we are just letting them know that is what we will do, but preference will be given to AG 3 and Silva Culture lands because it was identified by the Property Appraiser.

Moving on. We have already talked about these fees. I don't think we need to stay at \$10,000 because as was said so eloquently earlier, this thing is going to be costly. Not to exceed \$10,000 would probably put us really down to the bottom in trying to get some compensation. What do you all think? Are we o.k. with that number. If you are, then I am, too.

Holt:

Madam Chairman?

Taylor:

Yes.

Holt:

I am not o.k. with it because we don't have a reference point. We don't have anything to look at to make sure that we know what we are talking about on that one.

Taylor:

Well then, let's do this. Let's go ahead with what is in front of us, but put in language to the effect that we would like to come back within three years to readdress these numbers even though the biggest costs will be out of the way by then.

Holt:

I think that is a good idea.

Weiss:

May I make a suggestion?

Taylor:

Yes.

Weiss:

My suggestion is that we should figure out what the typical amount of the fees would be on the construction of any one of these solar farms and based on that number, determine whether \$10,000 is a good number. What the county is doing is giving up everything in excess of \$10,000. If that is \$3,000, then well, yeah, that may be something that is reasonable to give up and they are getting that incentive. If it is \$20,000, it may not be reasonable to give it up.

Taylor:

With that being said, I am assuming that you are going to do the research.

Weiss:

I can ask Mr. Matheny and the Building Inspector to get with me and try to develop what a rough estimate would be.

Taylor:

I appreciate where you are going. The way that you just projected will help, in my opinion. Once you have done your research and the amount exceeds \$20,000, then that is obviously something we need to look into. We may need to move that line. So, let our point be - if the fees exceed \$20,000, then we will need to readdress this amount. But, if it is less than that, then it doesn't give me heartburn. But, we do need to get some revenue in here.

Weiss:

So, if we are giving up more than, if the total fees are in excess of \$20,000,

Holt:

No, in excess of \$10,000. I am sure that this company is not in this business without having done this research. So, they pretty much know what it is going to cost them to do it, but we need to do the research to know what we are talking about.

Taylor:

Are you saying in excess of their proposed \$10,000 or an additional \$10,000 above that?

Holt:

In excess of the proposed \$10,000. They want to cap it at \$10,000. Let's see if it is anything above \$10,000.

Taylor:

What we will set it at if it is above \$10,000. Are we going to absorb it or not? I guess \$10,000 is the threshold.

Croley:

We are not in a position to answer that question right now. I think you need to let him research it. They are redoing the power line up in the northern part of the county now. I don't think there is any building inspection going on there. So, there may not be any building inspection fees or they might be minimal. I don't know, but I think we need to know the answer to that before we get into a specific number.

Taylor:

I happen to concur. I am getting beat up with debate and I am tired.

Croley:

It is just discussion.

Taylor:

It is debate, but I like it sometimes, but not at 5:00 p.m. Anyway, we will leave that in your capable hands and I assume that once you find out what all is involved with the cost to the county that you will get with the county administrator and he will disseminate that information to us – not as a poll, Mr. Administrator because that is illegal, but just in the way disseminating that information to us and then we will give him our input.

Alright, let's move.

Ms. Leslie, I hear you over there mumbling and rocking and digging and jumping and wanting to go through the ceiling.

Laslie:

My name is Marion Laslie.

Taylor:

Leslie, Laslie – I told you I was going to do that, didn't I?

Laslie:

I know who I am.

O.K. If you are going to administratively hear and rezone some of these properties, the AG 2 properties, which are more complicated, National Solar needs to pay for it. This does not need to be included in the county fees because it doesn't fit the norm for this procedure. That is my first statement.

The second one is on the county fees. Again, you need the data.

You didn't talk about the reporting requirements and you didn't talk about permitting and the inspections. You just breezed right over that.

The lawyer has my notes, if he will incorporate them, that is fine. It doesn't need to be discussed.

Let's see, my notes are back there, let me get them.

Croley:

Ms. Laslie, you need to appreciate that this is still a work in progress. He's got to go back and get this. You will see another version of it. We are just pounding our way through here to try to get as much done since we have all taken our day for county business. So, we don't all need to get frustrated with each other because they may not agree with some of this and we may not either. Just like Commissioner Taylor said, we've got to slug through it.

Taylor:

There will be more dialogue on it.

Laslie:

So, the big thing is the cash grant and I didn't read my list of things because I thought they would be incorporated in the discussion. The cash grant is going to be coming up and the \$10,000 cap on the fees that they want is included in this cash grant. They want that money back. Whatever they pay the county, they want you to give it back to them. So, just remember that. I think you need to get your numbers and you need to make sure that they pay you enough money to be able to do our business. Whether you pay it back to them after they pay their property tax is fine. The kicker is when they pay their property taxes, then you give them back their money. So, I don't see how they are going to get any tax abatement until they have an operating farm because the property tax gets assessed on the operating farm. I don't think it is done during the development. They do also state that it is a four year build out for the whole project. I am going to say this now because you may not let me come back up here. There is a four year build-out on the total project. I don't think the abatement should be for more than four years for each project. That is probably enough to think about for the moment.

Taylor:

And, we are at the point where we are at the cash grant, but let me just say this to you, Marion. You did give us some great ideas, but this county commission has the job of coming up with ideas as well. As you have probably observed from sitting there, we pretty much have gone along with what you have written here, but not 100%. I don't think that is the demeanor or behavior of any one commissioner around this board meaning that we don't receive 100% of we may say or indicate as desirable. It has to be a collaborative effort. So, while appreciate you and have shown you appreciation by taking into consideration what you have put here, which is quite a bit. We have implemented some of them, but it won't be 100% because that is just not how it is done. But, I do appreciate what you have done and the insight that you have given us on items to look at specifically. So, thank you for that, but please don't get heartburn if we don't do 100% of it.

Now, moving on to this cash grant. Again, some great points brought out. One – I am not in agreement with giving them \$30,000. I think we need to come up with our own number. Two – it did indicate that they would expect these dollars after the ad valorem taxes has been paid by them. So, that is clear in the language.

Morgan:

And that it is operational. Not just built, but it is in operation.

Taylor:

And that it is operational. Yeah. Didn't I read that Commissioner? Yes, "in which the commercial operation commence," Yes, it is there. And then it says, "on which there has been constructed a solar farm." So, it has to be operational, it has to be after the taxes have been paid, but, again, I am not in agreement with the \$30,000. We need to set out own numbers. How did they arrive at \$30,000? Is that what it costs to do a survey? Did anyone research that?

David Gardner:

I don't know. They will be spending several hundred thousand and I can't remember, I don't know where that figure came from. I just can't remember.

Croley:

Well, that is what we are saying. We don't know where the \$30,000 came from, but

Weiss:

That is their proposal. If we have a different proposal, we should give it back to them and they will tell us if they had a reason for the \$30,000 if they need the \$30,000.

Croley:

Madam Chair, for the sake of time, could we ask the staff to research that and give their recommendation back to us. Will that be helpful, Mr. Lawson? I don't know where that \$30,000 came from unless you do, Commissioner Morgan.

Morgan:

No, I don't know. I think they did mention that.

Gardner:

It is a certain percentage, maybe 10% of what they were going to have to spend.

Croley:

It would be good if the staff would speak to those folks or whatever you need to do and you all give us a recommendation because we could sit here and debate 30 or 35 or whatever. I don't know. But, somehow they came up with that number. If it makes sense, I would like to hear from them objectively from our people.

Holt:

Madam Chair?

Taylor:

You always underbid. You always want to go lower than what you want to pay. You don't go with the amount you are willing to pay, you start out lower, then let them come back with a number and it is usually the number that you feel comfortable with. That is how it is done.

Holt:

Madam Chairman? Mr. Gardner said he had been to the one in Jacksonville. Who could get some information from there. What it calls for permitting, what kind of permits did they have to do? We just want information from somebody close by so that we can get some information. Then we can move forward. I think their fee structure is much higher than ours and all of that, but it is permitting that they had to get done.

Gardner:

Hensel Phelps, the contractor, has done a lot of research and I am sure that would be the first step in terms of finding out what the realistic figures are. I will be more than happy to find out. You let me know what you want me to do.

Holt:

Yeah, I think that will be good. That way, we will know.

Taylor:

To allow staff and the attorney to go and look at these fees. I don't want to do anything to run them away. If \$30,000 is a good solid number, then \$30,000 it is. But, if it is just a number that came out of somewhere – If they are asking for \$30,000, but they only need \$15,000, then we should negotiate it out. If that is the case, then we need to be intelligent about it.

Weiss:

One way to find out that information is to make a proposal. I am not saying that you can do that in all instances, but -

Taylor:

Let's go with \$10,000.

Weiss:

They can come back and say, "No, no, no. This is why we have this number and this is where it comes from."

Taylor:

I agree with you. Let's do \$10,000. Let's offer \$10,000. Don't beat me up, please. Let's offer \$10,000 and they can come back with \$15,000 or \$20,000. I will bet \$100. I am kidding you. That is illegal.

Holt:

You mean we can't bet?

Taylor:

No. They will jump on me if they don't want it. Trust me.

Let's move.

Holt:

Madam Chair, a question right quick. The possible location. We never looked at that.

Taylor:

Yes, we did when we said they could go wherever they want in AG 3 and Silva Culture.

Holt:

No, no. Not the location itself, but paying for the study for the possible location.

Taylor:

Well, again, this is supposed to be narrowed to those areas so they won't have to do as many.

Holt:

I understand, but if they do 10, it will be \$30,000 for each one.

Taylor:

No, no, no. That is not what they said. You can do 30, but the only one that we will pay for is the one that they will chose to build that site on. Am I correct?

Weiss:

No, no, no. I think what this language says is whatever they do with regard to one site – whatever it is – we are going to repay for up to "x" dollars, whatever "x" ends up being.

Holt:

But for that site. So, if they do 10 other studies, we

Weiss:

No, if they do studies for other site, that is the possible location language. So, they may spend \$50,000 or \$70,000 or \$100,000 on figuring out which of the 10 sites is going to be suitable for their purposes. The studies they did on the other nine sites, the cost associated with that up to "x" dollars of the total cost – we will pay that. That is the idea. They are expending funds in order to identify a suitable site and once they have identified it and gotten that site up and running, then we are repaying "x" dollars.

Holt:

But, once it is running, so that means that you only have one site, one study. That makes sense to me. But, for those eight other sites, they will have done the study, but they didn't development anything and I don't want to pay them for that. That is what I am saying. I don't want to pay them for something they didn't develop. That is what I am saying. I don't want to pay them for something they didn't develop and didn't produce any electricity.

Weiss:

I think from their prospective is they were doing all the work in order to find a suitable site. They will have to do the due diligence on other sites just like they have to do it on the site that was picked. But, I understand what you are saying. I am happy to do -

Holt:

We have to remember that this is for-profit company. They are going to make money. They are not going to leave here broke. They are going to make money. If you do 10 sites and 10 time \$30,000 –

Weiss:

You are capped per site. One developed site is capped at whatever this "x" dollar figure is.

Holt:

But, my point is that in trying to get that one developed site, they did four studies. So we don't have to pay for the other three studies, only for the study for the one developed site. That is what I need to hear.

Morgan:

It is up to that certain amount right now for that site.

Weiss:

Right. For that developed site. I think we all understand it and I am trying to figure out a way to explain it.

Croley:

They want you to pay up to \$30,000 for their research to find one site that will ultimately be developed. It won't make any difference as to how many sites they go through, you are going to pay for the one final site even if they looked at 12 different properties.

Holt:

Well, we need that in the language then and I am through with that.

Weiss:

I will make sure, but, to me, that is what this says, but I will make sure that it is tightened up.

Holt:

Then I am ready to go to another one.

Taylor:

We are only going to pay for one, but they can do as many as they want. Alright, let's move. Are we going to agree to the \$30,000 or do we want to do what he recommended and send them another number.

Holt:

I think \$10,000 is fine.

Taylor:

Alright. Let's be sure before we give them this contractual agreement and tell them it is draft.

This next one, 4.6, the only thing that I have heartburn about this is doing 20 years. Well, actually, it has 10 years. In 10 years, you build this farm, 10 more years to build that farm, 10 years to build another one and 10 years when you build another one. I have a big problem with that. I will do five. I will agree to five, but I don't like doing that. That is still 5 times 20, which is 100 years. You are going to do 20 farms and you are giving them abatement s for five years per farm as they develop them —Is that right? If they build two or three in one year, it is just five years from that year. They are talking about building them for 20 years.

Morgan:

It is a certain number of years per farm.

Weiss:

It will be specific per farm. This agreement will be a master agreement which governs the future actions, but you are going to have to adopt a resolution per farm as they come on line as well. This is going to govern those and it will be for however many years per farm that comes on line.

Croley:

David, that is why, when we were talking about definitions, it is going to be important that you clarify what you mean by "farm." I think you need to make sure that the agreement reads that way. On 2,000 acres, if they build what we will call this site and they get a five or ten year abatement, whatever the case may be, and then they build a second 120 acre and you will have different time frames for each of those sites. However, if you said "farm," does that mean the entire 2,000 acres. I don't know. I think the main thing is that we show competence and flexibility. Do you have a problem, David?

Gardner:

I did remember one thing that Liberty County did - I think they put the agreement for 10 years. So, they have to get everything done and it corresponded to an abatement time. In reference to Chair Taylor's comment, they have got to get everything done. They have 10 years to get those farms built.

Weiss:

That is with respect to the tax exemption in Section 5. That is where that is addressed. They have 20 years here and I have marked through all of that and put 10 years. Per the Statutes, you can't have an agreement that exceeds 10 years. You are only allowed to grant abatements for 10 years from the time of your referendum. So, that is that. If there is a farm that comes on line after the 10 years, then this agreement is no longer in effect.

Taylor:

Are you saying that instead of 10 years every time they build a farm, it is only one set of 10 years

Gardner:

They can build five farms or four farms in Liberty County and they have to do it within the next 10 years.

Taylor:

I am talking about the abatement period.

Gardner:

10 years. For Gadsden County purposes, since the ordinance has just been passed, in year nine, they can build a farm and still get the 10 years of abatements. What we are doing is quantifying the number of years that this agreement is for, which ties into the abatement period.

Morgan:

Is it not true, David, that we have to go back for a referendum in 10 years in order to continue to offer abatements?

Weiss:

Yes.

Morgan:

O.K. Here is my question. Let's say that they built their 5th farm in year 5, five years from now. That means that we can agree to abate these taxes for five years on that farm because – what if we have a referendum that does not pass in 10 years.

Weiss:

The way that the Statutes reads, even if they complete a farm in the 9th year, you can grant abatement for 10 years from the 9th year.

Morgan:

So, it is nothing new beyond those 10 years.

Croley:

While we are on that subject, I noticed on Page 5, they are saying that we will commit to the process of enacting a renewal ordinance. I caution about that because I don't know that it is a good idea to have us contractually obligated.

Morgan:

Where is that?

Croley:

Page 5, the bottom of the page. I don't think that is a good thing to have. To have somebody tell you what a future board has got to do. I think that could be discussed by the board at that time. The county can always consider it and I don't think it is a good idea to try to force people.

Taylor:

Let's delete that line where it says that.

Weiss:

And we want 5 years.

Taylor:

What about this 83%? I have heartburn on that. I want to go to 75%. That is what I want from them. We need a bit more revenue and 83% is high. We should be able to ask for something a little better. Any comments?

Holt:

You are saying 75%, but I was thinking 70%.

Morgan:

I think you will have a higher chance of them agreeing to a lot of these other changes that we have made if we leave in place fairly close to what they are asking for in abatements.

Taylor:

Well, I am only down by 8 points.

Morgan:

I don't know, I guess they can always say, "no."

Taylor:

That is right. It is negotiable. Are you O.K.?

Weiss:

So that is 75% for 5 years is your proposal?

Taylor:

And, everything is negotiable.

Assignment to another Entity

Taylor:

You all, I will just have to be honest with you and tell you that other than this assignment, I don't have any heartburn. I think we got to the crux by the members. The assignment, however, I cannot and will not agree with at this point for it to be turned over to any other entity without confirmation from this board because we do not other entities at the table. Not that we have a signed agreement with them, but transferring it without the consent of this board gives me heartburn.

Croley:

I tend to agree with you. I think that the county attorney and with the staff input and Mr. Gardner can work through a lot of this. I think there are two things that I think ought to be at least touched on. Real quickly, David, if you could outline and give us a summary of item 8, which is references to indemnity and then

Weiss:

I have struck that line already.

Croley:

Then, Item 9 – the release.

I figured that you had already had it stricken.

Weiss:

Item 8, I struck in its entirety.

Item 9

Croley:

What about Item 9?

Weiss:

We will see what they say in regard to it, but that is proposed.

With regard to a release, this is a mutual release.

Croley:

Let me tell you why I am asking. Let's just suppose that they build a solar farm and I hope that all of this goes forward. You can't know how sincere I am about that. I really, really hope that everything works out like it is being represented. But, let's just suppose that they get two farms built and all of sudden this thing folds for some reason unexpectedly. Now, we have 240 acres of solar panels sitting out there and we've got the land tied up and they've got all this different entities involved. How is the county going to make sure that the land or any residual problems from that are addressed? When we are saying that we are giving them a release and all reasonable attorney fees, exactly what does that mean? I am not even asking expecting you to answer that right now. But, I would ask, Madam Chair, that he at least check that out for us so that as we said, we don't breach our fiduciary responsibilities to the public interest. We have already seen in your district the hooray that has been going on about another site. We don't need a repeat of that.

Taylor:

I agree with you there. I have been looking at it and we definitely need to look at those to make sure that we get the best results for both the county and the solar farms.

Croley:

Then, in the end, all I am trying to say to you is that as a county commissioner and I would hope that everybody else is agreement with this, I am depending on the quality expertise and professionalism of your law firm to help guide us through such an agreement as this. With all due respect to the other counties, because we have spent a lot of time on this, I would like for ours to be a model to go by so the other counties would want to use our work if they are going to put in solar farms.

Taylor:

Alright, let's move on. I like that comment.

Now, are you clear on this assignment, David?



Weiss:

Yes, I am.

Taylor:

We are not in agreement for this being transferred without coming back to the county and that the only person to be held responsible is who we make this agreement with. Any transfers has to come back before this county for approval.

Weiss:

Fine.

Taylor:

That is it. That is it.

Morgan:

I have a question on the bottom of Page 8, David. For the attorney. "Governing all venue and jurisdiction," Do you have any advice as to options that we have?

Weiss:

I struck that in favor of Gadsden County. That is what I propose.

Holt:

I may have missed this, but right quick, Commissioner Croley, you were saying earlier that if the farms are not successful, what was the conclusion of that conversation? I also had that as a note.

Croley:

Well, I think we were just asking Commissioner Taylor and Commissioner Morgan either by agreement or silence said that we need to protect our public's interest. We don't want to be left with unsightly solar panels on 240 acres with no way of getting rid of them or whatever if that should happen. Hopefully, that will not happen. I don't have any reason to believe that we will have that problem, but if we do, we don't need a repeat of having people come back here and say to us, "You didn't do your due-diligence." So, we just asked the attorney to check into that and make sure.

Holt:

I would like to add to that. How do we get it back on the tax roll? I was thinking, "What do you do with all that equipment if the company goes "belly-up?" What happens to the property?

Crolev:

That is what we asked him to research and come back to tell us what should be done for the public interest.

Holt:

O.K. Thank you.

Morgan:

David, was there anything that you saw in here upon your review that we did not bring up today? Are there other things that you recommend or talk to us about?

Weiss:

I don't think so. Just generally, with regard to the release, what you are looking at is a mutual release. So, it is a give and take, obviously. Now, if you think that we would trade the opportunity to hold them accountable for their ability to do the same, that is just the call we have to make. Either way, it is a cost benefit analysis based upon what we anticipate liability to be on either side, but I will look into that some more and I will talk with them about it a little bit more and then see what we think.

Croley:

Commissioner Taylor and commissioners, I want to share this with you real quick. I don't think you got a copy of it. I am sure the county administrator and the county attorney could share this with you. I know I shared it with Mr. Gardner.

Here is the thing. There is a study done by Kansas State University about tax abatements and economic incentives and whether they work. Do they generally do what they were intended to do to generate these jobs. I will let you look that over if you wish to get a copy from either of these two gentlemen.

There were two concerns in there. Is an entity set up to strictly try to make a profit off of tax incentives or that are being set up to make a profit and you are using tax incentives to steer where they physically locate the businesses, we obviously are better served if this business is being set up to make a profit and we can help by a tax incentives steer them to this county and into the physical locations that we have identified. That is the ultimate goal. Hopefully, that is what will come out of this. If you do anything less, you are probably going to wind up having them to survive only as long tax incentives are in place. Then they will crash and burn and we will be left holding the bag and our citizens will be very disappointed in all of us. Anyway, I see David, you are nodding your head in agreement. So, hopefully, in our enthusiasm, we will do this in a proper way and it will be a win/win and we will be the greatest thing and we will lay the foundation for great things to come. We appreciate it.

Taylor:

Alright. Thank you all so much for your input and for sticking with us for these four and one half hours of dialogue.

Morgan:

Madam Chair, what is the process now and timeline?

Taylor:

I want to thank the citizens for their input. It has been well received and we are moving forward on it.

Commissioners, I think you have done a yeoman's job in getting through a very difficult agreement. But, we gave the citizens good representation today as well as making sure that National Solar knows that we still want this deal. So, we didn't walk away from all, we just changed the margin lines a little bit, but that was it.

What we need now. A lot has been said and a lot of changes have been suggested and recommended. So, when you go back through it and you get us a final product, if you would not mind, make those changes that we talked about so that we can see them. Please don't just do strike-throughs. Commissioners, please have a copy of your old agreement handy to make the comparison. Strike throughs just seems to be too congested. For some of us, it is too much. Put in blue where the changes are. When can you get that back to the board?

Weiss:

I would not expect that it would take me too long. We have a little bit of work to do on a couple of these with regard to finding out some information, but I would expect by the beginning to the middle of next week. I don't think it should take any longer than that.

Morgan:

You are asking him to make the changes and present them to their attorney? Is that what you are saying? Then get feed-back from them?

Taylor:

I think what we need to do is take a look at the agreement once all of the strike-thus are made and once all the research is done, we need to look at it again first.

Morgan:

O.K.

Taylor:

As soon as possible. I am with you on it. If you can get it back to us within a week that would be great.

Morgan:

Is there any way that could be done, make the changes and email those changes in color to us so that we can look at them. I am trying to think a way that we can get some communications going with National Solar. They may have some things that they can quickly agree to without a problem and we can move on. Or, they can say, "No, this is not an issue that is non-negotiable here." What is a better way to get a feel about where they are the next time we get together to discuss this? We spent so much time and I think we all know what we want to present to them for the most part.

I want the board to keep in mind that this is entirely a different document than what was presented to us. We have suggested some pretty drastic changes in here. So, there may be some items that they just aren't even willing to discuss. If there are some easy ones that we can knock out and know that we can work out the smaller things later on. There may be a more expeditious manner in which we can move forward.

Taylor:

May I make a suggestion to get to your point. I am at the same track that you are on in terms of getting it in front of them.

No disrespect, but we are putting you on a timeline. He is right. We need to get this hard copy if front of them. But, I do think the commissioners need to look at it first and then give a 24-hr turnaround time to them through this administrator.

So, can we count on you getting this back to us within a week?

Weiss:

Yes, I think that can be arranged.

Taylor:

Staff, can we do that? Now, make yourself comfortable because we want good information.

Weiss:

That shouldn't be a problem.

Taylor:

That shouldn't be a problem. O.K. If we get it back within a week, Commissioners, then Mr. Lawson, of all the meetings you've got, make sure that the commissioners know, not just in our box or whatever. By all means possible, make sure that we get to look at it then give the administrator your feedback within 24 hours.

Sir, you said that it would then go into the next step. Mr. Lawson will get back in touch with you within 24 hours, then it goes. It just goes. 24 hours will give us a chance to say, "Well, we didn't say this or we didn't say that." Then between you and him, don't bring it back here. Please don't.

Holt:

Madam Chairman?

Taylor:

Thank you. I would like to, and I think it is a good idea, Commissioner Morgan, to get it emailed to us so that we can look over it and see what we need to do. I do appreciate you guys having this workshop because I kept saying, "Let's have a workshop." This is aggravating, but you get all the questions out of the way. I really feel, and I know that I am tough on people when they come up here, and I feel sorry for them, I really do because you are really dragging them out in the public when we could take care of some of this together. Then we can come back and offer something. I think it is a great idea and I am glad we are having the workshop. There were some good ideas today and it gives them some time. But, I do feel like that because we have done this with this company, the first time that contract comes up, we need to get together, put our heads together. We just need to do it earlier.

Taylor:

We couldn't have done it any earlier. We couldn't. It having to be voted on, it having to be agendaed, then move to the next step. We may have wasted three weeks, but no more.

Croley:

Madam Chair?

Taylor:

Yes, sir.

Croley:

Just a point of order. I don't know that we can be representing anything from this workshop until National Solar has seen this. This is a decision of the board. What I was going to suggest and it tracks with exactly what you are saying. It is a slight difference in procedure. He says he needs about a week, basically to get all of this together. Why can't we ask the administrator to see that this is on the April 3rd agenda, even if we have to amend the agenda. Let us make a formal vote and authorize them to send it on. It will have been done properly. Then they should give us back a response hopefully before the second meeting in April. If we find that we need to have another workshop, this is a big enough issue that I am willing to take more time. But, in that way, we will have done this procedurally correct.

Taylor:

I don't mind, but as a point of clarity to you, sir, this is a special meeting/workshop. So, we can actually give direction by it being a special meeting. We could vote it tonight since we have advertised it that way. If it was just a workshop, you would be absolutely right. We could not give direction, we could only put together a concept. But, by it being advertised as a special meeting, we can give direction, we could probably approve this.

Croley:

O.K. All I am trying to say is if he can emailed us that and then have the final item that you are ready to mail at the April 3rd meeting, I would feel better about it.

Morgan:

This is not a final document.

Taylor:

No. There are parts of it that are certainly going to be negotiated.

Morgan:

We will have to approve the final document. I hear what you are saying and I understand, but

Croley:

That is going to slow us up a bit, but whatever you all want to do is fine.

Morgan:

Isn't that correct, Mr. Attorney? I agree with the chair that it is a special meeting. Do we need to take a vote to do that? That is my question.

Taylor:

We only need to vote on the actual agreement and that is not yet. We are still putting it together. It will be agendaed, but not yet. There is no sense in agendaing it now and then again. That doesn't make sense to me and it is a waste of time. These people can have it in front of them as early as next week. Then we can have dialogue on it. What we want is to see it again in two to three weeks.

Weiss:

I think that everybody is right. But, I think one thing that I do like about Commissioner Croley's suggestion is that in the event that I make these changes and (with regard to these changes, I understand that you do not like the legislative strike thru format, but I will say that I am sure that the attorney for National Solar will expect to see it. He doesn't want me to delete his language without showing what that deletion is. I apologize for that, but I probably need to do it that way.

Taylor:

Very well. Put our changes in blue.

Weiss:

O.K. But, what I started to say is in the event that you all get this and say, "Hey, wait a second, that is not what I had in mind and that is not what I had in mind." Even if it is only a few things and you all communicate that to Mr. Lawson and then there are certain things which one of you may not have had in mind, it creates conflicts with what the rest of you had in mind. I mean, I can't then say that I will pick what was here intention.

Taylor:

No, no, no.

Weiss:

So, that is when we would probably want to have it addressed.

Taylor:

You are right. Here is what will happen. You are right. That would put you in a quagmire and it would have one commissioner agreeing with the language and another one differing. But, use your record to clarify. Sometimes, he does that, too to clarify a statement or an issue. What is said is recorded and this is what you are to go by because the longer we drag this, the better chances we have. We have a bunch of issues that we have already changed that they may fight us on, but I don't want to drag it. So, if there is something debatable, you will have to refer back there because that is a whole other meeting. When we come back in here, that is a whole other two or three hours because we talk and I appreciate that. But, in this instance, we need to move this contract on.

Holt:

Commissioner Taylor, I agree with you except for one thing. I think the attorney is right. If there is a problem which causes him doubt, he needs to bring it back.

Taylor:

If it is a major problem that he cannot clarify through the recorded record, then it needs to come back. But, if he can clarify it and he and the manager are comfortable with the clarification from what she is using as her records then let's use that. But, if he cannot, yes, bring it back.

Holt:

If he has any questions, we can meet for an hour next week. I don't mind.

Taylor:

Gadsden County Board of County Commissioners March 20, 2012 Special Meeting/Workshop – 1:30 p.m.

Can we do this?

Croley:

I want to see it back with the changes at the April 3rd meeting and I don't think we will need a lot of discussion on it, maybe even no discussion at all. It is for the formality. I want to see it a live document, vote on it and send it on through and let's be done with it.

Holt:

It has to be public record after we do.

Morgan:

Today is the 20^{th} . The 27^{th} is when you are saying that you could have it by. The attorney is going to have it ready by the 27^{th} and the 3^{rd} is the following meeting, only five days later. I think that is the way to do it. I really do it. You are talking 5-6 days.

Taylor:

It is done.

Meeting adjourned.

Holt:

Good job. Good job.

March 20, 2012 Special Meeting/Workshop – 1:30 p.m.	
<u>ADJOURNMENT</u>	
THERE BEING NO OTHER BUSINESS BEFORE TH ADJOURNED AT 5:20 P.M.	IE BOARD, THE CHAIRMAN DECLARED THE MEETING
	Sherrie Taylor, Chairman
ATTEST:	
Muriel Straughn, Deputy Clerk for Nicholas Tho	omas, Clerk

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON APRIL 3, 2012 AT 6:00 P.M., THE FOLLOWING PROCEEDINGS WAS HAD, VIZ.

Present: Sherrie Taylor, Chair, District 5

Gene Morgan, Vice-Chair, District 3

Eugene Lamb, District 1 Doug Croley, District 2 Brenda Holt, District 4

Nicholas Thomas, Clerk of Courts Deborah Minnis, County Attorney

Arthur Lawson, Interim County Administrator

Invocation, Pledge of Allegiance and Roll Call

Chair Taylor called the meeting to order at 6:00 p.m. then led in an invocation and the pledge of allegiance to the U.S. flag. She then called for all cell phones to be silenced and requested all speakers to file a "Speakers Request Form" with the clerk.

The roll was called by Deputy Clerk, Beryl Wood and attendance was recorded as noted above.

Amendments and Approval of Agenda

Mr. Lawson informed Chair Taylor there were no amendments to the agenda.

14. Request Approval of Change Order for Cabinetry Upgrade at the Tax Collector's Office Renovation Project Change of Vote by Chair Sherrie Taylor for the March 20, 2012 BCC Regularly Scheduled Meeting

Chair Taylor shared with the Board she was not clear when she placed the original vote at the March 20, 2012 BCC Meeting and after discussion with the Attorney she would like to correct her vote. She said it would not change the outcome of the vote, but added she would like the record to reflect the change.

Attorney Minnis replied since it was not reconsideration of the motion or a rescission of the previous act it would be appropriate for under your concerns (Commissioner's) to indicate your desire to change your vote on a particular item. She stated she was not aware of anything in Robert's Rules of Order that talks about correcting a vote after the action has been taken except for trying to rescind the action. Which I'm hearing, you're not trying to totally rescind the action or reconsider the action.

With the Attorney's opinion being given Chair Taylor advised Deputy Clerk Wood at that moment under Commissioner's Items she would indicate her change of vote on that particular item. She gave her reasoning by saying after discussion and reading the minutes and taking a look at the item she said she felt she was misinformed on it and she would like to correct it.

<u>Added Item – Commissioner Holt</u>

Hardship Variance

Commissioner Holt voiced she has a young woman which she would like added to the agenda for a Hardship Variance. She commented she wanted it added because she was not sure if the item would require a vote.

Attorney Minnis asked had it gone through the Planning Department for a review at this point.

Mr. Lawson replied this individual had gone through the Planning Department, but based on the current policy the individual would not be allowed to do what she is asking. He said it was his opinion it should be placed on the agenda for action to be taken.

Chair Taylor concurred with Mr. Lawson in that it should be placed on the agenda. However they would allow 3 minutes under Public Comment and then Commissioner Holt could place under her items for the vote, if it was needed.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED ABOVE.

Awards, Presentations and Appearances

There were no awards, presentations and appearances to be presented.

Clerk of Courts

1. Cash-In-Bank Report – (Nicholas Thomas, Clerk of the Courts)

Mr. Thomas presented the Cash–In-Bank Report a snapshot of the cash position reflecting \$8,773,710.72 in the General Fund which includes unrestricted fund balance and a total in combined funds of \$12,416,951.15. He informed the Board as of now they are in a good position in terms of cash flow.

Chair Taylor questioned the negative signs in front of some numbers; she asked were those items that didn't have the funds to carry out expenditures at this time.

Clerk Thomas commented all the negatives with the exception of one are reimbursable grants. He gave for example on the second page of the report Fund 304 - Capital Project/Water/Sewer which has a negative -\$298,706.40. He expressed in grants you must spend the funds first then

you are reimbursed. He noted Item 15 Fine and Forfeiture which pays the Sheriff monthly basis deals with Law Enforcement and Jail and is a budgeted transfer. He said there is not a lot of money collected in the Fine and Forfeiture Fund so most of the money to operate the jail and law enforcement comes from the General Fund. It's transferred by general entry each month because it's a budgeted transfer and since the printing of this cash report, this has occurred.

Chair Taylor responded to the Clerk's comments by stating once the grant funds are received would the bottom line increase.

Clerk Thomas affirmed that comment.

Commissioner Morgan inquired about the Audit for 2011.

Clerk Thomas conveyed the preliminary draft is ready. A meeting will be scheduled within the next couple of weeks before the next BCC meeting. There were no major issues.

2. <u>Presentation of County Finance and County Clerk Issues (Nicholas Thomas, Clerk of the Courts)</u>

No other items were reported.

Consent Agenda

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF ITEM 9.

- 3. Approval of Minutes February 21, 2012 Regular Meeting
- 4. Ratification of Approval to Pay County Bills
- 5. <u>Signature for Corrected HGAC Inter-local Contract for Cooperative Purchasing</u>
 (Tommy Baker, EMS Director)

Statement of Issue:

This item seeks Board approval for the Chairperson to sign the corrected Inter-local Contract for Cooperative Purchasing with HGAC.

Background:

This contract was approved at the February 21, 2012 County Commission meeting. The original agreement included the name Gadsden County Board of County Commissioners – Gadsden EMS. When the original was received by HGAC, they advised the agreement must be in the name of Gadsden County Board of County Commissioners only. The purpose of this agenda item is to correct this error and ensure that a

properly signed corrected original document is made part of the official record. The date of approval listed on the corrected copy is February 21, 2012, the original date of approval.

6. Approval to Write-Off EMS Accounts (Tommy Baker, EMS Director)

Statement of Issue:

The County Auditor recommends each year that bad debit accounts are submitted for write –off in order to clear our books on EMS accounts, and to assure the billing office is working on current accounts that are collectible.

Background:

The attached write-off totaling \$513,392.02 includes bad addresses, private pay with no insurance, patients with a balance after their insurance paid, and deceased with no estate. The remainder of the write-off includes uncollectible accounts where collection costs would exceed the amount of recovery. The County Auditor recommends each year these accounts be submitted for write-off in order to clear our EMS books. This will ensure our billing office is working on currents accounts that are collectible. In compliance with HIPAA requirements, account records are on file for inspection in the EMS Billing Office with only the account number and account balance listed.

7. <u>Approval of Task Order Number 2012-095 Authorizing Preble-Rish Engineering to Perform Engineering Services for the High Bluff Florida Boating Improvement Project (Charles Chapman, Public Works Director/Robert Presnell, Administrative Coordinator)</u>

Statement of Issue:

This item seeks Gadsden County Board of County Commissioners (BOCC) approval of Task Order NO. 2012-095 authorizing Preble-Rish Engineering as the County Engineer to perform engineering services for improvements at High Bluff Landing.

Background:

On November 2, 2010 the Board approved Resolution No. 2010-045 and authorized staff to seek funding through the Boating Improvement Program to renovate the existing boat ramp and facilities at High Bluff Landing on Lake Talquin. Staff received the proposed Grant Agreement in November 2011. The proposed engineering services are required to survey, design and permit the proposed parking area and drainage improvements.

Fiscal Impact:

The \$7, 882.80 fees for the engineering services to complete this project will be funded by the Florida Boating Improvement Grant (77.87%) and the County (22.17).

8. <u>Approval of Lease Agreement with BFN Operations LLC., for the Friendship Park</u> <u>Property (Charles Chapman, Public Works Director/Robert Presnell, Administrative Coordinator)</u>

Statement of Issue:

This agenda item seeks Board approval to enter into a lease agreement between Gadsden County and BFN Operation LLC., for the current location of Friendship Park. Staff also requests approval for the Chairperson to sign the Lease Agreement.

Background:

On October 6, 1983, Gadsden County entered into a 25 year Lease Agreement with Culbro Corporation for two acres of land to build a park in the Friendship Community. The Lease was for a 25 year period and expired on October 6, 2008. In 2011, staff started negotiations with the new owners to enter into a new agreement for the existing park property for another 25 years.

Fiscal Impacts:

None

9. <u>Approval of Gadsden County Adopt a Road Program (Charles Chapman, Public Works</u>
<u>Director) Item Pulled by Commissioner Morgan for discussion.</u>

Items Pulled for Discussion

<u> Item 9</u>

<u>Approval of Gadsden County Adopt a Road Program (Charles Chapman, Public Works</u> Director) Item Pulled by Commissioner Morgan for discussion.

Statement of Issue:

This agenda item seeks Board approval to establish a new Adopt a Road (AAR) Program.

Background:

On January 17, 2012, the Board requested staff to develop and bring back an Adopt a Road program for consideration.

Analysis:

Staff has developed the Gadsden County Adopt a Road program utilizing Florida Department of Transportation guidelines for the Adopt a Highway program. A copy of the Adopt a Road service agreement, program guidelines, safety practices, and reporting forms are included as Attachment A.

Fiscal Impact:

Full analysis is unavailable at this time; no current participants are on file. Sample expenses:

Road Sign, Post and Install: \$300.00 each (one sign per road)
Safety Vests: \$10.00 each/\$120.00 per dozen
Litter Grabbers: \$35.00 each/\$420.00 per dozen

Total program estimate to start up with one AAR group: \$840.00-\$1,000.00

Discussion by the Board:

Commissioner Morgan inquired what the overall cost is and do we have organizations that are willing to participate.

Mr. Lawson stated it wouldn't cost much more than what has been indicated. He said it depends on the amount of groups that participate.

Commissioner Croley asked is this what the State does.

Mr. Lawson stated it is patterned by the FDOT program.

Commissioner Holt shared concerns of insurance problems, liabilities and children would not to get parents' permission.

Chair Taylor stated for a point of clarity this will be organizations.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO APPROVE ITEM 9 – APPROVAL OF GADSDEN COUNTY ADOPT A ROAD PROGRAM.

Citizens requesting to be heard on Non-Agenda Items (3 minute limit)

 Michael Sutch, 327 Fields Rd, Havana, FL — Requesting lot 12 of Westwood Farms be split or divided in half, in order to accommodate his son who needs additional assistance from him for independent living.

Chair Taylor instructed Mr. Rogers to set appointment with the Administrator and he will try to get it handled by staff. She noted if it couldn't be handled then it would come back before the Board if necessary.

James Rogers, 7092 Juniper Creek Rd, Quincy, FL – Representing the Ingram Group, LLC Permit cost for weatherization, highest for surrounding counties. Waive cost for weatherization fees. He suggested a committee that would involve the construction industry. Chair Taylor commented the fees are under review. She advised him to meet with staff, County Administrator about his request before week's end.

Commissioner Croley cautioned Chair Taylor about remarks, about communication held with the public.

Chair Taylor restated process and Mr. Rogers was instructed to follow.

Christina Cannon, 649 S. Shelfer Street, Quincy, FL - Housing Issue – She commented she purchased an acre of land and she would like to place a home on it. She asked for variances to be able to proceed with this process.

Commissioner Holt commented she is in her district. She said it's a County Ordinance that says she can't have a home placed on 1 acre of land. She noted Health Department has no problem. She commented it was very time-sensitive.

Commissioner Croley spoke of the time sensitive issue and inquired about the mounted system, where is it in the Ordinance.

Mr. Matheny said it is stated in the Ordinance and it requires 3 acres.

Chair Taylor articulated because it's a time sensitive issue, we will give clear direction.

Mr. Matheny stated it's a tough situation, property was sub-divided. She needs mounted system. I have sent the Administrator and the Environmental Person information needed and they will meet and see if this is something we can make an exception on.

Chair Taylor remarked on the Yeoman's job Mr. Matheny is doing and encouraged him to keep up the good work and to keep the dialogue up to reach a resolution.

Public Hearings

10. Public Hearing - Approval of Resolution Number 2012-005 and Budget Amendments to the FY11/12 Budget to Redistribute Fund 130 Discretionary Sales Surtax funds (Connie McLendon, Finance Director)

Mr. Lawson introduced the Public Hearing and turned it over to Connie McLendon.

Connie McLendon, Finance Director, Clerk of Courts discussed the Approval of Resolution Number 2012-005 and Budget Amendments to the FY11/12 budget to redistribute Fund 130 Discretionary Sales Surtax Funds.

Statement of Issue:

This agenda item seeks the Board of County Commissioners (BOCC) approval of resolution #2012-005 and budget amendments to the FY 2011/12 budget to redistribute Fund 130 Discretionary Sales Surtax Funds.

Background:

Recent changes in Generally Accepted Accounting Principles requires the County close Fund 130 and set up accounts in several funds to record the Discretionary Sales Surtax Funds directly instead of running the funds through a separate fund.

Analysis:

As a result of these changes, the Discretionary Sales Surtax funds will be split according to the ordinance of record, and placed directly into the proper fund.

Fiscal Impact:

By processing the attached budget amendments, there is no fiscal impact to the budget. Staff is simply setting up the budget according to the direction of the auditors.

Public Comment

Chair Taylor announced Public Hearing and asked for comments and there was no response.

Commissioner Croley inquired what is Fund 301.

Mrs. McLendon responded it is a general fund/capital project fund that is where the \$250,000.00 is sitting for Gretna.

Clerk Thomas interjected with a clearer reasoning for the Board, funds that are being placed back in, changed none of their current budget expenditures. He explained it is Governmental Accounting Rules accounting for the revenue side. He expressed all expenditures were the same.

Commissioner Croley asked that in the future to move the process along please identify what the fund number references. He said it makes it difficult when you are trying to review understand exactly where you moved the funds.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, FOR APPROVAL OF RESOLUTION NUMBER 2012-005 AND BUDGET AMENDMENTS TO THE FY11/12 BUDGET TO REDISTRIBUTE FUND 130 DISCRETIONARY SALES SURTAX FUNDS.

11. Public Hearing – Approval of Resolution Number 2012-013 and Budget Amendment to the FY 11/12 Budget to Re-appropriate Fund 313 – Public Works – Dodger Ball Park Road (Connie McLendon, Finance Director)

Mr. Lawson introduced the Public Hearing and turned it over to Connie McLendon, Finance Director and she addressed the Board.

Statement of Issue:

This agenda item seeks the Board of County Commissioners (BOCC) approval of resolution #2012-013 and budget amendment to the FY 2011/12 to re-appropriate fund 313-Public Works – Dodger Ball Park Road.

Background:

It is requested the funds be re-appropriated from FY10/11 to FY11/12 for Fund 313-Public Works – Dodger Ball Park Road match grant.

Analysis:

The \$358,912.33 is the amount remaining in FY11 for the Dodger Ball Road match grant.

Fiscal Impact:

By processing the attached budget amendment, funds will be re-appropriated to the FY 2011/2012 budget for the Dodger Ball Park Road match grant.

Public Comment

Chair Taylor announced Public Hearing and asked for Public Comment and there was no response.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, FOR APPROVAL OF RESOLUTION NUMBER 2012-013 AND BUDGET AMENDMENT TO THE FY 11/12 BUDGET TO REAPPROPRIATE FUND 313-PUBLIC WORKS – DODGER BALL PARK ROAD.

12. <u>Public Hearing – Approval of Resolution Number 2012-014 and Budget Amendments</u>
<u>to the FY 11/12 Budget to Move the Budget for the Property Appraiser from the General Fund to Property Appraiser Fund 128 (Connie McLendon, Finance Director)</u>

Mr. Lawson introduced the Public Hearing and it was turned over to Mrs. Connie McLendon for follow-up.

Statement of Issue:

This agenda item seeks the Board of County Commissioner (BOCC) approval of resolution #2012-014 and budget amendments to the FY 2011/12 budget to move the budget for the Property Appraiser from the General Fund to Property Appraiser Fund 128.

Background:

It is requested the budget for the Property Appraiser approved by the Department of Revenue be moved from the General Fund to its own fund — Fund 128 Property Appraiser, For FY 12, several expenditures that Gadsden County pay will stay in the General Fund Department.

Analysis:

The Property Appraiser requested the Department of Finance during the fall of 2011 to handle the accounting of his budget. In order to accurately handle this task, a separate fund was set up by the Finance Department – Fund 128.

Fiscal Impact:

By processing the attached budget amendments, budgeted funds for the Property Appraiser will move from the General Fund to Fund 128. The overall total budget remains unchanged.

Public Comment:

Chair Taylor announced Public Hearing and asked for public comment and there was no response.

Clerk Thomas stated this particular hearing relates to moving the funds for the Property Appraiser from the General Fund to the Property Appraiser Fund 128. He said the Clerk's Office handles the accounting now for the Property Appraiser.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, FOR APPROVAL OF RESOLUTION NUMBER 2012-014 AND BUDGET AMENDMENTS TO THE FY 11/12 BUDGET TO MOVE THE BUDGET FOR THE PROPERTY APPRAISER FROM THE GENERAL FUND TO PROPERTY APPRAISER FUND 128.

13. Public Hearing – Approval to Award the Dodger Ball Road Park Bid, Budget
Amendment and Authorize the Chairperson to Execute All Documents
(Charles Chapman, Public Works Director)

Mr. Lawson introduced the Public Hearing and it was turned over to Justin Ford, Project Manager for Preble – Rish.

Statement of Issue:

This agenda item seeks Board approval to award the Dodger Ball Park Road resurfacing contract to the recommended vendor. Also, this item seeks approval and execution of the corresponding budget amendment as required by the Government Finance Officer

Association Audit (GFOA) standards and the Contractors agreement, Notice of Award and Notice to Proceed for the resurfacing of Dodger Ball Park Road.

Background:

On July 22, 2011 the Florida Department of Transportation (FDOT) issued the Notice to Proceed to the Interim County Administrator authorizing the County to move forward with the Cr 159-A (Dodger Ball Park Road) County Incentive Grant Program (CIGP) project. Through contract number AQD01 the FDOT awarded the County \$364,378.00 for the resurfacing of Dodger Ball Park Road from Attapulgus Highway to Salem Road.

Analysis:

Competitive bids were opened on Friday, March 2, 2012 for the Dodger Ball Road resurfacing project. Capital Asphalt was the low bid received with a total estimate at \$408,432.77. The detailed bid tab is provided as Attachment A.

Fiscal Impact:

The grant awarded budget for this project is \$364,378.00. After design, engineering, and permitting the remaining amount of the funds for the project is approximately \$308,000.00. The received and potentially awarded low bid is \$408,432.77. The Finance Department for accounting purposes requires that a budget amendment be completed to reflect the awarded contract amount for each capital project. The budget amendment will require the addition of \$100,432.77. Funds are available in the Public Works Reserves and are restricted to this type of project. Staff does not anticipate having to use all of these funds by employing several cost savings measures through working with the awarded contractor during construction.

Public Comment

Chair Taylor announced the Public Hearing and asked for public comment and there was no response.

Commissioner Lamb inquired what bid came in near from Gadsden County vendors presented that compared to the vendor who won the bid from Leon County.

<u>Justin Ford</u>, Project Manager for Preble- Rish, replied it would have been C.W. Roberts \$427,000.00 then Peavy & Sons Construction \$479,000.00.

Commissioner Lamb expressed concern for the Gadsden Companies mentioned above because they come to the Counties rescue when needed. He mentioned he did not like going outside of Gadsden County and stated they should try to keep jobs in Gadsden County. He then asked Mr. Ford did Capital Asphalt, Inc. have Gadsden employees working with them.

Mr. Ford conveyed he was not sure where the employees from Capital Asphalt lived.

<u>Mark Mitchell</u>, President of Capital Asphalt confirmed they do employ Gadsden residents.

Mr. Ford said the City of Tallahassee does have local preference policy, but it includes, Gadsden, Wakulla and Jefferson Counties.

Commissioner Holt inquired how many people from Gadsden County are working. She suggested it become part of the RFP for future references

Commissioner Croley shared concerns of other Commissioners. He confirmed the City for Tallahassee does have local preference, but the preference was on the basis of their utility revenue where here we are dealing with property taxes. He noted some of the projects are restricted with state and federal monies, so they are restricted about what they can do. He said what concerns him is this going to be a bonded job. He inquired why Capital Asphalt bid was half the cost of the other bidders. He asked would they be receiving the same service by going with Capital Asphalt.

Mr. Mitchell responded it would, 100%.

Mr. Ford stated there is a specification in the contract documents they would be held by. He said he couldn't speak on how Capital Asphalt came to their numbers, but he could ensure the same product would be delivered.

Clerk Thomas noted the Budget Amendment is attached in Item 11, it is adequate. He stated the one attached is not needed.

Commissioner Croley motioned for approval it was seconded by Commissioner Lamb.

Chair Taylor asked did the amount awarded FDOT cover the entire project. She inquired what source the additional funds would come from to complete it. She asked what the grant award amount was.

Mr. Lawson commented she was correct in her assumption.

Mr. Ford stated the difference is the \$100,432.77.

Mrs. McClendon noted it was for the construction part. She noted the original contract called \$728,756.00 of which \$364,378.00 is grant funds, that's where the \$358,912.33 Item 11 is to be brought up to the dollar amount that was approved by DOT.

Commissioner Holt inquired about entire amount for project.

Mr. Ford commented the total project including engineering amount is \$364,378.00 plus \$100,432.77 totaling \$464,810.77. He informed the Board through the course of the project they would make every effort to reduce the amount.

Commissioner Holt brought to the Board's attention they could not vote on an item if all the information was not there.

Mrs. McLendon interjected for clarification and stated the Accounting Standards require them to budget what they reported and agreed upon on the financial project for #29983 was \$728,756.00. She commented that was what DOT and the County signed last year. She stated that is what they have to budget. She added if it comes in less, great you have that money to use for something else. She said the budget has to be to what they agreed to with DOT, \$728,756.00.

Clerk Thomas added once Item 11 is accomplished, you would probably have money left over if Item 13 is approved.

Commissioner Holt commented she would like for it all to be together and we need to identify the funds.

Mrs. McLendon noted the grant funds normally don't have to have a Public Hearing to bring those in place; she said they would add from this point on for clarification

Chair Taylor asked had Dodger Ball Park Road had work done previously.

Mr. Ford commented yes a small portion of the road had asphalt place on it. He said it was taken into consideration with the design of the project.

Chair Taylor asked for clarification on the total cost of the project.

Mr. Ford said the total construction cost is \$408,432.77.

Chair Taylor inquired about the \$728,432.77.

Mr. Ford stated that was the amount DOT stated the project would cost.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, FOR APPROVAL TO AWARD THE DODGER BALL ROAD PARK BID TO CAPITAL ASPHALT, BUDGET AMENDMENT AND AUTHORIZE THE CHAIRPERSON TO EXECUTE ALL DOCUMENTS.

General Business

14. <u>Grants – Approval of Resolution Number 2012-008 and Carry Forward Budget</u> Amendments for FY 2012 (Connie McLendon, Finance Director)

Mr. Lawson commented on Grants – Approval of Resolution #2012-008 and Carry Forward Budget Amendments of FY 2012. He then turned in over to Mrs. McLendon.

Mrs. McLendon commented Audit is over and now they have final numbers on the grants. She voiced it is now time to get in place for the current year. She stated this is simply bringing forth all the grants that were still open or outstanding and had monies still on them. She said this brings them in so they can utilize the funds in the current year.

Commissioner Lamb motioned for approval and it was seconded by Commissioner Croley.

Commissioner Morgan called the question and asked were they able to approve without formally accepting the Audit.

Mrs. McLendon replied yes, these funds had already been given to you and it is what is available, the balance of those particular grants.

Statement of Issue:

This agenda item seeks BOCC approval of FY 2012 Carry Forward Budget Amendment.

Background:

This process provides a method for the Board to establish budgetary authority for new awarded grants and reestablish budgetary authority for grants that overlap multiple fiscal years. The process, via approval of budget amendments, allow for funding for specific grant approval in current and previous fiscal years to be appropriated or reappropriated in the current fiscal year to support the continuation of these respective grants.

Analysis:

The process must be implemented by the Board of County Commissioners via the corresponding budget amendments in accordance with the Florida Statutes.

Fiscal Impact:

All grants will only receive funding that has been approved in FY 2012 or previously approved by the Board, unless specifically outlined by County staff.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, FOR APPROVAL OF GRANTS – APPROVAL OF RESOLUTION #2012-008 AND CARRY FORWARD BUDGET AMENDMENTS FOR FY 2012.

Commissioner Holt questioned the Budget Director, Jeff Price presence.

15. Applicant's Request to Hold First of Two Public Hearings Required for Gadsden County to Apply for Florida Department of Community Affairs 2011 CDBG Economic Development Grant (Anthony Matheny, Planning and Community Development Director/Auburn Ford, Ford Construction LLC)

Statement of Issue:

This agenda item presents a request by Mr. Auburn Ford on behalf of Mr. Charlie Harris to the Board of County Commissioners (BOCC) to hold the first two Public Hearings required for Gadsden County to submit a grant application to the Florida Department of Community Affairs (FDCA), under the CDBG Program for the Gussie's Garden Assisted Living Care Facility. The grant would fund infrastructure improvements at the site.

Background:

A conceptual plan for Gussie's Garden Inn ACLF was approved by the Gadsden County BOCC on March 1, 2005. Mr. Harris is the owner of Sirrah Mini Storage located about a quarter of a mile west of the City of Quincy on U.S. 90. He is converting the building into an Assisted Living Facility which will house forty-eight (48) clients and create eleven (11) low-moderate income jobs. The site is now serviced by septic. The facility will be required to hook to City of Quincy sewage. This connection requirement will cause an undue financial hardship on Mr. Harris and therefore he is requesting County staff to pursue a CBDG Economic Development grant to provide the infrastructure to his business. This infrastructure improvement may also benefit future development in the area. This is the applicant's third request for the County to apply for CDBG funding for infrastructure improvements for Gussie's Garden Assisted Living Facility. Previous requests for funding for this same project were denied by the Department of Community Affairs (now the Department of Economic Opportunity).

Analysis:

Grant funding will be utilized for infrastructure improvements at the existing Sirrah Mini Storage site located off of Highway 90 West. Improvements shall include the installation of sewer lines, lighting and paving of access roads. The project will result in approximately 11 additional full-time employment opportunities for Gadsden County residents. Additionally, the completion of the Assisted Living Facility project will have a significant financial and economic impact on the community.

Fiscal Impact:

If funded, the infrastructure improvement will be paid 100% from grants. There will be staff time devoted to the grant application process, which may involve the county

selecting a consultant to apply for the grant. He said they have addressed ad and it has been corrected, just need to have Public Hearing.

Auburn Ford addressed Board. He said they have corrected the deficiency major notice of public hearing. They are requiring them to hold the Public Hearing again, the 2nd one.

Discussion by the Board

Chair Taylor asked for update and resolution at this point. She asked the Attorney for her opinion.

Commissioner Croley commented it is the 3rd time, still have funds for fiscal year 2011. He said he was not in favor of holding up other applicants that may want to apply.

Attorney Minnis said it is her opinion; they are treating 2^{nd} Public Hearing as the 1^{st} Hearing, Task Force. He needs to go back and do 2^{nd} Public Hearing. He is asking to redo 2^{nd} Public Hearing. You are not approving Project, just allowing him to have Public Hearing.

Mr. Lawson's concern if it goes forward

Commissioner Croley asked was this a reimbursable grant.

Mr. Ford said funding must be forthcoming within 60 days and the business owner would be on hook.

Chair Taylor asked for discussion.

Commissioner Holt stated she wanted to see what the Federal Government says. She cautioned if the County doesn't do this with someone it will be hard to get funds. We can have cut-off date, meet payroll. She asked how far we fell back, because we sent funds back. She voiced they need sewer lines in the ground.

Commissioner Lamb cautioned he is not comfortable. He asked was this a private vendor.

Commissioner Morgan conveyed he thought the comments you heard are because we want good projects. He commented on the letter of Capital City intent of funding.

Commissioner Holt spoke of the plan. She stated if he doesn't get financed, we can cut the project off. She asked they look at this project. She motioned for approval, seconded by Morgan.

Commissioner Lamb commented if everything goes well, it's like Gadsden County being the Co-signer, his concern was private company. He asked was it fair to be placed in this position. He said he was not comfortable.

Chair Taylor thanked Board for dialogue and asked Mr. Ford for a letter from the Bank.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE APPLICANT'S REQUEST TO HOLD FIRST OF TWO PUBLIC HEARINGS REQUIRED FOR GADSDEN COUNTY TO APPLY FOR FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS 2011 CDBG ECONOMIC DEVELOPMENT GRANT.

16. Approval of CentreLearn Solutions Agreement for EMS Training (Tommy Baker, EMS Director)

Statement of Issue:

Gadsden EMS conducts bi-monthly 2 hour mandatory In-Service training required by our Medical Director. Our average cost for salary and wages for this training is \$1,200.00 per session. This item seeks approval for an on-line training system to meet these requirements and reduce the number of onsite trainings resulting in a more cost efficient method of meeting training requirements. Under this system, employees will be able to complete many of the trainings while on duty, reducing overtime and salary costs for onsite training. This system allows us to create our own content for training specific to our medical protocols and allows us access to 285 courses that CentreLearn currently has online.

Background:

Gadsden County Emergency Medical Service is an Advanced Life Support provider and as such is required by our Medical Director to assure that personnel meet minimum training requirements and that personnel receive training specific to our medical protocols.

Analysis:

Approval required for Chairperson's signature on the CentreLearn Solutions Agreement to start the process to offer on-line courses to reduce our costs of onsite training.

Fiscal Impact:

The fee for this service is \$48.00 per employee per year. We currently have 50 employees on staff for an estimated total of \$2,400.00 per year. Additional employees and participants will be added at the rate of \$48.00 per person. This pricing is a 'piggy-back" on the Orange County Florida EMS bid price (contract #Y10-108-GJ), valid through 12/10/2012. This is \$10.00 per employee less than the standard pricing for this service. This contact pricing will be valid through April of 2013. We are currently spending

approximately \$7,200.00 per year in salary and wages for bi-monthly training and project that through this service we can reduce this cost by a minimum of 50%.

Discussion by the Board:

A motion for approval was given by Commissioner Croley and a second by Commissioner Lamb.

Commissioner Taylor called the question and asked did we have an agreement in place.

Mr. Baker replied Multi-Year.

Commissioner Holt stated while she understood why they wanted to take that route; she didn't want to put lives in jeopardy with the level of training given on-line verses onsite training.

Mr. Baker stated in would be specific to protocol.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, FOR APPROVAL OF CENTRELEARN SOLUTIONS AGREEMENT FOR EMS TRAINING.

17. Approval of Matching Funds for the Florida Boating Improvement Program Grant for High Bluff Landing (Charles Chapman, Public Works Director/Robert Presnell, Administrative Coordinator)

Statement of Issue:

This agenda item seeks Board approval to use Boating Improvement Fund Balance (Fund 178) for a portion of the required County match for the High Bluff Boating Improvement Project.

Background:

On November 2, 2010 The Board approved Resolution No. 2010-045 and authorized staff to seek funding through the Boating Improvement Program to renovate the boat landing pavilion, parking area, and fishing facilities at High Bluff Landing. This program is a matching grant program and is used specifically to aid in the development and renovation of boating and fishing facilities. The Grant was awarded to the County for the project and on December 6, 2011 the Board approved the agreement.

Analysis:

Staff requests approval to use up to \$14,000 in fund balance out of the Boating Improvement (Fund 178). This fund is restricted to boat launching facilities and other boating improvement projects and currently has a balance of \$170,533. Costs for Neighborhood Services staff time who administers this project is allowable for the grant

match and will be used to reduce the required cash match from the Boating Improvement fund balance.

Financial Impacts:

The \$51,908 Florida Boating Improvement Grant will fund the majority of the \$66,660 project. The 22% required matching funds \$14, 692, will be from fund balance in the Boating Improvement Fund (Fund 178) and credit for Neighborhood Services staff time spent on the project.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, FOR APPROVAL OF MATCHING FUNDS FOR THE FLORIDA BOATING IMPROVEMENT PROGRAM GRANT FOR HIGH BLUFF LANDING.

18. <u>Consideration of Request by the Community and Economic Development Organization of Gadsden County Inc. for the Disposition of Property on Martin Luther King Boulevard in Quincy (Robert Presnell, Administrative Coordinator)</u>

Statement of Issue:

This agenda item seeks Board direction on a request from the Community and Economic Development Organization of Gadsden County Inc. for the transfer of 3.03 acres of land that the County owns on Martin Luther King Boulevard in Quincy to that organization.

Background:

On April 17, 2007 the Board of County Commissioners approved funding to begin operations of the Boys and Girls Clubs in Quincy and Chattahoochee.

October 1, 2077, the Chattahoochee Boys and Girls Club opened for business.

During the March 31, 2008 BOCC budget workshop, the construction of site built permanent facilities for the Boys and Girls Clubs in Chattahoochee and Quincy were identified.

June 17, 2008, the BOCC approved the funding for the Boys and Girls facility constructions project as part of their FY2009 Budget Priorities.

On September 16, 2008, Gadsden County purchased the 3.03 acre property on Martin Luther King Blvd. for \$122,523.90.

On February 22, 2012, the Interim County Administrator received a letter from Mrs. Mille Forehand, Executive Director of the Community and Economic Development Organization of Gadsden County Inc. This letter was a formal request for the county to transfer ownership of 3.03 acres of property to that organization. The property under consideration is a 3.0 acre tract located off Martin Luther King Boulevard in Quincy.

Analysis:

The BOCC on November 3, 2088 approved a funding agreement to the Boys and Girls Club of the Big Bend to construct a permanent site built facility. This facility was not built and the County has no current plans to develop the property.

Staff acknowledges the property is ideally in reference to the local library, schools, neighborhoods and city parks. Furthermore, the site is adjacent to Pat Thomas Parkway, which serves as a major thoroughfare for Quincy and Gadsden County residents.

Staff as directed had researched the possibility of selling the property in the past, but the current economy has affected real estate prices to the extent that the County could not recoup the initial investment.

The property is currently valued at \$10,605 on the tax roll. Although a new appraisal has not been done, a larger adjacent tract (20 acres) recently sold for approximately \$11,000 per acre.

Financial Impacts:

The County purchased the property on September 16, 2008 for \$122,523. Staff estimates a current value of \$33,000 based on recent sales in the area.

Discussion by the Board

Chair Taylor pointed out this item is presented by Mr. Presnell, she asked was there a particular reason he was involved.

Mr. Lawson replied he asked Mr. Presnell to write the item.

Mr. Presnell commented the County Administrator assigned him this item to do research. He said information he pulled is what the County paid for the property and the amount on currently on tax roll. He said there was no appraisal done on this particular property, but there was a recent sale in the area of adjacent property.

Chair Taylor inquired about the use of the land. She said it was not shared at the last meeting and asked Mrs. Forehand if she would come forward.

Mrs. Millie Forehand, Executive Director CEDO, she said they own the land surrounding the County owned parcel and added for correction they paid less than \$11,000 an acre.

Commissioner Croley inquired was the land purchased by CEDO in foreclosure.

Mrs. Forehand committed not to her knowledge. She expressed they went to realtor who went to a title company.

Chair Taylor asked what was purpose of Land.

Mrs. Forehand disclosed she could not say for certain what the land would be used for but there had been discussion of a school.

Commissioner Lamb no problem with them having land, but would like to receive some compensation for the land. He asked CEDO to recommend a price.

Commissioner Morgan inquired did County have any other expenses since the purchase of the land.

Mr. Presnell said not since purchased, but there were two appraisals prior to the purchase.

Chair Taylor concurred with Commissioner Lamb, no problem with growth and development; hiring people to improve are economic status in Gadsden County. She noted the land is vacant and is an eyesore, there is room for improvement. She stated she was in favor of having Administrator look at cost, that's fair and move forward with it.

Commissioner Holt agreed with Chair Taylor by stating it was not doing anything positive for the Community. She mentioned property that was given away at lake on McCall Bridge Road that was linear footage on the water. She noted that was public property worth a lot more than the property at question. She said the County paid turn around and added those where things that were done with public dollars. She expressed lake front property shouldn't have been given away without looking at value. She said you can't do for one what you won't do for another concerning donation of land.

Chair Taylor clarified information that was shared with the public by Commissioner Holt. The Turnaround, who paid the funds? She recalled the owner paid. She clarified the owner gave \$5,000 and explained the process.

Mr. Lawson said he was not prepared to discuss this issue.

Commissioner Holt commented property belongs to Citizens.

Commissioner Croley asked was this surplus property and is there any plans for property. He added if this was surplus property, has realtor been involved. He said the appropriate thing would be is to turn over to Realtor.

Mr. Lawson conveyed there were currently no plans for the property.

Chair Taylor voted to donate or allow yielding to the Realtor.

Commissioner Holt motioned for approval to Option 1 and it died for lack of a second.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5-0, BY VOICE VOTE, TO HAVE STAFF LOOK AT COST AND HAVE IT GO THROUGH A REALTOR AND MAKE CONTACT WITH INTERESTED PARTIES.

19. <u>National Solar Update (Material to be provided) (Deborah Minnis, County</u> Attorney/David Weiss, Assistant County Attorney)

Attorney Minnis:

Madam Chair my intent is to update you and tell where we are in the process thus far. Get the approval from you to send the draft agreement if you have no other changes and basically for background and members of the public. As you know you had a workshop on March 21, 2012 where the Board and public was allowed to have input in the draft agreement that we had received from National Solar. Based on the information provided in that workshop we have revised the agreement to National Solar. We included in that revised agreement some informational items for you and at this point and time, National Solar has unofficially received a copy of draft, but we have not sent them the official revised draft. National Solar did a response to two items later this afternoon, so it was not available to put in send packages to review in the 10 day period. I provided it to you and you will see an email from Mr. Weiss to me and as part of that email is an email and letter from a representative from National Solar with the two items they have an issue with. Basically where we are in the process is Mr. Weiss talked to the Attorney for National Solar right before the workshop in March and they are continuing to develop their application to submit to the Board and Mr. Vanlandingham. As you know up under the statute the application does have to be submitted for Tax Abatement Purposes. You do have submitted an application, there will be Ordinance enacted by the individual properties in which the abatement is being requested and in addition to that we have the agreement we have to develop. I do want to indicate that we are moving as expeditiously as we can with all of the pieces that we have in play. Some of the pieces are outside are control, but we staying in contact with National Solar to any offer any assistance we can, if they ask. The only thing that I will ask is if you have the draft with the markups from week or so ago. Hopefully you have had a chance to review those and make sure we have captured your request and concerns. If that is the case, the only action I'm asking for tonight is not finalize an agreement because we are still in negotiation phase but, just authorize me officially to send your requested changes to National Solar.

Chair Taylor:

Any comments, Commissioners, if not may I hear a motion.

Commissioner Lamb:

You have a speaker.

Chair Taylor:

Mrs. Lasley

Mrs. Lasley:

Thank you, Madam Chair. Since you are planning to submit the draft as it was written up, I will wait for the response from National Solar Power, because there will be more discussion then. Basically, I would like to let you know I am extremely impressed with the work the lawyers did for the Commission on this document. I think with their oversight with the Counties interest, it seems that the County interest has been protected with this document. I know that all the known concerns have been addressed. I hope that you will retain them as long as they want to stay here. I am very pleased.

Chair Taylor:

Thank you. There being no other comments, I will here from the Commissioners.

Commissioner Croley:

Let's here from Mr. Gardner.

Mr. Gardner:

Good evening, how is everybody. I received a copy of a letter from National Solar this afternoon as well highlighting a few key points and just wanted to make sure all the Commissioners had seen that. I don't see any reason to sit here and talk about the different issues. I think we are ready to move on with this and send them the contract.

Commissioner Croley:

I have a question. You talk about what is needed by National Solar, according to this letter that our initial discussion was a 75% abatement. They are apparently saying they need 83% for the 10 year period to make 75 from 5 is what we're talking about in a workshop, but according to their communication it says 83% for 10 years and 30 instead of 10 per farm development. That seems to be a business model need. Is that your understanding and that other Counties are involved in this process Hardee and Liberty, I don't know who else.

Mr. Gardner:

From what I understand it several other counties.

Commissioner Croley:

But this is the business model that they must have for Gadsden County to be competitive.

Mr. Gardner:

Yes

Commissioner Croley:

I think that's an important point Chair, they may have to consider those adjustments in order to make this work for their business model.

Chair Taylor:

Thank you.

Commissioner Morgan:

Thank you, Madam Chair. David thanks for being here, Commissioner Croley I agree with you and Mrs. Lasley I wanted to commit as well. I really appreciate you mentioning the Attorneys; I think they have really done a great with the changes we brought in the workshop. I think the Commission has done its work as for as putting together an Economic Development Agreement Document that can be negotiated and I think we are very fortunate in the fact that we have already seen communication from National Solar. We are moving on in the process exactly the way we need to be. I understand and I think it's a great thing. I hope everybody understands in the letter that we received and I think Commissioner Croley was touching on it. With any negotiation and there may be several things that are still negotiable for us. At this point they are pretty clear in telling us there are a couple of items that are not negotiable. What we need to simply do is make a decision tonight, whether we are going to meet those two requirements that are not negotiable this point forward and if we don't pretty much do that, I think we can guarantee we are pretty much out of the picture. It is my understanding there are 5 counties inline ready to embrace these two non negotiable items. I don't want to put words in your mouth Mr. Gardner, is there anything that I did not communicate correctly.

Mr. Gardner:

I wouldn't use the word non negotiable that may be a little strong, but I would say those are very important pieces of this contract and if those pieces aren't meet it could take Gadsden County out.

Commissioner Morgan:

The reason I used that word was because we have come so far in the process and such a wonderful opportunity for the future of our County. I guess from my seat I'm not willing to risk seeing if that is something that is truly non negotiable. I would ask that the Commission consider meeting those two minimum requirements. The first being the 83% abatement and for the length of time for 10 years and the second being the Cash Rebate to be at \$30,000 per farm, whether than the \$10,000 that is included in the document here that we are asking the Attorney to move forward with. Other than those changes, I hope we can move on and have Mrs. Minnis and her firm send this

document forward and hear back from these folks on how we need to negotiate on any other potential items if any. Thank you, Madam Chair.

Chair Taylor:

Thank you, Commissioner Holt.

Commissioner Holt:

Thank you, Mr. Gardner did you check with these other Counties.

Mr. Gardner:

I did forward the Hardee County Agreement. Liberty County has executed an agreement and I believe there were a few changes on that. I don't have the final copy of that agreement. I was at the meeting and it is 83% for 10 years. I was at the County Commission Meeting in Liberty County when they did adopt that.

Commissioner Holt:

The research part is the only part I'm interested in, getting those questions on the roll. We want to pay the money we are in a tight budget. We want to make sure we have that money. What I'm saying is we want to make sure our budget is correct. You are looking at Hardee County; they said they would look at \$150,000 reimbursement on the first farm. That's money National Solar would pay and we would reimbursement.

Mr. Gardner:

I have not studied that Agreement. I did forward it on to Attorney Weiss. I know Hardee County is giving some money up front. They have money to give for economic development projects and want to say it may be a total of \$250,000.

Commissioner Holt:

Right, I'm looking at that note here and that's what it is saying. Reimbursement up to \$150,000 for the first Solar Farm, but that Agreement does not address a reimbursement for subsequent solar farms. Reimbursement means some money coming in and you gave it back. We are talking about a tax incentive there. Research on that, what's the reimbursement.

Mr. Gardner:

I think it's a gift. That is the way, an inducement.

Commissioner Holt:

It's not stated that way, here.

Mr. Gardner:

I have not looked at the document in a long time.

Commissioner Holt:

Madam Chairman, may I ask, Madam, Attorney. It says right there on the note, page 7, 4.5. Reimbursement, I'm just wondering how they are doing that. If you compare here with Jacksonville, what do they offer? I'm saying the construction part, what they did with these. I don't know what they did with certain things. We want to make sure we don't run the folks off. We want to know what the end game is. If Hardee County is doing this reimbursement how are they doing it, maybe it is something we can do.

Mr. Gardner:

They have a pool of funds from the mining tax, which was used primary for economic development.

Commissioner Holt:

That \$100,000 deposit reimbursement for construction, for the first farm it \$250,000 there is some combination they are doing. That's the only thing I'm interested in.

Attorney Minnis:

Like Mr. Gardner, I read the contract comments. My understanding is that is a specific fund that is pulling the money out of. It's not a part of the Tax Abatement Process. For example under the Economic Development Law you can do grants and things of that nature. So they have a fund of monies they can pull from.

Commissioner Holt:

Are any of the other counties doing this?

Attorney Minnis:

We have Hardee County, I don't know if we have any other Agreements from other Counties.

Mr. Gardner:

The only other Agreement that I'm aware of, is Liberty County. I'm not aware if any have that exact same Agreement that was submitted to Gadsden, that when any reimbursement takes place it's after the tax have been paid.

Commissioner Holt:

That's what we need, the paperwork. If I could just get the information emailed to me.

Attorney Minnis:

We actually have a copy of the Hardee County Agreement, so I can certainly get that.

Commissioner Holt:

Right, and if Liberty County has one.

Mr. Gardner:

I will check tomorrow and see and if it is fully executed.

Attorney Minnis:

Liberty County just recently acted upon there's, is that correct.

Commissioner Holt:

That way we know if we are in line. That's all I am asking for is the information, because there where only two items National Solar had on the list.

Mr. Gardner:

Just to clarify, I have not sent National Solar a copy of this contract that was based on some verbal discussions. Have they received the copy of the preliminary draft?

Attorney Minnis:

They have not from us; we have been waiting to make sure we have captured all of your request and concerns before we send the draft to them. We didn't want to have missed something. Then send them a draft and have to pull back and it got confusing. So we wanted to make sure we captured your concerns before we sent it out.

Commissioner Holt:

I have no problem sending it on, mark up what they don't want. They well say we can't do this and that's fine.

Attorney Minnis:

For clarification, if Arthur has to send it. I'll make sure they understand this is the not official draft and at this point we are not denying their request. Is what I'm hearing and if I'm hearing is incorrectly, please let me know.

Commissioner Morgan:

You are hearing it incorrectly. I'm asking that we forward in our first negotiable Economic Development Agreement, that which we have put forward here with the exception of us going ahead and meeting the minimum requirements. They are letting us know very kindly this is not optional. In my opinion that's what I think they are doing. I would ask the Board go ahead and get these two items out of the way and send it on, with those changes 83% for 10 years and changing the cash rebate from 10 back to 30 per farm. That way we know we have the non negotiable items out of the way and they can move forward with anything else as they look at it. There may and probably will be items that we go back and forth on in negotiations. To keep this project on track they are providing us the opportunity in a very professional manner. Let's move this ball up the field a little bit. All of a sudden we are at the next meeting looking a letter from National Solar saying they really hate that we couldn't come to terms on the minimal requirements asked on these two items. We appreciate the time you guys invested with us and look forward to the things we might be able to do in the future, but we are going to be selecting so and so. I am trying to take you forward to a future meeting where potentially we get bad news. My motion would be to forward this

Economic Development Agreement with the 2 changes made. The 75% abatement per 5 years changed to the 83% abatement for 10 years and then change the cash rebate back to the \$30,000 per farm. That way we will meet their minimum requirements.

Commissioner Holt:

Question, Madam Chairman. I have no problem with the 10 years; I had a problem with 20 when they asked for 20 years. The other problem I do have is at the end of the 10 years we give this company and all 20 Solar Farms a 10 year abatement. Then we have other companies that come. I think those should stall and sit out and wait for 10 years and give the other companies tax abatement. That is way someone has to pay taxes pretty soon. You will have businesses on your property roll not paying taxes. At the end of 10 years I have no problem with that, to look at that. I have no problem with the 10 years. Do it and it have to come back before the County Commission anyway? On 4.5 as I said, when we were in the workshop if you are going to pay \$30,000 per study. We have not looked at other places that have done this. You go out and do 10 studies, we pay you \$300,000 but you only chose 1 location. What if they look at 10 more properties over here? Each one of those properties they study we have to pay them \$30,000 for each one. We have to be able to pay them that money. Let's look at that and make sure we clarify.

Chair Taylor:

Well I think they indicated that once a site is selected that's the only time you will pay the \$30,000. They may have several studies but, it's one time.

Mr. Gardner:

It's a onetime deal. They will spend roughly 72 million dollars on each of these farms and they are asking for reimbursement after they have paid the taxes of \$30,000 one time per farm.

Commissioner Holt:

Per farm.

Commissioner Croley:

All I was trying to convey here is that we talk about needs versus wants. The first thing I don't know is how much of it was want. There seems to be a need to make this change to make their business model work. If we don't meet the need as Commissioner Morgan said and Mr. Gardner from our Economic Development, said we are in a real danger of losing the project. I sure don't want us to lose a project if it would work.

Commissioner Holt:

I'm not debating that. I just want clarity on item. They want to purchase and study 10 farms. What length of time do we have to pay them \$300,000.

Attorney Minnis:

There is nothing in here that talks about length, no suggestion of a deadline date.

Mr. Gardner:

Again, it's one \$30,000 reimbursement per farm. They will spend 1.5 billion dollars here in Gadsden County which is a massive amount of money. I want to ask the Attorney to clarify, don't rely on my legal skills. It is the way I understand it, onetime \$30,000 reimbursement after they paid their County taxes.

Commissioner Holt:

They're going to do that and then they are going to pay the taxes, then we give them the \$30,000 back, no problem. They pay the taxes, let's say they purchase the property, now remember if you purchase the property and you aren't going to pay the taxes until that following year. That's why I'm asking if they select 10 sites and did the study, they paid their money we owe them \$300,000. That's why I asked when we pay it back. Remember if they bought that property they probably aren't going to pay those taxes til the next year. That's my only concern. If we can clear up that I'm ready to go.

Mr. Gardner:

Commissioner, also let me make another commit. As for as the Chamber position on Economic Incentives, this is something our Board has addressed. We would only be up here pushing for abatement in highly unusual situations very high capitalizations or very high job creation type projects. I have a few other projects, where abatement may be a few million dollars. We want to be real careful with our existing businesses making sure it is a level playing field except for highly unusual situations like this.

Commissioner Holt:

I need no clarification on it. You are where I am on this. We are agreeing. When do we have to pay the money, because they may have billions of dollars?

Attorney Minnis:

From a general point of view, if you're asking for a specific date, there is no specific date. The way the language reads is, the cash grant you don't pay until the owner is completed construction on the farm, placed the same in the commercial operation and has paid in full the annual ad valorem tax burden imposed by the County. So that's when they have to pay it, according to the language in 4.5.

Commissioner Holt:

We have the clarification there, that's all we need. It has to be said at a public meeting, because when you have people jumping on it, you are ready to go.

Chair Taylor:

I have a comment about this particular item. I did see where One County is paying 80%. One of the Commissioners said this is a business model, obviously it's not across the

Board as a model, because it's different between Counties. I see one County has offered up to \$250,000 and another is looking at \$30,000. I don't see a model as I see agreements. I imagine they are based on the individual Counties and their availabilities or the abilities to try and make this economically feasible for the business. At the end of the day, here is my heartburn, the County walks away with almost nothing for a very long time. We are going to have different faces sitting around this Board that will inherit this, that's my only heartburn, 10 years after 10 years after 10 years within the next 5 years that they are asking. I'm on the same page with Commissioner Holt; there is nothing in this agreement that makes them give these jobs to the residents here, nothing. It says that we prefer. That's the only bite that I see in this whole thing that we are bringing in jobs. There is nothing that guarantees 50 -70% of the jobs will go here. However, it does benefit the school system and that's where I'm going to lay my allegiance to move this thing on, that we will get some benefits out of it. The County, the one that's paying to bring this to us, the one that's putting this contract agreement together for the County our dollars or less than 10 thousand dollars for a long period of time.

Mr. Gardner:

It's a total of about 9 million per farm over the 20 year period. It's close to 186 million if they build out. That's not counting any economic trickle down in terms of pork chops at Piggly Wiggly or anything else. It will have a huge impact with employment. I can tell you, you took the Chamber out of the equation as I remember. We will be vigilant, passionate, and diligent regarding Gadsden firms and people and I can assure we do that day to day.

Chair Taylor:

Let me explain the agreement, what's on the floor to Commissioner Lamb because he came a little late. There's a motion and a second to send this agreement with some changes that came in via a letter that is to do away with what we had sat down and put together and put in what National Solar is asking for. That is instead of the 75% they want 83%. Commissioner Morgan would like to see those changes put into this draft and then direct the Attorney to send those changes along with other changes we did make.

Commissioner Lamb:

I understand, I'm probably going to support it but, I don't feel comfortable with it, either. That's just my personal feeling. It's just something inside me, telling me not to feel all gung ho about it. I'm going to support it.

Chair Taylor:

We all have to look for reasons to do it. I don't think it's the best caveat but, we all have to look for reasons to get job development.

Marion Lasley:

I would like to verify that 20 -55 megawatts is a reasonable range for the project. 20 with the maximum of 50 was just sort of pulled out of the air and I would like to know if anybody has checked with Talquin or an electrical engineer to know whether that's a reasonable range. Should it be 20 - 25, 20 -30 megawatts, why 50 and is that good or bad, who knows. That came up in the workshop, I just want to know why that number was picked and that's in section 3.1. Section 4.2, I suggest if National Solar Power wants to locate a solar farm in lands other than Ag3 and Silver-Culture that they will incur all cost and fees associated with the Comprehensive Land Use-Major Land Use Amendment. In other words if an Administrative Land Use Amendment by the Board, it would only be used if the property is located in Ag 3 and Silver - Culture as you desired. If not then the current method of a Major Land Use Change would be used and I would suggest National Solar Power Pay for these costs and that it not be capped at \$30,000 otherwise the Commission is going to be paying for these Land Use Changes. I think that's totally unfair. I think that needs to be addressed. In section 4.5, the cash grant, I may be wrong you are paying them for a rebate on their building fees and also for these interconnecting solar farm studies. I would like something put in there that the study must be done and if it's not done we don't have to pay for it. I think the way this reads is we pay them for that per farm and if they don't need to do the study, we are still going to pay them for that. The issue of what building fees and planning development fees are going to be given up. I think in the draft Mr. Matheny that he had a figure for his, the cost from his department and I believe the building department fees are based on the percentage of the base value of the project and you need to realize how much money you are giving up by capping things at \$30,000 per project. You need to remember that, if it turns out the inspection and the management that goes along with these projects tremendously exceeds \$30,000, you need to readdress the contract because you can't afford to do their business for them. You can't afford to pay your employees out of the County's money. Usually for everybody else who has a development application they pay for their project. They pay for the employees to inspect their projects. The other thing is that the other Counties that you are comparing with, for example Hardee County, their income, expense their needs. Obviously there funds available for these projects and are not necessarily comparable to the things that we have. Their abatement and credits relate to their credits and not ours. I'm glad you didn't address their offers and think we need to the same thing because we certainly don't.

Chair Taylor:

Commissioners, there is a motion on the floor, to vote it up or down, to have those changes that were sent over by National Solar including in this draft.

Commissioner Lamb:

So all of the changes that we made and sent to them, are we going back through all.

Chair Taylor:

No sir, its 3,

Commissioner Lamb:

Who proposed that we go all the way back to 83%, when you were at 75%, why not go to 80%.

Chair Taylor:

That's what I wanted, but that's the motion that's on the floor now.

Commissioner Lamb:

I don't like the idea, they are telling me that. I don't like this at all. This reduction is cash grant which would result in Gadsden County becoming less competitive than other counties in the region and may result in National Solar moving the development project to other areas. So, if that's what they want to do, then do that. Don't tell me what you are going to do, you are here to negotiate with us, we don't have to give you everything you ask for.

Chair Taylor:

I agree that's why we came together with this draft. There's a motion on the floor, if we want to move it up with their recommendation, let's just move that, if not.

Commissioner Holt:

Madam Chair, we still didn't address the building inspection, Ms. Lasley has a point that since there is no hard estimations then we need to look at that before anything is sent out. That was a question and concern and it hasn't been addressed. How do you address that?

Chair Taylor:

Address the Building Inspection Fees.

Attorney Minnis:

I think you don't have an amount because it's based on a percentage of the value of the facilities. Since we don't know what the value of each improvement will be, my understanding is you can't give a hard number. I guess there is a percentage amount that we charge. I think what Commissioner Holt is saying the agreement does not deal with percentage it caps the fee at a certain amount.

Commissioner Holt:

Right, It doesn't deal with that percentage. If you cap it at a certain amount and the fees are so much more, the percentage that they are suppose to get is going to be higher. If you don't deal with that then you are going to have to deal with it later.

Chair Taylor:

I still have a motion and a second on the floor.

Commissioner Lamb:

Even if we approve this, we still are coming back.

Attorney Minnis:

Yes, this is not the final one. We are still negotiating.

Chair Taylor:

There is a motion and a second on the floor and the motion is to add in those two sections of changes and send it over for consideration to National Solar. Any more questions. All in favor of this motion let it be known by saying Aye (All) opposed same sign (no response). We will send over with the recommended changes and we do need to set up a time to negotiate this agreement, so we can have some dialogue between National Solar. Mr. Lawson and Madam Attorney there are some other points we need to address as well.

Commissioner Croley:

Madam Chair may I ask you a question Mrs. Lasley brought up a write up of some different items. I hope she will share with the County Attorney and all us here so it can be used in the negotiation process, it can be evaluated.

Chair Taylor:

I think we have about 60% of it already in here, but it's certainly not a problem. It certainly can be a source.

UPON MOTION BY COMMISSIONER MORGAN AND COMMISSIONER CROLEY, THE BOARD VOTED 5-0, BY VOICE VOTE, TO HAVE CHANGES FROM NATIONAL SOLAR INCLUDED IN THE DRAFT AND SEND TO NATIONAL SOLAR WITH RECOMMENDED CHANGES.

County Administrator

20. <u>Update on Board Requests (Arthur Lawson, Interim County Administrator)</u>

Mr. Lawson referenced the Medicaid Bill the Governor did sign bill and it would have an impact on the County. He said ACHA will meet with Counties, so we have to wait to see what the law says to move forward on back payments. He said the Florida Association of Counties is negotiating with the Governor's Office in terms of how this process would move forward. He implied it will have a tremendous impact on the budget

He mentioned the 2012-2013 Budget Process and departments will send in their tentative budgets by April 13. Tentative Budget Calendar after raw numbers are placed together.

County Attorney

21. Update on Various Legal Issues (Deborah Minnis, County Attorney)

County Attorney had no items.

Code Enforcement

Commissioner Croley had concerns with Code Enforcement.

Attorney Minnis stated they are working on document and she commented they are doing rearranging by the first meeting in June.

Discussion Items by Commissioners

22.

Commissioner Lamb, District 1

- Cautioned the Board on what is said to Citizens to protect the County. He added policies are in place for reasons and should be adhered to.
- Spending, mentioned cuts that are about to affect the County. He referenced Department Heads have been asked to trim their budgets by 10%. He said he was not in support of layoffs in the County. He said there should be discussion of Ways & Means to support County in these tough economic times to come.

Commissioner Croley, District 2

■ CRTPA Report, referenced the meeting was held March 26, 2012. He discussed the 5 year work plan for Gadsden County. He confirmed if things work out they way the are projected Gadsden County should be in line for \$88,000,000 in Transportation Improvement. He pointed out federal funding would drop off rapidly after this year, due to cut backs on federal level; Quincy Bypass approximately \$14,000,000.00, the bridges, design, right-a-ways are secured and after 1st of July everything is on track and should start construction in 2013. He mentioned work that should begin on Little River Bridge. He mentioned the resurfacing on I-10 done by C.W. Roberts. He discussed advocating for lights around interchange. He acknowledged Delores Madison, City of Midway for her ongoing advocacy for a lot of the efforts mentioned above. He said they are actively trying to do want they can for the Quincy Express to keep it going and expand to other municipalities. He noted there is nothing they could do for Shuttle. He

said the focus is on getting people to work. He filed the CRTPA Report with the Clerk's Office.

Chair Taylor asked for breakdown of the \$88,000,000.00 per district.

Commissioner Croley pointed out it was referenced and broke down in book that was handed to the Deputy Clerk to be filed with the Clerk's Office.

Port St. Joe, making headway, which is good for the Apalachee-Northern Railroad if things work in District 4, maybe they will see some Inlet Port or Warehousing Facility benefiting to create jobs.

Commissioner Holt, District 4

- Gretna Exchange
- Friendship Park, thanked Robert Presnell for Agreement and work on maintenance.
- Comprehensive Plan work needs to be done and Land Development Code, which dictates what staff, must do.
- Buyer Beware (Caveat Emptor), citizens should know this information and do research before purchasing property.
- Agenda Process, how do citizens get items placed on agenda?
- CDBG, she asked the Board if they could focus on getting someone on Board for grant writing process.
- RFP, for businesses to ensure they include local preference for Gadsden Resident/ Employees.

Mr. Lawson stated local preference could be done such as neighboring Counties have done.

Commissioner Holt requested the Board look at that information. She then motioned for approval, it was seconded by Commissioner Lamb to add to the agenda local preference.

The question was called by Commissioner Morgan.

Commissioner Morgan inquired had they experienced where fewer people respond to RFP than normal in the County because it's more difficult to respond.

Mr. Lawson commented it depends on type of project that you are bidding.

Commissioner Croley stated you have to meet Federal Requirements.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO ADD LOCAL PREFERENCE OPTION FOR DISCUSSION TO THE AGENDA.

- Accolades went to Crossroad Academy regarding the Trayvon Martin Protest that was held on the Courthouse Square. She discussed the dignity of the kids with very little supervision.
- Redistricting, referenced had lawsuits been settled. She divulged she was part of one of the lawsuits on the redistricting as an individual citizen.

Attorney Minnis stated they had not, the process was still on going.

Commissioner Morgan, Vice Chairman, District 3

Commissioner Morgan had no items.

Commissioner Taylor, Chairperson, District 5

- Change of Vote on Tax Collector Cabinetry from March 20, 2012 BCC Meeting Chair Taylor changed her vote to <u>no</u>, which makes the vote reflect as 4 1 (Commissioner Taylor casting the opposing vote.)
- Redistricting, asked to bring back before the Board to vote up or down.
- Leave for Manager, asked what the process for travel was and felt it didn't need to come before the Board.

Mr. Lawson pointed out it was for travel, not leave and stated only the Chair or Vice-Chair could authorize leave for the Administrator.

Senior Citizen's Parking Lot Update.

Mr. Lawson commented they were waiting on second quote.

Clyde Collins, Building Official confirmed there were concerns with asphalt, but it has been resolved and they are ready to present to the Board.

CW Roberts activity, what is process going forward.

Attorney Minnis suggested it be placed on the agenda for discussion.

UPON MOTION BY CHAIR TAYLOR AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, FOR APPROVAL OF C.W. ROBERTS ACTIVITY BEING PLACED ON THE AGENDA FOR DISCUSSION.

Proclamations, what to do with them once they are logged. She asked if they could look into this so they would not be held up once they need Board approval. She noted she was looking for latitude. Attorney Minnis commented if it's to declare it some person's day, she felt it should have Board approval, due to it being county – wide.

Commissioner Lamb clarified he would get a resolution because it doesn't require Board approval.

Chair Taylor stated whatever language we need to stay in between.

Commissioner Croley conveyed on Resolutions, Commissioner can do with their name; if it represents Board it needs to come before Board before being presented.

Attorney Minnis remarked anything that affects the County as a whole or is directed at the County as a whole needs to come before the body as a whole. She expressed Proclamations have more assertiveness.

 Youth Summer Employment disclosed. She would like to have limited summer employment and would like Manager to find funding sources.

UPON MOTION BY CHAIR TAYLOR AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 3 – 2, BY VOICE VOTE, ON THE YOUTH SUMMER EMPLOYMENT FOR DISCUSSION TO SEE WHAT IS AVAILABLE.

(Commissioner's Croley and Morgan opposed this vote.)

Legislation Update, she asked had legislative representatives been contacted. She
inquired could they reach out to County Lobbyist, Mr. Doolin & Associates to give
update as soon as possible on changes that may affect the County.

Mr. Lawson affirmed he had contacted the Lobbyist, Mr. Doolin, not the Legislators and he is looking into a date to provide update. He said he was awaiting Special Session to end.

Budget Reductions 10% per Staff Department, she asked that plan be devised to save 1-2 million dollars. She asked for ideas for how to support and implement.

Mr. Lawson indicated they are just starting the budget process and will be bringing back various options on balancing the budget.

Commissioner Holt commented the 10% cut should include all Constitutional Officers.

April Meeting(s)

April 17, 2012, Regular Meeting, 9:00 a.m.

ADJOURNMENT

THERE BEING NO OTHER BUSINESS TO COME BEFORE THE BOARD, THE C	HAIR DECLARED TH	E
MEETING ADJOURNED AT 9:44 P.M.		

GADS	DEN COUNTY, FLORIDA
	SHERRIE TAYLOR, CHAIR BOARD OF COUNTY COMMISSIONERS
ATTEST:	
NICHOLAS THOMAS, CLERK OF COURT GADSDEN COUNTY, FLORIDA	

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA, APRIL 17, 2012 AT 9:00 P.M., THE FOLLOWING PROCEEDINGS WAS HAD, VIZ.

Present: Sherrie Taylor, Chair, District 5

Gene Morgan, Vice-Chair, District 3

Doug Croley, District 2 Brenda Holt, District 4

Nicholas Thomas, Clerk of Courts Deborah Minnis, County Attorney

Arthur Lawson, Interim County Administrator

Absent: Eugene Lamb, District 1

Invocation, Pledge of Allegiance and Roll Call

Chair Taylor called the meeting to order at 6:00 p.m. then led in an invocation and the pledge of allegiance to the U.S. flag. She then called for all cell phones to be silenced and requested all speakers to file a "Speakers Request Form" with the clerk.

Beryl H. Wood, deputy clerk called the roll and recorded attendance as noted above.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE EXCUSAL OF COMMISSIONER LAMB FOR THE APRIL 17, 2012 REGULARLY SCHEDULED BOARD MEETING.

Amendments and Approval of Agenda

- Proclamation Relay for Life added to Item 16a
- Item# 16 pulled
- Summer Program Item #12 pulled

UPON MOTION BY COMMISSIONER MORGAN 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. Presentation of Fiscal Year 2011 Audit Report (Ron Whitesides, Purvis Gray and Company)

Ron Whiteside of Purvis Gray and Company addressed the Board with the Audit Report for fiscal year ending September 30, 2011. He introduced Ryan Tucker and Marie Dennis who also helped manage the audit. He pointed out progress has been made from 2010, but cautioned they should continue to try to build reserves. He said their recommendations for fiscal improvements would be relatively minor, just some opportunities to strengthen your controls over financial reporting. He noted the County should have available 2 months operating expenditures.

Commissioner Croley asked if the additional \$2 million would fall into the restricted and unrestricted

category.

Mr. Whiteside replied the recommendation is for 2 months operating expenditures in unrestricted funds. He said it would be available for most any purpose as opposed to restricted for building new roads for example. He discussed the Medicaid Billing and Employee Retirement Contributions, what's going on in the Legislature and stated those are good examples of why you should have funds on hand.

Commissioner Croley referenced recent problems with Account Receivables, where they have provided fuel services and they have been delinquent in paying on time. He said they had talked about forming a policy to deal with those type situations. He asked if they were formulating a financial policy over account receivables, what time frame would you place on it.

Mr. Whiteside responded he would recommend the terms of payment are usually 30 days from tender of invoice, so if someone has not paid up in 30 days after you have billed them, it would certainly be time for a phone call and sometime after that maybe you would have to consider stopping the good or the service you are providing. He said one way to build flexibility is to have a deposit.

Chair Taylor thanked Purvis Gray and Company for a well put together audit. She asked if they would be consultants to the County and provide guidance with developing financial policies.

2. Gadsden Arts Center Presentation (Grace Maloy, Executive Director, Gadsden Arts Center

Grace Malloy, Executive Director, Gadsden Arts Center, acknowledged and thanked the Board for their support to the Gadsden Arts Center. She discussed a Year (2011) in Review through growth. She highlighted major accomplishments in Art & Economic Prosperity, Tourism, Community Revitalization and the Arts are Critical for Education. She stated those studies show why they are so effective in our mission to serve Gadsden County. She commented in the areas where they have shown growth such as the quality in our Main Floor Exhibition. She disclosed today they have 20 exhibitions per year, which has increased. She noted they are viewed as the leading visual Art Museum in our region.

She highlighted in our region, the Gadsden Arts Center channels over \$225,000 into our regional economy, sustains 6 direct jobs (Gadsden Arts and the Cafe'), provides up to 15 Contract Labor positions annually (instructors, bookkeeping, janitorial) and fosters artists' careers. Gadsden Arts also stimulates the area economy by attracting visitors who dine, shop, buy fuel, and stay overnight; broadcasts a positive impression of Gadsden County throughout the region; and helps to attract quality residents and businesses to the area.

Commissioner Croley thanked Mrs. Malloy for her leadership in the arts.

Commissioner Morgan acknowledged Mrs. Malloy for her support to the Arts and citizens of Gadsden County.

Chair Taylor thanked Mrs. Malloy for her continued support of the Arts and presentation to the Board.

Clerk of Courts

3. Discussion of Medicaid Billing Legislation (Nicholas Thomas, Clerk of Courts)

Clerk Thomas informed the Board the Florida Legislature passed and the Governor signed the bill reforming the Medicaid billing process. He said since 1991 individual counties have been charged by the state 35% of Medicaid costs for its residents. Counties review the billings and often make reduced payments because of errors and non-residency.

The new legislation requires the state agency go back to 2001 and recertify to each county the amount of unpaid billings by August 1, 2012. The county will be liable for 85% of the amount owed. If a county decided to appeal, it risks the liability being increased to 100%. The unpaid liability must be paid over the next fiscal year. The Department of Revenue has been authorized to reduce distributions of revenue sharing upon failure of the county to pay.

The final impact of this legislation is not known but he attached an earlier estimate prepared by senate staffers along with the House bill that implements the law. He told the Board, the County has no alternative to inserting the additional Medicaid expense in next year's budget.

He discussed the teeth in the provision which is the ability to withhold the State ½ Cent Sales Tax. He commented the tax is shared with Counties it amounts to a Million Sixty Nine Thousand Dollars and from that one revenue source alone. He disclosed as of May 1st the State of Florida would start withholding the 1/2 Cent Sales Tax if payment is not made. He stated they have said that if you have bonded some of the monies they would like to know about it and they would take that into account. He commented the Library Bond is pledged with the ½ Cent Sales Tax and it is about \$228, 000 per year, once you make the Bond Payment then the remainder of funds is transferred into the General Fund. He said the other concern is come October 1 they will withhold the rest of your Revenue Sharing if you don't make payment. He said they plan on coming out and meeting with the various Counties to look at the billings; they are to recertify the billings as of August 1 to give you a final number. He asked the Board to turn their attention to the spreadsheet attached to the memo, he said the numbers that appear hopefully aren't the final numbers. He said the first column says Gadsden County's Backlog is essentially \$629,998.75 (85%). He commented what they are wanting the Counties to do is pay 1/3 of the backlog over 3 years. He said the 1st year they would be paying \$157,499.69, if you look at the next column they are saying the new billings for year, will be estimated at \$839,260. He said they have only been budgeting about a ½ million dollars. If you take their projected new billings and add your portion of the backlog you are to pay in the first year, you get \$996,759.69. Almost a ½ million they have not budgeted. He said the billings may change once they come out and recertify final numbers as of August 1. He stated it put them in a difficult situation and from his perspective they should budget for these additional costs. He informed the Board this is a situation they should not ignore and they should make plans to account for it in next year's budget.

Comments from the Board:

Commissioner Holt confirmed this item was talked about in 2009 at the legislative level and nothing occurred at that time. She said what they were trying to do and she kept referencing \$600,000 was not enough funds for that area. She said the State said when ACHA came to Gadsden County place the beds in the hospital. She said the Medicaid dollars are leaving the County, due to no overnight stay, there is no observation for patients. She said the first three days are critical because that's when doctors do all the testing to find out what's going on with the patients. ACHA referenced swing beds, because every

time the ambulance takes off and goes to Tallahassee you have money that follows them. She expressed this is a critical component in us losing Medicaid dollars.

Commissioner Croley asked Clerk Thomas was his recommendation that they go ahead & make payment of the 85% the State is requesting.

Clerk Thomas replied at this point you need to budget for the 85%.

Commissioner Croley stated he would like to hear more of Commissioner Holt's ideas, and maybe agenda for the future for discussion along with Capital Regional.

Commissioner Morgan noted there would be ongoing conversations and additional help for Counties that may be fiscally constrained. He asked the Hospital Board be advised of any on-goings. He asked were the numbers presented the numbers they should budget at the upcoming Budget Workshop.

Clerk Thomas commented hopefully the numbers will be revised, but recertification will happen by August 1st.

Commissioner Holt inquired are they looking at any evidence for non-residents.

Attorney Minnis stated she had not looked at the issue.

Mr. Lawson said in terms, once they certify the amounts, how you going about and what are are you using.

Chair Taylor explained in order to prepare we need to research what Florida Association of Counties is preparing. She asked Mr. Lawson to find out what is the funding source.

Clerk Thomas said it is out of the General Fund, she also thanked Mr. Thomas for keeping the Board abreast.

4. Discussion of Employee Retirement Contributions (Nicholas Thomas, Clerk of Courts)

Mr. Thomas discussed the Employee Retirement Contributions. He noted in September the Florida Supreme Court will hear the case in which a Circuit Court Judge ruled the employee contribution to retirement is unconstitutional. The ruling calls for the refunding of employee contributions for employees hired prior to July 1, 2011 and 100% employer contributions for those employees. He said Mrs. Minnis could explain all of the legal aspects of the case if necessary. However, he had attached a statement from the Florida Retirement System which states no changes will be made by FRS until the appeal is over. He noted it was brought to the Board's attention simply as a potential impact to the 2013 budget.

Commissioner Croley referenced the employee three percent, it gets to be a lot of burden. He noted this Board will be faced with real issues.

Commissioner Morgan commented they should focus on how we invest and spend and take a look at

every area. He expressed the Auditors noted how it is good to have a healthy fund balance.

Commissioner Holt stated the problem is going after money. She said they should look at remedies, let's go after funding.

Chair Taylor thanked the Clerk for bringing this information before the Board. She directed the Attorney to look into Medicaid.

5. Presentation of County Finance and County Clerk Issues (Nicholas Thomas, Clerk of Courts)

Clerk Thomas presented no other issues.

Consent:

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 3 – 1, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA WITH THE EXECEPTION OF ITEMS 9, 10 AND 11, WHICH WAS PULLED FOR FURTHER DISCUSSION. (Commissioner Croley opposed the motion.)

- 6. Approval of Minutes March 6, 2012- Regular Meeting
- 7. Ratification of Approval to Pay County Bills
- 8. <u>Approval for Stacey S Hannigon to Seek the Political Office of Gadsden County Tax Collector</u> (Robert Presnell, Administrative Coordinator)

Statement of Issue:

This agenda item seeks Board approval for Stacey S. Hannigon to seek the political office of Gadsden County Tax Collector on November 6, 2012.

Background:

In accordance with the County Personnel Policy 2.04 sub paragraph D, an employee must seek approval of the Board to seek political office. Stacey S. Hannigon is seeking approval to pursue the office of Gadsden County Tax Collector.

Analysis:

Stacey S. Hannigon desires to seek Public Office in a county wide seat in Gadsden County. Staff has reviewed the duties and responsibilities of Ms. Hannigon's current position as Fiscal Assistant and determined that if she seeks political office in Gadsden County, there will not be a conflict with her performing her current duties. Approval of this request would allow this County employee to exerciser her civic rights as a resident of Gadsden County, Florida. Therefore, staff recommends approval of Stacey Hannigon to seek Elected Office.

Items Pulled for Discussion

9. Approval to Sell Surplus Equipment/Vehicles at Auction (Charles Chapman, Public Works

Director) (Pulled by Commissioner Holt)

Statement of Issue:

This agenda item seeks Board approval to sell Public Works Department surplus equipment, which is either replaced or no longer in service. This request also seeks approval to sell one vehicle from another Department under the Board of County Commissioners.

Background:

The Public Works Department replaces equipment as needed due to them reaching their useful life cycle by incurring excessive repair cost or obtaining high mileage. Public Works has found that disposing of surplus equipment and vehicles by auction to be the best alternative financially.

Analysis:

In order to avoid maintaining equipment/vehicles that have reached their life expectancy, they are replaced. The replaced equipment/vehicles in the past have been sold at public auction and the revenue returned to the Transportation Fund. The following Public Works equipment /vehicles have been replaced and are ready to be eliminated from the Gadsden County inventory.

- # 9453 2000 CHEVROLET C2500 1GCCC24R7YR199453
- 5421 2004 FORD F-250 1FTNW20L14EC95421
- 1684 2000 CHEVROLET 4700 1HTSCABNXVH440138
- BOBCAT SKIDSTEER 512812801

Fiscal Impact:

The sale of the surplus equipment should generate approximately \$20,000.00.

Public Comment

Commissioner Holt asked would auction be held in the County.

Mr. Lawson stated no, it's normally sent to a larger venue.

Commissioner Holt recommended future auctions be done in County.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4–0, BY VOICE VOTE, FOR APPROVAL TO SELL SURPLUS EQUIPMENT/VEHICLES AT AUCTION.

10. <u>Approval of Agreement with Espy Services (Arthur Lawson, Interim County Administrator)</u> (<u>pulled by Commissioner Morgan</u>)

Statement of Issue:

This agenda item seeks Board approval for the Chairperson to sign the attached Service Agreement with Espy Services to provide services to correct, reduce and negotiate telecommunications cost.

Background:

Espy Services, a company based in Bedford, IN, provides the services of auditing all telecommunications accounts for the purpose of finding errors and overcharges that now exist or may have existed on past invoices. This includes land lines as well as cellular service.

What makes using espy Services different is that they have three important keys of ability to find all of the errors that may have been overlooked by the untrained eye. They have experience, they have expertise and they have the time it takes to do a thorough audit.

Fiscal Analysis:

If Espy Services does not find any errors or opportunities for saving, the County would not pay any fees. If there are reductions in our telecommunications billing that shall manifest in future savings, the County agrees to pay Espy 50% of the monthly savings for a 12 month period. Actual savings will be calculated and based on the rates and fees we actually pay as of the date of the service agreement. Payments will be calculated monthly beginning the date the savings first appear on our bill and shall continue for 12 consecutive months.

Comments for the Board:

Commissioner Morgan conveyed the concept is great, but he would like the Board to consider other local telecommunications companies in the County, such as TDS. He said he would not recommend approving item 10.

Chair Taylor agreed the services should first be offered in the County and she seconded the motion.

Commissioner Croley commented that TDS is the provider. He asked why not let Espy Services look at the accounts, it does not cost if they don't find anything.

Commissioner Holt concurred with Commissioner Croley about outsider checking.

Chair Taylor said she felt they were making a mountain out of mole hill and seconded the motion of the floor. She encouraged the Board to work together to find the best avenue.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER TAYLOR, THE BOARD 2 -2, BY VOICE VOTE, NOT TO APPROVE THE AGREEMENT WITH ESPY SERVICES.

(Commissioner's Holt and Croley opposed the motion.) Motion fails

Commissioner Croley pointed out they are only looking at billing for errors.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 2 – 2, BY VOICE VOTE, FOR APPROVAL OF AGREEMENT WITH ESPY SERVICES. (Commissioner's Morgan and Taylor opposed the motion.) Motion fails

Chair Taylor directed Mr. Lawson to explore options and comeback at another date.

Item 10 was denied approval.

11. <u>Approval to Renew Service Contract with Allcol Technologies, Inc. (Arthur Lawson, Interim County Administrator)</u> (pulled by Commissioner Morgan)

Statement of Issue:

This agenda item seeks Board approval for the Chairperson to sign the attached renewal Service Contract with Allcol Technologies, Inc.

Background:

In an effort to improve the technological services provided to the employees and citizens of Gadsden County, the BOCC approved the Information Technology Strategic Plan. As a result of the BOCC's decision, Allcol Technologies, Inc. was contracted to provide network design and implementation, training, and troubleshooting, as well as other technical support services on a needed basis.

In the preparation and implementation of the fiber connectivity project, engineering services are required in order to move forward successfully. The Vendor is registered with the State of Florida and all required documentation has been provided. Renewal documentation is included in the attachments.

Analysis:

The network and system engineering and other technical support services provided by Allcol Technologies, Inc. are a valuable resource utilized by the County Information Technology staff in implementing the County's IT Strategic Plan. Allcol has intimate knowledge of the County's IT Structure and played an integral role in its design and implementation. Continuing with the use of Allcol Technologies, Inc. is the most cost effective method of maintaining the current and future levels of support by County IT staff.

Comments by the Board:

Commissioner Morgan asked had those services been through the RFP process.

Mr. Lawson commented they had not.

Commissioner Morgan motioned to have an RFP done for technological services provided to through the Information Technology Strategic Plan. It was seconded by Commissioner Croley.

Mr. Lawson voiced this is an integral part of operating the County's IT System and they will need an engineer one way or the other. He said it was the Board's decision, but opined that they continue with this service.

Commissioner Taylor replied they have already looked at the competitive field when selecting this company. She said it was her understanding the cost and the services where indeed competitive and we received the best buy for the County per what they are doing.

Commissioner Holt expressed she was in favor of the RFP, before the contract expires.

Commissioner Morgan inquired if the Agreement is about to expire, why are we just looking at it.

Commissioner Croley stated he was in support of the RFP, because it's been 3 years. He conveyed it was good business. He asked are they getting the best out of the IT Department. He asked Commissioner Morgan to amend motion to allow Mr. Lawson to continue working with current vendor while they evaluate putting together RFP.

Commissioner Morgan had no problem amending the motion.

Chair Taylor voiced in the next 2 or 3 months, we will be trying to put together a budget for our citizens. She said they needed the best technology possible to make sure they are moving forward. She stated she didn't want it compromised in any way. She suggested in January or February they send out for RFP and encouraged continuing through this year with the current vendor.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO ALLOW ADMINISTRATOR TO RESUME SERVICES UNTIL RFP CAN BE ISSED. (Motion Carries)

Citizens Requesting to be Heard on Non-Agenda Items

- Michael Wood, 18516 Ocean Mist Dr. Palm Beach City, FL, Clean Energy Future Land Use spoke in support of Clean Energy. He said it is America's largest provider of natural gas fuel for transportation, your connection to natural gas fueling. He stated that trucks powered be cleaner, cheaper, domestic natural gas will soon travel the country on America's Natural Gas Highway. He said their network of LNG truck fueling station on Interstate Highways and in major metropolitan area. The first phase includes 150 fueling stations with approximately 70 anticipated to be open in 33 states by the end of 2012 and the balance in 2013. Many will be co-located at Pilot Flying J Travel Centers (Midway Tallahassee Flying J at 32670 Blue Star Hwy Quincy, Fl 32343) that already serving goods. The opening of these stations coincides with expected arrival of new natural gas truck engines well suited for heavy-duty, over the road trucking. In 2011, supporting the transition of trucking from diesel to natural gas fuel, we raised a total of \$450 million investment in Clean energy to help fund the development of these stations and other capital projects from Chesapeake Energy Corporation (NYSE:CHK), the nation's second largest natural gas producer, Boone Pickens, our Co-Founder, and a group of international investors.
- Patrick Fielder, 2322 W. 3rd St, Los Angeles, CA, was recognized in support of Clean Energy.
- Corey O'Gorman, 7004 S. 1st St, North Palm Beach, Fl, was recognized in support of Clean Energy.
- Ronald L. Williams, 147 Indian Springs Dr, Quincy, FL, D&S Water, Inc referenced Bernie Clark
 Proclamation that was presented by the Board. He said Mr. Clark was the oldest charter member
 alive to receive the Kiwanis Club Proclamation. He thanked Board for their participation.

He also referenced Robert Marchet, business owner who came to the County attempting to receive a permit to get water out of the Spring near his home to a bottling plant in Marianna. He said D & S Waters, Inc. of North America owns the land surrounding his home. He mentioned his wife was a caretaker for them. He said by having the facility there it would ensure him a job. He noted the spring is only producing about 80 gallons a minute and what they need is a permit to build storage tanks, so when the trucks come they can carry the water to Marianna. He said it is pure spring water, that's why the company is interested in the site. He asked the Board for the permit to build the tanks. He stated he was told a decision was made not to give the permit unless they would be building a bottling plant there also. He informed them a bottling plant was not needed here because there were two others in close proximity. He added the benefit would be people could start purchasing spring water from around here and the tax revenue the County would be generated.

Chair Taylor directed Mr. Williams to meet with Mr. Lawson for clarification on the D&S Water, Inc.

discussion.

Public Hearings

There were no public hearings.

General Business

- 12. <u>Discussion of Possible funding for a Summer Youth Employment Program (Commissioner Sherrie Taylor, Chairperson)</u> (pulled by Commissioner Taylor)
- 13. <u>Discussion of County Site Plan and Building Fee Options for Churches (Anthony Matheny, Planning and Community Development Director/ Clyde Collins, Building Official)</u>

Statement of Issue:

At their March 06, 2012 meeting, the Board of County Commissioners (Board) further discussed the possibility of granting full or partial planning & development and building fee waivers for religious institutions. Staff has prepared options for the Board to consider.

Background:

Frequently, churches approach the Planning & Community Development (P&CD) and Building Department with requests for fee waivers. At the January 03, 2012 Board meeting, the Board agreed that fee waiver requests by churches should be applied for and approved by the Board on a case-by-case basis. Staff is anticipating additional requests from churches in the future.

Analysis:

On October 01, 2006, and as amended on November 06, 2007, the Board of County Commissioners adopted fees to reflect the Boards "desire to establish fees sufficient, but not in excess of, to recover an adequate amount of the related costs of associated activities" (Attachment #1 & 2). County fees are based on a study conducted by the Office of Management and Budget of actual costs to the County for review, inspection, etc. Fees have not been revised or increased in the four (4) years since. Staff has been directed that only the Board can waive fees.

Fiscal Impact

Site plan (staff review) and building fees range depending on the size of the structures. The fiscal impact for standalone church range between $\$7,300\pm$ for a 4,000 square foot building to be $\$9,800\pm$ square foot building. Site Plan and store water review fees range between $\$2,640\pm$ and $\$3,040\pm$.

Of the site plan review fees, \$3,000 (or more if plans require additional review) is required to compensate Preble – Rish Inc. for storm water review. Site Plan costs increase significantly for churches with accessory uses which require public hearings and notice for Special Exception site plan approval. The increase in cost is directly related to expenses for mailing and advertisement.

Discussion by the Board:

Chair Taylor stated her only concern would be that they don't have the full Board if we are considering adopting a new policy, however she said she would move at the will of the Board.

Commissioner Croley asked if religious institutes that serve public purposes justifies giving special reductions. He said he would be in favor of approving if they served public purpose.

Commissioner Morgan commented they should offer incentives to help a church grow in our County. We need to give consideration to exemptions as residents, students and businesses, etc. they receive benefits. He recommended the revised policy the policy be reduced by 50%. He recalled, since he has been on the Board there have been two churches granted waivers on fees. He said his hope is the Board would be fair to those churches and as they move forward and once the policy is in place there will be no exemptions and this is no longer an issue.

Commissioner Holt inquired what are the fees are being requested for reduction. She stated she would like to be fair across the Board. She commented she had no problem with the reduction.

Chair Taylor commented this is a sticky one for me. She explained they want to do something for churches. She said limiting to sanctuary I don't agree, due to them using the entire facility. She stated 50% is a bit much, but something is needed in form of reduction. The policy should spell out the church could be used as a shelter, etc. She expressed they needed a policy in place, across the Board. She conveyed she didn't mind about a 50% reduction, but stated they must be mindful we need to pay bills on the County level. She said it needs to be in form of a policy.

Public Comment:

Derrick Price, 2695 Lincoln Drive, Chattahoochee, FL, addressed the Board concerning the fee for churches. He asked would they please waive fees for the Rosedale Church and then work on adopting a policy. He asked that something be given back to the church.

Chair Taylor concurred with Mr. Price, but cautioned by saying policy and procedures need to be in place. She asked Mr. Lawson what was his recommendation on this particular church. She recommended based on the dialogue they have had around the Board, I that they come together with a policy and try to handle within 30 days. She said she was in favor of the reduction.

Mr. Lawson said he was not prepared to answer that question, he would move at the will of the Board.

Commissioner Holt motioned for option 2; reduce site plan and building fees for churches by 50%.

Chair Taylor asked were there any legal ramifications.

Attorney Minnis replied there is nothing in the statute that prohibits you from doing it otherwise, you can look at on a case by case basis you can waive fees. She explained if they want to do a policy that's the more fair way to do it, because everyone would know what the policy is and it's done in advance. She noted there was nothing that would prohibit them from making a decision on Mr. Price's case. She said that is a decision the Board has to make. She said it can't be dealt with today because it's not properly placed on the agenda, discussion is on the agenda today concerning overall policies. In order to do this it would require public hearing, today is only discussion.

Commissioner Croley noted he was in favor of option 2.

Chair Taylor asked was overall the policy approval on agenda or is it just for discussion on this agenda.

Attorney Minnis commented in order to change policy it would need a public hearing (Ordinance).

Commissioner Holt motioned for Option 2.

Commissioner Croley seconded the motion for discussion and details.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 – 0, BY VOICE VOTE, FOR APPROVAL OF OPTION 2, REDUCE SITE PLAN AND BUILDING FEES FOR CHURCHES BY 50% FOR DISCUSSION.

Commissioner Morgan pleaded with the Board to allow Mr. Price to talk with Mr. Lawson and come back before the Board with some type of agreement at the next meeting for up or down vote.

Commissioner Croley asked they move forward with this item as quick as possible. He believed if it's part of the religious institute not the parsonage or housing he would be in favor. He asked was it only for unincorporated areas. He voiced, the churches receiving reduction should have some type of public purpose.

Chair Taylor asked Mr. Price and his Pastor to meet with Mr. Lawson and bring back recommendations for an up or down vote hopefully at next meeting, May 1, 2012 or at the Administrator's earliest convenience.

14. <u>Discussion of Federal Emergency Management Agency/Florida Division of Emergency Management Reimbursements Regarding Deer Run Road (2008) (Charles Chapman, Public Works Director)</u>

Charles Chapman addressed the Board. Federal Emergency Management Agency have ruled they overpaid Gadsden County in reimbursements for the Deer Run Road Project in District 1 in the Havana area that had blown out after recently being paved in the Tropical Storm Faye of 2008. He stated after the appeals process and second audit the Division of Emergency Management has ruled they overpaid the County in their reimbursements in the amount of \$145,171.81. He also noted this is reflected in the Audit.

Statement of Issue:

This item presents the Board of County Commissioners (Board) relevant information for the discussion regarding reimbursements received from the Federal Emergency Management Agency (FEMA) for work performed on Deer Run Road and qualified for reimbursement under the declared emergency of Tropical Storm Fay in August 2008.

Background:

In August 2008, Gadsden County, Florida was struck with the rain and wind from Tropical Storm Fay. Gadsden County Emergency Management activated the Emergency Operation Center (EOC): Public Works began serving in a first responder capacity.

On August 18, 2088, Deer Run Road in the Havana, Florida area washed out completely. When this road project was reported, the FEMA and State of Florida Division of Emergency Management (FDEM) both suggested that Gadsden County Public Works perform the necessary repairs and seek reimbursement for

Deer Run Road under a new "pilot program". Deer Run Road was rebuilt, improved, and surfaced under the subsequent emergency declaration provided by former Florida Governor Charlie Crist. The Deer Run Road project was completed on September 3, 2009.

During the process of seeking reimbursement (2009-2010) the "pilot project" that was recommended by the State and Federal Emergency Management representatives was not funded at their respective levels.

The Public Works Department was subsequently informed that some of the funding we had been reimbursed would have to be returned. Former Public Works Director Robert Presnell appealed this ruling and recently was denied. Gadsden County Public Works staff was instructed by FDEM to reply for reimbursement and did so. In August 2011, Gadsden County received a reimbursement check from the State of Florida.

In January 2012, Public Works staff met with auditors from the Florida Division of Emergency Management (FDEM) to review the Deer Run Road project again to verify funds that qualify for reimbursement have been accounted for in respect to material, equipment and labor in relation to this project.

Analysis:

Due to the recalculation of the Deer Run road project worksheets that were verifiable in the perspective of FDEM, Gadsden County will need to reimburse FDEM (FEMA funds) for an overpayment previously made to Gadsden County. Gadsden County has received \$364,943.31 for the Deer Run Road project. It is estimated at this time, Gadsden County will need to refund approximately \$145,171.81 to the Florida Division of Emergency Management. A copy of the revised project worksheets are provided as Attachment A.

Comments by the Board:

Commissioner Croley asked for clarification, on what the Division of Emergency Management was saying had not been done by the County.

Mr. Chapman conveyed the Department of Emergency Management had problems with the way their work orders reflected work on the road for dump truck labor. He said the reason they appealed was because of the ruling change.

Commissioner Croley asked had the Attorney looked at this, if there was not a rule change not properly communicated to see if we can salvage the \$145,171.81.

Attorney Minnis stated she had not been instructed to do so, but would look into if it is the direction of the Board.

Clerk Thomas commented he does not have a problem with the appeals process. We have booked money in the event you have to pay it back. He noted it would be helpful to have Finance Director, review the request for reimbursements before sending it in the future.

Commissioner Croley motioned it be reviewed by the Attorney, County Admin & Clerk, to see if it can be appealed.

Commissioner Holt inquired what the rule change was and you need to have good points if you plan on appealing.

Mr. Chapman replied it was the certified amount of debris on trucks and we were not properly notified of the rule change.

Commissioner Morgan voiced they should appeal.

Attorney Minnis stated they should consider a strategy approach.

Chair Taylor inquired what the argument of the first appeal was.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE BEING REVIEWED BY THE ATTORNEY, COUNTY ADMINISTRATOR AND CLERK THOMAS TO SEE IF IT CAN BE APPEALED.

15. <u>Approval of Matching Grant Application for a Required Radio System Upgrade (Tommy Baker, EMS Director)</u>

Statement of Issue:

This item seeks Board approval for the Chairperson to sign the Matching Grant application for funding a radio system upgrade required by the Federal Communications Commission (FCC). The deadline for completion of this upgrade is January 1, 2013.

Background:

FCC requires that all Public Safety radios comply with narrow banding frequency use by January 1, 2013. Our radio system FCC license was modified to meet this requirement in May of 2011. It appears that most of the equipment necessary to facilitate this changeover was purchased previous to this license modification, but the system was not effectively implemented.

Analysis:

FCC requires the implementation of narrowband operations effective January 1, 2013. This project requests state grant funds to assist in meeting this requirement.

Fiscal Impact:

The grant application is being submitted in two categories. In the Rural Grants Program, the required match from the county is 42,798.48 (10%). If not funded in the Rural Grants Program, the grant will be considered in the Matching Grants Program and will require a match from the county of \$6,996.20 (25%).

Questions:

Chair Taylor inquired where funds would be pulled from for this grant.

Mr. Lawson replied it would come from EMS Department or out of Contingency Fund.

Chair Taylor asked Mr. Baker could funds come out of the EMS budget.

Mr. Baker replied they could.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, FOR APPROVAL OF MATCHING GRANT APPLICATION FOR A REQUIRED RADIO SYSTEM UPGRADE.

16. Approval of CE Broker Agreement for Tracking License and Training Compliance (Tommy Baker, EMS Director) pulled from agenda.

16a. Proclamation - Relay for Life

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE PROCLAMATION FOR RELAY FOR LIFE FOR APRIL 27-28, 2012.

17. National Solar Update (Deborah Minnis, County Attorney/ David Weiss, Assistant County Attorney)

Attorney Minnis commented National Solar's attorneys are currently reviewing provisions and moving along quickly. She noted the application is still in process and they are trying to get completed and forwarded to Mr. VanLandingham.

County Administrator

18. <u>Update on Board Requests (Arthur Lawson. Interim County Administrator)</u>

Mr. Lawson informed the Board the Legislation Update would occur at the May I, Board Meeting.

19. Update on Various Legal Issues (Deborah Minnis, County Attorney)

There were no updates on various legal issues.

20. Recess BOCC Meeting and Reconvene for a Private Attorney - Client Session

The Board of County Commissioner's regularly scheduled meeting recessed for a private attorney – client session regarding the Patel's vs. Gadsden County.

21. Reconvene the BOCC Meeting

The regularly scheduled Board of County Commissioner's Meeting reconvened at 1:00p.m.

Discussion Items by Commissioners

22. Commissioner Lamb, District 1

There were no items presented by Commissioner Lamb.

Commissioner Croley, District 2

- The Clean Energy Solution they are proposing in Midway is great, it ranks with the Leon County Schools and No Petrol Presentations. He stated this is positive and it gives the possibility of revenue coming into the County in the near future along with energy savings.
- The CRTPA Workshop was held on April 16, 2012. He pointed out things of interest to the Board; there is a program in place called Complete Streets. An evaluation process that looks at how your roads and transportation systems are going to be funded by DOT, Highway Administration and get local approval. He noted Mr. Chapman is already involved and as time goes by the Board would hear more information.
- PRoundabouts, signalization of intersections rising cost. He said roundabouts are a way to reduce the cost. He noted some of the places roundabouts could be appropriate might be, with the construction of the bypass if the Governor signs the budget. He expressed they could place a roundabout at the intersection of State Road 12, the Havana Highway and bypass as you make the link toward the North in the future.
- Sustainable Community Calculator is another big item he voiced they would hear more discussion about in August. He said it dealt with land use changes and talked about going out to rural residential unincorporated areas. He asked how you are going to pay the cost of transportation and its impact on the Community Roads Network.
- Fechnology Infrastructure, he spoke of a project that is under way with Leon County spearheading all the surrounding counties participating. It is a long range plan where they would warehouse a system using geographical information. You would go out an identify failing culprits on roads, bridges, narrow roads. You would be able to see in a database and see where your problem roads are. He said it would be built on over time and Gadsden County would be asked to participate in that program. They are working on what the cost would be.

Commissioner Holt, District 4

County Wide Medicaid Oversight Team was referenced, she asked if the team was established and who served on it.

Mr. Lawson replied yes, it is set up with the Budget Director, Finance Director, County Administrator, Mrs. Harris, Mrs. Bradley and Clerk Thomas.

She commented that a County Commissioner should be on the Team also, so discussion could begin with ACHA. She inquired if it could be looked into to see if the County would benefit with the addition of swing beds. She sought discussion with Capital Regional.

Mr. Lawson acknowledged her request and commented they just had met with new CEO of Capital Regional and the issue was addressed.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4-0, BY VOICE VOTE, TO BE ADDED TO THE AGENDA FOR FURTHER DISCUSSION OF SWING BEDS AT THE HOSPITAL AND WHAT OTHER OPTIONS MAY CAPTURE MEDICAID DOLLARS.

Grants Coordinator, spoke of importance of having one that could write salary in the grant.

Commissioner Morgan, Vice-Chairman, District 3

There were no items presented by Commissioner Morgan.

Commissioner Taylor, Chairperson, District 5

- Final Audit added to the agenda for approval.
- Community Event (Shiloh Park), April 21, 2012, reminder to have park presentable for event.
- Medicaid Process, have Attorney to look at all options and bring opinion back to the Board.
- ➤ Senior Citizens Parking Lot

Clyde Collins, Building Official said work would begin tomorrow on paving at the Senior Citizen's Parking Lot.

Receipt and File

23. For the Record: Update/Report of Progress Regarding the Apalachicola-Chattahoochee Flint (ACF) Basin

May Meeting (s)

-May 1, 2012, Regular Meeting, 6:00 p.m.

-May 15, 2012, Regular Meeting, 9:00 a.m.

Adjournment:

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING ADJOURNED AT 1:14 P.M.

Sherrie Taylor, Chair Board of County Commissioners
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AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON MAY 1, 2012 AT 6:00 P.M., THE FOLLOWING PROCEEDINGS WAS HAD, VIZ.

Present: Sherrie Taylor, Chair, District 5

Gene Morgan, Vice-Chair, District 3

Eugene Lamb, District 1 Doug Croley, District 2 Brenda Holt, District 4

Nicholas Thomas, Clerk of Courts Deborah Minnis, County Attorney

Arthur Lawson, Interim County Administrator

Invocation, Pledge of Allegiance and Roll Call

Chair Taylor called the meeting to order at 6:00 p.m. then led in an invocation and the pledge of allegiance to the U.S. flag. She then called for all cell phones to be silenced and requested all speakers to file a "Speakers Request Form" with the clerk.

The roll was called by Deputy Clerk, Beryl Wood and attendance was recorded as noted above.

Amendments and Approval of Agenda

Add - 13A. Discussion of approval of Florida Association of Counties – Medicaid

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. <u>2012 Legislative Update (Chris Doolin and Associates, Sarah Bleakley, Esq. of Nabors, Giblin & Nickerson, P.A.)</u>

Mr. Doolin presented the Board with a detailed report regarding the 2012 Legislative Session. He spoke of the Legislature's continued struggle with a sluggish economy, revenue fluctuations, and increased cots forcing continued budget reductions to meet priority spending needs. The issues receiving the major "above the radar" consideration during the 2012 Legislative Session centered primarily on the issues of Redistricting, Budgeting, Prison Privatization, Prison Closure, Tax Reform, Gaming, Medicaid and the Department of Health reorganization.

Commissioner Holt questioned the County Medicaid Lawsuit.

Mr. Doolin replied the payments are based on your residents at nursing homes and hospitals. He said it is not taken into consideration were they received the service if they are Gadsden County residents. The issue across state has been Counties would receive bills and question residents and reject billing for non residents. He said over the years there has been double billing, incorrect addresses to the sum of around \$325,000,000.00 which remain in dispute were the Agency did not proceed with additional billing. Gadsden County share is \$650,000.00. This Legislature passed HB5301 changing the method for County Medicaid Payments, dipping into

revenue sharing effective October 1. The bill institutes a five year deduction schedule which would be paid over the next 5 years that would be deducted from the County's Revenue Sharing funds to pay for Medicaid billings previously sent to the county but rejected for reasons related to insufficient residency documentation. The legislation authorized a new payment process for future Medicaid costs through a deduction of ½ cent sales tax revenues for future monthly billings certified by AHCA to the Department of Revenue. He noted that AHCA is currently meeting with counties to discuss.

Sarah Bleakley, Esq. of Nabors, Giblin & Nickerson, P. A. discussed additional actions relating to Gadsden County.

Redistricting of Legislative House and senate Districts and Federal Congressional Districts occurred during the 2012 Legislative Session.

- Florida House Representation Gadsden is currently located in House Districts 7, 8, and
 The House Redistricting Plan places Gadsden within Districts 8 and 9.
- State Senate Representation Gadsden is currently located in Senate District 6 that includes Jackson, Calhoun, Bay, Gulf, Gadsden, Liberty, Franklin, Leon, Wakulla, Jefferson, Madison, Taylor, and Hamilton. The district is decidedly more consolidated and more easterly including Taylor and Hamilton Counties.
- Florida Congressional Representation Gadsden County remains in Congressional House District 2 which is reconfigured to be more consolidated with a westerly composition. The new district differs by including portions of Madison, more of Washington, Holmes, and dropping Suwannee, Lafayette, and Dixie counties.

Gaming legislation was considered but no legislation passed during the Legislative Session that would impact current law.

The legislature considered but did not pass an amendment that would expressly authorize counties other than Miami Dade and Broward to hold referenda on allowing slot machines. The sponsors argued that amendment would give legal effect to referendum on the issue of slots at pari- mutuel facilities. The amendment postponed slot licensing until July 5, 2012. This date is when the current state compact with the Seminoles expires. By delaying the effective date, the amendment sought to avoid the nullifying the portion of the compact that grants exclusive rights to operate slots in Florida to the Seminoles, who pay \$235 million for that right outside of Miami Dade and Broward.

Summary of the Legislative actions relating to Gadsden County Legislative Priorities.

Protect Revenue Sharing Programs and existing funding for grant programs. In 2011, Gadsden County received more than \$2 million in additional Half-Cent Sales Tax Funding through the Emergency Distribution, Supplemental Distribution, and fiscally constrained provisions of that program.

- In general, the Florida Legislature substantially protected key revenue sharing and funding beneficial to Gadsden County Board of County Commissioners.
- All Revenue Sharing Programs were funded. However, the amount transmitted to the county for General Operations from County Revenue Sharing Program and the ½ Sales

Tax Revenue sharing will be impacted by the HB 5301 relating to County Medicaid Payment.

- Fiscally constrained funding for Constitutional Provisions were funded at current levels for the 2012-13 fiscal year.
- In FY 11-12, Gadsden County received \$1,294, 974 in funding for Amendment 1 fiscally constrained offset.

Funding for Existing Grants Programs

- State Aid to Libraries were funded at current level.
- Library Cooperative funding increase to \$1.5 million, <u>VETOED</u>
- Emergency Management and Disaster Preparedness grants were maintained at current level.
- Small County Solid Waste Recycling Grants were funded at current level.
- County Health Department Funding was reduced, but rural counties as defined by the Department of Health are exempt from the budget cuts.
- Housing Weatherization Funding was allocated.
- Affordable Housing Funding is contingent on Documentary Stamp Tax Collections.

The Board engaged in a question and answers with the Gadsden County Legislative Consulting Team.

Chair Taylor thanked Mr. Doolin and Mrs. Bleakley for their extensive report on actions of the 2012 Legislative Session.

For a detailed copy of the 2012 Legislative Session relating to the Gadsden County Board of County Commissioners, see the Clerk's Office or County Administrator's Office.

2. **Update on Solid Waste Services**

Statement of Issue:

Ralph Mills, Regional Manager of Waste Pro will provide the Board of County Commissioners an update on the County's contracted solid waste services provided by Waste Pro USA. He said every 6 months he would like to give update. He said they would increase advertisement in District 4 & 5.

Background:

On October 1, 2011 the county closed the six rural waste sites and entered into an exclusive contract with Waste Pro USA to provide solid waste services in the unincorporated area of the county. The services offered include once a week residential curbside pick up. Customers may also receive an additional container for recycling service at their request.

Analysis:

Since the county entered into the contract with Waste Pro USA subscriptions for curbside service has increased. Waste Pro currently has 3,062 residential accounts. This represents an increase of several hundred households above the permit sales for the rural waste sites and the number of Waste Pro customers prior to October 1, 2011. However, there are approximately 10,500 potential subscribers who do not receive curbside service. These residents are using other means of household solid waste disposal.

Fiscal Impact:

None. For informational purposes.

Discussion by the Board:

Commissioner Morgan asked about different Counties.

Mr. Mills said he was not sure, he mentioned some of the counties that had mandatory curbside services.

Commissioner Croley inquired if participation increased would the price go down. He spoke in support of the program.

Chair Taylor thanked Mr. Mills for his service and the continued updates.

3. <u>Havana Community Development Corporation, Inc. Presentation Requesting a Letter of Support for the Havana Northside Project (Fert Richardson, Chief Financial Officer)</u>

Fert Richardson, 26 10th Avenue, Havana, FL, addressed the Board in support of the Havana Community Development Corporation, Inc. He said they are requesting assistance from USDA, Rural Development to renovate the existing old Havana Northside High School at 264 Carver Avenue, Havana, Florida. He asked for letter of support for the project and provided a brief, but detailed power point presentation.

Commissioner Lamb spoke of the worthwhile project. He said it was something needed in Havana.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE HAVANA COMMUNITY DEVELOPMENT CORPORATION, INC. LETTER OF SUPPORT.

Commissioner Holt stated she hoped the project would come forward. She spoke of support.

Chair Taylor thanked Mr. Richardson for his dedication to the worthwhile project. She then asked would he be asking for funding from the County.

Mr. Richardson replied he is not tonight, but in the near future please keep them in mind.

Clerk of Courts

4. Presentation of County Finance and County Clerk Issues (Nicholas Thomas, Clerk of the Courts)

Mr. Thomas had no report.

Consent

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF ITEM 8 & 11.

- Approval of Minutes December 20, 2011 Regular Meeting
 March 20, 2012- Regular Meeting
- 6. Ratification of Approval to Pay County Bills
- 7. Proclamation and Pledge of Civility for the Month of May (Arthur Lawson, Interim County Administrator)
- 8. Approval of Resolution Number 2012 017 for Project Pressure
 (David Gardner, Executive Director, Gadsden County Chamber of Commerce)
 Pulled by Commissioner Holt.
- Approval of Florida Department of Revenue Application for Revenue Sharing 2012-2013
 State Fiscal Year
 (Nicholas Thomas, Clerk of the Courts)
- 10. Approval of the Fiscal Year 2011 Audit Report (Arthur Lawson, Interim County Administrator)
- 11. Approval to Accept the Fiscal Year 2012 Second Quarter Report (Jeff Price, Senior Management and Budget Analyst) Pulled by Chair Taylor.
- Grants Approval of Resolution Number 2012-016 and Carry Forward Budget
 Amendments for Fiscal Year 2012
 (Connie McLendon, Finance Director/Jeff Price, Senior Management and Budget Analyst)

Items Pulled for Discussion

8. <u>Approval of Resolution Number 2012-017 for Project Pressure (David Gardner, Executive Director, Gadsden County Chamber of Commerce) Pulled by Commissioner Holt</u>

Commissioner Holt spoke on the positive impact to the County by way of jobs for the citizens of Gadsden County with Project Pressure's plans to operate as a manufacturing facility in what use to be The Printing House Building, 1066 Strong Road. She asked Mr. Gardner to come up and highlight.

Mr. Gardner confirmed Commissioner's Holt statement and announced that Project Pressure plans to operate as a manufacturing facility. He said they are also seeking to be a qualified target industry business pursuant to S.288.106, Florida Statutes; affirming the site of this project is within a defined rural area; requesting a waiver of local financial support; providing for an effective date. He said they are a foreign company from Venezuela would manufacture consumer products and package in aerosol and plastic containers such as paint and armor all.

Chair Taylor expressed concerns with safety regarding fumes within the close proximity to the elderly and the hospital. She also reserved caution with the request and stated she could not support at this time.

Mr. Gardner conveyed to the Board due to their location they are eligible for the local financial support exemption option of the Qualified Target Industry Tax Refund Program authorized for a Rural Community and they desire to exercise that option. He added they would be heavily checked by the State.

Mr. Lawson said from what he had read, he felt comfortable the State would regulate.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4-1, BY VOICE VOTE, FOR APPROVAL OF RESOLUTION 2012-017 FOR PROJECT PRESSURE. (Chair Taylor opposed the motion.)

11. Approval to Accept the Fiscal Year 2012 Second Quarter Report (Jeff Price, Senior Management and Budget Analyst) pulled by Chair Taylor

Statement of Issue:

This item seeks acceptance of the 2nd Quarter Report for FY 2012.

Background:

In April of 2006 the Board adopted a comprehensive financial management policy. Section 3.03 – Budget Management and Amendment Policy states the following: Finally, consistent with the spirit of this policy, the Board shall require the County Administrator or his designated budget officer to develop during FY 2007 and thereafter regularly submit quarterly (three month) budget status reports to the Board. These reports shall include:

- 1. The status of major revenue collections and /or projections
- 2. The status of actual departmental expenditures in comparison with budgeted expenditures.
- 3. Notification of special issues that could possibly affect the current or future financial status of the Board."

Analysis:

In summation, operating departments under the jurisdiction of the County Administrator have expended approximately 42% (versus the County's established benchmark of 50%) of their allotted budgets through the first six months of the fiscal year. Overall, data through the first six months (October1, 2011 thru March 31, 2012) provides enough definitive data to constitute the adjustment of original budget estimates at this time. This report is a snap shot in time and does not include six months of all revenues or budget amendments or any Finance adjustments that have been posted.

Discussion by the Board:

Chair Taylor inquired about this particular budget amendment in areas such as County Administrator, Neighborhood Services, Solid Waste and Landfill.

Mr. Lawson replied some employees were never placed properly and as they near the end of the fiscal year they are being added where they should go.

Chair Taylor asked that Mr. Lawson give her a follow-up through email.

UPON MOTION BY CHAIR TAYLOR AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, FOR APPROVAL OF ACCEPTANCE OF THE FY 2012 2ND QUARTER REPORT.

Citizens Requesting to be Heard on Non-Agenda Items (3 minute limit)

Sarah Johnson, 166 Talquin Avenue – FEMA, appeared before the Board to ask if they would ask FEMA to consider another base flood level(Lake Talquin Flood Zone). She questioned the amount of flood insurance needed for areas such as Lake Talquin. She stated she spoke with FEMA and the County needed to file a form to rectify this subdivision problem. She said the last FEMA study was February 2009.

Chair Taylor asked Mrs. Johnson to meet with Mr. Lawson.

Marine Chentnik, 766 Beaver Creek Lane, referenced vacating minor subdivision in the Lake Yvette Area. They are requesting that the minor subdivision be vacated from the 10.6 acres they own and additionally they are requesting a waiver of fees.

Mr. Matheny commented he had met with the Chetniks, he said there is a process – Public Hearing. He said they are asking for a fee waiver to that process, because they feel

they weren't advised properly in the past. He explained any fee waivers have to come before the Board. He Mr. Weiss had also confirmed that was the process.

Chair Taylor asked Mrs. Chetnik to meet with County Administrator to have it placed on the Agenda, so the Board can vote on the issue.

Public Hearings

13. Request to Hold the Second Public Hearing Required for Gadsden County to Apply for Florida Department of Community Affairs 2011 CDBG Economic Development Grant (Anthony Matheny, Planning and Community Development Director)

Statement of Issue:

Mr. Auburn Ford, on behalf of Mr. Charlie Harris asked the Board of County Commissioners (BOCC) if they would hold the second of two Public Hearings required for Gadsden County to submit a grant application to the Florida Department of Community Affairs (FDCA), under the CDBG Program for the Gussie's Garden Inn Assisted Living Care Facility. The grant would fund infrastructure improvements at the site.

Background:

A conceptual plan for Gussie's Garden Inn ACLF was approved by the Gadsden County BOCC on March 1, 2005. Mr. Harris is the owner of Sirrah Mini Storage located about a quarter of a mile west of the City of Quincy, city limits on - U.S. 90. He is converting the building into an Assisted Living Facility which will house forty-eight (48) clients and create eleven (11) low moderate income jobs. The site is now serviced by septic. The facility will be required to hook to City of Quincy sewage. This connection requirement will cause an undue financial. Hardship on Mr. Harris and therefore he is requesting County staff to pursue a CBDG Economic Development grant to provide the infrastructure to his business. This infrastructure improvement may also benefit future development in the area.

Analysis:

Grant funding will be utilized for infrastructure improvements at the existing Sirrah Mini Storage site located off of Highway 90 West. Improvements shall include the installation of sewer lines, lighting and paving of access roads. The project will result in approximately 11 additional fulltime employment opportunities for Gadsden County residents. Additionally, the completion of the Assisted Living Facility project will have a significant financial and economic impact on the community.

Fiscal Impact:

If funded, the infrastructure improvement will be paid 100% from grant funds. There will be staff time devoted to the grant application process, which may involve the County securing a Consultant to apply for the grant.

Option:

Option 1 Proceed with second Public Hearing as required by DCA before Gadsden County can formally apply for a 20 II CDBG Economic Development

Infrastructure Grant.

Option 2 Board Direction

Chair Taylor announced the Public Hearing and asked for comment. 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 REQUEST TO HOLD THE SECOND PUBLIC HEARING REQUIRED FOR GADSDEN COUNTY TO APPLY FOR FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS 2011 CDBG ECONOMIC DEVELOPMENT GRANT.

GENERAL BUSINESS

13 – A. DISCUSSION AND APPROVAL OF PARTICIPATION OF GADSDEN COUNTY WITH THE FLORIDA ASSOCIATION OF COUNTIES IN A LAWSUIT REGARDING MEDICAID

Statement of Issue:

Seeking authority to pursue, in the name of the Florida Association of Counties (FAC), litigation that constitutionally challenges the Medicaid revenue share withholding scheme as a result of Ch. 2012-33, Laws of Florida.

Background:

Forty years ago, in 1972, the Florida Legislature created a mechanism to charge counties for a portion of the state's Medicaid responsibility. Through the decades, there has been little that has changed in the state's billing and payment scheme. However, the public record reflects that around 2008, when a new electronic billing system was implemented by the Agency for Health Care Administration, the amount of collections for Medicaid payments from the counties decreased significantly. This collections drop caused a financial hole in the state's General Revenue Fund. Counties have disputed a portion of these electronic bills as being inaccurate, such that there are estimated \$325 million in disputed bills. During the 2012 legislative session, the Legislature passed and the Governor signed HB 5301 (now Ch. 2012-33, Laws of Fla.), requiring the state to collect the past disputed bills through an automatic withholding of the county revenue sharing and half-cent sales tax distributions.

FAC legal staff has been hosting conference calls and discussions with the county attorneys around the state concerning possible litigation strategies. A Medicaid Legal Task Force, composed of county attorneys, has been assembled for the purposes of: (I) providing a peer forum for those counties which choose to administratively challenge the backlog amount certified by MICA as unpaid; (2) providing analysis and strategy on any constitutional challenges to Ch. 2012-33, Laws of Florida that are filed by PAC and the counties, individually; (3) providing advice on the development of the future administrative procedures for challenging AHCA statements by the counties. The law, Ch. 2012-33, Laws of Florida, became effective upon the Governor's signing of the HB5301 and the law first begins to impact counties on May 1, 2012, with the first withholding from the counties' half cent sales tax distribution later in May 2012.

Analysis:

There are several legal issues that arise from the passage of Ch. 2012-33. Of particular note is that the bill failed to achieve a 2/3 vote in either the House or the Senate, thus, triggering three different paragraphs of the unfunded mandate constitutional provision.

Article VIL section 18(a): Need a 2/3 vote in both chambers and an important state interest statement in order to require an expenditure of cities and counties in order for those local governments to be bound by the bill.

Article VII, section 18(b), Florida Constitution prohibits the enactment, amendment or repeal of any general law, without a 2/3 vote of each house of legislature, when the anticipated effect is to reduce the authority that cities or counties have to raise revenues, as such authority existed on February 1, 1989.

Article VII, section 18(c), Florida Constitution prohibits the enactment, amendment or repeal of any general law that is anticipated to reduce the percentage of a state tax shared with counties and municipalities as an aggregate on February 1, 1989.

There are also other constitutional arguments that the county attorneys, FAC legal staff, and special counsel are examining, analyzing, and evaluating. These issues arise from the fundamental unfair and unequal positions that the bill places counties. In addition, these issues address the authority that may not be correctly being exercised at the agency level in implementing the cost share requirement.

The arguments that are being analyzed are sound and well founded. While there are never any guarantees of outcome, the arguments are strong. As of April 11, 2012, there are four counties, Leon, Manatee, Pasco and Polk that have already voted to be named plaintiffs in a constitutional challenge on Ch. 2012-33, Laws of Fla. If FAC decides to also be a named plaintiff, it is anticipated that there will be more counties that come forward. Others have already placed action on the authority to join such a suit on their agendas for the remaining weeks in April. If the Board so authorizes, FAC staff proposes to hire special counsel to represent the entire coalition of counties and FAC, allowing consistent, focused and cost efficient advocacy. This is the model that the counties have used in past pieces of litigation of statewide concern, with great success. FAC staff anticipates engaging two former county

attorneys, Susan Churuti and Tom Drage, both with the firm of Bryant, Miller & Olive, to represent the coalition. Both have worked with PAC, in their former capacities as county attorneys on pieces of statewide litigation.

Fiscal Impact:

Only the counties which choose to engage in a cost-sharing arrangement with FAC and are therefore named plaintiffs would be responsible for a share of the costs. To supplement this defense fund, it is recommended that FAC financially contribute to the cost of the litigation, using funds drawn from FAC's legal reserve fund for litigation of statewide impact.

While the actual cost of the litigation cannot be determined, it would be cost effective for FAC and all counties to work together in this suggested and tested fashion. By sharing the cost among those plaintiff counties and FAC, the costs for counties and ultimately the taxpayers are not only minimal but guaranteed. All counties would be asked for a flat fee based off of population. FAC would pay any and all shortfalls from these contributions.

Based on the flat fee above, Gadsden's share would be \$1,000.

Options:

- 1. Approve a motion authorizing the County to be named a plaintiff in a constitutional challenge on Ch. 2012-33.
 - 2. Do not approve.
 - 3. Board direction.

County Administrator's Recommendation:

Option 1. Approve a motion authorizing the County to be named a plaintiff in a constitutional challenge on Ch. 2012-33.

Commissioner Croley asked Mrs. Minnis to give her opinion.

County Attorney, Minnis part of the concern is the unfunded mandate.

Commissioner Croley inquired of the Clerk.

Clerk Thomas stated the penalty applied to an administrative appeal and not the lawsuit.

^{*} Large urban counties - \$5,000

^{*} Medium counties- \$3,500

^{*} Small rural counties- \$1,000

Mr. Lawson said the meeting on May 10 would not have anything to do with Lawsuit. He said they are two separate issues.

Commissioner Croley posed several questions to the Attorney, Clerk and Administrator.

Attorney Minnis stated she said she didn't see a downside to suit and the amount to join the litigation is a small sum. Therefore, it was the Board's decision if they wanted to participate.

Chair Taylor stated that 45 Counties have joined the lawsuit at this time. She spoke in support of joining lawsuit.

Commissioner Holt spoke in support of joining this lawsuit.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0, BY VOICE VOTE, FOR DISCUSSION AND APPROVAL OF PARTICIPATION OF GADSDEN COUNTY WITH THE FLORIDA ASSOCIATION OF COUNTIES IN A LAWSUIT REGARDING MEDICAID.

General Business

14. <u>Appointment of Aaron Kissler as Administrator of Gadsden County Health Department</u> (Michael Sentman, Operations Director, Gadsden County Health Department)

Michael L. Sentman, Operations Director, Gadsden County Health Director came before the Board and introduced Aaron Kissler. M.P.H. as the Administrator of Gadsden County Health Department.

Aaron Kissler, Administrator of Gadsden County Health Department addressed the Board and stated he looked forward to a wonderful working relationship with the Board and the citizens of Gadsden County.

Commissioners acknowledged and thanked him for coming to Gadsden County. Chair Taylor welcomed him aboard.

Statement of Issue:

The Florida Department of Health in partnership with the Gadsden County Board of County Commissioners provides public health services to the residents and visitors of Gadsden County. The Administrator of the Gadsden County Health Department is appointed by the State Surgeon General with the concurrence of the Board of County Commissioners. The Boards' concurrence is sought for the top candidate as outlined in Florida Statute 154.04. The selected candidate, Aaron Kissler, M.P.H. was interviewed by a panel and his appointment put forward by the Interim State Surgeon General, Steven Harris, M.D., M. Sc.

Background:

Marlon Hunter the previous Administrator resigned to accept a position in North Carolina. The Department of Health advertised multiple times for a new Administrator for the Gadsden County Health Department. After several interviews held by the Department and a local panel a top candidate was selected. At the panel interviews Arthur Lawson, Sr. represented the County, Howard McKinnon represented the Health Council and Arrie Battle represented Community Partners that work with the Health Department. Mr. Kisser has the knowledge, skills, and abilities to lead the Gadsden County Health Department and work closely with the Board of County Commissioners and the community to meet the public health needs of our residents.

Analysis:

Aaron Kissler, M.P.H. was the most qualified candidate from all those that applied and met all screening criteria.

Fiscal Impact:

N/A

Options:

Option 1. Concurrence with the appointment of Aaron Kissler, M.P.H. as the Administrator of the Gadsden County Health Department.

Option 2. Board Direction

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5-0, BY VOICE VOTE, FOR THE APPOINT MENT OF AARON KISSLER, M.P.H. AS THE ADMINISTRATOR OF GADSDEN COUNTY HEALTH DEPARTMENT.

15. <u>Consideration of Fee Waiver Request for Rosedale Community Church to be located at 21 Charity Davis Circle, Chattahoochee (Clyde Collins, Building Official)</u>

Statement of Issue:

The Board of County Commissioners (Board) is requested to review and make a decision whether to grant a waiver of 50% of all site plan and building fees for the Rosedale Community Church, to be located at 21 Charity Davis Circle (Tax Parcel #2-15-3N-6W-0000-00441-0500). Pastor Terry Frost, Sr. has provided a written request to waive all fees (Attachment #I).

Background:

At the January 3, 2012 Board meeting, the Board agreed that fee waiver requests by churches should be applied for and approved by the Board. Frequently, churches approach the Planning & Community Development (P&CD) and Building Department with requests for fee waivers. The services provided by these Departments are necessary to meet State and Local requirements, to insure that the churches have safe access and parking, that they are handicapped accessible, are good neighbors and do not flood adjacent property owners or themselves. In addition, the building inspections insure that the churches are structurally sound, meet building and fire codes, etc.

On July 14, 2011, Pastor Frost and trustee Derrick Price met with P&CD staff to discuss the proposed church. Since that time the church has moved approximately 8,360± square feet of modular units onto the site and secured them. On January 30, 2012, P&CD received a written request from Pastor Frost asking that all fees be waived for the Church including site plan, stormwater and building.

Analysis:

On November 6, 2007, the County adopted fees to reflect the Boards "desire to establish fees sufficient, but not in excess of, to recover an adequate amount of the related costs of associated activities" (Attachment #3). County fees are based on a study conducted by the County Finance Department of actual costs to the County for review, inspection, etc. Fees have not been revised or increased in the four (4) years since. Staff has been directed that only the Board can waive fees.

At their Aril 17, 2012 regular meeting, the Board agreed that staff would develop a County policy that waivers 50% of site plan and building fees for churches. The specific details of this policy will be forthcoming. At this same meeting, the Board directed staff to bring back the Rosedale Community church request for a fee waiver to be heard at the May 01, 2012 regular Board meeting.

Planning & Community Development Fees:

The total site plan fees for a church (with no accessory uses such as daycares, etc.) valued at greater than \$100,000 are \$2,640.00. Of the \$2,640.00, the County must pay the County Stormwater Engineer a minimum of \$300.00 for stormwater review; and, additional fees if another review is required (Attachment #2).

Building Fees:

The church has moved approximately 8,360± square feet of manufactured units on to the site. The estimated permit fees for an 8,360± square foot manufactured church building are: \$4,772 for plans review; \$5,545 for building permit fees; \$406 for the electrical permit; \$359 for the plumbing permit; \$429 for the mechanical permit; and a \$285.36State surcharge. Total estimated fees are \$9,797.26, assuming no re-inspections fees (Attachment #2).

Fiscal Impact:

For a church review (without Special Exception uses such as schools, daycares, etc.), the approximate fiscal impact of waiving all fees is estimated to be \$12,436± for an 8,360± square foot building. Three hundred dollars (\$300.00) (or more if plans require additional review) are required to compensate Preble-Rish, Inc. for stormwater review.

Board Options:

- 1. Approve the request for a waiver of 50% of site plan and building permit fees for the Rosedale Community Church to be located at 21 Charity Davis Circle in Chattahoochee on Tax Parcel # 2-15-3N-6W-0000-00441-0500.
- 2. Reject the request for a waiver of site plan and building permit fees for the Rosedale Community Church to be located at 21 Charity Davis Circle in Chattahoochee on Tax Parcel # 2-15-3N-6W-0000-00441-0500.
- 3. Board Discretion.

County Administrator's Recommendation:

Option #1

Discussion by the Board:

Commissioner Holt spoke in support of waiving all fees. She then offered a motion for approval of 100% of all fees and it was seconded by Commissioner Morgan.

Commissioner Croley asked what the Resolution would say.

Attorney Minnis commented it would probably read, a Resolution of the Board of County Commissioners of Gadsden County, Florida amending the old resolution, to include a 50% reduction of all review and inspection fees associated with the development and construction of religious institutions.

Commissioner Lamb said he would support 50% reduction. He asked for explanation from Mr. Lawson on fees.

Mr. Lawson said the more money they take in, would result in less they would have to draw from the General Fund.

Chair Taylor stated she was in favor of 50% reduction.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 2 – 3, BY VOICE VOTE, TO APPROVE THE REQUEST FOR A WAIVER OF 100% OF SITE PLAN AND BUILDING PERMIT FEES FOR THE ROSEDALE COMMUNITY CHURCH TO BE

LOCATED AT 21 CHARITY DAVIS CIRCLE IN CHATTAHOOCHEE ON TAX PARCEL # 2-15-3N-6W-0000-00441-0500. (Commissioners Taylor, Lamb and Croley opposed this motion, Motion failed.)

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE OPTION 1: REQUEST FOR A WAIVER OF 50% OF SITE PLAN AND BUILDING PERMIT FEES FOR THE ROSEDALE COMMUNITY CHURCH TO BE LOCATED AT 21 CHARITY DAVIS CIRCLE IN CHATTAHOOCHEE ON TAX PARCEL #2-15-3N-6W-0000-00441-0500. (Motion passed)

Public Comment:

Derrick Price, 2695 Lincoln Dr., thanked the Board for consideration of the 100% fee waiver and for the 50% Fee Waiver that was approved for Rosedale Church.

16. Approve Funding for a Chiller for the Hospital (Clyde Collins, Building Official)

Statement of Issue:

This agenda item seeks the Board approval of a budget amendment in the amount of \$131,456 to purchase and install a chiller for the hospital.

Background:

At the March 6, 2012 Board meeting, it was discussed and recommended to use the funds from Health Resources and Services Administration (HRSA) for a chiller at the hospital. At an earlier Board meeting, it was discussed to use the Florida Municipal Insurance Trust (FMIT) return of premium. Staff recommends using these funds to assist with the chiller purchase.

Analysis:

The hospital is in need of a chiller and these funds are available. The chiller and the installation will be put out for bid as per the County's purchasing procedures and will be brought back to the Board for approval.

Fiscal Impact:

The total amount of \$131,456 represents Health Resources and Services Administration (HRSA) grant amount of \$94,050 and Florida Municipal Insurance Trust (FMIT) return of premium of \$37,406.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE FUNDING FOR A CHILLER FOR THE HOSPITAL.

17. <u>Justice Assistance Grant (JAG)/Award Amount \$43,047.00 – Drug Taskforce (Morris Young, Sheriff)</u>

STATEMENT OF ISSUE:

THIS ITEM SEEKS APPROVAL FROM THE BOARD TO PARTICIPATE IN THE APPLICATION PROCESS AND TO ASSIGN THE GADSDEN COUNTY SHERIFF'S OFFICE THE COORDINATING ROLE IN THE DEVELOPMENT OF THE APPLICATION FOR THESE FUNDS. APPLICATION DEADLINE FOR THIS GRANT IS JULY 13, 2012. THE AWARD AMOUNT IS \$43,047.00.

BACKGROUND:

GADSDEN COUNTY RECEIVES ANNUAL GRANTS FROM THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT FOR THE GADSDEN COUNTY SHERIFF'S OFFICE DRUG TASKFORCE. THE TASKFORCE MEMBERS ARE REPRESENTED FROM ALL LOCAL LAW ENFORCEMENT AGENCIES. THE FUNDS ARE USED TO PARTIALLY FUND ONE NARCOTICS INVESTIGATOR POSITION AND OPERATING EXPENSES FOR THE NARCOTICS TASKFORCE UNIT. THE GRANT PERIOD IS OCTOBER 1 TO SEPTEMBER 30m. THE BOARD HAS APPROVED TO APPLY FOR THE FUNDING UNDER THIS GRANT.

ANALYSIS:

THIS FUNDING WILL HELP FURTHER THE GOALS OF THE NARCOTICS TASKFORCE UNIT AND THE OTHER PARTICIPATING AGENCIES.

FISCAL IMPACT:

NONE

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, FOR APPROVAL OF THE JUSTICE ASSISTANCE GRANT (JAG) AWARD.

18. <u>Partnership with the Board of County Commissioner to re-implement the Gadsden</u> Summer Youth Employment Program (Morris Young, Sheriff)

Annie Berry, Program Director for Gadsden County Jail addressed the Board regarding the summer youth employment program by implementing a detailed overview of the hopeful partnership with the County. She said this would be a great advantage to the County and a wonderful partnership for them both.

Catherine Pondexter, Chief Financial Officer for Gadsden County Sheriff's Office, spoke in support of the project. She expressed the importance of youth keeping busy throughout summer. She stated when the Audit was conducted earlier this year monies were identified in the Commissary Fund. She said the recommendation of the Auditors is to give back to the

County. She stated the Sheriff is asking the funds be used for his portion in supporting the Summer Youth Program. She noted it would not come from General Operating Funds.

Statement of Issue:

The Gadsden County Sheriff's Department is seeking to partner with the Gadsden County Board of Commissioners to re-implement the Gadsden Summer Youth Employment Program.

Background:

The Gadsden County Sheriff's Office is a Law Enforcement Agency with public safety as its primary function. However, it is imperative that the Sheriff's Office find proactive methods in which to assist in preventing criminal activity. During the summer months, children that are not required to attend summer school are left with little or nothing to do. With nothing to occupy their time, criminal mischief and other problems may occur.

In order to work from a prevention stand-point, Sheriff Young is seeking to partner with the Gadsden County Board of Commissioners to re-implement the Gadsden Summer Youth Employment Program.

The Summer Youth Employment Program will provide jobs for 50 youth between the ages of 16 and 21. In 2011, Gadsden County Board of Commissioners offered employment for 54 youth and placed them at various worksites throughout the county. Participants worked in a variety of entry-level positions at governmental agencies and nonprofit organizations to gain valuable employability skills for future career opportunities.

The Summer Youth Employment Program is designed to:

- Emphasize real-world labor expectations
- Increase awareness of services offered by local community-based organizations
- Provide opportunities for career instruction, financial literacy training, academic improvement, and social growth
- Provide additional income to offset the cost of school clothing and supplies

Because of budget cuts and constraints, Sheriff Young believes a joint effort is the answer to sustain this valuable program. Sheriff Young is committed to funding 50 percent of the projected cost (\$28,500) to fund this program. In addition, the Sheriff has agreed to have his staff over see this program.

Analysis:

The Gadsden County Sheriff's Office in partnership with the Gadsden County Board of Commissioners are the most appropriate entities to support and implement this

program. The Gadsden County Board of Commissioners implemented this program last year and the outcome was a great success.

Fiscal Impact:

Total projected cost of this program is \$57,000.00.

Discussion by the Board:

Commissioner Holt expressed an array of students should be targeted, because the good ones aren't getting in trouble.

Commissioner Lamb spoke in support if County Administrator can identify funds. He said he was in favor of the County heading the program, if that was not a factor he could not offer his support. He stated the program was not done right last year; it was not fair to all districts. He asked that names of youth come back to the Board for final approval. He stressed the importance of every municipality having representation.

Commissioner Morgan thanked Mrs. Berry along with the Sheriff's Department for her hardwork and enthusiasm to the summer youth employment program both with time and the willingness to fund. However in a fiscally constrained budget he stated the County is facing a considerable reduction in projected revenues for the upcoming budget year and could be forced to cut critical services, which were of the highest priority.

Mr. Lawson replied he would follow whatever the Board decided. However he couldn't recommend funding due to fiscal impact on next year.

Commissioner Croley commented with all the things in the County, they simply don't have the funds. He stated the funds the Sheriff's office spoke of from the Inmate Funds should be turned back into the County Clerk's Office in a timely manner and be included in the Cash Balances. He noted he didn't see in the Auditor's re-cap where the funds could be diverted into other projects.

Chair Taylor stated she knew the question would be raised where funds would come from, so she asked the Clerk to pull up the Contingency Dollars to make sure we have an accurate balance. She noted they are under budget constraints, but when items wanted to be funded they are funded by this Board. She spoke in support of the project, we must find jobs for the youth and we need the revenue. She said the funds could come from the Contingency Fund, where there is \$118,600.00. She expressed she had no problem with mandates and stipulations for the program that were posed by fellow Commissioners.

Commissioner Holt said the School Board should also add funding to the program. She said it would show support throughout the community. She then moved for approval with the necessary stipulations from municipalities placed by Commissioner Lamb who seconded the motion.

Major Wood interjected and stated the Sheriff is willing to take secondary role, if the program will be approved.

Commissioner Lamb commented they are approving the motion, but funding still needed to be identified. He asked Mr. Lawson to bring names back to Board from each of the 6 municipalities which should include 8 youth and 10 youth for the City of Quincy. He encouraged the application process to occur within the Cities.

Commissioner Holt questioned allowing the districts, whether then the municipality.

Commissioner Lamb said he was trying to narrow it in a way the Cities can employ within their own municipalities.

Commissioner Croley it makes good sense to have a Summer Youth Work Program. He said he felt there was not a good coordinated effort from the School System and the 6 municipalities to address the issues the Sheriff's Office have highlighted. He stated there was one more meeting in the May Calendar to have representation from the School Board and the Municipalities to see if they could put together a group approach and also contribute monies to help with this program.

Commissioner Lamb said that approach has not been coordinated and it should be a group effort.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 3 – 2, BY VOICE VOTE, FOR APPROVAL OF THE SUMMER YOUTH EMPLOYMENT PROGRAM WITH THE COUNTY ADMINISTRATOR OVERSEING THE PROGRAM AND EACH OF THE 6 MUNCIPALITIES SUBMITTING 8 NAMES EXCLUDING THE CITY OF QUINCY WHO WILL SUBMIT 10 FOR FINAL BOARD APPROVAL, ONCE THE ADMINISTRATOR HAS IDENTIFIED A FUNDING SOURCE. (Commissioner Croley and Morgan opposed the motion, motion passed.)

19. Approval of the Community Development Block Grant (CDBG) Contract Modification
Number 1 with the Florida Department of Economic (DEO) - (Crawfish Island – Disaster
Recovery) (Phyllis Moore, SHIP Administrator/Justin Ford, Preble-Rish, Inc.)

Statement of Issue:

This agenda item seeks the Board of County Commissioners approval of the following items related to the Community Development Block Grant (CDBG) Disaster Recovery Project:

I. The Crawfish Island Disaster Recovery contract between the Gadsden County Board of County and the Florida Department of (DEO) requires a modification to extend the deadline from June 8, 2012 for an additional six (6) months. Due to unforeseen delays the extension is required for additional time to complete the proposed project. With the approved modification the target completion date will be December 8, 2012.

Background:

T)le Community Development Block Grant disaster relief funding was made available to Florida by the United States Department of Housing and Urban Development, under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq.) (Federal Register- Docket No. F.R.-5256-N-01, Volume 74, Number 29 and Federal Register- Docket No. F.R.-5256-N-01, Volume 74, Number 56) for federally declared natural disasters that occurred during 2008.

- Florida received \$81,063,855 for affected communities
- Congress allocated the funding to assist in recovery from federally declared natural disasters that occurred during 2008 (Tropical Storm Fay, Hurricanes Gustav and Ike)
- Congress directed that the funds go "to areas facing the greatest need"

Gadsden County has been awarded \$241,866.00 by the Department of DEO through the Community Development Block Grant Disaster Recovery Program; with the cooperation of all municipalities.

Analysis:

The normal timeline for modifications approval usually extends from or up to 60 days for DEO approve. It is critical for the County to expedite the modification process as quickly as possible in order to allow DEO applicable time. The chairman's signature will be needed on all necessary documentation prior to forwarding to DEO.

Fiscal Impact:

Modification of the Disaster Recovery Contract for a six (6) month extension with the Department of DEO has no fiscal impact on the project.

- Option 1: Approve the contract modification with the Department of DEO to extend the Disaster Recovery Grant contract for a period of six (6) months for a completion date of December 8, 2012.
- Option 2: Authorized Chairperson to execute and sign all required documents.
- Option 3: Do not approve the contract modification with the Department of DEO to extend the Disaster Grant contract for a period of six (6) months for a completion date of December 8, 2012.
- Option 4: Provide other direction.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, FOR APPROVAL OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CONTRACT MODIFICATION NUMBER 1 WITH THE FLORIDA DEPARTMENT OF ECONOMIC (DEO) – (CRAWFISH ISLAND – DISASTER RECOVERY) EXTENDING FOR 6 MONTHS FOR A COMPLETION DATE OF DECEMBER 8, 2012.

20. <u>National Solar Update (Deborah Minnis, County Attorney/David Weiss, Assistant County Attorney)</u>

Attorney Minnis gave update on National Solar Update. She stated a telephone conference call would be held tomorrow at 2pm. She stated it was only conversations between the Attorneys concerning the process and revisions to the contract and application.

County Administrator

21. Update on Board Requests (Arthur Lawson, Interim County Administrator)

Absence of Interim County Manager

Mr. Lawson informed the Board that he would be absent, attending the State's Purchasing Conference at the May 15, 2012 Board Meeting and it would be covered by Mr. Charles Chapman.

Parking Lot

Mr. Lawson said he discussed the email from Mr. McLean concerning the meeting they had discussing the ongoing issues with County Parking Lot for after hour events not concerning county usage. He said they would revisit this item in 60 days to see if improvement had been made. He stated he would be attending the meeting with the Proprietors that sell alcohol around the square. He said the meeting would be coordinated by Chief McNeil.

Commissioner Croley addressed concerns with issues of the County Parking Lot. He asked for a police progress report every 60 days to see if progress has been made if not other actions would need to be taken.

Commissioner Lamb stated his concern with parking lot. He spoke of the City of Quincy, CRA looking into revitalization of the entire area.

Commissioner Holt referenced engineer studies from the past from FAMU and FSU for revitalization of the block. She said City would not work with the County at that time. She said they should work with the City of Quincy partnering on revitalization of that area.

Chair Taylor concurred with dialogue around the Board by saying something needed to be done about downtown area.

Business Licenses

Commissioner Croley asked when might they hear back, from the unincorporated areas concerning business licenses.

Mr. Lawson said he would research and bring that item back before the Board.

County Attorney

Update on Various Legal Issues
 (Deborah Minnis, County Attorney)

Attorney Minnis had no items.

Emergency Management Report

Commissioner Croley inquired about the status of Emergency Management Report between the Board and the Sheriff's Office. He noted hurricane season is almost here and it needs to be in place.

Attorney Minnis commented she had talked with the Administrator concerning the report and they have yet to develop a job description. She mentioned there was concern with the requirement in the agreement which stated the County created a job description. She said they would bring back before once it is complete for Board approval.

Inmate Work Crews

Commissioner Croley expressed his concerns with the Inmate Work Crews. He asked the Attorney what the statutory responsibility is for regulation for Inmate Work Crews and do we have policy in place.

Attorney Minnis articulated she would look into the statutory responsibilities of Inmate Work Crews if directed by the Board. She said she in writing an opinion letter she would need until the 1st Meeting in July to ensure it being done properly.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, OPINION LETTER REGARDING INMATE WORK CREWS AND COUNTY'S RESPONSIBILTY.

CW Roberts

Chair Taylor questioned placing C.W. Roberts on agenda by July 3, 2012 meeting.

Attorney Minnis commented her and Mr. Lawson would work together to agenda by the lst meeting in July.

Cancellation of BCC Meeting - June 19, 2012

Mr. Lawson posed a question to Attorney Minnis concerning the cancellation of the June 19, 2012 meeting.

Attorney Minnis replied statutory the Board is required to have at least one meeting per month and they would have met that obligation. She stated it is acceptable to have a motion for cancellation if that is their wish.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE CANCELLATION OF THE JUNE 19, 2012 BCC MEETING.

Discussion Items by Commissioners

23. Commissioner Lamb, District 1

No items or concerns were presented.

Commissioner Croley, District 2

No items or concerns were presented.

Commissioner Holt, District 4

- Announced the City of Gretna groundbreaking which occurred May 1, 2012. She commented they received grants to pave 6 roads in Gretna. She spoke of the power of grant writing.
- Spoke of the importance of communicating with Capital Regional on how to capture Medicaid Dollars.

Mr. Lawson stated he has a meeting with the new CEO of Capital Regional on Thursday. He said this is an issue they will discuss.

 Requested additional information concerning the Ambulance Bill. She stated that only one entity can build for route.

Mr. Lawson commented this issue was brought before the Board. He said Capital Regional was not willing to entertain how the billing is done at this time.

Permitting of Charter Schools

Mr. Lawson said he has a copy of the email and if it is an item that they would like to discuss the issue of Charter Schools vs. Public Schools. He said at this point based upon the statues, the engineer from the Charter School were quoting that the provisions they come under are not simple.

Attorney Minnis sited section10.13 the definition of Boards, that section was not applicable to Charter Schools. The general charter statue states that a lot that are applicable to public schools aren't applicable to charter schools. She discussed new language that was put into the charter school section of the statue, which talked about local governing authorities treating charter schools equitable in comparison to similar requirements restrictions and processes imposed on upon public schools. She said to her it says if there is a process that is imposed upon public schools you can't treat charter schools differently. She stated it doesn't discuss if there is a waiver that's not imposed upon a public school, that the charter school get's the benefit of that.

 Commissioner Holt announced she would like to be a member of the Medicaid Team for the County.

Chair Taylor asked who was on the team and would there be a conflict.

Attorney Minnis commented if the Board desires to appoint her and no other Commissioner appears there should be no problem.

Mr. Lawson named players that would be in attendance at the meeting, Manager, Budget Director, Finance Director, Mrs. Harris and Laurel Bradley.

Chair Taylor stated this is a very delicate situation. She said she would listen to the will of the Board.

Commissioner Morgan stated having a Commissioner in the meeting would not lend to the productivity of the meeting.

Commissioner Morgan, Vice Chairman, District 3

No items or concerns were presented.

Commissioner Taylor, Chairperson, District 5

 Announced with the closing of the Legislative Session, Mrs. Knight can come in and give a Redistricting Update. She asked that it be placed on the agenda for further discussion.

UPON MOTION CHAIR TAYLOR AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE REDISTRICTING UPDATE BY MRS. KNIGHT TO BE PLACED ON THE AGENDA.

Voiced appreciation for the paving of the Senior Citizens Parking Lot.

Receipt and File

24.

For the Record: Letter from the Town of Havana Regarding Emergency Preparedness Measures

May Meeting(s)

- May 15, 2012, Regular Meeting, 9:00 a.m.

June Meeting(s)

- June 1, 2012, Regular Meeting, 6:00 p.m.
- June 19, 2012, Regular Meeting, (Cancelled)

ADJOURNMENT:

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING ADJOUNED AT 9:02 P.M.

GADSDEN COUNTY, FLORIDA

SHERRIE TAYLOR, CHAIR

BOARD OF COUNTY COMMISSIONERS

ATTEST:

NICHOLAS THOMAS, CLERK OF COURT

GADSDEN COUNTY, FLORIDA

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON MAY 15, 2012 AT 9:00 A.M., THE FOLLOWING PROCEEDINGS WAS HAD, VIZ.

Present: Sherrie Taylor, Chair, District 5

Gene Morgan, Vice-Chair, District 3

Eugene Lamb, District 1 Doug Croley, District 2 Brenda Holt, District 4

Nicholas Thomas, Clerk of Courts Deborah Minnis, County Attorney

Charles Chapman, Acting Interim County Administrator

Invocation, Pledge of Allegiance and Roll Call

Chair Taylor called the meeting to order at 6:00 p.m. then led in an invocation and the pledge of allegiance to the U.S. flag. She then called for all cell phones to be silenced and requested all speakers to file a "Speakers Request Form" with the clerk.

The roll was called by Deputy Clerk, Beryl Wood and attendance was recorded as noted above.

Amendments and Approval of Agenda

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

Awards, Presentations and Appearances

1. Presentation - Summarizing the 2011 Activities at the North Florida Medical Group (Jessie Furlow Center) (Jorge Martinez, Center Manager/Jeff Lawson, Development Director, North Florida Medical Group)

Jorge Martinez, Center Manager for North Florida Medical Group presented the Patient Demographics for 2011 for the North Florida Medical Group. He stated important facts about the Jessie Furlow Medical Center such as, they are a federally qualified health center and are able to waive the annual Medicare deductible. He noted 566 Gadsden Medical Center Medicare patients saved over \$76,410. He also highlighted through their partnership arrangement with

Massey Drugs, our patients had 210 prescriptions filled and saved \$10, 215 or 67% by using Gadsden Medical Center's discount drug program that is offered to all our patients.

Commissioner Croley praised Mr. Martinez and the NFMG for all the work they provided. He inquired about the migrant status and what happens to unpaid medical bills.

Mr. Martinez commented they don't ask if their status is illegal or legal. He said pertaining to unpaid bills because they are a federally qualified health center. They do receive grant money and are able to do a write-off.

Commissioner Holt asked was there anything they could do to increase services if they receive grant money.

Mr. Martinez stated the Board's letters of support would always be helpful.

Chair Taylor thanked Mr. Martinez and North Florida Medical Group for their report and commitment to health.

Clerk of Courts

2. <u>Presentation of County Finance and County Clerk Issues (Nicholas Thomas, Clerk of the Courts)</u>

Clerk Thomas referenced the budget. He asked they use caution and not balance your budget with general fund balance. He pointed out they should account for all of their expenses. He discussed the Medicaid Lawsuit with the State of Florida. He added it would be a mistake if you fail to account for those expenditures. He noted he didn't know how the outcome of the law suit. He said it's clear the State of Florida is owed some money. The amount is in question and whether they will be able to take it from you is in question. He discussed it would not be wise to sweep revenue funds. He said any money collected for specific purposes should not be placed in general revenue and used to balance the budget. He concluded with his last point of not fudging the revenue. He warned they must stay conservative with the revenue numbers.

Commissioner Holt commented the State has raided every fund they can. She noted the debate with the Medicaid Dollars is whether the resident lived here are not. She said the intent is what they are going after for those funds.

Commissioner Lamb inquired about the Special Revenue Funds.

Clerk Thomas reiterated it is there for a specific reason.

Commissioner Morgan agreed with the Clerk and asked the Board to take heed.

Chair Taylor asked about unrestricted funds, they do have the option to move around some of those funds.

Clerk Thomas stated yes and added it was just a slippery slope.

Consent:

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA AS PRINTED.

- 3. Ratification of Approval to Pay County Bills
- 4. Proclamation Honoring the Invaluable Service of Bishop McKinley Young (Commissioner Sherrie Taylor, Chairperson)
- 5. Approval of Commissioner Holt, Lamb, Croley, Morgan, and Taylor's Travel to the Florida Association of Counties' 2012 Annual Conference (Brenda Holt, Commissioner; Eugene Lamb, Commissioner; Douglas Croley, Commissioner; Gene Morgan, Commissioner and Sherrie Taylor, Commissioner)
- 6. Approval of Signatures for Special Assessment Liens and Rehabilitation Contract-State Housing Initiative Partnership (SHIP) Program (Phyllis Moore, SHIP Administrator/Clyde Collins, Building Official)
- 7. Approval of Signatures for Special Assessment Liens-State Housing Initiative Partnership and Florida Home Opportunity Program (SHIP/FHOP)

 (Phyllis Moore, SHIP Administrator/Clyde Collins, Building Official)
- 8. Request Approval of Steritech Pest Control Renewal Agreement (Clyde Collins, Building Official)

Items Pulled for Discussion - None

Citizens requesting to be heard on Non-Agenda Items (3 minute limit)

There were no citizens requesting to be heard.

Public Hearings

There were no public hearings at this meeting.

General Business

9. <u>Consultant Selection for Planning and Grant Writing Services (Anthony Matheny,</u> Planning and Community Development Director)

Statement of Issue:

The Board of County Commissioners (Board) was asked to consider the selection of one or more consultants to assist the County with a variety of planning and grant writing tasks.

Background:

In the past, the County has utilized various consultants to assist County staff with a variety of planning projects. Currently, the County through the Planning & Community Development Department is utilizing several consulting firms to guide us through the completion of the Evaluation & Appraisal Report (EAR) amendments to the County Comprehensive Plan, creation of Area Plans and the administration and oversight of an Environmental Protection Agency (EPA) Brownfield's grant. Consultants often serve as a valuable resource for local governments who struggle with lack of staff due to deepening budget constraints.

Analysis:

Request for Qualifications (RFQ) were advertised and mailed out to a number of consulting firms on March 01, 2012. Proposals were due to the Management Services Department by 10am on March 22, 2012. The County received proposals from the following consulting firms:

- 1. Cardino TBE
- 2. Kimley Horn & Associates
- 3. Genesis Group
- 4. Dantin Consulting
- 5. Morris Depew Associates
- 6. Spectra Engineering

On April 13, 2012, a proposal evaluation committee met and ranked the proposals. The three top – ranked firms were: 1. Cardno TBE; 2. Kimley –Horn & Associates; and 3. Genesis Group. We are recommending that the County retain the services of both Cardno TBE and Kimley – Horn & Associates on an as-needed basis. Bothe firms are already professionally managing projects for the County and together can provide the County with a depth of experience and expertise going forward.

Fiscal Impact:

There is no immediate fiscal impact to the County. The Board is being asked to select one or more consultants to serve as the County's planning and grant writing consultants on an as-needed basis. Any work to be performed by the consultants and associated fees would require Board review and approval prior to any task or order being approved by the Planning & Community Development Director and County Administrator. The only exception to this requirement would be if the task to be performed is already identified in the Planning & Community Development budget. The selected consultants

would be charged with seeking out and administering any grant the Board wishes to pursue. Normally, the consultant would pursue the grant opportunity and if funded, would charge the allowable and normal administration fees to be paid from grant proceeds. Any deviation from this arrangement would require approval from the Board.

Discussion by the Board:

Commissioner Croley made a motion for approval and it was second by Commissioner Morgan.

Commissioner Holt asked how does the County benefit from two Consulting Agencies and how do they fit.

Mr. Matheny stated the groups aren't swayed and they are helpful for local governments who may struggle with lack of staff due to budget constraints.

Chair Taylor questioned the EAR – Amendment; the fact that we need people to come back before us to let us know where grants are. She noted it is a benefit for them to write in their salaries.

Commissioner Lamb asked how you will deal with 2 firms.

Mr. Matheny stated once both firms meet with his staff then it would be presented to the Board. He said Staff would make recommendation first.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0, BY VOICE VOTE, FOR APPROVAL OF THE CONSULTANT SELECTION FOR PLANNING AND GRANT WRITING SERVICES.

10. <u>Approval of Change Order to the Property Appraiser/Tax Collector's Office Project</u> (Clyde Collins, Building Official)

Statement of Issue:

This agenda item seeks Board approval for a change order request to upgrade the customer service counters in the Property Appraiser's office, exterior guttering on the building and fascia wood rot, storm water piping on the north side of the building and installing push button access control locks.

Background:

Upgrades to the Property Appraiser's Office and repairs to the exterior of the building were not originally included in the Tax Collector's Office Renovation Project in an attempt to hold down the overall project costs. These upgrades would be consistent with the upgrades in the Tax Collector's Office and would allow both customer service areas in the facility to match. The upgrades to the exterior of the building would further enhance the appearance of the building.

Analysis:

The change order request consists of upgrading the customer service counters, exterior guttering on the building and fascia wood rot, storm water piping on the north side of the building and installing push button access control locks for two rear tenant doors. The cost for the additional work is \$22,034.12.

Fiscal Impact:

Re-facing the Property Appraiser customer service counters would allow both customer service areas in the facility to match. Installing gutters and downspouts and solving the storm water problem in the parking lot would definitely enhance the appearance of the building. Adding push button access control locks to the two rear tenant doors would increase security for the tenants without blocking the rear fire exit for the public.

Commissioner Lamb motioned for approval of change order to the Property Appraiser/Tax Collector's Office Project and it was second by Commissioner Morgan.

Commissioner Holt questioned was the \$22,034.12 in the budgeted amount and what would happen to that amount if they had an overage.

Charles Chapman replied it would have to come back to the Board for an adjustment with a budget amendment.

Commissioner Holt asked if they budgeted \$300,000 and they only spent \$260,000.

Mr. Chapman said it would have to be brought back before the Board for a budget amendment to place that money back in reserve or reallocate funds to another project.

Commissioner Holt stated this was a good place to save money and any other place. She said she would like for everything at the Property Appraiser's Office to be nice, but when do we start cutting.

Commissioner Morgan commented on the purchasing of the building and added this was another step in initiating great public service for the citizen's of Gadsden County. He spoke in support of the project.

Commissioner Croley inquired of Clerk Thomas the interest rate on the loan and said he could recall the terms where favorable and the interest was so low there would be a penalty for not using the loan in its entirety.

Clerk Thomas confirmed Commissioner Croley's statement \$400,000 interest rate was like 1%.

Chair Taylor I've never been if favor of Change Orders. They compromise the bid process. However, in the development of the specs, the procurement department needs to be in order. She noted the problem is with the procurement policy.

Commissioner Lamb stated he saw no problem with the request.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER MORGAN THE BOARD VOTED 3 – 2, BY VOICE VOTE, FOR APPROVAL OF CHANGE ORDER TO THE PROPERTY APPRAISER/TAX COLLECTOR'S OFFICE PROJECT. (Commissioner Holt and Taylor opposed the motion) Motion carries.

11. Approval of Bid Award to North Florida Construction for the Chattahoochee Landfill Repairs (Charles Chapman, Public Works Director/Robert Presnell, Administrative Coordinator)

Statement of Issue:

This agenda item seeks Board approval to award North Florida Construction the bid for the Chattahoochee Landfill repair project. Staff also request authorization for the Chairperson to sign all contract documents.

Background:

The County has two closed landfills which have been monitored according to the 20 year permit requirements of the Florida Department of Environmental Protection for closed solid waste facilities since 1993. Although the Havana Landfill has had no major issues the Chattahoochee Landfill has had serious compliance issues since that time. Staff has addressed all outstanding concerns of the State except for the repair of two storm water ponds and some landfill cover concerns in a few areas. The Board approved funding for the subject repairs in the 2011-2012 budget process. This project will address the two outstanding State concerns and staff intends to apply in March 2013 for an end/release to the ongoing monitoring of these two facilities.

Analysis:

The County received five bids for the Chattahoochee Landfill Repair Project. The highest bid submitted was \$242,642.00. North Florida Construction's bid of \$126,062.75 was the lowest bid submitted. All five of the bids exceed the budgeted amount available to complete the project. A reduction in the scope of work is necessary to complete the required repairs with available funding. If approved, a Change Order will be made to the contract to accomplish this. Staff and the County Engineer are confident the repairs as required by the Department of Environmental Protection can be made and the continued monitoring of this facility will be concluded.

Financial Impact:

The low bid amount was \$126,062.75 which exceeds the amount budgeted for the repairs. The County Engineer has met with the low bidder to reduce the scope of work as well as quantities for the project. A Change Order will be presented for the contract to reduce the total contract amount to \$77,072.50 which is budgeted in the current Neighborhood Services budget.

Commissioner Croley pointed out this item ties in with item 12. He asked why didn't you reduce the scope and re-bid the whole project.

Mr. Chapman stated that can be an option if the Board directs. He pointed out both options are allowed in the procurement policy.

Commissioner Croley asked for justification why they should consider approving the bid to North Florida Construction.

Mr. Chapman stated it could result in a delay for 3 - 4 weeks.

Commissioner Morgan said in looking across at the different items, there is a vast difference in total cost of North Florida Construction.

Justin Ford, Preble Rish Inc. commented they received several calls whether they could bid on site. He stated he couldn't tell them why North Florida Construction bid was so low.

Commissioner Morgan said he didn't understand the process. He opined the bid for the Chattahoochee Landfill repair should be re-bid.

Mr. Chapman stated the preference is option 1. However, it is a Board decision and they will move at the will of the Board.

Commissioner Holt noted the bid process on the next item went down.

Commissioner Croley asked was this a bonded job.

Mr. Chapman replied yes this job is bonded.

Commissioner Croley made a motion not to approve item 11, but to re-bid and it was seconded by Commissioner Taylor.

Commissioner Holt inquired had there been any talk with North Florida Construction.

Mr. Ford stated they basically agreed they would scale back that's why they came up with this amount.

Commissioner Holt asked Attorney Minnis her opinion.

Attorney Minnis recalled it's her understanding you have option to reject all bids.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4-1, TO DENY APPROVAL OF THE BID AWARD TO NORTH FLORIDA CONSTRUCTION FOR THE CHATTAHOOCHEE LANDFILL REPAIRS. (COMMISSIONER LAMB OPPOSED THIS MOTION.) MOTION CARRIES.

12. <u>Approval of Change Order Number 1 to the Contract with North Florida Construction</u> for the Chattahoochee Landfill Repairs (Charles Chapman, Public Works Director/Robert Presnell, Administrative Coordinator)

Statement of Issue:

This agenda items seeks Board approval for Change Order # 1 to the contract with North Florida Construction Inc. for the Chattahoochee Landfill Repair Project in the amount of \$48,990.25. Staff also requests approval for the Chairperson to execute the Change Order.

Background:

The Board at their May 15, 2012 meeting voted to award the bid and approved the contractual agreement with North Florida Construction Inc. for the Chattahoochee Landfill repairs. A Change in the scope of the project as well as reduced quantities of several materials have reduced the contractor's total project costs within current year budgeted amounts.

Analysis:

All of the bids received for the Chattahoochee Landfill Repair Project were higher than the budgeted amounts. Negotiations with the contractor have resulted in the reduction of the lowest bid by \$49,990.25. This reduction will lower the total amount of the project to \$77,072.50 which will allow the project to proceed during the current budget year and within existing budget amounts.

Financial Impacts:

Approval of this Change Order will reduce the contract amount by \$48,990.25.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO DENY THE CHANGE ORDER #1 TO THE CONTRACT WITH NORTH FLORIDA CONSTRUCTION FOR THE CHATTAHOOCHEE LANDFILL REPAIRS.

13. Approval of License Agreements for Wireless Communication Equipment Facilities with the Florida Rural Broadband Alliance LLC (Charles Chapman, Public Works Director)

Statement of Issue:

This agenda item seeks Board approval to enter into three (3) separate license agreements for wireless communication equipment facilities on county-owned property with the Florida Rural Broadband Alliance, LLC (FRBA). The result of the license agreement will be the construction of wireless communication facilities and the benefit to the county is the resulting revenue share from the FRBA network equity base.

Background:

In 2010, two Florida Rural Area of Economic Concern (RACEC) agencies, Opportunity Florida and Florida Heartland Rural Economic Development Initiative (FHREDI) partnered to apply for American Recovery and Reinvestment Act of 2009 funds to construct a middle mile wireless broadband network in their respective counties.

Opportunity Florida consists of the following counties: Gadsden, Jackson, Liberty, Calhoun, Gulf, Washington, Franklin, Holmes, and Wakulla. FHREDI consists of the following counties: Desoto, Glades, Hardee, Hendry, Highlands, and Okeechobee. Together the partnership created the Florida Rural Broadband Alliance, LLC to apply for the federal stimulus grants through the National Telecommunication and Information Administration (NTIA).

The grant was awarded in the amount of approximately \$24 million to build middle mile broadband wireless infrastructure in the respective RACEC's represented by FRBA.

The administration of the grant is now at the construction phase and the subject license agreement are necessary to complete the wireless middle network work.

Analysis:

The subject license agreements with FRBA will allow the agency to construct or place wireless broadband equipment on county – owned property in exchange for a share of the revenue from the networks equity base. This share is estimated to benefit Gadsden County directly at an estimated rate of \$6,785.68 per tower per donor annually. Gadsden County by entering into these three license agreements is estimated to receive \$20, 357.04 annually.

The tower locations are to be as follows if the license agreements are provided:

- Public Works Compound at 1284 High Bridge Road, Quincy, Florida
- The County Courthouse on Jefferson Street, Quincy, Florida
- Guy A Race Judicial Complex, 24 Adams Street North, Quincy, Florida

The terms of the agreements are for five (5) years each expiring in 2017.

Discussion by the Board:

Rick Markham, Executive Director for Opportunity Florida, addressed the Board. He said one of the reasons they would like all the facilities they are trying to secure \$10 million in - kind matching. He noted at the end of the 5 years if they use one of those facilities there would be a monthly income of \$2,250.00 per month and you would bring high speed internet into Gadsden County. He said they could basically have an owner position or revenue sharing position. He informed the Board by approving this they would be bringing affordable high speed internet to your area.

Commissioner Croley mentioned problems with tower on the east side.

Mr. Markham stated there were problems, but its back up and running.

Discussion followed among the Board.

Commissioner Croley asked Attorney Minnis had she looked over agreement.

Attorney Minnis commented she had not looked over the agreement, but if instructed by the Board she would have no problem doing so.

Commissioner Morgan made a motion for approval of Option 1 and it was seconded by Commissioner Lamb.

Commissioner Croley interjected by saying he didn't see this as a wise option without opinion of County Attorney.

Chair Taylor stated there is not a contract written, that at any time they wish to abate they do have the authority within the Board to do so. She said she concurred with Commissioner Croley entering into a contractual agreement without the Attorney looking over it warrants concerns. She asked Attorney Minnis to look at the agreement and if she saw issues of concern to bring it back before the Board.

Mr. Markham commented that would be a great idea for Council to look over the agreement and approve subject to Councils approval.

Commissioner Morgan amended the motion and the second was amended by Commissioner Lamb.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, FOR APPROVAL SUBJECT TO COUNCILS APPROVAL OF LICENSE AGREEMENTS FOR WIRELESS COMMUNICATION EQUIPMENT FACILITIES WITH THE FLORIDA RURAL BROADBAND ALLIANCE, LLC.

14. <u>Approval of Resolution Number 2012-018 and Budget Amendment for Gadsden Soil</u> <u>and Water Conservation District (GSWCD) Contribution (Jeff Price, Senior</u> <u>Management and Budget Analyst)</u>

Statement of Issue:

This agenda items seeks BOCC approval of a resolution and a budget amendment for Gadsden Soil and Water Conservation District Contribution in the amount of \$19,797.00. The agreement was approved by the Board at the February 7, 2012 meeting.

Background:

Florida Statutes 129.06(2) (d) states "A receipt of a nature from a source not anticipated in the budget and received for a particular purpose, including but not limited to grants, donations, gifts, or reimbursement for damages, may, be resolution of the board spread on its minutes, be appropriated and expended for that purpose, in addition to the appropriations and expenditures provided for in the budget. Such receipts and appropriations must be added to the budget of the proper fund. The resolution may amend the budget to transfer revenue between funds to properly account for unanticipated revenue.

Analysis:

The process must be implemented by the Board of County Commissioners via the corresponding resolution and budget amendment in accordance with the Florida Statutes.

Fiscal Impact:

The GSWCD contribution in the amount of \$19,767 will be budgeted in the General Fund, department 0063 Soil Conservation to cover the personnel costs detailed in the agreement.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5-0, BY VOICE VOTE, FOR APPROVAL OF RESOLUTION NUMBER 2012-018 AND BUDGET AMENDMENT FOR GADSDEN SOIL AND WATER CONSERVATION DISTRICT (GSWCD) CONTRIBUTION.

15. <u>National Solar Update (Deborah Minnis, County Attorney/David Weiss, Assistant County Attorney)</u>

Attorney Minnis disclosed she had received information back from the Attorney for National Solar. She noted there is some revisions to the last version agreement sent them. She discussed some of the changes with the Board such as each of the farms 20 to 50 mega watts. They want to change to 20 to 75 mega watts for the individual farms. They asked to delete the entire section of utility off takers and eminent domain, they don't agree with that particular

provision. She said they wish to delete the section that would limit them to Ag3 and Silviculture. She noted those were the major changes, others were more of wording. She explained she would have all changes highlighted so they could clearly see them

Commissioner Holt showed concern with the increase in mega-watts, how it would affect adjacent property owners and their property value. She also spoke on the eminent domain issue and she asked for literature.

Commissioner Morgan suggested National Solar Application be placed on the agenda to be discussed at the next meeting. Therefore, giving the attorney enough time to get information to us, so we can have information to consider taking action at the next meeting.

Attorney Minis commented she could get document coded and back to the Board prior to the next Board meeting.

Commissioner Croley expressed concern with eminent domain with high voltage lines across property owners. He cautioned abusing the property owners.

Commissioner Taylor stated most of the revisions they added where sent back by National Solar. She asked they show caution in not moving abruptly and expose the County. She added the eminent domain concerns should not be ignored.

Commissioner Lamb stated the Board should have caution before rushing to approve. He said all questions should be answered before voting, there should be no concerns.

UPON MOTION BY COMMISSONER MORGAN AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, FOR DISCUSSION AND ACTION AT THE NEXT MEETING.

County Administrator

16. Update on Board Requests (Charles Chapman, Acting Interim County Administrator)

Veteran's Ceremony Service (South Side of Courthouse) - May 28, 2012

County Attorney (Deborah Minnis)

County Attorney had no issues.

17. Update on Various Legal Issues (Deborah Minnis, County Attorney)

Bridge

Commissioner Croley asked Mr. Chapman about the Highbridge Road Bridge between Midway and Quincy, which seems to be deteriorating more. He said through CRTPA they are trying to get support for this bridge. He asked what the status of the bridge was.

Mr. Chapman replied they are trying to identify the source of the problem, but they are noticing there is a sizable fissure between the slabs in the roadway that is expanding. He said it's not at the point of creating extreme concern, but we are going to address this issue very quickly. He said the Board has allowed staff to apply for FDOT grants funds to help with repair of the bridge and they are awaiting a reply. He said all efforts are being exhausted and it will be addressed.

Commissioner Croley commented it affects Districts 1 and 5. He said the CRTPA would need a letter of support from the Board.

BASF

Commissioner Croley referenced a memorandum from Anthony Fedd, Site Director at BASF Quincy, FL. He said the facility is located on County Road 65, which is also known as the Attapulgus Highway in Quincy. The highway is a two lane highway with an unimproved shoulder. The speed limit is 35 MPH. The BASF facility lies on both sides of the highway. Production and the main office are on the west side of the highway while employee parking and logistics (truck staging) are on the east side of the highway. He stated with the site divided by the highway, employees must cross the highway as part of daily operations. He noted efforts have been established to work with authorities to install signage and warning lights to make motorist more aware of pedestrian and motor vehicle crossings. However, he has expressed all opportunities for a safer crossing should be explored.

Scotland Road Stripping

Commissioner Croley asked could the stripping for Scotland Road be tied in with Dodger Ball Park Road.

Mr. Chapman stated staff has been notified about the stripping being almost absolute on Scotland Road. He said they have addressed and looked into the stripping and currently it is \$40,000, but added they are attempting to get better prices.

Salem Road Culprit Replacement

Commissioner Croley referenced the rebuilding of Salem road all the way to Georgia Line.

Mr. Chapman commented the total cost for this project to be completed is \$50,000. He added they have had to close a portion of the road.

Emergency Management Agreement

Commissioner Croley asked Attorney Minnis the status on the Emergency Management Agreement that is due back from the Sheriff's Office.

Attorney Minnis replied the Agreement should be finalized soon.

Bridges

Chair Taylor mentioned that several bridges all over the County needed repair. She said they really need to take a serious look at them and a recommendation needs to be made to the Board on how to get it rectified.

Mr. Chapman commented, in preparation to bring before the Board inside their budget submission for next year they have already redeveloped a category plan that would address bridges as a separate entity. He stated the listed has been mirrored with the State Program and CRTPA on how they can look for additional funds.

Chair Taylor said an assessment is a priority.

Commissioner Holt inquired about an engineer invoice. She asked Clerk Thomas do they check on all invoices they get in request for payment. She wanted to know was there something in place to back the invoices up.

Clerk Thomas said yes, every invoice is audited.

Discussion Items by Commissioners

18.

Commissioner Lamb, District 1 – County Concerns

 Hwy 159(Scotland Road Stripping), he referenced the stripping could hardly be seen. He said it's a safety hazard.

Chair Taylor asked was that a budget item.

Mr. Chapman replied it was not and it would have to come out of his operating budget or reserve.

Chair Taylor commented was that the \$40,000 he had mentioned earlier.

Mr. Chapman replied it was.

Commissioner Lamb said it might have to be tied in with the Dodger Ball Park Bid. He said they also can bid to see if they can get it lower than \$40,000.

Mr. Chapman said they have several options. They can look at it from a procurement standpoint including tying it in with an existing contract which

would result in a change order. Or look at building to a scope of a project that is forth coming. He added another option would be to bid it individually. He said he is currently working with Mr. Lawson to find the best avenue to take in getting the project complete.

Commissioner Croley, District 2

- Referenced DOT Meeting on May 17 concerning the Lights on
- Planning & Zoning make provision of Quincy Bypass discussed moving forward.
- BASF Letter placed in correspondence for Clerk's records.

Commissioner Holt, District 4 – County Concerns

- Questioned the Attorney briefing the agenda along with the different Contracts that are presented. She stated she felt that should be included in the basic contract of the County Attorney.
 - Attorney Minnis commented she does review of assignments that are asked of her by the Administrator or the Board.
- Zoning Issues Ear Report (Comprehensive Plan). She felt a Workshop was needed.
- Asked what the roles of Internet Cafes in the County are. She asked are they supposed to pay sales tax. She inquired did they have a role. She asked Mr. Chapman to look into.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5-0, BY VOICE VOTE, TO HAVE STAFF RESEARCH ON INTERNET CAFES IN THE COUNTY.

Sidewalks – is there anything out there.

Mr. Chapman discussed the CRTPA is asking for schools and mentioned it is a key piece with the Planning and Zoning Department. He referenced meeting today that would be held at 1:00 pm on the Bicycle & Pedestrian plan that includes sidewalk additions.

Appointees for Planning & Zoning – she asked when are they up.

<u>Commissioner Morgan, Vice Chairman, District 3 – District 3 Concerns</u>

- Lighting at interstates He mentioned the Gretna Exchange and the safety issue that go along with it.
- Accolades to Commissioner Lamb for his reappointment to the TCC Board.
- Clerk's Report importance of message, should not be ignored.
- He inquired about the Letter of Support of Receipt in File regarding the OMH Funding.

Chair Taylor commented the Chair had authorization to write letter for support.

Commissioner Taylor, Chairperson, District 5 - No Items

- Reminder of the Memorial Service for Veterans.
- Reminder of the EMS Luncheon on May 25, 2012 celebrating EMS Day.
- 2nd Annual Emancipation Ball on May 26.
- Public Works \$120,000 set aside for cutbacks, right-a-way services. She asked were those dollars still there or have they been absorbed into other areas.

Mr. Chapman commented from his recollection the money was in the 2010-2011 budget and when the budget process was started for 2011-2012 year the funds were not reallocated. He added the money is probably still there but they are in the reserve account and they have not been earmarked.

- Discussed land and home restrictions. She commended Planning & Zoning for working with the people, extending the olive branch and making provisions.
- Mentioned the Moral in Public Works. She encouraged Mr. Chapman to keep an open line of communication and a line of understanding with his workers on the changes and happenings in his department.
- She asked staff to work with the Video provider, Mr. Sutherland on the quality of the video. She reported that citizens are saying there is a delay in the speaking, it doesn't seem to match mouth movement.

Receipt and File

19.

For the Record: Letter of Support for the Minority Alliance for Advocating Community Awareness and Action, Inc. (MAACA)

June Meeting(s)

- June 1, 2012, Regular Meeting, 6:00 p.m.
- June 19, 2012, Regular Meeting, (Canceled)

Adjournment

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING ADJOURNED AT 11:04 A.M.

GADSDEN COUNTY, FLORIDA

SHERRIE TAYLOR, CHAIR

BOARD OF COUNTY COMMISSIONERS

ATTEST:

NICHOLAS THOMAS, CLERK OF COURT
GADSDEN COUNTY, FLORIDA

app. 8/1/2012

AT A SPECIAL BUDGET WORKSHOP MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA, MAY 24, 2012 AT 4:00 P.M., THE FOLLOWING PROCEEDINGS WAS HAD, VIZ.

Present: Sherrie Taylor, Chair, District 5 (arrived late)

Gene Morgan, Vice-Chair, District 3 (via phone)

Eugene Lamb, District 1 (arrived late)

Doug Croley, District 2 Brenda Holt, District 4 Jeff Price, Budget Director

Clay VanLandingham, Property Appraiser Arthur Lawson, Interim County Administrator

Beryl H. Wood, Deputy Clerk

1. Call to order:

Vice – Chair Morgan called the meeting to order.

Mr. Lawson announced this was the first preliminary budget workshop and the purpose is to give the Board an overview. He informed the Board department heads had turned their budgets in and Constitutionals deadline is by June 1. Therefore, they would deal with the specifics at the next workshop.

Mr. Lawson turned the meeting over to Mr. Price who provided an in-depth assessment of the FY 2013 Budget for the Board.

Revenues:

FY 2012/2013 Property - \$(773,000)
 FY 13 estimated decline of other revenue - \$ N/A
 Projected decline of revenues - \$(773,000)

Expenditures:

- FY 12/13: known increases of expenditures
- Medicaid Backlog (\$767k total) 1/3 due FY13 \$256,000
- Medicaid estimated monthly billing \$78,000 per month
 - -FY budget \$588,000 Increase in FY \$348,000
- Quincy Shuttle (\$25k) & Gadsden Express (\$54k) \$79,000
- Total estimated expenditures increase \$683,000
- Other items
- Tax Collector building loan \$84k p/y debt service (5 yrs)
- EMS loan for ambulances \$189k p/y debt service (5 yrs)
 replaces IT loan of approx. the same amount per year.

- Health Insurance
- FRS lawsuit possible exposure -

\$190,000

Commissioners engaged in a question and answer session with Mr. Price on the budget.

Commissioner Croley noted the Gadsden Express is funded until February 2013. Whether or not the grant would be renewed is in question, even though they have strongly advocated in support of it. He said the Quincy Shuttle would not likely be supported and is scheduled to end Sept. 30, 2012. He stated he would like for Star Metro to come and give a detailed report on the grants for Gadsden Express.

He also asked about the Medicaid Backlog, the \$767k total that they are estimating for the future would be budget at \$588,000.

Mr. Lawson replied that's what they currently budget now, but they would like to increase by \$348,000 in FY13. He said they are estimating the monthly bills to be around \$78,000 per month.

Commissioner Croley referenced a motion made by Commissioner Holt where he seconded it concerning Capital Regional exploring the option of placing at least 3 beds in the hospital.

Mr. Lawson commented he had met with the new CEO at Capital Regional and would have him meet with the Board prior to the budget being complete. He said the CEO had indicated from his stand point placing beds at the hospital would not be cost effective.

Commissioner Holt discussed the critical access designation. She also discussed leasing the vacant parts of the hospital out to bring in revenue.

Commissioner Morgan referenced that the Hospital Corporation of America (HCA) is well versed in running a hospital model that works whether it be a rural emergency medical center or hospital having beds. He informed the Board they shouldn't get into dictating how Capital Regional runs the hospital.

Discussion followed among the Board.

Commissioner Croley suggested they have dialogue with the hospital exploring the bed option.

Mr. Price said they have not received the rates on health insurance, but be prepared it may go up.

Commissioner Holt inquired what the insurance rates are now for the County.

Neither Mr. Lawson nor Mr. Price could provide the figures at this meeting, but estimated it was around 2 million. Mr. Lawson stated he would get the accurate numbers.

Commissioner Croley asked for the support of the Board in asking Mr. Lawson and staff to closely explore all options on health insurance.

Commissioner Holt discussed the feasibility of collaborating much like initiating a co-op with local entities such as the School Board, City Governments to defray the cost of Health Insurance.

SUMMARY FY 12/13

FY 13 estimated revenues decreases -(\$773,000)
 FY 13 estimated expenditures increases -(\$683,000)
 Possible FY 13 shortage -(\$1,456,000)

Chair Taylor arrived at this juncture of the meeting.

Commissioner Croley inquired did this include the write-off for ambulance services.

Mr. Lawson answered it did not.

Discussion occurred on the charge of ambulances from Gadsden campus to Capital Regional Tallahassee. They also inquired about the charge of travel to Tallahassee at Tallahassee Memorial Hospital.

Mr. Lawson reminded the Board that the 5 year agreement with Capital Regional stated they would not charge for transport between Capital Regional and the Gadsden Campus. He would get information on travels to CR Tallahassee campus and TMH from Mr. Baker.

Options Available:

- Go to rolled back rate (temporary Tax) Increase \$773,000
- Change Ordinance # 74 -1 switch transfer to PW to subsidize EMS
- Reduce amount given to Community Organizations Totaling giving now over \$550k
- Reduce amount given to Constitutional Officers
- Increase user fees varies
- Offer a voluntary separation program varies
- Furloughing of employees varies
- Use General Fund Balance 9/3011 4.5 million

Mr. Price discussed all options available.

Commissioner Holt questioned what needed to be cut from Public Works in order to subsidize EMS. She stated in cutting funds from Public Works they would be cutting services.

Mr. Lawson replied it would affect some of the projects they normally do if they had the additional funds.

Commissioner Holt asked if the plan they are suggesting could be laid out for clearer understanding.

Chair Taylor expressed the amount of funding in Public Works is limited because the majority of the funds come from the One Cent Sales Tax.

Mr. Lawson stated that was not correct and the majority of funding for Public Works come from Transportation Taxes.

Chair Taylor asked were those funds restricted.

Mr. Lawson commented it is restricted to Public Works.

Chair Taylor inquired how much funds is in Public Works from the General Fund.

Mr. Lawson said they were proposing the Penny Tax and that it be split between Public Works and to fund Fire. He said there is a percentage that goes toward Capital Projects at the Jail. He said at the present moment Public Works receive between \$800,000 - \$900,000, Fire \$800,000 - \$900,000 and Capital Projects are funded at \$250,000 or whatever is left. He said the Ordinance would require a super majority vote, but they are purposing that they would only give Public Works - \$500,000 and give EMS - \$300,000. He said that would decrease the drain from the General Fund that you have to supplement EMS. He noted Public Works did not receive any General Fund dollars.

Chair Taylor questioned where the Board is with different Debt Services. She voiced as an option they could modify some of the bank loans, so they would be able to reduce Debt Services until they got over the financial hurdle. She asked for numbers on the different loans.

Mr. Lawson said he would pull that information and look to see if it's feasible for modifications, but he noted a lot of them are bonded.

Chair Taylor stated she was under the impression there was a Contractual Agreement with the Boys and Girls Club.

Mr. Lawson replied there is a contract with the Boys and Girls Club, but it could be broken. He said it required notice as a part of the contract states if there aren't funds to allocate for the Club. He added as long as ample notice is given they can terminate the contract.

Commissioner Lamb arrived at this juncture of the meeting.

Mr. Lawson noted once they figure out where the revenues are, they will look at all options to balance the budget.

Commissioner Holt inquired what the plan for the voluntary separation program is.

Mr. Lawson said they have not developed the voluntary separation program, but it would offer them an incentive package. He said they are targeting those near retirement and not in critical possessions and if they accept it would leave those positions vacant.

Commissioner Holt asked for this option in writing, to give a better view for consideration.

Commissioner Lamb concurred with Mr. Lawson's statement on the voluntary separation program. He strongly suggested looking at vacating those positions, if possible.

Major Revenue Sources - Property Tax

Gross Taxable Value	FY 2012	FY 2013 (Same as FY2012)	FY 2013 (Rollback)
	\$1,354,833,490	\$1,268,000,000	\$1,268,000,000
Millage Rate	8.9064	8.9064	9.5163
Property Tax Revenue	\$12,066,689	\$11,293,315	\$12,066,668
Increase/ (decrease) in Reve	enue	\$(773,374)	

^{*}bases on Property Appraiser's March 20, 2012 estimates.

Commissioner Croley asked did the reconstruction of the gas transmission lines add much revenue to the County's tax roll. He said he was told it added as much as a 2% increase in revenue in other counties.

Mr. Vanlandingham, Property Appraiser expressed Florida Gas has not turned in their Tangible Personal Property Return. He said they asked for an extension and it was granted.

Commissioner Holt questioned the moving of C.W. Roberts out of the County. She asked would it affect the amount paid on the property.

Mr. Vanlandingham responded yes the Tangible Personal Property would come off the tax roll.

Commissioner Holt then asked for the numbers on the property and Mr. Vanlandingham stated he would gladly get that information to the Board.

Sample residential house in Gadsden County

	2010	Value inc/dec	2011	Value inc/dec	2012	RBR 2012
Assessed value	\$67,276	-1%	\$66,399	-7%	\$62,083	\$62,083
Millage rate	8.9064		8.9064		8.9064	9.5159
Taxes paid	\$599	-1%	\$591	-7%	\$553	\$591

Chair Taylor discussed the options available. She stated the Board would need more concrete information along with numbers for all options available. She expressed the numbers they need to reduce the budget by is somewhere around 1.5 million.

Commissioner Holt commented the Board had not presented their options for reduction on the budget. She said what was presented today are staff options.

Mr. Lawson explained to the Board they should call or email Mr. Price or himself with any options they would like considered. He said they would incorporate into the next workshop.

Commissioner Holt explained that she would like to see the two grant companies who expressed interest in coming aboard with the County. She they should be looked into seriously, because they could be used to help with the budget process and show the Board what other options may be available.

Chair Taylor expressed grant dollars are great, but it was her understanding they couldn't be used to balance the budget.

Mr. Lawson was tasked with getting back to the Board on the possibility of grant writers coming aboard.

Commissioner Croley concurred with Commissioner Holt idea of starting with a grant writer. He asked that the HealthCare cost be added as one of the options by looking into different plans. He asked when the renewal date was. He said Blue Cross/Blue Shield could also be explored for rates.

Mr. Lawson said Health Insurance is always a big ticket item. He said they would contact different health care agencies and explore for quotes on employee health care insurance and would try to have information available at the next budget meeting.

Commissioner Holt along with Commissioner Lamb stated that all options should be considered.

Other Government and Community Organizations

Boys and Girls Club

\$150,000

•	Chamber of Commerce	\$	95,000	
•	Senior Center Gadsden County	\$	50,960	
•	Gadsden County Health Unit	\$	49,000	
•	Emergency Housing Repair	\$	24,000	
•	Legal Aid – Legal Services of NFL	\$	6,370	
•	Gadsden Art Center	\$	4,900	
•				\$380,730
•	Required to fund:			
•	Apalachee Mental Health – Baker Act	\$1	136,000	
•	Forestry Assessment	\$	21,000	
•	Developmental Dis. – Medical Exams	\$	9,800	
•	Apalachee Regional Plan	\$	5,000	\$171,800
Total				\$552,530

Mr. Lawson asked that they send any item they would like further discussion on to him by an email and they would incorporate into the next meeting.

Mr. Croley shared with Mr. Lawson he felt it would be a good idea to share with the Board any of the Department Heads major item request that are important to their functions, even if there aren't any funds to grant them.

Mr. Lawson said that list could be provided.

Mr. Price announced the next FY 13 budget workshop meeting is scheduled for June 28, 2012 and additional dates are Thursday, July 26, 2012 and Thursday, August 16, 2012 all at 4:00 p.m.

ADJOURNMENT

THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING ADJOURNED AT 5:05 P.M.

Sherrie Taylor, Chair

Gadsden Board of County Commissioners

ATTEST:

CLOCAS THOMAS COLOR COLO

Nicholas Thomas, Clerk of Court

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON JUNE 5, 2012 AT 6:00 P.M., THE FOLLOWING PROCEEDINGS WAS HAD, VIZ.

Present: Sherrie Taylor, District 5, Chair

Gene Morgan, District 3, Vice - Chair

Eugene Lamb, District 1 Doug Croley, District 2 Brenda Holt, District 4

Nicholas Thomas, Clerk of Courts Debra Minnis, County Attorney

Arthur Lawson, Interim County Administrator

Invocation, Pledge of Allegiance and Roll Call

Chair Taylor called the meeting to order at 6:00 p.m. then led in the invocation and pledge of allegiance to the U.S. flag.

The roll was called by the Deputy Clerk Beryl H. Wood and noted above for the record.

Amendments and Approval of Agenda

Mr. Lawson requested to amend the agenda as follows:

- Pull: Item 1 (Gadsden Express Update)
- Add: Item 12a Airport Authority (Reappointment) Clifford Hill
- Add: Item 21 a Approval of Bid Award
- Add: Item 21b Approval of Commissioner Lamb's Travel to the 2012
- Add: Item 21c Item C (Pulled from consent and added to the general business agenda by Commissioner Croley.)

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

Awards, Presentations and Appearances

1. Gadsden Express Update – (Andrea Rosser, Mobility Coordinator, Star Metro)Pulled from Agenda

Clerk of Courts

2. <u>Final Accounting of Hospital Endowment Trust Fund (Nicholas Thomas, Clerk of the Courts)</u>

Clerk Thomas referenced a memorandum in which he disclosed the Final Accounting of the money, which was taken from the corpus of the Hospital Trust Fund. He recalled for them the events that led up to the withdrawal by authority of a Final Summary Judgment signed by Circuit Court Judge on February 8, 2010. That judgment granted the Board of County Commissioners the ability to draw up to \$4,000,000.00 from the corpus to be used for furniture, equipment and related expenses to open the hospital. The amount drawn from the Trust was actually only \$3,042,526.40 leaving \$957,473.60. (See attached memorandum.)

Attachments:

- 1. Schedule of Equipment/Renovation Draws as of 3/27/2012.
- 2. Schedule of Equipment Expense and Revenue from Endowment.
- 3. Final Summary Judgment

3. Policy and Procedures (Nicholas Thomas, Clerk of the Courts) (attached)

Clerk Thomas referenced his memorandum regarding policy and procedures. He acknowledged that the Board sets it's on policies and procedures at the recommendation of their staff. However, it has been the practice of the County Administrator to seek input from the Clerk's Finance Department in dealing with areas involving many areas that may impact the way the Finance Department operates. He went on to say that Mrs. McLendon and her staff would welcome any opportunity to assist your staff in this regard. To that end, he reported that she had compiled a list of various policy areas that could possibly be deficient.

Commissioner Croley asked who would be responsible for drafting policies.

Mr. Thomas replied that it is clearly the responsibility of the County Administrator, but he often requested assistance from the Clerk's Office.

Chair Taylor suggested that they use the Independent Auditor's as a resource.

4. <u>Presentation of County Finance and County Clerk Issues (Nicholas Thomas, Clerk of the Courts)</u>

Jail Funding

Clerk Thomas recalled every year since 2007 that has appropriated considerable money to make jail improvements. Each year the funds have not been utilized for various reasons. He gave a brief history saying that in 2008-2009 there was \$770,000.00 appropriated, but only \$4,401.00 was spent that fiscal year. He referenced in 2010 there was \$305,000.00 appropriated and \$79,000 was spent. In 2011 there was \$150,000 appropriated and \$24,000 was spent. He stated last fall the Board spent \$120,000 on emergency repairs such as air, which was paid out of the current fiscal

year. Then he said that in 2008 over \$800,000 was set aside from the One Cent Sales Tax for Jail renovations and improvements. He added most of the money was never spent. He ended by saying there is \$423,000 in the jail fund balance.

Consent:

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

- 5. Approval of Minutes April 3, 2012 Regular Meeting
- 6. Ratification of Approval to Pay County Bills
- 7. Escheatment of Tax Deeds (A) Tax Certificates # 981 of 1993 and #985 of 1993 (Nicholas Thomas, Clerk of the Courts)
- 8. Escheatment of Tax Deeds (B) Tax Deed #826 of 2002, Tax Deed #1146 of 2002 (Nicholas Thomas, Clerk of the Courts)
- 9. Update on Five Year Replacement Plan for EMS Fleet (Tommy Baker, EMS Director)

Adopted report for the record and gave authority to continue this process as outlined in the report in a timely and efficient manner.

10. Approval of Internet Service Agreements with Comcast and Mediacom (Carolyn Poole, Library Director)

Service Agreements with Comcast for the McGill Library and Mediacom for the Havana Public Library.

11. Approval of a Resolution (Number 2012-019) and a Budget Amendment to Fund the

Summer Jobs Program from the Reserve for Contingency Account
(Arthur Lawson, Interim County Administrator)

(Pulled by Commissioner Croley and moved to General Business Agenda – Item 21 C.)

Items Pulled for Discussion

Citizens requesting to be heard on Non-Agenda Items (3 minute limit)

Emily Rowan, 1200 Little Sycamore Rd, Quincy, FL spoke on behalf of the Gadsden County Libraries. As Chairperson of Library Commission and sounding person for Dr.

Poole, she asked the Board to make library funding one the top 10 priorities during the budget preparation process, because it is badly needed by the citizens.

Chair Taylor asked if the Non – Profits Organizations would be allowed to present their funding request during budget hearings.

Mr. Lawson replied affirmatively.

➤ Ed Allen, Lake Talquin, spoke regarding Ordinance # 94-001. He said this had never been added to the Comp Plan and it is current law. He said this is a time-sensitive agreement. He said it needs to be worked into the current plan and asked the Board to instruct the Consultants to do so.

Mr. Lawson reported it had been turned over to the Attorney for advisement.

➤ <u>Joyce McDaniel, 1200 Newman Grossing Blvd, East Newman, GA 30265</u>

She addressed the Board requesting that they waive the requirement for her to have advanced waste treatment at her home on Reynolds road near Lake Talquin.

Mr. Lawson explained what Mrs. McDaniel was referring to is in the Stipulated Settlement Agreement that was a requirement for the Subdivision approval. It would be necessary to have the issue placed on the agenda for discussion.

Chair Taylor asked that it be placed on agenda as early as possible.

Public Hearings

12. <u>Public Hearing - Florida Public Safety Institute (PSFI) Large Scale Future Land Use</u>

<u>Map (FLUM) Amendment (CPA-2012-01) (Anthony Matheny, Planning and Community Development Director)</u>

Mr. Matheny presented this item to the Board of County Commissioners.

STATEMENT OF ISSUE:

Tallahassee Community College, Board of Trustees (TCC), represented by Robert George and Joseph Miller, George and Associates Consulting Engineers requested a large scale Comprehensive Plan Future Land Use Map (FLUM) amendment to change the land use category on parcels totaling 874± acres from Agricultural 3 (AG-3) to Public (Attachment #1 & 2). The proposed amendment is located adjacent to and will be a component of the Florida Public Safety Institute (FPSI), formerly the Pat Thomas Law Enforcement Academy. This amendment is to allow the expansion of the FPSI.

At their April 12, 2012 public hearing, the Planning Commission recommended approval of this application to the Board of County Commissioners (Board) with a condition that

amendments to the master plan be approved by the County. The Board is requested to review this application and vote whether or not to transmit this FLUM amendment to the Florida Department of Economic Opportunity (DEO), Division of Community Planning (DCP).

BACKGROUND:

The subject two (2) parcels are located on the south side of U.S. 90 (Blue Star Highway), approximately 3.5± miles east of Quincy and 3.3± miles west of Midway. Approximately 874± of the 884± acres are designated as AG-3 on the FLUM. Parcel 3-26-2N-3W-0000-00400-0000 is approximately 825± acres; Parcel 3-25-2N-3W-0000-00130-0000 is 59± acres. Approximately 10± acres of the smaller 59± acre parcel are already designated as Public on the FLUM. The parcels are located in Township 2N, Range 3W, Sections 25 and 26 (Attachment #1). The subject parcels were purchased from the St. Joe Timberland Co. in 2002 and 2003 by TCC for the purpose of an expansion of the existing FPSI campus.

The FPSI campus, formerly known as Pat Thomas Law Enforcement Academy, has for the most part been subject to "Comprehensive Master Plan" approved by the Board in 2000, and subsequently amended. The FLUM amendment introduces the concept of 25- year Master Plan Facilities to be reviewed in the future.

Over the years the Board has approved amendments to the original master facilities plan to include the addition of participant housing (2003) and a convention center (2009). In 2011, the FPSI began construction of an internal roadway providing a third access to US 90 along the western boundary of property acquired in 2007 from Waldorf Enterprises. Florida Department of Corrections a Re-Entry Facility is currently under construction.

The FPSI acts as a regional training facility that combines classroom and hands-on training for law enforcement, life safety, and numerous statewide agencies. The proposed Public future land use is requested to align the land use with the FPSI mission to "prepare people to protect and serve by allowing the expansion of the existing campus and to provide expanded training opportunities. The FPSI is described in the narrative as being comprised of three (3) zones: an "Academic Zone", a 'High Liability Training Zone'; and a 'Public Safety Enterprise Zone' as described in the application narrative (See Application, Narrative, pp. 1-4). The majority of proposed development is for the 825± parcel (Parcel A) located to the south of the existing campus. Proposed conditions include, but are not limited to (See Application Narrative, Figure 6 – Proposed Conditions):

- A Solar Farms Training Facility;
- An Administrative Building Annexes;
- An Aquatic Training Facility;
- A State Park Service /Fish & Wildlife Training Facility;
- A Mock Village;

- A High Speed Track; and,
- An Advance Firing Range Training Facility. The 59± acre (Parcel B) has been developed for PSFI lodging.

Board discussion centered around issues such as safety at the highschool, noise from gun range, etc.

Chair Taylor announced the Public Hearing and called for comments from the public.

Public Comment:

- ➤ <u>Joe Miller, George and Associates Engineering,</u> conveyed his support for the Florida Public Safety Institute & TCC Large Scale Amendment.
- ➤ <u>E.E. Eunice</u>, addressed the Board in support of the Large Scale Amendment. He said the tentative plan is to employ 200 Correction Officer's. He added that once the training students graduate from the program, they would be ready to be employed with a starting salary of \$30,000.00.

Mr. Eunice remarked that the tentative Re-Entry Program would bring in 600 inmates and they are on the last phase of their sentence. The staff will work with them in preparation for their release.

He went on to say there are neither plans to increase the firing range nor plans to have high speed boats.

➤ Marion Lasley, 5 Dante Court, Quincy addressed the Board. She referenced not being in the ½ mile notice range and not receiving notice of Land Use Amendment for the Florida Public Safety Institute. She said her major concern is the noise issue. She asked how they would control the noise and how they would protect the property value.

Chair Taylor asked they talk with the Engineers about buffering and keeping the noise level down.

Commissioner Croley said he could hear the firing from his house on State Road 12, however, they do a good job with containing it.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO MAKE FINDING AS LISTED IN THE ATTACHED AGENDA REPORT AND TO APPROVE THE TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY OF THE "DRAFT" ORDINANCE FOR THE FLORIDA PUBLIC SAFETY INSTITUTE (PSFI) LARGE SCALE FUTURE LAND USE MAP

(FLUM) AMENDMENT (CPA -2012-01) AS DESCRIBED IN THE ATTACHED AGENDA REPORT.

General Business

12 a. Gadsden Airport Authority

Clifford Hill, 40 Sweet St. Havana, FL, Vice – Chair of Airport Authority, requested to be re-appointed to the Gadsden Airport Authority. He asked that Max Clark also be reappointed. He said they are making dynamic plans and asked the public to come out and see what happens at the airport.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 -0, BY VOICE VOTE, TO APPROVE THE REAPPOINTMENT OF MR. CLIFFORD HILL FOR THE GADSDEN COUNTY AIRPORT AUTHORITY.

Chair Taylor pointed out that Mr. Max Clark is appointed by the City of Quincy and would need to be reappointed through them.

13. <u>Discussion of National Solar Economic Development Agreement (Deborah Minnis, County Attorney/David Weiss, Assistant County Attorney) (Attached)</u>

David Weiss addressed the Board concerning the National Solar Economic Development Agreement. He said National Solar proposed the original agreement. They have proceeded through the necessary steps to adopt an ordinance. He added it does provide some economic incentives. He said the Board has conducted work-shops and made proposed changes to the agreement. He noted the majority of the changes were accepted by National Solar, but made a counter-proposal to meet in the middle ground.

Discussion by the Board:

Chair Taylor recalled some discussion of eminent domain at the last meeting.

Attorney Weiss stated National Solar does not have power for eminent domain authority. He added that could not impose eminent domain authority because they are not utility providers. He referenced 3.2 on page 4; the last sentence is what was added.

Commissioner Holt had concerns about easements. She asked if the utility company could impose eminent domain. She asked if it doesn't work out for National Solar to purchase the land, could the utility company use eminent domain authority to take the easement.

Attorney Weiss stated that is true, but you "as the Board" would have to approve their site plan.

Commissioner Croley also expressed concern about eminent domain. He asked for clarification for the public.

Attorney Weiss said it would only take simple majority vote.

Commissioner Holt expressed more teeth should be added to the language on page 4. She said her concern is for adjacent properties.

Chair Taylor said National Solar did not want to be restricted to Ag3 or Silviculture. She said that was of concern to her.

Attorney Weiss stated the language change gives National Solar the ability to locate in other areas. He said in his discussion with their Council they recognize that Ag3 and Silviculture would be were the big tracks and it would be commercial reasonable to locate on these big tracks, but they didn't want to lock themselves in, if they didn't have to. He added there may be other sites, which would be suitable that aren't zoned Ag3 or Silviculture. He said this would have to go back through the site plan review.

Chair Taylor noted in 3.2, that in the event they are not able to find suitable commercial property, this Agreement would give conditional approval from this government.

Attorney Weiss clarified it reads if they can't find the location that is directly adjacent it's not commercially possible to do so. They are going to acquire whatever rights they need before the County can get them their approval. They have to acquire the rights as a condition of County approval for the Site Plan.

Commissioner Croley referenced page 6, 4.2, the last sentence. He asked what it meant.

Attorney Weiss referenced 4.2 and 4.3. He said there are placeholders for things the Board needs to consider. He said the County can either administratively initiate a Land Use Amendment or Comprehensive Plan Amendment. He stated the other option would be for the land owner to initiate the process. He said what the language is articulating is that the County would agree to administratively initiate and pursue a Comprehensive Plan Amendment, if necessary.

<u>James Scrivener, CEO of National Solar</u>, answered questions on eminent domain. He said it would not be a factor. As to the land use change expenses, he said National would be willing to bear them. He was said they would like the ability to move forward.

Commissioner Holt expressed that she would prefer that solar farms be restricted to Ag3 and Silviculture lands.

Mr. Scrivener replied restricting them to Silviculture or Ag 3 is not a deal breaker. However, typically the farms would follow transmission lines, which may not necessarily be restricted to Ag3 and Silviculture.

Commissioner Croley thanked Mr. Scrivener for his willingness to work with the Board and addressing the concerns that were highlighted. He expressed the importance of having answers and clarification when dealing with the public. He said he would like to make this process move as quick as possible.

Commissioner Morgan spoke of the positive comments he had heard. He asked at what point they were in the project.

Mr. Scrivener said they have exercised Site Control and they would begin the process of evaluating them. He stated they are looking at three sites and made a lot of positive connections. He said once an agreement is in place they can start work. He disclosed that once the process begins, it would take be 8 -12 months. He noted they are excited about coming to Gadsden County.

Public Comment:

- Marion Lasley, 5 Dante Crt., addressed concerns outlined on a sheet, which she filed with the clerk. (attached)
- ▶ Brad Hartman, 155 Paradise Rd, Havana, raised questions concerning eminent domain, which he said had already been answered. He also referenced 4.2 Comp Plan (last sentence). He asked if there was guidance as to what future land uses are not consistent with a proposed 100-140 Acre Power Production Facility. He asked under what circumstances a solar farm would be consistent in land uses other than Ag3 and Silviculture.

Mr. Lawson explained the County's Land Use Code would be the guiding instrument. He also offered to give him any specific information if he would contact him during business hours.

Commissioner Croley referenced 94-001 Ordinance and asked if it would impact what they were discussing.

Attorney Minnis said they have not addressed that Ordinance, but she thought it dealt with the Lake Talquin Area. She stated she thought it dealt with one area, not County-Wide.

Ed Allen, Friends of Lake Talquin, addressed the Board. He stated the policies have not been acted on. He said it concerned policies in general that aren't being addressed.

Chair Taylor asked for direction from the Board.

Commissioner Lamb moved for approval and it was seconded by Commissioner Croley to approve Option 2: Make the proposed changes to the attached draft Economic Development Agreement and transmit to National Solar for review.

Attorney Weiss asked for clarification on changes. He asked if 4.2 the only change.

Commissioner Holt asked did they have \$20,000.00.

Mr. Scrivener responded, "It's a Tax Credit, we pay you. You never give us a dime."

Chair Taylor asked if there was a mechanism in place to allow the County to withdraw from the agreement.

Commissioner Morgan asked if it could be acted on at the next meeting.

Mr. Scrivener stated they could move expeditiously.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE OPTION 2: MAKE THE PROPOSED CHANGES TO THE ATTACHED DRAFT ECONOMIC DEVELOPMENT AGREEMENT AND TRANSMIT TO NATIONAL SOLAR FOR REVIEW.

14. WORKFORCE Plus Interlocal Agreement (Kimberly Moore, CEO, WORKFORCE Plus)

Statement of Issue:

This agenda item requested Board approval of the WORKFORCE *plus* revised Interlocal/Consortium Agreement and the appointment of a designee.

Background:

In May 1996 meeting, the Board approved the establishment of a Jobs and Education Regional Board (Big Bend Jobs and Education Council) that would serve as the Workforce Development Board for the region (Leon, Gadsden, and Wakulla counties). An Interlocal Agreement, also approved by the Board at its May 1996 meeting, established a multi-jurisdictional arrangement between Leon, Gadsden, and Wakulla County Board of County Commissioners. The Agreement describes the responsibilities of the Boards of County Commissioners.

Interlocal Agreement approval.

In 2012, the Florida Legislature passed the Workforce Board Accountability Act requiring that each County review and approve the local workforce board budget as well as participate in the review and approval of the annual audit. Kimberly Moore, CEO of Workforce Plus, she said now what you are reviewing is law that was signed by the Governor. She asked for them to identify what would make up the unit, Wakulla, Leon and Gadsden,

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

UPON MOTION BY COMMISSIONER LAMB THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE COMMISSIONER HOLT AS THE DESIGNEE FOR THE WORKFORCE CONSORTIUM.

15. <u>Approval of Bid Award for Local Agency Program (LAP) Grant for Town of Havana Landscaping and Scenic Beautification Project (Charles Chapman, Public Works Director/Bruce Ballister, Senior Planner, Apalachee Regional Planning Council)</u>

Statement of Issue:

This item seeks Board approval to award the bid and execute all documents for the Local Agency Program (LAP) grant for the Town of Havana's initiative to beautify their municipality.

Background:

The Town of Havana embarked on an initiative to apply for funds to design and landscape State Road 63 (U.S. 27) and 12^{th} Avenue North, Havana, Florida. Gadsden County is the only LAP certified agency in Gadsden County and as such is the executor of the grant agreement and all corresponding documents and bid awards.

The Florida Department of Transportation (FDOT) has funded the Town of Havana's request. Gadsden County is working in coordination with the Town of Havana.

The Board approved the contractual agreement for the LAP grant on October 18, 2011. The Town of Havana has bid the engineering and architectural design services per Davis Bacon procedures and required by the LAP grant agreement.

The Town of Havana has reviewed all bids received and recommended the bid be awarded to the Tullo Planning group. The Havana Town Council approved the recommendation to the Board of County Commissioners for consideration.

Howard McKinnon, Town Manager of Havana, thanked County for their willingness and asked for approval.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE OPTION 1- TO APPROVE THE BID AWARD TO TULLO PLANNING GROUP AND AUTHORIZE THE CHAIRPERSON TO EXECUTE ASSOCIATED DOCUMENTS.

16. <u>Discussion of County Business License</u> (Anthony Matheny, Planning and Community Development Director)

Statement of Issue:

On February 7, 2012, the Board of County Commissioners (Board) approved Resolution# 2012-011 requesting a list of businesses (i.e., number, names, types, and addresses) within the unincorporated areas of Gadsden County, Florida from the Florida Department of Revenue. The contents of which, according to Florida State Statue, shall remain confidential and shall be kept under lock and key with limited access by those who have signed said attachment. By signing Resolution 2012-011, the Commission acknowledged they were aware of State statue confidentiality requirements and penalties for their violation. (Please see Resolution 2012-011 attached.)

Background:

The Board requested the list of businesses for purposes of analyzing the feasibility of implementing a business license tax or registration requirements on businesses within the unincorporated parts of the county. The list shows that there are approximately 1,191 businesses in the unincorporated county that pay county taxes, and provides owner names and location addresses.

Analysis:

Section 22-51 of the Gadsden County Code of Ordinances presently requires an annual license tax of\$150 for only the following county businesses:

Business License Required (Section 22-SI):

Fortuneteller Clairvoyant Palmist Astrologer Phrenologist Character Reader Spirit Medium Absent Treatment Healer

Licenses are issued by the Clerk of the County Circuit Court. (*Please see Code of Ordinances, Chapter 22, Article II attached.*) However, there were no licenses issued by the Clerk for Gadsden County BOCC in the Year 2011.

Authority is given to counties to levy a business tax to engage and manage any business, profession, or occupation within its jurisdiction under Florida Statutes 205.032 (*Please see 2011 Florida Statute 205.032 attached.*)

However, it should be noted the Counties of Jackson, Leon, Liberty and Wakulla do not levy the tax, although an occupational license is required by Wakulla and Leon Counties. (Example: Wakulla Occupational License fee: \$20 P&Z, \$80 Building Department, \$35 Tax Collection for a total of \$135)

There was a consensus of the Board that they only wanted inventory of the number of businesses and type of businesses throughout the County. There was an agreement not to penalize any existing business.

Clerk Thomas asked if they could consider revising the Ordinance and provide for the County to take the responsibility rather than the Clerk's Office.

Chair Taylor concurred that they need to know.

Mr. Lawson said he and the County Attorney would look at the Ordinance and bring findings to the Board.

17. Request Approval to Donate the Generator that was removed from the W.A. Woodham Justice Center to the City of Gretna Clyde Collins, Building Official)

Statement of Issue:

This agenda item sought approval from the Board to donate the generator (Model Number 432RSL4009 - Serial Number WA501385-0896) that was removed from the W. A. Woodham Justice Center to the City of Gretna.

Background:

Several years ago Gadsden County Emergency Management Division equipped Gretna City Hall with storm shutters to create a potential evaluation shelter/emergency services distribution point. To fully prepare the building for

use during an emergency, the City of Gretna is in need of a generator. Staff requests the Board declare the generator as surplus property in order for it to be donated to the City of Gretna.

Discussion by the Board:

Commissioner Holt stated the City of Gretna is in her district. She added by having the Generator they would have the option to use the building as Evacuation Shelter/Emergency Services Distribution point. She then motioned for approval and it was seconded by Commissioner Lamb.

Commissioner Morgan asked if any other municipality had requested the generator.

Attorney Minnis said nothing prohibits the County from giving the generator to the City of Gretna.

Commissioner Croley asked if the generator had been appraised. He said, "You don't know if others may need it."

Commissioner Morgan had no problem with donating it, but he suggested that the Board make the same opportunity available to the other municipalities.

Commissioner Lamb asked how any other municipality could use it.

Mr. Lawson stated that City Manager Mr. Antonio Jefferson informed him there was a need. They would need to operate City during the time of Emergency. He said there is a process to fit the generator.

Commissioner Croley stated he had no problem with Gretna getting generator. He felt no one else knew it was surplus property. His suggestion was they find out who has the greater need.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4 -1, BY VOICE VOTE, FOR APPROVAL OF OPTION 1: APPROVE DONATING THE GENERATOR TO THE CITY OF GRETNA. (COMMISSIONER MORGAN OPPOSED THE MOTION, MOTION CARRIED.)

18. <u>Approval for the Chairperson to Delegate the Execution of the Memorandum of Agreement Between Florida Department of Children and Families and Gadsden County to the County Administrator's Office (Arthur Lawson, Interim County Administrator)</u>

Statement of Issue:

This agenda item seeks approval from the Board to delegate the execution of the Memorandum of Agreement (MOA) between Florida Department of Children and Families (DCF) and Gadsden County to the County Administrator's Office and the Chairperson to sign this document.

Background:

On March 29, 2012, the Governor signed into law H.B. 5301 requiring counties to pay back years of disputed Medicaid bills unless they can prove to an administrative judge that the bills were unwarranted. One issue that has come to light from this is Counties have no avenue of verifying Medicaid recipient addresses. Florida Department of Children and Families (DCF) has granted County Medicaid Billing staff limited access to the Florida Online Recipient Integrated Data Access (FLORIDA) system to verify client addresses for Medicaid billing purposes. This access to the FLORIDA system will give staff the tools they need to verify these addresses. In order for staff to have this access in a timely manner, the attached MOA with Gadsden County and DCF needs approval from the Board to delegate the execution of the MOA to the County Administrator's Office.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, FOR APPROVAL OF OPTION 1: TO DELEGATE THE EXECUTION OF THE MEMORANDUM OF AGREEMENT (MOA) TO THE COUNTY ADMINISTATROR'S OFFICE AND AUTHORIZED THE CHAIRPERSON TO SIGN IT.

19. <u>Approval of Summer Youth Employment Program Participants (Arthur Lawson, Interim County Administrator)</u>

Statement of Issue:

This agenda item requested approval of the summer youth employment program participants for the summer of 2012.

Background:

At the April 17, 2012 Board meeting, the Board of County Commissioners approved funding for a summer youth employment program for the summer of 2012. The program will run for a period of six weeks from June 18 through July 27, 2012.

There will be 50 youth between the ages of 14 and 18 employed within City government. Any slots that are not filled will be placed at other sites identified by the County Human Resource Office. The youth will work 20 hours per week.

Applications for the program were accepted from May 7 through May 18, 2012. There were 235 applications received and 180 applications met the established criteria.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 3 -2, BY VOICE VOTE, FOR APPROVAL OF THE SUMMER YOUTH EMPLOYMENT PROGRAM PARTICIPANTS. (COMMISSIONER MORGAN AND CROLEY OPPOSED THE MOTION, MOTION CARRIED.)

20. Replacement Unit for Wrecked Ambulance (Tommy Baker, EMS Director)

Statement of Issue:

EMS had an ambulance involved in a wreck on March 15, 2012 resulting in a total loss to the chassis and the box. This vehicle was slated for replacement in our on-going remount program. The purpose of this agenda item was to outline a plan and secure authorization for replacement of this vehicle.

Commissioner Morgan moved for approval and it was seconded by Commissioner Croley.

Commissioner Holt asked what happened to the wrecked ambulance.

Mr. Tommy Baker, EMS Director, replied it was wrecked going to a call.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE OPTION 1: TO APPROVE THE PURCHASE OF AN AMBULANCE BOX FROM LIBERTY COUNTY AND REMOUNT UNDER HGAC CONTRACT UTILIZING INSURANCE PROCEEDS AND FINANCING DESIGNATED FOR AMBULANCE PURCHASES.

21. Sublease for Florida State Hospital Property (Tommy Baker, EMS Director)

Statement of Issue:

EMS sought approval to relocate their Chattahoochee EMS Station to an alternate facility. Florida State Hospital offered a house on their campus for use as an EMS station.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE STATE OF FLORIDA SUBLEASE AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF CHILDREN AND FAMILIES FOR PROPERTY AT FLORIDA STATE HOSPITAL TO HOUSE AN

AMBULANCE. APPROVE AND AUTHORIZE THE CHAIRPERSON TO SIGN THE DISCLOSURE STATEMENT FOR LEAD – BASED PAINT HAZARDS.

21 a. Request Approval to Award the Bid Number 12-07 to Replace Five (5) A/C Split Systems at the Gadsden County Records Center

Statement of Issue:

This agenda item sought Board approval to award the bid to replace five (5) a/c split systems at the Gadsden County Records Center and authorize the Chairperson to execute the contract for Air Mechanical & Service Corp.

Background:

The Gadsden County Records Center's a/c units have had ongoing problems for the past three (3) years. The existing units are thirteen (13) years old and are not performing as of May 28, 2012. The Clerk of Courts stores Gadsden County records in this building. The humidity in the Records Center must be controlled.

Clerk Thomas noted this money is budgeted.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, FOR APPROVAL TO AWARD THE BID NUMBER 12-07 TO REPLACE FIVE (5) A/C SPLIT SYSTEMS AT THE GADSDEN COUNTY RECORDS CENTER AND AUTHORIZE THE CHAIRPERSON TO EXECUTE THE CONTRACT FOR AIR MECHANICAL & SERVICE CORP.

21b. <u>Approval of Commissioner Lamb's Travel to the 2012 Florida Economic Development Conference in Tampa, FL (June 27-29, 2012)</u>

Statement of Issue:

Per the Gadsden County BOCC travel policy, Commissioners are required to request Board approval for travel. This agenda item seeks approval for Commissioner Lamb to travel to Tampa, FL leaving on June 27, 2012 and returning on June 29, 2012 to attend the 2012 Florida Economic Development Conference.

Background:

The Florida Economic Development Conference is a premier annual event and is packed with sessions that economic development practitioners will find relevant and informative.

Fiscal Impact:

Cost of Commissioner Lamb's travel is approximately \$1,000.00.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED, 5 – 0, BY VOICE VOTE, FOR APPROVAL OF COMMISSIONER LAMB'S TRAVEL TO THE 2012 FLORIDA ECONOMIC DEVELOPMENT CONFERENCE.

21c Approval of a Resolution (Number 2012-019) and a Budget Amendment Number 120070 to Fund the Summer Jobs Program from the Reserve for Contingency Account

Statement of Issue:

This item seeks approval from the Board of resolution #2012-019 and budget amendment #120070 to fund the summer jobs program from the reserve for contingency account.

Fiscal Impact:

The balance of the reserve for contingency account is \$118,600 as of this date. After the approval of this budget amendment for \$57,000, the new balance will be \$61,600.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 3 – 2, BY VOICE VOTE, FOR APPROVAL OF RESOLUTION #2012-019 AND BUDGET AMENDMENT #120070. (COMMISSIONER MORGAN & CROLEY OPPOSED THE MOTION, MOTION CARRIED.)

County Administrator

22. Update on Board Requests (Arthur Lawson, Interim County Administrator)

Commissioner Croley inquired about the Interlocal Agreement on Emergency Management from the Sheriff's Office. He indicated they are now in Hurricane Season and this Agreement should be in place.

Attorney Minnis replied they have not received the signed Agreement back from the Sheriff's Office.

County Attorney

23. <u>Update on Various Legal Issues (Deborah Minnis, County Attorney)</u>

Attorney Minnis had no updates or concerns regarding additional legal issues.

Discussion Items by Commissioners

24.

Commissioner Lamb, District 1

> Commissioner Lamb had no concerns.

Commissioner Croley, District 2

- Commissioner Croley commented there was nothing new to report at the May 24, 2012 CRTPA Meeting.
- Commissioner Croley informed the Board of the Public Safety Coalition meeting on May 25, 2012. He spoke of funding referenced by the Clerk's Office that could be used for repairs to the jail locks at the County Jail.

Commissioner Holt, District 4 – County Concerns

- ➤ Discussed the Memorial Day Celebration, which was held on the Courthouse grounds.
- ➤ Commissioner Holt thanked the Board for voting in favor of the Generator for the City of Gretna.

Commissioner Morgan, Vice Chairman, District 3

Commissioner Morgan had no concerns.

Commissioner Taylor, Chairperson, District 5

- > Thanked Commissioner Lamb for great dialogue with Governor Rick Scott
- Questioned the chillers that are being replaced requested a list
- > Cutting of the Rights- of way asked for maintenance schedule.
- > Spoke of the Resolution for the Plant on Strong Road at the Old Printing House. She stated she felt it was important for dialogue to occur from business to business and to the residents in the area concerning their concerns.

Mr. Matheny explained it was a "use by right" because the land use designation was correct for the intended use of the property. He said no notice was required.

Chair Taylor stated that it would be a good will gesture for the new owners to meet with the members to explain what activity they could expect from the new business.

Commissioner Morgan cautioned against taking on that responsibility, although he understood the concern.

Attorney Minnis cautioned them against setting such precedence.

Commissioner Lamb suggested Mr. Lawson and staff work together and bring the matter back before the Board.

Commissioner Croley concurred with staff looking into it.

ACHA meeting outcome

Mr. Lawson said they would do memorandum to Commissioners on the outcome of the meeting.

Commissioner Lamb commented that the Governor's Office said they would assist anyway they could with the Medicaid Billings.

Receipt and File

25. For the Record: Letter from the Florida Department of Health Regarding the Activities and Expenditures Report for the Period October 1, 2011 through March 31, 2012

For the Record: Letter from the Florida Department of Economic Opportunity Qualified Target Industry (QTI) Tax Refund Application

June Meeting(s)

- June 19, 2012, Regular Meeting, (Canceled)
- June 28, 2012, Budget Workshop, 4:00 p.m.

July Meeting(s)

- July 3, 2012, Regular Meeting, 6:00 p.m.
- July 17, 2012, Regular Meeting, 9:00 a.m.
- -July 26, 2012, Budget Workshop, 4:00 p.m.

ADJOURNMENT

THERE BEING NO OTHER BUSINESS TO COME BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING ADJOURNED AT 8:54 P.M.

GADSDEN COUNTY, FLORIDA

SHERRIE TAYLOR, CHAIR

BOARD OF COUNTY COMMISSIONERS

ATTEST:

NICHOLAS THOMAS, CLERK OF COURT

GADSDEN COUNTY, FLORIDA

AT A WORKSHOP MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON JUNE 28, 2012 AT 4:00 P.M., THE FOLLOWING PROCEEDINGS WAS HAD, VIZ.

Present: Sherrie Taylor, Chair, District 5

Gene Morgan, Vice-Chair, District 3 (absent)

Eugene Lamb, District 1 (absent) Doug Croley, District 2 (absent)

Brenda Holt, District 4
Jeff Price, Budget Director

Clay VanLandingham, Property Appraiser Arthur Lawson, Interim County Administrator

Beryl H. Wood, Deputy Clerk

1. Call to order:

Chair Taylor called the meeting to order. She noted a quorum was not present and no business was conducted. The Interim County Administrator, Mr. Lawson, advised them to reschedule the meeting until the week after July 4. However, they agreed to allow the Constitutional Officers to make their presentations.

Mr. Lawson commented the numbers they have used in the current budget are the numbers that were provided by the Property Appraiser as of June 1. He said they would make any adjustments to the projected revenue prior to the next meeting.

2. Review of Interim County Administrator Memo (attached)

Mr. Price gave a review of the memorandum by Mr. Lawson of the draft for the annual budget. Where he expressed the hard worked provided by staff on this year's budget to the Board. He said the draft reflects the economic times and provides the Citizen's of Gadsden County with essential services. He said during the preparation of the draft annual budget, the following items were considered.

- Used the Property Appraiser June 1 preliminary assessed value of \$1,261,979,229.
- Have not received the State's revenue estimates expected in July 2012.
- Used revenue estimates based on historical trends and notices from Florida Association of Counties and Small County Coalition.
- Florida Retirement System new rates have been included in the personnel numbers.
- By the July 26th budget workshop, the certified assessed value number and the State's revenue estimates should be available.

3. FY13 Budget Overview Jeff Price, Budget Director (See Recap attached)

Mr. Price gave a recap of the revenue for FY 13 and proposed expenditures as noted in the attachment.

Chair Taylor asked Constitutional Officers if they would like to speak. However, she reiterated there could be not vote.

- Property Appraiser, Clay Vanlandingham, expressed he had nothing but good news for the Commission and asked if he could present last.
- County Extension Office, Henry Grant, focused his request on facility repairs for the County Extension Office.

Mr. Lawson made it known they had not allocated any funds to address issues.

- Supervisor of Elections, Shirley Knight, commented that she is in need of the amount she requested. She disclosed that she is preparing for a 3 page ballot at the General Election, which will double in cost.
- Tax Collector, Dale Summerford, stated his budget is quite different and is approved by the State and due by August 1. He said on the County portion of the budget he requested the same as last year. He stated that was based on the Tax Roll along with the Collections and Millage Rate which is tied to it.

He also discussed the newly renovated building with the addition of the Driver's License Office. He commented the work is almost complete and have started with driver's license now for roughly 2 months. He added the public is a lot happier than they were when it was state controlled. He thanked the Board for the renovations.

Commissioner Taylor inquired about Debt Service for renovation of Tax Collector's Office and asked was it included in his budget.

Mr. Summerford replied it was not. He added he was unsure where it appeared as it relates to the County budget.

Mr. Lawson stated it was not, it's separated under Debt Services.

- Clerk's Office, Trudie Porter, Clerk's Finance Officer, asked the Commission to restore the decrease they made to the Clerk's Finance budget in the 2011-2012
 FY. She suggested they budget the health insurance and retirement for the finance office to the same level of funding they do for the County Commission employees. She added it would be an increase of approximately \$21,000.
- Department Heads Chair Taylor commented Mr. Lawson noted the Department Heads are at comfortable levels with what they have submitted but would not be entertained at this meeting.

- Property Appraiser, Clay Vanlandingham, reported he would start with his budget request which is \$38,891.00 less than last year's budget. He said with the additional monies that he returns every year, he hopes to be at the 10% threshold cut the County is asking for. He added most of his savings would come under personnel, where he is one employee less. He commented the Department of Revenue is still working on his final budget. However, he said there was good news: The Florida Gas Transmission pipeline this coming year will be added to the tax roll and added this would be the first year it would be taxable. He added the Property Appraiser's Office contracts the valuation of the large utilities out to professionals. He stated he had contacted the Florida Evaluation Services to receive the numbers of \$70,000,000.00 in taxable value. He said he would come back in 2 weeks and report in detail to the entire Board. He also thanked the Board for work done to his building which he shares with the Tax Collector.
- Judicial, Grant Slayden, Court Administrator, spoke on behalf of Chief Judge Francis, noting that the only increase they have requested is in their communications budget. As a matter of record he made it known the Clerk's Office is operating on a bare bones staff and budget and they could benefit from the Board's consideration of an increase.

He also noted the caseloads for Gadsden County are down by 5% making it unlikely to support an additional Circuit Judge.

In response to questions, the following facts were made known:

- The Medicaid liability should be known by July 1.
- Internet Café no current information was readily available, but information would be forthcoming.

Chair Taylor thanked everyone for their attendance at the Workshop.

AT A WORKSHOP MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON JUNE 28, 2012 AT 4:00 P.M., THE FOLLOWING PROCEEDINGS WAS HAD, VIZ.

Present: Sherrie Taylor, Chair, District 5

Gene Morgan, Vice-Chair, District 3 (absent)

Eugene Lamb, District 1 (absent) Doug Croley, District 2 (absent)

Brenda Holt, District 4
Jeff Price, Budget Director

Clay VanLandingham, Property Appraiser Arthur Lawson, Interim County Administrator

Beryl H. Wood, Deputy Clerk

1. Call to order:

Chair Taylor called the meeting to order. She noted a quorum was not present and no business was conducted. The Interim County Administrator, Mr. Lawson, advised them to reschedule the meeting until the week after July 4. However, they agreed to allow the Constitutional Officers to make their presentations.

Mr. Lawson commented the numbers they have used in the current budget are the numbers that were provided by the Property Appraiser as of June 1. He said they would make any adjustments to the projected revenue prior to the next meeting.

2. Review of Interim County Administrator Memo (attached)

Mr. Price gave a review of the memorandum by Mr. Lawson of the draft for the annual budget. Where he expressed the hard worked provided by staff on this year's budget to the Board. He said the draft reflects the economic times and provides the Citizen's of Gadsden County with essential services. He said during the preparation of the draft annual budget, the following items were considered.

- Used the Property Appraiser June 1 preliminary assessed value of \$1,261,979,229.
- Have not received the State's revenue estimates expected in July 2012.
- Used revenue estimates based on historical trends and notices from Florida Association of Counties and Small County Coalition.
- Florida Retirement System new rates have been included in the personnel numbers.
- By the July 26th budget workshop, the certified assessed value number and the State's revenue estimates should be available.

3. FY13 Budget Overview Jeff Price, Budget Director (See Recap attached)

Mr. Price gave a recap of the revenue for FY 13 and proposed expenditures as noted in the attachment.

Chair Taylor asked Constitutional Officers if they would like to speak. However, she reiterated there could be not vote.

- Property Appraiser, Clay Vanlandingham, expressed he had nothing but good news for the Commission and asked if he could present last.
- County Extension Office, Henry Grant, focused his request on facility repairs for the County Extension Office.

Mr. Lawson made it known they had not allocated any funds to address issues.

- Supervisor of Elections, Shirley Knight, commented that she is in need of the amount she requested. She disclosed that she is preparing for a 3 page ballot at the General Election, which will double in cost.
- Tax Collector, Dale Summerford, stated his budget is quite different and is approved by the State and due by August 1. He said on the County portion of the budget he requested the same as last year. He stated that was based on the Tax Roll along with the Collections and Millage Rate which is tied to it.

He also discussed the newly renovated building with the addition of the Driver's License Office. He commented the work is almost complete and have started with driver's license now for roughly 2 months. He added the public is a lot happier than they were when it was state controlled. He thanked the Board for the renovations.

Commissioner Taylor inquired about Debt Service for renovation of Tax Collector's Office and asked was it included in his budget.

Mr. Summerford replied it was not. He added he was unsure where it appeared as it relates to the County budget.

Mr. Lawson stated it was not, it's separated under Debt Services.

- Clerk's Office, Trudie Porter, Clerk's Finance Officer, asked the Commission to restore the decrease they made to the Clerk's Finance budget in the 2011-2012
 FY. She suggested they budget the health insurance and retirement for the finance office to the same level of funding they do for the County Commission employees. She added it would be an increase of approximately \$21,000.
- Department Heads Chair Taylor commented Mr. Lawson noted the Department Heads are at comfortable levels with what they have submitted but would not be entertained at this meeting.

- Property Appraiser, Clay Vanlandingham, reported he would start with his budget request which is \$38,891.00 less than last year's budget. He said with the additional monies that he returns every year, he hopes to be at the 10% threshold cut the County is asking for. He added most of his savings would come under personnel, where he is one employee less. He commented the Department of Revenue is still working on his final budget. However, he said there was good news: The Florida Gas Transmission pipeline this coming year will be added to the tax roll and added this would be the first year it would be taxable. He added the Property Appraiser's Office contracts the valuation of the large utilities out to professionals. He stated he had contacted the Florida Evaluation Services to receive the numbers of \$70,000,000.00 in taxable value. He said he would come back in 2 weeks and report in detail to the entire Board. He also thanked the Board for work done to his building which he shares with the Tax Collector.
- Judicial, Grant Slayden, Court Administrator, spoke on behalf of Chief Judge Francis, noting that the only increase they have requested is in their communications budget. As a matter of record he made it known the Clerk's Office is operating on a bare bones staff and budget and they could benefit from the Board's consideration of an increase.

He also noted the caseloads for Gadsden County are down by 5% making it unlikely to support an additional Circuit Judge.

In response to questions, the following facts were made known:

- The Medicaid liability should be known by July 1.
- Internet Café no current information was readily available, but information would be forthcoming.

Chair Taylor thanked everyone for their attendance at the Workshop.

ADJOURNMENT

THERE BEING NO OTHER ISSUES TO COME BEFORE THE BOARD, CHAIR TAYLOR ADJOURNED THE WORKSHOP AT 5:45 P.M.

GADSDEN COUNTY, FLORIDA



SHERRIE TAYLOR, CHAIR

ATTEST:

NICHOLAS THOMAS, CLERK OF

COURT, GADSDEN COUNTY

app 8/7/2012

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON JULY 3, 2012 AT 6:00 P.M., THE FOLLOWING PROCEEDINGS WAS HAD, VIZ.

Present: Sherrie Taylor, Chair, District 5

Gene Morgan, Vice-Chair, District 3

Eugene Lamb, District 1 Doug Croley, District 2 Brenda Holt, District 4

Nicholas Thomas, Clerk of Courts

David Weiss, Assistant County Attorney

Arthur Lawson, Interim County Administrator

Invocation, Pledge of Allegiance and Roll Call

Chair Taylor called the meeting to order at 6:00 p.m. then led in the invocation, pledge of allegiance to the U.S. flag.

The roll was called by the Deputy Clerk, Beryl H. Wood and noted above for the record.

Amendments and Approval of Agenda

Mr. Lawson noted the revisions to the Agenda.

- Item (s) 4 and 9 Revised
- Item 7 & 8

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

Awards, Presentations and Appearances

There were no awards, presentations or appearances presented.

Clerk of Courts

1. <u>Presentation of County Finance and County Clerk Issues (Nicholas Thomas, Clerk of the Courts)</u>

Clerk Thomas presented a Negative Cash EMS Report. His memo is a follow-up notification of negative cash balance in the EMS Fund. Two factors contributed:

Medicare has a new wire transfer system; overestimated collections as a result of increased fees.

Commissioner Croley questioned the Medicare being wired through a 3rd Party.

Connie McClendon, Finance Director, commented the 3rd Party Company was 1st Communications. She stated this process was started back in November. She stated maybe in the middle of July we should know something.

Commissioner Croley commented on the budget and asked could the transfer come from General Fund, as in years past.

Clerk Thomas said in the past it has been \$300-400,000, they haven't done an analysis.

Consent

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA WITH THE EXECEPTION OF ITEM 5.

- 2. Approval of Minutes April 17, 2012 Regular Meeting
- 3. Ratification of Approval to Pay County Bills
- Approval of Signatures for Special Assessment Liens and Rehabilitation Contracts –
 State Housing Initiative Partnership Program (SHIP)
 (Phyllis Moore, SHIP Administrator)
- 5. Request for Authority to Amend the TDC Strategic Plan Application Process and Fiscal Year; and, Authorization for Staff to Seek County Attorney Review for Proper Form (Sonya Burns, TDC Administrator/Matt Thro, TDC Vice-Chairman) (Item pulled by Commissioner Morgan)
- 6. Approval to Purchase a Replacement Vehicle (Charles Chapman, Public Works Director)

Items Pulled for Discussion

5. Request for Authority to Amend the TDC Strategic Plan Application Process and Fiscal Year; and, Authorization for Staff to Seek County Attorney Review for Proper Form (Sonya Burns, TDC Administrator/Matt Thro, TDC Vice-Chairman)

Commissioner Morgan questioned how the TDC Agenda Item 5 was presented. He asked should it have been presented in two separate items. He asked what they are requesting.

Mr. DuBree, TDC Chair addressed the Board. He commented on the Event Coordinator Position. He also discussed Application process becoming user friendly and it would lessen paperwork for those applying for the grants. He added the Fiscal Year change would be on the County now instead of the State as it has been in the past.

Commissioner Morgan commented he was trying to make sure they stayed within the State Statue.

Mr. Lawson stated they are going to bring back for final review and approval on all changes made.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO PULL THIS AGENDA ITEM UNTIL ALL REVISIONS ARE PRESENTED TO THE BOARD.

<u>Citizens Requesting to be Heard on Non-Agenda Items (3 minute limit)</u>

• <u>Ed Dixon, 2532 McCall Bridge Rd, Quincy, FL 32351,</u> commented on County Employee participation in the election process.

Chair Taylor instructed Mr. Dixon to meet with Mr. Lawson to iron out any concerns he may have had.

 Mary L. Smith,, 3137 Atwater Rd., addressed the Board concerning Big Bend Buses and the route schedules, which conflict with her schedule time for work. She stated there was a problem with Big Bend Transit. She stated there is a problem with advertisement of their meetings for citizens to voice their concerns.

Commissioner Holt said that Mrs. Smith contacted her and she encouraged her to come before the Board to see if there is some resolution they could help with.

Chair Taylor directed Mrs. Smith to get in contact with the Manager, Mr. Lawson.

Public Hearings

7. <u>Public Hearing: Adoption of Resolution No. 2012-020, Amending the County Planning & Community Development Department and Building Inspection Department Fee Schedules for Religious Institutions (Deborah Minnis, County Attorney/David Weiss Assistant County Attorney)</u>

Statement of Issue:

At their April 17, 2012 meeting, the Board of County Commissioners ("Board") voted to reduce by fifty percent (50%) the fees associated with the development and construction of religious institutions charged by the planning & Community Development Department and the Building Inspection Department.

Background:

On October 1, 2006, the Board adopted Resolution No. 2006-059, which established fee schedules for the review and inspection services provided by the Planning & community Development and Building Inspection Departments associated with the development and construction of improvement to real property. Resolution No. 2006-059 and the adopted fee schedules were subsequently amended on November 6, 2007 by Resolution No. 2007-059. The fee schedules have not been revised since 2007. On April 17, 2012, the Board voted to reduce all fees charged by the Planning & Community Development and Building Inspection Department applicable to the development and construction of religious institutions by fifty percent (50%).

Analysis:

Attached is proposed Resolution No. 2012-020. If adopted by the Board, the proposed Resolution would reduce all fees charged by the Planning & Community Development and Building Inspection Departments applicable to the development and construction of religious institutions by fifty percent (50%).

Fiscal Impact:

The revenue from fees paid by religious institutions for review and inspection of their facilities by the Planning & Community Development and Building Inspections Departments will be reduced by fifty percent (50%).

Discussion by the Board:

Commissioner Croley questioned the fiscal impact. What is the real dollar impact?

Mr. Lawson replied he couldn't answer that at tonight's meeting. He said he would research.

Commissioner Croley commented on the budget impact.

Commissioner Morgan expressed the adoption of the Resolution would give them fairness among all churches. He asked that it be clarified to state whether it relates to sanctuaries or buildings.

Attorney Weiss replied it would include all that is on the parcels with the churches.

Commissioner Lamb commented originally he was not for this.

Chair Taylor stated after reading the resolution do we need more definition of what a religious institute is and who warrants the 50%.

Chair Taylor announced the Public Hearing and asked for public comment.

• Emily Rowan, 1200 Sycamore Road, asked did it include schools on the property.

Commissioner Croley asked the Attorney if he could define a religious institute.

Attorney Weiss replied it's hard to define, you don't want to limit to certain dominations. He said it is what constitutes a general parcel.

Commissioner Holt stated she didn't feel they should try to say who or what's a church. She suggested a remedy would be if it is established for so many years (time limit) such as 5 years, then it could be considered for the reduction.

Commissioner Morgan commented it's important to look at the reason we are trying to adopt the resolution and be consistent.

Chair Taylor conveyed she was not in favor of opening a Pandora's Box. She was concerned with possible litigations.

Commissioner Lamb recalled in the past they have only helped with Variances and Fees only if they came before Board. He said it was always a case by case basis.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, <u>TO TABLE</u> THE ADOPTION OF RESOLUTION NO, 2012-020, AMENDING THE COUNTY PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT AND BUILDING INSPECTION DEPARTMENT FEE SCHEDULES FOR RELIGIOUS INSTITUTIONS.

8. Public Hearing: Adoption of Ordinance No. 2012-004, Regulating the Purchase and Sale of Regulated Metals Property by Metal Dealers, Junk Dealers, and Scrap Metal Processors (Deborah Minnis, County Attorney/David Weiss, Assistant County Attorney)

Statement of Issue:

At their January 17, 2012 meeting, the Board of County Commissioners ("Board") voted to adopt an ordinance which would regulate the purchase and sale of valuable metals in order to deter the theft of such metals.

Background:

The theft of valuable metals, including copper, aluminum, brass, and other ferrous and nonferrous metals, in Gadsden County has become a serious concern for law enforcement, business, public utilities, and the general public. Such thefts have increased due to the increase in price of such metals and the difficult economic conditions. The thefts are economically burdensome to the County and affect the social and economic well-being of the County's citizens by resulting in loss of personal property, unsafe and devalued real property, business losses, and higher insurance costs. The thefts can also damage or interrupt utilities, which are detrimental to the public's health, safety, and welfare. The stolen metals are generally sold to metal dealers, junk dealers, and scrap metal processors, who generally melt down or sell the metals within hours of purchasing them.

Analysis:

Attached is proposed Ordinance No. 2012-004. If adopted by the Board, the proposed Ordinance would regulate the purchase and sale of regulated metal property by metal dealers, junk dealers, and scrap metal processors in accordance with the terms thereof.

Discussion by the Board:

Commissioner Holt asked what was the definition of the person that takes metal to dealer. She asked where it was defined.

Attorney Weiss stated it is addressed through the businesses.

Commissioner Croley commented if they don't have occupational license in unincorporated areas of County. How do we go about enforcing the Ordinance and who would enforce.

Attorney Weiss noted it would be the Sheriff and it is addressed on page 3.

Chair Taylor announced the Public Hearing and called for Public Comment.

• <u>Emily Rowan</u> spoke in support of the Ordinance and a 3 day limit for the melt down.

Attorney Weiss conveyed this particular Ordinance enforces a 10 day limit.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE ADOPTION OF ORDINANCE NO. 2012-004, REGULATING THE PURCHASE AND SALE OF REGULATED

METAL PROPERTY BY METAL DEALERS, JUNK DEALERS, AND SCRAP METAL PROCESSORS.

General Business

 Approval of Contract Modification between Kimley-Horn Inc. and Gadsden County for Completion of the EAR-Base Amendments and Special Area Plans (Anthony Matheny, Planning and Community Development Director)

Statement of Issue:

Due to additional meetings already held and meetings that will need to be held to facilitate the process of work-shopping and adopting the County's Ear-based amendments and Special Area Plans, the County's Planning Consultant Kimley – Horn Inc., is requesting an additional \$6,000 in fees above and beyond their original contract amount of \$45,500.

Background:

In August of 2011, the County selected Kimley-Horn Inc. to assist with the completion of the EAR – based amendment and Special Area Plan process which was already in progress. Since that time, Kimley – Horn has worked closely with County staff and the Gadsden County Planning Commission to facilitate this process. Much progress has been made an only a few additional meetings are anticipated before the recommended changes to the EAR – based amendments and the newly – created Special Area Plans are sent to the State Department of Economic Opportunity for review and comment.

Analysis:

In order for Kimley – Horn to complete the additional tasks, several more meetings, in addition to the meetings already held, will be required. The firm is asking for an additional \$6,000 in fees before moving forward with additional meetings.

Fiscal Analysis:

The \$6,000 in requested fees will not require any additional funding from the County's fund balance. The money will be pulled from other line items within the Planning & Community Development Department's current budget.

Commissioner Croley motioned for approval and it was seconded by Commissioner Morgan.

Commissioner Holt posed the question as to what are the extra meetings.

Mr. Matheny disclosed they have had extra meetings to address strategy. He said it is a lengthy process and they would need more time to complete.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 1, BY VOICE VOTE, FOR APPROVAL OF CONTRACT MODIFICATION BETWEEN KIMLEY-HORN INC. AND GADSDEN COUNTY FOR COMPLETION OF THE EAR-BASED AMENDMENTS AND SPECIAL AREA PLANS. (Commissioner Taylor opposed the motion, motion passed.)

10. Request for Financial Assistance with Tuition for Leadership Tallahassee (Charles Chapman, Public Works Director) Motion:

Statement of Issue:

This item seeks Board approval to assist Charles Chapman, Public Works Director with tuition to attend the year-long leadership training course, Leadership Tallahassee.

Background:

Charles Chapman submitted an application and was accepted into Leadership Tallahassee Class 30 on Tuesday, May 15, 2012.

Program Format:

The program begins with an orientation in June, followed by a two-day retreat in August, and continues each month through June 2013 with monthly day-long sessions. These sessions present activities and hands-on experiences related to timely topics including: community leadership, education, government, arts, economic development, health care, human services, justice, law enforcement and environment.

Analysis:

As Public Works Director, Mr. Chapman oversees the largest department of Gadsden County both in staff number and funding. His leadership affects the daily work lives of over 60 employees (approximately 30% of Gadsden County employees) who serve the residents of Gadsden County by maintaining and improving transportation infrastructure. Leadership skills are crucial to the effective management of the Public Works Department now and in the future.

Leadership Tallahassee is a yearlong training course. The selection process is very competitive weighing the exhibited leadership skills at work and in the community. Leadership Tallahassee takes in hundreds of applications annually with only 35 to 40 candidates being selected a year.

Tuition for the program is \$2,500. Mr. Chapman has received a waiver and a scholarship valued at \$650.

Mr. Chapman is seeking tuition assistance for the remaining tuition portion not covered by waivers or scholarships totaling \$1,850.

Fiscal Impact:

Mr. Chapman is requesting assistance for all or some of the remaining tuition not covered by waivers or scholarships totaling up to \$1,850.

Discussion by the Board:

Chair Taylor asked had they already identified a funding source.

Mr. Lawson replied if approved, it could come out of Contingency Fund.

Clerk Thomas noted funds could not come out of the Transportation Department.

Commissioner Morgan acknowledged Mr. Chapman for such a worthy accomplishment.

Commissioner Croley praised Mr. Chapman for being accepted into such a prestigious program that is sure to strengthen his leadership abilities.

Commissioner Lamb expressed appreciation for what he has done for the County thus for.

Commissioner Holt congratulated Mr. Chapman on his acceptance. She noted due to the lack of funding, she was not in favor at this time and would have to deny.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 – 1, BY VOICE VOTE, TO APPROVE THE REQUEST FOR FINANCIAL ASSISTANCE FOR CHARLES CHAPMAN FOR TUITION FOR LEADERSHIP TALLAHASSEE. (Commissioner Holt opposed the Motion, motion carries.)

11. Approval of Fuel Services Inter-Local Agreement (Charles Chapman, Public Works Director)

Statement of Issue:

This agenda item seeks Board approval to enter into an inter-local agreement with local municipalities, school district, constitutional officers, and state agencies for the dispensing of fuel.

Background:

Gadsden County has been providing fuel services to local government agencies since the mid 1990's. During this time frame no significant agreement existed outlining the relationship between the county and the purchasing agency.

Analysis:

In order to ensure the county's interest as a vendor for fuel services to local government agencies, the Board directed a policy and agreement be developed by staff in early 2012.

Working with the Finance Department, Interim County Administrator and County Attorney, Public Works staff developed the attached agreement (Attachment A.)

Specific protection for the County's interest includes:

- A five year term.
- Tracking of the fuel Services rendered via Pro-Key technology (system already in place).
- A small surcharge to cover administrative and system maintenance costs.
- Billings will be sent by the 15th of each month.
- Payments are to be made via the Prompt Payment Act (F.S. 218.74) which states payments are to be within30 days of receipt of invoice. If payments are not made timely twice, the agreement may be terminated by the County.
- Either party may terminate the agreement with 60 days written notice provided.

Fiscal Impact:

Infrastructure and billing already is in place. The services have been rendered for approximately 15 years. No additional fiscal impact is anticipated at this time.

Discussion by the Board:

Commissioner Croley inquired about entities that don't pay bill in 30 days. He asked could they discontinue services.

Mr. Chapman said they could with two missed payments.

Clerk Thomas asked does it read within 45 or 30 days for clarification.

Mr. Chapman commented he worked with the Manager and the Attorney and they would amend the Agreement to read 45 days.

Clerk Thomas gave brief history. He noted the fee is for the County.

Mr. Chapman stated the fee is to make Capital Improvements. He said it should by implemented by October 1, 2012.

Chair Taylor questioned late fees being applied.

Mr. Chapman replied prompt payment is 45 days, 1% interest rate per month after 45 days. He said the new agreement does not charge interest.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 3 - 2, BY VOICE VOTE, FOR APPROVAL OF FUEL SERVICES

INTERLOCAL AGREEMENT AND AUTHORIZE THE CHAIRPERSON TO EXECUTE ALL DOCUMENTS. (Commissioner's Holt and Taylor opposed the motion, <u>motion carries.)</u>

12. Approval of Public Works Mosquito Control Budget Fiscal Year 2012-2013 (Charles Chapman, Public Works Director)

Statement of Issue:

Annually, the Public Works Department must apply to the Department of Agriculture and Consumer Services (DOACS) for matching funds according to Florida Statutes, Chapter 388. Attached are required documents for submission to the Department of Agriculture and Consumer Services after approval by the Board of County Commissioners.

Background:

The Gadsden County Mosquito Control program is partially funded by the Department of Agriculture and Consumer Services, State of Florida. Annually, the County must submit a Detailed Work Plan Budget. Consumer Services reviews the documents provided, and upon their approval, the State of Florida provides partial funding for the spraying of mosquitoes during the year.

Fiscal Impact:

The County match for this program is \$66,394 for the 12/13 fiscal year. Due to the budgetary constraints placed on DOACS by the Legislature, funding for Gadsden County will be \$18,500 for this year. To continue this program within the County, the difference will need to be made by the County. This is planned for in the budgeting process and is budgeted accordingly. It was recommended in the preliminary reviews of the FY2012-13 budget.

Discussion by the Board:

Chair Taylor noted her only concerns was had they identified a funding source.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0, BY VOICE VOTE, FOR APPROVAL OF PUBLIC WORKS MOSQUITO CONTROL BUDGET FY 2012 – 2013.

13. Approval of Bid Award to North Florida Construction Inc. for the Chattahoochee Landfill Repairs (Charles Chapman, Public Works Director/Robert Presnell, Administrative Coordinator)

Statement of Issue:

This agenda item seeks Board approval to award North Florida Construction Inc. the bid for the Chattahoochee Landfill repair project. Staff request authorization for the Chairperson to sign all contract documents.

Background:

The County has two closed landfills which have been monitored according to the 20 year permit requirements of the Florida Department of Environmental Protection for closed solid waste facilities since 1993. Although the Havana Landfill has had no major issues the Chattahoochee Landfill has had serious compliance issues since that time. Staff has addressed all outstanding concerns of the State except for the repair of two storm water ponds and some landfill cover concerns in a few areas. The Board approved funding for the subject repairs in the 2011-2012 budget process. The Board rejected all bids and instructed staff to rebid the project to reduce the scope of work and staff re-bid the project. This project will address the two outstanding State concerns and staff intends to apply in March 2013 for an end/release to the ongoing monitoring of these two facilities.

Analysis:

The County received five bids for the revised Chattahoochee Landfill Repair Project. The highest bid submitted was \$150,000.00. North Florida Construction's bid \$67,770.00 was the lowest bid submitted. Staff and the County Engineer have reviewed all bids and recommend awarding the bid to North Florida Construction Inc. Completion of these repairs as required by the Department of Environmental Protection will assist staff in concluding the continued monitoring of this facility.

Financial Impact

The low bid amount was \$67,770.00 and is within budget for this project. The funds were budgeted in the current Neighborhood Services Division budget.

Discussion by the Board:

Commissioner Lamb commented on the low bid. He said it was great. He asked did we consider local vendors.

Mr. Presnell said there was no weight added to local vendors.

Commissioner Croley inquired about a bid bond.

Mr. Lawson stated bid bond was not asked for in this particular bid.

Commissioner Morgan asked where they required to award the bid to the lowest bid.

Mr. Lawson replied yes, it is stated in the Procurement Policy.

Commissioner Croley questioned the Notice of Award. He said he felt it was not in proper order.

Mr. Presnell noted Preble – Rish was responsible for specifications and he was not sure of bid bond.

Attorney Weiss stated before he could make a comment he would need to review.

Commissioner Croley stated he couldn't support without clarification.

Mr. Lawson added they would need to get clarification.

Mr. Presnell commented this is a time sensitive issue. He said they are trying to complete by Sept. 30.

UPON MOTION COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, <u>TO TABLE</u> THE APPROVAL OF BID AWARD TO NORTH FLORIDA CONSTRUCTION INC. FOR THE CHATTAHOOCHEE LANDFILL REPAIRS FOR THE NEXT SCHEDULED REGULAR BOARD MEETING, WITH DISCUSSION WITH PREBLE – RISH.

Commissioner Holt requested someone for North Florida Construction, Inc. also be invited to find out how many local employees they have on payroll.

Commissioner Croley added, if bid bonds are not required, could they provide information. He asked for clarification on the bid bonds.

Chair Taylor expressed the need for added local preference.

14. <u>Approval of Commissioner Lamb's Travel to the 2012 National Association of Counties Conference (Eugene Lamb, Commissioner)</u>

Statement of Issue:

Per the Gadsden County BOCC travel policy, Commissioners are required to request Board approval for travel. This agenda item seeks approval for Commissioner Lamb to travel to Pittsburg, PA leaving on July 12, 2012 and returning on July 18, 2012 to attend the 2012 NACo Conference.

Background:

The NACo Conference provides county officials with a great opportunity to vote on NACo's policies related to federal legislation and regulation and find out about issues impacting counties across the country.

Fiscal Impact:

Cost of Commissioner Lamb's travel is approximately \$3,000.

Discussion by the Board:

Commissioner Holt commented she would not approve, because of lack of funds. However, she added it is a great trip.

Commissioner Croley asked had they identified funding source.

Mr. Lawson stated there is adequate funding for travel.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4–1, BY VOICE VOTE, FOR APPROVAL OF COMMISSIONER LAMB'S TRAVEL TO THE 2012 NATIONAL ASSSOCIATION OF COUNTIES CONFERENCE. (Commissioner Holt opposed the motion, motion passed.)

15. National Solar Update (David Weiss, Assistant County Attorney)

Mr. Weiss commented he talked to National Solar today. He said they have hammered all information out and they have one issue related to the Administrative initiation of any Comp Plan Amendments. He said since then they have agreed to initiate any Comp Plan Amendments if we agree to expeditiously process the same. He said they made that revision and sent back to National Solar's Council and what they have now is a finalized version of the Agreement ready to be executed upon their identification of a parcel. He said they are currently working on locating a parcel. He stated they are trying to execute contracts and when it is complete they would file their application and the process would begin.

Chair Taylor asked are they trying to stay in Ag3 or Silvia Culture.

Attorney Weiss commented he couldn't answer yes or no.

Commissioner Morgan reiterated they reached an agreement and we are waiting for them to pick out a parcel and move forward. He stated there is nothing left the County has to do. He wanted the public to understand policy is moving forward as it should.

Attorney Weiss stated the Board has made decisions on what you want in the Agreement. He said moving forward they wanted to make sure the County does not drop the ball. He said they understand right now it is not an executed Agreement.

Chair Taylor asked was the Agreement still in the form of a draft and would it need to come back before the Board.

Mr. Weiss replied yes, it would need to come back with the Application and Resolution adopting the Agreement.

County Administrator

16. Update on Board Requests (Arthur Lawson, Interim County Administrator)

Mr. Lawson reminded the Board of the FY 13 Budget Workshop – July 11 at 4:00pm

Commissioner Croley noted he may not be in town.

Emergency Management Agreement

Commissioner Croley inquired about the Interlocal Emergency Management Agreement that is pending signature from the Sheriff's Office.

Mr. Lawson commented they had not received the signed copy back from the Sheriff's Office.

County Attorney

17. <u>Update on Various Legal Issues – (Deborah Minnis, County Attorney)</u>

Attorney Weiss had no report.

Discussion Items by Commissioners

18.

Commissioner Lamb, District 1

Commissioner Lamb commented on the recent Florida Association of Counties (FAC) Annual Conference. He said he visited the Workshop on Economic Development. He expressed at the Conference there was an appreciation on the topic and reiterated he now has drive for economic development. He discussed having an appreciation for Chamber of Commerce for all they do with economic development in our area. He said the State of Florida is pro active in Economic Development. He asked for the Board's mindset to be changed as it relates to the Agency that works with Economic Development.

Commissioner Croley, District 2

- Wished all a Happy 4th of July.
- Referenced the great time he had and all he learned at the FAC Conference.

• CRTPA Meeting – sidewalks, I-10 Master Plan; Approved Transportation Plan for 5 year summary - \$72 million; this year \$46 million; Bypass getting ready to be bid in 2012. He added they need to do planning about 2nd phase of process with bypass.

Chair Taylor asked for agenda from staff for Commissioner Croley to present recommendations that could go through.

Commissioner Croley expressed any way to improve is always welcomed.

• He gave an update on the Public Safety Coordinating Council. He said all Constitutionals were represented at the last meeting. He discussed the jail locks and lighting at the Jail.

Mr. Lawson said the monies have been allocated for the Jail since 2004 for repairs.

Chair Taylor asked did the Public Safety Coordinating Council have authority.

Commissioner Croley noted the locks needed to be fixed. He said the Committee has recommended moving forward to the Board.

- Attorney gave opinion of Inmate Use, Road Camp.
- Emergency Management Report, asked that it be placed on agenda for the first BCC Meeting in August.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE ADDITION OF THE EMERGENCY MANAGEMENT REPORT ADDED TO THE AGENDA FOR THE AUGUST 7, 2012 BCC MEETING.

Expressed the Economic Development comments by Commissioner Lamb were great.

<u>Commissioner Holt, District 4 – County Concerns</u>

- Employee Campaigning Violation, she disclosed it's an employee's legal right to participate in any election they see fit as long as it's done on their time. She said it should not result in any punishment from Commissioner's or Management.
- Local Job Preference, she asked the Board to start measure to tighten it up.
- IGA Quincy, what's going on? Importance of communication with the public.
- Also discussed Economic Development.
- Road Crews

Commissioner Morgan, Vice Chairman, District 3

- 4th of July Celebration City of Chattahoochee and Greensboro.
- Economic Development, to see it continue, we must have a great working relationship and funding with the Chamber. He also thanked Commissioner Lamb for all his comments on the subject.
- National Solar, commented a big deal for Gadsden County.

• <u>Commissioner Taylor, Chairperson, District 5</u>

• Commented she met briefly with the CEO of Capital Regional and felt as if a great partnership with them and the County would be formed. She discussed the Medicaid Critical Access (mileage barrier). It is something the Legislature can work on moving that criteria and should be encouraged by the Board. She said it would also help with fight to obtain additional beds at the hospital. She asked they send Rep. Williams Office a letter so they work on mileage barrier related to critical access for Gadsden County so they can obtain more federal dollars.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE MANAGER WRITING AND SENDING A LETTER TO REP. ALAN WILLIAM'S OFFICE ON THE COUNTY'S BEHALF, ENCOURAGING THEM TO WORK ON MILEAGE BARRIER AS RELATED TO CRITICIAL ACCESS FOR GADSDEN COUNTY.

- Medicaid Billing, commented it needed more teeth especially if people are able to give an address and say that is where they live resulting in them sending the bill to that County. She voiced AHCA needs to make sure those bills are actually the Counties. She asked for it to be addressed, maybe as a second letter to Rep. Alan Williams.
- Discussed the County Wide Plan for Road and Bridge that would go through CRTPA. She said she would like a vision for the entire County to be related to CRTPA by Commissioner Croley who serves as the representative.
- Thanked Board and County for being there in support of her becoming an Advanced Commissioner.
- Wished all a Happy 4th of July.

Receipt and File

a.) Clerk Thomas Memorandum - Negative Cash EMS

July Meeting(s)

- July 17, 2012, Regular Meeting, 9:00 a.m.
- -July 26, 2012, Budget Workshop, 4:00 p.m.

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE CHAIR DECLAF	₹ED
THE MEETING ADJOURNED AT 8:40 P.M.	

	GADSDEN COUNTY, FLORIDA
	SHERRIE TAYLOR, CHAIR
	BOARD OF COUNTY COMMISSIONERS
ATTEST:	
NICHOLAS THOMAS CLEDY OF COURT	
NICHOLAS THOMAS, CLERK OF COURT GADSDEN COUNTY, FLORIDA	

AT A BUDGET/WORKSHOP MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON JULY 11, 2012 AT 4:00 P.M., THE FOLLOWING PROCEEDINGS WAS HAD, VIZ.

Present: Sherrie Taylor, Chair, District 5 (arrived late)

Gene Morgan, Vice-Chair, District 3 (absent)

Eugene Lamb, District 1 Doug Croley, District 2 Brenda Holt, District 4 Jeff Price, Budget Director

Clay VanLandingham, Property Appraiser Arthur Lawson, Interim County Administrator

Beryl H. Wood, Deputy Clerk

1. Call to order: 2

Commissioner Croley called the FY 2013 Budget Workshop to order.

2. Review of Interim County Administrator Memo – Jeff Price (attached)

Mr. Price asked the Board for specific priorities they would like for us to address. He asked for direction. He commented they were trying to eliminate the July 26 – Budget Workshop. He referenced Mr. Lawson's Memo.

Mr. Lawson referenced his memo where it stated the Gadsden County Management has worked hard this year to provide the Board a tentative annual budget that reflects the economic times and providing our citizens with essential services. He mentioned during the preparation of the tentative annual budget, the following items were considered:

- Used the Property Appraiser July 1 assessed value of \$1, 255,680,324 and added the \$70 million for the natural gas pipeline to the tax roll per the Property assessor (\$1,325,680,324).
- For revenues, we used the State's revenue estimates, information from Florida Association of Counties and Small County Coalition and estimates based on historical trends.
- Included in the personnel numbers are the Florida Retirement System new rates but not the medical insurance 5% rate increase.
- The Judicial budget was revised and will decrease by nearly \$30,000 on July 10th.
- A meeting between Budget Office and the Finance Department has been scheduled to review the entire budget especially EMS and the Library.

3. FY 12/13 Recap – Tentative Budget Recap FY 2012- FY 2013 (attached)

4. Revenues (attached)

(Chair Taylor arrived at this juncture of the meeting.)

- Property taxes decrease by nearly \$350,000 based on the Property Appraisers' July 1 number plus his \$70 million pipeline value comment.
- Raising the millage rate to the rolled back rate (8.9064 to 9.1919) will increase property taxes back to the last year.
- Reorganized several departments Neighborhood Services, Parks, Animal Control.

Brief Discussion by the Board:

Commissioner Croley asked about raising millage rate. He said he was not in favor of raising taxes.

Mr. Price commented that was one of the suggestions.

Commissioner Lamb recalled the roll back previously. He said he was in favor of going back to the roll back rate, in an effort to keep services. He stated it may need to happen.

Commissioner Holt inquired about the money that was used to purchase the Tax Collector Building. She said this money has to service that debt. She said there was no other choice than to go back to roll back rate.

Commissioner Croley suggested a 5% increase in Medical Insurance. He said let's take an alternative health reimbursement.

Mr. Lawson stated they are still waiting on other proposals, different alternatives. He noted Contingency funds should be used for emergencies. If you don't put \$100,000 it will reduce budget by that amount.

Commissioner Holt questioned where they would get the \$100,000.00.

Mr. Lawson commented the way the budget is structured, something must come out.

Chair Taylor asked did a certain amount of funds need to be kept in the Contingency Fund.

Mr. Lawson replied it did not.

Commissioner Lamb voiced the public should have faith in their Commissioners.

Chair Taylor expressed she was not in favor of a rollback. She said she was in favor of the \$350,000.00 coming out of Reserve.

Commissioner Croley voiced he was not in favor of raising taxes.

Commissioner Holt stated a rollback is not a tax increase.

Commissioner Lamb said if it is a Rollback, Reserve or Contingency, he encouraged the Board to make a decision. He asked what the amount in the Reserve was.

Mr. Lawson replied it was 4.2 Million in Reserves.

Chair Taylor noted she would not support raising the millage rate to a rolled back rate, that would increase property taxes. She suggested looking at alternative funding to keep some of the programs.

There was discussion on the Boys & Girls Club. Mr. Lawson disclosed the termination clause states within 60 days of notice they can terminate Agreement. He said they are funded at \$75,000 a year for both clubs at a total of \$150,000.

There was also discussion on the Chamber of Commerce and the Senior Citizen.

The consensus from the Board is they would like to see a budget from all local organizations requesting funding from the Board of County Commissioners.

Mr. Lawson asked do we need to look at Reserves.

Chair Taylor instructed him to try and balance budget without a rolled back rate. She said they needed to give the Manger a true number.

Mr. Price noted minor increase for the Clerk of Court and the Supervisor of Election. He said the Sheriff asked for additional 5% increase, but it was decided to fund at current level as last year.

Commissioner Holt voiced Constitutional Officers can be cut.

Commissioner Lamb concurred with Commissioner Holt that Constitutional Officer's should be cut also.

Chair Taylor commented last year they asked Constitutional's to cut 2% out of their budgets.

The consensus from the Board they would like all Constitutional Officer's to look at cutting their budgets by 1%, 2% or 3%.

Mr. Lawson said he would look at all numbers.

Next Meeting – July 26, 2012 at 4:	ł:00	P.M.
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NICHOLAS THOMAS, CLERK OF COURT, GADSDEN COUNTY

ADJOURNMENT

THERE BEING NO OTHER ISSUES TO COME BEFORE THE BOARD, CHAIR TAYLOR ADJOURNED THE WORKSHOP AT 5:40 P.M.

GADSDEN COUNTY, FLORIDA

	SHERRIE TAYLOR, CHAIR
ATTEST:	

Page 4 of 4

> Next Meeting – July 26, 2012 at 4:00 P.M.

ADJOURNMENT

THERE BEING NO OTHER ISSUES TO COME BEFORE THE BOARD, CHAIR TAYLOR ADJOURNED THE WORKSHOP AT 5:40 P.M.

GADSDEN COUNTY, FLORIDA

ATTEST:

SHERRIE TAYLOR, CHAIR

NICHOLAS THOMAS, CLERK OF COURT, GADSDEN COUNTY

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA, JULY 17, 2012 AT 9:00 P.M., THE FOLLOWING PROCEEDINGS WAS HAD, VIZ.

Present: Sherrie Taylor, Chair, District 5

Gene Morgan, Vice-Chair, District 3

Eugene Lamb, District 1 Doug Croley, District 2

Brenda Holt, District 4 (arrived late) Nicholas Thomas, Clerk of Courts Deborah Minnis, County Attorney

Arthur Lawson, Interim County Administrator

Invocation, Pledge of Allegiance and Roll Call

**Note – There were technical difficulties in the recording of this portion of the meeting on the Clerk's Recording.

The taped recording includes the entire meeting.

Chair Taylor called the meeting to order at 6:00 p.m. then led in an invocation and the pledge of allegiance to the U.S. flag. She then called for all cell phones to be silenced and requested all speakers to file a "Speakers Request Form" with the clerk.

The roll was called by Deputy Clerk, Beryl Wood and attendance was recorded as noted above.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4-0, TO EXCUSE COMMISSIONER HOLT, FROM THE JULY 17, REGULARLY SCHEDULED BCC MEETING.

Amendments and Approval of Agenda

Mr. Lawson stated he had no amendments to the agenda, but Commissioner Morgan added he would like to discuss the Medicaid Backlog Issue and take action.

Chair Taylor commented they would not be able to take action, but it could be added for discussion. She added she did receive emails with updates and asked Commissioner Morgan to add up under his comments, and then add to the agenda at the very next meeting.

Commissioner Morgan explained that would suffice and asked Attorney Minnis could they go ahead and make a decision regarding the Medicaid Backlog,

Attorney Minnis iterated the item is permissible to change the agenda. She cautioned there is a train of thought that it should only be changed in emergency situations, if you are going to take action on an item or if it's an item the public is going to have a lot of input in. There is no prohibition to amending the agenda to add items. She said it shouldn't be done on a regular basis.

Commissioner Morgan asked that they go ahead and make a decision.

Chair Taylor said she wouldn't be a stick in the mud on this item. Commissioner Holt entered at this juncture of the meeting and Chair Taylor explained what was being discussed thus far.

Commissioner Holt stated she had no problem with it being placed on the agenda for discussion, not for action.

Commissioner Lamb added he would support the motion to agenda the item for discussion and after discussion decide whether he would support proceeding to payment.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 3 – 2, BY VOICE VOTE, TO APPROVE THE ADDITION OF THE MEDICAID BACKLOG BEING ADDED TO THE AGENDA. (Commissioner's Holt and Taylor opposed the motion. Motion passed.)

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

Awards, Presentations and Appearances

1. <u>Florida Trail Project to Receive National Award (Lee Garner, Chattahoochee City</u> Manager)

Mr. Garner gave presentation on the Florida Trail Project to Receive National Award. He said the Coalition for Recreational Trails was recognizing the Chattahoochee Nature Trail with an Annual Achievement Award in the Construction and Design Category for work completed as a partnership between the Florida Department of Environmental Protection and the City of Chattahoochee. He then Introduced Mr. & Mrs. Charles Thrash who diligently worked on the project. He then passed the plague around to show the accomplishment.

Commissioner Morgan thanked Mr. Garner and the Thrash's for all the hard work.

Commissioner Lamb also expressed congratulations.

Commissioner Holt expounded on the Great job.

Commissioner Croley acknowledged the accomplishments.

Chair Taylor congratulated the Thrash's and the City of Chattahoochee for a job well done.

2. Gadsden Express – Two Year Report (Colleen Roland, CRTPA)

Mr. Roland gave a two year report update for Gadsden Express. She said the Gadsden Express was launched on April 5, 2010, as an express transit service between Quincy and Tallahassee. This service was funded with federal Job Access/Reverse Commute (JARC) funds and matched with a service development grant from the Florida Department of Transportation District 3 Model Development Office. Planning and marketing for the service was a coordinated effort of Gadsden County, StarMetro (City of Tallahassee), Commuter Services of North Florida, the Capital Region Transportation Planning Agency, and Big Bend Transit.

Chair Taylor thanked Mrs. Roland for the hard work. She added they would like to continue service and spoke of the advantages of the program.

Commissioner Holt inquired about fee for token passes.

Commissioner Lamb spoke in support of the program and expressed it was a benefit especially for the students of TCC.

Chair Taylor thanked Mrs. Roland for their report. She noted that staff had already given consideration to Gadsden Express in the FY2012-2013 budget process. She said they appreciate the impact they have on the County.

Mrs. Roland said if the fee is to be raised, it would be a Board decision.

Chair Taylor said her only rationale for fee increase would be if they could add additional buses to transport.

Mrs. Roland noted there is no public transportation that is self-sufficient, but added that is her hope also to be more self-sufficient.

3. <u>List of Errors and Insolvencies Report for the 2011 Tax Roll (Dale Summerford, Tax Collector) (attached)</u>

Mr. Summerford presented the errors and insolvencies report for the 2011 Tax Roll. He added it was complete, balanced and the monies had been disbursed. He added this presentation is required by statue. He said changes that are made to the tax roll once

the tax roll is certified by the Property Appraiser, which would take place in October. He explained if change has to be made he does not make change it would be the Property Appraiser who has to authorize the change then certify the information to the Tax Collector and they make the necessary change. He then explained all different situations that were listed of the report. He expounded on the bankruptcies and stated as long as a taxpayer is in bankruptcy they have no recourse in collecting monies.

Commissioner Croley asked on the bankruptcies does it stop you from selling tax certificates. He also asked who represents the Counties issue in the bankruptcy cases.

Mr. Summerford commented it does when you refer to bankruptcies. He said as for representation for the County on bankruptcy cases he handles all of that. He stated it comes out of his budget.

Commissioner Holt asked are you notified about the business bankruptcy's prior to or do you know if governments can try to step in and help the businesses before they go bankrupt.

Mr. Summerford said he was not aware of any such program or entity.

Commissioner Morgan stated with the recent economy have you seen a decrease in taxes.

Mr. Summerford replied he had not seen an increase in delinquent taxes, but they have in bankruptcy cases. He added they have seen an increase in the number of tax certificates to the tune of about 500-600 more a year. He said that was a result of all the sub-divisions that were built 5-6 years ago and the Developers on the property weren't able to sell, those taxes go delinquent.

Commissioner Lamb thanked Mr. Summerford for his service and asked has it always been this many bankruptcy's.

Mr. Summerford informed Commissioner Lamb that there has not been an additional increase.

Chair Taylor inquired about what was budgeted and what was collected on the Tax Roll. She asked how it is balanced out. She asked who sets the discount percentage.

Mr. Summerford stated it is set by the Legislature. He said as far as how the Board does their budget, he said that would be the Property Appraiser's area. He noted you could not budget the whole 100% it's like 95%. He said all he deals with is the money.

Clerk of Courts

4. Hospital Repair and Maintenance Fund (Nicholas Thomas, Clerk of the Courts)

Clerk Thomas reminded the Board about the need to keep the hospital in good and suitable condition. He expressed the need for the hospital repair and maintenance fund. He mentioned the repair of chiller, in which the Board cobbled together funds from a grant and unexpected insurance reimbursement. This incident reinforces the need for a dedicated fund to repair and maintain the hospital. It is a building in constant use, the repairs are usually very expensive, and there are eighteen years left on the note.

Previously, this type of repair was made using the dividends and interest from the Hospital Endowment Trust. These funds are received on a monthly basis and are now given to Capital Regional Medical Center as a part of the contract to operate hospital offsetting indigent care. Currently, there is no revenue source dedicated for the purpose of maintaining the hospital. He offered for an option to set aside general revenue for this purpose. However, with the current state of your budget this is an unlikely option. He said the county needs to renegotiation that contract before it's renewed. He said he see's opportunity with the National Affordable Health Care Act.

Discussion by the Board:

Commissioner Croley mentioned it wise to begin the Hospital Repair and Maintenance Fund and thanked the Clerk for bringing it to the Board's attention. He asked Mr. Lawson was there anything in the upcoming Budget to address this matter.

Mr. Lawson stated at this time they have not made provisions for this to be added to the budget.

Commissioner Croley asked Attorney Minnis had there been conversation with Mr. Glazer on the subject.

Commissioner Holt expressed those were good points especially with the line item for Hospital.

Commissioner Morgan thanked Clerk Thomas for his comments. He suggested opening the discussion.

Commissioner Lamb thanked Mr. Thomas for bringing report forward.

Commissioner Holt stated previously the company wouldn't allow us to do repairs. She said its good reason to have line item. She asked that it be added to the next budget workshop.

Mr. Lawson said they could discuss.

Chair Taylor thanked Mr. Thomas for report. She asked was there a restriction with the Half-Cent Sales Tax.

Attorney Minnis commented it does have to be used for what it was intended. She added it could be used for repairs.

Clerk Thomas replied the Half –Cent Sales Tax is about \$200, 000, 00. He said the remainder of the Tax is allocated.

Chair Taylor asked what amount are we looking at for the Hospital and Maintenance Fund line item.

Mr. Lawson noted they have a line item for the hospital, but it is a minimum.

Attorney Minnis stated she would begin dialogue with Mr. Glazer, Hospital Attorney.

5. <u>Presentation of County Finance and County Clerk Issues (Nicholas Thomas, Clerk of the Courts)</u>

Clerk Thomas had no additional items.

Consent:

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5-0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF #8.

- 6. Approval of Minutes May 1, 2012 Regular Meeting
 May 24, 2012 Budget Workshop
- 7. Ratification of Approval to Pay County Bills
- 8. E-911 GIS Mapping Contract (Morris Young, Sheriff) pulled by Commissioner Croley
- 9. Approval of Signatures for Special Assessment Liens and Rehabilitation Contract –
 State Housing Initiative Partnership SHIP Program (Phyllis Moore, SHIP
 Administrator/ Clyde Collins, Building Official)
- 10. Approval of Signatures for Special Assessment Liens (SHIP) State Housing Initiative Partnership Program (FHOP) Florida Home Opportunity Program (Down Payment and Closing Cost Assistance Programs)

(Phyllis Moore, SHIP Administrator)

11. Approval to Renew the Contract with Rudd's Pest Control (Clyde Collins, Building Official)

Items Pulled for Discussion

8. <u>E-911 GIS Mapping Contract (Morris Young, Sheriff) Pulled by Commissioner Croley.</u>

Statement of Issue:

Request for post approval of James A. Sewell Company Contract.

Background:

The Gadsden County Sheriff's Office through the enhanced 911 Department is updating its GIS Mapping to serve all First Responders in their calls for emergency services through the James A. Sewell Company.

Analysis:

The funding for the first phase of this project is through grants.

Fiscal Impact:

None

Discussion by the Board:

Commissioner Croley questioned post approval of this item.

Katherine Pondexter, CFO for Gadsden County Sheriff's Office spoke in support of the E-911 GIS Mapping Contract.

Connie McLendon, Finance Director, Gadsden Clerk's Office, commented the contract was not brought forward, but they need it recorded for the record.

Commissioner Croley recalled it had been on agenda before.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE E – 911 GIS MAPPING CONTRACT FROM THE SHERIFF'S OFFICE.

<u>Citizens requesting to be heard on Non-Agenda Items (3 minute limit)</u>

Ronald L. Williams, 147 Indian Springs Dr. - D.S. of America, addressed the Board concerning the permit for the pumping station of water for hauling to Marianna and put in bottles.

Chair Taylor directed Mr. Williams to meet with Mr. Lawson and Mr. Lawson to have findings shared with Commissioner Holt and Commissioner Morgan along with Taylor.

Public Hearings - None

General Business

12. <u>Approval of Millage Rate for TRIM Notification and Set the Date, Time and Place for the Public Hearings to Adopt the Fiscal Year 2012/13 Gadsden County Budget (Jeff Price, Senior Management and Budget Analyst)</u>

Statement of Issue:

This item seeks Board approval of the millage rate for Truth in Millage (TRIM) notification and establishes the September budget adoption public hearing dates in order to provide this information to the Property Appraiser's Office by August 4th.

Background:

TRIM, Section 200.065, Florida Statutes requires within 35 days of certification of taxable values (August 4th), that each taxing authority certificates to the Property Appraiser their prior year millage rates, the proposed millage rates, the rolled-back rates, and the date, time and place of the first public hearing to consider the proposed millage rates and tentative budget. This information is mailed by the Property Appraiser's Office no later than August 24th to each property owner via the "Notice of Proposed Property Taxes" (TRIM Notice) and serves as the notification for the First Public Hearing to adopt the budget. The second public hearing date is set at the Tentative Budget Hearing and is advertised pursuant to Florida Statutes in a newspaper of general circulation.

Analysis:

Millage rates approved by the Board of County Commissioners for TRIM can be lowered at the public hearings to adopt the budget but cannot be increased.

Public Hearings are proposed as follows:

- 1st Public Hearing Wednesday, September 5, 2012 at 6:00PM, BOCC Chambers
- 2nd Public Hearing Tuesday, September 18, 2012 at 6:00PM, BOCC Chambers

Proposed Budget and Millage Rates:

The FY 2012/13 Proposed Budget as distributed to the Board of County Commissioners is balanced as required by State law. The FY2012/13 Proposed Budget has been

formulated based on using the rolled back rate to receive the same amount of property taxes as received last year.

Fiscal Impact:

Certified rolled-back millage rate, proposed millage rate and percentage increase/decrease over rolled-back millage rates for Gadsden County Government is summarized as follows:

	Current FY 2011/12	Rolled Back FY2012/13	Proposed FY 2012/13
COUNTYWIDE:	Millage	Millage	Millage
General County Millage	8.9064	9.7096	9.7096

General County Millage

Countywide millage is assessed against <u>all</u> taxable property in the County to support general governmental activities of the County.

Discussion by the Board:

Commissioner Holt questioned the Pipeline revenue, if they don't pay until January.

Mr. Lawson commented they are budgeting as if they would receive additionally revenue from the pipeline. He said at the last workshop it was noted they may still need funds from reserve.

Commissioner Croley discussed the millage change and expressed he was not in favor of the millage rate being raised and asked the Board to reconsider this.

Discussion occurred among the Board.

Commissioner Morgan commented the Trim Rate must be set today, Property Appraiser must have by August.

Chair Taylor asked that it be cleaned up for the public.

Mr. Lawson noted they would make sure the change reflects vote for today.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 2 – 3, BY VOICE VOTE, FOR APPROVAL AS STATED OF THE ROLLBACK 9.7096 AND THE PUBLIC HEARING DATES OF SEPTEMBER 5 AND 18. (Commissioner's Taylor, Croley and Morgan opposed the motion. Motion failed.)

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 – 1, BY VOICE VOTE, FOR APPROVAL OF CURRENT MILLAGE RATE OF 8.9064 FOR FY 2012-2013 AND PUBLIC HEARING DATES OF SEPTEMBER 5 AND 18. (Commissioner Holt opposed the motion. Motion passed.)

13. Request for Law Enforcement Educational Fund for Training Purposes (Morris Young, Sheriff)

Statement of Issue:

Request to use Law Enforcement Educational Funds (LEEF) to provide proper training for Law Enforcement Personnel for the Implementation of the Gadsden County Sheriff's Office Special Response Team.

Analysis:

The funding for the Special Unit Training will be provided by the Law Enforcement Educational Fund \$7,200.00

Fiscal Impact:

None

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE PROPOSAL AND GRANT BUDGETARY AUTHORITY FOR THE SHERIFF'S OFFICE IMPLEMENTATION OF A SPECIAL RESPONSE TEAM (SRT).

14. <u>Approval to Apply for the Federal Grant and the State Portion of the Emergency Management Performance Grant (Shawn Wood, Emergency Management Director)</u> Statement of Issue:

Approval to apply for the Federal Emergency Management Grant and the State Emergency Management Performance Assistance Grant and authorize the Chairperson to sign.

Background:

The Emergency Management Performance Assistance Grant is the general operating grant for the Gadsden County Sheriff's Office Emergency Management Department. The federal portion of this grant is awarded annually to supplement the state portion. The anticipated federal award amount is \$49,768.00 and the State portion is \$105,806.00. The federal award requires a dollar for dollar non-federal match. The required match will be met with State funds.

Analysis:

The total award for Gadsden County's Emergency Management Performance Assistance Grants is \$155,574.00.

Discussion by the Board:

Commissioner Croley offered a motion to defer the request until they have discussion on the Interlocal Agreement. The motion died for a lack of second.

Mrs. Katherine Pondexter spoke in support of the grant. She explained this is an application for a new grant, the old ended in June.

Major Wood stated this was the same grant they have had for last eight years. He reminded the Board they are in hurricane season.

Commissioner Croley pointed out the timing, date effective July 1. He asked who is going to administer the grant. He referenced the Interlocal Agreement without signature.

Commissioner Lamb questioned why hasn't the contract been signed.

Major Wood stated basically it's not a problem for him. He added, it's a fine scope of the job description, needs to be verbiage change, narrow in function, it will hurt.

Commissioner Lamb asked Mr. Lawson what is his recommendation. He asked did he feel it would be a conflict down the road.

Mr. Lawson stated the Interlocal Agreement with the Sheriff's Office is slated to be on the agenda for the first meeting in August at the Board's request.

Commissioner Morgan voiced it is very important to have someone in place to carry out a disaster. He added it should have all the correct language, but added he still could not understand why they don't have it back. He added he was in favor of getting Interlocal Agreement signed, and then move forward on approval of this item.

Commissioner Holt said you to have something to look at. If you don't want Sheriff's Office to run Emergency Management say it.

Commissioner Lamb added he also wanted to see the Agreement done. He clarified for the Board it read approved to apply for the grant. He said he didn't see a problem with applying for it.

Chair Taylor spoke in support of applying for the grant and asked the Board to proceed with the movement of this item.

Commissioner Croley expressed he didn't have a problem with the application. The point is if the Interlocal Agreement had been in a place, this would not be up for discussion.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 3 – 2, BY VOICE VOTE, FOR APPROVAL TO APPLY FOR THE FEDERAL GRANT #13-FG-____-02-30-01-07 AND THE STATE PORTION OF THE EMERGENCY PERFORMANCE GRANT #13-BG-06-02-30-01-020 WITH SIGNATURES. (Commissioner's Morgan and Croley opposed the motion, motion carries.)

15. Request Approval to Donate the Generator that was removed from the Capital Regional Medical Center Gadsden Campus to the Gadsden County Health Department (Clyde Collins, Building Official)

Statement of Issue:

This agenda item seeks approval from the Board to donate the generator (Model number SR-4, Serial Number 6BA01793) that was removed from the Capital Regional Medical Center Gadsden Campus to the Gadsden County Health Department.

Background:

In an effort to prepare the Gadsden County Health Department to be functional in an emergency and to mitigate the constant power outages we experience here, the building is in need of a generator. Staff requests the Board declare the generator as surplus property in order for it to be donated to the Health Department.

Analysis:

None

Fiscal Impact:

The Gadsden County Health Department will pay for all costs associated with transporting the generator from the storage point to their location and the subsequent installation.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, FOR APPROVAL TO DONATE THE GENERATOR THAT WAS REMOVED FROM THE CAPITAL REGIONAL MEDICAL CENTER GADSDEN CAMPUS TO THE GADSDEN COUNTY HEALTH DEPARTMENT.

Commissioner Morgan added it is as is equipment.

16. Approval of Agreement with CSX Railroad (Charles Chapman, Public Works Director)
Statement of Issue:

This item seeks Board approval to execute a Preliminary Engineering Agreement with CSX Railroad for the railroad crossing and signalization improvements on Shady Rest Road.

Background:

Recently, Gadsden County received a Grant for the widening and resurfacing of Shady Rest Road through the Florida Department of Transportation (FDOT). The total funding for the roadway improvements are \$2,701,000.00. Jacobs Engineering, under contract with FDOT, is currently in the process of preparing the engineering drawings and bid specifications for the project.

As the roadway is to be widened under this Grant, the railroad signalization is required to be set back from the new widened roadway. At the time of roadway construction, the CSX Railroad crews will upgrade the existing railroad crossing that currently is in need of repair. Gadsden County Public Works and Jacobs Engineering have obtained approval from FDOT to fund the railroad crossing and signalization construction improvements from the Grant award. There will be no cost to Gadsden County for the construction improvements.

In order for the design for the railroad improvements to be funded, CSX Railroad will require that crossing and signalization design be completed.

Analysis:

The attached Agreement between Gadsden County and CSX Railroad will provide for design improvements to be done by CSX Railroad engineering contractors specializing in this type of work. Upon completion, Jacobs Engineering will incorporate the upgrade crossing and signalization design in the plans for FDOT approval.

Fiscal Impact:

The cost of designing the improvements through CSX Railroad is \$30,500.00 and will be paid for from the existing Public Works budget.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, FOR APPROVAL OF AGREEMENT WITH SIGNATURES ON THE CSX RAILROAD AND PAYMENT OF \$30,500.00 TO CSX RAILROAD FOR THE INTERSECTION AND SIGNALIZATION DESIGN IMPROVEMENTS ON SHADY REST ROAD.

17. <u>Approval of Bid Award to Circle B Contracting Inc. for the High Bluff Landing Boating Improvement Project(Charles Chapman, Public Works Director/Robert Presnell, Administrative Coordinator)</u>

Statement of Issue:

This agenda item seeks Board approval to award Circle B Contracting Inc the bid for the High Bluff Landing Boating Improvement project. Staff also request authorization for the Chairperson to sign all contract documents.

Background:

On November 2, 2010 the Board approved Resolution No. 2010-045 and authorized staff to seek funding to renovate and make improvements to the facilities located at High Bluff Landing. A grant application was prepared and submitted for the project to the Florida Boating Improvement Program. This Program is administered through the Florida Fish and Wildlife Conservation Commission.

On November 7, 2011 the Grant was awarded to the County and the Board approved the Grant Agreement on December 6, 2011. Since that time staff has worked with the County Engineer to survey, design, and permit and bid the project. Once the construction contract is awarded the actual construction phase of this project will begin.

Analysis:

The County received ten bids for the High Bluff Landing Improvement Project. The highest bid submitted was \$73, 605.00. The lowest bid submitted was from Circle B Contracting Inc. at \$25,453.10. Staff and the County Engineer have reviewed all bids and recommend awarding the bid to Circle B Contracting Inc. The completion of the improvements to High Bluff Landing Road, the parking area, dock and ramp will greatly enhance the recreational experience for residents and visitors who utilize this fishing and camping facility.

High Bluff Landing Bid Award

Financial Impact:

The low bid amount is \$25,453.10 and is within budget for this project. The County was awarded \$51,908 under a Florida Boating Improvement Grant for this project.

Commissioner Lamb motioned for approval and it was seconded by Commissioner Morgan.

Commissioner Holt questioned local contractors, giving preference.

Mr. Lawson commented he was trying to get through budget process before we do amendment to Procurement Process.

Chair Taylor said she understood, but instructed him to delegate authority.

Commissioner Lamb noted they went out of state and added it's only a \$2,000 difference between the two companies with the lowest bid. He asked did they have to accept the bid.

Mr. Presnell explained to the Board, according to policy we must accept the lowest bid.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE BID AWARD TO CIRCLE B CONTRACTING INC AND AUTHORIZE THE CHAIRPERSON TO SIGN ALL CONTRACT DOCUMENTS.

18. <u>Approval of Bid Award to North Florida Construction Inc for the Chattahoochee</u>

<u>Landfill Repairs (Charles Chapman, Public Works Director/Robert Presnell,</u>

Administrative Coordinator)

Statement of Issue:

This agenda item seeks Board approval to award North Florida Construction Inc the bid for the Chattahoochee Landfill repair project. Staff also request authorization for the Chairperson to sign all contract documents.

Background:

The County has two closed landfills which have been monitored according to the 20 year permit requirements of the Florida Department of Environment Protection for closed solid wastes facilities since 1993. Although the Havana Landfill has had no major issues the Chattahoochee Landfill has had serious compliance issues since that time. Staff has addressed all outstanding concerns of the State except for the repair of two storm water ponds and some landfill cover concerns in a few areas. The Board approved funding for the subject repairs in the 2011-2012 budget process. The project was initially bid and all bids were above the budgeted amount for this project. The Board rejected all bids and instructed staff to rebid the project at the May 8, 2012 meeting. The County Engineer revised the project to reduce the scope of work and staff rebid the project. This project will address the two outstanding State concerns and staff intends to apply in March 2013 for an end/release to the ongoing monitoring of these two facilities.

Analysis:

The County received five bids for the revised Chattahoochee Landfill Repair Project. The highest bid submitted was \$150,000.00. North Florida Construction's bid of \$67,770.00 was the lowest bid submitted. Staff and the County Engineer have reviewed all bids and recommend awarding the bid to North Florida Construction Inc. Completion of these repairs as required by the Department of Environmental Protection will assist staff in concluding the continued monitoring of this facility.

Financial Impact:

The low bid amount was \$67,770.00 and is within budget for this project. The funds were budgeted in the current Neighborhood Services Division budget.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, FOR APPROVAL OF BID AWARD TO NORTH FLORIDA CONSTRUCTION INC FOR THE CHATTAHOOCHEE LANDFILL REPAIRS.

19. <u>National Solar Update (Deborah Minnis, County Attorney/David Weiss, Assistant County Attorney)</u>

No updates were provided at this meeting.

Medicaid Updates

Mr. Lawson gave a Medicaid Update. He said they billed \$760,000 backlog of Medicaid, but they haven't received the official billing. He added the County's backlog is around \$159,000 -\$136,000. He said they will have to budget moving forward.

Commissioner Morgan opined once they receive certification for the state they proceed in paying it in full to receive 15% discount amount.

Clerk Thomas noted the spread sheet points were cleared by Mr. Lawson.

Chair Taylor inquired where the numbers come from.

Mr. Lawson stated this is history, better mechanism to identify addresses.

Commissioner Holt inquired did they officially need to wait for the official amount to be certified by the State.

Commissioner Lamb asked did they have the funds to make payment in full.

Commissioner Morgan suggested they pull payment from the fund balance.

Chair Taylor expressed they would embrace this issue at the correct time.

Attorney Minnis commented since they didn't have the official numbers, that could cause a problem. She said most are waiting on the official notification.

A motion was made by Commissioner Morgan and second was made by Commissioner Croley to pay once the amount of the Medicaid Billing has been certified by the State. The motion was eventually withdrawn by Commissioner Morgan and the second was withdrawn by Commissioner Croley.

County Administrator

20. <u>Update on Board Requests (Arthur Lawson, Interim County Administrator)</u>

Budget Workshop –Reminder – July 26,2012

Gadsden County Jail

Commissioner Croley gave the status report of the jail locks and lighting bid at the County Jail.

Clyde Collins, Building Official replied they are still waiting on one company to come and look at replacements for locks. He stated once that company comes they will have 3 bids. He said as for the lights someone would be coming today.

Mr. Lawson noted the repairs would take place in the 3 – 6 months.

Chair Taylor mentioned the PSCC by definition it is a committee and they should come back to make recommendations to the Board. She said then the Board would make a decision on the recommendation made. She stated this committee superseded the Board and that process should not being followed. She asked the Attorney bring clarity.

Mr. Lawson in defense noted the jail locks had been budgeted and approved 3 or 4 years ago. The Board did approve for that particular purpose and added the money had just been sitting there. He said the discussion in the Council when it was determined by the Clerk there where funds.

Chair Taylor reiterated a committee doesn't have authority. She said it is a different fiscal year.

Mr. Lawson expressed they have not taken any formal action, whatever the Board decides they will do.

Attorney Minnis stated she would research and get back to the Board with her findings.

Commissioner Lamb recalled he could remember it being approved. The money is there for the Manager to do the job.

Mr. Collins said they are attempting to see what the cost would be at this point.

Commissioner Croley reminded the Chair of the statutory requirements of the Council. He spoke of the importance of the locks & lighting and it being a safety issue. He said the process is moving forward as it should.

Chair Taylor pointed out her comments were toward the Committee not an individual. She stated when we do an item or conduct business, let's do it right to make it effective.

County Attorney

21. <u>Update on Various Legal Issues – (Deborah Minnis, County Attorney)</u>

No items were presented.

Inmate Work Crews

Commissioner Croley commented recently they have received a rebuttal to the Attorney's Opinion on the Use of Inmate Labor, which creates a conflict. He asked how that matter is going to be reconciled with the need for the County Public Work to receive inmates to help with public work on behalf of the County. He asked how that could be resolved with the difference of opinions between the County Attorney and Sheriff's Association Attorney.

Attorney Minnis replied she would not be able to resolve the conflict; it would have to come back to the Board to decide how they would like to handle it. She stated she didn't read the Sheriff's Attorney Opinion to say the County couldn't use inmates to be used it Public Works. She said to her the issue is not one of the physical custody in control, but the policy of the use of inmate labor. She stated to her it two different things, who sets the policy and who has physical control of the inmates. She said she never said in her opinion the Sheriff never has the right to physically control the inmates in his custody. She said her opinion dealt solely with the policy issue of who determines when inmate labor is used and how it's used. She noted since there is a conflict between her opinion and the Sheriff's Office opinion, she offered one way to resolve is to do a Declaratory Judgment Action in court and it does cost. She stated another option was to seek an opinion from the Attorney General's Office on interpretation of the Statue. She reminded the Board there were no easy fixes because they disagree. She commented her opinion is the Board can move forward and set policy, be of resolution of an Ordinance, but the Sheriff may object.

Commissioner Holt agreed with Attorney Minnis. She said it doesn't control where they work. She suggested negotiating with the Sheriff on want they want as a Board.

Commissioner Morgan discussed he felt this situation could be worked out between the Sheriff, Board and Facilities Management. He said he felt they should be able to work half of the inmate population (work crew).

Commissioner Holt added she thought it had to be at will work, they have to volunteer. She said they should look and see if they can get gain time or other incentives to get them out of jail.

Commissioner Croley asked for it to be on agenda at a later meeting for Mr. Lawson to meet with staff to see how many inmates would be needed, then see if they could negotiate. He then said he would offer a motion.

Attorney Minnis asked and other stake holders to meet and discuss.

Commissioner Morgan asked could this be worked out among staff without the Attorneys.

Attorney Minnis stated that since those two opinions are out there, the Attorneys are in it now. She said in order to bring it to closure at some point the Attorney's are probably going to be asked is this ok on the opinion you gave. She said if it's handled on the front end it may short circuit the amount of time it takes.

Commissioner Lamb left at this juncture of the meeting.

Mr. Lawson was directed by Board to have his meeting with the pertinent members, to see if he could reach a resolution, and then bring the Attorney's in from the County and the Sheriff's Association.

Chair Taylor directed Attorney Minnis and Mr. Lawson to take best direction for the county and work with the Sheriff's

Discussion Items by Commissioners

22.

Commissioner Lamb, District 1

Commissioner Lamb had no concerns.

Commissioner Croley, District 2

- Emergency Management Grant Application, Interlocal Agreement with the Sheriff's Office, he commented they are continuing down same path, if we don't do something they would never get the Agreement from the Sheriff's Office.
- Inmate Labor, needs to be placed on the agenda. He asked for Mr. Lawson at the appropriate time to bring it back.
- Hospital Physical Plan, he asked they be added to the 2nd meeting in August to be placed on agenda. He said they do need committed revenue source to keep the facility up.
- Gadsden Express Rate, placed on the agenda. He stated if they needed to look at adjustment rates and asked that it be scheduled for the 2nd meeting in August.
 UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT,

THE BOARD VOTED 4 – 0, BY VOICE VOTE, FOR APPROVAL OF THE GADSDEN EXPRESS BEING PLACED ON THE AGENDA FOR THE AUGUST 21, 2012 BCC MEETING.

Commissioner Holt, District 4

Commissioner Holt had no concerns.

Commissioner Morgan, Vice Chairman, District 3

• Jail Overcrowding, he stated on Housing of Inmates Liability, there where to 2 facilities on Florida State Hospital grounds that would be adequate for an additional facility. He commented he was trying to find fact finding information.

Clyde Collins, Building Official, commented they have not been inside building due to conflict in schedule. He added they would schedule visit this week.

Commissioner Taylor, Chairperson, District 5

• Critical Access, she mentioned that had been brought up earlier, she asked was it moving forward.

Mr. Lawson stated he had a meeting with Mr. Cook and they discussed the Critical Access. He stated Mr. Cook would look into but he thinks there needs to be some Legislative action that the mileage issue needs to be overcome. He said Mr. Cook stated he would work with the County, but this is a Legislative Item on the Federal level.

Chair Taylor reminded Mr. Lawson of the letter to Rep. Alan Williams addressing this issue. She asked that he move forward on this issue and help orchestrate on the Federal level.

Receipt and File

23.

- a. For the Record: Economic Development Report, June 2012 Gadsden County Chamber of Commerce
- b. For the Record: Notice, Canvass of Returns The Supervisor of Elections
- c. For the Record: Gadsden County Small Business Service Center Activity Report

July Meeting(s)

-July 26, 2012, Budget Workshop, 4:00 p.m.

<u>ADJOURNMENT</u>

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING ADJOURNED AT 12:00 P.M.

	GADSDEN COUNTY, FLORIDA
	SHERRIE TAYLOR, CHAIR BOARD OF COUNTY COMMISSIONERS
ATTEST:	
NICHOLAS THOMAS, CLERK OF COURT	

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON AUGUST 7, 2012, AT 6:00 P.M., THE FOLLOWING PROCEEDING WAS HAD, VIZ.

Present: Sherrie Taylor, Chair, District 5

Gene Morgan, Vice-Chair, District 3

Eugene Lamb, District 1 Doug Croley, District 2 Brenda Holt, District 4

David Weiss, Assistant County Attorney Arthur Lawson, Interim County Administrator

Beryl Wood, Deputy Clerk

Invocation, Pledge of Allegiance and Roll Call

Chair Taylor opened the meeting with a prayer followed by the pledge of allegiance to the U.S. flag. The roll was then called by Deputy Clerk Beryl Wood and the attendance was recorded as stated above.

Amendments to the Agenda

The following changes were made to the agenda:

Added as Item 13-A: Approval of Health Insurance Rates/Options

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0 BY VOICE VOTE TO ADD THE APPROVAL OF HEALTH INSURANCE RATE TO THE AGENDA AS ITEM 13-A.

Deleted from the agenda: Item 7 – Donation of Miscellaneous Surplus Equipment to The Gadsden School District

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0 BY VOICE VOTE TO APPROVE THE DELETION OF ITEM 7 FROM THE AGENDA. (DONATION OF MISCELLANEOUS SURPLUS EQUIPMENT TO THE GADSDEN SCHOOL DISTRICT.)

AWARDS. PRESENTATIONS AND APPEARANCES

1. Brownfields Update

Cardno TBE Project Manager Beth Norman addressed the board updating them as follows:

- Eight site assessments have been completed.
- Three full Phase 2 site assessments have been completed. (Abandoned hotel in Havana, the former Northside High School in Havana, and Greensboro Elementary School.
- Correspondence has been received from Environmental Protection Agency saying that they are pleased with the outcome of the project thus far and with how the money is being expended.
- Gadsden County will be eligible for a follow-up "Phase III Clean-Up" grant and Cardno TBE
 will write the grant for the county following a series of community meetings and advisory
 committee workshops.

CLERK OF COURTS

2. Presentation of County Finance and County Clerk Issues

Clerk Nicholas Thomas was not present.

CONSENT AGENDA ITEMS 3 – 7 BELOW

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0 BY VOICE VOTE TO APPROVE THE CONSENT AGENDA, ITEMS 3 – 6 BELOW.

3. Approval of Minutes

May 15, 2012 Regular Meeting June 28, 2012 Budget Workshop

4. Ratification of the Approval to Pay County Bills

5. Approval and Signature for Fourteen Satisfaction of Special Assessment Liens

Statement of Issue:

This agenda item sought the Board's approval and the chairman's signature to satisfy the Special Assessment Lien(s) that were agreed upon by the homeowner(s) and Community Development State Housing Initiative Partnership (SHIP) Housing Down —payment/Closing Cost Program.

Background:

The loan was funded by the State Housing Initiative Partnership (SHIP) Program through the State of Florida and does not require repayment. Repayment of the loan, when required, is based upon the prorated principal balance for the term of the loan that has not expired. The Owner and the Gadsden County Community Development SHIP Housing Down-payment/Closing Cost Program has agreed that the owner shall remain in the house for a period of seven or ten years at which time the lien would be forgiven and satisfied. The homeowner(s) are required to pay the fees to have the Satisfaction recorded and the Clerk of Courts Office and the Community Development Office will provide them a copy of the recorded document and keep the original in homeowners file.

Attached are satisfactions for the following:

- 1. Bernikia Moore
- 2. Bernice McGriff
- 3. Clarence Jackson
- 4. Donna Wright
- 5. Bobbie Smith
- 6. Donald and Elizabeth Murphy
- 7. Sherrie Knight
- 8. Mary Dawkins
- 9. Willie Sweet
- 10. Pamela NeSmith
- 11. Shakonda Murray
- 12. Rhonda Murray
- 13. Patricka Williams
- 14. Stolla Thomas

6. Approval of Signatures for Special Assessment Liens and Rehabilitation Contract – State Housing Initiative Partnership (SHIP)

Statement of Issue:

This agenda item sought the Board's approval and the chairman's signature for the Special Assessment Liens and Rehabilitation Contracts that were agreed upon by all parties in order to get their home "rehabbed."

Background:

In order to protect the interest of the County, the state requires that a lien be placed on the homes that are going to be rehabilitated with SHIP funds. The special assessment lien will be recorded once the homeowners have been awarded the Deferred Payment Loan to rehabilitate their home. The loan is funded by the State Housing Initiative Partnership (SHIP) Program through the State of Florida and will often not require repayment. Repayment of the loan, when required, is based upon the prorated principal balance for the term of the loan that has not expired. The Owners and the Gadsden County Community Development Administration's Housing Rehabilitation Program have agreed that the owners shall remain in the hours for a full five-year period at no annual rate of interest and once the five- year period is completed, the lien would be forgiven and satisfied. The homeowners are required to pay the fees to have the lien recorded at the Gadsden County Community Development Administration Office will furnish them a copy of the recorded document.

Attached are copies of the Rehabilitation Contracts and Special Assessment liens for Beverly Ann Dixon and Jo Ann Mathis.

7. Request for Approval to Donate Miscellaneous Surplus Equipment to the Gadsden County

District Schools This item was deleted from the agenda at the request of Interim County

Administrator Arthur Lawson.

CONSENT AGENDA ITEMS PULLED FOR DISCUSSION

None of the consent items were pulled for discussion.

CITIZENS REQUESTING TO BE HEARD

The chair announced that citizens wishing to speak to the board could do so at this juncture by filing a speaker card with the clerk. No one came forward, nor did the clerk have any speaker cards.

PUBLIC HEARINGS

There were no public hearings.

GENERAL BUSINESS

8. Adoption of Resolution Number 2012-021, Donating County Property to the City of Midway for the Community Interest and Welfare

Assistant County Attorney David Weiss briefed the board on the above stated issue.

Statement of Issue:

At their November 15, 2011 meeting, the Board of County Commissioners ("Board") voted to donate a 16+ acre parcel of County property, Parcel ID No. 4-07-1N-2W-0000-00344-000, ("Property") to the City of Midway for the community interest and welfare. The Property was most recently used as the Midway (District I) rural waste site, but the program was abandoned due to budget constraints. Prior to that time, the land was left idle for many years because it was an abandoned landfill which was never monitored for leaching or contamination. However, at the request of the City of Midway, the Board voted to donate the property to them along with all responsibilities associated therewith. The staff and attorney were directed by the board to bring back information regarding the assessed value and, etc.

Background:

Section 125.38, Florida Statutes, permits the United States, the State or any political subdivision or agency thereof, or any municipality of the State, or corporation or other organization not for profit organized for the purpose of promoting community interest and welfare, to apply to the Board for a conveyance or lease of property owned by the County for public or community interest and welfare. If the Board is satisfied that the property is required for purpose of promoting community interest and welfare, and is not needed for County purposes, the Board may convey or lease the property at private sale to the applicant for such price, whether nominal or otherwise, as the Board may fix, regardless of the actual value of the property. The fact that an application was made, the purpose for which the property is to be used, and the price established must be set forth in a resolution duly adopted by the Board. No advertisement is required.

Analysis:

Attached is proposed Resolution No. 2012-021. It authorizes the Chairperson of the Board to execute the attached Quitclaim Deed, which will convey property to Midway. The Quitclaim Deed expressly states that the City of Midway is accepting the property "as is" and "with all faults" and subject to any and all environmental contamination and without warranty of environmental condition, habitability, merchantability or fitness for a particular purpose. The Quitclaim Deed also contains an indemnification clause, whereby the City of Midway, by accepting the Property, agrees to indemnify and hold Grantor harmless from and against any and all claims, expenses (including reasonable attorney's fees), loss and liability arising from any environmental contamination present on or under the Property or originating from any operations at the Property or otherwise on account of the condition of the Property. While this provision should be effective against the City of Midway, it is not effective against the United States in any action to recover costs associated with remedial work to clean-up environmental contamination on the Property. Under federal law, the United States can seek to hold a former property owner liable for such costs; and any contractual indemnification agreement is not effective against the United States. If the County is found liable as a former owner, the County could seek indemnification from the City of Midway pursuant to the terms of the Quitclaim Deed, but it would only be protected to the extent that the City of Midway is able to satisfy the liability.

Fiscal Impact:

The County will no longer hold the Property as an asset. The tax assessed value of the Property is \$41,305.00. In addition, the County would remain potentially liable for any costs association with the remediation of any portion of the parcel which is contaminated. The indemnification provision in the Quitclaim Deed would not be effective against the United States, and would only protect the County to the extent that the City of Midway is able to satisfy any liability. If a federal environmental violation were to be discovered, the federal government could still cause the County (as the prior owner) to be responsible for remediation and clean-up costs.

Points of discussion among the board:

Croley:
Is the value of the property this \$41,305, Mr. Lawson?

Lawson:
That is the assessed value by the Property Appraiser.

Croley:
So, that is an estimated value of this piece of property?

Lawson:
Yes, sir.

Croley:

Does the City of Midway want to pay for the property?

Lawson:

No, you all agreed to donate it.

Croley:

I didn't agree to that. O.K. That answers my question. Thank you.

Taylor:

Commissioner Morgan?

Morgan:

Just one question. Thank you, Madam Chair.

Mr. Weiss, I ready something in here about any potential environmental issues that are deemed a problem by federal agencies - does that expose the county to any way at all? I am not sure that I understood exactly what our liabilities are.

Weiss:

I am sorry if it wasn't clear. But, generally there is an indemnification clause that we actually have in the Quitclaim Deed, which says that the City agrees to indemnify the County for any and all environmental contamination or whatever may be found. Now, that indemnification provision is effective between the County and the City. It is not effective against the United States. So, if the United States found contamination on the property, the way that the federal law works, it can come back and cause the County as the prior owner to be responsible for remediation and cleanup costs.

Morgan:

I did understand that. That was laid out very clearly. I guess what I am asking is if the federal government does such, is there anything that we can do additionally here to not expose the County?

Weiss:

I think we have done what we can do. I mean, we have an indemnification provision with the City, but there is nothing to prevent the government from looking to the County. There is just nothing because of the way the Statute is drafted.

Taylor:

Mr. Croley?

Croley:

Mr. Weiss and Commissioner Morgan and the whole group here, there is a new type of insurance, for instance (inaudible) Insurance has come out with it, where they are selling these brownfield locations – some of the banks are requiring that you buy this liability insurance that will go back and pay for the claims that may come up. If you are going to go forward with this, that ought to be something that you could consider for the City of Midway to obtain. That would indemnify back based upon what the attorney is saying. That is what many of the banks are doing with the brownfield being sold. Just a suggestion for you to look at that.

Holt:

How long was that used as a waste site, Mr. Manager?

Lawson:

As a rural waste site, I think that program was in effect about five years. Prior to that, it was actually a county waste site where they actually -

Holt:

O.K. I just wanted a little history on it.

I know what the clean-up says and I know what you are saying about the clean-up. I would like to see something in there that says that Midway is going to accept the liability or accept the fact that they will be ones to do the clean-up if they want us to donate it. It would be a different story if they wanted to buy it, but this is not a sale.

Weiss:

That is in there. There is actually an acceptance which is a part of the Quitclaim deed. So, they are actually saying this is going to be a recorded document and they are saying, "we agree to accept it." Now, again, it is only effective to the extent that the City can satisfy the cost. Now, if the city gives out of money, the city is out of money. But, as Commissioner Croley said, that is where this type of insurance could come in, so, if the City were out of money, it would have this policy in place.

Holt:

Right. So, are you saying that we should purchase the policy or the City should purchase the policy?

Weiss:

It would be the City to purchase it.

Holt:

I am interested in knowing how you plan to tighten that up so as to make sure that we are not liable out there. If they want the property, then they should be willing to get the insurance and they are willing to sure that up so that we are not liable for the contamination or the property itself.

Thank you.

Taylor:

Commissioner Lamb?

Lamb:

What you are saying that the City of Midway is already responsible for the clean-up in case they need to clean something up. As far as the insurance, that should be up to them.

Weiss:

Well, no. Well, yes and no. No to the extent that the government could look to the county. Generally, the way it would work is the government would first look to the current owner, which would be the City. Once the city is out of money to pay for a clean-up, it would then look to other potentially responsible parties, which would include the County as a prior owner of the property. That is where the insurance could help. It may not, depending on the amount of the policy. It may not be completely effective. There is nothing you can do to completely shield the county unless you require the city to purchase a policy that has an indefinite amount of funds to cover these clean-up costs. At some point, their policy will have a limit or their funds are going to be limited such that the costs will exceed that amount. So, the county could potentially be liable. That is just the way the federal law works.

Lamb:

Are you aware of this insurance?

Weiss:

No, I had no info on the insurance.

Taylor:

Yes, sir.

Morgan:

Thank you, Madam Chair.

Mr. Manager, are we under any time constraints on this item?

Lawson:

From my understanding, based upon the information that I have gotten from Mr. Ford, who is in the audience, they are getting ready to start construction of their fire station. That is what they are going to use this property for. Based upon the information that he has given me, they are ready to start their project.

Morgan:

I am sure that they are. I wonder if it might be wise for us to approach Midway and put forward the fact that we would like for them to consider purchasing that insurance or at least look into it. It would limit the exposure to our tax payers. Then let's have it brought back at a future meeting. That would be my suggestion. It could be at the next meeting. I just don't know all the "ins" and "outs" of this insurance, but it may make this board feel more like —

l aylor:

Let's do this. Let's hear from the manager of the City of Midway since he is here and we might be able to get some of the questions answered. While he is coming, I have one question if you don't mind.

Mr. Lawson, I know when these landfills are closed, there is a process that they go through to properly shut them down. I don't know all the "ins" and "outs" either of what is done, but, is there documentation as to whether or not those landfills were properly exited? And do we have documentation somewhere in store or available?

Lawson:

Madam Chair, to answer your question, I would have to go back and research that because it was back in the 70's or 80's when it was actually a landfill.

Taylor:

One question for the attorney then we will hear from you, sir. Would the language of this contract change if we attach a cost to this transition? In other words, if we tell the City of Midway to pay \$1.00, does that change the language then put this property more squarely on the shoulders of Midway? Does a dollar amount really matter when they are going to attach it to someone after the City of Midway?

Weiss:

You are asking if there were nominal consideration, would it change things if the City paid \$1.00 or \$10.00.

Taylor:

The question I had in my mind, and I am kind of answering it as well, but, if we charge a fee and contamination does come up and the City of Midway has exhausted all of its revenues, does then the United States look to us when there was actual money that changed hands in this transaction?

They would still look to us?

Weiss:

Yes.

Taylor:

O.K. Alright. Mr. Ford, the question was asked about insurance. Maybe you might want to add a little light as to whether or not the City of Midway has any? What are your intentions? Has this idea or concept been shared with you with regards to buying insurance on this property?

Ford:

Madam Chairman, Commissioners, no, this has not been discussed with reference to the insurance. I thought the indemnification clause would cover anything. We have done an enormous amount of geo-technical work out there already on the site and we have found no contamination. Actually, where the station is being built, that is right there on the front of the road and that is the best place for us to put it because that wasn't used back in the 60's and 70's. It was only used as a roadway. Only when the county started using it as a collection point on the surface for people to drop their trash off and then they would pick it up and take it to a landfill. We are comfortable with the land where the station is being built. It is not contaminated.

Also, the majority of the land that is to the rear, our purpose for that land is to use it as green and recreational space. Nothing is to be built on that property. Basically, no structures are going to be out there.

To give you a little more history, when I was with the City of Quincy, all of us can remember the old landfill on the west side of Quincy where I constructed a golf range on that site. We did

basically the same thing. We did soil borings and we turned it into green space. So, this is almost the same situation.

I am trying to calm your fears and concerns. I don't think it is necessary. I think this is a project that is going to benefit the eastern side of Gadsden County when we put this fire station in. I think it is more a benefit to the citizens of Midway because it goes to the benefit of citizens of Gadsden County.

Taylor:

Commissioner Lamb, this is your area.

Lamb:

He had shared with me before that they have done soil borings and so forth and have found no contamination. I concur with him on that. They have found no contamination. Where they are planning on constructing the fire station is where they were just bring trash and putting it down. They were not burying it there. I feel comfortable with it.

Taylor:

Alright. Then, I need some type of directions from the board as to whether or not you want to move forward on this item or to come back later. I need some direction.

Lamb:

I would like to offer a motion to approve item 8 to move forward with donating this land to the City of Midway.

Taylor:

There is a motion, is there a second.

Holt:

I will second it.

Taylor:

There is a motion and a second. Any other questions or comments?

(No response)

All in favor of this motion let it be known by saying, "Aye."

Lamb, Holt, Morgan, Taylor: Aye.

Taylor:

All opposed, by the same sign.

Croley:

No.

Taylor:

It is 4 - 1 to approve.

Thank you, sir.

Ford:

Thank you, Madam Chair and Commissioners.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4-1 TO APPROVE RESOLUTION 2012-021 DONATING REAL PROPERTY TO THE CITY OD MIDWAY AND TO AUTHORIZE THE CHAIRPERSON TO EXECUTE THE QUITCLAIM DEED TO EFFECT THE TRANSFER OF THE PROPERTY. COMMISSIONER CROLEY CAST THE LONE DISSENTING VOTE.

9. Approval of Contractual Agreement for Local Agency Program (LAP) Grant for the Town of Havana Landscaping and Scenic Beautification Project(Charles Chapman, Public Works Director/Bruce Ballister, Apalachee Regional Planning Council)

Statement of Issue:

This item seeks Board approval to execute the contract with Tullo Planning Group for the Local Agency Program (LAP) grant for the Town of Havana's initiative to beautify their municipality.

Background:

The Town of Havana embarked on an initiative to apply for funds to design and landscape State Road 63 (U.S. 27) and 12th Avenue North, Havana, Florida. Gadsden County is the only LAP certified agency in Gadsden County and as such is the executor of the grant agreement and all corresponding documents and bid awards.

The Florida Department of Transportation (FDOT) has funded the Town of Havana's request. Gadsden County is working in coordination with the Town of Havana.

The Board approved the contractual agreement for the Lap grant on October 18, 2011.

The Town of Havana has bid the engineering and architectural design services per Davis Bacon procedures and required by the LAP grant agreement.

The Town of Havana has reviewed all bids received and recommended the bid be awarded to the Tullo Planning group. The Havana Town Council approved the recommendation to the Board of County Commissioners for consideration.

On June 5, 2012 the Board approved the bid award to Tullo Planning Group per the Town of Havana's recommendation.

Fiscal Impact:

The LAP grant award is for \$11,396.00. Gadsden County has entered into a Joint Participation Agreement with FDOT to release federal funds for the project. No Gadsden County funds will be expended.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0 BY VOICE VOTE TO APPROVE THE LAP AGREEMENT.

10. Approval of Award of Bid No. 2012-06 to Gulf Atlantic Culvert Co. Inc.

Statement of Issue:

This agenda item sought Board approval to award Bid No. 2012-06 for asphalt coated culvert pipe to Gulf Atlantic Culvert Co. Inc.

Background:

The Public Works Department started utilizing asphalt coated pipes approximately twelve years ago due to the increased life span of this particular pipe. The contract for the supply of this pipe is bid annually.

Analysis:

The Public Works Department will continue to utilize asphalt coated pipe from the low bidder on an as needed basis. In this case, two bids were received and Gulf Atlantic was the low bidder for all sizes of asphalt coated pipe.

Fiscal Impact:

It is estimated that the Public Works Department will spend approximately \$50,000 this budget year for asphalt coated culvert pipe to accomplish road and driveway maintenance.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 - 0 BY VOICE VOTE TO AWARD BID 12-06 TO GULF ATLANTIC CULVERT COMPANY, INC.

11. <u>Discussion and Direction Regarding a Memorandum of Understanding with the City of Quincy for and Extension of the Sidewalk on Joe Adams Road</u>

Statement of Issue:

This agenda item sought Board direction regarding a request and subsequent memorandum of understanding with the City of Quincy (City). The City would like to extend the sidewalks along Joe Adams Road into the city limits of Quincy ending at Pat Thomas Parkway.

Background:

In 2008, Gadsden County constructed sidewalks, street lighting and landscaping on the unincorporated portion of Joe Adams Road (extending from High Bridge to Reed Street).

In May 2012, the City requested the County to consider extending the sidewalk on Joe to Pat Thomas Parkway. The City's plan for the sidewalk extension is such that it would coincide with the construction of the City's new fire station located on Joe Adams Road. The City proposed that the City would pay for the construction – labor and materials cost of the sidewalk from Reed Street to the end of the City's property along Joe Adams Road, a distance of 2,386LF and that the County pay only for materials to the construct the sidewalk from the City's property to Pat Thomas Parkway, a distance of 1,691. The City proposed to pay the labor cost associated with the

sidewalk construction from the end of the City's property to Pat Thomas Parkway. The City's cost is \$10,996 for the materials –concrete, forms, etc., not including labor cost, and the County's cost is \$7,962 (which includes \$7,462 for concrete and \$500 for forms and miscellaneous). The City proposed to use their crew to construct the sidewalk.

County staff reviewed the request and determined the entire proposed project lies within the jurisdictional boundaries of the City of Quincy.

Staff requested directions from the Board.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0 BY VOICE VOTE TO APPROVE THE EXTENSION OF THE SIDEWALK ON JOE ADAMS ROAD AS PROPOSED BY THE CITY OF QUINCY AND APPROVE THE MEMORANDUM OF UNDERSTANDING WITH THE CITY OF QUINCY.

12. <u>Discussion and Direction of an Inter-Local Agreement between the Gadsden County Sheriff</u>
Office and Gadsden County Board of County Commissioners on the Emergency Management
Agreement (Arthur Lawson, Interim County Administrator)

Statement of Issue:

This agenda item was presented for discussion and staff requested direction regarding the proposed inter-local agreement between the Gadsden County Sheriff's Office and Gadsden County, which would memorialize the transfer of the Division of Emergency Management to the Gadsden County Sheriff's Office except in time of a declaration of emergency or disaster under Chapter 252, Florida Statutes.

Background:

In September 1991, the Board of County Commissioners voted to transfer the job functions and equipment of the County's Division of Emergency Management to the Gadsden County Sheriff's Office. However, no formal inter-local agreement was drafted to memorialize this vote or clearly addressed the responsibility for the functions during periods of declared disasters or emergencies. Upon vote of the Board, the County Attorney, County Administrator and a representative from the Sheriff's Office met and drafted a proposed inter-local agreement to formalize the transfer of the Division. This matter was initially scheduled for consideration by the Board in February of 2011. However, the item was pulled for revisions to accommodate requests from the Sheriff and the Clerk. The item was eventually considered by the Board on July 5, 2011. Attached is the current agreement that the Board approved for the Sheriff's consideration.

Analysis:

As discussed in a previous agenda item, Section 252.38, Florida Statues authorizes counties to create a local emergency management agency. This provision also requires

All local emergency agencies to have a director. A county constitutional officer or the employee of a county constitutional officer can be appointed as the director of the local emergency management agency. This agreement will memorialize the appointment of the Sheriff or his designee as the director of the County's Division of Emergency Management with the exception of times during which a disaster or emergency as set out in Chapter 252 is declared. The

agreement also sets out the procedure for Board approval of the Director as recommended and

by the Sheriff. Finally, the agreement sets out the procedure for preparation and submission of grant documents and use of equipment purchased with emergency management funds.

Subsequently, over a year has passed and the Sheriff has still not executed the agreement. Therefore, this item was presented to the Board for discussion and direction to staff about how to proceed with the proposed inter-local agreement.

Interim County Administrator Arthur Lawson reported that he received a call from the Sheriff's Department just before this meeting began. The Sheriff has proposed his own agreement and has asked the board to consider it before making a final decision. He asked for authority to have the attorney review the proposed agreement by the Sheriff.

Taylor:

Commissioner Croley, this has been heartburn for you and I think you are the one who asked to have it placed on the agenda. So, I will lend to you to start our discussion on this item regarding what you want to see go forward on this particular item.

Croley:

The only thing, Madam Chair, that I have ever asked for is that a proper agreement exists between the board and the Sheriff's office. When the sun is shining, the arrangement has been that the Sheriff's office manages Emergency Management. But, when a storm comes, the Board gets Emergency Management back. There should have been an agreement in place. The way this thing was originally done was part of a budget deal many years ago for one year and it has stayed the way it was. This board wanted the Sheriff's office to continue to do Emergency Management on a day to day basis. I have no problem with that. I voted in support of it. But, the provision for having some sort of written agreement that outlines the responsibilities out of fairness to this man or whoever will be sitting in this chair in the future and out of fairness to whoever may be sitting in your chair and mine and to the county personnel, but most importantly to the citizens. There should be some standards in place for Emergency Management.

I know that the county attorney's office has worked to do this and this is what was supposed to be done and this is why at the last meeting, I had trouble with moving forward with a grant application for the training that will be administered by the Sheriff's office until this matter is settled. That is where I stand right now. That is the only reason that I brought it up and it has been a year, I believe, Mr. Lawson, that you have been dealing with this and nothing has been resolved.

Now, in just the last few minutes, apparently there is some counter (inaudible) But, the decision is really up to us.

Holt:

Madam Chairman, I would like to see what the Sheriff has to say in his agreement and compare the two and let's move on.

Lamb:

Madam Chair?

Taylor:

Yes.

Lamb:

Mr. Lawson, this agreement that you have here – have you gone over this one with the Sheriff?

Lawson:

Yes, I met with the Sheriff and provided this agreement to him. He indicated that he was going to review it with his attorney and get back to me. However, after asking several times for some kind of results, today I received a new agreement, which is not the one that I provided, but it was the Sheriff's version of what he wanted. So, I have not had time to compare the two. I have not had time to send it to our attorney for them to review. There are probably some things in there that was in the one that we presented that is agreeable. Then, I am certain that there are some other issues in there that the Sheriffs wants addressed that are not in the one that was presented to him. So, that is where we are.

Lamb:

Madam Chair, I will concur with the commissioner to my right. I think we need to have our manager look at the one that the Sheriff has sent to us and bring it back to us at our next meeting so that we can go ahead and act on it.

Taylor:

Well, you asked for discussion and directions. I have to agree with Commissioner Croley as well as my commissioners to the right. We do need to get something moving. In order to do that, we might need to look at what was presented to you at 5:00 p.m. today. Then, as you recommended earlier, have the attorney take a look at it. As soon as you can get it before us, we can move forward on this particular item or on the one that was presented earlier. It is up to the board.

There is no need for a vote on this item. I hope the directions are clear. (As mud. Laughter.)

Move on with item 13.

COUNTY ATTORNEY'S AGENDA

13. National Solar Update

No update was presented.

13a. Approval of Health Insurance Rates

Statement of Issue:

Interim County Administrator Arthur Lawson reported that he had received confirmation from Capital Health Plan that there will be an additional 5% increase to the health insurance coverage

for next fiscal year. This agenda item provided the board with proposed health insurance information.

Background:

Capital Health Plan is the health insurance provider and currently offers a two-tier program to employees under the Capital Selection plan. Currently, the board pays 90% of the single coverage and 70% of the family coverage premiums.

Mr. Lawson explained that CHP now offers a four-tier plan which is described in detail in the attachment. He recommended the four-tier plan and Option 3 because it will give a single employee and spouse at a reduced rate as well as a single person with just dependents. It will slightly increase the rate for the single rate and the family, but it is not a substantial increase. He said, "It certainly gives our employees an option for those that only have themselves and a spouse or only have themselves and dependents rather than having to pay the full family coverage under the current two-tier plan. It will be an increase of only \$25,000 above what we currently pay."

Mr. Lawson stated that the rates must be in place prior to the end of the open enrollment period because the deductions must be made a month in advance of the coverage month. Since the new year begins in October, the deductions would have to go into effect by the first payroll period in September.

A MOTION WAS MADE BY COMMISSIONER CROLEY AND SECONDED BY COMMISSIONER LAMB TO APPROVE OPTION 3 FOR THE FOUR-TIER PLAN AND FOR THE BOARD TO ABSORB THE INCREASE TO THE PREMIUM OF APPROXIMATELY \$25,000.

Commissioner Morgan raised a question about the time constraints involved with this proposal and he inquired about the feasibility of delaying a decision until a future meeting.

In response, Ms. Lonyell Black, Human Resources Division, told the board that the county's open enrollment period is already in progress and was scheduled with vendors months ago. She said it would be very difficult to cancel it at this point and reschedule it for a later time as our enrollment period coincides with so many of the surrounding counties and the vendors also work with those counties as well.

Commissioner Morgan then said, "I guess I put that blame back on us, Mr. Administrator, because we ought to have a date in stone that says that our commission needs to have a month, two meetings, to consider this information. If they (the vendor) can't get the information to us, so be it, and we handle it with somebody else. I am not putting it back on your desk, but there has got to be a way that we can get information timely so that we can consider. If it were a minor issue, it would be one thing, but this is a major employee benefit. I just can't understand why we can't get it sooner. That is my concern. It is not directed at anybody personally, it is just a frustration that I've got about that. But, thank you."

Commissioner Croley stated that it is very difficult to get timely rates out of CHP and he applauded the efforts of Mr. Lawson and Ms. Black. He was pleased with the savings that the Four-Tier plan offers employees.

Chair Taylor called for a vote on the motion.

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

COUNTY ADMINISTRATORS AGENDA

14. Update on Board Requests

Commissioner Croley referenced an incident at the Senior Citizens Center over the past weekend that resulted in a shooting. He asked the administrator to explain the county ordinances dealing with alcohol on county or governmental property.

In response, Mr. Lawson stated, "Basically, we have an ordinance that prohibits the use of any alcoholic beverage in any county building or while on any county property. So, there should not be any alcohol being allowed to be used in a county building or on county property."

COUNTY ATTORNEY'S AGENDA

15. Mr. Weiss had nothing to report.

COMMISSIONERS REPORTS

16A Commissioner Lamb, District 1

Commissioner Lamb reported on the National Association of Counties Meeting.

- Supreme Court Justice O'Connell encouraged commissioners to go to each local Public School System and try to encourage them to implement Civics in the school system curriculums.
- State Senator and former Florida Governor Graham is also engaged in promotion of the return of Civics to public school curriculums.

16B. Commissioner Croley, District 2

Commissioner Croley had nothing to report.

16C. Commissioner Holt, District 4

Prison Re-entry Program at TCC

Commissioner Holt stated that the Department of will conduct on August 13 at the Pat Thomas Law Enforcement Academy concerning the re-entry program for inmates. She said she had received numerous calls from people who are concerned that inmates might be released here in Gadsden County rather than being sent back to their home county. She asked that someone attend that workshop and bring back information to the board concerning that particular question.

Pipelines

She reported that she received several questions from the public about whom and when the Gas Pipelines in Gadsden County are inspected.

She was told that the federal government regulates them and is responsible for the inspections. The local government has nothing to do with the installations or the inspections of the gas lines.

16D. Commissioner Morgan, District 3

Renovation of the Old Highway Patrol Building on West US 90

Commissioner Morgan reported that he heard on the news that the old Highway Patrol Station will be used as a Veterans facility. He asked if the county would have any liability or expense involved with the building. He then asked the Administrator how it all occurred without the Board knowing.

Mr. Lawson stated that the county did not engage the State to obtain the building and the county has no ownership or financial obligation for its maintenance and no resources will be expended. He said, "We don't need another old building. We are stretched as thin as we can possibly be right now...I don't know if Clyde knows who did the improvements or not, but we didn't have anything to do with it."

Building Official Clyde Collins responded, "The county did not do anything out there. We didn't paint anything; we didn't furnish any supplies or anything like that. So, it had to come from either the Sheriff's Department or the VFW. That is all I can say."

Morgan:

So, that building does not fall under your responsibility?

Collins:

No, sir. Not at all.

16E. Commissioner Taylor, District 1

Next Budget Workshop to be held on August 23, 2012 at 4:00 p.m.

RECEIPT AND FILE AGENDA

- **17A.** For the Record: Gadsden County Health Department Quarterly Progress Report for ½ Cent Sales Tax Prevention and Education Program
- 17B. For the Record: Standard Memorandum of Agreement for Limited County Access to Florida System Data from DCF

August Meeting(s)

- August 23, 2012, Budget Workshop, 4:00 p.m.

- August 21, 2012, Regular Meeting, 9:00 a.m.

<u>ADJOURNMENT</u>	
THERE BEING NO OTHER BUSINESS I ADJOURNED AT 6:46 P.M.	BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING
	Sherrie Taylor, Chair
ATTEST:	
Muriel Straughn, Deputy Clerk	

Gadsden County Board of County Commissioners August 7, 2012 Regular Meeting – 6:00 p.m. AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON AUGUST 21, 2012 AT 9:00 A.M., THE FOLLOWING PROCEEDINGS WAS HAD, VIZ.

Present: Sherrie Taylor, District 5, Chair

Gene Morgan, District 3, Vice - Chair

Eugene Lamb, District 1 Doug Croley, District 2 Brenda Holt, District 4

Nicholas Thomas, Clerk of Courts Debra Minnis, County Attorney

Arthur Lawson, Interim County Administrator

Invocation, Pledge of Allegiance and Roll Call

Chair Taylor called the meeting to order at 6:00 p.m. then led in the invocation and pledge of allegiance to the U.S. flag.

The roll was called by the Deputy Clerk Beryl H. Wood and noted above for the record.

Amendments and Approval of Agenda

Add: Item 18a under General Business - Auburn Ford - CDBG Application

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

There were no awards, presentations or appearances for this meeting.

Clerk of Courts

1. <u>Presentation of County Finance and County Clerk Issues (Nicholas Thomas, Clerk of the Courts)</u>

Clerk Thomas had no report.

Consent Agenda:

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA AS PRINTED WITH THE EXECPTION OF ITEM 8.

2. Approval of Minutes – March 20, 2012 – Special Meeting/Workshop

- 3. Ratification of Approval to Pay County Bills (Accounts Payable August 10, 17 & 24, 2012; Payroll Dated August 23, 2012)
- 4. Adoption of Resolution Number 2012-022, Designating a Portion of U.S. Highway 90/State Road 10/East Jefferson Street between State Road 12/State Road 65/Madison Street and County 159 in Gadsden County to be Designated as "Alfred Lawson, Jr., Highway" (Representative Alan B. Williams, District 8)
- 5. Establish New Bank Account for Gadsden EMS Medicare Electronic Payments (Connie McLendon, Finance Director)
- 6. Approval of the State Housing Initiative Partnership (SHIP) Annual Report and Authorization for the BOCC Chairperson to Execute (Phyllis Moore, SHIP Administrator/ Clyde Collins, Building Official)
- 7. Approval of Mosquito Control Agreement with Department of Agriculture and Consumer Services (DACS) and Annual Certified Budget (Charles Chapman, Public Works Director)
- Approval to Accept the Fiscal Year 2012 Third Quarter Report
 (Jeff Price, Senior Management and Budget Analyst) Item pulled by Commissioner
 Morgan
- 9. Fiscal Year 2012-2013 EMS County Award Grant Funds (Tommy Baker, EMS Director)
- 10. Approval to Declare Three Ambulances as Surplus Equipment and Donate to Other Government Agencies (Tommy Baker, EMS Director)
- 11. Write-Off of EMS Accounts (Tommy Baker, EMS Director)

Items Pulled for Discussion – Item 8

8. <u>Approval to Accept the Fiscal Year 2012 Third Quarter Report (Jeff Price, Senior Management and Budget Analyst)</u>

This item was pulled by Commissioner Morgan. He asked was the Fiscal Year 2012 Quarterly Report available for public viewing on the County's Website.

Mr. Chapman replied it was, but not the updated one.

Mr. Lawson added it would be addressed.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, FOR APPROVAL OF ITEM 8 TO ACCEPT THE FISCAL YEAR 2012 THIRD QUARTER REPORT.

Citizens Requesting to be Heard on Non-Agenda Items (3 minute limit)

There were no citizens requesting to be heard.

Public Hearings

There were no Public Hearings to be heard.

General Business

12. Request for Funding of Florida Riparian County Stakeholder Coalition and Approval of Agreement (Elmon Lee Garner, City Manager, Chattahoochee, Florida)

Mr. Lee Garner greeted the Board on the request for funding of Florida Riparian County Stakeholder Coalition and Approval of Agreement. The FRCSC (Florida Riparian County Stakeholder Coalition) was formed in 2007 to represent the interest of the six (6) counties bordering the Apalachicola River in Florida. He yielded to Dave McClain who was essential in implementing the Agreement between the counties.

Mr. McClain addressed the Board requesting funding in the amount of \$5,000 and approval of the agreement would allow the coalition to continue the fight to insure adequate water supply for all those impacted by the possible loss of water from the Apalachicola, Chattahoochee and Flint Rivers. He said the Apalachicola River is almost totally dependent on flows from the Chattahoochee and Flint Rivers which originate in the States of Alabama and Georgia.

Commissioner Holt asked about the Counties that were to be included. She asked are any counties north of here buying into the program.

Mr. McClain commented it was a total of (6) Jackson, Liberty, Calhoun, Gulf, Franklin counties including Gadsden County. He replied this would be Georgia counties included. He added the Eastern Water Law is under federal law.

Commissioner Morgan stated this group has played a major role in protecting one of our most precious resources. He spoke in support of the group. He asked about the economy as it relates to water supply.

Mr. McClain commented they are impacted by both the economy and the drought. He said it was their goal to provide a unified interest in seeking State and Federal funds to conduct technical evaluations and documentation to establish and support our actual

water needs from and within the Apalachicola River.

Commissioner Croley thanked them both for their work. He asked about the River Keepers. He asked about the upcoming budget and asked was it possible to come out of this budget.

Mr. McClain stated they are a part and then explained. He said the request is for upcoming budget FY2012/2013.

Chair Taylor asked about Water Management.

Mr. McClain stated the Florida Water Management has no jurisdiction in Georgia, we take our needs beyond State boundaries. He said they have a great working relationship.

Discussion followed by the Board.

Chair Taylor said she was in favor of signing Agreement, but would have to look at funding in the upcoming budget year and workshops.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0, BY VOICE VOTE, FOR APPROVAL OF THE RIPARIAN AGREEMENT AND CHAIR TAYLOR'S SIGNATURE ONLY, FUNDING WOULD BE DECIDED LATER IN THE BUDGET PROCESS.

13. Resolution #2012-026 to Approve the Gadsden County Bicycle and Pedestrian Master Plan and Design Guidelines (Anthony Matheny, Planning and Community Development Director)

Mr. Matheny gave update on the Bicycle and Pedestrian Master Plan. Then he introduced the Consultant from Kimley-Horn Jon Sewell.

Mr. Jon Sewell walked through process of the Bicycle and Pedestrian Master Plan and Design Guidelines. He said the basis of the Plan would enhance walkability within the county, expand cycling opportunities, provide better connectivity and mobility for both cyclists and pedestrians and promotes economic opportunity through bicycle, pedestrian and blue way facilities. He noted it involved a lot of public participation.

Commissioner Holt discussed Little River to Lake Talquin.

Mr. Sewell stated it was not included, but he could add and stated that was a great suggestion.

Commissioner Morgan said the presentation was very informative. He commented

Chattahoochee has been recognized nationally for their nature trail and may be paving the trail soon. He inquired about signage recommendation. On another note he said the TDC has invested dollars to brand Gadsden County. He suggested the touch screen kiosk be added in the 6 areas of the County.

Mr. Sewell said it was something that sounds feasible. He said using TDC dollars can be useable.

Commissioner Croley expressed the plan was wonderful, but they too needed to network to tie all the municipalities together.

Commissioner Lamb remarked it was a great plan and much needed in Gadsden County.

Chair Taylor added for a point of record, discussion on those topics have occurred in TDC. She said one area of concern is the CRTPA. She suggested all Commissioners come to the table; all districts should be represented, so the information could be carried forward.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE OPTION 1 – RESOLUTION #2012-026, THE GADSDEN COUNTY BICYCLE AND PEDESTRIAN MASTER FACILITIES PLAN, AND DESIGN GUIDELINES AS PROPOSED WITH A FINDING THAT THE FLORIDA ARTS TRAIL ALONG SR-12 BETWEEN HAVANA AND QUINCY IS CHOSEN AS THE #1 RANKING PRIORITY ROUTE TO BEGIN THE FIRST PHASE OF DEVELOPMENT.

14. Request Approval to Award the Bid #12-09 to Miller's Heating and Air for the Replacement of the Chiller at the Capital Regional Medical Center Gadsden Campus (Clyde Collins, Building Official)

Mr. Collins, Building Official, presented the request for approval to award the bid to replace the Chiller at the Capital Regional Medical Center – Gadsden Campus. He said the chiller replacement would be \$89,700 plus \$20,000 for the optional heat claim capability. He asked if the Board would approve and award bid to Miller's Heating and Air for the chiller replacement and installation.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE OPTION 1: APPROVE AWARD OF BID TO MILLER'S HEATING AND AIR FOR THE CHILLER REPLACEMENT AND INSTALLATION.

15. <u>Authorization to Use Loan and Insurance Proceeds for Capital Projects (Tommy Baker, EMS Director)</u>

Mr. Baker presented his request for authorization to use loan and insurance proceeds for Capital Projects. He added the request authorization is for the Board to use the balance of loan and insurance payment proceeds for EMS capital equipment projects and as matching funds for grants. He said they are seeking Board approval to use the remainder of the loan (SunTrust) and insurance proceeds with a balance of \$131,510.00 for capital outlay projects. The items purchased would be Rescue/Supervisor Vehicle, Radio system upgrades (Grant ID code is M1080, Grant Program Code is number 64.003), Ambulance Cot/Stretchers and Cardiac Monitor Upgrade.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0, BY VOICE VOTE, FOR OPTION 1: APPROVAL OF THE REQUEST TO UTILIZE LOAN FUNDS AND INSURANCE PROCEEDS FOR CAPITAL PROJECTS AND AUTHORIZATION TO PROCEED WITH THE PROJECTS OUTLINED ABOVE.

16. Approval to Award Bid Number 12-10 for Engineering Services for the CDBG Disaster Recovery Enhancement Fund and Authorize the BOCC Chairperson to Execute the Contract (Phyllis Moore, SHIP Administrator/ Clyde Collins, Building Official)

Mr. Lawson asked the Board for approval to award Bid No. 12-10 for Engineering Services for the Gadsden County CDBG Disaster Recovery Enhancement Fund (DREF) to Preble Rish, Inc.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, FOR APPROVAL OF OPTION 1: APPROVE AWARD OF BID NO. 12-10 FOR ENGINEERING SERVICES FOR THE GADSDEN COUNTY CDBG DISASTER ROCOVERY ENHANCEMENT FUND (DREF) AND AUTHORIZED CHAIRMAN TO EXECUTE CONTRACT.

17. <u>Approval of Resolution Number 2012-023 and Budget Amendment Number 120081</u> to Pay Medicaid Backlog (Arthur Lawson, Interim County Administrator)

Mr. Lawson asked for the Board's approval of resolution #2012-023 and budget amendment #120081 to fund the Medicaid Department from the reserve for contingency account and other General Fund departments to pay the State for Medicaid backlog.

He said in July 2012, AHCA and Gadsden staff reviewed the complete backlog list and

after adjustments were made, the new backlog certified amount due is \$158,238.34. The State is providing a 15% discount if the County pays on September 1, 2012. The discounted amount is \$134,501.74.

UPON MOTION BY COMMISSIONER HOLT AND MORGAN, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE AS SUBMITTED – APPROVAL OF RESOLUTION #2012-023 AND BUDGET AMENDMENT #120081 TO PAY MEDICAID BACKLOG IN THE AMOUNT OF \$134,501.74.

Chair Taylor asked does the budget amendment require an additional public hearing.

Clerk Thomas replied it would not.

18. <u>National Solar Update (Deborah Minnis, County Attorney/David Weiss, Assistant County Attorney)</u>

Attorney Minnis commented there were no additional updates and National Solar is still moving forward with application and potential sites.

18 a. 4th CDBG Grant Application

Auburn Ford approached the Board with a request to discuss the CDBG Grant Application. He said when they applied they were unaware they were required to have another public hearing. He said they are in new grant cycle, and the whole process must be done again.

Commissioner Holt commented she hoped this would be the 4th and final.

Commissioner Croley said there was no background information on this item.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 3 - 2, BY VOICE VOTE, FOR APPROVAL OF THE 4TH CDBG GRANT APPLICATION. (Commissioner's Morgan and Croley opposed the motion.)

County Administrator

19. Update on Board Requests (Arthur Lawson, Interim County Administrator)

Mr. Lawson had no updates.

Jail Repair Updates

Commissioner Croley asked the status of the jail lock repairs and lighting at the Jail.

Mr. Lawson said they are about to receive the specifications and would be proceeding with the bidding process. He said Mr. Collins had solicited Clemmons, Rutherford & Associates who would put together the specifications from the Engineers. He said they have found a vendor where they can purchase the material for the lights and then they would find a vendor to do the installation. He said the process is moving forward.

County Attorney

20. <u>Update on Various Legal Issues (Deborah Minnis, County Attorney)</u>

Attorney Minnis had no report.

Discussion Items by Commissioners

21. Commissioner Lamb, District 1

Discussed having the implementation of Civics back into School System Curriculum.

Chair Taylor asked Mr. Lawson to contact the School Board on this regards.

Commissioner Croley, District 2

 Commented on the CRTPA. He said bids on the Quincy Bypass have been met and they are on schedule and construction may start as early as the fall.

Commissioner Holt, District 4

She commented the elections are over and they all need to try to get along. She said campaigning is a right that has been practiced for many years and would continue to happen.

Commissioner Morgan, Vice - Chairman, District 3

Reminder of Tourist Development Council (TDC) Meetings. He encouraged public and business owners to attend. He said the next scheduled meeting is September 17, 2012 at 3:30pm.

Commissioner Taylor, Chair, District 5

- TDC Updates, she commented the discussion of the Kiosk concept is moving forward and the web designed is being developed to have more hits.
- Road Adoption Program, in terms of adopting private dirt roads in the County. She said she would like to have this placed on agenda within the next month. She asked for research on the program. She spoke of the citizens in the County who live on those private roads and she would like to give every citizen consideration. She asked Mr. Lawson to look at the procedural conceptual process.
- Stripping at Senior Citizen Parking Lot, she said it needed to be added.

Gadsden County Board of County Commissioners Regular Meeting – August 21, 2012 – 9:00 a.m.

 Interlocal Local Agreement (Florida Riparian), she asked for clarification on the Agreement, binding them to funding.
 Attorney Minnis commented the Interlocal Agreement only indicated support.

Receipt and File

22.

- a. For the Record: Letter from the Gadsden County Health Department Regarding the Activities and Expenditures Report/October 1, 2011-June 30, 2012
- b. For the Record: Letter from Quincy-Gadsden Airport Authority Regarding Fiscal Year 2012/2013 Budget

ADJOURNMENT

THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING ADJOURNED AT 10:45 A.M.

Sherrie Taylor, Chair

ATTEST:

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AT A SPECIAL MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON AUGUST 23, 2012 AT 4:00 P.M., THE FOLLOWING PROCEEDINGS WAS HAD, VIZ.

Present: Sherrie Taylor, Chair, District 5

Gene Morgan, Vice-Chair, District 3

Eugene Lamb, District 1 Doug Croley, District 2 Brenda Holt, District 4 Jeff Price, Budget Director

Clay VanLandingham, Property Appraiser Arthur Lawson, Interim County Administrator

Beryl H. Wood, Deputy Clerk

Call to order:

Chair Taylor called the meeting to order.

Introduction by Interim County Administrator:

Mr. Lawson greeted the Board and welcomed them to the final budget workshop. He asked that final decisions be made from the Board as they prepare for the Public Hearings. He then turned the meeting over to Jeff Price, Budget Director.

Mr. Price gave an overview of the budget. He said the budget is now balanced. He said they made a list of all the major changes, which he highlighted below:

Budget Highlights - FY13 (attached)

- Used the Property Appraiser July 1 assessed value of \$1,255,680,324 and added the \$70 million for the natural gas pipeline to the tax toll per the Property Assessor (\$1,325,680,324) and kept the millage rate the same as FY 12 at 8.9064.
- Property taxes decreased by nearly \$340,000.
- Used the State's revenue estimates, information from Florida Association of Counties, Small County Coalition, and estimates based on historical trends – to project a decrease of top 12 major revenues by approx. \$400,000 over FY12 budget.
- Medical insurance established a 4 (four) tier plan that saved the County approx. \$ 85,000 compared to FY 12.
- Cut 3% from the Fy12 budget numbers of the Board Departments and Judicial total \$402,000.
- 3% cuts with Constitutional Officers \$307,000.
- Budgeted \$100,000 in the Reserve for Contingency account.

- Increased Medicaid budget by \$348,000 for projected future billings.
- Funded all non-profits and community organizations at last year's level \$312,000 (except reduced Chamber by \$45,000 & eliminated Emergency Housing \$24,500).
- Budgeted \$100,000 for bus service.
- Drew down \$172,000 from the un-appropriated General Fund Balance to balance budget.

Capital Outlay and Projects - Proposed: (attached)

■ Fund 301 – General

Re- appropriate \$400,000 for jail needs

■ Fund 112 – Transportation:

\$500,000 for equipment (1 Roller, 2 Motor graders and 2 dump trucks). Lease agreement

■ Fund 001 – General, Dept 0050 – Hospital

Maintenance:

Re-appropriate \$135,000 for hospital chiller

■ Fund 005 – Court Facilities:

Plan to use some Fund Balance for roof repair.

Discussion by the Board:

Chair Taylor asked for input from the Board.

Supervisor of Elections

Commissioner Lamb asked about the 3% cut for the Supervisor of Elections Office.

Mr. Price said the 3% cut equaled \$15,000 total.

Commissioner Lamb spoke in support of Supervisor Knight and said she was the last person who needed to be cut, with the tight elections forthcoming.

Fire Engine Replacement with the City of Quincy

Commissioner Croley had questions about fire engine replacement with the City of Quincy.

Mr. Price stated the fire engine replacement with the City of Quincy was not included.

Mr. Lawson said they would move in the direction of the Board concerning the fire engine replacement.

Mr. Baker said it had been about 5 years since it had been replaced. He said \$200,000 was last quoted for replacement and to refurbish for half the price at \$100,000.00

Mr. Price said nothing is earmarked for the purchase.

Commissioner Croley said the fire engine should be replaced. He said it's not a want it's a need. He asked that some of the one cent money be moved to purchase the fire engine.

Commissioner Lamb asked why it needs replacing now.

Mr. Baker said because of age.

Commissioner Holt asked about Road & Bridge Fund. She asked what could be cut in Road & Bridge. Switch out or do loan.

Chair Taylor said Wetumpka Fire Department is getting a new truck through USDA. She said they are willing to help and teach us how to receive one also through USDA. She expressed it is set up on the 80/20 rule. She mentioned Transportation Reserve Fund.

Mr. Lawson said they have proposed to use some of the funds to get some equipment. He said it is at 1.8 million after deductions it would be 1.3 million, but it's restricted to transportation.

Commissioner Morgan said if something happens, such as a disaster, you owe it to Citizen's to have funds available.

Mr. Chapman said the purpose of the transportation fund is for disasters. He said you don't always have to have the full amount. He said they have agreed to get some equipment this year and some next year.

Commissioner Morgan asked what is cost to buy new fire truck. He said it is an important issue.

Mr. Baker commented the price is around \$200,000.

Commissioner Lamb voiced he thought the City of Quincy should be attempting to help County.

Commissioner Holt commented on the need of USDA dollars and partnering with the City to write grants. She spoke of the need for a grant writer.

Chair Taylor stated she had heard about the condition of the fire truck, but was concerned about the age and whether they are able to respond to fires. She spoke of the importance of having equipment on hand that it is in good working condition. She said management needed direction on grant writing and suggested giving them 3 or 4 items to look at immediately. She said it's urgent, but we need to be wise as we explore options to get this accomplished.

Commissioner Croley commented they have a contract with the City of Quincy. We are paying them to provide fire services in the other municipalities. He said there are two county owned fire engines. He said they should allocate this in the budget. He said the purchase was justified for the residents in the County.

Commissioner Morgan suggested putting together a list of "wants," a list of "needs," and one for "things that would be nice to have," then prioritize and budget accordingly, but to include funds for

the fire engine in the budget. He stated the Fund Balance was finally beginning to increase slightly and head in the right direction, and he would hate to draw it down to make the fire truck purchase.

Commissioner Lamb asked how the City used the funds the County gives for Fire Services.

Mr. Baker replied it goes toward salaries.

Commissioner Lamb asked if the fire truck was also used for City of Quincy calls to which Mr. Baker replied, "No, they use it in the County only."

Commissioner Lamb then questioned the use of the county budgeted funds. He added that some of the non-profit budgets should be cut, too.

Commissioner Holt stated some of what the previous BCC Board had, was because of grants. She said she has no problem purchasing a fire truck, but added that something must be cut from somewhere other than EMS because that department could not afford a cut.

Mr. Lawson said Mr. Chapman would have to modify his budget to accomplish the purchase of a fire truck.

Chair Taylor said her concern was if they tried to move \$200,000 from the Public Works budget, someone could lose their job. She contended that the fire trucks were still functioning and are able to respond. She acknowledged the awareness of the issue and that the purpose is to protect the county. She directed the Administrator to apply for funds from USDA within the next 3 -6 months. She reiterated that the budget is balanced and should stay intact. She emphasized again the need for a grant writer.

Commissioner Croley motioned to allocate \$200,000 from the One Cent Sales Tax to replace the fire engine provided by the County to the City of Quincy under the Fire Services Agreement, with the option that if a grant can be used instead of the One Cent Sales Tax that that it be done. It was seconded by Commissioner Morgan.

Chair Taylor asked the Attorney if it was possible to keep the motion as stated without monies from the grant being a sure resource. Attorney Minnis answered that the issue is the grant money is not in hand nor has it been applied for and there is no way to verify the motion.

Chair Taylor had concerns about the motion suggesting that it should be stronger and it should include moving the monies from wherever the One Cent Sales Tax is now budgeted.

Commissioner Croley amended his motion for \$200,000 to be moved from the One Cent Sales Tax and re-allocated to replace the Fire Engine provided by the County to the City of Quincy. Commissioner Morgan second the amended motion.

Commissioner Lamb expressed concern as to why this matter had not been brought to the Board's attention earlier. He asked Mr. Lawson for his recommendation.

Mr. Lawson yielded to Mr. Baker's expertise.

Mr. Baker reminded the Board that there was a discussion of the fire engine at the last Budget Hearing. He told them that the truck is 13 years old. He said the County would ordinarily purchases 5 -year trucks for the County's Volunteer Fire Departments. He explained that he first became aware of the fire engine's condition when the City of Quincy passed along a quote they received from a vendor. He went on to say that there is a need to do an analysis of all the county fire vehicles.

Chair Taylor said the City of Quincy reached out with a quote.

Commissioner Morgan asked if the county's equipment is placed in optimal positions or if it needs to be changed.

Mr. Baker replied that they were placed in good positions and added the thing they need to look at with the entire Fire Service is a replacement plan for all of the 28 fire trucks. Commissioner Lamb agreed that the truck should be replaced, but his bigger concern was that it was not presented to the staff. Mr. Baker apologized for not making the need known until the last hour of budget preparation. However, he again reiterated he was not notified any earlier, but emphasized the urgency to do it at this time. Commissioner Holt interjected that she could not vote on the matter until she was sure of a definite funding source. Commissioner Croley stated that he remembers the issue being brought up before. He concurred that the need appeared to be genuine and should be dealt with as expeditiously as feasible. He reminded them that this engine that is doing the primary fire fighting for the entire county is 13 years old and rolls out frequently.

Commissioner Lamb asked Mr. Chapman if they took some of the one cent sales tax proceeds to make the purchase, how it would affect the Public Works budget.

Mr. Chapman replied that it would be irresponsible of him to attempt to answer that question "on the fly." He did say that a reduction of \$200,000 would affect many different things in Public Works. He offered to prepare any type analysis they would like to see, but it would involve salaries, materials, etc. He said if the Board chooses to take the \$200,000 from the One Cent Sales Tax, it would benefit everyone to go back and have meetings with all the Managerial Staff to discern where and how much to carve out of the presently proposed budget.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 2 – 3, BY VOICE VOTE, TO ALLOCATE \$200,000 FROM THE ONE CENT SALES TAX WITH WHICH TO REPLACE THE COUNTY'S FIRE ENGINE THAT IS USED BY THE CITY OF QUINCY. (Commissioner's Holt, Lamb, Taylor opposed the motion, motion was failed.)

Budget Highlights

Commissioner Morgan recommended reducing all departments, Constitutional Officers and non-profit organizations budgets by 3%.He said the Chamber of Commerce should also be reduced by the same amount. He stated the current fund balance is \$ 4.3 million.

Mr. Price interjected that as of September 30, 2011, the Fund Balance was 4.5 million and \$.5million of restricted fund balances. However, he pointed out once again that \$172,000 of that was used to bring the proposed budget into balance.

Clerk of Courts

Commissioner Croley inquired about \$100,000 for bus service. He said he couldn't recall the Board agreeing on that issue.

He spoke in support of the Clerk's Finance Department as they are a Board function. He asked to take the \$17,000 that is in the budget for Judge's per diem to be reallocated to Finance Department. He then made a motion to that effect. It was seconded by Commissioner Morgan.

Commissioner Holt reflected on when and why the board agreed to continue to fund the per diem when most counties discontinued the practice. She recalled that it was done in an effort to secure another judge or enough "senior judge days" to help reduce jail overcrowding. She discussed the board's commitment and suggested there could be consequences if the board reversed that decision. At the very least, she said she felt they should be contacted for their feedback. Chair Taylor asked what the \$17,000 would be used for in the Clerk's Finance Department.

Mr. Lawson replied it would help with resources they need for staff.

<u>Andy Davis, of Chief Judge Francis' Office, representing Grant Slayden</u>, addressed the Board in support of retaining the judge's travel expenses in the budget. He acknowledged that Gadsden is the only county that pays judge's travel, but added it was a much needed incentive. He said that the Second Judicial Circuit now has 16 Circuit Judges.

Commissioner Lamb expressed he would be in favor of removing the funds from the judge's travel, but he would not be in support of ear marking it to go into the Finance Department budget. He said he would like for it to go to the General Fund.

Commissioner Morgan mentioned the Clerk's Office had taken significant and repeated reductions in the recent years.

Mr. Lawson said the additional funds would help offset the assistance of retirement, which they didn't receive as all other County employees received.

Commissioner Croley commented he didn't have anything against the judges, but the Clerk's Finance Department is in need of assistance and they have not received a raise in 6 years.

Commissioner Lamb said they have not received a recommendation from the Clerk's Office and he would like for money to go back to General Fund.

Mr. Lawson interjected and replied they have received recommendations from all Constitutional Officers.

Commissioner Croley amended his motion to conserve \$17,000 out Judge's Travel versus giving to the Clerk's Finance Office.

Chair Taylor cautioned the Board to be careful because it does offer the judges some incentives to come to Gadsden, which in turn helps with controlling the jail population. She suggested that the board leave it in the budget throughout the coming year, but take a closer look at it in the next budget cycle. They are coming more frequently because of funding. She then asked Mr. Davis to explain rationale for travel.

Mr. Davis stated it was a great thing to have two circuit Judges and JAs assigned to Gadsden. He said that the travel allowance really helps the assistants, because of their low salary. If not for the per diem, a JA might choose not to travel with the judge, but remain in Tallahassee. Their assistance is vital to the judge because she keeps the process steadily going, which ultimately ensures swift justice.

Commissioner Croley stated, with all due respect to Mr. Davis, that out of the 6 counties and Franklin being the furthest, Gadsden is the only County that continues to pay for the travel. He said that it doesn't make fiscal sense and things did not turn out as planned when the board made the commitment. He added they have a legitimate need to take care of Clerk's Office, and then decided against amending his motion.

Commissioner Holt stated the \$17,000 was a minimum amount to take care of jail. She voiced her opposition to taking Judge's Travel.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 2 - 3, FOR \$17,000 BEING TAKEN FROM JUDGE'S TRAVEL AND TRANSFER TO THE BOARD'S FINANCE UNIT TO HELP SUPPLEMENT THE FINANCE OFFICE. (Commissioner's Holt, Lamb, Taylor opposed the motion. Motion failed.)

Contingency

Commissioner Morgan suggested eliminating the \$100,000 in reserve for Contingency. He voiced his reasons behind the suggestion as being that it could be saved until a real emergency occurs. By making the 3% across the board reduction to all budgets, he said it would free up dollars to make the economic arm of the Chamber whole. In addition, with the 3% cut Emergency Housing could be funded. He reasoned that it would create a more responsible budget. He added it was not fair to ask Constitutionals and County Department Heads to take a 3% cut and not require the same of the Non-Profit Organizations.

Commissioner Lamb commented he supported Commissioner Morgan and would like to reconsider the Emergency Housing.

There was a motion by Commissioner Morgan and a second by Commissioner Lamb, to budget the Reserve Contingency Account at Zero Dollars.

Chair Taylor asked what would happen to the \$100,000.

Commissioner Morgan said they would address that at a later time.

Mr. Lawson added to the conversation by saying they don't have to have money in a Contingency fund and it could go back into Fund Balance. However, he stated that he felt they should have a contingency fund.

Commissioner Holt suggested the Board decide what to do with the \$100,000.

Chair Taylor opined that the Contingency Fund should be left as it is and as they go down the list and discusses monies, it could be moved later and funding could come out of the Contingency Reserve.

Commissioner Morgan withdrew motion and Commissioner Lamb withdrew second.

Commissioner Morgan asked for a 3% reduction to all non-profits, across the Board from what they received last year.

Commissioner Morgan made a motion to take 3% from the Chamber of what they received last year. It was seconded by Commissioner Lamb.

Commissioner Holt asked if the Chamber presented a plan. She voiced at the last meeting they had not presented a plan. She posed such questions as, "What are the objectives of the Board and what product will they deliver?"

Commissioner Croley asked if there was a Contractual Agreement in place between the Chamber of Commerce and the County Commission.

Mr. Lawson noted they approved one last year, but was unsure if it was yearly or on a continuous basis.

Attorney Minnis stated there are some interpretations that it has to be a clear conflict. She said there are others that if there is an appearance of conflict you must abstain.

With that answer, Commissioner Croley went on the record to state that He and his business are members of the Chamber and there could exist a conflict of interest. He stated that he would abstain from voting on their budget until he could reach some legal clarity about the matter.

Commissioner Holt concurred with Commissioner Croley. She asked for a copy of the contract or list of the members on the Chamber.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 2 – 2, BY VOICE VOTE, FOR APPROVAL TO FULLY FUND THE CHAMBER AT A 3% REDUCTION. (Commissioner's Holt and Taylor opposed the motion. Commissioner Croley abstained from voting. The motion failed.)

Chair Taylor expressed there should be funding they all can agree on. She said last year it was \$66,000 for the Chamber.

Commissioner Morgan reminded Chair Taylor with that amount they would be eliminating the Small Business.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 2 – 2, BY VOICE VOTE, TO FULLY FUND THE CHAMBER. (Commissioner's Holt and Taylor opposed the motion. Commissioner Croley abstained from voting. <u>The motion failed.</u>)

Commissioner Holt stated she would be in favor of funding being split between the Small Business and the Chamber. She also commented she would still want the documentation of paperwork she asked for earlier in the conversation.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO FUND THE CHAMBER AT A TOTAL OF \$66,000, TO BE DIVIDED BY SMALL BUSINESS AT \$20,000 AND THE CHAMBER AT \$46,000 AND TO BE DISBURSED ONCE A PLAN IS PRESENTED AND DELIVERED TO THE COUNTY ADMINSTRATOR. (Commissioner Croley abstained from voting. The motioned passed.)

Commissioner Holt motioned that all required or requested documentation from Chamber is turned into the Manager. The motion died for lack of second.

Commissioner Lamb directed the administrator to have the Chamber provide a list of the members and their plan for developing Economic Development in Gadsden County.

He then added that he would like for \$25,000 to be placed in Emergency Housing.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 3 – 2, BY VOICE VOTE, TO APPROVE \$25,000 FOR EMERGENCY HOUSING OUT OF CONTINGENCY AND IT BE DIVIDED BY \$5,000 GOING TO EACH DISTRICT. (Commissioner's Croley and Morgan opposed motion. The motion passed.)

Contingency

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 2 - 3, BY VOICE VOTE, TO ELIMINATE THE CONTINGENCY BALANCE AND PLACE IT IN THE FUND BALANCE. (Commissioner's Taylor, Lamb and Holt opposed. Motion failed.)

There was discussion on the amount in the Contingency Fund and what the Non- Profits were funded at for this FY12/13.

Mr. Price said there was \$59,000 in the Contingency Fund.

Commissioner Holt asked about Non Profit Funding.

Mr. Lawson replied all funding is at last year's level with the exception of Chamber.

Community Development Council

Commissioner Holt said she would like to look at funding for the Economic or Community Development Council. She asked if there was one established.

Mr. Chapman confirmed that he serves on the Community Development Council, which has similar functions as the Economic Development Council. He said Dr. Grant chairs that Council.

Commissioner Holt motioned to move \$10,000 to the Gadsden Community Development Council. The motion died for lack of second.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 2 – 3, BY VOICE VOTE, FOR APPROVAL TO LEAVE THE \$59,000 IN THE CONTINGENCY FUND. (Commissioner Lamb, Morgan and Croley opposed the motion. The motion failed.)

Discussion from the Board occurred.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 3 – 2, BY VOICE VOTE, TO DIRECT \$25,000 TO SMALL BUSINESS DEVELOPMENT CENTER. (Commissioner Taylor and Holt opposed the motion. The motion passed.)

It was later determined by Commissioner Croley his vote was silent, which was incorrectly interpreted as a "yes" vote, but since the Small Business Center is not a separate entity from the Chamber of Commerce, He would have to abstain from voting on this matter. (The corrected vote is reflected below.)

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 2 – 2, BY VOICE VOTE, TO DIRECT \$25,000 TO SMALL BUSINESS CENTER. (Commissioner Taylor and Holt opposed the motion. Commissioner Croley abstained from voting. <u>The motion failed.</u>)

Commissioner Lamb motioned for the Contingency Account to remain the same and it was seconded by Chair Taylor. After further discussion it was withdrawn.

**************Commissioner Holt left the meeting at this juncture. ************

Mr. Lawson opined that the funds should remain in Contingency.

Chair Taylor stated "part of it" should remain in Contingency.

Commissioner Lamb inquired about the One Cent Sales Tax coming out of Transportation. He asked if they were going to recommend resurfacing Lake Yvette West. He asked how that it be added to the budget and then asked how it would be handled.

Chair Taylor asked Commissioner Lamb to hold his comments, because she didn't know if it could be discussed at this time.

Attorney Weiss stated unless it's a specific item contained in the proposed budget it would go into matters beyond the budgeting process and could not be discussed at this meeting.

Mr. Lawson noted that if Mr. Chapman has money allocated in the Public Works budget for resurfacing, he could then discuss the project when that budget is discussed.

Commissioner Croley noted that he had not seen the Public Works budget. He asked Mr. Chapman if he had earmarked monies for Capital Projects. Mr. Chapman ended the conversation of Capital Projects by saying, "No Gadsden dollars are allocated for Capital Projects. All capital projects are tied to State and Federal monies and grants."

Commissioner Croley questioned Bus services at \$100,000.00.

Mr. Lawson reminded the board that they voted earlier in the year to fund the Gadsden Express services. The amount of money in the proposed budget was there as a result of the Commissioners commitment to keep the services going.

Commissioner Croley motioned to take the \$17,000 from the Judge's travel and place it back in General Fund. It died for a lack of second.

Adjournment

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

Sherrie Taylor, Chair

ATTEST:

Beryl H. Wood, Deputy Clerk for Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON SEPTEMBER 4, 2012, THE FOLLOWING PROCEEDING WAS HAD, VIZ.

Present: Sherrie Taylor, Chair, District 5

Gene Morgan, Vice Chair, District 3

Eugene Lamb, District 1 Doug Croley, District 2 Brenda Holt, District 4

David Weiss, Assistant County Attorney Arthur Lawson, Interim County Administrator

Beryl Wood, Deputy Clerk

CALL TO ORDER

Chair Taylor called the meeting to order at 6:00 p.m. announcing the date and time. She then led in an invocation and the pledge of allegiance to the U.S. flag.

The chair then asked that all cell phones and pagers be silenced during the proceeding and instructed those who wished to speak to the board to file a "Speaker Request Form" with the clerk.

She then announced that a budget hearing would be held on Wednesday, September 5th at 6:00 p.m. She encouraged the public to attend.

ROLL CALL

Deputy Clerk Beryl Wood called the roll and recorded the attendance as noted above.

AMENDMENTS AND APPROVAL OF THE AGENDA

ADDED:

• <u>14A:</u> Interlocal Agreement with Town of Greensboro for Road Maintenance and Special Projects.

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

AWARDS, PRESENTATIONS AND APPEARANCES

There were no awards, presentations or appearances.

CLERK OF COURTS

1. Presentation of County Finances and County Clerk Issues

The Clerk was not present.

Consent Agenda Items 2-7

At Commissioner Croley's request, Item 5 was pulled for discussion

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0 BY VOICE VOTE TO APPROVE ITEMS 2-4 AND 6-7.

2. Approval of Minutes –

June 5, 2012 Regular Meeting
July 11, 2012 Budget Workshop/Special Meeting

3. Ratification of Approval to Pay County Bills

No warrants and voucher dates were included in the agenda package for approval.

4. Approval of Bid Award – Bid 12-12 Uniform Rental Services to Cintas

This agenda item sought approval to award the bid for uniform rental services to Cintas Corporation, 2379 Commercial Park Drive, Marianna, FL. The County solicited bids received two responses. They bid committee met on August 17, 2012 and the e recommended awarding the contract to Cintas Corporation. See the bid proposal attached.

5. Resolution Number 2012 028 Approval of fifth Amendment to the FACT Agreement and Declaration of Trust

This board voted to remove this item from the consent agenda in order to discuss it.

6. Approval to amend Library Long-Range Plan 2008-2012

This agenda item sought approval from the Board of County Commissioners to amend the Library's Long Range Plan to extend it for one additional year. The current plan will expire on September 30, 2012. The Library Commission recommended that the county continue with the current plan in order to draft a new plan for the years 2013-2017. That would allow the stakeholders time to give input to the new long-range plan that will reflect the current economic trends and funding availability.

7. Approval and Execution of Library State Aid Grant Agreements

The agenda report noted that the library system in Gadsden County is dependent on the funding from the State Aid Grant, which the Library uses to pay for materials, salaries and operating expenses in the three libraries. As part of the application process, the county must file signed documents with the State by October 1, 2012 in order to received funding for the 2012-2013 year. This agenda item sought approval of the agreement and authorization for the chairperson to sign

them.

Consent Items Pulled for Discussion

5. Resolution Number 2012-028 Approval of fifth Amendment to the FACT Agreement and Declaration of Trust

The current trust agreement for FACT I (Florida Association of Counties Trust) requires two separate audits, GASB (Governmental Accounting Standards Board)/ GAAP (General Accepted Accounting Principles) and Statutory. The FACT board of trustees determined that the GASB/GAAP is sufficient for the financial reporting requirement and therefore recommended approval of the Fifth Amendment to the Agreement and Declaration of Trust removing the requirement for the other audit.

In keeping with the March 1, 1989 agreement, any amendment must have the written consent of a percentage of the Members of FACT. The only fiscal impact resulting from the amendment would be a savings of the cost of the second audit, which would be a benefit.

Commissioner Croley stated that he could not understand the impact of the proposed amendment because there was not adequate information included in the agenda report. He asked, "How much money can be saved?" Since there was no one present from FACT that could answer his question, he said he was hesitant to move forward without further explanation.

Mr. Lawson stated that he would contact someone from FACT to ascertain what the savings would be and notify the commissioners in whatever fashion they directed him.

Commissioner Lamb commented that the purpose of getting the agenda package so far in advance is to resolve questions such as this ahead of the meeting. He was in favor of moving the item forward without further delay.

Commissioner Holt commented that any savings at all would be a desirable outcome. She was in favor of moving forward with the amendment.

Commissioner Morgan had no comment.

Chair Taylor was in favor of moving forward with the expectation that the administrator would make the appropriate contacts to obtain answers to Commissioner Croley's concerns.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4-1 BY VOICE VOTE TO APPROVE THE AMENDMENT. COMMISSIONER CROLEY CAST THE LONE DISSENTING VOTE.

CITIZENS REQUESTING TO BE HEARD

Mrs. Emily Rowan, 1200 Little Sycamore Road addressed the commissioners with a plea for them to speak into the microphones so that the audience could hear them as they deliberate. She complained that she could not hear what they were saying.

PUBLIC HEARINGS

8. First Public Hearing – 2012 CDBG Grant Cycle

Mr. Auburn Ford announced a public hearing for receiving citizen's views on the consideration of Community Development Block Grant to meet needs in Gadsden County. He named a number of project types that could benefit the county from CDBG grants funds. They included the categories of Housing, Neighborhood Revitalization, Commercial Revitalization and Economic Development for the 2012 grant cycle.

He read a statement into the record indicating the steps in the grant process.

Chair Taylor again stated that the proceeding was a public hearing and she called for questions and comments from the public and from the board.

There was no response.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0 TO APPROVE MOVING FORWARD TO THE NEXT STEP IN THE PROCESS TO APPLY FOR THE CDBG FUNDS FOR A PROJECT THAT WILL BE DETERMINED BY A CITIZENS ADVISORY COMMITTEE.

9. Second Public Hearing – Florida Public Safety Institute (PSFI) Large Scale Future Land Use Map (FLUM) Amendment/Adoption via Ordinance 2012-007 CPA-2012-01

Request: Change 875 acres from AG-3 to Public on the Future Land Use Map

Applicant: Tallahassee Community College Board of Trustees /Florida Public Safety Institute **Agent:** George and Associates Consulting Engineers (Robert George and Joseph Miller

Parcel No: 3-26-2N-3W-0000-0040000 and 3-25-2N-3W-0000-00130-000

Location: Adjacent to and will become a component of the Florida Public Safety Institute, formerly known as the Pat Thomas Law Enforcement Academy on the south side US 90 between Midway and Quincy

Planning Commission Recommendation: Based on the findings as contained in the Agenda Report by staff to the Commission, they voted to approve the FLUM with a condition that the amendments to the FPSI master plan be approved by the County;

Prior Hearings: Citizens Bill of Rights hearing on February 23, 2012 – no issues raised

Planning Commission April 12, 2012

BOCC June 5, 2012 – Based on the findings reported to the Board by staff and the Planning Commission, the BOCC voted to approve the Transmittal to FDEO,

Division of Community Planning – It was returned by them without any comments or concerns

Staff Recommendation: The staff recommended approval.

Mr. Anthony Matheny, Planning and Community Development Director, addressed the board.

Matheny:

We are here tonight for an adoption hearing. You have heard this application during a regular meeting and approved it unanimously. It went on to the Department of Economic Opportunity. They reviewed it and they had no comments. They have no problem with the property whatsoever. We did receive three or four letters, none of which contained negative findings of any type.

We did receive a letter very, very late and we normally would not even consider a late comment, but we decided to include it in the responses. It is from the Apalachee Regional Planning Council. They had some concerns that the project team is going to address in just a few minutes. They are concerns that do not bring in any problems to the project at all. I do not have any concerns with them myself.

They are going to come and walk you through exactly what they are going to do as they address Apalachee Regional Council's concerns.

Again, DEO has approved it. It is ready to go. If you approve it tonight, I think there is a 30-day waiting period before we can actually make the map change on our map make it effective. Therefore, there is a 30-day waiting period.

I am going to turn it over to Joe Miller and the rest of his team to walk you through a very, very short presentation to update you. Again, you have heard it all before, but, this is the second public hearing required for adoption.

Joe Miller:

Thank you for letting us come before you again tonight. As Anthony said, this is the second public hearing for the Florida Public Safety Institute Land Use Change. Before I get started, I would like to introduce my team. We have Mr. David Wiles, who is the Director of Facilities Planning and Construction at TCC, then E.E. Eunice, who is the Director of FPSI and Robert George, who is the president of George and Associates. We have Brian (inaudible) from (inaudible) attorneys and Andy Brock, who is our environmental scientist.

I will give you just a review of the proposed amendments. The Planning Commission approved this on April 12th and then I presented it to you at the first public hearing on June 5th at which time you approved the transmittal to DEO. Just as a refresher, you will recall that there are two parcels that we wanted to change the land use from AG 3 to Governmental. We have a 59-acre parcel here. This parcel is about 825 acres. The Florida Public Safety Institute needs the land use amendment to allow it to expand their training. This is going to be a very low-density development as we explained before. Of course, we will take into consideration all environmental

concerns. As we have shown, it will have minimal impact on the environment. However, most of all, it is going to bring jobs to Gadsden County. As Anthony said, your staff actually submitted it to DEO within 10 days of your approval to transmit.

Basically, the agency comments were complimentary. They also included a statement indicating that they had no concerns. What I have given you is basically a little summary of the comments we received from the agencies. The first one was from the Department of Economic Opportunity, which is the lead agency. They had no comments or concerns about the land use change. The Fish and Wildlife Conservation Commission, again, stated that they had no adverse comments. The Florida Department of Transportation stated that they could see no adverse impacts. In addition, the Department of Education stated that there were no adverse impacts.

We did receive just last Wednesday some comments from the Apalachee Regional Planning Council, but I consider these only minor comments. Most of them are site-planning type actions that will take place. Their first concern was on site waste/sewage system, which is septic tanks. I had said in the original application that we would consider using septic tanks or central sewer system. If we use the central sewer system, we will have to pump it to the nearest lift stations, which will be on the main campus. At that time, I stated that it would be an economic decision as to which one we would use. Basically, the Apalachee Regional Planning Council came back and said, "Please consider using the performance based septic tank systems, which is a septic tank system, but it is a higher performing septic tank system. Therefore, we will do that when we consider the sewage disposal. If we use septic tanks, that is the type that we will use.

The other comments that we need to discuss is the possibility of steep head ravines, which are ravines that have seepage that have a high quality community. Basically, our environmental scientists and Andy Brock, they reviewed this and they have determined that we do not have any steep heads in this area of such high quality as you do in other areas of Gadsden County. In addition, we have taken all measures to insure that we do protect the ravines. Their last comment had to do with data of water quality from FDEP. The Apalachee Planning Council had researched this and they found that some of the parameters were impaired for the Little River. One of those parameters was fecal coliforms so they asked us to look at that as we consider what type of sewer system. Therefore, we will consider that just as they suggested. Either we will use the performance-based system or the central sewer system or that will basically mitigate that.

We will apply those comments that we see from the Apalachee Regional Planning Council. The other agencies had no comments and were supportive of our actions.

With that said, I can answer any questions and from there you may decide to move on with this.

Taylor:

Let me also remind everyone in the audience that this is a public hearing where you can voice your concern on this large-scale land use map amendment for the Florida Public Safety Institute.

Is there anyone in the audience that would like to come before us to speak on behalf of this issue?

Alexander Powell:

Yes, I just have a question.	
Taylor: Would you come forward please, state your full r	name, and address for the record.
Powell: Yes, I am Alexander Powell and I live at 205 Gene will affect where I live and what bearing it will ha	· · · · · · · · · · · · · · · · · · ·
Taylor: Thank you, sir.	
(To Mr. Miller) Are you familiar with Geneva Circ	le?
Miller: Actually, I am not. Can you point it out on the m	ap? (To Mr. Powell)
Powell: It is just west of Little River off of Armstead Road	l just before you get to the old trampoline place.
Miller: We discussed noise abatement last time and we around any training site that we have and from L west side of Little River, that there will be any im	ittle River. So, I do not see, especially from the
Holt: May I ask him a question? (Mr. Powell)	
Taylor: Yes.	
Holt: How close are you to Little River?	
Powell: Anywhere from ¼ to ½ mile. I mean, we can hea day and all times of the night. It has not been a p was going to increase or not.	
Holt: It depends on what they move closest to you. It where you live on that map so we would have an	
(To Charles Chapman)Yeah, it is going to it now.	That is it right where the "A" is.
Lamb:	

It is just past	the Trampoline Place to the right going back east before you get to Little River.
Chapman: It is indicated	I by the "A."
Holt: Yeah.	
Taylor:	mplexes right there to the right.
There are con	inplexes right there to the right.
Holt: So, you are n	ot far from it.
with the aqua	st of the development is south of you, so really, anything that is going to be expanded atic facility, the driving track will be well south of where you are now. They are closer you are to US 90.
Taylor to Mr. Do you have	Powell: any other questions, sir?
Powell: No, that is fir	ne.
Taylor: Thank you.	
Commissione	ers do you have any other questions?
What kind of	ank you, Madam Chair and Thank you, Mr. Miller for coming. I do have one question communication have you had with Mr. Charles Blume at Apalachee Regional ncil from the concerns that you shared with us?
Miller: I will write hi will go back t	m a letter that addresses all of his concerns. A formal letter has been drafted and it o Mr. Blume.
	s not waiting on communication back from us? He had expressed his concerns e board, but he also shared it with you.
Miller: If you read hi	is letter, you will see that he also asked us to express their concerns to the board.

Taylor:

Are there any other questions?

Holt:

Yes. I have forgotten the young man's name that was up here a minute ago, but as far as the neighbors around that parcel - have they been notified about this project?

Miller:

Yes, ma'am. Before the citizens group meeting, we notified everybody within a half-mile radius.

Holt:

O.K. I just wanted to make sure that no one was left out of that process.

Steepheads. Tell me what steepheads do.

Miller:

Steepheads are just ravines with a stream near the bottom of the ravine. It has a high quality natural community in the steephead. The scientist in charge of this project was Andy Brock and his crew from Cardno TBE, environmental consultants, and they evaluated these ravines and they did not consider them as steepheads.

Holt:

So, Apalachee Regional Planning Council – if they were interested, they would be able to go and have a look at that property and get those questions taken care of?

Miller:

Sure.

Holt:

Also, would the river be better protected with the central system or the high quality septic system?

Miller:

Our flows are going to be so minimal that I would not be able to say that it would be better protected by a central system. The reason we even considered on-site sewage is because our density is going to be so low and the sewage created by our training sites will be minimal compared to any effect that it might have.

Holt:

For the property that you were looking at for rezoning on the river, you are not looking at building on that property?

Miller:

No, ma'am. You see those dark areas on the wall there? Those are wetlands and we will stay well back from them.

If we go to the next slide, we can actually see our items there.

One more slide, please. You see the park facility, which is the part that is in blue. Then you see the driving track, which is just below it. The orange is the solar farms.

Holt:

So, there will be no development near the river?

Miller:

No.

Holt:

O.K. I just did not want it flowing into Lake Talquin. O.K.

Thank you Madam Chairman.

Taylor:

Are there any other questions?

Auburn Ford:

I am here now in my relationship to the City of Midway. Where is the City of Midway in relation to this project?

Miller:

Midway is down to the lower right, so it is about 3.7 miles.

Ford:

I notice that part of this is adjacent to I-10 and on the other side of I-10 is where we have Rustling Pines housing development. So, since I am here, I want to represent my citizens and make sure there is not going to be any type of disruption in their lives when it comes to noise and the like.

Miller:

Anything that we construct will be constructed with the buffers required. The Solar Farm will hardly be seen and it will not create any noise. The driving track is well off of I-10 and will certainly make less noise than I-10 itself.

Holt:

Madam Chairman, I have just a quick question.

Down on the right, are those roads down in there on the lower right hand side near the light green?

Miller:

That is the Suber property and those are basically just trails that have been created over the years.

Holt:

O.K. Thank you.

Taylor:

Are there any other questions?

Commissioners?

There was no response.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0 BY VOICE VOTE TO ADOPT ORDINANCE 2012-007 APPROVING THE FUTURE LAND USE MAP AMENDMENT CHANGES 875ACRES FROM AG-3 TO PUBLIC, WHICH WILL EXPAND THE EXISTING FLORIDA PUBLIC SAFETY INSTITUTE CAMPUS.

10. Public Hearing: Adoption of Ordinance Number 2012-005, Adopting a Special Magistrate Alternate Code Enforcement System

Assistant County Attorney David Weiss addressed the board explaining that the proposed ordinance came at the response of the Code Enforcement staff who was experiencing a great deal of frustration with not being able to enforce the county codes. At the direction of the BOCC, the attorneys worked with staff to develop an ordinance to deal with their frustrations in that it proposes an alternate code enforcement procedure. A special magistrate would be authorized to conduct hearings, issue orders and impose fines in compliance with the county codes. FS 162.032 allows counties to adopt such alternate code enforcement system.

Chair Taylor announced that this was a public hearing and invited comments from the public.

Ed Allen addressed the board and asked if the county would hire code enforcement officers.

Mr. Lawson stated that there are already two officers on duty and citing violations and issuing citations to come into compliance.

Mr. Allen then complained that there have been ongoing violations at Lake Talquin and he had not seen any officers dealing with them. As well, he spoke about the C.W. Roberts violations.

The Chair declined to engage in dialogue about those issues raised by Mr. Allen in an attempt to move the agenda.

Discussion followed among the board with particular attention paid to the time frames referenced in the ordinance, how property liens could or would result and what they could expect from a special magistrate. After lengthy consideration, the board concluded that the language was largely acceptable as written except there was a consensus that the magistrate should be compensated.

A MOTION WAS MADE BY COMMISSIONER CROLEY AND SECONDED BY COMMISSIONER MORGAN TO APPROVE THE ORDINANCE WITH AN AMENDMENT AS FOLLOWS: "The special magistrate will serve with compensation and all expenses of the special magistrate are reimbursable up to the maximum amount provided by law." THE BOARD VOTED 5 – 0 IN FAVOR OF ORDINANCE 2012-005.

11. Public Hearing: Request to Hold First Public Hearing and Authority to Amend the Tourist

Development Council (TDC) Strategic Plan Funding Application Process and Change the Fiscal

Year to Coincide with County Fiscal Year Ordinance 2012-006

Interim Administrator Arthur Lawson introduced the agenda item calling attention to the agenda report and the ordinance itself. He then introduced Mr. Matt Thro, Vice Chair of the TDC.

Matt Thro, Vice-Chair of TDC, addressed the board and explained the reason for the changes in the Ordinance. He highlighted the changes to the application process.

Chair Taylor called for questions and comments from the public. There was no response.

Board discussion followed.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE ORDINANCE 2012-006.

GENERAL BUSINESS

12. Approval to Award Bid Number 12-11 for Search Engine Optimization (SEO) to Tallahassee

Media Group of Tallahassee Florida and Authorize the Chairman to Execute Agreement

UPON MOTION BY COMMISSIONER CROLEYAND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0, BY VOICE VOTE TO AWARD BID 12-11 FOR SEARCH ENGINE OPTIMIZATION (SEO) TO Tallahassee Media Group. THE MOTION ALSO AUTHORIZED THE CHAIRMAN TO EXECUTE AGREEMENTS THAT WILL FOLLOW THIS VOTE.

13. <u>Approval of License Agreement for Wireless Communication Equipment Facilities with the Florida Rural Broadband Alliance, LLC. (FRBA)Tower Agreements</u>

Public Works Director Charles Chapman recalled that on May 15, 2012, the BOCC approved three agreements for various locations throughout the county for this license agreement for wireless communication equipment. That approval was contingent upon the county attorney looking over them and offering recommendations. Since that time, Ms. Minnis did examine the agreements and recommended changes and they were sent on to FRBA for their approval of the changes. FRBA approved the changes without questions and will be brought back for execution.

However, the referenced agreement was not a part of those approved on May 15, 2012. There

were four agreements for four locations. The one before the board on this agenda was missed on May 15, 2012. He said that the changes that were recommended by the attorney on the other three agreements have been incorporated into the agreement and was ready for execution.

It was noted that \$20,000 a year will be realized to the county through the execution of the agreements.

Commissioner Croley asked if it will generate \$20,000 per tower or if it will be a total of \$20,000 for all four towers.

Mr. Bryan Ward of Opportunity Florida addressed the Board in response to their questions. However, he could not answer with certainty about how much revenue the county could expect to be generated by the tower placements. He promised to contact them the following day with the correct figures.

The four locations are:

- 24 North Adams St. Guy Race Judicial Center
- County Courthouse 10 East Jefferson
- 1284 Highbridge Road
- Jail/Armory Location on Pat Thomas Parkway

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE LICENSE AGREEMENT FOR THE FOURTH TOWER AND EXECUTE ALL FOUR OF THE AGREEMENTS, WHICH WILL EXPIRE IN THE YEAR 2017.

14. Approval of Local Agency Program (LAP) agreement and Resolution for Roadside Beautification Landscaping Project 2012-027;

Public Works Director Charles Chapman explained that the above referenced project agreements are for state owned rights-of-way at five locations. Re reported that the board has just completed the first phase of this project, which was the construction design and engineering for the locations. The above stated agreement is for Part 2 of the project, which is the actual construction of the projects. It is primarily for the Gateways into the county and for the countywide wildflower beautification project in anticipation of Florida's 200th anniversary events to follow.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE LAP AGREEMENTS AND THE RESOLUTION NAMED ABOVE.

14a. Interlocal Agreement with Town of Greensboro for Road Maintenance and Special Projects

Commissioner Morgan explained that the Town of Greensboro is in a situation where they have a very pressing need for the county's help in maintaining some areas in the town limits. He said their next meeting will be on the upcoming Monday and they need the agreement before them for that meeting. Otherwise, they would have to wait an entire month before they could receive the help.

Mr. Chapman stated that the agreement is the same as the other municipalities and the others are ready to be signed as well, but will appear on the next agenda. In view of the pressing need, it was decided to bring the Greensboro agreement forward as an amendment to this agenda in order to expedite the services to them.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE INTERLOCAL AGREEMENT WITH GREENSBORO FOR ROAD MAINTENANCE AND SPECIAL PROJECTS.

15. National Solar Update

There was no update on National Solar.

COUNTY ADMINISTRATOR

16. Update on Board Requests

Mr. Lawson announced the first public hearing on the budget for September 5, 2012 at 6:00 p.m.

Special Meeting/Workshop Votes

Commissioner Croley raised some procedural questions regarding the votes that were taken on specific budgets at the last workshop/special meeting.

Mr. Lawson stated that the meeting was advertised as a workshop/special meeting and as such, they could vote on matters.

Mr. Weiss stated that there is no prohibition to prevent them from voting on specific parts of the budget as opposed to the entire budget. The entire budget must be adopted at an advertised public hearing, but that would not prevent them from taking votes about particular items within the budget. It was advertised appropriately for the votes that were taken.

Commissioner Croley asked him to coordinate with Ms. Minnis to discern whether the board was following the FL Statutes with regard to voting at special meetings.

COUNTY ATTONREY

There was no report by the attorney.

DISCUSSION ITEMS BY THE COMMISSIONERS

Commissioner Lamb, District 1

Commissioner Lamb had nothing to report.

Commissioner Croley, District 2

Tragedy that occurred at the Senior Citizens Center

Commissioner Croley asked Mr. Lawson if he will be making a report to the commission about how the July accident at the Senior Citizen building occurred.

Mr. Lawson replied, "After all the legal matters are resolved, I can certainly can, but there has been some legal actions started and I wouldn't want to comment on that."

Commissioner Croley then asked, "Are we continuing to allow the leasing of the facility?"

Mr. Lawson answered, "The board currently leases the building to the Senior Citizens."

Croley:

Do you have any oversight of that? Not to the Senior Citizens, but to the outside third parties?

Lawson:

No, sir, I do not have anything to do with that. Their board and the Executive Director administers their program.

Croley:

But, that was going on and I am trying to understand. Was the leasing of the facility to third parties occurring and is it still occurring?

Lawson:

I cannot say for certain that it is. I have communicated with the executive director that there should not be any additional leasing to third parties until we address the lease that we have with them.

Croley:

Thank you, that is good for the public to know.

Jail Inmates Working on County Roads

Croley:

Has there been any resolution towards scheduling of inmates to work on the public county roads by our public works director?

Lawson:

Nothing other than what I have reported to you before.

Commissioner Holt, District 4

Holt:

Right quick. I had asked the manager about some millings and he was letting me know that some were purchased to replace some millings. I just want to be able to look at some of the roads. I know that there is a lot of washing away of soil and that type of thing, and seeing about using those millings, you can use all of it in District 4, (laughter), but just in case you don't use all of it in District 4, can we contact DOT and see if they have some they are trying to get rid of that we can get. I know that we are going to have to do some repairs later. If we jump in early, maybe we can get some.

Chapman:

Just to answer the commissioner, Yes, we have about 20 loads at the pit. The term we use is to "freshen up the milled roads." The ones that have wash out problems; we replace some with new millings. In essence, it is fixing a pothole. That material is used just for maintenance purposes. But, to your point, we have had multiple conversations with FDOT, active conversations with DOT and we are on the list to get millings as soon as the state makes the decision to release it. For some reason, they are holding on to that commodity. I am not sure as to why. They are being rather secretive about it and I did not want to pry because, again, we are on the list. We are just trying to be patient and remind them periodically (about every six to eight weeks) that we want to be considered when they release that commodity.

Holt:

Great. Thank you.

Now to my other question.

Advertised Meetings

Holt:

You made a very good point, Commissioner Croley, about the special meetings. I think that in our advertisements, maybe we should put a footnote there that lets them know that at special meetings, we may vote. The public needs to know that. They are thinking that we are just doing a budget workshop and we are not voting on anything. But, if we are taking votes to move something forward, then they need to know that. So, Commissioners, I really think we need to have that done since there is an advertisement being made.

Croley:

Madam Chair, before we move on, there is a point I would like to make. I want to report something to the board. This has to do with the Gadsden Campus of Capital Regional Medical Center. I know that Commissioner Lamb made a comment about not communicating with the County Administrator. I will not go into the details except to say that I had an emergency, a personal emergency on Tuesday. I had been having some problems over the weekend and I had a reason to go that facility. I want to report to you first hand, and I did not say who I was or whatever, but the service there was outstanding. The medical tests that were provided were exceptional. I know that facility is in your district and you should be very proud that a facility of that quality of care that they provided is in you district.

From the conversations and observations of the other patients, which were a cross section of people, had similar reports. Now, there may be plans for expansion in the future, but what we have there today, you can be very proud of it as can every other commissioner.

I might also say that on the Saturday before, there was an incident when I had the opportunity to take another family member there to receive some tests and X-Rays. Again, the service was high quality. You could not ask for better.

Mr. Lawson, I want to compliment you on making that facility the way it is. So, excuse me for interjecting, but I thought you deserve hearing that.

Taylor:

Thank you, sir.

Commissioner Morgan?

Commissioner Morgan, Vice-Chair, District 3

Budget Hearings

Morgan:

The only thing I want to do Is remind the public that the public hearings for the budget will be tomorrow evening at 6:00 p.m. and the final budget hearing will be on the 18th of September at 6:00 p.m.

Taylor:

I think it will air right here at 6:00 p.m. right?

Lawson:

Yes, ma'am.

Commissioner Taylor, Chair, District 5

Rights-of-Way Maintenance

Taylor:

I only have two things. One is when it rains, the grass grows. If it rains today, you got to cut it tomorrow because you have got growth. It is going to be difficult to keep up with it. I am hoping for some other ideas of how to keep up with the rights of way. We have had excessive rain and when the rights-of-way are not properly maintained, it causes obstructions on the highway and that is a danger.

I had a processor serve me at my home with a lawsuit. I received this lawsuit last week and I have since turned it into staff and it is about a young man walking along the side of the road. Because

there were no identifications or markings on the road, his feet fell off the road and now we are being sued. It goes back to the rights-of-way. We need to have something that we can respond to situations like this. But, as we all know, folks will sue for anything and everything. But, as far as the rights-of-way, we need some good ideas about how to deal with it. I know it is difficult for Public Works to keep up with all that is going on there, but I am asking you all to look at it.

Kiosks Locations

At six o'clock?

Lawson: Yes, sir.

Commissioner Morgan, you mentioned a few minutes ago about the kiosks and the "jaw jacking". What I did after your comments at the last meeting was to contact Ms. Sonya Burns and asked her to make sure that we get it on our agenda. Ironically, so, that particular night, a gentleman from a company locally here — what's that lady's name from here that we use that does the bicycle paths? Kimley-Horne .. I call it a lady's name, but it is actually the name of a company, The guy that was here to do the presentation that night, I asked that he be here, too. My understanding is that he has some in depth knowledge as to where to place kiosks to be the most effective.

So, I can assure you that I like to look back at the end of the day and say, "We've gotten it taken care of." And, you are right, sir. Let's do as little "jaw-jacking" as possible and let's start looking at some things so that at the end of the day, we can all appreciate it.

Lamb:
I have a question. The final budget Public Hearing —is it on September 18th?
Lawson:
Yes, sir.
Lamb:
What about the board meeting that day?
Lawson:
It is the same day. The public hearing will be first, then the regular meeting.
Lamb:
But, the board meeting is at 9:00 that morning.
Lawson:
No, it has been moved to 6:00 p.m.

Taylor:

You probably ought to call and remind everyone because our minds have been traditionally set.

Ladies and gentlemen, this meeting is adjourned.

Receipt and File Agenda:

19a. For the Record: Sublease Agreement with the Department of Children and Families for the Chattahoochee EMS Substation located on grounds of the Florida State Hospital

September Meetings

September 5, 2012 at 6:00 p.m. First Budget Hearing for FY 2012-2013 September 18, 2012 at 6:00 p.m. Final Budget Hearing and Regular Meeting at 6:00 p.m.

Gadsden County Board of County Commission September 4, 2011 Regular Meeting	oners
<u>ADJOURNMENT</u>	
THEIR BEING NO OTHER BUSINESS BEFORE ADJOURNED AT 7:43 p.m.	THE BOARD, THE CHAIRMAN DECLARED THE MEETING
	Sherrie Taylor, Chairperson
Muriel Straughn, Deputy Clerk for NICHOLAS THOMAS, CLERK	

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON SEPTEMBER 18, 2012, AT 6:00 P.M., THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

Present: Sherrie Taylor, Chair – District 5

Gene Morgan, Vice-Chair – District 3

Eugene Lamb – District 1 Doug Croley – District 2 Brenda Holt – District 4

Debra Minnis, County Attorney

Arthur Lawson, Interim County Administrator

Beryl H. Wood, Deputy Clerk

INVOCATION, PLEDGE OF ALLEGIANCE AND ROLL CALL

Chair Taylor called the meeting/final budget hearing to order at 6:00 p.m. She opened the meeting with a prayer and the pledge of allegiance to the U. S. Flag.

The roll was called by Beryl H. Wood, Deputy Clerk with all being present as noted above.

Chair Taylor called for all cell phones to be silenced and requested all speakers to file a "Speaker Request Form" with the Clerk.

AMENDMENTS AND APRROVAL OF AGENDA

The following amendments were made to the agenda at the request of the Interim County Administrator:

- Pull Item 4
- Add a budget amendment that goes along with Item 10
- Add 11-A as an appointment to the Value Adjustment Board
- Replace Item 8 with a revised item that shows the fiscal impact.

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

AWARDS, PRESENTATIONS AND APPEARANCES

There were no awards, presentations or appearances.

CLERK OF COURT

1. Presentation of County Finance and County Clerk Issues

There were no items to present.

CONSENT AGENDA (Items 2, 3, 5 – 8)

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD

VOTED 5-0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA AS NOTED ABOVE, TO WIT:

2. Approval of Minutes

July 3, 2012 Regular Meeting
July 17, 2012 Regular Meeting
August 7, 2012 Regular Meeting

3. Ratification of Approval to Pay County Bills

Accounts Payables Dated:	August 31, 2012
	September 7, 2012
	September 14, 012
Payrolls Dated:	September 6, 2012

4. <u>Approval of Workforce Services Plan for Strategic & Operating Plan for the 2012-2016</u>
<u>Timeframe</u>

This item was previously removed from the agenda.

- 5. Approval and Signature of the 2012 E911 Rural County Grant Application for \$1500 for Training
- 6. <u>Approval and Signature on the 2012 E911 Rural County Grant Application for Warranty and Maintenance in amount of \$45,237-91</u>
- 7. Approval and Execution of Engaging Tweens, Teens and Their Community Through Science
 Exploration II Grant Agreement Project #12-LSTA-B-02 \$40,701.00
- 8. Request for the Annual Contract Year 2012-2013 Between the Gadsden County Board of County
 Commissioners and the Florida Department of Health for the Operations of the Gadsden
 County Health Department

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ITEMS PULLED FOR DISCUSSION

There were no items pulled for discussion.

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS

There were no citizens requesting to be heard.

PUBLIC HEARINGS

9. <u>Public Hearing – Second Public Hearing for Adoption of Final Millage Rate and Final Budget for Fiscal Year 2012-2013</u>

Mr. Jeff Price, Senior Management and Budget Analyst, appeared before the Board for the

Gadsden County Board of County Commissioners September 18, 2012 – Regular Meeting

adoption of the final millage rate and the final budget. He said the Board must approve the millage rate prior to adopting the budget and the final Gadsden County-wide operating millage rate was 8.904 mills. He further added, "The calculated roll-back millage rate, which is the property tax rate that generates the same amount of property tax revenue as last year is 9.7096 mills. The current year rate of 8.9064 has a percent change of roll-back rate 9.7096 mills is negative 8.27. For fiscal year 2012-2013, the final Gadsden County-wide budget is \$40,673,162." He said staff was recommending approval of Resolution 2012-030 and 2012-031.

Chair Taylor advised that this was a public hearing and the public would have an opportunity to come up and speak on the budget or the millage rate.

No-one came forward to address the Board.

Commissioner Holt asked if, on the millage rate, they would be voted on separately.

Chair Taylor answered, "Yes."

Commissioner Holt responded, "On the millage rate, I would like for the Budget Director to again explain to the public the difference in the two and the negative 8.27% to make sure they understand what is being said."

Mr. Price replied the current millage rate of 8.9 was what the millage rate was last year, so there was no tax increase and if the Board wanted to generate the same amount of revenue that was received last year, the millage rate would have had to have been raised to the 9.7 roll-back rate.

Commissioner Holt asked what the reason was for the difference in the millage rate in order to get the same revenue.

Mr. Price answered that was the calculations.

Commissioner Holt asked if his calculations were that there would be less revenue received if the board approved the same millage rate as the previous year. .

Mr. Price answered "Yes."

Chair Taylor stated that the y would vote on the millage rate, then address the proposed budget.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4-1 BY VOICE VOTE TO APPROVE THE FINAL MILLAGE RATEOF 8.904MILLS.COMMISSIONER HOLT OPPOSED. THE MOTION PASSED.

Chair Taylor then called for comments or questions regarding the final budget for fiscal year 2012-2013..

Commissioner Holt asked the County Administrator if the video tapings of the Board meetings were included in the budget .

Mr. Lawson responded it was not included in the budget.

Commissioner Holt stated that at the appropriate time, she would like to place a motion once again that the Board fund the videotaping of the County Commission meetings.

Chair Taylor responded that any time would be the appropriate time because it was open for discussion.

Commissioner Morgan wanted to address the funding for economic development under the wing of the Chamber of Commerce and added he thought it was budgeted at \$60,000. He also added he would like to recommend the Board fund the economic development of the Chamber at the same amount that was provided last year less 3% and that the Small Business Center be funded at the same amount as last year.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER LAMB TO FUND \$75,000 LESS 3% FOR THE CHAMBER AND BUDGET THE SMALL BUSINESS CENTER AT \$25,000.

Before Chair Taylor could call for a motion, Commissioner Holt had a question.

Commissioner Holt stated the Chamber had not turned in a plan as to how the money would be used. She added the Board requested the plan from the Chamber and they could not fund the Chamber until the plan was turned in.

Chair Taylor stated for point of clarity, the other organizations were funded but at 3% less, which she had a problem with.

Commissioner Morgan asked the County Administrator if the Chamber had met the deliverables on the contract that was in place last year.

Mr. Lawson replied that he didn't know if he could answer that question at this time and stated they had indicated from the information provided to him that they had met those deliverables in terms to the jobs they said would be created.

Commissioner Holt stated while that was what had been said, no documentation had been provided in writing and the Board needed to hold the Chamber, and anyone else, accountable for what they said they would do.

Commissioner Croley said he was abstaining from voting on this matter for reasons that had been stated at the last meeting.

Chair Taylor commented she was finally hearing good things come out of the Chamber and was encouraged that the Board was starting to get a return on their investment, however, she was not at the point where she was willing to fund the Chamber at 100%.

THE BOARD VOTED 2-2 BY VOICE VOTE, COMMISSIONERS MORGAN AND LAMB VOTED YES AND CHAIR TAYLOR AND COMMISSIONER HOLT VOTED NO. COMMISSIONER CROLEY ABSTAINED. THE MOTION FAILED FOR LACK OF MAJORITY VOTE.

Discussion continued after the vote regarding the Chamber of Commerce funding. Chair Taylor stated she was not happy with the reduction of 3% of the budget across the board for non-profits because some were organizations where their services were needed, Meals on Wheels and Department of Health for example.

Commissioner Lamb concurred with Chair Taylor.

Chair Taylor asked Ms. Minnis, if in still dealing with the budget, would the Board be able to entertain a motion to reverse a percentage cut.

Ms. Minnis responded, "Correct. The law allows you to amend the adopted tentative budget during your public hearing for the final budget. So, you do have the authority under the statute to amend the tentative budget as you deem necessary. I don't believe you would have to then rescind your prior vote because you are still in the budget process."

Chair Taylor said she wanted to know the procedure prior to doing so.

Commissioner Morgan asked for clarification. He said everyone had been asked from County Administrator to fellow constitutional officers to take part in a 3% reduction in how they conducted business and they did that and one reason things were improving financially was because of the good budget and it had been adhered to. He added he thought it sent a very poor message if everyone did not take part in that and it should be on a level playing field.

Commissioner Croley spoke of different matters in regard to the budget and spoke in favor of the Chamber, but added he had to abstain from voting because he was a Chamber member. He spoke of deficiencies and that money had come out of general fund balance to fund some items.

Commissioner Holt said that was the reason she brought up earlier the need for video-taping, people needed to see what happened with their tax dollars.

Commissioner Morgan stated he felt both Commissioner Croley and Commissioner Holt were "off the mark". He added he thought the Board had done a very good job financially at improving the position of the County. He further stated what some might consider a "give-away", he considered an investment. He continued by saying while there were some in the County that did not want to embrace change, there were organizations that were trying to move the County forward where better services could be provided and where they could compete at levels that in the past had not been competed for. He added it was right to be fair to all the different parties involved.

Michael Taylor, Small Business, appeared before the Board. He asked what the plans were for the County and why was there bickering over a report not turned in. He understood things to a point and if a report was needed, to give them a chance to give it to them.

Commissioner Holt spoke on the comments made by Mr. Taylor, "Three months was the length of time they had to turn the report in, so it's not like it was yesterday or last week. Three months to turn in a report. Now you cannot get any slower than three months."

David Gardner, Economic Development, appeared before the Board and stated the Chamber had

done everything that had been asked of them. He said the interim Administrator could attest that quarterly reports had been turned in to outline projects and the Chamber had adhered to everything the County had asked of them.

Chair Taylor said the task before the Board was a difficult one and the discussions should go forward. She asked the public to appreciate the fact that the Board was trying to come up with a budget that would meet the needs of the County and that was affordable.

Commissioner Lamb said everyone had different opinions and if one did not agree with an opinion that one made, respect the opinion, but then vote against it. He added that they needed to learn how to compromise with each other.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY CHAIR TAYLOR TO RESCIND THE PREVIOUS VOTE AND PUT IT BACK INTO BUDGET FOR NON-PROFITS, BEFORE THE VOTE WAS CALLED, COMMISSIONER HOLT HAD QUESTIONS.

Commissioner Holt asked Mr. Lawson, "If the 3% went back in, where would it come from?" Mr. Lawson responded at this point, it would have to come out of reserves or contingency because nothing had been approved for the Chamber, there was \$25,000 to play with.

Commissioner Holt asked the amount for video-taping.

Mr. Lawson stated it was \$11,500.

Commissioner Holt stated she was all for the funding of non-profits, but wanted to make sure if the fund balance started being touched she didn't know where the money would come from. She asked if they would have to go after the contingency.

CHAIR TAYLOR CALLED FOR A VOTE ON THE PROPOSED MOTION AND SECOND THAT WAS ON THE FLOOR. Before the vote moved forward, Commissioner Croley had comments.

Commissioner Croley said it had nothing to do with merit or each individual charity or organization. He added if the Commissioners would recall, when the budget was done, Mr. Lawson and Mr. Price did not recommend any funding of not-for-profits. He stated that had been accomplished by going into cash balances, basically taking money out of reserves or savings and this was not about finding fault with any one individual priority, as had been pointed out, but the case as to where the money would come from. He added the funding had been coming from the cash balance and the Board was struggling to maintain the cash balance because of uncertain future in revenue resources. He further stated they might want to move a little slower in doing that because if revenue improved, there would be an opportunity to go back and amend the budget to add in the revenue and the contingency Mr. Lawson referenced was to cover any emergency on the buildings, etc., and that had been depleted significantly.

CHAIR TAYLOR CALLED FOR THE VOTE AGAIN THAT WAS ON THE FLOOR; UPON MOTION BY COMMISSIONER LAMB AND SECOND BY CHAIR TAYLOR, THE BOARD VOTED 3-2, BY VOICE VOTE, TO RESCIND THE PREVIOUS VOTE AND PUT IT BACK INTO BUDGET FOR NON-PROFITS. COMMISSIONERS HOLT AND CROLEY OPPOSED. MOTION PASSED.

VIDEO SERVICES

Chair Taylor said concerning funding for the video services, there was a motion for \$25,000 for a fire engine that she had voted against. She said "Obviously that is not enough and I was going to recommend we decrease that amount, all we need to do is keep some dollars in there and we could decrease that amount by \$10-15,000, put it back into contingency and there would have been monies for video if that was something you wanted to look at. \$25,000 wouldn't get you a fire engine, the idea was just to have that line item open." She further added that all the money that came out of contingency was money the Board voted on that depleted it to that amount, that they should be mindful as to how it had gotten to that point and that was where money could have been gotten for the video services.

Commissioner Holt responded she appreciated that because it needed to be there so the public could see what happened at the meetings and with their tax dollars.

Commissioner Morgan stated that the contingency fund turned out to be that if there were dollars still in that fund at the end of the year, they were spent because they were budgeted dollars and the Board felt it had to be zeroed out. He added he wanted to make sure the public understood every meeting was videotaped through the Clerk's office and was made available to the public, at no charge, on the Clerk's website. He further stated that while Mr. Southerland did an excellent job, his video was only available through cable and not everyone in the community had cable and could not take advantage of that service.

Chair Taylor added that while there were people that did not have cable, there was a certain amount of people that did not have internet service as well.

UPON MOTION BY COMMISSIONER HOLT THAT THEY APPROVE \$11,500 FROM CONTINGENCY FOR VIDEOTAPING SERVICES OF THE COUNTY COMMISSION MEETING. MOTION DIED FOR LACK OF SECOND.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER LAMB THAT THEY APPROVE THE ECONOMIC DEVELOPMENT OR THE CHAMBER AT 3% LESS THAN WHAT WAS FUNDED LAST YEAR AND THE SMALL BUSINESS DEVELOPMENT AT 3% LESS, THE BOARD VOTED 2-2, BY VOICE VOTE, WITH COMMISSIONER HOLT AND CHAIR TAYLOR OPPOSING AND COMMISSIONER CROLEY ABSTAINED. MOTION FAILED.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 3 -2 TO APPROVE THE BUDGET COMMISSIONERS HOLT AND MORGAN OPPOSED. MOTION CARRIED.

GENERAL BUSINESS

10. Request for Budget Approval and Amendment for Equitable Sharing Funds BA # 120085

Mr. Lawson addressed the Board and stated Item 10 was a request for budget approval from Sheriff Young for the Equitable Sharing Fund to use funds from their share of confiscated money to buy various types of equipment for his department, such as:

• Tasers 21 @ 954.24 \$20,039.04

•	Special Response Team Equipment	1 @ 30,000.00	30,000.00
•	Vehicle	1 @ 25,500.00	25,500.00
•	Finance software upgrade	1 @ 4,664.66	4,664.66
			\$83.117.15

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

11. <u>Approval of Inter-Local Agreement with Municipalities and School Board for Road Maintenance and Special Projects</u>

Mr. Lawson stated Item 11 was the Inter-Local Agreement with cities and municipalities and was basically the same agreement the Board approved last week with the Town of Greensboro.

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

11a. Value Adjustment Board Appointment

Mr. Lawson stated Item 11a was an item added to the agenda per the amended agenda to approve a value adjustment member as one of the members on the Board was unable to serve at the particular time. The Value Adjustment Board moved to approve Martha Peeler as the Homestead Property representative.

A MOTION WAS MADE BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN.

Before the Board voted, Commissioner Morgan stated he would like to recognize Ms. Emily Rowan, who was in the audience and had served in this capacity for several years, but due to family scheduling conflicts was unable to do so this year.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5-0, BY VOICE VOTE, TO APPROVE THE APPOINTMENT OF MARTHA PEELER TO THE VALUE ADJUSTMENT BOARD.

12. National Solar Update

Mr. Lawson asked for any updates from National Solar from the attorney.

Ms. Minnis replied there were no updates at this time.

COUNTY ADMINISTRATOR

13. Update on Board Requests

Mr. Lawson asked the Board to make a decision regarding whether they wanted to move the November 6th board meeting to another day as that day was Election Day.

He also advised the Board that the November 20th meeting was typically a morning meeting, but it was the installation meeting and asked the Board if they would like to move that meeting to a different time in case some of the ones being installed had family that would like to attend.

Chair Taylor replied she was glad he had brought that up and had considered moving the first meeting to Thursday, November 8th.

Commissioner Holt asked if a motion would be needed.

Chair Taylor stated she thought it should be voted on and to also make sure it was properly advertised because of the change.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5-0, BY VOICE VOTE, TO MOVE THE TUESDAY, NOVEMBER 6^{TH} MEETING TO THURSDAY, NOVEMBER 8^{TH} AT 6:00 P.M.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5-0, BY VOICE VOTE, TO MOVE THE TUESDAY, NOVEMBER 20TH MEETING SCHEDULED FOR 9:00 A.M. TO TUESDAY, NOVEMBER 20TH AT 6:00 P.M.

COUNTY ATTORNEY

14. Update on Various Legal Issues

Ms. Minnis informed the Board that the Judge had issued a ruling in regard to the Patel lawsuit and she would be distributing the signed Order to allow the commissioners a chance to review it. She explained the Judge's ruling nullified the Board's prior vote and it would need to come back before the Board.

She also said she had been working with staff in looking into the issues concerning the C.W. Roberts property and would bring the matter back before the Board for action within the next two meetings.

DISCUSSION ITEMS BY COMMISSIONERS

15.

Commissioner Lamb, District 1

Commissioner Lamb had nothing to report.

Commissioner Croley, District 2

Commissioner Croley had nothing to report.

Commissioner Holt, District 4

Commissioner Holt stated that, on her own, she requested tickets for the Michelle Obama event last week for all the elected officials in the County. She wanted to make certain that Gadsden County had elected officials present for representation if they chose to go, but was told there were not that many tickets that were still available. She added it was very enjoyable and very

informative.

Commissioner Morgan, Vice Chairman, District 3

Commissioner Morgan had nothing to report.

<u>Commissioner Taylor, Chairperson, District 5</u>

Chair Taylor had nothing to report.

RECEIPT AND FILE

October Meeting(s)

- -October 2, 2012, Regular Meeting @ 6:00 p.m.
- -October 16, 2012, Regular Meeting @ 9:00 a.m.

ADJOURNMENT

There being no further business to come before the Board, the Chair declared the meeting was adjourned at 7:04 p.m.

	GADSDEN COUNTY, FLORIDA
ATTEST:	SHERRIE TAYLOR, Chair Board of County Commissioners
Muriel Straughn, Deputy Clerk for	
NICHOLAS THOMAS, CLERK	

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON OCTOBER 2, 2012 AT 6:00 P.M., THE FOLLOWING PROCEEDING WAS HAD, VIZ.

Present: Sherrie Taylor, Chair - District 5

Gene Morgan, Vice-Chair - District 3

Eugene Lamb - District 1 Doug Croley - District 2 Brenda Holt - District 4

Debra Minnis, County Attorney

Arthur Lawson, Interim County Administrator

Absent: Doug Croley – District 2

INVOCATION, PLEDGE OF ALLEGIANCE AND ROLL CALL

Chair Taylor called the meeting to order at 6:00 PM. She then opened the meeting with a prayer and the pledge of allegiance to the U.S. Flag.

The roll was called by Marcella Blocker with the attendance recorded as listed above.

Chair Taylor called for all cell phones to be silenced and requested all speakers to file a "Speaker Request Form" with the Clerk.

UPON MOTION BY COMMISSIONER MORGAN AND SECONDED BY COMMISSIONER HOLT TO EXCUSE COMMISSIONER DOUG CROLEY'S ABSENCE, THE BOARD VOTED 4-0 BY VOICE VOTE IN FAVOR OF THE MOTION.

AMENDMENTS AND APPROVAL OF AGENDA

The following amendments were made to the agenda at the request of the County Administrator:

- Add 1-A Gadsden County Literacy Volunteer Board
- Add16-A General Business Jail Renovation Update
- Add 17-A Continuation of funding for Quincy Shuttle
- Pull Item 2

The following amendment was made to the agenda at the request of Sherrie Taylor:

• Add 16-B – County Administrator's position.

UPON MOTION BY COMMISSIONER TAYLOR AND SECONDED BY COMMISSIONER HOLT, THE BOARD VOTED 4 – 0 BY VOICE VOTE TO HAVE A DISCUSSION REGARDING THE COUNTY ADMINISTRATOR'S POSITION.

1. Capital Regional Medical Center Presentation

Brian Cook, President/CEO, of Capital Regional Medical Center ("CRMC") appeared before the Board to provide the Board with an overview of the Tallahassee and Gadsden campuses. He said there are currently 198 licensed beds at the Tallahassee Campus, which opened in 1979. It was acquired by HCA in 1980. The new facility was opened in 2003 and the Gadsden campus opened in July, 2010.

He reported that the facilities received several accreditations with the Tallahassee and Gadsden campuses. He added that they were the only hospital in the Big Bend area to have received a Leapfrog 2011 Survey Hospital Safety Score of "A" and also received Top Performers on Key Quality Measures with the Joint Commission.

He continued by stating the following regarding the Gadsden Campus:

- There are eight (8) exam rooms;
- 2 triage rooms;
- It is staffed 24/7 with an ER physician;
- It has a full service laboratory and pharmacy services;
- It offers X-ray, C.T. and ultrasound services.
- ER visits have been down at the Gadsden campus but up at the Tallahassee campus.

Commissioner Holt asked Mr. Cook how they could capture more dollars in Gadsden County. Mr. Cook responded that the obvious answer would be to have offer overnight stays, but that would have to begin by adding specialist services and finding physicians to bring those services to the Gadsden campus.

Commissioner Lamb said he had heard only compliments regarding the services provided at the Gadsden campus.

Mr. Cook thanked him for his comment then referenced a conversation he had with Chair Taylor during which she shared some complaints regarding a particular physician. He reported that the physician, along with another, was removed two days later.

Chair Taylor commented that staff and patients had also made comments. Chair Taylor also expressed to Mr. Cook that there had been an outcry for expansion and the Board would like to hear more about bringing in some specialists services.

Mr. Cook responded there is a need for specialists in the areas of general surgery, cardiology and OB/Gyn. He provided a diagram that showed shelled-out space that could be utilized for these doctors and he requested \$350,000 to build out the space and an additional \$50,000 for furniture, fixtures and equipment to outfit the suite. This would be a maximum total cost. Mr. Cook further stated they would be interested in extending the lease.

Commissioner Holt asked if the proposed layout would be compatible with the facility if it became a full-fledged hospital. Mr. Cook responded that if it were fully opened, the

proposed layout would work and the back of the building could be utilized for medical records and overhead.

Commissioner Holt stated her goal would be to have a full hospital but stated she thought the front part of the building would be needed for actual "hospital" space, but Mr. Cook stated there was plenty of space to be utilized in addition to the space in question.

Commissioner Lamb stated the proposal looked really great and one day soon there might be a full-blown hospital that the community would want and need.

Commissioner Morgan thanked Mr. Cook for bringing the proposal to the Board and stated he thought the Board had been very wise in choosing the model that the Board came up with two years ago. He continued by saying he thought they had been very thoughtful about the next steps. Commissioner Morgan then stated what they did not want to do was to undermine the strength at this point nor 5 years from now, but to ultimately continue to have a quality care facility for the residents of Gadsden County.

He then asked how they could move forward quickly to make potential funds available for Mr. Cook's proposal. Commissioner Morgan asked specifically how it would impact reimbursements, services already provided, etc. Mr. Cook responded that it would no negatively impact the operation currently in place, but the hospital would be much busier.

Chair Taylor announced that this item was not on the agenda for action – only to entertain HCA's presentation. She encouraged CRMC along with the other entities to have the item placed on an upcoming agenda for action.

Mr. Cook thanked the Board for their time.

1A. Quincy Literacy Volunteers of America, Inc.

Ms. Sonya Hines-Hall appeared before the board to express their thanks for allowing a part-time position for their literacy director's position.

2. Tower Com Presentation

This item was removed from the agenda earlier in the meeting.

CLERK OF COURTS

The Clerk was not present.

3. Presentation of County Finance and County Clerk Issues

No report was made

CONSENT

Item 5 was removed from the consent agenda at the request of Deputy Clerk Muriel Straughn.

<u>4.</u> <u>Approval of Minutes</u>- June 5, 2012-Regular Meeting

August 21, 2012-Regular Meeting

August 23, 2012- Special Meeting/Budget Workshop

UPON MOTION BY MR. LAWSON AND A SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE THE CONSENT AGENDA AS AMENDED TO WIT: ITEMS 4, 6, 7, 8 NAMED BELOW.

- 5. Ratification of Approval to Pay County Bills
- 6. Approval and Signature on the 2012 E911 State Grant Application for Upgrade of E911
 Backup PSAP (Public Safety Answering Point)
- 7. Approval of 2013 Holiday Schedule
- 8. Gadsden County Fire Service Seeks Support to Apply for Funding Through the USDA Rural Development to Purchase a New Fire Truck

ITEMS PULLED FOR DISCUSSION

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS (3 MINUTE LIMIT)

The Chair called for citizens requesting to be heard and there were none.

PUBLIC HEARINGS

9. Public Hearing-Consideration of the Use of the Uniform Method for Levy, Collection and Enforcement of Non-Ad Valorem Assessment to Recover a Portion of the Cost Incurred in Paving Ames Barrineau Road from all the Owners of Real Property Abutting the Road

David Weiss, Asst. County Attorney, appeared before the board. He recalled that in October 2004, the County entered into a road improvement contract with several property owners whose property abutted a private roadway. Under the terms of the contract, the County agreed to pay 1/3 and several of the property owners agreed to pay 2/3 of the costs of paving the roadways. At the time the contract was entered into, the paving costs were estimated to be \$104,460. The County had two options for financing the proposed improvements: 1. General taxation and 2. Special assessment.

The asked the Board to decide whether they wanted to collect any of the costs associated with the road paving, and if so, how to apportion that amount. He presented 6 options, with 1-4 being similar with a uniform method to collect two-thirds of the costs incurred; option 5 was to elect <u>not to collect any costs</u> incurred from any of the property owners and option 6 was Board Discretion.

Chair Taylor called for public comments and there was no response.

Commissioner Holt spoke in favor of collecting the actual cost of the road paving.

Commissioner Lamb stated this was an item that had been previously discussed with no solution as to how to fairly assess the costs.

Mr. Weiss stated there had to be a fair way to apportion the cost. Options could be per parcels; based on frontage, or equal amounts.

Commissioner Holt stated it would be linear feet, not square feet.

Commissioner Lamb concurred those would be the two ways to do it. He suggested that it be decided to come back with a recommendation by staff. Chair Taylor stated that could be done tonight.

Commissioner Morgan stated this was an issue that originated in 2004 with another board in place as well as previous landowners. He asked many of the current land owners were the original land owners when the contract was executed. It was not determined. He said there was no way those new landowners would be in agreement after so many years have elapsed.

Mr. Weiss agreed that the special assessment was invalid.

Commissioner Holt stated that in the State of Florida, if you buy a piece of property, you buy it with all the assets and liabilities that come with it. If they bought a piece of property that had a special assessment on it, that was what they bought. She clarified that the board has to find a way to clear up the issue and look at how this would be handled in the future because the law did not change.

Chair Taylor called for any other comments.

Commissioner Morgan asked if there had been any input from the tax collector and what his thoughts were about it could be done effectively.

Chair Taylor responded that in her opinion, the Board gave him direction. She recalled that the Board did go through and acknowledge that the assessment could be collected through the tax collector's office as a form of collection.

Attorney Minnis explained what happened with the special assessment. When the assessment was done, the tax collector was to be the entity that would be responsible for collecting it. But, early on in the process the tax collector raised some of the concerns about the agreements. (The agreements did not require everyone who would benefit from the road paving to bear part of the expense.) He was adamant that the assessments would have to be appropriate in order for him to collect them.

Commissioner Lamb suggested that the board remand the matter to the county administrator and let him discuss it with the tax collector and the property appraiser,

then bring it back to the board with their recommendation..

Chair Taylor stated she was comfortable with that as well.

Chair Taylor asked Attorney Minnis if they had any suggestions.

Attorney Minnis stated that when they initially started looking at this matter, it was suggested by the property appraiser that the County contract with a group that specializes in doing special assessments and allow them to give the Board direction on how to manage all the issues that were being discussed. (Government Services Group) At one point they were under contract, but the Board chose to stop the collection process, thus the contract expired. Again, she suggested that the county should get them involved early on to help with some of the issues.

Chair Taylor asked what information was received from them while they were under contract.

Attorney Minnis responded that it was her understanding that the Board was beginning the process when GSG could not go forward with the special assessment because things what had already been done was not in accordance with the way the statute was laid out. It was at that point things came to a halt. For instance, the county had not done property searches to make sure that the deeds were exact. Another point was that the county could not legally pave roads that did not belong to the county. Those roads were private roads until they deeded the rights-of way to the Board. Then it came to light that everyone who benefitted from the road had to help pay the costs – not just those who agreed by contract to pay.

Chair Taylor stated that she understood the explanation but she found it weird that the property owners would agree to pay to have it paved when it became a public road and became the responsibility of the County.

Attorney Minnis responded that the County was not obligated to pave the roads and since the property owners wanted it paved ahead of its turn on the Road Paving Priority List, the county ordinance allowed for that only <u>if the landowners assumed 2/3 of the cost.</u>

There was a consensus to have the matter remanded back to the county administrator with the understanding that he would consult with the property appraiser and the tax collector.

Attorney Minnis informed the board that when doing special assessments, certain procedures had to be done within a certain timeframe.

Mr. Weiss stated with regard to the collection of the special assessment, once it was determined that the Board wanted to move forward with it, the resolution of the intent to use the uniform method to collect the special assessment had to be adopted prior to January 1st and prior to adoption, the notice had to be published for 4 consecutive weeks prior to the public hearing to adopt the resolution.

Commissioner Holt stated the Board needed to hurry up and move this.

Deputy Clerk Muriel Straughn asked for clarification.

Chair Taylor stated that the matter was to be remanded to the county administrator and he could determine whether he would involve tax collector, property appraiser and Government Services. She then called for a motion.

UPON MOTION BY COMMISSIONER HOLT AND SECONDED BY COMMISSIONER LAMB THE BOARD VOTED 4 – 0 BY VOICE VOTE TO REMAND THIS ITEM TO THE ADMINISTRATOR AND AUTHORIZED HIM TO CONSULT WITH THE PROPERTY APPRAISER, TAX COLLECTOR AND GOVERNMENT SERVICES IF HE CHOSES TO DO SO.

Chair Taylor asked that the matter be placed on the agenda for the first meeting in November.

10. Public Hearing-Consideration of the Use of the Uniform Method for Levy, Collection and Enforcement of Non-Ad Valorem Assessment to Recover a Portion of the Cost Incurred in Paving Quail Roost Drive West from all of the Owners of Real Property Abutting the Roads

Assistant County Attorney David Weiss appeared and stated this matter was very similar as Item number 9. The original contract with the land owners was for the estimated cost for the paving of Quail Roost Drive - of \$57,342.00. However between the time the contract was signed and the time the paving took place, the cost had increased to \$109,398.93 due to the sky rocketing price of gasoline.

Chair Taylor called for public comments and there were none.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4-0 BY VOICE VOTE TO HAVE THIS ITEM SENT BACK TO THE ADMINISTRATOR AND FURTHER AUTHORIZED HIM TO CONSULT WITH THE PROPERTY APPRAISER, TAX COLLECTOR AND GOVERNMENT SERVICES IF HE SO CHOSES.

11. Public Hearing-Approval of Close-out Budget Amendments BA 120051 and 120088 through 120091 and Resolution 2012-034 for Fiscal Year 2011-2012

Chair Taylor announced a public hearing to consider the resolution and budget amendments stated above. He called for public comments and there was no response. She stated that the amendments are connected to the yearend close out and served as "house cleaning" type amendments.

UPON MOTION BY COMMISSIONER MORGAN AND SECONDBY COMMISSIONER LAMB, THE BOARD VOTED 4 – 0 BY VOICE VOTE TO APPROVE THE RESOLUTION AND BUDGET AMENDMENTS REFERENCED ABOVE.

12. Public Hearing-Request to hold the Second Public Hearing Required for Gadsden County to Apply for Community Development Block Grant for Economic Development Funds to Build Infrastructure

Mr. Lawson called for comments.

Auburn Ford appeared before the Board on behalf of Mr. Charlie Harris, to that the county request CDBG grant funds with which to extend water and sewer lines from the City of Quincy to his proposed assisted living facility on west US 90 in Quincy – Gussies' Garden.

Chair Taylor called for any public comments and there were none.

UPON MOTION BY COMMISSIONER LAMB AND SECONDED BY COMMISSIONER HOLT, THE BOARD VOTED 4-0 BY VOICE VOTE TO PROCEED WITH THE SECOND PUBLIC HEARING SO THAT THE COUNTY CAN APPLY FOR CDBG ECONOMIC DEVELOPMENT FUNDS FOR THE PROJECT DESCRIBED ABOVE.

GENERAL BUSINESS

13. Redirection of Half Cent Tax and Trust Revenues from CRMC to Medicaid in Order to Take Advantage of Federal Matching Funds

Mike Glazer, Assistant County Attorney, appeared before the Board regarding approval of an agreement between the County and the Agency for Health Care Administration ("AHCA") to provide certain funds previously sent directly to Capital Regional Medical Center ("CRMC") to ACHA in order to take advantage of Medicaid matching dollars. Mr. Glazer stated, under a program the State had recently implemented, hospitals that received those funds had the option to ask those entities to direct the funds to Medicaid to be matched with Medicaid dollars. He said this was very common and was being done all over the state with this new program.

Mr. Glazer stated that the new agreement would take the \$400,000 in the county budget and leverage it with other Medicaid funds to the hospital's financial gain. The hospital would realize \$776,000 from that \$400,000.

Commissioner Holt asked if the match was coming back from Medicaid or from the federal government. Mr. Glazier responded that typically it is a combination of federal and state Medicaid funds. Commissioner Holt then asked if the \$776,000 goes into the Quincy Campus. Mr. Glazer answered that it goes into the big pot. He explained that it would be going to Capital Regional and he reminded them that CRMC had devoted substantial resources to Gadsden County.

The commissioners asked a number of questions to which Mr. Glazer could not answer quickly. He invited them to speak with Ms. Minnis with specific questions about the contract agreement as she has the agreement in her possession. He emphasized that the additional funding was sent down from AHCA and it has nothing to do with the County Commission. He reiterated that it is a time sensitive matter and he urged the

board to move forward at this meeting.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4-0 BY VOICE VOTE TO REDIRECT THE PAYMENT OF THE HALF CENT INDIGENT HEALTH TAX AND THE HOSPITAL TRUST REVENUES DIRECTLY TO ACHA RATHER THAN TO CRMC.

14. Ashford Health Care System

Mr. Glazer appeared before the Board concerning Ashford Healthcare. He recalled that Ashford Healthcare had operated the hospital back in the early 2000's. Because of the way the hospital was run, the State literally came in and shut the hospital down. Shortly before the hospital was closed by the State, Ashford sued Gadsden County and Capital City Bank claiming they had suffered \$6 Million in damages as a result of the county's failure to fund indigent care at the hospital. The lawsuit did not go very far because shortly thereafter the hospital was shut down and Ashford went into bankruptcy.

He reported that Ashford is still in bankruptcy but recently the County Attorney received a letter from a law firm in New Jersey that represented the trustee trying to revive that claim and again suggested that the County pay them \$6 Million, primarily coming out of Trust fund monies. He explained again that Ashford claimed they were damaged by the County's failure to fund indigent care adequately.

The County Attorney's recommendation was to tell Ashford, "No." He asked for direction from the Board and he explained there was a good chance the Board would be sued over this, but he thought it should be resisted vigorously. He again asked for direction.

Commissioner Lamb stated, "It was clear - NO."

Commissioner Morgan concurred.

Commissioner Holt stated Ashford knew they were the reason the hospital closed and that it was no fault of the county. She said it was because of the poor way they ran the hospital. Her answer was, "No" and she suggested that the county counter sue.

Mr. Glazer also recommended that the Board look at suing them for damages because they had cost the County money.

Chair Taylor asked that the Board give Mr. Glazer some explicit direction.

Mr. Glazer responded that the County Attorney would like the Board's direction to vigorously resist the suit and to use their judgment as to what to include as grounds in the counter suit. Mr. Glazer asked for flexibility to strongly resist whatever was brought by Ashford.

UPON MOTION BY COMMISSIONER MORGAN AND SECONDED BY COMMISSIONER

LAMB, THE BOARD VOTED 4 – 0 BY VOICE VOTE TO DIRECT THE COUNTY ATTORNEY TO VIGOROUSLY RESIST THE LAWSUIT BY ASHFORD AND TO USE THEIR JUDGMENT AS TO THE GROUNDS FOR A COUNTER SUIT FOR DAMAGES. THE MOTION FURTHER INCLUDED FLEXIBILITY TO STRONLY RESIST WHATEVER IS BROUGHT BY ASHFORD.

15. Approval of Workforce Services Plan

Kimberly Moore, WORKFORCE Services, appeared before the Board to request approval of the WORKFORCE Services Plan for 2012-2016. Ms. Moore stated they were required by law to make sure their plan took into account any substantive legal changes or policy changes. She said that upon approval by the Board, this plan would be submitted to the Governor and the US Department of Labor.

UPON MOTION BY COMMISSIONER MORGAN AND SECONDED BY COMMISSIONER HOLT, THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE THE WORKFORCE SERVICE PLAN FOR 2012-2016.

Chair Taylor asked Commissioner Holt if she had been part of the plan development. Commissioner. Holt responded affirmatively.

Chair Taylor asked if there were plans to move and develop the work force in Gadsden County. Commissioner Holt stated there were so many cuts from the State that it left little room to develop anything. She suggested the Chamber of Commerce partner with WORKFORCE Plus to see if more funds could be sought.

Questions were directed to Ms. Kimberly Moore of WorkForce to which she responded.

No further action was taken nor directions given.

16. National Solar Update

Attorney Minnis reported that she had not been contacted directly by National Solar, but she knew that National Solar had met with the Chamber of Commerce. She also stated that she understood that Hardee County would be opening a plant soon and it had received very positive press recently.

Commissioner Morgan suggested that one reason that Hardee is moving forward so quickly is that they already had the abatement in place and had 100% support of their county commissioners.

Chair Taylor stated that the public was approaching her and asking for information. She asked the administrator to contact National Solar and request an update.

16a. COUNTY ADMINISTRATOR Jail Update

Mr. Lawson said this was an item amended to the agenda. He asked Mr. Collins to come forward with whatever information he might have.

Mr. Collins stated that the staff is working to get jail locks repaired and replaced as well as lighting and control switches for the lights.

He stated that he had received a proposal for approximately \$360,000 or \$370,000 to redo the locks.

He then reported that the department has been unable to get any inmate labor to help in the project.

Commissioner Morgan asked if Mr. Collins would explain to the public what the problems at the jail entail.

Mr. Collins responded that the electrical switches that control the cell lighting throughout the jail do not work and the lights stay on 24 hours a day. This disrepair has resulted in utility bills that run\$1200 per month. He said the county was losing several thousand dollars a month in wasted utilities.

Commissioner Morgan asked when the problem originated.

Mr. Collins stated the problem already existed when he came to work with the County in 2006.

Commissioner Morgan asked what was going on with the locks and asked him to explain the problem.

Mr. Collins stated they were not able to secure the cells inside the pods making it impossible to separate hardened criminals from the general population.

Commissioner Morgan asked if the hardened criminals were put in the same pod as the general population and Mr. Collins stated, "Yes."

Commissioner Morgan asked when that issue had been realized.

Mr. Collins stated it had been an ongoing thing since he became employed in 2006. .

Commissioner Morgan surmised that there were two problems that would cost approximately one half a Million dollars to repair. One being the lighting and the other the jail locks. He stated that those were very serious issues compounded by overcrowded facility.

Commissioner Morgan asked if another secure facility were made available to the county to house inmates, would it make sense to consider moving into that location. He referred to the River Junction Work Camp, which housed up to 500 inmates at one time. He suggested that staff should get with the Sheriff and make inquiries about the Chattahoochee location to determine if such a move could even be considered. Again, he stated that the state of the jail was a major issue and thought it would be worthwhile for the Board to give this thoughtful consideration to relocating.

In addition, he suggested that the Board hire a jail administrator.

Chair Taylor called for discussions on this issue.

Commissioner Lamb stated he would have to hear what the Sheriff had to say concerning this matter and then consider what would need to be done.

Commissioner Holt said she could agree with looking at the building in Chattahoochee in terms of solving the overcrowding issue, but the Sheriff could still be in charge of the county jail facilities or the Board could also look at hiring a jail administrator. However, she wanted to hear input from Sheriff Young. She said it would be one thing to look at another facility and another thing to deal with fixing cells to house the prisoners that should not be in with the other prisoners. She further stated she thought there were two or three different options to look at, but she was not in favor of looking for a jail administrator until other options have been exhausted.

Chair Taylor said this was something that needed to be entertained. It certainly was an issue that needed to be discussed. She concurred with Commissioner Morgan, that today it was lights and locks but tomorrow it might be wiring, boilers, etc. The idea of another facility was something worthwhile to look at especially if it were more cost efficient to relocate. She further stated this matter should be brought back in November and she asked for it to be placed on a future agenda.

Commissioner Morgan said this was not a matter of politics, and he would like to have this placed on the agenda for the second meeting in November he also asked that between now and then, staff should gather information and ask that all parties s be notified and given a chance to provide input.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4 – 0 BY VOICE VOTE TO HAVE DISCUSSION ABOUT THE JAIL AND OTHER OPTIONS AS DISCUSSED ABOVE.

16b. County Administrator Position

Mr. Lawson said 16B was added to the agenda – Discussion of the County Administrator's position.

Chair Taylor praised Arthur Lawson for his diligence in serving as the interim county administrator during many months of very trying times. However, she stated that it was time to look at filling the position permanently.

She called for discussion.

Commissioner Holt stated she thought Mr. Lawson had done an outstanding job, but she had no problem in looking forward and bringing this item back up.

Commissioner Lamb stated that he had been very pleased with Mr. Lawson serving in that capacity, but could understand why he wanted to move back to his primary position.

Commissioner Morgan stated he had no issues with discussing the matter and he, too, thought Mr. Lawson had been very diligent in his duties. He recognized that it had not been an easy job being Interim County Administrator and head of Human Relations. He also recognized that he had the support of good staff that helped him a great deal and he really appreciated the way he handled himself in trying to do things the right way. He stated that his efforts have been and continue to be very commendable. However, he said he felt that the board will be welcoming a new commissioner if just a few weeks and he thought it would be appropriate to wait until the new board was seated before hiring a new county administrator.

Chair Taylor commented she heard what he said but she felt a decision needed to be made before the new Commission came on because the county was now operating by a budget that was set by the present board. Chair Taylor further stated the ones instrumental in orchestrating the Board should be the ones to take part in finding or identifying a Manager and that would be the ones who were sitting now.

Commissioner Morgan pointed out that one commissioner was not present.

Chair Taylor reminded the board that it went through the proper selection process when the last administrator was hired. The board's first choice for the position of county administrator declined the county's offer. The commissioners' second choice was Robert Presnell, yet somehow three commissioners voted to jump over him and they went to the next applicant who was willing to come to Quincy. She added that that applicant was seventh or eighth on the ranking list. She asked that the board revisit those applicants and offer the job to Mr. Presnell since he was wrongly overlooked in her opinion. She stated that she felt the position should be offered to Robert Presnell who once served as the Public Works Director and is now serving in the capacity of Administrative Assistant to the County Administrator.

A MOTION WAS MADE BY COMMISSIONER TAYLOR AND SECONDED BY COMMISSIONER HOLT TO OFFER THE POSITION OF COUNTY ADMINISTRATOR TO ROBERT PRESNELL.

DISCUSSION FOLLOWED.

Commissioner Morgan asked the County Attorney if Mr. Presnell were in agreement with this, what would be impacted on this direction.

Attorney Minnis stated, "Yes, the agreement was for a specific position with the County; there were only a couple of ways another position could be taken by him. One, if the position he were currently in were eliminated then he could move into another position but would have to keep the salary of the current position he was in; another option was he would have to resign the position currently in, there was a provision to allow for the tendering of his resignation in 2014. There was no prohibition of tendering of resignation from his current position in advance of 2014. Based on her review and discussions with Counsel representing the Board during that particular situation that is the way they believed it would have to operate."

Commissioner Morgan asked if there were changes to that agreement, it stated on next to back page, it had to be accepted by each of the original individuals, if that were correct.

Attorney Minnis responded, "If there were modifications to the agreement itself, yes."

Commissioner Morgan asked if this would modify the agreement.

Attorney Minnis responded that it would depend because if the position were resigned from, there would be nothing in the agreement to prohibit him from doing that at this point in time. It just indicated he had to tender his resignation by 2014 but did not prohibit him from tendering his resignation from that position in advance of 2014. Commissioner Morgan asked if the agreement would be null and void then.

Attorney Minnis responded, "No, that would not be a modification of the agreement."

Comm. Morgan asked, the way he understood, any new position, how that would not be a modification with the agreement.

Attorney. Minnis responded that at that point, the agreement said he would have a certain position and he had to tender resignation from that position by 2014, there was nothing in the agreement that would prohibit him from resigning from that position in advance of 2014. Once he resigned from the current position, he would have satisfied the requirements under the agreement.

Commissioner Morgan then asked if this were legally acceptable, if he were to be approved to be employed as Administrator, he would then be an "at will" employee as a normal administrator would be.

Attorney Minnis responded, "Yes."

Commissioner Morgan asked if he would be at the same salary as his current position.

Attorney Minnis responded, "No, that it would be different. If he did not resign the current position and the board moved to eliminate the current position, then he would move into his new position with the same salary."

Commissioner Morgan then asked if the County Attorney believed the original intent of the agreement would be changed if it proceeded.

Ms. Minnis stated she had no way to answer that. In order to do so, someone would have to get into the individual mindset of each person that signed the agreement.

Commissioner Morgan asked if that should be considered.

Attorney Minnis answered, "Yes that would be why all the commissioners would have to consider the tendering of the resignation because he could tender it, but the Board

would not have to accept it."

Commissioner Morgan asked if any individual party that was a part of the original document, would they need to be notified or given the opportunity to provide input.

Attorney Minnis stated she was not sure what he was asking because the original party would be the Board members.

Commissioner Morgan stated there were additional parties as well.

Attorney Minnis stated she was not sure if those additional parties would need to be notified if there were no modification of the agreement.

Commissioner Morgan stated not having the entire Board present was very inappropriate.

Commissioner Holt stated that the Board could go ahead and make the motion to vote, if that was who they decided they wanted. He would then have ample opportunity to consider it.

Concerning the Commissioner that was not present, Commissioner Holt stated that she had once been told by a previous Commissioner, "You should have been present," which was how things were done.

Commissioner Morgan then stated that this item had not been placed on the agenda so the Commissioner had no knowledge this was to be discussed.

Commissioner Lamb asked the Attorney if she saw a problem with this going forward without the other Commissioner being notified.

Atty. Minnis responded at this point and time, the general wisdom was if there were an item that was somewhat controversial in nature, it was better to agenda it in advance before it could move forward to conclusion.

Chair Taylor explained that she wanted the discussion at this meeting and a vote to offer the position to Mr. Presnell, then the matter will have to come back at the next meeting for Mr. Presnell to render his decision/resignation from the current position. The board would still have to accept the resignation and ultimately vote again to accept him as the administrator.

Commissioner Morgan asked for clarification of the motion.

Chair Taylor responded the Motion and a Second to offer the position of county administrator to Mr. Robert Presnell. She then called for a vote.

THE BOARD VOTED 3 - 1 IN FAVOR OF THE MOTION. COMMISSIONER MORGAN VOTED, "NO."

This item is to be placed on the agenda for the next meeting. Mr. Lawson asked if this

was a legal matter from this point forward and if the Attorney would need to bring this item back.

Chair Taylor stated as long as it was on the agenda for the very next meeting, the Commissioners had a copy of the contract and Mr. Presnell had his attorney present as well, Chair Taylor thought this was a wise move. If he preferred to resign and carry on this position, he should have such in writing at that time or that evening.

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17. Update on Board Requests -

Big Bend Transit

Mr. Lawson stated the next item was to discuss the Quincy Shuttle continued funding. Mr. Thornton Williams was present to discuss this matter with the Board.

Chair Taylor stated the Administrator had budgeted \$100,000 for bus services and as the Board was aware, for services that come out of Gadsden County, one was the Quincy Shuttle and the other was Gadsden Express. The dollars were earmarked for those two particular items. There was not enough information for this meeting to get a sound decision on direction but what was shared through Big Bend's legal counsel, was some kind of commitment needed to be shared for the next couple of weeks. Chair Taylor stated she had spoken with the City of Quincy, they wanted to see it continue but there were some in-house things that needed to be cleared by Friday so an agreement could go forth. Chair Taylor then asked for Mr. Williams to step forward and address the board.

Thornton Williams, Esq., Mr. Williams informed the Board that Mr. Ted Waters, of Big Bend Transit passed away recently and they had engaged him to assist them on an interim basis in leadership. He then said that the county had issued Big Bend Transit letter in June stating the funding used for the In-Town Shuttle would be used up by September 30th. However, through conversation with Chair Taylor, he learned that the board wanted to keep the service going. In view of that, he asked the board to give him an indication of their intention and for directions.

Mr. Williams said he had confirmed there was \$100,000 in the Gadsden County 2013 budgeted for Shuttle services, but it had not been allocated. He went on to say that, an agreement still has to be reached with the City of Quincy regarding funding as well.

He also pointed out that there has been an annual grant secured through Star Metro, which would allow the Board to get additional funding to sustain the Gadsden Express. Mr. Williams stated that once the two remaining issues are resolved, the Gadsden Express will receive enough funding to continue the service on some level even if perhaps it is reduced.

At this point, Mr. Williams explained that Big Bend Transit had provided two options to

the City and the County that would provide reduced but continuous service, however something needed to be worked out until the grant funding comes through.

Chair Taylor stated one caveat Mr. Williams would need to mention to the Board is the County is only invoiced by Big Bend Transit every three months and she asked when the next invoice would be delivered. Since the invoices lag three months behind, it would give the county and city time to work out the funding issues.

Chair Taylor then asked Mr. Lawson for his recommendation.

Mr. Lawson commented that he needed some additional information on the status of applying for the grant to keep Gadsden Express functional. Mr. Lawson stated his understanding at one point was this was a priority of the Board. Any grant given would need to be matched 50% but stated they were not far enough along to tell the Board that "x" number of dollars for matching and the Board would have" "x number of dollars left over.

Chair Taylor called for comments from Commissioner Morgan.

Commissioner Morgan asked what commitment the Board had from the City to date.

Chair Taylor commented there had been a verbal agreement for 50% funding with the County and 50% with the City of Quincy to operate the In-Town Shuttle. One option would give services every day with a stop time around 2:30 would cost around \$70,000 and the other option would be every other day and would cost around \$60,000. That amount divided by 2 minus what they would take as fares.

Commissioner Morgan asked what the City of Quincy had committed to at this point and time.

Chair Taylor responded they would pay 50%.

Commissioner Morgan asked once the City had made the determination and the Board had the opportunity for the Administrator to go back and gather the necessary information concerning the grant funding, that it come back before the Board.

Commissioner Morgan also stated he recollected during workshop that the \$100,000 was put in primarily for Gadsden Express to Tallahassee. The In-Town Shuttle would be a shuttle that serviced only the City of Quincy. Chair Taylor stated that was correct, but It had been determined that while the In-Town Shuttle only ran through the City of Quincy, people were shuttle into Quincy by Big Bend Transit for other purposes, then they connect with the In-Town Shuttle to get to the places they needed to go. Even though it only moves in the county seat, it services people from all over the county that get to Quincy by other means.

Commissioner Morgan stated his primary concern was the Board had nothing from Quincy at this point.

Chair Taylor responded that was a valid point.

Commissioner Lamb stated he thought Mr. Lawson would need to communicate with Quincy to see exactly what they would propose to contribute. Commissioner Lamb asked if most of the money would be geared toward the Quincy Express.

Mr. Lawson stated during the budget workshops, the purpose of the funding was to be primarily for the Gadsden Express.

Commissioner Lamb stated the Board would need to see where the Board would get the money to do whatever was needed.

Commissioner Holt asked about a timeline Big Bend Transit was looking at.

Mr. Williams stated the concern he had is that it was already October and they are continuing to operate the In-Town without any assurance they would be paid and what he was hearing through this discussion was that the board did not want to commit to funding the In-Town Shuttle now. He went on to say that from a contractual standpoint, it puts Big Bend in an awkward position to continue its operation.

Chair Taylor called for OMB Analyst, Jeff Price to clarify how the \$100,000 in the budget was to be used. He responded by saying that the budgeted money was for both services, Gadsden Express and the In-Town Shuttle. However, there was no breakdown specified.

Chair Taylor remarked that the City of Quincy would make their decision regarding the service by the end of the week. She asked Mr. Lawson to get something formal before the City of Quincy for them to consider on this matter.

Commissioner Holt asked Mr. Williams if Big Bend would continue the service until it could get back before the board in two weeks.

Mr. Williams responded that Big Bend Transit was a good corporate citizen and would not abruptly end the services. He made that commitment to the board. He then asked if it would be an action item on the next agenda. He was assured that it would come back as an action item.

COUNTY ATTORNEY

18. Update on Various Legal Issues

Attorney Minnis reported that the judge had issued a final order in the Patel lawsuit in favor of the Patels. She explained that the Court held that Patel's had complied with requirements to receive the special exception permit for which they filed. She said they had complied with the land development code and the citizens' testimony did not constitute competent, substantial evidence to the contrary. The Commission's denial was voided by the Court and the matter would come back before the Board for approval.

She explained the doctrine called "Law of the Case" and told them that there was nothing in the testimony or evidence present that gave the Board the ability to deny the application.

When the Board took the vote to deny the Patel's application, it Board acted as a judicial body. When the Writ of Certiorari was filed, it went to the Trial court as though the Board appealed the action. Once the ruling was made and sent back down, that judge's ruling became the "law of the case" and unless there was something significantly different than when the application was first presented, the Board could not deviate from the Circuit Court's Order.

She advised that the Board would need to go through a public hearing process and the public would have an opportunity for input. However, unless there was a change in the underlying facts, the Board could not deviate from instructions from the Appellate Court. There would be an opportunity for an appeal of the trial court decision, but she suggested it was not in the best interest of the county to appeal it.

Chair Taylor asked if she was asking for some action by the board or if she was merely presenting information.

Attorney Minnis responded that her verbal report was just for information, as it will be brought back at a public hearing. She explained that she just wanted them to have the information in advance of the next meeting.

David Theriaque, Esquire, 433 N. Magnolia Drive, Tallahassee, FL, appeared before the Board.

Mr. Theriaque stated the following:

My name is David Theriaque, attorney for the Patels. Thank you for giving me a few moments to address you.

I have two issues I would like to raise. One is to request that the county does not file an appeal. These proceedings have been in the court for almost three years now. I agree with your county attorney. If I were advising you, as well. It is called a second tier cert and it would proceed to the Second District Court of Appeal. This standard is very, very limited by the reviewing court to overturn what the circuit court judge did. Essentially, they look to see things like, "Did the court site the right law? Did the court give due process? "I agree with Ms. Minnis in that the Circuit Court did that. I think the likelihood of success would be extremely remote and not a good use of our tax payer dollars.

Secondly, we would like to have this thing set for a hearing sooner than later. As I said, this has been a couple or three years and to the extent that you folks would get it on the next agenda or the one after, we would greatly appreciate that opportunity. My folks just want to open a drive thru package store, operate a business, get some jobs, and get some tax dollars into the county.

We respectfully ask that this county take no further action than to approve the

application.

I will be happy answer any questions. I appreciate your time to hear me.

Holt:

Can I move to have it put on for the next public hearing date for a public hearing? It has to be a public hearing anyway?

Minnis:

The first motion I would need is to instruct me as whether you want to appeal or not. The sense that I am getting is that you don't, but I will need a vote.

Taylor:

I think you have given sound advice on this particular item.

UPON MOTIONBY COMMISSIONER HOLT AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED $3-1\,$ BY VOICE VOTE NOT TO GO FORWARD FOR A SECOND TIER REVIEW ON THE CIRCUIT COURT RULING IN THE PATEL CASE. (HORSESHOE LOUNGE) COMMISSIONER LAMB CAST THE LONE DISSENTING VOTE.

The Public Hearing was scheduled for Thursday, November 8, 2012 at 6:00 p.m.

DISCUSSION ITEMS BY COMMISSIONERS

19. Commissioner Lamb, District 1

Commissioner Lamb had nothing to report.

Commissioner Croley, District 2

Commissioner Croley was not present.

Commissioner Holt, District 4

Commissioner Holt asked Mr. Lawson if the County would be held responsible for Medicaid payments for the residents at Florida State Hospital.

Mr. Lawson stated he was not able to answer her question yet, but he was doing research to that end. He said that the Medicaid auditor indicated that she had received information from AHCA that the County would be responsible but he had received nothing in writing.

There was more discussion, but nothing was verified.

Commissioner Morgan, Vice-Chairman, District 3

Commissioner Morgan had nothing to report.

Commissioner Taylor, Chairperson, District 5

Chair Taylor had nothing to report.

RECEIPT AND FILE

OCTOBER MEETING(S)

-October 16, 2012 Regular Meeting, 9:00 a.m.

MOTION TO ADJOURN

THERE BEING NO OTHER BUSINESS BEF MEETING ADJOURNED.	ORE THE BOARD, CHAIR TAYLOR DECLARED THE	
	SHERRIE TAYLOR, Chair	
ATTEST:		
Muriel Straughn, Deputy Clerk		

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON OCTOBER 16, 2012, AT 9:00 A.M., THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

Present: Sherrie Taylor, Chair – District 5

Gene Morgan, Vice-Chair – District 3 (appeared by phone)

Eugene Lamb – District 1 Doug Croley – District 2 Brenda Holt – District 4

Debra Minnis, County Attorney

Arthur Lawson, Interim County Administrator

Nicholas Thomas, Clerk of Court

INVOCATION, PLEDGE OF ALLEGIANCE AND ROLL CALL

Chair Taylor called the meeting to order at 9:00 a.m. She then opened the meeting with a prayer and the pledge of allegiance to the U. S. Flag.

The roll was called by Marcella Blocker, Deputy Clerk, with all being present as noted above.

Chair Taylor called for all cell phones to be silenced and requested all speakers to file a "Speaker Request Form" with the Clerk.

AMENDMENTS AND APPROVAL OF AGENDA

The following amendments were made to the agenda at the request of the Interim County Administrator:

- Pull Item 1
- Add as 9-A the Redirection of 2011-2012 Excess Inter Governmental Transfers (IGT's)
 Medicaid funds to take advantage of a Credit that is due the County so that CRMC can
 get additional monies. Commissioner Croley asked if this was a time sensitive matter.
 Attorney Minnis explained it was a time sensitive issue. CRMC only recently found out
 about the issue from ACHA and they have to have a decision and a signed agreement
 within a short period of time, otherwise, it definitely would have been brought to the
 Board earlier.
- There is a request to switch Item 10 & 11 with Item 11 coming before Item 10.
- Move Item 13 to the First item under General Business, changing it to 8A

The following amendment was made to the agenda by Commissioner Morgan:

• Add 13-A discussion of Quail Roost and Ames-Barineau Roads

UPON MOTION BY CHAIR TAYLOR AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5-0 TO APPROVE THE AGENDA.

AWARDS, PRESENTATIONS AND APPEARANCES

There were no awards, presentations or appearances.

1. Proposed Lease of County Property on Kemp Road

This item was removed from the agenda before the agenda was adopted.

CLERK OF COURTS

2. Courthouse Anniversary

Clerk Thomas addressed the Board concerning the approaching 100th year anniversary of the Courthouse. He informed them that the Courthouse was one of the oldest functioning courthouses in the State of Florida. He said he wanted to bring this to their attention in case they wished to commemorate the event in some way such as sprucing up the building, having the roof repaired, or renovating the courtroom.

Chair Taylor called for questions or comments.

Commissioner Holt asked if there were any historical funds that could be gained or pursued to help.

Clerk Thomas responded there was the courthouse facilities fund available, meaning an extra \$30 per speeding ticket and there was over \$300,000 in the fund currently. In terms of historical funding, he said that would come from the Legislature. He added they had been good in recent years about providing money to some counties for courthouse renovations and the last time the County received major money that was actually used for the original Courthouse was in 1996.

Commissioner Croley recalled a number of repairs that had been identified for years, but still have not been accomplished. He then asked Mr. Lawson for a status report for what the plans are for the making those repairs. He said that people have complained to him that water is running down the walls when it rains.

Mr. Lawson asked Building Official Clyde Collins to come forward and give a status report.

Mr. Collins reported that staff from the Court Administrator's Office is in the Courthouse as this meeting is being held. He said he had obtained pricing for a roof at one time, but it was ultimately removed from the budget. However, once again, he was entertaining prices for the roof repair and for sprucing up the courtroom and replacing the gutter system around the edge of the building as well. He said that part of the roof had been repaired, but it is still leaking. However, he said the major leaks are coming from the gutter system and not the roof.

3. Presentation of County Finance and County Clerk Issues

Hospital Endowment Trust Fund

Clerk Thomas recalled that some months ago, he gave them a report that gave a full accounting of how all of the money from the Corpus of the Hospital Trust Fund had been spent. In reference to that report he asked to clarify the some things contained in that report. He explained that The judge's order allowed the Board to take up to \$4 million out for the purpose of opening the hospital and equipping it. He went on to say that not all of the money from the Corpus was used and there is approximately \$957,000 that has not been spent as of this date.

He went on to say that he takes the position that the money could be used for build out and equipping portions of the hospital that have was shelled out and ready to be utilized.

Chair Taylor responded that she recalled that there was a court- order, which set out very specific ways in which the money could be used and the Board had to stay within the guidelines of the order.

Clerk Thomas stated again that the Clerk's office's interpretation is that the order says "for the opening and equipping of the hospital." The Board had already set a precedent by using some of it to build out the pharmacy. That cost was accounted for in the report he was referencing. He added that the lawyers might have a different interpretation. He reiterated emphatically that he was certain that those funds could not be used for on-going maintenance or for some other unforeseen dilemma. He suggested that it be a good idea to take it back to the court to get some clarification on the matter.

Chair Taylor asked, "Since the hospital has already been open for two years, could the balance be used for "build-out?" Chair Taylor directed Attorney Minnis to speak with Mr. Glazer regarding how the balance of the money can be used.

Clerk Thomas had no other items to discuss.

CONSENT AGENDA (Items 4-8)

Chair Taylor asked to pull Items 5 and 6 for discussion.

UPON MOTION BY CHAIR TAYLOR AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED BY 5-0 VOICE VOTE TO APPROVE THE CONSENT AGENDA TO WIT: Items 4, 7, and 8.

4. Ratification of Approval to Pay County Bills

5. SMALL COUNTY OUTREACH PROGRAM AGREEMENT (SCOP) – Florida Department of Transportation

This Item was pulled by Chair Taylor for discussion. The discussion and action taken on this matter follows the Consent Agenda.

<u>6.</u> <u>SMALL COUNTY ROAD ASSISTANCE PROGRAM AGREEMENT (SCRAP) – Florida Department of Transportation</u>

This Item was pulled from the Consent Agenda for discussion by Chair Taylor. The discussion and action follows the Consent Agenda. (After Item 8.)

- 7. Approval to Accept the 2012-2013 Mutual Aid Operation Plan Between the Florida
 Department of Agriculture and Consumer Services, Florida Forest Service and Gadsden
 County Fire Department and the Annual Forestry Report and Operating Plan
- 8. Approval of Small County Consolidated Grant Agreement with the Department of Environmental Protection (DEP) and Authorization for the Chair to Execute the Agreement Grant Agreement Number 309SC for \$70,588.00
- 5. Small County Outreach Program Agreement (SCOP), Resolution and Acceptance of the State of Florida Funding for Resurfacing of Flat Creek Road (County Road 270A from County Road 269 (Bonnie Hill) to State Road 12 Resolution # 2012-032; Financial Project NO. 42968315801 State Financial Assistance No. 55.009

Public Works Director Charles Chapman addressed the Board in response to Chair Taylor's questions. She stated specifically, "I was wondering, and I know that sometime back we had selected other roads because we noticed a pattern over in this particular area of the county where there was quite a bit going in and we wanted to see if we could get the county balanced with these services with both the SCOP and the SCRAP programs. So, what year are we looking at that has been approved and are we on track with what the Board has directed? "

Mr. Chapman answered, "Yes, ma'am we are on track with what the Board has directed. These two grants were applied for back in 2008 and 2009 and is a part of the FDOT Five Year Work Plan. This is just part of cycling through their plan.

Chair Taylor asked if that meant that the roads that were resurfaced in the last three years with these grants were approved in 2006-2007 and he responded, "Yes, these are also part of their five year plan".

UPON MOTION BY CHAIR TAYLOR AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THIS ITEM.

Small County Road Assistance Program SCRAP Agreement with Florida Department of Transportation (FDOT) to Widen and Resurface Woodward Road; Resolution 2012-033; Financial Project No. 42997115801 State Financial Assistance No. 55.016

This item was the same as Item 5.

UPON MOTION BY CHAIR TAYLOR AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THIS ITEM.

<u>8a</u>. Discussion of Possible Funding Options for the Gadsden Express and the Quincy In-Town Shuttle

Mr. Lawson stated that Item 13 was moved up the agenda to Item 8-A. Mr. Lawson explained he had received information from Quincy City Manager Jack McLean based on what the City of Quincy did at their meeting in terms of funding for the Quincy In-Town Shuttle. He reported that Quincy had allocated \$18,000 for this project.

Chair Taylor asked Mr. McLean, to come forward to give the Board a summary of the City's position.

City Manager Jack McLean, addressed the Board and informed them the City met Monday night and agreed to participate in the funding of the project. The City decided to go with reduced hours from 7:30 a.m. – 2:30 p.m. because that seemed to be when 80% of the ridership was utilizing the bus system. He said that he understood that the County would put up \$18,000 and the City would put up \$18,000 and the difference would be made up in the ridership. Mr. McLean also mentioned that, in talking with the bus services, the fare would need to be increased from \$1 to \$2.50. He went on to say that the price increase might cause a temporary drop in ridership for the first 90 days, but thought it could be recovered. Mr. McLean seemed to think this was a fair allocation to this group of riders in terms of the costs and this was one that was affordable.

Chair Taylor asked for comments or questions from the Commissioners.

Commissioner Croley asked if anyone had talked to Star Metro as to the possibilities of where the grants might come from in the future.

Mr. McLean stated he had not spoken with Star Metro.

Commissioner Croley asked Mr. McLean what his proposal would be if the ridership doesn't meet the expectation that they will bear more of the expense beyond the contribution from the City and the County.

Mr. McLean responded, "We are going to revisit this issue in 90 days. We will sit down with Big Bend, get their statistics and see where we go from there. It may very well be that there is enough flexibility in the pricing that we've hit it right or it may be that we need to adjust it or it may be that we may not be able to afford it."

Commissioner Croley recalled that during the budget workshop, it was made quite clear that the money referenced under "bus services" pertained to Gadsden Express, which was serving a bigger area and getting more people to work and school on a regular basis. He also added that when those dollars were budgeted, it was intended to be the matching money for the grants that would be coming hopefully through Star Metro for this broader base service.

Mr. Lawson concurred that it was made quite clear during the budget workshops that the money was for the Gadsden Express services. It was that service that was wanted and the budgeted amount was intended to make sure it continued and it was the major emphasis in

budget discussions.

Commissioner Holt asked if Star Metro indicated they were willing to work with the Board in doing a grant again.

Mr. Lawson responded that an application had been submitted, but at this point, it had not been reviewed. He could not say if there would be funding or not, but it was favorable. He also stated it was a dollar for dollar match.

Commissioner Holt asked, "When the deadline is and what are the chances of getting the grant?"

Chair Taylor responded that there was a meeting with a young lady who wrote for Star Metro. It was her understanding that the money was like an entitlement, which means that it is automatic. She said she felt very certain the grant would be obtained. She also stated that only around \$42,000 would be needed for the shuttle.

Commissioner Holt responded the Board needed something in writing from her so the Board would know what was needed before the Board could say what they would do with respect to the In-Town Shuttle.

Commissioner Morgan stated he agreed with Commissioner Croley with respect to the dollars funded; that the majority of those were put in for Gadsden Express because that serviced the majority of the County. He further stated he thought the Board should support the City of Quincy and put in \$18,000 to match their amount and that within the 90 day timeframe there needed to be a "Plan B" in place in case the increased fee didn't work out.

Commissioner Croley stated that Chair Taylor's source of information might be different from his. He stated that his work with the CRTPA and his information seemed to be that the Gadsden Express would get the grant but had heard nothing of the Quincy Shuttle funding being made available. Commissioner Croley applauded the City of Quincy for stepping forward to provide a service that was beneficial to the residents of the City of Quincy and stated there needed to be confirmation that these monies were available otherwise both the County and City would have put out \$18,000 each and while it might last 90 days, after that it would go nowhere and agreed with Commissioner Holt with what she represented.

Commissioner Holt responded that Commissioner Croley might only agree with part of her idea. She stated she did want the documentation and information here. She further stated she was very interested to make sure people were able to get to work and school in Tallahassee. Commissioner Holt said she felt like the County should apply for money but part of the problem was the County did not have a full-time grant writer who could go after available monies.

Commissioner Lamb said all he heard was speculation; there was nothing in hand and not enough money to do what needed to be done.

Attorney Thornton Williams appeared on behalf of Big Bend Transit before the board and stated everyone had been placed on notice that the shuttle service had been kept in place since

September 30th with no contract. He wanted to make a couple of points. 1) The shortfall of ridership was covered by whoever was in the contract and the contract had historically been with the County. There would be a provision that any shortfall from ridership would be covered by the County. 2) He stated he was not sure how many months the proposed amount s would keep the shuttle running, but it costs \$82,000/ year to run. 3) Big Bend would be willing to work over the next few months while everyone decides what they have to do to keep the service in place. Mr. Williams further stated they would have to have the same provisions in the new contract that were in place in the past. He asked the Board if they could reach a decision by the end of October.

Commissioner Croley asked Mr. Williams if the contract stated the County had to make up the revenue shortfalls.

Mr. Williams responded, "That is correct, that is what's been in the contract".

Shawn Mitchell, Operations Manager for Big Bend Transit, appeared before the Board and explained the monthly bill for the shuttle. He stated after the fares were collected, they deducted the amount collected each month from the total bill and that was the reason the bill varied month to month.

Chair Taylor asked for clarity regarding a statement made by Commissioner Lamb. The option that the City was looking at and the Chair was in agreement with would cost a total of \$36,000/ year to run that would be cost plus ridership fee. She asked Mr. Lawson, what had been the normal cost per year for the Shuttle.

Mr. Lawson responded he did not have the figures, but Mr. Matheny might.

Mr. Matheny appeared and told the Board the figure had been \$9200 in the past.

Chair Taylor asked if the Board only had to pay 50% and the other was matched with a grant.

Mr. Matheny responded by saying that there would be no more funding available from FDOT, but that funding had been applied for through Federal Transit Administration and that amount would need to be matched dollar for dollar and whatever the Board decided to allocate for Gadsden Express would be the most that could be gotten from the grant.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY CHAIR TAYLOR, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE \$18,000 FOR THE QUINCY IN-TOWN SHUTTLE.

ITEMS PULLED FOR DISCUSSION

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS

The Chair called for citizens requesting to be heard. There was no response.

PUBLIC HEARINGS

GENERAL BUSINESS

9. Gadsden County Indigent Health Plan

Mr. Howard McKinnon, chair of the Gadsden County Health Council, presented the Healthcare Plan that the Gadsden Hospital Inc. and the Gadsden County Healthcare Council had worked up jointly by which the unused initial Indigent Care Surtax collections would be used. He reported that the committee had worked quite diligently for the past several months to come up with an agreeable plan to utilize those funds for indigent patients.

Mr. McKinnon, was joined by his colleague, Mr. Fred Dudley, who is one of the Board of Directors for Gadsden Hospital, Inc. and represented them on the working group with the health council.

Mr. McKinnon explained that there were unallocated funds in the amount of \$258,000, which were collected early in the surtax process before the board reallocated most of the money toward the construction of the hospital. The working group had come to a consensus and presented a recommendation to the Board for using the money in the best way possible for indigent patients throughout the county.

Mr. Dudley spoke to the Board and stated that formulating the plan had been a long and interesting process. He reported that they visited and viewed a mobile unit from Washington County and talked about sharing the costs with them so a mobile health service could be provided to Gadsden County. The Board chose not to invest in equipment and staffing, but instead came up with a plan, approved unanimously, to put all the money directly into indigent health care in this county. However, he quickly pointed out that when that pot of money is all used up, there will be no more. He stated that he hoped the Board would ask them to come back and report on how the funds was used because they would likely come back to the board and recommend that the board continue the funding each year.

Mr. McKinnon introduced Aaron Kissler, administrator of the Gadsden County Health Department.

Mr. Aaron Kissler appeared before the Board and stated that the working group had been meeting together since November of 2011. He reported that they already had applications for services and if they approved the plan today, the Health Department was ready to move forward by the afternoon. The first thing they wanted to make sure of was they were in line with Ordinance 08-025, which authorized the tax following the referendum. It must cover 200% federal poverty level and below, it must cover citizens of the United States and Gadsden County, and it must address primary care and access care in the County.

This plan would give Medicaid rates for doctor's visits for people that were in the 200% poverty level and below. The last process they finished up with was the eligibility process, which right now they had the health department. Four percent of the funds would go toward looking at eligibility and the rest of the funds would go strictly to direct care throughout the county for 200% poverty level and below.

He said the great thing about this program would be it would keep folks out of the emergency room seeking care that they probably could have and should have had at the doctor's office. An important part of this program would be giving the human right of health care to citizens where a doctor's appointment could make or break them for the month. Basically the program was looked at as having a positive sustainable impact in the community.

Commissioner Lamb asked, "After the funds are depleted, what are you going to do then once you spend the \$200,000?"

Mr. Kissler responded, "At that point, the money would be gone, but in the process of getting people to doctors' offices, they would be able to inform them of different options and services that might be available for them in the future."

Commissioner Croley stated he wanted to applaud everyone on the committee and thanked them for the plan. He then asked Senator Dudley if he were wearing two hats.

Mr. Dudley answered he was wearing one, that he represented the hospital (GHI) on the working group and he did not serve on the health council.

Commissioner Croley said he had received information that the hospital board did support this plan up until CRMC came up with their recent proposal.

Mr. Dudley answered he did not know if that were true or not. He further stated the last time they met as a hospital board they had unanimously approved this plan and he had been made aware that the hospital also requested some funds and did not know if the funds requested were some of the same funds or not.

Commissioner Croley asked if Clerk Thomas could share any light on the matter.

Clerk Thomas stated the money was from the ½ cent indigent care sales tax and was to be used for indigent care purposes. With the opening of the hospital, most of the money was diverted away for paying for the hospital. The portion that was left over was split between CRMC & the health department. He further stated this was money that came in initially that had not been used. The other part that was left over, roughly \$140,000 was used to put in a heliport. This was some of the money that came in initially. He added this was an indigent care ordinance and that was why they had a strong interest in the money.

Commissioner Croley stated he had no problem in supporting this and thanked the Clerk for clearing it up.

Clerk Thomas added there were several pots of money. This was from the ½ cent indigent sales tax. The money he spoke of earlier was from the corpus of the Trust and that was why he specifically told the Board what how he thought that money could be used.

Commissioner Morgan asked if this was a short term expenditure rather than long term investment for indigent healthcare. He asked where the funds would come from and that

would obviously take some further study. He then asked Mr. McKinnon if this was his recommendation and the best use of the funds at this time.

Mr. McKinnon stated it was his opinion that this was the best use of these funds, that while it was limited, it would address very important needs of the citizens who were not able to afford health care. He said the working group vetted this and discussed these same issues that the board was raising, but in the end they determined that this was the best way to spend the money and would do a lot of good for lot of people before it ran out.

Commissioner Morgan asked if there was a prediction as to how long these funds would last.

Mr. Kissler stated it would depend on the demand and usage, but probably 6-9 months.

Commissioner Morgan moved for approval of this item.

Commissioner Holt stated she was in total favor of the program. The educational purpose of the program must be greatly appreciated because, at the same time, not only was a service being offered, they were also going to educate the public as to what other programs are available to them.

She added that one other point must be made. The ½ indigent tax continues so it is not like this would be all of the money. The citizens are paying for the indigent tax to help people that cannot help themselves. It should not be said that this program may not be funded again because the citizens were paying for it already.

Chair Taylor stated she heard the majority of the Board. But she added that there are things that should be considered and she would like the Board to come back and discuss this matter between the two entities. When CRMC came before the Board at the last meeting, they were giving more services to the County by using the dollars throughout the hospital. They proposed to bring in more specialists with more services so the dollars would stay here in the county. She suggested that concept is more long term than the 6-9 months. She ended her comments by saying that the idea of providing indigent care is important and we need to find a continuous funding mechanism for it.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4-1 TO APPROVE THIS USE OF THE REMAINING FUNDS FROM THE ½ CENT TO IMPLEMENT THE INDIGENT HEALTH CARE PLAN AS PRENSENTED. CHAIR TAYLOR OPPOSED THE MOTION.

9a. Redirection of 2011-2012 Excess Inter Governmental Transfers (IGT's) Medicaid funds to take advantage of a credit that is due the County so that CRMC can leverage

Note: When the county negotiated a contract with Capital Regional Medical Center to
Operate the Rural County Emergency Room, there was an agreement made to give CRMC the
interest paid out on the Hospital Endowment Trust Fund and some of the ½ cent Indigent
Surtax to CRMC to offset some of the indigent costs that would surely come to them.
(\$400,000) They came before the board in 2011 and requested that money be redirected to

AHCA rather than to them directly so that it could be matched with federal Medicaid funding to the financial advantage of the hospital. Capital Regional was before the board on October 2 making the same request for the 2012/2013. It was approved in concept by the board at that meeting. It was brought back again to approve the agreement between Gadsden and AHCA to also submit the excess funds collected in 2011 to AHCA to leverage for additional Medicaid dollars for the benefit of CRMC The excess fees amounted to \$35,124.00 as explained in the attached letter from AHCA. With the addition of the excess funds, it would amount to a total of \$435,124.00 to be redirected to AHCA rather than to CRMC.

Mr. Lawson addressed the Board and stated that item 9-A was added as the Redirection of the 2011-2012 Excess Inter Governmental Transfers to Medicaid. The Board had approved at the last meeting the Inter Governmental transfer of \$400,000 to Medicaid so CRMC would realize some additional funds on their return and get money back. This was a very time sensitive issue and that was the purpose it was added at this time. He explained there was \$35,124 in excess of the 2011-2012 monies that was submitted and CRMC wanted to take advantage of the additional funds. This item was before the Board to ask for approval of the agreement, after review of the contract by the County Attorney to make sure everything was in order.

Commissioner Morgan moved for approval of option 1.

Attorney Minnis stated the contract had been reviewed by Mr. Glazer and everything was in order.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4-1 TO APPROVE THIS ITEM. BEFORE THE ITEM WAS APPROVED, COMMISSIONER HOLT CALLED FOR DISCUSSION.

Commissioner Holt stated that when Gadsden County sends \$400,000 to AHCA, the federal government would send back matching dollars that would total almost \$800,000 to CRMC, but CRMC could not assure that the funds would be used in Gadsden County. If the poor population here was used under Medicaid to get the matching dollars, then that money should be used in Gadsden County and it should be in the contract. Commissioner Holt asked the attorney if it were in the contract that the funds were to be used in Gadsden County.

Attorney Minnis stated she was not familiar with the contract.

Ronnie Midget, CFO at CRMC, appeared before the Board to address the concerns. He stated the money would go to Medicaid and then be leveraged in order to get federal matching dollars, which would buy back the Medicaid rate. He reminded the board that there is a large Medicaid rate in Gadsden County and the additional Medicaid dollars would help the overall financial liability of the Gadsden campus. But, it would go toward any Medicaid patient that is in Capital Regional because while the hospital had two locations it was all one provider number.

Commissioner Holt stated that was her concern because she co-chaired Medicaid for the Florida Association of Counties and the money needed to come back to Gadsden County.

Mr. Midget stated it was his understanding the \$400,000 had gone directly to CRMC in the past,

but would now go to AHCA and be matched with Medicaid benefits that would go into the same pot of money and would increase the Medicaid contributions.

Brian Cook, CEO, appeared and informed the Board that most of the overhead services are housed out of Capital Regional in Tallahassee and that both campuses are operated as one facility, whether it's the Gadsden campus or the Capital campus. While it does go into one money pot, one pot does cover the expenses and the overhead of both campuses. He also pointed out that they serve Gadsden County indigent patients at both campuses.

Commissioner Holt stated the reason she brought that up under the old plan that was how it was covered, the County could have a full-fledged hospital and why the Commissioners said to build out the 2 wings and put doctors in that had requested to come and it would help cover costs. She further stated the County didn't do what was supposed to be done and she was trying to stop the rest of the money from leaving the County.

Mr. Cook stated he wanted to make sure the Board was clear that the dollars sent back are also to help cover the overhead to run the facility.

Chair Taylor asked if there was a motion, Commissioner Morgan stated there was a motion and it had been seconded.

CHAIR TAYLOR CALLED FOR THE VOTE. THE BOARD VOTED 4-1 AND COMMISSIONER HOLT OPPOSED THE MOTION.

*** Sheriff Morris Young and the Gadsden County Jail

Chair Taylor announced that Sheriff Morris Young was present and had asked to speak about a matter he needed to bring to the board's attention. She asked Attorney Minnis if they could briefly yield to the Sheriff. After some discussion, it was determined that the board could not have discussion or take any action, but they could hear what the Sheriff had to say just as if he were a citizen requesting to be heard.

Commissioner Morgan asked for clarification.

Attorney Minnis stated this would be instead of "Citizens Requesting to Be Heard," it would be treated as a late submission under that category. It would not be treated as an agenda item that could be discussed and acted on, it would be treated as a citizen asking to speak on an item that was not on the agenda.

Commissioner Morgan asked if the discussion was regarding the administration of the jail.

Chair Taylor replied, "Yes, just so the Board could give direction to Staff on how to handle this and since he had asked to speak, she would like to give him a few minutes."

Sheriff Young addressed the Board saying that he learned that the board had some discussion about the jail at the last meeting without giving him notice that it would be discussed. He said there were things going on at the jail that the needed to bring to them. He further stated they

were about ready to break ground on a garden as a result to the re-entry program and needed their permission to go forward.

He then stated that he had been waiting for jail maintenance and repairs for years only to find the year and the money vanish with no improvements to show for it. He said he was looking for information as to the board's intention for the jail as the Gadsden Jail is one of the worst in the State. He implored them to come to a decision and make the necessary commitment to do something, but to keep him in the loop.

He reminded them that a sales tax was imposed by a referendum of the people in the late 1980's to build that jail facility knowing that it would have to enlarged in just a short time. That sales tax has continued long after the jail bond was paid, but it was no longer being used for the jail. He said that the board had diverted it to a number of other pressing matters and made for provisions for the jail maintenance. But he told them they can't ignore it any longer. He reiterated that the jail is still there with all its problems and his staff is doing the best they can do. He emphasized that he did not appreciate the board engaging in discussions about the jail without giving him a heads up. .

He then asked for permission to break ground on the proposed garden at the jail.

Chair Taylor responded that the Board could not take action on an item that was not on the agenda. She did say that the matter must first go to the Administrator and then come back to the Board.

Commissioner Lamb asked if it could go on the next agenda.

Commissioner Croley asked to direct some questions to the Sheriff.

Chair Taylor interrupted him and Attorney Minnis stated that would be getting into discussion and they could not have discussion on an unagendaed item.

Commissioner Holt asked when he wanted to break ground on the garden. She then asked if the Board could take a vote and then add it to the agenda.

Chair Taylor replied that the Board knew they could not take action on anything that came under "Citizens to Be Heard" other than refer it to the Administrator, even with something as minute as turning dirt. She stated this was the adopted procedure and it would be followed and it was now in the hands of the Administrator.

Sheriff Young then asked Mr. Lawson if they could break ground.

Chair Taylor responded that would be a discussion to be heard later.

Commissioner Morgan said he appreciated the Sheriff being willing to communicate about the jail and had requested that this discussion be placed on the agenda after the election.

Chair Taylor told Sheriff Young he would receive notice in advance of the meeting so he would

be prepared and informed.

10. AGREEMENT FOR ECONOMIC DEVELOPMENT SERVICES FY 2012-2013

This item was moved to follow Item 11 per the amended agenda.

11. RECONSIDERATION OF ORIGINAL FUNDING REQUEST

Mr. Lawson stated Item 11 would be considered ahead of Item 10 via the amended agenda. He called for Mr. Jack Peacock to come forward to address the Board.

Mr. Jack Peacock, Chairman of the Gadsden County Chamber of Commerce, appeared before the Board and asked that the Board reconsider fully funding Gadsden County's economic development efforts as originally requested by Chamber. He stated that currently the Board's commitment was less than 1/10 of 1% of the Board's budget. He added that last year, in securing one of the larger capital projects in the nation, the Economic Development fought courageously every single day to do what was right for Gadsden County and the job count went from zero to 200 in less than a year due in large part to the aggressive economic development efforts. He further stated that It was understood that there were those in the county who wanted things to remain exactly as they were and as they had been, largely through agriculture. However, agriculture alone would not produce the quality of jobs or the quantity of tax revenue that was so desperately needed in the county. He went on to add that the organization has proven it can go the distance.

Mr. Peacock then asked Mr. David Gardner to step forward to comment on the contract.

Commissioner Lamb stated in talking with constituents in and out of his district, there was a concern about economic development and they needed to support the Chamber fully and he had no problem in offering a motion to do so.

Commissioner Croley said he couldn't vote on the motion but stated the Board had looked at other means of economic development and there was nothing substantial in place and there were no other alternatives. He added that while he had to abstain from voting, he was still able to be an advocate for the economic development role the Chamber had done so to date. He stated his silence should never be interpreted as lack of support for economic development, but as a member of the Chamber he could not vote.

Commissioner Holt said she was not wavering from her position. Because there was no plan before her, she would not vote. She stated a plan should have come with the contract and the Board should have sat with the Chamber and gone over what the constituents wanted, that this was the citizen's money being spent.

She further stated there were four I-10 interchanges in the county and she asked the following questions:

- What development projections they had for the interchanges?
- What buildings, factories, businesses or tourism spots were going on Highway 90?

She continued by saying that once there was a gentleman who wanted to put a service center at the Georgia line on Highway 27 and also wanted to put in a liquor store. However, the community people fought the liquor store and prevailed. So, it was now across the state line where there was a big beautiful service center and Georgia was getting the taxes. She added there must be some type of product to produce.

She asked Mr. Peacock how much money other Boards in the County had given to the Chamber.

Mr. Peacock stated he did not have that figure.

Commissioner Holt turned to Executive Director David Gardner if he had those figures.

David Gardner appeared and stated since the budgets were being finished up from the other townships and communities, the amount was around \$10,000.

Commissioner Holt stated the Board had already given them \$65,000, which was 6 times more than the other cities were giving and now the Board was considering giving them \$95,000.

Mr. Peacock stated this volunteer board was duty bound by signed non-disclosure agreements not to discuss businesses that wanted to come into Gadsden County, that if businesses knew that their business would be put in the street every time they came to the Chamber, they would not come to the Chamber. He further added that reports were provided quarterly to the County or could be reviewed for the results.

Commissioner Holt said the Board had to have a plan that represented what the citizens wanted and as far as disclosure forms went, commissioners signed them every day saying they would not discuss it, they sit in on meetings; they know what is going on. She went on to say in one of the counties where the commissioners did not know what was going on and two of them went to jail because of not paying attention.

Mr. Peacock stated their job was not to keep information from the Board, they wanted to disclose as much as they possibly could.

Commissioner Morgan appreciated the remarks of Mr. Peacock and thought he was "spot on." He further stated his own position had been clear and consistent since 2008 regarding economic development and he would be remise if he didn't say that he thought the County was on the cusp of being the recipient of the greatest return on investment that Gadsden County had ever seen due to the fact that the Chamber had successfully provided the National Solar opportunity to the County. He added the Chamber had been devoted in their direction to improve the economic development situation in Gadsden County and never had it been more important for our community. He further stated he would fully support funding of the Chamber and hoped it continued. He added maybe Commissioner Croley might want to consider removing himself as a member so he could support it without having any conflicts in abilities to support the opportunities.

Chair Taylor stated this item had been talked about very much and stated she must field phone call at least 5-10 times a week and that economic development was a priority for the success or failure of a county. She added that more folks today than yesterday were out looking for work and "Yes, the Chamber did bring National Solar to Gadsden County, but when I walk out the front door I still don't see them. If the motion on the floor is to fully fund the Chamber, I cannot support it. To increase it, I am willing to go to a level. I will assure you within the next year if nothing is produced, no more support will be given and the Board will look at some other arm to develop our County."

At that point, she asked to bring the matter to a close.

Chair Taylor said to Commissioner Lamb, "You asked that I yield to you when we were ready to bring this to a vote, so I am doing so."

Commissioner Morgan added one comment, "In looking back on all the non-profits that were funded at 97% that are important. I don't support full funding either." He stated he supported a 3% cut from the prior year, and felt it was very fair across the board.

Commissioner Lamb asked where the proposal was at.

Chair Taylor stated she was willing to go to \$75,000 and added the tail-end to that was the 3% had to be put back to the non-profits.

Commissioner Croley asked if this was amending the budget.

Chair Taylor stated she was telling everyone where she was at this this and if it couldn't be brought up at this time, it couldn't be.

Attorney Minnis instructed the Board this had to be brought back as a budget amendment so it could go through the proper process.

Mr. Lawson stated the budget was already set so any issue taken up today would have to identify funding in order to be able to cover it and the money would have to come from somewhere.

Commissioner Croley stated that Commissioner Morgan made the comment that he should resign from the Chamber to put himself in a position to vote for funding for the Chamber, but added he was specifically warned against taking any such action by staff attorneys with the ethics commission.

Commissioner Morgan said he had spoken directly with the department of ethics about that very issue because he had concerns and they were very explicit in indicating there was absolutely no issue if you were permanently separating yourself from that board.

Chair Taylor stated she could not vote to increase the money without the matter being on the agenda and there could be no vote to increase the funding until there were assurances that the money would be given back to the Senior Citizens. She added there should have been

something in writing, had a plan or gotten a request to agenda a meeting. She then asked if there was a motion on the floor.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER MORGAN TO FUND THE CHAMBER AT 97% OF THE AMOUNT IT WAS FUNDED THE PREVIOUS YEAR, THE BOARD VOTED 2-2 BY VOICE VOTE WITH CHAIR TAYLOR AND COMMISSIONER HOLT OPPOSING AND COMMISSIONER CROLEY ABSTAINED FROM VOTING, THE MOTION DIED FOR LACK OF MAJORITY SUPPORT.

Commissioner Morgan asked that the next item be tabled regarding the actual contract for economic services based on the fact of the discussion of the funding of it.

Chair Taylor agreed and asked for a motion.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY CHAIR TAYLOR TO TABLE THE CONTRACT, BEFORE THE ITEM WAS APPROVED, COMMISSIONER HOLT CALLED FOR DISCUSSION.

Commissioner Holt stated the Chamber would come back with a plan, but what about the citizens' plan, that there had to be input from all sides.

David Gardner stated the Chamber Board was in the process of reviewing the matter and would have it ready in the next few weeks to present to the County. He stated that this was a comprehensive economic development strategic plan. He added the Chamber would never write the comp plan of where businesses should be located and the Chamber would be more than happy to work with the County on the process.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY CHAIR TAYLOR, THE BOARD VOTED 4 – 0 BY VOICE VOTE TO TABLE THE CONTRACT FOR ECONOMIC DEVELOPMENT SERVICES - ITEM 10. COMMISSIONER CROLEY ABSTAINED FROM VOTING.

12. BITE ME BAKERY TREATS, ANGEL JOHNSON – REQUEST TO BUILD A COMMERCIAL BAKERY IN AGRICULTERAL 2 (AG2)

Mr. Lawson Introduced Item 12. As background information, he explained that Mrs. Angel Johnson had tried diligently to build a commercial kitchen to sell sweets and pastries and the Comprehensive Plan and Land Development Code (LDC) would not allow this in the area in which she currently resides. Staff resources have been exhausted in trying to assist her, so it was being brought before the Board to see if it would be worthy of allowing her to put her commercial bakery in an AG-2 area. He then asked Mr. Matheny to give more information.

Mr. Matheny appeared before the Board and informed them that Mrs. Johnson approached his department about putting a commercial bakery in a structure in her back yard. She would be able to have the home occupation, up to 25% of space of the main residence, but Mrs. Johnson has dogs in the house so the Health Department told her she could not have the business and have animals in house. He added another way folks have been helped is to construct a breezeway from their main house to the building in the back, creating one residence. What she

would like to do is open a small building or shed to be able to open her bakery business, but in order to do that, it would be "neighborhood commercial" and to meet those criteria, a person would need to be a certain distance from an intersection and other things. Ms. Johnson's proposed project would not meet that standard.

Angel Johnson, 1674 Bassett Road, Quincy, FL, appeared before the Board and stated she wanted to build approximately a 20 x 20 building that would house a commercial kitchen where she could bake items to sell wholesale to restaurants, cafes, etc. She stated she would not be able to house the space needed in her personal kitchen and added under the state cottage laws this could be done to sell to the consumer, but not to sell commercially.

Mr. Johnson stated by putting a breezeway onto the house, rules would be broken by having animals in the house because the structure would then be considered part of the house and the county health laws state no dogs in the same "structure".

Chair Taylor asked Mr. Matheny if his concept for the breezeway was to rectify the animal situation.

Mr. Matheny responded that the breezeway would be to technically connect the unit that they wished to build with the main house, which would make it one house. Mr. Matheny further stated he didn't know if they had talked with the health department recently about the breezeway and if they chose to go that route that he and/or Mr. Collins would be happy to meet with the health department to help explain the separation.

Chair Taylor called for discussion.

Commissioner Morgan stated he would like to do what could be done to help someone starting a business, but also needed to make sure that the Board adhered to what the Planning Committee was advising them.

Commissioner Holt stated a couple of concerns she had was under the "cottage law" could you cook and sell to the public with animals in the house, that she was concerned with health hazards, whether in the house or a separate building.

Mrs. Johnson stated that was why she wanted the separate building.

Commissioner Holt asked Mr. Matheny if they were asking about a special exception.

Mr. Matheny said that it would be considered as a special exception. He cautioned the board about one thing. "If you do it for one, it should be done for others, or else change the code to allow it. The whole reason for having the policy would be to keep commercial use separated from residential uses.

Commissioner Holt stated this should be considered at a 6:00 meeting and the neighbors should be notified because it needed to be looked at to see if it would affect anyone else in the community.

Mrs. Johnson stated that when she considered going into this venture; her ultimate goal was to build the business clientele then move into town on the square within the city limits.

Commissioner Holt stated Mrs. Johnson would need to have signed petitions from her neighbors for the 6:00 p.m. meeting because zoning would be changed.

Mr. Matheny stated if they went that route and the applicant agrees to apply for a special exception, there would be considerable costs involved. There would be a Planning Commission meeting, advertising, the BOCC meeting and advertising and mail-outs. It would cost a couple of thousand dollars to go through the process.

Commissioner Holt stated they may need to come back no matter how this comes out.

Mrs. Johnson stated there would be no traffic generated from this that she would bake and would either ship or deliver.

Commissioner Croley thanked the Johnsons for coming forward with their issue and asked with the matter of breezeway if anything was gotten from the health department that said a breezeway connection would actually prohibit the baking in the 20 x 20 building?

Mr. Johnson said that the rules stated any structure cannot have animals in it and if they define it as one structure with the breezeway, they assumed the health department would define it as one structure.

Commissioner Croley stated almost everyone was familiar with the Nicholson House and when it was first put into operation, the kitchen was behind and a breezeway connected it and it was zoned AG-2 as well. It would seem to him that this would be not so much what is done but how it is done. He encouraged them to first get with Mr. Matheny and the health department before taking on any additional expense and matters complicated further.

Mr. Matheny stated they would be happy to go with them to the Health Department and assist them in whatever manner they could.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5-0 TO DENY THIS ITEM.

13. DISCUSSION OF POSSIBLE FUNDING OPTIONS FOR THE GADSDEN EXPRESS AND QUINCY SHUTTLE

This item was discussed earlier in the meeting. See item 8a.

13a. Discussion Regarding Special Assessments for Quail Roost and Ames-Barineau Road

This item was added to the agenda per the amended agenda.

Attorney Minnis said it was her understanding this item was brought up for discussion because of a sale of property that was going to occur and there was questions about the amount of

assessment that would be awarded. She stated the total amount had not yet been decided. She also added from their research, there was no limitations by which a governmental entity or county has to do special assessments and there were instances where people had bought into subdivisions that have had improvements and had to comply with assessment price. She further replied that they had contacted Government Services Group to get the special assessment back on track for both roads to be able to bring recommendations to the Board with regard to the amounts that could be assessed and options on assessing the amounts and manners in which to do so.

Commissioner Morgan said the reason he had asked to have this placed on the agenda again was because of the closing on a piece of property and because of this issue, the closing fell through. These roads are now county roads and stated he would like this issue put to bed and asked that they not pursue any special assessment fees. He moved, at the proper time, to dispose of the attempt to collect the assessments and close the issue out as a lesson learned.

Chair Taylor stated that was a question to Attorney Minnis and if the Board could do that since it was not an item on the agenda and if the Board could move forward on it, that it would impact things.

Attorney Minnis suggested, in light of the vote at the last meeting, they were in the process of bringing a recommendation back to the Board; one was the option to waive collection of the assessment because the ordinance did not mandate that a special assessment be done when a road is taken and paved. The Board did have the option to waive it.

Chair Taylor asked if there were more to having this waived than just putting forth the motion. Should this be placed on the agenda if that is the option we are going to take up and have it done officially?

Attorney Minnis stated in her opinion, it would present two questions. One, from a legal point of view, there was nothing in the ordinance to prohibit the Board from voting to waive it. From a potential best practices point of view, because this is an issue that may come up in other roads and other areas of the County. This could be a legal issue and an administrative issue.

Commissioner Morgan stated his motion would stand, it sounded like legally it could be done. Commissioner Croley said he wanted to understand, if same letter from Mr. James Folds, this motion is to waive all property from all property owners on both roads?

Commissioner Morgan stated yes.

Commissioner Croley stated that money was put forth with the expectation that other citizens would be able to benefit from this program if indeed it was funded. Now to completely go back on this and the County taking over private roads and paving them and the property owners that benefited not being asked to contribute, that is not very equitable to the rest of the County and to the other citizens.

Commissioner Morgan stated he understood Commissioner Croley's position and did not disagree but, unfortunately, the Board was put in this position in 2004 and saw no clear way to

resolve it.

Commissioner Croley stated he appreciated that this was the easiest way to deal with this matter in moving forward, but it might not be the right way because the folks that put the Board in this situation was, this was because of poor legal advice. This should never have happened. He stated he saw Mr. Summerford at the podium and wanted to hear what he had to say.

Chair Taylor stated she had asked Mr. Summerford to address the commission. Tax Collector Dale Summerford stated he was involved 3-4 years ago relating to changing the way that the board originally intended to collect these assessments. A process that has been in place for a good many years by statute that is very technical and the law had to be followed. This Board took steps of moving in that direction. What happened in 2010, Government Services realized as they were looking at the assessment, there was one major problem. Property owners cannot be allowed to opt out of the process. When Government Services discovered, specifically on Ames-Barineau, that road stopped at a certain point and was dirt from that point on and those property owners were able to opt and not want that part paved, they still received the benefit of going in and out of the paved portion. Government Services said the way it had been done was not legal. Commissioner Croley is exactly right. This problem started in 2000-2001, whenever that original ordinance was put in place. This Board has tried to correct the situation. The Board needs to tell the property owners, "No, you've got to pay."

Quail Roost is a little different. Quail Roost met with the County and agreed to pay "x" number of dollars. I think the original intent of Board in the early 2000's was the roads be treated the same. Because of the delay in paving, the paving costs went up. Commissioner Lamb didn't think because of the County's delay in the paving process that Ames-Barineau be charged more than the folks at Quail Roost. Commissioner Morgan is right from the standpoint that mistakes have been made, it may be in County's best interest to waive the fees. The document that Attorney Minnis' firm did was excellent. That agenda request item explains everything just like it's taken place the last 10 years or so. Mr. Summerford stated he was here to share the information with the Board.

Commissioner Holt stated she was not in favor of waiving the fees. Those people told the Board they wanted their roads paved. They came to the Board, the Board did not go find them. They told the Board that they wanted to do.

Ann Sherman, 6445 Quail Roost Drive, Quincy, appeared before the Board to speak on behalf of the property owners on Quail Roost Drive. For the record, she wanted to make it clear that Quail Roost Drive is not seeking not to pay what they bought into. The number that the County provided to the residents of Quail Roost Drive in terms of the citizens portion of the paving, was \$38,228, which the Board approved. Each resident was to pay \$1,451.08 and all the residents were asking was the Board to honor that dollar amount.

Chair Taylor asked Mr. Lawson what the original amount of \$38 plus had now increased to.

Mr. Lawson stated he was not sure if the dollar amount had increased or not.

Chair Taylor asked if something else had been proposed to the residents.

Ms. Sherman said she made the comment based on what she thought she understood the Attorney had said.

Attorney Minnis asked to correct her statement to there were no misunderstanding. This was the issue that had specifically come up with regard to the purchase of a piece of property. The Board could not tell the resident's agent what the exact amount would be only because they wanted to verify that the Board did not want to revise its request. We had the amount that it originally cost to pave the road, before the special assessment could be done, the costs went up. This was just a technical point of view, there was a different cost to the County. To present the Board with a complete packet was why we gave the Board options, not only for Ames-Barineau and for Quail Roost as well. If the Board wants to stay with the original amount quoted the citizens, they can do so under their ordinance.

Commissioner Holt stated there was no way the citizens should pay for what was not agreed to. Chair Taylor stated this item was coming back and the reason was for a method to collect.

UPON MOTION BY COMMISSIONER MORGAN TO WAIVE PAVING COSTS, THE MOTION DIED FOR LACK OF A SECOND.

14. REQUEST APPROVAL TO DONATE SURPLUS MEDICAL EQUIPMENT TO THE GADSDEN COUNTY SCHOOL DISTRICT

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

15. RENEWAL OF CONTRACT FOR STATE LOBBYING SERVICES WITH CHRISTIAN DOOLIN AND ASSOCIATES FOR \$10,000 FOR FY 2012/2013

UPON MOTION BY COMMISSIONER HOLT AND SECONDED BY COMMISSIONER LAMB, THE BOARD VOTED 4-1 BY VOICE VOTE TO APPROVE THE ABOVE STATED ITEM. CHAIR TAYLOR OPPOSED THE MOTION.

16. <u>Consideration Of Robert Presnell's Settlement Agreement And Proposed Contract For County Administrator Position</u>

Item 16 was in consideration of Robert Presnell's settlement agreement of the proposed contract for the County Administrator position.

Attorney Minnis stated from a legal point of view, she had reviewed both documents in question and wanted to make the Board aware the settlement agreement language did not prohibit Mr. Presnell from holding another position with the County but did require that before he took a new position, he must have resigned from the current position. She added with regard to the agreement for services, it was the same agreement that the Board had with the prior county administrator. She further stated the ordinance did not require a proposal process

for selection of administrator and did allow the Board to simply hire and appoint someone and allowed for the substitution of experience and training for the degree that was mentioned in the ordinance and employment opportunity that was issued last time.

Commissioner Holt asked the attorney if she had had a chance to review the agreement presented by Mr. Presnell.

Attorney Minnis stated she had and it was basically the same agreement.

Commissioner Croley said he was not present at the last meeting when this item was addressed and did not understand the nature of the emergency as to why the item was added without the full board being present.

He stated Mr. Lawson had been doing a good job in the interim role as County Administrator and had just completed a very difficult budget process. Commissioner Croley stated that Chair Taylor had a problem in the past with the way certain things were done and recalled her pledge not to repeat some of the same mistakes, but there was now an action that, without a competitive process, did not serve the citizens of this county in the best way, did not service the best interest of the constitutional officers in seeing that their interests where equally considered in the budget process and didn't see how it could be said to serve the employees of the county's best interest and more importantly, not sure it served Mr. Presnell's best interest in the way this had been handled, simply because everyone should have had this known upfront.

He then disclosed for the record the following: "For the record, I want everyone to know Mr. Presnell did contact me on Friday, October 5th, late in the day and asked for a meeting on Monday, October 8th at 4:00 p.m. Based upon that conversation, I can say I was the last commissioner he talked with up to that point. It was a very candid and very revealing conversation. I found his enthusiasm to be well placed and his commitment to the county and its welfare would not be questioned. On that basis, I wanted to say I appreciated his candor, but it was also a very revealing and very detailed conversation.

The issue of qualifications, it's clear that the County, from State statutes, has certainly over the years given emphasis to that. The process for not allowing open advertisement and application by those within and without the County was not right. Having made that clear and having seen administrators come into this role on 3-2 votes and be handicapped by that, I'm going to say, I will support Mr. Presnell under this contract and allow him to move forward and give him a chance.

In addition to saying that, I don't want to have any more citizens calling me up stating that there are county employees sleeping in trucks on their road, county employees going across the state line to convenience stores, county employees buying lottery tickets, county employees stealing fuel, or misuse of county property. I do not want to hear that any more. This is a new day, let us all move forward and do it collectively and hope if Mr. Hinson is successful in joining this Board, I want him to know we need to all move forward together and give you a chance."

Chair Taylor asked for discussion.

Commissioner Lamb stated he could really appreciate what Commissioner Croley stated because he had been caught up with the 3-2 vote for some time and appreciated the comments by Commissioner Croley because Mr. Presnell would need the support of the full board coming into the position. He added he was "going along with it, thought about it, prayed about it and I did not want any administrator coming in that had to go through what the last administrator went through." He added he was supporting this because he saw it might be more than 3 commissioners to give their support to him and hoped the Board would go forward as a whole and support Mr. Presnell.

Commissioner Holt asked Attorney Minnis where it stated in the contract he had to resign first.

Attorney Minnis stated it was in the settlement agreement he had to tender his resignation from that position at least no later than July, 2014. To comply with that provision, he would have to tender his resignation to accept the new position.

Commissioner Holt stated she was not comfortable with any one resigning and then the Board decided not to hire and the position could be offered to him but before he could accept it and sign the agreement to take the position, he had to resign the position. She then asked if it could be done simultaneously.

Attorney Minnis said it could be handled that way.

Commissioner Holt stated it had to be handled at the same time.

Chair Taylor stated Mr. Presnell and his attorney were present and asked them to step forward.

Commissioner Morgan stated he agreed with Commissioner Croley and Commissioner Lamb's comments. Commissioner Morgan further stated he had no ill-will toward Mr. Presnell but this was agendaed and voted on improperly in his opinion, but however, any administrator needed to have the full support of the Board and it sounded like Mr. Presnell would.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE MR. PRESNELL AS COUNTY ADMINISTRATOR.

17. <u>National Solar Update</u>

COUNTY ADMINISTRATOR

18. <u>Update On Board Requests</u>

COUNTY ATTORNEY

19. Update On Various Issues

DISCUSSION ITEMS BY COMMISSIONERS

20. <u>COMMISSIONER LAMB, DISTRICT 1</u> – COUNTY CONCERNS

Commissioner Lamb stated he wished the County would consider going back to five 8-5 work days instead of 4 day work weeks. He further added that coming in at 7:00 or 7:30 was not helping the County because when they came in at that time, they were not getting out until 8:00 or 8:30 and the County really needed to consider going back to 8-5 Monday through Friday.

At this point, Commissioner Morgan stated he had a 12:15 appointment and would need to leave the meeting.

Commissioner Lamb continued by saying he supported what Commissioner Croley said concerning the administrator and to help him do his job and if that happened, it would be a better community and a better county.

<u>COMMISSIONER CROLEY, DISTRICT 2 – REPORT AND DISCUSSION ON PUBLIC ISSUES AND</u> CONCERNS PERTAINING TO COMMISSION TWO AND GADSDEN COUNTY

CRTPA Report

Commissioner Croley stated he wanted to make a couple of reports. He attended a regular CRTPA meeting that was held September 24th and stated because of dealing with so much money in the future transportation plans of the county, he wanted to remind everyone to please work with the administrator's office to give him a list of projects for which they would like him to advocate. He said it would be easier for us to present a united front for Gadsden County and added that so much of the transportation funding was based on a competitive situation and need, that it would become impossible to say "I want project A over project B" without facts to support. He added for instance, the bridge over High Bridge Road over Little River where it was in bad condition and the Board knew that.

Secondly, he reported that he attended a workshop on October 15 on behalf of Gadsden County with CRTPA at the Tallahassee Regional Airport. It had to do with future funding that was going on within the transportation process by the federal highway administration and the Florida DOT. He said it was important the county made their best case and a better data collection system was needed to justify what was being done. He knew Mr. Lawson had been working on a GIS system where the county could start collecting some of the data to show what bridges, roads, culverts, etc. were in need of repair. He also said the Quincy by-pass, sent out an announcement about the ground-breaking on October 25th and understood the Chamber was coordinating this.

COMMISSIONER HOLT – DISTRICT 4 – COUNTY CONCERNS

Commissioner Holt stated she went to the Pow Wow in Chattahoochee and there were around 14 tribes that were represented. There had teepees set up, along with a western town and it was very interesting.

COMMISSIONER MORGAN, VICE CHAIRMAN, DISTRICT 3 – DISTRICT CONCERNS

Commissioner Morgan had left the meeting at this juncture.

<u>COMMISSIONER TAYLOR, CHAIRPERSON, DISTRICT 5 – NO ITEMS</u>

Chair Taylor stated she had been bombarded with calls about the east corridor and the landuse memo that had gone out in the community. She asked in the future that the Commissioners be given a heads up so they could speak intelligently about it.

Impact of Quincy By-Pass on River Chase Nursing Home community

She added she had just received a text from River Chase Nursing Home located on Strong Road. She said the director wanted to know how the by-pass would affect River Chase and that community. She said someone needed to reach out and have some dialogue with them.

C.W. Roberts

She added the Board still needed a response from C. W. Roberts and hopefully that would be on the next agenda or as soon as possible.

Jail Repair Costs

She further stated she didn't remember approving dollars for lighting at the jail.

Mr. Lawson stated the Board collectively approved for staff to move forward with lighting at the jail as well as the jail locks and added lighting was purchased by staff and it was under \$25,000.

Chair Taylor stated last she heard there was a combination of \$600,000 between the lighting and locks and \$300,000 plus for the locks and \$100,000 plus for the lighting.

Mr. Lawson stated the locks would cost in excess of \$300,000, the lighting itself didn't cost that much, but a contractor had to be paid to do it, so it was being done in stages. That being so, he was not really sure what the final bill may be in terms of the lighting, but it shouldn't be as much as the Board was originally told.

Chair Taylor said she was concerned that proper process was not being followed with regards to bidding and making sure we stayed inside the guidelines and not overspend under the County Administrator's authority because there was a threshold that could not be spent over.

In closing, Commissioner Lamb commended Mr. Lawson on a job well-done.

Congressional Delegation – Saturday, October 20 at 10:00 a.m.

Commissioner Holt added that early voting was happening at the Supervisor of Elections Office. She also announced there would be a congressional delegation out of Washington, DC Saturday at the Courthouse that would start at 10:00 a.m. She encouraged everyone to attend.

RECEIPT AND FILE

NOVEMBER MEETING(S)

- -November 8, 2012, Regular Meeting, 6:00 p.m.
- -November 20, 2012, Regular Meeting, 6:00 p.m.

MOTION TO ADJOURN

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

	SHERRIE TAYLOR, Chair	
ATTEST:		
Marcella Blocker, Deputy Clerk		

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON NOVEMBER 8, 2012 AT 6:00 P.M., THE FOLLOWING PROCEEDINGS WERE HAD, VIZ:

Present: Sherrie Taylor, Chair - District 5

Gene Morgan, Vice-Chair - District 3 (Arrived late)

Eugene Lamb - District 1 Doug Croley - District 2 Brenda Holt – District 4

Nicholas Thomas, Clerk of Court Debra Minnis, County Attorney

Robert Presnell, County Administrator

Marcella Blocker, Deputy Clerk

INVOCATION, PLEDGE OF ALLEGIANCE AND ROLL CALL

Chair Taylor called the meeting to order at 6:00 p.m. She then opened the meeting with a prayer and the pledge of allegiance to the U. S. Flag.

The roll was called by Marcella Blocker with the attendance recorded as listed above.

Chair Taylor inquired if Commissioner Morgan would join the meeting later.

Mr. Presnell replied there had been no notification either way.

Chair Taylor called for a motion to excuse him.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB THE BOARD VOTED 4-0 BY VOICE VOTE TO EXCUSE COMMISSIONER MORGAN. THE MOTION CARRIED.

There was then discussion between the commissioners concerning absenteeism by the board members.

AMENDMENTS AND APPROVAL OF AGENDA

No amendments were made to the Agenda and Chair Taylor asked for a motion to approve it as written.

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

AWARDS, PRESENTATIONS AND APPEARANCES

1. Recognition Honoring Commissioner Eugene Lamb, Jr. (District 1) for His Dedicated Service to Gadsden County and Approval of Resolution 2012-035

Recognition Honoring Commissioner Eugene Lamb, Jr. (District 1) for His Dedicated Service to Gadsden County and Approval of Resolution 2012-035

Commissioner Lamb asked to share a few parting words with the sitting commissioners.

Commissioner Lamb:

He stated that in the eight years he had served as a county commissioner, many great things had been accomplished. The most important, in his opinion, was the reopening of the hospital. He said he was reminded of a quote of Henry Miller that said, "One destination is never a place, but a new way of seeing things." He added, "In all levels of government, there is no elected official closer to their constituents than a county commissioner." He said the most important thoughts that could be shared with each of the commissioners as they continue to serve the county is to remember that a county commissioner should always do what was best for the entire county, not just one's district. He advised the commissioners that people do not accept change easily, but they are the leaders. He told the commissioners they would need courage to impact positive changes and lead the county forward and courage to compromise for the benefit of f Gadsden County, not just each one's supporters. He also said that a commissioner must be able to compromise and work with other commissioners and recognize where the issues stand, then vote their conscience. He went on to say, "As a commissioner you are not always going to make the right decision, there will be good times and bad, but you must do the right thing for the County. Each commissioner should keep a good attitude and prepare themselves to do the best they could do for the residents and the Board and realize the other commissioners are not their competition but are teammates."

Commissioner Morgan arrived at this juncture.

Following Commissioner Lamb's parting words, Chair Taylor presented Resolution 2012-035 to him. She thanked him for his services and stated that she didn't know much about him before serving with him, but she found him to be an honorable man with integrity and that she hoped she could one day reach his level.

Commissioner Morgan presented a plaque or recognition and appreciation to Commissioner Lamb for his eight years of service as a County Commissioner.

Commissioner Holt told Commissioner Lamb she appreciated everything he had done for the County.

Commissioner Croley stated he and Commissioner Lamb had fought many battles side by side and there had been a lot of struggles and they had drifted apart, but at this point in recent months, things had come back together and there had been many accomplishments. Commissioner Morgan stated that Commissioner Lamb had been a good friend to everyone in the County in so many ways and he had always stuck to what he thought was the right thing to do..He closed by saying that he appreciated the fact that he was so dedicated not only to the Board as a public servant, but also to his family.

Mr. Presnell then thanked Commissioner Lamb for his service.

Attorney Minnis said she had not had the chance to serve very long with Commissioner Lamb, but she enjoyed the time that she had spent with him and found that he was very dedicated.

2. Big Bend Habitat for Humanity (BBHH) Presentation

Mr. Presnell introduced Mr. Wes Singletary, Executive Director for Big Bend Habitat for Humanity along with Juanita Ross, Program Director.

Mr. Wes Singletary, Executive Director, Big Bend Habitat for Humanity, addressed the Board. Mr. Singletary said their organization was looking into constructing a home in Gadsden County no later than April or May of next year and had raised \$22,000 toward the construction of that home. He added that they were also looking into rehabilitation of homes, which required funding. He stated they already had a Gadsden County homeowner who was qualified and she was currently working on her contribution through "sweat equity hours." He added that they hoped to partner with Gadsden County to get more homeowners qualified and requested Gadsden County to consider assisting them with building of two home with a contribution of \$11,000.

Commissioner Croley asked if they would take the donation of a house. He added there was a house built with county funds that needed to be turned over to a qualified owner. He also mentioned that he didn't know if the Board would entertain that thought or if BBHH would entertain that. (*Reference Note – The house that Commissioner Croley referred to was constructed as a part of the New Home Construction Pilot Project in 2008. The home is on Brumby Street in Quincy. It was constructed in the summer of 2008 and cost \$100,000. It remains listed with a realtor as of this date.)

Mr. Singletary responded that he would entertain that idea but it had to be approved by his Board and added there was funding available for rehabilitation of homes as well as new construction.

Chair Taylor asked Mr. Presnell if they had had the opportunity to meet with Mr. Singletary and he replied, "No." She suggested they meet ASAP with the County Administrator and then come back with recommendations.

3. Presentation for the Post Home/Disaster Management Building

Mr. Presnell introduced Jim Brennan, Commander, American Legion Post 84.

Mr. Jim Brennan, Commander, American Legion, Post 84, Havana, FL addressed the Board. He stated his post was looking at the possibility of constructing a building for themselves that would be large enough (6,000 square feet) and substantial enough to serve multiple purposes including that of a disaster shelter. He reported that he had been engaged in conversation with Mr. Dover regarding a tract of land, which will be made available to them for a reasonable purchase price. He added that they would seek grants to make the project become a reality, but they would need a letter from the county commission stating it's support of the project. Chair Taylor asked the Administrator if there had been time to meet with the group and he

> responded he had spoken with Mr. Brennan briefly before the meeting started and they were on the same page and basically needed consensus of the board and a letter of support for him to seek grants.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5-0 BY VOICE VOTE TO GIVE LETTER OF SUPPORT TO THE PROJECT.

CLERK OF COURT

4. Presentation of County Finance and County Clerk Issues

There was no report from Clerk Thomas.

CONSENT

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THE CONSENT AGENDA AS PRESENTED. Items 5 – 9 to wit:

- 5. Approval of Minutes October 2, 2012 Regular Meeting
- 6. Ratification of Approval to Pay County Bills

No voucher or warrant numbers referenced.

- 7. Approval to Renew the Services Contract with Solutions EAP
- 8. Approval to Purchase Work Trucks for State Inmate Crews
- 9. Approval to Record Site Dedication Notice for the High Bluff Landing at Lake Talquin
 Improvement Project, Dedication to the Public as a Boat Access Facility for a Minimum Period
 of Twenty (20) Years Per Florida Boating Improvement Program Grant Agreement

ITEMS PULLED FOR DISCUSSION

There were no items pulled for discussion.

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS (3 MINUTE LIMIT)

There were two citizens that requested to be heard but it was an item on the agenda and Chair Taylor stated their concerns would be heard at that time.

PUBLIC HEARINGS

10. <u>Public Hearing – Conceptual/ Preliminary Site Plan with Special Exception for the Horseshoe</u>
Lounge and Motor Lodge Drive-thru Liquor Store

Mr. Presnell stated there was a matter for public hearing that was seeking approval of conceptual preliminary site plans with a special exception for the Horseshoe Package Store.

Chair Taylor stated this was a public hearing where citizens could share their concerns or support for this item.

Mr. Matheny appeared before the Board with a brief overview to the matter. Mr. Matheny stated this matter was originally heard in 2009 and approved by the planning commission, but denied by the County Commission. Subsequently, the Patels, the petitioners, appealed the County Commission's denial in Circuit Court and the Court reversed the County's decision. At the last meeting, the County decided not to appeal the Final Order of the circuit judge. He went on to explain that the petitioner's original petition is back before the board for a re-hearing. He reminded them that nothing has changed in the petition and that the judge had ruled that they had no basis to deny the petition for the site plan or the special exception. Chair Taylor then asked for comments from Ms. Minnis.

Attorney Minnis commented that when this matter went to Circuit Court, it was more in the nature of an appeal of the actions the Board had taken. She added, "No new evidence could be presented to the Circuit Court, they could only deal with the evidence that was already on the record at that time and the Judge made the ruling that the evidence presented was not sufficient to support the denial." Ms. Minnis further added, 'Even though the Board had to approve the matter in a public hearing, because the issues and facts were the same and the public had the right to speak at the public hearing, the Board could **not consider new evidence** in ruling on this matter. She said basically the instructions from the Circuit Court were based on the evidence that was presented and that was the only evidence that could be considered.

Commissioner Croley asked Ms. Minnis if she was saying the Board could not order a new public hearing.

Attorney Minnis replied "No, because of the posture of the case. There is a doctrine called 'Law of the case' and basically since the Board, at the time was acting sort of like the trial court when it goes up to an appellate court, once the appellate court rules on the evidence and the facts and issues presented to it and they send it back down to the trial court, those facts and evidence cannot be changed and the ruling has to stand on that evidence."

Chair Taylor then asked if the citizens still wished to be heard.

Cathy Anderson, 17767 Blue Star Highway, Quincy, FL, addressed the Board. She asked Ms. Minnis about the failure to have proper language at the Board meeting at the time this matter was going on because the citizens didn't have the land-use knowledge that an attorney would have and if there was a lack of criteria in a land-use format.

Attorney Minnis responded that the lack of criteria was not the issue but the question was what criteria was approved and placed in the land-use code. She added that the code would have had to been adopted as with any other ordinance and would have gone through the public hearing process. So when the code was adopted there would have been an opportunity at that point and time for citizens to have an input on what they wanted in the Code. She further explained that the Code in place now was the code that the Court reviewed and dealt with.

Mrs. Anderson said there had to be some credence for the citizens to stand on so there could be some definite choices made.

Attorney Minnis stated she could only answer to the legal aspect of it and it was the Judge's opinion that Mr. and Mrs. Patel met the requirements under the code. She added that from a legal point of view, the Circuit Court ruled that the denial did not have enough evidence or data to support it.

Commissioner Holt stated that this issue was in her district and this matter had been discussed with both sides off and on. She added that the Land Development Code came from the comprehensive plan and she had asked on several occasions that the comprehensive plan be reviewed.

Commissioner Lamb commented to Mrs. Anderson that his feelings went out as a person to her, her family and the others living in the area. He said there was something in the book that said they could do what they were doing and the Land Code needed to be looked at to see what the Board would want to go where in this area.

Don Anderson, 17767 Blue Star Highway, Quincy, FL, addressed the Board and thanked them for denying this request in the earlier meeting, but now since it had gone to arbitration the Judge had quashed their decision, apparently because they weren't experts. He added that he wanted to thank the board for doing the right thing and they would be back when Mr. and Mrs. Patel applied for their license to put in a lounge.

Commissioner Morgan asked Ms. Minnis what options were available now and what the outcome would be if the majority of the Board did not vote to approve this matter.

Ms. Minnis explained if that happened the Board's ruling would be in violation of the Court's Order.

Commissioner Morgan commented, "With that being said, the Board was just basically going through the motions at this point."

Ms. Minnis concurred.

Commissioner Croley commented if, in the evidence, the subject of proximity between licenses of hard liquor sales stores came up and it was documented about one location being approximately a mile of another one, could the Board not entertain "new information" that was existing information and that it was a health, safety and welfare issue for the residents of the county.

Ms. Minnis explained that existing information had been considered by the Judge and it was determined to be insufficient and added that everything that had been discussed, stated and recorded in the minutes was a part of the record that the Judge had reviewed.

Commissioner Croley commented that, with all due respect, he did not believe that he could be forced to make a decision about a health, safety and welfare matter affecting the citizens of the

county and that he disagreed that he could not take that into consideration in his decision when citizens came with issues and concerns before the Board and they had the right to be heard.

Ms. Minnis explained that with regard to the safety issues, those types of considerations were not part of the Land Use Code so based on the Code that the County had in place and the information the Judge had, the petition for Mr. and Mrs. Patel did not violate the Code. She added there was nothing in the Land Use Code that allowed for that to be considered as part of the development.

Commissioner Holt spoke and wanted to reiterate that there was not a dispute between Mr. and Mrs. Patel and the citizens, or either party and the Board, but the problem was with the comprehensive plan. She added if the Board wanted the health, safety and welfare issues in there, the Board would need to put them in there. She further stated that what they needed to do was first, not defy a court order because they would not win and second, review the comprehensive plan.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4-1 BY VOICE VOTE TO APPROVE THE ITEM. COMMISSIONER CROLEY OPPOSED.

GENERAL BUSINESS

11. Request by Danny Miller for a Vested Rights Determination for Proposed Phase II of Talquin Shores Subdivision

Mr. Presnell advised that Item 11 was a request by Danny Miller, Developer, to speak to the Board concerning being able to start phase II of the development of the lots in the Talquin Shores subdivision.

Danny Miller, 1600 Reynolds Road, Quincy, FL, appeared before the Board and stated he was not before the Board to ask for a vesting determination, that the vesting had been determined in 2004, but in 2007, Bill McCord, growth management director at that time, took the vested rights away from him. He added that vesting was by statute and that meant if there was a subdivision that had been approved before 1990, you did not have to comply with subsequent development rules. He further stated that there was a letter from then County Attorney, Hal Richmond, from several years ago that specifically stated the subdivision was vested and was approved in 1965. He went on to say that after buying the property, he took the plat to Bruce Ballister, director of Planning and Zoning, who sent the plat to Mr. Richmond, who then sent back a letter stating that the subdivision was indeed vested according to the vesting statute. After that, Mr. Miller proceeded to develop 12 lots, it was approved by Mr. Ballister, and was sent for recordation at the property appraiser's office and then Mr. McCord decided that this was not a vested subdivision. Mr. Miller added that, after hiring engineers, attorneys and spending hundreds of thousands of dollars, Mr. McCord finally decided that the twelve lots were vested but there could be no more vesting. Mr. Miller said that was not possible, it is either vested or not vested. He added all he would like the Board to do was reinstate his vested rights and that there were 17 lots of the original 27 lots that had never been developed. He explained he was asking to be vested for the 17 lots but planned to only develop 15 lots and stated that this was simply a request for the Board to reinstate his vested rights that Bill McCord took away from him in 2007.

Commissioner Croley asked Mr. Matheny if the vested plat that was being referred to was the same plat that had been approved by the Board in 1965 for Judge Reynolds.

Mr. Matheny responded he thought so and that this was very confusing because what was approved in 1965 when the twelve lots were approved as a minor in 2007 or 2009...

Commissioner Croley said that was not what he was talking about, that when Mr. Miller bought the property from Judge Reynolds, Judge Reynolds had already been before the Commission in 1965 and had a subdivision approved and it was a vested subdivision of 27 lots. He added when the vested plat was changed, anything that came after that point would come under new rules.

Mr. Miller commented that vesting was to numbers of lots allowed in a subdivision and by changing the configuration of the lots, it had been made better, that the lots were made bigger and more valuable and with more improvements. He also added that the vesting was taken away not by a judicial body but coercively by the growth management director and he was now asking the judicial body to reinstate his vested rights.

Commissioner Croley said he did not mean to imply that things had not been made better, but he was just trying to make sure he understood the issues. He added that Mr. Miller had made things better and complimented him on that, but a person could not have what they wanted from the old vesting and take the new and claim they are both vested. He went on to add that he did not understand why Mr. Miller was before the Board, that he thought the lots had been approved and he was making the capital improvements that were necessary to satisfy the requirements to be able to sell the lots and for the homeowners to be able to get their certificates of occupancy.

Mr. Miller said he wanted to have his vested rights returned to him so he could make the improvements for 15 additional lots, even though he was asking for the vesting of 17 lots. He said he was asking to be able to come in with a reconfigured plan for 15 lots so he could move forward.

Chair Taylor said it was time to draw this matter to a close and get direction so staff could have their questions answered. She added she thought things were moving forward and he had been given criteria to proceed on. She further stated that according to the summation by the Administrator, there were still unanswered questions from his office and there needed to be some discussion between Mr. Miller and the Administrator and asked them to get together and work out the logistics.

Commissioner Morgan added that he understood and agreed with Chair Taylor's comments and thought that Mr. Miller had gone out of his way to be very responsive to the Commission. He further stated he thought this matter had been overly complicated through the "changing of the guards" with growth management and the number of years that had passed.

Commissioner Holt said she would like to see a chart to show:

- 1. What was bought,
- 2. What was changing, and
- 3. The legal opinion.

Ms. Minnis said there was a legal opinion in the packet from prior counsel labeled as "Attachment 2", but if she were so instructed, she would go through and match everything and have it laid out with opinions.

Commissioner Lamb said he thought the administrator needed to be involved with it and have them bring back to the Board whatever was needed to be able to move things forward.

Chair Taylor told Mr. Miller that based on the comments from her colleagues they wanted to get him there but the Board had to make sure it was done with due diligence. She asked him to schedule a meeting with the Administrator so the necessary information could be prepared.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5-0 BY VOICE VOTE TO TABLE THIS ITEM.

12. <u>Board Discussion of Lake Yvette Subdivision Resurfacing</u>

Mr. Presnell introduced Item 12 as noted above.

Commissioner Lamb said this was an item that he had been talking to Interim County Administrator Lawson and Public Works Director Charles Chapman about for some time and asked Mr. Chapman to come forward to explain the situation to the Board.

Charles Chapman, Public Works Director, addressed the Board and explained this was a residential subdivision in which the road and rights-of-way were publicly adopted for maintenance. He described the condition of the roads as being a thin asphalt layer that was nearing the end of its life cycle and had been on the priority list for many years. However it was not in the budget for this year. He added that the only transportation improvement projects that were in the budget were grant funded.

Chair Taylor asked Mr. Presnell how much the project would cost.

Mr. Presnell responded the price for the total project was \$418,000 for both sides of Lake Yvette.

Mr. Chapman explained that the gas tax revenues had not come in for this year and the department was supporting itself off the reserve funds for the time being until the tax revenues begin to be received.

Commissioner Holt stated she knew there were needs throughout the County and she would like to see a prioritized list of needed projects from the Road and Bridge Department.

Mr. Presnell said Public Works, along with the County Engineer, was currently working on a long range plan that should be before the Board by the first of the year.

Commissioner Croley commented that he was pleased to hear that they would receive the capital transportation report because he had tried to emphasize the importance of doing that with the CRTPA because they have to know what to go after to try to get funding.

Chair Taylor asked about the two reserve funds restricted and unrestricted.

Mr. Presnell responded, "Yes Ma'am, the transportation fund is restricted just for transportation."

Commissioner Lamb said he understood the problem with funding, but wanted to make sure this matter was a priority because the Lake Yvette residents had been promised years ago that their situation would be looked into and he didn't want Mr. Hinson to come in and be blindsided.

COUNTY ADMINISTRATOR

Mr. Presnell shared with the Board that the Steering Committee for Lamb Park at Rich Bay had a celebration that he had attended in Commissioner Lamb's honor for his work as a commissioner and his work on the park. Mr. Presnell wanted to share with the Board that Commissioner Lamb's foundation made a donation of \$10,000 to the County for the ongoing improvements to Lamb Park at Rich Bay.

The other item Mr. Presnell wanted to share with the Board concerned the Comprehensive Plan. He advised the Board that he and Mr. Matheny had already begun work and have had had several meetings related to the issues previously raised and some issues would be going to the Planning and Zoning Commission next month. He stated that he hoped to have some of the items before the Board by January.

Chair Taylor recalled that the board had already acted and approved having a consultant to guide them through the issues related to the amending the Comp Plan. She added she was very glad to hear that this matter was being addressed and asked that something be brought back to the Board by the 2nd meeting in January.

13. Update on Board Requests

Commissioner Croley inquired about the status of the locks at the jail. Mr. Presnell advised it was on the agenda for the meeting scheduled for November 20th and he informed the Board that the lights should be almost completed.

COUNTY ATTORNEY

14. National Solar Update

Ms. Minnis stated she had no additional information regarding National Solar other than what was reported at the last meeting. She informed the Board that National Solar was moving forward and was looking at some property.

15. Update on Various Legal Issues

Ms. Minnis said she had no updates on specific issues at this time.

Chair Taylor asked if there was anything concerning C.W. Roberts and Ms. Minnis replied she thought it was on the agenda for the next meeting.

Commissioner Croley asked about the Emergency Management Agreement and where things stood with the Sheriff.

Ms. Minnis replied there was an attorney that worked in-house with the Sheriff and she made contact with him earlier in the week to get with him on the two different versions of the agreement and to move it forward and hoped to have it before the Board in January.

DISCUSSION ITEMS BY COMMISSIONERS

16.

Commissioner Lamb, District 1 – County Concerns

Commissioner Lamb said once again that it had been more than an honor to serve on the Board. He added that the fund Mr. Presnell referred to had been closed out and the leftover funds of close to \$10,000 had been donated to the county earmarked for the park. Commissioner Lamb also wished Mr. Presnell good luck with Board and the County. He further thanked the citizens of Gadsden County for attending the meetings and thanked Mr. Lawson for what he had done for the County and what he continued to do.

<u>Commissioner Croley, District 2 – Report and Discussion on Public Issues and Concerns</u> <u>Pertaining to Commission District Two and Gadsden County</u>

Commissioner Croley thanked Commissioner Lamb for his services to the County and congratulated Commissioners Taylor, Morgan and Commissioner-Elect Hinson on the elections. He added that he was happy to know that the Commission would soon receive the transportation plan report and stated that would help tremendously with obtaining needed funding. He also asked for a new bridge inspection report.

Commissioner Croley also spoke of the water quality issues and stated that the lake flowed thru 3 other districts and wanted to remind the Commissioners that when looking at the comprehensive map, there was no-one monitoring in a central point the different permits that were being issued by other governmental agencies that affected the lake interest and it was a major resource for the County. He mentioned several of the creeks and tributaries and stressed that the focus had to be to protect the environment.

Chair Taylor said Commissioner Croley brought up some valid points and asked if said monitoring was not part of North West Florida Water Management District's responsibility and if the County had a watchdog on some of those matters.

Mr. Presnell said there was, but was not a clearing house or a central location like Commissioner Croley referred to. He added that NWFWM had storm water and wetland regulations along with consumptive use of water and they issued permits every day, they knew what they had issued, had the information in their database and the information was easily assessable. He added that DEP had other programs, such as surface water and quality monitoring and the entire surface and ground waters mentioned by Commissioner Croley were sampled and the data would be located somewhere. He added while the information would not be in a central location, the information would be readily available.

Commissioner Croley added he did not mean to imply that anyone might be violating any permits and did not mean to represent that, but the Board needed to know, at least in a yearly report, what was happening.

Mr. Presnell said he would contact the state agencies to see what they might have available.

Commissioner Croley also asked after the first of the year that the staff make plans to have a workshop on future revenue sources as to where money opportunities might come from to use to run this County.

Commissioner Holt, District 4 - County Concerns

Commissioner Holt once again advocated for the video cameras to go back in.

She further added that on the Comprehensive plan issue, she would like the Board to look at a step-down method from industrial to commercial, to light industrial to business to neighborhood businesses and stated in doing it that way there would not be commercial next to houses. She asked that along with a revenue workshop that there be a workshop scheduled for the comprehensive plan and to meet with the Chamber and Workforce Plus to see what type of businesses would be wanted here.

She stated that concerning the by-pass, she liked the idea of it because it was good for the trucks and less chance there might be an accident in town, but on the other hand, by-passes had a tendency to kill a town and she said they needed to work with the City of Quincy to see how they could help keep the economic base up.

<u>Commissioner Morgan, Vice Chairman, District 3 – District Concerns</u>

Commissioner Morgan stated he saw a man in the back that looked very relaxed and wanted to formally recognize Mr. Lawson for wearing two hats for so long and doing such a good job for Gadsden County. He also commended Mr. Presnell for doing an excellent job at this meeting and doing a good job and appreciated his efforts and looked forward to working with him in the future.

He brought up issues with the jail concerning the locks and other things and thought it would be on the agenda after the election and maybe it would be on the next agenda. He added that there might be other options in addition to the current jail that could save money and be very good to explore and hoped to be able to sit down with the Sheriff prior to the next meeting and work together to benefit him, his department and everyone involved.

Commissioner Morgan also congratulated Commissioner Taylor and Commissioner-elect Hinson on their win and thanked the folks of District 3 for putting him back in office and hoped they could move forward in a positive way.

Additionally, he wanted to recognize former Senator Pat Thomas, who was so instrumental in the commencement of the by-pass, his wife, Mary Ann who was at the ceremony, and Commissioner Croley in their efforts in spearheading the by-pass. He added that Leon County Commissioner

Bryan Desloge was present along with many people from the Department of Transportation.

He went on to say the Tax Collector, along with the Property Appraiser, had once again returned money, a surplus of \$60,000 plus, to go back into the budget.

He also asked to have placed on the agenda for discussion the possibility of returning to evening meetings over daytime meetings because of poor attendance in the daytime meetings. He commented that it tended to slow things down because the Board was not able to have public hearings during the daytime.

Commissioner Morgan also apologized to the Board for being tardy to the meeting tonight stating he had a 5:45 phone call that ran over and asked for the minutes to reflect that he appeared during the first presentation.

Commissioner Lamb added that he forgot to commend Chair Taylor and Commissioner Morgan on their successful wins in the election.

Commissioner Taylor, Chairperson, District 5 – No Items

Chair Taylor mentioned the swearing in ceremony would be on November 20th at 6:00 p.m.

Chair Taylor also mentioned jobs at the by-pass. She stated she had seen the clearing of the timber, had seen the timber come through town, but wanted to see more jobs come from this project. Mr. Presnell informed the Board that Malone Barnes, Barnes Equipment, did receive the contract for the land clearing operations of the by-pass.

Commissioner Holt asked who the public would need to contact regarding jobs that might be available at the by-pass project, if it would be the general contractor or a private manager.

Mr. Presnell stated he would get more information regarding the matter and in the meantime, people could contact him.

Chair Taylor also mentioned the Veteran's Day program scheduled for Monday and said Chester Davis and family would be receiving a congressional honor.

She also stated she liked the idea of returning to evening meetings and called for the motion to have it brought up for discussion.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5-0 BY VOICE VOTE TO HAVE THE MATTER PLACED ON THE AGENDA FOR DISCUSSION.

RECEIPT AND FILE

17A. <u>For the Record: Letter from the Tax Collector Regarding Unused Revenue (Fees) for Fiscal Year</u> 2011-2012

November Meeting(s)

- November 20, 2012, Regular Meeting, 6:00 p.m.

THE MEETING ADJOURNED AT	SINESS TO COME BEFORE THE BOARD, CHAIR TAYLOR DECI 8:15 P.M.
	GADSDEN COUNTY, FLORIDA
	SHERRIE TAYLOR, Chair
	Board of County Commissioners
ATTEST:	
Muriel Straughn, Depu	uty Clerk for

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON NOVEMBER 20, 2012 AT 6:00 P.M., THE FOLLOWING PROCEEDINGS WERE HAD, VIZ:

Present: Eric F. Hinson – District 1, Incoming Vice-Chair

Doug Croley – District 2, Incoming Chair

Gene Morgan - District 3, Outgoing Vice-Chair

Brenda Holt - District 4

Sherrie Taylor – District 5, Outgoing Chair David Weiss, Assistant County Attorney Robert Presnell, County Administrator

Muriel Straughn, Deputy Clerk Marcella Blocker, Deputy Clerk

INVOCATION, PLEDGE OF ALLEGIANCE AND ROLL CALL

Chair Taylor called the meeting to order at 6:00 p.m. She then opened the meeting with a prayer and the pledge of allegiance to the U. S. Flag.

Chair Taylor called for all cell phones to be silenced and requested all speakers to file a "Speaker Request Form" with the Clerk.

The roll was called by Marcella Blocker with the attendance recorded as listed above.

Swearing in of Newly Elected Commissioner Eric F. Hinson, District 1 Commissioner, Re-Elected Commissioner Gene Morgan, District 3 and Re-elected Commissioner Sherrie Taylor, District 5 (The Honorable Kathy Garner, County Judge presiding)

The Honorable Kathy Garner administered the Oath of Office to Commissioner-Elect Eric Hinson and then to Commissioners Gene Morgan and Sherrie Taylor.

AWARDS, PRESENTATIONS AND APPEARANCES

1. Election of Chairman and Vice Chairman

The floor was then turned over to the Parliamentarian, Assistant County Attorney David Weiss, for nominations for Chair.

Commissioner Morgan nominated Commissioner Croley for Chair. There being no other nominations, Commissioner Morgan moved to close the nominations.

THE BOARD VOTED 5-0 BY VOICE VOTE IN FAVOR OF THE NOMINATION OF COMMISSIONER CROLEY AS CHAIR.

Chair Croley then opened the floor for nominations for Vice-Chair. Commissioner Morgan nominated Commissioner Hinson. As there were no other nominations, Commissioner Morgan moved to close nominations.

THE BOARD VOTED 5-0 BY VOICE VOTE IN FAVOR OF THE NOMINATION OF COMMISSIONER HINSON AS VICE-CHAIR.

AMENDMENTS AND APPROVAL OF AGENDA

No amendments were made to the Agenda and Chair Croley asked for a motion to approve it as written.

UPON MOTION BY COMMISSIONER HINSON AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THE AGENDA AS PRINTED.

2. Possible Grant Opportunities for Gadsden County

Mr. Presnell introduced Mr. Jon Sewell, Project Manager, Kimley-Horn & Associates

Mr. Jon Sewell, Project Manager of Kinley Horn & Associates addressed the Board. He stated that his consulting firm and one other had been selected as general planning consultants to help the County find grant funding for various projects. He added that his firm was an engineering firm that liked to work with public agency clients and had pledged to work with staff to identify specific projects that the County might want to implement and then to help identify a funding strategy. Mr. Sewell mentioned numerous grants and long term loans that might be attainable and went on to add that they planned to help staff apply for a recreational trails program grant funding and future enhancement grant funding from Florida Department of Transportation (FDOT.) He further mentioned as an example the bicycle/pedestrian master plan that was recently completed, which was a paved 12 foot bike path in the DOT right-of-way on State Road 12 between the City of Quincy and City of Havana. He added that Capital Regional Transportation Planning Agency (CRTPA) had budgeted through their funds money for Gadsden County and a strategy had been worked out to start the procedure to begin the design and permitting process for a short section from Havana and, at recommendation of the CRTPA staff, implement segments of the trail one at a time. He explained that each time a portion of the trail is constructed, subsequent grant applications would score higher because it would be the continuance of an existing trail. The City of Havana passed a resolution in support of this project and identified property in down town Havana that they would donate on a long-term basis to provide a trailhead. When fully constructed, the project could be a bike trail/walking trail from downtown Havana to downtown Quincy.

Commissioner Holt commented that while she was in favor of bike trails she was more interested in seeking out grants that would enable companies to come into the county that would provide jobs. She stated the board was looking to Kimley Horne & Associates to bring possibilities to the County and not wait for the County to say, "We're going to have this great idea".

Commissioner Holt pointed out that there were no dollar amounts included in the agenda materials . which he provided to the Commissioners.

Mr. Sewell explained they did not put amounts on the information because that would change a great deal and it would also depend on the type of project and the match of the county, etc.

Commissioner Holt responded by saying that it would be beneficial to their deliberations if the County could get an idea of the cost for a proposed project so that they could make preparations for it. She said they (Kimley Horne) also worked with the Small County Coalition helping medium and large counties. When they have knowledge of grants or economic development opportunities that larger counties reject for whatever reasons, perhaps they could be evaluated as to their suitability for Gadsden County.

Mr. Sewell commented that was something about which they would be mindful. He went on to say that some grants were focused on infrastructure and job production and his firm could look at that as well. He also added that they had worked with another county looking at their I-10 interchanges and noted that Gadsden County was in a wonderful position because of the four interchanges on Interstate 10 which would present significant development opportunities. He added they could look at the interchanges and determine the land use designation of properties at those exchanges, then look for ways to make it more business friendly.

Commissioner Holt interjected that sewer lines were already installed from the Quincy city limits to I-10 on Highway 267 (Pat Thomas Parkway) and along Highway 12 to the I-10 Greensboro/Gretna exit and those interchanges could be developed more quickly. She recalled discussions about a waterpark project, which was proposed approximately six years ago. She said it would be inviting enough to draw people to come over, have a good time, then go back home. She said that is the type of business she would like to attract.

Mr. Sewell told the Board that was something he would work on.

CLERK OF COURTS

Clerk Thomas was not present.

3. Presentation of County Finance and County Clerk Issues

No report or issues were on the agenda.

CONSENT

Commissioner Morgan asked to pull item 7 for quick clarification from Clyde Collins.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER MORGAN THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THE CONSENT AGENDA, TO-WIT: ITEMS 4, 5, 6, 8 AND 9.

- 4. Approval of Minutes September 4, 2012 Regular Meeting
 - September 18, 2012 Regular Meeting
 - October 16, 2012 Regular Meeting
- 5. Ratification of Approval to Pay County Bills
- 6. Approval of Library Annual Plan of Service 2012-2013

7. Request Approval of the Local Agency Program (LAP) Supplemental Agreement to Increase Funding for the Greensboro Train Depot Restoration Project

The Board voted to remove this item from the consent agenda in order to discuss it. See the discussion and action taken below.

- 8. <u>Approval to Piggyback on Florida Department of Transportation (FDOT) Contract with World</u> Fiber Technologies for a Caution Light Upgrade Fairbanks Ferry Road and Concord Road
- 9. <u>Approval of the Services Contract with Con-Techs Health and Safety to Provide Drug and Alcohol Screening Services and Training Services</u>

ITEMS PULLED FOR DISCUSSION

7. Request Approval of the Local Agency Program (LAP) Supplemental Agreement No. 1 to Increase Funding for the Apalachicola Northern Railroad Depot Restoration Project in Greensboro Contract No. APF 19

Commissioner Morgan asked to clarify some of the information in the agenda package. He pointed out that the background information stated that the County applied for the grant in 2010, but, it was the Greensboro/West Gadsden Historical Society who had originally applied for it in 2007 with the County being the conduit.

Building Official Clyde Collins stated that this particular agenda item was an add-on to that LAP agreement with an increase of \$29,000 to the original contract amount of \$563,125, bringing the total to \$592,640.00.

After clarification, Commissioner Morgan was satisfied.

Commissioner Holt commented that this was the second part of the grant, which began in 2007 with an application for the engineering design and permitting phase using approximately \$45,000. She also reiterated the supplemental agreement increased the LAP grant to \$592,640. She wanted to make sure that this grant money would be for the actual construction of the project.

Mr. Collins replied, "Yes."

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER HINSON, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE ITEM 7 OF THE CONSENT AGENDA AS NAMED ABOVE.

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS

There were no citizens requesting to be heard.

PUBLIC HEARINGS

10. Approval of Close-Out Budget Amendments for Fiscal Year 2012 – Resolution 2012-036 and Budget Amendment Numbers 120072 -120073; 120082, 120087, 120093-12108

Mr. Presnell announced this was for public hearing to consider the year end budget amendments for the 2011/2012 fiscal year budget. He apologized for the lateness in providing them with the amendments, but he explained that the Clerk's Finance server crashed and was out of service for several days, which caused a delay in getting the amendments prepared and verified.

Chair Croley asked if there was a total amount of the adjustments.

OMB Analyst Jeff Price came forward and stated he did not have a total.

Chair Croley asked if the County was over-budget with these amendments or if the money had to come out of cash balances.

Mr. Price explained the amendments were moving funds from fund balances of various funds in the Department.

Chair Croley then announced again this was a public hearing and asked if there was anyone who wished to speak concerning the budget amendments. No-one came forward.

Commissioner Holt stated that as she examined the amendments, she could easily see what was moved and why, but the narratives did not give sufficient explanation for her to fully understand what happened within the department that caused the need to move monies around within the department budget.

Mr. Price agreed that it was only a quick narrative describing the amendments, but he would make them more detailed in the future. He explained that next month there would be a fourth quarter summary and that would show each department and if will reflect those areas that were overfunded or under-funded.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER HOLT THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THE CLOSE-OUT BUDGET AMENDMENTS FOR FISCAL YEAR 2012.

GENERAL BUSINESS

11. Consultant Services Contract to Implement the Uniform Method for the Levy, Collection, and Enforcement of Non-Ad Valorem Assessments, to Recover a Portion of the Costs Incurred in Paving Ames Barineau Road (the "Road") from All of the Owners of Real Property Abutting the Road, Pursuant to the Special Assessment for Road Improvements Ordinance

Mr. Presnell introduced the above described item then turned to Attorney Weiss to lead the discussion.

Mr. Weiss addressed the Board and stated they had been thru this agenda item several times and that they were seeking approval of the proposal from Government Services Group for their

consulting services related to the development and implementation of a non-ad valorem special assessment to recover a portion of the costs incurred in the paving of the road and explained the contract called for an initial payment of \$2,000 to develop the special assessment tax roll. He added the annual maintenance fee would be \$1,500 and that would depend on how the Board wanted to collect the monies owed.

Commissioner Hinson asked him to elaborate a little more.

Mr. Weiss stated that if the County wanted to recoup a portion of the costs associated with the paving, they would need to move forward with adopting an ordinance or a resolution. He explained problems arose with the way the collection and assessments were proposed previously and the county had to step back from that process. He advised that getting Government Services involved from the beginning would be beneficial and a good use of County funds.

Chair Taylor said in all fairness, the newly elected Commissioner Hinson would benefit from some history on the item. She went on to explain there were landowners that wanted a paved road and there was an agreement that the landowners would pay 2/3 of the paving costs and the County would pay 1/3, a number of them had agreed, the paving had been completed and now the County was trying to find a method to collect the money owed.

Chair Croley asked Commissioner Hinson if he understood the history of the two roads.

Commissioner Hinson responded that he had attended several meetings during discussion of this matter but was interested in what else the attorney might have to add regarding the matter.

Chair Croley stated the issue had been resolved with the action the Board had taken for any future liens.

Mr. Weiss responded that the 1/3-2/3 collection ordinance now provided for collection through a uniform, statutory method and was very specific as to the timing and when to adopt resolutions and what needed to be done.

Chair Croley added that the County should not have this problem in the future if there were other paving situations such as with these two roads and this was an attempt to recover some of that money.

Commissioner Holt asked what specifically Government Services would do for the County and why the County needed someone to maintain the assessment roll even though the money would be paid to the Tax Collector's Office.

Mr. Weiss explained that if the payments were being paid over multiple years, it would be necessary to develop a tax roll for each year of the assessment period. The tax roll would have to be updated and maintained in order to issue tax bills to those land owners for each successive year.

It was apparent that the commissioners would like to have Government Services come to a BCC meeting and answer their questions. However, the proposed contract only included two site visits and their attendance at a board meeting would be considered one of those meetings.

Commissioner Holt stated this should not be considered an on-site visit as this was not where the roads were located and the way to conduct business was to come before the Board and tell them exactly what they would do and be available to answer their questions.

Commissioner Morgan stated this originated in 2004 and the total amount of money uncollected was approximately \$70,000. He added this had not been handled correctly and suggested making a request to current landowners to attempt to collect a portion of the money owed and then not attempt to collect anymore because it would cost more from the legal challenges than to absorb the outstanding money owed. He suggested that the county should, "Chalk this up as a lesson learned and move forward." He also interjected that some of the properties had already changed hands and the new owners could possibly be unaware of the outstanding obligation on their property.

Commissioner Holt argued that the county needed to try to collect the money and she said any new property owners should have investigated to find out if there were any outstanding liens, etc on the property because they are now responsible for those liens.

Commissioner Taylor stated that the concern tonight was there was no uniform method of collecting the money owed and added that the Board had asked Government Services to come up with a technique to have the money owed to be paid back and they said they would come up with a uniform method of levy for collection and to enforce non-ad valorem assessments. She added that they needed to adopt a rule of how this was to be conducted and added that she would like to send this back and have Government Services appear before the Board to answer questions.

Chair Croley concurred with Commissioner Taylor and agreed that this debt could not be forgiven without making a good faith effort to collect it. He added that the only way the Board would be able to continue the program is to have funds in hand to move forward. He added he had no problem in asking Government Services to come back and answer questions directly, but this matter could not be ignored.

Commissioner Holt stated she did not believe that a company should bring something before the Board if they didn't explain it. She recommended it go back and request them to appear before the Board to answer their questions.

Commissioner Morgan said he wished to clarify a couple of issues and said he did believe that a good faith effort needed to be made to collect the money owed, but his point was from a business standpoint, that the Board was talking about a \$70,000 issue that more than likely would be reduced to \$20,000-\$30,000 after asking those to pay and it could potentially turn into a \$150,000 if legal challenges follow.

Commissioner Hinson said he agreed with Commissioner Morgan, but he also understood Commissioner Holt and Commissioner Taylor's point of view.

Mr. Weiss explained that Government Services would not come to a meeting before having an executed contract and he possibly could answer any general questions the Board might have which would save an appearance from them.

Chair Croley asked Mr. Weiss for his professional recommendation to the Board.

Mr. Weiss replied that if the Board wanted to move forward with creating an assessment roll and to try to collect the costs, this was reasonable and would be a good use of county funds.

Chair Croley asked Mr. Presnell for his opinion regarding this matter.

Mr. Presnell stated Government Services had been before the Board before and this was what they do and tax collectors all over the State of Florida were very familiar with their services. He further added if the Board wanted to try to collect the money, this was the avenue to pursue.

Commissioner Taylor said Government Services had asked for an annual maintenance fee and asked where the guarantee was from Government Services that this would work, that they had requested a guaranteed payment. She added with the two separate roads, there was a \$1500 annual maintenance fee and asked if that would be per road or per year.

Mr. Weiss replied that it would be two separate contracts and would be per road.

In an effort to move the agenda, Chair Croley said there seemed to be a consensus to see if the Government Services representatives would come to the next meeting. He agreed with the point Commissioner Taylor made and asked Mr. Weiss to look at having them consolidate this into one agreement for both roads.

Mr. Weiss stated while the process would not be different, it was his opinion that it would be a lot cleaner to have 2 separate agreements.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER HINSON THE BOARD VOTED 5-0 BY VOICE VOTE TO TABLE THIS MATTER.

12. Consultant Services Contract to Implement the Uniform Method for the Levy, Collection, and Enforcement of Non-Ad Valorem Assessments, to Recover a Portion of the Costs Incurred in Paving Quail Roost Drive and Quail Roost Drive West (Collectively the "Road") from All of the Owners of Real Property Abutting the Road, Pursuant to the Special Assessment for Road Improvements Ordinance

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER HOLT THE BOARD VOTED 5-0 BY VOICE VOTE TO TABLE THIS MATTER.

At this juncture, Commissioner Morgan left the meeting.

13. Agreement for Economic Development Services FY 2012-2013

Mr. Presnell introduced Item 13 as noted above.

Commissioner Hinson stated he had guestions for Mr. Gardner.

David Gardner, Executive Director, Gadsden County Chamber of Commerce, 211 North Duval

Street, Quincy, FL, appeared before the Board.

Commissioner Hinson stated that he had had an opportunity to meet with Mr. Gardner concerning the economic development and in first looking at it, it stated \$44,000 and the Board was then talking about \$64,000-\$65,000 and asked the reason for the change in the amount.

Mr. Presnell explained that \$25,000 of that amount was for economic development.

Mr. Gardner said Commissioner Hinson had a question regarding the retention clause and that language came from Tallahassee/Leon County EDC contract and there had been several instances where he had worked with particular businesses in trying to retain jobs in Gadsden County.

Commissioner Hinson referred to page two of the proposed contract where it is stated, "to create or retain a total of 60 jobs through business recruitment, retention and expansion efforts as based on..." He wondered if they could be a little more aggressive than 60 and bring the numbers up. He went on to add that he was in full support of the program, but thought they "should shoot high". He also mentioned partnering with the Gadsden County School Board and GTI and one of programs discussed was the Gadsden County Law Academy and that was an area where the workforce could be increased as well, where the students could be trained in Gadsden County and the workforce would come from Gadsden County. He stated he had reservations at first, but at the same time, the commitment had already been given and thought they should move forward, and added that he would like to have an economic development workshop after the first of the year to learn what hot topics each commissioner had.

Commissioner Morgan thanked Mr. Gardner for coming before the Board and stated the Board chose to drastically cut the funding to the economic development arm of the Chamber and it was really important for everyone to understand that they would not be getting the time that they had gotten in years past.

Commissioner Holt stated when she looked at projects she looked for results. She asked Mr. Gardner from where did he expect to produce 60 more jobs.

Mr. Gardner responded by saying that the Chamber has eight (8) projects in the pipeline right now in manufacturing and distribution mainly, which would be long term jobs. He added that the last four years had been extremely challenging for the country.

Commissioner Holt stated the Board needed to work together with the Chamber to go after jobs, she mentioned the work product and how commissioners all over the state worked with their Chamber to draw jobs into the area and told him not to be shy on asking for a workshop.

Commissioner Hinson commented he liked to respect fellow commissioners, the reason he was pressing forward was the year had already begun and commitment had been made to the Chamber and the Board needed to move forward. He added that he agreed with Commissioner Holt and a meeting needed to be held and a plan in place by January.

Commissioner Taylor commented she agreed with Commissioner Hinson to move forward because this had been approved, but the contract needed some amendments. She added where the contract talked about 60 jobs, that part needed to be read more carefully because it stated "create

and/or retain" and added if BASF stayed open, the Board still had to pay the Chamber because he had retained 60 jobs. She further added that the Board needed to invest in economic development and if he could create 25 **NEW** jobs that were not here in 2012, she would be willing to give him 100%. She told him he might want to consider becoming a regular attendee of the meetings, at least every other or third meeting, and update the Board. She stated she was afraid he was "cherry-picking" and that scared her. She requested that the Board amend the contract.

Commissioner Morgan stated he moved to approve Option 1 and Commissioner Hinson seconded it.

Commissioner Taylor asked if the caveat could be amended to add "25 new jobs".

Commissioner Hinson asked if the retention would be amended.

Commissioner Taylor explained that could be added with a line item to itself and Mr. Gardner was right in trying to work to maintain those businesses in staying open, but there should be another line item that said "25 new jobs to come".

Chair Croley said there was a motion by Commissioner Morgan and Commissioner Hinson had seconded it and asked Commissioner Hinson if he wished to withdraw his motion.

Commissioner Morgan stated, as a point of order, since this item was agendaed to approve as written, he was not sure they could amend it at this time and his motion on the floor stood.

Chair Croley explained it could be modified as Commissioner Taylor had suggested, but the question was, at this time, his motion did not have a second and asked if there would be a second.

Commissioner Morgan's motion died for lack of a second.

Commissioner Taylor asked to move approval of the contract with an amendment to add "create 25 new jobs in fiscal year 2012-2013".

Commissioner Hinson said he had a question because in the contract it stated "create 60 jobs"...

Commissioner Taylor explained if you read the contract, it stated "create and/or retain"...

Commissioner Hinson:

"That's one of the things we talked about yesterday, the 'and/or' situation here, but what I'm saying, he's going to create 60 new jobs, I'm just saying what it says here, or retain so we want him to create 60 new jobs or create 25 new jobs?"

Commissioner Taylor:

"The way he's got it written, he can do one or the other."

Commissioner Hinson:

"That's where I was coming from earlier about the retention. Just say we're going to create..."

Commissioner Taylor:

"That would be very difficult in this economy and I would not want to put him in that kind of a hard seat with 60 new jobs and I wouldn't..."

Commissioner Hinson:

"So you want to bring the numbers down some?"

Commissioner Taylor:

"No, no, no, I want that particular paragraph to stay just like it is, I don't want to touch that."

Commissioner Hinson:

"So, 60, we're going to stick with what he's got here and add an additional 25 more jobs."

Commissioner Taylor:

"And these are new jobs, he doesn't have the 'and/or' in there anymore."

Chair Croley:

"Do you understand what she is saying? I believe she is saying she wants to create or retain the total of 60 jobs AND add an additional 25 new jobs. Do we have a second to that motion?"

Commissioner Hinson seconded.

Chair Croley then called for discussion.

Commissioner Holt:

"I don't understand why it's 25 jobs, I don't understand why he can't go get 60 jobs, I don't understand that one bit. You have U.S. 90, U.S. 27, I-10 with 4 exits and a railroad going through here and you can't come up with 60 jobs, new jobs? That would be amazing in itself. You've got 6 towns here, you have agriculture, and you have flower nurseries and you can't come up with 60 jobs? That's almost impossible."

Commissioner Taylor:

"You're right. I would like to see 600 jobs..."

Commissioner Holt:

"No ma'am, no ma'am, 60 jobs..."

Commissioner Taylor:

"Excuse me, excuse me, here's where I'm going, here's where I'm going, if we could simply indicate a minimum of 25, if he gets to 60, even better, but I want to put it in a thresh-hold where it's attainable, not at the end of the day saying, you know, 60 jobs, we haven't been able to grow 60 jobs in this County in the last three years, why put it right now and, and, we are almost two months into the fiscal year. It's unfair and I don't want to be unfair about this, I want to be reasonable. You've already indicated earlier you're not going to vote for it anyway."

Commissioner Holt:

"True, but I'm going to express my opinion and I would like to rebut to that also."

Chair Croley:

"Let's not get into a free-for-all."

Commissioner Holt:

"Right, I'm not, but I am going to say is this, if in the three years, and it's been more than 3 that we've not seen 60, what I'm saying is, there may be something wrong with our process, because there is no way that Madison County is getting the jobs, Marianna is getting the jobs, got Liberty County down there getting jobs and we're not getting them. So, I'm back to what I said."

Chair Croley tried to interject.

Commissioner Taylor tried to speak.

Commissioner Holt:

"I'm not finished, I'm not finished, I still have the floor, but I still have the floor."

Commissioner Taylor:

"Yes you do, but..."

Commissioner Holt:

"But, let me finish this. They don't have all these major roads in their counties. They don't have the railroad. This is the only place in North Florida where I-10 and Highway 90 even cross and you have Tallahassee at your back door and you're still telling us we don't get 60 jobs and it's not attainable. It's very attainable and that's my only point, now other than that you don't have to convince me..."

Commissioner Taylor:

"No, no, no, I'm not trying to convince you, but here is what I want to share with you, here is what I want to share with you, here's a fact they have, they have maintained and completed the requirements of their contract."

Commissioner Holt:

"I didn't say it was good though, the contract is not good."

Commissioner Taylor:

"But you can't argue that they haven't done what they put in writing because they have created and/or retained so he's done his job, but what has happened in the past, and you are right, in the past, we can't really show anything because in the past, it didn't take out that retain. But now we are going to take it out, now it's something totally different and If I were you Sir, (talking to Mr. Gardner) in order to keep Commissioner Holt pleased and happy with you, and I know she can get that that way, because I saw it back in about 1986. (Laughter) But if I was you, I would try to reach way beyond 25 newly created jobs and that kills it, it gives them nothing anymore."

Chair Croley:

"Wait, Commissioners, we have a motion and a second on the floor. (Commissioner Hinson spoke) Commissioner Hinson, if it's something new..."

Commissioner Hinson:

"It's something new because I was trying to highlight all this stuff here, it's just another thing that

(inaudible) and also the language, it said 'and all jobs over 60 will constitute a carry-over into the next fiscal year' so we need to probably just scratch that one out and so instead of, because you may have, where it says retain, at Coastal Lumber, you've already got over 200 workers already so going to carry-over anyway."

Commissioner Taylor:

"Stop right there, there is a point, I amend my motion to withdraw that language."

Chair Croley:

"Wait, wait, o.k., we're going to get some confusion in here. Alright, Commissioner Holt, excuse me, not Commissioner Holt, Commissioner Taylor has a motion that you seconded (to Commissioner Hinson) so you're going to withdraw, allow her to amend her motion and you're going to keep the second?"

Commissioner Hinson:

"Yes."

Chair Croley:

"And that is going to be, let's make sure everyone is on the same page, you are going to create or retain the total of 60 jobs AND create 25 new jobs AND all the jobs over 60 will not carry-over to the next fiscal year. Now, that's the motion. Now, I would like to, for the sake of time, I think everybody understands this, we will look at having an economic development workshop. Now, I'm ready to let's take the vote."

Commissioner Morgan:

"I have a question."

Chair Croley:

"Another question. Go ahead, but please let this be the last one."

Commissioner Morgan:

"Thank you, Mr. Chair. I hope we go back and look at the last 10 minutes of discussion here when y'all get a chance and listen to what you are saying. The idea on economic development is not to look to one individual or one committee to create jobs. What we are doing is having an organization whose primary focus, is that arm, is the focus of that and to work with the other leading agencies in our region to effectively come together and produce or retain a job. Somebody that's got a job, if you don't think they want to keep it right now, if that's not just as important to them as creating a new one, you need to ask them. So, that's my point. My second one is, again, I reiterate, you're drastically cutting the funds and now you are increasing what you are asking this organization to do and I need to hear from Mr. Gardner if that's something he agrees to do before I can yote on it."

Chair Croley:

"Procedurally, we have a motion on the floor and we are not taking any more comments from the public, at least as far as I understand from Robert's Rules of Order unless the attorney is telling me that is different. Now, Commissioner Holt..."

Chair Taylor:

"Let's move."

Commissioner Holt:

"And this is it for me, I promise I'm giving up, I promise. But, my, I'm fully for it, I mean I'm not going to vote for it, but, I'm just making this comment that, this is a product of a bad contract, that's all I'm saying and to put in there anything that says that a job, that production in this year is going to carry-over to a new contract is a sign of a bad contract. You cannot say it's going to carry-over anyway because another organization may be doing the economic development so how could it carry-over anyway. But, what we need to do is look at doing the economic development, if you want to vote for it, we go into workshops, we sit down with Mr. Gardner and that group and just like we said earlier. Thank you, that's all I wanted to say."

Chair Croley:

"Now, before we take the vote, just a point of order. The present contract with the Chamber, has it expired?"

Commissioner Taylor:

"Yes."

Chair Croley:

"O.K., now, I'm going to take the position that I can vote on this contract but after that I will have to abstain in the oversight of the contract. Now, I think that will be correct. O.K., now we've heard the motion, all in favor of approving the contract with the amendments so stated, the 25 new jobs and not allowing the carry-over to the next fiscal year, please signify by saying aye."

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER HINSON THE BOARD VOTED 3-2 BY VOICE VOTE TO APPROVE THIS MATTER. COMMISSIONERS HOLT AND MORGAN OPPOSED.

14. Approval of Architectural Consultant to Develop Bid Documents for Repair and Replacement of County Jail Locks

Mr. Presnell introduced Item 14 and stated it was approval of Architectural Consultant Services to develop the bid documents to move forward for the bid for replacement of the jail locks.

At this juncture, Commissioner Taylor stepped out of room.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER MORGAN THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE THIS MATTER.

15. Request Approval to Award Bid Number 12-13 for Greensboro Train Depot Restoration

Mr. Presnell introduced Item 15 as noted above and added that as pointed out earlier in the meeting, there was an increase in funding from DOT to fund this project and would like to award the bid to the lowest bidder, who was also a local contractor.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER HOLT THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE THIS MATTER.

COUNTY ADMINISTRATOR

16. Small County Coalition Appointees

Mr. Presnell stated there were couple of items, one, the Board needed to make two appointments to the Small County Coalition Board of Directors and appoint a staff liaison.

Commissioner Taylor arrived back at this juncture of the meeting.

Chair Croley stated members currently were Commissioners Morgan, Taylor and Former Administrator Johnnie Williams, and he asked Mr. Presnell if he would be willing to serve in that capacity in place of the Former Administrator and then called for comments.

Commissioner Holt stated she would do it and then Commissioner Taylor nominated Commissioner Hinson.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER HOLT THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THIS MATTER.

17. Update on Board Requests

Mr. Presnell stated there was a conflict with the first meeting in January and asked the Board for direction to cancel or either reschedule the meeting.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER MORGAN THE BOARD VOTED 5-0 BY VOICE VOTE TO CANCEL THE FIRST MEETING IN JANUARY.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER MORGAN THE BOARD VOTED 5-0 BY VOICE VOTE TO MOVE THE SECOND MEETING IN JANUARY TO 6:00 P.M.

Mr. Presnell stated he and Mr. Gardner had a meeting scheduled with GLF Construction and Workforce Plus regarding the by-pass job and asked for guidance concerning workshops regarding revenue, jail situation, comprehensive plan and economic development and how frequent to schedule them.

At this juncture of the meeting, Chair Taylor stepped out of the meeting.

Chair Croley then suggested to Mr. Presnell that the retreat be scheduled for the first of January, economic development in same month, then in February to focus on revenue and have grant people present for that meeting, then capital improvements and the comp plan should follow.

Commissioner Holt stated there could be two meetings done in January and they could be done the same day as a meeting.

Chair Croley asked Commissioner Hinson about the retreat he mentioned and added with the holidays approaching, he didn't see how a retreat could be done until after the first of the year.

Commissioner Morgan stated if they were looking at a retreat probably a Saturday morning would be the most effective and mentioned that on the workshops, they could meet at 6:00 p.m. but have it scheduled for a different day from the meetings.

At this juncture, Commissioner Taylor returned and Commissioner Morgan stepped out of the meeting.

COUNTY ATTORNEY

Mr. Weiss had nothing to report.

- 18. National Solar Update
- 19. Update on Various Legal Issues

DISCUSSION ITEMS BY COMMISSIONERS

20. Commissioner Hinson, District 1

Commissioner Hinson thanked everyone and stated he thought they were moving in the right direction.

<u>Commissioner Croley, District 2 – Report and Discussion on Public Issues and Concerns Pertaining to Commission District Two and Gadsden County</u>

Chair Croley thanked everyone for their support, thanked Commissioner Taylor for her services as Chair and Commissioner Morgan for his services as Vice-Chair.

<u>Commissioner Holt, District 4 – County Concerns</u>

Commissioner Holt commented that in looking at the numbers concerning the road paving, the amount mentioned was \$70,000, and it was approved in 2008 and the amounts were \$104,640 and \$57,342 and 2/3 of that total would be \$107,988.

Commissioner Morgan, District 3 - District 3 Concerns

Commissioner Taylor, District 5 – No Items

Had nothing to report.

December Meetings

- -December 4, 2012, Regular Meeting, 6:00 p.m.
- -December 18, 2012, Regular Meeting, 9:00 a.m.

MOTION TO ADJOURN

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, CHAIR CROLEY DECLARED TH	E
MEETING ADJOURNED AT 8:08 P.M.	

	GADSDEN COUNTY, FLORIDA	
	DOUGLAS M. CROLEY, Chair Board of County Commissioners	
ATTEST:		
Muriel Straughn, Deputy Clerk for NICHOLAS THOMAS, CLERK		

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON DECEMBER 4, 2012 AT 6:00 P.M., THE FOLLOWING PROCEEDINGS WERE HAD, VIZ:

Present: Doug Croley, Chair - District 2

Eric Hinson, Vice-Chair - District 1

Gene Morgan – District 3
Brenda Holt – District 4
Sherrie Taylor – District 5
David Weiss, County Attorney

Robert Presnell, County Administrator

Muriel Straughn, Deputy Clerk Marcella Blocker, Deputy Clerk

INVOCATION, PLEDGE OF ALLEGIANCE AND ROLL CALL

Chair Croley called the meeting to order at 6:00 p.m. and asked everyone to mute all electronic devices and requested that all speakers that wished to address the Commission file a "Speaker Request Form" with the Clerk.

He then opened the meeting with a silent prayer and the pledge of allegiance to the U.S. flag. He also explained that in his role as Chair, he would be conducting the meeting in accordance with the Commission's Rules of Procedure as stated within the County Code of Ordinances.

AMENDMENTS AND APPROVAL OF AGENDA

The following amendments were made to the agenda at the request of the Clerk:

- Add 8-A approval of Bank Resolution for new Chairperson facsimile stamp
- Add 10-A Public Hearing for Adoption of Resolution No.: 2012-039 electing to use the Uniform Method of Collecting Non-Ad Valorem Special Assessments Levied within the Unincorporated Area of the County
- Add 12-A Government Services contract to implement the uniform method for Ames-Barineau Road
- Add 12-B Government Services contract to implement the uniform method for Quail Roost Drive

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER HINSON, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THE AMENDMENTS TO THE AGENDA.

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

AWARDS, PRESENTATIONS AND APPEARANCES

1. Creek Entertainment Gretna Community Blood Drive

Michelle Ostenberg, Executive Poker Administrator, 501 Race Track Drive, Gretna, FL appeared before the Board regarding a blood drive sponsored by Creek Entertainment, Gretna. She stated that "Give the Gift of Life Day" will be on December 7th, 2012 at Creek Entertainment, Gretna.

Chair Croley asked if the Board was in support of approving the Resolution.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THE PROCLAMATION FOR THE BLOOD DRIVE.

CLERK OF COURTS

2. Presentation of County Finance and County Clerk Issues

Clerk Thomas was not present.

CONSENT AGENDA (Items 3-5, 7)

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER HINSON, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THE CONSENT AGENDA AS NOTED ABOVE. (Items 3-5, 7)

- 3. Ratification Of Approval To Pay County Bills
- 4. Corrected County Deed
- Post Approval Of Commissioner Eric Hinson's Travel To The 2012-13 Legislative Conference/New Commissioners Luncheon And Orientation
- 6. Request Approval To Pay Expenses For Veterans Day Celebration in accordance with Ordinance No. 06-018, Section 2-141, Expenditure of funds for miscellaneous purposes
- 7. Post Approval of Chairperson's Execution of the Service Agreement with Cintas from November 5, 2012 until November 5, 2014.
- 8. Approval for Lease Agreement between Gadsden County Board of County Commissioners and the Gadsden County Senior Services, Inc.

ITEMS PULLED FOR DISCUSSION

6. Request Approval To Pay Expenses For Veterans Day Celebration in accordance with Ordinance
No. 06-018, Section 2-141, Expenditure of funds for miscellaneous purposes

Commissioner Morgan asked to pull this item for discussion and asked if the funds were budgeted specifically or if funds were taken out of the general account and inquired about the luncheon that followed.

Mr. Presnell responded there was fish fry after the ceremony.

Commissioner Morgan stated that as tight as budgets were, maybe in the future they should rethink having a luncheon afterwards.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER HINSON, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THE CONSENT AGENDA AS NOTED ABOVE.

8. Approval for Lease Agreement between Gadsden County Board of County Commissioners and the Gadsden County Senior Services, Inc.

Commissioner Morgan asked to pull this item for discussion and stated that he noticed the lease agreement was for a two year term and with the unfortunate incident that took place earlier, maybe make it for a one year term or a month to month lease in case of the need to review the policy there.

Mr. Presnell responded that under this proposed contract any other activities that took place should be requested in writing from the Board.

Commissioner Morgan stated that had not happened and alcohol had been served in the past. He then moved to table the item to have it brought back before the Board for further review before entering into the twenty-four month contract.

Motion died for lack of second.

Commissioner Holt stated she was in favor of the twenty four month lease because everything was going to come before the Board in the future and she did not see where it would be a problem especially if they were able to get more funding from Elder Affairs then there would be a target location to generate funds through, but said she was in favor of matters coming before the Board.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4-1 BY VOICE VOTE TO APPROVE THE LEASE AGREEMENT. COMMISSIONER MORGAN OPPOSED THE MOTION.

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS

There were no citizens requesting to be heard.

PUBLIC HEARINGS

9. Public Hearing – Hutchinson Ferry Road Small Scale Future Land Use Map Amendment (CPA-2012-02) for Parcel #'s 2-15-3N-4W-0000-000114-0400 & 2-14-3N-4W-0000-00230-0500

Mr. Presnell introduced Item 9 as noted above and explained it was considered a quasi-legislative action in conjunction with the advertised public hearing as a small scale amendment.

Mr. Matheny appeared before the Board with a short summary and stated that in December 2010, a couple of parties split an AG-2 piece of property that should not have been split and now they wanted to change it from AG-2 to Rural Residential. He further explained this was a proper request and in doing so would correct the land use designation from being a non-conforming parcel to a conforming parcel. He added that the parties were correcting a problem so that more parcels could be created in the future

Commissioner Holt added that, as had been previously discussed, when someone bought a piece of property without having done the proper research, they only knew to file the deed with the Courthouse and they were not aware of restrictions that might be on that parcel as subdividing it, etc. She added it was not the fault of the citizens, but the fault of two government

entities not coming together and closing that gap.

Chair Croley called for public comments and there were none.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER HINSON, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THE SMALL SCALE FUTURE LAND USE MAP AMENDMENT.

10. Public Hearing – Approval of Budget Amendments and Resolution # 2012-034 for Fiscal Year 2012-2013

Chair Croley stated Item 10 was another public hearing for approval of budget amendments for the fiscal year 2012-2013.

Mr. Presnell stated this item was to bring funds forward from last year to this year and to move funds to allow the finance director and himself to move funds forward.

Chair Croley called for public comments and there was none.

Commissioner Holt said she appreciated the synopsis that explained the reason for the moving of the funds.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THE BUDGET AMENDMENTS.

10A. Public Hearing-Adoption of Resolution No.: 2012-039, A Resolution of Gadsden County,

Florida Electing to use the Uniform Method of Collecting Non-ad valorem Special Assessments

Levied Within the Unincorporated Area of the County; Stating a Need for Such Levy; Providing for the Mailing of this Resolution; and Providing for an Effective Date.

Chair Croley stated Item 10-A was a public hearing for the adoption of the Resolution No.: 2012-039 for collection of special assessments for Quail Roost Drive and Ames-Barineau Road.

Mr. Presnell commented this needed to be adopted and that it had been properly advertised.

Chair Croley called for public comments and there were none.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THE ADOPTION OF THE RESOLUTION.

GENERAL BUSINESS

11. <u>Discussion to Terminate or Move Forward the Wetumpka/Lake Talquin Special Area Plan</u>

Mr. Matheny gave a quick summary regarding this item and stated the Planning Commission met in a public hearing and the Commissioners voted 4-4 <u>not</u> to send it on and the motion failed because of the tie vote. He added that the decision before the Board was to decide whether to

take it forward in a workshop process or to terminate the plan.

Chair Croley stated that he thought they should hear from the speaker first and asked Attorney David Weiss to explain this item for the public's benefit and for the record.

Mr. Weiss explained that under Subsection 7204 of the Land Development Code, which was Ordinance Number 2013-006, there was a provision where if the Planning Commission had recommended against a proposal or passed it on without a recommendation, which was this case, the Board of County Commissioners had the option to terminate further consideration of the request.

Mr. Darrin Taylor, Carlton Fields, 215 S. Monroe Street, Tallahassee, FL, representing Anderson-Columbia, BASF, and St. Joe Land Company, paid consultant and land use planner, appeared before the Board. He stated he had provided written comments and added they had been very active with this project throughout the year and had provided a 23 page critique raising significant flaws with what was being proposed in an attempt to try to improve the document. He added that the document had no clear purpose and their recommendation was that the document be withdrawn.

Mrs. Marian Laslie, 5 Dante Court, Quincy, FL, appeared before the Board and said there had been hours and hours of citizens' time spent on this matter and the citizens' rights were severely compromised. She added that the Lake Talquin area was a pretty massive watershed and asked that the whole area have special consideration when someone wanted to create a development that would have impact to the area. She commented that the working group had attempted to address three separate issues in a single workshop, which resulted in a prolonged meeting until midnight. She asked for that meeting agendas be prepared with the expectation that it would adjourn at a reasonable hour. She emphasized that each issue that was discussed deserved to be heard in a workshop setting as a stand alone issue. She asked that the matter not go forward.

Pat Curtis, secretary to Friends of Lake Talquin, 761 Bear Creek, Quincy, FL, appeared before the Board and stated they had a large interest in this matter and they were in favor of Option 2. She added there had been a large investment on the County's staff as well as consulting resources in developing this matter and knew the plan was close to completion, although some of the comments made in the summer did not come back to the citizens. She added there was a need to better inform landowners so they better understood at what stage the planning activity was at. She added that Gadsden County needed to continue its efforts to protect the Wetumpka/Lake Talquin area because there was precedence where poor planning and regulation had caused pollution to the lake as had been experienced in Leon County. She read from some reports to show there was precedence where contamination and things were happening to the lake and they were concerned and wanted to make sure Gadsden County had things in place to prevent the same thing from happening here. She said there were issues that they hoped to avoid by having the appropriate plan in place and the citizens wanted to make sure they had input and wanted to move forward.

Mr. Ed Allen, Planning and Zoning Board, appeared before the Board and said Mr. Taylor had

come to every meeting with 10-12 pages of objections and Mr. Allen stated he had an objection of his own-that Mr. Taylor was illegal and the plant was illegal. He added that Mr. Taylor bought the plant from Crowder two years ago and the Gadsden County Code stated "non-conforming, non-residential use shall not be grandfathered in beyond the term of existing ownership" and added that they were not here to discuss that matter at this time that it would be brought up at a later date. He said Mr. Taylor had said there was no geological survey of Gadsden County and Mr. Allen showed the Board a survey that was 87 pages. He also added that Mr. Taylor had stated there was no data analysis , yet he had a data analysis that had been adopted by Gadsden County on March 8, 1994 and read into the record:

"Appendix A On page 17 of the Gadsden County Comprehensive Plan Data and Analysis document, the County will revise the first paragraph of NATURAL RESOURCES, a) Critical Habitat Areas and insert a description of slope forests as follows:

Another category of lands that is unsuitable to development, as developments is defined in Chapter 380, F.S., are those that have been identified by the Florida Natural Areas Inventory as critical habitat areas of endangered and threatened plant and animal species. Silviculture activities are permitted on this category of lands in accordance with Silviculture Best Management Practices. In addition, areas considered to be unique natural areas, representative of the natural environment as it was before human settlement and disruption of the ecological balance that once existed. In Gadsden County these areas include the slope forests, such as the Gadsden Glades located along the eastern shore of the Apalachicola River, steepheads, seepage slopes and steephead streams in the western and southern portion of the County, and shall, scattered stands of native vegetation (I.e., Longleaf Pine – wiregrass – Turkey Oak Communities). The unique and irreplaceable ecological, recreational, and educational values of these few remaining areas serve as reason enough to preclude development in and around them.

Steepheads are located in the sandy-clay soils of southern Gadsden County, especially in the Telogia Creek drainage basin and along the Ocklawaha and Bear Creek draining into Lake Talquin on the Ochlocknee River. The sloops, formed by seepage erosion are 45 degrees or greater. At the bottom of the slope lies a seepage stream that emerges from the sand."

Mr. Allen went on to add, "I've heard comments regarding some citizens don't like the idea that Chapter 380 F.S. 'as defined in development' discontinues development out there and that's not true. The term development, and this is in Florida Statutes 380.04, is

- (1) The term "development" means carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels.
- (2) The following activities or uses shall be taken for the purposes of this chapter to involve "development," as defined in this section:...
 - (c) Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any "coastal construction" as defined in s. 161.021.

(At this juncture, Chair Croley called that time had run out and Mr. Allen asked if he could finish his sentence.)

- (3) The following operations...shall...be taken for...purpose...
 - (f) A change in...land (use) or structure from a use within a class specified in an ordinance or rule to another use in the same class.

In other words, if they are AG-3 they can change to AG-1 without any problem" (shuffling papers, inaudible)

Mr. Landis Crockett, 2964 Lakeview Point Road, Quincy, FL, appeared before the Board and stated that he thought the plan initiated originally because of proceed need for planning versus no planning and added that there was considerable investment in this plan in terms of time, citizen interest and taxpayers' funds and was surprised people would consider throwing that investment away. He also added he thought the credibility of the County was at stake and urged the Commissioners to let the plan go forward.

Ken Safriet, Esq., 119 S. Monroe Street, Suite 300, Tallahassee, FL, 32301 for Hopping, Green & Sams, representing C.W. Roberts Contracting, appeared before the Board and stated that the main thing the Commissioners needed to look at was the map and how the plan had morphed over time. He added that there was no state mandate any longer for this plan and added that when the Department of Community Affairs existed, the plan was required as part of the Comp Plan Settlement Agreement, which was no longer a requirement now. He stated, "Look at this map when this thing started out, first there was the blue line right here along 267, then it gradually went one mile West, red line, then very, very late in the process, it extended all the way over to 65, five miles out. All these property owners within this green area never received any notice from the County, mostly St. Joe, never notified of this, for years and years and years and now all of a sudden they've got a lot of property within the special area plan that has a substantial amount of restrictions, as you've heard other speakers talk about. How was that fair? And I think the Planning Commission voted 4-4, a lot of them said this ain't right, this shouldn't be done. From a process standpoint, it's flawed. Moreover, you've got to ask, what is the basis of these lines, there are three different lines, where do they come from? What is the rational basis for any of them? There's not any, well, two are roads, obviously, and then one mile to the west. There is no basis for it. If you look at the actual draft of the special area plan, it says that the hydrological study shall be completed by the County by the end of 2013 to determine the impact of the various land uses on the water quality of Lake Talquin. The findings of this study shall be used to re-define the boundary of the special area plan for various planning purposes. Redefine. Do the study first and then determine where the boundaries should be rather than drawing some arbitrary line five miles out and saying 'We're going to regulate your property and we're going to figure out later if it was warranted or not.' That's one of the fundamental problems with the entire plan and other provisions as you heard other speakers testify earlier. It puts the cart before the horse. Do the data, do the analysis, do the work up front and THEN if regulations are warranted, regulate. Don't regulate first and then try to support it later. So, with that, we would appreciate it if the Commission here would not move this plan forward and go ahead and terminate this special area."

Ms. Elva Peppers, Florida Environmental Land Services, 221-4 Delta Court, Tallahassee, FL

32303, representing a land owner with some agricultural, undeveloped property and C. W. Roberts, appeared before the Board and stated that they believed this document had stalled in an unacceptable manner, the process was long, tedious, everyone had put a lot of work into it, but it was not well guided. She added that at certain points there was not an opportunity for citizen input at the workshops and that would have been where ideas would have been flushed out from people that would be affected. She further stated that a lot of the plan was guided by emotion and some people with a lot of voices rather than the data and analysis that was required. She added that the notification was poor and had significant effects on the ability of property owners to use their properties, whether it was residential, silviculture, commercial, industrial, or mining that all of them would be significantly affected by the document if it went forward. She stated that the document was not ready for public consumption and recommended the plan not move forward.

Belinda Snyder, represents Friends of Lake Talquin, 160 Dusty Hunter Lane, Quincy, FL, appeared before the Board and stated that the Friends of Lake Talquin recommended that the plan move forward, that they agreed it did need a do-over but also agreed that it should move forward. She also added that one reason in the delay in the adoption of the plan was the County had kept changing staff and putting everything on hold and it wasn't a citizen issue but rather a staffing issue with the county. She added that it seemed the citizens wanted it to move forward but the paid proponents wanted it stopped.

Jim Ivey, 388 Talquin Avenue, Quincy, FL 32351, appeared before the Board and stated something he thought everyone should think about was this lake was the greatest natural resource this county had and a lot of people came here to fish and camp, and it brings in a lot of revenue to this area. He stated that he moved here in 1998, built a new house in 2000 and in his neighborhood, there has been 16 new or substantially remodeled homes since his was built and stated he suspected, based on his property taxes, that would bring in somewhere between \$40,000-\$60,000 in property taxes per year to this County. He added if the lake stayed healthy, when the economy turned around, there would be more growth, but if this lake went down, became polluted, not only would that cause a loss of future development, but it would also lose the property value of the houses that were already there. He ended his comment by stating there didn't need to be mining on the lake.

Chair Croley commented that was all of the speakers and he closed the public input portion of the hearing. He then opened up discussion with the board. He asked Mr. Presnell, for the record, how much money had been spent to date on working on this particular plan.

Mr. Presnell responded the amount had been around \$90,000-\$100,000.

Mr. Weiss stated if the Board was inclined to move the plan forward, he agreed with some of the speakers that some work needed to be done before it was formally adopted.

Commissioner Taylor commented that Mr. Weiss took the words out of her mouth and added that she had attended some of the meeting that had lasted until Midnight. She added that there was a reason for a 4-4 vote that night. She further stated she would like to see it revised and would like to see some type of comprehensive plan put together that would protect the lake and the resources and make sure that whatever development happens at the lake, ensure that it mirrors what was already there.

Commissioner Taylor added that the mining operations concerned her with regards to the runoff into the lake. was not in favor of this plan because she felt if they moved forward with it, legal issues would be forthcoming in court and the spending of more money concerned her. She stated that she felt that it could be improved upon by working together around the Board, listening to the citizens and making sure their issues were represented in the revised comp plan.

Commissioner Morgan commented that, first and foremost, he wanted to thank the members of Planning & Zoning that voluntarily serve on the Board and said he realized that this particular item had not been an easy one to address. He added that one thing he thought everyone could agree on was, no matter what side of the fence a person was on, everyone wanted to protect the lakes, rivers and natural resources, and in this case, Lake Talquin, because it was a precious resource in the County and was so very important in so many ways. He further added that he was unaware of any studies that had shown where the lake was impacted negatively and it was no longer a requirement to have this in place. He also said that he really wanted to stress because it was another resource needed to have available, protect and was in short supply of was quality economic development and didn't want to hinder it in any way where the County would be negatively impacted. He said he did have issues and agreed with what Commissioner Taylor stated earlier in that this plan was not the right plan because of there being so many issues and the boundaries had dramatically shifted.

Commissioner Holt commented that if pollutants were identified as coming into the lake, they needed to be found. However, she said that a study was necessary to find where the contaminants are. At that time, measures could be taken to protect the lake.

She emphasized that the mining issue had been there for years. She also added that when this was first looked at, there was no central sewer system on the lake, people were building houses with septic tanks that were draining and was near the lake. She commented when looking at the issues, everything needed to be studied comprehensively.

Commissioner Hinson thanked Commissioner Taylor for covering that area the past three years and added that she had done a wonderful job and further added that Commissioner Morgan was right about economic development and stated he would like to make a motion to deny this. Chair Croley asked that before the motion was made he had some comments to make and went on to add that he knew almost everyone that had spoken before the Commission and there was no one here that wished to see any harm to the lake. He added that he lived upstream and that Little River flowed behind his back door and on a rare occasion he caught fish out of it. He further commented that as the waters flowed down to the lake, he wanted to make sure it was safe for everyone. He added that Commissioner Taylor had spoken on many occasions in defense of the lake, appreciated the Friends of Lake Talquin and as well, recognized the commercial interests. He also commented that the last three speakers made very good points, both in favor of going forward with the plan as well as the ones who spoke about the plan needing further work and there had been a lot of taxpayer money, time and effort already put into this by the Planning and Zoning Commission as well as others and based upon what he had heard thought the plan was not ready to move forward and agreed with the position that it

needed to be stopped at this point, <u>but added that he was receptive to this matter going back</u> to Planning and Zoning for further work if it could be constructively, timely and economically <u>done</u>.

Commissioner Taylor stated that Chair Croley was going in the direction that she wanted to close with and the Friends of Lake Talquin had been very supportive and she was mindful that she was sitting in the chair because of their support and she had to echo their sentiments. She stated that she realized there were issues with this plan but what would be great would be to get Planning and Zoning to highlight some of the main focuses that everyone could agree on and move forward. She added there needed to be a better job done in getting everyone involved and that as time progressed the interest became less and less.

Chair Croley asked to let Mr. Weiss <u>explain the options</u> and hopefully would be beneficial to all parties concerned.

Mr. Weiss responded that they could:

- vote to move forward,
- to terminate or
- they had the discretion to do something in between, essentially to send this matter back to the Planning and Zoning. He added that, based on what he had heard,
- they might want to figure out how to fund a study to get needed data before moving forward.

Chair Croley asked Mr. Presnell how things were financially.

Mr. Presnell asked Mr. Weiss if there was a vote to send this back to Planning and Zoning Commission, if it would that require a re-advertisement and additional consultant time He added if the Board decided to move forward in that manner, there would be additional dollars involved.

Commissioner Holt commented she thought they should go ahead and take the vote to , discontinue the effort, then come back with another plan because which would come after an independent study is done,

Commissioner Taylor asked Mr. Presnell about a conversation they had concerning funding sources to work on the comp plan and asked what the amount was.

Mr. Presnell responded it was \$35,000.

Commissioner Taylor asked if that money would be used to update the comp plan.

Mr. Presnell replied yes, in the land development code and future land use map.

Commissioner Taylor asked if this issue could be brought up at that time.

Mr. Presnell stated, "Yes."

UPON MOTION BY COMMISSIONER HINSON AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5-0 BY VOICE VOTE TO TERMINATE THE PLAN.

Mr. Presnell stated that in early February, there would be a kick-off for the changes in the future land use map and there would be an existing land use map created, which had never been done, that it would be advertised and would like to have all participation available.

12. Discussion of Changing the Scheduled Time of the Second Monthly Board Meeting of Each Month

Chair Croley stated Item 12 was discussion of changing the schedule of time of the second monthly Board meeting of each month.

Mr. Presnell commented that the Board had asked at the last meeting to have discussion regarding changing the time of the second meeting of the month back to 6:00 p.m. rather than 9:00 a.m.

Commissioner Morgan stated he was responsible for asking the board to reconsider the time of the second meeting of the month. He said it was an excellent idea to experiment with moving one of the meetings to the daytime and having it at 9:00 a.m. because if offered the opportunity to ones that didn't drive at night or those who work at night or those that could not come at night. However, greater public participation was not evident at the morning meetings and the daytime meeting had been somewhat ineffective in that public hearings can only be held in the evening by county ordinance. He added that it had slowed down progress. He suggested returning to the 6:00 p.m. meetings..

Commissioner Holt moved that this matter be placed on the agenda for approval if it could not be approved tonight.

Commissioner Taylor commented that it was on the agenda for discussion only.

Chair Croley stated it was agendaed for discussion, but the Chair would be willing to entertain the motion to amend the agenda if it could lawfully be done. He asked Commissioner Taylor if she had a comment regarding the matter.

Commissioner Taylor stated she would like to follow Commissioner Holt's recommendation to have it placed on a future agenda for board action because it was an issue that would affect the public and it was advertised for "discussion only" and she wanted to follow protocol and do things the right way. She then seconded the motion.

Chair Croley said he was the one who originally made the motion to move to morning meetings one day a month because he had heard comments from the public saying that they could not attend at night, He also recalled what he had said at the time when the board agreed to move one meeting to the morning, "The Board will try it for a time and if doesn't work out, we can revert back to evening meetings." He then declared that he was willing to support going back to evening meetings if that was the will of the Board.

Because of Commissioner Holt's stated concerns, the Chair asked Attorney Mr. Weiss if action

could be lawfully taken when the published agenda was described as "discussion only."

Mr. Weiss responded that he did not think there were any prohibition in doing so, but typically, the Board's practice had been if something was to be voted on, they would probably so indicate it on the public agenda, that but there was no reason it had to be advertised as a public hearing.

Chair Croley asked if there were anyone on the Commission that was opposed to going forward with taking action on the item.

Commissioner Taylor stated she was against it and would rather they follow as things had been done in the past. She added that she was in agreement with having the meeting at 6:00 p.m. but would like it to be done the right way.

Commissioner Morgan said to do it the right way and place it on the next agenda.

Commissioner Holt stated she would withdraw her motion and had no problem with it but it was Commissioner's Hinson's motion and was her second.

Commissioner Hinson withdrew the motion and added that he had sat on governmental Boards for eight years and something like this did not generally need to be advertised.

Chair Croley called for the motion to agenda this item for the next meeting.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER HINSON, THE BOARD VOTED 5-0 BY VOICE VOTE TO PUT THIS ON THE AGENDA.

Commissioner Holt commented there was no such thing as "right way" in government and asked if they could please stop making that comment because it did not have to be placed on the agenda to get it approved and when said, it gave people the wrong impression that there was a right way and a wrong way.

12-A CONSULTANT SERVICES CONTRACT TO IMPLEMENT THE UNIFORM METHOD FOR THE LEVY, COLLECTION, AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS, PURSUANT TO SECTIONS 197.363 THROUGH 197.3635, FLORIDA STATUTES (THE "UNIFORM METHOD"), TO RECOVER A PORTION OF THE COSTS INCURRED IN PAVING AMES BARINEAU ROAD.

Mr. Presnell introduced Item 12-A and stated there was a representative present from Government Services Group to answer any questions.

Chair Croley asked the representative to come forward and state her name and address for the record.

Sandi Melgarejo, Government Services Group, Inc., 1500 Mahan Drive, Suite 250, Tallahassee, FL. appeared before the Board to address guestions of the Board.

Chair Croley asked Mr. Weiss to identify some of the points and then turn over to the Commissioners on concerns they might have.

Mr. Weiss gave a quick summary of the item. (See the agenda report for more details.)

Chair Croley asked Mr. Presnell if the board would be putting themselves in a position to recover as much money as they could expect to pay in legal fees in this attempt to collect this money.

Mr. Presnell replied that, he had looked into that and discussed it with the County Attorney and there was quite a bit of money invested in legal fees if they chose to proceed in addition to paying Government Services Group. He added he was very concerned about proceeding with the Ames Barineau project because it may lead to legal challenges.

Chair Croley encouraged the other commissioners to ask questions of Government Services representative.

Commissioner Morgan began reasoning aloud with the following questions:

- What amount of money does the board want to recover?
- Because of the possibility of legal challenges looming over the county's efforts to
 recover the costs of paving Ames Barrineau Road, Is it likely that the board could
 actually spend more in legal challenges than they hoped to recover for the paving?
 Could the board ask the people on Ames Barrineau to voluntarily pay the costs without
 actually assessing them?

In response to the above questions, Attorney Weiss responded, "You cannot represent to certain property owners that they had an obligation to pay without calling it a special assessment.

Commissioner Morgan cautioned the other commissioners that by pursuing the recovery of the funds could likely cost the County a pile of money.

Commissioner Holt asked Ms. Melgarejo if she had done this before.

Ms. Melgarejo stated, "Absolutely."

Commissioner Holt commented that by law, the county did not have to have 100% of the affected landowners in order to be able to do the special assessment to recover the cost of the paving.

Commissioner asked if there would be one or two assessments on both roads in question.

Ms. Melgarejo replied, "There are two separate programs. You can't roll them together because they were two different areas with two different construction costs so there would be two different rates, so it's two separate programs. They can't be rolled together because they are different rates. You can't do that. So, it's two different rolls that you would have to certify to the Tax Collector."

Commissioner Taylor recalled that Ms. Melgarejo had mentioned an annual maintenance fee. She interpreted that to mean they would make sure that the annual assessments were being

collected correctly. She added the amounts might be different for each road, but the process to collect the assessments would be similar on both road programs. She added that all would be paid to the Tax Collector's office and all would be paid at time certain, so taking a glance at the Taxpayer's roll to make sure the assessments were actually collected would seem appropriate.

Ms. Melgarejo responded that they wouldn't make sure it was being paid, but they would update each assessment roll annually, check for a number of changes that could occur to the each roll separately (check for property splits and combines and to see if any prepayments of the assessments were made) and prepare a new assessment roll each year for the duration of the assessment period.

Commissioner Taylor commented that the County had made an agreement with the landowners on the amount of money they would need to repay and added that based upon what Ms. Melgarejo was saying the amount would be more. She then commented she didn't know if, legally, that amount could be changed since they had a contractual agreement on a set amount with the landowners.

Mr. Weiss responded that the contract to which Commissioner Taylor was referring was probably not a valid contract because it was based on some people paying for a special assessment while others were not. He went on to explain that what they were trying to do now was create a **valid legal special assessment**. He added, "With respect to the amounts, I think the Board can choose. As long as you are assessing all benefitted properties, the Board doesn't have to necessarily capture all of the costs. I mean, we've talked about in the past there was an original cost estimate, which those numbers were based upon and the actual construction costs exceeded that cost estimate substantially. If the Board wants to go back and say 'We're going to base it on the original cost estimate', that's the Board's choice. Same thing with capturing other costs, I mean, I think it could be developed and correct me if I'm wrong, but as long as all benefitted property owners are being assessed and the assessment is reasonable and apportioned and amongst all the property owners, you can kind of choose how much you want to collect".

Chair Croley said that however gotten there, there were some people on Ames Barineau Road that had agreed to pay for paving and he agreed with Commissioner Morgan that it made sense to send come sort of assessment letter to those that agreed stating what amount was owed.

Mr. Weiss explained that an assessment letter could not be sent or that it could not be called an assessment.

Chair Croley said, "I'm with you, I'm with you. Alright, if that's the case, if that's the case, then it sounds like to me that we're going to have to chalk this up to a bad situation, at least from what I'm hearing you say, unless we go with a more formal collection process, at least on the first item."

Commissioner Holt requested permission from the chair to speak, but he declined because he was only asking a question.

Mr. Weiss replied that he thought the option was to move forward with it in this manner with Government Services Group.

Commissioner Holt commented that there was a contract in place, which the attorney believes is not a good contract even though it was based on state statute that said it could be done and it was done with the permission of the people in the community. She added, "If the attorneys were too expensive, get rid of the attorneys, because usually there was two or three attorneys sitting in the audience and one sitting on the diocese with the Board and they needed to get someone to come clean the mess up."

Commissioner Morgan said, "There is never a right time to do the wrong thing." He also stated that the Board could move forward on issues in the future where it would not pose a legal problem such as this one because of it being done incorrectly. He added that the total amount of money they were trying to collect was less than \$100,000 and he thought this matter should be "chalked up as a lesson learned and take it to the house." He added this was something they would not win in court and added that the attorneys' fees were down 70% over the last four years. He asked that they move forward with this matter and a decision be made that would make sense for the taxpayers.

Commissioner Hinson said that he had looked at the economic impact for the whole thing and asked how much this project had cost in attorney fees. He also said that if the county had to continue paying attorneys, it would be losing money.

Commissioner Taylor asked if the attorneys' fees that the Commissioners mentioned were included in the regular fee for being board attorney.

Mr. Presnell responded, "Yes."

Mr. Weiss stated that the fees were not isolated to only this issue. He then said that hiring Government Services Group was a good use of county funds. He added that they had done this in the past and it was a very specialized area of law. He also wanted to point out with comments that had been made about bad legal advice that it predated their firm becoming County Attorney.

THERE WAS A MOTION BY COMMISSIONER MORGAN AND A SECOND BY COMMISSIONER HINSON TO NOT MOVE FORWARD WITH THE COLLECTION AGREEMENT WITH GOVERNMENT SERVICES, HOWEVER NO VOTE) WAS TAKEN.

Commissioner Holt called for a question and stated they were setting a bad precedence with doing this because any citizen could come and ask for their road to be paved.

Commissioner Hinson stated he had studied the information, looked at it, visited the area and asked how much it would cost the County in attorneys' fees and other fees.

Commissioner Holt responded it would not cost anything because the costs would be put into the billing.

Commissioner Hinson asked for clarification of the issue from the attorney because he was hearing conflicting information.

Mr. Weiss explained that all the expenses associated with the contract with Government Services Group could be rolled into costs to be recovered, but it would be up to the Board as to what they wanted to do as far as costs recovered, but the attorney's fees would be minimal because GSG would be taking the reins.

COMMISSIONER HINSON WITHDREW HIS SECOND TO THE MOTION.

Chair Croley stated there was a motion and no second so the motion died.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 3-2 BY VOICE VOTE IN FAVOR OF MOVING FORWARD WITH THE ASSESSMENTS ON AMES-BARINEAU ROAD. CHAIR CROLEY AND COMMISSIONER MORGAN OPPOSED.

12-B CONSULTANT SERVICES CONTRACT TO IMPLEMENT THE UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS, PURSUANT TO SECTIONS 197.363 THROUGH 197.3635, F.S. (THE "UNIFORM METHOD"), TO RECOVER A PORTION OF THE COSTS INCURRED IN PAVING QUAIL ROOST DRIVE AND QUAIL ROOST DRIVE WEST

Chair Croley moved forward to Item 12-B.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4-1 BY VOICE VOTE IN FAVOR OF MOVING FORWARD WITH THE ASSESSMENT ON QUAIL ROOST DRIVE. COMMISSIONER MORGAN OPPOSED.

COUNTY ADMINISTRATOR

13. Update on Board Requests

Mr. Presnell stated that the Economic Development was scheduled for workshop on January 17th from 6:00 – 8:00 p.m.

Board retreat was scheduled for January 12^{th} from 10:00 - 1:00 with the meeting place to be announced later.

COUNTY ATTORNEY

14. Update on Various Legal Issues

Mr. Weiss reported that he had forwarded the county's proposal to the Sheriff regarding an Interlocal Agreement for the Sheriff to handle the day to day operations of the Emergency Management Department. Subsequently, the Sheriff made a counter proposal. He went on to report that he had met with the Sheriff's counsel and they had merged the two proposals with some modifications. He ended by saying that the Sheriff's counsel was to take it back to the Sheriff for his feedback.

DISCUSSION ITEMS BY COMMISSIONERS

15.

Commissioner Morgan, District 3

Commissioner Morgan had nothing to report.

Commissioner Holt, District 4 – County Concerns

Commissioner Holt said she had spoken to some people concerning conducting a workshop for Planning and Zoning issues. She suggested that they get the State association to see when a workshop would be done so the County's P&Z could go to them.

She also asked that they provide an opportunity for input by citizens to state whether they wanted televisions back in and wanted to look into it before the citizens started coming in asking questions and asked if it needed to be in the form of a motion.

Chair Croley said it had to be in a motion to have it added to the agenda.

UPON MOTION BY COMMISSIONER HOLT TO HAVE THE ISSUE OF TELEVISING THE MEETING ON THE AGENDA. MOTION DIED FOR LACK OF SECOND.

Commissioner Hinson said there needed to be research done on the economic impact.

Commissioner Holt asked for a copy of the attorneys' contract.

Commissioner Holt also mentioned the passing of Rick Bateman.

Commissioner Taylor, District 5

Commissioner Taylor asked to be taken off the TBC board for upcoming year and stated she had nothing to report.

Commissioner Hinson, Vice-Chair, District 1

Commissioner Hinson said he had nothing to report.

Commissioner Croley, Chairman, District 2-Report and Discussion on Public Issues and Concerns Pertaining to Commission District Two and Gadsden County

Chair Croley said the CRTPA meeting was held on November 26, 2012 and there was in total \$44.5 Million worth of transportation improvements in the county ranging from sidewalks, road re-surfacing, money for the airport, Big Bend van pools and mentioned the County did receive the one-to-one match from FDOT for the job access reverse commute federal transit administration grant for \$100,000, along with the Quincy Shuttle funding. He added that they needed the list of projects for the Board to review and asked the Commissioners to look over the list of committees and assignments and let Mr. Presnell know their preferences.

Commissioner Taylor commented that ridership was down in regard to the Quincy Shuttle and asked in light of the recent funding if that could be revisited.

RECEIPT AND FILE

DECEMBER MEETING(S)

-December 18, 2012, Regular Meeting, 9:00 a.m.

MOTION TO ADJOURN

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

	GADSDEN COUNTY, FLORIDA	
	DOUGLAS M. CROLEY, Chair Board of County Commissioners	
ATTEST:		
Muriel Straughn, Deputy Clerk for NICHOLAS THOMAS, CLERK		

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON DECEMBER 18, 2012 AT 9:00 A.M., THE FOLLOWING PROCEEDINGS WERE HAD, VIZ:

Present: Doug Croley, Chair-District 2, Chairman

Gene Morgan-District 3

Brenda Holt-District 4 (arrived late)

Sherrie Taylor-District 5

David Weiss, County Attorney

Robert Presnell, County Administrator

Marcella Blocker, Deputy Clerk Beryl Wood, Deputy Clerk

Absent: Eric Hinson, District 1, Vice-Chairman

INVOCATION, PLEDGE OF ALLEGIANCE AND ROLL CALL

Chair Croley called the meeting to order at 9:01 a.m. and requested that all speakers who wished to address the Commission to file a "Speaker Request Form" with the Clerk.

He announced a community memorial service for victims of the December 14th school shooting tragedy in Newtown, Connecticut at the First Presbyterian Church. He then reported that the Sheriff's Department had contacted him requesting that the board make a statement at the service in support of the victims and their families. He then read a statement into the record.

Commissioner Holt arrived at this juncture of the meeting.

Chair Croley then opened the meeting with a silent prayer and the pledge of allegiance to the U.S. flag.

AMENDMENTS AND APPROVAL OF AGENDA

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER MORGAN THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE THE AGENDA AS PRINTED.

AWARDS, PRESENTATIONS AND APPEARANCES

1. Authority to Move Forward with Refinancing of the County's \$10,000,000 Sales Tax Revenue
Refunding Bonds, Series 2010 (Gadsden Memorial Hospital Project) Series 2010

Chair Croley announced that the first item was seeking approval to move forward with refinancing of the County's Sales Tax Revenue Refunding Bond in order to achieve debt service savings.

JoLinda Herring with Bryant, Miller and Olive Law Firm, 101 Monroe Street, Tallahassee, FL and Jim Gollahan, Gollahan Financial Services, Inc., 4125 Bayshore Blvd., N.E., St. Petersburg, FL 33703, Financial Advisor, addressed the Board and stated they were before the Board to present options for refunding the Sales Tax Bonds that initially financed improvements to the Hospital.

Mr. Gollahan explained the County had borrowed \$10,000,000 two years ago and the loan was

secured from BB&T Bank at an interest rate of 5.03% and since that time interest rates had dropped to 2.9%. He went on to explain that if the County refinanced the loan, they would save in excess of \$1.8 million in the next 18 years and would save approximately \$107,000 per year. The current agreement has a 1% prepayment penalty, but he stated that they would attempt to negotiate with BB&T to waive the 1% prepayment penalty, which would be a savings of \$91,000 in addition to the lower interest rate. He explained that the first step in the process would be to either negotiate the terms with BB&T or go out for bid for a better financing rate. However, he was quick to point out that his company had successful negotiated another county's bond issue with BB&T recently with a waiver of the prepayment penalty. He proposed that the county give them the authority to attempt the renegotiation and they would report back to the board in January in the hope to close out completely in February if the markets remain favorable. Commissioner Morgan asked questions concerning the length of the loan and maybe shortening the time and seeing what the savings might be and if it were something in which the Board might be interested.

Mr. Gollahan stated the following:

- The principal amount remaining is approximately \$9,242,233. If the term of the loan should be changed to 10 years rather than the 17 years remaining years, the annual payment would increase from the current \$794,000 to \$989,888. (a difference of approximately \$190,000) It would drop seven years off the length of the loan, but, would amount to a \$3 million savings over the life of the loan, but, the county would be paying in \$190,000 more annually than they are currently paying.
- If the county continues with the current term (17 remaining years on the contract) with the lower interest rate, the annual payment would drop from \$794,000 to \$687,000 per year, a savings of \$107,000 per year for the duration of the loan.

Commissioner Morgan recommended that they look into a new amortization schedule and consider eliminating the debt in ten years.

Commissioner Holt remarked that the county could accomplish an early payoff even if it kept the current terms, but paid additional money on the principal amount each year. She was in favor of the refinancing and encouraged them to do it quickly before the rates begin to rise. However, she would prefer the keep the current terms with the 17 remaining years just in case the county should encounter some unanticipated event.

Mr. Gollahan suggested that should determine the final term of the loan at this meeting so that they could move forward with the negotiations. He even suggested a term between the 10 years and the 17 years.

Commissioner Taylor stated this needed to be discussed with the County financial person and the County Administrator as to what would be the best fit the county's budget.

County Administrator Presnell commented that the staff had already looked at some of the options discussed at this meeting. He asked the Commissioners to keep in mind that the savings realized by the lower interest rate with the current terms would provide for a much needed maintenance fund for the hospital and generate some revenue to offset the cost of building out

some of the remaining space, which is in demand at the present time.

Chair Croley recognized Craig McMillan, GHI Chairman and Michael Glazer, GHI Attorney were present and he proposed that it might be appropriate to hear their comments and input in this matter.

Craig McMillan and Michael Glazer appeared before the Board and Mr. McMillan stated he realized there were contractual obligations with HCA and Capital Regional Medical Center and there were also some obligations with the health council. There are issues with build-out and ongoing expenses with the maintenance of the facility and there needs to be a "pot of money" to use for unforeseen problems and issues that are surely to arise.

Mr. Glazer said that as soon as he heard about the potential refinancing, he opened up discussions with the CRMC and, they offered for the next three years, as long as the level of payments to them does not fall below current levels under the current tax collections, the County could keep the realized savings.

Mr. Glazer disclosed that he had discussions with Clerk Thomas as well and reported that the Clerk is extremely strong on the idea of putting money away for maintenance and build-out for the future.

Mr. Glazer then reported that CRMC also has proposed a number of things that can be done to help advance the hospital and they would be coming to the board with some of those matters in the next month or two. He stated that the hospital is willing to work with the county to allow them to keep the savings realized through the refinancing as long as it is used to benefit the hospital.

Chair Croley said that basically what he understood was this arrangement might be the best way to go because of not being able to give up any of the cash flow to shorten the term of the bond, there was an agreement with the hospital to keep 100% of the savings for at least 36 months to build up a cash fund for the maintenance of the hospital facility and to expand it to provide additional services for the citizens.

Commissioner Holt asked Mr. Glazer for a copy of the contract with the clause calling for the percentage payment to be paid to CRMC highlighted.

Chair Croley said he thought they could follow the recommendation of Mr. Glazer in giving direction for them to come back with necessary documentation and process the way the Board has outlined and based on Mr. Glazer's comments, it seems to be the right way and asked if that was the consensus of the Board.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER MORGAN THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE OPTION ONE AUTHORIZATION FOR STAFF TO MOVE FORWARD WITH REFINANCING OF THE HOSPITAL BONDS.

Mr. Presnell stated that other options had been considered but this option gave them more flexibility.

2. Pat Thomas Insurance Presentation

John Pat Thomas, Pat Thomas and Associates, 1821 West Jefferson Street, Quincy, FL, appeared before the Board and stated they were the agent for the property and casualty insurance for the County and because of the County's partnership with Florida League of Cities and Municipal Insurance Trust, it entitled the County to a return of premiums and he presented a check in the amount of \$35,209.

CLERK OF COURT

3. Presentation of County Finance and County Clerk Issues

There were no items presented.

CONSENT

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER HOLT THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE THE CONSENT AGENDA AS PRINTED. (ITEMS 4 – 9)

- **4. Approval of Minutes** -September 5, 2012-First Budget Hearing
 - -November 8, 2012-Regular Meeting
 - -July 26, 2012-Budget Workshop
- 5. Ratification of Approval to Pay County Bills
- 6. Approval of Commissioner Eric Hinson's Travel to the New Commissioner Workshop in Alachua County, Florida from January 9, 2013-January 11, 2013 approximately \$700.00
- 7. Approval of Contractual Agreement between CenturyLink and Gadsden County for Maintenance of the E911 Software within the Gadsden County Sheriff's office. and Authorization for the Chairman to Execute the Contract no. 120800577231
- 8. Approval to Accept the Fiscal Year 2012 Preliminary Fourth Quarter Report
- Approval to Renew Agreement with Stanley, Hunt, Dupree and Rhine for Actuarial Services for Optional Post-Employment Benefits (OPEB) a Governmental Accounting Standards Board (GASB) Requirement

ITEMS PULLED FOR DISCUSSION

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS (3 minute limit)

There were no citizens that requested to be heard.

PUBLIC HEARINGS

There were no public hearings.

GENERAL BUSINESS

10. <u>Approval of Local Agency Program (LAP) for Shady Rest Road-Paved Shoulders Project</u> Resolution 2012-038 Mr. Presnell introduced the above item and stated this item had been before the Board on several occasions and the agreement before the board for approval at this time was the actual agreement with DOT, which provides the funding of the project

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER HOLT THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE OPTION ONE (APPROVAL OF THE LAP AGREEMENT FOR SHADY REST ROAD PAVED SHOULDERS PROJECT AND APPROVAL OF RESOLUTION 2012-038, WHICH AUTHORIZES THE CHAIRMAN TO SIGN THE AGREEMENT.

11. Approval to Change the Scheduled Time of the Second Monthly Board Meeting of Each Month

Commissioner Taylor stated she liked the idea of getting the meetings out of the way early in the day.

Chair Croley stated he was actually leaning her way and that he also liked the morning meetings, but the morning meetings had not resulted in greater public participation as it was intended to provide. By reverting back to the 6:00 p.m. time, it would allow for more expedient approval of items requiring public hearings, which could only be done at the evening meetings.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER MORGAN THE BOARD VOTED 3-1 BY VOICE VOTE TO CHANGE THE TIME OF THE SECOND MONTHLY MEETING FROM 9:00 A.M. TO 6:00 P.M. COMMISSIONER TAYLOR OPPOSED.

12. Approval of the 2013 County Commission Meeting Calendar

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER HOLT THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE THE 2013 COUNTY COMMISSION CALENDAR.

Commissioner Morgan stepped out of the chamber at this juncture of the meeting.

13. <u>Approval of Appointments to the Apalachee Regional Planning Council – Transportation</u> Disadvantage Coordinating Board

Chair Croley stated that, in the past, the Chair and Vice-Chair had served on this board.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER TAYLOR THE BOARD VOTED 3-0 BY VOICE VOTE FOR APPROVAL OF CHAIR DOUG CROLEY AND VICE-CHAIR ERIC HINSON SERVING ON THE BOARD. COMMISSIONER MORGAN WAS NOT PRESENT FOR THIS VOTE.

COUNTY ADMINISTRATOR

14. Update on Board Requests

Land Use Map & Economic Development Strategies

Mr. Presnell stated that, at the last meeting, he had updated the Board on the \$35,000 they were receiving from the Governor's Office to help with planning and economic development strategies. He proposed a workshop on January 31, 2013 (12:00 – 7:00 p.m.) to begin working with the public and interested parties on the Future Land Use Map and on possible strategies for the development of the I-10 interchanges within the county. The session would end with a formal presentation by Kimley Horne and board discussion at 6:00 p.m.

Commissioner Morgan returned at this juncture of the meeting.

Mr. Presnell explained the meeting would be to create an <u>existing land use map</u> for the County and then update it into a future land use map and also to look at the I-10 interchanges for development strategy.

Commissioner Holt added that state money was available every year in addition to other funds through federal government for this type thing. She suggested that following this workshop, they should then look at other economic development issues and bring all of those together.

Need for Library Commission Appointment to Represent District 5

Mr. Presnell pointed out that there is a vacancy on the Library Commission in District 5, which needs to be filled. There was a consensus to agenda that appointment for the next meeting.

Board Retreat

Mr. Presnell said the Commissioners' Retreat and Workshop was re-scheduled for Saturday, January 12th from 10:30-1:00 at the Holiday Inn Express. Lunch will be provided.

Economic Development Workshop - January 17, in Board Chambers.

Road Stripping and Safety Issues

Mr. Presnell reported that the Public Works Department is addressing some dangerous road safety issues within the budget for the year, but he advised them that he would be coming back at a later date to for very in-depth discussions about safety issues that have been identified. However, he said the staff was already addressing the greatest needs at this time.

Soil and Water Conservation District

He further stated the Soil and Water Conservation District had some grain drills that are used by the public in the county. It was determined that there was a need for an inter-local agreement with them for the Clerk's sake because money would be changing hands. Chair Croley indicated that there would be a source of revenue to the county as a result.

Economic Development Workshop Deadlines

Commissioner Holt asked Mr. Presnell to contact the Florida Association of Counties (FAC) and the House and Senate Public Relations staff to see if there might be some preliminary preparations such as deadlines or timelines of which the county needs to be informed or if they have some pertinent information that would be helpful in anticipation of making the workshop more productive toward making a strategic plan.

Mr. Presnell responded that he had already been in touch with them and they will be in attendance at the workshop, but he would follow up with them to see if there are some preliminary measures that he can take to that end.

Road Safety Issues

Commissioner Taylor said the Administrator mentioned the safety issues with the roads and streets and she wanted to remind them that this was the best time to begin submitting applications to U. S. Rural Development because of the tedious process and she encouraged them to begin the hunt now for grant money.

Mr. Presnell added that the workshop in February would be dealing with roads and funding resources. He reminded them that many of the available resources will require some matching funds by the county.

Commissioner Croley called attention to the bridge on High Bridge Road.

COUNTY ATTORNEY

15. Update on Various Legal Issues

Mr. Weiss reported that Ms. Minis was absent due to a medical issue with her husband at the hospital. He stated that he had no issues to report.

Commissioner Taylor mentioned she was still looking to hear from National Solar. She recalled having asked to have them appear before the Board with an update and timeline.

Mr. Weiss stated there had not been much contact with them recently, but he would be happy to initiate some contact with them to check on the status of the project and request they come back to answer questions of the board.

DISCUSSION ITEMS BY COMMISSIONERS

16. Commissioner Morgan, District 3

Commissioner Morgan commented that the focus of National Solar for the time being was securing property within the county in order to move forward.

He then mentioned that at a previous meeting there had been questions raised about the amount of the attorney's fees. In response to the questions raised, he said he was proud to see what staff

had prepared and also to see the savings realized which were roughly in neighborhood of 65-70% over the last three years. He asked that the matter be made a part of the record.

Commissioner Morgan wished everyone a Merry Christmas and said, "When thinking about the problems and issues we face, it pales in comparison with the incidence that took place in Newtown, CT and it helps put things in perspective."

Commissioner Holt, District 4

Planning and Zoning Appointments

Commissioner Holt asked when the Planning and Zoning appointments were due. Mr. Presnell said it was scheduled for the agenda on January 15th.

Return of Broadcasting of the Commission Meetings

Commissioner Holt reported that she continues to get requests from her constituents about return of the broadcasting of the commission meetings. She said that as long as they continue to ask for this service, she will continue to bring it to the board for discussion and action.

A MOTIONS WAS MADE BY COMMISSIONER HOLT TO AGENDA THE RETURN OF THE CAMERAS TO THE CHAMBERS AND BEGIN BROADCASTING THE MEETINGS AGAIN, BUT THE MOTION DIED FOR LACK OF A SECOND.

She referred to Commissioner Morgan's comment about the reduction of attorneys' fees and stated she was the one that had brought that matter up and said, "When you do nothing, it usually cost nothing and there is a big point in that. With Progress Energy, we fought them for eight months, went to court in Tallahassee, court in Quincy, went all over the place fighting Progress Energy and it was in my district and I told the Board 'We're not going to beat Progress Energy', I told them that in the legal meetings we were not going to beat them and that was in my district and I told the people in my district we were not going to beat them because we didn't have the kind of money to beat them. But the citizens wanted and the newspapers and the television stations, and everything and it was a big hoopla among the citizens about they wanted to do this and on the last few weeks of that issue people within that district along that line sold their property and didn't tell us anything about it and we were still fighting. We got in the meeting in here and found out the last property owner had sold. We filed all those motions, went to court, did all that stuff, and that's what cost. Now, that's not including the three times we had to send attorneys to federal court in Atlanta to get that critical access designation back...We had to go to Washington, DC two times. No other county had ever gotten it back before once it was lost." She added when you work and do things, it would cost and she expected them to work and then they could justify them spending the money.

Commissioner Taylor, District 5

Commissioner Taylor said there had been dialogue going on with build-out of the by-pass to make sure there were employment efforts being made in the County and asked what kind of timeline there would be and when more employment would take place.

Mr. Presnell responded they anticipated that the big work would start in February, but would go through all of next year (2013).

Commissioner Taylor said that she knows that some of the people who are seeking work on Quincy By-Pass project have bad backgrounds, but, they had paid their debt to society and should be given consideration for this type of job. She asked the staff to negotiate with the people doing the work on the Quincy By-Pass to see if they might consider hiring some of those local individuals who have lived in good standing for the last 3 -5 years .

Mr. Presnell said there had been ongoing discussion and he would continue to approach the matter with them, especially when they get really busy during February and March. In the end, he told her that she will likely be pleased with the outcome of the discussions, but reminded her that it is a private company with policies of their own.

Commissioner Taylor then inquired about where to send people to apply for those jobs.

Mr. Presnell stated they had opened a local office behind the old pawn shop across the street from Doug Ray's tire shop on West US 90. .

Commissioner Taylor asked the media to help in getting word out about where to go to apply and perhaps the qualifications for the jobs they are seeking She also said that she understood why they wanted only those who are employable.

Invocations and Public Prayer

Commissioner Taylor then asked to state her personal preference as it relates to public prayer in the commission meetings. She stated that when they did not pray outwardly it was like not owning God and she felt that it was important to invite God to guide everything they do, especially in the Board Chambers. She directed her remarks to the Chair as she wanted him to know her thoughts, even though she felt he was being fair by calling for silent prayer at the beginning of the meeting.

Commissioner Hinson's Absence

Because Commissioner Hinson was not present she asked if he was aware that the meeting started at 9:00 a.m.

Commissioner Holt wanted to make a comment about the employment issue that Commissioner Taylor had brought up. She went on to say that approximately 6-8 years ago they had looked at poverty areas of the County and there had been a federal program which subsidized the pay in those counties for such projects. She asked that the staff look into that possibility with this project.

Commissioner Hinson, Vice Chairman, District 1

Commissioner Hinson was not present.

Commissioner Croley, Chairman, District 2

Chair Croley asked Mr. Presnell to reach out to Commissioner Hinson and make certain that they find out why he was not present.

Chair Croley then thanked everyone for doing their jobs and wished them a Merry Christmas and a Happy New Year and he extended God's blessing to each. .

Invocations and Public Prayer

He addressed the issue of public prayer raised by Commissioner Taylor. He reported that he had had discussions with the County Attorney's office on how to deal with the invocations in light of the training they had received through FAC. He explained that the Board was sitting as a governmental body with a lot of different interests and different religions. He stated that God's guidance is needed in bringing them to the right decisions with harmony and unity just as that Commissioner Taylor had referenced. He proposed that they re-examine the matter and that if each of the Commissioners would join in the invocation, perhaps they could go back to the way things had been done in the past. However, he asked the attorney for guidance in the future to avoid putting them at odds with what the current laws and asked that they work on it for the new year.

Local Employment Opportunities for the Quincy By-Pass

Chair Croley asked Commissioner Taylor if she would be the Liaison and advocate between Gadsden County, its people and GLF, who has the contract to build the By-Pass. She was asked to specifically inquire about their employment process.

Committee Appointments

Chair Croley appointed Commissioner Holt to the Apalachee Regional Planning Council with Commissioner Taylor as her alternate. He then appointed Commissioner Morgan to the Tourist Development Council with Commissioner Hinson as his alternate.

He added there would be other committees as they moved forward into the new year.

He further stated that he had served for the past 2-3 years with CRTPA and asked if there was anyone that wished to take on the responsibility.

Commissioner Morgan stated that Chair Croley had done a lot of work and had effectively guided them and it suited him if he would continue to serve in that capacity.

He then asked to have an agenda in place for the workshop that the Commission could approve.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER MORGAN THE BOARD VOTED 4-0 BY VOICE VOTE THAT CHAIR CROLEY CONTINUE ON THE BOARD FOR CRTPA.

He then stated that Mrs. Julia Woodward recently passed away and she had been a major benefactor to the County and the City of Quincy and that the Sheriff's Department had presented a Resolution to the family and asked the Board about preparing a similar Resolution to be presented to Dr. Pat Woodward and the family.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER MORGAN THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE SUCH A RESOLUTION.

RECEIPT AND FILE

- 17A For the Record: Letter from FDLE Regarding Contract Number 2012-GADS-IC4-162
- B. For the Record: Letter from Florida Department of Economic Opportunity Regarding Comprehensive Plan Review

JANUARY MEETING(S)

- -January 1, 2013, Regular Meeting, 6:00 p.m. (Canceled)
- -January 15, 2013, Regular Meeting, 6:00 p.m.

MOTION TO ADJOURN

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, CHAIR CROLEY DECLARED THE MEETING ADJOURNED AT 10:12 A.M.

	GADSDEN COUNTY, FLORIDA	
	DOUGLAS M. CROLEY, Chair	
	Board of County Commissioners	
ATTEST:		
Muriel Straughn, Deputy Clerk for		
NICHOLAS THOMAS, CLERK		