

**AT A REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY,
FLORIDA, ON NOVEMBER 2, 2010, THE
FOLLOWING PROCEEDINGS WERE HAD, VIZ.**

PRESENT:

**Commissioner Eugene Lamb, Chairman, Dist. 1
Commissioner Doug Croley, Vice-Chair, Dist. 2
Commissioner Gene Morgan, Dist 3
District 4 Seat -- Vacant
Commissioner Sherrie Taylor, Dist. 5
Nicholas Thomas, Clerk of Courts
Deborah Minnis, County Attorney
Johnny Williams, County Administrator**

CALL TO ORDER:

Chairman Lamb called the meeting to order at 9:00 AM with a quorum present. He then asked that everyone stand in a moment of silent prayer and the pledge of allegiance to the US flag.

AMENDMENTS/APPROVAL OF THE AGENDA:

Mr. Charles Chapman requested Approval of Resolution No. 2010-045, supporting the Grant Application for the Florida Boating Improvement Funds to Renovate High Bluff Landing

Mr. Williams asked this item be added to the CONSENT Agenda as Item 10A.

UPON A MOTION BY COMMISSIONER MORGAN AND A SECOND BY COMMISSIONER TAYLOR THAT THE AGENDA BE AMENDED TO ADD 10a TO THE CONSENT AGENDA, THE BOARD VOTED 4-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

Commissioner Morgan requested Item # 18 - Replacement Appointment for the Library Commission (Discussion Items by Commissioners) be removed from the Agenda; to be tabled until the next Regular Meeting.

UPON A MOTION BY COMMISSIONER CROLEY AND A SECOND BY COMMISSIONER TAYLOR TO APPROVE THE REST OF THE AGENDA, THE BOARD VOTED 4-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

AWARDS/PRESENTATIONS & APPEARANCES:

1. **Presentation of Plaque to Mrs. Barbara Yerkes recognizing her late husband John Yerkes' contributions to Gadsden County (Chairman Lamb)** -- Mrs. Yerkes had not yet arrived and Chairman Lamb said the Board would proceed with the rest of the agenda until Mrs. Yerkes arrives.
2. **Report on New Septic Tank Regulations (Mr. Marlon Hunter Co. Health Dept)** -- Mr. Hunter had not yet arrived and the Chairman said they will come back to this item when Mr. Hunter arrives.
3. **Hospital Update & Indigent Care --Craig McMillan, Chairman, GHI, Inc. and Michael Glazer, Deputy County Attorney).**

Mr. Glazer explained the first item would be an update by Mr. Bud Wethington Administrator of Capital Regional Medical Center and he turned the meeting over to Mr. Wethington.

Mr. Wethington said CRMC enjoys being at the hospital, enjoys what they are doing for healthcare in Gadsden County, and hopes the citizens like CRMC being there. Some points of interest -- in the first 108 days over 5,000 patients have been seen at the hospital, which was twice what they had expected to see; approximately 29% of patients that have been treated had no way of paying, but care is being provided to the citizens whether they can or cannot afford to pay. He said that is OK because they knew they would be doing this and it's all good. CRMC received 97% satisfaction by all patients seen. In terms of what they have collected, CRMC has written off \$6 million dollars during this period of time which was the original projection based upon the volume of patients coming to the hospital.

Commissioner Taylor explained she previously received a call from a citizen that said they had been told they should have gone to the Health Department and received free services rather than to the emergency center. She said after that call, she called Mr. Wethington to see if there was a process in place that needed to be put out to the public so the public would understand such a process. She said she also asked if there were indigent care dollars available to take care of those who didn't have coverage. Commissioner Taylor said that was a perplexing question which she did not have the answer to so she reached out to Mr. Wethington for the proper answer.

Mr. Wethington said CRMC sees some patients every day in the ER, whether here, in Tallahassee or at any of their facilities across the County; some of which need to be seen in the ER and some that don't. He said, by law, they screen every patient to figure out whether medically they do or do not need to be there. He explained some people come in wanting to be treated for a cold/sniffles rather than going to a doctor's office and the cheaper alternative for that type of treatment is for them to be seen at the Health Department. Mr. Wethington said he had checked into this particular situation and the Dr. that was in the ER at that time and was rude to this patient is not there any longer. He assured the Commission they check into any situation and they continue to look at the satisfaction of the patients coming through the Gadsden facility (has ability to call patient and verify whether or not the patient was pleased with care given).

Mr. McMillan said he would like to follow up on this -- and stated part of the process is trying to understand what the facility is, and the facility is an emergency room. It is for an emergency and not for "I've got a cold, etc." He told Commissioner Taylor that may be why she may have heard something on that. He also explained the facility sees just about everybody that comes in -- and they are at least screened; but all of the local physicians have stated they know what will happen -- the people that owe the physicians will go to the facility thinking they can get care/service for free; even though they still

owe the physician. He said this is a problem across the Country with care that is not an emergency; people will use the emergency room as their primary care physician when they should either be going to urgent care or a primary care physician. He said the physicians in the County were somewhat upset that there would be that kind of competition – that the facility would be treating somebody for free when the patient still owes money to the physician. Mr. McMillan said everyone needs to concentrate on the fact that this is an emergency room.

Mr. Glazer added that while it is an emergency room, they still need to get the word out that they are also doing advanced diagnostic services that are for non-emergency patients. If someone needs an x-ray, ultrasound, CT scan or lab services they can go to the Gadsden facility without being charged an ER fee, rather than having to go to Tallahassee for it.

Mr. Hunter added that in terms of indigent care residents could also go to the North Florida Medical Center because it is a federally qualified health center and they have federal dollars to provide primary care to the indigent population in the County. He said the Health Department does not provide primary care; only certain, minimal services; but the North Florida Medical Center is the place in Gadsden County where the indigent can go besides the hospital or the Health Department to receive healthcare services and to get a primary care physician so they don't have to use the emergency room as a source of primary care.

Chairman Lamb thanked everyone that has helped educate the Commission on services that are available as they now have a better understanding and in the future these requests can be directed to the County Administrator to handle.

Commissioner Morgan asked if he was correct in assuming that over a calendar year CRMC would be looking at somewhere between \$20 - \$24 million of services provided that they are not being paid for and Mr. Wethington responded affirmatively. Commissioner Morgan said it is important that the citizens understand the value of the County's partnership with HCA/ CRMC and understand that as a rural county, Gadsden County could not afford this in any other manner. He said he hopes everyone will keep that in mind and will grow in a manner that is smart so the County can continue to provide these services, as well as additional services as they move forward.

Mr. Wethington referred to a brochure that was handed out to everyone present at the ribbon-cutting and said there is a lot of technology at this hospital that is not being fully utilized on any given day and as long as the patient has a prescription from a physician they can have an x-ray, ct scan, ultrasound, lab work done at the Gadsden facility.

Commissioner Croley asked what type services are included in the \$6 million that has been written off by CRMC and Mr. Wethington explained it is either all emergency room and/or diagnostic testing; any service being delivered to any patient coming into the facility. Mr. Wethington said the same efforts are made at the Gadsden facility as HCA/CRMC uses at all of their facilities for collection of services provided. He did state they have never and hope to never have to file a lien against anyone for an unpaid bill, but they do make every possible effort to collect. Mr. Wethington said anyone with a complaint can call 875-6000 and ask to speak to the CEO and they will find him. He said he or someone in their organization will return the call and follow-up on all complaints; he said from June 14 through the end of October, there has been very, very few complaints.

Chairman Lamb said he hated to see them open that door because some people will do that and call Mr. Wethington just so they can say they have a complaint; some simply because they don't have anything better to do.

Mr. Glazer then moved forward with his request concerning an EMS Medical Director. He explained every EMS Department within the State is required to have a Medical Director and that individual must have certain qualifications and perform certain functions and Gadsden County is no exception to that. He said the County currently has a very simple EMS Director's contract and because of the difficulties at certain times of finding someone to fill those shoes in a rural county, Gadsden County's current EMS Director resides in Port St. Joe; she is a family physician; she currently spends about two hours per month here and performs the services required by law to do so. Mr. Glazer said he doesn't mean any disrespect to the current director as she is doing a good job, but she doesn't even meet the minimum qualifications she and had to get a waiver from the Department of Health to serve as an EMS Medical Director for Gadsden County. He said the county pays \$20,000.00/year for an EMS Medical Director. He then introduced Dr. Jose' Santana --a double Board Certified Emergency Room Doctor and has worked in the Gadsden Hospital so far. Mr. Glazer explained he hopes to bring a new contract to the Board at their next meeting for a new EMS Medical Director.

Mr. Glazer then asked that Dr. Santana explain his background for the Board. Dr. Santana said he had been approached about this position and gladly accepted it; he said his primary job is as an Emergency Room Physician, he does work at Capital Regional Medical Center in Tallahassee, as well as here in Gadsden (more on a part-time basis in Gadsden). He said he would be happy to take on the position here; he has established a good working relation with Captain Crum at EMS and his primary function here would be to try to improve the current EMS program they currently have. Dr. Santana said he works independently from Capital Regional Medical Center and HCA -- he is employed by Titan Emergency Physicians, a group that provides emergency services to the State of Florida.

Mr. Glazer further explained the proposed much more specific contract which he, Dr. Santana, the County Administrator, and Mr. Craig McMillan have all worked on. He said it is pretty well ironed out at this point to make sure the EMS Director will do things such as review and work on all EMS protocols, conduct and oversee continued medical education -- contract actually calls for the EMS Director to do as much medical education alone as they are getting in total from the EMS Medical Services Director at the present time. He will oversee quality management, assist in the investigation of any incidents, assist with determining equipment and supply needs and will work on disaster planning. Mr. Glazer said Dr. Santana does not work for HCA, he is an independent physician and they will be looking at a three-year contract which will, of course, have certain outs if there are issues but that it is independent of whatever happens at the hospital. He said the good part of this is that Dr. Santana is willing to do all of this for the same thing they are currently paying the EMS Director; that is \$20,000.00. He said the only add-on would be that the County pay for one continuing education course for Dr. Santana per year, but that would be subject to the County's Administrator's approval. Mr. Glazer said they are working on a termination date of the contract for the current EMS Medical Director which runs through the end of next September, but he believes it does have a termination provision. He said he has been in touch with the current EMS Medical Director's attorney, and if everything goes as hoped, the ideal thing will be to bring the contract back to the BOCC at their next meeting and then hopefully start Dr. Santana somewhere around the first of December. Mr. Glazer said Dr. Santana would be a part-time employee of the County and would report through Captain Crum to the County Administrator; the main reason for doing that being sovereign immunity purposes.

As a final point, Mr. Glazer said they have been in discussions with Specialist Dr. Joseph Webster; Gastroenterologist who is interested in leasing what was the urgent care space for a period of time each month. Mr. Glazer said he and Mr. McMillan will be meeting with Dr. Webster Friday morning to go over the draft agreement with Dr. Webster; and hopefully that will be brought back to the BOCC at their next meeting also. It will be a long-term contract and is essentially like a time-share where Dr. Webster would have blocks of time in the facility at a cost of \$150.00/day. Mr. Glazer said that will cover most of the costs incurred for that area as the County has to pay for the utilities and the cleaning of that space and basically the only additional cost of having someone in there is the addition of a phone line and computer line. He said if there is any bio-hazardous waste that will be worked out to make certain it is properly disposed of.

Chairman Lamb said he knows Dr. Webster; he is a great doctor and will be an asset for the Citizens as he already has many patients right here in Gadsden County, and Mr. Glazer agreed stating Dr. Webster definitely is interested.

At this point, Mrs. Yerkes and her daughter arrived and Chairman Lamb proceeded with the presentation of a plaque in honor of Mr. Yerkes (**Item # 1 Awards & Presentations**).

Chairman Lamb introduced Mrs. Barbara Yerkes, wife of Mr. John Yerkes as well as their daughter and grandchildren who are here from Italy. Chairman Lamb expressed gratitude and thanks for all of the hard work Mr. Yerkes has done for Gadsden County over the years as a member and former Chairman of the Planning & Zoning Commission. He said Mr. Yerkes' dedication towards the betterment of Gadsden County will be missed as he was one of the best Planning & Zoning Commissioners this County has ever had. Chair Lamb then read a plaque honoring Mr. Yerkes and presented the plaque to Mrs. Barbara Yerkes in honor of her late husband. Mrs. Yerkes thanked the Commission and the citizens of Gadsden County for all of their support during this time and said Mr. Yerkes loved Gadsden County, wanted everything to be done right, and thoroughly enjoyed serving on the Planning & Zoning Commission.

Let the record reflect there was a standing ovation in honor of Mr. John Yerkes at this time.

(Item #2 Awards & Presentations) Chairman Lamb requested Mr. Marlon Hunter, Administrator of the Gadsden County Health Department come forward with a slide presentation and report on new septic tank regulations.

Mr. Hunter explained Senate Bill 550 concerning septic tanks was passed by the Florida Legislature and is now State law. He said he is aware of the Board's concern with this law and even though the Health Department is also opposed to the legislation because of the impact it will have on Gadsden County, and issues surrounding the law, they must still comply and are getting staff ready for the implementation of the program. He said the State Health Department's Division of Environmental Health is still providing training classes in getting all of the Environmental Health Directors in all of the Counties around the State prepared for this bill. Mr. Hunter said the information being provided today is like a moving target as the information is changing; and of course if the bill is repealed, they will not have to worry about implementation. He said he did not know what/if any changes would be made to the bill, but if changes are made he will keep the County abreast of those. Mr. Hunter then turned the presentation over to Ms. Addie Brooks, Environmental Director.

Ms. Brooks asked that the Commission note that even though Senate Bill was passed into law in July, 2010, the rule language for implementation of the program has not yet been finalized. She explained

each slide (as shown in agenda packet) with highlights being the Bill will require the Department of Health to provide an evaluation program of all onsite septic systems in the State of Florida on a 5-year cycle and the evaluation program will be phased in beginning January 1, 2011. Septic systems will have to be pumped out and evaluated by certified professionals and there is an estimated 2 to 3 million onsite septic tank systems in the State, and 16,000-20,000 in Gadsden County. The septic systems will have to be pumped out and drain fields evaluated by certified professionals. Property owners will be responsible for the cost of the pump-out which will vary from an estimated \$150.00 to \$500.00. Owners will be responsible for cost of the evaluation and the cost will vary by individual evaluators, including the \$30.00 reporting fee to the Health Department. Owners will be responsible for any repairs or replacements of the septic systems drain fields with costs running an estimated \$2,000.00 to \$10,000.00. Grants will be available beginning January 1, 2012, to assist owners with costs and the grants are based on income levels. The Health Department must provide 60 days notice to owners that the evaluation is required and also proposes allowing low-income families to request a one-time, one year extension to their evaluation deadline. Notices will be sent out quarterly by the Health Department until all system owners in the County have been notified. Ms. Brooks explained this program will impact the Health Department by an estimated \$76,253.00 in start-up costs based on the first six months. She said the estimated revenue of \$25,200.00 per quarter is based on everyone being in compliance. There is no start-up funding to get the system in place.

Chairman Lamb thanked Ms. Brooks for the presentation and said hopefully this program will not go forward, but at this time no one knows for sure.

Commissioner Morgan said he hopes the Board understands the importance of his attempts to have a Resolution forwarded to the State Legislature because the current Governor (Crist) has stated he will not move on this issue; that it will in fact take place on January 1, 2011. He said it was his understanding Gadsden County has approximately 35-40% of their residents on some sort of septic systems, and Ms. Brooks responded it was a bit higher than that.

Commissioner Morgan said when this legislation first began it had been, he thought, well intended and there were some good things included because everyone is concerned about the safety of the drinking water and any way to protect the environment, but the way this legislation was passed is Not in Any Shape, Form or Fashion good for Gadsden County. He said it is his hopes the Board will reconsider the Resolution and will also include a request to Appeal it. In an effort to determine what it will cost the Health Department to do what the State is requiring, Mr. Hunter explained this is basically a State non-funded, mandated program with an impact to the Health Department of an estimated \$76,253.00 in equipment and start-up costs (\$41,000 of which will be used to purchase required scanner) but that the cost for operating this program will be very significant for the Health Department. Commissioner Morgan said all of this goes back to the importance of the Board communicating with the Legislators and explain to them that Gadsden County feels they absolutely should not support this at all.

Commissioner Croley asked what the enforcement penalty is for citizens and Ms. Brooks said that has not been finalized as of yet but there is the possibility that if they do not come into compliance that they could be fined up to \$500.00 per day for every day that they are not in compliance. Commissioner Croley said the protection of ground water is obviously a good thing, but that must also be balanced with reality as Commissioner Morgan suggested with the practical implementation of these types of regulations. Some of the regulations, such as the five year inspection and others seem to be at best challenging for a lot of people who may own multiple properties, or as in the case of citizens with limited financial needs.

He asked if Ms. Brooks sees this as a major enforcement project in Gadsden County and Ms. Brooks responded yes, mainly because some people in the County have failing septic systems now and the procedure of the Health Department is to send those people a couple letters to abate; from there it is sent to legal and legal advises them they must abate. She said right now the biggest problem is people just simply don't have the money to abate. You can send all of the people you want to out there, but if they don't have the money to come into compliance then what do you do?

Commissioner Taylor said she concurred with the Resolution the Board was prepared to send over in opposition of this Bill because there were some language issues that needed to be cleaned up, but based on the front page of the Health Department's presentation, the bill has been passed and trying to repeal it is kind of like being a little late in the game to do that. However, the Health Department (Ms. Brooks) had stated the language to implement the bill has not been finalized. In an effort to continue on the path of supporting the Resolution Commissioner Taylor inquired as to how a Resolution would offset it at this point, or if it could even do that at this point.

Commissioner Morgan suggested the Resolution that would be presented to the Legislature would contain information which has been presented, and additionally the Board's request that the Legislature repeal it. He said if the Legislature has enough votes they can certainly repeal that law, and they can re-address that so it does cover some of the concerns the County has about the environment. Right now, the way that it's going through, it's going to impose fees and negatively affect business where it simply doesn't need to happen. He said it is being done at a time; it couldn't be a worse time to have to ask for more from these folks. He said most of the other neighboring rural counties have already (several months back) done this. Commissioner Morgan added that when the Legislature reconvenes even though the Governor (will be a new Governor) may not move on this, the Board of County Commissioners still owes it to the citizens to at least raise enough cane with the Legislature to let them know Gadsden County is concerned, and he feels this would be an opportunity for the Legislature to readdress the issue.

Commissioner Taylor said she now fully understands and agrees with Commissioner Morgan that the Board should stay on course in their opposition to this law; especially with it being an unfunded mandate and also based on the possibility there may be a source (grant) for some funding in 2012.

In response to questions from Commissioner Taylor, Ms. Brooks explained that would cover the \$30.00 fees collected in 2011 and \$2.00 of that would be placed in a fund for use in 2012 by some low-income residents, but the resident would have to apply to qualify. However, should an evaluator/inspector determine a system needs to be repaired in the meantime, the resident would still be responsible for that \$150.00- \$200.00.

Mr. Hunter added to Commissioner Croley's statements concerning the protection of the environment and ground water, but at the same time the Health Department is out every day doing septic tank inspections and responding to nuisance complaints with leaky septic systems. He said from a public health perspective that while this legislation may cause an impact on the residents, the homeowners need to understand they have an obligation to make certain their property and septic system is maintained and in compliance from a public health perspective.

CONSENT AGENDA:

4. Approval of Minutes – August 12, 2010 –Special Meeting/Workshop

5. Ratification of Approval to pay County Bills
6. State of Florida, Dept of Emergency Management – Havana Middle School Retrofit Project Grant Extension, Modification Number 1 to Contract # 09-SR-18-02-30-01-286
7. Approval of Signatures for Special Assessment Liens –Impact Fee Proviso (IFP) Program – Foreclosure Prevention Assistance
8. Approval of Signatures for Special Assessment Liens & Rehab. Contracts – Emergency Repairs
9. Approval of Signatures for Special Assessment Liens & Rehab Contracts – Impact Fee Proviso (IFP) and State Housing Initiative Partnership (SHIP) Programs
10. Approval of Renewing Services Contract with Lab First, Inc., to Provide Drug Screening Services
- 10-A **ADDED:** Approval of Resolution No. 2010-045 Supporting the Grant Application for Florida Boating Improvement Funds to Renovate High Bluff Landing

UPON A MOTION BY COMMISSIONER TAYLOR TO APPROVE THE CONSENT AGENDA, AND UPON A SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

ITEMS PULLED FOR DISCUSSION –None

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS (3 Minute Limit) None

PUBLIC HEARINGS: None

GENERAL BUSINESS:

11. Approve Direct Sale of County-Owned Property

Mr. Henry W. McGill, Jr., and Ms. Gwendolyn Smith McGill of 512 Conyers Street in Havana have expressed an interest in purchasing County-owned property (Lots 21 and 22) which is adjacent to their property. The County Administrator explained if the Board approves this request, they will need to declare the property surplus in order that it can be sold. He said the assessed value of each lot is shown as \$2,000.00/lot on the Current County Tax Roll.

Clerk Thomas said occasionally citizens request to purchase County-owned property and that he only brings such requests to the Board if they meet certain Statutes (FS 125.35.2) which states the property is either valued under \$15,000.00 or is of a size and shape that not much could be done with it. The Board can then do a direct sale to the individual requesting to purchase the piece of property, after the adjacent property owners have been notified of the Board's intent. If any of the adjacent property owners have any interest in that particular piece of property the Board will have to accept bids from all of the adjacent property owners that may have an interest in it. He further explained most of these properties have been obtained by the County through the Tax Deed Process which means a certificate was issued, it went to sale, nobody bought the property at the sale, it then remains on a list of lands available for taxes for three years and after three years it then goes to the County. However, these two particular pieces of property are a little different in that they were actually donated to the County back in the 1990's. One lot was donated by Ms. Jonnie Mae Willis and the other lot was donated by Ms. Earnestine Butler. Clerk Thomas said both lots, as far as can be determined, were donated with the intent of being used for something such as Habitat for Humanity; they have never been used for that

process, both lots are located within the flood plains, and there is also a drainage easement that the City of Havana has. He said this is being brought to the Board for their direction and to see if the Board would be willing to sell the property to the McGill's after notifying the other adjacent property owners.

Chairman Lamb thanked Clerk Thomas for the explanation and said he would certainly endorse getting rid of the property, selling it to the McGill's; he knows exactly where it is located and knows of nothing the County could do with it.

COMMISSIONER TAYLOR MOVED FOR APPROVAL AND COMMISSONER MORGAN MADE A SECOND TO THE MOTION.

Chairman Lamb called for questions --

Commissioner Morgan said he is not very familiar with this process and asked if there was language included in this to address any issues such as environmental or otherwise on this property where the County would not be held liable in the future and Clerk Thomas said he would let the County Attorney address that. Commissioner Morgan also inquired if this is an item that should be placed under public hearings?

Ms. Minnis said it is her understanding that at t his point Clerk Thomas is just asking permission to go forward with the process and the adjacent property owners would be notified, and if they have concerns or input it would then come back before the Board.

Clerk Thomas said if the adjacent property owners are interested then the Board will have to accept bids from them, and if they are not interested then it will have to be properly noticed with their response within ten (10) days and then the Board can move forward with the Direct Sale.

Commissioner Morgan asked if his question on environmental issues should be included in that language and Ms. Minnis said at this point with the Clerk is just asking to start the process. Of course a sale or anything like that would take care of any problems if the property is actually sold, but at this point they are in the very early stages of getting the process started.

Commissioner Croley asked the County Administrator and Facilities Management if these properties were properly identified in the list so County properties that they have compiled for consideration of disposal and the County Administrator responded affirmatively.

Clerk Thomas said he has a concern and asked if the County Administrator had plans to give the list to a realtor or someone to sell because a lot of these properties have histories, some have gone through the tax deed process and a lot of the properties on this list are County-owned properties for a specific reason. He said some had been dump site, not official landfills, but dump sites. He explained his caution would be that each of the properties be evaluated and if they are under the threshold of \$15,000.00 that the Board consider doing them through this process where adjacent property owners are notified. He said the bigger properties the County wants to unload, like the house the Commission built or the property built for the Boys and Girls Club is a different category than these smaller properties, and some of the smaller properties are actually mineral interests, etc. Clerk Thomas stressed that a lot of individual investigation needs to be done on each one before they are just offered for general purposes.

Chairman Lamb agreed with Clerk Thomas and then directed that the County Administrator makes sure that is done.

Chairman Lamb called for a vote –

THE BOARD VOTED 4,0, BY VOICE VOTE, IN FAVOR OF THE MOTION AND THAT CLERK THOMAS MOVE FORWARD WITH THE PROCESS.

12. Approval of the Comprehensive Health Care Memorandum of Agreement

Mr. Howard McKinnon, Gadsden Community Health Council, Inc. presented the Comprehensive Health Care Memorandum of Agreement for the Board's approval. This Agreement, as has been previously discussed, is for the remaining dollars of the ½ cent sales tax for indigent health care which was approved by the Citizens of Gadsden County. The term of the agreement will be for one year, expiring on September 30, 2011 and is in the amount of an estimated \$266,000.00 based on tax receipts. Payments will be made monthly to the Gadsden County Health Department upon invoice being approved by the County Administrator.

Commissioner Taylor asked if the County Attorney had reviewed the Agreement and if she was in agreement with all of the terms outlined in it and any directions that may have been given through the Board of County Commissioners on funding going towards the Council; the directions that were outlined there.

County Attorney Minnis responded she has reviewed the terms of the Agreement and has made sure it is in compliance with the half-cent surtax.

Commissioner Taylor said in Item 4 of the Agreement it does reference the \$266,000 being based on tax receipts and that the grant amount could not be modified without written authorization of the BOCC. However, there could possibly be some other situations that would have an impact besides the tax receipts; there may be a need for additional assistance at the hospital and she wants to make sure that one isolated cause (tax receipts) will not be the only cause that the Board may need to come in and modify. She wants to make certain there is appropriate language in there that will protect the Board in such an event

County Attorney Minnis also explained the Agreement expires September 30, 2011. It does have a termination clause of 30 days included so there are a lot of options to address concerns as they come up.

After additional discussion the following action was taken.

UPON A MOTION BY COMMISSIONER MORGAN AND A SECOND BY COMMISSIONER TAYLOR TO APPROVE THE MEMORANDUM OF AGREEMENT, THE BOARD VOTED 4-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

County Administrator:

13. Meeting on EAR Based Amendments

Mr. Williams said he had been asked to report on the meeting held with some of the citizens; what the issues were and he provided the Commissioners with a memorandum which outlined some of the issues

that were discussed. He said he hopes all of this can be worked out through the Planning Commission and stated he would answer any questions the Board may have.

Commissioner Taylor asked if some of the concerns have been worked out with the residents in the different areas so that their opinions, rights and concerns are being addressed. She said, as everyone knows, the EAR is based on citizens' issues and concerns and if those issues and concerns are not being addressed then the Board is not following the proper procedure outlined for this process and that she wants to make certain that is happening.

Mr. Williams said they are being addressed and Ms. Pennington, Consultant, has assured him that all of them are going to be properly addressed in the process; but that there are some that may never be agreed to.

14. Update on Board Requests

Mr. Williams referred to his report in the Commissioner's agenda packet and said he would be happy to address any questions the Board may have.

– There were no questions from the Board

County Attorney:

15. Approval of the C.W. Roberts Agreement

Ms. Minnis explained the Agreement to Abate Recycled Asphalt Pavement Crushing/Production Operation and Related Activities at the C.W. Roberts property on SR 267. She said the Agreement was prepared to deal with the Land Use Violation by C.W. Roberts Contracting, Inc. that has been in the works for quite some time. She said initially Mr. Roberts (through his attorney) did not want to sign the Agreement because of a trash receptacle or one of the big dumpster sites the County has on his property, and he wanted information in the contract that the County was also in violation of the Code as well. She said she was not in agreement to indicate that the County was in violation of its Code because she doesn't know that to be true. There are exceptions in AG-3 for public purposes. She said long story short, they eventually worked out the fact that that is a separate issue. The County has a rental contract with him and if he wants the "trash thing" moved off he can use the rental contract to do that, but he has opted to use that method to deal with that issue. She said this contract was drafted and based on the notes and minutes from the various Board meetings dealing with this issue and is being presented to the Board at this time for their approval, if they so desire. She said she has reviewed the contract and it has been signed by Mr. Roberts and his attorney, and now it is in the Commission's hands.

Chairman Lamb called Mr. Barry Haber forward to speak to this Item.

Mr. Barry Haber, 900 Talquin Avenue, Quincy, Florida, addressed the Board as President of the Friends of Lake Talquin concerning this issue and said they have battled this for a long time in order that it come to conclusion. He said has reviewed the Agreement being presented; that it does not have the provisions that the Board had in their minutes and he recommends that it not be signed as he can't see where it provides any benefit to the Board at all. Mr. Haber read a statement into the record that he had prepared, dated 11/2/10 in opposition to Approval of the Agreement (Copy included). He further stated, to his knowledge, no periodic inspections have been done as had previously been directed by the Board

and that he had requested to see the inspection reports and has never heard back from anyone. Mr. Haber said when he expressed concern that the original agreement was never signed that Ms. Minnis advised it did not have to be signed, it was still in effect. He said he knows, Mr. Roberts knows and he believes the Board knows that Mr. Roberts has no intention of vacating this property or returning it to Ag-3 in July. He said "the Commission, the County, the Board have all been sitting on the fence with this issue and it's time to get off the fence and just write him a letter of violation; if the Board wants to give him until July, then give him until July --". He further stated there were conditions stated in the original minutes that have not been done and concluded by saying he saw no purpose in a signed agreement at this point.

Commissioner Croley asked the County Attorney if she had any comments from a legal standpoint as to the merits of Mr. Haber's statement of representations, concerns and his opinions regarding this Agreement.

Ms. Minnis said she didn't have his statement in advance and did not have a chance to digest it in proper but it is her understanding of the way this whole process worked is that the issue should have been a code enforcement issue but it got to the Board because of citizen concerns. She said she did recall several meetings where citizens were allowed to voice their concerns about what was going on with this particular piece of property so, "in my opinion to say that the citizens and folks surrounding the area have not had an opportunity to engage in this process, I don't believe that to be correct because I know there have been several meetings where citizens have been able to have that input. The agreement with Mr. Roberts came about as a requirement that I was asked to do by the Commission to ensure that he would remove the asphalt crushing process off his property. It was taken out of the normal code enforcement because, as I understood it because of the citizens' concerns and we were trying to get something a little more substantive than what the citizens felt were in the code enforcement process, so it did go outside the code enforcement process. With regards to the July 21st minutes, I did review those thoroughly and use them as my guidepost and there were two recommendations made to the Board. One by the County Administrator and I think one by Planning Commission and the Board chose the recommendation of the Planning Commission, I believe; and based on the items listed in the Planning Commission's recommendations I drafted the Agreement. So, in just general response this is how all of this came about, but like I said, you know, I didn't get this in advance so I haven't had a chance to thoroughly digest, but it seems they are now asking that the process go back through the regular code enforcement process which is where it started out but was then brought to the Board because of the citizens' concerns."

Commissioner Croley asked Ms. Minnis if the document before them at this meeting and as noted in the upper left-hand corner of the Agreement is the document she prepared and Ms. Minnis responded affirmatively.

Commissioner Croley asked the County Administrator what inspections, follow-up or other endeavors have been made in order to make sure the property has been brought into compliance with the Code as has been discussed in these various meetings.

Mr. Williams asked if there was actually a requirement for inspections because he doesn't really recall that. He stated "I don't know that we've made any formal; although we've monitored it. I go down there frequently and look at it and I've talked to Barry and them about it and I would say that I would have to agree with him that it's virtually the same as it was a year ago; although it's been moved around a bit and it's not so much up closer to the road as it used to be, but the same amount of material -- or maybe even

more is there but it's been moved back. But, as far as a formalized report, No. We have monitored it all along. I've ridden through the property many times and (inaudible) many times."

Commissioner Taylor referenced the Agreement (page 2, Section 1) and said she can see where there may be some concerns with the last two statements in that paragraph because it may seem less where the abatement may not occur because there is an opportunity to apply for a land use change.

Ms. Minnis explained that according to law any property owner can seek a land use change. There is nothing that can prevent Mr. Roberts from seeking a land use change, but that doesn't mean the Planning Commission or the Board of County Commissioners has to approve such a request. She said the language simply restates what the law is in Gadsden County for any property owner; they do have the right to seek a land use change, but it doesn't mean it will be granted. She explained that with the Citizens Growth Management Bill of Rights it now requires a super majority vote to allow land use code changes to take effect; it won't be just a simple 3-2 vote; it will have to be at least four (4) of the sitting commissioners for a land use change to go into effect.

Commissioner Taylor referred back to the Citizens' Bill of Rights process where the business has to go into that community at least three times and get the approval from the community or at least feedback and it then goes before Planning & Zoning and from Planning & Zoning to the Board of County Commissioners for a super majority. She said she supported that Bill of Rights but the process seems to possibly take anywhere from two to five months and the Board doesn't want to get into the "ninth hour" and that still be there and the Board then having to grant additional time. So, with abatement and an opportunity to come back and apply later because there is an agreement here that says there should be abatement –

Ms. Minnis responded they are kind of mixing two different things; a contract or abatement is a contract for abatement and according to this contract, by July 21, 2011, Mr. Roberts will have to have all of the items removed dealing with asphalt crushing, including everything in this Agreement. She said what they are also doing is putting enforcement of the contract before signing of the contract. Once the contract is signed and executed they have an enforceable document that can be used to get the material off the property. If Mr. Roberts comes back later and asks for a land use code change, that is a separate procedure that he will have to comply with.

Chairman Lamb "Mr. Administrator, this is something that we really need to do. Make sure the inspectors are doing their job by going down and making sure it is being done because it has to be done in a timely manner and we don't need to wait until it comes back before us and say it hasn't been done. Now, we can enforce it and it needs to be enforced before it comes back to us."

Mr. Williams "Yes, sir."

Commissioner Taylor said she vaguely recalls a request for period inspections and Commissioner Morgan said he can't recall all of the details of it at this point, but in looking at the agreement and from the Administrator's comment, it looks as though things have been moved around a bit, but not necessarily that an abatement has begun.

Commissioner Morgan asked if he was correct that Mr. Roberts is not violating any terms of the abatement until July 21, 2011, and Ms. Minnis said that was correct that by July 21, 2011, everything has to be done in accordance with the Agreement.

Commissioner Croley "I'm going to express this opinion. It looks like to me that from a business standpoint that approving this agreement is the right thing simply because it will empower you, by Mr. Roberts' own signature, to hold him to his original verbal commitment that he made in here. Then, as you pointed out Ms. Minnis, if there is a land use issue involved, that would be a separate matter and subject to all of the Citizens' Bill of Rights and the Growth Management processes to protect the interest of the public; including Mr. Roberts' own interests, I might add, so it's fair to all people or all parties involved." Commissioner Croley added that in the interim, if the Commission decides to approve this agreement and it be entered into that the County Administrator and staff should follow up with regular documented inspections so that they are properly recorded with all right legal purposes that the they have a good track record on what progress is being made, or not being made and that way the citizens can monitor this process. He said at this point, and based on all of the rationale that he is going to support the agreement here for those reasons.

Commissioner Taylor said she concurs and agrees with Commissioner Croley's comments but would like to publicly state "I appreciate CW Roberts and I don't have anything whatsoever, and I made it, in the very onset when we had this discussion, I made myself available for finding land here because I don't want to lose an employer. I don't want to lose a tax-payer, I don't want to give the impression that this county is not receptive to good business and of customer friendly to good businesses, so I want that statement to be officially made that I would like to be One that we can help come back, find some space, find some land that is amenable to what he provides to the County and to the surrounding counties. I want to make that official that I am not an anti-CW Roberts or Roberts & Roberts, or whatever the parent companies are. That is not my position, only that we have calm and tranquilities in our communities so I would still like to lend the possibility, somewhere down the road and if they are interested, of finding additional land for their operation."

Chairman Lamb said he would entertain a motion.

UPON A MOTION BY COMMISSIONER CROLEY AND A SECOND BY COMMISSIONER MORGAN TO APPROVE THE CONTRACT AS PRESENTED BY THE COUNTY ATTORNEY, THE BOARD VOTED, 3-1, BY VOICE VOTE, IN FAVOR OF THE MOTION.

Let the record reflect Commissioners Morgan, Croley & Lamb voted in favor of the Motion.

Let the Record reflect Commissioner Taylor cast the lone vote against the Motion.

Chairman Lamb "Mr. Administrator, we really need to monitor this from here out very closely."

Mr. Williams "Yes, sir."

16. Settlement and Release Agreement in the Matter of Robert Presnell vs. Gadsden County Board Of County Commissioners (Ms. Minnie)

Ms. Minnis explained this item as being the settlement and release agreement resolving the case of Presnell vs. Gadsden County. She said basically this particular settlement and release agreement has been vetted through several wheels of legal representation and with the County Administrator. Ms.

Minnis said this is the settlement and release being recommended to the Board for their execution to resolve this matter and all matters related to it.

Attorney Brian Duffee of the Law Firm McConnaughay, Duffy, Coonrod, Pope and Weaver (Attorney for the Insurance Company) also addressed the Board stating "The Board authorized the County Attorney, the County Administrator and I to serve as a negotiating team on your behalf. We did so. We met with Mr. Presnell and his lawyers, or maybe his lawyers, to negotiate this and the key here is that the County Administrator has the authority to hire and fire for a position and did so. This agreement was thoroughly vetted, as Ms. Minnis points out with the County Administrator. This has the approval of the County Administrator which is important, I know, to this Board because the authority of the County Administrator needs to be upheld, and this agreement is acceptable to staff, to the lawyers that work for you, both Ms. Minnis and myself. We believe that it is a practical solution to the issue and it's reasonable for you and Mr. Presnell and fair and appropriate under all the circumstances. So, I would say that it's the right thing to do under the circumstances. Mr. Presnell has already signed it so it's in effect a proposal or an offer to you as a Board to approve it. You have the right to approve it; you have the right to not approve it. We have agreed upon a stay of the case. It's a very fast moving case. We agreed on the stay until tomorrow so that we could have the opportunity to come before the Board and ask the Board to consider this, and that's why we are here; if you have any questions".

Chairman Lamb called for comments from the Board and there was none. He then called for a motion.

UPON A MOTION BY COMMISSIONER TAYLOR TO APPROVE THE SETTLEMENT AND RELEASE AGREEMENT AS PRESENTED, AND UPON A SECOND BY COMMISISONER LAMB, THE BOARD VOTED 4-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

Mr. Duffee said "By the Board's authority then we will have the County Administrator sign on behalf of the Board and that will finalize the agreement and it will be resolved.

Chairman Lamb called for the next item on the agenda.

17. Update on various Legal Issues (County Attorney)

Ms. Minnis briefly brought the Board up-to-date on the Drug Abatement Ordinance which includes gang-related crimes, prostitution and stolen property. She said because the time of this meeting having to be changed due to the election, that will come up for public hearing and approval on November 16. She said she will also bring the petition for the Board to consider on starting the process of the Alan Ranch Lane issue and will be giving the Board more information; it's just starting the process and is not by any means completing it or making a decision as to the paving. She said it is simply for consideration of the petition and starting of the process.

Discussion Items by Commissioners:

- 18. Commissioner Morgan, District 3** – Commissioner Morgan had already requested this Item (Replacement Appointment for the Library Commission) be tabled until their next regular meeting.

Chairman Lamb requested the Co. Administrator re-agenda this item as requested.

District 4 – Vacant – No items

Commissioner Taylor, District 5 – No items

Commissioner Croley – District 2 - No items

Commissioner Lamb, District 1 – Appointment of Mr. David Tranchand to the Planning & Zoning Commission , replacing Mr. John Yerkes.

Chairman Lamb said Mr. Tranchand has served on the recreational board and would like to recommend Mr. Tranchand for the Planning & Zoning Commission.

Mr. Tranchand said his only regret in accepting this position is that he is replacing Mr. John Yerkes who was a close personal friend and will be very much missed by this community. He said he has lived in this area for the past 37 years, and the past 12 of those as a resident of Gadsden County. He said he looks forward to being of service to the Board and the citizens of Gadsden County, and appreciates the Board's confidence in him.

Commissioner Croley said he is certainly in support of Mr. Tranchand but asked the County Attorney if these types of appointments are required to be agendaed or if the Board can move on them now; how are they to be done procedurally and the County Administrator said the fact that it is on a published agenda that satisfies it.

UPON A MOTION BY COMMISSIONER CROLEY AND A SECOND BY COMMISSIONER TAYLOR TO APPROVE THE APPOINTMENT OF MR. DAVID TRANCHAND TO THE PLANNING & ZONING COMMISSION, THE BOARD VOTED 4-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

19. Receipt & File:

- a. For the Record: Letter from Quincy-Gadsden Airport Authority Regarding FY 2010/2011 Budget.
- b. For the Record: Letter from the Clerk's Office Regarding Cash-In-Bank Summary Report

November Meeting(s):

November 16, 2010, regular Meeting, 6:00 PM

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD AT THIS TIME, THE MEETING WAS ADJOURNED AT 10:35 AM

EUGENE LAMB, CHAIRMAN

Jean Chesser, Deputy Clerk

Commissioner Taylor, District 5 – No items

Commissioner Croley – District 2 - No items

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Nicole St. Laurent for
Jean-Chasser, Deputy Clerk

Sherrie Taylor
EUGENE LAMB, CHAIRMAN
Sherrie Taylor