

**AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON NOVEMBER 16, 2010 AT 6:00 P.M., THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.**

**PRESENT:** Eugene Lamb, Outgoing Chairman, District 1  
Doug Croley, Outgoing Vice-Chairman, District 2  
Gene Morgan, District 3  
Brenda A. Holt, District 4  
Sherrie Taylor, District 5  
Mike Glazer, County Attorney  
Johnny Williams, County Administrator  
Muriel Straughn, Deputy Clerk

**CALL TO ORDER**

Chair Lamb called the meeting to order and called for a moment of silent prayer. He then led in pledging allegiance to the U.S. flag.

**SWEARING IN OF RE-ELECTED COMMISSIONERS**

The Honorable Kathy Garner, County Judge, administered the oath of office first to Commissioner Holt and then Commissioner Croley.

Commissioner Morgan congratulated Commissioner Holt and Commissioner Croley on their re-election. He then nominated Commissioner Croley as the next chairman. However, Chair Lamb declined to accept the nomination at that point.

**AMENDMENTS TO AND APPROVAL OF THE AGENDA**

**Added to the agenda: Item A-1** – Presentation of Letter of Appreciation to Chairman Eugene Lamb from Gadsden County Staff.

**Added to the agenda: Item 3-A:** Sheriff's Proposal to provide Law Enforcement to the City of Midway

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED.**

**AWARDS, PRESENTATIONS AND APPEARANCES**

**A-1. Presentation of Letter of Appreciation to Chairman Eugene Lamb from Gadsden County Staff**

Assistant County Administrator read into the record a letter from the county employees to Chair Lamb expressing their appreciation to him for his leadership as chairman for the last two years.

**1. Election of Chairman and Vice Chairman**

Lamb:

This is a position that I am glad to move over. I know that whoever we elect tonight for the chairmanship will do a good job – all four backing them and things will go well.

Now, it wasn't too easy of a decision for me to make. My mind was made up before I came here tonight. I don't wait til I get to where I am going to make up my mind. I talked to a lot of citizens, not just in my district, but other districts as well, in all the districts. I talked to all of the constitutional officers. I made up my mind on how I am going to vote because it is not on friendship, it is not on district, but it is for the betterment of Gadsden County – who I feel will do the best job in holding this commission together and representing Gadsden County as a whole. That is what I came up with.

Now, I might be wrong. It was just me making up my mind the way that I saw it. I put a lot of things together. I am very satisfied with the way my conscience is dealing with me. I am happy because I feel like I am doing the right thing for the betterment of Gadsden County.

I want to thank the staff for those beautiful words that they said, but I was just doing my job. That is all I was doing. Doing my job and keeping my nose out of their business and just doing my job as a commissioner. I think that is what it is all about. Let the county staff and the county administrator handle the business up here at the county office. Whenever I am called on, that is when I came to their rescue. I am really happy about that.

At this time, we are getting ready to elect the chairman and vice-chairman of this board for next year. For this year, here, starting tonight. At this time I will accept nominations for chairman.

Holt:

I move, Mr. Chair, I am sorry, my motion is,

Lamb:

Nomination.

Holt:

Nomination, thank you. I am sorry, I must be out of practice. I nominate Commissioner Taylor as chairman.

Lamb:

O.K. We have Commissioner Taylor as chairman. Do we have another nomination?

Morgan:

Yes, sir, Mr. Chair, I would nominate our current vice-chair, Mr. Croley.

Lamb:

O.K. Commissioner Croley has been nominated as chairman. Do we have any other nominations? Are there any other nominations?

Alright. Mr. Croley was last. So, he will be the one that I call first. All in favor of Mr. Croley, let it be

known by saying, "Aye."

Morgan:  
Aye.

Croley:  
Aye.

Lamb:  
All in favor of Commissioner Taylor, let it be known by saying, "Aye."

Holt:  
Aye.

Lamb:  
Aye.

Taylor:  
Aye.

Lamb:  
Make that 3 – 2 for Commissioner Taylor.

Alright. Now, at this time, here, we will go with the Vice-Chair.

Well before we do that, Ms. Taylor, I am going to give you some experience. Let's change seats.

Croley:  
It is time to get up and go to work now.

Williams:  
Go to work now.

(The outgoing chairman passed the gavel to the incoming chairperson. )

Lamb:  
Madam Chair, I had already opened up the floor for vice-chair and I nominate Commissioner Gene Morgan for Vice-Chair.

Taylor:  
Is there another nominee?

(No response.)

There being no other, he stands as chair.

**2. Gadsden Express Six Month Evaluation Report**

Harry Reed, Executive Director of Capital Regional Transportation Planning Agency (CRTPA), addressed the board. He reported that Gadsden Express project has been very successful after only six months. It has been funded through a share of federal funds and state funds. It has averaged over 1100 trips per day. It is currently making 1800 trips per day. It costs approximately \$8,000 per month to operate. The currently funding is expected to maintain the project until 2012. However, if the ridership continues to rise, it may be necessary to add another vehicle which could cause the funding source to be depleted earlier. He said that he would begin to talk to the board about how to continue the service in light of the success it has experienced. The morning and evening trips are 90% full.

There was some discussion about adding additional stops in other parts of the County. However, it cannot be expanded without finding additional funding to maintain it long term.

Commissioner Holt commented that the project was the brain child of the former Commissioner Ed Dixon that dates back to 2006. She proposed that CRTPA could do some additional marketing through public service announcements.

**3. Request from Gadsden County Health Department for Additional Funding**

Gadsden County entered a contract with the Health Department in FY 2008/2009 for \$100,000. That contract was to stay in place until it was determinate by either party under the terms and condition of the agreement. \$100,000 was budgeted and paid in 2009. Due to budget constraints, the budget was reduced in the FY 2009/2010 budget cycle to \$50,000 without amending the contract or giving notice to the Health Department. However, there is a clause in the contract, which allows for a reduction upon notification when availability of funds becomes an issue.

A new contract was entered into on September on September 21, 2010 – also for \$100,000, but the budget only funded \$50,000 for FY 2010/2011. This posed a budgetary concern for the Health Department as Mr. Hunter was not aware of the reduction until October 19, 2010 when Commissioner Morgan brought it to his attention in a BCC meeting. Correspondence was exchanged between the county administrator and Mr. Hunter and it has come back to the board for discussion.

Health Department Director Marlon Hunter made an appeal to the board to reinstate the full funding as stated in the contract. He noted that they will lose some of the OB services (particularly doctor access to pregnant mothers) to Gadsden County and some dental services if the additional money is denied.

Commissioner Lamb was in support of restoring the additional \$50,000.

Commissioner Holt was in support of restoring the \$50,000.

Commissioner Morgan voiced concern given the economic environment.

Commissioner Croley made note that the Health Department was receiving \$266,000 from the Health Council. He could not support the additional \$50,000.

Mr. Hunter again respectfully requested the additional funds.

Chair Taylor was mindful of the revenue shortfall, but was in favor of directing staff to look for the additional funds.

Commissioner Morgan suggested that the board wait until mid-year and see what the budget looks like at mid-year, then if the funds are available, he could support it.

**The majority consensus of the board was to move forward and look for the money in the current budget and come back with a budget amendment at the next meeting. No vote was taken, but the direction to the administration was clear.**

**3A. Sheriff's Proposal to Provide Law Enforcement to City of Midway**

Lt. Jim Corder, representing Sheriff Morris Young, reported that the City of Midway had approached the Sheriff's Department about providing full time law enforcement coverage around the clock for the City of Midway. He presented the proposal for their information. He called attention to the fact that Midway would pay for the service. The projected cost is \$325,000. Midway has presently budgeted only \$157,000, but they did commit to pay the additional monies through other city earnings.

**CONSENT AGENDA**

Item 8 was pulled for discussion by Commissioner Croley.

**UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0, BY VOICE VOTE TO APPROVE THE REMAINDER OF THE CONSENT AGENDA.**

- 4-A.** Approval of Minutes      July 13, 2010 Budget Workshop  
   August 26, 2010 Budget Workshop  
   September 7, 2010 Regular Meeting and 1<sup>st</sup> Budget Hearing  
   September 21, 2010, Regular Meeting and 2<sup>nd</sup> Budget Hearing
  
- 5.**      Ratification of the Approval to Pay Count Bills  
                                 Accounts Payables Dated:      November 5, 2010  
   November 12, 2010  
  
                                 Payroll Dated:                                   November 4, 2010
  
- 6.**      Approval of Commissioner Holt's Travel to the Florida Association of Counties' 2010 Legislative

Conference – Amelia Island, FL on November 17-19, 2010 – Cost Approximately \$750

- 7.** Approval and Signatures for Satisfaction of Special Assessment Liens - State Housing Initiative Partnership (SHIP) and Board of County Commissioner Emergency Repair Program (BOCC/ER)  
Gloria Thomas – BOCC/ER  
Lue Sutton – SHIP  
Louise Goulds - BOCC/ER  
Barbara Kyles –BOCC/ER  
Vera Griffin – BOCC/ER  
Morze Jackson – BOCC/ER  
Marquerite Miller BOCC/ER  
Isabelle Miller – BOCC-ER

- 8.** ~~Approval of Service Agreement with Mowery Elevator Company for Elevators in County Buildings~~  
~~———— Courthouse — \$125 per month~~  
~~———— Edward J. Butler Bldg — \$129.14 per month~~  
~~———— Woodham Justice Center — \$125.00 per month~~  
~~———— Guy A. Race Building — \$68.53 per month~~

This item was pulled for discussion below.

- 9.** Approval of Contract between Cardno TBE and Gadsden County Board of County Commissioners for Environmental Consulting Services

**CONSENT ITEMS PULLED FOR DISCUSSION**

**Approval of Service Agreement with Mowery Elevator Company for Elevators in County Buildings**

Courthouse - \$125 per month  
Edward J. Butler Bldg - \$129.14 per month  
Woodham Justice Center - \$125.00 per month  
Guy A. Race Building - \$68.53 per month

Building Official Clyde Collins explained that the contracts are self renewing contracts and were previously approved. However, there was no contracts on file which included dates or the Chairman's signature on them. They had been signed by staff.

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE CONTRACTS WITH MOWERY ELEVATOR.**

**CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS**

There were no requests from the public to speak on any item.

**PUBLIC HEARINGS**

**10. Public Hearing – Amendment of Ordinance Number 88-009 to Include Additional Areas of Nuisance Abatement**

Chair Taylor announced a public hearing and invited public participation at the appropriate time.

Attorney Glazer:

The ordinance that Gadsden County has had for many years had simply omitted one of the categories that is authorized under the Statute. Currently, the ordinance, as written, covers the ability to abate nuisances for prostitution, drug, and criminal street gang activity. The Statute also provides for abatement of stolen property. So, the bulk of this amendment is to add the phrase “Stolen Property” wherever we see the phrase, “prostitution, drug, and criminal street gang activity.”

The second part of the amendment is also to conform it to the Statute and that is to provide the County and its board associated with this nuisance activity to help control the nuisance activity to provide it some teeth, if you will. To give it the authority to impose fines and other sanctions. Again, all of this is laid out specifically in State Statute and Gadsden County has the option. Frankly, it already has the ordinance. This is to just make it more conforming to the State Statute.

That is the purpose of the ordinance. I would point out and ask for a motion at the appropriate time, where we added in the phrase “Stolen Property,” we thought we had caught all of them. But, there were a couple of other places where we actually need to add that. So, I would ask for a motion at the appropriate time to conform the ordinance to add the phrase “Stolen Property” at all of the appropriate places. I have actually provided the board secretary with the final version for your signature assuming that is adopted. That is all of my report, but I will be happy to answer any questions.

Taylor:

At this time, you have now been given a definition of Item 10. I will appeal once more to the public if you want to come forward and make comments on this at this time. If not, I will hear from my commissioners.

Commissioners?

Commissioner Holt?

Holt:

Thank you. So, it is my understanding that this is intended to set up a board to look at these items and these items, you are saying are prostitution related, drug related, stolen property related nuisances and criminal gang activity.

Glazer:

Commissioner, you actually already have the authority for the board. It is only to add in “Stolen

Property” and also to provide some specific sanctions. Actually, you raised a very good point. Let me make it clear. These are not criminal sanctions. These are all civil sanctions that the county could impose.

Holt:

So, you are taking out this term “Criminal gang?”

Glazer:

No, no. Criminal gang activity can still be declared to be a nuisance. But, the county cannot impose criminal penalties. In other words, we can’t send somebody to jail. But, we could impose a fine and other things that are recognized by the Statute.

Holt:

Right. My concern with this is to set up a board that looks at criminal activity – I am not in favor of it because I think that puts those people as targets of the people that are committing the crimes. You are saying that we don’t have the ability to enforce any type of criminal – What did you say?

Glazer:

You cannot impose criminal penalties, but you could impose fines.

Holt:

Criminal penalties, but - if someone comes in that door and says, “I think Mr. Williams over here has prostitution going on at his house.” That is a criminal act and that should be referred to the Law Enforcement. It should not be handled by a board. Once you know about it, remember, anyone you appoint to that board is an extension of this board. If they know of any activity, it makes them liable and it make you liable. It must be reported to Law Enforcement. So, how are you going to investigate something that when people have been accused of a crime, once they have been accused of a crime, with you being elected and those boards being appointed by you, you must call Law Enforcement. You can’t just sit here and say, “I am going to investigate.” I had a problem with it when I kept reading over it. What are they going to investigate? Once there is an accusation made, you must turn it over to Law Enforcement. Now, that is one thing that I really have a problem with this. And you are making that board member a target. If you put five people on a board and someone comes in here and says, “Yeah, Yeah, I am going to get you because you said or You did.” Your car is parked out the door or you are down the street. You are putting a target on that person’s back. They are not licensed in law enforcement. I think we should let them handle that. That is my main concern here. I don’t care what Statutes say. I am not willing to put anyone in that seat.

Also, that is one thing. The other thing is what triggers an investigation? Do I call and say, “I don’t like Ms. Dupont. Ms. Dupont has this going on on her property.” Is that what the board is going to look at?

Glazer:

I can answer that directly. The rule already provides. This is not new. The ordinance currently provides that basically anyone can file a complaint. The ordinance already provides, and this will not change, that the board must conduct a hearing so that there is still a process that will have to



be undertaken before any sort of fine or other penalty could be imposed.

Holt:

Madam Chairman, I am not asking, I am not saying what the law says. The law says that you can run for president. That is not the point. The point is when something is reported as a crime – I am going to assume that you are not saying that they are doing prostitution cause they wanted to just walk down the street. So, prostitution – is it a crime? If it is, then why are we stepping up into the area of law enforcement. It is not whether we can establish this board or not. I am not questioning that. The law says you can do it. But, what I am saying is that at a certain point, you have to pick up the phone and say, “Police Chief, Sheriff, somebody – we need this investigated.” Not citizens. That puts them in jeopardy.

Taylor:

Thank you, Commissioner Holt.

Are there any other comments?

Croley:

Yes.

Taylor:

Commissioner Croley.

Croley:

I am afraid that Commissioner Holt may not fully understand the purpose of this ordinance and the State Statutes. If the tax payers are sending a deputy or deputies to the same piece of property repeatedly and it is incurring an increased cost due to gang activity or crack house or some other illegal activity that meets the specifications under the statute, then it is costing the Sheriff’s office a great deal more money and taking money away from their budget. This board is empowered to close the property down and , for instance, take away their licenses to operate. They are able to bring a civil action to the county judge to stop that type criminal behavior in that neighborhood. That is good for the citizens and adjoining property owners and good for the Law Enforcement. Then they can spend their time on other matters. Many people, in particular in certain segments of this community, older people are harassed. They have their property stolen and they have these gang activities going on in their neighborhoods. And, if this ordinance will help stop that criminal activity, it is a good thing for the citizens. And, that is the purpose of it.

Now, have I misstated that, Mr. Attorney?

Glazer:

I will let you decide the value judgment, but you have accurately described the purpose behind it.

Croley:

No, I was talking about the description of it.

Glazer:

Yes, the description is accurate.

Croley:

Did I describe it correctly? That is what I am asking.

Glazer:

Yes. Yes.

Holt:

He may have answered what I am talking about. What is the trigger? Is the trigger this report from the Sheriff's department and Law Enforcement? Are those the triggers we are looking at?

Glazer:

The trigger is the complaint. Now, there is nothing that would stop or in any way limit the Sheriff's Department from also investigating activity. I will give you an example. Let's say that you had someone who was a property owner who is allowing certain activity to occur on his property. He may not be actively involved in that and, as such, may not have committed a crime. But, if that person is allowing their property to be used for that purpose, it could be subject to complaint. It could be heard by this board. It could be declared a nuisance and civil sanctions could be imposed on that person even though that person did not actually commit a crime.

Croley:

May I? But, the purpose of it is, Mr. Glazer, and I think you have confirmed, is that if the property owner is allowing criminal activity to go on on their property and they are doing nothing about it, this is a way in which it can be stopped in an effective manner for the welfare of the neighborhood. Then you don't have to keep sending back law enforcement over and over again to the same place.

Glazer:

It is another tool for the county. You are correct.

Croley:

Another tool for the county.

Taylor:

Commissioner Morgan?

Morgan:

Thank you, Madam Chair. I do have a few questions about this particular item. Other than the establishment of the board as the amendment reads, how is this much different from a neighborhood watch program within a municipality or neighborhood?

Glazer:

Neighborhood watch – it is probably in the ability to levy fines and sanctions. The neighborhood watch does not typically have that authority. But, it could serve a similar purpose. A neighborhood watch, for instance, could make a complaint.

Morgan:

But, in a lot of ways, they are similar – would you agree as far as the purpose for having them.

Glazer:

I think this takes it to the next level, but sure.

Morgan:

O.K.

Secondly, I didn't see the county administrator's recommendation. Do you have any comments on this item?

Williams:

Well, that was probably an oversight because I have been in favor of it all along. I see it, as it was mentioned, as an additional tool to shut down these kinds of operations that continue to exist.

Morgan:

I am looking under Section 5882. It talks about the organization and the membership and appointment terms and things like that of the board. Maybe this was an oversight, but I did not see where members of that board would be representing each district in the county. Is that in there? I don't know if the board would think that is something that might be needed. It may not be, but that is a comment that I have on that.

That is all I have, Madam Chair.

Taylor:

Commissioner Lamb?

Lamb:

No comment.

Taylor:

I have a couple of people in the audience with questions.

Unidentified Audience Member:

I do have a question, but you were speaking.

Taylor:

Oh, come forward and give us your full name and your current address, then you state your question.

Sylvia Brooks:

Sylvia Brooks, 234 Allen Ranch Lane in Havana, FL.

He said civil. Will this thing turn into taking of people's property? That is a question.

Taylor:

We will let the attorney answer that question for you.

Glazer:

If the board opts to impose a fine and the fine is not paid, then that could become a lien on the property. They county could attempt to enforce the lien. Now, it cannot though, there is a provision in the statute that does not allow the taking of a homestead. So, it wouldn't affect somebody's home, but if they had, for example, commercial property, if it was fined, they didn't pay it, there was a lien placed on it, then the county could take action. So, it is "yes" for some. It is "no" for others. Does that make sense?

Brooks:

Can I make a quick statement?

I have worked in law enforcement since I was 17 years old. I am here at the jail now. A lot of things are really, really hard to prove. I mean, it takes years for law enforcement to prove these things. You are thinking about appointing civilians to look at these things to find out whether you fine or not. It sounds like a lot of law suits to me, but that is just my opinion.

Taylor:

Come forward. Please state your full name and complete address.

Battles:

Good evening, Commissioners. My name is Arrie Battles and I live at 919 Harden Street. I am sitting there thinking about a board. We have a neighborhood watch and if I call Mr. Woods and say, "There is a meth lab down the street," they are going to come. But, then if you've got this board, you've got to go through this board in order to get to Major Woods to have something done in my community? These youngsters are going to turn and shoot that board cause they are dipping into their business in the first place, but why not try to activate a neighborhood watch again. When it first happened, Major Woods came out to all the communities and everybody was gung ho about neighbors watching neighbors houses and stuff, but it looks like we are setting up our citizens to get killed. These children are not afraid of Major Woods or nobody else. You know they are not afraid of us. The picture just doesn't look right. You all need to re-think about that one a little bit more and get some more enforcement - some more deputies for Major Woods so he can have a committee of Cops to do this extra activities that we have going on in the county.

Taylor:

Commissioner Holt, your last comment?

Holt:

Thank you. As I said, I am afraid that we are stepping over into law enforcement and we should be there. Now, I could see it if you said in your ordinance that you are going to have fines after they do their investigation. If that is an option to fine, that is one thing, but when you start talking about setting up a board that may have problems calling on certain people, but they call on others. See - if you have money, a lot of times, we don't ever see you in the papers because you are

smoking pot. We see you in the paper if you are poor and you are smoking pot or you are using Meth – because you are poor. But, there are wealthy drugs just as well and no one is calling on them. So, you have to look at this. I can see you putting fines into place, but I cannot see you setting up a board that somebody is going to report to because somebody is being vindictive. People do it all the time. They do it every day. I see it in the school system and I see it in law enforcement. So, you have to be careful about that.

Also, there is in here a fine of up to \$250 per day. Now, poor people are not going to be able to afford that. You say you have been doing it for going on a year and you establish fines not to exceed \$500 per day for public nuisance. Then you come down here and it says that, “It may become a lien on real property that is subject to the order...provide for foreclosure of the property.” So, this is a taking of property. This whole thing is not sound. I don’t think it is sound at all. As I said, you can pick certain parts of the law and say that they apply to this, that and the other and they may. You can pick certain parts of the Bible and say, “This is what it says.” But, I don’t think we should do this without a lot more input from the citizens.

Thank you.

Lamb:

Madam Chair, may I ask the attorney a question, please?

Taylor:

Sure.

Lamb:

Mr. Attorney, on the board, how is that board established?

Glazer:

The board is established by the county commission.

Lamb:

Can this program function without that board?

Glazer:

Not this program, no.

Lamb:

Can it be rearranged or can the ordinance be redone without establishing that board?

Glazer:

One of the underlying premises of this law is that there would be a board so that there could be hearings and an opportunity to have some due process. So, you haven’t handed the county administrator or any one person the ability to arbitrarily hand out fines. The purpose of the board is actually to, for lack of a better word, to screen these complaints to make sure that they are justified. So, under this particular Statute, I think it does contemplate some kind of a board to oversee and to levy these fines.

Lamb:  
Thank you.

Taylor:  
Yes, sir.

Croley:  
I am not going to say anything other than that this ordinance is already in the county. It is a part of the law of the county now. I think that all Ms. Minnis did was update the ordinance to comply with the Florida Statutes as they have been strengthened in the past several years to protect the public interest against gang criminal activity, crack houses, and other matters of that nature. It is not a law enforcement function. It is a civil action. It does not rise to the level of proof that law enforcement has to deal with. It is simply a tool that code enforcement or other or this board to abate this type activities. It is set in place to simply hold property owners responsible for allowing criminal activity to be an on-going problem on their property. It is a way for the county, on behalf of the citizens, to go and say, "You need to stop renting to certain type of people. You need to control your premises and control your property." That is all. It is not any more or less. Yes, you can fine up to \$250. But, no, you can't take anybody's houses if they are homestead properties as you pointed out. It is a pretty clear cut procedure. You see it working throughout the State of Florida and other places. I don't see all these angles that people are taking on it. That is just not the case.

Taylor:  
Let me ask Major Woods if you will come up. You have listened to the dialogue around this diocese. I am hearing good points on both parts. Obviously, you deal with continuous violations of the law. We all know that there are properties that are continuous. But, then you don't want to infringe either and implement a program that extends this board into an area where it doesn't have the expertise or we find ourselves possibly liable. So, again, very good points made on both sides of this issue. But, you being in law enforcement, where are you?

Major Woods:  
First of all, Sean Woods, District 3, Chattahoochee. I want to get that in.

Taylor:  
You need to give me your current address, Mr. Woods.

Woods:  
Everybody wants that one. (Note: This address was not transcribed deliberately by the recording secretary Major Woods is a sworn officer and it is the practice of the Clerk's office not to disclose the addresses of law enforcement officials.)

No offense to the attorney, but it would help to say this in layman's term as to what this does. This is a multi faceted type program. I can tell you that all over the State of Florida, not many counties do it. Some counties do it very well. Each one of them has their own angle that they use to address this thing. Now, you have some counties like Nassau County, where it is very active.

They have a board that is appointed. Each of the commissioner appoint an individual to be on the board. They select the chairman, vice-chairman. It is very similar to what we have here. When they do that, the citizens have the right or the right not to come before them to make a complaint. That board has the opportunity at that time to say this may be an ongoing investigation that has not been solved and refer them to law enforcement.

The second part of it is that Code Enforcement has the authority to come before this same board and give complaints. It also give law enforcement the ability to come before the board to give complaints. It is multi-faceted. Some counties will deal with more with looking at businesses that sell to underage people who continually violate the law and who have drug activity. Every county has its own way of looking at how they do it. You would have that opportunity to do it a little different.

The bad part is kind of like Commissioner Holt said. Being in law enforcement, I realize that not everybody is going to like me for what I do. But, I chose to do that. So, I have a different prospective than what a lot of other people would have in doing this.

For or against it – it is statutory. Basically, from what I read, the ordinance is almost straight out of the Statute.

Glazer:  
Yes, sir.

Woods:  
So, it is just a matter of whether you want to do it or not. For us, as a position, what we are going to do is whatever the board would like for us to do on it. We will co-participate or do like a lot of the counties and just have the ordinance and never do it.

Taylor:  
Your point is exact. It has laid dormant for years. It had no teeth. I think it is still a work in progress. I don't think we are at the point where we are ready to implement. There are some extenuations that I am hearing. One in particular is that this board does not select the board – I think you said that.

Glazer:  
No, they do. This board does select the members.

Taylor:  
The only problem that I have is with the assessment of fines and the levy on properties. I am just a little uncomfortable moving forward. There are some issues that I think we need to go back and redefine. I do agree that something needs to be done to stop this continuous activities in certain areas, but I don't know if we are ready to go forward on this particular ordinance. So, I will hear from my other commissioners. Where are we? Are we ready to move on it? I am listening.

Morgan:  
Madam Chair, just a quick question if I may.

Taylor:  
Sure.

Morgan:  
Major Woods, thanks for coming here. We appreciate your comments. Straight forward question. Will this help you in your business or hurt you in your business?

Woods:  
Both. That would be politically correct.

Morgan:  
It is hard to give a straight answer.

Woods:  
It is. The problem is that I can see some ways that if we have a business that is continually doing things that are not right – selling tobacco and different things that would fall into the drug category of this ordinance, it would help to run them out of business. That is what a lot of counties do. They face it to places that become multiple problems. Just as an example – If you go to one house and serve a search warrant – I have done houses that I have done several search warrants on in the last four years. Now, something like that would absolutely fall into the category.

On the other hand, I saw where Ms. Minnis said the fiscal impact would be none. But, there would be because I have got to have somebody to do it. I've got to take somebody from somewhere else and have them start doing this. So, there is. It is one of those things that right now, it will be hard to find somebody to do it. But, if it is what you chose, then that is what we are going to do.

Morgan:  
Have you spoken directly with the Sheriff about this and what are his thoughts?

Woods:  
We are on the same page. The main thing that he wanted us to do is that as we looked at this, see how it is working in other counties. Basically what we found out was that everybody does it kind of different. There is no set way as to how they enforce the Statute. It really gears toward how the board gives direction and what they want to look for. I haven't had a chance to read what they have set up in their organizations as to the direction and the foresight of what they are wanting to look for in this board. But, there are some out there that work very well.

Glazer:  
May I ask him a question?

Taylor:  
Sure.

Glazer:



Major Wood, when you have looked at these other counties, do any of them have law enforcement people who are appointed to that board?

Woods:

What we found is that it becomes a partnership with law enforcement. Now some code enforcement in South Florida are actually law enforcement. But, what you have in several counties, code enforcement and law enforcement work simultaneously. We have done a lot of that. When these guys go out to nuisance calls, not all these people are desirable. They don't have a gun, so we sent somebody out there with them to make sure that they come back. In saying that, yes we do.

It is much different than the Neighborhood Watch Program. I think that is where we are getting confused. We have been teaching the Watchful Neighbor, but now when the neighbor is gone, they are going in and taking what the neighbor has got, so we are trying to change that a little bit.

Holt:

I have a question and I fully agree with you. I don't really disagree with the things that Commissioner Croley is saying. I am concerned about the process. But, what I wanted to say is if it is already an ordinance, can they already fine them, Mr. Attorney?

Glazer:

The problem is that the ordinance currently doesn't adopt a fine structure. So, what we are doing is incorporate the fine. We are doing two main things. We are adding "Stolen Property" as a category and we are incorporating the fine structure that is in the Statute into the Ordinance. It is not there now.

Holt:

Right. So what we need to look at, I think, Madam Chairman, is look at this process and see if we can come up with one that works.

Mr. Attorney, you asked the question that I was about to ask also. If Law Enforcement is on the board, it may make a bit a difference, but I am not so much concerned about that as I am concerned about what triggers the process.

Woods:

I think that some of them use the word "Habitual" and that is where they get into thing – let's just say from my understanding in layman's terms, if I come to your house and I catch you selling crack cocaine, for instance, that is just not the time that you can go and put this on the individual. What this thing is geared for is "habitual." That is when I am going to that house two or three times. That is where you gear in at. Not just what the Statute says, but how you impose it and what you see as being "habitual."

Holt:

Well, see Commissioners, that is why I am saying, "the trigger." They know where they are going. They know if they have been there four or five times. So, that is what I am saying. If that is the trigger, law enforcement knows where these areas are and then we can look at referral from

them. But I would hate to think that someone could pick up the phone and say, "I don't like Mr. McMillan. Ya'll need to check his house out, or get someone else to say some things about Mr. McMillan that may not be true."

McMillan:  
They have.

Holt:  
They have. I was probably one of them. (laughter)

Taylor:  
Just a summation of everything. Listening to Major Woods, there are several different counties that have implemented and just as many have not. But, they each vary. I think we might tailor make something for this county. Don't we have an ordinance on the books? I think maybe this is the time when the Sheriff should get with the attorney and see if we can come up with an ordinance that can move us forward – one that we can put some teeth in. But, as Commissioner Holt has said, keep this board out of reach of it. We are going to need law enforcement in on this to make it better defined. If that is amenable at this time.

Glazer:  
Madam Chair, I hear what you are saying and I think those are all great goals. Here is the problem. What we are doing is – in order to get started, you have to have a process that complies with State Law. You have already done that to a large extent by incorporating the State Law into your ordinance. We are completing that process. The next step would then be to have a board define how it is going to operate in the real world. But, we are limited in the ordinance to that which is in the Statute. You can then refine it once you have it in place, but we cannot write an ordinance that is contrary to the Statute. You could decide, for example, there was a fine in here for \$250 for first time nuisance. Up to \$250. I suppose, if you wanted to, you could limit that to \$100. You could not go above it, but you could go below. So if you wanted, for lack of a better work, tweak it in those ways, you could. But, what we have done here – and again, I am not passing judgment, I am just trying to give you advice – is simply conform your ordinance to the State Statute. Then you can decide through the appointment of a board how to implement it.

Taylor:  
I follow you. I follow you exactly. Thank you for the clarity. This is a State Statute and because of it, we have to implement it.

Glazer:  
You don't have to implement it. But, if you chose to, you have to do it in conformance to the Statute. Then you can have discretion within the board.

Taylor:  
I follow you. So, the contents of this ordinance came from the State Statute?

Glazer:  
Yes, Ma'am.

Taylor:  
O.K.

Holt:  
May I, Madam Chairman?

Taylor:  
So then, we could "x" out what the fines are. What you are saying, Mr. Attorney, is that we are going to move ahead on this then tweak it later. What I am saying is that there is a problem with the process. The State Statute is the State Statute. The Ordinance must always follow State Statute. I am not questioning that. I am questioning the fact that you have these fines in here and there is no trigger in this ordinance anywhere that says who does the reporting, how is that done. This has to be tweaked before you set up the board. As I said before, if you set the board up, who is on the board? Those people, if they are not in law enforcement and they are sitting up here placing judgment of other people, that makes this board liable even if they are sued, we could be sued because we are liable. We have enough law suits floating around right now.

Taylor:  
Alright, let's go ahead and move on this item. I will ask for a commissioner to offer up a motion.

Holt:  
I move that we deny the ordinance.

Taylor:  
There is a motion on the floor. Is there a second.

Lamb:  
Second.

Taylor:  
There is a motion and a second. Are there any questions?

Croley:  
I have a question. What happens to the ordinance that is on the books now?

Glazer:  
Nothing.

Taylor:  
There is a motion and a second, are there any other questions?

All in favor of the motion, let it be known by saying, "Aye."

Holt:  
Aye.

Lamb:  
Aye.

Taylor:  
Aye.

All opposed?

Croley:  
No.

Morgan:  
No.

Taylor:  
That is 3 – 2 that it does not pass.

Straughn:  
The motion was to deny.

Taylor:  
Yes.

Glazer:  
The motion to deny passed by a vote of 3 – 2.

Taylor:  
Yes, the motion that was on the floor by Commissioner Holt passed. The vote was 3 – 2 to deny this ordinance going forward in its present state.

Thank you.

You all work with me now.

Lamb:  
Madam Chairman, if he gets that ordinance and goes back and works on it and look at some of the things that we talked about here tonight, then he can bring it back to us?

Taylor:  
Right, I so said a few minutes ago with the assistance of the law enforcement officers -to protect this board. I said so a few minutes ago. Yes. I concur, sir.

Lamb:  
O.K.

Glazer:

I am not sure that I have good direction, but I will take a stab at it.

Taylor:

Go ahead.

Glazer:

Let us work with it. I will talk to Major Wood, talk to him about what he has seen in some other places and we will come back with a discussion item, not a public hearing, but as a discussion item.

Taylor:

That is a great idea. It looks like to me that it is the fine and the process of implementing this. That is the areas that you need to concentrate on. It looks like two major areas.

Mr. Administrator, Item 11?

**11. Public Hearing – Approval to formally Consider Further Processing of the Allen Ranch Road Petition**

Williams:

Item 11 is your second public hearing. It concerns the Allen Ranch Road Petition which has been discussed by this board before. We are trying to follow the procedure. We have received a petition from Ms. Brooks. As I understand the process from our attorney, the next step is to have a public hearing to decide whether or not you want to further pursue this process. This is your two-thirds, one-third funding mechanism.

Taylor:

I am familiar with it. Again, ladies and gentlemen, this is a public hearing. At this time, if there is anyone who wishes to speak on this item, you may do so.

Mr. Chapman.

Chapman:

Simply, this item is asking the board to consider a public hearing to formally process the petition that has been submitted on behalf of the residents of Allen Ranch Road for the Two-thirds/One-third program. The county attorney, Ms. Deborah Minnis, and I have spoken on this. She advised and helped craft the language on this item, so I would defer any technical questions regarding this ordinance and the mechanism therein to the county attorney's office for further detail. They have already rendered a legal opinion to this matter. However, it is up to the board to make a decision tonight as to whether we further formally process this petition or not.

Taylor:

Thank you.

Commissioners, it is open for discussion.

Lamb:

Madam Chairman, this particular item has been before us before and I don't know. I know it is a public hearing and you want to hear from them if they want to say something, but I am in favor of this process going forward.

Taylor:

Thank you, sir. Are there any other comments?

Commissioner Holt?

Holt:

Where is Ranch Road?

Lamb:

Down by – on the glade.

Holt:

It has been a while since I have been here, so I just wanted to know.

Croley:

Point of order. This is a public hearing, you are supposed to hear from the public first, aren't you?

Taylor:

I have asked for public input. We have already come to that point.

Croley:

O.K. I was just asking.

Holt:

What I wanted to know is that I know that at a particular time, Ms. Minnis was rendering an opinion on whether one-third/two-thirds was legal. She was questioning that and she was supposed to bring back an opinion. That was a while ago. So, I just want to make sure that I am updated on that a little bit on that. Right quick. It doesn't take but a minute.

Glazer:

This is a multi-step process. If you opt to go forward tonight, then you would approve this petition. There are still multiple steps that have to happen. It will come back before the board. Those steps will include things like determining whether there is adequate property on either side of the road. You have to secure that property.

Holt:

I was going to say right quick, I found the one-third/two-thirds a few years ago, so I know the process. What I am saying is – her legal opinion at one time was – well, she was questioning whether it was legal to do that. I said that if we set up NPOs and MBOs, and have a special taxing district where it will only tax the people in that district, I think that is what the question was at that

time. The one-third/two-thirds was already doing that. I just missed her opinion when I retired. That is all.

Glazer:

Let me try and answer your question. If you follow this process, we believe it to be legal.

Holt:

Thank you.

Taylor:

Commissioner Croley, there are some public opinions.

You may come up at this time. Please state your entire name as well as your current address.

Jeff Rawlins:

Good evening, Commissioners. My name is Jeff Rawlins. I have a residence at 14 Allen Ranch Lane. My wife as well. I am a little disenchanted and I will tell you why. I know this is a public hearing to try and determine your intent. I am just finding out about this, personally. I have a residence and my land is right against the roadway. I am just finding out that people interested in paving it – no one called me. No one came by my house and my name is not on this list as far as interest of it. I have some concerns, quite naturally. My house sits near the road. I am not sure about the 60 ft. that I have heard about that exists. I know you are not here to determine that at this point or not. But, if the road is considered for paving, I have some concerns because I rent. I was living there at one time. If that road is paved, it is real close to the house. I have a person who is in there now that has kids. When you have a paved road, people have a tendency to drive a lot faster. I have a concern also about who is going to pay for the road? More of my property is going to be taken up. The road has been scraped. The road was scraped and no one talked to me about scrapping it and it seems like they have taken some of my property. I am trying to be a good neighbor. The people – they've got good folks there. Good neighbors there. There are some that are more friendly than others like any other neighborhood. But, I have some concerns. Will some of my property going to be taken up? Will this 60 ft. impact that? Who is going to pay for this? How much is this going to cost? I am in the blind. I don't know anything about what is going on and I would like some clarity. I don't know if you can provide that tonight or not, but who will this impact? If there is a cost, and if I am against it and don't want to pay, you know, I've got kids. I would rather pay for my kids college education than to pay for a road if I am going to be impacted. I have some real concerns about what is entailed in this process. No one has told me anything.

Taylor:

I have one person behind you and then we are going to see if we can clarify some issues. Let me hear from this other person.

Please state your current address as well as your full name.

Brooks:

Yes, ma'am. I am Sylvia Brooks. Again, 234 Allen Ranch Lane in Havana.

To clarify some things for them. They do rent that house, they don't live in that house. We did, myself and two of the other residents, we contacted everyone. Her father lives across from her. He has two plots. We talked to him and he did not want to sign. We talked to every resident on that road. We also gave them copies of the figures as to how much it would cost. We walked around and we acquired 2/3 of the signatures. We also, according to Public Works or Road and Bridge, we have already established the 20 ft. that we need. We have met those requirements. That is without taking up any of their property. But, with the 2/3, everyone would have to pay. There are three of us, I have two plots, Ms. Walker, she has two. Some of the signatures that you have - the only way we can get to our property is by that road. We were told by Mr. Williams office that we couldn't be assessed unless our property actually touched the road. But, we are willing to pay twice or whatever we have to do. We have to drive up and down that road everyday. When we got it graded, we all chipped in and we paid for it. As soon as it rains, it is a mess. We have gotten stuck in ditches. Like I say, we run up and down that road every day. People are going to drive up and down the road whether it is dirt or paving. The speed - that is up to law enforcement. Once again, we can report it if people are riding up and down the road too fast. We can do it now, too.

We have worked hard at this. Most of us have lived there more than 20 years. Most of us. We pay our taxes, we have done what we are supposed to do. The board, if you put this money forth for us, we have five years to pay you back your part. You are going to gain in that way. Plus, our property taxes will increase because our property value will increase. I think, overall, for the ones of us that live there - they are the only ones with a rental home on that street. All of the rest of us live on that road and we have to go back and forth. It is going to benefit us in the end. I am sorry that the people that did not sign the petition will still have to pay, but if you look at it, the way I figured it out - if we utilize everyone there, you are looking at having to put back roughly about \$50 per month. We are looking at about \$700 additional charge on our taxes a year at most. For that and having a paved road where we don't run into ditches and get people to come and scrape and not being able to get out sometimes when we have a really, really hard rain. Like I said, I work at the jail. I have to get to work. If I have to walk, I have to get to work. We've got someone who works at TMH. We all have jobs, critical jobs and we have to get to work. That road causes a lot of us a lot of problems.

Taylor:

Yes, ma'am. Please come and state your full name as well as your current address.

Rawlins:

My name is Jennifer Rawlins and my husband is Jeffrey Rawlins. We own property at 14 Allen Ranch Road in Havana. I have been here. I have been riding around in Quincy since 5:15. I went to the meeting over here across from the fire department. Is it Attorney Jack McLean? He sent me, he and another guy and a young lady - they are having a meeting there, and that is how we ended up here late - they sent us to Flying J across the street saying that there was some meeting over there. I had my father with me who lives right across the road from me - that she is talking about. He was going to be here, but my father is almost 70 years old. His neighbor that lives behind him - they are on a fixed income. He brought him with him also. He is on a fixed income. Both their wives are deceased. They came to the meeting, but it was so late because we were riding from here and there trying to find out where the meeting was. That is why we are here late



and that is why they are not here to speak. But, my father has been communicating with them. But, there has been another issue going on also with some of the residents and that road. My brother is in trucking and been dealing with that – parking the trucks on the road and so forth. I am not even going to get into that issue because we could be here all night dealing with it. That is why things are being said – that we wasn't agreeing. As a matter of fact, we didn't even know about this meeting tonight until my father told us about it. He got his letter certified. I have a P.O. Box. Even though we have rental property, my husband and I, I kept a P.O. Box here in Havana so that I can know about everything dealing with that property. If they had really wanted to get in contact with me – I am there. I go see my father all the time. I am there. I haven't changed my car in several years. I still drive that same car. So, if somebody really wanted to talk to me and tell me what is happening, then I was there. I was there to find out what was happening. I have pictures of the road – if it is so bad, I mean, that road is not as bad as every body says it is. I mean, I took pictures of it. There is no flooding on that road. There is no flooding there. There is water there. It's not over - I'll bet you that there are not 12 homes on that road. It is not even 12 homes. Most of them are senior citizens or unemployed. The ones that you are seeing are mostly workers and they are back there.

Like I said, I have rental property there. I am willing to participate. My daddy helped pay for scrapping that road also. He is not here because he got frustrated because we were shipped every where in Quincy, but we refuse to give up. That is why we are here.

Taylor:  
Thank you, Ms. Rawlings.

O think I have one other.

Williams:  
I promise I will take only 3- seconds. My name is Eugene Williams. I live at 148 Allen Ranch Lane, Havana. I have been coming here and I just want to clarify something that is not true and then I am going to be out of your way. I called this lady on the phone, notified her and she was out of town with the church. She talked to me and I told her what we were doing. When I couldn't get here or she wouldn't call me back, I went to her father. Her father told me out of his own mouth that they wouldn't get on the program, but he would be willing to pay cash. That is what he told me out of his mouth. I am the one that was having the problems with the truck. What I want to say is that everybody on that road was notified.

Mr. Williams, right there, when he came out to assess the road, her brother came up and talked very nasty to us. I just want to clarify that everybody was notified. I have been very nice about it. I have to pay the taxes on the road. I brought pictures and showed everybody. O.K. Nobody has been left out. We are not trying to cause a commotion here. But, we did notify everybody.

Taylor:  
Thank you very much, sir.

Lamb:  
Madam chairman, before you hear anymore, they might need to be brought up to date by the

attorney on exactly what can be done and what cannot be done. I think that could clarify in their minds about the 2/3 of the people. You know, everybody doesn't have to sign. He needs to explain all of that to us now.

Taylor:

Once we finish with the public hearing part, I was going to do exactly that. I was going to do exactly that so that we would all have a clear definition so that the Rawlins will understand what the law says. Just as soon as we finish with the public hearing.

Yes, sir. Thank you. Yes, sir.

O.k. This will be the last one, I think. Go ahead, sir. Will you please give us your full name and your current address.

Gurley:

Clinton Gurley, 204 Allen Ranch Lane. I stand just to say that I didn't come to argue, fuss or nothing like, but I stay on the latter end of 204 Allen Ranch. When it rains, when we had the road scraped and when we get a hard rain, you cannot get out of that road. Our road is bad. You don't do no slip and slide. I actually got stuck with my truck trying to get out of my yard. Like I say, we do pay taxes on that land and I am sorry that the Rawlins didn't get contacted. My wife did tell me that she called me, but during all the stuff that was going on last with me being on jury duty for four days last week, I didn't contact her back. I am sorry for that, Sister Rawlins and Brother Rawlins. But, that road does need to have something done. We pay our money and we have paid over and over and over going to Public Works, paying the \$90, or whatever it takes to scrape the road and we have tried to maintain the road so we will be able to get out.

Taylor:

Thank you.

As suggested by Commissioner Lamb, we want you to understand - the question that you asked, Mr. Rawlins about how the process works - so you will be a little bit more informed as to what we have done up to this point. So, I am going to yield to the attorney.

Glazer:

Commissioners, you have basically have three options. Option 1, of course, is to do nothing. You can reject the petition and you are done.

Option 2 is that the residents of the road can file a petition to start a process. It does not require 100% of the people on the road to start it. So, we are in that process tonight where it takes 2/3 of the owners of 2/3 of the property. So, they gathered enough signatures to start that process. If that process moves forward tonight, there are several other steps in the process. That will include that the county will have to obtain not just the 20 ft. for the road, but a total of 60 ft. for the right-of-way and that will have to come from the owners. That is another whole thing and I don't want to confuse the issue. Then, if that is done, then the county will have the option of accepting that property then moving forward with the - it essentially becomes the county's road. The county will then take care of it. Although it can assess 2/3 of the cost to the property owners. That will be

100% of the property owners. So, that , in a nutshell, is Option 2. That is what we are here on at the moment.

Option 3 - one more second – Option 3 is that essentially, the residents of the road can, for lack of a better word, they can hire the county to take care of it and pay the county 100% of the costs. Just use the county for the purpose of doing that. Now, we are not on that option this evening. We are on the second option where the 2/3 of the residents have asked about a process that will ultimately result in it becoming a county road.

I hope that helps.

Taylor:  
Yes, sir?

Rawlins:

That was some of my concern. Like I say, we were not notified and we did not know anything about. Like I said, he called when my wife was in church, but that is not talking to us. Calling and explaining and giving us this information. That is my concern. Our property stretches for probably an acre plus going down that road. We are the ones – if it has to be taken – it sounds like that you are telling me the road has to be 60 ft., if I heard what you are saying correctly – our property is the one that is really impacted more because you will probably need some of our property to utilize for the right-of-way drainage and what not for the road. That is where my concern is as well. Our taxes are going to increase, you are going to take some of my property and we are impacted and we are the ones being impacted the most. So, you know, I have no problem with seeing a good road. I would love for everyone to have a good road to drive. I would not want to be inflicted like that, but that is my concern. How does – it just seems really unfair to us. I was just wondering is there a way that we would not be impacted like that. Or, will we be impacted like that if that process goes forward?

Taylor:

Let me do this. Let me say this. Obviously, you need some time to get a little bit more understanding. I think the young lady came up a minute ago and indicated that your property will not be impacted at all. But you have not seen this in writing. This is just something that someone has said in a regular meeting. So, I am going to yield to my commissioners at this time for discussion. We won't have any more public input right now.

Rawlins:

If it is not impacted, I really wouldn't have a major problem, to be honest with you, but according to this picture and according to what they have already scraped on the road, they have already impacted my property. They are scraping part of my property. I didn't say anything. I am a Christian man trying to be neighborly. It is dirt. When I die, I can't take it with me, but I don't want to keep having my property taken away from me. Parts of it is questionable. A few years ago they said there were nine planets in the solar system. Now they are saying there are eight planets. That was reported and that is in writing. I don't know. You are saying that I may not be impacted, but I don't know.

Taylor:

I appreciate that analysis. One day they say it is one thing and the next day they say another. I can appreciate that. But the law clearly states that once 2/3 of the people on that road has signed an agreement, then this county has to come to some point and entertain the request and then move forward. Now, that is the law. That means that it can move forward with or without your approval. Obviously, we would rather see all parties involved on the same page.

Mr. Attorney, given the consideration that a significant portion of Mr. Rawlins land will be impacted, the 2/3 rule still supersedes the fact that he may have more land that may be impacted from the building of this road.

Glazer:

My understanding from Mr. Chapman, and correct me if I am wrong, the county did verify that 2/3 of the owners and 2/3 of the property signed the petition.

Chapman:

Yes, that is correct. I believe it was a petition that was a petition that was submitted to the county administrator's office. The county administrator's staff did verify it.

Glazer:

Once it has been verified, then we are properly here tonight. You can decide what you want to do with it, but we are properly here.

Brooks:

I just want to say one thing, ma'am. According to Mr. Clifford Schneft at Public Works, we have all the right of way and everything that we need without any resident needing to donate anything. We have it already according to – that is where our estimate came from, his office. We have everything we need without any resident needing to donate any property. So, we will not be going onto his property for anything. That is according to his office.

Taylor:

Alright, thank you.

Are you ready to move?

Lamb:

Yeah.

Taylor:

I have two comments, then I am ready to do the same thing, sir.

Morgan:

Thank you Madam Chair. First of all, I want to say to your neighborhood that you should be commended on how you are proceeding with a very important issue where you live. I know that Ms. Brooks and Mr. Williams have been here a number of times and they have made every effort to go through this process in the correct way. I would like to commend you on that.

At the same time, I appreciate Mr. and Mrs. Rawlins' concern. If it was my property and I thought some of it was about to be taken away, I would obviously be up here and I would want to be involved in that decision. The good news here is that there has been communication and I think we may be able to resolve this with some further communication among yourselves and then approach us.

I appreciate the attorney's comments in explaining this process. This is just the first step toward moving the ball up the field while we are here tonight. Am I correct, Mr. Attorney, if we go ahead and choose to move forward with this step, if we can't come to agreement, further down the road we can stop and back up? Am I correct or is that incorrect?

Glazer:

No, you are correct.

Morgan:

That being said, I think further clarification and communication might help this process where we can reach an agreement from all angles. So, that was my only comment, Madam Chair.

Taylor:

Very good, very good.

Commissioner Holt?

Holt:

Yes. We must always say leave it up to the surveyors when it comes to footage. We can't stop the process and you are correct. I know we looked at another project once and it did not go through, but it was because they thought they had the 2/3 and they didn't have the number of signatures they wanted. But, the reason that I wanted to make a comment is because you can set up an NPO or NBO, but you can set up a process where everyone that uses that road can be taxed. So, it is not just those properties that abut the road. As the young lady was saying, they are not facing the road, they are back from the road, but they are willing to pay. That happens with a lot of property owners. They are saying, "I am not on the road, but I am willing to pay," but we couldn't get the 2/3 of the signatures from the ones that were on the road. So, that is an option to look at. When the young lady and that gentleman were saying that there may not be able to pay. Maybe they don't make that much money or they may be elderly. To them \$50 per month may be a lot of money. But, there may be property owners behind them that are willing to go in and join that MPO and they will get in there and be willing to pay their part. That alleviates a big strain on any of them. These are all options can be looked at.

**I MOVE APPROVAL.**

**Croley:**

**I have a question before the motion.**

**Taylor:**

**There is a motion already put out there, sir.**

**There is a motion on the floor. Is there a second?**

**Lamb:  
Second.**

**Taylor:  
There is a motion and a second.**

**Your question, sir?**

Croley:  
I would like to ask Mr. Chapman a question, please.

Chapman:  
Madam Chair.

Taylor:  
Go ahead, sir.

Croley:  
Mr. Chapman, good evening. I want to compliment the folks that have been advocating this effort. I recognize and appreciate the concerns expressed by those who have reservations about it.

I notice in the legal analysis that was prepared by Ms. Minnis, the county attorney, on this subject. It specifies that you have to have 60 ft. of right-of-way. Is that correct? Am I misunderstanding that?

Chapman:  
In most cases that is correct and we would have to confirm. But, I do believe that is correct.

Croley:  
And that the minimum of 20 ft. of pavement and that can be given a variance by the director of Public Works, but the minimum right-of-way stands?

Chapman:  
Right. The purpose of the right-of-way is myriad. There are a lot of uses for that right-of-way.

Croley:  
And is the assessment of the paving costs including all the preparation and grading, drainage and all of those costs go into these projects. Is that correct?

Chapman:  
Right. The cost estimate that was delivered to the residents in question did include the construction costs. What is not taken into account as of yet is of the expenses incurred by hiring a

consultant to put the tax roll together, to do the formal assessments, etc. Those are unforeseen costs that we have not crossed that bridge at this time to get those quotes.

Croley:

So, what estimate have they got now?

Chapman:

They have the construction estimates, which includes the grading, the lime rock base, the paving, etc.

Croley:

How much is that?

Chapman:

I am not familiar enough with that to give you a number off the top of my head.

Williams:

I think it is \$52,000.

Brooks:

\$52,900 – right at \$53,000, sir.

Croley:

Alright. Let me go on with the other question.

Is the assessment made by linear feet of road frontage or is it by the number of parcels?

Chapman:

I would defer to the county attorney, if I am incorrect, but I believe that the assessment, once it is done to develop the tax roll is developed by linear footage of frontage upon the road.

Croley:

So, if you happened to have more than just a small lot on a road, you are going to pay a lot more money?

Chapman:

I believe so. It is per size of the lot and the linear footage on the frontage of the road.

Croley:

O.K. Then my final question. Do you have other petitions under this same program that were pending before this one came up?

Chapman:

This morning I had staff to reveal that there may be two, but they were not confirmed and that is something that I would have to research depending on your action tonight to make sure that we are dealing with the proper petition at the proper time.

Croley:  
O.K. Thank you.

**Taylor:**  
**There is a motion and a second to move forward with this item. Are there any other questions. (No response.) All in favor please make it be known by saying, "Aye."**

**Holt:**  
**Aye.**

**Morgan:**  
**Aye.**

**Lamb:**  
**Aye.**

**Taylor:**  
**Aye.**

**Opposed?**

**Croley:**  
**No.**

**Taylor:**  
**Make that 4 – 1 to move forward.**

#### **GENERAL BUSINESS**

**12. Approval of EMS Medical Director Contract with Dr. Jose Santana (Revised Material Provided )**

**UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE CONTRACT WITH DR. SANTANA .**

**13. Approval of Contract with Accounts Receivable Inc., Collections Agency for Bad and Outstanding Debt for EMS Services**

Don Crum addressed the board explaining that the award of this bid was brought to the board several weeks prior to this meeting. Some legal issues arose with the lowest bidder and they were ultimately disqualified because they were not licensed in the State of Florida. Accounts Receivables, Inc. was the next lowest bidder and he recommended that they be awarded the bid.

Holt:



We need to see who the other bidders are. They are not in here. If there were three bidders, we need to see what those three vendors bid. I understand what you said when you said you had to take one off. But, what I am saying, Mr. Manager is that we have to look at who the bidders are in any bid.

Taylor:

That is true. You are absolutely right, but let me share just a little history on this. They have gone through the process. I think the one we are looking at tonight is the one that was second. The first one didn't have a license to operate in the State of Florida. What we had to do was go through and make it legal so that we could move on to the second bidder. We have a very good one here. I know you have to take my word and that is pretty good in certain areas. But, if we could move on it, I can assure you that this is pretty good. I read the dossier on it. It is pretty straight forward. But, in the future, you are right. We should have all of them.

Holt:

I don't have any problem with it. There were only two bidders?

Crum:

No, there should have been a bid tabulation sheet . There was not a bid tabulation form at the very end?

Taylor:

No.

Holt:

That was my concern. The bidders – we need to see who they are. That way, we can make some decisions. I don't have any problem with voting for this since it has already been up here, but in the future, we need to know who the bidders are. That way, when we are challenged by some people that we have never seen the writing on.

Taylor:

We got it. We got it. In other words, we had a list of the bidders from the previous meeting a month or so ago. But, they are missing in this. There is supporting documentation on this.

Holt:

O.K. No problem. No problem.

Taylor:

Can I get a motion for approval?

**Holt:**

**I move approval.**

**Morgan:**

**Second.**

**Taylor:**

**We have a motion and a second. Are there any questions?**

**All in favor of this motion, let it be known by saying, "Aye."**

**All:**

**Aye.**

**Taylor:**

**Opposes?**

**(No response.)**

**The motion carried at 4 – 0. (Commissioner Lamb was not present for this vote.)**

**UPON MOTION BY COMMISSIONER AND SECOND BY COMMISSIONER, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE CONTRACT WITH ACCOUNTS RECEIVABLES INC. (Commissioner Lamb was not present for this vote.)**

**14. Approval of [Library Plan of Service 2010-2011](#)**

Dr. Carolyn Poole presented the Plan of Service for adoption. A brief discussion followed among the board.

**UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 3 – 0, BY VOICE VOTE, TO APPROVE THE LIBRARY PLAN OF SERVICE FOR 2010-2011. (Commissioners Lamb and Holt were not present for this vote.)**

**15. Approval of [Change Order Number 1 with C.W. Roberts Contracting, Inc. to the Small County Road Assistance Program \(SCRAP\) for Sycamore Road - Florida Department of Transportation \(FDOT\) Contract](#)**

Williams:

Item 15, Madam Chair, is a approval of Change Order 1 on Sycamore Road. This is a SCRAP project of over \$1 million, \$1.3 million. This is to capture and save \$145,641 that would otherwise have to be returned. We are actually expanding the project by that amount.

Morgan:

Madam Chair, I move approval.

Taylor:

There is a motion on the floor. Is there a second?

Croley:

I will second it.

Taylor:

There is a motion and a second. Are there any questions?

Croley:

Yep. This additional work involves – I’ve looked here – temporary striping, turnout construction. What do you mean by all of that?

Chapman:

Basically, the scope of work that we are looking at under Change Order # 1 is to improve on the dirt roadways with a 100 ft. paved apron on each one of the dirt roadways. This is two-fold in its methodology. One is to enhance and to preserve the current paving, the resurfacing that we have already done on Sycamore Road, Number 1. Number 2 - it is a safety precaution that we are putting in so our motor graders who currently have to back up into this arterial roadway will no longer have to do so to turn around. They can turn around in the 100 ft. apron.

Croley:

That is good enough. I move the question.

Taylor:

Move the question. All in favor, let it be known by saying, “Aye.”

Morgan, Croley, Taylor:

Aye.

Taylor:

Opposed by the same sign.

(no response)

Make that 3 – 0 for Item Number 15.

**UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 3 – 0, BY VOICE VOTE, TO APPROVE THE CHANGE ORDER NAMED ABOVE.**

(Commissioner Holt and Commissioner Lamb were not present for this vote.)

**16. Approval of Contract with [Ash Britt](#) for Emergency Debris Management Service**

Williams:

Madam Chair, Item 16 involves employing a second emergency debris management service. We are required to have two. We have one already – Grubbs Emergency Services. They have been around for nine years, but we are required by our emergency response plan to have two. Charles, did you send out an RFP, you and Arthur?

Chapman:

Correct.

Williams:

This is the response to that. I hope we don't ever have to use them.

Croley:

I move approval.

Taylor:

We have a motion on the floor for approval. Is there a second?

Morgan:

Second.

Taylor:

There is a motion and second. Are there any questions?

(no response)

All in favor of this motion, let it be known by saying, "Aye."

Morgan, Croley, Taylor:

Aye.

Taylor:

Opposed – same sign.

(no response)

Motion carries 4 – 0 for Item 16.

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE CONTRACT WITH ASH BRITT.**

**17. Approval of Bid Award 10-02 to Aramark for County Employee Uniforms**

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE BID AWARD TO ARAMARK FOR COUNTY EMPLOYEE UNIFORMS. (Commissioner Lamb was not present.)**

**18. Approval of Emergency Generator at the W.A. Woodham Building and Budget Amendment**

*There was a great deal of confusion during the discussion that follows that basically centered around different understandings of the terms: "reserves for contingency," "contingency funds," "fund balance" and "cash forward." There was also confusion regarding where the money would be taken from to fund this purchase as well as whether there should be a public hearing on the*

*budget amendment. In the end, the board voted to table this matter until it could be scheduled for a public hearing. However, subsequent to the meeting, the staff and the finance department determined that a public hearing would only be necessary if they proposed to use "unbudgeted fund balance", which some commissioners had referred to as "reserves." It was the impression of the commissioners that the staff was proposing to use the "unbudgeted fund balance." In that event, it would increase the overall budget, thus would require a public hearing. Otherwise, if they intended to use the "budgeted reserves for contingency," then a mere resolution of the board to transfer the money would be adequate just as the budget amendment on the agenda reflected.*

*In the meantime, Building Official Clyde Collins held a discussion with Ring Power about a lease purchase option (suggested by Commissioner Morgan) which provided another option for the board's consideration. The matter was reconsidered at the December 7<sup>th</sup> meeting when the board voted to approve a lease purchase agreement making it unnecessary to move as much money around within the budget. However, it was still necessary to move \$92,000 for the installation cost. The matter was discussed again on December 21 along with a budget amendment and resolution authorizing the transfer of \$92,000 from the budgeted "reserves for contingency" account. (The \$92,000 was part of the overall proposed generator project cost of \$170,670.00 from the beginning.) It was approved.*

*When the board was presented the minutes of their November 16<sup>th</sup> meeting, they voted to approve the minutes with the condition that an explanation be made a part of the minutes explaining the events that took place following November 16 that altered the actions and directions given by the board on that evening. It is for that reason that this explanation has been added by the recording secretary.*

Williams:

Item Number 18, we have had a lot of discussion. This is approval of the emergency generator at the Woodham Building. We have had a great deal of discussion about this. It involves a budget amendment to bring money up out of retained earnings, which we didn't really have any where else to get it. This is a complete unit as I understand it. It involves \$170,670 and Clyde knows all about it. He has all the answers.

Collins:

I don't know if I have all the answers or not, but we will try.

As you know, we have had a lot of problems with the generator at the W.A. Woodham Building. It is just not big enough to carry the load. Anytime we have a power outage, it is subject to work or it may not work. It usually cranks, but it just does not have enough amperage to run the building. We wind up with me being called or Robby Maxwell gets called and we have to come in and try to shut breakers off so that we can keep up our 911 and Emergency Management up.

We have tried. We have had surveys and we came to the county commission not long ago. I think it was Mr. Croley that brought it up that we should get an engineer to get a power study done on the building. We did that. We came to the conclusion that there were two options. One was to make sure that the whole house generator would work or either we could come back and just do part of it. With the study, we found out that it would be better and a lot easier for everybody and

it would work if we just bought a generator that would carry the whole entire building.

In your packet you have all the bid process, the generator, and the studies that the architect and the engineer made.

Taylor:  
Commissioners?

Croley:  
I have a question.

Taylor:  
Commissioner Croley.

Croley:  
About the budget first. Mr. Administrator, doesn't this action – if I am looking at your budget amendment, doesn't it say that the money has got to come from reserves for contingency? Does that mean from the Cash Balances?

Williams:  
Yes.

Croley:  
I thought you had to have a public hearing when you move money from Cash Balances to a Department budget. Is that not correct, Mr. Attorney?

Williams:  
I am not sure. Jeff?

Glazer:  
I don't know that one right off the top of my head.

Williams:  
We have done it both ways since I have been here. I can remember Sherrilynn and the Clerk. One said we did and the other one said we didn't. I am not certain.

Croley:  
I know you didn't have to have a public hearing to move it interdepartmental or within a fund, but I just noticed that you've got two things sandwiched here into item. The issue of the equipment is one thing, but the moving of the money may be a separate thing?

Williams:  
We may need to have a public hearing. We need to table it until the next meeting.

Taylor:  
Commissioner Holt?

Holt:

I need to ask a question right quick. So, tell the urgent need for this and how are we looking at this and the process itself. What do we need to do?

Collins:

We need to figure out a way to get this generator working so that our 911 will stay up during a major event.

Holt:

So, this is a very important.

Collins:

Yes, ma'am.

Holt:

O.K. I just need to hear that urgency. So, now we need to just move the money. Where do we move it from ? There is money, you say, in the general fund for this?

Williams:

There is money in retained earnings. You have heard the Clerk say and you have heard me say many times that our balances are not what they should be. We are trying to increase them and they are increasing. We hope to get them up to about \$5 to \$6 million one day. But, this is an emergency really. Fortunately, we are out of the hurricane season, but we could have tornados coming. So, sometimes, you have to do what you just have to do.

Holt:

I wanted to say right quick that if we cannot do this tonight, I really wanted to look at it on the next meeting.

Taylor:

It is not a public hearing. That is the only problem, this is not a public hearing.

Holt:

It may not require a public hearing. We don't know that yet.

Taylor:

Let me just lend to Muriel. When you are increasing the budget, do you have to have a public hearing?

Straughn:

When you are increasing the amount of the overall budget, you must have a public hearing.

Holt:

But, we are not increasing the amount of the overall budget.

Croley:

Yeah we are.

Taylor:

Yes, you are. If you will be taking money out of reserve and putting it in your budget , you are increasing it.

Holt:

I understand that, but you were saying that there is so much in reserves. So, you are saying that we cannot use our reserves.

Morgan:

It is not budgeted.

Holt:

I understand, I understand what you are saying, but I was talking to her.

Straughn:

If you increase your budget overall, you must have a public hearing.

Holt:

O,.K. I get you now. I was thinking that when we were talking about taking it out of reserves, it was in the budget. Thank you very much.

Taylor:

Are you finished, Commissioner?

Holt:

Yes.

Taylor:

Commissioner Croley?

Croley:

We don't have reserves. We have Cash Balances. You can take it out of the unencumbered funds.

Williams:

I always call it by a different name.

Croley:

The bottom line is basically the same.

Now, I brought this item up some time ago. It is an emergency and it does need to be addressed. I don't think that what you have here is out of order or that it doesn't make sense except for the fact that if you are moving forward, you need, as big as this generator is, you are going to have to do something with the sound abatement. I believe you also had that in here. Does the \$170,670 include the sound abatement?



Collins:

Yes, sir. It is 25db decibel sound proofed enclosure. That is what you have to have because it is so close to the building and close to other properties.

Croley:

And, you have already confirmed that the Caterpillar is giving us the best deal on the generator and you've got the benefit of a state contract and it is below that?

Collins:

Yes, sir. I actually did some more research today. I called Flint, but they don't do very much with generators. The nearest other dealer was in Jacksonville.

Croley:

O.K. Well, it looks like to me that we need to have a public hearing and schedule this as required.

Taylor:

Commissioner Morgan?

Morgan:

This, definitely, I agree that this is a need, not a want. I do have a couple of questions.

Mr. Administrator, is there nowhere else, or Mr. Price, either one, in our budget that these funds may come from rather than fund balance? Have we looked at that option?

Williams:

Last year, in Clyde's budget, we had a lot of things that just didn't get done that freed up some money and things may happen that way along the road.

Morgan:

Have we explored other options other than fund balance?

Williams:

Well, there just really aren't any that anybody knows of.

Morgan:

Have we looked at the possibility of leasing this piece of equipment as opposed to owning it?

Collins:

No, we did not.

Morgan:

Would it make sense to do that? We don't want the equipment, but we want what it does. This might be a way to avoid using fund balance even though it may actually cost a bit more money if we were to own it in the long run, not a lease to own type thing, but would it make sense to consider leasing this where we don't have to drain our fund balance so drastically. Or, if leasing isn't an option, have we asked Caterpillar about paying for this piece of equipment over five years

at a no interest type situation. I am sure they want to sell whatever equipment they can right now.

Collins:

They didn't say anything about that. They just said that we had to pay for it within ten days after I receive it.

Another thing about the generator is that it is going to be a permanent mount. You might could lease one that you could move or that is on tires, but I don't know that you could this one. It is going to be permanently wired and permanently attached to the concrete slab.

Morgan:

In addition to the actual cost of buying the equipment, we are going to have upkeep and ongoing costs. This is going to be something that we are going to have for a very long time.

Collins:

Yes, sir. It cost \$245 every quarter for them to come out and do a maintenance look at it. And, it costs you \$900 and something to do a load test.

Morgan:

Again, this is something that we obviously have to address. I don't know what makes most sense as far as how we do this. I would ask as we move forward, if the board would consider asking the questions of Caterpillar – Is there a way to do this over a period of time rather than outlay this cash all at one time. Additionally, these are the kinds of things that we need to be mindful of when we are making decisions on things like we talked about before when we talked about the Health Department. Again, that is very important as well, but we have to prioritize our needs and we are already spending \$220,000 here at the drop of a hat tonight that we did not have budgeted before. We are doing exactly what we were doing in years past. We have made so much progress and I would just ask very sincerely that this board consider what we are doing and maybe we can accomplish this without having to attack our fund balance so drastically at this point in time. That is my only concern. I do see the need. I agree with that and it is something that we should do. It is extremely important for the safety of the county citizens.

That is all I had.

Collins:

It is very important that we do this.

Taylor:

You know, going back, we never defined "emergency." If we had a definition, then it would supersede some of the rules as far as having to have a public hearing for being able to get an item that is indeed an emergency. I just may have to delay this because our next public hearing will be on the 16<sup>th</sup> of December or whatever the third Tuesday of December is. At this point in time, we will have to simply hope that nothing happens that warrants disaster. But, the rule is such as it is at this point. I have to say that the county administrator – you all dropped the ball on this one. When you know that there is going to be an increase in your budget, automatically, you know that

it is going to have to be a public hearing. It puts us at a disadvantage when we can't vote on such an important issue as this. But, rules are in place for a reason and that is for us to follow. So, this item must be agendaed for the third Tuesday in December.

As well, Clyde, Commissioner Morgan did have a point of interest - to look at options. I can understand your summation and the fact that this is going to become a permanent fixture. So leasing will be an option because if we could get the chance to pay for it over time, it would limit the impact on our present budget. That wouldn't be a bad idea.

Collins:

I can look at that. Here again, I don't know that they will do that, but I will ask the question.

Taylor:

Well, that is all you need to do. Simply ask. Right now, the third Tuesday.

Croley:

May I ask a question?

Taylor:

Sure. You have a question?

Croley:

When is the next 6:00 meeting? 6:00 p.m.

Taylor:

The third meeting in December. 21<sup>st</sup>.

Croley:

This is the 6:00 p.m.?

Taylor:

Yes.

Croley:

Alright, I was just trying to get it straight in my mind.

As far as an "emergency," the generator they have is a perfectly good generator as far as it is running. The problem is that it won't carry the load so they have to manually do a lot of shut downs, which may or may not be at a convenient time for the officials. So, we do have time to get this done in accordance to the law.

The generator you have does run, doesn't it?

Collins:

It does, yes, sir.

**Taylor:**  
**Let's motion to pull this item and table it.**

**Morgan:**  
**So moved.**

**Croley:**  
**Second.**

**Taylor:**  
**There is a motion and a second. Are there any questions? (no response) All in favor of tabling this item for our next public hearing meeting which will be the 21<sup>st</sup> of December – all in favor of that, please let it be known by saying "Aye."**

**All:**  
**Aye.**

**Taylor:**  
**Opposed, same sign. (No response.)**

**Make that 4 – 1 to table this item .**

**Glazer:**  
**That is 4 – 0.**

**Taylor:**  
**4 – 0. Help me out. I am new at this, you know.**

**19. Confirmation of Appointment of Charles Chapman as the Public Works Director**

**Williams:**  
The next item is seeing confirmation of the employment of Charles Chapman as the new Public Works Director. As you know, he has been in that active capacity now for at least two months, maybe more. Charles has the five years of supervisory experience. He has a master's degree. His experience has been in local government. He is an outstanding young man who will do an excellent job at anything you give him to do. And, he has spent over 700 hours working with Public Works. I have had him assigned to Public Works for the entire time that I have been here. I strongly recommend him.

**Taylor:**  
Thank you. There is an individual who wishes to be heard on this item. That is **Charles Poucher**. Please come forward, sir. If you would not mind, state your full name and your permanent address.

**Poucher:**

My name is Charles Poucher. 1720 Telogia Creek Road, Quincy, FL

To start off with, I am withdrawing my application for employment with the County as the Public Works Director. However, I do have some questions concerning this position that I would like to address to the board.

After firing and rehiring of Mr. Robert Presnell, it appears that Mr. Presnell was appointed to Mr. Charles Chapman's position as administrative coordinator and Mr. Chapman was appointed the interim Public Works Director position, which Mr. Presnell had held. My question to this board and to Mr. Williams is - Was there any reason to seek employment applications from others for Mr. Presnell's position? It appears to me that these positions were switched.

Taylor:  
Mr. Williams.

Williams:  
We always have open competition for all positions.

Poucher:  
That wasn't my question. My question was - Was it predetermined that the dismissal and rehiring that Mr. Chapman would take this position?

Williams:  
Pre-determined?

Poucher:  
At the time that Mr. Presnell was fired and rehired.

Williams:  
No, sir.

Poucher:  
Second question. The county has had only one professional engineer in Public Works as the director that I know of. Since a large portion of our tax paying funds go toward Public Works and the Road and Bridge Department construction and maintenance make up the major portion of that department's expenditures, does it not stand to reason that the engineer that heads that department be an engineer or have a background in engineering?

Williams:  
Sir, we were hiring a Public Works director, not a county engineer. We already have a county engineer under contract right now.

Poucher:  
A professional engineer?

Williams:

Yes.

Poucher:

The third question I've got. As the board is aware, on my email of November 12<sup>th</sup> to Mr. Williams and which you were emailed copies, the board was, Mr. Williams has been evading two questions that are still unanswered. That being, of the four interviewed for the public work's director position - are any of the three professional engineer applicants interviewed? And why was I shuffled off to other county personnel when I tried to contact Mr. Williams several times by phone about the public works director position?

Williams:

Were the other civil engineers interviewed?

Poucher:

That is correct.

Williams:

Yes, sir, they were. Although as far as pushing you off, I would not say that I was pushing anybody off.

Poucher:

I didn't say pushing. I said shuffled.

Williams:

We hire and fire people almost on a daily basis. If everybody that doesn't get hired has to come see me, I would do nothing else.

Poucher:

Mr. Williams, this position has been open for 10 weeks. I called your office to see if the position had been filled during this period of time. The first time was after a month had gone by. I couldn't get an answer.

Williams:

Sir, if you will come to my office, I will be happy to answer any questions that you have. But, personnel matters are very sensitive and we normally do not discuss them at all in public.

Taylor:

Excuse me, Mr. Poucher. I can appreciate your line of questioning, however, this is a "Citizen to Be Heard" item. You really can't go back and forth with questions from the administrator. So, what we will ask at this time is that you state your opinion or your feelings or your concerns, then we will give you further directions on what should happen from there. So, just give us a statement of your issue or concern at this time.

Poucher:

My concerns are that public works department is not ran by a professional engineer. It is ran by or it is going to be ran by a person who has an education master's degree. How can a person with

a education degree run the road department without some kind of knowledge about how to build a road? For instance – here is one thing – Sycamore Road was brought up a while ago. The county went in there, put brand new thermal plastic stripping and delineators. Within a month's time, they were taking a motor grader and clipping the delineators off and grinding the asphalt and relaying the asphalt. All this money this county spent on this thermal plastic striping and delineators was gone. For nothing. You understand what I am saying? I tried to contact Mr. Williams office. Ten weeks is a long time for somebody to get an answer – whether you aren't qualified or so on and so forth. But, in the job description, it said that a Florida professional engineer is preferred.

Williams:  
That is not correct.

Poucher:  
I've got a copy of it right here. If you will allow me to read it.

Minimum qualifications: Require a bachelor's degree in civil engineering, architecture, business or public administration or related field and five years of direct related professional management experience, preferably in a local government setting. A master's degree in a related field may substitute for one year of the required experience. Comparable training and experience may be substituted on a year for year basis for the required degree. Must possess a valid Florida Driver's license. Prefer Florida registration as a professional engineer.

Taylor:  
Mr. Poucher, I can appreciate your issues and your concern, but let me share with you that this board does not and cannot have any input on who the county administrator hires to run this county government. We can only confirm. So, if he makes a recommendation to us based on his evaluation and what he and his vision is for this county, then this board now gives it consideration. I can appreciate your concern, I really can. But, because of our limited responsibility about who gets hired and who not gets hired, there is not very much that this board can do.

Poucher:  
I am not asking for who gets hired. I am asking the board to restrict or put limits on who gets a position with the experience. If you need a professional engineer, you need to put one in there. You don't need to take a right hand man from the county administrator that is under his wing and put in that department. If you do, we will never end up with a professional engineer as the director.

Taylor:  
At the risk of going back and forth with you.

Poucher:  
I understand and I will let you go on about your business.

Taylor:  
I certainly appreciate your input here this afternoon.

Mr. Administrator, you were asking to confirm the appointment. Are there any other comments from the audience? If not, Commissioners, Item 19.

Croley:  
I move approval.

Taylor:  
There is a motion on the floor. Is there a second?

Morgan:  
I will second it.

Taylor:  
We have a motion and a second on the floor, are there any questions?

Holt:  
Question.

Taylor:  
Commissioner Holt.

Holt:  
Mr. Manager, you have in your literature on page two, first paragraph that says, "There has been an increase in productivity from 30% - 55%." Can you list the areas where you found that evidence so that I may find them also.

Williams:  
It is literally across the board.

Holt:  
I need to know where you found it because if you put percentages in here, we go back to a liability issue.

Williams:  
Liability.

Holt:  
Don't worry, the lawyers are already calling.

Williams:  
Liability for what, now?

Holt:  
You are saying that there has been an increase in productivity – it has gone from 30 to 55%. So, I need to know where you got that information from.



Williams:  
It is from personal observations.

Holt:  
I need to know what you were looking at.

Williams:  
Ma'am?

Holt:  
What were you looking at? What areas?

Williams:  
We looked at every single area over a period of a year and a half.

Holt:  
What were some of those?

Williams:  
What were those? I suspect there were probably one hundred reports on it.

Holt:  
O.K. I need to get a copy of those reports.

Williams:  
Done.

Holt:  
And, I am probably going to need them within a week or two.

Williams:  
I will refer that to the board, whether or not I should provide that information. I assume it is a public record.

Taylor:  
I think you should provide that to her.

Williams:  
I will certainly do that.

Holt:  
Yeah, I need to get those copies. That way, it will not be a problem later on if you state that. Especially after a law suit, you are looking at concerns.

Williams:

I am not going to get into the law business. I am going to let Mr. Glazer handle that.

Holt:

He can concern himself with that and as you know, we did not win. So, what I am saying is when you make statements like that, we need to make sure that we have the evidence that backs that up. As I said, I got some calls on it. So, when you get calls, then you need to react and be able to calm people down or not. So, if you have reports on those, I need to get copies of those.

Also, Madam Chairman, I am not disagreeing or agreeing with anything that is in here other than that particular statement. As far as Mr. Chapman, I like Mr. Chapman. I think Mr. Chapman will do well no matter what his area would be because he is a hard worker. But, I do have a concern with not putting somebody that is qualified in that area and that has experience in that area. I don't know what the end results of the situation with Mr. Presnell. I wasn't here. But, if Mr. Presnell is working here, he has the experience in this area. Why not just put him in there and let him go to work?

Taylor:

Again, Commissioner, you well know because you have quite more experience than I do that the personnel is strictly up to the responsibility of the county administrator.

Holt:

Right. I am just saying that these are questions. I am not debating that. But, now there are areas where we would have to look at that even on an evaluation. But, you do look at that because no matter what he does, the manager does, the county commission is the one that is sued and not the manager. So, if the manager does something that does break the law, we are sued, the board itself, not the manager. So, we are liable where his decisions come in at. We can't micro manage, but we have to know that we are liable. As I said before, I am interested in someone who either has experience or they have the qualifications for the area. Now, I have a degree in education, too, so I can say the same thing. I don't know if I could build a road, I am sure I couldn't. Those are my only two concerns.

Taylor:

There is a motion on the floor and a second for Item 19. Are there any other questions?

There being none, all in favor of this motion, please let it be known by saying, "Aye."

Morgan: Aye.

Croley: Aye.

Holt: No.

Taylor: No.

Taylor:

That motion fails for lack of a majority. I don't know what happens next. My only issue and concern is after listening to the description of that job, going forward, it makes me a little leery about any legalities coming back against us. That is where I am at.

Because it died, here is what needs to happen. Obviously, we are going to need a full board to look at this item again. So, if I were you, I would go ahead and table this to the next meeting.

Croley:  
We have already voted it down.

Taylor:  
We voted it down.

Croley:  
It died.

Taylor:  
It died, it didn't get voted up or down. You can decide how you want to handle it going forward. Let me just leave it at that.

Williams:  
What was the actual action here?

Croley:  
It was a tie.

Taylor:  
It was a tie vote, which means that the motion that was on the floor did not pass.

Williams:  
It means that you failed to confirm.

Taylor:  
The motion on the floor was to confirm. That motion did not pass.

Williams:  
What I would propose is to seek confirmation again at the next meeting with a full board.

Taylor:  
O.K. That is not a problem. I would rather for you to do it that way.

Williams:  
I think that would be the way.

Taylor:  
That will be the way to go. Thank you for your time.

**COUNTY ADMINISTRATOR'S AGENDA**

**20. Update on Board Requests**

Mr. Williams had no items for discussion.

**COUNTY ATTORNEY'S AGENDA**

**21. Update on Various Legal Issues**

Mr. Glazer had nothing to report or discuss.

**DISCUSSION ITEMS BY COMMISSIONERS**

**1.**

a. **Commissioner Morgan, District 3 –**

- **Replacement Appointment for the Library Commission –**

**UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 – 0, BY VOICE VOTE TO APPOINT MR. PAUL MAZOTTA TO THE LIBRARY COMMISSION TO REPRESENT DISTRICT 3.**

**Resolution 2010-044**

**UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION 2010-044 IN OPPOSITION TO THE STATEWIDE APPLICATION OF NEW SEPTIC TANK INSPECTION AND REPLACEMENT. IT ALSO CALLS FOR REPEAL OF THE LEGISLATION.**

- He congratulated Commissioners Holt and Croley on their re-election.
- He asked the board to focus on sound fiscal decisions to continue the progress that the board has made.
- He then asked that the board set aside “politics” when it is appropriate. He spoke specifically to the confirmation of the public works department. He stated a number of ways that productivity could be measured. He stated that he was disappointed that the board failed to confirm the appointment.

b. **Commissioner Holt, District 4**

- She reported that she had met with a group out at the old Jai-Alai who is interested in purchasing the property. The prospective tenant proposes to bring 100 jobs. They have already purchased two other facilities in Florida. They inquired about any county incentives that the county could offer. She asked that the matter be brought back on the next agenda. She could not give a specific name of the group.

- She inquired as to how much money was budgeted for the courthouse improvements . Mr. Collins stated that they were attempting to allow the accumulation of the traffic fines to build until there is sufficient money there to repair the roof on the courthouse. As of 11/15, it had accumulated to \$82,000.
  - She recalled that there had been \$300,000 for courthouse renovation. She said, “I am trying to find out where those dollars are.” Neither Mr. Williams nor Clyde Collins knew of such money. Her primary concern was for the safety of the judges. In particular that they would not be required to share the bathroom facilities with people whom they have rendered judgments on in the courtroom. She asked Mr. Collins to come back to her with some figures for remedying the issue.
  - She stated that she had received calls from four individuals regarding the pictures hanging on the walls of the emergency room. They felt that blacks are represented well in the photographs.
  - She inquired about staff to write grant applications. She suggested that the administrator to put some feelers out to get somebody to write grants. Perhaps someone might be interested in doing this based on administrative fees.
  - Lawsuits – She remarked that there are several lawsuits pending and more are anticipated. She asked the board to take a serious look at the administration of the county and get prepared to abate future lawsuits.
  -
- c. **Commissioner Croley, District 2** –
- Report and Discussion on Public Issues and Concerns Pertaining to Commission District Two and Gadsden County
  - He thanked the people of District 2 that re-elected him to office. He committed to them his best efforts and his guiding principles.
  - He congratulated Commissioner Holt on her re-election and to Commissioners Taylor and Morgan upon election of Chair and Vice-Chair respectively.

#### **Amendment to the Agenda**

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0 TO AMEND THE AGENDA AT THIS JUNCTURE TO ALLOW ACTION ON THE APPOINTMENT OF COMMISSIONER CROLEY TO THE CAPITAL REGIONAL TRANSPORTATION PLANNING AGENCY. (CRTPA)**

#### **Appointment to the CRTPA**

- **UPON MOTION BY COMMISSISONER HOLT AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO RE-APPOINT COMMISSIONER CROLEY TO THE CRTPA.**

- Planning Commission attendance record. He asked the matter be placed on the agenda because there needs to be a policy to deal with absenteeism.

d. **Commissioner Taylor, District 5** –

Chair Taylor congratulated Commissioners Croley and Holt on their re-election. She pledged her effort to find common grounds on the commission. She asked that everyone make sure that hidden agendas are left at the door.

She thanked Judge Garner for sitting through the long three-hour meeting.

e. **Commissioner Lamb, District 1** – Not present

**23. RECEIPT AND FILE**

- a. For the Record: Letter from the Tax Collector Regarding Unused Fees for the Fiscal Year 2009-2010 – returned \$111,013.30
- b. For the Record: Letter from the Property Appraiser Regarding Unspent 2010 Budgeted Funds and Income from Map and Copy Sale; Return of \$36,285.46.
- c. For the Record: Letter from the Property Appraiser Regarding CRA Incremental Increase in Taxes for the City of Quincy and the Town of Havana
- d. For the Record: Letter from FDLE Regarding Receipt and Acceptance of all Financial and Programmatic Reports – Contract Number 2010-ARRC-GADS-2-W7-193
- e. For the Record: Letter from FDLE Regarding Receipt and Acceptance of all Financial and Programmatic Reports – Contract Number 2010-ARRC-GADS-6-W7-054
- f. For the Record: Letter from Florida Department of Revenue Regarding Truth in Millage (TRIM) Certification
- g. For the Record: Letter from Florida Department of Revenue Regarding Maximum Millage Levy Calculation Final Disclosure
- h. For the Record: Letter from FDLE Regarding FCIC/NCIC Audit

**December Meeting(s)**

- December 7, 2010, Regular Meeting, 6:00 p.m.
- December 21, 2010, Regular Meeting, 9:00 a.m.



**ADJOURNMENT**

**UPON MOTION BY COMMISSIONER HOLT AND THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING ADJOURNED AT 9:15 P.M.**

\_\_\_\_\_  
Sherrie Taylor, Chair

ATTEST:

\_\_\_\_\_  
Muriel Straughn, Deputy Clerk