

**AT A BUDGET HEARING/SPECIAL MEETING OF
THE BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY, FLORIDA
ON SEPTEMBER 19, 2011 AT 6:00 PM., THE
FOLLOWING PROCEEDINGS WERE HAD, VIZ.**

Present: Sherrie Taylor, Chairperson, District 5
Eugene Lamb, District 1
Doug Croley, District 2
Gene Morgan, District 3
Brenda Holt, District 4 (arrived late)
Nicholas Thomas, Clerk
Debra Minnis, County Attorney
Arthur Lawson, Interim County Administrator

CALL TO ORDER

Chair Taylor called the meeting to order at 6:00 p.m. She announced the meeting was for the purpose of adopting the final budget and millage rate for FY 2011/2012. She then turned the meeting over to Mr. Lawson, Interim County Administrator, who promptly turned the meeting over to Mr. Jeff Price, the Sr. Budget Analyst.

1. Public Hearing – Second Public Hearing for Adoption of Final Millage Rate and Final Budget for Fiscal Year 2011/2012

Mr. Price announced that the tentative millage rate and the tentative budget were adopted on September 7, 2011 and this second public hearing was subsequently advertised in the three local newspapers. He stated for the record that the final operating millage rate is 8.9064 mills which is 1.93% less than the roll back rate of 9.0820 and the final budget for FY 2011/2012 was \$41,894,926.00. He recommended approval of Resolution 2011-031 and 2011-032 by separate motions.

Chair Taylor called for public comments on the budget.

Point of Order

Commissioner Morgan called for a point of order. He questioned whether there was a need to vote on the agenda.

Upon questioning the parliamentarian (County Attorney Debra Minnis), it was determined that the agenda should be approved.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO VOTE SEPARATELY ON THE MILLAGE RATE AND THE BUDGET FY 2011/2012, AND TO APPROVE THE REMAINDER OF THE AGENDA AS PRESENTED.

Resolution 2011-031 Setting Millage Rate at 8.9064

Lee Garner, City of Chattahoochee City Manager, was administered as oath by Deputy Clerk Muriel Straughn.

Mr. Garner then strongly recommended that they look very diligently to fund the following:

- Riparian counties effort to continue the “water war” to protect Florida’s interest in the water coming down the River. (They asked for \$5,000 from each of the six counties represented.)
- Economic Development – Fund the Chamber at the level they requested as the economic development arm of the county.
- Additional funding for lobbyist to lobby for the cause of Florida State Hospital – to keep it from being privatized or closed. They are the largest employer in Gadsden County.

Jack Peacock, 206 Jack Drive, Quincy, FL – spoke in support of funding for a lobbyist to assist in stopping the privatization of Florida State Hospital.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION ABOVE TO APPROVE THE MILLAGE RATE OF 8.9064 MILLS. (Commissioner Holt was not present for this vote.)

Resolution 2011-032 Adopting Annual Budget FY 2011/2012

Commissioner Morgan requested once again to consider the following additions:

- \$25,000 be placed in the budget for a lobbyist to represent Gadsden County against the closing or privatization of Florida State Hospital
- Additional funding for Chamber of Commerce to support economic development (Full \$75,000) and for the Small Business Development Center (\$25,000)
- \$5,000 for the Riparian Counties to protect Florida’s share of the water coming down the Rivers to the bay.

A MOTION WAS MADE BY COMMISSIONER MORGAN AND SECONDED BY COMMISSIONER CROLEY TO AMEND THE PROPOSED BUDGET TO INCLUDE \$25,000 FOR THE LOBBYING SERVICES, \$75,000 TO THE CHAMBER OF COMMERCE FOR ECONOMIC DEVELOPMENT, SMALL BUSINESS DEVELOPMENT PROGRAM AT \$25,000, AND \$5000 FOR RIPARIAN COUNTIES.

Chair Taylor stated it was at a point where the budget needs to be approved, and then come back later in the year to entertain the additional expenses that Commissioner Morgan requested. She would not support the motion going forward.

SHE CALLED FOR A VOTE ON THE ABOVE MOTION. THE VOTE WAS 2 – 2 WITH COMMISSIONERS CROLEY AND MORGAN VOTING IN FAVOR OF THE MOTION AND

COMMISSIONERS LAMB AND TAYLOR OPPOSING. THE MOTION DIED FOR LACK OF A MAJORITY. (Commissioner Holt was not present for this vote.)

COMMISSIONER MORGAN MADE A MOTION TO RESCIND THE 2% OFFSET TO THE MANDATORY 3% EMPLOYEE RETIREMENT PARTICIPATION FOR COUNTY COMMISSION EMPLOYEE'S WHO MAKE BELOW \$40,000. COMMISSIONER CROLEY SECONDED THE MOTION. THE BOARD VOTED 2 – 2. THE MOTION FAILED FOR LACK OF A MAJORITY. (Commissioner Holt was not present for this vote.)

Commissioner Lamb asked Attorney Minnis "Can a person who voted against a motion vote to rescind the motion?"

Attorney Minnis replied, "A member can move to rescind. It is just a matter of timing as to whether you have to have a majority vote or a supermajority vote. There is a distinction between rescind and reconsideration. In reconsideration, the person who votes for the winning side, one of those votes has to bring the issue back. When there is a rescission, any member can make a motion to rescind. But, if there hasn't been notice to the public regarding the intention to rescind, it would require a super majority vote in order to rescind."

Because of the absence of Commissioner Holt, it appeared that the board was at an impasse as far as being able to pass the budget. She asked for advice from Attorney Minnis.

Ms. Minnis reminded the board that there had not been a motion to approve the budget. There was a motion to amend the budget, but not to adopt it. She recommended holding another public hearing if a majority vote could be reached.

There was a consensus to recess until Mr. Lawson could attempt to reach Commissioner Holt. The time was 6:20 p.m.

The meeting reconvened at 6:37 p.m. with Commissioner Holt being present. Chair Taylor reviewed the earlier proceedings for Commissioner Holt.

The chair opened the floor for discussion on the budget. The public comments were already a matter of record.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 3 – 2 IN FAVOR OF THE MOTION TO APPROVE THE BUDGET RESOLUTION SETTING THE BUDGET FOR FY 2011/12 AT \$41,894,926.00 AS STATED IN RESOLUTION 2011-032. COMMISSIONERS CROLEY AND MORGAN OPPOSED THE MOTION.

There was a consensus that the board would entertain the 2% employee retirement offset at a future meeting for discussion. The staff was asked to bring back some statistical data to consider at the same time.

2. Public Hearing – Amendment of Section 74-1 of the Gadsden County Code of Ordinances Ordinance 2011-009 Deborah Minnis, County Attorney

Minnis:

Good evening. The first item on the agenda as a public hearing is an amendment to Section 74-1 of the Gadsden County Code of Ordinances. This particular ordinance dealt with the discretionary sales surtax. As the ordinance was previously written, it allowed for the use of that sales tax for certain items. Within that group was “infrastructure for public works projects.” Based on discussions that have occurred at the board meetings with regard to providing money for the City of Gretna and then allowing money to be replaced in the Sheriff’s discretionary budget, there was discussion about looking at amending that particular ordinance to give the board more flexibility in spending those dollars on infrastructure projects. So, the proposed language that was changed pertaining to that particular section of the ordinance would allow the board to have discretion in using those funds for infrastructure projects in addition to infrastructure projects for public works, but other infrastructure projects as it is defined in the proposed amendment change. It is not a whole sale change as if you could use it for any and everything. There is a definition of what infrastructure is going to be considered in using those particular funds.

Taylor:

With that being said, Commissioners, does this particular item require a super majority vote?

Minnis:

Yes, based on the ordinance that was passed, it requires a super majority vote to change it.

Taylor:

Again, this particular ordinance will have an impact on infrastructure with regard to public works as well as infrastructure with regard to the county jail.

Minnis:

Correct. Actually, the recommended amendment where the definition is, it is any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction or improvement of public facilities that have a life expectancy of 5 years or more or any related land acquisition, land improvement, design and engineering costs. That would be the definition of infrastructure that would be used to determine if it was a proper expenditure if this amendment is approved.

Taylor:

Commissioners, again, we are familiar with this, but let me say this before we move any further.

This is a public hearing. As we discussed a minute ago with the attorney, this particular item is one that the board is looking at so that we can give more funding toward infrastructure, which is highly needed here in this county- using some of those restricted funds. So, again,

this is a public hearing. Is there anyone who wishes to speak on this particular time? You may do so at this time.

(There was no response.)

Thank you, there being none, Commissioners, we will have discussion around this board or we will have a motion for approval.

Morgan:
Madam Chair, I have a question for the attorney.

Taylor:
Yes, sir.

Morgan:
Regarding this issue, if the ordinance is changed, then in the future when we are discussing particular infrastructure projects, as long as a 3 -2 majority of this commission approve these expenditures for a project, such as a park or whatever, then that would move forward, correct?

Minnis:
Yes. It only requires a super majority to amend the ordinance.

Taylor:
As it stands, the ordinance will only be applied as it stands presently, is that correct?

Minnis:
Without the amendment?

Taylor:
Yes.

Minnis:
Without the amendment, the way the language reads is the infrastructure of public works projects such as road improvements and water and sewer systems and fire protection and suppression...then it says other public purposes as provided by amendment to this section. And that is where the amendment comes in.

Taylor:
O. K. Now. Yes, Commissioner.

Holt:
But, we did use it before for the extension on the Supervisor of Elections office. So, that would have been under other projects?

Croley:

Well, the history is that the previous county attorney -

Holt:

Well, I know that. I know that.

Croley:

He had his own interpretation of the ordinance. But the historical review of the ordinance shows that (and no one challenged it and this is why you got away with it, not you, but the county commission did at the time) is that the historical issue of this was that the one cent was passed to pay off a bond to build the new jail. Then you got into extending it and they restricted the extension after apparently a lot of discussion. It ended up that you had fire, water/sewer and public works, meaning roads and bridge operation. That is how it was conservatively interpreted for all those years until Mr. Williams made his own interpretation and that is where you got into using it for something other than what was originally approved.

Taylor:

I am going to hear again from Mr. Lawson, then Commissioner, you can follow up.

Lawson:

That is kind of what I was going to say. Those funds were allocated based upon the interpretation the attorney gave the board and the board acted based upon that interpretation, or the legal interpretation we had.

Holt:

Yeah, I know that.

Lawson:

So, that is how we did the Supervisor of Election's building and several other projects.

Holt:

My question was – when you said “other projects” –

Lawson:

As amended.

Minnis:

As amended

Holt:

In this amendment?

Minnis:

When it says “Other projects as amended” – that says to me that you have to amend your ordinance to include other projects that you want to use it for.

Holt:

O.K. I already knew the history of that and I like the interpretation that Mr. Williams had. The reason for that is that we had to add onto the Supervisor of Elections Office and we needed a way to do it. So, that way, some of the same folks that we are talking to could use the facility in order to get elected. But, what I am saying is that I want to make sure that it is defined. If it was already defined, we didn't need to do this ordinance. But, when we do it, we need to do that.

Minnis:

That is why my suggested definition for infrastructure and we created a new "Subsection C" to the ordinance that would include a definition of infrastructure, to give guidance to the Board and staff as they move forward with implementing the amended ordinance.

Holt:

Now, under "c" you have "elated." Did you mean "related?"

Minnis:

Related.

Holt:

O.K. I was getting worried. I have been out of the school system a whole year now, I was getting a little worried.

Minnis:

It may be a happy event, but related was my intent. (Laughter)

Holt:

I don't have any problem with anything else.

Taylor:

Again, these funds can be used for county buildings that we own and operate, so we need to be mindful of those buildings and make sure that they are up to code. That is important. Otherwise, we are in violation.

Croley:

Madam Chair, I am going to take a different approach from what Commissioner Holt has taken. I don't believe that Mr. Thornton Williams interpretation was correct. I think that the historical reading of this ordinance was quite clear as to the intent and to the history as why it was passed and the tax extended. This business of making a broader interpretation and I might have introduced the camel's nose under the tent when we had to replace the fuel tanks at the Sheriff's Garage which were under Public Works. Those fuel tanks were part of Public Works operation. Once that was done, it got into using the money for bathrooms and parks. It got into using the money for adding onto the buildings and other things that went beyond what that ordinance called for. I remind you, because this comes up in here that a lot of the parties that were involved in this are no longer here. That might tell you something about how some of the public felt about it.

The point is that the jail maintenance is one thing, but as far as a broad definition of infrastructure and this is no criticism of Ms. Minnis because I certainly understand and respect where she got this from, but that is going to create an opportunity, as Commissioner Morgan said, for a lot of new puppies.

Taylor:

I never heard it put that way – as puppies, but I agree with you. I am not willing to use it for bathrooms or any other facility. I think we have monies already in the “Buildings and facilities” to cover those, but as far as that jail or as far a public works, if we can move this thing forward, I would be willing to say just those two particular items. Those are the most costly.

Minnis:

If that is the consensus of the board, I will be more than happy to revise the language to say that it will be for maintenance of the infrastructure at the jail, public works projects, - I will be more than happy if that will be the consensus of the board, to go back and rework the language in this ordinance and bring it back for a public hearing at the first meeting in October.

Taylor:

Now, let me say this, Commissioner, the only other thing that comes to mind real quick is the fact that we are entertaining so many roofs that are about to collapse on us, around our many businesses. That is the only other thing.

Mr. Administrator, I need for you to pull to the mic for a moment. What I am looking for now, and you may direct your building facilities director to come up, but where are we in trying to get those roofs updated and what cost is out there? If I am correct, these dollars can very well be used to take care of projects such as those roofs as well.

Minnis:

As long as they fit under the definition of - s

Taylor:

We are trying to limit it to – I am saying – anything under \$75,000 shouldn't be expenditure out of this budget. That is what I am trying to do, but I hear Commissioner Croley and I agree with him.

Lawson:

I don't have a figure tonight on all of the roofs that need repair or replacement. It is pretty much every roof that we have. That is something that we would have to bring back to the Board in terms of what the actual estimates on those roofs that are in need of repair would cost.

Taylor:

Alright.

Holt:

Madam attorney, do you have a copy of that ordinance amending Section 74-1.

Minnis:

Yes.

Holt:

I need to see a copy. When we are looking at these repairs, I don't have a problem focusing in on what you want to do with it. That, I don't have a problem with. I would be very apt to say that if I wanted Gretna to have their roof fixed – because you have those municipalities in there – what would stop them from coming and asking, “We need our roof fixed, can we use part of that – you have the municipalities in here – do you see what I am saying? I want it targeted toward something that benefits the countywide if we use that tax. What will we do. The only reason that I brought up the situation and the City of Gretna came in with that on the horse track and the poker room and considered looking at some other things out there is because that tax benefits countywide. Do you understand what I am saying? If the county wasn't going to get their share and the School Board and the Water District, then I may say you know, even though it is in my district, I would not be in favor of it. But I am in favor of what benefits us countywide. So, I understand what you are saying. That kind of gives you a little something to think about.

Croley:

May I respond to Commissioner Holt?

Taylor:

Yes.

Croley:

Commissioner Holt, I remind you that the municipalities already get a share of this tax money.

Holt:

I understand that.

Croley:

And, this was one of the reasons, you know, not to go backward, but I do not personally care for the way that we did the allocation to Gretna about the sewer line. That is why I opposed that way. But, the municipalities already get a share of this tax. How they choose to use it is their business. If they want to put a roof on the Gretna Town Hall or buy a new water tank or whatever it is that they want to do or put in more sewer lines, that is their business. What I am saying to you is that the county's portion of it being restricted as it is – having sat here saying some of the projects that this money was used for, not that the Supervisor of Elections Office was wrong or that the fuel storage tanks or maybe even bathrooms in a park, but that was not the intent of the continuation of the one-cent tax was about. And,

obviously, some of the citizens felt the same way or there would not have been changes made up here.

Now, the question is, - you just said specific items. Now, we understand that it was passed to build a new jail. We all know about that. We know that maintenance improvements for the jail serves the whole county. That might be an appropriate use to spell out in here in addition to what is already spelled out. But, the way it is worded now, and again, no criticism, Ms. Minnis, but it is too broad. It is not something that I would think we should support.

Holt:

Commissioner Croley, I understood that the cities already get their portion. That was my point. I was discussing our portion at the county level. Since it is coming to the county, if you use it for projects that benefit the countywide. That is all that I am saying. I don't mind narrowing it down. I don't have any problems with that. But, I do have a problem with us saying that we don't do any improvements.

I think if you feel strongly about the intent – bring it back before the board and see if you want to take it back through a referendum. I think the citizens voted and some of the people are missing from up here simply because of the ways that the commissioners campaigned. It had nothing to do with whether those people were good at what they were doing or not. They had a good track record from where they came from before they got here. Some of them have great jobs after they left here. In fact, I looked at some of the salaries and I wondered why they didn't take me with them.

What I am saying is that maybe we need to take that to a referendum and maybe that is what the commission needs to consider. Other than that, do we not fix the roof out there at the livestock pavilion? That is a paying tenant out there. As I said before, none of us should be in this building. We should have all gotten together as was planned, build a building out at the jail for the Sheriff. That was the plan. Then all of should have moved down there where the Sheriff is. This building should be rented out and making money. We shouldn't be sitting back and holding onto properties that don't generate funds. That was my only concern. Thank you.

Taylor:

Let's see if we can move this along. You all were here before me so you know the history. What I have gathered from both you and Commissioner Lamb is that the original intent of this fund was to fund the jail. That is the original intent. It has since been divided up with public works. Based on both these interpretations of a need, I think we are at the point, we just move together on these two particular items. Both of you have said that you would rather these dollars impact on what could affect us countywide. That is public works and that is the jail. If you would take a look at our budget with the facilities, we put a decent amount of funds in that particular item that should take care of some of the other repairs that fall under \$100,000. There is considerable amount of money in that budget for facilities. So, if we can get a super-majority right now on making sure that the jail is repaired and that infrastructure is taken care of through public works, then I am willing to move and

have the attorney change the language to direct those two and see if we can move through. Pretty much, these items have been taken care of through public works. For those that fall under major repair costs. So, let's see if we can move it and get the attorney to amend it and concentrate on the jail and on public works.

Lamb:

I echo your sentiment. I think we should vote for those two also, public works and the jail.

Holt:

One question right quick. What about fire? Is fire already in there?

Minnis:

Yes, at this point in time, it has maintenance of infrastructure, public works projects such as road improvements, water/sewer systems, fire protection and suppression.

Taylor:

It is already in there.

Minnis:

Alright, I am to maintain fire suppression and public works and add the jail.

Taylor:

Alright. Yes, sir?

Morgan:

I would just ask for clarification, Madam Chair, is this coming back to us to discuss later on? We are not voting on anything this evening are we?

Taylor:

Well, we need to go ahead on, Commissioner, and vote for the amended items.

Minnis:

You can't really vote to pass the ordinance because I have to re-notice the change and it has to come back at a public hearing.

Croley:

Madam Chairman, may I ask Ms. Minnis something?

Taylor:

Go ahead.

Croley:

This last sheet – that is the current ordinance?

Minnis:

That would be the one with some change – with "D" not "C"

Croley:

Is "D" the current one? I can pull it up on this I-Pad, but

Minnis:

This would be with the change. This is the way it would be amended. This is what has been noticed.

Croley:

Well, I can only tell you what I am willing to support. I am willing to support maintenance of the existing jail; an additional pod to the existing jail as the clerk has repeatedly called for; but, I am not going to go much beyond that. As far as public works, public works has been defined as road and I would expect the word "bridge" to be in there as well because that was the intent, the road and bridge, based upon the historical aspects of this.

This one-cent money, Mr. Lawson, doesn't, don't you use some of this money for heavy equipment as will?

Lawson:

Yes.

Croley:

Because those meet the legal definition of capital items having a life expectancy of five years or more. I don't want to get into the position where either this commission or a commission a few years down the road is back to wildly interpreting these ordinances and creating something that wasn't intended.

Morgan:

Madam Chair.

Taylor:

Yes.

Morgan:

I did not hear fire protection.

Taylor:

It is already in it.

Morgan:

So, that is included in the ordinance.

Taylor:

Yes.

Croley:

If we didn't have that, we wouldn't be able to pay the City of Quincy.

Morgan:

I just wanted to clarify.

Taylor:

That's not true. You can always pay it from General Fund.

(Laughter) Ya'll need to lighten up some. We are all friends around this board.

Holt:

I need to make this note to the attorney. Whenever we make changes, we need to see the old next to the new because we are comparing something and we don't see it. That is why I asked for a copy.

Minnis:

There is a redline version that was forwarded, but for some reason –

Taylor:

Someone didn't copy it for us in color.

Holt:

What I am looking at – every time I look at something from now on – I keep thinking about that ambulance running from the emergency room here to Tallahassee with no money for those runs under Medicare. It was something in the contract that should never have happened. It should not have happened. I am still looking to rectify that. That has to be changed some kind of way.

Taylor:

Commissioner, we are talking about this ordinance. Get off, listen. Alright. Alright.

Your comment is well taken and we do need to have it highlighted and make sure that it is colored so that we can see the difference.

To sum up – and help me out Commissioners around the Board. With regard to this particular item, we want it more restrictive with regard to the items that we would like to see these funds go toward. One, obviously, is fire protection. We will stay with infrastructure through public works. Commissioner Croley eased in there, "bridges". We know that he is a bridges guy. So, we are not going to argue about bridges as well as public works with regard to infrastructure. We also want to make sure that the jail is in there. He has indicated two. One is maintenance of the existing jail. We have heard about the locks and the shower heads and the chiller. So, that is part of maintenance. AS well, in the future, building a pod out there. I have to agree with him on all three. I am right there with you.

Can I just get someone to say, "So moved." But, you have indicated that you don't need it. You are going to come back with clear language and then have another public hearing on this one.

Minnis:

Correct. The only moves you could make with this is to table and have us to make the changes and bring it back.

Croley:

So moved.

Holt:

Second.

Taylor:

There is a motion and a second to table this particular item and allow the attorney to bring back the revised words for this particular ordinance.

Are there any other questions?

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

All:

Aye.

Taylor:

Opposed, the same sign.

(No response.)

Motion carries 5 – 0 to have the attorney bring this back in the very near future.

3. Public Hearing – Ordinance 2011-007 Repeal of Sec. 55-31 of the Gadsden County Code of Ordinances Discharge of a Firearm across a county road.

Attorney Minnis stated that this matter has been preempted by State Statute that makes it a criminal offense to discharge a firearm across a right of way. In keeping with the Legislature preemption in that area, she advised that the ordinance should be repealed in the Gadsden County Code of Ordinances.

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

Commissioner Holt commented, "We have always had problems with hunting clubs shooting across people's property where there are homes. So, there is something that addresses all of this stuff in the State Statutes, right?"

Ms. Minnis replied, "Yes, in different sections of Chapter 790 handles all those types issues."

Holt:

And it also addresses large weapons?

Minnis:

Yes, Ma'am. In fact, Mr. Glazer did indicate that was a question. The definition of firearm does include what they consider destructive devices, which would include grenades, bombs, rockets, missiles, pipe bombs and similar devices. It also includes machine guns, which is defined to be any automatic or semi-automatic type of weapon.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO REPEAL SECTION 55-31 OF THE CODE OF GADSDEN COUNTY ORDINANCES.

4. Public Hearing –Ordinance 2011-005 Amendment of Sec.55-2 of the Gadsden County Code of Ordinances

Ms. Minnis recommended amending Section 55-2, which contains the definitions to be used in implementing the provisions of Chapter 55. As a result of the repeal of Sec. 55-31 earlier, there is no longer a need to have the definition of "firearm" in this ordinance. Sec. 55-31 was repealed due to the preemption as a result of the preemption by the State of any regulation of firearms by local governments. This is merely a housekeeping item since there is no longer a need for it.

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

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO AMEND SEC. 55-2, AS DESCRIBED ABOVE.

5. Public Hearing –Ordinance 2011-005 - Amendment of Sec. 58-31 of the Gadsden County Code of Ordinances

This ordinance will amend section 58—31 of the Code of Ordinances for Gadsden County. Certain provisions of Section 58-31 prohibit hunting or shooting upon the right of way of any county or state road or any county or state maintained road. During the 2011 Legislative Session, the State amended FL 790.33 to strengthen it's preemption in this area and authorized penalties for any local government enacting any ordinances regulating the ownership and possession of firearms. As a result of the preemption by the State of any regulation of firearms by local governments, an amendment to this ordinance is required.

There was some discussion as to whether archery should be included in the repeal. However, to err on the side of caution, Commissioner Croley recommended that the board should pass the ordinance as it is, then instruct Ms. Minnis to research further to see if a complete repeal of the ordinance would be more appropriate rather than an amendment.

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

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0 TO AMEND THE ORDINANCE DESCRIBED ABOVE AND TO AUTHORIZE THE ATTORNEY TO BRING BACK ANOTHER ORDINANCE IN THE EVENT SHE SHOULD DISCERN THAT IT WOULD BE NECESSARY TO ALSO REPEAL ARCHERY AS A PART OF THIS REPEAL.

6. Public Hearing –Ordinance 2011-004 - Amendment of Sec. 59-6 of the Gadsden County Code of Ordinances

Once again, Ms. Minnis explained that due to the preemption changes made by the Legislature in 2011, Section 59-6 should be amended. This ordinance prohibits, among other types of activities, the discharge of a firearm, or air gun in any County Park. Section 790.15, FS already prohibits this behavior.

Ms. Minnis recommended an amendment to the ordinance with recommended changes.

Chair Taylor called for public comment. There was no response.

Board discussion followed.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO ADOPT ORDINANCE 2011-004 AMENDING DELETING REFERENCES TO FIREARMS, RIFLES, AIR GUNS, SPEAR GUN, AND ANY OTHER DEVICE COVERED BY CHAPTER 790 FS, EPEALING SEC 59-6 OF THE GADSDEN COUNTY CODE OF ORDINANCES.

For the record, Chair Taylor emphasized that even though the county ordinances have been repealed and amended, the measures were taken so that the county would be in compliance with a state mandate to do so. There are certain Florida Statutes, which preempt any regulation of firearms by local governments. The Florida Statutes will govern the use of firearms and the law enforcement agencies will continue to enforce the use of firearms by the authority of Florida Statutes.

7. Other Items as Necessary –

No other items were brought forward.

THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, CHAIR TAYLOR DECLARED THE MEETING ADJOURNED AT 7:25 PM.

Sherrie Taylor, Chairperson

ATTEST:

Muriel Straughn, Deputy Clerk