

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON OCTOBER 4, 2011 AT 6:00 P.M., THE FOLLOWING PROCEEDING WAS HAD, VIZ.

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

INVOCATION, PLEDGE OF ALLEGIANCE AND ROLL CALL

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

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

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

AMENDMENTS AND APPROVAL OF THE AGENDA

The following changes were made to the agenda:

- Move Item 22c (Agreement for Actuarial Services with Stanley, Hunt, Dupree and Rhine) to General Business as 18a.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED AMENDMENT TO THE AGENDA.

- County Administrator Arthur Lawson asked that the Award of RFP 11-13 for financing of the renovations to the Tax Collector and Property Appraiser's Building be added to the agenda as Item 18b.

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

- Add: Alternate Appointment to Value Adjustment Board as Item 18c.

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

- Amend the Public Hearing agenda by moving item 12 to A-9 as there were several elderly citizens present for that hearing that might need to leave early.

ADOPTION OF THE AGENDA AS AMENDED

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

AWARDS, PRESENTATIONS AND APPEARANCES

1. Presentation of Leon County School Board's Compressed Natural Gas (C Fueling Initiative

As the county's Public Works Department is facing having to soon replace five dump trucks and other heavy equipment, Mr. Chapman proposed looking into replacing them with equipment that uses compressed natural gas (CNG) to operate. The alternative option is available at this time, but significant research would be required by the county staff.

Mr. Manny Joanos (with the Leon County School Board (LCSB)) addressed the board telling them that Leon County School Board purchased 14 buses, which are operated by CNG. He said that CNG is a much cleaner and less expensive alternative fuel to gasoline or diesel. LCSB expects to add 30 more CNG buses to the fleet in the upcoming year.

LCSB began their CNG Fleet by applying to the US Environmental Protection Agency for a grant for \$350,000 to buy the first eight buses. They also installed a fast-fill CNG fueling station at their bus maintenance facility located on the east side of Tallahassee. The School District is now partnering with Nopetro, a Tallahassee company, to build and operate a natural gas fueling station.

Jorge A. Herrera, Co-founder and Executive Director of Nopetro, addressed the board and made a PowerPoint presentation giving an overview of how their company had developed in this particular market.

Jack Locke, Co-founder and President and CEO of Nopetro, was also present.

Commissioner Croley made several remarks to the presenters and to the board. He first heard the presentation at a Chamber of Commerce meeting in Destin, FL and invited them to Gadsden County to demonstrate how their program was working.

Chair Taylor called for comments from the board.

Commissioner Morgan asked questions regarding where the breakeven point would be to offset the additional cost for the vehicle.

Mr. Joanos replied, "This is what we know. We know that fuel cost alone will save us \$5,-000 - \$6,000 per vehicle annually – less expensive fuel bill. So, if you just look at it from a perspective of fuel cost, we will drive that bus 15 years and we will get our money back in five years. After that, it is a continual savings. We also have a suspicion because the industry tells us that we will have a longer life cycle with that bus. So, where we might spend \$27,000 more per bus, for instance we might spend \$160,000 per bus rather than \$135,000, the life cycle for that diesel bus is 12 years. So, we are anticipating a life cycle of 15 – 16 years for the C & G bus. If you do the amortization schedule on 12 years versus 15 years, we are actually paying a little bit less annually for that C & G bus. So, coupled with the fact that it is less expensive fuel, it is a kind of a no brainer, particularly when you've got the private sector stepping in that will supply the fuel for us so that I don't have to build that second fueling station. We just spent about \$1.2 million on that."

When asked about converting vehicles to CNG, he responded, "It is not practical to convert a school bus. However the vehicle that I drove over here was converted at Lively for \$8,000. It runs on both CNG and gasoline. It will take the life cycle of that vehicle to be able to recover what we put into the conversion. However, we are seeing that in just 2 -3 years, the price of conversions will reach an economy of scale. Number 1, the EPA will become less intrusive into that process and be more practical about how things get approved for certification. So, right now, it is quite enormous to go through the certification to be able to do just one class of vehicles. So, the EPA has stated that they will streamline that process. Likewise, as more people move toward doing conversions that will bring an economy of scale to the picture, too. "

It was determined that Nopetro is engaged in conversation with Leon County and the City of Tallahassee, but no contracts are in place at the time.

Commissioner Holt inquired as to some substantial evidence that indicated that the life cycle of a vehicle would be 15 years.

Mr. Joanos replied, "The only evidence that I have is what the industry suggests to us. The third thing that I wanted to mention is that we have already noticed that the maintenance requirements for a CNG bus are way less than the diesel buses. So, we have noticed that oil changes, for instance, are far less frequent. So, we have seen already the industry saying that this engine is going to last you longer because it is a cleaner fuel. We are already noticing that difference in our maintenance costs.

While the cost of conversion of a school bus would run \$60,000, the industry is now manufacturing the CNG buses right on the assembly line at a cost far less. The right course of action would be to purchase vehicle as they comes up for replacement in the fleet. It was also noted that some infrastructure for fueling would have to accompany the fleet conversion in

order for it work practically.”

Public Works Director Charles Chapman requested direction to have the staff flush out whether or not the investment in CNG infrastructure and equipment would be a cost effective option at this time for the county.

There was a consensus that there was sufficient interest by the board to direct the staff to make some exploration into the feasibility of such a program.

2. Brownfields Grant Activity Update

Cardno TDE Project Manager Roger Register addressed the board giving an update on the Brownfields grant.

- Advisory committee was set up for the grant.
- Good progress has been made in that they have completed five “Phase I” Due Diligence Reports on public and private properties throughout the county. Two additional properties are in the process of Phase I.
- Phase II site assessments have begun on four properties.
- There is anticipation to conduct two other Phase I properties and two or three Phase II properties.
- The Brownsfield brochure has been completed and delivered to the county office on this date.
- The Havana sites which were explored are the former Butler Dry Cleaners on U.S. 27, an abandoned motel north of Havana and the Old Havana Northside High School. They are potentially considering assessing the Middle school as well.
- No sites have been identified in Gretna
- Due Diligence and record research is performed in Phase I.
- Phase II includes testing of ground water and soil samples to determine if there is contamination present.
- The purpose of the grant is only for assessment of the properties identified. It does not include clean-up. However, completion of the assessment phase would position the county for another clean up grant. It is a competitive process and they are site specific up to \$200,000 for removal of the contaminants.
- Cattle dipping sites would be eligible for clean up through the program.

At the conclusion of the report, Chair Taylor requested that Mr. Register provide each board member with a copy of the list of properties that have already been identified for the assessment process. As well, each commissioner was asked to inform Mr. Register of any properties in their district which might qualify for the grant.

3. CLERK OF COURTS

Clerk Thomas had no report.

CONSENT AGENDA

Items 5 and 8 were pulled for discussion at the request of Commissioner Croley and Commissioner Taylor respectively.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT , THE BOARD VOTED 5 – 0 TO APPROVE ITEMS 4, 6, AND 7 BELOW TO WIT:

4. Ratification of Approval to Pay County Bills

5. Approval of the 2012 Holiday Schedule

This item was pulled for discussion.

6. Renewal of Services Contract with Lab First, Inc. to Provide Drug Screening for the County

Lab Fist, Inc. is a local lab service that provides pre-employment, random, post accident, and reasonable suspicion drug screenings on a five, eight, or ten level drug panel. Lab Fist, Inc. is licensed, insured and accredited by the National Drug and Alcohol Testing Industry Association.

The Board entered into a service contract with Lab First on November 2, 2010 with a provision to renew it at the end of the year if all parties agree. They are conveniently located in downtown Quincy with convenient hours of operations.

Each drug test is a cost of \$30 and is included in the budget for 2011/2012.

7. LSTA Library Grant - 11 LSTA-E-02 Grant Agreement to Engage Tweens, Teens and Their Community Through Science Exploration

This grant seeks to engage middle school-age youth, teenagers and the community in using library resources to explore science. The Public Library System will host a variety of science themed programs in schools, outreach locations, and public libraries to generate science awareness in the Community. The grant is for **\$47,256.00**.

8. Approval and Signatures for Satisfaction of Special Assessment Liens for

~~Maurice E. and Felecia C. Evans~~

This item was pulled for discussion.

CONSENT ITEMS PULLED FOR DISCUSSION

5. Approval of the 2012 Holiday Schedule

Commissioner Croley stated that he has consistently voted against 12 paid holidays. He said that most places have only 10 or 11 holidays and have replaced Good Friday with a floating holiday.

However, Gadsden County has given 12 paid holidays to its employees for many years. He was opposed to the 12th holiday.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 – 1 TO APPROVE THE HOLIDAY CALENDAR. COMMISSIONER CROLEY VOTED NO.

8. Approval and Signatures for Satisfaction of Special Assessment Liens for

Maurice E. and Felecia C. Evans

SHIP Administrator Phyllis Moore explained that Maurice and Felecia Evans qualified for a SHIP grant in 1995 as a first time home buyer. The satisfaction of the special assessment lien was approved on September 4, 2002 and was signed by the late Commissioner Bill McGill. However, the satisfaction was never recorded and the original satisfaction of lien was lost by the homeowner. While there is a copy of the satisfaction in the board records, by law, the Clerk of Court can only record “originals” for the Official Records. In order to remove the Lien from the property, it was necessary to prepare a new original. Ms. Moore requested that the board execute the new original satisfaction prepared by staff.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE TO APPROVE THE EXECUTION OF THE SPECIAL ASSESSMENT LIEN DESCRIBED ABOVE.

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS

Ms. Nell Cunningham, 310 Bostick Road, Havana, FL 32333 appeared before the board to thank them for the efforts made toward construction of the park in Havana named for Eugene Lamb Park at Rich Bay.

Chair Taylor commended the residents of Havana in being aggressive in their fund raising participation to get the park built.

PUBLIC HEARINGS

12. Public Hearing: Transmittal of Bostick Road Future Land Use Map Amendment (CPA-2011-02)

(This item was moved to this juncture by board approval as an amendment to the agenda at the beginning of the meeting.)

The BOCC was requested to consider approving the transmittal of an administrative amendment to the Future Land Use Map (FLUM) for seven parcels totaling 34.75 acres from Commercial to Rural Residential to reflect the actual use of the property. Once the FLUM is reviewed by Florida Department of Economic Opportunity (DEO), Division of Community Planning (DCP), the amendment would come back to the board to be adopted by ordinance.

Growth Management Director Anthony Matheny opened the public hearing and gave a brief overview of the proposed FLUM. He stated that the parcels are located on Bostick Road north and adjacent to the Havana Golf and Country Club, west of the CSX Railroad tracks and U.S. 27 (FL-GA Highway). Access is primarily from Bostick road, a private residential roadway and Red Fox Lane. Neither was constructed for commercial development. Access from S.R. 27 (FL-GA Highway) is via Country Club Drive.

He explained that the residents on the road approached the Department collectively to have the land use designation changed when they came to realize that it was designated commercial. He explained that this measure would allow the owners more flexibility in marketing or improving their property.

Upon reviewing their request, the staff determined that the county had likely made an error when these parcels were originally designated as commercial property. As such, he said that he did not charge the petitioners for the public hearings, etc. and handled the amendment as an internal administrative change.

The Planning Commission met on September 15, 2011 and voted to recommend approval of the transmittal of this amendment based on the findings as listed on the agenda report and they determined that it was consistent with the Comprehensive Plan.

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

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE TO APPROVE THE TRANSMITTAL OF THE BOSTICK ROAD ADMINISTRATIVE FUTURE LAND USE MAP AMENDMENT (CPA-2011-02) TO AMEND THE FUTURE LAND USE MAP BY CHANGING THE LAND USE CATEGORY ON SEVEN PARCELS TOTALING 34.75 ACRES FROM COMMERCIAL TO RURAL RESIDENTIAL BASED ON THE FINDINGS 1 – 11 OF PAGE 4 OF THE AGENDA REPORT AND THEY DETERMINED THAT IT WAS CONSISTENT WITH THE COMPREHENSIVE PLAN.

9. Public Hearing: – Escambia County Housing Finance Authority = Single Family Mortgage Revenue Bond Program for First Time Home Buyers Interlocal Agreement and Resolution 2011-033

This agenda item was to conduct a public hearing to consider the approval of a finance plan to provide capital, which will include the issuance of the Single Family Mortgage Revenue Bond Program on behalf of Gadsden County.

The program provides 30 fixed rate mortgages at interest rates that are below normal market rate. The 2010 bond issue offered mortgages at 3.95% and assistance with closing cost and down payment of up to \$8,000 per homebuyer at zero percent interest amortized over the first 20 years.

There is no cost or liability for Gadsden County to participate.

Chair Taylor explained what the Interlocal Agreement and Resolution would provide to the county residents. She then called for questions or comments from the public. There was no response.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE INTERLOCAL AGREEMENT AND THE RESOLUTION DESCRIBED ABOVE. (Commissioner Lamb was not present for this vote.)

10. Public Hearing: First of Two Public Hearings Required for Gadsden County to Apply for Florida Department of Community Affairs 2011 CDBG Economic Development Grant

The BOCC previously instructed staff to prepare this agenda item and to proceed with the first Public Hearing.

Mr. Auburn Ford, on behalf of Mr. Charlie Harris, conducted the first public hearing in 2010 that was required for Gadsden County to submit a grant application to the Florida Department of Community Affairs (FDCA) under the CDBG Program for Gussie's Garden Inn Assisted Living Care Facility. The grant would fund infrastructure improvements at the site. That 2010 application was denied due to the submittal of an incomplete application.

This is Gadsden County's second application for this project in a new funding cycle. A conceptual plan for Gussie's Garden Inn ACLF was approved by the BOCC on March 1, 2005. The property is located on US 90, west of Quincy city limits. Mr. Harris intends to convert his mini storage business into the assisted living facility, which will house forty-eight clients and provide eleven (11) low to moderate incomes. The site is now serviced by septic and will be required to hook to the City of Quincy sewage. The sewage connection requirement will cause an undue financial hardship on Mr. Harris and he is requesting the county to pursue a CDBG Economic Development grant to provide the infrastructure to his business, which will also benefit future development in the area. The project will install sewer lines, lighting and paving of access roads.

The agenda report stated that there will be staff time devoted to the grant application process and it may involve the County securing a consultant to apply or administer the grant and that the consultant would be paid for out of the grant if it becomes necessary. However, the matter would be brought back to the board for that determination.

Mr. Ford explained that the county *will have the option* to hire a consultant to administer the grant. He then announced the opening of the public hearing. The Chair further explained the purpose of the hearing.

Commissioner Holt clarified that the grant is for the purpose of putting the sewer line into place that will serve the facility – it will not be used for constructing the facility itself.

Commissioner Croley asked, "Are your efforts keeping anyone else from applying for a grant? When we addressed that the last time, Mr. Harris came with a letter from the Chamber of

Commerce stating that they were not aware of anyone else who would be applying for an infrastructure grant. Has that situation changed at all?”

Mr. Ford answered, “No, sir, not to my knowledge.”

Commissioner Croley surmised, “Then everything is the same as before?”

Mr. Ford replied, “The only communication that DCA had some concern about – I think they communicated that to your staff – which all the areas around the state can apply and there might be an influx of new grants coming in. They were encouraging us to expedite this as quickly as possible. I was going to discuss that, but we have already jumped into the public hearing. I have a timeline to try and get this in early. Most of this stuff that was noted as deficiencies before have already been completed. I already have the grant ready. But, we still have to go through this process. There are some other things that changed when DCA went to DEO. They require things up front now, which they have never done before. So, that is why I want to explain some things after this public hearing. I will try to explain why we need to move on it more expeditiously on this grant. The reason I am saying that is because after the contract is awarded, they have 60 days to come out and do a site visit. That is the time they would usually come and do a participating party agreement and things of that sort. In this process, they are asking for those things up front. We never did that before. But, they say they want it up front now and that is what I have complied with now. I have already drafted a participating party agreement for the attorney’s review along with the letters of commitment. Also, what was missing from the packet was an Interlocal agreement between Gadsden County and the City of Quincy. I had a meeting last week with the City Manager and he is all for the project and he is just waiting for the draft copy to come to his board so they can approve it. Then it will come back here to be included in the grant application. I know that is a lot.

Croley:

Well, I am generally following what you are talking about here. But, what I am trying to make sure of is that nothing we are doing is interfering with anyone else based upon what you know today, and Mr. Harris assured us of that the last time. You are working with the staff on whatever you need to have done. That is all.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, TO APPROVE THE APPLICATION FOR THE CDBG ECONOMIC DEVELOPMENT GRANT AND THE FIRST PUBLIC HEARING ON THE GRANT.

Ford:

Because of the concerns of DCA and I have discussed this with your staff, I know you have all your public hearings when you meet at night. What we would like to do is request a special meeting on October 25th so we can get this grant submitted to DCA by October 28th to insure that we will have good chance of getting funded. If we go through the normal process, we won’t get this grant in in time to get anything. We feel that it will be too late. That is why we usually ask to have a separate special meeting for the second public hearing. I think we can get the grant submitted to DCA in time to have a chance at funding it.

After discussion among the board, it was decided that the second public hearing would be held on the first meeting in November.

11. Public Hearing: Neighborhood Commercial Land Development Code Text Amendments (LDR-2010-01) Proposed Ordinance No. 2011 – 005

At this public hearing, the board was asked to make a decision on the second reading of an ordinance to adopt revisions to the Land Development code (LDC) so that the LDC is consistent with the adopted Comprehensive Plan amendments to the Future Land Use Element Policy 1.1.52(D) Neighborhood Commercial (NC).

At the September 6, 2011 public hearing, the Board voted to approve the ordinance on first reading moving it forward for the second reading.

LDC amendments are to be reviewed as a TYPE IV Legislative procedure pursuant to Subsection 7402 and are subject to public notice requirements as established in Subsection 7501 of the LDC. Public Notice requirements have been met.

The BOCC had amended the policy twice in recent years. The second amendment was adopted on March 1, 2011. As a result of amendments to Policy 1.1.5(D) Neighborhood Commercial (NC) sections of the LDC are no longer consistent with the Comprehensive Plan. The county must now revise sections of the LDC, specifically Chapter 4, Subsections 4104, 4202.C and Chapter 5, Subsections 5204 and 5900 so that they are consistent with the Comprehensive Plan.

At the March 20, 2011 and April 14, 2011 public hearings, the Planning Commission discussed and recommended amendments to the LDC that would bring it into compliance with the amended Neighborhood Commercial policy (Policy 1.1.5(D)).

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE TO APPROVE THE ORDINANCE 2011-005.

12. Public Hearing: Transmittal of Bostick Road Future Land Use Map Amendment (CPA-2011-02)

The BOCC was requested to consider approval to transmit an administrative amendment to the Future Land Use Map (FLUM) for seven parcels totaling 34.75 acres from Commercial to Rural Residential to reflect the actual use of the property. Once the FLUM is reviewed by Florida Department of Economic Opportunity (DEO), Division of Community Planning (DCP), the amendment would come back to the board to be adopted by ordinance.

The parcels are located on Bostick Road north and adjacent to the Havana Golf and Country Club, west of the CSX Railroad tracks and U.S. 27 (FL-GA Highway). Access is primarily from Bostick road, a private residential roadway and Red Fox Lane. Neither was constructed for commercial development. Access from S.R. 27 (FL-GA Highway) is via Country Club Drive.

The Planning Commission met on September 15, 2011 and voted to recommend approval of the

~~transmittal of this amendment based on the findings as listed on the agenda report and determined that it was consistent with the Comprehensive Plan.~~

Option 1:

~~Approve transmittal of the Bostick Road Administrative Future Land Use Map Amendment (CPA-2011-02) to amend the adopted Future Land Use Map by changing the land use category on seven parcels totaling 34.75 acres, more or less, from Commercial (COMM) to Rural Residential (RR) based on the findings 1-11 (Page 4) of the agenda report and determined that it was consistent with the Comprehensive Plan.~~

This hearing was held earlier in the meeting at the beginning of the public hearing agenda.

13. Public Hearing: Resolution 2011-035; 2011-036; 2011-039 and Budget Amendments OMB BA 110094; 110095 and 110125

Resolution 2011-035 and Budget Amendment OMB BA 110094 – close fund 325 Court Facilities
Resolution 2011-036 and Budget Amendment OMB-BA 110095 – close fund 318 Affordable Housing

close fund 111 Law Library

Resolution 2011-039 and Budget Amendment OMB BA 110125 – close fund 119 Choose Life for FY 2011

This process provides a method for the Board to establish budgetary authority for newly awarded grants and re-establish budgetary authority for grants that overlap multiple fiscal years. The process, via approval of budget amendments allow for funding for specific grants approval in current and previous fiscal years to be appropriated or re-appropriated in the current fiscal year to support the continuation of these respective grants.

Option 1: Approve resolutions and the associated budget amendments for FY 2011 awarded grants and carry forward grants.

Chair Taylor called for public input.

There was no response.

Clerk Thomas responded to questions from Commissioner Croley and Commissioner Morgan.

Commissioner Holt asked that the resolutions make a narrative description of the amendment and explain the basic premise for the amendment.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE RESOLUTIONS AND BUDGET AMENDMENTS DESCRIBED AND NAMED ABOVE.

14. Public Hearing: Approval of Resolution 2011-037 and Budget Amendments 110100, 110123,

and 110124 to transfer funds for Hospital Expenses for FY 2011

Chair Taylor opened the public hearing and called for public input.

Commissioner Croley insisted on something being stated on the record as to the purpose of this amendment.

Clerk Thomas explained, "There are two things happening here. One is \$143,000 that is covering the cost of the heliport at the hospital. The second thing, the \$174,000 is the last of the draw down for the equipment that was purchased. Those are basically closing out those transactions. Accounting for the heliport and drawing down the money from the Trust."

Croley:

And does this track with the business plan that was presented by the hospital board originally?

Thomas:

You remember, you added the heliport. You voted to do the heliport. But, all the budget amendments that was needed to account for that was not done at that time, so that is sort of a clean-up thing. Both of these are items that you voted to take action on and now we have to clean up the actual budget.

Taylor:

Did these items come in under budget or within the budget that was approved? The budgeted amount. That is my question.

Thomas:

Yeah. You approved \$144,000.

Taylor:

I remember that we approved it, but I don't remember the amount. I just wanted to make sure that we came in under or within the amount budgeted.

Thomas:

Yeah.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED RESOLUTIONS AND BUDGET AMENDMENTS.

15. Public Hearing: Resolution 2011-034 and Budget Amendment 110107 to the FY 10/11 Budget to set up Funds for Jail Maintenance

This agenda item requested that funds be taken from fund 301 (Capital Projects – General Fund) to provide funding to complete various infrastructure projects at the county jail. All of the designated projects for the jail will not be completed prior to the next fiscal year.

Chair Taylor opened the public hearing.

Clerk Thomas:

You remember a few meetings ago; I came to you and told you that you had some emergency repairs that had to be made to the jail. You had already taken money that was budgeted and set it aside for the Gretna project, right? So, therefore, we had to appropriate some of the money that you had in the fund balance in that fund that was reserved for jail improvements so that they could go ahead and make those emergency repairs. I forwarded each of those a couple of meetings ago and this is the budget amendments to go along with that. It happened in the 2011 fiscal year.

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

The chair then opened the matter up for board discussion.

Croley:

Before you move, let me ask some questions about this. I want to make sure that this thing is being done correctly in a business manner and legally. That is my real question about it. Let me give you my reasons why I am asking my questions.

First of all, the existing county ordinance to amend the one cent tax that right now restricts, except by super majority vote, the use of the one cent monies to public works, transportation, fire services and water and sewer. It has not been changed yet. We reviewed that at the last meeting, but I think Ms. Minnis took that back to do some further work on it for consideration. So, that hasn't been changed.

The number two reason that I have a concern is that the present county attorney, Ms. Minnis, appears to be at odds over her predecessors' interpretation of that one cent tax in question – could be used for jail maintenance without a super majority vote by the BOCC. I don't know, without having to go back and look whether or not that fund was set up with a super majority vote or whether that was just done because the attorney at the time made that his interpretation.

So, Ms. Minnis, have you checked into that to see if that – because if you feel your reading of the ordinance is more restrictive and I believe at that time, it may have been Mr. Sexton, I can't remember, had a more liberal interpretation. Have you had a chance to look at that?

Minnis:

No. I have not. I will have to look at how that fund was set up.

Croley:

The third thing is that in 2003, the Board of County Commissioners passed under FL Statute 951.061 Ordinance number 2003-008 designating the sheriff as the county's chief correctional officer. Now, I want to make it very clear that I don't have any problem with that. I have repeatedly said that I don't have problems with the sheriff being designated as being designated as the chief correctional officer. But, if you look at that state law, and I believe that Ms. Muriel

looked this up today in the county ordinances and I believe that it is 53 something 08. Anyway, whatever it is in the county ordinances, it specifically references that state statute as being the legal authority to do that. It is very clear when you read this statute. It says that the funds for the maintenance and operations of the county correctional system shall be done as provided in FS Section 30.49. So, how do you – does this action track with that Florida Statute?

The fourth thing is that FS 95.123 County Municipal Detention Facility – Definitions, Administration Standards and requirements raises the question – If the jail is being maintained and operated under the prior State Statute, then it is supposed to come under Paragraph 4 1a and 1b of the subject statute that the BOCC at this point in time doesn't even have any liability for the jail because it is all turned over to the Sheriff.

So, he should be paying for that out of his budget based on the way I read this, not the board and we should not be setting up this special fund without it going through Chapter 30.49.

Then finally, the Florida Statutes make it very clear about general maintenance funding. Whenever the Sheriff is designated under 951.061 as the chief correctional officer, it must be done under the way the budget is required under Florida Chapter 30.49.

I would encourage this board before you take any action on this that Ms. Minnis and our administrator at least look at this and see if what we are doing or being asked to do is really the proper way to handle this. Based upon what she is saying, and I am not putting words in your mouth, Ms. Minnis, you stop me if I say this wrong. But, if you haven't looked at this, How do you know that we are doing this right?

Clerk Thomas:
Madam Chair, may I?

I am not a lawyer and I didn't stay in the Holiday Inn last night, so - (huge laughter)

Croley:
I am asking. Did the light bulb come on? (huge laughter)

Thomas:
There are a few things, though. There are a few things that I would like to say.

One is that you are right. The money that we are dealing with was set aside about four years ago and the source was the one cent sales tax. We have talked about that and there was a different interpretation by the county attorney at that time and the county has every year since then appropriated some of this very same money for jail repairs. Now, they haven't been made like they should have been. But, every year when you approved your budget, you have appropriated some of this same money for the last four years. Now, you have spent some of it already and put into cameras. I think you did that last year. There may be a couple of other little minor things that you did. You haven't done the jail locks and the more major stuff that you intended to do.

Now, this money, by your ordinance, has specific purposes. But, the State Law basically says that the money can be used for any governmental purpose. You are right in that by your ordinance, you designated it. The reason I haven't given you a hard time about it is because of the State Law and you voted every time.

The money (the one cent sales tax) was originally passed by the voters to build a jail and pay for a jail. So, I haven't had a problem from that standpoint. One, the state law allows for it to be used for any governmental purpose. Yes, you have an ordinance, but you had a previous attorney who had a different interpretation of the ordinance. And, you have spent money.

Now, if you want to get into that, back when Davin and Marlon were here, you did other things with the money, too. You added onto the Supervisor of Elections building. You helped build a building out at Gretna for Fire/Police. You have done a whole bunch of other things with it, too, if you want to go down that road and revisit this. So, we have been fine in the Clerk's Office simply because we know that the State Law says that it can be used for any governmental purpose. You had a different attorney who had a broader interpretation.

You have issues at the jail. If ya'll want to revisit them and not pay – I mean you have already encumbered the expense. You can go find money from another source if you like. I don't know where you are going to find it in the old year. So, you can go down that road, but it brings up other issues.

Croley:

Mr. Clerk, I don't disagree with anything you said, but here is another thing, under Home Rule, this county made a decision by ordinance to be more restrictive with those funds. If memory serves me right and I think we could pull it up real quick, the Florida Constitution says that county ordinances will be enforced as if state law. Everybody up here raised their right hand, including you, that we would uphold the Florida Constitution and the laws of the State of Florida. I am not trying to say that the jail repairs don't need to be made or that the jail be maintained. I am simply suggesting and it is up to the majority of the board, obviously, but I am simply suggesting that this item be deferred until the November 1st. meeting and allow the attorney to take a look at this in consultation with your office and the county administrator to determine if we are doing this thing right. If we are, fine. If we aren't - That is all I am suggesting.

Thomas:

I have no problem with that. I think you will find that even though the Sheriff is the chief jailer, you are still responsible for the jail.

Taylor:

Exactly.

Thomas:

I think you will find that every year for four years, you have budgeted this money for this purpose.

Croley:

Well, would it be a mistake to at least to allow this to be reviewed?

Thomas:

No, I told you a couple of years ago that this one cent sales tax is the one source of money that you all were going to end up fighting over because it is the only source of money with which you have options. That is going to be true whether it is with the jail or infrastructure or water/sewer, fire services, public works. Once you start doing infrastructure with water and sewer and you start doing the jail, it is going to take money away from Public Works Department and that budget will have to decline. So, there are all kinds of issues with funding with this one source of money once you start spending it in different directions.

The reason why there was a lot of fund balance in the transportation fund went down a few years ago was because Davin and Marlon set aside this money instead of putting it into Public Works for those years. So, there are all kinds of issues with that, but, in terms of spending it on the jail, I think you have set a precedent with that already. You have already paid for things and you budgeted this money several years in a row. To go back now –

Croley:

Yeah, but, I didn't know that until I read all of this and then I started saying, "Well, wait a minute. Now I know better."

Taylor:

Are you finished, sir?

Thomas:

Yes.

Croley:

Yes.

Taylor:

Commissioner Holt?

Holt:

Madam Chairman, we need to either give the money to the Sheriff or go ahead and appropriate the money to pay these bills that we are going to owe as soon as we go out there and get this done. It needs to be done. We can either give it to him or we can pay for it. If we give it to him, he has a lot more leave way that we may want. The bottom line is that we need to fix the jail and we need to go ahead and vote on it.

I move approval.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4 – 1 BY VOICE VOTE TO APPROVE RESOLUTION 2011-034 AND BUDGET AMENDMENT 110107 TO THE FY 10/11 BUDGET IN ORDER TO SET UP FUNDS FOR JAIL MAINTENANCE . COMMISSIONER CROLEY VOTED NO BECAUSE OF THE QUESTIONS HE RAISED, NOT BECAUSE HE

WAS OPPOSED TO MAKING THE NECESSARY REPAIRS.

16. Public Hearing: Resolution 2011-038 and Budget Amendment 110106 to the FY 10/11 Budget to Fund Tourist Development Council (TDC) Expenditures

The fiscal year for TDC runs from July 1 through June 30 and thus overlaps with the BOCC budget causing shortfalls on occasions. This budget amendment actually increases their budget and must be approved via advertised budget change. It will decrease the TDC fund balance, but there is adequate money to cover payment on the outstanding invoices.

Chair Taylor opened a public hearing for the purpose of this budget amendment and she explained that it would move money from the TDC fund balance and budget it for expenditures for FY 2010/2011.

Finance Director Connie McLendon explained the following, “They are not overspent yet, but they have bills that we are holding to pay that we cannot pay because we do not have the necessary budgeted authority to pay them. We have cash, but the funds have not been budgeted, so the finance office could not pay the invoices. So, what we are doing with this amendment is we are increasing the budget in order to pay those bills that we are holding for them. They have plenty of cash in the fund balance, but it is not budgeted or appropriated. “

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

Commissioner Holt stated that she did have questions, but Ms. McLendon had clarified it to her satisfaction. She stated that if Ms. McLendon’s narrative had appeared somewhere on the resolution or amendment, it would have been self-explanatory. She then asked that in the future, budget amendments bear enough explanation so as to avoid having to do extensive questioning at the hearings.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION AND BUDGET AMENDMENT DESCRIBED AND NAMED ABOVE.

GENERAL BUSINESS

17. Data Analysis of Recommended 2% FRS Offset for the BOCC Employees

During the 2011 Florida Legislative Session, the Legislature revised the Florida Retirement system by having employees contribute 3% of their salary to their retirement. Many local governments throughout Florida helped their employees by offsetting the required deduction by increasing their pay by 1 – 3%.

During the budget season, the BOCC approved a 2% increase in r pay to county commission employees only (no other constitutional offices were included) to offset some of the required contribution. The approved budget for 2011/2012 included \$104,000 for that purpose.

The following data was presented:

| | |
|----------------------------------------------------------|----------|
| 122 staff making less than \$40,000 per year – Total 2% | \$66,162 |
| 26 staff between \$41,000 - \$60,000 per year - Total 2% | 25,131 |
| 8 staff making above \$60,000 total 2% | 10,460 |
| 12 Part time staff with FRS benefits – Total 2% | 2,258 |

Option 1: Allow the raises to stand as previously approved with the 2% for all county commission employees.

Commissioner Lamb supported the reimbursement for only the staff making \$40,000 or less.

Commissioner Holt clarified that the 2% had already been approved for all county commission employees and it was included in the budget.

Commissioner Morgan read the agenda request which appeared to be asking only for acceptance and approval of the data and analysis.

Attorney Minnis stated if they wanted to distribute the increases differently than what was approved previously, it would be necessary to rescind the previous vote, which was not on the agenda for this meeting. However, she informed them that they could vote to approve the data and analysis.

A lengthy discussion following.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 - 0, BY VOICE VOTE, TO ACCEPT THE DATA AND ANALYSIS BUT LET THE PREVIOUS ACTION STAND UNTIL SUCH TIME THERE IS A BOARD DECISION TO CONSIDER RESCINDING THE PREVIOUS ACTION.

18. Award Bid 11-12 for Re-Roofing the County Records Center (North and West Wing)

The county's record center is located at 102 South Adams St. Approximately 5,700 square feet of the roof for the upper area of the building will need to be repaired. The roof has been leaking for seven years causing sever stains on walls and mold damage.

Staff solicited sealed bids until September 7, 2011. Four bids were received, but only two of the bids met all the qualifications of the bid specs. They were Rowe Roofing, Inc. and Commercial Roofing.

Staff recommended the bid be award to Commercial Roofing for a base bid of \$56,065.00.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AWARD BID 11-12 TO COMMERCIAL ROOFING.

(Commissioner Lamb was not present for this vote.)

18a. Approval of Contract with Stanley, Hunt, Dupree & Rhine in the Amount of \$7,015.00

The BOCC approved the award of bid for actuarial services on September 6, 2011 to Stanley, Hunt, Dupree & Rhine. Subsequent to that meeting a contract has been prepared and is back before the board for approval.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO APPROVE THE CONTRACT WITH STANLEY, HUNT, DUPREE & RHINE.

18b. Award of RFP 11-13 for Financing of the Renovations to the Tax Collector and Property Appraiser's Building

This agenda item sought approval to award the above bid to SunTrust Equipment Finance & Leasing Corp. of Towson, MD.

Two proposals were received: Capital City Bank – 4 year loan @ 3.90% (fixed) and 5 year loan @ 4.25% (fixed); Sun Trust Equipment Finance & Leasing Corp. 4 yr loan @ 1.63% (fixed) and 5-year loan @ 1.68% (fixed). \$2500 closing cost and \$250 to use the Leaser as the escrow agent.

Staff was asked to set up special account for the money that is returned from Tax Collector and Property Appraiser each year.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 - 0, BY VOICE VOTE, TO AWARD THE RFP 11-13 TO SUN TRUST BANK FOR FIVE YEARS AT 1.68%.

18c. Alternate Appointment to the Value Adjustment Board

Chair Taylor made an effort to appoint another commissioner to the VAB. However, no other commissioner could be present. It was determined that it was not necessary to appoint another person because a quorum could be reached even with his absence.

19. COUNTY ADMINISTRATOR

Directions as How to Proceed with Lobbying Services and Broadcasting/Videoing Services

Mr. Lawson asked for directions as how he should proceed with the lobbying services contract and the broadcasting contract - Should he do a new RFP for each or extend the former contracts?

Following discussion, the board determined that both matters should be brought back to the agenda for discussion and directions.

A MOTION WAS MADE BY COMMISSIONER TAYLOR AND SECONDED BY COMMISSIONER CROLEY TO BRING THE ABOVE MATTERS BACK TO THE BOARD ON AN AGENDA FOR DISCUSSION.

Commissioner Morgan requested that the motion be amended to include discussion of an increase to the budget for the lobbying services. Chair Taylor declined to amend her motion.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 - 0, TO HAVE THE ADMINISTRATOR PLACE THE LOBBYING SERVICES AND THE BROADCASTING SERVICES ISSUES ON THE AGENDA FOR DISCUSSION AND TO GIVE STAFF DIRECTIONS.

Commissioner Lamb returned to the meeting at this juncture - 8:40 p.m.

Status of Out-sourcing of Services (Mowing and Probation)

Mr. Lawson stated that RFPs have been prepared and information has been gathered regarding outsourcing of county service and it will be brought forward on an agenda very soon.

Status on the Surplus County Property

Mr. Lawson reported that staff has had no success in getting rid of any county owned surplus properties.

The pilot project low income house built on Brumby Street remains for sale despite the active efforts to sell it. The house sustained some vandalism damage to the air-conditioner. Subsequent to that theft, Building Official Clyde Collins moved the appliances out of the house for safekeeping until a sale can be arranged.

20. COUNTY ATTORNEY

Interlocal Agreement for Emergency Management -

Ms. Minnis reported that the Interlocal agreement for Emergency Management has been executed by Sheriff Young contingent upon the present emergency manager remaining in place.

21. DISCUSSION ITEMS BY THE COMMISSIONERS

Commissioner Lamb, District 1

- Septic Tank issue will be coming up again during Legislature. It will affect Gadsden County tremendously. FAC recommended that they grandfather in those with tanks already in the ground. Contact legislators on the issue.
- Commended Commissioner Taylor on completing Advanced County Commissioners training.
- Concurred with Commissioner Holt regarding limiting length of time each commissioner holds the floor.

Commissioner Croley, District 2

Commissioner Croley extended congratulations to Chamber of Commerce Executive Director David Gardner for his work on the National Solar project.

On Friday, Mr. Reed and he will meet with the Secretary of Florida Department of Transportation. He asked for their input as to matters that they would like to have discussed. He cited the following topics that is already on the agenda:

- Regional overview will be given.
- Public transportation will be an issue.
- Quincy By-pass. In the planning stages staff may want to consider extending the loop right on around further.
- Economic Transportation related to economic development – Port of St. Joe – Regional impact
- What may be needed in transportation support relative to the Solar Farm?
- SR 12 between Quincy & Havana will be resurfaced. Public hearings will be held. It is being called a Safety Project by CRTPA.

While he voiced respect and appreciation for the position the clerk took regarding jail financing, he asked that the clerk have it looked at by the county auditors. He stated that he sent Clerk Thomas an email registering his concerns for the record and copied Ms. Straughn and Ms. Minnis for the record. He stated that he was not challenging the decision, but he interpreted the situation differently and he would like to stand corrected if he was wrong.

Commissioner Holt, District 4

Commissioner Holt raised the following points:

- County needs a grant writer to go after the larger grants and be proactive in seeking funds.
- She asked that the board be more consistent in actions taken. Treat people with like issues in the same consistent manner.
- Commissioner's speaking time during meetings - She would like to see all commissioners given equal time to speak to issues so that one commissioner does not get more time than another.
- Parking Lot behind the Edward Butler building – She asked staff to look at loitering because of the liabilities. Post signs that say “No loitering”
- She opposed outsourcing of what is now county jobs – such as mowing rights of ways.
- Housing Repairs – She asked, “Are we supposed to come to staff with housing repair requests? She was told to bring emergency assistance needs to the County Administrator and he will direct staff to take appropriate action.
- Medicare Ambulance trips –She sited issues with the contract with CRMC. Contract may need to be amended to allow EMS to get paid for Medicaid transports.
-

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 - 0, BRING THE CONTRACT WITH CAPITAL REGIONAL BACK FOR DISCUSSION RELATIVE TO THE MEDICARE AMBULANCE TRANSPORTS AND THE BILLING.

- Gretna Project – encourage them to hire locally.

Commissioner Morgan, Vice-Chair, District 3

Parking Lot Loitering - He took the position that the staff has the authority and responsibility to address such issues without intervention from BOCC.

Solar Farms – congratulated the Chamber of Commerce Director and board of directors for successful efforts in getting National Solar to Gadsden County.

Chamber of Commerce Funding

A MOTION WAS MADE BY COMMISSIONER MORGAN AND SECONDED BY COMMISSIONER CROLEY TO AGENDA AT THE NEXT MEETING A DISCUSSION TO INCREASE THE CHAMBER OF COMMERCE BUDGET BY AN ADDITIONAL \$37,000.

Commissioner Holt opposed increasing the budget unless the Chamber comes back with a plan for economic development plans. She also stated that when the BOCC is considering zoning changes, the Chamber needs to be present and have input.

Commissioner Lamb would like to see Chamber present at the BOCC meetings and address the board routinely.

Chair Taylor was not opposed to discussion, but was guarded about the timing. Perhaps later in the year would be a better time to amend their budget.

THE BOARD VOTED 5 - 0 TO AGENDA THE MATTER FOR DISCUSSION.

Motion: Morgan - Would like to have Item agendaed to increase the Lobbying contract by \$15,000, which would bring that funding to be \$25,000. Motion died for lack of a second.

Tax Abatements

Gadsden County does not have the ability to offer tax abatement incentives to businesses looking to relocate to the county. It can be accomplished with a referendum. He asked to conduct discussions at the next meeting.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 - 0, TO AGENDA DISCUSSION REGARDING A REFERENDUM TO ALLOW THE COUNTY THE ABILITY TO OFFER TAX ABATEMENTS FOR ECONOMIC DEVELOPMENT.

Staff Appreciation

He commended the staff for the quick response they give to the Board's directions. He asked the other commissioners to be mindful about giving clear directions.

Commissioner Taylor, Chair, District 5

- Solar Farms – need to have a local celebration. Need more information – where are they going to be? Where can people go to get a job? Should invite a representative from National Solar and the Chamber to be present at the next meeting to give a presentation.
- Mobile Health Unit – will be on the next agenda.
- DOT Public Hearing next week. Commissioner Croley will attend.
- November 16 – 18 Legislative Conference in San Destin Beach Resort

22. Receipt and File for the Record

- a.** Letter to the Florida Department of Economic Opportunity Regarding Support for the City of Gretna Grant Application for Construction Funding for State Road 12/Interstate 10 Corridor Wastewater Collection Line
- b.** Letter to U.S. Senator Bill Nelson Regarding Fair Share of Funding for Capital Area community Action Program

October Meeting

October 18, 2011, Regular Meeting, 9:00 a.m.

ADJOURNMENT

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING
ADJOURNED AT 9:30 p.m.**

Sherrie Taylor, Chair

ATTEST:

Muriel Straughn, Deputy Clerk