

MINUTES OF A REGULAR MEETING OF THE GILCHRIST COUNTY BOARD OF COUNTY COMMISSIONERS HELD JANUARY 20, 2004.

The Gilchrist County Board of County Commissioners, in and for Gilchrist County Florida, convened in a regular meeting on Monday, January 20, 2004 at 5:00 p.m. in the Board of County Commissioners Meeting Room located at 210 South Main Street, Trenton, Florida, with the following members present to-wit:

Commissioner Randy Durden, Chair
Commissioner Wilbur Bush
Commissioner Mitchell Gentry
Commissioner Tommy Langford
Commissioner Sue Suggs, Vice-Chair

Others in attendance were: Joseph W. Gilliam, Clerk of Court, John McPherson, County Attorney, Karen Heaton, Deputy Clerk, Sam Ferguson, Director of Finance, Ron McQueen, EMA/County Administrator, Ben Chumley, County Planner, Dennis Radice, Nathan Martin, Mike Burnett, Ryan Ray, William Fontenot, Jerry Orenchek, Charles Scott, Sandra Curtis.

Call to Order:

Chairman Durden called the meeting to order at 5:00 p.m. Commissioner Bush delivered the Invocation and Commissioner Suggs led the Pledge of Allegiance.

Agenda Changes:

Mr. Gilliam provided the following additions:

- (1) SunGard Pentamation, Invoice (\$15,130.95)
- (2) EMS, purchase order (\$5,097.77)
- (3) Lien Satisfaction, McGee
- (4) SHIP Program, additional cost
- (5) Space Needs Recommendation

Chairman Durden asked that the Road Department Report be moved to the first item of business.

Motion by Commissioner Langford, seconded by Commissioner Bush, to approve the agenda with the changes mentioned. The motion carried unanimously.

Consent Agenda:

- 1) **Approval of Minutes:**
 - a. October 23, 2003 / Workshop
 - b. November 3, 2003 / Regular Meeting
 - c. November 17, 2003 / Regular Meeting
 - d. December 1, 2003 / Regular Meeting

Motion by Commissioner Suggs, seconded by Commissioner Gentry, to approve the Consent Agenda. Commissioner Suggs asked about the discussion held concerning the 5-ft set back included in the November 17th minutes. Mr. McPherson explained that he was asked to draft language that would require a 5-ft setback for everything in county right-of-way. The current ordinance relates only to a setback for fencing. The motion on the floor carried unanimously.

Road Department:

Mr. Martin advised he received two (2) quotes for a tractor and mower for the limbing crew. He explained that he had been asked to bring back information for a mower but that it will not be possible to use that kind of a mower without a 85 to 90 horsepower tractor. The Board discussed the options for purchasing or leasing the equipment or contracting the work out. It was suggested that if a purchase is made that it be considered in the next budget year.

Mr. Martin advised the Department has hauled approximately 25 loads of rock for the paving of the Peanut Road. Construction should begin the second week in February. (1/173)

Attorney's Report:

Resolution / Uniform Collection of Fire Special Assessment – Mr. McPherson advised this resolution has been scheduled for consideration at the February 2nd meeting. (1/171)

Resolution / County Email – Mr. McPherson provided a copy of Resolution 04-09 for approval. This resolution establishes procedures to archive County email as public record.

RESOLUTION NO. 2004-09

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GILCHRIST COUNTY, FLORIDA; ADDING A NEW SECTION TO THE COUNTY'S POLICIES AND PROCEDURES MANUAL SETTING FORTH THE COUNTY'S POLICIES AND PROCEDURES WITH REGARD TO THE ARCHIVING OF E-MAIL; AND ESTABLISHING AN EFFECTIVE DATE.

Motion by Commissioner Suggs, seconded by Commissioner Gentry, to approve Resolution 04-09. The motion carried unanimously. (1/171)

Solid Waste Contract – Mr. McPherson advised that Mr. McQueen has requested to have this item placed on the agenda of the Alachua County Commission. (1/179)

Pending Litigation – Mr. McPherson advised in the cases for Poitevint and Brooks, the Judge has scheduled a case management conference in February. (1/174)

Interlocal Agreement for Nature Coast Greenway – Mr. McPherson referred to a letter from SRWMD notifying the County of its intent to withdraw from the interlocal agreement for the Nature Coast Greenway. This action is based on the fact that the trail is being constructed and managed by the State of Florida. Mr. McPherson suggested that the Board allow him to send a

letter to Dixe and Levy Counties to formally terminate Gilchrist County's participation. **Motion** by Commissioner Suggs, seconded by Commissioner Langford, to allow Mr. McPherson to notify Dixie County and Levy County of Gilchrist County's withdrawal from the agreement. The motion carried unanimously. (1/810)

Workshop / Proposed Ordinance, Construction Industry Licensing Board:

Mr. McPherson prepared a draft ordinance regarding the Construction Industry Licensing Board. Chairman Durden read the short title. Mr. McPherson stated that the short title will need to be revised and expanded.

Mr. McPherson reviewed the proposed ordinance and discussed changing the Construction Licensing Board to cover other areas of construction instead of licensing. He stated that he found that other counties have a Construction Regulation Board that encompasses all areas of construction. This board would be comprised of seven (7) members; four shall be licensed contractors and three shall be members of the public who are not licensed contractors but who have, if possible, expertise in building construction and fire-safety standards.

Motion by Commissioner Gentry, seconded by Commissioner Suggs, to advertise the proposed ordinance for consideration. The motion carried unanimously. (1/900)

Attorney's Report (cont.):

Martini Grade – Mr. McPherson advised he received the appraisals for the Langford properties. He provided the following information for consideration.

Ray Langford:	Original County Offer	\$12,750
	Appraisal (1.77 acres)	\$ 4,700
	Proposed County Offer	\$ 5,850
Edgar Langford:	Original County Offer	\$24,285
	Appraisal (5.06 acres)	\$16,000
	Proposed County Offer	\$19,925

Mr. McPherson explained the first step in the eminent domain process will be to send written offers to the property owners based on the appraisal. He stated typically, the amount offered should be more than the appraised value in order to avoid potential litigation.

Commissioner Gentry and Mr. McPherson reviewed the information provided and explained that the appraised value is based on \$4,000 per acre on the east side of the road and \$2,000 per acre on the west side of the road where the ownership is disputed. They explained the proposed offer is based on \$5,000 per acre on the east side of the road and \$2,500 on the west side.

Motion by Commissioner Gentry, seconded by Commissioner Suggs, to proceed with eminent domain and to offer Ray Langford \$5,850 and Edgar Langford, \$19,925. The motion carried on a vote of 3 to 2 with Commissioner Bush and Chairman Durden voting “no.” (1/1209)

Workshop / Local Housing Assistance Plan (LHAP):

Mr. Dennis Radice presented proposed changes to the Gilchrist County SHIP Program for the Board’s review. He suggested that these changes, if approved by the Commission, be included in the update of the Local Housing Assistance Plan (LHAP) for final approval.

Mr. Radice reviewed the changes and discussed the need to increase the maximum value and maximum award. Mrs. Jean Troke, member of the SHIP Loan Review Committee, were present and discussed the increases in property values and costs of construction. The Board scheduled a final workshop on February 2, 2004 at 3:00 p.m. to consider the recommendations. (1/1760)

Public Hearing / Ordinance 04-02 / Comprehensive Plan Amendment:

Mr. Chumley presented Ordinance 04-02, amending the Future Land Use Map designation of 7.5 acres from Commercial to Agricultural-1. Chairman Durden read the short title of Ordinance 04-02.

ORDINANCE 04-02

AN ORDINANCE OF GILCHRIST COUNTY, FLORIDA, AMENDING ORDINANCE NO. 94-01, AS AMENDED, RELATING TO AN AMENDMENT OF TEN OR FEWER ACRES OF LAND, TO THE FUTURE LAND USE MAP OF THE GILCHRIST COUNTY COMPREHENSIVE PLAN, PURSUANT TO AN APPLICATION BY THE BOARD OF COUNTY COMMISSIONERS, UNDER THE SMALL SCALE PLAN AMENDMENT PROCEDURES ESTABLISHED IN SECTION 163.3187, FLORIDA STATUTES; PROVIDING FOR A CHANGE IN LAND USE CLASSIFICATION FROM COMMERCIAL TO AGRICULTURAL-1 (MAXIMUM OF 1 DWELLING UNIT PER 2 ACRES) ON CERTAIN LANDS WITHIN THE UNINCORPORATED AREA OF GILCHRIST COUNTY, FLORIDA; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

Mr. Chumley advised that the Zoning Board recommended approval and that he agrees with the recommendation. **Motion** by Commissioner Gentry, seconded by Commissioner Bush, to approve Ordinance 04-02. The motion carried unanimously. (1/2579)

Public Hearing / Ordinance 04-03 / Zoning Change:

Mr. Chumley presented Ordinance 04-03 changing the zoning of 7.5 acres from Commercial Intensive to Rural Residential.

ORDINANCE 04-03

AN ORDINANCE OF GILCHRIST COUNTY, FLORIDA, AMENDING ORDINANCE NO. 93-04, AS AMENDED; RELATING TO THE REZONING OF FEWER THAN TEN CONTIGUOUS ACRES OF LAND PURSUANT TO AN APPLICATION BY THE BOARD OF COUNTY COMMISSIONERS; TO AMEND THE OFFICIAL ZONING ATLAS OF THE GILCHRIST COUNTY LAND DEVELOPMENT REGULATIONS, PROVIDING FOR A REZONING FROM COMMERCIAL INTENSIVE (CI) TO RURAL RESIDENTIAL (RR) OF CERTAIN LANDS WITHIN THE UNINCORPORATED AREA OF GILCHRIST COUNTY, FLORIDA; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

Chairman Durden read the short title of Ordinance 04-03. **Motion** by Commissioner Gentry, seconded by Commissioner Suggs, to approve Ordinance 04-03. The motion carried unanimously. (1/2800)

EAR Amendments:

Mr. Chumley suggested that a special meeting be scheduled to hold the adoption hearing for the EAR Amendments. The Board scheduled the hearing at 7:00 p.m. on Monday, February 9, 2004.

Clerk's Report:

Special Assessments on Government Property – Mr. Gilliam related that two (2) parcels of property had been purchased in the County by the Florida Fish and Game Commission. At the time of purchase each property had a mobile home on it with special assessments attached to those units. He explained that over the past few years, the Tax Collector has sold tax certificates on these properties and one of the certificate holders wanted to apply for a tax deed. After research, Mr. McPherson advised Mr. Gilliam that special assessments may not be imposed on state agencies.

Mr. Gilliam suggested the Board approve a refund of the special assessments and the interest to the certificate holders in the amounts of \$556.21 and \$347.79. **Motion** by Commissioner Suggs, seconded by Commissioner Gentry, to refund the special assessments in the amounts of \$556.21 and \$347.79. The motion carried with Commissioner Langford voting “no.”

Motion by Commissioner Suggs, seconded by Commissioner Gentry, to advise the Tax Collector and Tax Assessor to not assess any special assessments on state government property. The motion carried unanimously. (1/3091)

Tower Repairs – Mr. Gilliam recalled the Sheriff had previously submitted a request for repairs to the tower at the jail. At that time he provided a quote from MTS Communications in the amount of \$7,271.54. Mr. Gilliam stated that he had contacted Angle Tower, in Gainesville, and found that this is the company MTS Communications intended to do the work. He contacted another company in Ocala and received a quote in the amount of \$8,946. He explained that in contacting these companies he found that the intermediate lighting is not a requirement by the FAA or the Communications Commission. He talked to Chief Montgomery who indicated the

lights were requested to address a safety issue. Mr. Gilliam also found out that the guide-wires on the tower were safe, what is needed is the replacement of the clamps for the communication cables coming down the tower.

Mr. McQueen advised that he had checked with the Sheriff's Office and found out that the tower is used for two (2) frequencies and that these are necessary to work with other agencies. Mr. McQueen suggested that if the repairs are made, it is possible that the expense could be paid from the Communications fund at the request of the Sheriff.

Chairman Durden stated that he was told that SHANDS had made a complaint to the Sheriff's Office about the safety of the tower which is in the vicinity of their landing area. Chairman Durden questioned the need for the lighting and suggested if there is a complaint, it should be made in writing. Mr. McQueen stated he would contact SHANDS and bring back information to the next meeting. (2/068)

SHIP Program – For the Board's information, Mr. Gilliam referred to a letter from Florida Housing Finance Corporation advising that the 2003 SHIP Program annual report has been received and approved as submitted. (2/294)

Medical Examiners Commission – Mr. Gilliam presented a request from FDLE for a 'favorable' or 'unfavorable' recommendation for the reappointment of Dr. William F. Hamilton to serve as District Medical Examiner. **Motion** by Commissioner Bush, seconded by Commissioner Langford, to make a favorable recommendation for the reappointment of Dr. Hamilton. The motion carried unanimously. (2/306)

Purchase Order / SunGard – Mr. Ferguson presented a purchase order to SunGard Pentamation in the amount of \$15,130.95 for approval. The request is for payment of training and travel expenses during the installation of the software upgrade. **Motion** by Commissioner Bush, seconded by Commissioner Langford, to approve the purchase order in the amount of \$15,130.95. The motion carried unanimously.

Purchase Order / EMS – Mr. Ferguson presented a purchase request from EMS in the amount of \$5,097.77. Mr. Ferguson explained EMS has received an equipment grant which is available for this purchase. **Motion** by Commissioner Gentry, seconded by Commissioner Suggs, to approve the purchase through the grant. The motion carried unanimously. (2/412)

Lien Satisfaction / Ms. McGee – Mr. Gilliam presented a lien satisfaction for Ms. McGee who is a SHIP Applicant. Ms. McGee owns property which had a EMS lien against it. **Motion** by Commissioner Gentry, seconded by Commissioner Suggs, to authorize the lien satisfaction for Ms. McGee. The motion carried unanimously. (2/462)

SHIP Repairs – Mr. Gilliam presented a request for approval to pay a contractor \$550 which is the cost for painting the woodwork during replacement of some windows in a SHIP home. He explained that normally this cost is included in the contractor's bid but in this case it was not

included. **Motion** by Commissioner Bush, seconded by Commissioner Langford, to approve payment to the contractor in the amount of \$550. The motion carried with Commissioner voting “no.” (2/488)

Space Needs Committee – Mr. Gilliam reported that the Space Needs Committee met the past week with the Chief Judge. At a recent meeting of the Committee, discussion was held regarding the lack of funding for the proposed Judicial Complex. He recalled that the Board had approved reducing the scope of the project in order to lower the funding amount. The Committee has recommended that the County discontinue the project at this time and to sever ties with USDA, ADG and M.M. Parrish and to continue consideration of other funding mechanisms. It was suggested that the Board take this action by resolution. **Motion** by Commissioner Langford, seconded by Commissioner Gentry, to sever the ties with ADG, USDA and M.M. Parrish at this time and to continue to work toward funding. The motion carried unanimously. Mr. McPherson will prepare a resolution and bring back for approval.

The Committee also considered an offer from the Trenton First Baptist Church for the purchase of property for use for a judicial facility. Mr. Gilliam advised the Committee did not consider the property feasible for this project at this time and would prefer to continue attempting to fund the new construction the proposed judicial facility. (2/580)

Citizens Request / Eva Fontenot and William Fontenot:

Mr. William Fontenot, along with his parents, Eva and Warren Fontenot presented a request for the Board to develop a resolution to waive the impact fee for citizens who own property which has been owned by their family for several generations. Mr. Fontenot contended that use of such property does not have the impact as the sale and development of other properties. Mr. William Fontenot would like to place a mobile home on his property next to his parent’s property in order to help take care of his father who is disabled.

The Board discussed the Impact Fee Ordinance and Mr. McPherson advised that he could research the issue of amending the ordinance to include the provision requested. He stated he would bring back information to the next meeting. (2/830)

County Administrator’s Report:

Road Superintendent / Job Description – Mr. McQueen provided a copy of a proposed job description for the Road Superintendent for approval. During review, Chairman Durden pointed out that a CDL License needs to be required. Discussion was also held concerning whether or not a college degree should be required. It was suggested that in choosing an applicant this should be considered but not required. **Motion** by Commissioner Gentry, seconded by Commissioner Bush, to approve the job description submitted with the addition of the requirement to have a CDL License. The motion carried unanimously. (2/1440)

North Central Florid Regional Planning Council – Mr. McQueen presented an invoice in the amount of \$3,206.25 from NCFRPC for approval. The requisition is for council dues for three quarters, January 1 thru September 30, 2004. **Motion** by Commissioner Suggs, seconded by

Commissioner Gentry, to approve payment of the invoice in the amount of \$3,206.25. The motion carried unanimously. (2/1685)

SRWMD – Mr. McQueen reported that he had attended the Water Quality Program conducted by Suwannee River Water Management.

Safety Meeting – Mr. McQueen advised a Safety Meeting has been scheduled for January 27, 2004 at 10:00 a.m. The meeting will be held in the County Commissioners' meeting room.

EMS / School to Work Position – Mr. McQueen presented a request from Linda Walker for authorization to hire a student from the Bell Health Academy through the "School to Work" program. The student would work ten (10) hours per week in the EMS Office. Ms. Walker proposed to hire a senior through the program and to pay for the position from funds resulting from a vacancy which has not been filled. **Motion** by Commissioner Suggs, seconded by Commissioner Gentry, to approve the request. The motion carried unanimously.

Haz Mat Team – Mr. McQueen advised that he met with Mr. Gilliam to discuss funding for pagers for the Haz Mat Team. They agreed that the pagers would be paid from Emergency Management.

EOC Grant – Mr. McQueen asked the Board to authorize the Chairman to sign a grant application for an EOC grant, a EPEM Competitive Grant. **Motion** by Commissioner Gentry, seconded by Commissioner Langford, to approve the request. The motion carried unanimously.

Haz Mat Team – Mr. McQueen advised that he will be applying for Special Risk status with the Florida State Retirement System due to the fact he is now involved with the Haz Mat Team.

Fire Special Assessment Workshops – Mr. Gilliam recommended that the workshops for Fire Special Assessments be scheduled after 5:00 at the mid-month meetings to be held in February, March and April. He suggested that at the conclusion of the workshops the Board proceed with action to convert the EMS special assessment to an MSTU and to review the methodology used by the Property Appraiser's Office and the Tax Collector's Office for assessments. The Board agreed.

Commissioner Reports:

Commissioner Langford mentioned that he and Mr. McQueen will meet to bring back a recommendation on how to proceed with the moving the Road Department to the Walker Curve property. Chairman Durden recommended waiting until a Road Superintendent is hired to enlist their involvement.

Commissioner Durden related a discussion he had with Mr. McQueen and Mr. Mills regarding the EMS station across from the Board Meeting Room. They would like to explore the possibility of purchasing property behind the EMS building to move the EMS station out of the current building which has a problem with mold. He suggested that he be allowed to work with Mr. McQueen to pursue this option. The Board agreed.

Old Business:

(None)

New Business:

(None)

Public Participation:

Mr. Mike Burnett, Southeast Gilchrist VFD, advised the Board that the Board of Directors for the Department has reappointed Ryan Ray as Fire Chief and himself as Assistant Fire Chief. The Department has requested approval from the County Commission. Considering the request is made as a non-agenda item, it was suggested that the rules be waived. **Motion** by Commissioner Suggs, seconded by Commissioner Langford, to waive the rules and procedures pertaining to Public Participation. The motion carried unanimously.

Motion by Commissioner Suggs, seconded by Commissioner Gentry, to approve the appointment of Ryan Ray to serve as Fire Chief and Mike Burnett to serve as Assistant Fire Chief. The motion carried unanimously.

There being no further business to discuss, Commissioner Bush **moved** to adjourn at 8:05 p.m. The motion was seconded by Commissioner Langford and carried.

APPROVED:

ATTEST:

Randy Durden, Chairman

Joseph W. Gilliam, Clerk