

MINUTES OF A REGULAR MEETING OF THE GILCHRIST COUNTY BOARD OF COUNTY COMMISSIONERS HELD APRIL 19, 2004.

The Gilchrist County Board of County Commissioners, in and for Gilchrist County Florida, convened in a regular meeting on Monday, April 19, 2004 at 4:00 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, Vice-Chair
Commissioner Tommy Langford

(**Absent:** Commissioner Suggs)

Others in attendance were: Joseph W. Gilliam, Clerk of Court, John McPherson, County Attorney, Lyndsay Parrish, Deputy Clerk, Sam Ferguson, Director of Finance, Ron McQueen, EMA/County Administrator, Ben Chumley, County Planner, John Ayers, Jeff Jordan, Delight Curtis, Mike Burnett, David Brooks, Hoyt Roberts, Carl Cornwell, Geneva Cornwell, Kenrick Thomas, Carolyn Thomas, Joe Fink, George Cole, Mike Ortiz, JoAnn Ortiz, Kathy Fink, Bud Riffle.

Call to Order:

Chairman Durden called the meeting to order at 4:00 p.m. Commissioner Gentry delivered the Invocation and Commissioner Bush led the Pledge of Allegiance.

Agenda Changes:

- Additions: – Hipp Construction, Construction Contract for South Santa Fe Avenue
 – Invoice from the Levy County Road Dept. for the SW 35th Avenue project.
- Deletions: – SHIP Application for Kristi Lawton

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

Consent Agenda:

CONSENT AGENDA

- 1) Approval of Conflict Attorney List – Addition of Darla Jean Christopher
- 2) Approval of Budget Entries – #BE4-037, #BE4-038 and #BE4-039
- 3) Approval of Minutes – April 5, 2004, Regular Meeting

Motion by Commissioner Bush, seconded by Commissioner Gentry, to approve the consent agenda. The motion carried unanimously.

Attorney's Report:

Proposed Ordinance – Mr. McPherson recommended the Board schedule a public hearing to consider an ordinance creating the Public Safety Coordinating Council. The Board agreed and directed staff to schedule the ordinance for the next meeting. (1/081)

SE 70th Avenue (Martini Grade) – Mr. McPherson reported that the order of taking was entered by Judge Giunta, therefore, the ownership of the Langford property has been transferred to the County. He also advised that Mr. Ted Burt's office is waiting for two (2) more signatures to complete the contracts for the voluntary sales. (1/102)

Five-Foot Setback – Mr. McPherson advised that the Planning and Zoning Board has reviewed the proposed five-foot setback ordinance and has recommended that it not be adopted by the County Commission. He explained that the Planning and Zoning Board had discussed the fact that if a five-foot setback is approved there is a possibility that the County would be taking property over a period of time through widening of the grade. Mr. McPherson recommended that this issue be referred to the Road Committee to discuss the establishment of lines for County owned roads. **Motion** by Commissioner Langford, seconded by Commissioner Gentry, to refer the five-foot setback ordinance to the Road Committee for a recommendation. The motion carried unanimously. (1/127)

Ginnie Springs v. Gilchrist County – Mr. McPherson reported that Ginnie Springs has filed its reply brief. The case is now pending a decision by the First District Court of Appeal. (1/280)

Poitevint v. Gilchrist County – Mr. McPherson advised the Plaintiff filed a second amended complaint and he has responded.

Brooks and Strickland v. Aderholts and Gilchrist County – Mr. McPherson advised this case is pending an amended complaint to be filed by the Plaintiffs. (1/287)

Clerk's Report:

SHIP Program – Mr. Gilliam presented the following SHIP Application and Subordination Agreements for approval.

1) Elizabeth Story: 212 SE 1 Street, Trenton, Purchase, Very Low Income Category, \$22,164.27, Lender/Mid-Florida Mortgage. The SHIP Loan Review Committee recommended approval subject to the following conditions: (1) appraisal showing a value equal to or greater than the purchase price, (2) repairs completed, (3) availability of SHIP funds and (4) closing of first mortgage (\$34,880). **Motion** by Commissioner Gentry, seconded by Commissioner Langford, to approve the SHIP loan to Elizabeth Story subject to the conditions set forth by the Loan Review Committee. The motion carried unanimously. (1/318)

2) Jedidiah Reeser: Subordination Agreement, Lender/Sun State. The SHIP Loan Review Committee recommended approval. **Motion** by Commissioner Langford, seconded by Commissioner Bush, to approve the Subordination Agreement for Jedidiah Reeser. The motion

carried unanimously. (1/357)

3) Nancy Clark: Subordination Agreement, Lender/CNB National Bank. **Motion** by Commissioner Bush, seconded by Commissioner Langford, to approve the Subordination Agreement for Nancy Clark. The motion carried unanimously. (3/380)

Deposit to the Registry of Court – Mr. Gilliam advised that \$21,625 has been deposited into the Registry of the Court Trust Fund for the eminent domain process and the Judge has authorized disbursement. (1/396)

EMA/County Administrator's Report:

Central Florida Electric, Tower Space Lease – Mr. McQueen presented copies of the Tower Space Lease with Central Florida Electric for the Board's approval. **Motion** by Commissioner Gentry, seconded by Commissioner Langford, to approve the lease and to authorize the Chairman to sign the lease. The motion carried unanimously. (1/417)

South East 70th Railroad Agreement – Mr. McQueen presented the 'Public Road Crossing Agreement' with Florida West Coast Railroad Company for approval. He told the Board that he had contacted Mr. Lee Mills who advised the agreement is standard and that it is important to proceed with it. Mr. McQueen pointed out that a deposit of \$115,000 is required for the estimated cost of the work to be performed. This cost would be reimbursable to the County from the project funds. **Motion** by Commissioner Bush, seconded by Commissioner Gentry, to approve the agreement. Commissioner Gentry mentioned that the maintenance costs are determined by the State. Mr. McPherson advised that there are several items specified in the lease that could be negotiated but he did not recommend delaying the project. After further discussion, Commissioner Bush **amended the motion** to approve the agreement with the cost to be paid from the Transportation Impact Fee Fund. Commissioner Gentry seconded the motion which carried with Chairman Durden voting "no." (1/443)

Proclamation 04-06, Hazardous Materials Awareness Week – Mr. McQueen presented Proclamation 04-06 declaring the week of April 26 thru May 1, 2004 as Hazardous Materials Awareness Week. **Motion** by Commissioner Gentry, seconded by Commissioner Langford, to approve Proclamation 04-06. The motion carried unanimously. (1/680)

South Santa Fe Avenue – Mr. McQueen presented the contracts with Hipp Construction for the South Santa Fe Avenue paving project for the Chairman's signature. **Motion** by Commissioner Langford, seconded by Commissioner Gentry, to authorize the Chairman to sign the contract with the John C. Hipp Construction Company. The motion carried unanimously. (1/727)

SW 35th Avenue – Mr. McQueen presented a purchase order request in the amount of \$3,797.34 to the Levy County Board of County Commissioners for its cost on the SW 35th Avenue project. **Motion** by Commissioner Bush, seconded by Commissioner Langford, to approve the purchase order in the amount of \$3,797.34 to the Levy County Board of County Commissioners. The motion carried unanimously. (1/758)

Solid Waste, Bids for Route Truck – Mr. Ferguson presented bids received for the purchase a

route truck for the Solid Waste Department. The loan amount requested is \$31,768 to be financed over a three (3) year period. Capital City Bank submitted a bid to provide the loan at 2.72% interest and Tri-County Bank submitted a bid to provide the loan at 2.64%. Mr. Ferguson recommended approval of the low bid from Tri-County Bank. **Motion** by Commissioner Bush, seconded by Commissioner Langford, to accept the bid from Tri-County Bank. The motion carried unanimously.

Commissioners' Reports:

Commissioner Gentry reported that he had attended a meeting with staff concerning Hart Springs. It has been determined that both of the spring heads are clogged. The main spring is completely filled up with debris which includes concrete. Mr. Wes Skiles has recommended that both springs be cleared. Commissioner Gentry advised there is possibly funding available through the Springs Initiative and that a portion of the work could be done by volunteers. Mr. McQueen told the Board that Mr. Skiles has recommended that the Board send a letter of request to the Springs Initiative for funding. **Motion** by Commissioner Gentry, seconded by Commissioner Langford, to send a letter to the Springs Initiative Committee to request funding for the cleanup at Hart Springs. The motion carried unanimously. (1/873)

Commissioner Langford asked Mr. McQueen the status of the applications for the Road Superintendent position. Mr. McQueen replied that the application deadline has passed and that interviews will begin next week.

Commissioner Bush thanked the Commissioners for their assistance and support during his absence the past week after his father passed away.

Public Participation:

Ms. Geneva Cornwell, representing the Character First Council, presented a request for a donation in the amount of \$1,500. She explained that the Council is planning to purchase 1,000 books for the program at a cost of \$6 each. Other contributors to the purchase have been the School Board, the City of Trenton, the Sheriff's Office and a few local businesses. **Motion** by Commissioner Gentry, seconded by Commissioner Langford, to refer the purchase request to the Finance Department for a recommendation to be brought back to the next meeting. The motion carried unanimously. (1/1156)

Commissioners' Reports (Continued):

Commissioner Langford told the Board that he has made an effort to contact the company collecting the overpayment for Medicare, however, he has had no one return his calls. Mr. McQueen recalled that at the last meeting that the Board took action to pay the overpayment and to contact Senator Nelson's Office for assistance. He advised that Dixie County and Levy County are having the same difficulty and that they have turned their bill over to EMS Consultants to resolve the issue and seek reimbursement. He recalled that notices have been received by the County from the IRS that any money due EMS Consultants is to be paid to the

IRS. It was suggested that the Board turn it over to EMS Consultants and then find out if the money is still due to the IRS or if payment could be made directly to company. **Motion** by Commissioner Gentry, seconded by Commissioner Langford, to turn the issue over to EMS Consultants. The motion carried unanimously.

Mr. Michael Lamar addressed the Board concerning the installation of the sewer to the Jail. He explained that negotiations with the Parker Land Development Company were not successful therefore, Mr. Lee Mills has recommended that the City run a force main along the DOT right of way in order to extend the sewer to the jail. Mr. Lamar stated that he agrees with the recommendation and that the City of Trenton is also in agreement. **Motion** by Commissioner Gentry, seconded by Commissioner Langford, to agree that the sewer to the jail be routed along the DOT right of way in cooperation with the City of Trenton. The motion carried unanimously.

Workshop / Fire Special Assessments:

Mr. Mills presented information concerning the ISO ratings and discussed the method of calculation by insurance companies. Among the factors used to determine the rating is the location of properties to a water supply, alarm systems in place, records maintained by the fire departments for personnel and training, and a survey of the equipment maintained by the departments. Mr. Mills also provided an insurance rating report for Gilchrist County homeowners. Currently the ISO rating for County residents is "9," the City of Fanning Springs is "6-9" and the City of Trenton is "7-9."

Referring to the insurance rating report, Mr. Mills pointed out the savings for a rating change from a "9" to a "7" and from a "7" to a "5" for a block home, frame home and a mobile home. He emphasized that the importance should not be placed on the monetary aspect but on improvement of the fire service provided to the County.

Mr. Mills addressed questions directed by citizens present. Mr. McQueen added comments regarding the lack of access to a water supply in the outlying areas of the County. He explained that steps should be made to shorten the response times and to provide the resources to the departments where they need them. Emphasis should also be placed on training.

Mr. McQueen presented and discussed the following proposed rates for Fire Special Assessments:

- 1) Residential – \$69 per owner
- 2) 5-acre lots or smaller under common ownership shall be capped at a total dollar amount of \$160.
- 3) Vacant Unimproved – \$40 per parcel up to 160 acres.
- 4) Greater than 160 acres – shall be at the rate of \$40 base plus \$.06 per acre.
- 5) Commercial – up to 5,000 square feet – \$.10 per square foot.
- 6) Commercial – additional square footage above 5,000 will be assessed \$.01 per square foot.
- 7) Hazardous Materials 301 sites – \$500.

Mr. McQueen stated that it has been suggested that the properties within the municipalities receive a 25% reduction in the assessment due to the fact these properties are nearer to water supply.

The Board discussed the proposed rates and heard comments from Mr. Jeff Jordan, Mr. Mike Burnett and Mr. Mike Ortiz. Chairman Durden asked Mr. Gilliam to schedule another workshop on May 17th to continue discussion on the proposed rates.

The meeting recessed at 6:03 p.m.

The meeting reconvened at 7:15 p.m.

Public Hearing / Ordinance 04-07 & Ordinance 04-08 / William D. Holt:

Mr. Chumley presented Ordinance 04-07 (CPA-04-02) and Ordinance 04-08 (Z-04-02) in conjunction with an application submitted by William D. Holt, Jr. to change the Comprehensive Plan Future Land Use Map designation of 2.0 acres from Agricultural-2 to Commercial, and to change the Official Zoning Atlas from Agricultural-2 (A-2) to Commercial General (CG) for the same property. The subject property is currently vacant and is located on State Road 26 in front of the Rolling Oaks subdivision. The Planning and Zoning Board has recommended approval.

ORDINANCE 04-07

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 WILLIAM D. HOLT, UNDER THE SMALL SCALE PLAN AMENDMENT PROCEDURES ESTABLISHED IN SECTION 163.3187, FLORIDA STATUTES; PROVIDING FOR A CHANGE IN LAND USE CLASSIFICATION FROM AGRICULTURAL-2 TO COMMERCIAL ON CERTAIN LANDS WITHIN THE UNINCORPORATED AREA OF GILCHRIST COUNTY, FLORIDA; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion by Commissioner Bush, seconded by Commissioner Gentry to approve Ordinance 04-07. The motion carried unanimously.

ORDINANCE 04-08

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 WILLIAM D. HOLT, TO AMEND THE OFFICIAL ZONING ATLAS OF THE GILCHRIST COUNTY LAND DEVELOPMENT REGULATIONS, PROVIDING FOR A REZONING FROM AGRICULTURAL-2 (A-2) TO COMMERCIAL GENERAL (CG) OF CERTAIN LANDS WITHIN THE UNINCORPORATED AREA OF GILCHRIST COUNTY, FLORIDA; PROVIDING

SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion by Commissioner Bush, seconded by Commissioner Gentry, to approve Ordinance 04-08. The motion carried unanimously.

Public Hearing / Ordinance 04-09 & Ordinance 04-10 / Wesley Skiles:

Mr. Chumley presented Ordinances 04-09 (CPA-04-03) and Ordinance 04-10 (Z-04-03) in conjunction with an application submitted by Wesley C. Skiles of Karst Productions. The applicant requests an amendment to the Comprehensive Plan Future Land Use Map designation of 1.74 acres from Agricultural-2 to Commercial and to change the Official Zoning Atlas from Agricultural-2 (A-2) to Commercial General (CG) for the same property. The subject property contains an existing office structure that houses Karst Productions and Karst Environmental Services, and is located on County Road 340 south of the Spring Ridge subdivision. The Planning and Zoning Board has recommended approval.

ORDINANCE 04-09

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 WESLEY SKILES, UNDER THE SMALL SCALE PLAN AMENDMENT PROCEDURES ESTABLISHED IN SECTION 163.3187, FLORIDA STATUTES; PROVIDING FOR A CHANGE IN LAND USE CLASSIFICATION FROM AGRICULTURAL-2 TO COMMERCIAL ON CERTAIN LANDS WITHIN THE UNINCORPORATED AREA OF GILCHRIST COUNTY, FLORIDA; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion by Commissioner Langford, seconded by Commissioner Gentry, to approve Ordinance 04-09. The motion carried unanimously.

ORDINANCE 04-10

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 WESLEY SKILES, TO AMEND THE OFFICIAL ZONING ATLAS OF THE GILCHRIST COUNTY LAND DEVELOPMENT REGULATIONS, PROVIDING FOR A REZONING FROM AGRICULTURAL-2 (A-2) TO COMMERCIAL GENERAL (CG) OF CERTAIN LANDS WITHIN THE UNINCORPORATED AREA OF GILCHRIST COUNTY, FLORIDA; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion by Commissioner Langford, seconded by Commissioner Gentry, to approve Ordinance 04-10. The motion carried unanimously.

Public Hearing / Ordinance 04-11 (LDR 04-08) / Subdivision Phasing:

Mr. Chumley reviewed the proposed LDR amendment and explained that these amendments would establish provisions for the approval of an overall master plan for subdivisions that are developed in phases. These provisions would allow for the approval of an overall master development plan for a site that would be approved in conjunction with a preliminary plat for the subdivision. He advised that the Planning and Zoning Board has reviewed the amendments and recommends approval.

ORDINANCE 04-11

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GILCHRIST COUNTY, FLORIDA, AMENDING ORDINANCE NO. 93-04, AS AMENDED, RELATING TO AN AMENDMENT TO THE TEXT OF THE GILCHRIST COUNTY LAND DEVELOPMENT REGULATIONS, PURSUANT TO AN APPLICATION BY THE BOARD OF COUNTY COMMISSIONERS OF GILCHRIST COUNTY, FLORIDA, ADDING A NEW SECTION 5.14.4 ENTITLED, "MASTER PLANS AND PHASING FOR MAJOR SUBDIVISIONS;" PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Motion by Commissioner Langford, seconded by Commissioner Bush, to approve Ordinance 04-11. The motion carried unanimously.

Public Participation:

Mr. Wes Skiles addressed the Board concerning issues confronting Hart Springs. He explained that the 1998 flood caused a major collapse of the main spring entrance. Mr. Skiles suggested that professional divers instead of volunteers be allowed to clean out the debris. Discussion was held concerning using volunteers for some of the preliminary cleanup. Mr. Skiles offered to work with and council the volunteers in this effort.

Public Hearing / Comprehensive Plan Text Amendment / Planned Rural Residential Development:

Mr. Chumley presented the Comprehensive Plan text amendment which eliminates the provision that requires subdivisions greater than 25 lots to be developed as Planned Rural Residential process. Mr. Chumley advised that the Planning and Zoning Board recommends approval to transmit the amendment to the Department of Community Affairs.

Motion by Commissioner Gentry, seconded by Commissioner Langford, to authorize transmittal of the proposed amendments to the Department of Community Affairs. The motion carried unanimously.

Old Business:

Mr. McQueen requested approval for travel expenditures for himself and Charissa Strickland to attend the 911 Conference. **Motion** by Commissioner Gentry, seconded by Commissioner Langford, to approve the request. The motion carried unanimously.

New Business:

(None)

There being no further business to discuss, Commissioner Langford **moved** to adjourn the meeting at 7:50 p.m. The motion was seconded by Commissioner Bush and carried.

APPROVED:

ATTEST:

Randy Durden, Chairman

Joseph W. Gilliam, Clerk