

## **MINUTES OF A REGULAR MEETING OF THE GILCHRIST COUNTY BOARD OF COUNTY COMMISSIONERS HELD AUGUST 16, 2004.**

The Gilchrist County Board of County Commissioners, in and for Gilchrist County Florida, convened in a regular meeting on Monday, August 16, 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, Vice-Chair**  
**Commissioner Sue Suggs**  
**Commissioner Tommy Langford**

**Others in attendance were:** John McPherson, County Attorney, Joseph W. Gilliam, Clerk of Court, Karen Heaton, Deputy Clerk, Sam Ferguson, Director of Finance, Jacki Johnson, Deputy Clerk, Beth Latner, Ron Mills, Billy Cannon, Justin Watson, Linda Walker, Diane Rondolet, Lannie Cardona, Margarita Labarta, Carol McQueen, Evelyn Meece, David Brooks, Don Strickland, Keisha Brown, Charlene White, Kelly Philmian, Tommy Jones, Hugh Thomas, Robert Phillips, James Simcoe, Gene Parrish, Ted Burt, John Ayers.

### **Call to Order**

Chairman Durden called the meeting to order at 5:28 p.m. Commissioner Bush delivered the Invocation and Commissioner Gentry led the Pledge of Allegiance.

### **Agenda Changes**

Additions to the Consent Agenda:

- Transfer request from the Sheriff's Office: \$8,000 from Law Enforcement (521) Contingency and Corrections (523) Contingency to Law Enforcement (521) Capital Outlay.
- Transfer request from the Sheriff's Office: \$12,000 from Corrections (523) Operating Expenses to Law Enforcement (521) Capital Outlay.

**Motion** by Commissioner Langford, seconded by Commissioner Gentry, to accept the agenda with the changes noted. The motion carried unanimously.

### **Consent Agenda**

## CONSENT AGENDA

- 1) Approval of Budget Entries:
  - #BE4-125 through #BE4-130
  
- 2) Approval of Minutes:
  - July 26, 2004, Budget Workshop
  - August 2, 2004, Regular Meeting
  - August 2, 2004, Budget Workshop

**Motion** by Commissioner Suggs, seconded by Commissioner Langford, to approve the consent agenda with the addition of the transfer requests from the Sheriff's Office. Mr. McPherson noted a correction for the minutes of the August 2, 2004 Budget Workshop; (correction: delete Mr. McPherson from the 07/26/04 budget workshop attendance list). The motion carried unanimously.

### **Soil & Water Conservation District**

Mr. Kelly Philman, Soil & Water Conservation District, introduced Ms. Charlene White, the new District Secretary, and Ms. Keisha Brown, the new District Conservationist. Mr. Philman also recognized Mr. Tommy Jones, board member, Soil & Water, and Mr. Hugh Thomas, Suwannee River Partnership.

Ms. Brown provided an information packet for the Natural Resources Conservation Service (NRCS) and discussed the services offered by her office in Bronson. She asked for the Board's support and assistance to let the farmers know what services are available.

Ms. White told the Board that she would be in Gilchrist County one day each week and will provide educational programs to the schools for the Soil and Water Conservation District.

Mr. Thomas discussed the association between the Suwannee River Partnership, the Soil and Water Conservation District and the NRCS. He explained that the Partnership has a contract with Soil and Water to distribute funds to the district for the implementation of irrigation Best Management Practices. Currently there are farmers in the district (Alachua, Gilchrist and Columbia) who are receiving this assistance. Mr. Thomas told the Board that the Partnership intends to meet with the County Commission, the County Planners and the City Commission in the near future to determine what programs are needed.

### **Public Hearing / Ordinance 04-20, Comprehensive Plan Amendment**

Chairman Durden read the short title of Ordinance 04-20. Mr. McPherson recalled that this ordinance had been before the Board in the context of a Transmittal Hearing. It was then reviewed by the Department of Community Affairs which in turn provided its Objections, Recommendations, and Comments (ORC) Report which contained no objections to the amendment.

Mr. McPherson explained the purpose of the amendment is to delete the requirement that subdivisions with greater than 25 lots be developed as a Planned Rural Residential Development. However it will remain an option for the developer.

#### **ORDINANCE 04-20**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GILCHRIST COUNTY, FLORIDA, AMENDING THE GILCHRIST COUNTY COMPREHENSIVE PLAN, AS ADOPTED BY ORDINANCE 94-01, AS AMENDED, TO AMEND POLICY I.2.2.2 TO DELETE THE REQUIREMENT THAT SUBDIVISIONS WITH GREATER THAN 25 LOTS BE DEVELOPED AS A PLANNED RURAL RESIDENTIAL DEVELOPMENT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**Motion** by Commissioner Langford, seconded by Commissioner Gentry, to approve Ordinance 04-20. The motion carried unanimously. (1/462)

#### **Road Department**

Mr. Watson recalled that at the last meeting he requested permission to lease a bulldozer for a few days in order to prepare for the blasting of the pit. He advised that Levy County loaned the Department a dozer for this work and the blasting company will begin drilling this week.

Mr. Watson advised that he had obtained prices on used dozers and requested permission to meet with Mr. Gilliam and Mr. Ferguson to compare the prices with the hours on the machines. The Board agreed.

Mr. Watson requested permission to go out to bid for a skid steer loader and a tag along trailer. **Motion** by Commissioner Gentry, seconded by Commissioner Suggs, to authorize Mr. Watson to advertise for bids for the skid steer loader and a tag along trailer. Mr. Watson advised he will bid them out separately. The motion carried unanimously.

Commissioner Gentry advised that he had inspected the Road Department's dozer and he recommends that the Board consider allowing Highland Tractor to tear it down to determine what repairs are necessary. Discussion was held concerning the cost of repairs on the dozer compared to the value of the equipment and the cost of a used one. **Motion** by Commissioner Suggs, seconded by Commissioner Langford, to allow Mr. Watson, Mr. Ferguson and Mr. Gilliam to meet and bring back a recommendation for the purchase of a used dozer. The motion carried unanimously. **Motion** by Commissioner Suggs, seconded by Commissioner Gentry, to allow Commissioner Gentry, to pursue his recommendation to tear down the dozer at a cost of \$1,500 to determine the necessary repairs and the cost of the repairs. The motion carried with Commissioner Langford and Commissioner Durden voting "no." (1/691)

#### **Public Hearing / Ordinance 04-18 and 04-19, Comprehensive Plan Amendment and Zoning Change**

*(Commissioner Gentry filed a Memorandum of Voting Conflict (Form 8B) due to the fact that he is the property owner who filed the application.)*

Chairman Durden read the short title of Ordinance 04-18.

**ORDINANCE 04-18**

**AN ORDINANCE OF GILCHRIST COUNTY, FLORIDA, AMENDING ORDINANCE NO. 93-04, AS AMENDED; RELATING TO THE REZONING OF TEN OR FEWER CONTIGUOUS ACRES OF LAND, PURSUANT TO AN APPLICATION BY MITCHELL GENTRY, TO AMEND THE OFFICIAL ZONING ATLAS OF THE GILCHRIST COUNTY LAND DEVELOPMENT REGULATIONS, PROVIDING FOR A REZONING FROM AGRICULTURAL-2 (A-2) TO INDUSTRIAL (I) OF CERTAIN LANDS WITHIN THE UNINCORPORATED AREA OF GILCHRIST COUNTY, FLORIDA; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**Motion** by Commissioner Suggs, seconded by Commissioner Langford, to approve Ordinance 04-18. The motion carried with the absence of Commissioner Gentry's vote.

Chairman Durden read the short title of Ordinance 04-19.

**ORDINANCE 04-19**

**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 MITCHELL GENTRY, 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 INDUSTRIAL 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 Suggs, to approve Ordinance 04-19. The motion carried with the absence of Commissioner Gentry's vote. *(1/1165)*

**Attorney's Report**

Imposition of Clean-Up Costs on Private Landowners – Mr. McPherson advised he is working on a draft ordinance for future consideration. *(1/1249)*

Martini Grade – Mr. McPherson stated he is still waiting for the final settlement proposal from the Langford's attorney. *(1/1268)*

Hart Springs Diving – Mr. McPherson reported that he had finalized the Waiver of Liability for the Diving Program and forwarded it to Mr. Pete Butt. *(1/1283)*

Bailey Code Enforcement – Mr. McPherson advised that Mr. Bailey has appealed the Code

Enforcement Hearing Officer's decision.

Ginnie Springs v. Gilchrist County – Mr. McPherson said that he is waiting for the decision on Ginnie Springs' Motion for Rehearing.

Brooks and Strickland v. Aderholts and Gilchrist County – Mr. McPherson advised the case management conference is scheduled for August 12, 2004 at 1:30 p.m. He stated that he expects the Plaintiff to file another amended complaint in response to the motion to dismiss.

Bailey v. Gilchrist County – Mr. McPherson said that he is waiting for a decision by Judge Giunta on the County's Motion to Dismiss.

Department of Juvenile Justice – Mr. McPherson recalled that the Board had agreed to be listed as a Plaintiff in the Department of Juvenile Justice Cost Shift case. He advised that he will be receiving updates from FAC on the case and will relay them to the Board.

Hart Springs Residence – Mr. McPherson stated that he is preparing a lease for the new resident manager.

#### **EMS:**

Paramedic School – Ms. Walker recalled that she had recently presented a request for two (2) of her employees to attend Paramedic School with reimbursement of tuition and books. She advised that one of the employees is attending Central Florida Community College and has a full grant. The second employee, an EMT, has enrolled in the Santa Fe Community College Paramedic Program. The total cost will be approximately \$3,000 per year with a portion to be paid from this year's budget, and a portion out of the FY 04/05 budget. **Motion** by Commissioner Suggs, seconded by Commissioner Gentry, to waive the procedures in the Employee Handbook for education reimbursement and to reimburse the cost of the Paramedic School prior to the employee passing the courses. The motion carried unanimously.

Bell Health Academy – Ms. Walker requested the Board's permission to teach a First Responder Course at the Bell Health Academy. The course is a dual enrollment class provided through Lake City Community College from August through December. She stated that four (4) of the Seniors from the Academy have already signed up for the EMT Exit Program. Ms. Walker advised that teaching this course would require her to be at the Academy approximately 6 hours per week but she would still be available to the County for emergencies. **Motion** by Commissioner Suggs, seconded by Commissioner Langford, to approve the request. The motion carried unanimously. (1/1368)

*Commissioner Suggs left the meeting at 6:30 p.m.*

#### **Road Department:**

Mr. Ferguson advised that the Road Department does not have enough funds to pay out the next payroll. He stated that approximately \$124,000 will be needed for the remainder of the fiscal year. The Department is at 99% for salaries and 98% for its budget. After discussion, Mr. Gilliam advised that he will review the budget and bring back additional information to the next budget workshop.

Chairman Durden suggested that the \$1,500 previously approved this meeting for the dozer be postponed pending additional information concerning the budget. The Board agreed. (1/1876)

#### **Gene Parrish / Road closure of NE 44<sup>th</sup> Avenue:**

Mr. Gene Parrish, representing Marty and Janna Bruce, appeared before the board concerning NE 44<sup>th</sup> Avenue. Mrs. Bruce was in attendance. Mr. Parrish explained that he had recently surveyed the Bruce's property when it was being divided among the family. He discovered that the deeded right of way for a portion of NE 44<sup>th</sup> is in a location other than the existing graded road. The deeded right of way, 36 feet, was donated to the County in 1978 by Mr. Bruce's father. The existing graded road, NE 44<sup>th</sup> Avenue is 19-feet at one end of their property and 16-feet at the other end.

Mr. Parrish presented the current survey and pointed out the location of the deeded right of way and the location of the actual road. He stated that Mr. and Mrs. Bruce would like to trade the deeded portion of the property for the graded portion.

Mr. McPherson advised that the County does own the graded portion of the NE 44<sup>th</sup> Avenue by prescriptive easement. He recommended that the Bruce's trade 36-feet along the graded road. He explained this would be in the best interest of the County in relation to maintenance, signage, etc. Mrs. Bruce stated that she would be willing to do so. Chairman Durden suggested that Mr. McPherson meet with Mr. Parrish and the Bruces' and bring back a recommendation. The Board agreed. (1/2400)

#### **Public Hearing / Budget Amendment, Transportation, Fund Resolution #04-40 (Budget Entry #BE4-126A):**

Chairman Durden read the short title of Resolution #04-40. This resolution amends the Transportation Fund (140) by an increased amount of \$18,728 from General Fund reserves for the purpose of providing funds for the blasting of the limerock pit (This action was approved at the July 19, 2004 meeting). **Motion** by Commissioner Langford, seconded by Commissioner Bush, to approve Resolution #04-40. The motion carried unanimously. (1/2634)

#### **Clerk's Report:**

Courthouse Security Systems – Mr. Gilliam provided information received from two (2) vendors for security systems. He explained that recently there had been several incidents of vandalism at the Trenton High School and he would recommend the Board consider a security system to protect the Courthouse. Chairman Durden recommended that the Board consider a basic system and asked Mr. Gilliam to obtain information and quotes for consideration. (1/2676)

MetLife Insurance Company – Mr. Gilliam recalled that John Hancock Insurance Company, the employees group life insurance carrier, had sold its business to MetLife Insurance Company. He referred to a letter from MetLife concerning renewal of the policy. Mr. Gilliam pointed out that the company is requiring a complete new enrollment in November. He asked for direction in going out to bid for life insurance coverage. He explained that there have been billing problems with MetLife. The Board agreed. (1/2813)

Board Room – Mr. Gilliam presented a request from Ms. Margie Henley for the use of the Board Meeting Room for the NAACP. The group intends to have a speaker address citizens who are interested in having their civil rights restored. They would like to schedule the event possibly the first week in September. **Motion** by commissioner Langford, seconded by Commissioner Bush, to approve the request. The motion carried unanimously. (1/2871)

### **EMA/County Administrators Report:**

*(Mrs. Beth Latner presented the County Administrator's Report in Mr. McQueen's absence.)*

Policy for Community Center Rentals – Mrs. Latner recalled that the Board had recently asked Mr. McQueen to bring back a recommendation concerning a policy for the rental of the voting precincts. Mr. McQueen had asked Mr. McPherson to research the issue. Mr. McPherson stated that the question is whether or not the County should allow churches to use various community centers to conduct church services. Mrs. Latner explained that recently a group of persons had rented the Cruise Precinct and it was later found out that the purpose was for church services. She stated that she had received one complaint from a citizen and a complaint from the persons in charge of the meal site about the condition of the building.

Mr. McPherson recommended that the Board adopt a policy for the use of the community buildings in light of the Florida Constitution and the Federal Constitution regarding the use of funds to assist churches either indirectly or directly. During discussion, Mr. Gilliam raised the question concerning the waiver of certain permit fees for churches which had been done in the past. Mr. McPherson stated that this would also be an issue to consider. Chairman Durden asked Mrs. Latner to advise Mr. McQueen to bring back a recommendation for a policy.

Annexation, City of Trenton – For the Board's information, Mrs. Latner referred to the City of Trenton Ordinance 04-07 regarding the annexation of property located in Section 20, Township 10 South, Range 15 East. Mr. Gilliam advised that annexed property is not included in the Downtown Redevelopment Plan. Mr. Gilliam stated that the Property Appraiser's Office is working with the City to develop a base map for the Downtown Redevelopment. (2/022)

Hazardous Waste Generators – Mrs. Latner referred to a letter from the North Central Florida Regional Planning Council concerning the Annual Monitoring of Hazardous Waste Generators. The cost to the county for FY 04/05 will be \$2,697. (2/090)

Permitting, Solid Waste Transfer Station – For the Board's information, Mrs. Latner referred to a letter from Mr. McQueen to the Department of Environmental Protection regarding the renewal of the operating permit for the Solid Waste Transfer Station.

Water Management District – Mrs. Latner also provided a copy of a letter received from SRWMD regarding FEMA Map Modernization for Dixie, Gilchrist and Lafayette Counties.

SE 70<sup>th</sup> Community Center – Mrs. Latner provided copies of a letter from Mills Engineering regarding the cost of moving a well at the SE 70<sup>th</sup> Community Center. She explained that the well is currently located in an area which is included in the SE 70<sup>th</sup> Avenue construction plan to serve as a retention pond. She asked for the Board’s direction concerning the quotes received by Mr. Mills; Action Pump Repair, \$11,650 and North Florida Water Systems, \$13,500. The question was raised concerning the use of the grant to pay for the expense. Mr. McPherson stated that this cost could be paid through the grant as other offsite things necessary for the project. **Motion** by Commissioner Gentry, seconded by Commissioner Bush, to table the SE 70<sup>th</sup> Avenue well to the next meeting. The motion carried unanimously.

Health Fair – Mrs. Latner requested authorization to schedule the Annual Health Fair on September 16, 2004 at the Trenton Women’s Club. **Motion** by Commissioner Gentry, seconded by Commissioner Langford, to approve September 16 for the Employee Health Fair and to make attendance mandatory for County employees. The motion carried unanimously.

**Public Hearing / Ordinance 04-21, Amending Impact Fee Ordinance:**

Chairman Durden read the short title of Ordinance 04-21.

**ORDINANCE 04-21**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GILCHRIST COUNTY, FLORIDA; CLARIFYING THE PURPOSES FOR WHICH ROAD IMPACT FEES MAY BE USED; CLARIFYING THAT ROAD IMPACT FEES MAY BE USED TO PURCHASE CERTAIN CAPITAL EQUIPMENT; AND PROVIDING AN EFFECTIVE DATE.**

**Motion** by Commissioner Bush, seconded by Commissioner Langford, to approve Ordinance 04-21. The motion carried unanimously.

**Commissioners Reports:**

**Commissioner Gentry** commended the efforts of the County in preparing for the recent hurricane threat. He related that he had visited the shelters during this time and found that they were set up to everyone’s satisfaction.

**Commissioner Langford** advised that the Road Committee recently met and it is in the process of identifying and prioritizing road projects. The Committee intends to have the road counts completed by its next meeting. Mr. Gilliam mentioned that one of the road counters had been stolen. Commissioner Langford stated that a mower was also stolen.

**Old Business:**

(None)

**New Business:**

Mr. Ron Mills presented a report concerning the activities during the threat of Hurricane Charley.

During this time, a Local State of Emergency was declared and the evacuation shelters were opened.

**Public Participation:**

Mr. Robert Phillips appeared before the Board representing the church which recently met at the Cruise Precinct. Mr. Phillips did not state the name of the organization but stated that they plan to construct a church building in the future. Mr. Phillips stated that he wanted to clarify things concerning statements made earlier this meeting regarding the use of the building and the complaints. He stated that he had called the County Administrator's Office to reserve the building and was not asked the nature of the use and he did not intend to mislead anyone.

He explained that one of the complaints concerned the fact that people were there most of the day. He stated that the group did not only have services but had used the building for fellowship. Concerning the complaint about the condition the building was left in, Mr. Phillips contended that they had cleaned up the building before they left and they were respectful of the items in the building belonging to the groups that meet there on a regular basis.

Mr. Phillips presented a letter that he had received from the Center for Law and Religious Freedom. The letter provided an opinion concerning the First Amendment of the Constitution and the right for religious freedom.

Commissioner Langford asked Mr. McPherson if the group could continue to use the building as long as they paid the rental fees. Mr. McPherson stated that this would not be unlawful. He stated that there exists a conflict between the Florida Constitution and the United States Constitution. Chairman Durden advised Mr. Phillips that they are permitted to use the building until another policy is adopted.

There being no further business to discuss, Commissioner Langford moved to adjourn at 7:43 p.m. The motion was seconded by Commissioner Gentry and carried.

APPROVED:

ATTEST:

Randy Durden, Chairman

Joseph W. Gilliam, Clerk