

## **MINUTES OF A REGULAR MEETING OF THE GILCHRIST COUNTY BOARD OF COUNTY COMMISSIONERS HELD SEPTEMBER 9, 2004.**

The Gilchrist County Board of County Commissioners, in and for Gilchrist County Florida, convened in a regular meeting on Thursday, September 9, 2004 at 3:00 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**  
**Commissioner Sue Suggs**

(Commissioner Langford arrived at 4:00 p.m., Commissioner Suggs arrived at 5:00 p.m.)

**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, Evelyn Meece, Edgar Wigss, Marge Wigss, Lynn Hamilton, Susan Bryant, Justin Watson, John Ayers, Jeff Jordan, Ryan Weaver, Mark Letherland.

### **Call to Order:**

Chairman Durden called the meeting to order at 3:10 p.m. Commissioner Gentry delivered the Invocation and Commissioner Bush led the Pledge of Allegiance.

### **Agenda Changes:**

Additions:

- Pay Request from Pure Water Wilderness (\$4,250), FY 03/04 budget.
- Discussion, Curfew during State of Emergency

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

### **Consent Agenda:**

- 1) Approval of Bills
- 2) Approval of Purchase Orders:
  - a. #BE4-135 / Fire District Trust Fund (\$260)
  - b. #BE4-138 / Local Housing Assistance Trust Fund (\$167,711.36)
  - c. #BE4-139 / General Fund (\$8,050)
  - d. #BE4-140 / Solid Waste Fund (\$6,210)
  - e. #BE4-059 / Emergency Medical Service (\$1,500)
  - f. #BE4-060 / General Fund (\$4,860)
  - g. #BE4-088 / General Fund (\$28,342.17)

- 3) Approval of Minutes:
- a. Budget Workshop, August 9, 2004
  - b. Regular Meeting, August 16, 2004

**Motion** by Commissioner Bush, seconded by Commissioner Gentry, to approve the Consent Agenda. The motion carried unanimously.

**Curfew, State of Emergency:**

Chairman Durden related that during the State of Emergency for Hurricane Frances action was taken to institute a curfew from 8:00 p.m. until 6:00 a.m. from Wednesday, September 8 until Saturday, September 11. Considering the current situation, Chairman Durden recommended that the curfew be lifted effective this date.

Sheriff Turner advised that the following roads remain closed due to flooding: HWY 129 North of Trenton to CR 344; CR 232 from HWY 129 to SR 47; SR 47 from CR 232 to the Trenton City Limits. Sheriff Turner commended the Board for their assistance during the State of Emergency.

Sheriff Turner addressed the business owners present and explained that the Board had established the curfew for the safety and security of all of the citizens. He stated that he would also recommend the curfew be lifted at this time.

Chairman Durden recognized Mayor Randolph who thanked the business owners for their cooperation during this time.

The Board heard comments from the business owners concerning the lack of communication about the curfew. Chairman Durden agreed that more notice should have been given and explained that this incident has helped the County to find out what actions need to be taken in the future. **Motion** by Commissioner Gentry, seconded by Commissioner Bush, to remove the curfew effective immediately. The motion carried unanimously.

**Storm Fund:**

Mr. Gilliam asked for the Board's direction concerning additional funds for the storm account. The balance is currently \$5,000 and will not cover the expenses incurred from the storm and cleanup. He recommended that the Finance Department obtain a line of credit to pay the invoices which are reimbursable by FEMA. Mr. McQueen estimated the reimbursable expenses from Hurricane Charlie will be between \$18,000 and \$20,000 and the expenses from Hurricane Frances may be up to \$50,000. **Motion** by Commissioner Bush, seconded by Commissioner Gentry, to obtain a \$100,000 line of credit for the storm account. The motion carried unanimously. (1/473)

**EMA/County Administrator Report:**

Hurricane Charley / Hurricane Frances Update – Mr. McQueen advised that many areas of the County are still flooded and many residents are not able to access their properties. A total of nine (9) homes were destroyed, 111 homes received major damage and 200 were reported with minor damages. Eight (8) government buildings were damaged, including the Commission's meeting facility with flooding in the basement. The Chamber of Commerce building and the Extension building were also flooded. The tower at the Sheriff's Office was blown down during the storm and there are several leaks in the administration building. Many of the roads were damaged and some areas of the roads are still under water. Mr. McQueen advised that the shelters have been closed and there are approximately 10 persons who are being assisted by the Red Cross with temporary housing. (1/677)

Solid Waste – Mr. Pat Fischer advised he has been working with Mr. McQueen and Mr. Watson to coordinate the collection and management of debris from the storm. To date they have collected approximately 66 tons of brush and it is currently being stored at the SR 47 site. Mr. Fischer related that the Department has had problems with residents who expect that there will be no charge to drop off garbage at this time. Currently they are accepting construction and demolition materials at no charge but they are not able to collect household garbage at no charge. Discussion was held concerning possibly declaring a few amnesty days but it was agreed that this action would cause more problems with people wanting to be reimbursed for the days since the storm. It would also be an expense to the County which may not be reimbursed by FEMA. The Board took no action on this issue. (1/1000)

SE 70<sup>th</sup> Avenue – Mr. McQueen advised that construction of SE 70<sup>th</sup> Avenue remains on schedule. (1/1527)

South Santa Fe Avenue – Mr. McQueen presented Resolution 04-50 for approval. He explained the resolution is required by the Office of Tourism, Trade and Economic Development (OTTED).

#### **RESOLUTION 04-50**

#### **A RESOLUTION OF THE BOAR OF COUNTY COMMISSIONERS OF GILCHRIST COUNTY FLORIDA AGREEING TO MAINTAIN SOUTH SANTA FE AVENUE BETWEEN COUNTY ROAD 319 TO COUNT ROAD 339.**

**Motion** by Commissioner Gentry, seconded by Commissioner Bush, to approve Resolution 04-50. The motion carried unanimously. (1/1586)

Licensing Board – Mr. McQueen presented a request from the Gilchrist County Licensing Board for approval to increase the application fee for licenses to \$100. The proposed increase will help pay the costs to the County for a background report, credit report and complaint status for those seeking a contractor license. The current fee is \$10. Commissioner Gentry questioned the reports obtained for the State License; he said he would like this information to make sure something is not being duplicated in application for the County license. Mr. McQueen stated that he would bring back additional information to the mid month meeting. (1/1634)

Rudicil v. Gilchrist County – Mr. McQueen referred to a letter concerning the Rudicil case. The

attorney representing the County intends to enter a judgement in the amount of \$25,000 against the Plaintiff for the cost of attorney fees. **Motion** by Commissioner Gentry, seconded by Commissioner Bush, to approve the recommendation for judgement in the amount of \$25,000 for the Rudicil case. The motion carried unanimously. (1/1765)

Solid Waste, Permit Extension – Mr. McQueen advised that DEP has granted an extension through October 5, 2004 for the Solid Waste permit application. (1/1829)

Water Management Conference – For the Board’s information, Mr. McQueen provided information concerning the 29<sup>th</sup> Annual Conference on Water Management to be held November 4-5 in Orlando. Commissioner Gentry stated that he plans to be in attendance. **Motion** by Commissioner Bush, seconded by Commissioner Gentry, to approve one person to attend. The motion carried unanimously. (1/1843)

Water Distribution – Chairman Durden asked Mr. McQueen to make sure there is someone available at each of the fire departments to distribute water to the citizens during the storm recovery period. (1/1891)

*Commissioner Langford arrived at 4:05 p.m.*

#### **Supervisor of Elections:**

Ms. Susan Bryant presented a request for approval to transfer funds from Operating Expense to Equipment to purchase a new printer. She needs to purchase the printer prior to the next election. **Motion** by Commissioner Gentry, seconded by Commissioner Bush, to approve the request. The motion carried unanimously. (1/2407)

#### **Review Bids for Bulldozer:**

Mr. Watson recalled the Board had asked him to go out for bid for a used bulldozer. Bids were received from RingPower for a ‘99 Caterpillar, \$139,000 and from Highland Tractor for a ‘01 John Deer, \$158,000 with an \$8,000 buy back and an extended warranty. Mr. Watson recommended approval for the purchase of the John Deer which includes a new ripper. **Motion** by Commissioner Gentry, seconded by Commissioner Bush, to approve the purchase of the John Deer Bulldozer for a total cost of \$150,000 (\$158,000 less the \$8,000 buyback) with the extended warranty. The motion carried with Commissioner Langford voting “no.”

Chairman Durden recommended financing the purchase of the bulldozer for five (5) years and paying the cost from Impact Fees. **Motion** by Commissioner Gentry, seconded by Commissioner Bush, to approve the request to go out to bid for financing the bulldozer and to pay the cost from Impact Fees. Chairman Durden explained that the impact fees could be utilized due to the fact a larger bulldozer is necessary to handle the increased load of rock needed. Commissioner Gentry amended the motion to state the finding that the purchase of this equipment is necessary to increase the capability to operate longer hours to accommodate the growth in the county. Mr. Mark Letherland, RingPower, recommended that the County try out the machine with the ripper prior to purchase to make sure it has enough power. The motion on the floor carried unanimously. (1/2471)

Mr. Watson recalled at the last meeting, the Board had authorized him to go out to bid for a skid steer loader and a trailer. Considering the work required after the recent storm and the approach of another hurricane, he recommended that the skid steer loader be purchased from RingPower for the State Contract price, approximately \$32,000. He stated that RingPower also has a trailer available for approximately \$4,000. The Board agreed that the machine is needed immediately. Chairman Durden recalled that the purchase of this equipment has been budgeted in the FY 04/05 budget. Mr. Letherland stated that the loader and the trailer could be delivered on September 13 with the first payment due on October 13. **Motion** by Commissioner Gentry, seconded by Commissioner Bush, to approve the purchase of the skid steer with the grappler and the trailer, waiving the bid requirements for the trailer. Mr. Gilliam recommended that the purchase be made out of the current budget and to make the adjustment for the FY 04/05 budget for the Road Department. Commissioner Gentry **amended** the motion, seconded by Commissioner Bush to include that the purchase will be made out of the current year budget, General Reserve. The motion carried unanimously. (1/3180)

Mr. Watson thanked the Board for its assistance after the hurricane. He reported that the Department is attempting to have the bus routes cleared of debris.

**Attorney's Report:**

Imposition of Clean-Up Costs on Private Landowners – Mr. McPherson provided a draft ordinance which would clarify that dilapidated, uninhabited mobile homes are to be considered “junk” under the County’s Code. It will also provide a procedure for the County to clean up private property if necessary. **Motion** by Commissioner Langford, seconded by Commissioner Gentry, to schedule a public hearing for adoption on the October 11. The motion carried unanimously. (2/160)

Vacation of NE 44<sup>th</sup> Avenue Right of Way – Mr. McPherson presented Resolution 04-49 for approval.

**RESOLUTION NO. 04-49**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GILCHRIST COUNTY, FLORIDA; FINDING THAT A HEARING SHOULD BE HELD ON THE VACATION OF A PORTION OF UN-USED RIGHT-OF-WAY ASSOCIATED WITH NE 44<sup>TH</sup> AVENUE IN GILCHRIST COUNTY; SETTING A HEARING DATE ON SUCH VACATION; AND PROVIDING AN EFFECTIVE DATE.**

**Motion** by Commissioner Gentry, seconded by Commissioner Bush, to approve Resolution 04-49 changing the hearing date from October 4 to October 11. The motion carried unanimously. (2/254)

*Commissioner Suggs arrived at 5:00 p.m.*

Martini Grade – Mr. McPherson advised he is waiting for the final settlement proposal from the

Langford's attorney. He recalled that the Langford's first proposal included a request for driveways onto their property. Considering that SE 70<sup>th</sup> Avenue is under construction at this time, Mr. McPherson recommended the Board consider approval of this request. He stated the cost should be covered under the normal costs of the project. **Motion** by Commissioner Gentry, seconded by Commissioner Suggs, to approve putting the driveways into the Langford properties in accord with their previous request. Mr. Gilliam asked Mr. McPherson if the driveways would be covered under the project since they were not in the initial bid requests. Mr. McPherson replied that this should be an eligible cost. Commissioner Gentry **amended** the motion to include the stipulation that the driveways are approved if the cost is covered under the State Contract. Commissioner Suggs seconded the amendment and the motion carried unanimously.

Hart Springs – Mr. McPherson reported that the waiver of liability for the dive program has been finalized. Commissioner Langford mentioned that there have been a number of divers at the Park already. Mr. McPherson recalled that the Dive Committee was supposed to bring the complete program to the Board for approval prior to allowing anyone to dive. He said he will clarify this with the Committee. (2/435)

Bailey Code Enforcement – Mr. McPherson reported that Mr. Bailey's appeal is still pending.

Ginnie Springs v. Gilchrist County – Mr. McPherson advised the First District Court of Appeal has denied Ginnie Springs' Motion for Rehearing. (2/495)

Poitevint v. Gilchrist County – No activity in this case.

Brooks and Strickland v. Aderholts and Gilchrist County – Mr. McPherson reported that the case management conference was held on August 12, 2004. The plaintiffs were given time to file a second amended complaint. (2/500)

Bailey v. Gilchrist County – Mr. McPherson reported that Judge Giunta denied the County's Motion to Dismiss. The Judge ruled that there is a factual issue whether or not Baily Farms timely withdrew its application for special exception. The County staff states that if there was an attempt to withdraw the application it was after the Board of Adjustment had already granted the special exception. (2/508)

Hart Springs Residence – Mr. McPherson provided a draft lease for the Hart Springs Residence. **Motion** by Commissioner Suggs, seconded by Commissioner Bush, to approve the lease subject to Ms. Harrison's review and agreement. The motion carried unanimously. (2/530)

NE 2<sup>nd</sup> Court Trespass Allegation – Mr. McPherson referred to copy of the letter from Mr. Aderholt's attorney alleging that the County had trespassed on his property by grading two feet beyond the right of way line of NE 2<sup>nd</sup> Court. Mr. McPherson also provided a copy of his response. (2/568)

Chamber Lease – Mr. McPherson advised the Chamber of Commerce's lease expires on September 30<sup>th</sup>. He stated that the lease states the Chamber is to provide 60 days notice if they

wish to extend it for an additional two (2) years. Mr. Gilliam stated that he is on the Board of Directors and he will take it to their next meeting. (2/645)

**County Extension Office:**

Mr. Marvin Weaver requested approval to transfer funds within the Extension's budget for a down payment on a new copier. The down payment due is \$2,300. **Motion** by Commissioner Suggs, seconded by Commissioner Gentry, to move the funds within the Extension Budget for the lease of the copier. The motion carried unanimously. (2/694)

**Clerk's Report:**

Value Adjustment Board – Mr. Gilliam advised the Value Adjustment Board is scheduled to meet on October 14 at 9:00 a.m. in the Commissioners' Meeting Room. Commissioner Gentry stated that he had a conflict with his schedule on that date and would not be able to attend in the morning. **Motion** by Commissioner Langford, seconded by Commissioner Suggs, to appoint Commissioner Suggs to replace Commissioner Gentry on the Value Adjustment Board on October 14. The motion carried unanimously. (2/838)

Interlocal Agreements – Mr. Gilliam recalled that the interlocal agreements for Code Enforcement and Animal Control, with the municipalities, provide for modifications for equitable distribution of cost at the end of the fiscal year. Chairman Durden explained that both agreements were initially budgeted with the same amount of money but the revenue from Fanning Springs was increased by \$4,000 for Code Enforcement. No changes are needed for the Animal Control agreements. Mr. McPherson stated that he would prepare the agreements for execution. (2/900)

A/C Replacement & Relocation – Mr. Gilliam advised that the air conditioning units for the Board Room will need to be replaced and that the new units will need to be relocated. He received an estimate from Akin's Air Conditioning in the amount of \$12,000 for two units. Mr. Gilliam recommended that the purchase be postponed to the FY 04/05 budget year. (2/977)

2004 Census Estimate – Mr. Gilliam presented the 2004 Preliminary Census Estimate from the University of Florida. This census is produced and used as one factor in determining the distribution of state revenue-sharing funds. The estimated population for the County is 15,900. **Motion** by Commissioner Suggs, seconded by Commissioner Langford, to approve the preliminary population estimate for 2004. The motion carried unanimously. (2/1069)

Resolution 04-48, SRWMD – Mr. Gilliam presented Resolution 04-48 requesting the Suwannee River Water Management District to provide a reduction in fees.

**RESOLUTION 04-48**

**A RESOLUTION OF THE GILCHRIST COUNTY BOARD OF COUNTY COMMISSIONERS; REQUESTING THE SUWANNEE RIVER WATER**

## MANAGEMENT DISTRICT TO REDUCE PERMIT FEES.

**Motion** by Commissioner Suggs, seconded by Commissioner Gentry, to approve Resolution 04-48. The motion carried unanimously. (2/1122)

Sheriff's Office, Budget Request – Mr. Gilliam presented a request from Sheriff Turner to expend \$3,903 from the Intergovernmental Communications Fund for the purpose of replacing approximately 350-ft of Coax Cable and the purchase of a new DB-224 antenna located at the equipment building at the Bell tower. **Motion** by Commissioner Gentry, seconded by Commissioner Suggs, to approve the expenditure of \$3,903 from the 911 Fund. The motion carried unanimously. (2/1133)

Pure Water Wilderness, Appointment – Mr. Gilliam referred to a request from Pure Water Wilderness (PWW) to appoint Julie Harrison to it's Board of Directors to replace Amos Philman. **Motion** by Commissioner Suggs, seconded by Commissioner Langford, to approve the appointment of Julie Harrison to Board of Directors of Pure Water Wilderness. (2/1177)

Pure Water Wilderness, Request for Payment – Mr. Gilliam presented a payment request from Pure Water Wilderness in the amount of \$4,250. He advised the funds are included in the current year budget for the purpose of a grant match for the Tri-County Tourism Development Board. **Motion** by Commissioner Gentry, seconded by Commissioner Suggs, to approve the pay request in the amount of \$4,250. The motion carried unanimously. (2/1200)

Transfer of Tax Deed Proceeds – Mr. Gilliam presented a request for the transfer of Tax Deed proceeds to the Board of County Commissioners. The bid of \$12,075.57 for Tax Deed Application 2002-185, Certificate #99-874, was over the amount due at the time of sale. According to the RULES OF THE STATE OF FLORIDA DEPARTMENT OF REVENUE DIVISION OF AD VALOREM TAX MANUAL, Chapter 12-D-12.38, DISBURSEMENT OF PROCEEDS OF SALE; attempts have been made to notify the owner. The end of the 90 day waiting period has passed, therefore these funds are to be transferred to the Board of County Commissioners. The amount to be transferred is \$11,051.83. **Motion** by Commissioner Langford, seconded by Commissioner Suggs, to approve the transfer of funds in the amount of \$11,051.83. The motion carried unanimously. (2/1218)

SHIP Loan Approvals – Mr. Gilliam presented the following SHIP Loan applications for approval;

**1) Donnie & Kimberly Morgan** – Rehab, 6409 SE 60 Ave, Low Income Category, \$17,220. The SHIP Loan Review Committee recommended approval subject to: (1) Applicant's contribution, (2) signed contract from contractor and (3) availability of SHIP funds. **Motion** by Commissioner Langford, seconded by Commissioner Suggs, to approve the SHIP Loan for Donnie and Kimberly Morgan subject to the conditions set forth by the Loan Review Committee. The motion carried unanimously.

**(2) Shanna Hartzog** – New Construction, SW 4<sup>th</sup> Avenue, Trenton, Very Low Income Category,

\$22,500, Lender, Capital City Bank. The SHIP Loan Review Committee recommended approval subject to: (1) Appraisal of \$75,000 or less, (2) availability of SHIP funds and (3) closing of first mortgage in the amount of \$55,500. **Motion** by Commissioner Langford, seconded by Commissioner Gentry, to approve the SHIP Loan for Shanna Hartzog subject to the conditions set forth by the Loan Review Committee. The motion carried unanimously.

**(3) Julie & Richard Bell** – Purchase, 616 NE 4<sup>th</sup> Avenue, Trenton, Very Low Income Category, \$22,500, Lender, Choice Mortgage. The SHIP Loan Review Committee recommends approval subject to the: (1) Appraisal showing value equal to or in excess of purchase price, (2) completion of repairs, (3) availability of SHIP funds, (4) closing of First Mortgage in the amount of \$48,000 and (5) bank loan amount is changed from \$42,000 to \$48,000. **Motion** by commissioner Bush, seconded by Commissioner Langford, to approve the SHIP Loan for Julie and Richard Bell subject to the conditions set forth by the Loan Review Committee. The motion carried unanimously.

Public Official Bonds – Mr. Gilliam requested approval for the Public Official Bonds for the Board Members and Constitutional Officers that are elected into office in November. **Motion** by Commissioner Suggs, seconded by Commissioner Gentry, to authorize Mr. Gilliam to obtain bonds for the Board Members and Constitutional Officers. The motion carried unanimously. (2/1440)

Resolution 04-41, SHIP Loan Review Committee – Mr. Gilliam presented Resolution 04-41 for the appointment of the following members to the SHIP Loan Review Committee; John Ferguson, Rebecca Oder, Jean Troke, Michael Hayes, Charlotte Kearney and Michael McElroy.

Pursuant to Section 47-4, Code of Ordinances of Gilchrist County, the following persons are appointed to two-year terms on the SHIP Loan Review Committee: John Ferguson, Rebecca Oder, Jean Troke, Michael Hayes, Charlotte Kearney, Michael McElroy.

**RESOLUTION 04-41**  
**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GILCHRIST COUNTY, FLORIDA; APPOINTING THE MEMBERS OF THE LOAN REVIEW COMMITTEE FOR THE COUNTY'S SHIP PROGRAM FOR FISCAL YEARS 2004-2005 AND 2005-2006; AND ESTABLISHING AN EFFECTIVE DATE.**

Mr. Gilliam told the Board that Mr. John Ferguson's term would end upon his retirement and that Mr. McElroy would be his replacement. **Motion** by Commissioner Bush, seconded by Commissioner Suggs, to approve Resolution 04-41. The motion carried unanimously. (2/1460)

Proposals, Life Insurance – Mr. Gilliam advised that he has scheduled the review of the Life Insurance proposals for the September 20<sup>th</sup> meeting.

**Public Hearing / Tentative Budget Hearing for FY 04/05:**

Mr. Gilliam explained that this is the first of two public hearings required for the adoption of the fiscal year budget.

Tentative Millage Rate, Resolution 04-42 – Mr. Gilliam presented Resolution 04-42 adopting a tentative millage rate for FY 2003-2004. The tentative ad valorem tax millage rate to be levied for the fiscal year beginning October 1, 2004 shall be ten (10) mills (\$10.00 per \$1,000). Said millage exceeds the rolled-back rate (\$9.4850 per \$1,000) computed pursuant to Section 200.065 Florida Statutes, which amount is characterized as the percentage increase in property taxes adopted by the governing body, said percentage increase being 5.42%.

**RESOLUTION 04-42**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GILCHRIST COUNTY, FLORIDA; ADOPTING A TENTATIVE MILLAGE RATE FOR FISCAL YEAR 2004-2005.**

**Motion** by Commissioner Suggs, seconded by Commissioner Bush, to approve Resolution 04-42. Chairman Durden called for public comments. Ms. Maverree Carlisle commented that there had been a large increase in her property taxes this year and that she did not understand the reason. Mr. Gilliam explained that she is probably questioning the assessed value and that if the assessed value increases the corresponding taxes increase. He told her that the Property Appraiser's Office would be able to explain the increase in the assessment. The motion on the floor carried unanimously. (2/1525)

Tentative Budget, Resolution 04-43 – Mr. Gilliam presented Resolution 04-43 adopting a tentative budget in the amount of \$18,571,349 for FY 04/05. The tentative budget commences October 1, 2004 is necessary to fund Personal Services, Operating Expenses and Capital Outlay expenditures, for the General Revenue Fund, Law Enforcement Fund, Court Facilities Trust Fund, Law Library Fund, Transportation Trust Fund, Transportation Impact Fee Fund, Fine & Forfeiture Fund, State Attorney & Public Defender Trust Fund, SHIP Fund, Current Capital Obligations Fund, Capital Projects Fund, Capital Construction Fund, Emergency Medical Services Fund, Solid Waste Fund, Capital Impact Fees Fund and Law Enforcement Education Fund.

**RESOLUTION 04-43**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GILCHRIST COUNTY, FLORIDA; ADOPTING A TENTATIVE BUDGET FOR FISCAL YEAR 2004-2005.**

**Motion** by Commissioner Langford, seconded by Commissioner Suggs, to approve Resolution 04-43. Chairman Durden called for public comment and received none. The motion carried unanimously. (2/2100)

Tentative Millage Rate for M.S.T.U. Resolution 04-44 – Mr. Gilliam presented Resolution 04-44 adopting a tentative millage rate for M.S.T.U. for fire protection services for FY 2003-2004. The tentative millage rate for the Municipal Services Taxing Unit (M.S.T.U.) for Fire Protection

Services beginning October 1, 2004, shall be one (1) mill (\$1.00 per \$1000). The said millage rate exceeds the current year rolled-back rate (\$.9501 per \$1,000) computed pursuant to Section 2000.065, Florida Statutes, which amount is characterized as a percentage increase adopted by the governing body, said percentage increase being 5.25%.

**RESOLUTION 04-44**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GILCHRIST COUNTY, FLORIDA; ADOPTING A TENTATIVE MILLAGE RATE FOR MUNICIPAL SERVICE TAXING UNIT (M.S.T.U.) FOR FIRE PROTECTION SERVICES FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2004.**

**Motion** by Commissioner Suggs, seconded by Commissioner Bush, to approve Resolution 04-44. The motion carried unanimously. Chairman Durden called for public comment and received none. The motion carried unanimously. (2/2240)

Tentative Budget for M.S.T.U., Resolution 04-45 – Mr. Gilliam presented Resolution 04-45 adopting a tentative budget for the Municipal Service Taxing Unit (M.S.T.U.) for Fire Protection Services for FY 04/05.

**RESOLUTION 04-45**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GILCHRIST COUNTY, FLORIDA, ADOPTING A TENTATIVE BUDGET FOR THE MUNICIPAL SERVICE TAXING UNIT (M.S.T.U.) FOR FIRE PROTECTION SERVICES FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2004**

**Motion** by Commissioner Gentry, seconded by Commissioner Suggs, to approve Resolution 04-45. Chairman Durden called for public comments and received none. The motion carried unanimously. (2/2365)

**Public Hearing / EMS & Solid Waste Annual Rate Resolutions:**

Resolution 04-46, EMS Rate Resolution – Mr. Gilliam presented the resolutions to adopt the EMS and the Solid Waste annual rates. For the record, Mr. Gilliam provided copies of letters from Peggy Libby, Donald and Deborah Pittman and James King who expressed opposition to the special assessment taxes. Mr. Gilliam advised the current rates have not changed since the special assessments were implemented in 1994.

Chairman Durden read the short title of Resolution 04-46.

**RESOLUTION 04-46**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GILCHRIST COUNTY, FLORIDA, KNOWN AS THE EMERGENCY MEDICAL SERVICES ANNUAL RATE RESOLUTION, RELATING TO THE PROVISION OF EMERGENCY MEDICAL SERVICES AND FACILITIES; ESTABLISHING THE RATE OF ASSESSMENT FOR FISCAL YEAR 2004-2005; IMPOSING SERVICE ASSESSMENTS AGAINST ASSESSABLE PROPERTY LOCATED WITHIN BOTH THE UNINCORPORATED AND MUNICIPAL AREAS OF GILCHRIST COUNTY; APPROVING THE SERVICE ASSESSMENT ROLL; APPROVING AN EFFECTIVE DATE.**

**Motion** by Commissioner Suggs, seconded by Commissioner Bush, to approve Resolution 04-46. Mr. Gilliam read the schedule of Assessment Rates for Emergency Medical Services and Facilities (*A copy is attached and made part of these minutes*). Chairman Durden called for public comment. Mrs. Meveree Pope asked if the rates were increased. Chairman Durden replied that they were not. Commissioner Langford referred to the budget reserve and asked Mr. Gilliam if it would be feasible to lower the rates for the next fiscal year. Mr. Gilliam replied that the Board may lower the rates at this time but pointed out that the reserve for the current year is higher due to an increase collections. He recommended that the rates not be changed at this point if the County is to maintain the current level of services and possibly upgrade or expand services. Chairman Durden recalled that during the budget workshops the Board had discussed improvements which included construction of a new EMS building in Trenton. It was recommended at that time that the current rates be used for FY 04/05 and to review the collections for consideration the next fiscal year. The motion on the floor carried unanimously. (2/2455)

Resolution 04-47, Solid Waste Rate Resolution – Chairman Durden read the short title of Resolution 04-47.

**RESOLUTION 04-47**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GILCHRIST COUNTY, FLORIDA, KNOWN AS THE SOLID WASTE ANNUAL RATE RESOLUTION, RELATING TO THE PROVISION OF SERVICES AND FACILITIES FOR SOLID WASTE COLLECTION AND DISPOSAL; ESTABLISHING THE RATE OF ASSESSMENT FOR THE FISCAL YEAR 2004-2005; IMPOSING SERVICE ASSESSMENT AGAINST ASSESSABLE PROPERTY LOCATED WITHIN BOTH THE UNINCORPORATED AND MUNICIPAL AREAS OF GILCHRIST COUNTY; APPROVING THE SERVICE ASSESSMENT ROLL; APPROVING AN EFFECTIVE DATE.**

**Motion** by Commissioner Bush, seconded by Commissioner Suggs, to approve Resolution 04-47. Mr. Gilliam read the schedule of Assessment Rates for Solid Waste Collection and Disposal Services and Facilities (*A copy is attached and made part of these minutes*). Chairman Durden called for public comment and received none. The motion on the floor carried unanimously. (2/2969)

**Commissioners Report:**

**Commissioner Suggs** advised that the Road Department had performed a boring of SE 70<sup>th</sup> Avenue and determined that the rock base would not be adequate for a pavement overlay. She stated that Mr. Watson had discussed the options with Mr. Whitehurst who recommended that the existing pavement be remixed to provide a better base. Chairman Durden said that he had discussed this issue with Mr. Watson and he intends to bring a report back to the board at a future date.

**Commissioner Gentry** reported that after the hurricane this past week, he had assisted at the EOC and witnessed the efforts that were carried out by the many emergency departments and organizations. He stated that he had learned how much coordination and effort is put in by many persons and commended those involved.

**Commissioner Suggs** told the Board that Tammy Moore has been employed with the County for three (3) years and she has not received a pay increase other than the annual raise. Commissioner Suggs recommended that Ms. Moore receive a pay increase for the additional responsibilities she has assumed. Chairman Durden also commended Ms. Moore and suggested that since it is a Personnel Issue, the request should be brought to the Board by Mr. McQueen. Commissioner Suggs said that she would contact him.

**Commissioner Langford** reported that during the aftermath of the hurricane, he had helped with the efforts in North Gilchrist County. He advised there are still power outages in the area. He commended the Spring Ridge VFD for the assistance they have provided the citizens in that area.

**Commissioner Langford** reported that he had received information concerning the dumping of sludge in North Gilchrist. He explained that it was found that the property owner had obtained a permit from the DEP Office in Jacksonville. There has been 15 to 20 loads of sludge dumped onto the property recently. Chairman Durden stated that the EOC had received a report of this matter and had the Health Department is investigating it. To date the Health Department has advised that the property owner is required to obtain a permit from Gilchrist County prior to dumping.

**Commissioner Langford** recalled that upon appointing Mr. McQueen to the position of County Administrator the Board had discussed doing an evaluation of the position after six (6) months. He suggested that the Board proceed with the evaluation to determine if any adjustments need to be made to the job description. He also suggested that the County Attorney's position receive an evaluation at the same time. **Motion** by Commissioner Suggs, seconded by Commissioner Langford, to schedule the evaluations on the agenda of the first meeting in October. It was suggested that each Board member bring back an evaluation and a recommendation. The motion carried unanimously.

**Commissioner Bush** expressed appreciation for all that the Board members have done the past week and appreciation for the cooperation and assistance in the community.

**Chairman Durden** commented that after the storm, many persons assisted in the distribution of ice, water and meals. He stated that the distributions worked very well and that the National Guard was a tremendous help.

**Commissioner Langford** advised that he was contacted by the Florida Crown Workforce in Lake City concerning work grants available. Ms. Lynn Hamilton, representing the Florida Crown Workforce Board, was present and discussed the availability of National Emergency Grant funds to hire persons to assist with the cleanup. The persons hired must meet the eligibility requirements which are to have had employment displaced by the hurricane or those who are currently receiving public assistance.

**Chairman Durden** advised that Mr. McQueen has been interviewing for the Planner Position. He has requested approval of up to \$500 for travel expenses in order to interview a Planner from Michigan. He stated that he is very qualified and was once a Planner for Collier County. **Motion** by Commissioner Gentry, seconded by Commissioner Bush, to approve the travel expense up to \$500 for the applicant. The motion carried Commissioner Langford voting “no.”

**Old Business:**

(None)

**New Business:**

(None)

**Public Participation:**

Steven Suggs requested assistance for a few families who have been flooded out. Chairman Durden told him to report it to the EOC and they would send someone to the residents.

Mr. Gilliam recalled that the Board had requested Mr. McPherson to send a demand letter to Roger’s Welding for repairs of one of the trucks. Mr. Gilliam advised that there is a conflict in the time frame of when the repairs were made and the transmission went out. **Motion** by Commissioner Suggs, seconded by Commissioner Langford, to cease attempts to collect the funds from Roger’s Welding. The motion carried unanimously.

Mr. Harold Pope thanked the Board members for the work they have done the past week.

There being no further business to discuss, Commissioner Bush moved to adjourn at 6:55 p.m. The motion was seconded by Commissioner Suggs and carried.

APPROVED:

Randy Durden, Chairman

ATTEST:

Joseph W. Gilliam, Clerk

## **APPENDIX B**

### **SCHEDULE OF ASSESSMENT RATES APPORTIONING THE SERVICE COST FOR EMERGENCY MEDICAL SERVICES AND FACILITIES**

**SECTION B-1. INTRODUCTION.** The following schedule of assessment rates apportion the Service Cost for Emergency Medical Services and facilities. Each property class in Section B-2 hereof addresses properties located within both the unincorporated and municipal areas of Gilchrist County.

**SECTION B-2. COMPUTATION OF SERVICE ASSESSMENTS.** The Service Assessments for Assessable Property shall generate the revenue budgeted to pay for the Service Cost for the Fiscal Year beginning October 1, 2004 using the following schedule of assessment rates for specific properties as follows:

**CLASS A PROPERTIES:** An annual assessment of \$69.35 per unit shall be imposed upon all dwelling units, offices, barber and beauty shops, service stations, dentist and doctor offices and other light commercial properties having less than 2,000 square feet. Lots or parcels having single dwelling units or family residences shall be assessed one unit for each residence or dwelling unit. Lots or parcels having multiple family residences or dwelling units shall be assessed a unit for each apartment or housing unit located thereof. Motels and improved overnight campground units (hereinafter referred to as temporary units) shall be assessed at \$2.77 per unit. Lots or parcels used both for permanent residences and temporary units shall be assessed for the number of permanent units on the property plus the assessment for temporary units to be calculated as set forth above. Commercial lots or parcels shall be assessed one unit for each commercial business located on said property.

**CLASS B PROPERTIES:** Small restaurants, small grocery stores, small to medium manufacturing plants, and medium size commercial businesses, all defined as having 2,000 or

more but less than 4000 square feet of floor space, shall be assessed annually an amount per unit not to exceed \$104.02.

**CLASS C PROPERTIES:** Large restaurants, large grocery stores, supermarkets, large manufacturing plants and other large commercial enterprises, all defined as having more than 4000 or greater square feet of floor space, shall be assessed annually an amount per unit not to exceed \$138.69.

Nursing homes shall be assessed at the rate of \$69.35 per licensed bed.

Vacation homes and second residences shall be assessed as all other residential units.

**MIXED CLASSES:** Lots or parcels containing a mixture of different classes of property shall be assessed for the units of each class times the rate for that particular class plus the number of units of the other class times the rate applicable for that particular class. (i.e., a parcel containing two (2) houses and two (2) large supermarkets shall be assessed 2 x's the rate for Class A, plus 2 x's the rate for Class C). However where a residential dwelling also contains a commercial assessment in the same dwelling, then only the highest class would be assessed.(i.e., a home with a commercial enterprise between 2,000 and 4,000 square feet in the same unit, would only be assessed (1) x's at the higher rate between Class A and Class C.

**SECTION B-3. EXEMPTIONS:** The Board hereby establishes the following exemptions to the application of this Ordinance:

(A) Exemption for Persons Unable to Reside at Home. Those persons who are unable to reside in their homes, for medical reasons and whose homes are unoccupied by reason for the homeowner living with relatives, friends, or residing in an nursing home or congregate living facility, may apply for exemption from the Emergency Medical Services Assessment. The application for exemption from the Emergency Medical Service Assessment which must be submitted with appropriate proof, including doctor's statements and evidence that the home is unoccupied and shall remain unoccupied, shall be required. The exemption must be applied for annually. A guardian, holder of a power of attorney or other person acting for and on behalf of the homeowner may apply for an exemption with appropriate proof of authority to act.

(B) Exemption for Indigency. Those persons who are indigent, meaning a person who, for the preceding twelve (12) months had an average family income which is below one hundred percent (100%) of the federal poverty level may apply for exemption from the Emergency Medical Service Assessment. The application must be submitted with sufficient evidence of indigency.

(C) Structures Used for Storage. (A storage unit for the purpose of this resolution is defined as Non-Commercial and Non- Agricultural buildings not designed for living, sleeping, and eating.) Those non-commercial and non-agricultural buildings and mobile homes that are used for storage only may be exempt, by application, from the Emergency Medical Services Assessment. The application for exemption from the imposition of the Emergency Medical Service Assessment must be submitted with appropriate proof including an affidavit by the applicant that the said building or mobile home is used for storage only and that the said structure is not used for a commercial or agricultural purpose. The exemption must be applied for annually. A guardian, holder of power of attorney or other person acting for and on behalf of the property owner may apply for the exemption with appropriate proof of authority to act.

(D) Vacant Property. Those buildings that are vacant for the entire Fiscal Year in which a Service Assessment is imposed for Emergency Medical Services may be exempt, by application, from such a Service Assessment. The application for exemption from the imposition of the Service Assessment must be submitted with appropriate proof including an affidavit signed by the applicant that said buildings are vacant and will remain vacant for the entire Fiscal Year in which an exemption is applied for. The exemption must be applied for annually. A guardian, holder of a power of attorney or other person acting for and on behalf of the property owner may apply for the exemption with appropriate proof of authority to act.

(E) Hunting Camp Properties. Those hunting camp areas which are used during the hunting season and only occasionally during the non hunting season shall be subject to one (1) Class A Assessment and additional assessments as improved overnight campground units for each unit on the site in excess of one (1) in the hunting camp area. The hunting camp property areas is defined as an area, not in excess of 40 acres. The maximum use for treatment as a hunting camp property cannot exceed 90 days for any unit within the hunting camp property area. Application for treatment as a hunting camp property must be applied for annually and no later than

December 31 of each assessment year. Applicants for the classification must file annually and provide written documentation satisfactory to the county to qualify for the classification. For those units used in excess of 90 days, said units shall be subject to a Class A Assessment.

## **APPENDIX B**

### **SCHEDULE OF ASSESSMENT RATES APPORTIONING THE SERVICE COST FOR SOLID WASTE COLLECTION AND DISPOSAL SERVICES AND FACILITIES**

**SECTION B-1. INTRODUCTION.** In developing the anticipated budget for the County's Solid Waste Collection and Disposal Assessment Program, the Board, in an effort to distinguish between services and facilities not provided or available to the municipal area of Trenton, has identified various line item expenditures which are not attributable to the municipal area of Trenton. Accordingly, each property class in Section B-2 hereof addresses (A) property located in the unincorporated and municipal areas of Bell and Fanning Springs and (B) properties located in the municipal area of Trenton.

#### **SECTION B-2. COMPUTATION OF SERVICE ASSESSMENTS.**

The Service Assessments for Assessable Property shall generate the revenue budgeted to pay for the Service Cost for the Fiscal Year beginning October 1, 2004 using the following schedule of assessment rates for specific properties as follows:

**CLASS A PROPERTIES LOCATED IN THE UNINCORPORATED AREA AND IN THE MUNICIPAL AREAS OF BELL AND FANNING SPRINGS:** An annual assessment of \$53.93 per unit shall be imposed upon all dwelling units, offices, barber and beauty shops, service stations, dentist and doctor offices and other light commercial properties, having less than 2,000 square feet. Lots or parcels having single dwelling units or family residences shall be assessed one unit for each residence or dwelling unit. Lots or parcels having multiple family residences or dwelling units shall be assessed a unit for each apartment or housing unit located thereon. Motels and improved overnight campground units (hereinafter

referred to as temporary units) shall be assessed at \$2.32 per unit. Lots or parcels used both for permanent residences and temporary units shall be assessed for the number of permanent units on the property plus the assessment for temporary units to be calculated as set forth above. Commercial lots or parcels shall be assessed one unit for each commercial business located on said property.

**CLASS A PROPERTIES LOCATED IN THE MUNICIPAL AREA OF**

**TRENTON:** An annual assessment of \$44.24 per unit shall be imposed upon all dwelling units, offices, barber and beauty shops, service stations, dentist and doctor offices and other light commercial properties, having less than 2,000 square feet. Lots or parcels having single dwelling units or family residences shall be assessed one unit for each residence or dwelling unit. Lots or parcels having multiple family residences or dwelling units shall be assessed a unit for each apartment or housing unit located thereof. Motels and improved overnight campground units (hereinafter referred to as temporary units) shall be assessed at \$1.91 per unit. Lots or parcels used both for permanent residences and temporary units shall be assessed for the number of permanent units on the property plus the assessment for temporary units to be calculated as set forth above. Commercial lots or parcels shall be assessed one unit for each commercial business located on said property.

**CLASS B PROPERTIES LOCATED IN THE UNINCORPORATED AREA AND IN THE MUNICIPAL AREAS OF BELL AND FANNING SPRINGS:** Small restaurants, small grocery stores, small to medium manufacturing plants, and medium size commercial businesses, all defined as having 2,000 square feet or more but less than 4000 square feet of floor space, shall be assessed annually an amount per unit not to exceed \$80.90.

**CLASS B PROPERTIES LOCATED IN THE MUNICIPAL AREA OF**

**TRENTON:** Small restaurants, small grocery stores, small to medium manufacturing plants, and medium size commercial businesses, all defined as having **2,000 square feet or more but** less than 4000 square feet of floor space, shall be assessed annually an amount per unit not to exceed \$66.36.

**CLASS C PROPERTIES LOCATED IN THE UNINCORPORATED AREA AND IN THE MUNICIPAL AREAS OF BELL AND FANNING SPRINGS:** Large restaurants, large grocery stores, supermarkets, large manufacturing plants and other large commercial enterprises, all defined as having more than 4000 or greater square feet of floor space, shall be assessed annually an amount per unit not to exceed \$107.87.

Nursing homes shall be assessed at the rate of \$0.93 per licensed bed.

**CLASS C PROPERTIES LOCATED IN THE MUNICIPAL AREA OF TRENTON:** Large restaurants, large grocery stores, supermarkets, large manufacturing plants and other commercial enterprises, all defined as having more than 4000 or greater square feet of floor space, shall be assessed annually an amount per unit not to exceed \$88.48.

Nursing homes shall be assessed at the rate of \$0.76 per licensed bed.

**MIXED CLASSES:** Lots or parcels containing a mixture of different classes of property shall be assessed for the units of each class times the rate for that particular class plus the number of units of the other class times the rate applicable for that particular class. However where a residential dwelling also contains a commercial assessment in the same dwelling, then only the highest class would be assessed. (i.e., a home with a commercial enterprise between 2,000 and 4,000 square feet in the same unit, would only be assessed (1) x's at the higher rate between Class A and C.

**SECTION 3-B. EXEMPTIONS:** The Board hereby determines that the following exemptions require nominal or no demand for solid waste services and hereby established the following exemptions to the application of this Ordinance:

(A) Exemption for Persons Unable to Reside at Home. Those persons who are unable to reside

in their homes, for medical reasons and whose homes are unoccupied by reason of the homeowner living with relatives, friends, or residing in a nursing home or congregate living facility, may apply for exemption from the Solid Waste Collection and Disposal Assessment. The application for exemption from the Solid Waste Collection and Disposal Assessment which must be submitted with appropriate proof, including doctor's statements and evidence that the home is unoccupied and shall remain unoccupied, shall be required. The exemption must be applied for annually. A guardian, holder or a power of attorney or other person acting for and on behalf of the homeowner may apply for an exemption with appropriate proof of authority to act.

(B) Exemption for Indigency. Those persons who are indigent, meaning a person who, for the preceding twelve (12) months had an average family income which is below one hundred percent (100%) of the federal poverty level may apply for exemption from the Service Assessment for solid waste services. The application must be submitted with sufficient evidence of indigency.

(C) Structures Used for Storage. ( Storage unit for the purpose of this resolution is defined as Non-Commercial and Non- Agriculture buildings not designed for living, sleeping, or eating.)Those non-commercial and non-agricultural buildings and mobile homes that are used for storage only may be exempt, by application, from the Service Assessment for solid waste services. The application for exemption from the imposition of the Service Assessment must be submitted with appropriate proof including an affidavit signed by the applicant that the said building or mobile home is used for storage only and that the said structure is not used for a commercial or agricultural purpose. The exemption must be applied for annually. A guardian, holder of a power of attorney or other person acting for and on behalf of the property owner may apply for the exemption with appropriate proof of authority to act.

(D) Vacant Property. Those buildings that are vacant for the entire Fiscal Year in which a Service Assessment is imposed for Solid Waste services may be exempt, by application, from such a Service Assessment. The application for exemption from the imposition of the Service Assessment must be submitted with appropriate proof including an affidavit signed by the

applicant that said buildings are vacant and will remain vacant for the entire Fiscal Year in which an exemption is applied for. The exemption must be applied for annually. A guardian, holder of a power of attorney or other person acting for and on behalf of the property owner may apply for the exemption with appropriate proof of authority to act.

(E) Hunting Camp Properties. Those hunting camp areas which are used during the hunting season and only occasionally during the non-hunting season shall be subject to one (1) Class A Assessment and additional assessments as improved overnight campground units for each unit on the site in excess of one (1) in the hunting camp area. The hunting camp property area is defined as an area, not in excess of 40 acres. The maximum use for treatment as a hunting camp property cannot exceed 90 days for any unit within the hunting camp property area. Application for treatment as a hunting camp property must be applied for annually and no later than December 31 of each assessment year. Applicants for the classification must file annually and provide written documentation satisfactory to the county to qualify for the classification. For those units in excess of 90 days, said units shall be subject to a Class A Assessment.