

## MINUTES OF A REGULAR MEETING OF THE GILCHRIST COUNTY BOARD OF COUNTY COMMISSIONERS HELD DECEMBER 6, 2004.

The Gilchrist County Board of County Commissioners, in and for Gilchrist County Florida, convened in a regular meeting on Monday, December 6, 2004 at 1:15 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 Mitchell Gentry, Chair**  
**Commissioner Randy Durden, Vice-Chair**  
**Commissioner Sharon Langford**  
**Commissioner Tommy Langford**  
**Commissioner Kenrick Thomas**

**Others in attendance were:** John McPherson, County Attorney, Joseph W. Gilliam, Clerk of Court, Karen Heaton, Deputy Clerk, Sam Ferguson, Director of Finance, Deputy Clerk, Ron Mills, Justin Watson, Billy Cannon, Carol Hyde, Robert Clemons, Jim Surrency, Lois Fletcher, Buddy Vickers, L. Jane Vogel, Evelyn Meece, Chris Horner, Greg Tilden, Charles Rock, Edwin McCook.

### **Call to Order:**

Chairman Gentry called the meeting to order at 1:20 p.m. Commissioner Sharon Langford delivered the Invocation and Commissioner Tommy Langford led the Pledge of Allegiance.

### **Agenda Changes:**

Mr. Gilliam provided the following agenda changes:

- a) Florida Rock (2:30 p.m.)
- b) remove item #d from the Consent Agenda
- c) Code Enforcement Report
- d) Tax Deed, Transfer of Overage (*Clerk's Report*)

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

### **Consent Agenda:**

#### Consent Agenda

- 1) Approval of Budget Entry #BE05-004, Capital Projects, \$1,000,000.
- 2) Approval of Purchase Orders to Mills Engineering:
  - a. #500518 CR 138 \$ 7,481.91
  - b. #500519 SE 70<sup>th</sup> Ave. \$13,459.61
  - c. #500520 SE 70<sup>th</sup> Ave. \$ 5,282.60
  - d. #500521 ~~Permitting & Review~~ \$ ~~806.25~~
  - e. #500523 Solid Waste Permit \$ 2,632.50
  - f. #b00525 S. Santa Fe Ave. \$ 2,463.63

3) Approval of Minutes:

- a. August 23, 2004, Budget Workshop
- b. October 11, 2004, Regular Meeting

**Motion** by Commissioner Durden, seconded by Commissioner Sharon Langford, to approve the Consent Agenda with deletion of item #d. The motion carried unanimously.

**Suwannee River Water Management District:**

Mr. Edwin McCook presented a check in the amount of \$25,728.68 from the Suwannee River Water Management District for Payment in Lieu of Taxes. He stated that this amount represents \$21,690.79 for the current properties owned by the District and \$4,037.89 for the properties that have sunset. Mr. McCook explained that the District had decided to pay the \$4,037.89 out of its General Revenue Funds and to include in next years budget the full amount for the properties that have rolled off. He encouraged the Commission to contact the County's State Representative concerning support for the Legislature to amend the 10 year sunset.

**Attorney's Report:**

Sludge Disposal – Mr. McPherson referred to a memo and draft amendments to the County's Land Development Code (Article 14). He recalled the issue concerning enforcement of DEP regulations was brought up at the November 8<sup>th</sup> meeting. The proposed regulations would require approval of a special permit for land application of sludge within the County. Mr. McPherson reviewed the proposed amendments. By this permitting process, the County would have the authority to:

1. Limit the zoning districts in which such operations could take place.
2. Allow the County Commission to deny the permit if there would be unreasonable negative impacts on surrounding land uses, or place conditions on the permit to lessen the negative impacts.
3. Require the applicant to post a bond to cover the costs of spills or other needed clean-up activities.
4. Make the violation of the DEP or DOH permit a violation of Gilchrist County regulations and therefore subject to enforcement action by the County.
5. Authorize county inspections of the application site, and require that all reports sent to DEP/DOH by the applicant be sent to the County at the same time.

**Motion** by Commissioner Durden, seconded by Commissioner Tommy Langford, to send the proposed amendments to the Planning and Zoning Board for review and a recommendation. The motion carried unanimously. (1/240)

Right of Way Rental – Mr. McPherson recalled that the Board had requested him to bring back information concerning use of right of way. He explained the question had been raised as to whether or not the County could charge a rental fee for using County right of way. Mr.

McPherson discussed a case in which the supreme court ruled that Alachua County could not charge a fee of 4% of gross revenue from the electric companies for right of way use. In a later case, it was determined that the City of Winter Park could collect 4% of gross revenues from a utility. The difference, he explained, is that the later was negotiated in advance. He suggested that the Commission schedule a workshop for proposed amendments to the County Code concerning this issue and that expert testimony be presented to provide the monetary value of use based upon linear miles. **Motion** by Commissioner Durden, seconded by Commissioner Tommy Langford, to schedule a workshop on February 21<sup>st</sup> for the proposed amendments for right of way use. The motion carried unanimously. (1/670)

Hart Springs Lease – Mr. McPherson advised the draft lease has been sent to Julie Harrison for her review.

Bell Road Impact Fees – Mr. McPherson reported that the Bell Town Council had passed an ordinance on the first reading rescinding it's ordinance to opt out of the County's Impact Fee Ordinance. He stated that the next step will be to enter into an interlocal agreement. Commissioner Durden pointed out that the County may retain no more than 5% for administrative fees. Commissioner Durden reviewed stipulations in the County's ordinance which require that trust funds be designated for the collections for each group, the City of Trenton, the City of Fanning Springs, the Town of Bell and the unincorporated portion of the County. Commissioner Durden explained that the Bell Town Council intends to pledge the impact fees toward a loan to pave several roads within the city limits. In reviewing the County's ordinance, the Commission questioned whether or not the funds could be used for roads other than arterial or collector roads. Commissioner Durden asked Mr. McPherson to contact Mr. Lang, the attorney for the Town of Bell, to discuss this issue. Commissioner Durden stated that he would attend the next Council meeting and bring back more information. Mr. Gilliam stated that since the impact fees have not been distributed into the different groups for the County and the municipalities, he will proceed with establishing the trust funds. (1/1083)

Brooks and Strickland v. Aderholts and Gilchrist County – No activity.

Bailey v. Gilchrist County – Mr. McPherson advised that depositions for this case have been scheduled for December 9 by the attorney for Bailey Farms. A hearing has been set for January 11.

Bailey Code Enforcement Appeal – Mr. McPherson stated that he intends to schedule a hearing for the appeal before watermelon season.

Department of Juvenile Justice Funding Litigation – Mr. McPherson mentioned that there is no indication that the State is going to appeal the decision that the Juvenile Justice Act was unconstitutional.

Gilchrist County v. Langfords – Mr. McPherson advised he is still waiting for the final settlement proposal from the attorney for the Langfords.

**Workshop / Proposed Sign Ordinance:**

Mr. McPherson presented proposed amendments to the sign regulations within the Land Development Code, 4.2.22. He explained that the proposed amendments have been reviewed by the Planning and Zoning Board and that he had initially planned to bring them to the Board as part of an overall amendment to the Land Development Code.

He reviewed each section and discussion was held concerning different types of signs, location, number of signs, etc. **Motion** by Commissioner Durden, seconded by Commissioner Tommy Langford, to schedule an adoption hearing for the amendments at the January mid-month meeting. The motion carried unanimously. (1/1747)

### **Florida Rock, County Right of Way:**

Mr. Greg Tildon and Mr. Chris Horner, Florida Rock Industries, appeared before the Board concerning a request to install a natural gas pipeline along County right of way. Mr. Tildon explained that the cement plant owned by Florida Rock, Northwest of Newberry, currently uses a process that burns diesel fuel. The company intends to convert to natural gas which is a cleaner fuel and less expensive.

Mr. Tildon stated the proposed pipeline will be approximately 4" in diameter and will be installed from 30" to 48" deep depending on the location. The pipeline would interconnect with the Florida Gas Transmission pipeline at a point near North Florida Holstein and installed along CR 232 to the Alachua County line. The time frame for the installation will be approximately 60 days. Mr. Tildon discussed the safety measures and told the Board that only qualified operators will oversee the installation and that there would be periodic pipeline inspections.

Mr. McPherson advised that the County may charge a fee for such use due to the fact the pipeline is to serve a private entity. Commissioner Sharon Langford stated that she would not want to make a decision on this issue until all of the property owners along the proposed route are noticed.

Commissioner Durden suggested that Mr. Tildon meet with Mr. McQueen, Mr. McPherson and Mr. Watson concerning the permit requirements and that they bring back a proposal and a recommendation. Mr. McPherson advised that under the Code a public hearing is not required for the permit but in this case the Board has the discretion to require a public hearing on the safety issues and the rental issue. Mr. McPherson stated that he will draft a letter to Florida Rock explaining the requirements to be met and to advise there will need to be negotiations for rental of the right of way. (2/618)

### **Road Department:**

Huber Grader – Mr. Watson requested that the old Huber Grader be declared junk so that it can be removed from the property at the Road Department. He stated that the grader is not in a condition to be included in the upcoming auction. **Motion** by Commissioner Durden, seconded by Commissioner Thomas, to declare the Huber Grader junk. The motion carried unanimously. (2/1200)

Caution Light – Mr. Watson related that he had obtained a quote in the amount of

\$16,994.79 for the total replacement of the caution light at SE 70 Avenue and HWY 26. He stated that he will also attempt to get a quote for replacing the pole and repairing the existing light. The Board recommended that he wait until a determination has been made as to whether the insurance company will pay (*The insurance company of the driver responsible for the accident*). Discussion was also held concerning the SE 70<sup>th</sup> Avenue project. It was suggested that rumble strips be placed at the stop signs. Mr. Watson said that he would contact Lee Mills to find out if this is included in the project.

Discussion was held again about the payment of the caution light. Mr. McQueen said that he was told the insurance company will pay up to \$10,000. **Motion** by Commissioner Durden, seconded by Commissioner Tommy Langford, to obtain a bid and a letter from insurance company stating their agreement to pay up to \$10,000 and to proceed with the repair of the caution light. The motion carried unanimously. (2/1251)

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

January Mid-Month Meeting – Mr. Gilliam advised that the mid-month meeting in January will fall on Martin Luther King Day. He recommended the Board reschedule this meeting to January 24. **Motion** by Commissioner Durden, seconded by Commissioner Tommy Langford, to reschedule the mid-month meeting to January 24. The motion carried unanimously.

Legislative Delegation Hearing – Mr. Gilliam reminded the Board that the Legislative Delegation Hearing will be held on December 7 at 2:30 p.m. Senator Rod Smith and Representative Dwight Stancel will be in attendance.

Road Department Capital Outlay – Mr. Gilliam recalled at the last meeting the Board approved the purchase of a dump truck. He explained that in processing the request, it was determined that it will be necessary to finance this purchase for a four (4) or five (5) year pay back. **Motion** by Commissioner Durden, seconded by Commissioner Sharon Langford, to authorize the Finance Department to go out to bid for a loan for the purchase of the dump truck. The motion carried unanimously. (2/1912)

County Road 138 – Mr. Gilliam advised \$196,605 has been received from the State for the CR 138 project.

Tax Deed Sales – Mr. Gilliam presented a request for the transfer of excess funds received from tax deed sales to the Board of County Commissioners. Tax Deed Application #2003-21, \$~~7.94~~ and Tax Deed Application #2003-31, \$~~941.49~~. **Motion** by Commissioner Tommy Langford, seconded by Commissioner Randy Durden, to transfer the funds to the Board's General Fund. The motion carried unanimously. (2/2129)

Resolution #04-65 – Mr. Gilliam presented Resolution #04-65 adopting an approach and schedule for proceeding with the expansion of the Courthouse.

### **RESOLUTION NO. 2004-65**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GILCHRIST COUNTY, FLORIDA; ADOPTING AN APPROACH AND SCHEDULE FOR PROCEEDING WITH THE EXPANSION OF THE GILCHRIST COUNTY COURT HOUSE; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Gilliam stated that the Space Needs Committee held a meeting recently and discussed options to proceed with the expansion of the courthouse. The Committee suggested that the Board consider adding approximately 10,000 sq. feet onto the existing courthouse.

**Motion** by Commissioner Durden, seconded by Commissioner Tommy Langford, to approve Resolution 04-65. The motion carried unanimously.

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

Building Permit Refund - Mr. McQueen presented a request from Mr. James Cash for a refund of \$290 paid for permit fees. Mr. McQueen recalled that the Board had waived the permit fees for hurricane related permits. Mr. Cash had paid double permit fees because he had brought the trailer in without permits. He contended that he should receive a refund because he was replacing a mobile home that was damaged by the hurricanes.

Considering that Mr. Cash brought the trailer in illegally, Mr. McQueen recommended refunding him \$75 which represents half of the fees paid for the mobile home permit.

**Motion** by Commissioner Durden, seconded by Commissioner Thomas, to refund \$75 to Mr. Cash. Ms. Diane Rondolet, Code Enforcement Officer, discussed the fact that the trailer was used and brought in from within Gilchrist County. The mobile home movers were aware at the time that Mr. Cash could be responsible for double permit fees. She also pointed out that the mobile home that was being replaced did not belong to Mr. Cash. The motion carried unanimously.

Landfill Fees – Mr. McQueen recalled the landfill fees had been waived for hurricane related debris. He advised that contractors, who are paid to haul the debris, have been bringing in loads of trash and are expecting the same waiver. Another issue is that people are bringing in green wood which indicates it was not related to the hurricane because of the time that has elapsed. **Motion** by Commissioner Durden, seconded by Commissioner Tommy Langford, to extend the waiver of fees for two (2) more weeks for homeowners only and any other request for waiver must be approved by the Board on an individual basis. The motion carried unanimously.

ODP Contract – Mr. McQueen presented a contract with Dixie County and Disasters, Strategies & Ideas Group, LLC (DSI) for the ODP (Office of Domestic Service) contract. He recommended that Gilchrist County enter into the agreement through the contract with Dixie County Mr. McPherson suggested that the Commission waive the bidding requirements for this service and enter into a contract with DSI apart from Dixie County. **Motion** by Commissioner Durden, seconded by Commissioner Tommy Langford, to waive the bidding requirements and enter into an agreement with DSI for the same agreement amount as Dixie County. The motion carried unanimously.

Bell VFD Building – Mr. McQueen recalled that during the budget process, the Board identified the need for a new building for the Bell Fire Department. He asked for authorization to go ahead and develop a plan. Commissioner Durden asked to be allowed to continue to work on this issue with Mr. McQueen to bring back a proposal. **Motion** by Commissioner Tommy Langford, seconded by Commissioner Thomas, to allow Mr. McQueen and Commissioner Durden to move forward with the plan and bring back a proposal for the Board's review. The motion carried unanimously. (3/500)

Fire Assessment – Mr. McQueen related that he had attended the meeting at the Southeast VFD concerning issues with the Department. Because of the issues facing the volunteer fire

departments, Mr. McQueen recommended that the Board resume the workshops for a Fire Special Assessment. It was suggested that a series of workshops be scheduled in the future. Mr. McPherson stated that he would send a letter to the Tax Collector and the Property Appraiser requesting their approval to hold a public hearing after December but before March 1. Mr. McQueen stated that he would bring back more information in January in order to schedule the workshops. (3/600)

### **Commissioners' Reports:**

**Commissioner Sharon Langford** asked about the Community Budget Issue Request System included in the agenda packet. Mr. McQueen replied that he has included a funding request for the Agricultural Center. Commissioner Sharon Langford asked if the Town of Bell would be able to submit an application for a library. Mr. McQueen said that he would send a copy of it to the Town of Bell.

**Commissioner Sharon Langford** reported that she had attended the meeting with the Southeast VFD and found that there are many citizens willing to help. The Department intends to schedule fund raisers in the near future.

**Commissioner Thomas** reported that he had been out to Waters Lake and the water has not yet receded.

**Commissioner Tommy Langford** asked about the donation of the quilt. Commissioner Sharon Langford suggested donating it to one of the volunteer fire departments so that it could be raffled off for a fund raiser. The Board asked Mr. McPherson to research the issue of raffles and bring back information.

**Commissioner Tommy Langford** referred to Mr. McCook's recommendation earlier to contact the legislator's about the payment in lieu taxes from SRWMD. He suggested that a letter be drafted from the Board advising them that the County is in support of the efforts of SRWMD to continue the payment past 10 years.

**Commissioner Tommy Langford** referred to an invoice from Lee Mills for the discussion regarding the installation of the gas main along CR 232. The charge is \$693.75. Mr. Gilliam explained that Mr. Mills had to research this issue and that he charges for his time to do this. **Motion** by Commissioner Durden, seconded by Commissioner Tommy Langford, to pay the invoice to Mr. Mills in the amount of \$806.25 (total invoice). The motion carried unanimously.

**Commissioner Tommy Langford** asked Mr. McQueen about reimbursements to citizens by FEMA. Mr. McQueen explained that the reimbursement goes directly to the property owner. Mr. McQueen said that there has been erroneous information communicated. He said the County has no program in which FEMA sends money to be distributed by the County for deductibles. Commissioner Sharon Langford said that Osceola County provides SHIP funds to pay for deductibles. Mr. Gilliam explained that each County has developed and approved it's own SHIP Program.

Mr. Gilliam asked Mr. McQueen if he is going to put out bids for a CDBG Consultant. Mr. McQueen replied he has received notice that we can proceed but not expend more than \$5,000. **Motion** by Commissioner Durden, seconded by Commissioner Tommy Langford, to proceed with a request for proposal for a CDBG Consultant. The motion carried unanimously.

Chairman Gentry presented the Commissioner's committee assignments for 2005. Upon review, the Judicial Committee and the Hart Springs Diving Committee were added.

**Randy Durden:**

Chamber of Commerce  
Three Rivers Regional Library System  
Fuel Depot Committee  
Cities; Trenton Bell, Fanning Springs  
Judicial Committee

**Tommy Langford:**

Transportation Disadvantaged  
Suwannee River Partnership  
Suwannee River Economic Council  
Springs Initiative Workgroup  
Road Planning Committee  
Hart Springs Diving Committee

**Kenrick Thomas:**

Rural Development  
Small County Coalition  
Suwannee River RC&D Council

**Sharon Langford:**

Nature Coast Greenway  
Tri-County Tourism  
Wages Board

**Mitchell Gentry:**

Corrections  
Public Safety  
NCFRPC  
Economic Development Council  
SRWMD  
Florida Association of Counties

Mr. McQueen advised that there are two (2) vacancies pending on the Planning and Zoning Board. **Motion** by Commissioner Tommy Langford, seconded by Commissioner Durden, to advertise for the vacancies. The motion carried unanimously.

**Old Business:**

Mr. Sam Ferguson thanked the Commissioners for their participation in the 24<sup>th</sup> Annual Bell Christmas Parade.

Mr. McQueen recalled an issue brought before the Board (*05-03-04 meeting*) concerning the permitting and use of a recreational vehicle. He stated the Board had authorized a six (6) month permit for an Mr. and Mrs. Charles Turner until they could acquire a mobile home. Ms. Diane Rondolet related that she had been out to the property and the recreational vehicle is still being used for a permanent residence. She provided photographs to the

Board and pointed out that they do have a travel trailer on the premises which they intend to move into. The recreational vehicle they now live in is actually a bus.

Ms. Rondolet asked the Board for direction concerning this issue. She stated that there are other travel trailers in the area that are being used as residences and that she needs clarification of the County's ruling on this issue.

Discussion was held concerning the County's Land Development Regulations. Mr. McPherson recalled that the Planning and Zoning Department had been instructed to take a proposed ordinance to the Planning and Zoning Board for a recommendation. The LDRs currently prohibit the permitting of recreational vehicles and travel trailers as permanent housing. He recommended enforcement of the current regulations and to send the proposed amendments to the Planning and Zoning Board. However, he recommended that any existing permitted travel trailers be grandfathered in. The Board agreed and instructed Mr. McQueen to take the amendments to the Zoning Board and to enforce the current regulations and not issue any more permits for travel trailers or recreational vehicles.

**New Business:**

Mr. Gilliam told the Board that he had received a call from the Property Appraiser's Office concerning the property taxes for the Dialysis Center. The Center had the understanding that their property taxes were waived (*due to the fact they are not occupying the building because of a sink hole*). The Board was in agreement that the property taxes may not be waived.

**Public Participation:**

Mr. Jonathan Kincaid related an incident in which the County EMS had assisted his daughter. He commended the Board for the work the County's EMS Department is doing.

There being no further business to discuss, Commissioner Tommy Langford moved to adjourn at 4:52 p.m. The motion was seconded by Commissioner Durden and carried.

APPROVED:

ATTEST:

Mitchell Gentry, Chairman

Joseph W. Gilliam, Clerk

