

MINUTES OF A REGULAR MEETING OF THE GILCHRIST COUNTY BOARD OF COUNTY COMMISSIONERS HELD JANUARY 3, 2005.

The Gilchrist County Board of County Commissioners, in and for Gilchrist County Florida, convened in a regular meeting on Monday, January 3, 2005 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, Ron Mills, Billy Cannon, Justin Watson, Diane Rondolet, John Ayers, Mike Priest, Jim Senterfitt, Gene Parrish, Delight Curtis, Geneva Cornwell, Carl Cornwell.

Call to Order:

Chairman Gentry called the meeting to order at 1:15 p.m. Commissioner Durden delivered the Invocation and Commissioner Thomas led the Pledge of Allegiance.

Agenda Changes:

Mr. Gilliam presented the following additions to the agenda:

- (1) Budget Entry #BE05-005, Local Housing Assistance Trust Fund (\$27,976). (*Consent Agenda*)
- (2) Michael Priest; regarding request for waiver of impact fee due to hardship, representing his parents, William and Edna Priest. (*after 4:00 p.m.*)
- (3) Automated Standard Application for Payments (ASAP) System, Approval of County's authorized delegations. (*Clerk's Report*)
- (4) Bids for the financing of a 2005 Mack Dump Truck. (*Clerk's Report*)
- (5) Code Enforcement Monthly Report (*FYI*)

Mr. McQueen requested the addition of CR 319 and CR 340.

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

Consent Agenda:

Consent Agenda

- 1) Approval of Bills
- 2) Approval of Purchase Order #500597 (Anderson Columbia / \$50,029.22)
- 3) Approval of Minutes: August 30, 2004, Budget Workshop
- 4) Approval of #BE05-005, Local Housing Assistance Trust Fund (\$27,976)

Motion by Commissioner Tommy Langford, seconded by Commissioner Sharon Langford, to approve the consent agenda with the addition of item #4. The motion carried unanimously.

Attorney's Report:

Ordinances – Mr. McPherson told the Board that the proposed ordinances for sign regulations and for sludge disposal will be scheduled for the mid-month meeting in January.

Right of Way Rental – Mr. McPherson advised the workshop for the proposed right of way ordinance is scheduled for February 21.

Meridian Behavioral Healthcare Proposal – Mr. McPherson presented Resolution 05-04 expressing support for the proposal of Meridian Behavioral Healthcare, Inc. to create short-term residential treatment programs.

RESOLUTION 05-04

A RESOLUTION OF THE GILCHRIST COUNTY BOARD OF COUNTY COMMISSIONERS EXPRESSING SUPPORT FOR THE PROPOSAL OF MERIDEN BEHAVIORAL HEALTHCARE, INC. TO CREATE A SHORT-TERM RESIDENTIAL TREATMENT PROGRAMS TO ADDRESS THE NEEDS OF SEVERELY MENTALLY ILL IN NORTH CENTRAL FLORIDA; PROVIDING AN EFFECTIVE DATE.

Motion by Commissioner Tommy Langford, seconded by Commissioner Kenrick Thomas, to approve Resolution 05-04. The motion carried unanimously. (1/118)

Bell Road Impact Fees – John advised that he had contacted Duke Lang, Attorney for the Town of Bell, concerning the use of impact fees if collected under the County's ordinance. Commissioner Durden stated that he will attend the next Town Council meeting and report back to the Board. Commissioner Durden told the Board that the City of Trenton currently has \$4,000 in Capital Impact Fees that will need to be returned to the County. Mr. McPherson advised that the only other use the City of Trenton could use the funds for would be toward payment of the fire station. Commissioner Durden recalled that the Board had pledged the Capital Impact Fees toward the proposed judicial complex. Mr. McPherson said that the County could allow the City of Trenton to use the funds as long as it were consistent with the ordinance. Commissioner Durden stated that he will also

attend the Trenton City Commission meeting. (1/198)

Florida Rock – Mr. McPherson referred to a copy of the letter he sent to Mr. Chris Horner regarding the use of County right of way. (1/302)

Brooks and Strickland v. Aderholts and Gilchrist County – Mr. McPherson reported that the Aderholts have filed a cross-claim against the County for trespass and damages. Mr. McPherson filed a motion to dismiss due to the fact the Aderholts did not give the County or the State Department of Finance 60-days notice as required. (1/309)

Bailey v. Gilchrist County – Mr. McPherson reported that he filed a motion for summary judgment on the issue of whether Bailey had the right to withdraw his application after the quasi-judicial hearing. A hearing has been scheduled for January 11, 2005 at 3:00 p.m. (1/424)

Bailey Code Enforcement Appeal – Mr. McPherson advised he is going to attempt to have the hearing on this appeal scheduled for February 2005 so that it will be resolved before watermelon season. (1/435)

Department of Juvenile Justice Funding Litigation – Mr. McPherson advised that the State intends to introduce legislation in the next legislative session to override the court's decision in this case. (1/445)

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

Raffles – Mr. McPherson recalled that he had been asked to research the law relating to raffles. He found that non-profit organizations may conduct raffles if the organization is registered with the state to solicit funds pursuant to Chapter 496, F.S. The organization must also qualify as a 501c3. Discussion was held concerning donating the quilt and it was suggested that Commissioner Tommy Langford check with Ms. Susan Bryant to see if the Educational Foundation would be interested receive the quilt for the purpose of a raffle.

Road Department:

Mr. Justin Watson requested the Board waive fees charged to the Road Department by the Solid Waste Department. He explained these fees were for household garbage picked up along the County right of way. **Motion** by Commissioner Sharon Langford, seconded by Commissioner Durden, to waive the fees for November 2004, \$141 and December 2004, \$868.20. The motion carried unanimously. (1/800)

Mr. Watson requested approval of an expenditure in the amount of \$3,990.97 for emergency repairs to the loader. The repairs were made by Ring Power. **Motion** by Commissioner Durden, seconded by Commissioner Tommy Langford, to approve the expenditure for the emergency repairs. The motion carried unanimously. (1/906)

Clerk's Report:

Roof & Paving at Sheriff's Administration Building – Mr. Gilliam referred to quotes obtained for roofing and paving at the Sheriff's Administration Building. **Motion** by Commissioner Durden, seconded by Commissioner Tommy Langford, to table this item until a representative from the Sheriff's Office could be present. The motion carried unanimously. (1/958)

Cragg's Construction – Mr. Gilliam presented pay request #6 from Cragg's Construction in the amount of \$113,401.32 for work on the SE 70th Avenue paving Project. **Motion** by Commissioner Durden, seconded by Commissioner Tommy Langford, to approve payment of the invoice in the amount of \$113,401.32. The motion carried unanimously. (1/1010)

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

Holly Morgan: 1009 NE 2nd Ave., Rehab, Very Low Income, loan amount, \$28,500. The SHIP Loan Review Committee recommended approval subject to; (a) signed contract from contractor, (b) verification of insurance and (c) availability of SHIP funds. **Motion** by Commissioner Sharon Langford, seconded by Commissioner Tommy Langford, to approve the SHIP loan to Holly Morgan subject to the conditions set forth by the Loan Review Committee. The motion carried unanimously.

Cathryn Hendricks: Hwy 26, New Construction, Low Income Category, Lender, Capital City Bank, loan amount, \$17,500. The SHIP Loan Review Committee recommended approval subject to: (a) applicant's contribution of \$500, (b) appraisal showing value of \$85,000 or greater and (c) availability of SHIP funds. **Motion** by Commissioner Tommy Langford, seconded by Commissioner Thomas, to approve the SHIP loan to Cathryn Hendricks subject to the conditions set forth by the Loan Review Committee. The motion carried unanimously. (1/1236)

Character Council – Mr. Gilliam referred to an invitation from the Character Council for the 2005 Kick-Off Appreciation Breakfast to be held on Thursday, January 20.

Request from Rick Weder – Mr. Gilliam presented a letter from Mr. Rick Weder, Waccasassa Volunteer Fire Department (*an inactive department*) requesting the donation of the fire truck which was received from the City of Winter Haven several years ago. The department wishes to use the truck to distribute food and supplies for a USDA program. Mr. McQueen advised the truck is not in roadworthy condition and would not serve this purpose. He recommended the Board declare the vehicle surplus for the upcoming auction. **Motion** by Commissioner Durden, seconded by Commissioner Tommy Langford, to declare the fire truck surplus and to put it out to bid with the other surplus items. The motion carried unanimously. (1/1340)

Bond for Sheriff – For the Board's approval, Mr. Gilliam presented a bond application for the Sheriff. **Motion** by Commissioner Tommy Langford, seconded by Commissioner Thomas, to approve the Sheriff's Bond. The motion carried unanimously. (1/1463)

Budget Entries – Mr. Gilliam presented the following budget entries and Resolutions 05-01 thru 05-03 for approval:

Resolution 05-01 (BE05-006): This resolution amends the Local Housing Assistance Trust Fund by an increased amount of \$12,833.44 which represents the payoff of the second mortgage for Bradley and Tonya Davis. **Motion** by Commissioner Tommy Langford, seconded by Commissioner Sharon Langford, to approve Resolution 05-01. The motion carried unanimously.

Resolution 05-02 (BE05-006): This resolution amends the Local Housing Assistance Trust Fund by an increased amount of \$7,249.89 which represents the payoff of a second mortgage for V. Driscoll. **Motion** by Commissioner Tommy Langford, seconded by Commissioner Thomas, to approve Resolution 05-02. The motion carried unanimously.

Budget Entry, #BE05-006: This budget entry amends the Local Housing Assistance Trust Fund per Resolutions 05-01 (12,833.44) and 05-02 (7,249.89). **Motion** by Commissioner Tommy Langford, seconded by Commissioner Sharon Langford, to approve budget entry #BE05-006 in the amount of \$20,083.33. The motion carried unanimously.

Resolution 05-03 (BE05-007): This resolution amends the Local Housing Assistance Trust Fund by an increased amount of \$12,000 which represents the payoff of the second mortgage for Doris Hall. **Motion** by Commissioner Sharon Langford, seconded by Commissioner Tommy Langford, to approve Resolution 05-03. The motion carried unanimously.

Budget Entry #BE05-007: **Motion** by Commissioner Tommy Langford, seconded by Commissioner Kenrick Thomas, to approve budget entry #BE05-007 in the amount of \$12,000. The motion carried unanimously.

ASAP Authority – Mr. Gilliam requested approval of the ASAP Official Authorization Form which identifies the individuals who are authorized to access the ASAP (Automated Standard Application for Payments) system; Mitchell Gentry, Joseph Gilliam and Sam Ferguson. **Motion** by Commissioner Durden, seconded by Commissioner Tommy Langford, to approve the ASAP Authorization Form. The motion carried unanimously. (1/1740)

Financing, Mack Dump Truck – Mr. Gilliam provided copies of two (2) bids received for the financing of the Mack Dump Truck (Total amount \$88,000): the first, from Tri-County Bank, 2.99% and the second from Capital City Bank, 3.93%. Mr. Gilliam recommended acceptance of the bid from Tri-County Bank. **Motion** by Commissioner Sharon Langford, seconded by Commissioner Tommy Langford, to accept the bid from Tri-County Bank for a loan amount of \$88,000 with a fixed rate of 2.99%. The motion carried unanimously.

(1/1785)

Judicial – Mr. Gilliam advised that the Judicial Space Needs Committee recently met concerning the proposed Courthouse addition. Mr. Gilliam stated that he along with Mr. McQueen, Judge Philman and Mr. McPherson, prepared a bid package for the project. **Motion** by Commissioner Durden, seconded by Commissioner Tommy Langford, to authorize Mr. Gilliam to put out the request for proposals. Mr. McPherson told the Board that the Committee would first review the proposals received and select the top three (3) to present to the Commission. The Board will need to rank the companies based on the qualifications. Discussion was held concerning the process to be used to select a contractor for the project. The motion carried unanimously. (1/1832)

Property Acquisition – Mr. Gilliam advised that Mr. Ted Burt has indicated that he would consider selling the two lots adjacent to the County's property, East of the Courthouse. Mr. Gilliam pointed out, in consideration of the Courthouse project, it might be beneficial to acquire this property. He stated that plans were drawn in the past, and approved by SRWMD, to construct a parking lot on the part of the block that the County already owns. Mr. Burt will consider selling the lots but he asks that the County pay for a portion of the appraisal. **Motion** by Commissioner Durden, seconded by Commissioner Langford, to obtain an appraisal for these properties. The motion carried unanimously. (2/095)

Roofing and Paving Quotes, Sheriff's Administration Building – Mr. Gilliam recognized Sheriff Turner and asked him to discuss the roofing and paving projects. **Motion** by Commissioner Durden, seconded by Commissioner Tommy Langford, to take the item off the table for consideration. The motion carried unanimously.

Sheriff Turner referred to the quotes received for roofing and explained that the insurance company will only authorize the patching of several places on the existing roof. He recommended that the Board consider reroofing the entire roof with metal. Mr. McQueen discussed funding through FEMA and the insurance company. Considering this building also serves as the County's EOC he advised that it might be preferable to fund it through the hazard mitigation process. He stated that the grant would pay 75% of the cost with a 25% match. **Motion** by Commissioner Durden, seconded by Commissioner Tommy Langford, to direct Mr. McQueen to find out if the project would be eligible for the hazard mitigation grant. The motion carried unanimously.

Sheriff Turner referred to estimates received for paving the parking lot at the Jail and the Administration Building. The total cost would be approximately \$47,260. Sheriff Turner recommended that the Board consider having the Road Department pave the parking area instead. The Board asked Mr. Watson to obtain the specifications and bring back a recommendation. (2/216)

Ron Mills, Spring Ridge VFD:

Mr. Ron Mills presented the annual report from the Spring Ridge VFD. On behalf of the Department, Mr. Mills thanked the Board for the budget it provides for operations.

EMA/County Administrator:

For future reference, Mr. McPherson advised the Board that after declaring property surplus, the County may give it, sell it or lease it to any other government entity or non-profit organization which was organized for the purpose of promoting community interest and welfare. (2/800)

Medicare Payment – Mr. McQueen recalled that Medicare had required the County to return \$18,637.33 for overpayment. Because there were questions concerning whether or not the County should have paid it, the Board agreed to hire a consultant to appeal the decision. The consultant firm was successful and Medicare is to return \$18,637.33. Mr. McQueen presented a purchase order in the amount of \$3,727.47 to the consultant which represents the 20% fee for recovery costs. Mr. McQueen recommended that the Board approve the purchase order and to withhold payment until the \$18,637.33 is received from Medicare. **Motion** by Commissioner Tommy Langford, seconded by Commissioner Thomas, to approve the purchase order with payment to be made upon receipt of the reimbursement from Medicare. Mr. McQueen advised that these vehicles are on State contract. The motion carried unanimously. (2/815)

EMS, Purchase Request – Mr. McQueen presented a request from EMS for authorization to purchase two (2) new ambulances at a cost of \$92,880 each. He recalled that the Board had agreed that Ms. Walker could budget the purchase of the ambulances in this year’s budget for an amount not to exceed \$180,000. Mr. McQueen pointed out that the purchase request is \$5,760 over the budgeted amount but the Department has the difference available within it’s budget. **Motion** by Commissioner Durden, seconded by Commissioner Sharon Langford, to approve the purchase of the ambulances at \$92,880 each. The motion carried unanimously. (2/870)

EMS, Service Contract – Mr. McQueen presented a purchase order in the amount of \$5,167 for the annual maintenance contract for the EKG units used by EMS. **Motion** by Commissioner Sharon Langford, seconded by Commissioner Thomas, to approve the purchase order in the amount of \$5,167 and the maintenance contract for 2005. The motion carried unanimously. (2/913)

EMS, Write-Offs – Mr. McQueen requested approval for the write off of the following accounts;

From Sweetsoft:

– Sent to Collections	\$10,808.89
– Deceased patients	\$ 961.18
– Sheriff’s Dept. Inmates	\$ <u>300.00</u>
Total	\$12,070.07

From EMS Consultants

– Sent to Collections	\$113,686.24
– Deceased patients	\$ 3,419.65
– Sheriff’s Dept. Inmates	\$ 1,049.84

with another engineer, it would have to go through the bid process. He stated that it might be to the County's advantage to contract an engineer for the project and to serve as a backup for future projects. Mr. McQueen advised he would bring back more information.

Mr. McQueen asked that the Board approve the addendums to Mr. Mills contract for the CR 340 and CR 319 project and to provide direction concerning bidding the projects together or separately. **Motion** by Commissioner Sharon Langford, seconded by Commissioner Tommy Langford, to put out to bid for both projects immediately and to approve the addendum to the contract with Mills Engineering. The motion carried unanimously.

Caution Light, SR 26 and SE 70th Avenue – Mr. McQueen reported that he had been in contact with D.O.T. concerning the replacement of the caution light at SR 26 and SE 70th Avenue. He had previously contacted the insurance company and found that it may take many months to reach a settlement for the percentage the County might receive for the replacement. He talked with Mr. Ricketson with Central Florida Electric concerning setting a concrete pole. Mr. Ricketson will contact a contractor and see if the County can obtain the pole at their cost. He found out that D.O.T. cannot pay for services but will be able to pay for the pole with the agreement that the County have it put in place the day of delivery. D.O.T. will also be able to provide a new light. Mr. Tim Faison has agreed to install the light for a cost up to \$2,000 if the Road Department will handle the traffic. Mr. McQueen stated the total cost may be approximately \$5,000. (2/1775)

Employee Survey – For the Board's information, Mr. McQueen provided a copy of the results from a recent employee survey. Out of approximately 60 full time employees, 16 responses were received.

Homeland Security Grant – Mr. McQueen presented a contract with Disasters Strategies and Ideas Group to serve as consultant for the Homeland Security Grant. **Motion** by Commissioner Durden, seconded by Commissioner Tommy Langford, to approve the contract with Disasters Strategies and Ideas Group. The motion carried unanimously. (2/2029)

Citizen's Request, Mr. Priest – Mr. Michael Priest, representing his parents, William and Edna Priest, requested the Commission to waive the impact fee for their mobile home. He stated that his parents were disabled and not able to pay the \$1,441.34. He asked that if this were not possible that arrangements be made to make payments instead. Mr. McQueen advised that the Impact Fee cannot be waived but could be paid by the Board if it elected to do so. He stated that this has been done twice in the past for citizens who were paraplegic.

Mr. Priest contended that the County should provide a way for his parents to make the payments since they are disabled and not able to pay such a sum. Chairman Gentry stated that he did not have a problem with Mr. McQueen checking into a way to set up a payment schedule. Mr. Priest contended that the Board did not treat people fairly.

Motion by Commissioner Durden, seconded by Commissioner Tommy Langford, to

continue to adhere to the County Code and to deny the request to waive the impact fee. Commissioner Tommy Langford suggested that Mr. Priest sell the travel trailer they currently stay in to pay for the impact fee when they wish to move the mobile home in. Mr. Priest replied that this was not an option because they must continue to live in it. The motion carried unanimously. (2/2123)

Citizen's Request / Mike Odom:

Mr. Michael Odom addressed the Board Concerning SE 70th Avenue, Waccasassa Road. He referred to a recent decision by the Board to take up the milled material on a portion of SE 70th and to replace it with limerock. He stated that his residence is on this road and asked that this decision be reconsidered.

Mr. Watson stated that in order to correct the road base, the Department will need to go in and remix that portion of the road. He said the entire roadway is going to be a maintenance problem until it is corrected.

Discussion was held concerning the alternatives to taking up the entire 6,200 feet. It was suggested that only the first 1300 feet be remixed as this part is in the worst condition. Mr. Tony Cruze stated that he travels this road to his residence and that he believes that a minimum of 1300 foot be torn up if not all of it. After further discussion the Board agreed to schedule this issue for the January 24 meeting at a time certain.

Commissioner's Reports:

Commissioner Tommy Langford asked Mr. McQueen about the dumpsters at Waters Lake and who is responsible for them. Mr. McQueen replied that FEMA is taking care of them. Commissioner Langford stated that he had had some complaints about them not being dumped. Mr. McQueen advised they are being taken care of it is just the fact that many persons are using them for all household garbage.

Commissioner Tommy Langford reported that he was contacted by Mr. Bill Ron who asked him to help deliver Christmas gifts to children affected by the Hurricane. The gifts were donated through a project started by a second grade student in New York. Commissioner Langford said that he would like to have a letter sent to her in appreciation for her efforts. The Board agreed.

Commissioner Thomas asked Mr. McQueen about reopening the road behind the spring at Hart Springs Park. He had received a request from a resident in the area to have it reopened. Mr. McQueen explained that this road has been opened temporarily because of the flood but will be closed for safety reasons and will remain closed once the other road is accessible. It will be gated and available for emergencies.

Commissioner Durden mentioned that he had attended the water policy meeting in Chiefland and he commended the Board members for their attendance. He stated that it was a good meeting and additional workshops will be scheduled. Commissioner Tommy Langford stated that he had talked with Mr. Jerry Scarborough at the meeting and they (SRWMD) have agreed to have a meeting with County officials concerning the problems

with CR 232, HWY 47 and the roads in the Waters Lake area.

Mr. McQueen recalled the Board had asked him to advertise for two (2) vacancies coming up for the Zoning Board. He stated that he has advertised and to date has received letters from six (6) persons in addition to the current Board members who have indicated that they would like to be reappointed. He will include the letters in the agenda packet for the next meeting. He stated that he would also research the requirements concerning a representative for the School Board.

Chairman Gentry recognized Carl and Geneva Cornwell. Mr. Cornwell told the Board that he has 49 Bald Cyprus, 18' to 22' in height, that he would like to trade with Hart Springs in exchange for season passes. He stated the trees are worth approximately \$4,000. Chairman Gentry stated he will contact Ms. Julie Harrison, the Park Manager and bring back information to the next meeting.

Mrs. Cornwell related that she has friends who live on CR 232 near the low area that is flooded. They have asked her to advise the County that lumber trucks are going in and out of the area, harvesting trees and bringing in dirt and sand. They believe it is shutting off the natural flow of the water. Mr. Watson advised that he has checked on the maintenance of the road being used and it is only maintained for a short distance the rest is a private road. Mr. McQueen advised that Water Management has authority for the private roads. Commissioner Durden stated that he would ride to the location and check it out.

Code Enforcement:

Ms. Diane Rondolet asked Mr. McPherson about what action to take once the date on a final order has expired and the individual is still in violation. Mr. McPherson advised that if she finds that they are still in violation, she should send them a letter specifying the date that the fines will start and stating that if they wish they may request a hearing to contest the decision before the Hearing Officer. Mr. McPherson stated he would draft the letter.

Commissioner Tommy Langford asked Ms. Rondolet if the County had any ordinances concerning noise. He stated that he has received a complaint about loud music. Mr. McQueen told him this is considered a civil disturbance and should be referred to the Sheriff's Office. Mr. Mike Odom stated that he lives in the area and can attest to the fact the complaint is legitimate.

Ms. Charlene White, Soil and Water Conservation District, presented a letter requesting the appointment of a commissioner to serve on the RC&D Council. Mr. Gilliam advised that Commissioner Thomas has been appointed to this Board and a letter has been forwarded to the RC&D Council.

Old Business:

(None)

New Business:

(None)

Public Participation:

(None)

There being no further business to discuss, Commissioner Tommy Langford moved to adjourn at 5:42 p.m. The motion was seconded by Commissioner Thomas and carried.

APPROVED:

ATTEST:

Mitchell Gentry, Chairman

Joseph W. Gilliam, Clerk