

MINUTES OF A REGULAR MEETING OF THE GILCHRIST COUNTY BOARD OF COUNTY COMMISSIONERS HELD FEBRUARY 21, 2005.

The Gilchrist County Board of County Commissioners, in and for Gilchrist County Florida, convened in a regular meeting on Monday, February 21, 2005 at 3:30 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, Justin Watson, Billy Cannon, Sheriff David Turner, Alan Mikell, John Ayers, Scott Guthrie, Robert Bennett, Bruce Thompson, Bill Cox, Robin Schwartz, Todd Bryant, Sandy Curtis, Mike Bowdoin, Darrell Miller, Delight Curtis, Roy Smith, Tony Cruse, Ronald Parrish, Shannon Silcox, Jerome Silcox, Charles Scott, Betsy Scott, Chris Horner, Alan Wilson, Amber Wilson, Jerry Kearnen.

Call to Order:

Chairman Gentry called the meeting to order at 3:40 p.m. Ron McQueen delivered the Invocation and Commissioner Thomas led the Pledge of Allegiance.

Agenda Changes:

- (1) Bid opening for front-end loader for the Solid Waste Department.
- (2) Request from School Board, appointment to committee re: growth issues
- (3) Reschedule workshop for proposed amendments to the Right of Way Ordinance to the March 21 meeting.
- (4) County Administrator's Report:
 - (a) Removal of Asbestos Shingles
 - (b) Partial price list for SEVFD
 - (c) FAC Legislative Day
 - (d) Surplus Property
 - (e) Spring Ridge SCOP and SCRAP

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

Consent Agenda:

- 1) Approval of Minutes:
 - (a) November 22, 2004, Regular Meeting
 - (b) December 6, 2004, Regular Meeting
 - (c) January 3, 2005, Regular Meeting

- 2) Approval of Budget Entries:
 - (a) BE5-020, Capital Projects Fund (\$1,000)
 - (b) BE5-021, General Fund, (\$1,720)
 - (c) BE5-022, Transp. Trust Fund (\$1,053.85)
 - (d) BE5-023, General Fund (\$1,254.54)
 - (e) BE5-024, Emergency Medical Services (\$1,500)

Motion by Commissioner Tommy Langford, seconded by Commissioner Thomas, to approve the Consent Agenda. The motion carried unanimously.

Attorney's Report:

Right of Way Rental – Mr. McPherson recommended the workshop for amendments to the right of way ordinance be rescheduled to the March 21 meeting. The Board agreed and placed this item on the March 21 agenda at 6:30 p.m.

Pending Litigation - Mr. McPherson advised there has been no activity in the litigations pending.

Protection of County Roads - Mr. McPherson recalled the Board had asked him to bring back information concerning the County's ability to place weight restrictions on County roads. He advised that State law does authorize counties to place the weight restrictions and there is a procedure provided to do so. However, there may be problems with the enforcement.

Mr. McPherson recalled there was also a question concerning damage caused by particular trucks. It was thought that Alachua County was collecting for damages. He contacted the County Attorney for Alachua County and found this is not the case. Mr. McPherson stated that if trucks coming onto and going off of a County Road without a driveway cause the problem, regulations may be put in place for the connections. (1/040)

Commissioner Suggs, Request for Payment of Attorney Fees - Mr. McPherson advised the Board that he had received an invoice from Commissioner Suggs' attorney, Sam Mutch, in the amount of \$2,263.72. The invoice amount is for fees incurred in the Ethics Commission case filed against Commissioner Suggs. The Case was concluded in July 2004. Mr. McPherson sent Mr. Mutch a letter explaining that he could not seek reimbursement for these fees considering the deadline for submission had passed. Mr. McPherson referred to the County's Policies and Procedures manual and explained that the County had adopted the policy a few years ago, which outlines the procedures for reimbursement requests. The deadline for submission is 30 days from the date the matter is concluded and the County Official is successful in winning the case. The policy also requires written documentation itemizing the services provided.

Mr. McPherson told the Board that he had received a letter from Commissioner Suggs requesting that the policy be waived. **Motion** by Commissioner Durden, seconded by Commissioner Thomas, to deny the request for reimbursement due to the fact the invoice was submitted several months past the deadline. The motion carried unanimously. (1/183)

Road Department:

Mr. Watson requested authorization to post 45-mph speed limit signs on a portion of CR 340 at the approach to the Rock Bluff Bridge. He advised that Dixie County is planning to do the same on the other side of the bridge. Mr. Watson explained that, with the inspection station located at the bridge, there is a safety hazard when pulling back onto CR 340. **Motion** by Commissioner Durden, seconded by Commissioner Tommy Langford, to approve the request to post 45-mph signs along that portion of CR 340. Mr. McPherson advised that it would be necessary to prepare an ordinance for the proposed change. Commissioner Durden **amended** the motion, seconded by Commissioner Tommy Langford, to direct Mr. McPherson to prepare an ordinance to reduce the speed limit on that portion of CR 340 from 55-mph to 45-mph. The motion carried unanimously. (1/339)

Clerk's Report:

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

1) Rachel Rogers: NW 65th Street, Bell, New Construction, Very Low Income Category, Loan Amount \$17,500, Lender, Capital City Bank. The Loan Review Committee recommends approval subject to: (1) appraisal value equal to \$71,281 or greater and (2) the availability of SHIP Funds. **Motion** by Commissioner Sharon Langford, seconded by Commissioner Tommy Langford, to approve the SHIP Loan to Rachel Rogers subject to the conditions set forth by the Loan Review Committee. The motion carried unanimously.

2) Jamie Lewis and Serena Rutter: New Construction, Low Income Category, Loan Amount, \$17,500, Lender, Tri-County Bank. The Loan Review Committee recommends approval subject to: (1) appraisal value equal to \$85,000 or greater, (2) applicant's contribution of \$500 and (3) the availability of SHIP Funds. **Motion** by Commissioner Thomas, seconded by Commissioner Sharon Langford, to approve the SHIP Loan to Jamie Lewis and Serena Rutter subject to the conditions set forth by the Loan Review Committee. The motion carried unanimously.

3) Michah and Kimberly Langford: 915 NE 2nd Avenue, Rehab, Moderate Income Category, Loan Amount, \$9,800. The Loan Review Committee recommends approval subject to: (1) applicant's contribution, (2) signed contract from contractor, (3) verification of insurance and (4) the availability of SHIP Funds. **Motion** by Commissioner Tommy Langford, seconded by Commissioner Thomas, to approve the SHIP Loan to Michah and Kimberly Langford subject to the conditions set forth by the Loan Review Committee. The motion carried unanimously. (1/467)

Surplus Property, Alachua County – Mr. Gilliam provided a notice from the Alachua County Clerk concerning a surplus property sale. Property may be viewed on February 22, 2005 from 9:00 a.m. to 12:00 noon. (1/586)

Craggs Construction Company - Mr. Gilliam presented a pay request (No. 8) from Craggs Construction Company in the amount of \$119,789.83. He stated that Mr. Lee Mills has reviewed the invoice and signed off on it. **Motion** by Commissioner Durden, seconded by Commissioner Tommy Langford, to approve payment of the invoice to Craggs Construction. The motion carried unanimously. (1/640)

Bids for Front End Loader - Mr. Ferguson presented the bids received for the purchase of a front-end loader for the Solid Waste Department:

- (1) Bobcat of Ocala \$129,500 w/ \$40,000 buy back (\$89,500)
- (2) Ring Power \$ 99,530 w/ \$31,500 buy back (\$68,030)
- (3) Highland Tractor Co. \$ 81,500 w/ \$35,000 buy back (\$46,500)

Mr. Ferguson recommended approval of the low-bid from Highland Tractor Co. **Motion** by Commissioner Thomas, seconded by Commissioner Sharon Langford, to approve the bid submitted by Highland Tractor Co. The motion carried unanimously.

Mr. McQueen advised there is a \$30,000 buy back provision for the current front-end loader at the Solid Waste Department. **Motion** by Commissioner Tommy Langford, seconded by Commissioner Thomas, to carry out the buy back option for the existing front-end loader. The motion carried unanimously. (1/640)

School Board & LCCC – Mr. Gilliam related that Dr. Jim Surrency had contacted him concerning the formation of a committee to discuss growth issues affecting the School Board, the County Commission and Lake City Community College. He asked that a Commissioner be appointed to the committee along with Mr. McQueen and Mr. Gilliam. The committee will meet on March 24 to discuss the possibility of locating a satellite office for LCCC in Gilchrist County. Commissioner Sharon Langford told Mr. Gilliam that she would attend if the meeting were scheduled after 3:15 p.m. Commissioner Durden offered to take her place should the meeting be scheduled before 3:15 p.m. (1/806)

County Administrator's Report:

Update CDBG – Mr. McQueen asked the Board to authorize the Chairman to sign the request for Environmental Review and the "Request for Release of Funds and Certification." **Motion** by Commissioner Durden, seconded by Commissioner Tommy Langford, to authorize the Chairman to sign the Environmental Review. The motion carried unanimously. (1/900)

Fire Training & Job Position – Mr. McQueen provided a copy of the proposed job description for the Fire Training and Volunteer Coordinator position. He asked the Board to review the job description and to recommend any changes. (1/926)

Removal of Asbestos Shingles from the Annex - Mr. McQueen requested approval to proceed with removing the asbestos shingles from the annex building. He advised that he received a bid from a contractor to do the work for a cost of \$2,250. **Motion** by Commissioner Durden, seconded by Commissioner Thomas, to approve the request. The motion carried unanimously. (1/1090)

Southeast VFD – Mr. McQueen recalled at the last meeting he had been asked to bring back a cost estimate to complete the Southeast VFD station. He provided an estimate in the amount of \$1,721.56 from Gilchrist Building and Supply for the materials and an estimate in the amount of \$4,000 for the central heat and air. He stated that these prices do not include the electrical or the flooring. He will bring back an estimate from Tim Faison for the electrical. Discussion was held concerning the Southeast VFD budget and whether or not to pay for the expense from the Departments budget or from the Fire District Fund. **Motion** by Commissioner Tommy Langford, seconded by Commissioner Durden, to approve the expense, paying the building materials (\$1,721.56) from the Department's budget, Repair and Maintenance and to pay the Heating and Air Unit (\$4,000) from the

Fire District Fund. The motion carried unanimously. (1/1163)

Bruce Thompson - Mr. McQueen presented a letter from Mr. Bruce Thompson requesting the Board to pay for his tuition for a 12-week course at the Florida State Fire College in Ocala. The total tuition amount is \$2,129. Mr. McQueen recommended approval and explained that Mr. Thompson is a volunteer with the Southeast VFD and he is willing to commit to working with that Department. **Motion** by Commissioner Tommy Langford, seconded by Commissioner Thomas, to approve payment of the tuition from the District Fire Fund and to allow Mr. McQueen to transfer funds within that budget to a line item for education. Mr. Thompson addressed the Board and explained that upon completion of the course, he would be a certified licensed trainer. The motion carried unanimously. (1/1600)

Suwannee Valley Leagues, Inc:

Mr. Todd Bryant and Mr. Scott Guthrie, representing Suwannee Valley Leagues, Inc., addressed the Board concerning a request for funding assistance.

Mr. Bryant discussed the programs offered and the League's fund raising efforts. He also reviewed copies of the Leagues profit & loss statements and balance sheets. Mr. Bryant expressed concern about the growth of the County and the need to provide a long-term program for its youth.

Commissioner Durden recalled that he had served on a committee a year ago that addressed the future needs for the recreation programs. He stated that Ron McQueen, Michael Lamar and Tammy Moore also served on the committee. He suggested the committee resume its meetings and bring back a recommendation for funding during the next budget process. Mr. McQueen stated that he would send notices of the meeting to the committee members. (1/2197)

Public Hearing / Uniform Method of Collection:

Chairman Gentry read the short title of Resolution 05-08 electing to use the uniform method of collecting non-ad Valorem special assessments. Mr. McPherson reviewed the resolution and explained if the resolution is approved, it will allow the County to place the proposed special assessment for fire on the tax statement.

RESOLUTION 05-08

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GILCHRIST COUNTY, FLORIDA ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED IN THE INCORPORATED AND UNINCORPORATED AREA OF THE COUNTY; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion by Commissioner Durden, seconded by Commissioner Thomas, to approve Resolution 05-08. The motion carried unanimously. (2/396)

EMA/County Administrator's Report (Cont.):

Spring Ridge - Mr. McQueen advised he had received a request from Mr. Jerry Kearnen regarding the eligibility of the roads within the Spring Ridge Subdivision to be placed on the list for the SCOP or SCRAP program. Mr. McQueen advised that he had contacted DOT and found that only County maintained roads classified as arterial, collector or otherwise a major roadway are eligible for these projects. He is expecting a written reply this week.

Mr. Kearnen addressed the Board concerning the request and provided photographs of the heavily damaged roads within the subdivision. He said that he had been told by DOT in Lake City that any County maintained road would qualify. Mr. McPherson advised that a project such as this might qualify for the special assessment district process. Commissioner Tommy Langford told Mr. Kearnen that he would contact him by phone to discuss other options. (1/495)

Kincaid Property – Commissioner Durden asked Mr. McQueen for the status of the Kincaid property at the Jail. Mr. McQueen advised that he has asked Gene Parrish to meet with Jonathan Kincaid concerning this. He explained to the Board that Mr. Kincaid had recently sold the County a portion of land and later found that the purchase would also take his grape arbor. It was also found that Mr. Kincaid owns a portion of land at the Jail, which was thought to be owned by the County. Mr. Kincaid has since offered to give that portion of land to the County if he were able to move the property line enough to keep the grape arbor. (2/757)

Surplus Property - Mr. McQueen submitted a request to declare the 1966 F-850 Fire Engine surplus. **Motion** by Commissioner Durden, seconded by Commissioner Tommy Langford, to declare the truck surplus. The motion carried unanimously. (2/824)

FAC Legislative Day - Mr. McQueen provided information concerning the upcoming FAC Legislative Day. It will be held on March 30, 2005.

Recognition of Darrell Miller for Heroic Act:

Chairman Gentry recognized Mr. Darrell Miller and presented him a plaque in recognition of his act of heroism. In a recent incident, Mr. Miller entered his neighbor's burning mobile home to find her and carry her out. Shortly after leaving the residence, it burned to the ground. His neighbor, Ms. Grace Dillon, was disabled and unable to escape on her own. Each of the Commissioner's thanked Mr. Miller for this selfless act. (2/896)

Public Hearing / Ordinance 05-03, Amendment to the County Code concerning Court Costs:

Chairman Gentry read the short title of Ordinance 05-03.

ORDINANCE 05-03

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GILCHRIST COUNTY, FLORIDA; AMENDING THE GILCHRIST COUNTY CODE BY DELETING SECTIONS PROVIDING FOR COURT COSTS NO LONGER AUTHORIZED BY STATE LAW; PROVIDING FOR INCLUSION IN THE GILCHRIST COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE

Mr. McPherson reviewed the proposed ordinance and explained that these amendments are due to the recent changes in Article V. A new set of court costs were authorized and adopted by the County.

This ordinance deletes those fees, which are no longer authorized by State Law. **Motion** by Commissioner Tommy Langford, seconded by Commissioner Thomas, to approve Ordinance 05-03. The motion carried unanimously. (2/970)

Robin Swartz:

Ms. Robin Swartz, President of the Dixie, Gilchrist, Levy Board of Realtors, appeared before the Board concerning the permitting of travel trailers and recreational vehicles. She asked the Board to reconsider the recent action to prohibit the permitting of recreational vehicles. She explained that many people have purchased property along the river for the purpose of spending vacations here and if they are unable to obtain permits for septic tanks and electric they will not be able to use the property.

Mr. McPherson advised that the Planning and Zoning Department has prepared proposed changes to the LDRs relating to this use and that it will come before the Board in the near future. The changes will regulate the permitting for recreational use and prohibit the permitting of travel trailers as a permanent use.

Commissioners' Reports:

Commissioner Sharon Langford told the Board that she has received a request to have stripes for a crosswalk placed on NW 10th Street by the Elementary School. Commissioner Durden stated that the Town of Bell is currently working with the School Board to try and alleviate this problem. He said that he would check with the Town Council at the next meeting to find out about the progress. (2/1035)

Public Hearing / Ordinance 05-01, Regulations for Sludge Disposal:

Chairman Gentry read the short title of Ordinance 05-01.

ORDINANCE 05-01

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GILCHRIST COUNTY, FLORIDA; ESTABLISHING THE REQUIREMENT FOR OBTAINING A SPECIAL PERMIT FOR DISPOSAL OF SLUDGE WITHIN GILCHRIST COUNTY; PROVIDING DEFINITIONS; PROVIDING PROCEDURES, STANDARDS AND CONDITIONS FOR ISSUANCE OF PERMITS; PROVIDING FOR ENFORCEMENT; PROVIDING INSTRUCTIONS TO THE CODIFIER; AND ESTABLISHING AN EFFECTIVE DATE.

Mr. McPherson explained that the proposed ordinance was drafted in consideration of the recent sludge disposal operation in the Waccasassa Flats. The operation was permitted by DEP but the conditions of the permit were not enforced. In this situation the County did not have the ability to enforce the conditions of the permit. However, the operation was found to be in violation of the Land Development Code.

Mr. McPherson recalled that the Board had asked him to bring back proposed requirements for permitting this use in addition to the permits issued by the Department of Environmental Protection and the Department of Health. The proposed ordinance provides special permit requirements for the land spreading of any domestic sludge. He recalled that one issue addressed in the workshop was that of existing uses. He pointed out the revisions made relating to existing uses.

14.15.3 Existing Uses. An existing landspread operation with a valid Department of Environmental Protection or Department of Health permit on the date of adoption of these regulations shall not be required to comply with the permitting requirements of these regulations. Provided, however, if the operation is expanded or re-located so that new DEP or DOH permitting is required, there shall at that time be compliance with the permitting requirements of these regulations.

Mr. McQueen told the Board that he met last week with a representative from DEP, Mr. Jerry Scarborough, SRWMD, and representatives from Suwannee County and Columbia, to discuss these issues. Mr. Scarborough recommended that the County hold a hearing for public input. Mr. Scarborough is in favor of the proposed ordinance but asks that the County proceed with hearings to obtain public comment but withhold action on the ordinance for at least 60 days in order to allow him to review it and provide a model ordinance for the surrounding counties.

Mr. Roy Smith, Smith's Septic Service, told the Board that for his business, he must obtain an annual operating permit each year from the Department of Health. Mr. Gerald Roberts, Suwannee Valley Precast, explained that for these two businesses, a permit from the Department of Environmental Protection is not required. Discussion was held concerning the fact that certain sludge operations would only fall under the permitting requirements of the Department of Health. Through this permit, the business owner is required to submit reports and the operation is inspected by DOH. It was suggested that the proposed ordinance be revised to require special permits only for those operations requiring a DEP permit. The Board asked Mr. McPherson to draft the revisions.

Public Hearing / Special Permit Application for Excavation, submitted by Barney Faircloth:

This application was submitted by Harrison Friese and Barney Faircloth requesting a special permit to allow an excavating and mining operation to be located on property within the SE ¼ of Section 10, Township 10 South, and Range 16 East.

Mr. Gene Parrish and Mr. Ron McQueen provided information concerning the application. Mr. McQueen explained that the purpose of the mining operation is to level the land, contour it and remove existing excess dirt in the hills.

The Planning and Zoning Board recommended approval subject to the following conditions:

- a. There shall be no below grade of excavation, leveling and contouring of hills shall conform with the natural grade of property. There will not be reclamation of the property.
- b. The special permit shall be limited to a period of eight (8) years;
- c. Operation hours for contouring and leveling activities shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, and 8:00 a.m. to 12:00 p.m. on Saturdays;

- d. No on-site storage of petroleum;
- e. Setbacks for the operation are to be measured from the boundary lines of property owned by the petitioner, not to include leased or any other property not in the name of the petitioner. Setbacks shall be 200 feet from the property line;
- f. Operation is limited to leveling and contouring of property only;
- g. A valid permit from the Suwannee River Water Management District for the operation must be obtained and include all acreage involved;
- h. Access for inspection shall be allowed for County, State, and Federal inspectors at all times.

Mr. Parrish pointed out that the property will be accessed at the NE corner from SE 70th Avenue (Waccasassa Rd.). On behalf of Mr. Faircloth, Mr. Parish asked that the hours of operation be amended to the “daylight” hours six (6) days per week. Mr. Parrish told the Board that he has inquired with Water Management and found that for the purpose of this operation the applicant is not required to obtain a permit from SRWMD. He stated that the applicant has also requested that they be permitted to haul the excess soil offsite. This would be a minimum of 30 loads per day. The applicant has also requested that the permit be extended to a 10 or 12 year time period.

Mr. McQueen commented that the special permit is required due to the fact the applicant will be removing the excess dirt off of the property and more than ½ acre will be excavated. He related that the Planning and Zoning Board had originally considered a 5-year permit; but decided to extend it to eight years. The Zoning Board recommends that an extension or modification be considered at a later date if the applicant complies with the permit in that period of time. He stated the Zoning Board recommended the limited hours of operation due to the proximity of residences and the right of those property owners to enjoy the use of their property after 5:00 p.m. and on the weekends.

Chairman Gentry called for public comment in favor of the application.

Mr. Charles Watson stated that he lives three (3) miles South of the location and that he considers the proposed operation an improvement to the property.

Mr. Barney Faircloth told the Board that he will be responsible for the excavating and that he intends to make sure he remains in compliance with the permit.

Chairman Gentry called for public comment in opposition to the application.

The Board heard comments from Mr. Bruce Thompson, Mr. Jerome Silcox, Mr. Kenneth Hudson and Mr. Bill Cox opposing the proposed permit. They expressed concern regarding the potential impact of the operation to SE 70th Avenue, which is already in disrepair. Mr. Thompson contended that with the number of trucks involved and with the hours of operation, this should be considered a mining operation and not an agricultural use.

Mr. Scott Tucker told the Board that he operates a farm directly across from the property and question and it is his opinion that there will be no more impact to the road than that of existing uses such as watermelons, tobacco crops, timber and bailing pine straw.

Mr. Rick Faircloth told the Board Mr. Barney Faircloth controls the property adjacent to the proposed site and that he had developed it and improved it. He stated that he intends to do the same to this property.

Commissioner Tommy Langford stated that his concern is the condition of SE 70th Avenue and the impact it will have on the residents. Commissioner Thomas commented that Mr. Faircloth, as a citizen of the County, should not be prevented from using his property in a way that will profit himself and his family.

Motion by Commissioner Durden, seconded by Commissioner Thomas, to accept the recommendation by the Planning and Zoning Board with a change to Section 2-B, from 8-years to 10-years and changing Section 3-A, changing the hours of operation to 8:00 a.m. to 5:00 p.m. Monday thru Friday except during daylight savings time which will be from 8:00 a.m. to 7:00 p.m. and from 8:00 a.m. until 3:00 p.m. on Saturday. Commissioner Durden referred to comments concerning the condition of SE 70th Avenue and stated that it is the responsibility of the County to take care of the roads and he recalled that construction of this road would be addressed during the upcoming budget process. The motion carried with Commissioner Tommy Langford voting “no.”

Mr. McPherson asked for direction from the Board concerning the Final Order. **Motion** by Commissioner Durden, seconded by Commissioner Thomas, to authorize the Chairman sign the final order upon review. Commissioner Tommy Langford stated that he had disagreed with approval because of the change to the hours of operation. The motion on the floor carried unanimously. (3/053)

Public Hearing / Ordinance 05-02, Sign Regulations:

Chairman Gentry read the short title of Ordinance 05-02.

ORDINANCE 05-02

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GILCHRIST COUNTY, FLORIDA; ESTABLISHING NEW SIGN REGULATIONS FOR UNINCORPORATED AREA OF THE COUNTY; PROVIDING DEFINITIONS AND EXEMPTIONS; PROVIDING FOR PROHIBITED, ALLOWABLE, AND TEMPORARY SIGNS; PROVIDING FOR PERMANENT ACCESSORY AND ADVERTISING SIGNS; ESTABLISHING SIZE, NUMBER, HEIGHT, LOCATION AND MEASUREMENT STANDARDS; REPEALING THE EXISTING SIGN REGULATIONS; PROVIDING INSTRUCTIONS TO THE CODIFIER; AND ESTABLISHING AN EFFECTIVE DATE.

Mr. McPherson reviewed and discussed the proposed ordinance; exempt signs, prohibited signs, temporary signs, permanent accessory signs and permanent outdoor advertising signs. **Motion** by Commissioner Durden, seconded by Commissioner Sharon Langford, to approve Ordinance 05-02 with a revision to 17.5.3, changing the maximum height of the sign from 10 feet to 12 feet. The motion carried unanimously. (3/1471)

Public Hearing / Special Permit Application for Use of County Right of Way, Florida Rock

Industries:

Mr. McQueen presented the Special Permit application submitted by Florida Rock to construct a gas pipeline along CR 232 from State Road 129 to the Alachua County Line. He pointed out that the permit would be the first for this type of use in the County. He stated that the proposed use would only serve a private entity; therefore, a determination needs to be made concerning compensation for the use of the right of way.

Mr. McPherson advised that he had met with Mr. Gilliam and Mr. McQueen to prepare a staff recommendation. He referred to a letter to Mr. Greg Tilden concerning the conditions of the proposed permit. The easement would be 10-foot wide by 12 mile long. He also provided a list of recommendations from Mr. Lee Mills, the County Engineer. Mr. McPherson said that initially the committee had recommended a payment of \$72,000 for for an easement through the right of way. Mr. Mills did not agree that the County should grant a property interest to Florida Rock. Mr. McPherson stated that he respects Mr. Mill's opinion considering the fact he has a lot of experience dealing with the problems that may be encountered with the right of way. Mr. Mills has recommended a monthly payment.

Mr. Greg Tilden, Golden Energy Services, consultant to Florida Rock Industries, addressed the Board concerning the permit application. The Board discussed issues with Mr. Tilden relating to the construction of the pipeline and the safety aspects. Discussion was also held concerning the question as to who would be responsible for the cost of moving it if it were necessary. Mr. Tilden stated that if the pipeline were abandoned it would then belong to the County. Commissioner Durden stated that he would want to include in the permit the stipulation that Florida Rock would be responsible for removing the pipeline should it be abandoned.

The Board questioned Mr. Tilden concerning the location of the pipeline within the right of way. Mr. Tilden explained that they would place it as far away from the pavement as possible but no closer than five feet to the edge. Mr. Mills had recommended that a width of five to seven feet be reserved for electric utilities.

Chairman Gentry called for public comment. Mr. Bruce Thompson told the Board that the fee of \$72,000 was far too low. The Board also heard comments from Ms. Stacy Hoyt, Mr. Charles Scott, Mr. Bruce Brown, Mr. Gary Haile, Mr. Alan Wilson and Mr. Roosevelt Stalvey concerning the location of the pipeline, the cost to the County and alternate routes.

Commissioner Durden referred to the recommendations submitted by Mr. Mills and stated that he agreed with items #4 through #15;

- #4 Issue an individual permit containing specific conditions relative to that particular installation.
- #5 Charge the permittee for on-site County inspection services to assure that the actual installation is completed in accordance with the approved permit.
- #6 Charge a reasonable user fee but do not accept payment for an easement.
- #7 Require permanent above ground markers for gas lines from which the installed utility can be located. This also serves to alert persons at the site to be aware of the

existing utility.

- #8 Require a locator wire along the entire length of the main to facilitate future location of the main.
- #9 Condition the permit to assure location services, timely emergency response, timely repairs, and cooperation with County and other utility company activities.
- #10 Condition the permit to prevent the permittee from selling or assigning the right of use without approval by the Board.
- #11 Condition the permit to limit the main to a single users installation as presented. Do not allow this installation to become a major transmission or distribution line at some future date without Board approval.
- #12 Condition the permit to limit the size of the main 4-inch or whatever is initially permitted.
- #13 Condition the permit to prevent other uses in conjunction with the permit. Do not allow for this use to develop into other utilities or expanded use without Board approval.
- #14 Condition the permit so that any change, upgrade, repair or alteration of any kind to the permitted installation requires approval by the Board.
- #15 Condition the permit so that if relocation of the utility becomes necessary, the utility owner at his sole expense will relocate the utility within a reasonable period of time to be determined by the Board at the time that relocation becomes necessary.

Motion by Commissioner Durden, seconded by Commissioner Tommy Langford, to direct Mr. McPherson to prepare a draft permit to include #4 through #15 as submitted by Mr. Mills and to include a \$10,000 permit fee, an annual fee of \$12,000 with a 1.5% annual increase, a condition that the pipeline be placed at least 10-feet from the edge of the right of way and a condition that the applicant will be responsible to remove the pipeline upon abandonment. The motion carried unanimously.

Public Hearing / Walker Estates, Minor Subdivision:

Mr. Gene Parrish, representing Mr. and Mrs. Owen Walker, presented the final plat for Walker Estates. The subdivision includes three (3) lots and is located ¼ mile East of HWY 47 on CR 340. The property also borders the East side by NE 44th Avenue.

Motion by Commissioner Durden, seconded by Commissioner Tommy Langford, to approve the final plat for Walker Estates. The motion carried unanimously.

Public Hearing / Easley Place, Minor Subdivision:

Mr. Gene Parish presented the final plat for Easley Place subdivision. He pointed out the subdivision

includes five (5) lots. It is located on CR 344. **Motion** by Commissioner Tommy Langford, seconded by Commissioner Durden, to approve the final plat for Easley Place Subdivision. The motion carried unanimously.

Commissioners' Reports (Cont.):

Commissioner Durden reported that he had attended the Bell Town Council meeting to discuss the impact fees.

Commissioner Durden reported that he had met with Mr. Michael Lamar, Trenton City Manager, Mr. Tim Kinsey, Ms. Sable Boling and an engineer to discuss the parking at Health Department. The engineer for the Health Department is going to draft a set of plans for review by the City Commission and the Board of County Commissioners.

Commissioner Tommy Langford advised that he had attended the recent SRWMD meeting in Live Oak. While there he talked with a representative with the Department of Transportation about the possibility of elevating a portion of CR 232. He was informed that this would not be possible.

Commissioner Tommy Langford reported that the committee for the Assisted Living Facility recently met and have made progress on the project.

Commissioner Tommy Langford suggested that the Board proceed with hiring a trainer for the fire departments. Mr. McQueen said that he would bring back a job description for the Board's review.

Commissioner Thomas reported that he had met with Mr. Polk who lives at Waters Lake. He indicated that they are satisfied with the work the Road Department has done in the area.

Mr. McQueen advised that an incident occurred the past evening in which there was unauthorized use of the fire channel. The transmission lasted approximately 18 minutes. The Sheriff's Office will be investigating the incident.

Old Business:

(None)

New Business:

(None)

Public Participation:

Mr. Ed McAlpin addressed the Board concerning SE 21st Terrace. He explained that since the flooding people have been using this road. Someone had told him that the Sheriff or one of the Sheriff's deputies had told them that the road was open to the public during the time the area was flooded. He asked if the road is open to the public, who is liable. Commissioner Durden told Mr.

McAlpin that the road had not been opened to the public by the County. Mr. McQueen affirmed that this road was not opened by the County.

There being no further business to discuss, Commissioner Tommy Langford moved to adjourn at 8:25 p.m. The motion was seconded by Commissioner Sharon Langford and carried.

APPROVED:

ATTEST:

Mitchell Gentry, Chairman

Joseph W. Gilliam, Clerk