

## **MINUTES OF A REGULAR MEETING OF THE GILCHRIST COUNTY BOARD OF COUNTY COMMISSIONERS HELD MARCH 2, 2009.**

The Gilchrist County Board of County Commissioners, in and for Gilchrist County Florida, convened in a **Regular Meeting** on Monday, March 2, 2009, at 1:30 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 Sharon Langford, Chair**  
**Commissioner D. Ray Harrison, Vice Chairman**  
**Commissioner Randy Durden**  
**Commissioner Tommy Langford**  
**Commissioner Kenrick Thomas**

### **Others in Attendance**

Joseph W. Gilliam, Clerk of Court; Patty McCagh, Board Secretary; Georgia Mills, Deputy Clerk, Finance; John K. McPherson, County Attorney; Ron McQueen, County Administrator; John Ayers, Gilchrist County Journal; Diane Rondolet, Code Enforcement; Julee Brideson, Administrative Assistant; Road Department - Justin Watson, Superintendent, Billy Cannon, Assistant Superintendent; Ron Mills, EM Chief; Taylor Brown, County Planning Director; David Lindsey, County MIS Director; Elizabeth Porter, Bailey Bishop & Lane; Robert Kerr, Fanning Springs City Council; GC Sheriff Daniel Slaughter; Diane Clifton, Joyce Ferrante, Harry tinker and Charles Campbell.

### **Call to Order**

Madam Chairman, Sharon Langford called the meeting to order at 1:31 p.m. with Commissioner D. Ray Harrison delivering the invocation and she led the pledge of allegiance.

### **Agenda Changes**

- Mr. Gilliam, Clerk of Court, presented the following agenda changes:
  1. Correction: On the Table of Contents Page; Call to Order was noted as 4:00 p.m. s-h-b 1:30 p.m.
  2. Addition: Inmate Hospital Invoices; Jerry Jackson, \$3,610.00 and James Hines \$1,454.20
  3. Addition: Dixie County Inmate Housing Invoice; January 2009, \$5,637.54
- Mr. Ron McQueen, County Administrator, presented the following agenda changes:
  1. Addition: Update on the Regional Water Authority and appoint a Commissioner to represent the Board on their committee
  2. Addition: Appointment of an additional member to the Visioning Committee

*Motion made by Commissioner Tommy Langford, seconded by Commissioner Randy Durden, to approve the Agenda with noted changes. Motion carried unanimously.*

**Consent Agenda**

- **Approval of Minutes**

Regular Meeting ..... February 02, 2009  
Regular Meeting ..... February 16, 2009

- **Approval of Bills**

Supplement to the Agenda Packet ..... February 2008

- **Budget Entries**

BE09-012, Fund 001, General Fund ..... \$29,282.00  
BE09-013, Fund 125, Courthouse Facilities ..... \$33,660.00  
BE09-014, Fund 410, EMS ..... \$ 5,000.00  
BE09-015, Fund 141, Transportation Impact ..... \$58,585.00  
BE09-016, Fund 140, Transportation ..... \$58,585.00

- **Request for Purchase Order Approval**

Wolfe Plumbing  
Gilchrist County Jail ..... \$5,845.00  
  
Wolfe Plumbing  
Gilchrist County Jail ..... \$ 845.00  
  
Bliss Products  
Hart Springs ..... \$11,900.00  
  
HD Supply  
Hart Springs ..... \$ 2,721.00

Mr. Gilliam addressed a change to be noted in the minutes from February 16, 2009, under the Attorney's Report...

*RFQ for Engineering Services: Mr. McPherson stated that there were six (6) responses. Staff recommends that the Board appoint a committee to review the responses. Recommendations for those to be appointed are Joe Gilliam-Clerk, Ron McQueen-County Administrator, John McPherson-County Attorney, Justin Watson-Road Department Superintendent, and Taylor Brown-Planning Director. The top three (3) will be brought back to the Board. The engineering firms will be asked to do a presentation and the Board will rank them accordingly to criteria determining the most qualified.*

The noted correction is as underlined:

*Motion made by Commissioner Tommy Langford, seconded by Commissioner Randy Durden, to approve the recommendation to appoint the Clerk, County Administrator, County Attorney, Planning Director and Road Department Superintendent as the RFQ Review Committee for Engineering Services. Motion carried unanimously.*

***Motion made by Commissioner Randy Durden, seconded by Commissioner Tommy Langford, to approve the Consent Agenda as presented with change on page 25, adding Taylor Brown, County Planning Director and Justin Watson, Road Department Superintendent to the motion made for RQ for Engineering Services. Motion carried unanimously.***

**County Administrator’s Report**

Mr. McQueen, County Administrator, presented the following documents, and/or addressed the following issues.

**Parks & Recreation**

- **Hart Springs Update:** Mr. McQueen stated that the FRDAP Grant projects are on schedule and the goal is to be finished by April 1<sup>st</sup> in order to submit the reimbursement request by April 30<sup>th</sup>.
- **Otter Springs Update:** Mr. McQueen stated that the deeds for the right-of-ways have been sent out and one has already been returned. Once all five (5) have been returned, road maintenance will be done and then bids for paving the Otter Springs Road will be advertised.

**CDBG Satisfaction of Mortgages:** Mr. McQueen presented a list of CDBG Satisfaction of Mortgages that is to be recorded. They are as follows:

1. Jackie Barron, Jr.	\$28,051.60
2. Ruby Cissell	\$29,293.40
3. Minnie Hodge	\$27,085.00
4. Sherryl Ridgeway	\$28,771.25
5. Wanda Vareika	\$28,620.10
6. R.T. Vaughn	\$25,037.30
7. Carl Wilkinson	\$22,809.30

Mr. McQueen requested that the Board approve and allow the Chairman to sign the Satisfaction of Mortgages.

***Motion made by Commissioner Tommy Langford, seconded by Commissioner D. Ray Harrison, to approve the noted list of individuals to receive a Satisfaction of Mortgage as part of their defer payment loan for the CDBG Program; satisfactions to be recorded in Gilchrist Counties Official Records. Motion carried unanimously.***

**Animal Control**

- **New Facility Update:** Mr. McQueen updated the Board on the progress of the new Animal Control Facility.

- Monthly Report: Mr. McQueen presented the Animal Control Monthly Report for February 2009 as well as the Year to Date report as submitted for the Boards information.

#### Solid Waste

- Toxic Waste Round-Up and Amnesty Days: Mr. McQueen addressed the issue of the upcoming events for the Solid Waste Department. On Saturday March 7, 2009, the Florida Department of Environmental Protection and the Gilchrist County Commission are sponsoring a project to collect, recycle, treat and properly dispose of Small Business and Household Hazardous Wastes. Also, the week of March 9-21, 2009, the Gilchrist County Solid Waste Department will be collecting tires & appliances (washers, dryers, refrigerators, freezers, stoves) free of charge. There will be no limit on appliances and a limit of FIVE (5) tires per person, per day; car and light truck tires ONLY. Appliances and Tires must be taken to the recycling center in Bell.

#### Road Department

- SW 56<sup>th</sup> Trail Update: Mr. McQueen stated that the contract for the paving of SW 56<sup>th</sup> Trail, between the County and V.E. Whitehurst & Sons, Inc., has been prepared and is ready for execution. He also stated that the County will accept a check from Mr. Reed, in the amount of \$32,631.00, paying for the cost of paving ½ mile on SW 56<sup>th</sup> Trail, at his expense, and the County will work with the Contractor.

***Motion made by Commissioner Tommy Langford, seconded by Commissioner Randy Durden, to approve the Contract with V.E. Whitehurst & Sons, Inc., and authorizing the Chairman to sign, upon the receipt of the check from Mr. Reed, in the amount of \$32,631.00, for the cost of paving ½ mile on SW 56<sup>th</sup> trail. Motion carried unanimously.***

#### Emergency Management

- Travel Request: Mr. Ron Mills addressed the Board requesting the approval for travel to attend the Governor's Hurricane Conference to be held on May10-15, 2009 and the FEPA Mid-Year Workshop to be held on July 29-31, 2009. In addition, the Board approved travel for Mr. McQueen to attend part of the Hurricane Conference.

***Motion made by Commissioner Tommy Langford, seconded by Commissioner D. Ray Harrison, to approve the Travel Request allowing Ron Mills to attend the Governor's Hurricane Conference and the FEPA Mid-Year Workshop; and Ron McQueen to attend part of the Hurricane Conference. Motion carried unanimously.***

#### Fire

- NAFECO; Request for Purchase Order Approval: Mr. McQueen presented a purchase order to NAFECO for six (6) sets of bunker gear, in the amount of \$7,880.00, for the Gilchrist County Fire Rescue.

***Motion made by Commissioner Kenrick Thomas, seconded by Commissioner Randy Durden, to approve the Purchase Order to NAFECO, in the amount of \$7,880.00.  
Motion carried unanimously.***

- Spring Ridge Fire Department, Station #3: Mr. McQueen presented a purchase order for Tim Fason Electric, in the amount of \$950.00, to install a 3 Phase Electric Connection, for griddle, at Spring Ridge Fire Department.

Mr. McQueen advised that the Fire Department wanted to convert from gas to electric. The gas griddle that they currently have is in need of repairs. It was questioned why the money that the Fire Department raises couldn't be used for the installation of the 3 phase electric connection. Discussion took place...

***Motion made by Commissioner Kenrick Thomas, seconded by Commissioner Tommy Langford to approve the Purchase Order for the installation of a 3 Phase Electric Connection, in the amount of \$950.00, to Tim Fason Electric, for the Spring Ridge Fire Department.***

Madam Chairman called for any further discussion...

It was also questioned who had bought/paid for the griddle. Mr. McQueen stated that the County had purchased the griddle (surplus equipment, in the amount of \$120.00). The Board was not aware of the County's purchase of the griddle because of the amount, which followed the County's Purchase Order Policy accordingly.

After discussion, Mr. McQueen suggested that this issue be deferred until the next meeting and have someone from Spring Ridge Fire Department be present for clarification.

**Commissioner Kenrick Thomas rescinded his motion and Commissioner Tommy Langford rescinded his second.**

Discussion continued...

**The Board took NO action on the Purchase Order for the 3 Phase Electric Connection at Spring Ridge Fire Department and agreed that Mr. McQueen should request that the Fire Department attend the March 16<sup>th</sup> meeting to clarify purchases and funding.**

Budget Discussion: Mr. McQueen stated that letters have been sent to the Constitutional Officers and Board Departments to request their present at the March 16<sup>th</sup> Board meeting to discuss current budget issues.

Code Enforcement: Mr. McQueen presented the Code Enforcement Report for the month of February, dated March 2, 2009, as submitted by Diane Rondolet, Code Enforcement Official. Ms. Rondolet was present to answer any questions or discuss any issues the Board may address. No Board action taken.

Regional Water Authority: Mr. McQueen addressed the issue of the need to appoint an elected official to represent the County and serve on the Nature Coast Regional Water Authority Committee. Commissioner Randy Durden had been nominated. Commissioner Durden accepted nomination.

*Motion made by Commissioner Tommy Langford, seconded by Commissioner Kenrick Thomas, to appoint Commissioner Randy Durden to serve on the Nature Coast Regional Water Authority Committee. Motion carried unanimously.*

Visioning Committee: Mr. McQueen addressed the issue of appointing another member to the Visioning Committee. Mr. Taylor Brown, County Planning Director, addressed the Board and requested that Ms. Diane Clifton be appointed to the Visioning Committee. Ms. Clifton has been working on the language and drafting of the report.

*Motion made by Commissioner Randy Durden, seconded by Commissioner D. Ray Harrison, to appoint Ms. Diane Clifton to the Visioning Committee. Motion carried unanimously.*

**2:18 p.m. - At this time, Mr. McQueen was excused to partake in a conference call.**

#### **Attorney's Report**

Mr. John McPherson, County Attorney, presented the following documents, and/or addressed the following issues.

Ordinance 2009-03; Imposition of Special Assessment District on New Subdivisions: Mr. McPherson stated that the ordinance has been set for a workshop at the first meeting in April.

Ordinance 2009-04; Noise Ordinance: Mr. McPherson stated that this ordinance is scheduled for a workshop to be held during this meeting at 5:15 p.m.

Resolution 2009-10: Mr. McPherson stated that he had discussed the issue of changing the Medicare rates with Linda Walker and it was decided that the best way to put this in our policies is to revise the rate table as noted by resolution. He stated that some EMS rates are determined by Medicare and some are local rates set by the County Commission. A revised resolution has been drafted reflecting these two kinds of rates. Madam Chairman read the Short title as follows:

#### **RESOLUTION 2009-10**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GILCHRIST COUNTY, FLORIDA; AMENDING FEES TO BE CHARGED BY THE COUNTY EMERGENCY MEDICAL SERVICES AS SET FORTH IN THE COUNTY POLICY MANUAL; AND ESTABLISHING AN EFFECTIVE DATE**

*Motion made by Commissioner Randy Durden, seconded by Commissioner Tommy Langford, to approve Resolution 2009-10 revising EMS fees charged by the County to reflect current Medicare rates. Motion carried unanimously.*

RFQ for Engineering Services: Mr. McPherson stated that the Engineering RFQ Committee had met this morning determining the three respondents to present to the Board. The three recommendations of the Committee are Bailey Bishop & Lane, Mittauer & Association, Inc., and TR Engineering. Mr. McPherson will notify the respondents with a date & time for them to address the Board with a 15-20 minute presentation of services at the April 6<sup>th</sup> meeting.

Saunders v. Gilchrist County: Mr. McPherson stated that this case is set for consideration in April by the appellate panel in Gainesville.

Gilchrist County v. Richard: Mr. McPherson stated that this issue was discussed during the Code Enforcement report.

FAC, etc. v. Conflict Counsels and Department of Revenue: Mr. McPherson stated that the State has appealed the Circuit Court ruling in favor of the Counties.

Currency on State Road 26: Mr. McPherson stated that Representative Debbie Boyd has agreed to help with the concurrency problem on State Road 26. The issue is that the state DOT has set a concurrency level of service “C” on State Road 26 and it is part of the State Intermodal System (SIS). Roads on the SIS are deemed to be especially important for moving goods and people around the state, and the Legislature gave DOT the authority to set high levels of service on these roads. The problem for Trenton, Bell and Gilchrist County is that SR 26 has not been four-laned, and there are no plans to do so over the next five years. Putting a level of service “C” on a two-laned road means that there is virtually no capacity available for new development.

Mr. McPherson stated that he had met with Jered Ottenwess (Trenton City Manager), Lowell Garrett (planner for Newberry), Taylor Brown (GC Planning Director), and Ron McQueen (GC Administrator) to come with some proposed legislation for Debbie Boyd to consider. Basically, it would waive the level of service requirements on SIS roads that are not four-laned, and which are not set for four-laning on the DOT’s five-year plan.

Proposal is as follows:

**Amendment to s. 163. 3180 (5) (b) 2 as set forth in the Community Renewal Act (changes reflected by double underlining):**

2. Local governments that do not qualify as dense urban land area as defined in s. 163.3164(5) A local government may grant an exception from the concurrency requirement for transportation facilities if the proposed development is otherwise consistent with the adopted local government comprehensive plan and is a project that promotes public transportation or is located within an area designated as a Rural Area of Critical Economic Concern or an area designated in the comprehensive plan for:

- a.1. Urban infill development;
- b.2. Urban redevelopment;
- c.3. Downtown revitalization;
- d.4. Urban infill and redevelopment under s. 1632517; or

e.5. An urban service area specifically designated as a transportation concurrency exception area....

f. An urban service area adopted pursuant to s. 163.3177(14) and s. 163.3184(17).

**Amendment to s. 163. 3180 (5) as set forth in the Community Renewal Act, adding a new (f):**

(f) Exception to Strategic Intermodal System Level of Service.–The Legislature recognizes that certain highways in the Strategic Intermodal System remain as two-lane highways with far less capacity than what will ultimately be required and constructed as part of the Strategic Intermodal System. The Legislature further recognizes that where FDOT imposes a high level of service on such two-lane highways, the result can be a virtual moratorium on development in the vicinity of the highway, especially where FDOT has not included improvements to the two-lane SIS highway in its five-year plan. Such virtual moratoriums unnecessarily restrict development in rural areas in direct contravention of state policy to promote rural economic development. Therefore, development shall be exempt from meeting level of service requirements on an SIS highway under the following circumstances: (1) The SIS highway is a two-lane highway, and (2) FDOT has not scheduled the addition of lanes within the first three years of the FDOT five-year schedule of improvements.

He stated that he has sent this proposed legislation to Debbie Boyd and she is going to let him know what the next step should be.

Newspaper Correction: Mr. McPherson clarified a newspaper paper article which stated that the County's response in the Blue Springs case, that Bill Ogle, from Gainesville, had worked on this case, but he didn't. It was strictly the County's response.

Out of Town: Mr. McPherson stated that he would not be present at the March 16<sup>th</sup> meeting. Patricia Carter, Attorney, will be filling in for him.

**Clerk's Report**

Mr. Joseph W. Gilliam, Clerk of Court, presented the following documents, and/or addressed the following issues.

Sever Quote: Mr. Gilliam presented two (2) quotes for servers. They are as follows:

1. SVIC Internet & Computers \$4,195.00
2. Systemax Dual Intel Xeon Processor \$4,599.98

Funds for this cost has been budgeted in General Revenue Fund 001, account number 53154.

***Motion made by Commissioner Randy Durden, seconded by Commissioner Tommy Langford, to approve the purchase of a server, in the amount of \$4,195.00, from SVIC Internet & Computers. Motion carried unanimously.***

Off-Site Electronic Data Storage: Mr. Gilliam presented a quote for off-site data storage, from SVIC Internet & Computers, in the amount of \$150.00 monthly, for housing electronic data server. Currently there is no off-site data storage.

***Motion made by Commissioner Randy Durden, seconded by Tommy Langford, to approve the off-site electronic data storage at SVIC Internet & Computers, in the amount of \$150.00 monthly. Motion carried unanimously.***

Fencing around Generators: Mr. Gilliam presented a quote, in the amount of \$3,772.00, from All Florida Enterprises, Inc., for the installation of approximately 80' of 8' white vinyl privacy fence, with concreted post, to go around the generators at the Week's Building.

Mr. Gilliam spoke with Jan Chesser, Court Administration; it was recommended that the cost for this project be funded out of Court Facilities. It was suggested that we reduce the amount of footage to a minimum need and receive more than one (1) quote from local vendors.

The Alexander Group, LLC: Mr. Gilliam presented Pay Request #14 from the Alexander Group, in the amount of \$18,842.44, for the Trenton EMS Station project.

***Motion made by Commissioner Tommy Langford, seconded by Commissioner Kenrick Thomas, to approve Pay Request #14, from the Alexander Group, in the amount of \$18,842.44. Motion carried unanimously.***

Library Grant: Mr. Gilliam presented the award of the State Aid to Libraries Grant, in the amount of \$41,901.00, for the Boards acceptance. He stated that the grant award represents a 12.48 percent reduction from the original grant amount, \$54,523.00 that the library qualified to receive in 2008-2009.

***Motion made by Commissioner Randy Durden, seconded by Commissioner Tommy Langford, to accept the State Aid to Libraries Grant, in the amount of \$41,901.00. Motion carried unanimously.***

PGIT (Preferred Governmental Insurance Trust): Mr. Gilliam presented the invoice for the Workers Compensation FINAL Audit Invoice, for 10/01/2007 through 10/01/2008, in the amount of \$51,770.00. This cost was adequately budgeted; no costs to come out of General Reserve.

***Motion made by Commissioner D. Ray Harrison, seconded by Commissioner Tommy Langford, to approve the PGIT Workers Compensation Premium, in the amount of \$51,770.00, FINAL Audit Invoice. Motion carried unanimously.***

RFP's for Insurance Consultants: Mr. Gilliam stated that he had prepared the RFP's for Insurance Consultants and had Mr. McQueen and Mr. McPherson review and comments. Corrections were made and are about ready to go out for bids; this will allow adequate time to have a consultant on board for the 09/10 budget process.

Insurance Reimbursement: Mr. Gilliam presented the insurance reimbursement, in the amount of \$144,167.00, for the CAT Motor Grader. He requested direction from the Board on which account to place these funds.

***Motion made by Commissioner Randy Durden, seconded by Commissioner D. Ray Harrison, to place the insurance reimbursement funds, in the amount of \$144,167.00, into General Revenue Reserve until the current budget review process is complete. Motion carried unanimously.***

Inmate Hospital Bill: Mr. Gilliam addressed the issue on the procedure of the payment process, of inmate hospital bills. At this time, the inmate hospital bill for Rebecca A. Blackerby, in the amount of \$30,365.25, was readdressed for payment. Mr. Gilliam discussed the fact that it may be beneficial to the Board to have someone review the hospital to verify that the charges are legitimate. Discussion took place...

Ms. Joyce Ferrante addressed the Board with information that she was able to find out about the hospital's compliance department working with individuals on verification of charges that were billed. She stated that the charges billed have to be documented in the patient's file, in order to be a *true* charge.

The Board had asked Ms. Ferrante if she would be interested in a contract position working with the hospital's compliance departments reviewing inmate hospital billing. This would help determine the County's responsibility in paying the bills.

***Motion made by Commissioner Tommy Langford, seconded by Commissioner Kenrick Thomas, to appoint Ms. Joyce Ferrante to review the inmate hospital bills (starting with the current unpaid bills and bills paid as far back as October 2008); and to hold off on paying all hospital bills until bills can be reviewed (including those being presented at this meeting). Motion carried unanimously.***

Ms. Ferrante to negotiate compensation for services rendered. Mr. Gilliam also had two (2) additional inmate hospital bills that he was to present as agenda changes, that will be part of those invoices being put off for payment until Ms. Ferrante's has reviewed.

Resolution 2009-11 & BE09-017: Mr. Gilliam presented Resolution 2009-11, Amending the General Fund Budget, whereas the GC Board of County Commissioners have received a grant award, in the amount of \$1,000.00, which represents the Edward Byrne Memorial Justice Assistance Grant award by the Department of Law Enforcement, for a BUTTON CAMERA; and BE09-017 increasing General Fund (001). Madam Chairman read the resolution for the record. The short title is as follows:

#### **RESOLUTION 2009-11**

#### **A RESOLUTION OF THE GILCHRIST COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE GENERAL FUND BUDGET**

***Motion made by Commissioner Tommy Langford, seconded by Commissioner Randy Durden, to approve Resolution 2009-11 & BE09-017 and to allow the Chairman to sign.***

Madam Chairman called for any discussion...none noted. ***Motion carried unanimously.***

Resolution 2009-12 & BE09-018: Mr. Gilliam presented Resolution 2009-12, Amending the Capital Projects Fund Budget, whereas the unanticipated need of additional funds in the amount of \$5,200.00 is needed to complete the Animal Control Facility project in the Fiscal Year 2008-2009; and BE09-018 increasing Capital Projects Fund Budget (301). Madam Chairman read the resolution for the record. The short title is as follows:

**RESOLUTION 2009-12**

**A RESOLUTION OF THE GILCHRIST COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE CAPITAL PROJECTS FUND BUDGET**

*Motion made by Commissioner Kenrick Thomas, seconded by Commissioner Tommy Langford, to approve Resolution 2009-12 & BE09-018 and to allow the Chairman to sign.*

Madam Chairman called for any discussion...

Discussion took place... *Motion carried 4-1 with Commissioner D. Ray Harrison voting NO.*

Resolution 2009-013 & BE09-019: Mr. Gilliam presented Resolution 2009-13, Amending the General Fund Budget, whereas the GC Board of County Commissioners have received notification of a grant award, in the amount of \$28,000.00, which represents the State Homeland Security Grant award by the State of Florida, Department of Community Affairs, for planning and training exercises for Emergency Management; and BE09-019 increasing General Fund (001). Madam Chairman read the resolution for the record. The short title is as follows:

**RESOLUTION 2009-13**

**A RESOLUTION OF THE GILCHRIST COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE GENERAL FUND BUDGET**

*Motion made by Commissioner D. Ray Harrison, seconded by Commissioner Tommy Langford, to approve Resolution 2009-13 & BE09-019; and to allow the Chairman to sign.*

Madam Chairman called for any discussion...none noted. *Motion carried unanimously.*

Resolution 2009-14 & BE09-020: Mr. Gilliam presented Resolution 2009-14, Amending the Capital Projects Fund Budget, whereas the receipt of unanticipated funds, in the amount of \$4,470.00, has been donated by the Animal Rescue Friends, for the Animal Control Facility project in Fiscal Year 2008-2009; and BE09-020 increasing the Capital Projects Fund (301). Madam Chairman read the resolution for the record. The short title is as follows:

**RESOLUTION 2009-14**

**A RESOLUTION OF THE GILCHRIST COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE CAPITAL PROJECTS FUND BUDGET**

*Motion made by Commissioner Randy Durden, seconded by Commissioner Kenrick Thomas, to approve Resolution 2009-14 and BE09-020; and to allow the Chairman to sign.*

Madam Chairman called for any discussion...none noted. **Motion carried unanimously.**

Clerk’s Agenda Change

- Dixie County Inmate Housing: Mr. Gilliam presented the Dixie County Inmate Housing Invoice for the month of January 2009, in the amount of \$5,637.54, for Board approval.

**Motion made Commissioner Kenrick Thomas, seconded by Commissioner Randy Durden, to approve the Dixie County Inmate invoice, in the amount of \$5,637.54, for the month of January, 2009. Motion carried unanimously.**

The meeting was moving forward and the Board agreed to move the 4:30 p.m. Time Certain up on the agenda.

3:36 p.m. Road Department Report

- Monthly Limerock Report: Mr. Justin Watson, Road Department Superintendent, presented the February 2009, Monthly Townsend Pit Limerock Report as follows:

			<u>Loads paid for out of Stock Pile</u>
District 1	15	Loads	00
District 2	74	Loads	24
District 3	72	Loads	03
District 4	20	Loads	00
District 5	15	Loads	00
Shop Stock Pile	51	Loads	00
Solid Waste (47)	<u>61</u>	<u>Loads</u>	<u>00</u>
Monthly Total	308	Loads	27 Loads

Compensation for the review of Inmate Hospital Bills: Ms. Joyce Ferrante addressed the Board with the negotiation of compensation for her time to review the inmate hospital bills as follows: for the first five (5) invoices reviewed she requested 15% of the recovered savings and 25% of the next five (5) invoices.

The Board agreed on this negotiation and directed the County Attorney to draft a contract for Ms. Ferrante’s services.

**Motion made by Commissioner Randy Durden, seconded by Commissioner Kenrick Thomas, to approve compensation of 15% for the first five (5) invoices and 25% for the next five (5) invoices, for Ms. Ferrante; and to direct the County Attorney to draft a contract for services. Motion carried unanimously.**

Commissioners Reports

- Commissioner Tommy Langford: Commissioner Langford inquired about the disconnection of the utilities at the Blue & Yellow houses. Mr. Gilliam stated that he had it disconnected and if it should come to the point to where it needs to be reconnected the reconnection fee would be \$40.00.

- Commissioner D. Ray Harrison, Jr.: Commissioner Harrison addressed the issue of the water retention pond on the Roberts Property being unsafe. Mr. Justin Watson, Road Department Superintendent informed the Board of the solution was to dig out clay and replace with fill dirt. Mr. McQueen stated that this project will be prioritized.

He also addressed the request from Kay Carlisle that a speed reduction be considered on SE 30<sup>th</sup>. The Board directed Mr. Watson to check out the road and see if it meets the County's criteria.

- Commissioner Randy Durden: None noted.
- Commissioner Kenrick Thomas: Commissioner Thomas addressed the issue of the request for the roads to be paved in Spring Ridge Subdivision as a Special Assessment project. Discussion took place on the consideration of the condition of the roads and if the improvement of the roads would be beneficial to the homeowners for the cost of the project for the life of the road.

It was recommended that test boring be done to determine if the base of the road will withstand the resurfacing. If the base is not up to standards causing the life of the road to only last 5-6 years it's not fair to the homeowners to pay twenty or so years for a road that only lasted a short amount of time.

***Motion made by Commissioner Kenrick Thomas, seconded by Commissioner Tommy Langford, that test boring be done on the road base, in Spring Ridge Subdivision, and that the cost for the testing be taken out of the Special Road Projects Fund.***

Discussion took place on the cost of the testing.

**Commissioner Kenrick Thomas rescinded his motion and Commissioner Tommy Langford rescinded his second.** Discussion continued...

The Board directed Mr. Watson to meet with the County Engineer and determine a cost and bring it back to the Board at the March 16<sup>th</sup> meeting.

In the meantime...Mr. McQueen had made a phone call to Mr. Lee Mills, County Engineer, inquiring about a cost. He stated that Mr. Mills quoted \$3,000-\$4,000 for boring and engineering services.

***Motion made by Commissioner Tommy Langford, seconded by Commissioner D. Ray Harrison, to approve up to \$5,000.00 for test boring, on the Spring Ridge roads, with cost to be funded out of Special Road Projects.***

Madam Chairman called for any further discussion...none noted.

***Motion carried unanimously.***

- Commissioner Sharon Langford: None noted.

**At this time, 4:03 p.m., the Board recessed until 5:15 p.m.**

**5:15 p.m. Time Certain**

- Ordinance 2009-04; Workshop on Noise Control: Mr. McPherson presented the Noise Ordinance 2009-04, for review with Sheriff Daniel Slaughter and the Board of County Commissioners.

Sheriff Slaughter addressed the Board with corrections he would like to be considered and concerns he had with the language drafted in the ordinance as presented.

After discussion and review of the draft that was presented, Mr. McPherson will take the noted corrections and bring back to the Board for further discussion.

The following proposed changes were noted; notations underlined are being added and those ~~struck through~~ are being ~~removed~~:

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**Sec. 38-120. Legislative findings.**

(b) The making, creating and maintenance of excessive, unnecessary, unnatural or unusually loud noises[, especially during the night,] which are prolonged, unusual and unnatural in their time, place and use, affect and are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the County.

**Sec. 38-121. Definitions.**

(b) "Noise" means any sound which annoys or disturbs humans ~~is unwanted~~ or which causes or tends to cause an adverse psychological or physiological effect on humans.

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(2) The person must have a direct line of sight and hearing to the source producing the sound or has taken other steps so that he or she can with assurance ~~readily~~ identify the source of the sound and the distance involved.

**Sec. 38-123. Specific noise prohibitions.**

The following acts, and the causing thereof, are declared to be a violation of this Article.

~~(a) The sounding of any horn or audible signaling device of a motor vehicle, boat, engine, machine, or stationary boiler, continuously or intermittently for a period in excess of 60 seconds, except as a danger or emergency warning.~~

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(c) Subject to the specific exception for domesticated farm animals set forth below, ~~the~~ owning, possessing or harboring of any animal or bird which frequently or continuously howls, barks, meows, squawks, or makes other sounds:

**Sec. 38-124. Exceptions.**

The following uses and activities shall be exempt from noise level regulations as herein described:

(a) [Any noise created between 6:00 a.m. and 11:00 p.m.]

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(c) Noises emanating from bona fide agricultural activities, including all noises made by domesticated farm animals ~~conducted on land with an agricultural designation on the property tax assessment rolls.~~

(f) Noise created by power tools, hand tools or other equipment used for construction, lawn maintenance, logging, or land clearing purposes ~~Construction operations for which building permits have been issued, or construction operations not requiring permits due to ownership of the project by an agency of government; providing all equipment is operated in accord with the manufacturers' specifications and with all standard equipment, manufacturers' mufflers and noise reducing equipment in use in proper operating condition.~~

(h) Noises from motor vehicles engaged in a professional or amateur sanctioned, competitive sports event ~~for which admission or an entry fee is charged~~, including practice or time trials for such event, and recreational use of motorbikes, ATVs and other such vehicles on private property.

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~~(1) Any person or persons, firm or corporation, or any agent thereof who violates any of the provisions of this Article shall upon conviction be guilty of a second degree misdemeanor offense punishable as provided for under F.S. §§ 775.082 and 775.083.~~

(1) This Article may be enforced by way of the Gilchrist County code enforcement procedures; provided, however, that the civil penalties to be imposed for violation of these noise regulations shall be as follows:

a.	<u>First offense:</u>	<u>\$100</u>
b.	<u>Second offense:</u>	<u>\$250</u>
c.	<u>Third offense:</u>	<u>\$350</u>
d.	<u>Each Additional offense:</u>	<u>\$500</u>

Madam Chairman called for Public Comments and three Concerned Citizens addressed the Board stated their issues and request the Board take them into consideration when it comes time to approve the ordinance.

**Old Business:** None noted.

**New Business:** None noted.

**Public Participation:** None noted.

**Adjourn:** With there being no further business, a motion was made by Commissioner Durden, seconded by Commissioner Thomas to adjourn the meeting. Motion carried unanimously. Madam Chairman adjourned at 6:39 p.m.

Board of County Commissioners  
Gilchrist County, Florida

Attest:

\_\_\_\_\_  
Sharon A. Langford, Chair

\_\_\_\_\_  
Joseph W. Gilliam, Clerk of Court