

## **MINUTES OF A REGULAR MEETING OF THE GILCHRIST COUNTY BOARD OF COUNTY COMMISSIONERS HELD MAY 18, 2009.**

The Gilchrist County Board of County Commissioners, in and for Gilchrist County Florida, convened in a **Regular Meeting** on Monday, May 18, 2009, at 4:00 p.m., in the Board of County Commissioners Meeting Room located at 210 South Main Street, Trenton, Florida, with the following members' present to-wit:

**Commissioner 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; Jacki Johnson, Director of Finance; John K. McPherson, County Attorney; Ron McQueen, County Administrator; John Ayers, Gilchrist County Journal; Diane Rondolet, Code Enforcement; Julee Brideson, Administrative Assistant; Nancy Nieman, Otter Springs Manager; Billy Cannon, Road Department Assistant Superintendent; Taylor Brown, County Planning Director;; Sheriff Daniel Slaughter; Karen Fisher, Animal Control; Joyce Ferrante; Mr. & Mrs. Richard Esseck; Gene Parrish, Parrish Land Surveying; Lindsay Smith; Elizabeth Battle; Penny Salisbury, ARF; Diana & Frank Chestelson; Tracy & Devin Swedenburg; Stacy Hoyt; Ted Burt; Robert Yarbrough, Michele Collier King, and Darren Stowe, Seminole Electric; and Ronnie & Margaret Hodge.

### **Call to Order**

Madam Chairman, Sharon Langford called the meeting to order at 4:03 p.m. with Commissioner Kenrick Thomas delivering the invocation and Commissioner Randy Durden led the pledge of allegiance.

### **Agenda Changes**

- Mr. Gilliam, Clerk of Court, presented the following agenda changes:
  1. Addition: Inmate Medical Plan
  2. Addition: Appoint VAB Members
  3. Addition: Ted Burt; BOCC Civil Judgment
- Mr. McQueen, County Administrator, presented the following agenda changes:
  1. Addition: Pine Ridge Plantation FINAL Plat Approval
  2. Addition: Public Safety; Workshop for Fire
  3. Addition: 911 Grant Update
- Mr. McPherson, County Attorney, presented the following agenda changes:
  1. Addition: His contract with the County
  2. Addition: Legislation Update
  3. Addition: Suwannee Oaks Subdivision – ROW Issue
  4. Addition: Engineering Contract approval and authorize signing

*Motion made by Commissioner Tommy Langford, seconded by Commissioner D. Ray Harrison, to approve the Agenda with noted changes. Motion carried unanimously.*

**Consent Agenda**

- **Approval of Minutes**

Regular Meeting ..... April 20, 2009  
Regular Meeting ..... May 04, 2009

- **Request for Payment Approval**

**Mills Engineering**

Invoice 2006051, Billing Period April 1 through April 30, 2009  
Resurfacing GCR 232 from SR 26 to SR 47 ..... \$17,686.18

Invoice 2007104, Billing Period April 1 through Aril 30, 2009  
Widen and Resurfacing GCR 313 from SR 26 to CR 344 ..... \$1,104.07

Invoice 2007105, Billing Period April 1 through April 30, 2009  
Widen and Resurfacing GCR 307 & 307A from SR 26 to US 129 .....\$3,461.84

Invoice 2008069, Billing Period April 1 through April 30, 2009  
Resurface SE 70th Avenue from SR 26 to SE 80th Place ..... \$1,366.90

**VE Whitehurst & Sons, Inc.**

Pay Estimate No. 2, Billing Period April 1 through April 30, 2009  
Gilchrist County SE 70th Avenue .....\$21,593.28

Pay Estimate No. 5, Billing Period April 1 through April 30, 2009  
Gilchrist County Road C-307 ..... \$76,966.15

**John C. Hipp Construction**

Request No. 3, for Supplemental Agreement #1  
Billing Period April 1 through April 30, 2009; 4ft Bike Path to be constructed  
Along GCR 344 from GCR 232 to Hart Springs Entrance .....\$3,584.26

**Art Walker Construction, Inc.**

Pay Request No. 10, Billing Period April 1 through April 30, 2009  
Gilchrist County Road No. C-232 ..... \$777,212.06

Commissioner Tommy Langford addressed a typo in the minutes of April 20, 2009, page 4 of agenda packet; the motion read *Motion made by Commissioner Randy Durden, seconded by Commissioner Tommy McQueen* ...correction to reflect changing McQueen to Langford.

*Motion made by Commissioner Randy Durden, seconded by Commissioner Kenrick Thomas, to approve the Consent Agenda as presented. Motion carried unanimously.*

## **County Administrator's Report**

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

Road Department - Letter of Resignation: Mr. McQueen presented the Letter of Resignation, from Justin Watson, Road Department Superintendent, for the Boards acceptance. Resignation will be effective as of May 18, 2009.

***Motion made by Commissioner Tommy Langford, seconded by Commissioner Kenrick Thomas, to accept the resignation of Justin Watson, Road Department Superintendent. Motion carried unanimously.***

Mr. McQueen recommended Billy Cannon, Assistant Superintendent, be appointed as Superintendent of the Road Department, giving him total responsibility and ability to pick someone to serve as his assistant. He suggested leaving the funding of the Assistant Superintendent position open and will get by with the number of people currently utilized; until budget issue are resolved.

Mr. McQueen also suggested that Mr. Cannon be moved up to level 25, increasing his salary to Supervisor pay, \$43,222.00. Discussion took place...

***Motion made by Commissioner Tommy Langford, seconded by Commissioner Randy Durden, to appoint Billy Cannon as Road Department Superintendent and follow the recommendation of the County Administrator to increase his salary, and to give him the authority to appoint someone as an Assistant/Foreman.***

**Commissioner Kenrick Thomas abstained from voting due to the fact that Billy Cannon is his brother in law.**

***Madam Chairman called for a vote...Motion carried 4-0.*** [See clarification of this action below]

**4:45 p.m. Time Certain; Elizabeth Battle:** Ms. Elizabeth Battle addressed the issue of a complaint about the nuisance of neighborhood dogs harassing her dogs and the concern for her safety.

**The Board directed Animal Control to follow procedures and monitor Ms. Battle's issue.**

## **County Administrator's Report continued...**

Animal Control – Letter of Resignation: Mr. McQueen presented the Letter of Resignation, from Lynn Watson, Animal Control Officer, for the Boards acceptance. Resignation is effective immediately.

***Motion made by Commissioner Randy Durden, seconded by Commissioner Kenrick Thomas, to accept the resignation from Lynn Watson, Animal Control Officer, effective immediately. Motion carried unanimously.***

Request for Credit Card: Mr. McQueen requested that Karen Fisher, Animal Control Officer, be added to the Credit Card Holder list, with a \$1,000.00 limit.

***Motion made by Commissioner D. Ray Harrison, seconded by Commissioner Randy Durden, to approve adding Karen Fisher, to the credit card holder list, with a \$1,000.00 limit. Motion carried unanimously.***

Mr. McQueen requested permission to advertise, for the Animal Control position, and work with Sharon Langford, Animal Control Committee Member, to define the position.

***Motion made by Commissioner Randy Durden, seconded by Commissioner Kenrick Thomas, to approve the request to advertise for the Animal Control position.***

Several concerned citizens, who are volunteers for the animal shelter and/or from the Animal Rescue Friends, addressed the Board with their concerns that it does take two full time animal control officers, to do the job. At this time, the Board agreed to allow Karen Fisher to act as Animal Control Supervisor.

Madam Chairman called for a vote...***Motion carried unanimously.***

#### **4:30 p.m. Time Certain; Road Department Report**

Repair Estimate on 2006 Mack Truck: Mr. Billy Cannon, Road Department Superintendent, presented a final repair estimate, from Nextran, on the 2006 Mack CT7133472 Dump Truck. Mr. Cannon brought back a detailed estimate, as directed by the Board at a previous meeting, for the cost of the complete breakdown on the Mack truck repairs, and reviewed for the Boards information. The estimate totaled \$9,377.43. The cost for repairs will be funded out of the Road Departments budget; Mr. Cannon to meet with Finance to determine what line item.

***Motion made by Commissioner Randy Durden, seconded by Commissioner Tommy Langford, to approve the estimate from Nextran, in the amount of \$9,377.43, for the repair of the 2006 Mack Dump Truck; funding will be out of the Road Departments budget. Motion carried unanimously.***

**Attorney's Agenda Change:** Suwannee Oaks Subdivision – ROW Issue: Mr. McPherson addressed the question on the dedication of the right of way issue, in Suwannee Oaks Subdivision. He stated that he, Gene Parrish and Billy Cannon went out to Suwannee Oaks Subdivision to determine the right of way line to be either 18' or 25'. Mr. McPherson stated that upon researching the said right-of-way, that it is so unlikely that that road will ever need to widened and that the existing feet is adequate for the width of the road, it is his recommendation that the County Commission direct him to prepare a document that will be recorded whereby the County makes is it known that the right of way will be recorded at the 18' line and not the 25' line, on NW 55<sup>th</sup> Avenue, in Suwannee Oaks Subdivision.

***Motion made by Commissioner Randy Durden, seconded by Commissioner D. Ray Harrison, to accept the recommendation of the County Attorney on Suwannee Oaks. Motion carried unanimously.***

**County Administrator's Report continued...**

Receipt of Letter of Appreciation: Mr. McQueen presented a Letter of Appreciation that he had received commending the excellent service provided by Billy Cannon to restore access on Rock Bluff N.W. 70<sup>th</sup> Way. Board information only; no action taken.

**Clerk's Agenda Change; Ted Burt; Civil Judgment:** Mr. Burt addressed the Board and stated that he is representing Sam Pittman in a real estate transaction. He presented the issue of a civil judgment that has been attached to the homestead property of Mr. Pittman that is being sold. Mr. Burt requested that the County Commission, who holds the lien, in the amount of \$445.00, to release this particular property.

Mr. McPherson was advised of this issue and has reviewed the civil judgment and stated that he is satisfied with the partial release of the property.

*Motion made by Commissioner Tommy Langford, seconded by Commissioner D. Ray Harrison, to approve the partial release on the homestead property of Sam Pittman and the Civil Judgment, in the amount of \$445.00; and authorize the Chairman to sign. Motion carried unanimously.*

**5:00 p.m. Time Certain; Adoption Hearing; Ordinance 2009-03, Subdivision Special Assessment:** Madam Chairman read the short title for the record as follows:

**ORDINANCE 2009-03**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GILCHRIST COUNTY, FLORIDA; AMENDING THE GILCHRIST COUNTY LAND DEVELOPMENT CODE; ADDING THE REQUIREMENT THAT PRIOR TO THE APPROVAL OF A NEW SUBDIVISION A SPECIAL ASSESSMENT DISTRICT SHALL BE CREATED TO COVER THE SUBDIVISION FOR THE PURPOSES OF COLLECTING PER-LOT ASSESSMENTS TO PAY FOR RE-PAVING OF ROADS AND REPLACING OR REPAIRING ASSOCIATED FACILITES; AND ESTABLISHING AN EFFECTIVE DATE.**

Madam Chairman stated that workshops and discussions have previously taken place on review of the ordinance.

Mr. McPherson commented that this is something new for the County and that he doesn't see any other way that the County is going to be able pay for the repaving of subdivision in 20-30 years when those roads start to give out.

Madam Chairman called for any public comment...none noted. Discussion continued...

*Motion made by Commissioner Kenrick Thomas, seconded by Commissioner D. Ray Harrison, to approve Ordinance 2009-03. Motion carried unanimously.*

**County Administrator's Report continued...**

Hart Springs; Letter of Resignation: Mr. McQueen presented the Letter of Resignation, from Mr. Terry Neenan, effective May 29, 2009. He also requested permission to advertise for replacement.

***Motion made by Commissioner Randy Durden, seconded by Commissioner Kenrick Thomas to accept the Letter of Resignation of Mr. Terry Neenan and allow the County Administrator to advertise for a replacement. Motion carried unanimously.***

EMS Account Write-Off's: Mr. McQueen presented the 2009 1<sup>st</sup> Quarter Write-Off's for the EMS Department as follows:

Collection Accounts	\$48,257.11
GSCO Inmates	\$ 1,700.50
Deceased Patients	<u>\$ 1,605.57</u>
Total	\$51,563.18

***Motion made by Commissioner Kenrick Thomas, seconded by Commissioner Randy Durden, to accept the EMS 1<sup>st</sup> Quarter Write-Off's as presented for 2009. Motion carried unanimously.***

Trenton EMS Site Dedication Plaque: Mr. McQueen presented a draft of the language that has been suggested for the Trenton EMS site dedication plaque. He stated that the cost of the plaque would be in the amount of \$1,033.00 and would be funded out of the EMS Budget.

***Motion made by Commissioner Kenrick Thomas, seconded by Commissioner Randy Durden, to approve the purchase of the dedication plaque, in the amount of \$1,033.00. Motion carried unanimously.***

Dedication date to be verified; Monday, June 15<sup>th</sup> at 2:00 p.m. was suggested.

Sheriff's Drainage Project: Mr. McQueen stated that this project has already been put out for bid and that James Wilkerson Construction was selected as low bidder, in the amount of \$173,946.07, and was awarded the job. He stated that we are waiting on two things, (1) the Department of Environmental Management Mitigation Grant has to send us a contract; Mr. McQueen stated that he doesn't feel comfortable moving forward without a contract from the DEM; and (2) that Mr. Wilkerson had contacted him and said that he has some spare time coming up before he moves to another project, that he would like to get this project out of the way.

Mr. McQueen stated that the reason that the project has been held up is that there were some additional expenses that we had incurred and the DEM is working on getting those expenses reimbursed under the new contract, approximately \$16,000.00.

Mr. McQueen made the recommendation that the Board approves entering into a contract with James Wilkerson Construction pending the commencement of work until the receipt of the contract from the DEM, on the Sheriff's Drainage Project. The contract is to be reviewed by the County Attorney, funding reviewed/approved by finance and authorizing the Chairman to sign.

*Motion made by Commissioner Randy Durden, Seconded by Commissioner Tommy Langford, to enter into contract with James Wilkerson Construction, pending the commencement of work until the receipt of contract from the DEM, the County Attorney's review of the contract, the funding reviewed/approved by Finance, and to allow the Chairman to sign. Motion carried unanimously.*

**5:15 Time Certain; Adoption Hearing for Ordinance 2009-06, Park Rules:** Madam Chairman read the short title as follows:

### **ORDINANCE 2009-06**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GILCHRIST COUNTY, FLORIDA; CREATING A NEW CHAPTER 64 OF THE GILCHRIST COUNTY CODE TO BE ENTITLED PARKS AND RECREATION; CREATING AN ARTICLE I OF THE NEW CHAPTER 64 SETTING FORTH GENERAL RULES FOR GILCHRIST COUNTY PARKS RELATING TO ENTRY AND RESERVATIONS, GENERAL USE REGULATIONS, CAMPING AND RECREATIONAL VEHICLES, SPECIAL USES, VEHICLES AND TRAFFIC, AND ENFORCEMENT; CREATING AN ARTICLE II OF THE NEW CHAPTER 64 SETTING FORTH REGULATIONS AND PROCEDURES FOR THE HART SPRINGS DIVING PROGRAM; REPEALING CONFLICTING RESOLUTIONS AND OTHER ACTIONS OF THE COUNTY COMMISSION; AND ESTABLISHING AN EFFECTIVE DATE**

Mr. McPherson stated that this ordinance will allow the new Chapter 64 reference all rules and regulations relating to parks and recreation in one place. Discussion took place...

*Motion made by Commissioner Randy Durden, seconded by Commissioner D. Ray Harrison, to approve Ordinance 2009-06.*

Mr. McPherson addressed the following correction to be made:

- page 3, item (g)...Subject to the requirements of Section 64.\*\*, (changing 64.\*\* to 64.6)

*Commissioner Durden included in the motion to reflect the noted change and to allow the Chairman to sign. Commissioner Harrison concurred. Madam Chairman called for a vote...Motion carried unanimously.*

**Fire; Workshop of County Fire Program:** Mr. McQueen presented a request from Chief Perez, for a workshop to be scheduled on the County Fire Program and equipment need. **The Board agreed to set June 15, 2009, as a workshop for the County Fire Program.**

**5:30 p.m. Time Certain: Transmittal Hearing on Application CPA 09-02 by Seminole Electric:** Mr. Taylor Brown, Planning Director - Gilchrist County Community Development Department, presented CPA 09-02, an application by Seminole Electric to Amend Text of Comprehensive Plan, Land Use Element, Public Use District, and Conservation Element.

Mr. Brown stated that Seminole Electric is requesting a major amendment to the Gilchrist County Comprehensive Plan in order to allow for a new land use designation of Public Land Use/Electric Power Generating Facility.

Mr. Robert Yarbrough, Senior Environmental Engineer with Seminole Electric, presented a power point presentation, reviewing the corporation's history, member systems, the proposed site in Gilchrist County, strategic planning considerations, what Seminole could bring to Gilchrist County and their commitment to the community. The floor then opened for discussion...

Madam Chairman called for any public participation...concerned citizens Mr. Ronnie Hodge, Ms. Joyce Ferrante, and Mr. Richard and Mrs. Leslie Esseck, all addressed the Boards with their concerns of the proposed issue. Madam Chairman called for the pleasure of the Board...

Mr. McPherson clarified that this transmission is an amendment to the Comprehensive Plan not to the Land Development Regulations.

***Motion made by Commissioner Randy Durden, seconded by Commissioner Kenrick Thomas, to transmit CPA 09-02 to the Department of Community Affairs.*** Madam Chairman called for any further public participation or discussion...none noted. ***Motion carried unanimously.***

### **Attorney's Report**

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

RFQ for Engineering Services: Mr. McPherson stated that he has received one of the three contracts, executed by the engineer firm and recommended that the Board authorize the Chairman to sign the contracts as they come in.

***Motion made by Commissioner Randy Durden, seconded by Commissioner Tommy Langford, to authorize the Chairman to sign the Engineering Contracts as they are received. Motion carried unanimously.***

Firing Range Insurance Issues: Mr. McPherson stated that he will follow up with the Sheriff on the list of users so that he can send a request for certificates of insurance.

Saunders v. Gilchrist County: Mr. McPherson stated that there is still no word yet whether Saunders will appeal to the District Court of Appeal.

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. No further activity.

Attorney's Agenda Changes; Resolution 2009-\*\*: Mr. McPherson presented a draft of a resolution opposing the enrolled House Bill 227 pertaining to Impact Fess. He reviewed the purpose of this resolution.

Mr. McPherson recommended that the Board adopt this resolution encouraging the Governor to veto the legislation and to allow the Chairman to sign; the draft was issued Resolution number 2009-22.

***Motion made by Commissioner Tommy Langford, seconded by Commissioner D. Ray Harrison, to approve Resolution 2009-22 and to allow the Chairman to sign. Motion carried unanimously.***

Attorney's Updated Contract: Mr. McPherson presented a renewal contract between himself and the County, in the amount of \$6,500.00 and recommended approval and the Chairman to be authorized to sign.

***Motion made by Commissioner Randy Durden, seconded by Commissioner Tommy Langford, to approve the Attorney's Contract, and allow the Chairman to sign. Motion carried unanimously.***

### **Clerk's Report**

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

Inmate Medical Bills Update: Mr. Gilliam presented an update on the inmate medical bill that was paid with a 15% discount. The bill on Inmate Corrao, in the amount of \$26,035.25, was satisfied for \$22,129.96. Ms. Ferrante is continuing to work with the collection departments at NFRMC and Shands on the auditing of medical bills.

Inmate Insurance Update: Mr. Gilliam updated the Board on the request for clarification on sections "A" & "E", under Schedule of Benefits. He stated that Mr. McPherson had received a satisfactory response and requested that the Board approve the Inmate Medical Benefit Plan and authorize the Chairman to sign.

Mr. Gilliam also addressed that issue of who should the contract be signed by, the Board or the Sheriff's office; it was agreed upon that the contract should be between the Board and the insurance group.

***Motion made by Commissioner Randy Durden seconded by Commissioner D. Ray Harrison, that the Inmate Benefit Plan should be between the Board and Hunt Insurance Group and authorize the Chairman to sign.***

Interest on County Funds: Mr. Gilliam addressed the issue of interest on county funds that are shared 50/50 between the Clerk and the Board. Senate Bill 2108 has legislation to where the interest goes strictly to the Board. Mr. Gilliam requested that the Board direct the County Attorney to draft an agreement that the interest on County funds are continued to be split between the Clerk and the Board.

***Motion made by Commissioner Randy Durden, seconded by Commissioner Kenrick Thomas, to instruct the County Attorney to draft an agreement that the interest on County funds are to be split between the Clerk and the Board. Motion carried unanimously.***

Verna Mae Eady's Resignation from Gilchrist County Development Authority and Pure Water Wilderness Board: Mr. Gilliam presented the Letter of Resignation from Ms. Verna Mae Eady, for her position on the Gilchrist County Development Authority and the Pure Water Wilderness Board. Commissioner Harrison will bring back recommendations for her replacement.

Appointment of VAB Members: Mr. Gilliam addressed the issue of the appointment of the 2009 Value Adjustment Board Members. Commissioners Tommy Langford and Kenrick Thomas were recommended to serve. The Board also selects a Citizen Member to serve as well. It was recommended to contact Mr. Gary Rexroat who served last year and see if he would accept.

***Motion made by Commissioner Randy Durden, seconded by Commissioner D. Ray Harrison, to appoint Tommy Langford and Kenrick Thomas to serve on the VAB and Gary Rexroat subject to his acceptance. Motion carried unanimously.***

Budget Recap & Revenue Reports: Mr. Gilliam and Ms. Jacki Johnson, Director of Finance, reviewed the Budget Recap for Fiscal Year 2009 and Revenue Reports through April 2009. Discussion only, no Board action required.

**Commissioners Reports:** None noted.

**County Attorney:** Mr. McPherson readdressed the issue of Billy Cannon being appointed and/or hired as the Road Department Superintendent. He stated that there are two (2) things that need to be taken into consideration, (1) under the county ordinances it is the County Administrator that actually would do this hiring, because he is a department head, subject to the confirmation of the County Commission; (2) clarification needs to be made on the hiring of Billy Cannon taking on the position of Road Department Superintendent.

Mr. McPherson suggested that the motion be reconsidered making it clear to reflect that the County Administrator has hired Billy Cannon as Road Department Superintendent, and has explained the budget changes, and that the Board confirms that hiring.

Mr. McQueen asked the Board to confirm his decision to hire Billy Cannon as Road Department Supervisor, and to make the adjustments necessary for him to occupy that position, including increasing his salary to the amount discussed earlier.

***Motion made by Commissioner Tommy Langford, seconded by Commissioner D. Ray Harrison, to confirm the hiring of Billy Cannon, as Road Department Supervisor, by the County Administrator. Motion carried unanimously.***

**Old Business:** None noted.

**New Business:** None noted.

**Public Participation:** The Board authorized the County Attorney to look at the water issue presented by Mr. Frank Chestelson and report back at next meeting.

**Adjourn:** With there being no further business, a motion was made by Commissioner Tommy Langford, seconded by Commissioner D. Ray Harrison, to adjourn. Motion carried unanimously. Madam Chairman adjourned at 7:18 p.m.

Approved:

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Sharon A. Langford, Chair  
Board of County Commissioners  
Gilchrist County, Florida

Attest:

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Joseph W. Gilliam, Clerk of Court