

**MINUTES OF A REGULAR MEETING OF THE GILCHRIST COUNTY BOARD OF COUNTY COMMISSIONERS HELD JULY 6, 2009.**

The Gilchrist County Board of County Commissioners, in and for Gilchrist County Florida, convened in a **Regular Meeting** on Monday, **July 6, 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 D. Ray Harrison, Vice Chairman**  
**Commissioner Randy Durden**  
**Commissioner Kenrick Thomas**

*Commissioner Sharon Langford, Chair and Commissioner Tommy Langford weren't present at this meeting.*

**Others in Attendance:** Joseph W. Gilliam, Clerk of Court; Jacki Johnson, Director of Finance; Patty McCagh, Board Secretary; John K. McPherson, County Attorney; Ron McQueen, County Administrator; John Ayers, Gilchrist County Journal; Diane Rondolet, Code Enforcement; Julee Brideson, Administrative Assistant; Taylor Brown, County Planning Director; Sheriff Daniel Slaughter; Nancy Nieman, Otter Springs Manager; Ron Mills, EM Chief; Carlos Perez, Fire Chief; Gail Garrard, Bailey Bishop & Lane; Russ Augspurg, Our Santa Fe River; Brenna Daniels, FSP, Suwannee River Wilderness Trails; Joyce Ferrante; Stanley Trumpp; and Harley Pfaffenberger.

**Call to Order:** Vice Chairman D. Ray Harrison called the meeting to order at 1:30 p.m. with County Administrator Ron McQueen delivering the invocation and Commissioner Kenrick Thomas led the pledge of allegiance.

**Agenda Changes**

- Mr. Gilliam, Clerk of Court, presented the following agenda changes:
  1. Addition: Set date for the first meeting of the month in September
- Mr. McQueen, County Administrator, presented the following agenda changes:
  1. Addition: Fire; Request to purchase plaque for Station 2
  2. Addition: Community Development; Request for Training
  3. Addition: Bell water line extension

***Motion made by Commissioner Randy Durden, seconded by Commissioner Kenrick Thomas, to approve the Agenda as presented, with noted changes. Motion carried 3-0.***

**Consent Agenda**

- **Budget Entries**

BE09-029, Fund 434, Solid Waste .....	\$ 1,000.00
BE09-030, Fund 140, Transportation .....	\$40,000.00
BE09-031, Fund 001, General Fund .....	\$23,826.00
- **Approval of Minutes**

Regular Meeting .....	June 15, 2009
-----------------------	---------------

- **Approval of Bills**

May 2009 (on file in the Clerk’s Office)

- **Request for Payment Approval**

**V.E. Whitehurst & Sons, Inc.**

Invoice 9351; SW 56th Trail ..... \$32,631.01

**Dixie County Inmate Housing**

May 2009 ..... \$ 3,481.53

*Motion made by Commissioner Kenrick Thomas, seconded by Commissioner Randy Durden, to approve the Consent Agenda as presented. Motion carried 3-0.*

**County Administrator’s Report**

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

**Emergency Management**

- **Request to declare inventory items “surplus”:** Mr. McQueen presented a request from EM Chief, Ron Mills that the following items as surplus:

1. Asset #2421 Satellite Phone/Base Radio
2. Asset #2420 Satellite Phone/2x Radio with case
3. Asset #2422 Satellite Phone/Mobile Antenna with bag

Mr. McQueen stated that upon the Boards approval to declare the items requested as surplus, that they be donated to Dixie County Emergency Services who still utilizes this type of equipment.

*Motion made by Commissioner Randy Durden, seconded by Commissioner Kenrick Thomas, to declare the noted items as surplus and to allow the items to be donated to Dixie County Emergency Management Services. Motion carried 3-0.*

- **FEMA Final Project Worksheets:** Mr. McQueen presented copy of the FEMA Project Worksheets for the Boards information identifying scope of work and costs. These worksheets were requested by the Board at the last meeting; informational purposes only.

Mr. McQueen stated that he would like for the Hart Springs projects to be bid out by obtaining the services of an engineering firm to do so. He had requested a proposal from TR Engineering LLC who had previously done structural engineering on existing projects at Hart Springs. The services requested will include providing design services and prepare bid documents for the repair of the following as described within the FEMA Project Worksheets: Boardwalk and Pedestrian Bridge, Guard House, Seawall Repair, and Sprinkler Irrigation Control Room.

The proposal received from TR Engineering quoted that the total fee for the above noted services would not exceed \$4,480.00.

***Motion made by Commissioner Kenrick Thomas, seconded by Commissioner Randy Durden, to approve the proposal from TR Engineering LLC, in the amount of \$4,480.00. Motion carried 3-0.***

- EMPG Base Grant Funding Agreement: Mr. McQueen presented a request from Ron Mills, EM Chief, that the Board accept the EMPG, Emergency Management Performance Grant, in the amount of \$27,566.00, and authorize the Chairman to sign.

***Motion made by Commissioner Randy Durden, seconded by Commissioner Kenrick Thomas, to accept the EMPG, in the amount of \$27,566.00 and authorize the Chairman to sign. Motion carried 3-0.***

- EMPG Closeout 2009: Mr. Ron Mills, EM Chief, presented the Closeout of the 2009 Emergency Management Performance Grant by requesting purchase order approvals in order to complete the '09 grant and comply with the State "Scope of Work" for this department. The purchase order requests are as follows:
  1. The Management Experts, in the amount of \$4,500.00, for technical assistance for Comprehensive EM Plan
  2. The Management Experts, in the amount of \$7,450.00, for update of Comprehensive EM Plan
  3. The Management Experts, in the amount of \$2,747.50, to complete and update annual State shelter status report

Mr. Mills stated that he followed procedure in seeking proposals and has these documents on file. Mr. Mills requested that three separate purchase orders be approved.

***Motion made by Commissioner Randy Durden, seconded by Commissioner Kenrick Thomas, to approve the Closeout of the EMPG 2009, Scope of Work; three separate purchase orders to The Management Experts, in the amounts of \$4,500.00, \$7,450.00 and \$2,747.50, providing the receipt of quotes received (separated by project as to following policy/procedure). Motion carried 3-0.***

#### Fire

- Proposal for furnishing Fire Apparatus: Chief Perez stated that the engine at North Gilchrist, Station 2, broke down so it was taken out of service. The spare engine used for training was able to be fully equipped and put into service. He made a recommendation to Mr. McQueen that the engine that broke down should be declared as surplus. He stated that the training engine will be utilized until the new Pumper Tanker arrives and training is complete.

He recommended that only the two Pumpers be financed, not the loose equipment. The funding for the cost of the purchases, the Pumper, \$206,890.00 and loose equipment, \$8,408.90, was discussed. Mr. Gilliam suggested that a debt service be considered for the \$206,890.00 and pay cash for the \$8,408.90.

Mr. McQueen advised that the Board has approved the purchase out of this year budget, from State Contract, one (1) Pumper and recommended that we wait on the purchase of the additional Pumper and Brush Truck and discuss during FY 09/10 Budget Process.

*Motion made by Commissioner Randy Durden, seconded by Commissioner Kenrick Thomas, to approve the \$8,408.90, for the additional loose equipment to go on the Fire Pumper being purchased, costs to be paid by cash. Motion carried 3-0.*

*Motion made by Commissioner Randy Durden, seconded by Commissioner Kenrick Thomas, to allow Finance to go out for bids on financing the \$206,712.00 for the 3,000 gal Pumper Tanker. Motion carried 3-0.*

- Purchase Order Approval; Hugh's Concrete & Masonry: Mr. McQueen presented a purchase order to Hughes Concrete, in the amount of \$1,804.00, for concrete slab work to place connex boxes on. Discussion took place...

**The Board directed Chief Perez to bring back another solution other than a concrete slab.**

- Purchase Order Approval; Team Equipment: Chief Perez presented a purchase order to Team Equipment for Hurst *Jaws of Life*, for vehicle extrication, in the amount of \$24,310.00. Chief Perez stated that Team Equipment is Sole Source for the state of Florida and has provided a letter from Hurst confirming such. Discussion took place...

*Motion made by Commissioner Randy Durden, seconded by Commissioner Kenrick Thomas to approve the purchase of Hurst Jaws of Life, from Team Equipment, as Sole Source, in the amount of \$24,310.00. Motion carried 3-0.*

- Request to purchase plaque for Station 2: Chief Perez requested the Boards approval for the purchase of a plaque for Station 2, in the amount of \$585.00, in honor of Clarence Feagle, Bud Riffle, David C. Strom and David W. Strom.

*Motion made by Commissioner Randy Durden, seconded by Commissioner Kenrick Thomas, to approve the purchase of a dedication plaque for Station 2, in the amount of \$585.00. Motion carried 3-0.*

First Meeting in September: Mr. Gilliam addressed the issue of the date for the first meeting in September being that the first Monday of the month is a holiday. Discussion took place... It had been suggested that the first meeting of the month on Thursday, September 10, 2009, at 1:30 p.m.

*Motion made by Commissioner Randy Durden, seconded by Commissioner Kenrick Thomas, to approve setting the first meeting of the month in September for Thursday, the 10<sup>th</sup>, at 1:30 p.m. due to the fact that the first Monday of the month is a holiday. Motion carried 3-0.*

#### Animal Control

- Termination by the City of Trenton of its membership in the Animal Control Interlocal Agreement: Mr. McQueen addressed the issue of the receipt of the letter received from the City of Trenton, terminating its membership in the Gilchrist County Animal Control pursuant to the Interlocal Agreement date July 21, 2008.

Mr. McQueen stated that the letter raised some issues on certain services to be continued by the County. He stated that the City has an Animal Control Ordinance and well as does the County.

Commissioner Durden suggested that Mr. McQueen, the County Attorney, and Commissioner Sharon Langford, if available, if not he would be, review the County's Animal Control Ordinance looking for any conflicts; what is noted and what services are actually to be done. Mr. McQueen stated that our ordinance will have to be changed.

Mr. McPherson stated that he will bring a letter back to the next meeting in response to the City of Trenton's letter.

**The Board approved the County Administrator and County Attorney to review the county Animal Control ordinance and respond to the City of Trenton's letter; the County Attorney will bring back a letter for the Boards review.**

- Monthly Report, July 2009: Mr. McQueen presented as, an *additional handout*, the Animal Control Monthly report for July 2009, for the Boards information.

#### Code Enforcement

- Monthly Report: Mr. McQueen presented the Monthly Code Enforcement Report, for July 2009, as submitted by Ms. Diane Rondolet, Code Enforcement Official; for the Boards information.

#### S.H.I.P.

- Florida Housing Coalition Conference: Mr. McQueen presented the request for permission to attend the Florida Housing Coalition Conference, in Orlando, on September 21, 22 and 23, 2009.

***Motion made by Commissioner Randy Durden, seconded by Commissioner Kenrick Thomas, to approve travel for the County Administrator to attend the Florida Housing Coalition Conference, in Orlando. Motion carried 3-0.***

Senior Center Update: Mr. McQueen presented a budget update on the Senior Citizen Center project. He reviewed the current budget status and completion dates. He also stated that after consulting with the contractor on completing the project by December and within budget it was found that the building needed to be moved, due to elevation changes. A meeting was held with the attendance of Joe Gilliam, Jacki Johnson, Phil Bishop, Clint Durrance and Mr. Tillis and himself to review what the options were. Suggestions were made and the plan to help bring this project into budget was to relocate the building about another 100-150' feet to raise the elevation. To do this the County would have to deed an additional ½ acre.

The handout provided by Mr. McQueen for the Senior Center Budget, \$4,000.00 was noted for Bailey Bishop & Lane; have not received final quote for additional services – this is an estimate. Mr. Gilliam explained the additional costs to be incurred by Bailey Bishop & Lane by having to move the building. Discussion took place...

***Motion made by Commissioner Randy Durden, seconded by Commissioner Kenrick Thomas, to approve the County donating up to an additional ½ acre to resolve elevation issue on the Senior Center project. Motion carried 3-0.***

Building & Zoning

- Request for Wavier of Fee: Mr. McQueen presented a request made by Mr. Stanley Trumpp that the \$450.00 permit fee be waived. Mr. Trumpp had let his permits expire and wished to reapply for new ones. Mr. McQueen stated because so much time has gone by that before the permits could be reactivated it would have to be signed off on that it has been zoned for the purpose in which intended for use. Because Mr. Trumpp's original permit, for the gun shop, was essentially grandfathered in, the use is now discontinued/invalid because of the time that has lapsed. At this time, Mr. Trumpp is applying for a special use permit and is going through the Planning & Zoning process and request that the special use permit fee be waived due to hardship. Discussion took place...

Mr. Trumpp addressed the Board and explained his hardship situation. After discussion took place, the Board asked Mr. Trumpp if a payment plan would benefit him in his current situation because they could not satisfy his request to waive the fee. They Board was willing to allow him to make payments as long as the payment in full, \$450.00, was paid in full within twelve (12) months. Mr. Trumpp agreed.

***Motion made by Commissioner Randy Durden, seconded by Commissioner Kenrick Thomas, to approve the establishment of a payment plan allowing Mr. Trumpp to pay the permit fee, in the amount of \$450.00, in monthly payments, for twelve months. Motion carried 3-0.***

Other Buildings; Maintenance

- Quote on a Replacement Truck: Mr. McQueen presented a quote on a replacement truck for the Maintenance Truck that was stolen. Mr. McQueen presented a quote obtained from Duval Ford, for a truck that is on State Contract. He had contacted Finance and funds are available in the Other Buildings budget including the funds to be received from the insurance not having to finance this purchase. The quote received from Duval Ford was for an F-350 Pickup, in the amount of \$31,168.08, which is on State Contract.

***Motion made by Commissioner Randy Durden, seconded by Commissioner Kenrick Thomas, to approve the purchase of a Ford F-350 Pickup from Duval Ford, in the amount of \$31,168.08, costs to be funded out of Other Building and Insurance Funds. Motion carried 3-0.***

Gale Saunders Letter: Mr. McQueen provided for the Boards information, a copy of the letter that was sent to Ms. Gail Saunders pertaining to her Pole Barn Permit Application. Ms. Saunders was instructed to submit the application and supporting documents no later than July 16, 2009. Failure to do so may result in further code enforcement or legal proceedings. No Board action required; informational purposes only.

Support Letter from Senator Nelson: Mr. McQueen presented a copy of the letter of support from Senator Nelson in reference to 2009 Assistance to Firefighter Grant. Informational purposes only, no Board action required.

Pure Water Wilderness: Mr. McQueen provided a Press Release on the PWW 1<sup>st</sup> Annual Suwannee River Cleanup Event that took place on Saturday, June 27, 2009. He stated that the event was very successful. Informational purposes only, no Board action required.

Tourism Summit Meeting: Mr. McQueen addressed the issue of the up and coming Tourism Summit Meeting to be held in the conference center of the Pine Grove Baptist Church on SR 339 between Trenton and Bronson. This summit is put on by the Pure Water Wilderness Chamber Coalition. All Commissioners are invited to attend, interested parties contact Julee Brideson.

Community Development: Taylor Brown presented information on an up coming training exercise for Rural Planners. This will be a one (1) day training exercise, on October 23, 2009, @ \$50.00 per person. The training exercise is geared toward that of County Commissioners and/or Planning & zoning Board Members of Rural County Planning; the place and time to be determined. Interested parties are to contact Taylor Brown, GC Planning Director.

Bell Waterline Extension: Mr. McQueen announced that the Bell Waterline Extension is in and is pressurized. We are waiting on the receipt of the bacteriological clearance tests which the Health Department is running for us and we do not anticipate any problems. No Board action required.

Florida State Service Council Meeting: Mr. McQueen requested permission to be allowed to attend the Florida Fire Chief Conference/State Service Council Meeting, on Saturday, a weekend session only.

***Motion made by Commissioner Randy Durden, seconded by Commissioner Kenrick Thomas, to approve Mr. McQueen to attend the Florida Fire Chiefs Conference. Motion carried 3-0.***

### **Attorney's Report**

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

Ordinance 2009-\*\*: Family Lots and Dry Pipes: Mr. McPherson stated that this ordinance will be brought before the Planning Commission meeting in July, and then to the County Commission in August. In the meantime, the Planning Department is following the stated County policy of not requiring agricultural classification for family lot splits.

Ordinance 2009-\*\*: Suspension and Debarment of Vendors: Mr. McPherson stated that he was asked to research methods for excluding contractors who have performed poorly on county contracts from bidding on future projects. He found that many counties have a suspension and debarment procedure to deal with such situations. He presented a draft ordinance for you're the Boards review.

Mr. McQueen stated that this came about from a recommendation from Mills Engineering, Lee Mills, County Engineer, particularly in dealing with road contractors.

Mr. McQueen suggested that before the Board takes action on the ordinance that Mr. Mills be provided a copy for his comments. Mr. McPherson to report back on Mr. Mills comments at the next meeting.

Resolution 2009-25: Interest on Accounts Held by Clerk: Mr. McPherson stated that this is the resolution that the Board asked him to prepare relating to the intent of Board with regard to the interest earned on accounts held by the Clerk. Vice Chairman Harrison read the short title as follows:

**RESOLUTION 2009-25**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GILCHRIST COUNTY, FLORIDA; EXPRESSING THE INTENT OF THE COMMISSION WITH REGARD TO INTEREST EARNED ON MONEYS DEPOSITED WITH THE CLERK OF THE COURT; AND ESTABLISHING AN EFFECTIVE DATE**

***Motion made by Commissioner Randy Durden, seconded by Commissioner Kenrick Thomas to approve Resolution 2009-25. Motion carried 3-0.***

Firing Range Insurance Issues: Mr. McPherson stated that in addition to the medical coverage for members, Gilchrist County 4-H has liability coverage in the amounts of \$100,000 per person/\$200,000 per event. He presented the certificates of insurance they provided and although this is less coverage than the County usually requires, he stated that it does provide some coverage between an injured party and the County. He also stated given that this organization is non-profit and its use of the gun range provides a public benefit, he thought it would be reasonable for the Board to accept this level of insurance. Discussion took place... Sheriff Slaughter was also present during discussion.

***Motion made by Commissioner Kenrick Thomas, seconded by Commissioner Randy Durden to approve the Gilchrist County 4-H liability coverage in the amounts of \$100,000 per person/\$200,000 per event, for the use of the GCSO firing range. Motion carried 3-0.***

Request for Attorney General Opinion on Code Enforcement Issue: Mr. McPherson provided a copy of the Attorney General's opinion, and a letter he wrote to Virginia Delegal, general counsel for the Florida Association of Counties, asking for her comments on the opinion. The letter sets out in detail his view that the Attorney General's opinion is flawed. The following are concerns of Mr. McPherson:

- Section 18, Article I, of the Florida Constitution, provides that “[n]o administrative agency...shall impose a sentence of imprisonment, nor shall it impose any other penalty except as provided by law.”
- According to the Attorney General in his opinion to Gilchrist County, a county commission is an “administrative agency” for purposes of Section 18, Article I, and thus may not impose any penalties, criminal or otherwise, unless such penalty is specifically authorized by the state legislature.
- No court has ever held that a county commission is an administrative agency for purposes of this article. A previous Attorney General Opinion specifically held that county and city commissions are not administrative agencies for purposes of this constitutional provision; they are legislative.
- Virtually all city and county codes contain numerous provisions imposing penalties that are not specifically authorized by state statute. Gilchrist County just passed a noise ordinance with such penalties. All of these penalty provisions would be rendered unconstitutional if the Attorney General's opinion is a correct statement of the law.

Mr. McPherson stated that for now, he recommends that the County not try to enforce the penalty provision that the Attorney General says is unconstitutional. But he is going to continue seeking input from others as to whether the Attorney General's opinion is a correct statement of the law.

Waccasassa Road Encroachments: Mr. McPherson stated that he had sent the letters to the lot owners asking that no further encroachments be placed in the county right of way.

Saunders v. Gilchrist County: Mr. McPherson stated that the building department has made a demand on Ms. Saunders to apply for a building permit by a date certain.

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.

### **Constitutional Officers**

Sheriff Slaughter addressed the issue of the expired contract for inmate phone service. He stated that he has received a proposal for a new contract and he will forward it to the County Attorney for his review.

### **Clerk's Report**

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

Replacement truck for Road Department (Inmate Crew): Mr. Gilliam presented a purchase order to Santa Fe Ford, in the amount of \$22,516.75, for a 2009 Ford F-150 Super Crew Truck. This new truck would be replacing the truck that was involved in an accident. This truck was used by the Road Department to transport the Inmate Crew.

Mr. Gilliam explained that at the time of need to purchase a new truck the County Administrator and Commissioners were at a Conference. Mr. Gilliam followed policy procedure on acquiring quotes and then contacted Mr. McQueen and Chairman Langford, by phone, to obtain approval for the purchase of a new truck.

Mr. Gilliam suggested that the cost for the purchase of the new truck will be funded out of General Revenue Reserve and that the funds received from FEMA and Insurance Funds would replace the funds used out of General Revenue Reserve.

***Motion made by Commissioner Randy Durden, seconded by Commissioner Kenrick Thomas to approve the purchase of a Ford F-150 Super Crew truck, in the amount of \$22,516.75, from Santa Fe Ford, for use by the Road Department to transport Inmate Crew, and to accept the Clerks recommendation on funding. Motion carried 3-0.***

Proposed FY 09/10 Budget; Extension of Time for Tax Roll: Mr. Gilliam addressed the issue of the FY 09/10 Budget.

Ms. Jacki Johnson, Director of Finance, passed out a copy of the proposed FY 09/10 budget for the Boards review. Mr. Gilliam reviewed the make up of the presented budget. He also explained the reason of the time extension for the assessment rolls. Discussion took place... No Board action taken at this time.

VAB Alternate Member for BOCC: Mr. Gilliam addressed the need for the Board to appoint an alternate member to serve on the Value Adjustment Board. Commissioner Harrison was nominated as the alternate member for the VAB.

***Motion made by Commissioner Kenrick Thomas, seconded by Commissioner Randy Durden to appoint Commissioner D. Ray Harrison as the Alternate VAB member. Motion carried 3-0.***

Budget Recap: Mr. Gilliam presented the budget recap as of date.

Nature Coast Regional Water Authority: Mr. Gilliam presented, for the Boards information that the Nature Coast Regional Water Authority has been established as special district (without taxing authority) with the Special District Information Program by Interlocal Agreement pursuant to Section 163.01, F.S.

Commissioner Durden stated that he had provided finance with the request for payment, in the amount of \$5,000.00 to the Nature Coast Regional Water Authority, for one-time assessments.

American Cancer Society - Relay for Life; Request for the use of the Boardroom: Mr. Gilliam addressed the issue of requests for the use of the GC Board of County Commissioners Meeting Facility. The Boardroom is not one of the buildings on the list of county buildings for rent. Discussion took place...

**The Board decided to NOT allow regular use of the BOCC Meeting Facility by outside agencies; they recommended utilizing the availability of other County Buildings for use.**

Commissioners Reports: None noted.

Old Business: None noted.

New Business: None noted.

**Public Participation**

- Mr. Harley Pfaffenberger, SHIP/CDBG Recipient, addressed the Board on the issue of his request for a Subordination that the Board denied back in February. Discussion took place... The Board advised Mr. Pfaffenberger that he would have to follow policy/procedure and reapply with the SHIP Loan Committee for the sought after reverse mortgage and/or home equity loan that he is wanting.

**Adjourn:** With there being no further business, a motion was made by Commissioner Randy Durden, seconded by Commissioner Kenrick Thomas, to adjourn. Motion carried unanimously. Vice Chairman Harrison adjourned at 4:55 p.m.

Attest:

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

Approved:

\_\_\_\_\_  
D. Ray Harrison, Jr., Vice Chairman  
Board of County Commissioners  
Gilchrist County, Florida