

MINUTES OF A REGULAR MEETING OF THE GILCHRIST COUNTY BOARD OF COUNTY COMMISSIONERS HELD FEBRUARY 15, 2010.

The Gilchrist County Board of County Commissioners, in and for Gilchrist County Florida, convened in a **Regular Meeting** on Monday, **February 15, 2010**, 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 D. Ray Harrison, Jr., Chairman
Commissioner Tommy Langford, Vice Chairman
Commissioner Randy Durden
Commissioner Sharon A. Langford
Commissioner Kenrick Thomas

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; Billy Cannon, Road Department Supervisor; Taylor Brown, GC Planning Director; Ron Mills, EM Chief; Julie Brideson, Administrative Assistant; Mitchell Gentry, Hart Springs Manager; Betty Ramey, Republican Party of Gilchrist County; Karan Fischer; Jerry Murphy & Peter Butt, Hart Springs Dive Committee; Thomas & Beth Chevalier; Sheryl Wallace; Pauline Bennett; Tommy Gunn; Wilbur Brindle; Martha Barnes; JB Osteen; Nina & Carl Salmi.

Call to Order: Chairman Harrison called the meeting to order at 4:01 p.m. with the Clerk, Joseph W. Gilliam delivering the invocation and he himself lead the pledge of allegiance.

Agenda Changes

- Mr. Gilliam, Clerk, presented the following agenda changes:
 1. Addition: Space Committee Meeting Update
- Commissioner Tommy Langford presented the following agenda change:
 1. Addition: Request from the Republican Executive Board of Gilchrist County to use the GCSO Pistol Range and Classroom
- Mr. McQueen, County Administrator, presented the following agenda changes:
 1. Addition: EM; Disposition of Surplus Trailers
 2. Addition: EM; Proclamation 2010-02; Hazardous Materials Awareness Week
- Changes presented by County Attorney:
 1. Addition: Bringing back the Karan Fischer issue

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

Consent Agenda

Approval of Minutes

Regular Meeting January 19, 2010
 Regular Meeting February 1, 2010

Request for Payment Approval

Mills Engineering Company

Invoice # 2009069, Widen/Resurface GCR 337\$7,914.88

Coleman Construction, Inc.

Invoice # 2616, Request for Retainage Draw #2 and #3 \$9,185.58

Invoice # 2617, FINAL Payment #4 \$ 749.75

Motion made by Commissioner Kenrick Thomas, seconded by Commissioner Sharon Langford, to approve the Consent Agenda as presented; Chairman Harrison called for any discussion...

Commissioner Randy Durden addressed a correction to be noted on page twenty (20) of the agenda packet (page six (6) of the February 1st minutes) as follows... (~~striketrough~~ deleted, underlined added)

...**correction** on **page six** (6) of the February 1st minutes; under **Commissioners Report**:

Commissioner Randy Durden: Commissioner Durden presented an update on a conference call with the Small County Coalition regarding the State Budget Process Focusing on Reductions.

He also asked for travel approval for the County Administrator and himself along with Clerk Staff, to attend ~~Legislative Day~~ a meeting with the Governor, which will be scheduled by the Small County Coalition, regarding budget issues, to be held in Tallahassee on March 24th.

Motion made by Commissioner Tommy Langford, seconded by Commissioner Kenrick Thomas, to approve travel for County Administrator, Commissioner Randy Durden, and Clerk Staff to attend ~~the FAG Legislative Day~~ a meeting with the Governor (which will be setup by the Small County Coalition) regarding budgets, in Tallahassee, on March 24, 2010. Motion carried unanimously.

Ms. Jacki Johnson, Director of Finance addressed a correction to be noted on page four (4) of the agenda packet (page two (2) of the January 19th minutes) as follows... (~~striketrough~~ deleted, underlined added)

...**correction** on **page two** (2) of the January 19th minutes; under **Consent Agenda**,

Mills Engineering Company, change the amount on invoice 2009059 from \$4,794.00, to \$1,342.00

Chairman Harrison then called for any further discussion...none noted; He then called for a vote. The motion to include noted changes... *Motion carried unanimously.*

Agenda Change

Republican Executive Board of Gilchrist County: Ms. Betty Ramey with the Republican Executive Board of Gilchrist County addressed the Board and presented the request for the use the GCSO Pistol Range and Classroom. She stated that the Republican Executive Committee of Gilchrist County has the opportunity to host a concealed weapons class, here in Gilchrist County, on March 13, 2010, from 9:00 a.m. until 5:00 p.m. NRA Instructor Bill Bunting, from Pasco County, is willing to come and hold classes at NO charge to those individuals wishing to attend.

Ms. Ramey requested that the Board consider her request for the use of the GCSO Pistol Range and Classroom. Discussion took place...

Chairman Harrison asked if the Sheriff had been contacted. Ms Ramey stated that she did contact Sheriff Slaughter and that he didn't have a problem with the request but the Board would have to approve it.

Mr. McPherson stated that in keeping consistent with prior requests, proof on liability insurance is required.

Motion made by Commissioner Randy Durden, seconded by Commissioner Sharon Langford, to approve the request made by the Republican Executive Board of Gilchrist County, for the use of the GCSO Firing Range and classroom (for a concealed weapons class) providing the proper insurance is furnished to the County Attorney and a letter from the Sheriff agreeing to this request. Motion carried unanimously.

County Administrator's Report

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

Request from JB Osteen: Mr. JB Osteen addressed the Board on the issue of the County moving the road to the section line which in turns gives him back his property. Discussion took place on the cost that would be involved to move the road with an additional 60' r-o-w according to today's standards.

Mr. Billy Cannon, Road Department Superintendent stated that he had contacted the County Engineer, who gave him an estimate of \$240,000.00, for this project. Discussion continued...

Ms. Nina Salmi, Mr. Osteen's daughter, addressed that Board with her concerns on the said project issue.

The Board continued discussion with Mr. Osteen and his daughter explaining today's standards and costs that would be involved to satisfy their request.

The Board *did not* take any action on the request made by Mr. JB Osteen that the County move the road to the section line; If funds should become available, at that time, the County will re consider this issue.

Time Certain 4:15 p.m.

Hart Springs Advisory Board: Mr. Jerry Murphy, Hart Springs Dive Committee, addressed the Board requesting the following, for the Hart Springs Diving Program:

1. Year-Round access to Little Hart
2. Annual Pass for Divers
3. Open Little Hart (for general cave diving without a guide, if properly certified)

Mr. Murphy reviewed the noted requests.

The issue of Open Water diving was also addressed. At the January 4th meeting, the Board accepted the Hart Springs Advisory Boards Report, as submitted, and they had also requested that open water diving be researched and for recommendations to be brought back before the Board for consideration.

Open Water Diving had not been studied therefore the Board recommended that the Dive Committee address this issue and bring back recommendations for the Boards consideration.

The Board agreed for the County Attorney to work with the Diving Committee to address Open Water Diving and prepare language for a resolution, bringing back for the Boards consideration.

Time Certain 4:30 p.m.: Mr. Billy Cannon, Road Department Superintendent, stated that due to the current weather conditions (rain, rain, rain) that they are continuing to grade as much as possible. No other updates at this time.

County Administrator's Report continues...

Complaint by Mr. & Mrs. Chevalier: Mr. McQueen presented a Community Development and Code Enforcement complaint by Mr. and Mrs. Chevalier. He explained that that there is an issue of code violations and sign regulations on property in residential neighborhoods.

Mr. and Mrs. Chevalier addressed the Board explain their complaint. It was apparent that a lot adjacent to their property was in violation to the County sign regulations and code violations. Because of this, their property has decreased in value and has impaired the sale of their home and has become very uncomfortable for them as well as other residents of the neighborhood. Discussion took place...

The Board advised Mr. & Mrs. Chevalier that they would do whatever they could to

enforce any and all County regulations and ordinances regarding code violations and signs regulations as well as item's placed on the property in residential neighborhoods. No further action taken at this time.

Time Certain 5:00 p.m.

Temporary Use of Recreational Vehicles: Mr. McPherson, County Attorney, stated that he had provided a draft ordinance that would allow the temporary use of more than one RV on a parcel by Special Use Permit. Current regulations limit the number of RV's that may be allowed for temporary use, on a single parcel, by Special Use Permit, to one (1). He stated that this draft ordinance had gone before the Planning Commission for its review, but the Planning Commission could not come to a consensus on this controversial issue. Instead of a recommendation, the Planning Commission asked that the minutes of its discussion, on this issue, be forwarded to the County Commission; those minutes were provided for the County Commissions review.

Because of the controversial nature of this issue, he did not advertise this ordinance for adoption hearing. He thought he'd get direction from the Board as to whether it should be set for further workshop, be set for adoption hearing, or dropped. Discussion took place...

Motion made by Commissioner Randy Durden, seconded by Commissioner Sharon Langford, to leave the current RV Ordinance AS IS...NO Changes. Chairman Harrison called for any discussion...none noted. ***Motion carried unanimously.***

EMS Certificate of Public Convenience & Necessity: Mr. McQueen presented the Emergency Medical Services Certificate of Public Convenience & Necessity, for the Boards approval and Chairman's signature. He stated that in issuing this certificate it is understood that the Gilchrist County ambulance service will meet the requirements of State Legislation and provide Emergency Services on a twenty-four hour basis, for Gilchrist County.

Motion made by Commissioner Tommy Langford, seconded by Commissioner Sharon Langford, to approve the EMS Certificate of Public Convenience & Necessity and to allow the Chairman to sign. Motion carried unanimously.

At this time, we were having technical difficulties with the microphones. We had to take time to switch recording systems. The old cassette system and additional microphones were set up in order to continue recording the conclusion of the February 15, 2010 Board of County Commissioners Meeting.

Otter Springs Update: Mr. McQueen stated that Mr. Billy Cannon, Road Department Superintendent, has began preparing the Otter Springs Road for drainage, per the specifications of the engineer; a few issues pertaining to the moving of utilities are still to be addressed, but are is in the process of being worked out.

County Administrator's Agenda Changes

Disposition of 14' Storage Trailer: Mr. McQueen presented the request for a 14' Pace storage trailer (serial # ending in 2YG) be declared as surplus. He then requested that the trailer be

transferred from the EM department over to the Educational Foundation. The Educational Foundation had requested the use of the trailer for storage of the beast feast materials; this would be fulfilling a public purpose on behalf of the County.

Motion made by Commissioner Randy Durden , seconded by Commissioner Tommy Langford, to declare the 14' Pace Storage Trailer (serial number ending in 2YG) as surplus and the transfer of that trailer from Emergency Management to the Educational Foundation. Motion carried unanimously.

Proclamation 2010-02; Hazardous Materials Awareness Week: Mr. McQueen presented Proclamation 2010-02 declaring the week of February 14-20, 2010, as *Hazardous Materials Awareness Week*.

Motion made by Commissioner Tommy Langford, seconded by Commissioner Sharon Langford, to approve Proclamation 2010-02, declaring the week of February 14-20, 2010, as Hazardous Materials Awareness Week. Motion carried unanimously.

Disposition of 16' Storage Trailer: Mr. McQueen presented the request for the transfer of a 16' Hallmark enclosed trailer (serial # ending in 71-G), from the Emergency Management Department to the County Maintenance Department.

Motion made by Commissioner Kenrick Thomas, Seconded by Commissioner Randy Durden, to approve the transfer of the 16' Hallmark enclosed trailer (serial # ending in 71-G), from EM to the County maintenance Department.

Attorney's Report

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

Attorney's Agenda Change

Karan Fischer Matter: At the last meeting, February 1, 2010, the Board agreed for Ms. Fischer to meet with Mr. McPherson and for him to bring back a recommendation concerning the accrued Annual Leave and Sick Leave, at the time of her resignation, although a two (2) weeks notice was not given.

Mr. McPherson reported that prior to meeting with Ms. Fischer he contacted the County's Labor Law Attorney for advice on how to handle this matter. He was advised to use a *standard waiver* that would have Ms. Fischer agreeing that she would not bring any labor law claims against the County. The wavier also states that neither party is admitting to any wrong doing, in the matter, and that in return the County would give her *all* of her *annual leave* and *half* of her *sick leave*.

Mr. McPherson met with Ms. Fischer and came to a recommendation on a settlement. He presented the Board with the recommendation that 100% of Annual leave, in the amount of \$645.54 and 50% of Sick Leave, in the amount of \$824.05, totaling \$1,469.59, be paid to Ms. Fischer. Mr. McPherson also explained that Ms. Fischer has agreed to sign a waiver stating that she will not pursue this issue any further. Ms. Fischer has agreed to these recommended terms.

He stated that this was the recommendation of Mike Grogan, the County Labor Law Attorney, and that he, Mr. Gilliam and Mr. McQueen have no objection on the proposed recommendation and that now it is up to the Board to accept/agree to this settlement.

Motion made by Commissioner Randy Durden, seconded by Commissioner Sharon Langford, to approve the agreement recommended by the County Attorney that 100% of Annual Leave, in the amount of \$645.54 and 50% of Sick Leave, in the amount of \$824.05, totaling \$1,469.59, be paid to Karan Fischer; and to also accept the waiver signed off on by Karan Fisher. Motion carried unanimously.

Attorney's Report continues...

Ordinance 2010-**: Temporary Use of RVs: Mr. McPherson stated that this issue was satisfied earlier during this meeting.

Road Department Tractor and Limber: Mr. McPherson has prepared a draft *demand letter*, after not getting anywhere with the attorney he was consulting for advice, for the Boards review. Upon Boards approval the letter will be sent out.

The Board acknowledged the content of the demand letter to GreenSouth, prepared by Mr. McPherson, for the reimbursement on the tractor & limber; and that it is forwarded on.

Evaluation and Appraisal Report: Mr. McPherson presented a copy of the contract with Plan-It U.S., LLC, for the services of Laura Dedenbach, to work on the County's EAR. She has signed it, and requested authorization for the Chairman to sign, on behalf of the County.

Motion made by Commissioner Tommy Langford, seconded by Commissioner Kenrick Thomas, to approve the agreement between the County and Plan-It U.S., LLC (Laura Dedenbach), for EAR Services, NOT to exceed \$25,000.00. Motion carried unanimously.

City of Weston v. Crist: Mr. McPherson stated that this is the broad-based challenge to the new growth management legislation. A hearing on the City's *Motion for Summary Judgment* will be heard by the court on February 22. He will report back after the hearing.

Challenge to Impact Fee Legislation: Mr. McPherson stated that Greg Stewart of Nabors, Giblin law firm is drafting the complaint on behalf of various cities, counties, and school boards. He was asked whether Gilchrist County would be willing to join in this litigation as a small county. The County could offer to pay some of the costs, or if not, the FAC will cover them for the County.

Mr. McPherson stated as he has said before, that he thinks the challenged legislation could be a real problem for the County; recall that it shifts the burden of proof to the County, so that all someone would have to do is file a complaint challenging our impact fees, and then we would be in the position of having to pay for potentially very expensive studies to justify the amounts of our fees; although our impact fees are so low that they surely do not exceed legal limits, the County would have the burden of proving the obvious with expensive studies. Discussion took place...

Motion made by Commissioner Randy Durden, seconded by Commissioner Tommy Langford, to join the challenge to Impact Fee Legislation. Motion carried unanimously.

Townsend Rock Pit Agreement: Mr. McPherson presented a draft of the agreement with Mr. Townsend on the rock pit which is soon to expire. The agreement reflects the same terms unchanged for another five years. Mr. Billy Cannon, Road Department Superintendent will present the agreement to Mr. Townsend to make sure that he agrees with terms.

Motion made by Commissioner Randy Durden, seconded by Commissioner Kenrick Thomas, to approve moving forward with the Townsend Rock Pit Agreement, with the same terms for another five (5) years; and to allow the Chairman to sign. Motion carried unanimously.

County Inmate Medical Bill (SB 218/HB 319): Mr. McPherson stated that a bill has been filed which would place limits on the amount that hospitals could charge for inmate medical care. He stated that this is obviously something Gilchrist County needs to support, and he has presented some information about the bill. Discussion took place...

The Board directed the County Attorney to draft a resolution in favor on the Inmate Medical Care Legislation.

Clerk's Report

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

Property & Casualty Insurance Update: Mr. Gilliam presented the Board with an update on the County's Property & Casualty Insurance. He requested that the Board allow him to adjust line items according upon final review and he will report back to the Board at that time.

The Board agreed to allow the Clerk to make the necessary line item adjustments upon the final review of the FY 09/10 policies for Property & Casualty Insurance, then bring back to the Board for review.

Telephone System Update: Mr. Gilliam updated the Board on the progress of the new telephone system installation. He stated that there was a conference call, a week ago Friday, with all Constitutional Officers, Board Departments, and the Sheriff's Office, reviewing, verifying information that they had received. The technicians are in the process of doing the dialing plans and configuring the servers and with 30-45 days the system should be installed.

Quarterly Revenue & Expense Reports and Budget Recap: Mr. Gilliam provided a copy of the Quarterly Revenue & Expense Reports and Budget Recap, for the Boards information. Discussion and review took place; informational purposes only.

Insurance Reimbursement: Mr. Gilliam presented, for the Boards acceptance, an insurance reimbursement check for damages to Billy Careccia's truck, in the amount of \$4,031.54. These funds will reimburse the Fire budget for repair costs.

The Board accepted and approved the receipt of the insurance reimbursement check.

Excess Proceeds from Tax Deed Sales: Mr. Gilliam submitted as part of the agenda packet a copy of the excess proceeds from past Tax Deed sales. He stated that the funds collected from the sales will increase General Revenue for the upcoming year. Informational purposes only.

FDOR; Sales Tax: Mr. Gilliam stated that he was in receipt of a letter from the Florida Department of Revenue requesting that we notify them of any upcoming Sales Tax and/or Sales Tax related ordinances or resolutions our county or school board is currently considering. He stated that to his knowledge, we have nothing to report, therefore, he will reply stating such.

Bidding of Actuarial Services for Compliance with GASB 45: Ms. Jacki Johnson, Director of Finance, explained GASB 45 Compliance, for informational purposes. She then requested approval to move forward with bids for Actuarial Services to comply with GASB 45.

The Board agreed to move forward with the request for bids for Actuarial Services to comply with GASB 45.

Clerk's Agenda Change; Space Committee Meeting Update: Mr. Gilliam updated the Board on the outcome of the Space Committee meeting. He stated that Mr. McQueen had identified some available spaces; the current Senior Citizens Building (the old Women's Club), the Yellow House and the Blue House are basically the only buildings that can be identified and possibly usable.

Mr. Gilliam stated that there were requests for additional space from the County 4-H, Veteran's Office, and the Health Department. He explained the recommendations considered by the Space Committee. They are as follows:

...move Veteran's Affairs in to the BLUE House
 ...move the Health Department (offered to pay rent \$=?) into the Veteran's Affairs building
 ...move the Gilchrist County 4-H into the current Senior Center (old Women's Club)

Mr. Gilliam stated that the recommendation of the Space Committee would be to look into the cost for necessary renovations for the possible relocations.

Motion made by Commissioner Tommy Langford, seconded by Commissioner Kenrick Thomas, to approve the Space Committee to move forward on obtaining costs for recommended moves and renovations. Motion carried unanimously.

Commissioners Reports: None noted.

Old Business: None noted.

New Business: None noted.

Public Participation

Adjourn: With there being no further business... *A motion was made by Commissioner Randy Durden, seconded by Commissioner Tommy Langford, to adjourn. Motion carried unanimously. Chairman adjourned at 6:23 p.m.*

Board of County Commissioners
Gilchrist County, Florida

Approved:

Attest:

D. Ray Harrison, Jr., Chairman

Joseph W. Gilliam, Clerk of Court