

**MINUTES OF A REGULAR MEETING OF THE GILCHRIST COUNTY BOARD OF
COUNTY COMMISSIONERS HELD JULY 6, 2010.**

The Gilchrist County Board of County Commissioners, in and for Gilchrist County Florida, convened in a **Regular Meeting** on **Tuesday, July 6, 2010**, 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, 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; Julee Brideson, Administrative Assistant; Diane Rondolet, Code Enforcement; Billy Cannon, Road Department Superintendent; Georgia Mills, Deputy Clerk/Finance; Gene Parrish; Herbie & Gayle Brown; Gerald & Joanne Roberts; Shelia Smalls, J.P. Whitten, Fred Scippio, Jr., Teresa Wilson, Cassandra Shepherd, and Cindy Cole with the Department of Corrections; Joyce Ferrante; Ray & Jane Rauscher; and Richard & Leslie Esseck.

Call to Order: Chairman D. Ray Harrison, Jr. called the meeting to order at 1:31 p.m. with Commissioner Tommy Langford delivering the invocation and Commissioner Randy Durden leading the pledge of allegiance.

Agenda Changes

- Mr. John McPherson, County Attorney, presented the following agenda change:
 1. Addition: Resolution 2010-36; Sun Springs Road

Motion made by Commissioner Tommy Langford, seconded by Commissioner Kenrick Thomas, to approve the Agenda as presented, with noted change. Motion carried unanimously.

Consent Agenda

Approval of Minutes

Regular Meeting May 17, 2010
Regular Meeting June 07, 2010
Regular Meeting June 21, 2010

Approval of Bills

June 2010 (On file in Clerk's Office)

Budget Entries

BE10-021, General Fund, Fund 001 \$7,335.42

Mr. McPherson addressed a correction to be made in the minutes from June 21, 2010, page 5, the third paragraph, (page 29 in the agenda packet) ~~delete~~ strikethrough... ~~maintained~~

Motion made by Commissioner Randy Durden, seconded by Commissioner Sharon A. Langford, to leave SW 77th Avenue as a NON ~~maintained~~ County Road; as there is no evidence that the County has ever maintained it. Motion carried 4-0.

Motion made by Commissioner Kenrick Thomas, seconded by Commissioner Sharon Langford, to approve the Consent Agenda as presented, with noted change. Motion carried unanimously.

County Administrator's Report

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

Request for EMT Training: Mr. McQueen presented a request, from EMS Chief Linda Walker and Fire Chief Carlos Perez that they be allowed to fund the cost for a twelve (12) month Paramedic Program at LCCC for EMT/FFII, Justin Schwab.

Motion made by Commissioner Kenrick Thomas, seconded by Commissioner Tommy Langford, to approve the request for Justin Schwab to attend training. Motion carried unanimously.

Request for Instructor Training: Mr. McQueen presented a request from EM Chief Ron Mills that Captain William Careccia is allowed to attend the Florida Emergency Preparedness Association Instructor Training to be held on July 26-28, 2010, at the Daytona Beach Hilton. The actual training class is provided by the State (no charge); hotel and meals to be paid by Emergency Management.

Motion made by Commissioner Kenrick Thomas, seconded by Commissioner Randy Durden, to approve the travel and training request for William Careccia to attend the Florida Emergency Preparedness Association Instructor Training. Motion carried unanimously.

Request for use of the Forestry 50/50 Grant Funds: Mr. McQueen presented the request an approval for the use of the Forestry 50/50 Grant Funds. Chief Perez submitted three (3) proposals for each of the items being requested for purchase. The proposals for 17 radios and 7 sets of turn-out gear were reviewed. Discussion took place...

Motion made by Commissioner Tommy Langford, seconded by Commissioner Sharon Langford, to approve 17 radios, from Global Technologies, in the amount of \$6,205.00 and 7 sets of turn-out gear, from Elite Fire, in the amount of \$6,965.00. Motion carried unanimously.

Resolution 2010-34; Requirement for Boating Improvement Grant: Mr. McQueen presented a resolution that is required as part of the grant application for Boating Improvement. The short title is as follows:

RESOLUTION 2010-34

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GILCHRIST COUNTY, FLORIDA; DESIGNATING THE COUNTY ADMINISTRATOR AS THE PROJECT MANAGER FOR THE 2010 BOATING IMPROVEMENT GRANT CYCLE; AUTHORIZING THE PROJECT MANAGER TO APPLY FOR AND ADMINISTRATOR BOATING IMPROVEMENT GRANTS FOR GILCHRIST COUNTY; AND ESTABLISHING AN EFFECTIVE DATE.

Motion made by Commissioner Randy Durden, seconded by Commissioner Kenrick Thomas, to approve Resolution 2010-34. Chairman Harrison read the short title for the record. He then called for any further discussion... none noted. A vote was then called for... *Motion carried unanimously.*

Code Enforcement Monthly Report: Mr. McQueen presented the Code Enforcement Monthly Report as submitted by Ms. Diane Rondolet, Code Enforcement Official. Informational purposes only.

Veteran's Affairs: Quote for a new copier: Mr. McQueen presented a quote from McCrimon's Office Systems for a new copier, for the Veteran's Affairs office. He stated that there are no funds available in the Veteran's Affairs budget to cover this cost that it would have to be funded out of General Fund Reserve. Ms. Jacki Johnson, Finance Director, explained that it could be funded from General Fund Reserve or Fund 1110, General Government.

The quote was in the amount of \$1,499.99, for a Lanier LD117 Digital Copier System. The version of this copier with print and scan is an additional \$582.00. Discussion took place...

Mr. McQueen stated that there are funds budgeted for the monthly maintenance. Ms. Johnson confirmed and mentioned that the monthly maintenance fee will actually go down.

Motion made by Commissioner Randy Durden, seconded by Commissioner Sharon Langford, to approve the purchase of the Lanier LD117 Copier/Scanner, from McCrimon's Office Systems, in the amount of \$2,081.00. Motion carried unanimously.

Time Certain

1:45 p.m. Teresa Wilson, Department of Corrections: Ms. Teresa Wilson with the Department of Corrections, Probation and Parole Office in Chiefland, Florida, introduced Ms. Cassandra Shepherd, Correctional Probation Officer, who presented Proclamation 2010-07, as Probation, Parole and Community Supervision Week during July 18-24, 2010. She asked the Chairman to read the proclamation; the short title is as follows:

PROCLAMATION 2010-07

Probation, Parole and Community Supervision Week

Motion made by Commissioner Tommy Langford, seconded by Commissioner Sharon Langford, to approve Proclamation 2010-07. Motion carried unanimously.

County Administrator's Report continues...

Letter to SRWMD Governing Board; re Otter Springs Road: Mr. McQueen presented a copy of the letter he drafted to the Suwannee River Water Management District Governing Board regarding the paving of Otter Springs Road (SW 70th Street). He also presented a letter he had received from Mr. Lee Mills, County Engineer, on the Otter Springs Road Improvements. He stated that the Governing Board had held their teleconference and this issue had come up and was verbally approved and will take official action on it on July 13, 2010, and agrees with the request of the Gilchrist County Board of County Commissioners. This should not hold up any progress on the road project. Informational purposes only.

Animal Control Fundraiser Information: Mr. McQueen reminded the Board on the upcoming BBQ Dinner fundraiser that will benefit the Gilchrist County Animal Shelter.

Senior Center Liability Question: Mr. McQueen stated that after the meeting that was held with the Suwannee River Economic Council, Inc. it was agreed upon for the County to look at their liability coverage regarding the Senior Center/Senior Activities. It is the belief of the SREC, Inc. that their insurance policy doesn't cover any activities after 5:00 p.m. He stated that he thinks that they will find out that they actually have insurance coverage. Discussion took place...

Commissioner Durden recommended that the Board make public records request for a copy of SREC, Inc. insurance policy. Mr. McQueen will submit a request. **The Board agreed favorably.**

Attorney's Report

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

Ordinance 2010-**: Amendments to Land Development Code: Mr. McPherson presented a *draft* ordinance making certain amendments to the Land Development Code. He stated that this ordinance addresses three areas, each of which was reviewed by the Planning Commission with the following recommendations to the County Commission:

Section 1: Adds setbacks for accessory structures such as sheds, gazebos, and pool enclosures. The setbacks would be 5 feet from rear and side property lines. The front setback would be the established setback for principle structures. The Planning Commission recommended approval.

Section 2: Adds new provisions for animal density. As recommended by the Planning Commission, these provisions would apply only in recorded and unrecorded subdivisions, and only to lots of 2.5 acres or less. Although the Planning Commission felt that such regulations are needed, the Planning Commission decided not to take a position on the actual numbers of animals that should be allowed. The Planning Commission recommended that the County Commission consider these regulations only after the issue has been publicized in the newspaper.

Section 3: Adds a requirement that notice be mailed to landowners within 400 feet of properties for which an application has been made for a Special Use Permit, Development of Major Impact, or Land Use Map Amendment. The Planning Commission recommended approval.

Mr. McPherson stated that the question is if there should be a workshop scheduled rather than bringing it straight to an adoption hearing, which is what the planning Commission was recommending, and also if we can get an article in the newspaper about it, to receive as much public input as possible.

Commissioner Durden stated that a recommendation from the Agricultural Committee should also be considered.

Mr. McQueen will get with Marvin Weaver to schedule the Ag Committee to give presentation and recommendation. No Board Action required at this time.

Time Certain

2:00 p.m. PUBLIC HEARING: Local Housing Budget Amendment: Ms. Jacki Johnson, Director of Finance, presented, for approval, a budget amendment for the Local Housing budget. She presented Resolution 2010-35, Amending the Local Housing Assistance Trust Fund (180) with the receipt of \$160,926.00 of additional revenues, in the form of cash carry-forward from the previous fiscal year; and BE10-020.

Motion made by Commissioner Tommy Langford, seconded by Commissioner Randy Durden, to approve Resolution 2010-35 and BE10-020, in the amount of \$160,926.00, for the Local Housing Assistance Trust Fund (180). Chairman Harrison called for any further discussion...none noted. *Motion carried unanimously.*

Attorney's Report Continues...

Attorney's Agenda Change; Resolution 2010-36: Mr. McPherson presented (as an additional handout) Resolution 2010-36 and read the short title is as follows:

RESOLUTION 2010-36

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GILCHRIST COUNTY, FLORIDA; FINDING THAT A HEARING SHOULD BE HELD ON THE VACATION OF A PORTION OF SW 77TH AVENUE IN GILCHRIST COUNTY; SETTING A HEARING DATE ON SUCH VACATION; AND PROVIDING AN EFFECTIVE DATE.

Mr. McPherson stated that this resolution is the start of a two part process to abandon/vacate a County Road; this resolution sets the hearing date and directs that notice will be published. A public hearing has been set as a time certain for 2:30 p.m., on August 2, 2010.

Motion made by Commissioner Randy Durden, seconded by Commissioner Tommy Langford, to approve Resolution 2010-36. Chairman Harrison called for any further discussion...

Mr. McPherson provided some background; in his opinion, as expressed at the last meeting and so reflected in this motion, that where we changed the language because we haven't maintained it and that it is not a county road; this would just clarify that if a resolution was passed at the next meeting something would be on the record clarifying it and if it doesn't pass then of course a decision would have to be made on how to treat that road.

Chairman Harrison then called for any public comment...

Ms. Gayle Brown is concerned with the legalities on the ingress and egress on their property off of the said road.

Mr. McPherson stated that the law is very clear that she maintains a private easement over that property, as shown on the plat.

Ms. Brown was asked if her property is part of the Sun Springs Subdivision and replied that it is not. Ms. Brown's property is not part of the road that is being abandoned in Sun Springs Subdivision. The portion of SW 77th Avenue that is being abandoned goes to their private easement. Discussion continued...

Mr. Gerald Roberts, resident of Sun Springs Subdivision, was asked if the portion of SW 77th Avenue is closed, would he continue to allow the Brown's to use his private easement to gain access to her property. He stated that he never intended for the road to be closed and he will not deny the Brown's access of the road.

At this time, all the Board is trying to clarify their position that SW 77th Avenue is **not** a County owned road; *as there is no evidence that the County has ever maintained it.*

Chairman Harrison called for any further discussion...none noted. He then called for the vote. ***Motion carried unanimously.***

Road Department Tractor and Limber: Mr. McPherson stated that the two-year extension of the warranty has been finalized. He provided a copy of the PowerGard Protection Plan for the Board information. No Board Action required.

Dedication of Roads to the Public on Plats: Mr. McPherson stated that, as directed by the County Commission, a committee met and discussed this issue. There remains disagreement between the County Attorney and the others on the committee as to the precise legal impact of language on a plat stating that "roads are dedicated to the public." It is not necessary, however, to resolve this legal issue in order to address the practical issues presented. It was agreed to disagree on the technical legal issue, but suggested that the following changes to the subdivision regulations be taken to the Planning Commission for review:

1. From the date of final plat approval, roads dedicated to the public shall be treated as public roadways, even though the developer is responsible for maintenance, and no gating of the subdivision shall be allowed.
2. It shall be mandatory that at the end of the one-year maintenance period, the developer shall apply to have the county accept the roadways and take over maintenance.

Mr. McPherson stated that he will be preparing code language to put on the next agenda of the Planning Commission. Informational purposes only; no Board Action required at this time.

Gilchrist County v. Lisa Richards: Mr. McPherson stated that the sale of Ms. Richards's property fell through, and Ms. Richards has failed to comply with the court order that she keeps her property free of junk. A hearing has been set for July 13 at 9 a.m. before the circuit judge. At which time, Ms. Richards faces the possibility of jail time for failure to comply with the court order. Informational purposes only.

Supreme Court Honest Services Decision: Mr. McPherson stated that the U.S. Supreme Court ruled that the "honest services" language in federal law may only be used where there is an actual bribe or kickback. It cannot be used where the only showing is improper influence over governmental decision-making. He stated that he thinks this properly puts general governmental ethics regulation back within the province of the state where it belongs. Informational purposes only.

SRWMD Staff Decision on Lilly Springs Water Bottling Plant: Mr. McPherson provided a copy of a letter that the SRWMD will recommend to the governing board that it deny a permit for a proposed water bottling plant near Lilly Springs. Informational purposes only.

Time Certain

2:30 p.m. Road Department Report

PowerGard Protection Plan: Mr. Billy Cannon, Road Department Superintendent, expressed concerns on the warranty granted on the tractor and limber. He believes that the warranty period that was agreed upon is short changing the County. The number of hours used compared to the coverage end date seems to be unreasonable. Mr. Cannon and the County Attorney will met and review the original warranty and compare to down time and what is now being settled on and report back to the Board.

Repairs on Soft Rock Crusher: Mr. Cannon presented a quote, for repairs on the Soft Rock Crusher, from Maddox Foundry & Machine Works, Inc., in the amount of \$4,906.00. Upon review of the quote, Mr. Cannon believes that the cost of \$2,770.00 for the babbitt to be poured on site for outboard bearing fit is something that he could perform for the cost of \$400.00. Discussion took place...

Motion made by Commissioner Tommy Langford, seconded by Commissioner Sharon Langford, to approve the additional costs, for the repairs of the Soft Rock Crusher, in the amount of \$2,536.00, from Maddox Foundry & Machine Works, Inc. Motion carried unanimously.

Rock Bluff Bridge: Commissioner Durden addressed the issue of the placement of "NO DIVING or JUMPING FROM BRIDGE" on Rock Bluff Bridge.

There are no signs posted at all and there seems to be a real big problem of rocks (big rocks) being thrown at boats; and jumpers swimming down river and climbing back up to jump again. Discussion took place...

Mr. McPherson stated that there shouldn't be a problem to erect signs before we have it on our books but it may be hard to enforce it until such time.

The Board requested that the Road Department erect (NO Jumping) signs on bridges over rivers; and directed the County Attorney to prepare language for an ordinance.

Fence Setbacks: Commissioner Thomas addressed the issue of setbacks, for fences, on County Roads, be changed from 5 feet to 2 feet. Discussion took place...

The Board directed the County Attorney to amend current ordinance on setback for fences, on County Roads, from 5 feet to 2 feet and bring back revised ordinance.

Clerk's Report

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

Proposed Budget for FY 10/11: Mr. Gilliam addressed the ground rules and what they have come up with on the budget process, for FY 10/11. Ms. Johnson provided copies of the proposed budget, for FY 2010/2011, to the Board. The proposed budget for FY 2010/2011 was presented with the estimated Revenue of \$22,530,303 and Expenditures of \$22,001,554.

Mr. Gilliam stated that the Constitutional Officers budgets were included as submitted, with no Staff review. The proposed budget uses 8.2695 (current millage rate) for the ad valorem and 1.0996 for MSTU; using these millage rates ad valorem reduced by about \$200,000 and the MSTU by about \$33,000.

There are a few unknowns that will need to be addressed during the budget process. The first one is the renewal rates for the Health Insurance. Those rates won't be available until the first of August.

Currently there are no employee salary increases in the Board portion of the budget, although the Sheriff indicated a 4% increase in his proposal.

At this time, Mr. Gilliam turned the floor over to Ms. Jacki Johnson, Director of Finance.

Ms. Johnson explained that the budget process this year was done a little different. She stated that she met with Mr. McQueen, and the Department Heads, and Mr. Gilliam, and went through prior year expenditures, current year expenditures and then it was determined what the departments would need to maintain the current operations.

Ms. Johnson expressed that what is being presented is a bear minimum budget to get them through operations just like they are right now; reflecting changes, maintenance contracts, and utilities - nothing that has not been identified, are to be considered during this budget process. She stated that in preparing the salary projections the only thing that was included was longevity. There was an increase in retirement contributions, but that is required by the State. A position for a Planner was left in, at this time.

The only other thing that was considered for funded, as far as salaries, was a third unit for EMS/Fire. She then presented a power point presentation on the FY 2010/2011 budget recap. Discussion took place...

Commissioner Durden addressed the issue of raises. He questioned that if the Board doesn't approve any increases in salaries, is it right for the Constitutional Officers to approve raises for their employees? Discussion continued...

The Board requested additional information regarding salary increases and actual expenditures for the past three (3) years.

Mr. Gilliam stated that the TRIM Compliance and budget workshop dates and times need to be considered. The following budget workshops have been set:

Monday, July 19, 2010, at 1:30 p.m.

Constitutional Officers The Board requested a three (3) year Personal Services report, plus current year request

Sheriff @ 2:30 p.m.

Thursday, July 22, 2010, at 4:00 p.m. – 6:00 p.m.

Outside Agencies, Fire, EMS, Solid Waste and Transportation

Disposition Request - from the Supervisor of Elections: Mr. Gilliam presented a Disposition Request, from Connie Sanchez, Supervisor of Elections, on the following:

HP Laser Printer	Tag# 2380, Serial# N/A, Model# HP500C
Systemax Computer	Tag# 2829, Serial#106054710, Model# BAX4200
Dell Ballot Counting Server	Tag# 2769, Serial# BTGGV71, Model# 2215764

The justification of the above noted equipment is outdated/broken.

Motion made by Commissioner Kenrick Thomas, seconded by Commissioner Tommy Langford, to approve the Disposition Request submitted by the Supervisor of Elections, on the above noted equipment. Motion carried unanimously.

Gilchrist County Sheriff's Office; Inmate Housing Agreement: Mr. Gilliam presented the Inmate Housing Agreement between the Dixie County Sheriff's Office and the Gilchrist County Sheriff's Office. He stated that the rate of \$42.00 per day, per billable inmate, has not changed. He also presented a copy on an inmate pharmacy invoice for pharmacies, medications (those other than over the counter meds) for the Boards information making them aware of the costs of meds because we are responsible for payment of pharmacies to Gilchrist County inmates; this is part of our responsibility to Dixie County for inmate housing.

Motion made by Commissioner Randy Durden, seconded by Commissioner Tommy Langford, to approve the Inmate Housing Agreement between the Dixie County and the Gilchrist County Sheriff's Offices. Motion carried unanimously.

Renewal/Reissue of 2 Certificates of Deposit (CD's): Mr. Gilliam presented the request for the renewal/reissue of two (2) Certificates of Deposits, in the amount of \$244,000.00 each. He asked to be allowed to place the CD at the bank with the best interest rate.

Motion made by Commissioner Sharon Langford, seconded by Commissioner Tommy Langford, to authorize the Clerk to obtain the best interest rate from local banks on the renewal/reissue of two (2) CD's, in the amount of \$244,000.00 each. Motion carried unanimously.

Commissioners Reports: None noted.

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 Tommy Langford, seconded by Commissioner Randy Durden, to adjourn. Motion carried unanimously. Chairman adjourned at 4:02 p.m.*

Board of County Commissioners
Gilchrist County, Florida

Approved:

Attest:

Joseph W. Gilliam, Clerk of Court

D. Ray Harrison, Jr., Chairman