

**MINUTES OF A REGULAR MEETING OF THE GILCHRIST COUNTY BOARD OF
COUNTY COMMISSIONERS HELD OCTOBER 4, 2010.**

The Gilchrist County Board of County Commissioners, in and for Gilchrist County Florida, convened in a **Regular Meeting** on Monday, **October 4, 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; Julee Brideson, Administrative Assistant; John Ayers, Gilchrist County Journal; Diane Rondolet, Code Enforcement; Billy Cannon, Road Department Supervisor; Ron Mills, EM Chief; Sheriff Slaughter; Fire Captain Billy Careccia; Kadie Ogden, Otter Springs Manager; Lee Mills, County Engineer; Gerald "Jerry" Murphy, Hart Springs Diving Advisory Board; Sean McKillip and Darryl Brinkley, Ring Power Representatives; Ray & Jane Rauscher; Leslie Sapp; and Diane Clifton.

Call to Order: Chairman Harrison called the meeting to order at 1:30 p.m. delivering the invocation and Commissioner Tommy Langford led the pledge of allegiance.

Agenda Changes

- Mr. John McPherson, County Attorney, presented the following agenda changes:
 1. Addition: Department of Community Affairs; OTL Appeal
- Mr. Joseph W. Gilliam, Clerk of Court, presented the following agenda changes:
 1. Addition: Supervisor of Elections Office; Air Quality Evaluation
 2. Addition: Public Safety; Agreement for Communications Services
 3. Addition: Lee Mills; Otter Springs Road Update
 4. Addition: GCSO; Request the use of the Spring House Lodge at Otter Springs and to move two agenda items on the Clerk's Report up for discussion, while the Sheriff is present
 5. Addition: Request from Rod Smith's Campaign Assistant for the use of the Boardroom

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 September 9, 2010

- Approval of Bills
September 2010 (on file in Clerk's Office)

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

County Administrator's Report

Mr. McQueen, County Administrator, was not present at this meeting. Ms. Julee Brideson, Administrative Assistant and Staff presented the following documents, and/or addressed the following issues:

Fire; Request to receive donated equipment: Captain Billy Careccia presented a request for the Boards approval, to accept the donation of fire equipment offered by the Micco Volunteer Fire Department. The list of equipment is as follows:

1. Six Draeger Air Packs Model Number 3351264
2. Fire Air Mask #40052955
3. 10 pairs of fire boots
4. 2 fire helmets
5. 5 turn out pants
6. 3 turn out coats
7. 4 pairs of gloves
8. 12 Draeger Air Pack Bottles

Motion made by Commissioner Sharon Langford, seconded by Commissioner Tommy Langford, to approve the receipt of the donated fire equipment as noted, from the Micco Volunteer Fire Department; and that Staff prepare a Thank You Letter to be sent to the MVFD. Motion carried unanimously.

Request to purchase a used Fire Truck: Captain Careccia presented a request, for the Boards approval, for the purchase a used fire truck, from the Four Communities Volunteer Fire Department, in Brevard County, for the listed price of \$30,000.00. Captain Careccia stated that this purchase would benefit the Southeast Fire Department. Discussion took place...

Chairman Harrison stated that it was his understanding that part of the funding, in the amount of \$10,000.00, would be transferred from the account that was appropriated for a well; he then questioned where the remaining funds would come from. Ms. Jacki Johnson, Director of Finance, stated that the remaining funds needed for the purchase of this truck would come from Fire Reserve/Contingency. Discussion continued...

Motion made by Commissioner Tommy Langford, seconded by Commissioner Randy Durden, to approve the request to purchase a used fire truck, subject to further inspection to determine that it is in the satisfactory condition without the burden of added expenses.
Chairman Harrison called for any further discussion...

Commissioner Thomas asked about the note in the request made by Chief Perez about the issue of an additional \$5,000 needed to touch up some rust areas and to re-decal the truck.

Captain Careccia stated that he has not seen the truck; that this was based on Chief Perez's inspection of the truck and that he wouldn't be able to know for sure about any additional costs until he and Milton Weeks inspect the truck for themselves. The Board agreed for Captain Careccia to inspect the truck and report back at the mid-month meeting, in October.

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

Request for RFP's for 911 Grant: Ms. Julee Brideson presented a request asking that the Board allow Staff to go out for Requests for Proposals, for the 911 Grant, which is due in November. She stated that staff is still working on correcting the addressing issues that were found during the last application process. An application was submitted during the last grant cycle, but was denied. Ms. Brideson stated that once the proposals are received the grant will be applied for based on the dollar amount. The Request for Proposal has been reviewed by the County Attorney. The RFP is for GPS Services we need to make our 911 System function properly.

Motion made by Commissioner Sharon Langford, seconded Commissioner Randy Durden allowing Staff to move forward on going out for RFP's on GPS Services need for the 911 Grant application. Motion carried unanimously.

Code Enforcement Monthly Report: Ms. Brideson presented the Code Enforcement Monthly Report as submitted by Ms. Diane Rondolet, Code Enforcement Official.

Letter from Alachua County re: CR337: Ms. Brideson presented, for the Boards information, a letter that was received from Mr. Cerlanek with Alachua County. The letter was informing us that Alachua County has granted permission to perform the work necessary to provide the proper traffic control and construction transitions on the Alachua County side of CR 337. She stated that a letter from Alachua County was required in order to obtain the Suwannee River Water Management Permit; the permit was received this morning. A copy will be forwarded to Lee Mills, County Engineer. Discussion took place... No Board Action needed.

FAC Legislation Conference information: Ms. Brideson presented information on the Florida Association of Counties 2010-11 Legislative Conference to be held November 17-19, 2010. She requested that anyone interested in attending to let her know so that reservations can be made.

Clerk's Agenda Change

Spring House Lodge at Otter Springs: Sheriff Slaughter addressed the Board requesting the use of the Spring House Lodge, at Otter Springs, on December 14, 2010, for the GCSO awards ceremony, at no charge.

Motion made by Commissioner Tommy Langford, seconded by Commissioner Sharon Langford, to approve the GCSO request for the use of the Spring House Lodge at Otter Springs, on December 14, 2010, at no charge. Motion carried unanimously.

ACSO Invoice: While the Sheriff was present, Mr. Gilliam presented an invoice received by Sheriff Slaughter's office, from the Alachua County Sheriff's Office, for the housing of an Gilchrist County inmate. The invoice was for securing inmate Joshua Dyar during the months of 4/8/10 – 7/22/10, in the amount of \$26,101.44. Mr. Gilliam stated that unbeknown to the GCSO, at that time, that they were being charged so significantly; the Sheriff has worked with the ACSO on getting the bill reduced from \$80,314.08 to \$26,101.44. Sheriff Slaughter stated that this inmate was high risk to them so he had to be guarded 24/7. Discussion took place...

Motion made by Commissioner Randy Durden, seconded by Commissioner Kenrick Thomas, to approve payment on the ACSO invoice, in the negotiated amount of \$26,101.44, for the housing of inmate Joshua Dyar, for the period of 4/8/10 – 7/22/10. Motion carried unanimously.

GCSO Budget Adjustments/Transfers: Mr. Gilliam presented a request from the GCSO, for the following 2010 budget adjustments/transfers, for the Boards approval:

- \$15,527.69 from Judicial Personal Services
\$12,503.63 from Communications Personal Services
to Law Enforcement Personal Services
- \$ 8,000.00 from Judicial Operating Expenses
\$15,000.00 from Communications Operating Expenses
to Law Enforcement Operating Expenses
- \$ 5,885.68 from Corrections Personal Services
to Corrections Operating Expenses

Motion made by Commissioner Randy Durden, seconded by Commissioner Tommy Langford, to approve the FY 2009/2010 budget adjustments/transfers, as noted. Motion carried unanimously.

Time Certain

1:45 p.m. Jerry Murphy; Hart Springs Diving Advisory Board: As Mr. Murphy approached to address the Board, Chairman Harrison asked if had any issues that would need the Boards action, at this meeting, for the reason being that Mitchell Gentry, Hart Springs Manager, would like to be present during the presentation but is out of town at this time. It was also asked of Mr. Murphy if he had met with Otter Springs Manager, Kadie Ogden, before he presents any proposals to them today and he stated no that he hadn't even met the new park manager yet.

At this time the Board suggested that he meet with both Hart and Otter Springs Manager, and Commissioner Tommy Langford who serves as part of the Diving Advisory Board, for their input regarding the diving program.

The Board requested the Diving Advisory Board meet with Park Managers and bring back any recommendations at the 10/18/2010, meeting. NO action taken at this time.

Agenda Change

Otter Springs Road Update: Mr. Lee Mills, County Engineer, updated the Board on the status of the Otter Springs Road project and was seeking advice before proceeding road project.

Mr. Mills stated that he had met with the Contractor, Virginia Hipp with John C. Hipp Construction and the Committee, made up of Joe Gilliam, Ronnie McQueen, John McPherson and Billy Cannon; discussion took place on what the probable cause for the problems on the road are. The Contractor had a little bit of a different opinion than that of Mr. Mills. If the Contractor wants to challenge that, Mr. Mills stated that a materials testing can answer the questions.

Mr. Mills stated that the way the discussion was left with the Contractor was that he would go out and identify the areas that definitely in need of repair and get back to them within two weeks. After the Contractor left, discussion took place on available funds that have not been expended. It was suggested that he discuss with the Board on how some of the repairs might be done and what would be acceptable and what's not. The Committee suggested that we use an asphalt overlay. Mr. Mills continued by explaining what could be done to resolve the problems.

Mr. Mills asked if mixing asphalt surface with a surface treatment road, and whether or not this would be acceptable; this would like a patch if we are not careful. He asked the Board for guidance before he goes to the Contractor and start talking about what are options are.

Commissioner Durden stated that he is not comfortable patching a brand new road. He agrees that there were some mistakes made along they way that could have been corrected if the contractor would have held up and addressed them at that time instead of moving forwarded. He also inquired whether or not these corrections are going to cost the County additional funds; he doesn't feel that it should. Mr. Mills stated that at this particular point in time, he isn't anticipating it costing anything with the one exception if we have to raise that low area; because the contractor was given a low area, but they could have managed it a little bit different and probably prevented some of that, but they didn't. So we have to share somewhat in that because they got a road with no drainage (a drainage problem to begin with). In fact, part of the reason we paved this road was because we had some areas that went under water; which have pretty much been taken care of with the exception of this one area.

Mr. Mills stated that in the Contractors defense, if we have to adjust the grade three or four, maybe six inches, which is allowed under our permit, then we may need to have to share in the cost. Commissioner Durden stated that in their defense or any contractors' defense in the future he won't be voting to do another grade unless we have right-of-way. Mr. Mills agreed that is a good thing.

Mr. Mills asked for clarification on what he is hearing from the Board; if the contractor wants to use an asphalt overlay for any of it they have to use an asphalt overlay for all of it; and if the want to use surface treat to do the repairs, it all has to be surface treatment.

The Board directed Lee Mills, County Engineer, to survey Otter Springs Road regarding the construction issues and bring back a corrective action plan.

Time Certain

2:30 p.m. Road Department Report: As requested by the Board, Mr. Billy Cannon, Road Department Superintendent, provided a list of expenditures and the maintenance logs on Grader #28. Mr. Cannon had invited a representative from Ring Power to present a proposal on a Total Maintenance and Repair Agreement, for the Boards consideration.

Mr. Darryl Brinkley, Heavy Equipment Service Manager with Ring Power, presented and reviewed the proposed TM&R Agreement on a 120M, Serial # B9C. The total amount of the agreement is \$49,307.40, for the term of 60 months or 7,500 Hours, whichever occurs first.

Discussion continued... The Board thanked him for coming out and presenting this program, but at this time, it is not economically feasible for the County to enter into such an agreement.

The Board choose NOT to enter into a Total Maintenance & Repair Agreement with Ring Power, at this time, on a new grader.

Time Certain

3:00 p.m. Ordinance 2010-08; LDC Changes: Mr. McPherson presented Ordinance 2010-08, Amending the Gilchrist County Land Development Code, for the Boards approval. He stated that the changes cover three areas, the Setbacks for Accessory Uses and Structures, Animal Density Limitations and the Establishment Requirements for Notice by Mail. Discussion took place... Chairman Harrison read the short title as follows for the record:

ORDINANCE 2010-08

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GILCHRIST COUNTY, FLORIDA; AMENDING THE GILCHRIST COUNTY LAND DEVELOPMENT CODE; CLARIFYING THE SETBACK REQUIREMENTS FOR ACCESSORY STRUCTURES; ESTABLISHING ANIMAL DENSITY LIMITATIONS FOR LOTS OF 2.5 ACRES OR LESS IN RECORDED AND UNRECORDED SUBDIVISION; ESTABLISH REQUIREMENTS FOR NOTICE BY MAIL FOR CERTAIN LAND USE HEARINGS; PROVIDING INSTRUCTIONS TO THE CODIFIER; AND ESTABLISHING AN EFFECTIVE DATE.

Motion made by Commissioner Randy Durden, seconded by Commissioner Kenrick Thomas, to approve Ordinance 2010-08. Chairman Harrison called for any further discussion, none noted. He then called for a vote... *Motion carried unanimously.*

Attorney's Report

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

Ordinance 2010-09: Speed Limit: Mr. McPherson stated that this ordinance will be noticed for adoption hearing at the mid-month meeting on changing the speed limit on SW 40th Street.

Resolution 2010-60: Amended Rates for Hart and Otter: Mr. McPherson stated that Ron McQueen, County Administrator and Mitchell Gentry, Hart Springs Manager have requested that this be delayed until the mid-month meeting when they will be in attendance.

Resolution 2010-61: Exemption of Storage Sheds: Mr. McPherson stated that this is something that the Board addressed at a prior meeting, but it needed to be put in the form of a resolution setting out the conditions of the exemption from building permit requirements. This resolution will give the Building Official the authority to exempt sheds of 300 square feet or less under certain conditions. He presented Resolution 2010-61, for the Boards consideration at this meeting. Chairman Harrison read the short title as follows:

RESOLUTION 2010-61

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GILCHRIST COUNTY, FLORIDA; AUTHORIZING THE BUILDING OFFICIAL TO EXEMPT STORAGE SHEDS FROM BUILDING PERMIT REQUIREMENTS IF CERTAIN CONDITIONS ARE MET; AND ESTABLISHING AN EFFECTIVE DATE

Motion made by Commissioner Kenrick Thomas, seconded by Commissioner Tommy Langford, to approve Resolution 2010-61. Motion carried unanimously.

Use of Capital Facility Impact Fees for Costs of Additional Jail Space Provided by Dixie County: Mr. McPherson stated that he was able to speak with Greg Stewart, with Nabors, Giblin on the issue of being able to use the Capital Impact Fee Fund that was set aside for building a jail for the costs of housing inmates in Dixie County. Mr. Stewart told him that there is logic to it and made some suggestions of how to insure its legality. One of which would be to amend the ordinance to say specifically in the Impact Fee Ordinance that the impact fees could be used for this purpose in lieu of a bricks and mortar project; which could be easily done.

Mr. Stewart also suggested that the Financial Officers for County to look into whether or not there is a way to show this as a capital expenditure on the budget; Mr. McPherson has spoken to Mr. Gilliam and he and Ms. Johnson will be looking into that.

Mr. McPherson stated this issue will be explored further and suggestions will be brought back at the next meeting or beyond.

Interlocal Agreement for Collection of Road Impact Fees in the City of Fanning Springs: Mr. McPherson stated that he and Mr. McQueen will have an agreement ready for review at the next meeting.

Alternatives to 70 Percent Rule for Initiating the Special Assessment District Procedure: Mr. McPherson stated that he has developed some alternatives and will be meeting with Mr. McQueen and Mr. Gilliam before bringing them back to the Board at the next meeting.

City of Weston v. Crist: Mr. McPherson stated that the State has appealed the circuit court ruling that the Act is unconstitutional as an unfunded mandate, i.e., no state funding provided for updating local comprehensive plans to comply with the Act.

Request for Filming Rights at Hart Springs: Mr. McPherson, in the absence of Mitchell Gentry, Hart Springs Park Manager, presented this item to the Board. It is a request by one of the film-makers involved in the BBC cave diving documentary to return to Hart Springs to film wildlife for a separate documentary on wildlife in Florida. This film-maker operates through a company called "Passion Pictures (Films) LTD" and has asked that the County enter into the attached agreement. Mr. McPherson stated that he has reviewed the agreement and sees no problem with it.

Mr. Gentry had informed him that Passion Pictures will make a \$600 donation to the Park.

Mr. McPherson recommended that the Board approve and to authorize the Chairman to sign the Letter of Agreement.

Motion made by Commissioner Sharon Langford, seconded by Commissioner Tommy Langford to approve the Letter of Agreement with Passion Pictures and to authorize the Chairman to sign. Motion carried unanimously.

Request for Review of Planning Commission Decision by Apostolic Church: Mr. McPherson stated that The Apostolic Church has requested review of the Planning Commission's denial of the special Use Permit. The hearing on this will be held at 4:30 p.m. at the mid-month meeting, October 18, 2010. This will be in the form of a rehearing, where all evidence will be heard by this Board and a decision made based on that evidence.

Mr. McPherson reminded the Board that they will be making their own decision on what's presented, not on the decision of the Planning Commission.

Department of Community Affairs; OTL Appeal: Mr. McPherson addressed a letter he received from the DCA regarding the appeal from Mr. Steve Gladin. Mr. Gladin filed a challenged to the DCA's Notice of Intent to find our Oak Tree Amendments in Compliance. Mr. McPherson stated that DC rejected the appeal; this gives Mr. Gladin the opportunity to amend. He also stated that Mr. Gladin didn't follow any of the rules for filing this petition; the main rule that wasn't followed was that it was filed late.

Mr. McPherson stated that he suspects that if Mr. Gladin was to file an amended petition, it as well will be dismissed.

Clerk's Report

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

Windstream Communications Agreement: Mr. Gilliam to the Board for approval, the request from Emergency Management, the Agreement for Communication Services, Contract number 20100970078, with Windstream Communications. The term of the agreement will be for three (3) year, in the amount of \$442.99 per month.

Ron Mills, EM Chief, addressed the Board and explained the nature of the agreement and the needed benefits for the Emergency Operations Center.

Motion made by Commissioner Randy Durden, seconded by Commissioner Kenrick Thomas, to approve the Agreement for Communication Services with Windstream and to allow the Chairman to sign. Motion carried unanimously.

Distribution of FY 2010/2011 Budgets: Ms. Jacki Johnson, Director of Finance, distributed the Fiscal Year 2010-2011 Budget books. She stated that if there are any questions or concerns to feel free to contact her. Ms. Johnson also thanked Ms. Julee Brideson for her assistance with the cover pictures.

Guardian ad Litem Agreement: Mr. Gilliam presented the agreement between Levy County and Gilchrist County for the responsibility of providing office space for the Guardian ad Litem Program, for the Boards approval and Chairman's signature.

Mr. McPherson had reviewed the agreement and addressed a correction to be made. Under Section 7, second paragraph, the first sentence read...

Nothing contained in this ~~Section~~ Agreement shall be constructed to be a waiver by either party of any protections...

Mr. McPherson suggested that the word ~~Section~~ be **removed** and **replaced** with Agreement. He stated that the Chairman could initial the change and the agreement would still be acceptable.

Motion made by Commissioner Randy Durden, seconded by Commissioner Tommy Langford, to approve the Guardian ad Litem Agreement between Levy and Gilchrist County's. Motion carried unanimously.

Pitney Bowes; Postage Machine Lease Agreement: Mr. Gilliam presented the State Contract, for Lease Agreement with Pitney Bowes, for a new postage machine. The postage machine will be utilized by all departments/offices in the Courthouse. The monthly lease fee will be \$478.74.

Motion made by Commissioner Tommy Langford, seconded by Commissioner Sharon Langford, to approve the Lease Agreement with Pitney Bowes, in the amount of \$478.74 per month for postage machine. Motion carried unanimously.

Tax Deed Applications: Mr. Gilliam presented the Tax Applications Fees, in the amount of \$3,621.99, for advertising and processing of County owned certificates.

Motion made by Commissioner Randy Durden, seconded by Commissioner Tommy Langford, to approve the amount of \$3,621.99, for Tax Application Fees, for County owned certificates. Motion carried unanimously.

Clerk's Agenda Change

Request for the use of the Boardroom: Mr. Gilliam presented a request from Rod Smith's Campaign Assistant, for the use of the Boardroom for an hour and a half, on Friday, October 8, 2010. Mr. Smith will be there around 10:00 a.m. for a meet and greet.

Motion made by Commissioner Kenrick Thomas, seconded by Commissioner Randy Durden, to approve the request for the use of the Boardroom on October 8, 2010. Motion carried unanimously.

Air Quality Survey: Mr. Gilliam addressed the issue of a survey/inspection that was performed in the Courthouse for air quality control. Tests were performed in the Supervisor of Elections Office and in the Circuit Civil hearing room. Suggestions were made for further testing and Mr. Gilliam will get with Gerald Lanier, Maintenance Supervisor, to see if this is something he can do or if we need to bring in someone else. Mr. Gilliam stated that he will bring back a cost if need be.

VAB Hearing: Mr. Gilliam reminded the Commissioners that serve on the VAB that the hearing is scheduled for Friday, October 15, 2010 at 1:00 p.m.

Commissioners Reports

Commissioner D. Ray Harrison, Jr.: Commissioner Harrison requested that a proclamation be drafted in honor/recognition of Wes Skiles, for his services to Gilchrist County.

Motion made by Commissioner Tommy Langford, seconded by Commissioner Randy Durden, to direct the County Attorney to draft a proclamation honoring/recognition Wes Skiles. Motion carried unanimously.

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 4:15 p.m.

Board of County Commissioners
Gilchrist County, Florida

Approved:

Attest:

D. Ray Harrison, Jr., Chairman

Joseph W. Gilliam, Clerk of Court