

## **MINUTES OF A REGULAR MEETING OF THE GILCHRIST COUNTY BOARD OF COUNTY COMMISSIONERS HELD JANUARY 6, 2014**

The Gilchrist County Board of County Commissioners, in and for Gilchrist County, Florida, convened in a **Regular Meeting** on **Monday, January 6, 2014**, at **2:00 p.m.**, in the Board of County Commissioners Meeting Facility, located at 210 South Main Street, Trenton, Florida, with the following members' present to-wit:

<i>District I</i>	<i>Commissioner Sharon A. Langford</i>
<i>District II</i>	<i>Commissioner D. Ray Harrison, Jr., Chairman</i>
<i>District III</i>	<i>Commissioner Todd Gray, Vice Chairman</i>
<i>District IV</i>	<i>Commissioner John Rance Thomas</i>
<i>District V</i>	<i>Commissioner Kenrick Thomas</i>

**Commissioner Kenrick Thomas was not present at today's meeting.**

### **Others in Attendance**

Todd Newton, Clerk of Court; Jacki Johnson, Finance Director; Patty McCagh, Board Secretary/Deputy Clerk; David Lang, County Attorney; Bobby Crosby, County Administrator; Tammy Moore, Administrative Assistant; John Ayers, Gilchrist County Journal; Diane Rondolet, Code Enforcement Officer; David Peaton, Director of Emergency Management; Chief Mitch Harrell, Fire/EOC; Lt. Jeff Manning, GCSO; Steve Gladin; Phil Bishop, NFPS; Andrew Carswell, Mills Engineering Company; Marion Poitevint; Katherine LaBarca; Charlie Perez; Basil Shawn Buchanan, Construct Co. Inc.; Rosemary McDaniel; Tom Sturgeon, Ellie Ray's RV Resort; and Everritt Heaton, Trenton Church of Christ.

### **Call to Order**

Chairman D. Ray Harrison, Jr., called the meeting to order at 2:02 p.m.

Brother Everritt Heaton, Trenton Church of Christ delivered the invocation and Commissioner Todd Gray lead the pledge of allegiance.

### **Agenda**

Mr. Todd Newton, Clerk of Courts, presented the following agenda change:

1. Addition: Budget Adjustment for the Sheriff
2. Addition: A/C Quote

***Motion made by Commissioner John Thomas, seconded by Commissioner Todd Gray, to approve the Agenda, as presented, with noted changes. Motion carried 4-0.***

## **Consent Agenda**

### **Approval of Minutes**

Budget Workshop .....	July 23, 2013
Budget Workshop .....	July 30, 2013
Budget Workshop .....	August 19, 2013
Regular Meeting .....	October 21, 2013
Regular Meeting .....	November 04, 2013

### **Approval of Bills**

On file in Clerk's Office .....	December 2013
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### **Request for Payment Approval**

Carr, Riggs & Ingram .....	\$25,000.00
(Progress Billing on 2013 Audit)	
Dixie County Sheriff's Office .....	\$18,537.00
(Inmate Housing for October 2013)	

***Motion made by Commissioner John Thomas, seconded by Commissioner Sharon A. Langford, to approve the Consent Agenda, as presented, with noted changes. Motion carried 4-0.***

## **County Administrator's Report**

Mr. Bobby Crosby, County Administrator, presented the following documents, and/or addressed the following issues:

### **Road Department**

- **CDBG Project/Ellie Ray's**: Phil Bishop, NFPS, representing Ellie Ray's RV Resort, addressed the Board and requested their approval to move forward with process to apply for CDBG grant regarding project for paving 110<sup>th</sup> Street, from SR 219 to Ellie Ray's Campground, as part of Economic Development. Discussion took place.

***Motion made by Commissioner Todd Gray, seconded by Commissioner John Thomas, to move forward with the process to apply for CDBG grant regarding project for paving 110<sup>th</sup> Street, from SR 219 to Ellie Ray's Campground, as part of Economic Development. Motion carried 4-0.***

- **SE 79<sup>th</sup> Lane**: Mr. Crosby updated the Board on the SE 79<sup>th</sup> CDBG project. He stated that the funds for the lots that were purchased for the said project can be reimbursed at this point. Discussion took place; Informational purposes only.

- Bid Award for CR 341: Mr. Crosby presented the bids results for the paving of CR 341, as follows:

Anderson Columbia	\$947,314.77
V.E. Whitehurst	\$1,070,273.34
Hipp Construction	\$1,104,085.22
Art Walker Construction	\$1,211,033.00
APAC Southeast	\$1,252,399.22

Mr. Crosby and Mills Engineering recommended approval for low bid to be awarded to Anderson Columbia, for paving CR 341.

***Motion made Commissioner Sharon A. Langford, seconded by Commissioner Todd Gray, to approve the award of low bid to Anderson Columbia, for paving CR 341, in the amount of \$947,341.77, as recommended Staff and County Engineer. Motion carried 4-0.***

#### Code Enforcement

- Monthly Report: Mr. Crosby presented the Month Code Enforcement, for the Boards' information, as submitted by Ms. Diane Rondolet, Code Enforcement Officer.

#### Parks/Recreation

- Hart Springs: Mr. Crosby presented a request for the purchase of a 2008 John Deere Gator, for a net cost of \$2,300.00, after trade, for Hart Springs. He also requested that the 2000 John Deere Gator, Asset #3212, be declared as surplus and used as the trade. Discussion took place.

***Motion made by Commissioner Todd Gray, seconded by Commissioner John Thomas, to approve the request for the 2000 John Deere Gator to be surplused and used for trade on the purchase of a 2008 John Deere Gator, for a net cost of \$2,300.00, after trade. Motion carried 4-0.***

#### Emergency Management

- Travel Requests: Mr. Crosby presented a request for permission to allow David Peaton to travel to Daytona, for the Florida Emergency Preparedness Association Annual Meeting, at a cost of \$766.00 plus per diem. This is a budgeted travel. Discussion took place.

***Motion made by Commissioner Todd Gray, seconded by Commissioner Sharon A. Langford, to approve travel request for David Peaton as presented. Motion carried 4-0***

#### EMS

- Medical Director Contract: Mr. Crosby presented a request to move forward with contract negotiation with Dr. Peter J. Gianas, M.D., P.A., as Medical Director, for Gilchrist County. Chief Mitch Harrell recommended Dr. Gianas. Discussion took place.

***Motion made by Commissioner Sharon A. Langford, seconded by Commissioner Todd Gray, to approve contract negotiations with Dr. Peter Gianas, as Medical Director for Gilchrist County. Motion carried 4-0.***

FYI

- Mr. Crosby informed the Board, that on Friday, January 10<sup>th</sup>, the FAC Strategic Planning Feedback Session, will be held in Alachua County, 10:30 a.m. - 12:30 p.m.
- Mr. Crosby provided for the Boards' information, the date of Legislative Day, which will be Thursday, March 27, 2014, in Tallahassee.

**Attorney's Report**

Mr. David M. Lang, Jr., County Attorney, presented the following documents, and/or addressed the following issues:

County Canvassing Board: Mr. Lang stated that it is found necessary for the appointment of substitute member of County Canvassing Board, due to the fact that the Chairman, Commissioner D. Ray Harrison, Jr., is up for re-election this year. (Florida Statutes S.102.141) Discussion took place. Mr. Lang informed the Board of the Canvassing Board responsibilities. Commissioner Sharon A. Langford volunteered.

***Motion made by Commissioner John Thomas, seconded by Commissioner Todd Gray, to appoint Commissioner Sharon A. Langford to serve as representative on the Canvassing Board for Gilchrist County. Motion carried 4-0.***

Log Landing Bid Protest: Mr. Lang stated that issue will be addressed at the 4:00 p.m. Time Certain.

SW 10<sup>th</sup> Street and SW 80<sup>th</sup> Avenue: Mr. Lang addressed the issue, for discussion, of the road intersection at SW 10<sup>th</sup> Street and SW 80<sup>th</sup> Avenue (Wannee). Mr. Lang stated that a citizen had contacted the Road Superintendent requesting that the stop signs at this intersection be repositioned hoping that traffic will actually stop and to keep traffic from cutting short driving on right-of-way thus running the stop sign.

Mr. Billy Cannon, Road Superintendent, was advised by County Engineering that the County would be better off to leave it like it is or reclaim right-of-way, contact CFEC and have light poles repositioned, take a few trees down and put it back to the way it used to be or just plain leave it like it is. Discussion took place.

Mr. Cannon agreed that it should be left as is.

***Motion made by Commissioner Todd Gray, seconded by Commissioner John Thomas, to DENY to request for modifying the intersection at SW 10<sup>th</sup> Street and SW 80<sup>th</sup> Avenue; leaving it as is. Motion carried 4-0.***

## **Clerk's Report**

Mr. Todd Newton, Clerk of Court, presented the following documents, and/or addressed the following issues:

Transfer of Assets: Mr. Newton presented a Transfer Request for a 1990 Ford F-350, Tag #TB3431, VIN #1FDK3764LNA72D91, to be permanently transferred from Otter Springs to Road Department.

***Motion made by Commissioner Sharon A. Langford, seconded by Commissioner John Thomas to approve the Transfer Request as presented. Motion carried 4-0.***

FDLE; Certificate of Acceptance of Subgrant Award: Mr. Newton presented the Certificate of Acceptance of Subgrant Award, for the Edward Byrne Memorial Justice Assistance Grant, in the amount of \$34,689.00, for the project entitled IN CAR VIDEO CAMERA UPGRADE (for the GCSO). He requested that the Chairman be authorized to sign.

***Motion made by Commissioner Todd Gray, seconded by Commissioner Sharon A. Langford, to approve the Chairman to sign the Certificate of Acceptance of Subgrant Award, for the Edward Byrne Memorial Justice Assistance Grant, in the amount of \$34,689.00, for the project entitled IN CAR VIDEO CAMERA UPGRADE; for the GCSO. Motion carried 4-0.***

## **Agenda Changes**

- Budget Adjustment: Mr. Newton presented a request made by Sheriff Bobby Schultz, that the funds, in the amount of \$7,500.00, be transferred from Jail Capital Outlay to Law Enforcement Capital Outlay, due to purchase of the Corrections Van being less money than anticipated. Discussion took place.

***Motion made by Commissioner Sharon A. Langford, seconded by Commissioner John Thomas, to approve the Budget Adjustment, in the amount of \$7,500.00, for the GCSO, as presented. Motion carried 4-0.***

- A/C Quote: Mr. Newton presented a quote from Lennox Industries Inc., in the amount of \$6,227.00, for the replacement of the a/c unit on the Courthouse, as a *single source* purchase, direct from Lennox. Discussion took place.

***Motion made by Commissioner Sharon A. Langford, seconded by Commissioner John Thomas, to approve the purchase of a Lennox A/C Unit, as a single source purchase, direct from Lennox, in the amount of \$6,227.00. Motion carried 4-0.***

Mr. Newton addressed the issue of the mid-month meeting in February falling on President's Day, February 17<sup>th</sup>. He requested direction from the Board on rescheduling that meeting.

**The Board agreed to reschedule the mid-month meeting in February to THURSDAY, February 20, 2014, at 4:00 p.m., due to the President's Day holiday.**

### **3:00 p.m. Time Certain** Tom Sturgeon, Ellie Ray's

Ordinance regarding the Time of Sale of Alcohol: Mr. Tom Sturgeon, owner of Ellie Ray's Campground & Resort, addressed the Board asking them to consider changing/amending the County Ordinance to allow the sale of alcohol on Sunday, at Ellie Ray's. Discussion took place.

***Motion made by Commissioner Sharon A. Langford, seconded by Commissioner Todd Gray, to DENY Mr. Sturgeon's request to amend or change the existing County Ordinance to allow the sale of alcohol on Sunday. Motion carried 4-0.***

### **Commissioners Reports**

Commissioner John Thomas requested a Time Certain regarding Sabal Trail Gas Pipeline; the Board directed Mr. Crosby contact Sabal Trail and request a Public Hearing

Commissioner Todd Gray proposed forming a pipeline committee; each Board Member needs to bring back two (2) choices for the pipeline committee at the next meeting

Commissioner D. Ray Harrison, Jr., requested that the Healthcare Law be looked at in regards to volunteer firefighters; he referred to an article in the Gainesville Sun from 1/6/2014

Commissioner Harrison requested that the Clerk and Administrator contact Levy & Dixie Counties regarding getting funds for Food Pantry

### **4:00 p.m. Time Certain** Log Landing Bid Appeal

Quasi-Judicial Hearing; Log Landing Bid Appeal by Construct Co.: Mr. David Lang, County Attorney, opened the hearing stating that this is a bid protest to the award of the bid for Log Landing Boat Ramp Renovation Project #2012042. The protesting party filed a written notice of bid protest with the County on or about December 3, 2013. The bid was awarded by the Gilchrist County Board of County Commissioners to D & L Contracting, which was awarded on or about December 2, 2013. The protesting party, Construct Co., Inc., didn't file a formal written protest in accordance with the Administrative Procedures Act. They only filed a *Letter of Protest* and put the County on notice that they were filing this protest.

Mr. Lang stated that since there was not a formal bid protest that was filed, in accordance with the Florida Administrative Procedures Act, the Board can hear this as a *matter of right* under the County policies in effect. This hearing will arise to what is known as a Quasi-Judicial Proceeding because it is a specific appeal, not a legislative function, of the Board. He then explained the procedures/format of a quasi-judicial hearing.

Mr. Basil Buchanan, representative of Construct Co., Inc., stated his case for filing the bid protest regarding the Log Landing Boat Ramp Project. It was Mr. Buchanan's protest that the low bidder D & L Contracting, who was awarded the contract for the Log Landing Boat Ramp Renovation

Project, does not possess the proper license to perform this work. He continued with his evidence to the protest providing information quoted from Florida Statutes. Discussion then took place.

Mr. David Colson, President of D & L Contracting, addressed the Board. He stated that they do hold a Marine Contracting License. They have never been challenged or held responsible for any bad projects.

Mr. Andrew Carswell, Project Engineer, with Mills Engineering Company, stated that in his findings a Contractor's License is not required to do the 'upland construction' (parking lot area) of the renovation at Log Landing, and that D & L is qualified to do this project as bid. Discussion took place.

Mr. Frank Ritter, Gilchrist County Building Official, also agreed, upon his findings, that D & L Contracting is qualified as a Marine Contractor to perform the boat ramp renovation and no other licenses are required to complete this project.

Mr. Lang, County Attorney, clarified with Mr. Buchanan that the purpose of his protest is that D & L Contracting is not properly licensed to perform the said boat ramp renovation project 'upland construction section of the project. Mr. Buchanan stated that according to Statute and Scope of Work, that D & L does not hold all of the licenses to complete the 'upland construction' section of this project. Discussion continued.

At this time, the Board asked questions and considered evidence in order to make a ruling.

***Motion made by Commissioner John Thomas, seconded by Commissioner Sharon A. Langford, to DENY the appeal, as protested by Construct Co., Inc., for the bid award of Log Landing Boat Ramp Renovation to D & L Contracting.*** Chairman called for any public comments or discussion... none noted. He then called for a vote... ***Motion carried 4-0.***

This concluded the quasi-judicial hearing.

**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 Sharon A. Langford, seconded by Commissioner John Thomas, to adjourn. Motion carried 4-0.*** Chairman Harrison adjourned the meeting at **4:38 p.m.**

***Board of County Commissioners  
Gilchrist County, Florida***

***Attest:***

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***Todd Newton, Clerk of Court***

***Approved:***

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***D. Ray Harrison, Jr., Chairman***