

## **MINUTES OF A REGULAR MEETING OF THE GILCHRIST COUNTY BOARD OF COUNTY COMMISSIONERS HELD JANUARY 21, 2016**

The Gilchrist County Board of County Commissioners, in and for Gilchrist County, Florida, convened in a **Regular Meeting** on **Thursday, January 21, 2016**, at **4:00 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.</i>
<i>District III</i>	<i>Commissioner Todd Gray, Chairman</i>
<i>District IV</i>	<i>Commissioner Marion Poitevint</i>
<i>District V</i>	<i>Commissioner Kenrick Thomas, Vice Chairman</i>

### *Others in Attendance*

Todd Newton, Clerk of Court; Richard Romans, Finance Director; Patty McCagh, Board Secretary/Deputy Clerk; David Lang, County Attorney; Bobby Crosby, County Administrator; Terri Hilliard, Administrative Assistant; Carrie Mizell, Gilchrist County Journal; Billy Cannon, Road Department Superintendent; Pastor Jason Jones, New Prospect Baptist Church; Chief Mitch Harrell, GC Fire/Rescue; Ralph Smith, EM Director; Sheriff Bobby Schultz, Chief Deputy Jeff Manning and 911 Coordinator Kieran Bryan, GCSO; Marc Wilson; Jerry Quincey; Jean Wonsler; Larry & Nancy Rogers; Rob Davis; LT & Karen Johnson; Don Strickland; Ronald E. Aderholt; Mary Bennett; Billy Wilson, CFEC; Katherine LaBarca; Richard & Leslie Esseck; Michael DeGeorge; Tanya Wickley; Robert Walpole, CHW; Greg Bailey and J.S. Daniel, NFPS; Willis R. Martin; Aryel Allen, North Gilchrist Beacon; and Barry F. Mitchell.

### *Call to Order*

Chairman Todd Gray called the meeting to order at 4:00 p.m. Pastor Jason Jones, New Prospect Baptist Church delivered the invocation and Commissioner D. Ray Harrison, Jr. led the pledge of allegiance.

### *Agenda*

Mr. Bobby Crosby, County Administrator, presented the following agenda change(s):

1. Addition: **911**; Approval of Kieran Bryan as the 911 Coordinator
2. Addition: **Road Department**; Submittal of SCRAP & SCOP projects for FDOT
3. Addition: **Parks & Recreation**; Approval of Amendment 1 for the Hart Springs FRDAP – Phase 1 Project
4. Addition: **General Government**; Update on the BOCC Meeting Facility
5. Addition: **FYI**; Gilchrist County School Board approved to pay their portion of Ad Valorem Taxes on the Gilchrist County Agricultural Complex at their January 19<sup>th</sup> meeting

Mr. David M. Lang, Jr., County Attorney, presented the following agenda change(s):

1. Addition: Subordination Agreement for David Cohen

***Motion made by Commissioner D. Ray Harrison, Jr., seconded by Commissioner Sharon A. Langford, to approve the Agenda, as presented, with noted change(s). Motion carried unanimously.***

### **Consent Agenda**

NO items presented for consideration/approval.

*Moving on...*

### **Public Participation**

- Ms. Jean Wonsler spoke to the Board regarding North Waccasassa Flats Conservation Easement Project, from 2016 Florida Forever Acquisition Plan. Ms. Wonsler requested that the Board look at the Comprehensive Plan to ensure that industrial farms do not come in to protected areas.

Chairman Gray thanked Ms. Wonsler for her concerns and stated that we will be monitoring those developments as they become available.

Chairman Gray called for any more public participation... None noted.

**Constitutional Officers:** None noted.

### **County Administrator's Report**

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

#### **Agenda Change**

- 911; Appointment of 911 Coordinator: Mr. Crosby brought back the name of the appointed 911 Coordinator, Ms. Kieran Bryan, for the Boards' approval, as required by statute, so funds can be expended without violation.

***Motion made by Commissioner Sharon A. Langford, seconded by Commissioner Marion Poitevint, to approve Kieran Bryan as the 911 Coordinator. Motion carried unanimously.***

#### **Road Department**

- Grader Purchase: Mr. Crosby stated that there is one grader that is getting close to hours. He met with the Clerk, Finance Director and Road Department Superintendent to discuss

options. At this point, they felt like moving forward with the John Deere annual lease would be the proper way to go. Its \$20,500 annual lease, full warranty, cuts down on maintenance and is on the Florida Sheriff's Association Contract (eliminates having to go out for bid). Mr. Cannon was present for discussion. Mr. Crosby stated that Mr. Romans, Finance Director, has ran some numbers showing the positives of going this way.

Mr. Cannon addressed the Board and expressed his opinion on this matter. He explained the benefit of the lease option. There were two (2) options presented:

1. One Year / 1500 Hour Lease: Annual Payment in advance, \$20,500.00 per year
2. One Year / 2000 Hour Lease: Annual Payment in advance, \$33,961.00 per year

Mr. Cannon is in favor of moving forward with Option 1. Mr. Romans explained the numbers that he calculated. Discussion took place.

***Motion made by Commissioner D. Ray Harrison, Jr., seconded by Commissioner Kenrick Thomas, to approve moving forward with Option 1, subject to the County Attorney's approval of lease with John Deere. Motion carried unanimously.***

Mr. Newton addressed a request made by Mr. Cannon to be allowed to obtain the use of a 'loaner' John Deere Grader to ensure it meets their needs. Discussion took place.

Mr. Cannon addressed the Board and explained that John Deere offered a *demo*, at no cost to the County, for a two week period, to try it out.

Commissioner Harrison asked if the motion made needs to be amended to include the use of the demo, subject to moving forward with execution of a lease. Discussion took place.

Mr. Lang, County Attorney, explained that the motion made was to move forward with the process subject to approval of the lease by himself. Once the loaner/demo, is tested, if it is found not to satisfy our needs, as of yet the lease has not been executed, therefore, the process to move forward would not be necessary. No need to amend the motion as stated.

*Moving on...*

#### **4:15 p.m. Time Certain**

- Public Hearing; Resolution 2016-02, Vacating SE 97<sup>th</sup> Trail: Mr. Lang stated that we have an amended petition to vacate, abandon, discontinue and close a portion of Southeast 97<sup>th</sup> Trail located west of Southeast 25<sup>th</sup> Avenue, in Gilchrist County, Florida. He stated that this issue is up for consideration and has been properly advertised, two weeks before the public hearing being held tonight, and the County Administrator has properly noticed the property owners as required.

A resolution has been prepared; Mr. Lang read the short title as follows:

## RESOLUTION 2016-02

### A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GILCHRIST COUNTY, FLORIDA, VACATING, ABANDONING, DISCONTINUING, AND CLOSING A PORTION OF SOUTHEAST 97<sup>TH</sup> TRAIL LOCATED WEST OF SOUTHEAST 25<sup>TH</sup> AVENUE IN GILCHRIST COUNTY, FLORIDA

Mr. Lang presented a copy of the amended petition, including a map, followed immediately by the resolution. This is a brief description of what was presented to the Board; this is a public hearing for input from both sides, before a decision is made.

Chairman Gray called for any public participation.

Mr. Jerry Quincey addressed the Board stating that he is still in favor of closing the road.

Commissioner D. Ray Harrison, Jr., stated for the record, that those who will be given access through the gate that the property owners will be erecting will strictly be the responsibility of the property owners and that individual. The County will not be responsible in any way. Chairman Gray called for any more public participation.

Mr. Marc Wilson stated that he and his family would like for the road to remain open.

Mr. Mylon Wilson, is in favor of keeping the road. He shared some history behind the road being back when it was cattle gapped and the cows were free range. The property owner, Mr. Bennett, gave the County right of way. Mr. Wilson felt like since right-of-way was given to the County maybe the adjacent property owners and the County could consider fencing Mr. Bennett's property to keep cows in and off of the road, allowing it to remain open.

Mr. Richard Esseck addressed the Board with his concerns. Chairman Gray called for any further public comments, none noted.

Moving forward with the public hearing procedure the Commission debated and expressed their opinions/concerns. Chairman Gray then called for the pleasure of the Board.

***Motion made by Commissioner D. Ray Harrison, seconded by Commissioner Kenrick Thomas, to approve Resolution 2016-02, as presented. Chairman Gray called for any further discussion, none noted. Motion carried 3-2, with Commissioner Sharon A. Langford and Commissioner Marion Poitevint opposing.***

### **County Administrator's Report continues...**

- **Bid Results:** Mr. Crosby presented the results from the four (4) bids that were received, for the Intersection Improvements of CR232/SR47 and CR340/SR47.

The bid results were as follows:

Anderson Columbia	\$194,999.99	(next to the lowest)
Art Walker Construction	\$199,438.00	
Coleman Construction	\$186,078.30	(lowest)
V.E. Whitehurst	\$232,333.15	

It was Mr. Crosby's recommendation that the Board approve and award the 'next to lowest bid', which was received from Anderson Columbia Company, Inc., for this project.

Mr. Crosby explained that due to the existing conflict that we are currently having with Coleman Construction, on another project, he felt it be in the best interest for the County to not award them another project, at this time. He also stated that their bid package was not submitted as to FDOT Specifications. Discussion took place.

***Motion made by Commissioner Kenrick Thomas, seconded by Commissioner Sharon A. Langford, to approve Anderson Columbia Company, Inc., with the 'next to the lowest bid', in the amount of \$194,999.99, for the Intersection Improvements of CR232/SR47 and CR340/SR47. Chairman Gray called for any further discussion.***

Mr. Crosby stated that the grant awarded for this project was only in the amount of \$164,915.00. He sent a request to the FDOT, requesting an additional \$63,068 needed to complete the project (with engineering and CEI); he stated that the request was granted. There will be no additional costs to the County.

Motion was amended... ***Motion made by Commissioner Kenrick Thomas, seconded by Commissioner Sharon A. Langford, to approve the award of contract to Anderson Columbia Company, Inc., as the 'next to the lowest bidder', in the amount of \$194,999.99, for the Intersection Improvements of CR232/SR47 and CR340/SR47; and subject to the availability of additional funding, in the amount of \$63,068, by the FDOT. Motion carried unanimously.***

#### EMS/Fire

- Ratification of Agreement: Mr. Crosby addressed the issue on the Ratification of Agreement, for renewal of Medicaid Provider. He stated that due to time sensitivity, he had the Chairman execute this agreement for the Florida Medicaid Provider Agreement so the County wouldn't lose funding.

***Motion made by Commissioner Sharon A. Langford, seconded by Commissioner D. Ray Harrison, Jr., to ratify the agreement for EMS Medicaid Provider. Motion carried unanimously.***

- Approval of Overnight: Mr. Crosby presented a request for overnight travel as submitted by Chief Harrell. Chief Mitch Harrell addressed the Board and explained the nature of the course and its benefits to the paramedics of Gilchrist County.

The request is for overnight travel, to Baltimore, for four (4) Paramedics to attend training and participate in Advanced Training Class, being held February 2-4, 2016, at the University of Maryland. Costs not to exceed \$2,400.00.

***Motion made by Commissioner D. Ray Harrison, Jr., seconded by Commissioner Marion Poitevint, to approve the request, as presented, for overnight travel and training. Motion carried unanimously.***

Commissioner Kenrick Thomas directed a question to Chief Harrell inquiring if it would be beneficial for Deputy Chief Myra Hope to drive emergency vehicle home. Discussion took place.

***Motion made by Commissioner Kenrick Thomas, seconded by Commissioner Sharon A. Langford to approve Deputy Chief Myra Hope authorization to drive County Emergency Vehicle home, as long as she remains at the location she lives now. Motion carried unanimously.***

#### Extension Office

- **Ratification of Overnight Travel:** Mr. Crosby presented a request asking the Board to ratify overnight travel for Marvin Weaver, to attend Peanut Training, at the University of Georgia, in Tifton. He will be traveling with the Levy County agent. Approximate cost to the County is around \$100.00 (for 3 days). Discussion took place.

***Motion made by Commissioner D. Ray Harrison, Jr., seconded by Commissioner Sharon A. Langford to ratify overnight travel, for Marvin Weaver, County Extension Agent, for peanut training, at the University of Georgia, in Tifton; cost of \$100.00, for three (3) days. Motion carried unanimously.***

#### Animal Control

- **Approval for Overnight Travel:** Mr. Crosby presented a request, for the Boards' approval, for overnight travel, for Brandon Butler to attend Animal Control Officer Certification class, from January 25-29<sup>th</sup>; approximate cost is \$1,100.00. Discussion took place.

***Motion made by Commissioner D. Ray Harrison, Jr., seconded by Commissioner Kenrick Thomas to approve overnight travel for Brandon Butler to attend Animal Control Officer Certification class, from January 25-29<sup>th</sup>; approximate cost is \$1,100.00. Motion carried unanimously.***

#### Library

- **Cost Savings & Alternates:** Mr. Crosby addressed the issue of Cost Savings and Alternates, for the Library project. He met with Commissioner Gray and Mr. Newton, Clerk, to review the costs and they were able to determine some cost savings by reducing the 'type' of products selected for use.

By determining these cost savings they came up with a cost reduction and agreed to move forward with Alternate #2 and #3. These changes bring the total estimated cost for the Library project to \$499,400.00, which came in under the grant funds of \$500,000.00. The Amount also includes the Architect and Engineering Fees. Discussion took place.

***Motion made by Commissioner Kenrick Thomas, seconded by Commissioner D. Ray Harrison, Jr., to approve cost savings and Alternates 2 & 3 as presented, for the library project. Motion carried unanimously.***

**FYI:** Mr. Crosby included the following reports, for the Boards' information; no action needed.

- 2015 Florida Rural Economic Development Summit Report – submitted by Diane Clifton
- Monthly Reports; Animal Control, Library, and Road Department

### **5:00 p.m. Time Certain**

- **SE 79<sup>th</sup> Lane Erosion Issues:** Mr. Crosby brought the Board up to date on the situations including the drainage and erosion issues, on 71<sup>st</sup> Court and SE 79<sup>th</sup> Lane. He explained what has transpired between the County, Engineers and the Contractor to date, trying to resolve these issues.

Mr. Robert Walpole, Causseaux, Hewett and Walpole (CHW), the engineer on the CDBG project SE 79<sup>th</sup> Lane, was invited to today's meeting to discuss and provide a solution to the drainage and erosion issues on 71<sup>st</sup> Court and SE 79<sup>th</sup> Lane.

Mr. Walpole explained his findings, as engineer, on the 71<sup>st</sup> Court and SE 79<sup>th</sup> Lane project. He stated that the Contractor was out of compliance and was notified back in August as well as the County; the Contractor did nothing. There was a contract warranty issue with the contractor and he needed to perform. The remedy under this specification is that he has to provide a turf that works. It is the contractor's obligation to provide sod.

Mr. Walpole stated that the vast majority of the erosion that has occurred on these sites is due to the lack of proper sod and turf maintenance, by the contractor.

Commissioner Sharon A. Langford made the comment to Mr. Walpole "*so what you're saying is, that it's all Coleman's fault.*" Mr. Walpole stated that "*what I am saying is the performance sod that is required or turf has never been established on this project.*"

Mr. Lang, County Attorney stated that we need to go back to the contract and see just what our rights are, as far as the warranty.

Mr. Walpole stated that the warranty is for the period of one year, for the whole project, although the **performance turf** is a *special specification* that says it goes until its establishment. It has never been established.

Commissioner D. Ray Harrison, Jr. asked how do we get something other than just *'talk'* on what needs to be done and by who. We need someone to take responsibility and some action needs to be taken, NOW. He stated that if this issue is not resolved in a timely manner, the engineer and contractor should be prepared to go to court. That was his recommendation and if it has to be a motion that's his motion; Commissioner Sharon A. Langford, seconded it. Discussion continued.

Mr. Newton asked Mr. Walpole to explain the requirements on performance sod for this project. Mr. Walpole explained.

Mr. Newton stated that knowingly to your firm, the specifications/requirements of the contractor, your firm signed off that the project is in compliance. How is it that you say your company has no responsibility, you signed off that the contractor has filled his obligation at that point, so how can you say your firm is out of the loop on this.

Mr. Walpole stated that because on a performance turf/sod we are required to sign off at the end of construction on the project so you can close out your grant. It's a one year period usually for establishment under the turf. Unless you wanted to wait one year for turf establishment, which we could do, but then you wouldn't be CDBG eligible. We sign off with everything being done, with the exception of performance turf, because there is a specification that guarantees you establishment.

Mr. Newton questioned how do you sign off saying that the project is **complete**? I can understand going to a certain point in the project but you signed off saying that the project was complete to specification but now what your telling me is that they have not been completed to specifications, that they did not fulfill what was required even though your firm signed off saying that they have met the responsibility. Mr. Walpole replied.

Mr. Billy Cannon, Road Department Superintendent, addressed the Board with his experience on this project from the beginning. He stated that this issue/project isn't something that just started. It's been happening from the beginning, day one, and everyone was put on notice, when it started. He stated that if the engineer or contractor can't fix it, he definitely can't fix it. Something needs to be done before we lose the road.

Chairman Gray asked Mr. Walpole if we were to go the route and we got the contractor to step up and do all that he is supposed to do, something better than he did before, and we watch it like we are supposed to, what happens if we have a major erosion problem out there. Is that when we say we might have an engineering problem?

Mr. Walpole replied, certainly. Discussion took place. Chairman Gray called for the pleasure of the board.

Commissioner D. Ray Harrison, Jr. stated that lets get to the table with this man (Mr. Walpole), Coleman Construction, and the County and fully explain what the problem is and who's going to fix it and if not, we will let a judge decide who is going to fix it and who's responsible. And don't leave anyone out from the table.

Chairman Gray stated that maybe instead of a meeting, maybe a letter from the County Attorney, to both parties (CHW and Coleman Construction) at least it will get the ball rolling to get something done. Commissioner Sharon A. Langford asked for Billy Cannon be included as well.

*Motion made by Commissioner D. Ray Harrison, Jr., seconded by Commissioner Sharon A. Langford to direct the County Attorney to send a letter to Coleman Construction and CHW regarding the matter of resolving the erosion and drainage issues on SE 79<sup>th</sup> Lane and 71<sup>st</sup> Court. Motion carried unanimously.*

### **County Administrator's Report continues...**

#### **Agenda Changes**

- **Road Department; SCRAP & SCOP Submittals:** Mr. Crosby presented the request for the Boards' consideration of roads for the submittal of SCRAP & SCOP projects for FDOT. There are a few changes that the FDOT has made regarding the submittals. There is a form request information that requires an engineer to fill out. He stated that the Road Committee will be meeting and will bring back roads for consideration at the board meeting on January 21<sup>st</sup>. Submittals need to be turned in by March 1<sup>st</sup>. Discussion took place.

**It was asked of the Board for any suggestions for roads to be submitted for SCRAP & SCOP FDOT Projects, be sent to the County Administrator by Wednesday of next week.**

- **Parks & Recreation; Hart Springs FRDAP Phase 1:** Mr. Crosby presented Amendment 1, for the Hart Springs FRDAP – Phase 1 Project, as requested by the FDEP. He stated that the amendment has been reviewed and approved by the County Attorney. The amendment reflects the way things are invoiced and some of the insurance requirements. He requested the Boards' approval of Amendment 1 allowing the process to move forward with the grant.

*Motion made by Commissioner Kenrick Thomas, seconded by Commissioner D. Ray Harrison, Jr., to approve the FDEP Amendment 1, for the Hart Spring FRDAP – Phase 1, as presented. Motion carried unanimously.*

- **General Government; BOCC Meeting Facility:** Mr. Crosby updated the Board on the progress of the construction taking place on the BOCC Meeting Facility project. He stated that O'Neal Company submitted some alternate projects (cost savings) for the Boards consideration, including to paint exterior windows & seals to protect and save energy costs. The funds to cover will come out of savings due to change in truss requirements for roof project. Discussion took place.

*Motion made by Commissioner Kenrick Thomas, seconded by Commissioner D. Ray Harrison, Jr., to approve the Cost Savings and additional work on the Boardroom Meeting Facility. Motion carried unanimously.*

- FYI: Mr. Crosby informed the Board that the Gilchrist County School Board approved to pay their portion of Ad Valorem Taxes on the Gilchrist County Agricultural Complex at their January 19<sup>th</sup> meeting.

### **Attorney's Report**

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

For Information Only: For the boards' information Mr. Lang presented the following:

- Copy of letter - Notice to Landowners - Sable Trails Transmission, LLC Federal Energy Regulatory Commission Docket No. CP15-17-000
- Update on Sable Trail Project - Proposed Public Utility Crossing and Right-of-Way Use Agreement; and Resolution on Commercial Utility Road and Agriculture Crossing Fees (to be heard at February 1, 2016 Board Meeting)

### **Agenda Change**

- Subordination Agreement: Mr. Lang presented a Subordination Agreement for David and Elizabeth Cohen, with Village capital, LLC, in the amount of \$86,599.00. He explained the history behind this SHIP Loan. He requested the pleasure of the Board, on this request.

***Motion made by Commissioner D. Ray Harrison, Jr., seconded by Commissioner Kenrick Thomas, to approve the new Subordination, in the amount of \$86,599.00, as presented. Motion carried unanimously.***

### **Clerk's Report**

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

Request for use of the Courtroom: Mr. Newton presented a request made by the Sheriff's Office, for use of the Courtroom, for Concealed Weapons Meeting, on Saturday's (dates to be determined). Discussion took place.

***Motion made by Commissioner Sharon A. Langford, seconded by Commissioner D. Ray Harrison, Jr., to approve the request for use of the courtroom as presented for Concealed Weapons Meetings on Saturdays. Motion carried unanimously.***

### **Commissioners Reports**

- Commissioner Marion Poitevint thanked the Road Department and the County, for their efforts to satisfy the dumpster issue, at the CR 138 Site

**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 D. Ray Harrison, Jr., seconded by Commissioner Kenrick Thomas, to adjourn. Motion carried unanimously.* Chairman Gray adjourned the meeting at **6:20 p.m.**

*Attest:*

\_\_\_\_\_  
*Todd Newton, Clerk of Court*

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

\_\_\_\_\_  
*Todd Gray, Chairman*