

MINUTES OF A REGULAR MEETING OF THE GILCHRIST COUNTY BOARD OF COUNTY COMMISSIONERS HELD MAY 16, 2016

The Gilchrist County Board of County Commissioners, in and for Gilchrist County, Florida, convened in a **Regular Meeting** on **Monday, May 16, 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; Donna Creamer, Administrative Assistant; Carrie Mizell, Gilchrist County Journal; Billy Cannon, Road Department Superintendent; Chief Mitch Harrell, Fire/Rescue; Laura Dedenbach, County Planner; Ralph Smith, EM Director; Jim Mash, Gilchrist County VSO; Jeannine Pfannschmidt, Sheriff Bobby Schultz, Sheryl Brown, Troy Davis, GCSO; Randy Durden; Richard & Leslie Esseck; Barney Bennette and Bill Henderson, FDOT; Ray & Jane Rauscher; Keith Lemmon, ICMS; Steven Howard; David and Kathy Gilliam; John Greiner, ARRL ARES EC Gilchrist County; Becky Williams, North Gilchrist Beacon; Billy Wilson, CFEC; Greg Bailey, NFPS, Inc.; Katherine LaBarca; Joe Lander; Don Thomas; Robert Henry; Vicki Sawyer-Lindo and Hersell Lindo; Bob Clemons; and Stoney Smith.

Call to Order

Chairman Todd Gray called the meeting to order at 4:00 p.m. Mr. Bobby Crosby, County Administrator delivered the invocation and Commissioner Marion Poitevint led the pledge of allegiance.

Agenda Changes

Mr. Bobby Crosby, County Administrator, presented the following Agenda Change(s):

1. Addition: Emergency Management; Discussion of Gate Opener
2. Addition: Tourist Development Council; Approval to purchase T-Shirts

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

Consent Agenda

The Board **approved** the Consent Agenda, as presented:

Approval of Minutes

Regular Meeting December 7, 2015
 Regular Meeting January 4, 2016

Approval of Pay Request

Hoffman Construction, Inc.
 Application #4, Library Project, 5/10/16 \$141,228.14

North Florida Professional Services, Inc.
 Invoice #15031, 04/28/16, SW 10th Street \$17,632.00

SHIP
 Client Repair Submission(s)
 Margaret Daub, repair application \$38,966.00
 Emma Jackson, repair application \$33,131.00

Motion made by Commissioner D. Ray Harrison, Jr., seconded by Commissioner Marion Poitevint, to approve the Consent Agenda, as presented. Motion carried unanimously.

Public Participation

- Mr. Dave Gilliam, concerned resident, thanked the Board, Mr. Crosby and the Emergency Management for the support of the HAMM operators in the County.
- Mr. Josh Griner, HAMM Radio Coordinator, stated that along with HAMM, he is associated with ARIES, Amateur Radio Emergency Service which helps out with deployment under the County Plan and also help out with Red Cross and other agencies with communications. The Board thanked him and the organizations for their help in emergency situations.
- Mr. Steve Howard, SE 88th Lane – Waccasassa Campsites area, stated his area has been having issues with dust flying due to people speeding down the road. He stated he has COPD, and asked the Board to consider lowering the speed limit for that road. Commissioner D. Ray Harrison, Jr. referred him to Mr. Billy Cannon, Road Superintendent, to address this matter.

Constitutional Officers Report

- Sheriff Bobby Schultz, Gilchrist County, gave an update on some of the services coming up at the Sheriff’s office.

He stated they have not been contacted by Ginnie Springs this year so there will be no law enforcement/security hired for Memorial Day weekend. Ginnie Springs is private property and they are not required to provide law enforcement/security. They will however respond if called upon. Overtime may be required if the need arises.

Sheriff Schultz reported on the vehicle situation. The maintenance repair is breaking the budget. He distributed a handout created by Lt. Troy Davis, listing vehicles with maintenance information for each vehicle utilized by the GCSO. The lowest repair for the 2010 Chargers was \$3,287.93 with the highest repair of the 2010 Chargers \$4,567.09. The lowest repair for the 2011 Chargers was \$5,892.24 with the highest repair of the 2011 Chargers \$11,910.11. They have a couple 2012 Tahoe's with the lowest repair being \$789 and the highest being \$884.13, our 2013 Tahoe lowest repairs are \$708.63 with the highest being \$781.63. The 2014 and 2015 Tahoe repairs were zero. There is a significant difference in repairs.

Sheriff Schultz is requesting to purchase six (6) Tahoe's immediately which would take around 90-120 days. Sheriff Schultz provided a *Municipal Lease Quote Request* from Scoggins Chevrolet and requested permission to purchase or lease six (6) Chevrolet Tahoe's for \$242,584.80, spread out for 36 months, of which time we can buy back the same six (6) Tahoe's. Discussion took place.

Mr. Todd Newton, Clerk, stated he has reviewed and discussed this request with the Sheriff and Commissioner Sharon A. Langford and to the best of his knowledge, these vehicles fall under the State Contract.

Motion made by Commissioner D. Ray Harrison, Jr., seconded by Commissioner Sharon A. Langford, to approve the quote from Scoggins Chevrolet, as presented, for six (6) new Chevrolet Tahoe's, for the Sheriff's Department; contingent upon review of the contract by the County Attorney. Motion carried unanimously.

4:15 p.m. Time Certain

Mr. Bill Henderson, FDOT, presented the Five (5) – Year Transportation Plan including the study on SR 26, near Waccasassa. Other projects were identified.

Mr. Barney Bennett, FDLT, explained the SCRAP, SCOP and CGPI programs. Looking at new requests for projects. They will be looking at safety, preservation of existing and new roadways before they look at paving dirt roads. They are now going to a web based application so that a County can submit a project and can access it on the web to see whether it was funded or not, or even what the status is. If the project is not funded, it will stay in the web and the County would not have to re-apply for it. The goal is that the web based application would be up and running by October.

Mr. Bennett reported that in 2017 the State has allocated \$50 million towards trails, then \$25 million per year after. Most of the funding will go to the Coast-to-Coast Trail which has very little to do with Gilchrist County. If the Nature Coast Trail towards Newberry is a trail the County

would like to see funded for construction, they would like to see an application come from the County to them.

4:30 p.m. Time Certain

Mr. David Lang, County Attorney announced this is a Quasi-Judicial Hearing and explained the procedures. It was noted that Commissioner D. Ray Harrison, Jr., and Commissioner Kenrick Thomas said they each had spoken with a few people regarding this issue/request; they disclosed the names of those people.

Ms. Laura Dedenbach, County Planner, presented SUP 2016-05, A request by Keith Lemmon, agent for Hersell and Vicki Lindo, owners, for a Special Use Permit for a Bed and Breakfast Inn and Event Venue, in an Agriculture-2 Land Use Category, located on approximately 192.59 acres at 6359 SW CR 307, Trenton, FL. Tax Parcel #011014-000-0001-0000.

Ms. Dedenbach reviewed the Special Use Permit Analysis as follows:

- There is no specific category for an event facility in the A- 2 land use category. However, Section 2.06.02(m), LDC, allows Bed & Breakfast Inns.
- The applicant is proposing to renovate the main house in order to have a Bed & Breakfast Inn, as well as host special events. The application lists weddings, business retreats, and family reunions as examples of special events. In the future, the applicant desires to construct small cottages on the property. The applicant has provided a conceptual development plan as part of their application.

Ms. Dedenbach stated that the proposed use, as conditioned, is consistent with the Comprehensive Plan and Land Development Code and recommended approval of the requested Special Use Permit to the following conditions:

1. The Special Use Permit is issued to Hersell and Vicki Lindo, owners, for a special use permit for a bed and breakfast inn and event venue in an Agriculture-2 land use category located on approximately 192.59 acres at 6359 SW CR 307, Trenton, FL. Tax parcel #011014-000-0001- 0000.
2. Use of the property as a Bed & Breakfast Inn or event facility prior to preliminary and final development plan approvals is prohibited.
3. An application for preliminary development plan shall be submitted within one year of the approval of the special use permit by the Board of County Commissioners. Failure to submit a preliminary development plan within one year will result in the expiration of the special use permit. The Board of County Commissioners may grant a one-time extension of the preliminary development plan approval, not to exceed six (6) months, for reasons of hardship. The applicant must file the request for extension with the County prior to May 16, 2017.

4. Hours of operation for the event facility shall be limited to 8:00 a.m. to 11:00 p.m. No outdoor music or live bands are permitted. If portable lighting is used on the site for the parking area or grounds, then it must be placed in such a manner that does not shine into surrounding properties. Lighting shall be turned off at 11:00 p.m., or the end of the event, which ever occurs first.
5. The number of attendees per event shall be limited to 300 persons.
6. Events shall be limited to private events where admittance is not available to members of the general public (e.g., concerts that are publically advertised and tickets are available to members of the general public).
7. Access to the site shall be determined at preliminary development plan approval.
8. Any violation of this SUP or conditions thereof, shall cause the revocation of this SUP by the Board of County Commissioners. The Board of County Commissioners shall hold a public hearing on the proposed revocation with the notice of public hearing provided by certified mail to the property owner. Evidence of violation of the SUP may be presented by any person including a resident, the County Code Enforcement Officer, or other County official. Once the SUP has been revoked pursuant to this provision, the owner shall be prohibited from re-applying for a SUP to allow a Bed & Breakfast Inn or an event facility.
9. Approval of this SUP does not alleviate the applicant's obligation to obtain all other applicable County, state, and federal permits.

As conditioned the proposed use contained within this special use permit:

1. Is consistent with the Gilchrist County Comprehensive Plan, Land Development Code, and other applicable regulations.
2. Is generally compatible and harmonious with the uses and structures on adjacent and nearby property.
3. Has the necessary public infrastructure available to the site and the requirements of concurrency management have been met. A concurrency reservation is not being given with this special use permit.
4. Has screening and buffers maintain the compatibility properties.

Chairman Gray asked the applicant to come forward and share what his plans and intentions are for the request of a SUP.

Mr. Hersell Lindo addressed the Board and explained. discussion took place.

Chairman Gray then called for any public comments.

- Mr. Joe Lander, property owner near subject SUP Bed & Breakfast. Gave his views of what needs to be done. Currently opposes the SUP as it's written.
- Mr. Bob Clemons, property owner, doesn't have an opinion for or against this SUP. He would like to express a good word that the Lindo's seem like fine people and want to good neighbors. This county is made up of a lot of fine people. This would bring some tourism to the county in the future.
- Mr. Robert G. Henry, adjacent property owner, very much in agreement with Mr. Clemons and in agreement with Mr. Lander, but thinks they are leaving their selves open to a problem.
- Mr. Don Thomas, adjacent property owner, the bed and breakfast is not an issue, but when you say events it leaves it open, and is very concerned about that.
- Ms. Leslie Esseck, Rock Bluff, concerned about the number of cottages, and wants it limited to 75.
- Mr. Richard Esseck, Gilchrist County, asked about the septic facilities. Discussion took place.

Chairman Gray then called for the pleasure of the Board.

Motion made by Commissioner Sharon A. Langford, seconded by Commissioner Marion Poitevint, to approve SUP 2016-05; Chairman Gray called for a vote by roll call. Commissioner Marion Poitevint - YES, Commissioner Sharon A. Langford – YES, Chairman Kenrick Thomas – YES, Commissioner Todd Gray – YES, Commissioner D. Ray Harrison, Jr. – YES. Motion carried unanimously.

4:45 p.m. Time Certain

Mr. David Lang, County Attorney announced this is a Quasi-Judicial Hearing and explained the procedures.

Laura Dedenbach, County Planner, presented VAR 01-2016, A request by Garry Ward, Sr., for a variance to the side setback from 5 feet to 2.81 feet at 9779 NW 38th Terrace. Tax Parcel # 13-07-14-0380-0008-0180.

Ms. Dedenbach reviewed the Variance Analysis as follows:

- A slab for an existing storage building was poured too close to the property line. The storage building is currently located in the side setback. The applicant is seeking a variance to the side setback to accommodate the slab rather than destroying and removing the slab and moving the storage shed from its' existing location.

- Section 7.01.02 (e)(1) LDC, requires a 5-foot side setback for accessory structures. The requested variance would reduce the side setback from 5 feet to 2.81 feet (a reduction of 2.19 feet). Section 7.01.01, LDC, states that accessory structures should not be located in side yard setbacks or waterfront yards, but should be located in rear yards. In this case, the rear yard is the waterfront yard. The existing storage shed has been located in its existing side yard location since the applicant purchased the property in 2013. It is not recommended that the shed be moved from its' current location to the waterfront/rear yard, which would be 5 feet from the Suwannee River.

Ms. Dedenbach stated that the proposed variance is consistent with the Comprehensive Plan and Land Development Code and recommended approval of the requested Variance to reduce the side setback from 5 feet to 2.18 feet, as shown in the applicant's submitted application. The Application for a Variance is granted on the following bases pursuant to Section 12.05.04, LDC:

1. Due to the location of the lot along the Suwannee River, which designates the rear yard as a waterfront yard, it is not practical to move the existing shed from the side yard to the rear (waterfront) yard. Doing so, in strict compliance with Section 7.01.01, LDC, would create a hazardous situation by locating an accessory structure in the floodway of the Suwannee River.
2. The variance request is not based exclusively on a desire to reduce the cost of developing the site.
3. The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.
4. The effect of the proposed variance is in harmony with the general intent of the LDC and the specific intent of Section 7.01, LDC.

Chairman Gray called the applicant forward.

Mr. Kevin Curry, friend of applicant, spoke on behalf of the applicant. He addressed the issue of the shed. Discussion took place.

Chairman Gray then called for any public participation; none noted.

Motion made by Commissioner D. Ray Harrison, Jr., seconded by Commissioner Marion Poitevint, to approve VAR 01-2016. Motion carried unanimously.

5:00 p.m. Time Certain

Chairman Gray passed the gavel to Vice Chairman Commissioner Kenrick Thomas. Chairman Gray abstained from participating in discussion of the request for an extension on SUP 04-15. Commissioner Gray will submit Form 8B Memorandum of Conflict which will be incorporated into these minutes, as required.

Mr. David Lang, County Attorney announced this is a Quasi-Judicial Hearing and explained the procedures.

Laura Dedenbach, County Planner, addressed the issue of an extension on SUP04-15 as requested by applicant Whitney “Stoney” Smith. Mr. Smith submitted a letter requesting an extension of the special use permit for "90 days or so". Staff does not have a problem with the request. Upon demonstration of hardship as required in the approved condition, staff recommends granting the one-time extension.

Ms. Dedenbach recommends that the extension be granted for the full 6-month period.

The applicant, Mr. Whitney “Stoney” Smith addressed the Board and gave an update of why he is requesting the extension.

Motion made by Commissioner D. Ray Harrison, Jr., seconded by Commissioner Sharon A. Langford, to approve the requested 6-month extension for SUP 04-15. Motion carried with a 4-0 vote; Chairman Gray abstained. Commissioner Thomas passed the gavel back to Chairman Gray.

County Administrator’s Report

Road Department

- **Request for Speed Limit Signs:** Mr. Crosby, County Administrator, asked Mr. Billy Cannon, Road Superintendent, to speak about the requested for speed limit signs. Mr. Cannon stated that he receives a request from Ms. Paula Bunckley for three (3) speed limit reduction signs on three roads; SW 15th Street, SW 17th Place and SW 42nd Court. He stated that her main concern is the dust. Mr. Cannon went and looked at the roads and stated that the request is to lower the speed to 35 mph on all three roads. Discussion took place.

Motion made by Commissioner D. Ray Harrison, Jr., seconded by Commissioner Kenrick Thomas, to direct the County Attorney to prepare and ordinance reducing the speed limit to 35 mph on SW 15th Street., SW 17th Place and SW 42nd Court; speed limit signs will be posted. Motion carried unanimously.

Veteran’s Office

- **VSO Request to Reduce Hours:** Mr. Crosby, County Administrator, stated that Mr. Jim Mash, our Veteran’s Officer, has requested for his hours to be cut back from 32 hours per week to 16 hours per week beginning June 7, 2016. Discussion took place.

Motion made by Commissioner Kenrick Thomas, seconded by Commissioner Sharon A. Langford, to approve Mr. Mash, VSO’s request for reduction in his hours from 32 hours per week to 16 hours per week beginning June 7, 2016. Motion carried unanimously.

Emergency Management

- Internet Upgrade for EOC: Mr. Crosby discussed the Internet Upgrade at the EOC. He distributed an additional handout from the The Tower Firm. He stated that the costs will be funded by Emergency Management Grant Funds. The monthly internet bill would go from approximately \$1,200.00 per month to \$200.00. The only maintenance would be if lightning happened to hit the equipment.

Mr. Crosby stated that the quote received in the amount of \$10,600.00 is over the bid amount and requested that due to time constraints that the bid process be waived. Discussion took place..

Mr. Ray Rauscher, Concerned Citizen from Rock Bluff, asked how long is this rate going to last? Would it be going up in one or two years? Mr. Crosby stated this has been the rate since the five or six years that they've been in business.

Motion made by Commissioner D. Ray Harrison, Jr., seconded by Commissioner Kenrick Thomas, to approve and not to exceed \$17,100, for the installation of the new Tower for internet service at the EOC; costs to be funded by Emergency Management Grant Funds, and subject to the Attorney's review and final agreement. Due to time sensitivity for quote, bid requirements were waived. Motion carried unanimously.

Agenda Change; Emergency Management

- Gate Opener: Mr. Crosby stated that we are required to spend the Emergency Management funds by June. He stated that one of the things we've been concerned with and looked at were some prices on an electric gate opener for the Fuel Depot. It will stay open during the day. Three quotes were received. One at \$5,840.00 (local), one at \$5,838.00 (Lakeland) and one for \$7,000.00, on the same piece of equipment. The gate from Commercial Gates and Electric can be installed for \$5,840. Discussion took place.

Motion made by Commissioner Kenrick Thomas, seconded by Commissioner D. Ray Harrison, Jr., to approve Commercial Gates and Electric, for the installation of a Gate Opener, at the Fuel Depot, in the amount of \$5,840.00 to be paid out of the Emergency Management Grant Funds. Motion carried unanimously.

Agenda Change; TDC

- Request to Purchase T-Shirts: Mr. Crosby addressed the issue that the TDC is seeking approval to purchase 500 t-shirts highlighting the TDC logo. These will be placed at all of the parks. He stated that these t-shirts are to be given away under certain circumstances. The funding will be paid for with the Bed Tax Money in the amount of \$3,200.00, for the shirts. Mr. Crosby requested approval. Discussion took place.

Motion made by Commissioner Kenrick Thomas, seconded by Commissioner D. Ray Harrison, Jr., to approve the purchase of 500 t-shirts highlighting the TDC logo to promote Gilchrist County; costs in the amount of \$3,200.00, to be paid for out of the Bed Tax Funds. Motion carried unanimously.

Attorney's Report

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

- **General Election Referendum**: Mr. Lang presented a *draft* of the language regarding the General Election Referendum Amending *Time of Sale of Alcoholic Beverages* in Unincorporated Areas of Gilchrist County, for the Board' approval, as previously requested by Mr. Tom Sturgeon, Owner of Ellie Ray's. Mr. Lang stated this is a non-binding referendum that shows the sentiments of the voters.

He clarified that the County Commission is not approving alcohol sales.

Motion made by Commissioner Kenrick Thomas, seconded by Commissioner D. Ray Harrison, Jr., to move forward with the draft language for the General Election Referendum. Motion carried unanimously.

- **Silage Trucks**: Mr. Lang stated that a meeting or so ago, Mr. Richard Esseck asked a question concerning County regulation of 'silage trucks' and distance traveled concerning debris blowing out of those trucks. Mr. Lang stated the quick answer is that the Florida Legislature has already addressed the issue and provided statutes. He provided the Florida Statutes 316.520 Sub-Paragraph 1... *requires that no one having debris blowing out of their trucks and if you do have debris that will blow out of the truck, you have to cover it, BUT, that same statute sub-paragraph 4 specifically exempts vehicles that are hauling agricultural products, from the requirement of this when the products of those are locally harvested and where speed limit is 65 miles per hour or less and the distance driven on public roads is less than 20 miles.* Meaning that they pre-empt any ordinance that the Board can establish. Discussion took place, no Board action needed or taken.

Clerk's Report

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

- **Purchase of new Tractor for the Road Department**: Mr. Newton reported the funds have been received for the Volvo Grader in the amount of \$89,000.00. He asked the Board if they would consider not going out for bid on a loan and just purchasing the tractor with the funds that were received for the Volvo Grader. The money from the Grader will wipe out the expense of the tractor.

Chairman Gray stated the numbers are very close and it would save the expense of interest on a loan.

Motion made by Commissioner Kenrick Thomas, seconded by Commissioner D. Ray Harrison, Jr., to approve using funds received back from the grader, \$89,000.00, to purchase new tractor and not to go out for bid, as previously approved. Motion carried unanimously.

Commissioners Reports

- **Commissioner Marion Poitevint** expressed thanks for Billy Cannon and the two inmates from prisoner control who fixed and repaired the boat ramp, however it needs garbage cans and signs for no ATV's, no camping and no alcohol. The crew did an excellent job. Mr. Crosby stated that they are currently working on having more signs printed at this time and he will get a garbage can out there tomorrow. Commissioner Poitevint asked about the fence around the mud hole...Mr. Crosby responded it should be up next Friday.
- **Commissioner Todd Gray** stated he attended a SRWMD meeting last Friday and reported that the grant was confirmed for use of water retention improvements on SR 47. This gives us \$360,000 from DOT and another \$160,000 totaling \$520,000; we should now have enough funds to make some significant improvements.

He stated that the Economic Advisory met on Thursday afternoon and that they toured the helicopter plant, here locally. Commissioner Gray also thanked Billy Cannon for taking care of the residents request on the road behind him.

- **Commissioner D. Ray Harrison Jr.** stated he had requested to be replaced on the Chamber Board and had asked Commissioner Poitevint to take his place. Commissioner Poitevint will be the official designee on the Chamber of Commerce.

Commissioner Harrison also stated that he had some concerns about the roads at 334 & 334A regarding the culverts being lower than the ditch. He contacted Lee Mills and Mr. Mills assured him that they would meet specs.

- **Commissioner Kenrick Thomas** stated he had a request today regarding spraying for mosquitos. Mr. Crosby stated that we started spraying last week in the lower lying areas. If anyone has an area that needs to be sprayed, they need to send in a request. Hart Springs and Sun Springs areas have been added to the list. Commissioner Thomas gave appreciation to the Road Department for keeping up with all of these roads.

Old Business: None

New Business: None

Public Participation: None

Adjourn

With there being no further business... a *Motion was made by Commissioner Kenrick Thomas, seconded by Commissioner Marion Poitevint, to adjourn. Motion carried unanimously.* Chairman Gray adjourned the meeting at **6:11 p.m.**

Attest:

Todd Newton, Clerk of Court

*Board of County Commissioners
Gilchrist County, Florida*

Approved:

Todd Gray, Chairman