

**CALHOUN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
OCTOBER 25, 2016**

PRESENT AND ACTING:

**MARION "LEE LEE" BROWN, CHAIRMAN
WOODROW "LEE" SHELTON, VICE-CHAIRMAN
DARRELL MCDUGALD
THOMAS G. FLOWERS**

**CARLA HAND, CLERK OF COURT AND COUNTY COMPTROLLER
ANGIE SMITH, EMERGENCY MANAGEMENT DIRECTOR
JOE WOOD, DIRECTOR OF OPERATIONS
SARAH WILLIAMS, CLERK ADMINISTRATIVE ASSISTANT
TOMASI MATAUTIA, DEPUTY SHERIFF
TADD SCOTT, DEPUTY SHERIFF**

The meeting held in the Regular Meeting room was called to order by Chairman Brown at 6:05 p.m., CT. Chairman Brown led the Prayer and Pledge of Allegiance to the Flag.

Chairman Brown reminded everyone to silence their cell phones and reminded those on the agenda they will have three (3) minutes to speak on their topic.

APPROVAL OF MINUTES AND VOUCHERS

- ❖ A motion to approve the minutes and vouchers as published on the agenda (October 25, 2016 Regular Meeting Minutes; vouchers for warrants: accounts payable warrants –1610-2GP, 1610-GP2, 1610-2GC, 1610-TAG, 1610-2RP, 1610-2RC, 1610-2LP, 1610-2LC, 1610-2EP, 1610-2EC, 1610-2SP, 1610-2SC) was made by Commissioner McDougald and seconded by Commissioner Flowers. The motion passed unanimously 4-0. (Vouchers are available in the Clerk's Office.)

STEVE MELVIN – VACATION OF PLAT

Attorney Fuqua stated anyone who did not speak at the Planning Commission Meeting on the vacation of the plat for Mr. Steve Melvin could be recognized at this time. There was no public comment.

RESOLUTION 2016-29

WHEREAS, The Board of County Commissioners of Calhoun County, Florida (the "Board") has been petitioned by the owners of all the property within The Crossroads, Plat Book 2, page 2a of the public records on Calhoun County, Florida (the "Plat");

WHEREAS, public notice has been published in the local newspaper pursuant to Chapter 177 of the Florida Statutes;

WHEREAS, The Board has determined that the Plat as described above serves no useful purpose and the vacation of the Plat will not deny access to any adjacent landowners.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Calhoun County, Florida that The Crossroads, Plat Book 2, page 2a of the public records of Calhoun County is hereby vacated.

ADOPTED this 25th day of October, 2016.

- ❖ Commissioner McDougald made a motion to adopt the Resolution for vacation of The Crossroads plat. Commissioner Flowers seconded the motion. The motion passed unanimously 4-0.

DALLAS BOYD – FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)

Mr. Boyd with FDOT, Structured Maintenance Department, stated construction will soon begin on the west-bound bridge from Liberty County to Calhoun County to reduce it from two (2) lanes to one (1) lane. All bridges are federally mandated to be inspected every other year, and the last inspection on the bridge revealed some corrosion, which lead to a load rating analysis to determine the load carrying capacity of the structure. The analysis pointed to reducing the load the bridge carries at one time, and FDOT determined the best solution would be to reduce the bridge to one (1) lane to prolong the life of the bridge. The construction will be completed sometime within the next three (3) months.

CHARLES SMITH – REQUEST FOR VARIANCE ON A NEW BUSINESS

Mr. Smith stated he requested a setback variance about five (5) years ago on a business property he wished to open on Highway 20, and is again requesting the same setback variance. Attorney Fuqua stated Mr. Smith would need to go through the Planning Commission process and meet with Mr. Frank Snowden and go through all the necessary steps. Mr. Snowden gave some history on the building Mr. Smith is requesting a variance for, and stated he did a survey of the property when there was some question about the property lines. The building had to be moved back and is currently right inside the property line. County regulations state there must be a setback buffer of 10 (ten) feet. Mr. Smith is requesting a variance on this regulation to operate the business with the building as it is, which is in violation of the 10 (ten) foot setback rule. Attorney Fuqua again stated Mr. Smith will need to go back through the Planning Commission to request a variance making sure everything is up to code. Commissioner McDougald asked if the Planning Commission would need to have permission from adjacent property owners and disclose the land use before granting a variance. Attorney Fuqua stated the nature of the business will need to be disclosed, the neighbors notified, and to ensure the building is in the proper area for business operation. Mr. Snowden stated the building is considered urban fringe and would be an allowable land use. Mr. Snowden suggested scheduling a Planning Commission Meeting to address the variance. Commissioner McDougald asked what kind of shop Mr. Smith would be running. Mr. Smith stated he wishes to open a machine shop and an injector pump repair shop. There was further discussion on variances and opening a business. Commissioner McDougald stated he did not see where granting a variance would be a problem, the Board is here to help. Mr. Smith stated he has already been through the process to request a variance, and did everything required but the variance was denied. Attorney Fuqua asked if anything has changed since the Board voted against the variance. Mr. Smith stated the only two (2) things that have changed are he has proven the building has not been abandoned and he does not have to construct a storm water runoff pond; which he was told he would need last time he asked for the variance. Mr. Smith stated he went through all the proper steps and notified the property owners in the area. Attorney Fuqua asked if any of the neighbors have changed, he

remembers there being objections with the last request for a variance. Mr. Smith stated there was only one neighbor who objected. There were no issues other than the variance was denied. There was further discussion on the variance and the previous meeting in which the variance was brought before the Board. The Board scheduled a Planning Commission Meeting for December 13th, at 5:00 p.m.

BOB FLECK – IDA BOARD CHAIRMAN

Mr. Fleck stated the IDA Board discussed Task Order 2 for AVCON and approved the payment of the Task Order unanimously. Commissioner McDougald asked if this Task Order was for some of the construction work at the airport. Mr. Fleck stated this is part of the Task Order on the taxiway project. Each of the line items had an amount which stated “not to exceed” and the total contract had an amount “not to exceed”. The line items were estimates and the total contract amount was not exceeded. Clerk Hand explained the Task Order to the Board, stating there are three (3) different categories with dollar amounts not to exceed. Some of the line items were changed, but the contract was not exceeded in total. Clerk Hand stated the issue is the “not to exceed” language on the line items. There was further discussion about the Task Order. Clerk Hand stated an amendment could be made to Task Order 2 to remove the “not to exceed” language from the line items.

- ❖ Commissioner Shelton made a motion to remove the “not to exceed” language from the line items. Chairman Brown seconded the motion. There was no public comment. The motion passed unanimously 4-0.

Mr. Fleck stated the tree thinning project is about 95% complete with revenue over \$33,000. There is still a small portion left to clear cut.

Mr. Fleck informed the Board the final inspection on the wetlands at Sam Atkins Park was completed today by Dewberry Engineers. The IDA Board should have a report in the next few weeks. Mr. Fleck explained the inspection was for the invasive species of plants. The amount of the invasive plants must be below 5%, and at the last inspection they were at 16%.

Mr. Fleck requested for the Board to set aside the bid policy so the IDA Board can pay the electrical contractor, TCA, \$12,300 for replacing the LED lights at the heliport. The contractor was already on site to work on the taxiway lights, they specialize in aviation electrical systems, and they were the contractor that originally install the runway lights and were familiar with the system. Chairman Brown asked if this was something which would have needed to be bid out, or if it was not necessary because the company was already on site. Mr. Fleck responded the company was already on site so there was no mobilization effort, and the company was also familiar with the system. Commissioner Shelton asked if the company had already performed the work. Mr. Fleck responded the work was completed on September 8th. There was further discussion about the LED lights and the taxiway project. The lights have been purchased and installed, it’s just a matter of paying the invoice now.

- ❖ Chairman Brown made a motion to set aside the procurement policy and approve payment for the LED lights. Commissioner Shelton seconded the motion. Mr. Fleck added Calhoun County’s airport is one of the only small airports in the state which has 100% LED lights on the taxiway and the runway. There was no public comment. The motion passed unanimously 4-0.

Mr. Fleck advised the Board the north approach tree problem continues, and Gary Shuler (landowner) has rejected the IDA Board's last offer to remove a few trees off Silas Whitfield Road. In order to be in compliance there is less than a half-acre of trees which need to be cut. Mr. Fleck asked for a time extension from FDOT until October 31st which was granted, and just requested another time extension until December 31st but does not know whether the additional time extension will be granted. FDOT called and requested a meeting with the IDA Board this Thursday at 10:30 a.m., which will take place at the airport. Mr. Fleck stated he believes the meeting will be in regards to the approach, either the removal of the trees or displacing the threshold. Mr. Fleck stated in 1999 there was a zoning ordinance forbidding trees in the approach area but that ordinance is now null and void. Mr. Fleck asked Attorney Fuqua to start proceedings for eminent domain. Attorney Fuqua stated he has not been involved with the negotiations with the Landowner, but the negotiations with the IDA Board and the Landowner have been unsuccessful. Attorney Fuqua stated the only other way to resolve the issue other than displacing the runway threshold is to acquire an avigation easement over the property. An avigation easement is similar to a land easement, but acquires through eminent domain the airspace above the property. Avigation easements are less expensive than buying the actual land. Attorney Fuqua stated there are some steps which need to be completed before making an offer. There will need to be a survey to determine exactly what airspace is needed, a forester to survey the trees which are in the flight path or may be in the flight path in the future, and an appraiser to determine a value for the airspace. That value would then be offered to the Landowner in return for the airspace above the property. Attorney Fuqua stated if the offer is refused, an eminent domain case is then filed. The avigation easement will mitigate the cost of taking the property as a whole. Chairman Brown asked who would pay for the surveyor, forester, and appraiser. Mr. Fleck stated the IDA Board would be responsible for the costs. Mr. Fleck stated if this is not done, the runway will have to be displaced by 200 feet, and five (5) years from now there may have to be an additional 200 feet of displacement. The County has spent over a million dollars to lengthen the runway to the north by 250 feet, so this money will be wasted if the airspace is not secured. Commissioner McDougald asked if it was anticipated at the time the runway was lengthened the airspace to the north would be needed. Mr. Fleck stated at the time, trees growing in that area were not thought to be an issue. The Landowner had peanuts planted on the land at the time the runway was lengthened. Chairman Brown asked if the IDA Board would have to take some steps before the County Commissioners get involved. Attorney Fuqua stated once the process is started the Board will have to establish a Resolution of Public Necessity which states the County needs this land for the airport. Attorney Fuqua stated he will need authorization from the Board to start proceedings for the avigation easement. Commissioner McDougald stated he is not for eminent domain, and would rather negotiate with Landowner.

- ❖ Commissioner Shelton made a motion to authorize Attorney Fuqua to start avigation easement proceedings for eminent domain. Commissioner McDougald stated he will not vote for eminent domain. Chairman Brown asked if there are time constraints on this issue. Mr. Fleck stated the airport is under time constraints to displace the threshold, and can temporarily displace the threshold for approximately \$15,000. A permanent displacement will cost approximately \$70,000. Attorney Fuqua stated if the Board shows DOT there is an effort being made to resolve the tree issue, DOT may be more flexible with time constraints. Mr. Wood stated he does not believe all chances of negotiating with the Landowner are over. Chairman Brown stated he is against eminent domain, and would like to be able to speak to the Landowner before making any decisions. Mr. Wood stated the Landowner has made an offer to the IDA Board and if they

agree to pay him the amount he proposed for the one long leaf pine tree and grind the stump; he will negotiate with the IDA Board on the rest of the trees. Mr. Fleck stated he made the motion at the IDA Board meeting last night to accept the Landowner's offer of \$5,000 for the long leaf pine and negotiate for the rest of the trees, and the motion died for lack of a second. Commissioner Shelton's motion to allow Attorney Fuqua to start proceedings for an avigation easement died for the lack of a second.

Commissioner Shelton stated he was under the impression that there were no other possible negotiations to be made with the Landowner, but if possible he would rather negotiate an agreement with the Landowner instead of obtaining an avigation easement. There was further discussion about negotiations with the Landowner. Chairman Brown asked for this issue to be tabled and for Commissioner McDougald to speak with the Landowner before the next meeting. Commissioner Shelton stated the Board should keep in mind if nothing is done before the time extension for the airport runs out, money will have to be spent on displacing the threshold of the runway.

DONALD STANLEY, DEWBERRY ENGINEERS, INC/ PREBLE-RISH – COUNTY ENGINEER

Mr. Stanley presented the Board with a handout on the ongoing FEMA projects. Chairman Brown inquired about the progress on County Road 12. Mr. Stanley responded a lime rock base is being laid and the ditches are being cleaned. Commissioner McDougald inquired about JW Alexander Road and asked if lime rock will be placed on it. Mr. Stanley responded the road is not eligible for lime rock paid by FEMA disaster assistance as the road was dirt at the time of the disaster. Any lime rock placed on this road will be the responsibility of the County. Chairman Brown commented on what a good job Mr. Bill Adkins and his crew are doing on John F. Bailey Road.

Mr. Stanley presented the Board with Change Order 2 for PW #294 Willard Smith, John F. Bailey, and Buzzard Bay Roads for a deduction of \$10,903 for the ditch cleaning which is being self-performed by the County.

- ❖ Chairman Brown made a motion to approve Change Order 2 for PW #294. Commissioner McDougald seconded the motion. There was no public comment. The motion passed unanimously 4-0.

SMALL COUNTY ROAD ASSISTANCE PROGRAM (SCRAP) BID OPENING – MCDANIEL/SHEARD ROAD CONSTRUCTION

Mr. Stanley opened and read aloud the SCRAP bids.

SCRAP McDaniel/Sheard Road Loop FDOT FPID NO. 436698-1-54-01	
Bidder	Total Base Bid
C.W. Roberts, Inc.	\$106,805.00
Roberts and Roberts, Inc.	\$106,829.00

Mr. Stanley stated the bids must be submitted to FDOT for approval, but the Board can award the project to the lowest bidder contingent upon FDOT approval. The project is a little over budget so a deductive change order will need to be done to receive the money from FDOT.

- ❖ Commissioner McDougald made a motion to award the project to the lowest bidder contingent on FDOT approval. Commissioner Flowers seconded the motion. The motion passed unanimously 4-0.

ANGIE SMITH – EMERGENCY MANAGEMENT DIRECTOR

Ms. Smith presented to the Board two (2) State Housing Initiative Partnership (SHIP) change orders. Ms. Smith presented Change Order 1 for the Mosley project for an increase of \$300 for a vanity, faucet, and plumbing.

- ❖ Commissioner McDougald made a motion to approve Change Order 1 for the Mosley project. Commissioner Flowers seconded the motion. The motion passed unanimously 4-0.

Ms. Smith presented Change Order 3 for the Randy Young project for an increase of \$300 for an addition of grab bars in the bathroom. There was further discussion on how the SHIP projects are bid.

- ❖ Commissioner McDougald made a motion to approve Change Order 3 for the Randy Young project. Commissioner Flowers seconded the motion. The motion passed unanimously 4-0.

Ms. Smith stated these two (2) SHIP projects should be completed by the end of this week and there is no Board meeting until the end of November. Ms. Smith requested for the Board to approve payment for these projects once completion is verified.

- ❖ Commissioner McDougald made a motion to approve payment upon verified completion of the projects. Chairman Brown seconded the motion. The motion passed unanimously 4-0.

Ms. Smith stated there are four (4) Hazard Mitigation Grant Program (HMGP) projects of which the design and survey phase, Phase I, will need to be closed out before the next Board meeting at the end of November. Once closed out Phase II, the construction phase, can be started the first part of next year. Ms. Smith requested for the Board to approve payment of the four (4) invoices for HMGP before the next Board meeting.

- ❖ Commissioner McDougald made a motion to approve payment of the four (4) HMGP invoices contingent on verification of completion. Commissioner Flowers seconded the motion. There was no public comment. The motion passed unanimously 4-0.

Ms. Smith thanked the Board for all the support and help she has had over the last four (4) years.

Chairman Brown called for a recess at 7:07 p.m. The meeting reconvened.

JOE WOOD – DIRECTOR OF OPERATIONS

Mr. Wood stated he has a petition signed by sixteen (16) residents on Charlie Wood Road requesting the removal of the speed bumps which were installed about five (5) years ago. This petition was not signed by everyone on the road, but is the majority of the residents. Mr. Wood stated he spoke with some of the residents who had not signed the petition and they were concerned for children playing in the road, but they would not be opposed to the removal of the speed bumps if the majority of the residents supported the removal. Mr. Wood stated he encouraged the residents to leave them in place a little longer because the opposite end of Charlie Wood Road would be paved soon, and the speed cars travel

on the road may increase. There was further discussion on the speed bumps. Chairman Brown polled the Board, and it was agreed upon unanimously the speed bumps could be removed.

Mr. Wood updated the Board on courthouse security. Sheriff Kimbrel has Tomasi Matautia providing security on the first floor currently, but no doors have been locked or other security measures implemented at this time. Mr. Wood stated the Sonitrol maintenance agreement for the security system on the back door has not been approved yet, but if it is the will of the Board he can move forward with that security measure. There was further discussion about courthouse security and implementing additional security measures. Mr. Wood stated if the Board would like to move forward tonight he will need authorization to tell the Sheriff to implement the key fob security system with Sonitrol on the south doors of the courthouse.

- ❖ Commissioner Flowers made a motion to approve the Sonitrol contract Attorney Fuqua has reviewed and amended. Commissioner Shelton seconded the motion. The motion passed 3-1. Commissioner McDougald opposed.

CARLA HAND, CLERK OF COURT AND COUNTY COMPROLLER

Clerk Hand advised the Board a public hearing to amend the 2015-2016 budget will need to be scheduled for Monday, November 14th, no earlier than 5:01 p.m. The meeting will be advertised. Commissioner Shelton requested the meeting be scheduled for 5:30 p.m. The Board agreed by consensus to hold the meeting at 5:30 p.m.

Clerk Hand stated there will be bills which need to be paid before the next Board meeting in November, and requested the Board give the Clerk's office permission to pay recurring invoices, including payments to contractors for verified services completed, prior to the next Board meeting.

- ❖ Commissioner Shelton made a motion to approve the payment of recurring invoices and payments to contractors for verified services completed. Commissioner Flowers seconded the motion. The motion passed unanimously 4-0.

Clerk Hand stated Ms. Rita Maupin has a list of items which need to be disposed. The items are not on the fixed assets inventory, however, she still has to dispose of them in accordance with Florida Statute 274.

- ❖ Chairman Brown made a motion to approve the disposal of the assets. Commissioner Flowers seconded the motion. The motion passed unanimously 4-0.

ATTORNEY FUQUA

Attorney Fuqua stated it has been great working with the members of the Board for the past four (4) years.

COMMISSIONER TIME

COMMISSIONER MCDUGALD

Nothing to report.

COMMISSIONER FLOWERS

Nothing to report.

COMMISSIONER SHELTON

Nothing to report.

CHAIRMAN BROWN

Chairman Brown stated he has enjoyed his time serving on the Board of County Commissioners, and appreciates all the phone calls he has received since deciding to step down from the Board. Chairman Brown thanked Mr. Tim Jenks, Clerk Hand, Ms. Angie Smith, Attorney Fuqua, Mr. Bill Adkins, Mr. Joe Wood, and the entire Board for all their hard work and dedication to the County.

Chairman Brown stated he has received some calls and questions regarding some land the County has bought. Chairman Brown called Ms. Selena Gilmore to address the Board.

Ms. Gilmore presented the Board with a map of the properties involved and signed petitions against a County dirt pit on the recent County purchased property. Ms. Gilmore explained she lives off Martin Sewell Road and her family purchased their land about eleven years ago. All the land surrounding the area is zoned improved agricultural. There are eleven families with residences close to the property the County purchased for the new dirt pit. Ms. Gilmore stated she and her husband previously tried to buy the property but could not get a clear title. Chairman Brown asked who owned the land at the time they were trying to buy. Ms. Gilmore stated Ms. Kellie Shelton owned the land. Ms. Gilmore stated Ms. Judy Downum could not get a clear title on the land because a neighbor, Mr. George Harris, was making payments on the land. Ms. Gilmore stated the County has purchased the land now with a clear title, and no one in the community has been notified of the County's plans for the property to become a dirt pit and for asphalt milling to be stored there. Ms. Gilmore expressed her concerns regarding dump trucks coming in and out of the property, and feels the County had no regard for the neighborhood when they purchased the property and did not notify the residents of their plans for the property. Ms. Gilmore stated Commissioner Shelton voted to approve the County buying the land, and feels he should have recused himself because Ms. Kellie Shelton is his cousin. Attorney Fuqua asked what cousin Ms. Shelton is to Commissioner Shelton. Commissioner Shelton stated Ms. Shelton is his father's first cousin. Attorney Fuqua stated there is no legal conflict with Commissioner Shelton voting on the purchase of the property. There was further discussion on the purchase of the property. Mr. Wood informed Ms. Gilmore the County intends to leave a barrier of trees around the entire property. Attorney Fuqua suggested the next concern for the property be discussed so Mr. Wood can work with everyone on the issues.

Mr. George Harris stated he moved to the property the County recently purchased six (6) years ago, but has been away for college for the last several years. Mr. Harris stated he and his mother (Esther Morris) purchased the property from Ralph Shelton and made payments to Mr. Shelton (owner financed). After Mr. Shelton passed away the lawyers for the estate advised them not to continue making payments until the estate was settled. Upon settlement payments were resumed to Ms. Kellie Shelton (daughter); he has been making payments to her up until the last month and a half. Mr. Harris stated Ms. Shelton accepted payment from the County (in full) for the property, and also took his payments. Chairman Brown asked if Mr. Harris has a contract on the property with Ms. Shelton. Mr. Harris stated he has a

few different forms of contract, but Ms. Shelton is not a very easy person to get organized with. Mr. Harris has copies of checks identifying payment for the property which have been cashed locally and also purchased her a vehicle to be counted as payment for the property. Mr. Harris stated Ms. Shelton also tried to sell the property to the Gilmores. Mr. Harris also mentioned he had a mobile home on the property and stated the County demolished the mobile home. There was discussion between Mr. Harris and Mr. Wood regarding the condition of the mobile home and Mr. Harris indicated he was not concerned with the loss of the mobile home as it was in disrepair also mentioning the front porch was stolen and the mobile home had been looted, robbed and scrapped.

Commissioner McDougald stated this is a legal issue which will need to be worked out and noted Judy Downum might be the key to the issue. Chairman Brown asked Mr. Joe Wood what steps the County went through in purchasing the property. Mr. Wood stated after finding the property he had Ray Howell do a search on the property before he brought it to the Board, and he stated there was a clear title. Mr. Wood then brought the property to the Board, and the Board voted to purchase the property. There were no encumbrances that showed on the title search, and the Board purchased title insurance for the property. Attorney Fuqua suggested Mr. Harris take his paperwork to an attorney and see if he has a claim on the title insurance. Mr. Harris expressed concern of the County starting the process of digging a dirt pit on the property before the issue is resolved. Mr. Harris stated a new septic system and well was installed on the property in 2013. Mr. Wood stated the County can wait to clear the land and start digging, but the asphalt milling the County is purchasing is scheduled to be hauled to this location beginning tomorrow. The milling will be able to easily be removed in the future if necessary. There was further discussion on the use of the property until the issue is resolved. Chairman Brown asked Mr. Wood to speak with the residents of the neighborhood regarding the dirt pit, and asked Mr. Harris to consult an attorney on his issue.

Mr. Heber Meeks expressed his concern about the fire hazard and environmental impacts of the milling being placed on the land. Mr. Meeks stated the Board seems very concerned about the people, but denied Mr. Smith his business four (4) years ago because every neighbor in the neighborhood did not agree. Mr. Meeks stated everyone in the neighborhood should agree to the County buying the property. Mr. Meeks asked if the zoning of the land would be changed from agricultural to industrial. Mr. Meeks expressed his concern over property values being reduced. Chairman Brown stated there will be nothing resolved in this meeting and the issue over who the property belongs to will have to be resolved first.

Commissioner McDougald stated he does not remember what the issues were with the variance on Mr. Smith's business (Boris Property) were years ago, but the Board normally tries their best to help people through all the regulations placed on opening a business. There was some issue or technicality on the variance, and the issue will be researched and addressed.

There being no further business, the meeting adjourned at 8:15 p.m. CT.

M.L. Brown
MARION "LEE LEE" BROWN, CHAIRMAN

ATTEST:

Carla A. Hand
CARLA A. HAND, CLERK