

**CALHOUN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
DECEMBER 27, 2016**

PRESENT AND ACTING:

**DANNY RAY WISE, CHAIRMAN
GENE BAILEY, VICE-CHAIRMAN
DARRELL MCDUGALD
DENNIS JONES
JERAL HALL**

**MATT FUQUA, ATTORNEY
CARLA A. HAND, CLERK OF COURT AND COUNTY COMPTROLLER
SARAH WILLIAMS, CLERK ADMINISTRATIVE ASSISTANT**

The meeting held in the Regular Meeting room was called to order by Chairman Wise at 6:00 P.M., CT. Commissioner McDougald led the Prayer and Pledge of Allegiance to the Flag.

APPROVAL OF MINUTES AND VOUCHERS

A motion to approve the minutes and vouchers as published on the agenda (December 9, 2016 Special Meeting Minutes, the December 12, 2016 Special Meeting Minutes, the December 13, 2016 Planning Commission Meeting Minutes, and the December 13, 2016 Regular Meeting Minutes; vouchers for warrants: accounts payable warrants – 1612-1G, 1612-2RD, 1612-2L, 1612-2EP, 1612-2E, 1612-2S and payroll warrants – PR16-B27, PR121516) was made by Commissioner McDougald and seconded by Commissioner Jones. The motion passed unanimously 5-0.

ROAD DEPARTMENT SUPERINTENDENT WORKSHOP

Chairman Wise stated in the Workshop before the Regular Meeting each Commissioner was asked to rank the individual applicants, with one (1) being the highest and four (4) being the lowest. The final tally has Mr. Robert Long with 10 points, Mr. Clifford Edenfield with 7 points, Mr. Michael Stone with 17 points, and Mr. Lee Shelton with 10 points.

- ❖ Commissioner McDougald made a motion to approve the hire of Mr. Clifford Edenfield for the Road Department Superintendent. Commissioner Hall seconded the motion. Attorney Fuqua stated Commissioner Bailey should abstain since his brother in law, Mr. Long, is one of the applicants. Commissioner Jones stated he needs more time before making his decision. The motion failed with a tie of 2-2. Commissioner Jones and Commissioner Wise opposed. Commissioner Bailey abstained from voting.
- ❖ Commissioner Bailey made a motion to add the applicants who had the most scores of number one (1), Mr. Edenfield and Mr. Shelton, to the agenda of the Public Hearing on January 2, 2017 for additional discussion and hire of the Road Superintendent. The motion was seconded by Commissioner Jones. There was further discussion about the road superintendent position. The motion passed 3-2. Commissioner McDougald and Commissioner Hall opposed.

HAROLD PICKRON – VARIANCE AWARDED AT LAST MEETING

Mr. Pickron stated he did not receive the mailed notice for the planning commission meeting about the variance requested by Mr. Charles Smith. Mr. Pickron stated there has already been one variance requested by Mr. Smith several years ago which was denied. Mr. Pickron stated it was ruled to be illegal for the variance to be granted, because the property is big enough for the building to be moved and abide by the ten-foot setback rule. Mr. Pickron stated he was asked to move his building, which was attached to the building in question, and Mr. Smith agreed to do the same thing in a letter which Mr. Pickron has in his possession. Mr. Pickron stated he complied and moved his building, but Mr. Smith did not move his building. Mr. Pickron handed the Commissioners a packet of information about the previous variance. There was further discussion about the history of the property and previous variance request. Mr. Pickron stated with his building detached from Mr. Smith's building, all the rain water off the building runs onto his property, which is causing damage. Mr. Pickron asked the Board to go with the original ruling on the variance. Commissioner Wise asked Attorney Fuqua about the Board's legal stance on the issue. Attorney Fuqua stated the variance has been granted, and if money has been spent on the property since then the Board would be at risk if they tried to rescind their decision to grant the variance. Commissioner Bailey asked if the Board's granting of the variance is legal? Attorney Fuqua stated a variance from the land development code is legal, but the Board is not supposed to grant a variance if the condition of the property is such that the building can be moved to satisfy the 10-foot setback rule and still be operable. There was further discussion about the land development code, the comprehensive plan, and the previous and present variance. Commissioner Jones stated the information given by Mr. Pickron tonight was not known to the Board at the Planning Commission meeting because Mr. Pickron was not in attendance, and he based his decision off the information he was given at the time. Commissioner Jones stated he was not changing his vote to award the variance. Commissioner Jones stated if all the information presented tonight had been known at the Planning Commission meeting the outcome may have been different. There was further discussion about the variance. Chairman Wise stated he knows Mr. Pickron did not get his letter, but upon the information given the Board by Mr. Smith and the jobs he will create with his business the Board made the decision to grant the variance. Chairman Wise asked Attorney Fuqua what the Board's recourse in this situation would be. Attorney Fuqua stated there is more liability if Mr. Smith has invested any money into the property since the variance was granted than if he has not invested any money or moved forward with any plans. Attorney Fuqua stated once a variance is granted a property right is given for the owner to move forward with any plans for the property. Mr. Pickron stated Mr. Smith works out of town and has not done anything further with the property. Chairman Wise asked if any facts were misrepresented by Mr. Smith at the Planning Commission Meeting, could the variance be in jeopardy. Attorney Fuqua stated he has never seen a variance be rescinded once granted, not that it cannot be done. Attorney Fuqua stated the Board can reconsider granting the variance tonight, and send Mr. Smith a letter. Commissioner McDougald stated he believes the Board should send Mr. Smith a letter stating the Board is reconsidering their decision and set another Planning Commission meeting where both parties can be present.

- ❖ Commissioner McDougald made a motion to send Mr. Smith a letter notifying him the Board is reconsidering their decision on the variance and a Planning Commission meeting be scheduled for January 24, 2017 at 5:00 p.m., CT. Commissioner Hall seconded the motion. The motion passed 4-1. Commissioner Jones opposed.

Commissioner McDougald stated he would like to know from the official court records the date the title of the property transferred to Mr. Smith. Clerk Hand stated the Property Appraiser's website states the date of title transfer was July of 2015. Commissioner Bailey asked when the previous variance was applied for. Clerk Hand stated the variance was first applied for in 2012. Commissioner Bailey asked how a variance could be applied for on a property Mr. Smith did not own. Attorney Fuqua stated he could have gone through an agency letter. Mr. Pickron stated there is a letter giving Mr. Smith the authority to act as the land owner's representative. Commissioner McDougald asked if he could see the damage done to Mr. Pickron's property by the rain water run-off if he drove by the building. Mr. Pickron stated if Commissioner McDougald walked around the building he would see the damage. Commissioner McDougald asked if a gutter system would take care of the rain water issue. Mr. Pickron stated a gutter system may alleviate the problem, and would satisfy him if a gutter system could be installed. There was further discussion about the previous variance.

PERSONNEL UPDATES

The Board came to a consensus to schedule a Workshop regarding the Personnel Policy for January 10, 2017 at 5:00 p.m., CT.

WESTSIDE VOLUNTEER FIRE DEPARTMENT PROJECT UPDATE (TABLED 12/13/16)

- ❖ Commissioner Bailey made a motion to move the Westside Fire Department project off the table. The motion was seconded by Commissioner Jones. The motion passed unanimously 5-0.

Commissioner Bailey stated the price he has obtained for the two (2) culverts is \$1,350.00 and the mitered ends for the culverts will be about \$300.00, so the Board would be looking at less than \$2,000.00 to put in two (2) 60 foot driveways. Commissioner Bailey stated once the driveways are in place dirt could begin to be hauled to the property. Commissioner McDougald asked Mr. Harrell how much the land needed to be built up. Mr. Harrell stated he did not remember the number exactly, but he had someone knowledgeable look at the property and was told to build up the whole property he would need about 100 loads of dirt, and to build up only the area of the driveway, parking pad, and helipad he would need 50 to 60 loads of dirt. Commissioner McDougald stated he had someone do some calculations for him, figuring for one acre of land building it up one (1) foot. Mr. Harrell stated he did not think the land needed to be built up a whole foot. Mr. Harrell stated he may have misstated that information at the last meeting. Mr. Harrell stated Commissioner Bailey took Mr. Bill Atkins out to the property and he estimated about 100 loads of dirt would be needed. Commissioner McDougald asked if the dirt would need about six (6) inches of lime rock on top of it before it is paved. Mr. Lee Shelton stated if heavy equipment would be driving on the property they would want no less than six (6) inches of lime rock. Commissioner McDougald asked if Mr. Harrell still had someone who would be willing to pave the property. Mr. Harrell stated he had an agreement with someone a while back, but ownership has changed since then so he has to make sure the agreement still holds. If the agreement is no longer valid, Mr. Harrell stated he will do a lime rock driveway instead of a paved driveway. Commissioner McDougald stated he may have an idea of where to get dirt close to the location of the property so transportation costs will be cheaper. Commissioner McDougald stated he has calculated about \$11,000 for one acre of lime rock six (6) inches deep. Mr. Harrell stated the parking lot would be about 20,000 square feet, which would not be a full acre. Commissioner McDougald stated if the Board wants to move forward he would talk to Mr. Atkins about the fill dirt. Mr. Harrell stated he has spoken with his contact

with the State, and she stated they will still waive the fees associated with the construction of the driveways and she is also checking on waiving the engineering fees. There was further discussion about hauling dirt to the property. Commissioner Jones asked who would clean the property before dirt is hauled in. Commissioner Bailey stated he would hope the County Road Department could take a dozer and clear the piles of brush off the property and use a weed eater on the area.

- ❖ The motion from the December 13, 2016 meeting for the County to start installing culverts so construction of the new fire station can begin to move forward passed unanimously 5-0.

UPDATE ON REQUEST FOR QUALIFICATIONS (RFQ) FOR ENGINEERING SERVICES FOR CDBG

Ms. Chelsea Snowden stated the advertisement from Ms. Debbie Belcher for the Community Development Block Grant (CDBG) Engineering Services has been received and is being reviewed before being sent out for advertisement. Ms. Snowden stated hopefully the ad will be ready by the beginning to middle of January.

CHELSEA SNOWDEN – PROJECTS AND GRANTS COORDINATOR

Ms. Snowden gathered the Construction Engineering and Inspection (CEI) Services ranking packets from the Commissioners for McDaniel/Sheard Road and Carlos Peavy Road. Ms. Snowden stated she would compile the rankings and bring the results back to the Board later in the meeting.

2017 BUDGET REQUEST FORMS

Commissioner Bailey stated the forms are available for the Commissioners to fill out any budget requests to turn into Senator Bill Montford.

CLERK HAND – CELRK OF COURT AND COUNTY COMPTROLLER

Clerk Hand requested approval of the Board for a \$1,000.00 Florida Department of Law Enforcement (FDLE) grant for a handheld radio and permission for the Chairman to execute the grant application.

- ❖ Commissioner Bailey made a motion to approve the grant application. Commissioner Hall seconded the motion. Commissioner McDougald asked if this grant comes from the Sheriff Department funding. Clerk Hand stated the Sheriff Department would receive the funds, but the Board is the agency which has to approve the grant application. The motion passed unanimously 5-0.

Clerk Hand stated there was a voucher approved tonight for CW Roberts Contracting, Inc., but the Clerk's Office is waiting on them to bring a Payment Bond and a Performance Bond to record in the official records. Clerk Hand stated the check will be held until the bonds have been received and recorded. Clerk Hand asked the Board for permission to release the check once the bonds have been recorded.

- ❖ Commissioner McDougald made a motion to approve the release of the check to CW Roberts Contracting, Inc. once the bonds have been recorded. Commissioner Jones seconded the motion. The motion passed unanimously 5-0.

ATTORNEY FUQUA

Attorney Fuqua stated the Board was provided two (2) or three (3) ordinances which dealt with allowing and regulating the location of medical marijuana dispensaries. Attorney Fuqua stated an ordinance

could be passed as soon as the second meeting in January or the first meeting in February if the Board would let him know what they would like in the ordinance. Attorney Fuqua stated some of the ordinances he saw referred the application review process to staff, and as the planning agency for the County the Board would make those determinations in Calhoun County. Attorney Fuqua stated some of the distance requirements from senior living facilities, day cares, and other similar places were different as well, but everything else was basically the same. Attorney Fuqua stated he would start working on an ordinance whenever the Board pleases. Commissioner Bailey asked if the Board wanted to hold off until after the conference on medical marijuana in February. Commissioner Bailey stated he would like to move forward with an ordinance before the State takes any further action on the issue, and would like to find an ordinance which suits the County. Attorney Fuqua stated any of the ordinances the Board has received look good, but the Board needs to decide how many dispensaries they will allow, define the distance away from certain places a dispensary will be allowed, and who will make decisions on the ordinance. Commissioner McDougald stated he has some reservations about the ordinance the Attorney who represents one of the medical marijuana companies provided since he is affiliated with the business through his client. Attorney Fuqua stated he has looked at the ordinance the attorney provided and it looks good, but the attorney could have written all three (3) ordinances the Board has seen. Attorney Fuqua stated generally if someone writes legislation or ordinances, they have an interest in the topic. There was further discussion about the ordinances. Commissioner Jones stated he would prefer the Board wait until after the conference to make any decisions about an ordinance.

COMMISSIONER TIME

COMMISSIONER MCDOUGALD

Nothing to report.

COMMISSIONER JONES

Nothing to report.

COMMISSIONER BAILEY

Commissioner Bailey stated he has been following up on the speed bump issue on Charlie Wood Road. He has three (3) property owners who have not had a chance to sign the petition supporting reinstalling speed bumps on the road. Commissioner Bailey stated two (2) of the property owners have indicated their support. Commissioner Bailey stated he should have contact with the third property owner sometime this week. Commissioner Bailey stated there are three (3) property owners who do not support the reinstallation of speed bumps, and one who refused to choose a side, out of the twenty (20) property owners on the road. Commissioner Bailey stated he would report back to the Board after he had followed up with the last few property owners.

Commissioner Bailey stated he looked through the bills sent to the Commissioners from the Clerk's office, and one bill stood out to him. Commissioner Bailey stated there was a bill from Thompson Tractor for the repair of a wire on a piece of equipment. The parts for the repair cost were \$5.36 and the County was charged \$1,050.00 for the labor. Commissioner Bailey stated the company may have had to do a lot of work to get to the wire which needed repair, but in the future he would like to see the hourly rate and the hours the company spent working on the equipment. Mr. Elton McDaniel stated he has

questioned the company's billing several times. He has been told they charge a flat rate fee figured by the hours worked. The company has a book stating how many hours it takes to work on specific mechanical issues. Chairman Wise asked if there are other vendors who could do the repair work. Commissioner Bailey stated there are, but they may be about the same price. Commissioner Bailey stated he would like to see the hours on the invoice so prices could be more easily compared with the other companies. There was further discussion about repair costs.

COMMISSIONER HALL

Nothing to report.

CHELSEA SNOWDEN – PROJECTS AND GRANTS COORDINATOR

Ms. Snowden stated she has tallied the totals for the CEI Services. For Carlos Peavy Road the top ranked proposer is Panhandle Engineering, and for McDaniel/Sheard Road the top ranked proposer is Southeastern Consulting Engineers. Ms. Snowden stated these will be submitted tomorrow to the Department of Transportation (DOT) for final approval, and asked if the Board would like to award the professional contracts contingent upon DOT approval and negotiations.

- ❖ Chairman Wise made a motion to award the professional contracts contingent upon DOT approval and negotiations. Commissioner Jones seconded the motion. Commissioner Bailey asked about the time frame for negotiations. Ms. Snowden stated the members of the Board are more than welcome to be involved in the negotiation process. Ms. Snowden stated typically the process is done through her with the engineering consulting firms, but she would appreciate any Board member's opinions or questions. Attorney Fuqua stated if there is more than one Commissioner present to speak with Ms. Snowden the meeting has to be publicly noticed. Ms. Snowden stated the negotiation process is usually done within a weeks' time after receiving approval from DOT, but sometimes takes as long as two (2) weeks. The motion passed unanimously 5-0.


Ms. Snowden stated there is a change order under Mr. Justin Ford's (Engineer) time which she will be taking care of tonight. This change order is for the Small County Road Assistance Program (SCRAP) McDaniel/Sheard Road project asking to decrease the contract sum by \$20,420.59. The change order is to get the contract within budget with the grant agreement. Chairman Wise asked which items within the contract were changed. Ms. Snowden stated there were four (4) items decreased, and read each item and the changes for the Board. Commissioner Bailey stated there are two (2) pipes on the road which will need to be replaced for a total of \$6,698.04. Commissioner Bailey stated the County Road Department will have to replace these pipes. Commissioner McDougald asked if this is part of a match agreement for the grant. Ms. Snowden stated there is no match on the grant, the grant amount is the money awarded to complete the project. The contractor was above the grant agreement amount, so the contract had to be negotiated to be within the grant agreement amount. Commissioner Bailey asked if it would be better for the road department to install the pipes or to pay the contractor. Commissioner McDougald asked how much money the County would save if they install the pipes. Commissioner Bailey stated he estimates the County would save about \$4,000.00 if the road department installs the pipes; these costs will be paid from the Road Department budget (approximately \$16,000). There was further discussion about the road department installing pipes. The Board came to a consensus for the road department to install the two (2) culverts.

- ❖ Commissioner Bailey made a motion to approve the change order for McDaniel/Sheard Road. Commissioner McDougald seconded the motion. The motion passed unanimously 5-0.

CHAIRMAN WISE

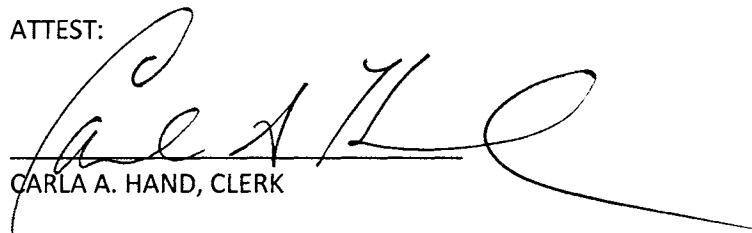
Nothing to report.

There being no further business, the meeting adjourned at 7:43 p.m., CT.



DANNY RAY WISE, CHAIRMAN

ATTEST:



CARLA A. HAND, CLERK

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Bailey Lee E.	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Calhoun County Commission
MAILING ADDRESS 19906 SW South St	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY Blountstown Calhoun	NAME OF POLITICAL SUBDIVISION: Calhoun County Commission
DATE ON WHICH VOTE OCCURRED 12-27-2016	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

16 20

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, _____, hereby disclose that on _____, 20 _____:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

12-27-2016

Date Filed

Lee E. Bailey

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.