

BAKER COUNTY BOARD OF COMMISSIONERS

MINUTES

MARCH 15, 2010

The Baker County Board of Commissioners met in a regular session with the following members present:

Chairman Alex Robinson
Commissioner Michael R. Crews
Commissioner Mike Griffis
Commissioner Mark Hartley
Commissioner B. Gordon Crews

Also present:

County Clerk Al Fraser
County Attorney Will Sexton

Chairman Alex Robinson called the meeting to order and Commissioner Mark Hartley led in the prayer and flag ceremony.

Chairman Robinson explained to the audience County Manager Joe Cone is sick this afternoon and will not be in attendance at the meeting. The Chairman explained the meeting would go by the agenda tonight and on the agenda where it has "Persons wishing to appear who are not on the agenda", if anyone would like to speak for then please fill out a speaker card and give to the Board Secretary. The Chairman also requested if anyone wished to come before the commission for any subject whatsoever, he asked that the public call the Board Secretary before the agenda is printed and request to be put on the agenda. He explained it is not to keep anyone from speaking the Board encourages the public to speak, but we wish to do it in an orderly fashion. He said this is the agenda we are going to go by for every meeting however, if you come to the meeting and you are not listed on the agenda he requested you fill out a speaker card which authorizes you three minutes for whatever you wish to speak on. The intent is not to let anyone have the chance to speak but this is the agenda we are going by today.

Chairman Robinson questioned if there were any corrections or amendments to the agenda? After no corrections or amendments requested Commissioner Gordon Crews moved to approve the agenda and the motion was second by Commissioner Mike Griffis. Motion carried unanimous.

Chairman Robinson asked if there were any corrections to the consent agenda items, which were:

1. Expenditure Report
2. Approval of Minutes March 2, 2010

Commissioner Gordon Crews moved to approve the consent agenda and the motion was second by Commissioner Mark Hartley. Motion carried unanimous.

Robert Hathcox representing the Code Enforcement Board explained on March 8, 2010, at the monthly meeting Ms. Karen Euing of ReMax came before the Code Enforcement Board to request a fine reduction. The property is located in Allen Acres Subdivision, and has a total fine of \$2855.00. Ms. Euing stated that the property is in foreclosure and is owned by HSBC Mortgage Services, Inc. and informed the Code Enforcement board that HSBC Mortgage Services, Inc. has cleaned up the property and has a contract to keep the property clean. Mr. Hathcox reported an inspection by the Code Enforcement Inspector found the property in compliance and clean on March 8, 2010. The Code Enforcement Board recommends reducing the fine to \$2000.00 and the fine shall be paid within 30 days of the County Commission meeting on or before April 15, 2010 or the entire lien of \$2855.00 shall be paid. Commissioner Mark Hartley questioned would the Board be setting a precedence for all foreclosures and will this come to us every time and that we usually hear these reduction request due to hardships from the landowners. After several questions were asked by the commission Commissioner Mike Griffis moved to have Robert Hathcox send the mortgage company an itemized bill requesting the full amount of the lien and the motion was second by Commissioner Gordon Crews. Motion carried unanimous.

Richard Dolan, Fire Chief, came before the Commission requesting approval of a Consultant Contract for a Fire Safety Inspector. John Motherwell is a duly qualified Fire Safety Inspector living in Baker County recognized by the State of Florida and recommended by Chief Dolan to serve as the counties Fire Safety Inspector on a fee for services basis. Per Richard Doan if we did not have John Motherwell or someone under contract we would have to go outside the county and hire a licensed inspector to do the county inspections. Commissioner Gordon Crews moved to approve the contract agreement and the motion was second by Commissioner Mark Hartley. Motion carried unanimous.

Chairman Alex Robinson recognized Attorney Will Sexton to explain the Dupont Consent Final Judgment. He explained Dupont's corporate counsel and counsel here in Florida are both in agreement to the Consent Final Judgment. The Baker County, Florida Land Planning Agency voted to approve the application for Special Exception with the condition: "that the mining follow the plan outlined at the meeting for Dupont to mine one-way passages through Cummer to Knabb and then proceed south again, because of the possibility of halting economic growth for Baker County". Dupont appealed the Land Planning Agency's decision to the Board of County Commissioners in accordance with Section 10.01.05(B), Baker County Land Development Regulations. The Baker County Board of County Commissioners conducted a public hearing on the appeal on November 16, 2009. After closing the public hearing, the Commissioners voted to approve the following motion from Commissioner Michael Crews: "I make a motion for us to concur with the LPA decision based on the potential for an economic impact and the Dupont

mine on the Labeuna Farms property first.” On or about December 15, 2009, Dupont timely filed its complaint and Petition for Certiorari under Rule 9.100(f), Florida Rules of Appellate Procedure. Since December 2009, new information has arisen relating to the relocation of a major power transmission line owned by Florida Power & Light (FPL). In light of this new information, the condition imposed by the LPA and subsequently by the Board of County Commissioners would have significant, negative impact on Dupont and the local economy of Baker County. The parties have conferred and determined that it is in the best interest of Baker County and Dupont that the instant action be resolved according to the terms of the judgment. Will Sexton stated the condition placed upon the Special Exception applied for by Dupont and granted by the Board of County Commissioner is hereby removed. Dupont shall commence active mining on the Labeuna Farms, Inc. land during the third Quarter of 2013 and mine continuously on the Labeuna Farms land until it completes active mining of “Block A” as shown on the map presented to the commission no later than third Quarter of 2016. Dupont shall reclaim, in accordance with good mining practices, the land depicted in “Block A” as it is mined. Each party shall be responsible for their own attorney’s fees and costs incurred as a result of this action. Mr. Sexton indicated both parties are in agreement to this Consent Final Judgment and both will sign and then it will be forwarded to Judge Phyllis M. Rosier and if she agrees to the agreement that would resolve the law suit and it would be over and the county and the applicant would be free to move forward. Commissioner Mike Griffis made the motion to enter into the Consent Final Judgment Agreement and the motion was second by Commissioner Gordon Crews. Motion carried unanimous. Chairman Alex Robinson thanked Jimmy Knabb and Dupont for working together to come to this agreement.

PUBLIC HEARING

Chairman Alex Robinson opened the regular meeting and instructed Attorney Will Sexton to read the title to Ordinance 2010-01 a Small Scale Land Use change requested by Thrift Log Homes, Inc. Attorney Will Sexton read Ordinance 2010-01 by title. Chairman Alex Robinson then opened the Public Hearing.

Ed Preston, Planning Director, explained to the Board the applicant request a small-scale land use and zoning change from agriculture to industrial to accommodate potential future expansion for the existing log home mill operation. The property is located on the east side of County Road 121 about 1 mile north of Macclenny. Ed Preston stated the Planning staff, Development Review Committee and the Land Planning Agency all find that the request is consistent with the provisions of the land development regulations and recommends approval of this request for a land use and zoning change.

Carolyn Conway came before the commission and stated she does not oppose the saw mill that is already there she opposes the land use change which would allow future

industrial type projects to be on the property such as a bomb manufacturer or something not suitable for the area should the property ever be sold by the current landowner.

Chairman Alex Robinson closed the Public Hearing after no further public comments and opened the regular meeting and requested Board comments.

Commissioner Gordon Crews moved to adopt Ordinance 2010-01 and the motion was second by Commissioner Mark Hartley. Motion carried unanimous.

Chairman Robinson requested Attorney Will Sexton read Ordinance 2010-02 by title. After reading the Ordinance title the Chairman closed the regular meeting and opened the Public Hearing for comments. Ed Preston stated that county staff, the DRC, and the LPA recommend approval of the zoning request.

Carolyn Conway again expressed her concerns and made it clear she is not against the sawmill that is currently there she is against future industrial that could occupy the land should the Thrift's sell the property.

Chairman Robinson closed the public hearing and opened the regular meeting for Board comments. Commissioner Mark Hartley moved to adopt Ordinance 2010-02 and the motion was second by Commissioner Gordon Crews. Motion carried unanimous.

Commissioner Gordon Crews stated coming soon there will be a possible Trust Fund for timber and there is a meeting set for tomorrow to meet with Bob Guido of the Trust for Public Lands and requested setting up a workshop before the next commission meeting for discussing the pro's and con's of such a thing. Chairman Alex Robinson stated he was glad Commissioner Crews made that statement because tomorrow is the meeting about the property and I thank everyone for bearing with us and given us time to review the information Bob Guido has to offer. Chairman Alex Robinson suggested a workshop beginning at 4:00 p.m. on April 6, 2010 before the next Board meeting.

Commissioner Mike Griffis read a report from the Florida Tax Watch Study who has made recommendations to the state legislatures. He informed this group, which did the study, are CEO's, people in major corporations, legislative people and all parts in between and they have studied how we can look at the economic future of Florida. He encouraged the Board and the public to go on line and visit their web site that they have valuable information.

Chairman Alex Robinson gave an update on the Florida Association of Counties Trust meeting in Tallahassee which he chairs and informed the Board we were able to reduce the General Liability Insurance coverage by 1% and overall if we show that we are doing our job in Tallahassee with a 21 member board we are learning as we go and just wanted to bring that information to the Board. While in Tallahassee we learned from our

legislatures and lobbyist that things are pretty tight in Tallahassee. It is still early in the game per Chairman Robinson and we are not to the alarm stage yet but by May 1st or the last of April we should be gaining knowledge of how our budgets throughout the State will be affected. Tallahassee is already digging into the Transportation Trust Fund and made some transfers and we know our libraries are in jeopardy. I have encouraged April Teel to e-mail those in Tallahassee and request they do not cut our libraries short. I encourage everyone in my opening statements if you want to be on the agenda contact the Board Secretary, we want to hear you but we want to do it in an orderly fashion. If you come into the meeting and wish to speak also please fill out a speaker card and you will be granted 3 minutes. We do not want to miss anyone who wishes to speak we do want to hear you.

Commissioner Gordon Crews moved to adjourn. Meeting adjourned.

Al Fraser, Clerk to the Board

Alex Robinson, Chairman to the Board