

BAKER COUNTY BOARD OF COMMISSIONERS

MINUTES

May 17, 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
County Manager Joseph L. Cone

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

Chairman Alex Robinson requested that item #5 Impact Fees and item #6 Large Lot Sub/Divisions be added under the County Manager section of the agenda. Commissioner Gordon Crews moved to approve the agenda with the addition of the #5 and #6 items under the county manager and the motion was second by Mike Griffis. Motion carried unanimous.

Chairman Alex Robinson asked if there were any corrections to the Consent Agenda items, which were:

1. Expenditure Report
2. Approval of Minutes May 4, 2010
3. Waiver of Ag Center rental fees/Council on Aging "Real Senior Prom"
4. Resolution 2010-11/CDBG Disaster Recovery Grant
5. Resolution 2010-12 NE FL Economic Development District
6. Proclamation/May proclaimed Civility Month
7. Drainage Easement CR 23A/Richard and Sharon Crews
8. Drainage Easement CR 23A/R. W. Tobias, Inc.

Commissioner Mike Griffis moved to approve the Consent Agenda items and the motion was second by Commissioner Mark Hartley. Motion carried unanimous.

Kevin Shell representing the St. Mary's River Committee came before the board to provide the committee's annual report. Kevin requested that the Board appoint two new members to fill the vacant slots representing Baker County on the committee. Kevin Shell reported that the St. Mary's River has been identified as an alternative water source by the St. Johns River Water Management District and the two sources that would be using that water would be the JEA and the City of Baldwin. He stated the St. Mary's River committee sent a letter this year expressing their opposition and also attended a public hearing and expressed opposition. Geoff Samples of the St. Johns Water Management District accompanied Kevin Shell and spoke to the commission concerning the vacancies on the committee and requested the board fill those as soon as possible. Commissioner Gordon Crews questioned when they project how much water to pull from the St. Mary's River, which is 33 million per day, how did they come up with that amount? Kevin Shell replied they want 33 million gallons per day and they will only pull that when the river is at flood

stage. Before they can pull the water they also have to determine minimum flow and level. They will look at the dissolved oxygen and also look at other environmental concerns. There are a lot of oxbow lakes that are along the St. Mary's River and the only time those lakes get replenished is during the flood seasons and if that is when they pull the 33 million gallons per day that is a concern of this committee. Geoff Samples clarified that the 33 million gallons per day figure comes from the district draft water supply assessment and is a planning level figure or estimate based on the average daily flow of the river so that's not a permit level type figure where someone has designed a project. Geoff explained it is strictly a planning level estimate and is in the bracket of seven to ten per cent of the average daily flow of the river. Chairman Alex Robinson mentioned the board would work towards getting two new members for the committee.

Commissioner Michael Crews updated the commission on the Jail Sub Committee meeting and explained there are no results as of yet to report but that they have been meeting and last week listened to a presentation. He stated it is a work in progress and as the committee moves forward with the process we are getting our questions answered and trying to move in a direction to make a recommendation to the full committee to ultimately come back to the board.

Sharon Padgett, PO Box 1252 Glen St. Mary, Fl. stated she is very confused and has done a lot of homework on this and gone back over one year and reviewed minutes to find out where we got off the trail of renovating the old jail for our inmates. From the July 24, 2009 workshop there was defined in the minutes that we need to have the old jail renovated as quickly as possible to get our inmates back in to save the county money. I am not against BCDC I am looking out for the tax-payers of Baker County and the cost difference doubling per day to house inmates I am trying to get the information from you where did we step off from the project of renovating the old jail to house our inmates? I did speak with Chuck Sheets who had spoken to Joe Cone and he informed me it would be over two hundred thousand dollars to renovate the old jail minus the electrical and minus the plumbing. Mr. Sheets said in no way would the renovations go more than or exceed what the grant was. We have had the grant for quite awhile and am concerned as to how much of that grant monies has been spent on other things. Auzzie John's salary was paid out of the Edward Byrne grant for one year from what I can see in the minutes. I would like a clear picture of where we got off track and why we were not going to renovate the old jail.

Chairman Alex Robinson stated before he asked Commissioner Michael Crews to answer your questions we got off track because we formed a sub committee to do some homework on the jail facility and to get an engineer involved for the cost incurred. The sub committee met maybe twice and the last meeting I understand was very interesting with the possibilities that exist over there. I would like to ask Commissioner Michael Crews for his comments since he chairs the jail committee.

Commissioner Michael Crews commented that on the face the renovation does sound like a good idea but there are other questions. We need to ask are we structurally sound or are we throwing out good money after bad money? There is a bigger picture than just fixing a leaking roof. I do not have the expertise so that is why we hired an architect. To meet certain standards that are set forth at the State level and be the federal government if you bring those folks in, you must ask them "what is it that we have to do to bring this building into compliance with your standards?" They decide that and what you do not want to do is go in there and throw some people in there and throw a couple of dollars at it and then wind up in federal court. I think that the process that we are moving is the mindset to protect the county and not to hap hazardly just go in there and do

something in order to get a cheaper rate today, which may cost us more in a court ruling tomorrow. As far as getting off track I do not think it is off track it is that none of us have all the knowledge and expertise in all the areas that pertains to the jail. It is not something real simple that can be fixed.

Sharon Padgett questioned are we fast approaching the dead line on the grant or is there an extension to it? All these questions should have been discussed prior to the grant application to where we know what we were looking at. It seems we are not making any progress and I am concerned the dead line on the grant will be gone.

Chairman Alex Robinson commented there are least four of us that went to Tallahassee a few weeks back and we twisted arms to get this grant because at the time it did not look like we would get the grant. We found out however at that office in Tallahassee that we would get the grant and we understand that we will not be penalized with a dead line if we go over the date.

Joe Cone commented the contract was for twelve months beginning January 29th of this year. They indicated if we were under construction that there would not be any problems getting an extension.

Sharon Padgett stated in a prior meeting September the 9th was the deadline that we were quoted for the grant to expire.

Chairman Alex Robinson stated he did not remember the deadline date.

Sharon Padgett said she is trying to do her homework and according to the workshop we had the grant back then was paying Auzzie Johns salary out of that grant.

Joe Cone said it is the Edward Byrne's Grant but you are looking at it over two fiscal years. The grant was previously being used to pay for personnel up at the Sheriff's Office. The Sheriff said he preferred to see the money go into the renovation of the old jail. There are actually two grants involved with two amounts.

Sharon Padgett stated in the minutes it stated that the funds would no longer go to the salary for Mr. Johns that it would go to the commissioners to renovate the old jail.

Joe Cone stated that is correct and that is essentially what has happened. How much money has been spent to this day I do not think anything has been spent out of the \$416,000 dollars. We are not charging anything to it. The only potential expense at this point would be the \$2400 dollars that the board agreed to pay Eric Kasper Architect to prepare the plans as to what has to be done on the building. As of the January 29th deadline nothing has been spent and there has been three meetings of the sub committee and we applied for the funds in August 2009 and it took us until January to finally get a release. We had to get a waiver of the environmental impact statement requirements placed on this by the federal government that this was an existing building. It took over four months to get that waiver. There is a timing issue of the discussions that were occurring in July and the grant application was not due until June and a lot of uncertainties and part of the problem is the money was used for this previously and now it has been allocated to

this so I do not see any problems. I think we are moving right along and Mr. Sheets you mentioned is the guy that did the mold inspections on the building?

Sharon Padgett responded from what Mr. Sheets told me he did more than a mold inspection. In a previous meeting you read the thoughts in the building Mr. Sheets gave you that list of repairs and there was also a quote of \$900,000 from someone else.

Joe Cone responded the \$900,000 quote came from Bill Rutherford & Associates and it was secured by the Sheriff. Mr. Sheets is a Heating & Air conditioning technician and not an architect. The report for the Sheriff was prepared by an architectural firm. That is part of the reason we retained Kasper & Associates. It is a public building and by law you must have an architect study and you have to have certified contractors and that is one of the things Mr. Kasper is going to generate for us.

Sharon Padgett questioned did Mr. Kasper in the Friday meeting give an estimate of what the cost would be?

Joe Cone said no ma'am he did not. He toured the building with the inspector who was here for Thursday and Friday and they spent the bulk of Thursday and Friday morning going through the building and we had the meeting at 2:00 p.m. Friday afternoon and had preliminary discussions on the condition of the building and as Commissioner Crews has said it is a work in progress.

Sharon Padgett stated it still comes back to I guess the idea of the budget workshop last year and it looked like we had a goal and were set toward renovating the old jail and putting our county inmates back in there for half of what we are paying now. We still are trying to get off the trail here because I have heard several different quotes and have talked with Mr. Holland about the meetings and he gave me the different ideas and it seems like we are straying away from renovating the old jail.

Chairman Alex Robinson said Sharon listen we are not straying away from anything and they are still having meetings. They had a meeting with the architect Mr. Kasper and I do not like your line of questioning and I do not mind telling you. You act like you are trying to put us all on trial and Commissioner Crews just set right here and said they are having their meetings and they met with the architect and Joe Cone is answering your questions and I don't know where you are going?

Sharon Padgett said I am sorry if I offended you I am not in anyway trying to offend. I am trying to get a clear picture.

Chairman Robinson said we have tried to explain to you that we are working with this sub committee to get an answer. I do not know what more you want than for this committee to bring back answers to this Board of County Commissioners to make a decision on that grant that we have set aside.

Commissioner Michael Crews stated you want a clear picture and we want a clear picture and you will not get one until we get one and it is as simple as that. That is what we are working toward and I am telling you right now I do not have what I want and you do not have what you want and time will tell.

Joe Cone requested board approval of the Urban and Community Forestry (U&CF) Grant Memorandum of Agreement for the Baker County Arboretum to be placed behind the Agricultural Center. Chairman Alex Robinson responded the grant is for \$19,054 and needs board approval. Commissioner Gordon Crews moved to accept the grant and the motion was second by Commissioner Mark Hartley. Motion carried unanimous.

Joe Cone updated the board on the meeting with Eric Simon and reported that the University of Florida has two applicants they are looking at to fill the position vacated by Extension Agent Mike Sweat and would like to schedule thirty minute interviews with the commissioners and applicants at a later date.

Joe Cone presented an agreement with CSX Transportation, Inc. regarding the construction or installation of a new Hi-Rail rubber sidewalk crossing surface on east side of CR23A on Lowder Street in Macclenny. Commissioner Gordon Crews made the motion to enter into the agreement with CSX and Commissioner Michael Crews second the motion. Motion carried unanimous.

Joe Cone announced he was approached by the Sheriff's Office regarding lawn maintenance equipment for the Courthouse. Mr. Cone stated last year we paid \$16,000 for a lawn maintenance contract but during the budget discussions last year decided to let the Sheriff's office handle the lawn maintenance at the courthouse. They have requested that the county purchase about \$6,199.97 worth of equipment. Mr. Cone stated this is coming off the state bid list. Mr. Cone reported he did take two quotes and the low quote was with Northeast Florida Power Equipment, Inc. in the amount of \$6,199.97. The quote included a blower, a pruner, a trimmer and a 48" mower. Commissioner Michael Crews moved to accept the quote from Northeast Florida Power Equipment, Inc. for \$6,199.97 and was second by Commissioner Mark Hartley. Motion carried unanimous.

Joe Cone stated that EMS is requesting the purchase of training equipment from a State Matching Grant awarded last year. David Richardson, EMS Director explained the grant and the purchase to the Board. The grant was for training equipment for the skill enhancement and sustaining appropriate competency levels. The training stations will also serve as needed for remedial training if any employee is identified at an unsatisfactory level of ability in any skill area. Quotes were requested on a Simulaids STAT 300 multi-function manikin. Quotes ranged from \$3988.00 to \$4647.24, the low quote did not have shipping charges. The quote from Henry Schein EMS was the lowest. A credit of \$1,132.00 will also be applied by the Henry Schein EMS Co. credit received from previously returned items. The total purchase with the applied credit is \$2,856.00. Commissioner Gordon Crews moved to approve the purchase of the EMS training material and the motion was second by Commissioner Michael Crews. Motion carried unanimous.

Sharon Padgett asked the Board for an update regarding the Impact Fee payment by BCDC. Where are we with the collection of the impact fee?

Chairman Alex Robinson referred the question to either Terry Brown or Joe Cone.

Joe Cone said he talked with the Sheriff and told him he needed to have the traffic study done. Mr. Cone said he instructed Robert Fletcher to get a traffic counter out at the BCDC facility to count traffic.

Chairman Alex Robinson said we are proceeding with a traffic count for the impact fee.

Sharon Padgett said that on behalf of BCDC she would like to state that if the traffic count comes up with a higher impact fee than stated back then would the county not at least take the lower impact fee. You are looking at over two and one half years and I would think that would be unfair to a business to charge them higher because of whatever the reason was that we over looked the impact fee.

Joe Cone said he thought it was safe to assume that the fee will be less than \$224,000. The initial impact fee was done on square footage and when I spoke with Robert Hathcox he said the analogy he used was if you had a bowling alley and he did the impact fee based on the building the bowling alley itself. Obviously all those lanes in the bowling alley do not have any people on them. So you have a jail that has people that do not drive. I am sure it will be substantially less than \$224,000 dollars. I could be wrong though. We will find out, we will count the vehicles and go from there.

Sharon Padgett questioned would that be ethical on our part to reduce it after such a length of period. I am trying to get an even kill on the matter.

Joe Cone stated there is a provision in the code that allows the applicant if it is not specified in the impact fee ordinance the applicant can do a study and they did a study and they said that there were 87 vehicles a day coming out of that facility. That means if there were 90 vehicles that is 45 people going to and from work every day and he has more than 45 people working up there so I thought that number was wrong. I did not think it was fair to the county to have them pay an impact fee based on 90 vehicles so we agreed to do a study. Do you want to wait until the jail is full to do the study and they pay more? Do we do the study now when it is only running at 300 inmates and they will pay less?

Sharon Padgett responded my thing was to do it in the time frame that it should have been done. I would hate for them to be overcharged but on the other hand if that was a fair assessment I want it to be fair for the county and BCDC.

Joe Cone asked do you do a fair assessment when the bowling alley is half full or fully up and operational? I am saying do the count when it is fully operational. The Board has made the decision we are going to do the count so I have asked Robert to do the count. End of story.

Sharon Padgett stated Maurice Postal and I did not see eye to eye on the acreage for the Shoals Park. The reference from the county commission was 1,044 acres and he cleared that up for me and the record should be stated it is 794.5 acres that should be accepted in Phase II. The other acreage is pending and not to be accepted. I am a stickler for things being right so I just wanted the records to reflect what should have been according to him accepted which was 794.5 acres.

Chairman Alex Robinson stated right now you are exactly right we do not know the acreage until it is appraised.

PUBLIC HEARING

Chairman Alex Robinson requested Terry Brown read the Ordinance requesting a Small Scale Land Use change by Florida Department of Corrections for 19.39 acres. Terry Brown read Ordinance 2010-06 by title. Chairman Robinson closed the regular meeting and opened the public hearing for comments.

Ed Preston informed that the applicant requests a 19.39 acre small scale land use and zoning change from Agricultural B to Institutional future land use and AG 10 to Institutional zoning to allow for the construction of a 480-bed Baker Re-entry processing facility. The property will be served with existing central water and waste water systems west of the site on other DOC properties. The property is vacant as are all of the surrounding parcels except the 80.46-acre parcel to the west, which currently has 5 dwellings. The facility will employ anywhere from 125 to 150 full time employees. Mr. Preston stated the Development Review Committee approved of the request by the applicant and the LPA met on April 22, 2010 and voted 3 to 2 to recommend denial. The LPA discussed issues related to compatibility with the property to the west and determined that negative potential impacts such as security and sewage spray field operations and potential future expansion was reasons enough for their recommendations. Ed reported the planning office has received communications from the adjacent property owner as of this date who opposes the request due to incompatibility issues with the homestead property to the west of the subject property.

Velma Adams 1259 Tahor Court, Orange Park spoke in opposition to the land use and zoning change due to her family being up in age. She requested the Board to please vote against this request.

Naomi Jones of Lake City Fl spoke in opposition to the land use and zoning change. She said her parents moved here over 20 years ago and they had 12 children and her father found a piece of paradise in Baker County to raise his family. She questioned would the Board like 500 criminals next door to their property and asked that the Board please go with the recommendation of the LPA Board.

Sharon Moore 17534 US 90 Sanderson spoke in opposition. She stated she is the mother of the twelve children and her concerns are the same as the other family members that spoke. She said they have occupied the property for 20 years and no one came to find out who we were or our opinion on the matter.

Kenneth Moore owner of the 80.46-acre parcel adjoining the property to be rezoned thanked Commissioner Michael Crews for his help and listening to his concerns. I do not know the other commissioners I have not had reason to come before you. I have not requested any roads for my property so I have not had reason to come before you. I love my property and was in the process of purchasing the other 64 acres that the Department of Corrections has and somebody cut me off. They carried it up to Tallahassee and received a judgment against Champion International to keep them from selling any property. Now the same ones who got the judgment are here trying to put a prison next door to me. That spoils all the land like I was talking to the Department of Corrections people. When Wal-Mart moved into this part of the country a lot of small businesses

went out of business and a lot of things happened. People who had small pharmacies went out of business and what have you. Some gas companies also lost business and different stores. When the Department of Corrections comes in no one else will buy land around any prisons. That takes the land values away. It kills and limits me to what I can do on my property. My children do not want to build a house next to a prison. I have children in Jacksonville, Orange Park and Virginia and if they ever want to come home to build a nice home and retire they will not put a home next to a prison. You cannot keep everybody locked up. I have 28 grandchildren and when I bought this property I bought it for the family to stay in Baker County. We did not come in on a watermelon wagon and want to leave the next day we want to raise our family and our children and help build this county up. If you figure in 100 years how big my family will be that is why I purchased 80 acres, for my children and grandchildren. Just like the Rhoden name and Crews name is being carried on that was here before me I ask for the opportunity to have a piece of the pie like everybody else. The problem is we are trying to make a place for these prisoners to have another chance and we are treating me with a prison beside me why can't I have a chance. When I first came to Baker County I went out on US90 and I looked and did not see anybody one way and looked the other way and did not see anybody and I said this is a good place to start here. I was not infringing on no body. I did not want to be in a neighborhood with a bunch of blacks in it and not in one with a bunch of whites that did not care and did not love me. We are all grown folks and lets be honest and tell the truth. Talk about equal everything is not equal. We are living in the real world now and everything is not equal. When you open your watch you do not see any of my children in there. Pictures in your photo galleries, none of my children will be in your photo galleries. I am just saying this is a bad place to build a prison and the State of Florida Corrections Department owns more land than I do. I am like the little man that had the little drug store before Wal-mart I cannot go anywhere else now. The State has other places they can go, they can move north, south or wherever. Before I came to Baker County the Department of Corrections purchased 2,300 acres of land and not that much land has been used by their prison systems since I have been here for twenty years. In 1995 someone had a wise idea they need to come and get next door to me five years after I moved to Baker County. This 19 acres we are talking about there is some where else they can put it. They have 2,300 acres they could put this facility. I had zero crime and peace the twenty years I have been here. We love it here and want to raise our family here and in 100 years I want to have one of my children stand up here and ask can they get permission to put a trailer next to their cousin. That is how we do things in Baker County or well we did. I am 100% against this facility. I explained my position to the Secretary of the Florida Department of Corrections and he said he cannot understand how they got into this thing and I cannot understand it either. This was a conspiracy to stop me from buying the land. Treat me the same way you would want to be treated. All my children are good children and they are not stealing and they are not in the prison system and I thank God for that. I intended to put a birthing clinic on forty acres. I have a granddaughter that graduated from a school and received her daycare license but I cannot put a daycare next to a prison.

Paul Whitehead 10014 River Oak Circle Glen St. Mary stated he retired from Baker Correctional and he never heard of any inmate hurting anyone in this public. We have a trailer park up at the prison and never an incident that anyone got harmed. The Department of Corrections has been a good neighbor to Baker County and this facility will be people going back into society and are not hardened criminals. This will provide 125 to 150 jobs for Baker County and I am in favor of this request.

Walter McNeil, Secretary to the Department of Corrections, 2088 Cresthill Drive, Tallahassee stated he visited with Mr. Moore and his family this afternoon. We had an opportunity to break bread together and look at his property and the properties we have adjacent to his. I am here because I believe we should change the zoning of the property so that we can build the institution. I have another proposal though for you. We are working with Baker County and Duval County and other surrounding counties in terms of trying to make sure that we drive down the recidivism rate in our communities. There are some 37,000 persons that are released from prisons every year that come back to our communities. Most instances they come back worse if you will than when they left. In the institutions they are around other criminals and quite honestly it is very difficult for us in those circumstances to do the kind of job that we need to do to rehabilitate them. This idea of the re-entry facility is something new. What we are trying to do is this. Right now today for the most part when a persons placed in prison they spend on average seven to ten years and when released from prison they are given \$100 dollars a bus ticket and a route back to their communities. That is wrong, we need to fix that. We hear this every where we go "not in my back yard." Nobody wants the institutions in their back yard but I must say, communities like Baker County has been a tremendous partner with us for a number of years and we have enjoyed as said previously a great relationship. This re-entry facility we are talking about will house some 400 inmates and we are not talking about a major institution. We are talking about a small institution something on the scale of a work camp. We will employ 125 to 150 employees. These folks are coming back to your community anyway and what we are saying is here is an opportunity for us to partner with you to make sure that these persons who are coming back is step them down gradually and reintroduce them back into your communities. I first ask that you allow us to re-zone the property so that it can be an institution. But after having spent the amount of time today with the Moore family I also am going to ask for your assistance as the county leaders. Here is what I believe we can do. We have something on the magnitude of about 64 acres of land adjacent to the current Baker Correctional Institution that abuts our staff housing. The 64 acres that does not belong to the State of Florida those acres belong to Baker County is my understanding. Across the street from where we are proposing you have plans for an Industrial park. What I would like to see happen today perhaps is you go ahead with the re-zoning we requested for Institutional zoning and after that what I would like to do perhaps is to sit down with my staff and perhaps your County Manager and County Attorney and look at perhaps a land swap. I am not sure what you can do with the 64 acres adjacent to our facility there that you have and I believe perhaps there is a better land use for the 64 acres that are right there across from your proposed Industrial Park. I would like to first and I said this to Mr. Moore I believe there is a compromise that we can reach that would be satisfactory to both the State of Florida and our desire to drive down the recidivism rate. At the end of the day this for us is how we keep the State of Florida safe. This re-entry facility is absolutely key to what we are trying to do in this community. I believe there is room for compromise. My recommendation and suggestion is to you tonight to go ahead with the re-zoning and after that is done we will sit down with my staff and see if we can't start talking about perhaps a land swap.

Chairman Alex Robinson took a brief recess to speak with the county attorney.

Ed Preston stated county staff finds the request for the land use change is consistent and recommends approval. We have been given an option that was not part of the application and would ask that Terry Brown tell us what our options are at this point for proceeding.

Chairman Alex Robinson asked Mr. McNeil is the time frame critical?

Mr. McNeil responded yes, we are planning on breaking ground in September.

Chairman Alex Robinson responded but a couple of weeks delay is OK?

Mr. McNeil responded yes it is OK.

Terry Brown stated the board has two options before you at this point in time. One would be to go forward on the issue before you tonight for the land use and zoning change ordinances to vote either up or down. By ordinance and statute there are certain criteria you have to consider in terms of voting for or against a proposed change in land use. Unfortunately one of those criteria is not the possibility of land swaps so you have to vote either up or down on its merits and really not factor in the possibility of a possible land swap or other type solution. The other option you have before you would be to table the matter and reschedule the matter for a time certain, maybe another 30 days or whatever. That would give the commission an opportunity to meet with the DOC and see if it can be a better amicable type exchange that would be in everyone's best interest.

Chairman Alex Robinson questioned the attorney is there a possibility that we could bring the ordinance up for a motion and vote and if it passes amend or revise the ordinance to include a land swap.

Terry Brown responded no sir.

Darryl Register said he believed the land the State is referring to is titled to the Economic Development Commission. I just want to remind you commissioners that we will do whatever we can to work for the interest of the county, but this is an independent entity and the board of directors of the Development Commission will have to meet and approve any land swap or anything else that is done. Consider that and the time frame and the Development Commission has no prior knowledge of this proposal until right now.

Ed Preston commented the matter before you and the Ordinance that is prepared and advertised only refers to the future land use change request on the subject property and the zoning change request. I think you have a choice to vote those ordinances up or down and a question for me for the attorney is can you continue them till the next meeting?

Terry Brown stated yes you can and if we go ahead and pick a date and time certain to advertise.

Commissioner Gordon Crews questioned Mr. Register that the logistics of these two pieces of property are very similar. The size of these two pieces of property are very similar also.

Darryl Register responded not completely. The property that the Development Commission owns is 140 acres and we have an option on 160 acres adjoining it. The original plan was 300 acres for an Industrial Park. Now we are talking about taking some of that or all of that out. A lot has changed in our economy since we went out on that and just as a refresher course Cedar Creek DRI is what started this because of the requirements that they create industrial property in front of their development. They did not want the industrial park in their development. They were suppose to bring cash to the county to pay for this property. The Development Commission

because it was a good deal and because of the timing issues we closed on a portion of it and have an option on the rest of the acreage. That is how we ended up and where we are at now. As far as the land swapping it is not exactly the same there are some other things we need to look at.

Commissioner Mike Griffis added that logistically the property next to Mr. Moore would probably be more attractive to the Development Commission?

Darryl Register said for a small development sure there is some pluses. A larger parcel and more flexibility for development and jobs for industrial based on able to serve a perspective business requirement needs. I think the land swap is something we can definitely look at but if we end up with a smaller piece of property in two separate places one with frontage and one we have to work access to.

Chairman Alex Robinson questioned is there a possibility Darryl you could work that access in the swap by the next commission meeting?

Darryl responded with preliminary conversations with DOC officials that the possibility of selling this property for a use for an additional spray fields that they have to have is very preliminary. As they build this new facility in this current spray field they would need additional properties for a new spray field. They contacted us about the property and I believe that they may have even done the due diligence on the property.

Chairman Alex Robinson said he would like to table the issue until the meeting on June 21st to give us time to work with the Development Commission and bring this issue back before the commission for determining decisions. Do we think that is doable?

Terry Brown commented that we need a motion to that affect.

Darryl Register said the Development Commission has the same requirements for public notification of meetings that you do so it would take us about ten days to get a meeting advertised and set up.

Chairman Robinson stated Mr. McNeil for your information and your group our public hearings are held the second meeting of the month, which will be June 21st. Is that within reason of the time that would meet your needs?

Walt McNeil stated we came here tonight specifically to try to impress upon you the need that we have in respect to the institution. We also believe and want to be good neighbors, that there is an opportunity for us to compromise so that everybody walks away a winner. But at the same time as I said we believe the right thing for us to do here from the State's interest is to ask you to vote favorably for this Ordinance. We believe even after you approve the ordinance, which is the right thing to do, we will look and continue to negotiate with whomever in the county with respect to the land that you have available to accomplish and try to meet the needs that the Moore family has. At the same time we thought with the growth that you are anticipating for your community with respect to the industrial park, I would be remised if I did not press forward and ask for your approval of the ordinance with the Moore's understanding from a good faith prospective that the State of Florida will continue to negotiate with you to achieve that outcome. That is why I am

here and that is why I hope that we can accomplish that tonight. We can come back whenever you say.

Terry Brown said the Board has two options. One to vote the Ordinance up or down on the merits. The second option is to table it for a time certain.

Ed Preston said there is just a technicality. The action tonight is for this subject piece of property and it is only for that subject piece of property and if another piece of property is involved and a zoning change is required we start from scratch again. We cannot transfer the approval to another piece of property. There is a legal description that was advertised and the legal description that is before you tonight.

Terry Brown responded that is why I say we cannot simply make an amendment and swap the land. My question is if this all happens how quickly can we get this through the process so that DOC can start construction.

Ed Preston said it generally takes about six weeks.

Terry Brown questioned could it be completed prior to September 1st?

Ed Preston stated it could be.

Chairman Alex Robinson stated my next question is whether or not to approve this ordinance as read or table this until the June meeting? That is what I want to know.

Ed Preston responded that staff recommendation would be to continue just to explore some other options.

Chairman Alex Robinson stated Commissioners you have heard the staff recommendation.

Commissioner Mike Griffis stated in light of the new information that has been presented tonight I make the motion to table this issue until some details can be worked out.

Terry Brown said and the motion would be to continue both Ordinance 2010-06 and Ordinance 2010-07 until June 21, 2010 at 6:00 p.m.

Commissioner Michael Crews seconds the motion.

Chairman Alex Robinson stated he had a motion from commissioner Mike Griffis to continue Ordinance 2010-06 and Ordinance 2010-07 until June 21, 2010 at 6:00 p.m. and Commissioner Michael Crews second that motion. Those in favor of the motion signify by saying Aye. Motion carried unanimous.

Ed Preston requested that Terry Brown read the title to Ordinance 2010-08. Terry Brown read the title to Ordinance 2010-08 a small-scale land use change submitted by James and Nancy Oliver. Ed Preston explained the applicant requests a 5.07 acre small scale land use and zoning change from agricultural B to RES C future land use and AG 7.5 to RCMH 2.5 zoning to allow for the construction of a second dwelling on the parcel.

Ed Preston commented the development review committee and the LPA both recommended approval of the request. The planning staff per Mr. Preston has received no communications from surrounding property owners as of this date.

Chairman Alex Robinson closed the regular meeting and opened the public hearing for comments. James Oliver 22592 Thannie Harvey Road, owner of the property stated he was present in case the board had any questions. The board did not have any questions. Chairman Alex Robinson closed the public hearing after no responses and reopened the regular meeting. Commissioner Mark Hartley moved to approve Ordinance 2010-08 and the motion was second by Commissioner Gordon Crews. Motion carried unanimous.

Terry Brown read Ordinance 2010-09 by title. A request by James and Nancy Oliver for rezoning of the 5.07-acre parcel. Ed Preston stated that Ordinance 2010-09 is a request for rezoning the 5.07-acre parcel belonging to James and Nancy Oliver and that the zoning meets the qualifications and planning staff recommended approval of the request. Chairman Alex Robinson closed the regular meeting and opened the public hearing. After no comments from the public he reopened the regular meeting for board comments. Commissioner Gordon Crews moved to adopt Ordinance 2010-09 and the motion was second by Commissioner Michael Crews. Motion carried unanimous.

Commissioner Michael Crews updated the commission on the New River Landfill Board and the funds that he and Commissioner Hartley were trying to secure for Baker County. A few months ago the New River Landfill Board voted to give Baker County 25% of some of the funds collected but however due to Gainesville and Alachua Counties issues being questionable New River board does not have a clear understanding of what would be available for budget. We voted to hold those funds there until some clarity comes to be as far as those 25% funds to come to Baker County. Maybe we will have a check shortly after August 2010 if everything goes well with Alachua and Gainesville situation.

Commissioner Gordon Crews stated that for the record he would like to thank Secretary McNeil for coming to Baker County and talking to a resident that has been here twenty years that I have never laid my eyes on him. I have seen the property before and wondered who lived there. I feel ashamed about that a little bit. Mr. McNeil made a good common sense decision and recommendation. We hear way to often there ain't no common sense in any kind of leadership in this country and this state and I think that just goes to show right there that there is. Sometimes it is hard to find them but they are there. I just would like to thank Mr. McNeil for coming and that was a breath of fresh air for me.

Commissioner Gordon Crews moved to adjourn. Meeting adjourned.

Al Fraser, Clerk to the Board

Alex Robinson, Chairman to the Board