

Board of County Commissioners
Gadsden County, Florida
Agenda Request

Date of Meeting: July 7, 2009

Date Submitted: June 24, 2009

To: Honorable Chairman and Members of the Board

From: Johnny Williams, County Administrator
Howard Douglas, Growth Management Director

Subject: General Discussion and Direction
C. W. Roberts – Closure Plan

Statement of Issue:

The Board of Gadsden County Commissioners (Board) at its May 5, 2009, meeting directed the Department of Growth Management (Department) to work with the Gadsden County Planning Commission (PC) to develop a closure plan for the C. W. Roberts asphalt plant located on the west side of State Road 267. As a result, on June 11, 2009, the PC, considered the C.W. Roberts closure issue and developed a recommendation.

As stated above, the Board hearing on July 7, 2009, has been scheduled to finalize the closure plan. However, On June 18, 2009, the Department received a request from Mr. Kent Safriet, Attorney, requesting the issue be rescheduled because of preexisting commitments by himself and Mr. Chuck Roberts. Please see Exhibit One, for a copy of the request to reschedule the hearing.

Background:

This item was presented to the Board at the March 17th and May 5, 2009 meetings for discussion and direction. On May 5th, the Board decided to close the operation of the asphalt plant and is seeking direction from the PC regarding how best to accomplish the closure. The recommended timeframe for the closure of the asphalt plant is to be determined by the PC based on public testimony. The time certain for the closure as discussed by the Board was between eighteen to twenty-four months. Please see Exhibit Two for a copy of the May 5, 2009 Board minutes. Exhibit Two is available in book form on the Commissioner's table and the Department for review.

PC June 11, 2009 Meeting:

The PC discussed at length the closure of the C.W. Roberts Asphalt Plant. Please see Exhibit Three for a copy of the minutes of the June 11, 2009 PC meeting. Exhibit Three is available on the Commissioner's table and the Department for review. The attorney for C.W. Roberts Asphalt, along with Mr. Chuck Roberts participated in the discussion. Members of the public were given an opportunity to speak and voice their opinions regarding the closure. A good portion of the discussion centered on exactly what the Board is requiring to close the site. Mr. Roberts felt that only the crushed asphalt was to be removed. The concrete barriers, signs, heavy equipment and the broken concrete located on the south side of the site would remain. The Department feels the entire site should be cleaned up and measures should be taken to protect Oklawaha Creek from sedimentation during the removal process and to control sedimentation in the future.

The Department's PC Agenda item included several conditions that should be considered when developing the closure plan. Please see Exhibit Four for a copy of the Department's PC agenda item. Exhibit Four is available in book form on the Commissioner's table and the Department for review. In the PC Agenda Item, the Department recommended the following:

Department's Recommendation:

Require the C. W. Roberts Asphalt Plant to complete the following:

- A. Install heavy duty silt fence along the southern property line of the existing cleared limits to prevent sedimentation from reaching Oklawaha Creek during the removal of material and equipment. Install silt fence within thirty days;
- B. Remove all rap, crushed asphalt, concrete, structures, barriers, equipment, and all other material off the site within eighteen months;
- C. Replant the entire site with long leaf pine trees and wiregrass within twenty-four months;
- D. Provide a surety bond in the amount of one hundred thousand dollars to ensure funds are available to close the facility and restore the site. Bond is to be provided within thirty days.

As stated above, the PC discussed the closure plan at length. Based on those discussions the PC is recommending the following.

PC's Recommendation:

- A. The Growth Management Department will review and determine if a silt fence is required, and if so, what type is required to prevent sedimentation from reaching Oklawaha Creek during the removal of material and equipment. If determined silt fence is required, install silt fence after the requirements are established;

- B. Remove all rap, crushed asphalt, equipment and all other material inconsistent with AG-3 use off site within twenty-four months, after Board action;
- C. The Growth Management Department will go on site to determine and review grassing requirements to control erosion and also confirm adequate visual buffers to be put in place;
- D. A formal commitment letter from Mr. Roberts to meet the commitments of this option and to bring the property into compliance with AG-3 Land Use; and
- E. Just a recommendation to Mr. Roberts to bring to the Board of County Commission, a schedule of activities to complete on this project in support of his twenty-four month timetable.

Board Options:

- 1. Approve the Department's Recommendations as stated above;
- 2. Approve the Planning Commission's Recommendations as stated above;
- 3. Board Discretion.

Recommendation:

Option #1

Exhibits:

- 1. Request to Reschedule Board Meeting;
- 2. Board Minutes – May 5, 2009;
- 3. PC Minutes – June 11, 2009
- 4. Departments PC Agenda Item for June 11, 2009;

Note: All Agenda Items and Exhibits are available in book form on the Commissioner's table and the Department for review.

**Request to Reschedule
Board Meeting**

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Hopping Green & Sams

Attorneys and Counselors

June 18, 2009

Via U.S. Mail and Email

Mr. Howard Douglas
Growth Management Director
1-B East Jefferson Street
Post Office Box 1799
Quincy, FL 32353-1799

Re: Scheduling of public hearing regarding C.W. Roberts Contracting, Inc

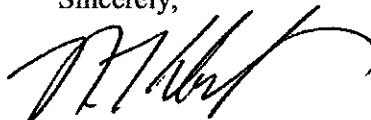
Dear Mr. Douglas:

Thank you for your response to my inquiry this morning regarding when the Board of County Commissioners hoped to schedule the C.W. Roberts Contracting, Inc. matter. It is my understanding you were asked to schedule the matter for a public hearing on July 7, 2009, at 6:00 pm. I write to inform you that neither Mr. Roberts nor I are available to attend a hearing on that date as I am required to attend a Planning Commission meeting on that same date and time in another jurisdiction, and Mr. Roberts has prior vacation plans.

Therefore, we respectfully request that the meeting be rescheduled to a date and time in which Mr. Robert and I are available. Please be advised that if the Board refuses to reschedule this matter, Mr. Roberts will view whatever decisions made by the Board as a violation of his due process rights.

Lastly, we are unsure why this matter has to be set for a "public hearing." It seems that this matter can easily be handled as a non-public hearing at a later Board meeting in July at 9:00 am. I look forward to hearing from you regarding mutually convenient dates and times to reschedule the meeting.

Sincerely,



D. Kent Safriet

cc: Charles W. Roberts III
Johnny Williams, County Manager
Gadsden County Commissioners