

Columbia County Board of County Commissioners  
Minutes of  
**February 21, 2008**

The Board of County Commissioners met in a regularly scheduled meeting at 7:00 p.m. at the School Board Administration Office.

Vice Chairman Stephen Bailey called the meeting to order. The meeting opened with prayer and the Pledge of Allegiance to the Flag of the United States of America.

**Commissioners in Attendance:** Ronald Williams, Elizabeth Porter and Stephen Bailey.

**Others in Attendance:** County Attorney Marlin Feagle, Deputy Clerk Sandy A. Markham, Internal Auditor Judy Lewis, and BCC Secretary Penny Stanley.

**Commissioners Absent:** Commissioner Weaver (vacation), and Commissioner Skinner (illness).

**Others Absent:** County Manager Dale Williams (at conference). Asst. County Manager Lisa Roberts (family illness).

Mrs. **June Johnson** expressed **appreciation** to the commissioners, Board staff, the Clerk of Courts, and to county employees for their assistance and friendship over the past year and for helping her family during personal trials. Ms. Johnson advised the Board that she was told by Citizen Stewart Lilker that the Board would “stab her in the back” while she stood at the podium praising them. The Board assured Mrs. Johnson that is not the case. Mr. Lilker responded that Mrs. Johnson was not being truthful.

Ms. **Judy Wyndham** said regarding the **Animal Shelter** “AS” that the financial reports the AS submits to the county are not sufficient to receive county funding and should be investigated for discrepancies. She requested a copy of the **Humane Society’s** contract with the County. Ms. Wyndham requested the Animal Control Board be put back into place and that the vacant positions on the Board be posted. Ms. Wyndham is willing to serve on that board and feels she is very qualified. As a matter of information, she advised that the City of Lake City holds the title to the Animal Shelter’s property. She requested a copy of the contractual agreement for the rent/use of the building. Ms. Wyndham said it is her opinion that Sue Hadley “being over” the Animal Control Board is a conflict as she also serves on the Humane Society Board. Ms. Wyndham noted that there were three cases considered by the Animal Control Board over the past twelve years. All cases were resolved in favor of the AS. Ms. Wyndham shared that she has many ideas that would save the county money, but doesn’t feel anyone is truly interested in the savings. She shared her idea as to what the makeup of the Animal Control Board should be. Ms. Wyndham’s goal is to see the shelter operating fairly and efficiently.

Finally, Ms. Wyndham requested that Commissioner Williams remove himself from the committee that serves as a mediator between herself and the Animal Control Board. She explained that the commissioner, by action and words, has clearly displayed that he is prejudice in this situation.

The Board responded that it is not their intent to dissolve the Animal Control Board. The ordinance is already in the review process and will come back before the Board of County Commissioners for final action.

MOTION by Commissioner Porter to set the ordinance for public hearing on March 20<sup>th</sup> to consider changes, if any, to the ordinance. Second by Commissioner Williams. The motion carried unanimously.

Realtor Janet Creel would like to see **water and sewer** provided to the southern end of the county. She asked the County to join with the City in making this happen and if possible bring in a third party to handle the utilities (instead of the City). Commissioner Williams said that it is feasible to install water and gas lines without adding sewer lines. Unfortunately, at this juncture, there is no easy fix for this complex issue. Ms. Creel asked if she should address the City. The Board responded affirmatively. Commissioner Williams feels consolidation would solve many of these issues.

## **Building & Zoning**

### Public Hearings

- (1) Z 0489 Lori Giebeig Simpson, as agent for Peter W. Giebeig – Dist. 3
- (2) Z 0490 – LSJ Properties, Inc. - District 3

Commissioner Bailey declared a conflict with both. This resulted in there being no quorum.

MOTION by Commissioner Williams to continue the matter until March 06, 2008. Second by Commissioner Porter. The motion carried unanimously.

### Text Amendments to Land Development Regulations: (1st Hearing)

- (1) LDR 07-4 – GTC Design Group, LLC, as agent for Dale Peeler.  
Amending Section 4.2.39, Allowing for Borrow Pits in environmentally sensitive areas and Section 14.7.1, adding additional requirements for Borrow Pits.

The Planning and Zoning Board recommended approval with the added wording: *The operator shall obtain a performance bond in the amount of \$1,500 per acre of land excavated to secure the performance requirements.*

The Chair declared the public hearing open.

Citizen Nora Logan expressed concern that large borrow pits are sometimes excavated for year and at restoration never comes. She said that she is personally familiar with a pit that has had on-going excavation activity for approximately 25 years. The County Planner agreed this is entirely possible and that work may go on at the larger pits for many years. This varies depending on the size of property and the amount of dirt removed each year.

Ms. Logan is concerned with how excavation affects river bottom when the digging occurs close to the river banks. Commissioner Williams replied that LDR 07-4 was originally put into place to protect environmentally sensitive areas, and that currently he is not in favor of this amendment.

County Attorney Feagle suggested that the Board consider time limits to be set for completion.

Citizen Stewart Lilker asked for clarification on the performance bond amount. It was clarified that the amount is \$1,500 per acre.

Citizen Susan Sloan asked what need has arisen that would cause the Board to even consider allowing the borrow pits in the environmentally sensitive areas. As a realtor, she pointed out there is plenty of land to excavate without digging in the environmentally sensitive areas. She questioned why it is extremely difficult to get a septic tank permit in the environmentally sensitive areas, yet the Board is considering a text amendment that would allow many acres of land to be excavated. She reminded the Board that the rivers and springs are Columbia County's "claim to fame". She opposed the amendment.

The public hearing closed.

Commissioner Williams said that he realizes the need to obtain good quality dirt, but stated he simply has a problem with allowing borrow pits in the environmentally sensitive areas. He said the original purpose of the LDR was to provide protection to the county's environmentally sensitive areas. He said that he may not be opposed if there was a method for refilling the hole, but that will not be possible. The commissioner said that additionally, the heavy truck traffic from the mining operations will wreak havoc on the roads leading to the pits. Commissioner Williams said that he is also concerned that when laws change, existing borrow pits are grandfathered in.

No motion was needed. The second public hearing will be held on March 06, 2008.

## **NACO Conference Report**

This item was passed over as Commissioner Skinner was not in attendance to report. The report will be given at the March 06, 2008 meeting.

## **Consent Agenda**

The Chair announced that the Board would pull item #9 for separate discussion and clarification.

There was a public call for clarification on items #4 and #5.

Motion by Commissioner Williams to adopt the consent agenda excluding item #9.  
Second by Commissioner Porter.

### Regarding consent agenda item #5, the **Turner Road Land Purchase:**

Commissioner Williams said this is one of two lots the County Engineer is attempting to secure for a retention pond on Turner Road. The property owner and the county both have appraisals. The county's appraisal is the lower of the two. Commissioner Williams said that it is his understanding that without the purchase of the property, the county cannot re-build the road and the county cannot get a permit to build without a having a retention pond.

Citizen Lance McDonald said that \$161,700 is a tremendous amount of money to pay for one **acre of land on Turner Road**, especially considering the fact that the Property Appraiser has the property appraised for only \$69,000. He recalled that the Board approved the purchase of 66 acres at \$7,000 per acre in December 2007, which was the full appraisal amount. Mr. McDonald told the Board that had they negotiated between the highest and lowest appraisal, it would have resulted in a significant savings for the citizens. Likewise with this land purchase, the difference of the two appraisals could result in a savings to the taxpayer of \$6,650. He asked the Board to negotiate with the seller, or to approve the purchase at only \$155,050.

Attorney Feagle advised that if the Board pays more than the average of the two appraisals (\$155,050) that a supermajority vote (4 voting) is required.

Commissioner Bailey and Commissioner Porter asked that the price be negotiated.

There was a consensus to pull item #5 from the consent agenda. Commissioner Porter withdrew her second to approve the consent agenda. That motion failed for a lack of a second, leaving no motion on the floor.

Regarding consent agenda item #4, the **Employment Contract William Whitley** and Columbia County: Citizen Stewart Lilker said that it was his understanding that Mr. Whitley was primarily hired as conflict council, but has since learned, after reviewing last years contract and billing sheets, that Mr. Whitley's work included duties of the county attorney. Mr. Lilker said that in last year's contract, the county paid Mr. Whitley's taxes, social security, FICA, retirement, plus \$90 per hour. Mr. Lilker found it odd that Mr. Whitley is willing to take a decrease in pay and benefits this year. He asked why a decision was made to not pay Mr. Whitley's taxes, social security, FICA, and retirement in the current proposed contract. County Attorney Feagle said that he reviewed the contract that the County Manager and Mr. Whitley negotiated. Mr. Feagle said that he could not speculate regarding the negotiations.

Mr. Lilker also questioned why Mr. Whitley billed in 2/10<sup>th</sup> increments instead of 1/10<sup>th</sup> increments, and noted it interesting that Mr. Whitley would charge the county to travel from his house to the county office or to a county meeting. Mr. Lilker told the Board that he has reviewed the contract that the Town of Fort White has with Mr. Whitley and learned that Fort White pays Mr. Whitley \$85 per hour, no travel time, and they are billed in 1/10<sup>th</sup> hour increments. Unlike Columbia County, the Town of Fort White also does not pay him mileage, or pay his association dues, or other things listed in Columbia County's contract with Mr. Whitley.

Commissioner Williams suggested that the matter be tabled until the next meeting so that the County Manager can address the issue. Mr. Lilker agreed and concluded by asking the Board to consider that Mr. Whitley, who was a county employee last year, would receive approximately a 12% pay increase under the proposed contract. Mr. Lilker questioned how the Board could justify this type of increase when the Board allotted no increase at all for other county employees.

- (1) External Budget Amendment – General Fund – BA #07-17 – Purchase of Scanner - \$4,715.00
- (2) Agreement – Street Lighting Agreement – Florida Power & Light Company/Columbia County Board of County Commissioners – Blackberry Farms Subdivision Entrance
- (3) Suwannee River Economic Council, Inc. – (S.H.I.P.) – Subordination Request – Aaron Argetsinger \$82,500.00
- (4) Employment Agreement – William E. Whitley/Columbia County Board of County Commissioners – One Year Agreement - \$100.00 per hour
- (5) Purchasing - Land Purchase – Turner Road – One Acre Lot Used for Drainage - \$161,700.00
- (6) Veterans Service – Request for Special Travel – Susan Melton – Accreditation Training Conference
- (7) Court Administration – Declaration of Junk or Surplus Property (see attached list)
- (8) Solid Waste – Declaration of Surplus Property and Permission to Sell – (see attached list)
- (9) Columbia County Fire Department - Response Protocol
- (10) External Budget Amendment – General Fund – Replacement of Administrative Vehicle – 2008 Chevrolet Impala - \$15,926.00
- (11) Extension Office – Position Changes in Support Staff Classifications – Kathy Kuerzi from Secretary Specialist (\$11.77 per hour) to Office Manager (\$13.39 per hour) and New Position from Secretary Specialist (\$10.52 per hour) to Secretary II (\$9.10 per hour) – Decrease of \$1.42 per hour
- (12) Minute Approval – Board of County Commissioners Scheduled Workshop – February 13, 2008

MOTION by Commissioner Williams to pull item #4 from the proposed consent agenda. Second by Commissioner Porter. The motion carried unanimously.

Regarding consent agenda item #9, the **Columbia County Fire Department Response Protocol** – This fire response protocol is currently being utilized by 9-1-1 dispatch, but never been formally adopted by the Board. The responses are call specific as to dispatching of single or multi units to certain type calls. The call response of units dispatched may be upgraded based on dispatcher information or need expressed from on scene personnel. This protocol was originally written as a uniform fire response for both county and city. (This item was pulled to include the guidelines for Fire/EMS Response as a part of the protocol addressing the issue of rescue assist from the Station 40 (located off Branford Highway) service area in which the fire truck within this jurisdiction would automatically respond to specified life threatening emergency calls such as cardiac or respiratory arrest, chest pain, unconscious patient, vehicle accidents, drowning, etc. Calls which are not life threatening, such as falls or someone who is sick, the fire truck would stand by for response until dispatched. These guidelines were discussed in the workshop of January 31, 2008. Proposed protocol is attached to original minutes.

MOTION to approve the consent agenda, including item #9, but excluding items #4 and #5. Second by Commissioner Porter. The motion carried unanimously.

### **Ellisville Public Supply Potable Water Wells Drilling Bid Award**

The County opened bids for the installation of two Public Supply Potable Water Wells and two control buildings at Ellisville on January 11, 2008. Four bids (ranging in prices from \$497,900 to \$749,409) were received. Hughes Well Drilling submitted the lowest total bid price (\$497,900.00), which is 24.8 percent lower than the next lowest bid price of \$662,742.00 (Hall's Pump and Well). In accordance with the evaluation performed by Eutaw Utilities, Inc. of the lowest responsible bidder, it is an accepted convention in a competitive bid environment to consider the apparent low bidder non-responsive if the bid is 20% less than the next lowest bid price. Further, in the advertisement for bids, unit prices were requested on what was considered to be four variable items.

In an interview with Mr. Hughes on January 18, 2008 he stated that he had inadvertently omitted labor and expenses to install the four items and that his bid prices for those items were for materials only. Based on that, Marc Neihaus of Eutaw Utilities who is the Ellisville Water and Sewer Project Engineer recommended the County negotiate with the next lowest bidder.

In further discussion it was learned that in that interview with Mr. Hughes, that regardless of the omission, he was still willing to do the work. Mr. Hughes has provided evidence of his ability to meet the county's bonding requirements and his prices for the remaining components necessary to complete the work are reasonable. Mr. Hughes has never drilled a well this large and does not have any experience in the chlorination component included in the bid.

Commissioner Williams said he would not support taking the bid from Mr. Hughes simply he omitted cost and come in too low. Commissioner Porter recalled a problem with Curt Construction where they made an honest mistake and were disqualified because a number was inserted in the wrong space. She said she didn't see how the county could do differently for Mr. Hughes than they did Curt Construction. Commissioner Williams explained that in the Curt Construction's case, the unit price was listed as \$1 and the correct amount would not convert the correct price. In this case, the bidder did not add his labor and some of the materials to the bid and is willing to honor his bid amount. There was no calculation or typographical error in the bid. Commissioner Porter feels there was still a "mistake" on Mr. Hughes part and he should be

held to the same standard. Attorney Feagle reminded the Board that Curt was offered the opportunity to do the work at the bid price, but declined. Mr. Hughes addressed the Board stating he is willing to stand behind his bid amount.

Mr. Neihaus cautioned the Board that if something should go wrong and the county had to call the bond, the bond amount is the bid amount, so the county would have to come out of pocket for \$160,000. Mr. Neihaus said that should this happen it would likely be a lose-lose situation.

The Board has the option of (1) awarding the bid to Hughes Well Drilling and contract with Eutaw to oversee the project, (2) reject any/all bids and re-advertise the same, (3) or reject Mr. Hughes' bid based on unit price bids are not responsive.

Attorney Feagle advised the county will have to have the bond in hand and approved before a contract is signed and the notice is given to proceed. A separate contract will be needed with Eutaw Utilities to monitor the construction.

MOTION by Commissioner Williams to award the bid to Hughes Well Drilling. Second by Commissioner Porter. The motion carried unanimously.

MOTION by Commissioner Williams to enter into an agreement with Eutaw Utilities for supervision of the project. Second by Commissioner Porter. The motion carried unanimously.

## **Special Projects**

Special Projects – District 4 (\$3,000), and District 5 (\$3,000) to assist the CHS Dugout Club with the purchase of batting cages.

MOTION by Commissioner Porter to approve special project expenditures from District 4 and District 5 for \$3,000 each.

## **Columbia County Fire Department**

Request to purchase TNT extrication demonstration equipment from Capitol Outlay in the amount of \$55,000. The is a savings of approximately \$27,600.

MOTION by Commissioner Williams to approve. Second by Commissioner Porter. The motion carried unanimously.

## **Commissioners – Items not on the agenda**

Commissioner Williams referred to an article in the Lake City Reporter that addressed the county being “homeless.” Commissioner Williams said the newspaper article was not true. The commissioner said the county did have a meeting room in the late 80’s and early 90’s, but the building being older did not meet the ADA requirements. An agreement was then entered into with the Columbia County School Board to use the School Board Administration Office until renovations were complete on the courthouse. The original design of the courthouse had a meeting room for the Board of County Commissioners, but due to the rapid growth of the county a decision was made to relinquish the space to be used as a courtroom.

## **Public Input**

Citizen Karl Burkhardt asked why the one acre parcel of property on Turner Road is so valuable. Commissioner Bailey said that it is his understanding from County Manager Williams that the property is zoned commercial.

Citizen Stewart Lilker was happy to report that Chief Judge E. Vernon Douglas has agreed to reinstate a law library. He told the Board that he met earlier in the day to discuss the

law library with Chief Judge E. Vernon Douglas. Attending that meeting was Clerk of Courts DeWitt Cason, Court Administrator Sondra Williams, Attorney Ed Brown, and Deputy Clerk Sandy Markham. The history and future of the law library was discussed. Mr. Lilker advised that he requested that the law library be put in the downtown library, and that there be a kiosk with some of the needed books (i.e. Southern Second, Supreme Court Reporter, etc.). Mr. Lilker said that the law library will provide access to Florida Statutes, Federal Statutes, and Federal Supreme Court. Mr. Lilker said that the city officials are in favor of the library and are in favor of working with the County to renovate the library and work on the parking issue. Mr. Lilker briefly discussed the fees collected for the law library and encouraged the Board to use any excess monies to further enhance the law library.

Citizen Wayne Sapp asked if there is a timeframe where subdivision roadways are resurfaced, and if there is any amount of money tax payers are paying that goes into a road repair fund. Commissioner Williams responded that there is not a resurfacing timetable, but the County does plan to do something along those lines in the near future. Commissioner Williams said responded that all of the gas tax money goes into a road fund, but no ad valorem taxes. Mr. Sapp said the roads inside of the County Club, with exception to Commerce Road, are in very, very poor shape. He encouraged the Board to put a road resurfacing program in place.

Lance McDonald asked the status of the bypass road. Commissioner Williams said there are negotiations taking place with a land owner regarding boring test. The unidentified person asked if there are any plans to expand the I-75/I-90 interchange. The response was that according to DOT, that project is not “on the radar”. He asked if the county has a person on staff that applies for grants. The response was that the county constantly receives information on available grants and applies, but there is not a person hired for that alone.

Citizen Ron Buckler asked if there is anyone in the county who inspects the road work the developers are doing within the subdivisions, and if a compaction test is conducted. The response to both questions was “yes.” He noted that the roads in Emerald and Cypress Lakes are buckling. Commissioner Williams replied it could have been that those roads were developed prior to inspections being required.

There being no further business to come before the Board, the meeting adjourned at 9:00 p.m.

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Board of County Commissioners

ATTEST:

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P. DeWitt Cason  
Clerk of Circuit Court