

Columbia County
BOARD of COUNTY COMMISSIONERS

The Board of County Commissioners met in a regularly scheduled meeting on **January 03, 2008** in the School Board Administration Building at 7:00 p.m.

Commissioners in Attendance:

Ronald Williams District 1
Dewey Weaver (Chair) District 2
George Skinner District 3
Stephen Bailey District 4
Elizabeth Porter District 5

Others in Attendance:

County Manager Dale Williams
Marlin Feagle, County Attorney
Sandy Markham, Deputy Clerk
Lisa Roberts, Asst. County Manager

Animal Shelter's Response

Margaret Smith, Director of the Lake City/Columbia County Animal Shelter responded to complaints made in a prior meeting by Ms. Judy Wyndham. Ms. Smith responded that only certified personnel are allowed to euthanize, all funding is being properly used, and the County does not have records on the Animal Shelter's employees, because they are hired by and work for the Humane Society.

The County Manager relayed to the Commission that he addressed Ms. Wyndham's concerns with Ms. Smith and received the same answers from Ms. Smith as she presented to the Board. The County Manager said that he has not verified each of the responses, but is satisfied with the answers provided to him. The County Manager said that Ms. Smith assured him that all required certificates/license are on file at the shelter.

Building & Zoning

Text Amendments to Land Development Regulations (2nd Hearing):

- (1) LDR 07-2 - Board of County Commissioners
Amending Section 14.9 of the Special Family Lot Permit
- (2) LDR 07-3 - Board of County Commissioners
Amending Section 14.10 Special Temporary Use Permit

Chairman Weaver announced that LDR 07-2 and LDR 07-3 have been rescheduled for the January 17, 2008 Board of County Commissioners meeting.

Minor Subdivision - Final Plat:

- (1) SD 0230 S & B Acres - District 1

This is a re-platting of a one acre parcel into two half acre parcels. The property is located in the Five Points Acre Subdivision.

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

Supervisor of Elections

There is a need for a polling area in the Columbia City area. Mount Salem Missionary Baptist Church has executed a five year lease that will allow the Supervisor of Elections to utilize the church facility during elections periods. The lease provides that some improvements will be made, such as a wheelchair ramp, but no rent will be charged. Improvements will remain with the property once the lease has expired. The lease is long enough that the County will recover investment in upgrades. Attorney Feagle recommended approval of the lease.

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

Yearly Incentive Compensation for County Manager

Each commissioner has considered the incentive compensation for County Manager Dale Williams for fiscal year ending September 30, 2007. The County Manager may receive as much as a 1% increase from each of the Commissioners.

Commissioner Weaver recommended a .75% raise, and commented that the County Manager's performance always exceeds expectations. He goes above and beyond on all things asked of him.

Commissioner Bailey recommended a .75% raise, and commented that he also has found the County Manager to go above and beyond in his duties, and finds him to be a great asset to the county.

Commissioner Skinner recommended a 1% raise, and thanked Mr. Williams for always standing up for what is right.

Commissioner Williams recommended a 1% raise, and thanked him for his open door policy and for being able to successfully carry such a large load on his shoulders.

Commissioner Porter recommended a .75% raise, and thanked him for consistently going beyond what is required of him in order to make things easier on the commissioners.

The Chair announced the proposed incentive total is 4.25% or \$4,673.68.

MOTION by Commissioner Bailey to approve incentive total. Second by Commissioner Porter. The motion carried unanimously.

MOTION by Commissioner Skinner to accept the evaluations. Second by Commissioner Williams. The motion carried unanimously.

The County Manager stated it is his pleasure to serve the commissioners and the citizens of Columbia County.

Consent Agenda

MOTION by Commissioner Williams to approve the Consent Agenda. Second by Commissioner Skinner.

There was a call for clarification on items #3, #5 and #8. The County Manager and Todd Manning assisted with clarification.

- (1) State Housing Initiatives Partnership Program – Release of Lien Agreement – Rhonda P. Kersey - \$7,000.00
- (2) Emergency Medical Services – Refund Request – First Coast Service Options – Ruth Allen - \$286.62
- (3) AT&T Multi-Service Agreement – Internet Service - Managed 10MBps Metro Ethernet – Monthly Access/Port Fee \$1,781.00 – Onetime Installation Fee \$1,848.00
- (4) Minutes – Board of County Commissioners – Special Meeting – November 28,
- (5) Indigent Burial – Cooper Funeral Home – Otis Page, Deceased - \$500.00
- (6) Board of County Commissioners – Declaration of Junk Property – IBM Lexmark 7000 Wheelwriter Typewriter, County ID #09115
- (7) County Fire Department – Declaration of Surplus Items to be sold – Radio’s - (see attached list)
- (8) Purchasing – Travel Request – Commissioner Skinner – NaCO Justice & Public Safety Steering Committee Retreat – January 23-26, 2008 - \$1,375.00
- (9) Easement Deed – Huntington at Woodcrest – Southeast Developers Group, Inc.
- (10) Minute Approval – Board of County Commissioners – Regular Meeting – November 1, 2007
- (11) Minute Approval – Board of County Commissioners – Regular Meeting – November 15, 2007

The motion carried unanimously.

The Ichetucknee Promise

Two meetings ago the Board heard a presentation by Curt Webster of the Suwannee River Water Management District outlining a proposal of the district that would create The Ichetucknee Promise (“TIP”). The district proposes to fund TIP with a \$750,000 commitment for a three year period. Staff recommended the Board agree to join The Ichetucknee Promise as well as the other stakeholders for the purpose of which it was intended.

MOTION by Commissioner Bailey to enter into the partnership with Suwannee River Water Management. Second by Commissioner Skinner. The motion carried unanimously.

Pro-Rated Bonus for J. Gross

The Board adopted a resolution with guidelines from which year-end bonuses were distributed to employees of the County. Due to unusual circumstances, employee John Gross’ bonus was pro-rated, but should not have been.

The County Manager asked that the resolution be amended to provide that John Gross receive the full bonus that was intended.

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

Indigent Burial - LSHA

The Board considered the proposed interlocal agreement between the County and Lake Shore Hospital Authority relating to indigent burial procedure. The County Manager advised that the interlocal, as written, changes nothing in terms of procedure, from the way indigent burials have historically been handled.

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

Country Club Estates and Bellaire Subdivision

There is an ordinance on the books that imposes a one ton maximum weight limit on the streets within Country Club Estates and Bellaire Subdivision. There is signage within the subdivisions, erected by the county, allowing for particular weights on the streets. The County Manager explained that the reason the signs exist is because several years ago the Board was approached by the developers at Eastside Village who wished to travel those roads to access the rear of their property where they were building. The Board made an exception so that the trucks necessary for the construction would be able to pass through. There has never been any action to remove the signs. The Board was asked to remove the nine ton and seventeen ton weight limit signs posted in the subdivision. Notice will be posted at the appropriate entrances of the subdivision.

MOTION by Commissioner Porter to remove the existing signs and replace them with signage indicating a one ton maximum limit for the roads. Second by Commissioner Bailey. The motion carried unanimously.

Closure of Bridge #29445

Permission was requested of the Board to close the bridge located on Old Wire Road that crosses over Olustee Creek and enters into Union County. The Department of Transportation records reflect that Columbia County is the owner of this bridge. It was reported that the headwall on both sides of the bridge, particularly on Union County's side is in very poor condition. When Columbia County received the initial inspection report, the county engineers recommended the weight limit sign on the bridge be lowered. Because of continued deterioration, the county engineers do not believe it is safe to leave the bridge open.

Columbia County will notify Union County. The engineers will put together a cost estimate for repair or replacement, and Union County will be asked to contribute to the cost. The bridge serves two counties, and both should share the responsibility of the bridge.

Staff recommended the bridge be closed by barricade.

MOTION by Commissioner Bailey to follow the county engineer and staff recommendation to close the bridge. Second by Commissioner Porter. The motion carried unanimously.

Administrative Leave

County Manager Williams requested administrative leave for January 8, through January 9, 2007. He will be traveling with the Sheriff to inspect the pod cell concept at the Brevard County Jail, which may eventually be considered in a jail alternate recommendation.

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

Matters Not on Agenda

By Commissioner Williams: During the budget process, an increase in fees was approved for the **Building Department**. Commissioner Williams stated that plans submitted prior to January 1st should not be subject to the **fee** increase, simply because the Plans Examiner was not able to review the plans until after January 1st.

MOTION by Commissioner Williams to authorize the Building Department to charge the old fee for all plans received prior to January 1st, but not reviewed by staff until after January 1. Second by Commissioner Bailey. The motion carried unanimously.

Public Input

Citizen Wayne Sapp recalled an amendment made to the Columbia County Charter which requires “certain items” to appear on Columbia County’s web page. Mr. Sapp said he has searched the web page many times, but could not find “that” information “in many different cases”. He asked why “that” information was not on the county’s website. The County Manager responded that the information contained in the agenda, as far as he knows, is duplicated and made part of the website. From time-to-time items will be presented to the Board just before the meetings and there is no time to add the materials in advance of the meetings. Mr. Sapp responded that the draft minutes on the agenda to be approved cannot be found on the county’s website in advance of the meetings. The County Manager explained that minutes are not posted until after they are approved. Commissioner Williams interjected that he did not feel minutes should be posted until after approved. Mr. Sapp then agreed the minutes should not be posted until afterwards, but explained he was referring more toward “things like the agenda and things of that nature. Things that are coming up that people are perhaps interested in...coming to a County Commission Meeting.” Mr. Sapp said that “a lot of these things” are not on the web page at all. He said there is not enough information being put out as was intended in the charter amendment.

Commissioner Weaver asked Mr. Sapp if the agenda in front of them was posted on the website. Mr. Sapp responded that it wasn’t posted. There was a response from the audience that the agenda materials for the meeting were indeed posted. Mr. Sapp replied that he is being told by the public the agenda items are not routinely available and that “all those things” were suppose to be posted on the internet. The Board asked Mr. Sapp to be specific in exactly what problem he is having. The County Manager recalled several meetings ago there was an issue that the Planning and Zoning Board’s materials were not being posted. Since that time, the problem has been corrected. Mr. Sapp told the Board he was referring to the Planning and Zoning Board materials. The Board invited Mr. Sapp to call any time he has concerns or questions with the website as it is still a work in progress.

Citizen Judy Wyndham replied to Ms. Margaret Smith’s statements made at the beginning of the meeting. She told the Board that just because Ms. Smith “says” the certifications are on file does not mean they are on file, and that her written response is not proof that the certificates are on file. Ms. Wyndham said that Florida Statutes defines “Animal Control Officer” and that each officer is to be certified. She told the Board that the county is responsible, according to Florida Statutes, for the records (certifications), yet the county does not have them in their possession. She told the Board she wants proof that the officers are certified. She asked exactly where the certifications are being held.

Regarding the \$5 fee that is to be collected from the fines for training, Ms. Wyndham said the 2004-2005 records indicate there was no training paid for from the funds collected. She told the Commission that each officer has to re-certify every two years. She told the Board there was no money set aside in the budgets over the past three years for training. Ms. Wyndham reported that according to the Florida Animal Control Association, the only person they show on file as being certified at the Lake City/Columbia County Animal Shelter is Margaret Smith.

She said that she has asked several times for someone to quote to her the authority given to the Animal Shelter to randomly ask for a rabies certificate. She said that Animal Control Ordinance 98.3(3) makes no provision for Animal Control to randomly walk up to someone's house, without cause, and request proof of rabies vaccinations. She asked the Board to produce any authority given to Ms. Smith, by statute or ordinance that gives her the right to request the rabies certificate, other than if the dog has bitten, scratched or attacked a person. She told the Board she is tired of being harassed by Ms. Smith. The Board responded there is nothing that prohibits Ms. Smith from asking for the proof.

Ms. Wyndham stated the citations being issued are illegal. She explained the law requires the Animal Shelter officers to put their name and authority on "all things" left on her gate or mailed to her. She said the officers are not leaving first or last names on their documents, and that Ms. Smith will not provide the names when requested. Ms. Wyndham said that she cannot subpoena two initials.

Ms. Wyndham told the Board she has been pursuing "this" for nine years. She asked the Board to furnish the requested information, and an accounting of "that money" within three days. She told the Board she also wanted to know how many dogs had been euthanized.

Ms. Wyndham said that records indicate the shelter spends less than \$100 per week on dog food. Commissioner Williams said that is because there are places like Purina that donates a lot of dog food to the shelter. Ms. Wyndham responded that if that is so, the donation should be recorded in the records.

Ms. Wyndham questioned why Animal Control gets Attorney Feagle's free legal representation. Attorney Feagle explained that he does not represent the Humane Society, but as the county's attorney, he has had to speak with Ms. Smith regarding Ms. Wyndham's request for information.

The Board informed Ms. Wyndham her time for addressing the Board had expired.

A copy of Margaret Smith's written report was provided to Ms. Wyndham. Attorney Feagle mentioned the county has an Animal Control Board and Ordinance. The county's ordinance is in line with state law. The Lake City – Columbia County Animal Shelter is a hired agency and is not employees of the county. Counties and municipalities have the authority, according to F.S. 828.03, to appoint an agency to handle their animal control services. Attorney Feagle said that when this is done, the statute does not require the county to maintain those records that are maintained by the agency. Regarding the \$5 fee that is adopted per the Animal Control Ordinance, Ms. Smith has reported there is a balance in the account of \$627 that comes from collecting the \$5 surcharge, and that training has been paid by the Shelter. Additionally, Attorney Feagle explained that without the property owner's consent there should be no entry

onto private property **unless there is probable cause, such as the animal has bitten, scratched, or is displaying signs of rabies or other disease.** It is at that point the officers have the right to ask for the rabies certification. He told Ms. Wyndham that she could subpoena someone from the shelter by using the initials provided and attaching a copy of the citation. Attorney Feagle said it is possible the judge may require them to cease using initials only. The Humane Society is subject to public records requests, because of the public funding it receives, including certifications.

Commissioner Williams asked Attorney Feagle to determine what the protocol is for accepting donations of dog food.

Citizen Stewart Lilker began with good wishes for a new year, and by expressing that the Property Appraiser and his staff are a tremendous asset to the community.

Mr. Lilker asked what happens to questions that are asked of the Board, but not answered. He said that he asked Mr. Feagle at the last meeting why it was that the attorney can use the unapproved code, but the County Manager said he could not use the unapproved code. The County Manager responded he remembers the question. Attorney Feagle responded that he has a draft of the County Code that has not been officially approved by the county, because it is still a work in progress. Attorney Feagle said he has an advantage that the public may not have, and that is that he usually has the ordinance in his files that he can use. He said it would be foolish not to use that resource when it is available to him and saves time.

Mr. Lilker asked if there are any impact fee negotiations going on. The response was that there is not.

Mr. Lilker asked how many lawsuits are pending against the county that the county is liable. Attorney Feagle responded if the Board wants him to research and gather that information, it is going to take time. Mr. Lilker asked Chairman Weaver the same question. The Chairman responded that if the Board wishes to ask staff to look up the information, or authorizes the County Attorney to research the information, it will be done. It was explained to Mr. Lilker there is no way for anyone to have that information readily available, because every time any entity of county government is sued, the county is also named. Mr. Lilker replied that some charters require that information be given as part of the County Manager's Annual Report. The County Manager said, excluding the suits where the county is named in foreclosure suits, or where the Sheriff is being sued and the county is a co-defendant, that he is not aware of any cases where the Board of County Commissioners is being sued or named as the defendant in the case. Mr. Lilker asked if he could inspect the file, and to let him know when would be a good time.

Regarding the agendas on the internet mentioned by Commissioner Weaver and Mr. Sapp. Mr. Lilker pointed out that minutes up for approval are not posted on the website for public inspection prior to vote. The County Manager said that the procedure has been that the minutes are by reference on the agenda and are not included in the packet. Once approved, the minutes post to the website. The only way the minutes can be included in the agenda packet is if they are marked "Draft". This will be discussed tomorrow morning with the IT staff. Mr. Lilker said the Clerk should post the minutes and corrections should be made in public.

Mr. Lilker said he provided Commissioner Bailey a document from Anderson Columbia showing where the county bought hay for \$9.10 per bale, which Mr. Lilker considers to be excessive. Commissioner Bailey responded that he has no way of knowing the details of why Anderson pays what he does for bales of hay, and he has no idea what type of hay it is or how it is baled. The County Manager added the price was established by bid, and it includes placing the hay on the job site in the manner in which it is needed.

Mr. Lilker asked who paid for the County's staff Christmas party this year. Commissioner Porter responded it was a potluck Christmas and everyone brought something. The County Manager added the staff has an office fund they personally contribute to that helps pay for this type of meal. There were no public funds expended. Mr. Lilker asked if there were any private donations to the celebration. The response was no, but one contractor did donate a small appliance that was put into the kitchenette.

Mr. Lilker said he has no problem with the County Manager's salary, but does have a problem with him receiving a bonus' and cost of living increases that are larger than other county employees. The Chair responded that unlike other county employees, the County Manager works under a negotiated contract. For that reason he is not treated the same as other employees. Mr. Lilker responded there are union employees that work under contract. Commissioner Porter added that all county employees do not have the same level of responsibility as the County Manager. To give the basic clerical person the same type of raises as the County Manager with much more responsibility would be ludicrous. To which Mr. Lilker replied that the County Manager is compensated for his level of responsibility when he receives his pay of approximately \$110,000 per year, while some employees are paid \$20,000 per year in salary.

Citizen Barbara Lemley asked how animals are disposed of that have been euthanized. The response was there is a process by which the animals are disposed of at the landfill.

There being no further business to come before the Board, the meeting adjourned at 8:45.

ATTEST:

Board of County Commissioners

P. DeWitt Cason
Clerk of Circuit Courts