

Columbia County
BOARD of COUNTY COMMISSIONERS

The Board of County Commissioners met in a regularly scheduled meeting on **January 17, 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:

Asst. County Manager Lisa Roberts
Marlin Feagle, County Attorney
Sandy Markham, Deputy Clerk
Penny Stanley, BCC Secretary

Others Absent:

Asst County Manager Dale Williams (illness)

The meeting opened with invocation. The Pledge of Allegiance to the Flag of the United States of America followed.

Canvassing Board Appointment

MOTION by Commissioner Williams to appoint Commissioner Bailey to the Canvassing Board. Second by Commissioner Skinner. The motion carried unanimously.

Building & Zoning

Zoning Amendment

(1) Z 0487 - John Windham as agent for Daniel Thomas and Thomas McGee
The request is from Residential, Single Family -2 (RSF-2) to Commercial Neighborhood (CN). This .30 acre parcel located in District 4, on the NE corner of SE Baya Drive and SE Country Club Road. More specifically Sections 34, Township 3 South, Range 17 East. The Planning and Zoning Board recommended approval. The public hearing opened and closed without opposition.

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

Text Amendments to Land Development Regulations (2nd Hearing):
(Continued from December 20, 2007 Meeting)

- (1) LDR 07-2 - Board of County Commissioners
Amending Section 14.9 Special Family Lot Permit

Commissioner Weaver voiced that he is not satisfied with either of the proposals (LDR 07-2 and LDR 07-3), and does not believe they will solve the problems as they are currently proposed. Commissioner Weaver is of the opinion that significant changes are needed.

Commissioner Williams shared that the county should be careful not to “deny the family concept.” He used as an example, a person who lives on one acre of their ten acres should be allowed to have their five children live on the family property if they choose to do so. The commissioner expressed concern with property deeded to a child, only for the purpose of living on family property with family members, but later a decision being made to sell the property

outside of the family member(s). Commissioner Williams would like for there to be a provision to address this issue.

Commissioner Weaver suggested that all family lots be approved by the Board of County Commissioners, and that the lots only be approved if there is intent to invest in building a home. If there is no intent to build a home, the family member should resort to the Special Temporary Use permit. It should be a requirement that building permits be issued within a one year time frame. He stressed the Board should be very strict on the requirements for family lots. He said that he would even suggest the deeding be a one acre parcel instead of a half acre parcel, and that the Board be allowed to add additional restrictions if needed.

Commissioner Porter pointed out the Planning and Zoning Board now has technology that will make tracking these situations much easier.

MOTION to withdraw application by Commissioner Porter. Second by Commissioner Skinner. The motion carried unanimously.

(2) LDR 07-3 - Board of County Commissioners
Amending Section 14.10 Special Temporary Use Permit

This permit is typically being issued for a resident to add a second or third mobile home on their property. Considering impact fees will soon be implemented, Commissioner Weaver suggested an initial five year permit, and then a two year extension as needed. Commissioner Williams agreed the temporary permit should not have to be renewed every year. Once the person receiving the temporary permit no longer needs it, a requirement should be in place that would require 90 days to move the mobile home. Commissioner Weaver suggested a contract be used with the Special Temporary Use permit that would outline the county's rights and authority. Limitations and expiration need to be addressed.

County Attorney Feagle said a contract would be possible. He offered that the commissioners may want to consider whether there will be any amendments needed to the Impact Fee Ordinance to do away with the impact fee on Special Use permit mobile homes. There was no interest expressed among the Commission to waive impact fees.

The Board concurred that up to two additional mobile homes be allowed on the parcel.

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

Subdivision:

Final Plat Plan for a Planned Residential Development:

(1) Z 0450 - Rose Pointe - District 3

This development consists of 30 lots that range in size from .24 to .48 acre. The property is located on SR 247 (c/k/a Old Nixon Nursery).

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

Subdivisions:

Final Plats

(1) SD 0201 - Crawford Pointe - District 4

This subdivision consists of 8 lots that range in size from 5 acres to 6.4 acres. The Property is located on the corner of SW Jim Witt Road.

MOTION to approve subject to the understanding that when this subdivision is Considered for naming by the 911 Addressing Department that it not be named Jim Witt

Road. Second by Commissioner Skinner. The motion carried unanimously.

(2) SD 0202 - Forest Country. 6th Addition - District 3

This subdivision consists of 32 lots that range in size from .63 acre to 1.07 acres. The property is located off of SR 247, South of Forest Country second addition.

The County Planner advised that the County Engineer has made a few request of the developer that needs to be complied with.

MOTION by Commissioner Skinner to approve subject to conditions laid out by County Engineer being satisfied. Second by Commissioner Bailey. The motion carried unanimously.

Emergency Communications

Sheriff Gootee reported on the progress of the Emergency Communications Advisory Committee meetings. The committee agreed that personnel issues are priority. On behalf of the Communications Advisory Committee, the Board was asked to fund a position for an IT Computer technician (approximately \$52,194 per year) and a secretary (approximately \$31,000 per year). Regarding the anticipated necessary dispatch growth, the Sheriff said that the current Positron System is not able to handle the new technology and there is a problem getting parts for the system. The estimated cost for a new Positron Viper System is approximately \$400,000. The radio consoles will be approximately \$250,000. Needed furniture is approximately \$71,000. Technical moving of the current configuration of the consoles within is approximately \$50,000 (Approximate Total of \$771,000).

The Positron System and the furniture can be paid for through grant monies. Sgt. May and Lt. Brewington have gathered information needed to move forward with a Rural County Grant that would assist with funding the update and expansion of the Dispatch Center. The application is due by March 1st. The Sheriff said he is hopeful that those funds will be awarded in the 2008-2009 fiscal year.

EMS Director Rusty Noah explained the importance of having a secretary at the Dispatch Center. A secretary will assist with payroll and other administrative functions, which will allow dispatchers to focus solely on their responsibility of dispatching. The size of the dispatch center will be such that Sgt. May, as director, will need assistance with the paperwork. He explained the need for the IT person is that the CAD System requires constant maintenance and data updates as the county changes and expands. This IT person will do data entry and maintenance, and will handle other small jobs such as duplicating 911 tapes. City Manager Scott Reynolds said that it is his understanding that this work will take an IT person who specializes in this type of system. Mr. Reynolds offered that the pay may not be enough to recruit the needed IT person, or IT Team needed as it will require someone to be on call 24/7.

Commissioner Williams added that while it is not financially feasible for the County to carry out every recommendation of the Kimball study at this time, a long range plan to grow the Dispatch Center is necessary and possible. The commissioner expressed sitting on the Emergency Communications Advisory Committee proved to be educational. He shared there is now a person in place to properly train the dispatchers so that they do not have to learn "on the job". As a result, the turnover rate is expected to reduce significantly. When a fire truck is dispatched to attend to a fire, the dispatcher is required to stay on the line until the scene is cleared, which could take several

hours. Commissioner Williams said that he would like to eventually see a 911 Commission put in place to handle issues such as funding for the center.

Commissioner Williams noted if the City is inclined to “come on board” the City should be offered a position on the Advisory Council.

Commissioner Porter suggested the Board address this issue further in the already scheduled workshop dealing with fire on January 31, 2008.

The Board will then take up this matter again at the February 07, 2008 Board of County Commissioners meeting.

Impact Fees

Impact fees (school and county) are scheduled to begin February 01, 2008. The Building Department has advised that there will be pending applications submitted prior to February 01, 2008 that will not be processed prior to February 01, 2008 due to time of filing and the limited personnel. County Attorney Feagle suggested pending applications received and substantially complete prior to February 01, 2008 not be required to pay the impact fees. The commissioners felt the word “substantially” was too vague. There was concern expressed that in an attempt to avoid the fees, that there may be a last minute flood of applications come in that would not have the required documentation and information. Commissioner Williams preferred the word “complete” be used instead of “substantially complete”. County Planner Brian Kepner explained that there is already a checklist in place that is being used by the department when accepting applications. Mr. Kepner said there are certain items that must be submitted with the application in order for the department to accept the application. Those applications not meeting the standards will not be accepted.

MOTION by Commissioner Bailey that pending applications for building permits must be complete. Second by Commissioner Williams. The motion carried unanimously.

Consent Agenda

Items pulled for separate discussion: #30.

MOTION to approve the consent agenda by Commissioner Williams. Second by Commissioner Skinner for discussion.

There was a call for clarification from the public on item #29. Assistant County Manager Lisa Roberts assisted with clarification.

Citizen Rita Hedrick questioned what appeared to be an invoice from Donald F. Lee & Associates in the amount of \$12,756 shown inside the agenda packet, but not on the agenda. Asst. County Manager Roberts explained it was check copy of an invoice that was paid on July 18, 2007 in the amount of \$12,756. They were not sure how the copy had been added, but it was an oversight.

The motion carried unanimously.

- (1) Invoice – Darabi and Associates, Inc. – Closed Landfill Inspection - - \$1,056.59
- (2) Invoice – Darabi and Associates, Inc. – Closed Landfill Monitoring - \$3,441.05
- (3) Invoice – Darabi and Associates, Inc. – Winfield Landfill Monitoring - \$2,258.12

- (4) Invoice – Darabi and Associates, Inc. – Closed Landfill Groundwater Assessment - \$9,465.17
- (5) Invoice – Craig Salley and Associates – Fire Station – Race Track Road - \$5,250.00
- (6) Invoice – Adopt a Shore Quarterly Report – Reimbursement Request – October through December 2007 - \$3,079.00
- (7) Invoice – New Millennium Building Systems – Rebate for County ad valorem and the Industrial Development Authority ad valorem – \$248,210.26
- (8) Sheriff’s Office – Release of Funds – Contraband Forfeiture Trust Fund - \$11,500.00
- (9) Bid Award – Hambone Enterprises – Concrete Pavement at Public Works Shed - \$24,851.00
- (10) County Extension – Declaration of Junk Computers – (see attached list)
- (11) Minute Approval – Board of County Commissioners – Regular Meeting – December 6, 2007
- (12) Invoice – Applied Technology & Management, Inc. – Alligator Lake /Clay Hole Creek Flood Study - \$6,308.50
- (13) Invoice – Donald F. Lee & Associates, Inc. – Old Thomas Road - \$517.50
- (14) Invoice – Donald F. Lee & Associates, Inc. – Pinemount Road - \$405.00
- (15) Invoice – Donald F. Lee & Associates, Inc. – Ralph Green Road - \$1,000.00
- (16) Invoice – Donald F. Lee & Associates, Inc. – Engineering Services - \$6,216.00
- (17) Invoice – Donald F. Lee & Associates, Inc. – Race Track Lane (Fire Station) – \$202.50
- (18) Invoice – Donald F. Lee & Associates, Inc. – Engineering Services – Waste Water Utilities - \$2,774.50
- (19) Invoice – Donald F. Lee & Associates, Inc. – Mixon Road - \$707.50
- (20) Invoice – Donald F. Lee & Associates, Inc. – Bream Loop - \$1,217.50
- (21) Invoice – Donald F. Lee & Associates, Inc. – Price Creek & Clay Hole Branch – \$630.00
- (22) Invoice – Eutaw Utilities, Inc. – Wastewater Treatment Plant – Ellisville – \$68,164.90
- (23) Invoice – Bailey Bishop & Lane, Inc. – Engineering Services - \$18,942.50
- (24) External Budget Amendment – Public Works – BA #07-09 – Tilt Attachment, Heavy Duty for Skid Steer - \$950.00
- (25) External Budget Amendment – Emergency Medical Services – BA #07-11 – Computers and printers - \$2,175.00
- (26) External Budget Amendment – Purchasing – BA #07-10 – ADA Improvements to Voting Precincts - \$4,000.00
- (27) External Budget Amendment – Public Works – BA # 07-12 – 4 VHF Radios – \$3,000.00
- (28) Indigent Burial – Dees-Parrish Family Funeral Home – Donna Marie Rodriques, Deceased - \$500.00
- (29) Human Resources – Collection of Personal Information – Revised Notice of Privacy Practices - Notice to Applicants & Staff
- (30) Utility Permit – Bell South Telecommunications – NW Falling Creek Road
- (31) Emergency Medical Services – Florida Department of Health – 2008 EMS Grant Application/Resolution – Mobile Computers, Server, Network Equipment & Field Data Collection Software – \$75,306.00
- (32) Public Library – New Wireless Policy
- (33) Bid Award – JL Dupree Construction – Bethlehem Park Project – Bid No. 2008-C - \$17,539.00
- (34) Bid Award – North Florida Fence – Bethlehem Park Softball Fence – Bid No. 2008-D - \$17,776.00
- (35) Bid Award – Anderson Columbia – County Road 349 – Bid No. 2008-01 – \$1,077,018.00
- (36) Minute Approval – Board of County Commissioners – Regular Meeting – December 20, 2007

Regarding Item #30. This is a utility permit to cross Falling Creek Road leading into the new subdivision [name not provided]. Commissioner Williams said the road is not to be cut under any circumstance and that all jack and bore efforts should be made underneath the road.

MOTION by Commissioner Williams that it be a stipulation that the road not be cut and that they be required to jack and bore under Falling Creek Road. Second by Commissioner Bailey. The motion carried unanimously.

Annie Mattox Park

The County and City have reached an interim agreement by Memorandum of Understanding relating to the transfer of the Richardson Community Recreation Facility/Annie Mattox Park. The City has agreed to lease the building to the County at no cost beginning tomorrow. The lease shall not exceed 20 years and will transfer all maintenance and operational expenses of both facilities. The City shall have the right to hold activities and events at both facilities and continue to maintain the current level of programs. The City will leave all assets that are attached to the facilities in the transfer. The County will keep all facilities in a clean and operational state, and shall coordinate public requests for the use of the facilities. The County will maintain general liability and property insurance on both facilities, and will supply a certificate of coverage to the City annually. The County will also assume all utility costs. Maintenance and operational expenses were approximated and included in the budget for this fiscal year. Approval was requested to allow the Memorandum of Understanding serve as an interim agreement.

Commissioner Williams said that he would like it noted that the contract includes an option to renew the lease.

MOTION by Commission Williams, “So move.” Second by Commissioner Porter. The motion carried unanimously.

Old Wire Road/Herlong Road

Both are unimproved county roads and are in very poor condition. The approximate cost to pave both of the roads is approximately \$8,000,000. This does not include acquisition of right-of-way, determination of retention ponds, or any special permitting issues, which will be required as the project progresses.

Within two years, the county will have the Road Improvement Debt Service paid off, which will allow payment for the financing of the project in the future. Board approval was requested to expend approximately \$100,000 for preliminary engineering sufficient to establish construction alignment and identifying right-of-way requirements to be paid from the Road Improvement Fund.

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

Commissioner Bailey noted the County Engineer’s memo mentions from Hwy. 47 to CR 131. He said there is another section of Herlong that is just as bad as the West side of CR 131. He said this two mile section should be included. The Chair responded that particular strip is not included in the cost estimate. The Chair suggested the engineer be asked to provide a preliminary cost to do the survey. Commissioner Bailey agreed.

The Chair reminded the Board that there are a few major landowners on the road that donated the needed right-of-way several years ago.

Drainage Repair

Commissioner Williams asked the Board’s permission to correct a drainage problem at 829 NE Patterson Avenue; the private property of Ms. Pearl Griffin. He said that the water is running down Patterson Avenue, cutting through Ms. Griffin’s yard and flowing onto Bascom Norris.

MOTION Commissioner Williams to correct the drainage problem. Second by Commissioner Skinner. The motion carried unanimously.

Special Family Lot Permit

Ms. Betty Diamond owns six acres in District 1. Commissioner Williams said that he has personal knowledge that Ms. Diamond raised her niece and nephew from a very small age, but never adopted the children. These children now desire to move back onto the property with Ms. Diamond. She is being denied a permit for children she considers her own. The Commissioner asked if there was any relief. Attorney Feagle read Section 14.9 of the Special Family Lot Permit, but said there is law that he will review regarding de facto adoption that may assist them. Commissioner Williams asked him to review.

Paving Bell Road at Huddle House

Commissioner Williams said he spoke with the owners of the Huddle House and explained that paving “that particular section” of Bell Road would help, since people are going to be “turning off of “there”. The Commissioner said that the Huddle House owner’s response was that the Huddle House is not using the road for access. The Commissioner told the owner that he planned to ask the Board if they would approve him furnishing the limerock, if the owner will grade the road and bring it up to standards and pave it. Commissioner Williams said that section runs along the right-of-way, and while this is not an entrance and exit, he feels like people are going to turn down Bell Road and damage the road. Commissioner Williams said the owner called late in the day to say he would agree to pave the road. This will require approximately 20 loads of limerock. The county would get a portion of the county road paved for only the cost of the limerock. The County Attorney said it is fine for the developer or contractor to assist the county on county right-of-way, but not for the county to assist the developer on private property.

MOTION by Commissioner Williams to have the limerock furnished by the county. Second by Commissioner Skinner. The motion carried unanimously.

Public Input

Citizen Judy Wyndham came to rebut what Ms. Margaret Smith of the Animal Shelter had to say at the prior meeting. She said that according to Florida Statutes, “all” investigators who go out on the truck must be trained. She said, “I would like to know if we have seen the records for the past 3-4 years...whatever the statute is on limitations on prosecution on this. Were her people certified before or have they just been certified?” She said that she still has not received copies of the certifications. She questioned if the people doing chemical tranquilization licensed to do so. She asked how many of the commissioner know where the \$5 “she’s been talking about” goes. Commissioner Williams suggested the Chair appoint a committee to hear the matter in an attempt to reach a resolution.

The Chair appointed Commissioner Williams to serve as chair of that committee and asked Commissioner Porter to sit as a part of the Committee for the purpose of hearing from the Humane Society Board of Directors, and Ms. Wyndham in an effort to resolve the matter. Attorney Feagle will meet with the committee.

Ms. Wyndham said the county handles the \$5 fee. She requested that Animal Control be directed to cease and desist hauling dead animals as they are not licensed to do so. She said not only are they not licensed, they are hauling them in illegal trucks. Commissioner Williams interjected that the entire matter will be taken up in committee. Ms. Wyndham said according to “Diane” in Tallahassee, the Board of County Commissioners is responsible for animal control. She told the Board they are not assuming their responsibilities.

Citizen Rita Hedrick expressed appreciation to the **Sheriff** for a very good presentation. She asked what time the workshop would be on the 31st and when the committee would meet to talk about the **Humane Society issue** with Ms. Wyndham. The chair responded that the meeting on the

31st is at 5:30. The committee meeting has not been scheduled. She also commended Commissioner Williams and Commissioner Bailey for pushing to get the **impact fees** in place. She asked when the contract would be up for renewal with **Waste Control**. The response was it is a 7 year contract. She asked how newspapers are recycled. Commissioner Williams said the papers are carried off to either Jacksonville or Gainesville for recycling. She had questions about recyclable cardboard. Commissioner Williams said the majority of cardboard is collected from businesses with cardboard bends. Ms. Hedrick is in favor of a mandatory recycling program. Commissioner Williams said there are sorters at the landfill that sorts out large amounts of recyclables. Ms. Hedrick asked if she has a right to refuse garbage pickup and utilize the landfill instead. She was told that she can refuse the service, but will still be charged. She feels a provision should be put into place that would assist those who utilize garbage pickup very little.

Citizen Stewart Lilker advised that earlier in the day he put in a Freedom of Information Request with the Clerk of Circuit Court relating to the sale of the Law Library. Mr. Lilker asked that when the Clerk forwards the request to the Board that they cooperate in gathering the needed information.

Mr. Lilker said he has always been opposed and believes it was illegal for the Board to take action to publicly censure Commissioner Skinner. He asked Attorney Feagle if he had any knowledge of Commissioner Weaver's intent to move that Commissioner Skinner be publicly censured. Attorney Feagle said, "Not that I recall."

Mr. Lilker recalled in a meeting that former Commissioner Flinn had a constituent state in a Board of County Commissioners meeting that they were peaking into the windows of her home, but nothing was done. He recalled a recent issue involving Commissioner Skinner's truck being stopped after they were observed using cocaine in Apple Bees Restaurant. He asked the Sheriff what action was taken against the deputy who allowed the cocaine users to get into the vehicle and drive off. The Chair told the Sheriff that he had the option of answering the question after the meeting in private or publicly. Mr. Lilker replied his question was a public question and he'd like a public answer. The Sheriff replied he would answer Mr. Lilker after the meeting.

Mr. Lilker read a short poem by Martin Niemoller:

*First they came for the Communists, and I didn't speak up, because I wasn't a Communist.
Then they came for the Jews, and I didn't speak up, because I wasn't a Jew.
Then they came for the trade unionist and I didn't speak up, because I wasn't a trade unionist.
Then they came for the Catholics, and I didn't speak up, because I was a Protestant.
Then they came for me, and by that time there was no one left to speak up for me.*

Mr. Lilker said that it is pretty serious that a lot of "things" go on in Columbia County; such as not being able to get public answers from the Sheriff. He told the Board they seem to protect him [Sheriff].

Mr. Lilker said that after the August 2, 2007 Board of County Commissioners meeting ended, that he was accused by Commissioner Porter of having improper physical contact with a female Columbia County employee. He said that the Sheriff's office prepared some type of report, and that the Sheriff also accused him of improper physical contact. Mr. Lilker said that he was publicly placing a Freedom of Information request to the Sheriff who was in attendance, with the

Board of County Commissioners and deputy sheriff serving as witness. He said that he wanted all the information regarding this alleged incident up to and after August 02, 2007.

Commissioner Williams interjected that if Mr. Lilker has a problem with the Sheriff, he should make an appointment to speak with the sheriff, since the Board of County Commissioners cannot dictate to the Sheriff what he can and cannot investigate, or who he investigates. The Chair agreed that Mr. Lilker should address his issues with the Sheriff as a constitutional officer, but if he wanted to use his five allotted minutes to speak to the Sheriff who was in attendance, he would be allowed to do so.

Mr. Lilker continued with his request. The compiled information should also include all notes, all of the interviews, and anything else the Sheriff Department has relating to the matter. He asked if his request was clear and the Sheriff acknowledged he understood the request. Mr. Lilker said that he looks forward to receiving the information and clearing his name. Mr. Lilker concluded by saying to the Sheriff that he did not understand the laughter as what he [Lilker] was being accused of is not funny, and his father has not raised him to behave in the manner he was being accused of.

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

ATTEST:

Board of County Commissioners

P. DeWitt Cason
Clerk of Circuit Courts