

Board of County Commissioners

Minutes of
April 03, 2003

Chairman Williams called the meeting to order at 7:00 p.m. Commissioner James Montgomery opened with prayer, and the Pledge of Allegiance to the Flag of the United States of America followed.

Commissioners in Attendance: Ronald Williams, James Montgomery, Dewey Weaver, George Skinner, and Jennifer Flinn.

Others Present: County Manager Dale Williams, County Attorney Marlin Feagle, Assistant County Manager Lisa Roberts, and Deputy Clerk Sandy A. Markham.

I. Mr. Andrew Porter advised the Board that the majority of the **Edgewood Estates** Community is interested in closing an access portion of **Aurora Road**, because it has become a cut through route for those attempting to avoid **Marvin Burnett Road**, n/k/a **Bascom Norris Road**. Mr. Porter feels the safety of the neighborhood children are at risk with the increased traffic and excessive speeding in the area. There are other predicaments presenting themselves since the construction of the **ball fields** and Bascom Norris Road, such as flooding of culverts during heavy rains, and debris washing down from the ball fields. Finally, he explained that closing off one entrance (and exit) would make for an easier Crime Watch Neighborhood. He asked that the Board consider closing the access portion of Aurora Road, where it meets with Bascom Norris Road.

The Board responded that since it's the citizens, and not the Board who want to petition for an access closing, it will be their responsibility to file required documentation. They may elect to retain an attorney, or get forms from Marlin Feagle to do it themselves. The Board agreed that no action would be taken until a formal public hearing has been scheduled.

Motion by Commissioner Montgomery to schedule a public hearing for the first meeting in May at 7:05 P.M. Second by Commissioner Weaver. The motion carried unanimously.

II. Continuation of **Cansa Road**, a/k/a **Old River Road**, was brought back for action. There was a previous request to determine if a **railroad tanker box culvert** would be a workable solution for **Patti Bridge**. Upon request, the opinion of an independent engineer was sought. Bailey Bishop and Lane provided this service. Their report was

given by County Engineer Huey Hawkins. Mr. Hawkins said that in their opinion the tanker box culvert would not work for several reasons. Mr. Hawkins said, *"The crevasses cut through the natural ground is approximately 20 feet deep. In addition to that, there are two bridges on 441, less than a mile east of there that feeds that creek with water. During heavy flow times, it is a very likely possibility that the road would get blown out if you put in a tanker car. So, with that, he'd recommend against it. Additionally, the Suwannee River Water Management District would insist that if we put in a tanker car, that the county would have to have a drainage easement over that additional land that would be flooded as a result of putting in a tanker car. His conclusion was that it would be very expensive and would prolong the activity to put in a road tanker car. Bottom line is that he recommended against it."*

The report of Bailey, Bishop and Lane is attached.

Commissioner Williams asked that after having gone through the process of several public hearings and continuations for nearly three months, that the matter finally be brought to a closure. Commissioner Williams asked, *"Before we bring it to a closure, after hearing the recommendation of the independent engineer, are there any reconsiderations to replace the bridge?"* There was no response from the Commission.

Commissioner Williams continued, *"Mr. Feagle advised us that if the Bridge wasn't going to be replaced, with the liability facing the county by leaving the road open, it was recommended that the road be closed. We followed procedures set forth under the Florida Statutes of having a public hearing on two different occasions. At this time, since the road is not going to be fixed, you did the legal advertising for the road, is there a motion to close the road?"*

Motion by Commissioner Weaver, *"So move Mr. Chairman."* Second by Commissioner Montgomery.

The Chair asked for a roll call vote.

Commissioner Weaver voted in favor of the closing.
Commissioner Skinner voted in opposition of the closing.
Commissioner Flinn voted in opposition of the closing.
Commissioner Montgomery vote in favor of the closing.

Commissioner Williams asked, *"Mr. Feagle, if the road isn't closed, what are the liabilities of this county?"* The response was there is no statute or case-law that requires the bridge be closed. Therefore, even though it may not seem logical to leave it open, it is still an option. Should the Board elect to leave the road open, a cul-de-sac or other alternative would have to be considered by the Board if the bridge isn't repaired, and the road is left open. Mr. Feagle said, *"There's no question, if the Board has been put on notice of potential liability, because of the condition of the bridge, and there's an accident, the County is clearly liable for that. They don't want to have to pay any*

damages associated with that. So, with the County being on notice, we've either got to address the problem, or ensure that nobody crosses that bridge. Either by closing the road totally, or closing it to a point that there would not be any through traffic."

Commissioner Williams asked County Engineer Huey Hawkins, "Did you tell us that if the bridge isn't repaired, that it must come out?" The response was affirmative.

Commissioner Williams voted with the motion. The motion carried -2.

Commissioner Williams said, "Looking at it from a long range, Mr. Feagle said if we've been put on notice, and if anything happens on that road it's a liability and the responsibility of this Board. I'm not going to sit here and take the responsibility of a road being opened, with a bridge on it that's not in."

III. Consent Agenda

There was a call for clarification on #6. Mr. Dale Williams explained that this is a Costal Assistance Impact Protection Grant. \$10,000 of this grant will be used for planning and consulting work; \$ 4,4 0 will be used for the project itself. The grant requires that the project promote the restoration of uplands, which will be done at Alligator Lake.

Commissioner Williams announced his intentions to abstain from voting on item #4 due to conflict. **See form 8-B attached.**

1. CSX Transportation invoice - Signal maintenance on **CR 250** - \$1,770.
2. CSX Transportation invoice - Signal maintenance on **Washington Street** - \$1770.
 - . Florida Association of Counties Trust invoice - \$4. 075.
4. Anderson Columbia Company, Inc. invoice - \$2,22 .00.
5. **External Budget Amendment- BA #02 -28.** Sheriff's Office BA #12 -Victims of Crime Act Grant - \$,266.65.
6. Columbia County/Water and Air Research Incorporated - Contract for **wetland and consulting services** - \$44,4 0. **See attached contract.**
7. **Adopt-A-Road** Litter Removal program - **SW Rundolph Court** - By Brownie Troop 500. **See attached agreement.**
8. **State Housing Initiatives Partnership** - Subordination Agreement re: **Kimberly Harris** - \$10,000. **See attached agreement.**

9. Columbia County Emergency Operations Center **Privacy Policy Notice** Columbia County Emergency Medical Services.
10. **North Central Florida Regional Planning Council** invoice Local Government Comprehensive Planning Services October 2002 thru December 2002 \$11,462.82.
11. Donald F. Lee & Associates, Inc. General Engineering \$6,560.
12. Donald F. Lee & Associates, Inc. **Birley Road North End** \$5,520.
13. Donald F. Lee & Associates, Inc. **County Road 25A** \$4,560.
14. Donald F. Lee & Associates, Inc. **County Road 250** \$795.00.
15. Donald F. Lee & Associates, Inc. **Bascom Norris Drive** \$1,797.50.
16. Donald F. Lee & Associates, Inc. **Birley Road South End** \$320.00.
17. Donald F. Lee & Associates, Inc. **Alpine Road** \$540.00.
18. Donald F. Lee & Associates, Inc. **Brookwood** \$175.00.
19. Donald F. Lee & Associates, Inc. **Booker T. Combs Road and Burlap Road** \$1,912.50.
20. Donald F. Lee & Associates, Inc. **NW Brook Loop** \$1,421.88.
21. Donald F. Lee & Associates, Inc. **Ward Road and Service Zone Road** \$1,370.
22. Norfolk Southern invoice Maintenance of grade crossing with flashing lights on **Guerdon Road**.
23. Harlis R. Ellington Construction, Inc. invoice **Birley Road 2000 20** \$63,232.70.
24. **Courthouse Renovation** Contractor's Pay Request Summary Phase I, IIA, and IIB \$476,491.45.
25. **Construction Management** Change Order #23 Suncoast Acoustical Contractors, Inc. \$435 additive.
26. Indigent Burial of **Belinda R. Dell** Sherrill Guerry Funeral Home \$500.
27. External Budget Amendment **BA #02-27** Fines and Forfeitures \$35,000.
28. Utility Permit Alltel Florida, Inc. **SW Bluff Drive**.

29. Utility Permit - Alltel Florida, Inc. - **SW Old Spanish Drive.**
30. Utility Permit - City of Lake City - **Branford Road.**
31. Utility Permit - Alltel Florida, Inc. - **Old Iron Road.**
32. Utility Permit - Alltel Florida, Inc. - **Sparr Lane.**
33. State Housing Initiatives Partnership (SHIP) Subordination Agreement - Matthew D. Rocco and Abigail L. **Rocco** - \$10,000. **See attached agreement.**
34. 911 Addressing - Naming of found unnamed roads - **NW Alora Glen.**
35. Building and Zoning Department - Variance Refund - **Robert Maxwell** and **Marianne Black** - \$200.00
36. Proclamation - Recognizing the **American Legion** of Columbia County **Post 57**, Inc. and **Auxiliary Unit 57** for sponsoring an annual **Emergency Workers Appreciation Dinner** Honoring Columbia County's paid and volunteer personnel who perform emergency response. **See attached Proclamation.**
37. Human Resources Director - Revised position description - **Veterans Service Officer.** **See attached description.**
38. Public Library - Revised job description **Librarian I** (Volunteer and Literacy Coordinator) - Part time.
39. Public Library - Experience Works - (formerly Green Thumb) - Host Agency Agreement. **See attached agreement.**
40. Public Library - **G & G Janitorial Service** - Contract for Janitorial Services - \$595 per month. **See attached contract.**
41. Bid Award - Ambulance Remount - **Stat Line Industries** - \$54,755.
42. Industrial Development Authority - Service Zone, Inc. - Tax rebate 2002/Real Estate & Personal Property Taxes - \$42,962.52.
43. Minute Approval - Board of County Commissioners - Emergency Meeting of **March 09, 2003.**
44. Minute Approval - Board of County Commissioners - Special Meeting of **March 13, 2003.**

45. Minute Approval - Columbia County Corrections Committee Meeting of **February 12, 2003.**

Motion by Commissioner Weaver to approve the consent agenda. Second by Commissioner Skinner. The motion carried unanimously.

Regarding Item 4. Motion by Commissioner Weaver to approve. Second by Commissioner Skinner. The motion carried.

IV. The Board considered a resolution under the emergency ordinance adoption procedure, a **No Wake Ordinance** for Alligator Lake, which is suffering from flooding conditions. There are large horsepower boats entering the lake, and their wake is creating hazardous conditions for the dike. Mr. Dale Williams reminded the Board that through grants, that the Suwannee River Management District expended approximately \$200,000 in dike restoration. A 120 day *No Wake Ordinance* was requested by staff. The ordinance will be enforced by the Fish and Wildlife Commission.

See attached Ordinance.

Motion to accept staff recommendation by Commissioner Montgomery. Second by Commissioner Weaver. The motion carried unanimously.

V. The Board discussed the number of recent flooding problems the County has had in the inland areas. In almost every district, there were incidents where the flooding was traced to an obstructed culvert. There were several situations where the drainage systems extended onto private property owners. This created a problem since the County has no means of legally accessing the private property to clear (intentional and unintentional) obstructed culverts that are affecting larger flood plains. Staff suggested the Board ask the County Attorney to research the subject and report.

Motion by Commissioner Skinner to approve staff recommendation. Second by Commissioner Flinn. The motion carried unanimously.

VI. Curbside residential garbage pickup is, and has been provided to Columbia County Monday through Saturday since the inception of **curbside pickup**. Recently, a request came from **Waste Control** to abolish Saturday curbside pickup, and for all residential pickup to be done Monday through Friday. This request, if approved, would also enable the county to cease the operations of the **Class I** facility on Saturday. Also, it would benefit employees now having to work on Saturdays. Should the Board elect to do this, staff suggested that the County work with the local newspaper to demonstrate what areas will be affected, and that a hearing be granted for impacted citizens to speak. Should the request be approved by the Board, every affected parcel owner will receive at least two notices prior to this going into effect. The notices will be at the expense of **Waste Control** .

The Board asked that notice of the public hearing regarding the foregoing be given to impacted citizens by way of newspaper and door inserts.

Motion to by Commissioner Weaver to set a public hearing for the first meeting in May. Second by Commissioner Flinn. The motion carried unanimously.

Clerk's Note: See input in Section XVI.

VII. Staff advised that there is a need to extend the **Local State of Emergency**. Until recently, it was believed that only three extensions were allowed. In fact, the new law allows continuous declarations so long as a need exists. In light of the foregoing, and the comments made at the last meeting regarding community needs, a **declaration** has been prepared for an extension, for the period of March 31, 2003 through April 6, 2003. A declaration has also been drafted for an extension of the **Local State of Emergency** from April 6, 2003 through April 13, 2003. Staff recommended approval of both declarations since there continues to be **flood problems** that demand correction.

Motion by Commissioner Montgomery to extend. Second by Commissioner Skinner.

The motion carried unanimously. **See attached declaration.**

VIII. The State of Florida abolished the **Department of Entomology** several years ago and ceased funding for mosquito eradication. At that time, many counties elected, or was forced to do away with all **mosquito control programs**. Columbia County choses to continue this program, and applies more dollars toward mosquito control than ever before. However, the budget continues to be smaller than what it was several years ago, because state funding is no longer included in the budget.

A severe drought, followed by heavy rains resulted in an extraordinary year of **mosquito infestation**. The number one complaint in this county, and many other counties is **mosquito infestation**. Columbia County has been asked by other neighboring counties if Columbia would be agreeable to contract for **mosquito control** services. The Board responded that Columbia County's five units and five employees have more than they can handle at this time. The Board asked that letters of regret be forwarded to their sister governments and cities who've made requests.

While on the subject, Commissioner Williams expressed that he has received numerous complaints from citizens on private roads that the trucks aren't spraying for mosquitoes in their area. Mr. Dale Williams asked that specific names and road names be provided to him. He explained that the roads would then be placed on the scheduled runs. Names and addresses of those living on private roads must be provided in order for the trucks to spray on their roads. The Commission also expressed that it is essential that public education be provided to the citizens regarding mosquito control and treatment.

IX. The county has been working with the **Senior Services** in an effort to assist with finding a new location in which a new complex can be built. A complex that will be built with federal grant money received a few years ago. Through the efforts of Commissioner Montgomery and in his behalf, Mr. Williams announced that Commissioner Montgomery has agreed to assist the Senior Services by approving the access road (**Boone Road**) that will enter into the new site. This is a district project for Commissioner Montgomery.

Mr. Dale Williams announced that the County is pleased that it will be participating with Senior Services and that the County wishes them the best of luck in their new location.

X. **Volunteer Fire Department** Coordinator Ben Scott has received a request from the VFD in Ellisville to repair damage made to private property while responding to a call. It was explained that on March 30, 2003, two fire trucks became stuck in the yard of **Sybal Farnell** while assisting her with emergency fire fighting services. As a result, there were ruts approximately two feet deep left in the yard. The Board responded that it would not be in accordance with previous practices, or the Board's policy to make such a repair. No action was taken.

Motion by Commissioner Flinn to deny the request. Second by Commissioner Skinner. The motion carried unanimously. **See attached pictures.**

XI. Mr. Marlin Feagle presented the **Bonnie Plant Farm Amended Agreement**. He explained that the Board has already acted upon the request, and approved the contract between the City, County and Bonnie Plant Farms for the exchange of property on **Burnett Road** for recreational purposes. In completing the transaction, and in conducting a title search, it was discovered that a **federal lien** exists on a portion of the Bonnie Plant Farm property. In order to clear this matter up, the agreement must be amended to include the value of the property, and how the lien would be paid. The City has revised the agreement, and has asked that the County approve the agreement.

The City ask that the Board rescind the previous agreement approved by the Board, and approve the revised agreement and revisions to include the appraised value of the property at \$30,000, and that the property would be transferred to Bonnie Plant Farms subject to the lien, and that efforts will be made to obtain a release of that lien. This will be released at the City's expense. Mr. Feagle recommended rescinding the previous agreement and approving the revised agreement. **See attached agreement.**

Motion by Commissioner Weaver to approve recommendation. Second by Commissioner Skinner. The motion carried unanimously.

XII. A children's fishing derby is going to be held at Alligator Lake this weekend. Additional parking will be needed, and property owner Jeffery Hill has agreed to lease property on the east side of Old Country Club Road for parking. A License Agreement has been drafted stating that the County will pay the sum of \$300 for the use of his property and will clean the area used for parking after the event. **See attached agreements.**

Motion by Commissioner Weaver to approve the agreement. Second by Commissioner Montgomery. The motion carried unanimously.

Commissioner Weaver said that registration is taking place at Wal-Mart today. There will be 300 children participating ages 12 and under. The lake has been stocked.

Clerk's Note: See section XVII below.

XIII. **Columbia County Senior Services van.** CCSS ordered a van, but due to state cutbacks, fell short of sufficient funds to make the purchase. Senior Services asked each of the commissioners to consider contributing to the cause.

Mr. Montgomery said that in lieu of asking that five separate checks be cut from five separate districts, and that money (\$5,280) come from the general fund for Senior Services.

Commissioner Montgomery, "I put that in the form of a motion." Second by Commission Weaver. The motion carried unanimously.

XIV. Commissioner Weaver asked that the Chair consider setting the second Board of **County Commissioners meeting in May** to be held at the Fort White Community Center. It was agreed.

XV. Commissioner Williams said that the driveway of Johnnie Ray Smith located on Osterhoudt Road is flooding. The water is running from the County's right-of-way and causing damages.

Motion by Commissioner Weaver to approve repairing. Second by Commissioner Skinner. The motion carried unanimously.

XVI. Citizen Input - Mr. David Rountree

Mr. David Rountree questioned the earlier discussions regarding **curbside garbage** pickup. He asked if this action would result in a fee reduction for taxpayers. Mr. Dale Williams responded that the fees are recomputed annually as part of the budget, but is uncertain at this times as to whether or not this particular action will result in less fees. He added however, that there will be some reduction on the basis of the debt retiring, but was unsure as to how much.

Mr. Rountree asked for a status of the **Courthouse Renovation Project**. Mr. Dale Williams responded that the building was scheduled for completion this month, but is now scheduled for a June 2003. According to the Construction Management Team the setback was due to the initial problems found in the building when the walls were removed.

Mr. Rountree inquired as to the status of the paving contract with Columbia Anderson for work to be done on **Lake Jeffery Road**. He reported that since Anderson Columbia has started work on Hwy. 41 that there has been no activity on Lake Jeffery Road for about 4-5 weeks. Huey Hawkins, the County's engineer explained that since beginning the Lake Jeffery Road Project in mid January there have been approximately eight days, plus makeup days that have been added to the original contract time. He said that **Anderson Columbia** had 120 days to complete the job according to the original contract, and that he has approximately 50-60 days to finish the job.

The Commission asked Mr. Hawkins if he expects the project to be completed on time, and what the liquidation damages are. The response was that the liquidation damages are approximately \$900 per day, but that Anderson should complete the job on time if they complete the job on 25A on time.

Commissioner Williams asked if policy allows the commission to go with a bidder other than the "lowest bidder," if that bidder is already backlogged with projects. Mr. Dale Williams responded that if the two lowest bids are competitive, and the lowest bidder has an abnormal amount of pending work projects, Board policy would allow approval of another bidder (other than the lowest bidder). Mr. Hawkins concluded by giving a brief status on other road projects within the county.

Mr. Rountree ask why **Ordinance 93-7** created a **Columbia County Citizens Redistricting Advisory Committee**, when no citizens have been appointed to serve on the committee. Mr. Feagle recalled that the ordinance was patterned behind another county going through the same redistricting process. The constitution and the ordinance states that the County Commission will do the redistricting in the first odd number year. He explained that the initial thought in 1993 was (and may still be) that there should be citizen's input on that committee, and Columbia County simply followed trend. Mr. Rountree felt the name of the ordinance was a bit misleading and should be considered by Mr. Feagle. Mr. Rountree asked when the public hearings regarding redistricting would be held. The response was, the Supervisor of Elections is preparing the maps gauging population. The Supervisor of Elections is also obtaining all congressional and state boundary lines to ensure there is no crossing of lines between the County and the School Board. Once all information is assembled, a Committee meeting will be convened.

XVII. Other input - Sheriff Owens

The Sheriff notified the Board that he has put two deputies on standby to assist with the parking and traffic at the **fishing tournament at Alligator Lake**. He asked when they should expect the traffic to be the most intense.

Commissioner Weaver said that the tournament would be from 8:00 a.m. until noon. Therefore, the largest amount of traffic will likely be from 7:30 a.m. - 8:00 a.m.

The Sheriff expressed concern over the proposed **state budget cuts**. Particularly the proposed \$133,000,000 reduction in **juvenile services** that would directly affect this county. The Sheriff pointed out the two most significant cuts will be the elimination of social services and **shelters for youth**, and the other is major reduction for **pretrial detention** of youth. These costs are expected to be passed along to the counties. Mr. Dale Williams told the Board that the county is aware of the proposed cuts and that it would impact Columbia County in the estimated amount of \$330,000 if passed. The Sheriff expressed concern over the possibility of being charged for crime lab services with the Florida Department of Law Enforcement. The smaller counties will be directly impacted in that the cost per piece of evidence will be \$160.

Commissioner Flinn asked the Sheriff if he's had an opportunity to speak with Representative Stansel regarding his concerns. The Sheriff responded that he has been to Tallahassee and didn't come away feeling very good about the visit. He said,

"Representative Stansel is aware of the issues and the impacts Columbia County is facing. Mr. Stansel states that he has received many calls regarding this, and that he'd look into it."

Commissioner Williams added that it aggravates him that over the years, when proposed bills are present in the legislature that will negatively impact Columbia County that Columbia County's representative will be uninformed and unaware of the proposed bill. Mr. Dale Williams concurred with Commissioner Williams. Commissioner Flinn expressed there is power in numbers, and that perhaps Columbia County should do as some of the other counties, and have the entire Board of County Commissioners go together to speak with their representative at one time.

Mr. Dale Williams offered that every impact (of either the senate or the house's proposed budget) has been qualified in dollars, and every member of Columbia County's delegation

(Representative Stansel, Representative Kendrick, Senator Argenzino and Senator Smith) is aware of its existence and the dollar impact it will have on Columbia County.

There being no further business, the meeting adjourned at 8:30 P.M.

ATTEST:

Ronald Williams, Chairman
Board of County Commissioners

P. DeWitt Cason
Clerk of Circuit Court