

Columbia County
BOARD of COUNTY COMMISSIONERS

The Board of County Commissioners met in a regularly scheduled meeting on **November 15, 2007** in the School Board Administration Building at 7:00 p.m.

Commissioners in Attendance:

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

Others in Attendance:

Dale Williams, County Manager
Marlin Feagle, County Attorney
Sandy Markham, Deputy Clerk
Penny Stanley, BCC Admin. Secretary
Attorney William Whitley

Hispanic House – Pator Ray Chacon

The Lake City Hispanic House is going to serve as a service center that will enable the Hispanic community to link with the rest of the community, and also help them in understanding the responsibilities of local government and their responsibilities within the community. The Hispanic House is now the publisher of the first local Hispanic newspaper in the community. It was announced that the *2007 Latin Festival*, the first of its kind for Columbia County, will be hosted on Sunday, November 18, 2007 at the Columbia County Fairgrounds from noon until 6:00 p.m.

Presentation of Financial Report

County Auditor Richard Powell presented an overview of the annual audit of Columbia County ending September 30, 2006. Some of the highlights were: The County had an overall increase in assets of \$9.6M. The total capital assets at the end of the year were \$141,502,000, which is approximately a \$10,000,000 increase over last year. The accumulative appreciation on these assets totaled \$30,000,000. The fixed assets were \$111,462,000, which was approximately a \$5,000,000 increase over the prior year. The total debt of the county at the end of the year was \$9.9M, which was a decrease over \$3,000,000. The total operating expenses of the County were \$49,000,000. The total cash assets of the County were \$40,330,000. The liabilities were \$7.9M. The cash equity of the county at the end of the year was \$32,378,000. Under fund accounting, the total revenue for the year was \$56,027,731. Mr. Powell said the bottom line in this year is that the fund balance decreased \$606,000. Overall the county was stronger at the end of the year than they were at the beginning of the year. The County operated within the budget and the parameters provided.

The audit is a complete countywide audit and was completed with applicable auditing standards. Mr. Powell said that there were fewer and less significant findings in this audit than any audits he can remember in recent years. This is an extensive audit and is on file and can be reviewed at the Board Office.

MOTION by Commissioner Williams to accept audit report as presented. Second by Commissioner Bailey. The motion carried unanimously.

Mitigation Committee Report

IDA Director Jim Poole reported. The committee is considering property that can be purchased and set aside for mitigation to replace wetland property the county might destroy as Columbia County plans for growth and economic development in the future. The first

area considered was in the northern end of the county in the Falling Creek watershed. Mr. Pool said the committee feels the county will need to set aside approximately 66 acres to work with over the next three years. The committee is now in negotiations with a land owner. The plan is to come back before the Board at the next meeting with a recommendation regarding the 66 acres. The committee will continue to look at future needs.

Golf Cart Ordinance – Public Hearing

The purpose of the amendment to the current ordinance is to update the street names that golf carts are allowed to travel on in the Three River Estates area. Verbiage has been added so that new road paving projects will not necessarily require an amendment to the ordinance. The Chair declared the public hearing opened. There was no public input. The public hearing closed.

MOTION by Commissioner Weaver to approve Ordinance 2007-44. Second by Commissioner Williams. The motion carried unanimously.

Building & Zoning – By County Planner Brian Kepner

Zoning Amendments

Z 0483 Westridge, Inc. – District 3

This property is 4.25 acres and is located on the NE and SE corners of SW Pinemount Road and SW Birley Avenue. The requested change is from AG3 to Commercial Neighborhood. The Planning & Zoning Board recommended approval.

The public hearing opened.

Developer Audrey Bullard was placed under oath and spoke in favor of the amendment. She told the Board that both of the parcels were re-zoned to commercial in 1990, but when the new atlas was adopted by the county in 1998, there was no commercial activity on these properties and they reverted back to agricultural property. Citizen Stewart Lilker said that it troubles him that this is two separate pieces of property, two separate deeds, two separate tax bills, and that the parcels are even divided by a highway, yet Ms Bullard was not required to pay separate fees on each parcel. He also noted this property has been discussed before and that changing the zoning will increase the value of the property from approximately \$11,000 per acre to a range of \$60,000-80,000 per acre. The County Planner responded roads don't necessarily determine where zoning district lines are, and roads do not have a zoning classification. Mr. Kepner said that as far as building and zoning is concerned, the two parcels are adjacent properties. Mr. Lilker responded that Mr. Kepner's response was ridiculous, and with the property increasing 50-60 times in value, Ms. Bullard should have been required to pay both of the permit fees.

On another note, Mr. Lilker told the Board that the speculative rezoning in the county needs to stop. He pointed out that the zoning reverting back to agricultural was clearly a tax savings to Ms. Bullard, and that it is hardly fair to the tax payers that she receive this type of savings, and then be able to change the zoning when she is ready to sale, and inflate the price by 50% or more. He concluded, the Board still has shown no reason why the property has been rezoned, and it is hardly fair to re-zone the property just so the price can be drastically inflated for the county to purchase it for a community center. He said it is obvious that the County is giving certain people in the community tax abatements over a course of time and that it isn't fair to the taxpayers. Mr. Lilker said what is being done is clearly wrong. He asked that the Board not approve the amendment, and to pass legislation within the county that will stop speculative zoning.

MOTION by Commissioner Skinner to approve Z 0483. Second by Commissioner Weaver. The motion carried unanimously.

Z 0484 GTC Design Group, LLC. as agent for Isaac Holdings, Inc.

The property is 6.32 acres and is located in District 3. The requested zoning change is from Residential Single Family-2 to Planned Residential Development. The lot sizes will range from .33 acre to .75 acre. The property is located on the southern side of SW Cannon Creek Drive, east of Cannon Creek Subdivision. The Planning and Zoning Board recommended approval. The public hearing opened and closed without input.

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

Consent Agenda

MOTION by Commissioner Williams to approve. Second by Commissioner Weaver.

Commissioner Skinner and County Manager Williams requested item #4 be removed from the agenda as it contradicts the recommendation in consent agenda item #6.

There was a call for clarification on item #2, and #21. County Manager Williams assisted with clarification. Item #2 will be approved and paid subject to the county receiving a written statement from the grader operator, and subject to receiving a written release from Ms. Kreighauser.

The motion carried unanimously.

- (1) Invoice - Donald F. Lee & Associates, Inc. - Engineering Services - \$10,434.00
- (2) Invoice - Liability Claim - Tara Kreighauser - Damage to *Car* on September 11, 2007 - Paul Pearce Lane - \$309.42
- (3) Invoice - Environmental Geology, LLC - Mitigation Activities \$5,000.00
- (4) External Budget Amendment - Sheriffs Office - #1 - BA # 0629 - Replacement of Hardware, Laptops and Monitors \$36,355.38
- (5) External Budget Amendment - Sheriffs Office - #2 - BA #06-30 - Funding for Dispatcher from the *City* of Lake City for one year- \$38,000.00
- (6) Sheriff's Office - Constitutional Officers Financial Report – Fiscal Year 2006-2007 - \$36,355.38
- (7) Safety Department - Declaration of Surplus - HP Laser Printer, ID #12166, HP Fax Machine, ID #9174
- (8) Agreement - Meridian Behavioral Healthcare, Inc. Columbia *County* Board of *County* Commissioners - Provision of Mental Health and Substance Abuse Services - 195,000.00
- (9) Public Works - Truck Purchase/Lease - Three (3) Mack Ten-Wheel Dump Trucks - Nextran Truck Center - Replacement of Three (3) Old Trucks - Five (5) Year Lease - \$24,514.13 per truck per year - End of Lease Can Purchase for One (1) Dollar
- (10) Purchasing - Requesting to Rebid - Bid No . 2007-0 - Color LED Message Board -(see attached letter from Harvey Campbell)
- (11) Re-Appointment - Industrial Development Authority Board – Mike Millikin and Gus Rentz - Terms Expire on January 19, 2012

(12) Building and Zoning Department- Increasing Building Permit Fees and Zoning Fees

(13) Invoice - GTC Design Group, LLC - County Road 133-B Fire Station - \$4,200.00

(14) Invoice - Curt's Construction - SW Real Road Extension \$55,686.60 (Final Invoice)

(15) Invoice - South East Environmental Geology - Mitigation Activities and Baseline Monitoring Report - \$1,425.00

(16) Invoice - Anderson Columbia Company, Inc. - Tammy Lane \$199,917.71

(17) Invoice - Applied Technology & Management, Inc. – Alligator Lake/Clay Hole Flood Study - \$13,295.00

(18) Columbia County Emergency Medical Services - Refund Request Tricare South Region - \$83.55

(19) Proclamation - Honoring Daniel Scott Blocker - Eagle Scout

(20) Suwannee River Economic Council, Inc. - (S.H.I.P.) - Release of Lien Agreement - Jaczueline Pachas - \$6,000.00

(21) Indigent Burial - Combs Funeral Home - Oscar Tommy Howard, Deceased - \$500.00

Olustee Creek Bridge

There was a single vehicle accident involving a large truck on CR 245 Bride, the bridge that crosses Olustee Creek. The South bound rail of the bridge was completely eliminated in the accident. The company who owns the involved truck has agreed to reimburse the county for expenses involved in making the repair, including the supervision of one lane traffic across the bridge. Anderson Columbia's proposal to repair the bridge is \$41,296.20. Staff recommended the Board approve the emergency repair contract with the understanding that the county is going to bill the insurance company for repairs and expenses incurred by the Sheriff Department

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

Fire Chief Atkinson

The Board was advised that Fire Chief Atkinson was successful in passing his state fire certification exam. On behalf of Chief Atkinson, County Manager Williams thanked the Board for their support in his behalf.

ISO Ratings

The Insurance Servicing Organization ("ISO") began their review of the City and the County on Monday and concluded yesterday. The results of the review should be forthcoming in a couple of months.

Indigent Burial

This issue came up at the October 04, 2007 and November 01, 2007 Board Meetings. Attorney Feagle has declared a conflict with both the Board of County Commissioners and the Lake Shore Hospital Authority.

Attorney William Whitley is assisting the county with the matter of indigent burial and unclaimed deceased bodies. Mr. Whitley highlighted a memo he wrote to the Board dated October 30, 2007. There was an informal, unwritten agreement between the Lake Shore Hospital Authority and the Board of County Commissioners where if a person died while in

the hospital, the hospital would dispose of the indigent body. Otherwise, the county would dispose of the indigent body. The agreement has worked well over the past years. The county may want to give consideration to a written interlocal with Lake Shore Hospital.

Commissioner Williams said that in the early 1980's Lake Shore Hospital did not pay for indigent burials. In approximately 1983, Circuit Judge Wallace Joplin ruled that Lake Shore Hospital's 3 mills was independent of the Board's 10 mills. Over the years, money generated through Lake Shore's Millage rate was not sufficient to pay for the total amount of indigent care being provided. The commissioner said the statutes state that the County is responsible for the indigent care of its county. The County spends approximately \$9,000 per year in indigent burials. Lake Shore Hospital and Lake City Medical Center's indigent write-offs far exceed this dollar amount each year. Commissioner Williams said he does not understand what Citizen Stewart Lilker's problem is with the county paying for indigent burials, and does not see a problem with the verbal agreement as it has worked well for over 20 years.

Attorney Whitley recalled that Mr. Jack Berry, Chairman of the Lake Shore Hospital Authority, sent a memo to the County expressing the same understanding of the verbal agreement. Mr. Berry feels it would be in everyone's best interest to put the agreement in writing. Attorney Whitley concurred. Attorney Whitley explained that with concurrent jurisdiction either can pay for the indigent burial, but if Lake Shore Hospital doesn't pay for it, the county will have to pay. Attorney Whitley said that in his opinion the arrangement between the County and Lake Shore is a benefit to the Board of County Commissioners and the taxpayers, and that it works very well.

Citizen Stewart Lilker asked if there was anyone present from the Lake Shore Hospital Authority to represent their position. The Chair responded that it would seem there is not. The first letter mentioned by Attorney Whitley, from Jack Berry to County Manager Williams, is undated. He pointed out the letter from Mr. Berry is suppose to be at a time when County Attorney Marlin Feagle had declared a conflict, but noted the letter indicates he [Berry] is speaking with Attorney Feagle pertaining to the matter. He said there is a problem with the undated letter and with Attorney Feagle not declaring his conflict in writing with a date.

Regarding Mr. Whitley's Memorandum to the County, Mr. Lilker read from Attorney Whitley's memorandum to the Board of County Commissioners, "*The Board of County Commissioners is directed to cause a body to be "buried or cremated" if the body is unclaimed.*" Mr. Lilker said the statute raised [Florida Statutes 406.52] by Attorney Whitley, in the memo, does not state that the hospital "buries" the unclaimed dead, but reads that it buries the "indigent" dead.

Mr. Lilker said regarding consent agenda item #21, that the bodies are claimed and that the county is paying burial fees on "claimed" bodies. He said this contradicts Attorney Whitley's memorandum. Mr. Lilker asked that this be reconsidered by the Board and said that Lake Shore Hospital Authority is collecting taxes for "that".

According to Mr. Lilker's information, Lake Shore Hospital Authority has paid approximately \$2,500,000 per year for indigent care over the past few years. He recalled that earlier in the meeting that it was stated that 1.5 mills (approximately \$3,753,000) is being budget for indigent burial. Mr. Lilker pointed out that give the Lake Shore Hospital has more than \$1,000,000 to work with, that with that they can afford to bury the indigent dead. Mr. Lilker

suggested the Board considered that there is no inter-local agreement that needs to be made, and since they are operating with over \$1,000,000 in surplus money that they should reimburse the county for indigent burial. Mr. Lilker said that he has a problem with being taxed twice for the same thing. He concluded that the hospital authority, by its statute, is charged with paying for indigent burial, and the county is responsible for paying for the unclaimed bodies.

Commissioner Williams said that over a three year period that Lake Shore Hospital Authority has incurred almost \$19,000,000 in indigent care charges. Of that, the Lake Shore Hospital Authority has paid Lake Shore Hospital \$7,709, 535. Commissioner Williams said the County is still ahead in paying the \$9,000 for indigent burials than it would be to pick up the balance of indigent care in the county. Mr. Lilker responded the rest of that story is that there is a difference in the amount charged by Shands at Lake Shore Hospital and the amount paid by the Lake Shore Hospital Authority. Mr. Lilker said that Shands is allowed to write off the excess of the \$2.5 million that Lake Shore Hospital Authority pays them for the benefit against their income, because they are non-profit. He said there is no lawful reason Columbia County is paying for the claimed indigent dead of this county.

Commissioner Skinner added as a former member of the Lake Shore Hospital Authority that the money goes to more than indigent care. The monies include purchasing properties, facility upkeep, etc. Mr. Lilker replied that 1.5 mills of that collected does indeed go solely to indigent care.

MOTION by Commissioner Williams to enter into an interlocal agreement with Lake Shore Hospital to continue the working relationship, as it has been, pertaining to indigent burial in Columbia County. Second by Commissioner Weaver.

There was discussion that when bodies are donated to science for experiments that once the university is finished with the body that it will be returned to the families if they so desire. Otherwise the university cremates the body. The county is required to pay for transporting the body to and from the Shands at UF Anatomical Board. Preparation of the body for interment is also paid by the County. The County gets an order to cremate almost all unclaimed bodies. The majority of those indigent burials on the consent agendas are claimed bodies, but the deceased are indigent and the families have no means of paying for the burial and seek county assistance.

Attorney Whitley said that the comment was made that Lake Shore Hospital Authority is required to bury the indigent. He said he reads it to say that Lake Shore Hospital Authority has the "authority" to bury the indigent, but they are not "required" to do so.

The motion carried unanimously.

Attorney Whitley was directed by the Chair to draft an interlocal between Columbia County and Lake Shore Hospital Authority.

Davis Street – Washington Street

Commissioner Williams would like 4-way stop at Davis Street and Washington Street. The County Engineer will be asked to review the request. If this is possible within the guidelines of the uniform traffic safety standards, no further action will be required of the Board. If it doesn't meet the standards, the matter will need to be taken up by the Board.

Thanksgiving Wishes

County Manager Williams wished everyone a wonderful Thanksgiving.

Public Comment

Citizen Steward Liker said no matter how Attorney Whitley elects to read his paper, it says: "The authority is granted the following rights and powers and shall have all powers necessary to bury the indigent dead of Columbia County." The Chair replied that is not what the memo said. She said it says "...shall have and may exercise all"..... Mr. Liker interjected, "shall have the power, but may exercise if they find it necessary".... The Chair interjected it is misleading to leave out words.

Mr. Liker said that on August 31, 2007 he put in a freedom of information request for the **annual reports** for the county. He asked when he may expect to receive them. The County Manager said that he has the past years, but that this year's report has not been given. He said he thought that information had already been forwarded. Mr. Liker said his experience is that an annual report is something that is written. The County Manager said that in prior years the reports have been verbal, but a year ago Mr. David Rountree asked, and the county agreed, that the annual reports would be provided in writing.

Mr. Liker said as a public interest matter, he wondered if anyone knew how many ribs someone could buy at **Ken's Barbeque** for \$54. He told the Board he has already emailed that question.

Regarding **IDA financial disclosure**, he asked now that the county has a chance to require financial disclosures of IDA members, what position the Board would take. The Chair said that she did not see a need to require them to file financial disclosures. She said that she personally believes there are a lot of people who shy away from public service because they do not want everyone knowing their personal financial business. Commissioner Weaver agreed. Mr. Liker offered that Mr. Poole makes approximately \$80,000 per year and is making financial business deals for the county on a regular basis. Mr. Poole said he had no problem continuing with the financial disclosures. He asked that the Board reconsider their position.

Impact Fees – He asked if there are any negotiations going on right now with anyone. The response was no.

Agendas – Mr. Liker asked if the Board was ever going to have an agenda closeout day and time where the agenda is closed to additions so that all information can be circulated in a more timely fashion. The County Manager said that technically discussion items will close one week prior to the meeting. Staff is allowed to add consent agenda items to page 2 up until the last minute since they do not actually have to be Board approved. They discussed a motion to entertain last minute items.

Lawsuits - Mr. Liker asked if there are any pending suits against the county. He mentioned a suit for false arrest. Attorney Feagle said to his knowledge the County is not involved in any lawsuits. County Manager Williams said to his knowledge there are no current suits filed against the Board, and that the county is automatically named as co-defendants in cases filed against the Sheriff, because the county funds the Sheriff's budget. The County Manager said that he did not know without checking, how many suits the

county is actually named in with the Sheriff Department. Attorney Feagle said there is one negligence suit pending against the county that is being handled by FACT. Mr. Feagle said the County is named often in mortgage foreclosure cases, because of Public Defender liens, but the case is not actually against the county.

Mr. Lilker concluded by wishing everyone a nice Thanksgiving.

Citizen Barbara Lemley asked what verification is produced to show a dead person was indigent and without means to pay for burial at the time of death. She suggested the interlocal spell out the definition of "indigent" and a method used for verifying indigence. The County Manager said that normally a written statement is taken, and a call for insurance policies. He said it is on a case by case situation, because there are times when family members will call up and say they are related, but do not intend to personally pay the bill for the deceased. She believes there should be a policy that calls for income tax returns or bank statements to prove income/assets.

There being no further business to come before the Board, the meeting adjourned at 8:10 p.m.

ATTEST:

P. DeWitt Cason
Clerk of Circuit Court

Board of County Commissioners