

BOARD of COUNTY COMMISSIONERS

Minutes of:

November 16, 2006

The Board of County Commissioners met in a regular scheduled meeting at 7:00 p.m. at the School Board Administration Office. Chairman Williams called the meeting to order. Sheriff Gootee opened with prayer. The Pledge of Allegiance to the Flag of the United States of America followed.

Commissioners in attendance:

Ronald Williams	George Skinner	Stephen Bailey
Dewey Weaver	Elizabeth Porter	

Others in Attendance:

County Manager Dale Williams	County Attorney Marlin Feagle
Deputy Clerk Sandy Markham	BCC Secretary Penny Stanley

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Chairman Whitley

Commissioner Whitley has never served as the Board's Chairman. Chairman Williams called for a motion to allow him to relinquish the chairmanship for the night's meeting in order to allow Commissioner Whitley the opportunity to serve as Chairman.

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

Chairman Whitley thanked everyone for their attendance.

I. Planning and Zoning County Planner Brian Kepner presented the following for the Board's consideration:

Public Hearings

CPA 01611 (1st Hearing – Transmittal Hearing) An application by Mike and Vickie Harrell to amend the Future Land Use Plan Map of the Comprehensive Plan by changing the future land use classification of two parcels of land. One parcel from *Residential, Low Density (Less than or equal to one dwelling unit per acre)*, the other from *Highway Interchange to Commercial*, on properties situated in Columbia County and lying in Section 33, Township 3 South Range 16 East. The two land parcels total 33.68 acres, more or less. The general location of the property is at the NE corner of Brown Road and US Hwy. 90 West (District III). The Planning and Zoning Board recommended approval.

The public hearing and closed without opposition.

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

Z 0460 An application by John and Margaret Craig to amend the official zoning atlas of the Land Development Regulations by changing the zoning district of certain lands from *Agricultural-3 (A-3) to Commercial, Neighborhood (CN)* for properties located in Section 29, Township 3 South, Range 16 East, Columbia County, Florida. The total acreage being .56 acre, more or less. The general location of the property is NW corner of U.S. Hwy. 90 and **Fat Cat Court**, next to Bailey's Feed Store (District III). The Planning and Zoning Board recommended approval. The public hearing opened and closed without opposition.

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

Z0428 An application by Bailey, Bishop & Lane, Inc. as agent for **WF Group LLC**, to amend the Official Zoning Atlas of the Land Development Regulations by changing the zoning district of certain lands, the zoning district being changed from *Residential, Single Family-2 (RSF-2) and Commercial, Highway Interchange (CHI) to Residential, Multiple Family-1 (RMF-1)* for properties located in Section 35, Township 3 South, Range 16 East, Columbia County, Florida. The total acreage being 9.78 acres, more or less. The general location of the property is located at the **Southern Oaks Country Club**, behind the Lake City Medical Center on the North side of **Fairway View** area. The Planning and Zoning Board recommended approval.

Z0433 An application filed by Bailey, Bishop and Lane, Inc. as agent for **Harris Lake Investors, LLC**, to amend the Official Zoning Atlas of the Land Development Regulations by changing the zoning district of certain lands from *Residential, Single Family-2 (RSF-2) and Commercial, Highway Interchange (CHI) to Residential, Multiple family-1 (RMF-1)* for property located in Section 35, Township 3 South, Range 16 East, Columbia County, Florida. The total acreage is 5 acres (more or less). The general location of the property is located at the **Southern Oaks Country Club**, behind the Lake City Medical Center in the **Fairway View** area. The Planning and Zoning Board recommended approval. The public hearing opened.

This is the second time the issue has come before the Board. The first request was to change the land use to *Residential Moderate Density*.

The public hearing opened.

Agent Greg Bailey made a short presentation with respect to Z0428 and Z0433. The flooding in the area has been reconsidered by the agent and applicant. They had discussions with the county engineer, the county surveyor, and Suwannee River Water Management District. In reviewing old records and surveys they noted that in 2004 the flood elevation was at its highest (103.8). Shortly thereafter, drywells were put into place at 94.7. The most extreme flood event on record was in 1948 at an elevation of 105. After the elevations were considered, the site plan has reduced the intensity of the development to eight building of 8 units each. Making a total of 64 units. The units were reduced to two stories instead of three. The applicants feel like the concerns expressed at the last meeting have been alleviated. If approval is granted by the Board, before the site plan approval is submitted, the applicant will have its permit for water management in hand to ensure neighbors that water management issues have been addressed.

Mr. Bailey said regarding retention pond overflow and stormwater, the development will have it's own retention pond. The wetlands surrounding Harris Lake are on the eastern corner of

the property, the water will drain from the West to East across the site. The stormwater management facility is located on the eastern side above the wetland boundary. The stormwater basin will be adequate capacity plus. The current plan is that one of the proposed units will be built in the area that flooded in 2004. That unit will be elevated by excavating and moving dirt on the site. No additional dirt will be brought in, but some will be removed. This will not force any stormwater onto neighbors. The new retention pond will be maintained by the established homeowners association.

Ms. Loraine Kirkland NW Mallard at Southern Oaks said many of the people from Southern Oaks remain opposed to the development. She reminded the Board there has been much testimony that the proposed site floods and that their neighborhood, including the golf course, floods. She said the majority of residents in the Southern Oaks area do not believe there should be any type of development on the proposed site. She told the Board that as a teacher she has taught the students that they live in a democracy and that their voices count and that it is their duty to speak up. She told the Board, "We've come again and again and have spoken again and again. We have been and continue to be a large group of people who are totally opposed to this." Ms. Kirkland said she recognizes and supports positive change. "But we are in a very fragile situation and we are in the 100 year flood plain. Everything that is being proposed cannot in any way shape or form do anything other than exacerbate an already fragile and delicate situation." She said that she would like to continue to believe there is significance in a majority.

Commissioner Whitley reminded Mrs. Kirkland that we are living in a country of laws that respects private property rights. He said, "These applicants own property and we just can't tell them, 'no you can't do anything with your property.'"

Barbara Lemley – NW Fairview Drive in Southern Oaks Subdivision, said that most of the residents continue to oppose the development but believe the Board has already made its mind up. Many of them feel it would be useless to come again and "bang their head against the wall". She noted three people in the area have reported seeing an eagle. This sighting has been reported to the Fish and Wildlife Commission.

The public hearing closed without further input.

Commissioner Skinner said despite personal feelings, the county is bound by certain laws. He promised the County will keep a watchful eye on the development. He also noted that the residents have an appeal process.

Motion by Commissioner Skinner: "From 96-64 and baring with the Florida Statutes and the permitting of the condos I move that we accept Z0428. Second by Commissioner Williams. The motion carried unanimously.

Motion by Commissioner Skinner: "I move approval of Z0433. Second by Commissioner Williams. The motion carried unanimously.

Subdivisions:

Z 0441 – Wingate Estates - Slate Development, LLC. (Final Master Plan Plat)

There are 19 lots ranging in size from 0.82 acre to 1.07 acres in size. The property is located in District III and is located on the northern side of CR 242, approximately $\frac{3}{4}$ of a mile East of SR 247 and Branford Hwy.

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

Preliminary:

SD 0203 – Highpoint Commercial Subdivision – Developer A&R Inc. There are 18 lots ranging in size from one half acre to .57 acre in size. The property is located in District V. The general location of the property is on the southern side of SW Business Point Drive.

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

SD 0218 - Oaks at Woodborough – Developers Gateway Developers of Lake City, LLC.

There are 10 lots ranging in .50 acre to .60 acre. The property is located in District three on the southern side of Lake Jeffery Road just before Lake Scenic Drive. It was recommended that preliminary plat be approved contingent on proposed road names being approved by 911 Addressing.

Motion by Commissioner Skinner to approve with stipulation. Second by Commissioner Williams. The motion carried unanimously.

Final:

SD0190 Cannon Creek Place Unit 2 – Developer Pete Geibieg. There are 26 lots ranging in size from .50 acre to .75 acre. The property is located in District III between CR 242 and SW Cannon Creek Drive just West of Cannon Creek Place Unit I and East of the City of Lake City Spray fields.

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

SD 0213 – New Haven - Developer Michael Benkozy. There are five lots that are five acres in size. The property is located in District II on the northern size of CR18, approximately $\frac{3}{4}$ mile West of SW Tustenoogie Avenue.

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

II. Ms. Julia Tabor

Ms. Tabor reported the County's **signs** located in front of the courthouse and annex are blocking drivers' view. She reported being involved in an accident in September because she could not see an approaching car as she backed out of a parking space in front of the courthouse annex. Commissioner Williams reported he and County Manager Williams have discussed the matter and the problem with the annex sign will be corrected. The County does not feel the sign in front of the courthouse is a problem.

Ms. Tabor also reported that the **handicap ramp** at the annex ends in front of the annex drive through, which in her opinion is a safety issue for those in a wheelchair such as herself. She added that just because the ramp at the courthouse is ADA compliant does not mean the ramp is not very difficult to use and miserably long. She added there should also be a place for people to rest once at the top of the ramp without having to go down a step to find a bench. Commissioner Williams replied seating is going to be provided for rest at the top of the ramp.

She also noted the problems with the City sidewalks downtown.

III. Consent Agenda

- (1) Invoice – Curt's Construction & Hauling, Inc. – SW Washington Avenue – Bid No. 2006-10 - \$240,977.50
- (2) 9-1-1 Addressing – Naming of Unnamed Roads – SW Guinea Court
- (3) Resolution – State of Florida Department of Transportation – Landscaping Project on I-75 & U.S. 90
- (4) Street Lighting Agreement – US Highway 90 West & SW Malcolm Terrace – Florida Power & Light Company
- (5) Human Resource – Purchase of Human Resources Information System (HRIS) through Sungard THE Inc. - \$12,200.00, BCC Equipment Reserve & \$5,500, Small County Technical Assistance System
- (6) Invoice – John C. Hipp Construction Equipment Company – County Road 135 – Bid Project 2006-04 - \$360,219.90
- (7) Invoice – Ryan Companies US, Inc. – Project Sunshine - \$131,297
- (8) Invoice - Ryan Companies US Inc. – Project Sunshine – Change Order # 2 - \$205,200.00
- (9) Public Library – Florida Department of State, Division of Library and Information Services – Community Libraries in Caring Program
- (10) New Millennium Tax Rebate – Qualifying Tax Rebate – \$254,595.21
- (11) Street Lighting Agreement – US Highway 41 North & NW Bascom Norris Drive – Florida Power and Light Company
- (12) Lease Agreement – Daniel Crapps/Columbia County – Court Administration - \$7,140.00 per month
- (13) Suwannee River Economic Council, Inc. – (S.H.I.P.) – Release of Lien Agreement – Kinekia Jones - \$4,000.00
- (14) Human Resources – Position Description - Web Designer
- (15) Board of County Commissioners - Financial Report Response – Period Ending September 30, 2005
- (16) Emergency Medical Services – Ratification of Local Contract – IAFF, Local 3510

Motion by Commissioner Williams to approve consent agenda. Second by Commissioner Porter.

There was a call for clarification on items 1, 7, 8 and 12. County Manager Williams assisted with further clarification.

The motion carried unanimously.

IV. The Sheriff asked the Board to consider releasing three of the budgeted positions for **transport officers** once the new jail is in place. This will not require additional deputies to be hired next year, but is simply allowing the sheriff to fill the positions earlier than planned.

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

VI. Parade

The Busy Bee Women's Club filed an application with the County to hold a Neighborhood Christmas **Parade** in the Three Rivers Estates area located in Fort White. The parade will be on local unimproved road (with the exception of crossing over Utah Street). This will be a parade of decorated lawnmowers, ATVs, and golf carts. Staff pointed out that a request is being made to waive the insurance requirement.

Motion by Commissioner Weaver to approve. Second by Commissioner Porter.

Chairman Whitley asked Attorney Feagle, with respect to waiving the insurance requirement, if the County could insert a hold harmless clause. Attorney Feagle said that the County's policy protects the county from negligence but does not protect the County as sponsors of the parade. Other types of insurance coverage is available if the county is interested. Considering this he agreed that the County should have a Hold Harmless Agreement signed. It was not clear who would sign the agreement.

Amended Motion: Motion by Commissioner Weaver to approve the request and to have the Hold Harmless agreement signed. Second by Commissioner Williams. The motion carried unanimously.

VII. Special Project Expenditure

Commissioner Skinner would like allocate \$18,648 toward federal sirens for fire trucks. County Manager Williams explained this is not a duplicate purchase of **sirens**. The sirens that originally came with the fire trucks have been returned and a credit has been issued. This is net of what was bid and made part of the original purchase and is only a difference in the money.

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

VIII. SB 360

Staff requested the Board approve a letter to be sent regarding **Senate Bill 360** to the North Central Florida Regional Planning Council, attention Executive Director Scott Koons. The letter designates the North Central Florida Regional Planning Council as the lead agency to coordinate the preparation of the public school facilities element of the Comprehensive Plan as is required by Senate Bill 360. The letter would also designate the NFRPC serving as lead agency to receive financial assistance from the Department of Community Affairs to cover the cost of related services with the appropriation not to exceed \$25,000. County Manager Williams said he has discussed the matter with the School Board and they too agree that NFRPC should be the lead agency.

Motion by Commissioner Weaver to submit letter. Second by Commissioner Williams. The motion carried unanimously.

IX. Farewell **Commissioner William Whitley**

Each of the commissioners expressed their appreciation to Commissioner Whitley for his service as interim commissioner for District 4. In addition they offered the following comments:

Commissioner Weaver said, "It's been my pleasure to serve with you and you have been a breath of fresh air."

Commissioner Skinner expressed it had been his pleasure to serve on the Board with a friend of many years.

Commissioner Porter told Commissioner Whitley that he was by far the most eloquent among the Board members and that there have been times the Commission needed that.

Vice Chair Porter presented acting Chairman Whitley with a Proclamation of Appreciation on behalf of the Board and staff.

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

Attorney Feagle and County Manager Williams expressed Commissioner Whitley has been a hard working commissioner who have represented his constituents well.

Motion by Commissioner Skinner to allow Commissioner Williams to resume his position as chair. Second by Commissioner Weaver. The motion carried unanimously and the gavel was returned to Chairman Williams for the remainder of the meeting.

Chairman Williams presented Commissioner Whitley with a gavel in appreciation for his service to Columbia County. The Chair said he'd enjoyed working with Commissioner Whitley because he'd vote his conviction and because he has a "backbone".

Commissioner Whitley read a poem he'd written relating to his term as commissioner.

Sheriff Bill Gootee presented **Commissioner Whitley** with a plaque of appreciation on behalf of the Columbia County Sheriff Department. The Sheriff said he and his department appreciates the hard work of Commissioner Whitley.

Citizen Stew Lilker expressed thanks for the Commissioner's service.

X. PUBLIC COMMENT

Citizen David Rountree reminded the Board of the recent ordinance they approved precluding **ATVs** on unpaved roads in Fort White. He said the Board is contradicting their own ordinance. "I don't know why you would choose to ignore your own ordinance," said Mr. Rountree.

Commissioner Williams said that parades are even allowed on the state highways, and he does not think the parade has anything to do with the ordinance passed. Mr. Rountree replied that if the Board intends to deviate from their ordinance for special events the ordinance should note exceptions.

Commissioner Skinner said that every ordinance and law must be tempered with common sense. Mr. Rountree replied that the law is black and white. Exceptions should be noted in the ordinance.

Attorney Feagle pointed out the law will be involved in the parade and will assist. He added that commissioners control the county roadways.

Commissioner Porter suggested that the ordinance be drafted with the exception so that the issue would never have to be debated again.

Mr. Rountree said there are no clear policies for parades with the City or the County and he believes this should be addressed.

On a separate issue Mr. Rountree said that \$19,000 is a very steep price to pay for **sirens** in his person opinion. He said, "In my mind this in no way enhances fire suppression and does nothing to enhance ISO rating. In my mind, it is a frivolous expenditure."

Mr. Gary Lear thanked the Board for their support with the **Alligator Lake Recreation Area** and for participating in the recent Alligator Festival. He also noted that November is **International Indigenous** month. He thanked the Board for showing support of people from the past and for preparing the county for generations to come.

There being no further business to come before the Board the meeting adjourned at 8:30 p.m.

ATTEST:

Board of County Commissioners

P. DeWitt Cason
Clerk of Circuit Court