

# Columbia County Board of County Commissioners

Minutes of:  
April 01, 2004

The Board of County Commissioners met in a **Regularly Scheduled Meeting** at the School Board Administration Office at 7:00 p.m. Commissioner James Montgomery opened with prayer. The Pledge of Allegiance to the Flag of the United States of America followed.

Chairman George Skinner called the meeting to order.

*In Attendance:*

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

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

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## I. Building and Zoning

### 1. Subdivisions - Preliminary Plat Approval

a. SD 0147 **Sedgefield Phase 3** located in District V - There are twenty-five lots ranging from 5 - 6.65 acres. The property is located on the East side of SR 47, South of Shannon Meadows Subdivision and North of Sedgefield Phase 1 Subdivision.

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

b. SD 0148 **Sedgefield Phase 4** located in District V - There are five lots

ranging from 5.01 acres in size to 5.02 acres. The property is located in the immediate vicinity of Phase 3, East side of SR 47, South of Shannon Meadows Subdivision and North of Sedgefield Phase 1 Subdivision.

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

## 2. Subdivisions - Final Plat Approval of Minor Subdivision

a. SD 0149 **Arbor Green Addition**, re-plats of lots 11 and 12 of Arbor Green of Emerald Lakes Phase II. There are two lots both are .51 acre. The property is located within the Emerald Lakes Phase II subdivision, West of Brown Road and North of U.S. Hwy. 90. Commissioner Skinner expressed his approval.

Motion by Commissioner Montgomery to approve. Second by Commissioner Flinn. The motion carried unanimously.

## 3. Subdivisions - Final Plat Approval of Major Subdivisions

a. SD 0126 **Wise Estates**. There are forty-two lots ranging in size from .52 acre to .81 acres. The property is located on the North side of CR 242, East of the City of Lake City Spray Fields and West of Picadilly Park Subdivision. Commissioner Skinner expressed his approval.

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

b. SD 0146 **Forest Country - Fifth Addition**. There are four lots each consisting of .73 acres in size. The property is located on the East side of SR 47, approximately one mile North of CR 242. Commissioner Skinner expressed his approval.

Motion by Commissioner Williams. Second by Commissioner Flinn. The motion carried unanimously.

## 4. Subdivision Easement Discussion

a. SD 0150 **The Highlands**. The proposed subdivision is interested in private easements instead of private roads in the subdivision. The subdivision is located in a agriculturally zoned (A3) area, which requires a five acre lot. Mr. Kepner sought direction as to whether or not the Board would be inclined to approve the request to approve this type of subdivision.

The Chairman asked for input from Mr. Feagle.

Mr. Feagle disclosed that in prior times, he has had the occasion to represent a couple of the principal developers of this subdivision. He said to his knowledge, he is not actively working on anything with Mr. Moses, one of the developers. Mr. Greg Stewart, special council has submitted an opinion regarding the matter incase anyone felt there may be a conflict of interest.

According to Mr. Feagle, the issue is that the developer of the property would like to have a private gated community with private roadways. The lots will be a minimum of five acres. The developers would like to be able to include in the five acres, an easement for half of the road right-of-way. He said, "So, if you just visualize a sixty foot private road right-of-way with each lot line going to the center of that road way...so the road would be an easement across part of the lot." Mr. Feagle said if approved, this will be the first time its ever been allowed in Columbia County. In the past, the Board has always required that the road be fully dedicated to the county or fully maintained as a private road, without taking up a portion of the lot.

Mr. Feagle read Mr. Greg Stewart's opinion: *"After reviewing the Land Development Regulations, I've concluded that they provide limited guidance as to the calculation of total acreage for the purpose of density. Therefore, the issue is whether the density of the road is part of the five acres. Based upon my review of the LDRs it is my opinion that the regulations themselves do not prohibit the consideration of a private access easement as part of the lot for the purpose of determining whether sufficient acreage is available under A3 Zoning. However, should the developer obtain approval of this development on this basis, sufficient restrictions should be included within the approval to insure the road never becomes the obligation of the County."*

Staff suggested other provisions such as disclosing that the portion of the property dedicated for roadway be placed on the tax rolls, and that setbacks would have to be met from the roadway and not from the lot line. This would protect the developer and the County.

Commissioner Skinner offered he has no problem with the request as long as those provisions are in place.

Commissioner Montgomery offered that he believes the LDRs should be reworded and give clear indication that the County doesn't intend to have private roadways where the property owners have dedicated a portion of their property for an easement for a road right-of-way. He said, "From

here on out, we shouldn't do that."

Mr. Feagle said there could be stipulations that the county will never maintain the road, and that adequate access must be provided for emergency vehicles.

Considering special counsel's opinion, and with a clear indication that this will never become a county road, or be maintained by the County, and that adequate access for emergency vehicles will be provided, Commissioner Montgomery moved approval.

Commissioner Williams agreed with Commissioner Montgomery and offered a second to the motion. He reiterated the need to amend the LDRs. He said, "We need to put some language in the LDRs to cover this so that we don't open a can of worms. Because, I can foresee this being a monster one day unless we amend our LDRs to address the issue."

Mr. Feagle said he discussed briefly with the County Manager what the County's obligation is and would be with Suwannee River Water Management for taking over the roads in the event of default. He said, "We don't believe we are under that obligation if a private road defaults. In fact, I know that SRWM is requiring private developers to address that in their land development... home owners associations...the restrictions. I assume this will have it in there. To the effect, the homeowner's association cannot dissolve until it has some responsible entity that has been approved by SRWM to take over the roads and drainage system."

The motion carried unanimously.

- II. **Cobblestone Subdivision**, located on Lake Jeffery Road/Hwy. 250. The County approved the preliminary plat and the development commenced. Mr. Feagle said, "Some folks got looking at it and realized there was a serious safety hazard with regard to the access that was planned for the subdivision." Discussions were held with the developer on the subject of changing or modifying that access due to the topography of the land and the limited amount of land available.

The developer doesn't feel he has the ability to make the needed modifications to the development, and the County has approved the preliminary plat. Therefore, Mr. Feagle said, "It sorta puts us in a legal quagmire of what the county can do now that we've approved the preliminary plat without knowing of this safety problem." The developers negotiated with the adjoining property owners to acquire additional property for another access, but were not successful.

Mr. Feagle asked the Board whether they are inclined to proceed with eminent domain action against adjoining property owners to acquire approximately .67 acres to construct a different subdivision access. Mr. Feagle spoke with the

adjoining property owner who is undecided as to whether they will relinquish their property to provide a different entrance to the development.

Commissioner Skinner advised he has letters from the Sheriff outlining the dangers with the entrance.

Commissioner Williams asked what action was needed by the Board. Mr. Feagle responded that if the Board agrees this is a safety concern, the Board should proceed with an eminent domain resolution. Mr. Feagle would continue to work with the adjoining property owners to resolve the issue, but should the resolution become necessary, he will have it available.

Commissioner Flinn asked why the county would want to fund a developer's eminent domain proceeding. She asked for clarification. Mr. Feagle explained that this is in the posture that if the County had not approved the preliminary plat for the property there would be no question that it would be the developer's problem. However, once the county approves a preliminary plat and a developer begins to develop, pursuant to that, the county is obligated to either approve the final plat or pay damages to the developer. That is, unless there's a change in circumstances with regard to the property or something unforeseen. She felt the Sheriff bringing this issue before Board with his discovery must have been something unforeseen.

Mr. Feagle advised the Board doesn't have to approve the final plat or eminent domain, but he has concern that there would still be an issue of whether the county has an obligation or liability to the developer by approving the preliminary plat.

Commissioner Skinner offered he could clarify the issue. "Mr. Hawkins, when he was county engineer...He was suppose to go out and look at everything and make sure everything was up to speed, and that didn't happen. He recommended that the Board approve it, and the Board did. But I was riding by there one day and it just didn't look right and I questioned it. I called Dale and he had the work stopped on this until we can get it solved."

Mr. Feagle concluded, the County did approve the construction plans, but he doesn't feel it needs to be final platted without a different entrance. He said, "If you go look at it, there's no way we can live with this entrance. You'll either have to turn it down or come up with a different entrance."

Commissioner Flinn was of the opinion that the responsibility to come up with another entrance should not be shoved off on the county, but that it is contractor and the developer that should be the ones to come up with a different entrance.

Commissioner Montgomery said that the developer has tried to come up with a different entrance, but hasn't been successful in getting permission from the

adjacent land owner to use a needed strip of land. The commissioner expressed concern that if the entrance goes in as is, the county would be under tremendous liability. Commissioner Montgomery asked Mr. Feagle if his understanding that the developer will help with the expense of condemning his neighbor's property is correct. Mr. Feagle replied there is no final formal agreement with the developer, but they agree that they should accept part of the financial responsible to correct the problem. A formal agreement will be needed prior to proceeding to eminent domain. Commissioner Montgomery offered that he was hopeful that when the adjoining property owner realizes the county is considering eminent domain that he will accept a reasonable offer from the developer.

Motion by Commissioner Montgomery to move ahead with eminent domain proceedings, while attempting to hopefully resolve the issue without filing suit. Second by Commissioner Williams.

Commissioner Flinn asked, "If we proofed the preliminary and then this came along, but we didn't know this prior to, because the county engineer screwed up for whatever reason...why don't we just not approve the final? Why do we have to go through all of this so that the developer can make money?" She feels that the developer should be fully responsible for working out his business predicament, and contended the problem was simply an unforeseen for the county.

"If we don't approve it, he can't develop it, and now he's sitting there with this land," said Commissioner Montgomery. To which Commissioner Flinn quickly replied, "Oh well. That's a risk you take when you develop land. She also expressed concern over filing an eminent domain. "I just feel like it's kind of bullying to do an eminent domain against this landowner whose not willing to settle or give his property. If we're doing eminent domain in order to frighten him into taking Mr. Crapps deal...I just can't do that to a property owner."

Mr. Feagle said there is no question that the county isn't required to approve the plat, but said it was debatable whether the county has a responsibility as far as damages. He offered, "I think we may have some liability to the developer since we approved the preliminary. I don't think we'd be liable for all lost profits that he may have on the sale of the lots, but I think our liability may extend to the cost he's put into his development up to this point, based on his understanding of our approval of the preliminary.

Commissioner Weaver agreed the entrance is a safety hazard, but added final plats are never approved if there are problems surrounding the development. "I don't think we can approve it and then let the developer go in and spend his money based on our approval. Then, come back after the fact and say, "No, you've wasted that money and it's your responsibility to move the entrance over here. We have a certain responsibility when we approve it."

Citizen Chuck Shane asked when the plat was approved. Was it before or after the widening of the roads. He explained his reason for asking was because the concrete ditches were put in when the road was widened. When the developer began removing the vegetation, several tons of sand washed down into Azalea Creek. He said, "Somebody needs to be made to clean that up. Where he started to cut the road, he didn't put any bearers or anything else in there, and that rain a couple of months ago washed several tons of sand into the creek. They've put the barricades up in there, but now they've washed loose." Commissioner Skinner said that Suwannee River Water Management has been called and they've investigated. Mr. Shane concluded, "If your preliminary was approved before the road was widened, you've got a different case I believe." Mr. Feagle said he wasn't certain of the date it was approved, but feels it would have been approved less than a year ago since the preliminary is good for a year.

The Chair called for the vote on the motion . The motion carried 4-1 with Commissioner Flinn voting in opposition.

### III. Consent Agenda

Motion by Commissioner Williams to approve the Consent Agenda with exception to Item #14. He noted he would abstain from voting on Item 14 for reasons of possible conflict. See Form 8-B attached.

Second by Commissioner Weaver.

Mr. Marlin Feagle gave additional clarification on items #35 and #36. Item #35 and #36 are the railroad crossing agreements. A preliminary review showed them to be standard **railroad agreement**. However, he noted there are indemnity provisions contained within that cause legal concerns. However, there is very little that can be done about the indemnities, and the county has entered into this type of contract in the past. Specifically, if there is any negligence on the part of the county that the county will hold harmless and indemnify the railroad for any loses, claims or damages. Normally, the county has a sovereign immunity placed in this type of contract that states the county will agree to be liable for its own negligence, but the county will not be liable beyond their sovereign immunity limits, which is generally \$100,000-\$200,000. The county attempts to cover this matter by way of insurance coverage. According to special counsel, this is a fairly standard type of agreement, and very little the county can do about it. He asked the Board to approve the agreements subject to the final approval of legal.

There was a call from the public to clarify items #37, #32, #33, and #18. Mr. Dale Williams assisted with clarification.

The motion carried unanimously.

Regarding Item #14. Motion by Commissioner Weaver to approve. Second by Commissioner Flinn. the motion carried 4-0. Commissioner Williams abstained from the vote. **See Form 8-B.**

- (1) Invoice – Darabi and Associates, Inc. – Winfield Landfill Groundwater Monitoring – \$1,356.21
- (2) Invoice – Darabi and Associates, Inc. – Winfield Landfill – Engineering Services – \$3,757.01
- (3) Invoice – Darabi and Associates, Inc. – Closed Landfill Monitoring Inspection – \$12,124.68
- (4) External Budget Amendment - #BA 03-18 – Transportation Trust Contingency – Purchase of Right-Of-Way Lot 25 Three Rivers Estates, Unit 3 - \$3,137.00
- (5) Columbia County Emergency Medical Services – Refund Request – United Healthcare – \$359.64
- (6) Columbia County Emergency Medical Services – Refund Request – James French – \$25.64
- (7) Columbia County Emergency Medical Services – Refund Request – Continental Insurance - \$50.14
- (8) Columbia County Emergency Medical Services – Refund Request – Cigna - \$293.17
- (9) Columbia County Emergency Medical Services – Refund Request – American Heritage – \$63.73
- (10) Columbia County Emergency Medical Services – Refund Request – Kemper Services – \$777.32
- (11) Columbia County Emergency Medical Services – Refund Request – Aetna - \$333.40
- (12) Columbia County Emergency Medical Services – Refund Request – Blue Cross and Blue Shield - \$639.56
- (13) Columbia County Emergency Medical Services – Refund Request – Tricare - \$414.71
- (14) Bid Award – Anderson Columbia Company, Inc. –Hunter Panels Access Road - SR 10 @ Turn Lane and Intersection - \$161,000.00
- (15) Bid Award – Industrial Tractor – Tool Carrier Loader Bid No. 2004-A - \$93,498.66
- (16) Suwannee River Economic Council, Inc. – S.H.I.P. – Release of Lien Agreement – James J. Smith, III and Melissa D. Smith - \$5,000.00. **Agreement attached.**
- (17) Judge Vernon Douglas – Declaration and Removal of Surplus Inventory – 4 Hewlett Packard Monitors Model #D8904, and 1 Panasonic Fax Machine, Model #UF-322
- (18) Agreement – Columbia County and Department of Transportation – Replacement of Bridge #294090 on Little Road over Rose Creek. **Agreement attached.**
- (19) Progress Energy - Application for Transmission Right-Of-Way Use – Ichetucknee – O’Leno Trail
- (20) Utility Permit – Bell South Telecommunications – SW Pinemount Road



- (21) Columbia County – Transfer of Excess Right-Of-Way to Adjoining Property Owners - McFarlane Avenue at Brown Road & Old CR 252 at CR 252-B
- (22) Resolution No. 2004-11 – Recognizing the Month of April 2004 as Child Abuse Prevention Month. **Resolution attached.**
- (23) Proclamation No. 2004-1 – Proclaiming the Month of May 2004 as Civility Month. **Proclamation attached.**
- (24) Minute Approval – Joint City and County Special Meeting – March 9, 2004

IV. There was a request for the Board to allow a budget amendment from **Transportation Trust Contingency** to S.E. Lanvale. **S.E. Lanvale Street** is located on the East side town off of Baya Avenue. The road is a habitual maintenance problem. The engineers and the Public Works Staff are advising that if the County doesn't resurface certain portions of Lanvale, there will be no way to stop the continual maintenance problem. The \$20,000 is the cost not to exceed. Because it was not budgeted funds, it is not available through the daily accounts.

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

V. The Tax Collector has presented the **1997 Tax Sale Certificate** listing. Historically the chair has appointed one member of the commission to review that listing to make recommendations to the full Board if necessary of any properties that the county may benefit from by applying for a tax deed.

The Chair appointed Commissioner Flinn to the task.

VI. The City of Lake City, through the City Manager has approached at least one, if not more commissioners about the **Fire Study** approved at the last meeting. While the Board did not state so, Staff believes that at least in part, the county's approval was based on the fact that the **Small Counties Foundation** was going to fund approximately 75% of the County's cost for Phase I. The City is asking, if any member of the commission, or the commission collectively feels that once the study is done, there is no interest (no matter the circumstances) in the county accepting the responsibility for primary **fire suppression** to let them know. Because if that is the case, the City doesn't want to expend the time and money to conduct the study. The City feels the study will show that there may be cost savings to the City to transfer the responsibility, though the savings may not materialize in the unincorporated area. After discussion, collectively, the Board did not feel that it would be prudent at this time to assume the responsibility for primary fire suppression.

Commissioner Williams took the opportunity to remind the Board that they need to begin considering, and possibly conducting their own study to determine where the **first fulltime, volunteer fire department** should be built. He was of the opinion the location should be decided based on calls for assistance.

Commissioner Flinn asked if it would be possible to allow a county employee to conduct that study instead of paying a small fortune out to an attorney. Mr. Williams replied it's possible, and those studies have been performed in house in the past. The Small Counties Foundation Grant may be available to assist with the study. He will inquire and report to the Board.

Commissioner Williams asked if a study has been completed that would determine the County's financial losses since the annexation. Mr. Williams answered that the study was conducted over a year ago. The total yearly losses were not readily available, but could be provided to the commissioner. He added that the growth in the non ad valorem assessment roll historically has not funded the cost increase in fire suppression. It has typically been subsidized through a general revenue source, and on average, the growth in the non advalorem roll has not kept with the inflationary cost of fire suppression.

It was suggested by Commissioner Weaver that when figuring the inflationary costs in the future that value of the property being protected should be a consideration factor. He said the value of property being protected in the city limits is much greater than it is in the rural areas.

VII. Commissioner Flinn gave a report on the recent **Legislative Day** that she and Commissioner Skinner attended. She introduced the Board to the **Small County Adoption program** whereby the larger, wealthier counties adopt the smaller counties. The program was initiated partly due to the controversy that brews between the urban and the rural counties. The rural counties had an opportunity to meet with the urban counties and express their displeasure that the urban counties get most of the money, and resources, while the small counties do without. Therefore, the Florida Association of Counties feels rural counties would appreciate and benefit a **Small County Adoption Program**. She was happy to report that Pinellas County has agreed to adopt Columbia County. She explained what the adoption means for this county. They will share their different staff members who will share beneficial ideas, they will also give Columbia County first bid on all of their replacement equipment and vehicles, which are replaced much more frequently than the smaller counties. She said the only thing the county will need to do is accept their offer.

Commissioner Williams looked forward to the staff's visiting each other so that both could get a better feel of what the others deal with daily. Commissioner Flinn agreed and said they also want to send their commissioners to attend Columbia County's meetings for a few weeks, and Columbia County to send their commissioners to attend the Pinellas County Board meetings for a few weeks. Hopefully, this will be an excellent learning experience for both counties.

Motion by Commissioner Flinn to enter into the Small County Adoption Program, and allow Pinellas County to adopt Columbia County. Second by Commissioner Williams. The motion carried unanimously.

VIII. Initially, there was a location on Boone Road purchased by **Christ Central Ministries Church** to build a new facility for **Columbia County Senior Services**. Commissioner Montgomery said that it was initially believed that the transaction would be very simple and that he would pay for **Boone Road** development out of his 5th and 6th Cent Fund. Since the engineers report, the cost to develop the road has increased four times higher than the original amount. He said that he's now learned that a water permit may not be obtainable. Because the County said they'd make every reasonable effort to pave access to the property, eminent domain proceedings are being considered as well as other alternative routes.

Motion by Commissioner Montgomery, that because it may come down to the fact that there is simply no way to get in, that staff sending a letter to the other parties (Senior Citizens and Christ Central Ministries) asking them not to spend any more money in that area until all attempts have been made to resolve the problem. Second by Commissioner Williams. The motion carried unanimously.

Commissioner Montgomery asked staff to schedule a meeting of the parties with the new county engineer. He asked that he and Mr. Dale Williams also attend that meeting.

IX. Due to Mr. **GuyBrim** 's many years of dedicated service to Columbia County, Commissioner Weaver offered the following motion:

Motion by Commissioner Weaver to draft a **resolution** to be presented to Mr. Brim recognizing Mr. Brim for his contributions and service to Columbia County. Second by Commissioner Williams. The motion carried unanimously. The Board asked that the resolution be prepared in a style so that each of the commissioners are able to sign it. **Resolution attached.**

X. Mr. Tim Bidwell asked if there is a **Fresh Water/Clean Water Act** in place for Columbia County. The response was no. He suggested the County consider following Marion County's Fresh Water/Clean Water Act in order to keep the waters pure and Escherichia Coli (E. Coli) free. He spoke of how beautiful and clean the Rainbow River in Marion County is and credited it to the act being in place. He explained there are several precautions the county takes to protect the water, including forcing the farmers in the area to keep their cattle and fences a certain distance from all fresh waters.

Since **E. Coli bacteria** is believed to primarily live in the intestines and the waste of cattle, he asked why the Columbia **Livestock Market** is allowed to stockpile the manure behind their facilities. He suggested businesses like Columbia Livestock Market should be investigated to determine how they dispose of the cattle waste to prevent future outbreaks of E. Coli in the drinking water.

Mr. Bidwell said he is in favor of growth and expanding utilities, but adamantly opposes the government ignoring situations that could contaminate the waters. He urged the County to become proactive in protecting the area's waters by reviewing other counties' Fresh Water/Clean Water Acts.

Mr. Dale Williams offered, because he mentioned Columbia Live Stock Market specifically by name, that Columbia Live Stock Market was awarded a certificate acknowledging their handling of waste products by the State of Florida. He also noted that Ichtucknee Springs Water Quality Working Group, and the Governor's Springs Director toured that business and gave them a clean bill of health. Mr. Bidwell asked, "And nobody seen nothing wrong it sir?" Mr. Williams responded, "I think they would disagree with the impacts you are implying, and I just wanted you to know that." Mr. Bidwell said, "I wasn't necessarily just apply to them, I'm applying to anyone who has farms adjacent to freshwater. I just used them for instance."

Mr. Bidwell feels the county could avoid many E. Coli related problems by implementing a **Fresh Water/Clean Water Act**.

Mr. Dale Williams offered that there are certain rules in place through the Best Management Practices for Agriculture, which have been adopted by every county in Florida to assist with protecting the waters. Commissioner Williams added there has been an ongoing **nitrate study** for approximately ten years showing where more and more cow, hog and poultry farms are coming into compliance with the BMP's. He added a lot of work has been, and is still being done to control the amount of nitrates going into the water.

#### XI. Citizen Input.

Mr. Wayne Williams said for the sake of public awareness he asked, "Who are the "resources" that Columbia County will pay \$210,000 to for eighty feet of right-of-way at the Fairgrounds? Who are the people that will be paid the \$210,000?" The response was that the Board of Directors are: Wanda Jones, Gator Moore, Steve Briscoe, Lamar Boozer, and Jimmy Sparks. Mr. Wayne Williams asked, "When you build a road and you know where it is going to go, why doesn't the county make arrangements in advance about the needed lands before construction begins?" He was of the opinion that waiting to the last minute to negotiate over the last little bit of needed land puts the county in the position of negotiating for land that then becomes extremely valuable. He said, "Then, they've got you where they want you. So you'll have to pay their price, or you're not going to get it." Mr. Feagle explained that there used to be a provision where a right-of-way map had to be filed putting the public and landowners on notice that this is the route that the road will take. It also gave them the choice of developing the area at their own risk, but without the County paying for it. However, there was a lawsuit filed against the Department of Transportation, and the Supreme Court said it's illegal to stop people from legally using their property the way they choose to until the Order of Taking is in place.

Mr. Dale Williams responded that Columbia County Resources sold the property for the appraised price. The difference is the severance damages caused by the taking. A parking lot, the fencing and the lighting were destroyed. Instead of the county replacing those items it elected to simply pay them to do the work themselves.

Mr. Wayne Williams revisited the **severance pay package** paid to members of the Construction Management Team. He asked specifically who it was that closed the job down prior to completion. He offered that Mr. Feagle wrote the contract, and if it was bad and caused the county to have to pay severance packages, then the Board should speak with Mr. Feagle about his work. He said, "His job is to take care of the legal matters and legal business of this county. He's suppose to keep the Board out of trouble and save the taxpayers money. That's his job. That's my opinion." Also, he didn't understand why a letter was written to the Construction Team's attorney saying the county did not feel they were entitled to their financial demands, then recommend it at a future meeting.

Mr. Feagle offered clarification. A letter was received on December 29, 2003 demanding settlement of 120 days severance pay and other damages, or contend with a lawsuit. Therefore, if the matter had gone to court and the county lost, the final cost would have been up to four times higher than what the county settled at, plus attorney fees. Mr. Feagle said, "I didn't think we should pay that, and I still don't think we should pay what they were requesting at that time. Secondly, I wouldn't have been a very good lawyer if I'd of written a letter to the county's manager stating the county should settle and meet their demands." He told Mr. Williams he certainly wasn't going to write a letter of public record and that could be used as an admission that said they (Construction team and attorney) were correct in their demands. There were several meetings after the letter, and fortunately, the demand was negotiated to a significantly lower amount. At that point, the downside risk became a lot less in settling opposed to paying their astronomical demands. The county now has a release. Mr. Wayne Williams was of the opinion that the contract prepared by Mr. Feagle left too many loopholes in the contract that related to the completion of the project.

Mr. Wayne Williams felt it wasted money to have such an elaborate construction team to do a job, when they had a general contractor (Donnie Williams) hired. Mr. Dale Williams explained that he (Donnie Williams) reviewed all of the documents and conducted inspections and carried out all the responsibilities that a general contractor does. Commissioner Williams said, "If we'd of contracted the job out, the general contractor had his own men doing the same identical things that we paid those guys to do. Every contractor that bid on it introduced us to their construction team and showed us what it was going to cost." Mr. Wayne Williams complained of the final cost of the project compared to the initial cost reported. He went on to tell the Board, "When you make a mistake, just own up to it. It don't do any good to try to cover up a mistake and it cost the taxpayers a bunch of money." The Board was of the opinion that no effort had been made to cover a mistake, and that the County has been honest and aboveboard regarding all matters pertaining to the project. As a matter of fact, they felt they'd gone to great lengths to show where all the monies were expended. Mr. Tim Bidwell interjected inaudibly from the audience.

Mr. Coy Williams revisited the **Cobblestone Subdivision** issue. Mr. Williams expressed disapproval toward Commission Skinner for approving to use public funds to pay for an eminent domain proceeding to correct a safety issue of a special interest. He said, "To

me, public funds are to be used for the public's benefit. I travel that road several times a day, and with the Sheriff's documents on file, if I have an accident out there, I'm going to sue every individual; collectively and individually." He encouraged the Board to make certain when using public funds that they aren't simply helping out special interests. Changing topics, he told the Board that while reviewing the Columbia County Charter that there is no listing of the members who served on the Charter Board, there is no date of execution or date the charter was voted in that is reflected on the charter document. He felt this was significant in that it reflects how imprecisely the county is managed. He cautioned the commission to pay closer attention when drafting contracts that will protect the county's interest.

Commissioner Weaver responded the Charter was not drafted by the Board of County Commissioners, and the commissioners did not have the authority to alter the document. The commissioner agreed it should have been dated on the day of adoption.

Mr. Gene Berryhill asked, "On the **softball fields (Westside)**, where they're moving fences... What are we going to do with the property and who owns it and what's the future of it?" The response was the City of Lake City holds an easement to the property, which was granted by **Columbia County Resources** (Fairgrounds Group). This is the property that was an issue through the process of acquiring the Connector Road right-of-way. Since negotiations with the Columbia County Resources have been unsuccessful to date, the property remains with the City of Lake City. Mr. Berryhill asked, "Are we going to use their fences, or is the City going to move...or are we going to use it on a new softball field. Mr. Williams responded, "They're going to be used for the new perimeter fence at the new softball field as I understand it."

Regarding the **Bascom Norris Bypass**, Mr. Berryhill recalled during the development phase, lines were drawn with a stopping point behind Redbud Enterprise and eventually extended further. He said that he has a problem with the appraisals. He recalled the County's appraisal of Rountree's property being \$30,000, but the County paid \$270,000. \$240,000 was for a parking lot, due to loss of business. He said, "All it was was a parking lot and I see no loss of business, because he's still using it today. And he has been since we bought it." He told the Board to be careful, and to watch what they are paying for property. Mr. Dale Williams responded that he believed there was one appraisal that did not find severance damage and one that did list severance damage. He also suggested the county, in their planning, find a way to relieve the congestion at the Hwy. 90 and Bascom Norris Drive intersection. Finally, regarding **Brookwood Subdivision**, Mr. Berryhill said that only because there appears to be a safety issue, he agrees that there is a need to acquire an easement for the development, but criticized Commissioner Skinner, "As the commissioner of that area, I think you should have noticed the problem before everything took place."

Mr. Tim Bidwell reaffirmed the need for a **Fresh Water/Clean Water Act** in Columbia County. Mr. Bidwell restated his position, and then concluded that just because the State finds something to be all right doesn't mean it should be alright to the county. He said,

"Just check it (the livestock market) out." He told the Board that when a heavy rain comes, the manure washes away into the ditches and is carried throughout the county.

Mr. Feagle stated. "I didn't know what creek went behind **Columbia Live Stock Market**. That was my question to Mr. Williams. I've been in Columbia County all of my life; I didn't know if it was Rose Creek or what creek it is behind Columbia Live Stock." Mr. Bidwell responded, "It's not a creek, it's an open cesspool with cow poop in it! Every time we get these torrential rains, it goes over here." Then over the road, over there, and then we wonder how we come up with all of the E. Coli in our water." He assure the Board he isn't trying to pick on the livestock market, but feels all like businesses should be looked into as possible E. Coli sources.

Mr. Chuck Shane commended the Board on presenting Mr. Brim with a plaque of appreciation. He asked if anyone had an update on his condition. The Board responded that they have not received recent information. Mr. Shane asked where the County stands with **Tourist Information Radio Network** and the Court. Mr. Feagle offered that this week he received answers to his interrogatories and is now in the process of reviewing them. He said that he plans to depose one of the corporate representatives soon. Mr. Feagle invited Mr. Shane to stop by his office to review the information they provided. The next step will be to schedule a deposition and request a trial date from the judge. On another issue Mr. Shane asked Commissioner Montgomery of any developments with **amateur radio** at the 911 office. Commissioner Montgomery referred the question to Mr. Feagle who responded that there is now an application in the works for amateur volunteers to apply. The volunteers would not be agents or employees of the county, but may assist the county on a volunteer basis. Mr. Shane suggested Mr. Feagle obtain the legal rules from Tallahassee regarding this matter prior to proceeding.

Mr. David Rountree spoke regarding the **Political Sign Ordinance**. He asked if the existing **ordinance (92-1)** is still in place. Mr. Feagle responded that it is still in effect. Mr. Rountree said if that is so, there should be no political signs placed in Columbia County at this point in time. He encouraged the Board to put something in place to protect the candidates. The response was, "That's what the ordinance says, and the LDRs say that. Obviously, the Board said they were going to change that ordinance and have no political signs in the public right-of-way, and we're not going to have restrictions on private property." Mr. Feagle said the question is whether the county intends to enforce the ordinance on the books. Mr. Rountree said that no matter what the Board "expressed" at the last meeting, there is still an ordinance in place that was approved by the Board of County Commissioners, and candidates are breaking the law of the county if there's not something in place to protect them. There was discussion between the commissioners. Ultimately it was agreed that the Board should not tell a person how or when they may display a sign on their private property. The Board offered that they do not intend to enforce Ordinance 92-1 as it relates to political signs on private property and the sixty (60) day restriction. However, the Board does intend to have all signs illegally placed in the county's right-of-way disposed of. Mr. Feagle agreed that a motion of the Board's intent should be put on the record.

Motion by Commissioner Williams to not enforce Ordinance 92-1 as it relates to political signs on private property and the sixty (60) day restriction, until the ordinance can be modified or rescinded. Second by Commissioner Flinn. The motion carried 4-0. Commissioner Weaver was momentarily away from the meeting.

There is a new ordinance in the works that should be on the Planning and Zoning Board's next agenda. Hopefully, it will be ready for the Board of County Commissioners at the first meeting in May.

Mr. Steve Evans, a new resident of Columbia County introduced himself to the Board. He said, "My wife and I love Columbia County and we're extremely happy living here. The Board must be doing something right because this is a wonderful county."

There being no further business, the meeting adjourned at 9:00 P.M.

ATTEST:

Chairman George Skinner

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P. DeWitt Cason  
Clerk of Circuit Court

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Board of County Commissioners