

**Minutes of:**  
  
**Board of County Commissioners**

*October 17, 2002  
7:00 P.M.*

The Board of County Commissioners met at the School Board Administration Office in a regularly scheduled meeting.

Commissioners Present: Kenneth Witt (Chairman), James Montgomery, George Skinner, Dewey Weaver and Ronald Williams.

Others Present: County Coordinator - Dale Williams, County Attorney - Marlin Feagle, Asst. County Coordinator - Lisa Roberts, Deputy Clerk - Sandy A. Markham.

The meeting came to order. Commissioner Montgomery opened with prayer and the Pledge of Allegiance to the Flag of the United States of America followed.

I. Mr. Ralph Cellon, a representative of Morgan Keegan & Company gave a presentation on the **Bay County 2003 Single Family Housing Program**. He told the Board that there may have been an unintentional misrepresentation in the materials distributed by the **Escambia County Housing Authority**. He said their interest rate was shown as being 6.35, when it is actually 5.80. He said that Escambia's interest rate is 5.85. Three letters were distributed to the Board from local lenders supporting Bay County. **See attached.**

Ms. C.J. Pipkins of Escambia County told the Board that according to reports and contrary to Bay County's presentation figures, they don't have but one loan purchased, and three other loans in process. She acknowledged the discrepancy could be due to a backlog. She expressed that First Federal Bank was an awesome and active banking institute while she worked with them. She said that she was not aware of any problem they had, and couldn't imagine them not wanting to work with them.

**Rob Burns**, a local lender of **First Federal Bank** was present and explained to the Board that they lending institution found Escambia County very difficult to work with. The Board responded by saying they feel it is imperative to the success of the program that the lenders are happy.

The chairman declared the public hearing open on Bay County Housing Authority. There being no input, the public hearing closed.

The Chairman declared the public hearing open on the **Escambia County Housing Authority**. There being no input, the public hearing closed.

Motion by Commissioner Williams to choose **Bay County Housing Authority**, and adopt a resolution to enter into an **inter-local agreement**. Second by Commissioner Skinner. The motion carried unanimously. **Attached:**

II. Brian Kepner of Building and Zoning presented the following:

**ZONING AMENDMENTS:**

- (1) **Z 0390** Darrell Hunt District 3 Commissioner Skinner. The requested zoning change is from residential single family, to commercial neighborhood. The property is located East of Brown Road. The Planning and Zoning Board recommended approval.

The Chair declared the public hearing open. There being no input, the public hearing closed.

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

**SPECIAL PERMITS:**

- (1) **SP 010** Price/Grinnell District 3 Commissioner Skinner. The special request is for a **peat mining operation**. The property is located North of U.S. Hwy 90, very close to the Suwannee County line. The Planning and Zoning Board recommended approval.

The Chair declared the public hearing open. There being no input, the hearing closed.

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

- (2) **SP 011 Price/Brown** District 3 Commissioner Skinner. Application was withdrawn by applicant. No action taken.
- (3) **SP 012 Bullard/Timmerman/Bullard and Denune Investments Inc.** District 1 Commissioner Williams. The request is for a **borrow pit** in an environmentally sensitive area. The property is located on **N.W. Everett Terrace**, off of **Suwannee Valley Road**. The Planning and Zoning Board recommended denial, because of the area being environmentally sensitive, there are some public

safety issues, and approval would effect property values and very possibly create adverse conditions.

The Chair declared the public hearing open.

Mr. **Mike Arthur** spoke in opposition. In addition to the concerns expressed by Planning and Zoning, he was of the opinion that the request is to put a borrow pit in a neighborhood. He contended it wasn't fair to let loud, heavy trucks run in the area since property owners in the area had made their land purchases with the intention of living in a quiet and serene location. He reminded the Board that the primary road being traveled for this operation has problems, and it has already collapsed twice, which has resulted in the road having to be repaved. He said the road is already caving in again. He feels it is currently difficult for the road to take the stress of the daily traffic from cars and school buses, and to add heavy trucks would make no sense. He said that there were several roads in that area in poor condition, and approving this would only cause the roads to suffer more. He expressed concern that several parcels of land in the area were recently divided into residential lots and sold. He wondered if the new owners were notified of this proposed barrow pit prior to purchasing, or if they had been notified since the purchase.

Mr. **Chris Bullard** and **Brian Timmerman** spoke in favor of the borrow pit being place on **Everett Road**. Mr. Bullard said they would not run after 5 p.m. He doesn't think the area is populated enough that it would create an impact on area residents. He said the subject property is located in the 100 year flood plain, but isn't a "wetlands" property. He told the Board that the area isn't highly traveled, and that the recently sold lots in the area were owned and sold by him. He said he owns the property Mr. Arthur is speaking of, and has sold two of the lots. He said both lots were purchased by residents already in the area to increase their property size. He said if anyone else purchases, they will know in advance of the plans for the borrow pit. He said when they are finished, the lands will be reclaimed and will be to specifications of the Department of Environmental Protection. There are plans to leave large trees surrounding the area so that it is not visible from the road. Mr. Timmerman concluded by saying his heavy equipment is new and modern equipment and doesn't make much noise

The public hearing closed.

Motion by Commissioner Williams to approve, with the following operational restrictions: Operations will not be allowed to begin prior to 8 a.m. and must cease no later that 5:00 p.m. The days of

operation will be Monday through Friday. There shall be no work on the weekends, state holidays or federal holidays. They shall comply with all permit requirements. Second by Dewey Weaver. The motion carried unanimously. **See attached resolution.**

LAND DEVELOPMENT REGULATIONS TEXT AMENDMENT(S):

- (1) **LDR 02-3** Board of County Commissioners **Borrow Pit** Amendment (2<sup>nd</sup> Hearing). Mr. Kepner requested language be added stating that *Notices of Intent* be published in the newspaper, and that a sign be placed on subject property advertising the purpose of the application, and where additional information may be obtained.

The Chairman declared the public hearing open, and called for input.

An unidentified citizen asked how the general public would voice their concerns or offer input. Mr. Kepner responded that they could submit their comments and concern regarding the application in writing to the **Planning and Zoning Board Administrator**.

It was asked if the only one person making the decisions regarding things submitted in writing would be the Planning and Zoning Board Administrator. The response was, "Yes." Mr. Marlin Feagle added that a person always has the right to an appeal process if they are not happy with decisions made.

**Eugene Carter** opposed the amendment stating decisions should be made by more than one person (referring to the Planning and Zoning Administrator). Mr. Carter was of the opinion that Mr. **Brian Kepner** is not as familiar with his duties as he should be, and certainly is not qualified to make such decisions on his own.

There being no additional input, the public hearing was closed.

Motion by Commissioners Williams to adopt the amendment, with appropriate wording being added that would provide sufficient notice to the citizens. Second by Commissioner Montgomery. The motion carried unanimously. **[REDACTED]**

- (2) **LDR 02-5** Board of County Commissioners **Temporary Vendor** Amendments (1<sup>st</sup> Hearing). These amendments add definitions to the LDRs, and also address **tent and temporary use sales**. This amendment will make the LDRs consistent with the ordinance adopted on September 05, 2002 addressing **roadside vendors**.

The Chair declared the public hearing open. There being no input, the Chair closed the public hearing.

Motion by Commissioner Weaver to approve. Second by Commissioner Skinner. The motion carried unanimously.  
**See the attached resolution.**

### III. CONSENT AGENDA

Motion by Commissioner Williams to adopt the consent agenda. Second by Commissioner Weaver.

There was a call for clarification of items 6, and 7. Mr. Dale Williams gave clarifying information.

The motion carried unanimously.

- (1) Invoice **North Central Florida Regional Planning Council**  
\$3,392.75
- (2) Invoice North Central Florida Regional Planning Council  
\$8,000.00
- (3) Clerk of Courts Declaration of **Surplus Property** Task Chair  
#07041
- (4) Suwannee River Economic Council, Inc. State Housing  
**Initiatives Partnership (SHIP) Program** Subordination  
Agreement **Palas April Sanders.** **See attached agreement.**
- (5) Suwannee River Economic Council, Inc. **State Housing**  
**Initiatives Partnership (SHIP) Program** Release of Lien  
Agreement **George C and Jerri Lynn Feagle.**  
[REDACTED]
- (6) Department of Community Affairs Division of Emergency  
Management Modification #3 to **Hazard Mitigation Grant**  
**Agreement** \$109,209.00. **See attached agreement.**
- (7) Construction Management Change Order #8 – **Evans Fire**  
**Protection Company** \$10,335.00 Additive
- (8) Invoice Darabi and Associates, Inc. \$1,187.53
- (9) Invoice Darabi and Associates, Inc. \$2,106.60

- (10) Invoice – Darabi and Associates, Inc. - \$2,983.32
- (11) Invoice – Darabi and Associates, Inc. - \$1,589.33
- (12) **Property Appraiser** Department – **Constitutional Officer Report** for FY 10/01/01 thru 09/30/02
- (13) North Central Florida Regional Planning Council – Amendment 1 – Annual Verification of **Hazardous Waste Management Practices** Agreement. **See attached agreement.**
- (14) **Mosquito Control Program** – Department of Agriculture & Consumer Services FY 2002-2003 – **Mosquito Control Contract** - \$46,945.20
- (15) 9-1-1 Addressing – Naming of Found Unnamed Roads – **SW Griffin Court**
- (16) **South Birley Avenue** Project – Acquisition of Right-of-Way Settlement – Parcel No. 4 – **Janice Jennings** - \$5,250.00
- (17) **South Birley Avenue** Project – Acquisition of Right-of-Way Settlement – Parcel No. 2A – **Alvin Leonard Dicks** - \$1,000.00
- (18) **South Birley Avenue Project** – Acquisition of Right-of-Way Settlement – Parcel No. 3 – **Norman Adams** - \$3,250.00
- (19) **South Birley Avenue** Project – Acquisition of Right-of-Way Settlement – Parcel No. 12 – **Cy and Mary Lou Perkins** - \$8,000.00
- (19) Public Official Bond & **Oath of Office** – **Dewey A. Weaver** – County Commissioner – District 2
- (20) Resolution – Supporting Columbia County Resources, Inc. – Application for the State of Florida Commissioner of Agriculture's Promotion Award. **See attached resolution.**
- (21) Utility Permit – Bell South Telecommunications – **NW Moore Road**
- (22) Utility Permit – Bell South Telecommunications – **NW Old Mill Dr.**
- (23) Utility Permit – P2 Environmental, Inc. – **East Washington Street**

(24) Minute Approval – Board of County Commissioners – Scheduled Workshop – July 11, 2002

*\* Clerk's Note: The Consent Agenda had two item #19s.*

IV. Jafus Allen Road

The **Jafus Allen Road** issue continues to be in litigation to determine whether it is a county roadway. The Court in one instance has already determined Jafus Allen Road to be a public roadway by Chapter 95 of the Florida Statutes. Chapter 95 states that if a county constructs and maintains the roadway for a period of four years, the road is deemed to be owned by the county; with or without a deed or formal dedication to the county. Mr. Feagle said efforts were made (including mediation) to resolve the issue without going to a final hearing, but to no avail.

Mr. Feagle showed the Board a two-year old plat prepared by Donald F. Lee & Associates. Mr. Feagle said he has also discussed this issue with citizens who are familiar with the road, and he believes the road was constructed in the late 1950's or early 1960's, and was actively maintained by the County for a number of years. He said the maintenance included pulling ditches and grading. It was reported to Mr. Feagle that in the 1980's, some of the residents asked the County to cease grading the road. Until approximately two years ago the County did not actively maintain the road. But, because a property owner placed a fence in the road, the County had no choice but to have it taken down and has now had to have a survey prepared.

The Board was asked by Mr. Feagle to follow statutory procedure under Chapter 95, and to certify Jafus Allen Road as a county roadway in accordance with Chapter 95. He said once certified, the plat will be filed with the Clerk of Courts office and presented at the final hearing next week. The Board believing this to be a county road, by their constructing and maintaining it, the following motion was made:

Motion by Commissioner Weaver to certify Jafus Allen Road as a county roadway under Chapter 95. Second by Commissioner Skinner. The motion carried unanimously.

V. Commissioner Montgomery addressed the **Leisure Lane** issue he discussed at the last meeting.

Motion by Commissioner Montgomery, *"I'd like to begin negotiations with Quail Heights to acquire Leisure Lane in order to connect up a\* county road."* Second by Commissioner Williams. The motion carried unanimously.

*(Clerk's Note: \*A road name was not provided.)*

VI. Motion/request by Commissioner Williams for permission to enter the private property of **\*Mr. Henderson** located on **Winfield Road** for the purpose of correcting a flood problem. Second by Commissioner Skinner. The motion carried unanimously.

*(Clerk's Note: \*Mr. Henderson's first name wasn't provided.)*

VII. Commissioner Witt asked permission to remove dead trees located along the side of a county road formerly named **\*Olustee**. He expressed concern that they may fall and cause an accident.

Motion by Commissioner Weaver, "So move." Second by Commissioner Skinner. The motion carried unanimously.

*(Clerk's Note: \*Current name of the road was not provided.)*

VIII. Commissioner Williams asked that the exact county right-of-way be determined for **Washington Street**, at the corner of **Davis Street**. He said that there are a couple of large Oak Trees that are a potential driving hazards and need to be removed. He wants to make sure they are located on the County's property prior to removing them. Staff acknowledged the request.

VIII. Citizen Input.

Mr. **Wayne Williams** congratulated Commissioner Weaver on his reelection. Mr. Williams said, "It wasn't on my vote, but I will support you any way I can."

Mr. Williams reiterated his concerns that Columbia County needs additional industry and asked the Board to be diligent in their effort to bring industry into Lake City. He also complained again of the high gas prices in the county.

ATTEST:

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Board of County Commissioners

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P. DeWitt Cason  
Clerk of Circuit Court