

Board of County Commissioners

Minutes of  
January 16, 2003

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

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

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

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

*Small Scale Land Use Amendments*

1. CPA 0101 Board of County Commissioners - District 4.  
The request is to change 3.96 acres from Agricultural III to Conservation. The property is located in Tustenuggee Hill Subdivision. The Planning and Zoning Board recommended approval. The public hearing opened and closed without opposition. Motion by Commissioner Flinn to approve. Second by Commissioner Weaver. The motion carried unanimously.
2. CPA 0102 Board of County Commissioners - District 3.  
The request is to change 1.96 acres from Residential Low Density to Conservation. The property is located on Troy Road. The Planning and Zoning Board recommended approval. The public hearing opened and closed without opposition. Motion by Commissioner Skinner to approve. Second by Commissioner Weaver. The motion carried unanimously.
3. CPA 0104 Board of County Commissioners - District 5.  
The request is to change 0.82 acres from Residential Low Density to Commercial. The property is located on the northern side of Grandview Ave. The Planning and Zoning Board recommended approval. The public hearing opened and closed without opposition. Motion by Commissioner Montgomery to approve. Second by Commissioner Weaver. The motion carried unanimously.

### ***Zoning Amendments***

1. Z0391 George W. Hunter (Agent Terry McDavid) - District 5.  
The request is to change 9.99 acres from Residential Single Family II to Commercial Intensive Zoning. The property is located on Burnett Road. The Planning and Zoning Board recommended approval. The public hearing opened and closed without opposition.

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

2. Z0392 Daniel Crapps (Agents Bailey, Bishop & Lane) - District 2.  
The request is to change 95.4 acres from Agricultural III to Planned Rural Residential Development Zoning. There will be nineteen lots within the development. The property is located on the southeastern corner of U.S. Hwy. 90 and SW Mayo Road. The Planning and Zoning Board recommended approval.

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

### ***Special Permits***

1. SP 013 Lenvil H. Dicks - District 3. The request is to allow a 24 acre borrow pit in a rural residential zoning district located approximately 3/4 of a mile West of U.S. Highway 41, and 400 feet North of Spring Hollow Subdivision. The Planning and Zoning Board recommended approval. The public hearing opened and closed without opposition. Commissioner Skinner explained that some of the residents in Spring Hollow initially had concerns, but they have since had them satisfied.

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

### ***Subdivision Extension (12 mo.)***

1. Falling Creek Village Subdivision - Developer **Larry Lones** requests a twelve month preliminary plat extension for Phase II of **Falling Creek Village Subdivision**, formerly known as **Falling Creek Retirement Village**.

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

II. Ms. Mildred L. Hill requested the matter regarding the relocation of a portion of Frazier Green Road be withdrawn from the agenda.

### III. Consent Agenda

Commissioner Williams abstained from voting on items 32-37 due to a conflict of interest. The items were pulled. [REDACTED].

Motion by Commissioner Weaver to approve the Consent Agenda with exception to items 32-37. Second by Commissioner Montgomery.

There was a call for clarification on items 19 and 46. Mr. Dale Williams provided clarifying information.

The motion carried unanimously.

Motion by Commissioner Weaver to approve items 32-37. Second by Commissioner Montgomery. The motion carried 4-0 with Commissioner Williams abstaining.

1. North Central Florida Regional Planning Council invoice. Council dues from January 01, 2003 through September 30, 2003 - \$10,178.25.00.
2. Donald F. Lee & Associates, Inc. invoice - Countywide engineering and inspection - \$3,360.00.
3. Donald F. Lee & Associates, Inc. invoice - Old Thomas Road - \$1,335.63.
4. Donald F. Lee & Associates, Inc. invoice - County Road Inspection - \$1,610.00.
5. Donald F. Lee & Associates, Inc. invoice - Birley Road North - \$4,620.00.
6. Donald F. Lee & Associates, Inc. invoice - County Road 250 - \$320.00.
7. Donald F. Lee & Associates, Inc. invoice - County Road 25-A - \$320.00.
8. Donald F. Lee & Associates, Inc. invoice - Bypass Project - \$1,070.00.
9. Donald F. Lee & Associates, Inc. invoice - Birley Road South - \$480.00.
10. Donald F. Lee & Associates, Inc. invoice - Ormond Witt Road - \$4,580.70
11. Donald F. Lee & Associates, Inc. invoice - Booker T. Combs Road -

\$737.50.

12. Donald F. Lee & Associates, Inc. invoice - Bangor Road - \$151.25.

13. Donald F. Lee & Associates, Inc. invoice - Elevation drainage - Eastside School - \$331.88.

14. Donald F. Lee & Associates, Inc. invoice - SW Lee Dairy Road - \$4,238.70.

15. Donald F. Lee & Associates, Inc. invoice - Service Zone Phase II - \$860.00.

16. Donald F. Lee & Associates, Inc. invoice - Cypress Lake Road - \$320.00.

17. Darabi and Assoc., Inc. - \$1,862.14

18. Darabi and Assoc., Inc. - \$1,282.12

19. Darabi and Assoc., Inc. - \$102,625.00

20. External Budget Amendment - BA#02-11 (Sheriff's Office BA #6) - Multi-Jurisdictional Task Force Grant - \$4,471.32.

21. Construction Management Change Order #8 - Shea's Glass Co., Inc. - \$41,326.00 deduction.

22. Utility Permit - Bell South Telecommunications - NW Turner Avenue.

23. Utility Permit - Bell South Telecommunications - NW Falling Creek.

24. Brad Dicks - Reappointment to Planning and Zoning Board/Board of Adjustments - Term 01-01-03 through 01-01-06.

25. Vehicle Transfer of 2001 Ford Taurus from Board of County Commissioners to Building and Zoning Department.

26. Public Works - Transfer of 1991 Caterpillar Excavator # 7851 to Landfill.

27. 911 Addressing - Naming of found unnamed roads:

(a) SE Woods Terrace

(b) SE Walter Flinn Lane

(c) SE Elk Place

(d) SE Pinecrest Place

(d) SE Powell Place

28. Public Library - Subscription Renewal Term Sheet and Renewal Agreement with big Chalk - E-library Subscription - \$1,200.00. **See attachment.**

29. County Extension - Travel allowance adjustments - Consumer Science Agent to \$30.00 per month, and 4H Program Coordinator to \$10.00 per month.

30. Board of County Commissioners - Riverside Uniform Rentals Service Agreement. **See attachment.**

31. Minute Approval - Board of County Commissioners - Regular meeting - December 19, 2002.

32. Anderson Columbia Co., Inc. invoice - NE Bonds Street - \$7,330.65.

Clerk's Note: Commissioner Flinn asked that the record note this items isn't in her district.)

33. Anderson Columbia Co., Inc. invoice - Adron Street - \$10,494.00.

34. Anderson Columbia Co., Inc. invoice - Bear run - \$1,528.80.

35. Anderson Columbia Co., Inc. invoice - Eastside School intersection repair - \$2,150.00.

36. Anderson Columbia Co., Inc. invoice - Everett Road - \$12,282.40.

37. Anderson Columbia Co., Inc. invoice - Suwannee Valley Road - \$18,354.74.

38. Utility Permit - Alltel Florida, Inc. - Sedgfield Drive/Healan Court.

39. Utility Permit - Alltel Florida, Inc. - Central Blvd.

40. Utility Permit - City of Lake City - CR 341.

41. Clerk of Courts - Declaration of surplus property. **See attached list.**

42. Public Works - Transfer of 1990 Chevrolet C 1500 pickup 1/2 ton 4X2 #9723 to landscaping.

43. Reappointment - Suwannee River Economic Council, Inc. Board of Directors - Ludie Shipp.

44. Solid Waste Department - Bid No. 200-C Renewal Agreement Waste Tire Removal for Recycling Contract - Wheelabrator Ridge Energy, Inc. - \$79.50 per ton. **See attachment.**

45. Suwannee River Water Management District. An inter-local agreement between Suwannee River Water Management District and Columbia County for O'Leno to Ichetucknee Trail. [REDACTED].
  46. Financial Management - Fiscal Year 2003-2004 - EMP Competitive Grant Application - \$153,270.00.
  47. Lake City/Columbia County Youth Baseball - Request for Fiscal year 2002-2003 Funds - \$14,000.00.
  48. Public Works - Approval to access private drive for hauling/removal of debris in connection with Old Thomas Camp Road improvements.
  49. Minute approval - Board of County Commissioners meeting - January 02, 2003.
- IV. Marcelle Bedenbaugh, the County Veterans Service Officer ("CVSO") is scheduled to retire in November 2003 after thirty years of service with Columbia County. Ms. Bedenbaugh has submitted a two part proposed severance package, which requests:
- (1) The Board consider giving creditable service for the period October 01, 1969 through September 30, 1972, which is the time Ms. Bedenbaugh claims she served as secretary to her husband, the late Claude Bedenbaugh who was CVSO. Mr. Williams told the Board that unfortunately, there is no documentation supporting her employment in that three-year timeframe. He explained that the old employee records were searched, as well as the records of the State Division of Retirement, and other old archives of the county. Although the county doesn't dispute the years of service claimed, it is unfortunate that there doesn't seem to be any obtainable documentation.
  - (2) Ms. Bedenbaugh would like to begin her retirement in March 2003. She feels the Board has set a precedent that would allow her to receive a severance package should she elect to retire in March. Mr. Williams told the Board that her belief is based on what may have been done for two employees of the County's Industrial Development/Chamber of Commerce office.
- Staff reported there are no provisions in current policy, which allows the County to grant this type of request administratively. For that reason, it was presented to the Commission.
- The Commission asked if there was anything at all supporting Her employment in the three years being questioned. Mr. Dale Williams responded by saying he has searched everything he knows available, and the Clerks Office has also researched their records. Unfortunately, neither have found any type of

documentation that will prove Ms. Bedenbaugh was a paid county employee during that time. The Florida Division of Retirement reflects her retirement began October 1972, and that she will have thirty years of creditable service at her November 2003 retirement date.

Ms. Bedenbaugh addressed the Board stating that she received compensation from the County for her work October 1969 through September 1972 timeframe. She said, *"Under Florida Statutes, the Veterans Service Office is under the Board of County Commissioners, and I was being paid by the Board of County Commissioners, and I picked up my checks from the Clerk of Courts office. In those days, we didn't have computers, and my deductions were only noted on my paycheck. Regretfully, I didn't save my income tax records, because I destroyed them when I sold my large house, and purchased a smaller house. I regret that today. The Clerk of the Court at that time was Bill Crews and he remembers my service, but I haven't had a chance to get a written statement from him."*

She told the Board that in their proposed package, they would find copies of an old 1969 budget obtained from the Clerk's office, which shows salaries and wages established for a staff person for the Veterans Office. She said they (She and her husband) did have a staff person during that time. Ms. Bedenbaugh explained that the staff person left the Veterans Service Office in the summer of 1969 to pursue her education, and she filled the vacancy. According to Ms. Bedenbaugh, there was some reason that she wasn't allowed to go on the payroll at that time, but was put on the payroll in October 01, 1969.

Commissioner Williams asked, "Are there any records available on the staff person she is referencing?" Mr. Dale Williams responded, "no."

Ms. Bedenbaugh offered that some records were stored upstairs over the Veterans Service Office. Shortly after the records were stored, their office experienced an insect and rodent infestation. A pest control inspection revealed the rats had been eating the records.

Commissioner Montgomery asked, "Wouldn't the Clerk have some type of record?" Ms. Bedenbaugh responded, "There were some payroll check stubs that were suppose to be in the jail, and Dale sent someone to look." She told the Board she had not personally looked and that the day she was scheduled to go along with someone to research the records, it began to rain, and "the person" told her that the building leaked and therefore they shouldn't go. She said that since then, she's been too busy with her job to take a day off and research the records.

Mr. Marlin Feagle said his general understanding of the retirement system is that employees who worked for the county prior to the county becoming a part

of the State Retirement System in 1972, were carried over, and their years of service counted toward the State's system. He question what the fiscal impact of the foregoing would be on the county, asked what difference the three years will make other than enhancing the retirement package, and wondered how the three years in question may have been counted into the State's retirement system. Ms. Bedenbaugh responded, *"I really don't know. I know that for some short period of time county employees paid into their retirement. It was just deducted from our check, so I know the State wasn't responsible for receiving the money. But, I really don't know."*

In summary, she said the problem is simply that she should retire with 33 years on the book instead of 30. She said she realizes many think her work was voluntary. She agrees that she volunteered her years from 1959-1965. However, then she actually began working for pay in October 1969.

Commissioner Montgomery asked, *"Do you know if that was customary for other employees records to not show up during that time?"* The response was that this appears to be an isolated incident.

Commissioner Williams asked, *"Would it be acceptable to get a notarized statement from former Clerk of Court Bill Crews, stating that he did write her monthly paychecks, and maybe approve it subject to receiving the statement?"* Mr. Feagle responded, by saying, *"Yes, that would a sworn affidavit from the former Clerk of Courts, or anyone who had personal knowledge could provide a written affidavit."*

Commissioner Montgomery asked, "Where are the records? Are all of the records for that period of time gone, or are just Ms. Bedenbaugh's records missing?" Mr. Dale Williams responded, *"The records being referred to are payroll records, and are under the custody of the Clerk of Courts. I did not personally inspect those records. We requested the information, and was advised that the records were not obtainable. Therefore, I have no idea of what other records may be in the Clerk's possession. I just know that Marcel Bedenbaugh's payroll records are not there."* Commissioner Montgomery expressed, *"Her claim would be more valid if "all" the records were gone, instead of just "her" records."*

Staff suggested contacting the Division of Retirement to determine if there is a fiscal impact, if so, what it is. Also, to try to determine if there is a procedure in place that must be followed for this type of action should the Board determine there is enough evidence that exists to credit Ms. Bedenbaugh with the three additional years of creditable service. In the meantime, Staff recommended Ms. Bedenbaugh obtain an affidavit.



She reminded the Board that she submitted an affidavit from a former county commissioner at that time, and that there was also a picture in the packet of Mr. Feagle, Mr. Bedenbaugh and Ms. Bedenbaugh and several others.

It was agreed that part two of the request could not be addressed until part one has been resolved. The Board will readdress this matter at a February meeting.

V. Permission was requested to apply for an Emergency Management Preparedness Assistance Competitive Grant for the next fiscal year (2003-2004). The grant amount would be \$52,650 and would require no match from the County. Monies will be used to purchase and install a Community Emergency notification System at the Columbia County Emergency Operations Center. The system will increase the speed, efficiency and accuracy of reaching the community with one uniform and reliable message. It will also allow key personnel to focus on the critical situation and, more importantly, it eliminates human error. A special alert message with specific instructions can be delivered to geographically selected areas for large-scale notifications, through multiple callout system, in the event of an emergency. Mr. Dale Williams noted that should the County be successful, there will be reoccurring monthly expenses with this purchase, primarily due to the phone lines it will require for operation. At this time, it is believed that the additional expense could be assumed in the regular operating budget of 911, and would not require any additional outlay on the part of the Board.

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

VI. Columbia County Charter.

Mr. Dale Williams asked the Board to take action on the following items based on the adoption of the Columbia County Charter:

(1) There was a request to have Marlin Feagle review certain ordinances in the area of adult entertainment, air/water pollution standards, level of service standards for streets, alcoholic beverages and firearm regulations in order to ascertain whether there is conflict with existing municipal ordinances with Fort White and the City of Lake City. This will ensure compliance with Section 1.8 of the Charter.

(2) Section 2.7 of the Charter requires the Board of County Commissioners to adopt a resolution designating the location, time and place for regular meeting of the Board. Mr. Marlin Feagle was asked to prepare the resolution. Staff strongly suggested that the resolution layout the procedures to be followed when it is necessary to deviate from the established location, time

and place of the regular meetings. This will eliminate the Board having to adopt a resolution each time there is a need to change a meeting.

(3) Approval is needed to prepare an Administrative Code, in accordance with Section 2.8(6) of the Charter. Mr. Dale Williams explained that for the biggest part, this will be done by the county staff.

(4) In accordance with Section 2.10 of the Charter, permission is needed to authorize the issuance of Request for Proposals to select a vendor for codifying all county ordinances. Mr. Dale Williams forewarned the Board that the codifying will be costly. He said that approximately ten years ago, the cost was approximately \$25,000.

(5) There was a request to change the title of the Assistant County Coordinator's title to Assistant County Manager to be reflective of the County Manager's position in the Charter.

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

In accordance with the Charter, the first organizational meeting will be November 20, 2003. The Charter states that it will be the third Thursday following the first Monday in November. A chairman and vice chairman will be selected at that time. The County Manager is required to report on the state of the County, review the prior year, and give recommendations on the upcoming year. Mr. Dale Williams stated he is considering the most appropriate time for this presentation. He assured the Board that the dates/times will comply with the charter.

VII. As was discussed in a previous meeting, Embree Construction Group has offered the County the opportunity to purchase a communications building located on East Washington Street. The building was built for Three Sixty Telecommunications Company. Unfortunately, during the construction phase, Three Sixty filed bankruptcy and therefore, Embree didn't receive one hundred percent of the contracted amount. The property was foreclosed on, and it is now being considered by the County for purchase.

The Board planned to hold a special meeting, and visit the building as a group by the end of the year (2002), but wasn't able to coordinate it. Each of the commissioners has taken time to review the building and found it to be an acceptable building to utilize as a Records Retention Center. As a matter of fact, it has many fine features that are not required nor needed for a Retention Center. They're asking \$450,000 for the communications building. The county has only budgeted \$250,000 for a Records Retention Center, and has no need

for a \$450,000 communications center. Therefore, they were inclined to either look for other property, or offer a lower amount.

Mr. Dale Williams reported the Property Appraiser has the building on the rolls for \$204,015. A fair market appraisal wasn't financially feasible since it would require a regional study of the United States. An appraisal was given of the estimated construction cost by George Brannon in the amount of \$1,342,000. Embree contracted with Three Sixty Communication at approximately 1.8 million dollars. The Board agreed it was a high dollar building for its intended use, but the County isn't interested in using it for what it is designed. Mr. Dale Williams said that Clerk of Courts DeWitt Cason was one of the first to go out and look at the building and feels it will meet their storage needs.

Motion by Commissioner Montgomery to make an offer of \$250,000, which is the amount the County already has budgeted for a Records Center. Second by Commissioner Weaver. The motion carried unanimously.

VIII. Ms. Lisa Robert reported that the County received a Release of Lien agreement under the State Housing Initiative Partnership Program in the amount of \$10,000. The seller of the property has relocated from Florida, and has discontinued making payments to the lender. Therefore, there is a deficit in the payoff. The seller's son is acting in behalf of the seller through a Power of Attorney, and cannot produce the payoff amount in order to proceed with the closing. In order to prevent the lender from foreclosing on the property, and the County receiving no reimbursement of SHIP funds, a request was made to approve a reduced payoff in the amount of \$5,204.04, and subject to the review and approval of the County's attorney.

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

IX. Commissioner Flinn advised that former Commissioner Kenneth Witt transferred the balance in his operating account (\$157,000) to the Road Improvement Fund before leaving office. She reported that she has noticed that on the past few Consent Agendas, there have been items on the agenda relating to the paving of Ormond Witt Road. She said that she believes everyone should be paid for the work already done on Ormond Witt Road, but stated she wants all other scheduled work on the road to be halted, and for the balance of the \$157,000 to be transferred back into District 4's account. Commissioner Flinn said there are six families living on Ormond Witt Road, and all six families (including Ormond Witt) has a petition asking that the road not be paved. According to Commissioner Flinn, Ormond Witt told the former commissioner that he didn't want the road paved. As an information item, she noted that Mr. Kenneth Witt owns approximately one hundred acres of property on Ormond Witt Road.

Motion by Commissioner Flinn, *"I move that the Board transfer those funds that Mr. Witt moved, the \$157,000 plus funds that were District 4's funds, from the Road Improvement Fund, back into District 4's 5th and 6th Fund."* She noted that the transfer should be minus money's already spent. Second by Commissioner Skinner for discussion.

Commissioner Weaver stated he has no problem with that as long as Staff will audit the money spent on the road, and then transfer the balance.

Mr. Dale Williams suggested that since there is no way to determine what monies have been incurred, but not yet billed, an appropriate motion may be to transfer monies now allocated in the Road Improvement for Ormond Witt back to District 4's 5th and 6th Cent Funds, less and except any incurred expenses for that road. Commissioner Flinn clarified, *"That would be the \$157,000 minus the \$4,580.70?"* Mr. Dale Williams responded, that there may be other monies on prior agendas, but that the balance would be returned to District 4. The motion carried unanimously.

X. Commissioner Skinner asked Mr. Hawkins to give an update on the works on Lake Jeffrey Road. Mr. Hawkins reported the contractors began work on that road two days ago. They began by cleaning the right-of-way where the curve will be realigned near I-75. They began laying a leveling horse to take the unevenness out of the road. The next phase will be to lay the two-foot widening strips. The basin surface for the realigned curves will follow.

XI. Mr. Wayne Williams wished the Board a happy and prosperous upcoming year, and encouraged the Board to continue promoting industry. He also asked the Board to take time to meet with Mr. Ron Brooks, the new owner of the Lake City County Club. He reported that Mr. Brooks has plans to contribute to the betterment of the County.

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

ATTEST:

Chairman Ronald Williams

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P. DeWitt Cason  
Clerk of Circuit Courts

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Board of County Commissioners