

Columbia County

BOARD OF COUNTY COMMISSIONERS

March 18, 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.

I. North Central Florida Regional Planning Council

(a) Ms. Martha Orthoefer, Principal Planner conducted a brief Fair Housing Workshop, a requirement of the Community Development Block Grant Application process. The slide presentation covered the legal basis of Fair Housing, the protected classes, discrimination, parts of the agency, and enforcement procedures.

(b) Ms. Martha Orthoefer reviewed the grant. Columbia County is eligible to apply for a grant through the Community Development Block Grant (a federal grant) in the amount of \$750,000. The grant is administered through the Department of Community of Affairs. The grant is a neighborhood revitalization grant that will provide sewer and water service to the Five Points area, which is bounded by U.S. Highway 44 North and Double Run Road. Basically, the project will consist of providing new water lines and replacing existing water lines. The project will also provide for new sewer lines, installation of fire hydrants, and other drainage improvements. The resolutions to be considered will address matching funds of \$350,000 from the county gas tax. Resolutions will also address the Participation Plan, Community Development Plan, the Transition Plan, Non-Discrimination Grievance Plan, and the authorization to file the application.

The public hearing opened.

Mr. David Rountree noted that historically the county does not provide water and sewage hookups for its residents. He asked if the grant will provide for the water and sewer hookups for the residents in the specified area, or if they will be responsible for paying for the hookups. Ms. Orthoefer replied the grant may assist by paying for the water and sewer line hookups for low to moderate-income level families, but cannot pay the impact fee. Mr. Rountree asked if the grant would pay for the hookup of everyone in the specific area, or if those families exceeding the income level will be responsible for their own hookup. Commissioner Williams replied he believes every family in the area will qualify for the assistance. Mr. Rountree asked if according to Florida Statutes, once a municipality runs water/sewer through an area if residents are required to hookup, and asked whether the sewer and water cost would be paid to the County. Commissioner Williams advised they would only be required to hook on if there's a problem with their existing well or sewer and they are not able to obtain a permit to repair it.

The public hearing closed.

Motion by Commissioner Williams to approve the resolution authorizing the continuation of the Community Development Block Grant. Second by Commissioner Flinn.

Commissioner Montgomery expressed concern with the amount of required matching money, especially since there is uncertainty with the upcoming budget. He asked, "Are we obligated to match those funds if approved." Ms. Orthoefer replied, "If the county received the grant it would be over a fiscal period of two to three years. If the match goes into the application the county will receive points. If at a later point you don't want to match, or you can't match, then the application would have to be amended and there would be another public hearing and the application would then be re-scored. She noted that one point is given for every five thousand dollars leveraged, with a maximum of seventy points. But to answer the commissioner's specific question, "Your match money may impact your ability to get the grant, but um... if you didn't match the money but, yes there is a procedure that you could not do the match later on. If you guys chose not to later on, and they re-scored the application and you came in lower...um... you still have to have a higher score than the lowest funded project of that fiscal year. So, if that brought you down below that then you could be liable to pay the money back that has been spent up to that point." Commissioner Weaver offered, "When we approved the application process, we reserved the right to review it to determine if we had the match at that time. So, we'll get a second opportunity at that time if we get the grant to determine whether we can afford it." Commissioner Williams reminded his fellow commissioners that the match could be funded over two fiscal years, and expressed his hope that matching funds would be found just as they have many times in the past for grants.

The motion carried unanimously.

II. Building and Zoning by County Planner Brian Kepner

Zoning Amendments – Public Hearings

1. Z-0404 Bullard Development Company. The property consists of 9.94 acres. The request is to change the zoning from Residential Single Family I to Residential Single Family II. The property is located in District V, just West of SR 47 and South of Saddle of the South Subdivision. The Planning and Zoning Board recommended approval.

The public hearing opened. Mr. Chris Bullard was sworn. He spoke in favor of the change and stated he is still working on access. The public hearing closed without opposition.

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

2. Z-0405 Bullard & Denune Investments Company. The property is 9.75 acres. The requested change is from Rural Residential to Residential Single Family. The property is located West of SW Sister's Welcome Road, on the North side of SW Hope Henry Street. The Planning and Zoning Board recommended approval.

The public hearing opened. Mr. Chris Bullard was sworn and provided testimony in support of the change. The public hearing closed without opposition.

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

3. Z-0406 Wise Family L.L.C. The property is 9.98 acres. The requested change is from Rural Residential to Residential Single Family. The property is located North of CR 242, directly South of the City's spray fields. The Planning and Zoning Board recommended approval.

The public hearing opened. Attorney Austin Peele spoke in favor of the change. The public hearing closed without opposition.

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

4. Z-0407 Brian Trent Geibeig. The property is 9.98 acres. The requested change is from Rural Residential to Residential Single Family II. The property is located at the SE Corner of SW Kicklighter Terrace and SW Cannon Creek Drive. The Planning and Zoning Board recommended approval.

The public hearing opened and closed without opposition.

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

5. Z-0408 Elaine Tolar. The property is 8.45 acres. The requested change is from Residential Single Family II to Commercial General. The property is located on SR 247 (Branford Highway) and SW Kirby Avenue. The Planning and Zoning Board recommended approval.

The public hearing opened with Attorney Austin Peele speaking in favor. The public hearing closed without opposition.

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

6. LDR 04-1 Text amendment to the Land Development Regulations redefining *Mobile Home Park*. The added verbiage will clarify the difference between a mobile home park and a subdivision.

The public hearing opened and closed without opposition.

Motion by Commissioner Williams to adopt Exhibit B. Second by Commissioner Flinn. The motion carried unanimously.

Subdivisions

1. SD 0058 Commanders Row - Developer Ray Sessions - District V. Commissioner Montgomery said, "My only concern is that's a private private road, and the responsibility that we as a county have in relation to the construction of that road."

Motion by Commissioner Montgomery, "I move approval of that pending an inspection by the County's engineer as to the construction of that road...if sometime in the future we have to take over that road. Otherwise it is a private road." Second by Commissioner Weaver.

Commissioner Williams asked if the County has any jurisdiction to go onto the private road to see how it is constructed. He said he wasn't sure since this is an old private road that doesn't fall under the county's current subdivision ordinance. Mr. Feagle responded that the County's Land Development Regulations require that even private roads within a subdivision to be constructed to county standards. Therefore, the county does have a right to enter private property.

The motion carried unanimously.

2. SD 0138 Cate's Road Subdivision - Developers Pete James and Shirley Keen - District V.

Commissioner Montgomery asked how much development must there be before a developer can submit a final plat for approval. Mr. Kepner said it must be monumented.

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

III. Mr. Jeff Feller, the Resource Director for **North Central Florida Health Planning Council, Inc.** gave an overview of the history of the Council and its role in North Central Florida, how the commission helps shape the Board of Directors, the recent council activities and programs, and the upcoming Council activities. Mr. Feller invited the Board to review the CD provided to them to find information relating to a wide variety of healthcare issues.

Commissioner Skinner declared a conflict of interest since he is a member of the Board of Trustees at the Lake City Medical Center and asked Vice Chair Weaver to fill in in his place. The Board responded the presentation was only informational and no action was needed. Therefore, there is no need to declare a conflict or switch chairs.

Commissioner Williams said a woman contacted him over the past few weeks and reported she has a breast tumor over a year old. Unfortunately, she has not been able to get cancer healthcare assistance. The Health Department is attempting to get a doctor to work with her. He said she desperately needs help for the growing tumor, but thus far has been unsuccessful.

Commissioner Flinn suggested she inquire of the Medically Needy Medicare Program. She provided Commissioner Williams with a contact name and telephone number. Mr. Feller said Alachua County has a **"We Care" Program**. It is voluntary providers assisting with those in need from Alachua County. He said he understands they will see people occasionally from Columbia County. Mr. Feller told the commissioner if he would provide the name and telephone to the medically needy individual he would share the need with the coordinator of the Alachua County "We Care" program.

Regarding the lack of long-term care beds for this County, Mr. Dale Williams asked, "Any chance that Columbia County, at any point in the future, is going to be carved out of a district with multi counties and have to share beds?" Mr. Feller responded, It's possible, and next year the County's representative can initiate discussion and investigation into that possibility. Mr. Williams said that he has had providers approach him regarding the matter. He said, "If this is where the provider wants to build the facility, it seems like that should take some credence." Mr. Feller said there is a possibility. He suggested that through input from the Planning Council and the public that changes could be motivated to provoke redistricting.

IV. Jordan Green of the Department of Transportation introduced Wiley Page, the Urban Planning Administrator for PBS & J Engineering. Mr. Page presented the **I-10 Master**

Plan with plans through 2030. **See attached Plan.** A second round of public workshop will be held on Tuesday, April 13, 2004 at the Holiday Inn on Hwy. 90 West. The meeting will commence at 5:00 P.M.

V. Ms. Janie D. Coleman, representative from **Waste Management** updated the Board as to where they are with the County's commercial solid waste collection and disposal services. Waste Management advised they'd reviewed the service, rates, customer satisfaction, and their work relationship with the county. The current rates in Columbia County for disposal are \$42 per ton locally, and the City pays \$33 per ton outside of the county. The commercial haul rate for the County for waste is \$4.93 per yard, while the City's rate is \$5.50 per yard. A survey result shows that 95.7% of the County's commercial customer are happy with the service being provided by Waste Management. Ms. Coleman said that they continue to set a high standard for quality of service and have handled the County's customers with care. Looking to the future, Waste Management said that while they are the largest garbage company in North America, they're committed to continuing to operate on a very personal level with the county. She said their company has located and invested in Columbia County and that they intend to stay in Columbia County. In summary she said, "We feel like our company is an excellent value."

Mr. Williams advised the commercial contract expires September 30, 2004. Therefore, Board will have to decide what course of action it wishes to take. The residential contract with Waste Management expires in September 2006.

VI. Consent Agenda

Motion by Commissioner Weaver to approve the Consent Agenda except for item 9. Second by Commission Montgomery.

Commissioner Williams stated he would abstain from voting on items #4 and #6 due to a possible conflict of interest. Also, since he was in the hospital on February 19, 2004, he said that if the other commissioners agree the minutes of that meeting are correct he will vote in the affirmative. **See Form 8B attached.**

There was a call for clarification on item #23. This is a request to purchase a Carillon System for the cupola at the Courthouse. There have been discussion in the past as to whether there will be a chime in the Cupola. It was decided that there would be no mechanical chime, but provisions were made to install an electronic chime.

The motion carried unanimously.

Regarding items #4 and #6. Motion by Commissioner Weaver to approve. Second by Commissioner Flinn. The motion carried 4-0 with Commissioner Williams abstaining.

- (1) * Columbia County Health Department – Activities and Expenditures for Period Ending 12/31/03 - \$20,666.00
- (2) * Utility Permit – Bell South Telecommunications – SE CR 240
- (3) Solid Waste – Renewal Agreement - Waste Tire Removal for Recycling Bid No. 2000-C - \$79.50 Per Ton With County Loading Tires
- (4) Anderson Columbia Company, Inc. – Change Order #1 – Leisure Lane - \$37,155.46 – Lump Sum Agreement
- (5) Bid Award – Industrial Tractor – Repair Work on Excavator – Bid No. 2004-B – \$5,348.84
- (6) Bid Award – Anderson Columbia Company, Inc. – County Road 18 - Bid No. 2002-11 – \$1,246,902.51
- (7) Public Works – Declaration of Junk Property – Computer #11223
- (8) * 9-1-1 Addressing – Naming of Found Unnamed Roads –SE Bunny Court, SE Doe Glen, SE Joy Glen, SE Noble Glen, SE Olin Glen, SE Sandy Drive, SW Waterfall Glen, SE Tranquil Court, SE Alligator Glen
- (9) Fiscal Year 2004 Community Development Block Grant Neighborhood Revitalization Application – (a) A Resolution Adopting Amended Citizen Participation Plan and A Copy of Said Amended Plan; (b) A Resolution Adopting Amended Community Development Plan and A Copy of Said Amended Plan; (c) A Resolution Adopting Amended Transition Plan A Copy of Said Amended Plan; (d) A Resolution Adopting Nondiscrimination Grievance Procedures and A Copy of Said Procedures; (e) A Resolution Adopting Section 3 Plan and A Copy of Said Plan; (f) A Resolution Committing Matching Leverage Funds for The Fiscal Year 2004 Florida Small Cities Community Development Block Grant Application; (g) A Resolution Authorizing The Filing of The Fiscal Year 2004 Florida Small Cities Community Development Block Grant Application With The Florida Department of Community Affairs; (h) Applicant/Grantee/Recipient Disclosure Certification; and (i) Transmittal Letters To The Florida Department of Community Affairs, State Clearinghouse and Regional Planning Council.
- (10) * EMS Director – Rusty Noah - Annual Rate of Pay Increase to \$45,000.00 Per Year (\$21.63 hourly)
- (11) Contract For Employment – Mosquito Control Operator – Ronald O. Brooks - \$6.15 per hour from March 22, 2004 till October, 2004
- (12) Contract For Employment – Mosquito Control Operator – Augustus F. Chandler - \$6.15 per hour from March 22, 2004 till October, 2004
- (13) Contract For Employment – Mosquito Control Operator – Ronald H. Griffin - \$6.15 per hour from March 22, 2004 till October, 2004
- (14) Contract For Employment – Mosquito Control Operator – Robert L. Timmons - \$6.15 per hour from March 22, 2004 till October, 2004

(15) Contract For Employment – Mosquito Control Operator – Jerry V. Ward – \$6.15 per hour from March 22, 2004 till October, 2004

(16) *Suwannee River Water Management District – Comprehensive Annual Financial Report Ending September 30, 2003

(17) Minute Approval – Board of County Commissioners – Scheduled Workshop – December 30, 2003

(18) Minute Approval – Board of County Commissioners – Regular Meeting – February 5, 2004

(19) Minute Approval – Board of County Commissioners – Regular Meeting – February 19, 2004

(20) External Budget Amendment – BA# 03-17 - Sheriff's Office BA #8 – Victims of Crime Act – \$3,182.51

(21) Public Works – Callaway Subdivision – Speed Humps

(22) Columbia County and Charlie White, Contractor – Fencing Contract – Removal & Installation for Various County Projects

(23) Campbellsville, Industries, Inc. – Purchase of One Carillon System With Installation of Speakers and Drivers – Courthouse Cupola - \$8,806.00

(24) Suwannee River Economic Council, Inc. – S.H.I.P. Payoff – Joni Stone/Thigpen - \$8,000.00

(25) Statement of Understanding Between Columbia County Emergency Management Agency & the North Central Florida Chapter of the American Red Cross

(26) Purchase of Right-Of-Way/Bascom Norris Drive (North/South Connector) – Columbia County Resources, Inc. - \$210,000.00 Excluding Attorney Fees & Closing Costs

(27) Minute Approval – Board of County Commissioners – Regular Meeting – September 17, 2002

*For Disclosure Only – Not A Legal Requirement To Be Placed On Consent Agenda

VII. A legislative update was provided to the commissioners by Mr. Dale Williams. He asked the commissioners to monitor closely:

- The **juvenile justice predisposition costs**, which is a \$90,000,000 statewide impact to local governments. Should it pass in its present language, the direct estimated impact to the county would be \$340,000. There was discussions that with the Governor's Budget Estimating Conference, that finding and additional \$1.1 billion dollars in revenue

would help this to possibly resolve itself. Unfortunately, that did not happen. Therefore, there is concern that this bill may pass.

- Regarding **Article V - Revision 7**. It initially seemed the counties came out fairly well even though they did not get everything in the bill outlining the administration of Article V. Mr. Williams said, "That is now eroding and dying on the vine. Those that were opposed to some of the language in last year's bill have now had a year to work on it, and a lot of the expense that were removed from the counties and placed on the state are now being removed from the state and placed back on the counties. There is no final draft of the law at this time.

- There will be another increase this year in the **Florida Retirement**. To date the exact amount of the increase has not been determined.

The action of the State is contrary to the people's wishes as it relates to court administration and the court system. Commissioner Weaver said, "The people voted to shift that cost from counties to the State. Now they (the State) are working on shifting that cost back to the counties, in addition to shifting the juvenile costs and retirement. That's before we even get to the court costs. We're talking about almost \$600,000 in two programs before we ever get to the court costs." He complained that will force the county to either cut services or raise taxes.

Commissioner Williams said simply put, "We're being penalized by the legislature for supporting Article V. They are not coming up with the additional revenue to do a constitutional amendment to fund Article V. Most of the counties supported Article V. We're being punished for supporting it. Everything they can give back to the county, they are doing."

Commissioner Flinn was in agreement with both of the commissioners. She invited them to participate in the Commissioner Lobbyist Program for the Florida Association of Counties the week of April 12th. Commissioner Skinner noted he is scheduled to attend.

VIII. The Department of Transportation will need the County's **Priority Projects** list by July 01. Mr. Williams said it is his understanding the Small County Road Assistance Program is going to be brought back. Between now and July 1st staff will dust-off the old priority lists under the old program. He believes it is essential that the Board review this material before the July 1 in order to generate the list. The Board should also begin to give thought as to needed turning lanes.

Commissioner Weaver expressed that in an effort to stay ahead of growth, the County needs to begin to consider changing Hwy. 441/41 into a four lane up to Ellisville.

Commissioner Skinner said for the sake of accommodating emergency vehicles there should be some form of median breaks on I-75 to keep rescue from having to go to I-10

and turn around. Mr. Green said he was not sure when there would be any breaks in the guard rails.

IX. Clerk of Courts DeWitt Cason has submitted his **annual local government financial report** for fiscal year ending September 30, 2003. He is returning \$123,128.62 to the Board under his year's closeout. He is requesting that \$25,000 of that money be returned to his office for the replacement and upgrade of a new computer system. The Clerk is also asking for a budget amendment in the amount of \$55,099.97. \$43,000 will go into Personal Services (county court), and \$12,000 is to be placed in Clerk to the Board. Mr. Williams said he was asked by members of the commission to provide further explanation of the uses. However, he has not had an opportunity to speak with the Clerk.

Motion by Commissioner Flinn to return the \$25,000 for computers, but hold the budget amendment in abeyance until Mr. Williams can get further information from the Clerk. Second by Commissioner Williams. The motion carried unanimously.

X. Fire Truck Purchase for South Columbia Volunteer Fire Department - \$246,975.
(ITEM PULLED)

XI. The City of Lake City sent notice to the County that they has completed a cleanup of the **Bonnie Plants property** located on Bascom Norris Road, near the intersection of Burnett Road. The City is prepared to absorb the cost of labor and equipment expenses, but asked if the County would be willing to either waive the \$12,891.20 **tippage fee** or pay a portion of it.

Mr. Williams said after reviewing their invoice, it is impossible for him to report to the Board whether the loads came from the Bonnie Plant property because the invoice reflects no information that would indicate where the debris came from. He reminded the Board that they have a covenant with bond holders on the loan for the landfill and don't have the right to waive tippage fees, because the tippage fees are pledged.

Motion by Commissioner Williams to deny the request. Second by Commissioner Flinn.

Commissioner Montgomery said that even though the county doesn't have a right to waive the tippage fees, he would have to vote against the motion. He would like to see the County split the cost of the tippage fees if the City is able to provide information showing the debris came from the Bonnie Plant Farms property. He said the City and County have split almost everything relating to this project down the middle and he'd like to continue doing so.

Commissioner Williams disagreed explaining FRDAP grants have been applied for with County funds, while the City donated the property. He said, "If the City would have put up hard dollars, that complex would have already been completed."

Commissioner Weaver agreed there has been a lot of costs split down the middle. "But when I look at this invoice, I can't tell what the cost is. It's a \$21,000 invoice and they're asking for \$17,080.20. I can't vote to approve it when I don't know what we're spending the money on. I'll be glad to consider it later on when the proper documentation is submitted."

The motion carried 4-1 with Commissioner Montgomery voting in opposition.

XII. The Fire Service Consolidation Proposal Work Plan is the proposal the Fire Committee asked to be presented to the City and County.

The City of Lake City has asked the Board of County Commissioner to consider being the operating entity for primary fire suppression services. The Fire Committee agreed to split the cost 50/50 to do a study that would provide the County with enough information to decide whether this would be an venture the County would like to take on.

Government Services Group, an affiliate of Nabors, Giblin and Nickerson, provided a cost proposal of \$79,145. The proposal is divided into two parts. **Phase I** is for the actual **study** and has a price tag of \$37,070. The study is the materials the County would use in order to determine whether or not they wanted to become the operating entity for primary fire suppression services. The County has asked the Small Counties Foundation ("SCF") to contribute toward the County's fifty percent. The SCF has indicated that they "may" be able to contribute up to \$15,000 towards the county's share. Mr. Williams stressed there is no guarantee that there will be an award from the SCF.

Motion by Commissioner Williams to approve Phase I of the proposal at a cost of one half of \$37,070, and an application to SCF for assistance. Second by Commissioner Flinn. The motion carried unanimously.

XIII. Booker T. Combs Road Eminent Domain Resolution. Attempts have been made to purchase the three needed parcels. There are two parcels the County continues negotiations on. Mr. Feagle explained that he is not 100% certain negotiations will be successful, and because time is now of the essence, he recommended the Board adopt an Eminent Domain Resolution to have in place (if needed) against **Ann Lynn Hill**, and a separate Eminent Domain Resolution against Interstate Land Cooperation.

Commissioner Williams expressed concern that the County may be at an impasse in their negotiations with an attorney for an out-of-country property owner (no name provided) for **Interstate Land Company** and felt resolutions for eminent domain should be put in place.

Motion by Commissioner Williams to adopt the resolution relating to Interstate Land Company. Second by Commissioner Weaver. The motion carried unanimously.

Motion by Commissioner Weaver to adopt the resolution relating to Ann Hill. Second by Commissioner Weaver. The motion carried unanimously. Mr. Feagle noted that the county may still be able to reach an agreement with Ms. Hill.

XIV. Marlin Feagle reviewed the **Political Sign Ordinance** adopted in 1992. The purpose of the meeting was to discuss the ordinance, and accept public input. If the Board elects to make changes in the ordinance, the document will need to go back before the Planning and Zoning Board for a recommendation back to the Board.

He gave a summary of the ordinance. The existing ordinance was approved in 1992, because the County's Land Development Regulations ("LDR") state that there will be no sign in public right-of-ways except governmental safety type signs, or signs by special permit. There is no provision for political signs. Mr. Feagle said, "The Land Development Regulations also require permits for just about any sign, even on private property; particularly if you had an off-site sign. There were some exceptions to that, but political signs would not generally fit into that." The ordinance was drafted to off-set some of the predicaments caused by the LDRs. The existing ordinance actually supports state statutes that state there will be no political signs in county right-of-ways, no exception. But state law does allow the county to override and will allow an ordinance to the contrary.

In the past, candidates were aware that it is the Board's intent to not enforce that law literally as it is interpreted. Mr. Feagle said, "As you know, many political signs have been posted in the County's right-of-ways with the understanding they would let the Code Enforcement Officers know that and remove them ... it actually says, "Will not be placed on certain property within sixty days, and removed within seven days after the election." He explained it hasn't been enforced in the past simply because the Board didn't feel they should due to tradition and other reasons.

The sixty day clause in the current ordinance for posting a sign was discussed. The Board felt citizens should have a right to put a sign up whenever they want to and leave it as long as they'd like to. Commissioner Flinn said the ordinance should be amended to completely delete the 60 day requirement.

Another thing to be considered is whether the standards should be relaxed on political signs being erected on private property, and whether a candidate will have to go through a land development procedure with the Planning and Zoning Board.

Commissioner Flinn stated that she feels it would be unconstitutional to tell a person they can't put a political sign or any other sign in their own yard. She said "If it's your personal property, it's your freedom of speech." Commissioners Montgomery, Weaver, Skinner and Williams agreed. Commissioner Weaver said that he believes there are previous court rulings from the 2002 elections that addressed the signs on private property issue, and it was found the county has no jurisdiction over the matter.

Mr. Feagle mentioned the Board may want to consider instead of totally exempting the rule of no **political signs** on private property, they may want to have some provisions that

the signs not interfere with lights and safety issues. He said that is already a requirement for all signs according to the LDRs. He said the other thing to consider is the measure the City takes, which is to require written notice by the property owner of their intent to erect the signs. The Board was not inclined to require either.

Commissioner Williams expressed concern over political signs being in the way of mowing right-of-ways. He said that he believes D.O.T. will pick them up if they're in the way and take them to one of their yards. If the signs are not claimed they will be disposed of. Commissioner Flinn noted it is very disrespectful to not pick up the signs immediately after the election. There is a clause in the ordinance to cover pickup, but it is not enforced either. Mr. Feagle said the state does not allow any on their right-of-ways, and they do enforce the rule.

The Chair called for citizen input.

A citizen asked if there were any size requirements for posting on private property. The Board's response was that they would hope common sense is used and it would not be something so huge that it would be an obvious safety hazard.

Mr. Delton Turberville said he feels the county is "reaching for a big problem" if all time exemptions are removed from the governance of political signs. He explained the LDRs specifically point to signs and what can and cannot be done with them. He told the Board if they exempt all political signs for all time, they will have people with other signs who are going to point to that decision and ask why theirs can't be exempt. He felt a total exemption would force the Board to revisit LDRs. Commissioner Flinn asked for specifics as to the "other" signs being referred to. He offered that every sign in the county must have a permit if it's more than one square foot. She contended citizens should be allowed to put whatever they want on their own property. Mr. Turberville said should that be, the LDRs will have to be amended.

Mr. Wayne Williams agreed a person should not be told how to use their own personal property. He suggested candidates number their signs and log the location the sign was erected. If there is a complaint on its location, the candidates may then refer to the log, and complete a police report if it has been moved. He said he knows there were signs left on the road after the last election on Hwy 242 for over a year.

Mr. Delton Turberville suggested the ordinance simply state political signs are exempt.

Commissioner Weaver said that he was given a legal ruling by the Supervisor of Elections' office prior to the last election that addressed political signs and the time frame for putting up and taking down. He said that the ability to set a limited number of days was struck down. He asked Mr. Feagle to research.

Mr. David Rountree asked the following question regarding **Ordinance 92-1**, "Why is there an ordinance that specifically addresses **political signs** versus any other sign that you may see on any intersection in this county?" He was of the opinion this is identifying

one particular group of individuals and creating an ordinance to address "them". He said, "That" to me is unconstitutional, as opposed to a countywide ordinance." Commissioner Flinn agreed, and Commissioner Williams stated he agreed somewhat.

Commissioner Williams feels that some type of ordinance is needed to govern the signs. Otherwise, public right-of-ways would be heavily littered with signs. He said that citizens should do as they want with private property, but that there should be restrictions when it comes to public lands. Mr. Rountree responded that while he understands that position, he asked, what warrants an ordinance to address a certain type of sign (political) signs when there is no ordinance to address real estate, churches, banking, and restaurant signs. He question why the county targets political signs and not other types of signs; why not a countywide sign ordinance that applies to every other type of sign.

Commissioner Williams responded to the question by saying that for example, real estate signs are removed when the property sells, but some political candidates never take the signs up. He recalled how the mowers would mow over the signs after elections and the debris was left on the roadsides. He said the Board thought at that time they needed to try to begin to control what goes on on the right-of-ways. Commissioner Flinn said, "Fine those people who've left their signs out for littering on county property; there names are on the signs." Commissioner Williams asked who would act as enforcer. Commissioner Skinner offered the Code Enforcement officer should be the one.

Mr. Rountree said, "That's the other side of the equation. Either it's an enforceable ordinance or it's not. "If it's going to be a county ordinance, then it should be enforced."

Mr. Gary Lear added, "We're saying it's unconstitutional to do something with some political officers, but what we're doing is exempting them from the current ordinance." He agreed with Commissioner Flinn that fines should be imposed on those running for office, who are violating the ordinance by leaving signs on the county right-of-ways. He asked, "Why aren't we collecting that fine? That's revenue for this county." He was of the opinion that signs, along with time restrictions on private property should be controlled somewhat to ensure they do not become public nuisance. He used as an example a huge sign left up year round. He concluded, "As a citizen of this county, I am shocked to find out that while we've had an ordinance regarding these signs, we've chosen to unofficially ignore enforcement of that ordinance. We need to either follow the ordinance, or change it."

Commissioner Flinn asked if it was actually a Board decision to not enforce the ordinance or a law enforcement decision. Mr. Feagle responded, he was not certain. However, the matter was discussed by the Board a number of years ago. One of the reasons the matter is being discussed is because there were knowledgeable candidates who felt it is unconstitutional to prohibit political signs on public right-of-way, which could present a challenge. He said he wasn't certain if the decision to not enforce, unless it became a problem, was made by vote or discussion. Mr. Feagle said that just as Mr. Lear mentioned, he would like to see the county do whatever the ordinance directs.

Commissioner Flinn would like to ask the Sheriff why the ordinance has not been enforced since he should have been enforcing the laws of the county.

Commissioner Weaver said, "One thought is, just don't vote for the candidate who puts their signs in the wrong place." The commissioners agreed there are some who will take **political signs** and put them in inappropriate areas, which is a good reason to file a police report. Commissioner Flinn expressed, "Anyone running for office should be held accountable to follow all laws, just like everyone else." That is the reason for having an enforceable and workable ordinance.

Mr. Lear felt the county should enforce the "up to \$500" fine for inappropriately placing signs if there is a blatant violation.

Mr. Bill Gootee said his concern with enforcing the law is that you don't know who actually placed the sign on the right-of-way. He asked, "Am I going to be fined each time someone picks up my sign and puts it in a right-of-way to make me look bad? How are you going to prove I placed the sign in the right-of-way."

Mr. Wayne Williams reiterated, "Number the signs and note their location." He agreed a person should be able to do whatever they want with a sign on their own private property, but take the signs down after the election.

It was agreed by the Board that issue will be referred to the Planning and Zoning Board with the understanding there will be no restrictions for signs on private property, and no signs at all on public property.

XV. Mr. Feagle said he needed to provide information to Mr. Weaver. "I got some information at 4:00 p.m. today. There's someone wanting to **deed some right-of-way** to the county on some property down near Ft. White. Mr. Weaver hasn't had a chance to really look into this other than we have a drawing. I haven't had a chance to look at the property or examine the title. However, they're doing a real estate closing tomorrow and asked if possible, that the Board approve deeding this property right-of-way to the county, because they want their property adjacent to a county roadway... subject to approval by the commissioner and engineer and any other stipulations that you want to place on it."

Commissioner Weaver said it's approximately 12 feet and it does currently adjoin a county road.

Motion by Commissioner Weaver to approve based on his personal survey.
Commissioner Weaver said he'd take a close look at the property next week. Second by Commissioner Williams.

The Clerk asked for additional information relating to road names and owner names. Mr. Feagle said the **Road is Greenwood**. The property owners are Mr. & Mrs. **Milton F. Ekiss**.

The motion carried unanimously.

XVI. Commissioner Skinner, on behalf of the Board of County Commissioners congratulated **Commissioner Flinn** for her appointment to the **Board of Directors for the Florida Association of Counties**.

XVII. Commissioner Flinn advised that on Saturday, March 20, 2004 the **Marine Corp League** is going to be holding their **State Conference** at the Holiday Inn of Lake City. She said they would be here approximately three days, They will be donating a bicycle to a child with special needs in the county. She asked if it would be possible for the TDC could do something special when these types of organizations come and contribute to our community. Mr. Williams responded there was at one time a small thank you program in place. Mr. Williams said he'd see if there is something still in place.

XVIII. Public Input

Mr. **H.L. Sistrunk** asked, "When are you going to vote on the right-of-way for the **CCR, the fairgrounds?**" The Board responded the matter was on the consent agenda and was voted on earlier in the meeting. Mr. Sistrunk said the project is up to \$17,000,000 and the County hasn't gained all of the needed right-of-way. He asked what the additional right-of-way is going to cost.

Mr. Sistrunk commented, "Also, on **911**. We're still finding **unnamed roads**. How many retirements are going to be made? I asked that last meeting, but no one has answered that yet." He remarked it appeared the jobs would be a life-time job and that their job security was a result of the "Good Ol' Boy" System.

Mr. **Chuck Shane** reported to the Board that Mr. **Guy Brim** is very ill after taking a serious fall and hitting his head due to a heart condition. For those who would like to make a call or send a card, Mr. Brim is in Suwannee Healthcare in Live Oak.

Mr. **Chris Musgrove**, representative of **Future Now** distributed a flyer advertising a program (Jeremiah 29:11) that will be put on at CHS on Tuesday at 9:00 a.m. The program is sponsored by Future Christian Athletes. This is an informational item.

Mr. **David Rountree** asked for an update on miscellaneous matters.

1. The Jail Committee authorized CRA to proceed with the schematic phase of the new jail. He asked for a status. Mr. Williams said approximately three weeks ago that he and Mr. Ben Scott met with **Clemmons and Rutherford** ("CR"). They had an opportunity to review what they had prepared. They were upfront and advised that there was disagreement between them (CR) and the Sheriff Department regarding staffing

needs. CR advises that they are attempting to reconcile with the Sheriff's Department in order to finalize the schematic phase. Mr. Williams said the he and Ben Scott directed CR to make every effort to resolve the dispute. However, if they were not successful, that the matter should be brought back before the **Jail Committee**.

Mr. Rountree asked if they were working on any time frames. There was an estimated date for deliverable that has been exceeded, but by the same token, the County has not paid either, Mr. Williams replied.

Commissioner Williams said he thinks the matter needs to get back before the committee for input, because the committee needs to know about the dispute over the eight hour positions at the jail, because "There's no use in building the jail if we can't operate it."

2. August 2003, the County advertised for a **911 Coordinator position**, and was delayed because the Sheriff was going to make a presentation to take over 911. "Now we've gone another 3/4 of a year and I still don't see anything happening." Mr. Williams said basically that is still the status. Mr. Williams said the Sheriff asked to make a presentation and has been given that opportunity. He prepared a proposal, which was reviewed and commented on by himself. Mr. Williams said he sent his proposal comments back to the Sheriff stating as soon as he was ready, a meeting would be established. Mr. Williams said he'd be happy to find out if the matter is still on the Sheriff's agenda since the County is getting a lot of questions regarding the matter.

3. Mr. Chuck Shane quoted figures at the last meeting that it would take \$2,000 per month to keep the large **TDC/Welcome Center sign** that is situated on I-75 operating. Mr. Rountree explained he was told that the TDC was directed to power down the sign. He asked why the sign is still in operation. Commissioner Williams said it's still in operation, but not 24 hours per day.

Mr. Shane said that after his comments at the last meeting he was informed by Judy Lewis of the Board's Finance Office that Mr. Harvey Campbell has been instructed by officials and the auditor to switch the sign off. Mr. Shane said of the partial hours of operation, "Either way we're still paying \$750 per month maintenance and... well, never mind."

Commissioners Williams said the reason for the limited hours of operation is that there is a type of gentleman's agreement between the TDC and DOT to advertise the exit.

Mr. Rountree replied, "I thought the D.O. T. restriction was that...."

Commissioner Williams interjected, "What did I say, Mr. Rountree? There's a gentlemen's type of agreement that they could advertise the exit until there's someone who is interested in renting in. If there's not going to be, we gave a timetable as to when the County would no longer look for someone to occupy that building. If there's not, then the sign will come off."

Mr. Rountree: I understand your mentioning there is a gentleman's agreement, but we just had a very lengthy discussion about the county turning...

Commissioner Williams interrupted, "Well Mr. Rountree, you're going to just have to go to D.O.T. and see why they are letting us keep the sign on."

Mr. Rountree: I can do that.

Commissioner Williams: Well you need to.

Mr. Chuck Shane said that the concern is that the people were told that the sign was suppose to be turned off by officials of the county. He said, "I'm implying that either the woman lied to us, or we have a county employee that doesn't follow orders."

Commissioner Williams: "Well, it wasn't. The county official done what he was asked to do, and it wasn't to turn the sign off.

Chair: "Did that answer the question?"

Mr. Rountree: "No. But, I'll talk to the D.O.T."

Commissioner Williams offered he did not see what the problem is since it is something positive going on at that intersection that will generate money for the county. He asked Mr. Rountree, "What harm is it doing? There is a lot of business done and a lot of taxes paid at that interchange out there!"

Mr. Rountree replied, "I was privy to the conversation in which Mr. Shane spoke to a county staff member that said the TDC was told to turn the sign off. Mr. Campbell himself said that sign could only be used based on D.O.T. regulations to promote the Welcome Center activities. The sign is not doing that. It may be promoting the intersection, but there is not an operating Welcome Center, and we're spending \$2000 per month in violation of some requirement. My concern is has the TDC been instructed to power down that sign?"

Commissioner Williams: "Yesterday, the TDC approve the sign being left on under the limited basis that it is being operated at now. There has not been a change."

Mr. Williams responded he isn't aware of what the TDC done yesterday, but they do have a right to make that recommendation. Mr. Williams said that it was him that told Mr. Campbell that it was his understanding that to operate an off premise sign was unlawful, and that he needs to turn the sign off. If the TDC is making a recommendation to the contrary, he said that he would discuss it with Mr. Campbell. At this point Mr. Williams' concern is the operating cost of the message writer and if the revenue is still sufficient to cover the expense.

4. Earlier in the meeting, the County approved the application for the \$750,000 **Block Grant**. He asked approximately how many resident would be served by the grant. Commissioner Williams said the numbers could be provided by the Board Office. He asked if there is an average cost of what it will cost each resident to hookup. Commissioner Williams replied there is a standard tap-on fee charged by the City and paid for by the grant to qualified applicants.

He asked what is the County's dollar match and where would it come from should the county be successful in obtaining the grant. The response was approximately \$350,000. Mr. Williams said should the Board eventually match the funds, he would guess the money would either come from the state shared sales tax, or from a future year's Road Improvement Program depending on how much money is allocated.

Mr. Sistrunk asked for clarification on the matter of the message writer. Mr. Williams assisted.

There being no further business, the meeting adjourned at 10:00 P.M.

ATTEST:

George Skinner, Chairman
Board of County Commissioners

P. DeWitt Cason
Clerk of Courts