

Board of County Commissioners

Minutes of

October 07, 2004

The Board of County Commissioners met in a regularly scheduled meeting at the School Board Administration office at 7:00 p.m.

Commissioners Present for the Meeting: Ronald Williams, George Skinner, Dewey Weaver, Jennifer Flinn and James Montgomery.

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

I. Mr. **Ken Snider** of Tabernacle Glen shared his issues. "Mr. Dale Williams stated at the district meeting on Thursday, September 30, 2004 that the County may need to claim ditches from residents to use for proper **drainage**.

Mr. Snider informed the Board that he and his in-laws have attempted to get the county to maintain the county owned ditches on **Tabernacle Glen** for the past six years.

The water flows from the North and South, and from both sides of Hwy. 44 into a single ditch on Tabernacle Glen. The water then flows under Tabernacle Glen to a ditch. He said, "I've been begging the county to repair and reclaim this inadequate ditch with trees and vegetation growth. Because of the poor condition of the **ditches**, the water cannot be contained and has nowhere to flow except into my front yard. This has resulted in my home being **flooded** and my family being displaced for a month!"

Mr. Snider brought along a section of tree that was cut from the ditch. "Take a look at this (piece of tree)! It's over 2 years old, and there are more trees still in the ditch; Some smaller and some larger."

Mr. Snider said, "Three years ago, County employees Jimbo Thomas and Hoyle Crowder were sent out to inform me of plans to properly repair the inadequate ditches on Tabernacle Glen. Dale, you had the work order on the books to be done, but you yourself called the work off. You knew the work was not done and that there was a very good possibility that our home would flood." He asked, "Morally, how could you have called off the work knowing the liability and the negligence you were placing the county under?" Mr. Williams responded that it was former Commissioner Kenneth Witt who asked the Public Work crews to withhold the work until he could notify the property owner that the water was going to be taking on the extra water. Mr. Williams assured Mr. Snider that it was not him that called the work off, and that he had no notice at that time that the work had been withheld. As a matter of information, Mr. Williams advised that it has been less than two years ago since he began issuing the work orders.

Mr. Snider replied, "I've made calls over the past two years as well, and it was a well known fact that the ditch needed to be cleaned out. "It's not Hoyle's fault, he's just doing what you tell him to do!"

Mr. Crowder came forward and was asked by Mr. Williams if he had ever directed him to not clean out the ditches in front of the Snider's home. Mr. Crowder responded, "Not to my knowledge you haven't Dale. No."

Commissioner Flinn said it seems the county knew there was a problem when Kenneth Witt was in office. She asked who the property owner is that the water was going to be discharged to and if there was a house located on the property. The answer was **Clinton Dicks, Jr.**, and that the property is planted in pine trees.

She said that she feels the frustration of the Sniders is that the county was aware of the work that needed to be done, but called it off to keep from flooding an area that no home was located on. As a result, the Snider home was flooded. Mr. Snider agreed, and asked why the work had not been re-scheduled. Mr. Williams said they visited the flooded (Snider) home after Hurricane Frances. Remedial work was done between Hurricane Francis and Hurricane Jeanne.

Mr. Snider said the county came out just over a week ago and carried out a minimal amount of work before someone called the law to report work was being done on private property. The work ceased. Mr. Snider persisted that the county has known of the problem for years, and the work should have been carried out prior to the hurricanes. Commissioner Flinn reported that Buck Ward brought the overgrown ditch to her attention, and when she visited Tabernacle Glen, it was apparent that the ditches had not been maintained for a very long time. She said she called the problem in to Mr. Williams and a crew was sent out. She said the reason the crew left before the job was complete is not known to her.

Mr. Snider expressed frustration that he doesn't believe things are being done as promised. As an example, he told Mr. Williams that he had not had a conversation regarding their flood problem with Cyndi Tramel, D.O.T. engineer as he claimed.

Mr. Snider told the Board that he has the topography of the area and knows exactly how the water should flow, which is by his house.

Mr. Williams replied that he met on site with Cyndi Tramel and discussed the problem.

Mr. Williams said, "As soon as I met with you and you described your problem, we scheduled remedial work, and there is more work that needs to be done."

Mrs. Karri Snider said/asked, "The County was aware there was a problem with our ditches, and they were aware the ditches needed to be cleaned out. Why wasn't the needed work done prior to the hurricanes? That is our question. We've been asking the County to do this work for three years. Exactly, why wasn't it done?"

Commissioner Flinn said she understands the problem to be that three years ago there was a plan to fix the problem, but the work was called off by Commissioner Witt in order to prevent rain water from flowing onto Mr. Clinton Dicks' property, which is planted with pine trees. She said the ditches clearly have not been maintained in more than ten years. Commissioner Flinn said that the Road Department falls under the County Manager and should not be directed by the commissioners. Therefore, she asked, "Dale, what are we going to do to fix this for the Sniders?"

Mr. Williams responded, "I think that decision has already been made commissioner. After the remedial work was done the day before Hurricane Jeanne, the Public Works Department was scheduled to go in and completely clean those ditches out, and to place a

ditch on the other side of the road. But, because of the current volume of work, it will not be done until we catch-up and complete repairs so that people can get into their homes.

Mrs. Karri Snider asked, "Why did you wait for the hurricanes to do the work?" Mr. Williams said that it was not until Hurricane Frances that he knew of the problem. He explained that he did not have a list of scheduled, completed, and called off work provided to him. Further, the Road Department has been under his direct supervision less than two years. "I'll gladly accept responsibility for what occurred in that period of time, but I really can't for previous issues." Mrs. Snider asked who was previously responsible. The answer was that the individual commissioners were responsible for directing the Public Works Department at that time.

Chairman Skinner asked the Road Department Director to come forward and try to assist Mrs. Snider, and to explain how maintenance is scheduled on county roads throughout respective districts.

Mr. Crowder told the Sniders that as a general rule, maintenance is on an "as needed" basis. Somebody will usually call to report the needed work. He explained that he had sent County Engineer Huey Hawkins out to several places, including the Sniders' home, for the purpose of generating a corrective work plan, and putting that plan into writing. "I was waiting on direction from him. He left, and I guess it just fell by the wayside." Mr. Crowder said that once he has time and permission has been obtained from the church to lay pipe on the church property, the problem will be rectified. Commissioner Flinn stated that if the natural flow of the water is onto Mr. Dicks' property, the County should not have to seek permission from Mr. Dicks in order to clean out an already existing, county owned ditch that allows the water to flow in it's natural direction. She voiced that those doing the corrective should be directed not to be concerned, or intimidated by those making frivolous calls to the authorities in hopes of having the work stopped again.

Relating to this, Mr. Feagle offered that a property owner's permission is not necessary as long as the county isn't actually redirecting and channeling water onto their property. Mr. Feagle said that even though permission is not required, logic would may dictate that the county at least make contact with the person as a courtesy. This would give them an opportunity to dig a retention pond.

Mrs. Snider concluded by saying she feels that she and her husband should be reimbursed for the damaged caused to their home by the flood, and asked what the County is willing to do. Mr. Dale Williams said that he would be happy to put her in touch with a person that can review what may be available.

II. Dr. Barney Vanzant was back before the Board to revisit his predicament where he sold Mr. Chuck Harder property with the understanding that he (Harder) would sell back to **Dr. Vanzant** a small strip of the same property, but reneged.

Ms. Martha Bryan said that at the closing of the property, which took place in her office, **Chuck Harder** made certain promises to Dr. Vanzant relating to the property, and the

deeding back of approximate 2.3 acres. She said that it was her understanding that their transaction regarding the 2.3 acres was between themselves, and was to take place after the closing. She said it is her understanding Dr. Vanzant is requesting a variance. However, if a variance cannot be granted to him, that no future variances be granted to anyone Mr. Harder may sell to. Dr. Vanzant would like to have some form of blanket protection on the 2.3 acres until the matter can be resolved in civil court.

Realtor Angela Watson stated Mr. Harder feels Dr. Vanzant took advantage of him by selling him the property for \$8000 per acre. She gave testimony that the acreage in question is worth \$17,000 - \$19,000 per acre. She said that in her professional opinion \$8,000 per acre was an extremely good deal. Finally, it is her understanding that James Bolton appraised this particular property at \$45,000 a couple of years earlier.

Commissioner Williams said that until there is a different opinion passed down, he believes the property being discussed is being used as a nonconforming use within an agricultural area. Commissioner Williams said his understanding of the latest Supreme Court ruling regarding the Telecommunications Act is that Mr. Harder can supercede county regulations. Commissioner Williams was of the opinion that there is no law in place that supercedes the County's Comprehensive Land Use Plan. Therefore, as far as the commissioner is concerned, that particular piece of property is non-conforming. He asked Mr. Feagle follow-up on this matter.

The opinion Commissioner Williams spoke of has been referred to special legal council, Greg Stuart, because of a potential conflict he has with the case. In other similar cases, there is a belief, particularly among the telecommunication people, that federal law pre-empted the county rules and regulations, and that the County cannot regulate where communication towers are located. Mr. Feagle said that he personally does not believe that is correct. That he believes telecommunication towers cannot be arbitrarily denied, but that the towers can be denied with good cause. He said as far as he is concerned, the County continues to have the rights to reasonably enforce its rules and regulations.

Commissioner Flinn said it is her understanding that Dr. Vanzant's property is located in an agricultural area, and therefore cannot be separated in parcels less than five acres. She understands he was attempting to help Mr. Harder, but it is also obvious they (Harder and Vanzant) were attempting to circumvent the county's Comprehensive Land Use Plan when they agreed to sell the five acres, and then deed back 2.3 acres of that property. Dr. Vanzant said, "I sold five acres with the understanding that Chuck Harder would sell me back 2.3 acre, rather than having to go through an exemption process like we're going through right now."

Commissioner Flinn asked, "So you entered into a risky deal to evade the Board?"

Dr. Vanzant replied, "I was just trying to help Chuck out."

Commissioner Flinn: "In any case, it was a risky deal, and had you adhered to the laws and plans in place, you would not be in this situation."

There was a question as to how title insurance could have been obtained. Ms. Martha Bryant explained that title insurance was easily obtainable for the five acres purchased.

However, if Mr. Harder chose to sell a portion of that five acres back to anyone other than Dr. Vanzant, whose property abuts Mr. Harders, he would likely find difficulty in obtaining title insurance without first obtaining a variance.

Commissioner Williams added, "If what was done, was done wrongfully, it will be handled by the Board of Adjustment. My concern is that this is a nonconforming use within the Comprehensive Land Use Plan. If we let this happen and not challenge it, every communication company in the United States will come to Columbia County and say, "You cannot stop me from doing what I want to if it has to do with communications." That's what concerns me. The problem between Dr. Vanzant and Mr. Harder is a civil suite that should be settled in court. Then, if the transaction is found to have been illegal, it will have to go before the Board of Adjustment for rectification." Commissioner Williams said it is necessary to determine whether Dr. Vanzant and Mr. Harder have circumvented the Comprehensive Land Use Plan.

Motion by Commissioner Williams that no permits for any type of construction be issued for the property sold to Mr. Harder by Dr. Vanzant, until a clarification has been received from Mr. Greg Stuart on the Telecommunications Act. Also, that Board authorization be given for Mr. Marlin Feagle to contact Mr. Stuart for the purpose of obtaining an opinion regarding the situation between Mr. Harder and Dr. Vanzant. Second by Commissioner Flinn. The motion carried unanimously.

Mr. John Davis reported having been in Cross City approximately 14-15 years ago when an unnamed gentleman from the area engaged in a conversation with him. The gentleman explained to Mr. Davis that he had sold radio equipment to Mr. Harder, and at that time, 14-15 years later, he had still not been paid for the equipment. Mr. Davis said that he fears Dr. Vanzant has experienced some of the same things this Cross City person was experienced.

Mr. Brian Kepner said he was expecting a preliminary report back today that would address the questions regarding the nonconforming usage. The report is expected back very soon.

III. Commissioner Weaver said at the last **Budget Hearing** he had unresolved questions relating to the **Supervisor of Elections' request for funding**. Therefore, he agreed to meet with the Supervisor of Elections to discuss the matter further, before approving the requested funds. Upon doing so, he made the following motion:

Motion to approve the previously requested \$3,000 in funding that is to be split between -6 employees, and to approve the requested \$20,000 for an additional position. The position shall be funded as an *Other Personnel Services* position, which is one year's worth of annual funding. This would give the new Supervisor the opportunity to reevaluate her workload. Second by Commissioner Flinn. The motion carried unanimously.

IV. Regarding the **Pettigrew Glen** issue discussed in a prior meeting, Mr. Feagle advised that he continues to investigate whether this is a private or public road. The road currently has a blue sign indicating it is private. It appears the road may have been scraped by the county, but there are no specific records to prove this. Public Works Director Hoyle Crowder believes that a minimal amount of work has been done on Pettigrew Glen. The Board was asked to keep in mind that a few gradings would not be sufficient to claim the road as a county maintained road. There are property owners at the end of the road Mr. Feagle still needs to speak with before giving a final report to the Board.

V. The Board considered the proposed **Settlement Agreement** which was reached through mediation in the lawsuit styled: Columbia County, Florida vs. **Traveler Reservation network, Inc.** and **TiRN Broadcasting, Inc.** In considering this, Mr. Feagle offered his view, "If we go to court and have our best day we would receive approximately \$165,000, which is the amount of rent owed to the County for the term. Our worst day in court would be that they prevail on their counter-claim that asserts the County made misrepresentations to them regarding the traffic count and the number of customers who visit the facility, and that they would receive a settlement of six figures. "We basically have in this settlement what we would "reasonably" expect to receive in court. The only difficulty, and it will be whether we go to court or not, is collectability." Motion by Commissioner Montgomery to accept the agreement. Second by Commissioner Weaver. The motion carried unanimously.

VI. Consent Agenda

(1) Invoice - Cal Tech Testing, Inc. – Sinkhole Remediation - Springfield Estates - \$14,188.04

(2) Invoice – Cal Tech Testing, Inc. – Sinkhole Remediation – 429 SW Bobcat Drive - \$4,575.58

(3) Invoice – Cal Tech Testing, Inc. – Sinkhole Remediation – 429 SW Bobcat Drive - \$800.00

(4) National Association of Counties – Membership Dues
January 2005 thru December 2005 - \$886.00

(5) Invoice – Florida Association of Counties Trust - \$2,217.62

(6) Invoice – South East Environmental Geology – SW Quarter of I-10/Hwy 41 - \$2,415.00

(7) Solid Waste – Partial Payment Request #5 – Comanco Environmental Corporation - \$68,352.57

(8) External Budget Amendment – General Fund – BA #03-51 – Supervisor

of Elections - \$30,000.00

(9) External Budget Amendment – MSBU Fund – BA #03-50 – South Columbia Sports Park – Mowing - \$5,000.00

(10) Columbia County Emergency Medical Services – Refund Request – Helen Anderson - \$62.98

(11) Columbia County Emergency Medical Services – Refund Request – Blue Cross & Blue Shield - \$259.60

(12) Utility Permit – Bell South Telecommunications – NE Voss Road

(13) Utility Permit – Bell South Telecommunications – SE Racetrack Lane

(14) Utility Permit – Bell South Telecommunications – SW Myrtis Dortch Terrace

(15) Utility Permit – Bell South Telecommunications – NW Nash Road

(16) Utility Permit – Alltel Florida, Inc. – County Road 238

(17) Nationwide Life Insurance Company – Voting Proxy Tabulator – Deferred Compensation

(18) [Resolution](#) – Board of County Commissioners Setting the Regular Meeting of the Columbia County Board of County Commissioners at Fort White, Florida, on October 21, 2004

(19) [Resolution](#) – Declaring November, 2004 as National Epilepsy Awareness Month

(20) Solid Waste – Emergency Debris Removal [Contracts](#) - Lake City Management Group, Inc. & Hambone Enterprises, LLC

(21) Cooperative Service [Agreement](#) between Columbia County and the Department of Agriculture Animal and Plant Health Inspection Service (APHIS) Wildlife Services (WS) – FY2005

(22) 9-1-1 Dispatch – Request for Compensation of Personal Holiday for (4) 9-1-1 Dispatch Employees

(23) Florida Department of Transportation – Western Bypass from US 41 South of Lake City at Malone Street to US 41 North – Time Extension Requested until December 31, 2006

(24) **Proclamation** Declaring October 26, 2004 as Pharmacy Technician Day

(25) Security Street Lighting Installation on County Right-of Way
Tamarack Loop and SR 247

(26) Minute Approval Joint City/County Meeting August 11, 2004

(27) Minute Approval Board of County Commissioners Emergency Meeting September 10, 2004

(28) Minute Approval Board of County Commissioners Emergency Meeting September 12, 2004

(29) Invoice Darabi and Associates, Inc. Winfield Groundwater Monitoring \$7,348.44

(30) Invoice Darabi and Associates, Inc. Winfield Discret Projects \$3,407.80

(31) Invoice Darabi and Associates, Inc. Closed Landfill Groundwater Monitoring - \$14,637.71

(32) Invoice Darabi and Associates, Inc. Closed Landfill Inspection \$2,245.25

(33) Invoice Darabi and Associates, Inc. Winfield Cell III Construction \$4,500.00

(34) Invoice Donald F. Lee and Associates, Inc. Brook Loop - \$1,388.45

(35) Invoice Donald F. Lee and Associates, Inc. Bascom Norris Drive \$3,602.70

(36) Invoice Donald F. Lee and Associates, Inc. Boone Road - \$198.75

(37) Invoice Donald F. Lee and Associates, Inc. Real Road Extension \$446.88

(38) Invoice Donald F. Lee and Associates, Inc. Engineering Services \$10,560.00

(39) Invoice Donald F. Lee and Associates, Inc. Bascom Norris Drive \$11,297.50

(40) Suwannee River Economic Council, Inc. (S.H.I.P) Release of Lien

[Agreement](#) Sean Patrick and Veronica McGuinness - \$6,000.00

(41) Suwannee River Economic Council, Inc. (S.H.I.P) - Subordination
[Agreement](#) Joshua and Alison Grecian

(42) Adopt A Shore Quarterly Report Reimbursement Request from July
to September 2004 - \$2,845.00

(43) Adopt-A-Shore Program [Agreement](#) Current Problems, Inc.
\$10,000.00

(44) Emergency Management Department of Community Affairs 2004-
2005 Base Grant State and Federal Funded Subgrant [Agreement](#)
\$102,959.00

(45) Emergency Management Federally Emergency Management
Agency (FEMA) 1545-DR-FI Disaster Relief Funding [Agreement](#)
Hurricane Frances

(46) Bid Award EMS Medical Supplies FY 2004-2005 ([See Attached Bid
Tabulation](#))

(47) Utility Permit Bell South Telecommunications NW Lake Jeffery Road

(48) Minute Approval Board of County Commissioners Regular Mtg.
September 16, 2004

(49) Minute Approval Board of County Commissioners Emergency
Meeting September 24, 2004

Motion by Commissioner Williams to adopt the Consent Agenda. Second by
Commissioner Weaver.

There was a call for clarification on item #23. Mr. Williams assisted with clarification.

The motion carried unanimously.

VII. The **Florida Fish and Wildlife Conservation Commission** ("FFWCC") has contacted the Board regarding the boat ramps located at **Hollingsworth Bluff, Watertown Lake and Alligator Lake** (South end). Per the Cooperative Agreement, FFWCC provides maintenance to assist the county with the ramps. FFWCC is reorganizing, and a new office is being created that will be known as the **Office of Boating and Waterways**. Boat ramp responsibility will be transferred to this new department. Once that is done, they will no longer provide maintenance or construction of boat ramps, and will see themselves as construction managers and grant providers. As a result, they are asking that the county submit an inspection and maintenance plan for

the county **boat ramps**. The current idea is that the new department will contract with the county to maintain a certain level of service at these ramps. The upside is that the county should get some money. The downside is that if the county decides to not do this, there is nothing that binds them. Staff recommended the county accept the State's money, and attempt to provide as much of a boat ramp services as possible.

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

VIII. The Board considered the purchase of Lot #17 of **Fairfield Brook Subdivision**, which is .58 acres. The County proposes a purchase price of \$15,000, which is the appraised value per the Columbia County Property Appraiser. The lot will be used for a retention pond for the paving project on **Brook Loop**.

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

IX. The **Elbert Curinton Estate** owns 240 acres, which adjoins the lime rock property purchased by the State of Florida located in Columbia City. Eighty acres of that property is landlocked. Therefore, the estate has requested that the Department of Greenways and Trails grant a seventy-foot easement to the eighty acres. The Department of Greenways and Trails is in agreement. At some point, the ownership or maintaining entity of this property may be the county's. Greenways and Trails wants assurance the county has no objection to them granting the easement. The county knows of no reason they should withhold favor of Greenways and Trails in granting the easement to the **Curinton Estate**. Approval was requested.

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

Mr. Feagle said the State doesn't have access to the front of this piece of property, and has to enter in the back through another means. He suggested the time is right for Greenways and Trails to obtaining an easement to the front of the property from the Curinton Estate, while they're giving this seventy foot easement on the other end. Otherwise, without that frontage access, ultimately, someone will probably have to purchase that roadway. Commissioner Montgomery agreed this would be appropriate. Staff will notify Ms. Marsha Rickman of Greenways and Trails, and inform her that the County recommends Greenways and Trails work a swap of lands so that they may obtain a legal easement directly from Hwy. 47.

Commissioner Williams said that per Greenways presentation to the Board of County Commissioners, "They were going to buy the additional property from the Curintons in order to have access through the front. I agree that should be a swap of easements, because if we don't, that one road won't be able to handle the heavy traffic flow. Especially, through that subdivision."

There was a call for the vote. The motion carried unanimously.

X. Teen Court has received a **Truancy Intervention Program Grant** in the amount of \$61,110 per year. There is a caveat that **Teen Court** must spend the money, and then apply for reimbursement. **Teen Court's** funds are not sufficient enough to front-end the money. The Courts have requested the Board consider fronting the money from the **CourtFacility Fund** .

Mr. Williams advised that although it is not anticipated, the auditors have some concern with "what if" the funds are not reimbursed. The Board may choose to loan Teen Court money from this fund, as long as the money is replenished, there is no audit issue. Numerous letters of support have been received, including a letter from the Clerk of Courts. Staff suggested approval.

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

XI. The final cost reconciliation on **Hunter Panels** is complete. The final analysis is \$740,206.56. The Board was reminded that when the County was working on the **New Millennium Project** that they borrowed the funds to pay the reconciliation amount in advance. Therefore, these funds will be paid from that loan.

Motion to pay by Commissioner Williams. Second by Commissioner Montgomery.

Commissioner Williams suggested everyone take an opportunity to visit Hunter Panels. He reported they are doing a great job.

The motion carried unanimously.

XII. An **aerial mosquito spraying** project will be undertaken in the next few weeks. Columbia County is participating in this state project along with thirty-three other counties. In the past, there have been issues with local bee keepers and organic farmers. Mosquito Control Director Bill Lycan has met with the area bee keepers and does not believe the spraying will be an issue. It has been worked out that there will be no spaying beyond a certain parallel, and the bees will be transported beyond that line before the spraying, and will not be subjected to the spray. To the county's knowledge, there are no organic farms in operation in Columbia County. Nonetheless, as is required with any mosquito spraying, the county will advertise a telephone number for resident to call with questions or concerns. This is not a program where an individual citizens can elect to opt out of, but if enough concern comes from a large enough area, consideration may be given to opting out a geographical area.

Board approval was sought to include Columbia County on the list

Commissioner Williams asked, "Are pellets or chemicals going to be put out? If it isn't pellets, the county needs to find out whether we can get pellets for all of the standing water." Mr. Williams said he would find out what is being sprayed (pellets or sprays).

Motion by Commissioner Williams to approve being added to the list. Second by Commissioner Montgomery. The motion carried unanimously.

XIII. Certain concessions were made for the **Millennium Economic Development Project**, which is currently under way. One of the concessions made was that the County, working with the State of Florida, would cause railroad side yards to be constructed for the benefit of the company. The actual cost of the side yards is being paid for from the Economic Development Transportation Trust Fund monies through the state. Before the rail can be installed, there needs to be site clearing, leveling, and the site must be secured. New Millennium hired Music Construction Company from Live Oak, Florida it's site contractor. They are currently on site and are employed by New Millennium. County engineers suggested since Music Construction Company is already doing the majority of the site work, that the county allow them to do the that portion of the site work necessary to put in the railroad. The estimated cost for the railroad work is \$215,000. Music Construction Company has quoted a lower price of \$198,000. The County's engineers believe this is a fair and equitable price. Therefore, Staff requested the Board waive it's normal routine bidding procedures, and allow the county to contract with Music Construction Company for \$198,000 to perform the needed work.

Motion by Commissioner Montgomery to waive normal bidding procedures. Second by Commissioner Flinn. The motion carried unanimously.

XIV. OTHER

(1) Commissioner Skinner congratulated Commissioner Flinn for her appointment by the **National Association of Counties** to the **Human Services Steering Committee** .

(2) Ms. Donna Harman of SW Coyote Circle said that she, along with other neighbors have maintained **Coyote Circle**, which is a one lane road. She said that several of the neighbors have put asphalt patches costing \$800 each on the road. The road has been in very good shape until recently, when there was a situation with Lenvil Dicks where he was required to make the single lane road into a two lane road. She said that since Mr. Dicks' recent work, the road is a mess and that it is becoming impassible. She said the road is not currently county maintained. However, because the road is now in worse condition since Mr. Dicks' work, she asked that the county begin maintaining the road, or at the very least direct Mr. Dicks to repair the road he has "messed up". Mr. Williams replied in general terms. The County is under a local state of emergency. FEMA allows the County to perform certain functions on private property during a state of emergency. If the road is not passable and there is a clear and overriding public interest in making it passable, the county may assist. Mr. Williams said he will have Public Works evaluate the problem as soon as possible, and do whatever he can to assist.

(3) Mr. Richard Shultz of **Calloway Subdivision** explained he recently lost two houses in the flooding of the subdivision. He showed the commissioners current and past pictures of what he believes has been an ongoing flooding problem within that subdivision. He said the water is being forced in on the East side of the subdivision and

into the retention pond. He stated that the only thing he and his wife could surmise is that the water is coming from uphill. With there being no outlet for water in the subdivision, the area is inundated with water. Mr. Shultz thanked Commissioner Skinner for coming out after the hurricanes to lend his support and offer positive words of encouragement.

(4) Mr. Joseph Fields of **Country Club Road** spoke of the flood problems of with his neighbors on Cedar Circle. Through research Mr. Fields has learned that in 1998 a neighbor dug a ditch that redirected water, without obtaining a Natural Resource Permit. In 1998 the neighbor (no name provided) also pumped water from his ditch into a culvert adjacent to Mr. Fields' property and caused water to flood his yard up to the front door of his home. After Hurricane Frances his yard was suddenly flooded up to the doorway again at 2 a.m., and **Cedar Circle** was completely flooded out. He told the Board that he has done everything he can think of to help his flooded neighbors, but thus far has been unsuccessful. He said he has discussed the problem with SRWM, the Road Department, and Mr. Dale Williams. He said no one has returned his call except for Mr. Williams. He appealed to the Board for assistance on behalf of his flooded neighbors. Mr. Williams met with Mr. Fields to get an understanding of the problem. Mr. Williams said that he had put Mr. Fields in contact with the appropriate official of SRWM. "**Cedar Loop** is a unique problem, and we are trying desperately to find a pumping solution for the area." Mr. Williams reported they may have a possible solution, but it is complicated. It would involve pumping into open ditches and installing cross-drain pipes under other roads. The idea is being studied. Mr. Fields said this flooded area is probably the highest grounds on Country Club Road and that the Jones Families have lived there for over one hundred years without experiencing any flooding until now.

Commissioner Flinn said she's received numerous calls advising there was a property owner on Old Country Club Road pumping water off of his property, and ultimately the neighbors lodged a complaint with the Sheriff's Department. She said if that is the case, perhaps this is the reason the families Mr. Fields has mentioned have been flooded. She asked Mr. Williams if he had knowledge whether that is true, and if it is, perhaps the County should confront the neighbor who redirected the water. Mr. Williams said he did not know, but would make an inquiry with the Sheriff's Department. Commissioner Flinn asked County Engineer John Colson if he knows of any reason, speaking from an engineering standpoint, as to why the Cedar Circle area may be flooded, when it has never flooded before. Mr. Colson said the reason is very simple; it is due to the record amounts of rainwater received in such a short period of time. He said, "If it's never flooded before and did recently, it's because we've seen excessive rainfall that has never been seen in this part of the country before." Mr. Fields disagreed.

(5) Mr. Dorman Clayton of **Cedar Loop** reported he's lived in his home for 24 years and has never experienced a flood before, even when receiving 10 or 11 inches. "After visiting with Mr. Fields yesterday, I went to look at a ditch the in the area that was put in without a permit. I went to speak with that gentleman (no name provided) about accepting some of the water, but it didn't do any good." Mr. Clayton said that waters should have never flowed toward Mr. & Mrs. Jones' house. He expressed it may be due

to "that" ditch. He asked Mr. Feagle for his professional opinion as it relates to "this" ditch that was cut without a permit, that redirected the water.

Mr. Feagle said it is not lawful for anyone to pump or ditch water onto a neighbor without permission. He suggested the Road Department go out to look at the problem.

(6) Ms. Lisa Fisher of **Papoose Place** addressed the commissioners on behalf of the **Tustenugee Hills Subdivision Home Owner's Association**. There are 43 lots in this subdivision ranging from 4-5 acres. According to Ms. Fisher, of those 43 lots, 9 are underwater due to runoff alone. She said, "Some homes are destroyed, some have collapsed wells or septic tanks, and another has a sinkhole that has developed." It is her understanding that there was consideration being given to opening CR 131 to release the water, but because it would not be legal to divert the natural flow of water, it was called off. She asked the commissioners to take time to look at the 100 Year Flood Map, "You'll see the natural flow of that water is to go out of the subdivision through lot #40, across CR 131, then down towards Lake City. That natural flow was diverted when CR 131 was built without installing culverts so that the water might continue on its natural course," she said. She explained because of this, the water is being dammed up in the subdivision, resulting in one lot being approximately 30 feet deep in water. Ms. Fisher reported during the heavy rainfalls the water began to get so deep in their subdivision that the County had Anderson Columbia cut the road (131) in half. The water began to flow across the street and then under the street, washing out the road-bed. As a result, CR 131 began to collapse as the water took its natural course, according to the 100 Year Flood Map, and the 43 lots were beginning to get relief. She said that within 24 hours of the road being cut in half, and under the authority of Kevin Kirby, Anderson Columbia returned to the site and began dumping asphalt millings to close the road. When the residents of Tustenugee Hills demanded to know why, they learned that an individual (whose name was not disclosed) on the opposite side complained, because it washed his driveway out and he was beginning to take on water. "That particular resident now has three driveways going into his home, which was not involved in the flood at all. But, we have neighbors who still have not gotten any assistance and their homes are being looted," She said. According to Ms. Fisher, the water would wash his drive out, but would not flood him out of his home. She showed the commissioners a picture of this person's unaffected drive way, and the surrounding lands that were engulfed with water. She told the Board, "By saving his driveway, you are sacrificing CR 131, which will have to be repaired with our tax dollars!" Commissioner Flinn asked that the natural flow of water be determined. "I don't care who lives across the street from it, it has to stop. I think there are certain people here who dictate whether or not water can go onto property. If they bought bad land, they just bought bad land. But they should not be able to affect hundreds of other people just because they know certain people higher up that they can call. I've seen it happen in District IV over and over again. It has to stop!"

Ms. Fisher asked the Board to give them relief from the water and mosquitoes, and to rectify the problem of water being held on their properties, due to the water being redirected when CR 131 was built.

Commissioner Williams asked for clarification, "Is the subdivision located in the flood plain, and if so, are the homes in the subdivision newly constructed homes?" She replied that the subdivision has a 100 year flood plain that runs through a very small portions of the subdivision. The neighbor's homes range from two to six years old. Commissioner Williams advised that the houses located in the 100 Year Flood Plain should not have flooded, because the building criteria dictates that the contractors construct those homes one foot above the elevation of the 100 Year Flood Plain. If that was not done, someone erred. "Those house should not have flooded if the letter of the law was met," Commissioner Williams said.

Mr. Dale Williams explained there have been numerous calls come in regarding this subdivision, and that he, Hoyle Crowder, John Colson, and Ken Sweet have visited the flooded site and met with property owners. "The natural flow of the water today is probably different than it was forty to fifty years ago." Mr. Williams said it is anyone's guess "why" the Department of Transportation did not install pipes under the road when building it. He acknowledged there is now a subdivision on the West side of the road that would be impacted by any current change in the flow of water. Mr. Williams said he has discussed installing those pipes with the engineers, but they recommend against it. Pertaining to the road being cut, Mr. Williams' understands that more pipes were needed where **Newton Circle** intersects with CR 131. The amount and force of the water was incredible, according to Mr. Williams. Thus, the crews cut the road long enough to relieve the pressure so that pipes could be installed under Newton Circle. Once the work was complete, the road was put back. He said discussions continue to be ongoing in hopes of finding a solution to the problem.

Ms. Fisher begged to differ with Mr. Williams and his understanding of the problem, "I was there and watched the entire thing unfold. The road was not cut to relieve the pressure so that culvers could be installed, the road had already washed out and the asphalt was collapsing. CR 131 was very near nonexistent. In an emergency effort, they cut through CR 131 in order to save CR 131. But the complaint from the resident on the other sided prompted them to refill the opening." She explained to the Board that the few culverts that were put in, were not installed low enough to move the water from their properties.

(7) Ms. Mary Brady who lives in the same area as Ms. Fisher expressed concerns with the same problems, including sanitation. She informed the Board that the home she and her 93 year old mother lived in is a total loss. As a result, her mother had to go into a nursing home and she is being forced to live with friends. She said her personal items, along with the items that belonged to her recently deceased husband are being looted. She is receiving no help from the county, and has contacted FEMA, but to no avail. Ms. Brady has also been unsuccessful in getting the Sheriff Department to assign someone to the area to wart off the looting. Incident Reports have been filed, but the looting continues. She asked for relief.

(8) Mr. Paul Kortessis' property is located in Ft. White and is adjacent to **Tustenugee Hills Subdivision**. In Mr. Kortessis' opinion, the flooding that is being discussed is directly related to the construction of CR 131, as the road serves as a dam. He said he's

called everyone he thought may be able to assist with the flooding, including Governor Jeb Bush. He asked, "What's it going to take to solve this problem? Everyone that's come out to visit the site has said there is nothing they can do, but also states there should have been a culvert installed in the road when it was built. When the road was built, this was an agricultural area and it didn't really matter. Somebody failed to do their homework when they began developing the property in the South end of Columbia County." Mr. Kortessis also feels no attention was given to the impact studies when development began to occur in the southern end. He said he continues to have 8' 4" of water in his driveway. He complained that there have been broken promises made to him that engineers would be sent out to meet regarding installing a culvert, and broken promises that the County Road Department and commissioners would meet with him regarding a culvert to release the water. He reiterated Ms. Fisher's story that it seemed a special interest across the road was being protected from the waters.

"In 1964, a few years before the road was built, Hurricane Dora came through. They said you had to take a boat to go through the area CR 131 is now located. My neighbor worked all of that area; he worked for Henderson Land and Timber Corp. My neighbor is Willis Miller, who can't be here tonight due to failing health. I've tried to get people with the Road Department and some of the commissioners to go out and talk with him, but they won't. That man knows more about that end of the county than anyone here does," Mr. Kortessis protested. He felt certain the problem could be corrected if proper culverts were inserted so that the water could flow North and into the sinkhole on the East side of Tustenuggee Road. He said there is also other culverts to the West that water could be directed into. "It's a "no brainer" to correct the problem."

Ms. Sherri Kortessis explained her day begins with her the family boating across their property. "My son has fallen into the eight foot of water twice... the book bags aren't light. You need to do something, and you need to do it now. I don't want to loose my family to this problem, when it is something that can be resolved."

Mr. Kortessis explained that he has gone as far with solving the problem as he knows how to go, and that he is about to loose his home based business due to the standing water. A representative from SRWM will be visiting the site tomorrow, and the county agreed try to have a county representative visit the site with SRWM.

(9) Ms. Valerie Hewett of 229 Apache Way (Eastwood Subdivision) was also affected by the flood, but now has only standing water. She spoke on behalf of herself, and immediate neighbors. She said it is her understanding from several telephone calls (at work) today that the retention pond on Forest Way has been pumped. She asked, "When and what provisions have been made to pump the water from our homes located on Forest Way? Unless something has changed since I left home this morning, everything else is dry with the exception of our street and one other." Commissioner Montgomery explained the only means to get the water out of the Apache Way area is to pump it over to the retention area on Post Street (2 streets over). This will require the Post Street area be pumped first so that it can take on additional water. Post Street's pumping began this morning, and it is reasonably expected that the Apache Way area's pumping will begin tomorrow.

She asked if there are plans to clean out the culverts and ditches, and possibly redirect the water in the area. The response was that the area being discussed is the lowest of the areas in that neighborhood. Commissioner Montgomery agrees that something needs to be done about the ditches and culverts as soon as possible.

(10) Ms. Gail Mizell who lives in the Troy Road area said they are totally flooded. "It's my understanding the county is trying to obtain funds from the government to buy this area. Is this true?" Mr. Dale Williams responded that her understanding is correct.

(11) Ms. Rita Hedrick of Apache Way said she has been unable to return to her home since Hurricane Frances, and is glad to hear the pumping should commence tomorrow. She asked that the pump not be removed from the area until the area is completely dry.

(12) Ms. Marilyn Hamm of Lakeside Heights reported the ditches in her area are severely clogged. During the torrential rainfall from the hurricanes, the streets were flooded, and that each time a car passed her home, the waves of water brought in all of the street trash. She reported she had the same problem with Hurricane Frances and spent \$500 to have the street debris removed from her yard. "Then, when Hurricane Jeanne came through, it left twelve trees in my yard," she said. She requested assistance.

(13) Mr. Ray Coker of SE Post Court said that while he appreciates the county working on pumping out the area's retention pond, something must be done to protect the homes in the area from future rains. "Eventually, this will pass. I encourage the county commissioners and Mr. Dale Williams to not forget about this situation, and to please stay on top of this. It is predicted this weather we're in is going to be a cycle for awhile. We need a permanent remedy, not a quick fix."

(14) Mr. Richard Soucy of SW Bess Drive said he's also a victim of flooding in Cannon Creek Estates. Thanks were extended to the Board for the pumping that has taken place over the past thirty days. He asked the Board to seek out a permanent remedy to correct future flooding, and do a study to determine why they are having such major runoff in Cannon Creek Estates. He recommended the county reconsider a storm-water management system for the county.

Commissioner Skinner said he believes the county would benefit from hiring an engineer for the Building and Zoning Department to assist with approving new subdivision so that "no shortcuts are taken, and everything is on the up-and-up".

Commissioner Williams offered, "I think that we really need to revisit our Storm Water Management District. We're talking about millions of dollars to truly fix the problem, and if we're going to "fix" it, it needs to be really fixed. We as commissioners are going to have to have the backbone to stand up and truly "fix" the flooding problems, and the only way the problem will be solved is if the county has a storm water management system. We can solve it, but the citizens are going to have to pay to help solve the problems." Commissioner Williams said if the County doesn't act relatively quick, we will be faced with the same problem again the next time a big storm comes into the

county. "So, we can't wimp-out for fear of not being re-elected, because we've supported a tax. We must do what's best for the constituents of this county, even if it means implementing a storm water management system, and let SRWM along with the engineers report this (a storm water management system) is what it's going to take to fix the problem - We need to do it!" Mr. Soucy recommended a study group or committee be formed to consider options.

Approximately two years ago there was a Storm Water Management Study done. The drainage basins were identified. As well, specific target areas were pinpointed, which would include delineating 100 year flood plains. This is a tri-partnership between Columbia County, Lake City and Suwannee River Water Management. Each have shared 1/3 of the cost. Specific recommendations as to what it will take to correct drainage problems in certain areas will be considered very soon. Still to be decided is implementation.

(15) Mr. Chuck White, a neighbor to Mr. Richard Soucy, experienced a total home loss. He told the Board that six years ago he experienced a slight flood that put him in a position of having to borrow money to correct \$20,000 worth of damage. He said he doesn't know what the solution is, but water is now coming from every direction into the neighborhood. He told the Board of a time (6 years ago) when he tried to block a culvert with sandbags, just to the south of his property. He said at that time, the water was draining into the neighborhood like a river. He attempt to block off the water with sandbags, "But, suddenly, I heard this big roar that sounded like a train, and the dam created with sandbags busted loose from the force of the water, and it shot up that high," he said extending his hand over his head. He said the water is running in from somewhere, but nobody seems to be able to identify where. He personally believes the water is coming off a nearby pine field. He appealed to the commissioners for relief and thanked them for the help they've already provided for the area.

(16) In Mr. Gene Berryhill's opinion the only way to give relief to the community is to collect the water and move it outside of the county. He said that in South Florida the excess water is pumped into the ocean. He asked, "If the entire county is already flooded, where are you going to transfer the water to? Yards are full, retention ponds are full, sinkholes are full. There's nowhere to pump the water, except onto someone else." Mr. Berryhill offered that he doesn't oppose everyone getting taxed a small amount to correct future problems, but doesn't believe pumping the water around the county will correct the flood problem the county is battling today.

Commissioner Flinn said that she's not necessarily against the tax, but feel the developers who are building, and especially those building in area where the there is a tendency to flood should pay the tax. She explained the builders are profiting, and the residents are suffering more runoff and flooding because of it. "I'm against taxing the rest of the county, so that developers can come in, buy land, build very nice homes, sell them to unsuspecting citizens and then the rest of the county be taxed. The taxes need to go on the developers so that these new subdivisions have proper drainage." She used Calloway Subdivision as an example, "If the developer had planned properly, then that area

wouldn't have flooded." She went on to say the developers are making a fortune, and everyone else is suffering from flooding and looking at being taxed. "The taxes need to be put on the developer." Mr. Berryhill said the county should never issue building permits for wetland area. Commissioner Flinn agreed.

Commissioner Williams tossed out that most of the homes in the county that are now flooded are not homes that are situated in the 100 Year Flood Plain. The Building and Zoning Department has no authority to deny permits for homes that "may" experience possible flooding, unless the plan is to build it in a flood plain. He explained when people in his district are contemplating construction in an area they may receive excess waters in, he will tell them that although they aren't in the 100 Year Flood Plain, that he's observed first hand, certain levels of water in the area being considered for building. He said the Storm Water Management Plan is going to primarily benefit those subdivisions that were built prior to the SRWM rules and regulations. "And we need to stop this (flooding) from happening in the future with upcoming developments. We need to take a serious look at implementing the Storm Water Management Plan, even if it takes levying an assessment."

Commissioner Flinn agreed that help is needed for those who built prior to the SRWM rules and regulations. "However, for all new developments, we should be more strict. There are a lot of beautiful homes being built, and the developers are making "a lot" of money. Then these poor unsuspecting people are buying, then flooding out and having to come before the Board for help. Where are all the developers right now? There not here at the County Commission meeting answering the question of why their subdivisions are flooded! They're living somewhere high and dry, and they've already collected the cash for these homes and they're letting us (Board of County Commissioners) deal with it. And, I'm against "everyone" being burdened with a tax for something that we're letting the developers get away with." She believes the county should force more restrictions on developers, prior to considering a tax for the storm water management system, because otherwise the county may find themselves in an unfavorable cycle. Commissioner Williams disagreed saying that isn't the solution. He doesn't believe enough money can be raised in the "future" with new construction to repair the problems being face "currently," and before the hurricanes or other storms come again causing disaster.

(17) Mr. Joseph Fields said his heart goes out to the families suffering, and that he's attempted to help the residents of Cedar Circle as much as possible. "The difference between their situation, Cedar Circle's, and my own is that it can be remedied. Right now. There is a pump running on my neighbor's property across from me; it's the Jones family. No one there has any problems with it running, or alleviating what's going on. The problem is that the water is going over the hill to where it should have went in the first place. The water that follows Cedar Circle cannot get pumped out, because the neighbor that pumped the water originally (John Willis), will not allow them to pump the water on there. They're telling me there's a situation with Emergency...uh... whatever it's called, where the county or someone has the authority to do something. Then why can't the water be pumped? Mr. Williams?" Mr. Dale Williams asked Mr. Fields to clarify his question.

Mr. Fields: "You're saying the situations are similar, and I'm telling you they're not. Water right now is being pumped to a non-residential area, which is down past us. Cedar Circle cannot be pumped out because one of the landowners, not all of them, will not allow the water to be pumped over there."

Mr. Williams replied that pumping generally takes the consent of the engineer and the lawyer. The County has been advised that if they intend to inundate an adjoining property owner with water, the County will be liable for its actions and should therefore govern themselves accordingly.

Commissioner Williams said the flooding problem is a monster, and that when storm water retention systems were being considered that he and Commissioner Montgomery were the only two commissioners who agreed for a study to be done in their area. Specifically, he said that he wanted the Falling Creek basin considered, and Commissioner Montgomery wanted his low lying area on Country Club Road looked at.

Mr. Fields: "We're on a hill Mr. Williams."

(18) Mr. Gene Berryhill told the Board, "What I actually came to the meeting for was to express my disgust that Uncle Bob, from the Radio Station Power Country 102 is running his chops about people he feels should be replaced in the county offices. I want to say that personally, I think he is wrong and he's guilty of telling half the story. I resent him using the radio station as his personal media to spread his personal opinions, and to tell half of a story. If he's going to tell something on the county and it's employees, it needs to be the "entire" story or nothing at all. I feel the county's people do a fantastic job and has historically done a fantastic job over a period of years." Mr. Berryhill offered that the job performance of Mr. Dale Williams and other county employees is apparent at the end of each fiscal year. He said that it's always good to hear in the year-end reports that there are no financial shortfalls. He said, "No one is perfect, but overall, they do a fantastic job, and I think Uncle Bob should keep his comments to himself!"

Commissioner Skinner replied, "I did what I did, and If I had to do it....."

Mr. Berryhill interjected, "I said "Uncle Bob," not "You" Commissioner Skinner."

Commissioner Skinner: "Yeah, but you were referring to me, and if I had it to do all over again, I'd do it tomorrow to get attention. I'm going to look out after the people that I'm elected to look after."

Commissioner Flinn told Mr. Berryhill that she didn't agree with his final comment. "I don't agree with censorship. We have freedom of speech, and that's what America is about."

(19) Mr. David Rountree asked the County to make concessions for families who have suffered flood damage. He asked the Board to waive the building permit fees for flooded homes that are restorable.

(20) Mr. H.L. Sistrunk referenced two articles in this month's Reader's Digest Magazine the he feels explains the problems with the United States. The articles are: The Democracy Undone, and Hey Dude, How about me? He said the articles address the

future of young people, and the method in which the politicians handle the country's finances. He urged the county to do "something" to assist with the communication between "the people" and the county commissioners. He feels a perfect opportunity would be to assign a Charter Review Commission and to keep the commission active at all times.

Mr. Sistrunk moved to a different topic, "Now, this water here... You are putting money in that Kirby Pit out there. That's state money and I don't care if it's state money, federal money, bed tax or whatever, it's still tax money. Now the politicians of this state can stop that, and help the people who've lost their homes. You put \$30,000,000 in that, you've bought twice as much land out there. I'm saying "you", but it was the state that did it, but you didn't stop it. You could sell half of that land back right now. It's good and dry land...I believe. That's the problem, you don't let the people come up with help. Case-in-point, we had a petition to that Charter Commission over there that said to hire an county engineer. Case-in-point, you all are hiring a county engineer now. Start listening to the people."

XV. Commissioners

Commissioner Williams put the Board on notice that northern end of the county is still underwater. "I have about 45 people who are boating in and out each night. I want to make sure that once the county comes out from under the local state of emergency, and once the river recedes back to normal, I am able to do afford the same assistance to my district that other commissioners have been able to do in their districts. It will likely be 4-6 weeks before we can begin to assess the damages in my district." Mr. Dale Williams responded that according to the State of Florida, Division of Emergency Management, any damage that can be shown to be a direct result of a declared storm has no statute of limitation. Mr. Williams suggested that everything be documented very closely, because once the county is past the initial rush of things, perception becomes an issue. However, if it technically took a year for one of these severely flooded areas to dry-up before the work could be carried out, it would be fine to do so. Mr. Williams said that staff is ready, willing, and able to assist in making sure the areas that are still flooded are documented.

There being no further business, the meeting adjourned at 10:00 p.m.

ATTEST:

Chairman George Skinner
P. DeWitt Cason
Clerk of Circuit Court

Board of County Commissioners