

Minutes  
**Board of County Commissioners**

**August 04, 2005**

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

In Attendance:

Commissioners: Dewey Weaver, Ronald Williams, George Skinner, Elizabeth Porter, and Jennifer Flinn.

Others: County Attorney Marlin Feagle, County Manager Dale Williams, Secretary Carolyn Baker, and Deputy Clerk Sandy A. Markham.

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I. Building and Zoning by County Planner Brian Kepner

Public Hearing:

1. **LDR 05-1** Applicant Board of County Commissioners - Recreational Vehicles as a Special Temporary Use Permit issued by the Land Development Regulation Administrator. This amendment does away with the definition of "Travel Trailer," which is in the existing regulations and defines "Recreational Vehicle" according to state statutes. This amendment also eliminates the use of the 180-day temporary permit in those areas designated environmentally sensitive and zoned agricultural. This amendment allows for a 180-day Special Temporary Use Permit to be issued by the Land Development Regulation Administrator as long as criteria is met. The public hearing opened.

Pastor Jeff Brown explained that the Church he pastors has an outreach program that caters to the needs of the homeless. The Church uses two mobile homes, two R.V.s, and one cottage to house the homeless. He asked that an exemption or special exception be considered for those Churches or other 501C3 organizations that are reaching out to aid the homeless. He explained that while some of the homeless are trying to "get back on their feet," that they are only able to donate a couple of dollars per day toward their housing needs. He explained that to ask a homeless person to come up with \$100 would be virtually impossible, and that the Church would have to cease this outreach program if it was required to come up with that much money for each person they assisted. *"I really feel this amendment would be closing an avenue that could shelter those in need. I ask the Board to consider the ability of an exemption for 501's and Churches that are involved in this type of ministry. Otherwise, these people will be on the street without housing, and they will do things that are a concern to this community otherwise. We're trying to rehabilitate and house people that other people don't want."* He explained that many times mobile homes and RV homes are donated, and are a more financially feasible housing option versus the cost of building a

residential home. As a matter of information, he explained that the work of his church group is out of the sight of the public, and therefore there should be no complaints.

The Commission explained that it is not their intention to make it difficult for Churches to assist those who have fallen on difficult times, but that they want to ensure no one is abusing the temporary permit by making a camper a permanent residence.

Attorney Feagle told the Board that currently there are no exemptions for the 180-day permits, but the Board could consider crafting an exemption into the Land Development Regulations, although it would be very unusual. He cautioned the Board that to automatically exempting all 501C3 organizations would defeat the purpose of the amendment, because it would be very easy for anyone to establish a 501C3. Mr. Feagle also offered to Rev. Brown that while the issue for some citizens is that the camper/RVs are an eyesore, the county has concerns that the campers are not built to serve as permanent housing. It was noted that campers used as permanent housing presents safety issues for themselves as well as those living around them. There was discussion as to whether the Board should pass the amendment, and then consider special requests on a case-by-case basis. Attorney Feagle said that while that is possible, it is very risky and could easily pose a challenge. Attorney Feagle will research, and will work with County Planner Brian Kepner on proposed language.

Commissioner Skinner suggested Rev. Brown make grant applications to assist him in his work and to look into the Carpenter's Home Ministries for assistance.

Mr. David Rountree said it is his understanding that there have been only forty-five temporary permits issued last year. He asked for clarification as to exactly what the "problem" is, and why the change is required. Commissioner Weaver explained, "The problem isn't the forty-five issued last year. The problem is that a very high number of permits issued in years past have never been renewed. We're talking about last year, and the years before." Commissioner Weaver said that on the southern end of the county, particularly in the Three Rivers area, people have illegally added additions on to the travel trailer. There are people who have been living in those travel trailers with additions year around, and have done so for several years. "So year-after-year, many of the permits are obtained and never renewed," the commissioner explained.

Mr. Rountree asked, "Isn't that a code enforcement issue?" Commissioner Weaver concurred, but said it is a long process to get things corrected. "The temporary permit process will be much simpler; they'll get it one time and for a limited period of time (180 days). Then the property will have to be vacant one year before they can apply for a temporary permit again. Commissioner Williams added that these recreational vehicles are not in line with the residential zoning, and many have issues with the septic systems. Mr. Rountree said it appears to him that the Board is attempting to address a code enforcement issue with another restriction being placed on county ordinances.

Mr. Coy Williams expressed appreciation to the Board for looking into this matter. In Mr. Williams' opinion, the people abusing the RV living situation are also being allowed to get away with not paying their fair share of taxes.

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

Motion by Commissioner Weaver, "I move we go ahead and pass it, and then let Mr. Feagle be working on exemption language as an amendment to this." Second by Commissioner Williams. The motion carried unanimously.

#### Preliminary Plat Approval

**1. SD 0158 (Continuation) - Hills of Huntsville (District III-Skinner)**

Commissioner Skinner informed Mr. Chris Bullard that had he been in the last meeting, there would have been no problems in approving the preliminary plat, "I really don't have any problems with it," he said.

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

#### Final Plat Approval

County Manager Williams explained that subdivisions today, because of county growth are very often pre-sold. In most subdivisions, by the time the final plat is recorded, most lots have already been sold. Once the County accepts the final plat, the homeowners can then petition the county to accept maintenance after one year. In many cases, it is extremely difficult for the County to get the developers who have no financial interest left in the development to come back at the end of the year and correct "any" deficiencies, be it storm water system, vegetation, retention ponds, asphalt or otherwise. This becomes particularly hard if the developers are a one time, single project developers. Therefore, in order to safeguard the county, County Engineer John Colson suggested, and the County Manager agrees, that the County should begin requiring developers to post a form of bond that will ensure all deficiencies are corrected before the county accepting road maintenance. He said that he believes that this will not only be in the Board and County's best interest, but also in the public's best interest.

Commissioner Williams said he also believes the problem is primarily with the one time, single project developers. He commended the County Engineer for recognizing the problem and offering a solution.

Mr. Feagle explained the LDRs have a bonding provision. He will review and make a suggestion for expounding the bonding provision.

Motion by Commissioner Williams, "Madam Chair, I move that we do so." Second by Commissioner Porter.

The motion carried unanimously.

## 1. SD 0162 - Emerald Cove, Phase I (District III - Skinner)

Motion by Commissioner Skinner, "I move approval of the final plat approval of SD 0162." Second by Commissioner Porter. The motion carried unanimously.

## II. Consent Agenda

- (1) Invoice – Florida Association of Counties Trust - \$650.00
- (2) External Budget Amendment – Sheriff's Office - #BA 30 – BA #04-62 – COPS Grant - \$34,462.00
- (3) Indigent Burial Request – Cooper Funeral Home – Willie J. Ross, Deceased - \$500.00
- (4) Appointment – Public Safety Coordinating Council – Fred Lawson
- (5) Appointments – Tourist Development Council – Mike Lee, Replacing Former Mayor Ray Kirkland (Annual Appointment) – Jim Free, Four-Year Appointment Expiring December 31, 2008 – Alison Sharp, Replacing John Parker, Hotel Owner/Management Person Term Expiring December 31, 2008
- (6) Acceptance of Resignation – Code Enforcement Board – Tommy Bradshaw
- (7) Appointment – Code Enforcement Board - Walt Davis
- (8) Public Works – Speed Humps – SW Emerald Street
- (9) ADA Compliance/Assistance – BCC Approval to Expend Funds for ADA Improvements at Various County Locations - \$8,500.00
- (10) Columbia County/Columbia County Resources Agreement for Right-Of-Way – SW Commerce Drive
- (11) Columbia County Health Department – Activities and Expenditures Report for Period Ending June 30, 2005
- (12) Quote Award – Florida System Technologies, Inc. - \$26,874.00 – Courthouse X-Ray System
- (13) Auditor General Report – Value Adjustment Boards
- (14) Minute Approval – Board of County Commissioners – Workshop – July 11, 2005
- (15) External Budget Amendment – Purchasing – BA #04-59 – General – Communications Outlay - \$45,000.00
- (16) External Budget Amendment – GPS System/Yearly Maintenance – BA #04-63 – MSBU – Equipment Purchases - \$16,000.00
- (17) External Budget Amendment – Emergency Management – BA #04-64 – General – Operating Supplies - \$76,447.00
- (18) Proxy Tabulator – Nationwide Life Insurance Company
- (19) Proxy Tabulator – Ameritas Acacia Mutual Holding Company
- (20) Suwannee River Economic Council – (S.H.I.P.) – Release of Lien Agreement – Beverly Newsome (Pope) - \$2,000.00
- (21) Suwannee River Economic Council – (S.H.I.P.) – Release of Lien Agreement – Lisa Stephens - \$5,000.00
- (22) Resolution – Designating the National Incident Management System as the Basis for all Incident Management in Columbia County
- (23) 9-1-1 Addressing – Road name Change – NW Country Lake Drive
- (24) Bid Award – Industrial Tractor – Landfill Compactor – Bid No. 2005-K – \$406,615.00

(25) Tax Collector – Recapitulation – October 1, 2005 through September 30, 2006

(26) Building and Zoning – Permit Fee Refund Request –

(a) Jeffrey Ogburn- \$250.00

(b) Nancy Schauptert - \$250.00

(c) Carmen Cronon - \$250.00

(27) Human Resource - Revised Position Description - Emergency Management Director

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

There was a call for clarification on Item #10. County Manager Williams assisted with clarification.

The motion carried unanimously.

III. Thursday, August 25, 2005, the Florida Association of Counties will hold a Leadership Meeting in Pinellas County. As a component of that meeting there will be a Growth Management Impact Fee Workgroup Session. That being a relative topic for the commissioners of Columbia County, the opportunity to attend was extended to the commissioners. Commissioner Flinn reported that she, as Vice Chair of the Public Safety Committee for the FAC has been invited to attend the three-day Leadership Meeting that will follow the workgroup session. She encouraged the Board to attend the Impact Fee Workgroup Session.

IV. On behalf of the Lake City Columbia County Recreation Committee, through Commissioners Williams and Porter, the following parking proposal was recommended by the Committee: To create a non-paved parking lot on the former Bonnie Plant Farm site, which is directly adjacent to the girls' softball field off of Bascom Norris Drive. The estimated cost of constructing a non-paved parking lot is \$85,000. That cost would be shared 50/50 between the City and the County. Since then, in the most recent City Council Meeting, the City opted to not approve this request. Therefore, considering the foregoing, Staff suggested there really isn't a reason for the Board to take any action on this matter unless they are willing to pay 100% of the cost. County Manager Williams said that it is his understanding through an email received from City Manager Joe Cone that the City is trying to put together a package that will allow them to contribute in ways other than a direct financial contribution. County Manager Williams suggested that until the County receives further word that the issue be withdrawn. "As soon as I hear the City's proposal, I will make the Board aware of it."

Commissioner Williams, "The TDC informed the City and County that they had an opportunity to host a national softball tournament, but expressed concern with the parking. The parking issues were then addressed in the Recreation Committee meeting, and all agreed unanimously that the County and City should share in the cost of alleviating the problem by turning the old Bonnie Plant Farm site into a lime rock parking lot. Now, Monday night, which was at the last minute, the City refused to honor the recommendation of the Recreation Committee." Commissioner Williams expressed that it is very frustrating to have the Recreation Committee's recommendation "shot down", when so much time and diligent effort went into developing a parking plan.

Commissioner Flinn asked, "Wasn't the primary reason for calling a meeting to discuss the parking, because of already existing safety issues at the ball fields; ball fields located within the city limits?" County Manager Williams responded, "Yes. That was the primary objective."

Commissioner Porter spoke. "I was under the impression the questions the City had were answered at the Recreation Meeting. If they (the City) still have questions or were unsure of our answers, a special meeting should be called as was suggested at the end of Mr. Cone's email." Commissioner Williams agreed and suggested that topic of discussion include nothing but the parking issue.

V. October 29, 2002, CPA #0105 was filed with the County and then with the Florida Department of Community Affairs. In June 2003 there were three additional plan amendments filed with DCA; CPA #0122, CPA#12-3, and CPA #124. As of today, all of the amendments are open and unresolved. These are the four amendments the DCA chose to hold until they could make specific determinations among themselves as to how they best felt Columbia County should treat certain geographical features such as the Ichetucknee Trace and stream-to-sinks. CPA# 124 does not meet the litmus test that the state is attempting to impose. The property is within the designated urban development area. As well, the property already had a commitment for water and sewer. County Manager Williams contended it is wrong for the DCA to not grant this amendment, and to lock it in with the three other applications that are not in the same class. The application met every provision that it could meet in the County's Comprehensive Plan. Staff suggested the Board approve a letter being composed to the appropriate officials with strong language indicating the County's position, that DCA has made a mistake and it needs to be corrected. Commissioner Porter also suggested when the letter is written that staff indicate that the DCA is offering absolutely no assistance to the county in finding possibilities for increasing the designated urban development area. Commissioner Weaver added that he would like a copy of the letter to go to Governor Bush and his staff. "They need to be made aware that State agencies are falling down on the job, and in certain cases are asking for things as a condition of approval that they are not authorized to ask the county for. The letter should also be copied to our state senators and representatives.

MOTION by Commissioner Porter to approve. Second by Commissioner Williams. The motion carried unanimously.

VI. Initial Assessment Resolutions for Local Improvement Assessments:

(a) River Manor Municipal Service Benefit Unit. This involves Blalock Court. It is a ten year plan for fourteen lots. The Board was asked to consider adopting the Initial Assessment Resolution for a public hearing to be held on September 01, 2005.

MOTION by Commissioner Williams to adopt the resolution. Second by Commissioner Skinner. The motion carried unanimously. **See attached resolution.**

(b) Rolling Oaks Municipal Service Benefit Unit. There will be a couple of corrections made in the notice prior to publishing the notice, such as the project will be paid back over a 15 year period, and the assessment amount will also need to be corrected.

MOTION by Commissioner Skinner to adopt the Initial Assessment Resolution setting the public hearing for September 01, 2005. Second by Commissioner Porter. The motion carried unanimously. **See attached resolution.**

VII. The Chair announced the Fire Assessment will be addressed on August 18th in a public meeting. She asked that everyone hold their comments until that date.

#### VIII. Public Comment

Mr. Mark Williams said, "Regarding that Special Improvement Assessment that he just mentioned for paving those roads in there (Rolling Oaks Subdivision), there are two serious problem with it. One, the vote taken by the property owners in the association was not done in accordance with the bylaws and constitution of our association. Secondly, when it was put out for anyone to vote on, it was specified that it would apply to anyone who had a lot with a culvert and driveway facing onto that road to be paved. I don't have one, and yet they are trying to assess me for a lot that one side of it parallels one of those roads. The whole other road that my property runs along side, all the way along the north side of Tree Line Court, as to be excluded. The basis was that we want to keep the cost down to pave in here. There are no houses back there." According to Mr. Williams, the homeowners association did not want to pave his road, because it did not have lime rock and would cost too much to bring it up to grade.

"That's not true, because we were the second people that bought in there. That road is in better condition than any road in the development." Mr. Williams contended that it is only right that all of the roads get paved in that subdivision or that none of the roads get paved. "To do otherwise means, in the future, when someone does go in and build a house on that road, then they will be assessed ten times the amount to get the road paved. That is unfair and is called discrimination." He concluded, "The Board acted in good faith, but on bad information."

County Manger Williams assisted to clarify the facts. Tree Line Court was excluded from being paved. It was a decision of the Rolling Oaks Home Owners Association to exclude the road, and not a particular member of their Board. The County Manager offered that he inquired as to why Tree Line Court was not being included in the paving, and he was informed that nobody actually lived on the road, and the association felt the cost of improving that small section of road was not worth having it included. The County Attorney and special council for the County have reviewed the facts surrounding this paving. The commissioners explained that the quandary should be taken up by Mr. Williams with his homeowners association, or in Circuit Court.

Mr. David Rountree asked if a date has been established for the **budget workshop**. He learned that the "tentative" date is August 17th and August 18th. A date for certain will be established after the internal budget review tomorrow. That date will be announced and notice will be given according to the Charter. There is the possibility the Lake City Reporter will advertise the meeting with an article. Finally, Mr. Rountree commended Sheriff Gootee for the recent **road-blocks** set up. "I appreciate him making our streets and highways safer in Columbia County."

Mr. Coy Williams reiterated what his son (Mark Williams) had said regarding the **Special Improvement Assessment** for Rolling Oaks Subdivision. He also told the Board that there are people who have obtained **building permits** who have not had their home built in the one-year time frame. He suggested that anyone obtaining a permit should be fully taxed at the end of a one-year period. Chairwoman Flinn asked that if he has names and/or addresses of violators that the information be reported. He also mentioned that in times passed, he's suggested to the County Manager that there should be changes made to the County's **Comprehensive Development Plan**, because it would be possible to get more taxes out of one house per acre, than the County will be able to get in taxes on one house per five acre lots. He wondered if the issues surrounding the

**bidding process** had ever been resolved. The commissioners explained the matter has been resolved to the satisfaction of the Board. He called for a status on the **Connector Road Project**. The County Manager reported the work is steadily progressing. The plans and specifications for the railroad overpass is expected any day, and the engineering reports have just come down on all sub-soil testing. He asked that the Board look into getting the Board of County Commissioner's meetings televised live in the future.

Mr. James Bonner commended Sheriff Gootee and Deputy Stevens for aiding in getting his ATV problem under control. He asked the Sheriff if possible to assist with the problem of kids running over garbage cans in his neighborhood area. He explained this has created a large eyesore on Fry Road, and he believes there is some illegal dumping taking place in that area as well. Then, at the corner Fry Road and Shilow Road the over growth makes it very difficult for the school buses to see. Sheriff Gootee agreed to send an inmate crew to Fry Road to clean up from U.S. Hwy. 27 to CR 138. Commissioner Weaver said that an effort will be made to put Fry Road on the mowing list, but advised the crews have a large backlog. Mr. Bonner wished Commissioner Flinn success in her run for senate.

#### IX. Commissioners - Non-Agenda Items

Commissioner Williams asked that former Commissioner James Montgomery be appointed to continue serving on the Board, and if necessary a commissioner in addition to Mr. Montgomery. Mr. Montgomery agreed but stressed a commissioner should be appointed to serve on it along with him. County Manager Williams is to research the bylaws and report the options to the Board.

Commissioner Skinner asked the status of the eyesore cleanup on Jeff Davis Drive, just the other side of Morrells Country Mall. Commissioner Skinner recollected that if the area wasn't cleaned up after notice, that the County would intervene, clean the area and put a lien on the property. County Manager Williams reported that Code Enforcement was directed based on the Board's decision to issue a citation under the Dangerous Buildings and Hazardous Land Ordinance. If the owner does not cleanup the area after a specified amount of time, the County will deem the owners in default and intervene with cleaning. The matter will be looked into.

There being no further business to come before the Board, the meeting adjourned at 9:00 p.m.

ATTEST:

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P. DeWitt Cason  
Clerk of Circuit Court

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Jennifer Flinn - Chairwoman  
Board of County Commissioners