

BOARD OF COUNTY COMMISSIONERS

Date: December 21, 2006
Type: Regularly Scheduled Meeting
Time: 7:00 p.m.
Location: School Board Administration Office

Commissioners in Attendance:

Elizabeth Porter (Chair)
Dewey Weaver (Vice Chair)
George Skinner
Ronald Williams
Stephen Bailey

Others in Attendance:

County Manager Dale Williams
County Attorney Marlin Feagle
Deputy Clerk Sandy Markham
BCC Secretary Penny Stanley

The meeting came to order. Sheriff Bill Gootee offered prayer. The Pledge of Allegiance to the Flag of the United States of America followed.

INTRODUCTION:

Fire Chief Atkinson complimented the men and women who make up the Columbia County Fire Department "CCFD" for the job they do and their dedication to the citizens of Columbia County. Those from the CCFD who were in attendance were given an opportunity to introduce themselves. Each of the commissioners thanked the firefighters for their time and dedication to the county. Commissioner Porter thanked them for their assistance with the building of the Christmas float.

BUILDING AND ZONING:

Planning Technician Connie Scott presented the following for the Board's consideration:

Text Amendment to Land Development Regulations – Final Hearing

(1) LDR 06-5 The petition filed by the Board of County Commissioners to amend Section 14.10 "Special Permits for Temporary Uses" of the Columbia County Land Development Regulations, increasing the time period for such special permits for temporary uses from one (1) year to two (2) years and by allowing two-year extensions of such special permits for temporary uses.

The Chair said, "It seems some changes have happened since that time, and some new developments have come to light. So, we really are not in a position, unless the other commissioners have any objection to it, to take an action on this tonight. There are some particulars that we need to sort out and take care of."

County Manager Williams said, "Yesterday, we received a number of calls from some local attorney's. They were expressing some concerns about some of the language in the provision and they were especially expressing concern about the fact that the special, what we call "family lot provision," which can be transferred by deed, would possibly be eliminated as part of this revision. And they make some good points. In addition, we received, yesterday, some comments from the planning staff about some concerns they had about the language. There is simply no time in order to reconcile those issues before tonight's hearing, so madam chair, members of the board, what we're recommending is that you simply deny LDR 06-5, because the version that will be brought back to

you would have to be re-advertised, irregardless, and the intent here is to try and clarify, make things better, not to confuse, and on the staff level and I would say the staff includes the planning department, myself and Marlin [County Attorney Marlin Feagle], we don't feel that we can simply clarify in that short a period of time. So we will ask that you go ahead and deny 06-5 as presented. It will be revisited/re-advertised at the appropriate time, and it will have to go back to P&Z [Planning and Zoning], and go through the process in its entirety, so everyone will get the same opportunity to comment at that time.

Attorney Feagle advised that in light of the announcement that the matter will not be passed, a public hearing would not be required, but suggested that in all fairness the Chair may want to open the public hearing and receive brief comment.

The Chair declared the public hearing opened.

Citizen Stewart Lilker asked if his understanding was correct in that the commissioners will refer the respective changes back to the Planning and Zoning Board. He noted the discussions at the prior public hearing were to reduce three to one family unit per five acres. He asked, "Is the one (unit) still on the table? Is that what we're going to go back to Planning and Zoning with, or can we expect to see ten?"

County Manager Williams responded, "Yes. Part of what has been asked to be reviewed is in fact the reduction from three to one on the special use permit, and that reduction is specifically tied to whether or not we do away with the deed provision. I have in my possession a memo from Brian Kepner [County Planner] which sort of explains his issue with that, which I'll be glad to provide you. I don't know what form it's going to come back at, and the re-write. That'll be some things that Marlin [County Attorney] and staff will have to discuss. But, irregardless, it will be the County Commission's final decision as to what they choose to do with it.

Mr. Stewart Lilker: "So, "yes" is... you're maintaining one?"

County Manager Williams: "No. It's on the table. We don't know what the re-write will say. I can't tell you for sure that the re-write will only say "one," because that is one of the issues that we've been asked to address.

Chairwoman Porter: "But again, it will come before the County Commission regardless of how the Planning and Zoning Board presents it, then the Commission will have the opportunity to amend it if we so choose."

Mr. Stewart Lilker, "So I'd just like to state for the record that the Board pay careful attention to Commissioner's amended land development regulation as far as that change went. That amended regulation was done after some discussion, and I don't believe changing it from one, as it is now, back to three...uh... The Planning and Zoning Board, nor the County Commission, as you recall, had any evidence that was necessary. So I would respectfully request that this Board give the full weight and thought to Commissioner Weaver's amendment as it was presented at the original hearing. Thank you. That's all I have to say.

Commissioner Porter: Thank you Mr. Lilker. Would anyone else wish to speak in opposition to LDR 06-5?

The Chair called for final comments. There were no other comments issued by the public or the Board. The public hearing closed.

Chair: "Do I have a motion?"

Motion by Commissioner Williams to deny LDR 06-5. Second by Commissioner Weaver. The motion carried unanimously.

Zoning Amendments

(1) Z 0440A Marsh Group, LLC – District 1

This item has already gone before the Board. Due to a miscommunication with the NCRFPC, the item was erroneously advertised one day after the previous meeting on December 07, and the advertisement should have ran before the December 07 meeting. The item was presented again for Board consideration. An application by the Marsh Group requesting an amendment to the previously approved Preliminary Master Plan for vPlanned Rural Residential Development (PRRD) to add 7.58 acres to the total acreage. This would increase the acreage from 198.11 to 205.69, and increasing the number of lots from 39 to 41. The property is located on the western side of NW Falling Creek Road in Section 36, Township 2 South Range 16 East.

The public hearing opened and closed without comment.

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

(2) Z 0461 Lewis and Brian Schwartz – District 5

This item has already gone before the Board. Due to a miscommunication with the NCRFPC, the item was erroneously advertised one day after the previous meeting on December 07, and the advertisement should have ran before the December 07 meeting. The item was presented again for Board consideration. This is an application by Lewis and Brian Schwartz to change the zoning from Residential Single Family One (RSF1) to Residential Office (RO). The property is located off of State Road 47 and SW Ward Lane in Section 19, Township 4 South, Range 17 East.

The public hearing opened and closed without comment. Commissioner Porter stated she had no objection.

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

LEAR COURT

The Board listened to public comment in an effort to determine whether Lear Court is a public county road or a private non-county road. Lear Court is located off of Lake Jeffrey (Hwy. 250). County Attorney Marlin Feagle explained the road has a "Y" split in it. Mr. Feagle said that his office, the Board Office, the Road Department and a couple of the commissioner have received calls complaining that one section of the road has been surveyed and fenced off by an adjacent property owner. They have been unable to determine from records or discussions with neighbors whether the road is a county or private road. There is no evidence the road was ever deeded to the County,

though it is not necessary that the road be deeded or dedicated to the County on a plat to become a county road. It could become a county road (without being deeded) if the roadway was constructed by the county and maintained continuously for a period of at least 4 years. It can also become a county (without being deeded) road if the road was not constructed by the County, but was continuously maintained by the County for at least seven years.

Commissioner Skinner noted he held meeting with those parties involved in the predicament for approximately 30 minutes prior to tonight's meeting. He also pointed out the parties are sitting together.

The Chair set a maximum time limit of 20 minutes to discuss the issue and receive public input, with individual comment being limited to 3 minutes. Comments and various maps were offered by:

Ms. Becky Ship – According to 911 records, Lear Court was originally known as Connell Road. She asked why 911 would have changed a private road name from Connell Road to Lear Court, and pointed out 911 has Lear Court clearly marked as being the closest road to the interstate. She noted that approximately one and a half years ago that both sections of the “Y” in the road had public road signs that read “Lear Court.” According to her father, former Commissioner Ludie Shipp, the road was once known as Ogden Road and that it was separated and renamed with interstate development. She noted the county's own maps indicate the road is a county road.

Ms. Maria Rogers, a local real estate agent representing some of the neighbors said that she's traveled the road in question for 33 years. She submitted a petition by approximately 40 neighbors asking that the road be reopened. She noted that many of the names reflected on the petition are neighbors who lived in the area many years prior to the Waters family moving into the neighborhood. She agreed that the Road was once also known as Ogden Road prior to the interstate coming through, and was later changed to Connell Road and then to Lear Court. She advised that Mr. James Waters approached her in 1988 with a request to have her assist him with selling two acres of his property. She was not able to assist because the property was landlocked. Minnie Connell eventually purchased the two acres from Mr. Waters. In Ms. Rogers' personal opinion, she believes there is animosity over the sale of the property. She stated, “Chapter 475 real estate courts says that the road when once opened that long cannot be closed.”

Ms. Martha Waters of Anders Park said that she owns land past the interstate on Lake Jeffery Road and that her husband, Mr. James Waters has never owned land behind the subject property and has never owned two acres behind Margaret and them, the other Waters. “That was his daddy that owned that land. He never talked to them about selling two acres of land. That was his brother Wilbur. He sold the land. That little road they are talking about was like a pig trail and everybody just kept going on it until they made it wider traveling on it. As far as I know it has never been graded by the County. The other road over there was between Laudie Everett's property and my father-in-law's property, Tommy Waters. That's the one that goes into Minnie's and comes out.” She said that “Minnie” is not blocked in.

Ms. Betty Henderson said, “I am the daughter of James and Gertrude Waters, the lady who just spoke. My father passed away in January.” She said that after his passing she made a visit to the courthouse with Carol Johnson, the property owner to view the plot of land. “We found we could do a cemetery and did not have to do anything else, because of it was zoned agricultural. Six months after my father was buried in January, we went and got fence. Ms. Johnson out of her own pocket

had a new survey of that piece of property. The survey markers were there. So, 6 months after my father had passed away, my husband, myself and two of my brothers, Carroll and Ricky Johnson...we fenced the property in.” She noted that they worked several days putting up fence and no neighbor approached them during that time to ask questions or to voice any objections to the fence. She said she grew up in the area visiting her grandfather, Mr. Tommy Waters. “There was a little road there that my aunt used, who used to live in Minnie Connell’s house to drive closer to grandpa’s house. The other road went the other way, and that is the only one that has a street sign on it now. I’m really surprised this has all come to this. I’d like to also voice an objection to Commissioner Skinner for meeting with the other party several times and not letting us know he was meeting with them to get any input from the Water’s side. He has met with them prior to this. He has met with them in this room while we were sitting right across from him, and I want to object. I find it highly objectionable that he is suppose to represent the entire district; not one or two special interests.”

Commissioner Skinner responded he met with both parties earlier in the evening, and spoke with Carol Johnson on the telephone maybe a month ago.

Mr. Ronnie Roberts said the commissioner has met with everyone and that no parties have been left out. He said the only property fenced off is his property. “None of the rest of them in the back are affected by this, other than it is a big inconvenience to the people that’s in the back that the man is real sick and there’s lots of people going back there to see him. We’ve got maps from the county that shows that road is indeed a county.... is Lear Court and I’ve got a survey to that affect and ya’ll can have that if you need it, and the Johnson’s have a survey that she showed me and Mr. Skinner today of her actual survey, that she put the fence up shows Lear Court right there, blocked off.” He said the subject road has had a county road sign reading “Lear Court,” but nobody seems to know what has happened to the sign. He also noted the subject road does have limerock on it and is recognized by 911 as Lear Court.

Ms. Carol Johnson attempted to voice objection with Commissioner Skinner’s meetings, but was asked by the Chair to remain on the topic of whether Lear Court is a county or private road. She said that her family has deeds to the property dating back to approximately 1946, their family has always paid the yearly taxes on the property (that some consider a public road), the road has never been maintained by the county. She pointed out that grass grows in the middle of the subject road between ruts. She said that they hired Donald Lee & Associates, a surveyor also used by the county, to survey their property before erecting the fence. She said the surveyors were able to find all markers and that the fence is well within the property line. Ms. Johnson said, “He works for the county. If it was a county road, why didn’t he bring that to my attention?” She contended no one is landlocked and asked why her family should be required to give an additional right-of-way. Ms. Johnson said that she and her family would like for the County to prove to her through records or otherwise that it is a public road.

Mr. Donald Connell addressed the Board on behalf of his brother, Doc Connell, who was not able to be in attendance. Mr. Connell said that he has reviewed all of the maps and that he knows for a fact that the road has been in place for nearly 40 years and that it is a county road. “I know that because my brother has owned it and he has used the road. It was not a pig trial. I’ve been down there with a dump truck before.” He noted there are small amounts of limerock in the road that was put there by someone other than his brother. “If a right-of-way is established and it has been there for this length of time, it don’t matter, they have not paid taxes on that property, because the county does

not charge, or at least not in Suwannee County, for land that there is a roadway on.” He said the road’s tree limbs and brushes have been maintained by his brother.

Mr. Mike Thomas, grandson of Mr. Tommy Waters said that he lived across the street for forty years and that in all the years he has lived there the county has never graded or maintained the road in any way. He clarified the issue of the limerock. “The county put the limerock there back when the boathouse was there.” He explained there was once a boat house that was in the point of the “Y” and that his grandfather allowed the county to dump the limerock so that boaters could come in and out. He said the county would dump the limerock, but that the rock was never spread by the county. He told the Board that in all his years of living there the county never performed any maintenance on the road. “The Connells went down the first road, and the second road was there for whoever went to the boat yard.”

Ms. Cathy Daniels who grew up in the area said she believes the life of the boating house was from 1970-1977. She said the maintenance stopping point was at the fork in the road from 1970-1977. She said, “They [county] stopped at the forks of road when the boating house was there. They did not go the little piece from the forks of the road on down to my parents’. But from where the fork of the road joins out, they [county] did keep that up during the boating season, because that was a boating house.” She said that she does not know of anything being done to the road once the boating house ceased to exist.

Mr. Ernest Williams offered that the road was a traveled road and that his son rode the school bus down the road in question.

Commissioner Skinner said, “If you don’t feel like I can be fair an impartial...I will declare that probably, if I look at genealogy that I am kin to Margaret Taylor. I need to declare that up front. But, that’s up to ya’ll. If you don’t think that I can make a fair and impartial statement or whatever happens....why I’d be glad to recuse myself if counsel agrees.” County Attorney Feagle replied that the law would require that he vote unless he needed to recuse himself due to statutory conflict, which he [Skinner] or a family member could personally gain from by voting. Commissioner Skinner replied that being the case, he does not have a conflict.

Commissioner Skinner said he shared information with residents on both sides prior to the meeting, and that there have been many “red flags” go up for him on the situation from both sides.

Commissioner Williams said paying taxes on a road does not make it a private road. According to Commissioner Williams the county did not have deeds on approximately 70 percent of the roads it owned in the 80’s and 90’s. “You can pay taxes on a road if you never deeded it to the county in order to get it off of your taxes.” The only information the commissioner had to add to the predicament is that in 1981 or 1982 the owner of the beauty shop called him to come out and look at the road before it gets to the interstate. He said the condition of the road was a nightmare due to huge ruts. As a result, both roads were repaired with limerock. He said that after that repair, due to redistricting, he was no longer the commissioner in that area and has no knowledge of whether there was ever additional maintenance. He said “that” is where the limerock comes from, but he doesn’t have any idea whether there has ever been any additional limerock added. He said that a one time repair with limerock does not make it a county road.

Attorney Feagle said that he and Commissioner Williams did look at the road in question and there is some limerock on the road, particularly up near Highway 250. He said that it was his

understanding through Commissioner Williams that there was a one time repair to the road in question, but that he was not aware of any continued maintenance on that particular branch of the road beyond that.

Commissioner Weaver said he pays property taxes on a portion of a county road, and realizes he does not personally own that part of the county road. He said the road has always been open to the public and there has never been anyone contest the public use of the road, even though the taxes have been paid on the road. He said he doesn't recall a private road in his district that he has not received a call requesting maintenance on in the last eight years. He said, "I cannot believe a road has been there 50 years and that there is not a tremendous number of complaints about that road. To me, that is an indication that the county has maintained the road, otherwise the commissioner in that district would be receiving calls at least on a monthly basis about that road."

Ms. Becky Shipp asked if the county considers the road in question a loop, or if they are considering Lear "Court" as two separate roads? She said if it is being considered one loop or one road, then her father, former Commissioner Shipp, will attest to the fact that the court or loop has been maintained.

County Manager Williams said there is no written record to his knowledge to indicate there was ever any road maintenance. Public Works was the first to go out and look at the road, and indicated that due to the heavy presence of limerock and other factors, that they believed it was under periodic maintenance of the county, but there are no records (only verbal testimony) to support that. The County Manager said it is his understanding through Attorney Feagle that Public Works is now "sort of recanting" what they had said. Public works is now saying that they aren't sure it was the county who placed the limerock on the roads.

County Attorney Feagle said, "The first information I got on it second handed regarding public works is that they thought it had been maintained. But, when we went to the site, there seemed to be some recanting of that in that the Public Works people that were present, as I recall it, said that we maintained one prong of the road..."there's the limerock and we know that's been graded or maintained or limerocked and even bushes trimmed," but they could not say (neither one of the public works people that were there) that the other branch of the road had been maintained during their administration. And one of them has been with the county over 30 years." He said, "I think there may have been some confusion when we discussed it with them over the telephone about which branch was being discussed. But that was just my perception of what was being said."

Commissioner Williams said that most of the grader men from the 80's have passed away. He suggested contacting former County Engineer Bedenbaugh, and Mike Roberts and Terry Brooks, the former road superintendents, for additional information. Attorney Feagle responded, that he called Robert Ridgeway [no title given], an employee at Public Works. Mr. Ridgeway could not recall whether there had been any maintenance on that, but suggested the county contact Mr. Cason [no first name or title provided] or Pete Futch [who is deceased]. Mr. Feagle did speak with Mr. Terry Brooks who visited the road and could not recall whether there had ever been any maintenance on the road.

Commissioner Skinner said that some of the confusion has been because Public Works Superintendent Hoyle Crowder visited the site and stated it was a county road. "But now, at the 11th hour, he is saying it is not a county road. It has raised some red flags. Each side feels like they are

being told what they want to hear, instead of what reality is. I'm not accusing anyone here, but there are enough red flags here to have some concern."

Commissioner Skinner was asked for a recommendation by the Board. He said in his meeting today with both parties, he learned that legal counsel has already been hired by one party, and they [the parties] agreed "that would probably be the best way to go." "They are going to hire counsel and let the judge decide what's right and what's wrong. In all good conscience, I cannot make a decision. I was elected in 2000. Either way I am hearing conflicting testimony and I cannot disseminate that. There's no possible way."

Mr. Johnny Waters asked Commissioner Williams to remember that because of a very sharp curve [he did not say where] that many cars had run off of and through his grandfather Waters' fence. The county spent a lot of money to make that very sharp curve safer by putting up a very large guardrail. Commissioner Williams recalled and added that he believed the guardrail was put in the very early 90s. Mr. Waters said, "You can't have an egress to a guard rail can you? So the road couldn't have been maintained, and it is an unsafe exit to start with. So, there is no reason to have that road there." He said that nobody has been denied access to their property, and to give access would be providing an unsafe entrance.

Commissioner Skinner: "Because things are mired down with so many maps and a lot of people saying the road is a county road. I do not have enough information to make a motion one way or another as far as to deny the road or accept the road, and then go home and sleep tonight." He said he could not make a decision in good conscience.

Attorney Feagle said that unless there is sufficient evidence by testimony or other evidence that would cause the Board to believe that it is a county road by construction and/or maintenance, the issue would be left up to the parties for resolution, either between themselves or by the court.

Commissioner Williams said that with the new radius on the curve, it becomes very dangerous entering onto Lake Jeffery on the East side. He asked if for safety reasons if realignment would be a possibility. Attorney Feagle said that there is testimony to support the fact that the eastern portion of the road is county maintained and the county could do work on the area that is maintained.

The commissioners huddled together looking at a map and engaged in general discussion among themselves regarding Lear Court, the green road signs, and the stops signs on both portions of the road.

There was no motion offered. Any determination made beyond this will need to be by the courts and declaratory judgment.

There was concern expressed from an unidentified gentleman in the audience that the road sign is missing, which could hamper a rescue call. The Chair responded it will be the county's responsibility to make sure 911 knows how to get to the homes. County Manager Williams agreed to notify 911 of the predicament in the area and make sure they know how to get to the homes.

SW WESSON COURT

SW Wesson Court is located East of Columbia City and accesses off of CR 240. The County believes this a prescriptive easement and public road by virtue of perpetual maintenance for a number

of years. While there are prescriptive easements and the county has maintained the road, at some point it is appropriate to have the road surveyed and file a copy of the survey with the Clerk of Courts Office. The process gives proper notice that the county is claiming it as a public road. At the request of Commissioner Porter in the last meeting, neighboring property owners have been notified of the county's intent and advised of the meeting.

The Chair called for public input. There being none, Commissioner Porter stated she has no problem with deeming it a public road. Commissioner Weaver said he knows the road has been maintained for many, many years.

Motion by Commissioner Williams to accept the survey of SW Wesson Court and to have it duly recorded with the Clerk of Court. Second by Commissioner Weaver. The motion carried unanimously.

SOLID WASTE RESOLUTION

The Commissioners considered a resolution electing to use a uniform method of collection for non-advalorem assessments to be levied within the entire unincorporated area of the county and the incorporated area of the Town of Fort White. Florida Statutes require the county, when planning to use a uniform method of collection for non-advalorem assessments, to notice the public that the solid waste assessment will be added to the tax bill, and hold a public hearing.

The public hearing opened and closed without public input. Attorney Feagle read the resolution heading.

Motion by Commissioner Williams to adopt the proposed resolution as presented. Second by Commissioner Bailey. The motion carried unanimously.

CONSENT AGENDA

Motion by Commissioner Williams to adopt Consent Agenda. Second by Commissioner Skinner.

There was a call for clarification on items #2 and #14. County Manager Williams assisted with clarification.

The motion carried unanimously.

- (1) External Budget Amendment – Sheriff's Office - #1 – BA #06-05 – FY End Roll Over Money - \$43,550.64
- (2) External Budget Amendment – Sheriff's Office - #3 – BA#06-07 – Purchase of Applicant Livescan Device for Fingerprinting – \$32,505.03
- (3) Proclamation - North Central Florida Planning Council, Inc. – Hazardous Materials Awareness Week – January 21-27, 2007
- (4) Suwannee River Economic Council, Inc. – (S.H.I.P.) – Release of Lien Agreement – Khalid Rentz - \$6,000.00
- (5) Suwannee River Economic Council, Inc. – (S.H.I.P.) – Partial Release of Mortgage– Lisa Oliver - \$15,000.00

- (6) Landscape Department – Declaration of Junk Property – #00012416 – Dell Computer
- (7) Solid Waste – Refund Request - Account Closure – Willie B. Allen - \$35.32
- (8) 9-1-1 Addressing – Naming of Unnamed Roads – NE Dampier Court
- (9) Library – Staff Development Day – June, 2007 – Permission to Hold Event off Site & Pay from Main Library Budget
- (10) External Budget Amendment – Sheriff’s Office - #2 – BA #06-06 – Three (3) New Detention Deputy Positions - \$95,200.08
- (11) External Budget Amendment – Public Library – BA #06-04 – Literacy Program - \$1,000.00
- (12) External Budget Amendment – Columbia County Fire Department – BA #06-02 – Supplies - \$60,000.00
- (13) Columbia County Emergency Medical Services – Refund Request – Medicare - \$179.85
- (14) County Manager – Vacation Leave Request – December 27th. Thru December 29th. 2006
- (15) Suwannee River Economic Council, Inc. - (S.H.I.P.) – Release of Lien – Stephanie Durrance - \$9,000.00
- (16) 9-1-1 Addressing – Naming of Unnamed Roads – SE Nightscape Glen
- (17) Re-Appointment - Industrial Development Authority Board – William Whitley – Term Expires January 19, 2011
- (18) North Central Florida Regional Planning Council, Inc. – Annual Monitoring of Hazardous Waste Generators Agreement for FY 2006-2007 - \$9,731.00
- (19) Family Health Center – State Medicaid Funding Agreement 2006-2007 - \$17,484.00
- (20) Family Health Center – Letter of Agreement - \$17,160.00
- (21) Minute Approval – Board of County Commissioners – Regular Meeting – November 16, 2006
- (22) Minute Approval – Board of County Commissioners – Joint City/County – Regular Meeting – November 30, 2006

SPECIAL PROJECTS FUNDS

District 3 is requesting permission to purchase two laptop computers for 911. The total cost is \$6,175.34.

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

BASE FLOOD ELEVATIONS

County Manager Williams discussed with the commissioners the changes that will be coming in the county’s base flood elevations for the county and the incorporated areas. A large number of parcels, approximately 16,000, will be affected by the change in the flood hazard boundary maps. These changes have not come as a result of any action taken by the Columbia County Board of County Commissioners. The County is bound by the procedures and rules of the federal government in resolving the issues that may arise. The County is also bound to adopt the new elevations and has no right to amend, exclude or include anything in the new elevations. There is a process by which residents will have a method of appeal and a possible means to opt out, but only within a 90 timeframe.

This process began several months ago and the collection of data is complete. An ad ran in the Lake City Reporter Newspaper today and will run again around December 28. Ninety days from the second publication the appeal process time period begins. At the end of those ninety days, the Board will be expected to adopt the appropriate ordinances, which will implement the new flood

hazard boundary elevations. The ad covered a number of areas that has flood history or potential to flood. The ad is somewhat misleading in that it does not show all areas covered by these maps. Staff expressed there is concern that the residents may look at the ad, not see their area and then assume they will not be affected. This wrong assumption could be costly, as they may then be required to carry flood insurance on their property.

This has already been implemented in other counties. Considering failures and successes of other counties, the county considered notifying the public of these changes so that that they would understand what they may be facing in the way of change.

Staff Suggestion: The County's technology will allow the county to interface county data with that of FEMA's flood maps. This will make it possible to notify the 7000 affected land owners of the coming changes through direct mail. The County is able to produce a document that will show the individuals' property as it is described and where that property may be encroached by a flood. The mail out will explain the appeal process and give a dedicated telephone number that they can call for additional information, and a time to meet with someone who will be trained in the process. FEMA packets will be provided to those wishing to file appeals. The County's only part, and as a courtesy, will be to assist with information and providing FEMA's appeal packets. Where the county finds that there are large geographical areas where problems exist and are highly concentrated, such as Calloway Subdivision, staff may come back before the Board and ask that they be allowed to file the appeal. Each individual property owner in that subdivision should not be required to file for an exemption since the county knows the Kirby road elevation is being built up to prevent future flooding. The cost to implement this will be approx. \$25,000. The notices will go out in phases over a 45 day period.

Marlin will review the proposed and relating ordinance.

Commissioner Williams said there is no proof that the County is going to prevent Calloway Subdivision from flooding again. He asked if the County was going to be willing to certify those houses wouldn't flood again due to the work done by the county. He asked, "Why would we want to certify a whole subdivision?" County Manager Williams said the county would not certify that the subdivision would never flood again, but instead the County would certify that the flood elevation they are using for Calloway is lower than the crown of the new road that is being built by the county and of the base of that road. The ultimate decision regarding exemption will be left up to FEMA.

The County Manager said that the City has an entirely separate map and will adopt a separate ordinance. He said that he would contact the City and let them know what the County is doing. He said that if the City wishes to use a similar process, the County will be happy to provide data to assist.

The commissioners expressed appreciation for the County Manager being proactive.

Motion by Commissioner Williams to approve a budget up to \$25,000. Second by Commissioner Weaver. The motion carried unanimously.

OTHER

The commissioners extended their Christmas wishes.

CITIZEN INPUT

Citizen Stewart Lilker said regarding the land development regulation discussed earlier, that the Comprehensive Plan states, "All rural areas are areas located outside the DUDA on the County's future Land Use Map." Regarding the policy regarding family plots, Mr. Lilker said that when the Comprehensive Plan was changed/updated in 2003, the section that states, "The County's Land Development regulations shall provide for the establishment of lots for use of familiar descendants, etc." was deleted. The new regulation in the Comprehensive Plan states, "The County shall allow the use of parcel property solely as a homestead by individual who is the grandparent, parent, step-parent, etc... The density intensity use assigned to the parcel in the comprehensive plan is not withstanding. Such a provision shall apply only once to an individual."

Mr. Lilker expressed that it is not acceptable that at the eleventh hour, the County Planner suddenly has issues of concern and expressed them in a memo dated December 19, 2006. He said they were issues that should have been brought up at the first hearing.

Mr. Lilker said the Comprehensive Plan is now not in conflict with the Land Development Regulation as amended by Commissioner Weaver at the last meeting public hearing. Mr. Lilker said, "The use of the family plot in the LDRs was removed to make it in compliance with the Comprehensive Plan. The Comprehensive Plan used to say that the family lot provision would be in the LDRs. That part was x'd out. It doesn't have to be in the LDRs anymore."

Mr. Lilker said it makes him nervous LDR 06-5 was addressed at the last meeting, and then without any discussion or even one question being asked by the Commission or Planning and Zoning, that the matter was set aside and sent back to the table. Commissioner Weaver explained the memo from the County Planner represented input from numerous people. To which Mr. Lilker replied that there once again is no records to indicate who the "several attorneys" were and who the "numerous people" were that raised these questions and concerns.

Mr. Lilker asked that a commissioner offer a motion for reconsideration of LDR 06-5, and that the motion be voted on and passed for one additional unit per five acres as was passed at the last meeting. The Chair told Mr. Lilker he was entitled to his opinion, and that her personal opinion is that she has no problem with being cautious and supports a more in-depth look at the issue and report at a later date. There was no motion offered.

County Manager Williams said, "If I may, just for the record. Stew, I don't know, you might be worrying about something needlessly. I don't want to give the opinion when it comes back that it would be more than one lot under special use, because I certainly don't know that. And there are two issues here, and one deals with what you've quoted in the Comp Plan, which tells about the special lot provision and the deeding, etc. The other issue deals with special use permits. The problem is coming in as to what determines when one is valid and one is not. And there apparently is some legal issues with that which are beyond my scope. And admittedly, they did come up late. They did. And we had two choices and I called and will freely admit, discussed it at length with Marlin this morning. I did not have time to try to resolve the issues to my satisfaction, where I could even explain them in depth to my Board. If we would have had the hearing tonight, the board would basically, I think, only been able to have postponed the final decision to yet another meeting. And if there was any substantial change at all to the ordinance, Marlin, based on what he told me, would have said, you are going to have to re-advertise, irregardless. Which make sense. But I honestly don't know that

you are worried about something needlessly at this point. I don't know that that's going to change and I didn't want to give that impression. All I was trying to say is, Stew, I don't really know what the outcome is going to be, because it hasn't been written yet.

Mr. Lilker replied: I appreciate that, and I thank you for that. I think that it was written last week. So we just have a difference of opinion. And the board gave no cogent reason why they should vote against it, or why they should table it or change their minds. And that's the part that troubles me. No discussion, wham bam ...and it's done.

Commissioner Porter: I just wanted to explain to you it has not been without discussion. Not among each other, but each commissioner goes over the agenda with the County Manager and he expressed his opinion to each commissioner and his reasons why he felt we should investigate it further, so, each of the commissioners has been informed before this very moment.

Mr. Lilker: And I'm presuming the commissioners give their opinions to the County Manager?

Commissioner Porter: Yes. Exactly.

Mr. Lilker thanked the Board, and concluded by wishing Mr. Karl Burkhart a Merry Christmas and many thanks for his fine reporting on lakecityjournal.com and the job he does in keeping his community informed. He said, "It's straight-forward and it's the facts, and I think it's really great."
He also extended Christmas and New Year wishes to the Board and staff.

Sheriff Gootee expressed appreciation for the vote on consent agenda item #2. For clarification he said that the equipment is not something the department simply wanted, but is a piece of equipment that is mandated by the Florida Department of Law Enforcement that he have before January 15, 2007, that all new applicants be live scanned into the system directly to FDLE. Then by January 01, 2008 all employees will have to be live scanned directly into the system. He said he called Tallahassee questioning how they would mandate him to purchase a piece of equipment that would cost approximately \$20,000. He said he then learned and can verify that in 2003, prior to his administration, the Sheriff Department was offered a free live scan machine. The only cost would be for the machine's maintenance.

Citizen David Rountree regarding consent agenda item #2, he asked what are the prisoners' **substinence** funds? The Sheriff responded that the Sheriff is allowed by law to collect a **substinence** fee to offset costs. Mr. Rountree asked, "How this is different from the finger printing devise that you purchased earlier in the year or at the end of the last year?" The Sheriff's response was not audible. The County Manager added the funds are restricted revenue and the county can't do anything else with them. It is clear statutorily, in most of those funds, the Sheriff has the determination as to where they are used. The Board cannot unreasonably refuse his recommendation as to how to use those monies. Mr. Rountree said that the lack of detail explanation on the consent agenda items leaves a lot to be desired when you are discussing \$32,000 for a fingerprinting devise and also includes a vehicle.

Mr. Rountree pointed out that during the budget workshop that the commissioner of District 3 has pledged 100% of his special projects funds to the Fire Department. He asked if the commissioner is now going back on that decision in order to purchase laptop computers. Mr. Skinner responded, "No sir. It's a public safety entity and I asked the Chief, upon request from emergency management, what he thought about that. And he being part of public safety understood and could see where that

could compliment public safety as a whole; fire suppression, law enforcement, EMS or whatever. And that's the reason I did what I did. They did not have the funds to do that and that was a piece of equipment that was really needed." Mr. Rountree said he completely understood the need, but questioned that 100% of the funds were dedicated specifically to the fire department. County Manager Williams clarified that Commissioner Skinner did make that statement during the workshop. He said, "I had further conversations with the commissioner, and on the basis of that, we never amended the special projects money from his district, and just put it into the fire budget. So we're still working with the same amount of dollars." Mr. Williams explained that when he made his motion in the budget workshop, he was not zeroed out and the money moved to the fire budget. Mr. Rountree wished everyone a Merry Christmas and Happy New Year.

Mr. Rountree thanked County Manager Dale Williams for an excellent presentation on the County's behalf at the Legislative Delegation public hearing earlier in the week. He said the presentation was detailed and well received. "Thank you Dale."

There being no further business to come before the Board, the meeting adjourned at 8:20 p.m.

ATTEST:

Board of County Commissioners

P. DeWitt Cason
Clerk of Circuit Court