

Columbia County Board of County Commissioners
Minutes of
March 06, 2008

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

The Chairman called the meeting to order. The meeting opened with prayer and the Pledge of Allegiance to the Flag of the United States of America.

Commissioners in Attendance: Dewey Weaver, George Skinner, Ronald Williams, Elizabeth Porter and Stephen Bailey.

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

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BUILDING & ZONING

Zoning Amendments – Public Hearings

(1) **Z 0489** Lori Giebeig Simpson, as agent for Peter W. Giebeig – Dist. 3.
An application to amend the Official Zoning Atlas of the Land Development Regulations by changing the zoning district of certain lands from RESIDENTIAL, SINGLE FAMILY-2 (RSF-2) to COMMERCIAL, GENERAL (CG) for property located within Section II, Township 4 South, Range 16 East, Columbia County, Florida.

Commissioner Bailey declared a conflict as he is a relative of the applicants.

MOTION by Commissioner Skinner to approve. Second by Commissioner Williams. The motion carried 4-0. Commissioner Bailey abstained from the vote.

(2) **Z 0490** LSJ Properties, Inc. – Dist. 3. An application to amend the Official Zoning Atlas of the Land Development Regulations by changing the zoning district of certain lands from RESIDENTIAL, SINGLE FAMILY-2 (RSF-2) to COMMERCIAL, GENERAL (CG) for property located within Section 11, Township 4 South, Range 16 East, Columbia County, Florida.

Commissioner Bailey declared a conflict of interest as he is a relative of the applicants.

MOTION by Commissioner Skinner to approve. Second by Commissioner Porter. The motion carried 4-0.

Text Amendment- 2nd Public Hearing

(1) LDR 07-4 GTC Design Group, LLC as agent for Dale Peeler. This is to amend Section 4.2.39; Allowing for borrow pits in environmentally sensitive areas, and Section 14.7.1; Adding additional requirements for borrow pits.

Commissioner Williams said that previously, he was hesitant to approve this. There are borrow pits with the same land use classification in the area that were approved through special permits prior to the “environmentally sensitive areas” being addressed in the Land Development Regulations. The Commissioner said that he met with Mr. Peeler earlier in the week and listened to Mr. Peeler’s objectives and goals for the 17 acre tract. The commissioner reported that Mr. Peeler has explained this borrow pit would have a 1.5 acre setback from the road and would be for private use.

The Commissioner offered the following amendment to the text amendment being considered: *All borrow pits larger than five acres must be reclaimed in five acre phases. The pit owner would be required to totally reclaim the pit with a 4:1 slope and also required to seed the pit*

prior to excavating additional acreage. The Commissioner said this would keep the large and ugly borrow pit from sitting there many years without being reclaimed.

Commissioner Williams asked Attorney Feagle if done in five acre increments, if the performance bond would only be required on the five acres being excavated. Attorney Feagle responded that this could be part of the stipulation, as long as there is no development on the remainder of the property.

Commissioner Weaver pointed out that there is not sufficient staff to ensure reclaiming compliance. He would like added to that text amendment, a fee (TBD) sufficient to ensure compliance inspections.

Pre-existing barrow pits will be excluded from this amendment, as they are grandfathered in under the already existing permit.

The public hearing opened and closed without public input.

MOTION by Commissioner Williams to accept LDR 07-4 with the suggested amendments. Second by Commissioner Porter. The motion carried unanimously.

Subdivision – Final Plat

(1) SD 0223 Brandy Subdivision – Dist. 3. Assistant County Planner Connie Scott requested this matter be removed from the agenda. She reported that certain required construction has not been accomplished to date.

MOTION by Commissioner Williams to remove from the agenda. Second by Commissioner Skinner. The motion carried unanimously.

CODE ENFORCEMENT BOARD

Ordinance No. 87-9

This amendment to the ordinance has been advertised as a public hearing. The amendment complies with state law and will allow existing members of the Code Enforcement Board to be continuously reappointed upon approval of the Board of County Commissioners.

The public hearing opened and closed without public input.

MOTION by Commissioner Bailey to amend Ordinance No. 87-9. Second by Commissioner Skinner. The motion carried unanimously.

RESOLUTION

Meridian Behavioral Healthcare, Inc.

Alachua County Health Facilities Authority has been asked to issue revenue bonds up to \$7,000,000. Mr. Gerald Holt of Meridian Behavioral Healthcare explained this bond was initiated to finance certain capital improvements. Currently, the largest project being undertaken is an electronic healthcare record tracking system that will enhance services. The revenue bonds are held by the bank. Columbia County has no financial obligations.

The public hearing opened and closed without public input.

Commissioner Weaver advised that his wife serves on this Board as a non-paid member.

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

DEPARTMENT of TRANSPORTATION

Marion Avenue

Project Manager Jamie Driggers provided a presentation regarding a future resurfacing project on Marion Avenue. The project will begin on the most southern end of Marion Avenue where it intersects with Hwy. 441 South at the Columbia High School. The project will proceed to

the northern end of Marion Avenue until reaching Highway 100A. This project will encompass resurfacing of the existing asphalt, ADA upgrades and street lighting upgrades, drainage improvements in the downtown section of Marion Avenue, and upgrades to the traffic signals. Key public concerns currently being addressed are: Selective on-street parking, extending turn lanes, removing school zone at Malone Street, and increasing speed zone at Columbia High School from 35 mph to 45 mph. The speed at the actual crossing will be 35 mph.

Commissioner Williams expressed concern with a blind spot at the intersection of Long Street that has been caused by light poles. D.O.T. will review the concern. Commissioner Williams also expressed concern that a light pole in the middle of the sidewalk is blocking access to a wheelchair ramp at Baya Avenue and Marion Avenue. Commissioner Williams learned this issue would be resolved with the upgrade lighting plan.

Commissioner Porter reported receiving calls relating to the removal of the school zone at Epiphany School/Malone Street. D.O.T. clarified that the proposal is to remove the actual “zone” and leave the “crossing” at Malone Street in place. The commissioner said the concern is that there are children from the north and the south who are using the crossing. Mr. Driggers responded the department has also received calls. For that reason, a public hearing has been scheduled for March 20, 2008 from 4:30 p.m. to 6:30 p.m. for citizens to voice their concern. Epiphany School has already informed the department that they have no objections to the school zone being removed, as they feel it serves no purpose. Epiphany School has relayed to the department that all of their students are transported in and do not walk.

Former County Commissioner James Montgomery said that he has passed through that school zone every day for many, many years and has never seen anyone cross at the Malone School Crossing.

Citizen Coy Williams feels putting plans in place now for a future transit system would eliminate many of the transportation problems the county is facing. Though slightly off subject, Mr. Williams voiced that the high taxes being assessed to the citizens are not fair. He also suggested that Board meetings be televised live, and that the county work toward promoting vocational training in Columbia County.

NACO REPORT

By George Skinner

Commissioner Skinner, a member of the Public Safety & Justice Steering Committee reported on the latest educational meeting in North Carolina. He said the thrust of the discussions were intergovernmental challenges of jail re-entry, diverting the mentally ill, and securing the homeland.

Commissioner Skinner said that he was asked to give closed door testimony to the committee regarding his personal battle to overcome the addiction of prescription medications after having open heart surgery. Commissioner Skinner said that Methadone is the number one drug found in overdoses in the nation. He said this is a drug that is easily obtainable through doctors. He reported their discussion regarding the abuse of this drug had people in the meeting in tears, because they had family members, church friends, children, and professional associates addicted and fighting the battle of Methadone.

At this conference, Commissioner Skinner learned that the federal government is going to propose funding that will provide training, building facilities, and treating/assisting those abusers who are truly seeking help. Also included in this conference were meetings relating to homeland security, gang prevention, and child abuse. Commissioner Skinner stressed the need to provide the young people with something to do.

CONSENT AGENDA

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

Regarding Item #10: Mr. Stewart Lilker is not opposed to the Windstream permit. He pointed out that many citizens at the southern end of the county pay a long distance charge when placing calls within Columbia County. He suggested that since Windstream has the power to change this relatively easy, that the County write a letter to Windstream asking them to include the phone numbers of citizens living in the southern end of Columbia County. Commissioner Weaver responded that it use to be a flat fee of twenty-five cents to call from a 454 prefix to other Columbia County numbers, and that there is no longer a charge for those with 497 prefix to call other Columbia County numbers. Commissioner Weaver will look into the matter further.

The motion carried unanimously.

(1) Hartford Life Insurance Company – Aim Small Cap Growth Fund – Voting Proxy

(2) Invoice – Cal-Tech Testing, Inc. – Three Rivers Estates – Utah Street – Sinkhole - \$6,758.25

(3) Invoice – John C. Hipp Construction Equipment Company – Brown Road Project - \$68,642.00 Final Invoice

(4) Columbia County Emergency Medical Services – Refund Request – Blue Cross and Blue Shield - \$226.60

(5) Columbia County Emergency Medical Services – Refund Request – Daniel Merriken - \$226.60

(6) Columbia County Emergency Medical Services – Refund Request – Blue Cross and Blue Shield - \$293.20

(7) 9-1-1 Addressing – Naming of Unnamed Road – SW Theodore O’Conner Circle

(8) Public Works – Request to Enter Private Property – SW Truluck Terrace – Lenora S. and Norman R. Steadman, Property Owner - Correct Drainage - Installation of Drain Pipe

(9) Minute Approval – Board of County Commissioners – Scheduled Workshop – January 31, 2008 (10) Utility Permit – Windstream Florida, Inc. – SW Wilson Springs Road

(11) Columbia County Emergency Medical Services – Refund Request – Blue Cross and Blue Shield of Florida - \$183.20

(12) Columbia County Emergency Medical Services – Refund Request – Shirley Mullens - \$269.78

(13) External Budget Amendment – Columbia County Fire Department – MSBU Fund – BA #07-19 – Replacement of Extrication Equipment - \$54,096

(14) Network Specialist – Requesting SunGard H.T.E. Maintenance, Disaster Recovery, Equipment & Software Upgrades - SunGard Public Sector, Inc.

ASP Proposal Application System & Maintenance Agreement – \$2,161.00 Startup Fee, \$2,301.00 Monthly Access Fee

(15) Agreement – Eutaw Utilities, Inc. – Work Authorization Agreement – Inspection, Supervision & Administration Services during Ellisville Well Field Construction – Services not to Exceed \$26,000.00

(16) Bid Award – Rough Stock Fencing – Bid No. 2008-F – Fencing Target Retention Pond - \$19,650.00

(17) REVISED – Minute Approval – Board of County Commissioners – Scheduled Workshop – January 31, 2008

PROPERTY PURCHASE

Turner Road Resurfacing Project

This property purchase was first discussed at the February 21, 2008 Board Meeting. County Manager Dale Williams addressed concerns relayed to him.

He clarified that this is an elective purchase and that there is absolutely no legal requirements for this project that would require the county to purchase retention of any type. There are flooding problems on the north and south end of Turner Road. If the county does not wish to purchase land for retention, the road elevation will simply be raised to keep the water off of the road.

The County Manager said that he and the county engineer felt it would be best to try to address the flooding area. The site was chosen by the county engineer and would address the south-end flooding of Turner Road. It was not the only site evaluated, but it was the site the county engineer felt would be best. This particular parcel of land is zoned commercial intensive. This general area is mixed use zoning (commercial, residential, and commercial highway interchange).

The asking price of the property was \$178,700 for the property, which required two appraisals prior to purchase. The results of the appraisals were \$148,400 and \$161,700. County Purchasing Director Ben Scott negotiated with the owner to split the difference in the appraisals. The owner was not interested, but did drop their asking price from \$178,700 to \$161,700. The County Manager said that other sites have been identified and reviewed, but found to be inferior and not available for sale. He reiterated to the Board that there is no legal requirement for the Board to purchase retention property for this project. Commissioner Skinner and Commissioner Williams believe that the purchase of retention property would be money well spent.

Citizen Stewart Lilker read a letter from Citizen Barbara Lemley in which she questioned the purchase of this particular piece of property that is owned by the Little family, when there may be other adjoining properties available for much less. She suggested property owner Dave Mrvica be contacted regarding his property, which is adjacent to the Little property and consists of twenty-six acres. Ms. Lemley expressed that \$161,000 is a lot of money to spend on a retention pond. Ms. Lemley's letter is a part of the original minutes.

Mr. Lilker added that Ms. Lemley telephoned him to say that she had spoke with Mr. Mrvica subsequent to emailing this letter to the county, and stated that Mr. Mrvica is willing to entertain discussions with the county regarding the sale of some of his property for less money than the county is now looking to spend.

The County Manager said that he had actually pointed out this property on a map to the County Engineer John Colson, who believes in order to use this property the size of the pond would need to be increased. The County Manager said, "It should be noted that to use any of that property would require that an easement be obtained against this very commercial property that we are discussing, so you can't remove them from the equation in their entirety." Therefore, the county engineer considers the Mrvica property inferior to the Little property.

MOTION by Commissioner Skinner to approve the purchase of 1 6/10 acre from the Little family in the amount of \$161,700, plus closing costs. Second by Commissioner Porter.

Commissioner Bailey noted this would take a supermajority vote.

Commissioner Williams made a request, "Dale one of the things I would like for you to do, you say you spoke to John, I would like for John to put that in writing and have that attached to the minutes." The County Manager acknowledged the request.

The motion carried unanimously.

SIGNAGE

Jasmine Garden Inn (f/k/a Terrace Inn)

Jasmine Garden Inn ("JGI") is requesting permission to erect signs (4X4) at the intersection of Route 90 and Commerce, Route 90 and Knights Ave, and Commerce and Medical Center Way. The signs will have solar powered lighting and will be professionally designed.

JGI is situated approximately 2000 feet away from Highway 90. Because there are other businesses located between JGI and Highway 90, visibility to customers and potential customers is limited.

The County Manager stated the requested signs may not comply with the rules and regulations of the Department of Transportation. Additionally, these signs are not in keeping with the character of other existing directional signs. Staff recommended approval of the placement of the signs, but require that they be within the scope and character of other existing directional signs.

MOTION by Commissioner Williams to approve. Second by Commissioner Skinner.

Attorney Feagle said that he believes there is a very good possibility that once the county's sign ordinance has gone through the review process that erecting these signs would be inconsistent with the ordinance. He suggested the Board consider adding to the motion language that indicates that once the sign ordinance passes and if it prohibits any type of commercial signs in the right of way, that the Board would have the right to require that the signs be removed from the right-of-way at JGI's cost. Otherwise the county could be required to pay damages if they require removal after permission has been granted through a permit. The County Manager offered that the draft ordinance, as it is now written, will have some implications. County Attorney Feagle said that the County could probably issue a license for the placement of the signs, but have the license include a provision where the license could be revoked with a 30 day notice without liability to the county.

MOTION by Commissioner Williams, "Move for that amendment." Second by Commissioner Skinner.

The Chair clarified the motion, "It's to approve the signs, under the condition that in the future that if it is found to be in conflict with the county's sign ordinance, it will be revoked. Is that correct Mr. Williams?" Mr. Williams responded, "That's correct."

Commissioner Bailey asked when the ordinance would come before the Board, and if this is the same sign ordinance that was being discussed when the Hwy. 47 four lane project got underway. The County Manager responded that it is the same ordinance, and that there is no timetable. Commissioner Bailey said that he is hesitant to move forward with approving the request knowing that it may be in conflict with the ordinance, and that he does not want to see the county littered with signs. Commissioner Porter voiced that she has a problem with the way it [the ordinance] is written.

Commissioner Porter asked the Chair if the vote is for the 4x4 signs, or voting on the size of signs in keeping with the signs in the area. Commissioner Williams answered that the vote on the motion is for the signs to be in keeping with the size of the other signs in the area.

Commissioner Bailey asked what happens with other signs in the right-of-way once the ordinance passes and they are found to be in conflict. The answer was that the existing signs will be grandfathered in, and shall remain in place until they deteriorate to the point of replacement. They would then be subject to the new regulations. Attorney Feagle said those signs in the right of way that have not been licensed could be removed.

The motion carried unanimously.

EMPLOYEMENT AGREEMENT

Attorney William Whitley

The County Manager explained this is an agreement for legal services specifically as conflict council. The County Manager addressed some of the issues that were brought up at the last meeting:

The Board has the discretion to hire other legal council if they desire. Mr. Whitley was chosen as conflict council because of his prior governmental experience, and he was one of the few attorneys available with this type of legal experience.

Mr. Whitley doesn't wish to be divisive, and said that he would understand if the Board feels they need to seek legal services from other parties.

Under his previous contract, Mr. Whitley was paid \$90 per hour plus certain benefits. The "over ride" on the benefits was 17.5%. Making his actual hourly salary \$105.75.

County Manager Williams explained the previous type of contract is difficult to keep up with. Therefore, in renewal negotiations it was agreed that \$100 per hour would be less than the currently hourly rate of \$105.75, but still a fair rate.

The County Manager said, "I tried to get him to do it at the rate that Fort White charges, or he charges Fort White, which is eighty-five dollars an hour. He refused. His reason was that Fort White is a smaller municipality; they have less resources; Mr. Whitley believes that he is more committed to the south end of the county and sees himself in part, as not only providing legal service to them, but also as performing some public service. He does not believe that he makes money off of Fort White, but rather covers his expenses and that's the way he sees his contract. He simply is not willing to do it for the same rate. And so we removed the override; we agreed to the hundred dollars at least in the form of a draft proposal."

Not in the draft agreement, but to be in a caveat, there are certain expenses (i.e. travel, association dues, etc.) that Mr. Whitley is entitled to charge the county after first obtaining "prior" approval.

The billing is in 1/10th hour increments with a minimum 2/10th hour. Mr. Williams said that this was found in most standard attorney contracts "that we looked at," but with ¼ hour minimums.

The County Manager advised that this afternoon, Citizen Stewart Lilker filed with the Board of County Commissioners his objections to the contract. Those objections were forwarded to Attorney William Whitley. Mr. Whitley stated in his response that if any member of the Board has any doubt about the contract or the services he provides that he would request the contract be pulled and other counsel be sought. Mr. Lilker's objections and Mr. Whitley's response are both made part of the original minutes.

The County Manager said that while it is not incumbent upon the County to accept this employment agreement, it is wise for the county to have conflict council when needed.

Commissioner Skinner said that he understands that Mr. Whitley's retirement plan was at the same rate as an elected official.

The County Manager replied that he looked into that today and found that it is not true. The County Manager explained that at one time Mr. Whitley was an elected official, but once his seat expired and he entered into the contract, he came under the regular retirement service class. The County Manager said, "I think bookkeeping actually paid the higher rate for a quarter or something, but they filed the paper work to amend that, but he will only be compensated on retirement as a regular retirement employee, not an elected officer. And under the proposal all that goes away anyway. There is no retirement. There are no benefits. There's no health insurance, there's none of that. It's just an hourly rate."

Citizen Stewart Lilker addressed the Board regarding the proposed contract. Mr. Lilker said that the whole term that Mr. Whitley was being paid by the county, he was being paid the full retirement benefit. He showed the Board a printout provided by Internal Auditor Judy Lewis showing Mr. Whitley's last retirement payment of just over \$247. Mr. Lilker said that the County

has never stopped paying the higher rate of retirement. He said that whether or not Mr. Whitley now returns that money is of “no moment to me”. He told the Board that Mr. Whitley had to be an employee for at least one year in order to be vested. Mr. Lilker said that apparently, that is why he was hired as an employee so that he would become vested. Mr. Lilker said the county records clearly state, “elected official.” He stated that Mr. Whitley was not an elected official at the time he was being paid, and was being paid at the elected official rate. He said the elected official rate is 16% and change is posted on the official retirement website for the state. Mr. Lilker said there has never been any effort on the part of the county not to pay Mr. Whitley the retired person rate and he becomes eligible after a year. Mr. Lilker said, “It’s quite clear why he’s not going to be an employee anymore.”

Mr. Lilker said it is obvious from the billing printouts that Mr. Whitley was being paid for more than simply conflict counsel.

It was noted that both contracts read “other legal matters as the county manager, may from time-to-time assign to the attorney, which are within the attorney’s knowledge and field of expertise”.

Mr. Lilker reported that Mr. Whitley has generated correspondence to others whom he does business with claiming that he is the deputy county attorney. Mr. Lilker said that it is not true and that Mr. Whitley has never been given a position as deputy county attorney. He asked if anyone knew different. Mr. Lilker said, “To go back, he would be paid at the rate of an elected county official to be vested in the retirement system, which was just a scheme on the part of the county, apparently to take care of Mr. Whitley.”

Mr. Lilker noted from the billing statement that Mr. Whitley was paid \$45 to come to Lake City to pickup his mail and drop off memos. Mr. Lilker said, “This has nothing to do with personalities.” Mr. Lilker asked how many county “employees” get paid to come to work. Mr. Lilker said he did not understand how Mr. Whitley had the audacity, and the internal auditor who is the only person to approve the billing statements, could pay this.

Finally, Mr. Lilker said that in Mr. Whitley’s letter, Mr. Whitley indicated this is an issue of personalities. Mr. Lilker responded that he did not know Mr. Whitley on a personal level and has no personal animosity whatsoever toward Mr. Whitley. He said that the only time he’s ever met Mr. Whitley was at official meetings. Mr. Lilker said, “If Mr. Whitley feels that people asking questions about his billing are improper, well, that I guess is Mr. Whitley’s problem.”

Commissioner Skinner said that it is his understanding that one has to serve six years to be vested. Mr. Lilker responded that it is only one year for elected officials and what he was being paid. Mr. Lilker said clearly that one year made up the difference, if Mr. Whitley wasn’t already vested. Commissioner Weaver said it takes six years for an elected official to be vested. Commissioner Porter agreed with Commissioner Weaver. Mr. Lilker disagreed, and stated the issue is that he was not an elected official at the time. Mr. Lilker provided a spread sheet of Mr. Whitley’s billing. He said that every bit of information was taken directly from Mr. Whitley’s personal billing statements.

Mr. Lilker said that he has a problem that on 11/1/2007 that Mr. Whitley claimed that he was at a Board of County Commissioner’s meeting for 1.5 hours, yet the meeting only lasted one hour and ten minutes. In another instance, Mr. Whitley claimed he was at a meeting on 11/15 for 2.8 hours and charged the county \$360 to attend a 2.8 hour meeting. Mr. Lilker pointed out to the Chairman that according to the official minutes that particular meeting lasted from 7:00-8:10 p.m. Mr. Lilker said, “That” is not a personality issue Mr. Chairman, it’s an issue of fact.”

Mr. Lilker recalled the Charter Review Committee meetings where the County Attorney testified that he is not overworked and that he did not think a full time county attorney was needed.

Mr. Lilker wondered then, why Mr. Whitley has been hired for these many other things as the deputy county attorney.

Mr. Lilker said that he thought Mr. Whitley's billing practices and their acceptance by the county were lacking, not acceptable, and unclear.

Mr. Lilker said he opposes the contract with Mr. Whitley and respectfully asked the board to reconsider the contract.

County Manager Williams said that retirement was not paid directly to Mr. Whitley but was paid to the Florida Retirement System, and that the retirement contribution had been corrected and that a letter would be obtained from the Clerk's Office explaining what happened with Mr. Whitley's retirement contribution and how it was corrected.

Regarding the issue of a "deputy county attorney" the County Manager said, "I know nothing, to my knowledge, about deputy county attorney. I don't recall ever receiving anything with "deputy county attorney" and I certainly know of nothing that ever gave him permission to use deputy county attorney."

Regarding the hours billed, the County Manager said, "Mr. Lilker's correct. We don't put a stop watch on him. Somebody at that particular level tells me they spent a half an hour on the subject matter, I pretty much have to take their word they spent a half an hour on the subject matter. I do not know that. I do know that in some of the previous contract billings, travel time was included as part of that, so to just simply look at the time in the meeting; not add travel time, would not give one the appropriate view."

Commissioner Skinner asked if the Board could get better clarification on the billing so that the billing is more descriptive and not so vague. The County Manager said the board has the prerogative to propose any amendments to the agreement they so choose.

MOTION by Commissioner Williams to enter into a contract with Mr. Whitley to provide services where there is a conflict for the County Attorney, with the County Administrator setting guidelines for a more stringent billing procedure. Second by Commissioner Porter.

Commissioner Skinner called for clarification of the motion asking if the motion would correct the vagueness in the billing statements, and if the procedures for billing would be more stringent in the future, where if a person reviews the statement they will be able to understand it. Chairman Weaver and Commissioner Williams both replied that whether a person understands or not will depend on the individual. The County Manager explained to Commissioner Skinner that if the motion passes, there will be a change in billing procedure.

Commissioner Williams asked Mr. Lilker if he understood him correctly when he said that he had only met Mr. Whitley at the official meetings in Fort White.

Mr. Lilker returned to the microphone and answered that to the best of his recollection, he had only met Mr. Whitley at official functions; at the Fort White meetings, the Board of County Commissioners' meetings, and the Winfield extravaganza hosted by Commissioner Williams every year.

Commissioner Williams said, "I wanted to clarify. You said it wasn't a personal issue. And then that's what I wanted to know, because I know that hair flew a couple times at Board meetings between you and Mr. Whitley about him, so I don't think it's fair to say you only met him a couple times, because you gave him hell up here a lot while he was appointed county commissioner, and I think we can go back to the minutes and prove that. I don't want to hear that about you only meet him causally."

Mr. Lilker answered, "Thank you Mr. Commissioner. I've only met Mr. Whitley at these meetings and that Mr. Whitley didn't take my questions as being casual and apparently you didn't

either, that's something that I'm not in control of. I do suggest that you go back to the minutes and read the questions. One of the questions [in the minutes] was whether or not the Governor knew about Mr. Whitley being on vacation for the first six or eight weeks, I don't recall which, that he was here. That he was appointed and never showed up at a meeting. Well, that was one of the things that the Board and Mr. Whitley took exception to. I was in contact with the Governor's office. They are very nice there. They sent me all the papers that they had. There was not one piece of paper that indicated the Governor at all, that the Governor or anybody on his staff, knew that Mr. Whitley was on vacation during that time. I just thought I would clear that up."

Commissioner Bailey wanted to ensure this contract does not limit Mr. Whitley's services to handling only conflicts. There was a consensus that the contract indicate there would be times when Mr. Whitley would be assigned other duties. Commissioner Williams amended his motion to add:

MOTION by Commissioner Williams to enter into a contract with Mr. Whitley to provide services where there is a conflict for the County Attorney, and to provide other legal services deemed necessary by the County Manager. And for the County Manager to set guidelines for a more stringent billing procedure. Second by Commissioner Porter.

Attorney Feagle said with Attorney Whitley having former experience as an assistant prosecutor, he may be more qualified to handle the prosecution of citations on the county's behalf. Commissioner Bailey added that Mr. Whitley also has the experience of serving on the High Springs Planning & Zoning Board and the Board of Adjustment in High Springs, and has also served as their Code Enforcement Attorney.

The motion carried unanimously.

SPECIAL PROJECT FUNDS

District #1

Request to use \$1,500 to purchase athletic equipment for the Columbia County School System.

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

GOOD FRIDAY

March 21, 2008

There are other county offices outside of the county umbrella that already recognize Good Friday as a holiday. There have been past discussions as to whether or not the Board of County Commissioners and the departments that fall under their umbrella should also observe Good Friday as a holiday. As requested, the Assistant County Manager has compiled the cost for granting this as an additional holiday, which is \$13,249.76. Most of this amount would result from overtime, as the policy requires holiday overtime pay to be at a different rate than normal overtime pay.

Chairman Weaver said he would not support the motion, because it is a religious holiday that is not observed as a state or federal holiday. Employee wishing to observe Good Friday can do so by utilizing their annual leave or personal holiday time. He said if the County is going to recognize Good Friday by taking a day off, they should recognize other religious holidays by taking the day off, if requested by other religious groups. Commissioner Weaver said that he personally observes Good Friday, and did so on his own time prior to retiring.

Commissioner Skinner feels the separation of church and government have gone too far. He asked what the difference was between praying to God before a county meeting and approving Good Friday, a religious holiday. He will vote in favor of the holiday.

Commissioner Porter is in favor and stated that she wishes to afford the Board employees the day off just as other county employees.

Commissioner Bailey is in favor of the Good Friday being a county holiday and believes everyone in the Board Office would like to observe the holiday. Unfortunately, everyone could not be afforded the day off and the offices still remain open. He recalled that last year the Board Office was a ghost town on Good Friday. He'll vote to add Good Friday to the list of holidays.

The County Manager voiced that union employees, under the current agreement, are entitled to the same holidays as other county employees.

MOTION by Commissioner Bailey to grant Good Friday as an official holiday. Second by Commissioner Skinner. The motion 4-1 with Chairman Weaver voting in opposition.

PLANNING RETREAT

Chairman Weaver advised that he is working with the County Manager to establish a date for an all day planning retreat. The County Manager's annual report, which will take approximately two hours, will be provided at this meeting. The Commission will use the remainder of the day on long range county planning. A facilitator will assist with the planning portion of the meeting. Commissioner Bailey said that he has names to offer for possible facilitators.

CITIZEN INPUT

Citizen Coy Williams said the Constitution simply states that the government shall not sponsor a religion. He agreed that lawyers and others have been allowed to complicate the issue.

Mr. Williams asked for a status on the **bypass** road, and asked how much money has been collected for the bypass and how it had been used. He also suggested road plans should always have the flexibility to move projects to the top or further down on the priority list to meet immediate needs. Mr. Williams learned that the county engineer establishes road priorities and does have the flexibility mentioned. County Manager Williams said there is nearly \$8,000,000 in the Connector Road account, and that he would be happy to provide a list of expenditures. Mr. Williams said that he understands there have been several setbacks in this project, but stated that many of the issues could have and should have been resolved prior to a tax being imposed on the people.

Citizen Stewart Lilker asked for an update on the **Law Library** issue. The County Manager responded that it is his understanding that Court Administration is considering two sites; the courthouse and the public library. There have been no final decisions.

Mr. Lilker asked, "When you say, "**For the record**," does that mean that Mrs. Markham is supposed to put in what you say for the record, or is that just a figure of speech?" The County Manager said for him personally, it is only a figure of speech. He said that if he would like for it to be verbatim for the record, he would specifically ask that it be verbatim.

Mr. Lilker asked again if anyone knew of any county employee, other than **Mr. Whitley**, who gets paid to drive to work. The County Manager replied that for the average employee, the clock starts when they enter their work station, not when they leave the house. Chairman Weaver noted that on-call deputies get paid for travel to work.

Mr. Lilker recalled that Commissioner Skinner mentioned earlier in the meeting, during his NACO report, the importance of a good reputation. Mr. Lilker said that a day doesn't go by that he doesn't think about the issue of Commissioner Skinner being **censured** by the Board. He told the Board that a person can lose all material things, but will always be left with their reputation, character and integrity. He said Commissioner Skinner never pled or was found guilty of breaking any law/rule. He asked Chairman Weaver to consider rescinding the motion he made to publicly censure Commissioner Skinner, and to right the wrong. Mr. Lilker also asked who knew before that particular meeting that Commissioner Skinner was going to be publicly censured. He asked the

County Manager if he knew before the meeting. The County Manager responded, "Mr. Lilker I honestly don't remember. You know, county manager is to a great extent are keepers of secrets. I hear a lot of things, some gets shared, some doesn't."

Chairman Weaver said that Commissioner Skinner has relayed to him personally and on numerous occasions that he wished Mr. Lilker would quit bringing the matter back up publicly, because it is the past. Mr. Lilker said that Mr. Skinner has not shared those feelings with him. Mr. Lilker asked Commissioner Skinner if he'd like the censure to go away.

Commissioner Skinner responded, "I did. I said you know I wish things would just go away. And I think that's everybody's, you know when you've been, nobody will ever know unless they sit here and you walk in and because you was in Tallahassee trying to help a friend in this county get a job. We've all missed meetings. Do I think it was wrong? I absolutely do. But..."

Mr. Lilker asked if Commissioner Skinner would like the censure to be removed and the record made clear. The commissioner responded that he would be foolish to say no.

Chairman Weaver said he would not make a recommendation or a motion to rescind, because he felt it was the right thing to do at that time. He told Mr. Lilker that years have passed and time has gone by, and Commissioner Skinner has made tremendous recovery since that time.

Mr. Lilker asked Mr. Feagle if he has ever recalled whether or not anybody ever spoke to him about the censure before it happened. Mr. Feagle responded that he thought about it, and that nobody said anything to him about it prior to the meeting. Mr. Feagle said that he was actually surprised that nobody mentioned it before hand. Mr. Lilker responded, "So much for consulting with your attorney. I guess that was after the fact that you came up with that it was legal, because Ms. Porter mentioned that she had the opinion of the attorney, that it was legal and you must have made the opinion after the event."

Mr. Lilker's final remarks addressed a claim he said was made by Commissioner Porter that he had improper contact with a female employee of the county.

Mr. Lilker said, "My final question is this. About 4 weeks ago, I've been accused and I know this happens time and time again. I've been accused, actually it was by Mr. Whitley apparently, about having improper contact with a female employee of this village [county]. I've been told about circles and things and whether or not this has to do with Mr. Skinner's reputation, it certainly has to do with mine. Ms. Porter said, as she was walking out of the meeting, after she made the accusation to, I believe that sheriff's deputy and somebody else, or it might have been somebody else my eyes aren't that good. 'I heard it on very reliable sources, two people saw it.' That's what you said when you were standing there and I remember that and I actually wrote it down at the time."

Mr. Lilker continued, "Number one, you said you never saw it, so I find that kind of hard to imagine that you would accuse me of something you never saw. But you did say you had it on reliable sources -- two people saw it. What I'm asking you, because this is my reputation, who were those people?"

Commissioner Porter said, "I'm not going to get into that conversation."

Mr. Lilker said, "I'm just asking you. Thank you very much for that."

Commissioner Porter continued, "And I am not going to get into that conversation here and you know from talking to the person in question that this happened. So don't even go there, Mr. Lilker. You even asked her to say it never happened."

Mr. Lilker responded, "But she said it to me, but she wouldn't say it in writing, and she did say it to other people and I have that in writing."

Commissioner Porter asked, "She said it to you that it never happened?"

Mr. Lilker answered, "That's what she said."

Commissioner Porter said, "Well that's funny, she said to me that it did happen."

Mr. Lilker replied, "Well that's fine then. I guess that's just the way it goes.

Commissioner Porter interrupted, "So one of us is lying Mr. Lilker."

Mr. Lilker said, "Well it's not me, so if shoe fits wear it Ms. Porter. I'm done. Thank you very much Mr. Weaver, my time is up."

Commissioner Weaver: "Your time is up and I would remind you this is not a court for you to come and take depositions."

Adjournment:

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

Board of County Commissioners

ATTEST:

P. DeWitt Cason
Clerk of Circuit Court