

Columbia County Board of County
AMENDED
Minutes of
October 16, 2008

The Columbia County Board of County Commissioners met in regularly scheduled meeting at the School Board Administration Office at 7:00 p.m. Commissioner Williams opened with prayer and led in the Pledge of Allegiance to the Flag of the United States of America.

Commissioners in Attendance:

Dewey Weaver, Stephen Bailey, Ronald Williams, and George Skinner.
The position of District 5 County Commissioner remains vacant at this time.

Others in Attendance:

County Manager Dale Williams, Attorney Marlin Feagle,
Clerk of Courts DeWitt Cason, Deputy Clerk Sandy Markham, and
BCC Secretary Penny Stanley.

Suwannee River Water Management District: The County received a check in the amount of \$23,183.09 from Suwannee River Water Management for **Payment In Lieu of Taxes (PILT)**. Other taxing authorities will receive a pro-rata share of this PILT payment. The county's portion will be placed into the General Contingency Fund.

County Annual Audit: Certified Public Accountant Richard Powell, the external auditor for the county, presented a brief overview of the **audit for the period ending September 30, 2007**. The audit represents a complete and separate audit of each constitutional officer, the Board of County Commissioners, and a combination of the county and all of its agencies. Mr. Powell gave an overview of issues needing to be addressed by the county and the constitutional officers. Responding to a question from Commissioner Williams, Mr. Powell concluded his presentation by answering that on a scale of one to ten (10 being best) that overall, the county scored approximately a nine. The complete audit (288 pages) is on file in the Finance Department and may be reviewed upon request.

Building and Zoning:

Subdivision Variance

SV 08-1 The applicant is **Phyllis Skinner** – Replat of Lot 3, Block A of **Hickory Ridge Subdivision** located in District 3. The request is to reduce the lot width from 100 feet to 50 feet. This will make it possible for both lots to have access to the county road.

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

Consent Agenda: Upon request, the County Manager gave clarification on items #5, #15, and #16. The County Manager pulled item #29(a) for separate discussion.

MOTION to approve the Consent Agenda by Commissioner Williams. Second by Commissioner Skinner for discussion.

- (1) Invoice – Small County Coalition – Participation Fees - \$4,350.00
- (2) Invoice – Donald F. Lee & Associates, Inc. – Old Wire Road - \$6,984.50
- (3) Invoice – Donald F. Lee & Associates, Inc. – Industrial Park at Hunter Panels - \$1,382.50
- (4) Invoice – Donald F. Lee & Associates, Inc. – Bascom Norris Drive By- Pass Revision - \$10,552.00
- (5) Invoice – Donald F. Lee & Associates, Inc. – Engineering Services – \$9,102.00
- (6) Invoice – North Central Florida Regional Planning Council – Membership Dues - \$3,822.25
- (7) Invoice – National Association of Counties – Membership Dues – \$1,077.00
- (8) Reimbursement Request – Adopt A Shore Quarterly Report - \$1,256.00
- (9) Columbia County Emergency Medical Services – Void-Reissue – Blue Cross and Blue Shield - \$229.35
- (10) Proclamation – Declaring the Month of November 2008 as Epilepsy Awareness Month
- (11) Clerk of Court – Annual Local Government Financial Report – FY ending 9/30/2007 - \$68,398.99 plus \$502.25 audit adjustment
- (12) Public Works – Revised Position Classification – Tractor Mounted Brush Cutter Operator – Only a Florida Drivers License Required not CDL
- (13) Sheriff's Office – Donation of 1999 Chevrolet 4x4 Pickup Truck – (Vin # 1GCGK29U1XZ126898) to Columbia County Fire Department
- (14) 9-1-1 Addressing – Naming of Unnamed Roads – SW Moonlit Drive
- (15) Resolution - City Council of the City of Lake City – Enter into First Amendment to Employment Agreement between the City of Lake City/Columbia County Board of County Commissioners – Regarding Mario Coppock
- (16) Agreement – Columbia County Tax Collector/Columbia County Board of County Commissioners – Non-Ad Valorem Assessment Agreement
- (17) Bid Award – Southern Specialized Truck & Trailer, LLC – Bid No. 2008- K – Fire Truck Maintenance
- (18) Human Resource – Hiring Freeze Waiver Recommending Melvin Kirby for Stockroom Clerk – Public Works
- (19) Minute Approval – Board of County Commissioners – Joint City/County Meeting – July 31, 2008
- (20) Minute Approval – Board of County Commissioners – Regular Meeting – September 25, 2008
- (21) Indigent Burial – Dees-Parrish Family Funeral Home – Dustin Robert Harden, Deceased - \$500.00
- (22) Columbia County Emergency Medical Services – Refund Request – Cigna - \$226.35
- (23) Utility Permit – Comcast Cable – 856 SW Stonegate Terrace
- (24) Utility Permit – BellSouth Telecommunications – SW Stonegate Terrace
- (25) Utility Permit – Comcast Cable – NW American Lane
- (26) Utility Permit – Comcast Cable – SW Newland Way
- (27) Utility Permit – BellSouth Telecommunications – Hope Henry Street

- (28) Lake City Laboratory, Inc. – Drug Testing
- (29) Purchasing – Sale of Surplus Equipment - Tabulation of Bids Received
 - (a) 1993 Eager Beaver Low Boy Trailer for \$6,300.00, (b) 1981 Bros LSPRM-8A Soil Mixer for \$9,330.00, (c) 2001 Dodge 4X4 Pickup for \$1,130.00 to CA Boone - Remaining Items to be Auctioned by Columbia County School Board on October 18, 2008 with minimums (see list attached)
- (30) Minute Approval – Board of County Commissioners – Regular Meeting - October 2, 2008

Citizen Stewart Lilker addressed consent item #5 asking for a breakdown of the 82 hours billed to the county for **engineering services**. The County Manager did not have the details with him, but told Mr. Lilker that there is a diary to support the invoice for \$9,102. Mr. Lilker requested that item #5 not be approved until a breakdown is provided to the Board and to the public reflecting the jobs and time spent on each. This issue was readdressed by Commissioner Williams at the end of this meeting.

The motion carried unanimously to approve the Consent Agenda.

Consent Agenda Item #29(a): The County Manager explained that the surplus sale of the **1993 Eager Beaver Low Boy trailer** for \$6,300 has generated concern as to whether the trailer needs to be replaced, whether the estimated repairs were true and accurate, and whether the county has gotten the best deal for its replacement.

The County Manager said that the initial estimate for repair was an internal estimate. The Public Works Department has been asked to obtain external estimates. The first of the external estimates was received earlier in the day and was very close to the same dollar amount.

The County Manager asked if the Board would like for him to provide additional information. He said that his staff feels they have used reasonable efforts in dealing with this issue and believes it is in the county's best interest to replace the trailer. The County Manager explained that staff does not feel the trailer is safe. For that reason, the county has been borrowing one of the city's trailers.

Monies generated from the surplus sale will be deposited into the **Equipment Replacement Fund**.

There was citizen input regarding the issue of the Low Boy trailer.

Citizen Stewart Lilker said that there is not a scintilla of evidence to support the County's claims of needed repairs on the **Low Boy trailer**, and that the county cannot justify its decision to replace the Low Boy trailer. Additionally, Mr. Lilker said that there have been no true estimates as to what it would cost to repair the trailer, and that the claims that there was a cost benefit analysis done on the trailer simply was not true. Mr. Lilker said that he has welding experience and that it is obvious to him, after inspecting the trailer that the repairs needed to the trailer could be made relatively easy. Mr. Lilker said he also learned from inspecting the trailer that it does not need "over" four thousand dollars worth of new tires, but instead needs only one new tire.

Mr. Lilker questioned why it took a month for the county to respond to his **request for copies** of the written quotes and for a copy of the cost benefit analysis referred to by Commissioner Bailey. He told the Board that taking a month to respond is not in compliance with **Florida's Freedom of Information laws**.

Mr. Lilker said it was not fair to the taxpayers to replace the trailer for \$60,000 instead of repairing it for \$26,000. He asked that awarding of the **Low Boy** trailer be removed from the agenda until the issue could be studied further

Citizen L.J. Johnson said not pulling the matter of the **Low Boy** from the agenda would be short-sighted. He reiterated some of the concerns expressed by Mr. Lilker, including his concern that certain information has been requested, but has not been produced. He asked that there be no action taken until the matter could be investigated further.

Citizen Ralph Kitchens, Jr. said that it sounds to him that the **Low Boy** trailer would not pass federal inspection.

MOTION by Commissioner Williams to take staff recommendation and replace the trailer and auction and sell the old trailer for surplus. Second by Commissioner Bailey.
[See Minutes of November 20, 2008 for details pertaining to the amendment.]

Commissioner Bailey asked if his understanding was correct in that the county has already approved the purchase of the replacement trailer, and that "this" **[item 29(a)]** is for the sale of the surplus property. The County Manager answered that Commissioner Bailey's understanding was correct.

The motion carried unanimously.

Real Road Extension/Bascom Norris Bypass: The County Manager explained that the county is working to complete the **bypass project**. The final phase will pick up at Lowes Building Supply and travel northward and will intersect at New Millennium Manufacturing Company on Lake Jeffrey Road.

Part of the plan, as it relates to the bypass, is to build an east to west road north of Wal-Mart and south of Lowes. That road would go from Real Road, which is the road between Red Lobster and Applebees, over to Cole Road, which is the road directly beyond the old Publix. An **east to west access road** near U.S. 90 would relieve traffic when the final phase of the Bascom Norris Bypass is completed.

IDA Director Jim Poole and the Chamber of Commerce have been working with the west side of this project for some time. There are three property owners involved with the western side of this project; **Wal-Mart, Richard Cole of Cole Reality, and Charlie Sparks of Westfield Group**.

Currently, the county does not have an easement to build the east to west road, because Wal-Mart and the county engineers cannot agree on **retention pond replacement** issues

or the exact location of the road. The retention pond and road location are the two largest issues for **Wal-Mart**. Wal-Mart is interested in a different alignment, because their delivery trucks would be negatively affected, and there is a natural pond that will be affected. Understandably, Westfield and Cole Realty are both eager to donate property as they will receive paved road access to their properties.

Westfield Group is willing to donate the needed right of way for the road. They would like to go ahead and proceed with the portion that is on their property, because obviously they would like to develop off of that road. The County Manager explained that it was the county's plans, when a new **east to west road** was built, to make it a rural road with ditches and of standard width. There were no plans for the county to construct or pay for curb, gutter, sidewalks or lights, but understandably, the developers of Westfield would like to see more than that.

The County Manager reviewed with the Board the schematic in the agenda package, which reflects the road ending in a cul-de-sac. He said that even though it would eventually be a through road when the project is complete, it would have to have a turn around now for emergency vehicles.

The county engineers were asked to estimate what it would cost the county to build the **east to west road** across that easement at the bare minimum standards. It was determined by the county engineers that the cost would be \$125,000. If the Board is inclined to move forward with this project the **county's maximum contribution**, regardless of what Westfield spends on the road, would be \$125,000.

The County Manager asked if the commissioners would like to proceed with this project and to secure that particular portion of the alignment. He clarified that should the Board choose to do so, they would be doing it with the understanding and realization that the county does not have the complete alignment across Wal-Mart and across Cole Realty property, and that all of the property owners have not reached an agreement as to where the road needs to go.

Commissioner Williams asked that **IDA Director Jim Poole** and the Chamber be asked to "get back to" **negotiating with Wal-Mart**. The County Manager responded that as far as he knew, negotiations haven't stopped. The current issue is that the Westfield Group is eager to see the project move forward.

Citizen Stewart Lilker said that the schematic presented was extremely small and questioned why there was no overhead to project a larger picture for everyone to see what was being talked about. Mr. Lilker complained that even the printout did not give a clear indication as to what was being discussed or what the Board was trying to accomplish. The County Manager assisted Mr. Lilker with understanding the diagram.

Mr. Lilker pointed out that developers are expected to pay for the roads within their developments, and the proposed road would go directly through private property and through the cul-de-sac now in place. Moving forward with this project will result in \$125,000 of taxpayer's money being spent to pave the road that goes right through the

middle of Developer Charlie Sparks' commercial project and ends in a cul-de-sac. The County Manager agreed that it would go through the commercial project.

Mr. Lilker argued that the developer is the one who is going to benefit from the road being built as it will be surrounded by developer Charlie Sparks' commercial property. The developer must have this road in order to do business. Mr. Lilker said that the developer wants the taxpayers to foot the bill to improve the road through the commercial development so that they are able to do business. Further, that section of road that the County Manager was referring to is private, not public roads, according to the printout provided.

Mr. Lilker asked that no action be taken until the project could be clarified further.

The County Manager advised that the county does not have to contribute to this project. That does not stop the developer from planning the development for a commercial park. The county, by policy, does not accept roads in a commercial park. Therefore, it's a private road and the county has no legal right to access it. If the county doesn't access this new east to west road through that alignment or something very similar, the County Manager said that he did not know whether the county would have a new east to west alignment. The County Manager said that the alignment is basically the only one in that vicinity.

Commissioner Bailey said this is similar to the way that the folks benefited when the county built the new sections of the bypass. Commissioner Weaver agreed.

MOTION by Commissioner Williams to set aside \$125,000 to build the road rurally, with all upgrades being done at the developer's expense. Second by Commissioner Skinner.

Commissioner Skinner asked Attorney Feagle to define "eminent domain." Commissioner Skinner began to explain that the five cent gas tax was collected for this road. Commissioner Williams interjected that tax was for the bypass and not the east to west road.

The motion carried unanimously. The schematic is attached to the original minutes.

County Cell Phones: The Internal Revenue Service requires the county to **tax employees for personal fringe benefits**. Because usage of county owned cell phones is considered to be a personal fringe benefit, taxes must be assessed to those carrying the phones. The cost for these cell phones is established at \$31.13 per month. Employees will pay taxes *based on their individual tax bracket when compared to the value of the phone. The Board considered a proposed form, **Employee Use of Employer Furnished Cell Phone** that employees would be required to sign.* It was noted that there is a possibility that this IRS rule would be overturned.

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

Roadside Mowing Contract: It is time for the county to make a decision on a contract for roadside mowing. **K&M Mowing**, who currently has the contract, has offered to **renew** that contract for a one year period under the existing conditions. The only change is that a 20% discount is being offered on “special” mowing projects. Staff recommended approval of the one year extension.

Commissioner Bailey is not satisfied with K&M’s job performance, and voiced that he still has an interest in exploring the possibility of doing the mowing “in-house.” Commissioner Williams found the offer appealing, and voiced total opposition to the county handling the **mowing “in-house.”** Commissioner Skinner spoke in favor of the extension. Commissioner Weaver doesn’t think the county could do the job as cheap as it could be hired out. The County Manager said that staff is working on the cost figures for the county to do the job internally and that it is possible that the numbers will be ready before the mowing season begins again.

MOTION by Commissioner Skinner to extend the contract one year. Second by Commissioner Williams. The motion carried 3-1 with Commissioner Bailey voting in opposition.

Special Projects Contribution – District 2: Commissioner Weaver sought permission to allocate \$3,750 to Meridian Behavioral Healthcare, and an additional \$3,750 to the Downtown Action Committee.

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

Fire Station Change Order #1: This change order is necessary in order to make the **Racetrack Road Fire Station** drainage system internal. Considering the recent rains and the design or the property, it is believed this will make for a much nicer project. The cost associated with this changer order is \$56,240.69.

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

Special Projects Contribution – District 1: Commissioner Williams sought permission to allocate up to \$750 to purchase a 3’x100’ **running mat** for Columbia High School.

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

Abandoned/Dilapidated Mobile Homes: Commissioner Williams said that he continues to have the same problems as mentioned before with **abandoned and dilapidated mobile homes.** The commissioner feels an ordinance is needed to address this problem. Attorney Feagle said that it may be possible to address this problem by amending the ordinance relating to dangerous and hazardous buildings. He will investigate options further and report. In the meantime, someone from the Code Enforcement Department will be sent out to investigate the mobile homes mentioned by Commissioner Williams.

Consent Agenda Item #5: Commissioner Williams revisited Consent Agenda item #5. The Commissioner said that he was comfortable that a diary with work details would hold up in court, but to avoid future displays of filibustering, he requested the engineers provide work summaries before draws are made.

MOTION by Commissioner Williams to have engineering invoices include work summary details. Second by Commissioner Bailey. The motion carried unanimously.

Public Input:

Citizen Rita Hedrick asked where the \$23,183.09 received from Suwannee River Water Management for **Payment In Lieu of Taxes (PILT)** would go. The response was that the county's portion will go into the contingency fund.

Ms. Hedrick asked if **repair records** are kept on county owned equipment. The County Manager responded that in part they are and in part they are not. He explained that the computer program intended for that use was not being used for a period of time, but is now being used. For some of the equipment, especially those pieces not assigned to one individual person, there may be records that exist, but that have not been found.

Ms. Hedrick asked if **smoking** is allowed in county owned vehicles. The County Manager responded that county policy prohibits smoking in the vehicles. Employees found in violation of policy will be reprimanded according to policy.

Citizen John Price who was a **victim of the tornado** disaster earlier in the year asked if anyone could give him a status on his home being rebuilt. He also asked what is being done, if anything, to assist the **blind with jobs**, and whether anything was being done to make the **streets easier and safer for blind citizens** to cross over and walk along side. The County Manager said that while Columbia County is not the lead agency in dealing with Mr. Price's home, that he and Commissioner Skinner have begun working on a letter attempting to work with the agencies on resolving the matter. Commissioner Williams added that he has already spoke with Mr. Price and explained to him that long term recovery projects, which includes Mr. Price's house, has just begun. Because of Mr. Price's special needs, extra efforts are being made to build the home as much like the older home as possible so that Mr. Price would find it easier to maneuver through. Regarding employment, the County Manager explained that the county cannot discriminate based on disabilities if reasonable accommodations can be made and the applicant is otherwise qualified for the job. Mr. Price was encouraged to contact Asst. County Manager Lisa Roberts regarding job opportunities that he may be qualified for. She can also give information for filing complaints if he feels he has not been treated fairly. Regarding the streets mentioned [Hwy. 90 and Marion Street], Mr. Price was informed that it is FDOT that he will need to speak with, not the county. Improvements to county roads are considered when they are upgraded.

Citizen Barbara Lemley asked that the county save money and conserve **paper** by printing on the front and back of each page of agendas. Regarding the **Real Road Extension**, she

asked the Board not to spend taxpayer's hard earned money on assisting Charlie Sparks [*Westfield Group*] with his commercial development [*Village Square*].

Citizen Stewart Lilker expressed his displeasure that the Board claimed not to be able to give raises, but could afford to:

- Spend \$9,102 [**consent agenda #5**] without having all the facts,
- Voted to spend \$125,000 on constructing a **road** that would go directly through and benefit a **commercial development** owned by Charlie Sparks, and
- Voted to replace a **Low Boy trailer** for \$60,000 instead of repairing the existing one for \$26,000.

Mr. Lilker said that he was disappointed that no one from the county attended the free **Freedom of Information Seminar** hosted at City Hall recently. On that note, Mr. Lilker said that he has already requested copies of the **2000 lease agreements** for the **library copy machines** and has received them. Mr. Lilker asked the Board to please provide him with the 2004 lease agreement(s) for the copy machine at the library, as those were not supplied with his earlier request. He also asked what was being done about the copy machine's copy fees at the main library and Fort White library. The County Manager responded that after the issue with the library copy machines was brought to the Board's attention, a letter was written regarding the issues. County Manager Williams said that he would provide Mr. Lilker with a copy of the correspondence.

Mr. Lilker asked why and when the Board approved Hefflin Road for paving. Commissioner Weaver responded that the paving took place during the time frame that CR 138 was being re-surfaced. The commissioner said he made a decision to pave **Hefflin Road** from special projects funds because equipment was already in the general area and the road fit the criteria for the money. Commissioner Weaver said that Hefflin Road is regularly traveled since it is a connector road for US 27 and CR 138. Mr. Lilker found the road paving to be impractical since it is not a populated road.

Mr. Lilker asked what was being done to recoup the **monies paid to Attorney William Whitley**. Attorney Feagle replied that Florida Statutes Chapter 125 gives the county the power to retain professionals (by contract or employment agreement), and that he has not found any law that would indicate those monies were paid illegally. Mr. Feagle asked Mr. Lilker again to provide him with the case law that he referred to in an earlier meeting that would indicate differently. Mr. Lilker reminded Mr. Feagle that he provided him with that information after a Hospital Authority meeting and told him at that time that it was against the Federal IRS Regulations to have an outside contractor on the payroll as a regular employee. Mr. Lilker asked if Attorney Feagle had sought out anyone else's opinion or if he [Feagle] was "just waiting" on him [Lilker]. Attorney Feagle answered saying that he has researched informal contracts and also researched the general laws of the county and has found nothing that would indicate that the contract with Attorney William Whitley was illegal in any manner. Mr. Lilker reiterated his position that the payment was illegal and asked if he had looked anywhere else for information other than to him [Lilker]. Attorney Feagle responded that beyond what was mentioned, he had not because he had researched the issue himself and found no reason to search any further.

Mr. Lilker asked for an **update on 911**. The County Manager responded that the interlocal agreement is still being reviewed and commented on by various parties, and the paperwork is moving forward. The county is in the process of generating a functionality chart which will identify every piece of equipment at the center. Once the chart is complete, vendors will be scheduled to do live, in-house 911 demonstrations. The December 01, 2008 deadline continues to be a realistic date. **Standard Operating Procedures** will not be developed until the interlocal is complete.

Chairman Weaver advised Mr. Lilker that his five minutes had expired. Mr. Lilker disagreed stating he had more time and two questions. The Chair allowed one question.

Regarding item **#5 of the consent agenda**, Mr. Lilker asked for clarification as to Commissioner Williams' intent. The County Manager said that his understanding was that staff would ensure that there is supporting information on the agenda for invoices submitted for payment. Commissioner Williams said that it would also prevent future filibustering.

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

ATTEST:

Board of County Commissioners

P. DeWitt Cason
Clerk of Circuit Courts