

**Columbia County Board of County
Minutes of
December 18, 2008**

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

Commissioners in Attendance: Dewey Weaver, Stephen Bailey, Ronald Williams, Scarlet Frisina, and Jody Dupree.

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

Commissioner Dewey Weaver who served as former Chairman of the Board was presented with a ceremonial gravel on behalf of the entire Board as an expression of appreciation for his service.

Building and Zoning Department

County Planner Brian Kepner submitted the following zoning amendments for the Board's consideration:

(1) Z0510 - An application by Kent W. Geartz, Trustee of the Kent W. Geartz Revocable Living Trust to change the zoning from *Residential, Single Family-2 (RSF-2)* to *Commercial General (CG)* for land lying within the unincorporated area of District 3, Section 11, Township 4 South, Range 16 East, Columbia County, Florida.

The public hearing opened and closed without input.

MOTION to approve by Commissioner Dupree. Second Commissioner Weaver. The motion carried unanimously. [Ordinance 2008-51]

(2) Z0511 – An application by Bullard and Denune Investments, Inc. to change the zoning from *Residential, Single Family-2 (RS*

F-2) and *Rural Residential (RR)* to *Planned Residential Development (PRD)* for lands lying within the unincorporated area of District 3, Section 14, Township 4 South, Range 16 East, Columbia County, Florida.

The public hearing opened and closed without opposition.

MOTION to approve by Commissioner Dupree. Second by Commissioner Williams. The motion carried unanimously. [Ordinance 2008-50]

(3) Z0512 – An application by Lake City Developers, LLC to change the zoning from *Residential Single Family-1* to *Commercial General (CG)* for lands lying within the unincorporated area of District 5, Section 19, Township 4 South, Range 17 East, Columbia County, Florida.

The public hearing opened and closed without input.

Motion to approve zoning amendment by Commissioner Frisina. Second by Commissioner Dupree.

Discussion: Commissioner Frisina asked that the record reflect that when a site plan is submitted for actual development that there be a stipulation that requires a buffer between the development and the residential area. Mr. Kepner advised that the Land Development Regulations of the county already require a 30-35 foot buffer.

The motion carried unanimously. [Ordinance 2008-49]

Suwannee River Water Management District (“SRWMD”) representative Ms. Cindy Johnson addressed the Board on behalf of Ichetucknee Partnership (“IP”) and SRWMD. She asked the Board to consider allocating \$5,000 to be applied toward the Columbia Aquifer Vulnerability Assessment (“CAVA”). She said that the assessment will precisely identify water resources within the county that are most vulnerable to contamination. According to Ms. Johnson, SRWMD will fund \$40,000 toward the study, Department of Environmental Protection will fund \$30,000, and the City of Lake City has agreed to fund \$5,000.

MOTION to approve \$5000 allocation by Commissioner Weaver. Second by Commissioner Dupree.

Mr. O.J. Lake who is a member of IP reiterated the words of Ms. Johnson and assured Commissioner Williams that Falling Creek would not be forgotten in this assessment.

AMENDED MOTION by Commissioner Williams to pay the \$5,000 from contingency. Second by Commissioner Frisina. The motion carried unanimously.

The Johnson’s Control Contract was considered. Attorney Feagle recommended approval of the Maintenance Contract, which will address the county’s mechanical equipment. Johnson’s Controls is successor to YORK who maintained the equipment until their contract expired on September 30, 2008. A few minor changes have been made to the contract such as limitation on liability and deletion of the arbitration provision. Attorney Feagle said that if approved, he will still need to address the provision prohibiting the hire of Johnson’s Control employees for 180 days after the termination of the agreement. Attorney Feagle said that the county should not agree to that provision unless he finds that it is legal.

MOTION to accept recommendation by Commissioner Williams. Second by Commissioner Weaver. The motion carried unanimously.

Ellisville Utility

Mark Neihaus, P.E. with Eutaw Utilities (“EU”) gave an update on the Ellisville Utility Project as it relates to the water and the construction of the well, and the distribution line that has gone to bid and is being considered.

A map was displayed reflecting the original route outlined in blue, and an alternative route suggested by the county was outlined in red. The yellow lines on the map sectioned off “a loop” that would have to be used with either route.

Mr. Neihaus said that the red line route alone would save the county approximately \$212,400, but would be a difficult route to permit, because it is essentially a dead end and would not provide the fire flow that commercial businesses would typically require.

The recommended route from EU’s prospective is the red and the yellow route. This would result in a savings of approximately \$131,900. This route would provide necessary fire flow to businesses at the interchange. The plan has always been to do the yellow route in a separate phase. The red route alone would have fire flow that provided approximately 2000 gallons per minute, which would be sufficient for residential. However, the previous businesses who have been interested in the interchange would require 2500-3000 gallons of water per minute. The yellow loop would make it possible to meet the needs of the initial customers, which will be the commercial businesses. Neither the red nor the yellow line route has been bid at this juncture, but Mr. Neihaus has analyzed them at the county’s request.

The red line route would require a new designing permit, and the county would have to buy approximately three acres (Approximately \$30,000/\$10,000 per acre). Additionally, there is an

easement in the yellow zone that would need to be acquired. There could be a timing issue with this plan as an archeological investigation would likely be needed.

The commission engaged in a lengthy discussion exchanging, thoughts, ideas and concerns relating to both scenarios.

Commissioner Williams said that generally it takes 9-12 months to obtain the permit that would allow the jack and bore process under I-75. He asked why no one has applied for the needed permit when this project and its original route has been the planned course for almost a year.

Mr. Neihaus responded it was simply the way the project unfolded in phases and “this” was the most important phase, because of potential businesses wanting to locate. EU’s focus was one getting the first phase completed. Mr. Neihaus said that in hindsight, it would possibly have been the wiser to do the “whole thing”. Mr. Neihaus said that he has already had a discussion with Mr. Register at the Department of Transportation and explained the county’s intentions. Mr. Neihaus believes it would be possible to obtain the permit in 6-9 months.

Mr. Neihaus said amending the plan is not an issue of cost, but is more of a time issue. The original plan’s first phase was to provide for service within a one mile radius.

Commissioner Bailey said that he was also upset that no permit has been applied for to go under I-75. He said that from his discussions with Mr. Neihaus, that it was his understanding that the permit had been applied for. Commissioner Bailey said that he was also concerned that EU may not be able to get the permit for where they expected. He asked for some type of time frame for the northern side of the interstate. Mr. Neihaus reminded the Chair that some of those urgencies required sewer, and the Wastewater Permit is in the process of being written. It should be advertised for public comment in January. He said they were prepared to get sewer and water to “this side” of the interstate as soon as possible.

Commissioner Dupree said it was his understanding from their recent meeting that sewer was never scheduled to take the route of Bailey Road, but was going to be located on the Ellisville easement. Mr. Neihaus replied, “That is correct.” Commissioner Dupree said that being the case, in order for the county to get sewer to Ellisville, the easements must still be obtained. Mr. Neihaus said the commissioner was correct.

Mr. Neihaus reported that he has made contact with the owners of the needed easements to let them know that county staff may be in contact with them. The easement must be obtained in order to reach Hwy. 441 with water and sewer. He said if the Board elects to go the alternative redline route that he could go to work getting water to the “other side” as quick as possible since he is ahead of schedule on waste water.

Answering a question from Commissioner Weaver, Mr. Neihaus said that there are no easements required in the blue line route. Mr. Neihaus said that he could not be certain that the \$131,000 savings in doing the alternate red line route would not be depleted in obtaining the needed easements.

Commissioner Williams said that his primary concern is that the finished project provides the needed services at Ellisville. Mr. Neihaus said either of the designs shown will “do just that.”

Regarding the wells, Mr. Neihaus said that two of the wells are complete. He requested a time extension of 140 days on the well driller’s contract. He also asked for a **change order (#1)** in the amount of \$96,433 for costs that have already been incurred. A second change order will be needed in the future for high service pumps.

Commissioner Dupree said that Mr. Hughes’ contract clearly states that he cannot make any changes without a written change order. The commissioner stated that he has a problem with approving change orders after the fact. Commissioner Williams said that the county has had several instances in the past years that the Board has approved change orders after the fact. Commissioner Dupree responded that for the next four (4) years that he is in office he does not want to approve change order payments for work after the fact.

Commissioner Dupree said he has a lot of questions relating to this project and no one seems to have the answers, then the Board wants to approve a change order for \$96,433 for money already spent prior to Board approval. Then, he said that he understands that there is already another change order expected in excess of \$200,000.

Commissioner Weaver told Mr. Neihaus that he never has been, nor will he ever be a commissioner who will like an after the fact change order. Mr. Neihaus assured the Board that the change order issue would not happen again.

Commissioner Bailey said that he has asked for an estimated completion date for the northern side, but hasn't received it. The commissioner said that he has a problem with approving any route at this point, and suggested that the Board do nothing on awarding any bids or contracts for the water distribution line until a plan is in place that is going to address the northern side. He asked that he also be provided with a status on the "sewer side."

Mr. Neihaus replied that he will be happy to provide projections as it relates to engineering, but that the county needs to appoint someone [other than himself] to negotiate with property owners. He said that his being involved with negotiations has caused the delay, and stated that he has no authority to negotiate prices. Commissioner Bailey said that he and Mr. Neihaus spoke regarding this and that Mr. Neihaus was directed to the County Manager, who is the contact person and who has been the contact person from day one.

The County Manager said that his understanding from the Board was that they initially felt this was a turn-key project, which also meant negotiations for easements. The County Manager offered his help if there are specific problems with acquiring easements.

Commissioner Williams said that the county needs to have a person to do its negotiating, because it simply isn't fair to expect the out of town engineer to negotiate with the local people when he has no authority to make decisions. Commissioner Bailey agreed. Chairman Bailey asked County Manager Williams to handle that for the Board.

Commissioner Frisina reminded Mr. Neihaus to obtain the permit to go under I-75.

Mr. Neihaus told the Board that the original proposed route is a good route as is the alternate route proposed tonight. There is another alternate route that he will take to the County Manager in order to get the Board's input.

Answering a question from Commissioner Weaver, Mr. Neihaus said that the "on site" person at Ellisville does not review the bills. The County Manager said he understood that when the Board entered into a supplemental agreement with EU for an on-site construction supervisor that the supervisor would fill the role of someone who would review progress payments, technical specifications, and work quality. The County Manager said that it is important that the county have a representative on site, because as the county progresses further into the job, there will be more money at risk for a problem on invoices. Commissioner Williams said that when this matter was originally taken up, and the motion was made, that the motion did not include having the on site person review invoices. The County Manager said that while he was not at the meeting, it has been relayed to him that there was some understanding that this is what the on-site person would provide, but clearly that is not the scope of the services being provided. The County Manager said that in reviewing the project that the county also needs to make sure it has the appropriate supervision on site that is prepared to do what needs to be done in order to protect the interest of the county, including acting as a liaison between the engineers and the Board of County Commissioners.

Commissioner Weaver said that was his intentions and that is something the county has done with other projects. Commissioner Bailey stated that it was his understanding the purpose of the on-site person was to protect the interest of the county and do the types of jobs mentioned. Commissioner Williams interjected by telling the Board to "call it like it is" and not to "sugar-coat" the truth. Commissioner Williams said the real truth of the matter is that some of the commissioners

were skeptical about whether Ronnie Hughes could put the well down and do a good job simply because his bid was so much lower than everyone else's bid..

County Manager Williams said that Mr. Hughes' bid was extremely low and there was concern about the scope of work and the supervision of the project. For these reasons the Board wanted an on-site representative and gave a supplemental contract to do that. Now the Board must decide whether the scope of work was adequate for what the County perceived it wanted or needed.

Commissioner Dupree said that he was not on the Board when the discussion took place, but that he has read the supplemental contract and that it clearly states that the on-site person would handle administrative duties. He said the current path of the county is not sufficient and that having someone to protect the county's interest in auditing the billings, safeguarding against over-billings, reviewing pay requests, ensuring standards of the well are adhered to, and assisting the county in other duties has nothing to do with Mr. Hughes or his abilities. Commissioner Dupree said he has always heard that Mr. Hughes is a very good well driller. Commissioner Dupree said that he and the County Manager have had discussions regarding the hiring of an out of town engineer for this project who has working knowledge of utilities and who has no conflicts of interest as it relates to this project and who could act as the Board's liaison. This person could handle all of these issues including recommendations regarding change orders, routes of distribution lines, etc. Commissioner Dupree recommended that the county make a decision regarding the supplemental contract and take action to hire a person to protect the county's interest.

The County Manager said that regardless of the reason the other person was hired, the project is about to become very complex and it is time to take the next step. He added that this is a prime time to review all aspects of this project. He said that he does not think the county should cease construction. He said that the county can proceed with the installation of the storage and hydro-pneumatic tanks while studying the feasibility of putting water and sewer lines in simultaneously. He said when this type of work begins, the county needs a representative on the ground and it's simply a good check and balance system.

MOTION by Commissioner Dupree to direct the County Manager to solicit a third party representation as it relates to overseeing the project, and to bring details to the Board. Second by Commissioner Williams.

MOTION by Commissioner Williams to proceed with the water and sewer on the Ellisville Project, work with the engineers to install water lines, obtain permits to jack and bore under I-75, to look at an engineer for the sewer lines and for everything to be happening simultaneously without stopping project. Second by Commissioner Dupree.

Commissioner Dupree said that in order to proceed, EU will need to have Board directive, relatively quick on how the distribution system should be run.

Well Driller Ronnie Hughes said that his company puts down wells and lays lines up to two inches. He said that he was willing to attempt the 12" lines if he'd gotten the "right paper work." Relating to the change order, Mr. Hughes said that the meeting held "the other day" was very informative and should be scheduled at least two times per month in an effort to keep everyone informed on the project. Mr. Hughes said that late in the day that he received prices on his last change order. Mr. Hughes said that the one little well project has turned into a very large job. He asked the County Manager to confirm that he'd given a change order approximately 2-3 months ago.

The County Manager replied that he believes Mr. Hughes was referring to the Board's vote to do away with the elevated storage tank, and in lieu of that voted to replace it with a ground storage tank. The County Manager said that Mr. Hughes was authorized to supply a cost for providing the ground storage tank, which would have been a change order price. In this particular case that change order would have been given to the engineer who would have then forwarded it to the county.

Mr. Hughes reported that his part of the project is very near completion. Mr. Hughes said that the pad for the 10,000 gallon tank has been built and the tank should arrive mid January.

The wells have been drilled and the pumps will arrive tomorrow and will be set on Monday. Mr. Hughes advised that without power the only way he'd be able to test the pumps would be to rent a generator. He told the Board that he did not understand the work order protocol before hand, but assured the Board change orders would not be an issue in the future.

Mr. Arky Rogers who is a land owner in the area did not support the alternate route. In his opinion, the county may save money today, but it would cost them more in the long run. Mr. Rogers spoke while away from the microphone regarding gas lines. A portion of his comments were not audible. Mr. Rogers said that he would give the county enough land to be able to get to Hwy. 441.

Answering questions asked by Citizen Stewart Lilker, the County Manager said that the original budget for this project was approximately \$2.6 million and is not expected to be more than that at completion. To date \$307,000 has been spent on this project.

There was discussion at the map on the tripod stand that was not audible to the clerk.

The motion and second were withdrawn.

The Chair appointed Commissioner Weaver and Commissioner Dupree to work with the engineer to develop a water distribution line proposal for the Board's consideration at the December 30, 2008 meeting.

MOTION to approve change order #1 and to approve the request for extension of time by Commissioner Weaver. Second by Commissioner Williams. The motion carried unanimously.

Mr. Hughes asked if the Board would allow him sixty (60) days after the tanks are installed. The Board directed that if there is any problem with meeting deadlines with the extension just approved that he should come back to the Board.

Consent Agenda

Motion by Commissioner Williams to approve the Consent Agenda and remove items #1 and #8 for further discussion. Second by Commissioner Weaver.

The County Manager assisted with further clarification on items #1, #8, #12, and #18.

Citizen Stewart Lilker addressed the reappointment of Alex Hinely to the Planning and Zoning Board [Item #1]. He said that Mr. Hinely has done a fine job, but suggested the county advertise the vacancies. Otherwise, a member could essentially be a lifetime member of the Planning and Zoning Board if they desired.

Chairman Bailey said that it was his understanding that members could continue being reappointed if the Board elects to reappoint them. If the member ceases to serve in the position and there is a vacancy, the position will be advertised. Attorney Feagle said that he would check the LDRs to determine if it addresses term limits on the positions.

Citizen L.J. Johnson questioned whether the computers [item #8] were junk inventory. He offered that the county should research the possibility of recycling the computers or offering them for sale at a discount price. IT Manager Todd Manning explained that these older computers have been "parted out" and that he has removed or used all recyclable parts. He said that basically all that was left of the computers were the cases.

The motion carried unanimously.

Consent Agenda

- (1) Re-Appointment – Board of Adjustment/Planning and Zoning Board Member – Alex Hinely – Term Expires January 1, 2013
- (2) Graham and Sons Electric – Change Order # 1 – Bascom Norris Drive - Entrance to the Southside Recreation Complex - \$4,800.00
- (3) Columbia County Emergency Medical Services – Refund Request – United Commercial Travelers - \$30.64
- (4) Columbia County Emergency Medical Services – Refund Request – Department of Corrections - \$374.75

- (5) External Budget Amendment – Transportation Trust – BA #08-04 – Carry-Over Funds - \$83,603.00
- (6) Indigent Burial – Gateway-Forest Lawn Funeral Home – Frank Sheets, Deceased - \$500.00
- (7) Declaration of Surplus Inventory – Landscape & Parks Department – Lulu Community Center County ID #9970 – Riding Lawnmower
- (8) Declaration of Surplus/Junk Inventory – Property Appraisers Office – (see attached list)
- (9) Building and Zoning – Request for Preliminary Plat Approval Extension – 12 Months Extension for SD 0185 Timberlands Subdivision – Expiration Valid Until January 25, 2010
- (10) Resolutions - Suwannee River Economic Council, Inc. – (a) Decreasing the Maximum SHIP Award Limits for Down Payment and Closing Assistance - Very Low Income Will Remain at \$25,000.00, Low income Lowering from \$25,000.00 to \$18,000.00 and Moderate Income Lowering from \$15,000.00 to \$12,000.00 – (b) Adding Disaster Recovery/Housing Replacement to the State Housing Initiatives Partnership Program (SHIP) Local Housing Assistance Plan for those affected by the Office of The Governor Executive Order number 08-048 Dated March 13, 2008 Relating to Tornado Damage in Columbia County, Florida
- 11) Memorandum of Agreement – Rural Area of Critical Economic Concern - Columbia County/Governor’s Office of Tourism, Trade and Economic Development – Expiration Date of June 11, 2013
- (12) SE Environmental Geology, LLC (Dennis Price) - Hunter Panels – Suwannee River Water Management District – Requesting Compliance – (a) Permanently Monument all Wetland Buffers and Describe Type of Monuments Used – (b) Deed a Conservation Easement to an Entity to be Approved by the District - \$3,000.00 Total Estimated Cost
Excluding Attorney Fees
- (13) Minute Approval – Board of County Commissioners Regular Meeting – Amended Minutes – October 16, 2008
- (14) Columbia County Emergency Medical Services – Refund Request – Rozzie Carroll - \$40.50
- (15) Bid Award – United Sign Solutions – LED Electronic Message Display – Bid No. 2008-S - \$16,240.00
- (16) Bid Award – HD Supply Waterworks – Landfill Soil Tight Pipe – Bid No. 2008-Q - \$9,972.36
- (17) Bid Award and Letter of Agreement – Doctors Laboratory, Inc. – Drug Screening – Bid No. 2008-R – \$3,214.30
- (18) Amendment to Owner-Engineer Agreement – Bailey Bishop & Lane, Inc. – Cannon Creek Watershed – Estimated Cost \$97,000.00
- (19) Public Library – Food for Fines Proposal – Patrons Bring One Sealed, Non- Expired, Non-Perishable Food Item to the Library in Exchange for Each \$1.00 in Overdue Fines – Food Collected will be Distributed to Christian Services Center for Local Distribution – December 21, 2008 through January 10, 2009
- (20) Minute Approval – Board of County Commissioners – Regular Meeting – November 20, 2008
- (21) Minute Approval – Board of County Commissioners - Special Meeting – November 24, 2008

Financing Proposals

On November 20, 2009 the county sent out Request for Proposals to various banking institutions. There were two proposals.

2008 Economic Development Loan

The purpose of the Economic Development Proposal is to repay the county’s internal funds for the Target Project and the Mayo Fertilizer Project. The County Manager said that there were two loan proposals received that separated themselves from the others submitted. The two proposals were from Columbia Bank and Prosperity Bank. Each of the institutions submitting proposals were in

attendance at the time of opening the proposals except for Prosperity Bank. Being in attendance was not a requirement of the proposal.

The County Manager said that compared to the other proposals, Prosperity Bank's proposal resulted in the lowest repayment.

The County Manager informed the Board that when the proposals were opened that staff was not aware that Prosperity had submitted a proposal. The County Manager explained the details of the oversight. Prosperity Bank's proposal was hand delivered by its agent Kevin Gray, into the hands of Board Office employee Kimi Roberts. Ms. Roberts then placed Prosperity's proposal on the County Manager's desk under other incoming mail. All known proposals were opened and tabulated by Internal Auditor Judy Lewis. When the County Manager later returned to his desk and went through the day's mail, Prosperity's proposal was discovered.

The County Manager said that Prosperity Bank could not be blamed for their proposal not being opened, and that their proposal was valid, responsive, and met all conditions as was required by the proposal submittal. Prosperity's proposal also results in the lowest cost for repayment of the loan. Staff's recommendation was to award the proposal to Prosperity Bank.

Citizen Stew Lilker's suggested that all proposals be rejected and be put out once more to local and out of town banking institutes. His reasoning was that in addition to the oversight, interest rates have drastically dropped since proposals went out in November. Mr. Lilker said the interest difference could easily result in a \$100,000 savings to the county taxpayers.

The County Manager replied that proposals were issued on November 20, 2008, and were received December 10, 2008. The County Manager said that he asked Judy Lewis, Internal Auditor, if there would be any benefit in the county revisiting this matter considering what is happening in the interest rate market. The County Manager said that he was told that there could be a possible benefit, but that there would be no guarantees.

Columbia Bank representative Roger Ward said that Columbia Bank believed when the proposals were opened that their offer was superior. He said that the difference between Columbia's and Prosperity's bid is \$1,632. Mr. Ward spoke to the Board regarding their many years of doing business in this community, and how their institution has been significant in growing the community with loans for homes and business through the years. Mr. Ward said that their bank is the oldest in Columbia County, and that they have ten members who serve on the Board of Director who live, work and own businesses in this community. Mr. Ward said that the bank donates \$27,000 per year to the community, plus the \$48,000 committed to Haven Hospice and Life Style Enrichment Center. He asked the Board to keep the loan local.

The County Manager said that he did not dispute anything that Mr. Ward had offered. He told the Board that they would have to consider whether the difference is worth any of the other benefits relayed by Mr. Ward.

Commissioner Dupree asked if the Board is required to award the loan simply based on price. Attorney Feagle replied that the Board should award the bid to the lowest and the best price offered "considering all factors".

Commissioner Williams said that his issue at this point is with the "perception" that the mishandling of the proposal has created. He said that he did not like the way the bid was received and handled, and that a policy needs to be put into place for handling bids and proposals that are dropped off at the Board's office. Commissioner Frisina agreed with Commissioner Williams and asked that in the future that the county require all bids and proposals to have envelopes that are clearly marked "Bid" or "Proposal". The County Manager explained policy does require that all envelopes have that marking.

The County Manager answered Commissioner Williams saying the urgency in getting this loan through this year is that the county can only do \$10,000,000 worth of tax free issuance per calendar year. The Board intends to do a road improvement loan next year for the benefit of Old

Wire Road and Herlong Road. If the Board doesn't close on this loan in this year, it will not be able to do the road improvement loan next year as a tax free issue.

Attorney Crystie Carey said that it would be possible for the Board to finalize the proposal at the December 30, 2008 meeting, if necessary. The County Manager said that he would prefer the Board move forward with its decision in the current meeting.

MOTION by Commissioner Williams to throw out all bids and immediately re-advertise and to hold a bid opening and award at the special meeting on the 30th.

The County Manager was concerned that with the narrow time frame that something could happen and the county would miss its opportunity to close on the loan this year. He said that based on the commissioner's strong feelings relating to the perception and the fact that Columbia Bank has made a good argument, he suggested the Board go ahead and award it to Columbia Bank.

Second by Commissioner Dupree for discussion.

There was brief discussion that a compromise might be for the Board to consider awarding the next loan relating to the Fire services Capital Loan to Prosperity Bank. The County Manager said that Columbia is not a proposer being considered in the next loan. If the Board is inclined to re-bid one of the loans, the County Manager said that it is just as easy to re-bid both loans.

In Commissioner Dupree's opinion, for what Columbia Bank gives back to the community, it is enough to award the loan. He said that he could not understand why Prosperity would simply drop off the proposal and never ask to speak to anyone on the Board's administrative staff. He said the bank has just as much responsibility to meet the letter and the spirit of the RFP as the county. Commissioner Dupree said that he'd be fine with either awarding it to Columbia Bank or throwing all proposals out and re-bidding.

Commissioner Weaver said that he wasn't in favor of re-bidding either of the loans. He said that the proposals did not require that the banks speak with or hand the proposal to administrative staff and that Prosperity Bank met all of the county's requirements, and regardless of whether the difference is \$1,650 or .50 cents, the bottom line is that it is still the taxpayer's money and Prosperity is the lowest cost for the taxpayers. The commissioner said that it is not a matter of anything else.

Commissioner Williams withdrew his motion, stating that since staff feels that time is an issue that he'd rather see the matter put on the floor for a decision. Commissioner Dupree withdrew his second.

MOTION by Commissioner Weaver to accept the lowest bid, which is Prosperity Bank, for the economic development loan. The motion died for a lack of a second.

MOTION by Commissioner Dupree to accept Columbia Banks bid for the economic development loan. Second by Commissioner Williams. The motion carried 4-1 with Commissioner Weaver voting in opposition.

Fire Services Capital Loan

There were three proposals to be considered for the 2008 Fire Services Capital fixed rate loan proposals. The County Manager reported Prosperity Bank was the lowest bidder. The County Manager said that the Board should consider that like the proposal for the Economic Development Loan, this proposal was opened once it was discovered. Staff recommended the award be to Prosperity Bank who offered the lowest overall cost with a rate of 4.29% and a 20 year fixed amortization.

MOTION by Commissioner Frisina to accept staff's recommendation. Second by Commissioner Weaver.

Discussion:

Commissioner Williams asked for clarification as to when the proposal was opened. The County Manager confirmed it was opened later, after the other bids were opened.

The motion failed 3-2 with Commissioners Bailey, Dupree and Williams voting against the motion.

Staff requested the Board's direction. There was again discussion relating to the urgency in closing the loan before the end of the calendar year. Attorney Carey said that closing by the year's end should not be a problem providing she has the returned proposals and some indication from staff as to which is likely to be approved. She will then come to the meeting on the 30th with the prepared closing documents.

Commissioner Dupree recommended that each of the banks be telephoned and informed that the county needs another proposal, under the same terms and conditions, by mid next week. Then meet the following week to close. The County Manager asked if all vendors should be re-notified or just the three top vendors.

Commissioner Frisina asked how the Board could justify sending this particular proposal back to bid without sending both back to bid. She said that if the Board believes it is fair to re-bid one loan, then they should re-bid both loans.

The County Manager explained that from a technical perspective, the Board chose to award the Economic Development Loan to someone other than the lowest bidder due to the economic benefits and reasons stated. As far as the road loan, Prosperity's proposal was set aside, by virtue of vote, because of the irregularities not being waived.

Commissioner Dupree said that had First Federal Bank's proposal not required that the county maintain a specific amount of money in accounts, that he would have had no problem recommending them for the loan, and that he is left with no options but to agree to send it back out for re-bidding. Commissioner Weaver told Commissioner Dupree that it is beyond his comprehension that he [Dupree] would not accept or award the bid from Prosperity based on the fact that county staff made an error in handling the bid. The County Manager said that in his opinion the difference between Prosperity Bank's proposal and First Federal's (approximately \$500,000) is far too much money to set one proposal aside and award it to another.

MOTION by Commissioner Dupree to direct staff to resubmit the bid documents on the fire alone, and that by the middle of next week that all parties that participated in the original bid (at all levels) resubmit their proposals. Then, staff at their convenience, through a called or regular meeting should present the new bids back to the board for approval. Second by Commissioner Williams.

The County Manager clarified that this matter will be taken back up at the December 30th meeting and will need to be advertised and an agenda published in accordance with the charter. The bond resolution and other applicable documents will be taken back up at that meeting.

The motion passed 3-2 with Commissioners Frisina and Weaver voting in opposition.

Public Comment:

Citizen L.J. Johnson recalled that at a recent meeting Commissioner Dupree was asked a question by a citizen and chose not to respond to the question. He said that according to the local newspaper, on December 11, 2008, Commission Dupree wanted to amend the Rules and Procedures Policy of the Board's meetings to require the public to address the Board at the onset of the meeting, before they have heard the discussion of the Board. He asked what the Commission's problem is with allowing the public to speak at the end of the meetings as they currently do. He said that if the commissioners are not prepared to answer the public's question at the meetings that they could simply state that they are not prepared and address the question at a subsequent meeting.

Commissioner Bailey replied that this matter is scheduled for discussion at the January 15, 2009 Board Meeting.

Mr. Johnson told the Board that the citizens have a right to have their questions answered about how the Board is spending their money. He told the Board that the citizens deserve at least some type of response when they ask a question, and the people have a right to know the date a

commissioner intends to address their question. Mr. Johnson told Commissioner Dupree that for him to not respond at all is rude, inappropriate and highly unprofessional.

Commissioner Dupree said that the agenda reads "Comment by the Public" and does not say "Question and Answer Time". He said that he will not answer questions that are arbitrarily thrown out for discussion without being totally prepared and knowing with certainty what the answer is. The Commissioner stated for the record that he is willing to talk to the public about what is on the agenda. He said that in his opinion, there are certain administrative remedies that should be followed to get answers. The Commissioner said that it is important to him that the citizens know everything that they need and want to know. Commissioner Dupree said that questions and concerns of the public should be submitted in writing to county staff. If the answer or response is not acceptable, citizen(s) should follow "the channels" until the last place they have to come for relief is before the Board. He said that he would be happy to do his part to get answers for the public, but that it is not fair to expect him to answer a question about something he knows little or nothing about. He said that there is nothing he can do for the public if they speak at the end of the meeting about an item that has already been acted on. That is why the Board needs to hear the input at the beginning of the meeting regarding items on the agenda.

Citizen Stewart Lilker said that it was him who asked the question that Commissioner Dupree would not respond to. He told Commissioner Dupree that the question asked at the last meeting was one that shouldn't have to be researched. Mr. Lilker said that he asked Commissioner Dupree changed or made up his mind that he didn't like the current rules of how the Board was run. Mr. Lilker said that it's fine if the commissioner needs time to research the question, but it doesn't mean that the public should refrain from addressing the Board with questions.

Mr. Lilker asked for a status on the **long distance issue**. The County Manager replied there is nothing new to report. Rates are established by the PSC who will not respond to the county. The Board has sought help from the legislature. Mr. Lilker suggested the Board be more aggressive in their efforts.

Mr. Lilker said that all information pertaining to **issues being discussed should be posted in time for the public's inspection**. Discussion and action items, such as the Ellisville maps and change orders, should be pulled from the agenda if items are received in the office at the last minute. Mr. Lilker said that Commissioner Dupree may also be interested in looking at Charlotte County's rules as they relate to timely posting agenda items to the internet before meetings so that the public knows "everything" that the Board intends to discuss. Mr. Lilker said that in order for the Rule of Procedure to work, they should be drafted for the people's benefit and the commission's benefit.

Mr. Lilker said that he was very disappointed that the Board voted not to give **Prosperity** the loans discussed earlier. Mr. Lilker said the savings of 50 basis points on the first loan would have resulted in a savings of approximately \$100,000. He also said that contrary to the bogus numbers given, the 12 basis points was not a total of \$1,600 on \$4,000,000 over a ten year period. He said that the bottom line was that Columbia was not the lowest bidder. He suggested that in the future, that bid openings take place at the Board meetings.

Mr. Lilker concluded by wishing everyone a healthy and happy new year.

Citizen Rita Hedrick said regarding the **Ellisville Utility Project** that a lot of emphasis seems to be placed on getting water to the northern side of the interstate, but she reminded the Board that there are existing businesses that desperately need the water on the southern side of the interstate. She said that their longevity and patience should not be overlooked.

Other

Commissioner Williams asked the Board to approve waiving a **special assessment lien** that the County holds against **Joby Wright**, whose property was destroyed by the tornado. The City will not finish demolishing the property with the lien being in place. The County Manager responded that

this type of satisfaction is prepared by the Clerk of Court and that he would have the Clerk prepare the satisfaction. The matter will likely be place on the first meeting agenda in January for approval.

County Manager Williams reported that **Mr. Bill Lycan** received the Florida Department of Agriculture and Consumer Services **2008 Mosquito Control Directorship Award**.

Chairman Bailey said regarding Consent Agenda item #11, the Memorandum of Agreement pertaining to the **RACEC**, his appointments are: County Manager Dale Williams and Jim Poole.

MOTION by Commissioner Weaver, "So moved." Second by Commissioner Williams. The

motion carried unanimously.

The meeting adjourned with many exchanges by all for a wonderful Christmas and a healthy and prosperous New Year at 9:55 p.m.

ATTEST:

Board of County Commissioners

P. DeWitt Cason
Clerk of Circuit Court