

# Board of County Commissioners

Minutes of  
**March 17, 2005**

The Board of County Commissioners met in a **Regular Meeting** at the School Board Administration Office at 7:00 p.m. Chairwoman Flinn called the meeting to order. The meeting opened with prayer and the Pledge of Allegiance to the Flag of the United States of America.

*In Attendance:*

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

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

I. Motorcycle Festival - Mr. Gary Sandlin asked the commissioners to begin to consider endorsing a proclamation in the upcoming months that would recognize **Motorcycle Safety Awareness Week**. He told the Board that a group of motorcycle riding clubs are working together to plan a family oriented **festival** similar to that of the Olustee Festival. Its purpose will be to promote public awareness. There are tentative plans for the festival to take place during the summer. The festival will have live bands, crafts, food, and will also have tutoring for new rider's. Proceeds will be used to assist less fortunate families, and those families who've experienced a personal disaster leaving them financially devastated. The matter will come back before the Board as soon as plans are definite.

Motion by Commissioner Williams to authorize the Chairwoman to sign a proclamation once a date is determined. Second by Commissioner Weaver. The motion carried unanimously.

II. Public Hearing - The Board considered a **Petition to Vacate Easement** filed by Attorney William Haley on behalf of Ms. Lois Ledenican. Ms. Ledenican owns **lots #10 and #11 of Fairway View, Unit Three Subdivision** and desires the six foot easement on each side of the lot line between lots 10 and 11 be closed. Per Mr. Haley, the City, Time Warner Cable and the utility company have no objection to the vacation, but did asked that the southern thirty feet be left as a utility easement. The public hearing opened and closed without opposition.

Motion by Commissioner Skinner to adopt a resolution to vacate easement. Second by Commissioner Porter. The motion carried unanimously. **Resolution attached.**

### III. Building and Zoning Department

#### Subdivisions - Preliminary Plat Approval

1. SD 0172 - Re-plat **Southern Approaches**, Lot 10 located in District V. The matter was pulled and will be heard in a future meeting of the Board.
2. SD 0173 - **Cobblestone**, Unit 2 located in District III. Motion by approve by Commissioner Skinner. Second by Commissioner Porter. The motion carried unanimously.

#### Other

1. SD 0162 - **Emerald Cove**, Phases I, II, and III was presented at the March 03, 2005 meeting for approval. The lot sizes were erroneously stated at that meeting. Mr. Kepner clarified to the Board that the lot sizes are 8.78 acres - 0.5 acre. The majority of lots within that subdivision will be half acre lots.

IV. National County Government Week - The National Association of Counties ("NACO") has requested that all counties adopt a resolution designating the week of April 10-16, 2005 as **National County Government Week**. The purpose is to recognize county employees for their service and to promote public awareness as to the diversity of work performed within county government.

Motion by Commissioner Porter to approve Resolution 2005R-06. Second by Commissioner Weaver. The motion carried unanimously.

### V. NACO Conference Report

After attending the National Association of Counties Legislative Conference in Washington recently, Commissioner Flinn reported:

Aging/Senior Citizens - The **Older Americans Act** is up for reauthorization. In the year 2006, the first of the baby boomers will be eligible for the Older Americans Act. **Title 8** lays the framework for community planning for the aging population. Counties should begin preparing in advance to meet EMS and transportation needs of the future aging population. A senior's single entry point, regardless of income, should be considered for senior citizens to access senior service benefits, and to obtain other helpful information; a responsibility likely best handled by an Aging & Disability Coordinator.

Older driver safety needs to be addressed by the County since one in every four drivers will be a person over the age of 65 by the year 2020. It was suggested planning be done through transportation planners working with human services directors to prepare for the impact. Another key issue is senior citizen employment since the baby boomers are going to need to remain in the workforce longer. Elderly abuse and neglect prevention are going to be targeted for increased funding, and will be a topic at that Whitehouse Conference on Aging October 23-26. Those interested becoming a delegate should visit [www.whcoa.gov](http://www.whcoa.gov).

Education Children and Family Subcommittee - There will be changes in Foster Care as it relates to case management handling. Efforts are underway to make changes

that will place foster children in permanent homes within 30 days. Pre-placement prevention is being considered in communities for families who've been identified as being "at risk" for foster care. This is an effort to intervene before families have their children taken out of the home. Consideration is also being given to foster care parents being reviewed every six months. Foster care was addressed at the conference because it is believed that across the nation, Methamphetamine manufacturing and abuse is causing an increased number of children to be placed in foster homes.

Juvenile Detention Alternative Grants begin made available will reduce the number of children in juvenile detention.

The President is proposing an increase in funding for vocation for the No Child Left Behind Act. This would allow a child to obtain a vocation in high school

Faith Based Initiative Grants for increased child care was discussed. A disk of available grants was given to the pastor of Hopeful Baptist Church for review.

The Community Development Block Grant process will be undergoing changes to make it fairer. This grant was originally intended for economic development within small rural counties. At times, the money was used for other purposes and being earmarked by congressmen prior to the funds ever leaving Washington, and was going to communities that had the most money and was never getting to the communities it was intended to assist. Therefore, the money is being transferred into Dept. of Commerce and criteria is being set forth, which will benefit smaller counties.

The Attorney General spoke at the conference regarding the Patriot Act, and John McCain spoke on Homeland Security and Border Control.

There was discussion of the COP'S Meth Hotspot Grant Program which is administered by the Drug Enforcement Administration, and money provided to fund Methamphetamine Task Forces. In that class the commissioners met Mr. Scott Burns, representative of the Office of Drug Control, who provided information regarding Methamphetamine, and agreed to come to Columbia County to work with the Sheriff's staff on procedure for handling Meth, Meth labs and hazardous materials. Commissioner Flinn reported Mr. Burns provided staggering statistics on the negative impact of this illegal drug on communities and it's economy. Laws are being considered that will result in tougher prosecution for Meth offenders.

There are many grants available to Juvenile Justice. The informational disk listing those grants was provided to Mr. Jenkins, Director of Juvenile Justice. There are also many faith based initiative grants available. Ms. Porter was provided with grant information relating to costal habitat and wetland habitat restoration projects.

Commissioner Skinner added he attended he learned there will be seventy billion dollars in grant monies available for local law enforcement. The information was provided to the sheriff on disk.

## VI. Consent Agenda

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

(1) Invoice – Cal-Tech Testing, Inc. – Lake Jeffrey Road/Bascom Norris

- Drive - \$1,290.00
- (2) Suwannee River Economic Council, Inc. – New Columbia County (SHIP) Program & Local (HAP)
- (3) Indigent Burial – Combs Funeral Home – Harry Hayes, Deceased – \$500.00
- (4) External Budget Amendment – Landfill – BA #04-17 – Gasoline & Oil – \$30,000.00
- (5) External Budget Amendment – Auction Proceeds – BA #04-16 – \$13,730.00
- (6) External Budget Amendment – Landfill – BA #04-18 - Leachate – \$40,000.00
- (7) Proclamation – Designating the Month of April 2005 as Child Abuse Prevention Month. **See attachment**
- (8) Sheriff's Office – Request to Determine Speed Limits – Burnette Road to Bascom Norris Drive and Bascom Norris Drive to Burnette Road 35 MPH and also Meadowlands Subdivision 25 MPH with Slow Children Signs
- (9) Election Office – Declaration of Surplus Property – 5 Precinct Voting Booths for Sale at Auction
- (10) Bid Award – Surplus Portable Buildings - \$5,450.00
- (11) Bid Award – Gil Manufacturing – ULC Adultericide - \$16.49
- (12) Bid Award – Industrial Tractor – Articulated Dump Truck - \$225,585.00
- (13) Bid Award – Ring Power – Repair & Rebuild Work on 1996 Caterpillar D7-R - \$84,866.65
- (14) Bid Award – Greenman Technologies – Removal of Waste Tires – \$87.00
- (15) Utility Permit – Bell South Telecommunication – NW Moore Road
- (16) Minute Approval – Board of County Commissioners – Workshop Meeting – February 24, 2005
- (17) Minute Approval – Board of County Commissioners – Regular Meeting – February 17, 2005
- (18) Invoice – GSG, Inc. – Fire Services - \$5,259.38
- (19) Tourist Development Council – Removal of Items from Inventory – (a) #5313 – Sign (Florida Sports Hall of Fame/Tourist Welcome Center), (b) #12228 – Digital Camera
- (20) Professional Services Agreement – Columbia County and Government Services Group, Inc. and Nabors, Giblin & Nickerson, P.A. - \$42,075.00 (50% County and 50% City). **See attachment**
- (21) External Budget Amendment – Sheriff's Office #9 – BA #04-19 – \$22,733.00
- (22) External Budget Amendment – Sheriff's Office #10 – BA #04-20 – COPS Grant - \$33,362.43
- (23) External Budget Amendment – Sheriff's Office #11 – BA #04-21 – Stop Violence Against Women (STOP) Grant - \$6,250.00
- (24) External Budget Amendment – Sheriff's Office #12 – BA #04-22 – DOT Grant - \$5,418.91

- (25) Columbia County Emergency Medical Services – Request Refund – Laverne Gainer - \$83.90
- (26) Bid Award – Premier Water & Energy Technology, Inc. – Cooling Tower/Boiler Water Treatment - \$6,636.00
- (27) Suwannee River Economic Council – (SHIP) – Release of Lien – Jason and Kelly DuBose - \$10,000. **See attachment**
- (28) Suwannee River Economic Council – (SHIP) – Release of Lien – Archie Brown - \$7,000. **See attachment**
- (29) Sheriff's Office – Justice Assistance Grant (Edward Byrne Memorial Justice Assistance Grant) - \$29,987.00
- (30) Utility Permit – Bell South Telecommunications – SW Birley Avenue
- (31) Utility Permit – Bell South Telecommunications – NW Spradley Road
- (32) Utility Permit – Bell South Telecommunications – 1689 NW Lake Jeffery Road
- (33) Utility Permit – Florida Gas Transmission Company – County Road 341

VII. Senior Services - The senior citizens from the southern portion of Columbia County currently use as their meeting quarters the Fort White Community Center. Commissioner Weaver has recently been able to obtain portables that are in relatively good condition that could be used as permanent meeting quarters for the **seniors of Ft. White**. There are a total of three portables. Two of those portables fit together and could be used for the seniors to assemble, one small unit could be used for storage. The town of Ft. White has agreed to donate land to situate the portables. Details of the land are expected.

The approximate budget for this project will be in the area of \$20,000-\$25,000. Monies would come from the General Fund Contingency account.

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

VIII. Request for Donations - The **Alachua Regional Juvenile Assessment Center** has requested Columbia County make a financial **donation** to assist with operational costs. Unfortunately, many of the counties (including Columbia County) are now involved in a lawsuit regarding the State's financial obligations under Article V. Columbia County believes the support of this center is the responsibility of the state under Article V, and therefore were not inclined to assist as it may hinder the counties in the pending lawsuit.

Motion by Commissioner Williams to deny the request. Second by Commissioner Weaver. The motion carried unanimously.

IX. Greenways and Trails - As is required per Florida Statute public disclosure of a scheduled public hearing was announced.

The **Department of Environmental Protection's Office of Greenways and Trails** will hold an Advisory Committee Meeting on Thursday, March 31, 2005, at 1:00 pm. in the School Board Administration Office. The purpose of the meeting is to discuss

the proposed Management Plan for the recreation area at the former **Kirby and Columbia City mining sites** in Columbia County. Additional information regarding the **public meeting** may be obtained by contacting Ms. Marsha Rickman at the department, through the office of Greenways and Trails.

[Clerk's Note: This notice was also announced at the Board of County Commissioner's meeting on March 03, 2005.]

X. Building Permit - On October 29, 2001, at a regular Board of County Commissioners meeting, the Board heard an issue involving a tract of land at the end of **Wendy Road**, which the County deemed to be a substandard road. Through negotiations with Developer **Pete Giebeig**, the Board limited the developer to develop up to 12 units on the entire tract of land. That equated to one unit per every 11.6 acres. Mr. Geibeig has now requested the Board allow him to place one house on a 5.5 acre tract. He will not exceed the original 12 units, but will slightly **increase density**. Mr. Williams said in discussing the matter with Mr. Marlin Feagle, they both agreed that because it is a slight deviation from the decision made by the Board at that time, it should be discussed with the current Board to determine if there are any objections. Staff recommended Mr. Giebeig be issued that permit based on his request.

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

XI. Volunteer Fire Fighters - The **Volunteer Fire Fighters** will receive a **2005 Act of Caring Award**. The award recognizes the top county volunteer programs in the country. The award was based on the unselfish acts exhibited by the volunteer fire fighters during the hurricane activity over the past year. Mr. Williams said, "This is a very prestigious award, and something we should all take pride in. I believe we'll all agree that during that time, the volunteer fire fighters were the very last people to stand down when things were at its worse. They went above and beyond the call of duty, and for that reason they are being recognized."

The formal recognition will take place in Washington, D.C. on Capitol Hill on Wednesday, April 13, 2005. The County has an opportunity to send three representatives to be a part of the awards ceremony. The volunteers selected from their own ranks were:

**Fort White Fire Chief Edmund Hudson** and **West Columbia Fire Chief Jerry Stanley** to receive that recognition on behalf of all volunteer fire fighters. The Board agreed that because Commissioner Flinn played a vital role in the volunteers receiving this award that she should attend. Staff requested authorization for their travel. Commissioner Williams noted that **Volunteer Fire Chief Killibrew** from **Suwannee Valley/Winfield** area was one of the original nominees selected to travel to Washington but could not due to a prior commitment.

Commissioner Weaver expressed appreciation to Mr. Harvey Campbell for the fine job he done in writing the recognition/grant. Commissioner Flinn said she agreed that Mr. Campbell done an excellent job in making application, and has already called him to express her appreciation. As well, she said that she has contacted Senator Nelson's Office regarding the award, and reported his office has invited the two fire chiefs and herself to a brunch prior to the ceremony and will be attending the ceremony with them.

The awards program is carried out by the National Association of Counties ("NACO") in partnership with the Nationwide Retirement Solutions/Nationwide Insurance.

Motion by Commissioner Weaver to approve travel for Commissioner Flinn, Edmund Hudson and Jerry Stanley. Second by Commissioner Porter. The motion carried unanimously.

**XII. Suwannee River Resource Conservation and Development Council, Inc.** ("SRRC&D") has requested the Board assist them by writing our congressional delegation to oppose any budget cuts that may affect their programs. Staff said he feels this would be appropriate since the Board funds them locally, and because SRRC&D has been a major partner with Columbia County in the past, and especially with drainage projects. He requested the Chair be authorized to sign a letter.

Motion by Commissioner Porter to write a letter supporting SRRC&D. Second by Commissioner Weaver. The motion carried unanimously.

**XIII. Shaw/Jones** - Local resident **Margie Shaw** owns a home located at the intersection of Balboa (f/k/a Iowa Street) and Ponce de Leon Street and desires to sell her home to her daughter **Brenda Jones**. A recent survey found the Shaw home was constructed on, and is encroaching upon the county right-of-way of Ponce de Leon by approximately 26 inches. Because of this **encroachment** Ms. Jones is unable to obtain a mortgage. Mr. Marlin Feagle has reviewed the predicament and has discussed the matter with the attorney who will be closing the sale. The attorney for Ms. Shaw believes the county would need to do a **road closing on the small portion of Ponce de Leon** if they are willing to relinquish that small portion of right-of-way to clear the way for the sale.

Mr. Feagle proposed the matter be set for a public hearing to consider closing a portion of the road.

Motion by Commissioner Porter to approve a public hearing for April 21, 2005. Second by Commissioner Skinner. The motion carried unanimously.

**XIV. Doorway to Hope** - Ms. Marie Montgomery operates **Doorway to Hope Community Development, Corp.**, which is an organization that started in, but has now outgrown the home. The organization provides after school reading assistance, homework assistance, and other services to children in need. Ms. Montgomery has requested permission to use the old two-story white building known as the Watertown Building at the Watertown Center for this operation. This was the building used as part of School Board Offices. Mr. Williams said the building has been used for storage of surplus items, but has never been put in service by the County for any specific use as it doesn't meet ADA design standards. Mr. Williams suggested the County consider approving this request, if it is without expense to county.

Motion to approve request by Commissioner Williams. Second by Commissioner Weaver for discussion.

Commissioner Weaver expressed concern that the County may run into problems leasing out the building while knowing in advance the building is not ADA compliant and in

addition has mechanical problems. Commissioner Williams asked if it is possible to put the County in a position where they are held harmless from the organization, the parents or anyone else who may have an issue. Commissioner Flinn asked if a child was hurt on the property if the County would be held liable.

Mr. Feagle responded that even if Ms. Montgomery is willing to sign a Hold Harmless Agreement, there is still no guarantee another party wouldn't file a suit and prevail if someone is unhappy about the mechanics of the building or the handicap accommodations. If a child is hurt and it can be proved that the county was in any way negligent the county could be held liable. He said the county may want to consider insurance that would cover that type of accident. While the County cannot totally contract away its responsibilities, it can attempt to pass costs to the organization. He said, "You can contract for the organization to be responsible for their own negligence, but since the school child or a third party is not a party to the agreement, they ultimately are not bound to that agreement and could file suit. The lease can require the organization to carry negligence insurance, but the ADA matter can't really be passed along to anyone else."

The motion and second was withdrawn. Commissioner Williams said he'd like for Building Maintenance Supervisor Art Butler to inspect that building to determine what it would cost to bring the building up to ADA compliance. He would like to revisit the matter at a future meeting. Commissioner Weaver expressed he'd like to see the older building brought up to ADA standards and utilized at a future date, if the county could bring it up to standards without a large expense. Mr. Williams reported the County had an ADA assessment done on the building several years ago and found out what it'd take to bring it back up to standards. Mr. Williams will pull that assessment and cost estimate, but believes when the numbers are re-calculated the Board will find that it will not be cost effective to make the building ADA compliant.

XV. Paul Lackmacker with the Florida Rural Water Association ("FRWA" said the association's purpose and responsibility is guidance and advisement (regulatory and engineering) of water quality issues. He discussed the status of the sinkhole on Pinemount Road. The hole is approximately 75 feet below grade and is increasing in size. The water is flowing into the hole from three directions. The largest deterioration in the wall is on the southwestern section. Since 7:00 a.m. today, the hole has eroded at least 20-25 feet. "The sinkhole has a large opening with hundreds of millions of gallons of water pouring into the aquifer." Mr. Lackmacker said. He explained it is virtually impossible to determine exactly what will happen next with the sinkhole. The association's primary concern is the water quality, and the amount of water that is dumping into the aquifer. The surface water pouring in from the large pond/swamp; approximately 200 acres has tested positive for Coliform contaminants believed to be from animal waste. This has raised a certain amount of concern as diseases may be spread through fecal transmission.

Ground penetrating radar was done today by FRWA and was duplicated by DOT. According to Mr. Lackmacker, the roadbed appears to remain in satisfactory shape, but still agencies are unable to determine with certainty whether there is water movement from the Southside of the road toward the sinkhole. He told the Board the sinkhole is growing and that it's possible that force and acidic levels of the water may jeopardize the

road in the days ahead. He agree that temporarily closing the road to traffic was a good idea. Mr. Lackmacker shared other opinions and possible scenarios with the Board for their consideration in dealing with this natural disaster.

[Clerk's Note: See Item XVII for additional discussion regarding the sinkhole.]

#### XVI. Citizen Input

Mr. Ray Sessions a resident of Cannon Creek Airpark located off of Sisters Welcome Road said residents are upset because the water is standing in the south end of the airpark and is not flowing as it should. He explained that he and Audrey Bullard created the subdivision (approx. 1993) and eventually turned the road (no name provided) over to the county. When the road was put in, there were two culverts that were installed under the road so that the water would flow under the interstate in a southern direction and then into a nearby sinkhole.

He explained that after the county took over the road, there were some modifications made in preparing for the bypass. He noted that engineers believed that the water flowed North. He asked the County to visit the problem site. Mr. Dale Williams said that he and Commissioner Porter met with County Engineer John Colson regarding the matter. Mr. Colson has plans to meet with the SRWMD, because he has a dispute with them regarding their science. The County awaits the recommendation of Mr. Colson.

#### XVII. Sinkhole

Sheriff Gootee explained the dilemma with the sinkhole on Pinemount necessitates additional manpower. The manpower in the area must come from officers willing to work overtime as he does not have adequate staff to assign to special projects. He asked that the Board assist him with his budget constraints, by agreeing to approve the budget amendments that will be required to pay overtime. He also asked that the road be re-opened until it's be deemed unsafe.

Commissioner Skinner opposed the road being re-opened without first receiving the road's test results, which will be complete tomorrow afternoon.

Commissioner Flinn asked Mr. Feagle if it would be beneficial to the county to declare a local state of emergency. He responded he wasn't sure, but a state of emergency may qualify the County for National Guard assistance. Regarding re-opening the road, Mr. Feagle said that it is essential that public safety come first, but that avenues and resources to assist the Sheriff should probably be explored.

Commissioner Weaver asked why additional manpower is needed. The Sheriff explained prior to the sinkhole there was already a high volume of traffic on Hwy. 252, but since the sinkhole, the traffic has drastically increased. Cars are speeding through the detour, and area residents are constantly calling all hours of the night to complain that curious onlookers are parking in their yards and walking to the sinkhole.

Commissioner Porter offered that while Commissioner Skinner was out of town, she put in a call to Mr. David Steel of SRWM who offered tips to assist with the problem. It was recommended that the Board contact its legislators to have the County's case pleaded to Governor Bush for any assistance. She said that current expenditures relating to the situation should be readily available when the state is approached for assistance. Commissioner Flinn asked again if a local state of emergency would be beneficial in obtaining assistance. Mr. Lackmacker interjected that there should be some type of protocol in place through the County's Emergency Operations for beginning to search out

assistance. He offered that the person in charge of Emergency Operations should know how to proceed, or at least have some idea of how to get assistance with this type of situation when it arises. "This problem is beyond the county's capabilities, and we need some outside help. That's what the Emergency Response Program has been set up to do. To handle this type of situation when it arises," Mr. Lackmacker said. He told the Board that it's very easy to get tunnel vision when it comes to this problem, and to take the position that it's on private property and no concern of the county. However, in his opinion it poses a threat to the road and therefore the public.

Commissioner Porter asked, "So, who do we contact?" He responded the Emergency Management Director Ronnie McCardle should be called.

Commissioner Flinn suggested Ronnie McCardle, Dale Williams, George Skinner and the Sheriff meet, and together discuss a plan of action for keeping the public safe and for contacting Tallahassee for assistance regarding the sinkhole crisis.

Commissioner Williams added, "All water is owned by the state. The Florida Legislature has a governing board to control water within Florida. Before we get anyone else involved, we should get SRWM involved in the process of what we're trying to do," Commissioner Williams said. He expressed that he believes personally that the County needs to begin with the recommendations of SRWM, and that their recommendation would be very helpful if and when the County needs to approach the state regarding the matter. He suggested if protocol was going to be established, that it begin with the agency that handles the water of the county.

Commissioner Porter replied that she and Commissioner Skinner have been in touch with SRWM seeking assistance and that they are very reluctant to get involved. She said that Mr. Steel, representative of SRWM made it clear that SRWM wasn't interested in becoming involved in the dilemma. Mr. Lackmacker agreed SRWM should be heavily involved, but added that his associate (Fred Handy) who works very closely with SRWM gave indication that they aren't interested in becoming involved as they have no one on staff experienced in handling this type of situation.

Commissioner Williams was of the same mind as Commissioner Flinn in that he feels the starting point for resolving the road issues relating to Pinemount Road is for Ronnie McCardle, Dale Williams, George Skinner and the Sheriff to meet and establish a course of action.

The Board agreed for an officer to be assigned to the sinkhole area beginning immediately, and agreed to pay for the overtime until the road is re-opened. This will be done through a budget amendment. The Sheriff asked that until the test results come back that the road be reopened. The Board would not agree to re-opening the road and indicated they would rather err on the side of safety.

Mr. Dale Williams reported Mr. Lackmacker's agency has performed sonar testing. DOT as mutual aid to Columbia County is duplicating the tests. All test experts will compare and analyze the results, and make a recommendation to the County based on those results. Based on the sonar test results, they may do a hole punch test, which will provide additional information as to how safe the road is. Until that time, staff suggested the **road remain closed**. He said regarding the **overtime pay** that when the Emergency Management Director asked that the road be blocked off, that the County then incurred the obligation to indemnify the Sheriff for any additional, reasonable expenses. The Sheriff was asked to send an estimate of costs to the Board. As far as

declaring a state of emergency, the Board learned that the declaration does not automatically entitle the County to anything from the state. Mr. Williams said, as a matter of fact that Commissioner Skinner and Ronnie McCardle have already contacted the state at least three times and learned there was no assistance the state was willing to provide at that time. Adopting a state of emergency will only suspend local regulations. Therefore, unless the county sees a need to suspend the current purchasing policy or has a special need to authorize overtime for county personnel, there is no need to declare a **state of emergency**. Mr. Williams said, "However, we do need to exercise as much influence as we can, and ask for resources and support of the state." He said in the upcoming days the county may want to request that Governor Bush sign an executive order to have national guards assist.

Commissioner Porter clarified her statement that SRWM was not inclined to get involved: "I agree with David Steel. Not to sound cavalier about it, but we have to remember it is just a sinkhole. And I think declaring a state of emergency for a sinkhole would be a little over the top. I think what we need to do is assure the sheriff that we're going to be there to back him up, but I certainly would not discourage in any fashion us (the county) trying to see if we can, in return, get some assistance from the state."

Mr. Williams concluded, "These sinkholes are occurring on property owned by people many of us consider to be personal friends. We really hate it for them, but as a public entity, the county's only right to be involved is from a public safety standpoint. The County is currently considering water quality and the road. As far as I know, those are the only two legal reasons that we have to be involved." Mr. Williams said the county has become involved and incurred much expense, because of the water quality and the possible threat the sinkhole poses to the road.

Mr. Feagle said he too believes the state should be approached for available assistance. "It just seems to me like it would be beneficial to have some kind of resolution, or something adopted by this body as the chief legislative body of the county, saying that we have a natural disaster occurring in the county which is affecting the safety of the roadway and water quality. That may give us a little more clout if it's from the Board."

Motion by Commissioner Skinner, "I move we prepare a resolution empowering us to have more authority to move on and deal with the situation we have out there."  
Second by Commissioner Porter.

Commissioner Weaver felt the motion was extremely vague and asked that it be more specific.

The chair gave her understanding of the motion as a request to approve a resolution recognizing the problems so that the county may have more "weight" when approaching the legislature or Governor Bush to ask for some type of state assistance to help with the extra costs the county has and is incurring. Commissioner Skinner concurred.

Mr. Feagle questioned whether the commissioner was requesting a resolution declaring the county is experiencing a natural disaster resulting in the contamination of water and possibly public safety. Commissioner Skinner replied "yes."

The clerk asked for clarification of the motion.

Motion by Commissioner Skinner to adopt a resolution declaring that there are certain natural disasters taking place in the county that may affect the safety and welfare of the citizens of Columbia County. As a result the Board requests assistance, financial or otherwise from the State of Florida. Second by Commissioner Porter. The motion carried unanimously.

XVIII. Citizen Input - Ronald "Casey" Townsend said it was his understanding that hurricane damage documented, but unable to be repaired immediately, would still qualify for repair later on. Mr. Townsend said that for the past 6-7 months he has been attempting to have his parents' driveway repaired. He said, "It's a gully. We're having to drive through a cow pasture now in order to come and go. I was promised 8 weeks ago by Commissioner Skinner and Dale Williams that something would be done." He asked Mr. Williams why Commissioner Skinner is unable to get some backing from the county, and why Hoyle Crowder and Farrell Feagle who are obviously aware of the problem will not make the needed repairs. Mr. Williams responded he was not aware that the work had not been done, but assured Mr. Townsend that he would follow up on the already signed work order.

XIX. Commissioners - Matters not on agenda

Commission Williams - Requested permission to **enter the private property** of Carl Harris for the purpose of changing out a culvert on **NW Winfield Street**. Motion by Commissioner Porter to approve. Second by Commissioner Skinner. The motion carried unanimously.

Commissioner Williams - Asked if the County had ever re-opened **Willard Kerce Road**, and if it has not been re-opened, he asked for the reason. Commissioner Flinn said it was at least a year ago that the Board voted to re-open the road. To date the road remains closed and is being reviewed by Attorney Greg Stewart. Mr. Feagle explained that Mr. Stewart has been researching the issue and has asked if the County is ready to proceed. Mr. Feagle said the County should let him know that they are ready for him to render an opinion. He told the Board that there are some legal issues as to whether the road is public. Commissioner Flinn asked how there are any legal issues, when the Board of County Commissioners settled the issue. In 2001 during former Commissioner Witt's term the road was declared to be a county road. Then in 2004 during Commissioner Flinn's term, the Board voted to re-open the county road. Mr. Feagle agreed that the Board has declared the road to be a county owned road. However, the conflicting property owner is not willing to accept the Board's decision, and the issue may eventually need to be settled by the Courts. Commissioner Flinn offered that the County has made their decision, and that if a property owner is not happy, it should be up to them to obtain an attorney, file the appeal, and pay court costs. She

asked why the county would expend funds to pay special counsel. Mr. Williams said after the Board rendered its decision(s) regarding the road, the affected property owner produced documents that had never been considered. The question was then posed to special counsel, "Should the Board's decision be challenged, is it defensible?" The risk to the Board is, that if it opens the road based on the Board's decision and later does not prevail, there could be an inverse condemnation issue to deal with.

Commissioner Williams - reported the **153rd National Guard Brigade** is scheduled to be deployed to Mississippi, and then on to Afghanistan for 12-18 months. A sergeant of that company has asked Commissioner Williams to spearhead a farewell celebration for April 01, 2005 at 4:00 p.m. Each commissioner was asked to consider donating \$1500 from their special projects fund to purchase the food and other needed supplies to prepare the farewell dinner for the guards, their families, and the elected officials of the county (approximately 425 people). Commissioner Weaver added that Board members are encourage to participate in serving, and there are plans to have other officials serve as well.

According to the Sergeants, the item requested and needed most are the prepaid phone cards. Commissioner Williams reported Mr. Lester Scaff is willing to provide the cards at his rate. Those citizens wishing to donate to the pre-paid phone card campaign may make checks payable to: The Board of County Commissioners/Send Off Campaign. Commissioner Porter said that the Veteran's HOPE Organization is willing to do whatever they can to assist with the send-off. Commissioner Flinn agreed the phone cards were a wonderful idea, and also asked that the Committee do what they can to organize support from a financial and moral standpoint for the left behind families. She suggested a roster of names be obtained and a person be assigned to check in and advocate for that left behind family.

Motion by Commissioner Weaver for the County to adopt a resolution, and encourage the City to do the same, to declare the month of April 2005 as salute to the 153rd National Guard Brigade. Second by Commissioner Porter. The motion carried unanimously.

Commissioner Williams - Reported having an extremely difficult time dealing with the destruction of roads caused by four wheelers. Even though it is illegal for the four wheelers to be on the road, he has no problem personally if they are in the country and riding gently on the dirt roads, but wants help from the Sheriff Department with those who are intentionally destroying the county roads.

The Sheriff said that his officers are being very vigilant when it comes to correcting the issues pertaining to the four wheelers. Drivers of the four wheelers on property illegally are being pulled over, written a warning, and provided with an informative four wheeler's brochure. Each of the commissioners were asked to provide a written list of the problem roads.

Commissioner Weaver - Board approval was sought to enter private property at the end of Memorial Drive to correct an erosion problem caused by county water runoff.

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

Commissioner Weaver - A group of citizens living off of Old Wire Road (on a private road) requested Commissioner Weaver ask the county to consider making repairs to their road that have occurred subsequent to the hurricanes. He noted the County did make repairs to their road twice during hurricane season, in two different places. Commissioner Weaver reported to the Board that he does not recommend the repairs as there are literally hundreds of other private roads that would appreciate the same attention.

Motion by Commissioner Williams to deny the request. Second by Commissioner Weaver. The motion carried unanimously.

Commissioner Skinner - Expressed appreciation to the Sheriff for the excellent teamwork in dealing with the sinkhole issue.

There being no further business, the meeting adjourned at 9:50 p.m.

ATTEST:

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Chairwoman Jennifer Flinn  
Board of County Commissioners

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P. DeWitt Cason  
Clerk of Circuit Courts