

Board of County Commissioners

September 05, 2002

6:30 P.M.

The Board of County Commissioners met at the School Board Administration Office in a regularly scheduled meeting.

Commissioners Present: James Montgomery, George Skinner, Dewey Weaver, Kenneth Witt (Chairman) and Ronald Williams.

Others Present: County Coordinator - Dale Williams, County Attorney - Marlin Feagle, Asst. County Coordinator - Lisa Roberts, Clerk of Courts - DeWitt Cason, Deputy Clerk - Sandy A. Markham.

The meeting came to order. Commissioner Montgomery opened with prayer and the Pledge of Allegiance to the Flag of the United States of America followed.

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I. Presentation of the Charter

Charter Commission Chairman Tom Brown gave a brief statement advising the Board that the Charter Commission proved to be a very diversified group, who conducted an in-depth **Comprehensive Study** of the current form of government in order to draft the proposed Charter for Columbia County. He commended the Board of County Commissioners for appointing such a diverse group to serve on the **Charter Commission**.

He told the Board that approximately twenty-eight issues were discussed. Only items approved by a 2/3 vote were entered into the **draft charter**. Items not approved by a 2/3 vote continued in its current form of practice.

Mr. Brown reported a large number of changes were discussed, but only a small number of changes were made. He said the small number of changes indicates a vote of confidence and should be taken as a compliment to the current leadership we now have in the county through its constitutional officers and the county commissioners. The changes that the proposed charter would create were reviewed by Mr. Brown.

Mr. Brown presented the proposed Columbia County Charter to the Board of County Commissioners for placement on the November 5th election ballot, and announced their charge has been fulfilled. He advised the Board that after the submission at this meeting, that the Commission will stay in existence until the election, under the terms of the statute. The commission at its last meeting delegated to the **Charter Education Committee** the authority to promote public education of the charter issue between now and the election, and set forth a budget for same. He expressed that the Charter Commission was hopeful that they would be able initiate the **public education** efforts very soon.

Mr. Brown thanked Ms. **Leandra Johnson** for "Getting them started in the right direction."

The Board of County Commissioners thanked the Charter Commission members for their diligence in drafting the proposed charter.

Mr. Brown expressed thanks to **Sandy Markham** and **Lisa Roberts** for a job well done in preparing minutes, sending notices, preparing agendas and so on.

Mr. Marlin Feagle advised the Board that a motion was needed to accept the presented, proposed Charter. A request for a **special election** on November 5, 2002 will also be needed.

Motion by Commissioner Weaver to accept. Second by Commissioner Skinner. The motion carried unanimously.

Motion by Commissioner Weaver to set the special election for the November 5th election. Second by Commissioner Williams. The motion carried unanimously.

The meeting recessed at 6:55 p.m. and reconvened at 7:00 p.m.

II. First Budget Hearing

Mr. Dale Williams gave a budget overview for the first public budget hearing covering the budget period of October 01, 2002 - September 30, 2003. The second hearing regarding the budget will be on September 17, 2002.

He explained the process to get where we are is that constitutional officer submit budget requests as required by law. Department heads and outside agencies are done as a matter of Board policy. After requests were received and line items were reviewed a floor budget was prepared. The floor budget reflects what staff believes is necessary to maintain the same level of operations as the prior year. He explained that per the Board's direction, no expenses were added outside of those approved in the prior year, other than what is needed to maintain the same level of services.

The budget workshop was conducted on August 20, 2002. At that time the floor budget was amended based on decisions made and items approved by the Board. They were: An increase in funding for Meridian Behavioral Healthcare, the cost of a part-time environmental education employee at Alligator Lake, and funds for all employees to have a 3% cost of living raise.

Mr. Williams advised that the Supervisor of Elections and the State Attorneys were not available at the budget workshop. One had a conflict, and the other did not receive proper notice. He said the door has been left open for them to address the commission at one of the two hearings.

Mr. Williams announced that the proposed millage rate of 8.726 mills is 3.1% greater than the rolled back rate. The purpose of the increase is to fund inflationary increases in County operations.

The Chairman opened the public hearing and called for public input.

Mr. David Rountree called for clarification on items pertaining to the budget. Mr. Dale Williams assisted with clarification. Mr. Rountree complimented the Board for the low increase in the budget. He said it was lower than he has seen it in his time of following the budget process.

The public hearing closed.

Motion by Commissioner Williams to adopt the tentative general fund budget and set tentative millage rate at 8.726 for the 2002-2003 fiscal year. Second by Commissioner Montgomery. The motion carried unanimously.

Motion by Commissioner Williams to adopt the tentative general fund budget at \$23,628,294. Second by Commissioner Montgomery. The motion carried unanimously.

Industrial Development Authority

the IDA is a dependant taxing district of the Board that has a tentative millage rate of .138 mills, which is also 3.1% over the rolled back rate.

The public hearing opened and the chair called for public input.

Mr. David Rountree called for clarification on items pertaining to the IDA budget. Mr. Dale Williams provided clarification.

The public hearing closed.

Motion by Commissioner Weaver to adopt the tentative IDA budget and set the tentative millage rate at .138 mills for the 2002-2003 fiscal year. Second by Commissioner Skinner. The motion carried unanimously.

Motion by Commissioner Weaver to adopt the tentative IDA budget at \$201,586.
Second by Commissioner Montgomery.

Commissioner Williams suggested that in the future, that a small portion of year-end closeout monies be set aside, and earmarked to lure new businesses to Columbia County.

The motion carried unanimously.

County Funds Not Levying Ad Valorem Taxes

Mr. Dale Williams read into the record the funds of the Board that do not levy ad valorem taxes:

Transportation Trust
Fifth and Sixth Cent Fuel Tax Trust
1993 Road Improvement Debt Service
Municipal Services Special District (MSSD)
Municipal Services Benefit Unit (MSBU)
Fines and Forfeitures
Special Law Enforcement
Tourist Development Tax - Operating
Tourist Development Tax - Debt Service
Landfill Enterprise
Library Enhancement
Local Housing Assistance
County Facilities Renovations
Road Improvement
Economic Development
Connector Roads Project

The public hearing opened and the Chair called for public input.

Mr. David Rountree again asked for clarification. Mr. Dale Williams provided clarification.

In response to Commissioner Williams' comments regarding the IDA Budget, Mr. Rountree he said, "At the present time, we have fully allocated the half cent sales tax to the courthouse project. That project basically completes in April of next year with some minor extension for Service Zone. That tax is not sunset and will continue." He asked the county to consider taking a small portion of that money and begin building a reserve for industrial development. He also suggested the county reserves be considered to begin an earmarked fund to start the fund for industrial development.

The public hearing closed.

Motion by Commissioner Williams to adopt tentative budgets for the following funds:

Transportation Trust	\$4,956,747
Fifth and Sixth Cent Fuel Tax Trust	\$813,000
1993 Road Improvement Debt Service	\$1,403,896
Municipal Services Special District (MSSD)	\$4,358,012
Municipal Services Benefit Unit (MSBU)	\$5,079,400
Fines and Forfeitures	\$1,882,940
Special Law Enforcement	\$26,500
Tourist Development Tax - Operating	\$416,250
Tourist Development Tax - Debt Service	\$147,375
Landfill Enterprise	\$4,112,416
Library Enhancement	\$1,571,238
Local Housing Assistance	\$453,000
County Facilities Renovations	\$5,452,875
Road Improvement	\$5,314,000
Economic Development	\$1,960,808
Connector Roads Project	\$7,602,745

Second by Commissioner Weaver. The motion carried unanimously.

The Board reviewed the list of recommendations for the use of year-end monies for fiscal year 2001-2002. Staff suggested the Board approve the recommended year-end expenditures. See the attached list.

Staff explained for citizens in attendance that capital outlay for the most part is handled by the County by utilizing unexpended fund from any given year. The reason is that it makes these purchases non-recurring. It's been a long standing policy of the county to try to fund as much of the capital outlay request as we possibly can from year end monies. This year there was a slight change in because the Board wanted to create a special reserve to help offset next year's retirement impact. He explained that therefore, some of next year's money will be used on the capital outlay list. **See attached.**

Motion by Commissioner Montgomery to approve the year-end capital outlay expenditures list. Second by Commissioner Skinner. The motion carried unanimously.

Mr. Dale Williams again announced that the final **budget hearing** will be held Tuesday, September 17, 2002 at 7:00 P.M. in the School Board Administration Complex.

Final Assessment Resolutions

There are no increases for the year 2002-2003.

Mr. Dale Williams read the preamble regarding **Solid Waste Assessment**.
See attached Resolution #2002-R39.

The Chair declared the public hearing opened and called for public input. There being no response, the public hearing closed.

Motion by Commissioner Montgomery to approve the resolution. Second by Commissioner Skinner. The motion carried unanimously.

The preamble regarding **Fire Assessment** was read.
See the attached Resolution #2002-R40.

The Chair declared the public hearing opened and called for public input. There being no response, the public hearing closed.

Motion by Commissioner Montgomery to approve the resolution. Second by Commissioner Skinner. The motion carried unanimously.

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

As an informational item, Commissioner Williams advised that a study has been done over the past three years regarding fires in the county. The study has determined that there is a need to establish a full time **fire station** in Columbia City. Should future considerations be given to build the needed fire station, Commissioner Williams was of the opinion that the only way to accomplish that would be through an increased fire assessment.

Commissioner Witt noted as an informational item that Columbia County has an inter-local agreement with Alachua County to assist with **fire coverage** for the South end of Columbia County.

The preamble regarding **Rescue & Advanced Life Support** was read.
See the attached Resolution #2002-R40.

Staff recalled that approximately two years ago, the County was advised that due to an appellant court ruling, the Supreme Court would be asked an assessment dealing with advanced life support was constitutional. Because of that, the Board decided to not levy an assessment, but chose to continue to advertise the assessment to protect the County's options.

The Supreme Court has now ruled that EMS Assessments do not provide a special benefit to property. Therefore, to levy one would be unconstitutional.

Staff suggested the Board levy a rate of zero, and choose to not advertise an EMS assessment in the future, because there will no longer be a need to protect the County's options.

The Chair declared the public hearing opened and called for public input. There being no response, the public hearing closed.

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

III. Mason City Road Closure

William Gordon, an attorney from Melrose, Florida addressed the Board on behalf of the property owners in **Mason City**. He ask that the Board close a portion of **First Avenue, Second Avenue and Turner Blvd.** in Mason City. Mr. Gordon said the **road closing** would be proper since they have never been maintained or opened by the County.

Commissioner Williams expressed that the culverts have already been put into place for the development project. He said that it is his understanding that D.O.T. would not have granted that many accesses off of the main highway, unless the developer could show that there were county roads in place giving access. Mr. Gordon responded that he wasn't familiar with culvert installation since with that, since he was not handling that part of the transaction. Commissioner Williams went on to point out that had the roads been closed prior to the installation of the culverts, a different method of finding a way to enter the property would have to have been used, since D.O.T. will not give individual access to that many breaks on a highway. Commissioner Williams said, *"Simply put, I think D.O.T. has been snookered!"* He express that he believes the plat was presented to D.O.T. showing that the roads were county roads, and according to their (D.O.T) regulations, they permitted individual accesses. He said that if the roads would have been closed prior to going to D.O.T. to ask for that many accesses, the request would have been denied. Mr. Gordon responded that he is unaware if such a representation has been made to D.O.T, and stated there is another agent handling the sales, as well as dealing with D.O.T.

The Chair opened the public hearing and called for input. There being no response, the public hearing closed.

Motion by Commissioner Williams to continue until the September 19, 2002 meeting. Second by Commissioner Weaver. The motion carried unanimously.

Commissioner Williams asked Mr. Dale Williams to contact D.O.T. to find out what has happened, because if this is going to be a normal practice Building and Zoning will have to be notified.

IV. Mediation

There is a 1995 **Mediation Service Fee Ordinance** in place allowing for a \$10 charge per filing. Florida Statutes allow an ordinance levying Mediation Service Fees may be charged up to \$45 per filing. Due to the success of the ordinance and those wishing to utilize this type of service, the Court Administrator's Office has requested that the Board of County Commissioners consider raising that amount to \$30.

The Chair opened the public hearing and called for input.

Court Administrator Nancy Nydam spoke in favor of the increase. She explained that the number of cases going to mediation has increased. The mediation program is helping to get the cases through the system at a quicker rate, and allowing the parties to have a greater voice into decisions made regarding their case.

Commissioner Williams asked Court Administration to provide the Board with the number of hours the **mediators** have worked over the year. He said he would like to compare the price and hours of mediation versus the number of hours spent handling cases by judges.

Motion by Commissioner Weaver to approve. Second by Commissioner Williams. The motion carried unanimously. **See attached ordinance.**

V. Vendor's Ordinance

The Board reviewed the **Temporary Vendor's Ordinance**, a/k/a the **Out-of-Town Car dealership Ordinance**. Mr. Marlin Feagle explained that the ordinance mirrors the Vendors Ordinance adopted by the City of Lake City.

Temporary businesses will be required to get a temporary permit. Once a permit is obtained, there are several requirements and restrictions that must be adhered to. "Temporary" is defined as a non-seasonal sell of goods or services (agricultural products are exempt).

The Chair opened the public hearing and called for public input.

Industrial Development Authority Director Jim Poole asked if the ordinance would impact public auctions such as government surplus auctions. Mr. Feagle responded that they should not be impacted since the ordinance says, "an entity not maintaining *permanent* business location *within the county*." Mr. Poole concluded by saying that Columbia County is pro business, but they want to make sure that those temporary businesses coming in operate by the same rules as the locally owned businesses. **See the attached ordinance.**

Motion by Commissioner Williams to adopt. Second by Commissioner Montgomery. The motion carried unanimously.

VI. Building and Zoning

Final Plat

(1) SD 0111 - Tustenuggee Ridge - First Addition. The property is located in District II, on the West side of Tustenuggee Avenue, across from Pine Road. There are seventeen lots ranging in size from 5.27 acres to 6 acres.

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

VII. Hartford Life Annuity

Mr. Irv Crowetz gave a very brief presentation of **Hartford Life's Deferred Compensation Plan**. He said the he believes the Supervisor of Elections, Property Appraiser, and the Tax Collector will join in the plan. The Sheriff's Department is currently considering the plan. This would be available to employees through payroll deduction. Twelve employees would be needed in order to initiate and maintain it.

Motion by Commissioner Williams, "So Move." Second by Commissioner Montgomery. The motion carried unanimously.

VIII. Consent Agenda

Commissioner Williams announced he would abstain from voting on item #53. He asked that item #13 pulled.

Motion by Commissioner Montgomery to approve the consent agenda with exception to item #53. Second by Commissioner Weaver.

There was a call for clarification on item 27, 45, 50, 52, and 53. Mr. Dale Williams provided clarifying information.

The motion carried.

Regarding Item #53. Motion by Commissioner Weaver to approve. Second by Commissioner Skinner. The motion carried 4-0 with Commissioner Williams abstaining. **See Form 8-B attached.**

(1) **Courthouse Renovation** - Contractors Pay Request Summary - Phase I, IIA & IIB - \$191,302.51

- (2) Invoice - Darabi and Associates, Inc. - \$3,754.61
- (3) Invoice - Darabi and Associates, Inc. - \$2,553.16
- (4) Invoice - Darabi and Associates, Inc. - \$1,358.68
- (5) Invoice - Darabi and Associates, Inc. - \$2,222.06
- (6) Invoice - Florida Association of Counties Trust - \$1,061.03
- (7) External Budget Amendment - **BA #01-69 - Sheriff's Office** BA #19 - Multi-Jurisdiction Task Force - \$13,372.84
- (8) Utility Permit - Alltel Florida, Inc. - **SW Centerville**
- (9) Utility Permit - Alltel Florida, Inc. - **Santa Fe Drive**
- (10) Public **Library** - State Aid to Libraries Grant Application FY 2002-2003
- (11) Public **Library** - Inter-local Agreement with **Lake City Community College Learning Resources Center** Providing Mutual Assistance. **Agreement attached.**
- (12) Resolution - Designating September 2002 as Columbia County **Teen Court Month** to be celebrated in Conjunction with **National Youth Court Month**. **Resolution attached.**
- (13) (Pulled for discussion) Resolution - **Rare Bird Farms, Inc.** - Appeal Decision - A0034.
- (14) **9-1-1 Addressing** - Naming of Found Unnamed Roads -
 - (a) **NW Katie Glen** (c) **NW Van Vorst Court**
 - (b) **NW Radford Court** (d) **NE Maxwell Glen**
- (15) **9-1-1 Addressing** - Naming of New Unnamed Roads - **NW Salem Church Court**
- (16) **9-1-1 Addressing** - Change to Approved Street/Road Names - **NW Hogle Place - NW Panama Place**
- (17) **9-1-1 Addressing** - Change of Road Name - **SE Lilly Court**
- (18) **Florida Recreation Development Assistance Program Grant Agreement - South Columbia Sports Park.** See attached agreement.
- (19) Certificate of Acceptance of Sub-grant Award - **Columbia County Multi-Jurisdictional Task Force VI** - Florida Department of Law Enforcement / **Byrne State and Local Law Enforcement Formula Grant** - \$131,655.00

- (20) Appointments - **Code Enforcement Board - Joe Spector and James E. Flaherty**
- (21) Reappointments - Columbia County **Competency Advisory Board - Terry Zierke, Walt Graham, Harry Moseley and Todd Hunt** - Term 04-05-02 thru 04-05-05
- (22) **North/South Connector** - Acquisition of Right-of-Way Settlement - Parcel No. 9 - **Three Rivers Housing Corporation** - \$153,000.00
- (23) North/South Connector - Acquisition of Right-of-Way Settlement - Parcel No. 11 - CSM Enterprises, Inc. - \$20,000.00
- (24) **Service Zone** Project - Acquisition of Right-of-Way Settlement - Parcel No. 5 - \$30,000.00
- (25) **Supervisor of Elections - Memorandum of Agreement** - Florida Department of State Division of Elections - 2001-2002 General Appropriations Act for Voting Systems Assistance. **See attached agreement.**
- (26) United States **Department of Agriculture - Cooperative Service Agreement Wildlife Services.** **See attached agreement.**
- (27) Bid Award - **Dale's Excavation - High School Tennis Court Drainage** - \$15,150.00 - Small Construction Project Policy
- (28) **Public Works - Reclassification** of Field Service Mechanics - Pay Grade 6 - \$8.50 per hour
- (29) **Construction Management - Change Order No. 33** - M.M. Parrish Construction Company - \$ 25,297.00 Additive
- (30) **Construction Management - Change Order No. 32** - M.M. Parrish Construction Company - \$4,244.48 Deduction
- (31) **Construction Management - Change Order No. 22** - Suncoast Acoustical Contractors, Inc. - \$463.32 Deduction
- (32) Minute Approval - Board of County Commissioners - Regular Meeting - July 18, 2002
- (33) Invoice - **North Central Florida Regional Planning Council** - 17,374.79
- (34) Invoice - Donald F. Lee & Associates, Inc. - **Service Zone Phase II** - \$1,062.50
- (35) Invoice - Donald F. Lee & Associates, Inc. - **Galilee Road** - \$1,775.00

- (36) Invoice - Donald F. Lee & Associates, Inc. - **Bear Run Road** - \$160.00
- (37) Invoice - Donald F. Lee & Associates, Inc. - **Birley Road** (South end) - \$3,950.
- (38) Invoice - Donald F. Lee & Associates, Inc. - **CR 250/ Lake Jeffery Road** - \$6,880.
- (39) Invoice - Donald F. Lee & Associates, Inc. - **CR25A** - \$2,671.35.
- (40) Invoice - Donald F. Lee & Associates, Inc. - **Bypass Project** - \$3,897.50.
- (41) Invoice - Donald F. Lee & Associates, Inc. - **Miracle Lane** - \$3,775.88
- (42) Invoice - Donald F. Lee & Associates, Inc. - **Bonnie Plant Farms** - \$2,155.65
- (43) Invoice - Donald F. Lee & Associates, Inc. - **Winfield Recreation Center** - \$1,140
- (44) Invoice - Donald F. Lee & Associates, Inc. - **Columbia County Recreation Complex** \$634.38
- (45) Invoice - Donald F. Lee & Associates, Inc. - **Quail Heights Access Road/Columbia High School Tennis Court** - \$1,325.00
- (46) Invoice - Harlis R. Ellington Construction, Inc. - **Birley Road Project** - \$39,502.80
- (47) External Budget Amendment - **BA #01-70** - Sheriff's Office BA #20 - **Victims of Crime Act Grant** - \$3,198.13.

IX. Consent Agenda Item #13 (Bird Farm)

Regarding Item #13 - **Rare Bird Farm**. Commissioner Williams said he didn't want to vote for the item along with the other consent agenda items, because he voted against the item last time.

Marlin Feagle also needed the item pulled. He expressed a need to have the Board's motion from the meeting clarified. He stated that there is a need to discuss and determine whether the decision made was based on the fact that the bird farm was in violation of Section 2.3.7 of **Land Development Regulations**.

Mr. Feagle explained that the resolution attached to the agenda package simply upholds the decision of the Board of Adjustment. He said the Board of Adjustment had extensive discussion and determined that the Rare Bird Farm was in violation for the expansion of houses and the increased number of birds. Mr. Feagle advised that if the

Board wants to do some something other than that, it will need to be stated for the record.

The Board had an extensive discussion. The commission was mixed as to what the intent of the motion was.

Mr. Feagle told the Board if their decision was based on house expansion that the Bird Farm could probably come into compliance by simply removing some of the bird houses. However, if it is based on both, some action would be required with the number of birds also.

Commissioner Montgomery expressed that he believes the number of **birds** is the issue, because there are more now than the number listed.

Commissioner Witt said it was his intention to uphold the Planning and Zoning Board for the number of houses and the number of birds.

Commissioner Skinner agreed with Mr. Witt.

Commissioner Weaver stated, *"It was not my intent Mr. Chairman. My intent was that this Board does not have the authority to regulate numbers of birds. It has the authority to regulate the houses and the expansion of the houses. My intent was because of the expansion of the number of buildings, nothing to do with the birds; I don't think we have that authority to regulate numbers of birds. Therefore, I can't consider that in my opinion of it. It is strictly on the number of houses."*

Mr. Feagle explained that approving the appeal will reverse the decision of the Board of Adjustment. Upholding the decision of the Board of Adjustment based on both factors will simply require the signing of the proposed resolution. He asked that a motion be made on the proposed resolution. If the Board elects to not adopt the resolution, then the reasons and findings will need to be placed in the record.

Motion by Commissioner Montgomery to adopt the proposed resolution from the Planning and Zoning Board. Second by Commissioner Skinner. The motion carried 3-2 with Commissioner Williams and Weaver voting in opposition.

Commissioner Williams asked for clarification from Mr. Feagle, *"How will the Board of Adjustment, or the Code Enforcement Officer go down there and say you can have five birds, or you can have five thousand birds? Who is going to come up with a number of birds that they can have? **Game and Fish** is the only one that can come up with the number of birds they can have."*

Commissioner Montgomery responded, *"But that wasn't the question that was before us when we had the hearing before. All the question was at that time, was simply if the number of birds have increased."*

The Board continued to have an extensive debate what they did, and did not have authority to do as it related to the bird farm.

Commissioner Williams expressed that he thought it was absurd and was of the opinion that the Board passed a motion that prohibits them from telling the business what they are, or are not allowed to do.

Mr. Feagle responded there are several things that could happen from this point; simply filing a judicial appeal relating to jurisdiction to the Rare Bird Farm applying once again to the Board for a special exception to allow the operation.

Commissioner Williams asked if by filing an appeal all matters pertaining to the Bird Farm would be put on hold. Mr. Feagle responded that when there is an appeal of a lower courts decision, one may apply for a Stay of Execution that will put the matter on hold. Unfortunately, there is no provision for a stay in county government's administrative process. Mr. Feagle concluded that while the matter is on appeal, that he does not believe it stays the action of the Board, unless the Court stays the action of the Board.

Attorney Bill Haley, for the Rare Bird Farm told the Board that he wasn't sure what the Board has done, or how to explain the action taken to his client. He said, *"You had a motion that was passed, and Mr. Weaver is clear it had to do with the buildings."* He said, *"Whether you had some other intent or not, I don't think you can go back and change that. But, be that as it may, somebody needs to give us some guidelines."* He complained that by the Board's action, the commercial business has been told that they cannot function until the matter is settled by the courts. Mr. Haley was resolute that this was unfair to his client, and that until the matter is resolved they should be allowed to continue their operation.

Attorney Dan Marsee, for the neighbors said it seemed that Mr. Haley was trying to narrow the ruling to pertain only to the housing of the birds. He said he didn't understand that to be the ruling. He reminded the Board, *"The intention you are looking at is the intention of the Board of Adjustment. Not what your intention was in upholding their ruling. Your intention was to either uphold or reverse their decision. Their decision was based on the number of birds and the number of houses."*

He disagreed with Mr. Haley's claims that the action of the Board was unfair to the Rare Bird Farm. He reminded the Board of County Commissioners that numbers are in writing for the years 1997, 1998 and 2001. He said, *"If there has been any misleading or misrepresentation, it was made by the people (Rare Bird Farm) who are seeking the relief, by keeping the business in operation."* He contended that the business was an unlawful operation, because it violated the land use regulations. He concluded that the Board's action was fair, and that they (Bird Farm) should be made to follow the law. Finally, he reminded the Board that the Land Development Regulations were enacted to protect the people of the county from nuisances such as noise.

Commissioner Williams expressed he felt the Board left the action unfinished and have left the Bird Farm "hanging". He asked again, "Who, and when is someone going to determine how many birds they can have?" Commissioner Witt responded that they re-apply for a special exception, they are in violation according to the Board of Adjustment.

Commissioner Weaver interjected, *"You can say whatever you want, but you can't determine the number of birds that they can have out there. If you set the number at fifty, five hundred or even a thousand birds, it's invalid, and it doesn't matter, because only Fish and Wildlife has that authority. You can't set a number of birds as the minimum or maximum. You just can't legally do it!"*

There was a question as to when the appeal time would begin. Mr. Feagle said he feels the appeal time of thirty days would start tonight.

Mr. Bill Haley was of the opinion that Commissioner Weaver clarified the intent of his August 15, 2002 motion, and yet the Commission has chose to overrule. Commissioner Williams agreed with Mr. Haley. Mr. Williams felt that the motion may have been inappropriately worded, but that Commissioner Weaver's intent was very clear.

It was agreed by all parties that the resolution needs to be signed as soon as possible. Copies of the signed resolution will be faxed to both attorneys tomorrow.

IX. Citizen Input

Mr. Chuck Shane a/k/a Chuck Espisito recalled that the Board agreed in a previous meeting to sign an agreement with the **Tourist Information Radio Network** ("TIRN"). Since then, he said that the corporation LLC has been included in the contract signing. He question that they were approved under one name and now are using another name. He asked, "Do either of these companies have any assets?" Mr. Feagle responded that he hasn't conducted an asset check. However, Mr. Richard Powell, CPA, conducted an asset check and presented the Board with a letter regarding his findings. Mr. Feagle explained that it's his understanding that there are two corporations. He said, *"TIRN is the older company. The Commission initially thought that TRN was an LLC, but have now learned that it's not an LLC, it's a corporation."* He said they were both corporations. He told Mr. Shane that the draft of the lease is with TRN (the younger corporation), with a personal guarantee by TIRN (the older corporation). Both are on the lease.

Mr. David Rountree thanked the Commission and Mr. Dale Williams for allowing a county employee to do the **budget presentation**, instead of an external auditor as we have in years past.

Mr. Rountree asked that if because of the **Enron** situation, the cost of **retirement** will increase. The response was, "Yes." Mr. Rountree express that that was illogical

being since we've already pay for **state employee retirement**, and since nobody is paying for the average citizens' lost investments. The Commission agreed that it was double taxation. Commissioner Williams said, *"The bottom line is that this is an election year, and they could have took the money and put it in state retirement, or in employee raises. They aren't going to go into an election year with no state employees getting raises."*

Mr. Rountree call for the creation of a reserve fund to entice additional employers into this county. He agreed that something has to be done. He told the Board he recently read a book published in 1996, **The History of Columbia County**. He said the book reported that in 1961 that 32% of personal income from this county came from employment in government agencies. He said it was reported to the Lake City Reporter, by Jim Poole in January that 38% of our employment is from **government employment**. *"We're going the wrong way! I mean, forty years we've been going the wrong way. It's time the county does something to start building a reserve to entices businesses into Columbia County,"* said Mr. Rountree.

There being no further business, the meeting adjourned at 9:20 P.M.

ATTEST:

P. DeWitt Cason
Clerk of Circuit Court

Kenneth Witt, Chairman
Board of County Commissioners