

JEFFERSON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR SESSION
May 21, 2009

The Board met this date in Regular Session. Present were Chairman Eugene Hall, Commissioners Hines Boyd, Stephen Fulford, Felix "Skeet" Joyner and Danny Monroe III. County Coordinator Roy Schleicher, Clerk of Court Kirk Reams, and County Attorney T. Buckingham Bird.

1. On motion by Commissioner Boyd, seconded by Commissioner Monroe and unanimously carried, the consent agenda consisting of the minutes from the May 4, 2009 regular session and May 7, 2009 special session were approved.
2. County Coordinator Roy Schleicher presented the County Coordinator's Report to the Board, consisting of department head reports, request for new equipment at Road Department, request for new van for Extension Office, presentation of Plaque to Larry Halsey, discussion of Boards and Committees, report on closing FRDAP Grant for Horse Arena and development of criteria for capital expenditures.
3. On motion by Commissioner Monroe, seconded by Commissioner Boyd and unanimously carried, the Board approved the lease agreement for an excavator from Flint Equipment Company for the Road Department.
4. On motion by Commission Fulford, seconded by Commissioner Boyd and unanimously carried, the Board approved the purchase of a new van for the County Extension office.
5. Chairman Hall presented retiring County Extension Director Larry Halsey with a plaque in recognition of over 30 years of service to the county.
6. It was the consensus of the Board to accept County Coordinator Roy Schleicher's recommendation to go forward and review the Boards and Committees.
7. Dorothy Inman Johnson of The Capital Area Community Action Agency informed the Board of her agency's stimulus money available for weatherization/energy efficiency improvements.
8. Clerk of Court Kirk Reams gave his budget update. He stated that the department head requests were in and had been emailed to the commissioners and that revenue estimates should be available in the month of June.
9. On motion by Commissioner Monroe, seconded by Commissioner Fulford and unanimously carried, the Mosquito Control grant was approved.
10. Commissioner Boyd introduced his draft version of the meeting procedures policy. On motion by Commissioner Monroe, seconded by Commissioner Joyner and unanimously carried, the issue was tabled to the next night meeting.
11. Attorney David Theriaque representing Jefferson County in the Jefferson Downs matter started the discussion by advising the Board that anything said in the meeting could be used in court. He also stated that nothing has changed in his analysis of the situation and that he feels the county has a stronger case. He presented two potential motions, one of which the Board needed to approve that night.
12. Mr. Theriaque's first potential motion was that the county commission consider the settlement offer dated May 13th, 2009 from Jamarro, Inc. at a special meeting set for June 25th, 2009, provided the county receives written documentation from Richmond Baker by noon on June 9th, 2009, that approval of a settlement offer will resolve Mr. Baker's claims against the county.
13. Mr. Theriaque's second potential motion was that the county commission reject the settlement offer dated May 13th, 2009 from Jamarro, Inc.
14. Citizen David Hall voiced his concerns over the finality of this situation.
15. Citizen Jerry Sutphin stated that the applicants had to get approval from other agencies such as DCA and DEP and that the vote previously was not on the issue of impervious surface.

16. Citizen Tom LaMotte supported the Board's previous decision because of health, safety and moral concerns and felt it was not the right development and not the right site.
17. Citizen Dane Keegan stated his belief that there was not enough parking design for people to attend and that the property was too low and wet to be developed.
18. Citizen Dick Bailar stated his desire to see the Lloyd interchange developed and pleaded with the Board to accept this offer.
19. Attorney Al Penson strongly urged the Board to reject the settlement offer and said that the parties have not shown that they are entitled to an exception. He also stated that this use was incompatible with existing properties.
20. Reverend George Smith spoke of the negative impact gambling has on the community and urged the Board to remember its duty to represent the citizens of the county.
21. Citizen George Haedicke stated that this was not the right growth and would appreciate a rejection of the offer.
22. Citizen Paul Michael stated that tonight was about a re-hearing and that the county must follow the law.
23. Attorney Kent Safriet said that tonight's decision was whether or not to hear the matter again and that the settlement offer is to drop its litigation threat if Jefferson Downs development is re-considered at the June 25th special meeting. He also stated that the project can come back for review via re-application, even if the Board says "No" at this meeting.
24. Commissioner Joyner stated that there were environmental issues remaining with the property and he would continue taking Attorney Theriaque's advice and felt that the county had a strong case.
25. Commissioner Monroe stated that he has not heard anything to change his mind on this matter.
26. Commissioner Boyd stated that this could be a long and expensive situation. He said he respected the passion and principles of Commissioners Joyner and Monroe, but would like to hear the arguments and would like to think twice before rejecting the offer.
27. Commissioner Fulford agreed with Commissioner Boyd and stated that other organizations can rule on environmental determinations but that it was the responsibility of the Board of County Commissioners to uphold the laws created by the Board to operate under.
28. On motion by Commissioner Joyner, seconded by Commissioner Monroe and failed 2-3 (Hall, Boyd and Fulford opposed), the rejection of the settlement offer was not approved.
29. On motion by Commissioner Fulford, seconded by Commissioner Boyd and carried 3-2 (Joyner and Monroe opposed), the Board accepted the first potential motion as presented by Attorney David Theriaque.
30. Citizen William Leskanic commented that he appreciated the recent issue Commissioner Fulford brought forth in regards to the Fire Chief position and also applauded Laz Aleman for his editorial on this matter. He then stated that he was for eliminating the County Coordinator position and expressed displeasure at the Fire Chief not being certified. County Attorney Buck Bird informed Mr. Leskanic he could not continue with his allegations unless they were addressed in written form so the parties could be present to defend themselves.
31. The warrant register was reviewed and bills ordered paid.
32. On motion by Commissioner Monroe, seconded by Commissioner Boyd, and unanimously carried, the meeting was adjourned.

Chairman

Attest: _____
Clerk