

JEFFERSON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR SESSION
September 16, 2010

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

1. On motion by Commissioner Boyd, seconded by Commissioner Hall and unanimously carried, the Board approved the minutes from the September 2, 2010 regular session.
2. On motion by Commissioner Fulford, seconded by Commissioner Boyd and unanimously carried, Katrina Walton was approved as the citizen-appointee to the Economic Development Council. On motion by Commissioner Boyd, seconded by Commissioner Hall and unanimously carried, Commissioner Stephen Fulford was approved as the Commission's appointee to the Economic Development Council.
3. On motion by Commissioner Boyd, seconded by Commissioner Fulford and unanimously carried, the Board approved the fiscal year 2010-2011 contract with the Health Department. On motion by Commissioner Fulford, seconded by Commissioner Boyd and unanimously carried, Resolution 2010-091610-01, memorializing the approval of the fiscal year 2010-2011 contract with the Health Department was approved.
4. On motion by Commissioner Boyd, seconded by Commissioner Fulford and unanimously carried, the CDBG Housing Assistance Plan was approved.
5. On motion by Commissioner Boyd, seconded by Commissioner Fulford and unanimously carried, Fire Chief Mark Matthews request to expend up to \$6000 of the \$12.50 Communications Fund was approved.
6. Citizen Traci Wood with the Valley View Homeowners Association requested that the Board adopt a private road program similar to Leon County. On motion by Commissioner Boyd, seconded by Commissioner Fulford and unanimously carried, the Board approved for the county coordinator to investigate a policy similar to Leon County to bring before the Board for review.
- 7. PUBLIC HEARING: SITE PLAN-AMERICAN HUNTER INC.**
8. Planning Official Bill Tellefsen presented a site plan at the Industrial Park for American Hunter Inc. Attorney Bill Waters, representing a group of homeowners west of the Industrial Park, requested tabling this to allow the county engineering firm more time to review the site plan. Attorney Scott Shirley replied that a building permit would not be approved until storm water issues were resolved on the site. Commissioner Fulford responded that Preble-Rish has made proposals to address the storm water issues prior to American Hunter's interest in the property. On motion by Commissioner Fulford, seconded by Commissioner Boyd and unanimously carried, the site plan was approved. On motion by Commissioner Fulford, seconded by Commissioner Hall and unanimously carried, the extension of the contract for sale of the parcel was extended to September 29th.
- 9. PUBLIC HEARING: MALLOY LANDING ROAD**
- 10. THE FOLLOWING SPOKE AGAINST THE CLOSURE OF MALLOY LANDING ROAD:** Charlie Walker, Roland Brumbley, Stan Monroe, Jeff Granger, Stephen Walker, Sheri Green, Buddy Johnson, Jodi Conrad, Roger Walker, Barbara Brumbley, Betsy Maloy, Teresa Tinker, Linda Jordan, Pam Granger, Brenda Walker, Jamie Malloy.

- 11. THE FOLLOWING SPOKE IN FAVOR OF THE CLOSURE OF MALLOY LANDING ROAD:** Frances Floyd, Lynn Rhymes, Tom Lamotte, Kent Safriet.
12. Kent Safriet, Attorney for the Boland Family, stated that the Boland's had asked for a public hearing for abandonment of the road, which was approved 4 to 1. He stated that 2 months later, the Board voted improperly to re-hear the issue of the road closure. He opined that the title to the land occupying the road was property of the Boland Family, by virtue of a recorded resolution. He reiterated the county attorney's position that reversing the decision could place the Board in legal jeopardy and stated it was bad public practice. He informed the Board that the Boland Family was considering providing access to a boat landing at the end of Brumbley Road in good faith and wanted closure on the Malloy Landing Road issue tonight.
13. County Attorney Buck Bird disagreed with Attorney Safriet's legal opinion and stated that the Board could have a motion to rescind, appeal or amend its previous decision. He informed the Board of the possibility of legal consequences if there was any reliance on the Board's previous decision. He said the Board had a legal right to rescind, appeal or amend any previous decision but to do so could have potential legal consequences.
14. Commissioner Boyd stated his concern about keeping commitments and stated there was a property rights issue. He appreciated the offer of access through Brumbley Road which provided an alternative access to the river. He made a motion to accept the lease offer with the details to be worked out the attorneys with no second. Commissioner Joyner said there was the question of Malloy Landing Road before anything else could be put on the table. Commissioner Hall said the reason he brought the Malloy Landing issue back up is because he had a question if the Malloy Landing Road was part of the land swap. He stated that when he voted in favor of the road closure, he did not know that the two issues were separate. Citizen Kate Calvin asked if the land exchange included the closure, to which Attorney Buck Bird said it did not. Commissioner Hall made a motion to rescind the closing of Malloy Landing Road, which died for lack of a second. Commissioner Fulford said the Board could set a dangerous precedent and stated his belief that the court system was a better venue via eminent domain to re-open the road. Attorney Bird stated that the county had an easement by maintenance and that through abandonment procedures the property reverts back to full ownership to the middle of the road by the surrounding, adjacent property owners. Commissioner Monroe stated that this was in his district and that the Board had ignored the wishes of most people in that area. He said he did not think the road needed to be closed and that if the Board ran from lawsuits in its every action, it would never get anything done.
15. On motion by Commissioner Boyd, seconded by Commissioner Joyner, and carried 3-2 (Monroe, Hall opposed), the Board decided that in lieu of rescission the Board would accept the offer of Brumbley Road Landing subject to details to be worked out by the attorneys in good faith.
16. On motion by Commissioner Boyd, seconded by Commissioner Hall and unanimously carried, the meeting was extended to 9:30 pm.
17. Clerk of Court Kirk Reams presented the purchasing policy for Board approval and asked for its adoption without the local preference language included at this time. Mr. Reams stated he would meet with Chamber of Commerce President Gordon Dean to develop some local preference language in the near future. On motion by Commissioner Boyd, seconded by Commissioner Fulford and unanimously carried, the purchasing policy was approved.
18. On motion by Commissioner Hall, seconded by Commissioner Boyd and unanimously carried, the meeting was extended to 10 pm.

19. Clerk of Court Kirk Reams gave a presentation showing the various roads that have benefited from state funding programs throughout the years. On motion by Commissioner Hall, seconded by Commissioner Boyd and unanimously carried, Whitehouse Road was approved as the SCRAP application for 2011. On motion by Commissioner Fulford, seconded by Commissioner Boyd and unanimously carried, North Salt/Bassett Dairy Road was approved as the SCRAP application for 2013.
20. Alan Wise, engineer with Preble-Rish, explained that the county had an open contract with CW Roberts on Dills Road and that work needed to be done at the Industrial Park and Horse Arena could be change-ordered into the original contract with CW Roberts. This would allow the Board to negotiate unit prices, saving time and money. On motion by Commissioner Boyd, seconded by Commissioner Fulford and unanimously carried, the contract was extended by six months.
21. County Coordinator Roy Schleicher presented his report to the Board consisting of Department Head Reports, proposed holiday calendar for fiscal year 2010-2011 and announcement of activities at the Rec Park. On motion by Commissioner Fulford, seconded by Commissioner Boyd and unanimously carried, the Board voted to approve December 23rd as well as the 24th as the holiday for Christmas.
22. On motion by Commissioner Fulford, seconded by Commissioner Hall and unanimously carried, the meeting was extended 10 minutes.
23. Commissioner Monroe informed the Board there was going to be additional NRCS funds of approximately \$140,000.
24. The warrant register was reviewed and bills ordered paid.
25. On motion by Commissioner Fulford, seconded by Commissioner Boyd, and unanimously carried, the meeting was adjourned.

Chairman

Attest: _____
Clerk