

JEFFERSON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR SESSION
July 21, 2011

The Board met this date in regular session. Present were Chairman Stephen Fulford, Commissioners Betsy Barfield, Hines Boyd, Danny Monroe and John Nelson. Also present were County Coordinator Roy Schleicher, County Attorneys Buck Bird and Clerk of Court Kirk Reams.

- 1. Commissioner Nelson made a motion to pull item 5(h) from the agenda (pertaining to the restructuring of the Road and Solid Waste Departments), to which Commissioner Barfield seconded. The motion failed 2 to 3 (Fulford, Boyd and Monroe opposed).**
2. Chairman Fulford informed the Board that he had received a call from Suwannee River Water Management District Director David Still requesting a delay of at least thirty more days to review the Aquifer Protection Ordinance. Attorney Shirley stated SRWMD staff needed additional time to review and that he would be contacting Northwest Florida Water Management District to see if they have any concerns. Chairman Fulford stated it was the desire of the Board to adopt something that would be legally defensible. **On motion by Commissioner Monroe, seconded by Commissioner Barfield and unanimously carried, the public hearing on the Aquifer Protection Ordinance was moved to the night meeting in August.** Citizen Pam Granger stated she wanted it noted in the minutes that many people were present to support this ordinance.

ITEM 3(a): Approval of Agenda

- 3. On motion by Commissioner Monroe, seconded by Commissioner Barfield and unanimously carried, the agenda was approved.**
4. Commissioner Monroe stated that in the previous meeting he had seconded the motion that approved the language giving the County Coordinator the final authority over employees below department head level. He stated that upon reviewing motion he did not agree with the language. Attorney Bird stated that language reflecting the intent of the Board would be presented at a later time.

ITEM 3(b): Minutes of the July 7th Regular Session

- 5. On motion by Commissioner Monroe, seconded by Commissioner Nelson and unanimously carried, the minutes of the July 7th Regular Session were approved.**

ITEM 4: Citizens Requests and Input on Non-Agenda Items

6. Citizen Jerry Sutphin urged the Board to vote for the good of the county and its citizens and stated that there still existed issues of insubordination with the Road Superintendent.
7. Citizen Michelle Boucher stated that there were people not following permits and codes in the Lloyd area.

ITEM 5(a): Engineer Recommendation for Whitehouse Road SCRAP

8. **On motion by Commissioner Monroe, seconded by Commissioner Barfield and unanimously carried, the Whitehouse Road SCRAP project was awarded to low bidder Peavy & Sons for the amount of \$435,535.40, with up to \$50,000 in authority for change orders.**

ITEM 5(b): CDBG Bid Awards

9. County Coordinator Roy Schleicher presented the CDBG bid award. **On motion by Commissioner Nelson, seconded by Commissioner Monroe and unanimously carried, the bid awards were approved.**

ITEM 5(c): County Coordinator Employment Contract

10. Commissioner Barfield requested taking a look at a draft contract for the County Coordinator to bring back to the Board for approval. Chairman Fulford asked if any other employees had employment contracts, to which Attorney Bird stated no. Commissioner Nelson expressed his desire to look at the job description of the County Coordinator. County Coordinator Roy Schleicher stated it was his goal to retire in approximately 11 months and that the Board needed to think about the future of the position he currently held. **Commissioner Barfield made a motion to review the job description and contract and have it brought before the Board for recommendation at a future meeting. The motion died for lack of a second.** Commissioner Nelson stated that this needed to be done in a workshop.

ITEM 5(d): Planning Commission/Vol. Board Appointments Policy/Application

11. Planning Attorney Scott Shirley introduced the Volunteer Board Appointment and Application Policy. Chairman Fulford asked about people being appointed to multiple Boards. Attorney Shirley responded that the multiple Boards exclusion only applied to formal, "Sunshine-related" Boards. Attorney Shirley stated that requiring people to be a resident of the county would be included in the language. He also stated that requiring members to contact the Secretary of the Board if they plan on being absent from a meeting would be included.
12. Chairman Fulford postponed this discussion to enter into the 7 pm public hearings.
13. **PUBLIC HEARING: Ordinance No. 2011-072111-01 Jefferson County Code Enforcement Procedures**
14. Attorney Shirley read the introduction to the Code Enforcement Procedures Ordinance. He also informed the Board that the excusal notification would be directed to the Secretary of the Board instead of the Chairman. Mr. Shirley also stated that the Planning Commission would prefer the County Commission to declare vacancies rather than the Planning Commission. Mr. Shirley said that the County Coordinator would be required to send a letter to a member that was being removed from the Planning Commission. Commissioner Monroe spoke out against any term limits. Commissioner Monroe reiterated that the economic times did not warrant performing code enforcement and that many people could not afford to do better. He stated that if people could not do better,

then the county needed to help them do better. Attorney Shirley stated that this ordinance basically gives the county a set of procedures and due process to enforce what was already in place. He further stated that neither the Code Enforcement Officer nor the Code Enforcement Board could evict someone from their home and that it was up to the County Commission to decide how to proceed with any liens. Commissioner Nelson stated his desire to pull complex issues out of the ordinance before adopting it. Commissioner Boyd stated he agreed in principal with Commissioner Monroe, but that the county did not need to do anything different than what it was doing now with current staff in place. He stated that this allowed the county to give due process and that the County Commission set the stage for how code enforcement was performed. Citizen Paul Henry stated that there could be right-to-privacy issues involved. Citizen Bill Brooks stated that he was in support of code enforcement and that no one would be put out of their homes. Citizen Julia McBee stated that there were problems with vagrants living in abandoned homes and there was previously no authority to pursue action against the owners of the property. Citizen C.P. Miller asked if this was going to be complaint-driven or if the Code Enforcement Officer would be actively pursuing violations. Citizen David Hall expressed concern over selective enforcement of rules and stated that the county has lost money due to not having a Code Enforcement Board. **On motion by Commissioner Boyd, seconded by Commissioner Nelson and carried 4 to 1 (Monroe opposed), the Board approved the Code Enforcement Procedures, Ordinance No. 2011-072111-01.** Attorney Shirley informed the Board that because this ordinance affected the Land Development Code, there would have to be a second reading and passage at a future public hearing.

ITEM 5(d): Continued Discussion

15. Commissioner Barfield asked how the County Commission would handle reappointments. Attorney Shirley responded that current members would need to express in writing a desire to continue serving. It was the consensus of the Board to strike any term limit language. Chairman Fulford clarified that at the end of three years, a member's term was up and that member could be reappointed or removed by the County Commission. Commissioner Nelson expressed concern about a scenario where someone a Commissioner recommended was not approved by the County Commission. Attorney Bird asked the Board if they would consider a resign-to-run clause for members of volunteer Boards. Property Appraiser Angela Gray noted that State resign-to-run laws do not apply to volunteer boards. Attorney Shirley stated he would bring back these changes at a future meeting. Chairman Fulford recommended limiting the one-membership requirement to the Code Enforcement Board, Planning Commission and Value Adjustment Board only. Commissioner Barfield stated that she was more concerned whether applicants were residents rather than voters. Citizen Chuck Sarkisian noted that a voter requirement took care of the criminal background element as well as the residency/citizen element. Citizen Bud Wheeler noted that the Planning Commission was losing valuable members and felt that appointments should remain in place as long as the member was in good standing. He also stated he did not think current members should have to re-apply.

ITEM 5(e): Non-Interference Resolution

16. Commissioner Boyd stated that he was troubled by the trend of the county heading towards a more big-county type of government, which bogging down in processes and procedures. He stated that if Board members valued service, they should vote against a

non-interference resolution. Commissioner Monroe agreed and stated that the Board did not need a resolution to tell Board members what they know they should not do. **On motion by Commissioner Barfield, seconded by Commissioner Nelson and failed 2 to 3 (Boyd, Fulford and Monroe opposed), the Board did not approve the Non-Interference Resolution.**

ITEM 5(f): Short list for Mine Consulting Services RFQ

17. County Coordinator Roy Schleicher introduced the Mine Consulting Services RFQ agenda item. He stated there was only one respondent, which was Randy Hatch. He recommended the RFQ and negotiating a contract with Mr. Hatch. Chairman Fulford responded he was disappointed that the county received only one response and that he would like to see the Board evaluate other options, including a firm valuation of what was present at the mine. Commissioner Monroe stated the Board could not make a decision without knowing the costs involved. Commissioner Boyd stated that there was a good model in another county and that Mr. Hatch has sent a contract with the cost involved to the Board operating the mine. Commissioner Barfield stated that the Board did not know anything until it knew the value of what the Board had at the mine and that the Board needed a professional to tell us what the Board possessed. She further stated that the Board could get quality rock on the free market and she felt the county had wasted thousands of dollars on mining and inferior product. Commissioner Monroe disagreed and stated the money spent was not wasted on the roads. Chairman Fulford responded that the cost to produce the material far exceeded what the county could buy it for and that maybe there was a company the county could partner with to operate the mine and provide the county with material and/or royalties. Citizen Phil Calandra stated he felt the rock mine was a “money pit” that produced inferior rock and that the RFQ appeared to be a constructed sole source. He also stated that the county should find out what the mine is worth by drilling core samples and getting a valuation. Citizen Chuck Sarkisian stated that a business could not be run without knowing what the costs were. Citizen Phil Calandra stated that the “optics” did not look good with Commissioner Boyd and Road Superintendent David Harvey on the evaluation committee. **Commissioner Boyd responded that formation of the mine was known because of the existence of other mines in the area. He stated that Mr. Hatch was an expert and he made a motion to which Commissioner Monroe seconded for discussion to move forward with the RFQ and negotiate with Mr. Hatch.** Chairman Fulford responded that the only way to make the mine work would be to enter into contracts with other local governments. Commissioner Boyd responded that Mr. Hatch had already contacted other counties that have expressed interest. Commissioner Boyd said he had no problem with looking at other options. County Coordinator Roy Schleicher stated that re-boring needed to be done and there was time needed to evaluate the cost of this procedure. Commissioner Boyd responded that another way to evaluate was to do an initial blast and mine the material produced. **Commissioner Boyd withdrew his previous motion and Commissioner Monroe withdrew his second. Commissioner Boyd made a motion to move forward with the RFQ and negotiations with Mr. Hatch while looking at other options for the mine. This motion died for lack of a second. Commissioner Boyd made a motion to accept the RFQ to which Commissioner Monroe seconded. The motion carried unanimously. On motion by Commissioner Nelson, seconded by Commissioner Barfield and unanimously carried, the decision to proceed with a cost estimate of site evaluation through Preble-Rish was approved.**

ITEM 5(g): Discussion of Road Superintendent Performance & Action

- 18. Commissioner Boyd made a motion to move the discussion of the Road Superintendent's performance until after the discussion of re-structuring the Road and Solid Waste Departments. Chairman Fulford asked if this should have been done before the approval of the agenda.** Commissioner Barfield responded that the issue needed to be addressed, to which Chairman Fulford responded that personnel review in this venue was unacceptable because the personnel policy had established procedures in place. Chairman Fulford stated he felt that Commissioners had interfered with the County Coordinator doing his job in making the recommendation and bringing it back before the Board. Commissioner Barfield asked for County Coordinator Schleicher's recommendation in regards to Road Superintendent David Harvey. Mr. Schleicher responded that per advice from Attorney Robert Sniffen, he felt he had information that precluded him from making a recommendation to terminate and that it was the Board's job to make the final decision in this instance. Commissioner Barfield stated she felt the Road Superintendent was insubordinate, disrespectful and should be terminated. She pointed to a lack of supervision and gave the example of an employee using county material and equipment to apply rock on his private driveway. Attorney Bird stated that if there was a question the Road Superintendent should be terminated, then there should be a special hearing in order to allow him due process. Commissioner Barfield expressed frustration with the Board tolerating the behavior of Mr. Harvey. Commissioner Nelson responded that the personnel policy needed to be followed and that there needed to be documented evidence. Commissioner Barfield questioned how the personnel policy could be followed when other Commissioners urged the County Coordinator not to give his recommendation. She then inquired about the definition of "at-will" employment. Attorney Bird responded that during probationary periods there need not be a reason given when terminating an employee. He added that beyond the probationary period there were procedures to be followed. He stated that the County Coordinator was deferring the decision to the Board and that, if desired, a special meeting would need to take place to provide Mr. Harvey with notice and due process.
- Commissioner Barfield made a motion to request a special personnel hearing on Road Superintendent David Harvey to evaluate his performance and take action. The motion died for lack of a second.**

ITEM 5(h): Recommendation to Restructure Road & Solid Waste Departments

- 19.** County Coordinator Roy Schleicher stated he was hesitant to make a recommendation to restructure the Solid Waste and Road Departments until issues at the Road Department were resolved. He further stated that few department heads had been trained as managers and that these individuals needed this training in order to give them a fair chance to improve. Mr. Schleicher recommended allowing Assistant County Coordinator John McHugh, a graduate industrial engineer, to put his expertise to use. Commissioner Nelson stated his desire to have a workshop to explore the root causes of different issues at the Road Department. Clerk of Court Kirk Reams said that some people were incapable of being trained. Citizen Jerry Sutphin stated that the Road Superintendent was an at-will employee and there was no reason to document things in order to terminate his employment. He further stated that Mr. Harvey had been disciplined in the past. Commissioner Monroe stated that the Board should not be discussing this at the present time. Commissioner Boyd presented an organizational chart showing his restructuring proposal. Commissioner Barfield stated that this scenario looked like bringing "Miami into Monticello" with more layers of government in order to protect the Road

Superintendent. Clerk of Court Kirk Reams stated that if combining these two departments did not result in budgetary reductions overall, then there was no real reason to pursue this action. Citizen Bill Brown stated the Road Superintendent needed to work for one person instead of all five Commissioners. Citizen Paul Henry stated that airing of dirty laundry was not good for Jefferson County. Citizen Bill Brooks voiced concern over the employee theft of county rock materials.

ITEM 7: County Coordinator's Report

20. County Coordinator Roy Schleicher presented the Department Head reports and an update on the Fire Station.

ITEM 8: Citizens Forum

21. Citizen David Hall informed the Board that the Planning Commission felt totally disrespected by the County Commission and that the Planning Commission was losing good people. Chairman Fulford stated that these were unintended consequences of the FSU proposal.
22. Citizen C.P. Miller asked how the Board got the County Coordinator to perform tasks. Mr. Schleicher responded that it was through Board direction or by individual Commissioners. Chairman Fulford responded that direction should come from Board consensus first.
23. Dick Bailar, on behalf of the Legislative Committee, stated that the FSU Consultation did not cast a bad light on either the Planning Commission or the County Commission. He further stated that the Planning Commission could not do what the FSU proposal would provide, due to lack of resources, time and expertise. Mr. Bailar stated that FSU proposal group would work with the Planning Commission to create a document the Board can use to help with setting policy for the future. Citizen Bud Wheeler asked why the County was paying students \$20,000 to which Mr. Bailar responded they were supervised by professional staff paid by both university and county funds. Mr. Wheeler stated that the Planning Commission should have been invited to the presentation and that Commissioners needed to attend Planning Commission meetings.
24. Clerk of Court Kirk Reams announced budget workshops on July 25th and July 27th at 9 AM at the Courthouse Annex.

Item 9: Commissioner Discussion Items

25. Commissioner Monroe stated that the Board should have let the Planning Commission know about the presentation and also not rushed the decision on the FSU Consultation. Dick Bailar stated that he had no idea this would affect the Planning Commission and this was just another tool both the County Commission and Planning Commission could use. Planning Commissioner Cindy Lee stated that the FSU issue was just the "icing on the cake" in regards to how she felt the County Commission had disrespected the Planning Commission this time as well as in the past. She stated that there were a lot of underlying issues and that she resented Mr. Bailar's feelings that the Planning Commission thought they were above the County Commission. Citizen Santa Hokanson stated this was the best cross-section of planners she had ever seen and that the disintegration of the Planning Commission saddened her.

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26. Commissioner Barfield voiced her disappointment with the inaction on the personnel issue with the Road Superintendent. She stated she felt that a Department Head was elevated above the Board.
27. Commissioner Nelson applauded staff for gathering information on Hopkins Landing.
28. Chairman Fulford announced that the lack of funding for the Apalachee Regional Planning Commission was not going to be an issue.
29. The warrant register was reviewed and bills ordered paid.

ITEM 10: Adjournment

- 30. On motion by Commissioner Monroe, seconded by Commissioner Nelson and unanimously carried, the meeting was adjourned.**

Attest: _____
Clerk

Chairman