

JEFFERSON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR SESSION
December 3, 2013

The Board met this date in regular session. Present were Chairperson Betsy Barfield, Commissioners Benjamin öBennyö Bishop, Hines Boyd, John Nelson and Stephen Walker. Also present were County Coordinator Parrish Barwick, County Attorney Buck Bird and Clerk of Court Kirk Reams.

1. Chairperson Barfield requested that the re-districting item be placed after public announcements and that the Brumbley Landing issue be placed first on General Business.

ITEM 7: PUBLIC HEARING: Re-Districting

2. Attorney Chris Roe with Bryant Miller Olive gave a synopsis of the re-districting process and presented a map and description of Plan A because of the Commission's prior preference. He stated that the Commission could choose another plan but the plan would need to be reviewed by the attorneys and mapper first. Commissioner Bishop asked if Map A met all of the legal requirements, to which Attorney Roe responded that both A and B did. Citizen Kate Calvin presented a slideshow putting forth the details of Map B-4 and stated that an ACLU attorney told her he/she could provide an opinion about the legal sufficiency of the B-4 map. Citizen C.P. Miller asked the attorney to present data to the people on Map A the way Ms. Calvin did. Citizen James Mack stated he could not see how B-4 was not the choice of the Commission. Citizen C.P. Miller stated that B-4 was developed by the School Board and reviewed by the School Board attorney, but the Commission insisted on placing Jefferson Arms in District 2. Citizen Kate Calvin stated that School Board had time to change their mind and go with B-4 as well. School Board member Shirley Washington stated that the Commission should do the right thing and select B-4 because it corrected the issues previously presented. She stated that the Commission could support Commissioner Boyd and vote for Map A or vote for Map B-4. Attorney Roe stated that the School Board had approved Map A and that all maps have been available for public inspection. His recommendation is to proceed with Map A as it was developed by a commissioned professional consultant that could give assurances it met legal sufficiency and be held responsible for such assurances. Commissioner Nelson stated he would not support Map A because of the census block being split. **On motion by Commissioner Boyd, seconded by Commissioner Bishop and carried 3 to 2 (Nelson, Walker opposed), the Board approved the resolution as amended with any technical corrections necessary with Map A and attached descriptions.**

ITEM 3: Consent Agenda

3. Chairperson Barfield requested to pull item 3(c), FDOT Functional Classification Level Maps. **On motion by Commissioner Walker, seconded by Commissioner Nelson and unanimously carried, the consent agenda—consisting of the approval of the agenda, the minutes of the November 19th Final Budget Hearing and Regular Session, November Pancreatic Cancer Awareness Proclamation and FDEP Staffing Grant Support Letter—was approved.**

ITEM 8(f): Proposed Letter RE: Board Action on Brumbley Landing Proposal

4. Planning and Land Use Attorney Scott Shirley stated that the Board had previously voted 3-1 to re-open Malloy Landing Road. He stated he has spoken to no one that has experience going through this type of process. He stated he would like to minimize the

risk to the County and did not recommend pulling up any barriers and physically opening the road at this time. He also presented a draft letter to the Boland's attorney stating that Land Development Code section 9.06.03 was not satisfied. Attorney Kent Safriet, representing the Boland family, stated that the prior Board had decided that the transfer of property at the headwaters was equivalent access under the LDC per Attorney Bird's recommendation. He further stated that the Board cannot go back on this decision now and that the Boland's offer of Brumbley Landing was gratuitous and not designed to meet LDC requirements. He also said that the offer of Brumbley Landing was now off the table. He expressed that the Board could file an eminent domain suit and would have to pay three landowners just compensation to re-open the road. His client views the issue as done and legally settled and that he believed it was good public policy to stand by prior Board's decisions. Furthermore, he urged the Board to proceed with caution if it desired to undo the action by any means other than the eminent domain process. Attorney Shirley he would not recommend the Board re-open the road unless there was a court decision in hand stating that the LDC was not satisfied or there was a decree of eminent domain. He further recommended bringing in a fresh pair of eyes to review. Commissioner Nelsons stated that the Board needed a legal opinion as to if what the previous Board accepted complied with the LDC. Commissioner Walker stated he was not happy with the attorneys on this matter and was in favor of getting a fresh perspective on this issue. He also stated that the headwaters and road closure were two separate issues and that the gate should have been taken down last week. Chairperson Barfield stated that the Board should submit an RFP for this issue. Citizen Charlie Walker stated that Malloy Landing and the Wacissa land swap were two separate issues and that it was an illegal and unethical prior Board decision. Commissioner Boyd stated that the prior Board acted in good faith and that there was clear evidence that there was consideration for the land given at the head of the river in deliberating the closure of the road. Commissioner Boyd expressed his concern that taxpayers would be paying the bill for this issue. Citizen Kate Calvin stated that the land exchange and the road closure were two separate items. Attorney Shirley warned that federal statutes authorized legal action for willfully violating the federal constitutional rights and if the Board decided to physically remove the barriers, it could be subject to such action with damages, attorney's fees and the potential for Commissioners to be individually sued. He stated he is simply trying to guide the Board and that emotions had to be removed from the situation. Attorney Safriet stated that if the gate was removed, there would be legal consequences because of the due process required. He further stated that the Board needed sound advice on the ramifications and legal rights pertaining to such action. Commissioner Nelson stated he was in favor of getting another individual to evaluate this issue. Commissioner Boyd stated he would rather spend money improving access at the headwaters. **On motion by Commissioner Walker, seconded by Commissioner Nelson and carried 3 to 1 (Boyd opposed, Bishop abstained), the Board approved an RFP for outside counsel on this matter.**

ITEM 8(a): Proposed Budget Amendments

5. Clerk of Court Kirk Reams presented proposed budget amendments for the Board's approval. **On motion by Commissioner Nelson, seconded by Commissioner Walker and unanimously approved, the proposed amendments were approved.**

ITEM 8(b): Loan Proposals

6. Clerk of Court Kirk Reams presented loan proposals from three institutions regarding the re-financing of the USDA Jail Loan and an \$800,000 loan to construct the American Hunter distribution warehouse. Mr. Reams explained that an extra \$250,000 could be added to the Jail Loan in order to make some additions and energy improvements at the

facility. Sheriff David Hobbs stated that he was in desperate need of a larger evidence room. County Coordinator Parrish Barwick stated that it may take \$350,000 to do the appropriate renovations/additions. **Commissioner Nelson made a motion to perform the jail financing with an additional \$350,000, to which Commissioner Walker seconded for discussion.** Citizen Paul Henry thanked Clerk Reams for his fiscal responsibility in going out for quotes on this. He also stated he was not in favor of an \$850,000 loan for American Hunter. Citizen Justin Forehand inquired if these proposals could be separated and stated that Regions did not have a branch office here like Capital City Bank did. Commissioner Nelson stated that he had no problem in helping alleviating the Sheriff's needs and taking it back solely to the \$250,000 addition. **Commissioner Nelson made an amendment to his initial motion to this effect. Commissioner Walker seconded the motion as amended. The motion was unanimously carried. Commissioner Nelson made a motion to accept Regions 1.84% rate for a 7-year term, which died for lack of a second.** Clerk of Court Kirk Reams stated that the Board had a recommendation and citizen Paul Henry urged the Board to go with the best value. **On motion by Commissioner Nelson, seconded by Commissioner Bishop and unanimously carried, the Board approved the Regions proposal for the jail re-financing. On motion by Commissioner Walker, seconded by Commissioner Boyd and carried 4 to 1 (Bishop opposed), the Board approved Regions proposal for 1.84% for a 7-year term for the American Hunter distribution warehouse.**

ITEM 8(e): Small Business Development Program Update

7. Chairperson Barfield gave a synopsis of Small Business Development consultant Marcia Elder's report.
8. **On motion by Commissioner Boyd, seconded by Commissioner Nelson and unanimously carried, the Board approved Ms. Elder's recommendations.**

ITEM 10: Commissioner Discussion Items

9. Clerk of Court Kirk Reams gave an update on the FDOT 5-year work plan and also discussed progress with the North Florida Broadband Authority.
10. Chairperson Barfield inquired on the progress of the Fire Assessment and Tax Collector issues. Clerk of Court Kirk Reams stated that these items would be addressed at future meetings.
11. Citizen Shirley Washington stated that Commissioners played with the public's intelligence by voting for a map with no data presented and only did so to support one Board member.

ITEM 12: Adjournment

12. The warrant register was reviewed and bills ordered paid.
13. **On motion by Commissioner Boyd, seconded by Commissioner Bishop and unanimously carried, the meeting was adjourned.**

Chairman

Attest: _____
Clerk