

MINUTES OF A REGULAR MEETING OF THE GILCHRIST COUNTY BOARD OF COUNTY COMMISSIONERS HELD NOVEMBER 18, 2013

The Gilchrist County Board of County Commissioners, in and for Gilchrist County, Florida, convened in a **Regular Meeting** on **Monday, November 18, 2013**, at **4:00 p.m.**, in the Board of County Commissioners Meeting Facility, located at 210 South Main Street, Trenton, Florida, with the following members' present to-wit:

<i>District I</i>	<i>Commissioner Sharon A. Langford,</i>
<i>District II</i>	<i>Commissioner D. Ray Harrison, Jr.</i>
<i>District III</i>	<i>Commissioner Todd Gray</i>
<i>District IV</i>	<i>Commissioner John Rance Thomas</i>
<i>District V</i>	<i>Commissioner Kenrick Thomas</i>

Others in Attendance

Todd Newton, Clerk of Court; Jacki Johnson, Finance Director; Patty McCagh, Board Secretary/Deputy Clerk; David Lang, County Attorney; Bobby Crosby, County Administrator; Terri Hilliard, Administrative Assistant; John Ayers, Gilchrist County Journal; David Peaton, Director of Emergency Management; Billy Cannon, Road Department Superintendent; Ron & Georgia Mills; Taylor Brown, Trenton City Manager; Don Alexander; Janice Rogers; Joseph Blitch; Dave Gilliam; David Jones, Daniel Jones, and Shawn Jones, ForVets; Dave Dickens, SRWMD; Richard & Leslie Esseck; Dan Cavanah; Marion Poitevint; Katherine LaBarca; Diane Clifton, GCEDAC; Jean Sails; Sheriff Bobby Schultz and Lt. Jeff Manning, GCSO; Bob & Clotese Shea; Vicki & Charlie Perez; Linda Walker, Gilchrist County EMS Chief; Stephen Johnson Attorney; Charlie & Susie Caulk; Francis Walker; Erik Walker; Shaye Colson; T. Crosby; Lee & Brenda Schaltenbrand; and Gary Poitras.

Call to Order

Chairman Sharon A. Langford called the meeting to order at 4:01 p.m. Sheriff Bobby Schultz delivered the invocation and Commissioner Todd Gray led the pledge of allegiance.

Agenda

Mr. Bobby Crosby, County Administrator, presented the following agenda changes:

1. Addition: Road Department; permission to purchase new heater for the shop
2. Addition: General Government; Change Order for Shingle Landing from Mills Engineering

Motion made by Commissioner D. Ray Harrison, Jr., seconded by Commissioner John Thomas, to approve the Agenda, as presented, with noted changes. Motion carried unanimously.

Consent Agenda

Budget Entries

- BE13-027, Fund 140, Transportation \$103,550.00
- BE13-028, Fund 180, Local Housing \$16,500.00
- BE13-029, Fund 470, Otter Springs \$16,150.00
- BE13-030, Fund 434, Solid Waste \$25,990.00
- BE13-031, Fund 410, Emergency Medical \$74,850.00
- BE13-032, Fund 192, Traffic Surcharge \$3,000.00
- BE13-033, Fund 190, Current Capital Obligations \$1,127.00
- BE13-034, Fund 001, General Fund \$270,843.00

Requests for Payment Approval

- Mills Engineering Company
Invoice 2013015, W/R GCR 341 \$2,185.00
- North Florida Economic Development Partnership
2013-2014 Dues \$865.75
- Anderson Columbia Co., Inc.
Pay Estimate #3, GCR 307A, September 2013 \$217,377.92
Pay Estimate #4, GCR 307A, October 2013 \$15,543.87

Property Disposition Requests

- Department 1110 – Courthouse
ID#1322, #4”, #W/5HP \$3,200.00
Justification: No longer here; new addition of the courthouse is over the wall
Method of Disposition: Remove/retire
- Department 1110 – Courthouse
ID#A113, A/C 2.5 ton, #heat pump \$1,700.00
Justification: No longer used; it was replaced
Method of Disposition: Remove/retire
- Department – Soil & Water (via IT Dept.)
Systemax, #8375, #PNB404D23053 \$N/A
Justification: Outdated and won't boot
Method of Disposition: Remove/retire
- Department 7110 – Culture/Recreation, Gilchrist County Library
ID#2446, DELL, Dimension 2350, 7X4HF-21 \$1,042.70
Justification: No longer in use 9/23/13; in storage at their site
Method of Disposition: Retire

Motion made by Commissioner Kenrick Thomas, seconded by Commissioner John Thomas, to approve the Consent Agenda, as presented. Motion carried unanimously.

Constitutional Officers

- Sheriff Bobby Schultz thanked the Commission for awarding the purchase of new vehicles and informed that a list of current vehicles will be provided, as requested.

County Administrator's Report

Mr. Bobby Crosby, County Administrator, presented the following documents, and/or addressed the following issues:

Road Department

- **Monthly Lime Rock Report:** Mr. Crosby presented, for the Boards' information, the Monthly Limerock Report as submitted by Mr. Billy Cannon, Road Department Superintendent.

Agenda Change

- **Road Department; Request to Purchase Heater:** Mr. Crosby presented a request from the Road Department for permission to purchase a new heater for the shop.
- Mr. Crosby stated that three (3) quotes were obtained and Wilson Gas was the lowest, with the quote of \$3,270.00. Discussion too place.

Motion made by Commissioner Kenrick Thomas, seconded by Commissioner Todd Gray, to approve the purchase of a new heater from Wilson Gas, in the amount of \$3,270.00, for the Road Department Shop; to be funded out of the Road Department Budget. Motion carried unanimously.

Emergency Management

- **Overnight Travel Request:** Mr. Crosby presented for the Boards' approval, a request for overnight travel for David Peaton, Emergency Management Director, to attend the FEDM COOP/COG in Orlando, this is a no cost event; all costs will be reimbursed to the county by the FL Division of Emergency Management.

Motion made by Commissioner D. Ray Harrison, Jr., seconded by Commissioner Todd Gray, to approve the overnight travel request for David Peaton, as presented. Motion carried unanimously.

- **Federally-Funded Sub-grant Agreement:** Mr. Crosby presented, for the Boards' approval and Chairman's signature, the Federally-Funded Sub-grant Agreement with the State of Florida, Division of Emergency Management, in the amount of \$10,900.00.

Motion made by Commissioner Todd Gray, seconded by Commissioner John Thomas, to approve the Federally-Funded Sub-grant Agreement with the State of Florida, Division of Emergency Management, in the amount of \$10,900.00 and to allow the Chairman to sign. Motion carried unanimously.

Parks & Recreation

- Otter Springs: Mr. Crosby presented the request for the possibility of a Bluegrass Festival at Otter Springs. Discussion took place.

The Board agreed to allow Mr. Crosby to continue discussion with those requesting to hold a Bluegrass Festival at Otter Springs.

- SRWMD/ForVets: Mr. Crosby addressed the issue of the Suwannee River Water Management District offering to sell the Upper Lands (115-20 acres) at Otter Springs to Gilchrist County, which would take SRWMD out of the loop of negotiations with ForVets, regarding the management of the park/campground.

Mr. David Jones, ForVets and Mr. Dave Dickens, SRWMD were present for discussion.

Motion made by Commissioner D. Ray Harrison, Jr., seconded by Commissioner Kenrick Thomas to approve moving forward with negotiating with SRWMD to sell the Upper Lands at Otter Springs to Gilchrist County; this would result in a loss of a portion of PILT funding. Motion carried unanimously.

Economic Advisory Committee

- Approval of Expenditures: Mr. Crosby presented a request for the approval of expenditures (meal and mileage) for Alex McCoy for coming to EAC Training. Discussion took place.

Motion made by Commissioner D. Ray Harrison Jr., seconded by Commissioner John Thomas, to approve expenses for Alex McCoy to come for training of Economic Advisory Committee. Motion carried unanimously.

Library

- Monthly Report: Mr. Crosby presented, for the Boards' information, the Library Monthly Report, as submitted by Ms. Ann Hathaway, Library Manager.

Animal Control

- Monthly Report: Mr. Crosby presented for the Boards' information, the Monthly Animal Control Report, as submitted by the Animal Control Officers.

Solid Waste

- 1998 Ford E350 Van: Mr. Crosby presented, for the Boards' approval, a transfer request for a 1998 Ford E350 Van, Inventory #2277, from Solid Waste to the Gilchrist County Sheriff's Department. Discussion took place.

Motion made by D. Ray Harrison, Jr., seconded by Commissioner John Thomas, to approve the transfer of the 1998 Ford E350 Van, Inventory #2277, from Solid Waste to the Gilchrist County Sheriff's Department. Motion carried unanimously.

General Government

- Request for Payment: Mr. Crosby presented a payment request, for the Boards' approval, from Luke McInnis, for the Records Storage Building project, in the amount of \$32,668.20. Mr. Crosby also updated the Board on the progress of the project. Discussion took place.

Motion made by Commissioner Kenrick Thomas, seconded by Commissioner Todd Gray, to approve the payment request to McInnis, in the amount of \$32,688.20, for the Records Storage Building project. Motion carried unanimously.

- Courthouse Landscape: Mr. Crosby addressed the issue of the Courthouse Landscape. He felt that a landscaping would cost approximately \$1,500.00.

The Board suggested that he meet with the Constitutional Officers and County Judge to discuss the Courthouse Landscape and bring back recommendations.

- Proclamation: Mr. Crosby presented for the Boards' consideration and approval the request for a proclamation declaring the month of November as "Pancreatic Cancer Awareness Month", in Gilchrist County.

Motion made by Commissioner D, Ray Harrison, Jr., seconded by Commissioner Todd Gray, to approve the request for a proclamation declaring the month of November as "Pancreatic Cancer Awareness Month", in Gilchrist County.

Agenda Changes: General Government

- Shingle Landing: Mr. Crosby presented a Change Order, for the Shingle Landing Boat Ramp Project, as submitted by Mills Engineering. Mr. Crosby stated that there will be an additional cost of \$19,650.00, due to planning errors; this additional cost exceeds the grant award. It was questioned where these additional costs would be funded from. Discussion took place.

Motion made by Commissioner Todd Gray, seconded by Commissioner John Thomas, to approve the Change Order with the additional costs of \$19,650.00, for the Shingle Landing Boat Ramp Project; costs to be funded from Boat Improvement Fund. Motion carried unanimously.

Attorney's Report

Mr. David M. Lang, Jr., County Attorney, presented the following documents, and/or addressed the following issues:

- **Subordination of Mortgage Agreement:** Mr. Lang presented, for the Boards' consideration and approval, a request for a Subordination of Mortgage Agreement for SHIP Recipient Brittany Ridenour-Keeling. The Bank of America is requesting that we subordinate our SHIP mortgage to the lien of their mortgage because they are going to satisfy their mortgage and do a new mortgage which will put them in the seconded position. Discussion took place.

Motion made by Commissioner Todd Gray seconded by Commissioner D. Ray Harrison, Jr., to approve the Subordination of Mortgage Agreement; allowing the Bank of America to remain as the first mortgage if they satisfy the current and restructure the BOCC's SHIP Loan leaving the County in the second position. Motion carried unanimously.

- **Sale of E-Cigarettes:** Mr. Lang presented for the Boards' consideration a proposed ordinance addressing the sale of e-cigarettes in regards to the State Legislations House Bill 169. Discussion took place.

Motion made by Commissioner D. Ray Harrison, Jr., seconded by Commissioner Kenrick Thomas, to table the E-Cig ordinance until the State Legislation meets on HB169. Motion carried unanimously.

Clerk's Report

Mr. Todd Newton, Clerk of Court, presented the following documents, and/or addressed the following issues:

- **Resolution Number Correction:** Mr. Newton addressed the issue of changing Resolution 2013-43 to 2013-45.

Motion made by Commissioner John Thomas, seconded by Commissioner D. Ray Harrison, Jr., to approve the requested change from Resolution number 2013-43 to 2013-45 . Motion carried unanimously.

5:30 p.m. Time Certain

- **Linda Walker Employment Issue:** Mr. David Lang, County Attorney, opened this quasi-judicial hearing stating the procedures to be followed.

Mr. Mike Grogan, County Employment Attorney, addressed the Board and presented the Findings & Facts he prepared regarding Linda Walkers Employment Issues. His opening statement included the following Findings of Fact:

*Gilchrist County Board of County Commissioners & Linda Walker
November 18, 2013*

A. Findings of Fact

- 1. Gilchrist County is an Equal Opportunity Employer.*
- 2. EMS is a 24 hour 7 day a week operation.*
- 3. Linda Walker voluntarily entered the FRS DROP program and resigned June 1, 2011 for a possible 5 year term but no guarantees.*
- 4. Pursuant to County Policy F.2. Page 113, Disciplinary measures; an employee who is arrested for a felony shall be immediately suspended without pay...Leave credits may be paid in lieu of suspension without pay.*
- 5. Joshua Silverman, Ms. Walker's second attorney advised by e-mail dated October 3, 2013, that the state of Florida dismissed the criminal case pending against Ms. Walker. He further advised that... "I am aware that Gilchrist County has decided to engage in some re-structuring of its County staff since Ms. Walker's suspension, so I would respectfully leave it to the sound discretion of Mr. Crosby and his fellow administrators to determine the best placement for Ms. Walker at this time."*
- 6. Numerous proposals, including a position at Otter Springs at over \$38,000 a year, as well as various comprehensive release, waiver and settlement agreements have been offered in good faith to Ms. Walker.*
- 7. By e-mail dated November 12, 2013 Carla Franklin, Ms. Walker's third attorney advised "Ms. Walker's willingness to accept the enhanced settlement package if the comp time was increased to time and one half rate." Mike Grogan, the County's employment attorney confirmed this tentative agreement subject to approval by the BOCC on November 18, 2013. See exhibit attached dated November 13, 2013.*
- 8. However, by e-mail dated November 15, 2013 at 3:21 p.m., Carla Franklin notified Mike Grogan "I am writing to inform you that Ms. Walker rejects the offers you have made."*

B. Conclusions

- 9. In the event Ms. Walker does not accept the latest Comprehensive settlement agreement by 4:00 p.m. Tuesday November 19, 2013, the County will proceed with Ms. Walker's separation.*
- 10. Ms. Walker has offered no competent substantial evidence that the County or its staff violated any of its policies and procedures.*
- 11. Ms. Walker was allowed use of donated leave through November.*

This concluded Mr. Grogan's presentation.

Ms. Linda Walker took the stand and addressed the Board asking for the Board's consideration to reinstate her to her position.

The Board was directed by County Attorney, David Lang, to ask questions to Ms. Walker or Mr. Grogan (none noted) and discuss among themselves whether or not they wish to accept Mr. Grogan's proposal or other action.

At this time, the commissioners made a brief statement on the position of reinstating Ms. Walker or not. Chairman Langford then called for the pleasure of the Board.

Motion made by Commissioner Todd Gray, seconded by Commissioner Kenrick Thomas, to adopt the Findings and Conclusions as presented by Mr. Mike Grogan, County Employment Attorney, regarding Linda Walkers Employment Issue. Motion carried unanimously.

This concluded the quasi-judicial hearing regarding Linda Walkers employment issue.

Commissioners Reports

- Commissioner Sharon A. Langford addressed the Committee Assignments for 2013-2014; the following changes were made: North Florida Development Partnership was moved to Commissioner Todd Gray and Suwannee River Economic Council moved to John Thomas.

Old Business: None noted.

New Business – Election of Chair and Vice Chair

At this time, Chairman Langford turned the gavel over to Mr. Todd Newton, Clerk, for the Election of Chair and Vice Chair, for the term of November 2013 thru November 2014. Mr. Newton called for any nominations for Chair.

Commissioner Kenrick Thomas nominated Commissioner D. Ray Harrison, Jr. as Chair and Commissioner Todd Gray seconded the nomination; no other nominations were made. Mr. Newton took roll call, nomination carried unanimously.

Mr. Newton called for nominations for Vice Chair.

Commissioner John Thomas nominated Commissioner Todd Gray for Vice Chair and Commissioner Sharon A. Langford seconded the nomination; no other nominations were made. Mr. Newton took roll call, nomination carried unanimously.

Public Participation

- Taylor Brown, Trenton City Manager, requested that the BOCC continue to pursue the SR 26 widening issue

Adjourn: With there being no further business... a *Motion was made by Commissioner Sharon A. Langford, seconded by Commissioner John Thomas, to adjourn. Motion carried unanimously.* Chairman Harrison adjourned the meeting at **6:11 p.m.**

*Board of County Commissioners
Gilchrist County, Florida*

Attest:

Approved:

Todd Newton, Clerk of Court

D. Ray Harrison, Jr., Chairman