

BOARD OF COUNTY COMMISSIONERS
UNION COUNTY, FLORIDA
SPECIAL MEETING
NOVEMBER 5, 2018

NOTE: If any person decides to appeal any decision made with respect to any matter considered at this meeting or hearing, he or she will need a record for the proceedings and may need to insure that a verbatim record is made.

PRESIDING: Karen Cossey, Chairman

RECORDING: Kellie Hendricks Connell, Clerk of Courts

ATTENDING: Commissioner Willie Croft; Commissioner Woody Kitler; Commissioner Karen Cossey; Commissioner Tommy Nettles; Commissioner Jimmy Tallman; Dianne Hannon, Board Secretary; Russ Wade, County Attorney

1. MEETING CALLED TO ORDER

The meeting was called to order at 7:00 PM.

2. INVOCATION AND PLEDGE

Commissioner Tallman offered the invocation and led Pledge of Allegiance.

3. DISCUSSION CONCERNING BERT J. HARRIS, JR ACT CLAIM

Chair Cossey asked Clerk Connell to begin, and she deferred to Attorney Wade. He offered a description of the Burt J. Harris, Jr. Act, stating that if the government takes the property of an individual, compensation is required. Developers pushed for this Act as a push back against Comprehensive Plans that restricted what they could develop or otherwise profit from their property, and the Act provides for compensation for diminished value for disallowed activities. He compared his role as the County Attorney to that of a family practitioner, and stated that for this, the County needs a specialized surgeon, that there are multiple notices and regulations involved. He also offered an apology for needing to call this special meeting, and explained that time was of the essence and that there were guidelines for noticing several parties. Attorney Wade added that another attorney, Ralf Brookes, has offered assistance and is representing an adjacent land owner.

Attorney Wade continued that this is a very complex situation, and that a specialist is needed. He stated that very few attorneys in the state would be equipped with handling this type of claim, and he and Clerk Connell had conferred and made contacts, and were put in touch with David Theriaque, of Theriaque & Spain Law Firm from Tallahassee. Attorney Wade reviewed Mr. Theriaque's resume with the Board, and added that he is proposing a very reasonable rate given his level of expertise in the matter.

Chair Cossey called on Sandra Joseph of the North Central Florida Regional Planning Council to add any pertinent information. Ms. Joseph stated that the RPC will offer any assistance necessary to Mr. Theriaque, or any other attorney that the Board chooses.

Kent Safriet of Hopping Green & Sams addressed the Board, stating that this is an extremely complicated matter, and that the Board does need to hire a specialist. He added that the Harris Act was adopted in 1995, and has filed numerous claims under this Act. Mr. Safriet went on to say that few of these get paid out; that they are really just a mechanism to force the Board to an open dialogue to come to an agreement. He stated that this dialogue is really what HPS has wanted all along, and welcomes an opportunity to discuss the issue.

Commissioner Kitler moved to retain Theriaque & Spain, and Commissioner Tallman offered a second. The motion passed without opposition.

4. OTHER BUSINESS

Commissioner Tallman then stated that he had additional business. He addressed the recent Public Records suit, and stated that his wife has received another email on her private email account, which she has forwarded to a County email, and asked the sender to not send such to her. He continued that this issue has become more than they can manage. **Commissioner Tallman moved to hire a County Coordinator.**

Chair Cossey stated that she didn't believe they could afford it, and Commissioner Tallman stated that it is budgeted for \$80,000, but believed they could hire for \$60,000, and that he couldn't see where we can afford not to. He added that a coordinator will facilitate communication between all commissioners, and further proposed the job description of Hamilton County's Coordinator. Commissioner Nettles expressed a few concerns with giving a coordinator too much power.

Commissioner Kitler stated that we are the smallest county in the state, and are currently dealing with one of the largest issues. He expressed that he is on board with hiring a coordinator. He stated it will be both popular and unpopular, but it is very much needed.

Chair Cossey asked if the Board would like to hold a workshop, and Commissioner Tallman declined, stating that they had been discussing this issue for a long time, and believed the Board needs to act now. Commissioner Nettles asked if this would be hired similarly to how Solid Waste Director Kim Hayes was hired, with a panel conducting interviews and rating the applicants. That was the general consensus.

Clerk Connell stated that if a ten-minute recess was granted, she could print the job description provided by Hamilton County. Russ Wade interjected that we still have activity going regarding the Public Records case, and asked if the Board would grant him permission to consult with

outside counsel to get a specialist's opinion. Clerk Connell recommended John Londot, who had represented the County in the 2014 public records case and had prevailed.

The Board recessed for ten minutes to allow the Clerk to print the requested job description.

The meeting was reconvened.

Chair Cossey stated she did not want the public to think the commissioners aren't doing anything. Commissioner Kitler stated that if someone did their job for just one day, they would also see the need for a coordinator. Clerk Connell stated that someone was needed to handle day-to-day management operations.

Commissioner Kitler addressed that the Hamilton County description reads that the job environment is an office environment, and stated that he believed that should be changed. If a coordinator is adequately supervising Directors, he or she would need to be out in the field, not always in an office.

Clerk Connell stated that the essential job function of managing the HCRA program should be struck, as the Health Department currently manages that program for the County.

Commissioner Kitler offered a second to Commissioner Tallman's motion to hire a County Coordinator, and the motion passed unanimously.

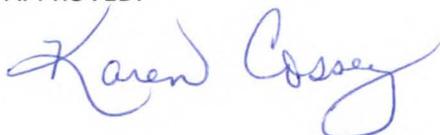
Clerk Connell asked the Board if a panel was to be formed to conduct the hiring process, and Commissioner Tallman interjected that the Board would conduct the interviews. He asked the Clerk to post the position in as many places as possible.

Chair Cossey informed the Board that the City of Lake Butler is asking the County to take over their animal control, and asked if the Board would like for her to postpone that discussion. An agreement was expressed that the County had enough going on, and would not like to take on additional duties at the time.

Attorney Wade then asked for a motion to allow him to consult with John Londot regarding the public records case. **Commissioner Kitler offered the motion, and Commissioner Tallman provided a second. It passed without opposition.**

The meeting was adjourned.

APPROVED:



ATTEST:

