

May 23, 2023
Special Session
Bonifay, Florida

The Holmes County Board of Commissioners met for a Special Session on the above date with the following members present: Commissioners Clint Erickson, Phillip Music, Jeff Good, Brandon Newsom (via telephone) and Commissioner Earl Stafford, Chairman of the Board.

Nate Nolin, County Attorney, was present.

Angie Purvee, Finance Director, was present and kept the minutes.

Chairman Stafford called the meeting to order at 5:00 p.m. Terry Mears led the prayer and pledge.

The first agenda item was Agenda Additions and Deletions. The following changes were made to the agenda:

- Agenda Item B) Stipulation of Consent for Road off MA Hodges Road – added

Commissioner Music offered the motion to accept the amended agenda with Commissioner Good offering the second. The motion passed unanimously.

John Feeney, Contracted Planner, presented proposed Ordinance 23-02 which revises two sections of the County's Land Development Code. The first revision will allow a variance of the requirement that an accessory apartment be no more than 25% of the existing structure. The second revision will create exceptions to the lot split restrictions for parcels separated by a public waterways or roadways and parcels divided among immediate family members. Nate Nolin, County Attorney, read the proposed ordinance onto the record and Chairman Stafford opened the hearing for comments from the public. Commissioner Erickson offered a motion to close the public hearing with no comments offered. Commissioner Music offered a second and the motion passed unanimously. Mr. Feeney advised that this was the first of two required public hearings before adopting the ordinance. The second public hearing is scheduled for the June 6th Regular Session at 6:00 pm.

(Proposed Ordinance 23-02)

Nate Nolin, County Attorney, advised that a lawsuit has been filed against the County by Edward Smith, Leah Smith, Bennie Smith and Franklin Smith regarding a roadway off MA Hodges Road. The lawsuit is for the entry of a Final Judgment quieting title to the roadway and for a slander of title claim. The Plaintiffs have agreed to dismiss the slander claim if the Board will approve the Stipulation of Consent to Entry of Final Judgement waiving any claim the County may have to the unnamed roadway. Discussion of this matter included the following:

- County has not been formally service with the complaint
- County has no records of maintaining the roadway
- Executing the Stipulation will keep the County from paying damages on the slander claim
- Execution of the Stipulation by the Board will cause the matter to become a civil suit between the Smiths and the Dixons


- The Smiths legal description to the property includes the roadway and does not indicate easements
- Slander claim is due to the County denying the Plaintiffs' title to the property and demanding the removal of a gate from across the roadway
- Possibility of landlocking property owners on roadway
- Having the roadway surveyed

Attorney Nolin recommended that the Board sign the Stipulation of Consent to Entry of Final Judgement and leave the matter as a civil suit between the Dixons and the Smith. He advised that he is concerned about the amount of punitive damages that could be assessed against the County and that the Plaintiffs may not agree to drop the slander claim if not approved directly. Commissioner Newsom offered a motion to accept the attorney's recommendation and have the Chairman sign the stipulation with Commissioner Music offering a second. Commissioners Good, Music and Newsom voted yes with Commissioners Erickson and Stafford voting no. The motion passed.

(Stipulation)

There being no further business at this time, the meeting was adjourned at 5:51 p.m.


Clerk


Chairman