



**Flagler County  
Board of County Commissioners  
Workshop  
(Special Meeting to Follow)**

**Monday, April 6, 2015 at 1:00 p.m.**

**Emergency Operations Center, Building 3, 1769 E. Moody Blvd., Bunnell, FL 32110**

**Workshop Agenda**

1. Call to Order
2. Pledge to the Flag and Moment of Silence
3. Welcome: Flagler County Board Chair;
4. Volusia County Water Sewer Discussion
5. Gateway Entrances Discussion
6. Ag Museum Position as County Employee Discussion
7. Oversized Truck Weight Discussion
8. Public Comment
9. Adjournment

While this is a workshop only and no decisions are expected to be made by any of the governmental bodies, if a person decides to appeal any matter that may be discussed for a future proceeding, a record of the workshop may be needed and, for such purposes, the person may need to ensure that a verbatim record of the workshop is made.



# Flagler County Board of County Commissioners Special Meeting

Monday, April 6, 2015 Following Workshop

Emergency Operations Center, Building 3, 1769 E. Moody Blvd., Bunnell, FL 32110

## Special Meeting Agenda

1. Call to Order
2. Public Comment
3. Request the Board take actions as deemed necessary regarding issues discussed at the workshop this date.
4. Adjournment

Section 286.0105, Florida Statutes states that if a person decides to appeal any decision made by a board agency, or commission with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS  
WORKSHOP / AGENDA ITEM # 6**

**SUBJECT:** Agricultural Museum Executive Director Position as a New Full Time Employee (FTE) Position for Flagler County.

**DATE OF MEETING:** April 6, 2015

**OVERVIEW/SUMMARY:** The Agricultural Museum Board of Trustees requested that Flagler County consider adding the Agricultural Museum Executive Director position as a Flagler County Full Time Employee (FTE) "in-name-only" for the purpose of providing him with full County employee benefits. The Executive Director serves as the chief operating officer of the Florida Agricultural Museum, working under the direction of the Board of Trustees to oversee the day-to-day operations of the Museum, including fundraising and financial management, employee/volunteer recruitment and management, and strategic planning for the physical growth of the Agricultural Museum. The Board of Trustees is appointed by the Commissioner of the Florida Department of Agriculture and Consumer Services, operating under Sections 570.901-570.903, Florida Statutes as a direct-support organization.

Currently the compensation package for the Agricultural Museum Executive Director includes:

- \$50,000 base salary
- \$200/month misc. expense stipend
- \$500/month Health Insurance
- 1 day/month leave

If the \$500/month or \$6,000/annually becomes a contribution towards the County's self insured Health fund, the unmet cost to the County for the Director's health insurance will come to \$2,500 annually. Other deductions based on a \$50,000 salary are:

- FICA = \$3,825.00
  - Retirement = \$3,705.00
  - Workers Comp \$135.00
  - Uemployment \$135.00
  - Health Insurance = \$2,500.00
- \$10,300.00 Annual Cost to County**

Agricultural Museum Executive Director would have to pay the monthly cost associated with employee rates for health Insurance and contribute 3% of the annual salary to the Florida Retirement System in concert with all current employees.

Also, as a County employee, the Agricultural Museum Executive Director would receive personnel days in accordance with County Policies, eleven (11) paid holidays annually, oppose to the twelve (12) days annually that is within the current contract with the Board of Trustees. However, the director would be eligible for the County Personal leave which would make up for the lost day.

If approved, the Agricultural Museum Executive Director will fall under the administrative direction of the County Administrator and will be tasked with implementing the policies of the Agricultural Museum Board of Trustees. The incumbent will serve at the pleasure of the County Administrator with significant input from the Agricultural Museum Board of Trustees.

A memorandum of understanding outlining the guidelines for coordination based on the complexities that accompany this type of endeavor will be developed for consideration. A job description is attached.

The Board of Trustees is requesting this assistance and some member will likely be in attendance Monday for this issue.

**FUNDING INFORMATION:** The Museum would pay the same salary amount and the amount contributed to health insurance of \$6,000 annually. As proposed, the County would contribute the additional \$10,300 difference as a contribution to the Museum. If approved, a prorated amount would be brought forward for the remainder of this year as part of a budget amendment. The following fiscal year the position would be rolled into the normal budget process.

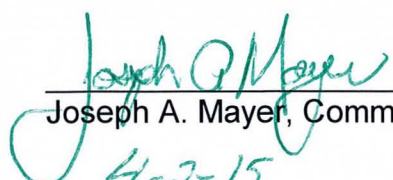
**DEPT./CONTACT/PHONE #:** Joseph A. Mayer, Community Services Director, Human Resources / 313-4033


**RECOMMENDATIONS:** Provide staff direction on this issue.

If supported by the Board, staff recommends that a memorandum of understanding be developed and approved between the parties based on the complexities that accompany this type of arrangement. Staff is recommending that this be classified in a management exempt position pay grade 506 that supports a salary range of \$43,014 - \$67,371. Also, the contract that Mr. Morrow currently has with the Board of Trustees will become null and void and employment will become "at will" as is for all employees other than that of the County Administrator and Attorney.

**ATTACHMENTS:**

- 1. Current Contract
- 2. Job Description

  
\_\_\_\_\_  
Joseph A. Mayer, Community Services Director  
4-2-15  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Craig M. Coffey, County Administrator  
2 April 2015  
\_\_\_\_\_  
Date



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April 25, 2014

Michael Kenney, Chairman  
Florida Agricultural Museum  
7900 Old Kings Road North  
Palm Coast, FL 32137

Mr. Andrew Morrow  
10442 Spindrift Lane  
Jacksonville, FL 32257

Re: Offer of Employment

Dear Mr. Morrow:

We are pleased to offer you the position of Executive Director at the Florida Agricultural Museum. We feel that your skills and background will be valuable assets to our organization. This letter outlines the terms and conditions of employment as we discussed at the Seven Brides Restaurant on April 21, 2014.

Your position will report directly to, and serve at the will of, the Board of Trustees of the Museum. The starting salary is \$50,000 per year, paid on a bi-weekly basis. The Board of Trustees will conduct a performance review six months after your start date, after which an upward salary adjustment may be made based on your performance.

The Florida Agricultural Museum will provide you a \$200 per month allowance throughout the term of your employment on a reimbursement basis to cover out-of-pocket expenses.

Your start date will be May 8, 2014 and the Museum will offer you a one-time bonus of \$1,000 for starting on this date. There will be an initial 90-day probationary period, after which you will be placed on regular status. You will accrue personal leave time at the rate of one day per month. Currently, the Museum is unable to offer additional benefits, but will attempt in good faith to secure a benefits package for the Executive Director in partnership with an external agency. If the Museum is unable to secure this benefits package by the end of your probationary period, the Museum will renegotiate the terms and conditions of your employment.

7900 Old Kings Road North,  
Palm Coast, Florida 32137

(386) 446-7630

info@myagmuseum.com



The responsibilities of this position are as specified in the enclosed Position Description. However, a Personnel Policies and Procedures document will need to be developed by the Executive Director and approved by the Board of Trustees, which may include provisions that change some of the terms and conditions outlined herein.

If you choose to accept this offer, please sign the second copy of this letter in the space provided below and return it to me.

We look forward to welcoming you as the new Executive Director of the Florida Agricultural Museum.

Sincerely,

Michael Kenney  
Chairman, Florida Agricultural Museum Board of Trustees

ENCLOSURE

Accepted by:

Andrew Morrow  
Printed Name

[Handwritten Signature]  
Signature

4/29/14  
Date

7900 Old Kings Road North,  
Palm Coast, Florida 32137

(386) 446-7630

[info@myagmuseum.com](mailto:info@myagmuseum.com)

**Florida Agricultural Museum**  
*Position Description – Executive Director*

**Position Summary:**

The Executive Director position is a highly responsible working position that reports to a non-profit Board of Trustees appointed by the Commissioner of the Florida Department of Agriculture and Consumer Services, operating under Sections 570.901-570.903, Florida Statutes as a direct-support organization. The Executive Director serves as the chief operating officer of the Florida Agricultural Museum, working under the direction of the Board of Trustees to oversee the day-to-day operations of the Museum, including fundraising and financial management, employee/volunteer recruitment and management, and strategic planning for the physical growth of the Museum.

The Executive Director must have excellent customer service skills; the ability to build external relationships with patrons, donors, and agriculture industry partners; and provide leadership to public and private institutions in conjunction with the Board of Trustees to continue to build and grow the Museum. In addition, the position requires a high-energy, motivated, and well-rounded individual who can comfortably transition among administration and management, event planning, and physical participation in maintenance-type activities.

**Essential Functions:**

- Oversees the day-to-day operations of the Florida Agricultural Museum
- Makes recommendations to the Museum Board of Trustees on new or revised administrative policies as required
- Ensures compliance with all applicable laws, regulations and binding agreements
- Assists the public in addressing requests and complaints
- Represents the Museum at community meetings and various other events
- Oversees the development and implementation of Museum goals, project priorities, and programs; researches and analyzes recommendations for new programs and projects; oversees special projects; organizes legislation and policy initiatives
- Prepares reports, briefings, presentations, and responses on organizational and strategic issues, as appropriate
- Plans committee and board meetings; tracks, monitors, and follows up on the progress of projects, action items, and strategies that emanate from the Board of Trustees; prepares agendas and develops memos, communication, correspondence; identifies meeting participants; collects, prepares and distributes appropriate briefing materials; initiates subsequent follow-up meetings and communication for key personnel as directed; and anticipates and identifies issues for discussion at key management meetings while coordinating with Museum staff and volunteers
- Supervises all Museum staff and volunteers
- Serves as the primary manager of Museum finances and ongoing cash flow with responsibility for accurate maintenance of all financial books and records as well as

budgeting and regular reporting of GAAP basis financial information under the direction of the Treasurer

- Work on nights and weekends is required to accommodate Museum events.
- Development and oversight of capital projects
- Works with local governments on capital projects, tourism planning, special events, and museum funding and development.
- Performs related work as required

**Knowledge, Skills, and Abilities:**

- Knowledge of museum operations/management
- Considerable knowledge of and familiarity with Florida's agricultural history
- Considerable knowledge of research techniques, sources, and availability of information
- Ability to implement administrative procedures and to evaluate their effectiveness
- Ability to analyze a variety of administrative, operational, and fiscal problems and to make sound recommendations for solutions
- Ability to express ideas effectively, both orally and in writing
- Ability to establish and maintain effective working relationships with the general public, state and local governmental agencies, and agricultural industry partners

**Physical Requirements:**

Physical Demand: Moderate

- May be exposed to various allergens associated with agricultural products, materials, historic buildings, etc.
- May be required to perform physical tasks outdoors year-round in hot or cold weather
- Ability to drive passenger vehicles, vehicles with trailers, and some farm equipment.

**Education, Experience and Training, and Other Requirements:**

The Executive Director will have some combination of the following:

- College-level education in business administration, planning, historic preservation, agricultural and/or extension education, tourism, hospitality, or a related field.
- Two years experience, preferably in museum management/ experience.
- Experience in fundraising, grant writing and implementation, marketing, and financial management
- Experience managing and recruiting volunteers
- Experience working with non-profit organizations
- Must possess (or be eligible to obtain upon hire) a valid State of Florida Driver's License
- Experience developing and overseeing/managing capital projects
- Excellent public speaking and presentation skills using effective presentation tools
- Must be a self-starter and be able to operate with little day to day oversight
- Must be able to implement a strategy that is developed by the Board or Trustees



- Must be able to prove a successful track record in driving organizations

## **PROPOSED CAUSES FOR TERMINATION OF EXECUTIVE DIRECTOR – FLORIDA AGRICULTURAL MUSEUM**

1. Failure to document, account for, or explain missing proceeds from the sale of the Layton Skyline travel trailer owned by the Museum and reportedly (reported by the Executive Director) sold for \$1,000, which funds were not deposited into Museum accounts as required by Florida Statutes 570.903(5).
2. Failure to pay sales and use taxes in proper amounts when due as required by State law.
3. Failure to pay proper overtime wages as required by State and Federal law.
4. Failure to properly withhold and pay employee payroll taxes as required by Federal law.
5. Failure to properly pay employer payroll taxes as required by Federal law.
6. Failure to ensure that all changes in fixed assets were reported to the accounting firm that prepared the Museum tax returns and subsequent failure to properly review tax returns for accuracy before filing.
7. Filing of false, misleading or inaccurate State and Federal tax forms in violation of law.
8. Failure to post employment-related notices required by State and Federal laws.
9. Failure to maintain correct and complete books and records of account as required by Museum Bylaws.
10. Failure to maintain correct and complete books, records and inventories of the collections of objects/artifacts owned by and/or loaned to the Museum, even after recommendations by the Office of the Inspector General and requirement for compliance by the Board of Trustees.
11. Failure to properly account for Museum funds transferred to the custody of the Executive Director, which funds were reportedly (reported by the Executive Director) improperly classified as income upon their return to Museum accounts or are otherwise unaccounted for.
12. Changing Executive Director and staff salaries without prior approval of the Board of Trustees as required by the authorities outlined in Museum Bylaws.
13. Failure to timely produce and/or provide various documentation and reports to the Board of Trustees as requested.
14. Failure to obtain lender consent and waiver for Borrow Pit excavation resulting in a violation of the covenants in the Mortgage on Museum property.
15. Failure to create and implement procedures for segregation of duties with respect to the deposits, accounting and reconciliation of Museum funds as recommended by the Office of the Inspector General and compliance with which was discussed and requested by the Board of Trustees.
16. Failure to provide an acceptable budget to the Board of Trustees for approval as recommended by the Office of the Inspector General and compliance with which was discussed and requested by the Board of Trustees.
17. Failure to create and implement procedures to corroborate revenue collected by the Museum for special events (e.g. tickets sold as compared to revenue collected) as recommended by the Office of the Inspector General and compliance with which was discussed and requested by the Board of Trustees.
18. Failure to timely close credit accounts that were not authorized by the Board of Trustees and that were required to be closed by the Board of Trustees after the follow-up audit by the Office of the Inspector General.

19. Failure to present an Annual Report to the Board of Trustees as recommended by the Office of the Inspector General and compliance with which was discussed and requested by the Board of Trustees.
20. Failure to fully implement the recommendations of the Office of the Inspector General with respect to the Physical Security of the Museum as discussed and requested by the Board of Trustees.
21. Execution of a Notice of Commencement to allow an individual's (reportedly a caretaker) mobile home to be relocated to Museum property without authorization of the Board of Trustees and without an executed lease or other agreement that sufficiently protects the Museum's interests.
22. Making claims of accrued payroll liabilities that contradict the books and records of account as reported to the Board of Trustees.
23. Failure to properly account for and report vacation and sick leave time to the Board of Trustees.
24. Destabilization of the Museum organization by notifying staff and volunteers that the Executive Director's last day of employment was to be 11/30/2013 although there existed no resignation or executed separation agreement in support of such notice.
25. Abandonment of position and failure to perform the duties of the Executive Director after 11/25/2013 with no vacation or sick leave requested or reported to the Chairman, Executive Committee or Board of Trustees.

# Oversized Trucks

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# Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP – 21)

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- Is a funding and authorization bill to govern United States federal surface transportation spending
- It was passed by Congress on June 29, 2012
- The \$105 billion, two-year bill does not significantly alter total funding from the previous authorization, **but it does include many significant reforms**

# Size Limits

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- MAP-21 required the Federal Transportation Department to conduct a comprehensive study of the safety and efficiency implications of new sizes and configurations of trucks, including those above federal length and weight limits.

# Findings

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- Those findings would lay the groundwork for updated regulations that could allow bigger trucks on the road, which trucking companies have said could make shipping cheaper and easier.

# Continued

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- A new bill is coming due in 2015 while those reforms are still up in the air
- The current language for size limits may not be reformed thus eliminating them.



# American Trucking Association

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- In 2012, the American Trucking Associations (ATA) wrote a letter to Congress urging lawmakers to support the American Energy and Infrastructure Jobs Act of 2012. This bill contained a provision allowing so-called "longer combination vehicles," which would include triple-trailer trucks

# American Trucking Association

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- In addition, ATA is lobbying for longer double tractor trailers

# Bills and Acts

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- ◉ Federal HR 612
- ◉ Federal s 747 Federal
- ◉ Safe and Efficient Transportation Act

# Proposals

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- **Increase the national truck weight limit to 97,000 pounds**
- **An additional 17,000 pounds to existing truck weight**
- **Other proposals call for longer double-trailer trucks and triple-trailer trucks.**
- **Adding 10 to 17 feet in length**

# Kinetic Energy

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# Multimodal Transportation & Infrastructure Consortium

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- Brake maladjustment and equipment defects continue to be widespread issues among current truck operations.
- Heavier loads require more braking capacity and can exacerbate braking issues.

# Multimodal Transportation & Infrastructure Consortium

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- Heavier vehicles are likely to increase accident severity as they have more kinetic energy at any given speed

# Multimodal Transportation & Infrastructure Consortium

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- Increases in allowable vehicle weight may mean higher trailer loadings and a higher center of gravity thus increasing the risk of rollover
- Can cause compensatory heavy vehicle operator behavior that will result in greater interference with other vehicles such as trailer sway.



# Multimodal Transportation & Infrastructure Consortium

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- Heavier and longer configurations can cause greater interference with other traffic (including longer acceleration times and longer braking distances)

# Multimodal Transportation & Infrastructure Consortium

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- Increase in road wear
- Bridge capacity consideration

# Roadways to Consider

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- ◎ SR 11
- ◎ SR 100
- ◎ US 1
- ◎ A1A
- ◎ I-95

# Recommendation

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- Staff requests the Board to approve contacting our federal legislators
- Oppose any legislation approving increase weight and size of trucks

# Board of County Commissioners

1769 E. Moody Blvd Bldg 2  
Bunnell, FL 32110



Attachment 2

[www.flaglercounty.org](http://www.flaglercounty.org)

Phone: (386)313-4001

Fax: (386)313-4101

April 6, 2015

The Honorable Ron DeSantis  
U.S. House of Representatives  
308 Cannon House Office Building  
Washington, DC 20515

Dear Representative DeSantis:

As local government leaders for Flagler County, we are concerned about the legislation currently in Congress, which seeks to increase the weight limits of semi-trucks from 80,000 to 97,000 pounds on the National Highway System. Our first responders believe this increased weight limit creates a safety risk for the motorist they are sworn to protect, as well as further damaging our infrastructure.

In Flagler County, our primary concern and first priority is for the safety of our citizens. Our local roads and bridges can barely handle the current truck weight of 80,000 pounds, much less a 17,000-pound increase. With Interstate 95 and US 1 traversing our county, we see a significant amount of large truck traffic in our area. Please remember that these large trucks do not only operate on the Federal system, but also make their way onto our State and local roads. The increased dangers that would arise if truck weights were raised are dangers I certainly hope we will not have to endure.

We understand that the USDOT was mandated by Congress to study the impacts that bigger and heavier trucks will have on the roads. While I am sure this study, due back in November of this year, should give further insight into the issue, we are concerned with potential flaws in the study. We understand that the data being gathered to analyze truck crash statistics has been volunteered by the same trucking companies who are proponents of the weight increase legislation. On the other side of the spectrum, data from officials and first responders will not be included in the USDOT study. This could definitely cause the study to be incomplete and somewhat biased. We ask you to please consider this when reviewing the results of the study and oppose any increases to truck sizes or weight limits.

Thank you for your attention to this very important public safety issue.

Sincerely,

Charles Ericksen, Jr.  
Vice-Chairman

**Charles Ericksen, Jr.**  
**District 1**

**Frank Meeker**  
**District 2**

**Barbara Revels**  
**District 3**

**Nate McLaughlin**  
**District 4**

**George Hanns**  
**District 5**

**RESOLUTION 2015-\_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF  
FLAGLER COUNTY, FLORIDA OPPOSING LEGISLATION SEEKING  
TO INCREASE WEIGHT LIMITS OF SEMI-TRUCKS**

**WHEREAS**, Flagler is concerned with the welfare of motorists and the quality and reliability of our nation's infrastructure; and

**WHEREAS**, according to the National Highway Safety Administration, large trucks have a fatal crash involvement rate 40 percent higher than that of passenger vehicles; and

**WHEREAS**, allowing heavier or longer trucks to operate on the National highways would threaten the safety of motorists as well as law enforcement officers due to their being more difficult to control due to their increased size and weight limits, as well as take more time and longer distances to stop, thereby increasing crash severity; and

**WHEREAS**, in Florida there were 5,464 injuries and 209 fatalities in 2013 involving semi-trucks; and

**WHEREAS**, every crash imposes both human and economic costs, as well as significant clean-up burden requiring hundreds of man hours yearly and impeding other highway traffic; and

**WHEREAS**, 17% of commercial vehicles inspected are taken out of service for mechanical problems which most commonly are brake issues; and

**WHEREAS**, trucks needing brake repairs are 1.8 times more likely to be assigned the responsibility for crashes in which they are involved; and

**WHEREAS**, heavy vehicles create additional pavement and sub-base considerations at time of construction in order to reduce asphalt shoving, rutting and surface movement caused by these vehicles; and

**WHEREAS**, more than half the bridges on the National Highway System are more than 40 years old with nearly 17% of bridges in Florida being rated as structurally deficient or functionally obsolete; and

**WHEREAS**, nearly 15% of bridges in Flagler County are either structurally deficient or functionally obsolete; and

**WHEREAS**, it is understood that the ongoing United States Department of Transportation Truck Size and Weight Study will not consider impacts on local roads; and

**WHEREAS**, trucks heavier than 80,000 pounds also raise concerns related to the Nation's deteriorating infrastructure because they are likely to accelerate the deterioration of road surfaces and bridges; and

**WHEREAS**, government highway cost allocation studies have shown that the highway taxes being paid by the heavy truck owner/operators is only 80% of the actual cost of roadway infrastructure repairs caused by these vehicles; and

**WHEREAS**, government highway cost allocation studies show that increases in truck sizes and weights would exacerbate the existing underpayment by heavy truck owner/operators to only 50% of the actual cost of roadway infrastructure repairs caused by these vehicles;

**NOW, THEREFORE, BE IT RESOLVED** that the Flagler County Board of County Commissioners do hereby oppose any increase in truck sizes or weight limits for road vehicles.

**ADOPTED** this 6<sup>th</sup> day of April, 2015.

**Board of County Commissioners  
Flagler County, Florida**

\_\_\_\_\_  
Charles Ericksen, Jr.  
Vice Chairman

**ATTEST:**

\_\_\_\_\_  
Gail Wadsworth, Clerk of the Circuit Court  
And Comptroller

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Al Hadeed, County Attorney