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BOARD MINUTES FOR 10/15/92

OCTOBER 15, 1992

THE BOARD OF COUNTY COMMISSIONERS, IN AND FOR WASHINGTON COUNTY, MET ON THE ABOVE DATE AT 9:00 A. M. IN THE WASHINGTON COUNTY ADMINISTRATIVE BUILDING, 201 WEST CYPRESS AVENUE, CHIPLEY, FLORIDA, WITH COMMISSIONERS CORBIN, TAYLOR, COOK, DAVIS AND TRACY PRESENT. ATTORNEY HOLLEY, CLERK EARNESTINE MILLER AND DEPUTY CLERK DIANNE CARTER WERE ALSO IN ATTENDANCE.

SHERIFF FRED PEEL PROCLAIMED THE MEETING WITH ATTORNEY HOLLEY OFFERING PRAYER. CHAIRMAN CORBIN LED IN THE PLEDGE OF ALLEGIANCE TO THE FLAG.

COMMISSIONER TRACY OFFERED A MOTION, SECONDED BY COMMISSIONER DAVIS AND CARRIED TO ADOPT THE MINUTES OF THE SEPTEMBER 15, 17, AND BOTH SETS OF MINUTES FOR SEPTEMBER 24, 1992 MEETINGS.

SHERIFF FRED PEEL ADDRESSED THE BOARD TO REQUEST THEY PAY THE WESTERNER FOR A BAD CHECK THEY HAD RECEIVED; ADVISING THE BOARD THE MONIES TO PAY FOR THE BAD CHECK COULD COME FROM A \$500 BOND WHICH WAS ESTRETTED AND PLACED INTO FINE AND FORFEITURE FUNDS. COMMISSIONER COOK OFFERED A MOTION, SECONDED BY COMMISSIONER DAVIS TO PAY THE WESTERNER FOR THE BAD CHECK OUT OF FINE AND FORFEITURE FUNDS. COMMISSIONER TAYLOR STATED THE BOARD NEEDED SOME TYPE OF POLICY TO GO BY AS THIS SAME SITUATION OCCURRED PREVIOUSLY AND THE BOARD DID NOT TAKE ACTION TO REIMBURSE THE MERCHANT. MR. C. E. YATES ALSO VOICED OPPOSITION IN THE BOARD PAYING OFF A PRIVATE DEBT WITH PUBLIC FUNDS. THE MOTION CARRIED WITH COMMISSIONER COOK, DAVIS, TRACY AND CORBIN FOR AND COMMISSIONER TAYLOR OPPOSED.

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ORDER AND BAD CHECK

SHERIFF PEEL ADVISED THE BOARD OF MONIES WHICH WOULD BE COMING IN FROM THE CURRINGTON PROPERTY DRUG RAID STATING THEY WOULD RANGE FROM \$25,000 TO \$30,000.00.

MR. EARL MIRUS, REPRESENTATIVE OF GULF POWER COMPANY, ADDRESSED THE BOARD CONCERNING HERBICIDE APPLICATIONS BEING USED ON RIGHT OF WAYS IN THE COUNTY. HE ADVISED THE BOARD THE HERBICIDE USED WAS GARLON 3A AND IT WAS ONLY 1/2 AS TOXIC AS ASPIRIN AND 1/10 AS TOXIC AS CAFFEINE. SEVERAL PEOPLE WERE PRESENT WHO OPPOSED THE HERBICIDE SPRAYING FOR VARIOUS REASONS BUT MOSTLY DUE TO THE ENVIRONMENTAL DANGER AND THE VISION IMPACT. THOSE WHO ADDRESSED THE BOARD IN OPPOSITION TO THE SPRAYING WERE: 1. MRS. LAWRENCE MINER WHO REQUESTED SHE BE NOTIFIED BEFORE THEY SPRAY 2. MR. BOB EKSTROM WHO OPPOSED SAYING THE HERBICIDE SPRAYING WAS DESTROYING THE BEAUTY AND PROPERTY OF THE COUNTY 3. MARJORIE GALANT QUESTIONED HOW SOON FOLIAGE WOULD BEGIN GROWING AGAIN 4. JOHN DAHL OPPOSED BECAUSE HE FELT IT WAS AN EYESORE AND IT DID AFFECT PEOPLE WITH ALLERGIES 5. ALLEN WILSON OPPOSED SAYING HE KNEW OF OTHER UTILITY COMPANIES WHICH HAD STOPPED USING CERTAIN CHEMICALS TO SPRAY RIGHT OF WAY FOLIAGE. 6. ODELL WARD OPPOSED SAYING GULF POWER SHOULD NOTIFY OWNERS BEFORE SPRAYING. 7. LONNIE DAHL OPPOSED SAYING GULF POWER SHOULD CUT DOWN FOLIAGE RATHER THAN SPRAYING. AFTER CONTINUOUS DISCUSSION, COMMISSIONER COOK OFFERED A MOTION, SECONDED BY COMMISSIONER TRACY AND CARRIED TO AUTHORIZE ADMINISTRATOR HAGAN TO CONTACT ALL UTILITY COMPANIES SERVICING WASHINGTON COUNTY REQUESTING THEY PRESENT A WRITTEN PLAN OF ACTION ADDRESSING THE USE OF CHEMICAL SPRAYS.

PURSUANT TO A NOTICE OF HEARING IN THE WASHINGTON COUNTY NEWS, A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE COUNTY, SAID HEARING WAS HELD ON AN ORDINANCE ASSESSING A SURCHARGE OF \$12.50 ON ALL MOVING TRAFFIC VIOLATIONS WITH FUNDS BEING DEPOSITED INTO A SPECIAL COUNTY FUND CREATED FOR FUNDING THE PARTICIPATION IN THE INTERGOVERNMENT RADIO COMMUNICATION PROGRAM. DEPUTY CLERK DIANNE CARTER READ THE NOTICE OF HEARING, WITH CHAIRMAN CORBIN ASKING FOR QUESTIONS OR COMMENTS ON THE ORDINANCE FROM THE AUDIENCE. AS THERE WAS NO OPPOSITION, COMMISSIONER COOK OFFERED A MOTION, SECONDED BY COMMISSIONER TAYLOR AND CARRIED TO APPROVE THE ORDINANCE.

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NOTICE OF HEARING AND ORDINANCE

MRS. MARJORIE GALANT ADDRESSED THE BOARD CONCERNING THE EAST- WEST ROAD TO WALSHINGHAM BRIDGE BEING CLOSED AGAIN, STATING IT WAS A PUBLIC ROAD AND SHOULD NOT BE CLOSED. ATTORNEY HOLLEY EXPLAINED THERE WERE THREE TYPES OF ROADS: 1. A PRIVATE ROAD WHICH IS A ROAD CONTROLLED BY THE LAND OWNER AND NOT USED BY THE PUBLIC 2. A

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PUBLIC ROAD WHICH IS A ROAD THAT HAD BEEN USED ADVERSELY BY THE PUBLIC IN EXCESS OF TWENTY YEARS 3. A COUNTY ROAD WHICH BY STATUTE WAS CONSTRUCTED BY THE COUNTY AND MAINTAINED CONTINUOUSLY FOR FOUR YEARS. ATTORNEY HOLLEY ADVISED HE HAD SPOKEN WITH BEN REDDING, ATTORNEY FOR HUNT OIL CO., AND WAS ADVISED ANY LANDOWNER OR PERSON WHO HAD A LEGITIMATE NEED TO BE IN THE AREA IN QUESTION WOULD BE FURNISHED A KEY TO ACCESS TO THEIR LOTS. THERE WERE SEVERAL PERSONS PRESENT WHO WERE OPPOSED TO THE EAST-WEST ROAD BEING CLOSED: FRANCES GALANT, BILLY HAYES AND BILL YARLEY. ATTORNEY HOLLEY STATED HE FELT THE ISSUE OF THE EAST-WEST ROAD BEING CLOSED WOULD HAVE TO BE RESOLVED BY NEGOTIATIONS. CHAIRMAN CORBIN APPOINTED COMMISSIONER TRACY, ADMINISTRATOR HAGAN, ATTORNEY HOLLEY AND MARJORIE GALANT TO WORK WITH ROSEWOOD TIMBER COMPANY TO TRY AND NEGOTIATE TO RESOLVE THE ISSUE.

MR. C. E. YATES ADDRESSED THE BOARD STATING HE HAD PROVIDED THEM WITH THE PROVISIONS OF THE FLORIDA STATUTES CHAPTER 157 PERTAINING TO THE DRAINAGE OPERATIONS OF THE COUNTY AND WAS DISAPPOINTED THEY HAD NOT ADHERED TO THESE PROVISIONS.

COMMISSIONER TRACY OFFERED A MOTION, SECONDED BY COMMISSIONER DAVIS AND CARRIED TO ADOPT THE MINUTES AND ACCEPT THE RECOMMENDATIONS OF THE WASHINGTON COUNTY PLANNING COMMISSION MEETING OF SEPTEMBER 3, 1992.

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PLANNING COMMISSION MINUTES

UPON ATTORNEY HOLLEY ADVISING THE BOARD THERE WAS NOTHING LEGALLY WRONG WITH JULIAN WEBB'S CONTRACT FOR CDBG ADMINISTRATIVE SERVICES, COMMISSIONER TAYLOR OFFERED A MOTION, SECONDED BY COMMISSIONER DAVIS AND CARRIED TO APPROVE OF THE CONTRACT AND AUTHORIZE THE CHAIRMAN AND CLERK TO SIGN IT. JULIAN WEBB THEN REPORTED ON THE CDBG PROJECTS.

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CONTRACT FOR J. WEBB

RANDY PARKER, COMPREHENSIVE PLANNING CONSULTANT, ADDRESSED THE BOARD TO ANSWER ANY QUESTIONS THE BOARD MAY HAVE ON THE "FEE SCHEDULE" RESOLUTION; EXPLAINING ITS PURPOSE WAS TO COLLECT FEES TO OFFSET THE ADMINISTERING OF THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE. COMMISSIONER COOK OFFERED A MOTION, SECONDED BY COMMISSIONER TRACY AND CARRIED TO ADOPT THE "FEE SCHEDULE" RESOLUTION TO IMPLEMENT THE COMP PLAN. MR. PARKER IS TO REPORT BACK TO THE BOARD ON THEIR NEED TO ADOPT A PIPELINE SITING ORDINANCE.

7 PAGE INSERT

FEE SCHEDULE RESOLUTION

CHAIRMAN CORBIN CALLED FOR A TEN MINUTE RECESS.

PURSUANT TO A RECESS, ADMINISTRATOR HAGAN RECOMMENDED THE BOARD APPROVE THE FINAL BUDGET AMENDMENTS FOR FISCAL YEAR 1991-92 PREPARED BY THE CLERK AS ALL FUNDS BALANCE WITHIN ITS FUND. COMMISSIONER DAVIS OFFERED A MOTION, SECONDED BY COMMISSIONER COOK AND CARRIED TO APPROVE OF THE BUDGET AMENDMENTS PREPARED BY THE CLERK AS FINAL AMENDMENTS TO THE 1991-92 BUDGET.

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BUDGET AMENDMENTS

UPON THE RECOMMENDATION OF THE ADMINISTRATOR, COMMISSIONER COOK OFFERED A MOTION, SECONDED BY COMMISSIONER TRACY AND CARRIED TO SET THE REGULAR MONTHLY MEETING FOR NOVEMBER ON THE SAME DATE AS THE REORGANIZATIONAL MEETING OF THE BOARD WHICH IS NOVEMBER 17, 1992.

JIMMY BAILEY ADDRESSED THE BOARD CONCERNING THE COUNTY WIDE ELECTION OF THE COUNTY COMMISSIONERS. MR. BAILEY REQUESTED THE BOARD ADVISE THE COUNTY ATTORNEY TO PETITION TO SET A DATE TO MEET WITH JUDGE VINSON TO ADVISE HIM THE CITIZENS OF WASHINGTON COUNTY HAD VOTED TO REQUEST THE FEDERAL CONCENT ORDER ENTERED IN 1988 BE CHANGED TO ALLOW COUNTY WIDE ELECTION OF THE COUNTY COMMISSIONERS. ATTORNEY HOLLEY ADVISED THERE WOULD HAVE TO BE A FORMAL COURT ACTION PROCEEDINGS IN ORDER FOR THE JUDGE TO RECONSIDER. AFTER DISCUSSION, COMMISSIONER TAYLOR OFFERED A MOTION, SECONDED BY COMMISSIONER COOK AND CARRIED TO AUTHORIZE THE ADMINISTRATOR TO SEND A LETTER TO THE CLERK TO JUDGE VINSON NOTIFYING OF THE RECENT VOTE OF THE CITIZENS OF WASHINGTON COUNTY ON COUNTY WIDE ELECTION OF COUNTY COMMISSIONERS.

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UPON THE RECOMMENDATION OF ADMINISTRATOR HAGAN, COMMISSIONER DAVIS OFFERED A MOTION, SECONDED BY COMMISSIONER COOK AND CARRIED TO AUTHORIZE THE CHAIRMAN AND CLERK TO SIGN THE DEEDS TO SYLVIA FOREHAND AND BENNIE FARRIS SWINDLE WHICH RELINQUISHES THE COUNTY'S RIGHTS TO THE PROPERTY ADVERTISED FOR ABANDONMENT AND WAS

DULY ABANDONED BY RESOLUTION ON SEPTEMBER 17, 1992.

2 PAGE INSERT

DEEDS

ATTORNEY HOLLEY ADVISED THE BOARD THE NHI LAWSUIT HAD BEEN FINALIZED WITH THE BOARD MAKING FOUR ANNUAL PAYMENTS OF \$50,000.00 EACH BEGINNING FEBRUARY OF 1993 AND FEBRUARY EACH YEAR THEREAFTER WITH NO INTEREST BEING CHARGED. ATTORNEY HOLLEY BRIEFED THE BOARD ON THE TERMS AND CONDITIONS OF THE PROMISSARY NOTE AND THE MUTUAL LIMITED RELEASE. COMMISSIONER DAVIS OFFERED A MOTION, SECONDED BY COMMISSIONER COOK AND CARRIED TO APPROVE OF THE EXECUTION OF THE PROMISSARY NOTE AND THE MUTUAL LIMITED RELEASE AND TO AUTHORIZE THE CHAIRMAN AND CLERK TO SIGN THESE DOCUMENTS.

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PROMISSARY NOTE

ATTORNEY HOLLEY ADVISED THE BOARD CHUCK DANIELS, ATTORNEY FOR WEST TRACO, HAD FILED A PETITION FOR REHEARING FOR OCTOBER 22, 1992 AND ALSO FILED A MOTION FOR ATTORNEY FEES FOR THE SAME DATE.

ATTORNEY HOLLEY ADVISED THE ELISE HAGANS LAWSUIT HAD BEEN SET FOR MAY OF 1993.

ATTORNEY HOLLEY STATED HE HAD GOTTEN THE INFORMATION HE NEEDED ON THE WIDTH AND DISTANCE OF THE GRADY WINDHAM ROAD AND WAS READY TO GO FORWARD FOR A HEARING.

ATTORNEY HOLLEY ADVISED OF A POSSIBLE LAWSUIT ON AN ACCIDENT THAT OCCURRED ON C-284 ROAD INVOLVING MARY ONESTI, AS THE COUNTY HAD RECEIVED A LETTER NOTIFYING THEIR INTENT TO SEEK INDEMNIFICATION/ AND OR CONTRIBUTION FROM WASHINGTON COUNTY.

4 PAGE INSERT

ATTORNEY HOLLEY ALSO ADVISED OF AN ACCIDENT WHEREBY SOMEONE FELL IN A HOLE WHILE FISHING ON THE SIDE OF THE ROAD.

ATTORNEY HOLLEY SAID THE LAWSUIT INVOLVING THE LADY WHO GOT HURT WHEN SHE RAN INTO A POT HOLE ON HIGHWAY 280 HAD NOT BEEN SET FOR TRIAL AND IS STILL PENDING.

FRANK CORSO PUBLICLY THANKED THE BOARD FOR FIXING A CULVERT ON MUD HILL ROAD BUT ADVISED THERE WAS ANOTHER CULVERT WHERE WATER IS WASHING DOWN TO HIS POND WHICH HAS NOT BEEN FIXED.

COMMISSIONER COOK RECOMMENDED THE BOARD NAME THE VERNON EMERGENCY CENTER THE THERON H. COOK, SR. EMS STATION AS HE WAS ALWAYS CONCERNED ABOUT HIS COMMUNITY AND DEDICATED TO DOING SOMETHING TO IMPROVE IT. COMMISSIONER COOK OFFERED A MOTION, SECONDED BY COM- MISSIONER TRACY AND CARRIED TO ADOPT A RESOLUTION NAMING THE VERNON EMS SUBSTATION THE THERON H. COOK, SR. EMS STATION.

1 PAGE INSERT

RESOLUTION

CHAIRMAN CORBIN ADDRESSED THE BOARD ON COMPLAINTS HE HAD RECEIVED ABOUT JET SKIS IN HOLMES CREEK. THERE WAS DISCUSSION ABOUT BAY COUNTY ADOPTING AN ORDINANCE PROHIBITING JET SKIS IN ECONFINA CREEK AS WELL AS PROHIBITING ANYTHING OVER A 10 HORSE POWER MOTOR IN THE CREEK. COMMISSIONER TRACY OFFERED A MOTION, SECONDED BY COMMISSIONER COOK AND CARRIED TO AUTHORIZE ATTORNEY HOLLEY TO DRAFT AN ORDINANCE ON PROHIBITING JET SKIS IN ALL THE CREEKS IN WASHINGTON COUNTY.

COMMISSIONER DAVIS OFFERED A MOTION, SECONDED BY COMMISSIONER TRACY AND CARRIED TO TAKE OFF THE TABLE THE REORGANIZATION OF ROAD AND BRIDGE. COMMISSIONER DAVIS, TRACY AND COOK FOR WITH COMMISSIONERS TAYLOR AND CORBIN OPPOSING.

COMMISSIONER DAVIS OFFERED A MOTION, SECONDED BY COMMISSIONER TRACY AND CARRIED TO ACCEPT THE RECOMMENDATION OF ADMINISTRATOR HAGAN TO MAKE GEORGE ROGERS THE GENERAL SUPERINTENDENT OF ROAD AND BRIDGE AND MAKE ROBERT HARCUS THE ROAD SUPERINTENDENT ON THE WEST SIDE. COMMISSIONER TRACY, DAVIS AND COOK FOR WITH COMMISSIONER TAYLOR AND CORBIN OPPOSING.

ADMINISTRATOR HAGAN RECOMMENDED THE ABOVE PERSONNEL CHANGES AT ROAD AND BRIDGE BE EFFECTIVE AS OF JANUARY 1, 1993. COMMISSIONER TAYLOR OFFERED A MOTION, SECONDED BY COMMISSIONER COOK AND CARRIED UNANIMOUSLY FOR THE ABOVE PERSONNEL CHANGES AT ROAD AND BRIDGE TO BE EFFECTIVE AS OF JANUARY 1, 1993.

COMMISSIONER DAVIS RECOMMENDED THE BOARD NAME THE FIVE POINTS RECREATION CENTER THE V. J. COLLINS PARK AND COMMUNITY CENTER. COM- MISSIONER COOK OFFERED A MOTION, SECONDED BY COMMISSIONER TRACY AND CARRIED TO NAME THE FIVE POINTS RECREATION CENTER THE V. J. COLLINS PARK & COMMUNITY CENTER.

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RESOLUTION

COMMISSIONER COOK OFFERED A MOTION, SECONDED BY COMMISSIONER TRACY AND CARRIED TO APPROVE OF VOUCHERS SIGNED AND WARRANTS ISSUED FOR THE MONTH OF SEPTEMBER

TOTALLING \$396,430.10.

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VOUCHERS

COMMISSIONER COOK OFFERED A MOTION, SECONDED BY COMMISSIONER DAVIS AND CARRIED TO ADOPT, AUTHORIZE THE CHAIRMAN TO SIGN, AND ADVERTISE A RESOLUTION STATING THE BOARDS' ACTION TO VACATE THE SMITH SUBDIVISION PHASE TWO PLAT AS PETITIONED BY C. L. SMITH MOTOR COMPANY.

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ADVERTISE AND ADOPT RESOLUTION

FRANK CORSO ASKED WHEN THE RECYCLING CENTER WAS GOING TO BE OPEN WITH ADMINISTRATOR HAGAN ADVISING HIM IT OPENED ON OCTOBER 1ST. CHAIRMAN CORBIN SUGGESTED THE HOURS OF OPERATION OF THE RECYCLING CENTER BE SIMPLIFIED FOR THE PUBLIC.

COMMISSIONER COOK OFFERED A MOTION, SECONDED BY COMMISSIONER TRACY AND CARRIED TO ADJOURN. ATTEST: _____

CLERK

CHAIRMAN

ATTEST: _____

DEPUTY CLERK

END OF MINUTES FOR 10/15/92