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BOARD MINUTES FOR 03/04/93

MARCH 4, 1993

PURSUANT TO A RECESS FROM THE FEBRUARY 25, 1993 MEETING, THE BOARD OF COUNTY COMMISSIONERS, IN AND FOR WASHINGTON COUNTY, MET ON THE ABOVE DATE AT 5:30 P. M. AT THE WASHINGTON COUNTY ADMINISTRATIVE BUILDING, 201 WEST CYPRESS AVENUE, CHIPLEY, FLORIDA, WITH COMMISSIONERS CARTER, TAYLOR, CORBIN, MORRIS AND BROCK PRESENT. ATTORNEY HOWELL, CLERK EARNESTINE MILLER AND DEPUTY CLERK DIANNE CARTER WERE ALSO IN ATTENDANCE.

CHAIRMAN CORBIN CALLED THE RECESSED MEETING TO ORDER WITH ADMINISTRATOR HAGAN OFFERING PRAYER.

CHAIRMAN CORBIN RECOGNIZED MR. PHIL BENNETT, PROGRAM ADMINISTRATOR OF THE FLGFA. MR. BENNETT WAS PRESENT TO DISCUSS THE POSSIBILITY OF THE BOARD CONSOLIDATING THEIR LOANS WITH A FIXED INTEREST RATE MR. BENNETT PRESENTED THEM WITH A COMPARISON OF THEIR ANNUAL DEBT SERVICE UNDER FOUR DIFFERENT OPTIONS WHICH WERE: 1. REMAIN IN THE VARIABLE MODE AT CURRENT MATURITIES 2. REMAIN IN VARIABLE MODE AT EXTENDED MATURITY 3. CONVERT TO FIXED INTEREST RATE, FULLY AMORTIZING 15 YEAR TERM AND 4. CONVERT TO FIXED INTEREST RATE FOR 15 YEAR TERM PAYING INTEREST ONLY FOR THE FIRST 3 YEARS. MR. BENNETT EXPLAINED OPTIONS 2,3 AND 4 WOULD REDUCE PAYMENTS ON THEIR PRESENT LOANS, FREE UP SOME GAS TAXES AND DOES NOT EXTEND THE ULTIMATE MATURITY ON THE DEBT SERVICE. COMMISSIONER BROCK OFFERED A MOTION, SECONDED BY COMMISSIONER MORRIS AND CARRIED TO AUTHORIZE MR. BENNETT TO PROCEED WITH THE PAPER WORK OR APPLICATION ON THE CONSOLIDATION OF THE TWO LOANS FINANCED WITH FLGFA AND BRING IT BACK BEFORE THE BOARD FOR ACTION AT THEIR NEXT REGULAR MEETING ON MARCH 18, 1993.

JULIAN WEBB ADDRESSED THE BOARD AND INVITED THEM TO A MEETING ON AFFORDABLE HOUSING TO BE HELD ON WEDNESDAY, MARCH 10TH FROM 10:00 A.M. TIL 12:00 NOON AT THE CHUCKWAGON RESTAURANT.

JULIAN WEBB THEN STATED HE WOULD ADVERTISE FOR THE ADOPTION OF THE AFFORDABLE HOUSING ORDINANCE PURSUANT TO THE SHIP PROGRAM BY EMERGENCY ACTION FOR THE MARCH 18, 1993 BOARD MEETING DUE TO THE TIME CONSTRAINTS INVOLVED.

COMMISSIONER TAYLOR OFFERED A MOTION, SECONDED BY COMMISSIONER BROCK AND CARRIED TO AUTHORIZE ATTORNEY HOWELL, ADMINISTRATOR HAGAN AND CHAIRMAN CORBIN TO CLOSE ON THE T. D. SMITH PROPERTY FOR THE RECYCLING CENTER.

THE FOLLOWING PERSONS WERE PRESENT TO ADDRESS THE BOARD ON THEIR COMPLAINTS WITH THE WEST TRACO GARBAGE ISSUE:

1. MARY PAUL - DOESN'T FEEL LIKE SHE SHOULD HAVE TO PAY FOR SOMETHING SHE DOESN'T WANT OR FOR A SERVICE SHE DOESN'T RECEIVE.
2. VIRGINIA GRIFFIN - THOUGHT WE HAD FREE ENTERPRISE IN THIS COUNTRY. WEST TRACO DOES NOT PICK UP HER GARBAGE BUT BILL HER FOR THEIR SERVICES.
3. LARRY BRADY - RECYCLES TOTALLY BUT STILL GETS BILLED BY WEST TRACO.
4. MAXWELL PAUL - BOARD OF COUNTY COMMISSIONERS SHOULD HAVE NOTIFIED EVERY LAND OWNER IN WASHINGTON COUNTY WHEN PUBLIC HEARINGS WERE HELD ON THE GARBAGE ORDINANCE. EVERY LAND OWNER SHOULD BE NOTIFIED OF ANY MEETINGS OF THE BOARD OF COMMISSIONERS.
5. VITANIA HARRIS - QUESTIONED WASN'T PRIOR COMMISSIONERS TRACY AND COOK BROTHER-IN-LAWS. COMPLAINED THAT TRACO TORE HANDLE OFF OF HER NEW GARBAGE CAN THEIR FIRST TRIP AND HER GARBAGE WAS STREWN UP AND DOWN THE ROAD. HARRIS STATED SHE WAS NOT GOING TO PAY BILL.
6. JOAN ANDERSON - PEOPLE SHOULD HAVE A GARBAGE SERVICE BUT IT SHOULD NOT BE A MONOPOLY. SHOULD NOT HAVE TO PAY BILLS YOU DON'T GET SERVICE FOR. COMPLAINED TRACO NEEDED TO GET THEIR BILLING SYSTEM CORRECTED AS PERSONS SHE KNEW WERE GETTING BILLS ON THEIR PROPERTY.
7. MIKE COLE - SOMEONE SHOULD RESEARCH BILLS TRACO IS SENDING. TRACO BILLS HIM BUT NEVER HAS PICKED UP HIS GARBAGE.
8. MONROE BELL - TRACO IS NOT PICKING UP HIS GARBAGE BUT HE STILL RECEIVES A BILL.
9. ELSIE HARMON - QUESTIONED HOW MUCH A PERSON HAS TO PAY TO BUILD A HOUSE IN THE COUNTY (BUILDING PERMIT) AND DOES TRACO HAVE TO PICK UP HER GARBAGE. CHAIRMAN CORBIN TOLD MS. HARMON SHE WOULD HAVE TO USE TRACO BUT AS LONG AS HE SAT ON THE BOARD, HE WOULD NEVER VOTE FOR AN EXCLUSIVE CONTRACT FOR ANYTHING. SHEFFIELD

ALSO COMPLAINED ABOUT ROADS IN HER AREA AND CORBIN ADVISED THE NEXT TIME AN APPLICATION IS MADE TO HUD, THE SHEFFIELD ROAD WOULD BE CONSIDERED.

10. FRANK ACUFF - STATED MR. FARRIS STEWART HAD BEEN PICKING UP HIS GARBAGE. ACUFF ALSO BELIEVES IN FREE ENTERPRISE. ACUFF ASKED ATTORNEY HOWELL IF HE RECOMMENDED THE CONTRACT BE RENEWED WITH WEST TRACO. ATTORNEY HOWELL SAID HE THOUGHT THIS WOULD BE HIS RECOMMENDATION.

11. GERTRUDE WEAVER - SHE IS FOR MANDATORY GARBAGE PICK UP AND NOT BEFORE THE BOARD TO FUSS. SHE HAD NO PROBLEM WITH TRACO UNTIL LAST APRIL. SHE INHERITED TWO OF HER GRANDCHILDREN FOR A PERIOD OF TIME AND HAD BABY DIAPERS IN HER GARBAGE. SHE NOTICED TRACO TEARING INTO HER GARBAGE, THROWING IT OUT AND NOT PICKING IT UP. AFTER TRACO PASSED UP HER GARBAGE FOR THE THIRD WEEK, SHE CALLED TRACO TO FIND OUT THE REASON THEY WERE NOT PICKING UP HER GARBAGE. TRACO ADVISED HER THE REASON WAS BECAUSE HER BAGS WERE LIKE THE SOWELLS. (SOWELLS USED WORLEY TO PICK UP THEIR GARBAGE) SHE PAID THEM FOR ONE WEEK AND WROTE TO THEM AND TOLD THEM SHE DID NOT OWE THEM ANY MORE. TRACO FAILED TO PICK UP HER GARBAGE BECAUSE OF HER GRANDCHILDRENS DIAPERS BEING IN THE GARBAGE. MS. WEAVER STATED IF THE JUDGE SAYS GIVE ME A BILL, I WILL PAY IT.

12. MICKEY WRIGHT - THOUGHT PEOPLE VOTED ON WHETHER OR NOT THEY WANTED DOOR TO DOOR GARBAGE PICKUP OR PUT IT IN A DUMPSTER. HE DIDN'T THINK THE PEOPLE VOTED TO LET TRACO OR ANY ONE PERSON PICK UP THE GARBAGE.

13. ROBERT CHESSER - FELT LIKE TRACO'S ATTITUDE WAS THE BIGGEST PROBLEM WITH THE GARBAGE ISSUE.

CHAIRMAN CORBIN READ THE AMENDED ORDER SIGNED BY JUDGE COLE DATED FEBRUARY 23, 1993 ORDERING THE COUNTY PAY TRACO'S ATTORNEY FEES WHICH HE HAD DETERMINED TO BE \$10,787.50 TOGETHER WITH COSTS THEREON IN THE AMOUNT OF \$494.50. THE ORDER ALSO STATED WASHINGTON COUNTY IS TO APPEAR BEFORE THE COURT ON MARCH 11, 1993 TO SHOW CAUSE WHY THESE FEES SHOULD NOT BE PAID. CHAIRMAN CORBIN STATED THESE FUNDS WILL BE COMING OUT OF THE COUNTY'S GENERAL REVENUES.

CHAIRMAN CORBIN CALLED FOR A TEN MINUTE RECESS.

PURSUANT TO A RECESS, CHAIRMAN CORBIN ADVISED THE AUDIENCE THIS WAS SUPPOSED TO BE A WORKSHOP FOR THE BOARD TO COME UP WITH AN IDEA TO GO TO JUDGE COLE WITH ON THE WEST TRACO ISSUE.

COMMISSIONER MORRIS STATED HE HAD NOTHING TO SAY OTHER THAN WHAT HE PROPOSED AT THE FEBRUARY 25TH MEETING WHICH WAS TO PROPOSE TO WEST TRACO TO ACCEPT 20% COLLECTIONS OF ALL BILLS OWED THEM.

COMMISSIONER BROCK STATED THE JUDGE HAS ORDERD THE BOARD TO SHOW CAUSE WHY THEY HAVE NOT ASSISTED WEST TRACO WITH COLLECTIONS. BROCK STATED THE BOARD HAS ASKED TRACO TO PROVIDE A CORRECT LIST OF NAMES AND ADDRESSES OF PERSONS OWING THEM AND SO FAR TRACO HAS NOT DONE SO.

COMMISSIONER CARTER UPDATED THE BOARD ON HIS TALK WITH THE CARTERS, WEST TRACO, ON COMMISSIONER MORRIS'S PROPOSAL. COMMISSIONER CARTER FELT TRACO WOULD PROBABLY BE WILLING TO ACCEPT THE 20% COLLECTIONS ON THE ONES THAT HAVE PAID SOMEONE ELSE BUT THEY FELT THE ONES THAT HAD RECEIVED THEIR SERVICES AND NOT PAID SHOULD BE PURSUED. THEY AGREED TO GIVE PERSONS SIX MONTHS TO PAY THEIR BILLS UP AND THEN THE BOARD WOULD PURSUE COLLECTING. THEY ALSO AGREED TO WORK UP AN AGREEMENT ON PERCENTAGE FOR BAD DEBTS, INDIGENT OR FOR PERSONS LEAVING TOWN. COMMISSIONER CARTER STATED THE CARTERS HAD CONTACTED HIM LATER ABOUT RE-NEWING THEIR CONTRACT NEXT YEAR BUT HE TOLD THEM HE COULD NOT DISCUSS A NEW CONTRACT AT THIS TIME.

COMMISSIONER TAYLOR STATED THERE WERE DIFFERENT CATEGORIES OF PEOPLE: ONE CATERGORY HAS SOMEONE PICKING UP THEIR GARBAGE OTHER THAN TRACO, ONE CATEGORY DOES NOT PAY ANYONE FOR GARBAGE SERVICE, ONE CATEGORY THAT TRACO PICKS UP BUT PERSONS DON'T PAY AND A CATEGORY THAT TRACO PICKS UP AND PERSONS PAY TRACO. TAYLOR FELT THE PERSONS WHO ARE RECEIVING THE SERVICE AND ARE NOT PAYING FOR IT SHOULD BE PURSUED FIRST. TAYLOR FELT IF THE BOARD COULD GET A LIST OF PERSONS FROM TRACO THAT THEY ARE PICKING UP GARBAGE FOR, HE WOULD BE WILLING TO ASSIST IN THE MEANS WE HAVE TO TAKE CARE OF IT.

ATTORNEY HOWELL EXPLAINED THE TRACO LAWSUIT HAS BEEN GOING ON FOR THREE YEARS AND THE COURT RULED AGAINST THE COUNTY LAST NOVEMBER. HE STATED THE COURT HAS RULED FOR THE COUNTY BOARD TO TAKE SOME TYPE OF AFFIRMATIVE ACTION TO COLLECT THESE ACCOUNTS PURSUANT TO THE CONTRACT AND ORDINANCE OR THE COURT WILL HOLD THE COUNTY IN CONTEMPT. HE ADVISED THE BOARD THERE WAS A POSSIBILITY A HEARING WOULD BE HELD ON A REASON TO SHOW CAUSE WHY THE COUNTY SHOULD NOT BE HELD IN CONTEMPT FOR NOT PAYING ATTORNEY FEES IF THEY DON'T GO AHEAD AND PAY THE FEES. HOWELL ALSO ADVISED THE

COURT CAN FINE THE COUNTY BASED ON DAMAGES IN THE LAWSUIT WHICH IS APPROXIMATELY ONE-HALF MILLION DOLLARS. DISCUSSION CONTINUED AMONG THE BOARD ON THE WEST TRACO ISSUE. COMMISSIONER MORRIS OFFERED A MOTION, SECONDED BY COMMISSIONER BROCK TO OFFER TRACO 20% COLLECTIONS ON THE TOTAL LIST OF UNPAID BILLS WITH THE UNDERSTANDING THE COLLECTIONS WOULD BE PAID BY THE PERSONS OWING THE BILL AND THE BOARD AGREEING TO VIGOROUSLY ASSIST TRACO BY WHATEVER LEGAL MEANS ALLOWED BY LAW TO COLLECT THE 20%.

DISCUSSION CONTINUED ON THE MOTION. RAY HARRIS ASKED COM- MISSIONER MORRIS IF HE WOULD TAKE TWENTY CENTS ON THE DOLLAR WITH MORRIS REPLYING IN THIS CASE HE WOULD. HARRIS PLANS TO BRING A CLASS ACTION SUIT AGAINST THE BOARD ADVISING THEM WHEN THEY ENTER INTO A CONTRACT THEY SHOULD LIVE UP TO IT.

AUBREY DAVIS ADDRESSED THE BOARD AND ADVISED HE FELT MORRIS'S PROPOSAL TO TRACO WAS A GENEROUS AND REALISTIC OFFER. DAVIS STATED TRACO'S LIST OF UNPAID ACCOUNTS KEEPS BEING BROUGHT UP AND HE RECOMMENDED THE BOARD HIRE AN INDEPENDENT AUDITOR TO AUDIT TRACOS BOOKS AND BILLING SYSTEM. DAVIS ALSO STATED THE NEXT FIVE YEAR CONTRACT SHOULD BE LOOKED AT AS HE FEELS TRACO HAS NO GOOD BILLING PROGRAM.

ROBERT CRESSER ADDRESSED THE BOARD STATING ANY BUSINESS THAT CANNOT GIVE YOU A LIST INCLUDING ADDRESSES OF PEOPLE WHO OWES THEM MONEY IS NOT GOOD IN BUSINESS. HE FELT UNTIL TRACO COULD PROVIDE THE BOARD WITH AN ACCURATE LIST, THE BOARD HAS DONE ALL THEY CAN DO.

MR. EMAUS ADDRESSED THE BOARD COMMENTING COMMISSIONER MORRIS'S PROPOSAL WAS A GOOD GESTURE BUT HE WOULD NOT ACCEPT IT IF HE WERE IN TRACOS POSITION. HE FEELS EVERYONE WHO HAS USED TRACO'S SERVICE SHOULD PAY 100%.

MRS. PAUL ADDRESSED THE BOARD SAYING SHE WOULD GO ALONG WITH THE 20% BUT SHE KNOWS OF SEVEN PLACES BEING BILLED AND NOT RECEIVING GARBAGE SERVICE. SHE IS TO BRING THE LIST TO THE ADMINISTRATOR.

THE VOTE WAS CALLED FOR ON THE MOTION TO OFFER TRACO 20% COLLECTIONS ON THE TOTAL LIST OF UNPAID BILLS WITH THE UNDERSTANDING THE COLLECTIONS WOULD BE PAID BY THE PERSONS OWING THE BILL AND THE BOARD AGREEING TO VIGOROUSLY ASSIST TRACO BY WHATEVER LEGAL MEANS ALLOWED BY LAW TO COLLECT THE 20%. THE MOTION CARRIED UNANIMOUSLY.

ATTORNEY HOWELL RECOMMENDED THE BOARD TAKE ACTION TO CONSIDER PASSING A SPECIAL ASSESSMENT AND REQUESTED ALL OF THE BOARD BE PRESENT AT THE WEST TRACO HEARING ON MARCH 11TH.

COMMISSIONER BROCK STATED TWO MONTHS AGO HE STARTED GETTING A BILL FROM WEST TRACO AND IT WAS FOR THE LAST FOUR YEARS.

COMMISSIONER CARTER QUESTIONED THE METHODS WHEN TRACO WAS AWARDED THE CONTRACT HOW WAS THEY TO BILL AND WHERE WERE THEY SUPPOSE TO GET THEIR INFORMATION TO BILL FROM. HE WAS ADVISED THEIR INFORMATION CAME FROM THE PROPERTY APPRAISERS TAX ROLL.

ATTORNEY HOWELL ADVISED THE BOARD THEY MAY WANT TO MAKE A MOTION IN THE EVENT THE ACTION THE BOARD HAS TAKEN IS NOT ACCEPTED, THE BOARD WOULD CONSIDER PASSING A SPECIAL ASSESSMENT IN THE FUTURE. THE BOARD TOOK NO ACTION ON ATTORNEY HOWELL'S RECOMMENDATION.

COMMISSIONER CARTER OFFERED A MOTION, SECONDED BY COMMISSIONER MORRIS AND CARRIED TO AUTHORIZE THE ADMINISTRATOR AND THE CLERK TO SEARCH THE BUDGET AND MAKE A RECOMMENDATION TO THE BOARD AT ITS NEXT REGULAR MEETING WHERE MONIES MAY COME FROM TO PAY TRACO'S ATTORNEY FEES.

KATHY FOSTER QUESTIONED IF THERE WAS A LIMITED AMOUNT OF GARBAGE THAT CAN BE FOR HOUSEHOLD TRASH, A LIMIT AS TO HOW LONG A PERSON CAN HAVE A HOUSE GUEST OR RECEIVE SOMEONE ELSE'S MAIL AND IF YOU HAVE SOMEONE ELSE LIVING IN YOUR HOUSEHOLD, DOES THIS MEAN A SEPARATE BILLING. MS. FOSTER WAS ADVISED THE ANSWER TO ALL OF HER QUESTIONS WAS NO.

FRANK CORSO QUESTIONED ON THE 20% PROPOSED BY THE BOARD TO TRACO, HOW DO THEY PLAN ON CONTACTING THE PEOPLE. CORSO SUGGESTED THE BOARD WORK OUT SOMETHING WITH TRACO TO SEND OUT A LETTER WITH THEIR NEXT BILLING. CHAIRMAN CORBIN ADVISED CORSO HE FELT A LETTER FROM THE COUNTY WOULD BE MORE EFFECTIVE AND RECEPTIVE.

MAXWELL PAUL STATED HE DIDN'T KNOW HOW MUCH THE 20% OFFERED TO TRACO TOTALLED AND ASKED THE BOARD IF THEY KNEW HOW MUCH THEY WERE BEING SUED FOR AND WHY DIDN'T THE COUNTY COUNTERSUE. PAUL STATED THE BOARD HAD ENOUGH PEOPLE PRESENT TO PROVE TRACO BREACHED THEIR CONTRACT. PAUL WAS ADVISED TRACO ADMITTED THEY BREACHED THEIR CONTACT BUT THE JUDGE STILL RULED IN WEST TRACO'S FAVOR.

ADMINISTRATOR HAGAN ADVISED THE BOARD MS. JANET WALLS CONTACTED HIM AND WANTED THE BOARD TO CONTRIBUTE TO THE MISS CHIPLEY CONTEST. CHAIRMAN CORBIN RECOMMENDED

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ADMINISTRATOR HAGAN CONTACT EACH BOARD MEMBER INDIVIDUALLY.

COMMISSIONER MORRIS ADVISED THE BOARD THERE WAS A PROBLEM WITH THE HRS PARKING LOT. THE CONTRACTOR HAS OFFERED A LETTER OF A ONE YEAR WARRANTY. COMMISSIONER MORRIS OFFERED A MOTION, SECONDED BY COMMISSIONER CARTER AND CARRIED TO ACCEPT A ONE YEAR LETTER OF WARRANTY FROM THE CONTRACTOR ON THE HRS PARKING LOT PROJECT AND RELEASE THE FUNDS TO THE CONTRACTOR.

COMMISSIONER MORRIS OFFERED A MOTION, SECONDED BY COMMISSIONER BROCK AND CARRIED TO AUTHORIZE HERBERT DALE WILLIAMS TO USE HIS 120 HOURS ACCUMULATED IN HIS SICK LEAVE BANK AS HE HAS BEEN OUT OF WORK ON AN EXTENDED ILLNESS.

COMMISSIONER CARTER OFFERED A MOTION, SECONDED BY COMMISSIONER MORRIS AND CARRIED TO AUTHORIZE ATTORNEY HOWELL TO SEEK HELP FROM THE ADMINISTRATIVE OFFICE TO GO OVER ALL THE DELINQUENT ACCOUNTS WITH WEST TRACO TO MAKE SURE OF THEIR LEGITIMACY.

COMMISSIONER MORRIS OFFERED A MOTION, SECONDED BY COMMISSIONER BROCK AND CARRIED TO ADJOURN. ATTEST: _____

CLERK

CHAIRMAN

ATTEST: _____

DEPUTY CLERK

END OF MINUTES FOR 03/04/93