

AUGUST 16, 2012
REGULAR BOARD MEETING

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BCC - REGULAR BOARD MEETING

THE BOARD OF COUNTY COMMISSIONERS, IN AND FOR WASHINGTON COUNTY MET ON THE ABOVE DATE AT 9:00 A.M. AT THE WASHINGTON COUNTY ANNEX BOARD MEETING ROOM, 1331 SOUTH BOULEVARD, CHIPLEY, FLORIDA WITH COMMISSIONERS ABBOTT, BROCK, CARTER, AND PATE PRESENT. COMMISSIONER STRICKLAND WAS ABSENT. CLERK COOK, DEPUTY CLERK BRANTLEY, AND COUNTY MANAGER STEVE JOYNER WERE ALSO IN ATTENDANCE.

I. PROCLAMATION - DEPUTY BROWN

A. CALL TO ORDER - CHAIRMAN CARTER

B. INVOCATION/PLEDGE- MICHAEL DERUNTZ/COMMISSIONER ABBOTT

II. ADOPT PREVIOUS MINUTES

NONE

III. CONSENT AGENDA

A. REQUEST APPROVAL FOR THE CLERK OF COURT TO PAY

VOUCHERS FOR JULY TOTALING \$1,552,062.90.

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- B. TRI-COUNTY COMMUNITY COUNCIL PUBLIC TRANSPORTATION
JOINT PARTICIPATION AGREEMENT/DOT SERVICE
DEVELOPMENT GRANT.
- C. SURPLUS/DISPOSAL OF SATELLITE PHONE/RADIO LOCATED AT
THE EMERGENCY MANAGEMENT OFFICE. THE EQUIPMENT WILL
BE REMOVED FROM THE COUNTY INVENTORY LIST.
- D. APPOINTMENT OF NEW CITY COUNCIL MEMBER TO THE TDC -
LINDA CAIN
- E. ROADWAY RIGHT-OF-WAY QUITCLAIM DEED - WASHINGTON
COUNTY APPROVED TO VACATE THE RECORDED 40' ROADWAY
RIGHT-OF-WAY AT ITS JUNE 21, 2012 REGULAR MEETING.
THIS PLATTED ROADWAY RIGHT-OF-WAY RUNNING WEST TO
EAST BETWEEN LOTS 5, 6, 7, AND 8 OF BLOCK M,
HAGGERMAN'S ADDITION TO CHIPLEY, FLORIDA, LYING IN
SECTION 33, TOWNSHIP 5 NORTH, RANGE 13 WEST,
WASHINGTON COUNTY, FLORIDA. THE LENGTH OF THE
RIGHT-OF-WAY THAT WAS VACATED IS APPROXIMATELY 653
FEET.
- F. TERMINATION OF ROGER SLOAN IN SEAT#2 DUE TO
EXCESSIVE ABSENCES.
- G. LUMA SUBDIVISION RECORDED PLAT - LUIS AND MARY ANN
VALENCIA OWN THE ADJOINING LOT IDENTIFIED AS THE

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SOUTH ½ OF LOT 5 OF 5 OF BLOCK M OF HAGGERMAN'S
ADDITION TO CHIPLEY, WASHINGTON COUNTY, FLORIDA.
THE RECORD PLAT PROPOSES A TWO LOT RESIDENTIAL
SUBDIVISION OF THE SOUTH ½ OF LOT 6 OF BLOCK M OF
HAGGERMAN'S ADDITION TO CHIPLEY, WASHINGTON COUNTY,
FLORIDA. THE LOTS ARE 1.169 ACRES EACH. THE
PLANNING COMMISSION REVIEWED AND APPROVED THE RECORD
PLAT IDENTIFIED AS LUMA SUBDIVISION AT ITS AUGUST 7,
2012 REGULAR MEETING.

H. SPRING RUN ESTATES RECORD PLAT

**COMMISSIONER PATE OFFERED, SECONDED BY COMMISSIONER
ABBOTT AND CARRIED TO APPROVE THE CONSENT AGENDA.**

CHAIRMAN CARTER CLOSED THE REGULAR MEETING AND
OPENED THE PUBLIC HEARING.

IV. PUBLIC HEARING ATTORNEY JEFF GOODMAN - SEPTIC TANK
ORDINANCE

ATTORNEY GOODMAN ADDRESSED THE BOARD AND REFERENCED THAT
AT THE LAST MEETING COMMISSIONER BROCK ASKED HIM TO
PREPARE AN ORDINANCE WHERE BY THE BOARD ADDRESS CERTAIN
CHANGES THAT HAVE BEEN MADE OVER THE PAST 3 YEARS WITH
RESPECT TO SEPTIC TANK LAWS THAT HAVE COME FROM THE STATE
OF FLORIDA. SPECIFICALLY COMMISSIONER BROCK ASKED FOR AN

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ORDINANCE TO SAY THAT WE ARE OPTING OUT OF ANY MANDATORY INSPECTION REQUIREMENT THAT MAY BE MANDATED PURSUANT TO THE CURRENT FLORIDA SEPTIC TANK LAW. THE NEW LAW SAYS THAT IF YOU HAVE A MAGNITUDE 1 SPRING IN YOUR COUNTY, THEN YOU MUST OPT OUT OF CERTAIN INSPECTION REQUIREMENTS. CURRENTLY AS FAR AS WE KNOW, WE DON'T HAVE A MAGNITUDE 1 SPRING.

ATTORNEY GOODMAN READ THE SEPTIC TANK ORDINANCE THAT HE HAD PREPARED.

COMMISSIONER PATE REFERENCED THE ORDINANCE SAYING THAT IF YOU OPT OUT YOU HAVE TO HAVE YOUR OWN WAY OF HANDLING IT. HE ASKED HIM IF WE NEED TO MOVE 1 STEP FURTHER.

ATTORNEY GOODMAN ADVISED HIM NO HE DOESN'T THINK SO. IF WE OPT OUT OF HAVING A MAGNITUDE 1 SPRING THEN WE WOULD NEED A PLAN BECAUSE WE DON'T CURRENTLY HAVE 1. SHOULD WE EVER GET WHERE WE ARE IN COMPLIANCE WITH THE TRIGGERING MECHANISM WITH THE PLAN FOR HAVING ROUTINE INSPECTIONS THE ORDINANCE WOULD NEED A SUPPLEMENT TO CREATE A PLAN SO THAT WE WILL HAVE SOME KIND OF INSPECTION PROGRAM BUT RIGHT NOW NONE IS NECESSARY.

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COMMISSIONER PATE ASKED ATTORNEY GOODMAN IF THE POINT HE WAS TRYING TO MAKE IS THEY ARE TRYING TO HEAD SOMETHING OFF AND HE THINKS THAT THE BOARD NEEDS A PLAN.

ATTORNEY GOODMAN ADDRESSED THE BOARD THAT IF YOU HAVE A PLAN WHAT YOU ARE DOING IS TRYING TO PLAN BEFORE AN ECOLOGICAL, WATER SYSTEM OR TRIGGERING FACTOR THAT YOU DON'T KNOW WHAT IT IS AND HOW IT EXISTS AT THIS POINT IN TIME, WHICH COULD BE DIFFICULT TO DO. SHOULD THE BOARD DECIDE THEY WANT TO FORM A PLAN BEFORE WE KNOW WHAT THE TRIGGERING MECHANISM IS THAT IS PROBABLY SOMETHING THAT COUNTY MANAGER JOYNER, THE STAFF AND MYSELF COULD TRY AND FIGURE OUT AND BRING BACK TO THE BOARD.

COMMISSIONER BROCK ADVISED COUNTY ATTORNEY GOODMAN THAT HIS CONCERN IS IN THE ORDINANCE IT SAYS OTHER CIRCUMSTANCES AND IT DOESN'T LIST THOSE CIRCUMSTANCES. WITH SPRING RUN AND POTTER SPRINGS THAT RUN IN TOGETHER AND THE OUTLET GOES INTO THE CHOCTAWHATCHEE RIVER.

ATTORNEY GOODMAN ADDRESSED THE BOARD THAT THIS IS 1 OF THOSE NEW STATUTES THAT HADN'T BEEN LITIGATED. WHOEVER TESTS THE WATERS FIRST WILL BE THE GUINEA PIG. WE HAVE BEEN TOLD BY SEVERAL STATE AGENCIES THAT WASHINGTON COUNTY, RIGHT NOW ISN'T A TRIGGERING OR QUALIFYING COUNTY

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AND THEY DON'T HAVE TO EXEMPT THEMSELVES OUT IF THEY
DON'T WANT TO.

COMMISSIONER PATE ADDRESSED ATTORNEY GOODMAN THAT HE
ISN'T AGAINST THIS BUT HIS CONCERN IS HE THINKS SOME TIME
OR ANOTHER WE NEED TO BE READY AND TAKE IT 1 STEP
FURTHER.

ATTORNEY GOODMAN ADDRESSED THE BOARD THAT THE ORDINANCE
CAN BE PASSED TODAY AND HE AND COUNTY MANAGER JOYNER CAN
BE WORKING ON A PLAN TO HAVE IN PLACE FOR THE BOARDS
APPROVAL TO SUPPLEMENT THIS ORDINANCE AT A LATER DATE.

CHAIRMAN CARTER CLOSED THE PUBLIC HEARING.

COMMISSIONER BROCK OFFERED A MOTION, SECONDED BY
COMMISSIONER PATE AND CARRIED TO PASS THE SEPTIC TANK
ORDINANCE TO OPT OUT FOR WASHINGTON COUNTY. MOTION
PASSED UNANIMOUSLY.

V. AGENDA ITEMS

VI. NON AGENDA AUDIENCE

VII. COUNTY MANAGER

COUNTY MANAGER JOYNER ADDRESSED THE BOARD IN REFERENCE TO
MEMBER LINDA MCCLELLAN SUBMITTING HER LETTER OF

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RESIGNATION FROM THE MSBU BOARD. COUNTY MANAGER JOYNER SAID THAT THE NEW POTENTIAL MEMBER IS MR. MARK KIRK.

COMMISSIONER PATE OFFERED A MOTION, SECONDED BY COMMISSIONER ABBOTT AND CARRIED TO ACCEPT LINDA MCCLELLAN'S RESIGNATION.

COMMISSIONER BROCK OFFERED A MOTION, SECONDED BY COMMISSIONER PATE AND CARRIED TO ADD MR. MARK KIRK TO THE MSBU BOARD.

COUNTY MANAGER JOYNER ADDRESSED THE BOARD IN REFERENCE TO A LETTER THE CITY OF VERNON SUBMITTED REQUESTED THAT THE BOARD CONVEY ALL TITLE, INGRESS AND EGRESS ASSOCIATED IMPROVEMENTS TO THE BOAT RAMP LOCATED AT THE CITY PARK BY THE VERNON BRIDGE. THE CITY AGREES TO MAINTAIN THE BOAT RAMP AS PART OF THE ONGOING IMPROVEMENTS TO THE PARK.

CHAIRMAN CARTER ASKED FOR A MOTION FOR COUNTY MANAGER JOYNER TO GET WITH ATTORNEY GOODMAN AND DRAFT THE NECESSARY AGREEMENT FOR THE CITY OF VERNON TO ASSUME THE RESPONSIBILITY OF MAINTAINING THE PARK. THEY ALREADY OWN THE PROPERTY AND WE WOULD JUST BE CONVEYING ANYTHING AS FAR AS BOAT RAMP STUFF AND WORK.

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COMMISSIONER ABBOTT ASKED IF THE CITY OF VERNON WAS GOING TO REQUIRE THEM TO DO ANY MAINTENANCE OR SUPPLY ANYTHING TO THEM.

CHAIRMAN CARTER ADVISED HIM NO THEY WON'T.

COMMISSIONER ABBOTT OFFERED A MOTION, SECONDED BY COMMISSIONER PATE AND CARRIED FOR COUNTY MANAGER JOYNER TO GET WITH ATTORNEY GOODMAN AND DRAFT THE NECESSARY AGREEMENT FOR THE CITY OF VERNON TO ASSUME THE RESPONSIBILITY OF MAINTAINING THE PARK. THEY ALREADY OWN THE PROPERTY AND WE WOULD JUST BE CONVEYING ANYTHING AS FAR AS BOAT RAMP STUFF AND WORK. MOTION CARRIED UNANIMOUSLY.

COUNTY MANAGER JOYNER ADDRESSED THE BOARD THAT HE AND ATTORNEY GOODMAN HAVE STARTED A ROUGH DRAFT ON THE PARK ORDINANCE AND HE WOULD LIKE THE BOARD TO PICK A MEMBER FROM THEIR DISTRICT FOR A COMMITTEE FOR THE PARK ORDINANCE. THE PARKS AND RECREATION DIRECTOR, DAVID CORBIN WILL BE ON IT AS WELL. COUNTY MANAGER JOYNER REQUESTED THE NAMES BY THE NEXT MEETING.

COMMISSIONER PATE OFFERED A MOTION TO APPROVE COUNTY MANAGER JOYNER'S REQUEST AND SECONDED BY COMMISSIONER

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**ABBOTT AND CARRIED TO ACCEPT NAMES FOR THE PARK ORDINANCE
COMMITTEE TO BE TURNED IN BY SEPTEMBER 13, 2012.**

VIII. CLERK - NONE

IX. DEPUTY CLERK - NONE

X. CHAIRMAN & COMMISSIONERS -

COMMISSIONER BROCK - NONE

COMMISSIONER PATE - NONE

COMMISSIONER ABBOTT RECOGNIZED MR. RANDY TRUETTE AND HIS DEPARTMENT FOR THE GRANT, WRITTEN BY THEM WHICH ALLOWED THEM TO GET AN AMBULANCE. THE GRANT CALLED FOR VERY LITTLE MATCHING MONEY.

MR. RANDY TRUETTE EXPRESSED HIS THANKS.

XI. ATTORNEY

ATTORNEY GOODMAN ADDRESSED THE BOARD IN REFERENCE TO POWERLINE ROAD LEGAL ISSUES. HE RECEIVED A LETTER FROM MR. HUNTER, SPRING RIDGE'S ATTORNEY WHICH HE HANDED OUT TO EACH COMMISSIONER. THE PREVIOUS DEBATE WAS WHETHER THE COUNTY SHOULD OR SHOULDN'T ABANDON POWERLINE ROAD PURSUANT TO THE POWERS GIVEN TO THE BOARD OF COUNTY COMMISSIONERS.

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THE BOARD NEEDS TO BE AWARE OF THE POSITION SPRING RIDGE IS CURRENTLY TAKING; THE POSITION THAT HAVING THAT COUNTY ROAD PASS THROUGH THOSE LOTS WILL ESSENTIALLY BE A COMPENSABLE TAKING. NOT IN A THREATING WAY NECESSARILY, BUT IN AN INFORMATIVE WAY THE BOARD NEEDS TO REALIZE (1) SPRING RIDGE HAS CLAIMED THAT THE ROAD, BY BEING PLACED IN THESE LOTS IS A COMPENSABLE TAKING BASED ON THE 5TH AMENDMENT. SPRING RIDGE ESTIMATES THE VALUE OF EACH LOT AT \$15,000.00 FOR A TOTAL LOSS OF \$165,000.00. THEY RECEIVED THESE NUMBERS FROM SOME RECENT LITIGATION THAT FLORIDA GAS AND TRANSMISSION WAS INVOLVED WITH. IF THE BOARD CHOOSES NOT TO ABANDON POWERLINE ROAD THERE WILL LIKELY BE LITIGATION WITH SPRING RIDGE NOT NECESSARILY FROM THE PROPERTY OWNER WHO BROUGHT THE ABANDONMENT REQUEST BUT AN ADJOINING PROPERTY OWNER. IT HAS NOW TURNED INTO NOT ONLY A SINGLE PROPERTY OWNER ASKING FOR A PORTION OF POWERLINE ROAD TO BE ABANDONED BUT IT HAS NOW BLOSSOMED INTO A POTENTIAL TAKING CASE BASED ON THE VALUE OF THE LOTS IN SPRINGRIDGE.

ATTORNEY GOODMAN CLARIFIED WITH CHAIRMAN CARTER THAT YOU WOULD EFFECTUATE THE CLOSING THAT DISCUSSED IN THE LAST MEETING.

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**COMMISSIONER PATE OFFERED A MOTION, SECONDED BY
COMMISSIONER ABBOTT AND CARRIED TO CLOSE POWERLINE ROAD
ACCORDING TO THE REQUEST THAT HAS BEEN SUBMITTED BY THE
INDIVIDUAL.**

COMMISSIONER BROCK WAS OPPOSED.

ATTORNEY GOODMAN ADDRESSED THE BOARD IN REFERENCE TO THE STATUS OF PROJECT PIPE. HE PASSED OUT A MODIFICATION/EXTENSION AGREEMENT THAT HAS BEEN PROVIDED BY CAPITAL CITY BANK. BACK IN LATE JUNE OR EARLY JULY THE GOVERNOR TURNED THE STATUS OF THIS PROJECT OVER FROM THE DEO TO THE FDOT NOW. IN THE PAST 12-18 MONTHS THE BOARD HAS GONE THROUGH 3 DIFFERENT AGENCIES; OTTED, DEO AND NOW FDOT. FDOT IS NOW IN CHARGE OF THE PROJECT AND OVER SEEING THE FUNDS. THE PROJECT ITSELF HAS RUN INTO SOME SIGNIFICANT ROAD BLOCKS WITH RESPECT TO THE TIMING OF THE RELEASE OF THE GRANT FUNDS. IT HAD GOTTEN TO SUCH A POINT THAT EARLIER IN THE SPRING HE SENT AN INITIAL REQUEST AFTER MEETING WITH THE DEO AND THE PROJECT 3RD PARTY, THE CONCRETE COMPANY AFTER MEETING WITH THEM IN TALLAHASSEE TO PURCHASE THE PROPERTY BACK PURSUANT TO THE CONTRACT THE BOARD HAS WITH THE CONCRETE COMPANY. SINCE THEN THE CONCRETE COMPANY HAS MADE SOME OVERTURES TO COME OFF SOME OF THE POSITIONS THEY COULD TAKE WITH RESPECT TO

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THE FINANCING CONTROL AND THE TIMING OF CERTAIN FACILITIES ON THE PROPERTY. THE BOARD MAY OR MAY NOT HAVE SEEN THE LETTER THAT WAS COPIED TO ALL BOARD MEMBERS SENT FROM FRANK FOLEY TO EITHER HULAN CARTER OR STEVE JOYNER. ATTORNEY GOODMAN RESPONDED WITHIN 10 DAYS AND IT WAS APPROVED BY COUNTY MANAGER JOYNER AND CHAIRMAN CARTER. IT CLARIFIED SOME ISSUES THAT WERE INCLUDED IN THEIR LETTER AND OUR POSITION WAS RESTATED IN HOW THE PROJECT WILL BE FINISHED SHOULD IT BE FINISHED AND IF THOSE CONDITIONS AREN'T MET THE BOARD WILL BUY BACK THE PROPERTY.

THE BOARD NEEDS TO BE AWARE EARLIER IN JANUARY 2012 THE LOAN WITH CAPITAL CITY BACK WAS EXTENDED THROUGH AUGUST. THE REASON IT WAS EXTENDED THROUGH AUGUST WAS BECAUSE AT THAT TIME THAT WAS THE BACKDROP ON THE GRANT. THE GRANT NOW RUNS THROUGH 2014. THE LOAN RUNS OUT AUGUST 25 AND THE BOARD HAS A DECISION TO MAKE. DOES THE BOARD PULL THE LOAN AND REPAY IT AND DROP THE PROJECT OR DOES THE BOARD CONTINUE TO NEGOTIATE WITH FRANK FOLEY AND EXTEND THE LOAN FOR 90 DAYS AND ALSO ALLOW THE BOARD TIME TO GET FDOT UP TO SPEED WITH RESPECT TO WHERE THE PROJECT IS. THE COMBINATION OF THE TRIGGERING, BUY BACK AND THE

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SWAPPING OF THE DEPARTMENTS THAT ARE OVERSEEING THE PROJECT HAS CAUSED FOR DELAY.

ATTORNEY GOODMAN RECOMMENDED THE BOARD ADD 90 DAYS TO THE CURRENT LOAN TO SEE IF THERE CAN BE A RESOLVE. CHAIRMAN CARTER AND COUNTY MANAGER JOYNER HAVE BEEN UP TO BREAST WITH ALL CORRESPONDENCE SENT TO THE REPRESENTATIVES OF THE CONCRETE COMPANY. IF THE BOARD CHOOSES TO PULL THE \$700,000.00 BACK AND REPAY THE LOAN ESSENTIALLY WHAT THE BOARD WILL BE DOING IS PULLING THE PLUG ON THE PROJECT AND THAT NEEDS TO BE MADE CLEAR TO THE BOARD. THE BOARD CERTAINLY HAS THE RIGHT AS POLICY MAKERS OF THE COUNTY AND CONTROL OF THE FUNDS TO DO THAT.

COMMISSIONER PATE ASKED CLARIFIED WITH ATTORNEY GOODMAN THAT THIS MONEY IS TIED TO THE RAILROAD SPUR. ATTORNEY GOODMAN AGREED.

COMMISSIONER ABBOTT ADDRESSED ATTORNEY GOODMAN THAT HE RECEIVED THE SAME CERTIFIED LETTER AS HE DID AND HE WOULD LIKE TO RECEIVE ANY CORRESPONDENCE THAT IS GOING BACK AND FORTH HE REQUESTED TO BE IN THE LOOP ON THAT. HE WAS VERY SPECIFIC LAST TIME AN EXTENSION WAS ASKED FOR ON THIS LOAN THAT YOU FELT CONFIDENT WE WOULDN'T COME BACK AND ASK FOR ANOTHER EXTENSION AND WE WERE ALL FAIRLY CONFIDENT OF THAT. THE REASON THAT WE ARE AGAINST THE

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DEADLINE IS BECAUSE WE HAVE BEEN WORKING WITH 3 DIFFERENT AGENCIES.

ATTORNEY GOODMAN ADDRESSED COMMISSIONER ABBOTT THAT WORKING WITH 3 DIFFERENT AGENCIES IS 1 OF THE FACTORS. THE OTHER 1 IS THERE WAS A MEETING IN MARCH OR APRIL WITH SEVERAL STATE OFFICIALS; I, THE CONCRETE COMPANY, CHAIRMAN CARTER AND COUNTY MANAGER JOYNER WERE IN ATTENDANCE. NOTHING WAS ACCOMPLISHED AT THAT MEETING. THERE AFTER HE RE-READ THE POSITION OF THE COUNTY TO THE CONCRETE COMPANY THAT THEY FELT LIKE AT THIS TIME IT WOULD BE BETTER FOR ALL PARTIES TO MOVE FORWARD WITH PURCHASING THE PROPERTY BACK IN AN EFFORT TO SECURE PURSUANT TO THE CONTRACT TO GO OUR SEPARATE WAYS. SINCE THEN THERE HAVE BEEN 2 PIECES OF CORRESPONDENCE WHERE BY, HE DOESN'T WANT TO SAY THEY DELAYED THAT BUY BACK PROCESS BUT THEY HAVE TRIED TO RE-EFFECTUATE WHAT THEY ARE WILLING TO DO TO SEE THE PROJECT THROUGH FRUITION. THAT COMBINED WITH THE CHANGING OF THE DEPARTMENTS HAS CAUSED A 2-3 MONTH DELAY IN WHERE HE THOUGHT THEY WOULD BE. HE DID FEEL LIKE THIS WOULD BE RESOLVED AT THIS TIME BUT HE WAS MISTAKEN. THE BOARD DOESN'T HAVE TO EXTEND THIS LOAN. IF IT ISN'T EXTENDED HE HAS MADE CLEAR OF THE CONSEQUENCES. FROM A POLICY STANDPOINT HE CAN UNDERSTAND

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WHY THE BOARD MAY NOT BE WILLING TO EXTEND THE LOAN BUT HE DOESN'T WANT THERE TO BE A FEELING THAT THE BOARD ISN'T GOING TO EXTEND IT AND THE PROJECT MOVE FORWARD BECAUSE THE 3RD PARTY, CSX THE RAILROAD COMPANY, ONCE WE TAKE THE MONEY FROM THE ESCROW ACCOUNT THAT ESSENTIALLY PULLS THE PLUG ON THEIR PORTION OF THE PROJECT. IF WE ARE EVER ABLE TO GET SOMETHING DONE WITH THEM IN THE FUTURE IT WILL CERTAINLY DELAYED BASED ON THE PULLING OF THESE FUNDS. THAT IS THE RAMIFICATIONS. IT ISN'T NECESSARY THE PULLING OF THE PLUG WITH FRANK FOLEY OR THE CONCRETE COMPANY. IT WILL BE THE PULLING OF THE PLUG WITH CSX.

COMMISSIONER BROCK ASKED ATTORNEY GOODMAN HOW MANY YEARS HAS THIS BEEN GOING ON. ATTORNEY GOODMAN RESPONDED THAT HE SHOWED UP IN NOVEMBER 2010 AND HE THINKS THAT WE WERE LOOKING AT 2006/2007 WHEN HE CAME ON BOARD. THIS LOAN WAS TAKEN OUT ORIGINALLY IN JANUARY/FEBRUARY 2011. THAT WAS REALLY HIS FIRST EXPOSURE TO THE PROJECT.

COMMISSIONER BROCK ADDRESSED THE BOARD THAT THERE'S A CONCRETE COMPANY THAT WANTS TO COME IN WASHINGTON COUNTY AND LIKE YOU THERE HAS BEEN SEVERAL OCCASIONS OF PEOPLE THAT STOOD BEFORE THAT PODIUM ASKING FOR A LITTLE BIT MORE TIME. THE MAIN THING THAT WORRIES HIM IS THAT THE

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CDBG GRANT HAS BEEN TIED UP FOR 6 YEARS AND ROADS COULD HAVE BEEN BUILT. THE LAST 1 WAS IN BUCKHORN ABOUT 7 YEARS AGO. COMMISSIONER BROCK ADVISED ATTORNEY GOODMAN THAT HE IS GOING TO BE THE LAST STRAW.

ATTORNEY GOODMAN ADDRESSED THE BOARD THAT HE DOESN'T LIKE PROJECTS THAT GO LIKE THIS AND IT TAKES 2 PARTIES TO TANGO. WE HAVE PUSHED AND PUSHED THIS PROJECT WITH THE CONTRACTS THAT ARE IN EFFECT AND WERE EXECUTED BY THE BOARD BACK IN 2006/2007 TO THE POINT WHERE WE ARE AT THE EDGE ABOUT TO EITHER JUMP OFF OR PUSH IT FORWARD. COUNTY MANAGER JOYNER AND CHAIRMAN CARTER HAVE SPENT A GREAT DEAL OF TIME WITH HIM IN NOT ONLY DEALING WITH THE STATE BUT DEALING THE CONCRETE COMPANY IN VERY DIFFICULT NEGOTIATIONS. HE FEELS THAT ULTIMATELY THE DESIRE OF THE BOARD IS THE SAME AS THE DESIRE OF THE PUBLIC AND THAT IS TO CREATE JOBS FOR THE CITIZENS. THE CONCRETE COMPANY, BASED ON THEIR LAST LETTER HE THINKS KNOWS THAT THE COUNTY IS WILLING TO WALK AWAY. THE BOARD HAS ASKED FOR THE NUMBERS TO PURCHASE THE PROPERTY BACK AND PROOF OF THE NUMBERS SO THEY KNOW WE ARE SERIOUS WHEN WE SAY WE ARE WILLING TO BUY IT BACK AND GO ANOTHER DIRECTION. THAT MAY ENCOURAGE THEM TO BRING THE PROJECT TO FRUITION; HE HOPES IT DOES BUT HE THINKS THAT IT'S COMING TO A

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HEAD. HE WILL MAKE SURE THAT ALL BOARD MEMBERS ARE PROVIDED WITH A COPY OF THE RESPONSIVE LETTER THAT WAS SENT TO THEM ABOUT A WEEK AND A HALF AGO.

COMMISSIONER BROCK ADDRESSED THE BOARD THAT HE HAS BENT OVER BACKWARDS TRYING TO GET JOBS IN THIS COUNTY. YOU CAN ONLY GO SO FAR AND THAT IS WHY HE IS SAYING THAT ATTORNEY GOODMAN IS THE LAST STRAW AND HE IS GOING TO GO WITH THE ATTORNEY'S RECOMMENDATION BUT AFTER THAT IT'S IT.

ATTORNEY GOODMAN ASKED COMMISSIONER BROCK YOU'RE GIVING ME 90 DAYS. COMMISSIONER BROCK AGREED.

COMMISSIONER PATE ADDRESSED THE BOARD THAT HE HAS BEEN INVOLVED IN THIS EVERY SINCE HE CAME ON BOARD AND THERE HAS BEEN 3 OR 4 DIFFERENT TIMES THAT HE WANTED TO PULL THE PLUG ON IT. CANDIDATES OUT THERE KEEP THIS IN MIND; YOU CAN PROMISE AND PROMISE BUT YOU RUN INTO THIS ABOUT EVERY TIME YOU START DEALING WITH THESE FOLKS BECAUSE THEY EXPECT THE BOARD TO GIVE THEM EVERYTHING AND WE CAN'T DO THAT. WHEN THE MONEY WAS BORROWED IF HE REMEMBERS CORRECTLY WE WERE JUST ON THE POINT OF GETTING SOMETHING DONE OUT THERE AND IT WAS DRUG OUT AND HE IS TIRED OF IT. AS WITH COMMISSIONER BROCK HE WILL GO FOR AN EXTENSION BUT AT THAT TIME HE WANTS THE BOARD TO GET THAT

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BACK OR HAVE SOMETHING OUT THERE WHERE THE RAILROAD SPUR
CAN BE DONE.

CHAIRMAN CARTER ADDRESSED THE BOARD THAT THERE HAS BEEN A
GRANT ISSUED OUT THERE BASED ON JOBS AND IF WE CAN'T
FOLLOW THROUGH WE HAVE ALREADY GOTTEN THEM TO EXTEND THE
CDBG GRANTS A COUPLE OF TIMES TO GIVE US TIME TO WORK ON
THIS. THIS COUNTY IS LIABLE TO PAY \$30,000.00 PER THE 22
JOBS THAT WE PROMISED THAT HAVEN'T COME TO BE FULFILLED
SO THAT MONEY NEEDS TO BE ADDED IN THERE AS WELL.

ATTORNEY GOODMAN ADDRESSED THE BOARD THAT WE ARE IN A
SITUATION WHERE WE ARE DEALING WITH NOT ONLY GRANTS BUT
CONTRACTS THAT WERE EXECUTED IN 2007/2008 WITH RESPECT TO
THE PROJECT. WE ARE BOUND BY THE TERMS OF THOSE
CONTRACTS TO FULFILL THE OBLIGATIONS AND IT IS HARD TO
REWRITE A CONTRACT. WE ARE FULFILLING OUR TERMS OF THE
CONTRACT BUT AT THE SAME TIME PRESSING FORWARD WITH OUR
OPTION TO BUY THE PROPERTY BACK IF WE SO CHOOSE TO.

**COMMISSIONER PATE OFFERED A MOTION, SECONDED BY
COMMISSIONER BROCK AND CARRIED TO EXTEND THE LOAN WITH
CAPITAL CITY FOR 90 DAYS. MOTION CARRIED UNANIMOUSLY.**

ATTORNEY GOODMAN ADDRESSED THE BOARD IN REFERENCE TO A
DRAFT COPY OF AN UPDATED VERSION OF THE FAMILY MEDICAL

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LEAVE ACT. THERE DOESN'T NEED TO BE ANY ACTION TAKEN ON THIS TODAY. HEATHER FINCH HAS LOOKED AT SOME POLICY ISSUES AND HE HAS OVERSEEN IT IN RESPECT TO LEGAL PURPOSES TO MAKE SURE THE BOARD IS IN COMPLIANCE WITH THE FMLA. IT HAS ALSO BEEN SENT TO FACT TO MAKE SURE THEY ARE COMFORTABLE WITH THE LANGUAGE. FMLA IS CURRENTLY IN THE POLICY MANUAL BUT THE MANUAL IS CURRENTLY IN A CIRCULATION OF DRAFTS. THIS ONE, KIND OF LIKE THE DRUG POLICY DOESN'T NEED TO BE DELAYED TOO LONG. HE ASKED THE BOARD TO LOOK IT OVER AND CONTACT HIM OR HEATHER IF THEY HAVE ANY QUESTIONS.

COMMISSIONER ABBOTT ASKED ATTORNEY GOODMAN IF THE FMLA IS MANDATED BY THE STATE. ATTORNEY GOODMAN SAID YES IT IS A FEDERAL LAW. IT GIVES YOU AN EXTENDED TIME PERIOD TO BE OUT WHERE BY THE BOARD CAN'T DISPLACE SOMEONE FROM THEIR JOB UNDER CERTAIN CIRCUMSTANCES PURSUANT TO FMLA. EVERY COUNTY HAS A FMLA POLICY.

ATTORNEY GOODMAN ADDRESSED THE BOARD THAT WE HAVE BEEN IN A CONTINUING DISPUTE WITH BAY COUNTY AND THE NORTH WEST FLORIDA WATER MANAGEMENT DISTRICT OVER THE PLACEMENT OF CERTAIN WELL FIELDS AND A POTENTIAL CONSUMPTION USE PERMIT THAT WAS GOING TO BE ISSUED BY THE NORTH WEST FLORIDA WATER MANAGEMENT DISTRICT WITH RESPECT TO THOSE

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WELL FIELDS. THOSE WELL FIELDS WERE GOING TO BE RIGHT ON THE COUNTY LINE AT THE SOUTHERN PART OF THE COUNTY. THERE WERE SEVERAL PUBLIC HEARINGS, WE WERE IN LITIGATIONS FOR MONTHS IN TALLAHASSEE, SEVERAL HUNDREDS OF THOUSANDS (PROBABLY MILLIONS) HAVE BEEN SPENT LITIGATING THIS MATTER AND IN THE LAST 30 DAYS WE RECEIVED A RULING FROM THE ADMINISTRATIVE LAW JUDGE WHICH SIDES FOR OUR POSITION THAT THE REASON STATED BY BAY COUNTY ARE NOT APPROPRIATE FOR THE USE PERMIT THEY REQUESTED FOR THE NORTH WEST FLORIDA WATER MANAGEMENT DISTRICT. THAT IS A HUGE WIN FOR THE CITIZENS OF THIS COUNTY. WATER IS 1 OF OUR PRIMARY RESOURCES HERE AND THE LONG TERM EFFECT ESPECIALLY IN A DROUGHT PERIOD OF THE AMOUNT OF WATER THEY WERE GOING TO BE DRAWING WAS GOING TO AFFECT THE CITIZENS OF THE COUNTY. THE ADMINISTRATIVE LAW JUDGE FOUND AS SUCH. ATTORNEY GOODMAN OFFERED THANKS TO THE BOARD FOR FIGHTING THIS AND TAKING A STANCE TO PROTECT THE CITIZENS. THIS IS A HUGE VICTORY AND HAS AN IMPACT THAT WILL LAST FOR GENERATIONS.

ATTORNEY GOODMAN ADVISED THAT THERE IS AN EXECUTIVE SESSION SET UP FOR AFTER THIS MEETING AT 10:00 A.M. THE ISSUE THAT WILL BE AT HAND IS YATES V. WASHINGTON COUNTY COMMISSIONERS. THE PEOPLE THAT WILL BE INVOLVED IN THE

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EXECUTIVE SESSION WILL BE THE COMMISSIONERS, THE COUNTY
MANAGER, COUNTY LAWYER AND COURT REPORTER.

COMMISSIONER BROCK EXPRESSED HIS THANKS TO ATTORNEY
GOODMAN.

CHAIRMAN CARTER ADDRESSED THE BOARD THAT THE LAST
SIGNATURES HAVE BEEN RECEIVED ON CLAYTON ROAD SO
EVERYTHING SHOULD BE READY TO PROCEED.

CHAIRMAN CARTER CALLED A RECESS UNTIL 10:00 A.M. AND THEN
EXECUTIVE SESSION.

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EXECUTIVE SESSION

ATTORNEY GOODMAN ADDRESSED THE PUBLIC THAT AN EXECUTIVE WAS STRICTLY ABOUT YATES V. WASHINGTON COUNTY, CASE#67-10-CA-185. THERE DOESN'T NEED TO BE ANY ACTION TAKEN BY THE BOARD AT THIS TIME BUT THERE WILL BE AN EXECUTIVE SESSION ON THIS IN SEPTEMBER SO THAT THE BOARD CAN CONTINUE TO EXPLORE THE OPTIONS THAT ARE INVOLVED WITH THE CURRENT STATUS OF THIS LITIGATION.

COMMISSIONER PATE OFFERED A MOTION, SECONDED BY COMMISSIONER ABBOTT AND CARRIED TO ADJOURN.

ATTEST: _____

RISHA BRANTLEY, DEPUTY CLERK

HULAN CARTER, CHAIRMAN