

WASHINGTON COUNTY BOARD OF COUNTY COMMISSIONERS

November 15, 2022, 9:00 a.m., Commission Board Room

1331 South Blvd., Chipley, FL 32428

DISTRICT 1
Alan T Bush

DISTRICT 2
Charles Kent

DISTRICT 3
Tray Hawkins
Chairman

DISTRICT 4
Todd Abbott
Vice-Chairman

DISTRICT 5
David Corbin

I. PROCLAMATION

A. Call to Order – Chairman

B. Invocation – Johnny Evans

C. Pledge

D. Oath of Office - Wesley Griffin – Effective Date – 11/22/2022

E. Oath of Office - David Pettis, Jr. – Effective Date – 11/22/2022

The oath of offices was conducted by Judge Peel.

F. Reception

G. Reorganization of the Board -

Chairman Hawkins confirmed with Attorney Fuqua that the reorganization meeting will be held at the December meeting.

Present – Tray Hawkins, Chairman, Commissioners Charles Kent, Alan T. Bush, and David Corbin. Also in attendance were Jeff Massey, County Administrator, Matt Fuqua, County Attorney, Lora C. Bell, Clerk of Court, and Risha Brantley, Deputy Clerk. Commissioner Abbott was not present.

Agenda Item 9. – Recognition of Vernon Middle School Mural Design Winner, Nylah Brown – Chairman Hawkins recognized Nylah Brown for her accomplishment. A competition was held at Vernon Middle School for students to participate in designing a mural, which would be painted on the wall of Hunter Park. Nylah Brown opted to donate the prize of a \$500.00 scholarship back to Vernon Middle School to purchase arts and crafts supplies.

II. PUBLIC HEARING

- Request to Change the Future Land Use Map for 26.47 acres from Residential

Summary Minutes Prepared by Risha Brantley

Medium 1 to General Commercial - Dawn McDonald, Senior Planner presented an application submitted by Aaron Lovett for property located on Main Street, Chipley. Three parcels are included in the application. The property is surrounded by commercial development and commercial land uses. The public noticing requirements were met, and a neighborhood meeting was held on October 20. The planning commission and staff recommended approval. There was no opposition from the public.

- Request for a Special Exception, and a Major Development Review Application (with Variance Request), to allow for the construction or collocation of a broadband internet tower within the Residential Low Future Land Use Map Category - Dawn McDonald, Senior Planner presented an application for a tower host site for broadband on private property located on Creek Road. This is part of the county-wide broadband project. The property is 39-acres. Any new tower located within the county requires a special exception/special permission of the board. The public noticing requirements were met. Health was a concern expressed as a reason to oppose the land-use change.

Staff recommended denial based on the need for additional information, and locational criteria. The planning commission tabled the application until the November 7 meeting. During that time Wildstar responded to the neighbor's concerns.

A neighbor suggested the tower should be located on the solar farm property. Using donated land allows Wildstar to reduce cost, which is a part of the goal.

Neighbors located to the south are in support of the land use change.

Based on the new information staff recommended approval. The planning commission recommended approval of the special exception. Regarding the development application they suggested that a fence should be included,

therefore opposing the variance.

The variance was initially requested for the landscaping at the base of the tower.

8' fencing with barbed wire on the top is required for towers. Staff thought that requirement would be more appropriate for a public park where access is easier. There will be limited access to the towers. There is fencing around the perimeter of the property, which would limit access, which was the reason for requesting the variance from the fence.

The planning commission suggests that a fence should be at the base of the tower for security and safety reasons.

Chairman Hawkins agreed.

- Request for a Change to the County Future Land Use Map for 44.92 Acres from Agriculture/Silviculture to Industrial - Chairman Hawkins advised that a public hearing has been held on this. The item was tabled.

Dawn McDonald, Senior Planner provided an overview. This item was heard at the October board and planning meetings. The industrial use request is for an asphalt plant.

The applicant provided additional information since the last meeting, which has been provided to the board prior to the meeting. He also sent information to include in the presentation today. A new site plan has been provided, since more of a concept plan was provided to the board in October. The applicant indicated on the plan that the entire site would not be developed.

Neighbors are opposed to the change for several reasons. Some are wildlife
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protection and impacts due to the operation of the plant on the site. The staff and the planning commission recommended denial.

Hunter Shaw, ASC Venture I addressed the board. The proposal is to reduce the request from 45-acres to 8-acres of industrial. It is proposed to have a legally bound deed rustication on the 8-acres of industrial preventing any other uses on the property other than the asphalt plant unless approval is given from the Washington County Board of County Commissioners.

Letting people outside this area and other citizens' complaints affect the board's decision to approve the project will have lasting impacts, such as other potential industries selecting to put their business somewhere other than Washington County. This could also influence large-scale developments from taking place here. Growth is inevitable. Allowing the plant would allow contractors to lower their bids and the value of property would be improved.

It has been said that the paving plan within the next five years will include over 100-tons of asphalt. The trucking cost of this alone for 100-tons of asphalt from the Panama City plant location to the new proposed plant location for \$300.00 per load via dump truck for 5,000 loads is \$1,500,000.00 in savings in the trucking cost. The number of paved roads in the county will increase property value and lead to cleaner air and water sources. Research shows that dust from dirt roads can cause more pollution than the plant.

There is some truth to the plant employing four people and creating four jobs. 35 – 40 of their employees currently live in Washington County and are driving to Bay County to work.

Not allowing this would be a disservice to Washington County.

The plant is not a toxic material chemical plant and will not contaminate the
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water supply. The plant will have an above-ground storage tank that would be state regulated, which will require an enclosure to prevent spilling.

The cost savings to the county on trucking could exceed \$1,500,000.00. Future developers will be more attracted to the area if there is an asphalt plant in the county. This could mean a triple effect of growth.

Asphalt paving mixing facilities are well regulated by federal and state environmental agencies. They employ multiple emission control systems. The small number of emissions related from the control systems are closely monitored to ensure they remain below any permitted level set by the U.S. Environmental Protection Agency and other regulators to ensure they pose no health or environmental risk to the nearby communities.

Board approval is requested with restrictions for the asphalt plant. The plant would be located next to what is already a mining operation for the construction and road-building industry.

The following citizens spoke in opposition of the asphalt plant: Terry Pier, Lisa Kirkland, Richard Wakely, Linda Nelson, Joseph Cludier, Jack Brown, Sharon Hobbs, Sheila Perjak, Vanessa Weltlin, Bill Weltlin, Art Zediker, Jim Sloan, Tom Price, Chuck Roberts, Ann Zediker, and Benita Crittendon.

Some reasons given for the opposition are listed below:

- Plant should be put in an area already zoned for an asphalt plant
- Future effects of the plant on the area/Health concerns
- Noise level
- Affect potential property sales/lower property value
- Lack of notification of the land-use change
- Natural resources being affecting negatively
- Buyer beware/do not purchase property and be certain the land-use will be changed

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- Property owners Bill of Rights/Potential lawsuits
 - Liability for contamination
 - Water and soil should be tested prior to asphalt plant
 - Board should not be opposed to what the citizens want
 - Cleanup being left behind after the company's close
 - New board should make the decision
 - The planning commission's notification policy should be updated regarding industrial projects

Jim Slonina, Panhandle Engineering, contracted by Hunter Shaw for preliminary design work on the 200-ton per hour asphalt plant that is being proposed. Asphalt paving is non-toxic. Most of the roads are paved with it. It is not a chemical plant. The proposed plant meets all the new aspects. Trucking is the highest cost associated with batching asphalt. It also influences bids. Approximately 9-acres is needed for the asphalt plant. Most of the 9-acres is the road coming in. Approximately 6-acres would house the full facility, aggregate bins, and the storm-water management. That is almost 1000' from its own property line. The facility designed is 200% of the state's requirements. The facility would add great attributes to the county.

The following citizens spoke in support of the asphalt plant: Keith Yoman, and Frank Stanely

Some reasons given for support include the following:

- Pro-growth
- Employment

Dawn McDonald, Senior Planner commented that the full property/40+-acres would be industrial.

John Gay, Planning and Zoning Commission Chairman requested the board
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upholds their unanimous decision to deny the application.

An asphalt plant is needed in the county but not in the requested location.

Note – This is a summary and may not be in the exact order as occurred.

III. ADOPT THE AGENDA

Agenda Additions

Sale of County Owned Property – Jeff Massey

Sunday Road Resolution – Karen Shaw and Sarah Hand, Grants

Agenda Removal

10. Request for Approval for Contract Renewal for Fuqua and Milton, P.A.
14. Liaison Appointment
15. Board Schedule

Commissioner Bush offered a motion, seconded by Commissioner Kent, and unanimously carried to approve the agenda as amended.

IV. ADOPT PREVIOUS MINUTES

- Board Meeting for October 20, 2022 – **Commissioner Kent offered a motion, seconded by Commissioner Bush, and unanimously carried to approve the above-referenced minutes.**

- V. NON-AGENDA AUDIENCE - Effective October 1, 2013, Florida Statute 286.0114 mandates, that “members of the public shall be given a reasonable opportunity to be heard on a proposition before a Board or Commission.” Everyone shall have three (3) minutes to speak on the proposition before the Board. Prior to the time a meeting has been called to order, should an individual or group wish to address an item which is on the agenda for consideration, the individual or group may obtain, from the Commission Secretary or Clerk, a public comment form and may write on the form
- Summary Minutes Prepared by Risha Brantley

their name and the agenda matter which they wish to address. The completed form(s) shall be returned to the Commission Secretary/Clerk who shall provide the form(s) to the Chairperson. Should a particular group wish to address an item, they shall nominate a spokesperson to voice their ideas, comments, and concerns. In the event an individual wishes to speak on an item and has not signed up in advance, those who have signed shall be given priority and those who have not signed up may be allowed to speak at the sole discretion of the Board Chair.

VI. AGENDA ITEMS

1. Request to Change the Future Land Use Map for 26.47 acres from Residential Medium 1 to General Commercial - **Commissioner Corbin offered a motion, seconded by Commissioner Bush, and unanimously carried to approve the FLUM amendment as recommended by the planning commission and staff.**

2. Request for a Special Exception, and a Major Development Review Application (with Variance Request), to allow for the construction or collocation of a broadband internet tower within the Residential Low Future Land Use Map Category

Commissioner Kent offered a motion, seconded by Commissioner Corbin, and unanimously carried to approve the special exception and major development review application as recommended by the planning commission and staff.

3. Request for a Change to the County Future Land Use Map for 44.92 Acres from Agriculture/Silviculture to Industrial - **Commissioner Kent offered a motion, seconded by Commissioner Bush, and unanimously carried to uphold the planning commission's recommendation for denial.**

4. Opioid Settlement - Ted Howell, Perry & Young, P. A. requested approval of an opioid settlement participation settlement and agreement and release with Walmart. Washington County should receive around \$30,000.00.

Chairman Hawkins clarified with Ted Howell that he would provide the board with direction regarding how the money can be used.

Ted Howell informed the board the funds must be tied to preventative maintenance with respect to the opioid pandemic. Whether the funds can be used toward baker act expenses has not been determined.

Commissioner Bush offered a motion, seconded by Commissioner Corbin, and unanimously carried to approve the opioid settlement presented by Ted Howell.

5. Industrial Park Memorandum of Understanding - Ted Everett, Economic Development Executive Director requested approval of a MOU between Washington County and project Gantry. – **Commissioner Corbin offered a motion, seconded by Commissioner Bush, and unanimously carried to approve the MOU as presented by Ted Everett.**

Commissioner Bush confirmed that the MOU has been reviewed closely.

Attorney Fuqua responded, yes.

6. Request for Approval for the Amended and Restated Memorandum of Understanding for the Joint Regional NG 911 GIS Project – Deidra Pettis, E-911 requested approval of a MOU between Washington County and 11 counties in the event there is a disaster 911 calls can be among the 11 counties. – **Commissioner Bush offered a motion, seconded by Commissioner Corbin, and unanimously carried to approve the MOU as present by Deidra Pettis.**

7. Request for Approval for South Blvd/Kirkland Road Construction Agreement - Summary Minutes Prepared by Risha Brantley

Karen Shaw, Grants Coordinator requested approval of the construction agreement (BCL) for \$452,854.00 for South Boulevard/Kirkland Road.

Commissioner Bush offered a motion, seconded by Commissioner Corbin, and unanimously carried to approve the agreement as presented by Karen Shaw.

8. Request for Approval for South Blvd/Kirkland Road Sidewalk CEI Agreement - Karen Shaw, Grants Coordinator informed the board that a continuous services contract could not be used for this project due to the funding source being federal. Through an RFP, it is recommended to award the project to Melvin Engineering for a bid amount of \$60,452.00. – **Commissioner Kent offered a motion, seconded by Commissioner Corbin, and unanimously carried to award the project to Melvin Engineering as presented by Karen Shaw.**

Karen Shaw informed the board that man hours were negotiated instead of money.

9. Recognition of Vernon Middle School Mural Design Winner, Nylah Brown - Board Chairman – This item was addressed earlier in the meeting.
10. Sunday Road Resolution – Karen Shaw, Grants Coordinator requested approval of the agreement and resolution for Sunday Road construction. **Commissioner Kent offered a motion, seconded by Commissioner Bush, and unanimously carried to approve the construction agreement and resolution as presented by Karen Shaw.**
11. Continuing Services Contract – Sunday Road – Karen Shaw, Grants Coordinator requested approval of the task order submitted by Melvin Engineering for \$118,981.50 for CEI on Sunday Road.

Karen confirmed with the board there is no change in cost, and it falls in line with the agreement between the Department of Transportation and the Washington County Board of County Commissioners.

Commissioner Bush offered a motion, seconded by Commissioner Corbin, and unanimously carried to approve the task order for Melvin Engineering as presented by Karen Shaw.

12. Budget Amendment for EMS and Sheriff for 2021-2022 – Chairman Hawkins informed the board the budget amendment is for funds that were issued back to the Board of County Commissioners from last year’s budget. The funds will be issued back to the Washington County Sheriff’s Office to cover deliverables that did not meet the timeline needed in the previous fiscal year. – **Commissioner Kent offered a motion, seconded by Commissioner Bush, and unanimously carried to approve the budget amendment for each budget.**

Note: The letter submitted to the board showed the amendment for EMS is \$186,090.66 and the amendment for the sheriff’s office is \$707,598.56.

13. Request for Approval to Accept a \$50,000.00 pass-through grant for the Countywide Flooding Assessment – Chairman Hawkins informed the board the grant has been pushed down to Water Management who have in turn requested that the WCBOCC accept the grant for a regional study for stormwater. This is part of the resilience project/study on the south end of the county. The grant is reimbursable. – **Commissioner Corbin offered a motion, seconded by Commissioner Bush, and unanimously carried to accept the grant.**

14. 2022-2023 Renewal of Catastrophic Inmate Medical Insurance – Aaron Dudley, Human Resources informed the board the annual premium decreased

from last year. The coverage remained the same. – **Commissioner Kent offered a motion, seconded by Commissioner Bush, and unanimously carried to renew the policy above for fiscal year 2022 -2023.**

15. 2023 Holiday Schedule – **Commissioner Bush offered a motion, seconded by Commissioner Kent, and unanimously carried to approve the above-referenced holiday schedule.**

VII. FEMA COORDINATOR – Kevan Parker addressed the board.

1. The road projects are ongoing. A bid will not be issued in December. The current one will come in on December 13.
2. Funding - \$50,400,000.00; there is \$160,000.00 in validation. The number is based on checks clearing so that the RFR(s) can be submitted. \$1,800,000.00 was transferred back through the process.
3. Hurricane Sally – The first appeal has been won. The cost was estimated at \$5,200,000.00. They awarded \$3,200,000.00. 114 roads were approved out of 214. The appeal is complete, and a separate appeal will be issued for the other 100 roads. Additional pictures and maintenance records will be included with the appeal. The plan is to bid the Hurricane Sally work.
4. COVID Buyout Program – The state issued \$270,000.00 for this program. \$3,200,000.00 has been approved for Washington County. There are 24/25 houses on that buyout program. The funding will cover about 18. The homes will be prioritized.

FEMA does not want to fund flooded homes that cannot be completed before the end of the period. FEMA does not want to fund those that are homeless or have a second mortgage because their homes are under water. Their concern is to have the project complete in 2 – 4 years. At the end of the period, it will be rolled over to another grant program. There are around 44 homes that are flooded in a buyout program. The homes are in the resilience program or the buyout program. The COVID program will still be worked through. The

program is 90/10. There are other grants like the Resiliency Florida. An update should be provided in December on the Resiliency Buyout Program. Those two can be worked together.

5. Hurricane Michael – Homes were purchased through the Hurricane Michael HMGP Program that cannot be demoed.

The state has been looking at tiger dams. There are three projects that the tiger dams will be able to be used on. The houses are located on Ratcliff, Childress, and Celebrity Circle.

VIII. MSBU ADVISORY COMMITTEE CHAIRMAN - None

- IX. PUBLIC WORKS SUPERVISOR – Johnny Evans addressed the board. Grading areas have been adjusted, which has allowed one grader to be shut down. The grading schedule may adjust from every 7 days to every 9 days. Approval is requested to add a John Deere 67 to the surplus list. – **Commissioner Kent offered a motion, seconded by Commissioner Corbin, and unanimously carried to surplus a John Deere 67 grader as requested by Johnny Evans.**

X. ENGINEERING PROJECTS UPDATE

- Justin Ford, Dewberry updated the board. Bids on South Boulevard have been taken. The bids range from \$117,000.00 - \$270,000.00. The low bidder was Roberts and Roberts. The low bid amount in addition to the CEI cost of \$114,000.00/\$115,000.00 will cause the project to be over budget. The bid includes an alternate to extend the left-hand turn lane at the school. With the alternate, the project will be \$372,000.00 over budget. The recommendation is to award to Roberts and Roberts, tentatively on receiving additional funding from the Department of Transportation. **Commissioner Kent offered a motion, seconded by Commissioner Bush, and unanimously carried to approve the recommendations presented by Justin Ford.**

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- Donald Stanley, HMB Professional Engineers requested approval of revised change order 1 for 2022-12. At the last meeting, a \$0.00 change order was approved by the board for the change in pavement design. The contract amount for Anderson Columbia was incorrect. – **Commissioner Bush offered a motion, seconded by Commissioner Corbin, and unanimously carried to approve the amended \$0.00 change order 1 for 2022-12.**

 - Change Order 2 – 2022-06 – American Sand – County staff requested negotiation be done to change out some of the pipes on Pipkin Road. Some of the cross drains need to be changed prior to paving. The county purchased the pipe for the contractor to install for \$6,300.00. The change order will be taken from the contingency line item which will result in a \$0.00 change order. – **Commissioner Bush offered a motion, seconded by Commissioner Corbin, and unanimously carried to approve the change order as presented.**

XI. COUNTY ADMINISTRATOR

- County Owned Property Sell – Last month the board approved to sell county owned property. One parcel on Pipkin Drive was left out. The assessed value was offered for the parcel. – **Commissioner Corbin offered a motion, seconded by Commissioner Kent, and unanimously carried to approve the county owned property sell presented by Mr. Massey.**

- Washington County Courthouse HVAC Proposals – This item will be moved to the December meeting.

XII. CLERK

October Vouchers Totaling \$6,088,673.98 – This item is for informational purposes.

XIII. COUNTY ATTORNEY

Request for R. David Shade Meeting for December 15, 2022, at 8:00 a.m. –

Commissioner Corbin offered a motion, seconded by Commissioner Bush, and unanimously carried to approve the shade meeting as requested by Attorney Fuqua.

XIV. ADJOURN