
 WASHINGTON COUNTY BOARD OF COUNTY COMMISSIONERS

Location: Commission Board Room

1331 South Blvd., Chipley, FL 32428

DISTRICT 1	DISTRICT 2	DISTRICT 3	DISTRICT 4	DISTRICT
Alan T Bush	David Pettis, Jr.	Tray Hawkins	Wesley Griffin	David Corbin

1. PROCLAMATION

- 1.1 Call to Order – Chairman Pettis
- 1.2 Invocation – Chairman Pettis
- 1.3 Pledge

Present – Commissioners Bush, Pettis, Hawkins, Griffin, and Corbin. Also attending – Deputy Clerk Brantley, Clerk of Court, Lora Bell, County Administrator, Jeff Massey, and Attorney Milton, Fuqua & Milton, P.A.

2. PUBLIC HEARING

- 2.1 Fears Small Scale Future Land Use Map Amendment – Dawn McDonald, Senior Planner presented the request before the board. The 15-acre property is in north-central Washington County. The request is to change from Agriculture/Silviculture and Conservation to Agriculture/Silviculture to build a home and for on-site residential uses. Conservation does not allow development unless special permission is given by the board. The landowner will build outside the floodplains. The certified public notice requirements were met, newspaper advertisements, and on-site signage. Concern was expressed about stormwater runoff on another property. The caller was told the stormwater should be able to be handled on the 15 acres. Planning Staff and the Planning Commission recommended approval.
- 2.2 City of Chipley Police Department Replacement Tower – Dawn McDonald, Senior Planner presented the request before the board. The replacement tower is the same height and has the same placement as the tower that it is replacing, which was damaged during Hurricane Michael. All towers require the approval of a special exception. A Major Development Review Application has been requested from the applicant. The applicant requested a variance for relief from the vegetative buffer at the base of the tower. Fencing will remain for security. The tower is found on the Community South Credit Union property at 1044 Highway 90 toward the rear of the property. The overall site is 5 +/- acres. The land use is public/semi-public. The design of the tower allowed it to fall upon itself. The Development Review Committee did not have any issues with the plans. The public notice requirements were met for the

special exception and the variance. A neighborhood information meeting was held on December 14, with no neighbors attending and there has not been any public input on this request. The County Planning Staff and the Planning Commission recommended approval. A final decision is before the board today.

3. ADOPT THE AGENDA

- Agenda Additions –
- 7.3A – Hartford Boulevard Resolution
 - 7.3B – Rockpile Discussion
 - 7.3C – Garden Club Meeting Room Discussion
 - 7.4D – Opioid Discussion

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

4. ADOPT THE PREVIOUS MINUTES

- 4.1 Regular Board Meeting for December 14, 2023
- 4.2 Special Meeting for December 19, 2023

Commissioner Griffin offered a motion, seconded by Commissioner Corbin, and unanimously carried to approve the above-listed minutes.

5. NON-AGENDA AUDIENCE/PUBLIC PARTICIPATION - 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.”

- The Washington County Board of County Commissioners has expanded this provision to allow members of the community to speak on a topic which is not currently before the Board/Agenda. To do so the community members should, prior to the start of the meeting, sign the public participation form provided at the door of the commission room, and shall state their name and the topic on which they wish to speak. During the Non-Agenda Audience portion of the meeting, the individual shall be given up to three (3) minutes to speak.
- Each individual shall have three (3) minutes to speak about a 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 shall obtain, from the Commission Secretary or Clerk, a public comment form and may write on the form 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.
- Any public comment before the board shall be directed to the Chairperson of the Board. It is not a question-and-answer period. Public comments concerning individual employees (other than those hired directly by the Board (County Administrator/County Attorney) shall not be entertained. Any comment, pros, or

cons, regarding a county employee who does not report directly to the Board shall be addressed to the Human Relations Department or the County Administrator. Chairman Pettis reminded the public of the 3-minute speaking limit per policy.

- Benita Crittendon went over a review of things that occurred since the three new commissioners came on board. She suggested that a FEMA Audit or Peer Review should be done. At the time Kevan Parker, Wheeler Emergency Management gave reasons why this was not needed to which she responded that it is not in Wheeler's best interest to have a FEMA Audit.

Worley Road Bridge Workshop Discussion – One year ago Commissioner Griffin suggested the county put the bridge back the way that it was at the county's cost. At the time Kevan Parker provided reasons why this was not a good idea, with one reason being if the county does it themselves a future natural disaster would not be covered by FEMA. It has been 5 years since Hurricane Michael with no progression.

Kevan Adkison's title is Disaster Recovery Specialist, and it is his job to question items. It was disingenuous last week when Kevan Parker, Mr. Hawkins, and Mr. Bush questioned the authority and knowledge base of Kevan Adkison, DEM.

Addressing Commissioner Corbin – She supplied him with a list of concerns when he became a commissioner, which she suggested he should look over to see how many of those concerns have come to pass since then.

6. CONSENT AGENDA

- 6.1 Approval of Public Relations Services RFP Award
- 6.2 Approval of Sheriff's Office Grant Overage
- 6.3 Approval to Purchase CAT 950GC Loader, Backhoe Trailer, and Surplus Existing Loader and Woodchipper.
- 6.4 Approval 2022 – 25 of Final Change Order
- 6.5 Approval to add FTE for Public Works Director and Permission to Advertise

Commissioner Hawkins offered a motion, seconded by Commissioner Corbin to approve the consent agenda.

Commissioner Griffin addressed the board about item 6.5 – Public Works Director. How could they approve a position for \$126,000.00 but cannot give employees at road and bridge raises?

County Administrator Massey said employees have received raises and that is being continued. The pay range must be acceptable. The \$126,000.00 includes FICA, Medicare, insurance, etc. It may not take that much, but a range was needed to work from. The board has been great in addressing raises as they could be done. There must be someone in charge there.

Chairman Pettis clarified that the approval is to add the FTE back to the full-time positions.

County Administrator Massey responded saying that this was a previously active position that worked well. Before Johnny Evans leaves, the next step needs to be considered. That is one of the most critical departments in the county.

Commissioner Griffin said there are 5 supervisors and 34 employees in the road and bridge department.

The motion to approve the consent agenda was carried 4 to 1, with Commissioner Griffin being opposed.

7. AGENDA ITEMS

- 7.1 Fears Small Scale Future Land Use Map Amendment – Commissioner Corbin offered a motion, seconded by Commissioner Hawkins, and unanimously carried to approve item 7.1.
- 7.2 City of Chipley Police Department Replacement Tower – Commissioner Griffin offered a motion, seconded by Commissioner Corbin, and unanimously carried to approve item 7.2.
- 7.3 Invitation to Jackson County Event to be held February 15, 2024 – Brent Melvin, DHM (Melvin Engineering) – Last year Vince Hafeli, AJAX Paving, spoke on mental health in the construction industry, which was a revelation. Construction workers are 5 times more likely to die from suicide than from a construction accident. Mr. Hafeli will be speaking in Jackson County at the RCC, Marianna for a lunch event on February 15. The opportunity to hear the speaker is being extended to Washington County not only for the construction industry. The City of Chipley has made it available to its employees.

Commissioner Hawkins offered a motion, seconded by Commissioner Bush, and unanimously carried to authorize Washington County BOCC employees to attend the Jackson County event held on February 15, 2024, at RCC Church.

- 7.3 A Hartford Boulevard Resolution – Candace Thames, Grants requested approval of a resolution to approve the application to the Florida Department of Transportation in the Transportation Regional Incentive Program for Hartford Boulevard.

County Administrator Massey added that it is for the redesign of Hartford Boulevard.

Commissioner Corbin offered a motion, seconded by Commissioner Bush, and unanimously carried to approve the resolution for Hartford Boulevard.

- 7.3 B Rock Discussion – Henry Grimes was not present.
- 7.3 C Garden Club Discussion – There was no one present for the discussion. Chairman Pettis said that it was about the Wausau Garden Club using a room at the ag center for their meeting.
- 7.3 D Opioid Discussion – Wendy White, Human Resources is working on setting up a meeting about this. Attorney Milton told the board that he would seek more information from Perry and Young Firm.

Commissioner Bush brought up the funds being used to offset Baker Act expenses.

- 7.4 Request for Reimbursement from Country Oaks – Attorney Milton, Fuqua, and Milton said there is a request for insurance reimbursement for the Country Oaks facility. The request is being brought before the board because it is a first occurrence. Per the agreement, nothing is wrong with this. The Clerk's Office has had an internal discussion and does not see an issue with it if the documentation is provided. The information supplied is sufficient. The agreement includes text for payment of out-of-pocket expenses. The funds are set aside to support those organizations in their operating expenses because they supply a valid service for the county.

Commissioner Hawkins asked if the county is paying for the insurance, are they listed as an added insurer on the policy? The reason for the question is they are paying for insurance to ensure the viability of a fire department in that community. What is the obligation for the collection if the building was destroyed on the money that was paid for by the county that the building would be built in an adequate amount of time to supply the said service to the county?

County Attorney Milton said that he does not know if that is any different for another department, whether it is a vehicle or facility.

Commissioner Hawkins said the insurance is to protect the county's viability of that asset to be used for the county. If not, it is no loss to the county if they are not going to supply the said building back in an adequate amount of time to supply service to the county. If the county cannot mandate that the building be rebuilt, then it is not practical for the county. The recipient could choose to accept the insurance payment and not rebuild and cancel the contract with the county.

County Attorney Milton said the agreement does not have any of that kind of language in it. It says they will supply services to the county. They have the equipment, and the expertise; they need support. The county is supporting them, and they will supply the service. The by-laws for each of the non-profits have language that says those assets will be used for non-profits. According to their by-laws, they must be transferred to another non-profit or a city/county

organization.

Commissioner Hawkins asked what if they are no longer in existence by being destroyed by an active fire?

County Attorney Milton said it would be converted from real estate/building to cash. Per the by-laws, the cash should go to another non-profit, another department, or another city/county organization that is tax-exempt.

Commissioner Hawkins said this is something new and not directed to any particular department. It is a county issue if they are paying for insurance and cannot make the contractor perform the task after the asset was destroyed.

County Attorney Milton said there are requirements in the agreement (2010) that state that they will supply the service. Every department is different but there needs to be one agreement for all the departments. There are certain requirements for a 501 (c)(3). This situation is not specific to a building. The issue could be with a tanker that the fire department does not want to replace.

Commissioner Hawkins asked Chairman Pettis if it would be easier than the imminent lawsuit that is going to occur, to have the county listed as an added insurer, so they must sign off on the check.

County Attorney Milton said that is reasonable. The county does have an insurable interest in that property.

Commissioner Corbin asked who owns fire suits, fire packs, and all the equipment that is used that has been paid for by the county. Does the 501 (c) (3) own that stuff?

County Attorney Milton said that is not an easy question to answer. Some vehicles are titled in the county and are named to certain departments. Some vehicles are owned by the 501 (c)(3) themselves and are insured by the county and or by those 501 (c)(3) entities. Some buildings are owned by the county and are being used by the 501 (c) (3). Other facility buildings are owned by the 501 (c) (3) and are being used by the 501 (c)(3). Other facilities are owned by an individual leased by the 501 (c) (3). There is a wide range of answers to that one question.

The agreement is not specific to some of these items; therefore, it may need to be revisited. The agreement can include the language that the inventory will be kept, and a list provided.

Commissioner Corbin said this needs to apply to all county departments.

County Attorney Milton said that two different issues are being discussed. The specific issue is reimbursing a line item.

Commissioner Bush said they have a contract with non-municipal fire departments for a service, just as they would with another miscellaneous company. The county does not pay for any of their insurance or are mentioned in their policies. They cover their insurance. What is not being seen here? Why is the board involved in this? This has not been a discussion in 11 years with any other department. It is not county property, but their property.

County Attorney Milton said it is not like an engineering firm that will supply a service and they are paid for the service. From the clerk's standpoint, this goes back years with issues about how funds were being spent for those services. It changed from issuing a direct check to having oversight of how the funds were spent. The invoices are paid through the clerk's office. The county has the funds in the county coffers until they are spent. It is different than an engineering firm that is supplying a service. This is a support organization. Whether it is being used for insurance or fuel, it is still an expense of the 501 (c)(3). From a county's standpoint, it is not thought to matter. The county is supplying support and helping to offset that cost. The item is before the board today because it has not occurred before.

Commissioner Corbin asked if the insurance that is being discussed for payment today has different language from any other department that may pay on their own.

County Attorney Milton said that he does not have that information. The policy that is being bought is property and general liability insurance.

Commissioner Hawkins asked if it was specifically for the fire department.

County Attorney Milton said it is for the property. The named insured is Country Oaks Volunteer Fire Department Inc., 268 Quail Hollow Boulevard, Chipley, FL 32428. Under the property schedule locations, it is showing one premises but two items. Occupancy of one of them is a social hall and the other is a fire station. There are two different limits for the property. One is for \$190,000.00 and one is for \$130,000.00. The contents limit is \$30,000.00 for one and \$5,000.00 for the other. There is not a breakdown of the premium for the two different buildings. The liability would be for the entire property. The property coverage premium is \$2,100.00. The general/liability is \$632.00, management/liability is \$606.00, and the total annual premium is \$3,384.00.

Marie Cunningham said the social hall is a training center.

Commissioner Bush suggested to table this item. It is not clear what is being paid for. Who owns the community center?

Marie Cunningham said the corporation is leasing the entire property including the buildings.

Commissioner Bush offered a motion to approve paying the insurance. The motion was seconded by Commissioner Griffin. – *Note – This was to open discussion.*

Troy Cunningham said the board used to cover it years ago. The insurance was dropped pre-Hurricane Michael. Having insurance will get them to a point where they have community events related to fire. If someone is allowed on the property and they trip and fall, the service is gone, and they are going to own the building and everything in it because the 501 (c) (3) owns it. They are trying to protect everyone.

Marie Cunningham said the 501 (c) (3) has a permanent lease from her and Troy Cunningham until it ceases to exist. They own the property and lease it to the fire department.

Troy Cunningham said the community center is used for anything the community needs. If someone is displaced, they are working now to make sure there is a full kitchen, the inside is being redone, and it is being brought to a nicer facility. If the community is displaced the center can be used to help the community.

Marie Cunningham said the offices of the chief and the assistant chief are found there and all training is done there as well.

Commissioner Hawkins asked if the community center is leased for pay.

Troy Cunningham said not at this time, but there are plans for it in the future.

Commissioner Corbin clarified with Troy Cunningham that the building is not currently insured.

Marie Cunningham said it is her understanding that the insurance that covers Country Oaks is for vehicles and worker's comp for the firefighters.

Troy Cunningham said they were told that it was covered but through research/documentation, the insurance was dropped before Hurricane Michael.

Commissioner Bush said that he does not remember the county having insurance on a building that did not belong to the county.

Troy Cunningham said the county is not technically paying for the insurance. It would come from the annual funds allotted for the fire department to supply services for the county. It is a cost of doing business. If they are unable to supply the service, that goes against the agreement, which needs to be updated.

Some of the equipment may be owned by the county. The only vehicle in there

that the county helped with was a brush truck.

Commissioner Corbin said this is not directed at any particular department. They are not covered now and need to be. Every department needs to be covered. Shouldn't it be mandatory per policy that every department have insurance?

Commissioner Bush said with the intent to rent the community center out in the future, they have accepted liability. They have just gone through lengthy discussions about the county-owned rental facilities.

Marie Cunningham said the rentals are covered in the policy.

Denise Vogelgesang, F.A.C.T. said that Bevis insures most of the fire departments in Florida. What broker was the policy through before its end? It was not through FACT. Whatever policy originally covered them is where they need to go back to and find out what it covered and then move forward. The recommendation before the board is to put a process in place to review agreements every 2 – 3 years. They should be applied uniformly.

County Attorney Milton said that he is not aware of any policy outside of the county policy.

Aaron Dudley, Human Resources said they do have one policy through F.A.C.T that covers property and liability. The county fire department buildings that are owned by the county are covered. To her knowledge, there is no coverage for any that the county does not own. Some vehicles are covered that the county does not own, however, they pay for it. Vehicles are different than property. They only cover property that they own.

Denise Vogelgesang, F.A.C.T. cautioned renting out the social hall space. It brings another level of liability with it. If it is currently listed on the schedule, then it is completely covered by F.A.C.T. Commissioner Hawkins's suggestion about being named as an added insurer is a good suggestion. The recommendation is to have further discussion before any more agreements are made.

Commissioner Bush withdrew his motion.

Troy Cunningham said they were insured the day the policy was written. Ever since he has been in this position, this board has been fighting to get rid of the Country Oaks Fire Department. He intends to provide the county with a solid department in that area. They are allotted a certain amount of money. A vendor is paid to do a job and uses a part of that money to supply insurance and vehicles. Does the vehicle insurance have an added insurer? It does not matter who the insurance is through. They need coverage so that the county is covered. If the board does not approve this today, he will pay for the insurance personally

and not out of the 501 (c) (3) funds.

Commissioner Griffin asked if any other reimbursement is done for any other building the county does not own for the insurance.

Chairman Pettis said according to the research, there is no record of that.

County Attorney Milton said if a 501 (c) (3) uses \$3,000.00 to purchase parts for a truck, they get reimbursed. If they use \$3,000.00 to buy insurance and then get the county to pay for the parts instead it is a distinction without a real difference. It is a reimbursement for out-of-pocket expenses.

Denise Vogelgesang, F.A.C.T. suggested reimbursing their 501 (c)(3) and putting it on the agenda to readdress the agreement with all of them.

Commissioner Hawkins clarified that the rental income for the facility will go to 501 (c)(3). They are insuring a private venue.

County Attorney Milton addressed the board. If the motion is to reimburse them for all the insurance costs and receive a breakdown for the property insurance and not include the community center, that is another way to view it.

Commissioner Hawkins said that it is a private venue that the county would be insuring through the county liability. The county is paying for the liability.

Troy Cunningham said they are paying for services.

Commissioner Hawkins said that is not a service that is provided to the county. That is an individual venue that is being rented through a private vendor to a private organization or citizen.

Commissioner Bush said they are supplying insurance to something that is owned by an individual. The individual leases it to the fire department. The fire department in return rents the building out. It is like covering a fire truck that is used as an Uber. It is another layer of liability for which he is not comfortable with.

Troy Cunningham said they have not taken any rent from the fire department for the annual lease of \$1.00. It is covered in the policy. The rental is a way to improve and keep up services for the community. If the board denies the request, that will stop him from any event there.

For example, Orange Hill held a 4th of July event. Did they raise money? Did they sell tickets? Is that the same thing? The plan is to have the location ready for events in mid-February. Country Oaks has not had an infraction on the funds the county gives to supply services. There is a feeling of being held back from improving services and it should be the opposite.

Aaron Dudley, Human Resources addressed the board. Per the policies since 2016, there is no coverage provided by the county. At this time, the policy covers three fire departments that are all county-owned.

Commissioner Corbin said this needs to be looked at and addressed. Insurance will be bought on the building regardless of which funds are used.

Commissioner Griffin offered a motion to request reimbursement of the insurance and circle back to the policy to revamp it and add the county as the added insurer. Commissioner Corbin seconded the motion.

Commissioner Corbin asked Troy Cunningham if the fire department was willing to add the county as an added insured.

Troy Cunningham responded by asking was the county willing to put Country Oaks with their trucks as an added insured.

County Attorney Milton said the county cannot insure private entities. The county cannot supply insurance to other organizations.

Marie Cunningham asked who gets paid for it if it is destroyed.

Troy Cunningham asked who would receive payment if the new fire truck rolled over.

County Attorney Milton said that he does not know that there is property insurance on each truck. It may only be liability coverage and not replacement coverage.

Marie Cunningham asked if there was replacement coverage if it was wrecked.

County Attorney Milton said questions are being asked that he does not have the answer to.

Chairman Pettis asked Troy Cunningham if he was willing to do the added insured.

Troy Cunningham said that he is trying to understand how that would help them and how it would help the county. If the county is insuring one thing, and they are not willing to write them as the added insured, but they are willing to insure through their funds through the county and the county wants them to make them an added insured. This is not to say they are not.

Commissioner Hawkins said it ensures the county always has a fire department in that neighborhood because they would have to sign off on the check before any funds are distributed to outside organizations they are paying for. That is

what protects the county and where the county's interest comes in.

Troy Cunningham said the county's interest should also be in the trucks since the corporation has received the trucks. Wouldn't it be prudent for the county to write them as an added insured so they could take those funds?

Chairman Pettis said per County Milton's recent statement, that is not possible.

Larry Zezula referenced a suggestion he brought up a few meetings back. The indulgence of the county owning the fire departments as a whole was being discussed. There are a lot of grants available through federal funds. Seek those funds for equipment, insurance, and buildings. This is the second time this gentleman has come before the board where there was a lengthy discussion. If he is paying for insurance and he can get reimbursed, it is that complicated and should not have taken this long.

Troy Cunningham said that he could not decide on the added insured without talking to his board.

Benita Crittendon suggested that Commissioner Hawkins is adding roadblocks to the issue at hand. There is obvious theater going on here. If the board is not going to cooperate with Country Oaks, and Country Oaks must cooperate with them sometimes you have to pick your battles. If the board is going to work against Country Oaks not to keep that fire department open and keep it as a service to the community, what is the alternative? Shutting that department down and getting it as a county fire department and then laying forth an MSTU tax to the citizens to pay for the county-owned fire departments, which has been discussed.

It is disingenuous that Commissioner Hawkins has his thumb on Country Oaks and the \$3,400.00 policy when he has been a large part of the enablement and manipulation to allow the emergency management team to put the county millions of dollars in debt yet there is no accountability.

County Attorney Milton said for record purposes, Mr. Massey has mentioned the reimbursement would come from Country Oaks operating budget from the county.

The motion on the floor was carried 4 to 1, with Commissioner Bush opposed.

8. PUBLIC WORKS SUPERVISOR – None
9. PARKS UPDATE – George Swauger is going to send the rebuttal to the terms for the Extreme Portalet Rental Contract to see if they are accepted.

He told the board that he would like to move forward with the updates that he had spoken with the health department on. One is a bike repair station at Blue Lake and the St. Joseph Park upgrades with the walking track and the

playground equipment, but they need the boards' commitment leading into the park about the headwall that is falling. New signage should be put up at Blue Lake, Campbells Park, St. Joseph, and other areas in the county.

A continuing services contract may be an idea for the dock repairs in the county because repairs are sort of urgent. They are pedestrian bridges.

Commissioner Bush expressed concern about the variation of docks, making the contract difficult to write unless it was done at a cost plus. The thought process is good, but it may need to be addressed differently. Materials-Plus may be a possibility.

County Attorney Milton expressed uncertainty about how it would be bid. Everything does not have to go out for bid. The county manager has a \$25,000.00 spending authority.

Commissioner Hawkins suggested a scope of work contract with an hourly rate. The county would supply the material.

Commissioner Bush said that he would like to see Gap Pond done before the end of his term.

Commissioner Hawkins said that the gates at Blue Lake are a good idea.

10. ENGINEERING PROJECTS UPDATE – None
11. COUNTY ADMINISTRATOR – Jeff Massey requested the boards' input for upcoming SCOP, SCRAP, and CIG-P March submissions.
12. CLERK – None
13. COUNTY ATTORNEY – Chairman Pettis said due to the lengthy discussion about the fire department, if it is the board's pleasure he will work with County Attorney Milton, and County Administrator Massey to make those updates.

Chairman Pettis said that he was somewhat critical of FDEM at the last meeting and would like to offer an apology. He and Mr. Massey met with FDEM in person this past Tuesday. Mr. Guthrie, the Director, and his staff were in attendance. The information that was provided is the main holdup with the funds is the discrepancy in the 1.5 – 2 inches. FEMA has not decided on that. FDEM is reaching out to them weekly for that information. They offered many services that they can help the county with, which will be investigated. They are willing and ready to work with the county and understand the frustration.

14. ADJOURN