

May 12, 2009  
Regular Session  
Bonifay, Florida

The Holmes County Board of Commissioners met in a Regular Session on the above date with the following members present: Commissioner Kenneth Williams, Commissioner Ron Monk, Commissioner Jim King, Commissioner Phillip Music and Commissioner Monty Merchant, Chairman of the Board.

Mr. Brandon Young, County Attorney, was present.

Administrator Wood was present.

Angie Jonas, Deputy Clerk, was present and kept the minutes.

Mr. Dinkins led the prayer and pledge.

Chairman Merchant opened the meeting.

Pursuant to public notice, the Board held a Public Hearing to review Ordinance # 09-02 pertaining to the Contractor Review Board. Administrator Wood explained that by adopting this ordinance, a Review Board would be in place to issue local licenses and to address contractor discipline issues. He stated that it would allow contractors from neighboring Counties to be eligible to work in Holmes County and vice versa. He also stated that this would be a method of enforcement to ensure that contractors are properly insured, which would safeguard both the contractors and homeowners alike. Mr. Roger Williams, Building Inspector, clarified that there are two types of licenses that are issued; the State issues a certified license and the County issues a registered or local license. He explained that the State is responsible for discipline issues on the certified licenses, while the local Contractor Review Board would be responsible for discipline at the local level. He advised that both licenses are needed and that neither license has value without the other. Chairman Merchant suggested removing the phrase in section 1-4 "board members shall have the right to sue or be sued". Chairman Merchant read that the Board will consist of "three licensed contractors and three laypersons". Citizens speaking regarding this topic were the following:

Mr. Clifton Crews

Commissioner Music made a motion to approve the ordinance with the change to section 1-4 regarding lawsuits. Commissioner Monk seconded the motion. The motion passed unanimously.

Commissioner Music made a motion to approve the following consent items:

April 28, 2009 Regular Session Minutes

Miscellaneous Appropriations Agreement: Tri County Community  
Council

Commissioner Williams seconded the motion. The motion passed unanimously.

The Board discussed the Economic Development Community Development Block Grant (CDBG) loan extension for Environmental Manufacturing & Supply, Inc. (EMSI). Under this agreement the County made a loan for manufacturing equipment, which was due in full by April 12, 2009; but the company had not made any payments since June 2008. Mr. Bob Jones, Grants Administrator, stated that the original loan amount was \$375,000.00 and that the unpaid principal balance was \$79,302.00. He asked the Board whether to extend the contract an additional two years so that the payments could be lowered. He advised that the State had verbally agreed to accept this request, but that a written request was necessary also. Commissioner Monk asked whether EMSI would pay the accrued interest on this loan. Mr. Jones confirmed this information and added that the company employed approximately forty employees. Chairman Merchant explained that this agreement extension did not cost the County any money. Commissioner King made a motion to approve the loan extension. Commissioner Music seconded the motion. The motion passed unanimously.

(Cover Letter and Draft Extension Agreement)

The Board discussed the County Administrator Employment Agreement and Ordinance. Previously, the Board had discussed some changes to the contract and revisited the Ordinance. Chairman Merchant explained that this item was not in reference to Mr. Greg Wood's contract, and that it was a general discussion about proposed changes to the Administrator Contract and Ordinance. Attorney Young advised that this topic had been discussed at the last meeting, and that some items still needed to be finalized because neither decisions nor consensus of the Board had been reached. He explained that the termination date for the contract was quickly approaching. Commissioner King made a motion to table the item. Commissioner Music seconded the motion. The motion failed; with Chairman Merchant, Commissioners Monk and Williams voting no, and Commissioners King and Music voting yes. Attorney Young reviewed the points that had been discussed previously, and asked the Board for any additional recommendations. Commissioner Monk stated that he was in favor of revising the contract term from one year to two years. Commissioner Williams asked whether it would be an option to hone certain terms of the contract at a later time. Attorney Young agreed that this would be a possibility, but advised that a salary range should be addressed. He explained that minor details could be addressed when a candidate was chosen. Citizens speaking regarding this topic were the following:

Mr. Clifton Crews  
Ms. Lynda Christie  
Ms. Ann Leavins

Commissioner Williams made a motion to set the pay range for this position at \$60,000-70,000.00.

Commissioner Music seconded the motion. The motion passed; with Commissioner King voting no and all others voting yes.

Attorney Young asked the Board to address the advertisement of the Administrator position. He advised that advertisement should begin after May 21, 2009 and that a minimum of thirty days advertisement should be sufficient. Commissioner Williams made a motion to advertise the Administrator position for sixty days beginning on May 22, 2009. Commissioner Music seconded the motion. The motion passed unanimously.

Ms. Ann Leavins stated that the severance pay discussion had not been finalized. Attorney Young advised that severance would be changed to two months. Ms. Leavins also asked how the goals and objectives would be addressed as it was not discussed in the ordinance. Commissioner Williams stated that benchmarks will be set. No further discussion followed.

The Board discussed the Fire Chaplain's request for office space. Chaplain Woody Bollinger stated that he had accepted the position of Fire Chaplain for Holmes County and had resigned as Chaplain for Bay County. He explained that he was in need of an office space for services such as counseling for fire victims and department staff. He advised that an office in the Veterans' Affairs Building would be suitable as it was located across the street from the Fire Station. He also explained that he did not foresee the limited parking area to be an issue. Attorney Young advised that he would like to look into the issue of County liability, and that he would like an indemnification clause drafted that stated Mr. Bollinger was operating under the Holmes County Fire Fighters' Association; and not the Board of County Commissioners, and also that the Association was responsible for his actions and those of his office. Commissioner Williams made a motion to table the item so that Attorney Young may look into liability. Commissioner King seconded the motion. The motion passed unanimously.

(Request)

The Board discussed the request for office space from Mr. Herman Laramore, Public Defender. Mr. Laramore presented his request for the offices that were occupied by the County Administrator and staff. He explained that the single room that had been allotted near the upstairs Courtroom was no longer adequate for the caseload that his staff was handling. He advised that should his office move to the Administrator office space, the old space upstairs could be relinquished to the Sheriff's Department for the bailiffs to utilize. He advised that per State statute, the Board has an obligation to provide such space as well as the Internet Technology (IT) network T1 lines, telephone systems and utilities. He explained that it would be a cost savings benefit to the County for the office space to be located in the same building as the State Attorney's Office since they shared a computer network. Commissioner Williams made a motion to allow the Public Defender's Office to occupy space in the former Administrator's

office and to move the Administrator's Office to the former Emergency Operations Center (EOC) building. Commissioner Monk seconded the motion. The motion passed unanimously.

(Request)

Ms. Tina Joshua presented information to the Board regarding the upcoming 2010 census. The Board discussed this item.

Administrator Wood asked the Board whether to approve the scope of work for the Landfill Environmental Consultant advertisement. Previously the Board had decided to advertise for the landfill engineering services separately as it had been part of a subcontract through another firm. He explained that this is an advertisement to request qualifications from applicants. Commissioner Williams made a motion to advertise for the landfill engineers. Commissioner Music seconded the motion. The motion passed unanimously.

Administrator Wood stated that he had been asked to revisit the Tower Ordinance. Under this Ordinance, the County could request that space be set aside on communications towers for its use. No action was taken on this item.

(Draft Ordinance)

Administrator Wood stated that the Library roof was leaking and advised that there may be some funding for this repair through the Stafford Act and disaster relief funds by declaring the repair a mitigation project. He stated that the Library Board had approved the application of a roof sealant, but that the sealant had damaged the shingles. He presented repair method information which included twenty-four gauge standing seam metal roofing and the icynene foam insulation. He explained that the material should be relatively puncture proof and would withstand wind speeds of 140 miles per hour. He asked the Board whether to add the project to the Local Mitigation Strategy project list. No action was taken on this item.

(Recommendation)

The Board discussed the Building Department Budget. Mr. Roger Williams, Building Inspector, stated that there had been a decrease in construction and revenues this year. He also stated that while other departments receive grant funds, the Building Department does not. He explained that there had been past instances when the County waived fees for community projects, which had reduced the revenue of the Department. He asked the Board for suggestions regarding solutions for this issue. Commissioner King asked whether he would be interested in training to provide services such as fire inspection or mosquito control. Commissioner King made a motion for Mr. Roger Williams to receive additional training to take over the Arthropod Program. The motion died for lack of a second.

Administrator Wood explained that it would not be profitable for Mr. Williams to continue the Arthropod Program, as there were several spending restrictions on the program. Commissioner Monk stated that he was in favor of a permanent employee being trained to handle the Arthropod Program. Administrator Wood agreed and explained that State statute requires that a permanent employee directs the program. Commissioner Williams stated that he was in favor of keeping the fire inspections on a subcontract, as it was not costing the County any money. Chairman Merchant suggested re-examining the staffing needs of the department. Mr. Williams stated that a certain number of people are needed to run an office. No action was taken on this item.

The Board discussed the Department Head Overtime item. Administrator Wood stated that Mr. Hubert Hendrix, Shop Foreman, had asked whether it would be allowable for him to receive overtime compensation in the event of disaster because other Department Heads were receiving overtime compensation at the rate of time and a half. He stated that this had previously been authorized. He asked for clarification regarding this policy, specifically whether all department heads would be eligible for overtime during times of declared emergencies. Administrator Wood stated that a memo had been written authorizing overtime for department heads during declared emergencies. He stated that this would include Mr. Szczekot and all other department heads. He advised that this policy was supported by and is reimbursable through the Federal Emergency Management Agency (FEMA). Administrator Wood stated that he would ask Mrs. Wanda Stafford to compose a memo of clarification for presentation at the next meeting.

The Board discussed the Comp Time portion of the agenda item. Administrator Wood asked for clarification regarding the policy of comp time accrual for the Emergency Medical Services Director (EMS), Jerome Szczekot. He stated that it was his understanding that the Director would not be eligible for overtime, but would be eligible for comp time accrual at an "hour for hour" rate. Commissioner King stated that it was his understanding that there was to be no comp time accrual or overtime for the Director. Chairman Merchant agreed and stated that the salary was set as it was to cover this situation, so that there would not be overtime. Administrator Wood asked whether it was the consensus that there was to be no comp time, with the exception of declared emergency situations. The Board agreed by consensus.

Administrator Wood stated that Mr. Wayne Cartwright, of Wayne's Heating and Air Conditioning, had examined one of the air conditioning units at the Health Department and advised that the unit was undersized for the area that it was servicing. He explained that it had been determined that a lack of insulation may have been a contributing factor to this issue. He also stated that Gulf Power Company will be visiting this building and the Library building to conduct energy audits soon. He stated that the report will be brought back to the Board and advised that the Health Department may be asking for a larger air conditioning unit.

Mr. Jerome Szczekot, EMS Director, read the EMS Week Proclamation which declared May 17-23, 2009 as National EMS week. He stated that this was a time of recognition for all emergency response personnel. Commissioner King made a motion for the chairman to sign the proclamation. Commissioner Music seconded the motion. The motion passed unanimously.

(Declaration)

The Board discussed the fee proposal from Hatch Mott MacDonald for engineering services of the upcoming stimulus striping and paving projects. Previously, the Board had voted to negotiate regarding the proposed 10% fee or \$45,000.00. Administrator Wood stated that Hatch Mott had submitted a new proposal of \$31,360.00 for their services. Commissioner King made a motion to accept this proposal. Commissioner Music seconded the motion. The motion passed unanimously.

Commissioner Monk stated that he had received two quotes for the dump truck repair. Commissioner Williams asked for more details regarding the repair quotes since there was a significant difference between the two. Commissioner Monk advised that the insurance adjusters estimate had been \$47,000.00 and agreed that he would gather more information and bring it back to the Board.

Commissioner King stated that a decision was needed regarding the excavator purchase. Previously, the Board had voted to accept the insurance payout in lieu of purchasing the damaged excavator back and repairing it. Commissioner Monk stated that he was looking into an equipment lease, so that the lease could possibly be paid by FEMA during the FEMA repairs, and then purchased by the County after the work was completed.

Commissioner King stated that he would like to get to work on the FEMA road repairs soon. Commissioner Williams agreed, and stated that once the work orders are written, a special session should be called so that bids may be advertised and that work may begin shortly thereafter. Commissioner King stated that Anderson Road and Grover Lewis Road are both in need of urgent repairs.

Commissioner Monk stated that he would like to bring information regarding the dump truck repair to the upcoming special session. Chairman Merchant advised that it was a workshop and that no action could be taken at that time. Administrator Wood suggested re-advertising the meeting as a workshop at the end, so that this issue could be addressed.

Commissioner Music stated that there had been a request for grading an additional portion of the road that Mrs. Hall's home is on. He explained that a portion of the road was currently being graded and

that he was unsure how large the additional section was. He stated that Mr. Jeffery Johnson had stated that he would grant an easement of thirty feet so that the grading could be done. Commissioner Music made a motion to grade the road. He advised that it would be a courtesy grade “every now and then”. Commissioner Williams stated that once a grade is done, the road is considered “County maintained”. He advised he had been approached with requests for grading from citizens that were willing to grant easements and that he had denied the requests previously, because the County could not handle the additional grading. Commissioner Music stated that grading would not proceed until the easement is granted and that he would check the exact distance to report back to the Board. Commissioner Music withdrew his motion. No action was taken on this item.

Commissioner Merchant stated that there were some items such as sod, seed, gates and sidewalk that have been completed at the site of the new Emergency Operations Center (EOC) that would not be covered under the grant. Administrator Wood stated that this was not clarified until the purchases were submitted to the State. Chairman Merchant advised that payment would be withheld until he could address this issue with Mrs. Stafford, Emergency Management Department Director.

Chairman Merchant reminded the Board that engineering firm rankings would be due by Wednesday, May 13<sup>th</sup> by 3 o'clock in the afternoon.

Attorney Young advised that there were two claims pending against the County for an accident that occurred on a washed out portion of roadway. Commissioner King asked if this was the accident that occurred as a result of someone driving around a roadway barricade. Attorney Young confirmed that it was his understanding of the situation.

Ms. Theresa Justice, new owner of Family Refuse, asked the Board to allow her to operate her business temporarily so that customers could have their garbage picked up. Previously, the Board had voted to revoke the garbage franchise agreement with the previous company owner because of litter control issues. She stated that she had requested for this issue to be discussed at the upcoming, May 26 regular session meeting. She explained that she was willing to pay the franchise fee and stated that if the Board approved operation, she would apply for a business license through the State. Attorney Young advised that should approval be granted, perhaps this could be used as a “trial period”. Commissioner Williams made a motion to allow Family Refuse to operate temporarily, so that Ms. Justice could get the business paperwork in order. Commissioner Music seconded the motion. The motion passed unanimously.

Mr. Clifton Crews, citizen, discussed the Gritney Fire Station construction. Previously, the Board had allowed Mr. Bob Jones, Grants Administrator, to apply for Rural Development Grant funding for this proposed project. He stated that the new building will be a community center as well as a voting

precinct and asked whether the expenses for water treatment had been included in the initial request. Mr. Jones stated that the budget for this project is set and unless the building plans are revised, there is not an allotment for this additional expense.

Since there was no further business, the meeting was adjourned.

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Clerk

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Chairman