

BOARD OF COUNTY COMMISSION  
MINUTES OF JANUARY 4, 1983

The Board of County Commission met this day in regular session with the following members present, to-wit: Jack Bowman, Chairman, Monroe Cox, Drew Peacock and Donnell Whitfield. Commissioner Bailey was absent due to illness.

Deputy Clerk Gail O'Bryan, Deputy Sheriff Emory Godwin and Attorney Bill Corbin were present and acting. The meeting was called to order by Deputy Godwin followed with prayer by Commissioner Cox.

Carlton Smith was present at the Board meeting and made a presentation concerning the CETA Program. He informed the Board that as of October 1, 1982, the CETA Act will begin under a new name - this being JTPA. In order to be under the new act, the recipient must have a total population of 200,000.

A motion was made by Commissioner Peacock, seconded by Commissioner Whitfield and duly carried to contact Leon County to see if Calhoun County could merge with them on the JTPA Program.

Mrs. Lynn Strawn was present at the Board meeting and questioned the Board about the Board's reading of the minutes at the end of the meeting instead of the beginning of the meeting, and also as to why the minutes were not published weekly in the County Record. Commissioner Bowman stated it had been general practice for the minutes of the previous meeting to be read at the end of the following board meeting, and that he wished the minutes of the meeting could be read at the end of the same board meeting but that would be almost impossible. He also stated Mr. Wise, Clerk of Court, was not under the Board's control and that they were not responsible if the clerk failed to get the minutes to the County Record.

Dr. Herbert Garfield met with the Board and stated he was now running the Calhoun County Health Department and appreciated the support he had received. He also stated it was a pleasure to work for the County and with the Board. Commissioner Bowman thanked Dr. Garfield for coming to the meeting and was glad to have him in our county as our doctor.

Mrs. Strawn asked why the Board meetings were not taped. Commissioner Bowman stated they had taped the minutes up until the time he and Commissioner Cox came on the Board. At that time, it was voted on as to whether they would continue to tape the meetings, and it was voted down with a 3-2 vote. Commissioner Bowman stated he and Mr. Cox were the two in favor of the taping. Commissioner Whitfield stated that that was incorrect as it was not a 3-2 vote. Commissioner Bowman stated he was going to poll the Board this afternoon on taping of the meetings since Commissioner Whitfield is taping the minutes and he was the one that voted not to tape them. Commissioner Whitfield stated he had said at that meeting that it did not make any difference to him about taping the minutes, and that he had been keeping the minutes on tape and would continue to do so.

Robert Nations, County Engineer, was present at the Board meeting and presented the Board with a letter he had written to Gulf Asphalt requesting that they fix the pavement on Hwy. 274 West at the Sunny Hill Community Church. Mr. Nations also stated that Okaloosa Asphalt has completed their work on Hwy. 274 with the exception that he contacted them yesterday and requested that they stripe the road. He stated that Mr. Cloris Darnell told him he would have it done by Friday. Based on that, and their completion, Mr. Nation recommended that the Board pay them with retainage of approximately 5% because the striping would be around \$1500.00 and 5% of the contract cost would be in excess of \$3600.00.

Commissioner Whitfield questioned Mr. Nations on why the roads were striped with yellow when white was so much easier to see. Mr. Nations stated it was a Department of Transportation guideline, and since the roads were built with 5th and 6th cent money, you had to comply with DOT requirements and regulations.

Commissioner Bowman recommended that the Board go along with Mr. Nations' request to pay Okaloosa Asphalt 100% with a retainage of 5% on Highway 274.

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A motion was made by Commissioner Whitfield, seconded by Commissioner Peacock and duly carried to pay Okaloosa Asphalt 100% with a retainage of 5% for their work on Highway 274.

Gene McClellan requested the Board to discuss the rest of the HUD paving projects. Mr. Nations stated he had been in touch with contractors, and that they would like to know what roads were to be paved. He stated if they did not know prior to bidding, they would have to figure the asphalt to the maximum haul. Mr. Nations suggested that the Board tell him what roads were to be paved so that he could bring some contractors up here to look at the roads prior to the Board receiving bids. Mr. McClellan stated there was \$361,500.00 for paving in this year's HUD Grant. Commissioner Whitfield stated he would like the Board to go with West Blountstown, Hugh Creek and the Kinard area this time. Mr. McClellan stated the combination that he was recommending first was the West Blountstown Road and the Hugh Creek Road. Commissioner Bowman recommended that Mr. McClellan and Mr. Nations meet with him and Commissioner Whitfield at 3:00 P.M. on January 5, 1983, to discuss the roads and miles that they could pave. Commissioner Bowman invited the other Board members to attend if they desired.

A motion was made by Commissioner Whitfield, seconded by Commissioner Peacock and duly carried for Chairman Bowman to sign a drawdown from HUD for \$30,000.00.

Commissioner Bowman polled the Board for authorization to sign the close-out package on the HUD Contract for 1981-82. All members voted "yes".

Mr. McClellan made a report on the houses chosen by the Citizens Advisory Committee for HUD. Commissioner Whitfield asked Mr. McClellan if any houses were approved in District 1. Mr. McClellan stated there were none at this time. Mr. McClellan stated that the Board of Directors on the HUD Store had advised him to close the store on December 31, 1982, and to keep it closed until such time as they decided whether or not to lease it to the same crew, to a new crew or close it permanently. Commissioner Whitfield asked Mr. McClellan the names of the Board of Directors. Mr. McClellan stated they were Jerry Guilford, Gary Overholt, Bishop Fitten, Joe Tucker and Melvina Holley. Mr. McClellan stated the Board of Directors for the store would meet Thursday night, January 6, 1983, at 7:00 P.M., and that C.A.P. had expressed an interest in the store. Commissioner Whitfield asked if the Altha group that had been operating the store would be invited to attend and if anyone could attend and also where was the meeting to be held. Mr. McClellan stated the Altha group had been invited, and that the meeting would be held in his office. He stated he was not chairman of that committee and did not know if everyone could attend. Commissioner Whitfield stated it was federal funds and suggested the meeting be moved to the Board room. Commissioner Whitfield asked the Board if any member of the Altha Non-Profit Group had contacted them about releasing the store. The other Board members stated they had not been contacted about the leasing. Commissioner Peacock stated he had been asked when the meeting would be. Commissioner Whitfield stated Irene Sellers had contacted him, and stated he had been told by a member of the Board of Directors of the store that it would be leased to the Altha Non-profit group, but the Tallahassee group would lease it. Commissioner Whitfield requested Mr. McClellan to voice Commissioner Whitfield's objection to CAP's leasing of the store at the next Board of Directors meeting.

Commissioner Bowman questioned Clerk Wise as to the procedure that has been followed on the publishing of the minutes since he had been clerk. Clerk Wise reported the minutes are usually read at the following Board meeting - at the end of the meeting - then after approval by the Board of County Commission, they are typed and filed in the Minute Book with a copy to the County Record. Mr. Wise stated Deputy Clerk Jane Hall types the minutes, but has to do this along with all of her other duties and the minutes do not necessarily go to the County Record the day after approval. Jane Hall, Deputy Clerk, stated she had 6-7 duties to do, and that when Mr. Wise gave her the minutes to type that it may be anywhere from 2 to 5 days before she would have time to type them into the Minute Book.

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Alvin Roberts, Maintenance Superintendent, stated to the Board that he had someone that would cut the diseased and wind damaged trees at Four Mile Creek Park. He stated the man would remove the trees for the trees themselves. Mr. Roberts asked the Board for permission to begin the tree removal.

A motion was made by Commissioner Peacock, seconded by Commissioner Whitfield and duly carried to give Mr. Roberts permission to have the damaged and diseased trees cut at Four Mile Creek Park. Motion carried 4-0.

Mrs. Willie Bridges was present at the Board meeting and asked the Board if they would repair and fix the Aultman Avenue Road. After much discussion, Commissioner Whitfield stated if and when all the easements were given by all the people that live on that road, then the road could be repaired.

Mr. Merkhofer of Altha met with the Board to discuss road signs not being posted on county roads around the Mossey Pond area. Commissioner Bowman stated he would put some road signs in that area.

Mr. George Kearce met with the Board to discuss his application for the Weatherization Program. Commissioner Bowman told Mr. Kearce that at this time there was no job opening. Commissioner Whitfield stated it was in the previous minutes on a motion by him to advertise for part-time help for the Weatherization Program and that his motion stands. The Board agreed to stand on Commissioner Whitfield's motion and advertise for the part-time position.

Mrs. Strawn questioned the Board as to their policy of giving Christmas hams to employees. Commissioner Bowman stated that the road department and maintenance department received hams as they are the only two departments directly under the Board of County Commission, and all employees under the Board's control were entitled to the Christmas hams.

Gary Doyens with Channel 13 news asked Commissioner Whitfield if money was actually put into the Weatherization Grant for part-time help. Commissioner Whitfield stated in each Grant there is administrative money built in, and this could be used for part-time help in the administering of the program.

Mike Tucker, Certified Public Accountant, asked the Board if they had had a chance to review the audit. The Board decided to meet at 3:00 P.M. on January 18, 1983, to review the audit. Commissioner Bowman commended the Clerk and his staff for their part in the county receiving a better audit this year.

Clerk Wise brought up the issue on moving his HUD position, that being Faye Bailey, now located in the basement, to his office. Commissioner Bowman stated Mr. McClellan should give to Clerk Wise a lump sum for services rendered each month and that the Clerk could pay Faye Bailey and still leave her where she is presently located. Clerk Wise explained he needed the position in his office as he was short of help. He stated the County could pay Mrs. Bailey from Civil Defense and the Weatherization Grant. Gene McClellan stated HUD could not pay any employee out of HUD when they did other work than HUD. However, they could pay the Clerk for services rendered. Commissioner Whitfield stated if they would sign the HUD Contract which the auditors had recommended and which Mr. McClellan says HUD has done with Willie D. Wise, the positions and where they work would be up to the Clerk. Commissioner Bowman stated, "We, the five Board members, control the HUD office". Commissioner Bowman recommended to the Board that the HUD position be returned to Clerk Willie D. Wise, and Faye Bailey be picked up by Civil Defense and Weatherization. Commissioner Bowman polled the Board concerning his recommendation. All commissioners voted "yes". Commissioner Whitfield questioned if there would be a written contract between HUD and Willie D. Wise. Mr. McClellan stated no written contract was needed. Commissioner Whitfield stated he wanted the minutes to reflect that there would be no written contract between HUD and the Clerk's office. Mr. McClellan stated they could have a personal service contract. After much discussion, it was decided a written contract would be drawn up for a Personal Service Contract.

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Mrs. Lynn Strawn read from Roberts Rules of Order on Parliamentary Procedure to the effect that it was the correct procedure in all public meetings to first call the meeting to order, say a prayer or Pledge of Allegiance and then read and approve the minutes of the previous meeting, and Mrs. Strawn stated she thought the Board of County Commissioners ought to comply with this universal rule, especially because there are more people at the beginning of the meeting than at the end of the meeting.

Commissioner Bowman asked the Deputy Clerk to read the minutes of the previous meeting held December 21, 1982. During the reading of the minutes, Commissioner Cox interrupted Deputy Clerk Gail O'Bryan and asked that she re-read a portion of the minutes which is as follows:

"Mr. Corbin stated he would like to ask each Commissioner their reason for firing him. Commissioner Cox stated he had no serious reasons, and he had not talked to Frank Baker, but thought it was time for a change."

Commissioner Cox, after hearing the above section of the minutes re-read, stated he did not believe that to be exactly what he said. After some discussion, Commissioner Cox dictated to Deputy Clerk Gail O'Bryan the following and requested the minutes be changed to reflect the addition.

"I have no serious problem with Mr. Corbin and I feel he is a qualified attorney at law. There were times I thought he had not pushed as hard as he should, and that the rest of the Board had questioned this also. I thought Mr. Baker was also a qualified attorney at law, and that he said he believed that he could save the County money. That he had given us a lower rate as a retainer fee and also an hourly rate. He also said that he would be at each of our regular meetings and if, for some reason he could not, that some member of the law firm would be here to represent us and stay as long as we required him to and I am willing to give him a chance to do this".

After Commissioner Cox finished his dictation, there was much objection from the audience as to the minutes being changed. Mrs. Lynn Strawn stated she was present at the meeting of December 21, 1982, and asked Commissioner Cox if a tape of that meeting was produced and if, after he listened to it, the tape proved that his addition to the minutes was not exactly correct, would the minutes of December 21, 1982, be left as they were prior to his addition. Commissioner Cox stated "surely".

Deputy Clerk Gail O'Bryan was instructed to continue reading the minutes of December 21, 1982. Commissioner Bowman interrupted the reading of the minutes and stated he was speaking for himself only when he had said he would not consider Attorney Corbin for rehiring.

After more objections from the public in the audience, the minutes of December 21, 1982, containing the new additions were approved as read.

Deputy Clerk Gail O'Bryan read a letter from Commissioner Bailey stating his memorandum was sent in compliance with Chapters 286 and 112, Florida Statutes, concerning his abstention from voting on the issues regarding the position of county attorney, and that contrary to the minutes previously recorded by the Clerk, his abstention was based not on political reasons, but rather on his wife's employment with Baker, McClellan and House, PA.. Commissioner Bailey stated he felt capable of voting on employment of a county attorney impartially, but his wife's employment might appear to some persons to be a possible conflict of interest within the meaning of Chapter 112 and that in accordance with Florida Statutes, Section 112.3143, he requested a copy of his letter be attached to the minutes from each special and regular commission meeting on or after November 16, 1982, through December 21, 1982. (FOR LETTER, SEE SUPPLEMENTAL MINUTE BOOK 1, PAGE 2, SECTION E)

Gary Doyens, Channel 13 News, stated he had read the minutes referred to in the memorandum from Commissioner Bailey, and asked if those minutes were not accurate, and, was not Commissioner Bailey present when the minutes were read. Mr. Doyens also asked if they were not accurate, why were they not corrected at that time and did Commissioner Bailey not vote on those minutes being approved. Commissioner Bowman stated he guessed Commissioner Bailey had voted on them. Commissioner Whitfield stated that Commissioner Bowman knew that Commissioner Bailey had voted on them. Clerk Wise and Commissioner Whitfield pointed out to Chairman Bowman that the memorandum could be attached to the minutes of this meeting, but could not be attached to the prior minutes as they had already been approved.

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Mrs. Lynn Strawn again read from Roberts Rules of Order pertaining to the correction of minutes which is as follows:

"The minutes of an organization are the official record of all business transacted, activities undertaken, plans projected, general growth, etc. The minutes should contain what is done and not what is said. They should be written in the third person. Minutes should include:

The name of the organization, date, place and time of meeting.

Whether it was a regular or special meeting.

Names of president and recording secretary or their substitutes. The minutes should state whether those of the previous meeting were read and approved or if reading was dispensed with.

All main motions, whether adopted or lost. (A motion that was withdrawn should not be recorded) Resolutions adopted should be entered in full.

The names of the persons making the motions, but the names of the seconder need not be recorded.

Points of order and appeals, whether sustained or lost.

Summarized reports of committees, unless written reports are appended.

All appointments of committees, elected delegates, etc.

When a count has been ordered, or where the vote is by ballot or roll call, the number of votes on each side should be recorded.

Time of adjournment.

Minutes should be signed by secretary. "Respectfully submitted" not used. Then: Approved \_\_\_\_\_ date and initials.

If corrected, correction made on right margin where needed and then stated in the minutes when corrected, at the next meeting.

Personal opinions of praise or criticism should not be recorded.

Some organizations prefer fuller minutes, particularly when they are mailed out to board members of state or national groups who wish to be better informed. But an average group may like its minutes fuller; reading the minutes highlights the previous meeting for the members absent at that meeting.

The minutes may be corrected whenever an error is noticed regardless of the time that elapsed; but after their adoption, when too late to reconsider the vote, they require a two-thirds vote for their amendment, unless previous notice of the proposed amendment has been given; then only a majority vote is required."

Mr. Fernwood Bailey, County Road Superintendent, reported to the Board that the D.E.R. had said the County was headed in the right direction on the garbage pit.

Attorney Bill Corbin stated he had been at the meeting for over 3 1/2 hours and wanted to know if any board member had anything for him, and if not, he had a couple of things to bring up. Commissioner Whitfield stated it was a fact that Attorney Corbin was going to be terminated, and he would like to know what cases were pending now and what was the Board's and his intentions on the method of transfer of the cases. Attorney Corbin stated he did not bring a list, but basically there were the three St. Joe Paper Company cases that had been consolidated into 1 case. The Department of HRS has a suit against the county for something like \$94,000.00. Attorney Corbin stated this case had been stayed and it was not from his dragging his feet on the case, but that the judge in the case had stopped any activity on it and it was still pending. He stated that the Charlie Cook Bridges suit against the county is still pending, and that there were 2 or 3 other cases and that he could get a list in a matter of minutes. Attorney Corbin stated as far as the files were concerned, he did not intend to give up his personal files, but whoever took over would have access to the court files and could get copies of anything he has that pertains to pleadings, etc. - nothing personal or no notes. Attorney Corbin explained to the Board that there was a procedure you have to go through to get out of a case. He stated he would file motions to withdraw from each case and have a judge in each case enter an Order accordingly, if that was what the Board wanted him to do.

Commissioner Whitfield asked Attorney Corbin if he was going to submit a bid or proposal to the Board, and also stated he would like to submit a proposal.

Attorney Corbin advised the Board he had picked up an application from the Clerk's office and wanted to know if the Board was going to insist that the particular form be used. He stated the form wanted to know the color of his eyes and hair, where he lives and where he went to grammar school. Attorney Corbin stated he had been here for a decade, and he did not see any reason for all that detailed information, and he would like to know if this form was actually required or would a letter of qualifications and proposals be sufficient. Attorney Corbin stated he supposed Commissioner Whitfield and the other two commissioners present (Commissioner Bailey was absent due to illness) were all that was necessary to answer since Commissioner Bowman was not going to consider it anyway. Commissioner Bowman stated to Attorney Corbin that he would consider his application. Attorney Corbin stated that Commissioner Bowman had stated twice at the last Board meeting that he would not consider his application. Commissioner Bowman stated that he did not want to be involved in this situation.

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Attorney Corbin again asked if the application was necessary, and that the Board had accepted a letter from Attorney Frank Baker at the last meeting that stated basic information. Commissioner Bowman advised Attorney Corbin he could do the same thing, but personally felt he should fill the application out since that was the way it was advertised. Attorney Corbin asked Commissioner Cox if he wanted the color of his hair and all that or a letter. Commissioner Cox stated a letter. Commissioner Peacock said it was inmaterial to him. Commissioner Whitfield said a letter would be sufficient on his vote, but didn't think it would be up to him. Commissioner Whitfield also stated if Attorney Corbin submitted the same type letter as Mr. Baker had that the Board should not be prejudiced against him and make him do something that someone else had not done.

Attorney Corbin stated that since on 2 occasions at the last Board meeting Commissioner Bowman had stated he would not consider his application, he wanted to ask Commissioners Cox and Peacock if they would consider his application. Commissioners Cox and Peacock stated "yes", they would consider his application. Attorney Corbin then asked Commissioners Cox and Peacock if they were going to consider him even though the whole idea was for a change. No answer was given to Attorney Corbin. Attorney Corbin stated several people had asked him about the status of his contract with the County. He stated ten (10) years ago Judge W. L. Bailey was receiving \$300.00 per month as a retainer as County Attorney, and when he (Bill Corbin) became the attorney for the Board he also received \$300.00 per month and did so for several years. This retainer was for his attending all Board meetings from start to end. Several years later the retainer was increased to \$350.00 per month and then increased to \$375.00 per month. Attorney Corbin stated eventually it got to a point to where he could not spend 8 to 12 hours in a meeting doing nothing. He stated he brought this objection to the Board on several occasions and to save money it was decided in 1978 or 1979 that there was no reason for him to attend the meetings unless he was called and he would be available. The money was reduced from \$375.00 to \$225.00 per month. He stated he was always subject to call, but did not have to attend the meetings. When Commissioner Bowman came on the Board in November, 1980, he made the proposal that the money be increased from \$225.00 to \$500.00 per month and the provision changed about him not attending the meeting. Now he would attend the meetings for a short period of time and not the whole meeting. Attorney Corbin stated that is the contract he is going under right now, and that all 5 commissioners had approved the procedure.

Commissioner Bowman stated it was his understanding when he voted to increase Attorney Corbin's retainer to \$500.00 that Mr. Corbin would stay for the whole meeting. He stated he could be wrong, but that was his understanding.

Attorney Corbin stated Commissioner Bowman was absolutely wrong. He said it was in the contract that he attend the meetings for a short period of time.

Commissioner Whitfield told Attorney Corbin he had done a damn good job, and that he hated to see him terminated for no reason at all.

Clerk Willie D. Wise stated that he had worked with Bill Corbin as County Attorney for the past six (6) years and knew that Bill had followed the Board's instructions on the court cases involving the County. Mr. Wise also stated that Bill had been paid the last year approximately \$19,000.00, but \$7,000.00 of that was for defending the Board of County Commission on an ethics complaint against them, and instead of costing the county, he had saved money, and that in his opinion Bill was and had been a damn good attorney for the County.

Commissioner Whitfield presented a Resolution adopted by the City of Blountstown supporting the construction of a medium security correctional facility in Calhoun County. He stated he would like the Board to go on record supporting the construction of the facility.

A motion was made by Commissioner Whitfield, seconded by Commissioner Peacock and duly carried to adopt the Resolution supporting the construction of a medium security correctional facility in Calhoun County. (FOR RESOLUTION, SEE SUPPLEMENTAL MINUTE BOOK 1, PAGE 1, SECTION E)

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Commissioner Whitfield stated he would like to add to the Resolution that Calhoun County is economically depressed and has a high unemployment rate.

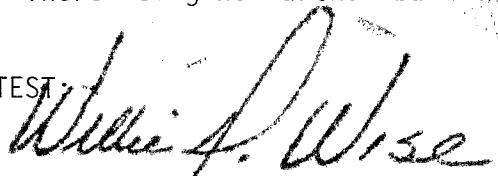
Commissioner Bowman polled the Board regarding acceptance of the addition to the Resolution. All commissioners voted "yes" to the acceptance of the addition.

A motion was made by Commissioner Whitfield, seconded by Commissioner / and duly carried to have Chairman Bowman look into the County's charging a surtax on cable companies operating in the County, and for the chairman to report on it at the next Baord meeting.

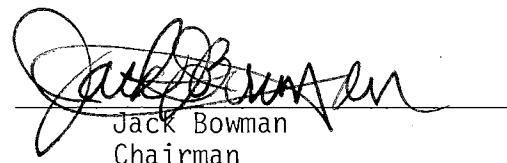
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There being no further business, the Board did then adjourn.

ATTEST:



Willie D. Wise  
Clerk



Jack Bowman  
Chairman

BOARD OF COUNTY COMMISSION  
MINUTES OF JANUARY 18, 1983

The Board of County Commission met this day in regular session with the following members present, to-wit:  
Jack Bowman, Chairman, Monroe Cox, Drew Peacock, Donnell Whitfield and Roy Bailey.

Deputy Clerk Gail O'Bryan, Attorney Bill Corbin and Sheriff William G. Smith were present and acting. The meeting was called to order by Sheriff Smith followed with prayer by Commissioner Bowman.

Commissioner Bowman stated that since there was such a large crowd attending the meeting, he recommended the meeting be moved to the courtroom.

A motion was made by Commissioner Peacock, seconded by Commissioner Whitfield and duly carred (5-0) to move the meeting to the courtroom because there were approximately 250 people present. The Board adjourned for 10 minutes in order that the meeting could be moved to the courtroom.

Chairman Bowman called to meeting to order in the courtroom, and stated bids were being received from Baxter Asphalt, Gulf asphalt, Florida Asphalt and Okaloosa Asphalt on miscellaneous roads to be paved under the HUD Grant.