

FEBRUARY 20, 1991

BOARD OF COUNTY COMMISSIONERS
MINUTES OF SPECIAL MEETING
FEBRUARY 20, 1991

COMMISSIONERS PRESENT:

S. DONNELL WHITFIELD
PACK BOWDEN
ELLIS MELVIN
TRUMAN GRANT
COMMISSIONER COX WAS ABSENT DUE TO A COMPREHENSIVE PLAN MEETING IN
TALLAHASSEE.

PRESENT AND ACTING:

WILLIE D. WISE, CLERK
GAIL O'BRYAN, ADMINISTRATIVE ASSISTANT
BILL CORBIN, COUNTY ATTORNEY
JOE TAYLOR, FINANCE

THE MEETING WAS CALLED TO ORDER BY COMMISSIONER WHITFIELD AND FOLLOWED
WITH PRAYER BY COMMISSIONER MELVIN AND PLEDGE OF ALLEGIANCE TO THE
FLAG.

JAMES M. WHITE REPORTED ON THE TRUCK BIDS RECEIVED AND TABLED ON
2/19/91. HE NOTED ALL BIDS MEET SPECIFICATIONS, BUT WOULD RECOMMEND
THAT THE BOARD CONSIDER THE DIESELS. HE SAID THERE IS ONLY \$46.67
DIFFERENCE IN BIDS, WITH THE FORD BEING LOW BID AND THE CHEVROLET
HAVING A LONGER EXTENDED WARRANTY.

AFTER DISCUSSION AND REVIEW, MOTION BY COMMISSIONER MELVIN TO ACCEPT
MR. WHITE'S RECOMMENDATION AND GO WITH LOW BID ON FORD MOTORS.
2ND COMMISSIONER GRANT
MOTION CARRIED 4-0

ATTORNEY CORBIN PRESENTED TO THE BOARD COPIES OF NEGOTIATED CONTRACT
BETWEEN CALHOUN COUNTY AND CALHOUN LIBERTY HOSPITAL ASSOCIATION, INC.,
AND EXPLAINED TERMS OF LEASE OPTION. (SEE ATTACHED LEASE-PURCHASE
AGREEMENT).

ATTORNEY CORBIN REPORTED THAT A NON-PROFIT CORPORATION NAMED CALHOUN
HOSPITAL FOUNDATION INC., HAD BEEN FORMED BY THE COUNTY IN ORDER TO
SIGN A CONTRACT WITH CALHOUN-LIBERTY HOSPITAL ASSOCIATION INC., FOR
THE LEASE OF CALHOUN GENERAL HOSPITAL. HE SAID THE LEASE FOR 30 YEARS
AND THAT MRS. BROCK WILL ASSUME LIABILITIES OF \$958,311.00, AND BEFORE
SHE CAN RECEIVE A DEED TO THE PROPERTY MUST HAVE PROOF THAT THE
\$958,311.00 IS EITHER PAID, SETTLED, STATUTE OF LIMITATIONS HAS RUN
OUT OR THAT CALHOUN COUNTY HAS NO OBLIGATION. HE NOTED THE LEASE
TAKES EFFECT FEBRUARY 24, 1991 AT 12:01 A.M. SUNDAY. ATTORNEY CORBIN
REPORTED MRS. BROCK WILL OPERATE AND RUN A FULL SERVICE HOSPITAL. SHE
WILL ALSO RUN AND OPERATE THE AMBULANCE SERVICE FREE FOR THE REST OF
THIS FY AND WILL SUBMIT A BUDGET FOR AMBULANCE OPERATION BY MAY 1,
1991. ATTORNEY CORBIN REPORTED THE COUNTY RETAINS THE RIGHT TO GO INTO
THE FACILITY AT ANY AND ALL TIMES TO INSPECT AND EXAMINE ALL RECORDS
AND IF THE FACILITY IS NOT OPERATED AS A HOSPITAL IT REVERTS BACK TO
THE COUNTY. MRS. BROCK WILL PAY RENT FOR THE HOSPITAL FACILITIES IN THE
AMOUNT OF \$118,000.00 PER YEAR.

DR. JOE RONKVOITZ QUESTIONED IF ANY CONTRACTUAL AGREEMENTS WERE
ADDRESSED IN THE LEASE-PURCHASE AGREEMENT. ATTORNEY CORBIN RESPONDED
NO.

COMMISSIONER BOWDEN QUESTIONED IF THERE WAS TO BE AN APPRAISAL OF THE
FACILITIES IN OPTION TO PURCHASE. ATTORNEY CORBIN STATED THE PURCHASE
PRICE WAS THE ALMOST 1 MILLION IN LIABILITIES ASSUMED BY
CALHOUN-LIBERTY HOSPITAL, INC.

ATTORNEY CORBIN REPORTED THE STOCKHOLDERS OF CALHOUN-LIBERTY HOSPITAL
ASSOCIATION, INC., AS: CHAIRMAN OF BOARD--MARGARET Z. BROCK;
TRUSTEE--JOHN MILLER; TRUSTEE--WILLIAM W. COREY

INDIGENT CARE WAS DISCUSSED AND ATTORNEY CORBIN REPORTED IF COST FOR INDIGENT CARE SHOULD NOT EXCEED \$118,000.00 THE DIFFERENCE WOULD BE RETURNED TO LESSEE FOR CAPITOL IMPROVEMENTS; IF IT SHOULD EXCEED \$118,000.00, LESSEE WILL ABSORB THE DIFFERENCE.

DANNY RYALS ASKED WHAT HAPPENS TO RESPONSIBILITY OF INDIGENT CARE AFTER A PURCHASE, WILL MRS. BROCK ASSUME RESPONSIBILITY OR WILL COUNTY ASSUME? ATTORNEY CORBIN STATED THAT HAD NOT BEEN ADDRESSED, BUT WOULD HAVE TO BE ADDRESSED AT THE TIME OF PURCHASE.

COMMISSIONER MELVIN QUESTIONED IF ACTUAL COST HAD BEEN OBTAINED FOR AMBULANCE SERVICE. COMMISSIONER WHITFIELD SAID AS BEST AS THEY CAN TELL IT IS \$118,000.00 PER YEAR.

COMMISSIONER GRANT QUESTIONED IF \$260,000.00 NOTE IS ASSUMED IN THE \$958,113.00. COMMISSIONER WHITFIELD RESPONDED YES.

ATTORNEY CORBIN READ THE ARTICLES OF INCORPORATION OF CALHOUN-LIBERTY HOSPITAL ASSOCIATION, INC., A NOT FOR PROFIT CORPORATION.

MOTION BY COMMISSIONER GRANT TO ACCEPT ARTICLES OF INCORPORATION OF CALHOUN-LIBERTY HOSPITAL ASSOCIATION, INC.

2ND COMMISSIONER BOWDEN
MOTION CARRIED 4-0

MOTION BY COMMISSIONER BOWDEN TO ACCEPT LEASE-PURCHASE AGREEMENT BETWEEN CALHOUN HOSPITAL FOUNDATION, INC. A FLORIDA NOT-FOR-PROFIT CORPORATION AND CALHOUN-LIBERTY HOSPITAL ASSOCIATION, INC.. A FLORIDA NOT-FOR-PROFIT CORPORATION.

2ND COMMISSIONER GRANT
MOTION CARRIED 3-1

COMMISSIONER MELVIN VOTING NO BECAUSE OF PURCHASE GIVING A WARRANTY DEED, LONG TERM LEASE, RENEWAL OF LEASE AND AMBULANCE SERVICE TO PAY.

THE BOARD RECESSED FOR 10 MINUTES.
THE BOARD RECONVENED

GREG PREBLE, ENGINEER AND LARRY BOYER, VICE PRESIDENT, BDE, WERE PRESENT AT THE MEETING FOR REVIEW OF GRANTS AND FINANCES OF AG PARK. GREG PREBLE STATED HE HAD BEEN INFORMED BY MARSHA HARPOOL, ARPC, THERE WAS A PROBLEM WITH MAGNITUDE OF ENGINEERING FEES. MR. PREBLE STATED HE HAD RECEIVED A LETTER FROM THE COUNTY REGARDING THE ENGINEERING FEES.

BDE DISCUSSED THE CONTRACT TIME FRAMES CONCERNING THE ELEVATED TANK. MR. PREBLE REPORTED THAT THE ELEVATED TANKS WERE 2 TO 3 WEEKS BEHIND, BUT HE FEELS TANKS WILL BE FINISHED BY END OF MARCH.

A DISCUSSION WAS HELD REGARDING THE FEBRUARY 6, 1991 LETTER TO BASKERVILLE-DONOVAN ENGINEERS FROM CALHOUN COUNTY CONCERNING ENGINEERING FEES. (SEE ATTACHED LETTER AND RESPONSE BY BASKERVILLE-DONOVAN ENGINEERS).

IT WAS REPORTED BY JOE TAYLOR THAT THE GRANT WAS SIGNED IN AUGUST OF 88 AND BDE'S CONTRACT WAS SIGNED IN SEPTEMBER 88. SEVERAL LETTERS OF CORRESPONDENCE WERE PRESENTED WHICH STATED BDE KNEW CALHOUN COUNTY HAD NO EXCESS FUNDS. BDE RESPONDED THEY EXPECTED THE COUNTY TO LIVE UP TO THE CONTRACT FEES.

COMMISSIONER BOWDEN QUESTIONED THE PERFORMANCE OF BDE. HE STATED HE IS NOT SATISFIED WITH THE SERVICES THAT HAVE BEEN PERFORMED.

ON THE CONCERN OF THE \$13,900.00 GAS FEES REDISTRIBUTED TO OTHER LINE ITEMS OF ENGINEERING FEES, GREG PREBLE STATED ELLA BROWN AND MARSHA HARPOOL HAD DISCUSSED WITH IDA THE DECISION TO REDISTRIBUTE THE FEEL AND THIS WAS APPROVED BY THE IDA. MS. HARPOOL WAS NOT PRESENT TO CONFIRM AND NO MEMBER OF THE IDA BOARD COULD VERIFY APPROVAL.

COMMISSIONER WHITFIELD STATED THE BCC HAS REQUESTED DOCUMENTATION FOR THE \$6100.00 PAID FOR THE NATURAL GAS ENGINEERING FEES. MR. BOYER SAID HE FEELS BDE MAY OWE THE COUNTY WORK FOR THE \$6100.00, BUT FEELS THE \$13,900.00 IS DUE. HE STATED THE ENGINEERING CONTRACT IS A LUMP SUM CONTRACT AND THE CONTRACT AMOUNT IS TO BE PAID AS LONG AS THE SCOPE OF SERVICES IS MET.

A DISCUSSION WAS HELD ON THE \$5000.00 OF ENGINEERING FEES RETAINED BY THE COUNTY ON A BDE INVOICE. THIS \$5000.00 CONCERNS AN EARLIER PAYMENT BY THE BCC TO BDE PRIOR TO SIGNING THE ENGINEERING CONTRACT. COMMISSIONER GRANT EXPLAINED THAT BDE HAD MET AND EXPLAINED TO THE BCC

THAT BDE HAD ENCUMBERED \$50,000 TO \$75,000 FOR COST IN ACQUIRING GRANT AND THE BOARD HAD AGREED TO PAY THE \$5000.00 TO BDE TO OFF SET COST.

COMMISSIONER WHITFIELD STATED THE BCC WANTED THE ORIGINAL ENGINEERING FEES OF \$225,015 AWARDED BY THE GRANT TO BE THE BEGINNING POINT BEFORE ADJUSTMENTS. HE ALSO STATED \$6100.00 TO COME OFF CONTRACT IF NO DOCUMENTATION EXISTS BY BDE AND \$13,900.00 TO COME OFF CONTRACT IF NO DOCUMENTATION EXISTS BY BDE. POINTS 2 & 4 OF THE LETTER WERE AGREED TO.

A DISCUSSION FOLLOWED ON THE SCOPE OF SERVICES PERFORMED BY BDE. THE BCC CONTENDS THE MAIN DISAGREEMENT IS THAT THE WASTEWATER TREATMENT PLANT HAD BEEN MISDESIGNED. THE ORIGINAL PLANS CALLED FOR A 250,000.00 PER DAY WWTP. INSTEAD, THE AG PARK NOW HAS A 87,500 GAL PER DAY WWTP AND THEREBY THE COUNTY IS LIMITED TO 1 INDUSTRY IN THE AG PARK. COUNTY WISHES BDE TO PROVIDE THE COUNTY WITH A 250,000 GPD WWTP. COMMISSIONERS BOWDEN AND GRANT SAID THEY FEEL THE COUNTY SHOULD GET WHAT THEY PAID FOR. JIM ANDERS OF THE IDA BOARD SAID IN THE BEGINNING THERE WAS TO BE A POULTRY PLANT AND CATFISH PROCESSING PLANT AND THEY WOULD NEED THE 250,000 GPD CAPACITY.

MR. PREBLE OF BDE STATED ELLA BROWN OF BDE SAID THERE WAS NO PLACE TO GET INFORMATION CONCERNING THE DESIGN OF THE WWTP. SHE SAID THEY WERE TOLD IT WAS NEAR THE DEADLINE FOR THE GRANT APPLICATION AND IF THEY DID NOT GO INTO IT HURRIEDLY, THE EDA GRANT WOULD BE LOST AND SO THE 87,500 GPD WWTP WAS DESIGNED.

MR. BOYER REQUESTED THE BOARD TO OUTLINE CONCERNS IN A LETTER IN ORDER THAT BDE DO RESEARCH.

MR. PREBLE STATED THE BOARD KNEW THE CAPACITY OF THE PLANT WAY LAST SUMMER AND QUESTIONED WHY THE BOARD WAITED THIS LONG TO BRING IT UP.

COMMISSIONER BOWDEN STATED THERE HAD BEEN A FAILURE OF THE ENGINEERS TO PROVIDE SERVICES TO CALHOUN COUNTY. OF THE CONCERNS THAT WERE DISCUSSED WAS THE PERKING OF THE SOIL, THE 250,000 WWTP DROPPED TO 87,500 GAL WWTP AND THE PROBLEMS OF THE CAPACITY OF THE SHALLOW WELL.

THE BOARD REQUESTED OF BDE TO REMOVE THE ENTIRE 20,000.00 OF ENGINEERING FEES APPLICABLE TO THE NATURAL GAS SYSTEM. BDE RESPONDED THEY COULD ACCEPT A REDUCTION OF \$6100.00 AND WOULD ACCEPT PAYMENT TERMS. THE COUNTY COULD NOT ACCEPT THIS OFFER.

BCC AND BDE DISCUSSED CHANGE ORDERS FOR NORTH FLORIDA CONSTRUCTION HOOKUP OF ROTO STRAINER. GREG PREBLE REPORTED DIFFICULTIES OF OBTAINING DRAWINGS FROM ARCHITECT CHARLES ARTHUR GASKIN ON THIS HOOK UP.

AFTER DISCUSSION, THE BOARD AGREED TO FURNISH DOCUMENTATION TO BDE AND BDE AGREED TO REVIEW THE BOARDS DOCUMENTATION AND AFTER DOING SO, WILL ADVISE THE BOARD OF THEIR DECISION ON RE NEGOTIATION OF ENGINEERING FEES.

CLERK WISE REPORTED THERE ARE 81.26 ACRES LEFT IN THE AG PARK AND SUGGESTED CUTTING UP INTO 1 TO 5 ACRE PARCELS. HE SAID IT WOULD ALSO NEED TO BE SURVEYED, PLATTED AND ACCEPTED BY PLANNING COMMISSION AND RECORDED, THEN HAVE AN AUCTION FOR SALE.

AFTER DISCUSSION, MOTION BY COMMISSIONER BOWDEN TO AUTHORIZE CLERK TO NEGOTIATE A PRICE FOR SURVEYING AND PLATTING ON 81.26 ACRES REMAINING IN AG PARK FOR BOTH COMMERCIAL AND RESIDENTIAL USAGE, CONTINGENT ON IDA APPROVAL.

2ND COMMISSIONER GRANT
MOTION CARRIED 3-0

THERE BEING NO FURTHER BUSINESS, THE BOARD DID ADJOURN.

ATTEST:

Willie D. Wise

WILLIE D. WISE, CLERK

CALHOUN CO. BCC

S. DONNELL WHITFIELD,
CHAIRMAN