

**CALHOUN COUNTY BOARD OF COUNTY COMMISSIONERS
SPECIAL MEETING MINUTES
JULY 17, 2017**

PRESENT AND ACTING:

**DANNY RAY WISE, CHAIRMAN
GENE BAILEY, VICE-CHAIRMAN
DARRELL MCDUGALD
DENNIS JONES
JERAL HALL**

SARAH WILLIAMS, CLERK ADMINISTRATIVE ASSISTANT

The meeting held in the Regular Meeting Room was called to order by Chairman Wise at 4:00 p.m., CT. Commissioner Jones led the Prayer and Pledge of Allegiance to the Flag.

Chairman Wise explained for Commissioner Jones, who was absent from the last Board meeting, the situation with Mr. Buddy Kyle's roof. Chairman Wise stated when he was elected, Mr. Kyle contacted him to tell him his roof was leaking. Chairman Wise stated in 2012 Mr. Kyle received Weatherization services and the contractor cut twelve (12) holes in his roof to blow in insulation, and after one (1) year his roof began leaking. Chairman Wise stated the issue was brought to the attention of county employees, but nothing was done. Chairman Wise stated when he was elected he began to pursue the issue, and called the Weatherization headquarters in Tallahassee and requested they come inspect Mr. Kyle's home. Chairman Wise stated after examining the roof, the Quality Control Inspector (QCI) informed him the job had been done incorrectly, which resulted in the leaking roof. Chairman Wise stated at the last Board meeting the Board voted 3-1 to place a tarp on Mr. Kyle's roof as an emergency measure until a better solution could be found. Chairman Wise stated in his opinion, the county is liable for the damage to Mr. Kyle's roof because it was done incorrectly and staff did not follow through to make sure the job was done correctly. Chairman Wise stated he has found out it will be cheaper to put metal on the roof than to purchase a FEMA tarp to cover the roof.

Commissioner Bailey presented the Board with a handout of the correct procedure on blowing insulation through the roof of a home. Commissioner Bailey stated the instructions state to cut a 10 inch square to blow the insulation through, which is patched with a 12 inch piece of stiff galvanized steel sealed with roof cement and screwed into the existing metal roof, which is then covered with an 18 inch square piece of foil faced butyl rubber. Commissioner Bailey stated he visited the home yesterday, and took many pictures of the mobile home, including the roof. Commissioner Bailey presented the pictures for the Board to see, and noted the holes cut in the roof were not properly patched. Commissioner Bailey read a statement he prepared (attached to minutes) and informed the Board he has secured the donation of all materials to repair the roof, and Mr. David Stone of Gulf Coast Home Solutions has contacted him and stated he would furnish the labor to install a roof on Mr. Kyle's home with no County involvement.

Chairman Wise asked Commissioner Jones if he had known about Mr. Kyle's situation when the previous Board was in office. Commissioner Jones stated he had not been informed of this previously. Chairman Wise stated a staff member failed to report the issue to the Board when it should have been brought to the Board's attention. Commissioner McDougald stated there was a dispute as far as who was liable for the work done on the home, which is why the staff member did not report to the Board, there were many people who had looked into the issue. Chairman Wise stated he would not have worried about liability and reported to the Board if he were the staff member. Chairman Wise stated this issue would still be going on if he had not called Tallahassee, which could have been done two and a half years ago and this 80-year-old man would not have had to live with water damage to his home all this time.

Commissioner Jones stated he is thankful Mr. Stone has volunteered to furnish the labor to repair the roof to the home free of charge and County involvement. Commissioner Jones asked if there is a way for the County to recoup their money when a contractor does not do a job properly. Commissioner McDougald stated he did not think this was possible. Commissioner Jones asked if the County attorney could help with those matters. Commissioner McDougald stated the one-year warranty has expired, so he did not think the County could pursue seeking relief from the contractor. Commissioner McDougald stated there is also an agreement Attorney Fuqua drafted for the Commissioners consideration releasing the County from liability if the County replaces Mr. Kyle's roof. Chairman Wise stated he would not be presenting the legal contract. Commissioner Bailey stated since there is no County involvement in the repairs the Board should not sign the agreement. There was further discussion about the agreement.

Chairman Wise stated he wanted it noted that County staff failed the Board. Chairman Wise stated he would start with the acting executive for the Board as Director of Operations, Mr. Joe Wood, who knew about this issue, talked to other members of the Board, but did not bring the issue before the Board in a meeting or call Tallahassee to find out why the roof was leaking. Commissioner McDougald stated he would have thought Chairman Wise would have implicated Mr. Dan Clemons, who was in charge of Weatherization inspections at the time. Commissioner McDougald stated Chairman Wise should go to Mr. Clemons to get his side of the story before assigning blame directly on Mr. Wood. Chairman Wise stated Commissioner Bailey just stated the job was done incorrectly and Mr. Clemons approved the job. Commissioner McDougald asked Chairman Wise how he tied Mr. Wood into the blame. Chairman Wise stated because Mr. Wood was Mr. Clemons boss, and was complained to and asked to check into the issue several times including by himself, and Mr. Wood assured him the county had done everything they could. Chairman Wise stated someone is responsible for the roof leaking and it should have been checked before now. Chairman Wise stated it is the County's fault for not checking into the issue further. Mr. Dowling Parrish stated there were many factors that fell through; it was not only one person's fault. Chairman Wise stated he is not going to present the document Attorney Fuqua drafted releasing the County from all responsibility. Commissioner McDougald asked Chairman Wise if he wanted the County to be responsible, as a representative of Calhoun County. Chairman Wise asked if Commissioner McDougald wanted the issue to be covered up. Commissioner McDougald stated Chairman Wise should speak with Mr. Clemons and get his side of the story. Commissioner McDougald stated there was already a roof leak before the Weatherization work was done, and most of the damage was done where there was a porch attached to the home. Commissioner McDougald stated there is liability all around, and Mr. Kyle is partially liable because as a homeowner he did not fulfil his responsibility and try to minimize the damage done over the past few years. Commissioner McDougald

stated he would like to hear from Mr. Clemons before assigning liability to one person. Commissioner McDougald stated Mr. Wood as Mr. Clemons supervisor was not responsible for checking behind Mr. Clemon's work or for knowing all the regulations. Commissioner McDougald stated the County may be setting a precedence by fixing the roof, and others will be looking for ways to get the County to repair their homes. Commissioner Bailey stated this is why he went on record with his statement (attached) stating the County is not liable if they have not worked on someone's home or have worked on a home and the job was done properly. Commissioner Bailey stated if a job has not been completed to code, he is for fixing the mistake. Commissioner Bailey stated he is not for signing the document Attorney Fuqua drafted, because by signing the document the County is admitting liability. Commissioner Bailey stated Mr. Kyle is agreeable to someone repairing his home without County involvement, and the materials have been donated, so the County should leave the situation as it is. Commissioner McDougald stated the legal document would release the County from any further liability and be a final settlement of the issue. Commissioner Bailey stated he does not think the individuals who are donating their time and the materials would want the document signed. Commissioner Bailey stated they would rather not involve the County and leave it as strictly a donation to Mr. Kyle. Commissioner McDougald stated he did not see where that would matter to them.

Commissioner McDougald stated once the roof has been repaired, the damage inside the house would be asked to be repaired next. Commissioner McDougald stated if he thought the County was 100% at fault, he would be for restoring the home, but he does not see where the County was 100% at fault. Commissioner McDougald stated the Board voted on a temporary roof repair in a regular Board meeting, which is a matter of record, and shows County involvement and liability. Commissioner McDougald stated this is why he would like to see the Board sign the release to settle the matter. Commissioner McDougald asked Chairman Wise what his next step would be in the matter. Chairman Wise stated he would like Mr. Clemons, form Weatherization coordinator, to attend the next meeting and would also like Mr. Jerry Guilford, former building official, to attend the next meeting. Commissioner McDougald asked what the ultimate goal in the situation. Chairman Wise stated he would not be held accountable, he brought the issue before the Board to help Mr. Kyle and find who is responsible for the issues Mr. Kyle has had the past few years. Commissioner McDougald asked if Chairman Wise wanted to hold all responsible parties accountable. Chairman Wise stated yes, he would. There was further discussion about the repair of Mr. Kyle's roof. Commissioner McDougald stated the contractor who originally did the work on Mr. Kyle's roof is in attendance at this meeting if any of the other Commissioners would like to hear from him. The Board stated they did not want to hear from the contractor. Commissioner McDougald stated it is above and beyond for a contractor to donate his time and for someone else to donate the materials to help Mr. Kyle, and appreciates everyone who is helping. Commissioner McDougald stated he sees no need to assign blame to any one individual.

Mr. Tim Jenks stated there is a contract with TRANE that needs to be signed by Chairman Wise so they can start getting things in order and materials lined up for the HVAC project.

- ❖ Commissioner McDougald made a motion for the Chairman to execute the HVAC contract with TRANE. Commissioner Hall seconded the motion. Commissioner Bailey stated he would like TRANE to begin with the lighting project, as it is the biggest energy saving mechanism of the project. The motion passed unanimously 5-0.

There being no further business, the meeting adjourned at 4:30 p.m., CT.


DANNY RAY WISE, CHAIRMAN

ATTEST:


CARLA A. HAND, CLERK

I would like to go on record stating:

I voted on July 11, 2017 to help Mr. Buddy Kyle whom lives in Hayes subdivision in District 1 because I believe him when he says that his mobile home roof did not leak until Calhoun County cut 12 holes in his roof to blow insulation into the attic space. If the County had not been involved in cutting the holes I would not have voted this way.

This home had a pre inspection on 3/19/2012, a punch list of problems on 5/01/2012 and an approved final inspection on 5/23/2012 according to records in the Weatherization Assistance Program office.

I am being told that we are opening a can of worms to anyone in the county with a roof leak to allow them to come before us. I do not believe that the county is liable for leaks on any home that the county has not worked on nor do I believe that the county is liable for homes we work on if the work is done correctly.

I believe that if the county works on a home and does inferior work, that the county is responsible if the County Commission does not follow through on the contractor, our employees and supervisors to assure the work is done correctly, per ship and weatherization guidelines and to the Florida Building Code.

I visited Mr. Kyle's home yesterday during the rain. I have photos where there are 6 containers on the floor or beds catching rain in 5 different rooms of his home. One picture shows a steady stream pouring water from the ceiling into a pot in the dining room area. It was almost impossible to move through the home without getting wet when it was raining.

I have for you a copy of the weatherization guidelines that state when a hole is cut on the roof of the mobile home that it will be covered with a 14" square piece of stiff galvanized steel, sealed with roof cement and screwed into the existing metal roof. Then you cover this patch with a second patch consisting of an 18" square piece of foil faced butyl rubber.

This was not done as I have photos showing only 12" or smaller pieces of metal was used for the first patch and there was no 18" piece of foil faced butyl rubber applied which is normally torched down to make a large composite seal.

I further believe that a county employee did not check the work, second I believe that this employees supervisor did not assure that the work was done correctly and follow through on complaints in an orderly fashion to prevent further damage and this is the reason we are where we are today.

Dexter Barber, Liberty County Commissioner informed me that Liberty County has just been taken to litigation in court and lost a similar case to this one at a cost of \$150,000.00.

It seems as if there is resistance to prevent any assistance to Mr. Kyle as this matter was on going when I came on board last November.

I am proud to say that Mr. David Stone of Gulf Coast Home Solutions has contacted me and stated he would furnish the labor to install a roof on Mr. Kyles home with no county involvement.

I am also glad inform you that I have secured the donation of all materials with no county involvement.