

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING  
DECEMBER 17, 2002**

**OFFICIALS IN ATTENDANCE:** Cheryl Sanders, Chairman; Bevin Putnal, Clarence Williams, Jimmy Mosconis, and Eddie Creamer, Commissioners; Kendall Wade, Clerk; Amelia Varnes, Deputy Clerk; Alfred Shuler, County Attorney.

**9:00 A.M.** Chairman Sanders called the meeting to order.

(Tape 1-28) Commissioner Williams made a **motion to approve the minutes of the meeting held on December 3, 2002.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-32) Commissioner Putnal made a **motion to pay the County bills.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

**HUBERT CHIPMAN-SUPERINTENDENT OF PUBLIC WORKS**

(Tape 1-40) Mr. Chipman said he didn't have anything to report to the Board this morning. He informed the Board there were a lot of his employees on vacation during the holidays. He invited all of the Commissioners to a Christmas Party at the Road Department on December 19<sup>th</sup> at 11:30 a.m.

(Tape 1-58) Commissioner Putnal asked Mr. Chipman if he had an update on the lime rock shortage. Mr. Chipman replied he hadn't really checked into the problem. He stated he had two trucks and if he had to haul the lime rock into the County then he would. Chairman Sanders said she saw a sign on "Langwood Industries" door, which reflected the fact the company was having financial problems. She said the sign had a number for Citizen's Bank in Wakulla County to see what the status of the business was. She stated she knew there were about twenty to twenty-five loads remaining within the fence on the property. She informed the Board she asked the bank if Franklin County could purchase some of the lime rock. She said the bank representative told her they would not be able to do anything with the property until later in the year. She stated the representative of the bank told her the bank would contact the County if they wanted to sell the lime rock. Mr. Chipman explained to the Board he thought the County had enough lime rock to last for a little while longer.

(Tape 1-109) Commissioner Mosconis asked Mr. Chipman how the Apalachicola Airport Access Road Project was progressing. Mr. Chipman replied he thought everything was going pretty smoothly. He said C. W. Roberts Contracting, Inc., the project manager, employees were on vacation for the holidays and would resume work on the road in January. Commissioner Mosconis asked Alan Pierce, Director of Administrative Services, if the road had been redesigned as discussed in previous Board Meetings. Mr. Pierce said he would like to discuss or request Board action on whether to

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employ Preble-Rish Engineering, Inc. to re-design the Apalachicola Airport Road to lower the grade and to remove the friction course. He informed the Board Preble-Rish is willing to re-design the road with the expectation the County would save \$200,000.00 on fill dirt and another \$100,000.00 on the removal of the friction course. He said Preble-Rish would charge the County \$14,000.00 to complete the re-design project. He explained if the Board wants Preble-Rish to re-design the road, then URS, the project engineer, would not longer be responsible for the project, so then Preble-Rish would also become the engineers of record. He stated the current URS Engineer responsible for the project has indicated they would not object to another engineering group taking over the project. He informed the Board he has not asked URS Engineering to remove themselves from the project until the Board gives him authorization to do so. He said he also needed to know if the Board wanted to expend the additional funds on the re-design of the road. He explained, at this point, the re-design funds would have to be funded through the Reserve for Contingency Budget, the Franklin County Gas Tax Revenues, or whatever remains in the Apalachicola Airport Fund, He stated any re-design costs could be applied to the County's local match requirements to the grant. Commissioner Sanders asked the Clerk how much money remained in the Apalachicola Airport Fund. Kendall Wade, the Clerk, said he would find out from the Finance Officer, Ruth Williams. Mr. Pierce said he thought there was approximately \$40,000.00 remaining in the budget. Commissioner Mosconis said he wanted this matter taken care of. He stated this change was going to save the County a total of \$300,000.00 on the project. He said would make a **motion authorizing Mr. Pierce to work with Joe Smith, FDOT Aviation, David Kennedy, Preble-Rish Engineering, Inc., and the County Attorney to prepare the necessary documents to change the design of the road; release URS Engineering from their contract with the County for this project and to make Preble-Rish Engineering, Inc. the new engineering firm of record for the Apalachicola Airport Access Road Project.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Commissioner Putnal said he did not want any funds taken or used from the Franklin County Gas Tax Revenues. He stated this money was desperately needed for repaving roads in Franklin County. Mr. Pierce informed the Board he was confident there would be enough funds in the Apalachicola Airport Fund to pay for these changes.

(Tape 1-210) Commissioner Putnal referenced a letter he had received a copy of from the City of Carrabelle requesting the County pave Eleventh Street/Ryan Drive in Carrabelle since it was the actual Truck Route. He stated the County just did not have the money right now to do this. He said this kind of paving problems was eventually going to have to be addressed by the County.

**VAN JOHNSON-SOLID WASTE DIRECTOR**

(Tape 1-232) He said at the May 7, 2002 Board Meeting the Board authorized him to negotiate with Waste Management for a new Waste Disposal Agreement. He explained the agreement authorizes Waste Management to operate the Transfer Station for staging and transferring Class 1 Municipal Solid Waste out-of-county for final disposal. He said before the County reached the current agreement, the tipping fee for Class 1 Waste was \$62.15 per ton. He stated when the Chairman signed the contract in March 26, 1998 the

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new tipping fee was set at \$41.00 per ton. He informed the Board over the past five-years the rate is up by only \$3.44 per ton making the current tipping fee \$44.44 per ton. He stated the annual increases are based on the Consumer Price Index with the next increase scheduled for April 2003. He stated, after meeting with representatives of Waste Management and in review of the success the County has experienced with the current agreement, he is recommending the County enter into another five-year Waste Disposal Agreement with the same terms. He told the Board the only difference would be in the company's legal name, instead of doing business as City Environmental Services of North Florida the new contract would reflect the company's new name Waste Management, Inc. of Florida, Panama City District. He said every other aspect of the agreement would remain the same. Commissioner Mosconis made a **motion authorizing the Chairman's signature on the final Waste Disposal Agreement between Franklin County and Waste Management, Inc. of Florida, Panama City District for an additional five-year period at the same terms-contingent on the County Attorney's review of the document.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-287) He presented a chart reflecting the Comp Time accumulated by the Solid Waste Department, Animal Control Department and the Parks and Recreation Department for the time period December 1, 2002 to December 15, 2002. He said commencing on December 19, 2002 and ending April 28, 2003 these employees have scheduled and been approved to take a total of 372 hours of comp time off. He explained this process would be slow due to the daily operational needs of each Department. He said the goal is for each employee, over time, to exhaust all of his or her accumulated comp time. Commissioner Mosconis said Mr. Johnson knew what he had to do.

(Tape 1-320) The Clerk asked Mr. Johnson if he was aware of the letter submitted by Fonda Davis, Assistant Solid Waste Director, regarding the request that the Solid Waste Department and the Parks and Recreation Department be allowed to observe the Christmas holidays on Wednesday, Thursday and Friday instead of Tuesday, Wednesday and Thursday scheduled for the rest of the County employees. Mr. Johnson answered he was aware of the letter and was asking the Board to approve this request. Mr. Wade reported he received the letter from Mr. Davis requesting these days off. He said he didn't see any problem with it, but he did need the Board's approval. He stated the personnel rules reflect the Christmas holidays be scheduled for Tuesday, Wednesday and Thursday, which is the day before Christmas, the day of Christmas and the day after. Commissioner Putnal asked if wasn't the same amount of days off. Mr. Wade replied it was the same amount of days, just different days. Commissioner Mosconis made a **motion authorizing the Solid Waste Department and Parks and Recreation Department observe the Christmas holidays on Wednesday, Thursday and Friday instead of Tuesday, Wednesday and Thursday as specified in the Franklin County Personnel Rules.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.** Commissioner Putnal said if that's what they wanted then that would be fine with him.

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(Tape 1-350) Mr. Johnson said it was his understanding that one of his employees wanted to use some comp time for the holiday and was denied. He stated he was at wit's end and just didn't know what to do about this matter. Mr. Wade reported this was another situation where the Personnel Rules are in conflict with what the employee wanted to do. He said if the Board wanted to override their Personnel Rule it wouldn't be a problem, but the Board would need to approve or authorize the action requested by the employee. Commissioner Putnal asked if this hadn't been done before for other employees. Mr. Wade replied it was just done recently. Mr. Johnson said he thought after the discussion at the last meeting these types of matters would be left up to the discretion of the Department Head. Mr. Wade stated it was, however the Payroll Department in his office needed to have official action of the Board to overrule the written Personnel Rules to be followed by Franklin County employees. Commissioner Creamer said he knew Ms. Jenkins, the Payroll Clerk, had to follow these written rules. Commissioner Mosconis said he didn't think Comp Time should be accruing especially with brand new employees. Mr. Johnson stated the employee worked Amnesty Days, which occur on Saturdays, and has about twelve hours of Comp Time remaining and wanted to use these hours for the holidays. Chairman Sanders asked if his pay was docked for the hours. Mr. Johnson replied it had. Commissioner Mosconis said he didn't want the Personnel Rules changed just for matters such as this. Mr. Johnson stated he didn't think there was a change. Mr. Wade said he wasn't familiar with this case since Ms. Jenkins is the person in his office that handles the payroll for the County employees. He stated Ms. Jenkins follows the written Personnel Rules, which the Board of County Commissioners has adopted. He stated he and his employees have to follow the written rules. Chairman Sanders said since it was decided to leave these type decisions up to the Department Heads couldn't the Board go ahead and on this particular case adopt a motion authorizing this employee, Travus O'Neal, to use his comp time for the holidays and to pay him for his time off. Commissioner Williams said he didn't think the Personnel Rules needed to be changed and this should be done on a case-by-case basis. Chairman Sanders said then all that was needed was a motion. Mr. Wade stated it all boils down to auditing. He said when the auditors come to audit the County they review the written minutes of the meetings to see if they correspond with what the Finance Office is doing. He explained they also checked to see if the Personnel Rules are being followed as to vacation time, comp time, etc. He said his job is to follow the rules and if the Board wants to alter anything then the Board would have to make a motion authorizing the changes or actions. Commissioner Creamer asked why this has just started. Commissioner Putnal replied there have been problems like this previously. Mr. Wade said there have been many situations like this. Commissioner Creamer said he didn't remember them then. He stated it seemed like to him this matter was coming up at every meeting now. Commissioner Putnal said the Board has always authorized Mr. Johnson to take care of the situation and he has always been able to. Commissioner Creamer stated Ms. Jenkins does need direction from the Board. Commissioner Putnal made a **motion authorizing the use of the balance of Compensatory Time accumulated by Travus O'Neal, an employee of the Solid Waste Department, to be used for his holiday leave as requested by him and to pay him for the time he has already been docked for.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

Alfred Shuler, County Attorney, after being asked his opinion on the matter, stated he thought the Board should follow the Personnel Policies and Procedures unless there is a valid reason to change them. He said if there is a reason to change them then they needed to change them so all of the employees can be treated in a similar matter. He stated there would be problems if one employee were treated differently than others are. He said employees are watching what is done for or to another employee and would expect to be treated the same. He said if exceptions are made then every employee is entitled to receive the same exceptions. Commissioner Putnal said this has been going on for ages. He stated now if the exceptions are stopped that is when there is a problem. He said it looked like to him the Board might be showing favoritism. Mr. Shuler recommended the Board, if they wanted to change the rules, make a motion directing this matter be referred to the County's Labor Attorney's, Carson and Adkins, for review and recommendation for changes in the Personnel Rules. Mr. Wade stated he would be glad to call the firm so he and Mr. Johnson can speak to one of the attorneys. He said maybe an amendment could be attached to the rules changing a few things. Chairman Sanders asked Mr. Wade to be sure and make this call so something could be decided about this reoccurring problem.

**BILL MAHAN-COUNTY EXTENSION DIRECTOR**

(Tape 1-695) Mr. Mahan reminded the Board about the Apalachicola Bay and Oyster Harvesting Issues Workshop scheduled for tomorrow night at 6:00 p.m. here in the Courthouse Annex Board Room. He said the topics for discussion would include the following: Status of Oyster Resources; Shell Planting Program (SGI Bridge mitigation); Relaying Program; Summer and Winter Harvesting areas and seasons; and the formation of an Industry Advisory Committee. He informed the Board Mark Berrigan, David Heil, John Gunter and Joe Shields, FDACS; Bill Teehan, FWCC; and Lee Edminston, DEP/ANERR; would be present for the meeting.

(Tape 1-778) Commissioner Mosconis asked Mr. Mahan for an update on the boat ramp situation. Mr. Mahan replied he, Billy Buzzett, St. Joe Arvida and Tammy Summers, DEP/ANERR have communicated about the best solution to this problem. He said there was a report completed a few years ago reflecting the possible boat ramp sites in Franklin County. He stated he knew most of the property the Commissioners have mentioned is privately owned and the owners want a lot of money for their waterfront property. Mr. Buzzett said he was continuously thinking about a potential site that is owned by the St. Joe Company the County could have for a boat ramp. He said he has met with Ms. Summers and was informed by her the Winter season is a bad time to be looking for a boat ramp or boat access points since the tides are so low most of time. He stated he was going to research the area at 8 ½ Mile on the outskirts of Apalachicola. He said St. Joe does own some of the property in that area, but the tides are so low it is hard to tell if a boat can get in and out of the area. He stated some maintenance dredging might have to be done at the site in any case. Donnie Wilson, a resident of Apalachicola and a member of the public audience, was asked by Commissioner Putnal if he knew of an area near the Two-Mile area for the construction of a boat ramp. Mr. Wilson replied he did not know of anything. He said most of the property is owned by individuals and is worth a lot of money. He stated his old oyster house is going to be for sale and then the Lombardi's

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Oyster House is also for sale. He said the problem is the docks are one hundred feet into the channel. Commissioner Putnal asked Mr. Wilson to keep the County informed as to when his property might be for sale. He said he wanted to pay a reasonable amount for any property. Mr. Wilson stated the proper permits for dredging would have to be pursued in any case. He said there was another area, owned by a man named Max Murphy, near the channel on the other side of his oyster house. Commissioner Mosconis asked Mr. Mahan to check into that property as well. He said he knew there was money or grants available to purchase this type of property to construct boat ramps. He stated he knew there was money available for water access of any kind throughout the State of Florida.

**ALAN PIERCE-DIRECTOR OF ADMINSTRATIVE SERVICES**

(Tape 1-1028) Mr. Pierce began his report by presenting a copy of an advertisement, prepared by the County Engineer, David Kennedy, for the Engineering Technician Position in the Planning and Zoning Department. He said the employee would be considered a County Employee. He asked the Board if they wanted to go ahead and proceed with the advertisement. He did inform the Board he would place advertisements in the Tallahassee Democrat and the Panama City News Herald as well as the local newspaper. He said this person would assist both the Engineer and the Road Superintendent with all of the storm water issues, road grades, etc. Commissioner Putnal made a **motion authorizing Mr. Pierce to advertise the newly created Engineering Technician Position for the Planning and Zoning Department in the Tallahassee Democrat, the Panama City News Herald, and the local newspaper.** Mr. Pierce said a salary had not been decided for this new position, but he would go ahead and place the advertisement. He said he would meet with the Finance Officer, Ruth Williams, and try to decide on a salary for this position. Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1088) He presented a contract in the amount of \$4,900.00 with Polaronis Construction, Inc. for the renovations to the old State Attorney's Office. He reminded the Board these were the changes Chief Judge Gary wanted completed as soon as possible.

(Tape 1-1103) He submitted the Franklin County 2001 Levels of Service on State Roads prepared by the ARPC and dated October 2002.

(Tape 1-1113) He presented a copy of a letter from Attorney Nick Yonclas sent to Mike Brim, Coastal Coordinator, U. S. Department of Interior, regarding Lanark Reef. He said evidently Mr. Yonclas is willing to exchange property with the State or Federal Government if there is some suitable property owned by them in the area of Lanark Reef.

(Tape 1-1129) He informed the Board he has been discussing an option with Bill Williams, Mexico Beach Geri-Care, regarding the transferring of beds under their license to Franklin County that are vacant in other counties. He stated this appears to be a way of getting around the nursing home moratorium until the Legislature has time to act. He said Mr. Williams in continuing to investigate this option.

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(Tape 1-1145) He said he had reviewed the package of information submitted by Billy Buzzett, St. Joe/Arvida, regarding the "Summer Camp" Project at the last meeting. He said it appears to him the St. Joe/Arvida responses address the DCA concerns in the ORC Report. He explained he could provide a brief overview at this time if the Board would like, or wait till a scheduled public hearing. He informed the Board Mr. Buzzett would like to address the Board too. The Board instructed Mr. Pierce to wait until the public hearing was scheduled since the meeting was on such a strict time line today. Mr. Pierce asked Mr. Buzzett if he would like to speak to the Board at this time. Mr. Buzzett stated he felt St. Joe/Arvida was ready to move forward with a public hearing regarding the "Summer Camp" Project. He said they had met with various communities, environmental, etc. leaders and tried to incorporate their wishes into the new report. Commissioner Creamer made a **motion to schedule a public hearing to address the "Summer Camp" Project DCA ORC Report on January 21, 2003 at 10:30 a.m.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1334) Mr. Pierce said he needed Board action to extend the contract with Tri-State Construction for the "Big Ditch" Project until December 31<sup>st</sup>. He said both David Kennedy and Mark Curenton, Assistant Planner recommend this extension. Commissioner Mosconis said he thought the contract needed to be extended until January 15<sup>th</sup> since there was so much rain and due to the holidays. Commissioner Mosconis then made a **motion authorizing an extension on the contract with Tri-State Construction for the "Big Ditch" Project until January 15, 2003.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1377) He requested the Board approve a letter to County Legislature Delegates requesting the legislation be introduced which would allow counties designated a "rural area of critical economic concern as designated by the State of Florida" be eligible for a waiver of the local match requirements for beach renourishment projects funded by DEP. He explained that at this time there is a 50% cash match for beach renourishment projects and since most renourishment projects cost a million dollars or more, no rural county has ever received a beach renourishment project because they cannot provide the local match. He said Franklin County is poised to receive DEP funding for the Alligator Point Beach Renourishment Project, but the County might not have the local match if we have to provide 50% of the cost. He stated since FDOT provides a wavier, it seems reasonable that DEP would also be authorized to do so. Commissioner Putnal made a **motion authorizing Mr. Pierce to send a letter to the County's Legislative Delegation requesting legislation be introduced which would allow counties designated as "rural area of critical economic concern as designated by the State of Florida" be eligible for a waiver of the local match requirements for beach renourishment projects funded by DEP.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1516) He informed the Board he met with Tom Taylor, Consortium for Conflict Resolution on December 5<sup>th</sup> and Dr. Chuck Connerly, Director of the FSU Planning School, regarding their assistance to Franklin County for both visioning and the comp

plan update. He said the two groups are going to discuss what they might be able to do for the County, and should have a proposal by the beginning of January. He stated both of the groups are very interested in helping, but both will require some money. Chairman Sanders informed the Board, staff and audience that she had talked to Leigh Root, Executive Director, Florida Association of Counties regarding funding through the Florida Counties Foundation. She explained each year the Legislature places money in a fund for smaller counties to provide technical assistance for visioning and comp plan updates. She stated Ms. Root told here there is funding available to help with the visioning process for Franklin County, but the County does have to send a letter requesting their assistance and funding. Commissioner Creamer made a **motion directing Mr. Pierce to send a letter to the Florida Counties Foundation requesting their financial and technical assistance with the visioning process in Franklin County.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1626) Mr. Pierce said he, Chairman Sanders and some residents from Alligator Point would be attending a meeting at the DEP office in Tallahassee to meet with DEP personnel and USCOE personnel involved in designing the Alligator Point Revetment. He said the USCOE has completed a design, however the design does not meet State or local expectations of what should be built. He said tomorrow's meeting is intended to produce a modification to the design. He explained Stephen Carter, USCOE, has informed him the USCOE is only allowed to spend \$100,000.00 on design efforts, and they have reached that threshold. He said the County would have to pay at least a portion of any design costs. He suggested he tell the group meeting tomorrow in Tallahassee that Franklin County is interested in the project, but needed to know exactly what the costs of the project would be before any money could be committed. The Board agreed for Mr. Pierce to tell the group this.

(Tape 1-1880) He stated the Planning and Zoning Commission met in regular session on December 10, 2002 and recommends the following: Approval for Gordon Atkins to construct a private dock on Lot 6, Bay View Village, SGI. Commissioner Creamer made a **motion approving the construction of a private dock for Gordon Atkins on SGI.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Approval for Lloyd Shiver to construct a private dock on Lot 6, Indian Bay Village, SGI. Commissioner Creamer made a **motion approving the construction of a private dock for Lloyd Shiver on SGI.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Approval for Lloyd Shiver to construct a private dock on Lot 1, Indian Bay Village, SGI. Commissioner Creamer made a **motion approving the construction of a private dock for Lloyd Shiver on SGI.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Approval for David and Denver Hooten to construct a private pier on Lot 4, Block B, Gulf Wynn, Lanark Beach. Commissioner Creamer made a **motion approving the construction of a private pier for David and Denver Hooten in Lanark Village.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Approval for Christopher Gardner to construct a private dock on Lot 20, Bay View Village, SGI. Commissioner Creamer made a **motion approving the construction of a private dock for Christopher Gardner on SGI.** Commissioner Williams seconded the motion. All for. **MOTION**



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**CARRIED.** Approval for Steve Dobson and Elizabeth Lewis to construct a private dock on Lot 35, Alligator Point Subdivision, Alligator Point. Commissioner Creamer made a **motion approving the construction of a private dock for Steve Dobson and Elizabeth Lewis on Alligator Point.** Commissioner Williams seconded the motion. Commissioners Creamer, Putnal, Williams and Mosconis for. Chairman Sanders opposed. 4-1 **MOTION CARRIED.** Approval for Shuler Limited Partnership to construct a private dock on a parcel of land lying in Section 21, T8S, R8W, Apalachicola, Florida located north of Apalachicola on the Apalachicola River. Commissioner Mosconis made a **motion approving the construction of a private dock for Shuler Limited Partnership on the Apalachicola River.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Approval for Walter Armistead to construct a private dock on a parcel of land lying in Section 10, T8S, R7W, which is on Blounts Bay. Commissioner Creamer made a **motion approving the construction of a private dock for Walter Armistead on Blounts Bay.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Approval for Bijan Neshat to construct a private pier at 977 US 98 in Eastpoint. Commissioner Creamer made a **motion approving the construction of a private pier in Eastpoint.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Approval for James Boone to construct a driveway on Lot 6, Lighthouse Point Estates. Commissioner Putnal made a **motion approving the construction of a drive on Lot 6, Lighthouse Point Estates.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.** Approval of a site plan for First American Title to construct a new office on property described as 158 US Highway 98, Eastpoint. Commissioner Creamer made a **motion approving a site plan for First American Title construction of a new office at 158 US Highway 98 in Eastpoint.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** He said the next two requests were tabled and the Planning and Zoning Commission recommends the Board agree to table them as well. A final plat for Palmetto Village, a 23-lot subdivision lying next to Magnolia Ridge Phase 2 in Eastpoint request submitted by Dan Garlick, agent for James Crum and Jeanie Bonds. Commissioner Putnal made a **motion to table approval of the final plat for Palmetto Village.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.** A sketch plat for a 49-lot subdivision named Blue Heron Village lying next to Palmetto Village in Eastpoint. He recommended the Board table this request until the BOA meets in January to consider the request for clustering, which is part of this subdivision. Commissioner Creamer made a **motion to table approval of the sketch plat for Blue Heron Village.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Land Use and Rezoning considerations-set a public hearing; Approval of a small scale land use change and zoning change from A-2 to R-1a on 10-acres lying in Section 21, T7S, R4W, Carrabelle submitted by Billy Buzzett, agent for St. Joe/Arvida. Commissioner Putnal made a **motion authorizing the scheduling of a public hearing to consider the request submitted by Billy Buzzett, agent for St. Joe/Arvida, for a small scale land use change and rezoning from A-2 to R-1a on 10-acres lying in Section 21, T7S, R4W, Carrabelle.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Approval of a small scale land use and rezoning from A-2 to R-1 for 9.35 acres of land lying in Section 10, T7S, R5W, Carrabelle submitted by Dan Garlick, agent for Aaron Wray. Commissioner Creamer made a **motion authorizing the**

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**scheduling of a public hearing to consider the request submitted by Dan Garlick, agent for Aaron Wray, for a small scale land use change and rezoning from A-2 to R-1 for 9.35 acres of land lying in Section 10, T7S, R5W, Carrabelle.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Approval for a small scale land use and rezoning from A-2 to R-1 for 9.08 acres of land lying in Section 10, T7S, R5W, Carrabelle submitted by Dan Garlick, agent for Dr. Sanaullah. Commissioner Creamer made a **motion authorizing the scheduling of a public hearing to consider the request submitted by Dan Garlick, agent for Dr. Sanaullah, for a small scale land use change and rezoning from A-2 to R-1 for 9.08 acres of land lying in Section 10, T7S, R5W, Carrabelle.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** On a separate item the Planning and Zoning Commission recommends correcting a scrivener's error on the Old NAPA store in Eastpoint. The County Commissioners rezoned it to C-2 from C-1 on October 15, 1985, but the zoning maps do not reflect the change. A copy of the October 15, 1985 Board Minutes provided this morning reflect this change. Shaun Donahue submitted the request. Commissioner Creamer made a **motion directing the correction of a scrivener's error on the Old NAPA store in Eastpoint and to correct the Zoning Map to reflect this rezoning from C-1 to C-2 approved by the Franklin County Board of County Commissioners on October 15, 1985.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Mr. Pierce said this would conclude his report this morning.

**KENDALL WADE-CLERK**

(Tape 1-3015) Mr. Wade said he didn't have anything that needed Board attention this morning.

**ALFRED SHULER-COUNTY ATTORNEY**

(Tape 1-3031) Mr. Shuler said regarding the use of Comp Time he would recommend the Board follow the general policy in that Comp Time should be used as soon as possible. He stated Comp Time is not intended to be accumulated.

(Tape 1-3054) He stated he thought the Board had already approved payment of a doctor's invoice for Kit Mashburn, FC Sheriff's Department Deputy, for surgery on his foot. He said the injury was an old one and would have been covered on the County's previous Worker's Compensation Insurance. He reminded the Board this company declared bankruptcy and therefore the County had to pay the medical bills for Mr. Mashburn's injury. He stated the bill has been negotiated, but the check has not been sent to the doctor. He said the doctor has called his office requesting payment. He asked the Board to see if this matter could be expedited in any way. Mr. Wade asked Mr. Shuler if an actual negotiated amount had been arrived at. Mr. Shuler replied he thought the Board had already approved payment to the doctor in an amount one-half of the original bill.

(Tape 1-3125) He said in 1983 the George E. Weems Memorial Hospital, owned by the County, received a Final Judgment against Franklin Daniels and Mary Ellen Daniels. He stated the property was actually owned by Chappy Gray. He said Mr. Gray is deceased now and his estate is attempting to sell a small parcel of land, but this Final Judgment has

encumbered the closing on the property. He said they have made an offer to the County of \$200.00 to settle the claim. He stated the Judgment is in the amount of \$340.10 plus \$45.00 Court Costs. Mr. Wade said the Judgment was in the name of Franklin and Mary Ellen Daniels and he really didn't know where Mr. Gray came into the picture. Chairman Sanders said they probably purchased the property from Mr. Gray years ago. Mr. Shuler said it really didn't matter since Judgments, Liens, etc. follow the actual land and not the exact names of the parties. Commissioner Putnal said he would abstain from voting or discussing this matter since the parties were related to him. He informed Ms. Varnes, the Board Secretary, he would complete a Form 8B-Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers. He did say Chappy Gray owned the house from the beginning, but the Daniel's rented or leased the house. He said Mr. Gray allowed the Daniel's to use the house as collateral to pay the hospital bill. He stated therefore it is a matter than has to be resolved before clear title to the property can be completed. Mr. Shuler said he just needed a motion from the Board allowing him to accept \$200.00 in settlement of the Judgment. Commissioner Mosconis asked who was making the offer of \$200.00. Commissioner Putnal replied the estate. Commissioner Mosconis asked why they just didn't pay the full amount. He stated there was a motion passed several years ago that was very clear regarding these old hospital judgments. He said the Clerk was authorized to accept the face amount of the judgment, which means the amount of the judgment plus the court costs listed on the judgment. He stated people don't even have to pay interest on the judgments, which gives them a tremendous break already. Commissioner Creamer said he would make a **motion denying the \$200.00 settlement for a Final Judgment-George E. Weems Memorial Hospital versus Franklin Daniels and Mary Ellen Daniels in the amount of \$340.10 plus court costs of \$45.00.** Commissioner Creamer stated this is what these judgments were for. Commissioner Mosconis said this was the public's money anyway since it wasn't the Board's personnel money. Commissioner Mosconis seconded the motion. Commissioner Putnal did not vote on the matter. All for. **MOTION CARRIED.** Commissioner Mosconis said if the Board allowed this judgment to be settled for less than it was would the other people who have paid judgments similar to this want their money back. He said he didn't think it was fair to accept less than the face amount of these Final Judgments.

(Tape 1-3630) Mr. Shuler said he would like to say it has been a great pleasure to serve as County Attorney for the Board for 42-years. He stated he has served with a number of great Board members and a number of great Clerks. He said this Board ranks right at the top with the best of them. He stated he wished the very best for the future.

(Tape 1-3674 Continued on Tape 2) He said he has reviewed the Real Estate Purchase Agreement between St. Joe Timberland Company of Delaware, L.L.C. and the Franklin County Board of County Commissioners for the Carrabelle Recreational Complex property. He stated it is ready for signatures. Mr. Pierce said he wanted to know the contract needed to reflect there would be a waiver of the appraisal on the property. Commissioner Putnal made a **motion authorizing the Chairman's signature on the contract between the Franklin County Board of County Commissioners and St. Joe Timberland Company of Delaware, L.L.C. for the Carrabelle Recreational Complex**

property and waiving any appraisal requirements. Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

**BIDS-2 HOUSES ON ALLIGATOR POINT FEMA DEMOLITION PROJECT**

(Tape 2-18) The Clerk announced the opening of bids for the FEMA Demolition Project on Alligator Point-demolition of two houses as follows: Ben Withers in the amount of \$20,000.00 or \$10,000.00 each; and one submitted by Hayes Land Clearing in the amount of \$17,750.00. Commissioner Putnal made a **motion authorizing the bids be reviewed by Mr. Pierce and Mr. Curenton, Planning and Zoning, and then to present a recommendation to the Board as to award of the bid.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

**DONNIE WILSON-PARKS & RECREATION COMMITTEE**

(Tape 2-124) Mr. Wilson said he was here to discuss the matter of relocating the Pony League Field at Ned Porter Park in Apalachicola. He stated the Committee had no idea it was going to cost so much to move the Pony League Field around. He said they would like to bypass lighting one of the fields and use the money to move the Pony League Field around. He explained the reason for this was all of the home plates would then align with the concession stand. He said the Pony League plays more games than the Little League and so the concession stand is important since it is the primary fundraiser for the group. He stated the money made on the concessions is used to furnish batting cages, warm up cages, etc. so the money goes right back into the facility. He said the moving this field around should be the number one priority. He stated they realized this was a mistake in placing the field where it was. Commissioner Mosconis said he knew the field needed to be moved and this had already been discussed with Mr. Johnson. He stated the Board instructed Mr. Johnson to go back and see what needed to be done and to prepare an exact estimate as to the costs of the project. He said he did understand this field needed to be realigned, but it would just cost so much money. Mr. Wilson stated he realized this, but time was running out since it was time to start the leagues up again. Commissioner Creamer asked how much it would cost to just light the field. Mr. Wilson replied \$27,800.00 to just light the fields. He said they had originally estimated \$25,000.00 of which the Board approved the use of to light the fields. He said it would cost an estimated \$22,000.00 to realign the Pony League Field. He stated the committee decided they wouldn't light one of the fields and use that money to turn the Pony League Field around. Commissioner Mosconis said the prices Mr. Johnson presented was just too high. He asked Mr. Johnson if the prices included recycling the existing lights. Mr. Johnson replied they had considered that. Mr. Pierce said the concern was if the lights were damaged in taking them down and reinstalling them. He stated he wanted everyone to be clear as to how much this project was going to cost. Commissioner Mosconis said it was going to be expensive any way you tried to do it. He asked Mr. Johnson if this was the top priority project and if it couldn't wait until the next budget year. Mr. Wilson replied the league itself thinks this is the very first priority and has to be done now. He stated they have already lost concession the last two years because of this field. He informed the Board the new league season is going to start soon and they just do not want to loose another year. Mr. Johnson said the league did use approximately \$11,000.00 of their money to install permanent structures at Ned Porter Park. Mr. Pierce asked if the

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budgeted amount of \$10,000.00 the County had allotted could be used to move the field around. He suggested the league use the money they would make on concessions this year to add to this budgeted amount to turn the field around. Mr. Wilson said he didn't know how much they could pledge, but they wouldn't mind putting the money they make on concessions back into the complex. The Board asked Mr. Wilson and Mr. Johnson to think about this matter and see what would be the best plan of action to be taken at this time. Mr. Johnson said he would report back to the Board with a suggestion or recommendation after meeting with the Parks and Recreation Committee further.

**THE MEETING WAS ADJOURNED AT 11:00 TO PREPARE FOR THE COUNTY ATTORNEY INTERVIEWS.**

**THE MEETING WAS RECONVENED AT 11:02 TO BEGIN THE COUNTY ATTORNEY INTERVIEWS.**

(Tape 2-507) Chairman Sanders called the meeting to order. Leonard Carson, Carson & Atkins, the County's Labor Attorney was present to instruct the Board as to the order the interviews should be done in. Mr. Carson announced there were two applicants for the County Attorney position, Shalene Grover and Thomas M. Shuler. He said he would take them in alphabetical order so Ms. Grover would be interviewed first and then Mr. Shuler could be interviewed. Mr. Carson said he would suggest the Board allow Ms. Grover and Mr. Shuler to make a brief presentation to the Board as to their qualifications for the County Attorney position and why they are interested in this position. He stated the Board can then ask the applicant additional questions. He said he too would ask questions he thought relevant to this particular position. He stated then the Board could make a decision, by motion, to select one of the applicants as the new Franklin County-County Attorney. He asked Mr. Shuler to leave the meeting at this time. Ms. Grover thanked the Board for considering her this morning and presented both her educational and court background to the Board and audience. Mr. Carson asked Ms. Grover several questions and then the Board asked Ms. Grover several questions and excused Ms. Grover so Mr. Shuler could be interviewed. Mr. Shuler thanked the Board for their consideration this morning. He presented his educational and court related experience to the Board. Mr. Carson asked Mr. Shuler some questions as well. The Board asked Mr. Shuler and Ms. Grover if they would be willing to negotiate their fees with the Board. They both replied they would. Ms. Grover submitted a proposal to furnish legal service, advise, attend meeting, and for legal correspondence on all non-litigation matters a monthly flat fee of \$3,750.00 and an hourly rate for litigation matters of \$75.00. Mr. Shuler submitted a proposal to furnish legal services at a flat monthly fee of \$2,000.00 at 25 hours per month at \$80.00 per hour and an hourly rate for litigation matters of \$80.00. He also recommended the County consider billing all attorney services at a rate of \$80.00 per hour without any retainer being paid so in months when less work is required the County would save money by not having any minimum monthly retainer. After both Ms. Grover and Mr. Shuler left the room the Board discussed the matter. Commissioner Creamer said he would make a **motion to appoint Thomas M. Shuler as the Franklin County-County Attorney.** Commissioner Mosconis seconded the motion. All for **MOTION CARRIED.** The applicants were then called back into the room and informed

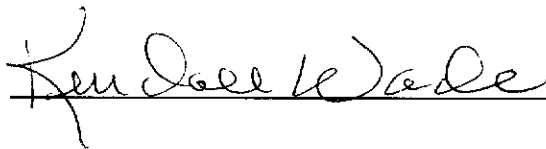
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of the decision. Ms. Grover again thanked the Board for their time this morning and congratulated Mr. Shuler on his appointment. Commissioner Mosconis said he wanted to settle the charges or fees right now as well. He said he would make a **motion to pay Mr. Shuler his requested hourly rate of \$80.00 an hour not to exceed \$2,000.00 per month-25 hours a month.** Commissioner Putnal said the only way it could exceed this amount was if Mr. Shuler came to the Board and asked for additional funds because he was having to spend extra time on a lawsuit or something. Commissioner Mosconis said Mr. Shuler knew how this Board worked and how much the County had budgeted for these type matters. He stated he knew the Board couldn't go over budget. He said Mr. Shuler knows this budget can't be spent in the first two months. Mr. Carson suggested the Board allow Mr. Shuler some extra time to get acclimated to being County Attorney. He said Mr. Shuler might spend more time at the beginning on a matter than he would in later years because he would be more experienced and work in a more timely manner. He stated it wouldn't be uncommon for him to go over his time in the first few months as long as it balances out in the course of the budget year. Mr. Pierce asked if Mr. Shuler being the attorney for the Construction Licensing Board and the Board of Adjustment would make any difference. Mr. Carson replied it shouldn't unless Mr. Shuler didn't want to do it anymore. Mr. Shuler stated he could handle representing the BOA, the Construction Licensing Board and the Board of County Commissioners. Mr. Carson suggested the Board use a six-month time limit for Mr. Shuler to see exactly how much time and costs were expended. He said the Board should require an accumulative amount in the first six months not to exceed the 25-hours cumulative for the first six-months, then after this time period the Board could consider going to capping it at 25-hours per month not to exceed \$2,000.00 per month. He stated this would give Mr. Shuler some time to get accustomed to the way things work in the County. Commissioner Mosconis said he would amend his **motion allowing Mr. Shuler, for the first six-months, not to exceed the 25-hours per month cumulative and then after the first six-months the Board would then consider capping all legal services at 25-hours per month not to exceed \$2,000.00.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** The Board thanked Mr. Carson for his assistance this morning with the County Attorney interviews.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD  
THE MEETING WAS ADJOURNED.**



CHERYL SANDERS, CHAIRMAN



KENDALL WADE, CLERK