

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
JANUARY 7, 2003**

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

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

(Tape 1-36) Commissioner Putnal made a **motion to approve the minutes of the meeting held on December 17, 2002.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-41) Kendall Wade, Clerk of Courts, asked the Board if he could discuss an important matter at this time. Mr. Wade presented each Commissioner with a memo addressed to the Commissioners from Ruth Williams, Finance Officer, regarding County Attorney fees. He stated he needed direction on how and if to pay these attorney fees. He explained it was his understanding the County Attorney Contract with Shuler and Shuler did not expire until December 31, 2002. He said the Board selected Thomas M. Shuler, Shuler and Shuler, as the new County Attorney at the December 17, 2002 meeting. He stated the new contract with Thomas M. Shuler would not be effective until January 1, 2003. He said the existing contract requires the County pay \$875.00 for services up to 18-hours per month and any additional hours would be billed at \$50.00 per hour. He explained the Finance office has not received an invoice from Shuler and Shuler indicating any additional hours beyond the minimum of 18-hours for the month of December. He stated the check for the December contract payment of \$875.00 has been prepared for approval at the Board Meeting this morning. He reported the Finance Office has received a separate invoice from Thomas M. Shuler. He said he had attached a copy of that invoice for 7.5-hours for services rendered in November and December and 9-hours of service rendered in January at a rate of \$80.00 per hour. He said this results in charges of \$600.00 for November and December and \$720.00 for January. He stated the Finance Officer needed clarification as to the beginning date of the new attorney contract and direction as to payment of the attached invoice. Commissioner Mosconis said Mr. Alfred Shuler announced a couple of months ago he was going to retire effective December 31, 2002. Thomas M. Shuler stated he spoke to his father, Alfred, yesterday about this matter. He said as far as he knew the retainer payment he received in December covered the month of December and nothing further was due. Ms. Williams explained this payment was always paid in arrears so therefore the check Mr. Alfred Shuler received was for the month of November and he would still be owed the month of December in the amount of \$875.00. Thomas M. Shuler stated the invoice he submitted was for work he had done beginning the date he was selected as County Attorney, December 18, 2003. He said he was selected as County Attorney on December 17, 2003. Ms. Williams stated the Finance Office has prepared a check for \$875.00 for Mr. Alfred Shuler's December payment. She suggested that if Mr. Alfred Shuler were satisfied with his last payment then she would have this new check voided. She said the only thing she

needed was clarification since the auditors would be asking about this matter exceeding the contract dates. She stated she wanted to have the appropriate answer for the auditors if they asked her any questions about this matter. Commissioner Mosconis said he would make a **motion to void the \$875.00 check payable to Mr. Alfred Shuler for the month of December-contract services-and pay Michael T. Shuler the amount he had invoiced the County for the month of December-\$600.00.** Ms. Williams then asked the Board if they wanted her to give the remainder of the \$875.00 to Mr. Alfred Shuler. She said a check for \$275.00 could be given to Mr. Alfred Shuler to reflect the difference, since \$875.00 was budgeted for the month of December, for his services rendered in the month of December. Commissioner Mosconis said he would add to his **motion directing the Finance Office to send a check for \$275.00 to Mr. Alfred Shuler since he did attend the meetings in December.** Ms. Williams said she wanted to be clear on the issue. She stated the Board was instructing the Finance Office to void the check to Shuler and Shuler in the amount of \$875.00 and reissue a check for \$600.00 to Michael T. Shuler for work he has done since December 17, 2002 and reissue a check for \$275.00 to Mr. Alfred Shuler for the final work he has done and his attendance at the December Board Meetings. Commissioner Williams said he would second this motion. All for. **MOTION CARRIED.**

(Tape 1-251) Commissioner Williams made a **motion to pay the County bills.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

HUBERT CHIPMAN-SUPERINTENDENT OF PUBLIC WORKS

(Tape 1-261) Mr. Chipman said he didn't have anything for the Board's attention this morning.

(Tape 1-262) Commissioner Creamer said he would like to ask Mr. Chipman to clean an easement that runs from 4th Street down to US Highway 98 in Eastpoint. He said it is on the south side on US Highway 98 on the eastern end of Eastpoint. He stated the County needed to clear the ditch and easement. He said he knows some residents in Eastpoint that like to walk on the Beach. Mr. Chipman assured Commissioner Creamer he would take care of the matter.

(Tape 1-280) Commissioner Mosconis asked if the road for Bobby Kirvin in Eastpoint had been cleared. He stated about two months ago Larry Brown, Assistant Road Superintendent, told Mr. Kirvin he would take care of this request. Mr. Chipman said he knew it had been listed on the work list. Commissioner Mosconis stated the road was in the Cat Point area. Mr. Chipman said he would check into this matter.

(Tape 1-335) Alan Pierce, Director of Administrative Services, stated he had one item to discuss while Mr. Chipman was here at the meeting this morning. He said with the closure of Langwood Lime Rock Mine, the County Road Department must haul lime rock from the Cabbage Grove Mine near Perry, Florida. He said it takes approximately 4-hours to make a round trip to pick-up lime rock. He stated the County has received several requests from realtors and multiple lot owners requesting that platted County roads be opened. He said such unlimited activity by the County would deplete the

County's stockpile of lime rock and would make road maintenance much slower on existing roads. He asked the Commissioners if they wanted to set policy governing the use of lime rock for new projects within the County? Commissioner Mosconis said he thought Mr. Chipman had it all under control. He stated he would like to see lime rock placed on roads in a prioritized basis. He said he felt Mr. Chipman could make these decisions. Mr. Pierce stated he thought new roads for new developments, etc. should be delayed. Chairman Sanders said what concerned her was with Langwood closing is that the County didn't budget any extra funds for purchasing and hauling lime rock. Commissioner Mosconis asked if anyone knew the status of the Langwood situation. Mr. Pierce stated he knew they had filed bankruptcy or the bank had foreclosed on the property. Commissioner Mosconis said he would like to see the County purchase their own lime rock mine. He asked Mr. Pierce to check with Mr. Langston, the owner of Langwood Lime Rock Mine, to see if the County could buy some of the property for the County to mine their own lime rock. Mr. Pierce said he agreed with the fact the County didn't budget any extra money to purchase and haul the lime rock from Perry. Mr. Chipman reminded the Board there would be additional maintenance for his trucks if they had to haul the lime rock this many miles.

VAN JOHNSON-SOLID WASTE DIRECTOR

(Tape 1-447) Mr. Johnson said he had a final resolution on the cost estimate for rotating the Pony League field around at Ned Porter's Sports Complex in Apalachicola. He said he had received a total estimated price, from all vendors, of \$15,250.00. He stated this would be using the lowest price quoted by the different vendors it would take to do the specific work. He said he had received a low quote from Kenny Strange Electric-Wewahitchka, Florida-\$9,000.00 to provide labor and materials to remove and relocate 6-8 existing poles to rotate field 180 degrees: Bracewell, Inc.-Blountstown, Florida-\$4,750.00; C. W. Roberts Contract, Inc.-Hosford, Florida-\$1,500.00 if piggy backed onto existing paving projects-to pave approximately 300' of walk path only-the County would provide the labor to cut and remove the 300' section of asphalt and provide new base. He said the total expenditures would be \$15,250.00 if the lowest quotes were used to rotate the baseball field 180 degrees to face the concession stand. He said the County budgeted \$10,000.00 for the Recreation Budget and \$25,000.00 to light an additional field at Ned Porter Park in Apalachicola. He explained if you used the \$10,000.00 budgeted and use \$5,250.00 from the lighting budget then there would be enough money to complete this project. He said this would leave approximately \$19,750.00 remaining in the lighting budget. He stated the Recreation Committee had approved this expenditure and use of the budgeted funds. He said the remaining amount in the budget for lighting an additional field could be carried over into next year for that project. He said then at the Budget Hearings the Commissioners could add the additional money needed to light the additional field in next year's budget. Donnie Wilson, Apalachicola Dixie Youth League, said he had worked with Mr. Johnson to gather these bare bone prices. He stated they had talked to everyone they could think of to get a price quote. Commissioner Mosconis said he had instructed Mr. Johnson to call everywhere and everybody to get the lowest quotes he could get. He stated he knew Mr. Johnson and Mr. Wilson had gotten the lowest quotes they possibly could and so he would go ahead and make a **motion authorizing this expenditure-\$15,250.00-to rotate the baseball field 180 degrees to**

face the concession stand at the Ned Porter Sports Complex in Apalachicola-\$10,000.00 from the total \$10,000.00 budgeted for this project and \$5,250.00 from the total budgeted-\$25,000.00-for the lighting of an additional baseball field.

Commissioner Mosconis said he would like for the league to replace what funds they could with their concession income. Mr. Wilson stated the league always put the concession money back into the complex in one way or another. Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-713) Commissioner Mosconis said he wanted a letter sent to the Sheriff regarding the damage people are doing at the Ned Porter Sports Complex in Apalachicola. He stated people are mudding and driving through the mud, etc. He said this needs to stop and stop now. He said people are destroying the area around the park. He stated the County has worked too hard and to long to have these nice facilities destroyed by people. He stated if people don't want to abide by these rules then they need to be prosecuted. He said he thought the main problem was four-wheel drive vehicles such as All-Terrain Vehicles, etc.

(Tape 1-785) Mr. Johnson continued with his report at this time. He stated W. B. Stone, Chairman Dog Island Conservation District and Randy Cannon, Manager, had contacted him about Dog Island's Solid Waste and Recycling delivery system. He explained Dog Island District is needing to replace the aged equipment donated by the County some years ago. He said the equipment they are talking about is the old Pac-Mor Garbage truck, the sway-cart truck and recycling trailer, which is apparently at the end of its usefulness. He explained he suggested to the District they investigate a multi-purpose hook-lift system similar to the one at the Landfill, which is used for the recycling program and a mini-stationary compactor. He said with such a system the District would be able to handle its own solid waste and recycling needs more efficiently. He stated they have estimated the cost associated with acquiring such a system at \$41,577.00. He informed the Board the District feels they could achieve this goal should the Board pay one-half of the associated cost. Mr. Johnson suggested the Board consider their request, but remember the County could use the funds available through the Franklin County Recycling Program Funds. He said this fund consist of revenue received through the sale of recovered material in Franklin County. He informed the Board, after checking, the money to pay for one-half of this system was available in this budget. He said he would ask the Board to think about this matter and then make a decision at the next meeting if possible. Commissioner Mosconis asked Mr. Johnson if he was sure he was "dealing" with the right people. He informed Mr. Johnson there were many different people with different opinions on Dog Island. He said he wanted to be sure the County was dealing with the "right" forces so to speak. Chairman Sanders said she had told Mr. Johnson these were the right people. Mr. Johnson said the Chairman had told him to cooperate with these individual people.

(Tape 1-846) Commissioner Mosconis asked Mr. Johnson if the employees using up all of their accumulated comp time were resolving his comp time issue. Mr. Johnson replied he is working to lower the comp time hours and many of his employees were on vacation this week. He said it would be a slow process, but it was coming down. Commissioner

FCBCC MINUTES-REGULAR MEETING JANUARY 7, 2003

Mosconis asked Mr. Johnson to furnish the Board with a total of hours the comp time has been reduced by since this meeting. Mr. Johnson said he would furnish that for Commissioner Mosconis.

BILL MAHAN-COUNTY EXTENSION DIRECTOR

(Tape 1-873) Mr. Mahan informed the Board there would be a "Wine Makers Workshop" on January 21, 2003 at the Calhoun County/UF IFAS Extension Office in Blountstown at 6:00 p.m., CST. He said Rodger Price-UF IFAS Master Gardner and owner of Harmony Vineyard and Dr. Gerry Ford, Extension Viticulturist at Florida A&M University's Center would teach the workshop for Viticulture and Small Fruit Research. He explained the class is free of charge.

(Tape 1-891) He said the first annual Regional River Valley Amateur Wine Competition would be held on May 1, 2003 at the W. T. Neal Civic Center in Blountstown. He said winemakers would be able to compete for gold, silver and bronze metals in up to fifty categories. He stated Blountstown Main Street, Florida A&M University and the Calhoun County/UF IFAS Extension Program sponsor the competition. He said the deadline for the contest is April 4, 2003 and informed the Board there would be an \$8.00 entry fee per entry.

(Tape 1-907) He said he would give the Board a quick overview of the boat ramp situation. He said the following potential sites have been identified; on the Bay side of SGI, the East (FDOT) and West (Helen Spohrer) sides of the current bridge; on the West side of Apalachicola, the old oyster plant at Two-Mile (461 US Highway 98) listed by Coastal Connection Realty Group plus the Suwannee Swifty Store property across the street, and D. W. Wilson's old oyster shucking plant on US Highway 98. He said, in addition, the old Oyster Aquaculture site at 8.5 Mile has been identified as a possible site for a "seasonal" boat ramp. He said during discussions with Tammy Summers, Apalachicola Estuarine Reserve, and the question of whether a "seasonal" boat ramp being permitted was discussed. He said if DEP does permit the concept of a "seasonal" boat ramp, Ms. Summers would meet with him and Billy Buzzett, St. Joe/Arvida to conduct a preliminary resource assessment of the area. He said to help identify additional potential ramp sites, he would like for the Board to consider placing an ad out with the local media representatives to request any property owners with a suitable piece of property on the water as well as properly zoned interested in entering into an agreement with the County to put a boat ramp on their property to contact the Board or one of their representatives. Commissioner Mosconis said he was against this request. He stated if Mr. Mahan would follow-up on all the leads the Board had provided him he should be able to locate a site. Chairman Sanders asked how many water accesses were in Franklin County. Mr. Mahan replied several hundreds, but most of them have 30 to 50 foot right-of-ways and are not suitable for boat ramps mostly because there is absolutely no parking. Chairman Sanders said she thought there were a couple of them around Lanark Village that consist of 50 to 60 foot right-of-ways. Mr. Mahan said the ramp probably needed to be in a commercial area as opposed on private property. Commissioner Mosconis asked Mr. Mahan to try and wrap up this assignment. He said the Commissioners had been waiting and waiting on a solution to the boat ramp problem.

FCBCC MINUTES-REGULAR MEETING JANUARY 7, 2003

Mr. Mahan said he would continue to pursue the matter. Chairman Sanders stated the County had been pursuing water access and boat ramps for a long time now. She said she felt like it was time to do something and encouraged Mr. Mahan to find a final solution to this problem

(Tape 1-1002) Commissioner Putnal asked if Mr. Mahan knew why part of the Apalachicola Bay had been closed to oyster harvesting for "precautionary" measures. He asked Mr. Mahan if he knew why it was closed. Mr. Mahan replied the only reason he could think of was the Apalachicola River flow or too much fresh water in the Bay. Commissioner Putnal said if there is a legitimate reason to close the Bay or portions of it then it should be closed, but he couldn't see just closing the Bay for "precautionary" reasons. He stated he didn't think there was too much fresh water in the Bay either because the oysters he harvested yesterday were very salty. He said part of the Bay is closed, but not all of it. Commissioner Mosconis said the DEP's Management Plan had some problems, which needed to be addressed. Mr. Mahan stated he had not been notified about the Bay closure either.

(Tape 1-1091) Mr. Mahan said the final item on his report was that one of the topics discussed at the Board's Apalachicola Bay and Oyster Harvesting Issues Workshop was the idea of a Board appointed "Bay and River Advisory Committee" to make recommendations to the Board and the Florida DACS Shellfish Division. He explained he was asked at the workshop to present the idea to the Board for their consideration. He said if the Board would like to appoint such a committee some of the items that would need to be determined are; 1. The number of appointed members; 2. Composition of the committee; 3. Length of appointment; 4. Meeting schedule; etc. Commissioner Putnal said he thought creating this committee would be a good idea. Chairman Sanders said she would like to be sure there was a clear understanding as to what was expected of this committee and what authority they had. She stated she wanted to be sure any ideas or suggestions were presented to the Board before they were presented to the State entities. She said she wanted to be sure the committee was represented with people from the seafood workers, the seafood dealers, the crabbers, the shrimpers, etc. She instructed Mr. Mahan to be sure and get a "Scope of Work", so the Board could get an idea of exactly what the responsibilities of the committee would be.

JOANNE THOMPSON-FRANKLIN COUNTY PUBLIC HEALTH UNIT

(Tape 1-1258) Chairman Sanders said Dr. Shakra Junejo, M.D. MPH, Director FCPHU, would not be able to attend the meeting today. She introduced Joanne Thompson and asked her to address the Board at this time regarding the agenda item Dr. Junejo was supposed to discuss this morning. Ms. Thompson said she would like first to introduce the new Operations Manager for the Health Department, Bill True. Ms. Thompson informed the Board she was here to discuss the progress or to give the Board an update on Florida's Smallpox Planning. She presented the Commissioners with various documents regarding the smallpox vaccination. She said everything was still on hold until President Bush actually signs the order. She stated the Federal Government should pay for the vaccinations. She said even though Franklin County was a small county the people here were still at risk and so a plan had to be developed for mass vaccination. She

said there has to be a regional, state, and larger plan for the whole country. She stated the first concern is education on the vaccine and the disease. She asked the Commissioners to read the information she provided them this morning. She said there would be a lot more information coming within the next few weeks over the mass media. She assured the Board the Franklin County Health Department was keeping on top of the situation. She said they have identified a "First Response" team for Franklin County, which consists of Health Department personnel, Hospital personnel, EMS personnel, etc. She explained this team consists of sixteen members and could respond to a situation within fifty-two minutes. She encouraged the Board to read the information she provided them with this morning and thanked the Board for allowing her to discuss this important matter with them.

ALAN PIERCE-DIRECTOR OF ADMINISTRATIVE SERVICES

(Tape 1-1487) Mr. Pierce requested Board action on accepting a Joint Participation Agreement to accept a \$100,000.00 grant from FDOT for beautification to the entrance to SGI. He explained, at this time, the JPA is to Franklin County; Mark Curenton and I would both prefer to sublet the grant to Keep Franklin County Beautiful Committee and let that group work with Island residents to design and install the improvements along Franklin Boulevard on the Island. He stated the JPA could be sublet with approval from Mr. Gene Martin, FDOT Production Engineer in Chipley. He asked the Board to accept the grant and to give him permission to sublet the project to the Keep Franklin County Beautiful Committee. Commissioner Creamer made a **motion authorizing the Chairman's signature on the JPA between Franklin County and FDOT for \$100,000.00 for beautification to the entrance to SGI and authorizing Mr. Pierce to sublet the project to Keep Franklin County Beautiful.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1533) He said he had informed Ted Mosteller, Chairman of the Apalachicola Airport Aviation Committee, about this next matter. He stated the County has been notified by FAA the Apalachicola Airport was in line to receive \$150,000.00 in Federal dollars for improvements at the airport. He explained the funds are intended to fix the collapsed storm drain system around the T-hangars. He said the problem is it might cost a lot more than just \$150,000.00. He stated additional funds might be available in the future. He said this notification is preliminary and it would be some time before any official action is needed by the Board.

(Tape 1-1554) He said he would ask the Board to identify the funding source for the demolition of two houses on Alligator Point and then award the low bid. He said, at this time, the Bald Point Trust Fund has generated some \$60,000.00 in interest. He said the lowest bid to remove the two houses is \$17,750.00 submitted by Hayes Land Clearing. He stated, unless the Board knows of another source, he would recommend the Board approve the allocation of \$17,750.00 from the Bald Point Trust Fund interest account to pay for the removal of the two houses. He said he would also request the Board formally award the bid to Hayes Land Clearing. He continued to say an individual has said she would like to take one of the houses and relocate it to another lot on Alligator Point, but he thought FEMA rules prohibit the County from keeping a house in a flood zone, when

FCBCC MINUTES-REGULAR MEETING JANUARY 7, 2003

the County was paid by FEMA to remove the structure from the flood zone. He said he would check with FEMA representatives to find out what their opinion on this matter was. Commissioner Creamer said he would make a **motion authorizing the use of \$17,750.00 from the Bald Point Trust Fund interest account to pay for the removal of two houses on Alligator Point and awarding Hayes Land Clearing, the lowest bidder, the contract for removal of the two houses.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1625) Mr. Pierce said he would like to request the Board direct the County Attorney provide guidance to the Franklin County Planning Staff and the Planning and Zoning Committee on what Policy 2.1(c) of the Land Use Element means. He explained this is the policy, which has caused debate between him and the P&Z Commission on the implementation of the requirement for a lot to be 100-feet wide. Commissioner Putnal made a **motion directing the County Attorney to provide guidance to the Franklin County Planning Staff and the Planning and Zoning Commission regarding the interpretation of the Land Use Element Policy 2.1 (c).** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1659) He informed the Board this week's issue of the Apalachicola Times contains the proposed language the Board would be considering at the public hearing on January 21st regarding the "Summer Camp" proposal. He said while the bulk of the language specifically deals with the "Summer Camp" development, there is language addressing a larger planning issue, and that is what happens if another large-scale project is proposed while the County is updating the Comp Plan. He explained both DCA and various groups in the County are more comfortable with the Board reviewing another large-scale project so long as certain information was provided. He said this would keep the County from having to impose a moratorium while the comp plan is being updated. He stated it would require developers of large tracts of land to spend more time and money providing information on the impacts of their development. He said the language he has included in the advertisement, which was provided by DCA and the 1,000 Friends of Florida, is as follows: "the key issues to be emphasized in a large scale change would be protection of natural resources, including wetlands, flood plains, habitat for listed species, shorelines, sea grass beds, and economically valuable fishery resources, groundwater quality and estuarine water quality. The protection of cultural heritage, promote economical development, promotion of Emergency Management, including the delineation of the coastal high hazard area, maintaining or reducing hurricane evacuation clearance times, creating shelter space, directing population concentrations away from known or predicted coastal high hazard areas, and implement appropriate parts of the Local Mitigation Strategy; Adequate provision of public facilities and services including transportation, water supply, wastewater treatment, and facilities for public access to water bodies; Provision of affordable housing, where appropriate; Including of intensity standards; and a list of allowable uses. He said these would be the items the County would require of any other large-scale land use changes if any such requests are made. He said the County has not actually required these items when a developer is proposing a large-scale development. He stated some developers have voluntarily taken care of these items. He said from this point on it would be a requirement. He said DCA is primarily

FCBCC MINUTES-REGULAR MEETING JANUARY 7, 2003

the agency requiring these changes and he is in agreement with them. He stated the developer should be responsible for gathering or furnishing all of the required information and not leave it up to the Planning Staff. He said this proposal would be discussed at the January 21st public hearing. He stated he, at this time, does not know of any other large-scale land-use changes in process. He said these requirements are needed so a moratorium on large-scale land-use changes would not have to be implemented until the comp plan changes have been made. He stated he wanted everyone to know what was going to be discussed and proposed at the January 21st public hearing.

(Tape 1-1795) Chairman Sanders said she wanted to inform the public that she had received several e-mails, telephone calls, fax, etc. stating that the Franklin County Board of County Commissioners is doing an injustice to the people in Franklin County by having the "Summer Camp" Public Hearing during the day and not at night. She stated this was the only time on the hearing could be scheduled due to conflicts in most of the Commissioner's schedule. She said she wanted the public to know this was not something that was done to allow the St. Joe Company to come in and present their proposal without having benefit of public input. She stated this development has been scrutinized and listened to everyone's opinion on the development. She said she thought the Commissioners had done well to consider and try to implement the changes they had in the "Summer Camp" development. She stated she just wanted everyone, especially the public, to know how serious this matter was and assured the public this matter was not being taken lightly. Mr. Pierce reminded the Commissioners this public hearing had been duly advertised so everyone in the public would know the time and date of the hearing. She stated this matter had been in hearings, etc. for approximately one-year and now the time has come to approve or deny the development.

(Tape 1-1909) He presented the 2002 Year-End Report for the Planning and Zoning Office. He said there were a total of 795 permits issued for the County and 76 for the City of Carrabelle. He stated the total fees collected from the County and the City of Carrabelle was \$262,885.49. He said the fees have increased from \$131,661.88 in 1997 to \$262,885.49 collected in 2002.

(Tape 1-1961) He said he had to discuss something, but would like it kept quiet if possible. He stated the Apalachicola Natural Estuarine Research Reserve has asked for a Resolution of Appreciation for Woody Miley. He said Mr. Miley is going to retire and he is also being nominated for some type of award. He stated he was asked to keep this matter quiet because they were going to try and surprise Mr. Miley. He asked the press to please not publish this information. Commissioner Putnal made a **motion authorizing the Chairman's signature on a Resolution of Appreciation for Woody Miley for all of the work he has done for Franklin County as an employee of the State of Florida- Apalachicola Natural Estuarine Research Reserve.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2002) Commissioner Putnal asked Mr. Buzzett if his company, St. Joe/Arvida, had any areas on their property in Franklin County, which might contain lime rock. Mr. Buzzett replied he really didn't know. Chairman Sanders said they did in the McIntyre

FCBCC MINUTES-REGULAR MEETING JANUARY 7, 2003

area on the East end of the County. Mr. Buzzett told the Board he would check to see if there is a suitable area for a lime rock pit in the McIntyre area.

(Tape 1-2055) Commissioner Creamer asked Mr. Pierce about the status of the trailer on Kathy Moses Seay's property in Eastpoint. Mr. Pierce replied he had done just about everything he could regarding the matter. He stated Ms. Seay has been in contact with him about each and every thing she was doing to alleviate the problem. He said the trailer has been totally disconnected and no one is actually living in it anymore. Commissioner Creamer said he knew the Board had given her forty-five days to get the problems corrected. Mr. Pierce stated Ms. Seay had evicted the people living in the trailer and was trying to take care of all of the problems. Commissioner Creamer asked Mr. Pierce to have someone on his staff follow-up with this situation. Mr. Pierce assured Commissioner Creamer he would check into the problem.

(Tape 1-2085) Mr. Pierce said he would interrupt his report until the people he was expecting to assist in the discussion of the visioning process were here. He stated they should be here at approximately 11:00 a.m.

KENDALL WADE-CLERK OF COURTS

(Tape 1-2090) Mr. Wade presented the annual Agreement between Franklin County and the Apalachee Regional Planning Council for the preparation of the Small Quantity Hazardous Waste Generators-Hazard Waste Assessment for the area. He said the verifications would be for FY 2002/2003 and must be completed by June 30, 2003. He said the agreement is for a total of \$2,800.00. Commissioner Creamer made a **motion authorizing the Chairman's signature on the annual Agreement between Franklin County and the Apalachee Regional Planning Council for preparation of the Hazard Waste Assessment report for the area-FY 2002/2003 in the amount of \$2,800.00.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2118) He informed the Board and the public that his office had received notification from Centennial HealthCare Corporation, the local hospital lessee, that the company had filed voluntary petitions for reorganization under Chapter 11 of the U. S. Bankruptcy Code. He reminded the Board Centennial had subleased the hospital to DasSee Corporation. He presented the Order Establishing Notice Procedures and the Notice of Commencement of Bankruptcy Cases, Meeting of Creditors, and Deadlines to the Board for their consideration. He also informed the Board DasSee is currently in arrears for the rental of the hospital for the months of November, December and January. Commissioner Creamer asked the County Attorney to check into the hospital lease and see if there was any way the County could use this matter to construe a violation of the contract and therefore cancel the contract with DasSee. Mr. Shuler said he would check into the lease and report back to the Board at the next meeting.

THOMAS M. SHULER-COUNTY ATTORNEY

(Tape 1-2200) Mr. Shuler began his report by asking the Board to authorize a public hearing to consider abandoning a road at Bald Point. He explained the Board had

FCBCC MINUTES-REGULAR MEETING JANUARY 7, 2003

requested the abandonment of this road and this is just the beginning of this process. He said all he needed was a motion authorizing him to schedule a public hearing.

Commissioner Creamer made a **motion authorizing Mr. Shuler to advertise, for consideration, the abandonment of a road on Bald Point.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.** Mr. Pierce said this was a road that was partially block and the rest of the road has been reconfigured into the lots adjacent to the areas within the road. He explained this is land just West of the Bald Point Lounge or the Old Point Lounge. He said most of the road has been destroyed by hurricanes and the rest of the road was removed by the County with assistance from the Mader Corporation, the owner of those lots.

(Tape 1-2273) He stated he would like to inform the Board he has been in contact with Tim Warfel, the attorney for the Branch Estate, regarding the Sumatra Cemetery. He said Mr. Warfel informed him the Branch Estate would be willing to deed this cemetery property to a local church in Sumatra. He stated Mr. Warfel is going to be sending him a letter confirming this in writing. Mr. Shuler assured the Board he would let everyone know when he receives this letter.

(Tape 1-2297) He informed the Board he is assisting Mr. Pierce on the Las Brisas Way improvements in Eastpoint. He said they are preparing an easement for the County right-of-way in Eastpoint. He stated he has been negotiating with the attorney representing Las Brisas owners, Russell Gautier, regarding the final agreement. He said there might be a finalized agreement at the next Board Meeting the Board would need to approve.

(Tape 1-2325) He said he has reviewed the original Mylar of the "St. James Bay" subdivision submitted by the developers in December. He stated there is some technical items of noncompliance he would like to see addressed. He said he has been in contact with the surveyor and the developer's representative and they are in the process of having these items corrected. He stated he is hopeful this subdivision will be ready for final approval at the next Board meeting.

(Tape 1-2332) He stated a group of volunteers residing on SGI have worked and raised enough money to purchase playground equipment for the SGI County Park. He said the group that purchased the equipment is considered a private entity. He stated the group has provided him with a Bill of Sale for the equipment. He asked the Board to authorize the acceptance of this equipment and authorizing him to prepare a Bill of Sale for transfer of ownership of the playground equipment. He explained the County's insurance company has been informed of this acquisition and is in the process of adding this equipment to the liability policy. Commissioner Creamer made a **motion authorizing Mr. Shuler to prepare a Bill of Sale to accept the playground equipment purchased for the SGI County Park by a private group.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Commissioner Creamer asked Mr. Shuler to make sure the equipment was placed on the County's insurance policy.

(Tape 1-2368) He informed the Board Gulf State Bank has issued a Revised Irrevocable Letter of Credit for the "Magnolia Ridge" Phases I and II Swale Construction. He

FCBCC MINUTES-REGULAR MEETING JANUARY 7, 2003

explained GSB has requested the Board provide them, in writing, assurances the new LOC could be used to substitute the original LOC from them. He stated this is important, especially to the bank, because the bank was obligated for \$100,000.00 in the original LOC and the new LOC is only an obligation for \$12,000.00. He said he has reviewed the new LOC and has consulted with Mr. Pierce about this matter. He stated he has been assured by the County Engineer, David Kennedy, that \$12,000.00 is sufficient to complete the swale improvements for the development. He recommended the Board authorize the substitution of a LOC from GSB in the amount of \$12,000.00 for the original LOC from GSB in the amount of \$100,000.00. Commissioner Mosconis made a **motion authorizing Mr. Shuler to provide GSB a letter authorizing the substitution of an Irrevocable Letter of Credit issued by GSB in the amount of \$12,000.00 for the original Irrevocable Letter of Credit issued by GSB in the amount of \$100,000.00 for "Magnolia Ridge" Phases I and II for Swale Construction as recommended by the County Attorney.** Commissioner Creamer seconded the motion. All for.
MOTION CARRIED.

(Tape 1-2425) Mr. Shuler said he would recommend the Chairman go ahead and sign, as approved by motion at the last Board meeting, the Waste Management Agreement as presented by the Solid Waste Director, Van Johnson.

(Tape 1-2442) He informed the Board the Federal Government has filed a Foreclosure Action against a piece of property in Franklin County. He said the County is named as a co-defendant simply because there is a MSBU Lien on the property. He stated he would advise the Commission not file a response since the Court would issue a default judgment. He said the MSBU Lien was inferior to the lien the Federal Government had and the County would not be receiving any money anyway.

(Tape 1-2470) He said he wanted to update the Board on the Jimmy Meeks versus Franklin County lawsuit. He said, after consulting with his father, he was instructed to contact the attorney representing Mr. Meeks and discuss how to move this proceeding forward. He said the two options are: 1. Allow an amendment to the plan Mr. Meeks originally submitted; or 2. To start the process all over again with the Planning and Zoning Commission. He said he thought the County should accept a withdrawal of the original request and have Mr. Meeks resubmit the newest plan to Planning and Zoning. He stated he would have further details and a final recommendation at the next Board meeting.

(Tape 1-2509) He said he would like Board guidance on the issue of conflict attorney's fees. He stated the County is paying for these attorney fees sometimes at an exorbitant price. He asked the Board if they wanted him to research this issue to see, if anything, the County can do to alleviate some of these costs. Commissioner Mosconis said he thought Mr. Shuler could check with the Florida Association of Counties to see if they could provide some expertise in this matter. He said Franklin County is a member of this association. Chairman Sanders informed Mr. Shuler he should check with Ken Monighan with the FACT. Mr. Wade said he totally agreed with these conflict attorneys charging too much money for these cases they are appointed to. He encouraged the

FCBCC MINUTES-REGULAR MEETING JANUARY 7, 2003

Board to allow Mr. Shuler to see if something can't be done to fight these costs. Commissioner Mosconis made a **motion authorizing Mr. Shuler to research the matter of conflict attorneys and the costs allowed by the Judicial System regarding the cases they are appointed to handle.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-2619) Mr. Shuler said the next item he would like to discuss has to do with a referendum to consider a surtax to benefit of the Franklin County Ambulance Service. He explained he has done some research on this matter and it appears to him it is too late to comply with the referendum this year. He said there are certain deadlines that must be complied with and they have already passed. He stated it wouldn't be too late for the 2004 ballot. He reported he would do further research on this matter. Chairman Sanders said any items considered for a sales tax, etc. would have to be thoroughly discussed and then the Board would authorize the matter being placed on the ballot. He agreed and said the items would have to be ready to be placed on the 2004 ballot by January of 2004. Mr. Shuler said any matter could be considered by referendum or extra ordinary vote of the Board without referendum. Chairman Sanders said she wouldn't be agreeable to having the Board randomly adopt a sales tax, etc. She stated the people should be the ones to decide this. Mr. Shuler stated there appears to be certain limitations to sales taxes adopted by referendum. He said the use of sales tax money would be more broad in use if it is adopted by an extra ordinary vote of the Board. He stated he would be sure and check into this matter further. He said he just wanted the Board to know it was too late to have any type of referendum considered this year.

(Tape 1-2722) He said his father had also discussed the redistricting subject with him. He stated he has placed a telephone call, as instructed by the Board at an earlier meeting, to invite Lloyd Monroe, the attorney for Washington County, to one of our Board Meetings. He said he would invite him to a Board Meeting in the near future.

(Tape 1-2910) He informed the County Apalachicola State Bank had also filed a Foreclosure Suit against a person owning property in Franklin County, which has a MSBU lien filed against it. He said, again, he was advising the County not to file an answer and allow a Default Judgment be entered in the case. He stated the County would probably never see any money from this foreclosure either.

(Tape 1-2991) He stated the Carrabelle Sports Complex contract has not been reviewed by him. He said he has not even seen the document. He said his dad reviewed the contract and has already approved the contract. He stated the Board has already authorized the Chairman's signature on the contract when St. Joe, Billy Buzzett, has it ready.

(Tape 1-3077) Commissioner Mosconis asked Mr. Shuler if his dad had resolved the issue of the land the Harris Brothers had wanted in Apalachicola. Mr. Pierce informed the Board Mr. Alfred Shuler had informed the Board the Suit to Quiet Title filed by Franklin County against the Allen's has been resolved. Mr. Pierce said he knew the Board wanted Mr. Shuler to write a letter to the Harris Brothers, but he just felt it hadn't

FCBCC MINUTES-REGULAR MEETING JANUARY 7, 2003

been done yet. Mr. Shuler assured the Board he would meet with Mr. Pierce and his dad to get the details. He said he would then send a letter to the Harris Brothers informing them of the fact the County has received title to the property.

(Tape 1-3148) Commissioner Mosconis also asked Mr. Shuler and Mr. Pierce if they had contacted David Amison about the County owned property on the corner of Apalachee Street on the West side of Apalachicola. Mr. Pierce said he had contacted Mr. Amison, but had not heard anything back from him. He stated he informed Mr. Amison the County would have to accept bids on the property if they did decide to sell it. He said he would try again to contact Mr. Amison.

(Tape 1-3250) Chairman Sanders informed the Board her term on the Wilderness Coast Public Libraries Governing Board has expired as of October 1, 2002. She asked the Board if they would like for her to continue to serve as their representative on the Board. Commissioner Creamer said he would be glad to make a **motion reappointing Chairman Cheryl Sanders as the Franklin County Board of County Commissioners representative on the Wilderness Coast Public Libraries Governing Board.** Commissioner Putnal seconded the motion. All for. **MOTION CARRIED.**

ALAN PIERCE-FSU PROPOSAL FOR OVERALL COMP PLAN UPDATE

(Tape 1-3300 Continued on Tape 2) Mr. Pierce said he had, as requested by the public and the Commissioners, extra copies of the DCA ORC Report answer filed by St. Joe regarding the "Summer Camp" proposal. He stated any person interested could just pick one up from the counter he was placing them on this morning. He continued to say he has met during the past month with various groups, including DCA, 1,000 Friends of Florida, ABARK, APECO, APTA, and individuals such as Don Ashley regarding the path the County should follow in completing three planning issues: the Comp Plan Update, Visioning, and a St. James Island Overlay Plan. He read the following into the record: It has been difficult to adopt a strategy, which addresses all of the concerns everybody has had, and so I have focused on the two issues everybody had: which was to get started as soon as possible, and have one consultant responsible for the overall project. To that end, I have pursued contracting with the FSU Planning Department and the Consortium for Conflict Resolution because these two groups are quasi-governmental groups and as long as they could perform the functions, the County would save time by not having to advertise for private consultants, interview, rank and then negotiate a price. These two groups already have a working relationship as both are part of FSU, so essentially the County could have one contract with FSU to complete everything. The County Commission has had a scope of work described: DCA has provided a framework for what needs to be done on the comp plan update, 1,000 Friends of Florida have provided a framework for what should be in the St. James Overlay Plan, and the visioning process is still open to some adjustment because until the public gets involved the County would not know all of the issues the public thinks needs attention and resolution. The FSU proposal addresses this scope of work. The County Commission has been awarded a \$25,000.00 grant from DCA, and I have verbal pledges of another \$25,000.00 from various groups and individuals, which includes \$10,000.00 from the County Budget, I have already asked the Finance Officer about. However, the current

FCBCC MINUTES-REGULAR MEETING JANUARY 7, 2003

price tag for the complete scope of work proposed by FSU is \$147,500.00. The County Commission needs to expect St. Joe/Arvida to financially support this planning work, because a lot of the work to be completed is driven by St. Joe/Arvida's desire to develop some of their land holdings on St. James Island. So at this time, the County has pledged of \$50,000.00 and needs an additional \$97,450.00 to complete the scope of work as proposed by FSU. I have asked Dr. Harrison Higgins, FSU Planning Department to be here this morning to listen to the Board discuss the scope of work. Some of the preliminary concerns have been that FSU might treat this contract as an academic exercise and not produce the quality of work everyone is paying for, or that the Board, or its staff such as Mark Curenton and I, will not be regularly consulted, and so the work product ends up not fitting the County's needs. Finally, the visioning component is perhaps the part that has the most publicity, and the Board needs to have confidence in the person selected to facilitate the visioning. Commissioner Mosconis said he definitely thought this was too much money for the County to have to pay. He stated he would never agree to spending this much money for one project. He suggested Mr. Pierce advertise the project. Mr. Pierce said he didn't intend to advertise this project. Mr. Pierce said he felt the FSU Planning Department would be at a great disadvantage because they have already presented a proposal outlining each component of their plan. He said any other group or company could easily under bid them. He asked for permission to allow him to have FSU complete this project. He said they were listing the following scope of work for a total fee of \$147,500.00 as follows: 1. Current Plan Review and Evaluation \$2,500.00; 2. Consensus Building Process \$25,000.00; 3. Demographics and Population Growth \$30,000.00; 4. Technical Data Assembly \$35,000.00; 5. Goals, Objectives, and Policies \$10,000.00; and 6. Planning Overlay for St. James Island \$45,000.00. Chairman Sanders asked Mr. Buzzett, since St. Joe/Arvida was providing most of the money to complete this plan, what he thought about this proposal. Commissioner Mosconis said he really didn't care what they thought. He stated this process was going to have to be completed without them having a lot input into this process since they owned most of the property undergoing the scrutiny. After input by Dr. Higgins, FSU Planning Department; Dr. Thomas A. Taylor, Assistant Director of the Florida Conflict Resolution Consortium since 1990; Dan Pennington, 1,000 Friends of Florida; Paul Johnson, APECO; Linc Barnett, APTA; Dave McClain, ABARK and Don Ashley the Commissioners allowed Mr. Buzzett to address the Board. Mr. Buzzett said he agreed with the FSU Proposal and would participate in any way possible. Chairman Sanders interrupted Mr. Buzzett and asked if DCA had seen this proposal and if they approved of it. Mr. Pierce replied they had seen it and approved it. Mr. Buzzett continued speaking at this time. He said he has looked over the proposal submitted by FSU and has some recommendations. He stated he knew there was some risk in allowing the public to decide what needs to be done with their land. He said the three things he is interested in was 1. The issue of public forums at the cost of \$25,000.00, 2. The draft goals, objectives, and policies cost of \$10,000.00, and 3. The St. James Island Planning Overlay at a cost of \$45,000.00. He said all of these items needed to be researched to be sure where the money goes and what it is used for. After further discussion the Board decided to instruct Mr. Pierce to meet with all of these groups and entities after the Board Meeting today to try and resolve some of the cost issues. He was instructed by the Board to negotiate with the FSU Planning Department

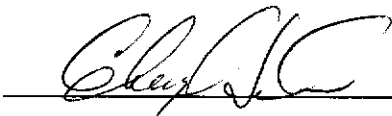
FCBCC MINUTES-REGULAR MEETING JANUARY 7, 2003

to see if they could cut some of the costs and to negotiate with these other groups to see how much money they were willing to contribute to this process. He was also instructed to see exactly how much money St. Joe/Arvida was willing to furnish for the process. After this Commissioner Putnal made a **motion scheduling a Special Meeting on January 14, 2003 at 1:00 p.m. to allow Mr. Pierce to report back to the Board with the information he gathered at this afternoon's meeting and to present a final recommendation to the Board.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

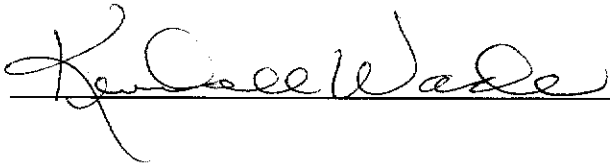
OTHER MATTERS

(Tape 2-2062) Commissioner Mosconis said he wanted to make a **motion instructing Mr. Pierce to send a letter to the Sheriff expressing his concerns about the "mudding" going on at the Ned Porter Sports Complex on Bluff Road in Apalachicola.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.** He said he was tired of them destroying grass and other things in the ballparks in the County.

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



CHERYL SANDERS, CHAIRMAN



KENDALL WADE, CLERK